

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

August 20, 2008  
Supervisors Chambers  
Hall of Records  
466 Second Street, Yuba City

### 1. Call to Order

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

### 2. Roll Call

Vice-Chairperson Bains 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, Jose Flores, J. R. Griffin, and John Sanbrook

Members Excused: Chairperson Jana Shannon

Staff Present: Principal Planner Steve Geiger, Senior Planner Leanne Mueller, Assistant Director Randy Cagle, Deputy County Counsel Janet Bender, Environmental Health Specialist Jan Hill, Public Works Staff James Walton, and Office Assistant Gail Gould

### 3. Pledge of Allegiance

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

### 4. Approval of Minutes

Commissioner Sanbrook noted his name was spelled incorrectly on page 7 of the minutes of July 2, 2008. The minutes of the meetings of July 2, 2008, as corrected, and July 16, 2008, as submitted, were approved on motion of Commissioner Griffin, seconded by Commissioner Sanbrook, and carried by a voice vote of the Commission with Commissioner Bertolini abstaining for the minutes of July 16, 2008.

### 5. Comments from the Public

None.

## Continued Public Hearing

6. **Project #06-052 - A tentative subdivision map to divide a 27-acre parcel into a 25-acre parcel and a 2-acre homesite parcel and a variance request to create the 2-acre parcel without frontage on a County accepted and maintained road; AG-FP (General Agricultural-Special Flood Plain Combining) District; located on the east side of Garden Highway at the intersection with Messick Road; A. P. #23-234-012, 23-253-017, -018, and -019; applicant/property owner - Walter & Ellen Berg Family Trust**

Senior Planner Mueller presented the request for a tentative subdivision map to divide a 27-acre parcel into a 25-acre parcel and a 2-acre homesite parcel and a variance request to create the 2-acre parcel without frontage on a County accepted and maintained road and stated staff recommends denial. Based on direction from the Planning Commission at the July meeting, staff has prepared findings and conditions for approval.

Commissioner Sanbrook stated the staff report says there is sufficient frontage for the homesite parcel and the location does not present a special physical constraint to the property. Is staff saying the applicant is placing a special hardship on himself? Senior Planner Mueller replied in the denial discussion, staff has said there is sufficient frontage to place a homesite parcel, so what the applicant is proposing is of his own choosing.

Commissioner Sanbrook said there seems to be competing General Plan policies. There is the General Plan policy that encourages clustering, there is the General Plan policy that basically says a homesite parcel can be created for people in the family farming operation, and another one that says a homesite parcel cannot exceed two acres in size. Commissioner Sanbrook said he was concerned about reconciling all these competing policies. If there were flexibility in the General Plan policy that you cannot have more than two acres, you could give the applicant more land and allow him to have a flag lot. Senior Planner Mueller replied the only way you can go over two acres is if it is necessary for the septic system. However, this parcel will support the septic on two acres.

Vice-Chairperson Bains opened the public hearing.

The applicant's representative, Bill Walker of von Geldern Engineering, stated he would be happy to answer any questions and there are some conflicting issues. In this case, the easement that would be created to serve this parcel is already there. It is not as though they would be creating an additional easement. Also, it was not difficult in past times to create a rear parcel. Mr. Berg's homesite is there. Now, we are before you in modern times trying to create a parcel for Mr. Berg's daughter because she needs to be close. There have been other homesite parcels created without public road frontage, such as the Scheiber's. There is no additional easement and they are not taking away farm land. They are also clustering. Mr. Walker said he hopes the Commission will allow them to conclude their ultimate plan.

Commissioner Sanbrook asked Mr. Walker how he would respond to staff's position that prior variances were granted and each must be considered separately. Mr. Walker replied previous applications have been granted and that is an issue to be considered. Plus, they are clustering houses. Mr. Walker said he believes it is in the Commission's power to consider such issues.

Vice-Chairperson Bains closed the public hearing.

Commissioner Sanbrook said he has expressed his conflict on this application, but after all is said and done we cannot ignore the fact they want to cluster and enjoy that which others enjoy. Denial would deny the applicant the same privilege as enjoyed by others in the area.

Commissioner Sanbrook moved to recommend approval to the Board of Supervisors. Commissioner Sanbrook asked Mr. Walker about the buffers. Mr. Walker replied they do not object to the buffering. It has been done before as setbacks.

Commissioner Sanbrook amended his motion to delete Conditions #6 and #22 regarding buffers.

Principal Planner Geiger said they have found a conflict in conditions. Condition 1 says the variance must be activated within one year of approval and Condition 2 says the subdivision map shall be recorded within 36 months. Principal Planner Geiger recommended removing Condition #2.

Commissioner Sanbrook amended his motion to delete Condition #2 as well as Conditions #6 and #22. Commissioner Griffin seconded the motion which carried by a voice vote, with Commissioner Bertolini abstaining.

Deputy County Counsel Bender pointed out that Commissioner Flores was not at the last meeting, but did go and view the video of that meeting thus enabling him to vote on this issue tonight.

