

Planning Commission

Dave McCullough, District 1
Heath Krug, District 2
John Troughton, Jr., District 3,
Vice-Chair
Kirk Pendleton, District 4, Chair
Elizabeth Yerxa, District 5



Community Development Department

Greg Plucker,
Secretary to the Planning Commission
220 12th Street, Colusa, CA 95932
Phone: (530)458-0480
Fax: (530)458-0482
colusacountyca.igam2.com
www.countyofcolusa.org

COLUSA COUNTY Planning Commission Agenda

January 4, 2023

**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 – December 7, 2022.

II. PUBLIC COMMENT

III. PUBLIC HEARING

COMMUNITY DEVELOPMENT DEPARTMENT/THOMAS HARRIS

1. Public Hearing and adoption of a Resolution approving a Variance to allow a 36.1± acre parcel to be created which is less than the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zoning district.

IV. COMMUNITY DEVELOPMENT DEPARTMENT/YOLANDA DYCE

1. Receive informational report on the installation of utility (solar) system in conjunction with a nonconforming single-family residential use.

V. PLANNING DIRECTOR COMMENTS/REPORTS

VI. 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

December 7, 2022

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

The Colusa County Planning Commission meets in Regular Session this 7th day of December 2022 at the hour of 9:00 a.m. Present: Commissioner Heath Krug, Elizabeth Yerxa and Kirk Pendleton. Absent: Commissioners John Troughton, Jr. and Dave McCullough, Jr.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
 Planning Commission – Regular Meetings – November 2, 2022.

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

II. PUBLIC COMMENT

None.

III. PUBLIC HEARING

Chair Pendleton makes time for a Public Hearing and adoption of a Resolution recommending the Board of Supervisors adopt amendments to the General Plan and Zoning Ordinance to allow for the creation of small residential agriculture lots under certain conditions and find the project is exempt from the California Environmental Quality Act.

Comments received by Mr. Plucker.

Minutes Acceptance: Minutes of Dec 7, 2022 9:00 AM (APPROVAL OF MINUTES)

9:35 a.m. Chair Pendleton opens the Public Hearing and calls for public comment. Hearing none, Chair Pendleton closes the Public Hearing.

COMMUNITY DEVELOPMENT DEPARTMENT

1. Adopt **Resolution No. 22-010** recommending the Board of Supervisors adopt amendments to the General Plan and Zoning Ordinance to allow for the creation of small residential agriculture lots under certain conditions and find the project is exempt from the California Environmental Quality Act.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Krug
SECONDER:	Yerxa
AYES:	Krug, Yerxa, Pendleton
ABSENT:	McCullough, Troughton, Jr.

IV. PLANNING DIRECTOR COMMENTS/REPORTS

Mr. Plucker provides an update on the Janus Solar project.

V. PLANNING COMMISSIONER'S COMMENTS/REPORTS

None.

Chair Pendleton adjourned the meeting at 9:39 a.m. to reconvene in Regular Session on January 4, 2023 at the hour of 9:00 a.m.

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

Kirk Pendleton, Chair

By: _____
Melissa Kitts, Deputy Clerk



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 8789)

Meeting: 01/04/23 09:00 AM
Department: Community Development Department
Category: Public Hearing
Prepared By: Steve Geiger
Initiator: Steve Geiger
Sponsors:
DOC ID: 8789

Detail

Applicant: Thomas Harris
General Plan: Agriculture General (AG)

File: PD-22-35
Zoning: Exclusive Agriculture (E-A)

Formal Title / Summary

Variance and CEQA Exemption for Variance - PD-22-35

Action Requested

Public Hearing and adoption of a Resolution approving a Variance to allow a 36.1± acre parcel to be created which is less than the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zoning district.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

The adoption of the proposed resolution would approve a Variance to allow a 36.1± acre parcel to be created through a lot line adjustment which is less than the 40 acre minimum parcel size requirement of the parcel's Exclusive Agriculture (E-A) zoning district.

APNs:

012-080-001 and 012-080-049

LOCATION

The project site is located on the north side of Norman Road, approximately 200 feet east of Clark Road, and is bordered by Glenn County to the north. The project site is approximately 2 miles west of the community of Princeton.

