



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING NOVEMBER 17, 2004  
Agenda Item #7

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**Project #:** Use Permit #02-25

**Request:** To consider whether to remove or retain a condition of previously approved Use Permit #02-25. The use permit allows for an owner occupied, one-family dwelling in the FPARC (Food Processing, Agricultural and Recreational Combining) District.

**Location:** 9413 South Butte Road (Southridge Golf Course), Sutter, (Assessor Parcel No. 13-200-100)

**Planner:** Steve Geiger, Associate Planner

**Zoning Code Designation:** FPARC (Food Processing, Agricultural and Recreation Combining) District

**General Plan Designation:** FPARC (Open Space)

**Applicant:** County of Sutter

**Owner:** Pramod & Lucyna Kumar

### **Staff Recommendation**

Based on the information contained in this staff report and the testimony presented at the hearing, the Commission should take appropriate action on one of the two options presented: 1) remove Condition #14 from previously approved Use Permit #02-25, or 2) retain Condition #14.

### **Project Description**

The Planning Division is bringing this item back before the Planning Commission for reconsideration of Condition #14 placed on a previously approved use permit, Use Permit #02-25. The use permit allowed for an owner occupied, one-family dwelling on the subject property. Condition #14 requires that prior to occupancy of the proposed single-family residence, the use of the existing caretaker mobile home on the property shall cease and the mobile home shall be removed from the property. Because the condition was included in the staff report, and approved by the Commission on

erroneous information, we are bringing it back to the Commission for review and possible action in the light of recently discovered, correct information.

**Setting**

The subject property is a 19.40 acre parcel located on a hillside that overlooks the Southridge Golf Course. The property is developed with a mobile home previously approved for occupancy by a golf course employee located on the southwest portion of the property. The owner’s residence, approved by Use Permit #02-25, is currently under construction and is located on the southeast portion of the property.

The surrounding land uses, zoning classifications, and General Plan Land Use Designations are described in the table below.

	<b>Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
Site	Mobile home, single-family residence (under construction), open space	FPARC	FPARC (Open Space)
North	Open space	FPARC	FPARC (Open Space)
South	Golf course with clubhouse and pro shop	FPARC	FPARC (Open Space)
East	Open space	FPARC	FPARC (Open Space)
West	Open space	FPARC	FPARC (Open Space)

**Background/Analysis**

On November 6, 2002, the Planning Commission approved Use Permit #02-25 to allow for an owner occupied, one-family dwelling (single-family residence) on the subject property. At the time of the meeting, it was noted in the staff report that the existing mobile home on the property had originally been approved in 1984 for a previous property owner for occupancy by an agricultural employee. Staff erroneously noted in the report and in its presentation that the approval was subject to a five year time period and that it apparently had been allowed to lapse. Therefore, staff concluded that since there was no longer an agricultural use on the property, nor a current valid zoning clearance, the mobile home should be removed from the property. Staff recommended that the mobile home be removed from the property prior to occupancy of the proposed owner-occupied residence. The Commission approved the use permit with this condition (Condition #14). Staff has included a copy of the conditions of approval and the staff report for Use Permit #02-25 as attachments to this staff report.

Recently, staff discovered that the original zoning clearance that approved the mobile home was amended in 1988 for the owner of the property to allow occupancy by a golf course employee for golf course security. Specifically, the zoning clearance was approved to allow the “mobile home in conjunction with construction of a golf course.” The extension of this revised occupancy of the mobile home, also subject to the five year time period, has been requested by the property owners and granted by Planning staff continuously over the years and is still active. Due to staff’s erroneous reporting of the status of the mobile home as “expired” to the Commission at the November 6, 2002,

hearing, it is our belief that the Commission should have an opportunity to reconsider this particular condition of approval.

Staff notes that at the November 6, 2002 hearing, the owner stated that the golf course had a lot of vandalism and that having the mobile home occupied with a “caretaker” provided security. The owner has indicated to staff that the even with the construction of his own residence on the subject property, the “caretaker” mobile home is still needed to provide security for the golf course.

### **Summary**

Staff met with the owner who reiterated he wants to retain the mobile home for a golf course caretaker employee as there is a need for security, and the mobile home is located where it can see and be seen almost from the entirety of the golf course. The mobile home has been located on the property for twenty years. Therefore, if the Planning Commission wishes to allow the owner to retain the mobile home, it would be in keeping with the temporary use concept for the Commission to remove Condition #14, allowing the mobile home to remain under the existing provisions of the zoning clearance, subject to renewal every five years. Should the Commission believe that Condition #14 should be retained and the mobile home removed, staff has also provided an alternative motion. Staff notes that should the property owner wish to request permanent occupancy of the mobile home or a change in the use, then a new, separate use permit would be required to be applied for and would come back before the Commission for action.

### **Environmental Analysis**

The project was previously determined to be categorically exempt under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines as a minor addition to an existing parcel.

### **Recommended Findings**

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

#### **CEQA**

The project was previously determined to be Categorical Exempt from CEQA review.

#### **General Plan**

The project was previously determined to be consistent with the Sutter County General Plan and Zoning Code for a one-family dwelling unit in the FPARC zone district.

## **Use Permit**

Approval of the use permit, subject to the recommended conditions, was previously determined to not be detrimental to the public's 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**

Based on the information contained in the staff report and testimony provided at the hearing, the Planning Commission should select either motions #1 & #2 below, or motion #3:

1. "I move that the Planning Commission find that the project was previously determined to be Categorical Exempt from CEQA review.
2. "I move that the Planning Commission remove Condition #14 from approved Use Permit #02-25, allowing the mobile home to remain for occupancy by a golf course employee under the provisions of existing Zoning Clearance #2149, with continued opportunity for the owner to request for extensions every five (5) years."

## **Alternative Action**

3. "I move that the Planning Commission retain Condition #14 for approved Use Permit #02-25, requiring that the mobile home be removed prior to occupancy of the owner's residence now under construction."

## **Attachments:**

- A. Use Permit #02-25 Conditions of Approval
- B. Use Permit #02-25 staff report, dated October 30, 2002