SUTTER COUNTY

BOARD OF SUPERVISORS AGENDA ITEM
January 24, 2006

TO: Board of Supervisors

FROM: Danelle Stylos, Community Services Department
Leanne Mueller, Project Planner LM

SUBJECT: 05-082 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) and rezone to change the zoning district from AG (General Agricultural) to R-1 (One-Family Residence). The property is located on the south side of Pass Road, west of Acacia Avenue; 7982 Pass Road, Sutter; Assessor's Parcel Nos. 13-200-111, 112, 113.

Recommended Motions

The following motion is provided to deny the project and can be amended based on additional information:

> "I move the Board of Supervisors deny planning application #05-082; a request for a General Plan Amendment from AG-20 (Agriculture 20 acre minimum parcel size) to LDR (Low Density Residential) and a rezoning from AG (General Agricultural) to R-1 (One-Family Residence) for 60 acres located at 7982 Pass Road."

Planning Commission Recommendation

The Planning Commission conducted a public hearing on this project on December 7, 2005. At the hearing eight people spoke in opposition to the project. Concerns include impacts to the Sutter Buttes, schools, traffic, public water, lack of sewer facilities, and drainage. The applicant's representative, Bill Walker of Von Geldern Engineering, requested the Planning Commission forward the project to the Board of Supervisors with a recommendation of denial. As a "quick denial" project the CEQA analysis of the project had not been completed. Rather than having the Planning Commission refer the matter to staff for the completion of CEQA analysis, Mr. Walker indicated that his client would prefer that the matter be forwarded to the Board of Supervisors with a negative recommendation, so the Board of Supervisors could determine whether completion of

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CEQA analysis was warranted. At the conclusion of the hearing, the Planning Commission recommended denial of this project by a 5-0 vote (2 members absent).

Analysis

The Planning Commission considered a range of policy and development issues (listed below) culminating in their recommendation of denial for this project.

The proposed project is a General Plan Amendment and Rezone to change the General Plan designation and zoning district of three parcels totaling 60-acres from AG-20 (Agriculture 20-acre minimum parcel size) and AG (General Agricultural) to LDR (Low Density Residential) and R-1 (One Family Residential). A subdivision map has not been submitted for review. The LDR General Plan designation permits a density range of 2-8 dwelling units per net acre. As a result, the proposed General Plan designation would permit between 123 and 494 housing units on the properties (if it was subdivided).

The property currently has frontage on Pass Road. In order for residential development to occur, it is anticipated that new roads would be proposed.

Infrastructure is currently unavailable to serve the project. The Community of Sutter is not served by a stormwater or wastewater system. Sutter does have public water provided by the Sutter Community Services District (CSD); however, the project is located outside the CSD boundaries and the Sphere of Influence. In order to provide water to the parcels it would be necessary for the owner to apply to the Local Area Formation Commission (LAFCO) to annex the land to the Sutter CSD.

Currently, Sutter has 194 acres of LDR designated land in urban reserve (equivalent to a current development potential of 388-1552 lots) these residential lots cannot develop because wastewater treatment and stormwater drainage systems are not available as required by General Plan Policy 9.A-2. The proposed General Plan Amendment and rezone would add an additional 60 acres to this total.

It is anticipated the proposed project will also impact police, fire services, schools, and park facilities if the site was developed. These impacts would be evaluated if the Board of Supervisors directs staff to prepare environmental review.

General Plan Amendment

The properties are located outside the boundaries of the rural community of Sutter. The General Plan does not envision urban growth in this area. The proposed General Plan amendment is not consistent with the Policies of the General Plan, in particular Policies 1.C-1, 3.A-2, 9.B-1.

1.C-1

> *"The County shall direct new urban and suburban residential development to existing rural communities and within the spheres of influence of Yuba*

City and Live Oak where adequate public facilities and services are available."

3.A-2

"The County shall require that adequate public facilities and services be available to serve new development. The County shall not approve new development where existing facilities are inadequate unless both of the following conditions are met:

A. The applicant can demonstrate that all necessary public facilities will be installed prior to the issuance of a certificate of occupancy or adequately financed through fees or other means.

