

# SUTTER COUNTY PLANNING COMMISSION

## MINUTES

August 21, 2013  
Supervisors Chambers  
Hall of Records  
466 Second Street, Yuba City

### 1. Call to Order

Chairperson Basi called the meeting to order at 6:00 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 Lal Chima, Mike Geraldo, Robert Norton, Zac Repka, John Sanbrook and Chairperson Paul Basi

Members Absent: Angel Diaz

Staff Present: Principal Planner Doug Libby, Senior Planner Steve Geiger, Associate Planner Leanne Mueller, Deputy County Counsel Janet Bender, Public Works Associate Civil Engineer David Tomm, and Office Assistant Kathy Ferguson

### 3. Pledge of Allegiance

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

### 4. Approval of Minutes

The minutes of the meeting of May 15, 2013 were approved as submitted on motion of Commissioner Sanbrook, seconded by Commissioner Chima and carried by a voice vote of the Commission.

### 5. Comments from the Public

None.

Chairperson Basi summarized the protocol for making motions and requested the Commission to turn on and speak into the microphones.

## **Public Hearings**

6. **Project #13-012** - A use permit for a caretaker mobile home for a family member in need of living assistance; AG (General Agricultural) District; 7937 Larkin Road, Live Oak; Assessor's Parcel No. 09-280-048; Applicant/Property Owner - Michael McFarland (Staff recommends approval; project is exempt from CEQA)

Associate Planner Mueller summarized the previously circulated staff report. Associate Planner Mueller stated that it is an allowed use and if approved it would be for a five (5) year term, subject to renewal and will be removed when the mobile home is no longer needed.

Commissioner Norton requested clarification on the location of the proposed mobile home in relation to the barn and existing residence. Associate Planner Mueller clarified for the Commission the location of the proposed mobile home.

Commissioner Sanbrook asked if the proposed mobile home will be serviced by a separate septic and water well. Associate Planner Mueller responded noting an existing well will be used; however, a new septic system is proposed.

Commissioner Geraldo commented that he visited the site and he believes the property is well taken care of.

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

Commissioner Sanbrook made a motion to find the project is Exempt from CEQA and approve Project #13-012, a use permit for a caretaker mobilehome for a family member in need of living assistance, subject to the conditions of approval. Chairperson Basi seconded the motion, which carried by a unanimous voice vote of the Commission.

7. **Project #13-014** - An amendment to Project #05-050 to allow Poplar trees located along the west, north and south property lines used as a component of screening to be removed and not replaced; AG (General Agricultural) District; 1425 S. Township Road, Yuba City; Assessor's Parcel No. 13-350-100; Applicant - Caitlin Harley/Property Owner - Crimsonco, LLC (Staff recommends approval; project is exempt from CEQA)

Associate Planner Mueller summarized the previously circulated staff report. Associate Planner Mueller stated the surrounding property owners do not object to the proposed amendment and feel it will be an improvement. Associate Planner Mueller stated the original Condition of Approval incorporated the Poplar trees as part of the site screening, so removal of the trees is required to come back to the Planning Commission for consideration.

Commissioner Geraldo stated the property is well maintained, but he did notice that some of the trees have already been cut down, which could cause a possible dust

problem in association with the gravel parking. Commissioner Geraldo asked about the house in front on the south side being surrounded by trees. Associate Planner Mueller stated the house is on a separate parcel and landscaping depicted in that location will remain.

Commissioner Sanbrook questioned how many trees are being removed along the west property line. Associate Planner Mueller responded that approximately 20 trees will be removed. Commissioner Sanbrook said looking at the history of the project's previous use permits, the requirement for screening was put in place for a good reason and now we are being asked to take it away. Commissioner Sanbrook stated the trees are in poor condition. Associate Planner Mueller stated the Poplar trees do not hold up and this is the main reason they are proposing to remove them.

Principal Planner Libby stated the agricultural truck operation is an allowed use in the AG district. Principal Planner Libby stated that on the south side of the property they graze cattle and on the north and west side they grow rice and corn, so removing the screening is due to the compatible agricultural uses around the property. Commissioner Sanbrook asked if the neighbors want the Poplar trees replaced. Principal Planner Libby stated no.

Commissioner Chima asked if the truck parking has scheduled watering done to prevent the dust.

Chairperson Basi opened the public hearing.

Caitlin Harley, 8656 Sparling Lane, stated that a dust palliative is applied annually to minimize dust. Ms. Harley also stated they have reduced the number of truck trailer parking and that they only due maintenance every 90 days on equipment at this site.

