

June 26, 2002

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Use Permit #02-12 to allow the expansion of a commercial agricultural trucking facility; AG (General Agricultural) District; located at 1425 South Township Road, Yuba City; A. P. #13-350-100; applicant - David F. Nickum/property owner - Robert B. Nickum Trust (Location: District 4 - Commissioner Bajwa)

Current Proposal

A. Project Description:

Section 1500-1412 of the Sutter County Zoning Code allows for truck yards, terminals and facilities devoted exclusively to the transportation of agricultural products. The applicant has received two previous use permit approvals for the existing commercial agricultural trucking facility on the subject property. The site is developed with a shop building, office, and outdoor storage area for the parking/storage of truck tractors and trailers. Currently, the applicant is permitted to store up to 25 truck tractors and 60 trailers on the subject property. With this application, the applicant requests approval to store up to 30 truck tractors and 120 trailers. No additional buildings and no changes to the existing hours of operation are proposed. For more information regarding the proposal, see the Supplemental Application Information submitted by the applicant and attached as Exhibit C.

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, would not have a significant impact on the environment. Staff therefore recommends the Commission adopt the attached Negative Declaration.

Background

A. Property Description

The subject site is 19.54 acres in size and is developed with a commercial agricultural trucking facility. Existing improvements on the property include an 8,234 square foot shop building, an office, and a diesel fuel storage tank with pumps.

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

	Use	Zoning	General Plan
Subject Property	Commercial agricultural trucking facility	AG	AG-80
North	Agricultural	AG	AG-80, AG-20
East	Agricultural	AG	AG-80
South	Residences	AG, RE	AG-80, ER
West	Agricultural	AG, A-2	AG-80

C. Previous Commission Action/Policies

In March 1995, the Planning Commission approved Use Permit No. #94-28 which allowed the applicant to establish a commercial agricultural trucking facility on the subject parcel. According to the staff report, the existing shop building was proposed to be used for truck maintenance and minor repairs. The applicant proposed to store 30 trailers and six truck tractors on-site.

In September 1997, the Planning Commission considered Use Permit #97-18 submitted by the applicant, proposing to expand the facility to allow the storage of 60 trailers and 25 truck tractors on the property. After considering testimony from five individuals that spoke in opposition to the project, the Commission voted 5-2 to deny the request based on potential impacts of traffic and noise. The applicant subsequently appealed the Commission's decision to the Board of Supervisors. On October 14, 1997, the Board approved Use Permit #97-18 on a 3-1 vote.

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 conditions attached to staff report.

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

See condition attached to staff report.

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

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

G. Planning (P):

The proposal will result in five additional truck tractors (from 25 to 30) and 60 additional trailers (from 60-120) being stored on the subject property over what is currently permitted. No additional buildings are proposed as part of this project. The applicant utilizes an office building for the business and a shop for maintenance and repair of trucks and trailers. Typically, the trailers are stored on-site for most of the year (approximately 9 months), then sent out to agricultural fields during the harvest season. The trailers normally stay out in the fields until the harvest season is over, then they are returned to the subject property.

Access to the subject property is provided by South Township Road. According to the Transportation and Circulation Element of the Sutter County General Plan, Background Report (1996), Township Road is classified as a Rural Arterial having two lanes, an average daily traffic count (ADT) of 860, and a Level of Service (LOS) A.

The applicant has provided estimates of average daily vehicle trips to and from the facility. According to these estimates, the average daily number of trips from January through August ranges from 50 - 70, and from 102-110 from September through December. The applicant has also indicated that employee personal vehicles constitute 55%-64% of these daily trips, depending on the season of the year. The applicant states that they will continue the practice of having trucks depart from the facility headed north on Township and enter the facility traveling south on Township to address potential traffic impacts on neighboring residents to the south. Trucks will then use Lincoln Road for east and west access, which also has a LOS A and has a lower ADT than Township Road. The applicant has previously indicated that trucks only occasionally need to depart heading south on Township to service rice accounts in the Oswald and O'Banion Road areas. Staff recommends that this traffic flow pattern be required as a condition of approval.

