SUTTER COUNTY PLANNING COMMISSION

MINUTES

December 7, 2005
Supervisors Chambers
Hall of Records
466 Second Street, Yuba City

1. **Call to Order**

Vice-Chairperson Didbal called the meeting to order at 7:00 p.m.

2. **Roll Call**

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

Members Present: Commissioners Diljit Bains, Annette Bertolini, Maynard Dunn, Craig Starkey, and Vice-Chairperson Preet Didbal

Members Excused: Chairperson Jana Shannon and Commissioner Gabrial Singh

Staff Present: Planning Division Chief Danelle Stylos, Senior Planner Lisa Wilson, Associate Planner Dale Follas, Associate Planner Leanne Mueller, Deputy County Counsel Jim Lewis, Assistant Director Larry Bagley, Public Works Director George Musallam, Environmental Health Specialist Jan Hill, and Office Assistant Gail Gould

3. **Pledge of Allegiance**

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

4. **Approval of Minutes**

Commissioner Dunn noted that on page 10, paragraph 5, the word “is” should be deleted from the phrase “...that if the easement is already exists, ...”. The minutes of the meeting of November 16, 2005 were approved as corrected on motion of Commissioner Starkey, seconded by Commissioner Dunn, and carried by a unanimous voice vote of the Commission.

5. **Comments from the Public**

None.
6. Project #05-031 for a General Plan Amendment to change the General Plan designation of a 19.52-acre parcel from AG-20 and AG-80 (Agriculture 20 and 80 acre minimum parcel sizes) to RAN (Ranchette), rezoning to change the zoning district of a 19.52-acre parcel from AG (General Agricultural) District to RAN (Ranchette) District, and a tentative parcel map to divide a 19.52-acre parcel into four parcels 3.0, 4.0, 5.0 and 7.0 acres in size; AG (General Agricultural) District; located on the south side of Fortna Road, west of Dresser Road, Yuba City; A. P. #13-313-014; owner - Ardie Oji

Associate Planner Mueller summarized the staff report and noted a letter had been received from a neighbor who was concerned about drainage. This item had been continued from the November 16, 2005 Planning Commission hearing in order to address concerns over drainage.

Vice-Chairperson Didbal opened the public hearing.

The applicant’s representative, Bill Walker of von Geldern Engineering, stated they have seen all the suggested conditions of approval, including the revision to Condition #6 by Public Works, and are in agreement with all of those. Mr. Walker said he would be happy to answer any questions.

Virgil Atkinson, 1104 Cotton Rosser Way, Yuba City, said he had spent a lot of time since the last meeting discussing drainage concerns and parcel sizes and whether or not the project meets the specific needs of this particular piece of property. He has come away with very strong feelings in favor of the project. He is glad we have a member of Public Works here that can address some specific questions on drainage, if any, and how it pertains to other parcels in the area.

Commissioner Starkey asked for comments from Public Works.

George Musallam, Public Works Director, stated that at the southerly end of the property is the railroad tracks and on the westerly end is the Sutter Extension Water Company that pretty much blocks the drainage that crosses Butte House and comes from a southwesterly direction into that location. Whenever there is a high intensity rainstorm, Public Works crews will spend a considerable amount of time at the location where the railroad tracks meet the Sutter Extension Water Company to pump the water into Sutter Extension Water Company. The conditions put on this subdivision require all additional drainage generated by this subdivision to be contained on site. By doing this, we can make sure they cannot make the problem worse. Another condition is that they need to participate in a future zone of benefit drainage district. That will help in solving the drainage problem with the whole area. Mr. Musallam stated when subdivisions in Yuba City develop on the east side of Township Road, they will intercept the majority of the free flow that ends up at that location.

Commissioner Starkey confirmed that those subdivisions developed on the east side of Township will help direct the water away that now drains over Township and into this area. That will help alleviate some of the flooding problems. The parcels we are talking
about will be graded and structured such that the water will be retained on those properties and not intrude on anybody else.

