



COUNTY OF COLUSA

COMMUNITY DEVELOPMENT DEPARTMENT

220 12th Street

Colusa, California 95932

TELEPHONE (530) 458-0480 FAX (530) 458-0482

COLUSA COUNTY ZONING ADMINISTRATOR AGENDA REPORT – MAY 13, 2019

APPLICANT: Almond Diesel Tire Shop (Rueben Ramirez)

FILE #: MUP #19-3-1 (ED #19-6)

REQUEST: The project consists of allowing a tire sales and minor repair business to utilize an existing shop, office and store in the Community Commercial (C-2) zone.

GENERAL PLAN: Commercial (C)

ZONING: Community Commercial (C-2))

APN: 020-016-005

LOCATION: The project site is located at 208 5th Street in the community of Arbuckle approximately one block (300-feet) north of the intersection of Hall Street and 5th Street.

PARCEL SIZE/PROJECT SIZE: 12,000 square feet, 2,750 square feet of building space.

PLANNER: Kent Johanns, Associate Planner

ATTACHMENTS/EXHIBITS:

- A: Conditions of Approval
- B: Location Map
- C: Site Plan

STAFF COMMENT:

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

PROJECT AND SITE DESCRIPTION:

The project consists of the establishment of a tire shop and minor repair business at 208 5th Street in downtown Arbuckle. The applicant is proposing to offer tire sales (new and used) and repair, along with minor auto repair and maintenance services.

The project site has an existing 1,500 square foot shop building located in the southeast corner of the property, a 1,250 square foot office and retail space building is located in the southwest corner, and 1,200 square foot single family residence located in the northeast corner of the 12,000 square foot lot. The northwest corner is vacant and covered with gravel and should supply enough room for approximately 10 parking spaces.

ANALYSIS:

General Plan and Zoning:

The project site has a General Plan land use designation of Commercial (C). This designation allows for gas stations and service uses which are not dissimilar from the proposed use. The General Plan has objectives and policies that support the proposed project, for example:

Policy LU 3-15: Actively promote downtown, retail service and office uses

The project site has a zoning classification of Community Commercial (C-2). Table 44-2.20-2 allows for vehicle repair services with the approval of a Minor Use Permit. Therefore, the project is considered to be consistent with current zoning regulations with approval of this Minor Use Permit (MUP #19-3-1).

Surrounding Land Use and Compatibility:

As mentioned above the project site is located in the downtown area of the community of Arbuckle. There is a retail/service building to the south and the north. Residential uses are located to the east across the Union Pacific Railroad tracks. Public service and commercial uses are located across 5th Street to the west. Considering the surrounding land uses and the historical commercial use of the property the project is expected to be compatible with the neighborhood.

ACTIONS FOR CONSIDERATION:

Staff recommends that the Zoning Administrator take the following actions:

- I. Adopt a Categorical Exemption, 15303 - Class 3; Existing Facilities (ED #19-6)

- A. Find that the proposed Categorical Exemption is adequate and 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:
- A. 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 County.
 - B. The project would not be incompatible with surrounding land uses as conditioned. The project is in a zoning classification conditionally suitable for the proposed use.
 - C. Approval of this project will not be detrimental to the public health, safety and welfare as conditioned.
 - D. The project is consistent with the Colusa County General Plan Land Use Element goals and policies.

**EXHIBIT A
USE PERMIT
COLUSA COUNTY ZONING ADMINISTRATOR**

DATE

**MUP #19-3-1
PERMIT NO.**

**020-016-005
ASSESSORS PARCELS NO.**

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Almond Diesel (Rueben Ramirez) is hereby granted a Minor Use Permit in accordance with the application filed to allow a tires sales (new and used) and repair, along with minor auto repair and maintenance services , located on AP# 020-016-005.

Standard Conditions

- A. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this Minor Use Permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Code Section 44-1.90.090.
- B. Unless otherwise provided for in a condition to this Minor 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 Director of Community Development upon receipt of a written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by the Director that the modification is consistent with the project approval and all conditions. Changes deemed to be major or significant in nature shall require a formal application or amendment.
- D. The use granted by this permit must be established within 24 months of the delivery of the countersigned permit to the Permittee. If any use for which a use permit has been granted is not established within two years of the date of receipt of the countersigned permit by the Permittee, the permit shall become null and void and re-application and a new permit shall be required to establish the use.
- F. 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.

Specific Conditions of Approval

Planning & Building:

1. 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.
2. If upon approval of this Minor Use Permit any health or safety hazard arises due to the operation allowed by this Minor Use Permit; the Zoning Administrator shall hold a Public Hearing to hear comments and consider whether Conditions of Approval need to be revised, added, or revoked.
3. The applicant shall comply with all federal, state and local statutes, ordinances and regulations.
4. The applicant shall limit the outside visual impact of the facility activities by conducting all work inside the building and that all equipment and materials must be stored inside the building during non-business hours to the satisfaction of the Community Development Director.
5. The applicant shall ensure that used tires are stored inside the building and regularly disposed of (no stockpiling) in a manner that prevents the creation of a fire hazard, a source of vector propagation, or becomes un-necessarily negative aesthetically to the satisfaction of the Community Development Director.
6. No cars shall be parked or anything else stored between the street curb and the front of the building with the 208 5th Street address (former expresso shop).

Fire District:

7. The applicant shall not conduct welding and fabrication activities, or major automotive repairs (such as engine or transmission overhauls) on the project site.
8. The applicant shall provide adequate fire extinguishers for the project as directed by the Fire District Chief.

9. The applicant shall ensure that emergency access to the project site is maintained at all times and that there is no blocking or hindering the ingress and egress of the Arbuckle - College City Fire Protection District facility.
10. The applicant is responsible for maintaining the site through vegetation and weed management in a manner as to not create a fire hazard.

Environmental Health:

11. The applicant shall provide a Hazardous Materials Business Plan for review and approval should it become necessary.

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: Environmental Health Division
Fire District Chief



OFFICE & DISPLAY - SHOP minor Repair