

February 26, 2003

To: Sutter County Planning Commission

Re: Agenda Item #5: Public hearing on Tentative Parcel Map #03-01 to allow the division of an existing 86+ acre parcel into four parcels approximately 1.99 acres, 20.40 acres, 22.50 acres, and 41.95 acres in size; AG (General Agricultural) District; located on the west side of George Washington Boulevard., approximately ¾ mile south of Best Road, Yuba City, A. P. #23-140-035, applicant/property owner – John Amarel (Location: District 5 - Commissioner Shannon).

### **Current Proposal**

A. Project Description:

The applicant requests approval of a tentative parcel map to divide an 86+ acre parcel into parcels that will be 1.99 acres, 20.40 acres, 22.50 acres, and 41.95 acres in size.

B. Environmental Consideration:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, would not have a significant impact on the environment. Staff therefore recommends the Commission adopt the attached Negative Declaration.

### **Background**

A. Property Description

The subject parcel is currently planted in orchard. There are two existing agricultural wells located near the north property line.

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

	Use	Zoning	General Plan
<b>Subject Property</b>	Orchard	AG	AG-20
North	Orchards	AG	AG-20
East	Agricultural (field, orchard)	AG	AG-20
South	Orchard	AG	AG-20
West	Agricultural (orchards, fields)	AG	AG-20

C. Previous Commission Action/Policies:

According to County records, there have been no previous Commission actions on the subject property. The Planning Commission has historically approved parcel maps involving creation of a homesite parcel and agricultural remainders when it can be demonstrated the project conforms to the County's General Plan policies for such proposals.

**Comments**

A. Public Works (PW):

See Conditions #3-#9.

B. Environmental Health (EH):

See Conditions #10-#17.

C. Office of the Sheriff/Coroner (S/C):

The Sheriff/Coroner responded the project would not impact services provided by their department.

D. Pacific Gas and Electric Company: (PG&E)

Pacific Gas and Electric Company expressed that any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense. They also noted that there shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the project site.

E. Planning (P):

The subject parcel is zoned AG (General Agricultural) and designated AG-20 (Agriculture, 20-acre minimum) by the General Plan. 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.

### Conformance with General Plan

General Plan Policy 6.A-4 allows a landowner to separate his homesite from the original agricultural parcel. This policy requires that the division provide for clustering of housing to minimize the acreage removed from farming and that residential development rights be granted to the County for the remaining agricultural lands.

Staff believes the request is consistent with this policy since the owner is proposing to construct his new residence on the 1.99 acre homesite parcel (Parcel 2). Based on 86 total acres, a residential density of four residences is allowed under the AG-20 designation (1 residence per 20 acres). In order to maintain this residential density, provide for residential clustering, reduce the amount of land potentially removed from agricultural production, and for consistency with this policy, staff is recommending that residential development rights be granted to the County from proposed Parcel 4. This will allow for a residence to be constructed on proposed Parcel 3 and not on Parcel 4, which will encourage clustering and limit proposed Parcel 4 to agricultural uses. Proposed Parcel 1, being nearly 42 acres in size, would be permitted two permanent residences.

### Conformance with the Zoning Ordinance

The site is zoned General Agricultural (AG). Section 1500-1414 of the Sutter County Zoning Ordinance provides that minimum lot size for parcels within the AG District be either 20 or 80 acres as determined by the overlaying General Plan Land Use Designation. As noted above, the land use designation is AG-20. Similar to the General Plan policies above, this section of the Zoning Ordinance also contains provisions for homesite parcels. The proposed parcels meet these requirements. Therefore, the request is 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. Staff has reviewed the proposal against the Subdivision Ordinance and believes it complies with established standards.

### Conclusion

The proposed project is consistent with the County General Plan, Zoning Ordinance, and Subdivision Ordinance. Staff is therefore recommending approval, subject to conditions.

### **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 and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed tentative parcel map. The Study revealed that the project, as proposed, would not create an impact on the environment. There have been no comments provided demonstrating the project

will have a significant effect 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 decision on the project and finds that the Negative Declaration reflects the independent judgement of the County of Sutter.
- C. The proposed tentative parcel map and use of the subject property complies with the applicable requirements of the Sutter County General Plan, Zoning Ordinance, and Subdivision Ordinance.

### **Recommended Action**

- A. Make the findings for approval as prepared by staff.
- B. Adopt the proposed Negative Declaration prepared for the project and attached to this report.
- C. Approve Tentative Parcel Map #03-01, subject to the following conditions:
  - 1. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within five (5) days after the end of the ten (10) day appeal period. (P)
  - 2. The final map shall be recorded within 36 months of the approval date or the engineer/surveyor shall submit a request for and receive approval of a time extension in accordance with the Sutter County Subdivision Ordinance. (P, PW)
  - 3. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
  - 4. Where existing rights of way are prescriptive or where their locations cannot be determined to a reasonable certainty, per official records, the subdivider shall grant to Sutter County rights of way to all roads within the lands being subdivided which are also shown as County maintained on the current County maintained mileage maps. (PW)
  - 5. 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. This condition shall be so stipulated on the final map. (PW)
  - 6. All tests and investigations required to assure, to a reasonable certainty, that the lots created by this subdivision meet the minimum standards for its intended use shall be conducted prior to filing of a parcel or final map. (PW)



water wells, test hole locations, roadways, driveways, easements, and other constraints to on-site sewage system siting.

- B. An individual plot plan (8-1/2" x 11" or 8-1/2" x 14") and soils testing or design package for each lot that includes all necessary design information for approval of the sewage system.
  - C. Additional soils testing information prepared by a qualified consultant indicating the basis for the sizing and design of the on-site sewage system. (EH)
16. If alternative or community systems are proposed, prior to recordation of the map the following must be submitted to Environmental Health for review and approval:
- A. Specific language must be recorded on the face of the map addressing the special design considerations and/or system design requirements for the proposed parcels. (EH)
17. The subdivision shall comply with Section 700-140G of the Sutter County On-Site Sewage Treatment and Disposal Ordinance. Compliance with this section will require that the following condition is met:
- A. A note shall be recorded on or with the parcel map or final map stating that a site evaluation to determine the suitability of the proposed parcels(s) for utilizing an on-site sewage system has not been conducted. Any use that generates sewage or wastewater regulated by the Environmental Health Department or the RWQCB shall not be permitted unless all requirements of the On-Site Sewage Treatment and Disposal Ordinance, or any amendments thereto in effect at the time of development are met. (EH)
18. Prior to recording of the parcel map, the landowner shall execute a standard open space easement and development rights agreement with the County of Sutter prohibiting residential development on Parcel 4. (P)

Sincerely,  
LISA WILSON  
INTERIM PLANNING DIVISION CHIEF

Steve Geiger  
Associate Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Tentative Map  
Exhibit C - Proposed Negative Declaration and Initial Study

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