

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

September 17, 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 Paul Basi, J. R. Griffin, John Sanbrook and Chairperson Jana Shannon

Members Excused: Commissioners Annette Bertolini, Jose Flores,

Staff Present: Planning Division Chief Lisa Wilson, Principal Planner Doug Libby, Senior Planner Sydney Vergis, 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

The minutes of the meeting of August 20 2008 were approved as submitted on motion of Commissioner Sanbrook, seconded by Commissioner Basi and carried by a unanimous voice vote of the Commission

### 5. Comments from the Public

None.

## Continued Public Hearing

6. **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**

There was no quorum for this item and it was continued to the meeting of October 15, 2008.

## Public Hearings

7. **Project #07-081 - A rezone from AG (General Agricultural) to RAN (Ranchette) District and a tentative parcel map to divide a 15.32-acre parcel into two parcels sized 10 acres and 5.3 acres; located at 3222 Tierra Buena Road, on the west side of Tierra Buena road, to the north of Pease Road and to the south of Nuestro Road; A. P. #10-250-067; applicant - Harinder Takher/property owners - Takher Family Trust, et al**

Senior Planner Vergis presented the request for a rezone from AG (General Agricultural) to RAN (Ranchette) District and a tentative parcel map to divide a 15.32-acre parcel into two parcels sized 10 acres and 5.3 acres and stated staff recommends approval to the Board of Supervisors.

Commissioner Sanbrook asked if the home located on the east side of Parcel 2 was within the 100 foot setback. Senior Planner Vergis replied the setback would include the road right-of-way. Commissioner Sanbrook said it looks like it is very close to the east property line of Parcel 2, and if a setback is required on the east line, is the home within than the 100 feet or does it sit back further than the 100 feet? Senior Planner Vergis said the house does set back over 100 feet.

Planning Division Chief Wilson stated that Commissioner Sanbrook may be referring to the south side property line and she does think the existing residence is within 100 feet of the southern property line. As has been done in the past when the house is existing, we have recognized the house as being within the 100 foot setback location and required the 25 foot planter before the map can be recorded. If the house were destroyed, then we would require the replacement to meet the 100 foot set back.

Chairperson Shannon said it looked like there might be a line of trees along the property line as well.

Commissioner Sanbrook confirmed this application was deemed complete before the moratorium was in effect and asked why it took ten months to get to the commission. Senior Planner Vergis replied an application may be deemed complete and still need more information, and staff was inundated with applications prior to the moratorium effective date.

Chairperson Shannon opened the public hearing.

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

Chairperson Shannon said the aerial looks like there are trees along the property line and asked if this was true. Mr. Walker replied it is.

Commissioner Basi stated he passes the site all the time and there are oleanders along the side and in front of the property. There is a walnut orchard on the south side.

Commissioner Basi said for these types of situations, there is already buffering in place and it seems a shame to require more. Mr. Walker said he was hoping that Planning would go out and determine there was sufficient buffering as they have done in the past. Planning Division Chief Wilson said since this is a ranchette and there are mitigation measures, the buffers are required. The oleanders will work in the applicant's favor, but staff will still require some taller trees that will help catch dust and overspray.

Chairperson Shannon closed the public hearing.

Commissioner Basi 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 #07-063 - 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 of 3, 4, 5, and 6-acres in size; located on the north side of State Route 20 approximately 300 feet east of Lytle Road; A. P. #13-280-149; applicants/property owners - Kent and Neal Siller**

Planning Division Chief Wilson presented the request for 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 of 3, 4, 5, and 6-acres in size and stated staff recommends approval of the project to the Board of Supervisors. Planning Division Chief Wilson noted a letter had been received and provided to the Commission tonight concerning an existing drainage easement.

Commissioner Sanbrook asked if the only buffer required was on the north property line. Planning Division Chief Wilson replied it was and it was for agriculture protection.

Commissioner Basi asked if the concerns in the letter that was submitted had been addressed. Planning Division Chief Wilson replied they had.

Commissioner Sanbrook asked if the easement mentioned was a recorded easement. Planning Division Chief Wilson replied it was, and is referenced on the map.

