

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
Phone: (530)458-0480
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www.countyofcolusa.org

COLUSA COUNTY Planning Commission

Agenda

March 3, 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.

NOTE: Those who are in a high risk category for severe illness from COVID-19 who need a reasonable accommodation to participate in the meeting via teleconference, pursuant to the Governor's Executive Order N-29-20 dated March 17, 2020 may use teleconferencing as follows:

You can listen to the meeting by dialing one of the teleconference numbers below:

Phone: 1-916-246-0723
Toll-Free: 1-800-356-8278
Conference Code: 401978 **(Please mute your phone when you are not speaking)**
DO NOT PUT YOUR PHONE ON HOLD

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.

If you are attending via teleconference and would like to participate in the Public Comment portion of the meeting, or comment on a specific agenda item you can do so by **texting 530-501-3309** with your NAME and the Clerk will notify the Chair that you would like to comment. **Please wait for the Chair to recognize you before speaking.** Remember to unmute your phone to speak.

9:00 a.m. CALL TO ORDER

- Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval

Planning Commission – Regular Meetings – February 3, 2021.

II. PUBLIC COMMENTIII. PUBLIC HEARINGCOMMUNITY DEVELOPMENT DEPARTMENT/BUTTE LODGE OUTING CLUB

1. Public Hearing and adoption of a Resolution approving a variance to exceed the maximum number of bedrooms and the maximum square footage for a cabin expansion.

IV. PLANNING DIRECTOR COMMENTS/REPORTSV. PLANNING COMMISSIONER'S COMMENTS/REPORTS**ADJOURN**

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.



COUNTY OF COLUSA

Community Development Department
220 12th Street, Colusa, CA 95932
Phone: (530)458-0480
Fax: (530)458-0482

Commissioners

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

PLANNING COMMISSION MINUTES

Wednesday, February 3, 2021
Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

The Colusa County Planning Commission meets in Regular Session this 3rd day of February 2021 at the hour of 9:00 a.m. Commissioners Present: Barry Morrell, John Troughton, Jr., Kirk Pendleton, and Dave McCullough. Absent: Commissioner Gail Beduhn.

Present: Marcos Kropf, County Counsel's Office.
 Ann Nordyke, Melissa Kitts, Board Clerks.
 Greg Plucker, Kent Johanns, Community Development
 Department.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
Planning Commission – Regular Meetings – January 6, 2021.

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

II. PUBLIC COMMENT

None.

III. PLANNING COMMISSION

1. Update on the General Plan Annual Progress Report for 2020.

Comments received by Mr. Johanns.

Minutes Acceptance: Minutes of Feb 3, 2021 9:00 AM (APPROVAL OF MINUTES)

2. Report and possible direction or comments on the potential development of an ordinance to allow occupancy of park trailers.

Comments received by Mr. Johanns.

It's the consensus of those Commissioners present to direct staff to seek further information regarding Park Trailers and bring back for further consideration.

IV. ADMINISTRATION

1. Approve the Colusa County Planning Commission meeting schedule for Calendar Year 2021.

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

Vice-Chair McCullough makes time for the nomination and election of 2021 Planning Commission Chair and Vice-Chair and passes the gavel to the Clerk.

The Clerk calls for nominations of Chair.

Commissioner McCullough nominates Commissioner Morrell and Commissioner Pendleton seconds the nomination.

The Clerk calls for any other nominations. Hearing none, the Clerk closes the nominations.

2. Elect Commissioner Morrell as Commission Chair for year 2021.

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

The Clerk calls for nominations of Vice-Chair.

Commissioner Morrell nominates Commissioner Pendleton and Commissioner McCullough seconds the nomination.

The Clerk calls for any other nominations. Hearing none, the Clerk closes the nominations.

3. Elect Commissioner Pendleton as Commission Vice-Chair for year 2021.

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

V. PLANNING DIRECTOR COMMENTS/REPORTS

Mr. Plucker provides an update regarding items pertaining to his Department including the Plaza Building remodel, the new permitting system, development impact fees, cannabis and industrial hemp, building inspections, COVID relief efforts, the Water Resources Department, Airport and upcoming development projects.

