

ORDINANCE NO. 831

AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS ADDING SECTION 44-2.80.030 SMALL RESIDENTIAL AGRICULTURAL PARCEL OVERLAY ZONE TO THE COUNTY ZONING CODE

The Board of Supervisors of the County of Colusa ordains as follows:

SECTION 1.

The provisions of this ordinance would provide for the limited development of a single-family residential parcel on smaller than normally allowed agriculturally zoned parcels through a transfer of density and other standards to protect the surrounding agricultural resources and, as such, are exempt from CEQA pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15061(b)(3) of the Californian Code of Regulations because the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

SECTION 2.

Section 44-2.80.030 Small Residential Agricultural Parcel (SRAP) Overlay Zone is hereby added to the County Zoning Code as detailed in Exhibit "A" attached hereto and incorporated by reference.

SECTION 3.

The provisions of Section 44-2.80.030 are severable and if any provision of Section 44-2.80.030 or its application in a particular circumstance is held invalid, the remainder of Section 44-2.80.030, including the application of such part or provision in another circumstance, will not be affected and will continue in full force. The Board of Supervisors declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase in Section 44-2.80.030 irrespective of the fact that any one, or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

SECTION 4.

This ordinance shall become effective thirty (30) days after its passage. It shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

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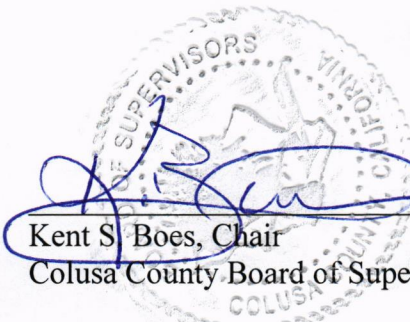
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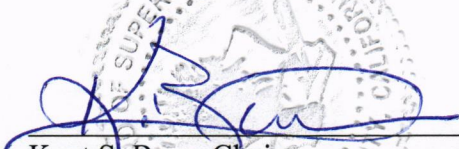
Introduced, passed, and adopted at a regular meeting of the Board of Supervisors held on the 25th day of April 2023 by the Board of Supervisors of the County of Colusa, State of California by the following roll call vote:

AYES: Supervisors Daurice K. Smith, Janice A. Bell, J. Merced Corona, Gary J. Evans, and Kent S. Boes.

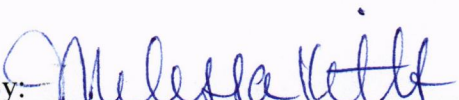
NOES: None.

ABSENT: None.




Kent S. Boes, Chair
Colusa County Board of Supervisors

ATTEST: Wendy G. Tyler, Clerk of the Board of Supervisors

By: 
Melissa Kitts, Deputy

APPROVED AS TO FORM:


Richard Stout, County Counsel

EXHIBIT “A”

44-2.80.030 Small Residential Agricultural Parcel (SRAP) Overlay Zone.

(a) Purpose. The Small Residential Agricultural (SRAP) Overlay Zone is intended to provide for the limited development of single-family residential uses on smaller than normally allowed agriculturally zoned parcels through density clustering and standards to protect the surrounding agricultural resources. Through these requirements, the applicable objectives of the General Plan can be achieved. The objectives of the SRAP overlay zone are to achieve the following purposes:

(1) Permit flexibility in the establishment of a limited number of single-family uses on smaller than normally allowed agricultural parcels to preserve existing historic homes and to allow the sale of existing homes to support the continuation of existing agricultural activities through ownership or economic support;

(2) Maintain the overall residential density of a legal, conforming agricultural parcel by restricting residential use to a portion of the parcel; and

(3) Ensure that the rezoning overlay process considers the potential impacts to adjacent and nearby agricultural uses to ensure that agricultural operations are not negatively impacted.

(b) Parcel or Tentative Subdivision Map. A Parcel or Tentative Subdivision Map shall be processed in conjunction with any SRAP rezoning application request. The map shall define the parcel that is to be designated for the single-family use and define the parcel where a single-family use would be restricted. The approval of the Parcel or Tentative Subdivision Map by the Planning Commission shall be conditioned upon the approval of the SRAP overlay rezoning application by the Board of Supervisors. Should the Planning Commission not recommend the approval of an SRAP overlay rezoning application, the Commission shall deny the approval of the accompanying map application.

