



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION HEARING DECEMBER 16, 2003
Agenda Item #6

Request: Allow a rice research facility which will include a warehouse and office building, two greenhouses, and other minor improvements.

Location: Southwest corner of Knights Road and Seymour Road, Robbins

APN: 29-070-033

File: UP #03-12

Planner: Steve Geiger

Applicant	Property Owner
Bayer Crop Sciences Kirk Johnson 3926 Yana Place Davis, CA 95616	Steven Butler P. O. Box 38 Robbins, CA 95676

Staff Recommendation

Recommend that the Planning Commission approve Use Permit #03-12, subject to the conditions of approval listed in the staff report.

Project Description

The project is a request to allow a rice research facility to be constructed on a 2.35 acre portion of a 38 acre parcel. The applicant will use the facility to develop and test new rice varieties. Proposed improvements include a warehouse and office building, two greenhouses, and other minor improvements including a 30' by 30' detached garage for use by the tenant of the property. The facility will have a total of six employees and will operate between 8:00 am and 5:00 pm, Monday through Friday.

Setting

The subject property is located at the southwest corner of Knights Road and Seymour Road, west of the rural community of Robbins. The project site is developed with a residence and a detached garage and is bordered to the north, east, and west by a canal. The site is located in an area that is devoted primarily to the growing of rice.

	Land Use	Zoning Designation	General Plan Designation
Site	Residence, detached garage	AG	AG-80
North	Rice fields, residences	AG	AG-80
South	Rice fields	AG	AG-80
East	Rice fields	AG	AG-80
West	Rice fields, residences	AG	AG-80

Previous Actions

This project was originally approved with conditions by the Planning Commission on April 5, 2000. The original approval was valid for a one year period. The applicant was granted two time extensions (one year each) by the Community Services Director in 2001 and 2002. Since the use permit was not activated within three years of the original approval (April 2003), the approval expired and a new use permit application was required to be filed.

Analysis

The project will initially involve the construction of a 5,000 square foot combined warehouse and office building and two greenhouses, 2,400 and 4,720 square feet in size. Other proposed improvements include construction of a 900 square foot detached garage building, a dryer storage and propane storage area, outdoor storage area, and asphalt driveways and parking areas. The site will be used by the applicant to develop and test new rice varieties. The project site is located in an area devoted to rice production where there are few homesites or other sensitive land uses.

As part of the project review, the Environmental Health Division required the applicant to conduct additional soil testing on the property to determine what type of septic system could be utilized. Environmental Health has reviewed the results of the testing and commented that the applicant will be required to have an authorized professional design a non-residential on-site holding tank sewage system. The designer of the system will be required to certify that it meets County regulations and that it will adequately serve the proposed facility. Additional conditions being required by the Environmental Health Division are included in the conditions of approval attached at the end of the staff report.

According to the applicant, 2,500 square feet of the main building will be used for office/lab area and the remaining 2,500 square feet will be used for warehouse area. Based on these square footages, a total of 11 on-site parking spaces are required. As a condition of approval, staff will require that the applicant submit a revised site plan that demonstrates that adequate parking area meeting Zoning Code requirements is provided. The applicant has also indicated that a 2,000 square foot covered outdoor storage area will be used for the storage of farm equipment adjacent to the south side of the warehouse/office building. This area will also be required to be noted on the revised site plan.

In reviewing a use permit request, the proposed use must be found to be consistent with the General Plan. The subject property is designated Agriculture, 80 acre minimum, by the Sutter County General Plan. The proposed rice research facility will provide a related service to the agricultural community and staff has historically recommended approval for such uses. The following goal and policy found as part of the "Economic Development Strategies for Agricultural Industries" in the General Plan support this project:

Goal 6.B To facilitate preservation, growth and expansion of agricultural industries within Sutter County.

Policy 6.B-1 The County shall support the development of agricultural production, processing and distribution industries within Sutter County.

Based on the above goal and policy, staff believes the proposal is consistent with the General Plan.

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.

General Plan

As discussed above, the proposed use will provide a related service to the agricultural community. Staff therefore believes the proposed use is consistent with the goals and policies of the General Plan.

Use Permit

Approval of the proposed 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 motions would be appropriate:

1. "The Planning Commission finds the proposed negative declaration was prepared in accordance with the California Environmental Quality Act and the Guidelines."
2. "The Planning Commission approves Use Permit #03-12 to allow the proposed rice research facility, based on the recommended findings and conditions contained in this staff report."

