Promoting the wise use of land
Helping build great communities

COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

MEETING DATE	CONTACT/PHONE	APPLICANT	FILE NO.
November 4, 2005 EFFECTIVE DATE November 18, 2005	Nick Forester/ Project Manager 805-781-1163	Douglas Flaata	DRC2004-00155

SUBJECT
Request by Douglass Flaata for a Minor Use Permit to allow the placement of a pre 1976 mobile home. Additionally, the applicant is requesting a waiver of the exterior design standards required by Section 22.30.450(E) of the county code for siding, roof material and roof overhangs. The project will result in site disturbance of approximately 1,000 square feet on a 2.5 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 11055 Dixon Street in the community of California Valley. The site is in the Shandon-Carrizo Planning Area.

RECOMMENDED ACTION
Approve Minor Use Permit DRC2004-00155 based on the findings listed in Exhibit A and the conditions listed in Exhibit B

ENVIRONMENTAL DETERMINATION
A General Rule Exemption was issued on August 16, 2005

LAND USE CATEGORY	COMBINING DESIGNATION	ASSESSOR PARCEL NUMBER	SUPERVISOR DISTRICT(S)
Residential Suburban	None	082-191-015	5

PLANNING AREA STANDARDS:
LUO Title 22, Article 9: Shandon-Carrizo Planning Area / California Valley Village Standards.
LUO Section 22.110.030.C.et al. Residential Suburban land use standards
Does the project meet applicable Planning Area Standards: Yes - see discussion

LAND USE ORDINANCE STANDARDS:
22.10.090 Height Limitations.
22.10.140 Setbacks.
22.30.450 Residential Mobile Homes.
Does the project conform to the Land Use Ordinance Standards: Yes - see discussion

FINAL ACTION
This tentative decision will become final action on the project, effective on the 15th day following the administrative hearing, or on November 18, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
COUNTY GOVERNMENT CENTER ✦ SAN LUIS OBISPO ✦ CALIFORNIA 93408 ✦ (805) 781-5600 ✦ FAX: (805) 781-1242

EXISTING USES: Unpermitted mobile home (which is the subject of this permit)	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Suburban/ Scattered Residences East: Residential Suburban/ Scattered Residences South: Residential Suburban/ Scattered Residences West: Residential Suburban/ Scattered Residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, California Valley CSD, Santa Margarita Community Advisory Council	
TOPOGRAPHY: Generally level	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: March 8, 2005

DISCUSSION

PLANNING AREA STANDARDS:
Project conforms to the Shandon-Carrizo Planning Area / California Valley Village Standards as follows:

22.110.030.A.1: Road improvements-residences. The establishment of a new residence shall require the construction of an all weather 16 foot wide road with a minimum of 4 inches of class III aggregate base across the property frontage and to the nearest publicly maintained road. Subsequent development on the opposite side of the road is to complete an additional 4 feet of improvement. These improvements are to be completed prior to occupancy. *This approval is conditioned for consistency with this section of the Ordinance.*

22.110.030.A.2: Offer of dedication. Prior to the issuance of a land use permit, offer for dedication a public right of way across the entire property frontage along the proposed road. Offered right-of-ways are to follow platted alignments and are to be one half of a fifty foot wide road section from centerline. *This approval is conditioned for consistency with this section of the Ordinance.*

22.110.030.C.1: Percolation test results demonstrating soil conditions adequate to support safe septic system operation are to be provided to the County Building Official prior to issuance of any building permit. *Conditions of this land use permit include a requirement to submit adequate percolation test results prior to issuance of building permit.*

22.110.030.C.2: Fencing located within a required front or street side setback may be constructed higher than three feet only if it is open wire or chain link and no higher than 6'-6". *Fencing has not been proposed as a component of this land use application. Conformance with fence standards is a condition of this land use permit.*

22.110.030.C.3: A maximum of one agricultural vehicle may be stored outdoors accessory to a residence regardless of whether agricultural activities occur on site, but within the buildable area of a site consisting of at least 2.5 gross acres. The maximum area of such storage shall be 300 square feet. *The project site is approximately 2.5 acres, and thus storage of a maximum of one agricultural vehicle is allowable on site. Conformance with agricultural vehicle storage standards is a condition of this land use permit.*

