

February 26, 2003

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on General Plan Amendment #02-05 to amend the General Plan Land Use Diagram changing the designation of the subject property from AG-20 (Agriculture-20 Acre minimum) to RAN (Ranchette, 3-10 acre minimum); and

Agenda Item #8: Public hearing on Rezoning #02-11 to change the zoning classification of the subject property from AG (General Agriculture) to RAN (Ranchette) District; and

Agenda Item #9: Public hearing on Tentative Parcel Map #02-18 to allow the division of a 10-acre parcel into three parcels of 3.0-acres, 3.0-acres and 4.0-acres; located at the southeast corner of the intersection of Walton and Walnut Avenues, Yuba City; A.P. #23-062-001; applicants/property owners - Don & Dorothy Nickel (Location: District: 5 - Commissioner Shannon)

### **Current Proposal**

#### A. Project Description

The applicant requests a General Plan amendment, rezone and tentative map approval to change the General Plan designation from AG-20 to RAN (Ranchette), rezone the property from AG to RAN District, and divide 10 acres into three parcels of 3.0-acres, 3.0-acres and 4.0-acres.

#### B. Environmental Consideration

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the CEQA Guidelines. The study revealed that the project could not have a significant effect on the environment. Therefore, should the Commission recommend approval of this project, staff recommends that the Commission recommend that the Board of Supervisors adopt the attached Negative Declaration.

**Background**

A. Property Description

The property consists of 10 acres, half of which is developed as a walnut orchard and half of which is open ground developed with a shop building and well. This corner property has 660 feet of frontage on both Walton and Walnut Avenues.

B. Surrounding Land Use, Zoning District and General Plan Designation:

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
Subject Property	Agriculture	AG	AG-20
North	Agriculture & Rural Residence	AG	AG-20
East	Agriculture & Rural Residence	AG	AG-20
South	Agriculture & Rural Residence	AG	AG-20
West	Agriculture & Rural Residence	AG	AG-20

C. Previous Planning Commission Actions/Policies:

The Commission has generally recommended approval of Ranchette developments that are consistent with the Sutter County Zoning Code and General Plan and that satisfy the Criteria for Ranchette Development adopted by the Board of Supervisors.

**Staff Comments**

A. Environmental Health (EH):

See Conditions #4-10.

B. Public Works Department (PW):

See Conditions #11-20.

C. Office of the Sheriff/Coroner (S/C):

The Office of the Sheriff/Coroner responded with no anticipated impact to services provided by their department.

D. Fire Services (F):

See Condition #21.

E. Pacific Gas & Electric Company (PG&E):

PG&E responded that any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense, and that there shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the subject project.

F. Planning (P):

See the analysis below.

### **General Plan Amendment/Rezone and Tentative Parcel Map Analysis**

The General Plan states that the ranchette designation is “applied to areas located outside of the Yuba City and Live Oak sphere’s of influence, which are suitable for rural residential and small scale farming operations. Allowed densities within this designation range between 0.1 to 1/3 dwelling unit per acre (3-10 acre parcel size). Any ranchette proposal cannot result in the creation of more than four total lots (including any designated remainder). Once a Ranchette designation has been approved for up to four lots, no further division of the subject land will be permitted until the County’s next Comprehensive General Plan Revision.”

For preliminary review of the suitability of Ranchette applications, the Board of Supervisors has adopted Criteria for Ranchette Development. The criteria consist of two sections, an Initial Screening and a Site Evaluation. The Initial Screening section covers minimum requirements for ranchette development and requires three “yes” answers in order for staff to recommend project approval. This application received three “yes” answers in this section. The Site Evaluation section quantifies the suitability of the property to be subdivided for ranchette development. Applicants not achieving at least 50 percent of the 49 points possible are not encouraged to apply for a General Plan Amendment. The applicant’s responses totaled 35, but staff adjusted the point total to 30 (61 percent) to reflect a more accurate assessment of agricultural use on adjoining parcels. Question number two of the Site Evaluation awards 10, 5, or 0 points based, respectively, on whether there are abutting parcels currently in agricultural production or capable of being in agricultural production on no sides, one side, or two-or-more sides. Although the criteria form notes that determination of potential agricultural capability is primarily based on whether the parcel is 20 acres or larger, an assessment of current agricultural production is based not on parcel size but on use. Parcels on three sides of the subject parcel are currently in agricultural production, developed with orchards; therefore, staff deducted five points from the Site Evaluation score. The sizes of these parcels, incidentally, are 23.79 net acres, 19.68 net acres, and 16 net acres.

Sutter County Design Guidelines require a buffer for any new project that proposes to locate adjacent to an existing agricultural use, and for projects adjacent to irrigated orchards that buffer distance is 300 feet but may be reduced by the use of screen plantings and other compatible land use. Furthermore, section 6.8 of the Sutter County Agricultural Buffering Guidelines identifies ranchette lots as a means to buffer adjacent agricultural land. For recent Ranchette applications the Commission has recommended approval of a buffer width of 100 feet, which includes a 15-foot-wide vegetative or landscaped buffer. This buffer would be applied to parcel sides that

abut agriculturally-zoned parcels that are actively farmed, i.e., the east side of all three parcels, and portions of the north side of parcel 1 and of the south side of parcel 3.

Because the tentative parcel map proposes non-conforming parcel sizes in the AG-20 District, the map is not consistent with the General Plan and Zoning Code unless the Board of Supervisors approves the associated general plan amendment and rezoning applications. Furthermore, the map does not comply with section 1400-515 “Lot Standards” of the County Subdivision Ordinance, which states that, “For lots of less than 5 acres in size, the average width of the lot shall not be less than one-third the average depth...” Each of the lots is 660 feet deep, but parcels 1 and 2 are only 198-feet wide, resulting in an average width that is only thirty (30) percent of the average depth (parcel 3 is 264-feet wide, or 40 percent of depth).

