

August 28, 2002

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Tentative Parcel Map #02-06 to allow the subdivision of a 160-acre parcel into three parcels, 153.7 acres, 4.3 acres and 2 acres in size; and

Agenda Item #8: Public hearing on Rezoning #02-05 to change the zoning classification of the subject property from AG (General Agricultural) District to AG-PD (General Agricultural, Planned Development Combining) District; located on the southeast corner of Catlett Road and Pacific Avenue, Pleasant Grove; A. P. #33-310-019; applicant - Christopher Coppin/property owners - Jack & Dale Davis, et al (Location: District 5 - Commissioner Shannon)

### **Current Proposal**

#### A. Project Description

The applicant has requested a change in zoning from AG to AG-PD to allow the subdivision of a 160-acre parcel in order to establish a 4.3-acre and a 2-acre residential parcel on 6.3-acres that was separated from the original parcel by the construction of the East Side Canal and levees. Because of its small size and separation from the original parcel, this portion of the property is not agriculturally viable and has been fallow for at least twenty years.

As part of the application, the property owner has offered to grant the development rights on a nearby parcel, consisting of approximately 84 acres, to the County.

#### 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 as proposed would not have a significant impact on the environment. Therefore, a Negative Declaration has been recommended.

## **Background**

### A. Property Description

The subject property is developed more or less agriculturally. The 153.7-acre portion has historically been developed as a rice farm; yet a 6.3-acre portion was cut off from the larger part of the parcel by the construction of the East Side Canal and levees, and is fallow and vacant. The applicant proposes creating a 2- and a 4.3-acre parcel out of the 6.3-acre portion. The proposed 2-acre parcel has 190 feet of frontage on Catlett Road and 458 feet of frontage on Pacific Avenue and is 190 feet deep. The proposed 4.3-acre parcel has 1,422 feet of frontage on Pacific Avenue and is 190 feet deep for 544 feet, from where it tapers to a point on Pacific Avenue.

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

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
<b>Subject Property</b>	Agriculture	AG	AG-80
North	Rural residential, agriculture	AG	AG-80
East	Agriculture	AG	AG-80
South	Agriculture	AG	AG-80
West	Agriculture, rural residential	AG	AG-80

### C. Previous Commission Actions/Policies:

On June 8, 1972 your Commission approved Rezoning #113, a Planning Commission-initiated action that, in part, changed the zoning on the parcel from A-1 (General Agricultural) District to AG (General Agricultural) District.

On August 4, 1983 your Commission approved Tentative Map #703P, that allowed the creation of two parcels of respectively 6.3- and 148.7-acres--nearly the same configuration proposed by the current application. Your Commission approved the application on the basis of then-General Plan Policy No. 12: "Consideration shall be given to preserving agricultural land for its aesthetic qualities." The rationale of your Commission in approving the application was that residential development of the proposed 6.3-acre parcel would result in aesthetic improvement of the parcel by eradication of the weeds thereon. The two dissenting Commissioners argued that General Plan Policy No. 12 did not apply in this case, and that there was no guarantee that the weeds would be eradicated on the smaller proposed parcel. A condition of approval required that residential development rights on the remaining 148.7-acre parcel be granted to the County of Sutter.

On July 3, 1986 your Commission approved a request for a two-year extension of time for Tentative Map #703P. The tentative map expired on August 4, 1988.

## **Staff Comments**

### A. Building Inspection Division (BI):

The Building Inspection Division responded with no comments at this time.

### B. Environmental Health (EH):

See Conditions of Approval #6 - 9.

### C. Fire Services (FS):

The Fire Services Division responded that access roads shall be provided and maintained in accordance with section 901 and 902 of the 1997 Uniform Fire Code.

### D. Pleasant Grove Joint Union School District (PGJUSD):

Pleasant Grove Joint Union School District responded that the project would be subject to developer's fees at the time of construction.

### E. Public Works Department (PW):

See Conditions of Approval #10 - 16.

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

The Office of the Sheriff/Coroner responded with no anticipated impact on their services.

