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 Preet Khan, Gabrial Singh, Craig Starkey, and Chairperson Jana Shannon.

Members Excused: Commissioners Diljit Bains, Maynard Dunn, and Melinda Russell

Staff Present: Senior Planner Lisa Wilson, Associate Planner Dale Follas, Associate Planner Leanne Mueller, Deputy County Counsel Jim Lewis, Assistant Director Larry Bagley, and Office Assistant Gail Gould

3. **Pledge of Allegiance**

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

4. **Approval of Minutes**

The minutes of the meeting of April 20, 2005 were approved as submitted on motion of Commissioner Starkey, seconded by Commissioner Khan, and carried by a voice vote of the Commission, with Chairperson Shannon abstaining.

5. **Comments from the Public**

None.

6. **Public Hearings**

- **Project #04-042** for a use permit to allow the repair, maintenance, and storage of equipment and materials associated with an agricultural related construction business; AG (General Agricultural) District; located at 3149
Commissioner Starkey recused himself due to a conflict of interest.

Associate Planner Mueller stated the applicant has requested another continuance to the meeting of June 15, 2005.

Commissioner Singh moved to continue this item to the meeting of June 15, 2005. Commissioner Khan seconded the motion, which carried by a unanimous voice vote of the Commission.

Commissioner Starkey returned to his chair.

7. Project #05-003 for a use permit and design review to allow the addition of gasoline sales consisting of a 560 square foot canopy and four fueling stations at an existing market; C-2 (General Commercial) District; located at 4895 Del Monte Avenue, Robbins; A. P. #29-133-008, -009, & -013; applicant - Hussein Mohsen/property owners - Ali & Zabiba Mohsen

Associate Planner Mueller stated because of the absenteeism of Commissioners Diljit Bains and Maynard Dunn and because Chairperson Shannon was absent at the last meeting and was not able to review the audio or video tape of that meeting, there is not now a quorum and the hearing on this item would have to be continued.

Commissioner Singh asked how many was necessary for a quorum. Associate Planner Mueller replied four, but the chairperson was not here last time and cannot vote tonight. Deputy County Counsel Lewis said she would have to have listened to the tape to participate.

Commissioner Singh stated the applicant is here tonight, but he did not know if he would like to say anything. Commissioner Starkey stated it sounds like staff is now recommending approval.

Chairperson Shannon directed this item be continued to the meeting of June 15, 2005.

8. Project #05-017 for a General Plan amendment from Agriculture (20 acre minimum) to Agriculture Preserve on 120.8 acres, rezoning from AG (General Agricultural) District to AP (Agricultural Preserve) District and APR (Agricultural Preserve Residential) District, subdivision of the property into six 2-acre Agricultural Preserve Residential District parcels and one 109-acre Agricultural Preserve District, and modification of the Subdivision Ordinance’s lot width to depth ratio; located on the north side of South Butte Road at Wyncoop Road, Sutter; A. P. #13-200-063; applicant/property owner - Richard Wilson

Commissioner Starkey recused himself due to a conflict of interest.

Associate Planner Follas stated this also must be continued due to the quorum issue.
Chairperson Shannon directed this item be continued to the meeting of June 15, 2005 due to lack of a quorum.

Commissioner Starkey returned to his chair

15. Project #05-007 for a use permit to allow a commercial agricultural operation consisting of a storage and transfer point for peach and prune pits on a 4-acre parcel; AG (General Agricultural) District; located at 10315 Krehe Road, Live Oak; A. P. #08-100-026 & -065; applicant/property owner - Melvin Morris

Chairperson Shannon stated this item was called out of order because the applicant has requested a continuance. However, if anyone wishes to speak she will open the public hearing. Commissioner Starkey said one woman in the audience would like to speak tonight.

Commissioner Starkey moved to continue this item to the meeting of June 15, 2005. Commissioner Khan seconded the motion, which failed by a 3 to 1 voice vote with Commissioner Singh voting no.

Deputy County Counsel stated the motion failed so the public hearing must move forward. It can either be heard now or in its proper place.

