

May 29, 2002

To: Sutter County Planning Commission

Re: Agenda item #14: Public hearing on Use Permit #02-09 to allow the construction and operation of a bulk landscape materials yard; C-M (Commercial-Industrial) District; located at 1235 Oswald Road (northeast corner of the intersection with Highway 99), Yuba City; A. P. #23-072-023; applicant/property owner - Richards Tree Service, Inc. (Location: District 5 - Commissioner Shannon).

### **Current Proposal**

#### A. Project Description:

The applicant requests use permit approval for the expansion of an existing tree service and wood-chip processing facility to include the construction and operation of a bulk landscape materials yard on the southern portion of an approximately 11.9-acre site. The project proposes utilizing the existing tree-service office building and parking area, and will only require the construction of internal roads, concrete storage bins to segregate the materials, and loading/load wet-down areas. The project also incorporates an existing approved caretaker mobile home into the use permit.

In a related item by a different applicant, the Planning Commission is also considering Use Permit #01-22 and Variance #02-03 applications that propose establishing two externally-illuminated off-site billboard signs along the site's Highway 99 frontage.

#### B. Environmental Consideration:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the CEQA guidelines. The study revealed that the project as proposed would not have a significant impact on the environment. Therefore, a Negative Declaration has been recommended.

## **Background**

### A. Property Description:

The property consists of 11.89 acres, with an existing tree service and wood-chip processing facility occupying the northern 3.9 acres of the parcel. The proposed materials yard will occupy the southern portion of the parcel, which had previously been used as a strawberry farm. The parcel has approximately 320 feet of frontage along Oswald Road and is 1,330 feet deep. The western property line runs along the Highway 99 right-of-way. Structures on this parcel include a combination office/warehouse facility that houses the existing tree service operation, and a caretaker mobile home in the southeast corner of the parcel.

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

<b>Property</b>	<b>Use</b>	<b>Zoning</b>	<b>General Plan</b>
<b>Subject Property</b>	<b>Commercial</b>	<b>C-M</b>	<b>IND</b>
North	Agricultural	AG	AG-20
East	Agricultural	AG	AG-20
South	Commercial/Rural Residences	C-2	COM
West	Agricultural	AG	AG-20

### C. Previous Commission Actions and Policies:

On October 18, 1989 your Commission approved Use permit #1608, which allowed the establishment of a commercial agricultural equipment repair, maintenance and storage facility.

On November 6, 1991 your Commission approved Use Permit #91-18 for a tree-trimming service, which now operates on the subject parcel. The Board of Supervisors considered revocation of this use permit in March, 1994 due to a lack of compliance with Conditions of Approval requiring landscape screening, maintenance of the site in a neat and orderly fashion, and accessway improvements. The Board directed the (previous) owner to apply for a revised use permit, see Use Permit #94-21 below.

On December 7, 1994 your commission approved Use Permit #94-21, which allowed the existing tree service to establish a wood-chip processing facility on approximately 60,000 square-feet of the far northern part of the property, and clarified Conditions of Approval regarding landscape screening and other site improvements.

On October 15, 1997 your Commission recommended that the Board of Supervisors approve Rezoning #97-04, which, in part, rezoned the parcel to C-M in order to achieve consistency with the General Plan designation of IND (Industrial).

On July 1, 1998 your Commission approved Tentative Parcel Map #98-07 to subdivide the subject parcel into four separate parcels ranging in size from 1.44- to 6.51-acres. On July 18, 2001, your Commission granted an extension of time, to July 1, 2004, for filing the final map for the subdivision of property proposed by Tentative Parcel Map #98-07.

### **Staff Comments**

A. Environmental Health (EH):

See Conditions #8-17.

B. Public Works (PW):

See Conditions #18-21.

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

The Office of the Sheriff/Coroner responded with no anticipated impact on their services.

D. Fire Services (FS):

Fire Services responded with comments that the increase in landscaping materials will create an increased fuel load, and that an upgrade to the on-site water supply will be required. See Condition #22.

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

P.G.&E. responded with comments that any relocation or rearrangement of existing PG&E facilities will be at the developers/applicants expense, and that there shall be no building of structures allowed under or over any PG&E facilities or easements that may exist within the subject property.

