

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

January 20, 2010  
Supervisors Chambers  
Hall of Records  
466 Second Street, Yuba City

### 1. **Call to Order**

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

### 2. **Roll Call**

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

Members Present: Commissioners Felicity Clark, Tom Engler, Jose Flores, J. R. Griffin, John Sanbrook, and Chairperson Basi

Members Absent: Commissioner Tejinder Dosanjh

Staff Present: Planning Division Chief Lisa Wilson, Assistant Planner Kevin Yount; Deputy County Counsel Janet Bender, Assistant Director Randy Cagle, Environmental Health Specialist Jan Hill, Public Works Assistant Director Al Sawyer, Public Works Associate Civil Engineer David Tomm, and Office Assistant Gail Gould

### 4. **Pledge of Allegiance**

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

### 3. **Election of Officers**

#### **A. Nominations and Election of Chairperson**

Upon motion of Commissioner Sanbrook, seconded by Commissioner Griffin, Commissioner Basi was elected as Chairperson by a unanimous voice vote of the Commission.

#### **B. Nominations and Election of Vice-Chairperson**

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

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

Commissioner Griffin was appointed as the representative to the Live Oak Planning Commission.

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

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

**5. Approval of Minutes**

The minutes of the meeting of December 16, 2009 were approved as submitted on motion of Commissioner Sanbrook, seconded by Commissioner Flores and carried by a voice vote of the Commission with Commissioners Engler and Griffin abstaining.

**6. Comments from the Public**

None.

**Public Hearing**

**7. Project #09-011 - A phased parcel map to divide a 38-acre parcel into six lots; M-2 (General Industrial) District; located at 1448 Acacia Avenue, Sutter; Assessor's Parcel No. 13-270-028; applicants/owners - Gladys Quistini and James Briggs**

Assistant Planner Yount presented the request for a phased parcel map to divide a 38-acre parcel into six lots and stated staff recommends approval.

Commissioner Sanbrook stated Parcels 1 and 5 front on Acacia Avenue and asked if they could be developed before the private road is required to be developed. Assistant Planner Yount replied they could. The applicant proposes to split the 15 acre parcel first and then divide the remaining five parcels once the private road is created.

Commissioner Sanbrook asked if the fair share contribution for improvements at Acacia and Hwy 20 as referenced in Condition 5, have been calculated yet. Assistant Planner Yount replied that has not been done yet. Commissioner Sanbrook then asked at what point in time they have to make that contribution. Assistant Planner Yount responded that would be prior to the division of the 15 acre parcel being recorded.

Commissioner Sanbrook inquired when they would have to enter into the deferred improvement agreement referenced in Condition 6. Assistant Planner Yount that would be a question better answered by Public Works. Assistant Public Works Director Al Sawyer said he believed the Public Works Director can make that determination. Commissioner Sanbrook asked what the guide was to make that determination.

Assistant Public Works Director Sawyer replied it would most likely be when they start developing. Public Works just did some improvements to the roadway and the developers would have to match into it.

Commissioner Sanbrook inquired about Condition 12, regarding maintaining private interim drainage facilities and a private road maintenance agreement. Assistant Planner Yount said it looked like Public Works is saying they would enter into an agreement amongst those five parcels that would have access to the private road.

Commissioner Engler asked why there were individual detention basins on each parcel. Assistant Planner Yount replied that is the way it was presented to staff by the engineer.

Commissioner Engler asked what the 1.3 acre square of land was in Parcel 1. Assistant Planner Yount replied that is not part of this project.

Commissioner Engler asked what the second sentence in Condition 4a, concerning a waiver of connection fees, meant. Assistant Planner Yount referred the question to Public Works. Associate Civil Engineer David Tomm said there could possibly be a drainage zone of benefit created for that Sutter area that would be part of the detention system and created close to Hwy 20 and in order to connect, since they already have their own detention facilities on site, the concept is they wouldn't have connection fees, but would be required to pay for all the infrastructure to get their drainage to the connection point. Commissioner Engler stated he was afraid the way this is worded they would get stuck with drainage improvement fees later that they shouldn't be subject to.

More discussion followed regarding drainage facilities, infrastructure and fees.

Chairperson Basi opened the public hearing.

