

March 27, 2002

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Tentative Parcel Map #02-02 to allow the division of 80-plus acres into 2 parcels of 20.7 acres and 60-plus acres; AG (General Agricultural) District; located north of Sanders Road, on the east and west sides of Madden Road, Live Oak; Assessor's Parcel Nos. 10-161-013 & 10-162-003; applicant - Ranjit Davit/property owner - Dhanna S. Mahli (Location: District 1 - Commissioner Capaul)

Current Proposal

A. Project Description:

The project is the subdivision of an 80-acre plus parcel into two parcels, one of 20.7 acres and one of 60-plus acres (see Exhibit B). The parcels are proposed for agricultural use; however, both parcels could be developed with a single-family residence in the future that would utilize private wells and septic systems. Access to the 20.7 acre parcel will be from Madden Road while access to the larger parcel may be from either Madden or Sanders Roads.

B. Environmental Consideration:

An Initial Study was prepared to examine potential impacts of the parcel map (see attached study - Exhibit C). That study found that the project will not have a significant effect on the environment; therefore, a Negative Declaration is recommended.

Background

A. Property Description:

The subject property contains 80-plus acres. The majority of the acreage is in orchard. The larger of the proposed parcels previously had an existing single-family residence located upon it which burned down at some time in the past, two farm accessory buildings that are still existing, and two wells on it. The smaller of the two parcels is undeveloped except for an existing agricultural irrigation well.

The proposed 20-plus acre parcel will have frontage only upon Madden Road while the larger parcel will have frontage upon both Madden and Sanders Roads.

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

	Use	Zoning	General Plan
Subject Property	Agricultural	AG	Ag – 20
North	Agricultural	AG	Ag – 20
East	Agricultural	AG	Ag – 20
South	Agricultural	AG	Ag – 20
West	Agricultural	AG	Ag – 20

(See Exhibit A for study sketch.)

C. Previous Commission Actions/Policies:

The subject property was previously subdivided in 1920 under the Sullenger Tract subdivision into nine, 10-acre parcels. In 1991, the current property owner adjusted the property lines on the property to reconfigure the nine parcels into eight lots of approximately 1.15-acre plus in size and one lot of 80-plus acres. The 80-plus acre lot is the subject property of this parcel map and lies on both the east and west sides of Madden Road.

In order for your Commission to approve a tentative map, the state Subdivision Map Act requires that the proposed map be consistent with the applicable General Plan and County Zoning Code. In reviewing the project in relationship to the General Plan, the following policy appears to apply:

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.

The General Plan and Zoning Code requires new parcels in this area to be a minimum of 20 acres in size.

Staff Comments

A. Public Works Department (PW):

See recommended conditions.

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

The proposed tentative map has been reviewed by this office and we find that there is no anticipated impact on our services (paraphrased).

C. Planning (PD):

The proposed tentative map would create two agricultural parcels, both of which are in excess of 20 acres in size in an area where both the Zoning Code and the General Plan require agricultural parcels with a 20-acre minimum parcel size; therefore, the map is in conformance with both the Zoning Code and the General Plan.

Staff has recommended approval of the tentative map subject to several conditions. These conditions are necessary for the proposed use to provide minimum safety requirements for the protection of life and property for the intended use, the protection of existing public improvements, or to comply with code requirements.

Recommended Findings

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

- A. An Initial Study was prepared to analyze the potential impacts of the proposed tentative map. The study concluded that the project would not have a significant impact on the environment; therefore, the adoption of a Negative Declaration is appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed 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 proposed subdivision would allow the division of approximately 81 acres of land into 2 parcels of 20.7 acres and 60 acres for agricultural purposes in the AG (General Agricultural) District. The proposed parcels sizes, future uses, and development requirements are consistent with the Sutter County Zoning Code and the General Plan and policies thereof.
- D. Dedications required as conditions of approval are consistent with the property's use for an agricultural uses in a rural, agricultural area in order to provide an adequate level of access and services for the public's health, safety and general welfare, in order to conform to

regulations of the Sutter County Ordinance Code and General Plan, and to conform to requirements pertaining to the protection of public resources and other public and private improvements.

Recommended Action

- A. Review and consider the negative declaration;
- B. Adopt the recommended findings;
- C. Adopt the negative declaration, and
- D. Approve the tentative map subject to the following conditions:

Upon Approval of the Map

- 1. A Notice of Determination including any fees, shall be filed in the Office of the County Clerk within five (5) days of the end of the ten-(10) day appeal period. (PD)

On-Going

- 2. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
- 3. 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)
- 4. 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)
- 5. 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 and **full-width of the following indicated roads (PW):

*Madden Road	25.0' R/W + 10' P.U.E.
*Sanders Road	33.0' R/W + 10' P.U.E.
**Green Road	40.0' R/W + 10' P.U.E.
- 6. 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)

Prior to Recordation of the Map

7. 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)

8. 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)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

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

D:\planning commission\reports\pm 02-02 (davit)