VI. PLANNING COMMISSIONER'S COMMENTS/REPORTS

None.

Vice-Chair McCullough adjourned the meeting at 10:05 a.m. to reconvene in Regular Session on March 3, 2021 at the hour of 9:00 a.m.

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

Dave McCullough, Vice-Chair

By: _____
Melissa Kitts, Deputy Clerk

Minutes Acceptance: Minutes of Feb 3, 2021 9:00 AM (APPROVAL OF MINUTES)



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 6388)

Meeting: 03/03/21 09:00 AM
Department: Community Development Department
Category: Public Hearing
Prepared By: Kent Johanns
Initiator: Kent Johanns
Sponsors:
DOC ID: 6388

Detail

Applicant: Butte Lodge Outing Club
General Plan: Resource Conservation (RC)

File: VA #20-02
Zoning: Resource Management (R-M)

Formal Title / Summary

Resolution Approving a Variance (VA #20-02) for Matt Simmons

Action Requested

Public Hearing and adoption of a Resolution approving a variance to exceed the maximum number of bedrooms and the maximum square footage for a cabin expansion.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

The approval of a resolution for a variance to the Special Use Provision of Section 44-4.100.030 to allow the expansion of an existing hunting club cabin. Approval of the variance would allow the maximum number of bedrooms, which is two, to be exceeded by one and the total square footage of 1,500 square feet to be exceeded by 12 square feet.

APNs:

015-100-002

LOCATION

The project site is located at 7600 Laux Road approximately 2-miles east of the intersection of Laux Road and River Road in the Butte Sink area of Colusa County.

PROJECT AND SITE DESCRIPTION:

The application is for a variance to allow construction of a cabin addition which exceeds limitations on the number of bedrooms (2) and the maximum cabin size (1,500 sq.ft.) in an established and permitted duck hunting club. Approval of Variance #20-02 would allow an addition to the existing cabin (Cabin #7) which exceeds the maximum number of bedrooms, which is two, to be exceeded by one and the total square footage of 1,500 square feet by twelve (12) square feet. The existing cabin is 1,210 square feet in size, which includes a great room (with kitchen facilities), two bedrooms, and a bathroom. The proposed addition would consist of a bedroom and a bathroom totaling 392 square feet (see attached Exhibit B). The addition will be elevated to a height of fifteen (15) feet to be consistent with the existing structure and

the other structures on the project site. This is due to severe flooding which can occur on the project site.

The facility was established prior to 1950. There are currently eleven (11) member cabins, a large club house, and accessory buildings located in a 3±-acre developed area of a 71± acre parcel. All facilities are served by a single well and individual septic systems. The Butte Lodge Outing Club has given permission to allow for the expansion of Cabin #7.

The project is located in a sparsely populated agricultural and natural habitat area approximately three (3) miles northeast of the City of Colusa along the Butte/Sutter County line (Butte Creek). Land use in the project area is primarily agricultural, with rice production being the primary activity. There are also significant areas of natural habitat in the area. There are a few scattered residences on the large agricultural parcels in the area to the west of the project site. The project area is relatively flat and slopes generally from northwest to the southeast. The project site is located in Zone A of the FEMA, Flood Insurance Rate Maps, Panel 555 F, Community Number 06011 C, that became effective May 15, 2003. All proposed structures will require a Flood Zone Development Permit prior to building permit issuance.

ANALYSIS:

General Plan and Zoning

The project site has a General Plan Land Use Designation of Resource Conservation (RC). The RC Land Use Designation provides for non-intensive recreation uses including hunting and fishing clubs. The project is considered to be consistent with the Colusa County General Plan policies that provide for the development of natural resources of the County for recreational opportunities, for example:

Policy OSR 1-5: New development should be designed and constructed to preserve open space features such as scenic corridors, wetlands, riparian vegetation, native vegetation and natural resource areas where feasible and appropriate.

