1. **Call to Order**

Vice-Chairperson Dunn called the meeting to order at 7:02 p.m.

Planning Division Chief Stylos introduced the new commissioner for District 3, Paul Basi.

2. **Roll Call**

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

Members Present: Commissioners Diljit Bains, Paul Basi, Gabriol Singh, and Vice-Chairperson Maynard Dunn

Members Excused: Commissioner Annette Bertolini, Chairperson Jana Shannon

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

3. **Pledge of Allegiance**

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

4. **Approval of Minutes**

The minutes of the meeting of February 15, 2006 were approved as submitted on a motion of Commissioner Singh, seconded by Vice-Chairperson Dunn, and carried by a unanimous voice vote of the Commission.

5. **Comments from the Public**

None.
Continued Public Hearing

6. Project #05-059 - variance to waive the application requirement for Ranchette designation that a parcel have less than 20 acres gross area; AG (General Agricultural) District; located on the northeast corner of Sanders Road and Madden Avenue; A. P. #10-162-012; applicants/property owners - Paul & Andrea Singh

Vice-Chairperson Dunn stated that because of a lack of a quorum again, a continuance must again be requested for this project. However, if someone wants to speak, they may do so. But, this will be continued to the meeting of April 19.

A member of the audience wanted to hear about the matter.

Commissioner Singh recused himself.

Senior Planner Wilson summarized the staff report.

Vice-Chairperson Dunn opened the public hearing.

Runjit Davit, 5622 Madden Avenue, Live Oak, questioned if anything like this had been brought up before the Commission in the past. Senior Planner Wilson replied no.

Vice-Chairperson Dunn stated the Commission will continue this to the meeting of April 19. Commissioner Singh returns to his seat.

Gene Redmond, 5412 Madden Avenue, Live Oak, asked why they could not get a quorum. He said this is getting irritating because he has had to adjust his personal schedule to attend these meetings and it is important he be here. Vice-Chairperson Dunn said they are aware of that and if there is no quorum next time, it will be moved on to the Board of Supervisors.

Vice-Chairperson directed this item be continued to the meeting of April 19, 2006.

Public Hearings

7. Use Permit #03-13 - revocation of use permit for a commercial truck, trailer and farm equipment repair business; AG (General Agricultural) District; located at 2970 North Township Road, Yuba City; A. P. #13-251-017; property owners - Kelly and Jackie Bumpus

Senior Planner Libby summarized the staff report and noted he had visited the site the morning of the meeting and there has been no change from the pictures that were attached to the staff report. Senior Planner Libby also said that Condition 23 would have to be amended if the Commission wished to extend this permit.

Vice-Chairperson Dunn opened the public hearing.
Jake Still, 2990 North Township Road, Yuba City, stated he and his brother own and operate the business on the subject property, but have not gone forward with the screening and fencing, etc., because the landlord has not taken care of the conditions he was supposed to. The landlord could not be here tonight but told him if he could get an extension, he would have something worked out in three to six months.

Vice-Chairperson Dunn said staff told him the owner is willing to comply with Condition 17, but the problem is Conditions 18 and 19. Senior Planner Libby said he has not heard from the property owner. Staff has sent a letter to the owner about this but has not heard from him.

Vice-Chairperson Dunn said that Josh and Jake have indicated they are in a position to comply with what they need to do, but the owner of the property has not complied with his part.

Dennis Miller, 3028 North Township Road, Yuba City, stated they had come to an agreement with Jake on the landscaping and that is the reason they showed up to support him. They have cooperated quite a bit.

Commissioner Singh asked Mr. Miller about the glaring lights he had a problem with last year. Mr. Miller replied it happens from time to time but not as often. They are making an effort.

Gordon Cooley, 3094 North Township Road, Yuba City, stated this is a truck outfit and trucks will be there night and day. He said he was in favor of keeping it. Coming off Pass Road any truck will flash lights into Mr. Miller’s house. They need to put up screening for their house.

Vice-Chairperson Dunn closed the public hearing.

Commissioner Singh said he remembered this from last year and at that time it seemed everyone would work together. He understands the property owner is not being cooperative, but believes an extension should be given for one year.

Commissioner Bains stated she agreed that an extension should be given, but it should be six months.

Commissioner Basi stated he has driven by the site several times and feels there should be an extension for one year.