F. Planning (P):

The proposed bulk landscape materials yard is a use permitted-by-right in the C-M District under the category, "Nursery, garden and landscaping supply and services." However, the applicant has applied for a use permit in order to consolidate the existing and proposed uses on the site. The project proposes utilizing existing employees, equipment, trash-collection area and office and parking space of the existing tree service operation, and thus will not require new structures or parking improvements. Construction as proposed is limited to internal aggregate-surfaced roads and concrete materials bins not over 48", and thus will not require building permits or a formal design review application. Nonetheless, as a project in the Commercial-Industrial District, the application is subject to Commercial & Industrial Design Standards and Guidelines contained in the Sutter County Design Guidelines.

Section 3.1.6 Guideline states: “Where parking areas, material storage areas, delivery areas and other utility areas of a project may be visible to the street frontages use screen plantings of landscaping, walls or fences, earth berms or other screens to conceal these areas.” Since the character of the proposed expansion is defined by material storage and delivery areas, a Condition of Approval has been incorporated to augment existing screening along the Highway 99 and Oswald Road frontages. The existing screening consists of crape myrtle trees planted on 30’ centers, which will not provide the required concealment at maturity. In addition, the crape myrtles are deciduous and provide no effective screening during the dormant season.

The use is consistent with the General Plan land use designation of IND (Industrial), which is intended to allow “...bulk handling of products, storage, [and]...heavy trucking...” and to require industries to operate “...in designated areas and minimize the external effect of traffic congestion, noise, glare, air pollution, fire and safety hazards on adjoining districts.” The attached draft Initial Study revealed that the project will have less-than-significant impacts in these areas.

Based on the above discussion, staff concludes that the proposal meets the applicable development and siting standards as defined in the Zoning Code and is consistent with the General Plan. Staff therefore recommends approval of the use permit with the following findings, actions and conditions:

### **Recommended Findings**

Based upon 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 construction and operation of a bulk landscape materials yard on the subject property. The study revealed that the project as proposed will not create a negative impact on the environment. No written comments have been provided that present evidence that the project will have a significant impact 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 judgment of the County of Sutter.
- C. The establishment, maintenance and operation of the proposed bulk landscape materials yard will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property or to any improvements in the neighborhood or to the general welfare of the County.

## **Recommended Action**

- A. Conduct a public hearing.
- B. Make the findings as recommended by staff.
- C. Adopt the proposed Negative Declaration attached to the Planning Commission report.
- D. Approve Use Permit No. 02-09, 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 date that the project approval becomes final. (P)
  - 2. Upon payment of the Notice of Determination, the applicant/developer shall pay any outstanding balance in excess of the amount deposited for processing the use permit application. (P)
  - 3. Prior to the issuance of the use permit, the applicant shall obtain all other permits required by any local, state or federal agency for any structure or aspect of use on the property. (P)
  - 4. The property shall be developed in substantial accord with the submitted site plan and the agenda report, except as may be amended by the conditions below. (P)
  - 5. The property shall be maintained in a neat and orderly fashion, free of debris, weeds, salvage materials and unused equipment. (P)
  - 6. Prior to the issuance of the use permit, the applicant shall install evergreen trees at 30-feet on-center, in line with and between the existing crape myrtles planted along the Highway 99 and Oswald Road frontages. The trees shall be of 15-gallon size, shall be of one species, and shall be either *Lauris nobilis* (Grecian laurel) or *Quercus ilex* (Holly oak) or similar medium-height evergreen, subject to the approval of the Planning Division. (P)
  - 7. The applicant shall ensure that drip irrigation is supplied to all new and existing screening landscaping along the Highway 99 and Oswald Road frontages. (P)
  - 8. Prior to issuance of the use permit, 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)
  - 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 (EH).
13. Water supply shall be from private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)
14. 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)
15. 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)
16. Stormwater shall be retained on the existing property. (EH)
17. 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)
18. 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)
19. 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)
20. 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)
21. 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)

Oswald Road                      30.0' R/W + 10.0' P.U.E.

22. The applicant shall upgrade the on-site water supply system to provide a minimum of 1,000 gallons per minute as per the Uniform Fire Code. (FS)

Sincerely,

THOMAS A. LAST  
PLANNING DIVISION CHIEF

William J. Caplinger  
Assistant Planner

Attachments: Exhibit A - Study Sketch  
Exhibit B - Site Plan  
Exhibit C – Negative Declaration & Initial Study

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