

Colusa Riverbend Estates LLC

Seepage observations prepared by:
Woody and Kathy Yerxa
(530) 458 2550

Opposed

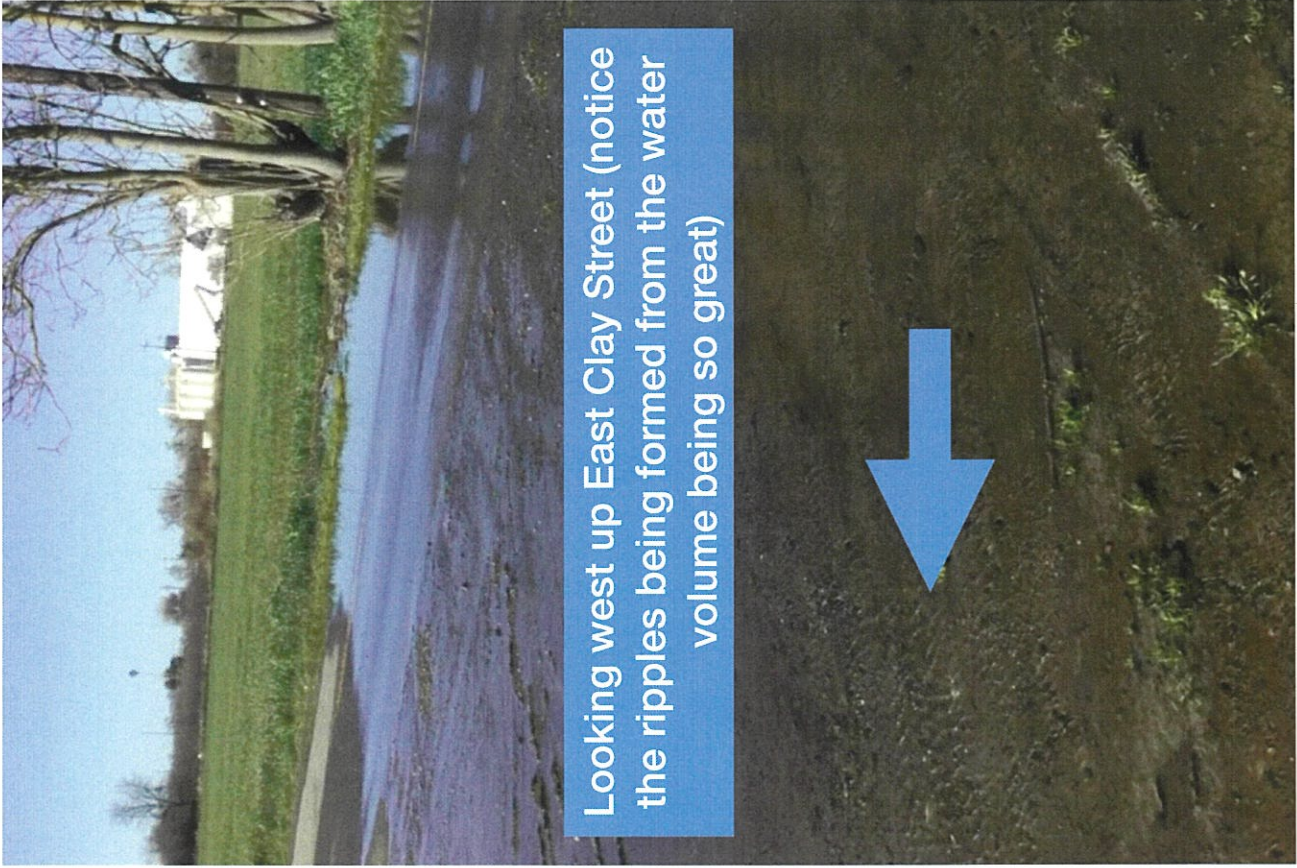
