



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING JANUARY 21, 2004
Agenda Item #8

Request: Rezoning of approximately 62 acres from AG (General Agricultural) District to AG PD (General Agricultural: Combining Planned Development) District and subdivision of the property into six (6) two-acre parcels and one 50-acre parcel.

Location: The west side of Garden Highway, between Messick and O'Banion Roads.

APN: 23-252-010, 23-252-013, 23-252-015, 23-252-017, 23-252-019, 23-252-022, and 23-252-024

File: Rezoning #03-14 and Subdivision Map #03-03

Planner: Dale Follas

Applicant	Property Owner
Sierra Gold Nurseries, Inc. 5320 Garden Highway Yuba City, CA 95993	Sierra Gold Nurseries, Inc. 5320 Garden Highway Yuba City, CA 95993

Staff Recommendation

It is staff's recommendation that the Planning Commission forward a recommendation for denial to the Board of Supervisors for the requested rezoning and subdivision map applications.

Project Description

The project is a request to rezone approximately 62 acres from AG (General Agricultural) District to AG-PD (General Agricultural: Combining Planned Development) District and to subdivide into seven parcels (see Exhibit B, Subdivision Map).

The project would reconfigure seven existing parcels which have been previously approved by various lot line adjustments from five, 1.39-acre lots and one, 2.0-acre lot fronting on Garden Highway, and one large parcel of approximately 52.8 acres into six (6) two-acre parcels and one 50-acre parcel. Each of the two-acre parcels would front upon a proposed cul-de-sac (as new County maintained road) that would intersect with Garden Highway.

Setting

The subject property is an open agricultural field used for row and field crops, situated in the midst of orchards and other open agricultural fields along Garden Highway, approximately 2,060 feet south of Messick Road.

	Land Use	Zoning Designation	General Plan Designation
Site	Open Field	AG (General Agricultural) District	Ag-20
North	Orchard	AG (General Agricultural) District	Ag-20
South	Orchard	AG (General Agricultural) District	Ag-20
East	Orchard/Open Fields	AG (General Agricultural) District	Ag-20
West	Orchard	AG (General Agricultural) District	Ag-20

Previous Actions

1991 - The Community Services Department approved Lot Line Adjustment #91-23 for the subject property that reconfigured 60 acres from six, 10-acre parcels into five, 1.39-acre parcels and one 53-acre agricultural parcel.

1992 - The County amended its Zoning Code to limit how parcels may be changed under a lot line adjustment.

2002 - The Community Services Department approved Lot Line Adjustments #02-43 and #02-44 that reconfigured the 1991, 53-acre agricultural parcel and two adjacent 10-acre parcels into an approximately 52-acre parcel, a 16.2-acre parcel and a 2.0-acre parcel.

2003 - Provisions of the State Subdivision Map Act were changed to limit the number of parcels that are allowed to be included in a lot line adjustment and to require that lot line adjustments must conform to a local agency's general plan.

Analysis

Rezone

The rezone application is to change the zoning from AG (General Agriculture) to AG-PD (General Agriculture - Planned Development Combining). The applicant wishes to reconfigure seven existing parcels and provide access from a proposed new public road (cul-de-sac). This action requires approval of a rezone and a subdivision map. The proposed AG-PD District is necessary in that the parcels will not conform to the 20-acre minimum parcel size as required by the AG zoning district, thereby requiring the Planned Development Combining District. While the PD district allows for more creative and efficient use of the land, the density may not exceed that allowed by the General Plan designation. In the case of this application for 62 acres in an AG-20 designation, this means only 3 parcels could be created, regardless of their size. The request is to create 7 parcels, thereby exceeding the General Plan density.

In approving a rezoning and a subdivision map, the Government Code requires that the County make specific findings that the proposed action conforms to the County's General Plan. This project does not conform to the General Plan policies since the parcels do not meet the density requirement of one unit per twenty acres. As such, staff is recommending denial of the rezone.

Subdivision Map

The applicant proposes to create 6 two-acre parcels and one 50-acre parcel. The applicant has indicated the project will create a more desirable lot configuration due to the larger lot sizes as well as affording more privacy by the proposed cul-de-sac. The applicant has also noted that the proposed new parcel configuration on a cul-de-sac would provide safer access to Garden Highway. Instead of six driveways intersecting with the Garden Highway, there would be only one cul-de-sac intersecting at Garden Highway.

The applicant has indicated to staff that since the property has been previously lot line adjusted from 10-acre parcels to the present configuration, the proposed rezoning and subdivision has no substantial consequences. The application process for a subdivision map requires an evaluation of General Plan policies and Zoning Code development standards for all of the parcels involved.

Since the parcels do not conform to the General Plan density requirements, staff is recommending the subdivision map be denied.

Environmental Analysis

Section 15270(a) of the California Environmental Quality Act and the Guidelines state that CEQA does not apply to projects which an agency rejects or disapproves.

Recommended Findings

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

1. California Environmental Quality Act and the Guidelines state that CEQA does not apply to projects which an agency rejects or disapproves.
2. The proposed project has been reviewed and is found not to be consistent with the goals or policies of the General Plan.

Recommended Action

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

“The Planning Commission recommends to the Board of Supervisors that the proposed rezoning and subdivision map be denied based on the recommended findings.”

Attachments

- A. Study Sketch
- B. Subdivision Map
- C. General Plan Agricultural Policies

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