

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #11: Public hearing on Rezoning #02-08; to change the zoning classification of the property from AG (General Agricultural) to AG-PD (General Agricultural, Planned Development Combining) District; and

Agenda Item #12: Public hearing on Tentative Parcel Map #02-11; to allow the reconfiguration and division of 1,454± acres into nine parcels ranging in size from 110 to 237 acres; and

Agenda Item #13: Public hearing on Tentative Subdivision Map #02-02 to allow for the division of two parcels comprising 306± acres into five parcels ranging in size from 4 to 128 acres; located on West Catlett Road, west of State Route 99/70; A. P. #33-300-005 & -006, #35-060-005, -010, -011, & -013, and #35-070-004, -005, & 007; applicants/ property owners - Jack & Meryl Scheidel and Roy & Sheryl Osterli (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description:

The applicants are proposing to divide and reconfigure 6 existing large acreage agricultural parcels for estate purposes. If approved, the completed project will result in the creation of 6 new parcels for a total of 12 on 1,454 acres. The property involved is developed with four dwellings and several residential accessory buildings. In addition, the family farming headquarters which includes an office, numerous barns, shops and a wireless communications tower, are located on proposed Parcel 4 of the parcel map application and Parcel 5 of the subdivision map. In order to avoid incurring the surveying costs of completing a subdivision map covering 1,454 acres, the following applications have been proposed:

1. Rezone the entire property from AG to AG-PD. The Planned Development Combining District is proposed for two purposes.
 - a. To allow for lot areas of less than 80 acres for 3 parcels (Section 1500-6320 of the Zoning Code).

- b. To allow 3 parcels to be created having no public road frontage. Parcels affected include Parcel 2 of the subdivision map and Parcels 8 and 9 of the parcel map (Section 1500-6330 of the Zoning Code).
2. Tentative Parcel Map No. PM-02-11; this application will reconfigure and divide 6 existing parcels and create three new parcels for a total of 9 parcels.
3. Tentative Subdivision Map No. 02-02; This component of the project will create 3 new parcels out of Parcels 2 and 4 that are a part of file PM-02-11. The 3 new parcels are proposed to be less than the 80 acre minimum required by the General Plan; however; the rezoning from AG to AG-PD addresses this issue. Staff has included a condition requiring the property owner to enter into a standard development rights agreement with the County to ensure that that density standard of the General Plan is maintained.

In addition, the applicants have requested, pursuant to Section 1400-115 of the County's Subdivision Ordinance, that the requirement to record a parcel map be waived. In lieu of recording a parcel map, a Certificate of Compliance for the properties associated with PM #02-11 is proposed to be recorded. A final map is proposed to be recorded for all parcels involved with subdivision map SM #02-02.

To summarize, this project will result in nine parcels sized between 110 and 237 acres and three parcels that will be sized 4, 15 and 32 acres respectively.

The State Subdivision Map Act does not prohibit the filing of multiple maps concurrently. Staff will propose a condition be added to the project requiring that the parcel map process be completed prior to recordation of the subdivision map so that the situation does not arise where the subdivision lots are formed based upon an approved parcel map application that was never implemented.

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, should the Commission wish to approve this project, then staff is recommending the Commission adopt the attached Negative Declaration.

Background

A. Property Description:

There are four homes and miscellaneous accessory buildings located on proposed Parcels 2, 4, 5 and 6 of Parcel Map #02-11. Approximately 10 acres located at the northeast portion of Parcel 4 of the parcel map and comprising Parcel 5 of the subdivision map (SM #02-02) is utilized as the headquarters for the family farming operation and is developed with various barns and shops and

a wireless communications tower. Finally, an existing pond and private airstrip are located on proposed Parcel 2 of the parcel map and Parcel 1 of the subdivision map.

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

| | Use | Zoning | General Plan |
|-------------------------|--|---------------|---------------------|
| Subject Property | Residential/Agricultural | AG | AG-80 |
| North | Agriculture | AG | AG-80 |
| East | Agriculture/State Highway 99/70 | AG | AG-80 |
| South | Agriculture and the Natomas Cross Canal | AG | AG-80 |
| West | Agriculture | AG | AG-80 |

C. Previous Commission Action/Policies:

In 1988, the Planning Commission approved a private agricultural airstrip on one of the properties and in 1991 the Commission approved a wireless communications tower on the property.