Chairperson Shannon said since the motion failed, they will hear the item in its agendized order.

9. Project #05-004 to allow a tentative parcel map to divide four parcels totaling 219.4 acres into a 3.0-acre homesite parcel, a 20-acre parcel and a 196.4-acre remainder parcel; AG (General Agricultural) District; located at 11100 Garden Highway; A. P. #35-020-005, -006, -014, -015; applicants/property owners - Burton H. Lauppe, et al

Commissioner Starkey recused himself.

Associate Planner Mueller stated staff requests a continuance to a non-specific date. Chairperson Shannon directed the continuance of this item to a non-specific date.

Commissioner Starkey returned to his chair

10. Project #05-020 for a use permit to allow a temporary mobile home as an agricultural caretaker unit; AG (General Agricultural) District; located at 4452 Oswald Road, Yuba City; A. P. #21-230-013; applicant/property owner - Rajinder Chohan

Associate Planner Mueller summarized the staff report and noted a letter was received in opposition and was given to the Commission tonight.
Chairperson Shannon asked how far in advance of meetings are notices mailed out. Associate Planner Mueller replied at least 10 days.

Chairperson Shannon opened the public hearing.

Sandra Best, 4545 Oswald Road, stated her home is located on the north side of Oswald and to the west of this property. Mrs. Best said she had spoken to Assistant Director Larry Bagley about this and that she had sent the complaint to the County in the first place, complaining of weeds, vandalism, coyotes, and that the mobile home was trashed on the inside. Mrs. Best then gave some history of the mobile home. She said if this was illegal to begin with, it is illegal today. There is nothing on the land for a caretaker.

Chairperson Shannon closed the public hearing.

Commissioner Singh said it would be appropriate for staff to go out and see if there is actually an agricultural operation on equipment and validate the use for this.

Chairperson Shannon reopened the public hearing.

The applicant, Rajinder Chohan, stated there was a mess there before he took over.

Chairperson Shannon asked him when he took possession. Mr. Chohan replied it has been five or six months. Since then, he has been cleaning up. Mr. Chohan said he farms around 500 fields and he is ready to get the mobile home in good shape for someone.

Allan Best, 4545 Oswald Road, stated the pictures given the Commission were taken this afternoon at 2:00 p.m. There is no farming out there; trees were taken out. It is just vacant land with nothing but weeds. Mr. Best asked if the mobile home would have to be brought up to code if the use permit was approved.

Commissioner Singh asked Mr. Best how long has it been since any agricultural operation has been going on. Mr. Best replied at least three years. They have cleaned it up. He then asked why didn’t the caretaker live in the house. Commissioner Singh replied they do have a right on 20 acres to have a primary and a secondary residence.

Commissioner Starkey asked Mr. Best if the main house was cleaned up. Mr. Best said it was.

In response to a request from Mr. Best, Senior Planner Wilson gave the definition of a caretaker.

Mr. Best said this is where you run into a problem in the country. The people who lived there before were okay; the people after that decided to rent it out.

Chairperson Shannon stated as a former property manager, she feels five months to clean up a property is pretty remarkable. She said this is not the first time a person has
come before the Commission with a mobile home they thought was legal. Chairperson Shannon said the zoning and land use laws say a certain thing and we have to comply with those laws.

Commissioner Starkey asked staff if there was any way to give Mr. Chohan a time frame. Senior Planner Wilson replied because of some of the conditions, it would be appropriate for a term period.

Commissioner Starkey moved to approve the use permit subject to the recommended findings and conditions as stated in the staff report, with the modification of Condition #5 that the use permit shall be reviewed in six months with extension subject to review by the Commission. Commissioner Singh seconded the motion.

Deputy County Counsel Lewis stated that just as a technical point, the public hearing should be closed.

Mr. Best asked if they could appeal this if approved. Chairperson Shannon replied they could.

Chairperson Shannon closed the public hearing.

The motion carried by a unanimous voice vote.

Deputy County Counsel noted appeal rights.

