

CITY OF YUBA CITY  
STAFF REPORT

**Date:** December 2, 2008  
**To:** Honorable Mayor & Members of the City Council  
**From:** Community Development Department  
**Presentation by:** Aaron Busch, Community Development Director

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**Summary**

**Subject:** General Plan Amendment GP 08-04 proposes to amend Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan to include the City Council's adoption of the Multi-Jurisdiction Multi-Hazard Mitigation Plan in accordance with the California Disaster Mitigation Act of 2000.

**Recommendation:** Conduct a public hearing and after review concur with the Planning Commission's recommendation to:

- A. Adopt a Resolution for the approval of GP 08-04 to amend Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan.

**Fiscal Impact:** None

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**Analysis:**

The Noise & Safety element of the Yuba City General Plan has not been amended since the Plan was adopted by the City Council in April 2004. General Plan Amendment GP 08-04 proposes to include language required by AB 2140 which was passed by the State Legislature in October 2006 and became effective January 1, 2007. Despite being on the books for awhile, State Office of Emergency Services (OES) only recently (July 24, 2008) sent out a memo regarding the impact of AB 2140 on qualifying for additional California Disaster Assistance Act (CDAA) State Share funding.

AB 2140 requires counties, cities and other governmental agencies to adopt a local hazard mitigation plan as part of the Safety Element of its General Plan. The City and County jointly developed a local hazard mitigation plan ("Yuba City-Sutter County, California Multi-Hazard Mitigation Plan") which was approved by the Board of Supervisors and the City Council in 2007. By having the required statement (identified below) in the Safety Element section of the General Plan, the City improves its eligibility for additional fund reimbursement, for costs incurred during an emergency/disaster, under the California Disaster Assistance Act of 2000. If the City doesn't comply with the legislation, CDAA funding would be limited to a maximum of 75 percent of state eligible costs.

General Plan Amendment 08-04 proposes the inclusion of the following language as a second paragraph to Emergency Planning of Section 9.4 Emergency Response of Chapter 9 Noise &

Safety of the Yuba City General Plan: Therefore, it is in the City's best interest to amend the General Plan to include the following language.

"The City of Yuba City in conjunction with the County of Sutter has developed a Multi-Jurisdiction Multi-Hazard Mitigation Plan (MJMHMP) in accordance with the California Disaster Mitigation Act of 2000. The plan was approved by the City Council of the City of Yuba City on September 18, 2007, and the Federal Emergency Management Agency (FEMA) approved the plan on January 23, 2008. The plan provides guidance and insight into hazards that exist in Yuba City and suggests possible mitigation projects. This plan should be consulted when addressing known hazards to ensure the general health and safety Yuba City and Sutter County residents."

**Fiscal Impact:**

None

**Alternatives:**

The City Council may choose to not adopt the Resolution for the General Plan amendment or modify the documents as it deems appropriate.

**Recommendation:**

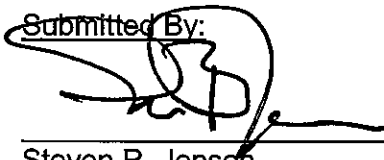
The Planning Commission recommends that the City Council take the following actions:

- A. Adopt a Resolution for the approval of GP 08-04 to amend Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan.

Prepared By:

  
\_\_\_\_\_  
Brian Trudgeon  
Principal Planner

Submitted By:

  
\_\_\_\_\_  
Steven R. Jepsen  
City Manager




Reviewed By:

Department Head

Finance

City Attorney

Other: (Name, Title)

  
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**Attachments:**

- 1. Planning Commission Staff Report
- 2. Planning Commission Minutes

**Exhibits:**

- A. Resolution for GP 08-04



City of Yuba City  
 Planning Division Staff Report  
 Planning Commission Meeting

October 22, 2008

Prepared By: Brian Trudgeon, Principal Planner

**PUBLIC HEARING: GENERAL PLAN AMENDMENT GP 08-04 TO AMEND SECTION 9.4 EMERGENCY RESPONSE OF CHAPTER 9 NOISE & SAFETY OF THE YUBA CITY GENERAL PLAN TO INCLUDE THE CITY COUNCIL'S ADOPTION OF THE MULTI-JURISDICTION MULTI-HAZARD MITIGATION PLAN IN ACCORDANCE WITH THE CALIFORNIA DISASTER MITIGATION ACT OF 2000; APPLICANT: CITY OF YUBA CITY.**

