



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING FEBRUARY 18, 2004
Agenda Item #6

Request: Allow an existing secondary mobile home to remain for temporary occupancy by an agricultural caretaker.

Location: 1901 Pacific Avenue, Rio Oso

APN: 28-190-007

File: UP #03-18

Planner: Steve Geiger

Applicant	Property Owner
Bryan & Jennifer Alger 1901 Pacific Ave. Rio Oso, CA 95674	Bryan & Jennifer Alger 1901 Pacific Ave. Rio Oso, CA 95674

Staff Recommendation

Recommend that the Planning Commission deny Use Permit #03-18.

Project Description

The project is a request to allow an existing secondary mobile home on the property to remain for temporary occupancy by agricultural caretakers. The applicant indicates that the secondary mobile home is to be occupied by relatives who will care for their animals (cattle) on the subject 3.49 acre parcel.

Setting

The subject property is located on the west side of Pacific Avenue, north of Cornelius Avenue, south of the rural community of Rio Oso (See Attachment B for site plan submitted by the applicant). The property is located in an area devoted to residential and agricultural uses and is bordered on the west by railroad tracks.

	Land Use	Zoning Designation	General Plan Designation
Site	Two mobile homes, agricultural buildings	AG	AG-RC
North	Residences	AG	AG-RC
South	Residences	AG	AG-RC
East	Residences	AG	AG-RC
West	Agricultural	AG	AG-80

Previous Actions

In 1976, the Planning Commission approved Use Permit 537 for Manuel Lemos to allow placement of two mobile homes on the subject property for a five year period. One mobile home was approved for occupancy by the owner of the property and the other mobile home was approved for occupancy by the owner's mother. The staff report for this use permit noted that several use permits had previously been issued for mobile homes within the immediate area, including use permits for two mobile homes under similar circumstances.

In 1981, an extension for both mobile homes was granted. Prior to the expiration of this extension, the owners contacted staff and indicated that the second mobile home was no longer being occupied by the mother. The second mobile home was removed from the property and in 1986, an extension of time was granted for the owner occupied mobile home only. It was noted in the use permit file that the permit for the second mobile home had expired. The use permit for the owner occupied mobile home was not extended and expired during transfer of ownership of the property in 1991.

On January 2, 1992, the new owners (Patrick and Jeanette Keller) received Planning Commission approval of Use Permit 91-22, which permitted an owner-occupied mobile home and a family member occupied mobile home. In 1997, an extension of time was granted for the use permit. It was noted in the file that in 1996, the Board of Supervisors amended the Zoning Code to allow mobile homes as primary residences in the AG zone with approval of a zoning clearance. Based on this action, the use permit was now only necessary for the secondary mobile home occupied by the family member. In 2002, the owners were notified to submit another extension request in order to continue use of the secondary mobile home. This request was not submitted and the use permit for the secondary mobile home expired.

On October 15, 2002, the current owners (Bryan & Jennifer Alger) applied for a building permit to allow for an owner occupied mobile home on the subject property. At that time, one of the previously permitted mobile homes had been removed from the property. Planning staff noted on the building permit application review form and the approved plot plan that the existing mobile home would be required to be removed prior to occupancy of the new mobile home (since there was no use permit approval for a secondary mobile home). A copy of the building permit application review form and approved plot plan is attached to the staff report (Attachment C).

Background

This application resulted from a Zoning Code violation on the subject property. The violation occurred when the applicants completed installation of the new mobile home on the property (1871 Pacific Avenue), requested a final inspection from the Building Division in February 2003, and failed to remove the existing mobile home (1901 Pacific Avenue) as required by the Planning Division. Due to this violation, a final certificate of occupancy has not been issued for the new mobile home at 1871 Pacific Avenue.

Removal of the subject mobile home was required since there currently is not a valid use permit approval for a temporary secondary mobile home on the property (see Previous Actions section above). Staff has attempted to work with the applicants for many months to resolve the violation and the matter was eventually forwarded to the District Attorney's office. As an option, staff discussed with the applicants the possibility of submitting a use permit application to allow occupancy of a temporary secondary mobile home for use by either an agricultural caretaker or a family member in need of living assistance. In response to this discussion, the applicant chose to submit this application.

