



City of Colusa California

STAFF REPORT

DATE: January 11th, 2023

TO: Planning Commission – Public Hearing

FROM: David Swartz, City Engineer, Planning Dept. Support

AGENDA ITEM: Conditional Use Permit - in the R-1 zoning district to allow wood recycling for purposes of building pallets.

Recommendation: Commission to consider testimony from the applicant and the public concerning this proposed activity in the R-1 zoning district. If approved or conditionally approved Planning Commission may adopt Resolution No. 2023-____, or some variation thereof;

BACKGROUND ANALYSIS: The business would be located on a property that is approximately 8.57 acres on south 5th street. Even though it's R-1 zoning this area of town the parcel is surrounded by the Lands that are in the County on the North, East and South sides, and the west is bordered by land in the City that is zoned Public facilities. The applicant provided additional information about the business that is noted below:

1.) What would be the hours of operation?

*Winter/spring:

8:00am 3:00pm

Summer/fall:

5:30am 12:00pm

2.) Where does the recycled wood come from? How is it delivered to the site?

*The recycled wood comes from multiple companies that have unwanted pallets. We have also obtained wood from a fencing contractor. It is picked up and delivered to our location by us with our 2500 dodge ram and 18 ft trailer.

3.) Where is the recycled wood stored on site? Is it covered?

*The recycled wood is stored on pallets, and is covered if weather conditions require it.

4.) What's the process of how the wood is converted from the raw product into pallets? How do the pallets get built?

*The pallets are built by putting three 2" by 4" into a form and place boards on top, then with a nail gun, nail the board to the 2" by 4". After this it is flip it on to another table and more boards are placed on the opposite side and nail down.

5.) How many persons will be on site building the pallets?

*There are 2 people on site building pallets at this time. Aiden Sistrunk (owner) and Shawn Sistrunk.

6.) When the pallets are completed, are the stored on site? If so how and where? Are the covered?

*The rebuilt pallets are stored on site in stacks of 20 high, uncovered.

7.) Does the work take place out in the open or in a building?

*Work takes place in the open and under a carport.

8.) Where do the pallets ship to when completed?

*Once completed, they are deliver to California Family Foods near Arbuckle California, and to Les Schwab located in Colusa Ca.

9.) How are the pallets picked up? Trucks and trailers, semi trucks, pickup trucks etc...?

*The pallets are picked up with a 2500 Dodge Ram with a 18ft bumper pull.

10.) Does the business have a name?

*Sistrunk's Pallet Recycling

11) Is this a year around business?

*Yes.This is a year round business.

12) What about the materials that are not used, say old nails, pieces of wood etc... Where do they go?

*The Nails go to a recycling center, and the unusable wood will either be mulched or burned into ash, then it's cleared of all nails.

Article 34 of the City Ordinance provides for a variance as follows:

a) 1. Application for a variance shall be made to the city planning department in writing on a form prescribed by the city. Such application shall be accompanied by a fee in an amount as established from time to time by resolution of the city council, statements, plans and other evidence showing:

