

**BUTTE COUNTY PLANNING COMMISSION
AGENDA REPORT, DECEMBER 10, 2009**

Applicant:	DeSabla Community Volunteer Fire Co.	Location:	On the east side of Skyway at 15264 & 15286 Skway, Magalia, approximately 0.6 miles north of Nimshew Road/Columbine Road.
Owner:	DeSabla Communities Volunteer Firemen Upper Ridge Volunteer Fire Company		
File #:	UP09-0010	Parcel Size:	±1.5 acres
Request:	Use Permit to build a 1,200 square foot fire truck storage building on the vacant eastern half of the existing Upper Ridge Fire Station #31 property.	Supervisor District:	5
		Planner:	Mark Michelena, Senior Planner
		Attachments:	
G.P.:	Grazing and Open Lands (GOL)	A:	Resolution with Conditions
Zoning:	TM-5/WP	B:	Vicinity Map and General Plan/Zoning Map
Zone Date:	October 15, 1974	C:	Site Plan
APN:	065-090-019		

EXECUTIVE SUMMARY:

This is an application for a Use Permit to build a 1,200 square foot fire truck storage building on the vacant eastern half of the existing Upper Ridge Fire Station #31 property. The site is already developed with an existing 1,300 square foot fire station facility and a 1,200 square foot accessory structure. The proposed use will not generate additional wastewater or need domestic water.

Staff Recommendation: Approve the attached resolution that finds the project Categorical Exempt under Section 15303 of the California Environmental Quality Act (CEQA) Guidelines and approving the Use Permit UP09-0010 with findings and conditions.

PROJECT DESCRIPTION/SITE CHARACTERISTICS:

- The property is approximately 1.5 acres and is already developed with 1,300 square foot fire station facility and a 1,200 square foot accessory structure.
- The existing 1,200 foot accessory structure was approved by Use Permit (UP 81-07) on September 24, 1980. The use permit was for an expansion of the existing fire station facility.
- The proposed storage building would be to store fire fighting equipment.

- Elevation of the site ranges from approximately 215 to 260 feet. The parcel slopes from east to west.
- The project site is located at the outer edge of the Paradise-Magalia Watershed Protection (WP) Zone.
- The property is located within the Sphere of Influence for the Town of Paradise.

SITE AND LOCAL VICINITY DESCRIPTION:

- Surrounding properties include rural residential uses on parcel sizes ranging from 0.9 to 12.3 acres.
- The adjoining properties are designated in the General Plan as Agricultural Residential (AR). Lands to the west (west side of Skyway) are zoned TM-1 and TM-1/WP. Lands to north, south and east (east side of Skyway) are zoned TM-5/WP.
- The project and adjacent parcels are not within a 100-year flood zone or an airport land use compatibility zone.
- Access to the property is provided by the frontage road - Skyway.
- Sewer is provided by an existing on-site septic system. Water is provided by an existing on-site well.

ANALYSIS

- The parcel will remain in a quasi-public use. The storage building will not alter the overall land use of the property.
- The storage building will be used to store fire fighting equipment. As required by the project site's Timber Mountain 5-acre (TM-5) zoning, the quasi-public use requires a Use Permit under Butte County Code 24-190(c)(10).
- The use permit process allows the County to consider site specific issues in a discretionary process to evaluate consistency with the Zoning Code and the General Plan. In considering approval of the use permit, the Planning Commission is required to make specific findings under BCC 24-45.10 *Criteria for Granting*. That section states that the Planning Commission may grant the use permit when it finds that... *the proposed uses of the property will not impair the integrity and character of the zone in which the land lies and that the use would not be unreasonably incompatible with, or injurious to, surrounding properties or detrimental to the health and general welfare of the persons residing or working in the neighborhood or to the general health, welfare and safety of the county...*
- The General Plan designation is Agricultural Residential (AR). The General Plan Land Use Element includes a list of Primary and Secondary Uses. Primary uses include agricultural and single-family dwellings at rural densities. There is a range of uses listed in the Secondary Uses section including "public and quasi-public uses".
- Butte County Code Section 24-240 requires 1 parking per 2,000 square feet of gross floor area. The site has more than sufficient area to accommodate the required additional one parking space.

