

August 27, 2003

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Tentative Parcel Map #03-12 to allow the division of a 142.3 acre parcel into five parcels, 20, 20, 20, 26 and 56 acres in size; AG (General Agricultural) District; located on the south side of Central Avenue, southwest of the intersection with State Highway 20; A. P. #13-090-071; applicant - Mike Leathers/ property owner: M & L Farms, Inc. (Location: District 3 - Commissioner Barringer)

Current Proposal

A. Project Description:

The applicant requests tentative map approval to divide a 142.3 acre parcel into five parcels, 20, 20, 20, 26 and 56 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, could have a significant impact on the environment; however mitigation measures have been recommended by staff which reduce the possible impacts to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Background

A. Property Description:

The property consists of 142.3 acres that has been developed as row and field cropland. The currently fallowed property has 512 feet of frontage on D Street, 1,675 feet of frontage on Central Street, and is 2,640 feet deep. The property adjoins the western, southern, and eastern boundaries of the Meridian Elementary school.

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

Property	Use	Zoning	General Plan
Subject Property	Agriculture	AG	AG-20
North	School, Rural Community, Agriculture	AG	AG-20
East	School, Agriculture	AG	AG-20
South	Agriculture	AG	AG-20
West	School, Rural Community, Agriculture	AG	AG-20

C. Previous Planning Commission Actions/Policies:

On November 17, 1981, the Commission approved Use Permit #1004 for the establishment of a gas well.

Staff Comments

A. Environmental Health (EH):

See Conditions of Approval.

B. Public Works Department (PW):

See Conditions of Approval.

C. Building Inspection:

The Building Inspection Division responded with no comments.

D. Sheriff/Coroner:

The Office of the Sheriff/coroner responded that the project will have no impact on services.

E. Caltrans:

Caltrans responded that the property division will not have a significant impact on the state highway (Highway 20), but that the agency would like the opportunity to review and comment on future projects that may be proposed for the site.

F. Pacific Gas & Electric Company:

PG&E responded that any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense; and that there shall be no building of structures allowed over or under any PG&E facilities or inside any PG&E easements that exist within the subject project.

G. Reclamation District No. 70:

See Conditions of Approval.

H. Planning (P):

See Conditions of Approval and the following discussion.

The proposed land division is consistent with minimum parcel size and development standards as contained in the Sutter County General Plan, Zoning Code, and Subdivision Ordinance. Although the proposal is for five parcels, the project proposes minimum 20-acre parcels with approved access to a county-maintained public street; and the Subdivision Map Act, therefore, requires a tentative parcel map, rather than a subdivision map. However, because there is a statement on the map that the proposed land use will be “Residential & Agriculture,” staff anticipates that the four 20-acre lots will be primarily used as homesites with agriculture as a secondary use, and that the indirect impact of this division may be the construction of up to five single-family residences scattered across the otherwise uninterrupted scenic vista of the Sutter Buttes to the northeast.

The General Plan identifies the Sutter Buttes as the county’s primary scenic resource, and requires that development be designed to protect views of the Buttes (Policy 1.H-12). Therefore, staff has incorporated a mitigation monitoring program, following the Initial Study, that provides for clustering the proposed residential building sites close to Central Avenue and for shielding exterior lighting.

Reclamation District No. 70 maintains a drainage lateral along the eastern boundary of the project site, and has provided comments that the access road proposed along this boundary will conflict with the RD’s ditch-cleaning easement and activities. Therefore, staff has added a condition that the developer shall locate the access road a minimum of twenty feet from the edge of the lateral and dedicate sufficient land to allow the RD to maintain a minimum twenty-foot-wide spoils bank between the road and the ditch.

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 project for the subject property. The study revealed that the project, as proposed, could have a negative impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts would be reduced to a level of less than significant. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Monitoring Program attached to this staff report are appropriate.

- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The proposed tentative parcel map and the use of the subject property comply with the applicable requirements of the Sutter County General Plan, Zoning Ordinance, and Subdivision Ordinance, subject to the conditions of approval.

Recommended Action

- A. Make the findings for approval as prepared by staff.
- B. Adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program attached to this report.
- C. Approve Tentative Parcel Map #03-12, subject to the following Conditions of Approval:
 - 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 obtaining final project approval. (P)
 - 2. The final parcel 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)
 - 3. The residential building sites on proposed Parcels 2, 3, and 4 shall be contained within 350 feet of the centerline of Central Street. (Mitigation Measure I) (P)
 - 4. All exterior lighting, except that designed for temporary emergency use, shall be shielded so as to direct lighting downward and to limit glare onto adjacent properties. (Mitigation Measure II) (P)
 - 5. The access road proposed along the eastern project boundary shall be located a minimum distance of twenty feet from the western edge of the existing drainage lateral, and the developer shall dedicate sufficient easement to Reclamation District No. 70 for the establishment and maintenance of a minimum twenty-foot-wide spoils bank between the lateral and the access road. (P) (RD 70)
 - 6. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map that clearly shows the exact location of the Minimum Useable Sewage Disposal Area (MUSDA) for each parcel. The MUSDA delineation shall comply with Sutter County Environmental Health regulations. (EH)
 - 7. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map that clearly shows the exact location of the individual wells

proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (EH)

8. Prior to the recordation of the map, the subdivider shall provide a signed statement that any abandoned on-site wells and sewage systems have been destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)
9. A note must be recorded on the map stating that water supply shall be from individual wells located on the subject properties and that the approved well locations are on record with Sutter County Environmental Health. (Off-site private water supplies are prohibited unless proper documentation of easements and legal contracts are provided). (EH)
10. The following note shall be recorded on or with the map:

“The Minimum Usable Sewage Disposal Area (MUSDA) on record with Sutter County Environmental Health shall remain unimproved and reserved exclusively for on-site wastewater needs until such time as structures or facilities served by the MUSDA have been connected to a sewer system operating under permit from the California Regional Water Quality Control Board.” (EH)
11. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
12. 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)
13. 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. Additionally, no grading or alteration of the existing terrain that would direct additional waters from one lot to any adjacent lot is allowed. This condition shall be so stipulated on the parcel or final map. (PW)
14. 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)
15. 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. New driveways shall be constructed to current County standards. (PW)

16. 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)
17. If sufficient rights of way do not already exist, additional rights-of-way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads:

Central Street 40.0' R/W + 10' P.U.E.
D Street 25.0' R/W + 10' P.U.E. (PW)
18. The following statement shall be placed on the final map:
“Access to the parcels created by this parcel map and shown hereon as rights of way or easements is not to be construed to indicate that a passable roadbed exists within the limits shown on this parcel map. Road construction or maintenance within these limits will not be accomplished or administered by Sutter County and is solely the responsibility of the landowners being served by the private road.”
(PW)
19. A deferred improvement agreement, secured by bond or other security approved by the Director of Public Works shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for an asphalt street widening section built to County standards. A 1/10th foot asphalt overlay shall then be place over the new section, which will be feathered down three feet past the centerline of Central Street and D Street. (PW)

Sincerely,

DANELLE STYLOS
PLANNING DIVISION CHIEF

William J. Caplinger
Assistant Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Tentative Parcel Map #03-12
Exhibit C - Proposed Mitigated Negative Declaration and Initial Study
Exhibit D - Proposed Mitigation Monitoring Program

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