1. **Call to Order**

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

2. **Roll Call**

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

Members Present: Commissioners John Amarel, J. R. Griffin, John Sanbrook, Jerry Stewart and Chairperson John Shaffer

Members Absent: Commissioners Paul Basi and Tejinder Dosanjh

Staff Present: Planning Manager Lisa Wilson, Assistant Planner Kevin Yount, Deputy County Counsel Janet Bender, Assistant Director Randy Cagle, Environmental Health Specialist Jan Hill, Supervising Environmental Health Specialist Sukh Sahota, Public Works Associate Civil Engineer David Tomm, and Office Assistant Gail Gould

3. **Pledge of Allegiance**

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

4. **Approval of Minutes**

The minutes of the meeting of March 16, 2011 were approved as submitted on motion of Commissioner Sanbrook, seconded by Commissioner Amarel and carried by a unanimous voice vote of the Commission.

5. **Comments from the Public**

None.
Public Hearing

6. **Project #11-001** - A use permit to expand an existing agricultural chemical supply business. The expansion will allow for the sale, storage and transportation of Aqua Ammonia, a liquid fertilizer commonly used for row crops and rice. The project will have the following features: A liquid fertilizer tank farm, in a graveled area sized 50’ x 120’; a maximum of 14 tanks sized 30,000-50,000 gallons each, not to exceed 700,000 gallons total; and a 30’ x 35’ truck loading area. AG (General Agricultural) District; located at 2100 Everglade Road, Yuba City; Assessor’s Parcel No. 25-130-056; applicant - Growers Ag Service/owner - Gas Properties, LLC

Assistant Planner Yount presented the request for a use permit to expand an existing agricultural chemical supply business and stated staff recommends approval.

Commissioner Sanbrook asked if the truck loading area will be paved. Assistant Planner Yount replied it will.

Commissioner Sanbrook stated he visited the site and asked where the 11 tanks referenced in the staff report were located. Assistant Planner Yount replied they are behind the existing shop building. Mr. Sanbrook said he noticed about 14 tanks there and asked what they were. Assistant Planner Yount said those were field tanks which are taken out to the various fields for the farmers' use.

In response to a comment from Commissioner Sanbrook, Assistant Planner Yount stated a letter in opposition to the project had been received and provided to the Commission tonight. Commissioner Sanbrook asked for Assistant Planner Yount’s comments on the letter. Assistant Planner Yount replied the writers were concerned about the amount of hazardous material being kept and the potential for a leak. If there were a leak, would it be cleaned up properly and who would be responsible for the cleanup. Assistant Planner Yount stated this is the function of CUPA.

Commissioner Sanbrook asked about the smell, stating this raises a contamination issue. Assistant Planner Yount responded staff did send this application to the Feather River Air Quality Management District and they had no comments regarding this and did not offer any conditions.

Commissioner Amarel wanted to know what the construction was of the tanks. Assistant Planner Yount replied it is steel.

Chairperson Shaffer asked if the material stored in the tanks would be trucked in and out. Assistant Planner Yount said the applicant can better answer this.

Chairperson Shaffer opened the public hearing.

The applicant’s representative, Jeff Spence of Laughlin and Spence, stated they have read the conditions and are in agreement with them. Mr. Spence also had photos of the
 tanks and trucks bringing in material and taking it out. Mr. Spence said the business has a site outside of Woodland where they get the material they bring into their Yuba City facility. The reason for the expansion is they will be hauling ammonia in and mixing it with water on site and then hauling it out from there. For every one truck coming in, five trucks will go out. They will now be bringing in one truck and mixing on site. Further, there will be less trucks coming in. They will bring in one truck and haul it back out to a typically smaller grower that doesn't need a full load.

Chairperson Shaffer said his reason for asking is the road is not in good condition and asked if there has been any thought of putting in road mitigations because it is really bad. Mr. Spence said he believes the road to the west is better than the one to the east and the majority of trucks will be traveling west.

Commissioner Sanbrook asked if the new tanks would be new or used. Mr. Spence said used. Commissioner Sanbrook also asked if the tanks would be steel and if there had been any problem with leakage. Mr. Spence responded that there will be containment walls around the tanks and loading area for 120 percent containment. There will be a berm around the loading area that will also contain any leaks.

Commissioner Stewart asked if there was an impervious layer to catch a spill if it happens or would it leak into the ground. Johnny Council, president of Tremont Ag, one of the owners of Growers Ag Service, replied they have been working with the state on these types of facilities for many years and what the state allows is a concrete slab. This is impervious to anything that might spill. The design includes a sump with a slope to catch anything that would spill.

Commissioner Sanbrook inquired what the chance was for a spill in the loading of the material. Mr. Council replied they take every precaution to prevent leaks, but if any material did leak at loading, it would be captured and put into a holding tank. That material is then taken to a field and agronomically applied.

Commissioner Griffin asked how long the company been at the site. Mr. Council responded the Tremont Group has owned it 15 years, but the original company, Growers Ag Service, was established in 1979. Commissioner Griffin also asked if the chemicals to be stored on site were any different than the chemicals stored today. Mr. Council said no.

