

**COLUSA COUNTY PLANNING COMMISSION  
AGENDA REPORT – MARCH 9, 2016**

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**APPLICANT:** Christopher Owen

**FILE #:** VA #15-12-1, TPM #15-12-1 (ED #15-51)

**REQUEST:** A Variance to the side yard setback of 10-feet in the Rural Services (R-S) zone to allow two existing homes to be divided from the from one another with only a 5±-foot setback from the property line to allow a Tentative Parcel Map to divide an existing 33±-acre parcel. Approval of the tentative map would result in the creation of Parcel 1 – 23±-acres, Parcel 2 - 2±-acres, and Parcel 3 - 6±-acres.

**GENERAL PLAN:** Rural Service Center (RSC)

**ZONING:** Rural Services (R-S)

**APN:** 010-350-001

**LOCATION:** The project site is located at 4421 Sites-Lodoga, approximately 0.81-miles northeast of the intersection of Sites-Lodoga Road and Lodoga-Stonyford Road.

**PARCEL SIZE:** 33±-acres

**PLANNER:** Kent Johanns

**ATTACHMENTS:**

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

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**STAFF COMMENT:**

Staff is recommending approval of the Variance and 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 of 33±-acres into: Parcel 1 – 23±-acres, Parcel 2 - 2±-acres, and Parcel 3 - 6±-acres.

The project site is located in northwestern Colusa County. The closest community with significant services is Maxwell, which is 15-miles to the east. The property is located in the foothills of California Coast Range. There are three existing homes and accessory buildings on the project site located in close proximity to on another on the northern portion of the property. The applicant is proposing to divide one of the existing homes from other two so it can be purchased from the owners. This home is located in area encompassed by proposed Parcel 2. The other homes will be located on proposed Parcel 1. There is an existing Recreational Vehicle (RV) storage facility on proposed Parcel 3.

### General Plan and Zoning

The General Plan land use designation is Rural Service Center (RSC). The Rural Service Center General Plan land use designation has minimum parcel size of 2-acres. Single family residences and recreation facilities are acceptable uses in the RSC land use designation.

The General Plan Land Use Policies do not conflict this type of proposed tentative map in the Rural Services Center (RSC) 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 Services (RS). This zoning classification has minimum parcel size of 2-acres. According to Section 44-2.30.30, Allowed Uses in the Rural Services zone, Table 44-2.30-3, limits opportunities for structural development. Significant 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.

### Issues and Concerns

Access – The property is currently accessed by Sites-Lodoga Road. There is an existing paved private access road. This access will serve both Parcel 1 and Parcel 2 in immediate future. A 60-foot wide easement is proposed to access proposed Parcel 2. Comments were received from the Department of Public Works with no issues noted regarding access other than typical conditions regarding encroachment permits.

### Surrounding Land Use and Compatibility

Surrounding parcels are used for residential and recreational purposes to the north, south, west, and east. With rural residential uses occurring to the west. 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 under Section 15301, Existing Facilities. The project site is already partially developed with three homes and an RV storage facility. The proposed configuration will result the existing uses being divided onto separate parcels. As a result, additional development will be limited by a lack of public services and any additional significant development will require use permits, which may trigger CEQA at the time.

### **ACTIONS FOR CONSIDERATION:**

Staff recommends that the Planning Commission take the following actions:

- I. Adopt a Categorical Exemption, specifically 15301, Existing Facilities, consists of the operation and repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond what exists at the time of the Lead Agencies Determination.
  - A. Find that the proposed Categorical Exemption reflects the independent judgment and analysis of the County, which is the lead agency.
- II. Approve the Owen Variance, VA#15-12-1, subject to the following findings and conditions found in Exhibit A:

### **FINDINGS**

- A. This Variance may be granted because special circumstances applicable to the property exist, including size, shape, topography, location or surroundings, and the strict application of the setback ordinance would deprive the property owner of privileges enjoyed by other property owners, and would not constitute a grant of special privileges inconsistent with the limitations placed upon other properties in the vicinity and under identical zoning classification, as supported by the following facts:
  1. The size of the parcel and existing structures, constrains the applicant from dividing the home from the other homes.
  2. Structures located on neighboring parcels to the west do not comply with current structural setbacks and have not caused any impacts due to their location within those setbacks.

3. Granting of the variance does not constitute a special privilege.
3. Other landowners in similar situations could apply for a Variance.

