

June 26, 2002

To: Sutter County Planning Commission

Re: Agenda Items #12, #13 & #14: Public hearing on Zoning Code Amendments #01-01, #01-02 and #02-01 to accomplish cleanups in language or typographical errors, to clarify procedures for ranchette development proposals, to reconcile various camping code sections, to revise policies regarding project approvals for multiple applications before the Planning Commission and Board of Supervisors, to establish financial assurances for the removal of wireless facilities, and the addition of an allowed use to the AG and UA zones for conversion of agricultural lands to permanent wildlife habitat - subject to adoption of a development agreement. - Countywide.

### **Current Proposal**

#### A. Project Description

Various amendments to the Sutter County Ordinance Code Chapter 1500 (Zoning Code) and to Chapter 1525 (Mobile Home Code), as initiated by the Board of Supervisors to accomplish cleanups in language or typographical errors, to clarify language for ranchette designation procedures and to reconcile differing ordinance code sections and to address the conversion of agricultural lands to permanent habitat. More specifically to:

- Revise policies regarding project approvals for multiple applications approved before the Planning Commission and Board of Supervisors. (ZC #01-01)
- Establish policy for financial assurances for the removal of new wireless facilities. (ZC #01-02)
- Clarify procedure for General Plan Amendments/Rezoning and tentative parcel maps for ranchette development. (ZC #02-02)
- Reconcile differences between three ordinance code sections regarding camping. (ZC #02-02)
- Add as an approved use in the AG and UA zones, the conversion of agricultural land to permanent wildlife habitat, or other habitat, with the approval of a development agreement.
- Clean-up of language or typographical errors in the Zoning Code. (ZC #02-02) B.  
Environmental Consideration

An Initial Study was prepared in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, will not have a significant

impact on the environment. Therefore, staff is recommending the Planning Commission consider the attached Negative Declaration as part of its discussion on the project.

## **Background**

Over the last year, staff has been collecting proposed changes to the Zoning Code. The proposed changes result from direction provided by the Board of Supervisors to implement new regulations and development standards, to correct typographical errors and to provide greater clarity for staff. A detailed description of each requested change follows. *Italic text* represents language to be added, while language to be removed is shown in ~~strikethrough text~~.

**1. “Processing Multiple Applications”.** Initiated as ZC #01-01. This amendment will address policies related to projects that require approval from both the Planning Commission and the Board of Supervisors. New text is proposed to be added as follows:

### 1500-8216 Action by Planning Commission:

#### *A. Single Application Decisions*

The Planning Commission may approve or conditionally approve a use permit if it finds that the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Additionally, the Commission shall find that the use or activity approved by the use permit is consistent with the General Plan. The action of the Planning Commission shall become final within ten (10) days unless an appeal is filed pursuant to Section 1500-8220 of this Chapter.

#### *B. Multiple Application Decisions*

*In the case of multiple applications in which one or more project requires the Board of Supervisors action, the Planning Commission shall forward their recommendation only. The Board of Supervisors shall consider and decide all of the applications.*

### 1500-8416 Action by Planning Commission:

#### *A. Single Application Decisions*

Following the public hearing, the Planning Commission shall make a finding of facts showing whether the qualifications under Section 1500-8412(a)(1), (2), (3) and (4) are applicable, and shall grant the adjustment only if it finds that these conditions do apply and that such variance is in harmony with the general purpose of this Chapter. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and

zone in which such property is situated. The action of the Planning Commission shall become final within ten (10) days unless an appeal is filed pursuant to Section 1500-8418 of this Chapter.

*B. Multiple Application Decisions*

*In the case of multiple applications in which one or more project requires the Board of Supervisors action, the Planning Commission shall forward their recommendation only. The Board of Supervisors shall consider and decide all of the applications.*

**2. “Wireless Financial Assurances”.** Initiated as ZC #01-02. This amendment is the request of the Planning Commission and was initiated by the Board of Supervisors. Specifically, the Planning Commission expressed concern over the potential for cell towers that are not in use to remain and become blight on the landscape. Any abandoned tower facilities would be the responsibility of the property owner, who may or may not have the financial ability to remove the tower and related equipment building(s). With assurances in place, such as a certificate of deposit, letter of credit, surety bond, etc., then the removal of the tower can be taken care of through these means. The Planning Commission has imposed a condition to require this on several projects. This amendment will codify the past practice.

