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TO ADDRESS THE COMMISSION  
PLEASE STEP TO THE ROSTRUM &  
STATE YOUR NAME & ADDRESS  
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Regular Meeting  
September 13, 2006 - 7 p.m.  
City Hall Council Chambers  
1201 Civic Center Boulevard

YUBA CITY PLANNING COMMISSION  
AGENDA

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Chairman Michael Cartoscelli

Vice Chairman Satwant Takhar  
Commissioner Melia Campbell  
Commissioner Tej Maan

Commissioner Maynard Dunn  
Commissioner John Sanbrook  
Commissioner Preet Didbal  
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Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on August 23, 2006

Appearance of Interested Citizens\*

Correspondence

Public Hearings:

1. Continued Public Hearing: Rezoning #RZ 06-03 to apply pre-annexation zoning of One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-x<sub>24</sub>) District, Two-Family Residence (R-2) District, Two-Family Residence, Special Standard Combining (R-2-x<sub>24</sub>) District, Multiple-Family Residence, Special Standards Combining (R-3-x<sub>24</sub>) District, Public Facilities (PF) District, Public Facilities, Special Standards Combining (PF-x<sub>24</sub>) District, Neighborhood Convenience Commercial, Special Standards Combining (C-1-x<sub>24</sub>) District and General Commercial, Special Standards Combining (C-3-x<sub>24</sub>) District and Heavy Commercial/Light Industrial, Special Standards Combining (CM-x<sub>24</sub>) District or to Districts as deemed appropriate to 649+ acres located between Hwy. 20 and the city limits to the north, the city limits to the east, Franklin Road to the south and the future right-of-way line for Western Parkway to the west. The zoning classifications will be applied in conformance with the adopted 2004 Yuba City General Plan Land Use Diagram. Property owner/applicant, Valley Development Co., Inc.
2. Public Hearing: Tentative Subdivision Map #TM 06-05 to allow the subdivision of one lot of approximately 0.17 acres in total area into two single-family residential lots or 0.08 acres and 0.09 acres; APN 52-145-004; located at 815 Louise Way; applicant, Skip Vardell.
3. Public Hearing: Request by staff to modify Condition #39 of the Conditions of Approval for Subdivision Map #SM 05-09 Siena Estates West; end of San Niccolo Drive, west of Via Roma Way; property owner, Siena Partners, LLC; applicant, City of Yuba City.

Over

Commission Consideration: - None

Commission Discussion: - None

Other Business - None

Report on Actions of the City Council

Adjournment

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Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$753 (\$363 if the project concerns a single-family residence), must be filed with the City Clerk, 1201 Civic Center Boulevard, Yuba City, CA 95993 within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings--please check with the Planning Department, 1201 Civic Center Boulevard, Yuba City for the procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

\*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.

DATE: September 7, 2006  
TO: Yuba City Planning Commission  
FROM: Brian Trudgeon, Principle Planner  
SUBJECT: Agenda Report – Meeting of September 13, 2006

**1. CONTINUED PUBLIC HEARING: REZONE #RZ 06-03 TO APPLY PRE-ANNEXATION ZONING. PROPERTY OWNER/APPLICANT, VALLEY DEVELOPMENT CO., INC.**

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**Background:**

On August 9, 2006, the Planning Commission held a public hearing on the proposed pre-annexation zoning of the area within the Valley Development Master Plan. At the beginning of the hearing a petition was submitted requesting the Planning Commission continue any action until residents could meet with staff and get questions answered regarding the annexation process and how becoming part of the City would affect them. During the public hearing there was extensive testimony from the residents echoing the sentiments contained in the petition. At the conclusion of testimony, the Commission unanimously voted to continue the public hearing to September 13, 2006. Due to scheduling conflicts for staff, the earliest the Town Hall meeting with the area residents could be scheduled was September 12<sup>th</sup>. As such, staff feels that it would be premature on our part to expect the residents of the area to digest the information they were told, formulate an opinion, and attend a continued public hearing the next night. For that reason, staff recommends that the Planning Commission continue the public hearing for two weeks.

**Recommended Action:**

Continue the public hearing for RZ 06-03 to the September 27, 2006 Planning Commission meeting.

**2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #TM 06-05; 815 LOUISE WAY; APN 52-145-004; WEST OF STAFFORD WAY, SOUTH OF WILKIE WAY, NORTH OF LOUISE WAY; SUBDIVIDER/PROPERTY OWNER, SKIP VARDELL.**

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**Project Description:**

The applicant proposes to subdivide one lot of approximately 0.17 acres in total lot area into two single-family residential lots. The resulting parcels would be 0.08 acres (approximately 3,671 square feet) and 0.09 acres (approximately 3,979 square feet).

**Property Description:**

The subject property, which is identified by Assessor’s Parcel Number 52-145-004, contains two single-family homes. Each of the new parcels would contain one of the existing homes. The Louise Way frontage has curb, gutter, and sidewalk improvements. The Wilkie Way frontage has existing curb and gutter.

**General Plan Designation:**

Low Density Residential

**Zoning Classification:**

R-2 (Two-Family Residence) District

**Surrounding Land Use:**

The project site is bound on all sides by single-family and two-family residences.

**Previous Commission Action and/or Policies:**

None

**Environmental:**

Because this project will not contribute to any significant environmental impacts, the proposed lot-split has been determined to be Categorically Exempt in accord with § 15315 of the California Environmental Quality Act. This section provides for the division of property into four or fewer lots in urbanized areas zoned for residential uses when the division is in conformance with local General Plan and Zoning requirements and all services and access to the proposed parcels are available.

**Staff Comments:**

Staff supports the applicant’s proposal to split the parcels into two single-family residential lots. The existing homes meet the setback requirements, and the R-2 District allows a minimum parcel size of 3,500 square feet. The proposed subdivision will not create any violations of the zoning regulations, nor will it create any violations of the Low Density Residential designation as outlined by the General Plan. The proposal to subdivide is also compatible with surrounding parcel sizes, which range from 0.17 to 0.07 acres.

**Recommended Actions:**

- A) Adopt the following recommended findings:

1. The approval of TM 06-05 is consistent with the goals, policies and objectives, as well as the Low Density Residential designation, of the Yuba City General Plan, and;
  2. The approval of TM06-05 is consistent with and meets the 3,500 square foot minimum parcel size standards for the R-2 District; and
  3. TM06-05, in accord with § 15315 of the California Environmental Quality Act (CEQA), is exempt from further environmental review since it consists of the division of property in urbanized areas and is in conformance with local General Plan and Zoning Requirements.
- B) Approve the tentative subdivision map subject to the following conditions of approval:

**Engineering:**

1. A 10-foot public utility easement shall be dedicated along Wilkie Way and Louise Avenue.
  2. A 3-foot utility easement shall be dedicated for the sewer service from Louise Avenue to the northern parcel fronting on Wilkie Way when the map is recorded.
  3. The Conditions of Approval shall be attached to, and be made an integral part of, the building plans.
3. **PUBLIC HEARING: SUBDIVISION MAP #SM 05-09 SIENA ESTATES WEST; END OF SAN NICCOLO DRIVE, WEST OF VIA ROMA WAY, TO AMEND CONDITION #39; PROPERTY OWNER, SIENA PARTNERS, LLC.; APPLICANT, CITY OF YUBA CITY.**

**Project Description:**

Request by staff for the Planning Commission to modify Condition #39 of the Conditions of Approval for Siena Estates West (#SM 05-09).

**Property Description:**

The subject property is identified as Assessor's Parcel No. 62-360-013. The 0.895-acre parcel is located at the end of San Niccolo Drive and west of Via Roma Way. The subject property is currently vacant.

**General Plan Designation:**

The subject property has a General Plan designation of Low Density Residential (LDR). This General Plan designation provides for a development density of no less than 2 dwelling units per acre and no more than 8 dwelling units per acre.

**Zoning Classification:**

The subject property has a zoning classification of One-Family Residence (R-1) District.

**Surrounding Land Use:**

North:	Single-Family Residential
South:	Commercial Uses, Commercial car lot
East:	Single-Family Residential
West:	Fallow Agricultural Lands

**Previous Commission Action and/or Policies:**

Subdivision Map (SM #05-09) for subject project was approved by the Planning Commission on January 11, 2006.