PROJECT AND SITE DESCRIPTION:

The project involves two adjacent parcels having no structures that have historically been in agricultural use. Both parcels are currently under a Williamson Act contract with the County. The westerly parcel (APN 012-080-001) is currently 42.5± acres in size and is zoned Exclusive Agriculture (E-A), which requires a 40 acre minimum parcel size. The easterly side of this parcel is developed with an agricultural airstrip running north to south approximately 2,800 feet in length, and approximately 100 feet wide as measured from the east property line, covering a total of approximately 6.4 acres. According to the applicant, the airstrip has been in existence for approximately fifty (50) years. The remaining balance of the parcel is 36.1± acres and has been in long term rice production.

The easterly parcel (APN 012-080-049) is currently 135.4± acres in size and is also zoned Exclusive Agriculture (E-A), is under separate ownership, and has also been in rice production. According to the applicant, the owner of this easterly parcel has assisted the owner of the westerly parcel in farming her property for decades. The owner of the westerly parcel no longer desires to have ownership of the airstrip and believes that it is providing little to no value to her rice farming operation. She therefore is proposing a lot line adjustment with the adjacent property owner to "transfer" ownership of the airstrip area to the easterly parcel owner, thereby divesting herself of the airstrip and allowing the easterly parcel owner to take ownership and have responsibility for the access to and use of the airstrip.

Since the westerly parcel is currently 42.5± acres in size, a transfer of the 6.4± acre airstrip area would result in the westerly parcel being 36.1± acres in size, which is below the 40 acre minimum parcel size required by the Exclusive Agriculture (E-A) zone district. Section 44-1.80.060 of the Zoning Code allows the Zoning Administrator (Community Development Director) to review and grant approval of a Minor Variance from the property development standards up to 25% of the required area or dimension. The applicant's request for a resultant 36.1± acre parcel represents an approximate 10% deviation from the 40 acre standard and therefore qualifies to be processed as a Minor Variance.

However due to the nature of the request of reducing a parcel below the 40-acre minimum and the overall sensitivity and concern of maintaining the minimum parcel sizes in the County's Agricultural zoning districts, the Zoning Administrator is forwarding this application to the Planning Commission for your review and action as authorized pursuant to Section 44-1.70.010, Table 44-1.70-1, Note 2 of the County Code.

ANALYSIS:

Variance Findings:

Pursuant to Zoning Code Section 44-1.80.050A., the Planning Commission may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate the circumstances of their particular case can justify making all of the following findings:

- 1.) *That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning classifications.*

As stated above, the easterly side of the existing 42.5± acre parcel is developed with an agricultural airstrip approximately 2,800 feet in length, approximately 100 feet wide, and covering a total of approximately 6.4 acres. According to the

applicant, the airstrip has been in existence for approximately fifty (50) years while the remaining balance of the parcel (36.1 ± acres) has been in long-term rice production.

While there are other agricultural airstrips located on the valley floor throughout the County, there do not appear to be any located within close proximity to the subject property. The location of the agricultural airstrip along the east property line also provides an opportunity for the adjacent property owner to take ownership of it through a lot line adjustment. The historic existence of the agricultural airstrip that pre-dated the 40-acre minimum parcel size requirement has long supplanted any agricultural use of this area may be considered a special circumstance in consideration of the variance.

- 2.) *That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which such property is located.*

Approval of the Variance would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity. There will be no physical changes to either parcel as a result of the variance as both parcels will continue in agricultural use. The east property line of the westerly parcel will simply be moved 98 feet to the west side of the agricultural airstrip, and the airstrip portion will become part of the easterly parcel. No land will be taken out of agricultural production as the airstrip portion was developed some fifty years ago. There will be no changes to the existing Exclusive Agriculture (E-A) zoning or allowed uses and no changes to the current allowed residential density if the variance is approved.

- 3.) *That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.*

The granting of the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity. As stated above, approval of the variance will not result in any physical changes to the subject parcels or allow for any additional uses currently not permitted in the E-A zone district to be conducted. From a visual perspective, there will be no change.

- 4.) *That granting the variance is consistent with the objectives of the General Plan and this chapter.*

The granting of the variance can be considered consistent with the Agriculture General (AG) General Plan designation which "identifies areas to be retained for agriculture and/or uses that are complementary to existing or nearby agricultural uses." The General Plan further states that, "Lands designated Agriculture

General are planned to be preserved for agricultural uses and the intent of the designation is to preserve such lands for existing and future agricultural use and protect these lands from the pressures of development."

