

COUNTY OF COLUSA
ZONING ADMINISTRATOR
Minutes
January 11, 2018

A meeting was called to order at 9:05 A.M., on the **11th day of January, 2018** at the Historic Courthouse, Board Chambers, 546 Jay Street, Suite 108, Colusa, California.

COUNTY STAFF: Greg Plucker, Community Development Department Director;
Zoning Administrator
Kent Johanns, Associate Planner
Tana Loudon, Department Secretary

OTHERS PRESENT: Amy Gibbons, Arbuckle Little League
Catherine Shahan, Arbuckle Little League
Rod Bradford, Arbuckle Revitalization Committee
Charles Wayman, Arbuckle Parks and Recreation District
Jorge Martinez, Holliday Court, Arbuckle
Juanita Topete, Holliday Court, Arbuckle

Mr. Plucker opened the meeting and stated that we will formalize this meeting a bit, but not as much as a Planning Commission meeting. Staff will give its presentation and the project proponents will have an opportunity to talk about it and then anybody who is concerned or project opponents will have the ability to talk about it. Then anybody else can talk and then the project proponents can rebuttal or wrap things up. At that point there may be questions and we will make sure that everybody has plenty of opportunity to ask for any clarity or any questions. So we will formalize this a little bit.

PUBLIC HEARINGS

Minor Use Permit #17-11-1, (ED #17-31), Arbuckle Parks and Recreation (Arbuckle Little League) Continued from December 18, 2017 - Proposed Categorical Exemption and Minor Use Permit for a Public Recreation Facility, T-Ball field, parking, and open space on property zoned R-1-8 (Residential Single Family), located at 145 Holliday Court in the community of Arbuckle, identified as APN 020-120-021.

Mr. Plucker stated that we will start with Mr. Johanns with a presentation and an update from the last meeting.

Mr. Johanns presented a Power Point Presentation (on file in the Zoning Administrator's office, 220 12th Street, Colusa, CA). A recap of the meeting of December 18th, this is a consideration for the approval of a minor use permit. The application is to allow for the construction of a tee-ball field, parking lot, bathrooms, walkways, grass play area, and landscaped area. Referencing the presentation, he pointed out the parcel and the existing

little league field. There are several existing residences on Holliday Court which is a private road and they (residents of Holliday Court) have had some concerns. The concerns raised at the December 18, 2017 Zoning Administrator hearing have been summarized as; people attending little league games are interacting rudely with neighboring property owners due to the close proximity of the facilities and the open nature of the fencing which is just chain link fence all across there, noise and lighting impacting the enjoyment of their property, trespassing and vandalism from people attempting to access the existing facilities from Holliday Court, and expansion of existing facilities will compound the existing issues. Mr. Johanns stated that he went the other day and took some pictures to get a better feel of the issues. Right now there is open fencing so there is some interaction with the residents and the people using the facilities. You really get the feel that if you move that (the project) in there it is definitely moving closer so these issues could be compounded. That is why staff came up with the six foot fence with the slating to provide some more privacy for the residents and to prevent that visual interaction. There is not much anybody can do about the noise. He then referenced the area that Ms. Amaro discussed at the last meeting that people are parking in. It is actually PG&E property, the fence continues along there and people utilize this for parking when little league is going on. Mr. Johanns stated he sent Ms. Gibbons an email and suggested that perhaps the slating should continue on there. That is something that we would like to discuss today. We revised the conditions; everyone got a copy of the staff report. We worked really hard to address the concerns through the additional and amended conditions.

Mr. Plucker clarified that the changes are shown in the exhibit as underlined. There are a number of changes to the conditions and about seven to eight new conditions added.

Ms. Gibbons addressed the extension of the slating in the fence. She stated that it sounds feasible except that she doesn't think that it relates to this permit or the work that is going to be done because it is not a border to that property. Ms. Gibbons stated that she thinks Little League's standpoint would be, that's great, the neighbors should discuss that with Parks and Rec who has the easement for that land or PG&E. Adding this lot is not affecting that stretch of fence along PG&E property. Given that they had no prior awareness to the conflict that was going on or the disturbances that were going on they would probably like the opportunity to address those issues first if they are going to be asked to pay for it. They would like to try other means first. They have the agreement with Parks and Rec, Little League does, for that particular area so I'm not sure that should be part of this minor use permit. Also wanted to clarify the perimeter fence that is proposed or requested in the conditions, that is just the three neighboring sides, correct? Not adjacent to the current park.

Mr. Johanns replied that the slating would be strictly for the benefit of the residents and the interaction that is creating conflict. It would help minimize those conflicts.