**Environmental:**

A mitigated negative declaration was prepared for this project and reviewed and considered by the Commission on January 11, 2006. Staff’s request to modify Condition #39 does not have an impact on the mitigated negative declaration.

**Staff Comments:**

Staff recommends the modification of Condition #39 of the Conditions of Approval which currently reads as follows:

“No building permits shall be issued until the following off-site improvements are complete:

- a. construct a 15” sanitary sewer line from Hooper Road to George Washington Blvd.
- b. bore and install a 42” sewer line under State Highway 20 (Colusa Highway) at George Washington Blvd.
- c. build a temporary lift station at George Washington Blvd and State Highway 20 (Colusa Highway) and connecting it to the 18” gravity line that runs along south Colusa Frontage Road to El Margarita Road.
- d. construct a permanent lift station, at the site of the temporary lift station, for the 42” sewer line noted above per parameters that the City of Yuba City provided to MHM Engineering.”

In order for the City to allow the filing of the map and the issuance of building permits, the Municipal Code requires that the City collect security for the value of the above-mentioned improvements which equates to \$3,309,000, including the value of the on-site improvements of only \$144,000. This is considered by staff to be excessive. In addition, the Siena Estates project (SM #04-11) is constructing items “a”, “b”, and “c” above with contribution from the City. Item “d”, the permanent lift station, has not been designed and does not need to be constructed to

serve the subject project as the temporary lift station is sized sufficiently to serve the subject project.

Staff is requesting Condition #39 to be amended as follows:

“No certificates of occupancy shall be issued until the following off-site improvements are complete, which are being funded and constructed through the Siena Estates project:

- a. construction of a 15” sanitary sewer line from Hooper Road to George Washington Blvd.
- b. installation of a 42” sanitary sewer line under State Highway 20 at George Washington Blvd.
- c. construction of a temporary lift station at George Washington Blvd. and State Highway 20.”

**Recommended Actions:**

Approve the modification of Condition #39 of the Conditions of Approval for Siena Estates West (#SM 05-09) to read as listed above in Staff Comments.

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
September 13, 2006  
City Hall Council Chambers

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

PRESENT

Chairman Mike Cartoscelli  
Commissioner Maynard Dunn                      Commissioner Satwant Takhar  
Commissioner John Sanbrook                      Commissioner Tej Maan

ABSENT

Commissioner Preet Didbal (*excused*)  
Commissioner Melia Campbell (*excused*)

Also present were Aaron Busch, Community Development Director, Brian Trudgeon, Principle Planner, Katie Ertmer, Associate Planner, and Diana Langley, Senior Engineer.

The Pledge of Allegiance was led by Commissioner Dunn.

The meeting minutes of August 23, 2006 were approved as written by a vote of 5-0-2 (Commissioners Didbal and Campbell absent).

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

**1. CONTINUED PUBLIC HEARING: REZONE #RZ 06-03 TO APPLY PRE-ANNEXATION ZONING. PROPERTY OWNER/APPLICANT, VALLEY DEVELOPMENT CO., INC.**

Aaron Busch, Community Development Director, presented a staff report, and recommended continuation to the September 27, 2006 meeting.

Chairman Cartoscelli opened the public hearing.

Ron Southard, 570 Leann Avenue, stated he was going to present a petition but will wait until the next meeting. Mr. Southern thanked staff for arranging the presentation the evening before.

Mr. Busch said there will be copies of the power point presentation and the Annexation FAQ's available for pick up at City Hall.

Franci Lane, 392 Gabriel Lane, requested that the accommodations for the next meeting be better than they were at the Town Hall meeting.

There being no further testimony, Chairman Cartoscelli closed the public hearing.

Commissioner Maan moved to continue RZ 06-03 to the next meeting of September 27, 2006, was seconded by Commissioner Dunn, and the motion passed by a vote of 5-0-2 (Commissioners Didbal and Campbell absent).

**2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #TM 06-05; 815 LOUISE WAY; APN 52-145-004; WEST OF STAFFORD WAY, SOUTH OF WILKIE WAY, NORTH OF LOUISE WAY; SUBDIVIDER/PROPERTY OWNER, SKIP VARDELL.**

Katie Ertmer, Associate Planner, presented a staff report.

Chairman Cartoscelli opened the public hearing.

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

Commissioner Dunn wanted to point out side yard setbacks.

Ms. Ertmer stated that the setbacks pre-existing and pre-dated the ordinance.

Commissioner Sanbrook said if the structures are torn down and rebuilt, the City should insist on 5 foot side yard setbacks.

Ms. Ertmer stated that should a structure be torn down and rebuilt, there will be a requirement per the setback requirements in the code right now, which would be to have 5 foot setbacks.

Commissioner Takhar moved to A) adopt the recommended three findings; and B) approve TM 06-05 subject to three conditions of approval, was seconded by Commissioner Sanbrook, and the motion passed by a vote of 5-0-2 (Commissioners Didbal and Campbell absent).

**3. PUBLIC HEARING: SUBDIVISION MAP #SM 05-09 SIENA ESTATES WEST; END OF SAN NICCOLO DRIVE, WEST OF VIA ROMA WAY, TO AMEND CONDITION #39; PROPERTY OWNER, SIENA PARTNERS, LLC.; APPLICANT, CITY OF YUBA CITY.**

Diana Langley, Senior Engineer, presented a staff report.

Commissioner Maan asked if the permanent lift station was being eliminated.

Ms. Langley said yes, it is proposed to be eliminated, and went on to say that the permanent lift station is to serve the whole northwestern region. Ms. Langley said that the temporary lift station which is being constructed under the Siena Estates project, has the capacity to serve the Siena Estates West project.

Ms. Langley said that every project contributes towards a west Yuba City trunk line fee which goes towards the construction of the permanent lift station.

Commissioner Takhar asked when the permanent lift station would be constructed.

Ms. Langley stated that the temporary lift station will serve three existing subdivisions along with Siena Estates West, and a portion of some future subdivisions, so the permanent lift station is not immediately needed. Ms. Langley also said that the construction of the permanent lift station will probably be related to the Master Plans.

Commissioner Sanbrook asked if the Interwest Homes project has sewer problems.

Ms. Langley said that the off-site sewer line for Siena Estates has not yet been completed, and said that the sewer line has to be constructed down the north Colusa frontage road down to George Washington Blvd., bore across George Washington Blvd. to the temporary lift station. Ms. Langley said that in the Conditions of Approval, no Certificates of Occupancy will be issued until those improvements have been constructed.

Chairman Cartoscelli opened the public hearing.

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

Commissioner Dunn moved to approve the modification of Condition #39 for Siena Estates West (#SM 05-09), to read as follows:

“No certificates of occupancy shall be issued until the following off-site improvements are complete, which are being funded and constructed through the Siena Estates project:

- a. construction of a 15” sanitary sewer line from Hooper Road to George Washington Blvd.
- b. installation of a 42” sanitary sewer line under State Highway 20 at George Washington Blvd.
- c. construction of a temporary lift station at George Washington Blvd. and State Highway 20.”

The motion was seconded by Commissioner Maan, and by a vote of 5-0-2 (Commissioners Didbal and Campbell absent), the motion passed.

Other Business: - None

Report on Actions of the City Council:

Mr. Busch wanted to update the Commission on what is going before the City Council on September 19<sup>th</sup>, and talked about the Harter Map appeal, and the Two-Story adjacent to Single-Story issue. Mr. Busch said there would be a report at the next meeting.

