

October 30, 2002

To: Sutter County Planning Commission

Re: Agenda Item #8: Public hearing on Use Permit #02-25 for an owner occupied, one-family dwelling; FPARC (Food Processing, Agricultural and Recreational Combining) District; located at approximately 9314 South Butte Road, approximately 4,100 feet north of South Butte Road at South Ridge Golf Course; A. P. #13-200-100; applicant/property owner - Pramod Kumar (Location: District 3 - Commissioner Barringer)

Current Proposal

A. Project Description:

The project is the construction of a new one-family dwelling unit as the property owner's residence. The residence will be located in the "open-space" portion of the FPARC District and will be provided water from a private well and a septic system meeting Environmental Health Division requirements. The septic system will be required to be installed in an existing MUSDA area approved under a previously recorded parcel map.

Access will be provided from South Butte Road via an existing driveway to the parcel. The first approximately 3,600 feet of the driveway is shared with the adjacent South Ridge Golf Course and is paved. A gravel driveway branches off of the main golf course driveway and proceeds uphill further northward and northwestward past the proposed residence site to an existing mobile home used as an occasional office/caretaker residence. The applicant will construct an access driveway off of the existing gravel driveway to the new residence. He has indicated that he intends to pave the driveway.

B. Environmental Consideration:

The proposed use is categorically exempt under §15303 of the California Environmental Quality Act (CEQA) Guidelines as a minor addition to an existing parcel.

Background

A. Property Description:

The subject property is a 19.04 acre parcel located on the hillside overlooking the South Ridge Golf Course. The site’s elevations range from slightly under 80 feet mean sea level (MSL) to almost 320 feet MSL. The property containing an existing mobile home used occasionally as an office/care taker residence for the South Ridge Golf Course. This structure is located atop an existing knoll near the western edge of the property.

The actual construction site of the residence will be atop a second, lower knoll near the southeast corner of the property. The elevation of the construction site is approximately 110 feet MSL.

The property does not appear to have been used for agricultural proposes since the construction of the golf course. Prior to that, the property was previously used for sheep grazing during the winter and spring.

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

	Use	Zoning	General Plan
Subject Property	Open Space with a mobile home used as an office/care-taker residence	FPARC	FPARC (Open Space)
North	Open Space	FPARC	FPARC (Open Space)
East	Open Space	FPARC	FPARC (Open Space)
South	Golf Course with clubhouse and pro shop	FPARC	FPARC (Open Space)
West	Open Space	FPARC	FPARC (Open Space)

(See study sketch - Exhibit A.)

C. Previous Commission Actions and/or Policies:

In 1982, the subject property was part of an approximately 1,800-acre area on which the General Plan and zoning was changed from agricultural designations to Food Processing, Agricultural and Recreational Combining (FPARC) District by an initiative action of the voters. The initiative created two separate parts of the FPARC. That portion of FPARC lying between South Butte Road and Highway 20 is the agricultural processing portion of the property. The remainder of the area, including the subject property, was designated as “Open Space and Recreation Area” and contained special restrictions on the uses allowed therein.

Section 1500-1720(i), Uses Permitted, allows one-family dwellings and accessory farm buildings of all kinds when occupied or used by the owner, tenant, or persons employed on the premises.

Section 1700-1730(j) allows the approval by use permit of any permitted use from Section 1500-1720 which does not conform to either the restrictions of Section 1500-1740 or the special restrictions on open space of Section 1500-1750.

Section 1500-1750(c) contains special restrictions of use on the open space portion of the FPARC. Uses allowed as permitted uses in this area are open space uses such as golf courses and recreational uses, agriculture, and undeveloped open space.

In 1984, the Sutter County Planning Department approved a zoning clearance for a mobile home on the subject property for a previous owner. The residence was for use by an agricultural employee employed upon the premises. At that time, the area of what is now FPARC that lays north of South Butte House Road was used by the property owner for the seasonal grazing of sheep.

