

SUTTER COUNTY PLANNING COMMISSION

MINUTES

March 17, 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, Tejinder Dosanjh, Jose Flores, J. R. Griffin, John Sanbrook, and Chairperson Basi

Members Excused: Commissioner Tom Engler

Staff Present: Principal Planner Doug Libby, Assistant Planner Kevin Yount; Deputy County Counsel Janet Bender, Assistant Director Randy Cagle, Environmental Health Specialist Sharon Schifferns, Public Works Deputy Director, Water Resources, Dan Peterson, Public Works Associate Civil Engineer David Tomm, and Office Assistant Gail Gould

3. Pledge of Allegiance

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

4. Approval of Minutes

The minutes of the meeting of February 17, 2010 were approved as submitted on motion of Commissioner Sanbrook, seconded by Commissioner Griffin and carried by a unanimous voice vote

5. Comments from the Public

None.

Public Hearings

6. **Project #09-014 - A Use Permit to allow agricultural truck parking for up to twenty-four (24) trucks; the addition of two truck fuel pumps; and a 15,000 gallon above ground fuel storage tank; 600 sq ft addition to an existing convenience store; AG (General Agricultural) District; located at 1281 O'Banion Road, Yuba City; Assessor's Parcel No. 23-300-159; applicants/owners - Balwinder & Dalbir Dhami.**

Assistant Planner Yount presented the project to allow agricultural truck parking for up to twenty-four (24) trucks; the addition of two truck fuel pumps; a 15,000 gallon above ground fuel storage tank and a 600 sq ft addition to an existing convenience store and stated staff is recommending approval. Assistant Planner Yount provided a revised set of conditions to the Commission and noted that Condition #16 had been moved to Condition #28 and the remaining conditions renumbered. Assistant Planner Yount also stated a condition addressing potential lighting impacts was added as Condition #40, as follows:

40. Exterior pole lights shall not be taller than eighteen (18) feet. All exterior lighting shall be shielded to limit glare onto public right of way or adjoining properties. Security or parking lot lighting in landscaped areas shall be coordinated with the landscape plan to assure that vegetation growth will not interfere with the intended illumination. (P)

Commissioner Sanbrook inquired if the site to the east was owned by the applicant and when it was approved. Assistant Planner Yount replied it was not owned by the applicant, but by a brother of the current applicant, and he believed it was approved in 2008.

Commissioner Sanbrook asked about the prior use permit, if the agricultural trucking and 600 square foot addition were ever activated. Assistant Planner Yount replied they were not. The only portion of the use permit which was activated was the pumps being orientated in a different direction.

Commissioner Sanbrook asked about Project #09-019. Assistant Planner Yount explained the Planning approved on appeal the applicant's ability to establish a non-commercial agricultural truck repair facility.

Commissioner Sanbrook asked if the Planning Commission needed to add any condition to be sure there are no commercial truck repairs in connection with this application. Principal Planner Libby replied that staff shares the Commission's concern. The applicant has not applied for a building permit for the non-commercial agricultural truck repair facility. The use of that future building will be made clear in the building permit approval process. If in the future the applicant wishes to turn it into a commercial venture, the use permit governing development on the property will need to be

amended. Commissioner Sanbrook stated they don't need a building for his own repairs.

Commissioner Sanbrook asked how it was determined an addition will not constitute a substantial improvement. Public Works Deputy Director of Water Resources Dan Peterson addressed FEMA flood requirements.

Chairperson Basi asked what the base flood elevation is. Mr. Peterson responded he believes it is 49.2 feet in this area.

Commissioner Sanbrook asked if the applicant was agreeable to the conditions. Assistant Planner Yount replied yes. There was some concern expressed with Condition 38, which has to do with STAA trucks which are the larger trucks on the highway; however, with or without that condition, it is a State Law that must be followed.

Chairperson Basi asked if this condition had been imposed on other applicants. Assistant Planner Yount said he believed it was on the facility next door.

Chairperson Basi asked if the applicant would be able to have an entrance off of Highway 99 to allow STAA trucks. Assistant Planner Yount said he does not believe Caltrans is allowing any more driveways off of 99 at this time.

Commissioner Sanbrook asked if we were looking at this area to retain its 80 acre designation under the General Plan update. Principal Planner Libby said this property and a couple of others at this intersection are being considered for an industrial-commercial reserve designation.

Chairperson Basi opened the public hearing.

The applicant, Dalbir Dhama discussed her facility being used by STAA trucks. She has been talking with Caltrans to allow them to be a truck terminal, which means she has to add more expenses to her project.

Commissioner Sanbrook asked Mrs. Dhama if they planned on accommodating STAA trucks. Mrs. Dhama replied, yes, but not for the truck parking. She said they cannot deny any services to STAA trucks.

Commissioner Sanbrook asked Assistant Planner Yount if there was a process for this. Assistant Planner Yount stated there is a process through Caltrans because it is a Caltrans right-of-way. Whether or not the condition is on this project, they still have to comply with Caltrans. Commissioner Sanbrook asked if there was any way they could waive this condition. Assistant Planner Yount replied the Commission could remove the condition, but the State Law will still apply and the applicant will have to work with Caltrans for permitting these types of trucks.