Adjournment: The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

AARON BUSCH, Secretary  
YUBA CITY PLANNING COMMISSION

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TO ADDRESS THE COMMISSION  
PLEASE STEP TO THE ROSTRUM &  
STATE YOUR NAME & ADDRESS  
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Regular Meeting  
September 27, 2006 - 7 p.m.  
Veterans Memorial Community Building  
1425 Veterans Memorial Circle

YUBA CITY PLANNING COMMISSION  
AGENDA

-----  
Chairman Michael Cartoscelli

Vice Chairman Satwant Takhar  
Commissioner Melia Campbell  
Commissioner Tej Maan

Commissioner Maynard Dunn  
Commissioner John Sanbrook  
Commissioner Preet Didbal  
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Roll Call

Pledge of Allegiance

Approval of minutes from meeting held on September 13, 2006

Appearance of Interested Citizens\*

Correspondence

Public Hearings:

1. Continued Public Hearing: Rezoning #RZ 06-03 to apply pre-annexation zoning of One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-x<sub>24</sub>) District, Two-Family Residence (R-2) District, Two-Family Residence, Special Standard Combining (R-2-x<sub>24</sub>) District, Multiple-Family Residence, Special Standards Combining (R-3-x<sub>24</sub>) District, Public Facilities (PF) District, Public Facilities, Special Standards Combining (PF-x<sub>24</sub>) District, Neighborhood Convenience Commercial, Special Standards Combining (C-1-x<sub>24</sub>) District and General Commercial, Special Standards Combining (C-3-x<sub>24</sub>) District and Heavy Commercial/Light Industrial, Special Standards Combining (CM-x<sub>24</sub>) District or to Districts as deemed appropriate to 649+ acres located between Hwy. 20 and the city limits to the north, the city limits to the east, Franklin Road to the south and the future right-of-way line for Western Parkway to the west. The zoning classifications will be applied in conformance with the adopted 2004 Yuba City General Plan Land Use Diagram. Property owner/applicant, Valley Development Co., Inc.
2. Public Hearing: Subdivision Map #SM 06-02, Plumas Oaks I; Proposal to subdivide a four-unit apartment complex, currently under construction, into four condominium units; located at the Southeast corner of Plumas Street and Lynn Way; APN 51-540-122; Applicant, Baker-Williams Engineering Group; Owner, Garen McCune, et al.

3. Public Hearing: Subdivision Map #SM 06-03, Plumas Oaks II; Proposal to subdivide a four-unit apartment complex, currently under construction, into four condominium units; located at the South side of Lynn Way east of Plumas Street; APN 51-540-123; Applicant, Baker-Williams Engineering Group; Owner, Garen McCune, et al.
4. Tentative Map #TM 06-04 to allow the subdivision of one lot of approximately 5.21 acres in total area into two lots of 0.74 acres and 4.46 acres; Zoned R-3 Multiple Family Residence; APN 54-183-016; located at 1039 Garden Highway; owner/applicant, Paul Douglas Beadle.

The applicant has requested a continuance due to an error on the map.

Commission Consideration: - None

Commission Discussion: - None

Other Business - None

Report on Actions of the City Council

Adjournment

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If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530/822-4601) at least 72 hours in advance so such aids or services can be arranged. City Hall TDD: 530/822-4732.

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DATE: September 22, 2006  
TO: Yuba City Planning Commission  
FROM: Brian Trudgeon, Principle Planner  
SUBJECT: Agenda Report – Meeting of September 27, 2006

- 1. PUBLIC HEARING: REZONING 06-03 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE (R-1) DISTRICT, ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X<sub>24</sub>) DISTRICT, TWO-FAMILY RESIDENCE (R-2) DISTRICT, TWO-FAMILY RESIDENCE, SPECIAL STANDARD COMBINING (R-2-X<sub>24</sub>) DISTRICT, MULTIPLE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-3-X<sub>24</sub>) DISTRICT, PUBLIC FACILITIES, SPECIAL STANDARDS COMBINING (PF-X<sub>24</sub>) DISTRICT, NEIGHBORHOOD CONVENIENCE COMMERCIAL, SPECIAL STANDARDS COMBINING (C-1-X<sub>24</sub>) DISTRICT, GENERAL COMMERCIAL, SPECIAL STANDARDS COMBINING (C-3-X<sub>24</sub>) DISTRICT AND HEAVY COMMERCIAL/LIGHT INDUSTRIAL, SPECIAL STANDARDS COMBINING (C-M-X<sub>24</sub>) DISTRICT OR TO DISTRICTS AS DEEMED APPROPRIATE TO 424+ ACRES LOCATED BETWEEN HWY. 20 AND THE CITY LIMITS TO THE NORTH, THE CITY LIMITS TO THE EAST, FRANKLIN ROAD TO THE SOUTH AND THE FUTURE RIGHT-OF-WAY LINE FOR WESTERN PARKWAY TO THE WEST. THE ZONING CLASSIFICATIONS WILL BE APPLIED IN CONFORMANCE WITH THE ADOPTED 2004 YUBA CITY GENERAL PLAN LAND USE DIAGRAM. PROPERTY OWNER/APPLICANT, VALLEY DEVELOPMENT CO., INC.**

## **BACKGROUND**

On March 15, 2005, the City Council approved a resolution adopting 12 growth policies for the City's Sphere of Influence including the development of specific plans and master plans prior to annexing into the City. As discussed during the study session of the Planning Commission and City Council there were six applications that had been submitted requesting pre-annexation zoning so that the properties could be annexed into the City. The Council directed these six applications move forward and that all other pre-annexation zoning application requests within the "Master Plan" areas be delayed until those six are completed. Only three of the first six have moved forward with the preparation of Master Plans. This proposal covers the area between the City limits and the Lincoln East Specific Plan area. In order to proceed with the pre-annexation zoning application and to be able to apply the 12 growth policies the recommended zoning is conditional. For this reason staff has suggested that the Special Standards Combining (X) District be applied to the base zones so that the necessary conditions can be included.

Valley Development Co., Inc. submitted an application requesting pre-annexation zoning for a 23.1 acre parcel (RZ #06-03) on March 21, 2006. Staff examined the proposal and presented a request to the Planning Commission on May 24, 2006, asking that the pre-annexation area be

expanded to take in all properties within the predefined Master Plan Area (totaling 649+ acres), versus a small portion. The expanded area is bounded by Hwy. 20 and the City limits to the north, the City limits to the east, Franklin Road to the south and the future right-of-way line for Western Parkway to the west. Staff believed that the expanded proposal would provide a more comprehensive planning approach for the area and that it would be a better use of Staff resources. The expanded area is also inline with LAFCO policy of annexing areas with logical service boundaries. The Planning Commission supported Staff's recommendation and directed the boundaries of the pre-annexation zoning to be expanded.

On August 9, 2006, the Planning Commission held a public hearing on the proposed pre-annexation zoning of the area within the Valley Development Master Plan. At the beginning of the hearing a petition was submitted requesting the Planning Commission continue any action until residents could meet with staff and learn more about the annexation process and how becoming part of the City would affect them. During the public hearing there was extensive testimony from many residents echoing the sentiments contained in the petition. At the conclusion of testimony, the Commission unanimously voted to continue the public hearing to September 13, 2006 and directed staff to conduct a "Town hall" meeting with the affected residents. Due to scheduling conflicts, the earliest the Town Hall meeting could occur was September 12<sup>th</sup>. Approximately 125 residents attended the Town Hall meeting hosted by staff. Following the Town Hall meeting the Planning Commission reopened the public hearing on September 13<sup>th</sup> and received testimony in support of staff's recommendation for a continuance to September 27<sup>th</sup> Planning Commission meeting.

Since the September 13<sup>th</sup> Commission meeting staff has received more petitions from the residents (attached) expressing their strong desire to not be included within the boundaries of the annexation area. Staff also received two letters (attached) from property owners within the affected area (Interwest Homes and Rajinder Chohan) requesting that the City remove the existing subdivisions from the pre-annexation boundaries so that the remaining properties who desire the annexation can move forward. Based upon the strong opinions presented by the multiple property owners within the study area, staff contacted LAFCo staff regarding a change in the pre-annexation zoning boundary. LAFCO staff agreed that the removal of the subdivisions and properties in between would be an acceptable compromise and would support the remainder of the area for annexation. Staff concluded that it would be futile to apply pre-annexation zoning to the El Margarita Estates, Wilder Estates subdivisions and the properties in between with knowledge that more than likely any future annexation request would be defeated. With no annexation taking place the comprehensive planning of the designated master plan area could not happen as is the case with the Tierra Buena Master Plan area. As such staff is proposing to reduce the pre-annexation zoning area by 225 acres as shown on Exhibit A attached. However, staff still recommends that the City Council not adjust the current master plan boundary and that the entire 649 acre area be analyzed as part of the master plan development so that a comprehensive infrastructure design can be developed for the future needs of the entire area.