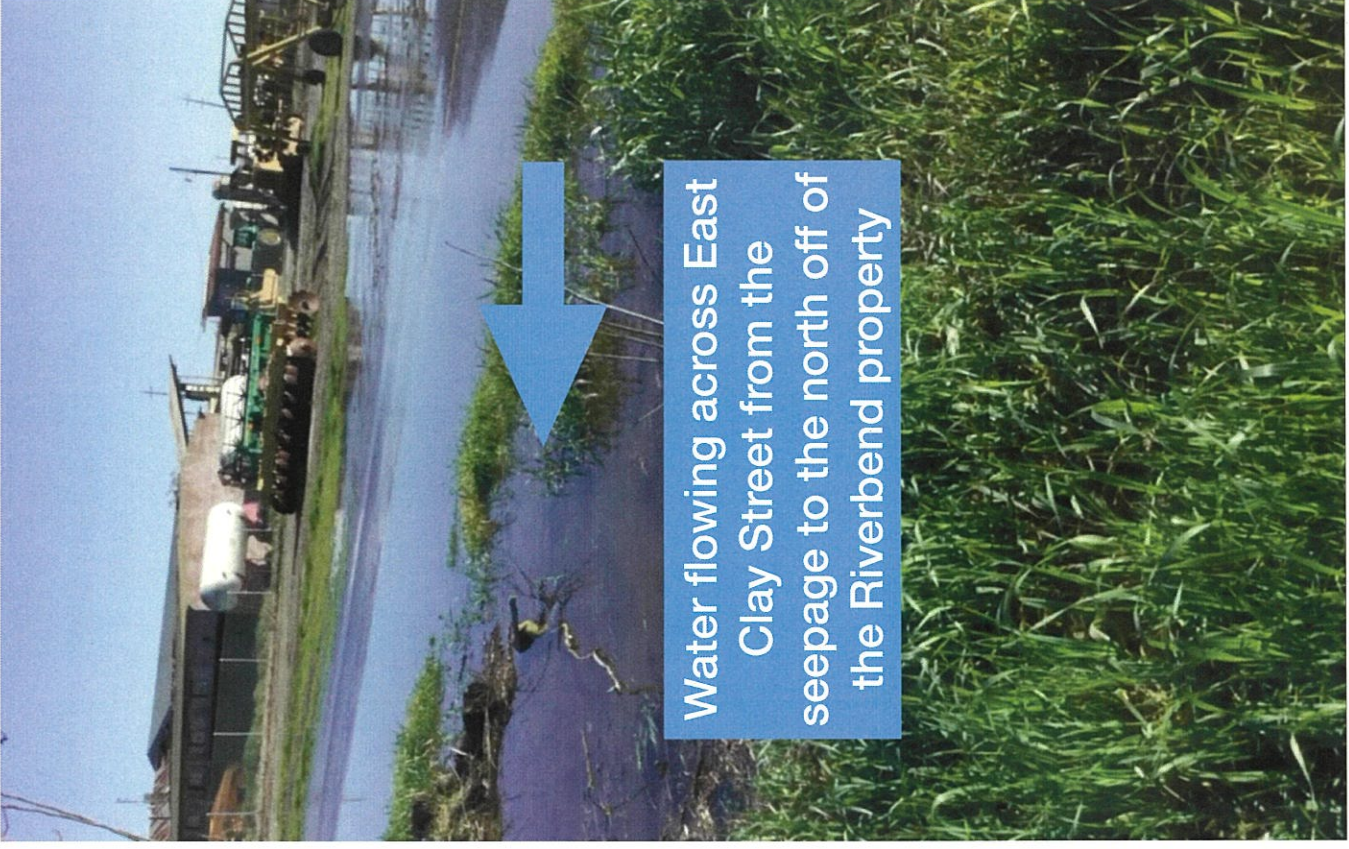
Colusa Triple Crown
Cannabis Research and
Development Business Park
Project
Mike Olivas (530) 400 6092
Project sponsor

