

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #15: Public hearing on Tentative Parcel Map #02-15 to allow division of a 71.03 acre parcel into two 20-acre parcels and a 31.03 acre parcel; A-2 (Exclusive Agricultural) District; located on the west side of Township Road, ½ mile south of Bogue Road, Yuba City, A. P. #21-150-035; applicant/property owner - Hardial Singh (Location: District 5 - Commissioner Shannon).

### **Current Proposal**

A. Project Description:

The applicant requests approval of a tentative parcel map to divide a 71.03 acre parcel into two, 20 acre parcels and a 31.03 acre parcel.

B. Environmental Consideration:

Section 15270(a) of the CEQA Guidelines states that CEQA does not apply to projects which an agency rejects or disapproves. Staff will be recommending denial of this project, therefore, it is exempt from CEQA. Should the Commission wish to approve this project, it will be necessary to continue the item to a future Planning Commission meeting a minimum of 30 days so that staff may prepare the appropriate environmental document and comply with the provisions of the California Environmental Quality Act (CEQA).

### **Background**

A. Property Description:

The subject property has been cleared and is vacant with no improvements.

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

	Use	Zoning	General Plan
<b>Subject Property</b>	Vacant	A-2	AG-80
North	Orchard	AG, A-2	AG-80
East	Orchard, residences	AG	AG-80
South	Field (agricultural)	A-2	AG-80
West	Field (agricultural)	A-2	AG-80

C. Previous Commission Action/Policies:

According to County records, there have been no previous Commission actions on the subject property.

**Staff Comments**

Planning (P):

In order to approve a tentative map, the State Subdivision Map Act requires that the proposed map be consistent with the County's General Plan. The Sutter County Subdivision Ordinance requires that the map comply with its provisions, the State Subdivision Map Act, and the County Zoning Code in order to be approved. Based on the AG-80 General Plan designation on the property, an 80 acre minimum parcel size is required for the creation of new parcels other than homesite parcels. The request to divide the subject 71.03 acre parcel into two, 20 acre parcels and a 31.03 acre parcel is not consistent with the County General Plan, Zoning Ordinance, and Subdivision Ordinance. Staff's analysis resulting in this determination is provided below.

Conformance with General Plan

General Plan Policy 6.A-6 states, in part, the following:

"Minimum parcel sizes in agriculturally designated areas shall be 20 acres in those areas containing orchard compatible soil and 80 acres in those areas with soils used primarily for row crops, field crops, and range land as shown on the Land Use Diagram. Historical uses and physical boundaries may be considered on a case by case basis. All parcels resulting from subdivisions or parcel maps shall contain the minimum required acreage for the land use designation."

The Sutter County General Plan Land Use Diagram shows that the subject parcel is designated AG-80. The AG-80/AG-20 land use boundary is approximately ½ mile east of the subject property. This boundary generally separates soils that are suited primarily for orchard crops (i.e. peaches, prunes, walnuts, etc.) from those more suited to rice or field crops (See Exhibit C).

According to the USDA Soil Conservation Service Soil Survey of Sutter County, the subject property contains soils that are mostly Marcum-Gridley clay loams, 0 to 1 percent slopes. The description of this soil type contained in the Survey states that, "Most areas of this unit are used

for irrigated crops, mainly rice. Among the other crops grown are irrigated peaches, prunes, corn, tomatoes, grain sorghum, and safflower and nonirrigated wheat and barley.”

The applicant submitted a letter stating that orchard crops have traditionally been grown on the property. According to the applicant, aerial photos indicate that orchard crops were also present on the property both in 1993 and in 1981. The orchard has been removed and the property is currently vacant. With the orchard already removed, it is not possible to see the age, size, or relative health of the orchard trees. The applicant also provided information from the Soil Survey on Sutter County on crop yields per acre, showing that yields for peaches and prunes in the Marcum-Gridley clay loam are similar to those in Conejo-Tisdale complex, a soil recognized as suitable primarily for orchard crops. This letter and crop yield information is attached as Exhibit D.