### **Project Description:**

The purpose for the annexation of this 425-acre area is to create a more logical service boundary for an expanding community. This proposal will fill in a portion of the large gap created by the

previously approved annexation of the Industrial Drive area which was done to resolve a domestic water quality problem in the area and the Lincoln East Specific Plan area to the south of Franklin Road. While this pre-annexation zoning and annexation will not create any direct environmental impacts it likely will lead to future development of some or all of the approximately 281 acres of under developed lands. Of the 281 acres approximately 249 acres is designated for residential development. All of the developed residential and commercial/industrial parcels in the pre-annexation zoning area are currently served by individual well or community ground water systems and septic and on-site leach field systems. New development will require extension of the city's sanitary water and sewer system prior to or as a condition of development in accord with the City's Water and Sewer Master Plans.

The applicant has submitted an application requesting that pre-annexation zoning of Heavy Commercial/Light Industrial (C-M) District be applied to their 23.1 acres of the subject properties. As authorized by the Planning Commission the remainder of the expanded area (402.5 acres) is proposed to be pre-annexation zoned to the One-Family Residence (R-1) District, Two-Family Residence (R-2) District, Multiple-Family Residence (R-3) District, Public Facilities (PF) District, Neighborhood Convenience Commercial (C-1) District, General Commercial (C-3) District and Heavy Commercial/Light Industrial (C-M) District consistent with the Yuba City General Land Use Diagram (see Existing General Plan exhibit) along with the Special Standards Combining (X) District which provides for the application of the City Council's adopted growth policies to the area.

**Property Description:**

The 424.19 acres is made up of 83 parcels, averaging 5.1 acres each. Presently the subject area includes a total of 83 existing single-family residences developed on them. There is also assorted commercial/industrial properties including a fruit and nut dehydrator within the subject property. There are several parcels over 20 acres with the majority located between George Washington Blvd., Franklin Road and the City limits. The majority of these parcels are planted in orchard crops.

**General Plan Designation:**

The area covered by this pre-annexation zoning has been designated as Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Parks, Recreation & Open Space (PROS), Public & Semi-Public (PSP), Neighborhood Commercial (NC), Regional Commercial (RC), Business, Technology & Light Industry (BTLI) and Manufacturing, Processing and Warehousing (MPW) (see Existing General Plan).

**Zoning Classification:**

There is no existing pre-annexation zoning on any of the properties in the project area.

**Surrounding Land Use:**

Surrounding lands to the north, south, west and east include a mixture of residential, educational, commercial/industrial and agricultural each of which has coexisted for many years. The Lincoln

East Specific Plan area borders the project area from George Washington Blvd. to Harding Road.

**Previous Commission Actions and/or Policies:**

On May 24, 2006, the Commission approved the expansion of the pre-annexation zoning area from the original application of 23.1 acres to the present 649.6 acres under consideration.

**Environmental:**

A mitigated negative declaration has been prepared and is attached for Commission review. Potential impacts (compatibility, air quality and archaeological) were identified and have been reduced to less than significant with the inclusion of mitigating measures that: require fencing; provide proper drainage and notification of existing agricultural uses; require the suspension of grading activities when there is high winds and, the watering of sites; and, that proper authorities be notified if historical or cultural artifacts are discovered as part of future development of any site or facility within the project area.

Concerning new development the Yuba City General Plan details how traffic improvements and water and wastewater infrastructure must be in place as development occurs so that this new development does not overly impact nearby residents. Specifically, Guiding Policy 5.2-G-5 and Implementing Policies 5.2-I-5, 5.2-I-6 and 5.2-I-13 address payment of a fair share of costs, traffic level of service and circulation and street system, Guiding Policy 7.1-G-2 and Implementing Policy 7.1-I-1 and 7.1-I-2 address provisions of an adequate water supply capacity and Guiding Policy 7.2-G-1 and Implementing Policies 7.2-I-1 and 7.2-I-2 address maintaining levels of service and adequacy of sewer capacity. With the implementation of these policies by the City, the potential impacts associated with future new development on existing development can be limited to less than significant.

**Staff Comments:**

The application of pre-annexation zoning as a prelude to the annexation of this 424-acre area is being initiated at this time by the applicant and was expanded by the Planning Commission at the request of staff in order to create a more logical service boundary for the City. As mentioned above, staff has concluded that for the comprehensive planning of the area to continue through the master plan process that the existing Wilder Estate subdivisions, El Margarita Estate and the properties in between not be pre-annexation zoned at this time.

As described above this area which contains 424 acres is made up of 261 parcels already developed with 83 residences and assorted commercial/industrial businesses. The average parcel size is just less than 5 acres and the area is bordered by the current City limits on two sides.

The project area has about 249 acres of undeveloped or under developed residentially designated properties. Within the area there is about 211 acres available for development in the LDR general plan designation, 20 acres in the MDR designation and 18 acres in the HDR designation once the necessary urban infrastructure has been constructed. If these parcels were to be developed to the densities seen in the City, the LDR area could result in a range of 422 residential units (2 units per acre) to as high as 1688 units (8 units per acre). In the MDR the

range of development could be 120 residential units (6 units per acre) to 280 residential units (14 units per acre). The HDR could range from 216 residential units (12 units per acre) to a maximum of 648 residential units (36 units per acre). With 288 acres ultimately available for residential development as few as 836 residential units and as many as 2,616 residential units could be expected to be developed in the future. Actual development will more than likely be a blend of the above density ranges and not the minimums or maximums. Nearly all properties involved have direct access to George Washington Blvd., El Margarita Road and Franklin Road. Staff feels that with the adoption of the Yuba City General Plan in 2004 and the inclusion of Implementing and Guiding Policies that require necessary infrastructure such as roads, drainage, water and sewer to be in place prior to or at least constructed concurrent with development that the impact on existing residents and infrastructure will be minimized.

Specific to this proposal traffic improvements that will be required to be in place before development occurs include the extension of Harter Parkway south to Franklin Road and the signalized intersection at Harter Parkway and Franklin Road. The inclusion of this new north/south street will take some of the pressure off of George Washington Blvd. and El Margarita between Franklin Road and Hwy. 20. In addition the General Plan shows Bridge Street being extended from its current terminus at Harding Road west to George Washington Blvd. This new east/west street will take some of the pressure off of Hwy. 20 and Franklin Road.

As mentioned in the beginning of this agenda report we are proposing to utilize conditional zoning for the area as a vehicle to achieve compliance with the City's 12 adopted growth policies. The conditional zoning will require that each of the future development projects meet the following policies as a condition prior to there being any further entitlement approval such as a tentative map or a development plan:

1. Prior to the City finalizing a development agreement, the developer will secure a letter from the affected school district that the developer has satisfied their requirements for school infrastructure. This would generally apply to any developments over 4 units. The School District would expect, at a minimum that all residential developments enter into a Mello Roos District and that depending on the size of development, land dedication and school development may be an alternative, subject to negotiation with the District.
2. All residential subdivisions will include an affordable housing component meeting the minimum production standard of affordable housing outlined in the regional compact with SACOG, adopted by the City Council in November 2004. There are a variety of options of how best to meet the affordable housing requirement. These options would be subject to negotiations between the City and developer.
3. Drainage Plans shall be provided for all subdivisions of land and shall comply with the City and County's master drainage plans.
4. All developments proposing pre-annexation zoning to the City will enter into a Development Agreement with the City. At a minimum, the Development Agreement will address the financing of roads, parks, public facilities, sewer, water, drainage, and surrounding infrastructure as established in the General Plan.

5. All residential subdivisions shall meet the minimum standards for residential design as established by the City Council.
6. Sewer and water fees, including connection fees and the installation of major trunk lines from both plants, shall be incorporated into the cost of development and shall be part of the Development Agreement.
7. Development will be required to pay their fair share of major roadwork as part of the development and, in some cases, construct improvements of collectors and arterials that will adequately address infrastructure concurrent with their proposed development. This would be negotiated as part of the Development Agreement.
8. Payment of impact fees, which incorporate the public improvements necessary to implement the General Plan, will be required and will be part of the Development Agreement. These costs will be estimates and final payment will be based on a formally adopted impact fee study approved by the City Council. In addition to the park impact fee, the Quimby Act will also apply.
9. Payment of a fee to address the levee improvements and potential flood issues will be required as part of the Development Agreement.
10. All developments will enter into a Community Facilities District to assist in funding police, fire and park maintenance.
11. All developments will address the community design policies in the General Plan including walkable, livable concepts and address the village concept as provided for in the General Plan.
12. It will continue to remain the policy of the City that City services will not be extended to unincorporated areas of the Sphere of Influence without first annexing to the City. As in the past, exceptions can be granted for health related problems.

