

GLENN COUNTY
Planning & Public Works Agency

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STAFF REPORT

MEETING DATE: September 20, 2017

TO: Glenn County Planning Commission

FROM: Andy Popper, Associate Planner

SUBJECT: Conditional Use Permit 2017-002, Crop Production Services
State Clearinghouse: #20170322022

Attachments:

1. Mitigation Measures and Conditions of Approval
2. Mitigated Negative Declaration and Initial Study
3. Application and Ancillary Documents

1 PROJECT SUMMARY

According to the application, Conditional Use Permit 2017-002, Crop Production Services, Inc. (CPS) proposes an agricultural crop protection chemical/fertilizer storage facility for retail to local farmers. The property was formerly operated as a Sugar Beet Plant and contains several existing buildings. The application site plans show proposed new construction and demolition of five buildings. Crop Production Services (CPS) plans to remodel; the A-frame Structure called the Mixing Building (39,000 sq. ft.), concrete masonry unit building called the Package Warehouse (16,170 sq. ft.), Front Office (2,290 sq. ft.) and East Scale House (120 sq. ft.). The owners have decided to preserve the historic aspects of the site, which include the Holly Sugar plant sign at the entrance and the two (2) 300' concrete silos and the North face of the Package Warehouse.

At the outset of operations, CPS anticipates selling roughly 12,000 tons of dry fertilizer, 15,000 tons of liquid fertilizer, 30,000 gallons crop protection products, and 2,000 to 3,000 bags of seed annually. The volumes could increase by as much as 150-200% over the initial five years of operations. In terms of total planned available storage space, CPS intends to renovate and improve an existing warehouse on the site that, when complete, is estimated to provide roughly 13,000 square feet of storage for packaged inputs such as seeds, nutritional products and crop protection products. CPS also intends to renovate and utilize the existing A-frame building on the site to hold roughly 6,000 tons of dry fertilizer. CPS will use various sizes of tanks capable of holding a total of 600,000 gallons of liquid fertilizer and 10,000-15,000 gallons of bulk crop protection products. CPS also intends to utilize rail if possible for incoming shipments of product from suppliers. Please refer to the attached application, project narrative, and site plans for more information.

The General Plan land use designation is “Industrial” and the zoning designation is “M” (Industrial Zone). The proposed project is a permitted use with a conditional use permit in the “M” zone. Detailed project information is included in the Mitigated Negative Declaration and Initial Study attached to this report.

Location:

The project site is located at 555 West 1ST Street, Hamilton City, CA, 95951. This site is located on the south side of 1st Street, east of State Highway 45, east of County Road Y, Hamilton City, in Glenn County, California. Assessor’s Parcel Number (APN) 032-260-006
Latitude 39.737, Longitude -122.008 Decimal Degrees

1.1 RECOMMENDATIONS

That the Planning Commission grant the proposed Conditional Use Permit 2017-002 a Mitigated Negative Declaration with the Findings as presented in the Staff Report.

Also that the Planning Commission approve Conditional Use Permit 2017-002 with the Findings as presented in the Staff Report and the corresponding Mitigation Measures and Conditions of Approval.

2 ANALYSIS

This area of Glenn County has been a productive industrial area. The project site was formerly occupied by Wilbur-Ellis and Holly Sugar. The proposed project is directly related to agriculture as its purpose is for the storage and handling of crop protection agricultural chemicals and fertilizer.

2.1 ENVIRONMENTAL DETERMINATION

A copy of the proposed Mitigated Negative Declaration and Initial Study is attached. The Initial Study is a detailed discussion of the project and a discussion of the project's potential environmental impacts as required by the California Environmental Quality Act (CEQA). The Initial Study concludes that this project will result in no Potentially Significant Impacts to the environment with implementation of appropriate mitigation measures, conditions of approval, adopted best management practices, and applicable Federal, State, and local laws and regulations. Therefore, a Mitigated Negative Declaration has been prepared for adoption by the Planning Commission.

