1. **Call to Order**

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

2. **Roll Call**

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

Members Present: Commissioners Diljit Bains, Preet Didbal, Jose Flores, and Vice-Chairperson Gabrial Singh

Members Excused: Chairperson Jana Shannon, and Commissioners Paul Basi and Annette Bertolini

Staff Present: Planning Division Chief Lisa Wilson, Principal Planner Doug Libby, Principal Planner Steve Geiger, Senior Planner Leanne Mueller, Deputy County Counsel Janet Bender, Community Services Director Larry Bagley, Environmental Health Specialist Jan Hill, Public Works Engineer James Walton, Senior Planner Sydney Vergis, Assistant Planner Kevin Yount, and Office Assistant Gail Gould

3. **Pledge of Allegiance**

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

4. **Approval of Minutes**

The minutes of the meeting of September 19, 2007 were approved as submitted on motion of Commissioner Bains, seconded by Commissioner Didbal and carried by a unanimous voice vote of the Commission.

5. **Comments from the Public**

None.
Continued Public Hearings

6. **Project #07-019** - General Plan amendment from AG-20 (Agriculture, 20 acre minimum) to AP (Agricultural Preserve) and a rezone of the property from AG (General Agricultural) District to AP/APR (Agricultural Preserve/Agricultural Preserve Residential) District and a tentative parcel map to divide 63.1 acres into three 1.5-acre Agricultural Preserve Residential parcels and a 58.6-acre Agricultural Preserve parcel; located 750 feet west of the intersection of Carlson and O'Banion Roads, along the north side of O'Banion Road; A. P. #23-260-126, -127, and -128; applicant/property owner - Avtar Dhami

Principal Planner Libby summarized the project report for a General Plan amendment from AG-20 (Agriculture, 20 acre minimum) to AP (Agricultural Preserve) and a rezone of the property from AG (General Agricultural) District to AP/APR (Agricultural Preserve/Agricultural Preserve Residential) District and a tentative parcel map to divide 63.1 acres into three 1.5-acre Agricultural Preserve Residential parcels and a 58.6-acre Agricultural Preserve parcel. Principal Planner Libby noted the applicant's engineer, Bill Walker, has requested a continuance of the public hearing as reflected in the letter previously provided to the Commission.

Commissioner Flores asked about flood protection. Principal Planner Libby replied the area is considered to have 100 year flood protection because of the levees that are present.

Vice-Chairperson Singh opened and closed the public hearing with no testimony being received.

Vice-Chairperson Singh reopened the public hearing.

Commissioner Didbal moved to continue this project to the meeting of November 7, 2007. Commissioner Bains seconded the motion, which carried by a unanimous voice vote.

7. **Project #07-028** - A tentative subdivision map to divide two existing parcels of 896.94 acres into 13 parcels and a variance to create 11 of those parcels without the required frontage on a County accepted and maintained road; FPARC (Food Processing, Agricultural and Recreational Combining) District; located at 9413 South Butte Road, Sutter; A. P. #13-200-115 and -117; applicants - Pramod and Lucy Kumar/property owner - Sutter Buttes Ranch

Division Chief Wilson referred to her previous summary of this project on September 19, 2007 and asked if the Commission wanted her to review any of her summarization.

Vice-Chairperson Singh opened the public hearing.
The applicant, Pramod Kumar, stated if the Commission has any questions, he would be happy to answer them. He also said that staff did a great job in preparing the report, but there are a couple of conditions that should not be in the place they are in the Conditions of Approval. Conditions 14 and 15 should go to the area which is “Prior to Issuance of a Building Permit.” Mr. Kumar also questioned whether Condition #18 should be implemented prior to recordation of the map or prior to construction of buildings. Planning Division Chief Wilson responded that Condition #18 must be prior to recordation of the map, but she had no problem moving Conditions #14 and #15 and renumbering them.

The applicants' representative, Roger Key of Key and Associates, reminded the Commission this is FPARC zoning and as far as granting a special privilege, there are not too many FPARC zones in the area. There are not too many paved roads in the Buttes, most of them are gravel, and with FPARC, farming and all kinds of stuff are allowed. Mr. Key said he would like the Commission to keep in consideration that one does not see many paved roads for farming.

Vice-Chairperson Singh closed the public hearing.

Commissioner Didbal stated she has looked at this over and over and she is okay with the parcel sizes, but does have a problem without the access.

Vice-Chairperson Singh stated he met with staff today. He said there are roads the applicants have developed for each of those parcels. Planning Division Chief Wilson showed a large hand colored map to the Commission detailing the roads and stated in regard to this application there is a long and varied history.