(c) Development Standards. The following standards shall apply to the approval of a Parcel or Tentative Subdivision Map and SRAP rezoning application:

(1) The single-family parcel shall be the smallest size required to support the necessary water and septic systems and access in a logical and reasonable configuration, typically two to three acres. The larger, non-residential agricultural parcel together with the single-family parcel shall equal or exceed the minimum parcel size for the underlining agricultural zoning district;

(2) An existing habitable home is located on the small single-family parcel that is at least 20 years old;

(3) Any future reconstruction or remodelling of the existing home shall be consistent and complimentary to the existing architectural style of the existing home to the satisfaction of the Community Development Director. Should the Community Development Director determine that any changes would be a substantial deviation, such as increasing the size of the home by over twenty-five percent or changing the architectural style, the Director may refer the change to the Planning Commission for review and approval.

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(d) Uses. Uses and on parcels with the SRAP overlay zoning designation shall be subject to those uses of the underlying zoning district amended as follows:

(1) Uses within the small residential agricultural parcel shall be limited to a Single-Family Home as detailed in the Residential Uses section of TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES. Accessory uses that are customary and incidental to the single-family use may be allowed by the Community Development Director.

(2) Uses within the larger, resultant agricultural parcel shall be limited to the uses defined in TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES excluding those uses listed under the Residential Uses and Community and Recreational Uses sections of said table.

(e) Findings. The Planning Commission and the Board of Supervisors shall make the following findings in approving any SRAP overlay rezoning application:

(1) The proposed small residential agricultural parcel combined with the larger, resultant agricultural parcel does not exceed the total residential density allowed under the base zoning classification or the General Plan land use designation;

(2) The property involved with the overlay rezoning application is currently engaged in commercial agricultural activities;

(3) Adequate provisions have been made for sewer and water services and vehicular access.

(4) The applicant has submitted detailed information describing how the residential use of the small, residential agricultural parcel will not impact the continued agricultural use of the larger, resultant agricultural parcel or the agriculture activities in the surrounding area, or cause a proliferation of applications for small, residential agricultural parcels;

(5) The applicant has submitted detailed information describing the justification to create the small residential agricultural parcel in order to preserve an existing residence, to provide housing that will be used to support the existing agricultural activities, or other types of justification that support the creation of the small, residential agricultural parcel;

(6) Should the property be subject to a Williamson Act contract, a non-renewal application for the small residential parcel has been submitted as part of the Parcel or Tentative Subdivision Map application and that a condition of approval of the map has been included which requires that the area of the small residential parcel be non-renewed from the existing Williamson Act contract prior to recordation of the Parcel or Final Subdivision Map; and

(7) The proposed project shall not be substantially detrimental to adjacent property and will not materially impair the purposes of the agricultural provisions of the General Plan and the County Code, or negatively impact the public interest.

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(f) Residential-Agricultural Overlay Designation. The SRAP overlay zoning designation shall be delineated on the Zoning Map in a manner similar to that of any other overlay zone. The assignment of the SRAP overlay zone designation serves to provide a reference to the corresponding overlay rezoning adopted by ordinance of the Board of Supervisors.

(g) Procedures. The overlay rezoning review and approval process will be conducted by the Community Development Director or his/her designee in accordance with Section 44-1.70 (Permit Application and Review Procedures) of the County Code.

(h) Appeals. A decision of the Community Development Director may be appealed to the Planning Commission and a decision of the Planning Commission may be appealed to the Board of Supervisors in accordance with Section 44-1.80.080 (Appeals) of the County Code.

(i) Deviations from Development Standards. The approving authority may grant requests to deviate from the standards and requirements described herein for unique circumstances provided that the intent of these requirements are still achieved.

(j) Filing Fees. Filing fees shall be the same as other rezoning applications and the applicant shall pay for the cost of the required public hearing notices prior to recordation of any Parcel or Final Subdivision Map.