

July 31, 2002

To: Sutter County Planning Commission

Re: Agenda Item #9: Public hearing on Variance #02-04 to waive requirements for landscaping, parking, and surfacing for a proposed garage/storage building; M-2 (General Industrial) District; located approximately 307 feet west of Acacia Avenue and approximately 1,000 feet north of State Highway 20, Sutter; A. P. #13-270-109; applicant - Jay Parker Construction/property owner - Sutter Community Services District (Location: District 3 - Commissioner Barringer)

Current Proposal

A. Project Description

The applicant is proposing to construct a 600 square foot garage/storage building. Since the subject property is zoned M-2 (General Industrial), the project is required to have Design Review. Based on the size of the proposed building, the Design Review requires administrative review and approval by staff for compliance with adopted County design standards (Zoning Code Section 1500-8512). The applicant is requesting a variance to waive the landscaping, parking, and surfacing requirements that are included within the design review process. Staff has therefore not taken action on the Design Review application submitted by the applicant, pending the Commission's decision on the variance.

B. Environmental Consideration

This project is considered categorically exempt pursuant to CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations.

Background

A. Property Description

The subject property is 44,100 square feet (approximately one acre) in size and located 339 feet west of Acacia Avenue and approximately 1,000 feet north of State Highway 20. The property is located within the area referred to by the Zoning Code as the Sutter Industrial Area.

Since the property does not have public road frontage, access is provided by an easement that extends from Acacia Avenue along the southern portion of the adjacent property to the east. The property serves as a potable well site for the Sutter Community Services District and is improved with a 600 square foot metal building that houses the well and related equipment.

B. Surrounding Land Use, Zoning Districts and General Plan Designations:

	Use	Zoning	General Plan
Subject Property	Well site	M-2	IND
North	Vacant field	M-2	IND
East	Residence, barn	M-2	IND
South	Vacant field	M-2	IND
West	Vacant field, pasture	M-2	IND

C. Previous Planning Commission Actions/Policies

On January 14, 1998, the Board of Supervisors approved Rezone 97-04, which rezoned the subject property from General Agriculture (AG) to its current General Industrial (M-2) zoning. This rezone established consistency with the Industrial General Plan designation that had recently been applied to the area south of Sutter as part of the 1996 General Plan update.

Staff Comments

A. Environmental Health Department (EH):

No comments.

B. Public Works (PW)

Public Works had no comments with regard to the variance application.

C. Building Inspection (B)

No comments.

D. Emergency Services (ES)

No comments.

E. Planning (P):

The applicant requests variance approval to allow for the waiver of all landscaping, parking, and surfacing standards contained in the Sutter County Zoning Code that are required through the Design Review process. The following landscaping and parking/surfacing requirements apply to the project:

Landscaping

Zoning Code Sections 1500-8022(i)(1) and (4) apply to the project and are attached to the staff report as Exhibit D. To summarize, these sections require projects within the Sutter Industrial Area to landscape all of the required front and street side yard areas to specific standards (Note: Since the subject property is not a corner parcel, only the requirement for front yard landscaping is applicable). In the M-2 zone district, the minimum required front yard setback area is ten (10) feet.

These sections also require landscaping adjacent to all street frontages (Perimeter planter at least five feet wide). Since the subject property does not have street frontage, this standard is not applicable.

In addition to the Zoning Code, Sutter County also has adopted Landscape Design Guidelines that are intended to be applied to development projects. Though they would typically be applied during the Design Review process, staff has listed the following Guidelines in the report below since they relate to the requirements of the Zoning Code.

- 3.3 Landscaping should cover all areas of the project site which are not utilized for structures, parking, storage yards, etc.
In accordance with Sutter County Zoning Code Regulations, all developed areas within the applicable project parcel area not paved, used for roads, parking, etc. or covered by structures must be landscaped with a combination of trees, shrubs, and ground cover or turf. The amount of landscape area involved in “hardscape” should be minimized (except those areas designed for pedestrians and tenants, etc.), and the areas planted with trees, shrubs and ground covers should be maximized. Incorporation of ponds, fountains and other water features and pedestrian open spaces into the project’s overall landscape design is also encouraged.
- 3.5 The scale and nature of landscaping materials should be appropriate to the site and structure(s).
Large-scale buildings should generally be complimented by large-scale landscaping. Where shade is desired, the use of broad-spreading canopy-type trees is appropriate.
- 3.9 Landscaping in the setback or required yards is required by the Sutter County Zoning Code.
Refer to Section 1500-8022(i) of the Zoning Code for specific landscaping requirements for development projects in the County’s different Zoning Districts and 1500-8118 (g) for parking area landscaping requirements.
- 3.10 Use landscape materials to conceal and soften the appearance of utility structures.
Landscape plantings should be designed to cover and hide the exterior walls of trash receptacles, utility cabinets, transformers and utility meter

boxes where feasible. Be aware of access requirements, door openings and other constraints which will limit the areas to be landscaped.

