

## PLANNING COMMISSION MINUTES

**Date of Meeting:** Tuesday, June 27, 2006  
**Time of Meeting:** 5:15 p.m.  
**Place of Meeting:** City Council Chambers  
555 Washington Street  
Red Bluff, CA

**Commissioners Present:** Doug Dale  
James Brink  
Greg Latourell  
Andrew Christ  
Jack Winter

**Commissioners Absent:** None

**Staff Present:** Charlie Mullen, Planning Director  
Scot Timboe, Planner  
Mark Barthel, Public Works Director  
Gerry Gray, Fire Chief  
Mike Bachmeyer, Fire Marshal  
Cheryl Smith, Deputy City Clerk

The Pledge of Allegiance was led by Mayor Andy Houghton at the request of Chairperson Brink and the assemblage joined in.

### **A. CITIZEN'S COMMENT:**

There were no comments.

### **B. CONSENT CALENDAR:**

#### **1. APPROVAL OF MINUTES**

##### **June 13, 2006**

M/S/C Latourell, Winter to approve the minutes of June 13, 2006 as written.

AYES: Commissioners: Brink, Christ, Dale, Latourell and Winter

NOES: None

ABSENT OR NOT VOTING: None

## **C. CURRENT BUSINESS:**

### **1. PUBLIC HEARING TO CONSIDER; TENTATIVE TRACT MAP 04-1009 AND PLANNED DEVELOPMENT USE PERMIT NO. 356; MITIGATED NEGATIVE DECLARATION; RESOLUTION NO. 06-009; WILLOW ST./JEFFERSON ST. EXTENSION; DAVE DAILEY (APPLICANT/OWNER)**

Scot Timboe, Planner, reviewed the staff report, pointed out that the developer was allowing an extension of the bike trail across the property on the north side of Reeds Creek and gave staff's recommendation that the Planning Commission:

1. Conduct the Public Hearing.
2. Consider all public testimony and all other information relating to this project submitted to the Commission.
3. Adopt Resolution No. 06-009, recommending to the City Council approval of Tentative Tract Map; TTM-04-1009 and Planned Development Use Permit No. 356 with the Findings and Conditions of approval shown in Planning Commission Resolution No. 06-009.

Mr. Timboe explained that only the southern portion of the subdivision is in the floodplain and it has been pre-terraced or pre-graded based on the fact that 2/3 of this concept was approved and constructed along Washington Street in 2000. So everything is set in place for this subdivision of duplexes and it would just be a continuation of the courts on the west side of Washington Street.

Commissioner Dale requested clarification on the street that had already been built by Chuck Metro.

Mr. Timboe stated that Jefferson Court has proposed as already constructed to the east of them on Washington Street and the west has four (4) dashed parcels. That is parcel map 02-32 that Mr. Chuck Metro started in 2000, had the approval for the Jefferson Court to extend south and then over to Washington Street as a private drive, because at the time the Public Works Director and Planning Director did not want to take on any additional infrastructure maintenance issues. At this time they are at the point where they are getting ready to lay the base rock and cover with asphalt.

Chairperson Brink opened the Public Hearing at 5:25 p.m.

Lynn Bennett, adjacent property owner, requested clarification on the entrance and exit and if they were going to be at the end of Washington or at Jefferson.

Mr. Timboe stated that the northern access was going to be in line with the end of Jefferson where it meets Willow Street and then it will swing down in a "J" fashion over to where the bike and pedestrian trail meets the end of the cul-de-sac on Washington Street.

Ms. Bennett questioned if this meant that the end of Washington Street would be opened up for the traffic of this project.

Mr. Timboe stated that was correct and that it would be a 24 foot curb to curb private drive just for the residents, secondary access for the fire department and for the project of four (4) parcels to the west of this project.

Ms. Bennett questioned if Washington Street would be opened up as this will make more traffic in the cul-de-sac.

Mr. Timboe stated that he did not know and that this was something that had already been approved and was under construction. The commercial was closer to Willow Street and it wouldn't make sense for them to drive through the private narrow drive to get to Washington Street to go out.

Chairperson Brink asked Fire Chief Gray if he saw any problems with access for fire vehicles.

Fire Chief Gerry Gray stated that the potential exists, not a big fan of the narrow streets, but the department comments were addressed so at this time there was enough ground work to move forward on this project.

