

SUTTER COUNTY PLANNING COMMISSION

MINUTES

November 19, 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, Annette Bertolini, Tejinder Dosanjh, Jose Flores, J. R. Griffin, John Sanbrook and Chairperson Jana Shannon

Members Excused: None.

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

3. **Election of Vice-Chairperson**

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

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 November 5, 2008 will be submitted at the December 17, 2008 meeting.

6. Comments from the Public

None.

Continued Public Hearing

7. **Project #07-096 - A tentative parcel map to divide 27 acres into a 2-acre homesite parcel and a 25-acre parcel; AG (General Agricultural) District; located at 2774 Nuestro Road, Yuba City, approximately ¼ mile west of Tierra Buena Road; Assessor's Parcel No. 10-230-014; applicant - Aslam Kahn/property owners - Rafique & Saghiran Ahmad**

Assistant Planner Yount presented the request for a tentative parcel map to divide 27 acres into a 2-acre homesite parcel and a 25-acre parcel and stated staff recommended approval. The applicant is also asking for the deletion of Conditions 7, 8, 9, 19, and 20.

Commissioner Basi asked what would happen if the parcel with development rights is sold. Assistant Planner Yount replied the development rights will stay with the property. Commissioner Basi asked in regard to the landscaping and buffers, if the Commission omits those conditions, what happens if the property is sold. Planning Division Chief Wilson said if the Commission eliminates them, the conditions are not applicable.

Commissioner Sanbrook asked if the home was fairly close to Nuestro Road and could they meet the setback buffer. Assistant Planner Yount replied they can meet it because the buffer would start across the street where the orchard is. So, they are set back far enough to meet that.

Chairperson Shannon opened the public hearing.

The applicant, Aslam Kahn, stated the only question is the buffer. It would be very difficult to farm the remaining trees that would be separated by the buffer. Mr. Aslam asked that the buffer conditions be waived.

Chairperson Shannon closed the public hearing.

Chairperson Shannon stated the Commission has on occasion, especially on these homesite parcels, waived the agricultural buffers and she is not opposed to waiving those conditions on this project. Commissioner Sanbrook concurred.

Commissioner Basi said we have honored waiving those conditions, but what will happen if the property is sold later on and there is no buffer around the homesite. How will that be addressed? It might be an issue sometime in the future. Perhaps it should be looked at in the General Plan. Commissioner Sanbrook agreed. Planning Division Chief Wilson replied they are looking at policies in the General Plan, but it is far too early to have proposed policies.

Chairperson Shannon stated there are a number of things that can be recorded against the title. She thinks the Commission should pursue that.

Commissioner Griffin moved to approve the tentative parcel map subject to the recommended findings and conditions as stated in the staff report, including the deletion of Conditions 7, 8, 9, 19, and 20.

Commissioner Sanbrook stated he would like to see Condition 9 remain, but he thought Conditions 7 and 8 should go.

Chairperson Shannon stated the motion is amended to delete Conditions 7, 8, 19, and 20 (condition 9 is retained).

Commissioner Bertolini seconded the motion, which carried by a voice vote, with Commissioner Basi abstaining.

Public Hearings

8. **Project #07-084 - A General Plan amendment from Agriculture (20-acre minimum) to Agriculture Preserve (AP) and a rezone of the property from AG (General Agricultural) District to AP/APR (Agricultural Preserve/Agricultural Preserve Residential) District and a parcel map to divide 61± acres into three 2-acre Agricultural Preserve Residential parcels and a 55-acre Agricultural Preserve parcel; located 4.3 miles south of the rural community of Robbins at 22122 Karnack Road; Assessor's Parcel Nos. 34-160-033, 34-050-014, -015, and -021; applicant - Simone Furlan/property owner - Furlan Family Trust.**

Principal Planner Libby provided an updated study sketch and explained the modifications. Principal Planner Libby also stated a letter was received from Michelle Furlan which was distributed to the Commission prior to the meeting.

Principal Planner Libby then presented the request for a General Plan amendment from Agriculture (20-acre minimum) to Agriculture Preserve (AP) and a rezone of the property from AG (General Agricultural) District to AP/APR (Agricultural Preserve/Agricultural Preserve Residential) District and a parcel map to divide 61± acres into three 2-acre Agricultural Preserve Residential parcels and a 55-acre Agricultural Preserve parcel and stated staff recommends denial.

Commissioner Sanbrook questioned how you conclude the residential parcels will adversely affect surrounding agricultural operations. Principal Planner Libby explained that agricultural preserve residential parcels are in essence R-1 zoned parcels in an agricultural area. They are not intended to be farmed, unlike homesite and ranchette parcels. Staff has concerns about compatibility, introducing single-family residential parcels into an agricultural area.

Chairperson Shannon stated she can see there are some extraordinary exceptions to this as well and noted that although the APR parcels are not clustered with the property owner, they are clustered with an adjoining small acreage agricultural parcel that is developed with a home.

Commissioner Basi stated there are unique characteristics to this property noting the odd shape of the parcels and the presence of a lake...