**Project Description:**

General Plan Amendment 08-04 proposes the inclusion of the following language as a second paragraph to Emergency Planning of Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan:

“The City of Yuba City in conjunction with the County of Sutter has developed a Multi-Jurisdiction Multi-Hazard Mitigation Plan (MJMHMP) in accordance with the California Disaster Mitigation Act of 2000. The plan was approved by the City Council of the City of Yuba City on September 18, 2007, and the Federal Emergency Management Agency (FEMA) approved the plan on January 23, 2008. The plan provides guidance and insight into hazards that exist in Yuba City and suggests possible mitigation projects. This plan should be consulted when addressing known hazards to ensure the general health and safety Yuba City and Sutter County residents.”

**Previous Actions and/or Policies:**

The Noise & Safety element of the Yuba City General Plan has not been amended since the Plan was adopted by the City Council in April 2004.

**Environmental:**

This amendment is exempt from environmental review as required by CEQA through use of the "General Rule"; Section 15061 (b) (3) that is applied to proposals, which will have no potential adverse impact on the environment.

**Staff Comments:**

General Plan Amendment GP 08-04 proposes to include language required by AB 2140 which was passed by the State Legislature in October 2006 and became effective January 1, 2007. Despite being on the books for awhile, State Office of Emergency Services (OES) only recently (July 24, 2008) sent out a memo regarding the impact of AB 2140 on qualifying for additional

California Disaster Assistance Act (CDAA) State Share funding.

AB 2140 requires counties, cities and other governmental agencies to adopt a local hazard mitigation plan as part of the Safety Element of its General Plan. The City and County jointly developed a local hazard mitigation plan (“Yuba City-Sutter County, California Multi-Hazard Mitigation Plan”) and had it approved by the Board of Supervisors and the City Council in 2007. By having the required statement in the Safety Element section of the General Plan, the City improves its eligibility for additional fund reimbursement, for costs incurred during an emergency/disaster, under the California Disaster Assistance Act of 2000. If we don’t comply with the legislation, CDAA funding would be limited to 75 percent of state eligible costs.

**Recommended Actions:**

The Planning Division recommends that the Planning Commission take the following actions:

- A. Recommend that the City Council approve GP 08-04 to incorporate the following language as a second paragraph to Emergency Planning of Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan:

“The City of Yuba City in conjunction with the County of Sutter has developed a Multi-Jurisdiction Multi-Hazard Mitigation Plan (MJMHMP) in accordance with the California Disaster Mitigation Act of 2000. The plan was approved by the City Council of the City of Yuba City on September 18, 2007, and the Federal Emergency Management Agency (FEMA) approved the plan on January 23, 2008. The plan provides guidance and insight into hazards that exist in Yuba City and suggests possible mitigation projects. This plan should be consulted when addressing known hazards to ensure the general health and safety Yuba City and Sutter County residents.”

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
October 22, 2008  
City Hall Council Chambers

The meeting was called to order by Chairman Starkey at 7:00 p.m. Members present were as follows:

PRESENT

Chairman Craig Starkey  
Commissioner John Sanbrook  
Commissioner John Dukes

Commissioner Preet Didbal  
Commissioner Jana Shannon  
Commissioner Satwant Takhar

ABSENT

Commissioner Mike Tomlinson

Also present were Brian Trudgeon, Principal Planner; Courtney Gengler, Counsel; and Roberta Kyle, Recording Secretary.

The Pledge of Allegiance was led by Carolyn Olson.

The meeting minutes of September 24, 2008, were approved with one correction as noted by Commissioner Sanbrook.

Appearance of Interested Citizens: - None

Correspondence: - None

Commission Consideration: - None

Public Hearing:

1. **GENERAL PLAN AMENDMENT #GP 08-03 TO AMEND SECTION 6.1 PARKS OF CHAPTER 6 PARKS, SCHOOLS, & COMMUNITY FACILITIES OF THE YUBA CITY GENERAL PLAN TO CHANGE THE STANDARD FOR PUBLIC PARKLANDS FROM 10 ACRES PER 1,000 RESIDENTS TO 5 ACRES PER 1,000 RESIDENTS; APPLICANT: CITY OF YUBA CITY.**

Brian Trudgeon, Principal Planner, presented a staff report.

Chairman Starkey opened the public hearing.

There being no testimony, Chairman Starkey closed the public hearing.

