

Planning Commission

Dave McCullough, District 1
Barry Morrell, District 2, Chair
John Troughton, Jr., District 3
Kirk Pendleton, District 4,
Vice-Chair
Gail Beduhn, District 5



Community Development Department

Greg Plucker,
Secretary to the Planning Commission
220 12th Street, Colusa, CA 95932
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COLUSA COUNTY Planning Commission Agenda July 7, 2021

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

Welcome to a meeting of the Colusa County Planning Commission. If you are scheduled to address the Commission, please state your full name for the record. Regularly numbered items may be considered at any time during the meeting. All items are listed in accordance with the Ralph M. Brown Act. We invite all members of the public to attend.

9:00 a.m. CALL TO ORDER

- Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
Planning Commission – Regular Meetings – June 2, 2021.

II. PUBLIC COMMENT

III. PUBLIC HEARING

COMMUNITY DEVELOPMENT DEPARTMENT/CALIFORNIA ENGINEERING COMPANY
(UNION PACIFIC- RODRIGUEZ)

1. Public Hearing and adoption of a Resolution approving a Categorical Exemption and approving Tentative Parcel Map (#21-02) for Union Pacific-Steven Rodriguez.

IV. PLANNING DIRECTOR COMMENTS/REPORTS

V. PLANNING COMMISSIONER'S COMMENTS/REPORTS

ADJOURN

PERIOD OF PUBLIC COMMENT: Any person may speak about any subject of concern, provided it is within the purview of the Planning Commission and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of **15 minutes per issue** and each individual or group will be limited to no more than **5 minutes each**. **Note:** No Commission action shall be taken on comments received.

ADA COMPLIANCE: Upon request, Agendas will be made available in alternative formats to accommodate persons with disabilities. In addition, any person with a disability who requires a modification or accommodation to participate or attend this meeting may request necessary accommodation. Please make your request to the County Board Clerk, specifying your disability, the format in which you would like to receive this Agenda, and any other accommodation required no later than 24 hours prior to the start of the meeting.

Anyone wishing to appeal a decision of the Planning Commission may do so within 10 calendar days after the decision. Anyone wishing to appeal a decision must submit a letter of appeal and pay the required fee of \$750.00 to the Clerk of the Board of Supervisors at 547 Market Street, Ste. 102, Colusa, CA, 95932

All supporting documentation is available for public inspection and review in the Office of the Board Clerk, 547 Market Street, Suite 102, Colusa, CA 95932 during regular business hours 8:30 a.m. to 5:00 p.m., Monday through Friday.
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COLUSA COUNTY Planning Commission Minutes June 2, 2021

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

The Colusa County Planning Commission meets in Regular Session this 2nd day of June 2021 at the hour of 9:00 a.m. Present: Commissioners Barry Morrell, John Troughton, Jr., Kirk Pendleton, and Dave McCullough. Absent: Commissioner Gail Beduhn.

Present: Jennifer Sutton, County Counsel's Office.
Ann Nordyke, Melissa Kitts, Board Clerks.
Kent Johanns, Community Development Department.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
Planning Commission – Regular Meetings – May 5, 2021.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Troughton, Jr.
SECONDER:	McCullough
AYES:	Morrell, Troughton, Jr., Pendleton, McCullough
ABSENT:	Beduhn

II. PUBLIC COMMENT

None.

III. PUBLIC HEARINGS

Chair Morrell makes time for a Public Hearing and adoption of a Resolution recommending the Board of Supervisors adopt statutory exemptions and approve a General Plan Map Amendment (GPA #21-01) and Zoning Map Amendment (ZA #21-01).

Comments received by Mr. Johanns.

Minutes Acceptance: Minutes of Jun 2, 2021 9:00 AM (APPROVAL OF MINUTES)

9:09 a.m. Chair Morrell opens the Public Hearing and calls for public comment. Hearing none, Chair Morrell closes the Public Hearing.

PLANNING COMMISSION/COLUSA COUNTY

1. Adopt **Resolution No. 21-006** recommending the Board of Supervisors adopt statutory exemptions and approve a General Plan Map Amendment (GPA #21-01) and Zoning Map Amendment (ZA #21-01).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Troughton, Jr.
SECONDER:	Pendleton
AYES:	Morrell, Troughton, Jr., Pendleton, McCullough
ABSENT:	Beduhn

Chair Morrell makes time for a Public Hearing and adoption of a Resolution approving a variance to reduce the accessory building front yard setback from 20 Feet to 0 Feet.