11. Use Permit #99-33a for a five year review of use permit approving a wireless communication tower; AG (General Agricultural) District; located at 6581 Williston Road, Yuba City; A. P. #10-110-018; applicant - TetraTech Wireless/property owner - Kenneth L. Micheli

Associate Planner Follas summarized the staff report.

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

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

12. Project #05-021 to allow a use permit to convert an existing gas well into a water injection well on a 91.18 acre parcel; AG (General Agricultural District; located on the northwest corner of Reclamation Road and Karnak Road; A. P. #34-160-027; applicant - Ivanhoe Energy/property owner - Wallace Living ’01 Trust

Associate Planner Follas summarized the staff report.

In response to a question from Chairperson Shannon, Associate Planner Follas said the depth of the gas is 3,300 feet.
Chairperson Shannon opened the public hearing.

The applicant's representative, Said Irani, stated they agree with staff and are happy to answer any questions.

Chairperson Shannon closed the public hearing.

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

13. Project #05-013 to allow a use permit to add a 2,500 square foot office within an existing 7,000 square foot shop building and parking area at a 37.95-acre site; AG (General Agricultural) District; located at 5411 Highway 20, Yuba City; A. P. #13-280-021; applicant/property owner - Bill Lucich

Associate Planner Mueller summarized the staff report.

Chairperson Shannon confirmed that the letters in opposition were directed to the operation as a whole and not to the office.

Chairperson Shannon opened the public hearing.

The applicant, Bill Lucich, stated he has had a greenwaste permit for three years and has not had a complaint until now. Mr. Lucich also said he would answer any questions.

Chairperson Shannon closed the public hearing.

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

14. Project #05-014 - to allow a tentative parcel map to divide a 31.47-acre parcel into 2 parcels of 3.69 acres and 27.78 acres; FPARC (Food Processing, Agriculture and Recreation Combining) District; located on the southeast corner of Southridge Boulevard at Agripark Road, Sutter; A. P. #13-270-090; applicant - Tom Applegarth/property owner - David W. Lanza Trust, et al

Senior Planner Wilson summarized the staff report.

Chairperson Shannon opened the public hearing.

The applicant, Tom Applegarth, stated he was present to answer any questions.

Chairperson Shannon closed the public hearing.
Commissioner Starkey moved to approve the tentative parcel map subject to the recommended findings and conditions as stated in the staff report. Commissioner Khan seconded the motion, which carried by a unanimous voice vote.

15. Project #05-007 for a use permit to allow a commercial agricultural operation consisting of a storage and transfer point for peach and prune pits on a 4-acre parcel; AG (General Agricultural) District; located at 10315 Krehe Road, Live Oak; A. P. #08-100-026 & -065; applicant/property owner - Melvin Morris

Chairperson Shannon stated this item was discussed earlier; however, it is now being heard because the applicant had requested a continuance and that motion failed. Senior Planner Wilson said she did call the applicant and left a message that the hearing would be held tonight.

Senior Planner Wilson then summarized the staff report.

Chairperson Shannon asked if the applicant had been advised of and agreed with the conditions and the mitigation. Senior Planner Wilson replied that is correct.

Commissioner Starkey asked owing to the sensitivity of this issue, are there mitigations that are the best known to man? Senior Planner Wilson replied there are no mitigations regarding environmental evaluation. Senior Planner Wilson said she has been in constant contact with the State Regional Water Quality Control Board and has been assured everything is being done correctly. Also, the storage area has been much reduced from past activity.

Commissioner Starkey said when someone gets caught, they come to the County for a use permit.

Chairperson Shannon asked if they could go through the conditions before the public hearing is opened. Senior Planner Wilson then reviewed the conditions, and in response to questions, she said planning staff does not have a regular visitation process. Chairperson Shannon clarified the applicant is aware of the conditions.

Senior Planner Wilson said the applicant has cleaned this up but there will still be a smell there.

Chairperson Shannon asked what kind of cover would be used. Senior Planner Wilson replied it would be a heavy tarp. Chairperson Shannon asked how the waste would be contained. Senior Planner Wilson replied by heavy duty tubes.