In 1999, a variance was approved (VR #99-01) to facilitate a lot line adjustment to allow for parcels of less than the required 80-acre minimum (identical to the proposal today) and it allowed for parcels to be created that do not have public road frontage. Though the variance was approved, it was never activated and therefore expired one year later. In addition, the provisions of the State Subdivision Map Act that allowed for the lot line adjustment to occur in 1999 were changed by the legislature and today the Map Act requires the approval of a tentative map.

Staff Comments

A. Environmental Health (EH):

See Conditions 14-17 for PM #02-11 and Conditions 14-21 for SM #02-02.

B. Public Works Department (PW):

See Conditions 2-8 for PM-02-11 and Conditions 2-9 for SM-02-02.

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

The Sheriff/Coroner responded the project would not impact services provided by their department.

D. Pacific Gas and Electric (PG&E):

See Conditions 11 and 12 of PM-02-11 and Conditions 10-11 of SM-02-02.

E. Reclamation District No. 1001 (RD 1001):

See Condition 18 of PM-02-11.

F. Planning (P):

Conformance with the General Plan

The entire 1,454± acres are General Planned AG-80 (Agriculture, 80-acre minimum parcel sizes). General Plan policies exist regarding agricultural land (Policies 1.F-1 through 1.F-4) and agricultural resources (Policies 6.A-1 through 6.A-7). After reviewing these projects against those policies it is staff's belief that the proposal will not result in conflicts with agricultural operations. The density standard of one dwelling unit per 80 acres will be maintained due to property owners conveying development rights for two dwelling units to the County. Though the 80 acre minimum parcel size will not be met for all parcels, the planned development rezone, discussed below, addresses this issue.

Conformance with the Zoning Ordinance

The property involved includes 1,454± acres and is zoned AG (General Agriculture). Section 1500-1414 of the Zoning Code provides that minimum parcel sizes within the AG District shall be either 20 or 80 acres as determined by the overlaying General Plan Land Use Designation. As stated, the property involved is General Planned AG-80.

A rezoning of the property has been proposed from AG to AG-PD (Agricultural, Planned Development) pursuant to Division 63 of the Zoning Code. The purpose of the planned development ordinance as stated in Section 1500-6312 is:

- (a) To encourage creative and more efficient approaches to the use of land through lot design, use of open space, mixture of land usage and/or densities, adjustment of setbacks or other means to create a better environment; or
- (b) To allow development whose type, or design, require special consideration in order to assure compatibility with adjacent land use.

The Planned Development Combining District allows for deviations in design of property including density, area, width, percentage of lot coverage, height, yards, or other requirements of the Zoning Code.

As stated in the "Current Proposal" section of this report, the planned development component of this proposal will allow for three parcels to be created that are less than 80 acres in size. In exchange for permitting these smaller parcel sizes (4, 15 and 32 acres respectively); development rights will be conveyed to Sutter County to ensure that the General Plan density standard of one dwelling unit per 80 acres for property owners and agricultural employees is met.

It should be noted that the configuration of the smaller parcels has been made to coincide with existing development and site features. Parcel 1 (32-acre parcel) of Subdivision Map #02-02, follows existing site features including a pond, airstrip and existing residential development. The configuration of Parcel 5 (15-acre parcel) of Subdivision Map #02-02 encompasses the existing farming headquarters and the development area immediately around the headquarter facilities. Finally, Parcel 2 (4-acre parcel) of Subdivision Map #02-02 is bounded on two sides by existing farming access roads and by the existing pond. These three lots are the same as proposed as part of the variance and lot line adjustment applications approved in 1999 that were never implemented.

A second goal of the proposed planned development is to allow three parcels to be created that do not have public road frontage as required by Section 1400-510 of the Subdivision Ordinance. The Subdivision Ordinance states that if the Planning Commission finds that the most logical development of land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons therefore, then such access may be approved by the Planning Commission.