Comments received by Mr. Johanns.

9:19 a.m. Chair Morrell opens the Public Hearing and calls for public comment. Hearing none, Chair Morrell closes the Public Hearing.

PLANNING COMMISSION/JAVIER MARTINEZ

2. Adopt **Resolution No. 21-007** approving a variance to reduce the accessory building front yard setback from 20 Feet to 0 Feet.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	McCullough
SECONDER:	Troughton, Jr.
AYES:	Morrell, Troughton, Jr., Pendleton, McCullough
ABSENT:	Beduhn

IV. PLANNING DIRECTOR COMMENTS/REPORTS
None.

V. PLANNING COMMISSIONER'S COMMENTS/REPORTS

Chair Morrell states that the Planning Commission meetings will no longer be accessed via teleconference, effective at the close of this meeting.

Chair Morrell adjourned the meeting at 9:22 a.m. to reconvene in Regular Session on July 7, 2021 at the hour of 9:00 a.m.

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

By: _____
Melissa Kitts, Deputy Clerk

Barry Morrell, Chair

Minutes Acceptance: Minutes of Jun 2, 2021 9:00 AM (APPROVAL OF MINUTES)



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 6685)

Meeting: 07/07/21 09:00 AM

Department: Community Development Department

Category: Public Hearing

Prepared By: Kent Johanns

Initiator: Kent Johanns

Sponsors:

DOC ID: 6685

Detail

Applicant: California Engineering
Company (Union Pacific-
Rodriguez)

File: TPM # 21-02

General Plan: Commercial (C)

Zoning: Community Commercial (C-
2)

Formal Title / Summary

**Resolution Adopting a Categorical Exemption and Approving a Tentative Parcel Map
for California Engineering Company (Union Pacific-Steven Rodriguez)**

Action Requested

Public Hearing and adoption of a Resolution approving a Categorical Exemption and approving Tentative Parcel Map (#21-02) for Union Pacific-Steven Rodriguez.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

The proposed Tentative Parcel Map (TPM) application is to separate a 3.45 acre portion of property (Parcel 1) from the remaining lands of the owner (Union Pacific Railroad).

APN:

The property does currently have an assessor parcel number due to railroad ownership of the property.

LOCATION:

The project site is located at 113 Old Highway 99 West, on the southeast corner of the intersection of Oak Street and Old Highway 99 West, in the Community of Maxwell.

PROJECT AND SITE DESCRIPTION:

The property involved in the land division is owned by the Union Pacific Railroad and utilized by California Northern Railroad to transport mainly agricultural products. The 3.45 acres being divided from the remaining railroad property have historically been leased by the railroad for a number of uses, most recently a fertilizer supply company. The project site has an existing metal warehouse and office building located on the 3.45 acre area of Parcel 1. The railroad does not utilize this portion of the property and has been negotiating with a private party who wishes to purchase the property to store construction equipment and supplies for his construction business. The remaining lands are located adjacent and to east of Parcel 1. This portion of the property will contain

the existing railroad tracks, will be approximately 100 feet wide, and will be consistent with the majority of railroad properties along the Interstate 5 corridor.

ANALYSIS:

General Plan and Zoning

The project site had historically been designated and zoned for industrial uses. However, during the General Plan and Zoning Code updates of 2012 and 2014 the property was not designated a land use due to the lack of an Assessor Parcel Number. As the Commission will recall, the project site has recently been designated as Commercial (C) in terms of the General Plan Land Use Designation and Zoning Classification of Community Commercial (C-2). The Board of Supervisors approved these designations on June 22, 2021. Approval of this map is contingent upon the Board of Supervisors Ordinance rezoning the property becoming effective.

The proposed configuration meets the minimum lots size of the C-2 zone and 0.4 Floor Area Ratio (FAR). The current developed area of the proposed parcel totals some 13,900 square feet and the total parcel square footage of 150,282 square feet; the resulting FAR is 0.09 which complies with the C-2 development standards. All future development of the property will be subject to the development and performance standards of the C-2 zone; including but not limited to: (1) Maximum Noise Levels; (2) Maximum Daily Trips (one hundred car or light truck vehicle trips or seventy heavy truck or bus vehicle trips, or a combination of the two); and (4) Flood Management.

