

September 25, 2002

To: Sutter County Planning Commission

Re: Agenda Item #8: Public hearing on Use Permit #02-22 to allow a 6,600 square foot storage building for an existing auto repair business; AG (General Agricultural) District; located at 20770 State Highway 113, south of the unincorporated community of Robbins, A. P. #34-020-005; applicant - Fred Broesch/property owners - Fred Broesch, et al (Location: District 5 - Commissioner Shannon).

Current Proposal

A. Project Description:

The applicant requests approval of a use permit to allow a 6,600 square foot metal storage building for his existing auto repair business. The building will be used to store vehicles. The Zoning Code does not require design review for proposed buildings within the AG zone district. The days and hours of the auto repair business are Monday-Friday, 7:30 AM to 4:30 PM. No changes to the hours of operation or number of employees are proposed with the addition of this 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 7.33 acres in size and is developed with an auto repair business. Existing improvements include four buildings that are each 50' by 100' (5,000 square feet) in size, a 40' by 100' building (4,000 square feet), a 50' by 50' building (2,500 square feet), and a 14' by 60' (840 square feet) mobile home for a caretaker.

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

	Use	Zoning	General Plan
Subject Property	Auto repair business	AG	AG-20
North	Agricultural	AG	AG-20
East	Commercial (dog training)	AG	AG-20, AG-80
South	Agricultural	AG	AG-20
West	Orchard	AG	AG-20

C. Previous Commission Action/Policies

In 1985, the Planning Commission approved Use Permit No. 1361 to allow the applicant an automobile and small truck repair shop and caretaker mobile home within the AG (General Agricultural) zone district. At the meeting, the Commission engaged in considerable discussion as to if the proposed business was allowed in the AG zone district (See the Planning Commission minutes from that meeting, attached as Exhibit E). Staff had recommended denial of the use permit, stating that since the request was for repair of regular vehicles and not agricultural machinery or equipment, it was not permitted by the Zoning Code. In approving the project, the Commission found that the subject property is in a unique location which assures a high percentage of the business will be agriculturally related. The Commission also found that the site's distance from other repair facilities creates a hardship in the area. Finally, the Commission noted that the type of vehicles to be repaired at the facility would be largely used for agricultural endeavors (i.e. pickup trucks, flatbed trucks or any other vehicles that could be used on a farm).

In 1988, the applicant submitted Use Permit No. 1558 to allow additional storage space to the facility. In the staff report to the Commission, staff stated that they still had concerns as to permitting this type of intensive commercial use in an agricultural zone district. Again, considerable discussion followed with regard to the use and whether or not the proposed expansion should be allowed (See Planning Commission minutes from December 21, 1988, attached as Exhibit F). The Commission voted unanimously to deny the use permit.

The applicant subsequently appealed to the Board of Supervisors. On January 25, 1989, the Board approved Use Permit No. 1558 on a unanimous vote.

Staff Comments

A. Environmental Health (EH):

See Conditions #8-#10.

B. Public Works Department (PW):

See Conditions #4, #6, & #7.

C. Sutter County Emergency Services (ES)

See Condition #5

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 #11

F. Planning (P):

The proposed building will be similar in style and color to the existing buildings on the property and will be located 70 feet behind (east of) the existing buildings and 40 feet north of the south property line. The proposed building site is currently gravel surfaced.

Section 1500-8112 of the Zoning Code contains parking requirements based on the type of land use. The site currently is developed with 26,500 square feet of building area. With the addition of the proposed building, the total building area will be 33,100 square feet. Most of this area is devoted to use as auto shop and storage space, with some area in the front buildings used for sales of auto parts. The applicant indicates that approximately 400 square feet is used as office. The Zoning Code requires one parking space for each 2,000 square feet of floor area for warehouse and storage and one space for each 300 square feet for business office. Based on Zoning Code requirements, a total of 19 parking spaces are required. Staff conducted a site inspection of the property and noted that there are approximately 12 existing paved parking spaces provided next to the front building and area for at least 10 gravel surfaced spaces at the front of the property facing Highway 113, for a total of 22 spaces. Additional parking area for employees is also available behind the front building. Staff therefore believes that the existing on-site parking is 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 a California EPA ID number is required for hazardous wastes. Prior to issuance of final occupancy for the proposed storage building, the applicant will be required to submit a Hazardous Materials Business Plan to the Emergency Services Division or amend the existing Plan, if one has previously been filed. 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.

