

SUTTER COUNTY PLANNING COMMISSION

MINUTES

May 21, 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 Annette Bertolini Jose Flores, J. R. Griffin, John Sanbrook, .and Vice-Chairperson Jana Shannon.

Members Excused: Commissioners Diljit Bains and Paul Basi

Staff Present: Planning Division Chief Lisa Wilson, Principal Planner Doug Libby, Senior Planner Leanne Mueller, Senior Planner Sydney Vergis, Deputy County Counsel Janet Bender, Assistant Director Randy Cagle, Environmental Health Specialist Jan Hill, Public Works Staff James Walton, and Office Assistant Gail Gould

3. Nominations and Election of Vice-Chairperson

Election of the vice-chairperson was continued to the meeting of June 18, 2008, because the full Commission was not present.

4. Pledge of Allegiance

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

5. Approval of Minutes

The minutes of the meeting of April 16, 2008 were approved as submitted on motion of Commissioner Bertolini, seconded by Commissioner Griffin and carried by a voice vote of the Commission, with Commissioner Sanbrook abstaining.

6. Comments from the Public

None.

Public Hearings

7. **Project #08-001 - Use permit for a secondary temporary manufactured home to be used for an agricultural caretaker; AG (General Agricultural) District; located at 15126 Moroni Road, Meridian; A. P. #13-180-024; applicant/property owner - Julia Kvassova**

Senior Planner Vergis summarized the staff report and stated staff recommends approval of this project.

Chairperson Shannon confirmed the mobile home was pre-existing.

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

Commissioner Bertolini moved to approve the project subject to the recommended findings and conditions as stated in the staff report. Commissioner Sanbrook seconded the motion, which carried by a unanimous voice vote.

8. **Project #07-055 - A General Plan Amendment from LDR (Low Density Residential) to COM (Commercial), a rezone from R-1-A (One Family Residence, Agricultural Combining) District to C-M-PD (Commercial-Industrial, Combining Planned Development) District, and design review approval for the purpose of expanding a mini-storage facility on 1.93± acres; located at 10860 Live Oak Boulevard, Live Oak; A. P. #09-100-053; applicants/property owners - Dan Kennedy and Reed Johnson**

Senior Planner Vergis summarized the staff report and stated staff recommends approval of the project to the Board of Supervisors.

Chairperson Shannon opened the public hearing.

Dan Kennedy, one of the applicants, stated he was present to answer any questions.

Commissioner Sanbrook requested confirmation that a reduced setback would be allowable under the Planned Development designation. Senior Planner Vergis affirmed this. Chairperson Shannon closed the public hearing.

Commissioner Griffin moved to recommend approval of the project subject to the recommended findings and conditions as stated in the staff report. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

9. **Project #07-093 - A Surface Mining and Reclamation Plan to mine fill material to support the California Department of Transportation (Caltrans) State Route 70 Upgrade Project; mining operations totaling 85-acres are proposed on portions of three parcels to remove approximately 1.5 million cubic yards to a depth of 13-14 feet below ground surface; the reclamation plan proposes to return the excavated areas to an agricultural use of aquaculture; AG (General Agricultural) District; located off Marcum Road, approximately 0.5 miles west of State Route 70, 2 miles east of Highway 99, and approximately one mile south of the rural community of East Nicolaus; A. P. #33-230-009 and -010, and #33-130-021; applicant - DeSilva Gates Construction/property owners - Spangler Survivors Revocable '93 Trust; Ward Ranches LLC, and Regli Family '06 Trust, et al**

Senior Planner Mueller summarized the staff report and stated staff recommends approval of the project.

Commissioner Sanbrook said it is an issue whether or not the end use is a permitted use in the agricultural zone. The letter from the lawyer said the end use is not embraced within the area. Commissioner Sanbrook asked if staff was comfortable in the position of this being permitted. Senior Planner Mueller replied yes. Commissioner Sanbrook asked if this should be addressed in the current General Plan update since there seems to be some confusion. Senior Planner Mueller replied yes, but for this particular project the issue has been addressed.

