

July 31, 2002

To: Sutter County Planning Commission

Re: Agenda Item #8: Public hearing on Use Permit #02-18 to allow the addition of 600 square feet to an existing 2,400 square foot market, relocation and adding new fueling pumps, and developing new access and parking, including a new area for truck and RV parking; AG (General Agriculture) District; located at 1281 O'Banion Road, Yuba City; A. P. #23-300-146 & -147; applicant - Shaminder Dhani/property owners - Sohan S. & Darshan K. Dhani (Location: District 5 - Commissioner Shannon)

### **Current Proposal**

A. Project Description:

The applicant requests use permit approval for the expansion of an existing 2,400 square-foot mini-mart to include the addition of 600 square feet of floor space, the addition of one new fueling pump, the relocation of existing fueling pumps, and the construction of a new truck and recreational vehicle parking area. The project was initiated when Caltrans informed the applicant of its intent to claim a large portion of the Highway 99 frontage, which requires the Dhamis to relocate the store entrance and fueling pumps to the east side of the existing mini-mart.

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 two parcels, respectively 1.33- and 8.21 acres, with the existing mini-mart occupying the smaller parcel. The western property line runs along the Highway 99 right-of-way,

and the overall square-shaped property has approximately 660 feet of frontage along both Highway 99 and O'Banion Road. The only structure on the property is the existing mini-mart.

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>AG</b>	<b>AG-20</b>
North	Agricultural, rural residential	AG	AG-20
East	Agricultural, rural residential	AG	AG-20
South	Agriculture	AG	AG-20
West	Agricultural, rural residential	AG	AG-20

C. Previous Commission Actions and Policies:

In 1988, your Commission denied a request for use permit approval to establish a mini-mart at this location. The Board of Supervisors approved the application upon appeal, but the permit was not activated within the one-year time period and the permit became null and void.

On April 6, 1994 your Commission approved Use Permit #94-02 for the existing mini-mart and fueling pumps.

On June 5, 1996 your commission denied Use Permit #96-07, which requested approval for a double-sided internally-illuminated on-site monument sign that exceeded the maximum size allowed for detached on-site signs. On July 9, 1996 the Board of Supervisors approved the application on appeal.

**Staff Comments**

A. Environmental Health (EH):

See Conditions #7-16.

B. Public Works (PW):

See Conditions #17-20.

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):

See Condition #21.

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

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

F. Planning (P):

See Conditions #1-6.

Although the current use is authorized by an existing use permit (UP #94-02), the Planning Division determined that a use permit amendment, limited to a 10% change in use, was not the appropriate application since the proposed expansion involved a 14% increase in parking demand, a 25% increase in floor area of the market, a 33% increase in the number of employees and more than a 400% increase in the outdoor use area.

The store entrance and main parking area for the existing 2,400 square-foot mini-mart are on the west side of the market, adjacent to the existing Caltrans Highway 99 right-of-way. The two existing fuel pumps are located on the south side of the building adjacent to the O'Banion Road right-of-way. In preparation for the expansion of Highway 99, Caltrans has purchased approximately 50 feet of additional right-of-way, which will require the relocation of the parking lot, store entrance and fuel pumps to the east side of the building. Two underground storage tanks with 22,000 gallons of capacity will remain in their present location, approximately 20 feet north of the O'Banion Road right-of-way line. The applicant proposes augmenting the relocation work by adding one additional fuel pump, with a satellite pump to accommodate dual-sided fueling, and a 600 square-foot addition to the west side of the market building.

The applicant also proposes a new RV/truck-parking pavement area of approximately 23,000 square feet to be constructed north of the remodeled market. In the center of this parking area will be an oval-shaped landscaped area of approximately 4,500 square feet. Consistent with conditions of approval for the original use permit (UP #94-02), the applicant will be required to provide landscaping in accordance with standards for the Yuba City urban area, addressed under the "Yuba City Sphere of Influence" standards in the Sutter County Zoning Code Sections 1500-8022(i)(1),(3)(A)(B),(4)(A)(C)(D)(E)(F), (5)(B)(C)&(6) .

In order to fit the entire project within one parcel, the applicant has received approval of a lot line adjustment application that abolishes the existing internal property lines of A. P. #23-300-146 and #23-300-147, creating an approximately 6.45-acre parcel for the expanded mini-mart and creating an approximately 1.6-acre homesite parcel in the southeast corner of the subject property.

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 mini-mart expansion. 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 judgement of the County of Sutter.
- C. The expansion and operation of the mini mart 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. 02-18, 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. 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)
  - 4. The property shall be maintained in a neat and orderly fashion, free of debris, weeds, salvage materials and unused equipment. (P)

Prior to the Issuance of the Building Permit:

5. Prior to the issuance of the building 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)
6. Prior to the issuance of the building permit, the applicant shall submit a detailed landscape plan, subject to the approval of the Planning Division, that indicates compliance with the landscape standards outlined in Sutter County Zoning Code sections 1500-8022(i)(1),(3)(A)(B),(4)(A)(C)(D)(E)(F),(5)(B)(C)&(6). (P)
7. Prior to the issuance of the building permit, the lot line adjustment must be recorded to provide sufficient sewage disposal area for the proposed facility expansion. (EH)
8. Prior to issuance of the building permit, the existing well on A.P. #23-300-147 must be destroyed in accordance with Sutter County Environmental Health regulations and Department of Water Resources Bulletin 74-81. The applicant shall obtain a well destruction permit from Sutter County Environmental Health prior to the commencement of this work. (EH)
9. Prior to the issuance of the building permit, an authorized professional must submit a design for a non-residential on-site sewage system that meets Sutter County regulations and will adequately serve the expanded facility. (EH)
10. Prior to issuance of a building permit, the applicant must submit complete construction plans and specifications for the expanded food facility pursuant to the requirements of the California Uniform Retail Food Facility Law. (EH)

Ongoing:

11. All sewage shall be disposed into the approved on-site sewage system. (EH)
12. 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)
13. The discharge of fuels, oils, other petroleum products, chemicals or hazardous materials into the on-site sewage disposal system is prohibited. (EH)
14. Water supply shall be from a transient noncommunity water system on-site and comply with all Sutter County Environmental Health requirements for the use intended. Upon relocation of the transient noncommunity water supply well, the applicant must obtain a permit from the Environmental Health Division. (EH)
15. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental health regulations. (EH).

16. 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)
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. 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)
19. 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. 92-24. (PW)
20. 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)  

O'Banion Road	33.0' R/W + 10.0' P.U.E.
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21. All building and construction shall be in compliance with the 1997 Uniform Fire Code (UFC) Article 9 and Article 52--Motor Vehicle Fuel-Dispensing Stations. (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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