



DATE: April 5, 2018

TO: PLANNING COMMISSION

FROM: Shannon Costa, Assistant Planner (879-6807, shannon.costa@chicoca.gov)

RE: Lipton Manor Vesting Tentative Subdivision, 1051 Four Acres Court, APN 042-640-024

SUMMARY

The applicant proposes to subdivide an approximately 1.36-acre site into 3 lots for single-family residential development. The project site is located at the southerly cul-de-sac terminus of Four Acres Court, which is on the south side of Oak Way and approximately 1,100 feet east of Glenwood Avenue. The site is currently developed with a single-family home and detached garage. No major issues have been identified.

Recommendation:

Planning staff recommends adoption of Resolution No. 18-07 (**Attachment A**), approving the subdivision, subject to the attached conditions.

Proposed Motion:

I move that the Planning Commission adopt Resolution No. 18-07, approving the subdivision, subject to the attached conditions.

BACKGROUND

The applicant proposes to subdivide an approximately 1.36-acre site into 3 lots for single-family residential development, located at the southerly cul-de-sac terminus of Four Acres Court, which is on the south side of Oak Way and approximately 1,100 feet east of Glenwood Avenue (see Location/Notification Map, **Attachment B**). The site is designated Low Density Residential by the General Plan Land Use Diagram and is zoned R1-AOB1 (Low Density Residential within Airport Overflight Zone B1). The project site is surrounded by single-family residential development.

The proposal would divide the parcel into three lots resulting in lot sizes of 31,064 square feet (Lot 1), 12,738 square feet (Lot 2) and 15,198 square feet (Lot 3) (see Lipton Manor Vesting Tentative Subdivision Map, **Attachment C**). Gross density for the project would be 2.2 units per acre (u/ac), within the allowable range of 2.1 to 7 u/ac. All proposed lots would take access from Four Acres Court, which is a private street. As part of the project, the developer would construct frontage improvements on Four Acres Court within the projects boundaries. All parcels would connect to the City sewer system which would be extended to the site.

The project site is currently developed with a single-family home and detached garage situated on the westerly portion of the site; both buildings would remain. The remainder of the site is undeveloped, and appears chronically disturbed by mowing and other residential activity. The

topography of the project site is relatively flat, and there are no trees proposed for removal. No modifications to subdivision design standards are proposed.

ALUC Inconsistency

On June 21, 2017, the Butte County Airport Land Use Commission (ALUC) found that the Lipton Manor vesting tentative subdivision map, located within Compatibility Zones B2 and C of the Ranchoero Airport, was inconsistent with the residential densities allowed by the Butte County Airport Land Use Compatibility Plan (Airport Compatibility Plan). Residential density is restricted to 0.2 dwelling units per acres (1 unit per 5 acres) in the B2 Airport Compatibility Zone. On January 16, 2018, the City of Chico City Council adopted a resolution overruling ALUC's findings of inconsistency pursuant to Government Code Section 65302.3 and Public Utilities Code Section 21676, which allows a local jurisdiction to approve projects that do not conform with adopted airport land use plans (see Chico City Council Resolution 02-18, **Attachment D**). Adoption of the overruling resolution by the City Council allows the project site to be developed at a density consistent with the Low Density Residential General Plan designation.

As a result of the site's location within Airport Overflight Zone B2 and C for the Ranchoero Airport, standard conditions are included in the conditions of approval (**Attachment A, Exhibit I** Resolution 18-07) requiring certain airspace easements and notifications to be recorded on the project parcels.

Neighborhood Meeting

On July 5, 2017, a neighborhood meeting was held at Emma Wilson Elementary School, near the project site. Approximately 8-10 people were in attendance, including the applicant, project engineer and City staff. Meeting attendees were generally in support of the project, but did voice questions and concerns over the possibility of two-story home construction on the site and traffic increases in the neighborhood.

GENERAL PLAN

The General Plan's Low Density Residential designation represents "the traditional single-family neighborhood with a majority of single-family detached homes and some duplexes." With a residential density of 2.2 units per acre the project is within the allowable range of 2.1 to 7 units per acre.

In addition, the following General Plan principles and policies are applicable to the project:

- CD-5: Support infill and redevelopment compatible with the surrounding neighborhood.*
- H-1: Increase equal housing opportunities for all persons and households in Chico.*
- H-3: Promote the construction of a range of high-quality housing choices that serve all households, ranging from the workforce to seniors.*
- LU-4: Promote compatible infill development.*

LU-4.2: Support infill development, redevelopment, and rehabilitation projects that are compatible with surrounding properties and neighborhoods.

LU-4.2.3: For projects proposed on or adjacent to residentially zoned property, which require a discretionary approval by the Planning Commission or City Council, require applicants to have a pre-application neighborhood meeting with interested parties in the respective neighborhood to hear issues and consider input.

The proposal is consistent with General Plan policies that encourage compatible infill development (CD-5, LU-4 and LU-4.2), holding a pre-application neighborhood meeting (LU-4.2.3), and providing a variety of property sizes while maintaining neighborhood character (H-1, H-3, and LU-4.3). The proposal is consistent with the General Plan.