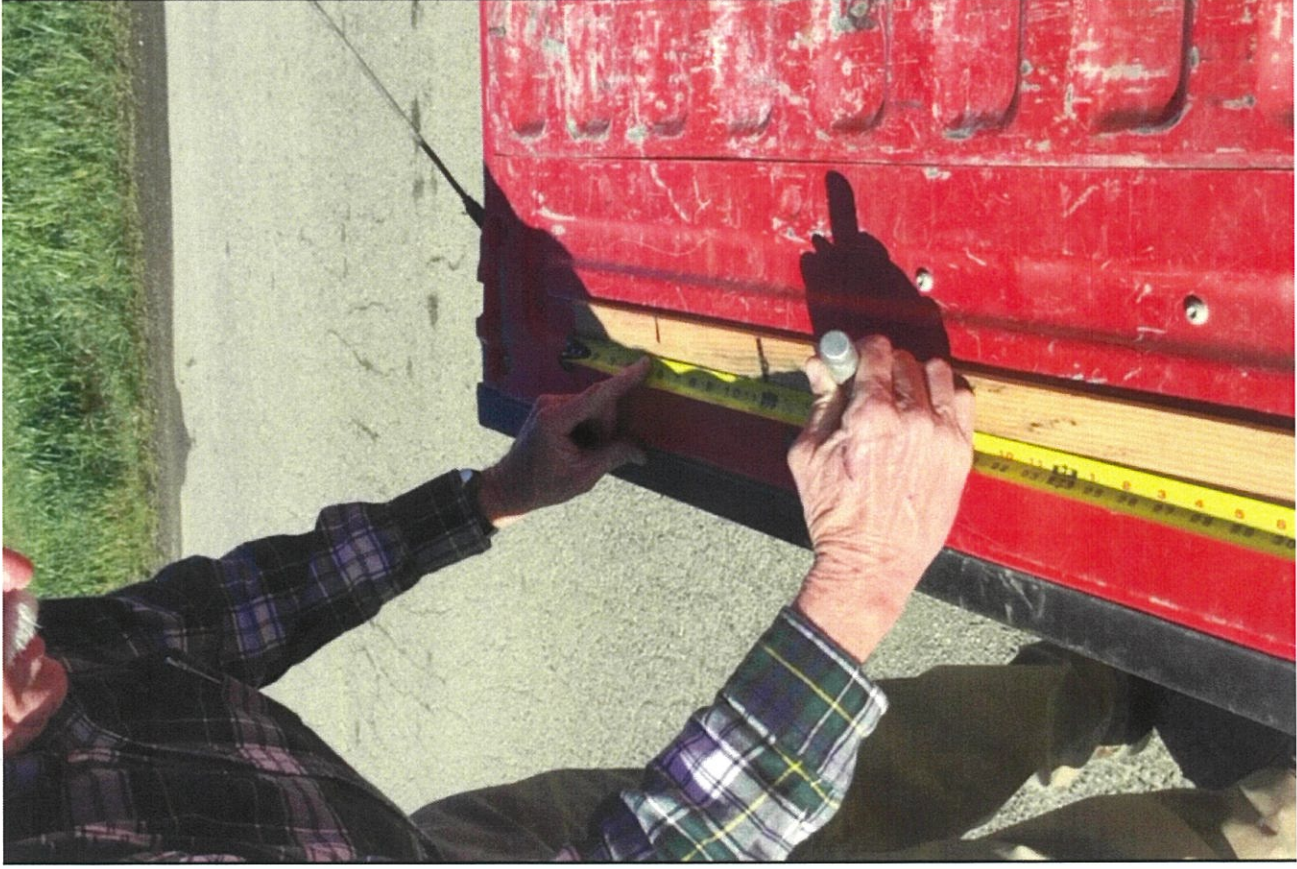


East Clay Street Seepage



- The proposed project is located south of the Sacramento River levee, east of D Street and north of East Clay Street.
- These photos were taken the week of February 28, 2017
- The entire property was filled with seepage water; so much that it was running across East Clay Street





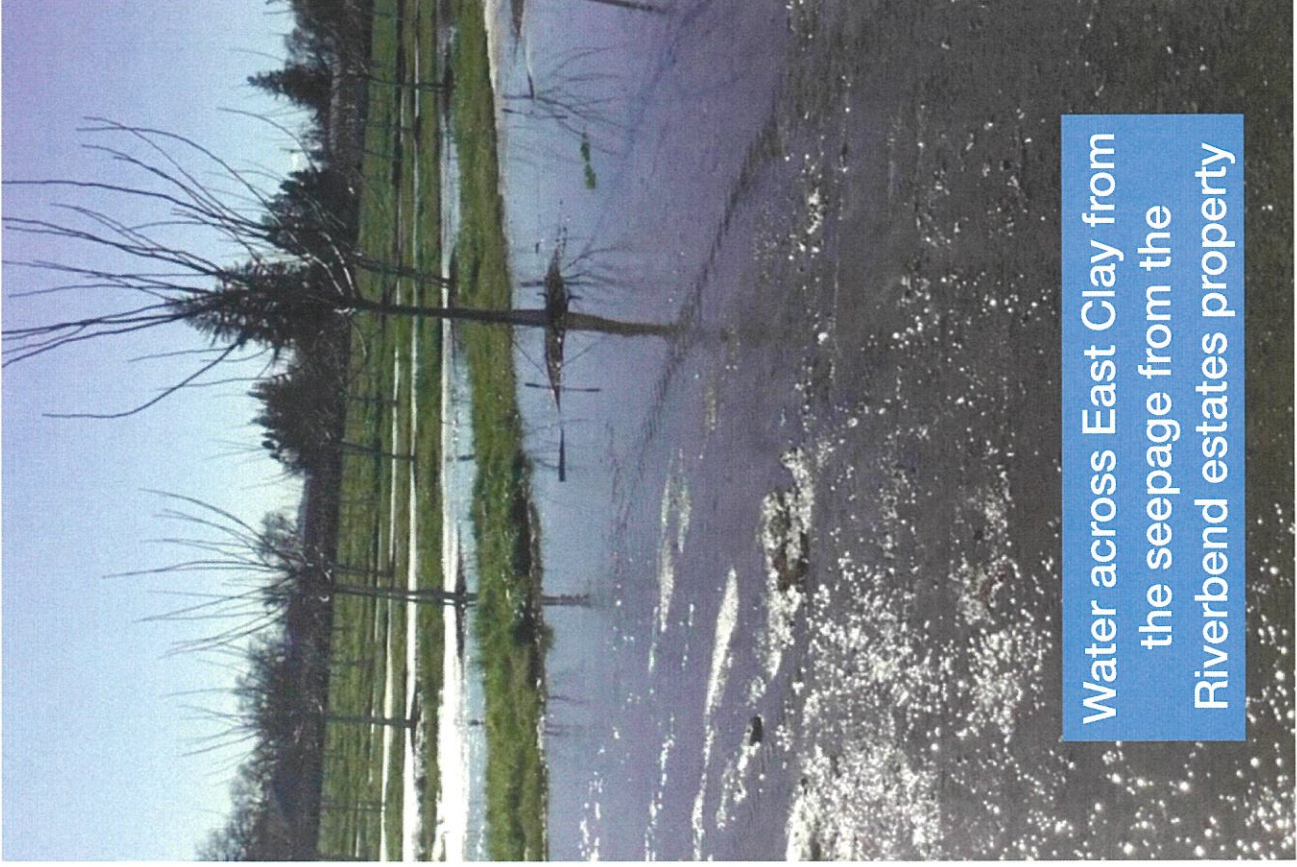
Making a measuring stick to show water depth



