

April 30, 2003

To: Sutter County Planning Commission

Re: Agenda Item #16, a): Public hearing on Rezoning #03-03 to change the zoning classification of the subject property from M-1 PD (Light Industrial, Planned Development Combining) District to M-2 PD (General Industrial, Planned Development Combining) District; and

Agenda Item #16, b): Public hearing on Design Review #03-01 for the relocation of an existing landscape and building materials yard to the subject property, located at 710 North George Washington Boulevard, Yuba City; A. P. #19-010-107; property owners/applicants - Kent & Karen Siller (Location: District 4 - Commissioner Southard)

Current Proposal

A. Project Description:

The project involves rezoning of an approximately four-acre parcel from M-1 PD (Light Industrial-Planned Development Combining) District to M-2 PD (General Industrial-Planned Development Combining) District to allow the relocation of "The Rock Yard," an existing landscape and building materials business, from 1641 Colusa Highway to the subject property. The rezoning to a General Industrial District is required in order to allow the re-establishment of a self-contained one-cubic-yard concrete batch plant, which use is allowed in the M-2 District either by use permit or by inclusion in a planned development agreement applied to the property.

Because the project is proposed within the Industrial District, formal design review is required. When a project subject to design review also requires rezoning and/or planned development approval, the Planning Commission acts only as an advisory body to the Board of Supervisors. The Board will act on and may condition the design review as part of their overall project consideration.

B. Environmental Consideration:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the CEQA Guidelines. The study revealed that the project as proposed and as

modified by the Criteria of Development could not have a significant effect on the environment. Therefore, should the Commission recommend approval of this project, staff recommends that the Commission recommend that the Board of Supervisors adopt the attached Negative Declaration.

Background

A. Property Description:

This approximately 3.9-acre parcel, located within the Yuba City Sphere of Influence, has approximately 293 feet of frontage on George Washington Boulevard and is approximately 574 feet deep. The property has been partially developed for industrial use under previous planned-development agreements, and is occupied by a 3,000 square-foot office building and a 5,000 square-foot warehouse. The Live Oak Canal runs along the east side of the property, adjacent and parallel to George Washington Boulevard. Vegetation on the property consists of turfgrass and a single row of redwood trees installed between the Live Oak Canal and the office building, ornamental shrubbery around the perimeter of the office building, and a row of star jasmine planted along the edge of the Live Oak Canal. A chain-link fence has been installed at the perimeter.

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

Property	Use	Zoning	General Plan
Subject Property	Industrial	M-1 PD	IND
North	Industrial	M-1 PD	IND
East	Residential	R-1	LDR
South	Church	AG	AG-20
West	Industrial	M-1 PD	IND

C. Previous Planning Commission Actions/Policies

(Note: Routine annual approvals of planned development agreements, where no change was proposed, are not included)

On June 5, 1979, the Commission approved Rezoning #220, which changed the zoning designation from AG (General Agriculture) to M-1-PD (Light-Industrial-Planned Development Combining) District.

On July 3, 1979, the Commission adopted a development plan (PD #2) for the property, which was limited to constructing professional offices and landscaping.

On January 5, 1982, the Commission approved PD #06, which allowed a 426-unit mini storage, an office, and a caretaker residential unit.

On September 19, 1990, the Commission denied Tentative Map #851P, which proposed dividing the property into four lots. Although the Board of Supervisors approved the map on appeal, the final map was not recorded and the tentative map expired on November 13, 1995.

On May 3, 1995, the Commission approved PD #94-02, which proposed a church facility, including a 20,338-square-foot sanctuary, a 7,956-square-foot fellowship hall, and a 35,000-square-foot multi-purpose complex. The church found a different lot and did not construct on the subject property.

On May 2, 2001, the Commission approved PD #00-04 and Design Review (DR) #01-01, and adopted a mitigated negative declaration which allowed the property to be developed as a contractor's office, warehouse, and storage yard. The applicant appealed certain conditions of approval to the Board of Supervisors, which amended the conditions and approved the applications on June 5, 2001.

Staff Comments

A. Environmental Health: (EH):

Included in Criteria of Development.

B. Office of the Sheriff/Coroner:

The Office of the Sheriff/Coroner responded with no anticipated impact to their services.

C. City of Yuba City Fire Department:

The Yuba City Fire Department responded with no further specific recommendations. Previous comments included in Criteria of Development.

D. Public Works: (PW):

Included in Criteria of Development.