2.2 GLENN COUNTY UNIFIED DEVELOPMENT CODE (TITLE 15)

2.2.1 “M” Industrial Zone (Glenn County Code Chapter 15.440)

Purpose (Glenn County Code §15.440.010)

This zoning classification is established for the following purposes:

- A. To reserve appropriately located areas for industrial plants and related activities;*
- B. To protect areas appropriate for industrial use from intrusion by residential dwellings and other conflicting uses;*
- C. To protect residential and commercial properties and nuisance-free, nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare, fire, explosion, noxious fumes, radiation, and other hazards and objectionable influence incidental to certain industrial uses;*
- D. To promote the most desirable use of land and development in accordance with the general plan of Glenn County.*

This project as proposed will conform to the purposes provided for in the Industrial zoning designation.

Uses Permitted With a Conditional Use Permit (Glenn County Code §15.440.030)

Glenn County Code §15.440.030.A3: Chemicals including but not limited to basic chemicals, cleaning agents, cosmetics, explosives, fertilizers, gases, medicinal and botanical products, paints, pesticides, pharmaceuticals, plastics and synthetic fibers. The applicant has applied for a conditional use permit for the proposed crop protection agricultural chemical and fertilizer storage facility.

Site Area and Configuration (Glenn County Code §15.440.050)

The minimum parcel size for the industrial zone is one acre if served by well and septic system. The project site consists of the following two parcels (APN): 032-260-006 (51± acres). The parcels meet the minimum parcel size for the “M” zone and the project site is adequate in size and shape to accommodate the proposed project.

Minimum Yard Requirements (Glenn County Code §15.440.060)

There are no required yard setbacks as the parcel is not located within the same block as a residential district.

Maximum Building Height (Glenn County Code §15.440.070)

No building or structure in this zone shall exceed seventy-five feet in height, except as otherwise permitted with a conditional use permit. The existing A-Frame Mixing Building which is proposed be renovated is listed as 72 feet tall on the site plan. The proposed package warehouse is to be located within an existing 37 feet tall building, which is also to be renovated. The proposed 52-foot diameter steel tank will be 32 feet tall. Therefore, the proposed structures will not exceed the maximum height of 75 feet.

Walls and Fences (Glenn County Code §15.440.070)

- A. *A solid wall, solid fence, or landscaping shall be required for all conditional uses.* The proposed landscaping for this site is consistent with the Landscaping Standards. The project site plan proposes using existing as well as new landscaping, generally along the northern portion of the project site.

Site Plan Review (Glenn County Code §15.440.090)

Prior to or concurrent with the application for a building permit, the applicant shall submit to the agency a complete site plan and all necessary supporting documentation for review by the agency to ensure compliance with all the requirements of the Glenn County Code. A conditional use permit has been applied for the proposed project, which includes review of the Site Plan.

2.2.2 Conditional Use Permit (Glenn County Code Chapter 15.220)

Conditional Use Permit (Glenn County Code §15.220.010)

The planning commission may grant a conditional use permit for the uses listed in Division 3: Development Districts after notice and hearing as provided in Chapter 15.040 and after making findings as required in section 15.220.020.

Findings (Glenn County Code §15.220.020)

The approving authority, prior to recommending approval of a development permit shall find as follows:

- A. That the proposed use at the particular location is necessary or desirable in providing a service or facility, which will contribute to the general well-being of the public;*

There is a public interest in supporting business and resource operations in the County. Agriculture remains the primary source of Glenn County's economy. The facility will provide crop protection agricultural chemicals and fertilizers, which will supply the local demand by the agricultural industry. The project will bring additional tax revenues to the County. Wilbur Ellis and Holly Sugar formerly occupied the existing facility. Granting of the project will allow a viable use of the property. The location is desirable because the site is located near major transportation routes and the project will utilize existing buildings. Therefore, it concluded that this project would contribute to the general well-being of the public within Glenn County.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;*

This project will not be subjected to hazardous conditions due to flooding, adverse geologic conditions, proximity to airports, fire hazards, or topography. Impacts from hazards on the project are further discussed in the Initial Study. The analysis in the Initial Study concludes that this project will not be detrimental to the health, safety, or general welfare of persons or property in the vicinity of the project.