Water above her boots



14" deep



Water across East Clay from
the seepage from the
Riverbend estates property



Water across East Clay from
the seepage from the
Riverbend estates property
looking west

Conclusions

- All of these photos were taken more than a week after a rainfall event
- These seepage events are very common in this area during high river events of over 55' at the Colusa bridge
- Water always seeks its own level, no matter how big of a retention pond is constructed, property wide seepage will still be a problem



PARTNERSHIP TO PRESERVE COMMUNITY INTEGRITY

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City of Colusa
425 Webster Street
Colusa, CA 95932

April 12, 2022

Good day:

Attached please find some facts regarding the negative impacts of the Triple Crown Cannabis Park proposed for E. Clay Street that have caused concerns of tax payers, community supportive residents and small business owners within the sphere of influence of the project. These concerns have been presented to the City planning commission and council during previous iterations of development proposals from the current applicant.

While the attached is long, it doesn't cover everything that we have considered. You may be enlightened by having these issues revealed to you by many concerned partners in the city and county.

As the environmental reports and studies performed previously are being considered to be current, then all public comments that have come before the commission and council should also be considered to be current and evaluated relative to the most recent project development plan.

Sincerely,

Janice Bell

Reasonable and negative effects of the proposal for Triple Crown Cannabis Park (aka Triple Crown Growers and Triple Crown Estates- on file at this time and known as Riverbend Estates)

The Storms of February 2017 and 2019 validated the below described flooding and seepage concerns: there are flood-fight efforts on record with the Colusa County Office of Emergency Services. Seepage was being experienced- and increased-even after the river levels receded during the most recent declared flood emergency

Employment

During the construction phase, it is known that there may be some jobs for a few people in this area. The applicant stated building materials and supplies may not be purchased locally, and construction crew, security and other management positions will not be filled by area unemployed. This project will not produce much revenue, except for the building fees should the city impose them. Many fees to date have been waived as a condition of a settlement or due to threat of litigation by the applicant. We know when the facility is complete, there may be jobs as the developer advised at a previous planning meeting. However, the highly educated scientists and biologists they state they will hire aren't going to be found in our city, thus not relieving county unemployment rates

PG&E 60kv overhead lines and service poles, plus 12 kv lines

PG&E (Laird Oelrichs, Land Management Division) states that any development near or under these lines must address utilities in advance- not after plans are approved. They have great concerns and have an easement on file which is being ignored. The most recent version of this proposed development shows lines will be moved and new poles erected. PG&E is not on-board with this. Developer claims utilities will be addressed at a later phase, and the city is condoning it

Drainage & Seepage *(We are now aware that many hydrology issues cannot be discussed, but may be addressed during engineering)*

Elevations, poor drainage, high water levels exist. When building our homes in 2005, a neighbor and I were advised by Environmental Health that we were lucky that we didn't have to develop above-ground septic systems due to poor drainage and high water table. This proposed development is closer to the river than we are

There has already been a lawsuit in our neighborhood over negligence of drainage issues during construction of a home

Colusa County Public Works has submitted objections and concerns regarding this and the alternative housing project for this area

Several E. Clay Street residences are without septic use for extended periods of time during winter weather, as was pointed out during the Yerxa Family's video filmed Feb. 28, 2017 and presented at a Planning Commission Meeting (and being submitted now to be entered into the record.) It is also the testimony during Public Hearings on this development. I have documentation of seepage that came up after the water level receded- three days after Yerxa's filmed the seepage within the project area