Commissioner Sanbrook questioned how to get around the clustering requirement since the parcels are not clustered together as required.

Chairperson Shannon opened the public hearing.

The applicant's representative, Jeff Spence of Laughlin and Spence Engineering, stated several options were considered to try and conform to the clustering requirement; however, they felt the alternatives adversely disrupted agricultural operations more than where they are proposed. Mr. Spence said they understand the policies that the General Plan states and that is the reason they are requesting a quick denial to the Board, to get their opinion on this option.

Chairperson Shannon stated she would have to agree.

Michelle Furlan Leonard, the applicant's daughter, stated when you look at a parcel map you get the flavor of what that parcel is really like. The area is a mix of residential and agricultural uses and is a unique area that would be a nice place for a home.

Mark Richter, 22474 Karnak Road, Knights Landing, stated his house is right adjacent to the one they are planning to build. Moving the house would create less interference with their agricultural operation, but creates interference with his agricultural operations and noted he is against the project because it is not a good area for that because homesites in this area attract drug trafficking and can become an eyesore in a short time by developing animal shelters and mobile homes. In addition, the site is within a floodplain.

Chairperson Shannon closed the public hearing.

Commissioner Sanbrook stated the staff report is correct in that required clustering has not been provided and there is an impact against the agricultural operations. Based on that, he is making a motion that the Commission recommends denial of this to the Board of Supervisors. Commissioner Griffin seconded the motion.

Commissioner Basi stated looking at this project and the uniqueness of the property, the applicants did a good job. Commissioner Basi said he would like to see the Board of Supervisors look into some type of variance in some of these cases noting that common sense must be used.

The motion carried by a unanimous voice vote.

9. **Project #07-094 - A tentative subdivision map to divide a 160-acre parcel into nine parcels of the following configuration: (3) 2.5-acre homesite parcels, (2) 20-acre parcels, (2) 30-acre parcels, (1) 25-acre parcel, and (1) 27.5-acre parcel; AG (General Agricultural) District; located on the east side of State Route 113 at the east terminus of Thompson Road; Assessor's Parcel Nos. 25-010-014, -015, and -016; applicant - Jay Chima/property owners - Manjit and Jay Chima**

Senior Planner Mueller presented the request for a tentative subdivision map to divide a 160-acre parcel into nine parcels of the following configuration: (3) 2.5-acre homesite parcels, (2) 20-acre parcels, (2) 30-acre parcels, (1) 25-acre parcel and (1) 27.5-acre parcel and stated staff recommends approval.

Chairperson Shannon said this is a little bit different as far as agricultural buffers are concerned because the property is used for row crops as opposed to orchards.

Senior Planner Mueller said the property owners intend to continue farming this.

Commissioner Basi asked about 60 foot-flag providing access for Parcel 1. He asked if that is the parcel with development rights. Senior Planner Mueller replied that is correct. That is one they indicated they will give up development rights on.

Discussion on the configuration of the lots followed.

Chairperson Shannon opened the public hearing.

The applicant's representative, Pam Clifton of von Geldern Engineering, stated they are familiar with the conditions of approval and the family is concerned about the buffers. They will continue farming the property and their only request at this time is the conditions pertaining to the buffers be waived. In regard to the discussion about changing the flag lots, the septic system somewhat dictates that. It may be that the septic would have to be changed.

Commissioner Sanbrook stated in reference to Parcels 4, 5 and 6, it seems to be necessary to have those buffers to protect those potential buyers.

Chairperson Shannon closed the public hearing.

Commissioner Basi asked what would happen if the current owners sell those properties off and there are no buffers. This could cause a problem in the future. Chairperson Shannon stated we are all in agreement with that.

Commissioner Griffin stated with disclosure laws, the new buyers will be made aware of any limitations.

Commissioner Bertolini moved to approve this project subject to the recommended findings and conditions as stated in the staff report, with the deletion of Conditions 9, 17,

19, and 20. Commissioner Basi seconded the motion, which carried by a unanimous voice vote.

- 10. Project #05-064 - A General Plan amendment and rezone of 9.39 acres from Agriculture, 80-acre minimum and AG (General Agricultural) District to Industrial and M-1 PD (Light Industrial, Combining Planned Development) District to establish a commercial truck terminal; the project also includes design review approval; located approximately 800 feet south of the intersection of O'Banion Road and State Highway 99 at 7200 Sawtelle Road; Assessor's Parcel No. 23-300-152; applicant - John Ochipinti/property owner - Crimsonco LLC.**

Principal Planner Libby presented the request for a General Plan amendment and rezone of 9.39 acres from Agriculture, 80-acre minimum and AG (General Agricultural) District to Industrial and M-1 PD (Light Industrial, Combining Planned Development) District to establish a commercial truck terminal and stated staff recommends denial to the Board of Supervisors.

Commissioner Sanbrook questioned if there would be direct access off of Highway 99 to the site and Principal Planner Libby explained that automobiles will access the site by two existing encroachments along Highway 99 that will need to be improved to current standards. Truck access will be provided by a private easement connecting with O'Banion Road.