In order for the commission to recommend approval of the tentative parcel map to the Board of Supervisors, the Subdivision Ordinance requires that one of the following findings be made, of which staff believes number four is appropriate:

- 1. There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, etc.; or
- 2. Because of the unique nature of a particular subdivision concept, design innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this Chapter; or
- 3. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner; or
- 4. That the granting of the modification will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which said property is situated.

In order for the Commission to recommend approval of the rezoning to the Board of Supervisors, the Zoning Code requires that the following findings be made:

- A. The proposed use is located outside of the Yuba City and Live Oak spheres of influence, complies with established standards and criteria, and is consistent with General Plan Policy 1.C-3.
- B. The proposal creates no more than four parcels, including any designated remainder, and is consistent with General Plan Policy 1.C-5.
- C. The proposed development is consistent in size and character with surrounding properties and will not adversely impact adjacent agricultural operations because appropriate buffers will be provided to minimize potential conflicts.
- D. The proposal substantially conforms to the Criteria for Ranchette Development as adopted by resolution of the Board of Supervisors.

Based on the discussion on the preceding page, staff believes that this ranchette proposal substantially conforms to the Criteria for Ranchette Development.

**Recommended Findings**

- A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed General Plan amendment, rezoning, and tentative map. The study revealed that the project, as proposed, would not have a significant impact on the environment, and no comments have been received that demonstrate the project will have a significant effect on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.
- B. 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.
- C. The project is located outside of the Yuba City and Live Oak spheres of influence, and is consistent with General Plan Policy 1.C-3.
- D. The project creates no more than four parcels, including any designated remainder, and is consistent with General Plan Policy 1.C-5.
- E. The proposed development is consistent in size and character with surrounding properties and the general area.
- F. The project will not adversely impact adjacent agricultural operations because an appropriate buffer will be implemented to minimize potential conflicts, consistent with General Plan Policies 1.F-1 and 1.F-4.
- G. The project substantially conforms to the Criteria for Ranchette Development as adopted by the Board of Supervisors.
- H. The proposed tentative map and the use of the subject property comply with the applicable requirements of the Sutter County General Plan, Zoning Ordinance and Subdivision Ordinance, subject to the conditions of approval.

**Recommended Action**

- A. Make the findings for approval as prepared by staff.
- B. Recommend that the Board of Supervisors adopt the proposed Negative Declaration attached to this report.

- C. Recommend that the Board of Supervisors approve General Plan Amendment #02-05 changing the land-use designation from AG-20 to RAN.
- D. Recommend that the Board of Supervisors approve Rezoning #02-11 changing the zoning designation from AG to RAN.
- E. Recommend that the Board of Supervisors approve Tentative Parcel Map #02-18, subject to the following Conditions of Approval:
1. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within five (5) days after receiving Board approval. (P)
  2. The applicant shall pay any outstanding balance in excess of the amount on deposit for processing the application within thirty (30) days after receiving final invoicing from the Community Services Department. (P)
  3. The following note shall be recorded on or with the map:

“A 100-foot wide residential exclusion area shall be enforced to provide a buffer between any new residential development and adjacent agricultural uses in the following locations:  
a) Along the eastern boundary of proposed parcels 1, 2, and 3;  
b) Along the eastern 450’ of the southern boundary of parcel 3; and  
c) Along the eastern 400’ of the northern boundary of parcel 1.  
A vegetative buffer, 15-feet in width, shall be planted and maintained within this 100-foot wide residential exclusion area to reduce impacts from agricultural practices, such as spraying and dust generated by disking or other operations. A residential exclusion area may be reduced or eliminated if the parcel adjoining the buffer zone is irreversibly converted to a non-agricultural use. The vegetative buffers shall be physically and biologically designed to avoid conflicts with the adjacent agricultural operations. The height of the vegetative buffer at maturity shall be not less than thirty (30) feet. A 100’-wide swath of existing healthy walnut trees, if augmented by additional trees to maintain previously-established on-center spacing, may be allowed as the vegetative barrier.” (P), (AC)
  4. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map that 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 to Environmental Health a map that clearly shows the exact location of the individual wells proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (EH)

6. 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)
7. 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. (EH)
8. A note must be recorded on the map stating that water supply shall be from individual wells located on the subject properties and that the approved well locations are on record with Sutter County Environmental Health. (EH)
9. 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)
10. Prior to recordation of the map, the applicant shall submit to Environmental Health for review and approval 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)
11. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
12. 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)
13. 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)

14. 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 map. (PW)
15. 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. New driveways shall be constructed to current County standards. (PW)
16. 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)
17. 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:
 

Walton Avenue	33.0' R/W + 10.0' P.U.E.
Walnut Avenue	20.0' R/W + 10.0' P.U.E. (PW)
18. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works, shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for street paving along Walton Avenue and Walnut Avenue. (PW)
19. All County roads within the development site must be improved to current County road standards. Roadway improvement plans and construction of the roadway improvements shall be approved by the Director of Public Works. (PW)
20. Prior to issuance of a building permit, a drainage and grading plan must be approved by the Public Works Department. (PW)
21. All parcels shall have frontage & direct access developed on Walnut Avenue or Walton Avenue. (FS)

Sincerely,  
 LISA WILSON  
 INTERIM PLANNING DIVISION CHIEF

William J. Caplinger  
 Assistant Planner

Attachments: Exhibit A - Study Sketch  
 Exhibit B - Tentative Map  
 Exhibit C - Proposed Negative Declaration and Initial Study  
 Exhibit D - Criteria for Ranchette Development

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