



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING NOVEMBER 17, 2004
Agenda Item #13

Request: Application #04-018 for a Subdivision Ordinance Amendment; Countywide.

Planner: Lisa Wilson, Senior Planner

Applicant: Sutter County Board of Supervisors

Staff Recommendation

Staff recommends the Planning Commission discuss and provide any comments to the Board of Supervisors for consideration.

Project Description

The proposal is an amendment to the Subdivision Ordinance, by adding a new section pertaining to the subdivision or lot line adjustment of agricultural parcels for estate or financial planning only.

Analysis

The intent of this ordinance is to allow agricultural property owners, who do not have frontage on an existing county maintained road, to divide their land for the restricted purpose of estate or financial planning. No land division approved pursuant to this section would be able to obtain a building permit, as the parcel(s) would not have the required road frontage. Any Commission's suggestions will be forwarded to the Board of Supervisors.

The Board of Supervisors initiated this amendment at the April 6, 2004 meeting and requested this land division ordinance be presented to the Planning Commission for their comments. The Planning Commission reviewed the proposed ordinance at the July 7, 2004 meeting and provided comments and raised some questions. Based upon that input and suggestions from Counsel, revisions have been made to the proposed ordinance. The proposal is again being brought before the Planning Commission to allow additional review and discussion of the revised ordinance.

A question regarding legal access to the proposed parcels was raised by the Planning Commission. Particularly, concerns were voiced over the legality of subdividing an existing landlocked parcel. After review of the applicable state and local laws, there is

no prohibition to creating or dividing landlocked parcels. However, a title company would provide an exception to the title insurance that the owner/buyer would have to agree to, or alternatively, create legal access through an easement.

Changes to the draft ordinance since the Commission reviewed it on July 7, 2004 include renumbering the section to a different location in the code, slightly altering the title and reworking the language throughout for clarity. A process to release the restrictions of the agreement has also been added.

Environmental Analysis

The proposed change in the ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant with Section 15061 (b)(3) of the CEQA Guidelines that exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Recommended Action

Review the proposed ordinance and provide comments for staff to forward to the Board of Supervisors.

Attachments:

- A. Revised Draft ordinance
- B. Previous version of ordinance
- C. Planning Commission Minutes of July 7, 2004

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