



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING DECEMBER 15, 2004
Agenda Item #10

Project # 04-031

Request: A use permit for the repair, service and storage of agricultural equipment as a service to other agricultural operators. Assessor's Parcel No. 10-230-010

Location: 2673 Nuestro Road, Yuba City

Planner: Leanne Mueller, Associate Planner

Zoning Code Designation: AG (General Agricultural) District

General Plan Designation: Agriculture, 20-acre minimum parcel size

Applicant/Owner: Sukhjinder S. Bains

Staff Recommendation

Staff recommends approval of the proposed use permit for the repair, service and storage of agricultural equipment as a service to other agricultural operators on property zoned AG (General Agricultural) District subject to the findings and Conditions of Approval included in this staff report.

Project Description

The proposed use permit is for the repair, service and storage of agricultural equipment as a service to other agricultural operators. A new 6,400 square foot building is proposed to be used as the shop and office for the project. The outside storage area for agricultural equipment is proposed to be 4.5-acres in size. 2.25-acres will be used for storage associated with the repair business. The remaining 2.25-acres will be used for the storage of the applicant's personal agricultural equipment.

Setting

The 47-acre parcel currently contains a peach and prune orchard, an existing residence, two mobile homes and various agricultural equipment.

The surrounding land uses, zoning designations, and General Plan designations are described in the table that follows:

	Land Use	Zoning Designation	General Plan Designation
Site	Existing residences/Orchard	AG (General Agricultural) District	AG-20
North	Orchard	AG (General Agricultural) District	AG-20
South	Orchard	AG (General Agricultural) District	AG-20
East	Orchard	AG (General Agricultural) District	AG-20
West	Orchard	AG (General Agricultural) District	AG-20

Previous Actions

No previous planning actions have taken place on the subject parcel.

Analysis

The applicant has applied for a use permit for the repair, service and storage of agricultural equipment as a service to other agricultural operators. A new 6,400 square foot building is proposed to be used as the shop and office for the project. The outside storage area for agricultural equipment will be 4.5-acres in size. The applicant indicates that the project will employ between two and five employees depending on the demand. An estimated 40 vehicles are expected to come to the site each day. The applicant has indicated that he has applied for the use permit to be able to repair both his own equipment and that of other agricultural operators and to occasionally sell parts as an incidental part of the business.

Aesthetics

Staff conducted an initial site visit and noted that there is a substantial amount of equipment on the property, such as semi-trucks, construction equipment and agricultural equipment, which is large in size and not readily apparent as being agriculturally related. In a meeting between the applicant, planning staff and the Code Enforcement Officer, the applicant either substantiated the equipment as having an agricultural use or staff advised the applicant to remove equipment from the site because it was clearly not agricultural equipment. For example, parts from the semi-trucks and other equipment are used to repair agricultural equipment, then the trucks or equipment are removed from the site.

An additional meeting was held to discuss several issues: 1) size of the storage area; 2) the landscaping requirement for the 4.5-acre storage area; 3) the surfacing of the commercial storage portion of the 4.5-acres; and 4) one-year review requirement. The applicant has agreed to the mitigation measures and has been provided a copy of the Conditions of Approval. He has indicated that he is in agreement with the Conditions of Approval. The issues raised in the meeting are discussed in the following paragraphs.

Storage Area

The applicant has proposed a 4.5-acre storage area near the center of the property and has indicated 2.25-acres will be used to store equipment related to the proposed business and the remaining 2.25-acres will be used to store the applicant's personal agricultural equipment. There are no provisions in the Zoning Code or the General Plan that limits the size of the storage area for an agricultural equipment repair business. The 4.5-acre storage area was a concern for staff due to its size and storage potential. As a result, staff determined that the 4.5-acre storage area should be screened to reduce aesthetic issues. The screening requirement is included as a mitigation measure and Condition of Approval 16. Additionally, all parts and equipment that are not used exclusively for the agricultural operation on the property must be kept inside the screened area. Staff is proposing three conditions of approval (two of which were mitigation measures from the initial study) to be placed on the project to ensure that there will not be a visual impact as a result of the project. Conditions 12, 16, and 17 are proposed to reduce the potential visual impacts from the proposed project.

Landscaping

The proposed conditions require that the entire 4.5-acre storage area be screened with fencing and landscaping material that will provide an effective screen of at least ten feet in height. This will provide screening for the surrounding properties and traffic along Nuestro Road.

Surfacing

The applicant will be required to surface the 2.25-acre portion of the storage area that is used for the business with aggregate base or Butte Rock (Mitigation Measure 3 and Condition of Approval 12). The condition has been proposed because the equipment to be stored is large and could potentially create an excessive amount of dust or mud at the site without proper surfacing. The area that is used for personal storage does not need to be surfaced; however, a barrier must be used to separate the personal agricultural storage area from the equipment storage area for the business. The applicant will provide a scaled site plan that indicates the barrier location prior to issuance of a building permit.

One Year Review

Due to the large size of the storage area and the nature of the equipment that is proposed to be stored on the site, staff is recommending that the Use Permit be approved for a trial one-year period. This will allow the applicant to demonstrate compliance with the conditions and the county to evaluate the operation after one year.

Environmental Analysis

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act and the Guidelines. The study determined that the project, as proposed, could have a significant impact on the environment; however mitigation

measures have been recommended by staff which reduces the possible impacts to a less-than-significant level. Therefore, staff recommends the Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program.