22.110.030.C.4: The minimum site area for a mobile home that does not comply with residential mobile home land use ordinance provisions, and that is proposed for an individual lot outside of a mobile home park shall be 2.5 gross acres. *The project site is 2.5 acres, and thus a non-standard mobile home is allowable on site.*

LAND USE ORDINANCE STANDARDS:
Project conforms to Land Use Ordinance standards as follows:

22.10.090 Height Limitations - LUO Title 22 Article 3 establishes the following building height limitation: 35 feet maximum. *This approval is conditioned for conformance with the height limitation requirement.*

22.10.140 Setbacks - LUO Title 22 Article 3 establishes the following minimum setbacks for this structure: 25 feet from front property line, 30 feet from side property lines, and 30 feet from rear property line. *This approval is conditioned for conformance with all setback requirements.*

22.30.450 Residential Mobile Homes – This approval is conditioned for conformance with all residential mobile home requirements, with the following adjustments:

Requested Adjustment - The standard pertaining to certification of mobile homes under the National Manufactured Housing Construction and Safety Act of 1974 is to be adjusted by Review Authority pursuant to LUO Section 22.30.450, in order to allow a mobile home constructed prior to 1976.

Requested Adjustment - The exterior design standard pertaining to roof overhang of not less than one foot and the requirements for siding and roofing materials are to be waived by Review Authority pursuant to LUO Section 22.30.450. Because the mobile home will be located on a 2.5 acre parcel, with a front setback of 125 feet from the front property line, in a sparsely populated area, the characteristics specific to the property and the site make the exterior design standards less important in terms of visual compatibility with the neighborhood and therefore the standards are unnecessary.

COMMUNITY ADVISORY GROUP COMMENTS: No comments

AGENCY REVIEW:
Public Works-No comments
CDF- Issued fire letter dated March 17, 2005
California Valley CSD- No comments

LEGAL LOT STATUS:
The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Nick Forester and reviewed by Kami Griffin

EXHIBIT A - FINDINGS

Environmental Determination

A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore a General Rule Exemption was issued for the project on August 16, 2005.

Minor Use Permit

B. The proposed project or use is consistent with the San Luis Obispo County General Plan because because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.

C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.

D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed mobile home does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.

E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed mobile home is similar to, and will not conflict with, the surrounding lands and uses.

F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project has been conditioned to require road improvements and the project is located on Dixon Trail road, a local road that after the required improvements will be constructed to a level able to handle any additional traffic associated with the project.

G. Waiver of the Mobile home exterior design standards for siding material, roofing material and roof overhangs required by Land Use Ordinance Section 22.30.450.E is justified Because the mobile home will be located on a 2.5 acre parcel, with a front setback of 125 feet from the front property line, in a sparsely populated area. The characteristics specific to the area and the site make the exterior design standards less important in terms of visual compatibility with the neighborhood and therefore the standards are unnecessary.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes

   a. A Minor Use Permit to allow the placement of a pre-1976 mobile home. Additionally, this permit authorizes a waiver of the exterior design standards required by section 22.30.450(E) of the county code for siding, roof material and roof overhangs.

   b. Maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, except that no structure over three feet in height may be located in the front yard setback. The required front yard set back is 25 feet from the front property line.

Fire Safety

3. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 17, 2005.

Conditions to be completed prior to issuance of a construction permit

Services

4. Prior to issuance of building/construction permits, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.

5. Prior to issuance of building/construction permits, the applicant shall submit evidence including percolation tests that a septic system, adequate to serve the proposal, can be installed on the site.

Fees

6. Prior to the issuance of building/construction permits, the applicant shall pay all applicable school and public facilities fees

7. Prior to the issuance of a land use permit, offer for dedication a public right of way across the entire property frontage along the proposed road. Offered right-of-ways are to follow platted alignments and are to be one half of a fifty foot wide road section from centerline.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

8. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall construct an all weather 16 foot wide road with a minimum of 4 inches of class three aggregate base across the property frontage and to the nearest publicly maintained road.

