
TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
August 9, 2006 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call

Pledge of Allegiance

Appearance of Interested Citizens*

Correspondence

Public Hearings:

1. Use permit #UP 06-04 for installation of a 72-foot-tall wireless facility located at the Yuba Sutter Fairgrounds, 400 Franklin Avenue. Applicant, Omnipoint Communications; property owner, 13th District Agricultural Association.
2. Tentative Subdivision Map #06-04 of Harter Estates – South located at Hwy. 20 and Harter Parkway in the Harter Specific Plan Area – Subdivider/Property Owner, Harter Packing Partners.
3. Rezoning #06-03 to apply preannexation zoning of One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-x₂₄) District, Two-Family Residence (R-2) District, Two-Family Residence, Special Standard Combining (R-2-x₂₄) District, Multiple-Family Residence, Special Standards Combining (R-3-x₂₄) District, Public Facilities (PF) District, Public Facilities, Special Standards Combining (PF-x₂₄) District, Neighborhood Convenience Commercial, Special Standards Combining (C-1-x₂₄) District and General Commercial, Special Standards Combining (C-3-x₂₄) District and Heavy Commercial/Light Industrial, Special Standards Combining (CM-x₂₄) 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.

Commission Consideration: - None

Over

Commission Discussion: - None

Other Business - None

Report on Actions of the City Council

Adjournment

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: August 3, 2006
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of August 9, 2006

1. PUBLIC HEARING: USE PERMIT #UP 06-04 FOR INSTALLATION OF A 72-FOOT-TALL WIRELESS FACILITY FOR OMNIPOINT COMMUNICATIONS, LOCATED AT THE YUBA SUTTER FAIRGROUNDS, 400 FRANKLIN AVENUE – APPLICANT: OMNIPOINT COMMUNICATIONS; PROPERTY OWNER, 13TH DISTRICT AGRICULTURAL ASSOCIATION

Project Description:

The proposed wireless facility is comprised of a 72-foot-tall monopole and associated equipment. The equipment consists of four transceivers, a small site light, and a Global Positioning System unit. The facility will be located at 400 Franklin Avenue at the Yuba Sutter Fairgrounds, situated near the center of the 20-acre parcel, behind the existing bleachers. The equipment and the monopole will be enclosed behind an existing six-foot high chain link fence located on a new 285 square foot concrete pad. The facility will be approximately 300-feet from the nearest property line. Access to the wireless facility will be achieved via a proposed 12-foot access easement from an existing service road that runs through the Fairgrounds. The proposed monopole will replace an existing wood light pole. The existing lights and speaker will be relocated to the new monopole.

Property Description:

The property is located on the north side of Franklin Avenue, east of Wilbur Avenue and west of Garden Highway. The subject property is flat and is used as the Yuba Sutter Fairgrounds.

General Plan Designation:

Office & Office Park

Zoning Classification:

C-O SP – Office Commercial, Specific Plan Combining District

Surrounding Land Use:

Gauche Park is located to the northwest. The Yuba Sutter Fairgrounds occupies the parcels located to the north, east, and southwest. Single and multi-family residences are located to the southeast, and a variety of businesses are located to the northeast and west.

Previous Commission Actions and/or Policies:

No action to report.

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:

According to Section 8-5.5107(B) of the Zoning Regulations, a wireless communication facility is permitted in the C-O District. A zoning clearance may be issued for facilities that meet the requirements of Section 8-5.5107(B)(3), which include a provision limiting the height of wireless communication facilities in the Commercial Districts to 60-feet or less. Section 8-5.5107(B)(4) states that a use permit must be obtained for wireless communication facilities that exceed the provisions for the issuance of a zoning clearance. The applicant is seeking a use permit to exceed the height limitation by 12 feet and construct a 72-foot monopole wireless communication facility.

Staff supports the applicant's request. The proposed location is at least 300 feet from all property lines and more than 500 feet from the nearest residence. Despite the height of the proposed monopole, the visual impact on the surrounding neighborhood will be negligible. The Fairgrounds are intermittently used, and the proposed wireless facility will take the place of an existing light pole. Although it is considerably taller than the existing light pole, the proposed wireless facility would not adversely impact the use of the Fairgrounds. The applicant explored the possibility of co-location; however, there are no other facilities of this height in the Yuba City area. The proposed wireless communication facility could provide the opportunity in the future for other carriers to co-locate on the applicant's proposed monopole.

Recommended Action:

- A. Adopt the following findings:
 - 1. Following review and consideration of the attached negative declaration and any comments received, find that there is no substantial evidence that the project will have a significant impact on the environment.
 - 2. The proposed construction of a wireless communication facility is consistent with the designation Office/Office Park as shown on the Land Use Map of the General Plan.
 - 3. The site is of adequate size (20 acres) to accommodate the proposed use and access to it.

4. The public improvements serving the site are adequate to carry the amount of traffic and drainage expected to be generated by this project.
5. Approval of the use permit for a 72-foot wireless communication facility will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

B. Adopt the Negative Declaration.

C. Approve Use Permit #UP 06-04 for the Omnipoint Communications 72-foot wireless communication facility in the C-OSP District, subject to the following conditions and mitigation measures:

Conditions of Approval:

1. Prior to installation of any stationary or portable devices, such as a generator, the applicant shall contact the Feather River Air Quality Management District to determine whether an air permit is required. If an air permit is required, the applicant shall secure such permit prior to the operation of any emitting device.

2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #06-04 OF HARTER ESTATES – SOUTH LOCATED AT HWY 20 AND HARTER PARKWAY IN THE HARTER SPECIFIC PLAN AREA – SUBDIVIDER/PROPERTY OWNER, HARTER PACKING PARTNERS

Project Description:

Request to subdivide 32.93 acres into 85 single-family lots, 11 commercial lots and 4 office lots. The residential lots meet the lot size standards for the Harter Specific Plan and Zoning Code with 5,000+ sq. ft. interior lots and 6,000+ sq ft. corner lots. The residential density for the map is 5.48 units per acre. The commercial lots range in size from .72 acres to 2.51 acres each while the office lots range in size from .82 acres to 1.22 acres.

Property Description:

The subject property is identified as Assessor's Parcel Nos. 62-310-007 & 008. The vacant, 32.93 acre parcel is located on the west side of Harter Parkway just north of Hwy 20. A two-lane section of Cultivation Way and Currant Drive from the Colusa Frontage Road to the signal at Harter Road is in place.

General Plan Designation:

Low Density Residential (LDR), 2 to 8 units per acre
Regional Commercial (RC)
Office & Office Park (OOP)

Specific Plan Designations

Residential – Units 1 and 2
Commercial – Units 3 and 5
Office – Unit 4

Zoning Classification:

One-Family Residence, Specific Plan Combining (R-1-SP) District – Units 1 and 2
Community Commercial, Specific Combining (C-2-SP) District – Unit 3
General Commercial, Specific Plan Combining (C-3-SP) District - Unit 5
Commercial Office, Specific Plan Combining (C-O-SP) District – Unit 4

Surrounding Land Use:

Surrounding the project site: to the north is Vine Avenue with single-family home development and property owned by the Harter Packing Company; to the east is the recently constructed Harter Parkway and the Yuba City Marketplace shopping center; to the south/southwest are single-family homes located along the Colusa Frontage Road and Kimberly Drive; and, to the west is Ruth Avenue and single-family home development.

Previous Commission Action and/or Policies:

On October 26, 2004, the City Council followed the Planning Commission recommendation and approved the Harter Specific Plan, Rezoning, Development Agreement and the Development Plan for the Yuba City Marketplace shopping center and also certified the Harter Specific Plan and Yuba City Marketplace EIR. Since those approvals no other projects within the plan area have come before the Planning Commission for review and consideration.

Environmental:

Per CEQA Guidelines Section 15152 and Public Resources Code 21157.1, because this project is consistent with the Harter Specific Plan in that it is the subdivision of Commercial and Office designated land with no new identified environmental impacts, the negative declaration is tiered from the Harter Specific Plan and Yuba City Marketplace EIR. The analysis of this project, therefore, need not examine those effects which were addressed in the earlier EIR and mitigated or which were examined at a sufficient level of detail to be in the EIR to allow the effects to be avoided or mitigated as part of the project approval process; therefore, the analysis in the negative declaration covering the

subdivision of Commercial and Office designated land introduces no new impacts which were not examined in the Harter Specific Plan and Yuba City Marketplace EIR.

Exempt – Section 15182 (a) of the California Environmental Quality Act (CEQA) provides that where a public agency has prepared an EIR on a specific plan after January 1, 1980, no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformity to that specific plan if the project meets the requirements of this section. The scope of this exemption includes residential land divisions, zone changes and planned unit developments. An EIR was prepared for the Harter Specific Plan and the proposed subdivision is consistent with the goals, policies, and objectives of the Plan in all aspects.

Staff Comments:

Staff supports the applicant’s request to subdivide. The residential portion of the map meets the Harter Specific Plan Design Guidelines in that the streets provide for pedestrian access through the neighborhood and to the future adjoining commercial and office areas and the neighborhood park that will be located north of Jefferson Avenue. The subdivision design also complies with the Design Guidelines in that access to the west, towards Ruth Avenue, from the project area is limited to one new street (Blackberry Drive), and Vine Avenue already exists. Also, with the completion of Cultivation Way and Jefferson Avenue vehicles from the west will have access to the signalized intersections on Harter Parkway and Hwy 20 and Butte House Road. The applicant has stated that the commercial and office parcels are being divided to allow the owners to reconfigure the lot sizes via the lot line adjustment process when the actual needs of the prospective tenants are known.

