



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING APRIL 21, 2004  
Agenda Item #8

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**Request:** Parcel map to subdivide 43.1 acres into two parcels, a 2.2-acre property owner's homesite parcel and a 40.8-acre agricultural remainder parcel.

**Location:** The project is located on a flat parcel of 43.1 acres located on the south side of Eager Road, approximately 1/8 mile easterly of the intersection of Eager and Larkin Roads.

**APN:** 10-230-018

**File:** Project #04-005 (Tentative Map)

**Planner:** Dale Follas

<b>Applicant</b>	<b>Property Owner</b>
Robert Coats P. O. Box 169 Yuba City, CA 95992	Robert Coats P. O. Box 169 Yuba City, CA 95992

### **Staff Recommendation**

Adopt the Negative Declaration and approve the tentative parcel map.

### **Project Description**

The project is the subdivision of 43.1 acres into two parcels; a 2.2-acre property owner's homesite parcel and a 40.8-acre agricultural remainder parcel (see Attachment B). The parcels would be served by individual septic systems and wells with access to both parcels from Eager Road.

### **Setting**

The project is located on a flat parcel of 43.1 acres located on the south side of Eager Road, approximately 1/8 mile easterly of the intersection of Eager and Larkin Roads. The property is planted in orchard and contains the property owner's residence, a detached garage, and an agricultural shop building.

The proposed agricultural remainder parcel would contain the existing shop building upon completion of the subdivision. Additionally, although not proposed with this

application, the agricultural parcel would have the right to have one residence constructed upon it.

The subject property is bordered on all sides by existing orchard properties with an occasional homesite residence (see Attachment A).

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Agriculture	AG (General Agricultural) District	Agriculture (20 acre minimum)
North	Agriculture	AG (General Agricultural) District	Agriculture (20 acre minimum)
South	Agriculture	AG (General Agricultural) District	Agriculture (20 acre minimum)
East	Agriculture	AG (General Agricultural) District	Agriculture (20 acre minimum)
West	Agriculture	AG (General Agricultural) District	Agriculture (20 acre minimum)

**Environmental Analysis**

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. Therefore, if the Planning Commission wishes to approve the project, staff recommends the Commission adopt the attached Negative Declaration (see Attachment C).

**Analysis**

The proposed project would subdivide a 43-acre parcel into a 2.2-acre homesite parcel with a 40.8-acre agricultural remainder parcel. The property owner will continue to occupy the existing residence on the proposed homesite parcel.

In order for your Commission to approve a tentative map, the State Subdivision Map Act requires that the proposed map be consistent with the applicable General Plan and County Zoning Code. In reviewing the project in relationship to the General Plan, the following policies appear to apply:

6.A.-4: A landowner shall be allowed to separate his or her homesite from the original parcel. Additionally, homesites for landowner's sons or daughters shall be permitted as long as it is clearly documented that the family member is involved in the family farming operation. Divisions for this purpose shall provide, to the extent possible, for cluster housing and minimize acreage removed from farming. Applicants requesting divisions that would not provide for cluster housing shall be required to provide evidence of a physical constraint on the property that would show cluster housing is not possible or is infeasible. Development rights shall be granted to Sutter County or its designee for the remaining agricultural lands. Densities shall be limited to those permitted by the underlying agricultural land use designation.

6.A-6: 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. Homesite parcels, as permitted in Policy 6.A-4, shall not exceed 2 acres unless the Environmental Health program grants a waiver for sewage disposal, in which case the parcel may be allowed for up to 5 acres. Remainder parcels shall meet the minimum parcel size of the agricultural land use designation.

Section 1500-1414(1) of the Zoning Code pertaining to AG District properties contains similar language relating to parcel sizes.

The homesite parcel is proposed to be 2.2 acre in size. That size exceeds the normally allowable maximum home size by 0.2 acres. Consistent with General Plan Policy 6.A-6, staff has received a memo from the Environmental Health Division indicating that the additional 0.2 acre is necessary in order to meet the required setback for the replacement leach field; therefore, the increased parcel size of the homesite parcel complies with the General Plan and the Zoning Code.

The property owner's use of the existing residence on the proposed homesite parcel complies with the occupancy requirements of General Plan Policy 6.A-4 and the Zoning Code.