Commissioner Sanbrook asked who determines that the reclamation plan has been complied with. Senior Planner Mueller replied it is the County, the Department of Conservation and a standard requiring two successful years of crop harvest must be met. Commissioner Sanbrook then asked if the financial assurance plan would be released. Senior Planner Mueller said yes. Commissioner Sanbrook asked what happened if they fail. Senior Planner Mueller said then they will have to regrade the topsoil or assure the County that the land could be used for something else. Discussion of the type of crops that could be grown there followed.

Chairperson Shannon opened the public hearing.

In response to a question from Commissioner Sanbrook, Attorney Nick Advis stated he represented Dennis Nelson. Mr. Advis asked the Commission to postpone any decision. Aquaculture is not a good choice of reclaiming land. Once the prime agricultural land is removed, it is gone for good. Mr. Advis urged the Planning Commission to defer any action and urge policy guidance from the Board of Supervisors. Because of the General Plan update going on, the County has a unique opportunity to address this issue. The County should require that suitable alternate sites are available. The County should require further environmental analysis on the issue of fish. Mr. Advis said he was looking forward to the improvements on Highway 70. He cannot believe there are no other options that could be determined other than

prime agricultural land. The community should not support the removal of prime land when there is other land suitable for use. This is setting a precedent.

Dennis Nelson, 950 Tharp Road, stated he was not here to speak in opposition, but to speak of some of the policy issues not brought up tonight. On May 29 the Board of Supervisors will be looking at policy issues. Aqua farming has never been analyzed in the General Plan and probably should be. There are also issues regarding water quality control and loss of prime agricultural land. There are other contractors out there looking at this application. Mr. Nelson talked about the money available for farmers and said the Board of Supervisors should really look at this and give direction to staff and the application. Mr. Nelson asked for denial or a continuance for 45 to 60 days, time for the Board of Supervisors to give full disclosure. The Board of Supervisors should really look at the policy issues. DeSilva must have a Plan B in the event this is denied.

Commissioner Sanbrook asked Mr. Nelson if there was another site that could be used instead of this property. Mr. Nelson replied there are at least two other sites known and that are approved and can be used.

Jim Summers, representing DeSilva Gates Construction, gave a presentation on the project. Mr. Summers said the benefits of this site are that it is a shorter distance to the source, less truck time, less fuel used, off road equipment, less air pollution, less wear and tear on public roads, less trucks going through four-way stop intersections at Nicolaus Road.

Commissioner Sanbrook stated he noticed in the staff report reclamation takes place after mining the entire property and asked why reclamation can't take place on each site as it is finished. Mr. Summers replied they need to get on borrow sites used so they can get everything started at the same time in order to make sure it is successful.

Blair Wallace of Stillwater Aqua Farms, 7633 Locust Road, Pleasant Grove, stated since the water should be 75 degrees there is generally only one time per year to plant the fish.

Commissioner Sanbrook asked if the property owners were a party to the financial assurance. Mr. Summers replied they put up the financial assurance and if they can't reclaim the property, they cannot get the bonds released.

Commissioner Griffin asked how long to finish the road. Mr. Summers replied it would be perhaps two months to move all the dirt from the borrow area to the intersection.

Chairperson Shannon closed the public hearing.

Chairperson Shannon thanked Senior Planner Mueller for a wonderful package of information. Chairperson Shannon said her personal feeling is this is a better use of land than the ranchettes. In regard to comments on hormones and fish excrement, Chairperson Shannon said she believed there were dairy farms which are close by that

use hormones and fish excrement. Chairperson Shannon applauded this as a win-win situation for everyone. This is a creative use. Catfish is a trendy product. This is a better use than hop scotching random ranchettes. She talked about dredging the rivers and silt replenishing the soil. Everybody should be aware of flood issues because that affects everything that goes on in the County.

Commissioner Flores stated staff did a great job and this is a great opportunity.

Commissioner Bertolini stated those were her thoughts exactly.

Commissioner Sanbrook stated he was a little conflicted when he looked at the General Plan and the policies in the General Plan. We are not converting land to urban use; we are converting land to a related agricultural use. The staff report was very comprehensive and he believes he can see a successful outcome if approved.