In addition Guiding Policy 3.5-G-3 of the Yuba City General Plan states: “Allow and encourage low-medium density small-lot single-family housing development in new and existing neighborhoods that enable compact development and efficient infill.” The residential portion of this project utilizes existing residential space and provides an opportunity for efficient infill.

Recommended Actions:

- A) Adopt the following recommended findings:
1. The approval of the tentative subdivision map is consistent with the Guiding and Implementing Policies as well as the Medium/Low Density Residential designation of the Yuba City General Plan.
 2. The approval of the tentative subdivision map is consistent with the goals, policies, and objectives, as well as the Design Guidelines and Land Use Map of the Harter Specific Plan.
 3. The tentative map is consistent with and meets the minimum standards for the R-1, C-O, C-2 and C-3 Districts.

4. There have been no new environmental impacts identified as a result of this project, nor has new information been presented that was not known at the time the environmental impact report for the Harter Specific Plan and Yuba City Marketplace was certified as complete. A copy of the Final EIR is available for examination at the Yuba City Development Services Department located in City Hall at 1201 Civic Center Blvd., Yuba City, California.

B) Approve the tentative subdivision map subject to the following conditions of approval:

General Requirements

1. All improvements shall be constructed and all fees shall be paid in accordance with the Harter Specific Plan Financing Strategy and Phasing Plan, the Development Agreement, and the Harter Specific Plan Infrastructure Improvement Fee. Improvements shall be completed per the timelines in the above-mentioned documents, or when not specified, prior to issuance of certificate of occupancy.
2. Prior to the issuance of the sixtieth (60) building permit for single family housing or the first building permit for multi-family housing, whichever occurs first, Developer shall complete the design and construction of the five acre neighborhood park, including all adjacent street frontages.
3. The Developer shall prepare and submit improvement plans for the construction of all public improvements including water, sanitary sewer, storm drain facilities, roadway improvements, curbs, gutters, sidewalks, parkway strips, signing, striping and streetlights.
4. All design and construction shall conform to the Harter Specific Plan, the latest edition of the City of Yuba Standard Specifications and Details, State of California Standard Specifications for Construction of Local Streets and Roads (July 2002), AASHTO Policy on Geometric Design of Streets and Highways for local roads, and FHWA Manual on Uniform Traffic Control Devices for Streets and Highways (2003 edition).
5. Obtain all necessary approvals from the City, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of improvement plans the developer shall provide evidence, to the satisfaction of the Development Services Department, that all such obligations have been met.
6. Improvement plans shall be approved by the Yuba City Fire Department.
7. In the event that the City is forced to condemn or acquire off-site property interest in connection with required off-site improvements, the developer shall fund the cost of condemnation or acquisition, including but not to be limited to the amounts necessary to purchase the easement or fee simple interest, document preparation, and severance or other damages payable to the owners of the land upon which the improvements are to be located, the actual cost and acquisition and all fees, including attorney's fee and/or other expenses necessary to prosecute the condemnation

action, including expert witness and appraisal fees. In the event that the City elects to proceed with acquisition or condemnation pursuant to Government Code Section 66462.5, the developer shall, within 60 days of written notice by the City, deposit with the City, as an advance, the full estimated cost of such acquisition or condemnation. The developer shall prepare any easements or deeds necessary for off-site improvements.

8. Required Improvement Plan Notes:

- a. "Any excess materials shall be considered the property of the contractor/owner and shall be disposed of away from the job site in accordance with applicable local, state and federal regulations."
- b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. The Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler baffles. Failure to do so may result in the issuance of an order to stop work."
- c. "If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies."
- d. "The Contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The Contractor shall be required to follow traffic safety measures in accordance with the CalTrans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Yuba City emergency service providers shall be notified, at least two working days in advance, of proposed construction scheduled by the contractor(s)."
- e. "Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Development Services Department and in accordance with City and local district ordinances."
- f. "Soil shall not be treated with lime or other cementitious material without prior express permission by the Development Services Department."

Permits Required

9. Provide evidence that a Notice of Intent has been submitted and received by the local Water Quality Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan shall be provided to the City.

10. The contractor shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.
11. Prior to beginning construction, the applicant shall obtain a demolition permit from the City for removal of all existing structures on the site.
12. If any improvements are within the State right-of-way, an encroachment permit from the State of California Department of Transportation will be required. A copy of the permit shall be supplied to the City prior to approval of the improvement plans.

Roadway Improvements

13. There shall be only one street connection from Phase 1 to Ruth Avenue, not including the existing road connection at Vine Avenue. (*Harter Specific Plan section 4.4*)
14. Harter Parkway shall be constructed to a width of 73.0 feet (back of curb to back of curb). Right-of-way shall be dedicated to a width of 129.0 feet (62.5 feet on the east; 66.5 feet on the west) including a 12.0 foot PUE behind the detached sidewalk. Construction shall include on *each side* of the center line a 7.0 foot landscape median (for a total of 14.0 feet), a 27.0 foot road, 2.5 foot curb and gutters, 8.0 foot landscape parkway strips, detached sidewalks (6.0 foot on the east; 10.0 feet on the west), 12.0 foot PUE, 6.0 foot to 8.0 foot high masonry walls, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department.
15. Jefferson Avenue shall be constructed to a width of 53.0 feet (back of curb to back of curb). Right-of-way shall be dedicated to a width of 103.0 feet including a 12.0 foot PUE behind the detached sidewalk. Construction shall include on *each side* of the center line a 24.0 foot road, 2.5 foot curb and gutters, 8.0 foot landscape parkway strips, 5.0 foot detached sidewalks, 12.0 PUE, 6.0 foot to 8.0 foot high masonry walls, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department. **In areas adjacent to Lot 1 and 2 of Phase 2 and adjacent to commercial parcels, no masonry block wall shall be required. The property line shall be located one-half foot behind the curb.** A Class I bike path shall be constructed on the north side of Jefferson Avenue in accordance with the Circulation Plan section of the Harter Specific Plan. Adjacent to the City Park the property line will be located at the back of sidewalk and no masonry block wall will be required.
16. Cultivation Way shall be constructed to a width of 49.0 feet (back of curb to back of curb). Right-of-way shall be dedicated to a width of 95.0 feet including a 12.0 foot PUE behind the detached sidewalk. Construction shall include on *each side* of the center line a 22.0 foot road, 2.5 foot curb and gutters, 6.0 foot landscape parkway strips, 5.0 foot detached sidewalks, 12.0 PUE, 6.0 foot to 8.0 foot high masonry walls, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department. **In areas adjacent to the commercial and office park, no masonry block wall shall be required. The property line shall be located one-half foot behind the sidewalk, similar to the Currant Drive typical section.**

17. Currant Drive shall be constructed to a width of 49.0 feet (back of curb to back of curb). Right-of-way shall be dedicated to a width of 72.0 feet together with a 10.0 foot PUE behind the right-of-way. Construction shall include on *each side* of the center line a 22.0 foot road, 2.5 foot curb and gutters, 6.0 foot landscape parkway strips, 5.0 foot detached sidewalks, 10.0 PUE, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department.
18. The eastern half of Ruth Avenue shall be constructed to a width of 24.5 feet (centerline to back of curb). Right-of-way shall be dedicated to a width of 25.0 feet together with a 19.5 foot easement behind the right-of-way. Construction shall include on the east side of the center line a 22.0 foot road, 2.5 foot curb and gutters, 6.0 foot landscape parkway strips, 5.0 foot detached sidewalks, 10.0 foot PUE, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department.
19. All interior streets shall be constructed to a width of 37.0 feet (back of curb to back of curb). Right-of-way shall be dedicated to a width of 38.0 feet together with a 19.5 foot easement behind the right-of-way. Construction shall include on *each side* of the center line a 16.0 foot road, 2.5 foot curb and gutters, 6.0 foot landscape parkway strips, 4.0 foot detached sidewalks, 10.0 PUE, street trees, and street lights except as otherwise shown on the tentative map and approved by the Development Services Department.
20. The portion of commercial development adjacent to the single family neighborhood (lots 1, 2, and 3 of Phase 3) and adjacent to the existing single family neighborhood (lot 5 of Phase 5) shall have a 15 foot landscape buffer. The buffer shall include a 3 foot high berm. (Harter Specific Plan DS 63)
21. The structural section of all road improvements shall be designed using a geotechnical investigation which provides the basement soils R-value and expansion pressure test results. The structural section shall be designed to the following standards:
 - a. Use 3” minimum for residential, and 4” minimum for collectors and arterials, of Type A asphaltic concrete over Class 2 aggregate base (the thickness of the base shall be designed to the R-value of the soil)
 - b. Use a traffic index of 6.5 for residential streets
 - c. Use a traffic index of 9 for collector streets
 - d. Use a traffic index of 10 for arterial streetsA copy of the geotechnical report, including R-value, test locations and structural section calculations, shall also be submitted with the first improvement plan check.
22. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the Development Services Department. Signage restricting parking and red painted curbing shall be installed where appropriate. Speed limit signs shall be installed at locations determined by the Development Services Department. Twenty-five miles per hour speed limit signs shall be installed within the subdivision at locations determined by the Development Services Department.

23. The Developer shall slurry seal all streets after issuance of the Certificate of Occupancy of the last unit in each phase of the subdivision.
24. ADA approved ramps shall be provided at all intersections and crosswalks where sidewalks are proposed.