As stated earlier the key to implementing these policies is that the developer agrees to enter into a development agreement with the City before any kind of a development entitlement is granted by the Planning Commission and City Council.

**Conclusion:**

Staff recommends that pre-annexation zoning not be applied to the El Margarita Estates, Wilder Estates subdivisions and the properties in between with knowledge that more than likely any future annexation request would be defeated. With no annexation taking place the comprehensive planning of the designated master plan area would not happen as is the case with the Tierra Buena Master Plan area. As such staff has reduced the pre-annexation zoning area by 225 acres as shown on Exhibit A attached. However, staff recommends that the City Council not adjust the current master plan boundary and that the entire 649 acre area be analyzed as part of the master plan development so that a comprehensive infrastructure design can be developed for the future needs of the entire area. It should be noted that as part of the Master Plan process the

existing subdivisions and other properties not part of the annexation process will remain unchanged.

In the event the Planning Commission determines that the existing subdivisions should remain as part of the pre-annexation boundaries staff has provided an “Alternative Action” for consideration.

**Recommended Action:**

A) Adopt the three findings of fact:

1. Following review and consideration of the attached mitigated negative declaration which identified potential impacts (compatibility, air quality and archaeological) that each of these potential impacts has been reduced less than significant with the inclusion of mitigating measures that require for compatibility that temporary fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that the transport of construction debris can be retained on-site, that improvement plans for the development of property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block and that prior to recordation of a map on any property within the project area it shall be demonstrated to the satisfaction of the Community Development Director how notice will be provided informing individuals acquiring the property of the proximity of: Ongoing agricultural operations such as: burning; pesticide spraying; machinery operation; and other impacts associated with said activities are in the vicinity of the property and have the right to continue such operations, for air quality that all grading operations on a project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour and that construction sites shall be watered as directed by the Department of Public Works and for archaeological artifacts may exist in the area that should artifacts or unusual amounts of bone or shell be uncovered during the demolition or construction activity, work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted and along with any comments received; find that with the incorporation of the mitigation measures that address the identified potential environmental impacts from the project, that there is no evidence that the project will have a significant impact on the environment.
2. Concerning new development the Yuba City General Plan details how traffic improvements and water and wastewater infrastructure must be in place as development occurs so that this new development does not overly impact nearby residents. Specifically, Guiding Policy 5.2-G-5 and Implementing Policies 5.2-I-5, 5.2-I-6 and 5.2-I-13 address payment of a fair share of costs, traffic level of

service and circulation and street system, Guiding Policy 7.1-G-2 and Implementing Policy 7.1-I-1 and 7.1-I-2 address provision of an adequate water supply capacity and Guiding Policy 7.2-G-1 and Implementing Policies 7.2-I-1 and 7.2-I-2 address maintaining levels of service and adequacy of sewer capacity. With the implementation of these policies by the City in examining the ramifications of new development on existing development we can limit the adverse impacts on existing neighborhoods to less than significant.

3. The proposed pre-annexation zoning is consistent with the current Low Density Residential, Medium Density Residential, High Density Residential, Parks, Recreation & Open Space, Public & Semi-Public, Neighborhood Commercial, Regional Commercial, Business, Technology & Light Industry and Manufacturing, Processing and Warehousing Yuba City General Plan designations.
- B) Adopt the mitigated negative declaration.
- C) Recommend that the City Council adopt an ordinance for approval of Rezoning 06-03 for the reduced expanded area of 424 acres for the application of conditional pre-annexation zoning to the One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-X<sub>24</sub>) District, Two-Family Residence (R-2) District, Two-Family Residence, Special Standard Combining (R-2-X<sub>24</sub>) District, Multiple-Family Residence, Special Standards Combining (R-3-X<sub>24</sub>) District, Public Facilities, Special Standards Combining (PF-X<sub>24</sub>) District, Neighborhood Convenience Commercial, Special Standards Combining (C-1-X<sub>24</sub>) District and General Commercial, Special Standards Combining (C-3-X<sub>24</sub>) District and Heavy Commercial/Light Industrial, Special Standards Combining (C-M-X<sub>24</sub>) District as shown on the attached Exhibit A (Proposed Pre-annexation Zoning) and subject to the attached Exhibit C (Conditions of Pre-annexation Zoning), or

### **Alternative Action**

- A) Adopt the three findings of fact:
1. Following review and consideration of the attached mitigated negative declaration which identified potential impacts (compatibility, air quality and archaeological) that each of these potential impacts has been reduced less than significant with the inclusion of mitigating measures that require for compatibility that temporary fencing shall be erected during construction and permanent fencing shall be completed prior to occupancy so that the transport of construction debris can be retained on-site, that improvement plans for the development of property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent residential or agricultural lands or impede the drainage from those properties. If retaining walls are required they shall be constructed of concrete or masonry block and that prior to recordation of a map on any property within the project area it shall be demonstrated to the satisfaction of the Community Development Director how

notice will be provided informing individuals acquiring the property of the proximity of: Ongoing agricultural operations such as: burning; pesticide spraying; machinery operation; and other impacts associated with said activities are in the vicinity of the property and have the right to continue such operations, for air quality that all grading operations on a project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour and that construction sites shall be watered as directed by the Department of Public Works and for archaeological artifacts may exist in the area that should artifacts or unusual amounts of bone or shell be uncovered during the demolition or construction activity, work shall be stopped and a qualified archeologist shall be contacted for on-site consultation. If the bone appears to be human, California law mandates that the Sutter County Coroner and the Native American Heritage Commission be contacted and along with any comments received; find that with the incorporation of the mitigation measures that address the identified potential environmental impacts from the project, that there is no evidence that the project will have a significant impact on the environment.

2. Concerning new development the Yuba City General Plan details how traffic improvements and water and wastewater infrastructure must be in place as development occurs so that this new development does not overly impact nearby residents. Specifically, Guiding Policy 5.2-G-5 and Implementing Policies 5.2-I-5, 5.2-I-6 and 5.2-I-13 address payment of a fair share of costs, traffic level of service and circulation and street system, Guiding Policy 7.1-G-2 and Implementing Policy 7.1-I-1 and 7.1-I-2 address provision of an adequate water supply capacity and Guiding Policy 7.2-G-1 and Implementing Policies 7.2-I-1 and 7.2-I-2 address maintaining levels of service and adequacy of sewer capacity. With the implementation of these policies by the City in examining the ramifications of new development on existing development we can limit the adverse impacts on existing neighborhoods to less than significant.
  3. The proposed pre-annexation zoning is consistent with the current Low Density Residential, Medium Density Residential, High Density Residential, Parks, Recreation & Open Space, Public & Semi-Public, Neighborhood Commercial, Regional Commercial, Business, Technology & Light Industry and Manufacturing, Processing and Warehousing Yuba City General Plan designations.
- B) Adopt the mitigated negative declaration.
- C) Recommend that the City Council adopt an ordinance for approval of Rezoning 06-03 for the reduced expanded area of 649 acres for the application of conditional pre-annexation zoning to the One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-X<sub>24</sub>) District, Two-Family Residence (R-2) District, Two-Family Residence, Special Standard Combining (R-2-X<sub>24</sub>) District, Multiple-Family Residence, Special Standards Combining (R-3-X<sub>24</sub>) District, Public Facilities, Special Standards Combining (PF-X<sub>24</sub>) District, Neighborhood Convenience Commercial,

Special Standards Combining (C-1-X<sub>24</sub>) District and General Commercial, Special Standards Combining (C-3-X<sub>24</sub>) District and Heavy Commercial/Light Industrial, Special Standards Combining (C-M-X<sub>24</sub>) District as shown on the attached Exhibit B (Proposed Pre-annexation Zoning) and subject to the attached Exhibit C (Conditions of Pre-annexation Zoning).