Vice-Chairperson Singh said he discovered there are unique conditions for this particular applicant and this particular parcel. One of the unique conditions is it does have irregular boundaries, and the parcel is quite unique in that it surrounds an existing golf course, a golf course that we consider a community resource. There are only two golf courses in Sutter County. One is down in the Rio La Paz area. Vice-Chairperson Singh referred to the three findings on page 5 of the staff report which are required to approve a variance. One finding is due to special circumstances applicable to the property, including size, shape, topography, location or surroundings, that strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity under identical zoning classification. This application is significantly different than another FPARC application (Buetler) that was approved back in 1999 in that the previous land was all one parcel. These particular 896 acres surround an existing golf course, which is a unique community resource. So, under the findings that I am going to submit this evening is that because the golf course is a unique community resource, that would be a finding that would allow us to grant a variance to meet Finding #1, because it requires size, shape, topography, the location or surroundings. Location and surroundings are the facts I am submitting as a reason to grant this particular variance.
As far as Finding #2, the same reasoning would be applied in that it is not going to be a grant of special privileges. There is only one other golf course in Sutter County and a grant of special privilege to build houses around the golf course was made there. There is a precedence set with the prior golf course subdivision. Vice-Chairperson Singh stated those are the two findings that he would personally submit to staff in granting this particular variance for this applicant. As far as the road goes, that will be addressed with conditions that will be approved by the Board of Supervisors who will deal with them at that time. But, as far as granting this particular variance, he sees no reason to object to this particular application. It is a golf course and it is a beautiful golf course and beautiful scenery and he is sure the applicants are not going to destroy the value of their land by putting in an inappropriate subdivision.

Commissioner Didbal stated she totally agreed with the findings by Vice-Chairperson Singh. She said she had no objections and as long as there is access she is in favor.

Vice-Chairperson Singh said if there was no variance, they would have to build a road across the golf course. Commissioner Bains agreed.

Vice-Chairperson Singh moved to recommend this project to the Board of Supervisors on the finding that it is a unique location with unique surroundings and not a grant of special privilege, with the suggested renumbering of the recommended conditions of approval as discussed.

Commissioner Didbal seconded the motion, which carried by a unanimous roll call vote.

8. **Project #07-040** - A General Plan amendment to redesignate a portion of the subject 26.0± acre parcel from AG-20 (Agriculture, 20-acre minimum) to ER (Estates Residential), a rezone from AG (General Agricultural) District to R-1 (One-Family Residence) District, and a tentative subdivision map to subdivide the subject parcel into four 1.60 acre residential lots and a 20.0 acre agricultural parcel; located at the east end of “D” Street within the rural community of Meridian; A. P. #13-090-111; applicants/property owners - Kevin and Saundra Heimburger

Principal Planner Geiger summarized the staff report. Staff is requesting a continuance of the item to the December 19, 2007 meeting to allow time to complete the necessary environmental review of the project.

Commissioner Bains moved to continue this project to the meeting of December 19, 2007. Commissioner Didbal seconded the motion, which carried by a unanimous voice vote.
Public Hearings

9. **Project #07-011** - A tentative parcel map to divide 138 acres into a 2-acre homesite parcel and a 136-acre parcel; AG (General Agricultural) District; located on the north side of Marcum Road, approximately 0.5 miles west of Highway 70; A. P. #33-130-043; applicants - Margery & Michael Daddow/property owner - Spangler Brothers

Senior Planner Mueller summarized the staff report for a tentative parcel map to divide 138 acres into a 2-acre homesite parcel and a 136-acre parcel and stated staff recommends the Planning Commission approve the project.

Vice-Chairperson Singh opened and closed the public hearing with no testimony being received.

Vice-Chairperson Singh reopened the public hearing.

Commissioner Didbal moved to continue this project to the meeting of November 7, 2007. Commissioner Bains seconded the motion, which carried by a unanimous voice vote.

10. **Project #07-017** - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide 17.9 acres into a 10-acre parcel and a 7.9-acre parcel; located at 4445 Markley Road; on the north side of Markley Road, approximately 1,800 feet west of Township Road; A. P. #13-251-018; applicants/property owners - Fred & Judy Lawhorn

Senior Planner Mueller summarized the staff report for a rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide 17.9 acres into a 10-acre parcel and a 7.9-acre parcel and stated that staff recommends approval of the project.

Vice-Chairperson Singh opened and closed the public hearing with no testimony being received.