DISCUSSION

Subdivision Design

The proposed subdivision achieves efficient residential infill that is compatible with other subdivisions in the project vicinity, which tend to be at the lower end of the allowable density range (2.1 units per acre). The proposal is a suitable way to configure the lots, given the overall depth and width of the site, and its location at the end of an existing cul-de-sac. All proposed lots meet minimum size and width criteria.

Environmental Finding

This project is categorically exempt from further environmental review pursuant to Section 15332 of the California Environmental Quality Act Guidelines (Infill Development Projects). This exemption applies to infill projects which: are consistent with the general plan and zoning; are on sites less than five acres in size within the City limits; substantially surrounded by urban uses; have no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. The project meets all these criteria.

FINDINGS

Subdivision Findings (CMC Section 18.18.070.B)

Pursuant to Chico Municipal Code Section 18.18.070.B, the Planning Commission shall consider the evidence presented in the application materials, staff report, and public hearing, and shall base its action on the conformity of the subdivision map with the subdivision regulations and on the design of the proposed subdivision. In order to approve a subdivision map, the Planning Commission must find that the subdivision map and its design conform with all applicable requirements of Title 18 and Title 19 of the Chico Municipal Code, and that the subdivision map and its design are consistent with the Chico General Plan.

As supported by the Conditions of Approval, the Subdivision Report (Exhibits II to **Attachment A**), and this staff report, the proposed subdivision map and its design conform with the requirements of Title 18 and Title 19 of the Chico Municipal Code, and would be consistent with the Chico General Plan.

PUBLIC CONTACT

A 10-day public hearing notice was mailed to all landowners and residents within 500 feet of the site, and a legal notice was published in the *Chico Enterprise Record*. As of the date of this report no correspondence has been received in response to the public notice.

DISTRIBUTION:

PC Distribution
AP Shannon Costa
Files: S 17-04

External

James and Karen Serrao, 1051 Four Acres Court, Chico, CA 95926
Rolls, Anderson and Rolls Engineering, attn.: Paul Rabo, 115 Yellowstone Drive, Chico, CA 95973 (prabo@rarcivil.com)

ATTACHMENTS:

- A. Planning Commission Resolution No. 18-07
 - Exhibit I Conditions of Approval for S 17-04
 - Exhibit II Subdivision Report
- B. Location/Notification Map
- C. Lipton Manor Vesting Tentative Subdivision Map (S 17-04)
- D. Chico City Council Resolution 02-18

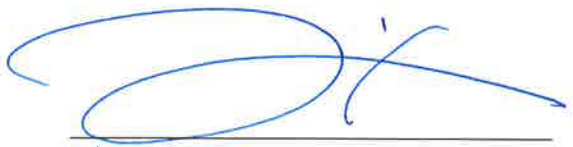
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III. The Planning Commission hereby specifies that the materials and documents which constitute the record of proceedings upon which its decision is based are located at and under the custody of the City of Chico Community Development Department.

THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the Planning Commission of the City of Chico held on April 5, 2018, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- DISQUALIFIED:
- ATTEST:

APPROVED AS TO FORM:



Vincent C. Ewing, City Attorney*

BRUCE AMBO
Planning Commission Secretary

*Pursuant to The Charter of
the City of Chico, Section 906(E)

EXHIBIT “I”
CONDITIONS OF APPROVAL
Lipton Manor Vesting Tentative Subdivision Map S 17-04
(Lipton Manor)

1. The creation and improvement of 3 lots is authorized, as depicted on the “Lipton Manor – Vesting Tentative Subdivision Map (S 17-04)” and accompanying project materials date stamped February 15, 2018, except as revised by any other condition of approval.
2. All development shall comply with all other State and local Code provisions, as well as any applicable requirements of the Fire Department, the Public Works Department, Butte County Environmental Health, and the Community Development Department. The developer is responsible for contacting these offices to verify the need for permits.

Tentative Map Conditions:

3. In the event that all fees have not been paid prior to recordation of the final map, the following notation shall be included on the final map:

“In accordance with the provisions of the Chico Municipal Code, a transportation facility fee, park facility fee, and building and equipment fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time a new building or structure is constructed on such lot or parcel, at the time an alteration or addition is made to an existing building or structure constructed on such lot or parcel which results in the expansion of building or structure, or at the time of a change in use of an existing building or structure constructed on the lot or parcel. In addition, a storm drainage facility fee may be assessed and levied upon the owner of any lot or parcel within this subdivision at the time such lot or parcel is first used for any residential or nonresidential purpose, at the time the area of the lot or parcel devoted to such residential or nonresidential use is expanded, or at the time of a change in the use of the lot or parcel. Such transportation facility fee, park facility fee, building and equipment fee and storm drainage facility fee will be calculated from the schedule of such fees adopted by resolution of the City Council and in effect on the date of approval of such final map or parcel map, together with any adjustments to such schedules of fees made in accordance with the provisions of the Chico Municipal Code subsequent to the date of approval of the final map or parcel map to account for any changes in the type or extent of transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which will be required as a result of the development and/or use of real property during the period upon which such fees are based, any change in the estimated cost of the transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities upon which such fees are based, or any change in that portion of the estimated cost of such transportation facilities, park facilities, buildings and equipment and/or storm drainage facilities which cannot be funded from revenue sources available to the City other than such fees.”