Attachments

1. Petitions from Wilder and El Margarita subdivisions
2. Letter from Interwest Homes
3. Letter from Rajinder Chohan

Exhibits

- A. Recommended Pre-annexation Zoning boundary
- B. Alternative Pre-annexation boundary
- C. Conditions of Pre-annexation Zoning for Exhibits A and B

**2. PUBLIC HEARING: SUBDIVISION MAP #SM 06-02 – 1291 PLUMAS STREET – SOUTHEAST CORNER OF PLUMAS STREET AND LYNN WAY – APN 51-540-122 – SUBDIVIDER/ PROPERTY OWNER, GAREN McCUNE**

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**Project Description:**

Proposal to subdivide a four-unit apartment complex into condominiums with a common area for shared parking and landscaping. The apartments are already under construction, approved as a ministerial act since they conformed to all development standards.

**Property Description:**

The subject property, which is identified by Assessor's Parcel Number 51-540-122, contains a four-unit apartment complex with a garage, parking lot, and landscaped areas, all of which are currently under construction.

**General Plan Designation:**

Medium/Low Density Residential

**Zoning Classification:**

R-3 (Multiple-Family Residence) District

**Surrounding Land Use:**

The project site is bound by an identical condominium complex, (which is the subject of SM 06-03), and a mini-storage facility to the east, Lynn Way and multiple-family residences to the

north, Plumas Street and single-family residences to the west, and multiple-family residences to the south.

**Previous Commission Action and/or Policies:**

The parcel on which this project is located was part of a two-parcel subdivision (TM 05-05) approved by the Planning Commission on April 27, 2005.

**Environmental:**

A Negative Declaration was prepared for the project and is attached for Commission review and consideration. No adverse impacts were identified. Staff requests that the Planning Commission adopt the attached Negative Declaration.

**Staff Comments:**

Staff supports the applicant's proposal to subdivide the apartments into condominiums. The applicant has provided staff with copies of the Articles of Incorporation and the Bylaws for the Homeowners' Association as well as copies of the Covenants, Conditions and Restrictions. Staff has verified that the documents conform to Title 8, Chapters 2 and 6 of the Yuba City Municipal Code pertaining to subdivisions and condominiums. Because the documents are nearly 200 pages long, staff did not attach the documents to this report. However, copies of the documents are available for review at City Hall and will be made available at the Planning Commission meeting. The Declaration of Easements and the Homeowners' Association provide for the use and maintenance of common facilities such as the parking lot, landscaping, trash enclosure, and the building itself. The easements provide access across the subject parcel to residents of the parcel located immediately to the east, which is the subject of SM 06-03. The proposed subdivision will not create any violations of the zoning regulations and complies with the Medium/Low Density Residential designation as outlined by the General Plan.

**Recommended Actions:**

- A) Adopt the following recommended findings:
  - 1. The approval of SM 06-02 is consistent with the goals, policies and objectives, as well as the Medium/Low Density Residential designation, of the Yuba City General Plan; and
  - 2. The approval of SM 06-02 is consistent with the standards of the R-3 District; and
  - 3. SM 06-02 complies with the requirements of Title 8, Chapter 2 of the Yuba City Municipal Code pertaining to subdivisions; and
  - 4. SM 06-02 complies with the requirements of Title 8, Chapter 6 of the Yuba City Municipal Code pertaining to condominium conversions; and
  - 5. SM 06-02 complies with the State Subdivision Map Act.

- B) Adopt the negative declaration.
- C) Approve the subdivision map subject to the following condition of approval:
  1. Prior to recordation of the map, the applicant shall execute and record the Declaration of Easements, Agreement for Maintenance and Reimbursement, and Covenants Running With the Land, and the Declaration of Covenants, Conditions, and Restrictions for Plumas Oaks Condominiums.
  2. Prior to occupancy of the buildings, the applicant shall install a trash enclosure that meets the requirements of Section 8-5.64 of the Zoning Regulations.

**3. PUBLIC HEARING: SUBDIVISION MAP #SM 06-03 – 390 LYNN WAY – SOUTH SIDE OF LYNN WAY, EAST OF PLUMAS STREET – APN 51-540-123 – SUBDIVIDER/ PROPERTY OWNER, GAREN McCUNE**

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**Project Description:**

Proposal to subdivide a four-unit apartment complex into condominiums with a common area for shared parking and landscaping. The apartments are already under construction, approved as a ministerial act since they conformed to all development standards.

**Property Description:**

The subject property, which is identified by Assessor’s Parcel Number 51-540-123, contains a four-unit apartment complex with a garage, parking lot, and landscaped areas, all of which are currently under construction.

**General Plan Designation:**

Medium/Low Density Residential

**Zoning Classification:**

R-3 (Multiple-Family Residence) District

**Surrounding Land Use:**

The project site is bound by a mini-storage facility to the east, Lynn Way and multiple-family residences to the north, an identical condominium complex, (which is the subject of SM 06-02), Plumas Street and single-family residences to the west, and multiple-family residences to the south.

**Previous Commission Action and/or Policies:**

The parcel on which this project is located was part of a two-parcel subdivision (TM 05-05)

approved by the Planning Commission on April 27, 2005.

**Environmental:**

A Negative Declaration was prepared for the project and is attached for Commission review and consideration. No adverse impacts were identified. Staff requests that the Planning Commission adopt the attached Negative Declaration.

**Staff Comments:**

Staff supports the applicant's proposal to subdivide the apartments into condominiums. The applicant has provided staff with copies of the Articles of Incorporation and the Bylaws for the Homeowners' Association as well as copies of the Covenants, Conditions and Restrictions. Staff has verified that the documents conform to Title 8, Chapters 2 and 6 of the Yuba City Municipal Code pertaining to subdivisions and condominiums. Because the documents are nearly 200 pages long, staff did not attach the documents to this report. However, copies of the documents are available for review at City Hall and will be made available at the Planning Commission meeting. The Declaration of Easements and the Homeowners' Association provide for the use and maintenance of common facilities such as the parking lot, landscaping, trash enclosure, and the building itself. The easements provide access across the subject parcel to residents of the parcel located immediately to the west, which is the subject of SM 06-02. The proposed subdivision will not create any violations of the zoning regulations and complies with the Medium/Low Density Residential designation as outlined by the General Plan.

**Recommended Actions:**

- D) Adopt the following recommended findings:
  - 1. The approval of SM 06-03 is consistent with the goals, policies and objectives, as well as the Medium/Low Density Residential designation, of the Yuba City General Plan; and
  - 2. The approval of SM 06-03 is consistent with the standards of the R-3 District; and
  - 3. SM 06-03 complies with the requirements of Title 8, Chapter 2 of the Yuba City Municipal Code pertaining to subdivisions; and
  - 4. SM 06-03 complies with the requirements of Title 8, Chapter 6 of the Yuba City Municipal Code pertaining to condominium conversions; and
  - 5. SM 06-03 complies with the State Subdivision Map Act.
- E) Adopt the negative declaration.
- F) Approve the subdivision map subject to the following condition of approval:
  - 1. Prior to recordation of the map, the applicant shall execute and record the

Declaration of Easements, Agreement for Maintenance and Reimbursement, and Covenants Running With the Land, and the Declaration of Covenants, Conditions, and Restrictions for Plumas Oaks Condominiums.

2. Prior to occupancy of the buildings, the applicant shall install a trash enclosure that meets the requirements of Section 8-5.64 of the Zoning Regulations.
  
4. **PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #TM 06-04 – 1039 GARDEN HIGHWAY – APN 54-183-016 – WEST OF GARDEN HIGHWAY; SOUTH OF LINCOLN ROAD – SUBDIVIDER/PROPERTY OWNER, PAUL DOUGLAS BEADLE**

**Project Description:**

On September 20, 2006, the applicant submitted the attached letter requesting a continuance due to an error on the map. Staff recommends that the Planning Commission continue this item until the map can be corrected and submitted for staff review.

