

November 27, 2002

To: Sutter County Planning Commission

Re: Agenda Item #11: Public hearing on General Plan Amendment #02-04 to amend the General Plan Land Use Diagram changing the designation of the subject property from AG-20 (Agriculture-20 Acre minimum) to RAN (Ranchette, 3-10 acre minimum); and

Agenda Item #12: Public hearing on Rezoning #02-09 to change the zoning classification of the subject property from AG (General Agriculture) to RAN (Ranchette) District; and

Agenda Item #13: Public hearing on Tentative Parcel Map #02-12 to allow the division of an approximately 12.5-acre parcel into four parcels of 3.1± acres each; located at 3251 Caminito Avenue, 498± feet north of Barry Road, Yuba City; A. P. #23-120-057; applicant/property owner - Vinod Ohri (Location: District: 5 - Commissioner Shannon)

### **Current Proposal**

A. Project Description:

The applicant requests a General Plan amendment, rezone and tentative map approval to change the General Plan designation from AG-20 to RAN (Ranchette), rezone the property from AG to RAN District, and divide approximately 12.5 acres into four parcels of approximately 3.1 acres each.

B. Environmental Consideration:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the CEQA Guidelines. The study revealed that the project could not have a significant effect on the environment. Therefore, should the Commission recommend approval of this project, staff recommends that the Commission recommend that the Board of Supervisors adopt the attached Negative Declaration.

**Background**

A. Property Description:

The property consists of approximately 12.5 acres and has been developed as an orchard nursery. The rectangular property has 825 feet of frontage on Caminito Avenue, and is 660 feet deep.

B. Surrounding Land Use, Zoning District and General Plan Designation:

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
Subject Property	Agriculture	AG	AG-20
North	Ranchette	RAN	RAN
East	Agriculture & Rural Residences	AG	AG-20
South	Agriculture & Rural Residences	AG	AG-20
West	Agriculture	AG	AG-20

C. Previous Planning Commission Actions/Policies:

The Commission has recommended approval of several Ranchette developments in the vicinity, including an adjacent property to the southeast that was subsequently disapproved by the Board of Supervisors.

**Staff Comments**

A. Environmental Health (EH):

See Conditions #4-8.

B. Public Works Department (PW):

See Conditions #9-18.

C. Office of the Sheriff/Coroner (S/C):

The Office of the Sheriff/Coroner responded with no anticipated impact to services provided by their department.

D. Pacific Gas & electric Company (PG&E):

See Condition #19.

E. Agricultural Commissioner (AC):

The Agricultural Commissioner responded to say that agricultural buffering issues are known to Planning. See Condition #3.

G. Planning (P):

See Conditions #1-3 and the analysis below.

### **General Plan Amendment/Rezone and Tentative Parcel Map Analysis**

The General Plan states that the ranchette designation is “applied to areas located outside of the Yuba City and Live Oak sphere’s [sic] of influence, which are suitable for rural residential and small scale farming operations. Allowed densities within this designation range between 0.1 to 1/3 dwelling unit per acre (3-10 acre parcel size). Any ranchette proposal cannot result in the creation of more than four total lots (including any designated remainder). Once a Ranchette designation has been approved for up to four lots, no further division of the subject land will be permitted until the County’s next Comprehensive General Plan Revision.”

For preliminary review of the suitability of Ranchette applications, the Board of Supervisors has adopted Criteria for Ranchette Development. The criteria consist of two sections, an Initial Screening and a Site Evaluation. The Initial Screening section covers minimum requirements for ranchette development and requires three “yes” answers in order to staff to recommend project approval. This application received two “yes” answers and one “no” answer in this section, which requires staff to recommend denial. The “no” answer was given in response to the question, “Will your request result in parcel sizes that are greater than or equal to 50% of all abutting parcels?” The project-as-proposed would result in parcel sizes greater-than-or-equal-to only three out of seven abutting parcels, or only 42 percent.

The Site Evaluation section quantifies the suitability of the property to be subdivided for ranchette development. Applicants not achieving at least 50 percent of the 49 points possible are not encouraged to apply for a General Plan Amendment. The applicant’s responses totaled 37, but staff adjusted the point total to 32 (65 percent) to reflect a more accurate assessment of the size and use of adjoining parcels.