4. Prior to recording the final map, any taxes and/or assessments against the property shall be paid.

Exhibit “I”

5. Impacts to school facilities within the Chico Unified School District shall be fully mitigated by payment of school impact fees to the extent permitted by State Law.
6. Prior to recordation of the final map, record as a separate instrument an Avigation Easement granting the right of continued use of the airspace above the proposed parcel(s) by the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts.
7. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "An Avigation Easement is recorded above the parcels for the Chico Municipal Airport and acknowledging any and all existing or potential airport operational impacts."
8. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "The project parcels are in the proximity of the Chico Municipal Airport and are subject to aircraft overflight."
9. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: "Airspace review by the Airport Land Use Commission is required for all objects over 100 feet in height above ground level."
10. If during ground disturbing activities, any bones, pottery fragments or other potential cultural resources are encountered, the applicant or their supervising contractor shall cease all work within the area of the find and notify the Community Development Department. A professional archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology and who is familiar with the archaeological record of Butte County, shall be retained by the applicant to evaluate the significance of the find. Community Development Department staff shall notify all local tribes on the consultation list maintained by the State of California Native American Heritage Commission, to provide local tribes the opportunity to monitor evaluation of the site. Site work shall not resume until the archaeologist conducts sufficient research, testing and analysis of the archaeological evidence to make a determination that the resource is either not cultural in origin or not potentially significant. If a potentially significant resource is encountered, the archaeologist shall prepare a mitigation plan for review and approval by the Community Development Department, including recommendations for total data recovery, Tribal monitoring, disposition protocol, or avoidance, if applicable. All measures determined by the Community Development Director to be appropriate shall be implemented pursuant to the terms of the archaeologist's report. The preceding requirement shall be incorporated into construction contracts and documents to ensure contractor knowledge and responsibility for the proper implementation.



Subdivision Report

Meeting Date 4/5/18

DATE: March 23, 2018

File: S 17-04

TO: PLANNING COMMISSION

FROM: Matt Johnson, Senior Development Engineer, 879-6910
Public Works Department

RE: **Vesting Tentative Subdivision Map S 17-04 Lipton Manor**

Exhibit "II"

This office has reviewed the Vesting Tentative Subdivision Map S 17-04 Lipton Manor and herewith submits the following findings and recommendations for same.

A. MODIFICATIONS TO TITLE 18R - DESIGN CRITERIA AND IMPROVEMENT STANDARDS OF THE CHICO MUNICIPAL CODE

The Subdivider has requested no modifications to Titles 18R of the Chico Municipal Code (CMC).

THE CONDITIONS CONTAINED IN THE REMAINDER OF THIS REPORT REFLECT, WHERE APPLICABLE, THE RECOMMENDATIONS ABOVE.

B. PUBLIC FACILITY CONSTRUCTION

1. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install an underground sanitary sewer extension, with all appurtenances, from existing facilities in Oak Way to serve all lots.

b) Sanitary Sewer Fees

The Subdivider shall complete an Application for Sewer Connection.

The Subdivider shall pay a sanitary sewer main fee to the City of Chico prior to recordation of the Final Map, plus applicable trunk line and water pollution control plant capacity fees in conjunction with building permits. All of the aforementioned fees will be subject to the terms and conditions of the Application for Sewer Connection.

2. Storm Drainage Fees

The subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Chico Municipal Code, prior to recordation of the Final Map.

C. PRIVATE FACILITY CONSTRUCTION

1. Four Acres Court

The Subdivider shall construct City standard streets and appurtenant facilities adjacent to the subdivision in conformance with the typical section depicted on the Tentative Map.

2. Storm Drainage

a) Facility Construction

The Subdivider shall design and install the following City standard storm drain facilities:

- 1) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage.

Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built adjacent to this subdivision. Said improvements shall be constructed by the Subdivider.

b) Post Construction Standard Plans

Implement City Post Construction Standard Plans to evapo-transpire, infiltrate, harvest and reuse, or bio treat storm water runoff.

c) Statement of Effective Storm Water Disposal

The storm drainage system for this project shall meet the following standards:

- No net increase in the peak flow from the site.
- Intercept and treat the first flush runoff (defined as the first 1/2-inch of runoff).

These standards are to be met through the preparation and implementation of a site-specific Storm Water Pollution Prevention Plan (SWPPP) which shall incorporate CASQA BMPs. A review of this project, including the project location, has been made. Based on this review, it has been concluded that the use of one or more such BMPs will provide an adequate mechanism to meet the standards set forth herein and, therefore, provide the required mitigation of storm drainage effects resulting from the project.

3. Well and Septic Abandonment

The Subdivider shall obtain all necessary permits from Butte County Environmental Health Department and abandon all wells and septic systems in accordance with their requirements.

D. PRIVATE FACILITIES MAINTENANCE

The following notation shall be included on the final map:

“The Subdivider shall prepare and record the necessary documents to address the maintenance of private common joint-use facilities serving Lots 1, 2, and 3.”

Prior to recordation, the documents shall be made available for City review. However, the City will not approve the documents as to form and/or content.

E. SUBDIVISION GRADING

All subdivision grading shall be in conformance with Chapter 16R.22, Grading Standards, of the Chico Municipal Code.

F. PROPERTY DEDICATIONS

1. Dedications

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

- a) Dedicate a sanitary sewer easement as necessary to construct the public sanitary sewer improvements required herein.
- b) Dedicate an Avigation Easement to the City over the existing lots within the subdivision boundary as required by the Public Works Director.

