



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING APRIL 21, 2004
Agenda Item #9

Request: Use Permit to allow retail agricultural chemical and fertilizer sales in the A-G (General Agriculture) District.

Location: 3800 Live Oak Boulevard, Yuba City

APN: #10-260-015

File: Project #04-001

Planner: Lisa Wilson, Senior Planner

Applicant	Property Owner
Nathan Lewis, Simplot P. O. Box 850 Colusa, CA 95932	Gavrilo & Betty Spaich 2200 Encinal Road Live Oak CA 95953

Staff Recommendation

Staff recommends approval of the request for a use permit.

Project Description

The applicant is requesting approval of a use permit to allow an agricultural retail chemical and fertilizer outlet. The site currently contains a prune dehydrator facility that operates only in August and September. There is no new construction proposed as space within the existing office (approximately 612 square feet), warehouse (144,000 square feet) and parking facilities will be utilized on the 8 acre parcel.

The application states an estimated 15-20 daily vehicle trips may be expected for the fertilizer company with the facility operations running 7:00 a.m. - 5:00 p.m. Monday through Saturday.

Setting

The east boundary of the parcel fronts Live Oak Boulevard. Orchards (prunes) surround the parcel. There are no other structures within 1,000 feet of this property. In addition to the existing warehouse and office to be used for the fertilizer sales, the parcel contains various shop, shed and dryer buildings and drainage improvements that were constructed with the prune dehydrating operation as well as a cell tower on the northwest corner of the property.

	Land Use	Zoning Designation	General Plan Designation
Site	Prune dehydrator	AG (General Agriculture)	AG-20 (Agriculture, 20-acre minimum)
North	orchard	AG (General Agriculture)	AG-20 (Agriculture, 20-acre minimum)
South	orchard	AG (General Agriculture)	AG-20 (Agriculture, 20-acre minimum)
East	Live Oak Boulevard	AG (General Agriculture)	AG-20 (Agriculture, 20-acre minimum)
West	orchard	AG (General Agriculture)	AG-20 (Agriculture, 20-acre minimum)

Previous Actions

This parcel has 6 previous actions, each were approved by the Planning Commission:

- PM #568 - Parcel map (12/18/79) (map was never recorded and expired 12/18/80)
- UP #580 - Establish the prune dehydrator facility (10/5/76)
- UP #615 - Expand the prune dehydrator facility (3/15/77)
- UP #642 - Ag worker housing triplex (5/17/77)
- UP #988 - Ag equipment repair, welding in conjunction with prune dehydrator (7/21/81)
- UP #91-06 - Cell tower (7/17/91)

Analysis

If approved, this project would grant a use permit for Simplot to provide retail sales of agricultural chemicals and fertilizers at a previously developed site. The site contains a cell tower, a large warehouse, a shop, 2 dryers a large shed and an office. The applicant proposes to use a small portion of the existing facilities for the retail sales and needed storage.

Access to the site is from an existing paved driveway off of Live Oak Boulevard. Much of the site is already paved or graveled. A retention basin (holding pond) was constructed on the site around 1977 to collect and store runoff from the property.

The Zoning Code lists retail commercial and service establishments that are primarily agriculturally related or supportive as requiring a use permit. The proposed use is clearly supportive to agriculture and has the necessary support facilities in-place (access, office, parking, drainage control) to easily serve the proposed use. Therefore, staff is recommending approval of the requested use permit.

Environmental Analysis

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. Therefore, if the Planning Commission wishes to approve the project, staff recommends the Commission adopt the attached Negative Declaration.

Findings

CEQA

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

1. 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 for the subject property. The study revealed that the project, as proposed, would not create a significant impact on the environment. No written comments have been provided which 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.
2. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Negative Declaration prior to making its recommendation on the project and finds that the Negative Declaration reflects the independent judgment of the County of Sutter.
3. The Planning Commission has reviewed, analyzed, and considered the request and public testimony prior to making its recommendation and finds that the Use Permit will not be detrimental or injurious to property and improvements or to the general welfare of the County.

Use Permit

1. The proposed project is an agricultural support service as allowed under General Plan Policy 6.B-3 of the Sutter County General Plan and Section 1500-1412 of the Sutter County Zoning Code.
2. The proposed use is an agricultural support service is properly located in the rural area of the County to provide support service to the surrounding agricultural community.
3. Approval of the use permit, subject to the recommended conditions, will not be detrimental to the public's health, safety, or general welfare or be detrimental to public or private improvements in the area and will be consistent with the Sutter County General Plan and Zoning Code.

Recommended Action

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

"The Planning Commission moves to:

1. Find that the proposed Negative Declaration was prepared in accordance with the California Environmental Quality Act and the Guidelines.
2. Adopt the Negative Declaration.
3. Approve the Use Permit to allow retail sales of agricultural chemicals and fertilizers on Parcel #10-260-015, subject to the findings and conditions contained in this staff report.”

Attachments

- A. Study Sketch
- B. Plot plan
- C. Initial Study

P:\Projects\2004\04-001 Simplot\staff report (simplot)

Conditions of Approval

Project #04-001

Simplot, 3800 Live Oak Boulevard, Yuba City

Use Permit for the retail sales of agricultural chemicals and fertilizers in the A-G district.

Prior to Certificate of Occupancy

1. Provide a detailed study and plans that show how the existing site and buildings proposed to be used for new retail chemical and fertilizer outlet will meet the requirements of the Uniform Building Code Chapter 11. (B)
2. Changes required to the site and or buildings that are needed to comply with the requirements of UBC Chapter 11 shall be made under permits issued by the Community Services Department and completed prior to the Certificate of Occupancy being issued by the Building Official. (B)

Ongoing

3. 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)
4. 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)
5. 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)
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)

Live Oak Boulevard

33.0' R/W + 10.0' P.U.E.

7. It is the responsibility of permittees/owners/builders and subcontractors to comply with all regulations and/or permits for stormwater regulations through the Regional Water Quality Control Board of the State of California. (PW)
8. The project shall comply with all applicable portions of the Uniform Fire Code, as amended and adopted by the County of Sutter, and interpreted by the Yuba City Fire Department. (Fire)
9. A Hazardous Material Business Plan must be filed and maintained with the Sutter County Emergency Services Department. (ES)

10. Use of the property shall be as described in the agenda report. (P)
11. Any relocation or rearrangement of any existing PG&E facility to accommodate this project will be at the developers/applicants expense. There shall be no buildings or structures, including signs, or the storage of any materials allowed under or over any PG&E facility or inside any PG&E easements that exist within the subject property. (PG&E)
12. The project proponent shall pay all Planning Division costs for processing the project application that may be due. (P)