

**COLUSA COUNTY PLANNING COMMISSION
AGENDA REPORT – MARCH 11, 2015**

APPLICANT: Dean and Linda Berry

FILE #: TPM #14-11-1 (ED #14-30)

REQUEST: A Tentative Parcel Map to divide an existing 4.96±-acre parcel. Approval of the tentative map would result in the creation of Parcel 1 – 2.48±-acres and Parcel 2 – 2.48±-acres

GENERAL PLAN: Urban Residential (RR)

ZONING: Residential Single-Family (RR-2)

APN: 015-330-096

LOCATION: The project site is located at 3269 McCoy,Road approximately 500-feet north of the intersection of McCoy Road and Wilson Avenue.

PARCEL SIZE: 4.96+-acres

PLANNER: Kent Johanns

ATTACHMENTS: A: Conditions of Approval
B: Vicinity Map
C: Tentative Parcel Map

STAFF COMMENT:

Staff is recommending approval of the Tentative Parcel Map with findings and conditions.

PROJECT AND SITE DESCRIPTION:

The project consists of a proposed Tentative Parcel Map allowing the division of one existing parcel totaling 4.96+-acres into: Parcel 1 – 2.48±-acres and Parcel 2 – 2.48±-acres.

The project site is located in eastern Colusa County in an un-incorporated area of Colusa. The closest community with services is the City of Colusa, which is one mile to the south. There is one existing home and accessory buildings on the project site, which are located on the proposed Parcel 1. The area encompassed by proposed Parcel 2 is currently vacant.

General Plan and Zoning

The General Plan land use designation is Rural Residential (RR). The Urban Residential General Plan land use designation has minimum parcel size of 2-acres. The existing zoning classification is Residential Single-Family (RR-2), which has a minimum standard parcel size of 2-acres square feet.

The General Plan Land Use Policies do not conflict with this type of proposed tentative map in the Rural Residential (RR) designated areas. The proposed tentative map complies with the General Plan Land Use Designation - Table LU-1, both in allowable uses and parcel size.

The project site is zoned Rural Residential (RR-2). According to Section 44-2.30.30, Allowed Uses in the Residential Zones, Table 44-2.30-3, opportunities for structural development are limited to one single family residence and associated accessory buildings. All additional structural development would require a use permit. Use permits are discretionary permit issued by the County that can require California Environmental Quality Act (CEQA) analysis.

As stated above, Parcel 1 is already developed with a single family residence. As a result, the project has the potential to result in the construction of one single family residence on proposed Parcel 2.

Issues and Concerns

Access – The property is currently accessed by McCoy Road. There is an existing driveway with a bridge over the Roberts Ditch canal for access to proposed Parcel 2. Comments were received from both the Department of Public Works and Roberts Ditch Company with no issues noted regarding access. Any future residential construction on Parcel 1 would require a building permit. During the building permit process for residential buildings a routing form is issued prior to building permit issuance. The applicant is directed to the Department of Public Works and the local Fire District. During this process Public Works and/or the local Fire District will determine driveway access standards, which is typically six to eight inches of packed gravel 12-foot wide.

Surrounding Land Use and Compatibility

Surrounding parcels are used for rural residential purposes to the north, south, west, and east. There is one residence with associated accessory buildings located on the project site. The project is considered to be compatible with surrounding land uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is considered to be exempt from CEQA under Section 15303, New Construction or Conversion of Small Structures. In this case, map approval would result in the possible construction of one single family home located on propose Parcel 1. This is the maximum level of development allowed under the existing zoning classification of Rural Residential, a residential zone. Access to both parcels has been considered by the Colusa County Department of Public Works and no issues were identified. As a result, the project is categorically exempt under Section 15303(a).

ACTIONS FOR CONSIDERATION:

Staff recommends that the Planning Commission take the following actions:

- I. Adopt a Categorical Exemption, specifically 15303, New Construction or Conversion of Small Structures, Class 3(a)

Section 15303 Class 3, Class 3 consists of construction and location of limited numbers of new, small facilities or structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(a): One single family residence, or second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption

- A. Find that the proposed Categorical Exemption reflects the independent judgment and analysis of the County, which is the lead agency.

- II. Approve the Berry TPM #14-11-1, subject to the following findings and conditions found in Exhibit A:

FINDINGS

- A. The proposed project will not impair the integrity and character of the area 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 unreasonably incompatible with surrounding land uses.

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.
- C. The project is consistent with the Colusa County General Plan Rural Residential (RR) Land Use Designation.
- D. The project is not subject to CEQA based upon the 15303(a), New Construction or Conversion of Small Structures in that the project will result in the maximum number of structures allowed in the relevant zone.

