



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING NOVEMBER 17, 2004
Agenda Item #10

Project # 04-033

Request: Use permit to allow a temporary mobile home as a family caretaker unit on a 20-acre parcel.

Location: 2986 Bloyd Road, Live Oak (Assessor's Parcel No. 10-140-007)

Planner: Leanne Mueller, Associate Planner

Zoning Code Designation: AG (General Agricultural) District

General Plan Designation: Agriculture, 20-acre minimum parcel size

Applicant/Owner: Timothy & Rosaura Birmingham

Staff Recommendation

Staff recommends approval of the use permit request for a temporary mobile home to be used as a family caretaker unit on property zoned AG (General Agricultural) District subject to the findings and Conditions of Approval included in this staff report.

Project Description

A request for a use permit to allow for an 858 square foot temporary secondary mobile home for a family caretaker unit to house an elderly family member on a 20-acre parcel.

Setting

The parcel currently contains an existing home and a shop building. The property is not being used for any agricultural purposes; it is currently fallow.

The surrounding land uses, Zoning Designations, and General Plan Designations are described in the table that follows:

	Land Use	Zoning Designation	General Plan Designation
Site	Residence and accessory buildings	AG (General Agricultural) District	AG-20
North	Orchard	AG (General Agricultural) District	AG-20
South	Orchard	AG (General Agricultural) District	AG-20
East	Orchard	AG (General Agricultural) District	AG-20
West	Residence	AG (General Agricultural) District	AG-20

Previous Actions

No previous actions have taken place on the property.

Analysis

The subject property is a 20-acre parcel that is used for a residence and accessory buildings. The property is located on the west terminus of Boyd Road, 635 feet west of Madden Avenue. Currently, there is an existing 1,678 square foot residence on the subject parcel. The applicant indicates that the temporary mobile home will be used by an elderly family member in need of living assistance. A note was received from the family member's physician verifying the need for the caretaker mobile home. The temporary caretaker mobile home will be located 84 feet south of the existing residence and approximately 200 feet from the east property line. The property has fifty feet of frontage along Boyd Road and the mobile home will utilize an existing driveway that accesses Boyd Road. The Zoning Code conditionally permits a temporary secondary mobile home to be placed on a property zoned AG district with an approved use permit. The use permit is valid for a period of five years and may be extended if the need still exists. The Conditions of Approval will ensure that the temporary mobile home complies with all development standards.

Environmental Analysis

In accordance with the California Environmental Quality Act and the Guidelines, this project is Categorical Exempt, pursuant to CEQA Guidelines Section (15303) which allows exemptions for new construction of dwelling units.

Recommended Findings

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

CEQA

In accordance with the California Environmental Quality Act and the Guidelines, this project is Categorical Exempt, pursuant to CEQA Guidelines Section 15303, which exempts new construction of dwelling units.

General Plan

The project is consistent with the General Plan (Policy 2.14) and Zoning Code Section 1500-8012 provides for temporary caretaker mobile homes in the Agricultural Districts.

Use Permit

Approval of the use permit, subject to the recommended conditions, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Recommended Action

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

1. "I move that the Planning Commission find the proposed project exempt from the California Environmental Quality Act Section 15303, Class 3 under Title 14 California Code of Regulations."
2. I move that the Planning Commission approve Use Permit #04-033 to allow for a temporary family caregiver unit on Assessor's Parcel No. 10-140-007, subject to the recommended findings and conditions contained in this staff report."

Attachments

- A. Study Sketch
- B. Site Plan

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Conditions of Approval
Project #04-033 - Timothy & Rosaura Birmingham

Use Permit to allow for a family caregiver unit on a 20-acre parcel

Ongoing

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 placed upon a non-permanent conventional mobile home foundation system. (P)
4. If at such time the use for which the permit is approved ceases, the mobile home shall be removed from the property within six months of the cessation of use. (P)
5. The use permit shall be valid for a term period of five years subject to extension. (P)
6. Skirting shall be provided along all sides of the mobile home. There shall be no storage of materials under the mobile home except for appurtenances removed from the mobile home and permitted to be stored under the mobile home in accordance with the laws of the State of California. (P)
7. A permit from the Building Inspection Division will be required for the mobile home set up. (B)
8. 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)
9. Building 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. It is up to permittee/owners/builders and subcontractors to comply with all regulations and or permits for storm water regulations through the Regional Water Quality Control Board of the State of California. (PW)
11. 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)

12. The existing on-site sewage system must be evaluated by a qualified consultant to ensure that the quantity and quality of wastewater proposed can be adequately treated and disposed of on-site. (EH)
13. All wastewater shall be disposed into the approved on-site sewage system. (EH)
14. 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)
15. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
16. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
17. 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)
18. 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)
19. 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)
20. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures, or the storage of any materials allowed under or over any of our facilities or inside any PG&E easements that exist within the subject project. (PG&E)
21. Driveway Access shall comply with Section 902 of the 2001 California Fire Code. (FS)