



County of Yuba

Community Development & Services Agency

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**MINUTES OF THE YUBA COUNTY
PLANNING COMMISSION
Wednesday, June 16, 2021
6:00 p.m. Go To Meeting Teleconference**

Planning Commissioners Present: Commissioners Muncaster, McNally, and Lubeck

Planning Commissioners Absent: Commissioner Phillips was recognized as in attendance during the approval of minutes, after the vote on the first motion. Commissioner Ferrini was recognized as in attendance during the public hearing for PSPP 2020-0001

Staff Present: Kevin Perkins, Planning Manager; Ciara Fisher, Planner II; Ian Scott, Project Manager of Broadband; and Sims Ely, County Counsel

PUBLIC COMMUNICATION:

- None

APPROVAL OF MINUTES:

Commissioner McNally requested clarification from County Counsel Sims Ely regarding the need for quorum of April 21, 2021 Planning Commission minutes approval. Sims Ely stated that approval of the April 21, 2021 minutes would require quorum of commissioners who attended that meeting. Due to this, the approval of the April 21, 2021 minutes was continued.

Commissioner McNally made the motion, which was seconded by Commissioner Lubeck to approve the minutes from the December 16, 2020 Planning Commission meeting.

The motion was passed with the following vote:

Ayes: Commissioners McNally, Lubeck, and Muncaster

Noes: None

Abstain: None

Absent: Commissioners Phillips and Ferrini

Commissioner McNally made the motion, which was seconded by Commissioner Lubeck to table the minutes from the April 21, 2021 Planning Commission meeting to a later date.

The motion was passed with the following vote:

Ayes: Commissioners McNally, Lubeck, Muncaster, and Phillips

Noes: None
Abstain: None
Absent: Commissioner Ferrini

ACTION ITEMS:

- 1) **Tentative Subdivision Tract Map TSTM 2021-0001 (Kartikeya Subdivision):** The subject application proposes to create six residential lots and a remainder lot on a 10.35 acre property located along Kartikeya Avenue, Seykota Court, and Brianna Avenue, approximately 0.25 miles north of McGowan Parkway, in the Olivehurst Community, APN: 013-710-053-000. According to the County Zoning Code, the site is located within the “RS” Single-Family Residential Zoning District which allows 3-8 residential units per acre for detached single-unit dwellings. The applicants are proposing 6 units on 1.21 acres and the Remainder Lot will be 9.14 acres. Therefore, they are within the allowed number of units for the “RS” Zoning District.

Staff Report: Ciara Fisher introduced the project and presented the staff report. Planning Commission questions were answered by Ciara Fisher.

Public Hearing: Commissioner McNally asked about eight lots that are east of the park listed on the plans for the TSTM, the applicant stated that he intends to develop those lots and is in the process of doing so. The applicant stated his intention to ensure that development will be consistent with the character of the neighborhood. Commissioner McNally asked Ciara Fisher if the proposed development will be subject to design review, Ciara Fisher stated that the proposed development would not be subject to design review.

Motion: Commissioner Muncaster made a motion and was seconded by Commissioner McNally, to adopt the attached resolution approving TSTM 2021-0001 and find that the project is exempt from further environmental review under CEQA section 15061(b)(3) subject to project findings and conditions of approval.

The motion was passed with the following vote:

Ayes: Commissioners Phillips, Muncaster, Lubeck and McNally
Noes: None
Abstain: None
Absent: Ferrini

- 2) **Planned Sign Permit Program PSPP 2020-0001 (Stott Outdoor Advertising Sign):** The applicant, STOTT Outdoor Advertising, is requesting approval of a Planned Signed Permit Program (PSPP) to install an off-site outdoor advertising sign adjacent to Highway 65. The project site is located at 3548 Rancho Road on a developed 10-acre parcel located on the east side of Highway 65. The sign is intended to allow area businesses to market their goods and services to travelers on Highway 65. The site is generally level and there are no trees or shrubs present on the subject property.

Staff Report: Ciara Fisher introduced the project and presented the staff report. Planning Commission questions were answered by Ciara Fisher.

Public Hearing: Commissioner McNally requested clarification on whether or not this proposed sign is similar in design and features to the signs at the Hard Rock Casino. The applicant indicated that this sign is smaller than the Hard Rock Casino sign and is static, as opposed to a digital sign. Commissioner McNally asked about the design process for placing a static sign, given that the proposed site along the Highway 65 corridor is of significant public interest. The applicant indicated that the sign will be designed to accommodate an upgrade to a digital sign at a later date, and that the conditions of approval provide a path to the sign being upgraded to a digital sign.

