

July 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #8, a): Public hearing on General Plan Amendment #03-05 to amend the General Plan Land Use Diagram changing the designation of the subject property from AG-20 (Agricultural, 20-acre minimum parcel sizes) to RAN (Ranchette, 3-10 acre minimum parcel sizes); and

Agenda Item #8, b): Public hearing on Rezoning #03-08 to change the zoning classification of the subject property from AG (General Agricultural) District to RAN (Ranchette) District; and

Agenda Item #8, c): Public hearing on Tentative Parcel Map #03-09 to allow the division of a 20.13 acre parcel into four ranchette lots; located on the north side of Stewart Road, approximately 1,000 feet east of Caminito Avenue, Yuba City; APN: 23-101-029; applicant/property owner - Ted Karnegas (Location: District 5 -Commissioner Shannon)

Current Proposal

A. Project Description:

The applicant requests a General Plan amendment, rezone and tentative map approval to change the General Plan designation from AG-20 to RAN (Ranchette), rezone the property from AG (General Agricultural) to RAN (Ranchette), and divide 20.13 acres into four parcels: two 3.0 acre parcels, a 4.1 acre parcel, and a 10.0 acre parcel.

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, could have a significant impact on the environment; however, a mitigation measure has been recommended by staff which reduces the possible impact to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Background

A. Property Description:

The subject site is 20.13 acres in size and is developed with a residence and an orchard.

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

	Use	Zoning	General Plan
Subject Property	Orchard, residence	AG	AG-20
North	Vacant, residences	Yuba City	Yuba City
East	Orchard, agricultural	AG	AG-20
South	Agricultural, residences	AG, RAN	AG-20, RAN
West	Residence, orchards	RAN, AG	RAN, AG-20

C. Previous Commission Action/Policies:

There have been no previous Commission actions for the subject property. On July 2nd, the Planning Commission recommended approval of a ranchette located west of the subject property (PM #03-05, Osumi). Parcel Map #03-05 is scheduled to be heard by the Board in late August. Ranchette developments have also previously been approved on the property adjacent to the west in February 2001 (PM #00-09, Souza) and on property to the southwest in March 2000 (PM #99-12, Montna).

Staff Comments

A. Public Works Department (PW):

See Conditions #4-#15.

B. Environmental Health (EH):

See Conditions #16-#21.

C. Office of the Sheriff/Coroner (S/C):

The Sheriff/Coroner responded that the project would have no major impact to services provided by their department.

D. Building Division (B):

The Building Division responded with no comments to the proposal.

E. Yuba City Fire Department (YCFD):

See Condition #25.

F. Pacific Gas and Electric Company: (PG&E):

See Condition #24.

PG&E also responded with the following standard comment:

Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense. There shall be no building of structures allowed under or over any of PG&E facilities or inside any PG&E easements that may exist within the project site.

G. Planning (P):

General Plan Amendment/ Rezone and Tentative Parcel Map Analysis

According to the General Plan, the Ranchette designation is to be applied to areas located outside of the Yuba City and Live Oak sphere's of influence, which are suitable for rural residential and small scale farming operations. Allowed densities range between 0.1 to 1/3 dwelling units per acre (3-10 acre parcel sizes). Any Ranchette proposal cannot result in the creation of more than four total lots.

The applicant has submitted responses to the Criteria for Ranchette Development (See Exhibit E). In Section 1 of the Criteria, "yes" responses were provided to all three questions. These responses, which were confirmed by staff, indicate that the subject parcel has frontage on a County maintained road, the request will result in parcel sizes that are greater than or equal to 50% of all abutting parcels, and that more than 50% of the subject property's lineal footage abuts properties that are 10 acres or less in size. Staff notes that adjacent to the north of the subject property, located within the City limits, a tentative subdivision map has been approved for the Almond Grove Estates - Phase II subdivision. According to City staff, the subdivider is proceeding with recording of this subdivision. For scoring purposes, staff has therefore considered the adjacent parcel sizes as depicted on the approved tentative map.

In Section 2 of the criteria, a score of 39 out of 49 (80% of the total) was obtained. Points were deducted on Question #1 due to the subject property being bordered by a 26 acre parcel to the east and on Question #2 since this 26 acre parcel is currently in agricultural production. As noted above, the Commission recently recommended approval to the Board of a ranchette located west of this property (Osumi). Two ranchettes have previously been approved for the parcel adjacent to the west (Souza) and a parcel to the southwest (Montna). These ranchettes received scores of 44 (Osumi), 33 (Souza), and 40 (Montna).

Sutter County Design Guidelines require a buffer for any new project that proposes to locate adjacent to an existing agricultural use. The Guidelines also identify ranchette lots themselves as a means to buffer agricultural use from residential or urban uses. In order to provide a buffer between the proposed project and the existing orchard on the adjacent parcel to the east, staff is recommending a mitigation measure requiring a residential exclusion area be established along the eastern 100 feet of proposed Parcel 4. A vegetative buffer, with a minimum width of 15 feet, will also be required to be planted within the residential exclusion area to reduce impacts from neighboring agricultural practices such as spraying and dust. Since proposed Parcel 1 is already developed with a residence, located approximately 70 feet west of the property line, this mitigation is not being required along the eastern portion of proposed Parcel 1.

In order for the Commission to recommend approval of the rezoning to the Board of Supervisors, the Zoning Code requires the following findings be made:

1. The proposed use is located outside of the Yuba City and Live Oak spheres of influence, and is consistent with General Plan Policy 1.C-3.
2. The proposal creates no more than four parcels, including any designated remainder, and is consistent with General Plan Policy 1.C-5.
3. The proposed development is consistent in size and character with surrounding properties and will not adversely impact adjacent agricultural operations because appropriate buffers will be provided to minimize potential conflicts.
4. The proposal substantially conforms to the Ranchette evaluation criteria as adopted by resolution of the Board of Supervisors.