YUBA CITY PLANNING COMMISSION  
MINUTES

Regular Meeting  
September 27, 2006  
Veteran's Memorial Community Building

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

PRESENT

Chairman Mike Cartoscelli

Commissioner Maynard Dunn  
Commissioner John Sanbrook  
Commissioner Preet Didbal

Commissioner Satwant Takhar  
Commissioner Tej Maan  
Commissioner Melia Campbell

Also present were Aaron Busch, Community Development Director, Brian Trudgeon, Principle Planner, Katie Ertmer, Associate Planner, Paula Hyatt-McIntire, Deputy City Attorney, and Roberta Kyle, Secretary.

The Pledge of Allegiance was led by Commissioner Campbell.

The meeting minutes of September 13, 2006 were approved with two corrections, by a vote of 5-0-2 (Commissioners Campbell and Didbal abstained).

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- 1. CONTINUED PUBLIC HEARING: REZONING 06-03 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE (R-1) DISTRICT, ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X<sub>24</sub>) DISTRICT, TWO-FAMILY RESIDENCE (R-2) DISTRICT, TWO-FAMILY RESIDENCE, SPECIAL STANDARD COMBINING (R-2-X<sub>24</sub>) DISTRICT, MULTIPLE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-3-X<sub>24</sub>) DISTRICT, PUBLIC FACILITIES, SPECIAL STANDARDS COMBINING (PF-X<sub>24</sub>) DISTRICT, NEIGHBORHOOD CONVENIENCE COMMERCIAL, SPECIAL STANDARDS COMBINING (C-1-X<sub>24</sub>) DISTRICT, GENERAL COMMERCIAL, SPECIAL STANDARDS COMBINING (C-3-X<sub>24</sub>) DISTRICT AND HEAVY COMMERCIAL/LIGHT INDUSTRIAL, SPECIAL STANDARDS COMBINING (C-M-X<sub>24</sub>) DISTRICT OR TO DISTRICTS AS DEEMED APPROPRIATE TO 424+ ACRES LOCATED BETWEEN HWY. 20 AND THE CITY LIMITS TO THE NORTH, THE CITY LIMITS TO THE EAST, FRANKLIN ROAD TO THE SOUTH AND THE FUTURE RIGHT-OF-WAY LINE FOR WESTERN PARKWAY TO THE WEST. THE ZONING CLASSIFICATIONS WILL BE APPLIED IN CONFORMANCE WITH THE ADOPTED 2004 YUBA CITY GENERAL PLAN LAND USE DIAGRAM. PROPERTY OWNER/APPLICANT, VALLEY DEVELOPMENT CO., INC.**

Brian Trudgeon, Principal Planner, presented a staff report, and explained that two letters came in that afternoon from the Bryant and Hudson families, asking to be excluded from the pre-annexation zoning.

There was discussion about the Bryant property and its location.

Mr. Trudgeon showed on the map where the Bryant property is located, and explained that the intent is to keep the Master Plan in tact.

Commissioner Takhar asked where Western Parkway was in relation to the Bryant property.

Mr. Trudgeon said that improvements will only be done if they develop their property.

Commissioner Takhar asked if it is covered in the Master Plan. Mr. Trudgeon stated that it is.

Chairman Cartoscelli opened the public hearing.

Robert Bryant, 3492 Colusa Highway, passed out a map and asked the Commission to remove two parcels of 30± acres from the pre-annexation request. Mr. Bryant stated that he has no intentions of developing the property, and wants the same consideration of his request as the other two subdivisions received.

Commissioner Sanbrook asked if Mr. Bryant understood that this is not an annexation request.

Mr. Bryant said that he just wants the same consideration.

Gregory Scandalis, 788 Andrew Drive, stated that this request is a prelude to the annexation process and asked the Commission to look at the map that was passed out. Mr. Scandalis stated that Mr. Bryant should be given the same privilege as the two subdivisions that were removed, and said that if Mr. Bryant's property were to be removed, it would be logical to also remove the Hudson property.

Pam Hudson, 449 El Margarita Road, talked about the development of El Margarita Road, and stated that she is worried she will loose property when the road is widened.

Laurel Wankmuller, 592 Leeanne Ave., talked about Bridge Street and asked if it will be connected to Leeanne Ave., or will a barrier be set up.

Mr. Trudgeon said what is on the map is for illustrative purposes only, and explained that it is not a planned project as of now.

Aaron Busch, Community Development Director, explained that the street being referenced is a conceptual diagram as part of the General Plan, and said that it would be evaluated through the Master Plan process.

Laurel Wankmuller voiced her concerns about traffic possibilities and said it is not a logical place to put through a housing development.

Mr. Busch stated that everything is being considered for Master Plan review, and that all residents would be apprised of any potential changes.

Mark Gillming, 636 Leeanne Ave., asked how an annexation can be proposed with no infrastructure.

Mr. Busch stated that the item tonight is pre-annexation zoning only.

Mr. Gillming expressed his concerns about traffic.

Mr. Busch explained the General Plan and the Sphere of Influence, and said that tonight is only to apply consistent zoning with the General Plan designation.

Commissioner Maan asked about connecting Leeanne Ave.

Mr. Busch stated that there is no project, and any roadway changes, etc. would be handled as part of the Master Plan process.

Bob Wankmueller, 526 Leeanne Ave., talked about how Leeanne Ave. is a blind ending street with a barrier, and said he is concerned about an extension through to Bridge Street. Mr. Wankmueller asked about the zoning designation of CM.

Mr. Trudgeon explained.

Mr. Wankmueller asked if a mall or anything like that would be behind them.

Mr. Trudgeon stated nothing like a mall would be behind them.

Mr. Wankmueller expressed his concern about noise.

Mr. Trudgeon stated that there would be a requirement to perform studies as part of the negative declaration (noise, traffic, etc.).

Commissioner Sanbrook asked Mr. Trudgeon to look at the zoning to see if it appropriate.

Mr. Trudgeon said zoning that is not consistent with the General Plan designation cannot be applied.

Pat Lane, 392 Gabriel Avenue, asked about the property wishing to be annexed (23 acres), and stated the concern that Valley Development will come in with a project.

Mr. Trudgeon said there is no project at this time.

Wade Jobe, 679 Leeanne Ave., stated his concern about the 23 acres, and said that Dennis Nelson is determined to develop that property, and that there is concern that traffic will go through their subdivision.

Nadia Artero, 460 Lyndsey Lane, asked about LAFCo process, how many parcels are included in Exhibit A, and how many votes would it take to vote not to annex.

Mr. Trudgeon said the vast majority of parcels are undeveloped.

Commissioner Takhar asked if there were 83 parcels in Exhibit A.

Mr. Trudgeon stated there were 83 existing homes.

John Hudson stated that he likes the property the way it is.

Ron Southard, 570 Leeanne Ave., talked about commercial property and how it would not be connected to residential property.

Debra Bryant, 3493 Colusa, stated that she wants her father to have the same consideration as the other two subdivisions.

Cecil Bybee, 459 El Margarita Road, stated that he does not want to be annexed.

Frank Ramirez, 2671 Toyon, asked about property on the map.

Mr. Trudgeon explained that it backs on to Industrial Drive, and is not a planned road only conceptual.

Mr. Ramirez asked if Industrial Drive would be a way into the subdivision.

Mr. Trudgeon stated that there may be a problem with emergency services.

Dr. Peppercorn, 668 Gabriel, stated that he opposes the project and talked about the residents of the area and their frustrations, and said that he hopes the City will look at how this will affect them.

Dan Loehrer, 419 El Margarita, said that the timing isn't right now and it will ruin property values.

Norman Baker, 2659 Red Bud Road, asked if the Lincoln East Specific Plan comes up, will his property be included.

Mr. Trudgeon said it would not be included.

Mr. Baker talked about agricultural land and how it is dwindling, and said that development needs to slow down and that he is not happy about the annexation.

Tom Widkum, 378 El Margarita, talked about traffic issues due to the school, and wants to see a barricade at the north end of El Margarita and only allow access for emergency vehicles.

Gary Taxera, 660 Dale Ave., asked why an island is being created for 23 acres.

Mr. Trudgeon showed on the map the current city limit boundary, and explained about the Master Plan and Specific Plan process, and also explained the pre-annexation zoning process and purpose.

Uni Shelton, 727 Lyndsey Lane, stated that planning for roads are behind, and talked about Harter Road and Walton Avenue. Ms. Shelton also expressed her concerns about the City not taking care of the basic infrastructure, and said she opposes the project.