G. OTHER PUBLIC SERVICES

1. Fire Protection

The Subdivider shall comply with the recommendations of the Fire Department, City of Chico.

2. United States Postal Service

If applicable, the Subdivider shall install concrete pads for NDCBU delivery to the lots of this subdivision. The pads shall be depicted on the subdivision improvement plans and are subject to approval by both the local office of the United States Postal Service and the Community Development Department.

H. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public and joint-use private improvements shall be designed in accordance with Chapter 18R.08, Design Criteria, of the Chico Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department for review and approval prior to the start of any construction of public and joint-use private improvements.

All public and joint-use private improvements shall be constructed in conformance with Chapter 18R.12, Improvement Standards, of the Chico Municipal Code and in conformance with the details shown on the approved improvement plans.

I. ADMINISTRATIVE REQUIREMENTS

1. Subdivision Improvement Agreement

If the public and joint-use private improvements required herein are not satisfactorily completed prior to recordation of the Final Map, the Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 18.36, Subdivision Improvement Requirements, of the Chico Municipal Code.

2. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Chico a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

An initial deposit of 1½% of the estimated cost of all public and/or joint use private improvements exclusive of private utility facilities (\$750 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Chico an inspection fee prior to commencing construction in the following amount:

An initial deposit of 2% of estimated cost of all public and/or joint use private improvements exclusive of private utility facilities. A final fee equal to actual City costs.

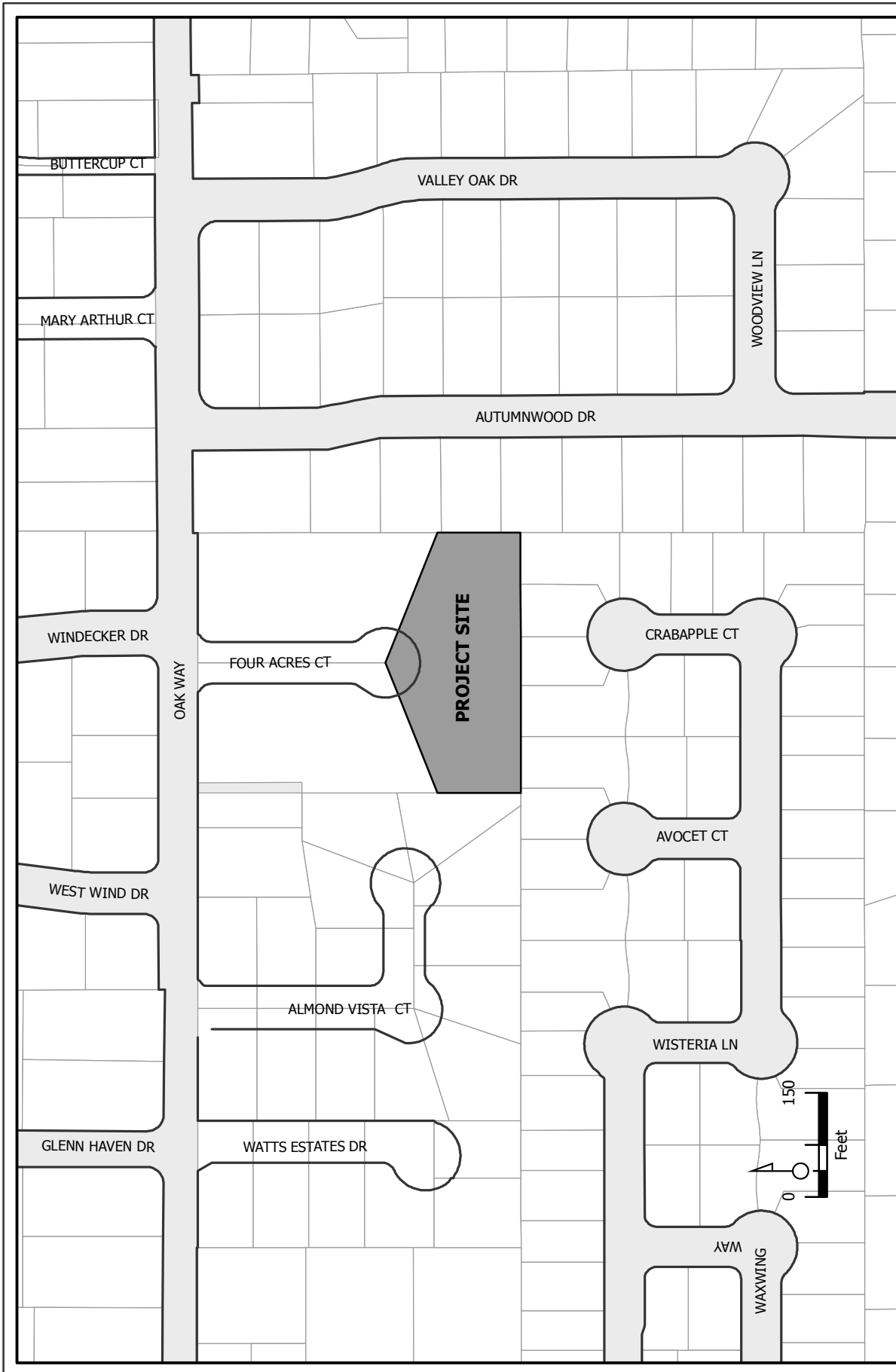
Recommendations and comments of all parties to whom the Tentative Map was circulated for review are on file with the respective parties and in Community Development Department.