While the Agriculture General designation does have a minimum parcel size requirement of 40 acres, the applicant is requesting only a 10% reduction in the minimum size by proposing a 36.1± acre parcel size. The proposed lot line adjustment would result in the "transfer" of approximately 6.4 acres that is an existing agricultural airstrip, has been developed as an airstrip for 50 years, and has not been in agricultural production. If approved, the variance will not result in any land use changes or any other physical changes to the subject parcels.

The applicant's request for approval of this Variance is consistent with the requirements of the Zoning Code and with the intent of the E-A zone district.

General Plan and Zoning

The project site has a General Plan land use designation of Agriculture General (AG) and is zoned Exclusive Agriculture (E-A). The 40 acre minimum parcel size requirement is contained in the County's General Plan in Table LU-1 of the Land Use Element and in the Zoning Code in Table 44-2.20-1: Development Standards in the Agricultural Zones.

Private airstrips are an allowed use within the County's Agricultural zoning districts. New private airstrips would require a staff level Administrative Permit, however, since the airstrip predates this zoning requirement the airstrip is considered a legal, non-conforming use.

The subject parcels have both existing agricultural and related uses (airstrip), which will not change if the variance is granted.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project is consideration of a Variance to allow a 36.1± acre parcel to be created by a lot line adjustment in lieu of the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zone district. The Variance is Categorically Exempt from CEQA pursuant to Section 15305(a), Minor Alteration to Land Use Limitations, since the project site is located in an area with an average slope of less than 20%, the project will not result in any changes in land use or density, and the project involves a lot line adjustment that will not result in the creation of any new parcel.

SUMMARY

The proposed project would approve a Variance to allow a 36.1± acre parcel to be created by a lot line adjustment in lieu of the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zone district. If the Commission believes the required

findings can be made as discussed in the staff report, staff has prepared the attached resolution with the necessary findings the Commission can adopt to approve the proposed Variance (PD-22-35).

RESOLUTION NO. 23-_____

**A RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION
ADOPTING A CATEGORICAL EXEMPTION AND APPROVING VARIANCE
(PD-22-35) FOR THOMAS HARRIS**

WHEREAS, Thomas Harris has applied for a Variance to allow a 36.1± acre parcel to be created by a lot line adjustment in lieu of the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zone district, as described in Exhibit “A” and the application submitted to the Community Development Department; and

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; and

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 Document and Variance on January 4, 2023.

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. Adopts a Categorical Exemption, specifically the project is considered exempt from CEQA pursuant to Section 15305(a) Minor Alteration to Land Use Limitations, since the project site is located in an area with an average slope of less than 20%, the project will not result in any changes in land use or density, and the project involves a lot line adjustment that will not result in the creation of any new parcel.
 - 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. Approves the Variance subject to the conditions of approval attached in Exhibit “B”, for the project described in Exhibit “A” and makes the following findings:
 - A. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings. The easterly side of the existing 42.5± acre parcel is developed with an agricultural airstrip approximately 2,800 feet in length, and approximately 100 feet wide as measured from the east property line, covering a total of approximately 6.4 acres. According to the applicant, the airstrip has been in existence for fifty (50) years while the remaining balance of the parcel (36.1± acres) has been in long term rice production.

There are no other agricultural airstrips located within close proximity to the subject property. The location of the agricultural airstrip along the east property line provides an opportunity for the adjacent property owner, who would possibly utilize the airstrip more than the current owner, to take ownership of it through a lot line adjustment. The existence of the agricultural airstrip is therefore considered a special circumstance in consideration of the variance.

- B. The granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which such property is

located. There will be no physical changes to either parcel as a result of the variance as both parcels will continue in agricultural use. The east property line of the westerly parcel will simply be moved 98 feet to the west side of the agricultural airstrip, and the airstrip portion will become part of the easterly parcel. No land will be taken out of agricultural production as the airstrip portion was developed fifty years ago. There will be no changes to the existing Exclusive Agriculture (E-A) zoning or allowed uses and no changes to the current allowed residential density.

- C. That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question. Approval of the variance will not result in any physical changes to the subject parcels or allow for any additional uses currently not permitted in the E-A zone district to be conducted.
- D. That granting the variance is consistent with the objectives of the General Plan and the Zoning Code. The granting of the variance can be considered consistent with the Agriculture General (AG) General Plan designation which “identifies areas to be retained for agriculture and/or uses that are complementary to existing or nearby agricultural uses.” The General Plan further states that, “Lands designated Agriculture General are planned to be preserved for agricultural uses and the intent of the designation is to preserve such lands for existing and future agricultural use and protect these lands from the pressures of development.”