- No trees will be removed as part of the project. Minimal grading will be required. A 3-foot retaining wall is proposed as part of the project.
- An erosion control plan is required since the project site is located in the WP zone.

ENVIRONMENTAL REVIEW:

This project has been determined to be exempt from the California Environmental Quality Act (CEQA) under Section 15303(c) of the CEQA Guidelines (Class 3 exemption). Class 3 exemptions include new construction for a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

OTHER DEPARTMENTS/AGENCIES REVIEW:

- The Agricultural Commissioner has determined there are no impacts to agricultural uses.
- The Public Works Department, California Department of Forestry and the Environmental Health Department have reviewed and included conditions of approval.

PUBLIC COMMENTS:

- Staff did not receive any public comments.

EXHIBIT A

RESOLUTION No. 09-_____

A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION APPROVING USE PERMIT UP09-0010 (DeSabra Community Volunteer Fire Co)

WHEREAS, the Planning Commission has considered Use Permit UP09-0010 to build a 1,200 square foot fire truck storage building on the vacant eastern half of the existing Upper Ridge Fire Station #31 property located at 15264 & 15286 Skway in Magalia (APN 065-090-019); and

WHEREAS, said Use Permit was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, a duly noticed public hearing was held on December 10, 2009; and

WHEREAS, the Planning Commission has considered public comments, and a report from the Planning Division:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission:

- I. Finds that the project is categorically exempt from the California Environmental Quality Act per Section 15303(c) of the CEQA Guidelines (Class 3 - New Construction or Conversion of Small Structures).
- II. Approves Use Permit UP09-0010 to add a 1,200 square foot fire truck storage building on the vacant eastern half of the existing Upper Ridge Fire Station #31 property, subject to the following findings and the conditions found in Exhibit "B":
 - A. The proposed location, size, design, and operating characteristics of the proposed use are in accordance with the purpose of the Butte County Code, the purpose of the zone in which the site is located, the Butte County General Plan, and the development policies and standards of the County because:

The parcel will remain in a quasi-public use. The storage building will not alter the overall land use of the property. The storage building will be used by the volunteer fire company to store fire fighting equipment. The TM-5 (Timber Mountain, 5-acre) Zone provides for a conditional use permit to consider public and quasi-public uses. The use permit process allows the County to consider site specific issues in a discretionary process to evaluate consistency with the Zoning Code and the General Plan.

The General Plan designation is Agricultural Residential (AR). The General Plan Land Use Element includes a list of Primary and Secondary Uses. Primary uses include agricultural and single-family dwellings at rural densities. There is a range of uses listed in the Secondary Uses section including “public and quasi-public uses”.

Considering the zoning, general plan designation, location, setting and the existing volunteer fire station facility, Development Services considers this project to be consistent with the Butte County Code, the General Plan and found to be compatible with the project site’s setting and is found to have no adverse health, safety or welfare impacts.

B. The location, size, design, and operating characteristics of the proposed use would be compatible with, and would not adversely affect or be detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:

1. Harmony in scale, bulk, coverage, and density;

The proposed project is consistent with the buildings in the area. The building location is among other buildings concentrated in the northwest corner of the property.

2. The availability of public facilities, services and utilities;

No additional public facilities, services or utilities are needed to accommodate this project. The building will store fire fighting equipment.

3. The harmful effect, if any, upon desirable neighborhood character;

The site is already developed with an existing volunteer fire station and accessory building. The additional storage building will not impact the surrounding neighborhood character.

4. The suitability of the site for the type and intensity of use or proposed development;

The site can accommodate the additional 1,200 square foot storage building. The building will not need a wastewater disposal or domestic water. The site is approximately 1.5 acres and is developed with a 2,500 square foot building.

5. Any other relevant impact of the proposed use:

Responses from County agencies regarding this application indicate no evidence that the proposed use, with appropriate conditions, would cause impacts.

Use permits run with the land. The planning-related impacts of this project are considered to be minor in general, assuming all conditions are executed.

- C. Based on the above findings, the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated and maintained would not be detrimental to the public health, safety, or welfare, or injurious to properties or improvements in the vicinity.

