



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING JULY 21, 2004
Agenda Item #9

Request: Tentative Parcel Map #04-014 to create two parcels, 2.58 and 44.9 acres, on property zoned AG with a General Plan Designation of AG-20; located at 5375 Sawtelle Road, on the west side of Highway 99; Assessors Parcel No. 23-140-104.

Planner: Lisa Wilson

**Applicant/
Property Owner:** Joginder Bains, 1130 Bridge Street, Yuba City, CA 95993

Staff Recommendation

Approve the proposed tentative parcel map subject to the findings and Conditions of Approval included in this staff report.

Project Description

The project is a request for a tentative parcel map to split a 47.49 acre agricultural parcel into two parcels for the purpose of creating a home site parcel (2.58 acres) and an agricultural remainder (44.9 acres).

Setting

The subject property is currently in use as an orchard and contains a home and a shop. The shop was formerly a prune dryer. The surrounding land uses, zoning classifications, and General Plan land use designations are listed below.

	Land Use	Zoning Designation	General Plan Designation
Site	Orchard	AG	Agriculture - 20
North	Orchard	AG	Agriculture - 20
South	Orchard and Large Home	AG	Agriculture- 20
East	Highway 99 and Orchard	AG	Agriculture- 20
West	Orchard	AG	Agriculture - 20

Previous Actions

The subject property was created from previous Tentative Parcel Map #230 in 1975, which divided a 171.32 acre parcel into the 47.49 acre subject parcel and a 123.83 acre parcel to the south. Approximately a year and a half later, Tentative Parcel Map #360

created a 4.88 acre parcel out of the southeast corner of the 123.83 acre parcel, as a result of a highway realignment by Caltrans.

Analysis

The state Subdivision Map Act requires that the proposed map be consistent with the applicable General Plan and County Zoning Code. In reviewing the project in relationship to the General Plan, the following policies appear to apply:

- 6.A-4 A landowner shall be allowed to separate his or her homesite from the original parcel. Additionally, homesites for landowner's sons or daughters shall be permitted as long as it is clearly documented that the family member is involved in the family farming operation. Divisions for this purpose shall provide for cluster housing and minimize acreage removed from farming. Applicants requesting divisions that would not provide for cluster housing shall be required to provide evidence of a physical constraint on the property that would show cluster housing is not possible or is infeasible. Development rights shall be granted to Sutter County or its designee for the remaining agricultural lands. Densities shall be limited to those permitted by the underlying agricultural land use designation.
- 6.A-6 Minimum parcel sizes in agriculturally designated areas shall be 20 acres in those areas containing orchard compatible soil and 80 acres in those areas with soils used primarily for row crops, field crops, and range land as shown on the Land Use Diagram. Historical uses and physical boundaries may be considered on a case by case basis. All parcels resulting from subdivisions or parcel maps shall contain the minimum required acreage for land use designation. Homesite parcels, as permitted in Policy 6.A-4, shall not exceed 2 acres unless the Environmental Health program grants a waiver for sewage disposal, in which case the parcel may be allowed for up to 5 acres. Remainder parcels shall meet the minimum parcel size of the agricultural land use designation.

The General Plan and Zoning Code require new parcels in this area to be a minimum of 20 acres in size, with the exception of the above policies.

The proposed tentative map would divide a 47.49 acre parcel into a 44.9 and a 2.58 acre parcel. Given the General Plan designation of 20 acre minimums, the applicant is allowed two dwellings on the 47.49 acre parcel. The applicant will be required to grant development rights for one dwelling from the larger parcel in order to maintain conformance with the General Plan density requirements. With the granting of a development rights agreement, the land division would conform to the General Plan density and policies for agricultural divisions, and with the Sutter County Zoning Code provisions for minimum parcel sizes.

The General Plan allows for the creation of a home site parcel not to exceed 2 acres unless the Environmental Health program grants a waiver for sewage disposal, in which case the parcel may be allowed for up to 5 acres. Environmental Health has required the proposed lot for the existing home and shop to be approximately 2.5 acres to provide additional room for septic system replacement, thereby complying with Policy requirement 6.A-6.

The proposed homesite parcel is developed with a residence and shop and no additional structures are proposed, therefore, no additional infrastructure will be required. Water and sewer service is currently provided by an on-site water well and on-site septic system.

