



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING AUGUST 18, 2004  
Agenda Item #5

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**Project #** 04-008

**Request:** **Continued from the July 21 Planning Commission meeting.**  
A Tentative Subdivision Map to divide an existing 73.12 acre parcel into 6 parcels: three, 22.4 acre agricultural parcels and three accompanying 2 acre home site parcels (Assessors Parcel No. 10-220-044)

**Location:** West side of Onstott Frontage Road near Eager Road

**Planner:** Lisa Wilson, Senior Planner

**Zoning Code Designation:** AG (General Agricultural) District

**General Plan Designation:** AG-20 (General Agriculture - 20 acre minimum)

**Applicant:** Lal Chima

**Property Owner:** Same

### **Staff Recommendation**

Approve the proposed tentative subdivision map subject to the findings and Conditions of Approval included in this staff report.

### **Project Description**

The project is a request for a tentative subdivision map to create three 22.4 agricultural parcels and three, 2.0 acre home site parcels to accompany each of the agricultural parcels.

### **Setting**

The subject property is currently in use as a prune orchard and does not contain any structures. The surrounding land uses, zoning classifications, and General Plan land use designations are listed below.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Prune Orchard	AG	Agriculture - 20
North	Prune Orchard	AG	Agriculture - 20
South	Walnut Orchard	AG / CH PD	Commercial
East	Onstott Frontage Road & Hwy 99	AG	Agriculture - 20
West	Peach Orchard	AG	Agriculture - 20

### Previous Actions

No previous actions have taken place on the project site.

### Analysis

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 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 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.

The General Plan and Zoning Code require new parcels in this area to be a minimum of 20 acres in size, with the exception of the above policies.

The proposed subdivision map would divide a 73.12 acre parcel into six parcels. The land is proposed to be divided into three, 22.4 acre agricultural parcels with a 2 acre home site parcel to accompany each agricultural parcel. Given the General Plan Designation of 20 acre minimums, the applicant will be required to grant development rights from the larger parcels in order to conform to General Plan density requirements. With the granting of a development rights agreement, the land division would conform to the General Plan density and policies for agricultural divisions, and with the Sutter County Zoning Code provisions for minimum parcel sizes.

Water and sewer will be provided by on-site well and on-site septic system. No additional utility infrastructure will be necessary as a result of the homesite parcels and access to each agriculture and home site parcel will be from Onstott Road.

The proposed subdivision will not change the current use of the property. The home site parcels are being created for the purpose of providing home sites for the property owner and the owner's two sons who are actively involved in the farming operation. This is consistent with General Plan Policy 6.A-4 which states that home sites for the landowner's sons or daughters shall be permitted as long as the family member is involved in the family farming operation. The applicant has assured staff that the home site parcels will be occupied by him and his two sons, each of whom will continue to farm the accompanying agricultural parcels.

The proposed subdivision is consistent with all applicable General Plan Policies and Zoning Code requirements. Additionally, the home site parcel will not result in the construction of any additional structures increasing the intensity of land use within the area.

### **Environmental Analysis**

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study determined that the proposed project 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.

### **Findings**

#### **CEQA**

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

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 making its decision on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

## **General Plan**

1. The proposed project has been reviewed and is consistent with the General Plan because the land division will create 3 parcels at 22.4 acres and 3 parcels at 2.0 acres that comply with General Plan policies 6.A-4 and 6.A-6 for AG-20.
2. The proposed project is consistent with the General Plan Land Use Map because of the parcel sizes and the requirement to grant development rights.
3. The proposed subdivision map complies with all other applicable requirements of state law and local ordinances.

## **Tentative Subdivision Map**

Approval of the tentative subdivision map to create three, 22.4 acre parcels and three, 2.0 acre homesite parcels, subject to the recommended conditions, is consistent with the AG-20 acre minimum and homesite land division policies. With the inclusion of the proposed Conditions of Approval, the map will be consistent with the Subdivision Map Act, Sutter County General Plan, Zoning Code and Subdivision Ordinance.