E. Clay Street was posted with county road Flooded signs until May one year as seepage water was running across the road

Water retention pond part of the proposed project: An inexperienced person may suggest this mitigation effort, however digging down will only bring water to the surface and will pool for longer periods of time; also won't allow for capacity levels if already filled with existing water. The original plan called for 12+ acres (now showing 13) equating to a lake, then resulting stagnant water and mosquito breeding grounds will take over. The pond being reduced to one acre will still be unmanageable

- Mosquito Abatement has not been consulted regarding increased expenses to them for the additional pesticides and manpower
- Mosquito Abatement already pays special attention to the area for vector control of West Nile Virus mosquitoes, which have been previously detected. Ponds will encourage breeding of mosquitoes, especially a full 13 acres
- The water retention pond at the Del Rey Apartments is a prime example of this type of issue: it always has water in it even when there is no precipitation, and until recently, there was no protective fencing or barrier around it for several years. The water has dried up in this drought, but it will return and the fencing has fallen into disrepair

Colusa Industrial Park housing (Phases 1 & 2) and Walnut Ranch have annexed into the city for sewer services, with the City not planning any measures to increase the capacity at the waste-water treatment plant. Water run-off and sewer services are already taxed. And there are purportedly three additional housing developments tapping into these resources, it is obvious that a development utilizing large amounts of water will place additional burdens on them

The Triple Crown Facility's proposal to channel the water down to Moonbend Road, across private property and out to Davis Ranch will not work as is evidenced historically in the area. It is unclear if Davis Ranch would ever receive that water, even if they agreed to (Davis Ranch management is unaware of any agreement.) The plans don't appear to accommodate for the infrastructure to channel water through adjacent private property to the south, and it is apparent that this is to occur organically as per archived observation. The recent channels developed by CalTrans along Highway 20 were not engineered for use by the Triple Crown project applicant and are not adequate. The City of Colusa's Drainage Master Plan summarizes that current drainage is inadequate for existing conditions and doesn't address the increased flows

While this area is not in a special flood hazard zone, there is a historical record of surface flooding with losses in the hundred-thousands. Orchards have not been able to thrive due to the poor drainage. As noted before, there is current litigation regarding drainage in the adjacent neighborhood which is of slightly higher elevation

FEMA has not yet performed the remapping of Colusa and it is expected that this area will become a special flood zone

Reclamation District 108 has been to previous meetings and has advised that certain activities tied to the project are potentially damaging to the levee (proposing E. Market Street too close to the toe of the levee, for instance). RD 108 has received a grant to perform a Small Community Feasibility Study and has begun discussions about this hazardous project. They will provide comments on the new development plans when allowed to view them

The city is requiring plantings or ground coverings to be placed by the developer along the bank of the levee. From a flood threat standpoint, this is ill advised as it would obstruct observation of seepage or boils

Ditch use

Filling in the ditch or bringing it to ground elevation where D Street is proposed on the north side of E. Clay Street will affect our neighborhood drainage as has been experienced when the ditch was blocked by a resident at the corner of D and E. Webster Streets

While it is not presently in production, Riverbend Rice Mill property drainage is dependent upon that ditch. It is documented and they have experienced damage to facility infrastructure. The county has allowed that property owner noted at D and E. Webster Streets (not by allowing it but due to not stopping the work when it was reported) to fill in one area and the results have been damaging. Riverbend management submitted a letter to the Planning Commission but it seems to have been misplaced and is not in the record

Crime

The current plans don't include actions to enhance city law enforcement; it has been learned that the Sheriff's Department was not contacted or even given a courtesy call so that planning for enhanced response or emergency services can be made. The City of Colusa Police Department has not been provided with funding to enhance their staff for the increase in calls

Nearly every business on E. Clay Street has been burglarized, some numerous times since the Del Rey Apartments were built. Those of us in the area who have businesses can expect repetitive and costly losses from thefts from the nature of the proposed development, and can anticipate our personal safety will be compromised from those seeking to burglarize the facility. Theft of fencing materials, copper, and other materials found at such businesses has increased as desperate underpaid or unemployed persons resort to theft to support themselves or their families

Federal laws continue to uphold illegality of cannabis cultivation, transportation and sales

Road use

E. Market Street is planned as an access road. It is hoped that it will be developed prior to any construction

D Street has not been established north of E. Clay Street. From research at a local title company it was learned that the old Goad's Extension maps were suggestions. The actual streets, lots and alleys were not developed in a manner consistent with city blocks. Many streets and alleys are not streets or alleys but private property and use is for fire access only. No expectation that others may use them exists. I am aware of private ownership of some of these "alleys." The City has put the burden of developing E. Market Street and D Street onto the county

