

April 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #13, a): Public hearing on General Plan Amendment #03-01 to amend the General Plan Land Use Diagram changing the designation of the subject property from AG-20 (Agricultural, 20-acre minimum parcel size) to RAN (Ranchette, 3-10 acre minimum); and

Agenda Item #13, b): Public hearing on Rezoning #03-01 to change the zoning classification of the subject property from AG (General Agricultural) District to RAN (Ranchette) District; and

Agenda Item #13, c): Public hearing on Tentative Parcel Map #03-02 to allow the division of an approximately 9.2-acre parcel into three parcels of 3.0+ acres each; located on the east side of Railroad Avenue, approximately 500 feet north of Barry Road, Yuba City; A.P. #23-120-056; applicant/property owner - Vinod Ohri, et al (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, rezone the property from AG to RAN District, and divide approximately 9.2 acres into three parcels of 3.0+ acres each.

#### 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

This approximately 9.2-acre parcel is currently vacant, but was developed as an orchard nursery until 2002, and is graded flat. The rectangular property has 825 feet of frontage on Railroad Avenue, and is 486 feet deep.

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

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

### C. Previous Planning Commission Actions/Policies

The Commission has recommended approval of several Ranchette developments in the vicinity, including those on adjacent properties to the north and east.

## **Staff Comments**

### A. Environmental Health (EH):

See Conditions #4-8.

### B. Public Works Department (PW):

See Conditions #9-17.

### C. Building Inspection:

The Building Inspection Division responded with no comments at this time.

### D. Office of the Sheriff/Coroner:

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

### E. Fire Services (FS):

See Condition #18.

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

See Condition #19.

G. Planning (P):

See Conditions #1-3 and 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 spheres 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).”

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 39, but staff adjusted the point total to 29 (59 percent) to reflect a more accurate assessment of the size and use of adjoining parcels.

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 only be applied to sides of the project that abut actively farmed agriculturally-zoned parcels, i.e., the orchard parcel on the south.

Because the tentative parcel map proposes non-conforming parcel sizes in the AG-20 District, the map is not consistent with the general plan, zoning code, and subdivision ordinance unless the Board of Supervisors approves the associated general plan amendment and rezoning applications. The applicant will be required to obtain such approvals as a condition on the parcel map.

## **Recommended Findings**

If the Planning Commission chooses to recommend approval of these applications, staff recommends the findings, actions and conditions listed below.

Based on the information contained in the staff report and/or testimony received at the public hearing, the Planning Commission finds:

- 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 #03-01 changing the land-use designation from AG-20 to RAN.
- D. Recommend that the Board of Supervisors approve Rezoning #03-01 changing the zoning designation from AG to RAN.
- E. Recommend that the Board of Supervisors approve Tentative Parcel Map #03-02, 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 final project 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 the Community Services Department issues the final invoice. (P)
  3. The following note shall be recorded on or with the map:

A 100-foot wide residential exclusion area shall be enforced along the southern boundary of proposed Parcel 3 to provide a buffer between any new residential development and adjacent agricultural uses on the parcel to the south, A.P. No. 23-120-026. A vegetative buffer, 15-feet in width, shall be planted 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. This residential exclusion area may be reduced or eliminated if the adjoining parcel to the south is irreversibly converted to a non-agricultural use. The vegetative buffer shall be physically and biologically designed to avoid conflicts with the adjacent agricultural operation. The height of the vegetative buffer at maturity shall be not less than thirty (30) feet. (P)
  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 record on or with the map 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 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)
8. 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)
9. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
10. 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)
11. 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 final map. (PW)
12. 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)
13. 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 driveway(s) shall be constructed to current County standards. (PW)
14. 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)

15. 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:  

Railroad Avenue      30.0' R/W + 10' P.U.E. (PW)
16. 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 Railroad Avenue. (PW)
17. Prior to issuance of a building permit, a drainage and grading plan must be approved by the Public Works Department. (PW)
18. Access to the parcels shall be in compliance with the 1997 Uniform Fire Code, Section 902. Access to the parcels shall be from Railroad Avenue. (FS)
19. Prior to issuance of a building permit, the applicant or property owner must obtain confirmation from Pacific Gas & Electric Company that any proposed site development does not conflict with the transmission line easement. (PGE)

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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