The project is consistent with Colusa County General Plan Policies, specifically ED 1-1 and ED 1-3, which state:

ED 1-1 Attract commercial and industrial development

ED 1-3 Maintain and attract and broad of business that a diverse range of career opportunities

As a result, the project is consistent with the Colusa County General Plan and Colusa County Zoning Ordinance.

Issues and Concerns

The project site was previously used as fertilizer storage and distribution facility and some environmental issues resulted from that use, but have been remediated. A Phase 1 Environmental Report was prepared for the possible sale of the property as required by the lender and showed no significant contamination issues.

A portion of the project site is located in Flood Zone AH according to the FEMA Flood Maps. Any development in this area will be subject to the requirements of Chapter 33,

Flood Damage Prevention, of the Colusa County Code.

Surrounding Land Use and Compatibility

There are commercially zoned and used properties located to the west. Industrial uses on properties zoned for industrial uses are located to north. Residential uses with residential zoning are located to the east. While the existing uses and zoning are a combination of commercial and residential to the south. The project is considered to be compatible with surrounding uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is considered to be categorically exempt from CEQA under Section 15315, Class 15, Minor Land Divisions: In this case the project site is located in a developed urban area, is surrounded by developed land and is zoned for residential use. As a result, the project is categorically exempt under Section 15315, Class 15.

SUMMARY

The proposed subdivision is consistent with the General Plan and Zoning requirements. No significant impacts to the environment would occur with the implementation of the condition of approval should future construction activities occur. Based upon the totality of the record, staff is recommending the Planning Commission approve the project.

RESOLUTION NO. 21 - ____**RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION ADOPTING A CATEGORICAL EXEMPTION AND APPROVING TENTATIVE PARCEL MAP #21-02 FOR CALIFORNIA ENGINEERING COMPANY (UNION PACIFIC – RODRIGUEZ)**

WHEREAS, California Engineering Company (Union Pacific – Rodriguez) filed an application on February 25, 2021 with the Colusa County Community Development Department for a project to subdivide a 3.45 acre parcel from the existing parcel;

WHEREAS, Colusa County is the Lead Agency under the California Environmental Quality Act (CEQA) for the project and as a result of the analysis prepared a proposed Categorical Exemption under CEQA for the proposed project;

WHEREAS, a Notice of Intent to adopt the proposed Categorical Exemption and a Public Hearing Notice for the proposed Tentative Parcel Map was duly noticed and published in accordance with all applicable requirements; and

WHEREAS, the Planning Commission held a Public Hearing regarding the proposed Categorical Exemption and Tentative Parcel Map on July 7, 2021, at which time the Commission considered all information submitted by County staff and public testimony.

NOW, THEREFORE, BE IT RESOLVED that the Colusa County Planning Commission based on facts in the Staff Report, written and oral testimony, and exhibits presented, does the following:

- I. Adopts CEQA Categorical Exemption. The project is considered to be categorically exempt from CEQA under Section 15315, Class 15, Minor Land Divisions: In this case the project site is located in a developed urban area, is surrounded by developed land and is zoned for residential use.
 - A. Finds that the proposed categorical exemptions are adequate and reflect the independent judgment and analysis of the County, which is the lead agency.
- II. Approves the application as attached in Exhibit A, subject to conditions found attached as Exhibit B and the following Findings:

FINDINGS

- A. The proposed project 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, safety and welfare of the County.
 1. The Project would not be incompatible with surrounding land uses in the area.

2. The Project is in a zoning classification conditionally suitable for the proposed use.
 3. The configuration of the parcels and improvement of the property will not conflict with easements, access through or use of the property.
 4. Approval of this project will not be detrimental to the public health, safety and welfare with compliance of the required conditions of approval.
- B. The Project is consistent with the Colusa County General Plan Land Use Element goals and policies for the Commercial (C) land use designation.
- C. The project is consistent with the Colusa County Zoning Ordinance Community Commercial (C-2) regulations.