Utilities

25. There shall be a minimum of 48” (forty-eight inches) of cover from finished grade to top of pipe for all water mains and a minimum of 60” (sixty inches) of cover from finished grade to top of pipe for all storm drain and sewer mains, or as approved by the Development Services Department.
26. Any fire suppression systems shall tie-in directly to the City water main. All applicable fees shall apply.
27. All service laterals (water, sewer, irrigation, fire suppression), along with required meters, shall be shown on the civil improvement plans.
28. Prior to paving, the Developer shall vacuum test all manholes to ensure no leakage will occur.
29. Prior to paving, the Developer shall hydroflush and inspect by closed circuit television all storm drain mains and all sewer mains. In addition, prior to the City’s acceptance of the subdivision improvements, the storm drain and sewer mains shall be re-hydroflushed.
30. The Design Engineer shall provide technical reports to substantiate the sizing of pipes, if different than specified in the Harter Specific Plan. The reports shall include:
 - a. hydrology/hydraulic calculations
 - b. sewer calculations
 - c. calculations using the City’s water module
31. The Design Engineer shall provide calculations analyzing available storm drain capacity and certify additional demands of the subdivision can be satisfied. If the demands can not be satisfied, the Design Engineer shall provide offsite improvement plans to do so.
32. The Developer’s Superintendent/Representative shall submit three sets of Pacific Gas and Electric approved utility plans showing joint trench locations and distribution lines prior to issuance of first building permit for each phase of construction.

Lighting and Landscaping

33. The property shall petition for formation of a Zone of Benefit of the Yuba City Landscaping and Lighting District for the purpose of maintaining street trees which are to be planted along all streets, maintaining the street lights, and maintaining the masonry walls.

34. The Developer shall be responsible for preparation of a street tree and irrigation plan (for areas requiring a City maintained irrigation system) that is deemed acceptable by the Director of Parks and Recreation, to be submitted with the improvement plans.
35. All street lighting shall be dedicated to the City of Yuba City.
36. All street lighting shall be energized prior to the issuance of any certificates of occupancy.
37. The intersection of Harter Road and Jefferson Road/Poole Boulevard shall have an enhanced landscape treatment as stated in the Harter Specific Plan. (Harter Specific Plan DS 40)
38. The street landscape planters, the street trees, and street lighting are public improvements which shall meet the Parks Division Planting Standards and Yuba City Standard Details and be included in the improvement plans and specifications for the subdivision when the improvement plans are submitted for the first improvement plan check.
39. All landscaping shall be irrigated. Within the residential subdivision dedicated irrigation systems for the planter strips are not required as it will be the responsibility of the property owner to irrigate the landscape planter fronting their property. In all other areas, a separate meter shall be installed on the landscape service. More than one meter may be required. The Developer shall pay all applicable fees.
40. The final improvement plans shall reflect street tree placement so that no interference with streets, streetlights, and driveways will occur to the satisfaction of the Development Services Department.
41. The street trees proposed by the Developer shall be a minimum of 15 gallon in size with a one-inch dbh (diameter at breast height). The tree specie(s) shall be a shade type approved by the City Arborist and the Development Services Department. Only one tree specie shall be planted on any street.
42. Each lot shall be landscaped between the residence and the curb prior to occupancy. If it is deemed impractical, by the Development Services Department to have the landscaping completed prior to occupancy, the Builder/Developer shall provide security for the value of the landscaping and commit to a water quality control plan to prevent the input of pollutants from the lot to the urban drainage system as approved by the Development Services Department.

Drainage

43. The improvement plans for the development of the subject 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.
44. The Engineer of Record shall designate on the plans as to where any retaining walls are required and provide details of all proposed retaining walls. The retaining wall is required where grade

differences between the proposed development and the surrounding land is greater than 6” (inches). The use of any type of wood as the retaining wall is not permitted.

45. Prior to the filing of any final map the developer shall submit to the Sutter County Public Works Department a drainage plan for any drainage improvements that utilize County facilities for approval by the Sutter County Public Works Director.
46. The Developer shall be required to pay any applicable Sutter County Water Agency drainage fees. The Developer shall provide the City with a copy of the receipt indicating that the fees have been paid.
47. Prior to filing any final map the developer shall enter into an agreement with Sutter County providing the following:

Participation in a zone of benefit, drainage district, agency, service area or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by the district or public entity of any legally available fee, assessment or other financing mechanism to facilitate the construction and maintenance of a drainage system.
48. Drain inlet frames shall be installed with the indication, “No Dumping – Drains to River”. If acceptable frames cannot be found that match City’s Standard Detail for drain inlets, then markings shall be installed on the top of curb, or at an appropriate alternate location. Proposed drain inlet frame or marking shall be submitted with the improvement plans.

Grading

49. A master grading plan for all phases of the subdivision shall be submitted to the Development Services Department as part of the improvement plans with the first subdivision phase.
50. The applicant shall submit, with the first improvement plan check, to the City for review and approval, a detailed geotechnical report prepared by a Civil Engineer registered in the State of California and qualified to perform geotechnical work. The grading plan shall incorporate the recommendations of the approved geotechnical report.
51. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the geotechnical report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the Development Services Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of settlement and seismic activity.
52. The rear yards and/or side yards of the lots that are created by this subdivision that are adjacent to existing residential development shall have the same finish grade elevation as those lots within tolerances as approved by the Development Services Department.

53. All grading operations on the project shall be suspended as directed by the Feather River Air Quality Management District when winds exceed 20 miles per hour.
54. Two grading certificates for each lot shall be provided to the City. The first certificate shall be prior to the issuance of a building permit, and the second certificate shall be after placement of landscaping (unless landscape bond is in place) and prior to issuance of the Certificate of Occupancy. The Developer shall provide the certification by a licensed surveyor as to lot elevation, grading, and lot drainage conformance with the approved improvement plans. **The City Engineer shall sign off on the certifications.**
55. To help contain fugitive dust, construction sites shall be watered down during the construction phase of the project as directed by the Development Services Department.

Driveways

56. All driveway locations shall be shown on the improvement plans. The pan width shall not exceed 24-feet in length for 3-car garages, 16-feet in length for 2-car garages, and 12-feet in length for 1-car garages.
57. Alternative driveway designs shall be as stated in the Harter Specific Plan. **(Harter Specific Plan DS 104)**
58. The driveway widths shall match and align with the curb cut widths that were installed as part of the improvement plans.
59. The only hard surface (concrete or pavers) that can be placed in the street planter area other than the standard driveway serving the residence is 18” wide strips to accommodate the wheel path of vehicles. The Developer shall notice individuals acquiring lots in this subdivision, by posting a notice in the garage prior to final inspection.

Storm Water Pollution and Prevention Plan

60. The Developer shall be responsible for implementing the Storm Water Pollution and Prevention Plan (SWPPP) through the use of Best Management Practices (BMP). The Developer shall be responsible for maintaining the SWPPP. Should the Developer fail to ensure satisfactory compliance with the SWPPP, the City Inspector may issue a stop work order until compliance is achieved.
61. As part of the water pollution control work, a Storm Water Pollution Prevention Plan (SWPPP) is required. The SWPPP shall conform to the provisions in Section 7-1.01G, "Water Pollution," of the Caltrans Standard Specifications for construction of streets and local roads dated July 2002, the requirements in the Manuals, and the requirements of the Permits. The Developer shall be responsible to include provisions for SWPPP requirements on the contract documents for the work under the proposed development. These provisions shall direct the successful contractor to develop a SWPPP document per the directions on the Caltrans website at

<http://www.caltrans.ca.gov/hq/construc/stormwater/stormwater1.htm>. The Contractor shall submit the SWPPP document within the time lines set forth on the development's special provisions and allow 15 days for the City of Yuba City to review and approve or return the document for revisions. *The developer/Contractor shall not start any work until the SWPPP document has been approved by the City of Yuba City.*

62. The following minimum Best Management Practices (BMPs) shall be required during construction:
- i. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - ii. Stabilize construction entrance/exit to prevent tracking onto roadway. Only one stabilized construction entrance/exit will be allowed per site. Vehicles entering and leaving construction sites spread pollutants such as sediment, gravel, and other loose particles onto adjacent roads. Pollutants are washed into roadside ditches and are a nuisance to drivers and may cause damage to vehicles.
 - iii. Protect exposed slopes from erosion through preventative measures. Cover slopes to avoid contact with storm water by hydro-seeding, mulch, use of plastic sheeting or other approved means.
 - iv. Use brooms and shovels when possible to maintain a clean site. Use of a hose is not recommended. Introducing water as a cleanup method adds to water pollution.
 - v. Designate a concrete washout area, if needed, to avoid wash water from concrete tools or trucks from entering storm drain systems. Maintain washout area and dispose of concrete waste on a regular basis.
 - vi. Establish a vehicle storage, maintenance, and refueling area, if needed, to minimize the spread of oil, gas, and engine fluids. Use of oil pans under stationary vehicles is strongly recommended.
 - vii. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - viii. Be prepared for rain and have the necessary materials onsite before the rainy season.
 - ix. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.
63. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures, conforming to the project erosion control plans shall be in place before October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season.

Easements

64. The Final Map shall show provisions for the placement of centralized mail delivery units in the Public Utility Easement (P.U.E.). Developers will provide a concrete base for placement of the centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the Postal Service and the Yuba City Development Services Department, with due consideration for street light location, traffic safety, security and

consumer convenience. The Developer shall provide a letter and exhibit showing mailbox locations from the Postmaster approving mailbox locations.

