

SUTTER COUNTY PLANNING COMMISSION

MINUTES

January 16, 2008
Supervisors Chambers
Hall of Records
466 Second Street, Yuba City

1. **Call to Order**

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

2. **Roll Call**

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

Members Present: Commissioners Diljit Bains, Paul Basi, Annette Bertolini, Preet Dibal, Jose Flores, Gabriel Singh, and Chairperson Shannon

Members Excused: None.

Staff Present: Planning Division Chief Lisa Wilson, Principal Planner Steve Geiger, Senior Planner Leanne Mueller, Assistant Planner Kevin Yount, Deputy County Counsel Janet Bender, Assistant Director Randy Cagle, Environmental Health Specialist Jan Hill, Public Works Staff James Walton and Jerry Orr, and Office Assistant Gail Gould

3. **Election of Officers**

A. Nominations and Election of Chairperson

Upon motion of Chairperson Shannon, seconded by Commissioner Flores, Commissioner Singh was elected as Chairperson by a unanimous roll call vote of the Commission.

B. Nominations and Election of Vice-Chairperson

Upon motion of Commissioner Bertolini, seconded by Commissioner Basi, Commissioner Shannon was elected as Vice-Chairperson by a unanimous roll call vote of the Commission.

C. Appointment of representative to City of Live Oak Planning Commission

Commissioner Singh was reappointed as the representative to the Live Oak Planning Commission.

D. Appointment of representative to City of Yuba City Planning Commission

Commissioner Shannon was appointed as the representative to the Yuba City Planning Commission.

4. Pledge of Allegiance

Commissioner Bertolini led the audience, staff and Commission in the Pledge of Allegiance.

5. Approval of Minutes

A. Minutes of December 5, 2007.

Commissioner Bertolini noted she was present at the December 5, 2007 meeting whereas the minutes reflect that she was not.

The minutes of the meeting of December 5, 2007 were approved with the one correction on motion of Commissioner Shannon, seconded by Commissioner Bertolini and carried by a voice vote of the Commission, with Commissioners Bains and Basi abstaining.

B. Minutes of December 19, 2007.

The minutes of December 19, 2007 will be submitted at the meeting of February 20, 2008.

6. Comments from the Public

None.

Adjourned Public Hearing

7. **Project # 07-033 - A rezone of the subject 19.998-acre property from AG (General Agricultural) District to RAN (Ranchette) District and a tentative subdivision map to divide the subject property into four parcels sized 3.9, 4, 5, and 7 acres; located at the northeast corner of Madden and Sanders Roads; A. P. #10-162-012; applicants - Paul & Andrea Singh/property owner - Singh Family Trust 2005**

Chairperson Singh recused himself from this item and left the chambers due to a conflict of interest. Vice-Chairperson Shannon chaired the hearing.

Principal Planner Geiger summarized the staff report and stated staff recommends denial. Based on the direction provided by the Commission at the December 5, 2007 meeting, however, staff has provided findings and conditions for consideration to recommend approval of the project to the Board of Supervisors.

Commissioner Basi asked if he could vote on this project. Planning Division Chief Wilson replied that he could not vote because he was not present at the December 5, 2007 meeting and was unable to review the video or audio tape of that meeting. Commissioner Basi then asked if he could ask a question with regard to the project. Planning Division Chief Wilson conferred with Deputy County Counsel Bender, who indicated that he could.

Commissioner Basi stated he was concerned about the rounding up of acreage. This size parcel has come through the Planning Commission before and approval has been granted. Principal Planner Geiger replied the subject parcel is shown on a recorded map to be 20 acres and based on the Ranchette development standards, should be considered 20 acres.

Commissioner Bains asked if the 19.996 calculations could be submitted to the recorder. Principal Planner Geiger responded the closure calculations are not recorded. If the previous parcel map had shown the parcel as 19.996 acres, it would have been sent back because it could not be recorded as less than 20 acres.

