

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

December 5, 2007  
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 Annette Bertolini, Preet Didbal, Jose Flores, Gabriel Singh, and Chairperson Shannon

Members Excused: Commissioners Paul Basi and Diljit Bains

Staff Present: Planning Division Chief Lisa Wilson, Principal Planner Doug Libby, Principal Planner Steve Geiger, Senior Planner Leanne Mueller, Deputy County Counsel Janet Bender, Assistant Director Randy Cagle, Public Works Staff James Walton and Jerry Orr, Assistant Planner Kevin Yount, and Office Assistant Gail Gould

### 3. Pledge of Allegiance

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

### 4. Approval of Minutes

The minutes of the meeting of November 5, 2007 were approved as submitted on motion of Commissioner Singh, seconded by Commissioner Flores and carried by a voice vote of the Commission, with Commissioner Bertolini abstaining.

### 5. Comments from the Public

Elaine Miles, 487 Anita Way, expressed her appreciation for the Planning Commission.

## Continued Public Hearings

6. **Project #07-019 - General Plan amendment from AG-20 (Agriculture, 20 acre minimum) to AP (Agricultural Preserve) and a rezone of the property from AG (General Agricultural) District to AP/APR (Agricultural Preserve/ Agricultural Preserve Residential) District and a tentative parcel map to divide 63.1 acres into three 1.5-acre Agricultural Preserve Residential parcels and a 58.6-acre Agricultural Preserve parcel; located 750 feet west of the intersection of Carlson and O'Banion Roads, along the north side of O'Banion Road; A. P. #23-260-126, -127, and -128; applicant/property owner - Avtar Dhami**

Principal Planner Libby summarized the staff report and said the commissioners present at the November 7, 2007 meeting had recommended approval, but the applicant wanted more commissioners present to vote on the project.

Chairperson Shannon opened the public hearing.

The applicant's representative, Bill Walker of von Geldern Engineering, pointed out that the property as it exists today is in three parcels of approximately 20 acres each. Each could have a home built on it. Mr. Walker said it was the applicant's choice to cluster them rather than have three houses on 20 acres each. Mr. Walker discussed General Plan Policy 6.A-11 and stated the applicant proposes to do all of the things necessary for the AP/APR designation. Mr. Walker also said they have seen the conditions of approval and agree with all of them and he would be happy to answer any questions.

Chairperson Shannon asked if the fenced equipment yard is part of the agricultural parcel. Mr. Walker said it would be part of the large remainder parcel. He said it was fenced for security.

Roberta Fletcher, 203 Buttte Avenue, stated she owns property on O'Banion Road. She then discussed flood issues in the area and said the property will have standing water. Mrs. Fletcher also said there is a fairness issue. Mr. Chohan was able to get ranchettes. So, she supposes if she was sitting on the Commission she would approve it even though it is sitting in the flood basin.

Commissioner Singh responded this was talked about at the Supervisors sessions regarding preserving agricultural land and the applicant does meet that criteria.

Commissioner Bertolini agreed.

Chairperson Shannon agreed. She said she would rather see this type of planning where there is agricultural preserve rather than ranchette hopscotch. This is more what the Planning Commission has been focusing on.

Commissioner Singh moved to recommend approval of this project to the Board of Supervisors subject to the recommended findings and conditions as stated in the staff

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

### **Public Hearings**

7. **Project #07-011 - A tentative parcel map to divide 138 acres into a 2-acre homesite parcel and a 136-acre parcel; AG (General Agricultural) District; located on the north side of Marcum Road, approximately 0.5 miles west of Highway 70; A. P. #33-130-043; applicants - Margery & Michael Daddow/property owner - Spangler Brothers**

Senior Planner Mueller summarized the staff report and recommended approval of the project. Senior Planner Mueller also said if the applicants wanted to delete the buffers, then they should request the removal of Conditions #6, #7, and #8.

Chairperson Shannon opened the public hearing.

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

Commissioner Singh asked if the applicant wished to have the buffer. Mr. Walker replied he would prefer to have none; Mr. Walker said he has asked in the past to remove vegetative buffers, but he will agree to exclusionary buffers.

Chairperson Shannon closed the public hearing.

Commissioner Singh moved to approve the tentative map subject to the recommended findings and conditions as stated in the staff report. Commissioner Didbal seconded the motion, which carried by a unanimous voice vote.

8. **Project #07-004 - A General Plan amendment from AG-20 (Agriculture, 20-acre minimum) to AP (Agriculture Preserve), a rezone from AG (General Agricultural) District to AP/APR (Agricultural Preserve and Agricultural Preserve Residential) District and a tentative parcel map to divide an 84-acre parcel into three 2-acre parcels, a 2.2-acre parcel, and a 75.8-acre remainder parcel; located at the northeast corner of State Route 113 and George Washington Blvd.; A. P. #25-020-001; applicant/property owner - Balbir Sohal, et al.**

Senior Planner Mueller summarized the staff report and recommended denial of the project.

Commissioner Singh asked if the residence across the street had been notified of this hearing. Senior Planner Mueller replied they were, the residence was within 400 feet and would have received a notice. Commissioner Singh inquired if a letter had been received from them. Senior Planner Mueller replied she has not seen any.

Chairperson Shannon opened the public hearing.

The applicant's representative, Bill Walker of von Geldern Engineering, stated this is similar to the first item considered tonight and his comments on the first issue pretty much apply here. Clustering, buffers, development rights -- they propose to do all of those.

