



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING NOVEMBER 17, 2004
Agenda Item #9

Project #: Use Permit #03-13

Request: A use permit to allow a commercial truck, trailer, and farm equipment repair business in the AG (General Agricultural) District.

Location: 2970 North Township Road, Yuba City (Assessor's Parcel No. 13-251-017)

Planner: Steve Geiger, Associate Planner

Zoning Code Designation: AG (General Agricultural) District

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

Applicant/Owner: Kelly Bumpus

Staff Recommendation

Staff is recommending the Planning Commission approve the request for a use permit to allow a commercial truck, trailer, and farm equipment repair business on property zoned AG (General Agricultural), subject to the findings and conditions included in this staff report.

Project Description

The project is a request for approval of a use permit to allow a commercial truck, trailer, and farm equipment repair business on a 4.31 acre parcel zoned AG (General Agriculture). The project proposes to use an existing 3,500 square foot repair shop building on the property. No additional buildings are proposed as part of this application.

Setting

The property is developed with several grain storage buildings, grain dryers and related facilities, a truck scale, a 2,400 square foot office building, and a 3,500 square foot shop building.

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	Grain storage & drying, Agricultural equipment repair	AG	AG - 20
North	Single-family residence	R-1-A, A-2	Low Density Residential (LDR), AG-20
South	Vacant	A-2	AG - 20
East	Vacant	AG	AG - 20
West	Orchard	A-2	AG - 20

Previous Actions

Three use permits and one use permit amendment have previously been approved for the subject parcel.

On June 1, 1976, the Planning Commission approved Use Permit #540 to allow additional commercial grain storage for an existing grain storage operation. This approval allowed for two, sixty foot grain storage tanks and a receiving pit located near the southwest corner of the subject parcel.

On February 7, 1978, the Planning Commission approved Use Permit #701 to allow for a 3,500 square foot shop building for agricultural equipment and truck repair for an existing on-site trucking company. This approval allowed the applicant to replace a shop building that had previously burned down. This shop building is the same building proposed to be utilized for repair work by the current application.

On February 6, 1985, the Planning Commission approved Use Permit #1302 to allow the addition of a 16,000 square foot bulk agricultural storage building for the existing agriculturally related use on the property. This building is located west of the 3,500 square foot shop building.

On February 19, 1999, the Planning Division approved Use Permit Amendment #99-01 to allow the demolition of the existing storage facility, elevator, and dryer and construction of a new dryer, elevator, and storage facility. This application proposed no increase of on-site storage or intensity of the use. This application was not exercised and has therefore expired.

The current use permit application was filed in response to a Zoning Code violation on the property. The violation was issued when the Planning Division became aware that the applicant was conducting a commercial agricultural truck repair operation serving individuals and/or businesses not located on the subject property. Under the existing use permit approvals, the only truck repair and maintenance operations allowed on the subject property are for vehicles owned and operated by an on-site agricultural trucking business, an on-site agricultural commodity processing business, and an on-site grain storage business.

Analysis

The applicant is proposing to operate a commercial truck, trailer, and farm equipment repair business within the existing office and shop buildings and parking area located on the front (east) portion of the property. In order to conduct repair and servicing of agricultural equipment as a commercial service to other agricultural operators, a new use permit is required on the subject property. The applicant has submitted a signed statement verifying that all of their repairs are performed on agriculturally related equipment.

As discussed in the Initial Study (environmental review) prepared for this project, the outdoor storage of vehicles and equipment associated with the operation adjacent to Township Road creates a potential for visual and aesthetic impacts. In response to this potential impact, a mitigation measure is recommended to require the designated parking area be enclosed by screening that shall include fencing and landscaping. Suitable screening includes a six foot high chain linked 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. Such screening is expected to adequately address any visual or aesthetic impacts to Township Road caused by the proposed use. Similar mitigation was recently required by staff on two other projects with outdoor storage areas proposed (UP #03-05, Antonini Trucking) and (UP #03-07, Mid State Pump). Staff notes that all vehicles will be required to be parked on-site and may not be parked within the Township Road right-of-way.

A single family residence is located to the north of the subject parcel. Based on field inspections conducted of the site, staff has noted that there is existing vegetation located in and around a drainage ditch along the north property line. This vegetation will provide the neighboring residence with sufficient screening of the proposed outdoor storage area to adequately address potential visual and aesthetic impacts to a less than significant level.