Vice-Chairperson Dunn stated they have had problems with the landlord. They do not have a long lease on the property; it is month to month.

Vice-Chairperson Dunn reopened the public hearing.
Jake Still stated he did not have any problem in meeting their conditions in six months, but does have a problem with the landlord keeping his word.

Vice-Chairperson Dunn closed the public hearing.

Vice-Chairperson Dunn stated staff would really feel comfortable if this had a time extension of six months and would like to see something happen.

Vice-Chairperson Dunn moved to modify Condition 23 to extend the use permit for six months and at the end of that time return to the Planning Commission for review. Commissioner Bains seconded the motion which carried by a unanimous roll call vote.

Senior Planner Libby stated staff would bring this back in September.

8. Project #05-066 - General Plan amendment to change the General Plan designation of two parcels totaling 18.6 acres from AG-20 (Agriculture, 20 acre minimum parcel size) to RAN (Ranchette); rezone to change the zoning district of 18.6 acres from AG (General Agricultural) District to RAN (Ranchette) District; tentative parcel map to divide two parcels totaling 18.6 acres into four parcels that will be 3.0, 4.0, 5.0, and 6.0 acres in size; located on the south side of Reed Road, approximately 170 feet east of State Route 99; A. P. #23-061-013 & -014; applicant - Amerjit S. Bhatti/property owner - Cornerstone Properties

Associate Planner Mueller stated the applicant has requested a continuance of this project to a nonspecific date.

Vice-Chairperson Dunn asked if he should open the public hearing. Deputy County Counsel Lewis replied he may open it if he wishes and he may continue it. Vice-Chairperson Dunn asked if anyone wished to speak either for or against the project. There was no one wishing to speak.

Commissioner Singh moved to continue this project to a nonspecific date. Commissioner Basi seconded the motion, which carried by a unanimous voice vote.

9. Project #05-087 - tentative parcel map to divide 146± acres into six parcels ranging in size from 21 - 22.3 acres; AG (General Agricultural) District; located northeasterly of Meridian between Mawson and Levee Road on the south side of Farmland Road; A. P. #13-070-023, -024, -027 & -030; applicant/property owner - Donald Darrough

Commissioner Singh asked if the moratorium affected this particular property. Senior Planner Libby replied that because this was already in the planning review process, it was exempt from the moratorium. Senior Planner Libby then summarized the staff report and noted staff handed out revised conditions because of new information received prior to the meeting which prompted Environmental Health to provide two new conditions, No. 15 and No. 16. Also, at the end of the report there is a letter from
Fedora Farms. After staff reports went out, two more letters were received and were distributed to the Commission before the meeting.

Commissioner Singh asked Planning Division Chief Stylos about a map prepared by Supervisor Dan Silva showing the water levels in the area and the depth of the water in this area was 25 feet. Planning Division Chief Stylos replied a map was provided; however, the depth was not 25 feet on the Darrough property. The Darrough property would be about 10 feet deep in a worst case scenario.

Commissioner Singh stated it looks like many things out there are built on stilts. The County is surrounded by levees. If a levee breaks anywhere, the area in the vicinity is going to have standing water. Senior Planner Libby said the staff report discusses the flood plain. The FEMA maps show it to be protected by a 100 year flood zone.

Vice-Chairperson Dunn opened the public hearing.

The applicant’s representative, Bill Walker of von Geldern Engineering, stated they have seen all the suggested conditions, including the revised list, and are in agreement with all of them. Mr. Walker said he would be happy to answer any questions.

Mr. Walker said if Commissioner Singh was talking about houses on stilts, he must be in the Butte Sink area where all the duck clubs are. Commissioner Singh replied that is correct. Commissioner Singh then asked about flooding. Mr. Walker replied if you talk of flooding you must talk about the entire county with the exception of the Buttes because they are higher. The whole county has flooded at some time or another, except the Buttes.

The applicant, Donald Darrough, stated he agreed with the conditions. He will answer any questions, but would like to address any comments from the other people who are here at a later time.

Commissioner Singh asked Mr. Darrough about the letters from Fedora Farms. He asked when Mr. Darrough purchased the land and if he is farming it. Mr. Darrough replied he purchased the land about a year ago and they are planting walnuts and will farm it.

