

**COLUSA COUNTY ZONING ADMINISTRATOR
AGENDA REPORT – MAY 1, 2017**

APPLICANT: Steve Streng

FILE #: UP #17-2-1 (ED #17-9)

REQUEST: Steve Streng is requesting a Minor Use Permit for construction of 1,600 square foot shop building for personal storage and for use for his existing plumbing business.

GENERAL PLAN: Rural Residential (RR)

ZONING: Rural Residential (R-R)

APN: 030-440-004 and 030-440-015

LOCATION: The project site is located at 141 Wildcat Road in the community of Century Ranch.

PARCEL SIZE/PROJECT SIZE: The project consists of the construction of a 1,600 square foot shop building for contracting business and personal use.

PLANNER: Kent Johanns, Associate Planner

ATTACHMENTS/EXHIBITS: A: Conditions of Approval
B: Location Map
C: Site Plan

STAFF COMMENT:

Staff recommends approval of the Minor Use Permit with conditions and findings.

PROJECT AND SITE DESCRIPTION:

The project consists of the establishment of a plumbing contracting business in lieu of the existing home occupation business license the applicant now has. The land use in the project area consists of rural residential land uses and vacant properties. The applicant is proposing a 1,600-square foot shop building to perform plumbing work and storage of equipment. The project will utilize both Assessor's Parcels Numbers (APN) listed on the application. The shop

building will be built on APN 030-440-004, but will continue to utilize the existing improved access onto Wildcat Road.

ANALYSIS:

General Plan and Zoning:

The project site has a General Plan land use designation of Rural Residential (RR). The project is considered to be an allowable use in the RR land use designation due to the large parcels size and the closest residence being approximately 300-feet away. The General Plan has policies that support the proposed project, for example:

Policy LU 3-1: It can be demonstrated that the development is compatible with surrounding land uses and will not have a significant adverse effect on neighboring properties

The zoning ordinance provides for the proposed use under Section 44-2.20.30, Allowed Uses in the Agricultural Zones, Table 44-2.30-2 allows for Construction, Maintenance, and Repair Services with the approval of a Minor Use Permit. Therefore, the project is considered to be consistent with current zoning regulations with approval of this Minor Use Permit (MUP #17-2-1).

Surrounding Land Use and Compatibility:

As mentioned above, there are rural residential activities occurring adjacent to or on the project site. The project as proposed is not anticipated to impact rural residential uses in the area and is considered to be conditionally compatible with the surrounding land use in the area.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

I. Adopt a Categorical Exemption, 15303 - Class 3 (ED #17-9)

Section 15303 Class 3; Class 3 consists of construction and location of limited numbers of new, small facilities or structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel.

A. Find that the proposed Categorical Exemption is adequate and reflects the independent judgment and analysis of the County, which is the lead agency.

- II. Approve the Minor Use Permit subject to the following findings and conditions found in Exhibit A:
- A. The proposed use 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 injurious or detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood, or to the general health, welfare and safety of the County.
 - B. The project would not be unreasonably incompatible with surrounding land uses. The project is in a zoning classification conditionally suitable for the proposed use.
 - C. Approval of this project will not be detrimental to the public health, safety and welfare with compliance of the required conditions.
 - D. The project is consistent with the Colusa County General Plan Land Use Element goals and policies.

**EXHIBIT A
USE PERMIT
COLUSA COUNTY ZONING ADMINISTRATOR**

DATE

**MUP #17-2-1
PERMIT NO.**

**030-440-004 & 015
ASSESSORS PARCELS NO.**

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Steve Streng is hereby granted a Minor Use Permit in accordance with the application filed to establish a plumbing contracting business located on AP# 030-440-004 & 030-440-015.

Standard Conditions

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this Minor Use Permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Zoning Ordinance, including Colusa County Code Section. 7.29.
2. Unless otherwise provided for in a special condition to this Minor Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. Minor changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health and 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 or amendment.
4. The use granted by this permit must be established within 12 months of the delivery of the countersigned permit to the Permittee. If any use for which a use permit has been granted is not established within one year of the date of receipt of the countersigned

permit by the Permittee, the permit shall become null and void and re-application and a new permit shall be required to establish the use.

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.

Conditions of Approval

Planning & Building:

1. The applicant agrees, as a condition of issuance and use of this entitlement, to indemnify and defend the County, at applicant's sole cost and expense, in any claim, action, or proceeding brought against the County within 180-days after the issuance of this entitlement because of, or resulting from, any preliminary approval or actual issuance of this entitlement, or, in the alternative, to relinquish such entitlement. Applicant will reimburse the County for any damages, court costs and attorney fees which the County may be required by a court to pay as a result of such claim, action or proceeding. The County shall promptly notify the applicant of any such claim, action, or proceeding and will cooperate in its defense. The County may also, at its sole discretion, participate in the defense of any such claim, action, or proceeding but such participation shall not relieve applicant of its obligations under this condition.
2. Prior to any construction at the site, the applicant shall apply for and receive a building permit from the Colusa County Department of Planning and Building.
3. If upon approval of this Minor Use Permit any health or safety hazard arises due to the operation allowed by this Minor Use Permit; the Zoning Administrator shall hold a Public Hearing to hear comments and consider whether Conditions of Approval need to be revised, added, or revoked.
4. Applicant shall comply with all federal, state and local statutes, ordinances and regulations.
5. Applicant shall not have any employees on site.
6. Applicant shall keep all business related materials stored inside or on the building.
7. Applicant shall limit business related exterior activities from 6:00 am to 8:00 pm.

Environmental Health

8. Prior to commencement of operations the applicant shall submit a Hazardous Materials Business Plan to the Department of Environmental Health for review and approval.

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

Dated: _____
Applicant

Note: Issuance of the Minor Use Permit does not waive the requirement of obtaining Building and Health Department permits before starting construction nor does it waive any other requirements.

Dated: _____
Zoning Administrator

Cc: Public Works Department
Building Department
Environmental Health Department
Fire District Chief