EXHIBIT A

Tentative Parcel Map Conditions for Dean and Linda Berry TPM #14-11-1: A Tentative Parcel Map that would result in the creation of Parcel 1 – 2.48±-acres and designated remainder of 2.48±-acres

CONDITIONS OF APPROVAL

Department of Planning and Building

1. The final Parcel Map shall conform to Tentative Map #14-11-1 submitted and on file at the Colusa County Department of Planning and Building and as approved by the Colusa County Planning Commission. Major revisions to the Parcel Map as determined by the County Surveyor shall not occur without prior formal approval by the Colusa County Planning Commission.
2. The applicant agrees, as a condition of issuance and use of this entitlement, to indemnify and defend the County, at applicant's sole cost and expense, in any claim, action, or proceeding brought against the County within 180-days after the issuance of this entitlement because of, or resulting from, any preliminary approval or actual issuance of this entitlement, or, in the alternative, to relinquish such entitlement. Applicant will reimburse the County for any damages, court costs and attorney fees which the County may be required by a court to pay as a result of such claim, action or proceeding. The County shall promptly notify the applicant of any such claim, action, or proceeding and will cooperate in its defense. The County may also, at its sole discretion, participate in the defense of any such claim, action, or proceeding but such participation shall not relieve applicant of its obligations under this condition.
3. The applicant shall also comply with all state, federal and local statutes, ordinances and regulations.

Public Works

4. Prior to issuance Certificate of Occupancy, driveway access will be approved by the Department of Public Works and/or local Fire District

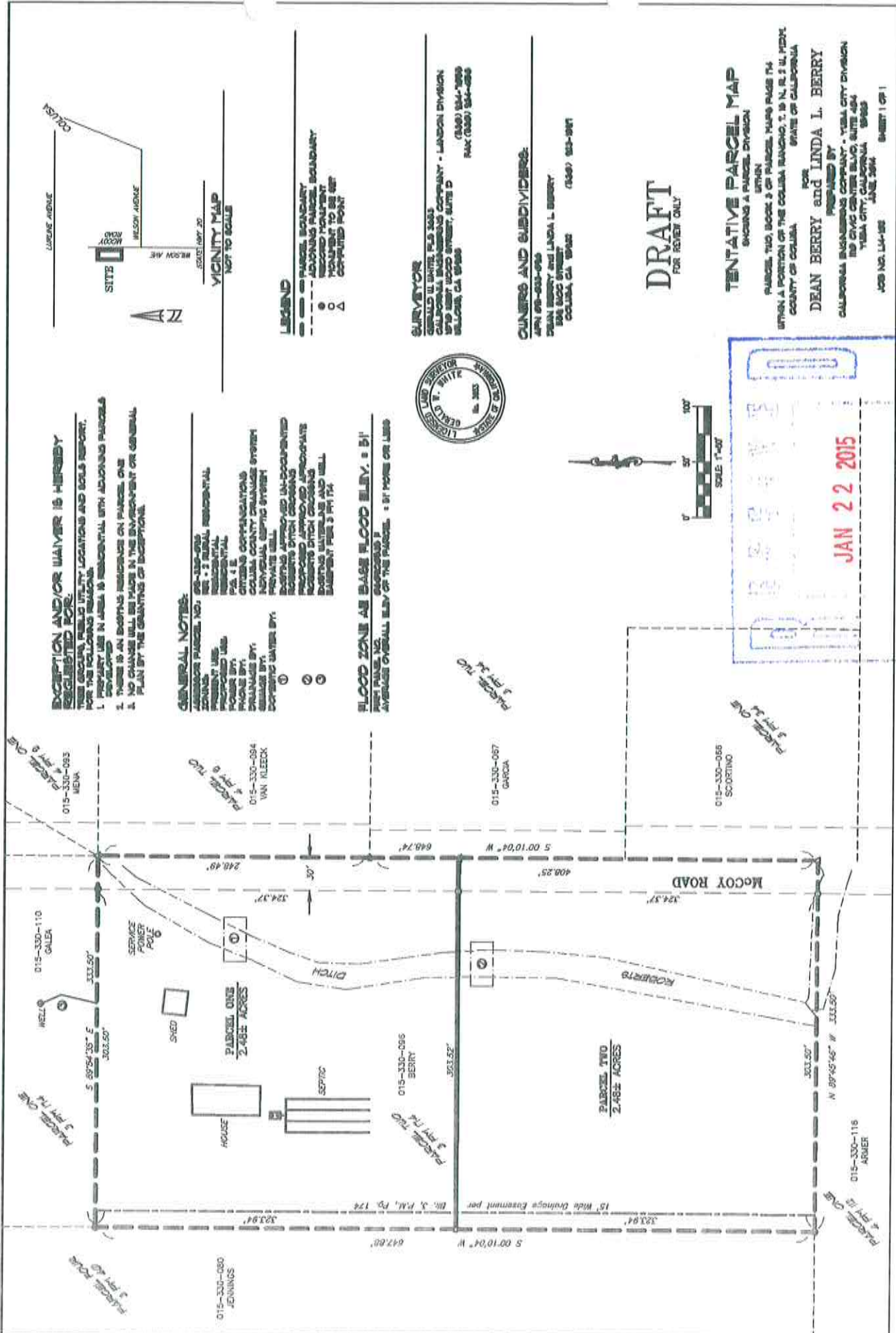
Environmental Health

5. Prior to new well construction, the applicant shall ensure that any abandoned wells shall be destroyed under permit and inspection by Environmental Health.