B. Proposed facility improvements are consistent with applicable facility plans approved by the County or have been reviewed by the County."

9.B-1

"The rural communities within the County shall not be expanded for additional growth beyond current community boundaries until such time as a plan for expansion is completed that contains analysis and provisions for public services and facilities."

Rezone

The project includes a rezone of the subject property from AG (General Agricultural) District to R-1 (One Family Residential) District. A zone must be consistent with the General Plan land use designation on the property. The Planning Commission recommends denial of the rezone in conjunction with its recommendation to deny the General Plan amendment.

Other Issues

The project is located adjacent to the rural community of Sutter in the Buttes Overlay Zone, which is intended to preserve the cultural, historic, geologic, and visual values of the Sutter Buttes. If residences were built on these properties, specific development standards would apply in order to reduce potential impacts.

Environmental Analysis

California Environmental Quality Act Guidelines states that CEQA does not apply to projects which an agency rejects or disapproves.

Summary

The proposed project is a General Plan Amendment and Rezone to change the General Plan designation and zoning district of three parcels totaling 60-acres from AG-20 (Agriculture 20-acre minimum parcel size) and AG (General Agricultural) to LDR (Low Density Residential) and R-1 (One Family Residence). The project is not consistent with the Policies of the General Plan and the Planning Commission has recommended denial of the proposed project.

Exhibits:

A. Planning Commission Staff Report
B. Planning Commission Minutes

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EXHIBIT A
Planning Commission Staff Report

PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING DECEMBER 7, 2005
Agenda Item #9

Project #	05-082
Request:	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) to R-1 (One-Family Residence).
Location:	South side of Pass Road west of Acacia Avenue; 7982 Pass Road, Sutter; Assessor's Parcel Nos. 13-200-111, 112, 113.
Planner:	Leanne Mueller, Associate Planner
Zoning Code Designation:	AG (General Agricultural)
General Plan Designation:	AG-20 (Agriculture 20-acre minimum parcel size)
Applicant/Owner:	Le Baron Family Trust

Staff Recommendation

The Planning Commission recommends the Board of Supervisors deny the proposed General Plan Amendment and rezoning.

Setting

The project consists of three 20-acre parcels. The western-most parcel contains a residence, garage, barn and accessory buildings. The parcels are relatively flat and appear to be used for field crops. A creek with riparian habitat is located along the western edge of the properties and the Intercepting Canal is located along the southern property line of the parcels. The land use, zoning, and General Plan designation are listed in the table below:

	Land Use	Zoning Designation	General Plan Designation
Site	Residence, Accessory buildings	AG	AG-20
North	Hills of Sutter Buttes	AG	AG-20
South	Residential subdivision/orchard	LDR	R-1
East	Residences	AG	AG-20
West	Orchard	AG	AG-20/AG-80

Previous Actions

On May 19, 2004, the Planning Commission approved a parcel map (PM #03-19) to divide a 147.82-acre parcel into four parcels; three 20-acre parcels and an 87.8-acre parcel.

Analysis

The proposed project is a General Plan Amendment and Rezoning to change the General Plan designation and zoning district of three parcels totaling 60-acres from AG-20 (Agriculture 20-acre minimum parcel size) and AG (General Agricultural) to LDR (Low Density Residential) and R-1(One Family Residential). The LDR General Plan designation permits a density range of 2-8 dwelling units per net acre, as a result, the proposed General Plan designation would permit between 123 and 494 housing units on the properties.

The property currently has frontage on Pass Road. However, in order for residential development to occur, it is anticipated that new roads would be proposed.

Infrastructure is unavailable to serve the project. The Community of Sutter is not served by a stormwater or wastewater system. Sutter does have public water provided by the Sutter Community Services District (CSD); however, the project is located outside the area served by the Sutter CSD, and to provide water to the parcels it would be necessary for the owner to apply to the Local Area Formation Commission (LAFCO) to annex into the Sutter CSD.