- C. That the site for the proposed use is adequate in size and shape to accommodate said use and to accommodate all of the yards, setbacks, walls or fences, and other features required herein or by the planning commission;*

The project site is approximately 51 acres in size. The parcel is adequate in size and shape to accommodate the proposed project. There is adequate space for on-site parking and unloading/loading, and proposed buildings.

- D. Except in the case of the expansion of a nonconforming use, that the granting of the permit will not adversely affect the general plan or any area plan of the county.*

The proposed project is consistent with the Land Use Designation of "Industrial" and the zoning of "M" (Industrial Zone). The proposed project will meet the land use and zoning requirements of the General Plan and the Zoning Code.

2.2.3 Performance Standards (Glenn County Code Chapter 15.560)

The performance standards contained in the following subsections are only an excerpt of the required minimum. They shall not be construed as preventing the review authority, as part of any approval, to require more restrictive standards as deemed necessary; including the operator/applicant's requirement to meet the corresponding performance standards that may not be specifically reviewed in this report.

Air Quality (Glenn County Code §15.560.040)

All uses shall comply with applicable local, state, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not limited to, emissions of suspended particles, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes. The Glenn County Air Pollution Control District (GCAPCD) is responsible for the planning and maintenance/attainment of these standards at the local level. Air quality impacts are further discussed in the Initial Study for the project.

Erosion Control (Glenn County Code §15.560.060)

The following erosion control standards shall apply to all development projects in commercial or industrial zoning districts:

- A. The smallest area practical of land shall be exposed at any one time during development;*
- B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time;*
- C. Natural features such as trees, groves, natural terrain, waterways and other similar resources shall be preserved where feasible;*
- D. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development;*
- E. The permanent final vegetation and structures shall be installed as soon as practical in the development;*
- F. Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential;*
- G. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development;*
- H. Sediment basins (debris basins, desalting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.*

The proposed construction site is relatively flat. There are no natural features or critical areas that would become exposed as a result of this project. The project shall comply with each of the erosion control standards. Erosion impacts are discussed in the Initial Study for the project.

Fire and Explosion Hazards (Glenn County Code §15.560.070)

All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment. All of the fire protection regulations of the Hamilton City Fire Protection District shall be complied with. Hazards are further discussed in the Initial Study for the project.

Glare and Heat (Glenn County Code §15.560.080)

- A. All exterior lighting accessory to any use shall be hooded, shielded, or opaque. No unobstructed beam of light shall be directed beyond any exterior lot line. Buildings and structures under construction are exempt from this provision.*
- B. No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.*

Any exterior lighting at the site shall comply with the glare and heat standards.

Liquid, Solid, and Hazardous Wastes (Glenn County Code §15.560.090)

- A. All uses are prohibited from discharging liquid, solid, toxic or hazardous wastes onto or into the ground and into streams, lakes or rivers. Discharge into a public or private waste disposal system in compliance with applicable local, state and federal laws and regulations is permitted.*
- B. Wastes detrimental to a public sewer system or a sewage treatment plant shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewer system.*
- C. The handling and storage of hazardous materials the discharge of hazardous materials into the air and water and disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, state and federal regulations.*
- D. All burning of waste materials accessory to any use shall be in compliance with the county air pollution control district rules and regulations.*
- E. The disposal or dumping of solid wastes accessory to any use including, but not limited to, slag, paper and fiber wastes or other industrial wastes shall be in compliance with applicable local, state, and federal laws and regulations.*

The Glenn County Air Pollution Control District (GCAPCD) is the Administering Agency and the Certified Unified Program Agency (CUPA) for Glenn County with responsibility for regulating hazardous materials handlers, hazardous waste generators, underground storage tank facilities, above ground storage tanks, and stationary sources handling regulated substances. The storage and handling of hazardous materials are closely monitored by the GCAPCD.

