

April 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #12: Commission consideration of Tentative Parcel Map #03-03 to allow the division of 62-plus acres into 3 parcels of 20-plus acres and one 2-acre homesite parcel; AG (General Agricultural) District; located on the north side of Sanders Road between Madden and Green Roads; A. P. #10-162-003; applicant/property owner - Paul Singh (Location: District 1 - Commissioner Capaul)

Current Proposal

A. Project Description:

The project is the subdivision of a 62-plus acre parcel into three parcels of 20-plus acres each and one 2-acre home site parcel. The three 20-acre parcels are proposed for agricultural use. The applicant has been informed that due to the County's 20-acre density per dwelling unit requirement, a standard development rights agreement prohibiting all residential uses will be required on one of the three 20-acre parcels. The remaining two 20-acre parcels which, will not have a development rights agreement, and the home site parcel may be developed with single-family residences which would utilize private wells and septic systems. Access to these parcels will be from either Madden Road or Sanders Road.

B. Environmental Consideration:

An Initial Study was prepared to examine potential impacts of the subdivision (see Exhibit C). That study found that the project will not have a significant effect on the environment; therefore, a Negative Declaration has been recommended.

Background

A. Property Description:

The subject property contains a 62-plus acre orchard and what remains of a previous farm headquarters with a single-family residence which burned down at some time in the past, two farm accessory buildings that still exist, several other small structures, and two wells on it. Currently, the farm headquarters area is in disarray in that several previously existing structures have been either burned down or torn down and left in several debris piles in violation of the Zoning Ordinance by a previous property owner.¹

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

	Use	Zoning	General Plan
Subject Property	Agricultural	AG	Ag-20
North	Agricultural	AG	Ag-20
East	Agricultural	AG	Ag-20
South	Agricultural	AG	Ag-20
West	Agricultural	AG	Ag-20

(See Exhibit A for study sketch.)

C. Previous Commission Actions/Policies:

The subject property was previously subdivided in 1920 under the Sullenger Tract subdivision into nine, 10-acre parcels. In 1991, a previous property owner adjusted the property lines on the property to reconfigure the nine parcels into eight lots of approximately 1.15-acre plus in size and one lot of 82-plus acres.

In 2002, that previous property owner subdivided the 82-acre parcel into two parcels of 62-plus acres, the subject property, and 20 acres.

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 and County Zoning Code.

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

¹ The current property owner has been notified of the Zoning Violation and is attempting to correct the problem.

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.

The General Plan and Zoning Code requires new parcels in this area to be a minimum of 20 acres in size, except for homesite parcels.

Staff Comments

A. Public Works (PW):

See recommended conditions.

B. Environmental Health (EH):

See recommended conditions.

C. Office of the Sheriff/Coroner:

The proposed tentative map has been reviewed by this office and we find that there is no anticipated impact on our services (paraphrased).

D. Agricultural Commissioner:

Do soils support split?
Reason for 4 parcel split when a home is proposed for only 1 parcel?
Split not conducive to agriculture in the area and against road policy.

E. Pacific Gas and Electric Company:

Any relocation of any existing PG&E facility to accommodate this project will be at the home owners' expense. There shall be no building of structures allowed under or over any of our facilities or inside any PG&E easements that may exist within the subject property.

G. Planning (P):

The proposed tentative map would subdivide a 62-acre parcel into three agricultural parcels of 20 acres in size and one 2-acre homesite parcel. The General Plan designates the subject property as 20-acre minimums; therefore, the subdivider would be required to grant development rights on one of the twenty acre parcels in order to conform to General Plan policies 6.A-4 and 6.A-6.

With the granting of a standard development rights agreement on one of the 20-acre parcels, the subdivision would conform to the General Plan policies for agricultural divisions and with the Sutter County Zoning Code provisions for minimum parcel size.

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 requirements.

The Agricultural Commission's office has raised the issue of whether the proposal is consistent with soils and area agricultural uses. As indicated above, the proposal is consistent with the General Plan which is based upon previous assumption pertaining to soils types and minimum parcel sizes for agricultural uses. Without changes to the County's policies to the contrary, the proposed subdivision would seem to meet those requirements.

Additionally, the Agricultural Commission's offices also enquired about consistency with road policy. Their question appears to pertain to if all parcels have frontage on County maintained roads. All three roads abutting the subject property are County accepted and maintained; however, Green Road on the east side of the subject property is maintained as a dirt road by the County.

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 the proposed tentative map. The 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 62-plus acres of land into 3 parcels of 20 acres and one 2-acre homesite parcel in the AG (General Agricultural) District. A development rights agreement would be provided on one 20 acre parcel in order to conform with Sutter County to General Plan policies 6.A-4 and 6.A-6; therefore, proposed parcel sizes, future uses, and development requirements are consistent with the Sutter County Zoning Code, and the Sutter County General Plan, and policies thereof.
- D. Any dedications and/or improvements required of the proposed subdivision and imposed as conditions of approval are consistent with the property's agricultural use 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. 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)
- 3. 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)

4. 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)

Prior to Recordation of the Map

5. 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)
6. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
7. 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)
8. 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 the 2-acre homesite parcel for review and approval. The MUSDA delineation shall comply with Sutter County Environmental Health regulations. (EH)
9. All on-site wells that have been abandoned shall be destroyed in accordance with Sutter County Environmental Health regulations. The subdivider shall provide to the Environmental Health Division a signed statement that this has been completed or that no abandoned wells are located on the property. The subdivider shall obtain from said Division permits, for the destruction of any abandoned well prior to the commencement of well destruction. (EH)
10. The property owner shall enter into a standard open space and development rights agreement with the County of Sutter prohibiting residential use of one of the 20-acre parcel. The parcel on which the development right agreement will apply shall be specified in the agreement. (P)

With the Recording of the Map

11. The following notes shall be recorded either on or with the map:
 - a. A statement that all structures producing wastewater shall connect to the public sewer when it is available, per the Uniform Plumbing Code (UPC).
 - b. A statement 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.

c. A statement that a site evaluation to determine the suitability of proposed Parcels 1, 2, and 3 of the subdivision for utilizing an on-site sewage system has not been conducted; therefore, no use shall be permitted on Parcels 1, 2, and 3 of the subdivision that would generate sewage or wastewater regulated by the Environmental Health Division or the California Regional Water Quality Control Board unless all requirements of Chapter 700 of the Sutter County Ordinance Code pertaining to on-site sewage disposal, or any amendments thereto in effect at the time of development, are met.

d. The following statement:

“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)

Sincerely,

LISA PURVIS WILSON
INTERIM 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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