

August 27, 2003

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Use Permit #03-07 to allow an office, shop, and storage facility for an agricultural well and pump service business; AG (General Agricultural) District; located on the southeast corner of Bishop Avenue and State Highway 99, Live Oak; A. P. #09-270-027; applicant/property owner - Mid State Pump Co., Inc. (Location: District 1 - Commissioner Capaul).

Current Proposal

A. Project Description:

The applicant requests approval of a use permit to allow an office, shop, and storage facility for an agricultural well and pump service business. The Sutter County Zoning Code requires a use permit within the AG (General Agricultural) zone district for the repair, servicing and storage of agricultural equipment as a commercial service to other agricultural operators. Proposed improvements to the property include construction of a 7,200 square foot metal building (60' by 120'), with a portion being enclosed as the office and shop and a portion as covered storage, being open on the sides. Other proposed improvements include paved parking area, gravel surfacing for an open storage area, and 6 foot high chain link fencing. The proposed business will operate Monday through Saturday, 8:00 AM to 5:00 PM, and will have two employees.

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 site is 5.32 acres in size and is currently vacant. The property has been cleared in preparation for the proposed use.

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

	Use	Zoning	General Plan
Subject Property	Vacant	AG	AG-20
North	Residence, ag. building, orchards	AG	AG-20
East	Residence, orchards	AG	AG-20
South	Orchard, residence	AG	AG-20
West	State Highway 99, railroad tracks, orchards	M-1	INDUSTRIAL

C. Previous Commission Action/Policies

The Planning Commission previously approved this project on September 5, 2001 (Use Permit #01-14). The Sutter County Zoning Code requires that a use permit be activated within one year of approval. Since the applicant did not activate the use within that time period and an extension request was not made and approved, the previous use permit approval has expired. With this request, the applicant is proposing to re-establish the same previously approved use.

Staff Comments

A. Environmental Health (EH):

See conditions attached to staff report.

B. Public Works Department (PW):

See conditions attached to staff report.

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

The Sheriff/Coroner responded there is no anticipated impact on services provided by their department as a result of the project.

D. Building Division (B):

The Building Division responded with no comments to the proposal.

E. Sutter County Fire Services (FS)

See conditions attached to staff report.

F. Sutter County Emergency Services (ES)

See condition attached to staff report.

G. Pacific Gas and 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. Reclamation District No. 777 (RD#777)

See condition attached to staff report

I. California Department of Transportation (Caltrans)

See conditions attached to staff report.

J. Planning (P):

The proposed 7,200 square foot building will include a 2,400 square foot shop/office and a 4,800 square foot covered storage area. The applicant proposes to use approximately two to three acres of the property for outdoor storage of vehicles, pipe, and other related materials. The applicant also proposes to fence the site with a six foot high chain link fence.

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.

Due to the nature of the use and the subject property's highly visible location along Highway 99 near Live Oak, there is the potential for visual and aesthetic impacts due to the outdoor storage of vehicles and equipment. Staff has also noted that there are residences located on adjacent properties to the north, east, and south. Four mitigation measures are recommended for the project in order to address potential impacts from this outdoor storage. First, a mitigation measure is recommended 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 eventually provide for

solid screening of the property. This same mitigation, which is a modification of the fencing requirement imposed on the previously approved use permit for this project, was recently recommended by staff on another project with outdoor storage proposed adjacent to Highway 99 (UP #03-05 - Antonini Trucking).

To provide additional screening and enhance the appearance of the site from Highway 99 and Bishop Avenue, a mitigation measure is also recommended requiring the applicant to plant fast growing evergreen trees at 30 foot spacing intervals along the north and west property lines. 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. This same mitigation, which is a modification of the previous landscaping requirement, was also previously applied to the Antonini Trucking project.

In order to provide buffer area for the neighboring residences located north and east of the subject property, a mitigation measure is being recommended to require that all outdoor storage be limited to the area south of the proposed building. In addition, a mitigation is recommended requiring that vehicles stored on the site be maintained in operable condition and be stored within the designated outdoor storage area located south of the proposed building. The site will also be required to be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk.

The applicant will likely 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 a lighting plan for the proposed building and outdoor storage area be submitted to the Planning Division for review and approval. All outdoor lighting associated with the project will be required to be installed so as not to shine on Highway 99 or adjacent properties. If needed, shielded or cut-off lighting style shall be utilized.