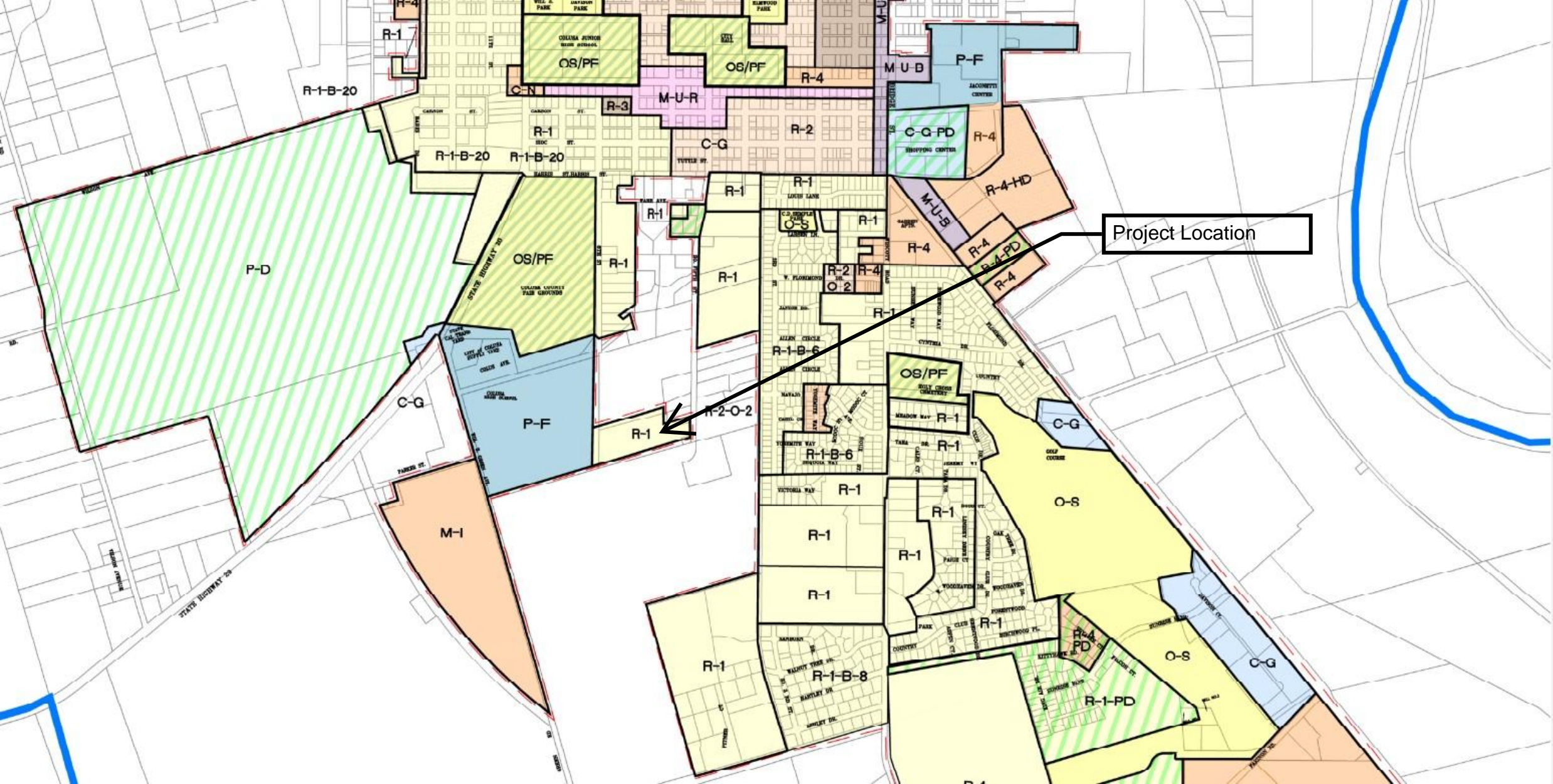
a. That, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance provisions deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. That granting of the variance requested will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

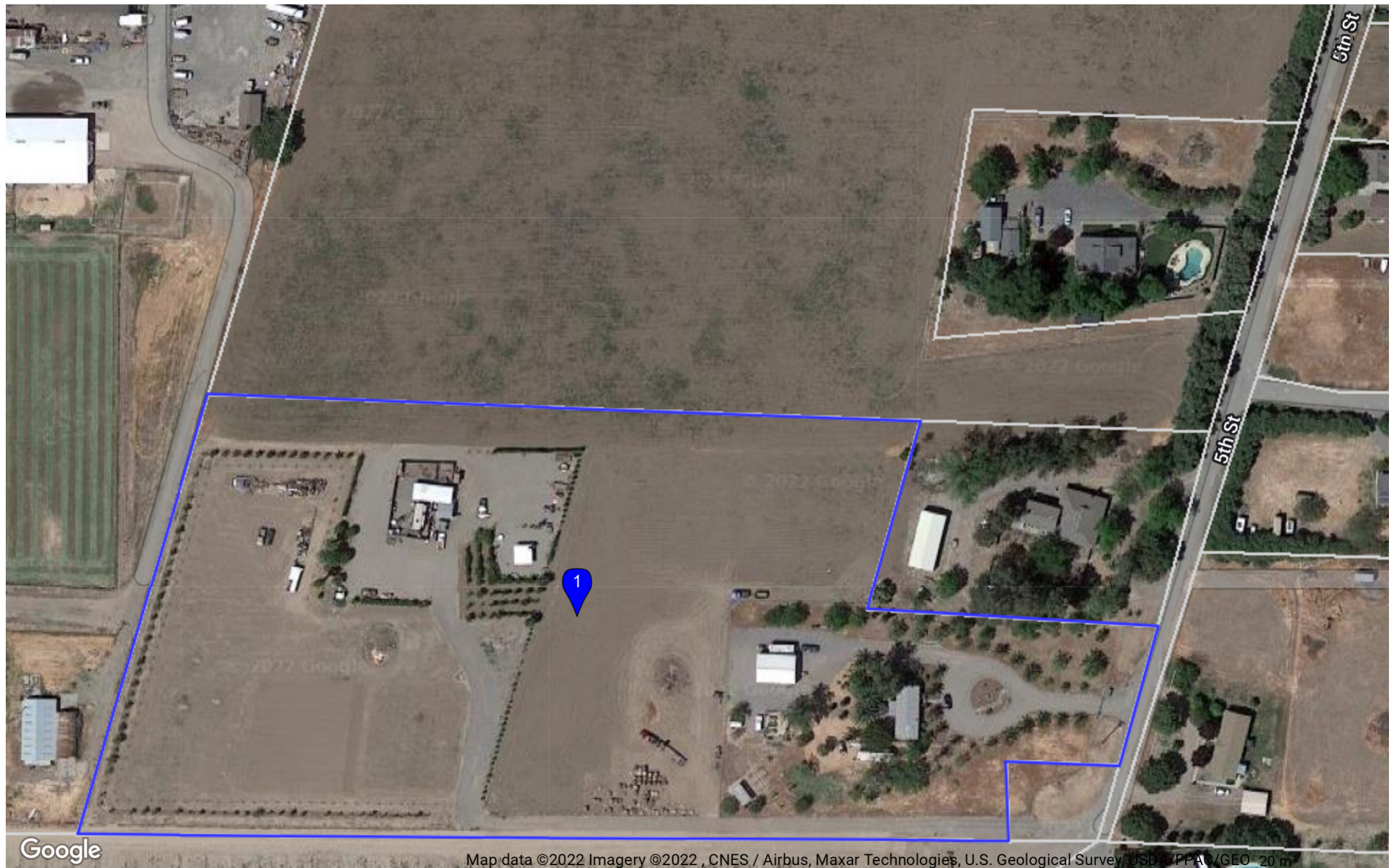
c. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health, or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