Mrs. Shelley Darrough spoke about the property across from her that was bought by developers. They now own it and it is their intention to farm the property. The entire property could not be farmed cost effectively, so they are trying to make it into 20 acre lots and sell them. They want to keep the use as fallback if possible. Mrs. Darrough said they will try to make this as easy as possible. She said she wants to save her view of the Buttes.

David Lane, 1955 Elmer Avenue, Yuba City, spoke against the project citing several portions of the Initial Study he felt were inadequate. He called attention to agricultural resources and hydrology and water quality as well as others. He stated this is part of the study being done by the supervisors regarding the moratorium, and do not need to
be getting into water issues in the Meridian area, he noted Section 6 of the General 
Plan policy statement. Meridian land is one of the highest designations of agricultural 
land in the state, perhaps in the country. There is land available within the City of Yuba 
City limits that is not developed and will not cause the impact to the neighboring farm 
operations. A 20 acre walnut orchard is not a viable farming entity.

In regard to the flooding issue, Mr. Lane stated this property flooded in 1997. He also 
said he would like to see the agricultural operation disclosure should be a condition.

Mr. Lane stated that under state law this would be required to be a formal subdivision 
but for the fact there is a 20-acre exception and is done as a parcel split instead. He 
said he would submit that you cannot adopt the Negative Declaration and can’t make 
the requisite findings and request this be denied and sent back for further evaluation of 
the environmental concerns.

Chris Fedora, 1906 Nina Way, Yuba City, showed several photographs of standing 
water on and around the project parcels. He said trees were dying because of standing 
in high water. Mr. Fedora asked that the Commission deny the project.

Commissioner Basi asked about drainage, if there was something in the Initial Study 
that addressed that. Mr. Fedora responded it was addressed, but water is not draining 
off.

Vice-Chairperson Dunn asked staff if drainage had been taken into consideration. 
Senior Planner Libby replied yes. That is reflected in Condition 20. Any property will 
have to provide a drainage plan which will probably be an on-site retention basin.

Allen Jaschke, 2000 Farmlan Road, Meridian, talked about his property which was 
flooded in 1940 and again in 1997. He said this is not the best use for subdividing into 
ranchettes. He then asked the Commission to deny the project.

Brian Fedora, 1922 Cole Court, Yuba City, stated his property is on both sides of this 
project. He said it is well known farming cannot exist in subdivision lots. He discussed 
the moratorium and articles from the Appeal Democrat and other papers about small 
parcel landowners. Mr. Fedora stated currently Fedora Farms will not farm anything 
less than 25 acres because it is not feasible. He discussed sewer and water problems 
and the flood plain.

Harry Werner, 1811 Mykonos Court, Yuba City, stated he owns 100 acres just below 
the subject property and deeply objects to this. His property is under the Williamson 
Act. These properties should be. Mr. Werner said it does not seem possible anyone 
would want to build on this property.

Barbara Cotter, 615 Dale Avenue, Yuba City, stated she was the president of the Board 
of Middle Mountain Foundation and they would like to see this project put on hold until 
after the moratorium.
Jim Marler, 3695 Mason Road, Meridian, stated he was against this because of the drainage problems.

Don Darrough stated the previous owner of this property filled in the Reclamation District 70 drainage ditch. Mr. Darrough said that owner did not take care of the property, but their intention is to have a ditch. He said he was aware of the Fedora concerns and that is why they propose a 70 foot setback. People cannot buy property unless they agree to lease the property back to them. They will be allowed two acres for a homesite and the rest of the property will be going back into farming.

Mr. Walker said they have worked very closely with every agency and this project complies with every single rule. All objections have been considered. Every one of the controlling agencies have looked at this very carefully and they are satisfied with this.

Vice-Chairperson Dunn closed the public hearing.

Vice-Chairperson Dunn stated we are dealing with a land issue and not one’s house or a flood issue. Mr. Darrough could still build six houses on that property because of the General Plan. This is a land issue.

Commissioner Bains stated she agreed it is a land issue. It has been mitigated and she is in favor of it.

Commissioner Basi stated this is the first time he encountered this type of situation and he needs to do his homework, but staff has done theirs and he feels this should go forward.

Commissioner Singh stated he sympathized with the Darroughs, but he is against splitting property up into 20-acre ranchettes. He stated he is against this project because the soil is not good for trees, the agricultural 20 ranchette issue, and the moratorium. After the moratorium is done, then perhaps this application could be resubmitted and the Commission would have more information regarding the water table and flood plain.

