

May 29, 2002

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Tentative Parcel Map #02-05 to allow the creation of a two acre homesite parcel and an approximate 30.85 acre agricultural remainder from an existing 33.40 acre parcel; A-2 (Exclusive Agricultural) District; located at 3726 Township Road, Yuba City; A. P. #13-240-031; applicants/property owners - Richard & Sharon Alves (Location: District 1 - Commissioner Capaul)

Current Proposal

A. Project Description:

The applicant requests approval of a tentative parcel map to divide the subject 33.40-acre parcel into a two acre homesite parcel and an approximate 30.85 acre agricultural remainder.

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 site is developed with a residence, various accessory buildings, and alfalfa.

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

	Use	Zoning	General Plan
Subject Property	Residence, agricultural	A-2	AG-20
North	Residence, agricultural	A-2, AG	AG-20
East	Agricultural	A-2	AG-20
South	Residence, agricultural	A-2	AG-20
West	Agricultural	A-2	AG-20, AG-80

C. Previous Commission Action/Policies:

In March 1977, Use Permit #618 proposing a mobile home in addition to an existing residence on the subject property was denied by the Planning Commission based on the finding that the mobile home was not to be owner occupied and that no trend had been established for mobile homes in the immediate vicinity. In June of 1982, Use Permit #1066 was approved to allow a natural gas well to be located on the subject property.

Parcel maps for creation of homesite parcels are typically approved by the Commission when it is demonstrated that the homesite is for the property owner or for the owner's son or daughter involved in the family farming operation, the homesite parcel does not exceed 2 acres, and the remainder parcel meets the minimum parcel size of the agricultural land use designation.

Staff Comments

A. Public Works (PW):

See Conditions #3-#9.

B. Environmental Health (EH):

See Conditions #10-#16.

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

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

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

See Condition #17.

F. Planning (P):

The proposed 2 acre homesite parcel (Parcel "B") has an existing residence, accessory buildings, well and septic system. Proposed Parcel "A" is currently in agricultural production (alfalfa).

The subject parcel is zoned A-2 (Exclusive 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 Parcel "A" meets the 20 acre minimum parcel size of the AG-20 General Plan designation. The homesite parcel (Parcel "B") does not exceed the 2 acre maximum stated in Policy 6.A-6 and will be for the current owner of the property. Based on a total of 33.40 acres, one residence is permitted by the General Plan density of one residence per 20 acres. In order to maintain the permitted density, 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 proposed Parcel "A" be granted to the County. With this condition required, the request is consistent with the General Plan.

Conformance with the Zoning Ordinance

The site is zoned Exclusive Agricultural (A-2). Section 1500-1314 of the Sutter County Zoning Ordinance provides that the minimum lot size for lots within the A-2 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 judgment 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 #02-05, 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)

Township Road	42' R/W + 10' P.U.E.
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 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 which 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)

11. 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)
12. Water supply shall be from individual wells located on the developed properties. Off-site private water supplies are prohibited. A note to this effect shall be recorded on or with the map. (EH)
13. 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)
14. Prior to the recordation of the map, the applicant shall submit to Environmental Health for review and approval the following documents:
 - A. An individual plot plan (8-1/2” x 11” or 8-1/2” x 14”) and soils testing or design package for each lot that includes all necessary design information for approval of the sewage system.
 - B. Additional soils testing information prepared by a qualified consultant indicating the basis for the sizing and design of the on-site sewage system. (EH)
15. The discharge of fuels, oils, or other petroleum products, chemicals, detergents, cleaners, or chemicals to the surface of the ground or to drainageways on, or adjacent to, the site is prohibited. (EH)
16. Development rights are to be given to the County for proposed Parcel “A” as a mitigation for soil testing required for land division. Future return of development rights to the property owner or proposals for on-site wastewater disposal systems shall comply with the requirements applicable to new land division. A note to this effect shall be recorded on or with the map. (EH)
17. 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)

18. 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 "A". (P)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

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

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