

April 30, 2002

To: Sutter County Planning Commission

Re: Agenda Item #14: Public hearing on Use Permit #03-05 to allow a commercial agricultural trucking facility; AG (General Agricultural) District; located at the southeast corner of O'Banion Road and State Highway 99, Yuba City; A. P. #23-300-149; applicants - John Ochipinti & Antonini Trucking/property owner - John Ochipinti (Location: District 5 - Commissioner Shannon).

Current Proposal

A. Project Description

The applicant's proposal for a commercial agricultural trucking facility involves the following:

- Construction of a 4,000 square foot shop building, located near the northwest corner of the subject property
- Construction of a 2,000 square foot wash rack for trucks, to be located adjacent to the south side of the proposed shop building
- Construction of a 1,200 square foot office, located adjacent to the north side of the proposed shop building.
- A paved area in front of the proposed office, providing 12 parking spaces for employee and customer/service vehicles
- Parking area for up to 15 truck tractors and 100 trailers on the balance of the property. A separate entrance for trucks is proposed at the northeast corner of the property.
- Hours of operation: 6:00 am to 8:00 pm, Mon. – Sun. (June through October)
8:00 am to 5:00 pm, Mon – Fri. (Remainder of year)

B. Environmental Consideration

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study revealed that the project, as proposed, could have a significant impact on the environment; however, mitigation measures have been recommended by staff which reduce the possible impacts to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Background

A. Property Description

The subject property is currently vacant and bordered by State Highway 99 to the west and O'Banion Road to the north.

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

	Use	Zoning	General Plan
Subject Property	Vacant	AG	AG-80
North	Commercial (mini-mart), orchard	AG	AG-80
East	Orchards	AG	AG-80
South	Agricultural related buildings and improvements, orchards	AG	AG-80
West	Highway 99, orchard, commercial	AG	AG-80

C. Previous Commission Action/Policies

On September 4, 2002, the Planning Commission approved Use Permit #02-11, submitted by the same applicant, for this commercial agricultural trucking facility to be located on the adjacent property to the south. On that property, the applicant proposed construction of new buildings as well as use of an existing building.

On March 27, 2003, Lot Line Adjustment #02-41 was approved by the Community Services Department to adjust the property line between the subject property and the adjacent property to the south. Once recorded, the Lot Line Adjustment will result in the subject property being 7.39 acres in size and the adjacent property to the south being 10 acres.

Staff Comments

A. Environmental Health (EH):

See conditions attached to staff report.

B. Public Works Department (PW):

See conditions attached to staff report.

C. Sutter County Emergency Services (ES)

See condition attached to staff report.

D. Sutter County Fire Services (F)

See condition attached to staff report.

E. Sutter County Building Inspection (B)

Building Inspection had no comments with regard to the project.

F. Office of the Sheriff/Coroner (S/C):

The Sheriff/Coroner responded with the following comment:

“The project itself does not present objections. Concerns do arise with egress/ingress of traffic onto SR99.”

Staff notes that on the applicant’s previously approved proposal on the adjacent parcel to the south (Use Permit #02-11), the Sheriff’s office commented that they anticipated no impacts on their services. With regard to the comment on this project, staff contacted the Sheriff’s office for clarification and learned that their concern is with trucks associated with the project accessing Highway 99 from O’Banion Road and traveling south. Their concern is that these trucks, due to their slow acceleration rate, may interfere with existing traffic traveling along the highway as the trucks enter onto Highway 99. Caltrans reviewed the traffic accident reports for the area back through 1990 for the applicant’s previous proposal. Based on this analysis, the area was found to have an accident rate lower than the average expected for similar types of highways. Caltrans therefore indicated no concerns with regard to traffic safety. The applicant’s current proposal was circulated to Caltrans, which again indicated no concerns with regard to traffic safety. Conditions of approval are recommended by the Sutter County Public Works Department and by Caltrans to ensure safety at Highway 99 and O’Banion Road when trucks access the facility (See Conditions #15 & #18).

G. Pacific Gas & Electric Company (PG&E)

PG&E responded with 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.

H. California Department of Transportation (Caltrans)

See Exhibit C and conditions attached to staff report.

I. Planning (P):

Similar to the applicant's previous proposal, the following environmental factors were identified as key issues: ***Transportation/Traffic, Aesthetics, Hydrology/Water Quality, and Air Quality***. The analysis of the project will focus on these four issues, noted below. Since use permit requests must be consistent with the General Plan, a section addressing ***General Plan Consistency*** is also contained below.

Transportation/Traffic

Access to the property will be provided from O'Banion Road via State Highway 99. At this location, Highway 99 is classified as a Rural Arterial having two lanes. Based on traffic counts contained in the General Plan Background Report (1996), this section has an average daily traffic count (ADT) of 11,500 and a Level of Service (LOS) D. Sutter County utilizes LOS "D" as the minimum acceptable standard.