Miscellaneous

65. Prior to issuance of any certificate of occupancy, all underground utilities, public improvements, and site improvements, including rough grading, shall be completed.
66. Prior to acceptance of the improvements, all sidewalks along the City right-of-way shall be free of any non-control joint cracking. In addition any concrete with cracks, chips, blemishes, and spalling greater than an inch in diameter shall be replaced from control joint to control joint.
67. Prior to the occupancy of any building, the curb, gutter, sidewalk, and lot drainage shall be inspected and approved by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
68. Prior to issuance of any certificate of occupancy, all existing overhead utilities (of 26,000 volts or less) and proposed utilities, both onsite and along all project frontages shall be placed underground, in accordance with the Harter Specific Plan Financing Strategy and Phasing Plan. Appropriate easements shall be obtained by the Developer to facilitate these installations.
69. All existing well(s) and septic tank(s) shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Yuba City Building Departments, respectively. The Developer shall provide the City with a copy of the letter from Sutter County Environmental Health indicating that all well(s) and septic tank(s) have been destroyed. The Developer shall pay all applicable fees.
70. Construction signs shall be installed/erected per CalTrans Standards and Details. The signs shall be maintained throughout the project duration.
71. The Developer shall demonstrate to the satisfaction of the Development Services Department, how notice will be provided informing individuals acquiring lots in this subdivision of the proximity of:
 - a. *The Light Industrial (M-1) District and its associated uses, and*
 - b. *The water storage tanks located north of Jefferson Drive between Oro Grande Street and Harter Parkway.*
72. Should artifacts or unusual amounts of bone or shell be uncovered during demolition or construction activity, all 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.
73. The perimeter subdivision wall and/or fence, if applicable, shall be in place to the satisfaction of the Development Services Department prior to issuance of any applicable certificates of occupancy.

74. The Developer shall, prior to the occupancy of the first residence in each phase, construct a solid 6-foot high chain link fence across the right-of-way of roads to be built in subsequent phase(s) connecting with the adjoining six-foot high fences. This fencing shall be constructed in addition to the standard dead end barricade. The fence and barricade shall be maintained by the City via the landscape and lighting district.
75. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (AutoCad version 2000 or newer) and hard copy (on mylar) to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.
76. The Developer shall be solely responsible for all quality control associated with the project. The quality control shall include, but is not limited to, the following: survey work, potholing existing utilities, all geotechnical testing, soil reports, concrete testing, asphalt testing, and any other required special testing/inspections. The City will only perform necessary testing to insure compliance.
77. The Developer's Superintendent/Representative shall be onsite when contractor is working and be available to the City's Construction Inspector assigned to the project. The Developer shall be responsible for making sure that the contractor is working from signed improvement plans, signed special provisions, signed storm water pollution prevention plan, and the approved project agreement conditions.
78. The Developer's Superintendent/Representative shall ensure that all private vehicles be either parked off-site or outside of construction areas. All vehicles, construction equipment, and construction material related to the project shall be organized in such a manner to provide emergency vehicle access to the entire project. Sidewalks, within and adjacent to the construction area, shall be kept clean and remain accessible for American Disability Act compliance.
79. The Developer and/or the Developer's Superintendent/Representative shall have a pre-construction meeting with the City prior to commencing construction of public improvements. The Developer shall notify the City of the meeting no less than two working days in advance of such meeting. Those in attendance at the meeting shall include: the City, the Developer and/or the Developer's Superintendent/Representative, the Contractor, the Design Engineer, the Developer's safety representative, the Developer's SWPPP representative.
80. All Developer fees shall be paid to Sutter County prior to the City's acceptance of the improvement plans. The Developer shall provide the City with a copy of the receipt indicating that the fees have been paid.

During Construction Operations

81. The developer shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period, as found necessary by the City.
82. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sutter County Environmental Health Department, the Fire Department, the Police Department, and the City Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
83. During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work.
84. **The Conditions of Approval shall be attached to, and be made an integral part of, the improvement plans.**

3. **PUBLIC HEARING: REZONING 06-03 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE (R-1) DISTRICT, ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X₂₄) DISTRICT, TWO-FAMILY RESIDENCE (R-2) DISTRICT, TWO-FAMILY RESIDENCE, SPECIAL STANDARD COMBINING (R-2-X₂₄) DISTRICT, MULTIPLE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-3-X₂₄) DISTRICT, PUBLIC FACILITIES (PF) DISTRICT, PUBLIC FACILITIES, SPECIAL STANDARDS COMBINING (PF-X₂₄) DISTRICT, NEIGHBORHOOD CONVENIENCE COMMERCIAL, SPECIAL STANDARDS COMBINING (C-1-X₂₄) DISTRICT AND GENERAL COMMERCIAL, SPECIAL STANDARDS COMBINING (C-3-X₂₄) DISTRICT AND HEAVY COMMERCIAL/LIGHT INDUSTRIAL, SPECIAL STANDARDS COMBINING (C-M-X₂₄) 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 RIHT-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 preannexation zoning so that the

properties could be annexed into the City. The Council directed these six applications move forward and that all other preannexation 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 preannexation 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 preannexation 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 preannexation area be expanded to take in all properties within the predefines 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 nice 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.

Project Description:

The purpose for the annexation of this 649-acre area is to create a more logical service boundary for an expanding community. This proposal will fill in a 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 preannexation zoning and annexation will not create any direct environmental impacts it likely will lead to future development of some or all of the approximately 320 acres of under developed lands. Of the 320 acres approximately 288 acres is designated for residential development. All of the developed residential and commercial/industrial parcels in the preannexation 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 preannexation 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 (626.5 acres) is proposed to be preannexation 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 649.63 acres is made up of 344 parcels, averaging 1.89 acres each. Presently the subject area includes a total of 319 existing single-family residences developed on them. There is also a mobile home park and 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 preannexation 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 preannexation 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 preannexation zoning as a prelude to the annexation of this 649-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 described above this area which contains 649 acres is made up of 344 parcels already developed with 319 residences and assorted commercial/industrial businesses. The average parcel size is just less than 2 acres and the area is bordered by the current City limits on two sides.

The project area has about 288 acres of undeveloped or under developed residentially designated properties. Within the area there is about 250 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 500 residential units (2 units per acre) to as high as 2000 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 2,928 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 preannexation 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.

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 preannexation 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 and the expanded area for the application of conditional preannexation zoning to the One-Family Residence (R-1) District, One-Family Residence, Special Standards Combining (R-1-X₂₄) District, Two-Family Residence (R-2) District, Two-Family Residence, Special Standard Combining (R-2-X₂₄) District, Multiple-Family Residence, Special Standards Combining (R-3-X₂₄) District, Public Facilities (PF) District, Public Facilities, Special Standards Combining (PF-X₂₄) District, Neighborhood Convenience Commercial (C-1) District and General Commercial, Special Standards Combining (C-3-X₂₄) District and Heavy Commercial/Light Industrial, Special Standards Combining (C-M-X₂₄) District as shown on the attached exhibit (Proposed Preannexation Zoning) and subject to the attached Exhibit B (Conditions of Preannexation Zoning).

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
August 9, 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 Melia Campbell
Commissioner Preet Didbal
Commissioner Satwant Takhar

Commissioner John Sanbrook
Commissioner Maynard Dunn
Commissioner Tej Maan

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

The Pledge of Allegiance was led by Chairman Cartoscelli.

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

The Planning Commission stated they will deviate from the agenda and hear Item #3 before Item #2.

- 1. PUBLIC HEARING: USE PERMIT #UP 06-04 FOR INSTALLATION OF A 72-FOOT-TALL WIRELESS FACILITY FOR OMNIPOINT COMMUNICATIONS, LOCATED AT THE YUBA SUTTER FAIRGROUNDS, 400 FRANKLIN AVENUE – APPLICANT: OMNIPOINT COMMUNICATIONS; PROPERTY OWNER, 13TH DISTRICT AGRICULTURAL ASSOCIATION.**

Commissioner Maan recused himself from the dais due to possible conflict of interest.

Katie Ertmer, Associate Planner, presented a staff report. Ms. Ertmer read a proposed additional condition of approval, which stated that the permit will be subject to review by the Planning Commission every five years to determine whether leases are utilizing the uppermost portion of the tower.

Commissioner Dunn spoke about involvement with the County Planning Commission and concerns about abandonment of these towers. Commissioner Dunn stated that the proposed condition is in one of the ordinances in the County, and feels there should be some sort of bond guarantee if the tower is abandoned.

Commissioner Sanbrook agreed that a bond should be required, and asked how much it would cost to remove a tower of this size.

Commissioner Dunn stated that he would like to see this requirement placed in the ordinance.

Aaron Busch, Community Development Director, said if the Commission is anxious to see this requirement it can be made part of the new Zoning Ordinance, and encourages co-location with multiple users.

Commissioner Sanbrook asked why this can't be made a condition of the Use Permit. Mr. Busch said it is because this proposed use permit will be located at the Fairgrounds and the City is limited on what it can require.

Commissioner Dunn spoke further on how blight happens to these towers.

Commissioner Campbell talked about a letter that was received regarding camouflaging of towers, and asked if this has been discussed with the applicant.

Ms. Ertmer said it is not in the requirements, and has not been done before.

Chairman Cartoscelli opened the public hearing.

John Yu, representative for Omnipoint Communications, 1755 Creekside Oaks, Drive, Sacramento, spoke about the project, and stated that he believes the ordinance does cover the concern of abandonment. Regarding the new condition, Mr. Yu asked staff if the facility is in use, will their permit be in jeopardy after five years.

