



COLUSA COUNTY ZONING ADMINISTRATOR AGENDA REPORT – JANUARY 11, 2017

APPLICANT: Arbuckle Parks and Recreation District (Arbuckle Little League)

FILE #: **MUP# 17-11-1, (ED #17-31)**

REQUEST: Approval of a Minor Use Permit to allow the construction of a tee-ball field, parking lot, bathrooms, walkways, grass play area, and landscaped area.

GENERAL PLAN: Urban Residential (UR)

ZONING: Residential Single Family (R-1-8)

ASSESSOR'S PARCEL NUMBER: 020-120-021

LOCATION: The project site is located at the northeast corner of the intersection of Tenth Street and Garrett Avenue, north of the Arbuckle Little League Field/Community Park.

PARCEL SIZE: 1.07±-acres

PLANNER: Kent Johanns, Associated Planner

ATTACHMENTS/EXHIBITS: A: Conditions of Approval
B: December 18, 2017 Staff Report (with attached site plan and photos)

STAFF COMMENT:

Based on the public comments and concerns received at the December 18, 2017 hearing, a series of new/amended conditions have been developed to address the identified issues. These new/modified conditions are underlined in Exhibit "A". Staff believes that the modified conditions will address the stated concerns and, therefore, recommends approval of the request for a Minor Use Permit subject to the conditions detailed in Exhibit "A".

BACKGROUND

The application was continued from the December 18, 2017 hearing during which time a number of the adjacent residents along Holiday Court expressed concerns with the proposed project. The concerns discussed include:

- 1) People attending little league games are interacting rudely with neighboring property owners due to the close proximity of the facilities and the open nature of the fencing
- 2) Noise and lighting impacting the enjoyment of their property
- 3) Trespassing and vandalism from people attempting to access the existing facilities by Holliday Court
- 4) Expansion of existing facilities will compound the issues

As a result of the concerns, staff reviewed the conditions in relation to the issues presented at the hearing and developed a number of amendments to the previously proposed conditions and added a number of additional conditions. The intent of these changes was to mitigate the expressed concerns over the use of the existing ball field and to prevent the proposed ball field from further impacting the adjacent residents.

The specific changes included the amending (underlined) of the following previously proposed conditions of approval:

3. Construction equipment storage and vehicle staging area shall be located in as far away from residential uses near the project site as possible and be shown on the improvement plans for review and approval by the Director of Community Development prior to construction commencing.
5. The applicant shall submit a lighting plan for the security lighting prior to the commencement of construction activities. All lighting is required to conform to with Section 44-3.30 (Lighting Standards) of the Colusa County Zoning Code. Lighting is to be designed to minimize impacts on neighboring properties. The playing field shall not be lighted.
6. The applicant shall inform all participants through the application process that Holiday Court is a private road and is not to be utilized for parking or accessing the Arbuckle Little League/Community Park facilities and provide permanent signage at the entrance to Holliday Court to that effect.

Staff is proposing the following additional conditions:

7. The applicant shall construct a 6-foot perimeter chain link fence around the facility, fitted with opaque slats. The specific design and location shall be submitted to the Community Development Director for review and approval with the improvement plans. The fence shall be maintained in good repair by the applicant.
8. In conjunction with the improvement plans, the applicant shall provide details of a security plan to monitor the areas adjacent to the homes on Holliday Court to the Community Development Director for review and approval. The approved plan shall be implemented prior to the use of the field.
9. The applicant shall limit the proposed field use hours from 8:00 am to one half hour before sunset.
10. The applicant shall orientate the bathroom access to a south facing direction.
11. The applicant shall not use access Holliday Court for access for Heavy Equipment (e.g. excavators or bull dozers) during construction.
12. The applicant shall eliminate the proposed maintenance gate, unless it is required by the Arbuckle – College City Fire Protection District for health and safety reasons.
13. Prior to field use the applicant shall notify the Community Development Department and schedule a site inspection to ensure that all requirements have been fully implemented.
14. Prior to approval of the improvement plans, the Arbuckle Public Utility District shall verify in writing to the Planning Director that the existing water and sewer connections on Holiday Court can service the proposed facility without impacting the services to the existing residents. In the event that the existing service laterals cannot serve the facility without impact the services of the existing residents, then the other service connections shall be developed to the satisfaction of the Community Development Director.