E. Planning (P):

See Criteria of Development and the discussion below:

As noted under "Previous Planning Commission Actions/Policies" above, the project site has been the subject of several development proposals, dating back to 1979. The most recently approved development plan included two applications, PD #00-04 and Design Review #01-01. These applications concerned development of the property as a "contractor's office, warehouse, and storage yard," and the Board of Supervisors approved 35 conditions, slightly modified from those approved by the Planning Commission. County Planning and Environmental Health Divisions and the Department of Public Works believe that these conditions are still basically

appropriate for the proposed project; however, certain aspects of the current project differ substantially from the previously approved development and require additional or modified conditions in order for the project to comply with zoning code, general plan, and design review standards.

Furthermore, Zoning Code §1500-8513 states that, “Design Review approval shall remain valid for a period of one year after which the approval shall lapse and become null and void. The issuance of a building permit shall constitute an extension of the Design Review approval which shall remain valid during the time period the building permit is considered active.” The previous design review approval (DR #01-01) lapsed on June 5, 2002, and the most recent building permit (#25468) associated with DR #01-01 was finalized on April 10, 2003.

The primary difference between past and present projects is that the current project proposes a building and landscaping materials yard, including a self-contained concrete batch plant. Compared to a contractor’s yard, the proposed use potentially involves greater degrees of dust, noise, and public use, especially during weekend days when a contractor’s yard would not be expected to operate. A contractor’s yard, moreover, is a permitted use in the M-1 district as well as the specific use addressed under the previous development plan and design review approvals, yet the Zoning Code (§1500-4612) specifically prohibits “gravel, rock and cement material yards” under M-1 zoning. The proposed rezoning to M-2 is appropriate, as the district allows “Outdoor assembly, processing, fabricating, treatment, manufacturing, repairing or packaging of goods that create significant dust, odor, smoke, bright light, or otherwise creates offensive conditions at the property line” (§1500-4912). Such uses still require a use permit in the M-2 zone so that any anticipated negative impacts to adjoining properties or the public welfare may be examined and conditioned more comprehensively. The planned development process, however, encompasses “all uses which are permitted in the district to which the Planned Development Combining district is applied, including those uses which are only allowed by use permit” (§1500-6316).

The anticipated additional impacts involve the effects of the proposed project on the adjoining church property to the south and on the adjacent residences to the east. Compensation for additional anticipated impacts will be addressed under the following applicable standards of the Zoning Code, General Plan, and Design Guidelines:

Zoning Code

§1500-8022(i)(3)(C): “For any non-residential development, a planter at least 10 feet wide, excluding curbing, shall be provided adjacent to properties in the R-1 and R-2 Districts. Within this planter, screen trees, from the approved list, shall be planted in combination with other plant materials to provide a dense visual screen.” The developer has previously installed landscaping as previously noted in the “Property Description” section; however, a new landscaping plan will be required to demonstrate compliance with the landscape screening requirement; and,

§1500-8025, Performance Standards – Sales Lots, Contractor yards, and Construction material yards: (a): “All equipment, materials and inoperable vehicles (those vehicles not capable of being driven on a public road), and equipment under repair because of damage, missing parts, or any

other condition that precludes its use, shall be separated and screened from the public right-of-way and /or adjacent properties with a 6' tall solid fence. A solid hedge of landscaping may be required to be used in conjunction with the fencing if the surrounding circumstances warrant a higher screen. None of the above items shall be stored, racked, or stacked above the height of the fence. Individual equipment or vehicles which exceed six feet in height shall be stored at a distance from the fence/landscape screen so said equipment or vehicles will not be visible from the public right-of-way;" and,

(c): "Those businesses/uses established prior to the enactment of this section shall meet these standards within three (3) years from the date of enactment; or, immediately upon a change of ownership;" and,

§1500-8118, Parking lot design and use: (b): "Parking lot screening: for commercial and industrial uses, when adjacent to or across the street from a residential zone a bermed 15 foot wide street perimeter landscape strip shall be required with sufficient tree and shrub vegetation to produce a 75% opaque screen within 5 years of installation. It shall be the responsibility of the owner to maintain such landscaping to ensure adequate sight distance at points of ingress and egress. A minimum 6 foot high masonry wall shall be constructed at the back of the landscape strip, with the design to be approved by the Community Services Director."

