

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #8: Public hearing on Use Permit #02-27 for a mobile home as a temporary, secondary residence for a family member in need of living assistance; AG (General Agricultural) and AG FP (General Agricultural, Special Flood Plain Combining) District; located at 18380 Cranmore Road, Robbins; A. P. #29-190-088; applicants/property owners - Leslie Birleson & Mary Rice (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description:

The project is a use permit to allow a mobile home as a temporary, secondary residence for a family member (the property owner's mother) in need of living assistance. The new residence would be served by an on-site septic system and well. Access would be from Cranmore Road via an existing driveway.

The subject property has insufficient area for the proposed use. Therefore, as part of the project a lot line adjustment has been approved with the adjacent property to the east and south. The lot line adjustment will increase the size of the Birleson/Rice property by approximately 0.58 acre to a total of 2.383 acres.

The property to the east and south is currently under a Williamson Act contract; therefore, the applicant has submitted a request to the Board of Supervisors to cancel the Williamson Act contract on that portion of the adjacent property being included in the Birleson/Rice property by the lot line adjustment. Upon cancellation of the contract on the 0.58 acre portion of the Williamson Act property, 92.06 acres will remain in that parcel and over 239 acres under the existing contract.

B. Environmental Consideration:

The proposed use is categorically exempt under Section 15303 of the California Environmental Quality Act Guidelines as new construction of a small structure on an existing property.

Background

A. Property Description:

The subject property is a 1.80-acre parcel located on the easterly side of Cranmore Road, approximately 3/4 mile northwesterly of Donahue Road. The property contains an existing residence occupied by the property owner and three accessory buildings. Access is via an existing driveway off of Cranmore Road. Cranmore Road at this location is situated atop the east levee of the Sacramento River.

That portion of the adjacent property which is now under the Williamson Act contract and which will be included in the Birleson/Rice property by the lot line adjustment is now used for access to the agricultural property.

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

	Use	Zoning	General Plan
Subject Property	Single family residence with three accessory buildings	AG & AG FP	Agricultural (20 acres per dwelling units) & Open Space
North	Agricultural with two residences and several agricultural buildings	AG	Agricultural (20 acres per dwelling units)
East	Agricultural	AG	Agricultural (20 acres per dwelling units)
South	Agricultural	AG	Agricultural (20 acres per dwelling units)
West	Sacramento River	AG FP	Open Space

C. Previous Commission Actions and/or Policies:

The Zoning Code allows a temporary, secondary mobile home for use as a residence in the AG District with the approval of a use permit when the occupant is a family member in need of living assistance. Your Commission appears to have approved all such prior use permits when a letter from a doctor citing specific medical conditions has demonstrated a need.

The subject property appears to be located mostly in the 20-acre minimum parcel area of the General Plan. Pursuant to policies of the General Plan, only one dwelling unit is allowed on this property as a matter of right. An additional, temporary, secondary dwelling unit may be allowed when it supports the agricultural use of the property or, under Policy 2.14 of the Housing Element, when it is for a family member in need of living assistance.

Staff Comments

A. Public Works Department (PW):

Any work performed within the Sutter County right-of-way shall require an encroachment permit from the Department of Public Works prior to the beginning of work.

B. Environmental Health Program (EH):

The proposed mobile home shall be required to connect to the existing septic tank servicing the existing residence. The property owner shall obtain permits from the Environmental Health Division for the connection and inspection of the system.

C. Pacific Gas and Electrical Company (PG&E):

Any relocation of any existing PG&E facility to accommodate this project will be at the developers expense. There shall be no building of structures allowed under or over any of our facilities or inside any PG&E easements that may exist within the subject property.

D. Planning (P):

The Zoning Code allows a temporary, secondary mobile home for use as a caretaker residence in the AG District with the approval of a use permit. Your Commission has generally approved use permits for family member in need of living assistance when an existing need has been demonstrated. Section 1500-8012 of the Zoning Code requires specific standards for such residences. Staff has received a letter from the property owner's mother's doctor citing a medical condition and noting that the owner's mother would benefit from residing at a location where living assistance could be provided. Therefore, the proposed use is permitted by the Zoning Code and is consistent with the policies of the General Plan.

The State Government Code pertaining to the Williamson Act contains substantial procedural requirements and findings in order to cancel any contract or portion thereof. Staff has contacted the State of California Department of Conservation and has received a reply from that agency. The Department of Conservation has indicated that they are of the belief that the burden of proof has been met for such a cancellation and that the Sutter County Board of Supervisors may make the necessary finding to approve the cancellation. Upon approval by the Board of Supervisors of cancellation of a portion of the Williamson Act contract, the applicant will pay the required

cancellation fee to the County Treasurer for the Williamson Act property owner. The cancellation hearing is tentatively scheduled to occur in February, 2003.

Recommended Findings

- A. The project is categorically exempt under Section 15303 of the California Environmental Quality Act Guidelines as new construction of a small structure on an existing property.
- B. The proposed use is consistent with the Sutter County Zoning Code and the policies of the Sutter County General Plan.
- C. Under the application as submitted and the conditions of approval, the approval of the use permit will not be detrimental to the public's health, safety, or general welfare, or be detrimental to public or private improvements in the area.
- D. Improvements required as conditions of approval are consistent with the property's use for two residences in order to provide an adequate level of services providing for the public's health, safety and general welfare and/or in order to conform to regulations of the Sutter County Ordinance Code.

Recommended Action

- A. Adopt the findings as recommended by staff.
- B. Approve Use Permit 02-27 subject to the following conditions of approval:

On-Going

- 1. The property shall be developed in substantial accord with the submitted site plan and the agenda report, except as may be amended by the conditions below. (P)
- 2. The use permit shall be approved with a five-year term period, subject to extension. (P)
- 3. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and equipment. (P)
- 4. The mobile home shall be placed upon a non-permanent conventional foundation support system.
- 5. If the use for which this permit is approved ceases, the mobile home shall be removed from the property within six months of the cessation of use. (P)

6. The mobile home shall be occupied by the mother of the property owner and shall not be rented. (P)
7. Any work performed within the Sutter County right-of-way shall require an encroachment permit from the Department of Public Works prior to the beginning of work. (PW)
8. The proposed mobile home shall be required to connect to the existing septic tank servicing the existing residence. The property owner shall obtain permits from the Environmental Health Division for the connection and inspection of the system. (EH)

Prior to Issuance of a Building Permit

9. Lot line adjustment #02-34 shall be recorded. (P)
10. The cancellation of the Williamson Act contract on that portion of the adjoining property being adjusted into the Birleson/Rice property shall be recorded. (P)
11. The applicant shall obtain all necessary permits from the Community Services Department (Building Inspection, Fire and Emergency Services, and Environmental Health Divisions) and Public Works Department for the intended use. (P)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan

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