On-going conditions of approval (valid for the life of the project

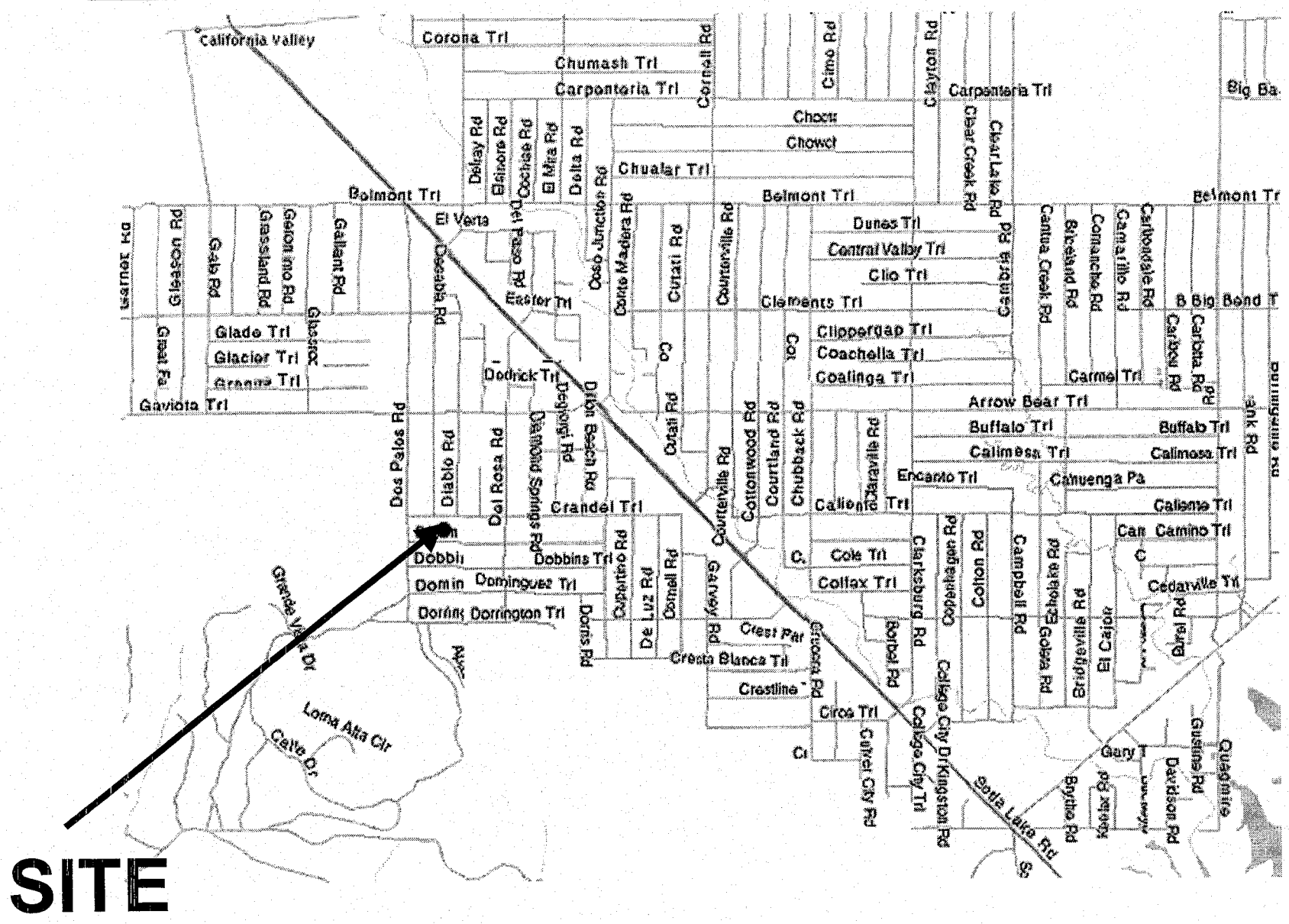
10. A maximum of one agricultural vehicle may be stored outdoors accessory to a residence regardless of whether agricultural activities occur on site, but within the buildable area of a site consisting of at least 2.5 gross acres. The maximum area of such storage shall be 300 square feet. The project site is approximately 2.5 acres, and thus storage of a maximum of one agricultural vehicle is allowable on site. Conformance with agricultural vehicle storage standards shall be a condition of land use permit.