BUDGET IMPACT: None

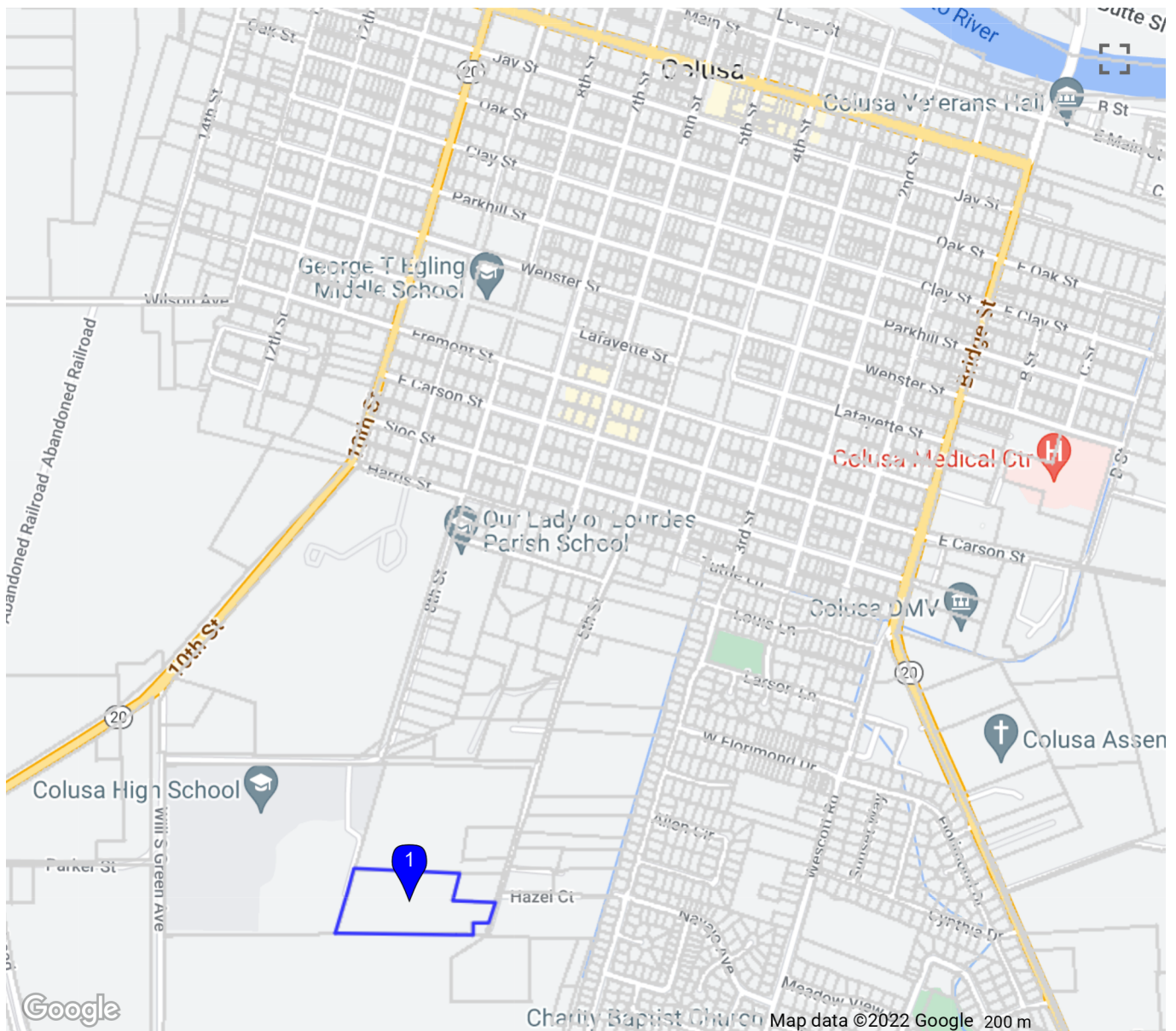
ATTACHMENT: See Attachments for additional information.



