



City of Colusa California

STAFF REPORT

DATE: June 14th, 2023

TO: Planning Commission – Schmidt Lot Line Adjustment - Appeal

FROM: David Swartz, City Engineer, Planning Dept. Support and Jesse Cain, City Manager/Planning Director

AGENDA ITEM: Citizen Appeal of Schmidt Lot Line Adjustment

Recommendation: Commission to consider appeal letter and advise staff on whether to deny or approve the appeal

BACKGROUND ANALYSIS: Sometime at the end of 2021 and beginning of 2022 there were ongoing discussions between the former City Planner, Bryan Stice and Astaff and William Schmidt regarding their purchase of property known as Assessors Parcel Numbers 001-351-046, 047, 048 and 002-170-006. The Schmidts purchased the property and subsequently submitted a tentative map and application to the City to subdivide the property into 19 single family lots. It's staff understanding from the applicants filing the attached appeal, and from the Schmidts, that following that submittal there were discussions regarding the ultimate street layout and configuration and lot sizes. Staff also understand the former planning director Stice, had encouraged both parties to meet and try and resolve their concerns prior to moving the tentative subdivision map to the next phase of entitlement which would have been to send the project out to other public agencies for comment, and then consider the appropriate environmental review. Subsequently, Mr. Stice left his position at the City, so the project remained unrouted for a short period of time. It's staff understanding, currently, that the two parties have not reached any consensus.

Staff have met with Amy Schmidt and their engineer, on a few occasions, and they (Schmidt's) decided to withdraw their tentative subdivision map application and submit a new project for a lot line adjustment. The appeal before the planning commission is challenging the city engineers approval of the Lot Line Adjustment.

Pursuant to City Ordinance Article VII Sections 17-72 & 73, Lot line adjustments are submitted and approved by the City Engineer administratively and do not come before the planning commission or city council.

Pursuant to City Ordinance Article VII Section 17-75, appeals may be considered by the planning commission.

Property History Brief Description: Between 2013 and 2014 property that both included and adjacent to the parcels which are the subject of this appeal was approved by LAFCO and the City, thereby annexing approximately 322 acres into the City. Note, the parcels under consideration for this LLA all lie within the original city limit boundaries and are adjacent and north of the annexation area. See Exhibit 1.

Exhibit 2 shows the LLA under consideration.

Exhibit 3 shows the zoning map of this area following the annexation which is noted as R-1. The Lot Line Adjustment submitted complies with this zoning designation of R-1. (Please note: This map shows arrows pointing to a zoning designation of R-1B-20 below the former City Limits. These arrows are not shown on the zoning map on the city's web site).

Exhibit 4 is an enlarged area for clarity of reading and understanding.

Based on the appeal submittal that is currently before planning commission, staff assessments are as follows:

- 1.) The zoning designation both before and after the annexation adjacent and north of the prior city limits was and remains R-1. We do not believe that the annexation "changed" the zoning on existing property already zoned and located in the City Limits.
- 2.) Changing zoning on property within the City Limits, requires a general plan amendment. Staff cannot identify any records where land area north of the prior city limit line ever changing this zoning designation.
- 3.) The LLA submitted meets the city's R-1 zoning designation standards, therefore we do not find any technical nor land use issues that would prohibit the property owners from adjusting their lot lines as submitted.

Staff understand that there "could" be contemplated a future subdivision project. However, that project is not before the City any longer. Staff also understand that the LLA lot configuration sets up the newly configured lots to "match" a prior tentative subdivision map that has since been withdrawn. We also understand the concerns by the concerned citizens group whom is appealing the LLA and have worked closely with all parties to gain knowledge and background. If, and when, a subsequent project is brought before the City, and if that project is by the same ownership, we will then take into consideration all previous and future modifications in this area, inclusive of the current LLA action. Upon some potential future action, staff would conduct an evaluation and consider the appropriate CEQA measures and actions.

BUDGET IMPACT: None

ATTACHMENT: Appeal Letter, and Exhibits 1-4.