Traffic along the ingress/egress road, E. Clay Street, now is relatively light but is still causing a problem with excessive speed from vehicles and trucks. Traffic may increase exponentially and will cause a great burden on the poorly maintained roads. California Highway Patrol was not consulted during the planning: they are responsible for traffic control on county roads such as E. Market Street (when developed), D Street and E. Clay Street. A traffic study should be performed

Trespassers

Already a problem with residents from Del Rey Apartments- unattended children on foot or bikes- and the homeless that the city has allowed to remain on the levee; adults walking through private property, trespassing and entering our yards and ag buildings for no apparent reason. Our neighborhood has been performing our own neighborhood watch program as an increase of suspicious persons in our neighborhoods has occurred. We are already losing the quality of life that we have come to enjoy

Private streets and drives: fire access only is allowed. Increasingly each day, vehicles encroach on private property and cause repetitive damage. Posted signage is ignored now: with an increase in traffic and drivers who care not to read or wish to disregard signage will greatly increase the incidence of trespassing and property damage. Delivery trucks may become lost as the development is proposing new roads that may not be mapped, causing them to encroach on private property and potentially damage surfaces as they attempt to locate the facility

Impact to environment

Endangered and indigenous species are known to inhabit the farmland and levees, and with their habitat being taken away, they will surely be adversely affected. Giant garter snakes, elderberry bushes with beetles, deer, coyotes and foxes and even eagles have been seen here. While some of these are not protected, their habitat will be completely depleted. There is no relocation program for any of these animals. Some older oak trees (when they were still protected) and elderberry bushes have been removed from the project site already

Prior to being taken off of a protected list, elder oak trees that were in the project area were removed before they could be recognized as a hindrance to development

Alluvial ponds in the area may be diminished or destroyed

There will be an increase in littering in the area as well as harmful exposure to the environment from fuels and oils from increased traffic and potentially poorly maintained vehicles and trucks

The development of E. Market Street will also deplete habitat and introduce residual traffic debris, noise and environmental pollutants into an area previously free of them

If Triple Crown Growers is allowed, they have made it public at a City Council meeting that they will be using fertilizer that is a challenge to dispose of, so they will recirculate it in an open retention pond: the same pond that was identified to collect seepage water

Various stages of cannabis cultivation require large amounts of water, in fact, more water than normal agricultural crops: water that nearby households are being required to conserve. The county has a drought proclamation of emergency in place which is expected to continue for additional years, and an emergency household water-hauling program for those with dry wells. River water is being restricted greatly so that the majority of existing farming operations will not be able to produce food for human consumption. A recreational drug business should not be allowed to place an additional burden on our water availability

Animal Control Services

Colusa County Animal Control Services are contracted to the City of Colusa. There are currently two full-time Animal Control Officers for the entire county. They are already having difficulty keeping up with the number of calls they receive. They were not consulted for the increase in calls (resulting from displaced wildlife, snakes, etc.) nor has an increase in officers been planned or funded by the city. I am aware of additional city annexations with increased populations that are also not considering Animal Control Services which, again, are contracted for the City. Police Officers will have to respond to these calls, and as a reminder, there is no plan for an increase in officers

Health & Safety

Most of the concerns listed herein deal with the health and safety of established tax-paying families being threatened. Several of us homeowners have invested in security and/or alarm systems just to keep ourselves and our properties safe, but there may not be a way to mitigate the hazardous effects of pollutants or other hazardous materials introduced to our environment

There will be a tremendous increase in littering in the area as well as harmful exposure to the environment from fuels and oils from increased traffic and poorly maintained vehicles

Please note the earlier statement regarding fertilizer being difficult to safely get rid of so the plan is to retain it on site in a water retention pond, where it will seep into residential wells

Emergency Services

County OES/Sheriff not included in planning. It has been discovered that no additional law enforcement is planned, and law enforcement services were not consulted for analysis for services: may need to increase patrol for calls for service from increased crime spilling over into county jurisdiction and for back up of City Police services, not just for the facility but the increased population from employees

The local hospital is already understaffed and was not allowed to consider a plan for providing services to the number of workers or additional residents anticipated

The underground streams that are gauged and monitored in that exact area by the Department of Water Resources have not been addressed. Underground streams don't support a suitable building base, especially when considering the dense number of the buildings to be built or any multi-story structures with machinery. No plans for emergency evacuation or housing of those displaced persons in case of flood or building collapse has been made as risk analysis from emergency services has not been planned for

Levee

These 100 year old levees are already 150 years old. If any agency of responsibility was consulted, and they weren't, it would be conceivable that they would have major concerns. The Bureau of Reclamation and the Army Corps of Engineers were not aware of this project prior to 2017. The applicant has already been advised to adhere to set backs at the toe of the levee and they have been forced to amend their road plan as such. The new proposal does not show accurate measurements of the project distance from the levee toe