The applicant has estimated that 120 total average daily trips will be generated by the proposed use. This number of trips will occur during the harvest season, which runs generally from June through October. During the remaining seven months of the year, traffic generated by the use will be considerably less. Of the 120 daily trips during harvest, it is estimated that 50% (60 trips) will involve truck tractors and trailers. It is also estimated that 60 of the total 120 daily trips will be made during the peak morning and afternoon/evening commute times.

The County Public Works Department has reviewed the project and will require that additional right of way be deeded to the County for O'Banion Road. In addition, a deferred improvement agreement will be required to be entered into with the County to provide for widening of O'Banion Road to County standards. Public Works has also commented that if certain longer trucks (trucks considered under the Surface Transportation Assistance Act – STAA) are used in the operation of the facility, the applicant will be required to submit a written request to the Public Works Department for a new Terminal Access route on O'Banion Road from State Route 99 to the facilities driveway. A similar request must also be submitted to Caltrans when accessing the facility from State Route 99. Transportation permits will be required to be obtained from the Public Works Department for use of STAA trucks at the facility. The applicant will also be required to demonstrate that STAA trucks and truck-trailer combinations that use O'Banion Road to access the facility can enter/exit the facility and State Route 99 without off tracking (the tendency for rear tires to follow a shorter path than the front tires when turning). If off tracking can not be avoided with the current roadway conditions, the applicant will be required to improve O'Banion Road as necessary to allow proper truck turning movements. These requirements will be addressed as conditions of approval.

Caltrans has reviewed the project and indicated no concerns with regard to potential traffic impacts generated by the project. For the applicant's previous application for the adjacent parcel to the south, Caltrans reviewed the traffic accident reports for the area back through 1990. Based on this review, it was determined that the area has had an accident rate that is lower than the average expected for similar types of highways. Caltrans has commented that the O'Banion

Road approach to the highway will need to be upgraded by the developer to allow for the increased volume of truck turns. An encroachment permit from Caltrans will also be required. These requirements will be addressed as project conditions of approval.

Traffic levels in the project area will benefit from a Highway 99 widening project that will begin construction this summer and extend from O'Banion Road north to Lincoln Road. While the proposed project will contribute additional traffic to Highway 99 with its current LOS D status, the eventual expansion of Highway 99 to four total lanes will significantly improve the LOS in the project vicinity. The applicant has been in contact with Caltrans to obtain information on the proposed limits of the Highway 99 expansion and ultimate right of way. Based on this consultation, the proposed improvements have been located outside of this area.

The applicant indicates that a total of four employees will work at the facility. Based on the Zoning Code parking standards, a minimum of six parking spaces for employees/customers are required for the use. The site plan shows that a total of 12 paved parking spaces are proposed by the applicant. The proposed parking area is therefore adequate in size to serve the use.

Aesthetics

The parking of trucks and trailers on the property has the potential to create visual and aesthetic impacts, particularly due to the property's highly visible location along Highway 99. In order to address potential impacts from this outdoor storage, two mitigation measures are recommended for the project. First, a mitigation measure is being required to require that chain link fencing six feet in height be provided along the entire perimeter of the project area. Along with the fencing, landscape materials will be required to be planted adjacent to the fence to provide effective screening to a height of at least ten feet. The combination of fencing and landscaping is being required to provide solid screening and was requested by the applicant during discussion of the previous proposal on the adjacent site to the south, in lieu of providing chain link fencing with vinyl slats. (Mitigation Measure #1)

To further address aesthetic impacts and for consistency with other recently approved projects along Highway 99, a mitigation measure is recommended requiring the applicant to plant fast growing evergreen trees at 30 foot spacing intervals along the north and south property lines and along the Highway 99 frontage. The required trees shall be from the County approved tree list, shall be 15-gallon in size, and shall be subject to review and approval by the Planning Division. (Mitigation Measure #2)

The applicant will be installing outdoor lighting for better visibility and security of the site. This new lighting has the potential to create a new source of substantial light or glare to both Highway 99 and surrounding properties. To address this potential impact, staff is recommending a mitigation measure requiring that all outdoor lighting associated with the project be installed so as not to shine on Highway 99 or adjacent properties. (Mitigation Measure #3)

Hydrology/Water Quality

The construction of the proposed buildings along with a paved parking area and associated grading has the potential to create drainage impacts on surrounding properties and on Highway 99. The Sutter County Public Works Department has reviewed the project and commented that a

drainage and grading plan must be approved for the project. Also as a condition, 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.