While the Agriculture General designation does have a minimum parcel size requirement of 40 acres, the applicant is requesting only a 10% reduction in the minimum size by proposing a 36.1± acre parcel size. The proposed lot line adjustment would result in the “transfer” of approximately 6.4 acres that is an existing agricultural airstrip, has been developed as an airstrip for 50 years, and has not been in agricultural production. The variance will not result in any land use changes or any other physical changes to the subject parcels. The request is also consistent with the requirements of the Zoning Code and with the intent of the E-A zone district.

PASSED AND ADOPTED this 4th day of January, 2023 by the following vote:

AYES:

NOES:

ABSENT:

Kirk Pendleton, 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"

December 2, 2022

Steve Geiger
Principal Planner
County of Colusa, Community Development Dept.
1213 Market Street
Colusa, CA 95932

RE: Lands of Barham, Application for Minor Variance and Lot Line Adjustment

Dear Mr. Geiger,

In response to your request for the additional information as it pertains to the proposed lot line adjustment between the lands noted as Colusa County assessor parcel numbers 012-080-001 and 049, being the lands of the Barham Trust and Stacy and Cynthia Argo, respectively, I have the following information for your consideration.

The property owned by Rebecca Barham, Trustee of the Barham Family Trust, is located on Norman Road, approximately 2 miles west of Princeton. The parcel is 42.5 acres and is zoned as a minimum 40 acre parcel. The Easterly side of this parcel is an airstrip, being approximately 100 feet wide, as measured from her east property line. The airstrip has been in this location for no less than 50 years. The balance of the property is 36.1+/- acres and has been in long-term rice production.

Mrs. Barham has recruited the help of the Argo family to farm this parcel for decades. Earlier this year, she initiated the discussion to pursue a lot line adjustment for the aforesaid airstrip, with the intention of adding it to the lands of the Argos, who are her neighbors to the East and adjoining her property. It is Mrs. Barham's conviction that the airstrip presents her with an unacceptable liability, with little to no value to the rice farming operation. Her hope is that the Argo family would be able to take title to this area, thereby divesting herself of the liability and allow for the Argo family to take ownership of it and bear ultimate responsibility for the access to, and use of, the airstrip.

As proposed, the Minor Variance would allow for the processing of a Lot Line Adjustment application that would add the 6.4 acres of airstrip to the lands of Argo. Mrs. Barham's resulting parcel would be 36.1+/- acres. Absolutely no changes are proposed to the acreage of lands currently in agricultural production. The only other adjacent property to this airstrip, located to the North and in Glenn County, is owned by the Argo family.

Based on the information mentioned above, I believe that an approval for variance and lot line adjustment poses no risk to the public health, safety and welfare of the residents of Colusa County. Please let me know if you have any further questions about either property or the proposed lot line adjustment.