Currently, Sutter has 194 acres of LDR designated land in urban reserve (equivalent to a current development potential of 388-1552 lots) these residential lots cannot develop because wastewater treatment and stormwater drainage systems are not available as required by General Plan Policy 9.A-2. The proposed General Plan Amendment and rezoning would add an additional 60 acres.

It is anticipated the proposed project will also impact police, fire services, schools, and park facilities. These impacts are unknown at this time because an environmental review of the project has not been completed.

General Plan

The properties are located outside the boundaries of the rural community of Sutter. The General Plan does not envision urban growth in this area. The proposed General Plan

amendment is not consistent with the Policies of the General Plan, in particular Policies 1.C-1, 3.A-2, 9.B-1.

1.C-1

> *"The County shall direct new urban and suburban residential development to existing rural communities and within the spheres of influence of Yuba City and Live Oak where adequate public facilities and services are available."*

3.A-2

> *"The County shall require that adequate public facilities and services be available to serve new development. The County shall not approve new development where existing facilities are inadequate unless both of the following conditions are met:*
>
> *A. The applicant can demonstrate that all necessary public facilities will be installed prior to the issuance of a certificate of occupancy or adequately financed through fees or other means.*
>
> *B. Proposed facility improvements are consistent with applicable facility plans approved by the County or have been reviewed by the County."*

9.B-1

> *"The rural communities within the County shall not be expanded for additional growth beyond current community boundaries until such time as a plan for expansion is completed that contains analysis and provisions for public services and facilities."*

Rezoning

The project includes the rezoning of the subject property from AG (General Agricultural) District to R-1 (One Family Residential) District. A zone must be consistent with the General Plan land use designation on the property. Staff recommends denial of the rezoning in conjunction with its recommendation to deny the General Plan amendment.

Other Issues

The project is located adjacent to the Rural Community of Sutter in the Buttes Overlay Zone, which is intended to preserve the cultural, historic, geologic, and visual values of the Sutter Buttes. If residences were built on these properties, specific development standards would apply in order to reduce potential impacts.

Environmental Analysis

The California Environmental Quality Act does not apply to projects which an agency rejects or disapproves.

Recommended Findings

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

CEQA

California Environmental Quality Act Guidelines state that CEQA does not apply to projects which an agency rejects or disapproves.

Recommended Action

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

"I move the Planning Commission recommend the Board of Supervisors deny project #05-82, a General Plan Amendment to change the General Plan designation of three parcels approximately 20-acres in size from AG-20 (Agriculture 20 acre minimum parcel size) to LDR (Low Density Residential) and a rezoning to change the zoning district of three parcels approximately 20-acres in size from AG (General Agricultural) to R-1 (One-Family Residence), based on the recommended findings contained in this staff report."