Ms. Gibbons stated that it is her understanding they do still want a fence on that side so they can gate it but they don't want a six foot fence with slats for safety and security reasons and they couldn't see inside the facility. There was a question about the reasoning for the limited field use hours to the half hour before sunset as opposed to after sunset.

Mr. Johanns replied that sometimes little leagues can be operational until the last little sliver of light and that can be a bit of a safety concern. That is something that is not set in stone. If that is an issue then we need to talk about that and we can consider amending that.

Ms. Gibbons stated, Little League will start practicing in February and will play through November for fall ball so the before sunset really limits their ability to even have a complete game on a weeknight. So, they would like either the dusk or the half hour after sunset like the official sunset time similar to hunting regulations. We have a person that is going to talk to the fire department about the access from Holliday Court. Little League would just like it to be known that they really feel as a landowner, or Parks and Rec as the official landowner eventually, to have access off of the legal access point for that property seems like a reasonable expectation. Not full time, strictly a locked gate for maintenance purposes only in the event that it is needed. Of course the limit of heavy equipment during construction all of that is agreeable, but to have the maintenance gate on the back end. We haven't had our opinion yet for the Fire Department, they might require it anyway.

Mr. Johanns stated that Chief Cox had submitted some comments on the project. He was mainly concerned about drainage, he didn't mention the gate, but the gate was included in the plan so he may not have been worried about it, so, eliminating the gate could be an issue.

Ms. Juanita Topete introduced herself and stated that she lives at 110 Holliday Court. She added that Ms. Amaro that lives right across from her couldn't come because she has been ill. She stated that she and Ms. Amaro have been talking a lot about this since the last meeting. Ms. Topete stated they were looking at this agenda (she held up the Agenda Report) and it's like, I don't know who took the notes but they didn't mention our names, they just put residents, the residents and their concerns or whatever. So now you have a recorder to record our name and all that to record what we are saying and all that and that is great. But that should have been done in the first meeting anyway. But what I am saying that we both are kinda like, you are saying that our concerns and yes all those concerns and I stated concerns, but nowhere in this agenda (Agenda Report) did you annotate them and say what we exactly said. Patty (Ms. Amaro) had said that she's not against the little league getting bigger and making a bigger field for them and all that but she was totally against it to be in her backyard. So that wasn't even mentioned, that we totally are against it. You (County Staff) got all these pros about all the conditions and all the surroundings that there is a park here and there is a park there so it continues on like a park area from the original one. Nowhere did you mention my name and say what I said. I said the bottom line for me.....well I will show you what Patty (Ms Amaro) made this thing and we talked about it. She (Ms. Amaro) was saying that you know they are going to approve it no matter what we say, you know, the bottom line that what she (Ms. Amaro) says. I said well you know what, as a resident and homeowner to that property we have a right to appeal anything that is going to happen because I think as a property resident owner of that property my rights are being violated in regards to what I purchased in 2005 when I bought that land, it was very expensive. I sold my house in Woodland and I invested that money into this property and like I said before in the other meeting, when I came here to this

County and to Arbuckle when I was looking for a home, I retired from UC Davis after 31 years of working there, and I invested my money from my house that I sold because I looked at that property and I said this is residential. They're not going to build apartments they are not going to have a bunch of other stuff being built around me. Its five lots and they are all residents and that is great with me. It's a cul-de-sac, I have grandchildren, they can play there, and it is safe. I won't have all these cars going in the street. So that's why I bought that property because it's residential not because it was recreational. Cause if there would have been a park there or a baseball field right next to my house like it's going to be now I wouldn't have bought it because number one when I want to sell my house a lot of people don't want to live by a park. I'm retired, I'm a senior citizen and I want my peace and quiet. That's why I bought that property. And you guys, how dare you want to come in here and take that dream that I had on my retirement to buy a home where I want to live. I don't think any of you, I don't care what you think, but if it was your property and they would want to do that I don't think you would be happy with it. Especially after 31 years of working and you invest your money in another property that you looked at and said oh this is going to be great. They are not going to start building apartments, it's not going to be you know, whatever, and like I said, all my kids went to baseball, little league and all that in Woodland. So I understand about you wanting to make it bigger and make more fields for the Little League because there is more children or whatever but I'm sure that there is more properties around Arbuckle, but I'm sure that you don't want to spend more money because I know that you (Arbuckle Little League) saying this is feasible for you (Arbuckle Little League). It's more convenient because there is a park there already and there is the other baseball field there and it would be ideal for you because it is less expensive. I know all that feasibility that you are talking about in here but, at the same time my rights as a resident for that house that I bought are being violated I feel like because my word doesn't mean, excuse my language, shit here. I'm a property owner, I vote in this County, and it's like, ok, where is my rights as a property owner. I'm against it, the bottom line is, I'm totally against this because that not why I bought this property. I didn't buy this property to have a baseball field right next to my house. That wasn't my intentions when I invested all my money and sold my house in Woodland that I lived there for 31 years. Sold it and invested in this house and now what I was dreaming of and thinking of, we are going to have residences, its fine. Now it's not going to be that. You know I'm totally against it like I said from the beginning. And I'm sorry if you think I am being selfish but when you become 68 years old and invested and worked and all that and saved your money and invest in something that you want when you are 68 years old I don't think you are going to feel the same, you would probably feel like me, and if you don't well then that's good but that's how I feel. That my rights are being not heard as an owner of that property that I bought and what I wanted. And I am going to appeal it. And I'm going to look for an attorney to help me, because I think legally for you to... you can say all of these positive things that you know it's not going to change the environment, it's not going to do nothing to the residents. But it is changing the residences; it is changing it from a residence to a recreational permit permanently. And now she's (Ms. Gibbons) saying she wants access from Holliday Court for the maintenance gate. In this paperwork (the Agenda Report) you (County Staff) are saying that there's not going to be access from Holliday Court. I understand that the fire department and ambulances, that is a different story, and I'm not against that, I understand that. If there happens to be someone got really injured that they