The project site is zoned Resource Management (R-M). The R-M zone provides for duck clubs, hunting clubs, and fishing clubs with approval of a use permit in compliance with Section 44-2.60.20 and Section 44-4.100.030, Special Use Provisions for Hunting Clubs, of the Colusa County Code. Due to the age of facility there was no use permit on file with Community Development Department for the club. The Butte Lodge Hunting Club applied for a Use Permit in 2016 to facilitate additions to existing cabins and allow the construction of several new cabins. The Planning Commission approved a use permit (UP# 16-6-1) so the project site would be in compliance with Zoning Ordinance Section 44-1.120.050 Change or Expansion of a Non-Conforming Use and the R-M Development Standards in Section 44-2.60.20. The Planning Commission also approved a variance

(VA #16-6-1) which allowed an encroachment into the 10 foot setback between structures and allow an addition which resulted in cabin construction exceeding the 1,500 square foot maximum size by twelve (12) feet.

The subject of this variance application is the Special Use Provisions of the Zoning Code. Specifically Section 44-4.100.030(c)(1)(2) which regulates cabin construction in hunting clubs these regulations require that:

(1) Cabins shall have no more than two bedrooms and may have kitchen facilities.

(2) Cabins shall not exceed one thousand five hundred square feet.

There are several other regulations in this section related to building height and setbacks that are not at issue because of the cabin's location on the project site and the fact that a Flood Zone Development Permit is required. Hunting cabins are normally limited to sixteen (16) feet in height under the above referenced code section. In this case the site is located in flood zone in which severe flooding can occur. Therefore, the elevation of the structure being raised by fifteen feet is considered reasonable in that it elevates the floor elevation above the base flood elevation.

Variance: The applicant is requesting a variance to allow construction which exceeds limitations on the on the number of bedrooms and the maximum cabin size in an established and permitted duck hunting club. According to state law and the County code several factors are examined when approving a variance and findings related to those factors have to be made.

Variance Findings:

There are several findings that have to be met in order to approve the variance.

There must be special circumstances applicable to the property. Staff believes that there are special circumstances applicable to the project. The granting of the variance is considered acceptable in that the existing facility is located on a 71±-acres parcel, which is dominated by natural habitats, including riparian, wetlands and open water. These valuable habitat areas serve as physical constraint to developing other areas of the property. The existing facilities are located in a cleared area along the existing roads. Allowing the additional bedroom and exceeding the maximum square footage results in a more compact development foot print and continues the trend of clustering the development in existing developed area and not to encroach into habitat areas.

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 the Variance to the 1,500-square foot maximum cabin size

and number of bedrooms does not constitute the granting of a special privilege because many of the existing cabins at the facility are larger than 1,500-square feet and have more than two bedrooms. Increasing the occupancy standard reflects the existing duck clubs design and character. There are other hunting clubs in the area which are constructed in a similar fashion.

The granting of the variance must not adversely affect the interest of the public or the interest of residents or property owners in the vicinity. The proposed structure would be located in a private hunting club on private property with no public access. The project site is not visible from other properties or County roads. Therefore the project will not impact the public interest.

The variance must also be consistent with the objectives of the General Plan and the Zoning Ordinance. As stated in the General Plan and Zoning Analysis section above granting of the variance is consistent General Policy OSR 1-5 and others. Zoning code consistency will be achieved upon variance approval.

Surrounding Land Use and Compatibility

As mentioned above the area is dominated by habitat and agricultural activities. The project as proposed is not anticipated to impact agricultural operations in the area, due to its minimal impact on the environment and short term seasonal nature of the use. The site locations of the structure will not impact natural habitats.

Issues and Concerns

Williamson Act - The project site in Agriculture Preserve is under Williamson Act Contract (WA #98-9). Properties in the Williamson Act are typically limited to a maximum building size of 2,500 square feet for non-agriculture buildings. However, Colusa County's list of Williamson Act compatible uses allows for duck and hunting clubs with approval of a use permit. Additionally, the County received a letter dated May 13, 2011 (related to UP #05-43) from the Department of Conservation, Division of Land Resource Protection agreeing with the County's position and therefore the 2,500-square foot limitation does not apply (see Attachment 1).