Attachments

A. Study Sketch
B. Reduced Size Maps

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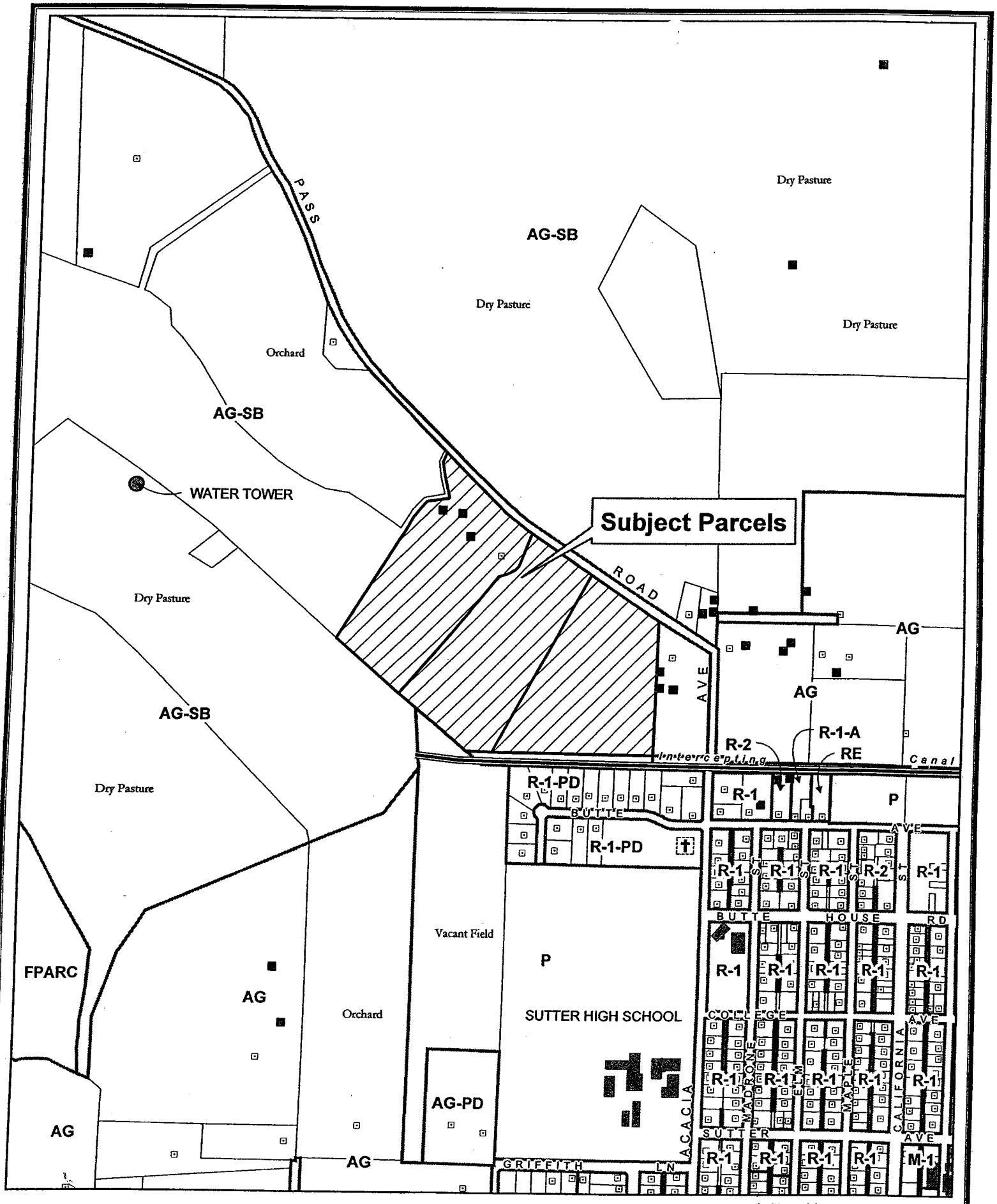
ATTACHMENT A
Study Sketch



(not to scale)

