

January 30, 2002

To: Sutter County Planning Commission

Re: Agenda Item 6#: Public hearing on Tentative Parcel Map #01-12 to divide two parcels totaling 70+ acres into four parcels of 2 acres, 22.94 acres, 20 acres, and 25 acres in size; AG (General Agricultural) District; located on the northeast corner of Hutchinson Road and Carlson Road (5952 Carlson Road), Yuba City, A. P.# 23-140-053 & -054, applicant/property owner - D.M.T Farms (Location: District 5 - Commissioner Shannon).

Current Proposal

A. Project Description

The applicant requests approval of a tentative parcel map to divide two contiguous parcels totaling 70+ acres into four parcels that will be 2 acres, 22.94 acres, 20 acres, and 25 acres in size.

B. Environmental Consideration

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, would not have a significant impact on the environment. Staff therefore recommends the Commission adopt the attached Negative Declaration.

Background

A. Property Description

The subject parcels are developed with two residences, a bunkhouse (sleeping quarters for seasonal workers), two barns, and walnut and peach orchards. The two residences are each served by an individual septic system and domestic well.

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

	Use	Zoning	General Plan
Subject Property	Agricultural (orchards), residences	AG	AG-20
North	Agricultural (orchards)	AG	AG-20
East	Gilsizer Slough, Agricultural	AG	AG-20
South	Agricultural (orchards)	AG	AG-20
West	Agricultural, residences	AG	AG-20

C. Previous Commission Action/Policies

According to County records, there have been no previous Commission actions on the subject property. The Planning Commission has historically approved parcel maps involving homesite parcels when it can be demonstrated the project conforms to the County's General Plan policies for such proposals.

Staff Comments

A. Public Works (PW):

See Conditions #3-#9.

B. Environmental Health (EH):

See Conditions #10-#14.

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

The Sheriff/Coroner responded the project would not impact services provided by their department.

D. Pacific Gas and Electric Company: (PG&E)

See Condition #15.

E. Planning (P):

The applicant requests tentative parcel map approval to divide two contiguous parcels that total approximately 70 acres into four parcels consisting of a 2.00 acre homesite parcel (Parcel 1) and three agricultural parcels that are 22.94 acres (Parcel 2), 20.00 acres (Parcel 3), and 25.00 acres (Parcel 4) in size. The proposed homesite parcel (Parcel 1) is already developed with a residence and has a well and septic system. Proposed Parcel 3 is developed with a residence, a bunkhouse utilized by seasonal workers, both a domestic and irrigation well, and septic systems. Parcels 2 and 4 are vacant. The parcels are currently in agricultural production (orchards) and that use will continue. The project site is zoned AG (General Agricultural) and designated AG-20 (Agriculture, 20-acre minimum parcel sizes) by the General Plan.

The State Subdivision Map Act requires that the proposed map be consistent with the County's General Plan, Zoning Ordinance, and Subdivision Ordinance.

Conformance with General Plan

In reviewing the project in relationship to the General Plan, the following policies apply:

General Plan Policy 6.A-4:

"A landowner shall be allowed to separate his or her homesite from the original parcel. Additionally, homesites for landowner's sons or daughters shall be permitted as long as it is clearly documented that the family member is involved in the family farming operation. Divisions for this purpose shall provide for cluster housing and minimize acreage removed from farming. Applicants requesting divisions that would not provide for cluster housing shall be required to provide evidence of a physical constraint on the property that would show cluster housing is not possible or is infeasible. Development rights shall be granted to Sutter County or its designee for the remaining agricultural lands. Densities shall be limited to those permitted by the underlying agricultural land use designation."

General Plan Policy 6.A-6:

"Minimum parcel sizes in agriculturally designated areas shall be 20 acres in those areas containing orchard compatible soil and 80 acres in those areas with soils used primarily for row crops, field crops, and range land as shown on the Land Use Diagram. Historical uses and physical boundaries may be considered on a case by case basis. All parcels resulting from subdivisions or parcel maps shall contain the minimum required acreage for the land use designation. Homesite parcels, as permitted in Policy 6.A-4, shall not exceed 2 acres unless the Environmental Health program grants a waiver for sewage disposal, in which case the parcel may be allowed for up to 5 acres. Remainder parcels shall meet the minimum parcel size of the agricultural land use designation."