Ms. Ertmer stated that this is the same condition that Sutter County places on all cell towers.

Mr. Yu said they can accept that condition, but does not want to come back every five years to reapply, and stated that this tower has a good design and location, and that the visual impact will be minor. Mr. Yu said this tower will provide better wireless coverage.

Commissioner Sanbrook asked what kind of investment was being made on the project. Mr. Yu said he couldn't give an exact amount, but his guesstimate would be around \$100,000.

Commissioner Sanbrook asked Mr. Yu if the applicant would object to posting a bond, something to guarantee the obligation to remove the tower if not in use. Mr. Yu stated that they could post a bond if the Commission chose to require that, but it would be an added expense, and would prefer not to.

Commissioner Campbell agrees that the applicant is asking for something that is double the normal height of a cell tower, and would like to see a requirement that cell towers will blend in the with landscape.

Mr. Yu said the cost will be significantly more for T-Mobile. Mr. Yu said the tower will sit on a large parcel and will be 300 to 400 feet away from any residential, and would like to stay with the proposed height.

Commissioner Sanbrook told Mr. Yu that the applicant wouldn't even have to come before the Planning Commission if the tower was within the height requirements.

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

Commissioner Dunn is in favor of adding a condition to ensure that the tower will be removed if it is no longer in use, and agrees with Commissioner Campbell on camouflaging the pole. Commissioner Dunn also stated there should be some action in the upcoming Zoning Ordinance update on camouflaging these towers.

Commissioner Campbell also agrees on the importance of bonding and told Mr. Yu she appreciates the willingness to put up a bond. Commissioner Campbell also stated that the new Aquatic Center will be adjacent to the Fairgrounds, and supports camouflaging that it is appropriate for the area.

Commissioner Takhar agreed and said if camouflaging is going to be required, why not start now.

Commissioner Didbal agreed with the suggestions given.

Mr. Busch stated that Mr. Yu has asked for an opportunity to continue the item, so that the applicant may review what the Commission is requesting of them.

Commissioner Campbell moved to continue #UP 06-04 to the August 23, 2006 Planning Commission meeting, was seconded by Commissioner Dunn, and by a voice vote, the motion passed unanimously (Commissioner Maan recused).

Commissioner Maan returned to the dais.

The Planning Commission deviated from the agenda and heard Item #3 before Item #2.

- 3. PUBLIC HEARING: REZONING 06-03 TO APPLY PREANNEXATION ZONING OF ONE-FAMILY RESIDENCE (R-1) DISTRICT, ONE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-1-X₂₄) DISTRICT, TWO-FAMILY RESIDENCE (R-2) DISTRICT, TWO-FAMILY RESIDENCE, SPECIAL STANDARD COMBINING (R-2-X₂₄) DISTRICT, MULTIPLE-FAMILY RESIDENCE, SPECIAL STANDARDS COMBINING (R-3-X₂₄) DISTRICT, PUBLIC FACILITIES (PF) DISTRICT, PUBLIC FACILITIES, SPECIAL STANDARDS COMBINING (PF-X₂₄) DISTRICT, NEIGHBORHOOD CONVENIENCE COMMERCIAL, SPECIAL STANDARDS COMBINING (C-1-X₂₄) DISTRICT AND GENERAL COMMERCIAL, SPECIAL STANDARDS COMBINING (C-3-X₂₄) DISTRICT AND HEAVY COMMERCIAL/LIGHT INDUSTRIAL, SPECIAL STANDARDS COMBINING (C-M-X₂₄) 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.**

Brian Trudgeon, Principle Planner, presented a staff report. Mr. Trudgeon presented the Planning Commission with a petition signed by 125 citizens asking that the matter be continued, and that staff would concur. Mr. Trudgeon stated that the public hearing should still be opened to hear from the public, and then let the Planning Commission make the decision to move forward or to continue the request.

Commissioner Sanbrook asked how this project was able to move to the front of the line. Mr. Trudgeon stated that none of the other projects have proposed to move forward, and that this project was given permission to move forward by the former City Manager.

Chairman Cartoscelli opened the public hearing.

Gregory Scandalis, 788 Andrew Drive, Yuba City, explained that the pre-annexation process can be complicated to the layperson, and would ask that staff explain the 25%/50% rule that applies.

Chairman Cartoscelli asked if staff wanted to address this issue now.

Mr. Trudgeon said yes, and explained that this is a LAFCo process that Mr. Scandalis is speaking of, and explained what LAFCo (Local Agency Formation Committee) does.

Dennis Nelson, Valley Development Co., Inc., explained what their intent is and what the City is requiring from them. Mr. Nelson asked that they be allowed to do a separate process to allow their 23 acres to move forward and be assured they would be annexed.

Commissioner Dunn asked if that is considered a separate project.

Mr. Nelson said that is the intent of staff, but they would only have 23 acres that they would like to move forward with. Mr. Nelson said they are not asking the adjacent owners to be included.

Commissioner Dunn stated that looking at the overall concept that was presented to them, the applicant would be able to reapply. Mr. Nelson asked if they could reapply. Mr. Trudgeon said he could not answer that question at this time.

Mr. Nelson asked if all they wanted to do was to annex their 23 acres, could they reapply, or would they have to sit out for the year process.

Mr. Trudgeon stated he could not answer that for LAFCo.

Commissioner Sanbrook said he had raised the same issue at Commission level and staff suggested the area be expanded. Commissioner Sanbrook said he asked why the applicant couldn't just go ahead with their project and annex the 23 acres, and said that staff said it is more logical for include all 649 acres.

Mr. Nelson said there is no project, we are only asking for pre-annexation, and that all they want to do is to move forward. Mr. Nelson said he knows they cannot do anything else until the Specific Plan is complete.

Commissioner Takhar asked if the Commission were to approve the pre-annexation zoning for the entire project area, later, can Valley Development break off and move forward. Mr. Trudgeon said that through the LAFCo process, yes, they could move forward.

Commissioner Campbell said a Specific Plan was mentioned, and said it was her understanding there is no Specific Plan in place for this particular area.

Mr. Nelson corrected himself and said it was a Master Plan.

Mr. Busch explained the City's intent to go forward with the pre-annexation zoning for the entire area, and that the financial cost for the Master Plan process will not go through until the pre-annexation is complete. Mr. Busch said staff could address comments from the public, then come back to the Commission at the next available meeting.

Mr. Nelson explained his concerns about not moving forward.

Sean Minard of MHM Engineering, representing Interwest Homes, spoke about the pre-annexation request and concerns about not moving forward.

Albert Baer, 735 Richland Road, spoke about what happened with the Hillcrest Water company, and cautioned the public.

Ron Southard, 570 Leeanne Avenue, talked about the petition of 125 signatures and said they have a lot of questions that need to be answered. Mr. Southard feels it is better to take the time to explain what will happen, which is why they are asking for a continuance.

Pat Lane, 392 Gabriel Avenue, talked about water capacity, and has concerns that staff needs to include all of these properties in one pre-annexation, and agrees with Dennis Nelson on his views. Mr. Lane said that the people in his area do not want to go into the City, and is here asking for a continuance.

Norman Baker, 2659 Rose Bud Lane, spoke about not wanting to use City utilities, and is opposed to being annexed into the City. Mr. Baker said he sees no need for this annexation.

Marylou Byer, 3567 Franklin Road, asked if there could be a larger City Council Chambers so that everyone could be seated and comfortable when attending a meeting.

Ron Kelly, 760 Leeanne Avenue, wants to know what the Development Company wants to do with their property, and stated his concerns about industrial parks.

Cynthia Struckmeyer, 563 El Margarita Road, stated that an index on the map that was sent to them would be helpful, and said she needs more information of how this pre-annexation would affect her property.

Brad Bell, 549 Dale Avenue, thanked the Commission for letting him speak, and pointed out where he lives on the map. Mr. Bell said that his concern is will Leeanne be opened up to access the light industrial area.

Ray Emerson, 547 Daniel Drive, talked about Interwest Homes, and said his vote would be no.

Debra Moldanado, 557 Harding Road, expressed her concerns about traffic, how fast the growth is happening, and stated she is against the pre-annexation.

Kerrie Jamison, 2582 Red Bud Lane, stated she was told by Sutter County Planning that it would take approximately 10 years for an annexation to happen, and wants to know what the City wants from them, and what the benefits will be from this pre-annexation. Ms. Jamison stated that she has received

nothing in writing about what is happening, and said there needs to be a better invitation for these types of meetings. Ms. Jamison said the public should have a vote and a say on what happens in their area, and that they need more information.

Mr. Mendoza, 547 Harding Road, spoke about what he likes about where he lives, and said he was also told that it would be around 10 years before an annexation would happen. Mr. Mendoza said he had concerns on how the roads might end up.

Ed Halper, 569 Leeanne Avenue, mentioned how the Notice of Public Hearing did not tell them anything, and how it was difficult for anyone to be able to respond because of the confusion, and spoke about the 84 homes.

Mr. Trudgeon explained that the 84 homes were for a different project, and that the newspaper stated the wrong information on the wrong project.

Mr. Peters, 755 Leeanne Avenue, spoke about his concerns and wants some answers before giving an educated answer.

Tim Crother, 740 Leeanne Avenue, asked what would happen if they don't annex the 600+ acres, but Valley Development moves forward with the 23 acres being annexed into the city, do they as county residents lose the right to comment for the city standards.