## **Recommended Action**

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

1. "I move the Planning Commission adopt the proposed Negative Declaration prepared for the project and attached to this staff report."
2. "I move the Planning Commission adopt the findings as contained within this report."
3. "I move the Planning Commission approve tentative subdivision map, Project #04-008, allowing for the creation of three 22.4 acre parcels and three 2.0 acre parcels, based on the recommended findings and conditions contained in this staff report."

## **Attachments**

- A. Study Sketch
- B. Site Map
- C. Negative Declaration and Initial Study
- D. Applicant Letter

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**Conditions of Approval**  
Tentative Subdivision Map 04-008  
Lal Chima

A tentative subdivision map to create three, 22.4 acre parcels and three, 2.0 acre home site parcels, on the west side of Onstott Frontage Road, north of Eager Road, Assessor's Parcel #10-220-044.

**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)

**Prior to Recordation of the Parcel Map**

2. The subdivider shall sign a standard development rights agreement transferring the development rights on each of the 22 acre parcels. (P)
3. A deferred improvement agreement, secured by a bond or other security approved by the director or 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 street paving, curbs, gutters and sidewalks along Onstott Frontage Road. (PW)
4. 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)
5. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
6. Dedicate a 10-foot wide Public Utilities Easement along all street parcel frontages. (PG&E)
7. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map, which 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)
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 all structures producing wastewater shall connect to the public sewer when it is available, in accordance with the Uniform Plumbing Code (UPC). (EH)

10. 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 width of the following indicated roads: (PW)

Onstott Frontage Road            40.0' R/W + 10.0' P.U.E.

11. 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 noted on the parcel map. (PW)

12. A note must be recorded on the map stating that water supply shall be from individual wells located on the subject properties. (Off-site private water supplies are prohibited unless proper documentation of easements and legal contracts are provided). (EH)

13. The following note shall be recorded on or with the map: (EH)

“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”

14. Prior to the recordation of the map, the applicant shall submit to Environmental Health for review and approval the following documents: (EH)

A. 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.

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.

15. If alternative or community systems are proposed, prior to the recordation of the map the following must be submitted to Environmental Health for review and approval: (EH)
  - A. A design from a qualified consultant including specific site location for both original and reserve systems.
  - B. Specific language must be recorded on the face of the map addressing the special design considerations and/or system requirements for the proposed parcels.
16. For those parcels in agriculturally designated areas proposed solely for agricultural use or other open spaces uses that do not generate sewage or wastewater regulated by the Department of the RWQCB, and meeting the minimum parcel size of 20 or 80 acres for the applicable soil type (i.e. orchard or field crop), established in the Sutter County General Plan 2015 Policy Document, an exemption to the requirements of Section 700-140-A may be provided by the Health Officer if the following condition is met: (EH)

A note is recorded on or with the parcel map or final map stating that a site evaluation to determine the suitability of the proposed parcel(s) for utilizing an on-site sewage system has not been conducted nor shall any use be permitted that generates sewage or wastewater regulated by the Department or the RWCQB unless all requirements of this Ordinance, or any amendments thereto in effect at the time of development are met.

### **Ongoing**

17. The property shall be developed in substantial accord with the submitted site plan and the agenda report, except as may be amended by the conditions below. (P)
18. It is up to permittee/owners/builders and subcontractors to comply with all regulations and/or permits for storm water regulation through the Regional Water Quality Control Board of the State of California. (PW)
19. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connection to be made to existing County roads. Construct new driveway(s) to current Count Standards. (PW)
20. 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)

21. Building and equipment pads shall be at elevations in conformance with Section 1300-022 (F) of the Sutter County Ordinance Code, as defined by Resolutions No. 92-124. (PW)
22. An agreement shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest and shall provide for the following: (PW)

Participation in a zone of benefit, drainage district, agency, service area, or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement between the developer / owner and Sutter County shall contemplate the imposition by Sutter County of any legally available fee, assessment, or other financing mechanism to facilitate the construction maintenance of a drainage system.
23. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be done at the developers / applicants expense. (PG&E)
24. There shall be no building of structures, or the storage of any materials allowed under or over our facilities or inside any PG&E easements that exist within the subject property. (PG&E)