An erosion control plan is required to reduce potential soil runoff. No impacts to public health, safety or welfare have been identified in the review of the project.

- D. The project does not require the removal of any trees or riparian vegetation. The project will not impact any vernal pools.

The location of the proposed building is in a clearing and will not require removal any trees or riparian vegetation, nor will it impact any vernal pools.

DULY PASSED AND ADOPTED this 10th day of December, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Fernando Marin, Chair
Planning Commission
County of Butte, State of California

ATTEST:

Tim Snellings, Secretary
Planning Commission
County of Butte, State of California

EXHIBIT B

USE PERMIT

BUTTE COUNTY PLANNING COMMISSION

DATE: (Certified Mail Rec.)

UP09-0010

PERMIT NO.

065-090-019

ASSESSOR'S PARCEL NO.

Pursuant to the provisions of the Zoning Ordinance of the County of Butte and the special conditions set forth below: DeSabla Community Volunteer Fire Co. is hereby granted a Use Permit in accordance with application filed consisting of a 1,200 square foot fire truck storage building on the vacant eastern half of the existing Upper Ridge Fire Station #31 property.

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of Permit constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Butte County Zoning Ordinance, including Butte County Code Sec. 24-45.65.
2. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use. The use granted by this permit must be established within two years of the date of approval.
3. Minor changes may be approved administratively by the Directors of Development Services, Environmental Health, or Public Works upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.
4. If any use for which a Use Permit has been granted is not established within two years of the receipt of the Permit by the Permittee consistent with conditions of approval herein, the Permit shall become null and void and reapplication pursuant to Section 24-45 (of the Zoning Code) shall be required to establish the use previously granted under the expired Permit unless, 30 days prior to the expiration date, a request for a one year extension is submitted to the Planning Commission together with sufficient evidence that the time limits for processing development permits require time limits which exceed one year. Upon application, and for good cause by the Permittee, at a public hearing, the Planning Commission may extend any time limitation previously made a part of any condition to a Use Permit.

5. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assigns of the Permittee.
6. Neither the applicant, nor any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the Director of Development Services to commence a revocation hearing, and, if proven to exist, shall constitute sufficient grounds to revoke a Permit.
7. The Butte County Planning Commission hereby reserves ongoing jurisdiction over this Use Permit. The Commission may, at its own discretion, and following a noticed public hearing, revoke this Use Permit, and/or add additional conditions of approval, or modify existing conditions of approval, upon receipt of written complaints or other evidence of adverse impacts upon surrounding properties or the public health, safety or welfare.

Conditions of Approval:

Planning Division

1. The building permit site plan shall conform to the site plan approved by this Use Permit.
2. An erosion control plan shall be submitted and approved by Butte County Public Works Land Development Division prior to any land disturbance.
3. The applicants shall comply with all other applicable State and local statutes, ordinances, and regulations.

Public Works

4. Prior to establishing use, obtain an encroachment permit and improve all new and existing driveway approaches to publicly maintained roads as specified in the county improvement standards and the terms of the encroachment permit.
5. Prior to establishing use, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/ or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility.

Building Division

6. An application for a building permit for the proposed accessory building shall be obtained prior to construction.

CalFire-Butte County

7. Construction, installation or development of buildings and/or roads, driveways, gates and bridges on parcels/lots shall comply with the latest California Fire Safe Regulations—Public Resources Code 4290, 4291, as applicable, and current Butte County Improvement Standards, whichever is stricter.

County Counsel

8. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicants or any other developer/operator other than the applicants agree to indemnify the County of Butte from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board’s appeal hearing. If the application is not appealed, this condition is deemed satisfied.