Commissioner Griffin stated two of the parcels will be damaged in the construction of the road project. Taking trucks off the road would be very beneficial. Commissioner Griffin stated the project has merit.

Commissioner Bertolini moved to approve the surface mining permit and reclamation plan subject to the recommended findings and conditions as stated in the staff report. Commissioner Flores seconded the motion, which carried by a unanimous roll call vote.

10. **Project #07-036 - A tentative subdivision map to divide 72.93 acres into three 2-acre homesite parcels and three agricultural parcels sized 20, 20.7 and 26 acres each; AG (General Agricultural) District; located at the southwest corner of the intersection of Sanders Road and the Onstott Frontage Road north of Yuba City; A. P. #10-220-056; applicant/property owner - Santokh Dosanjh**

Principal Planner Libby made two corrections to the staff report. In the first full paragraph on Page 3, the word “west” should be “east.” Principal Planner Libby also noted that in Condition 7, it should say Parcel 4. Principal Planner Libby then summarized the staff report and stated staff recommends approval.

Commissioner Sanbrook asked what is staff doing with reference to Policy 6.3. He then read from that policy. Commissioner Sanbrook said there is potential for abuse in homesite parcels. Principal Planner Libby replied the land will not change zoning whereas some other applications ask for a change in zoning to ranchettes. General Plan Policies 6.4 and 6.6 specifically set out criteria for these homesite parcels.

Chairperson Shannon opened the public hearing.

The applicant’s representative, Bill Walker of von Geldern Engineering, stated they have reviewed all the suggested conditions of approval and with the exception of Condition 6

being removed are not in agreement with Conditions 7, 16, 17 and 19. These are parcels being created for farmers. Mr. Walker requested those conditions be removed.

Anthony Laney, 928 Woodridge Court, stated he owns property to the south and has farmed that property for several years. Mr. Laney also asked the Commission not to approve these three 20-acre parcels.

Richard McPherrin, 2134 Sanders Road, Live Oak, stated he farms property to the north. He asked why there was an access road and development rights.

Chairperson Shannon closed the public hearing.

Commissioner Griffin moved to approve this project subject to the recommended findings and conditions as stated in the staff report. Commissioner Bertolini seconded the motion which carried by a unanimous voice vote.

Commissioner Sanbrook stated he reluctantly voted yes because of the other four persons voting for it. Mr. Sanbrook said he still believes that we are cutting up agricultural land.

11. **Project #06-004 - A General Plan Amendment from AG-20 (Agriculture, 20-acre minimum) to IND (Industrial), a rezone from AG (General Agricultural) District to C-M PD (Commercial-Industrial, Combining Planned Development) District and M-1 PD (Light Industrial, Combining Planned Development) District and design review approval to establish a truck stop on 33± acres; located at the southeast corner of the intersection of Eager Road and the Onstott Frontage Road north of Yuba City; A. P. #10-260-027, -028, & -067; applicants/property owners - Scott Powell and Piara Johl**

Principal Planner Libby summarized the staff report and stated staff recommends denial of the project.

Commissioner Griffin asked if the widening of the frontage road would be on the applicant's property. Principal Planner Libby replied yes.

Commissioner Sanbrook asked if the convenience store would be on the CM property or the M-1 property. Principal Planner Libby replied the store would be on the CM property.

Chairperson Shannon opened the public hearing.

One of the applicants, Scott Powell, stated this would be a huge benefit to Sutter County because there is a large contingency of trucks and commercial vehicles in the county. Trucks are parked everywhere illegally and they want to make a commercial venture for this type of service. The project is located outside the City limits at an

underused intersection. The project would provide tax dollars to the county as well as more employment opportunities

Another applicant, Piara S. Johl, reiterated this is a project that would benefit the County of Sutter. He talked about seven acres south of the retention pond that is part of the parcel that he owns.

Mr. Powell requested this be supported by the Commission and continued to June so staff can prepare findings and conditions.

Chairperson Shannon closed the public hearing.

