



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING MAY 19, 2004  
Agenda Item #7

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**Request:** Tentative Parcel Map #03-19 to create three, 20.0 acre parcels and an 87.8 acre parcel from an existing 147.82 acre parcel; AG (General Agricultural) District; located on the south side of Pass Road, west of Acacia Avenue, Sutter; A. P. #13-200-093.

**Planner:** Steve Geiger, Associate Planner

<b>Applicant</b>	<b>Property Owner</b>
Bill LeBaron LeBaron Family Trust 7982 Pass Rd. Sutter, CA 95982	LeBaron Family Trust 7982 Pass Rd. Sutter, CA 95982

### **Staff Recommendation**

Recommend that the Planning Commission approve Tentative Parcel Map #03-19.

### **Project Description**

The applicant requests tentative parcel map approval to create three, 20.0 acre parcels and an 87.8 acre parcel from an existing 147.82 acre parcel. The three, 20.0 acre parcels are designated as AG-20 (Agriculture, 20 acre minimum) and the 80 acre parcel is designated AG-80 (Agriculture, 80 acre minimum) by the General Plan Land Use Diagram.

### **Setting**

The subject property is developed with a residence and various accessory buildings (i.e. barns, shed, garage). Moore Canyon Creek bisects the property running north and south. A seasonal stream flows across the northern boundary of proposed Parcel 4 running west to east, then merges with Moore Canyon Creek. Trees and other riparian vegetation are located next to the creek and stream. The eastern portion of the property is relatively flat and was previously developed with an orchard. The western portion of the property (proposed Parcel 4) rises in elevation and contains slopes, few trees, and a rock fence. The property is surrounded by parcels that are mostly agricultural in nature (orchard and pasture). A residential subdivision within the community of Sutter is located immediately south of proposed Parcel 1.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Residence, accessory buildings	AG	AG-20, AG-80
North	Orchard, pasture	AG	AG-20
South	Pasture, residential subdivision	AG, P, R-1 PD	AG-20, AG-80, LDR
East	Residential, agricultural	AG	AG-20
West	Pasture	AG	AG-80

### **Previous Actions**

There have been no previous Planning Commission approvals on the subject parcel.

### **Analysis**

The General Plan designates the subject property as both Agriculture, 20 acre minimum (AG-20) and Agriculture, 80 acre minimum (AG-80). The General Plan contains the following policy that addresses parcels with multiple agricultural designations:

6.A-8 Where multiple agricultural designations are shown on a single parcel of land, the specific location of the boundary separating the designations shall be based on the soil characteristics contained in the USDA Soil Survey for Sutter County.

The applicant is proposing to create three, 20 acre parcels within the AG-20 portion of the property (Parcels 1 - 3) and an 87.8 acre parcel within the AG-80 portion (Parcel 4). Staff has reviewed the USDA Soil Survey for the subject parcel and found the proposed parcel configuration conforms to the soil types present on the property. The proposed 20 acre parcels are located on soils that are suitable for orchard crops while the proposed 87.8 acre parcel contains soils that are suited as rangeland (grazing). In addition, staff has confirmed with aerial photos taken of the property in 1983, 1989, and 1998 that proposed Parcels 1, 2, and 3 were previously planted in orchard. The proposed project will therefore not conflict with the General Plan.

All four parcels proposed will meet the County maintained road frontage requirement and will have access from Pass Road. Parcel 4 will have a 60 foot wide portion extending south from Pass Road to the remainder of the parcel. Although irregular in shape, this configuration meets the requirements of the Zoning Code and does not conflict with the Subdivision Ordinance.

As a result of the Initial Study (environmental analysis) prepared for the project, two mitigation measures are recommended by staff. To address potential impacts to biological resources, the first mitigation will require that a buffer area be established on the proposed parcels along both sides of Moore Canyon Creek and along both sides of the ephemeral (seasonal) stream. The buffer area will extend 100 feet in both directions from the high water line of the creek and stream as identified on the tentative parcel map. No construction of residences or accessory buildings (i.e. detached garages, barns, etc.) will be permitted within this buffer area. To address potential impacts to cultural resources, a mitigation is recommended that provides reporting and evaluation procedures if cultural resources are discovered during construction.