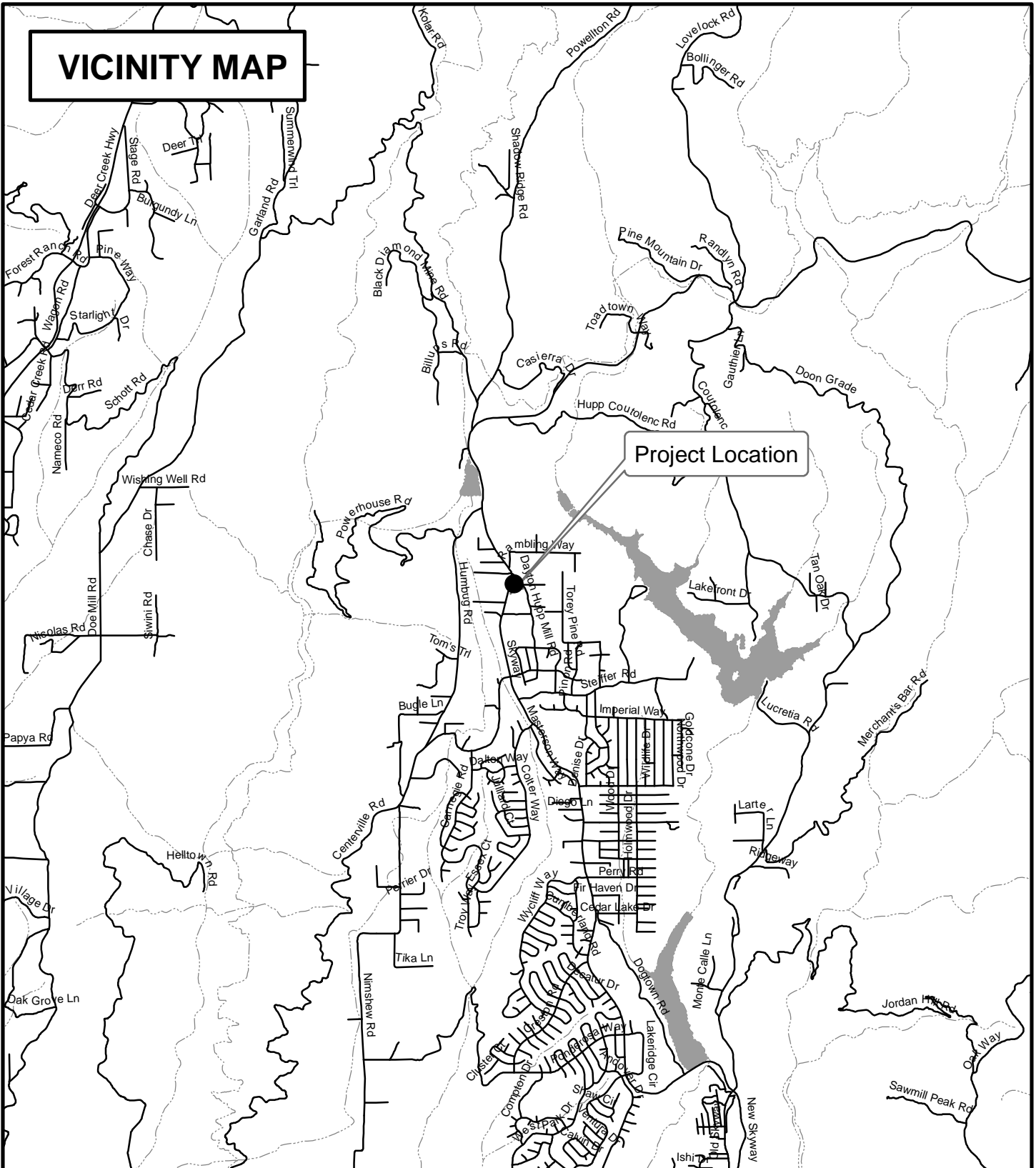
I hereby declare under penalty of perjury I have read the foregoing conditions, they are in fact the conditions which were imposed upon the granting of this use permit, and that I agree to abide fully by said conditions.

Dated: _____
Applicant

NOTE: Issuance of this Use Permit does not waive requirements of obtaining Building and Health Department permits, nor does it waive any other requirements.