Mr. Trudgeon explained how everyone within 300 feet of that area would receive a public notice.

Rick Morrison, 504 Gabriel Avenue, asked for a show of hand of people that are opposed to the pre-annexation.

Kimberly Ross, Kimberly Drive, wants to oppose the property to the north.

There being no further testimony, Chairman Cartoscelli closed the public hearing, and asked if staff wanted to respond.

Mr. Busch said he appreciated everyone's response and will try to improve the public noticing process. Mr. Busch said he will be happy to explain what the intent of this pre-annexation is, and to explain what services will be during the Master Plan process, and asked for the Commission to grant a continuance.

Commissioner Dunn stated that people should be aware of the new General Plan Update and the borders.

Commissioner Campbell told the audience that the pre-annexation doesn't change any zoning from the General Plan, and stated that the point is that previously, infrastructure was very poorly done, and this pre-annexation will make sure that infrastructure is not poorly done in the future. Commissioner Campbell said that the whole area needs to be planned and that the City is just trying to plan for the future. Commissioner Campbell stated that she fully supports a continuance for at least a month.

Commissioner Maan talked about the process and how long it takes, and explained that the City is just trying to plan ahead. Commissioner Maan explained that there is no annexation, and that an annexation would have to be done through LAFCo. Commissioner Maan stated that there seems to be a lot of

confusion and questions that need to be answered, and said he also feels there should be a continuation for at least a month.

Commissioner Takhar agreed, and advised the public to take a look at the General Plan so they can better understand what is going on.

Commissioner Didbal agreed with the other Commissioners, and said she feels that answers need to be provided. Commissioner Didbal said that two weeks is not enough time, and agrees that there should be a continuation of one month.

Commissioner Sanbrook said that when and if the area is annexed, it will simply super-impose the zoning which is consistent with the use of the property, and said he feels it is a good idea to educate the public. Commissioner Sanbrook said the intent is to plan for the future, and said the area is within the Sphere of Influence.

Chairman Cartoscelli thanked the audience for attending the meeting.

Commissioner Maan moved to continue the public hearing to the meeting of September 13, 2006.

Commissioner Dunn seconded the motion and asked if notices would be sent out.

Mr. Busch said it would be the intent to have everyone within the affected subdivision receive a notice, and to have a study session with all persons within the subject area that identifies issues associated with annexation to the City, what is required, what are their rights as property owners, and to have representatives from each City department involved be available, then be able to come back to the Commission and report what they were able to share with the property owners.

Commissioner Dunn certified his second with the idea that all the property owners would be properly notified and informed by a roll-call vote, the motion passed unanimously.

Chairman Cartoscelli asked for a 5 minute break at 9:00 p.m.

The Commissioners reconvened at 9:05 p.m.

Chairman Cartoscelli turned the meeting over the Vice Chairman Takhar and recused himself due to possible conflict of interest.

2. PUBLIC HEARING: TENTATIVE SUBDIVISION MAP #06-04 OF HARTER ESTATES – SOUTH LOCATED AT HWY. 20 AND HARTER PARKWAY IN THE HARTER SPECIFIC PLAN AREA – SUBDIVIDER/PROPERTY OWNER, HARTER PACKING PARTNERS

Brian Trudgeon, Principle Planner, presented a staff report.

Commissioner Dunn asked if the buildings in Section 4 would be single story.

Mr. Trudgeon stated that that area is designated at Office – single story, and said that all the homes along the boundary that interfaces with Kimberly Drive, will be single story also.

Commissioner Dunn stated that the area seems to be of a higher density than everything around it. Mr. Trudgeon said the density is 5.48 units per acre which is low density.

Vice Chairman Takhar asked where the park is located. Mr. Trudgeon said it is north of Jefferson Avenue.

Commissioner Sanbrook asked if there is a landscape buffer for the homes to the west.

Mr. Trudgeon stated that the code requires a masonry wall and a buffer to be added.

Commissioner Sanbrook said he is curious on what the requirements are, and if there are any additional requirements that have to be met.

Mr. Trudgeon said there are no additional requirements that have to be met on the residential portion. Mr. Busch explained further.

Commissioner Campbell asked Diana Langley to give an update on what the improvements on Butte House will be.

Diana Langely, Senior Engineer, explained what the improvements would be regarding street widening and underground improvements.

Commissioner Dunn mentioned that there were some discrepancies. Ms. Langley stated that she and Sean Minard of MHM Engineering, have gone over those discrepancies.

Vice Chairman Takhar referred to Condition #14 of Roadway Improvements, and asked what improvements would be constructed.

Ms. Langley stated there will be a planter strip, sidewalk, another planter strip, may have a block wall on Harter, and a PUE as well.

Vice Chairman Takhar asked if there will be two lanes in each direction.

Ms. Langely said that Harter Packing Partners will match what is currently there.

Commissioner Campbell asked what the provisions are for any kind of bike lane, and said that hopefully, there will be bicycle access to the shopping center.

Ms. Langley stated that on the west side of Harter Parkway, they are required to construct a 10 foot wide detached sidewalk that serves as pedestrian as well as bikeway facilities that is continued south of Highway 20 adjacent to the High School. Ms. Langley said that Harter Parkway all the way through the Specific Plan is intended to have that 10 foot sidewalk on the west side including extending north of Tuley Road.

Commissioner Campbell asked if there is any update on when the intersection will be completed as far as access across to help with the traffic flow.

Mrs. Langley said they are trying to work through the right-of-way issues on Harter and Butte House.

Commissioner Campbell said that she meant Highway 20.

Ms. Langley said that Highway 20 and Harter are in process with CalTrans, and might be a 6 month to 1 year process, and that they are also processing their encroachment permit application.

Commissioner Dunn asked if the bike path will be on the north side of Jefferson Avenue.

Ms. Langley responded yes, the 10 foot sidewalk will be shared between pedestrians and bicyclists.

Vice Chairman Takhar opened the public hearing.

Tom Tucker, Harter Packing Co., LLC, spoke about the project and asked about single story lots in the staff report conditions, and stated he could not find them.

Mr. Busch thanked Mr. Tucker for bringing that to their attention.

Mr. Busch said that a part of the motion can be to add a condition that states residents on lots 53 through 65 will be single story.

Mr. Tucker asked if they would be allowed to put two story homes with no rear facing windows.

Mr. Busch said the City Council has given direction that there be no two story homes adjacent to single story homes.

Commissioner Campbell clarified Mr. Busch's statement by saying "adjacent to *existing* one story homes".

Denis Cook explained about the two story homes, and wanted to go over the conditions. Mr. Cook said he would like Condition #2 to include "credit or full reimbursement of impact fees".

Mr. Trudgeon stated that issue is specifically covered and included in the Development Agreement.

Commissioner Campbell said she would be more comfortable if Condition #1 read "All improvements shall be constructed and all fees and reimbursements shall be paid in accordance with the Harter Specific Plan".

Mr. Cook stated that he is fine with the concurrency here that that is the case and is on the record. Mr. Cook also stated that he wants to be assured that Condition #36 is applied to the phases being constructed.

Mr. Trudgeon said that in this case, there are no phases. He stated that the residential is all one phase, office is all one phase, and commercial is all one phase.

Ms. Langely said they need to look at the phasing plan as far as traffic entering and exiting the development, and said as far as making sure there is appropriate lighting in place for the traffic safety, it can be applied as a phase is developed, then the lights could be energized for the applicable phase.

Mr. Cook said wording could be added to say: "for the phase being constructed".

Ms. Langely stated, or add: "or as required by the Development Services Department for safety".

Mr. Cook asked about Condition #26 requiring fire suppression systems, and is concerned that single family homes would have to be sprinklered. Mr. Trudgeon stated that condition is for the Commercial and Office portions of the project.

Steven Probst, 1229 Kimberly Drive stated that he has concerns about low density developments, and asked if Jefferson Avenue will be improved over to Hooper Road.

Ms. Langley stated that is not part of this project.

Mr. Probst stated that he is concerned that improvements will not be done, and talked about the bad layout of the streets. Mr. Probst also talked about the density, and said he would like to see lower density and larger lot sizes. Mr. Probst also asked about a Harter Road extension to the south, and said there needs to be relief to the ingress/egress to the High School. Mr. Probst commended Brian and staff with making rooflines consistent with the development in their part of Yuba City and stated that the new development has very nice rooflines and is very attractive.

Commissioner Campbell stated that Harter Road fronts Highway 20, but is out of the City's control, and stated that CalTrans controls that road. Commissioner Campbell said that higher densities are proposed to save farmland and to have more affordable housing.

Mr. Probst said he has worked for CalTrans for 35 years and said the encroachment from CalTrans should go through easily, and said he would look into trying to move it along. Mr. Probst stated that he is very concerned about the potential amount of traffic that will come with development.

Bob Hight, 1181 Kimberly Drive, stated that something needs to be done about the frontage road.

Lloyd Decker, 1213 Kimberly Drive, talked about the nice homes that are existing, and the high density homes that are proposed to come in, and talked about the parking issue, clarified with Mr. Busch on the two story issue.

Ed Decker, 1097 Kimberly Drive, said he is in favor of the development, but is disappointed with the high density, and said there will be too many homes traffic wise. Mr. Decker said lots 2 and 4 should remain as office space.

Mr. Trudgeon stated that #2 is currently residential. Mr. Trudgeon stated that Harter is submitting a General Plan Amendment, Specific Plan and a Rezone that are proposing that the office portion be changed to commercial, and the residential portion also be changed to commercial. Mr. Trudgeon stated that this is something that the Commission has not yet seen.