A second Ranchette application for a property directly across Caminito Avenue (GPA #02-03, S.E. Caminito Corp.) is also scheduled for a public hearing at this meeting so that the Commission has the opportunity to consider these applications in tandem, since the approval or denial of one application will respectively increase or decrease the suitability of the other application. If the S.E. Caminito Ranchette application is approved, the criteria scoring for the current application will improve. The Initial Screening section would then have all “yes” answers, and the Site Evaluation section point total would rise to 37, or 75 percent.

Sutter County Design Guidelines require a buffer for any new project that proposes to locate adjacent to an existing agricultural use, and for projects adjacent to irrigated orchards that buffer distance is 300 feet but may be reduced by the use of screen plantings and other compatible land

use. Furthermore, section 6.8 of the Sutter County Agricultural Buffering Guidelines identifies ranchette lots as a means to buffer adjacent agricultural land. For recent Ranchette applications the Commission has recommended approval of a buffer width of 100 feet, which includes a 15-foot-wide vegetative or landscaped buffer. This buffer would only be applied to parcels sides that abut agriculturally-zoned parcels that are actively farmed.

Because the tentative parcel map proposes non-conforming parcel sizes in the AG-20 District, the map is not consistent with the General Plan and Zoning Code unless the Board of Supervisors approves the associated general plan amendment and rezoning applications. Furthermore, the map does not comply with section 1400-515 "Lot Standards" of the County Subdivision Ordinance, which states that, "For lots of less than 5 acres in size, the average width of the lot shall not be less than one-third the average depth..." Each of the lots is 660 feet deep, but only 206.4 or 206.5-feet wide, thus creating an average width that is approximately 31 percent of the average depth.

In order for the commission to recommend approval of the tentative parcel map to the Board of Supervisors, the Subdivision Ordinance requires that one of the following findings be made:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, etc.; or
2. Because of the unique nature of a particular subdivision concept, design innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this Chapter; or
3. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or
4. That the granting of the modification will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which said property is situated.

In order for the Commission to recommend approval of the rezoning to the Board of Supervisors, the Zoning Code requires that the following findings be made:

- A. The proposed use is located outside of the Yuba City and Live Oak spheres of influence, complies with established standards and criteria, and is consistent with General Plan Policy 1.C-3.
- B. The proposal creates no more than four parcels, including any designated remainder, and is consistent with General Plan Policy 1.C-5.
- C. The proposed development is consistent in size and character with surrounding properties and will not adversely impact adjacent agricultural operations because appropriate buffers will be provided to minimize potential conflicts.
- D. The proposal substantially conforms to the Criteria for Ranchette Development as adopted by resolution of the Board of Supervisors.

Based on the discussion on the preceding page, staff believes that this ranchette proposal does not conform to findings 1-3 and D listed above. If the Commission disagrees with staff's analysis of the proposal, staff has provided an alternative recommendation for approval.

### **Recommended Findings**

Based on the information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- A. Section 15270(a) of the CEQA Guidelines states that CEQA does not apply to projects which an agency rejects or disapproves.
- B. The proposed development is not consistent in size and character with surrounding properties.
- C. The project does not substantially conform to the Ranchette evaluation criteria as adopted by the Board of Supervisors.
- D. The Tentative Parcel Map does not comply with the Sutter County General Plan, Zoning Code, and Subdivision Ordinance.

### **Recommended Action for Denial**

- A. Make the findings listed above and deny General Plan Amendment #02-04, Rezone #02-09, and Tentative Parcel Map #02-12.

**If the Planning Commission chooses to recommend approval of these applications, staff recommends the following findings, actions and conditions:**

### **Findings Required for Project Approval**

- A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed General Plan amendment, rezoning, and tentative map. The study revealed that the project, as proposed, would not have a significant impact on the environment, and no comments have been received that demonstrate the project will have a significant effect on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.
- B. The Planning Commission has independently reviewed, analyzed and considered the Initial Study and Negative Declaration prior to making its decision on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

- C. The project is located outside of the Yuba City and Live Oak spheres of influence, and is consistent with General Plan Policy 1.C-3.
- D. The project creates no more than four parcels, including any designated remainder, and is consistent with General Plan Policy 1.C-5.
- E. The proposed development is consistent in size and character with surrounding properties and the general area.
- F. The project will not adversely impact adjacent agricultural operations because an appropriate buffer will be implemented to minimize potential conflicts, consistent with General Plan Policies 1.F-1 and 1.F-4.
- G. The project substantially conforms to the Criteria for Ranchette Development as adopted by the Board of Supervisors.
- H. The proposed tentative map and the use of the subject property comply with the applicable requirements of the Sutter County General Plan, Zoning Ordinance and Subdivision Ordinance, subject to the conditions of approval.