## **Public Hearing**

### **7. Project #08-025 - Zoning Code text amendment to permit the use of private roads for access in industrial zones; located Countywide; initiated by the Sutter County Board of Supervisors**

Principal Planner Geiger presented the request for a Zoning Code text amendment to permit the use of private roads for access in industrial zones and recommended approval to the Board of Supervisors. Principal Planner Geiger stated that revised text had been provided to the Commission tonight, which separated the proposed new text regarding private roads from the existing public road section. Principal Planner Geiger then reviewed the revised text.

Referencing the first sentence under Section 1500-8015A, Commissioner Sanbrook asked if the word “preferred” should be “proposed.” Principal Planner Geiger replied the language was worked out with the Public Works Director.

Commissioner Sanbrook said the word “only” should also be added to that sentence to clarify the section only applies to industrial zones. He also asked if the reference to the “California Fire Code” should instead be “Uniform Fire Code”.

Vice-Chairperson Bains asked if there is a road standard in reference to Section 8015A. Public Works Engineer Walton replied right now his department is reviewing the standards for roads. We do have adopted standards.

Commissioner Sanbrook asked if the improvement standards referenced by the text are the same that would be required as conditions of approval by the Director of Public Works. Principal Planner Geiger replied we are just basically making a distinction between projects permitted “by right” and those requiring a parcel or subdivision map.

Commissioner Sanbrook stated that portion is confusing. Vice-Chairperson Bains agreed and suggested this item be continued.

Commissioner Basi stated he did not like the sentence, “Intersections with the public right-of-way shall be improved as required by the Director of Public Works. . . .” He thought the statement was misleading, too discretionary, and that the Public Works requirements should be clearly spelled out.

Commissioner Sanbrook moved to continue this item to the meeting of September 17, 2008 to allow staff to address these concerns. Commissioner Basi seconded the motion, which carried by a unanimous voice vote.

### **Commission Consideration**

#### **8. Planning Commission Response to the 2007-2008 Grand Jury Report.**

Assistant Director Cagle introduced this item and stated the Commission is asked to vote on each finding and recommendation as we work through the draft response provided to the Commission.

Assistant Director Cagle read each finding, recommendation and response.

Commissioner Griffin stated the last paragraph in Paragraph 1 was very concise. The Commission has different perspectives and points of view than the Board of Supervisors. We make our decision, we take our vote, and the Board of Supervisors can override us.

Commissioner Griffin moved to approve staff’s response to Paragraph 1. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

Commissioner Griffin moved to approve staff's response to Paragraph 2. Commissioner Sanbrook seconded the motion, which carried by a unanimous voice vote.

In reference to Recommendation 1, Commissioner Sanbrook asked for a definition of "any County officer." Deputy County Counsel Bender replied she would have to research the Government Code. Commissioner Basi asked if it was just the Board of Supervisors who appealed projects. Principal Planner Geiger replied in the past it has been the County Administrator's office filing the appeal on behalf of the Board of Supervisors. Commissioner Sanbrook asked if the Commissioners were allowed to appeal. Deputy County Counsel Bender said any interested person may appeal. A County officer, as defined by Government Code 24000, may appeal. Deputy County Counsel Bender said she did not have that section with her. Assistant Director Cagle stated staff could come back at the next meeting with the definition.

Commissioner Sanbrook moved to approve the response to Recommendation 1. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

Commissioner Basi moved to approve the response to Recommendation 2. Commissioner Sanbrook seconded the motion, which carried by a unanimous voice vote.

Commissioner Sanbrook moved to approve the response to Recommendation 3. Commissioner Griffin seconded the motion, which carried by a unanimous voice vote.

Commissioner Basi moved to approve the response to Recommendation 4. Commissioner Sanbrook seconded the motion, which carried by a unanimous voice vote.

Regarding Recommendation 5, Commissioner Sanbrook stated the only comment he had is that CEQA documents can be prepared by individual consultants. Commissioner Sanbrook suggested modifying the third sentence of the response to read: "CEQA documents are prepared by County planning staff or qualified consultants and . . ."

Commissioner Sanbrook moved to approve Recommendation 5 as modified. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

Principal Planner Geiger suggested a motion to approve the entire document.

Commissioner Griffin moved to approve the Response to the Grand Jury, including the Findings and Recommendations and the modification to Recommendation #5. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

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

**A. Possible cancellation of the first meeting in September (September 3, 2008)**

Vice-Chairperson Bains directed the meeting of September 3, 2008 be cancelled.

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

Principal Planner Geiger reported that the Board of Supervisors approved Cryer, Trinity Sierra, Kennedy, and Powell. The Board of Supervisors also denied the appeal of the Walnut Avenue Community Center.

**D. Other Business and Reports**

None.

Vice-Chairperson Bains adjourned the meeting.

Vice-Chairperson Bains reopened the meeting.

**C. Planning Commission/Board of Supervisors Discussion Topics**

Commissioner Basi suggested that residential estates be a future topic of discussion between the Planning Commission and Board of Supervisors.

**10. Adjournment**

There being no further business, Vice-Chairperson Bains adjourned the meeting at 8:00 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary  
Sutter Country Planning Commission

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