Matt Johnson, Senior Development Engineer

Distribution:

Original - Community Development Department S 17-04 File
Development Engineering Subdivision File

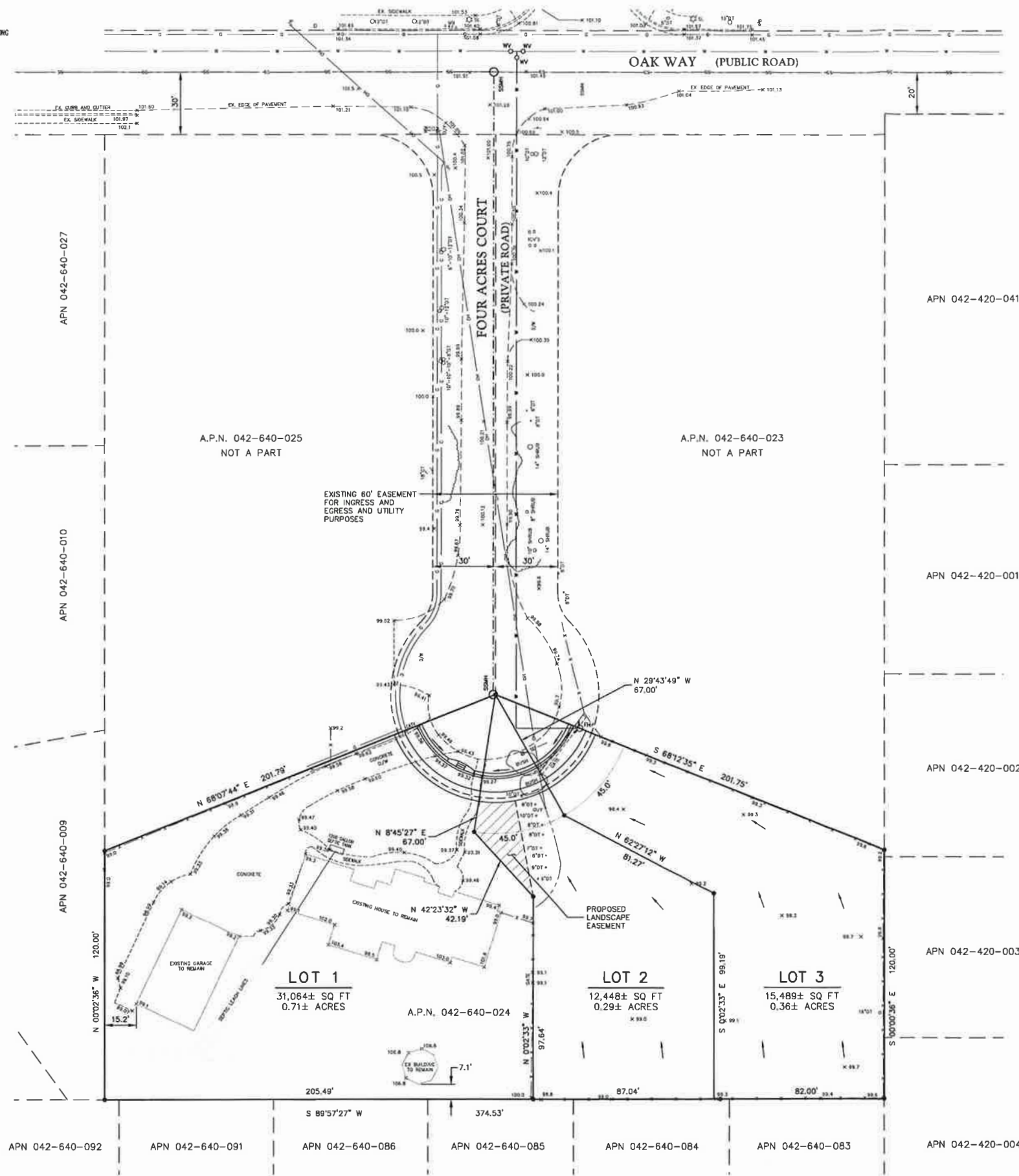


S 17-04 (Lipton Manor Subdivision)
1051 Four Acres Court
APN 042-640-024-000

THIS BAR ON ORIGINAL IS 1 INCH LONG

SCALE: 1" = 30'

OAK WAY MANOR SUBDIVISION



SHASTAN HOMES AT GLENWOOD AVENUE PH 2

LEGEND

ICV	EXISTING IRRIGATION CONTROL VALVE
GE	EXISTING GROUND ELEVATION
CTV	EXISTING CABLE TELEVISION BOX
D/W	EXISTING DRIVEWAY
U/W	EXISTING UTILITY GUY WIRE
J	EXISTING JOINT POLE
S	EXISTING STREET LIGHT
WM	EXISTING WATER METER
WT	EXISTING TREE WITH SIZE
MB	EXISTING MAILBOX
EP	EXISTING EDGE OF PAVEMENT
CC	EXISTING CABLE TELEVISION WRES
GL	EXISTING GAS LINE
SS	EXISTING SANITARY SEWER LINE
WL	EXISTING WATER LINE
OW	EXISTING OVERHEAD WRES
LE	EXISTING LANDSCAPE EDGE
WF	EXISTING WOOD FENCE
EA	EXISTING EASEMENT
SB	SUBDIVISION BOUNDARY
PH	PROPOSED FIRE HYDRANT
SMH	PROPOSED SANITARY SEWER MANHOLE
WV	PROPOSED WATER VALVE
PL	PROPOSED PROPERTY LINE
SSL	PROPOSED SANITARY SEWER LINE
WL	PROPOSED WATER LINE