Project Location



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LIST 1
DETAIL

☒ 1 Property Address: 1880 FIFTH ST COLUSA CA 95932-3009

Ownership

County: **COLUSA, CA**
Assessor: **ARNOLD GROSS, ASSESSOR**
Parcel # (APN): **015-210-029-000**
Parcel Status: **ACTIVE**
Owner Name: **STEGAR Nanci & Eric JT ET AL**
Mailing Address: **229 ALLEN CIRCLE COLUSA CA 95932**
Legal Description: **8.57 AC MOGK SUB NO 4 LOT 25**

Assessment

Total Value: .	Use Code: R1	Use Type: RESID. SINGLE FAMILY
Land Value: .	Tax Rate Area: 001-020	County Zoning Code:
Impr Value:	Year Assd: 2022	Census Tract: 2.00/3
Other Value:	Property Tax: .	Price/SqFt:
% Improved: 33%	Delinquent Yr:	
Exempt Amt: .	HO Exempt: Y	

Property Characteristics

Bedrooms: 3	Fireplace:	Units:
Baths (Full): 2	A/C:	Stories:
Baths (Half):	Heating:	Quality: 6.0
Total Rooms:	Pool:	Building Class: M
Bldg/Liv Area: 1,392	Park Type:	Condition:
Lot Acres: 8.570	Spaces:	Site Influence:
Lot SqFt: 373,309	Garage SqFt:	Timber Preserve:
Year Built: 1999		Ag Preserve:
Effective Year:		



NOTICE OF PUBLIC HEARING CITY OF COLUSA PLANNING COMMISSION

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION will hold a Public Hearing in the City Council chambers in the Colusa City Hall located at 425 Webster Street on Wednesday, January 11th, at 7:00 p.m. or soon thereafter. The meeting is for the purpose of reviewing the following item:

Applicant: Aiden Sistrunk
Owners: Aiden Sistrunk
Location: 1880 5th Street
APN: 015-210-029-000 Approx. 8.57 acres
Zoning: R-1
Project: Wood Recycling for building pallets

