



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING APRIL 21, 2004
(CONTINUED FROM FEBRUARY 18, MARCH 17, AND
APRIL 7, 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

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.

Background

This item was continued at the April 7th meeting since a quorum of voting Planning Commissioners was not present. Although there were five Planning Commissioner members at the meeting, two of those present had previously abstained from voting on the project because they had been absent from the first meeting held on the item back in February. Since these two members had not listened to the audio tape of the first meeting, they were required to again abstain from voting on the project. Therefore, only three Commissioners were able to vote on the project (four members are required for a quorum).

Prior to April 7th, this item had been continued from both the February 18th and the March 17th meetings. On February 18th, the Planning Commission requested

additional information regarding possible previous use permits approved in the vicinity of the applicant's property for temporary secondary mobile homes. On March 17th, the Commission considered this information, comments from staff, and additional information from the applicant with regard to the need of having an on-site agricultural caretaker. At the conclusion of the meeting, the Commission voted 5-0 (with two members abstaining) to continue the item to the April 7, 2004 meeting and directed staff to prepare appropriate findings and conditions of approval for the project.

Recommended Findings

CEQA

1. "The Planning Commission finds the project is categorically exempt pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures."

Use Permit

1. The establishment, maintenance, and operation of a temporary secondary mobile home occupied by an agricultural caretaker will not, under the circumstances of this particular case, be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
 - A. The Planning Commission has determined that an on-site agricultural caretaker is needed to care for the applicant's animals (cattle). The caretakers are relatives of the applicants and are experts in breeding high quality show animals.
 - B. The Planning Commission has determined that the applicant's proposal to keep cattle on the subject property is a viable agricultural operation, regardless of the number of animals kept.
 - C. A use permit was approved in 1976 to allow a temporary secondary mobile home on the subject property. That use permit expired in 2002, however, there is a history of two mobile homes being permitted on the property. Based on this information, the Planning Commission has determined that approval of this application will not set a precedent for future similar requests.
2. The proposed use is consistent with the Sutter County General Plan.

Recommended Action

Based on direction from the Planning Commission, the following motions are provided:

1. "The project is categorically exempt pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures."
2. "The Planning Commission approves Use Permit #03-18, based upon the recommended findings and conditions contained in this staff report."

Attachments

- A. Study Sketch
- B. Site plan

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Conditions of Approval
Use Permit #03-18
Bryan & Jennifer Alger
1901 Pacific Avenue, Rio Oso

1. This use permit allows an existing secondary mobile home on the property to remain for temporary occupancy by agricultural caretakers. Occupancy shall be limited to the persons described in the original staff report dated February 18, 2004. (P)
2. This use permit shall be issued for a term period not to exceed five years, subject to extension, or it shall expire at such time as the use or need for which it was granted ceases, whichever occurs first. An application for extension shall include a written explanation of the continuing need for the unit. Upon expiration or cessation of the use, the mobile home shall be removed from the property within six (6) months. (P)
3. Rental of the secondary mobile home shall not be permitted. (P)
4. Skirting shall be maintained along all sides of the secondary mobile home. (P)
5. The applicant shall obtain any remaining necessary permits from the Community Services Department and Public Works Department for the intended use. (P)
6. The site shall be maintained in a neat and orderly fashion, free of debris, salvage material, and/or junk. (P)
7. All wastewater shall be disposed of into the existing permitted on-site sewage system. (EH)
8. 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)
9. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
10. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)

11. 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)
12. 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)
13. 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)
14. The 15,000 square foot maximum septic repair area designated for the temporary secondary mobile home (1901 Pacific Ave.) shall be maintained free of improvements until appropriate soil testing is performed by the Environmental Health Division and specific repair area is designated. (EH)
15. The separate designated septic repair area for the primary mobile home (1871 Pacific Ave.) shall be maintained free of improvements. (EH)
16. 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)
17. 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)
18. There shall be no building of structures or the storage of any materials allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the subject project site. (PG&E)