

March 26, 2003

To: Sutter County Planning Commission

Re: Agenda Item #10: Public hearing on Rezoning #03-01 to change the zoning on an 18.76 acre parcel from A-2 (Exclusive Agricultural) District to AG (General Agricultural) District or other more restrictive designation as proposed by the Sutter County Planning Commission;

and,

Agenda Item #11: Public hearing on Use Permit #03-01 to allow the construction and leasing of three 5,000 square foot buildings for agricultural related commercial uses on an 18.76 acre parcel; located on the south side of Highway 20, approximately 1,400 feet easterly of Lytle Road; A. P. #13-280-142; applicant - James Patrick/property owners - Allen & Christine Catlett, et al (Location: District 4 - Commissioner Southard)

Current Proposal

A. Project Description:

The project is the rezoning of an 18.76 acre parcel from A-2 (Exclusive Agricultural) District to AG (General Agricultural) District or other more restrictive designation as proposed by the Sutter County Planning Commission and approval of a use permit to allow the construction and leasing of three 5,000 square foot buildings to be used for agricultural related commercial uses. Each building would have a graveled parking area sufficiently sized to park at least 11 vehicles.

The property would be accessed from Highway 20 at the intersection of Highway 20 and Lytle Road via a gravel driveway crossing the adjacent two parcels to the west. The driveway would proceed from the intersection approximately 1,400 feet easterly to the subject property at which point it would turn southerly to access the three proposed commercial structures.

The applicant has indicated that if the project is approved he intends to purchase the property and construct three buildings as commercial shells. The building would then be leased to individuals or firms desiring a

location for agriculturally related commercial service uses as permitted by use permit under the AG (General Agricultural) District. No specific uses are proposed at this time; however, the applicant has included letters of interest in his application from a commercial gas well drilling operator and an agricultural land leveling service. The lessee would be required to perform any exterior or interior changes or alterations necessary for their business. The applicant has indicated that his proposed tenants may also require extensive exterior storage area around each building.

On-site waste water disposal would be provided in a communal septic system with domestic water being supplied by a communal well.

The site plan also proposes a highway frontage sign as allowed under the sign provisions of the Zoning Code for the agricultural districts.

B. Environmental Consideration:

Section 15270(a) of the California Environmental Quality Act Guidelines states that CEQA does not apply to projects that an agency rejects or disapproves. Staff will be recommending that the rezoning and use permit both be denied; therefore the project is exempt from CEQA. Should your Planning Commission wish to approve the project, it will be necessary to continue the matter to a future Planning Commission agenda a minimum of 45 days from this meeting in order for the preparation and advertisement of the appropriate environmental document and circulation to Caltrans.

Background

A. Property Description:

The subject property is a vacant, 18.76 acre agricultural parcel. Its most recently agricultural use was for row crops. Access is provided to the property from Highway 20 via a 1,400 foot dirt driveway crossing the two adjacent parcels.

The parcel is approximately 320 feet wide and 2,541 feet deep.

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

	Use	Zoning	General Plan
Subject Property	Agricultural	AG	Agricultural (80 acres minimums)
North	Agricultural	AG	Agricultural (80 acres minimums)
East	Agricultural including Russell’s Honeybees	AG	Agricultural (80 acres minimums)

South	Agricultural	AG	Agricultural (80 acres minimums)
West	Agricultural	AG	Agricultural (80 acres minimums)

(See attached Exhibit A for study sketch.)

C. Previous Commission Actions and/or Policies:

In 2002, the Zoning Code was amended to require that any use permit that required the concurrent approval of a rezoning act must be approved by the Board of Supervisors. Therefore, your Commission’s action on both the rezoning and use permit is a recommendation to the Board.

In 1971, the subject property was included in a rezoning action that changed approximately 2,500 acres in 14 parcels from A-1 (General Agriculture) District to A-2 (Exclusive Agricultural) District (the old A-1 General Agriculture District was the County’s predecessor district to the current AG General Agricultural District). The properties included in the rezoning were located westerly of Township Road, generally south and easterly of the Sutter Buttes, south to Colusa Highway. Based upon records of that era, the purpose of the rezoning was to prohibit non-agricultural uses in the area and to obtain a possible reduction in property taxes. The A-2 District does not allow agriculturally related commercial service uses.

In 1976, the Planning Commission denied a tentative map to create the subject parcel. The basis for the denial was that the proposed parcel exceeded the lot width to depth ratio. The concern expressed by the Commission was that with a width of just over 300 feet it was felt that the parcel would be difficult to farm. In the letter of denial to the property owner, the Planning Department indicated that the denial was also in part due to the proposed division being contrary to the stated goals of the Planning Commission to retain the area in agricultural uses.

On appeal, the Board of Supervisors approved the parcel map that created the subject parcel. In doing so, the Board required the property owner at the time, Wayne Catlett, to sign an agreement stipulating that the subject property would only be used for agricultural purposes, specifically for row crops (see attached Exhibit D). That agreement was recorded in February, 1977 when the parcel map was recorded. In examining the minutes of the Board meeting as well as other documents in the file, it appears that the purpose of the stipulation for row crops was to provide a buffer between conflicting uses in the area.