The project will be subject to the conditions and regulations of the Central Valley Regional Water Quality Control Board, Glenn County Environmental Health Department, and Glenn County Air

Pollution Control District. Liquid, solid, and hazardous wastes are further discussed in the Initial Study for the project.

Noise (Glenn County Code §15.560.100)

There may be an increase in ambient noise levels during the construction of the facility. These impacts would be for short durations and would not exceed ambient noise levels. All construction site sounds between 7:00 a.m. and 8:00 p.m. are exempt from local noise standards provided reasonable practices are being followed (Glenn County Code §15.560.100.F.5). Maximum one-hour equivalent sound pressure levels are 65 dBA from 7 a.m. to 10:00 p.m. and 60 dBA from 10:00 p.m. to 7:00 a.m. (Glenn County Code §15.560.100.A). The applicant shall operate the businesses in a manner that meet this requirement. Noise related impacts are further discussed in the Initial Study for the project.

Open and Outdoor Storage, Sales and Display (Glenn County Code §15.560.110)

Glenn County Code §15.560.110(A): General. Outdoor storage in any district shall be maintained in an orderly manner and shall not create a fire, safety, health or sanitary hazard.

Glenn County Code §15.560.110(C): Standards for Uses Permitted in Any Commercial and Manufacturing District.

- 1. No outdoor storage of materials or equipment shall be permitted in the following areas: required front yards, off-street parking and loading areas, driveways, landscaped areas or street right-of-ways.*
- 5. Exterior trash and storage areas, service yards and electrical utility boxes shall be screened from view of all nearby streets and adjacent structures in a manner that is compatible with the building design.*

The project does not depict open and outdoor sales or storage, and materials will be located within proposed buildings and structures. If outdoor storage is to occur, such storage shall meet the Open and Outdoor Storage, Sales and Display standards.

2.2.4 Landscaping Standards (Glenn County Code Chapter 15.570)

The proposed landscaping for this site is consistent with the Landscaping Standards. The project site plan proposes using existing, as well as, new landscaping generally along the northern portion of the project site.

2.2.5 Off-Street Parking and Loading Facilities (Glenn County Code Chapter 15.610)

Purpose (Glenn County Code §15.610.010):

A. In order to prevent traffic congestion, off-street parking facilities shall be provided incidental to any new building or structure and major alterations and enlargements of existing uses. Off-street parking spaces or areas required shall be in proportion to the need for such facilities created by

the particular type of land use. Off-street parking facilities shall also be laid out in such a manner that the facilities will protect the public safety and insulate surrounding land uses from their impact.

B. All uses permitted in this title shall comply with all applicable standards of this chapter as set forth herein, except as provided in Division 4.

Parking Space Requirements (Glenn County Code §15.610.020):

Glenn County Code §15.610.020(F17): For a use not specified in this section, the same number of off-street parking spaces shall be provided as are required for the most similar specified use. Open uses, commercial and industrial uses requires one parking space for each employee on the maximum shift.

Standards of Off-Street Parking Facilities (Glenn County Code §15.610.030):

A. Surfacing and marking.

1. The parking area shall be maintained in good condition at all times and shall be surfaced in a manner to be consistent with the type and level of use so as to provide safe and convenient use.

The parcel has an existing driveway and entrance off 1st Street. The parcel has adequate space for employee, customer, and equipment parking. The parking areas are paved or compacted gravel, which is suitable for parking needs at the facility. According to the site plan, the parcel includes thirteen 22-foot long spaces & one Americans with Disabilities Act (ADA) space west of the front office, five 20-foot long spaces and one 20-foot long spaces and one ADA space at North East corner of Mixing Building.

CPS anticipates this facility will grow over time. Initially, CPS plans to employ approximately 10 individuals at the location, with that number potentially growing to 25-30 over five years. The existing access road will serve the project. There is additional overflow parking and loading areas at the 51 acre site. The project is consistent with the off-street parking standards.