Chairperson Basi said he thought Mrs. Dhama was trying to say there are STAA trucks on the highway and if they pull into their facility how she can handle that.

Mrs. Dhami discussed the Highway 99 and O'Banion right of way. Assistant Planner Yount stated that Caltrans's right of way extends 600-feet east of the Highway onto O'Banion Road encompassing the entire frontage of the property. Once the current highway improvements are completed, Caltrans intends to relinquish the O'Banion Road back to the County.

In response to questions from Commissioner Sanbrook, Assistant Planner Yount stated that STAA truck drivers cbe cited if they are using non-permitted facilities.

Chairperson Basi asked if a facility would be liable if it allows the STAA trucks in. Assistant Planner Yount replied he did not believe so. Principal Planner Libby added the purpose of the process is to assure there is safe ingress and egress of trucks into and out of a facility so trucks are not driving into opposing lanes of traffic creating a safety hazard. Staff is not trying to be an impediment to Mrs. Dhami accomplishing her goal. She needs to follow the established process permitting STAA trucks.

Commissioner Sanbrook asked about the recent letter from Caltrans. Assistant Planner Yount responded and addressed the current level of service of the intersection of O'Banion Road and Highway 99.

Commissioner Sanbrook stated there is no reason a STAA truck could not make a left turn onto 99. Assistant Planner Yount replied no. Principal Planner Libby added the traffic study completed for the Ochipinti project, located to the south and referenced in this staff report determined the current level of service for this intersection.

Commissioner Dosanjh said on any road without a light it is difficult to make a left hand turn during peak hours.

Mrs. Dhami stated she agreed with the conditions except Conditions 11 and 16. Assistant Planner Yount clarified that Condition 16 was one of the conditions moved in the revised set of conditions.

Mrs. Dhami said she has a problem with driveways, Conditions 19, 28 and 37. She said she thinks Caltrans is going to add three to four feet on each side of the road. Assistant Planner Yount stated a similar thing happened with the project directly east, when the Public Works Department determined it was more effective to complete necessary improvements after Caltrans completed their intersection improvements.

Chairperson Basi asked how they can can assure the applicant that staff will work with her on those improvements--Conditions 16, 27, and 37. Principal Planner Libby replied if the concern is on Condition 18, we will defer that until the occupancy stage. Once the applicant has the certificate of occupancy, the County is essentially finished.

Chairperson Basi said he believed the applicant is confused.

Associate Civil Engineer Tomm stated it is fairest to leave it at the building permit stage.

Associate Civil Engineer Tomm stated the right-of-way is still under the jurisdiction of Caltrans and they will be consulting with Public Works. Discussion followed regarding entrances and exits.

Mrs. Dhami said Caltrans is saying they cannot go ahead and do it because it has to go to the County. Associate Civil Engineer Tomm said Mrs. Dhami has to initiate the process and Public Works will be happy to help her. Assistant Planner Yount said the STAA truck condition would be applied to every STAA truck in California and that they must follow the truck route. It is still a State Law and removing the condition does not override State Law. An STAA terminal access facility must be accomplished with Caltrans. Associate Civil Engineer Tomm stated her letter must state she is applying for a terminal access facility. That would protect the patrons from getting tickets. Mrs. Dhami asked if this would be an occupancy condition. Associate Civil Engineer Tomm stated that since STAA trucks are using this facility now, it would be better to start this process now.

The applicants' representative, Julio Tinajero of Milestone Associates, said he just wanted to add a comment. He appreciates their client being so involved in the project. It is frustrating for her, but they will help her all they can.

Chairperson Basi closed the public hearing.

Commissioner Sanbrook moved to approve the use permit subject to the recommended findings as stated in the staff report and the revised conditions as presented in the addendum. Commissioner Griffin seconded the motion, which carried by a unanimous voice vote.

7. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in April (April 7, 2010)

The meeting of April 7, 2010 was cancelled on motion of Commissioner Sanbrook, seconded by Commissioner Clark and carried by a unanimous voice vote.

B. Report on the Actions of the Board of Supervisors

Principal Planner Libby stated there were no items to report.

C. Planning Commission/Board of Supervisors Discussion Topics

FEMA Flood Mapping and Designations

Chairperson Basi introduced Dan Peterson, Public Works Deputy Director Water Resources..

Public Works Deputy Director, Water Resources, Peterson gave a PowerPoint presentation on FEMA Flood Mapping touching upon flood insurance rate maps, timeline, mandatory insurance, building standards, and the future.

Commissioner Sanbrook asked if there was any process to seek a review or appeal process after the maps come out. Public Works Deputy Director, Water Resources, Peterson replied absolutely. FEMA will release all their data to the County who can see if there are any properties that have been mistakenly mapped.

D. Other Business and Reports

None.

8. Adjournment

There being no further business, Chairperson Basi adjourned the meeting at 8:22 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter County Planning Commission

P:\Planning\Planning Commission Minutes\2010 Minutes\03-17-10