Recommended Findings

Based upon information contained in this staff report and/or testimony received at the public hearing, staff recommends the following findings:

CEQA

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 determined that the project, as proposed, could have a negative impact on the environment; however, with the mitigation measures identified in the Initial Study, all potential impacts would be reduced to a level of less than significant. No written comments have been provided which present evidence that the project will have a significant impact on the environment. Therefore, the proposed Mitigated Negative Declaration and Monitoring Program attached to this staff report are appropriate.

General Plan

The proposed project furthers General Plan Policies 6.B-1 and 6.B-3 specifically, and is otherwise consistent with the General Plan. General Plan Policies 6.B-1 and 6.B-3 indicate that the County shall support development and expansion of agricultural industries in Sutter County. The repair of agricultural equipment is considered an agricultural industry. Therefore, the project is consistent with General Plan Policies 6.B-1 and 6.B-3 which recommend supporting agricultural industries.

Use Permit

Approval of the use permit, subject to the recommended conditions, will not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

Recommended Action

Should the Planning Commission agree with staff's recommendation, the following motions would be appropriate:

1. "I move that the Planning Commission adopt the proposed Mitigated Negative Declaration prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "I move that the Planning Commission approve Project #04-031 to allow for a use permit application for the repair, service and storage of agricultural equipment as

a service to other agricultural operators subject to the recommended findings and conditions contained in this staff report.”

Attachments

- A. Study Sketch
- B. Site Plan
- C. Initial Study

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Conditions of Approval
Project #04-031 - Sukhjinder Bains

Use permit to allow for the repair, service and storage of agricultural equipment as a service to other agricultural operators

The use permit shall be valid for one year. The Planning Commission shall review the operation no later than November 16, 2005 for consideration of an extension. If the operator demonstrates compliance with the conditions, staff may recommend a period longer than one year for the use permit extension. (P)

Prior to issuance of building permits

1. Prior to issuance of a building permit, the developer is to provide a detailed drawing (No less than 1"=20') of the existing homes/mobile home and their septic systems which are located north of the proposed location for the 80'x80' shop. (EH)
2. 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:

Nuestro Road	24' R/W + 10.0' P.U.E.
Tierra Buena Road	24' R/W + 10.0' P.U.E.
3. Encroachment permits shall 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)
4. Building 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)
5. If handling or storage of hazardous materials will occur at the project site the applicant shall complete and submit a Unified Program Consolidated Form with all applicable requirements. (EH)

Prior to Certificate of Occupancy

6. All wastewater shall be disposed into the approved on-site sewage system. (EH)
7. 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)
8. The water supply shall be from a private well and comply with all Sutter County Environmental Health requirements for the use intended. (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 shall be prohibited. (EH)
10. All activities and uses shall comply with State and County laws and regulations pertaining to the handling and disposal of all hazardous or acutely hazardous materials. (EH)
11. The permittee/owners/builders and subcontractors shall comply with all regulations and or permits for storm water regulations through the Regional Water Quality Control Board of the State of California. (PW)
12. No parts, tires, repair equipment, or any other related material or supplies shall be stored outside the 4.5-acre fenced area. (P)
13. A total of five (5) parking spaces will be required. Parking spaces shall not be less than nine (9) feet in width and eighteen (18) feet in length with adequate backup distance. Required parking spaces and accessways shall be improved with a minimum of six (6) inches of Class 2 aggregate base or eight (8) inches of Butte Rock base. All such parking spaces and accessways shall have a one-half inch grading requirement. (P)
14. The designated area for outdoor storage area shall be surfaced with a minimum of six (6) inches of Class 2 aggregate base or eight (8) inches of Butte Rock base. (MM)
15. The applicant has proposed to divide the 4.5-acre storage area into two use areas. 2.25–acres shall be used for commercial storage of equipment and 2.25-acres shall be for storage of the owner’s agricultural equipment (as identified on the site plan). The applicant shall surface the 2.25-acre site designated for commercial storage on the site plan prior to issuance of the certificate of occupancy. The area shall be delineated from the agricultural storage area for the applicant’s personal equipment by a barrier to the Planning Division’s satisfaction. If the applicant expands the commercial storage area, the “expanded” area shall also be required to be surfaced as required in Condition of Approval 14 and all necessary permits shall be obtained.
16. The designated area for the outdoor storage of equipment shall be enclosed by screening that shall include fencing and landscaping subject to setback requirements. Prior to installation of the screening, a plan showing the fence location along with proposed landscape materials and irrigation shall be submitted to the Planning Division for review and approval. Suitable screening includes a six foot high chain link fence and landscape materials such as oleander or photinia planted adjacent to the fence in sufficient quantities to ultimately provide effective screening to a height of at least ten feet. Said landscaping shall be 5 gallon minimum size at the time of planting. Plans for the screening shall be submitted within 30 days of approval of the use permit and

installed 90 days from the approval of the plans. The screening shall be maintained for the life of the project. (MM)

17. All equipment and parts not used exclusively for the existing agricultural operation on the property shall be stored within the designated area for outdoor storage. (MM)
18. The keeping of inoperable vehicles shall comply with all appropriate state and federal regulations pertaining to motor vehicles. (P)
19. The project proponent shall pay all Planning Division costs for processing the project application that may be due. (P)
20. 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)
21. The site plan shows two buildings that the Building Inspection Division has no records of permitting. The 240 square foot trailer and the house that records show to be approved for use as a barracks. The structures shall either be approved/permitted or removed. If the structures are to remain they shall be required to be permitted and inspected and meet the current building code standards. (B)
22. The proposed shop and office building shall be designed to meet the 2001 California Building Code requirements. The building shall meet occupancy code and accessibility requirements. (B)