Caltrans has reviewed the project and noted that based on prevailing on-site drainage patterns, surface water (storm water) runoff from the project area will discharge to the State's highway right of way and to Caltrans' highway drainage facilities. Caltrans has noted that the applicant plans to locate a storm water retention pond at the southwest corner of the project site and that truck washing operations are proposed on-site. To address drainage concerns expressed by Caltrans, a number of conditions are recommended and are attached to the staff report. Comments received from Caltrans are attached as Exhibit C.

Air Quality

Construction of the proposed buildings and grading for parking and circulation areas has the potential to create significant amounts of dust that could impact surrounding properties and traffic on Highway 99. In order to address potential dust impacts during construction, staff is recommending a mitigation measure requiring that the site be sufficiently watered during construction to prevent excessive amounts of dust. (Mitigation Measure #4). In addition, all areas established as circulation and parking areas for truck tractors and trailers will be required to be surfaced with Class II aggregate or Butte Rock.

General Plan Consistency

In reviewing a use permit request, the proposed use must be found to be consistent with the General Plan. The subject property is designated Agriculture, 80 acre minimum, by the Sutter County General Plan. The proposed use provides a related service to the agricultural community and staff has historically recommended approval for such uses. The following goal and policies found as part of the "Economic Development Strategies for Agricultural Industries" in the General Plan support this project:

Goal 6.B To facilitate preservation, growth and expansion of agricultural industries within Sutter County.

Policy 6.B-1 The County shall support the development of agricultural production, processing and distribution industries within Sutter County.

Based on the above goal and policy, staff believes the proposal is consistent with the General Plan.

The Planning Commission may approve a use permit if it finds that the establishment, maintenance, or 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. With the recommended mitigation measures and conditions of approval required, staff believes that this finding is met.

Staff therefore recommends approval of Use Permit #03-05, subject to the attached findings, mitigation measures, 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 and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed project. The Study revealed that the project as proposed could have a significant impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts will be reduced to a less-than-significant level. No written or oral comments have been provided which present evidence that the project as mitigated will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program attached to this staff report are appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The proposed use is consistent with the policies and goals for land designated as Agriculture in the General Plan. The use is an agriculturally related business, and General Plan Goal 6.B and Policy 6.B-1 support and encourage these uses.
- D. Since mitigation measures and 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. Adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project and attached to this report.
- C. Approve Use Permit #03-05, subject to the following conditions:
 - 1. Development and use of the property shall comply with the approved site plan and information contained in the staff report. (P)

At end of 10 day appeal period

2. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within five (5) days after the end of the ten (10) day appeal period. (P)

Prior to operation/building permit issuance

3. The applicant shall pay any outstanding balance for processing the application within thirty (30) days of receiving a final invoice from the Community Services Department. (P)
4. Prior to operation, the applicant shall file a Hazardous Materials Business Plan with the Sutter County Community Services Department, Emergency Services Division (ES)
5. Access roads shall be provided in accordance with Section 902 of the 1997 Uniform Fire Code. (F)
6. Water supply for fire suppression shall be provided in accordance with Section 903 of the 1997 Uniform Fire Code. (F)
7. 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)
8. An authorized professional shall design a non-residential on-site sewage system and shall certify that the proposed 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:
 - 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. (EH)
9. Prior to building permit issuance, submit to Sutter County Environmental Health complete construction plans and specifications for the on-site sewage system pursuant to the requirements of Sutter County regulations. (EH)
10. 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)

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

O'Banion Road 33.0' R/W + 10.0' P.U.E.

12. Prior to issuance of a building permit, a drainage and grading plan must be approved by the Sutter County Public Works Department. (PW)
13. If STAA truck(s) are to be used on O'Banion Road in the operation of this facility, the applicant must submit a written request to the Department of Public Works for a new Terminal Access route on O'Banion Road from State Route 99 to the facilities driveway. A similar request must also be submitted to Caltrans District Traffic Operations when accessing this facility from State Route 99 with STAA trucks. (PW)
14. The applicant is required to obtain transportation permits from the Department of Public Works for company owned STAA trucks that use O'Banion Road to access this facility. Permits will only be issued after the terminal access route has been approved by Sutter County Public Works and Caltrans. (PW)
15. The applicant must show to the satisfaction of Sutter County Public Works that STAA trucks and truck-trailer combinations (max 65') that use O'Banion Road to access this facility can enter/exit said facility and State Route 99 without off tracking. If off tracking can not be avoided with current roadway conditions, the applicant shall improve roadway as necessary to allow proper truck turning movements. (PW)
16. 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)
17. 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 street widening to County standards with a full asphalt section overlay to centerline feathered down three foot past the centerline joint along O'Banion Road. (PW)
18. Prior to operation/building permit issuance, the O'Banion Road approach to Highway 99 shall be upgraded by the developer to allow for the increased volume of truck turns generated by the project. An encroachment permit from Caltrans shall be required and the approach shall be improved in accordance with Caltrans requirements. (Caltrans)
19. Prior to operation/building permit issuance, the developer shall provide to Caltrans for review and approval drainage plans and/or calculations in order to adequately evaluate drainage impacts upon the State's right of way and drainage

facilities. A copy of this information shall also be provided to the Planning Division. Any cumulative impacts to Caltrans drainage facilities arising from effects of development on surface water runoff discharge from the peak (100-year) storm event shall be minimized through project drainage mitigation measures. (Caltrans)