Add a new Section following 1500-9540:

*1500-9541 Financial Assurance Requirements*

*The carrier and/or successor in interest shall properly maintain and ultimately remove if required, the approved wireless communication facilities according to the provisions of this chapter and any conditions of permit approval. The carrier shall post a financial security, such as a bond or Certificate of Deposit, acceptable to the County to ensure that the approved facilities are properly maintained and to guarantee that the facility is dismantled and removed from the premises and the site reclaimed if it has been inoperative for a one-year period, or upon expiration of the permit. Financial assurance shall be an amount determined by a California licensed engineer, and approved by the Planning Commission, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the carrier abandons operations.*

**3. “Ranchette Development Proposals”.** Zoning Code, Division 18 - Ranchette District, identifies the criteria and application process for designating a Ranchette District. Current language indicates that property owner(s) have the option of breaking the required actions into two parts, the General Plan Amendment (if needed)/rezone and the parcel map. This conceptually allows multiple parcels/owners to request the designation, and if approved, submit their applications for parcel maps on an individual basis any time following the approval. In practice, the Board of Supervisors has required the actions be considered concurrently, rather than designating a “ranchette area” for future land divisions. Modifying the language to require all actions be considered in a concurrent review provides the case-by-case evaluation that has been the County’s practice.

Revise 1500-1818(a) Application Process to read as follows:

(a) General Plan Amendment and Rezoning applications must be processed ~~prior to, or~~ concurrent with any tentative parcel map applications.

4. **“Camping”**. There are three different Sutter County Ordinance Code Sections that address the time limitations for persons camping outside of a legally established Recreational Vehicle Park. Two of the three reference a maximum time limitation of 14 days (1500-8018(l) and 1500-8116(c)) and one code section limits camping to 10 days (1500-060). These three code sections need to be reconciled. Staff recommends changing the 10 day reference to conform to the two references of 14 days. The proposed change is indicated below.

1525-060 EXEMPTIONS – SHORT TERM VACATION USE

The provisions of this Chapter shall not be construed to prohibit the parking of a camp car or travel trailer, without a permit, for a period not exceeding ~~ten~~ *fourteen* days *per year*, providing that the provisions of this Chapter are complied with.

5. **“Ag Land Conversion”**. An interpretation made by the Board of Supervisors requires anyone converting agriculturally zoned land to wildlife habitat to have an Open Space land use designation and Parks and Recreation zoning designation. Staff believes it is necessary to make some minor changes in the Zoning Code to clarify this interpretation and allow the County to consider the use of development agreements rather than change land use and zoning designations in certain situations.

Sections 1500-1012 and 1500-1412, add as a permitted use, *Conversion of agricultural land to permanent wildlife habitat, or other habitat, with approval of a development agreement.*

6. **“Clean-ups”**. These amendments are a collection of typographical errors and omissions, or substitutions for improved clarity.

- a. Sections 1500-1012, 1500-1312 and 1500-1412, add *Residential Care Home* as a permitted use.
- b. Section 1500-1412, Accessory buildings and uses, add *8022(h)* to the Specific Standards column.
- c. Section 1500-1412 add, *Agricultural Processing Plant* as a permitted use.
- d. Section 1500-1412, Gas and oil well drilling and production, delete the “X” in the Use Permit column, retaining the zoning clearance requirement.
- e. Section 1500-1412, Land leveling and contracting, contract harvesting and agricultural services where the occupation is incidental and secondary to the use of the land for farming purposes. Non-commercial harvesting, curing, processing, packaging, packing, shipping and selling of agricultural products ~~produced~~ *grown* on the premises or where

such activity is carried on in conjunction with or as part of a bona fide agricultural operation.

- f. Section 1500-1914, Development Standards. Change Minimum Lot Size from 40,000 square feet to 14,250 to conform to the corresponding General Plan Land Use Designation of 1/3 to 2 acre parcel sizes.
- g. Section 1500-4012, *Retail* nursery or garden supply.
- h. Section 1500-6334, Existing Planned Development Combining Districts: All Planned Development Combining Districts existing on June 1, 1979 shall continue in force, except that further development on the properties covered by the existing Planned Development Combining District shall require the approval of a development plan by the Planning Commission as provided for amendments in Section 1500-~~5532~~ 6332 of this Division.
- i. Section 1500-8016, add (c) *The area of any lot dedicated to the keeping of large animals (e.g. cattle, horses or hogs) shall be completely outside those areas utilized for sewage disposal.*
- j. Section 1500-8022(g)(1) Cornices, eaves, canopies, fireplaces, and other similar architectural features, but not including any flat wall or supporting members of window surface, may extend into any required yard a distance not exceeding three (3) feet, except that such projections shall not be nearer than ~~thirty (30) inches~~ *three feet* from a side property line.
- k. Section 1500-8022(h)(1) A detached garage or accessory structure not exceeding fifteen feet in height and without living quarters may occupy not more than fifty percent (50%) of the area of a required rear yard. In exception to the provisions of these sections, a garage or other similar outbuilding not exceeding fifteen (15) feet in height at the ridge may be built three (3) feet from the *interior* side and rear line, provided that said garage or similar outbuilding is not less than seventy (70) feet from any street and otherwise shall observe a six (6) foot clear distance for side and rear line.
- l. Section 1500-8022 (h)(3) *Accessory structures not exceeding 30 inches in height and not exceeding 8 square feet in ground coverage may be located in an interior side yard but shall maintain a 30 inch separation from the side yard line.*
- m. Section 1500-8022(k)(3) The area of a lot being considered for a second residential unit utilizing on-site sewage disposal shall ~~be a minimum of 40,000 square feet and shall further~~ meet all ~~other~~ requirements of the Environmental Health Program.
- n. Section 1500-8028(e) ~~The finished floor of the residential structure shall not exceed a minimum height necessary to meet building requirements of 25 inches above the finished grade of the lot measured adjacent to the vertical wall of the structure (except for split level structures and structures otherwise required to be elevated for flood protection).~~