Findings 1 & 2 above are made in that the subject parcel is located outside of the Yuba City sphere of influence and the proposal will create four parcels. Staff believes the subject parcel is a logical location for Ranchette development due to the existing ranchette lots adjacent to the west and southwest, as well as other previously approved ranchettes to the south along Caminito Avenue. The subject parcel is also bordered to the north by the City limits of Yuba City as well as the sphere of influence. Finding 3 is made due to consistency with surrounding properties to the west and south and since a mitigation measure is being required along the eastern portion of proposed Parcel 4 to buffer the project from the existing agricultural operation to the east. Staff also believes that Finding 4 is made due to the project's high score on the Criteria for Ranchette Development.

Based on the discussion above, staff believes that the project is consistent with the General Plan and therefore recommends approval of the General Plan amendment, rezone, and tentative parcel map with the following conditions and findings.

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 project for the subject property. The study revealed that the project, as proposed, could have a negative impact on the environment; however, with the mitigation measure identified in the Initial Study, all potential impacts would be reduced to a level of less than significant. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Monitoring Program attached to this staff report are appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgement of the County of Sutter.
- C. The project is located outside of the Yuba City and Live Oak sphere's of influence, and is consistent with General Plan Policy 1.C-3.
- D. The project creates no more than four parcels, including any designated remainder, and is consistent with General Plan Policy 1.C-5.
- E. The proposed development is consistent in size and character with surrounding properties and the general area.
- F. The project will not adversely impact adjacent agricultural operations because an appropriate buffer will be implemented to minimize potential conflicts, consistent with General Plan Policies 1.F-1 and 1.F-4.
- G. The project substantially conforms to the ranchette evaluation criteria as adopted by the Board of Supervisors.
- H. The proposed tentative map and use of the subject property complies 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. Recommend the Board of Supervisors adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project and attached to this report.
- C. Recommend the Board of Supervisors approve General Plan Amendment #03-05 changing the land use designation of the property from AG-20 to RAN.
- D. Recommend the Board of Supervisors approve Rezoning #03-08 changing the zoning designation from AG to RAN.
- E. Recommend the Board of Supervisors approve Tentative Parcel Map #03-09, subject to the following conditions.
 - 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 the end of the ten (10) day appeal period. (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. The final map shall be recorded within 36 months of the approval date or the applicant shall submit a request for and receive approval of a time extension in accordance with the Sutter County Subdivision Ordinance. (P, PW)
 - 4. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
 - 5. 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)
 - 6. 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 map. (PW)
 - 7. 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)

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. 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: (PW):

Stewart Road	32.0' R/W + 10.0' P.U.E.
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10. 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)
11. The proposed public road shall terminate with a standard cul-de-sac at its northern end, suitable to provide for a fire truck turn around. The cul-de-sac bulb shall be improved in accordance with Sutter County road standards (See DWG No. H-8). (PW)
12. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works, shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for street paving along Stewart Road. (PW)
13. New roads within the development site must be improved to current County road standards. A 40-foot right of way and 10-foot public utility easement shall be deeded to Sutter County for all new roads within the development. Roadway improvement plans and construction of the roadway improvements shall be approved by the Director of Public Works. (PW)
14. Roadway design shall be based on a maximum value of five (5) for native soil unless tests of the native soil indicate a higher "R" value. (PW)
15. Prior to issuance of a building permit, a drainage and grading plan must be approved by the Public Works Department. (PW)
16. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map which 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)
17. Prior to the recordation of the map, the subdivider shall record on or with the map the general location of the individual wells proposed for each parcel. The delineation of the well locations shall comply with Environmental Health requirements. (EH)

18. 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)
19. 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)
20. 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)
21. The following note shall be recorded on or with the map:

“The Minimum Useable 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)
22. The following note shall be recorded on or with the map:

No further division of Parcels 1 through 4 shall be permitted so as to create a total of more than four (4) parcels from the original parent 20.13 acre parcel, which existed prior to this division, until the County’s next Comprehensive General Plan Update. (P)
23. A 100-foot residential exclusion area shall be enforced along the eastern boundary of proposed Parcel 4 to provide a buffer between any new residential development and adjacent agricultural uses on the parcel to the east. A vegetative buffer, 15-foot in width, shall be planted and maintained within the residential exclusion area to reduce impacts from adjacent agricultural practices, such as spraying and dust generated by disking of the land. This residential exclusion area may be reduced or completely removed if the adjacent parcel to the east has been irreversibly converted to a non-agricultural use. The vegetative buffer shall contain either existing orchard trees or trees and/or shrubs from the County approved landscape materials list and shall be physically and biologically designed to avoid conflicts with the adjacent agricultural operations. The height of the vegetative buffer at maturity shall not be less than 30-feet. A plan for the vegetative buffer shall be provided to the Planning Division prior to issuance of a residential building permit for proposed Parcel 4 and shall be planted prior to issuance of a certificate

of occupancy. This requirement shall be noted on or with the recorded final map.
(*Mitigation Measure #1*)(P)

24. Both the cul-de-sac street serving the proposed parcels and the 30-foot wide access easement across Parcel 3 shall be dedicated as Public Utility Easements. (PG&E)
25. Fire department access and water supply shall comply with the Uniform Fire Code as adopted by the County of Sutter and determined by the Yuba City Fire Department. (YCFD)

Sincerely,
DANELLE STYLOS
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Tentative Map
Exhibit C - Proposed Mitigated Negative Declaration and Initial Study
Exhibit D - Mitigation Monitoring Program
Exhibit E - Criteria for Ranchette Development Evaluation Form

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