



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING NOVEMBER 17, 2004
Agenda Item #8

Project #: Use Permit #03-07

Request: The applicant is requesting a one year time extension to activate Use Permit #03-07.

Location: Southeast corner of Bishop Avenue and State Highway 99, Live Oak, (Assessor's Parcel No. 09-270-027)

Planner: Steve Geiger, Associate Planner

Zoning Code Designation: AG (General Agricultural) District

General Plan Designation: AG-20 (Agriculture, 20 acre minimum)

Applicant/Owner: Mid State Pump Co., Inc.

Staff Recommendation

Staff is recommending the Planning Commission deny the request for time extension, based on the condition and maintenance of the subject property.

Project Description

Use Permit #03-07 was approved by the Planning Commission on September 3, 2003, to allow an office, shop, and storage facility for an agricultural well and pump service business. The applicant has not yet activated the use permit. Section 1500-8217 of the Sutter County Zoning Code addresses activation of use permit applications. If an applicant does not intend to activate the use permit within one year from the date of approval, the Code allows the application to be extended twice for a term period of one year each time.

Setting

The subject property is 5.32 acres in size. Although the property is "vacant" at this time, there are numerous miscellaneous items being stored on the property (i.e. abandoned trucks, trailers, engine parts, pipe, barrels, etc.).

The surrounding land uses, zoning classifications, and General Plan Land Use Designations are described in the table below.

	Land Use	Zoning Designation	General Plan Designation
Site	Vacant, storage of miscellaneous items	AG	AG-20
North	Residence, ag. building, orchards	AG	AG-20
South	Orchard, residence	AG	AG-20
East	Residence, orchards	AG	AG-20
West	State Highway 99, railroad tracks, orchards	M-1	INDUSTRIAL

Background/Analysis

On September 3, 2003, the Planning Commission approved Use Permit #03-07 to allow an office, shop, and storage facility for an agricultural well and pump service business on the subject property. With the approval, specific mitigation measures were recommended by staff and adopted by the Planning Commission to address potential aesthetic and visual impacts from the proposed use. These mitigations required extensive landscaping of the site, that vehicles stored on site be maintained in operable condition, and that the site be maintained in a clean condition and kept free of weeds, garbage, debris, salvage materials, and junk (Conditions #11, #12, and #35). Concerns with regard to the condition of the property were specifically discussed by the Planning Commission at the meeting. Staff has attached copies of the Planning Commission meeting minutes, conditions of approval, and the original staff report (Attachments D, E, and F) as background information.

The Sutter County Zoning Code requires that use permits be activated within one year from the date they are approved. Since the applicant had not yet activated the use permit prior to the one year deadline, he has filed a time extension request to extend the approval for an additional year. After receiving the time extension request, staff conducted a site inspection of the property. During the inspection, conducted on August 27, 2004, staff noted that there were a number of items and miscellaneous “junk” being stored on the property (i.e. abandoned trucks, trailers, a truck cab and truck bed, engine parts, pipe, barrels, washer and dryer, etc.). Based on the condition of the property, staff sent a letter to the applicant on September 3, 2004, stating that the Community Services Director was not approving the request for time extension (see Attachment C). Staff noted in the letter that if the property were cleaned up by October 8, 2004, a follow up inspection would be made and staff would reconsider the time extension request.

The applicant submitted a letter dated October 11, 2004, to the Planning Division requesting additional time to clean up the property (Attachment B). On October 22, 2004, staff made another site inspection of the property and found no significant changes in its appearance from the inspection conducted two months before in August. Photographs of the site taken during this inspection are included as Attachment A. Based on the applicant’s failure to clean up the property, the Planning Division is forwarding the time extension request to the Planning Commission for consideration.

The Planning Division will make another site inspection of the property just prior to the November 17, 2004, Planning Commission hearing. Staff will share with the Commission the results of that inspection at the meeting. Unless the property is substantially cleaned up by that date, staff is recommending that the time extension request be denied. If the Commission denies the time extension request, the use permit

will no longer be valid and the Planning Division will initiate enforcement action to remove the items from the property.

Environmental Analysis

The time extension request is exempt from the California Environmental Quality Act (CEQA) pursuant with Section 15061 b (3) of the CEQA Guidelines that exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

A Mitigated Negative Declaration was adopted by the Planning Commission for this project on September 3, 2003. Staff believes there have been no material changes to the project so the previously adopted environmental document continues to be appropriate.

Recommended Action

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

1. "I move that the Planning Commission find the time extension request to be exempt from the California Environmental Quality Act (CEQA) pursuant with Section 15061 b (3) of the CEQA Guidelines."
2. "I move that the Planning Commission deny the request for time extension for Use Permit #03-07, based on the condition and maintenance of the property and information contained in this staff report."

Attachments

- A. Photographs of subject property taken during site inspection on October 22, 2004
- B. Letter from applicant, dated October 11, 2004, requesting additional time to clean up the property
- C. Letter from Planning Division regarding time extension request, dated September 3, 2004
- D. September 3, 2003, Planning Commission meeting minutes
- E. Use Permit #03-07, approved conditions of approval
- F. Use Permit #03-07 staff report, dated August 27, 2003

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