Staff has attached copies of letters and notices that have been made between the applicants and the County to provide the Commission with further background information. In April 2003, the applicants requested that staff provide them with a letter for their title company to prove they had installed a new mobile home and that they had permission to occupy the unit (See Attachment D). In their letter, the applicant acknowledged that there was no final certificate of occupancy on the property because the original mobile home had not yet been removed and that they were working on trying to obtain proper permits to remove the unit. Staff's response, which is included in Attachment D, reminds the applicant that the original mobile home is required to be removed prior to issuance of a certificate of occupancy for the new mobile home.

As part of the code compliance process, five notices were mailed to the applicants between April 23, 2003, and September 30, 2003 (See Attachment E) stating that the original mobile home must be removed from the property in order for a certificate of occupancy to be issued on the new mobile home. Due to the lack of compliance, the District Attorney's office then became involved after which the applicants requested information on how to apply for a use permit to allow the original mobile home to remain. This use permit application was submitted by the applicants on November 24, 2003.

Attachment F contains information provided by the applicants in support of their request to have the mobile home occupied by relatives who will act as animal caretakers on the property.

Analysis

Section 1500-8012 of the Zoning Code allows for temporary secondary mobile homes for "caretakers of agricultural property, improvements or equipment" with approval of a

use permit. This section requires that use permit applications for this requested occupancy “include a written explanation of the need for the caretaker in sufficient detail to allow the Planning Commission to evaluate the degree of need.” The applicant provided this information to staff along with the application.

According to the statement provided, the applicants purchased the property with the intent to keep one mobile home for a sister and her husband who are experts in breeding high quality show animals. These relatives have agreed to care for the applicant’s animals in exchange for use of the mobile home. The applicant has further indicated to staff that cattle will be kept on-site, with between 2 to 6 animals being kept on the property at one time.

Historically, similar requests for secondary mobile homes for agricultural caretakers have been made on much larger agricultural parcels. These parcels typically are developed with a large orchard, a sizeable crop, or contain a large number of animals on the property. The subject parcel, however, is only 3.49 acres in size. Staff has concerns about allowing occupancy of a secondary mobile home for an agricultural caretaker on such a small parcel. Due to the small size of the parcel, staff does not believe the need for an agricultural caretaker is warranted. Staff has concerns that approval of this application could set precedent for other requests for secondary mobile homes on small parcels and believes that approval of this application would not be in keeping with the intent of the Zoning Code provision for an agricultural caretaker. Staff is therefore recommending denial of this use permit.

The applicants have also indicated that in the future they plan to use the secondary mobile home for occupancy by parents that have health issues and need on-site living assistance. As an option, the applicants could withdraw this application and file a new request for the parents to live in the mobile home in accordance with the requirements for this occupancy contained in the Zoning Code.

Environmental Analysis

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

Conclusion

Staff recommends denial of Use Permit #03-18. Staff has historically recommended approval on requests for mobile homes for agricultural caretakers when it can be demonstrated that a caretaker is warranted due to the large size of the subject parcel, the type of crop grown, or other similar reasons. Due to the small size of the parcel (3.5 acres) and the small number of animals to be cared for on the property (2 to 6 cows), staff does not believe that an on-site agricultural caretaker is necessary for the property. Staff also has concerns that if approved, the project will set a precedent for future similar requests on small parcels where significant agricultural operations are not feasible.

Recommended Action

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

1. "The Planning Commission finds the project is categorically exempt pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures."
2. "The Planning Commission denies Use Permit #03-18."

Attachments

- A. Study Sketch
- B. Site plan
- C. Building permit application review form & approved plot plan
- D. Letter from applicant and response from County
- E. Five notices sent from the County to the applicants requesting compliance with requirement to remove original mobile home
- F. Information provided by applicants regarding proposed occupancy of the mobile home in support of their request

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