Staff has included a condition to require a modified development rights agreement on the agricultural remainder parcel. The modified development rights agreement will limit the use of that property to the future development of only one residence. That requirement is consistent with General Plan Policy 6.A-4 and the Zoning Code.

## **Findings**

### **CEQA**

Based upon information contained in this staff report and/or testimony received at the public hearing, the following findings are recommended:

1. 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 determined that the project, as proposed, would not create a significant 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.
2. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to taking action on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

## **Tentative Parcel Map**

1. The proposed parcel map conforms to the County's Zoning Code and General Plan. Furthermore, staff has identified no effects from the proposal that would result in a significant detrimental impact on adjoining or neighboring properties if the conditions, as recommended by staff, are adopted.
2. The Planning Commission has reviewed, analyzed, and considered the request and public testimony prior to making its recommendation and finds that the Parcel Map will not be detrimental or injurious to property and improvements or to the general welfare of the County.

## **Recommended Action**

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

1. "The Planning Commission finds the proposed negative declaration was prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "The Planning Commission adopts the negative declaration."
3. "The Planning Commission approves Application #04-006 for a parcel map for the creation of a 2.2-acre homesite parcel and a 40.8-acre agricultural remainder parcel, based on the recommended findings and conditions contained in this staff report."

## **Attachments**

- A. Study Sketch
- B. Reduced size parcel map
- C. Negative Declaration and Initial Study

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## **Conditions of Approval**

Project #04-005 for a Parcel Map  
Robert Coats - South side of Eager Road, approximately  
1/8 of a mile easterly of the intersection of Eager and Larkin Roads

Parcel map to subdivide 43.1 acres into two parcels, a 2.2-acre  
property owner's homesite parcel and a 40.8-acre  
agricultural remainder parcel.

### **Upon Approval of the Map**

1. A Notice of Determination shall be filed in the Office of the County Clerk within five (5) days of the approval of the project becoming final. (P)

### **Ongoing**

2. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
3. 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)
4. 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 map. (PW)
5. Encroachment permits shall be obtained from the Public Works Department for any new driveway or road connections to be made to existing County roads. Construct new driveway(s) to current County standards. (PW)

### **Prior to Recordation of the Map**

6. 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)
7. 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 road:

Eager Road                      24' R/W + 10.0' P.U.E. (PW)

8. Any relocation or rearrangement of any existing PG&E facility to accommodate this project will be at the developers/applicants expense. There shall be no buildings or structures, including signs, or the storage of any materials allowed under or over any PG&E facility or inside any PG&E easements that exist within the subject property. (PG&E)
9. 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)
10. The subdivider shall sign a modified development rights agreement limiting the residential use of the agricultural remainder parcel to one, single-family residence. (P)
11. The subdivider shall provide to Environmental Health a map, which clearly shows the exact location of the Minimum Useable Sewage Disposal Area (MUSDA) for the 2.2-acre homesite parcel. The MUSDA delineation shall comply with Sutter County Environmental Health regulations. (EH)
12. 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 Division permits shall be obtained prior to the commencement of this work. (EH)
13. The applicant shall submit to the Sutter County Environmental Health Division for review and approval the following documents:
14. A site plan prepared by a qualified consultant, showing lot boundaries, the minimum usable sewage disposal area designated for each lot, locations of existing and proposed water wells, test hole locations, roadways, driveways, easements, and other constraints to on-site sewage system siting. (EH)
15. The following notes shall be recorded on or with the map:
  - a. "All structures producing wastewater shall connect to the public sewer when it is available, per the Uniform Plumbing Code (UPC)."
  - b. "The water supply shall be from individual wells located on the subject properties."
  - c. The Minimum Usable Sewage Disposal Area (MUSDA) on record with Sutter County Environmental Health Division 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."

- d. “A site evaluation to determine the suitability of the agricultural remainder parcel for utilizing an on-site sewage system has not been conducted prior to approval of the parcel map. No use shall be permitted on the agricultural remainder parcel that generates sewage or wastewater regulated by the Sutter County Environmental Health Division or the Regional Water Quality Control Board unless all requirements of the Sutter County Ordinance Code, or any amendments thereto in effect at the time of development are met. (EH)