Chairperson Brink closed the public hearing at 5:30 p.m.

Commissioner Dale stated that he would like to see an upgrading of the street light fixtures to those used on Rio Street and questioned if there was a significant price difference, if not he would like to see it added as a condition if the Commission also desired.

Mark Barthel, Public Works Director, stated that he did not know the price difference but does not think that it's significant and that he believed that they have the same lighting capability.

Commissioner Dale stated that he was also concerned about flooding and would like to see the Commission add a disclosure statement, Condition #36, disclosure F telling the people that their habitable floor is one foot above the 100 year flood line, however their yards and street are not and might be subject to flooding. He questioned the parking lot would be above flood level.

Mr. Timboe stated that the construction and the topography of the lots now are not what they were before 2000. They are already pre-graded and the lowest terrace is at 267, which is what they say is the maximum that it will flood for a 100 year and that there was not a 500 year. The terrace at the current level would flood, but once the base rock and asphalt would add approximately 6 inches above the base elevation and that parking lots are not required to be above flood level only living quarters.

Charlie Mullen, Planning Director, stated that a condition could be added as it's always better to be more cautious and disclose more information than to lack disclosure and staff would fully support that. The roadways and parking areas are not mandated to be

pulled out of the floodway so in order to achieve proper drainage it is likely that there will be portions that are below the 267 mark, which the pads are already at.

Commissioner Dale stated that he was aware that FEMA requirements don't cover parking lots and such, but his concern is that the area is potentially going to flood the yards and streets and will put pressure on the civic services. He stated that he did not like the idea that the City allowing a roadway purposely be built when there is a good chance that it will be under water.

Mr. Mullen stated that staff are confined to the Jefferson Street Court improvement plans that have already been approved and are being constructed at this time, so there is a commitment to that project, and the proposed driveways will be pulled off of those elevations that have already been approved.

Commissioner Dale stated that his name might have been on the list of people who voted for that at that time, but its never to late to try to improve and that he did not like the idea of building something that might flood, because 1 inch of flood water is still a mess to clean up. He questioned if the Homeowners Association will take into the account the hit that they will have to take in order to clean up the private road after a flood.

Commissioner Latourell requested clarification on what action was being considered by the Planning Commission at the meeting this evening.

Mr. Timboe stated that the Tentative Map and the Planned Development Use Permit where the only thing being considered at this evenings meeting.

Chairperson Brink clarified that this meeting had nothing to do with roads, just the tract map and use permit.

Mr. Mullen stated that the City would be in a difficult position to ask the applicant and the contractor to change the work that has already been approved for Jefferson Court, which includes the asphalt pavement, curb, gutter and the elevations.

Mr. Timboe stated that the FEMA map does not reflect the true topography due to the fact that the map was adopted in 1996 and four years later everything was brought up to the base flood elevation.

Mr. Mullen stated that if the Planning Commission felt the same way it would probably be good to amend the standards.

Commissioner Dale questioned, that since this was a private development, would the City get involved in crafting the CC&R's and if it include the fee structure.

Mr. Timboe stated that the City would be required to review and approve them.

Mr. Mullen stated that the structure is set by the State Real Estate Board and that the funding mechanism is set by the State provisions.

Commissioner Dale stated that the down side was that if something happened to the Homeowners Association that was not good, then the City will get stuck with a private street.

Mr. Mullen stated that was not correct and that the City is not accepting a private street as it is not being designed to City standards, which is why the Homeowners Associations is being set up to fund the maintenance of the street.

Mr. Timboe stated that some language could be added that indicates residential lot in or out of the FEMA Flood Hazard Area.

Commissioner Dale questioned the other members of the Planning Commission whether or not they agreed with him that upgraded lighting fixtures might be a good idea and the consensus was that it was and that it could be added at the time of the motion.

Commissioner Christ requested clarification on who would be responsible for maintenance of the bike path.

Mr. Barthel stated that the City would be responsible.

Mr. Timboe stated that all the bike paths are being maintained by the City.

Mr. Mullen stated that on this particular property the bike path is being built on Bureau of Reclamation property.

Commissioner Latourell stated that he concurred with Commissioner Dale on his flooding concerns, but in looking at the Mitigated Negative Declaration he questioned if it was a little unusual that the negative declaration gets prepared 2 years after the improvement plans are approved.