20. A minimum of six on-site parking spaces for employees/customers shall be provided. In accordance with standards of the Sutter County Zoning Code, these spaces, at a minimum, shall be improved with either six (6) inches of Class 2 aggregate base or eight (8) inches of Butte Rock. Paved parking spaces, as shown on the site plan, may also be provided. (P)
21. All truck tractor and trailer circulation and parking areas shall be improved with either (6) inches of Class 2 aggregate base or eight (8) inches of Butte Rock. (P)
22. The perimeter of the project area shall be enclosed with six foot high chain link fencing. Landscape materials such as oleander or photinia shall be planted adjacent to the fence to ultimately provide effective screening to a height of at least ten feet. Location of the fencing shall account for County setback requirements as well as the ultimate widening of State Highway 99. Prior to installation of the fencing, a plan showing the fence location along with proposed landscape materials and irrigation shall be submitted to the Planning Division for review and approval. The fencing and landscape materials shall be installed prior to the storage of any truck tractors or trailers on the property, and shall be maintained for the life of the project. (*Mitigation Measure #1*) (P)
23. The applicant shall submit a landscape and irrigation plan to the Planning Division for review and approval to provide for the planting of fast growing evergreen trees at 30 foot spacing intervals along the north and south property lines and the Highway 99 frontage. The required trees shall be from the County approved tree list, shall be 15-gallon in size, and shall be subject to review and approval by the Planning Division. The plan shall show the location of the fencing and landscape materials required by *Mitigation Measure #1* in relation to the proposed trees. The location of the trees shall also account for the ultimate widening of State Highway 99. The trees shall be planted prior to the storage of truck tractors or trailers on the property, and shall be maintained for the life of the project. (*Mitigation Measure #2*) (P)

On-going

24. During project construction, all active portions of the site including access roads and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. (*Mitigation Measure #4*) (P)
25. Water supply shall be from a private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
26. All wastewater shall be disposed into the approved on-site sewage system. (EH)

27. 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)
28. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
29. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
30. 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)
31. 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)
32. 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)
33. 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)
34. If the applicant is expecting deliveries to this facility from haulers who utilize STAA trucks, those haulers are required to obtain transportation permits from the Department of Public Works. Transportation permits will only be issued after the terminal access route has been approved by Sutter County Public Works and Caltrans. (PW)
35. Increases in peak runoff discharge for the 100-year return storm event to the State's highway right of way and to Caltrans' highway drainage facilities must be reduced to at or below the preconstruction levels. All runoff from the project area that will enter the State's highway right of way and Caltrans highway drainage facilities must meet all Regional Water Quality Control Board (RWQCB) water quality standards. (Caltrans)
36. No net increase to 100-year storm event peak discharge may be realized within the State's highway right of way and/or Caltrans drainage facilities as a result of the project. Further, the developer must maintain or improve existing drainage patterns and/or facilities affected by the proposed project to the satisfaction of the State and Caltrans. This may be accomplished through the implementation of stormwater management Best Management Practices (BMPs) (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, the property owner must properly maintain these systems. (Caltrans)

37. Runoff from on-site truck washing that will enter the State's highway right of way and/or Caltrans drainage facilities must meet all Central Valley Regional Water Quality Control Board water quality standards prior to entering the State's highway right of way or Caltrans drainage facilities. Appropriate stormwater quality BMPs (i.e. oil/water separators, clarifiers, infiltration systems, etc.) may be applied to ensure that runoff from the site meets these standards (i.e. is free of oils, greases, metals, sands, sediment, etc.). Once installed, the property owner must properly maintain these systems. (Caltrans)
38. All outdoor lighting associated with the project shall be installed so as not to shine on Highway 99 or adjacent properties. If needed, shielded or cut-off lighting style shall be utilized. (*Mitigation Measure #3*) (P)
39. The site shall be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk. (P)
40. Outdoor storage of a maximum of 15 truck tractors and 100 trailers shall be permitted. (P)
41. This use permit approval shall be in place of and supercede previous Use Permit #02-11 approval, located on the property adjacent to the south. 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 - Comments received from Caltrans
Exhibit D - Proposed Mitigated Negative Declaration and Initial Study
Exhibit E - Proposed Mitigation Monitoring Program

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