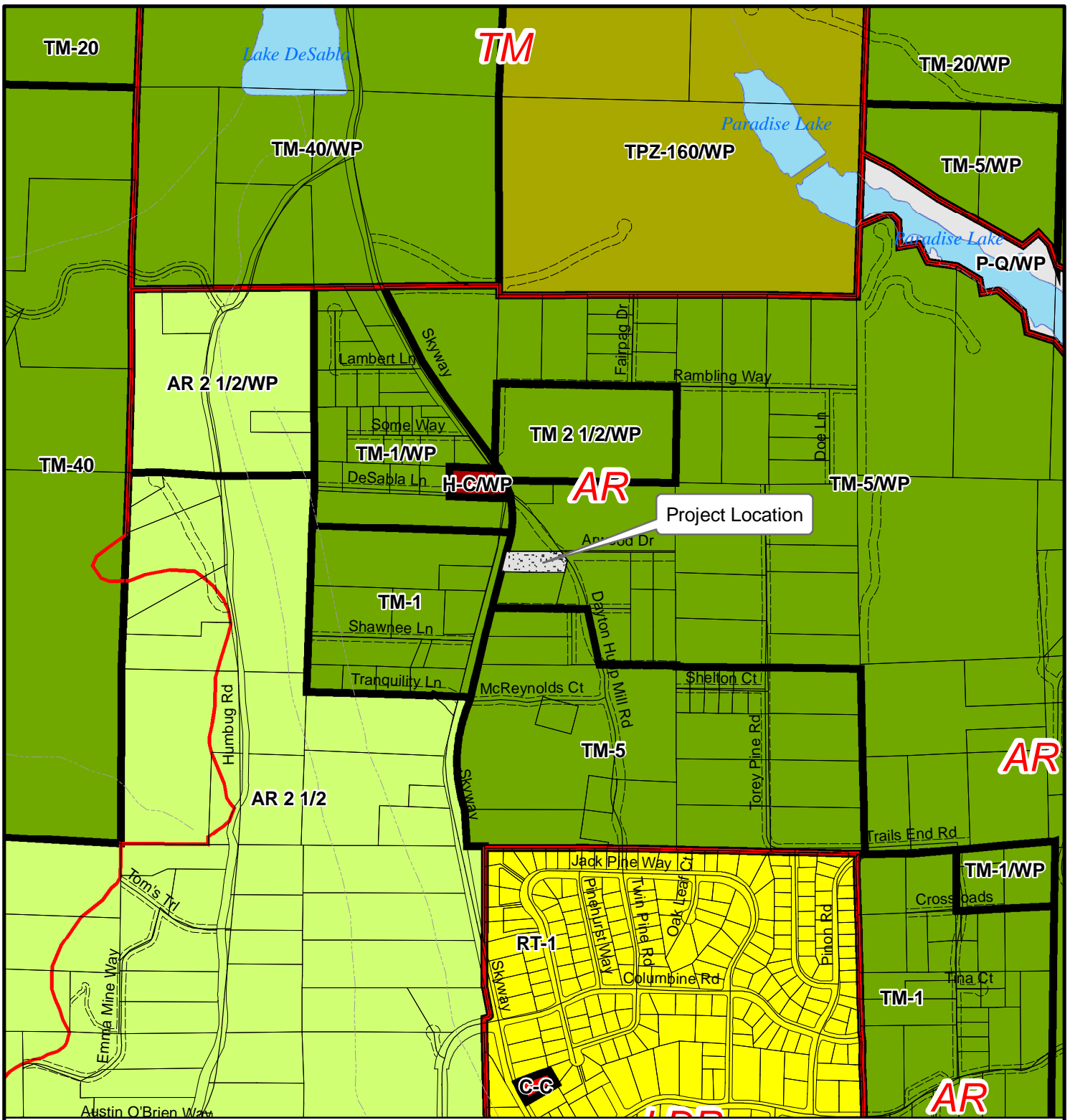
CC: Land Development Division
Building Division
Environmental Health Division
Butte County Fire Department/CDF
Butte County Assessor’s Office

VICINITY MAP



UP 09-0010
APN 065-090-019

DeSABLA COMMUNITY VOLUNTEER FIRE CO.



BUTTE COUNTY PLANNING COMMISSION

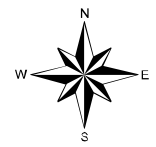
Applicant/Owner: DeSabra Community Volunteer Fire Co.