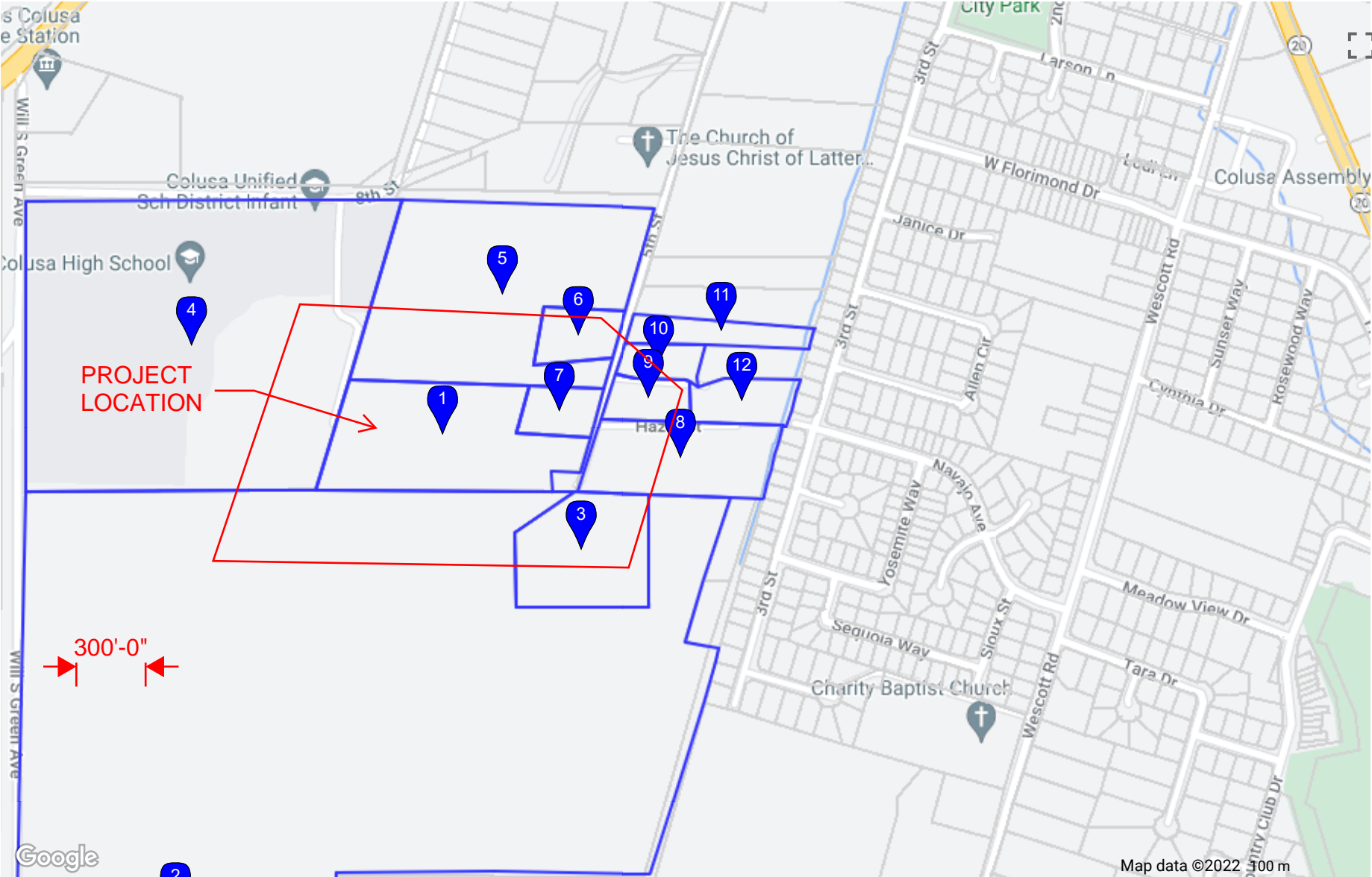
The Planning Commission will consider an application for a conditional use permit in the R-1 zoning district to allow wood recycling for purposes of building pallets.

This current proposal contemplates no infrastructure improvements and proposes no development to be requested at this time, thus no impacts are anticipated to be evaluated.

Environmental Review:	Categorically Exempt under CEQA
City Contact:	David Swartz, City Engineer, or Jesse Cain, City Manager
Phone:	(530) 682-9832 or 530-682-2933

All interested parties are invited to attend and express their opinions or provide written comments before the hearing. Written comments can be submitted to the Planning Department at the above address, until 5:00 p.m. on Wednesday, December 14th, 2022. Oral comments can be made at the Public Hearing.

Subsequent to the Planning Commission hearing, an appeal period of ten (10) calendar days will commence, during which an appeal of the Planning Commission's decision may be made to the Colusa City Council. Appeals must be accompanied by a corresponding fee and may be filed at the Planning Department in City Hall at the address above. Challenges to Planning Commission's decision may be limited only to those issues raised at the public hearing described in this notice or in written correspondence delivered to the City of Colusa at, or prior to, the public hearing.



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Map data ©2022 100 m



LIST 0
DETAIL

<input checked="" type="checkbox"/>		APN	Owner	S Street Address	Lot Acres	Use Type
<input checked="" type="checkbox"/>	<u>1</u>	015-210-029-000	STEGAR Nanci & Eric JT ET AL	1880 FIFTH ST	8.570	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>2</u>	015-130-129-000	THIARA BROTHERS LLC A CA LLC		155.490	AGRICULTURAL
<input checked="" type="checkbox"/>	<u>3</u>	015-130-128-000	SOLIS RAMIRO	1925 FIFTH ST	4.340	AGRICULTURAL
<input checked="" type="checkbox"/>	<u>4</u>	002-080-005-000	COLUSA UNIFIED SCHOOL DIST	901 COLUS AVE	40.000	NO VALUE
<input checked="" type="checkbox"/>	<u>5</u>	015-210-031-000	HIGHMAN LAWRENCE MARSHALL TRUSTEE OF SURVIVORS T	1560 FIFTH ST	18.300	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>6</u>	015-210-032-000	RIBEIRO CAITLIN & RODNEY JR CP WROS	1762 FIFTH ST	1.900	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>7</u>	015-210-027-000	RABLIN MARK REVOCABLE TRUST	1854 FIFTH ST	1.230	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>9</u>	015-210-023-000	GUIZAR JOSE RAFAEL	8 HAZEL CT	1.150	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>12</u>	015-210-026-000	GOODMAN MICHAEL R & DIANA L JT	6 HAZEL CT	1.590	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>8</u>	015-210-022-000	SCHAAP CRAIG A REVOC INTER VIVOS TR ET AL TC	1885 FIFTH ST	5.290	AGRICULTURAL
<input checked="" type="checkbox"/>	<u>10</u>	015-210-024-000	NORWOOD FAMILY TR	2 HAZEL CT	1.310	RESID. SINGLE FAMILY
<input checked="" type="checkbox"/>	<u>11</u>	015-210-007-000	LEE MILLISON KINYING & ROY JT WROS	1733 FIFTH ST	2.140	AGRICULTURAL