The applicant's representative, Jeff Spence of Laughlin & Spence, stated he had a couple of comments regarding the conditions of approval. Mr. Spence said this map was brought to him by a couple of attorneys who were trying to settle a dispute between a brother and sister of their parents' estate and the initial proposal was to subdivide this into a one-third, two-thirds type ratio being the 15 acres on the south and the 39 acres on the north. The sister, at the same time, asked to concurrently divide the rest of her property into five smaller industrial lots. Mr. Briggs owns the south 15 acres and has no intention of developing with industrial use. It is zoned industrial, but his plan is to keep farming it as it is. He is considering planting an orchard there. He would like to defer the fees in this study until such time it is warranted by the use on that property. It does not make sense that if he is going to continue the proposed use as it exists today, that he would have an impact on that intersection. Mr. Spence said they have been talking with Public Works and Planning on how to resolve this, but they have not come to a resolution. Mr. Spence said his thoughts are that they could do this study, determine what the fees are, but require them to be paid on something such as an industrial use. Commissioner Sanbrook agreed that some sort of trigger that is realistic as to when those fees have to be put up should be identified. Commissioner Sanbrook asked Mr. Spence what his suggestion was for the trigger. Mr. Spence replied between Public

Works, Planning and himself everybody has a problem with each other. We tried to resolve this in the past, but never have. Mr. Spence stated his thought is upon a building permit, but he knows Mr. Briggs is interested in constructing a shop on the southern parcel for his own personal use. The applicants want to minimize upfront costs, especially when it has no benefit to them or to cause any increase in traffic, for example, prior to industrial uses.

Commissioner Engler asked how a traffic study would be done when it is zoned industrial but there is no industrial use planned. Mr. Spence replied there is a traffic manual that assumes that you are going to have "x" number of trips for this type of zoning and you would use those numbers. Commissioner Sanbrook asked in regard to Condition 5, who would do the study. Mr. Spence replied they would have to hire a traffic engineer for that.

Commissioner Sanbrook asked what Planning's response to this was. He said it seemed to be a reasonable request. Planning Division Chief Wilson stated she would have to agree with that. Typically building permit stage is the appropriate time, because a cost could be more fairly apportioned out once you know a total. Then you would have something to base it upon rather than a worst case scenario for full development of all parcels. That's all that would be able to be calculated at this point.

Mr. Spence asked Planning Division Chief Wilson how that would be calculated if they don't know what they are coming up with other than using an assumed use. If he puts up a 400 square foot warehouse for his own personal use, he will have to pay those traffic signal rates based upon an assumed industrial use. Planning Division Chief Wilson referenced a traffic study by K. D. Anderson for a parcel division in south county that ended up coming up with a per square foot cost. The traffic analysis identified a square footage threshold at which the light was triggered and then there was a negotiated amount to be paid. That study identified a maximum square footage and is not a fair example for this, but an assumption will be made regardless, whether it is on square footage or on raw acreage. There is going to be an overage or underage one way or the other.

Further discussion followed regarding the traffic study and the fees involved.

On conclusion of the discussion above, Planning Division Chief suggested a modification to Condition 5 and a new Condition #19.

In response to a question from Chairperson Basi, Mr. Spence stated he had no further issues. He is satisfied with the new conditions and has only minor questions of the remaining conditions, but he can live with those.

Chairperson Basi closed the public hearing.

Commissioner Sanbrook moved to approve the parcel map subject to the recommended findings and conditions as stated in the staff report, including the modification to Condition #5 and the addition of a new Condition 19 as follows and renumbering the conditions following.

5. Applicant shall calculate the project's fair share contribution for the traffic signal and intersection improvements at Acacia Avenue/SR 20 intersection. The calculation shall be determined by a licensed Traffic Engineer based on the project's contribution to the cumulative traffic in the current General Plan and shall be subject to acceptance by the Director of Public Works. (PW)
  
19. The fair share contribution determined pursuant to Condition #5 shall be deposited into a County reserve account prior to issuance of each building permit. (PW)

Commissioner Engler seconded the motion, which carried by a unanimous voice vote.

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

**A. Possible cancellation of the first meeting in February (February 3, 2010)**

The meeting of February 3, 2010 was cancelled on motion of Commissioner Griffin, seconded by Commissioner Engler and carried by a unanimous voice vote.

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

Planning Division Chief Wilson stated the Board of Supervisors approved the water landscape ordinance on December 29, 2009.

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

Commissioner Sanbrook stated he would like to learn what criteria are used to guide the director of Public Works in calling in the deferred improvement costs. Planning Division Chief Wilson agreed to provide an item on the next agenda for this discussion.

**D. Other Business and Reports.**

None.

**9. Adjournment**

There being no further business, Chairperson Basi adjourned the meeting at 8:16 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary  
Sutter County Planning Commission