2.2.6 Sign Standards (Glenn County Code Chapter 15.620)

Permitted Appurtenant Signs and Sign Area (Glenn County Code §15.620.060):

C. Signs identifying a permitted or conditionally permitted commercial or industrial establishment shall be permitted subject to the following development standards:

- 1. The maximum total aggregate sign area for a commercial establishment shall be one square foot per foot of building site frontage occupied by the business, to a maximum of two hundred fifty square feet;*
- 2. The maximum total aggregate sign area for an industrial establishment shall be two square feet per foot of building site frontage occupied by the business, to a maximum of five hundred square feet;*

3. Signs may be erected in the form of a monument sign, wall sign or freestanding pole sign;
4. All wall signs shall be mounted flat against the wall of the building and not projecting above the cornice or roofline of the building;
5. All freestanding pole signs shall not exceed fifty feet in height;
6. Lighting of signs shall be arranged so as not to produce a glare on other properties in the vicinity and the source of light shall not be visible from adjacent property or a public street.

The applicant has proposed to remove and replace the facility entrance sign of the project site as shown on the site plan. The plans depict a 3 foot by 8 foot illuminated sign. The proposed signs will conform with the requirements of Glenn County Code §15.620.060.

3 OTHER REQUIREMENTS

There is a ten (10) calendar day appeal period following Planning Commission action on this conditional use permit (Glenn County Code §15.050.020).

The appeal made to the Glenn County Board of Supervisors must be made in accordance with Section 15.050.020 of the Glenn County Code. The Board of Supervisors will hear the appeal as outlined by this code. The decision of the Board of Supervisors may then be challenged in court.

An approved conditional use permit expires one (1) year from the date of granting unless substantial physical construction and/or use of the property in reliance on the permit has commenced prior to its expiration. An approved conditional use permit may be extended by the director for an additional sixty (60) calendar days provided that the applicant/owner submits a written request for extension to the director at least twenty-one (21) calendar days prior to the expiration date. Only one (1) extension shall be allowed for each permit (Glenn County Code §15.090.100.A).

The necessary permits shall be secured in all affected federal, state, and local agencies. It is the responsibility of the applicant/operator to make certain all requirements are met and permits are obtained from all other agencies.

In addition to the Conditions of Approval, the applicant's and his/her technical or project management representative's attention is directed to the project comments from other agencies reviewing the application. The items noted are a guide to assist the applicant in meeting the requirements of applicable government codes. Project comments may also note any unusual circumstances that need special attention. The items listed are a guide and not intended to be a comprehensive summary of all codified requirements or site-specific requirements.

4 FINDINGS

4.1 FINDINGS FOR MITIGATED NEGATIVE DECLARATION

The Initial Study prepared for the project documents reasons to support the following Findings.

Finding 1 (Aesthetics)

The project will not have a significant impact on aesthetics. Adopted standards for lighting and construction will minimize impacts from development. The project is compatible with existing industrial uses in the area. Impacts are considered less than significant.

Finding 2 (Agricultural and Forest Resources)

The project will not have a significant impact on agriculture or forest resources. Agricultural activities within the vicinity will not be adversely impacted by this project. There are no forest resources located within the vicinity of the project. Impacts are considered less than significant.

Finding 3 (Air Quality)

The project will not have a significant impact on air quality because the project will not violate air quality standards or contribute substantially to an existing air quality violation. Federal, state, and local standards and codes reduce potential impacts to less than significant. Impacts are considered less than significant.

Finding 4 (Biological Resources)

The project will not have a significant impact on biological resources. The sensitive habitats or natural communities as defined by the Department of Fish and Wildlife or the U.S. Fish and Wildlife Service will not be adversely impacted by this project. Impacts are considered less than significant.

Finding 5 (Cultural Resources)

The project will not have significant impact on cultural resources. The project will be located at a developed industrial site. State laws are in place in case of accidental discoveries made during future ground disturbing activities. Impacts are considered less than significant.

Finding 6 (Geology and Soils)

The project will not have a significant impact on geology and soils because geologic hazards in the area are minimal and the building codes will require new construction to meet standards for soil conditions. Impacts are considered less than significant.

