

Planning Commission Staff Report

PLANNING COMMISSION HEARING NOVEMBER 19, 2003



Agenda Item #5

Request: Rezone a portion of the subject property from the AG-PD (General Agricultural, Planned Development Combining) District to the AG (General Agricultural) District for consistency with a proposed lot line adjustment. Planned Development Amendment to amend the existing Development Plan for the parcel located at 1084 North Township Road for consistency with the proposed lot line adjustment between the two parcels.

Location: 1084 North Township Road and 4013 Colusa Highway, Yuba City

APN: 13-323-022 and -021

File: RZ #03-10 and PD #03-01

Planner: Steve Geiger

Applicants	Property Owners	Property Owner
Matt & Elyn Stephenson 1084 North Township Road Yuba City, CA 95993	Matt & Elyn Stephenson 1084 North Township Road Yuba City, CA 95993	Valerie MacMillan 4013 Colusa Highway Yuba City, CA 95993

Staff Recommendation

Recommend that the Board of Supervisors approve Rezoning #03-10 and Planned Development Amendment #03-01, subject to the conditions of approval listed in the staff report.

Project Description

The project is a request to rezone a portion of the subject property from the AG-PD (General Agricultural, Planned Development Combining) District to the AG (General Agricultural) zone. A Planned Development Amendment is also required to address the reduction of pasture land previously approved under the existing Planned Development and to revise a condition of approval.

Setting

The project site consists of two properties located at the northwest corner of State Highway 20 and North Township Road (1084 North Township Road and 4013 Colusa

Highway). The property at 1084 North Township Road is developed with a commercial horse boarding facility and is zoned AG-PD. The property at 4013 Colusa Highway is developed with a retail and wholesale animal supply business and is zoned AG.

Adjacent land uses, zoning and General Plan designations for the surrounding properties are summarized below.

	Land Use	Zoning Designation	General Plan Designation
North	Agricultural (orchards), residences	AG (General Agricultural)	AG-20
South	Highway 20, agricultural (orchard), residences	AG (General Agricultural))	AG-20
East	Industrial, residences	R-1 (One-Family Residence), C-M (Commercial-Industrial), M-1 (Light Industrial)	LDR, IND
West	Residences	AG (General Agricultural), A-2 (Exclusive Agricultural)	AG-20

Background/Previous Commission actions

The two subject properties both have existing land use entitlements permitting the current uses on the properties. On May 2, 2001, the Planning Commission approved Use Permit #01-05 to allow a retail and wholesale animal supply business within an existing building for the property at 4013 Colusa Highway. On November 7, 2001, the Commission approved Planned Development Amendment #01-01 to allow a commercial horse boarding facility at 1084 North Township Road.

A condition of approval for Use Permit #01-05 (4013 Colusa Highway) required that the applicants provide an adequate on-site water supply for fire suppression operations. Staff has been working with the owner (Valerie MacMillan) to satisfy this requirement which can be met by drilling a new well for fire suppression purposes. After examining the constraints on the property, it was determined that in order to drill the well on-site, it would be necessary to file a lot line adjustment to obtain additional property from the adjacent property owner at 1084 North Township. The property owners agreed on a new proposed boundary that provides additional property for 4013 Colusa Highway to the north and west of the existing property lines and have submitted a lot line adjustment application to the County (See Attachment C for proposed new boundaries). Due to the proposed lot line adjustment, a rezone application is needed so that zoning remains consistent with the new property boundaries. A planned development amendment application is also required since the lot line adjustment affects the area addressed by the existing development plan and the conditions of approval.

Analysis

Rezoning

A portion of the 1084 North Township Road property currently zoned AG-PD is being sold to the owner of 4013 Colusa Highway, which is zoned AG. To maintain consistency with the existing zoning and the proposed new property boundaries, this portion of the property is being rezoned from AG-PD to AG (See Attachment C for new property boundaries in relation to existing improvements on the properties and Attachment D for existing and proposed zoning).

The subject properties are designated Agriculture, 20 acre minimum parcel size by the General Plan. The property at 4013 Colusa Highway is currently less than two acres in size and is non-conforming with the 20 acre minimum parcel size. In considering a lot line adjustment between two parcels within an agricultural zone district where one parcel conforms with the minimum parcel size and one does not, the Zoning Code requires that the larger (conforming) parcel maintain conformance with the General Plan size requirements and the smaller (non-conforming) parcel become larger. The lot line adjustment proposed by the property owners meets this requirement. As shown on the lot line adjustment map provided (Attachment C), the non-conforming parcel at 4013 Colusa Highway (shown as Parcel "A"), will be extended along State Highway 20 to become approximately 4.7 acres in size. The parcel at 1084 North Township Road will be reduced from approximately 22.3 acres to 20.4 acres in size and will therefore maintain consistency with the 20 acre minimum parcel size required by the General Plan.

The existing businesses (commercial horse boarding facility and animal supply business) located on the subject properties will remain unchanged. These uses are compatible with the Agriculture General Plan designation.