Hearing Date: Dec. 10, 2009 @ 9:00 a.m. **Existing Zone:** TM-5/WP

Request: Use Permit - request to build a 1,200 sq. ft. fire truck storage building on the vacant eastern half of the existing Upper Ridge Fire Station #31 property.

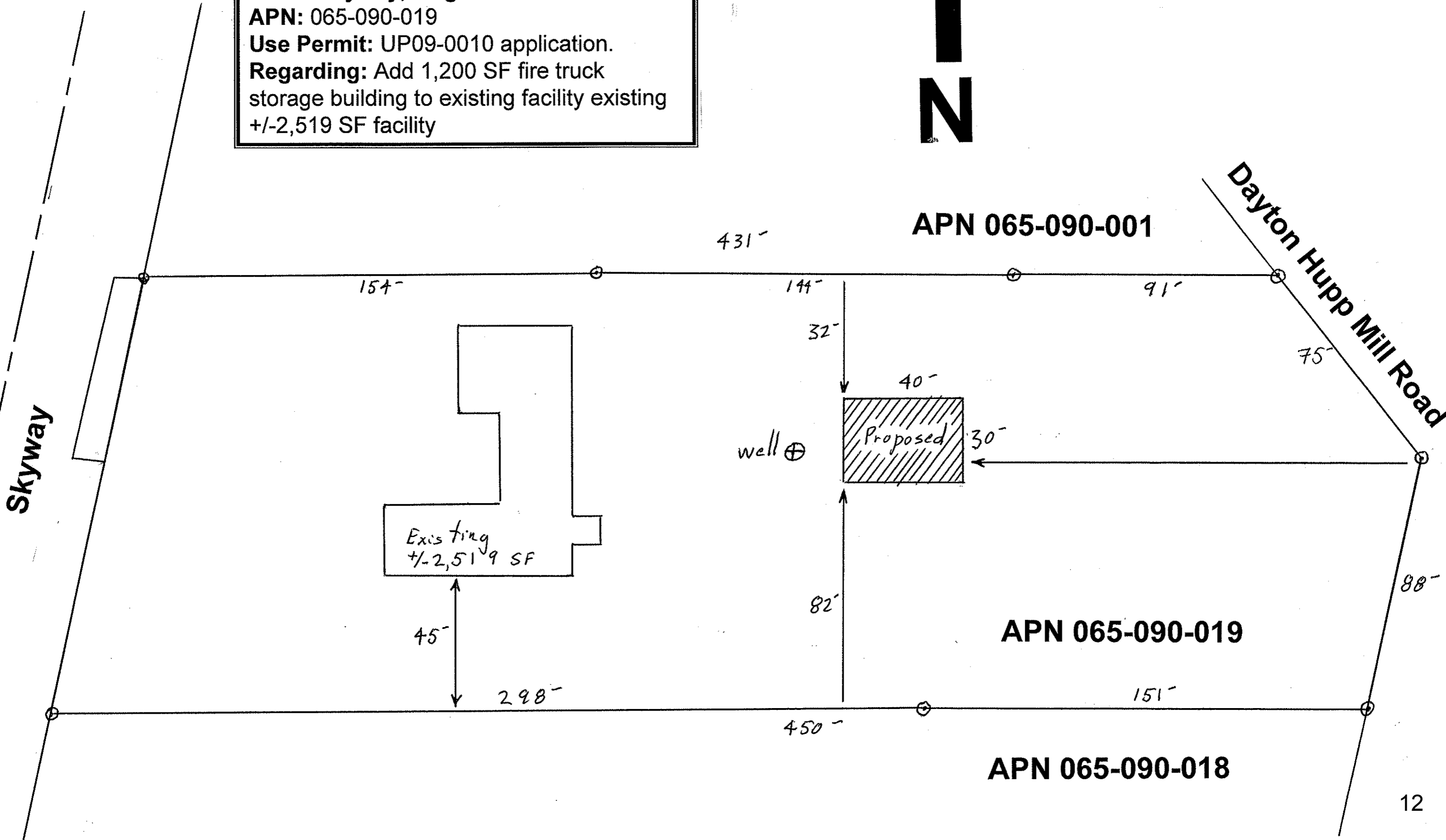
Assessor Parcel No: 065-090-019

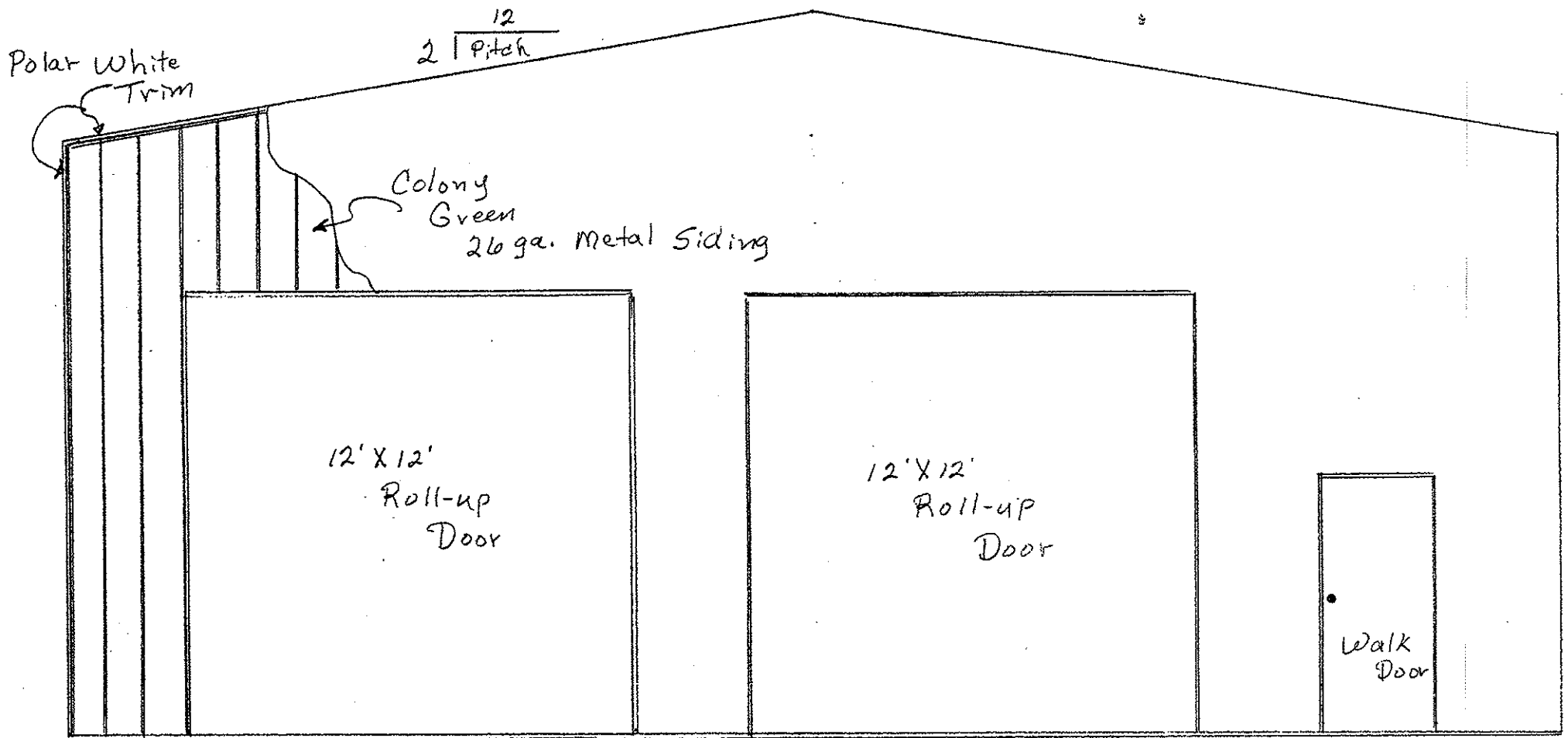
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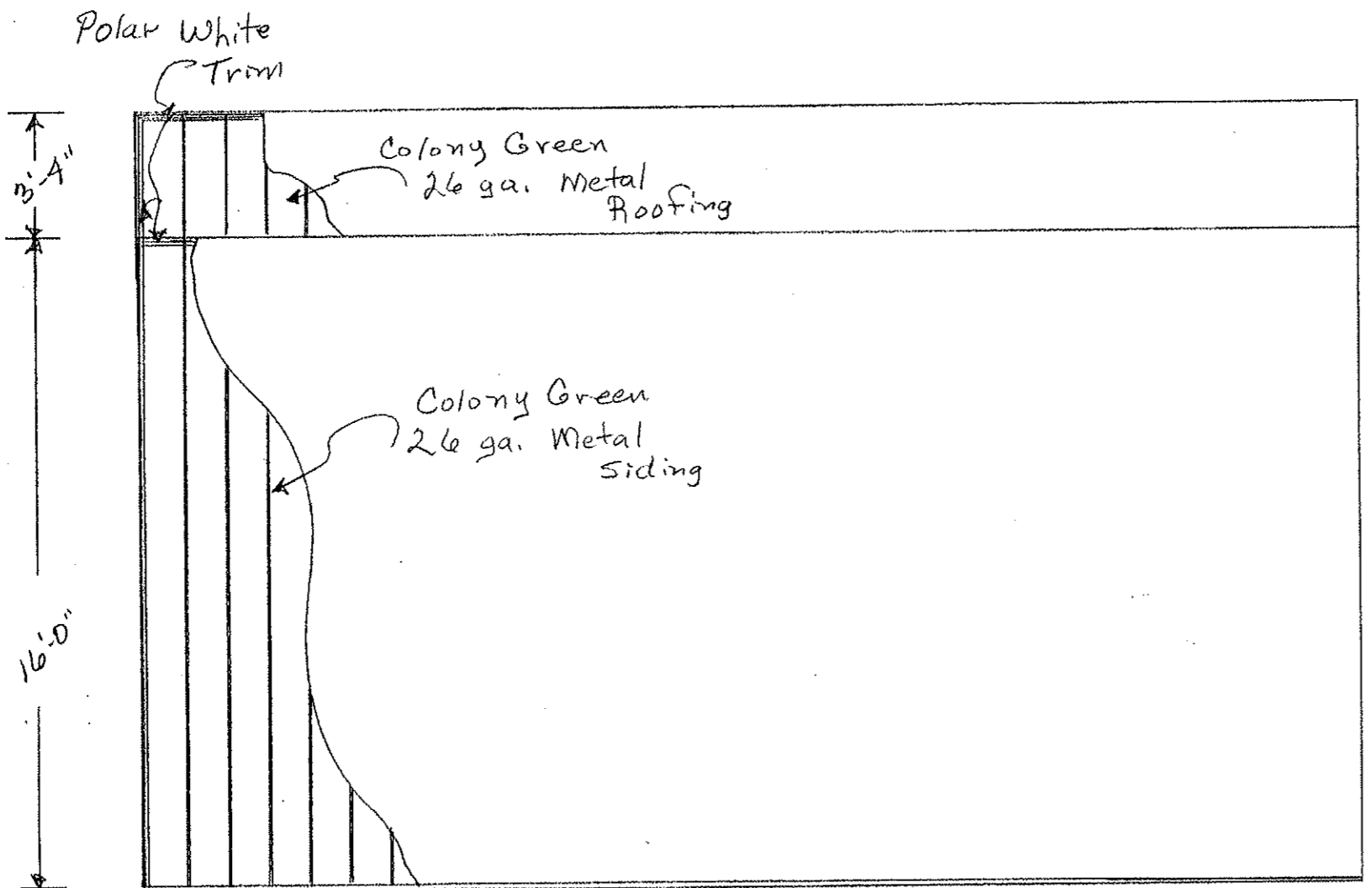
Supervisory District #5

**De Salba Community Volunteer Fire Co.
Upper Ridge Fire Station #31
15624 Skyway, Magalia
APN: 065-090-019
Use Permit: UP09-0010 application.
Regarding: Add 1,200 SF fire truck
storage building to existing facility existing
+/-2,519 SF facility**





Front Elevation



Side Elevation

30'0"