



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING SEPTEMBER 15, 2004
Continued from August 18, 2004 hearing
Agenda Item #6

Project # 04-016

Request: Tentative parcel map to divide a 71.29 (approximately) acre parcel into a 43.1 acre parcel and a 28.2 acre parcel (Assessors Parcel No. 33-020-001).

Location: The subject property is located at 3866 Garden Highway, approximately three miles southwest of the rural community of Nicolaus.

Planner: Steve Geiger, Associate Planner

Zoning Code Designation: AG-FP (General Agricultural, Special Flood Plain Combining) District

General Plan Designation: Agriculture, 20 acre minimum

Applicant/Owner: Roland Haymore/Haymore Family Revocable Trust

Staff Recommendation

Staff is recommending the Planning Commission approve the proposed tentative parcel map, subject to the conditions contained in the staff report.

Project Description

The applicant requests tentative parcel map approval to divide a 71.29 acre parcel into a 43.1 acre parcel and a 28.2 acre parcel (approximate acreage).

Setting

The subject property is currently developed with a single-family residence, two mobile homes, a barn, corral, and accessory buildings. The balance of the parcel contains a walnut orchard and pasture. A drainage ditch, maintained by Reclamation District #1001, traverses the center portion of the parcel in a north-south direction.

	Land Use	Zoning Designation	General Plan Designation
Site	Residences (3), walnut orchard, agricultural	AG-FP	AG-20
North	Walnut orchard	AG-FP	AG-20
South	Walnut orchard	AG-FP	AG-20
East	Walnut orchard	AG	AG-20
West	Feather River	AG-FP	OS

Previous Actions

The existing property has three residences: one single-family residence and two mobile homes. In January of 1978, Use Permit #691 was approved by the Planning Commission to allow a mobile home in addition to an existing residence to be occupied by the owner's son. The mobile home authorized by this use permit is the most easterly of the two mobile homes located on proposed Parcel 1. The current owner (Cassa-Mae Haymore) was also the owner of the property at that time. The use of the mobile home has continued over the years and extensions for the use permit have been granted.

In 1979, the owners filed a use permit request to allow a second mobile home to be located on the property and occupied by a family member (daughter and her family) to help operate the ranch. This use permit (Use Permit #862) was denied by the Planning Commission on November 20, 1979. The owners appealed this decision and the use permit was approved by the Board of Supervisors on December 18, 1979. The use of this mobile home has also continued over the years with extensions for the use permit being granted. According to the applicant, this mobile home is currently being occupied on a seasonal basis by another family member.

In 1985, the owners filed a use permit request to allow a third mobile home to be occupied by a daughter and son-in-law. This use permit (Use Permit #1365) was denied by the Planning Commission on September 18, 1985.

This project was previously scheduled for the August 18, 2004, Planning Commission meeting. Prior to the meeting, the applicant informed staff that he believed his parcel contained more acreage than was shown on the tentative map. The applicant submitted a request to continue the item to the next hearing date so that the map could be amended to reflect this additional acreage and to make minor adjustments to the proposed parcel sizes. The original tentative map showed a total existing parcel size of 66.75 acres, with proposed Parcel 1 being 38.8 acres in size and proposed Parcel 2 being 28.2 acres. At the August 18th meeting, the Commission considered the applicant's request and voted to continue the item to the September 15, 2004 meeting.

Analysis

The subject property is designated Agriculture, 20 acre minimum (AG-20) by the Sutter County General Plan. The proposed 43.1 and 28.2 acre parcels will meet the 20 acre minimum parcel size (see Attachment B). The proposed parcels will have access from Garden Highway and will meet the County maintained road frontage requirement.

Proposed Parcel 2 will be a flag lot and will have the minimum 60 feet of frontage along Garden Highway as required by the Zoning Code. The proposed parcel map complies with the requirements of the Sutter County General Plan, Zoning Code, and Subdivision Ordinance.

A drainage ditch (lateral) maintained by Reclamation District #1001 traverses the middle portion of the subject property, running north to south. The District has reviewed the project and commented that additional right-of-way will be required on the drainage lateral to meet the District's 40-foot minimum right-of-way. The District will also require that the applicant obtain a permit for a proposed access from Garden Highway and for the road access crossing the drainage lateral. These requirements are addressed as conditions of approval.