have the right to go through there, the ambulance or whatever, the police. I'm not looking at that, I'm looking at people walking through there and you are saying that they are not going to be able to do that. You are going to put a sign over there. And the bottom line is, how many people respect signs, how many teenagers respect signs ok? And it's...I'm sorry I'm just upset about this because that's my property and that's my surroundings. Now Patty (Ms. Amaro) was saying, you know Juanita (Ms. Topete), we are not going to win, they already said that they approved it right here (pointing to the Agenda Report). It's being approved. I said I know it's being approved, our word is nothing against them, mind you, and if you all want to think that I'm prejudice or whatever, you can think whatever ok, I never been a prejudice person ever in my life. I come from Nebraska, I was raised in Nebraska. There isn't hardly any Mexicans over there. But I was raised in a little school like in Grimes. When I moved to California it was like wow, what is this? All this stuff, there is minorities and they are considered like minorities. The bottom line is that cul-de-sac here (Holliday Court) is owned by nothing but minorities, Hispanic people, and I'm going to be frank cause I'm a real frank person. I've always said I don't care if I'm talking to the President, I tell him how I feel, I'm a voter, I have a right to say what I feel and express my feelings. I bet you that if black people, Chinese people, white people lived here (Holliday Court), you think that we are upset, you wouldn't hear the end of it. And I don't think you would even try to do that if those kind of people lived there, that kind of race lived there, but I'm not prejudice, but it's the bottom line that is in this country and that's just the bottom line how our country is. Like I said before, we can protest, we can whatever, our word in the end, just like the pipeline, what it meant do all those poor Indians and everybody, nothing. And the same thing here with this, I'm pretty sure, but you know what, I'm not going to accept it and just be, ok, I'm going to just fold my hands and you guys do whatever. I'm not. I'm not because I have a right as a homeowner and I'm really surprised that the homeowners that live there, their concerns aren't considered. Ya, they can say that we are going to modify all this to, you know, help take care of this, but the bottom line, me and Patty (Ms. Amaro) said, we don't want it there. We don't want it in our back yard. And like you (County Staff) said they are going to do all this with the lighting and all that, but you can't do nothing with the noise, you can't control the noise, ok. And just like you (County Staff) are saying, the seven to seven, so it will probably be seven o'clock when we get done with all this (ball games), you know, so all this stuff that you are putting in here it's all going to be changed and it's not going to be considered probably. I'm just totally against it. Also, if I want to sell my house, you can say well some people would be interested because they have children, they want to go to the park, some people will, but some people won't. So I might be stuck with not being able to sell my house if I don't want to live there because of the noise or whatever, cause they will say oh you live next to a park, I don't want to live there either because of all the lights and all of the noise. So you have made my house, probably, for the value to go down in order to try and sell it. That is what your County is doing to me as a resident. And also if you are raising the value of the house it's because you're probably raising the property tax. And you (County Staff) are saying that no, your property tax aren't going to be raised. I looked at my property tax bill, I think it was around...Patty (Ms. Amaro) was looking at hers, for the school district it was like 50 dollars and something cents a year. For the Parks and recreation it was 80 almost 90 dollars. So, we are going to pay property tax on this and you guys (Arbuckle Little League/Arbuckle Parks and Recreation District) said at the other