**Action Required for Project Approval**

- A. Make the findings for approval as prepared by staff.
- B. Recommend that the Board of Supervisors adopt the proposed Negative Declaration attached to this report.
- C. Recommend that the Board of Supervisors approve General Plan Amendment #02-04 changing the land-use designation from AG-20 to RAN.
- D. Recommend that the Board of Supervisors approve Rezoning #02-09 changing the zoning designation from AG to RAN.
- E. Recommend that the Board of Supervisors approve Tentative Parcel Map #02-12, subject to the following Conditions of Approval:
  - 1. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County clerk within five (5) days after the end of the ten (10) day appeal period. (P)
  - 2. The applicant shall pay any outstanding balance in excess of the amount on deposit for processing the application within five (5) days after the end of the ten (10) day appeal period. (P)
  - 3. The following note shall be recorded on or with the map:

“A 100-foot wide residential exclusion area shall be enforced along the southern boundary of proposed parcel 4 to provide a buffer between any new residential development and adjacent agricultural uses on the parcels to the south, A.P. No. 23-120-026. A vegetative buffer, 15-feet in width, shall be planted within this 100-foot wide residential exclusion area to reduce impacts from agricultural practices, such as spraying and dust generated by disking or other operations. This residential exclusion area may be reduced or eliminated if the adjoining parcel to the south is irreversibly converted to a non-agricultural use. The vegetative buffers shall be physically and biologically designed to avoid conflicts with the adjacent agricultural operations. The height of the vegetative buffer at maturity shall be not less than thirty (30) feet.” (P), (AC)

4. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map that clearly shows the exact location of the Minimum Useable Sewage Disposal Area (MUSDA) for each parcel. The MUSDA delineation shall comply with Sutter County Environmental Health regulations. (EH)
5. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map that clearly shows the exact location of the individual wells proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (EH)
6. Prior to the recordation of the map, the subdivider shall provide a signed statement that any abandoned on-site wells and sewage systems have been destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)
7. A note must be recorded on the map stating that water supply shall be from individual wells located on the subject properties and that the approved well locations are on record with Sutter County Environmental Health. (EH)
8. The following note shall be recorded on or with the map:

“The Minimum Usable Sewage Disposal Area (MUSDA) on record with Sutter County Environmental Health shall remain unimproved and reserved exclusively for on-site wastewater needs until such time as structures or facilities served by the MUSDA have been connected to a sewer system operating under permit from the California Regional Water Quality Control Board.” (EH)
9. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)

10. Where existing rights of way are prescriptive or where their locations cannot be determined to a reasonable certainty, per official records, the subdivider shall grant to Sutter County rights of way to all roads within the lands being subdivided which are also shown as County maintained on the current County maintained mileage maps. (PW)
11. No grading or alteration of the existing terrain that would direct additional waters to the County Road shall be done without the approval of the Department of Public Works. Additionally, no grading or alteration of the existing terrain that would direct additional waters from one lot to any adjacent lot is allowed. This condition shall be so stipulated on the parcel map. (PW)
12. All tests and investigations required to assure, to a reasonable certainty, that the lots created by this subdivision meet the minimum standards for its intended use shall be conducted prior to filing of a parcel map. (PW)
13. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. New driveways shall be constructed to current County standards. (PW)
14. Building pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)
15. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads:
 

Caminito Avenue      25.5' R/W + 10' P.U.E. (PW)
16. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works, shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for street paving along Caminito Avenue. (PW)
17. All County roads within the development site must be improved to current County road standards. Roadway improvement plans and construction of the roadway improvements shall be approved by the Director of Public Works. (PW)
18. Roadway design shall be based on a maximum value of five (5) for native soil unless tests of the native soil indicate a higher "R" value. (PW)
19. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense. There shall be no

building of structures allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the subject project. (PG&E)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

William J. Caplinger  
Assistant Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Tentative Map  
Exhibit C - Proposed Negative Declaration and Initial Study  
Exhibit D - Criteria for Ranchette Development forms

D:\planning commission-2002\12-04-02\reports\gpa 02-04 (ohri)