

February 26, 2003

To: Sutter County Planning Commission

Re: Agenda Item #6: Public hearing on Use Permit #02-24 to allow a commercial agricultural trucking facility; AG (General Agricultural) District; located at 3865 Railroad Avenue, Yuba City; A. P. #23-072-010; applicant - John Ochipinti /property owner - Prabhjit S. Dhillon (Location: District 5 - Commissioner Shannon).

Current Proposal

A. Project Description:

The applicant's proposal for a commercial agricultural trucking facility involves construction of a 3,200 square foot (40 foot by 80 foot) building containing an office and shop for truck repairs on an approximate 1.5 acre portion of the subject 20 acre parcel. Parking for up to ten truck tractors and trailers is proposed behind the proposed building and parking for employees is proposed along the Railroad Avenue frontage. The applicant proposes to fence the perimeter of the project area and maintain the existing orchard and residence on the approximate 18.5 acre remainder. The facility will operate every day, from 6:00 am to 8:00 pm during the seasonal agricultural months (May through July) and from 8:00 am to 5:00 pm during the remainder of the year (August through April). A total of six employees are expected to work at the facility and a maximum of three are anticipated to be at the facility at one time.

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, could have a significant impact on the environment; however, mitigation measures have been recommended by staff which reduce the possible impacts to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Background

A. Property Description:

The subject parcel is 20 acres in size and is currently developed with a residence, detached garage, and an orchard.

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

	Use	Zoning	General Plan
Subject Property	Orchard, residence	AG	AG-20
North	Orchard, residence	AG	AG-20
East	Industrial uses	M-1	IND
South	Commercial, residence, field	C-2, AG	COMM, AG-20
West	Tree service/landscape materials business	C-M	IND

C. Previous Commission Action/Policies:

According to County records, there have been no previous Commission actions on the subject property. On September 4, 2002, the Commission approved a commercial agricultural trucking facility (Use Permit #02-11, Antonini) along Highway 99, approximately three miles south of the subject parcel.

Comments

A. Environmental Health (EH):

See conditions listed in staff report.

B. Public Works Department (PW):

See conditions listed in staff report.

C. Emergency Services (ES):

See condition listed in staff report.

D. Fire Services (FS):

See condition listed in staff report.

E. Building Inspection (B):

See conditions listed in staff report.

F. Pacific Gas & Electric Company (PG&E)

See condition listed in staff report.

G. Planning (P):

Staff believes that potential aesthetic and air quality impacts are the key environmental issues associated with the proposed project. Staff is therefore recommending that four mitigation measures dealing with these issues be incorporated into the project's approval. The analysis of the project first focuses on these two issues, followed by a discussion of transportation/traffic issues. Since use permit requests must be consistent with the General Plan, a section addressing General Plan Consistency is also contained below.

Aesthetics

The project will involve the outdoor storage of trucks and trailers on-site which has the potential to create visual and aesthetic impacts to neighboring properties and to vehicles traveling along Railroad Avenue. In order to address these potential impacts, a mitigation measure is recommended to require that fencing be provided along the entire perimeter of the approximate 1.5 acre project area. This fencing will be required to be six feet in height and be chain link with vinyl slats, chain link with landscape materials such as oleander or photinia that will provide effective solid screening, or other acceptable solid fencing material, subject to review and approval by the Planning Division (See Mitigation Measure #1).

Existing orchards located south of the project area on the subject parcel and on the adjacent parcel to the north will provide some screening of the use from surrounding properties. To further address aesthetic impacts and provide additional screening of truck tractors and trailers that will extend above the required fencing, a mitigation measure is recommended requiring that landscape planters be provided along the Railroad Avenue project area frontage and along the north and south project area boundaries. These planters will be required to be a minimum of five feet in width and contain evergreen trees (15 gallon size) at 30 foot spacing intervals, with additional smaller trees and/or shrubs planted in between (See Mitigation Measure #2). Staff is also recommending a standard condition of approval requiring that the site be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk.

In order to address potential lighting impacts on neighboring properties, a mitigation measure is recommended to require that all outdoor lighting be installed so as not to shine on adjacent properties. If needed, shielded or cut-off lighting style shall be utilized (See Mitigation Measure #3).

