

**COLUSA COUNTY PLANNING COMMISSION
AGENDA REPORT – JUNE 3, 2015**

APPLICANT: Gross/Kalfsbeck

FILE #: TPM #15-4-2 (ED #15-9)

REQUEST: A Tentative Parcel Map that would result in the creation two parcels from one parcel totaling 250±-acres.

GENERAL PLAN: Agriculture General (A-G)

ZONING: Exclusive Agriculture (E-A)

APN: 018-070-022

LOCATION: The project site is located at the northwest corner of Emmert Road and County Line Road in the College City area.

PARCEL SIZE: 250±-acres

PLANNER: Kent Johanns, Associate Planner

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

STAFF COMMENT:

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

PROJECT AND SITE DESCRIPTION:

The project consists of a Tentative Parcel Map to divide one existing parcel 250±-acres in size into the following; Parcel 1 – 118.8±-acres and Parcel 2 – 131.1±-acres. The project site is located approximately 5-miles to the southwest of the City of Williams. Properties in the area can be described as agricultural with residences located on several of them. Row crops and orchard crops are the most common agricultural activities and in the area. The project site is currently being utilized as an almond orchard. There are no structures located on the project site. The purpose of the tentative map is to divide the property for estate purposes and create more efficient farming units.

ANALYSIS:

General Plan and Zoning

The General Plan land use designation is Agricultural General (A-G) with the corresponding zoning classification of Exclusive Agriculture (E-A). The General Plan Land Use Policies support the protection and enhancement of agricultural resources in Agricultural General (A-G) designated areas. The project is considered to be consistent with the General Plan with the continued use of the land being agricultural.

The Exclusive Agriculture (E-A) zone has a minimum standard 40-acre parcel size. The proposed project complies with the zoning ordinance minimum standard parcel size. The project is considered to be consistent with the Colusa County Zoning Ordinance with the primary use of the land remaining in agriculture.

Staff is including a condition to the project requiring adherence to Section 44-2.20 Exclusive Agriculture (E-A) zone. The condition reads as follows:

All current owners and all subsequent owners of the property shall comply with the provisions of Section 44-2.20 of the Colusa County Zoning Code, which requires the primary use of the land to be agriculture.

The incorporation of this condition serves to alert any potential new property owners that the primary use of the land in the Exclusive Agriculture (E-A) zone is to be agriculture and land within the zone is intended to be utilized for agricultural endeavors.

Surrounding Land Use and Compatibility

Surrounding land uses are agricultural and located on large lots ranging from approximately 20±-acres to over 400±-acres. The project may result in the possibility of multiple single-family residences and/or agricultural processing and storage facilities being constructed on the project site. It is anticipated that the potential construction of any additional homes or agriculturally related facilities on the large parcels created by the project would be compatible with surrounding land use.

Issues and Concerns

The area encompassed by proposed Parcel 2 is currently accessed by an unimproved creek crossing. While the property has been actively farmed for many years with no impact related to the unimproved crossing creek the potential exist for some building in the future. Should Parcel 2 be

developed in the future so that an improved access is required the applicant for the building permit(s) will be required to consult with the California Department of Fish and Wildlife regarding a possible Streambed Alteration Agreement.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The project is considered to be exempt from under Section 15061(b)(3), General Rule. In this case, map approval would result in more efficient farm management with older orchard being separated from younger trees along an existing physical boundary, the channel of Cortina Creek. Access to both parcels currently exists via Cortina Vineyard Road and an existing farm road. As a result, the project is categorically exempt under Section 15061(b)(3).

ACTIONS FOR CONSIDERATION:

Staff recommends that the Planning Commission take the following actions:

- I. Adopt a Categorical Exemption, specifically 15061(b)(3), General Rule

Section 15061(b)(3) The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA

- II. Approve the Kalfsbeek-Gross TPM #14-9-1, 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 will be 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 and mitigation measures
- C. The project is consistent with the Colusa County General Agriculture Upland (UA) Land Use Designation.
- D. The project is not subject to CEQA based upon the general rule exemption Section 15061(b)(3).

EXHIBIT A

Tentative Parcel Map Conditions for Kalfsbeek-Gross TPM #15-2-4, A Tentative Parcel Map to divide one existing parcel 250±-acres in size into the following; Parcel 1 – 118.8±-acres and Parcel 2 – 131.1±-acres.

CONDITIONS OF APPROVAL

Department of Planning and Building

1. The final Parcel Map shall conform to Tentative Map #15-2-4 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.
4. Prior to any development on Parcel 2 the applicant for building permit(s) that requires improved access shall consult with the California Department of Fish and Wildlife regarding a Streambed Alteration Agreement.

Public Works

5. Prior to issuance Certificate of Occupancy on any building permits on Parcels 1 or 2, driveway access will be approved by the Department of Public Works and/or local Fire District

Environmental Health

6. Prior to new well construction, the applicant shall ensure that any abandoned wells shall be destroyed under permit and inspection by Environmental Health.
7. The applicant shall report contamination discovered during excavation immediately be reported to Environmental Health.
8. 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.