### G. Planning (P):

See Conditions of Approval #1 - 5.

The State Subdivision Map Act requires that the proposed map be consistent with the County's General Plan, Zoning Ordinance and Subdivision Ordinance. General Plan Policy 6.A-6 establishes an 80-acre minimum parcel size in this area, a designation that is meant to preserve agricultural land "...in those areas with soils used primarily for row crops, field crops, and range land..." This same policy also requires that "all parcels resulting from subdivision or parcel maps shall contain the minimum required acreage for land use designation." The Zoning Code allows single-family residences in the AG District for property owners or agricultural employees as long as density ranges established by the General Plan are not exceeded. Thus under present zoning and density standards, the overall parcel of 160 acres, which could be subdivided into two 80-acre parcels, could support two single family residences.

If the proposed parcel split is approved, three residences could be established on the 160-gross-acres, which would require the transfer of development rights from an undeveloped parcel that is a minimum of 80 acres. The Planned Development process is the mechanism by which the County has previously allowed such transfers. Because of the physical isolation, small size and

narrow configuration of the 6.3-acre portion, staff concurs with the applicant that this portion of the property is unsuitable for agricultural production, and that the proposed rezoning is consistent with the residential use established on adjacent properties under similar circumstances.

### **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 CEQA Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project. The study revealed that the project, as proposed, could not have a significant effect on the environment. Therefore, the Negative Declaration attached to this report is appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The requested rezoning from AG (General Agricultural) to AG-PD (General Agricultural-Planned Development Combining) District is consistent with the General Plan and with uses on the subject and adjacent properties.
- D. The requested parcel map is consistent with the General Plan, Zoning and Subdivision Ordinances and with uses on the subject and adjacent properties.
- E. The proposed project will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental to property or improvements in the neighborhood or to the general welfare of the County.

### **Recommended Action**

- A. Make the findings as recommended by staff.
- B. Adopt the proposed Negative Declaration attached to this report.
- C. Recommend that the Board of Supervisors approve Rezoning #02-05 changing the classification of the subject parcels from AG (General Agricultural) to AG-PD (General Agricultural, Planned Development) District, subject to the Conditions of Approval.
- D. Approve Tentative Parcel Map #02-06 to allow the division of an existing 160-acre parcel into 153.7-, 4.3- and 2-acres, 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 date that the project approval becomes final. (P)
2. Upon payment of the Notice of Determination fees, the applicant shall pay any outstanding balance in excess of the amount on deposit for processing the application. (P)
3. 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)
4. Prior to recording the parcel map, the applicant shall obtain approval of the Rezoning from the Sutter County Board of Supervisors. (P)
5. Prior to recording the parcel map, the applicant and/or property owner shall convey to Sutter County a grant of development rights on a minimum of 80 acres of agricultural property elsewhere in the county. (P)
6. Prior to recording the parcel 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 3. The MUSDA delineation shall comply with Sutter County Environmental Health regulations and be prepared by a qualified consultant. (EH)
7. Prior to recording the parcel map, a design from a qualified consultant, including specific site location for both original and replacement systems, must be submitted to Environmental Health for review and approval. (EH)
8. A note must be recorded on the map stating that the water supply for parcels 2 and 3 shall be from an individual well located on each property. (EH).
9. 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)
10. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
11. 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)

- 12. 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)
- 13. 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)
- 14. 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)
- 15. 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)
- 16. 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:

Pacific Avenue	25.0' R/W + 10' P.U.E.
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From Pacific Avenue to 200 feet north of the centerline of the northern East Side Canal levee,

Catlett Road	42.0' R/W + 10' P.U.E.
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Remaining portions of Catlett Road,

Catlett Road	30.0' R/W + 10' P.U.E. (PW)
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Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

William J. Caplinger  
Assistant Planner

- Attachments: Exhibit A - Study Sketch  
 Exhibit B - Site Plan  
 Exhibit C - Rezoning Exhibit Map  
 Exhibit D - Initial Study & Proposed Negative Declaration

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