meeting that we aren't going to paying any property tax. Who's going to pay it? Doesn't it go with the parcel and with the area, everybody has to pay it. So Patty (Ms. Amaro) she drew this, (hand drawn landscape plan on file at Community Development Department) and she said you know, we are not going to win but if we don't win and they still approve it, I would like them to do this. And make it your expense, Parks and Recreation, or whoever, where they plant a bunch of trees and camouflage that so we don't have to see all that there. And you know we all have houses here and that was the thing. I said you know we are just going to have houses that look really nice and now we are going to have a park right here. To you it doesn't mean nothing, but to me it's like there is a circle here and there's homes and now, it's changed the view of our cul-de-sac. It's not the same. And that wasn't what I was purchasing my home to see a park or a baseball field right there. So that's where I'm at and if you want to take a copy of this (the hand drawn landscape plan) and keep it. We know that our word is ...you guys are saying that our concerns are addressed. We want this to be addressed. You are saying that it's going to be approved so what what we want is like, too bad. It's all of us against you two (Arbuckle Little League and County staff). But all of you need to put yourself in my place and Patty's (Ms. Amaro) place. That's our home, that's our residence. And I didn't purchase a house to have a recreational park next to my house. That wasn't my dream to come and invest all my money into that house and now it's all changed. That's not what I dreamed of having. And I think as a homeowner those rights of mine as a homeowner, are being violated. And I'm sorry, how dare all of you do that. When you become my age and somebody does that to you, I don't think that you would like it. I worked all my life, 31 years at UC Davis, and that's my dream home and I love this County and I love the people they are all nice people but you know you are going to change the whole residence to be residential and recreational and that's not what I purchased. So, that's where I'm at and so is Patty (Ms. Amaro). Patty (Ms. Amaro) stands in the same situation, so you can all approve this and I will appeal it. And I will seek where I can find some legal action against to where my rights as a property owner are being violated. Because when I bought that property that's what they said it was and now you are going to change it and I don't think that's right as a homeowner. Thank you.

Mr. Plucker stated that he did have a question or two. So the use of the trees for the screening, how would that differ than the staff proposed slats?

Ms. Topete responded, well I don't think they are proposing slats here. Are they?

Mr. Plucker replied, my understanding, the way the condition would be written they would be all around the adjacent residential property.

Ms. Topete stated, the slats are really ugly, I'm sorry, they're ugly, and this would make it greenery where it's nicer. That's where Patty (Ms. Amaro) came up with this idea. We don't want to see boards and an ugly fence and then we would just see this greenery. That's just like behind my house... Bill lives behind my house and his house is surrounded by pine trees and you know, you can't see his house. When you look back it's a good view because you can see trees and it's pretty. And that's what she's saying. You know if we don't win this she (Ms. Amaro) says they should at least consider a bunch of evergreen or

trees or whatever and they can keep the maintenance on it and pay for it so we don't have to look at those slats and look at the park. And it will kinda conceal the balls from flying over on our side or whatever, the noise you know, this can serve as that, it can do a lot of things.

Mr. Johanns stated that the original plan called for some landscaping along the perimeter of the extension of the facility and I can appreciate where Patty (Ms. Amaro) is coming from because I know that's really close. Because of PG&E and their poles, anything of a significant height would probably not allow for high vegetation. Now, some low lying or six foot tall shrubs would be acceptable for them. They have ultimate control over what is done on their property. That's why I was discussion this with Amy (Ms. Gibbons) and I sent her an email that asked about slating. And slating would be more immediate whereas plants take time to grow.

Ms. Topete stated, you know there was another concern that my husband told me last night. He called another resident that lives there and they were talking about their concern about the ditch in the back and the flooding. What are they going to do? Is it going to be level with the other baseball field? So what's going to happen with the flooding, the ditch, you know and all that? Are they going to do something to that that's going to affect it where it's going to flood over to our property?

Mr. Johanns stated that they (Public Works) are requiring conditions to address any issues with the ditch which handles drainage. That is a low lying area. That is a pretty significant ditch that you can see in the pictures. So, that is addressed if this continues on, at that point and time of construction, they have to submit plans to Public Works.

Ms. Topete stated that she sees that they have a year to do this after the approval.

Mr. Johanns stated that it is actually two years. He had made a mistake in the staff report.

Ms. Topete stated that there were many typo errors and spelling errors.

Mr. Johanns stated that this is a process and we are processing a request. We do take your concerns into consideration and we do take them seriously. And that's the reason for all the additional conditions we are trying to help minimize impacts, we understand you are impacted.

Ms. Topete stated that they just don't want this in their back yard. That is the bottom line. It's not what I bought.