- 3.11 Landscaping along all of the borders of the property is required.
Perimeter landscaping is normally required in all projects. In some cases, the staff may waive this requirement where development occurs in phases, or other situations where it is not feasible or unnecessary to landscape the entire perimeter of a project parcel. All such requests for a waiver must be supported by a request and justification for the waiver.

Parking/Surfacing

Zoning Code Section 1500-8118(f)(1) applies to this project and is attached to the staff report as Exhibit E. This section states that required parking spaces and accessways for projects within the Sutter Industrial Area shall be improved with either four (4) inches of Class 2 aggregate base or seven (7) inches of Butte Rock base with a ¾ inch maximum grading requirement and such areas shall be paved with two (2) inches of asphalt concrete with one-half (1/2) inch grade requirement.

Variance Analysis

Section 1500-8412 of the Zoning Code specifies the standards that must be met in order to grant a Variance, which are as follows:

- 1. That special circumstances apply to the property, including size, shape, topography, location or surroundings;**

The applicant provided the following information in support of this finding:

This property is a one acre well site situated within a cow pasture. The road running into the property is used under an easement with the easement deed showing that the owner of the property may relocate the access road at any time. Both the road and the pad are very hard compacted rock and dirt and have been used since 1992 with absolutely no dust problem. We cannot have a parking lot on the property as we do not allow anyone in except maintenance people. One man goes into the property 2 times a day to check on well performance. We cannot plant trees or shrubs because of the need at any time to bring in large well drill trucks in case of maintenance problems.

Staff Comment: The subject property is a level, square shaped parcel approximately one acre in size that lies within the Sutter Industrial Area and does not have frontage along Acacia Avenue. Although this area is designated for industrial use, parcels are still primarily developed with agricultural uses and residences. Staff believes the parcel's location with no road frontage and setback over 300 from Acacia Avenue, behind a parcel developed with a residence and barn, deserves consideration with regard to the application of landscaping requirements.

As noted above, landscaping standards of the Zoning Code require that the front yard area of the parcel (front 10 feet) be landscaped. Since the proposed building will be located 70 feet from the front property line, there would be a distance of 60 feet between the edge of the required landscaping and the building. Due to the limited use and traffic to the proposed building, it is unlikely that the 60 feet of area between the landscaping and building would be substantially improved (i.e. such as with a parking lot). Other than providing required paved driveway access to the storage building, the applicant will likely choose to leave this area in a natural state.

With a parcel having road frontage, front yard landscaping provides an attractive entrance to the property. In the case of the subject parcel which does not have road frontage and is fenced and gated and not open to the public, front yard landscaping is not highly visible and does not fully serve its intended purpose. In addition, the location of the front yard area directly behind a parcel developed with a residence, barn, and horse corral also diminishes the aesthetic benefit. Based on this information, staff does not believe that Landscape Design Guidelines 3.3, 3.9, and 3.11 that are noted above should be applied to the project.

As an alternative, staff suggests requiring a five foot wide landscape planter along the exterior sides of both the existing and proposed building on the property. Staff would be supportive of waiving landscaping along the east side of the proposed building, since that is where the access door and garage door are proposed. While it would result in less total landscaped area than that of the front ten feet of the property, staff believes that this requirement for landscaping would provide a greater aesthetic benefit. Staff also believes it is consistent with Landscape Design Guidelines 3.5 and 3.10 above, which state that the scale and nature of landscaping materials should be appropriate to the site and structure and that landscaping should be used to conceal and soften the appearance of utility structures.

With regard to parking and surfacing, staff does not believe the size, shape, and location of the subject property warrants a waiver from the standards to be provided on the subject property. According to the applicant, the proposed building will serve as a garage for parking of a tractor and a jeep. Area to provide a minimum of one additional parking space outside of the garage and outside the front setback area needs to be provided. Consistent with any similar proposed new development in Sutter, staff believes the applicant should be required to provide paved driveway access with a minimum 12 foot width from the southeast portion of the site that adjoins the access easement to the entrance to the proposed garage/storage building.

Staff does not believe, however, that requiring the applicant to pave the existing access easement that has gravel surfacing and extends approximately 339 feet across the adjacent parcel from Acacia Avenue is warranted by this proposal. As noted by the applicant, traffic to the proposed building will be minimal (two daily trips). Staff also notes that leaving the graveled access easement unpaved will provide for an easier conversion to landscaping along the south property line of the adjacent parcel fronting on Acacia, should the residence and barn ever be removed and an industrial use developed on the property.

Staff does not believe that Finding 1 is met with regard to the request to waive all landscape and parking/surfacing requirements. Staff does believe that special circumstances do apply to warrant a modification of these requirements, as discussed above.