Wastewater - Due to regular flooding on the project site the Environmental Health Department has concerns regarding the effectiveness of a typical septic system. The existing septic system may be adequate to serve the proposed addition. The applicant is required to consult with the Department of Environmental Health during the Building Permit process to determine the adequacy of the existing system. If the existing system is not adequate an engineered pressure dose system may be required.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project consists of approving variance to allow construction which exceeds

limitations on the on the number of bedrooms and the maximum cabin size in an established and permitted duck hunting club. The project is considered exempt from CEQA under Section 15305(a), Class 5, Minor Alteration to Land Use Limitations because the project consists of a variance to the development standards for hunting clubs.

SUMMARY

Staff believes that the proposed project will not impact the community negatively as conditioned. No significant impacts to the environment are anticipated. Based upon the totality of the record, staff is recommending the Planning Commission approve VA #20-02.

RESOLUTION NO. 21-_____**RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION
ADOPTING A CATEGORICAL EXEMPTION AND APPROVING
VARIANCE #20-02 FOR THE BUTTE LODGE OUTING CLUB**

WHEREAS, The Butte Lodge Outing Club, a California nonprofit corporation, has applied for a variance for the project described in Exhibit “B” to this resolution;

WHEREAS, the County of Colusa is considered a Lead Agency under the California Environmental Quality Act (CEQA) for this proposed project and it has determined that a Categorical Exemption is appropriate pursuant to CEQA for the proposed Variance;

WHEREAS, a Notice of Public Hearing for consideration of the proposed Variance was published in accordance with all applicable requirements; and

WHEREAS, the Planning Commission held a Public Hearing regarding the proposed environmental documents and Variance on March 3, 2021.

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

- I. The Planning Commission adopts a Categorical Exemption. Specifically, the project is considered exempt from CEQA pursuant to Section 15305(a) Minor Alteration to Land Use Limitations because the project consists of a variance to the maximum number of bedrooms and maximum square footage for hunting cabins
 - A. The Planning Commission finds the proposed Categorical Exemption is adequate and reflects the independent judgment and analysis of the County, which is the lead agency.
- II. The Planning Commission approves the Variance subject to the conditions of approval attached in Exhibit “A”, for the project described in Exhibit “B,” and makes the following 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, welfare and safety of the County.
 1. The project would not be incompatible with surrounding land uses with the incorporation of conditions identified in Agenda Report.

2. The project is in a zoning classification conditionally, suitable for the proposed use.
 3. The configuration of the parcels and/or 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.
- B. The project is consistent with the Colusa County General Plan Land Use Element goals and policies for the Resource Conservation (RC) land use designation.
 - C. The project is consistent with the Colusa County Zoning Ordinance Resource Management(R-M) zoning designation
 - D. There are special circumstances applicable to the property, which cause a hardship to the owner. The granting of the variance is considered acceptable in that the existing facility is located on a 71±-acres parcel, which is dominated by natural habitats, including riparian, wetlands and open water. These valuable habitat areas serve as physical constraint to developing other areas of the property. The existing facilities are located in a cleared area along the existing roads. Allowing the additional bedroom and exceeding the maximum square footage results in a more compact development foot print and continues the trend of clustering the development in existing club area.
 - E. The variance would 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 the Variance to the 1,500-square foot maximum cabin size and number of bedrooms does not constitute the granting of a special privilege because many of the existing cabins at the facility are larger than 1,500-square feet and having more than two bedrooms. Increasing the occupancy standard reflects the existing duck clubs design and character. There are other hunting clubs in the area which are constructed in a similar fashion.
 - F. The granting of the variance would not adversely affect the interest of the public or the interest of residents or property owners in the vicinity. The proposed structure would be located in a private hunting club on private property with no public access. The project site is not visible from other properties or County Roads. Therefore the project will not impact the public interest.
 - G. The variance would be consistent with the objectives of the General Plan and the Zoning Ordinance. As stated in the General Plan and Zoning Analysis section above granting of the variance is consistent General Policy OSR 1-5

and others. Zoning code consistency will be achieved upon variance approval

PASSED AND ADOPTED this 3rd day of March, 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