During staff's inspection of the property, it was noted that there is an existing front landscape planter that borders Highway 113. The planter contains grass and has one tree and some shrubs planted at the north end and a tree planted at the south end. Staff also noted that there are sprinklers that apparently provide irrigation to the planter area. In order to enhance the appearance of the property and for consistency with other recently approved projects along state highways, staff is recommending a condition requiring that additional landscaping be planted within this front planter. At a minimum, staff is requiring that additional trees be planted at 30 foot spacing intervals within the planter. The trees will be required to be from the County approved tree list, shall be a minimum 5 gallon in size, and shall be subject to review and approval by the Planning Division. The applicant will be required to submit a landscape and irrigation plan to the Planning Division for review and approval prior to issuance of a building permit and the landscaping shall be planted prior to issuance of a certificate of occupancy.

Also during the inspection, staff observed that there are 25-30 inoperable vehicles including cars, buses, boats, and recreational vehicles that are currently stored on the property behind the existing buildings (See the aerial photo attached as Exhibit C). Staff would like to clarify that the originally approved use on the property is for an automobile and small truck repair shop and a caretaker mobile home. Staff has concerns that over time, this unpermitted outdoor storage use could grow in area and become a vehicle storage yard. In order to address this issue, staff has added a condition stating that the use of the property as a vehicle storage yard is not permitted (Condition #14). Staff recommends that temporary outdoor storage of inoperable vehicles be limited to a maximum of ten (10) vehicles to be located in the area directly behind the proposed storage building. Staff has also added to this condition that the outdoor storage of boats, recreational vehicles, and other items on the property is not permitted.

Additional recommended conditions of approval include a requirement that a drainage and grading plan be submitted and approved by the Public Works Department, a requirement that any new outdoor lighting associated with the project be installed so as not to shine on adjacent properties, and that the site be maintained in a neat and orderly fashion, free of debris, salvage material and/or junk.

The subject property is zoned AG (General Agricultural) and is designated Agriculture, 20 acre minimum, by the Sutter County General Plan. Due to the relatively small size of the parcel and significant investment in improvements made on the property, it is unlikely that the property will ever be farmed in the future. The existing use has previously been determined to provide a needed service to the agricultural community and found to be consistent with the Agriculture land use designation by the General Plan. The proposed new building will allow only for additional on-site storage and will not increase the intensity of the use. The proposal is therefore consistent with the Sutter County General Plan.

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 #02-22, 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 auto repair use was previously determined by the Planning Commission and Board of Supervisors to provide a needed service to the surrounding agricultural community. The use was therefore found to be consistent with the Agriculture land use designation by the General Plan. The proposed new building will allow for additional on-site storage and will not increase the intensity of the use. 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 #02-22, 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)

Prior to issuance of a building permit

3. Prior to issuance of a building permit, the applicant shall submit a landscape and irrigation plan to the Planning Division for review and approval to provide for additional landscaping within the existing front planter that borders State Highway 113. At a minimum, additional trees shall be planted at 30 foot spacing intervals within the planter. The required trees shall be from the County approved tree list, shall be a minimum 5 gallon in size, and shall be subject to review and approval by the Planning Division. The landscaping shall be planted prior to issuance of a certificate of occupancy for the building. (P)
4. A drainage and grading plan must be submitted and approved by the Public Works Department prior to a building permit being issued. (PW)

Prior to issuance of final occupancy

5. A California EPA ID number is required for hazardous wastes. Prior to issuance of final occupancy for the proposed storage building, the applicant shall submit a Hazardous Materials Business Plan to the Emergency Services Division or amend the existing Plan, if one has previously been filed. (ES)

On-going

6. 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)
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. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (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. 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)
12. 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)
13. The site shall be maintained in a neat and orderly fashion, free of debris, salvage material and/or junk. (P)
14. The approved use is for an automobile and small truck repair shop and a caretaker mobile home. Use of the property as a vehicle storage yard is not permitted. Temporary outdoor storage of inoperable vehicles shall be limited to a maximum of ten (10) vehicles to be located in the area directly behind the proposed storage building. Outdoor storage of boats, recreational vehicles, and other items on the property is not permitted. (P)
15. 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 - Aerial photo of subject property
Exhibit D - Proposed Negative Declaration and Initial Study
Exhibit E - September 4, 1985 Planning Commission meeting minutes
Exhibit F - December 21, 1988 Planning Commission meeting minutes

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