

April 24, 2002

To: Sutter County Planning Commission

Re: Agenda Item #8: Public hearing on Use Permit #02-06 to establish a temporary secondary mobile home for a family member in need of assistance; AG (General Agricultural) District; located at 626 Messick Road, on the south side of Messick Road between Garden Highway and Holmes Avenue, Yuba City; A. P. #23-233-016; applicants/property owners - Roy & Virginia Jones (Location: District 5 - Commissioner Shannon)

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. The property owners' daughter and her young children currently reside in the existing conventional single-family home on the property, and the daughter is under the care of a doctor for medical conditions that require on-site 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 5.15-acre parcel located on the south side of Messick Road approximately midway between Garden Highway and Holmes Avenue. The property is a flag lot, with 60 feet of access frontage on Messick Road. The 60-foot-wide accessway extends approximately 330 feet into the property, where the lot width becomes 323 feet, narrowing to

263 feet at the back property line. The depth of the lot is 1054.93 feet. The property is developed agriculturally, with structural improvements consisting of a single-family residence, detached garage, shop building and shed interspersed in the central area of the parcel. Most of the remaining acreage is devoted to a walnut orchard, with the exception of a eucalyptus windbreak along the southern and western property lines of the back three acres.

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

Property	Use	Zoning	General Plan
Subject Property	Agricultural/Residential	AG	AG-20
North	Agricultural/Residential	AG	AG-20
East	Agricultural/Residential	AG	AG-20
South	Agricultural/Residential	AG	AG-20
West	Agricultural/Residential	AG	AG-20

C. Previous Commission Action/Policies:

9/17/74 The Commission approved Tentative Parcel Map #158, which divided a 20.77-acre parcel into four parcels, including the present subject parcel of 5.15 acres.

5/3/89 The Commission approved Use Permit #1587, which allowed the establishment of a temporary, secondary mobile home for a family member in need of living assistance. The property owners removed this mobile home in 1994, rendering UP #1587 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 justify the need for living assistance.

Staff Comments

A. Environmental Health (EH):

Environmental Health responded with no conditions

B. Building Inspection (BI):

Building Inspection responded with no conditions.

C. Public Works (PW):

See Conditions #7-10.

D. Planning (P):

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 (see Exhibit C).

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 (see Conditions #1-6).

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.
- D. Improvements required as conditions of approval are consistent with the property’s agricultural use in order to provide an adequate level of services providing for the public 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 #02-06 to allow the establishment of a mobile home for a family member in need of 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 equipment not in active use. (P)
 - 4. The use permit shall be approved for a five-year renewable term period. (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. 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 Public Works Department. (PW)
 - 8. 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)
 - 9. 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)

10. 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:

Messick Road

27.0' R/W + 10' P.U.E. (PW)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

William J. Caplinger
Assistant Planner

Attachments: Exhibit A – Study Sketch
Exhibit B – Site Plan
Exhibit C – Doctor's Certification of Need

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