Staff believes the request is consistent with the above General Plan policies. Proposed Parcels 2, 3, and 4 meet the 20 acre minimum parcel size of the AG-20 General Plan designation. The homesite parcel (Parcel 1) will be for the current owner of the property. The homesite parcel does not exceed the 2 acre maximum stated in Policy 6.A-6. With regard to residential density, there are two existing residences on the subject parcels. Based on information provided by the applicant, the "bunkhouse" shown on the map is primarily used as a shop/office building (approximately 75% of the building area) for the agricultural use. While the owner acknowledges that the building has a restroom and a stove and that seasonal agricultural workers sometimes stay there, staff does not consider the bunkhouse a residence as defined by the County Zoning Code. As a condition of approval, the bunkhouse shall maintain its current temporary use by seasonal workers only and shall not be modified or improved to function as a permanent second residence.

Based on the total 70 acres, a density of three residences would be allowed. In order to reduce the amount of land potentially removed from agricultural production and in accordance with the above policies, staff will require that development rights prohibiting construction of a residence

on Parcel 4 be granted to the County. In order to encourage clustering of residences and reduce the impact on agricultural use, staff is recommending a condition requiring that construction of a future residence on proposed Parcel 2 be located north or south of proposed Parcel 1, within 300 feet of the west property line (adjacent to Carlson Road).

Conformance with the Zoning Ordinance

The site is zoned General Agricultural (AG). Section 1500-1414 of the Sutter County Zoning Ordinance provides that minimum lot size for lots within the AG District be either 20 or 80 acres as determined by the overlaying General Plan Land Use Designation. As indicated above, the land use designation is AG-20. This section of the Zoning Ordinance also contains provisions for homesite parcels, not to exceed 2 acres. The proposed parcels meet these requirements. Therefore, the request is consistent with the Zoning Ordinance.

Conformance with the Subdivision Ordinance

The County Subdivision Ordinance establishes standards and requirements to regulate and control the design and improvement of land. Staff has reviewed the proposal against the Subdivision Ordinance and believes it complies with established standards.

Conclusion

The proposed project is consistent with the County General Plan, Zoning Ordinance, and Subdivision Ordinance. Staff is therefore recommending approval, subject to conditions.

Recommended Findings

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

- 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 tentative parcel map. The Study revealed that the project, as proposed, would not create an impact on the environment. There have been no comments provided demonstrating 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 judgement of the County of Sutter.
- C. The proposed tentative parcel map and use of the subject property complies with the applicable requirements of the Sutter County General Plan, Zoning Ordinance, and Subdivision Ordinance.

Recommended Action

- A. Make the Findings for approval as prepared by staff.
- B. Adopt the proposed Negative Declaration prepared for the project and attached to this report.
- C. Approve Tentative Parcel Map #01-12, subject to the following conditions:
 - 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 final map shall be recorded within 36 months of the approval date or the engineer/surveyor shall submit a request for and receive approval of a time extension in accordance with the Sutter County Subdivision Ordinance. (P, PW)
 - 3. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
 - 4. 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)
 - 5. 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. This condition shall be so stipulated on the final map. (PW)
 - 6. 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 or final map. (PW)
 - 7. 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. Construct new driveway(s) to current County standards. (PW)
 - 8. 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: (PW)

Carlson Road	30' R/W + 10' P.U.E.
Hutchinson Road	20' R/W + 10' P.U.E.

9. 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)
10. 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 Parcels 2 and 4. On Parcels 1 and 3, adequate replacement area must be shown for the existing residences. The MUSDA and replacement area delineation shall comply with Sutter County Environmental Health regulations. (EH)
11. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map that clearly shows the exact location of all existing wells and on-site sewage systems. (EH)
12. 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)
13. 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 well locations must comply with Sutter County Environmental Health regulations. (EH)
14. 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)
15. 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 project site. (PG&E)
16. Prior to recording of the parcel map, the landowner shall execute a standard open space easement and development rights agreement with the County of Sutter prohibiting residential development on Parcel 4. (P)
17. Construction of a future residence on proposed Parcel 2 shall be located north or south of proposed Parcel 1, within 300 feet of the west property line (adjacent to Carlson Road). (P)

18. The bunkhouse located on proposed Parcel 3 shall maintain its current temporary use for seasonal workers only and shall not be modified or improved to function as a permanent second residence. (P)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Tentative Map
Exhibit C - Proposed Negative Declaration and Initial Study

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