

December 26, 2001

To: Sutter County Planning Commission

Re: Agenda Item #10: Public hearing on Use Permit #01-26 to allow a 3,600 square foot building for the storage of agricultural products for an existing agricultural supply business; AG (General Agricultural) District; located at 218 Pleasant Grove Road, Rio Oso; A. P. #28-030-001); applicant - Rich French/property owner - Bear River Supply, Inc. (Location: District 5 - Commissioner Shannon)

Current Proposal

A. Project Description

Section 1500-1412 of the Sutter County Zoning Code allows for retail commercial and service establishments that are primarily agriculturally related or supportive within the AG (General Agricultural) zone district with approval of a use permit. The applicant requests approval of a use permit to allow a 3,600 square foot metal building for the storage of agricultural products for an existing agricultural supply business. The Zoning Code does not require design review for proposed buildings within the AG zone district. The days and hours of operation for the business (Monday-Saturday, 7:00 AM to 5:00 PM) will not change as a result of the new building.

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 1.90 acres in size and is developed with an agricultural supply business. Existing improvements on the property include a 5,706 square foot warehouse, a 1,440 square foot office building, liquid storage, storage shed buildings, and truck scales.

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

	Use	Zoning	General Plan
Subject Property	Agricultural supply business	AG	AG-20
North	Commercial, fire station	AG, P	AG-20
East	Orchard, residence	AG	AG-20
South	Orchards, residences	AG	AG-20
West	Commercial market, orchards, residences	AG	AG-20

C. Previous Commission Action/Policies

In February 1990, the Planning Commission approved Use Permit No. 1629 to allow the same applicant a 720 square foot office addition to his existing agricultural chemical business. Historically, the Commission has approved other use permits for new or expansion of existing agriculturally related facilities in the AG zone district when those facilities are necessary to provide services to the surrounding agricultural community.

Staff Comments

A. Environmental Health (EH):

See Conditions 2-10.

B. Public Works Department (PW):

See Conditions 11-15.

C. Sutter County Emergency Services (ES)

See Condition 16.

D. Sutter County Fire Services (FS)

See Condition 17.

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

See Condition 18.

F. Planning (P):

The applicant proposes to add a 3,600 square foot metal building for the storage of agricultural products, including crop protection chemicals and fertilizers, for his existing agricultural supply business. The proposed building will be located on the southern portion of the property, approximately 28 feet north of the south property line which borders Bear River Drive and 34 feet east of the west property line which borders Pleasant Grove Road. The proposed building

meets the setback requirements of the AG zone district. A previous building used for storage, 36' x 60' (2,160 square feet) in size, was recently removed by the applicant from the project site to provide area for the proposed new storage building.

Section 1500-8112 of the Zoning Ordinance contains parking requirements based on the type of land use. For the 1,440 square foot office, a total of five spaces are required (1 space per 300 square feet). For the existing 5,706 square foot warehouse and two storage sheds that total 975 square feet, a total of four spaces are required (1 space per 2,000 square feet). For the proposed 3,600 square foot storage building, two additional spaces are required (1 per 2,000 square feet). Based on Zoning Ordinance requirements, a total of 11 parking spaces are required. The site plan submitted indicates a total of 22 parking spaces currently provided on-site. A site inspection conducted by staff revealed that these parking areas are surfaced either with asphalt concrete or gravel. Existing on-site parking is therefore adequate to serve the use, including the proposed new storage building.

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. The Emergency Services Division of the Sutter County Community Services Department has reviewed the request and commented that crop protection chemicals and fertilizers are considered hazardous materials. As a condition of approval and prior to issuance of final occupancy for the proposed storage building, the Hazardous Materials Business Plan on file for the business will be required to be updated. In addition, the Environmental Health Division is recommending a condition prohibiting 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.

The subject property is located in an area devoted primarily to agricultural uses. During a site inspection, staff noted that there are residences located at the southwest corner of Pleasant Grove Road and Bear River Drive and to the east of the subject parcel. Due to their relative proximity to the project site, these residences have the potential to be impacted by new outdoor lighting that may be associated with the proposed new building. 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, 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 conditions of approval attached to the staff report required, staff believes the required findings can be made. Staff therefore recommends approval of Use Permit #01-26, 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 Policy 6.B-3 supports and encourages 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 #01-26, subject to the following conditions:

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. 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)
3. All wastewater shall be disposed into the approved on-site sewage system. (EH)
4. 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)
5. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
6. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
7. Water supply shall be from the existing private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
8. 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)
9. 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)
10. 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)
11. 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)
12. 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)
13. 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)

14. A FEMA Flood Zone Certificate (Development Permit) is required for all structures built in the flood plain. (PW)
15. 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)

Bear River Drive	30.0' R/W + 10.0' P.U.E.
Pleasant Grove Road	42.0' R/W + 10.0' P.U.E.
16. The Emergency Services Division of the Sutter County Community Services Department has noted that crop protection chemicals and fertilizers are considered hazardous materials. Prior to issuance of final occupancy for the proposed storage building, the Hazardous Materials Business Plan on file shall be updated. (ES)
17. An approved water supply for fire protection shall be provided (Section 903, Uniform Fire Code). (F)
18. 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)
19. 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)
20. 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 - Proposed Negative Declaration and Initial Study

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