

January 29, 2003

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Use Permit #02-28 to establish a temporary secondary manufactured home for a family member in need of living assistance; AG (General Agricultural) District; located at 3015 Everitt Road, Sutter; A. P. #13-240-006; applicants/property owners - David & Michele Calkins (Location: District 3 - Commissioner Barringer)

### **Current Proposal**

#### A. Project Description

The applicant requests use permit approval to allow a temporary secondary mobile home for a family member in need of living assistance.

#### B. Environmental Consideration

In accordance with the California Environmental Quality Act and the CEQA Guidelines, this project is categorically exempt under Section 15303(a), a Class 3 exemption that allows the construction and location of one new single-family residence or second dwelling unit.

### **Background**

#### A. Property Description:

The subject property consists of a 17.36-acre parcel located on the east side of Everitt Road approximately 1,880 feet north of Butte Avenue. This agricultural property is rectangular, with 70 feet of frontage at the end of Everitt Road. Structural improvements include a single-family residence and several agricultural accessory buildings.

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

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
Subject Property	Agricultural/Rural Residential	AG	AG-20
North	Agricultural	AG	AG-80
East	Agricultural/Rural Residential	AG	AG-20
South	Agricultural	AG	AG-RC
West	Agricultural/Rural Residential	AG	AG-20

C. Previous Planning Commission Action/Policies:

On November 16, 1976, your Commission approved Use Permit #592 for a temporary mobile home to be occupied by a family member. The need for the use ceased and the use permit expired on November 16, 1981.

On November 4, 1987, your Commission disapproved Use Permit #1492 for a mobile home for an agricultural employee. The application was approved by the Board of Supervisors on appeal, but the applicant failed to install the mobile home or apply for extensions and the use permit became null and void on November 4, 1988.

On August 4, 1993, your Commission approved Use Permit #93-11 for a mobile home to be occupied by an elderly family member in need of living assistance. The use was established, but following the death of the family member the use permit became null and void.

The Planning Commission generally approves applications for temporary secondary mobile homes for family members in need of assistance or on-site care in agricultural districts when the applicant can meet General Plan and Zoning Code standards and document the need for living assistance.

**Staff Comments**

A. Environmental Health (EH):

See Conditions #7-10.

B. Building Inspection (BI)

Building Inspection responded with no conditions.

C. Public Works (PW):

See Condition #11.

D. Pacific Gas & Electric Company (PGE):

See Condition #12.

E. Planning (P):

See Conditions #1-6 and the following discussion.

The Planning Commission may approve or conditionally approve a use permit if the Commission finds that, 1) the proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the area, and is not detrimental or injurious to property and improvements in the area or to the general welfare of Sutter County; and 2) that the use is consistent with the General Plan and Zoning Code.

General Plan Housing Element Policy 2.14 states, “Temporary secondary housing shall be permitted in agricultural areas for the protection of property or for family members needing care because of health reasons.”

Zoning Code section 1500-8012 allows temporary secondary mobile homes in the agricultural district for caregivers or family members requiring care upon approval of a use permit. This section requires that an application for such use permit include certification from a licensed doctor that a medical condition exists that necessitates the provision of on-site living assistance. The applicant has submitted such certification to the Community Services Department.

Based on the applicant’s request and doctor’s certification, staff recommends approval of the use permit, subject to conditions. The recommended conditions are standard and are applied to requests of this type to ensure compliance with applicable County zoning, health, safety and building regulations.

**Recommended Findings**

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

- A. The project is categorically exempt from the California Environmental Quality Act under CEQA Guidelines section 15303(a), which exempts the location and construction of one single-family residence or secondary dwelling unit.
- B. The proposed use is consistent with the Sutter County Zoning Code and the Sutter County General Plan.

- C. The application, as submitted and as augmented by the conditions of approval, will not be detrimental to public health, safety or general welfare, or be detrimental to public or private improvements in the area.

**Recommended Action**

- A. Adopt the findings as recommended by staff.
- B. Approve Use Permit #02-28 to allow the establishment of a mobile home for a family member in need of living assistance, subject to the following conditions of approval:
1. The applicant shall obtain all necessary permits from the Community Services Department and Public Works Department for the intended use. (P)
  2. The property shall be developed in substantial accord with the submitted site plan and the agenda report, except as amended by the conditions below. (P)
  3. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and unused equipment. (P)
  4. The use permit shall be approved for a five-year term period, subject to extension. (P)
  5. The mobile home shall be installed in conformance with Zoning Code Section 1500-8026, "Performance Standards – Mobile Homes in 'A' Districts." (P)
  6. If the use for which this permit ceases, the applicant shall remove the mobile home from the property within six months of the cessation of use. (P)
  7. Prior to issuance of the building permit, the applicant shall designate a 100% septic system replacement area. (EH)
  8. All wastewater shall be disposed into the approved on-site sewage system. (EH)
  9. The permitted use must be consistent with the design flow and waste strength established for the on-site sewage system. Any change of use or failure to comply with the terms of approval will result in the revocation of said permitted use. (EH)
  10. Water supply shall be from a private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
  11. 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)

12. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject property. (PGE)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

William J. Caplinger  
Assistant Planner

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

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