



## PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING FEBRUARY 18, 2004  
Agenda Item #5

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**Request:** Use permit and variance to allow the parking of a truck tractor in an R-1 (One-family Residential) District.

**Location:** 1544 Hooper Road

**APN:** 17-291-009

**File:** UP #03-15 and Project #04-003

**Planner:** Dale Follas

<b>Applicant</b>	<b>Property Owner</b>
Gail Tonner 1544 Hooper Road Yuba City, CA 95993	John and Gail Tonner 1544 Hooper Road Yuba City, CA 95993

### **Project Description**

The project is a request for a use permit and a variance to allow the parking of one truck tractor within the front yard setback of an R-1 District property.

The Planning Commission considered Use Permit #03-15 application at the January 21, 2004 meeting and expressed their desire to approve the project; however, staff requested the Commission continue the project to the February 18<sup>th</sup> meeting to allow time to prepare appropriate findings.

As the result of direction from the Commission at their January meeting, staff initiated a variance application on behalf of the Tonners.

### **Use Permit**

The Tonners are requesting a use permit to legitimize the parking of their truck-tractor at 1544 Hooper Road. The Tonners have been parking their truck-tractor at this location for the past 27 years. Ms. Tonner stated that they plan to continue their trucking business for an additional eight years and agreed as a condition of approval that when Hooper Road is widened, or at the end of the eight years, the parking of the truck tractor would cease at the Hooper Road location. Although the County has not received any neighborhood complaints prior to processing this application, of the five letters the Commission received at the January 21, 2004 meeting, three were from neighboring property owners indicating their opposition to the granting of the use permit. Those

letters along with the letter previously received from the Sutter County Sheriff's Office are attached as Exhibit D.

## **Variance**

The parking of a truck-tractor in an R-1 District may be permitted by use permit subject to specific performance standards of the Zoning Code [Section 1500-8018(f)(5)]. One of the performance standards requires that the truck tractor not be parked in the required front yard setback. The Tonners propose to park the truck tractor within a portion of the front yard setback requiring a variance to the truck-tractor provision of the Zoning Code.

The following variance findings are required by the Zoning Code:

1. That special circumstances apply to the property, including size, shape, topography, location or surroundings.
2. 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.
3. 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.
4. That the variance from the strict interpretation of this code represents the minimum deviation possible to enable reasonable development of the property.

## **Environmental Analysis**

The proposed variance and use permit has been determined to be a categorically exempt activity under Section 15305 of the California Environmental Quality Act Guidelines as a minor alteration in land use limitation.

## **Findings**

Based upon information contained in this staff report and/or testimony received at the public hearing, if the Commission wishes to approve the variance and use permit the following findings are suggested:

## **CEQA**

The proposed variance and use permit has been determined to be a categorically exempt activity under Section 15305 of the California Environmental Quality Act Guidelines as a minor alteration in land use limitation.

## **Variance**

1. That special circumstances apply to the property, including size, shape, topography, location or surroundings.
2. 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.
3. 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.
4. That the variance from the strict interpretation of this code represents the minimum deviation possible to enable reasonable development of the property.

## **Use Permit**

Approval of a use permit for the parking of a commercial truck tractor in an R-1 (One-family Residence) District will not be detrimental to the public's health, safety, or general welfare and not be detrimental to public or private improvements. Additionally, the proposed use is consistent with the General Plan.

## **Recommended Action**

Should the Planning Commission wish to approve the variance and use permit, the following motions would be appropriate:

“I move to approve the use permit and variance for the parking of a commercial truck tractor in an R-1 (One-family Residence) District based upon findings included in the Planning Commission agenda report subject to conditions included in the agenda report.”

## **Attachments**

- A. Study Sketch
- B. Site Plan
- C. Proposed Access to Truck Route Map
- D. Letters Received on Use Permit

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### **Conditions for Approval of Use Permit #03-15**

The use permit is to allow the parking of one truck tractor in the front yard setback area of an R-1 District property at 1544 Hooper Road.

1. The parking of the truck tractor shall be substantial in accord to the project as it is described in the January 21, 2004 and February 18, 2004 agenda reports. (P)
2. A Notice of Determination shall be filed by the Community Services Department upon the expiration of the appeal period. The fee for filing the Notice of Determination shall be paid from the application processing fee. (P)
3. If additional processing fees are owed to Sutter County for the processing of the use permit and variance, those fees shall be paid prior to the issuance of the use permit by the Community Services Department. (P)
4. The use permit shall be valid for an eight year term period from the date of approval or shall expire upon such earlier date as the Tonners may sell the property at 1544 Hooper Road or shall be terminated upon the expansion or widening of Hopper Road in front of the applicant's residence . The use permit shall not be eligible for an extension. (P)
5. The use permit shall be valid only for the current property owners and shall not transfer to any new owner if the subject property changes ownership. (P)
6. The truck tractor's travel shall be restricted to the use of Hooper Avenue from the parking location at 1544 Hooper Avenue directly to the truck route on Butte House Road. (P)
7. The truck tractor parked at 1544 Hooper Road shall be owned by the Tonners. (P)
8. Only minor truck maintenance, such as oil/air filter changes, lubrications, polishing, is permitted on the property. (P)
9. The truck-tractor shall be parked entirely on private property; parking in the public right-of-way shall not be permitted. The driveway and parking area for the truck-tractor shall be constructed to meet the standards set forth in Section 1500-8118(f)(1). (P)
10. Trailers shall not be parked on the property or the street. (P)
11. The truck-tractor shall not enter the property after 11:00 p.m. and shall not leave the property before 7:00 a.m. Warm-up time for the truck tractor shall be limited to five (5) minutes or less. (P)
12. A copy of the use permit shall be in the cab of the truck at all times. (P)

13. The property owner shall file an application with and shall obtain a permit from the Sutter County Public Works Department pursuant to County Ordinance Code 1137-070 for the use of a commercial vehicle with a gross weight exceeding 14,000 pound gross vehicle weight on Hooper Road. (PW)