

July 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #5: Public hearing on Tentative Parcel Map #03-08 to allow the subdivision of a 226-plus acre parcel into two agricultural parcels of 104 and 122 acres and request for waiver of recording the required parcel map; AG (General Agricultural) District; located on the easterly and westerly sides of Cranmore Road at the Sacramento River, approximately ¼ mile northwesterly of the intersection of Coles Road and Cranmore Road in the Sutter Basin, and approximately 1½ miles south of Tisdale Bypass; A. P. #24-010-015; applicant - Satvinder Kang /property owner - David Rai (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description:

The project is the subdivision of a 226-plus acre parcel into two agricultural parcels of 104 and 122 acres. The subject property is within the County's 20-acre minimum agricultural area. No development of either parcel is proposed. The purpose of the parcel map is to facilitate the sale of a portion of the existing orchard for agricultural use.

Access to both parcels would be from Cranmore Road which divides the property along an approximately northeasterly-southwesterly axis.

Additionally, the applicant's engineer has requested a waiver of the requirement to record a parcel map under section 1400-115(c) of the County's Subdivision Ordinance.

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. Therefore, if the Planning Commission wishes to approve the project, staff recommends the Commission adopt the attached Negative Declaration.

Background

A. Property Description:

The subject property contains a 226-plus acre orchard and two gas wells. It is located on the easterly and westerly sides of Cranmore Road, adjacent to the Sacramento River, approximately ¼ mile northwesterly of the intersection of Coles Road and Cranmore Road in the Sutter Basin, and approximately 1½ miles south of Tisdale Bypass

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

	Use	Zoning	General Plan
Subject Property	Agricultural	AG	Ag – 20
North	Agricultural and Hunter Cemetery	AG	Ag – 20
East	Agricultural	AG	Ag – 20
South	Sacramento River	AG	Ag – 20
West	Agricultural	AG	Ag – 20

(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 and County Zoning Code. In reviewing the project in relationship to the General Plan, the following policies appear to apply:

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.

Your Commission has previously approved waivers of the Subdivision Ordinance’s requirement to record a parcel map; however, staff could not find any recent examples of such waivers being approved.

Staff Comments

A. Public Works Department (PW):

See recommended conditions.

B. Environmental Health Division (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. Pacific Gas and Electric Company:

Any relocation of any existing PG&E facility to accommodate this project will be at the property 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.

E. Planning (P):

The proposed tentative map would subdivide an approximately 226-acre parcel into two agricultural parcels, with both parcels exceeding 100 acres in size, and intended for agricultural uses. Parcel size is consistent with the requirements of the Zoning Code and conforms to General Plan policy 6.A-6.

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.

Section 1400-115(c) of the Subdivision Ordinance allows your Commission to grant a waiver of the requirement to record a parcel map. In lieu of recording a parcel map, the Subdivision Ordinance requires that a certificate of compliance be recorded instead.

In order to waive the parcel map recording requirement, the County has previously required all parcels in the subdivision to be over 40 acres in size and to otherwise comply with all requirements of the Subdivision and Zoning Ordinance.

Additionally, the Subdivision Ordinance and the State Subdivision Map Act require that in order for your Commission to approve the waiver, you must make special findings. Those findings are that upon review of the tentative map, the proposed division of land complies with requirements established by the Subdivision Ordinance and the Subdivision Map Act as to area, improvement and design, floodwater and drainage control, appropriate public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Ordinance and the Subdivision Map Act.

As noted in the preceding, the proposed map complies with the Zoning Code and General Plan policies for use and parcel size and upon compliance with the conditions of approval, will comply with all other Ordinance and Map Act requirements including provisions for improvement and design, floodwater and drainage control, appropriate public roads, sanitary disposal facilities, water supply availability, and environmental protection.

As a slight twist, the applicant's agent has requested that if required by subdivider's financing institution, the subdivider may need to record a parcel map instead of utilizing the waiver. Staff has written the conditions to allow the applicant the option of recording the approved map as either a parcel map or a certificate of compliance.

Recommended Findings

Based on 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 for the subject property. 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 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 226-plus acres of land into 2 parcels of 100-plus acres apiece for agricultural uses in an area where the AG (General Agricultural) District and the Sutter County General Plan allow agricultural uses with 20-acre parcel minimums; therefore, the proposed parcel sizes and uses are consistent with the Sutter County Zoning Code, 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.
- E. Upon review of the tentative map and the agenda report prepared pertaining to that tentative map, the proposed division of land has been found to comply with requirements established by the Sutter County Subdivision Ordinance and the State Subdivision Map Act as to area, improvement and design, floodwater and drainage control, appropriate public roads, sanitary

disposal facilities, water supply availability, environmental protection, and other requirements of the Ordinance and the Subdivision Map Act.

Recommended Action

- A. Review and consider the Negative Declaration;
- B. Adopt the recommended findings;
- C. Adopt the Negative Declaration;
- D. Approve a waiver of the recording of a parcel map, and
- E. 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. If so desired by the subdivider, the approved map may be recorded by recording a certificate of compliance. If the map is recorded by a certificate of compliance, the Community Services Department shall amend the wording of the conditions of approval as may be necessary to reflect the recording of the certificate of compliance rather than the recording of a parcel map. (P)
- 3. 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 Public Works Department. 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 map or in the certificate of compliance. (PW)
- 4. 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)
- 5. 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 or Certificate of Compliance

6. 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 completed. (PW)
7. All rights of way and easements, public or private, shall be shown on the parcel map along with the recording references or deed references included in the certificate of compliance. (PW)
8. 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)
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. If the subdivider desires to record a certificate of compliance, he shall provide the Community Services Department with legal descriptions of the two parcels of the subdivision as well as all other documents and deed references necessary in order to prepare, complete, and recorded the certificate of compliance. (P)

With the Recording of the Map or a Certificate of Compliance

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 specified one-half widths of the following indicated road:

Cranmore Road 33.0' R/W + 10.0' P.U.E. (PW)

12. The following notes shall be recorded on the map or certificate:
 - a. 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.)
 - b. A statement that a site evaluation to determine the suitability of Parcels 1 and 2 of the subdivision for utilizing an on-site sewage system has not been conducted; therefore, no use shall be permitted on Parcels 1 and 2 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. (EH)

Sincerely,
DANELLE STYLOS
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Tentative Map
Exhibit C - Negative Declaration and Initial Study
Exhibit D - Letter Requesting Waiver of Recording of Parcel Map

H:\planning commission-2003\08-06-03\reports\pm 03-08 (kang)