Commissioner Basi said other projects have come through as less than 20 acres and recorded. Planning Division Chief Wilson replied only one other project and that was long ago, before the current Ranchette zoning criteria, and the map was lawfully recorded. Commissioner Basi said that precedent was set.

Commissioner Flores stated the parcel is 19.996 acres. Planning Division Chief Wilson replied that is not what is shown on the recorded map.

Vice-Chairperson Shannon opened the public hearing.

Roberta Fletcher, 203 Butte Avenue, stated rounding up was brought up at a previous meeting. This is precedent setting. Mrs. Fletcher said her parents owned property on

the northeast corner of Duncan Road and George Washington Boulevard. The property started at 9.685 acres and was split into three 1-acre parcels and a remainder. Her father lost an acre under the County road. This property won't be in standing water if it floods and it meets the criteria. This project needs to be approved.

The applicants' representative, Ted Dorsey, stated he went to the County to try to get a parcel map approved. He was directed by staff to put together this application. He asked about a record of survey and was told calculations were enough. They were told by staff near the end of the review that they didn't meet the criteria.

The applicant, Paul Singh, stated he gave the Commission a pamphlet at the previous meeting and is giving it to them again. He reviewed the pamphlet. Mr. Singh said the map is 19.998 acres and requested the Commission look at the Chohan map. He also requested this go on to the Board of Supervisors for further action.

The applicant, Andrea Singh, stated they worked through this project with Planning. Mrs. Singh said they were told what to do and they did it.

Vice Chairperson Shannon closed the public hearing.

Vice Chairperson Shannon stated this property is well situated. It makes more sense for ranchettes. She reminded the Commission they are simply making a recommendation.

Commissioner Bains stated this property is 19.996 acres and she supports this.

Commissioner Flores stated this is close to schools, is far away from the city, and should be approved.

Commissioner Basi stated rounding up the acreage concerns him. He said he believes this should be approved.

Commissioner Bertolini moved to recommend approval to the Board of Supervisors subject to the Findings for Approval and Conditions of Approval as stated in the staff report. Commissioner Bains seconded the motion, which carried by a 4 to 1 roll call vote, with Commissioner Didbal voting in the negative and Commissioner Basi abstaining.

Chairperson Singh returned to his chair.

Public Hearings

8. **Project #07-080 - A variance to waive the requirement that a parcel have 50-feet of frontage upon an accepted and maintained County Road so the property can be considered a "lot" for building purposes; AG (General Agricultural) District; located on Cramer Road in South Sutter County, north of the intersection of Scheiber and Cornelius Roads; A. P. # 28-180-022 & -024; applicants/property owners - Roderick and Jenny Smith**

Assistant Planner Yount summarized the staff report and stated staff recommends denial.

Commissioner Shannon asked if Cramer Road was an access road. Assistant Planner Yount replied it actually does not go through to the property. Planning Division Chief Wilson added that Public Works has the maintained mileage which shows the actual footage, and this stops short of the property. That is what staff must go by. Public Works Engineer, James Walton, said the road turns into a field well before this property. That is also true of Berry Road. Scheiber Road goes to the corner.

Chairperson Singh asked if there was a 50 foot road frontage required in 1977. Planning Division Chief Wilson replied if the property owner wanted to build in 1977, they could have. Today, they must apply for a variance.

Chairperson Singh opened the public hearing.

The applicant, Roderick Smith, stated they would like to build a house on the property. They have farmed it for the last 16 years and now wish to live there also. He believes he puts \$300,000 per year back into Sutter County and would like to live where he works. All of the land surrounding his can be built on.

Max Scheiber, 1999 Scheiber Road, stated Mr. and Mrs. Smith own and operate a walnut orchard next to his. They want to build a home next to the Scheibers and he encourages this. They would be an asset to the County.

Roberta Fletcher, 203 Butte Avenue, stated this is another one in the interest of fairness and should be approved. The staff report also said there were two other variances approved in the area. Also, when this was approved previously by the Commission and then went to the Board of Supervisors, the Board voted 3 to 2 against the applicants.

