

June 26, 2002

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Use Permit #01-22 to allow two externally illuminated off-site advertising signs; C-M (Commercial-Industrial) District; located at the northeast corner of State Highway 99 and Oswald Road (1235 Oswald Road), Yuba City; A. P. #23-072-023; applicant - Inverary, Inc./property owner - Richard's Tree Service (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description

This item was continued from the June 5th Planning Commission meeting. Originally, the project included a variance (Variance #02-03), since one of the proposed signs exceeded the maximum permitted size. At the June 5th meeting and based on staff's recommendation for denial, the applicant requested that the variance be withdrawn and the use permit continued to the July 3rd meeting to allow a redesign of the proposed project. At the conclusion of the meeting, the Commission voted to continue Use Permit #01-22 and accept the applicant's request to withdraw Variance #02-03. For reference, the previous staff report is attached as Exhibit F.

In the revised plan, the proposed location of the signs, size (12' by 25', double-faced), height (30 feet), and external lighting remain the same as the original proposal. The signs are now proposed to be supported by two steel I-beam posts instead of by a single, round steel post. See Exhibit C for the revised sign elevation.

B. Environmental Consideration

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

Background

A. Property Description

The subject property is an 11.895-acre parcel located at the northeast corner of State Highway 99 and Oswald Road (1235 Oswald Road). Existing improvements include a shop/office building, woodchip storage area, and fuel tanks related to the existing tree service business located on the northern portion of the site, and a mobile home located at the southeast corner of the site.

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

	Use	Zoning	General Plan
Subject Property	Commercial (tree service business), mobile home	C-M	IND
North	Orchard, agricultural	AG	AG-20
East	Orchards, agricultural	AG	AG-20
South	Commercial, residential	C-2	COM
West	Orchard, residential	AG	AG-20

C. Previous Planning Commission Actions/Policies

At the June 5, 2002 Planning Commission meeting, your Commission approved a separate use permit request (Use Permit #02-09) to allow for the construction and operation of a bulk landscape materials yard on the southern portion of the subject property. This project is in addition to the existing tree service and wood chip processing facility on the property.

Please see the previous staff report (Exhibit F) for a discussion of the other previous Planning Commission actions on the subject property.

Staff Comments

A. Environmental Health Department (EH):

No comments.

B. Public Works (PW)

No comments.

C. Building Inspection (B)

No comments.

D. State Department of Transportation (Caltrans):

Caltrans commented that any off-premise display placed to be viewed from any freeway/highway must first obtain an Outdoor Advertising application from their Department.

E. Pacific Gas & Electric Co. (PG&E)

PG&E provided the following 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.

F. Planning (P):

Staff has reviewed the revised sign elevation submitted by the applicant and believes the design is more consistent with existing billboard signs located along Highway 99. By proposing sign faces that are parallel, eliminating the "V-shaped" and "flag shaped" formations, railing, and ladder of the previous proposal, and using two smaller I-beam posts for support instead of a larger, single post, the signs will be similar in size and scale to the existing billboards. For the Commission's reference, the applicant has provided photos of two existing billboard signs located along Highway 99 north of the subject parcel that are similar in design and also spaced approximately 1,000 feet apart (Exhibit D).

At the June 5th meeting, staff handed out to the Commission a letter received from the Yuba City Planning Department (Exhibit E). In their letter, the City concurred with County staff's recommendation for denial of the original proposal. The letter went on to state that "the erection of these very large billboard signs near the entrance to the city will be detrimental to the public's welfare due to visual and aesthetic impacts." While the applicant's revised plan now meets all of the Zoning Code criteria for billboard signs (i.e. size, height, separation distance), the placement of two new billboard signs on the subject property still raises visual and aesthetic concerns due to the cumulative impacts of additional billboards along Highway 99 and the property's location near the entrance to the Yuba City urban area. Since they have a similar separation distance, the photos submitted by the applicant of existing billboards to the north (Exhibit D) provide somewhat of a simulation of the applicant's proposal.

Staff notes that another use permit was approved at the June 5th Commission meeting (Use Permit #02-09), which allows for the construction and operation of a bulk landscape materials yard on the southern portion of the subject property. A condition of that approval requires evergreen trees to be planted in line with and between the existing crape myrtles planted along the Highway 99 frontage and to supply drip irrigation to all new and existing screening landscaping along the frontage. The site plan submitted for this application does not show the location of both the existing landscaping and the new landscaping that is required by this condition.

If approved, the applicant would need to coordinate with the property owner to ensure that the location of these proposed signs would not conflict with the location of the required landscaping for the landscape materials yard. More importantly, staff believes the required landscaping will grow to eventually interfere with the visibility of the signs. Staff views this as a potential conflict between the uses on the property and believes that the client utilizing the billboard advertising space would either want the landscaping cut back to increase visibility of the sign or request that landscaping around the sign(s) be allowed to be removed.