6. The applicant shall report contamination discovered during excavation immediately to Environmental Health.
7. During the Building Permit Project Routing Form process the applicant shall contact Environmental Health to apply for on-site sewage disposal permit and well permit.

II. NOTATION:

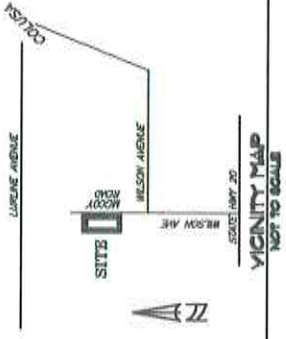
Minor changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health, Public Works or Fire Chief, or their respective designee, upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.



EXCEPTION AND/OR WAIVER IS HEREBY REQUESTED FOR:
 THIS OFFICE, FIELD UTILITY LOCATIONS AND SOILS REPORT, FOR THE FOLLOWING REASONS:
 1. PROPERTY USE IN AREA IS RESIDENTIAL WITH ADJACENT PARCELS DEVELOPED.
 2. THERE IS AN EXISTING RESIDENCE ON PARCEL ONE.
 3. NO CHANGES WILL BE MADE IN THE ENVIRONMENT OR GENERAL PLAN BY THE GRANTING OF EXCEPTIONS.

GENERAL NOTES:
 1. PARCEL NO. 015-330-084
 2. ZONING: RESIDENTIAL
 3. PRESENT USE: RESIDENTIAL
 4. PROPOSED USE: RESIDENTIAL
 5. POWER BY: P.S. 1 E
 6. DRAINAGE BY: COLUMBIA COUNTY DRAINAGE SYSTEM
 7. SURVEY BY: NORTON & SUTHERLAND
 8. DATE OF SURVEY: 01/20/15
 9. EXISTING UTILITIES:
 - 10" WATER MAIN
 - 12" SEWER MAIN
 - 12" GAS MAIN
 - 12" ELECTRIC MAIN
 - 12" CABLE TV MAIN
 - 12" FIBER OPTIC MAIN
 - 12" TELEPHONE MAIN
 - 12" CABLE TV MAIN
 - 12" FIBER OPTIC MAIN
 - 12" TELEPHONE MAIN

FLOOD ZONE AS BASE FLOOD ELEV. = 51'
 FLOOD ZONE AS BASE FLOOD ELEV. = 51'
 AVERAGE OVERALL ELEV. OF THE PARCELS = 51' HIGHER OR LOWER



LEGEND
 - - - - - PARCEL BOUNDARY
 - - - - - ADJACENT PARCEL BOUNDARY
 ○ - - - - - RECORD MONUMENT POINT
 △ - - - - - COMPUTED POINT

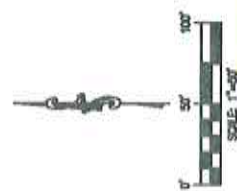
SURVEYOR
 GERALD W. WHITE, PLS 3063
 CALIFORNIA LAND SURVEYING COMPANY - LANDON DIVISION
 1500 S. 10TH STREET, SUITE D
 SACRAMENTO, CA 95818
 (916) 944-9889
 FAX (916) 944-9888



CUNBERG AND SUBDIVISORS:
 APR. 28-2015-015
 DEAN BERRY and LINDA L. BERRY
 188 MCCOY STREET
 COLUSA, CA 95925 (916) 951-9871

DRAFT
 FOR REVIEW ONLY

TENTATIVE PARCEL MAP
 SHOWING 2 PARCELS DIVISION
 WITHIN
 PARCELS TWO, BLOCK 3 OF PARCEL MAPS PAGE 174
 WITHIN A PORTION OF THE COLUMBIA RANCHO, T. 15 N. R. 2 W. 11E
 COUNTY OF COLUSA
 STATE OF CALIFORNIA
 FOR
 DEAN BERRY and LINDA L. BERRY
 PREPARED BY
 CALIFORNIA LAND SURVEYING COMPANY - YUBA CITY DIVISION
 188 CHASE CENTER BLVD, SUITE 404
 YUBA CITY, CALIFORNIA 95965
 APRIL 2015
 JOB NO. 154-88 SHEET 1 OF 1



RECEIVED
 JAN 22 2015
 COLUSA COUNTY DEPARTMENT
 OF PLANNING AND BUILDING