

August 27, 2003

To: Sutter County Planning Commission

Re: Agenda Item #8, a): Public hearing on General Plan Amendment #03-07 to create a new Agriculture Preserve land use designation within Section 1 (Land Use) of the General Plan Policy Document, add applicable policies to Section 6 (Agricultural Resources) related to the new land use designation, and make necessary revisions to various tables and other sections to accommodate the new land use designation; and

Agenda Item #8, b): Public hearing on Zoning Code Amendment #03-04 to create a new zone district classification to accommodate Agriculture Preserve subdivision proposals and revise applicable sections of the Zoning Code for consistency; to be applied Countywide; initiated by the Sutter County Board of Supervisors

### **Current Proposal**

#### A. Project Description:

The project is an amendment to both the Sutter County General Plan and Zoning Code to create a new Agriculture Preserve land use designation and zone district classification to be used, under certain circumstances, for agricultural subdivisions rather than the Planned Development overlay zone district (AG-PD). Necessary revisions to both the General Plan and Zoning Code will also be made to maintain consistency.

#### B. Environmental Consideration:

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, would not have a significant impact on the environment. Staff therefore recommends that the Commission forward a recommendation to the Board of Supervisors to adopt the attached Negative Declaration.

### **Background**

This item originated as a result of a Board of Supervisors study session, held last April, which involved review of the policies contained in the Agricultural Element of the General Plan. The Board requested that staff consider the creation of a new zone district that could be applied to subdivision requests of agricultural land. Specifically, it was envisioned that the new zone

district would be used for subdivisions proposing parcels less than the minimum designated parcel size (residential sized parcels) while retaining a large agricultural “preserve” parcel where residential development would be prohibited. These subdivisions would not result in the overall General Plan density of the parcel being exceeded (i.e. 1 residence per 20 or 80 acres). It is intended that the new zone district will be used in place of the AG-PD zoning, which the Commission will recall was utilized on the Lee Road subdivision approved by the Board in June.

At the Board’s request, this item was brought before the Public Works/Support Services Committee in June. The Committee was presented with questions dealing with a variety of issues related to the proposed new zoning. Through this meeting, staff received some guidance on establishing parameters for implementation of the new zone district. In July, staff presented a report to the Board which included a summary of the Committee responses to staff and requested initiation of both a General Plan and Zoning Code amendment to create the new General Plan designation and new zone district. The Board voted unanimously to direct staff to initiate the General Plan and Zone Code amendments. Staff’s report to the Board, along with the previous report to the Committee, is attached as Exhibit A and may be reviewed by the Commission for more specific background information on the proposal.

**Staff Comments**

A. Public Works Department (PW):

The Public Works Department had no comments.

B. Environmental Health (EH):

The Environmental Health Division responded with comments addressing on-site wastewater disposal requirements for the residential parcels to be created using the new General Plan designation and zoning classification. These comments have been incorporated into the proposed new zoning classification.

C. Sheriff’s Department (S):

The Sheriff’s Department responded that the project would have no anticipated impact to services provided by their department.

D. Building Division (B):

The Building Division responded with no comments to the project.

E. Agricultural Commissioner (AC)

The Agricultural Commissioner responded that he concurs with the proposed project.

F. Planning (P):

At the direction of the Board of Supervisors and with input from the Public Works/Support Services Committee, staff has created a new General Plan land use designation and new zoning classification to provide an option to property owners/developers in the size of parcels that can be created through the subdivision of agricultural land. Currently, a property owner must conform to the minimum designated agricultural parcel size (20 or 80 acres) when subdividing a parcel. Exceptions are made in the General Plan and Zoning Code to allow for small, homesite parcels for property owners and their sons or daughters that are involved in the farming operation. Smaller parcel sizes have also been permitted on past subdivision requests through use of the Planned Development overlay (AG-PD). Exhibits B & C attached to the report are the proposed amendments to the General Plan and Zoning Code.