CITY OF COLUSA
PLANNING DEPARTMENT
Master Planning Application

425 Webster Street * COLUSA, CA 95932 * (530) 458-4740

STAFF USE ONLY

Date application received: 11/1/2022 Received by (Name) ROSIO
Total Fee Deposit Paid \$ 250.00 Cash ☒ Check ☐
Date Application Deemed Complete: _____ By: _____ Receipt No: _____ Check # _____

PROJECT INFORMATION:

Proposed Project Name: _____

Project Address: 1880 5th Street Colusa Ca 95932

Assessor's Parcel Number(s): 015-0210-029

Parcel Size: Square feet: 196020 AND Acres: 4.5 Zoning District: R1

RECEIVED

NOV 01 2022

APPLICANT INFORMATION:

Applicant's Name: Aiden Sistrunk
Mailing Address: 195 Yosemite way Colusa Ca 95932
Daytime phone #: (530) 665-3744 Fax #: _____ E-mail: aidensistrunk@cloud.com
Signature: Aiden Sistrunk

CITY OF COLUSA

OWNER INFORMATION:

Property Owner's Name: Aiden Sistrunk
Mailing Address: 195 Yosemite way Colusa Ca 95932
Daytime phone #: (530) 665-3744 Fax #: _____ E-mail: aidensistrunk@cloud.com
Signature: Aiden Sistrunk

Application Requested - check appropriate box(es)

- | | | |
|--------------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------------------------|
| <input checked="" type="checkbox"/> Conditional (Major) Use Permit | <input type="checkbox"/> Lot Merger | <input type="checkbox"/> General Development Plan |
| <input type="checkbox"/> Development Agreement | <input checked="" type="checkbox"/> Minor Use/Sign Permit | <input type="checkbox"/> Tentative Subdivision /Parcel Map |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Pre-Zone / Annexation) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Specific Plan | <input type="checkbox"/> Zoning Change / Amendment |

Property Owner Statement

Processing of this Application will not begin until the following statement has been completed to the satisfaction of the City:

I certify under penalty of perjury that I am the legal owner(s) (all individual owners must sign as they appear on the deed to the land), Corporate Officer(s) empowered to act for the corporation, Owner's legal agent having power of attorney (a notarized Power of Attorney document must accompany this application), or the owner's authorized representative (include a letter of authorization from the owner.)

I also certify, that the statements and information contained in this application, are true and correct. I understand that all property lines must be shown/dimensioned on the drawings and visible upon site inspection. In the event that the lines and monuments are not shown, their location is found to be incorrect, the owner assumes full responsibility.

Owner Signature: Aiden Sistrunk
Printed Name: Aiden Sistrunk

Date: 11/1/2022

Owner Signature: Nanci Steger Date: 10-1-2022
Printed Name: Nanci Steger

Owner Signature: _____ Date: _____
Printed Name: _____

Property Owner Authorization

I am (we are) the legal owners of said property, applying for entitlements from the City pursuant to this application; and do here by authorize the person/firm shown below to file and represent my/our interest in the application listed below, or if the person/firm below has a leasehold interest in the Property, I/we authorize the person to apply for entitlements for this Property. **If the Authorized Person has a leasehold interest in the Property, a copy of the lease agreement must be provided for as part of this application.**

Owner Signature: _____ Date: _____
Printed Name: _____

Authorized Person

Applicant's Name: _____
Mailing Address: _____
Daytime phone #: _____ Fax #: _____ E-mail: _____
Signature: _____

A letter signed by the property owner(s) may be submitted in lieu of this form, but the letter must identify the person being authorized to represent the property owner and the application submitted.

PROJECT INFORMATION:

Describe the Project (attach separate sheet if desired):

Sistrunk's Pallet Recycling: We recycle wood to build pallets

List any other related permits and other public approvals required for this project, including those required by the City, Regional, State and Federal Agencies:

☐ Provide the following information, if applicable:

Amount of off-street parking required, and what is provided:

Proposed phasing plan:

If residential, include the number of units, schedule of unit sizes, and type of household expected:

1 unit - Family home

If the project involves a **variance, conditional use or rezoning application**, state this and describe why the application is required:

Additional Information: Read Carefully

This project may be subject to fees and/or permits imposed by the Department of Fish and Wildlife (Fish and Game Code Section 711.4 et. seq., Public Resources Code, Section 1005). Unless a project is deemed, no action requiring payment of fees shall be deemed final until such fees are paid (Section 21089 (6) of the Public Resources Code). State of California Department of Fish and Game Code section 711.4 and Title 14 California Code of Regulations, section 753.5 requires payment of a \$2,406.75 fee at the time of filing of California Environmental Quality Act (CEQA) Notice of Determination (NOD) for review of a Negative Declaration, or Mitigated Negative Declaration, and \$3,343.25 for an Environmental Impact Report (EIR). Checks made payable to State Department of Fish & Game, and a \$50 recording fee made payable to the Colusa County Clerk's office must be delivered to Colusa City Hall within 5 business days of application approval. Pursuant to CEQA Guidelines Section 15075, recording of the NOD at the County Clerk's office is required within five (5) business days, or the statute of limitations is extended from 30 days to 180 days. The City fee for recording environmental documents is \$50.00. Checks must be made payable to the City of Colusa and must be delivered to Colusa City Hall, along with documents to be recorded and appropriate fees within 3 business days of application approval to ensure recording at the County within 5 business days as required by the Public Resources Code.

Any construction activity within a channel, waterway, or creek bed requires approval of a Streambed Alteration Permit from the California Department of Fish & Game, Regional Headquarters 1701 Nimbus Road, Rancho Cordova 95670, Environmental Services (916) 358-2929. For Department of Fish & Game forms, visit the agency's web site at www.DFG.CA.GOV.

The City of Colusa City Code, and the California Building Code, prohibit occupancy of the buildings prior to the issuance of a Certificate of Occupancy/Final Inspection by the Building Official.

APPLICATION PROCESSING AND REIMBURSEMENT AGREEMENT

This Agreement relates to the Payment of Costs incurred by the City of Colusa for Processing the Applications.

TO BE COMPLETED BY APPLICANT:

This Agreement is entered into this 1 day of November 2022 by and between the City of Colusa, California, a municipal corporation, ("City,"), and Aiden Sistrunk ("Applicant") related to the Proposed Project as set forth in more detail below.

1. PROPERTY INFORMATION:

Property Location: 1880 5th St. Colusa Ca 95932
Interest of Applicant: Minor Use Permit

2. APPLICANT CONTACT INFORMATION:

Applicant's Name: Aiden Sistrunk
Mailing Address: 195 Yosemite Way Colusa Ca 95932
Daytime phone #: (530) 665-3744 Fax # _____
E-Mail: aidensistrunk@icloud.com
Signature: Aiden Sistrunk

3. OWNER CONTACT INFORMATION (If different from Applicant):

Property Owner's Name: ~~James Sistrunk~~
Mailing Address: _____
Daytime phone #: _____ Fax # _____
E-mail: _____
Signature: _____

4. BILLING INFORMATION: Statements, requests for deposits or refunds shall be directed to Applicant identified in Section 2 above unless stated otherwise below:

Company Name: Attn:

Street Address:

City: State: _____ Zip:

Phone No: _____ Fax No: _____

Federal Tax ID No.:

This Agreement relates to the Payment of Costs incurred by the City of Colusa for Processing the Applications (conf'd)

This is a legally binding agreement. You should read all provisions

Intent. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City Manager.

Reimbursement Payments. Applicant agrees to provide the funds ("Reimbursement Payments") to allow City to perform the tasks necessary relating to the City's processing of the Project.

Deposit. Applicant agrees to make an initial deposit in the amount of \$750.⁰⁰ concurrently with the execution of this Agreement, which deposit ("Deposit") will be held by City in a separate account ("Account") and used by City for payment of its costs related to the Project. The City will not pay interest on deposits. Whenever the amount in the Account in which the Deposit is held is \$50 or less, City shall have the right to request in writing that Developer replenishes the Account by depositing an additional Reimbursement Payment in order to bring the balance of the Account back to the amount of the initial Deposit.

Invoices. City will provide Developer an itemized invoice of processing costs pertaining to the Project on a monthly basis. Developer shall have fifteen (15) days after mailing of the invoice to review the invoice and shall work in good faith with City to resolve any disputed costs. The City may elect to send statements less frequently than monthly if there is only a limited amount of activity on the Project in any given month. Invoices are due and payable within thirty (30) days.

City statements and invoices shall provide summary information indicating the cost for employees and independent contractors, including direct and indirect charges. Original invoices from independent contractors (except attorney/client invoices) shall be available upon request by Applicant, at Applicant's additional cost.

Failure to Replenish Account. If Applicant does not deposit such requested deposits or make payments on outstanding invoices within fifteen (15) days after the date of the deposit request or invoice, City staff may cease work on the project until the required deposit or payment is made, subject to any other provisions of law. Failure to make any subsequent deposits may result in denial of an application for a development project or in the decision by the City to postpone action on the application. City has the right to make more than one request for replenishment as set forth in Section C.