Mr. Timboe stated that this road was not for this project it was for the commercial project to the west, so it was reviewed under that CEQA at that time. This project is similar to having a couple of vacate lots on Main Street whereas the streets are already there. This is an existing situation.

Commissioner Latourell stated that there was approximately 80 questions and 27 of them are checked potentially significant unless mitigation incorporated and they have been addressed, but he did have several questions that relate to these 27 items that have potentially significant affect, but no one from the project is in attendance to ask.

Mr. Timboe stated that Commissioner Latourell could ask him the questions as he was the one who spoke with all the agencies and basically they have accepted it or he would have something.

Commissioner Latourell stated that he was sure that Mr. Timboe had done a good job corresponding with those agencies, but in order for him to do his job as a Planning Commissioner it was important that he have the engineer sitting across from him to ask and respond to his questions.

Mr. Mullen stated that the CEQA document was prepared by staff with assistance of a consultant and was not prepared by the developer.

Commissioner Latourell stated that if he couldn't get the information he needed he would like to postpone until next meeting.

Mr. Timboe stated that staff has worked on this for two (2) years, it has been very labor intensive and Mr. Barthel can answer questions.

Commissioner Latourell stated that the hydrology issues were of a concern.

Mr. Timboe stated that it is defined by the law that the standard and law that staff has to go by is that the finished floor of an occupied dwelling space has to be one (1) foot above the base elevation and this is more restrictive than the FEMA Department of Homeland Security standards at this point in time. As for the hydrology issue the general construction storm water permit, which is supposed to take care of the erosion, he had spoken with Scott Zaites, the Regional Water Quality Control Board representative for this area and he stated that at this point in time the City is not in a Phase 2, which does not require the City to have a post construction storm water pollution prevention plan and also does not require the City to have any type of oil or sand separator for anything that might go into the drop inlets to go out to the creeks. As for FEMA, the City's standard is above Homeland Security and FEMA.

Mr. Mullen stated that staff would try to answer questions to the best of their knowledge.

Commissioner Latourell stated that he noticed that all the boxes under public services were potentially significant and wondered if this was offset by the fee paid when a building permit was obtained and questioned what the overall permit fee would be for this project.

Mr. Barthel stated that a pre-calc had not been done, as it is based on a number of significant items, water demand and until the actual building plans come in it, it would be hard to make those calculations.

Commissioner Latourell questioned if the project had a detention or retention of the water before it is ran out into the creek, or does the parking lot serve as that.

Mr. Timboe stated that prior to construction they will have to do a hydrology analysis and that the Public Works Director, Planning Director and Building Official will monitor. At this point in time the facilities are already in place to go directly out into the creek.

Mr. Barthel stated that basically what you want to do when you are next to a creek and this close to the river is get the water out of the development and into the creek so that it is gone before any of the up stream water comes down. So staff would not recommend any type of retention for this, as the faster the water exits that site the better it is.

Commissioner Latourell requested where the outlet was located.

Mr. Timboe stated that he believed it ran straight south with Jefferson Court and it is already existing.

Mr. Barthel stated that Public Works had never had an issue with this drainage.

Commissioner Dale asked that a separate vote be taken for modifying the street lights and adding the disclosure of potential flood hazards in the CC&R's.

Mr. Mullen asked for a show of hands to add these items to the resolution.

M/S/C Winter, Christ to adopt Resolution No. 06-009 recommending that the City Council approve the Tentative Tract Map 04-1009 and Planned Development Use Permit No. 356 with the Findings and Conditions of approval shown in Planning Commission Resolution No. 06-009 with the addition of the following conditions:

1. Use of decorative lighting standards.
2. Add Buyer Disclosure for the potential flood hazards of the site.

AYES: Commissioners: Brink, Christ, Latourell and Winter

NOES: Commissioner: Dale

ABSENT OR NOT VOTING: None

#### **D. STAFF ITEMS/REPORTS:**

Charlie Mullen, Planning Director, reported that at this time there were no items for the meeting of July 11, 2006.

Fire Chief Gray introduced the new Fire Marshal Mike Bachmeyer, who is taking over for Tina Lee who accepted a position in Washington.

#### **E. ADJOURNMENT:**

There being no further business the meeting was adjourned at 6:19 p.m. until July 11, 2006 at 5:15 p.m., City Council Chambers, City Hall.

Respectfully submitted,

*s/b Charlie Mullen*  
Planning Director