III. Approve the Owen Tentative Parcel Map, TPM #15-12-1 subject to the following findings 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, Rural Services (R-S) 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 Rural Service Center (RCS) Land Use Designation.
- D. The project is not subject to CEQA based upon the 15301(a) Existing Facilities.

## EXHIBIT A

**Tentative Parcel Map Conditions for Christopher Owen TPM #15-12-1:** The project consists of a proposed Tentative Parcel Map allowing the division of one existing of 33±-acres into: Parcel 1 – 23±-acres, Parcel 2 - 2±-acres, and Parcel 3 - 6±-acres.

### CONDITIONS OF APPROVAL

#### Department of Planning and Building

1. The final Parcel Map shall conform to Tentative Map #15-12-1 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

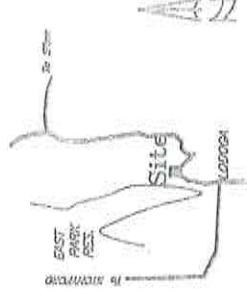
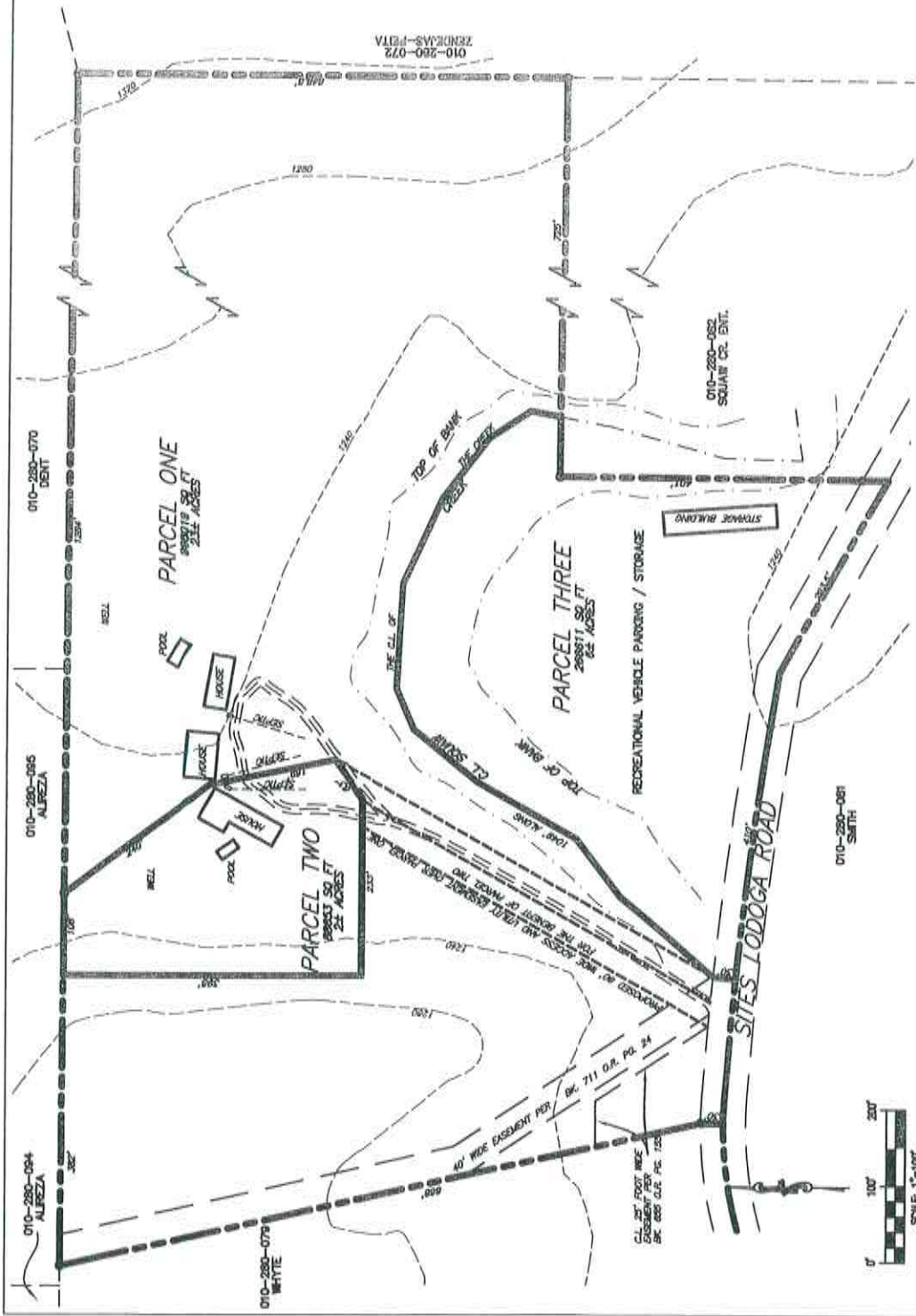
4. Prior to final Parcel Map approval the applicant's surveyor shall delineate Flood Zone A or summarize its location on the final Parcel Map.
5. Prior to construction any additional driveways or access roads will require an Encroachment Permit.
6. Prior to issuance Certificate of Occupancy for any new structures, driveway access will be approved by the Department of Public Works and/or local Fire District

