

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #10: Public hearing on Tentative Parcel Map #02-17 to allow the subdivision of a 34.25-acre property into two parcels of 32.65 acres and 1.60 acres; AG (General Agricultural) District; located on the northeastern corner of Meridian and Burris Roads, approximately ½ mile north of the rural community of Meridian; A. P. #13-020-008; applicant - Clifton J. Davis/property owners - C. M. & Magdalene Davis (Location: District 3 - Commissioner Barringer)

Current Proposal

A. Project Description:

The project is the subdivision of a 34.25-acre property into two parcels of 32.65 acres and 1.60 acres. The parcel division is proposed under the County's homesite provisions for a son or daughter involved in the agricultural production of the property. The property owners' son currently resides in the existing, second residence located on the Burris Road property frontage.

The larger, farm parcel would front on both Meridian and Burris Roads while the son's smaller homesite parcel fronts on Burris Road. Existing driveways from these roads currently provide access to both residences. Individual septic systems and private wells serve both residences. No new development or change is contemplated with this project other than the creation of the homesite parcel.

B. Environmental Consideration:

An Initial Study was prepared to examine potential impacts of the proposed division of the property (see attached study). That study found that the project will not have a significant effect on the environment; therefore, a Negative Declaration is recommended.

Background

A. Property Description:

The subject property is a relatively flat parcel located adjacent to and easterly of the East levee of the Sacramento River. Meridian Road is located atop of the levee while Burris Road is generally at the same level as the residences and fields, raising in elevation to the top of the levee at the intersection of the two roads. The subject property is used for agricultural production of orchard crops and has two existing residences and several accessory structures. It also contains several large trees near the existing residence.

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

	Use	Zoning	General Plan
Subject Property	Agricultural and Sacramento River Flood Plain	AG	Ag – 20
North	Agricultural	AG	Ag – 20
East	Agricultural	AG	Ag – 20
South	Agricultural	AG	Ag – 20
West	Sacramento River Flood Plain	AG FP	Open Space

(See Exhibit A for study sketch.)

C. Previous Commission Actions/Policies:

In order for your Commission to approve a tentative map, the state Subdivision Map Act requires that the proposed map be consistent with the applicable General Plan. 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, to the extent possible, 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 the 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.

Your Commission has generally approved most previous similar applications provided that compliance with the above policies is shown.

Staff Comments

A. Public Works Department (PW):

See recommended conditions.

B. Environmental Health Division (EH):

See recommended conditions.

C. Planning (P):

The proposed tentative map would create two parcels, both of which are in compliance with existing General Plan and Zoning requirements.

Staff has recommended approval of the tentative map subject to several conditions. These conditions are necessary for the proposed use to provide minimum safety requirements for the protection of life and property for the intended use, the protection of existing public improvements, or to comply with code or General Plan requirements.

Staff has included a condition to require the subdivider to enter into a modified development rights agreement on the agricultural remainder parcel. The agreement would allow a single residence on that parcel consistent with past Commission practices.

Recommended Findings

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

A. An Initial Study was prepared to analyze the potential impacts of a proposed tentative map for two lots. The Initial Study concluded that the project would not have a significant impact on the environment; therefore, the adoption of a Negative Declaration is appropriate.

- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed 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 subdivision would allow the division of approximately 34.25 acres of land into two (2) parcels within the AG (General Agricultural) District in compliance with General Plan policies 6.A-4 and 6.A-6. The proposed parcels sizes, future uses, and development requirements are consistent with the Sutter County Zoning Code, the Sutter County General Plan, and policies thereof.
- D. Dedications and conditions of approval are consistent with the property's agricultural uses in a rural, agricultural area in order to provide an adequate level of access and services for the public's health, safety and general welfare, in order to conform to regulations of the Sutter County Ordinance Code and General Plan, and to conform to requirements pertaining to the protection of public resources and other public and private improvements.

Recommended Action

- A. Review and consider the Negative Declaration;
- B. Adopt the recommended findings;
- C. Adopt the Negative Declaration, and
- D. Approve the tentative map subject to the following conditions:

Upon Approval of the Map

- 1. A Notice of Determination including any fees, shall be filed in the Office of the County Clerk within five (5) days of the end of the ten-(10) day appeal period. (P)

On-Going

- 2. 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)
- 3. 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)

4. 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)
 5. 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)
 6. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
 7. 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)
 8. 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. Construct new driveway(s) to current County standards. (PW)
 9. 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)
 10. 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:

Burriss Road 20.0’ R/W + 10.0’ P.U.E (PW)
 11. 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 following indicated roads:

Meridian Road 40.0’ R/W + 10.0’ P.U.E.

Note: This right of way dedication may change upon further information. (PW)
- Prior to Recordation of the Map**
12. The applicant shall sign a modified development rights agreement allowing one residence on the agricultural remainder portion of the property. (P)

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 recordation. (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. The subdivider shall provide to the Environmental Health Division a map, which clearly shows the exact location of the Minimum Useable Sewage Disposal Area (MUSDA) for parcel number one (#1). This MUSDA would be for the replacement area for the existing sewage disposal system and should be 12,000 square foot in size. The MUSDA should be located in the proximity to the soil profile pit excavated on 12-04-02. (EH)
16. 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 parcel #1, locations of existing and proposed water wells, test hole locations, roadways, driveways, easements, and other constraints to on-site sewage system sitting. (EH)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Tentative Map
Exhibit C - Negative Declaration and Initial Study

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