Bill Walker of von Geldern Engineering stated he was here on his own behalf. His office did all the work on this property. The County approved this in 1977 with the idea of a house being built. There is a 60 foot easement so a variance should not be required. Also, 50 feet of access was not required at that time.

Chairperson Singh closed the public hearing.

Chairperson Singh stated he agreed with Bill Walker. The property should be grandfathered in. The property is AG-20 which allows one residence. Chairperson Singh said he was in favor of farmers living on their own property. He then asked about forwarding a recommendation to the Board of Supervisors. Planning Division Chief Wilson said if the Commission wishes to forward a recommendation, it would be appropriate for staff to prepare findings and conditions. It would be appropriate to reopen the hearing and continue the project to provide those items.

Chairperson Singh reopened the public hearing.

Commissioner Didbal moved to continue this project to the February 20, 2008 meeting. Commissioner Shannon seconded the motion, which carried by a unanimous voice vote.

9. **Project #07-058 - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide an 18.1-acre parcel into four parcels sized 3, 4, 5, and 6 acres; AG (General Agricultural) District; located on the east side of Holcomb Avenue approximately 1,400 feet south of Bogue Road; A. P. #23-022-095; applicant/property owner - Nar Heer**

Senior Planner Mueller summarized the staff report and stated staff recommended approval. Senior Planner Mueller noted a letter in opposition from a neighbor had been received tonight and given to the Commission.

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

Commissioner Shannon stated that it looked like this was appropriately located. The Commission concurred with the exception of Commissioner Didbal.

Commissioner Bains moved to recommend approval of this item to the Board of Supervisors subject to the recommended findings and conditions as stated in the staff report. Commissioner Bertolini seconded the motion, which carried by a 6 to 1 voice vote with Commissioner Didbal voting in the negative.

10. **Project #07-059 - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative subdivision map to divide a 10-acre parcel into two parcels sized 4 and 6 acres; AG (General Agricultural) District; located on the northeast corner of Starr Street and Grove Road; A. P. #23-023-009; applicant/property owner - Harkrishan Heer**

Senior Planner Mueller summarized the staff report and stated staff recommended approval.

Chairperson Singh opened the public hearing.

Sidney Johnson, 1724 Starr Street, stated he opposed the division of this parcel. He likes the area as is.

Cheryl Johnson, 1724 Starr Street, asked when this was made a 10 acre parcel. Senior Planner Mueller replied this was created in 1907 as part of the Grove Tract Subdivision.

Chairperson Singh closed the public hearing.

Commissioner Shannon moved to recommend approval of this item to the Board of Supervisors subject to the recommended findings and conditions as stated in the staff report. Commissioner Bertolini seconded the motion, which carried by a 6 to 1 voice vote with Commissioner Didbal voting in the negative.

11. **Project #07-004 - A General Plan amendment from AG-20 (Agriculture, 20-acre minimum) to AP (Agriculture Preserve), a rezone from AG (General Agricultural) District to AP/APR (Agricultural Preserve and Agricultural Preserve Residential) District and a tentative parcel map to divide an 84-acre parcel into three 2-acre parcels, a 2.2-acre parcel, and a 75.8-acre remainder parcel; located at the northeast corner of State Route 113 and George Washington Boulevard; A. P.#25-020-001; applicant/property owner - Balbir Sohal, et al**

Senior Planner Mueller summarized the staff report and stated staff recommended denial.

Chairperson Singh opened the public hearing.

The applicant's representative, Bill Walker of von Geldern Engineering, stated they have seen all the suggested conditions and are in agreement with all of them. Mr. Walker said he would be happy to answer any questions.

Commissioner Shannon asked why the parcels being proposed were not located further away from Highway 113. Mr. Walker discussed some options, but ultimately said the current location is the best fit for the parcels and existing house.

Chairperson Singh closed the public hearing.