In addition to potential aesthetic and lighting impacts, the proposed use also has the potential to create noise impacts to neighboring residences. According to information provided by the applicant, all repair activities will occur within the enclosed building and outdoor activity will be limited to storage and vehicular traffic. As a mitigation measure, all repair activities shall be conducted within the enclosed shop building.

The addition of impervious surfaces to the property (building and paved parking area), has the potential to create drainage impacts to surrounding properties and Highway 99. Reclamation District No. 777 has reviewed the project and requests that a mitigation be placed on the project requiring that the project be required to adhere to the District's drainage mitigation requirements. Caltrans has also reviewed the project and their comments have been included as conditions of approval. One of these conditions requires that no net increase to the stormwater peak runoff discharge within the State's right of way and Caltrans drainage facilities may be realized as a result of the project. Another condition requires that, prior to issuance of a building permit, the applicant provide additional drainage information to Caltrans to adequately evaluate drainage impacts upon the State's right of way and Caltrans drainage facilities.

The site plan submitted indicates a total of four parking spaces being provided within the proposed paved parking lot. The applicant has indicated that 2,400 square feet of the building will be used for shop/office use, with the remaining 4,800 square feet being used for the covered storage area. Based on the requirements of the Zoning Code, 6 spaces are required for the shop/office area (1 space per 400 square feet) and 3 spaces are required for the covered storage area (1 space per 2,000 square feet), for a total of 9 required parking spaces. On the previous approval, staff had recommended a condition requiring the applicant to submit a revised site plan to the Planning Division showing a minimum of nine (9) parking spaces provided for the proposed use. At the Planning Commission meeting, staff had noted that based on Zoning Code requirements, these nine spaces would be required to be paved. Based on the applicant's request, the Commission voted to amend this condition, allowing five (5) of the spaces to be unpaved. For this application, staff is recommending that the condition as previously amended by the Commission be applied.

The subject property is zoned AG (General Agricultural) and is designated Agriculture, 20 acre minimum, by the Sutter County General Plan. Staff recognizes the proposed use as providing a related service to the agricultural community and has historically recommended approval for agricultural support facilities. In reviewing a use permit request, the proposed use must be found to be consistent with the General Plan. The following goal and policy found as part of the "Economic Development Strategies for Agricultural Industries" in the General Plan supports this project:

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

Policy 6.B-3 The County shall encourage the continued operation and expansion of existing agricultural industries.

Based on the use being consistent with the General Plan and with the recommended mitigation measures and conditions of approval required, staff believes the required findings can be made. Staff therefore recommends approval of Use Permit #03-07, 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 for the subject property. The study revealed that the project, as proposed, could have a negative impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts would be reduced to level of less than significant. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and 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. Agricultural wells and the parts and equipment needed for repairing and servicing them are essential to the farming practice. The proposed use is permitted in the AG (General Agricultural) District, subject to approval of a use permit (Section 1500-1412, "Repair, servicing and storage of agricultural equipment as a commercial service to other agricultural operators.")
- D. The proposed use is consistent with the policies and goals for land designated as Agriculture in the General Plan. The proposed use is an agriculturally related business, and General Plan Policy 6.B-3 supports and encourages the proposed use.
- E. With the recommended conditions and mitigation measures required, 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 #03-07, 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 outdoor storage/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. An authorized professional shall design a non-residential on-site sewage system and shall certify that the proposed non-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; and
 - D. An approved operation and maintenance contract between the system owner and qualified operation and maintenance provider (certified by the proprietor of the treatment unit), if applicable.
5. Prior to permit issuance, submit to Sutter County Environmental Health complete construction plans and specifications for the on-site waste disposal system pursuant to the requirements of Water Quality Control Board and Sutter County regulations. (EH)
6. 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)
7. Encroachment permits shall 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)
8. Building 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)
9. All construction shall be in accordance with the 1998 California Fire Code. (F)
10. The developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development to the satisfaction of the State and Caltrans. This includes stormwater pathways and storage areas, whether engineered or naturally occurring. Prior to issuance of a building permit, the developer shall provide to Caltrans for review and approval drainage information (i.e. drainage plan, calculations, etc.) to adequately evaluate drainage impacts upon the State's right of way and Caltrans drainage facilities. Confirmation from Caltrans that this information has been provided shall be

provided to the Sutter County Community Services Department, Planning Division prior to issuance of the building permit. (Caltrans)