Marcos Kropf, County Counsel

Attachment: Resolution Approving VA #20-02 (6388 : Matt Simmons (VA #20-02))

EXHIBIT "A"
VARIANCE #20-02
COLUSA COUNTY PLANNING COMMISSION
MARCH 3, 2021

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Butte Lodge Outing Club is hereby granted Variance #20-02 in accordance with the application filed to exceed the maximum number of bedrooms and maximum floor area to APN 015-100-002 subject to all of the following CONDITIONS OF APPROVAL:

CONDITIONS OF APPROVAL

I. General

- A. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this Variance, constitutes cause for the revocation of said Variance 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 Variance, 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 proposed construction subject to approval of this variance must be completed within 24 months of the effective date of this variance or this permit shall become null and void and re-application and a new permit shall be required, unless a written substantiated request from the applicant is received within that time period.

II. 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 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.

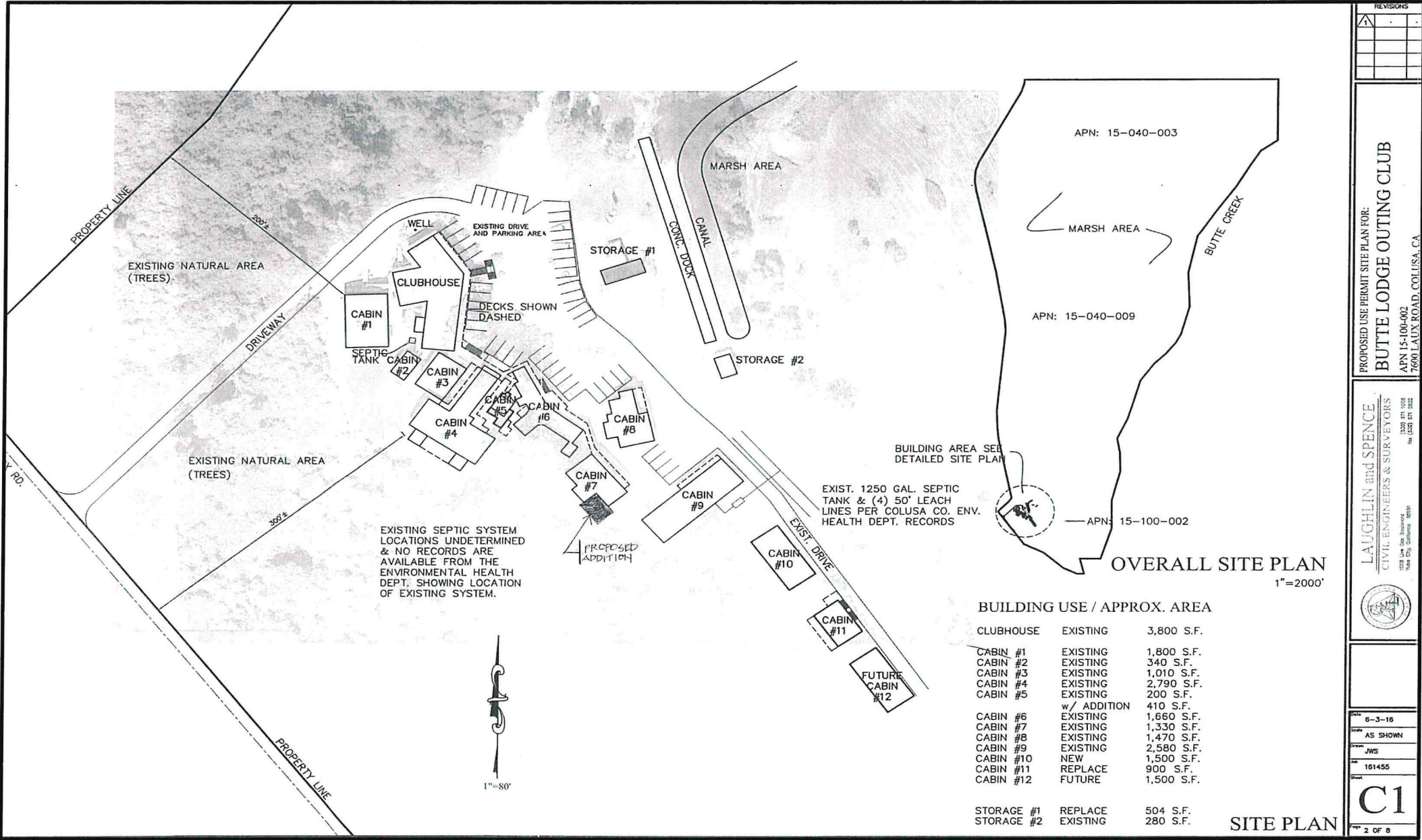
The County may also, at its sole discretion, participate in the defense of any such claim, action, or proceeding but such participation shall not relieve applicant of its obligations under this condition.

