

October 30, 2002

To: Sutter County Planning Commission

Re: Agenda Item #7: Public hearing on Use Permit #02-16 to allow two additional buildings, allow a change in the use of four existing buildings, allow other related improvements, and amend a condition of the previous use permit approval (Use Permit #93-23) for an existing school bus transportation facility; AG (General Agricultural) District; located at 1512 Stewart Road, Yuba City; A. P. #23-051-043; applicant/property owner - Yuba City Unified School District (Location: District 5 - Commissioner Shannon).

Current Proposal

A. Project Description:

This application contains multiple requests. The applicant requests approval of a 24' by 48' (1,152 square feet) maintenance office and a 40' by 60' (2,400 square feet) agricultural shop and bulk storage building. Both buildings are existing on the property but were not addressed under the previous use permit approval. The applicant also requests approval to allow changes in the use of four of the existing buildings. As part of the facility's conversion from diesel fuel to compressed natural gas (CNG), the applicant also requests approval of up to eight (8) additional CNG dispensers to be located along the west edge of the facility and an additional CNG compressor to be located within an existing shelter building located at the northwest corner of the facility. The applicant is also requesting the removal of an existing use permit condition which places a three (3) year approval time period, subject to extension, on the existing use permit.

The facility operates Monday through Friday, from 5:45 AM to 7:00 PM, with some occasional weekend use. The facility has 47 employees (22 that are full time, 25 that are part time). Between September and May, an average of 200 vehicle trips per day (including both bus and employee vehicles) are generated by the use. The peak times for vehicles entering and leaving the facility are from 6:30 AM to 8:30 AM and from 2:30 PM to 4:00 PM. During the months of June through August, the facility generates only about 1/3 of the normal traffic typically generated between September and May.

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 10.70 acres in size. The east four acres of the property are developed with a school bus transportation facility. Existing improvements include an 80' by 100' shop building, a 27' by 44' office, compressed natural gas (CNG) facilities including a compressor and dispensers, and various other accessory buildings used for office and storage area. The remaining 6.7 acres on the west portion of the property is planted in orchard.

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

| | Use | Zoning | General Plan |
|-------------------------|-----------------------------------|---------------|---------------------|
| Subject Property | School bus facility, orchard | AG | AG-20 |
| North | Agricultural (orchard), residence | AG | AG-20 |
| East | Well drilling business, residence | AG | AG-20 |
| South | Orchard, residences | AG | AG-20 |
| West | Orchard, residences | AG | AG-20 |

C. Previous Commission Action/Policies:

In 1972, a mobile home permit was issued for an agricultural use of the property and a trucking operation. In 1975, a use permit was granted for the trucking business which included the mobile home as an existing unit. This mobile home was used as an office.

In 1988, Use Permit #1514 was approved for a mobile home to be occupied by a caretaker/watchman and a mobile home to be used as a business office. In 1989, Use Permit #1581 was approved which permitted construction of a new primary residence and consideration of the caretaker/watchman mobile home as a secondary dwelling unit.

On February 2, 1994, the Planning Commission approved Use Permit No. 93-23 to allow the conversion of the existing truck terminal facility to a school bus transportation facility.

Staff Comments

A. Environmental Health (EH):

See attached conditions.

B. Public Works Department (PW):

See attached conditions.

C. Sutter County Emergency Services (ES):

See Condition #3.

D. 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.

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

See Condition #16

F. Planning (P):

This application is intended to address both inconsistencies between what was previously approved by use permit and what currently exists on the property and to accommodate anticipated future growth of the facility. The two “new” buildings on the property consist of a maintenance office and a shop and storage building. These buildings are located on the rear half of the property and are accessory to the existing use. Buildings that have changed in their use include a garage/drivers lounge being changed to a maintenance lounge/storage building, a storage building changed to a maintenance shop, a portable office changed to a drivers lounge, and a residential mobile home changed to an office. The Sutter County Building Division has reviewed the project and commented that the mobile home converted to the office will need to be recertified by the State of California for a commercial office and will need to meet access requirements contained in the California Building Code. The Building Division has also commented that the portable office converted to the drivers lounge will also need to be made accessible according to the California Building Code. These requirements will be addressed as a condition of approval.

The Sutter County Zoning Code contains parking requirements based on the type of land use. Staff has totaled the facility’s amount of building area devoted to office and that devoted to shop/storage/warehouse use. Based on this analysis, staff has determined that a total of 25 parking spaces are required for the use. Staff has reviewed the site plan provided by the applicant and confirmed by a site inspection that there is adequate on-site area available to meet the parking requirement.

