

COUNTY OF COLUSA
ZONING ADMINISTRATOR
Minutes
July 18, 2018

A meeting was called to order at 9:05 A.M., on the **18th day of July, 2018** in the Community Development Department, 220 12th Street, Colusa, California.

COUNTY STAFF: Greg Plucker, Director of Community Development; Zoning Administrator
Kent Johanns, Associate Planner
Tana Loudon, Administrative Secretary

OTHERS PRESENT: Margie Fong Reynoso

PUBLIC HEARINGS

Minor Use Permit #18-5-2, (ED #18-16), Margie Fong-Reynoso (continued from the June 27, 2018 meeting) – Proposed Categorical Exemption and Minor Use Permit for the establishment of a swap meet (flea market) operation on property zoned C-2 (Community Commercial) and M-1 (Light Industrial), located at 541 14th Street on the northeast corner of 14th Street and Parkhill Street in an unincorporated portion of Colusa, identified as APNs 015-114-005, 015-144-006, and 015-144-013.

Mr. Plucker stated that this item was continued from the June 27, 2018 meeting and opened the Public Hearing.

Mr. Plucker asked Ms. Reynoso if she had any questions.

Ms. Reynoso stated that she can take care of all that is asked for in the conditions.

Mr. Plucker stated that he would like to change some of the conditions:

Condition C – Change to reflect exactly what the Code says.

Condition #4 – Parking, need to have it laid out. This does not have to be prepared by an engineer. Mr. Johanns can help you utilizing the existing maps provided.

Condition #5 – Would like to expand a little to allow for vendor set up and breakdown.

Condition #7 – Make sure material keeps mud in check and streets clean.

Condition #9 Number of Vendors.

Ms. Reynoso stated the will be approximately 20 to 26 vendors.

Mr. Plucker stated that he would like to allow for up to 30 vendors then. This Condition could be looked at adjusted later for more vendors if needed.

Condition #12 – Provide for storage in a fully secured and screened area, safety related.

Condition #13 – Ms. Reynoso states that there is an existing ADA compliant bathroom at the site.

Mr. Plucker states that we will change this Condition to use the existing bathroom.

Ms. Reynoso stated that she is ok with the changes. She then questions being limited to 30 vendors.

Mr. Plucker replied that once things get going we can add in some added flexibility.

Ms. Reynoso asked if she could add Fridays in the future.

Mr. Plucker that we will add to Condition #5 – In the future applicant may expand operations to Fridays and/or holidays subject to the review and approval of the Planning Director provided that the use has not resulted in unmitigated impacts as determined by the Planning Director.

Ms. Reynoso stated that would be ok.

Condition #13 – change to two restroom facilities that may be porta-potties.

Mr. Plucker approved the adoption of a Categorical Exemption for ED #18-16 under Section 15301, Class 1(a), and approved MUP #18-5-2 subject to the following conditions:

STANDARD CONDITIONS

A. 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.

B. 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.

C. A minor change(s) may be approved administratively by the Planning Director pursuant to Section 44-1.90.080(B)(1-5) of the Colusa County Code. Should the Planning Director determine that any proposed change(s) does not qualify under the provisions of Section 44-1.90.080(B)(1-5), said change(s) shall be processed pursuant before the original review authority pursuant to Section 44-1.90.080(C,D,E) of the Colusa County Code..

D. The use granted by this permit must be established within 24 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 24 months 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.

E. 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. If upon approval of this Minor Use Permit any health or safety hazard arises, noise complaints, trash complaints, or other unanticipated negative impacts to the surrounding properties and roads the applicant shall immediately take the necessary actions to mitigate such impacts to the satisfaction of the Planning Director. Should said impacts not be mitigated to the satisfaction of the Planning Director, the Planning Director can hold a Public Hearing to hear comments and consider whether Conditions of Approval need to be revised or added, or the approval revoked.

3. Applicant shall comply with all federal, state and local statutes, ordinances and regulations.

4. Prior to swap meeting operations commencing, the applicant shall submit to the Planning Director for review and approval a fully dimensioned parking plan which

shows all of the following (the plan shall be designed to meet the Colusa County dimensional standards and Fire Department minimum access requirements):

- a. The number of patron parking stalls, the alignment of the parking stall, the configuration of the drive aisles, the on-site patron vehicular circulation system and public road access, and the location of the minimum required Americans with Disabilities Act complaint bathroom, access way and parking space for the patrons.*
 - b. The number of seller parking stalls, the alignment of the parking stalls, the configuration of the drive aisles, the on-site seller vehicular circulation system and public road access, and the location of the minimum required Americans with Disabilities Act complaint bathroom, access way and parking space for the sellers.*
- 5. The swap meet selling hours shall be limited to weekend days (Saturday and Sundays) between 8:00 am. and 5:00 pm. Vendors may set-up and take down their sales' booths a maximum of one hour before (7:00 am) and one hour after (6:00 pm.) the sale's hour of operation. In the future the applicant may expand operations to Fridays and/or holidays subject to the review and approval of the Planning Director provided that the use has not resulted in unmitigated impacts as determined by the Planning Director.*
 - 6. No exterior lighting shall be used to illuminate the vendor sales' areas as part of the operation.*
 - 7. The operator shall ensure that the parking surface material prevents dirt and/or mud from being transported onto the adjacent public streets. In the event that dirt and/or mud is being transported onto the adjacent public streets, the swap meet operations shall be halted immediately until the appropriate parking surface has been installed to the satisfaction of the Planning Director to prevent dirt and/or mud from being transported onto the adjacent public streets. In addition, the applicant shall clean any such dirt and/or mud transported onto the adjacent public streets within twenty-four (24) hours.*
 - 8. The applicant is responsible for trash collection and disposal resulting from the operation on-site and the surrounding properties and roads to the satisfaction of the Planning Director.*
 - 9. Prior to the use commencing, a vendor layout plan shall be submitted to the Planning Director for review and approval. A maximum of thirty (30) vendors shall be allowed. A minimum of thirty (30) vendor parking spaces shall be provided and a minimum of twenty (20) patron parking spaces shall be provided. In the event that there are not enough patron parking spaces, additional patron parking spaces shall be provided or the number of vendors shall be reduced to the satisfaction of the Planning*

Director. All vendor and patron parking shall take place on-site and no vendor or patron parking shall be allowed on the adjacent public streets.

10. Additional vendors shall be allowed subject first to the review and approval of the Planning Director. In approving any increase in the number of vendors, the Planning Director shall find that adequate parking is available on-site for both vendors and patrons and that the use has not resulted in unmitigated negative on- or off-site impacts.

11. No food shall be sold in conjunction with this use unless all required Environmental Health Division permits and approvals are obtained prior to any such sales.

12. At the conclusion of each weekend use, all trash and vendor display and sales items shall be removed from the site unless stored in a fully secured and screened area and/or enclosure to the satisfaction of the Planning Director.

13. The applicant shall provide a minimum of two restroom facilities, which may be porta-potties (with at least one being handicap accessible) for use of the vendors and patrons prior to the use commencing. The location shall be reviewed and approved by the Planning Director prior to installation. The porta-potties shall be maintained as to prevent smell/odor impacts.

There being no further business, the meeting was adjourned at 9:21 A.M.

Respectfully submitted,

Greg Plucker
Zoning Administrator
County of Colusa