PROJECT AND SITE DESCRIPTION:

Please refer to the original attached staff report (Exhibit “B”) from the December 18, 2017 Zoning Administrator meeting for the project and site description.

ANALYSIS:

Please refer to the original attached staff report (Exhibit “B”) from the December 18, 2017 Zoning Administrator meeting for the analysis of the project’s consistency with the applicable General Plan and Zoning designations.

Other potential site locations were discussed at the December 18, 2017 meeting. Arbuckle Parks and Recreation District and Arbuckle Little League have cited a lack of feasible alternative sites in choosing the proposed location.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is considered to be exempt from CEQA under Section 15303, New Construction or Conversion of Small Structures, 15304, Minor Alterations to Land, and Section 15332, In-Fill Development Projects. In this case, project approval would result in the possible construction of permanent structures totaling 1,216-square feet. The project site does not have a slope over 10%, nor is considered to be native habitat. The project site is also surrounded by urban uses and has adequate public facilities to serve project. As a result, the project is categorically exempt under Sections 15303, 15304, and 15332.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

- I Adopt Categorical Exemptions, Section 15303, Section 15304, and Section 15332
- II. Approve the Arbuckle Parks and Recreation District (Arbuckle Little League) Minor Use Permit MUP #17-11-1.
 - A. The proposed use of 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 of the County.
 - 1. The project will not be unreasonable or incompatible with surrounding areas.
 - 2. The project is in a zoning classification conditionally suitable for the proposed use.
 - 3. The design and improvement of the project will not conflict with easements, access through or use of the property, on which the project is to be located.
 - B. The specific use, the construction of public recreation facilities, is a conditionally acceptable use with the approval of a Minor Use Permit in areas zoned for residential uses and there are no potentially significant environmental effects.
 - C. 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 #17-11-1

PERMIT NO.

020-120-021

ASSESSORS PARCEL NO.

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Arbuckle Parks and Recreation District (Arbuckle Little League) is hereby granted a Minor Use Permit in accordance with the application filed to construct expanded facilities including a tee-ball field, parking lot, and bathroom in the R-1-8 zone on APN 020-120-021.

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of the Permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Zoning Ordinance.
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 Community Development (Zoning Administrator), Public Works or the Fire Chief 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 Minor Use 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 Minor Use 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.

I. CONDITIONS OF APPROVAL

Planning and 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. Construction activities shall be limited to the hours between 7:00 a.m. to 7:00 p.m. Monday through Saturday.
3. Construction equipment storage and vehicle staging area shall be located in as far away from residential uses near the project site as possible and be shown on the improvement plans for review and approval by the Director of Community Development prior to construction commencing.
4. The applicant shall comply with all other applicable federal, state, and local statutes, ordinances, and regulations.

The applicant shall comply with the Americans with Disabilities Act regarding access by connecting the existing ADA accessible parking space with the proposed facilities with an ADA complaint surface, or by providing an ADA complaint parking space in the proposed parking lot.
5. The applicant shall submit a lighting plan for the security lighting prior to the commencement of construction activities. All lighting is required to conform to with Section 44-3.30 (Lighting Standards) of the Colusa County Zoning Code. Lighting is to be designed to minimize impacts on neighboring properties. The playing field shall not be lighted.
6. The applicant shall inform all participants that Holiday Court is a private road and is not to be utilized for parking or accessing the Arbuckle Little League/Community Park facilities and provide permanent signage at the entrance to Holliday Court to that effect.