Chairperson Basi asked why they are removing the trees. Ms. Harley stated they were damaged due to past fires and they have not grown back. Ms. Harley stated they removed some of the dead Poplar trees before harvest season. Ms. Harley also stated that some of the neighbors have complained regarding limbs from the Poplar trees falling into the ditches and falling onto an adjacent electrical fence. Ms. Harley stated the Poplar trees provide good wind breaks, but have a lot of falling limbs that cause liability issues.

Commissioner Chima asked if anyone has been in contact with the neighbors regarding the removal of the Poplar trees. Ms. Harley stated yes and the neighbors are pleased they are being removed, due to their dislike for the trees.

Chairperson Basi closed the public hearing.

Commissioner Sanbrook wanted to confirm the applicant is proposing to remove the existing Poplar trees from the entire west property line; west 450 feet of the north property line; and west 750 feet of the south property line of the facility. Associate Planner Mueller stated that is correct.

Commissioner Sanbrook stated reiterated his concern that we are eliminating the screening approved by the Planning Commission in 2007. Associate Planner Mueller stated that back in 2007 the primary concern was establishing screening for the adjacent residence at the northeast corner.

Commissioner Geraldo asked if the map detailing the trees was approved by the Planning Commission. Associate Planner Mueller stated that with the condition of approval, they would have submitted a similar landscape plan with the original staff report in 2007.

Commissioner Sanbrook said looking at the diagram the circles on the north property line is made up of Redwoods and Oleanders; the east side alternating between Redwoods and Crape Myrtles; and the west side has a lot of circles and that the Planning Commission wanted the project site to be screened by trees. Associate Planner Mueller stated this is how the applicant proposed this project for the agricultural uses; and the Poplar trees are in relation to the larger agricultural property.

Chairperson Basi questioned if this is the same screening used on other projects. He continued by stating he is struggling with a motion; but that maybe we could bring the project back to the Commission if the neighbors complain. Principal Planner Libby recommended not doing that because this Commission is not bound by the decisions made in 2007. Additionally, Principal Planner Libby stated that no one is here to oppose this project and notice was provided to all property owners within 400-feet of this site. Chairperson Basi stated that he is in agreement with the tree removal.

Commissioner Sanbrook stated that he understands it is an agricultural area and that the surrounding properties do not need that screening now. Principal Planner Libby stated the surrounding homes will still be screened from this project.

Chairperson Basi made a motion to find this project is Exempt from CEQA and approve Project #13-014 for an amendment to Project #05-050 to allow Poplar trees located along the west property line, west 450 feet of the north property line and west 750 feet of the south property line to be removed and not replaced, subject to the conditions of approval. Commissioner Sanbrook seconded the motion, which carried by a unanimous voice vote of the Commission.

8. **Project #13-006** - A use permit to allow agricultural truck parking for up to eight (8) trucks with 10 additional parking spaces for employees' personal vehicles on a 19.99 acre parcel. No existing structures will be used in conjunction with this proposed use; AG (General Agricultural) District; 3768 Sankey Road, Pleasant Grove; Assessor's Parcel No. 35-160-027; Applicant/Property Owner - Yaroslav Stolyarchuk (Staff recommends approval; a mitigated negative declaration has been prepared)

Senior Planner Geiger summarized the previously circulated staff report. Senior Planner Geiger stated there will be no maintenance or repairs done to trucks on the

proposed property and the applicant has already planted redwood trees for screening of said property.

Commissioner Sanbrook stated that it looks like the closest neighbor is approximately 500 feet from the subject property, but asked where it is located. Senior Planner Geiger stated there are neighbors to the west and to the east and they are similar distances away.

Commissioner Sanbrook asked what kind of lighting exists on the property now. Senior Planner Geiger stated there is no new lighting being proposed, but the applicant could better answer that question. Commissioner Sanbrook asked what the buildings are being used for. Senior Planner Geiger stated personal storage. Commissioner Sanbrook stated it was mentioned that no maintenance or repairs will occur on the property, but asked if we can include that in the Conditions of Approval since the Zoning Code talks about truck yards which include maintenance and repairs. Senior Planner Geiger stated that it is already referred to in Condition #22 of the Conditions of Approval. Commissioner Sanbrook referenced the current violation of the Zoning Code and he wants to make sure that everything is cleared up. Senior Planner Geiger stated that Condition #14 of the Conditions of Approval states that all items related to the complaint be removed from subject property.

Commissioner Geraldo asked do they have to import/export from the site. Senior Planner Geiger stated they park the truck/trailers there between hauls. Commissioner Geraldo asked if there is sufficient space for a turnaround area. Senior Planner Geiger stated the gravel area would be used for that purpose. Commissioner Geraldo asked if they will indicate how they will turnaround; he was concerned about existing boxes that are on-site as being a fire hazard and felt the site is not well organized.