Finding 7 (Greenhouse Gas Emissions)

The project will not have a significant impact on global climate change as a result of greenhouse gas emissions. The project is not in conflict with existing guidelines or standards. The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The project will not create significant changes in GHG emissions. Impacts are considered less than significant.

Finding 8 (Hazards and Hazardous Materials)

Hazards and hazardous materials will not have a significant impact on the environment as a result of the proposed project. The project will not interfere with an adopted emergency response plan nor expose people to risk of loss, injury, or death. Impacts are considered less than significant.

Finding 9 (Hydrology/Water Quality)

The project will not have a significant impact on hydrology and water quality. All new construction shall comply with regulations of the Central Valley Regional Water Quality Control Board. The project will not significantly alter the drainage pattern of the area. The project does not significantly interfere with groundwater recharge in the area. The project will not substantially deplete groundwater supplies or expose people or structures to a significant risk of loss, injury, or death involving flooding. Impacts are considered less than significant.

Finding 10 (Land Use and Planning)

The project will not have a significant impact on land use and planning because the project would not physically divide an established community. The project site is designated “Industrial” in the General Plan and is zoned “M” (Industrial). The proposed use meets the requirements of the Glenn County Code and General Plan with an approved Conditional Use Permit. The project will not conflict with any existing habitat conservation plan or natural community conservation plan. No impacts are anticipated.

Finding 11 (Mineral Resources)

The project will not have a significant impact on mineral resources. The project would not have a significant impact on aggregate or natural gas resources. Impacts are considered less than significant.

Finding 12 (Noise)

The project will not have a significant impact on people residing or working in the area from excessive noise levels. Noise generating activities are required to meet the established standards prescribed by the County Code. The project site is not within an airport land use plan and not in the vicinity of a private airstrip. The project will not expose people to excessive ground borne vibration. Impacts are considered less than significant.

Finding 13 (Population and Housing)

The project will not have a significant impact on population and housing because the project will not displace people or housing. The project would not substantially increase population in the area. This project would not induce substantial population growth directly or indirectly. Impacts are considered less than significant.

Finding 14 (Public Services)

The project will not have a significant impact on public services. The services of fire protection, police protection, schools, parks, and other public facilities are sufficient to accommodate the proposed project. Impacts are considered less than significant.

Finding 15 (Recreation)

The project will not have a significant impact on recreation because it would not substantially increase the use of existing recreational facilities nor does the project include such facilities. No impacts are anticipated.

Finding 16 (Transportation/Traffic)

The project will not have a significant impact on transportation/circulation because it will not significantly increase traffic volumes on existing roads. The project will not change air traffic patterns. There will be adequate access to the site. Access roads will provide adequate emergency access to the project site. Alternative transportation plans will not be impacted. Impacts are considered less than significant.

Finding 17 (Tribal Cultural Resources)

The project will not have significant impact on cultural resources. State laws are in place in case of accidental discoveries made during future ground disturbing activities. Impacts are considered less than significant.

Finding 18 (Utilities and Service Systems)

The project will not have a significant impact on utilities and service systems. The project can be served by existing and proposed utilities and service systems facility. Impacts are considered less than significant.

Finding 19 (Mandatory Findings of Significance)

There is no substantial evidence in light of the whole record that the project may have a significant impact on the environment either cumulatively or individually. Impacts are considered less than significant.

4.2 FINDINGS FOR CONDITIONAL USE PERMIT

According to Glenn County Code Sections 15.220.010 and 15.220.030, the following Findings listed in Glenn County Code Section 15.220.020 shall be made prior to recommending approval of a conditional use permit:

Finding 1

That the proposed use at the particular location is necessary or desirable in providing a service or facility, which will contribute to the general well-being of the public. The site is in an area of existing industrial and agricultural uses and the project will bring additional taxes to the County. Agriculture remains the primary source of Glenn County's economy. The facility will provide crop protection agricultural chemicals and fertilizers, which will supply the local demand by the agricultural industry. The location is desirable because the site is located near major transportation routes and the project will generally utilize existing buildings.

Finding 2

That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working on the vicinity, or injurious to property or improvements in the vicinity. The proposed project will not have adverse effects on nearby residents, uses, or the public in general.