Mr. Plucker asked if there were any other comments from anyone.

There were no other comments heard.

Mr. Plucker stated that he did have another question. So, I understand the potential need for the fire department that may want the maintenance gate and I'm trying to understand why

that would be necessary and why maintenance couldn't take place from the front of that. Are there any technical reasons about that? Are you (Ms. Gibbons) aware of any?

Ms. Gibbons stated that the only issue that she can foresee is once the field is built that you couldn't drive (across the field) for say for pruning trees. Especially for pruning trees, you couldn't drive a truck across the AstroTurf to get that corner of the property. There is not enough room to put a road around the field inside the fence line from the existing parking area. You see what I mean, so to access that one corner that would border Holliday Court for maintenance you would need to come in from Holliday Court.

Ms. Topete stated, well there you go, access on Holliday Court.

Ms. Gibbons replied that it would be maintenance only.

Mr. Plucker asked how wide is that decomposed granite path. Do we know?

Ms. Gibbons replied that she didn't know. She added that there might be a scale on there but she wasn't sure. This was a starting point, the preliminary plan, so it's all open for discussion.

Ms. Topete stated that in their plans ... make room for it, for a truck to access it. Because this is open already. That's it. Just make room. Just access it through this way. Even the ambulance can come in through this way they don't have to come in that way (Holliday Court). But if they want to I don't have no objection to that when it is an emergency, I'm not that cold hearted so. But I'm saying, that you can change this plan and make it where they can have access through this way.

Ms. Gibbons questioned that you are agreeable to an ambulance coming in off Holliday Court for medical reasons but we can't put a gate so they can actually access the person inside the field? I don't understand, as a property owner, whoever buys that lot whether its Parks and Rec or not, will have access from Holliday Court. We are only asking for intermittent maintenance access. There will be no way for anyone to, any public person to drive into the area or walk on foot because now that we know that we don't have a pedestrian easement, the easement will go all the way to the fence line, there will be no way to get into the field from Holliday Court unless you happen to be the fireman and have a key for that gate, or the maintenance, that's it. That is the only access that we are requesting.

Ms. Topete stated the only reason the ambulance would go through here is if you have a gate there. If you don't have a gate there the ambulance is going to go around. If a resident was going to buy this that would be fine because he is a resident and he's entitled to any kind of access cause that's what his rights are in the cul-de-sac. His friends, his family, his visitors, whatever. We are talking about recreational, not residence here.

Ms. Gibbons stated, we (Arbuckle Little League) are not requesting public access.

Ms. Topete asked when will they know if this gets approved and then what happens next.

Mr. Johanns replied, basically what will happen in terms of process, Greg (Mr. Plucker) is the Zoning Administrator as he sits today, he can, today approve with these initial conditions. Then there is an appeal process if you desire. You can come down to our office and we will tell you how to do that. It would then go to the Planning Commission for a whole new hearing. And I couldn't tell you the timing on that. It doesn't look like we are going to have a February meeting so possibly March would be the first time they could take that into consideration.

Ms. Loudon added that there is a ten day window to appeal.

Mr. Johanns said that you will know at this meeting if it is approved and then you would come down to our office and write an appeal letter and submit the fee.

Ms. Topete asked if this would be it.

Mr. Johanns stated that if it is appealed there are more levels to appeal to.

Mr. Plucker stated that once he closes this. Some sort of decision is going to be made and we will obviously talk about the appeal process, which we have talked about a little already. So it's ten days from the date of approval. Is there a fee associated with this?

Ms. Loudon replied that there was.

Mr. Plucker then asked what the fee was.

Ms. Loudon stated that an appeal of a Planning Commission decision is about \$750 and that she thinks that is roughly about the same but would need to double check that when she gets back to the office.

Mr. Plucker stated that one thing that he would like to talk about as a general comment. This is a public hearing process and part of this process is the way it is structured, it is not a permitted use and in any residential zoning district there is a series of conditional uses where people can do things other than build a house but because it's not permitted outright by the zoning it triggers a use permit and in this case it triggers a minor use permit which is subject to the Zoning Administrator approval. That is put in place actually to protect property rights. The rights of the individual to give them the opportunity to comment on changes of use or uses that are not permitted outright. So this is part of the process. In addition to that, there is the appeal process, again, to give multiple opportunities for people to express their concerns about a project or their opposition. The term, concerns, is a generic term and it could range from mild concerns to total opposition. It gives the people that ability to be a part of the decision making process. To have their voices heard and to have their voices heard at multiple layers of the process. So if we didn't have that then I would suspect that the statement about we are violating property rights, I would be concerned about that but here we have multiple layers of review and appeal authority to