Commissioner Basi asked Planning Division Chief Wilson if he could vote on this item. Planning Division Chief Wilson replied he could not, since he had not been able to review the audio or video tapes of those meetings.

Chairperson Singh stated he supported this application at the last meeting and he is in favor of clustering.

Commissioner Bertolini moved to recommend approval of this application to the Board of Supervisors. Commissioner Bains seconded the motion, which carried by a 6 to 1 voice vote with Commissioner Basi abstaining.

12. **Project #07-075 - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide an 18-acre parcel into four parcels sized 3, 4, 5 and 6 acres each; AG (General Agricultural) District; Located 0.4 mile south of Yuba City at the northeast corner of Holcomb Avenue and Taylor Road; A. P. #23-022-010 and -011; applicant/property owner - IPS Farming LLC (Harbhajan Sandhu)**

Planning Division Chief Wilson summarized the staff report and stated staff recommends approval. Planning Division Chief Wilson also noted Conditions 16 and 7 are duplicates and Condition 7 should be deleted.

Chairperson Singh opened the public hearing.

The applicant's representative, Bill Walker of von Geldern Engineering stated they have seen all the suggested conditions and with the deletion of Condition #7 are in agreement with all of them.

Chairperson Singh closed the public hearing.

Commissioner Didbal stated this is the fourth ranchette heard tonight. She expressed her concern about how much agricultural property was chopped up tonight.

Commissioner Basi moved to recommend approval to the Board of Supervisors subject to the recommended findings and conditions as stated in the staff report and with the deletion of Condition #7. Commissioner Bertolini seconded the motion, which carried by a 6 to 1 voice vote with Commissioner Didbal voting in the negative.

13. **Project #07-095 - A use permit to allow the repair, maintenance, and storage of equipment and materials associated with a farming and construction company; AG (General Agricultural) District; located at 3149 S. George Washington Blvd; on the west side of S. George Washington Blvd. approximately 700 feet south of Reed Road; A. P. #23-010-159; applicant/ property owner - Sutter Constructors, Inc.**

Senior Planner Mueller summarized the staff report and stated staff recommended denial.

Commissioner Basi asked if the previous actions were with the same applicant. Senior Planner Mueller replied they were.

Commissioner Bains asked if this should be a General Plan amendment and rezone. Senior Planer Mueller replied that was what had already happened, and the Commission recommended approval. Then, the Board of Supervisors denied it. Now he is applying for a use permit.

Chairperson Singh opened the public hearing.

The applicant, Robert Hall of Sutter Constructors, stated for the last 18 years this property has been used as a light industrial yard. Mr. Hall said 40 percent of his business is farming. He cannot afford to purchase two yards, so this is the last time before the Commission. He will probably have to go to Marysville.

Commissioner Flores asked Mr. Hall how many employees he had. Mr. Hall replied it was about 55.

Commissioner Basi asked for a brief description of the agricultural business. Mr. Hall replied he was a rice farmer and some of the equipment was stored in the shop.

Commissioner Bains asked Mr. Hall what percentage of his business is agriculture. Mr. Hall replied about 40 percent, and he has a lot of equipment that doubles in construction and agriculture. In response to a question from Commissioner Bains, he farms about 373 acres.

Roberta Fletcher, 203 Butte Avenue, stated we are having a recession and we need jobs. We need to make some allowance for this project. Mr. Hall's yard is always neat. In the interest of our economy and keeping an employer in the County, this is necessary.

Russel Burgram, 1450 Stabler Lane, stated he was an employee of Robert Hall. He asked if anyone had taken into consideration the effect on him and the other employees. He discussed the insurance and safety programs that were upgraded by Mr. Hall, and there are no violations. Mr. Burgram said Mr. Hall was willing to make any changes necessary.

Chairperson Singh closed the public hearing.

Commissioner Bains stated she understands what they are saying about employees, but the majority of business is construction. This should be looked into carefully.