The proposed land use designation allows a landowner to create small residential parcels, generally 2 acres maximum in size, from a large agricultural parcel. The residential parcels will be referred to as Agricultural Preserve Residential (APR) by the new zoning. The number of residential parcels allowed to be created will not be permitted to exceed the total density permitted by the existing General Plan agricultural land use designation (one residence per 20 or 80 acres). The remaining acreage not used for residential parcels will be required to be contained in one agricultural preserve parcel. The preserve parcel will be classified as Agricultural Preserve (AP). Permitted uses on the preserve parcel will be limited to crop and tree farming, grazing of farm animals, and agricultural accessory buildings. Residences and buildings requiring use of a septic system will be prohibited on the preserve parcel.

As an example, a 200 acre parcel designated by the General Plan as AG-20 would be permitted a maximum of 10 residential parcels (1 residence per 20 acres). If, for instance, all of these residential parcels were 2 acres in size, then 20 acres would be devoted to the residential parcels and 180 acres would be maintained as the agriculture preserve. Both the residential and preserve parcels will be required to have public road frontage. Additional proposed criteria will require that the residential parcels all be clustered together to minimize the area removed from agricultural production. A residential exclusion area and vegetative buffer will also be required to be provided on the residential parcels to help buffer the residences from adjacent agricultural uses. In addition, residential development rights for the preserve parcel will be required to be conveyed to the County through a recorded development rights agreement. The development rights may only be returned through approval of a General Plan amendment and rezoning for the subject parcel and a unanimous vote by the Board of Supervisors to return the development rights.

During discussion of the appropriate use of this new zone district, the Committee expressed to staff that this new district should only be considered in cases where, under the existing development standards of the subject property, the property owner would be able to divide to the desired number of residential lots without approval of a variance. In determining appropriate locations for this new zone district, the Committee expressed that the proposed residential parcels shall not adversely affect surrounding agricultural operations (i.e. be located directly across or adjacent to parcels currently being farmed, used for grazing, etc.).

It is intended that this new General Plan designation and Zone Code classification will eliminate the need to use the AG-PD zone district for this type of subdivision request, as was done on the recently approved subdivision on Lee Road. Staff notes that this new land use designation and zoning classification will be utilized on future subdivision requests.

Along with the proposed new General Plan land use designation, General Plan policies, and new Zone Code section, various tables and other sections of the General Plan and Zone Code are being amended for consistency. Attached to the staff report are the proposed General Plan and Zone Code amendments. The new General Plan land use designation, which will be listed within Section 1 (Land Use) of the General Plan, is attached first. Next, Tables 1 through 3 of Section 1, which address Development Standards, Holding Capacity of the General Plan, and General Plan Land Use Designations and Consistent Zoning Districts, have been amended and are attached. Following the tables, new General Plan policies to be added to Section 6 (Agricultural Resources) of the General Plan to address the new designation are attached. Following the policies, the proposed new zoning classification (APR and AP) is attached. Finally, the amended Public zone district is attached, since staff does not consider this zone district to be consistent with the new General Plan land use designation.

### **Recommended Findings**

Based on the information contained in the agenda report and /or testimony received at the public hearing, the 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 project. The study revealed 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.
- B. The proposed General Plan and Zoning Code amendments will provide for agricultural subdivisions where residential parcels smaller than the minimum designated parcel size are proposed and a large agricultural “preserve” parcel where residences are prohibited is retained. The underlying agricultural General Plan density will be maintained. Both the General Plan and Zoning Code will be changed for consistency.

### **Recommended Action**

- A. Make the findings for approval as prepared by staff.
- B. Recommend the Board of Supervisors adopt the proposed Negative Declaration prepared for the project and attached to this report.
- C. Recommend the Board of Supervisors approve General Plan Amendment #03-07.

D. Recommend the Board of Supervisors approve Zoning Code Amendment #03-04.

Sincerely,

DANELLE STYLOS  
PLANNING DIVISION CHIEF

Steve Geiger  
Associate Planner

Attachments: **Exhibit A** – Staff report to Board of Supervisors dated July 8, 2003, requesting initiation of General Plan & Zoning Code Amendments (Includes report to Public Works/Support Services Committee, dated June 19, 2003, & questions and responses from the Committee)  
**Exhibit B** - Proposed amendment to General Plan and related changes necessary for consistency  
**Exhibit C** – Proposed amendment to Zone Code (Division 12) and related changes for consistency  
**Exhibit D** – Proposed Negative Declaration