NOTES:

1. THERE ARE NO EXISTING WELLS, ABANDONED WELLS, OR SUMPS ON THIS SITE.
2. THERE ARE NO EXISTING RAILROAD RIGHT-OF-WAYS OR GRADE CROSSINGS ON OR ADJACENT TO THIS PROPERTY.
3. THE EXISTING STRUCTURES ON LOT 1 WILL REMAIN.
4. ALL EXISTING TREES ON LOTS 1 THRU 3 WILL REMAIN.
5. THERE ARE NO EXISTING PUBLIC AREAS IN OR ADJACENT TO THE SUBDIVISION.
6. NO CHANGES TO STORM WATER DRAINAGE PATTERNS ARE PROPOSED. STORM WATER RUNOFF FROM EXISTING STREET IMPROVEMENTS WILL SURFACE FLOW INTO EXISTING LANDSCAPE AREAS.
7. GRADING OF LOTS 2 AND 3 SHALL BE COMPLETED SUCH THAT THEY DRAIN TOWARD FOUR ACRES COURT.
8. THE PROJECT IS OUTSIDE THE 100-YEAR FLOOD PLAIN
9. POST-CONSTRUCTION STANDARDS WILL BE IMPLEMENTED ON LOTS 2 AND 3 WHEN RESIDENTIAL DEVELOPMENT OCCURS.
10. A BOTTOMLESS STORM DRAIN DROP INLET WILL BE INSTALLED IN FRONT OF LOT 1 IN ACCORDANCE WITH CITY OF CHICO POST-CONSTRUCTION STANDARDS TO ACCOMMODATE INCREASED RUNOFF FROM FRONTAGE IMPROVEMENTS.

OAK WAY ESTATES



LOCATION MAP
NO SCALE

RECEIVED

FEB 15 2018

CITY OF CHICO
PLANNING SERVICES

OWNER: JAMES AND KAREN SERRAO
1051 FOUR ACRES COURT
CHICO, CA 95926
(530) 624-5919

SUBDIVIDER: JAMES AND KAREN SERRAO
1051 FOUR ACRES COURT
CHICO, CA 95926
(530) 624-5919

ENGINEER: ROLLS, ANDERSON AND ROLLS
ATTN: PAUL W. RABO
R.C.E. 72209
115 YELLOWSTONE DRIVE
CHICO, CA 95973
(530) 895-1422

A.P. NO.: 042-640-024

TOTAL SUBDIVISION AREA: 1.36 AC

AVERAGE LOT SIZE: 19,667 S.F.

LAND USE: EXISTING-RESIDENTIAL
PROPOSED-SINGLE FAMILY RESIDENTIAL

ZONING: R1-A0B1

GENERAL PLAN: LDR (CITY OF CHICO)

PROPOSED GROSS DENSITY: 2.20 UNITS/GROSS ACRE

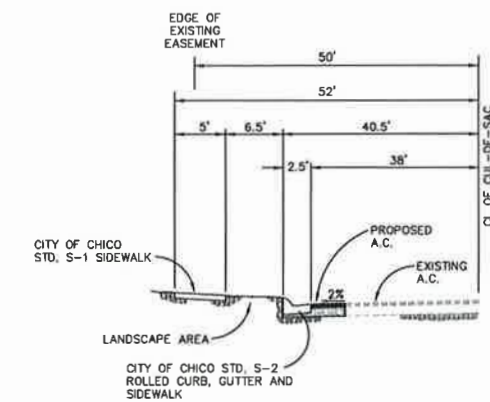
SEWER: CITY OF CHICO
STORM DRAIN: CITY OF CHICO
WATER: CALIFORNIA WATER SERVICE CO.
GAS & ELECTRICITY: PG&E
TELEPHONE: AT&T
CABLE TV: COMCAST

DATE OF TOPOGRAPHIC SURVEY: NOVEMBER, 2016

**VESTING TENTATIVE
SUBDIVISION MAP
S 17-04**

**LIPTON MANOR
A PRIVATE STREET SUBDIVISION**
FOR
JAMES AND KAREN SERRAO

A DIVISION OF PARCEL 3 THAT CERTAIN PARCEL
MAP FILED IN BOOK 75 OF MAPS, AT PAGE 94,
COUNTY OF BUTTE, STATE OF CALIFORNIA



**FOUR ACRES COURT
TYPICAL SECTION**
NO SCALE

JANUARY, 2018
REVISED FEBRUARY, 2018

RAR
ROLLS ANDERSON & ROLLS
CIVIL ENGINEERS
115 YELLOWSTONE DRIVE - CHICO, CALIFORNIA 95973-5811
TELEPHONE 530-895-1422

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RESOLUTION NO. 02-18

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO OVERRULING
AN INCONSISTENCY DETERMINATION MADE BY THE BUTTE COUNTY
AIRPORT LAND USE COMMISSION FOR THE LIPTON MANOR TENTATIVE
SUBDIVISION MAP (S 17-04)**