Commissioner Amarel clarified what is stored in these tanks are fertilizers and not chemicals, which is a huge difference.

Jamail Shoker, 6631 East Michigan Avenue, Fresno, asked if an EIR was required. Planning Manager Wilson responded there was not an EIR, but there was a mitigated negative declaration and that is the document for consideration by the Commission.

Mr. Shoker stated an EIR was needed and asked what effect would the chemicals and hazardous materials have.
Commissioner Sanbrook stated there was no EIR prepared on this project because staff felt, based on their analysis, the impacts were less than significant and could be addressed by mitigation measures which have been included as conditions of the permit, if this project were approved.

Mr. Shoker asked how come a letter was not sent to everyone around there. Commissioner Sanbrook replied a notice was sent to people who own property within 400 feet.

Mr. Shoker asked how far the chemicals would go if spilled. If there was a break in the levee, would the water cover everyone or only 400 feet? What would happen if there is a spill and the material leaked into the groundwater? Commissioner Griffin explained why people were notified within 400 feet.

Mr. Shoker asked what if the smell or damage goes further than 400 feet. Chairperson Shaffer said we understand the smell will not stop at 400 feet, but our requirement is that we notify people within a 400 foot zone.

Commissioner Sanbrook said he believed Mr. Shoker is saying that if there is leakage and gets into the water supply that will impact an area that is far from the project site.

Chairperson Shaffer said if the levee breaks, the fertilizer will be highly diluted and will go into the ground anyway, which is the purpose of fertilizers.

Mr. Council said if this facility was completely full of product, which generally at the time of the year when levees are at danger is off season and we would not be storing inventory, but if we were and had full capacity at the time the levee broke it would not be toxic because when we apply it on purpose, we would apply that over a 4,000 acre area. If the levee broke, it would cover a lot more area.

Commissioner Stewart asked if it would necessarily mean the tanks would rupture if there was a break. Mr. Council replied no, the tanks will be full and are 25 – 30 feet tall.

Commissioner Sanbrook asked how much the tanks weighed. Mr. Council replied 100 to 150 tons.

Commissioner Sanbrook asked how long the plant has been in Woodland. Mr. Council said since the 1950s. Commissioner Sanbrook then asked if they had ever been shut down. Mr. Council said no.

Commissioner Amarel stated in the 1955 flood, the water was 10 feet deep in that area.

Mr. Shoker asked if the road can hold 25 trucks. If even five or six trucks come in, the smell will be bad. He said he cannot ask people to work with him with the smell so bad. In Madera County, people got sick from the odor from a disposal area.
Scott Evans, the plant manager of Growers Ag Service, stated they do bring truckloads of aqua ammonia in and they have not had any issues with employees’ complaints or health or customers across the street with prune orchards when they unload.

Commissioner Amarel inquired if there would be a timing issue on when there would be storage because Mr. Shoker is referencing when he would be packing his fruit. He asked if there would be a lot of product there during the fall harvest season. Mr. Evans said no, they have a run in March, April and May and then mid-October through December.

Chairperson Shaffer said he believes there are normal concerns and believes the company has been responsible in their operations in Woodland. They haven’t really had the concerns historically that Mr. Shoker is expressing and though none of us can read the future, they have done what they need to do to be responsible business operators with this type of material.

Discussion followed on the responsibility of maintaining a safe and responsible business.

Commissioner Sanbrook asked how far way the closest residence was. Assistant Planner Yount replied about one-quarter to one-half mile to the east and the next is at least a mile away as the crow flies.

Mr. Spence pointed out that John Taylor Fertilizer, which is located in town, hauls this same material. Mr. Spence said his father worked for a fertilizer plant in Gridley for 40 years and there were residences about 200 yards away with no problem.

Mr. Shoker stated John Taylor has small tanks about 15 feet high and 10-12 feet wide.

Chairperson Shaffer closed the public hearing.

Commissioner Amarel asked if the majority of the conditions were required. Assistant Planner Yount replied they are all required. The mitigation measures we incorporated would need to be complied with.

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

7. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in May (May 4, 2011)

Chairperson Shaffer cancelled the meeting of May 4, 2011.
B. Report on the Actions of the Board of Supervisors

Planning Manager Wilson reported the General Plan was adopted on March 29. Also, in response to the joint study session, the Board of Supervisors is interested in a “fill-in ordinance” for code enforcement, to address continuous and/or repeat offenders and those who are not obviously going to comply.

C. Planning Commission/Board of Supervisors Discussion Topics

None.

D. Other Business and Reports

Commissioner Amarel said he talked to Planning Manager Wilson about when making a motion, if it was possible to make the motion referencing the item numbers and not read them. Planning Manager Wilson said it was possible and would be best to make the motion stating approval or denial based on Items 1, 2, etc. and Conditions 1 through etc.

8. Adjournment

There being no further business, Chairperson Shaffer adjourned the meeting at 7:52 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter County Planning Commission