Our group contacted Reclamation District 108, the agency that has responsibility for the river levee along the project boundary, and their manager appeared at a City Planning meeting to advise they will not allow trespassing nor any construction to the levee. The toe of the levee is also a right-of-way issue that the applicant is being allowed to disregard upon permission by the City. The City does not have that authority

Aside from the proposed buildings being constructed within feet of the levee (even with the new set back) existing homes within the sphere of influence and beyond may be at risk from this compromised levee. As the Office of Emergency Services was not given an opportunity to review the plan so that emergency preparedness activities could be analyzed, the project may be considered as a high-risk community. As the OES has learned about the project, it was analyzed and included in the recent update to the Local Multi-jurisdiction Hazard Mitigation Plan and will be deemed as a hazard area

The activity conducted by the city that neglected to consult with Emergency Services seems to violate City Code section 17-58, B. 1. Rights of vesting a tentative map. Even though a large-scale housing element is no longer part of the application and a new map must be considered with a smaller-scale housing element, the tentative map should not have been vested

Water Rates

City water & sewer rates have been increasing considerably over the years to accommodate for the city's delinquency in updating the sewer treatment plant and resultant state imposed penalty, and again now to accommodate for the new construction areas recently annexed into the city. Persons on limited income can ill afford another 40% rate increase (as was implemented in 2017 and 2020.) Current water & sewer users should not have to pay more and more to cover what the applicant will not

Established family homes- currently a relatively drug free environment

The project may bring in the element that abuses &/or sells drugs and be a draw for others to frequent the area seeking that market. Despite the state legalization and city's adoption, many elements to the cannabis industry still violate federal laws. Residents are already frequently affected by this crime element moving in from another large increase in population from the low-income Del Rey Apartment complex

Property values

Will only be adversely affected by this development. Will in no way improve current homeowner property values based on analysis by local realtors

Scenic Vista and Viewshed

Many residents enjoy the eastern view of the Sutter Buttes- the famous smallest mountain range in the world. They, the skyline, sunrises and moonrises will be obscured by any 2 or 3 story structures, and possibly by single story structures. Planting trees won't mitigate that. Traffic from the proposed D Street road will also be an eye-sore. Usurping our scenic viewshed is basis for litigation, and the offending structure would be ordered to be modified to alleviate the problem

Noise

Current county agricultural noises are not disruptive to our lives, however, should this project go through, the noise from trucks and other traffic and the sheer number of people condensed into that area 24 hours a day may be extremely disruptive. There are times when we or our neighbors are required to work

nights and sleep during the day. As this is annexed into the City, the City will need to address their noise ordinances and, as recently witnessed, will certainly modify ordinances to accommodate the developer, disregarding their constituents

Lights

Light pollution may create a legal nuisance. A 24-hour a day cannabis operation will have exterior lighting for security purposes to ensure safety of the personnel working and to light work areas, but may be within our line of vision as we attempt to enjoy our view of the Sutter Buttes or the night sky

Odors

As is being experienced all over the city, offensive odors from the current cannabis business at Bridge and Main Streets is ever-present, in spite of any magical filtration system they have recently installed. Residents are not able to keep their windows open due to the invasive odor emanating from that business 24-hours a day, in any type of weather. Residents have become frustrated and stopped reporting the nuisance odor as it is apparent that nothing can be done. This offends our olfactory senses, causes headaches or other ailments, and offends our morals even when the product being grown is not visible

Violations of City Codes, Project not consistent with General Plan

The newest version of the City of Colusa General Plan seems to have been customized to accommodate for this specific project instead of following its original intent, which states that minor amendments may be made as long as they didn't change the scope of the plan. This project seems to be way over that line. In fact, there are documents that state the General Plan is following the guidelines of the Triple Crown Facility proposals, and now accommodating for the Triple Crown Grow Facility. And, as learned during testimony in a recent Public Hearing, the applicant provided input into that General Plan update. It is too general to allow the applicant or the City the latitude to "amend the City of Colusa Housing Element as needed"

The look and style of the new buildings is not consistent with the homes in the adjacent neighborhoods. Previous developments have been rejected due to incompatibility with these rules

Allowing for a zone change from Low-Density to Medium- to High-Density populations wasn't consistent with planned development, but that element has been eliminated and the zoning has changed again. Additionally, changing the zone to allow for dispensaries has met with much concern from residents

Few of the people within the sphere of influence were even aware of the project in the early stages as they were not notified, though the General Plan requires it. This continues for many in the sphere of influence with regard to the new plan from the applicant. It can be argued that Public Hearings were noticed, however the circulation of the local newspaper is low and many residents don't peruse the front door of city hall with any regularity to have become aware of any posting