ensure that your property rights and your voice and all the residents and the other folks in the area, concerns are being heard. So I just wanted to make that fairly clear. Looking at the issue one of the things I've been struggling with a little bit, it sounds like the existing use of the facility is creating a series of impacts to your enjoyment of your property and some of the resident's property. I understand that. We don't have anything we can do about it at this point however in looking at this, we do now have a discretionary project which gives us some ability to take a look at existing issues so we are not just focused on, here we have just this use, but because it's part of a larger recreational use, the playing field and the proposed expansion, we are looking at it to a certain extent in a larger perspective because what we don't want to do in this case or in other cases is compartmentalize the use in such a fashion that even though it's not directly related to other things going on it could have an incremental impact to some of the other activities provide more uses which could exacerbate some of the existing conditions. Which, the suggestion about extending the slated fencing, well, to the extent that this is improved it increases the general use then it would increase the parking and the use and I think we can make a direct connection to say, you know I think it's a really good idea to address that issue and I think we can make a nexus connection to that. I do see that there is a connection there. I do understand the perspective that it's a little different, but in my opinion there is a connection. You try to figure out how best to address all the issues, all the concerns. And sometime you get lucky and we are able to do that. In other cases, the decision becomes very difficult because I suspect it gets appealed one way or the other. If its denied, I suspect its appealed, if its approved, I suspect it would be appealed not withstanding any of the conditions it seems clear to me that you know that there is opposition with a number of the residents and it will be appealed on that. I think that the Arbuckle Park and Rec folks and Little League have put together a plan and it seems to me that they have been trying to be good neighbors and they did understand a lot of these problems that were a concern and possibly if these things had been talked about long ago a bunch of these things could have been addressed which may have helped the issue and showed that yes, they are good neighbors, and so some of your fears about how this could cause additional problems could have been addressed and unfortunately that did not happen. So I'm stuck here a little bit weighing the odds. My initial indication would be to approve it with amending some of the conditions. That would be in here (Agenda Report). And listening to you (Ms. Topete) very specifically because I am very concerned about your residence, it's your home you have worked hard for that. I am very concerned about that, to make sure that you have that due process and that your voice is heard. So, having said that, just looking at this, I think there would be the requirement that Condition #7 would be amended after the first line that states, In addition, opaque slats shall be added to the chain link fence north of the PG&E property where ball field parking is occurring. Now if Little League seals that off and there is no parking there, you don't have to put the slats in, but there is parking associated with Little League happening there the slats, I believe are mandated. In terms of the maintenance, I get it, if that was a residential use you would get about 10 trips a day, on average that's what the traffic engineers look at, this would actually generate a significantly less use but I am appreciative that you don't want a bunch of maintenance guys going up and down so I understand that. I suspect the fire department will want a gate there. Just knowing and dealing with Arbuckle Fire, I think the emergency responders would want that. So I think Condition #12 would be modified to, No routine maintenance shall take place from

Holliday Court. The design of the facility shall include design to allow routine maintenance trucks to access the facility without having to use Holliday Court. Infrequent special maintenance that cannot be accommodated can take place from Holliday Court. I think it would be kind of a balance and I think over time you see almost no traffic whatsoever going up and down Holliday Court. Condition #4 is not really consistent with the code. So Condition #4 would have to be modified to say, the use granted by this permit must be established within the time requirements specified by Colusa County Code Section 44.1.90.070 which then addresses all of those issues.

Mr. Johanns stated that it (Colusa County Code Section 44.1.90.070) states that you have a two year period to establish the use with a one year extension to establish the use. After those three years with no establishment of use then your use permit is no longer valid and you would have to start the process over.

Ms. Topete what about this thing that Patty (Ms. Amaro) put together?

Mr. Plucker stated the one issue with that is that I suspect Arbuckle Fire will require the maintenance gate. If you have the maintenance gate you can't have the landscaping there and I think that the use of the slats gives you an immediate impact for that. In that area, opposite side of the gate, is that grass, interior to the property?

Ms. Gibbons replied, the plan showed bark or mulch outside of the field area.

Mr. Plucker asked Ms. Gibbons, along the perimeter but on the inside?

Ms. Gibbons replied, it would just be bark or mulch for the ground cover. The field, they are hoping to have AstroTurf.

Mr. Plucker stated he thinks that would interrupt it and the slats all around would give the visual break that I think you are looking for. I get it that the landscaping would soften it a little bit. But I think that would interfere with the maintenance aspect and the emergency vehicle access that I'm pretty sure Arbuckle Fire will require.

Ms. Topete asked, so this maintenance gate would be just for fire access and emergency?

