

November 27, 2002

To: Sutter County Planning Commission

Re: Agenda Item #5: Public hearing on Variance #02-08 to designate a parcel without street frontage as a building site; AG (General Agricultural) District; located approximately 680 feet west of Dresser Road and approximately 150 feet north of Almendra Road, Yuba City; A. P. #13-315-001; applicants - William & Vanessa Pearce/property owner - Ella F. Lee (Location: District 3 - Commissioner Barringer)

### **Current Proposal**

A. Project Description:

The applicants request approval of a variance for an existing 8.33 acre parcel that lacks frontage on a County road. Approval of the variance would designate the parcel as a building site under the Zoning Code and therefore allow the construction of a residence on the parcel if all applicable requirements can be met (i.e. sewage disposal). If approved, the applicants propose to build a single family residence and agricultural barn.

B. Environmental Consideration:

This project is considered categorically exempt pursuant to CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations.

### **Background**

A. Property Description:

The subject property is 8.33 acres in size and located approximately 680 feet west of Dresser Road and approximately 150 feet north of Almendra Road. The property is vacant of any structures and is currently planted in alfalfa.

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

	Use	Zoning	General Plan
<b>Subject Property</b>	Alfalfa	AG	AG-20
North	Alfalfa	AG	AG-20
East	Walnut orchard	AG, RE	AG-20, LDR
South	Bike trail	AG	AG-20
West	Canal, agricultural	A-2	AG-20, AG-80

C. Previous Planning Commission Actions/Policies:

There are no records of any previous Planning Commission actions on the subject property.

**Staff Comments**

A. Environmental Health Department (EH):

No comments.

B. Public Works (PW):

See Conditions #1-4.

C. Building Inspection (B):

No comments.

D. Fire Services (FS):

No comments.

E. Planning (P):

Section 1500-8412 of the Zoning Code specifies the standards that must be met in order to grant a Variance, which are as follows:

**1. That special circumstances apply to the property, including size, shape, topography, location or surroundings;**

The applicant plans to purchase the property which is an existing, legal parcel that does not front on a County road. The applicant provided to staff deed information which indicates that the subject parcel was created in 1912. Access to the subject property is currently provided by an unimproved dirt driveway approximately 10 feet in width. Special circumstances apply in that the subject 8.33 acre parcel is the only property out of 43 total properties within the immediate vicinity of Dresser Road that does not have road frontage.

**2. & 3. That the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and that the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.**

According to the Zoning Code, any parcel that lacks frontage on a County road is not considered to be a legal lot and therefore not a building site. As stated previously, this parcel is the only parcel in this area that does not have frontage on a County road. Denial of the variance would deny the applicant the right to build a residence or an agricultural building to utilize the property in a manner that is normally enjoyed by other owners of AG zoned properties in this area. The granting of the variance will not constitute a grant of special privilege since other properties in the vicinity that have County road frontage are permitted to construct these structures.

**4. That the variance from the strict interpretation of this code represents the minimum deviation possible to enable reasonable development of the property.**

The applicant states that the request is the minimum deviation and that this type of variance is typical throughout the County to allow for access to land locked parcels. The applicant has told staff that as a contingency of the sale, the seller of the property, who owns the adjacent property, has agreed to grant them a 20 foot wide access easement. In reviewing similar previous variance requests that have been approved, a 20 foot wide easement width has been determined to be adequate for residential use. As a condition of approval, staff will require that prior to the issuance of a building permit, the property owner provide proof of legal access to the site. The access will be required to be a minimum of 20 feet in width, have an all-weather surface and provide for adequate turnaround area, and shall meet the requirements of the Sutter County Fire Department. With this condition required, staff believes the request is the minimum deviation possible to enable reasonable development of the property.

### **Conclusion**

Staff believes the required variance findings are met and therefore recommends approval of Variance #02-08, subject to the recommended findings and conditions of approval listed below.

### **Recommended Findings**

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

- A. In accordance with the California Environmental Quality Act (CEQA), this project is categorically exempt pursuant to CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations.
- B. A special circumstance applicable to the property, including size, shape, topography, location or surroundings, has been presented which warrants approval of the variance.

The subject 8.33 acre parcel is the only property out of 43 total properties within the immediate vicinity of Dresser Road that does not have road frontage.

- C. The strict application of the Zoning Ordinance would deprive the applicant of the privilege of building a residence and/or an agricultural building on the property. Approval of the variance is not considered a grant of special privilege since other properties in the vicinity of the subject property under the same zoning classification are permitted to build these structures.
- D. Subject to the recommended conditions of approval, the variance represents the minimum deviation possible to enable reasonable development of the property.
- E. Approval of the variance is consistent with the Sutter County Zoning Code and General Plan.

### **Recommended Action**

Make the findings listed above and approve Variance #02-08, subject to the following conditions:

1. 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. (PW)
2. 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)
3. 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)
4. An agreement shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest and shall provide for the following:  
  
Participation in a zone of benefit, drainage district, agency, service area, or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement between the developer/owner and Sutter County shall contemplate the imposition by Sutter County of any legally available fee, assessment, or other financing mechanism to facilitate the construction and maintenance of a drainage system. (PW)
5. Prior to the issuance of a building permit, the property owner shall provide proof of legal access to the site. The access shall be a minimum of 20 feet in width for residential use. The access road shall have an all-weather surface, shall provide

for adequate turnaround area, and shall meet the requirements of the Sutter County Fire Department. (P)

6. The applicant shall obtain all necessary permits from the Community Services Department (Building Inspection, Planning Division, Fire and Emergency Services, and Environmental Health Divisions) and Public Works Department for the intended use of the property. (P)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

Steve Geiger  
Associate Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Site Plan

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