WHEREAS, the applicant has submitted a tentative subdivision map application to divide a 1.36-acre parcel into three single-family residential lots identified as assessor parcel number 042-640-024 located at 1051 Four Acres Court, within the City of Chico, at the southerly cul-de-sac terminus of Four Acres Court (the "Project"); and

WHEREAS, the Project site is located within the Airport Compatibility Zone B2 (Extended Approach/Departure Zone) for the Ranchoero Airport; and

WHEREAS, the Butte County Airport Land Use Commission ("ALUC") adopted the Butte County Airport Land Use Compatibility Plan ("ALUCP") on December 20, 2000; and

WHEREAS, the purpose of the ALUCP is to provide for the for orderly development of each public airport and the area surrounding these airports as to promote the overall goals and objectives of the California airport noise standards and protect public health, safety, and welfare by ensuring the orderly expansion of the airports and the adoption to land use measure that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, the ALUCP establishes various compatibility zones around each public airport in Butte County and contains policies setting forth what types of land uses are considered to be acceptable within each of those zones; and

WHEREAS, on June 21, 2017, the ALUC conducted a review of a proposed Vesting Tentative Subdivision Map, known as "Lipton Manor," and determined that the proposed development of the Project site would be inconsistent with the ALUCP's criteria for residential development located in the B2 Compatibility Zone of the Rachaero Airport, which would allow a maximum density of 0.2 units per acre (1 unit per 5 acres); and

WHEREAS, the City Council may overrule to ALUCs determination of inconsistency

1 pursuant to section 21676.5 of the Public Utilities Code if it adopts overruling findings that the
2 City's action is consistent with the purposes of Article 3.5 of Chapter 4, Part 1, Division 9 of the
3 Public Utilities Code, entitled "Airport Land Use Commission" (The "ALUC Law");

4 WHEREAS, the Council, based upon all overruling findings set forth below, has
5 determined that development of the Project site within the density range permitted by the current
6 General Plan land use and zoning designation, is consistent with the purposes of the ALUC law;
7 and

8 WHEREAS, environmental review of the proposed overrule of the ALUC's Determination
9 is not required since the action does not constitute a project pursuant to the California
10 Environmental Quality Act (CEQA). Overrule of the ALUC's Determination of Inconsistency is
11 a component of a project that will result in the further development of parcel. That project is
12 exempt from environmental review pursuant to California Environmental Quality Act Guidelines
13 section 15332 (In-Fill Development), in that the project site is within city limits on a site less than
14 five acres, substantially surrounded by urban uses, the site has no habitat value and is adequately
15 served by all required utilities and public services. The project is consistent with applicable general
16 plan and zoning designations and would not result in any significant effects related to noise, air
17 and water quality and traffic:

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chico finds
19 that:

- 20 1. The Butte County Compatibility Plan is intended to promote compatibility between the airports
21 in Butte County and the land uses that surround them. As indicated in the California State
22 Aeronautics Act (Public Utilities Code Section 21670), compatibility plans have two purposes:
 - 23 • To "...provide for orderly development of each public airport and the area surrounding
24 these airports as to promote the overall goals and objectives of the California airport noise
25 standards..." and
 - 26 • To "...protect public health, safety, and welfare by ensuring the orderly expansion of the
27 airports and the adoption to land use measure that minimize the public's exposure to
28 excessive noise and safety hazards within areas around public airports to the extent that
these areas are not already devoted to incompatible uses."

1 2. Adoption of the overruling findings by the City Council would allow a future subdivision
2 resulting in three single-family residential parcels with a density consistent with the R1 (Low
3 Density Residential) zoning district. The following findings of fact support that the overruling
4 is consistent with the purposes of the Airport Compatibility plan, as stated above:

5 A. Airport Operations

- 6 i. Ranchoero Airport has an average of 14 daily aircraft operations, which is expected to
7 increase to an average of 27 daily aircraft operations during the planning period of the
8 ALUCP, which is approximately twenty years. Eighty percent of those flights are local
9 general aviation and twenty percent are transient general aviation.
- 10 ii. The Ranchoero Airport runway has a weight bearing capacity of 12,000 lbs and is limited
11 to single wheel aircraft (light aircraft).
- 12 iii. The following operational restrictions at the Ranchoero Airport serve to reduce aircraft-
13 related impacts to existing and future residential uses in the area:
- 14 a. The airport is closed at night
 - 15 b. Touch-and-go operations are prohibited
 - 16 c. The airport is for private use only. Permission is required prior to landing
 - 17 d. Agricultural operations and student flights are prohibited

18 B. Noise

- 19 i. The California Airport Noise Standards, located at 21 CCR section 5000 et seq., provide
20 that an acceptable level of aircraft noise for persons living in the vicinity of airports is a
21 level of 65 decibels ("dB") Community Noise Equivalent Level ("CNEL") and sets that
22 CNEL level as the one within which residential uses shall be deemed incompatible. The
23 City of Chico General Plan, Noise Element, provides that
- 24 ii. residential development is acceptable at a CNEL level of 60dB. The ALUCP states that
25 55 dB is the CNEL that is normally considered acceptable for residential uses in the vicinity
26 of the airports covered by the ALUCP.
- 27 iii. The Project Site is located outside of the 50 CNEL noise contour line as depicted on the
28 noise contour lines set forth in the ALUCP.