Vice-Chairperson Dunn stated that for at least four years he has been commenting on 20-acre lots. He does not think the moratorium is necessary. The Board of Supervisors could have resolved this problem if they had been listening. Now they have imposed a moratorium. He has had to regroup because he has not seen many fallow properties. Some people must be leasing their land. He has been against the issue of land splits, but by the General Plan, this is consistent. Staff came up with no mitigation at all; staff has done their homework.

Commissioner Bains moved to approve the tentative parcel map subject to the recommended findings in the staff report and the modified conditions. Commissioner Basi seconded the motion, which carried by a 3 to 1 roll call vote with Commissioner Singh voting in the negative.
10. Project #05-096 - Zoning Code amendment to amend Section 1500-9458(a)(1) and (2) to prohibit off-site advertising signs in agricultural areas; located Countywide; initiated by the Sutter County Board of Supervisors

Associate Planner Mueller summarized the staff report.

Commissioner Singh asked if the signs now in place would be affected. Associate Planner Mueller replied those in place now would not be affected. Deputy County Counsel Lewis clarified only those signs legally established. Commissioner Singh asked how this would affect political signs. Associate Planner Mueller responded that it did not affect them. It is expressly for off-site signs.

Vice-Chairperson Dunn opened the public hearing.

Jeff Aran, an attorney representing numerous sign companies, stated this means all off-site signs in agricultural lands. Code 713 allows real estate signs. Mr. Aran said he has had discussions with Janet Bender in the County Counsel’s office and she said the County does allow directional signs with a maximum of four square feet. The effect of this ban means the County will have a proliferation of these little signs all over the place. Mr. Aran then referenced several books on signage. Mr. Aran said he asked Larry Bagley for a list of all sign complaints for the last two years and there were eight. Also, the staff report said prohibiting agricultural signs will eliminate visual blight. There is no proof of that unless you eliminate all signs. Also, allowing off-site signs will promote traffic safety. In fact, studies say it will promote driver attention.

Commissioner Singh asked Deputy County Counsel Lewis regarding Code 713 if we should place this ban, would it violate the Civil Code. Deputy County Counsel Lewis stated it is our opinion that it would not. County ordinance exempts certain signs. He said he believed the smaller real estate signs can give enough information.

Commissioner Singh asked what if it was a church--would that be prohibited under the ban. Deputy County Counsel Lewis replied he did not know the answer, but if given a recess he will research the sign ordinance thoroughly.

Commissioner Singh asked if casino signs would be banned. Deputy County Counsel Lewis said if it is advertising to go to the casino that would probably be banned. Banning signs in certain zones is constitutional if allowed in other zones. Also, one exemption is for a civic event sign, so that may cover the church issue of advertising for an event.

Jeff Aran stated if this county wants to ban all off-site signs, the County only has to look at some of the intelligent data that is available and then make a decision.

Vice-Chairperson Dunn closed the public hearing.

Vice-Chairperson Dunn stated a few years back the Commission got into sign regulations. He said he went over this with Associate Planner Mueller and found this to
be more complex. Mr. Dunn said he was in favor of taking staff’s recommendation on this.

Associate Planner Mueller discussed the areas affected.

Commissioner Singh stated this sign ban troubles him based on first amendment rights.

Commissioner Singh moved to recommend to the Board of Supervisors to deny the Zoning Code amendment. Commissioner Bains seconded the motion, which carried by a 3 to 1 roll call vote, with Commissioner Dunn voting in the negative.

11. Miscellaneous Business from the Commission/Staff

A. Possible cancellation of the first meeting in April (April 5, 2006).

On motion of Commissioner Singh, seconded by Commissioner Bains, and carried by a unanimous vice vote of the Commission, the meeting of April 5, 2006 was cancelled.

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

Planning Division Chief Stylos stated there was a study session regarding the Highway 99 corridor. She also said the Board of Supervisors extended the moratorium for six months to allow staff the opportunity to look into the cost for doing a General Plan update. The Board is also interested in having contact with owners in the basins to see if they would like it extended.

C. Planning Commission/Board of Supervisors Discussion Topics.

None.

D. Other Business and Reports.

None.

12. Adjournment

There being no further business, Vice-Chairperson Dunn adjourned the meeting at 9:43 p.m.

Respectfully Submitted,

Danelle Stylos, Secretary
Sutter County Planning Commission