Processing Timelines. Applicant agrees that that it knowingly and voluntarily waives, extends and continues each of the time limits imposed by California Government Code Section 65943 for the determination of a development application's completeness and the time limits imposed by California Government Code Sections 65950, 65950.1, 65951 and 65952 for the approval or disapproval of development permits for as many days as the applicant delays making a subsequent deposit from the date of written notice requesting such additional deposit until the deposit is received by City, not to exceed 90 days.

Authority/Obligations of City. Deposits shall be applied toward the City's costs of reviewing and processing the application. City, in the exercise of the sole discretion of its officials, agents, or employees, will decide how City spends the Reimbursement payments. Except as provided elsewhere in this Agreement, City makes no promise, representation, or warranty, express or implied, as to the manner in which City will use the Reimbursement Payments. City also makes no promise, representation or warrant, express or implied, as to the timing of the City's processing of the Project nor as to the outcome by the City as to the processing, including the action by the City Council on Applicant's Application.

Costs Exceeding Deposit. In the event that the accumulated periodic charges exceed the Deposit and any subsequent deposits previously received by City, City will invoice Applicant for the amount outstanding and may require an additional deposit. Applicant will pay any and all amounts exceeding the initial and subsequent deposits within fifteen (15) days of the date of the invoice, and shall make any additional deposit required by City.

Payment Upon Receipt of Invoices. Applicant shall pay interest on all costs unpaid thirty (30) days after the date of any invoice at the maximum legal rate, and the City is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts.

Lien on Property. Applicant and owner of property, if not the same, agree to and authorize City to place lien on the property subject to this application for any and all delinquent costs and fees. The City shall remove such a lien once the Applicant has paid all delinquent costs and fees. For purposes of this section, an invoice amount shall become delinquent when unpaid for thirty (30) days after the date of the invoice.

Refunds. Any refund of amounts deposited shall be made in the name of the Applicant, to the address noted above in Section 4.

Withholding of Entitlements. Applicant further agrees that no building permits, Certificate of Occupancy and/or subdivision Acceptance for the project will be issued until all costs for review and processing are paid.

Duty to Notify City. Applicant shall provide written notice to the City if any of the above information changes.

Indemnification. Applicant agrees to defend, with counsel selected by the City, indemnify and hold City harmless for all costs and expenses, including reasonable attorney's fees incurred by City or held to be the liability of the City, including plaintiff's attorneys' fees if awarded, in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the Applicant's project. If Applicant is not the property owner, Applicant agrees to pay such costs unless the property owner also signs this Agreement, in which case both Applicant and the property owner shall be jointly liable for such costs.

Authority to Enter Agreement. This Agreement shall only be executed by an authorized representative of the Applicant. The person executing this Agreement represents that he/she has the express authority to enter into agreements on behalf of the Applicant.

Not Assignable. This Agreement is not assignable without written consent of the City of Colusa, which consent shall not be unreasonably withheld. The City of Colusa will not consent to assignment of this Agreement until all outstanding costs, fees and liabilities have been paid by Applicant.

No Agency, Joint Venture or Partnership. City and Applicant renounce the existence of any form of agency relationship, joint venture or partnership between City and Applicant and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between City and Applicant.

APPLICANT

Name: _____

Signature: Aiden S. S. S. S. S.

Date: 11/17/2022

OWNER (must be filled out only if Applicant is not the fee owner of the property)

Property Owner's Name: _____

Signature: _____

Date: _____

CITY OF COLUSA

By: _____

Signature: _____

Date: _____

RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY OF COLUSA PLANNING COMMISSION APPROVING A
VARIANCE AND CONDITIONAL USE PERMIT TO ALLOW A PALLET
REMANUFACTURING BUSINESS IN AN R-1 ZONING

WHEREAS, the City has received an application for a variance and conditional use permit to allow a pallet remanufacturing business be set up with are area designated as R-1 zoning, and

WHEREAS, the City has established City Ordinance under Section 34 which allows for a variance and conditional use permit given certain findings can be met, and

WHEREAS, all procedures of the California Environmental Quality Act (“CEQA”), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, the Planning Commission has duly called, advertised and conducted a Public Hearing required by law concerning proposed, extension request; and

WHEREAS, the City of Colusa Planning Commission has considered public and staff input.

NOW, THEREFORE, BE IT RESOLVED by the City of Colusa Planning Commission, that the Planning Commission adopt a resolution approving a variance and conditional use permit subject to the city ordinances and zoning.

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission held on the 11th day of January 2023, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved as to form by me on this 29th day of July 2022

ATTEST: _____
Planning Commission Chair, _____

City Manager, Jesse Cain