



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING DECEMBER 15, 2004
Agenda Item #9

Project # 04-035

Request: Request for approval of a tentative parcel map to divide a 42.38 acre parcel into a 3.1 acre homesite parcel and a 39.2 acre agricultural parcel and a use permit to allow an existing mobile home to remain as a temporary secondary residence for occupancy by a person in need of living assistance. Assessor's Parcel No. 28-230-060.

Location: 4164 Gallagher Road, Rio Oso

Planner: Steve Geiger, Associate Planner

Zoning Code Designation: AG (General Agricultural)

General Plan Designation: AG-20 (Agriculture, 20 acre minimum)

Applicant: Chris and Jenny Gregory

Owner: Daryl and Shirley Gregory

Staff Recommendation

Staff is recommending the Planning Commission approve the tentative parcel map to divide the subject 42.38 acre parcel into a 3.1 acre homesite parcel and a 39.2 acre agricultural parcel and approve the use permit to allow the existing mobile home to remain as a temporary secondary residence for occupancy by a person requiring on-site living assistance.

Project Description

The project is a request for approval of a tentative parcel map to divide a 42.38 acre parcel into a 3.1 acre homesite parcel (Parcel 1) and a 39.2 acre agricultural parcel (Parcel 2). Approval of a use permit is also requested to allow the existing mobile home on proposed Parcel 2 to remain as a temporary secondary residence for occupancy by a person in need of living assistance.

Setting

The subject property is 42.38 acres and is developed with a single-family residence and a mobile home located in the southwest corner of the subject property, near Gallagher Road. The majority of the property is currently used as pasture. The property is bordered by Yankee Slough and orchards to the north, agricultural uses and residences to the east, rice and other agricultural uses to the south, and a residence and orchards to the west. The surrounding land uses, zoning classifications, and General Plan Land Use Designations are summarized in the table below.

	Land Use	Zoning Designation	General Plan Designation
Site	Single-family residence, mobile home, pasture	AG	AG-20
North	Yankee Slough, orchards	AG	AG-20
East	Residences, agricultural	AG	AG-20
South	Rice, agricultural	AG	AG-80
West	Orchard, residence	AG	AG-20, AG-80

Previous Actions/Background

On November 20, 1985, the Planning Commission approved Use Permit #1383 to allow an owner occupied mobile home on the subject property. This application was filed by the same owners that have filed the current application. The mobile home was the only residence on the property at the time and the use permit approval was granted for a five year time period. The owners received an extension of the permit in 1990.

In 1996, the Sutter County Zoning Code was amended to allow owner-occupied mobile homes as a permitted use on property zoned AG (General Agricultural). The owner was notified that based on this change in the Zoning Code, the use permit was no longer needed for the mobile home. A single-family residence was subsequently moved onto the property. Since the subject property is 42 acres in size and is designated AG-20, the owners are permitted two “permanent” residences on the property without the need for a use permit.

The owners have submitted a parcel map in order to create a homesite parcel so that their son may construct a house on the property. In order to retain the existing mobile home, the owners must now apply for a use permit to allow the mobile home to remain for temporary occupancy by either an agricultural caretaker or a person requiring on-site living assistance. If approved, the use permit will be granted for a five year period, with opportunity for the owners to request extensions.

Analysis

The applicant proposes to create a 3.1 acre homesite parcel (Parcel 1) from the southeast corner of the subject property. The remaining 39.2 acre parcel (Parcel 2) will contain the existing single-family residence and mobile home located near the southwest corner of the property. The majority of Parcel 2 will continue to be used as

irrigated pasture for cattle. The property owner has stated that the homesite parcel is being created to allow their son, who provides mechanic services for the farm equipment and assists in the on-site hay and cattle operations, to construct a residence on the property. General Plan Policy 6.A-4 allows the creation of homesite parcels for owners' sons or daughters when it is clearly documented that they are involved in the family farming operation.

The proposed homesite parcel exceeds the standard two acre maximum size required by General Plan Policy 6.A-6. This policy, however, allows homesite parcels to exceed two acres when the Environmental Health Division grants a waiver for sewage disposal. In the case of this application, Environmental Health has granted a waiver based on the results of on-site soil testing. The proposal is therefore consistent with the General Plan.

Based on the size of the existing parcel (42.38 acres) and the AG-20 (Agriculture, 20 acre minimum) General Plan designation, the owners are permitted to have two permanent residences. The owners' son is proposing to construct a residence on the proposed homesite parcel (Parcel 1), which, along with the existing single-family residence and mobile home located on proposed Parcel 2, results in three residences. The owners have submitted a use permit application along with the parcel map to request that the existing mobile home be allowed to remain for temporary occupancy by a person needing on-site living assistance. In accordance with Zoning Code requirements (Section 1500-8012), the owners have submitted a letter from a doctor that states the proposed occupant of the mobile home has a medical condition that necessitates the provision of on-site living assistance. If approved, the use permit will be 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. With the doctor's certification provided along with the applicable conditions of approval, the proposed temporary mobile home complies with the Zoning Code.

Environmental Analysis

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study determined that the project, as proposed, would not have a significant impact on the environment. Therefore, if the Planning Commission wishes to approve the project, staff recommends the Commission adopt the attached Negative Declaration.