Commissioner Dukes moved to recommend that the City Council approve #GP 08-03 to amend Section 6.1 of Chapter 6 Parks, Schools, & Community Facilities of the Yuba City General Plan as detailed in Attachment 1, was seconded by Commissioner Shannon, and the motion passed by a vote of 6-0-1 (Commissioner Tomlinson absent).

**2. GENERAL PLAN AMENDMENT #GP 08-04 TO AMEND SECTION 9.4 EMERGENCY RESPONSE OF CHAPTER 9 NOISE & SAFETY OF THE YUBA CITY GENERAL PLAN TO INCLUDE THE CITY COUNCIL'S ADOPTION OF THE MULTI-JURISDICTION MULTI-HAZARD MITIGATION PLAN IN ACCORDANCE WITH THE CALIFORNIA DISASTER MITIGATION ACT OF 2000; APPLICANT: CITY OF YUBA CITY.**

Mr. Trudgeon presented a staff report.

Chairman Starkey opened the public hearing.

There being no testimony, Chairman Starkey closed the public hearing.

Commissioner Shannon moved to recommend that the City Council approve #GP 08-04 to incorporate the following language as a second paragraph to Emergency Planning of Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan:

*"The City of Yuba City in conjunction with the County of Sutter has developed a Multi-Jurisdiction Multi-Hazard Mitigation Plan (MJMHMP) in accordance with the California Disaster Mitigation Act of 2000. The plan was approved by the City Council of the City of Yuba City on September 18, 2007, and the Federal Emergency Management Agency (FEMA) approved the plan on January 23, 2008. The plan provides guidance and insight into hazards that exist in Yuba City and suggests possible mitigation projects. This plan should be consulted when addressing known hazards to ensure the general health and safety Yuba City and Sutter County residents."*

The motion was seconded by Commissioner Sanbrook, and passed by a vote of 6-0-1 (Commissioner Tomlinson absent).

Commission Discussion:

Commissioner Dukes asked about the landscape area behind Walmart. Mr. Trudgeon stated he would look into that issue.

Other Business: - None

Report on Actions of the City Council:

Mr. Trudgeon reported that the second reading of the Ordinance for the Rezone request for Taylor Village was approved and adopted by the City Council on October 21, 2008, and will go into effect in 30 days.

Adjournment: There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Roberta Kyle, Secretary  
YUBA CITY PLANNING COMMISSION

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
YUBA CITY ADOPTING AN AMENDMENT TO SECTION  
9.4 EMERGENCY RESPONSE OF THE NOISE & SAFETY  
ELEMENT OF THE YUBA CITY GENERAL PLAN FOR  
FILE NO. GP 08-04**

WHEREAS the Yuba City Planning Commission conducted a public hearing on October 22, 2008, on the proposed General Plan amendment for the inclusion of the following language as a second paragraph to Emergency Planning of Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan:

“The City of Yuba City in conjunction with the County of Sutter has developed a Multi-Jurisdiction Multi-Hazard Mitigation Plan (MJMHMP) in accordance with the California Disaster Mitigation Act of 2000. The plan was approved by the City Council of the City of Yuba City on September 18, 2007, and the Federal Emergency Management Agency (FEMA) approved the plan on January 23, 2008. The plan provides guidance and insight into hazards that exist in Yuba City and suggests possible mitigation projects. This plan should be consulted when addressing known hazards to ensure the general health and safety Yuba City and Sutter County residents.”

WHEREAS the Planning Commission found that the proposed General Plan amendment is in the public interest;

WHEREAS, following the public hearing the Planning Commission found that this amendment is exempt from environmental review as required by CEQA through use of the "General Rule"; Section 15061 (b) (3) that is applied to proposals, which will have no potential adverse impact on the environment;

WHEREAS the Planning Commission recommended to the City Council of the City of Yuba City that it adopt the Commission’s recommended finding that the amendment is in the public interest and approve the General Plan amendment to amend Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan; and

WHEREAS the City Council of the City of Yuba City considered said recommendations of the Planning Commission on the matter of amending Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan and conducted a public hearing on the matter on December 2, 2008, and after review and consideration found that the project is in conformance with State and local environmental guidelines.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Yuba City does hereby resolve that Section 9.4 Emergency Response of Chapter 9 Noise & Safety of the Yuba City General Plan be amended as described above.

The foregoing Resolution was duly and regularly introduced, passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on December 2, 2008, by the following vote:

AYES:

NOES:

ABSENT:

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MAYOR

ATTEST:

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CITY CLERK