Mr. Decker also stated that he likes their approach, but said the residential is overbuilt with that layout and is concerned there are no pedestrian crossings or sidewalks.

Don Gillette, 1036 Ruth Drive, stated he is very concerned about the density and showed where he lives on the map. Mr. Gillette talked about how wide existing lots are in that area and is concerned about the narrowness of the streets.

Tammy Tucker, 1097 Kimberly Drive, talked about how unsafe the frontage road is in regards to traffic and wondered how her son will get to the high school safely. Mr. Tucker said she also has a problem with the density.

Kimberly Ross, 1112 Kimberly Drive, said she feels this development will end up looking like something in Los Angeles. Ms. Ross also talked about the commercial and office space for the development, and is OK with it as long as it is done right.

Fraizer Page, 1318 Ruth Avenue, spoke about traffic and what the impact will be with more traffic, and talked about Jefferson Avenue, and stated that the density is too high for the area. Mr. Page also spoke about street lighting.

Karen Adams, 1115 Kimberly Drive said she approve of everything except the cluster houses and asked that #4 not be changed and to please leave it as office space. Mr. Adams also talked about the noise that is already there.

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

Mr. Tucker spoke further on the project and the costs involved, and talked about traffic and the frontage road that they built to the City's specifications. Mr. Tucker also spoke about the Harter Specific Plan and how they have tried to meet all the needs.

Commissioner Campbell stated she believed the lot sizes are 5,000 sq. ft. plus, and asked what the home sizes are that are planned for those lots and the price range so people in the audience can understand what is planned.

Mr. Tucker said they will be the home will be what they determined to be typical sizes that Yuba City residents would be buying.

Commissioner Campbell asked again what the home sizes would be.

Mr. Tucker stated that at this point and time, he could not answer that question. Mr. Tucker then said typically, this size lot supports a 1,500 to 2,500 sq. ft. home.

Vice Chairman Takhar asked Mrs. Langley to address the intersection at the frontage road.

Ms. Langley said Engineering will meet with Utilities and the Public Works superintendent, regarding the knuckle and said that the turning radius could be widened, and also spoke about the pedestrian walkway.

Commissioner Dunn asked about Ruth Drive and is there intent to widen that street.

Ms. Langley said currently, it is not in the CIP, and is currently outside the scope of the current project before you, so the answer would be no.

Commissioner Campbell asked if they are improving the east side of Ruth Drive.

Ms. Langley said yes, the side fronting their project is being improved.

Commissioner Campbell asked if that will end up widening the road.

Ms. Langley said yes, it widens the road on the east side.

Commissioner Dunn asked about the walkway and adding a condition.

Commissioner Campbell stated that she was told by the High School, that school policy is students must take a bus, they cannot cross Highway 20.

Commissioner Dunn brought up the density issue, and said he understands what the Developer needs to do.

Commissioner Campbell said she agrees that densities are too high, but the concept was approved in the Harter Specific Plan. Commissioner Campbell also stated that she is disappointed, and would like to see a little less density.

Commissioner Maan asked Mr. Trudgeon to elaborate on what is being asked and how does it affect what we are doing tonight.

Mr. Trudgeon explained that a separate application was received that is a totally separate project that has no bearing on what is happening tonight. Mr. Trudgeon said they are taking the office designation piece and splitting it into four parcels which allows them in the future to do a lot line adjustment without having to come back and refile a new map application.

Commissioner Maan reiterated that there is no rezone request on this project at this time.

Mr. Trudgeon said that is correct, and that there will be public review on that issue when it comes forward.

Commissioner Didbal said she lives in that area and loves it, and has no complaints, and stated that eventually, the sidewalks will come in. Commissioner Didbal said that she feels the new development is beautifying the area and it is nice to have resources in Yuba City. Commissioner Didbal stated that she does not think the density will be an issue, and that it meets all the criteria.

Commissioner Sanbrook stated he is troubled by the density issue, and mentioned Table 3.2 in the Harter Specific Plan, and asked if the City is “wed” to this density that is proposed in this tentative map, and asked if tentative maps can be conditioned.

Mr. Trudgeon said yes, they can be conditioned.

Commissioner Sanbrook asked if there was any flexibility to reduce the density.

Mr. Trudgeon stated that 2 to 8 units per acre is what is allowed by the General Plan, and that they are within the range and are consistent with the General Plan and 5.48 units per acre.

Vice Chairman Takhar asked Ms. Hyatt-McIntire to comment on whether the application is within the legal framework of the densities they are proposing.

Ms. Hyatt-McIntire agrees with Mr. Trudgeon, that the range is correct, but is not familiar with the Development Agreement and whether it addresses this and whether the applicant has entitlements for this many units. Ms. Hyatt-McIntire said she would need to address the Development Agreement to really answer the question.

Commissioner Sanbrook said he is concerned about the table that is part of the Specific Plan that allows 2 to 8 units per acre.

Commissioner Campbell said it is her understanding that densities have to conform with the surrounding areas and fit in with surrounding neighborhoods, and said she would be more comfortable with a 4 to 4.5 density.

Commissioner Sanbrook said that Figure 3.1 in the Harter Specific Plan is inconsistent with Table 3.2, and that is troubling him.

Denis Cook said that with some redesign, they may be able to solve some issues, and could widen the lots out to 60 feet which would result in the loss of two or so lots.

Commissioner Campbell stated that is a reasonable compromise because it does change the appearance of the subdivision as you enter into it, and says she appreciates the offer and is comfortable with it.

Commissioner Sanbrook stated he still needs to know if we are “wed” to that. Commissioner Sanbrook asked if they can go down to 65 units on that 16 acres.

Ms. Hyatt-McIntire said she cannot answer that question with the documents she has before her.

Commissioner Sanbrook said he is really concerned about the density issue and would like to set the low end of density on the 16 acres.

Mr. Busch stated that without the benefit of the Development Agreement, it is difficult to say if we are “wed” to a certain number. Mr. Busch said he would like the opportunity to come back with an answer.

Commissioner Dunn said he is in favor of a continuance, and said they need to get an answer since there is concern about density.

Commissioner Campbell said she is not in favor of a continuance, and said she thinks it can be decided with the information they have, and that there are members of the Commission who approve of the project as it is.

Commissioner Maan stated that if there can be a compromise, then he would want to move forward.

Commissioner Didbal said she is comfortable with the project the way it is laid out, and would like to move forward.

Commissioner Sanbrook stated that he is not comfortable, and if the Commission were to act tonight, he would have to vote no until he has an answer to his question.

Vice Chairman Takhar said he is not in favor of a continuance, and said if the applicant is willing to compromise and give us larger lots, then he is willing to look at that also, but said he is ready to move forward on this tonight.

Commissioner Campbell moved to approve SM 06-04 with the Recommended Actions, A. to adopt the recommended findings 1 through 4; B. amend General Requirements to include Condition #85, that lots 53 through 65 shall be developed with single story residences with lofts; to add Condition #86 stating that lots 1 through 14 be adjusted to be at least 60 feet wide yielding fewer buildable lots; to add Condition #87 to allow a temporary pedestrian walkway; to revise Conditions #37, #65, & #68 per

the memo from Diana Langley, Senior Engineer; and conceptually agreed with the applicant on Conditions #26 and #36, was seconded by Commissioner Dunn, and the motion passed by a vote of 5-1-1 (Chairman Cartoscelli recused, Commissioner Sanbrook voted no).

Mr. Busch asked Vice Chairman Takhar to mention the appeal process to the public.

Vice Chairman Takhar notified the audience of the appeal process.

Chairman Cartoscelli returned to the dais.

Other Business: - None

Report on Actions of the City Council: - None

Adjournment: The meeting was adjourned at 10:57 P.M.

Respectfully submitted,

AARON BUSCH, Secretary
YUBA CITY PLANNING COMMISSION

TO ADDRESS THE COMMISSION
PLEASE STEP TO THE ROSTRUM &
STATE YOUR NAME & ADDRESS

YUBA CITY PLANNING COMMISSION
AGENDA

Regular Meeting
August 23, 2006 - 7 p.m.
City Hall Council Chambers
1201 Civic Center Boulevard

Roll Call

Pledge of Allegiance

Approval of minutes from meetings held on July 12, 2006, and August 9, 2006

Appearance of Interested Citizens*

Correspondence

Public Hearings:

1. Continued Public Hearing for Use permit #UP 06-04 for installation of a 72-foot-tall wireless facility located at the Yuba Sutter Fairgrounds, 400 Franklin Avenue. Applicant, Omnipoint Communications; property owner, 13th District Agricultural Association.

NOTE: The Applicant has withdrawn their application. Please see the attached Letter of Withdrawal.

2. Development Plan #DP 06-01 for a 129,800 square foot expansion to the existing 94,000 square foot senior living facility located at 840 Washington Avenue. The expansion consists of the following components: A) 8,300 square foot expansion to the existing Alzheimer's Center; B) new 80-unit independent living facility; C) 8,000 square foot expansion to the existing assisted living facility; D) 20,000 square foot expansion to the existing skilled nursing facility, and E) new 8,500 square foot hospice building. Applicant, Fremont Rideout Health Group.