11. Fencing located within a required front or street side setback may be constructed higher than three feet only if it is open wire or chain link and no higher than 6'-6". Fencing has not been proposed as a component of this land use application. Conformance with fence standards shall be a condition of land use permit.

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

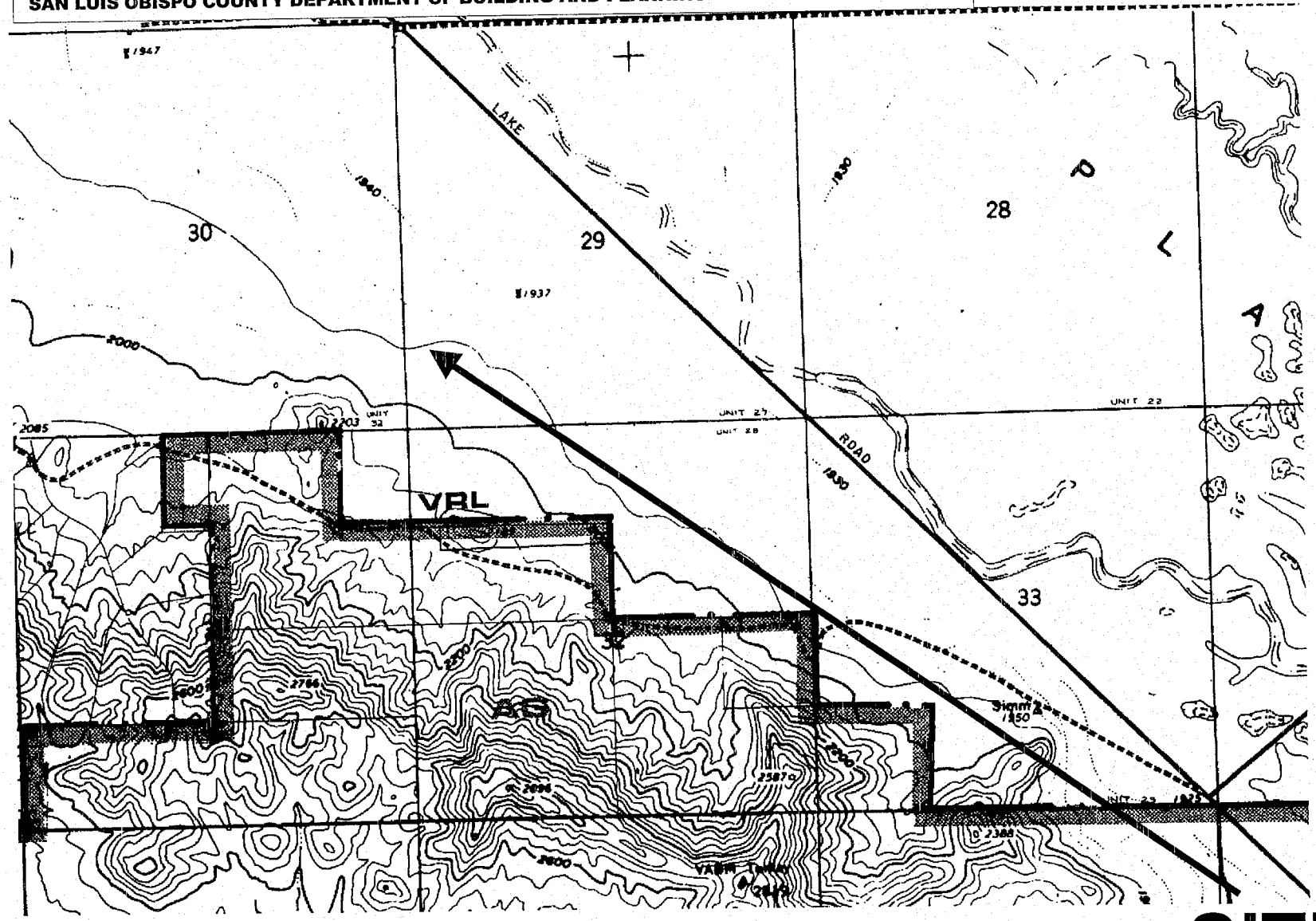
PROJECT

Minor Use Permit
Flaata DRC2004-0155

EXHIBIT

Vicinity Map

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

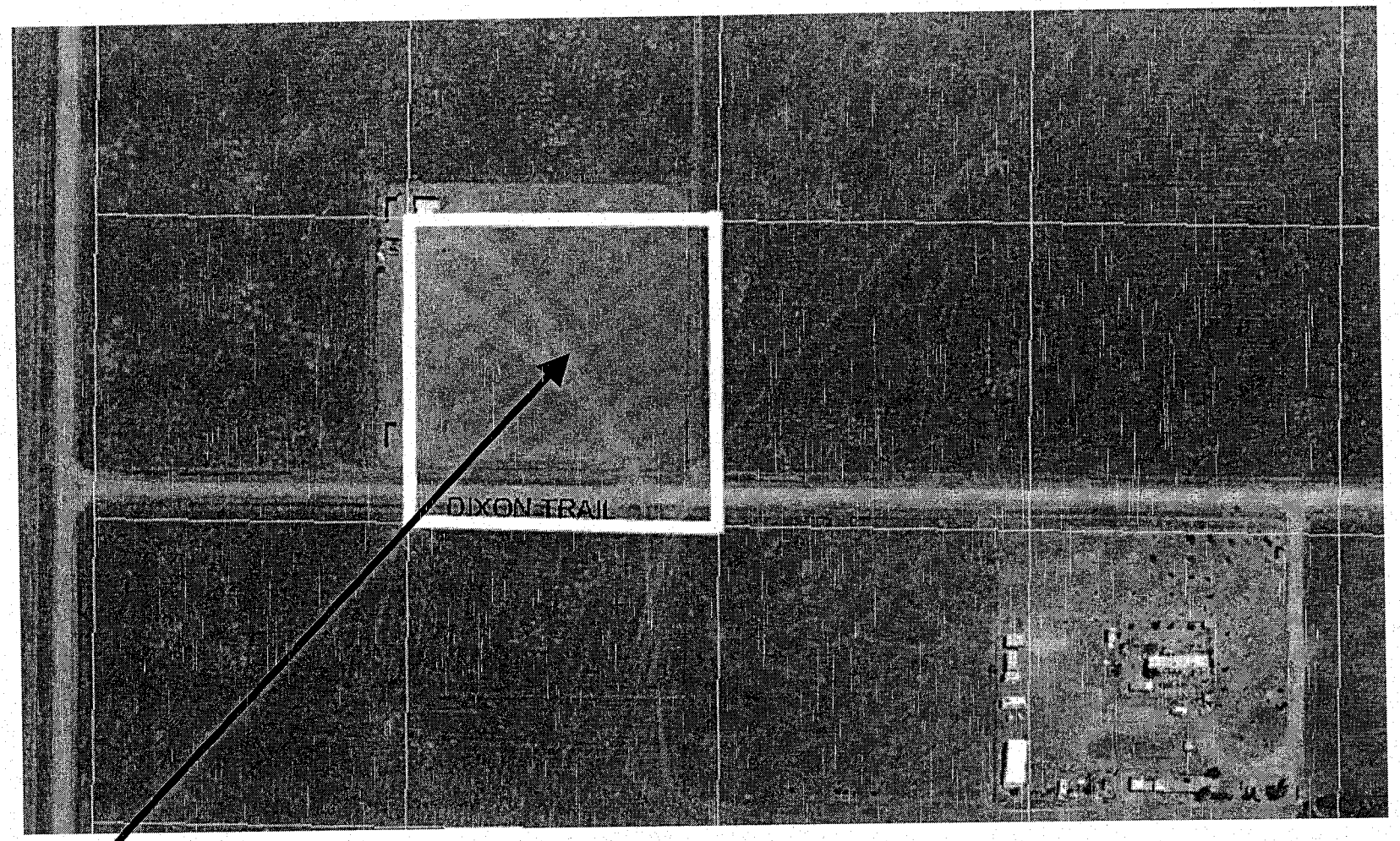
PROJECT

Minor Use Permit