Chairperson Basi asked if the abatement issue was being addressed. Senior Planner Geiger stated yes. Chairperson Basi referenced Condition #10 in regards to restroom facilities for the employees. Senior Planner Geiger stated that through review of the project, the Environmental Health division stated the existing onsite sewage disposal area will need to be destroyed.

Chairperson Basi stated that when the truck drivers come in from a long haul there should be restroom facilities for them to use. Senior Planner Geiger stated the applicant is not proposing any. Chairperson Basi stated that restroom facilities are an issue for the County to address.

Chairperson Basi stated this is a site for parking and returning from long hauls and asked who owns the trucks; are there sub-haulers coming into park? Chairperson Basi also questioned if they are hauling agricultural products. Senior Planner Geiger stated the applicant could better address these questions.

Chairperson Basi opened the public hearing.

Yaroslav Stolyarchuk, 3768 Sankey Road, stated that he bought the property five years ago and that he has been working with Principal Planner Libby to clear up his violation. He stated that he had sub-leased an area of the property to a friend, who created a junk yard and he has removed most of these materials from the property. Mr. Stolyarchuk stated that he is a book collector and that he sells them online. Mr. Stolyarchuk stated that his brother-in-law owns the trucking business and will be hauling agricultural equipment and that he is working at putting in a restroom at a later date.

Commissioner Sanbrook asked how many employees are there. Mr. Stolyarchuk stated the only people at the site are his brother-in-law, his wife and himself. Commissioner Sanbrook asked why you need 10 parking spaces, if you do not have employees. Mr. Stolyarchuk stated his brother-in-law has four trucks and the parking spaces are for the drivers of those trucks, with a few extra spaces available if needed. Commissioner Sanbrook asked how many trucks will be on the site. Mr. Stolyarchuk stated his brother-in-law owns four trucks.

Commissioner Sanbrook asked what is stored in the buildings. Mr. Stolyarchuk stated that it's for storage of his books. Commissioner Sanbrook asked where the truck drivers will go to use the restroom. Mr. Stolyarchuk stated they can utilize a gas station approximately three minutes away.

Mr. Stolyarchuk stated that he has already planted 200 redwood trees around his property. Commissioner Geraldo stated the property looks good. Commissioner Chima asked if commercial development is allowed in the AG district. Principal Planner Libby responded as long as the trucks are being used agriculturally, the use can be established by use permit. Principal Planner Libby went on to say that staff encourages applicants to think about their long term plans, and that is why the applicant has asked for parking for eight trucks, with ten parking spaces for employees' vehicles.

Commissioner Chima asked what agricultural products are being hauled. Mr. Stolyarchuk stated that 95% is agricultural commodities and equipment. Commissioner Chima asked what commodities he hauls. Mr. Stolyarchuk stated strawberries and rice.

Chairperson Basi asked who is using the property; is it your brother-in-law and does he employ drivers with no restroom facilities provided for them. Mr. Stolyarchuk stated he is working on getting the septic system done hopefully within the next year. Commissioner Geraldo asked if they could put in a portable toilet. Principal Planner Libby stated portable toilets are not an option allowed by ordinance, that truck drivers will park their trucks and leave for home in their personal vehicles and there are no County regulations requiring a septic system and restroom for this type of use.

Chairperson Basi stated that he encourages businesses to expand and employ more employees in Sutter County. The truck parking is not the issue, but he does have concerns regarding providing adequate restroom facilities

Commissioner Sanbrook asked what kind of lighting is on the property. Mr. Stolyarchuk stated there is a small light on the storage building. Chairperson Basi asked how the

drivers see to get to their car from the trucks when they come in at odd hours of the night. Mr. Stolyarchuk stated the trucks come in during the day, when he is at the property. Mr. Stolyarchuk stated he is the only one with a key to unlock the gate at the property and he will not be coming down at 3:00 a.m. to let a driver into the yard.

Commissioner Chima commented that he concurs with Chairperson Basi that there are a lot of things not in place at this time: the restrooms and the lighting for safety. Mr. Stolyarchuk stated that he can put lighting in place if needed, but the septic system will take a while due to the fact that it needs to be an engineered system.

Principal Planner Libby stated that a condition can be added for the lighting issue, stating recommending the applicant establish one foot candle of light over the vehicle parking area during the hours of darkness. Commissioner Chima asked if a condition can be added for the restroom, but allow for extra time to be completed. Principal Planner Libby stated he would be hesitant to require that, since there is not an ordinance requiring the applicant to install a restroom.

Chairperson Basi asked if there are similar facilities without restrooms. Principal Planner Libby responded listing a site east of Dhami's Market and the property once known as the, the former Wild Rice Exchange as facilities approved without restrooms. Principal Planner Libby stated that Environmental Health and State law specify when restrooms are required. Chairperson Basi reiterated his concerns about a lack of restrooms and lighting.