Sincerely,



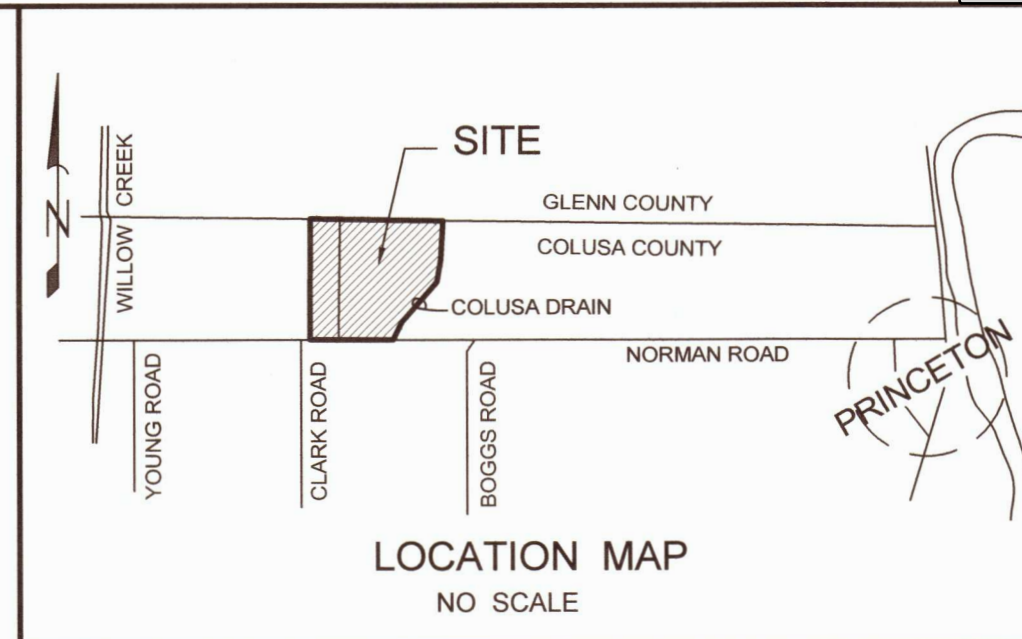
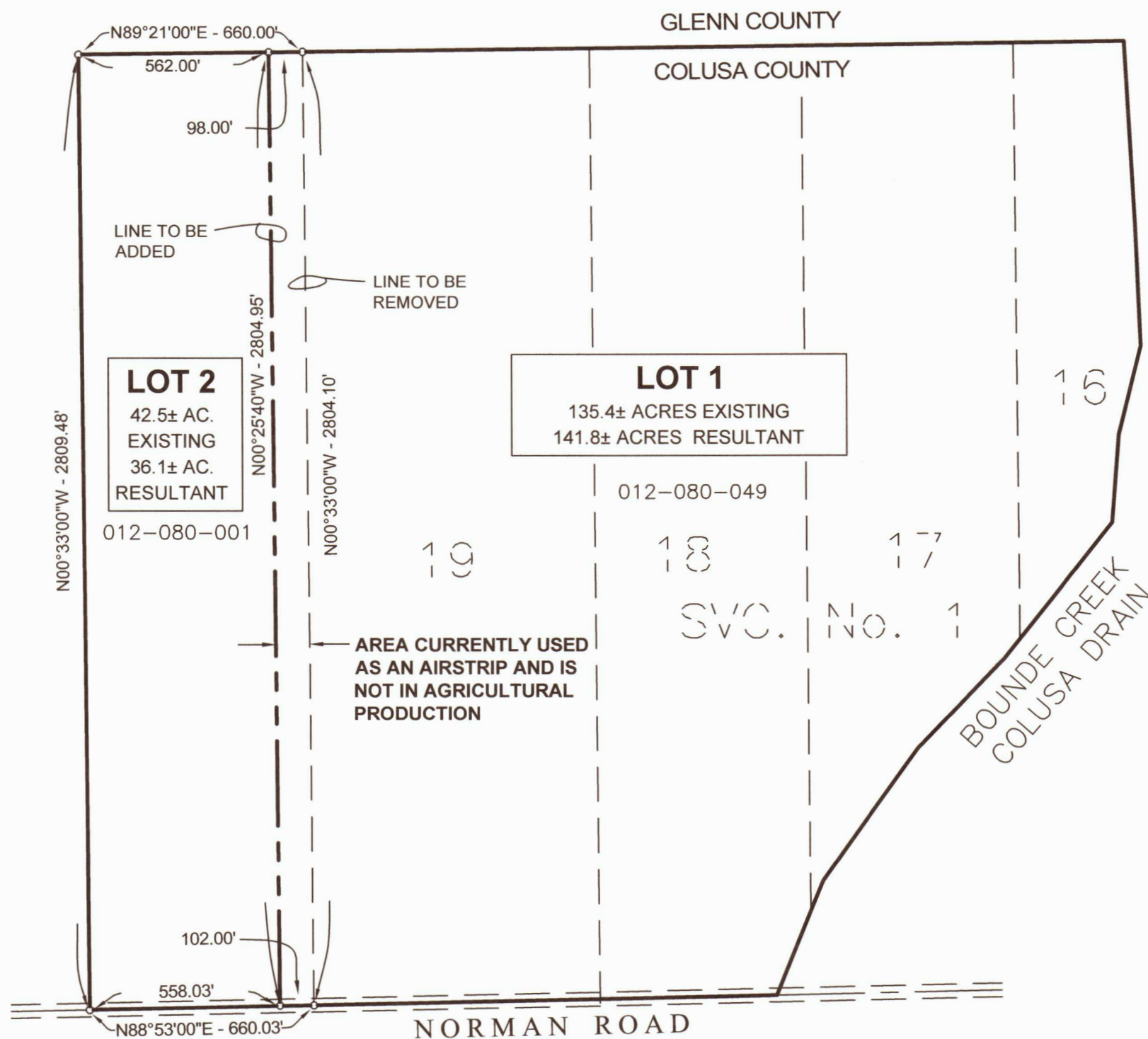
Thomas Harris, LS