C. Safety

- i. To avoid overflight of homes, most aircraft landing at the airport turn for final approach less than 1,000 feet from the runway end. Aircraft taking off toward the north also usually make a close-in turn.
- ii. The project site is located in the area designated by the Airport Compatibility Plan as the B2 Zone. The B2 Zone is referred to as the “extended approach/departure zone.” According to the ALUCP, only moderate noise and safety concerns occur in this location.
- iii. The Caltrans Airport Land Use Planning Handbook (the "Caltrans Handbook"), which was created by the State of California, Department of Transportation, Division of Aeronautics to serve as the primary tool for use by ALUCs for airport land use planning, provides samples of airport safety zones. It does not discuss a zone entitled “extended approach/departure zone”. However, the B2 Zone appears to function as the equivalent of the zone identified in the Handbook as the “outer approach/departure zone”. The Caltrans Handbook indicates that the risk of near-runway accidents in this zone is 2%-6%. Common accident types include mechanical failure on takeoff, loss of engine on approach or pilot undershoots runway during an instrument approach.
- iv. The Caltrans Handbook recommends limiting residential uses in this zone to low density.
- v. The Caltrans Handbook indicates that accidents in which aircraft are under control are bunched relatively close to the runway ends which are mostly within about 3,000 feet for both for arrivals and departures. The project site is located more than 4,500 feet from the nearest point of the airport runway.
- vi. The project site is outside the inner accident risk intensity contours for landings from the north from Ranchoero Airport.
- vii. The closest portion of the project site is located over 4,500 linear feet (over 0.75 miles) away from the north end of the runway at Ranchoero Airport.
- viii. Regarding the subdivisions located north of Ranchoero Airport, the Airport Compatibility Plan states, "[t]o avoid overflight of the homes, most aircraft landing at the airport turn for final approach less than 1,000 feet from the runway end. Aircraft taking off toward the north also usually make a close-in turn.” The ALUCP states that these procedures, together with the airport's low volume of activity, have minimized the potential problems caused by

1 flights over residential subdivisions to the north.

2 D. Airspace Protection

- 3 i. The Airport Compatibility Plan indicates that structures within the B2 Zone limits should
4 not exceed 70 feet in height. The City of Chico Municipal Code limits structures in the R1
5 zone to a 35-foot maximum height, well below the 70 feet set forth in the ALUCP.

6 E. Land Use

- 7 i. The project site is surrounded on the north, south and east sides by properties that are
8 already developed with low-density single-family residential uses. Surrounding residential
9 densities range from 0.77 to 5.5 dwelling units/acre.
- 10 ii. The Airport Compatibility Plan provides that 20% of the land within a B2 zone should
11 remain in open space. The Caltrans Handbook recommends that 15-20% of open space
12 land be maintained within the overall zone. If the project site is developed consistent with
13 its low density residential General Plan land use designation, approximately 81% of the B2
14 Zone would remain undeveloped open space. Most of that land area is on the agricultural
15 side of the Chico Area Greenline, is zoned for agricultural uses, and is not expected to
16 develop for other non-agriculture uses.
- 17 iii. The project site is located 1,100 feet from Glenwood Avenue, which is the City's
18 Greenline. Land to the west of the Greenline is almost exclusively agricultural and is not
19 expected to development to non-agricultural uses.

20 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chico as follows:

- 21 1. The request to subdivide a 1.36-acre parcel into three single-family residential lots is
22 consistent with the purpose and intent of the Airport Compatibility Plan and conclude the
23 project would not compromise the health, safety and welfare of people living on or near the
24 site.
- 25 2. The proposed project would serve the public interest by advancing General Plan Goals,
26 Actions and Policies supporting compatible infill development: LU-4.2 (Infill
27 Compatibility), protection of agriculture by maintaining the Greenline between urban and
28 rural uses: Policy OS-5.1 (Urban/Rural Boundary) and continuing to consider relevant
public safety factors prior to approving development projects in the vicinity of airports:
Policy S-6.2 (Safety in Airport Vicinity).

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THE FOREGOING RESOLUTION WAS ADOPTED at a meeting of the City Council of the City of Chico held on January 16, 2018, by the following vote:

AYES: Coolidge, Fillmer, Morgan, Ory, Schwab, Sorensen, Stone.

NOES: None.

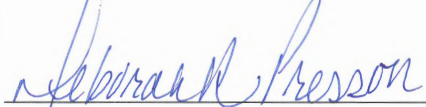
ABSENT: None.

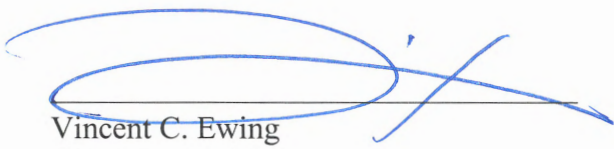
ABSTAINED: None.

DISQUALIFIED: None.

ATTEST:

APPROVED AS TO CONTENT AND FORM:


Deborah R. Presson
City Clerk


Vincent C. Ewing
City Attorney*

*Pursuant to the Charter of the City of Chico, Section 906(E)