

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

August 6, 2003  
Supervisors Chambers  
Hall of Records  
466 Second Street, Yuba City

### 1. Call to Order

Vice Chairperson Capaul called the meeting to order at 7:00 p.m.

### 2. Roll Call

Vice Chairperson Capaul requested the clerk call the roll of the Commission. The following members were present and excused:

Members Present: Commissioners Jim Barringer, Maynard Dunn, J. R. Griffin, Ron Southard, and Vice Chairperson Bruce Capaul

Members Excused: Commissioner Rory Ramirez and Chairperson Jana Shannon

Staff Present: Planning Division Chief Danelle Stylos, Senior Planner Lisa Wilson, Senior Planner Doug Libby; Associate Planner Dale Follas, Associate Planner Steve Geiger, Assistant County Counsel Ron Erickson, Environmental Health Specialist Jan Hill, Yuba City Fire Marshal Jim Mathews, and Office Assistant Gail Gould

### 3. Pledge of Allegiance

Vice Chairperson Capaul requested Commissioner Barringer lead the audience, staff and Commission in the Pledge of Allegiance.

### 4. Approval of Minutes

The minutes of the meeting of July 2, 2003 were approved as submitted on motion of Commissioner Griffin seconded by Commissioner Dunn, and carried by a voice vote of the Commission.

Senior Planner Wilson introduced the new Planning Division Chief, Danelle Stylos, and stated Danelle is now the correct contact point for questions.

### Consent Calendar

Vice Chairperson Capaul introduced Items #5 and #6 of the Consent Calendar. The public hearing was opened and closed with no testimony received. Commissioner Dunn moved to

approve the Consent Calendar subject to the recommended findings and conditions as stated in the staff report. The motion was seconded by Commissioner Barringer and carried by a unanimous voice vote of the Commission. The Consent Calendar was approved as follows:

5. **Tentative Parcel Map #03-08 to allow the subdivision of a 226-plus acre parcel into two agricultural parcels of 104 and 122 acres and request for waiver of recording the required parcel map; AG (General Agricultural) District; located on the easterly and westerly sides of Cranmore Road at the Sacramento River, approximately ¼ mile northwesterly of the intersection of Coles Road and Cranmore Road in the Sutter Basin, and approximately 1½ miles south of Tisdale Bypass; A. P. #24-010-015; applicant - Satvinder Kang/property owner - David Rai. Approved with conditions.**
6. **Tentative Parcel Map #03-11 to allow the subdivision of a 27.5 acre parcel into two parcels, a 2.0 acre homesite and a 25.5 acre agricultural parcel; AG (General Agricultural) District; located on the north side of South Butte Road, approximately 1,000 feet easterly of intersection of South Butte Road and Wyncoop Road and approximately 1 mile westerly of the rural community of Sutter; A. P. #13-200-103; applicant/property owner - Larry Lewis Continued to the meeting of September 3, 2003.**

### **Public Hearings**

7. **Extension of Use Permit #02-15 to allow a kennel facility for abandoned Golden Retriever dogs; AG (General Agricultural) District; located at 7495 Natomas Road, Elverta; A. P. #35-170-080; applicant - Homeward Bound Golden Retriever Rescue and Sanctuary/property owner - Norma J. Latham (Location: District 5 - Commissioner Shannon)**

Senior Planner Libby summarized the staff report.

Vice Chairperson Capaul opened the public hearing.

Jody Jones, president and cofounder of Homeward Bound, stated a year ago they were here and were granted a use permit with a one year term period. They now want to let us know what has happened in the last year. Mrs. Jones said they have fenced the entire property, more than 600 feet of redwood fencing. They also built two enclosed areas with a sprinkling system. The kennel area is insulated and clean. All work done has been done through donations from the community. Mrs. Jones said they have worked very hard the last year to meet all the conditions of the use permit. She then thanked the Commission for providing them the opportunity to do this work. They rescued 496 dogs last year and 278 so far this year.

Lea Kachler-Leake, 76 Tulare Drive, Vacaville, stated they have a network of about 40 foster care homes. She said she is very committed to this project. They have created a loving environment the community can be proud of.

Andrea Lewis, vice president of Homeward Bound, stated Homeward Bound is one of the best rescue groups in California. They are steady and reliable and provide a loving sanctuary. Ms. Lewis then talked about their fund raiser, “Kibble and Bits.” She also said that Homeward Bound has earned a reputation of being a reputable organization and that is one of the reasons for their success.

Sally Whiteaker, 1549 Alicia Drive, Yuba City, stated she has been involved in rescue work for many years and this county should be very proud of this organization. They do a wonderful job and have a wonderful facility. They are doing a tremendous job.

Vice Chairperson Capaul closed the public hearing.

Commissioner Barringer stated they are doing a remarkable job and he is in support of this.

Commissioner Southard stated they are in the county on eight acres where they should be. They have been operating this last year without any major problems.

Commissioner Dunn stated they have been doing a great job this last year.