The proposed parcel map will facilitate the construction of up to 3 additional residences on the existing parcel acreage. The property is located within the Sutter Buttes Overlay Zone, a zoning classification of the County Zoning Code. Development of residences within the Sutter Buttes Overlay Zone requires compliance with specific development standards that are designed to protect the aesthetics of the Buttes. These standards include regulations regarding grading, tree removal, colors of buildings, roof materials, new roads, and exterior lighting. Compliance with these regulations will be addressed when application is made for a building permit.

Based on the above analysis, staff believes that the project is consistent with the General Plan, Zoning Code, and Subdivision Ordinance.

### **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, could have a significant impact on the environment; however, mitigation measures have been recommended by staff which reduce the possible impacts to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

### **Recommended Findings**

#### **CEQA**

Based upon information contained in this staff report and/or testimony received at the public hearing, 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. The study revealed that the project, as proposed, could have a negative impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts would be reduced to a level of less than significant. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Monitoring Program attached to this staff report are appropriate.
2. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter.

### **Tentative Parcel Map**

1. With the recommended mitigation measure requiring the riparian buffer area, the proposed project will be consistent with General Plan Goals 4.A and 4.B and General Plan Policies 4.A-1, 4.D-1, and 4.D-3.

2. The proposed map complies with the requirements of Sutter County Subdivision Ordinance Chapter 1400 and the Subdivision Map Act and the Zoning laws of Sutter County.
3. The proposed map is consistent with the 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.

### **Recommended Action**

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

1. "I move that the Planning Commission find the proposed mitigated negative declaration was prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "I move that the Planning Commission approve Parcel Map #03-19 to allow the creation of four (4) 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 parcel map
- C. Proposed Mitigated Negative Declaration and Initial Study
- D. Mitigation Monitoring Program

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## **Conditions of Approval**

Parcel Map #03-19

LeBaron Family Trust

Property located on the south side of Pass Road,  
west of Acacia Avenue (7982 Pass Road)

1. Approval of this parcel map allows the creation of four parcels: three, 20.0 acre parcels and an 87.8 acre parcel, from an existing 147.82 acre parcel. (P)

### **At end of 10 day appeal period**

2. 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**

3. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
4. 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)
5. 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)
6. 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)

Pass Road                    33.0' R/W + 10.0' P.U.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, pursuant to the Uniform Plumbing Code (UPC). (EH)
10. 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)
11. 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)
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. A buffer area shall be established along both sides of Moore Canyon Creek and along both sides of the ephemeral stream affecting the proposed parcels. This buffer area shall extend 100 feet in both directions from the high water line of the creek and stream as identified on the tentative parcel map. No construction of residences or accessory buildings (i.e. detached garages, barns, etc.) shall be permitted within this buffer area. This buffer area may be modified if the California Department of Fish & Game or U.S. Fish & Wildlife Service requires a larger buffer area. The buffer area shall be shown and included as a note on the recorded parcel map. (P) (Mitigation Measure #1)

#### **Prior to issuance of building permit/Ongoing**

14. If during construction any evidence of cultural resources including historical, archeological or paleontological resources is discovered, the property owner and/or contractor shall stop construction activities immediately and notify the Sutter County Community Services Department. The owner shall be required to obtain a consultant to evaluate the discovery and if necessary, appropriate mitigation measures shall be developed subject to review and approval by the Community Services Department.

If any human remains are discovered at any time, all work shall stop and the County Coroner shall be immediately notified pursuant to the State Health and

Safety Code, Section 7050.5 and the State Public Resources Code, Section 5097.98. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. (P) (Mitigation Measure #2)

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. 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)
18. Fire access roads to the proposed residences shall comply with Section 902 of the 2001 California Fire Code. The roads shall be designed to ensure that all-weather driving capabilities are maintained to support a 56,000 lb. fire truck. The design for the all-weather surface access roads shall bear the stamp of a professional engineer to ensure the weight requirements are met. (FS)
19. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's expense. There shall be no building of structures or the storage of any materials allowed under or over any PG&E facilities or inside any PG&E easements that exist within the project site. (PG&E)
20. 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)