PASSED AND ADOPTED this 7th day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

Barry Morrell, Chair, Planning Commission

ATTEST: Greg Plucker, Secretary to the
Colusa County Planning Commission

Melissa Kitts, Deputy Clerk

APPROVED AS TO FORM

Jennifer Sutton, Sr. Deputy County Counsel

Exhibit "A"

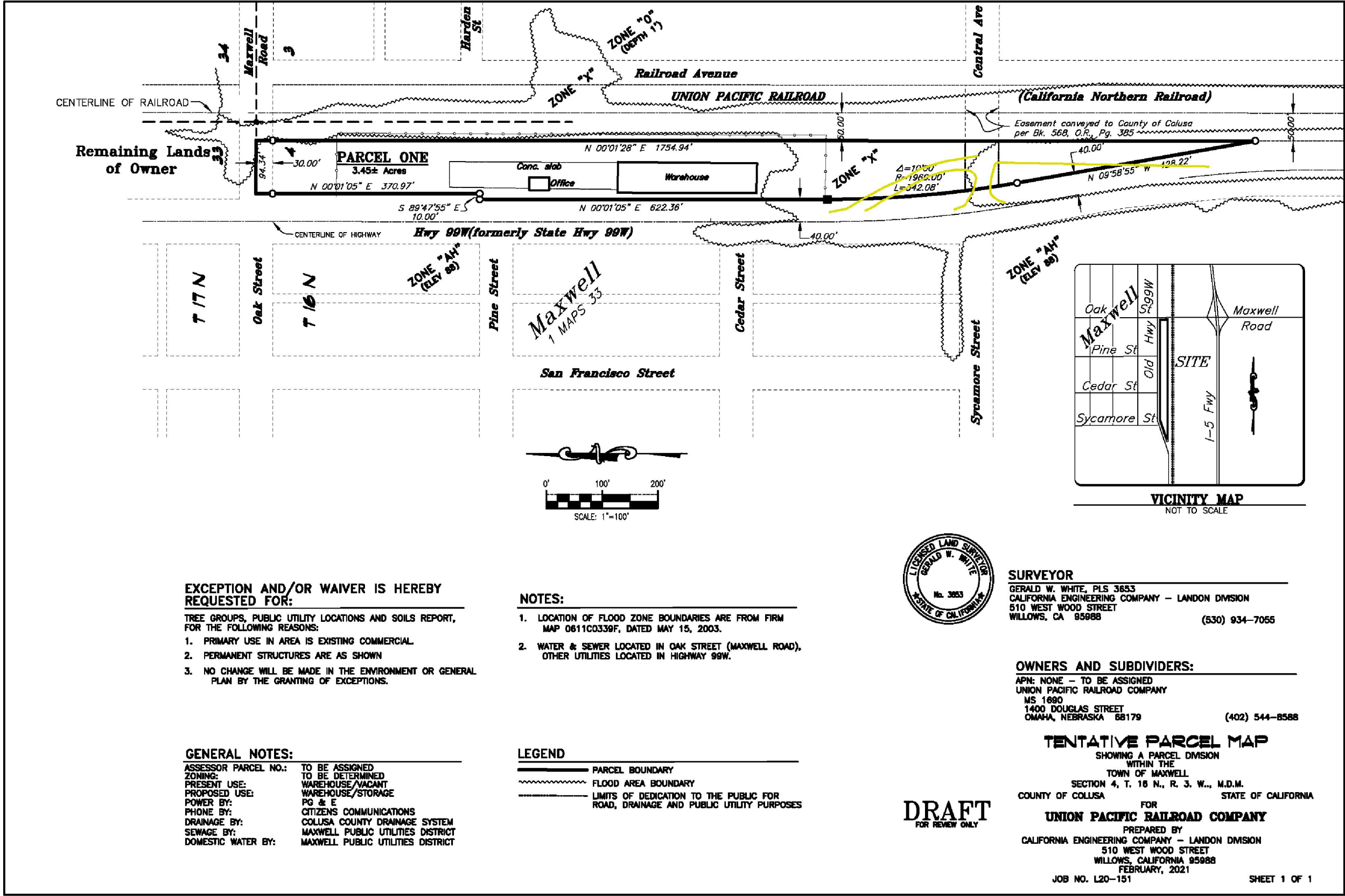


EXHIBIT “B”

Tentative Parcel Map Conditions for CEC (UNION PACIFIC – RODRIGUEZ) TPM #21-02, Tentative Parcel Map to subdivide a 3.45-acre parcel (Parcel 1) from the remaining lands of the owner.