As noted above, use permits have previously been approved to allow for two mobile homes on the subject property in addition to the single-family residence. The use permits for these mobile homes were approved based on the subject parcel being 71.29 acres in size. As a result of this parcel map, the mobile homes and single-family residence will now be located on an approximate 43.1 acre parcel (proposed Parcel 1). Based on the General Plan designation of the property (Agriculture, 20 acre minimum), proposed Parcel 1 is entitled to have two residences "by right" (one residence per 20 acres) without the need for a use permit. Since use permits are approved for the specific parcel at the time of approval, the applicant will be required to file a new use permit application in order to allow the existing second mobile home to remain on the newly created parcel on a temporary basis. In accordance with Zoning Code requirements, occupancy of this mobile home will be limited to either an agricultural caretaker or for a caregiver/family member in need of living assistance. As a condition of the tentative parcel map approval, the applicant will have the option of either removing the second mobile home or submitting and receiving approval of a new use permit application requesting that the mobile home be allowed to remain on proposed Parcel 1. This condition will be required to be satisfied prior to recordation of the tentative parcel map.

At the August 18th meeting, a neighboring property owner voiced concerns that a future residence or other structure may be built on proposed Parcel 2 within close proximity to his property. He requested that any future structures on this parcel be required to maintain a minimum 200 foot setback from the property line as an "agricultural buffer" from his property. Staff notes that there are no Zoning Code requirements or development standards that require a buffer area be provided on projects like the applicant's which propose to divide agricultural parcels to parcel sizes meeting the General Plan designated minimum parcel size. Staff is therefore not recommending that any buffer area beyond the minimum required building setback be required as a condition of approval for this project.

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 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.

Summary

Staff recommends that the Planning Commission approve the tentative parcel map due to the project's consistency with the General Plan, Zoning Code, and Subdivision Ordinance.

Recommended Findings

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

CEQA

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 recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.
3. 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.

General Plan

1. The proposed project has been reviewed and is consistent with the General Plan. The General Plan designation requires a minimum 20 acre parcel size and the parcels proposed by the parcel map will meet that requirement.
2. The proposed parcel map complies with all other applicable requirements of state law and local ordinances.

Tentative Parcel Map

The proposed parcel map will be consistent with the County's Zoning Code and General Plan. Furthermore, staff has identified no effects from the proposal that would result in a significant impact on adjoining or neighboring properties if the conditions, as recommended by staff, are adopted.

Recommended Action

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

1. "I move that the Planning Commission approve the proposed Negative Declaration prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "I move that the Planning Commission approve Project #04-016 to allow the creation of two parcels as depicted on the attached tentative parcel map, 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 #04-016

Roland Haymore, 3866 Garden Highway

Tentative parcel map to allow the division of a 71.29 acre parcel into a 43.1 acre parcel and a 28.2 acre parcel (approximate size).

At end of 10 day appeal period

1. A Notice of Determination, including payment of associated fees, shall be filed in the office of the County Clerk within five (5) days after the end of the ten (10) day appeal period. (P)

Prior to Recordation of the Map

2. All rights-of-way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
3. 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)
4. 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: (PW)

Garden Highway 30.0' R/W + 10.0' P.U.E.

5. 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)

6. 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)
7. 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)

8. A note must be recorded on the map stating that all structures producing wastewater shall connect to the public sewer when it is available, pursuant to the Uniform Plumbing Code (UPC). (EH)
9. 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)
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. Prior to the recordation of the map, the subdivider shall record on or with the map the exact location of the individual wells proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (EH)
12. 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. (EH)
13. Prior to recordation of the map, the landowner shall either remove one of the mobile homes on proposed Parcel 1 or modify the existing use permit by submitting and receiving approval of a new use permit application requesting that the mobile home be allowed to remain. (P)

Ongoing

14. 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)
15. 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)

16. 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. Construct new driveway(s) to current County standards. (PW)
17. Fire access road(s) to the proposed residence shall comply with Section 902 of the 2001 California Fire Code. (FS)
18. The applicant shall obtain a permit from Reclamation Board #1001 for an access ramp for a proposed access from Garden Highway. (RD #1001)
19. Reclamation District #1001 will require that additional right-of-way be provided for the District's Lateral 3 which traverses the subject property to meet the District's minimum 40 foot right-of-way. (RD #1001)
20. Any road access proposing to cross Reclamation District #1001 Lateral 3 shall obtain a permit from the District. Installation of the road access shall be approved by the District. (RD #1001)
21. The final map shall be recorded within 36 months of the approval date or the applicant shall submit a request for and receive approval of a time extension in accordance with the Sutter County Subdivision Ordinance. (P, PW)