Roberta Fletcher, 203 Butte Avenue, stated she believed this property got water in the 1955 flood and will again have water if the levee breaks.

Chairperson Shannon closed the public hearing.

Chairperson Shannon expressed concerns regarding conflicts between residences and agriculture. She said she approves of clustering and the General Plan Density permits one residence per 20 acres. Flooding is an issue, but the people have personal choices. Chairperson Shannon said her primary concern is preservation of agricultural land and with clustering we are minimizing the impact. It is the best we can do to preserve agriculture.

Commissioner Didbal agreed clustering was the best way to go.

Chairperson Shannon stated it is recommended for denial and we do have a choice and the Board of Supervisors will make the final decision.

Commissioner Singh stated he believes in clustering because it does preserve agriculture land. Commissioner Singh said he understands the concerns about flooding; however, the whole county is in a flood plain with the exception of the Buttes. The location of the property is close to the Highway 113 intersection and clustering is best for that area.

Senior Planner Mueller said if the Commission wishes to recommend approval, then they should direct the item back to staff.

Commissioner Singh moved to continue this item to an unspecified date so that staff could prepare findings and conditions. Commissioner Bertolini seconded the motion.

Planning Division Chief Wilson stated findings will make clustering appropriate and will preserve agricultural land.

Commissioner Flores stated this is close to the school, so this makes better sense.

The motion was carried by a unanimous voice vote.

## Adjourned Public Hearing

9. **Project # 07-033 - A rezone of the subject 19.9-acre property from AG (General Agricultural) District to RAN (Ranchette) District and a tentative subdivision map to divide the subject property into four parcels sized 3.9, 4, 5, and 7 acres; located at the northeast corner of Madden and Sanders Roads; A. P. #10-162-012; applicants - Paul & Andrea Singh/property owner - Singh Family Trust 2005**

Commissioner Singh recused himself from this item and left the chambers because he owns property within 500 feet.

Principal Planner Geiger summarized the staff report and recommended denial.

Chairperson Shannon said calculations by staff show Parcel 1 of the previous parcel map being 19.996 acres and then the lot line adjustment making it 19.998 acres. Principal Planner Geiger clarified the lot line adjustment basically swapped parcel sizes between Parcels 1 and 2, but did result in a small increase in size to Parcel 2 (subject parcel).

Chairperson Shannon said Parcel 2 is now calculated at 19.998 acres and is below the 20 acre minimum.

Commissioner Flores said a mistake was made in the calculations on the previous parcel map. Principal Planner Geiger said that staff is recommending denial because the map recorded for the subject parcel shows it as being a 20 acre parcel. Principal Planner Geiger also said that based on calculations showing 19.996 acres, the standard practice by Public Works is to round up to 20 acres. Planning Division Chief Wilson said the closure calculations are not recorded along with the parcel map.

Chairperson Shannon opened the public hearing.

The applicant's surveyor, Thomas Dorsey, stated .004 acre is 174 square feet. He surveyed the property and also came up with 19.996 acres. Mr. Dorsey said if you take the north property line of the original parcel, add the east and west lines and divide by two and add the north and south lines and divide by two, the result will be 19.996 acres. He said he disagrees with staff's determination that the subject parcel's resultant size is 19.998 acres.

Chairperson Shannon asked Mr. Dorsey if he had prepared the lot line adjustment for the applicant. Mr. Dorsey said that he did.

Elaine Miles, 487 Anita Way, stated she supports this project because there are homes everywhere there. This is not leap frog development. It is close to a school and the sphere of influence. It is also on higher ground. Rounding up to a 20 acre designation was not major a while back, but it is now. Mrs. Miles again stated she supports this because it is not leap frog and it is a good place for development.

Roberta Fletcher, 203 Butte Avenue, stated this property is less than 20 acres and the Board of Supervisors is on record of allowing ranchettes. The project should be approved to provide fairness to the applicant.

The applicant, Paul Singh, brought in a packet for the Commission and reviewed it.

Public Works Engineer Jerry Orr explained his process in calculating the subject parcel's size and that it is typical to round 19.998 acres up to 20 acres.

Commissioner Flores stated the applicant does not have anything to do with the calculations error, so by applying for ranchettes he is doing the right thing.

Chairperson Shannon stated she is not against ranchettes, but that the Commission needs to be very careful because this is precedent setting. She said she is concerned about manipulation of numbers. Errors happen. The intent when this was split into 20 acre parcels has changed.

Chairperson Shannon closed the public hearing.

Commissioner Bertolini stated being from Live Oak, she thinks this is the perfect spot for these ranchettes. The mistake has been made. She said she really believes this should be approved.

Commissioner Didbal stated she believes this project is too far out of the city. Agriculture needs to be preserved, and until we can figure out the ranchette situation, she is still opposing ranchettes.

Commissioner Flores stated this is close to a school, there is a lot of development, and he is in favor of the project.

Chairperson Shannon moved to have this item continued for staff to prepare findings and conditions to be considered for approval. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

Commissioner Singh returned to his seat.

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

### **A. Report on the Actions of the Board of Supervisors**

Planning Division Chief Wilson stated that the Board of Supervisors approved the Lawhorn, Funk and Kumar projects.

### **B. Planning Commission/Board of Supervisors Discussion Topics**

None.

### **C. Other Business and Reports**

Chairperson Shannon welcomed Commissioner Bertolini back from her leave of absence.

#### **11. Adjournment**

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

Respectfully Submitted,

Lisa Wilson, Secretary  
Sutter Country Planning Commission

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