- Agricultural Building
- House
- Commercial/Industrial

05-082

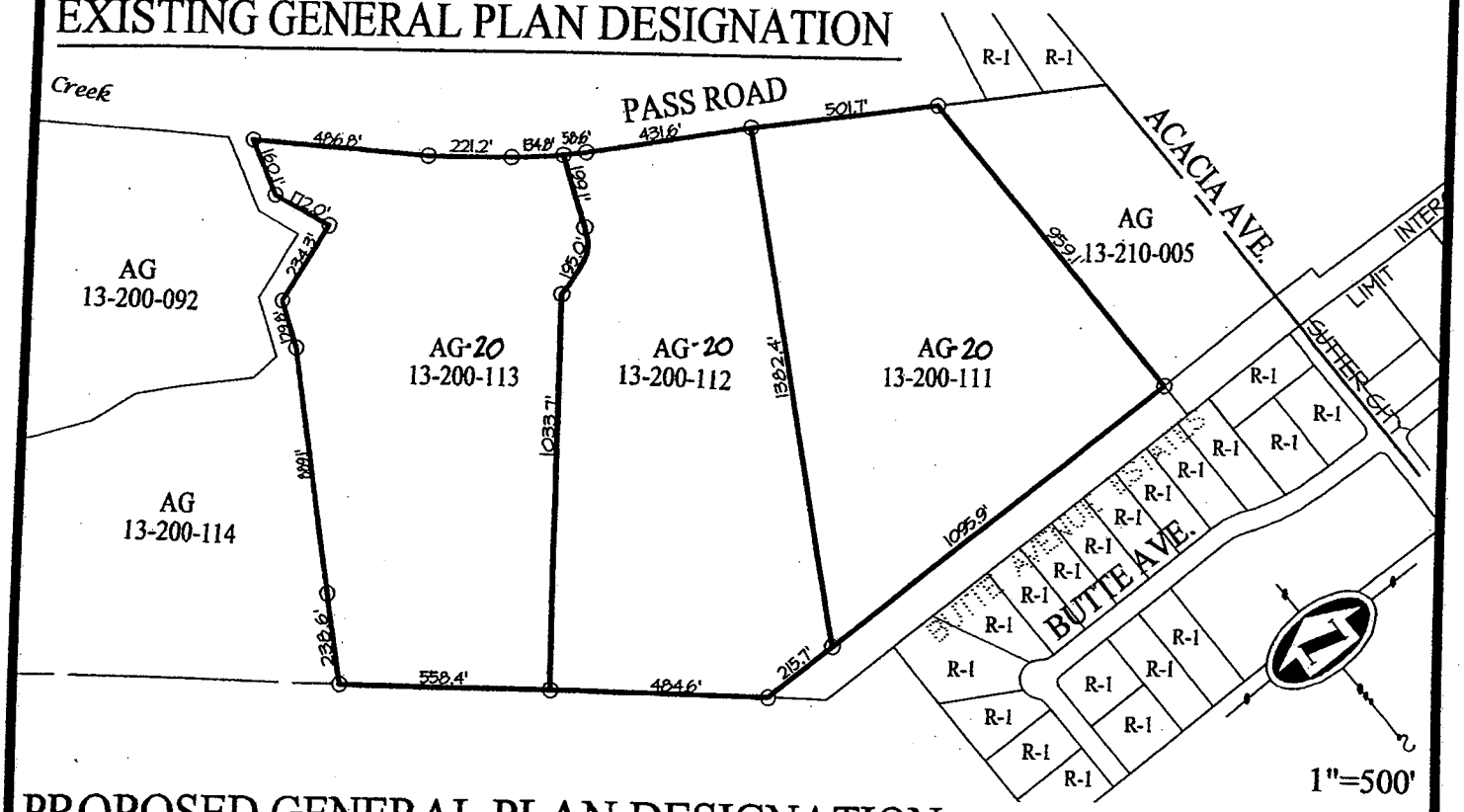
December 7, 2005

0 212.5 425 850 1,275 1,700 Feet

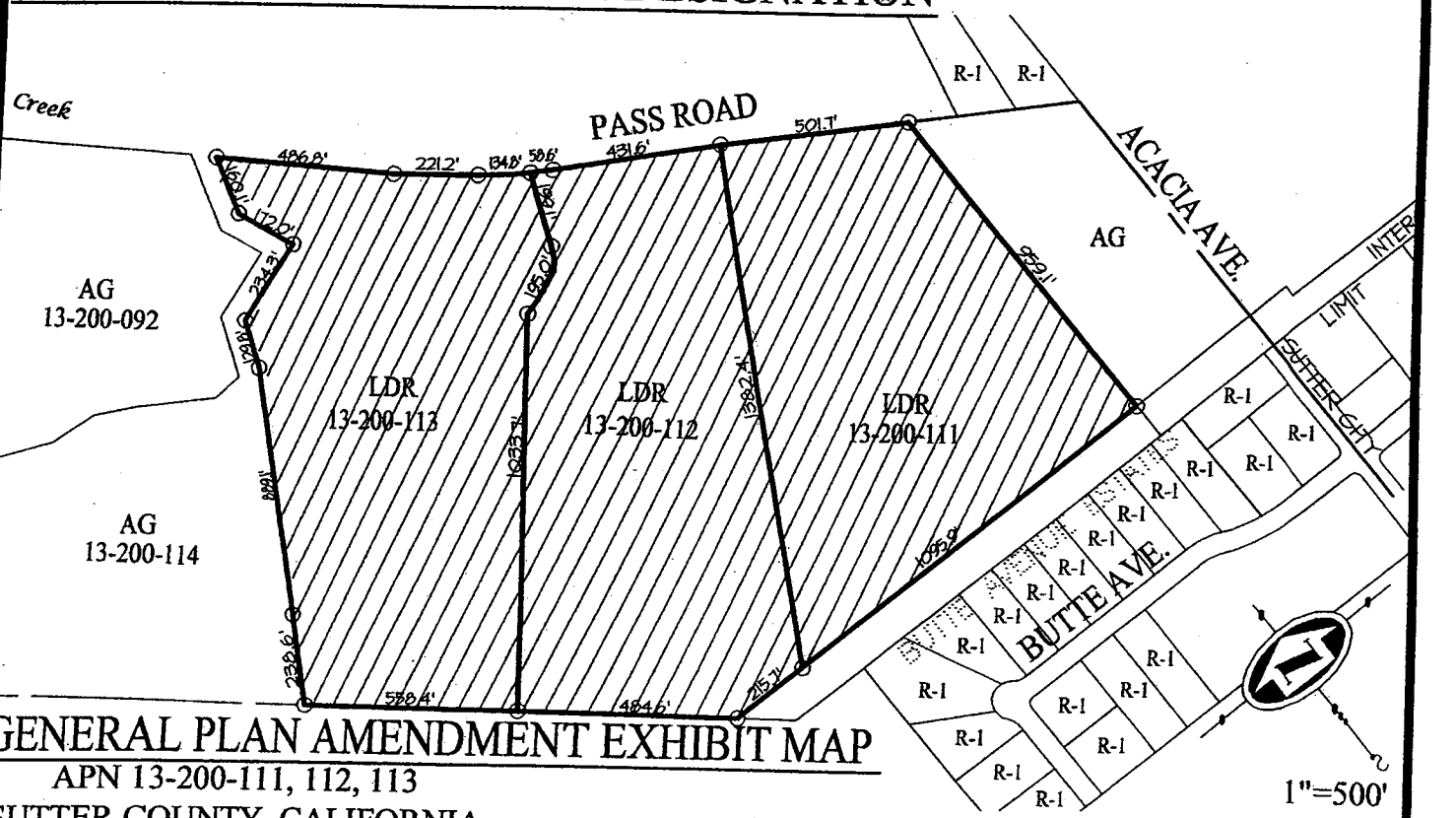
prepared by
SUTTER COUNTY COMMUNITY SERVICES DEPARTMENT

ATTACHMENT B
Reduced Size Maps

EXISTING GENERAL PLAN DESIGNATION



PROPOSED GENERAL PLAN DESIGNATION



GENERAL PLAN AMENDMENT EXHIBIT MAP

APN 13-200-111, 112, 113

SUTTER COUNTY, CALIFORNIA

Prepared By :