7. The applicant shall construct a 6-foot perimeter chain link fence around the facility, fitted with opaque slats. The specific design and location shall be submitted to the Community Development Director for review and approval with the improvement plans. The fence shall be maintained in good repair by the applicant.
8. In conjunction with the improvement plans, the applicant shall provide details of a security plan to monitor the areas adjacent to the homes on Holliday Court to the Community Development Director for review and approval. The approved plan shall be implemented prior to the use of the field.
9. The applicant shall limit field use hours from 8:00 am to one half hour before sunset.
10. The applicant shall orientate the bathroom access to a south facing direction.
11. The applicant shall not use access Holliday Court for access for Heavy Equipment (e.g. excavators or bull dozers) during construction.
12. The applicant shall eliminate the proposed maintenance gate, unless it is required by the Arbuckle – College City Fire Protection District for health and safety reasons.
13. Prior to field use the applicant shall notify the Community Development Department and schedule a site inspection to ensure that all requirements have been fully implemented.
14. Prior to approval of the improvement plans, the Arbuckle Public Utility District shall verify in writing to the Planning Director that the existing water and sewer connections on Holiday Court can service the proposed facility without impacting the services to the existing residents. In the event that the existing service laterals cannot serve the facility without impact the services of the existing residents, then the other service connections shall be developed to the satisfaction of the Community Development Director.

Fire District:

15. The applicant shall meet all requirements of the Arbuckle - College City Fire Protection District regarding fire and life safety.

Environmental Health Department:

16. All construction for the project shall comply with setback requirements related to water and sewer systems as determined by the Department of Environmental Health.
17. The applicant shall connect to the Arbuckle Public Utility District for water and sewer service.

Public Works

18. Any work within the County Right-of-Way shall be to County standards and will require an Encroachment Permit.
 - a. Applicant shall be responsible for establishing property/easement lines.
19. Drainage shall not be impeded. Any culverts installed or ditch modifications shall be adequate to maintain current drainage flow service levels.
 - a. Applicant shall be responsible for all engineering required for the proposed drainage improvements to accommodate the flows with county approval.
 - b. Most if not all of the parcel is within Flood Zone AH with Base Flood Elevations established (BFE). Applicant shall comply with County Code 33 Flood Damage Prevention and all FEMA requirements for construction within a flood zone.

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

Colusa County Zoning Administrator

cc: Public Works Department
Building Unit
Environmental Health Division
Fire District Chief

EXHIBIT B

December 18, 2017 Staff Report
(with attached site plan and photos)

**COLUSA COUNTY ZONING ADMINISTRATOR
AGENDA REPORT – DECEMBER 18, 2017**

APPLICANT: Arbuckle Parks and Recreation District (Arbuckle Little League)

FILE #: **MUP# 17-11-1, (ED #17-31)**

REQUEST: Approval of a Minor Use Permit to allow the construction of a tee-ball field, parking lot, bathrooms, walkways, grass play area, and landscaped area.

GENERAL PLAN: Urban Residential (UR)

ZONING: Residential Single Family (R-1-8)

ASSESSOR'S PARCEL NUMBER: 020-120-021

LOCATION: The project site is located at the northeast corner of the intersection of Tenth Street and Garrett Avenue, north of the Arbuckle Little League Field/Community Park.

PARCEL SIZE: 1.07±-acres

PLANNER: Kent Johanns, Associated Planner

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

STAFF COMMENT:

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

PROJECT AND SITE DESCRIPTION:

The project includes the construction of a tee-ball/practice field, parking lot, bathrooms, and grass play area. The tee-ball/practice field will be approximately 150-feet from the home plate back stop to the center field fence and cover approximately 21,210 square feet, including dugouts. The gravel parking lot will consist of 15-spaces and cover 4,362-square feet; the proposed bathrooms/storage facility will be approximately 10-feet tall and 576-square feet. All

walkways within the proposed improvement area will be constructed of decomposed granite and cover approximately 4,562-square feet. There will also be an open space area of grass or turf of approximately 6,627-square feet. A bark and mulch landscaped area is proposed along the north, west and east perimeters of the project site and will cover approximately 6,381-square feet (see attached plot plan for more detail). The application cites large increases in participation in the little league program. The spring tee-ball program has increased from 10-participants in 2006 to 57-participants in 2017. The program over all saw an increase from 161-participants in 2006 to 220-participants in 2017. The existing facilities appear to have adequate Americans with Disabilities Act (ADA) access with a properly constructed parking area. The new facilities should provide ADA access to the existing ADA parking space or construct an ADA compliant parking space to serve the new facilities.