- o. Section 1500-8112 - reorganize the entire use list to be in alphabetical order by related uses.
- p. Section 1500-8112 Commercial service establishments, wholesale establishments, *large appliance/furniture store*, repair shops, and retail stores which exclusively handle bulky merchandise.
- q. Section 1500-8112 Rest homes, *extended care facilities or* ~~and~~ sanitariums.
- r. Section 1500-8112 Tennis/racquetball/health club. 1 space per ~~40~~ 100 square feet of gross floor area, plus 1.5 spaces per ~~tennis~~ court.
- s. Section 1500-8216 Action by Planning Commission: The Planning Commission may approve or conditionally approve a use permit if it finds that the establishment, maintenance, or operation of the use or building applied for ~~will or~~ will not, under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the General welfare of the County. Additionally, the Commission shall find that the use or activity approved by the use permit is consistent with the General Plan. The action of the Planning Commission shall become final within ten (10) days unless an appeal is filed pursuant to Section 1500-8220 of this Chapter.
- t. Section 1500-8512(b)(3) Building permit applications for projects over 65,000 square feet of gross floor area, ~~unless the project is a~~ *or a* warehouse/outdoor storage use over 100,000 square feet of gross floor area, will require Board of Supervisor review for compliance with the adopted design standards.
- u. Section 1500-8512(b)(4) Building permit applications for projects under 65,000 square feet of gross floor area, ~~unless the project is a~~ *or a* warehouse/outdoor storage use ~~under~~ *over* 100,000 square feet of gross floor area, will require administrative review and approval by the Community Services Director for compliance with the adopted design standards. Within 10 business days...
- v. Section 1500-9864A "Hunting Club": A public or private club for the purpose of waterfowl and/or upland game hunting as well as trap/skeet and sporting clay ranges. Such use may include accessory structures including one clubhouse per parcel and seasonal use residence units not to exceed the density permitted by the General Plan and subject to Sections *1500-8014*, 1500-8018(e)(2), 1500-8026 and 1500-8030 of this Chapter.
- w. *Section 1500-9865A "Kitchen": A kitchen shall be considered any area of a building intended for or designed to be used or maintained for the cooking and/or preparation of food that includes one or more of the following: cooking appliance(s); a sink larger than 225 square inches (15"x15"); a refrigerator.*

- x. Section 1500-9881H “Second Residence”: An attached or detached residence designed and/or used as a separate residence from the main or primary residence containing a separate toilet and kitchen. ~~A kitchen shall be considered any area of a building intended for or designed to be used or maintained for the cooking and/or preparation of food that would typically include one or more of the following: cooking appliance(s); a sink larger than 225 square inches (15”x15”); a refrigerator.~~
- y. Section 1500-9882 “Service Station”: A retail business establishment supplying gasoline and oil, and minor accessories and service for automobiles, *not including auto body repair.*

### **Staff Comments**

No comments were received regarding the proposed code changes.

Staff recommends the Planning Commission consider the proposed changes and make recommendation to the Board of Supervisors to approve the proposed code changes.

### **Recommended Findings**

Based upon information contained in the staff report and/or testimony received at the public hearing, the Planning Commission recommends the following findings:

- A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential for impacts of the proposed code amendments. The study revealed that the project, as proposed, would not create a negative impact on the environment. No written comments have been provided which present evidence that the project will have a significant impact 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 recommendation on the project and finds that the Negative Declaration reflects the independent judgement of the County of Sutter.
- C. The Planning Commission has reviewed, analyzed, and considered the request and public testimony prior to making its recommendation and finds that the multiple code changes will not be detrimental or injurious to property and improvements or to the general welfare of the County.
- D. Since the proposed code amendments are consistent with the General Plan, the proposed project will not be detrimental to the health, safety, peace, morals, comfort and general

welfare of persons residing or working in the County, or be detrimental or injurious to the general welfare of the County.

**Recommended Action**

- A. Forward the findings, as recommended by staff, to the Board of Supervisors.
- B. Recommend the Board of Supervisors adopt the Negative Declaration.
- C. Recommend that the Board of Supervisors adopt the draft ordinance implementing Zoning Code Amendments #01-01 #01-02 and #02-02.

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

Lisa Purvis Wilson  
Senior Planner

Attachments: Exhibit A - Proposed Negative Declaration  
Exhibit B - Draft Ordinance

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