Recommended Findings

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

CEQA

1. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed

project for the subject property. The study determined that the project, as proposed, would not create a significant impact on the environment. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.

2. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter and has been prepared in accordance with CEQA.
3. The Planning Commission has reviewed, analyzed, and considered the request and public testimony prior to making its recommendation and finds that the Parcel Map will not be detrimental or injurious to property and improvements or to the general welfare of the County.

General Plan

1. The proposed project has been reviewed and is consistent with the General Plan. General Plan Policy 6.A-4 allows for creation of homesite parcels for owner's sons or daughters that are involved in the family farming operation. General Plan Policy 6.A-6 allows homesite parcels to exceed 2 acres in size when a waiver has been granted by the Sutter County Environmental Health Division in order to meet sewage disposal requirements.
2. The proposed parcel map complies with all other applicable requirements of state law and local ordinances.
3. The use of the mobile home by a person requiring on-site living assistance is consistent with the General Plan.

Tentative Parcel Map

The proposed parcel map will be consistent with the County's Zoning Code and General Plan. Furthermore, staff has identified no effects from the proposal that would result in a significant impact on adjoining or neighboring properties if the conditions, as recommended by staff, are adopted.

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 adopt the proposed Negative Declaration prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "I move that the Planning Commission approve Project #04-035 to allow the creation of an approximate 3.1 acre homesite parcel and a 39.2 acre agricultural parcel as depicted on the attached Tentative Parcel Map and allow an existing mobile home to remain as a temporary secondary residence for occupancy by a person requiring on-site living assistance, based on the recommended findings and conditions contained in this staff report."

Attachments

- A. Study Sketch
- B. Reduced size parcel map
- C. Initial Study

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Conditions of Approval
Project #04-035 - Chris and Jenny Gregory

Tentative parcel map to allow the creation of a 3.1 acre homesite parcel and a 39.2 acre agricultural parcel from an existing approximate 42.38 acre parcel. Use permit to allow an existing mobile home to remain as a temporary secondary residence for occupancy by a person requiring on-site living assistance.

1. A Notice of Determination, including payment of associated fees, shall be filed in the office of the County Clerk within five (5) days after the end of the ten (10) day appeal period. (P)
2. The applicant shall pay any outstanding balance for processing the application within thirty (30) days of receiving a final invoice from the Community Services Department. (P)
3. The final map shall be recorded within 36 months of the approval date or the applicant shall submit a request for and receive approval of a time extension in accordance with the Sutter County Subdivision Ordinance. (P, PW)
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 and maintained 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. The existing single-family residence located on proposed Parcel 2 shall be the only permanent residence permitted on that parcel. Additional temporary secondary mobile homes may be permitted on Parcel 2, subject to the requirements of the Sutter County Zoning Code.

Prior to Recordation of the Map

8. All rights of way and easements, public or private, shall be shown on the final map along with the recording references. (PW)
9. All tests and investigations required to assure, to a reasonable certainty, that the lots created by this subdivision meet the minimum standards for its intended use shall be conducted prior to filing of a parcel or final map. (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: (PW)

Gallagher Road 25.0' R/W + 10.0' P.U.E.

11. Prior to the recordation of the map, the subdivider shall provide to Environmental Health a map which clearly shows the exact location of the Minimum Useable Sewage Disposal Area (MUSDA) for each parcel. The MUSDA delineation shall comply with Sutter County Environmental Health regulations. (EH)

12. Prior to the recordation of the map, the subdivider shall provide a signed statement that any abandoned on-site wells and sewage systems have been destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)

13. A note must be recorded on the map stating that all structures producing wastewater shall connect to the public sewer when it is available, pursuant to the Uniform Plumbing Code (UPC). (EH)

14. A note must be recorded on the map stating that water supply shall be from individual wells located on the subject properties. (Off-site private water supplies are prohibited unless proper documentation of easements and legal contracts are provided). (EH)

15. The following note shall be recorded on or with the map:

“The Minimum Usable Sewage Disposal Area (MUSDA) on record with Sutter County Environmental Health shall remain unimproved and reserved exclusively for on-site wastewater needs until such time as structures or facilities served by the MUSDA have been connected to a sewer system operating under permit from the California Regional Water Quality Control Board.” (EH)

16. Prior to the recordation of the map, the applicant shall submit to Environmental Health for review and approval the following documents: (EH)

A. A site plan prepared by a qualified consultant, showing lot boundaries, the minimum usable sewage disposal area designated for each lot, locations of existing and proposed water wells, test hole locations, roadways, driveways, easements, and other constraints to on-site sewage system siting. (EH)

Prior to Issuance of Building Permit

17. 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. Additionally, no grading or alteration of the existing terrain that would direct additional waters from one lot to any adjacent lot is allowed. This condition shall be so stipulated on the parcel map. (PW)

18. 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)
19. 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)
20. 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.

Minor changes may be approved administratively by the Community Services Director, or designee, upon receipt of a written request by the applicant. Prior to such approval, verification shall be made by each Department, Division, or Agency that the modification requested is consistent with the application and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.