

September 25 2002

To: Sutter County Planning Commission

Re: Agenda Item #6: Public Hearing on Use Permit #02-21 to allow a temporary secondary mobile home for an elderly family member in need of living assistance; AG (General Agricultural) District; located at 3670 Sankey Road, Pleasant Grove; A. P. #35-160-032; applicants/property owners - Richard & Janice Wagner (Location: District 5 - Commissioner Shannon)

### **Current Proposal**

A. Project Description:

The applicants request use permit approval to allow a temporary secondary mobile home for an elderly family member in need of living assistance. The owners reside in the existing residence on the property. The mobile home will be occupied by the mother of one of the owners. A letter from a doctor has been provided which certifies the mother's need for living assistance.

B. Environmental Consideration:

This project is considered categorically exempt pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures.

### **Background**

A. Property Description

The subject property is a 19.98-acre parcel located on the north side of Sankey Road, ¼ mile east of Pleasant Grove Road (3670 Sankey Road). The property is currently developed with a residence and various accessory buildings (sheds and a barn).

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

	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
Subject Property	Residence, accessory buildings	AG	AG-80
North	Agricultural (rice)	AG	AG-80
East	Residences, agricultural	AG	AG-80
South	Agricultural (rice)	AG	AG-80
West	Residences, agricultural	AG	AG-80

C. Previous Planning Commission Actions/Policies:

In 1975, the Planning Commission approved Use Permit #494 which allowed a mobile home to be placed on the property. The use permit was approved for a time period of five years, subject to extension. The applicants applied for and received approval for several time extensions for the use of the mobile home. The last time extension was granted in 1996.

In 1997, a new residence was constructed on the subject property. Due to the density requirements of the General Plan, occupancy of the mobile home was no longer permitted. At the time the building permit for the new residence was finalized, the mobile home was required to be disconnected from utilities and stored.

With this use permit request, the applicants propose to remove the existing “stored” mobile home and bring in a new secondary mobile home for temporary occupancy. Staff notes that the proposed mobile home is to be occupied by the same person that received approval for Use Permit #494 for the original mobile home on the property.

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

**Staff Comments**

A. Environmental Health Department (EH):

See Conditions #6 - #10

B. Fire Services (FS):

No comments.

C. Public Works (PW):

See Conditions #11 - #14

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

See Condition #15

E. Pleasant Grove Joint Union School District (PGUSD):

See Condition #16

F. Planning (P):

The Planning Commission may approve or conditionally approve a use permit if it finds that 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 the County. Additionally, the Commission must find that the use is consistent with the General Plan.

The applicant has provided a doctor's certification letter which states that the person that will occupy the mobile home requires on-site living assistance. In accordance with Zoning Code Section 1500-8026, "Performance Standards – Mobile Homes in 'A' Districts," skirting will be required to be provided on all sides of the mobile home. Required parking, subject to the improvement standards of the Zoning Code, is also required to be provided. A condition is also being recommended by staff requiring that the site be maintained in a neat and orderly fashion, free of debris, salvage material, and/or junk.

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 agricultural zone districts 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. As noted above, the certification has been provided by the applicant.

Based on the above information, staff recommends approval of Use Permit #02-21, subject to the following findings and conditions.

### **Recommended Findings**

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

- A. In accordance with the California Environmental Quality Act (CEQA) and Guidelines, this project is categorically exempt, pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures. The project involves allowing a temporary secondary mobile home for an elderly family member in need of living assistance.
- B. The applicant has provided a letter from a doctor which certifies the need for the temporary secondary mobile home to be occupied by a family member in need of living assistance.
- C. The project is consistent with the Sutter County General Plan and Zoning Code.

- D. Approval of the use permit to allow occupancy of the temporary secondary mobile home by a family member in need of living assistance, subject to the recommended conditions, will not be detrimental to the public's 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 #02-21 subject to the following conditions:
1. The property shall be developed in substantial accordance with the submitted site plan and the agenda report, except as amended by the conditions below. (P)
  2. The permit shall be issued for a term period not to exceed five years, subject to extension, or it shall expire at such time as the use or need for which it was granted ceases, whichever occurs first. An application for extension shall include a written explanation of the continuing need for the unit. Upon expiration or cessation of the use, the mobile home shall be removed from the property within six (6) months. (P)
  3. The applicant shall obtain all necessary permits from the Community Services Department and Public Works Department for the intended use. (P)
  4. The mobile home shall be installed in conformance with Zoning Code Section 1500-8026, "Performance Standards – Mobile Homes in 'A' Districts." (P)
  5. The site shall be maintained in a neat and orderly fashion, free of debris, salvage material, and/or junk. (P)
  6. All wastewater shall be disposed of into the existing permitted on-site sewage system. (EH)
  7. Prior to issuance of a building permit, the existing septic tank will be required to be pumped and the pumper report submitted to Environmental Health. The tank must comply with current standards. If the pumper report does not contain sufficient information with regard to the septic tank, an inspection shall be required by the Environmental Health Division. (EH)
  8. 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 must be submitted to Sutter County Environmental Health. (EH)
  9. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
  10. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)

11. 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)
12. 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)
13. 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)
14. 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: (PW)
 

Sankey Road	33.0' R/W + 10' P.U.E.
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15. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the subject project site. (PG&E)
16. This project is subject to developer fees for the Pleasant Grove Joint Union School District. A certificate of compliance will be issued upon payment of the required fees. (PGUSD)
17. The use permit shall be activated within one year of the approval date, unless an extension is filed and granted in accordance with the Sutter County Zoning Code. (P)

Sincerely,

THOMAS A. LAST  
 PLANNING DIVISION CHIEF

Steve Geiger  
 Associate Planner

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

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