Mr. Plucker replied that it would be. The way that the condition would be specified is that, yes definitely for fire access and emergency vehicle response, because it would be there. The way the condition would be written, routine maintenance such as somebody coming to mow the lawn, things of that nature, they would have to access it all from interior and they would have to design the facility to allow that routine maintenance in terms of pickup trucks.

Ms. Topete asked, so you are saying that they can't access it from the maintenance gate.

Mr. Plucker replied, the way that the condition that I talked about, it would be unusual or infrequent. It would have to be something special going on, which I don't know what that

could be. Routine maintenance, a weekly pickup truck that is going to come mow the lawn would have to access from the front of the facility. They couldn't access it here. So, in the example, if there was a need to bring in a tree truck or something, then they could eventually do that and that would be once every couple of years, maybe. So that's what we are talking about in terms of frequency of any access for maintenance.

Ms. Topete asked, is this recreation, they aren't going to have any other functions in there?

Mr. Johanns asked, like a park?

Ms. Topete replied, yes like a park. Because the city or whoever is going to want to make money by renting out that space so they can have their parties. A lot of people can rent a park and pay their fees and have a birthday party or any kind of fiesta so is this just for baseball?

Mr. Plucker stated, I understand that it's just for baseball, the tee ball use.

Ms. Topete asked if there is somewhere in there that you can state that?

Mr. Plucker stated, I would like to add a condition that states that. That this is for the tee ball, coach pitch type of use and it's not for other non-Little League baseball related functions.

Ms. Gibbons stated, I would like to say that is the way that the current Little League field is managed. It is not rented out by Parks and Rec. They rent out the other side of the park that is grass but they do not rent the Little League facility because Little League owns the right to that space so Parks and Rec doesn't rent out the little league field that is there now. So that is our intent for the new field too.

Mr. Plucker replied, Ok, I would like a condition that clearly states that.

Ms. Topete stated, cause you know if they rent it out, cars park all along there (Holliday Court). So when they have carnitas and stuff they will start parking all along here (on the field).

Mr. Plucker stated that they will not be parking on that Little League field.

Ms. Gibbons stated, for security, there is the intent is to have at least a three foot fence along the front with a gate so when it's not being used it's closed for cars.

Mr. Plucker replied, that would then seal that off. To clarify the hours of operation, and Kent (Mr. Johanns) was right, there is a technical definition of dusk. Which is more kind of defined, however, to make it clear, that is Condition #9 amending that condition that talks about the hours of use from 8 am to the earlier of one half hour after sunset or dusk. Because I think that's important, one half hour after sunset or dusk.

Ms. Gibbons stated that it seems that dusk is later than a half hour after sunset.

Mr. Plucker replied, I think you are right but just to cover the basis.

Ms. Gibbons, so would it just be the half hour after sunset then?

Mr. Plucker replied, well the earlier of, because I don't have the definition in front of me. So whatever is the earlier will take precedent. So it would be the earlier of one half hour after sunset or dusk. So whichever time is earlier that would be the controlling time when all activities need to stop.

Ms. Topete asked, they are not installing lights?

Mr. Plucker replied no, and there is a condition that says there is no ball field lights.

Mr. Topete asked, they are going to put up a street light there now?

Mr. Johanns answered; there will be a security light on the bathroom.

Mr. Topete replied ok.

Mr. Plucker stated the requirement is it is to be shielded and another condition requires the bathrooms to be facing the existing field which will then remove the lighting from pointing towards the adjacent residence behind. I believe that is your (Ms. Topete) residence.

Mr. Plucker stated, I think this a tough decision and to a certain extent I think some of the issues are associated with some past use. Past activity that I think Little League was unaware of. But I think that there is the ability and a nexus between the totality of the facility. With both ball fields being the link facility that then provides an opportunity to deal with some of those existing issues that have evidently have been long standing. And I think the way that the T-ball field, without the lighting, the screening sealing everything off, the sign on the fencing, the fact there will not be a physical ability for anybody to go in Holliday Court and access the Little League field, I think will prevent that, from you (Ms. Topete) experiencing some of the things that you are experiencing now. There is a provision in there that is part of the sign up requirements for the Little League the T-ball people are going to be notified that you cannot access the field from Holliday Court. And I think those types of things will help deal with some of the existing problems that you (Ms. Topete) are currently experiencing and hopefully make it better. Without the lights, having been involved with a Little League in another jurisdiction, I don't think that some of things that you are experiencing are going to be occurring with Little League without the lights with the daytime uses. I think that is going to be a good thing. And based on the amended conditions that staff developed the additional changes, the additional requirements, I don't think that it will be a negative impact on the property values as they are. But that's based on kind of what I'm seeing and you may disagree with that based on you live there and I'm very sensitive to trying to address those issues. So that's my personal take and if I was going to make an action right now I would approve it with those changes. The thing I'm