The project site is currently undeveloped and has been since the parcel map that created it was approved in 2006. Vegetation on the project site consists of non-native grasses, several mature oak trees and almond trees along the perimeter. There are numerous oak and almond saplings in the interior of the project site. There is an existing drainage ditch along the southern boundary of project site adjacent to the existing access road for the existing Arbuckle Little League/Community Park facilities. There is an existing access easement (unimproved) along the eastern boundary of the project site for residents of Holiday Court to access the existing facilities which is to remain.

ANALYSIS:

General Plan and Zoning:

The General Plan Land Use Designation is Urban Residential (U-R). The project site is zoned Residential Single-Family (R-1-8). Public recreational facilities are permitted in areas designated and zoned for residential uses under a minor use permit. Community and residential support facilities (e.g. schools and parks) are an allowable use in areas designated U-R according to Table LU-1, General Plan Land Use Designations. The project is considered compatible with the following General Plan Objectives and Policies:

Objective OSR 3-A Ensure Adequate Parks and Recreational Facilities are Available to County Residents

Policy OSR 3-4: Support the efforts of existing parks and recreation districts to provide facilities within and around communities...

Policy OSR 3-7: Ensure access for disabled people is provided for park and recreations areas and facilities as appropriate.

Section 44-2.30.30. Allowable Uses in the Residential Zones, provides for the establishment of public recreational facilities in the R-1-8 zoning classification provided a Minor Use Permit is

obtained. Upon approval of Minor Use Permit #17-11-1 (MUP #17-11-1) the project will be consist with the Colusa County Zoning Ordinance.

Surrounding Land Use and Compatibility

The project site has residential uses located to the north, east and west. The existing Arbuckle Little League/Community Park facilities are located to the south. The project site is utilized on a seasonal basis and is considered a benefit to the community in general. As such, the project is considered to be conditionally compatible with surrounding land uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is considered to be exempt from CEQA under Section 15303, New Construction or Conversion of Small Structures, 15304, Minor Alterations to Land, and Section 15332, In-Fill Development Projects. In this case, project approval would result in the possible construction of permanent structures totaling 1,216-square feet. The project site does not have a slope over 10%, nor is considered to be native habitat. The project site is also surrounded by urban uses and has adequate public facilities to serve project. As a result, the project is categorically exempt under Sections 15303, 15304, and 15332.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

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 1. The project will not be unreasonable or incompatible with surrounding areas.
 2. The project is in a zoning classification conditionally suitable for the proposed use.
 3. The design and improvement of the project will not conflict with easements, access through or use of the property, on which the project is to be located.

- B. The specific use, the construction of public recreation facilities, is a conditionally acceptable use with the approval of a Minor Use Permit in areas zoned for residential uses and there are no potentially significant environmental effects.
- C. The project is consistent with the Colusa County General Plan Land Use Element goals and policies.

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Planning and 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.
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The applicant shall comply with the Americans with Disabilities Act regarding access by connecting the existing ADA accessible parking space with the proposed facilities with an ADA complaint surface, or by providing an ADA complaint parking space in the proposed parking lot.

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6. The applicant shall inform all participants that Holiday Court is a private road and is not to be utilized for parking or accessing the Arbuckle Little League/Community Park facilities.

Fire District:

7. The applicant shall meet all requirements of the Arbuckle - College City Fire Protection District regarding fire and life safety.

Environmental Health Department:

8. All construction for the project shall comply with setback requirements related to water and sewer systems as determined by the Department of Environmental Health.
9. The applicant shall connect to the Arbuckle Public Utility District for water and sewer service.

Public Works

10. Any work within the County Right-of-Way shall be to County standards and will require an Encroachment Permit.
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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 Use Permit does not waive requirement of obtaining Building and Health Department permits before starting construction nor does it waive any other requirements.