Vice-Chairperson Singh moved to recommend approval of this project 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 3 to 1 voice vote with Commissioner Didbal voting in the negative. Commissioner Didbal clarified she voted against the project because it is in the middle of agriculture.
11. **Project #07-018** - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide 13 acres into three parcels sized 3, 4, and 6 acres; located at 4941 Railroad Avenue, on the west side of Railroad Avenue, approximately 1,200 feet north of Messick Road; A. P. #23-223-018; applicants/property owners - Paul & Debra Funk

Senior Planner Mueller summarized the staff report for a rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide 13 acres into three parcels sized 3, 4, and 6 acres and stated that staff recommends approval of the project.

Vice-Chairperson Singh opened the public hearing.

The applicants’ representative, Roger Key of Key and Associates, stated they have read and understand all the conditions and he would be happy to answer any questions.

Victor Savage, 4950 Railroad Avenue, stated he lives across the road from Dr. Funk and is in favor of this application.

Lynn Donaldson, 1020 Oswald Road, received verification that these parcels would have access off of Railroad Avenue.

Vice-Chairperson Singh closed the public hearing.

Commissioner Bains moved to recommend approval to the Board of Supervisors subject to the recommended findings and conditions as stated in the staff report. Vice-Chairperson Singh seconded the motion, which carried by a 3 to 1 roll call vote with Commissioner Didbal voting in the negative.

12. **Project #07-030** - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide an 18-acre parcel into four parcels sized 3, 4, 5, and 6 acres; located on the north side of McDonald Avenue, 500 feet east of Highway 99; A. P. #09-302-014; applicants/property owners - Devinder & Surinder Tumber

Senior Planner Mueller summarized the staff report for a rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative parcel map to divide an 18-acre parcel into four parcels sized 3, 4, 5, and 6 acres and stated staff recommends approval to the Board of Supervisors. Senior Planner Mueller noted this has been requested to be continued to the meeting of November 7, 2007.

Vice-Chairperson Singh opened the public hearing.

Don Mayo, 1844 McDonald Avenue, stated he owned property to the west and east sides of this property. He said he would not be opposed if they divided this into 20-acre parcels. He is opposed to splitting into smaller parcels. The orchard is in decline and
he is concerned about all requirements for ingress and egress. Mr. Mayo said if this application is continued, he would request it be the meeting in December because he will be in Australia when the November 7 meeting is held.

Commissioner Didbal moved to continue this project to the meeting of December 19, 2007. Commissioner Flores seconded the motion, which carried by a unanimous voice vote.

13. Project #07-031 - A rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative subdivision map to divide an 18 acre parcel into four parcels sized 3, 4, 5, and 6 acres; located on the south side of Paseo Avenue, 900 feet east of Highway 99; A. P. #09-302-012; applicants/property owners - Devinder & Surinder Tumber

Senior Planner Mueller summarized the staff report for a rezone from AG (General Agricultural) District to RAN (Ranchette) District and a tentative subdivision map to divide an 18-acre parcel into four parcels sized 3, 4, 5, and 6 acres and stated staff recommends approval to the Board of Supervisors. Senior Planner Mueller noted this has also been requested to be continued to the meeting of November 7, 2007.

Chairperson Singh opened the public hearing.

Don Mayo, 1844 McDonald Avenue, stated he was opposed to this proposal for the same stated reasons and he requested this be continued to the meeting of December 19, 2007.

Jerry Von Gretchen, 1708 Paseo Avenue, stated he has no opposition to this but he would like to know why Mr. Mayo spoke because he is out of the area. Planning Division Chief Wilson replied notification is required for parcels within 400 feet, but anyone may speak about a project.

Commissioner Bains moved to continue this project to the meeting of December 19, 2007. Commissioner Didbal seconded the motion, which carried by a unanimous voice vote.

14. Miscellaneous Business from the Commission/Staff

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

Planning Division Chief Wilson stated the Board of Supervisors adopted the interim urgency ordinance for a moratorium for General Plan amendments and rezones. This will become effective on November 12, 2007. As November 12 is a holiday, November 9 is the last opportunity to submit applications for General Plan amendments and rezones.
Planning Division Chief Wilson introduced new staff members Sydney Vergis, Senior Planner, and Kevin Yount, Assistant Planner.

B. Planning Commission/Board of Supervisors Discussion Topics.

None.

C. Other Business and Reports.

Commissioner Didbal stated she would no be present for the November 7, 2007 meeting.

Commissioner Bains commended Vice-Chairperson Singh on doing a good job chairing the meeting tonight.

15. Adjournment

There being no further business, Vice-Chairperson Singh adjourned the meeting at 7:57 p.m.

Respectfully Submitted,

Lisa Wilson, Secretary
Sutter County Planning Commission