Finding 3

That the site for the proposed use is adequate in size and shape to accommodate said use and to accommodate all of the yards, setbacks, walls or fences, and other features required herein or by the Planning Commission.

Finding 4

That granting the permit will not adversely affect the General Plan or any area plan of the County because the proposed project conforms to the General Plan and County Code.

5 SAMPLE MOTIONS:

Environmental Determination

I move that the Planning Commission adopt the Mitigated Negative Declaration for Conditional Use Permit 2017-002 with the Findings as presented in the Staff Report.

Conditional Use Permit

I (further) move that the Planning Commission approve Conditional Use Permit 2017-002 with the Findings as presented in the Staff Report and the Mitigation Measures and Conditions of Approval as attached.

GLENN COUNTY PLANNING AND PUBLIC WORKS AGENCY

**MITIGATION MONITORING PROGRAM AND
CONDITIONS OF APPROVAL**

Crop Production Services, Inc.
Crop Protection Chemical/Fertilizer Storage Facility
555 West 1ST Street, Hamilton City, CA, 95951
APN: 032-260-006

Conditional Use Permit 2017-002, for Crop Production Services, Inc., is subject to the Mitigations and Conditions of Approval as set forth herein. Pending approval by the Glenn County Planning Commission, the applicant shall file a signed copy of the Mitigations Measures and Conditions of Approval with the Planning & Public Works Agency.

MITIGATIONS MEASURES AND MONITORING:

Mitigation Measure CR-1 (Cultural/Tribal Resources):

In the event that any prehistoric or historic subsurface cultural (including Tribal) resources are discovered during ground disturbing activities, all work within 100 feet of the resources shall be halted and the applicant/operator shall consult with the County and a qualified archaeologist (as approved by the County) and corresponding tribal representative to assess the significance of the find per CEQA Guidelines Section 15064.5. The qualified archaeologist shall determine the nature of the find, evaluate its significance, and, if necessary, suggest preservation or mitigation measures. Appropriate mitigation measures, based on recommendations listed in the archaeological survey report and tribal representative, will be determined by the Glenn County Planning & Public Works Agency Director. Work may proceed on other parts of the project site while mitigation for historical resources, unique archaeological resources, and/or tribal resources is carried out. All significant cultural materials recovered shall be, at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, tribal representative, and documented according to current professional standards.

Timing/Implementation: During Construction/Excavation Activities
Enforcement/Monitoring: Glenn County Planning & Public Works Agency

Mitigation Measure TR-1 (Transportation):

Truck traffic travelling northbound on State Route (SR) 45 can make a right turn onto 1st Street to access the site. Trucks will not be directed to southbound SR 45, as there is no existing turn lane to remove the trucks from through traffic when turning.

Timing/Implementation: In Perpetuity
Enforcement/Monitoring: Glenn County Planning & Public Works Agency

Mitigation Measure TR-2 (Transportation):

Truck traffic travelling along SR 32 will use Walsh Avenue to access the site. Existing facilities on SR 32 are adequate for the increase in truck traffic.

Timing/Implementation: In Perpetuity
Enforcement/Monitoring: Glenn County Planning & Public Works Agency

CONDITIONS OF APPROVAL:

Condition of Approval 1:

All unpaved roads must be watered to the point that Particulate Matter emissions are prevented from leaving the property boundary.

Condition of Approval 2:

All disturbed surfaces must have the soil stabilized to the point that fugitive dust emissions are prevented from leaving the property boundary.

Condition of Approval 3:

All vehicle traffic on unpaved roads are limited to 15 mph. Any grading or demolition activities shall be suspended when winds are sustained above 15 mph.

Condition of Approval 4:

If any odor complaints are generated from this operation. The owner/operator shall be required to submit and maintain a District approved Odor Management Program. A copy of the approved plan shall be provided to the Planning Division.

Condition of Approval 5:

If any complaints are received regarding dust leaving the premise of the facility. The facility shall be required to submit and maintain a District approved Dust Management Program. A copy of the approved plan shall be provided to the Planning Division.