2. & 3. That the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification; and that the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

The applicant states the following with regard to the above findings:

On the north, west, and south, the property is bordered by cow pastures. On the east side, we have corrals with horses. Our property is surrounded by a six foot chain link fence and topped with barbed wire. We keep the property mowed and therefore, it is even cleaner than surrounding property.

Staff Comment: Staff does not believe application of the Zoning Code requirements deprives the property of privileges enjoyed by other properties in the area that are zoned M-2. Approval of the variance to waive all of the landscaping, parking, and surfacing requirements would constitute a grant of special privileges over other properties in the vicinity that may develop with industrial uses in the future. As noted above under Finding 1, staff is recommending modification to landscaping and surfacing requirements. Staff believes that these modifications will not grant a special privilege to the owner and will provide landscaping and surfacing of the site that meet the intent of the Zoning Ordinance and Landscape Design Guidelines.

Based on this information, staff does not believe that Findings 2 and 3 are met with regard to the waiver of all landscape and parking/surfacing requirements. With the modification to the requirements as noted above, staff believes Findings 2 and 3 can be made.

4. That the variance from the strict interpretation of this code represents the minimum deviation possible to enable reasonable development of the property.

The applicant provided the following statements in support of this finding:

It is entirely reasonable for a well site to be enclosed and kept free of weeds and large growth. Any of the current requirements would not be conducive to a well site in any way. They would be a detriment in the way the property must be maintained free and clear of any hindrances to access the property. This well and property are kept in accordance with regulations set forth by the California Department of Health Services.

Staff Comment: Staff does not believe that the request to waive all landscaping, parking, and surfacing requirements for the project is the minimum deviation possible to enable reasonable development of the property. The applicant states that landscaping requirements would be detrimental to the need to keep the property free and clear of hindrances to access the property. Staff does not agree that landscaping requirements will hinder access to the property.

With regard to the request by the applicant, staff does not believe that Finding 4 is made. Staff does believe that with staff's modifications to the standard landscaping and surfacing requirements, Finding 4 can be met.

Conclusion

Staff does not believe the required variance findings are met to grant approval for waiver of all landscaping, parking, and surfacing requirements. Staff therefore recommends denial of Variance #02-04 as proposed by the applicant.

Staff does believe, however, that the findings can be met with regard to the modifications to the landscaping and surfacing requirements described in the staff report. Therefore, we recommend approval of the variance subject to three conditions, which are listed below with the recommended action.

Recommended Findings

Based on the information contained in the agenda report and /or testimony received at the public hearing, the Commission finds:

- A. In accordance with the California Environmental Quality Act (CEQA) and Guidelines, this project is categorically exempt pursuant to CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations.
- B. A special circumstance applicable to the property, including size, shape, topography, location or surroundings, has not been presented which would warrant approval of the variance to waive all landscaping, parking, and surfacing requirements. Special circumstances do apply including the property's location without road frontage and its limited traffic generation and use that warrants a modification of landscaping and surfacing requirements as recommended by staff and referenced in the staff report.
- C. Approval of the variance to waive all landscaping, parking, and surfacing requirements could be considered a grant of special privilege because other properties in the vicinity of the subject property are under the same zoning classification and are subject to the same landscaping, parking, and surfacing requirements. The modifications recommended by staff will provide landscaping and surfacing appropriate to the type of building proposed and its intended use.
- D. The variance as proposed does not represent the minimum deviation possible to enable reasonable development of the property. The modifications recommended by staff deviate from the Zoning Code, however, still provide for suitable landscaping and surfacing of the site.

Recommended Action

- A. Make the findings listed above.

B. Approve Variance #02-04 with the recommended conditions below which modify some of the landscaping and parking/surfacing standards:

1. A waiver for landscaping of the front yard setback area of the subject property (front 10 feet) is granted. In lieu of the front yard landscape requirement, a minimum five foot wide landscape planter shall be provided along all exterior sides of both the existing and proposed buildings on the property. This requirement shall not apply to the east side of the proposed building, since that is where the access and garage doors are proposed.

A landscape and irrigation plan meeting this requirement shall be submitted for review and approval with the Design Review application. The landscaping and irrigation shall be planted and installed prior to final occupancy of the proposed building. (P)

2. The existing access easement along the adjacent parcel to the east shall be allowed to remain gravel surfaced. The driveway connecting the proposed garage/shop building with the access easement shall be developed in accordance with Sutter County standards for width and improvement, including paved surfacing.

Paved surfacing of the driveway shall be provided prior to final occupancy of the proposed building. (P)

3. Prior to issuance of a building permit, the Design Review application submitted by the applicant (Design Review #02-02) shall be approved by the Sutter County Community Services Department. The Design Review shall incorporate the landscaping and surfacing requirements noted in Conditions #1 & #2 and shall be in accordance with the Sutter County Zoning Code. (P)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Photos of site
Exhibit D - Zoning Code Sections 1500-8022(i)(1) and (4), Landscaping
Exhibit E - Zoning Code Section 1500-8118(f)(1), Improvement Standards

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