

February 13, 2002

To: Sutter County Planning Commission

Re: Agenda Item #5: Continued public hearing on Specific Plan #00-01 to establish a Specific Plan to implement the County General Plan and create development and design criteria for 3,500 acres in the south Sutter County area; and

Agenda Item #6: Continued public hearing on Rezoning #00-11 to change the zoning classification of 3,500 acres from AG (General Agricultural) District to SSCI (South Sutter County Industrial) and SSCC (South Sutter County Commercial) District; and

Agenda Item #7: Continued public hearing on Zone Code Amendment #00-02 to remove Division 53, South Sutter County Industrial/Commercial District, from the Zone Code; applicant - Sutter County (Location: District 5 - Commissioner Shannon)

Background

This is a continuation of the Planning Commission public hearing from December 5, 2001. At that time, the Commission requested to receive Volume III, Financing Plan prior to making any recommendation. That document has been submitted to you for review. The Finance Plan indicates that development costs in South Sutter County are competitive in the region.

Environmental Review

The 45 day public review period for the Draft Environmental Impact Report began on October 23; however, the review period was extended by 15 days on November 7, and closed on December 21, 2001. At this time, staff and consultant are preparing responses to all comments received on the Draft EIR. Many comments expressed the need for the Financial Plan as a part of the EIR review process yet no specific comments were received indicating how the financial plan policies would affect the environment. The financing plan does not contain any new information, or result in any impacts on the environment that have not already been analyzed in the Draft EIR. Exhibit B includes

all of the comments received as of the date of this report. The responses to comments will also be submitted to the Board of Supervisors for its consideration.

Discussion

FINANCING PLAN

The financing plan was mailed to your Commission on February 8, 2002. The purpose of the financing plan is to guide the funding and financing of public capital improvements needed to accommodate development of the plan area. The financing plan specifically identifies the cost burdens for each of the phases and for either industrial or commercial development, and then recommends funding sources for each of the facility costs.

It is important to note that the financing plan contains the most current and accurate cost estimates for all the infrastructure improvements. Costs in the Infrastructure Master Plan and Appendices were preliminary estimates needed to help determine the best alternatives. The costs have been refined, and in most cases, reduced from the earlier estimates.

In addition to the discussion contained in the previous staff report, there are issues that need to be further clarified. Staff has met with several agencies to discuss their concerns and issues. Most of the concerns were allayed through discussion, and some of the issues are policy related and must be addressed by the Board of Supervisors. Some of the key issues are:

WASTEWATER

The level of wastewater treatment that has been proposed is tertiary. The project had proposed winter discharge of treated effluent to the Sacramento River. After receiving notice from the State that this might not be allowed without Basin Plan modification, the County may need to fully rely on winter effluent storage and irrigation reuse of the treated wastewater. This alternative was discussed in the Draft EIR (page 4-23) and the DEIR's Technical Appendices. Exhibit C provides a more detailed description of the alternative. Since the winter storage facility needed for effective irrigation reuse is an integral part of the farming operations on the 1,400 acre land disposal site, no land will be removed from agricultural production. State Health and Safety Codes identify the parameters for the use of treated wastewater on crops. If the recycled water is tertiary and disinfected, it may be used on food crops and all edible root crops. It is, however, most feasible that various feed crops, including alfalfa, corn and wheat be grown.

WATER

The intended water supply is groundwater, however, both surface and conjunctive use are considered and analyzed in the Draft EIR (page 4-21). The Infrastructure Master Plan indicates that groundwater is a more feasible solution at this time. Should surface water become a more feasible option, the County can certainly pursue and utilize that source to serve the development.

AIR QUALITY

Staff and our Air Quality consultant have been working with both the Sacramento Metropolitan Air Quality Management District and the Feather River Air Quality Management District to finalize the

mitigation measures. SMAQMD has requested a 35% reduction in area emissions for the Specific Plan.

The County plans on establishing a matrix identifying operationally related air quality mitigation measures. Some of these measures are mandatory through Specific Plan requirements, and some are mitigation measures, while a large number are to be selected from a “cafeteria plan”. The cafeteria plan is designed to allow flexibility for the developer to select the mitigations that best suit their need. However, a minimum number of points will need to be achieved and this number will be determined by the Board of Supervisors.

