



COUNTY OF COLUSA
COMMUNITY DEVELOPMENT DEPARTMENT
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**COLUSA COUNTY ZONING ADMINISTRATOR
AGENDA REPORT – OCTOBER 30, 2019**

APPLICANT: Fausto Ruelas

FILE #: MUP #19-8-2 (ED #19-21)

REQUEST: The project consists of allowing the continued keeping of up to 10 horses in the form of a private stable currently located at the project site.

GENERAL PLAN: Rural Residential (RR)

ZONING: Rural Residential (RR-5)

APN: 015-330-136, 137, & 138

LOCATION: The project site is located approximately 0.5 miles west of the intersection of Grover Avenue and Lurline Road and 800-feet south of Lurline Road utilizing a private road.

PARCEL SIZE/PROJECT SIZE: Three parcels totaling 3± acres

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 granting of a Minor Use Permit to allow continued operation of a private horse stable on approximately 3± acres of Rural Residential zoned land. The applicant has utilized the property for this purpose since prior to the Zoning Code Update of 2014. However, staff has determined that the use was not grandfathered in due to the number of horses being kept on site and was in violation of the previous zoning maximum of 3 horses (1 per acre). The current limits are based on animal density point and which allows 2 horses on the 3± acres. However, the limits can be exceeded with approval of a stable permit under the Minor Use Permit process. The purpose of this Minor Use Permit process is for the applicant to achieve zoning compliance and address issues with the keeping of livestock (manure management, fly propagation, etc).

The project site is approximately 3± acres in size. There are currently 8 stalls (16 feet by 8 feet), with associated storage areas for hay and equipment, totaling approximately 2,250 square feet. These stalls are located in the southeast corner of the project site. There is a small utility shed of 700 square feet on the site located near the center of the project site. There is also a riding arena of 12,000 square feet in the eastern portion of the site. There are currently 8 horses housed in the stables. The site is accessed by a private road within a 60 foot easement. Complaints have consisted of fly propagation, manure odor, noise, and parking in the private easement (typically a private matter).

ANALYSIS:

General Plan and Zoning:

The project site has a General Plan land use designation of Rural Residential (RR). This designation allows for livestock keeping and grazing, which is consistent with the proposed use. One of the General Plans guiding principles is to maintain the County's rural character. The project reflects this principle.

The project site has a zoning classification of Rural Residential (RR-5). Table 44-2.30-30 allows for Private Stables with the approval of a Minor Use Permit. The use permit process provides an opportunity for staff to address issues such as manure management which can lead to odors and fly propagation. This can be addressed by a manure management plan. The applicant is proposing to collect manure in a trailer which will be located near the center of the property. Manure will then be transported to a nearby soil amendment facility or spread on nearby rice fields depending on the time of year. The noise issues are related to when the owner and his friends and family are gathering on the property to ride and train their horses. This had also resulted in the parking issue. This can be addressed by limiting the number of people and the hours in which the facilities are utilized. Staff has developed conditions in an effort to address these issues. As conditioned, the project would be subject to the following:

- 1) Gatherings would only occur during daylight hours and be limited to 20 people
- 2) Follow a manure management plan
- 3) Long term parking will be limited to the project site

These conditions were modeled after the conditions required for the Ottenwalter Pig Farm just to the north of the project (UP #18-5-1). This approval allowed up to 220 pigs to be kept on site at any one time. This use is far more intensive than the keeping of up to 10 horses. Staff has not received any complaints regarding the UP #18-5-1.

Surrounding Land Use and Compatibility:

The project site is located in a rural residential area in an unincorporated area of the City of Colusa. Parcels in the area range from 0.5± acres to 5± acres in the rural residential area with large agricultural parcels directly to the west. Livestock keeping is common in the area. With approval of the use permit and adherence with the conditions of approval the project is expected to be compatible with neighboring properties.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

- I. Adopt a Categorical Exemption, 15301 - Class 1; Existing Facilities (ED #19-21)
 - 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 incompatible with surrounding land uses as conditioned. 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 as conditioned.

- 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 #19-8-2
PERMIT NO.**

**015-330-136, 137, &138
ASSESSORS PARCELS NO.**

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Fausto Ruelas is hereby granted a Minor Use Permit to continue the private stable operation for up to 10 horses located on APNs 015-330-136, 137, & 138.

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 Code Section 44-1.90.090.
- B. Unless otherwise provided for in a condition to this Minor Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
- C. Minor changes may be approved administratively by the Director of Community Development upon receipt of a written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by the Director that the modification is consistent with the project approval and all conditions. Changes deemed to be major or significant in nature shall require a formal application or amendment.
- D. The use granted by this permit must be established within 24 months per the County Code. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit per the County Code.
- 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.

Specific 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. The applicant shall comply with all federal, state and local statutes, ordinances and regulations.
4. The applicant shall manage manure in the following manner:
 - Stalls shall be cleaned as necessary to prevent odors, fly propagation and to maintain the health of the horses
 - Utilize a trailer capable of accommodating 15 cubic yards of horse manure if the manure is to be removed from the site once a month. If a smaller trailer is to be used manure shall be removed every two weeks. Manure shall be covered while transported
 - While manure is stored on site it shall be covered
 - Odor minimization measure (rice hulls as bio filters) shall be utilized if necessary.
5. When horses are to be trained and exercised and the applicant is entertaining guest no more than 20 persons should be on site at any one time. Portable toilet facilities shall be provided.
6. Long term parking shall be limited to the project site. Parking within the easement shall not interfere with emergency access.

7. Hours of use shall be limited to daylight hours.
8. The number of horses kept on site shall be limited to 10.

Dated: _____
Zoning Administrator

Cc: Environmental Health Division
Fire District Chief