General Plan

Policy #8.A-2: "The County shall require that new non-transportation noise sources be mitigated to the noise level standards shown in Table 7 [Noise Level Standards]." The standards set a maximum daytime (7 am to 10 pm) noise level of 70 decibels, which is applied at the property line of sensitive uses, e.g., churches and residences. Based on information included in the General Plan Background Report, the Initial Study for this project noted that, "Front loaders and trucks, which will be utilized most commonly, generate between approximately 72-96 decibels (dBA, the A-weighted scale that approximates the manner in which the human ear responds to noise) at 50 feet from the source. An average noise level of 84 dBA will not be attenuated to 70 dBA by normal atmospheric absorption until 240 feet from the source. In order for the project to operate such internal-combustion equipment on the majority of the property, the developer will be required to install either a solid fence and landscaping or a sound wall along the southern property line that coincides with the northern boundary of the church property, a distance of approximately 550 feet. Because the residential properties across the boulevard are more than 240 feet from the proposed area where the equipment will operate, no mitigation of the noise levels to the east will be required."

Design Guidelines

Commercial and Industrial Buffers, §6.0.4: "Specific buffering requirements will be determined upon project review....An evaluation of buffering is required...where either a commercial or industrial project is proposed adjacent to any existing use which is determined by staff to be a 'sensitive' use and which needs buffering from the proposed adjacent commercial or industrial use." The project proposes two operating schedules: 1) seven days per week during "summer," i.e., Daylight Saving Time, from 7:30 am to 5:00 pm, except on Sunday, when hours would be

from 9:00 am until 3:00 pm; and 2) six days (M-Sat) per week during “winter.” The church that adjoins the project site on the south operates on weekday evenings (7:30-9pm) only; but operates both Saturday and Sunday from 8 am to 6 pm.

Because of the relatively narrow width of the subject property (<300 feet), there is not sufficient room to apply a setback buffer (range of 50 to 300 feet), which, for “industrial uses which do or will create excessive noise, odors, dust or other impacts...a buffer width towards the higher end of this range” is required. Staff believes that a solid fence or sound wall along the southern property line in common with the church property, as well as the landscaping and masonry wall requirement to screen the parking lot, would comprise the most effective buffer.

Based on the preceding discussion, staff believes that the proposed rezoning, subject to the criteria of development, is consistent with the zoning code, general plan, and design guidelines.

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 and the CEQA Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project. The study revealed that the project, as proposed, could not have a significant effect on the environment. Therefore, the Negative Declaration attached to this report is appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The requested rezoning from M-1-PD (Light Industrial-Planned Development Combining) District to M-2-PD (General Industrial-Planned Development Combining) District is consistent with the General Plan and with uses on the subject and adjacent properties.
- D. The proposed project will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental to property or improvements in the neighborhood or to the general welfare of the County.

Recommended Action

- A. Make the recommended findings listed above.

- B. Recommend that the Board of Supervisors approve Design Review #03-01 allowing the relocation of an existing materials yard to the project site, subject to the Criteria of Development.
- C. Recommend that the Board of Supervisors approve Rezoning #03-03 changing the classification of the subject parcel from M-1-PD (Light Industrial-Planned Development Combining) District to M-2-PD (General Industrial-Planned Development Combining) District, subject to the following Criteria of Development:
1. Within five (5) days of receiving final project approval, the applicant shall file a Notice of Determination, including any fees, in the Office of the County Clerk (P)

On-Going:

2. Use of the property shall be for a building and landscape materials yard, including a self-contained one-yard concrete batch plant, and shall conform to all requirements of the Sutter County Zoning, Fire, Building, and Health Codes unless specifically authorized otherwise in the following conditions. (P)
3. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and unused equipment. (P)
4. The applicant shall obtain all necessary permits for the intended use, including a Permit to Operate from the Feather River Air Quality Management Board. (P)
5. Those requirements of the design review approved by the Board of Supervisors shall be included as project requirements. (P)
6. Site storm-water run-off shall be collected in an on-site drainage facility prior to discharge into Live Oak Canal. The run-off waters shall be filtered or otherwise cleaned of oils, grease, debris and sediment prior to discharge into the canal. (P)
7. The graveled yard area shall annually be treated with an approved, petroleum-based dust control palliative. (P)
8. A bicycle parking space shall be provided in conformance with the requirements of the Sutter County Zoning Code. (P)
9. Driveways accessing the site shall be 22 feet in width with three-foot shoulders on each side and a 30-foot-diameter turn radius on George Washington Boulevard. Bridges over the Live oak Canal shall include safety railings. (P)
10. Bridges over the Live Oak Canal shall be designed to meet flow requirements as specified in the Public Works Department's most recent study of said canal. (P)