Flaata DRC2004-0155

EXHIBIT

Land Use Category

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



SITE

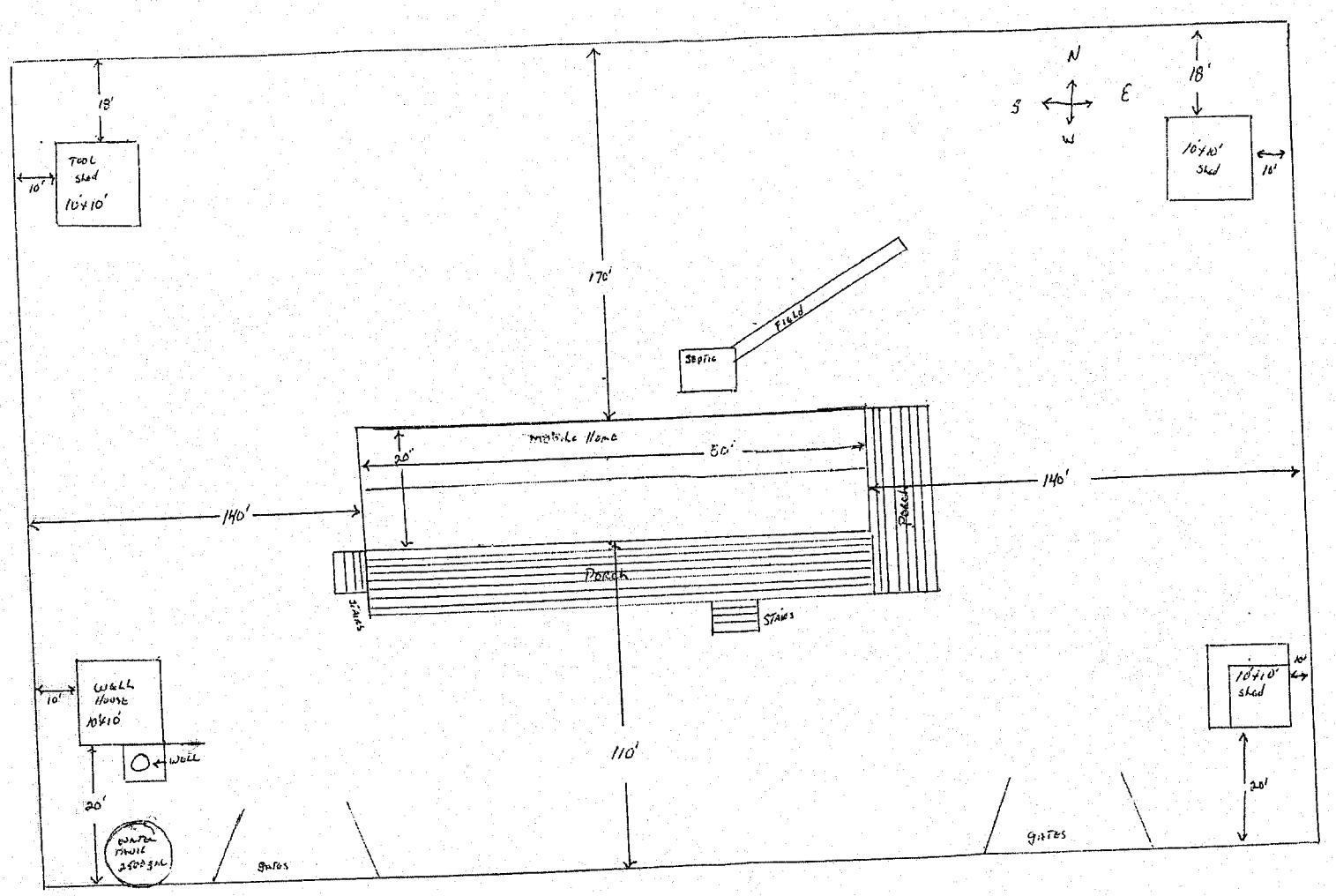
PROJECT

Minor Use Permit
Flaata DRC2004-0155

EXHIBIT

Aerial

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit
Flaata DRC2004-0155

EXHIBIT

Site Plan