Public Works Director Musallam stated these parcels have quite a bit of land area to retain that water on site.

Commissioner Starkey then said the owners of the parcels we are creating tonight will also become part of the zone of benefit district. Mr. Musallam clarified they will agree to participate in any future zone of benefit.

Vice-Chairperson Didbal closed the public hearing.

Commissioner Dunn moved to recommend approval to the Board of Supervisors, subject to the recommended findings and conditions as stated in the staff report. Commissioner Bains seconded the motion which carried by a 4 to 1 roll call vote with Vice-Chairperson Didbal voting in the negative.

7. Project #05-067 for use permit approval for a secondary, temporary manufactured home to be used for a family member in need of living assistance; AG (General Agricultural) District; located at 5103 Ensley Road, Knights Landing; A. P. #34-040-018; applicant/property owner - Alan G. Garner

Planning Division Chief Stylos summarized the staff report and noted that Condition #20 regarding an easement was removed and the conditions renumbered.

Vice-Chairperson Didbal 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 Bertolini seconded the motion, which carried by a unanimous voice vote.

Public Hearings

8. Project #05-063 for use permit to recognize an existing propane storage and delivery service and the addition of a 30,000 gallon propane storage tank; AG (General Agricultural) District; located at 1092 4th Avenue, Rio Oso; A. P. #28-150-030; applicant - Herger Gas Company, Inc./property owner - Walter Herger, Jr.

Associate Planner Mueller summarized the staff report.

Vice-Chairperson Didbal opened the public hearing.

The applicant’s representative, Robert Arata, stated he was here to answer any questions and requested approval by the Planning Commission.
There being no questions or testimony, Vice-Chairperson Didbal closed the public hearing.

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

9. **Project #05-082 for a General Plan Amendment to change the General Plan designation of three 20-acre parcels from AG-20 (Agriculture, 20 acre minimum parcel size) to LDR (Low Density Residential); a rezoning to change the zoning district of three 20-acre parcels from AG (General Agricultural) District to R-1 (One-Family Residence) District; located at 7982 Pass Road, Sutter; A. P. #13-200-111, -112 & -113; applicant/property owner - Le Baron Family Trust**

Commissioner Dunn disclosed that he had discussions with staff and Bill Walker.

Associate Planner Mueller summarized the staff report and noted that four letters had been received in opposition to the project. These letters were submitted to the Planning Commission tonight.

Vice-Chairperson Didbal opened the public hearing.

The applicant’s representative, Bill Walker of von Geldern Engineering, asked the Planning Commission to deny the project. Mr. Walker said they expect this is an issue that will generate considerable interest. The options of the Planning Commission are to deny it or send it back to staff for conditions and environmental review if the Commission is in favor. By voting no, this will go onto the Board of Supervisors who will have the same options as the Planning Commission. If the Board of Supervisors feels there is some merit to the project, they may send it back to staff and then it will come back to the Planning Commission and then onto the Board. This is a means to see what the Board feels on a policy level.

Stephanie Ruscigno, 1660 Sharon Drive, Yuba City, read a letter written by her friend, Joan Joaquin Wood, a property owner in the area. She also noted that the Buttes should be kept for everybody.

Cheryl Bohannan, 8560 South Butte Road, Sutter, stated she did not believe this was a progressive project. It will ruin the integrity of our Buttes. She and several other area property owners felt they could accept the 20-acre ranchette parcels a few years ago, but they do not feel they can accept this with the housing.