RD1000

One of the concerns expressed by RD1000 is the Phasing of infrastructure and development in the Specific Plan area. The District requests 50% of each phase be built-out prior to the next phase and all the infrastructure be in place prior to full build-out. It must first be noted that the Phases are not sequential development requirements, but rather infrastructure cost areas for development. The Board of Supervisors will need to make a policy decision as to what level of on and off-site infrastructure must be completed prior to development occurring on the land.

OTHER ISSUES

Mitigation Compliance. The Specific Plan will include language, in the Design Review Process (page 11), to require the applicant to include information with their development application package demonstrating compliance with all of the mitigation measures identified in the project EIR.

Day Care - There is a request to encourage day care centers within each of the development projects. Staff supports this request and will ask the Board of Supervisors for that policy direction.

Land Dedication – A reference to existing policy (Zoning Code Section 1500-8015) needs to be incorporated in the Specific Plan requiring land dedication of lands for public right-of-way and public improvements. This reference should be included in the Specific Plan Public Facilities Policy Sections.

The Natomas Basin Conservancy expressed concern over the location of the “Montna Canal”. A misunderstanding indicated the canal bisected NBC lands in Sacramento County, while the canal actually is along the western property line.

As mentioned in the previous staff report, Staff proposes to reformat the "goals, policies and implementation" lists in each element to create a continuous numbering system, delete Figure 10, and reword the policies that reference the payment of fees at time of building permit issuance. If the Board concurs, the proposed changes will be incorporated in the final documents.

Staff again recommends the Planning Commission forward a recommendation of approval to the Board of Supervisors for Rezone #00-11, Zone Code Amendment #00-02 and adoption of Specific Plan #00-01, subject to the findings below.

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, state and local guidelines, a Draft Environmental Impact Report was prepared to analyze the potential impacts of the proposed Rezoning. The study revealed that the project would have impacts on the environment in the areas of agriculture, air quality, biological resources, hazards and hazardous materials, hydrology and water quality, public services, traffic/circulation, population and housing and utilities and services and has recommended detailed mitigation measures to reduce identified impacts where such mitigation is feasible.
- B. The project includes standards and mitigation measures to reduce the impacts to biological resources, hazards and hazardous materials, hydrology and water quality, public services, traffic/circulation, population and housing, and utilities and services.
- C. Impacts to air quality and agriculture remain significant effects on the environment and are found to be unmitigable but have been deemed acceptable by the Board of Supervisors in adoption of the Overriding Considerations Resolution 96-105.
- D. The Planning Commission has independently reviewed and considered the Draft Environmental Impact Report prior to making its recommendation on the project.
- E. The proposed project is located within the designated Industrial/Commercial Reserve and is consistent with General Plan Policies; and
- F. The proposed project incorporates pertinent General Plan EIR mitigation measures; and
- G. The proposed project adequately provides for infrastructure improvements to prevent impacts to adjacent and surrounding uses; and
- H. Approval of the Specific Plan, Rezone and Zoning Code Amendment will not be detrimental to the public's health, safety, or general welfare, or be detrimental to public or private improvements in the area.

Recommended Action

- A. Make the findings as recommended by staff.
- B. Upon review of all comments, recommend that the Board of Supervisors certify the Environmental Impact Report.

- C. Recommend the Board of Supervisors adopt Specific Plan #00-01 to establish a Specific Plan to implement the County General Plan and create development and design criteria for 3,500 acres in the south Sutter County area.
- D. Recommend the Board of Supervisors approve Rezoning #00-11, changing the zoning classification of 3,500 acres from AG (General Agricultural) District to SSCI (South Sutter County Industrial) and SSCC (South Sutter County Commercial) District.
- E. Recommend the Board of Supervisors approve Zone Code Amendment #00-02 to remove Division 53, South Sutter County Industrial/Commercial District, from the Zone Code.
- F. Incorporate the proposed Specific Plan language changes to the two policies discussed above, the reformatting of the goal/policy numbering system and the deletion of Figure 10.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Lisa Purvis Wilson
Senior Planner

Attachments: Exhibit A - December 5, 2001 staff report
Exhibit B - Comment letters received (provided to Commission only)
Exhibit C - Detailed description of winter land disposal alternative

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