The applicant was granted original use permit approval for the facility in 1995 and received a second use permit approval to expand in 1997. During consideration of the proposed expansion in 1997, concerns regarding traffic generated by the use and the condition of Township Road were raised by neighboring property owners. In 1999, traffic counts were taken along Township Road and at this location, the daily traffic count was 1024. This increase from the traffic count of 860 referenced in the General Plan Background Report (1996) is not viewed as a significant

increase. Staff notes that a daily traffic count of 4,400 is necessary in order for a Rural Arterial such as Township Road to reach a LOS C. Since the previous approval in 1997, Public Works indicates that both lanes of Township Road were widened two feet, the road was resurfaced with a leveling course and overlay, and the shoulders were widened.

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

Conditions of the previous use permit approvals required that the driveway from Township Road to the shop/office building be improved with 6 inches of Class II aggregate base or 8 inches of Butte Rock and that the parking areas for employee vehicles, truck tractors, and trailers be improved with 2 inches of Class II aggregate base or Butte Rock. During a recent site inspection conducted by staff, it was noted that the majority of the parking and circulation areas are currently unsurfaced, packed dirt and that any gravel surfacing previously provided is relatively minimal on-site.

With this expansion, the applicant will utilize previous undeveloped area along the southern portion of the site as additional parking/storage area. In order to maintain the previous surfacing requirements and to address potential dust impacts from the increase in storage of trucks and trailers, staff is recommending a condition requiring that the driveway from Township Road and all truck and trailer circulation areas within the vicinity of the shop/office and fuel pumps be improved with 6 inches of Class II aggregate base or 8 inches of Butte Rock and that all existing and proposed new parking areas for employee vehicles, truck tractors, and trailers be improved with 2 inches of Class II aggregate base or Butte Rock. The applicant will be required to submit a site plan that specifically identifies the circulation and parking areas to be surfaced within 30 days of the effective date of approval and provide the required surfacing within 90 days. The required surfacing shall be maintained to prevent dust from leaving the site and creating a dust nuisance to adjacent properties. The applicant has indicated that a liquid biodegradable product will be applied to graveled areas once a year to reduce dust during the summer months.

With regard to aesthetics, existing trees planted along the east and west property lines and along portions of the north and south property lines provide some screening of the existing truck and trailer storage areas from Township Road and surrounding properties. In order to provide new employee parking area, the applicant is proposing to remove the existing walnut trees located at the front of the property on both the north and south sides of the driveway. The applicant also proposes to add cyclone fencing with decorative green slats and landscaping around the front of the property. As a condition of approval, the applicant will be required to submit a landscape and irrigation plan to the Planning Division for review and approval to provide for landscaping along the south and east sides of the property. The plan shall show the location of the proposed fencing in relation to the proposed landscaping. The landscaping and fencing shall provide for screening of the truck tractor and trailer storage area from S. Township Road, from the adjacent property to the south, and from the residential property adjacent to the northeast corner of the subject property. The landscape plan may include retention of existing walnut trees to assist in screening of the use. Said landscaping and fencing shall be provided prior to storage of any

additional truck tractors or trailers or removal of the existing walnut trees on the property, whichever occurs first. Also as a condition of approval and as proposed by the applicant, the parking area along the front (east side) of the property next to Township Road shall be for employee vehicles and not truck tractors or trailers.

The subject property is located in an area devoted primarily to agricultural uses. Adjacent to the northeast corner of the property is an approximate half acre parcel with a residence. Other residences are located to the south of the subject property. These residences have the potential to be impacted by new outdoor lighting that may be associated with the proposal. As a condition of approval, any new outdoor lighting associated with the project shall be installed so as not to shine on adjacent properties. If needed, shields shall be added to direct the light downward.

The subject property is zoned AG (General Agricultural) and is designated Agriculture, 80 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 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.

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 conditions of approval attached to the staff report required, staff believes the required findings can be made. Staff therefore recommends approval of Use Permit #02-12, subject to the attached findings and conditions of approval.

Recommended Findings

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

A. In accordance with the California Environmental Quality Act and the Guidelines, an Initial Study was prepared to analyze the potential impacts of the proposed tentative parcel map. The Study revealed that the project, as proposed, would not create an impact on the environment. There have been no comments provided demonstrating the project will have a significant effect on the environment. Therefore, the proposed Negative Declaration attached to this staff report is appropriate.

- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its decision on the project and finds that the Negative Declaration reflects the independent judgement of the County of Sutter.
- C. The proposed expansion to the existing 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 Policies 6.B-1 and 6.B-3 support and encourage these uses.
- D. Since conditions have been included to reduce potential impacts on the surrounding properties, the establishment, maintenance, and operation of the use will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Recommended Action

- A. Make the Findings for approval as recommended by staff.
- B. Adopt the proposed Negative Declaration prepared for the project and attached to this report.
- C. Approve Use Permit #02-12, subject to the following conditions:

At end of 10 day appeal period

- 1. 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)
- 2. Upon payment of the Notice of Determination filing fee, the applicant shall pay any outstanding balance in excess of the amount on deposit for processing the application. (P)

Within 30 days of approval

- 3. Within 30 days from the effective approval date, the applicant shall provide the Environmental Health Division with a site plan designating septic replacement area of at least 5,000 square feet in the location of soil testing. The replacement area shall be protected from vehicle traffic. (EH)
- 4. Within 30 days of the effective approval date, 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)

Township Road

42.0' R/W + 10.0' P.U.E.

5. Within 30 days of the effective approval date, the Hazardous Materials Business Plan on file shall be updated. (ES)
6. Within 30 days of the effective approval date, the applicant shall submit to the Sutter County Community Services Department, Planning Division, for review and approval a landscape and irrigation plan providing for landscaping along the south and east sides of the property. The plan shall show the location of the proposed chain link fencing with decorative green vinyl slats in relation to the proposed landscaping. The landscaping and fencing shall provide for screening of the truck tractor and trailer storage area from S. Township Road, from the adjacent property to the south, and from the residential property adjacent to the northeast corner of the subject property. The proposed landscaping may include retention of existing walnut trees to assist in screening of the use.

Said landscaping and fencing shall be provided prior to storage of any additional truck tractors or trailers or removal of the existing walnut trees on the property, whichever occurs first. (P)

7. Within 30 days of the effective approval date, the applicant shall submit a site plan to the Sutter County Community Services Department, Planning Division that specifically identifies circulation and parking areas to be surfaced as indicated below. The required surfacing shall be provided within 90 days of the effective approval date and shall be maintained to prevent dust from leaving the site and creating a dust nuisance to adjacent properties.

The driveway from Township Road and all truck and trailer circulation areas within the vicinity of the shop/office and fuel pumps shall be improved with 6 inches of Class II aggregate base or 8 inches of Butte Rock.

All existing and proposed new parking areas for employee vehicles, truck tractors, and trailers shall be improved with 2 inches of Class II aggregate base or Butte Rock. (P)

Within 90 days of approval

8. Within 90 days of the approval date, the applicant shall demonstrate that the water supply requirement for fire protection is met. The Sutter County Fire Services Division indicates that the required GPM flow is 1500 GPM per Section 903 of the 1997 Uniform Fire Code. (F)

On-going

9. All wastewater shall be disposed into the approved on-site sewage system. (EH)
10. 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)

11. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
12. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
13. Water supply shall be from the existing on-site well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
14. 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)
15. 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)
16. The use may not exceed the maximum number of employees allowable to exempt the facility from designation as a public water system (Not to exceed 25 employees for more than six months of the year.) (EH)
17. 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)
18. Fire department access roads shall be provided and maintained in accordance with Sections 901 and 902 of the Uniform Fire Code. (F)
19. 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. (PG&E)
20. Trucks departing from the facility shall exit traveling north on Township Road to Lincoln Road while trucks entering the facility shall travel south on Township Road from Lincoln Road. Trucks that need to occasionally service rice accounts in the Oswald and O'Banion Road areas shall be permitted to depart heading south on Township Road. (P)
21. The parking area along the front (east side) of the property next to Township Road shall be for employee vehicles and not for truck tractors or trailers. (P)
22. Any new outdoor lighting associated with the project shall be installed so as not to shine on adjacent properties. If needed, shields shall be added to direct the light downward. (P)
23. The conditions of this use permit shall supercede conditions of previously approved Use Permit #94-28 and Use Permit #97-18. (P)

24. 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,

THOMAS A. LAST
PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Supplemental Application Information
Exhibit D - Proposed Negative Declaration and Initial Study

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