Commissioner Sanbrook questioned if Caltrans had commented on this project. Principal Planner Libby responded that Caltrans helped guide the contents of the traffic study which they reviewed and provided their input and found the recommended mitigation to be acceptable.

Commissioner Sanbrook questioned how the mitigation measure would be enforced. Principal Planner Libby replied that similar with many of our conditions, they are implemented with the honor system and they have committed in writing that they will comply with the mitigation measures.

Commissioner Sanbrook said this is basically an industrial type use that is only permitted in the M-1 zone. Principal Planner Libby agreed.

Commissioner Sanbrook raised the Eager Road truck stop project noting that staff was consistent and recommended against it based on the same policies cited in this staff report. Commissioner Sanbrook stated that he had voiced his concerns at that time on that project and stated he believed he was the only person that voted against that project. Mr. Sanbrook noted the staff report was very comprehensive.

Commissioner Basi questioned the truck access for the project and Principal Planner Libby clarified the truck access for the project.

Chairperson Shannon stated she agreed with the Board of Supervisors in that the property is blighted and discussed similarities and differences between this project and

the Eager Road truck stop that was approved north of Yuba City. She continued that we don't want a truck stop located within the city limits. She stated the proposed use is a perfect use of the property that is adjacent to Antonini's Trucking. She noted the applicant did a very nice job with Antonini's aesthetically. Commissioner Shannon stated she would be delighted to see this project at the entry corridor for our community.

Chairperson Shannon opened the public hearing.

Jeff Helm, 1419 Tori Lane, stated he was representing the applicant and that he was present to answer any questions.

There were no questions and Chairperson Shannon closed the public hearing.

Commissioner Basi said he really liked this project and concurred the site has been an eyesore for a long time. He expressed he felt this is a quality project. His main concern is the intersection of O'Banion Road and Highway 99 and the safety issue that exists during high traffic periods.

Principal Planner Libby stated, Caltrans is proposing to widen this portion of Highway 99 to four lanes with acceleration lanes on the northeast side of the intersection with O'Banion Road. If one is approaching O'Banion Road from the south, a deceleration lane is proposed to be installed. A light has not been proposed at this point as part of the improvements.

Commissioner Dosanjh questioned how big the trailer behind a tractor would be. Principal Planner Libby replied the longer "State trucks" are not proposed to be stored at the site. Commissioner Dosanjh questioned what will the trucks be pulling and Principal Planner Libby replied truck and trailer combinations.

Commissioner Dosanjh stated he was a trucker for 12 years and he expressed concern about the stacking of vehicles at this intersection. Principal Planner Libby agreed this location is busy at peak times and during the harvest season.

Commissioner Dosanjh expressed concern on the access into and out of Dhami's market.

Commissioner Basi stated going east from Dhami's Market on O'Banion Road is very narrow. When there are two trucks each going parallel to one another, it is extremely difficult.

Principal Planner Libby responded the applicant cannot be made responsible to correct this existing situation because their project did not create the impact. To mitigate the traffic impact the applicant has agreed to limit the time their trucks access the site.

Chairperson Shannon questioned if there was any kind of mitigation when we see things like this, perhaps a contributory assessment where they pay their fair share toward a light. Planning Division Chief Wilson stated Caltrans had not asked for a signal light.

Commissioner Sanbrook questioned if the Commission could make the finding that it will not be detrimental to the existing agricultural operations. He also said he has a problem with urban growth out here.

Chairperson Shannon stated the Commission needs to keep in mind the Board of Supervisors has provided direction to staff on this project. She does not think a trucking operation has a place in town.

Commissioner Griffin stated he understands the concern about losing agricultural land, but in this case, the property has not been utilized for several years. Traffic will be a problem, but with the widening of Highway 99, that is about as close as you can expect anything to happen with the widening of the road. This is an opportunity to get something in and to provide revenue for the County.

Chairperson Shannon moved to recommend approval of this project subject to the recommended findings for approval and conditions to the Board of Supervisors. Commissioner Bertolini seconded the motion which carried by a unanimous roll call vote.

11. Project #08-034 - General Plan amendment to add text to the Health and Safety Element referencing adoption of the County's Multi-Jurisdictional, Multi-Hazard Mitigation Plan; located Countywide; initiated by the Sutter County Board of Supervisors.

Principal Planner Geiger presented the request for a General Plan amendment to add text to the Health and Safety Element referencing adoption of the County's Multi-Jurisdictional, Multi-Hazard Mitigation Plan; and stated staff recommended approval to the Board of Supervisors.

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

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

12. Miscellaneous Business from the Commission/Staff

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

Chairperson Shannon directed the meeting of December 3, 2008 be cancelled.

B. Report on the Actions of the Board of Supervisors

Planning Division Chief Wilson stated the Takher ranchette, and the code amendment for private roads were approved.

C. Planning Commission/Board of Supervisors Discussion Topics

None.

D. Other Business and Reports

None.

13. Adjournment

There being no further business, Chairperson Pro Tem Griffin adjourned the meeting at 8:38 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter County Planning Commission

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