



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING *OCTOBER 20, 2004*  
Agenda Item #6

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**Project #** 04-028

**Request:** Request for approval of a tentative parcel map to divide a 50-acre parcel into two 25-acre parcels; Assessors Parcel No. 08-020-011

**Location:** Southeast corner of North Butte Road and West Butte Road

**Planner:** Leanne Mueller, Associate Planner

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

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

**Applicant/Owner:** Josh Sheppard

### **Staff Recommendation**

Staff recommends approval of the tentative parcel map to divide a 50-acre parcel into two 25-acre parcels in the AG (General Agricultural) District subject to the findings and Conditions of Approval contained in this staff report.

### **Project Description**

A tentative parcel map request to divide a 50-acre parcel into two 25-acre parcels.

### **Setting**

The parcel is located at the southeast corner of North Butte Road and West Butte Road. The property is located in the Sutter Buttes Overlay Zone on the valley floor. Currently, the parcel is vacant of structures and used for the cultivation of rice.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Vacant/Rice	AG (General Agriculture) District	AG (20-acre minimum parcel size)
North	Rice	AG (General Agriculture) District	AG (20-acre minimum parcel size)
South	Fallow	AG (General Agriculture) District	AG (20-acre minimum parcel size)
East	Fallow	AG (General Agriculture) District	AG (20-acre minimum parcel size)
West	Rice	PR-PD (Park-Recreation) District	Open Space

### Previous Actions

No previous actions have taken place on the parcel.

### Analysis

The project is a tentative map to divide a 50-acre parcel into two 25-acre parcels. The parcel is currently vacant and no structures are proposed as part of the tentative map. As this site is located within the Sutter Buttes Overlay Zone, the construction of any structures is subject to review and approval for compliance with development standards. Parcel 1 will have frontage on North Butte Road and Parcel 2 will have frontage on North Butte and West Butte Roads.

### History

The property has a General Plan designation of AG-20 (Agriculture-20-acre minimum parcel size). The 50-acre parcel is currently cultivated with rice. The applicant has stated that rice was planted on the property for the first time this year and that the parcel was previously used as a prune orchard. A review of available aerial photos of the property from 1989 and 1998 indicate the property was used as an orchard since at least 1989.

The applicant indicated that the orchard was removed because it was old. It was replaced with rice because the applicant farms rice in Butte County and the crop would complement his current rice operation. The property is approximately five miles from other properties that the applicant farms in Butte County. The applicant purchased the property with a family member and in the future they may each like to place a residence on the property, necessitating the tentative map request.

### 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.

## **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 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**

The proposed parcel map has little or no probability of causing substantial detriment or interference with the adopted General Plan. The proposed parcel map is consistent with the General Plan Land Use Map.

### **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 adopt 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 #04-028 a tentative parcel map to divide a 50-acre parcel into two 25-acre parcels, 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 #04-028 - Josh Sheppard**  
**Approved by the Planning Commission - October 20, 2004**

A tentative parcel map to divide a 50-acre parcel into two 25-acre parcels.

**Prior to Recordation of the Map**

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

North Butte Road	25' R/W + 10.0' P.U.E.
West Butte Road	25' R/W + 10.0' P.U.E.

4. Prior to 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)
5. 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)
6. A note must be recorded on the map stating that all structures producing wastewater shall connect to the public sewer when it is available, per the Uniform Plumbing Code (UPC). (EH)
7. A note must be recorded on the final 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)
8. 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)

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

A site plan prepared by a qualified consultant, showing lot boundaries, the minimum usable sewage disposal area designated for each lot, existing water wells, test hole locations, roadways, driveways, easements, and other constraints to on-site sewage system siting.

10. The final map shall be recorded within 36 months of the approved 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)

#### **Prior to Building Permit Issuance**

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 so stipulated on the final map. (PW)
12. 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)
13. It is up to permittee/owners/builders and subcontractors to comply with all regulations and or permits for storm water regulations through the Regional Water Quality Control Board of the State of California. (PW)
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. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures, or the storage of any materials allowed under or over any of our facilities or inside any PG&E easements that exist within the subject project. (PG&E)