Conditions of Approval:

Community Development Department:

1. The final Parcel Map shall conform to Tentative Map #21-02 submitted and on file at the Colusa County Department of Planning and Building and as approved by the Colusa County Planning Commission.
2. The applicant agrees, as a condition of issuance and use of this entitlement, to hold harmless, indemnify and defend the County, at applicant's sole cost and expense, in any claim, action, or proceeding brought against the County after the issuance of this entitlement because of, or resulting from, or related to, any preliminary approval or actual issuance of this entitlement. Applicant will reimburse the County for any damages, costs of any kind including staff time, and attorney fees, including court ordered attorney fees, resulting from any 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.
3. The applicant shall also comply with all state, federal and local statutes, ordinances and regulations.
4. Applications for future development are subject to the applicable development standards and are subject to the performance standards of the zone in which they are located.
5. A Conditions of Approval Section shall be included on the Parcel Map recordation cover page which states that the Conditions of Approval required for the development of the parcels created by the parcel map shall be completed in accordance with the conditions approved by the Planning Commission on said approval date. This notice shall also state that the Conditions of Approval are on file with the Colusa County Community Development Department, identify the applicable Resolution Number, and specifically reference the applicable performance standards of the applicable zoning district. The final wording of this section shall be subject to the Community Development Director's review and approval prior to final map approval being processed to the Board of Supervisors.

6. The conditions contained herein shall not be applicable to the subject parcels created by this approval until such time as the Parcel Map is recorded. Pursuant to the Subdivision Map Act, this Parcel Map shall be recorded within the twenty-four (24) months of the effective date of this approval. A twelve (12) month extension may be granted provided that the extension request is applied for prior to the lapse of the approval.
7. The applicant shall maintain the property in a manner as to not create a public nuisance (e.g. accumulations of garbage dilapidated equipment/vehicles, and debris) as defined by Chapter 42 of the Colusa Code.
8. The approval of Tentative Parcel Map #21-02 is contingent upon the 30 day period when the Board of Supervisors Ordinance becomes effective.

Environmental Health Department:

8. All future development shall pay all appropriate fees and connect to the Maxwell Public Utility District for water and sewer service.

Department of Public Works:

9. A portion of the project site is located in Flood Zone AH. All development shall comply with FEMA and County requirements for development in a designated Flood Zone.

NOTATION:

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

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Planning Commission will conduct a Public Hearing on **July 7, 2021 at 9:00 a.m.** in the Board of Supervisors Chamber located at 546 Jay Street, Suite 108, Colusa, CA, to consider a proposed Resolution to adopt a Categorical Exemption and approve **Tentative Parcel Map #21-02 for CEC (Union Pacific - Rodriquez**

1.) Proposed resolution of the Planning Commission to adopt a Categorical Exemption and approve Tentative Parcel Map (TPM) application to separate 3.45 acres (Parcel 1) of Union Pacific Railroad property which is zoned Community Commercial (C-2). The project site is located at 113 North Old Highway 99 West on the Southeast Corner of Oak Street and Old Highway 99 West in the community of Maxwell.

2.) The Planning Commission will consider an exemption from CEQA pursuant to Title 14, Article 19 of the California Code of Regulations and Adopt a Categorical Exemption. The project is considered exempt from CEQA under Section 15315, Class 15, Minor Land Divisions: In this case the project site is located in a developed urban area, is surrounded by developed land and is zoned for residential use.

Documentation and information regarding the project may be obtained at the Community Development Department, 220 12th Street, Colusa, CA (530) 458-0480. If you have questions or concerns regarding this matter, or would like to submit comments you may do so to the following: Secretary to the Planning Commission, 220 12th Street, Colusa, CA (530)458-0480, or by e-mail at kjohanns@countyofcolusa.org. Additional documentation is available for review in accordance with Agenda Scheduling Deadlines at the Office of the Clerk of the Board, 547 Market Street, Ste. 102, Colusa, CA (530)458-0508. All persons are invited to attend and be heard.

If you challenge the proposed project or environmental determination in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Dated: June 21, 2021

/s/ Ann Nordyke, Chief Deputy Clerk

06/24/2021 - WPR #2021-0771