Repair work associated with the business also has the potential to create noise impacts on the residence located to the north. The applicant has indicated that all equipment repairs will be completed within the enclosed building and that outdoor activity will be limited to storage and vehicular traffic. To address potential noise impacts, staff is recommending a mitigation measure requiring that all repair activities be conducted within the enclosed shop building. The applicant's proposed hours of operation are 8:00 am to 5:00 pm, Monday through Friday, and 8:00 am to 12 noon on Saturday. These hours, which do not include early morning or late evening hours, should also address potential noise impacts.

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.

Findings

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

CEQA

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. 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.
2. The Planning Commission has independently reviewed, analyzed, and considered the Initial Study and Mitigated Negative Declaration prior to making its recommendation on the project and finds that the Mitigated Negative Declaration reflects the independent judgment of the County of Sutter and has been prepared in accordance with CEQA.

General Plan

The proposed project will provide repair services to agricultural operations and will be located on a parcel designated Agriculture by the General Plan and zoned AG (General Agricultural). The project is consistent with the General Plan.

Use Permit

Approval of the use permit to allow an agricultural equipment repair business, subject to the recommended conditions, will not be detrimental to the public's 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 and Mitigation Monitoring Program prepared in accordance with the California Environmental Quality Act and the Guidelines."

2. "I move that the Planning Commission approve Use Permit #03-13 to allow a commercial truck, trailer, and farm equipment repair business, based on 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 **Use Permit #03-13 - Kelly Bumpus**

(2970 North Township Road)

A use permit to allow a commercial truck, trailer, and farm equipment repair business in the AG (General Agricultural) District. The proposed use will utilize an existing 3,500 square foot shop building, a 2,400 square foot office building, and parking area located east of these buildings, adjacent to Township Road.

Minor changes may be approved administratively by the Community Services Director, or designee, upon receipt of a written request by the applicant. Prior to such approval, verification shall be made by each Department, Division, or Agency that the modification requested is consistent with the application and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

1. The property shall be developed and the use operated in substantial accord with the submitted site plan and the agenda report. (P)
2. All previous conditions of approval for Use Permit Amendment #99-01, and Use Permits #1302, #701, and #540 shall remain in effect except as they may be amended and/or superseded by this permit and the conditions herein below. (P)
3. The site shall be maintained in a neat and orderly fashion, free of debris, salvage materials, and equipment. (P)
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. 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)
6. Building and equipment pads shall be at elevations in conformance with Section 1300-022 (F) of the Sutter County Ordinance Code, as defined by Resolutions No. 92-124. (PW)
7. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be done at the developers / applicants expense. (PG&E)
8. There shall be no building of structures, or the storage of any materials allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject property. (PG&E)

9. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
10. The discharge of fuels, oils, other petroleum products, chemicals, or hazardous materials, into the on-site sewage disposal system is prohibited. (EH)
11. 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)
12. 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)
13. All repair activities shall be conducted within the enclosed shop building. (Mitigation Measure #2) (P)

Within 30 days from approval of use permit

14. An agreement shall be entered into with Sutter County. This agreement shall run with the land and shall be binding on all successors in interest and shall provide for the following:

Participation in a zone of benefit, drainage district, agency, service area, or any other public entity for the financing of construction and maintenance of a drainage system. In addition to the special assessment district or public entity referred to immediately above, the agreement between the developer/owner and Sutter County shall contemplate the imposition by Sutter County of any legally available fee, assessment, or other financing mechanism to facilitate the construction and maintenance of a drainage system. (PW)

15. The property owner shall enter into a deferred improvement agreement with the county providing for the following: (PW)

Acceleration and deceleration lanes on Township Road to be constructed in accordance with Sutter County requirements.

16. 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)

Township Road 30.0' R/W + 10.0' P.U.E.

17. Access and water supply shall be in compliance with the 1997 Uniform Fire Code Section 902 and 903. (FS)

18. If the business handles hazardous materials in quantities at or above 55 gallons, 500 pounds, or 200 cubic feet at any one time, a Hazardous Materials Business Plan must be prepared and implemented. For more information regarding this requirement, contact Sutter County Emergency Services at 822-7400. (ES)
19. The designated area for the outdoor storage of vehicles and 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. (Mitigation Measure #1) (P)