Exhibit "A.1"

PROJECT INFORMATION

OWNER 1: REBECCA BARHAM,
TRUSTEE OF THE BARHAM/HUTTON FAMILY TRUST,
DATED OCTOBER 19, 1993
APN 012-080-001
GENERAL PLAN - AGRICULTURAL
ZONING - EXCLUSIVE AGRICULTURE

OWNER 2: STACY H. ARGO AND CYNTHIA R. ARGO
APN 012-080-049
GENERAL PLAN - AGRICULTURAL
ZONING - AG 80



PROJECT NOTES:

PROPOSED VARIANCE: ALLOWABLE REDUCTION IN SIZE TO 36.1± ACRES BY A PROPOSED LOT LINE ADJUSTMENT. THE LOT LINE ADJUSTMENT WOULD ADD THE EASTERLY 6.4± ACRES, CURRENTLY USED AS AN AIRSTRIP, TO THE EASTERLY ADJOINING PROPERTY, AS SHOWN HEREON.

NO FUTURE DEVELOPMENT IS PROPOSED BY THE APPLICATION FOR VARIANCE OR PROPOSED LOT LINE ADJUSTMENT. THE REMAINING 36.1± ACRES WOULD REMAIN IN RICE PRODUCTION AS IT IS CURRENTLY FARMED.

BOTH PROPERTIES ARE UNDER WILLIAMSON ACT CONTRACTS. NO CHANGE TO TOTAL CONTRACTED ACREAGE WILL RESULT FROM THIS APPLICATION FOR LOT LINE ADJUSTMENT

APNs 012-080-001 and 049

MINOR VARIANCE & LOT LINE ADJUSTMENT

BEING PORTIONS OF OF THE LARKINS CHILDRENS RANCHO; SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF COLUSA, STATE OF CALIFORNIA.

DECEMBER 2022

SCALE 1"= 400'

Rebecca Barham, Trustee
Book 745 Official Records, Page 510
Stacy H. Argo and Cynthia R. Argo
Official Records Document No. 02-5603

PREPARED BY:



Thomas E. Harris

THOMAS E. HARRIS
LAND SURVEYOR

908 6th STREET, ORLAND, CA. 95963

SHEET 1 OF 1

22029

EXHIBIT “B”
VARIANCE (PD-22-35) FOR THOMAS HARRIS
COLUSA COUNTY PLANNING COMMISSION
JANUARY 4, 2023

Pursuant to the provisions of the Zoning Code of the County of Colusa, Variance PD-22-35 is hereby granted in accordance with the application filed to allow a 36.1± acre parcel to be created by a lot line adjustment in lieu of the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zone district. The project site is located on APNs 012-080-001 and 012-080-049. This approval is subject to all of the following Conditions of Approval:

CONDITIONS OF APPROVAL

I. General

- A. 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.

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 submit and receive approval of a Lot Line Adjustment application to the Community Development Department to adjust the property lines between the two subject parcels consistent with the project description and exhibit map contained in Exhibits “A” and “A.1”. The Lot Line Adjustment application shall be approved and recorded within two (2) years of the variance approval date.
- C. The applicant shall submit the required modifications to the existing Williamson Act contracts on the subject parcels involved in the Lot Line Adjustment. The applicant shall comply with all federal, state and local statutes, ordinances and regulations.
- D. This variance becomes effective on the eleventh (11th) calendar day following the Planning Commission approval unless appealed pursuant to Zoning Code Section 44-1.80.080. Should the required Lot Line Adjustment fail to be recorded within two years, this Variance approval shall become null and void.

Draft Proof

County of Colusa
 547 Market Street, Ste. 102
 Colusa, CA 95932

NOTICE DESCRIPTION

Notice of Public Hearing

RUN DATES

12/22/2022

This is not an affidavit of publication.
 You will receive the signed
 affidavit of publication
 within 5-days of publication date.

