



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING JANUARY 21, 2004
Agenda Item #9

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

Location: 1544 Hooper Road (between Highway 20 and Butte House Road)

APN: 17-291-009

File: UP #03-15

Planner: Dale Follas

Applicant	Property Owner
Gail Tonner 1544 Hooper Road Yuba City, CA 95993	John and Gail Tonner 1544 Hooper Road Yuba City, CA 95993

Staff Recommendation

Recommend the Planning Commission deny the request for Use Permit #03-15.

Project Description

The applicant is requesting a use permit to allow the parking of a single truck-tractor on their R-1 designated property.

Setting

The subject property is a 10,062 square foot residential property located on Hooper Road between Roosevelt and Kennedy Drive. The property contains an existing single-story residence with an attached garage.

The property is located in a developed single-family residential neighborhood (see Attachment A - study sketch). The surrounding land use, zoning and General Plan designations are listed below.

	Land Use	Zoning Designation	General Plan Designation
North	Single Family Residences	R-1 District	Low Density Residential
South	Single Family Residences	R-1 District	Low Density Residential
East	Single Family Residences	R-1 District	Low Density Residential
West	Single Family Residences	R-1 District	Low Density Residential

Previous Actions

1-9-1990	Sutter County adopted a truck route ordinance. The ordinance restricted 14,000+ gross weight vehicles to specific routes (included a variance process to the truck route ordinance if approved by the Public Works Department).
7-1990	Public Works Department denies a variance to the Tonner's (to use the subject property for parking of a truck-tractor), they appeal to Board of Supervisors.
4-2-1991	The Board of Supervisors granted a six month parking variance to the Tonner's (pursuant to Sutter County Ordinance Code Section 1400-1137).
10-1-1991	The Board of Supervisors considered Ms. Tonner's parking variance request and continues it until January 14, 1992.
1-14-1992	The Board of Supervisors unanimously denied Ms. Tonner's parking variance request.
6-17-1992	Ms. Tonner was granted a use permit (#92-07) for a home occupation to allow the manufacture of miniature furniture, plant hangers, macramé, and dried flowers in her residence for a 5 year term period.
8-6-1997	The Planning Commission reviewed UP #92-07 for termination. County staff (Planning Division and Sheriff's Department) presented evidence that the use of the truck on-site was a violation of the original approved project, and thus in violation of the conditions of the use permit. The Planning Commission approved the extension of the use permit for another five years; however, the Commission added a sixth condition which limited the length of time the truck may be on the property and also limited the type of truck to a delivery van that complies with the truck route regulations (less than 14,000 pound gross vehicle weight).
9-9-1997	Ms. Tonner appealed a Planning Commission's sixth condition and the Board approved the extension of the home occupation for five more years and prohibited any trucks on the property.
9-10-1997	Ms. Tonner submitted a parking variance request to the Public Works Department. The Public Works/Support Service Committee directed the Planning Division to amend the Zoning Code to provide a provision for the parking of one truck-tractor in a residential district after securing approval of Use Permit.
12-12-2000	The Board of Supervisors adopted an amendment to the Zoning Code to allow one truck-tractor to be parked in a residential district upon the approval of a use permit.
5-8-2002	Ms. Tonner was notified that UP #92-07 would expire unless she filed for an extension of the use permit. (No such request for continuance is filed).
11-4-2003	The Board of Supervisors denied Ms. Tonner's request to waive the application fees for the filing of a use permit application for the parking of one truck-tractor in a residential district.
11-5-2003	Ms. Tonner filed an application for a use permit (UP #03-15).

Analysis

The Tonners are requesting a use permit to legitimize the parking of their truck-tractor at 1544 Hooper Road. The Tonner's have been parking their truck-tractor at their residence for the past 27+ years approximately 10-12 days a month, typically on the weekends. The surrounding neighborhood is predominantly residential with a mix of large lots and some limited commercial development.

The Zoning Code was amended in 2000 to provide a mechanism for a property owner to apply for a use permit to allow a truck-tractor on an R-1 zoned parcel (Section 1500-8018(f)(5)). This section includes a set of requirements, or performance standards that an applicant for such a use permit is expected to meet (See Attachment D).

The site plan provided by the applicant indicates a 38± foot distance from Hooper Road to the garage. Hooper Road is designated for a 60-foot right-of-way width; however, Hooper Road has not been widened to its ultimate width. Taking into account the entire right-of-way, the Tonner's would have a front yard of 26± feet (garage to future right-of-way line). Two of the use permit performance standards Paragraph (D) states the truck-tractor shall be parked entirely on private property; parking in the public right-of-way or front yard setback shall not be permitted and Paragraph (I) requires that "The truck-tractor shall be parked at least five (5) feet from any side yard." An R-1 zone requires a 15-foot front yard setback which leaves 11± feet available to park a truck-tractor. Ms. Tonner confirmed a typical truck-tractor length is 20+ feet; therefore, the truck-tractor cannot comply with the Zoning Code Standards. Because the project does not comply with the use permit performance standards, Staff is recommending denial of the application.

The surrounding neighbors were notified of the project and to date Staff has received no comment in favor of or in opposition to the proposed use permit request.

Staff received a letter from the Sutter County Sheriff Department who is concerned about the enforcement of the truck route ordinance (this truck-tractor is not located on the route) and the ability to adequately monitor this situation (see Attachment E - Sheriff's Department Letter). Staff agrees the Sheriff Department comments are valid; however, in this special case we believe because the County has only received one application for this type of use an addition of one truck-tractor wouldn't appear to be problematic. If the County receives additional use permit requests for truck-tractor facilities the Sheriff Department's concerns would be appropriate.

In summary, Staff is recommending denial of the application because it does not comply with Section 1500-8018 (f)(5) requirements for truck-tractor facilities.

Staff met with the applicant and Ms. Tonner is offering a compromise due to the longevity of the truck-tractor location, no neighborhood opposition and their plans to retire from the truck business in 8-10 years, they would accept a condition on the use permit that when the applicant retires in 8-10 years (probably less), or Hooper Road is widened (could be more than 10 years), whichever occurs first, the truck-tractor use permit becomes null and void. The condition would allow the Tonner's to continue locating their truck-tractor at the residence and with the existing land area (not removed for right-of-way until some future time) provides adequate parking space for personal vehicles and the truck-tractor to temporarily comply with the use permit performance standards.

Environmental Analysis

The project is Categorically Exempt under Section 15305 Minor Alterations in Land Use Limitations in accordance with the California Environmental Quality Act.

Findings

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

CEQA

The project is Categorically Exempt under Section 15305 Minor Alterations in Land Use Limitations in accordance with the California Environmental Quality Act.

Use Permit

The use permit for the parking of a truck-tractor in an R-1 (One-family Residence) District will be detrimental to the public's health, safety, or general welfare because the proposed use does not conform to the requirements of the Zoning Code for the parking of truck-tractors in an R-1 District.

Recommended Action

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

“I move to deny Use Permit 03-15 (Tonner) to allow a truck-tractor to be parked at 1544 Hooper Road (R-1, One-family Residence District) based upon the findings included in the staff report.”

Attachments

Attachment A - Study Sketch

Attachment B - Site Plan

Attachment C - Proposed Access to Truck Route Map

Attachment D - Zoning Code Section for Truck-tractor Parking

Attachment E - Sheriff's Department Letter

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