In order to minimize potential conflicts between the signs and required landscaping and reduce cumulative impacts from additional billboard signs (i.e. creation of “clutter”), staff recommends that as an alternative, only one of the proposed billboard signs be approved. Since there are already existing billboards to the north of the subject property, staff recommends that only the proposed southern sign, located 133 feet north of Oswald Road, be approved. Staff believes that elimination of the northern sign will provide a greater separation distance from the existing signs north of the subject property and still allow the applicant a single billboard sign having high visibility from Highway 99. Staff recommends a condition requiring that the trees and any other landscaping required for screening of the approved uses on the property not be cut, trimmed, or removed in order to provide better visibility of the billboard sign.

To further address aesthetic impacts, a condition is being recommended requiring that the sign and support posts be maintained in good repair and that the area around the sign site be maintained free of weeds, garbage, debris, salvage material, and or junk. A condition is also recommended requiring that lighting for the sign be located as shown on the elevation and that the lighting be concentrated directly onto the sign. Staff is also recommending a condition requiring that a landscape planter be provided under the proposed sign at its base. The planter shall have a minimum size equal to the “footprint” of the proposed sign (8’ by 25’). The applicant shall provide a landscape and irrigation plan for review and approval to the Planning Division for the planter prior to issuance of a building permit and the landscaping shall be provided prior to the permit being finalized.

Another issue raised at the June 5th meeting that the Commission may want to consider further is that of placing a time limit, such as 10 years, as a condition of the use permit approval. This would allow the Commission to consider any changes in development over time in the project area. The Commission could also evaluate the growth of required landscaping and determine if there have been any conflicts between the required landscaping and the visibility of the sign. In the event that conditions in the surrounding area had substantially changed, if conflicts had developed between the landscaping and the sign’s visibility, or if it was determined that a billboard sign at this location was no longer appropriate, the Commission could require that the sign be removed. If none of these conditions existed, the Commission could grant approval for extension of the use permit for a specific time period. Should the Commission believe that this is an appropriate requirement, a condition should be added which identifies a specific time period for the use permit to come back before the Commission.

The Planning Commission may approve or conditionally approve a use permit if it finds that the establishment, maintenance, or operation of the use or building applied for will not, under the

circumstances of the particular case, 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. Additionally, the Commission shall find that the use or activity approved by the use permit is consistent with the General Plan.

With the conditions noted required, staff believes approval for one of the two proposed signs would not create any impacts to the public's health, safety and/or general welfare or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Staff believes approval for one of the proposed signs is also consistent with the General Plan.

Recommended Findings

Based on the information contained in the agenda report and /or testimony received at the public hearing, the 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, New Construction or Conversion of Small Structures.
- B. The proposal is consistent with the Sutter County Zoning Code, Section 1500-9485(c).
- C. Approval of the project, subject to the recommended conditions, will not be detrimental to the public's health, safety, or general welfare or be detrimental to public or private improvements in the area and will be consistent with the Sutter County General Plan.

Recommended Action

- A. Adopt the findings as recommended by staff.
- B. Approve Use Permit #01-22, subject to the following conditions:
 - 1. The use permit shall be issued for one, 12' by 25' (300 square foot), double sided, 30 foot high externally illuminated off-site advertising (billboard) sign. Approval is granted only for the sign proposed to be located near the southwest corner of the subject property. Location and design of the sign shall conform to the site plan and elevation as approved by the Planning Commission. Minor modifications may be approved by the Planning Division. (P)
 - 2. The sign and support posts shall be maintained in good repair and the area around the sign site shall be maintained free of weeds, garbage, debris, salvage material, and or junk. (P)

3. Lighting for the sign shall be located as shown on the elevation and shall result in the lighting being concentrated directly onto the sign. (P)
4. A landscape planter shall be provided under the proposed sign at its base. The planter shall have a minimum size equal to the “footprint” of the proposed sign (8’ by 25’). Prior to issuance of a building permit for the sign, the applicant shall provide a landscape and irrigation plan for review and approval to the Planning Division. Said landscaping shall be provided prior to the permit being finalized. (P)
5. The trees and any other landscaping required for screening of the approved uses on the property shall not be cut, trimmed, or removed in order to provide better visibility of the billboard sign. (P)
6. The applicant shall obtain all necessary permits from the Sutter County Building Division and comply with all other local, state (Caltrans), and federal regulations that may apply to this application and permit. (B)
7. 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 of PG&E facilities or inside any PG&E easements that may exist within the project site. The contractor shall contact Underground Service Alert (U.S.A.) at least two working days prior to commencement of work. (PG&E)

Sincerely,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Letter submitted by applicant re: revised proposal
Exhibit B - Site Plan
Exhibit C - Revised sign elevation
Exhibit D - Photos of signs similar to those proposed
Exhibit E - Letter received from Yuba City Planning Dept.
Exhibit F - Previous staff report from June 5, 2002 meeting