Planned Development Amendment

As noted above, Planned Development Amendment #01-01 allowed for a commercial horse boarding facility at 1084 North Township Road. The proposed lot line adjustment will result in a reduction in the area covered by this development plan of approximately 2.8 acres. This area, designated as fenced pasture area for horses boarded at the facility, will be incorporated into the property located at 4013 Colusa Highway. The area to be transferred contains no structures and will increase the size of the property at 4013 Colusa Highway from less than two acres to approximately 4.7 acres. This property will be rezoned to AG for consistency with the existing zoning at 4013 Colusa Highway. Use of the property will be subject to the AG zone district regulations.

Staff notes that with this transfer of property, a modification to one of the existing conditions of approval for Planned Development Amendment #01-01 is necessary. Condition #17 of that approval states the following:

17. Existing landscaping on the subject property located adjacent to Township Road and State Highway 20, including lawn area and trees, shall be maintained to buffer the use from adjacent properties to the east and from State Highway 20 to the south.

Since the property where this existing landscaping is located will be sold to the owner of 4013 Colusa Highway and incorporated into her property through a lot line adjustment, the land and landscaping will no longer be a part of the planned development (commercial horse boarding facility) of 1084 North Township Road. Staff therefore recommends that the condition be amended as follows:

17. Existing landscaping on the subject property located adjacent to Township Road ~~and State Highway 20~~, including lawn area and trees, shall be maintained to buffer the use from adjacent properties to the east ~~and from State Highway 20 to the south~~.

Deleting the above portions of the condition will eliminate the requirement for the owner of the commercial horse boarding facility to maintain the landscaping along Highway 20, which will no longer be part of their property.

The applicant has provided staff with a site plan showing the proposed location of the fire well on the 4013 Colusa Highway property. The Environmental Health Division has reviewed and approved of the proposed fire well location. In addition to the rezone and planned development amendment applications, staff is reviewing the proposed lot line adjustment. The Environmental Health Division has indicated that it will require that soil testing be conducted on both parcels prior to recording of the lot line adjustment.

Environmental Analysis

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. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, staff recommends the Commission recommend that the Board of Supervisors adopt the attached Negative Declaration. (Attachment G)

Summary

Staff recommends approval of the rezone to change a portion of the property at 1084 North Township from the AG-PD zone district to the AG zoning district for consistency with a proposed lot line adjustment with the property at 4013 Colusa Highway. Staff also recommends approval of the planned development amendment to modify the planned development boundaries for consistency with the lot line adjustment and to modify condition #17.

Recommended Action

Staff recommends that the Planning Commission make the following motions:

1. “The Planning Commission finds the proposed negative declaration was prepared in accordance with the California Environmental Quality Act and the Guidelines.”
2. “The Planning Commission recommends that the Board of Supervisors approve Rezone #03-01, based on the recommended findings contained in this staff report.”
3. “The Planning Commission recommends that the Board of Supervisors approve Planned Development Amendment #03-01, based on the recommended findings contained in this staff report and subject to the revised development plan and conditions of approval.”

CEQA Findings

Based upon information contained in the staff report and/or testimony received at the public hearing, the Planning Commission recommends the following findings:

- 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 Negative Declaration prior to making its recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.

General Plan

1. Finding: The County shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:
 - (a) The rezone and planned development amendment are consistent with the adopted General Plan and Zoning Ordinance.
 - (b) The proposal complies with all other applicable requirements of state law and local ordinances.

Evidence:

- (a) The proposed project has been reviewed and is consistent with the General Plan. Both the AG and AG-PD zone districts are consistent with the Agriculture, 20 acre minimum designation of the General Plan.

Attachments

Attachment A - Conditions of Approval

Attachment B - Study Sketch

Attachment C - Proposed lot line adjustment map

Attachment D - Rezone exhibit map

Attachment E - Previously approved Planned Development Amendment #01-01 map

Attachment F - Planned Development Amendment #01-01 conditions of approval

Attachment G - Proposed Negative Declaration and Initial Study

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**Conditions of Approval
Matt & Ellyn Stephenson**

Rezoning #03-10

1. The request is to rezone a portion of the subject property from the AG-PD (General Agricultural, Planned Development Combining) District to the AG (General Agricultural) District for consistency with a proposed lot line adjustment.
2. The rezone shall not become effective until thirty (30) days after the date of its approval by the Board of Supervisors and upon recordation of Lot Line Adjustment #03-20. The applicant shall provide evidence to the Planning Division that the lot line adjustment has been recorded within five (5) days of recordation with the County Recorder's Office.

Planned Development Amendment #03-01

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 approval by the Board of Supervisors.
2. The development plan for the property at 1084 North Township Road shall be amended to be consistent with the map submitted for Lot Line Adjustment #03-20 (Attachment C).
3. All conditions of previously approved Planned Development Amendment #01-01 (1084 North Township Road) shall remain in full force and effect, except for Condition #17 which shall be amended as follows:

Existing landscaping on the subject property located adjacent to Township Road, including lawn area and trees, shall be maintained to buffer the use from adjacent properties to the east.