In determining minimum parcel size in agriculturally designated areas, General Plan Policy 6.A-6 does contain a general statement that “historical uses” may be considered on a case by case basis. With this application, the applicant would like the County to make a determination that the property be considered AG-20, based on the historical use of the land for orchards. The Commission will need to determine, based on the information presented, whether the property should be designated AG-20 or AG-80. Once this determination is made, the appropriate action to approve or deny the parcel map may be taken.

The applicant originally inquired about having this property designated AG-20 in a letter sent to staff last September. Staff responded with a letter stating that based on several factors, we considered the parcel AG-80 (See Exhibit E for staff’s letter). The factors contributing to staff’s determination include the following:

1. The property is designated AG-80 by the Sutter County General Plan Land Use Diagram.
2. Soils on the subject site (Marcum-Gridley clay loams, 0 to 1 percent slopes) are primarily used for crops such as rice, which are appropriately designated AG-80. Crops such as peaches or prunes are listed as “other” or “secondary” crops for this type of soil.
3. In the past, staff has considered an AG-80 property to be considered AG-20 only when the AG-80/AG-20 designation boundary runs through the subject parcel or is immediately adjacent to the parcel. As noted previously, the boundary is approximately ½ mile east of the subject property.

Staff has concerns that a determination to consider this parcel as AG-20 will set a precedent for other property owners in the area having AG-80 designated property with the same soil type as the applicant. These owners would likely make the same request if their property has an orchard planted on the property. Staff notes that there are numerous properties located north of the applicant’s property that also have Marcum-Gridley clay loam soil. Over time, these determinations would result in the AG-20/AG-80 boundary line losing its significance. In addition, the request could impact the agricultural use of the property by allowing a parcel containing more marginal orchard soils to be divided into less viable farming units.

For these reasons staff believes the parcel should be considered AG-80. The proposed parcel map is therefore not consistent with the Sutter County General Plan.

#### Conformance with the Zoning Ordinance

The subject property is zoned Exclusive Agricultural (A-2). Section 1500-1314 of the Sutter County Zoning Ordinance provides that minimum lot size for lots within the A-2 District be either 20 or 80 acres as determined by the overlaying General Plan Land Use Designation. As indicated above, the land use designation is AG-80. Therefore, the request is also not consistent with the Zoning Ordinance.

#### Conformance with the Subdivision Ordinance

The County Subdivision Ordinance establishes standards and requirements to regulate and control the design and improvement of land. Section 1400-515(a) of the Subdivision Ordinance requires that the minimum area of all lots conform to the zoning requirements for the district in which the subdivision is located in. As noted above, the proposed parcels do not conform with the 80 acre minimum requirement of the AG zone district. Therefore, the request is not consistent with the Subdivision Ordinance.

Staff also notes that the proposed project was reviewed by the Sutter Extension Water District. This agency provides water for agricultural uses in the area. The District commented that they do not want to see the land use change from agricultural to some other use. Staff believes that if the proposed project is approved, it may be more difficult and less viable to farm the proposed 20 and 31 acre parcels than the existing 71 acre parcel.

#### Conclusion

The proposed project is not consistent with the Sutter County General Plan, Zoning Ordinance, and Subdivision Ordinance. Staff is therefore recommending denial of the proposed tentative parcel map.

#### Recommended Findings

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

- A. Section 15270(a) of the CEQA Guidelines states that CEQA does not apply to projects which an agency rejects or disapproves.
- B. The proposed tentative parcel map is not consistent with the Sutter County General Plan since it proposes to create parcels that are less than the 80 acre minimum designated by the General Plan.
- C. The design of the proposed subdivision is not consistent with the Sutter County General Plan.

- D. The subject property contains soils that are primarily suited for growing rice, which is consistent with the AG-80 (Agricultural, 80 acre minimum) General Plan designation.
- E. The proposed tentative parcel map is not consistent with the Sutter County Zoning Ordinance and Subdivision Ordinance.

**Recommended Action**

Make the Findings listed above and deny Tentative Parcel Map #02-15.

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

Steve Geiger  
Associate Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Tentative Parcel Map  
Exhibit C - General Plan Land Use Diagram  
Exhibit D - Letter from applicant, crop yield information  
Exhibit E – Staff’s letter to applicant re: General Plan determination

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