

February 27, 2002

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Use Permit #02-02 to allow the addition of a 600 gallon above ground diesel storage tank to an existing Pacific Bell telephone substation; R-1 (One-Family Residence) District; located at 16321 D Street, Meridian; A. P. #13-051-004); applicant/property owner – Pacific Bell (Location: District 3 - Commissioner Barringer)

### **Current Proposal**

#### A. Project Description:

The applicant proposes to replace an existing 500 gallon underground diesel storage tank with a new, 600 gallon above ground diesel storage tank located at an existing unmanned telephone substation that routes telephone calls. The tank is used to store fuel to power a back-up generator in the event of a power failure. Section 1500-8011 of the Zoning Code requires that a use permit be obtained for improvements related to public utilities located within residential zone districts. There is no record of a use permit for the existing facility as it was constructed prior to the current use permit requirement. This use permit will address both the proposed above ground storage tank as well as recognize the existing telephone substation to comply with current Zoning Code requirements.

#### 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 parcel is 7,000 square feet in size, located within the rural community of Meridian, and is developed with a Pacific Bell substation. Existing improvements on the property include an approximate 1,070 square foot building, a generator, and area paved with asphalt concrete.

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

	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
<b>Subject Property</b>	Pacific Bell substation	R-1	Estates Residential (ER)
North	Residential	R-1	Estates Residential (ER)
East	Residential	R-1, R-4	Estates Residential (ER), High Density Residential (HDR)
South	Residential, orchards	AG	Agriculture-Rural Community (AG-RC)
West	Vacant, residential	R-1	Estates Residential (ER)

C. Previous Commission Action/Policies:

There is no record of any previous Commission actions on the subject property.

**Staff Comments**

A. Environmental Health (EH):

See Conditions 3 & 4.

B. Public Works Department (PW):

See Conditions 5-7.

C. Sutter County Emergency Services (ES)

See Condition 8.

D. Sutter County Fire Services (F)

See Condition 9.

E. Sutter County Sheriff/Coroner (S/C)

The Sheriff/Coroner responded the project would not impact services provided by their department.

F. Planning (P):

The proposed diesel storage tank will be located north of the existing building on the property, next to the existing generator. The tank will be installed within an 8.5' by 14' containment area located 13' from the west property line, 22' from the east property line, and approximately 50' from the north property line. The tank is rectangular in shape, 4.58' in width, 7.67' in length, and approximately 4 feet in height. A small staircase will be located along the east side of the tank to allow access to the top for filling of the tank. For more information on the tank location and appearance, see the site plan and elevations attached as Exhibits B & C.

The existing substation facility is unmanned and according to the applicant is visited by service technicians at least once a week. With the addition of the storage tank, no additional traffic will be generated. There is adequate parking area available on both the south and north sides of the building to accommodate a vehicle from the occasional visits made to the site.

The subject property is located in a residential area within the rural community of Meridian. 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. During a site inspection, staff noted that there are a number of residences within the vicinity of the subject parcel. The addition of an above ground diesel storage tank has the potential to create impacts related to release of hazardous materials (diesel fuel) and risk of explosion. Based on these concerns, staff requested that the applicant provide additional information with regard to the construction and safety of the proposed tank.

The applicant indicates that the only removable portion of the tank is the locking cap over the fill port. After diesel fuel is dispensed into the tank by the delivery driver, the cap will be locked to prohibit unauthorized access. Based on information provided by the applicant, the proposed "vault" tank has a 2 hour fire rating that exceeds all requirements of The National Fire Protection Association for "fire resistant" tanks and meets the requirements of The Uniform Fire Code for "protected" above ground tanks. The tank is listed in accordance with Underwriters Laboratories, contains steel inner and outer tanks, is resistant to bullet penetration, and will have anchored tie downs to meet seismic requirements. Guard posts will be installed around the tank for safety to prevent vehicles from colliding into the tank. The applicant indicates that the site will be visited at least once a week by service technicians. As a condition of approval, the project will be required to comply with the requirements of the Uniform Building Code, Uniform Fire Code, and California Fire Code. For further details on the tank, see attached Exhibit D.

The Sutter County Environmental Health Division has reviewed the project and commented that 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. In addition, all

activities must comply with State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. In addition, the Hazardous Materials Business Plan on file for the property will be required to be updated. These requirements will be addressed as conditions of approval.

Residences in proximity to the project site have the potential to be impacted by new outdoor lighting that may be associated with the proposed improvements. 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. To address concerns with regard to aesthetics, staff is recommending a condition requiring that the proposed diesel storage tank and staircase be painted a color similar to that of the existing building on the property.

The subject property is zoned R-1 (One-Family Residence) and is designated Estates Residential (ER) by the Sutter County General Plan. In reviewing a use permit request, the proposed use must be found to be consistent with the General Plan. The General Plan lists necessary public utility and safety facilities as secondary uses under the Estates Residential designation. The proposal involves replacing an underground diesel storage tank with an above ground tank, and will not change the intensity of the existing use. The project is consistent with the following General Plan goal contained in the Public Facilities and Services section:

Goal 3.A To properly serve the residents and developments with efficient public facilities, utilities, and services.

The proposal is consistent with the General Plan.

Based on the consistency 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 #02-02, 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 use permit. 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 project is consistent with the policies and goals of the Sutter County General Plan.
- 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 #02-02, 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. Development shall be in accordance with the site plan and detail drawings submitted and approved by the Planning Commission. (P)
  - 3. 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)
  - 4. 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)
  - 5. 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)
  - 6. 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)
  - 7. 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)

8. Prior to issuance of a final for the diesel storage tank building permit, the Hazardous Materials Business Plan on file shall be updated. (ES)
9. Installation of the diesel storage tank shall comply with the 1997 Uniform Fire Code and the 1998 California Fire Code, Articles 52 & 79. (F)
10. The proposed diesel storage tank and staircase shall be painted a color similar to that of the existing building on the property. (P)
11. 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)
12. The applicant shall provide evidence to the Sutter County Community Services Department that all applicable permits and requirements from the County Agricultural Commission's office have been obtained and met for the removal of the existing 500 gallon underground diesel storage tank. (P)
13. The site shall be maintained in a clean condition and kept free of weeds, garbage, debris, and junk. (P)
14. 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 - Elevations of proposed diesel storage tank  
Exhibit D - Background information provided by the applicant  
Exhibit E - Proposed Negative Declaration and Initial Study

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