In reviewing the General Plan, it appears that the following policies are applicable to the rezoning application:

- 1.B-2 In the Yuba City area, the sphere of influence adopted as of April 25, 1990 shall serve as the boundary for urban development, particularly residential development.
- 1.D-1 The County shall designate specific areas suitable for commercial and industrial development and reserve such lands in a range of parcel sizes to accommodate a variety of commercial and industrial

uses.

- 1.D-2 The County will discourage strip development, particularly along the Highway 20 corridor between the City of Yuba City and the east side of the Industrial area located southwest of the Community of Sutter. County actions will support retention of an agricultural atmosphere between Township Road and the Industrial area southwest of the Community of Sutter.
- 1.E-3 The County encourages industrial uses to be developed in contiguous or generally consolidated areas to reduce the potential for conflicts with surrounding uses.
- 1.F-1 The County shall require that new development adjacent to agricultural areas be designed to minimize conflict with adjacent agricultural uses.
- 6.B-3 The County shall encourage the continual operation and expansion of existing agricultural industries.

Staff Comments

Planning (P):

Staff has recommended the denial of the project based principally upon the recorded 1977 agricultural stipulations. That agreement clearly stipulates that the property shall remain in row-crop agricultural uses. The proposed use of the property for agriculturally related commercial services does not meet either the intent or purpose of that agreement.

Additionally, as noted in the “Policies” section above, the proposed rezoning and use permit applications, although for an agricultural zone, proposes an end use that essentially is a commercial- industrial activity similar to those uses now occurring on the southwestern corner of George Washington Boulevard and Highway 20. The use as proposed by the applicant is a commercial/industrial use that is not consistent with General Plan policy 1.D-2. The intent and purpose of this policy is to keep the area along Highway 20 between the Yuba City Sphere of Influence (Township Road) and the rural community of Sutter free of commercial strip development and in true agricultural uses. Other policies cited in the “Policies” section support this purpose and intention.

To allow the rezoning and use permit would be a clear change in the County’s policy of retaining this area in agricultural uses and not allowing commercial development, thereby, maintaining a separation between Sutter and Yuba City. The cited policy is an outgrowth of zoning decisions made in the 1970’s and is supported by the 1977 stipulated agreement to maintain the property in agricultural uses.

Although the applicant has stated that his intent is for agricultural related commercial services uses, an example of how agriculturally related services uses develop into strip commercial and industrial activities is that area south of Yuba City from Bogue Road to the golf course along Highway 99. The commercial and industrial uses that have developed in that area were established as agricultural service industries.

The applicant has indicated to staff his desire to create agriculturally related industrial incubator space in order that new businesses may germinate and bloom. He has chosen this location due to the relative inexpensive land cost. However, this same use could occur on any of the nearly 300 acres of industrially zoned property located south of Highway 20 between Township Road and George Washington Boulevard (one mile to the east of the subject site), in any of the over 630 acres of industrially zoned area along Highway 20 in the rural community of Sutter (2¼ miles west of the subject site), or in the over 300 acres of the FPARC District westerly of Sutter lying south of South Butte Road and north of Highway 20 (4¼ miles west of the subject site). Each of these other areas has a substantial supply of available vacant land that is already zoned appropriately for agriculturally related industrial uses.

In preparing the study sketch for the property, staff noted that the adjoining property to the east contains a large apiary area for handling honeybees. Additionally, since the weather was relatively warm at that time, many of the bees from those apiaries were out of the hives. Staff does not believe that the proposed use on the subject property is compatible with the existing agricultural use of the adjacent Russell's Honeybees operation due to the substantial increase in the number of people that would be on the property during the day. If the agricultural service operation is allowed to proceed, the honeybee operation will probably be forced to relocate within a few years.

Due to the stipulated agreement and the conflict with the preceding General Plan policies, staff has recommended that your Commission recommend to the Board of Supervisors that the Board deny the rezoning.

Since the proposed use of the property as requested by the use permit is not allowed by the A-2 District, the use permit must also be denied.

Recommended Findings

Based on information contained in the agenda report and/or testimony received at the public hearing, the Commission finds:

- A. Section 15270(a) of the California Environmental Quality Act Guidelines state that CEQA does not apply to projects which an agency rejects or disapproves.
- B. The proposed use of the property is not consistent with the recorded agreement on the subject property stipulating that the property's use shall be for row-crop agricultural product.
- C. The proposed rezoning and use permit is specifically not consistent with General Plan policy 1.4-2 or generally with other General Plan policies protecting agricultural or industrial uses.
- D. The proposed use of the subject property, commercial agricultural service businesses, is not a compatible use with the existing neighboring apiary agricultural use.

E. The uses proposed by the use permit are not allowed by the A-2 (Exclusive Agricultural) District.

Recommended Action

- A. Adopt the recommended findings; and
- B. Recommend to the Board of Supervisors that the Board adopt the recommended findings and deny rezoning #03-01 and use permit #03-01.

Sincerely,
LISA WILSON
INTERIM PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Use Permit Site Plan and Rezoning Map
Exhibit C - Letter from California Engineering Company
Exhibit D - 1977 Recorded Agricultural Stipulations

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