Commission Consideration: - None

Commission Discussion: - None

Other Business - None

Report on Actions of the City Council

Adjournment

Over

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: August 17, 2006
TO: Yuba City Planning Commission
FROM: Brian Trudgeon, Principle Planner
SUBJECT: Agenda Report – Meeting of August 23, 2006

1. PUBLIC HEARING: USE PERMIT #UP 06-04 FOR INSTALLATION OF A 72-FOOT-TALL WIRELESS FACILITY FOR OMNIPOINT COMMUNICATIONS, LOCATED AT THE YUBA SUTTER FAIRGROUNDS, 400 FRANKLIN AVENUE – APPLICANT: OMNIPOINT COMMUNICATIONS; PROPERTY OWNER, 13TH DISTRICT AGRICULTURAL ASSOCIATION

Project Description:

At its meeting of August 9, 2006, the Planning Commission continued the public hearing for the use permit application to install a 72-foot tall wireless communication facility at the Yuba Sutter Fairgrounds. The applicant, Omnipoint Communications, has since withdrawn the application. Please see the attached letter.

2. PUBLIC HEARING – DEVELOPMENT PLAN #DP 06-01 FOR FREMONT-RIDEOUT HEALTH GROUP FOR THE 129,800 SQUARE FOOT EXPANSION TO AN EXISTING 94,000 SQUARE FOOT SENIOR LIVING FACILITY LOCATED IN THE R-3 ZONE AT 840 WASHINGTON AVENUE; APN: 51-040-010; APPLICANT/PROPERTY OWNER FREMONT-RIDEOUT HEALTH GROUP

Project Description:

Fremont-Rideout Health Group has submitted a development plan application for a 129,800 square foot expansion to the existing 94,000 square foot senior living facility located at 840 Washington Avenue. The expansion consists of the following components: A) 8,300 square foot expansion to the existing Alzheimer’s Center; B) new 80-unit independent living facility; C) 8,000 square foot expansion to the existing assisted living facility; D) 20,000 square foot expansion to the existing skilled nursing facility, and E) new 8,500 square foot hospice building. The site is within the City limits and has General Plan and Zoning designations that support the project.

Property Description:

The project area consists of approximately 17 acres that are partially developed with two assisted living facilities (known as “The Fountains” and “The Courtyard”), an existing Alzheimer’s facility, and related uses such as a storm drain retention pond, parking lots, walking paths, and

landscaping. The subject parcel is bound by Gray Avenue on the east, Williams Way on the north, Onstott Road on the west, and Washington Avenue on the south.

General Plan Designation:

Medium/High Density Residential

Zoning Classification:

R-3, Multiple Family Residence District

Surrounding Land Use:

Located to the north, east, and south are single- and multi-family residences along Williams Way, Gray Avenue, and Washington Avenue, respectively. Highway 99 is located to the west.

Previous Commission Actions and/or Policies:

On August 12, 1987, the Planning Commission approved “The Fountains” 99-bed skilled nursing facility. On July 23, 1997, the Commission approved “The Courtyard” 48-bed assisted living facility. On July 25, 2001, the Planning Commission approved construction of the 20-bed Alzheimer’s facility and a 12,000 square foot addition to “The Fountains”.

Environmental:

An Initial Study/Negative Declaration has been prepared for this project and is attached for Commission review. No adverse impacts were identified. Staff recommends that the Planning Commission adopt the attached negative declaration.

Staff Comments:

Design

The Yuba City Design Guidelines state that the body which approves a project grants the final design approval as well. Staff supports the design of the project and believes that it is in character with the existing development on the site as well as in the neighborhood. The design meets all requirements of the Medium/High Density Residential designation and all requirements of the R-3, Multiple-Family Residence District, as well as all standards in the Yuba City Design Guidelines.

Landscaping

Although it is not required, staff requested a 15-foot setback for the proposed fence on Gray Avenue to provide for more attractive landscaping. The applicant was amenable to this request, and therefore, the request is listed as a condition of approval.

Traffic

As stated in the Initial Study/Negative Declaration, the proposed project does not generate a significant amount of traffic. The small increase in traffic is not substantial in relation to the existing traffic load. The existing streets have the capacity to handle the small amount of new traffic generated by the proposed expansion of the senior living facility.

Parking

The parking ratio for the new independent living facility is calculated at 0.6 spaces per room, for a total of 76 required parking spaces. The site plan shows 78 spaces for the new independent living facility. The parking requirement for the project as a whole is 339 spaces. The development plan will provide 342 spaces, which is a surplus of 3 spaces.

Fire Safety

The Fire Department has expressed no major concerns regarding the project, since the project must be designed in conformance with the Uniform Fire Code. The applicant assured the Fire Department that the canopy over the drop-off area on the east side of the Independent Living facility will provide enough clearance for the City's largest fire truck.

Recommended Action:

A) Adopt the following findings:

1. Following review and consideration of the negative declaration and any comments received, find that there is no evidence the project will have a significant impact on the environment.
2. The proposed expansion of the senior living facility is consistent with the goals and policies of the General Plan as well as with the designation Medium/High Density Residential as shown on the Land Use Map of the General Plan.
3. The proposed expansion of the senior living facility is consistent with the requirements of the R-3, (Multiple-Family Residence) District.
4. The 17-acre project site is adequate in size and shape to accommodate the expansion of the senior living facility with respect to public access, parking and loading, yards, and landscaping. The proposed project meets the standards in the Yuba City Design Guidelines.
5. The streets serving the project site are adequate to carry the quantity of traffic generated by the proposed expansion of the senior living facility.
6. The proposed design of the senior living facility, including the site plan as well as the design and scale of the buildings, will complement neighboring facilities.

- B) Adopt the attached Negative Declaration.
- C) Approve Development Plan (DP06-01) subject to the following conditions of approval:
1. A street light shall be installed on Gray Avenue close to the proposed entrance. The applicant shall be responsible for obtaining electric service to the street light. The street light shall be energized prior to the issuance of any Certificates of Occupancy for the proposed new facilities.
 2. The new street light shall be dedicated to the City of Yuba City.
 3. The property shall petition for formation of a Zone of Benefit of the Yuba City Lighting and Landscape Maintenance District for the purpose of maintaining the street light.
 4. The existing well on the property shall be used for irrigation purposes only.
 5. The applicant shall provide drainage calculations to the City prior to issuance of building permits.
 6. The applicant shall provide the location of water and sewer connections to the City prior to issuance of building permits.
 7. The building plans shall show a landscaped 15-foot setback on Gray Avenue.

YUBA CITY PLANNING COMMISSION
MINUTES

Regular Meeting
August 23, 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 Melia Campbell
Commissioner Preet Didbal
Commissioner Tej Maan

Commissioner John Sanbrook
Commissioner Satwant Takhar

ABSENT

Commissioner Maynard Dunn (*excused*)

Also present were Brian Trudgeon, Principle Planner, and Katie Ertmer, Associate Planner.

The Pledge of Allegiance was led by Commissioner Sanbrook.

The meeting minutes of July 12, 2006 were approved as written by a vote of 4-0-3 (Chairman Cartoscelli and Commissioner Maan abstained, and Commissioner Dunn absent).

The meeting minutes of August 9, 2006 were approved as written by a vote of 6-0-1 (Commissioner Dunn absent).

Appearance of Interested Citizens: - None

Correspondence: - None

Public Hearings:

- 1. CONTINUED PUBLIC HEARING: USE PERMIT #UP 06-04 FOR INSTALLATION OF A 72-FOOT TALL WIRELESS FACILITY FOR OMNIPOINT COMMUNICATIONS, LOCATED AT THE YUBA SUTTER FAIRGROUNDS, 400 FRANKLIN AVENUE – APPLICANT: OMNIPOINT COMMUNICATIONS; PROPERTY OWNER, 13TH DISTRICT AGRICULTURAL ASSOCIATION**

Katie Ertmer, Associate Planner, stated that the applicant has withdrawn their application, and there will be no further action.

2. PUBLIC HEARING – DEVELOPMENT PLAN #DP 06-01 FOR FREMONT-RIDEOUT HEALTH GROUP FOR THE 129,800 SQUARE FOOT EXPANSION TO AN EXISTING 94,000 SQUARE FOOT SENIOR LIVING FACILITY LOCATED IN THE R-3 ZONE AT 840 WASHINGTON AVENUE; APN: 51-040-010; APPLICANT/PROPERTY OWNER FREMONT-RIDEOUT HEALTH GROUP

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 Campbell stated that she is pleased with the project, and says Fremont-Rideout Health Group has done a great job and is grateful for the expansion.

Commissioner Campbell moved to approve the Development Plan #DP 06-01 with the Recommended Actions, (A) Adopt the 6 findings, (B) to adopt the Negative Declaration, and (C) approve Development Plan #DP 06-01 subject to the 7 Conditions of Approval, was seconded by Commissioner Takhar, and the motion passed by a vote of 6-0-1 (Commissioner Dunn absent).

Commissioner Campbell asked what the update was on RZ 06-03.

Brian Trudgeon, Principle Planner, notified the Commission that an appeal has been submitted on the Harter Map (#SM 06-04) that was presented at the August 9th meeting. Mr. Trudgeon also let the Commission know that there will be a workshop for the public on September 9th for the Lincoln East Specific Plan, and will be held at the River Valley High School in the Multi-Purpose room from 6:30 to 8:30. Lastly, Mr. Trudgeon said the public meeting for RZ 06-03 has tentatively been scheduled for September 12, 2006, also to be held at the River Valley High School Multi-Purpose room from 6:30 to 8:30. Mr. Trudgeon said he will report on the meeting at the Planning Commission meeting on September 13th.

Other Business: - None

Report on Actions of the City Council: - None

Adjournment: The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

AARON BUSCH, Secretary
YUBA CITY PLANNING COMMISSION