Commissioner Sanbrook asked if any of the existing buildings have restrooms in them. Mr. Stolyarchuk stated there is a septic system but because it is not up to code, it cannot be used.

Commissioner Geraldo feels he is not able to approve; due to the fire hazard on the property from cardboard boxes currently stored there. Chairperson Basi stated he believes that issue is being addressed in the conditions. Senior Planner Geiger stated that if the Planning Commission has concerns, staff can check with the fire chief and see if there is cause for abatement due to the cardboard boxes.

Chairperson Basi asked if the lighting component could be added as a condition. Principal Planner Libby stated that a condition could be added stating that one foot candle of light over the vehicle parking be provided during the hours of darkness and that it be implemented within 90 days of approval of the use permit.

Chairperson Basi asked how long the use permit would be good for. Senior Planner Geiger stated there is no time limit. Commissioner Sanbrook stated that he cannot get his mind around the fact that there are no restroom facilities and asked if there is access to the property at all times. Mr. Stolyarchuk reiterated that he is the only one with a key to the site and the site is open from 8:00a.m. until 6:00p.m. Chairperson Basi stated the applicant is asking for a use permit for truck parking; but is limiting the hours the facility can be used.

Commissioner Sanbrook asked if we could add a condition for the hours of operation. Principal Planner Libby stated that staff would recommend not telling a business owner when they can be open and that enforcement of that condition would be difficult. Commissioner Sanbrook stated if he wants to operate during certain hours he should be allowed to do so.

Chairperson Basi stated that agricultural businesses usually operate 24 hour a day, 7 days a week. Commissioner Chima stated that you need a minimum amount of business to make it profitable. Senior Planner Geiger stated the applicant likely wants to start out with just four trucks, but possibly grow in the future to have a total of eight trucks. Commissioner Chima asked the applicant if he would be willing to consider a condition for less than eight (8) trucks. Mr. Stolyarchuk stated he is willing to limit his operation to only four (4) trucks at this time and that he can also provide the lighting requested.

Chairperson Basi closed the public hearing.

Commissioner Repka questioned what language would be appropriate to reduce the project to four (4) trucks. Senior Planner Geiger stated recommended modifying Condition #22 to reduce the number of trucks to four and include that in the motion. Commissioner Chima stated that a time frame for the approval would be a good idea. Commissioner Sanbrook stated that it would be good to review this project in a year to make sure the applicant is adhering to the Conditions of Approval. Commissioner Chima told the applicant not to look at it as a negative, but just for the Commission to review how things are going so that later down the road they could possibly allow for expansion. Principal Planner Libby stated that a condition can be added so the Commission can check-in on the project. Chairperson Basi asked if the Commission is within the law asking for this condition. Principal Planner Libby replied yes.

Chairperson Basi stated he is in favor of the project, that there is a good opportunity for growth and that it is good to start out small and grow. Principal Planner Libby asked if the Commission is proposing to add Condition #25 to address the lighting requirement and were they comfortable with the language that had been presented. Chairperson Basi asked the applicant if he would accept going to the four (4) trucks and the lighting. Mr. Stolyarchuk stated yes. Chairperson Basi asked if the time frame could be one year, to come back for review. Senior Planner Geiger stated they could modify the number of trucks in Condition #22; add Condition #25 to address the lighting issue; and add Condition #26 so staff can bring a staff report back in a year for review by the Planning Commission.

Commissioner Repka made a motion to adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared in accordance with CEQA and approve Project #13-006, a use permit to allow agricultural truck parking for up to four (4) trucks with 10 additional parking spaces for employees' personal vehicles on a 19.99 acre parcel by modifying Condition #22 to reduce the number of trucks from eight (8) to four (4); add Condition #25 to provide one foot of candle of light over the vehicle parking area during the hours of darkness; and add Condition #26 to

approve the project for one year from the date of approval and allow the Planning Commission to review the use permit again to ensure compliance with the Conditions of Approval and to review the operation of the business. Chairperson Basi seconded the motion, which carried by a roll call vote (6-0).

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

**A. Possible cancellation of the first meeting in September**

The meeting of September 4, 2013 was cancelled by a unanimous voice vote. The next regular meeting will be on September 18, 2013.

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

Principal Planner Libby stated there were no actions from the Board, but reminded the Commissioners of the Study Session regarding commercial solar projects with the Board of Supervisors next Tuesday, August 27, 2013 from 5:00pm to 6:00pm at the Supervisors' Chambers – Hall of Records Building located at 466 Second Street, Yuba City.

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

None.

**D. Other Business and Reports**

None.

**10. Adjournment**

There being no further business, Chairperson Basi adjourned the meeting at 7:48 p.m.

Respectfully Submitted,

Doug Libby, AICP  
Principal Planner  
Sutter County Planning Commission

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