

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

July 18, 2012  
Supervisors Chambers  
Hall of Records  
466 Second Street, Yuba City

### 1. Call to Order

Chairperson Amarel called the meeting to order at 6:00 p.m.

### 2. Roll Call

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

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

Members Excused: Paul Basi

Staff Present: Planning Manager Lisa Wilson, Senior Planner Leanne Mueller, Assistant Planner Kevin Yount, Deputy County Counsel Janet Bender, Environmental Health Specialist Jan Hill, and Office Assistant Kathy Ferguson

### 3. Pledge of Allegiance

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

### 4. Approval of Minutes

The minutes of the meeting of June 20, 2012 were approved as submitted on motion of Commissioner Sanbrook, seconded by Commissioner Stewart and carried by a voice vote of the Commission.

### 5. Comments from the Public

None.

## **Continued Public Hearings**

6. Project #12-015 - A Use Permit to allow the addition of three, 960 square foot each, modular classrooms to an existing church facility on a 4.28-acre parcel; AG (General Agricultural) District; located at 1461 Walnut Avenue; Assessor's Parcel No. 23-061-009; applicant - Moses Varela/property owner - Apostolic Assembly Khera (A Mitigated Negative Declaration has been prepared). (Recommend approval).

Senior Planner Mueller summarized the previously circulated staff report.

Commissioner Sanbrook stated the City of Yuba City's General Plan discourages the use of modulars and asked if Sutter County's General Plan stated the same. Senior Planner Mueller stated that it does not.

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

Commissioner Sanbrook made a motion to adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared in accordance with CEQA and the Guidelines and approve Project #12-015, a Use Permit to allow the addition of three, 960 square foot each, modular classrooms to an existing church facility on a 4.28 acre parcel, subject to the conditions of approval. Commissioner Dosanjh seconded the motion, which carried by a unanimous voice vote of the Commission.

## **Public Hearing**

7. Project # 12-020 - A request for the Planning Commission to determine if a gas and oil well drilling company can have a corporate yard on property zoned General Agricultural; AG (General Agricultural) District; 10800 South Butte Road, Sutter; Assessor's Parcel No. 13-140-090; Applicant – Venoco/Owner - Wilson Fam '03 Trust. (No environmental document required). (Recommend denial).

Assistant Planner Yount summarized the previously circulated staff report. Back in 2006 a Use Permit was approved utilizing this area for the repair and maintenance of agricultural equipment and staff is here tonight to ask the Planning Commission to determine if that also allows a well drilling corporate yard on an AG District parcel.

Commissioner Sanbrook asked how we got to where we are tonight and questioned if the proposed use is prohibited in an AG District and if the land use is incompatible with the characteristics with the AG District. Assistant Planner Yount stated that this type of use is not permitted in the zoning code and stated that a Zoning Code Amendment can be done. Commissioner Sanbrook asked if they had applied for a Use Permit. Assistant Planner Yount stated that we could not accept it due to the fact the proposed use is not compatible with the AG District in the Zoning Code.

Commissioner Sanbrook asked if the general concept of oil/gas drilling is incompatible in an AG District. Planning Manager Wilson stated that we are not making a comment or statement of findings to say it is incompatible; we are saying that the code does not permit that type of use.

Commissioner Sanbrook stated that there is a conflict between the liberal interpretation of the Zoning Code stating any use not specified is not allowed, and the land use in the "General Plan - Administration" section is broad enough for the County to be flexible in implementation. Planning Manager Wilson stated that staff implements the day to day process and the interpretation process of the Zoning Code is accomplished by the Planning Commission.

Commissioner Sanbrook stated that he went to the site and spoke with the owners. They have 1,000 acres to go and explore on. Planning Manger Wilson stated that staff's role is to implement the codes, not to make a business or value judgment.

Commissioner Sanbrook questioned if the Planning Commission has the ability to make determinations of the Zoning Code and General Plan and asked if they can apply for a Use Permit. Planning Manager Wilson stated that Commissioner Sanbrook had already discussed possible findings to use in an interpretation. She also stated staff had a meeting this morning with the applicant in regards to the existing Use Permit. Because this request could be determined as similar in nature to the existing Use Permit, it might be possible to amend that existing Use Permit, if the Planning Commission agrees that they are similar enough.

Commissioner Sanbrook asked if staff recommended approval and if an environmental review was performed back in 2006. Planning Manger Wilson stated yes.

Commissioner Sanbrook asked if they can apply for an amendment to their Use Permit and also asked if the previous project had been discontinued. Planning Manger Wilson stated that staff would need to circulate the amendment request for input and conditions, and that she was not aware of any abandonment of the previous use permit so she believes the permit is still active. Planning Manager Wilson stated that only after six months of no activity would that Use Permit be considered discontinued.