In 1996, your Commission approved a tentative parcel map and variance to allow the subdivision of the FPARC lands lying north of South Butte Road into a total of seven parcels. That map created the subject parcel. The variance was for the creation of parcels without frontage on an approved and maintained County road.

Staff Comments

A. Pacific Gas and Electric Company:

Any relocation of any existing PG&E facility to accommodate this project will be at the developer's 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.

B. Environmental Health Division (EH):

See recommended conditions.

C. Planning Division (P):

The applicant proposes to construct an owner occupied residence on the subject property. Since the proposed construction site is located within the open space portion of the FPARC District, a use permit is required.

In order to approve a use permit, your Commission is required to make several specific findings. One finding required is that the proposed use or activity conforms to the General Plan.

The FPARC is a unique designation. It is both a General Plan classification and a zoning district. The only specific land use actually discussed in the General Plan language contained in the initiative and approved by the voters was food processing plants. Since the zoning text for the FPARC was approved by the voters in the same ballot measure as the FPARC General Plan provisions, normal construction of the action taken by the voters is that the zoning and General Plan provisions are compatible with one another and, therefore, the uses allowed by use permit in the FPARC zoning text are consistent with the FPARC General Plan designation.

This use permit is potentially the first of several applications that your Commission may have for residential uses in the open space area of the FPARC. As such, it will set a standard for review of all following permits.¹

Additionally, unlike most other applications coming before your Commission, this request is on a property that contains significant slopes.

Staff has therefore included specific conditions pertaining to access requirements, revegetation, fire protection, and road and hillside erosion control. Of particular interest are the conditions pertaining to the access road. The subject property is an existing parcel accessed across another parcel. Both parcels are currently under the same ownership; however, that may change in the future. In order to assure that the access will continue to exist in the future, similar to other parcels without road frontage staff has required the proof of a recorded access easement prior to issuance of any building permit.

Additionally, as noted above, this may be the first of several similar permits. Therefore, it is possible that several different property owners may be using this private driveway for access. In order to assure the future maintenance of the driveway, staff has included a condition for a recorded road maintenance agreement that is enforceable on all parties.

Staff has also included a condition for road structural and design requirements to ensure adequate access for emergency services. The requirements were taken from the California Division of Forestry hillside road development standards, the California Public Resources Code, the County's Zoning Code, and discussions with the County's Fire Service Manager.

Staff has also included conditions pertaining to the landscaping around the proposed residence. These conditions were (1) to rectify any aesthetic problems created by the scarring of the hillside caused by construction and (2) to provide additional fire safety protection to the residence from possible future grassland fires. These conditions are similar to other conditions placed on other new residential structures by the Fire Service Manager in the Sutter Buttes.

A final condition that should be discussed is the requirement to cease use of the existing mobile home and remove it from the subject property. The mobile home was originally placed upon the property in the mid-1980's for use by an agricultural employee employed on the subject property. At that time, a previous property owner was using the area of FPARC located north of South Butte Road for the winter and spring grazing of sheep. That use appears to have ceased at the time of the construction of the golf course.

The use of the mobile home for a golf course employee's residence was probably an allowable use up until 1996 when the parcel map was recorded by CAL-Ontario. With the recording of that map, the

¹ At least one other parcel is being offered for sale by the applicant for residential use at this time subject to obtaining a use permit. Three other parcels are currently being reviewed by staff under a lot line adjustment. At least two of these parcels may also be offered for sale.

Additionally, the Zoning Code requires greater driveway width improvements when more vehicles use the same driveway. If the applicant will be proposing additional use of this same driveway by other properties in the future, then it is advisable that the driveway should be designed at this time for that additional use.

area on which the mobile home is located was separated from the golf course and the mobile home then became a non-conforming use. The zoning clearance under which the mobile home was originally approved contained a five year term period. At the conclusion of that term period, the mobile home was required to be removed from the property if the agricultural use of the property ceased. Given that we no longer have an agricultural use on the subject property and that this parcel is not a part of the golf course, the non-conforming mobile home use should be removed. (Removal is consistent with standard policies covering agricultural employee mobile homes.)