- B. The applicant shall comply with all federal, state and local statutes, ordinances and regulations.
- C. This variance becomes effective on the eleventh (11th) calendar day following the Zoning Administrator approval unless appealed pursuant to Zoning Code Section 44-1.80.080.
- D. Prior to building permit issuance a Flood Zone Development Permit shall be obtained from the Department of Public Works.
- E. Prior to building permit issuance approval for the septic system and water supply shall be obtained from the Environmental Health Division.

EXHIBIT "B" VARIANCE #20-02
COLUSA COUNTY PLANNING COMMISSION
MARCH 3, 2001

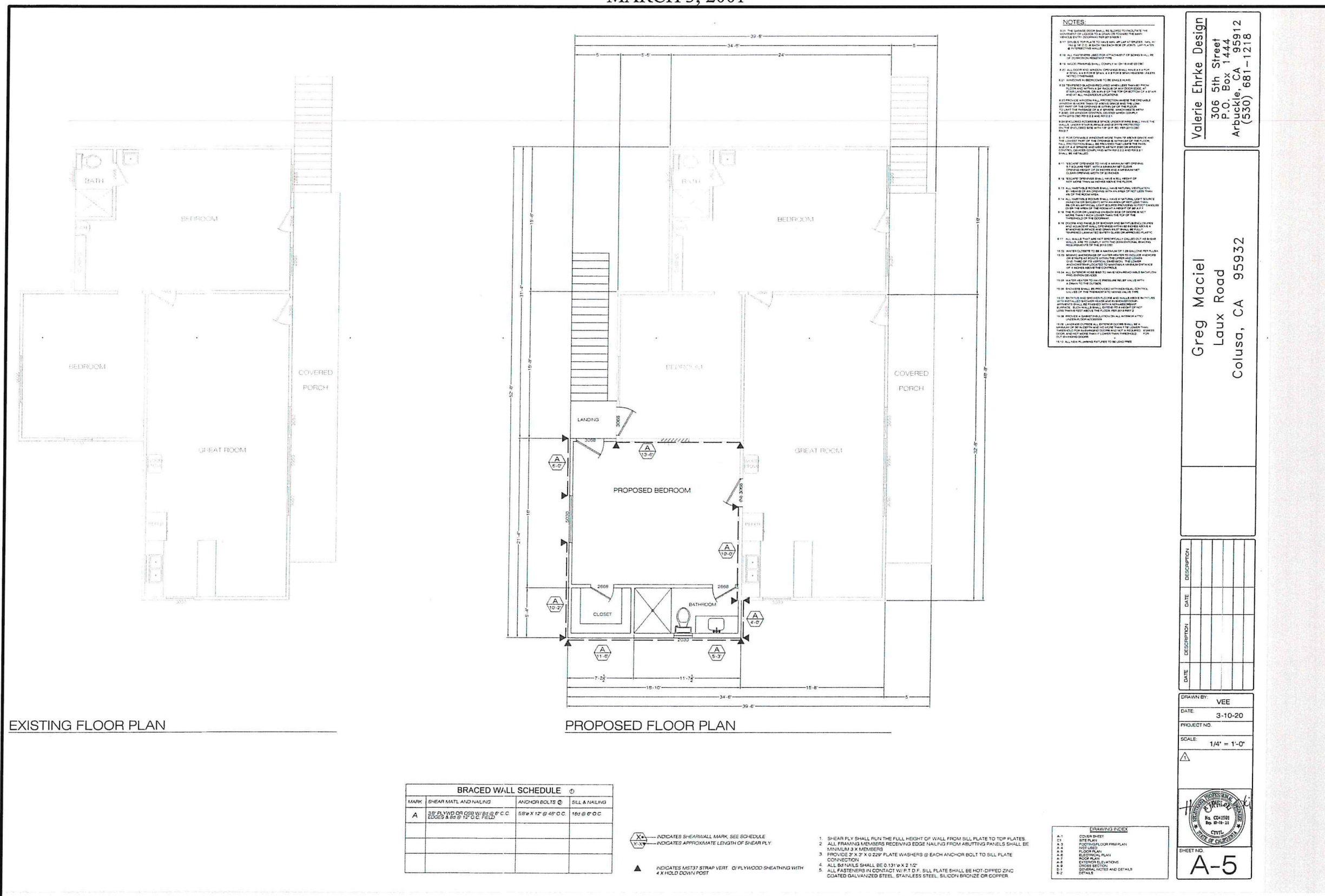
Project Description: The application is for a variance to allow construction which exceeds limitations on the on the number of bedrooms and the maximum cabin size in an established and permitted duck hunting club. Approval of Variance #20-02 would allow an addition to the existing cabin (Cabin #7) which exceeds the maximum number of bedrooms, which is two, to be exceeded by one and the total square footage of 1,500 square feet by 12 square feet.