## Environmental Health

7. Prior to new well construction, the applicant shall ensure that any abandoned wells shall be destroyed under permit and inspection by Environmental Health.
8. The applicant shall report contamination discovered during excavation immediately be reported to Environmental Health.
9. 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.



VICINITY MAP  
NOT TO SCALE

**EXCEPTION AND/OR WAIVER IS HEREBY REQUESTED FOR:**

- A. TREE GRUBBERS, FIELD UTILITY LOCATIONS AND SOILS REPORT, FOR THE FOLLOWING REASONS:
  1. PARCELS ARE RELATIVELY FLAT. PRIMARY USE IN AREA IS PUBL. UTILITIES, RESIDENTIAL AND RECREATION. RELATIVE HEIGHT, NO SIGNIFICANT CHANGE IS PROPOSED.
  2. NO CHANGE WILL BE MADE IN THE ENVIRONMENT OR GENERAL PLAN BY THE GRANTING OF EXCEPTIONS.
- B. ROAD IMPROVEMENTS BE DELAYED AND REQUIRED UNDER A RESIDENTIAL BUILDING PERMIT IS APPLIED FOR ON THE SPECIFIED PARCEL. PARCEL ONE AND TWO CURRENTLY ARE CUL-DE-SAC. NEAREST PAVED DRIVEWAY, PARCEL THREE FRONT ON SITES LODOGA ROAD.

**SURVEYOR**

GERALD W. WHITE, PLS 5363  
CALIFORNIA ENGINEERING CO., INC., LANDON DIVISION  
1070 WEST WOOD STREET, SUITE D  
WILLOW, CA 95695  
(916) 934-7055  
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**OWNERS AND SUBDIVIDERS:**

CHRISTOPHER J. OWEN & BONITA SUZANNE OWEN (TOD) REF-0207  
C/O E. C. CHUBBELL & JOSEFINA H. CHUBBELL TRUSTERS  
4402 STEELES LODOGA ROAD  
STANFORD, CA 94307

**TENTATIVE PARCEL MAP**

SHOWING A PARCEL DIVISION  
IN  
SECTION 24, T. 17 N., R. 6. W., M.D.M.  
COUNTY OF COLUSA STATE OF CALIFORNIA

FOR  
**CHRIS OWEN AND BONITA OWEN**  
BY

CALIFORNIA ENGINEERING CO., INC., LANDON DIVISION  
1070 WEST WOOD STREET, SUITE D, WILLOW, CALIFORNIA 95695  
NOVEMBER, 2015

JOB NO. L15-123

SHEET 1 OF 1

**GENERAL NOTES:**

- ASSESSOR PARCEL NO: 010-280-083
- ZONING: RS - RURAL SERVICES
- PRESENT USE: RS & RESIDENTIAL
- PROPOSED USE: RS & RESIDENTIAL
- POWER BY: P.A.B. & E.
- PHONE BY: CITIZENS COMMUNICATIONS
- DRAINAGE BY: COLUSA COUNTY DRAINAGE SYSTEM
- SEWERAGE BY: INDIVIDUAL SEPTIC SYSTEM
- DOMESTIC WATER BY: PRIVATE WELLS
- TOPOGRAPHIC INFORMATION SHOWN HEREON WAS GENERATED FROM INFORMATION SHOWN ON THE 7.5' GILMORE PEAK QUAD MAP.

**LEGEND**

- PROPOSED PARCEL BOUNDARY
- EXISTING PARCEL BOUNDARY
- EXISTING 40' WIDE ACCESS EASEMENT
- PROPOSED 40' WIDE ACCESS EASEMENT
- EXISTING MONUMENT
- CONTOUR LINE