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

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

**9. Project #07-037 - A use permit for a Sikh temple; AG (General Agricultural) District; located at 1298 South George Washington Boulevard; A. P. #22-030-064; applicant - Sukh Singh/property owner - Guru Nanak Sikh Society**

Principal Planner Libby summarized the previously circulated staff report and concluding by stating that staff is recommending approval of the project. Principal Planner Libby noted three letters in opposition to the project had been received from David and Ann Rai, Leela Rai, and Thorban J. Sellers.

Commissioner Sanbrook confirmed the parcel of land is within the Yuba City Sphere of Influence, that Principal Planner Libby coordinated with City staff on this project and asked if the City had taken a position on the project. Principal Planner Libby replied staff coordinates with City staff when projects are located proximate to or within the sphere of influence. Principal Planner Libby said no written comments from the City have been received; however, City staff has suggested conditions regarding urban requirements. Commissioner Sanbrook questioned and staff confirmed the applicants have agreed to those standards.

Commissioner Sanbrook confirmed the County issued an entitlement in 2006 and the scope of that entitlement was as applied for in 2002 and this application is substantially increased in size from that previous project.

Commissioner Sanbrook also confirmed there is no zoning district classification in the Zoning Code allowing churches as a matter of right and that churches are not allowed in commercial or industrial zones, but in agricultural zones upon securing a use permit. Principal Planner Libby added that churches are also allowed in residential zones upon securing a use permit.

Chairperson Shannon opened the public hearing.

Michael Barrette, attorney for the applicants, stated the Society wants the Commission to understand that they have cooperated substantially for many years with the Planning Department and they agree to all proposed 54 conditions. Mr. Barrette said they want the Commission to understand this parcel of land is the same property that was involved in the litigation as the Court found in that regard there is another substantially similar Sikh temple located only approximately a quarter mile away that has been allowed to exist in the agricultural district for many years. Mr. Barrette said he wanted the commission to understand the guidelines here are somewhat different and somewhat unfamiliar as the Ninth Circuit found they are governed under the Religious Land Use and Institutionalized Persons Act of 2000. In essence, under that act there are requirements and basically the Act says no government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution unless the

government demonstrates that imposition of the burden on that person, assembly or institution is in furtherance of the compelling governmental interests and is the least restricted means of furthering that compelling governmental interest. Mr. Barrette stated they are building a place of religious worship and they have acceded to the requirements of the government in terms of laws of general applicability to all buildings whether they be commercial or otherwise and are prepared to move forward on this project. The project is one that, under the circumstances, is consistent with surrounding land use and should be approved.

Commissioner Sanbrook asked Mr. Barrette if it was his position that the impact of the Ninth Circuit decision in the litigation is such that with reference to the project that is before us today, that we are somehow compelled to issue the use permit.

Mr. Barrette replied no, the impact of the Ninth Circuit's decision simply recognized the use of the property for religious uses stands on a different footing than other ordinary uses and recognizes that individualized assessments based upon traffic, noise, and the things that were cited before, are not sufficient compelling reasons to simply deny an applicant use of the property for religious purposes.

The applicant, Sukh Singh, gave some background on the project from its first proposed location on Grove Road. Mr. Singh said they realized after that project was denied that the property would be too small. So, they moved the proposal to the present project site on George Washington Boulevard. This application was approved, but then appealed and denied. If they had restricted themselves to 75 people after the Ninth Circuit decision, then they would have confronted many problems. There would be more than 75 people attending and they would be parking in the orchard or garden. They would not be able to deny people access. After prayers they have a big gathering and that is part of the religion. If they kept to the original request they would have encountered many problems, one being the size of the kitchen because the kitchen is a very important part of the ceremony. Mr. Singh said the nearest neighbor is more than 300 feet away, so there is a buffer zone of almost 600 feet.

Commissioner Sanbrook confirmed with Mr. Singh they abandoned their first proposal because it was not feasible. Mr. Singh replied that is correct. If they had gone through with the smaller project, they would still have come before the Commission for a larger project in a couple of years.

Commissioner Sanbrook asked if they were proposing a school. Mr. Singh replied not at this point, but in the future they might.

Simratpal Kaur Dhillon, 1705 Camino Del Flores, stated she was 16 years old and with this temple there will be tremendous programs and activities for the children. With the busy schedules of our working parents and so many responsibilities, it is very difficult for our parents to give us training on a regular basis. We need to have a Sikh temple as it will provide such training for people like myself and others. This would also provide us the opportunity to participate in religious camps and trips. She asked that the temple be built as soon as possible

Rajinder Johal stated she was a teacher in the public school system in Marysville. Mrs. Johal stated it is a fact that students are able to learn more with a lower student teacher ratio. She feels that temples are similar to schools in that aspect because Sikhs are able to learn more and become better people with a lower pupil teacher ratio. Mrs. Johal feels that Yuba City has a large population of Sikhs and that two temples now are not adequately serving the needs of the population. If they had another temple, more Sikhs would be able to go and learn.