Colusa County Zoning Administrator

cc: Public Works Department
Building Unit
Environmental Health Division
Fire District Chief

EXHIBIT B

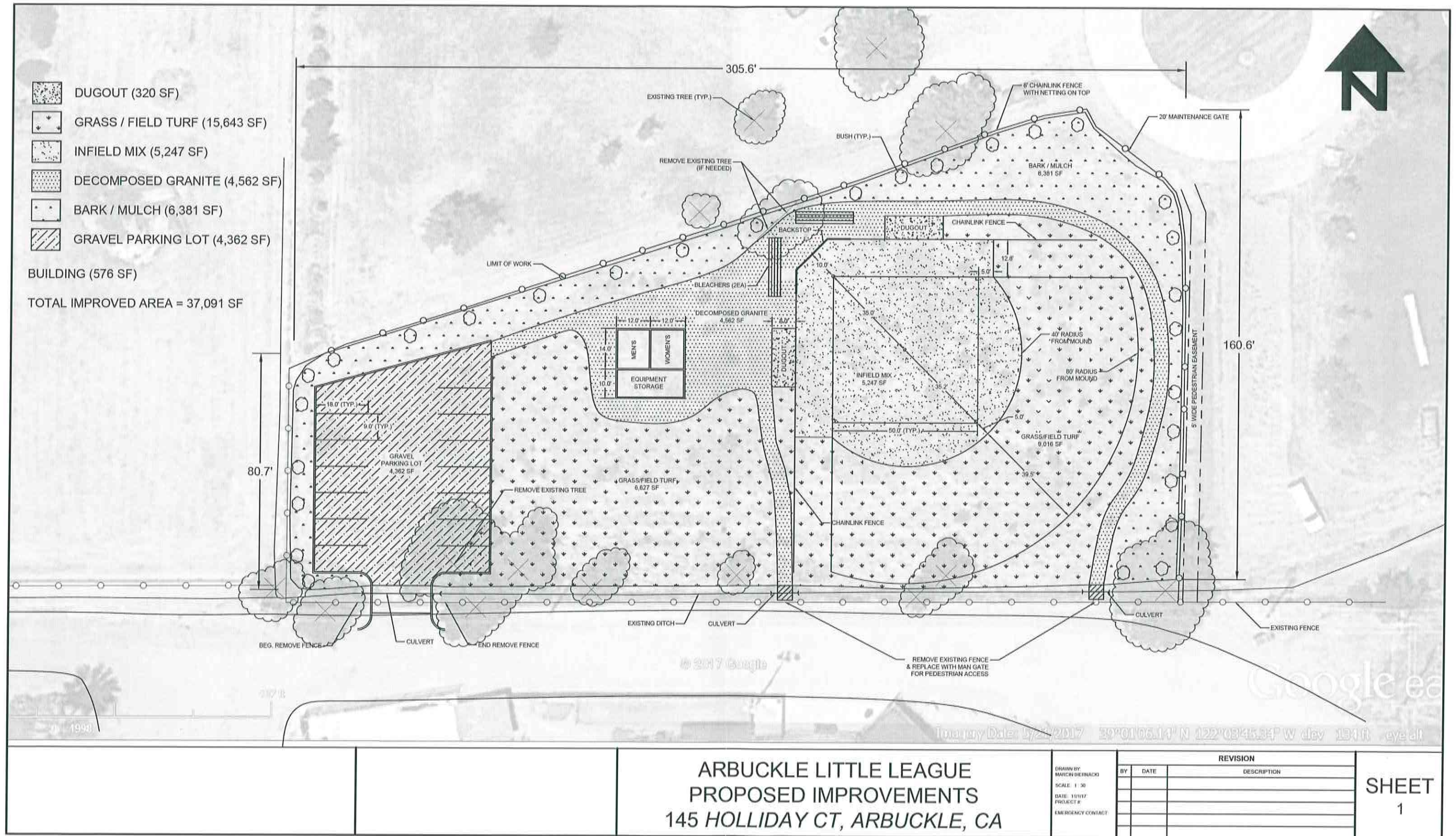


EXHIBIT C



Looking southwest from Holliday Court toward Little League field.

EXHIBIT C



Looking southwest toward Little League field from project site.

EXHIBIT C



From southwest looking northeast to Holliday Court.

EXHIBIT C



Looking west along drainage ditch.