

April 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #5: Public hearing on Use Permit #03-03 for a second residence in the RE (Residential Estates) District; located at 4361 Dresser Road, Yuba City; A. P. #13-410-015; applicant/property owner - Kenneth Hite (District 3 - Commissioner Barringer)

Current Proposal

A. Project Description:

The project is a use permit to allow a second, site-built residence of approximately 1,100 square feet on an RE (Residential Estates) District property. The residence will be created from the conversion of an existing shop building currently on the property. The second residence would be served by a separate septic tank, but both residences would share the same leach field and the existing well. Access would be from Dresser Road via an existing gravel driveway now serving the existing shop building and an attached garage. The project does not involve any new construction except some interior remodeling of the shop.

The property owner has indicated that the new residence would be occupied by his son and daughter-in-law.

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 a 1.27-acre parcel located on the easterly side of Dresser Road, approximately ¼ of a mile south of Fortna Road. The property contains an existing residence occupied by the property

owner and an existing detached garage and shop structure. The property has two gravel driveways from Dresser Road.

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

| | Use | Zoning | General Plan |
|-------------------------|--|--------|-------------------------|
| Subject Property | Single family residence with detached garage | RE | Low Density Residential |
| North | Single family residences | RE | Low Density Residential |
| East | Single family residences | RE | Low Density Residential |
| South | Single family residences | RE | Low Density Residential |
| West | Single family residences and agricultural orchards | AG | AG -20 |

C. Previous Commission Actions and/or Policies:

The Zoning Code allows a second residential dwelling unit by use permit in the RE District. The provisions of Section 1500-8018(f)(3) of the Zoning Code pertaining to second residential units do not apply to this project since those provisions apply only to the R-1 District.

The Planning Commission has considered eleven requests for use permits or variances for two residences on a single parcel in either the R-1 or RE Districts in the last decade. Your Commission denied three of those requests. Of the three denials, one was appealed to the Board of Supervisors and that request was also denied by the Board.

The subject property is designated Low Density Residential by the General Plan. That designation allows up to eight residential dwelling units per acre.

Staff Comments

A. Public Works Department (PW):

See recommended conditions.

B. Environmental Health (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 (FS):

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

E. Planning (P):

The proposed use would have two residences on an existing 1.27 acre parcel for a net density of approximately 1.6 residential dwelling units per acre; therefore, the General Plan maximum density requirements would not be exceeded.

The Zoning Code allows the proposed use by use permit; therefore the proposed use is consistent with the Zoning Code.

As noted above under item C, "Previous Commission Actions and/or Policies", your Commission has previously considered at least 11 similar requests for a second residence on either an R-1 or RE District parcel in the last decade. The majority of those requests were approved. Of the three that were denied, generally those requests contained elements that were inappropriate for either the site or neighborhood.

Although there are no other nearby properties with two dwelling units on them, the proposed request meets the density requirements of the General Plan and Zoning Code and would appear to have no substantial adverse effect upon the neighborhood.

Although the requirements of Zoning Code Section 1500-8018(f)(3) do not apply to second units in the RE District, staff has included several of those conditions in its recommendation. Generally, it is felt that they provide a minimum level of regulation on this type of use for the long term and provide aesthetic controls for the continuity of the property and neighborhood.

One such provision is to require that the property owner resides in the primary residence. No such residential occupancy restrictions on the second unit was recommended. The property owner proposes to have his son and daughter-in-law occupy the second residence; however, at some time in the future the property owners' son may choose to reside elsewhere. The lack of a residency restriction will allow the owner to have the second unit occupied by anybody he desires.

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

- A. The project 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. The proposed use is consistent with the Sutter County Zoning Code and the policies of the Sutter County General Plan.
- 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 second unit shall not be for sale as a separate unit and the property owner shall reside in the existing home. (P)
- 4. 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)

5. 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)
6. 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)
7. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
8. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
9. Water supply shall be from private well and comply with all Sutter County Environmental Health requirements for the use intended. (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 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)
12. All activities and use must comply with State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. (EH)
13. All wastewater shall be disposed into the approved on-site sewage system. (EH)
14. The access driveways on the property shall conform to the requirements of Section 902 of the Uniform Fire Code. (FSA)

Prior to Issuance of a Building Permit

15. 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)
16. An agreement shall be entered into by the property owner with Sutter County that shall run with the land and shall be binding on all successors in interest providing for participation in a zone of benefit, drainage district, agency, service area, or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special

assessment district or public entity referred to immediately above, the agreement shall contemplate the imposition by Sutter County of any legally available fee, assessment, or other financing mechanism to facilitate the construction and maintenance of a drainage system. (PW)

17. 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)

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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