

March 26, 2003

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Use Permit #03-02 to allow a caretaker's residence for a proposed mini-storage facility; M-1 (Light Industrial) District; located at the southeast corner of the intersection of Stewart Road and State Highway 99, Yuba City, A. P. #23-052-020; applicant - Aztec Developers/property owner – Larry Marta; (Location: District 5 - Commissioner Shannon).

### **Current Proposal**

A. Project Description:

The applicant requests approval of a use permit to allow a caretaker's residence to be constructed above the office of a proposed mini-storage facility. The residence will be approximately 1,162 square feet in size. The mini-storage facility is a permitted use in the M-1 zone district and has previously received design review approval by staff.

B. Environmental Consideration:

This project is considered categorically exempt pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures.

### **Background**

A. Property Description

The subject site is 4.70 acres in size and is currently vacant.

B. Surrounding Land Use, Zoning District and General Plan Designation:

	Use	Zoning	General Plan
<b>Subject Property</b>	Vacant	M-1	IND
North	Residences, orchard, vacant	AG	AG-20
East	Residences, orchard	AG, R-1	AG-20, LDR
South	Trucking company	M-1	IND
West	Orchard	AG	AG-20

C. Previous Commission Action/Policies

In September 1974, the Planning Commission recommended approval and the Board of Supervisors approved Use Permit #412 to allow a well and pump sales and service business on the subject property.

In January 1975, the Planning Commission recommended approval and the Board of Supervisors subsequently approved Rezoning #152 to rezone the subject property from the AG zone district to the M-1 zone district.

In July 1975, the Planning Commission denied Use Permit #469, a request to place a mobile home on the property to serve as a caretaker’s residence and an office for the well and pump sales and service business.

**Staff Comments**

A. Public Works Department (PW):

See Conditions #2-#7.

B. Environmental Health (EH):

See Conditions #8-#18.

C. Sheriff/Coroner (S/C):

The Sheriff/Coroner responded that the project would result in a minimal impact to services provided by their department.

D. Building Inspection (B)

Building had no comments with regard to the project.

E. Yuba City Fire Department (YCFD)

The Yuba City Fire Department serves the subject property and provided the following comments, which are required as a condition of approval (Condition #19):

Water supply for fire fighting purposes must be provided for the property as specified in the currently adopted Fire Code. Fire hydrant locations and distributions for the property must also meet the requirements specified in the currently adopted Fire Code. (YCFD)

F. Pacific Gas and Electric Company: (PG&E)

PG&E provided the following standard comment:

Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developer's/applicant's expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that may exist within the subject project site.

G. Planning (P):

The proposed caretaker's residence will be a second floor unit, located above the office area that will serve the mini-storage facility. The residence will be incorporated into the design of the facility, utilizing the same materials (i.e. stucco exterior, tile roof) and colors. The office/caretaker's residence building will be located at the northwest corner of the property, near the Stewart Road/Highway 99 intersection. Parking area for the residence will be provided within a two car garage that will be attached to the first floor office.

Section 1500-8216 of the Zoning Code states that the Planning Commission may approve a use permit if it finds that the proposed use will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The Environmental Health Division is recommending a number of conditions including a condition prohibiting 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 and a condition requiring that the septic tank serving the project be pumped at least once every five (5) years. The Public Works Department is recommending conditions that include a requirement that a drainage and grading plan be submitted and that a deferred improvement agreement be entered into with the County to provide for street paving, curbs, gutters and sidewalks. The Planning Division is recommending a condition that all outdoor lighting associated with the project be installed so as not to shine on adjacent properties.

In order to approve a use permit, it must also be found to be consistent with the General Plan. The subject property is designated Industrial by the General Plan. While there are no specific General Plan policies that address caretaker's residences for industrial uses, the M-1 Zoning Code provisions allow for them, subject to approval of a use permit. Staff believes the applicant's request for a caretaker's residence for a mini-storage facility will provide added security and is justified, based on the nature of the use. Staff therefore believes the project is consistent with the General Plan.

Staff recommends approval of Use Permit #03-02, subject to the attached findings and conditions of approval.

**Recommended Findings**

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

- A. In accordance with the California Environmental Quality Act (CEQA) and Guidelines, this project is categorically exempt, pursuant to CEQA Guidelines, Section 15303(a), New Construction or Conversion of Small Structures.
- B. The M-1 zone district allows for caretaker’s residences, subject to approval of a use permit. The proposed caretaker’s residence will provide added security to the proposed mini-storage facility. The proposed project is therefore consistent with the Sutter County General Plan.
- C. Since conditions have been included to reduce potential impacts on the surrounding properties, the establishment, maintenance, and operation of the use will not 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.

**Recommended Action**

- A. Make the findings for approval as recommended by staff.
- B. Approve Use Permit #03-02, subject to the following conditions:
  - 1. The proposed caretaker’s residence is approved as shown on the site plan, floor plan, and elevation submitted by the applicant. (P)
  - 2. 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)
  - 3. 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)
  - 4. Building and equipment pads shall be at elevations in conformance with Section 1300-022(F) of the Sutter County Ordinance Code, as defined by Resolution No. 92-124. (PW)

5. If sufficient rights of way do not already exist, additional rights of way and/or public utility easements shall be deeded to Sutter County to provide the specified one-half widths of the following indicated roads: (PW)
 

Stewart Road	24.0' R/W + 10' P.U.E.
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6. A deferred improvement agreement, secured by a bond or other security approved by the Director of Public Works shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest. The agreement shall provide for the following: street paving, curbs, gutters and sidewalks. (PW)
7. Prior to issuance of a building permit, a drainage and grading plan must be approved by the Public Works Department. (PW)
8. An authorized professional shall design a residential on-site sewage system and shall certify that the proposed residential on-site sewage system meets Sutter County regulations and will adequately serve the proposed facility. The applicant shall have an authorized professional submit to the Environmental Health Division: (EH)
  - A. Information which shows that the sewage is not industrial wastewater.
  - B. Information that establishes the sewage waste strength and identifies chemicals present in the sewage that are not found in residential sewage;
  - C. A design that provides treatment equal to that required for residential sewage.
9. Prior to permit issuance, submit to Sutter County Environmental Health complete construction plans and specifications for the on-site sewage treatment system pursuant to the requirements of Sutter County regulations. (EH)
10. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)
11. All wastewater shall be disposed into the approved on-site sewage system. (EH)
12. 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)
13. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)

14. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
15. Water supply shall be from private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
16. 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)
17. 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)
18. 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)
19. Water supply for firefighting purposes must be provided for the property as specified in the currently adopted Fire Code. Fire hydrant locations and distributions for the property must also meet the requirements specified in the currently adopted Fire Code. (YCFD)
20. All outdoor lighting associated with the project shall be installed so as not to shine on adjacent properties. If needed, shielded or cut-off lighting style shall be utilized. (P)
21. The use permit shall be activated within one year of the approval date, unless an extension is filed and granted in accordance with the Sutter County Zoning Code. (P)

Sincerely,  
LISA WILSON  
INTERIM PLANNING DIVISION CHIEF

Steve Geiger  
Associate Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Site Plan  
Exhibit C - Floor plan, elevations

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