Commissioner McNally asked why a condition is included stating that the sign will be reassessed in twenty years, as opposed to a shorter timeline. Kevin Perkins stated that the twenty year value was a starting figure, and that the Planning Commission has the authority to amend conditions of approval.

Commissioner McNally expressed that the twenty year condition of approval falls outside the timeframe of the General Plan 2030, asked if County staff intends to revisit the sign ordinance as part of its development code updates slated for later this year, and given this context if it would be impractical to modify the condition to revisit PSPP 2020-0001 in ten years as opposed to twenty years. Kevin Perkins indicated that the Planning Department is intending to revisit the sign ordinance later this year.

Commissioner Phillips asked if the County had historically restricted signage on the Highway 65 corridor. Kevin Perkins stated that prior to 2015 the County did not allow outdoor advertising.

Commissioner McNally asked about how off-site signage relates to the historic restrictions on outdoor advertising. Kevin Perkins stated that prior to 2015 the County did not allow off-premise/off-site signage, and that in 2015 the zoning ordinance was modified to include the Planned Sign Permit Program, language addressing off-site signage, and outdoor advertising. Kevin Perkins stated that changes to the 2015 zoning ordinance as it relates to signs will be brought before the Planning Commission for their recommendation before consideration by the Yuba County Board of Supervisors, which will most likely occur later this year.

Commissioner McNally asked what the proposed setbacks are for the sign. Ciara Fisher stated that while the setbacks in the underlying Light Industrial zoning district are zero, that the applicant has proposed a ten foot setback. Kevin Perkins stated his belief that as the sign will be subject to additional standards by the State of California Department of Transportation (CalTrans) given its proximity to Highway 65, there may be state imposed setbacks. The applicant confirmed that CalTrans approval of the sign permit is based on the setbacks imposed by the local jurisdiction, but that a ten foot setback was voluntarily included by the applicant.

Commissioner Muncaster asked if there are any restrictions on the content of the sign other than those stated in the conditions of approval. County Counsel Sims Ely stated that there are free speech concerns related to any proposed restrictions on sign content, and that the County is required to follow federal precedent in this matter.

Commissioner McNally asked if there is any restriction on the proposed sign being able to advertise a casino that competes with the Hard Rock Casino. The applicant stated that they

voluntarily agreed to the content restrictions in the conditions of approval, and that it is their intent to advertise on behalf of local businesses. Kevin Perkins stated that County staff did seek a condition of approval that would limit sign advertising to local businesses, with the ability for either the CDSA Director or Planning Commission to grant exceptions to the local business advertising condition on a case by case basis, but that this proposed condition was stated by the applicant as being potentially unconstitutional.

Commissioner McNally sought clarification from County Counsel as to whether or not the Planning Commission has the authority to modify conditions of approval, specifically related to the twenty year project revisitation timeline and requiring the sign to be a digital sign as opposed to the proposed static sign. County Counsel Sims Ely confirmed that the Planning Commission has that authority. The applicant stated that proposing modifying the proposed static sign may be analogous to requiring someone to build a larger house, and that requiring a digital sign may not make fiscal sense for the applicant. The applicant also questioned whether or not the Planning Commission has been placing project revisitation timeline conditions on other discretionary entitlements, and if not the applicant stated their opinion that perhaps placing such a condition on this project may not be within the authority of the Planning Commission.

Commissioner McNally stated that this is the first sign project of this kind to be brought before the Planning Commission for consideration, and that the Yuba County General Plan, zoning ordinance, and sign ordinance will be modified prior to the proposed twenty year project revisitation as stated in the conditions of approval, potentially producing a scenario whereby the proposed sign is no longer in compliance with the general plan and upcoming ordinances.

Motion: Commissioner McNally made a motion and was seconded by Commissioner Muncaster, to adopt the attached resolution approving PSPP 2020-0001 and find that the project is exempt from further environmental review under CEQA section 15303(c), subject to project findings and conditions of approval, modifying condition of approval number twenty one that the sign permit be reviewed in ten years.

The motion was passed with the following vote:

Ayes: Commissioners Ferrini, Phillips, Muncaster, Lubeck and McNally

Noes: None

Abstain: None

Absent: None

OTHER BUSINESS: None

CORRESPONDENCE: None

PLANNING DIRECTOR COMMENTS: Kevin Perkins stated that the next meeting will be in an in-person format.

In the intervening time, the ongoing Coronavirus pandemic has necessitated that the meeting will be held in a hybrid format on both Zoom and in-person in the Board Chambers.

PLANNING COMMISSIONER COMMENTS: None

ADJOURNMENT: There being no further business, the meeting was adjourned until the next meeting on September 15, 2021.

Kevin Perkins
Planning Manager