

April 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Use Permit #03-04 for a mobile home as a temporary, secondary residence for the property owner's father; AG (General Agriculture) District; located at 1566 Berry Road, Rio Oso; A. P. #28-170-051; applicant/property owner - Barry Norman (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 in need of living assistance. The mobile home would be occupied by the property owner's father and would be connected to its own septic tank which is then connected to a pressure dosing system being constructed for the primary residence that is now under construction.

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 located on the northwesterly side of Barry Road in Rio Oso, approximately 0.9 mile southwesterly of Highway 70. The property contains approximately 19 acres of which approximately 17 are in orchard. A new, 2,700-plus square foot single-family residence is currently under construction and will be occupied by the owner when completed.

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

	Use	Zoning	General Plan
<b>Subject Property</b>	Agricultural with SFR under construction	AG	Ag - 20
Northeast	Agricultural	AG	Ag - 20
Southeast	Agricultural	AG	Ag - 20
Southwest	Agricultural	AG	Ag - 20
Northwest	Bear River and Levee	AG	Open Space

C. Previous Commission Actions and/or Policies:

In reviewing the project in relationship to the General Plan, the following policy appears to apply:

Policy 2.14 of the Housing Element – Temporary secondary housing shall be permitted in agricultural areas for the protection of property or for family members needing care because of health reasons.

Section 1500-1412 of the Zoning Code allows secondary, temporary residences in the AG District subject to the requirements of zoning Sections 1500-8012, 1500-8018(e)(1), and 1500-8026.

Your Commission has previously approved many similar use permits for family member mobile homes in the last decade under the care giver/assisted living provision of the Zoning Code. Commission policies and the Zoning Code require that the applicant provide a letter from a doctor indicating that the person residing in the secondary residence has a medical condition that would benefit from assisted living.

The Building Division has recently issued building permits for two residences upon the subject property. One permit is for a new residence for the property owner. The second permit is for a temporary residence for the property owner to reside in while the new primary residence is under construction. The mobile home has not been placed on the property as of the dated of the preparation of this report.

**Staff Comments**

A. Public Works Department (PW):

See recommended conditions.

B. Environmental Health Division (EH):

See recommended conditions.

C. Pacific Gas and Electrical Company:

Any relocation of any existing PG&E facility to accommodate this project will be at the home owners' 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. Fire Services Administrator (FSA):

Access driveways on property shall conform to the requirements of Section 902 of the Uniform Fire Code.

E. Building Inspection Division:

Permit for temporary mobile home has been issued as permitted by Sutter County Zoning Code Section 1500-8018(g). This may be the mobile home that is intended to be used for the secondary family member residence.

This office issued a permit to construct a new residence on the property on March 13, 2002 (Building Permit #25373).

F. Planning Division (PD):

The proposed use is consistent with the assisted living provisions contained in the Zoning Code and Policy 2.14 of the Housing Element. A letter from a doctor for the property owner's father asserting a medical condition that would benefit from assisted living has been received by the Community Services Department.

The applicant has indicated that upon completion of the primary residence, the mobile home that was approved by the Building Division for use as a temporary residence while the property owner constructs the primary residence will be occupied by his father if this use permit is approved.

The recommended conditions of the use permit are consistent with the intended use and are necessary to provide minimum safety requirements for the protection of life and property, for the protection of existing public improvements, or to comply with code requirements. The proposed use, subject to the recommended conditions, is not expected to create any negative impacts on adjacent properties or adversely affect the public's health, safety, or general welfare.

**Recommended Findings**

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

- A. 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.
- B. Under the application as submitted and the conditions of approval, the proposed use permit is consistent with the purpose and intent of the Sutter County General Plan and Zoning Code.
- 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. Make the findings as recommended by staff.
- B. Approve the use permit subject to the following conditions:

**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 site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and equipment. (P)
- 3. The mobile home shall be occupied by the property owner's father and shall not be rented. (P)
- 4. The mobile home shall be placed upon a non-permanent, conventional mobile home foundation system. (P)
- 5. If at such time 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 use permit shall be valid for a term period of five years subject to extension. (P)
- 7. 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.

(PW)

8. Building and equipment 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. Water supply shall be from private well meeting Sutter County Environmental Health Division's requirements for new construction for the intended use. (EH)
10. The septic tank serving the project shall be pumped by a registered septic tank pumper at a minimum frequency of at least once every five (5) years. A copy of the pump report shall be submitted to Sutter County Environmental Health upon completion of pumping of the septic tank each five years. (EH)
11. The applicant shall comply with all State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. (EH)
12. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
13. All operation and monitoring reports must be submitted by a qualified consultant as required by the on-site sewage system permit and/or manufacturer of the proprietary treatment unit. (EH)
14. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
15. The discharge of fuels, oils, other petroleum products, detergents, cleaners, or chemicals to the surface of the ground or to drainage ways on or adjacent to the site is prohibited. (EH)
16. The access driveways on the property shall conform to the requirements of Section 902 of the Uniform Fire Code. (FSA)

Prior to Occupancy of the Secondary Residence by the Property Owner's Father

16. 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. All new driveway(s) shall be constructed to current County standards. (PW)
17. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)

18. 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)
19. The mobile home shall comply with all requirements of Zoning Code Section 1500-8126 and the property owner shall sign the acknowledgement required therein.
20. 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:

Berry Road                      25.0' R/W + 10.0' P.U.E. (PW)

Sincerely,  
LISA PURVIS WILSON  
INTERIM PLANNING DIVISION CHIEF

Dale Follas  
Associate Planner

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

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