Dennis Nelson, Valley Development Company, stated that he is an employee and representative of Valley Development and has no vested interest in the property. Mr. Nelson spoke about the purchase of the property and about their request to annex. Mr. Nelson explained that there cannot be a development until the Master Plan process is completed. Mr. Nelson said that he agrees that taking out the two subdivisions

was a smart move on behalf of the City, and said that there is no project proposed on this property.

Mr. Nelson also spoke about the potential Bridge Street connection. Mr. Nelson stated to the audience that although there has been no planning for the property, to please respect Valley Developments rights to annex.

Ray Emerson, 547 Daniel Dr., agreed with Mr. Nelson, but asked if they would agree to not put in high density housing.

There being no further testimony, Chairman Cartoscelli closed the public hearing.

Commissioner Campbell asked why not annex the 23 acres and Master Plan the whole area.

Commissioner Maan agreed with Commissioner Campbell's statement.

Mr. Trudgeon explained why the area was expanded and said the only reason for removing the two areas was they did not want the same thing to happen that happened in Tierra Buena.

Commissioner Campbell stated she feels that all areas should be granted the same courtesy. Commissioner Campbell also spoke about River Valley High School, and told the audience that the City has no jurisdiction over Schools, and suggested people go to the School District office to request improvements. Commissioner Campbell said the City is trying to fix things that were done long ago, and are trying to avoid the same problems.

Commissioner Sanbrook talked about Exhibit A and asked why the Bryant and Hudson properties can't be taken out, and asked if it is logical planning.

Mr. Trudgeon said that a letter from the Bryant family had come in around 4:00 p.m. yesterday afternoon and the same letter signed by the Hudson family came in this morning, and the Commissioner had received their packets last Thursday, so there was no way of knowing that these properties did not want to be included. Mr. Trudgeon said secondly, yes it is logical planning, but if the Commissioner sees fit to change the areas to be included, they may do so.

Commissioner Sanbrook asked if it would be logical to exclude the Bryant and Hudson properties.

Mr. Trudgeon again said that if it is the wish of the Commission to exclude those properties, they may do so, and explained that the others two developments that were excluded were completely developed, and that the Bryant and Hudson properties are no, and that staff was only looking at keeping undeveloped lands within the pre-annexation zoning area.

Commissioner Sanbrook stated that in regards to the Valley Development piece, he has concerns that once the pre-annexation is imposed, it will be more difficult to change, and asked if there is a process by which the General Plan could be changed if the City Council and Planning Commission saw fit to do so.

Mr. Trudgeon said there is a process in which the General Plan could be changed through a public hearing.

Commissioner Dunn thanked the audience for coming to the meeting, and talked about the General Plan Amendment. Commissioner Dunn assured the audience that their property rights would be upheld

whether they are in the county or the city, and talked about development of the City as a whole and how staff is trying to deal with potential issues up front before problems occur. Commissioner Dunn asked about El Margarita and how many lanes it will be.

Mr. Trudgeon said it will be a two lane street with a third lane for left hand turns. Mr. Trudgeon said that LAFCo wanted to make sure that the City annexed in all of El Margarita to the west right of way line and all of Franklin to the south right of way line, so that they would be city streets instead of country streets. Mr. Trudgeon said that any future improvements to El Margarita will be looked at through the Master Plan to see what is needed to provided the level of service that will be needed in that area.

Commissioner Dunn asked if the residents in that area will receive notification.

Mr. Trudgeon stated that everyone within 300 ft. of the exterior boundaries of the property will be notified of a public hearing.

Commissioner Takhar said he supports the pre-annexation zoning request and also supports the excluding Mr. Bryant's property, and the row of houses along El Margarita Road, and asked Mr. Trudgeon how LAFCo would look at that.

Mr. Trudgeon stated that he discussed this issue with Doug Libby from LAFCo and Mr. Libby said they wanted to take in all El Margarita to the west right of way line and all of Franklin to the south right of way line as specified earlier in order to make things right for the future.

Mr. Busch said that if it is the desire of the Commission to make that recommendation to the Council, staff can check with LAFCo as to what their official opinion would be on that revised boundary.

Commissioner Maan stated, why not exclude everyone and go back to the 23 acres only.

Commissioner Didbal said that she is for planned development and feels the City is trying to correct things that weren't done properly in the beginning, and stated that the Master Plan is very important. Commissioner Didbal also stated that she supports excluding the two subdivisions along with the Bryant property.

Commissioner Sanbrook said he cannot support moving the boundary to accommodate properties on the east side of El Margarita, but supports Exhibit A, and would support the exclusion of the Bryant and Hudson properties.

Commissioner Campbell asked if the Master Plan could wait until other developers come forward.

Mr. Busch stated that the practice has been to apply pre-annexation zoning, and said there is no guarantee when the project will go to LAFCo. Mr. Busch said that as far as the Master Plan process, it doesn't matter how many developers there are, and that due to City Council direction, this would be the way staff would recommend to move forward.

Commissioner Dunn moved to A) adopt the three findings of fact; B) adopt the mitigated negative declaration; and C) recommend that the City Council adopt an ordinance for approval of Rezoning 06-03 for the reduced expanded area of 394 acres (Bryant and Hudson properties removed) for the application of conditional pre-annexation zoning to the One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-X<sub>24</sub>) District, Two-Family Residence (R-2) District, Two-Family

Residence, Special Standard Combining (R-2-X<sub>24</sub>) District, Multiple-Family Residence, Special Standards Combining (R-3-X<sub>24</sub>) District, Public Facilities, Special Standards Combining (PF-X<sub>24</sub>) District, Neighborhood Convenience Commercial, Special Standards Combining (C-1-X<sub>24</sub>) District and General Commercial, Special Standards Combining (C-3-X<sub>24</sub>) District and Heavy Commercial/Light Industrial, Special Standards Combining (C-M-X<sub>24</sub>) District as shown on the attached Exhibit A (Proposed Pre-annexation Zoning) and subject to the attached Exhibit C (Conditions of Pre-annexation Zoning); was seconded by Commissioner Didbal, and the motion passed by a vote of 6-1-0 (Commissioner Maan voted no).

The Commission recessed for a 5 minute break.

The Commission resumed the meeting at 9:05 p.m.

2. **PUBLIC HEARING: SUBDIVISION MAP #SM 06-02 – 1291 PLUMAS STREET – SOUTHEAST CORNER OF PLUMAS STREET AND LYNN WAY – APN 51-540-122 – SUBDIVIDER/ PROPERTY OWNER, GAREN McCUNE**
3. **PUBLIC HEARING: SUBDIVISION MAP #SM 06-03 – 390 LYNN WAY – SOUTH SIDE OF LYNN WAY, EAST OF PLUMAS STREET – APN 51-540-123 – SUBDIVIDER/ PROPERTY OWNER, GAREN McCUNE**

Katie Ertmer, Associate Planner, presented a staff report for both #SM 06-02 and #SM 06-03.

Commissioner Sanbrook asked if there are cross easements. Ms. Ertmer stated that there are.

Chairman Cartoscelli opened the public hearing.

Garen McCune offered to answer and questions posed by the Commissioners or staff.

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

Commissioner Takhar moved to approve both projects, #SM 06-02 and #SM 06-03, and to A) adopt the 5 recommended findings for both projects, B) adopt the negative declarations for both projects, and C) approve both subdivision maps subject to 2 conditions each, was seconded by Commissioner Maan, and the motion passed unanimously by a vote of 7-0-0.

4. **PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #TM 06-04 – 1039 GARDEN HIGHWAY – APN 54-183-016 – WEST OF GARDEN HIGHWAY; SOUTH OF LINCOLN ROAD – SUBDIVIDER/PROPERTY OWNER, PAUL DOUGLAS BEADLE**

On September 20, 2006, the applicant submitted the attached letter requesting a continuance due to an error on the map. Staff recommends that the Planning Commission continue this item until the map can be corrected and submitted for staff review.

The Planning Commission agreed.

Other Business: - None

Report on Actions of the City Council:

Mr. Busch reported that the City Council heard the appeal on the Harter Project. A continuance was requested in order to talk further with the applicant.

Adjournment: The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

AARON BUSCH, Secretary  
YUBA CITY PLANNING COMMISSION