

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Tentative Parcel Map #02-14 to allow the division of a 31.2± acre parcel into two parcels, 3.0 acres and 28.2± acres; located on the west side of Mark Hopkins Road, approximately 1,356 feet north of Cramer Road, Rio Oso; A.P. #28-170-029; applicant - Stephen Berrier/property owners - Charles & Hannalore Berrier Trust, et al; (Location: District: 5 - Commissioner Shannon)

Current Proposal

A. Project Description

The applicant requests tentative map approval to divide 31.2 acres into two parcels, 3.0 acres and 28.2 acres, in order to create a homesite parcel for a family member involved in the agricultural operation.

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, a Negative Declaration has been recommended.

Background

A. Property Description

The property consists of 31.2 acres and has been entirely developed as an orchard. The property has 964.72 feet of frontage on Mark Hopkins Avenue, and is 1,216.99 feet deep. The north and west boundaries of the property are formed by meanders of Ping Slough and support dense riparian vegetation.

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

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

C. Previous Planning Commission Actions/Policies

The Commission has generally approved tentative parcel maps that create homesite parcels when the proposals are consistent with the Sutter County General Plan, Zoning Code, and Subdivision Ordinance.

Staff Comments

A. Environmental Health (EH):

See Conditions #5-11.

B. Public Works Department (PW):

See Conditions #12-18.

C. Building Inspection (B):

The Building Inspection Division responded with no comments.

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

See Condition #19.

E. Reclamation District No. 1001 (RD):

See Condition #20.

F. Planning (P):

See Conditions #1-4, and the following discussion.

The creation of a homesite parcel as proposed by this application is consistent with the homesite policies of the Sutter County General Plan. Policy 6.A-4 allows a landowner to separate a homesite from the original parcel for the use of the landowner or for a son or daughter involved in the family farming operation.

The applicant, the son of the property owner, has stated that he intends to reside on the homesite in order to oversee the family prune-orchard operation. Policy 6.A-4 also requires that, "Development rights shall be granted to Sutter County or its designee for the remaining agricultural lands." The applicant has stated that residential development rights for the remaining 28.2-acre agricultural parcel will be deeded to Sutter County, and this transfer of development rights is also required by Condition of Approval #3.

General Plan Policy 6.A-6 in part establishes a two-acre maximum parcel size for homesites unless the Environmental Health Division grants a waiver for sewage disposal. In this case, Environmental Health has granted such a waiver to allow the applicant to create the proposed three-acre homesite parcel.

The Zoning Code (§1500-1314[1][A]) allows smaller-than-minimum parcel sizes to be created by tentative map if the map conforms to the Sutter County General Plan for homesites (discussed in the preceding paragraphs) and the remaining agricultural parcel meets the minimum parcel size required by the agricultural land-use designation. The Zoning Code also restricts new homesite parcels to two acres unless, as is the case with this application, the Environmental Health Division grants a waiver for sewage disposal allowing a homesite parcel size of three acres. The remaining agricultural parcel, at 28.2 acres, still satisfies the 20-acre minimum parcel size required by the AG-20 land-use designation.

The tentative parcel map also complies with the form and data requirements as well as the lot standards of the Subdivision Ordinance, including section 1400-515(d), which requires that lots of less than five acres in size have a width-to-depth ratio of no less than 1:3. The homesite parcel has a width-to-depth ratio of approximately 1:1.3.

Recommended Findings

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 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 proposed tentative parcel 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. Adopt the proposed Negative Declaration attached to this report.
- C. Approve Tentative Parcel Map #02-14, 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 obtaining final project approval. (P)
 - 2. The applicant shall pay any outstanding balance for processing the application within thirty (30) days of receiving a final invoice from the Community Services Department.” (P)
 - 3. Prior to recording the parcel map, the applicant and/or property owner shall convey to Sutter County a grant of residential development rights on the 28.2-acre agricultural parcel. (P)
 - 4. The final map shall be recorded within 36 months of the approval date or the engineer/surveyor shall submit a request for, and receive approval of, a time extension in accordance with the Sutter County Subdivision Ordinance. (P)
 - 5. If any of the parcels are proposed solely for agricultural use and the resultant parcel is agriculturally viable, an exemption to the land division requirements may be allowed if the following condition is met:

A perpetual open area easement and grant of development rights agreement must be recorded with the map prohibiting uses on the property that would require an on-site sewage system. Prior to any abandonment of this easement and grant of development rights by the County for on-site sewage systems, all requirements in effect at the time of the abandonment must be met. (EH)

- 6. 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)
- 7. 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)
- 8. 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)

9. 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. (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:

“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)
11. Prior to the 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)
12. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
13. 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)
14. 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. This condition shall be so stipulated on the final map. (PW)
15. 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)
16. 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)

17. 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)
18. 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:

Mark Hopkins Road 25.0' R/W + 10' P.U.E. (PW)
19. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject project. (PGE)
20. The landowner shall grant an additional twenty (20) feet of Right-of-Way on Reclamation District 1001's Main Canal. (RD)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

William J. Caplinger
Assistant Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Tentative Parcel Map #02-14
Exhibit C - Proposed Negative Declaration and Initial Study

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