Mr. Singh, 1705 Camino Del Flores, stated he is very closely associated with this Society because this group is sincerely involved in spreading the message of this faith. He has read the by-laws of the Society. They respect all members on the criteria of merit. They have good plans to offer activities to families which are not presently accessible at other temples. Mr. Singh said he strongly urges the Commission to approve this project.

Chairperson Shannon closed the public hearing.

Commissioner Sanbrook asked what is proposed for the use of the residence. Principal Planner Libby replied the existing residence would be occupied by the priest.

Commissioner Sanbrook stated in order for staff to make an intelligent and intellectual assessment of the impacts of this project, it would seem that they would need a precise site plan that would show all the structures and proposed improvements and he did not see where we have that. Commissioner Sanbrook said he understands the applicant does not want to spend a lot of money until he knows how this will come out, but it seems like we are putting the cart before the horse.

Chairperson Shannon said once this is approved and they apply for their building permits, they will come with a complete set of plans. Commissioner Sanbrook said he realizes that, but he is still wondering if we don't need that complete site plan now.

Commissioner Sanbrook talked about the project's conformity to the general Plan and asked how the use of this property, as proposed, would be consistent with the General Plan.

Principal Planner Libby replied the General Plan states the Agricultural land use designation is for low density uses. The County made a policy decision many years ago that churches are a low density use.

Commissioner Sanbrook asked how we can conclude this property is in conformance with the General Plan. This is not a property conversion, it is a use permit. Principal Planner Libby replied the property will still be zoned agricultural and a portion of the property will still be farmed. Mr. Libby referred to the General Plan's definitions of urban and suburban development and stating the project does not meet either of those definitions.

Commissioner Sanbrook asked about the condition for ceremonies being observed during the day, if that was still in effect. Principal Planner Libby replied staff did not place a limitation on the number or type of ceremonies as such a condition is difficult to enforce.

Commissioner Sanbrook and Principal Planner Libby discussed the conformity of this project to the General Plan and some of the conditions.

Commissioner Basi thanked Principal Planner Libby for doing a fantastic job.

Chairperson Shannon thanked the Guru Nanak Sikh Society for coming before the Commission with a well thought out application.

Commissioner Griffin stated he was on the Planning Commission when the applicants applied for their first use permit in a residential neighborhood. The Commission turned it down, because the Commission felt it would grow and there was not enough land.

Commissioner Griffin moved to approve the use permit subject to the recommended findings and conditions as stated in the staff report. Commissioner Basi seconded the motion, which carried by a unanimous roll call vote.

Commissioner Sanbrook stated given the history surrounding the dual applications proposed by the Guru Nanak Sikh Society, he is persuaded by the staff report that with the some 54 conditions that have been attached to the permit which mitigate the project from an environmental standpoint to one less than significant, we can have a project that will be an asset to the Sikh community and one that the entire community can be proud of. Commissioner Sanbrook further said if this were a brand new application in an AG district, he would look on this with some concern and with some issues, but given the history of this project and what has been attempted by the proponents, he is persuaded this will be a good project.

## **10. Definition of a County officer**

Commissioner Sanbrook said he concludes from this the Planning Commission can appeal their own decision. Planning Division Chief Wilson replied as an individual they can, but as a body, they would have to reach that conclusion at a public Planning Commission meeting.

Deputy County Counsel Bender stated a planning commissioner is an officer.

## **11. Miscellaneous Business from the Commission/Staff**

### **A. Possible cancellation of the first meeting in October (October 1, 2008)**

Chairperson Shannon directed the meeting of October 1, 2008 be cancelled.

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

Planning Division Chief Wilson said she had no actions to report.

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

None.

**D. Other Business and Reports**

Planning Division Chief Wilson asked the commission to be aware the November 5 meeting would be necessary.

**12. Adjournment**

There being no further business, Chairperson Shannon adjourned the meeting at 8:25 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary  
Sutter Country Planning Commission

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