Vice Chairperson Capaul moved to approve the use permit extension subject to the recommended findings and conditions as stated in the staff report. Commissioner Southard seconded the motion, which carried by a unanimous voice vote.

8. a) **General Plan Amendment #03-05 to amend the General Plan Land Use Diagram changing the designation of the subject property from AG-20 (Agricultural, 20-acre minimum parcel sizes) to RAN (Ranchette, 3-10 acre minimum parcel sizes); and**
- b) **Public hearing on Rezoning #03-08 to change the zoning classification of the subject property from AG (General Agricultural) District to RAN (Ranchette) District; and**
- c) **Public hearing on Tentative Parcel Map #03-09 to allow the division of a 20.13 acre parcel into four ranchette lots; located on the north side of Stewart Road, approximately 1,000 feet east of Caminito Avenue, Yuba City; A. P. #23-101-029; applicant/property owner - Ted Karnegas (Location: District 5 - Commissioner Shannon)**

Associate Planner Geiger summarized the staff report.

Vice Chairperson Capaul stated normally these ranchettes are three acre parcels, but one of these is 10 acres. He asked if this would be coming back before the Commission again. Associate Planner Geiger replied it would not.

Vice Chairperson Capaul opened the public hearing.

The applicant's representative, Bill Walker of von Geldern Engineering, stated they have seen the conditions and are in agreement with all of them with the exception of Condition #25. The only reason they are objecting to that is because this is the first time they have seen it. They may object or not because they don't know what it is. Mr. Walker said that perhaps the representative from the Yuba City Fire Department could answer this. Jim Mathews, Yuba City Fire Marshal, stated this condition is not new. Compliance would be required when a building permit is issued, but they wanted to include it in conditions from now on. Vice Chairperson Capaul asked if would be enforced anyway. Fire Marshal Mathews replied that is correct.

Vice Chairperson Capaul asked about water pressure. Fire Marshal Mathews replied there are many ways to accomplish that goal using the Uniform Fire Code.

Commissioner Southard asked if this was a requirement on other ranchettes. Bill Walker replied this has not been a requirement on any other ranchette approved. Fire Marshal Mathews replied whether or not it has been a condition, it has always been there through the County requirements. The Fire Code is just one of the codes to be complied with.

Commissioner Dunn asked if that satisfied Mr. Walker. Bill Walker replied his question is what does that mean? Do we have to have a fire hydrant at every house providing 1,500 gallons of water? Assistant County Counsel Erickson said Mr. Mathews is saying the County has adopted the Uniform Fire Code and this condition is put on there to make the applicant aware of the requirement. Fire Marshal Mathews stated he could not give any specifics because the requirements for one circumstance could be different from another. Mr. Walker stated he still does not know what that means. He is afraid to say okay. The minute a building permit is applied for they would know what they want.

Vice Chairperson Capaul asked Mr. Walker if he wanted a continuance. Mr. Walker replied no, he would rather know what it means. Vice Chairperson Capaul asked Mr. Walker what he wanted if the Commission does not want to drop this condition. Mr. Walker replied they would want a continuance in that case. He said he attends every meeting required and hashes things out at the Subdivision Advisory Committee meeting, which is a very important meeting. The Fire Department did not attend this meeting.

Fire Marshal Mathews said as soon as we see a project and the building plans, we can give him an answer. We cannot do that until that time. It is the Yuba City Fire Department's position they are going to follow the rules set forth by the County of Sutter. They have an obligation to the taxpayers and people they serve to follow the rules set by the Board of Supervisors.

Commissioner Griffin stated that when the fire person says he cannot give an answer of how much water will be required from house to house, he believes Mr. Walker has a right to be concerned.

Fire Marshal Mathews replied requirements are different depending on the size of the house. People can put in an automatic sprinkler system, which will answer the defense of a fire much faster than the Fire Department.

Commissioner Southard confirmed that these requirements would have to be met even if that condition was not part of the tentative map conditions. Senior Planner Wilson replied yes, this has always been there. We may have revised the wording, but the requirement is the same. Whether it is on or not, they still must comply. We are talking about issues tonight, but all we are concerned with is the turnaround. Mr. Walker said he still did not understand. Commissioner Southard said if the condition is not on there, you have to do it anyway.

Mr. Walker asked what the Fire Code was. Assistant County Counsel Erickson read from the County fire prevention ordinance, Section 600-020, "Adopted," in which the Uniform Fire Code is adopted by the County. Mr. Erickson stated that whether or not Condition 25 is included, it will happen anyway. Bill Walker said if it is going to happen anyway, why not take it off? It is not a condition of the creation of these four lots.

Commissioner Southard stated that personally he believes it is a good idea to put this on. The fact that it is here and not hurting anyone is a good idea for it to be put on there. Regardless, whether or not this is on there, you have to comply with it. Mr. Walker asked why have this on as a condition when it is a condition of a building permit. Senior Planner Wilson replied the reason why this is on is because it does relate to the map because there must be room for a turnaround. As to Subdivision Advisory Committee meeting, we try to have everyone there with Department conditions, but it does not always happen.