Commissioner Griffin stated that we are getting ahead of ourselves and that we need to get to the public comments.

Commissioner Dosanjh had a number of questions regarding the drilling company operations and locations. Assistant Planner Yount stated the Planning Commission would have to make the decision on the interpretation or to direct a code text amendment. Commissioner Dosanjh stated that we should give the property owners the revenue so they can stay in agriculture.

Chairperson Amarel asked if the text can be amended. Assistant Planner Yount stated they would have to submit an application for it and the Board would ultimately decide.

Commissioner Sanbrook stated that in the AG District, gas/oil drilling and production is permitted subject to getting a Use Permit and asked if the property is primarily agricultural land. Assistant Planner Yount stated it was and the area of the proposed corp yard had already been taken out of agricultural production. Chairperson Amarel stated that looking at the soils map it is not good for farming.

Chairperson Amarel opened the public hearing.

Dennis Nelson, 950 Tharp Road, Yuba City, representative for the applicant, stated that they are there for the Planning Commission interpretation of the Zoning Code. Mr. Nelson referred to the Zoning Code section 1500-114 as liberal and stated that the AG District allows for oil/gas well drilling on approval of a Use Permit. He referenced well drilling as an acceptable use and stated that the two uses are similar in nature so he feels that it's not undesirable. He stated the corporate yard will operate the same as the two previous yards established on Drexler Road in the 1960's and on Pass Road in the 1970's. Mr. Nelson referred to Zoning Code 1500-1410 which would allow the use with the issuance of a Use Permit. Mr. Nelson also stated the corporate yard is an essential component to gas well drilling. Mr. Nelson stated the previous project met all the requirements and they are just moving the yard to a different location within close proximity of the drilling operations.

Commissioner Sanbrook stated that well drilling is agricultural supportive. Mr. Nelson agreed with that.

Commissioner Griffin asked about the size of the site, as a portion of the overall parcel. Mr. Nelson stated that the total parcel size is approximately 20 acres and that they would be using a 5 acre portion. Commissioner Griffin asked about the size of the other two corporate yard sites. Mr. Nelson stated the Pass Road and Drexler Road sites are approximately 2 acres and 4 acres, respectively. Commissioner Griffin asked if it was the Drexler Road site that was going to be abandoned if the new site was approved, and if a condition could be included as to a total clean bill of health for the site that is being abandoned. Mr. Nelson stated the Drexler Road site is very clean and a lot of the equipment has been removed.

Commissioner Stewart asked what will be stored on the approved site and if there was going to be any Hazardous Materials stored on site. Mr. Nelson stated that they will be storing the pipes, using it for employee's safety meeting location and use the shop for making equipment repairs.

Thomas Clark, Venoco, Denver, stated they lease approximately 80,000 acres in the area and a corporate yard is necessary for their operation and that this site is the best site they found to meet their needs to stay in Sutter County. The Drexler Road site will be returned to the property owner for ag storage and they have already moved their equipment to the Pass Road location, but that site is too small for continued use.

Commissioner Sanbrook asked when the option to buy the property would expire. Mr. Clark stated that it already has.

Chairperson Amarel closed the public hearing.

Commissioner Stewart referred back to the text amendment and that there is no place else to drill. He asked how we will go about it. Planning Manger Wilson stated the Zoning Code is outdated and the current Use Permit could be determined to be similar enough that we may be able to modify it, with the Commission input.

Commissioner Sanbrook asked what was the fastest. Planning Manger Wilson stated the fastest would be modifying the existing Use Permit. Chairperson Amarel stated he believes that they all agree that the language is not specific and the Planning Commission's interpretation is that the uses are similar. Commissioner Sanbrook stated that he interprets that the use is similar and asked how we would go about amending the existing Use Permit. Planning Manager Wilson stated an environmental document was already done and staff would need to circulate for conditions and should be able to bring it back at next month's Planning Commission meeting for action.

Chairperson Amarel made a motion based on the Planning Commissions liberal interpretation that the existing Use Permit is similar in nature; to go back and make the amendments to allow Venoco to operate a corporate yard. Commissioner Griffin seconded the motion.

Chairperson Amarel asked for a roll call vote, which resulted in a unanimous vote in favor of directing preparation of an amendment to the existing Use Permit to allow Venoco to operate a corporate yard.

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

### **A. Possible cancellation of the first meeting in August**

Chairperson Amarel cancelled the meeting of August 1, 2012.

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

None.

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

Commission Sanbrook asked when staff will start working on the Zoning Code, since the General Plan was adopted. Planning Manager Wilson stated that the Board of Supervisors has granted some funding in fiscal year 2012/2013, so staff can start working on it.

### **D. Other Business and Reports**

None.

## **9. Adjournment**

There being no further business, Chairperson Amarel adjourned the meeting at 7:06 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary  
Sutter County Planning Commission

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