Chairperson Shannon stated this is one of the best plans she has seen since she began on the Commission. Truckers have needed a place like this. It is well situated and well needed. It is the right location.

Commissioner Griffin stated parking of trucks has always been kind of a step child and this fills a void he agrees with Chairperson Shannon.

Commissioner Sanbrook stated he disagreed. This violates several points of the General Plan. We are building in incompatibility and conflict. Commissioner Sanbrook stated he agreed with staff.

Commissioner Bertolini stated she has been to several meetings with the supervisor for that area and he has talked about the need for an industrial zone. Commissioner Bertolini stated she agreed with Chairperson Shannon.

Chairperson Shannon moved to continue this project to the meeting of June 18, 2008, and provided direction to staff to prepare findings and conditions for the Commission's consideration. Commissioner Griffin seconded the motion, which carried by a 4 to 1 roll call vote, with Commissioner Sanbrook voting in the negative.

- 12. Project #07-079 - A General Plan Amendment from AG (Agriculture, 20-acre minimum) to IND (Industrial), a rezone from AG General Agricultural District to M-1-PD (Light Industrial, Combining Planned Development) District and design review to allow a variety of light industrial uses on a 9.16-acre property formerly used as an agricultural weighing and grading station; located at the northwest corner of the intersection of Anderson Lane and Carlson Road at 5225 Carlson Road; A. P. #23-140-084; applicants - Didar Bains, Ajit Bains, and Arthur Smith/property owners - Diljit K. Bains, et al**

Principal Planner Libby summarized the staff report and stated staff recommends denial.

Commissioner Sanbrook stated he did not see how this application could even be deemed complete in view of the moratorium. Principal Planner Libby replied that is true. Commissioner Sanbrook stated there is no project, no identified use, and he cannot support this.

Chairperson Shannon opened the public hearing.

The applicants' representative, Dennis Nelson, 950 Tharp Road, stated the applicants are in concurrence with the quick denial and sending this to the Board of Supervisors. They believe there are more uses that can be put on here. The applicants are trying to get a policy question answered first. They are not trying to circumvent anyone.

Balbir Johl, 4967 Carlson Road, stated he was against having any property in violation of the moratorium. That road is not a good road for additional traffic. There is not very good law enforcement there. It is a desirable area for living and that would be compromised if this were allowed to be approved. Mr. Johl asked if this rezoning would create a 24/7 operation. It was tolerated as a peach facility. Mr. Johl asked the Commission to take a look at the condition of the road. He stated he was against developing that parcel and highly recommends leaving it as agricultural land.

Chairperson Shannon suggested to Mr. Johl that he make the same comments at the Board of Supervisors hearing.

Claire Mathews, 5367 Carlson road, stated this will have a negative impact on the quality of life and could be a financial burden.

Baldev Chima, 5525 Carlson road, stated he lives in close proximity to the property. Mr. Chima said the County really needs to get its act together on that. He did not think the Board of Supervisors wants to start another hopscotch development and he does not see how they could rezone this property to light industrial.

Chairperson Shannon closed the public hearing.

Commissioner Sanbrook said he did not think the General Plan contemplates urban development, which is what this is on this property. Commissioner Sanbrook stated he cannot support this.

Commissioner Sanbrook moved to recommend denial of this project to the Board of Supervisors. Commissioner Griffin seconded the motion, which carried by a unanimous voice vote.

13. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in June (June 4, 2008)

Chairperson Shannon directed the meeting of June 4, 2008 be cancelled.

B. Report on the Actions of the Board of Supervisors

Planning Division Chief Wilson stated the LaMontagne variance was approved, the Bains project was approved with buffers, and the Kells and Dhoot projects were approved. Planning Division Chief Wilson stated the Walnut Avenue project was continued to June 24 so a noise study could be completed. Planning Division Chief Wilson also stated there was a clarification of the moratorium of the General Plan that it will not be applicable to industrial zone applications.

C. Planning Commission/Board of Supervisors Discussion Topics

None.

D. Other Business and Reports

None.

12. Adjournment

There being no further business, Chairperson Shannon adjourned the meeting at 9:31 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter County Planning Commission

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