Mike Darnell, 1947 2nd Avenue, Sutter, stated he was the executive director of Middle Mountain Foundation and they agreed with staff’s recommendation. He said he would also like to see the Planning Commission make decisions that would reinforce the integrity of the General Plan as it stands now and keep the development within the spheres of influence of Yuba City and Live Oak where adequate public services and facilities are available.
Thomas Todd, 2769 Madrone Street, Sutter, stated he was third generation resident of Sutter County. Mr. Todd said the idea of having a project like this within the confines of the Sutter Buttes is abhorrent to him and to a number of his neighbors. He said there are other problems this is going to cause. This project will bring a large influx of young people into the community. Brittan School will have to buy a piece of property, separate into a primary school and junior high school. Mr. Todd said there would also be problems with sewage disposal because Sutter relies on septic systems. There will also be increased traffic. Taxes will be higher. Mr. Todd said he sincerely hopes Sutter County does not find a way to sneak this in on us, because it will hurt all of us.

Ned Lemenager, 7461 Lemenager Road, Sutter, stated he is fourth generation Sutter County farmer and he agrees with staff.

Jack Slater, 7954 Butte Avenue, Sutter, stated staff has done a very good job. Approval would amount to establishing a footprint for further residential expansion into the Butte area. Mr. Slater said if the Planning Commission feels as strongly as he does about the preservation of the Buttes, perhaps they could recommend a new zoning category called “Historical Land” and treat it with the same respect and protection as the homes designated historical monuments.

Robert Ripley, 7965 Butte Avenue, Sutter, stated he agreed with denying this. Brittan School is already overcrowded. Mr. Ripley also cited problems with traffic speed, water and sewage.

Daniel Barth, 663 Sylva Lane, Gridley, stated he was at the Planning Commission 31 years ago opposing a use permit for a gravel pit on what is now Southridge Golf Course. Mr. Barth said he was the lone voice in the audience to stand up and oppose that proposal. Thirty-one years later it is good to see all the people in the audience in favor of preserving the Buttes.

Vice-Chairperson Didbal closed the public hearing.

Commissioner Starkey moved to recommend denial to the Board of Supervisors subject to the recommended findings as stated in the staff report. Commissioner Bertolini seconded the motion, which carried by a unanimous voice vote.

10. Project #05-075 for a tentative parcel map to subdivide a 38± acre parcel into a 2.00 acre homesite parcel and a 36.52 acre agricultural remainder; AG (General Agricultural) District; located on the south side of Oswald Road, approximately ¼ mile west of Township Road, Yuba City; A. P. #21-230-013; applicant/property owner - Rajinder Chohan

Associate Planner Follas summarized the staff report.

Commissioner Dunn asked if the mobile home could be replaced if it were removed. Associate Planner Follas replied if a mobile home has been removed for less than one year, it can be replaced. If more than one year passes, it cannot be replaced. Also, a stick-built house would not be allowed to replace the mobilehome.
Vice-Chairperson Didbal opened the public hearing.

The applicant’s representative, Roger Key of Key and Associates, stated they have read, understand, and agree with the conditions of approval. Mr. Key said it is a good project and he would be happy to answer any questions.

Allan Best, 4545 Oswald Road, Yuba City, stated he was not necessarily against the project but he did not get some questions answered. He asked if the well on the property could be shared by both the house and mobile home. He said he was also concerned about building another home on the property. Associate Planner Follas replied a new well site is shown, but with Environmental Health’s consent, the existing well could be shared. There is no requirement that individual parcels have individual wells.

Vice-Chairperson Didbal closed the public hearing.

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

11. Project #05-058 for a tentative parcel map to divide 108 acres into four parcels; AG (General Agricultural) District; located on the north side of O’Banion Road, west of Garden Highway, Yuba City; A. P. #23-300-133; applicants - Gurvinder & Amarjit Pamma/property owner - Millennium Farms

Senior Planner Wilson summarized the staff report.

Vice-Chairperson Didbal opened the public hearing.

The applicant’s representative, Jeff Spence of Laughlin and Spence, stated he and the property owners have read the report and conditions of approval and are in agreement with them, and he was here to answer any questions.