Commissioner Basi stated he is familiar with this property. He knows other businesses that have been there and he does not see anything that has changed. Senior Planner Mueller noted that the staff report lists all previous permits on the property.

Commissioner Didbal stated the employer has tried to make this right. It is a good business for our area and to take that away after all these years because of a complaint would not be right.

Commissioner Basi said that Valley Trucking is on Township Road, and there was also a rezone on Railroad Avenue for a trucking company. Senior Planner Mueller replied those properties are for agriculture only.

Commissioner Flores said this should stay because we need the jobs.

Senior Planner Mueller pointed out the steps for Mr. Hall to take to have a business in compliance with County regulations and said he has been told he can keep only the agriculture equipment there.

Planning Division Chief Wilson reminded the Commission they must follow the adopted zoning codes.

Chairperson Singh stated that although the Commission cannot approve this, he personally supports the project.

Commissioner Bertolini moved to deny the project subject to the recommended findings stated in the staff report. Commissioner Shannon seconded the motion, which carried by a unanimous voice vote.

14. Project #06-021 - Zoning Code text amendment to Food Processing portion of the FPARC (Food Processing, Agricultural and Recreation Combining) District, Section 1500-1730 to allow additional uses; FPARC, Food Processing portion; located in the Food Processing portion of the FPARC District; south of South Butte Road, north of State Highway 20 and the abandoned railroad right of way, east of Morehead Road and west of Wyncoop Road; initiated by Sutter County Board of Supervisors

Planning Division Chief Wilson summarized the staff report and stated staff recommends approval.

Chairperson Singh said he understood one of the parcels across from the golf course has been sold to H & H Trenching. Planning Division Chief Wilson said she was not aware of that but if this is adopted, they could come back with a use permit application.

Chairperson Singh opened the public hearing.

Patricia Miller, 1699 Sharon Drive, asked how many acres this would involve. Planning Division Chief Wilson said she could not give an exact number, but it is approximately 200 acres.

Mrs. Miller asked if this had to be voted on since it is zoned FPARC. Planning Division Chief Wilson replied the ordinance reads that it may not be amended or repealed except by a vote of the people; however, it may be amended by the Board of Supervisors to authorize additional uses.

Mrs. Miller stated this should go back to the voters.

Fred Northern, 1658 Majorca Drive, stated our community needs jobs, we need places for businesses like the one just denied, and needs a location where people can afford to go into business. Mr. Northern said he was in favor of adding the additional uses for FPARC.

Roberta Fletcher, 203 Butte Avenue, asked who the current property owners were of this property. Planning Division Chief Wilson replied there are too many to list.

Mrs. Fletcher said she was concerned about H & H Trenching. We need to preserve the look of the area. Planning Division Chief Wilson responded that if this were approved and H & H applied for a permit, there would be conditions to address how the property would look.

Mrs. Fletcher asked if there was anything in the proposed language about aesthetics. Planning Division Chief Wilson said no, that would be heard as part of a specific use permit request.

Chairperson Singh closed the public hearing.

Commissioner Shannon stated the text amendments seem very clear. The uses already approved are agriculturally restricted and to add in text to allow greater employment is important. This will be a good thing for our community. This is in the best interest of all the citizens.

Chairperson Singh stated his concern was turning the Buttes into a scrap yard.

Planning Division Chief Wilson said she had just calculated the acreage and wanted to revise her previous estimate of the acreage involved to over 400 acres.

Commissioner Shannon moved to recommend approval to the Board of Supervisors. Commissioner Didbal seconded the motion, which carried by a unanimous voice vote.

15. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in February (February 6, 2008).

Chairperson Singh directed the meeting of February 6, 2008 be cancelled.

B. Report on the Actions of the Board of Supervisors

Planning Division Chief Wilson stated she had nothing to report.

C. Planning Commission/Board of Supervisors Discussion Topics

None.

D. Other Business and Reports

None.

16. Adjournment

There being no further business, Chairperson Singh adjourned the meeting at 9:20 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter Country Planning Commission

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