

September 25, 2002

To: Sutter County Planning Commission

Re: Agenda Item #9: Continued public hearing on Zoning Code Amendment #02-03 proposing to create the Sutter Buttes Overlay Zone that defines the boundaries of, and establishes hillside development standards for, the Sutter Buttes; located generally within the bounds of North Butte Road, West Butte Road, South Butte Road, and the Snake River; initiated by the County of Sutter (Location: District 1 - Commissioner Capaul; and District 3 - Commissioner Barringer)

Addendum to Staff Report

The public hearing was continued from the Commission meeting of September 4, 2002. During the meeting, Commissioner Shannon expressed concern about the restrictions on agricultural buildings and Commissioner Griffin expressed concerns about the proposed delineation of the Sutter Buttes. Several members of the public spoke in opposition to the ordinance, which received a 2-2 vote. Staff requested a continuance to the meeting of October 2, 2002.

Because the ordinance proposes retention of, and screening with, native vegetation, staff proposed amending the ordinance with language that incorporates the fire prevention provisions of Public Resources Code (PRC) section 4291, which apply to "...any mountainous area or forest-covered lands, brush-covered lands, or grass-covered lands." Because PRC 4291 is currently enforceable in the Sutter Buttes, staff believes it is necessary to present the proposed overlay ordinance's standards relating to vegetation in the light of state law concerning fire prevention. The proposed text amendments are presented in Exhibit C attached to the Planning Commission staff report for the meeting of September 4, 2002. The text of PRC 4291 is attached to this addendum report as Exhibit B.

Comments presented at the previous public hearing suggest that some persons are misinterpreting key provisions of the proposed ordinance. The ordinance does not restrict property owners from locating agricultural or residential buildings wherever they desire, and structures may be located even on top of ridgelines. The ordinance only requires that structures be screened from public view if located within a certain distance of the ridgeline, as described in Section 1500-6030(a)(2). Moreover, structures that are otherwise not visible from public roads or adjacent residences are not subject to the locational or screening requirements of the ordinance (see Section 1500-6030(a)(4)).

Recommended Findings

Based upon 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 ordinance. The study revealed that the project as proposed will not create a negative impact on the environment. No written comments have been provided that present evidence that the project will have a significant impact on the environment. Therefore, the proposed Negative Declaration attached to the 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 judgment of the County of Sutter.
- C. The proposed Zoning Code amendment is for the regulation of uses in conjunction with other permitted uses allowed by the Zoning Code and the Sutter County General Plan; therefore, the proposed changes are consistent with the Sutter County Zoning Code and General Plan.

Recommended Action

- A. Adopt the recommended findings;
- B. Recommend that the Board of Supervisors adopt the recommended findings;
- C. Recommend that the Board of Supervisors adopt the Negative Declaration;
- D. Recommend that the Board of Supervisors adopt the proposed Zoning Code amendment, including the text proposed in Exhibit "C" from the meeting of September 4, 2002.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

William J. Caplinger
Assistant Planner

Attachments: Exhibit A - Planning Commission Staff Report from the Meeting of September 4, 2002
Exhibit B - Text of Public Resources Code §4291

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