Air Quality

Construction of the proposed building and grading for parking and circulation areas has the potential to create significant amounts of dust that could impact surrounding agricultural uses and properties. In order to address potential dust impacts during construction, staff is recommending a mitigation measure requiring that the site be sufficiently watered during

construction to prevent excessive amounts of dust (See Mitigation Measure #4). Once constructed, dust will be mitigated by surfacing requirements for parking and circulation areas.

Transportation/Traffic

Access to the property is provided from Railroad Avenue which is classified as a Rural Collector having two lanes. Based on traffic counts contained in the General Plan Background Report (1996), Railroad Avenue at this location has an average daily traffic count (ADT) of 2,360 and a Level of Service (LOS) B. Sutter County utilizes LOS "D" as the minimum acceptable standard.

The applicant currently owns five trucks and leases three others. Therefore, up to eight trucks are initially proposed to be used by the applicant in the trucking operation. To allow for future growth, the applicant is proposing to have a maximum of 10 trucks parked on-site. The applicant has estimated that a daily average of 12 vehicle trips will be generated by the use (trucks and employee vehicles). This number of trips is not considered to be significant and as such, the project will not result in a decrease in the Level of Service for Railroad Avenue.

The Sutter County Public Works Department has reviewed the project and commented that additional right of way will be required along Railroad Avenue. Depending on the length of trucks used, the applicant may be required to obtain from Public Works a Terminal Access route from Oswald Road to the facility. A similar request must also be submitted to Caltrans when accessing the facility from State Highway 99. The applicant may also be required to obtain transportation permits from the Public Works Department. These requirements are addressed as conditions of approval.

The applicant has noted on the site plan his proposal to surface the truck parking area behind the proposed building with 6 inches of aggregate base rock. Based on the Sutter County Zoning Code, all circulation and parking areas (employee, truck tractor, and trailer) will be required to be improved with either six (6) inches of Class 2 aggregate base or eight (8) inches of Butte Rock base. This will be required as a condition of approval and will also address dust generation during normal business operations.

General Plan Consistency

In reviewing a use permit request, the proposed use must be found to be consistent with the General Plan. The subject property is designated Agriculture, 20 acre minimum, by the Sutter County General Plan. The applicant has submitted a letter to staff indicating that he will be hauling fresh vegetables and fruit along with canned goods in bulk. The proposed use provides a related service to the agricultural community and staff has historically recommended approval for such uses. The following goal and policies found as part of the "Economic Development Strategies for Agricultural Industries" in the General Plan support this project:

- Goal 6.B To facilitate preservation, growth and expansion of agricultural industries within Sutter County.
- Policy 6.B-1 The County shall support the development of agricultural production, processing and distribution industries within Sutter County.

Based on the above goal and policy, staff believes the proposal is consistent with the General Plan.

The Planning Commission may approve a use permit if it finds that the establishment, maintenance, or 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. With the recommended mitigation measures and conditions of approval required, staff believes that this finding is met.

Staff therefore recommends approval of Use Permit #02-24, subject to the attached findings, mitigation measures, 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 project. The Study revealed that the project as proposed could have a significant impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts will be reduced to a less-than-significant level. No written or oral comments have been provided which present evidence that the project as mitigated will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Mitigation Monitoring Program attached to this staff report are appropriate.
- B. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and proposed Mitigated Negative Declaration prior to making its decision on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter.
- C. The proposed use is consistent with the policies and goals for land designated as Agriculture in the General Plan. The use is an agriculturally related business, and General Plan Goal 6.B and Policy 6.B-1 support and encourage these uses.
- D. Since mitigation measures and 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 Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the project and attached to this report.
- C. Approve Use Permit #02-24, 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)

Prior to operation or construction

- 2. The applicant shall pay any outstanding balance for processing the application within thirty (30) days of receiving a final invoice from the Community Services Department. (P)
- 3. Prior to operation, the applicant shall file a Hazardous Materials Business Plan with the Sutter County Community Services Department, Emergency Services Division. (ES)
- 4. All work shall comply with the 1997 Uniform Fire Code. This includes compliance with the following:
 - A. Fire Department access roads shall be provided and maintained in accordance with Sections 901 and 902 (1997 Uniform Fire Code Section 902.1).
 - B. An approved water supply capable of supplying the required fire flow for fire protection shall be provided (1997 Uniform Fire Code Section 903.2) (FS)
- 5. The design of the building shall meet the requirements of the 2001 California Building Code(s). (B)
- 6. Handicap parking shall be located on the shortest accessible route of travel to the accessible entrance. (B)
- 7. The proposed chain link fence will need to be properly grounded, if it crosses underneath any overhead electric lines. (PG&E)
- 8. An authorized professional shall design a non-residential on-site sewage system and shall certify that the proposed non-residential on-site sewage system meets

