



COUNTY OF COLUSA
COMMUNITY DEVELOPMENT DEPARTMENT
220 12th Street
Colusa, California 95932
TELEPHONE (530) 458-0480 FAX (530) 458-0482

**COLUSA COUNTY ZONING ADMINISTRATOR
AGENDA REPORT – SEPTMEBER 18, 2019**

APPLICANT: Theresa Dunham

FILE #: VA#19-8-1 (ED #19-16)

REQUEST: The project consists of allowing a substandard 4.66 acre parcel to be further reduced to 4.33-acres in the Rural Residential 5 acre minimum (RR-5) zone by the Lot Line Adjustment process.

GENERAL PLAN: Rural Residential (R-R)

ZONING: Rural Residential (RR-5)

APN: 016-330-012

LOCATION: The project site is located at 5670 E Street in the community of Williams approximately 1,125 feet west of the intersection of E Street and Davis Road.

PARCEL SIZE/PROJECT SIZE: 4.66-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 Variance with conditions and findings.

PROJECT AND SITE DESCRIPTION:

The project consists of the reduction of a substandard parcel 4.66-acres in size to 4.32-acres to allow the property to be sold to the long term tenant. The existing 4.66 acres parcels contains a mobile home, shop building, and other accessory buildings. The rest of the subject property is in rice production. Approximately .34-acres of the project site extends into the rice check to the south including a farm access road. Approval of the Minor Variance will allow the sale of the 4.33 acre parcel with the existing structures to the long term tenant, while not including any of the property utilized for rice production.

ANALYSIS:

General Plan and Zoning:

The project site has a General Plan land use designation of Rural Residential This designation allows rural residential development, which is the type of development existing on the project site:

The project site has a zoning classification of Rural Residential with a 5 acres minimum parcel size. Section 44-1.80-060 allows for the reduction of the minimum parcel size with the approval a Minor Variance. Therefore, the project is considered to be consistent with current zoning regulations with approval of this Minor Variance (VA #19-8-1).

Variance: The applicant is requesting a Minor Variance to the 5-acre minimum parcel size. Approval of the variance will allow a Lot Line Adjustment (LLA #19-5-1) to be completed reducing an existing substandard parcel of 4.66 acres to approximately 4.32 acres. The application amounts to a Minor Variance because the reduction in parcel size amounts to less than 25% of the zoning standard in question. This would effectively separate the existing rice farming operation from the rural residential subject property. In order to approve a variance, the Zoning Administrator must establish that special circumstances are applicable to the property, including size, shape, topography, location and surroundings that cause a variance to County code to be necessary. Additionally, the variance must not constitute a grant of special privilege inconsistent with the limitations placed upon other properties in the vicinity and zone in which the property is situated.

The granting of this Minor Variance is considered acceptable in that the granting of the Variance to the minimum parcel size is based upon the physical differences of the two portions of property. The subject property is utilized for rural residential living and has no current relationship to the rice farming occurring on the remaining 76-acres of property. The granting of the variance to the minimum parcel size of 5 acres, to allow the 4.32 acres will not impact surrounding farming operation. The new lot line will follow the physical boundary between the farmed land and the rural residentially used land.

The granting of the Minor Variance to the 5 acre minimum lot size does not constitute the granting of a special privilege because there are several 1 acre parcels (the previous minimum lot size in the RR zone) in the immediate vicinity.

Surrounding Land Use and Compatibility

The project area is dominated by rice farming and other agricultural activities. The project as proposed is not anticipated to impact agricultural operations in the area, due to the fact that it has existed in its present state for many years. No change in land use is proposed and the project will result in the separation of existing uses on to individual legal lots.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

- I. Adopt a Categorical Exemption, 15303 - Class 3; Existing Facilities (ED #19-16)
 - 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 reductions of the minimum parcel size 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 in that it will effectively separate two distinctly different land uses, rural residential from intensive agriculture. Utilizing the physical boundary of the raised building pad for the rural residential developed area and actively farmed rice check.
 - C. There are several one acre parcels in immediate area therefore; the approval of the Minor Variance would not constitute the granting of special privilege
 - D. The project is consistent with the Colusa County General Plan Land Use Element goals and policies.

**EXHIBIT A
MINOR VARIANCE
COLUSA COUNTY ZONING ADMINISTRATOR**

DATE

**VA #19-8-1
PERMIT NO.**

**016-330-012
ASSESSORS PARCELS NO.**

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Theresa Dunham is hereby granted a Minor Variance in accordance with the application filed to allow a reduction in the five acre minimum parcel size in the RR-5 zone to 4.32 acres to allow for the approval of LLA #19-5-1, located on AP# 016-330-012.

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 variance 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 two years 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.
- F. 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:

- A. 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.
- B. The applicant shall comply with all federal, state and local statutes, ordinances and regulations.
- C. All future applications for building permits shall comply with all RR-5 development standards in Section 44-2.30.20
- D. This use permit becomes effective on the eleventh (11th) calendar day following the Planning Commission approval unless appealed pursuant to Zoning Code Section 44-1.80.080.

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

Dated: _____

Zoning Administrator