11. Material and equipment stored in the yard shall not be stacked higher than six-feet. Equipment and/or vehicles which exceed six feet in height shall be stored at a distance from perimeter fences so that said equipment or vehicles will not be visible from the public right-of-way. (P)
12. All wastewater shall be disposed of into a sewage disposal system meeting the Environmental Health Division's requirements for new construction. All areas proposed for wastewater disposal shall be fenced to prevent equipment and vehicle storage and traffic over leach lines. (EH)
13. A licensed septic tank pumper shall pump the septic tank serving the project at least once every five (5) years. Proof of pumping shall be submitted to the Sutter County Environmental Health Division. (EH)
14. Any abandoned on-site wells and/or septic systems shall be destroyed in accordance with Sutter County Environmental Health Division regulations. Environmental Health Division Permits and inspections for this work shall be obtained. (EH)
15. The discharge of fuel, oils, other petroleum products, detergents, cleaners, or chemicals onto the surface of the ground or into drainageways on or adjacent to the site or into the on-site septic system is prohibited. (EH)
16. The applicant shall comply with all State and county laws and regulations pertaining to the handling and disposal of all hazardous materials. (EH)
17. All structures producing wastewater shall connect to the public sewer system when that system becomes available, per the Uniform Plumbing Code. (EH)
18. No grading or alteration of the existing terrain that would direct additional waters to the County road or drainage facilities shall be done without the approval of the Department of Public Works. (PW)
19. Provide documentation that finished floor elevation of all structures conforms to Sutter County Board of Supervisors' Resolution 92-124 (10 inches above crown of road or above 50-year flood elevation. (PW)
20. Encroachment permits shall be obtained from the Public Works Department for any work within the County right-of-way. (PW)

Within 30 Days of Approval:

21. The applicant shall provide a final landscaping plan meeting the requirements of the Zoning Code, the design review, and the development plan. The landscape plan shall provide for a 15-foot wide berm with dense landscape screening of the

parking lot from the public right-of-way, including a 6-foot masonry wall behind the landscaping. (P)

22. The applicant shall install a solid heavy-construction (≥1½" thick) wood, or masonry sound wall along the portion of the south property line that coincides with the church property. The wall shall be a minimum of six feet in height and shall run continuously from the western edge of the Live Oak Canal to the end of the subject property's southern property line. (P)
23. Any portion of the existing chain-link fence that is not replaced by solid fencing or a masonry wall shall be fitted with slats. (P)
24. The applicant shall provide a site plan that accurately shows all proposed features and improvements of the site, including, but not limited to, parking, fencing, sewage disposal, drainage filtration, equipment storage, materials bins, and trash enclosure. (P)
25. The site plan shall show the location of the on-site trash disposal area and the trash disposal areas shall be screened. (P)
26. Applicant shall provide a final lighting plan. Public parking areas shall have a minimum of one foot-candle of light on the entire paved area from dusk to the end of business. Security, or parking lot lighting, in landscaped areas shall be coordinated with the landscape plan to ensure that vegetation growth will not interfere with the intended area of illumination. All exterior lighting in excess of 60 watts shall be oriented and shielded to prevent any glare or direct illumination onto adjacent properties or rights-of way. (P)
27. Submit to the Sutter County Environmental Health Division for review and approval a complete set of construction plans and specifications for the sewage disposal system pursuant to the requirements of the Regional Water Quality Control Board. (EH)
28. Submit to the Sutter County Environmental Health Division a usage statement detailing the number of employees, vehicles, the extent of public use, days and hours of operation, quantity and quality of wastewater generated, and any other information relating to wastewater or domestic water demands. (EH)
29. The applicant shall provide a fire hydrant with a fire flow of 1,750 gallons per minute at 20 p.s.i. for two hours. (YCFD)
30. Provide a deferred improvement agreement, secured by 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

improvements along the property frontage (George Washington Blvd.): street paving, curbs, gutters, and sidewalks. (PW)

31. Pay drainage zone of benefit fees and provide a drainage plan for review and approval of the Public Works Department. (PW)
32. 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:

George Washington Blvd. 42' R/W + 10' P.U.E. (PW)

Sincerely,
LISA WILSON
INTERIM PLANNING DIVISION CHIEF

William J. Caplinger
Assistant Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Initial Study and Negative Declaration
Exhibit D - Design Review Materials

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