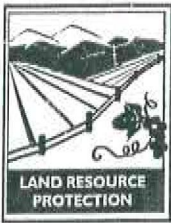
Site Plan



Attachment: EXHIBIT "B" - Site Plan and Building Plan (6388 : Matt Simmons (VA #20-02))

EXHIBIT "B" VARIANCE #20-02
COLUSA COUNTY PLANNING COMMISSION
MARCH 3, 2001





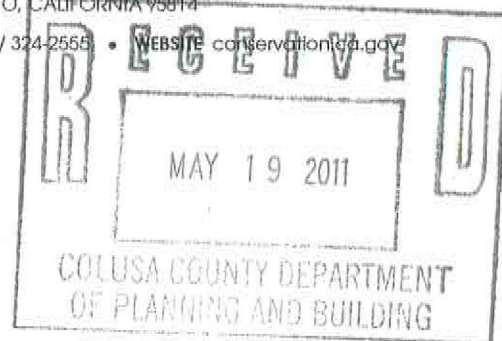
DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov



May 13, 2011

VIA EMAIL: njacobs@somachlaw.com

Nicholas A. Jacobs, Attorney at Law
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814

Subject: Williamson Act Interpretation Regarding Proposed Use on Rancho Caleta, LLC

Dear Mr. Jacobs:

This letter is in response to your request that the Department of Conservation's (Department) Division of Land Resource Protection provide an advisory letter concerning the proposed building of seven hunting cabins on Rancho Caleta LLC. Your question is *would the proposed hunting cabins be lawful under the California Land Conservation Act of 1965, (Williamson Act)*.

The short answer is yes, under the specific facts as understood by the Department, the proposed hunting cabins would be allowed under the Williamson Act, unless local Colusa County rules would prohibit them.

Project Description:

In your letter you state that Rancho Caleta owns three Colusa County parcels of 545, 406, and 109 acres, respectively. Since 2003, these properties have been subject to a Farmland Security Zone contract and are actively farmed in a variety of crops.

