

May 28, 2003

To: Sutter County Planning Commission

Re: Agenda Item #5: Public hearing on Tentative Parcel Map #03-04 to allow the division of a 51.21-acre parcel into two parcels, 31.1 acres and 20.11 acres in size; located on the south side of North Butte Road, southwest of the intersection with Almond Orchard Road; A. P. #08-030-026; applicants/property owners - John McMurtry, Brian McMurtry & Kathleen Long (Location: District 1 - Commissioner Capaul)

### **Current Proposal**

A. Project Description:

The applicants request tentative map approval to divide 51.21 acres into two parcels, respectively 31.1 acres and 20.11 acres in order to accommodate a parcel split as directed by the Sutter County Superior Court.

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 51.21 acres and has been developed partly as an orchard and partly as pasture. The proposed 31.1-acre parcel contains the orchard and a seasonal drainageway, while the proposed 20.11-acre parcel contains the pasture ground. The property has approximately 2,755 feet of frontage on North Butte Road, and averages 842 feet deep.

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

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
Subject Property	Agriculture	AG	AG-20
North	Agriculture	AG	AG-20
East	Agriculture & Rural Residence	AG	AG-20
South	Agriculture	AG	AG-80
West	Agriculture	AG	AG-20

C. Previous Planning Commission Actions/Policies

On November 15, 1983, the Commission approved Parcel Map #711 that created the subject property out of a 155-acre parent parcel.

**Staff Comments**

A. Environmental Health (EH):

See Conditions of Approval.

B. Public Works Department (PW):

See Conditions of Approval.

C. Building Inspection:

The Building Inspection Division responded with no comments.

D. Sheriff/Coroner:

The Office of the Sheriff/coroner responded that the project will have no impact on services.

E. Planning (P): See Conditions of Approval and the following discussion.

The proposed land division is consistent with minimum parcel size and development standards as contained in the Sutter County General Plan and Zoning Code. The boundary separating the 20-acre and 80-acre minimum parcel size areas of the Agricultural District meets the southern boundary of the parcel at a point that coincides with the southernmost extent of the orchard. The property is also adjacent to, but outside of, the Sutter Buttes Overlay Zone. The project furthermore does not propose any tree or vegetation removal, nor does it propose any structures or improvements.

The tentative parcel map also complies with the form and data requirements as well as the lot standards contained in the Sutter County Subdivision Ordinance.

## **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.

## **Action Required for Project Approval**

- 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 #03-04, 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 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. 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)
  - 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 individual wells proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (EH)

5. 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)
6. 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)
7. 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)
8. 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)
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 parcel or 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 driveways 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:

North Butte Road     30.0' R/W + 10' P.U.E. (PW)

Sincerely,  
LISA WILSON  
INTERIM PLANNING DIVISION CHIEF

William J. Caplinger  
Assistant Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Tentative Parcel Map #03-04  
Exhibit C - Proposed Negative Declaration and Initial Study

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