von Geldern Engineering Company

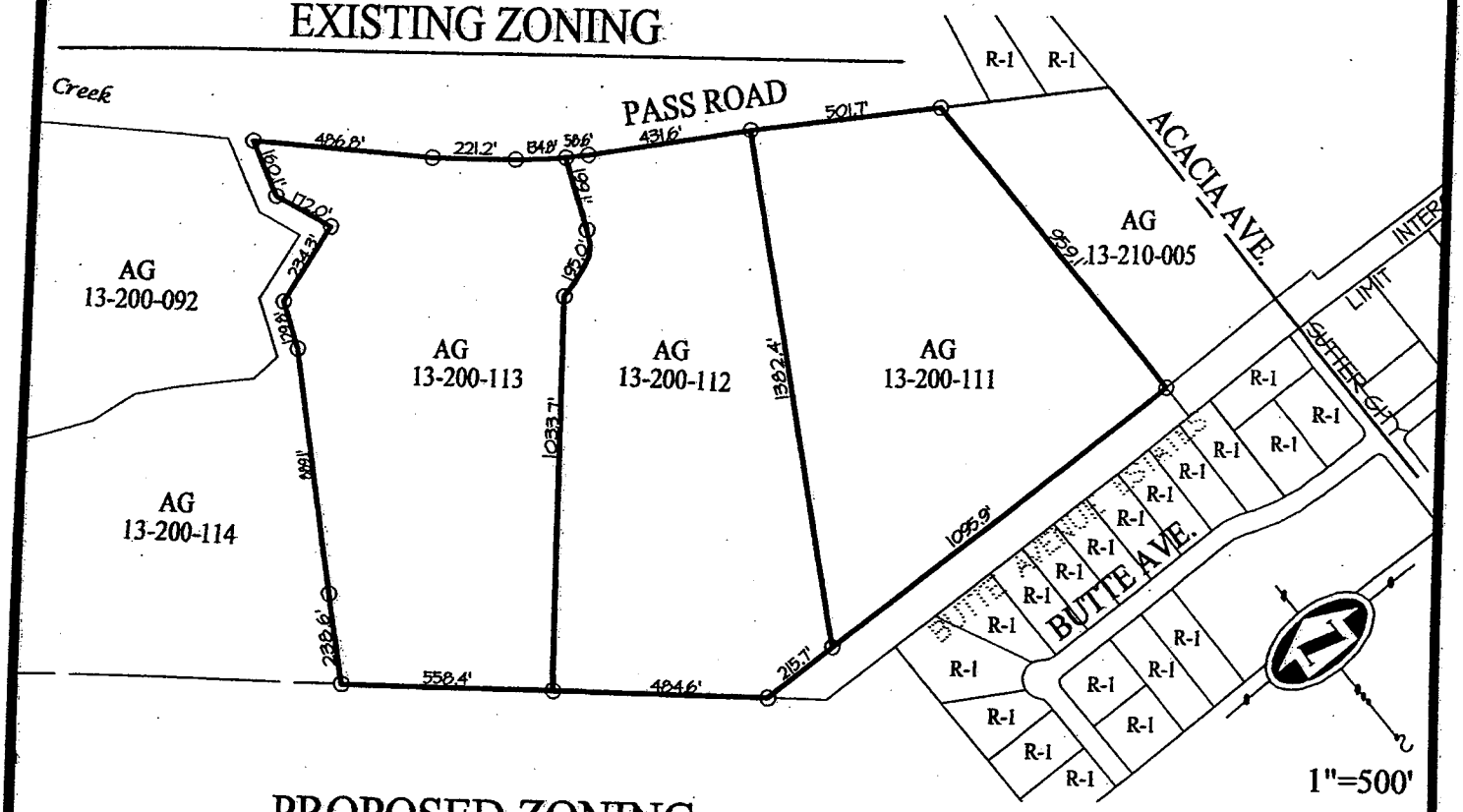
430 Second Street, Yuba City, California

by Ingrid

THIS MAP IS NOT BASED ON A SURVEY. IT IS ONLY A VISUAL AID TO ACCOMPANY AN APPLICATION AND SHALL NOT BE RELIED ON TO TRANSFER TITLE NOR TO DETERMINE EXACT LOCATION OR AREA. IT SHALL NOT BE RECORDED

