

**COLUSA COUNTY ZONING ADMINISTRATOR
AGENDA REPORT – SEPTEMBER 12, 2018**

APPLICANT: InHarvest

FILE #: MUP# 18-7-1 (ED #18-22)

REQUEST: Approve a Minor Use Permit (Temporary Use Permit) for the establishment of a temporary modular office for use as a meeting and training room for an existing industrial agricultural business on the project site.

GENERAL PLAN: Industrial (I)

ZONING: Heavy Industrial (M-2)

APN: 017-030-085

LOCATION: The project is located at 2870 Niagara Road in the Colusa Industrial Park

PROJECT SIZE/PARCEL SIZE: Approximately 7,200-square feet of an 8.23±-acre parcel for the placement of a modular office coach for an extended period of time.

PLANNER: Kent Johanns

ATTACHMENTS/EXHIBITS: A: Conditions of Approval
B: Location Map
C: Site Plan

STAFF COMMENT:

Staff recommends approval of the Minor Use Permit (Temporary Use Permit) with findings and conditions.

PROJECT AND SITE DESCRIPTION:

The project consists of the temporary placement an office, meeting and training room for InHarvest an agricultural products processing facility. The purpose of the structure is to provide office space for meeting and training sessions.

The project site has several existing buildings totaling 104,000-square feet. The proposal includes asphaltting 7,200±-square feet of the project site adjacent to and to the east of an existing warehouse and processing facilities facing Niagara Avenue. The modular building is approximately 1,440±-square feet in size on the asphalt area. The remaining 5,670-sqaure feet of asphalt area will be utilized for additional parking. Americans with Disabilities Act (ADA) parking and access requirements are also proposed.

ANALYSIS:

General Plan and Zoning

The project site has a General Plan designation of Industrial (I), which envisions industrial and office uses in this designation. Office space for meeting and training purposes for an agriculture business, which processes rice and other agriculture products on the site, is considered to be consistent with the goals and policies of the General Plan.

The zoning of the site is Heavy Industrial (M-2). Section 44-2.50.30, Allowable Uses in the Industrial Zones of the zoning ordinance allows for processing of off-site agricultural products related offices. With approval of this Minor Use Permit the project is considered to be in compliance with the Colusa County zoning ordinance.

The applicants have requested that they be allowed to place the modular building on the site temporarily (no foundation) as they determine whether it is necessary and practical to have the facility on site. As a result, of this request a Minor Use Permit (Temporary Use Permit) is required to place the structure on the property for up to 12 months. . The Minor Use Permit (Temporary Use Permit) requirement is found in Section 44-4.80 and allows for commercial modular buildings to be placed on as site for up 12 Months with extensions possible through approval by the Zoning Administrator. Should the applicant wish to make the facility permanent a building permit will be required for the installation of a state approved foundation.

Surrounding Land Use and Compatibility

Surrounding land use in the area is industrial to the north, south, east and west. The project is considered to be compatible with the surrounding land uses.

Issues and Concerns

Permanent Use of a Temporary Modular Office Coach – The Building Inspector has been consulted and has no issues with the prolonged use and occupancy of the temporary modular office coach in relation to health and safety. The determination by the building inspector is structure shall be placed on a permanent foundation and skirting be provided under a building permit.

Time Frame – Planning staff is recommending that the Zoning Administrator approve the use of the temporary modular office for a period of 12 months, with two possible extensions of six month periods for a total of two years.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

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

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 is the maximum allowable on any legal parcel.

- A. Find that the proposed Categorical Exemption reflects the independent judgment and analysis of the County, which is the lead agency.
- II. Approve the Minor Use Permit subject to the following findings and conditions found in Exhibit A:

Findings

- A. Findings. A temporary use permit shall be granted only when the designated review authority finds that the proposed activity complies with all of the following criteria:
 1. The establishment, maintenance or operation of the temporary use will not be detrimental to the public health, safety or welfare of the persons residing or working in the neighborhood or vicinity of the proposed use (e.g., excessive dust, noise, light, odor, or other objectionable characteristics).
 2. The temporary use is in conformance with applicable provisions of this chapter and other regulations of the County, including but not limited to fire access and prevention, security provisions, and access to necessary water and sewer services.
 3. Measures for removal of the use and site restoration have been required. The proposed use of property will not impair the integrity and character of the zone 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, welfare and safety of the Count

EXHIBIT A
MINOR USE PERMIT
COLUSA COUNTY ZONING ADMINISTRATOR

DATE

MUP #18-7-1

PERMIT NO.

017-030-085

ASSESSORS PARCELS NO.

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, InHarvest is hereby granted a Minor Use Permit in accordance with the application filed to occupy a modular office 1,440-square feet in size for 12 months on Assessor's Parcel #017-030-085.

Standard Conditions

- A. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this temporary use permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Zoning Code, including Section 44-1.90.090.
- B. Unless otherwise provided for in a special condition to this Temporary Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
- C. Minor changes may be approved administratively by the Directors of Planning and Building (Zoning Administrator), Environmental Health, or Public Works 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.
- D. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

Conditions of Approval

Planning and Building

1. The applicant shall comply with all requirements of the California Building Code and regarding any conversions or expansions of the existing structure necessary for the project.
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. Applicant must also comply with all other applicable Federal, State and local statutes, ordinances and regulations.
4. Prior to occupancy of the modular office the applicant shall provide ADA parking and access as approved by the Colusa County Building Inspector.
5. Prior to permanent placement of the modular office the applicant shall provide an engineered foundation plan for permanent placement of the modular office; or as an alternative a permanent set up plan and skirting approved by the Colusa County Building Inspector under permit from the Community Development Department.
6. Upon expiration of the permit the applicant shall remove the modular building from the site and cap all electrical connections in accordance with the California Building Code and to the satisfaction of the Community Development Director.

I hereby declare under penalty of perjury that I have read the foregoing conditions, that they are in fact the conditions which were imposed upon granting of this use permit, and that I agree to abide fully by said conditions.

Dated: _____
Applicant

Note: Issuance of the Minor Use Permit does not waive requirement of obtaining Building and Health Department permits before starting construction nor does it waive any other requirements.

Dated: _____
Zoning Administrator

Cc: Public Works Department
Building Department
Environmental Health Department
Fire District Chief