Further, the FPARC zoning text allows one-family dwellings if occupied by the property owner, a tenant, or persons employed on the premises. The proposed new residence is to be occupied by the property owner and it has not been demonstrated that a second dwelling unit is needed on this property.

The applicant has indicated in the application that the mobile home is also used as an office. The mobile home was originally constructed under State standards for residential use. It was approved and located on the property as an agricultural employee residential unit. It has never been approved for office use and does not meet the constructions requirements for use as an office.

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 significant impacts on adjacent properties or improvements in the area, or adversely affect the public's health, safety, or general welfare.

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 Section 15303 of the CEQA Guidelines as a minor addition to an existing parcel.
- B. The proposed use is consistent with the Sutter County Zoning Code and the Sutter County General Plan for a one-family dwelling unit in the FPARC District.
- C. The application, as submitted and including the recommended conditions of approval, will not be detrimental to the public's health, safety, or general welfare, or be detrimental to public or private improvements in the area.
- E. Improvements required as conditions of approval are consistent with the property's use for an one-family dwelling located within the FPARC area 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 recommended findings.
- B. Approve the use permit for the construction of an owner occupied, one-family dwelling subject to the following conditions:

On-going

- 1. The property shall be used in substantial accord with the project description and site plan included in the agenda report, except as may be modified by any of the following conditions. (P)
- 2. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and equipment. (P)
- 3. All wastewater shall be disposed of into the approved on-site sewage system. The on-site sewage disposal system shall be designed by a qualified consultant, shall comply with current standards, and shall be located within the on-site designated MUSDA. (EH)
- 4. Water supply shall be from an individual water supply well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
- 5. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
- 6. 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)

Prior to Issuance of Building Permits

- 7. The applicant shall provide proof that an access easement has been recorded providing a minimum 20-foot wide access from South Butte Road to the subject property. (P)
- 8. The applicant shall provide proof that a cost sharing maintenance agreement has been recorded providing for the maintenance of the access driveway to the subject property. (P)
- 9. The applicant shall provide construction details for the access driveway and turn-around to the Community Services Department for review and approval. The driveway and the turn-around shall be of adequate structural strength to support a 56,000 pound gross vehicle weight fire engine. (P)
- 10. The applicant shall provide an erosion control plan for control of road and hillside erosion, subject to review and approval by the Community Services Department. The

hillside erosion control plan shall cover all cut and filled slopes over three (3) feet in height. (P)

11. The applicant shall provide the Community Services Department a site plan showing actual property contours, the location of all new structures, and all areas that will require cut and/or fill to accommodate the dwelling and any accessory structures or access thereto. (P)
12. The applicant shall provide a landscaping plan for the cut and/or fill areas and the buffer area to the Community Services Department for review and approval. (P)
13. The applicant shall provide evidence demonstrating that the applicable Fire Code requirements are met relative to access and water supply. (P) (FS)

Prior to Occupancy of the Residence

14. The use of the existing caretaker mobile home on the property as a residence shall cease and the mobile home shall be removed from the property. (P)
15. A paved accessway meeting the County's driveway width requirements shall be provided to the residence. Additionally, a turn-around meeting the County Fire Service Administrator's requirements shall be provided within 50 feet of the residence for fire vehicles. The driveway and the turn-around shall be of adequate structural strength to support a 56,000 pound gross vehicle weight fire engine. (P)

Within 90 days of Occupancy of the Residence

16. The property owner shall replant all hillside area's scared by construction that are visible from South Butte Road. Additionally, the property owner shall provide a "defendable" green landscape buffer of at least 30 feet width around the residence and all new structures. Landscaping and the landscape buffer shall be installed as approved in the landscape plan under condition #12. (P) (FS)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Dale Follas
Associate Planner

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

D:\planning commission-2002\11-06-02\reports\up 02-25 (kumar)