REVISED 10-26-05
AUGUST 11, 2005
Job No. 03-134
LEBARON03134EXH.DWG

EXISTING ZONING



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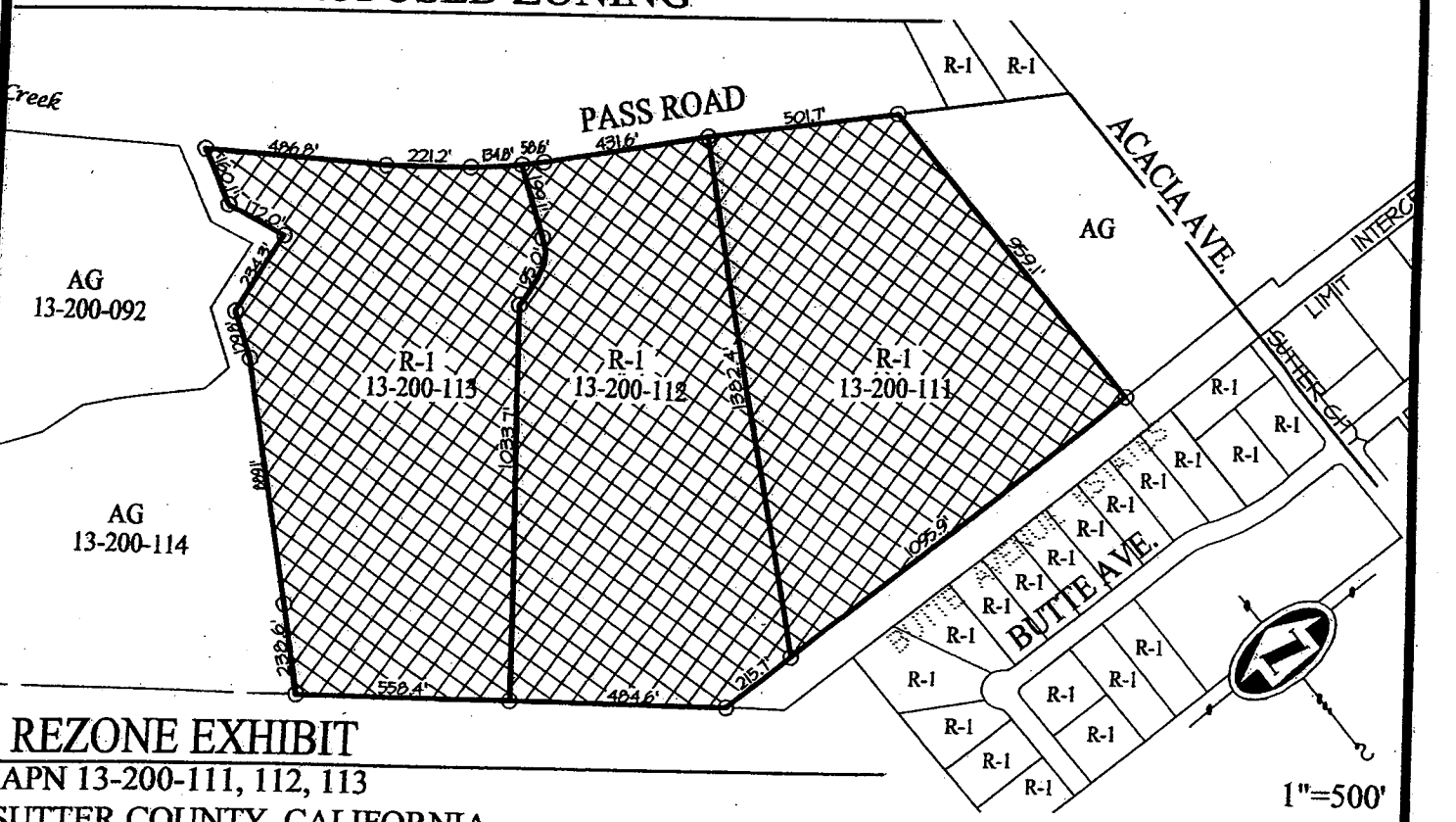

REZONE EXHIBIT

APN 13-200-111, 112, 113

SUTTER COUNTY, CALIFORNIA

Prepared By :

von Geldern Engineering Company

430 Second Street, Yuba City, California by Ingrid

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REVISED 10-26-05
AUGUST 11, 2005
Job No. 03-134
REZONE.DWG

EXHIBIT B
Planning Commission Minutes

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 a 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.