Sutter County regulations and will adequately serve the proposed facility. The applicant shall have an authorized professional submit to the Environmental Health Division information which shows that the sewage is not industrial wastewater. (EH)

9. 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)
10. Prior to issuance of an on-site wastewater permit, the additional soil testing requested in the letter from the Environmental Health Department dated October 28, 2002, must be completed. (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. 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)
13. 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)
14. 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)
15. 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)

Railroad Avenue	24.0' R/W + 10.0' P.U.E.
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16. If STAA truck(s) are repaired or stored at this facility, the applicant must submit a written request to Sutter County Public Works for a Terminal Access route from Oswald Road to the facility. A similar request must also be submitted to Caltrans District Traffic Operations when accessing this facility from State Route 99. (PW)
17. The applicant is required to obtain transportation permits from the Department of Public Works for company owned STAA trucks that use Oswald Road to access this facility. Permits will only be issued after the terminal access route has been approved by Sutter County Public Works and Caltrans. (PW)

18. If the applicant is expecting deliveries to this facility from haulers who utilize STAA trucks, those haulers are required to obtain transportation permits from the Department of Public Works. Transportation permits will only be issued after the terminal access route has been approved by Sutter County Public Works and Caltrans. (PW)
19. In accordance with the Sutter County Zoning Code, all circulation and parking areas (employee, truck tractor, and trailer) shall be improved with either six (6) inches of Class 2 aggregate base or eight (8) inches of Butte Rock base. All such parking spaces and circulation areas shall have a one-half (1/2) inch grading requirement. (P)
20. The perimeter of the project area shall be enclosed with six foot high chain link fencing with vinyl slats, chain link with landscape materials such as oleander or photinia that will provide effective solid screening, or other acceptable solid fencing material, subject to review and approval by the Planning Division. A plan for the proposed fencing shall be submitted to the Planning Division for review and approval. The fencing shall be installed prior to issuance of a certificate of occupancy for the proposed building and/or prior to the storage of truck tractors, trailers, or any other items on the property. (*Mitigation Measure #1*) (P)
21. Prior to issuance of a building permit and/or storage of truck tractors, trailers, or any other items on the property, the applicant shall submit a landscape and irrigation plan to the Planning Division for review and approval. The plan shall provide for landscape planters along the Railroad Avenue project area frontage and along the north and south project area boundaries. The required planters shall have a minimum width of 5 feet and shall contain evergreen trees at 30 foot spacing intervals. The required trees shall be from the County approved tree list, shall be 15-gallon in size, and shall be subject to review and approval by the Planning Division. Additional smaller trees and/or shrubs (5 gallon size) shall be planted in between the evergreen trees. The landscaping shall be planted prior to the issuance of a certificate of occupancy for the building and/or storage of truck tractors, trailers, or any other items on the property. The landscaping shall be maintained for the life of the project. (*Mitigation Measure #2*) (P)
22. During project construction, all active portions of the site including access roads and material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. (*Mitigation Measure #4*) (P)

On-going

23. All outdoor lighting shall be installed so as not to shine on adjacent properties. If needed, shielded or cut-off lighting style shall be utilized. (*Mitigation Measure #3*) (P)
24. All wastewater shall be disposed into the approved on-site sewage system. (EH)

25. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
26. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
27. 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)
28. 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)
29. The site shall be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk. (P)
30. Outdoor storage of a maximum of 10 truck tractors with trailers shall be permitted. (P)
31. 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,
LISA WILSON
INTERIM PLANNING DIVISION CHIEF

Steve Geiger
Associate Planner

Attachments: Exhibit A - Study Sketch
Exhibit B - Site Plan
Exhibit C - Proposed Mitigated Negative Declaration and Initial Study
Exhibit D – Proposed Mitigation Monitoring Program

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