Rancho Caleta proposes to operate a seasonal duck club on its lands. The duck club would consist of six member cabins being no more than 1,500 square feet each and a seventh caretaker's cabin of similar size. The Department understands that each of the members of the duck club is also an owner of Rancho Caleta. These structures would occupy no more than eight acres of the 1,050 acres of land subject to the Farmland Security Zone contract. You state that the construction of the seven cabins would not, in any way, impact the existing and future agricultural uses of the property.

Division Comments:

The Department as a rule considers duck hunting clubs on active agricultural operations to be a compatible use unless the county has stated otherwise in its local rules or in the Williamson Act contract. The Department would not consider the proposed hunting cabins to significantly compromise the long-term productive agricultural capacity of the subject contracted parcel or parcels or on other contacted land in the agricultural preserve.

Nicholas A. Jacobs, Attorney at Law
May 13, 2011
Page 2 of 2

The Department also does not believe that the proposed hunting cabins would significantly displace or impair current or reasonably foreseeable agricultural operations on Rancho Caleta or other lands in the agricultural preserve. Nor does the Department believe that the hunting cabins will result in the significant removal of adjacent contracted land agricultural or open space use.

While the Department does not interpret the Williamson Act statute as prohibiting the proposed seven hunting cabins as structures related to a legal compatible use, the local rules may, and often do add additional restrictions and conditions. Many counties, pursuant to Government Code section 51231, have adopted local rules governing the number of structures that may be built on contracted land. The Department is not aware of any restrictions that would pertain to the set of facts that are found in the Rancho Caleta proposal. But, the Department recommends to Colusa County that it review its local Williamson Act rules and survey the local rules of other counties. It is the experience of the Department that counties that have strong Williamson Act advisory committees and local rules that address many of the contentious issues have the fewest challenges in maintaining a strong Williamson Act program that protects agriculture and allows land uses that generate economic viability for their agricultural community.

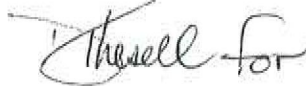
Conclusion:

The advice contained in the letter pertains only to the interpretation of the issue raised concerning if the Department would consider the proposed hunting cabins to be an allowed use under the Williamson Act statute on the State level. The Department does consider the proposed hunting cabins to be allowed structures under the Williamson Act statute.

The Department would like to remind the owners of Rancho Caleta that should they lease out their proposed cabins to those other than the caretaker they may be in violation of Government Code 66424 as a "subdivision."

The Department is not addressing any local rules or restrictions that may apply and does not speak for Colusa County in any way. Colusa County may consider this letter as support from the Department should it allow the construction of the proposed hunting cabins under the facts as specified in this letter.

Sincerely,



Brian Leahy
Assistant Director
Department of Conservation

cc: Colusa County Planning & Building Department

Attachment: Attachment 1 - DOC Interpretation WA Duck clubs (6388 : Matt Simmons (VA #20-02))

LEGAL NOTICE

COUNTY OF COLUSA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Planning Commission will conduct a Public Hearing March 3, 2021 at 9:00 a.m. in the Board of Supervisors Chambers located at 546 Jay Street, Suite 108, Colusa, CA, to consider the following:

Variance #20-02, Butte Lodge Outing Club – A proposed Resolution of the Planning Commission to adopt a CEQA Exemption and approve a Variance that would allow an addition to an existing cabin in an approved hunting club. The proposed addition exceeds the maximum number of bedrooms, which is two, by one and the total square footage of 1,500 square feet by twelve (12) square feet as required by the Colusa County Code. The project site is located at 7600 Laux Road approximately 2-miles east of the intersection of Laux Road and River Road in the Butte Sink area of Colusa County and identified as APN 015-100-002. The project site is zoned Resource Management (R-M).

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 pursuant to Section 15305(a) Minor Alteration to Land Use Limitations, because the project consists of a Variance to Development Standards regulating hunting club cabins.

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: February 9, 2021

/s/ Melissa Kitts, Deputy Clerk

02/18/2021 - WPR #2021-0198