Attachments

- A. Study Sketch
- B. Site plan
- C. Proposed Negative Declaration and Initial Study

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Conditions of Approval
Use Permit #03-12
Bayer Crop Sciences
Southwest corner of Knights Rd. and Seymour Rd.

1. This use permit is for a rice research facility which includes a combined warehouse and office building, two greenhouses, and other minor improvements. (P)
2. Development and use of the property shall comply with the approved site plan and information contained in the staff report. (P)

At end of 10 day appeal period

3. The applicant shall file a Notice of Determination, including payment of associated fees, in the office of the County Clerk within five (5) days after the end of the ten (10) day appeal period. (P)

Prior to issuance of a building permit

4. An authorized professional shall design a non-residential on-site holding tank sewage system and shall certify that the proposed system meets Sutter County regulations and will adequately serve the proposed facility. "Holding Tank Sewage System" means an on-site sewage system which incorporates a holding tank, designed and constructed to receive and retain sewage, the services of a septic tank pumper, and off-site treatment and disposal of the sewage generated." The applicant shall have an authorized professional submit to the Environmental Health Division:
 - A. Information that establishes the sewage waste strength and identifies chemicals present in the sewage that are not found in residential sewage and are not industrial wastewater.
 - B. An approved operation and maintenance contract between the system owner and qualified operation and maintenance provider (certified by the proprietor of the treatment unit), if applicable.
 - C. With a holding tank (commercial use only) disposal system, a contract shall be established between system owner and septic pumping company. Said contract shall list specific pumping dates with follow up reporting to the County of Sutter Environmental Health Department. The pumper's report shall show the amount pumped, date pumped and where disposed of. The report shall be submitted within two weeks of pumping the holding tank.

- D. The holding tank shall be from the approved wastewater tank list and shall be installed such that it can be proven to be water-tight. (EH)
5. Prior to permit issuance, submit to Sutter County Environmental Health complete construction plans and specifications for the holding tank/alarm system pursuant to the requirements of Sutter County Environmental Health Division regulations.
 6. Obtain from Sutter County Environmental Health a permit to operate a holding tank system. All commercial operations shall comply with the requirements of Sutter County Code and applicable State laws and regulations. (EH)
 7. Any abandoned on-site sewage systems and individual water supply wells shall be destroyed in accordance with Sutter County Environmental Health regulations. Sutter County Environmental Health permits shall be obtained prior to the commencement of this work. (EH)
 8. Encroachment permits shall 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)
 9. Building 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)
 10. Building design and accessibility shall be based upon the 2001 California Building Codes. (B)
 11. Prior to issuance of a building permit, the applicant shall submit a revised scaled site plan demonstrating that the on-site parking requirement is met. Based on the information provided, a total of 11 on-site parking spaces are required. The revised site plan shall also clearly delineate the proposed covered outdoor storage area to be located adjacent to the south side of the warehouse/office building. (P)

Ongoing

12. All wastewater shall be disposed into the approved on-site sewage system. (EH)
13. The permitted use must be consistent with the design flow and waste strength established for the on-site sewage system. Any change of use or failure to comply with the terms of approval will result in the revocation of said permitted use. (EH)
14. All structures producing wastewater shall connect to the public sewer system when it is available, per the Uniform Plumbing Code (UPC). (EH)
15. Water supply shall be from private well and comply with all Sutter County Environmental Health requirements for the use intended. (EH)

16. All operation and monitoring reports must be submitted, within two weeks of the holding tank being pumped, by a qualified consultant as required by the on-site sewage system permit, manufacturer of the proprietary treatment unit and/or contracted tank pumping service. (EH)
17. The septic tank serving the project shall be pumped by a registered septic tank pumper at a minimum frequency of at least once every three months or sooner if indicated by high water alarm system. A copy of the pump report must be submitted to Sutter County Environmental Health within two weeks of the holding tank being pumped. (EH)
18. 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)
19. 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. Additionally, no grading or alteration of the existing terrain that would direct additional waters from one lot to any adjacent lot is allowed. (PW)
20. The proposed project shall not interfere with Reclamation District No. 1500's drainage canal and ditch maintenance responsibilities and activities provided for in the District's easements and/or right-of-ways. (RD1500)
21. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures allowed under or over any PG&E facilities or inside any PG&E easements that exist within the subject project site. (PG&E)
22. All outdoor lighting associated with the project shall be installed so as not to shine on adjacent properties or public right-of-way. If needed, shielded or cut-off lighting style shall be utilized. (P)
23. The use permit shall be activated within one year of the approval date, unless an extension is filed and granted in accordance with the Sutter County Zoning Code. (P)