Condition of Approval 6:

The owner/operator is required to apply for an Authorization to Construct (ATC) and subsequent Permit to Operate (PTO) if the facility utilizes equipment subject to District Regulations such as diesel generators, boilers, screens, conveyors, shredders, separators, crushers, flares, etc. A copy of the said permits shall be provided to the Planning Division.

Condition of Approval 7:

At no time shall the facility store or sell straight ammonium nitrate.

Condition of Approval 8:

A Risk Management Plan must be completed and submitted by the date on which the regulated substance is first present in a process, above the threshold quantity as described in the Glenn County CUPA comments regarding the proposal. If it is determined that such plan is not required, written evidence from CUPA shall be provided. In either case copies of the documentation shall be provide to the Planning Division.

Condition of Approval 9:

Prior to Planning Division building permit approval/zoning clearance (i.e. development of the property) the applicant shall provide written evidence regarding the current disposition of the PCC material, including but not limited to removal, transportation, and disposal approved by the Central Valley Water Board, and that proposed development will not affect PCC material (if any remains).

Condition of Approval 10:

The applicant shall at all times comply with Regional Water Quality Control Board regulations. Prior to ground disturbance, the applicant shall meet all application and permitting requirements required by the Central Valley Water Board and provide written evidence of compliance to the Glenn County Planning Division.

Condition of Approval 11:

That no off-site parking associated with this development shall be allowed on First Street. That all truck traffic shall use designated truck routes only.

Condition of Approval 12:

That the applicant/operator shall pay money into a road maintenance fund (paid to the Glenn County Planning & Pubic Works Agency) to be paid on an annual basis to maintain County roadways. The payment shall be equal to \$0.00002314 (July 1, 2016 to June 30, 2017) per pound (approx. \$4.63 per 100 tons). The fee is based on the weight of the product exported from the site. The payment described above shall be amended on an annual basis, based on the All-Urban Consumers, Consumer Price Index (computed by the U.S. Department of Labor, Bureau of Labor Statistics).

Condition of Approval 13:

That the applicant shall pay an annual nonrefundable fee of \$250.00 for the purpose of Condition of Approval and Mitigation compliance monitoring. The first deposit shall be made within 30 days of approval, and each year thereafter.

Condition of Approval 14:

Prior to receiving a building permit approval/zone clearance from the Glenn County Planning Division, the applicant shall confer with the HCCSD prior to the installation of any new/updated septic systems regarding the proposal. Evidence of concurrence from the HCCSD shall include written documentation from HCCSD that the proposed septic system is either allowable under HCCSD regulations, out of their jurisdiction or requirement for annexation, or acceptable to HCCSD.

Indemnification:

That the Applicant(s) and/or successor(s) in interest shall defend, hold harmless and indemnify Glenn County from any claim, action, or proceeding against Glenn County and/or its agents, officers, and employees, to attack, set aside, void or annul the approval(s) granted by Glenn County concerning this proposal/project or any action relating to or arising out of such approval. The Applicant(s) and/or successor(s) in interest shall further indemnify Glenn County and/or its agents, officers and employees from liability for any award, damages, costs, and fees, including but not limited to legal fees and costs, incurred by the County and/or awarded to any plaintiff in any action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant(s) and/or successor(s) in interest further agree to provide a defense for the County in any such action.

Acknowledgment:

I hereby declare under penalty of perjury that I have read the foregoing conditions, which are in fact the conditions that were imposed upon the granting of the Conditional Use Permit, and that I agree to abide fully by said conditions. Additionally, I have read the Staff Report and I am aware of codified county, state, and/or federal standards and regulations that shall be met with the granting of this permit. I have the proper legal authority to, and am signing on the behalf of, those with interest in Crop Production Services, Inc. (or Ginno Construction Inc.).

Date: _____

LANDOWNER: G. Rey Reinhardt, Crop Production Services, Inc.

Date: _____

APPLICANT: Bryan Ginno, Ginno Construction Inc.