

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #14: Public hearing on Rezoning #02-10 to change the zoning classification of the subject parcels from AG (General Agricultural) District to P (Public District) District and AG-PD (General Agricultural, Planned Development Combining) District; located north of Griffith Lane and west of Perry Street, A.P. #13-200-094 and 095; applicants/property owners - Albert & Elizabeth Moody (Location: District 3 - Commissioner Barringer)

Current Proposal

A. Project Description:

The owner/applicant is seeking approval of a change in zoning to 30 acres from AG (General Agricultural) to P (Public District) in order to sell 30 of the 40 acres to the Sutter Union High School District. All of A.P. #13-200-095 and the north half of A.P. #13-200-094 are requested to be rezoned to Public, with the remaining southern 10 acres to become AG-PD zoning. The property owner will then be able to deed 30 acres to the school district and retain 10 acres for their homesite. Since the General Plan Land Use designation is 20 acres, the AG-PD zoning designation is appropriate to allow this flexibility in the parcel design and density.

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 recommend approval of the project, it should recommend that the Board of Supervisors adopt the attached Negative Declaration.

Background

A. Property Description:

The property is currently in two parcels of 20 acres each. The parcels are located north of Griffith Lane and west of Perry Street in Sutter. The southernmost parcel contains the Moody homesite improvements and the northern 20 acres is not developed and has not been actively farmed for several years.

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

	Use	Zoning	General Plan
Subject Property	Residence, fallow land	AG	AG-20
North	Intercepting canal, Sutter Community Services Water Tank	AG	AG-20
East	Sutter High School campus, church, parking area, residences	P	AG-20, ER
South	Applicant homesite	AG	AG-20
West	Orchard	AG	AG-20, AG-80

C. Previous Commission Actions/Policies:

A parcel map was approved 10/4/00 to create the existing two 20 acre parcels. In 1989, the Planning Commission approved a use permit for a mobile home to be occupied by the property owner's parents. The use permit has been extended each five year period, with the current extension due to expire 2/14/04.

Comments

A. Building (B):

Building Inspection has no comments.

B. Environmental Health (EH):

Any development requiring onsite wastewater disposal will require soil testing and applicant will be required to obtain all applicable permits.

Requested Action

The rezone is requested to facilitate a future parcel division of one of the two parcels into two-ten acre parcels. A total of 30 acres will then be sold to the ownership of Sutter Union High School District. This request is unique in that because a public entity (Sutter Union High School District) is

involved, no parcel map is required (pursuant to California Government Code Section 66428). The only action required of Sutter County is approval of the rezone request.

The requested rezone in effect creates an artificial property line. The School District will take subsequent action to purchase 30 of the 40 acres involved in this request. Since this area is designated in the General Plan as Agriculture 20 acre minimum parcel size, the remaining 10 acre parcel will not meet the minimum acreage requirement. For this reason, staff proposes the remaining parcel be rezoned to AG-PD (General Agricultural, Planned Development Combining) District. The PD designation is designed to provide greater flexibility in land use through lot design and density adjustments to assure compatibility with adjacent land uses, while maintaining the agricultural land use.

The Moody parcel contains a permanent residence, a temporary caretaker residence, and an outbuilding. No additional dwellings are allowed by the current, or proposed, zoning. The Public Zoning allows various public and community facilities, including school facilities, as allowed uses. Both zoning designations are consistent with the General Plan Land Use Designation of AG-20.

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 proposal. The Initial Study shows that there is no substantial evidence, in light of the whole record before the County, that the project will have a significant adverse effect on the environment.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed Negative Declaration prior to making its recommendation on the project and finds that both documents reflect the independent judgement of the County of Sutter.
- C. The proposed use of the subject property complies with the applicable requirements of the Sutter County General Plan and Zoning Code.
- D. Division 63 of the Sutter County Zoning Code allows for flexible parcel size minimums and lot designs to be approved as part of planned development applications.
- E. The proposed project will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property or improvements in the neighborhood or general welfare of the County.

Recommended Action

- A. Upon review of all comments, recommend that the Board of Supervisors adopt the Negative Declaration.
- B. Recommend the Board of Supervisors approve Rezoning #02-10, changing the zoning designation from AG (General Agricultural) District to P (Public District) and to AG-PD (General Agricultural, Planned Development Combining) District.

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Lisa Purvis Wilson
Senior Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Rezoning Exhibit
Exhibit C - Proposed Negative Declaration and Initial Study

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