LEGAL NOTICE

COUNTY OF COLUSA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Planning Commission will conduct a Public Hearing on January 4, 2023 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 #PD-22-35, Thomas Harris – Consideration of a proposed Resolution that would approve a Variance to allow a 36.1+ acre parcel to be created by a lot line adjustment in lieu of the 40 acre minimum parcel size requirement of the Exclusive Agriculture (E-A) zoning district. The project site is located on the north side of Norman Road, approximately 200 feet east of Clark Road, and is approximately 2 miles west of the community of Princeton; APNs 012-080-001 and 012-080-049.

The Planning Commission will also consider adoption of an exemption from the California Environmental Quality Act (CEQA), as the project is considered exempt from CEQA pursuant to Section 15305(a) Minor Alterations to Land Use Limitations. The project involves a lot line adjustment resulting in creation of a parcel approximately 10 percent smaller than the minimum required acreage size.

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, 1213 Market Street, Colusa, CA (530)458-0480, or by e-mail at sgeiger@countyofcolusa.org. All persons are invited to attend and be heard. 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 and at the Community Development Department, 1213 Market Street, Colusa, CA (530) 458-0480.

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: December 13, 2022

/s/ Melissa Kitts, Deputy Clerk

12/22/2022 - CCPR # 2022-1092



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 8818)

Meeting: 01/04/23 09:00 AM
Department: Community Development Department
Category: Policy
Prepared By: Steve Geiger
Initiator: Steve Geiger
Sponsors:
DOC ID: 8818

Detail

Applicant: Yolanda Dyce
General Plan: Parks and Recreation (PR)

File: BP-21431
Zoning: General Recreation (G-R)

Formal Title / Summary

Nonconforming Residential Use Informational Report

Action Requested

Receive informational report on the installation of utility (solar) system in conjunction with a nonconforming single-family residential use.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

The Community Development Department has received a building permit application (BP-21431) for a proposed ground mount solar array to serve an existing single-family residence located at 1640 E. Clay Street in Colusa (APN 015-410-025). The subject property was rezoned to General Recreation (G-R) District as part of the county-wide 2014 Zoning Ordinance Update. The G-R zoning district does not permit single-family residential uses. However, the existing residence was constructed prior to the 2014 rezoning and therefore, the residential use of the property is considered a legal nonconforming use. Therefore the property is allowed to be used as a residence.

Zoning Code Section 44-1.120.050 states "any nonconforming use may be changed to another nonconforming use, expanded, enlarged, extended, reconstructed, or structurally altered upon obtaining a use permit." Based on the review of the proposed building permit to install a ground mounted solar system for the existing home, it is staff's opinion that this would not constitute an expansion or an enlargement of the existing non-conforming use. The purpose of this staff report is to inform the Commission of this determination and receive any desired comment from the Commission on this determination.

APN:

015-410-025 and 015-410-026

LOCATION:

The project site is located at the east end of Clay Street, adjacent to the west side of the Sacramento River (1640 E. Clay Street).

PROJECT:

As shown on the plot plan submitted by the applicant (Exhibit "B"), a ground mount solar is proposed to be located in the rear portion of the subject parcel (northwest corner). The proposed ground mount solar will serve the existing single-family residence located in the south-central portion of the property near E. Clay Street.

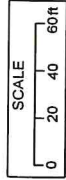
As previously discussed, any nonconforming use may be changed to another nonconforming use, expanded, enlarged, extended, reconstructed, or structurally altered upon obtaining a use permit from the Planning Commission. Upon review of the proposed solar system, staff does not believe that this would be an enlargement or expansion of the existing residential use of the property. Rather staff believes that this is simple modification to the existing electrical system that serves the existing residential use and would not be considered an expansion of the residential use. If the applicant were proposing a significant addition to the existing residence, proposing a new separate accessory dwelling unit, or another expansion of the existing nonconforming single-family residential use then a use permit would be appropriate. The applicant, however, is only proposing a new ground mount solar array to provide supplemental electrical service to the existing single-family residence and, as such, staff does not believe that a use permit is required.

The purpose of this informational report is to inform the Commission of staff's determination with regards to the proposed ground mount solar array and to seek the Commission's concurrence and to receive any comment or input. Following your concurrence, staff would proceed with the processing of the building permit per standard processes. In addition, other similar requests would be handled in a similar manner.



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PV SYSTEM

[illegible]