

**COLUSA COUNTY ZONING ADMINISTRATOR
AGENDA REPORT – JUNE 27, 2018**

APPLICANT: Margie Fong-Reynoso

FILE #: UP #18-5-2 (ED #18-16)

REQUEST: Margie Fong Reynoso is requesting a Minor Use Permit for the establishment of a swap meet (flea market) operation.

GENERAL PLAN: Commercial (C) and Industrial (I)

ZONING: Community Commercial (C-2) and Light Industrial (M-1)

APN: 015-144-006 (C-2) 015-144-005 (M-1), 015-144-013 (M-1)

LOCATION: The project site is located at 541 14th Street, Colusa CA 95932 on the northeast corner of 14th Street and Parkhill.

PARCEL SIZE/PROJECT SIZE: The project consists of operating a swap meet (flea market) on weekends on 1.42-acres. The applicant will rent table spaces to members of the community to sell there items and provide 20-parking spaces.

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 allowing the establishment of swap meet on three parcels totaling 1.42-acres on weekends. The applicant will provide table space for vendors to sell crafts and various items. The number of vendors will be based on demand. The applicant is proposing to provide twenty parking spaces on the project site. The property was formerly used as a metal recycling facility, but has been vacant for several years. There is a 5,000-square foot pole barn, 80-square

foot, a 120-square foot office, and 192 square foot shed. There several concrete slabs on the project site, including a 2,500 square foot and 300-square foot slab. The property is surrounded by a 6-foot high chain link slated fence. The land use in the project area is a mixture of industrial, commercial and residential.

ANALYSIS:

General Plan and Zoning:

The project site has a General Plan land use designations of Commercial (C) and Industrial (I). The General Plan has objectives and policies that support the proposed project, for example:

Objective ED-1: To diversify the Local Economy Through Encouraging Commercial and Industrial Development that Increases Local Employment Opportunities...

The project site has a zoning classifications of Community Commercial (C-2) and Light Industrial (M-1). The portion of the project site zoned M-1 is the subject of this Minor Use Permit application. The zoning ordinance provides for the proposed use under Section 44-2.20.30, Allowed Uses in the Industrial Zones, allows for general retail 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 #18-5-2). The proposed project is considered a permitted use in the C-2 zone.

Surrounding Land Use and Compatibility:

As mentioned above the area has industrial, commercial and residential uses occurring adjacent to project site. The project as proposed is not anticipated to impact industrial operations, or residential uses in the area and is considered to be conditionally compatible with the surrounding land use in the area.

Issues and Concerns:

Since the swap meet will be open to the public the is required to be compliant with the Americans with Disabilities Act (ADA). In this case staff utilized the 20 parking spaces that are proposed to determine that one ADA bathroom and one ADA parking space are for ADA compliance.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

- I. Adopt a Categorical Exemption, 15303 - Class 1(a) (ED #18-16) Section 15303 Class 1(a); Existing Facilities

- 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 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.

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. 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.
3. Applicant shall comply with all federal, state and local statutes, ordinances and regulations.
4. Prior to operating the swap meet applicant shall provide one Americans with Disabilities Act complaint bathroom and one parking space.
5. Swap meet hours shall be limited to weekends between 8:00 and 5:00 pm.
6. The applicant is responsible for trash collection and disposal resulting from the operation.

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 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 Unit
Environmental Health Division
Fire District Chief



City of Colusa

Site

Google Earth

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Clay Street

14x8 = 112'

18x8 = 144'

tables



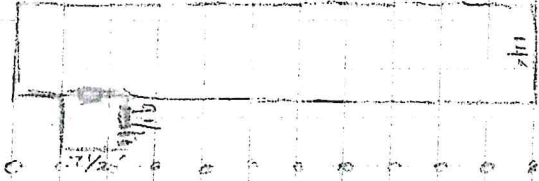
24'

12x8 = 96'

13'

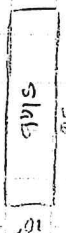
50'

14'



14'

7 1/2'



36'

slab

10'

9x9 = 12' wood



50'

slab

50'

building as bridge

parking

20' gap

242'

20' gap

Parkhill Street

20' gap

163'

144b Street