Barbara LeVake, 705 O’Banion Road, stated she greatly appreciated staff requiring conditions for some of the agricultural operations. Mrs. LeVake said their primary concern if approved is what may occur in the future in terms of a conditional use permit. This homesite parcel is for sale along with the others, and she was told by a real estate person that one of the parcels would be proposed for a school and/or church. Mrs. LeVake said she raises these concerns because this is very much an agricultural area.

Brian Berg, 6091 Carlson Road, Yuba City, stated he was one of the owners and general manager of Sierra Gold Nurseries. Mr. Berg said he wanted to thank staff for taking into consideration the buffers between his farming operation and the proposed residences. Mr. Berg did want to point out the fumigation they do is mandated by the California Department of Food and Agriculture. It is not something they do by choice; it is something they are obligated to do because of the crops they grow. Some of the materials they use require up to a 500 foot buffer.
Vice-Chairperson Didbal closed the public hearing.

Commissioner Starkey stated the Board of Supervisors is very strident in keeping agricultural land agricultural. So, if this goes to the Board of Supervisors, we may want to reiterate that.

Commissioner Dunn mentioned the project by Sierra Gold on Garden Highway. There were four or five homes they planned to build there. Mr. Dunn said he was not trying to be an antagonist, but he did not think the proposed homes met the 500 foot buffer at that time. Mr. Berg said that parcel is a very long and narrow piece of land and if there were residences adjacent to it, they would basically lose those 32 acres of land. The other parcel is a much larger parcel, configured differently and they could have worked around the buffers. Mr. Berg stated they can fumigate if they are able to work with the neighbors and ask them not to be on the property for a certain amount of time.

Commissioner Dunn said he believed a right-to-farm clause is in the title report of whoever buys the property. Senior Planner Wilson said when obtaining a building permit in agricultural land, people are required to sign an acknowledgement they understand they are in a farming area. It does not prohibit or affect any of the laws that apply to fumigation, etc.

Barbara LeVake stated there was a right to farm ordinance, which probably doesn’t have a lot of teeth, and as a consultant in agricultural matters for a fumigator, she has been involved in fumigation matters. Even though there is a right to farm ordinance, there is nothing to preclude someone from either suing or complaining over certain fumigation issues. It is happening all over the state. The rules and regulations are increasing and 500 foot buffers are probably fine today, but six months from now that could change.

Commissioner Dunn moved to approve the tentative parcel map 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.

Commissioner Bains excused herself from the meeting because of another commitment.

12. Project #05-061 for rezoning to change the zoning district of a portion of the subject property from AG (General Agricultural) District to AG PD (General Agricultural, Planned Development Combining) District; located at 1084 North Township Road, Yuba City; A. P. #13-323-022; applicants/property owners - Ellyn & Matt Stephenson

Senior Planner Wilson summarized the staff report.

Vice-Chairperson Didbal opened and closed the public hearing with no testimony being received.
Commissioner Bertolini moved to recommend approval to the Board of Supervisors subject to the recommended findings as stated in the staff report. Commissioner Dunn seconded the motion, which carried by a unanimous voice vote.

13. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the second meeting in December (December 21, 2005); and

B. Possible cancellation of the first meeting in January (January 4, 2006).

On motion of Commissioner Dunn, seconded by Commissioner Starkey, and carried by a unanimous voice vote of the Commission, the meetings of December 21, 2005 and January 4, 2006 were cancelled.

C. Report on the Actions of the Board of Supervisors

Planning Division Chief Stylos stated she had nothing to report; however, on December 20, staff will be reporting to the Board of Supervisors the General Plan amendments that are currently in the system.

D. Planning Commission/Board of Supervisors Discussion Topics

None.

E. Other Business and Reports

Planning Division Chief Stylos thanked Commissioner Starkey, the Yuba City representative, for his time on the Commission. She also thanked Commissioner Bertolini, the Live Oak representative, for joining the Commission.

16. Adjournment

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

Respectfully Submitted,

Danelle Stylos, Secretary
Sutter County Planning Commission