Vice Chairperson Capaul closed the public hearing.

Commissioner Dunn stated no offense to staff, but it seems that Mr. Walker goes to all the meetings and then gets blindsided. If he has to comply with this condition anyway, I do not see why it cannot be removed. It is not doing any harm by taking it off to satisfy Mr. Walker. Commissioner Dunn said he could see why Mr. Walker is upset. He said he thought the condition should be incorporated in the next application and forward.

Commissioner Griffin stated that Senior Planner Wilson said this applies only to the map now because of Fire Department access. Water supply is addressed at the building permit level. As far as this map is concerned, can we get fire equipment in there?

Commissioner Southard said he believes we are all in agreement. This should have been brought up at the Subdivision Advisory Committee meeting, but it was not. The applicant still has to comply with it. Mr. Southard said he believes this is a good idea to keep this on.

Commissioner Barringer stated he agreed with Commissioner Dunn. He believes Fire Department access should be in there. Commissioner Barringer said he also believed this condition could be eliminated from this application at this time to appease Mr. Walker.

Vice Chairperson Capaul stated he goes along with Commissioner Dunn.

Commissioner Southard asked why there was a 10-acre parcel. Mr. Walker said they were only allowed four total parcels.

Associate Planner Geiger stated this condition has appeared on at least one other ranchette and that is Mr. Churkin's project to the south. Water supply in that case was met by a special fitting to an agricultural well. Associate Planner Geiger said we are striving for consistency on these ranchettes.

Commissioner Dunn moved to recommend the Board of Supervisors approve the General Plan amendment, rezoning and tentative parcel map subject to the recommended findings and conditions as stated in the staff report, with the deletion of Condition #25. Commissioner Barringer seconded the motion, which carried by a unanimous roll call vote.

9. a) **Tentative Parcel Map #03-10 to allow the subdivision of a 227-plus acre parcel into two agricultural parcels of 80 acres and 147 acres; and**
- b) **Variance #03-05 for the creation of two lots without the required minimum frontage on a County road; AG (General Agricultural) District; located at the southern terminus of Powerline Road, south of Striplin Road; A. P. #33-290-003 & #33-300-019; applicant/property owner - Harbans Panu (Location: District 5 - Commissioner Shannon)**

Associate Planner Follas summarized the staff report and noted that the approval of the variance was not included in the Recommended Action and should be.

Vice Chairperson Capaul opened and closed the public hearing with no testimony being received.

Commissioner Dunn asked if this is a gravel road. Associate Planner Follas replied from Striplin Road south, it is gravel and is County maintained. It is simply not wide enough. Associate Planner Follas noted there was a private road for other access. Commissioner Dunn asked if it met County specifications. Associate Planner Follas replied the only reason it would be brought up to County specifications is if the applicant wishes to build a residence. In response to a question from Commissioner Dunn regarding gravel roads in the FPARC District, Associate Planner Follas replied FPARC has many other issues that are not applicable here.

Vice Chairperson Capaul moved to approve the tentative parcel map and variance subject to the recommended findings and conditions as stated in the staff report. Commissioner Barringer seconded the motion, which carried by a unanimous voice vote.

10. a) **Tentative Parcel Map #03-06 to allow the subdivision of a 119-plus acre parcel into two parcels, a 2.0 acre homesite and a 117-plus acre agricultural parcel; and**
- b) **Variance #03-04 for the creation of two parcels without frontage on a County accepted and maintained road; AG (General Agricultural) District; located approximately 475 feet south of Pass Road and approximately 500 feet easterly of the intersection of Pass Road and Kellogg Road; A. P. #13-200-085; applicant/property owner - Heryford Farms (Rick Heryford) (Location: District 3 - Commissioner Barringer)**

Associate Planner Follas summarized the staff report and noted that the approval of the variance was not included in the Recommended Action and should be.

Vice Chairperson Capaul opened and closed the public hearing with no testimony being received.

Commissioner Barringer moved to approve the tentative parcel map and variance subject to the recommended findings and conditions as stated in the staff report. Commissioner Southard seconded the motion, which carried by a 4 to 1 roll call vote, with Vice Chairperson Capaul voting in the negative.

**11. Comments from the Public**

None.

**12. Miscellaneous Business from the Commission/Staff**

**A. Possible cancellation of the second meeting in August (August 20, 2003).**

On motion of Commissioner Barringer, seconded by Commissioner Dunn, and carried by a unanimous voice vote, the meeting of August 20, 2003 was cancelled

**B. Other business and reports.**

None.

**13. Report on the Actions of the Board of Supervisors**

None.

**10. Adjournment**

There being no further business, Vice Chairperson Capaul adjourned the meeting at 8:16 p. m.

Respectfully submitted,

Danelle Stylos, Planning Division Chief  
Sutter County Planning Commission