11. 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 and in sufficient quantities to ultimately provide effective screening to a height of at least ten feet. Location of the fencing shall account for County setback requirements. 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 issuance of a certificate of occupancy for the proposed building and/or prior to the storage of vehicles, equipment, or any other materials on the property. The fencing and landscape materials shall be maintained for the life of the project. (*Mitigation Measure #1*) (P)
12. 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 (Bishop Ave.) and west (Hwy. 99) property lines. 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 trees shall be planted prior to issuance of certificate of occupancy for the proposed building and/or prior to the storage of vehicles, equipment, or any other materials on the property. The trees shall be maintained for the life of the project. (*Mitigation Measure #2*) (P)
13. Prior to issuance of a building permit and/or any outdoor storage, a lighting plan for the proposed building and outdoor storage area shall be submitted to the Planning Division for review and approval. 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 #5*) (P)
14. The project shall adhere to the drainage mitigation requirements of Reclamation District No. 777. Prior to issuance of a building permit, the owner shall provide documentation from the District to the Planning Division that the design of the project meets these requirements. Inspections to verify conformance with the design shall be performed by the District Engineer prior to issuance of certificate of occupancy. All associated costs of the review and inspection(s) shall be paid by the property owner. (*Mitigation Measure #7*) (RD #777, P)
15. Prior to issuance of a building permit, the applicant shall submit to the Sutter County Community Services Department, Planning Division, for review and approval a revised site plan showing a minimum of nine (9) parking spaces

provided for the proposed use. Five (5) of the parking spaces may be unpaved and shall be shown on the site plan. The driveway, accessway, and parking spaces shall meet the size and improvement standards of the Zoning Code. (P)

Prior to certificate of occupancy

16. 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):

Bishop Avenue	25.0' R/W + 10.0' P.U.E.
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17. Access for fire apparatus shall comply with Section 902 of the California Fire Code (1998). (F)
18. An approved water supply for fire protection shall be provided (Section 903, California Fire Code). (F)
19. California law requires businesses handling hazardous materials in quantities at or above 55 gallons, 500 pounds or 200 cubic feet at any one time to prepare and implement a Hazardous Materials Business Plan. For more information regarding this requirement, contact Sutter County Emergency Services at 822-7400. (ES)
20. 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 #6*) (P)

On-going

21. All wastewater shall be disposed into the approved on-site sewage system. (EH)
22. 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)
23. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
24. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code. (EH)
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 operation and monitoring reports must be submitted once a year by a qualified consultant as required by the on-site sewage system permit and/or manufacturer of the proprietary treatment unit. (EH)
27. 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)
28. 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)
29. 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)
30. 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. Additionally, no grading or alteration of the existing terrain that would direct additional waters from one lot to any adjacent lot is allowed. (PW)
31. Runoff from the proposed project that will enter the State's right of way and/or Caltrans drainage facilities, whether discharged directly or indirectly, must meet all Regional Water Quality Control Board (RWQCB) water quality standards prior to entering the State's right of way or Caltrans drainage facilities. It is the developer's responsibility to ensure that runoff from the site meets these clean water standards (i.e. is free of oils, greases, metals, sands, sediment, etc.). This may be accomplished through the implementation of appropriate stormwater quality Best Management Practices (BMPs) (i.e. oil/water separators, clarifiers, infiltration systems, etc.) as applicable. (Caltrans)
32. No net increase to the stormwater peak runoff discharge (100 year storm event) within the State's right of way and Caltrans drainage facilities may be realized as a result of the completion of the project. It is the developer's responsibility to ensure that increases in stormwater runoff discharge from the project site that will enter the State's right of way and/or Caltrans drainage facilities, whether discharged directly or indirectly, does not increase peak flows within the State's right of way or the Caltrans drainage facility. This may be accomplished through the implementation of stormwater management BMPs (i.e. detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. (Caltrans)
33. Any work that will need to be done within Caltrans highway right of way will require an encroachment permit. (Caltrans)

34. All outdoor storage shall be limited to the area south of the proposed building. *(Mitigation Measure #3)* (P)
35. Vehicles stored on the site shall be maintained in operable condition and shall be stored within the designated outdoor storage area located south of the proposed building. The site shall be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk. *(Mitigation Measure #4)* (P)
36. All repair activities shall be conducted within the enclosed shop building. *(Mitigation Measure #8)* (P)
37. The use permit shall be activated within one year of the approval date (September 3, 2004), unless an extension is filed and granted in accordance with the Sutter County Zoning Code. (P)

Sincerely,

DANELLE STYLOS
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Elevation of proposed building
Exhibit D - Proposed Mitigated Negative Declaration and Initial Study
Exhibit E - Mitigation Monitoring Program

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