In regard to Condition #7, Chairperson Shannon asked what the impact would be in the event this were to pass. Senior Planner Wilson replied she would be reporting to the State and Mr. Morris would have to get various State permits.

Chairperson Shannon opened the public hearing.
The following people spoke against the project citing smell, fruit waste, drainage, spontaneous combustion, impaired scenic vista, commercial truck yard, narrow roadway:

Dani Rogers Brinkley, 206 Tonea Way, Chico
Richard Bogdonoff, 10317 Krehe Road, Live Oak
William Rogers, 5886 Pennington Road, Live Oak
Tim Stewart, 4156 Pennington Road, Live Oak
Kate Rogers (address unknown)
Daniel Rogers, 5886 Pennington Road, Live Oak
Jerrie Libby, 1841 Cutting Avenue, Live Oak
Bunnie Gollenbusch, 10051 Hedger Road, Live Oak
Rick Libby, 1841 Cutting Avenue, Live Oak
Bonnie Mallonee, 10358 Krehe Road, Live Oak

Chairperson Shannon closed the public hearing.

Commissioner Singh stated he was very familiar with this area and the reason it is important to deal with it this evening is because the peach season is nearly upon us and the operation must be resolved. Mr. Singh said he did not believe this application was proper for the area.

Commissioner Starkey stated this is a difficult situation because we are looking at an agricultural operation and when does it become a commercial operation as opposed to an agricultural operation? Senior Planner Wilson said it becomes commercial when the product is not your own.

Chairperson Shannon confirmed this is a one year period. Chairperson Shannon also confirmed it would be inspected four times per year and subject to neighbors' complaints.

Deputy County Counsel Lewis stated in order to approve this, the Commission would need to make a finding that this would not be detrimental to health, safety, and welfare of persons residing or working in the area.

Commissioner Singh moved to deny the use permit. Commissioner Starkey seconded the motion, which carried by a unanimous roll call vote.

16. Discussion items for the upcoming joint study session with the Board of Supervisors

Chairperson Shannon said the number one thing listed to discuss with the Board was that someone represent the Planning Commission at related Board of Supervisors meetings. Based on that, she would like to advise staff to put that back in the order requested.

Commissioner Khan stated she believed this list was in reverse order. Chairperson Shannon stated the ranchette issue and job creation issue were going to be discussed in particular due to the new commissioners.
Chairperson Shannon asked if they could request a follow-up meeting. She said she would like to request having the meetings in a less formal environment than the Hall of Records. The sessions in the personnel conference room seem to be the more successful because they are less formal.

Chairperson Shannon stated this is something they should not have to vote on, and she would like to direct staff to take the discussion items to the Board requesting the following order:

1. Relationship between the Board of Supervisors and Planning Commission
2. Job Creation
3. Ranchettes
4. Board of Supervisors Vision for Sutter County

17. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in June (June 1, 2005)

It was the consensus of the Commission to cancel the meeting of June 1, 2005.

B. Discussion on item(s) for the June 15, 2005 Planning Commission study session

Senior Planner Wilson stated they cannot have the AP/APR discussion on June 15 due to the continuances tonight and asked if there were any other items.

Commissioner Singh stated he would like to have a discussion on bonds and water and sewer treatment plants.

Chairperson Shannon asked if that was for a study session. Commissioner Singh replied yes, how the Planning Commission acts in an advisory capacity.

Chairperson Shannon directed staff to collect information and see what the Planning Commission's capacity is as far as advising.

Deputy County Counsel Lewis said he believes conflict of interest may be a proper session.

C. Report on the actions of the Board of Supervisors

Senior Planner Wilson stated she had nothing to report.

D. Other business and reports

Senior Planner Wilson stated she had nothing to report.
8. **Adjournment**

There being no further business, Chairperson Shannon adjourned the meeting at 9:35 p.m.

Respectfully Submitted,

Danelle Stylos, Secretary  
Sutter County Planning Commission