Parcel 2 of Subdivision Map #02-02 is proposed to have access provided by a 40-foot wide access easement that is developed with a 12-foot wide road having a 4-inch aggregate base. This private road exists today. Parcel 2 is proposed for estate purposes and will be adjacent to the on-site pond. If Parcel 2 were required to have public road frontage, a parcel of that size could likely not be created that would have the necessary road frontage and desired pond frontage.

Parcels 8 and 9 of Parcel Map #02-11 are also proposed to have access provided by a 40-foot wide access easement. The road within this proposed easement varies in width and is not graveled. The parcels it serves are used exclusively for agriculture and a gravel road is not necessary at this time. The growing of crops on these parcels is not expected to change. If a home were proposed in the future on one of these parcels, a properly sized fire access road would be required to be constructed pursuant to the 1997 Uniform Fire Code. Cross Sections of these proposed private roadways have been attached as Exhibit C. Staff has proposed findings in order to allow for private road access to these three parcels.

Conformance with the Subdivision Ordinance

The applicants have submitted Tentative Parcel and Subdivision Maps in accordance with Section 1400-210 (submittal), and Section 1400-215 (Form of Tentative Map) of the County's Subdivision Ordinance.

Conclusion

The project is consistent with the County's General Plan, Zoning and Subdivision Ordinances. Staff is therefore recommending approval, subject to conditions.

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 division. The Study revealed that the project, as proposed, would not create a significant impact on the environment. No written or oral comments have been provided which present evidence that the project will have a significant effect 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 decision on the project and finds that the Negative Declaration reflects the independent judgement of the County of Sutter.
- C. The proposed tentative parcel and subdivision maps and use of the subject property complies with the applicable requirements of the Sutter County General Plan, Zoning Ordinance, and Subdivision Ordinance.
- D. The Commission finds that the most logical way to develop Parcel 2 of Subdivision Map #02-02 and Parcels 8 and 9 of Parcel Map #02-11 is to have access provided by private road due to the property owner's desire to create a 4-acre parcel that fronts the existing on-site pond and that Parcels 8 and 9 are large acreage agricultural parcels that are actively farmed and public road access is not necessary.

Recommended Action

- A. Make the findings for approval as prepared by staff.
- B. Recommend the Board of Supervisors adopt the proposed Negative Declaration attached to this report.
- C. Recommend the Board of Supervisors approve Rezoning #02-08 changing the zoning designation from AG to AG-PD.
- D. Recommend the Board of Supervisors approve Tentative Parcel Map #02-11, subject to the Conditions listed below.
- E. Recommend that the Board of Supervisors approve Tentative Subdivision Map #02-02 subject to the Conditions listed below.

Proposed Conditions for Tentative Parcel Map No. 02-11

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. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
3. 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)
4. 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. This condition shall be so stipulated on the final map. (PW)
5. 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)
6. 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)
7. 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)
8. 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:

West Catlett Road - 24' R/W + 10' PUE (PW)
9. The property owners shall provide the Planning Division with typed legal descriptions for each parcel associated with PM-02-11. (P)
10. The requirement to record a parcel map is waived pursuant to Section 1400-115 of the County's Subdivision Ordinance. In order to effectuate the division of land associated with PM-02-11, a Certificate of Compliance shall be recorded for all nine parcels. (P)

11. Prior to recording the Certificate of Compliance for Parcels 1-9 of file PM-02-11, all 40-foot wide access easements shall be established to be both access and utility easements. (PG&E)
12. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. No structures shall be constructed under or over any PG&E easements that exist within the boundaries of the nine parcels associated with PM-02-11. (PG&E)
13. Parcels 8 and 9 are permitted to have access provided by private road easement in lieu of having frontage on a public road. (P)
14. Prior to the recordation of the Certificate of Compliance for the parcels associated with PM-02-11, the property owners 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 should it be necessary. (EH)
15. A note shall be included on the Certificate of Compliance stating that all structures producing wastewater shall connect to the public sewer when it is available, per the Uniform Plumbing Code (UPC). (EH)
16. A note shall be included on the Certificate of Compliance stating that water supply shall be provided from individual wells located on the subject properties and that off-site private water supplies are prohibited unless proper documentation of easements and legal contracts are provided to the satisfaction of the Environmental Health Division. (EH)
17. The following note shall be included on the Certificate of Compliance with specific reference to the parcels that are a part of PM-02-11, stating:

A site evaluation to determine the suitability of the proposed parcel(s) for utilizing an on-site sewage system has not been conducted nor shall any use be permitted that generates sewage or waste-water regulated by the Department or the RWQCB unless all requirements of this Ordinance, or any amendments thereto in effect at the time of development are met. (EH)
18. Prior to recordation of the Certificate of Compliance for PM-02-11, the property owners shall grant to Reclamation District No. 1001, additional right-of-way along the south side of Reclamation District 1001's Lateral No. 9, in the amount of 35 feet, which shall be measured from the centerline of the ditch. A copy of the recorded conveyance shall be provided to the Planning Division prior to recordation of the Certificate of Compliance. (RD 1001)

Proposed Conditions for Tentative Subdivision Map No. 02-02

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 engineer/surveyor shall be required to submit a final map for recordation. (PW)
3. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
4. 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)
5. 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. This condition shall be so stipulated on the final map. (PW)
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 conducted prior to filing of a parcel or final map. (PW)
7. 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)
8. 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)
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:

West Catlett Road - 24' R/W + 10' PUE (PW)
10. Prior to recording the final map, all 40-foot wide access easements shall be shown on the final map to be both access and utility easements. (PG&E)
11. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. No structures shall be constructed under or over any PG&E easements that exist within the boundaries of the parcels associated with SM-02-02. (PG&E)

12. Prior to recordation of the final map, the property owners shall execute a standard open space easement and development rights agreement with the County of Sutter limiting the development of 2 dwelling units on the property. Development rights may be conveyed from parcels associated with SM-02-02 or from parcels associated with PM-02-11. (P)
13. Parcel 2 may have access provided by private road easement in lieu of having frontage on a public road. (P)
14. Prior to the recordation of the final map, the property owners shall provide to the Environmental Health Division a site plan, prepared by a qualified consultant, which clearly shows the exact location of the Minimum Useable Sewage Disposal Area (MUSDA) for Parcels 2 and 5 of SM-02-02 and which shows all lot boundaries, the locations of any existing and proposed water wells, test hole locations, roadways, driveways, easements, or any other constraint to an on-site sewage system. (EH)
15. Prior to recordation of the final map, a note shall be placed on the map stating that a site evaluation to determine the suitability of Parcels 1, 3 and 4 of SM-02-02 for utilizing an on-site sewage system has not been conducted nor shall any use be permitted that generates sewage or waste-water regulated by the Department or the RWQCB unless all requirements of this Ordinance, or any amendments thereto in effect at the time of development are met. (EH)
16. Prior to the recordation of the final 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 should it be necessary. (EH)
17. 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)
18. A note shall be recorded on the final map stating that water supply shall be provided from individual wells located on the subject properties and that off-site private water supplies are prohibited unless proper documentation of easements and legal contracts are provided to the satisfaction of the Environmental Health Division. (EH)
19. Prior to the recordation of the final map, the property owners or their designated representative shall provide the Environmental Health Division with a map, which clearly shows the exact location of the Minimum Usable Sewage Disposal Area (MUSDA) for Parcels 2 and 5. (EH)

20. The following note shall be recorded on or with the final map with specific reference to Parcels 2 and 5 of SM-02-02:

The Minimum Usable 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)

21. The following note shall be recorded on or with the final map with specific reference to Parcels 1, 3, and 4 of SM-02-02 stating:

A site evaluation to determine the suitability of the proposed parcel(s) for utilizing an on-site sewage system has not been conducted nor shall any use be permitted that generates sewage or waste-water regulated by the Department or the RWQCB unless all requirements of this Ordinance, or any amendments thereto in effect at the time of development are met. (EH)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Douglas G. Libby, AICP
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Project Maps
Exhibit C - Cross Sections of Proposed Private Roads
Exhibit E - Proposed Negative Declaration and Initial Study

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