concerned about a little bit, well, a lot, is that I want to make sure that there is plenty of access to due process. I do get the sense that you are committed to seeing this thing through, which means that we are going to go up to the Planning Commission for an appeal. I think the Little League has invested tremendous time, and the Arbuckle Parks, in trying to make this happen and trying to move this forward and if this is denied, I suspect Little League will appeal it to the Planning Commission. So I think no matter what happens, if I either deny it or approve it today it's going to the Planning Commission, I think that's the reality. What I don't want to do is put in any barriers of that due process from happening. So with that, what I'm going to actually do is refer this directly to the Planning Commission myself with those changes because if I wait it's just going to delay the process. If I make the action right now and I'm pretty confident that it would be appealed it is just going to delay it and that delay may cause us to miss the March Planning Commission and I want to afford that opportunity as quickly as possible.

Ms. Topete inquired, so you say you are not going to approve it and refer it to the Planning Commission and they would make the decision?

Mr. Plucker replied, if I wasn't pretty confident that it was going to get appealed I would take the action to approve it right now. And that is what we will tell the Planning Commission and staff will be supporting that with these changes when we go to the Planning Commission. But I want to facilitate getting this thing resolved one way or the other. And I think that is the fastest way to make that happen.

Ms. Topete stated when you do that you are shortening my ability to appeal it and then go to the Planning Commission after that. For me to prepare for my appeal. You are going to refer to the Planning Commission and it will be processed faster instead of giving me the right for you to do your job, approve it or disapprove it. That is what your job is and then gives me a right to appeal it after you just approved it. And you are shortening my time to do my part.

Mr. Plucker replied that is exactly the opposite of what I was trying to do but if that is your concern I will go ahead and approve it today with those changes to the conditions.

Ms. Topete asked, when it goes to Planning Commission how much time do I have to do that.

Mr. Johanns replied that it's a 10 day appeal period for you to submit your appeal.

Mr. Plucker stated that he is going to explain the appeal process. I am going to, based on your concerns, I will approve it today with those changes to the conditions. It is subject to a 10 day appeal period. After this meeting what I would suggest you do is go directly to the Planning Department and meet with Kent (Mr. Johanns). Kent (Mr. Johanns) will give you all the handouts, all the information on what it would take to actually appeal it. And so you would have that. You would have 10 days to appeal it and then depending on the timing we may or may not make the Planning Commission in March. I was fairly confident we could have done that before hand, I don't know if that's the case now but

again, I'm very sensitive and trying to make sure that you have all of your due process rights and that process is available to you. So, with that the hearing is closed. Kent (Mr. Johanns) and Tana (Ms. Loudon) will be down at the Planning Department in probably 5 or 10 minutes for anybody. So if the Arbuckle Little League doesn't like some of the conditions you can appeal those too. I have had cases where multiple appeals are filed on a particular application so that may or may not happen here but it is the right of everybody to appeal it.

I do appreciate everyone being part of the process.

Mr. Plucker approved Minor Use Permit #17-11-1, (ED #17-31), Arbuckle Parks and Recreation (Arbuckle Little League) with the following amendments and additions:

Amended Condition #4: *The use granted by this permit must be established within the time requirements specified by Colusa County Code Section 44.1.90.070*

Amended Condition #7: *The applicant shall construct a 6-foot perimeter chain link fence around the facility, fitted with opaque slats. In addition, opaque slats shall be added to the chain link fence north of the PG&E property where ball field parking is occurring and shall be installed subject to access permission being granted by PG&E and/or the adjacent residential property owner. The specific design and location shall be submitted to the Community Development Director for review and approval with the improvement plans. The fence shall be maintained in good repair by the applicant.*

Amended Condition #9: *The applicant shall limit field use hours from 8:00 am to the earlier of one half hour after sunset or dusk.*

Amended Condition #12: *No routine maintenance shall take place from Holliday Court. The design of the facility shall include design to allow routine maintenance to access the facility without having to use Holliday Court. Infrequent special maintenance that cannot be accommodated can take place from Holliday Court.*

Additional Condition: *The expanded facilities shall not be utilized for non-Little League functions and the applicant shall limit the game field use to Tee Ball and Coach Pitch games and game warm-up practices.*

There being no further business, the meeting was adjourned at 10:11 A.M.

Respectfully submitted,

Greg Plucker
Zoning Administrator
County of Colusa