The proposed subdivision is consistent with all applicable General Plan Policies and Zoning Code requirements, therefore, staff recommends approval.

Environmental Analysis

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study indicated 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.

Findings

CEQA

Based upon information contained in this staff report and/or testimony received at the public hearing, the 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 for the subject property. The study indicated 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 decision on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

General Plan

1. The proposed project has been reviewed and is consistent with the General Plan because the land division will create two parcels, a 2.58 and a 44.9 acres that comply with General Plan Policies 6.A-4 and 6.A-6.
2. The proposed parcel map has little or no probability of causing substantial detriment or interference with the adopted General Plan. The proposed project is consistent with the General Plan Land Use Map because of the parcel sizes and the requirement to grant development rights.
3. The proposed parcel map complies with all other applicable requirements of state law and local ordinances.

Tentative Parcel Map

Approval of the Tentative Parcel Map to create one home site parcel at 2.58 acres and an agricultural parcel at 44.9 acres, subject to the recommended conditions, is consistent with the AG-20 acre minimum and homesite land division policies. With the inclusion of the proposed Conditions of Approval, the map will be consistent with the Subdivision Map Act, Sutter County General Plan, Zoning Code and Subdivision Ordinance.

Recommended Action

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

1. "I move the Planning Commission adopt the proposed Negative Declaration prepared for the project and attached to this staff report."
2. "I move the Planning Commission adopt the findings as contained in this report."
3. I move the Planning Commission approves Tentative Parcel Map #04-014 allowing the creation of two parcels at 44.9 and 2.58 acres each, based on the recommended findings and conditions contained in this staff report."

Attachments

- A. Study Sketch
- B. Site Map
- C. Initial Study

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Conditions of Approval
Tentative Subdivision Map 04-014
Bains, Joginder

A Tentative Parcel Map to create two parcels, a 2.58 acre and a 44.9 acre parcel; located the west side of Highway 99 at 5375 Sawtelle Road; Assessors Parcel No. 023-140-104.

Upon Approval of the Map

1. A Notice of Determination shall be filed in the Office of the County Clerk within five (5) days of the approval of the project becoming final. (P)

Prior to Recordation of the Parcel Map

2. The subdivider shall sign a modified development rights agreement limiting the residential use of the agricultural remainder parcel to one, single-family residence. (P)
3. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
4. Applicant shall dedicate a 10-foot wide Public Utilities Easement along all street front parcel frontages. (PG&E)
5. 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)
6. Prior to the recordation of the map, the subdivider shall record on or with the map the exact location of individual wells proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (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, per 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: (EH)

“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”

11. Prior to the 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, locations of existing and proposed water wells, test hole locations, roadways, driveways, easements, and other constraints to on-site sewage system siting.

12. For those parcels in agriculturally designated areas proposed solely for agricultural use or other open spaces uses that do not generate sewage or wastewater regulated by the Department of the RWQCB, and meeting the minimum parcel size of 20 or 80 acres for the applicable soil type (i.e. orchard or field crop), established in the Sutter County General Plan 2015 Policy Document, an exemption to the requirements of Section 700-140-A may be provided by the Health Officer if the following condition is met: (EH)

A note is recorded on or with the parcel map or final map stating that a site evaluation to determine the suitability of the proposed parcel(s) for utilizing an onsite sewage system has not been conducted nor shall any use be permitted that generates sewage or wastewater regulated by the Department or RWQCB unless all the requirements of this Ordinance, or any amendments thereto in effect at the time of development are met.

13. 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)
14. 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)
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 noted on the parcel map. (PW)

Ongoing

16. The property shall be developed in substantial accord with the submitted site plan and the agenda report, except as may be amended by the adopted conditions. (P)
17. Encroachment permits are to be obtained from the Public Works Department for any new driveway or road connection to be made to existing County roads. Construct new driveway(s) to current Count Standards. (PW)
18. Building and equipment pads shall be at elevations in conformance with Section 1300-022 (F) of the Sutter County Ordinance Code, as defined by Resolutions No. 92-124. (PW)
19. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be done at the developers / applicants expense. (PG&E)
20. There shall be no building of structures, or the storage of any materials allowed under or over our facilities or inside any PG&E easements that exist within the subject property. (PG&E)