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 the applicant will be required to amend the existing Hazardous Materials Business Plan on file. 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. Also, 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. The applicant will also be required to obtain a permit to operate a public water system from the California State Department of Health Services, Division of Drinking Water & Environmental Management.

Another recommended condition of approval is a requirement that any new outdoor lighting associated with the project be installed so as not to shine on adjacent properties. This requirement would apply to new lighting that may be added for the additional CNG dispensers along the west side of the facility. Also as a condition of approval, the site will be required to be maintained in a neat and orderly fashion, free of debris, salvage material and/or junk. A condition is also recommended requiring that the facility be maintained so that vehicle traffic does not create significant amounts of dust leaving the property. If necessary, water or another dust palliative will be required to be applied to parking and circulation areas to control dust.

The subject property is zoned AG (General Agricultural) and is designated Agriculture, 20 acre minimum, by the Sutter County General Plan. Approximately four acres of the property are developed with the school bus facility, while 6.7 acres remain planted in orchard. The existing facility was previously determined to be consistent with the Agriculture land use designation by the General Plan. With approval of this application, the bus facility yard will not expand in size beyond its existing area and the orchard is intended to remain. The proposal is therefore consistent with the Sutter County General Plan.

The previous use permit approval (UP #93-23) for the facility contained a condition that placed a three year time limit on the permit. This condition allowed for the applicant to apply for a time extension at the end of the three year period. Based on the minutes of the Planning Commission hearing, this condition was likely added to ensure that possible future conflicts with surrounding agricultural operations would be avoided. Staff is not aware of any complaints received from neighboring properties with regard to the use. The school bus facility has been in operation for several years and the applicant is planning on expanding the facilities for compressed natural gas. Staff is therefore recommending that the previous condition placing a three year time limit on the permit be removed.

The Zoning Code requires that use permits typically be activated within one year of the approval. Due to the fact that most of the changes proposed for the facility already exist, staff would

consider the use permit activated once conditions required to be completed within 90 days are complied with. For the planned future improvements (i.e. additional CNG dispensers and CNG compressor), staff would note that as per the Zoning Code, the applicant will need to install these within three years of the approval date or file an extension with the Community Services Department.

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 #02-16, 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 existing school bus facility was previously determined by the Planning Commission to be consistent with the Agriculture land use designation by the General Plan. The proposed project will permit additional buildings related to the use and additional improvements. The improvements will not expand the existing facility beyond the area it currently occupies on the parcel. The majority of the parcel (6.7 acres) will remain in agricultural use (orchard). The proposal is therefore consistent with 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 #02-16, 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. The applicant shall update the existing Hazardous Materials Business Plan on file with the Sutter County Emergency Services. (ES)

Within 90 days of approval

- 4. The mobile home converted to the transportation office shall be recertified by the State of California HCD for use as a commercial office. The transportation office shall meet the access requirements as contained in the 1998 California Building Code, Chapter 11. (B)
- 5. The portable office converted to the drivers lounge shall be made accessible per the 1998 California Building Code. (B)
- 6. 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)

Stewart Road 24.0' R/W + 10.0' P.U.E.

- 7. The applicant shall obtain a permit to operate a public water system from the California State Department of Health Services, Division of Drinking Water & Environmental Management. (EH)

On-going

8. 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)
9. 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)
10. All wastewater shall be disposed into the approved on-site sewage system. (EH)
11. 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)
12. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited unless the system is designated for such disposal. (EH)
13. 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)
14. 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)
15. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
16. 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)
17. 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)
18. The site shall be maintained in a neat and orderly fashion, free of debris, salvage material and/or junk. (P)
19. The facility shall be maintained so that bus and employee vehicle traffic does not create significant amounts of dust leaving the property. If necessary, water or another dust palliative shall be applied to parking and circulation areas to control dust. (P)

20. Upon compliance with Conditions #1-7, Use Permit #02-16 shall be considered activated. In accordance with Section 1500-8217 of the Zoning Code, all proposed improvements (i.e. CNG dispensers and compressor) shall be installed within three (3) years of the approval date, unless an extension is filed and granted in accordance with the Sutter County Zoning Code. (P)
21. This approval shall supercede the conditions of previously approved Use Permit #93-23 and Use Permit #1514.

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
Exhibit D - Use Permit #93-23 Conditions of Approval
Exhibit E - February 2, 1994 Planning Commission meeting minutes

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