It should be noted that in the early 2000s, the City Attorney and City Planner at the time of the original plan were promoting this project as if they were benefitting personally from it, to the point of being argumentative to the Planning Commissioners during open meetings when questions about the project were presented. That City Attorney and City Planner are no longer employed by the City of Colusa, and the City Manager was terminated (prior to Randy Dunn and Jesse Cain's employ) (*reference archived Colusa Sun-Herald articles*)

Brown Act Violations

Posting of notices, the manner in which public hearings and regular planning and council meetings frequently violate the Brown Act. Over the past few years, the members presiding over city council meetings have attempted to suppress public comments and criticize the public for making comments during public comment periods or during public hearings

Exemptions from CEQA

Environmental issues are disregarded and a full environmental impact report should be required. Part of the earlier litigation was due to the fact that the public became aware of the development plans and became actively objecting to all activities, and demanding a comprehensive environmental consideration. We've been told the exemptions are pursuant to CEQA regulations, however we are aware that the issues were not completely evaluated, and the scope of the project has changed several times. Given all of these concerns, there is no reasonable justification for a finding of no significant impact or a mitigated negative declaration

Morals

An element in many ordinances directs consideration on whether a project will offend the morals of residents. We have stated numerous times how cannabis development- and especially dispensaries- offends our morals. Our values, pride for our community and town are being disregarded. Even if the cannabis businesses in Colusa were to produce the revenue they were projected to, the exchange for money over citizens' values, health and safety is immoral in and of itself

May 30, 20022

Mr. Bryan Stice
Community Development Manager
City of Colusa
425 Webster Street
Colusa, California 959532

Re: East Clay Street Conditional Use Permit – Comment Letter of Ben King

Dear Bryan,

I am writing to urge that the Conditional Use Permit to allow construction of the proposed cannabis business on the 32 acre site located at the corner of D Street and East Clay Street be denied. As you know, my family has been owners of adjacent parcels for over 100 years and we continue to have a strong desire to promote good planning for the long term benefit of the City of Colusa and its residents. We do not believe that the proposed Project is in the best interests of the general welfare of the residents and City of Colusa. We do believe that the Project will result in an incompatible use with character of City and its environs and we also believe that the proposed used in incompatible with the General Plan and Housing Element for the City of Colusa.

The reasons for our objection to the grant of the Conditional Use Permit are the following:

- 1. Current Public Disclosure is Misleading Regarding The Zoning of the Subject Property** - There has not been adequate public notice regarding the zoning as a Light Industrial (M-I-PD) Development . Neither the General Plan (see attached excerpt – Exhibit A) nor the Housing Element (see attached excerpt – Exhibit B) contains any disclosure or discussion regarding this parcel being zoned Light Industrial. Both of these documents have maps and discussion regarding this part of the City as being zoned residential. The excerpts were downloaded the week of May 23, 2022 and there is no reason any interested public stakeholder would know that this area has been rezoned from a residential use. It is reasonable to expect that recent purchasers of houses in Colusa may have relied on the misleading public disclosure in the General Plan and Housing Element to their detriment. Likewise, some sellers may have possessed actual knowledge of the planned cannabis project and may have sold their property to an unsuspecting purchaser. ***Request – Please explain how residents and other stakeholders should have become aware that the zoning for the subject property has changed from Residential to Light Industrial?***
- 2. Who is the Proponent for this Project Seeking the Conditional Use Permit?** - It is not clear that Mr. Olivas has the appropriate agency to be the proponent for the prospective owner/operator seeking the Conditional Use Permit. Mr. Olivas has appeared in multiple previous public meetings seemingly representing himself or an investor group other than the current client. At this time, it appears that Mr. Olivas is attempting to represent a group called JAC Industries Corp. without disclosing his relationship or his intended future business dealings with this “client”. ***Request - we ask that the Planning Commission require Mr. Olivas to disclose his relationship with JAC Industries and whether he intends to sell the property and at what stage of the proposed development if he does indeed intend to sell all or part of his interest in the Project.***

3. **What Experience Does JAC Industries Have in Cannabis and Who Are Their Probable Future Investors?** – The “Client” listed on the plans for the Project is an entity called JAC Industries. There is only one entity named JAC Industries authorized to do business (California Secretary of State Entity Search—Exhibit C) in the State of California and it was only formed a few months ago on January 1, 2022. The Statement of Information for JAC Industries Corp which was filed on January 4, 2022 (See Exhibit D) lists the Principal Executive Office as the Residence for both the CEO and Chief Financial Officer of JAC Industries Corp. The address for JAC Industries on the plans for the Project is listed as a Post Office Box in Sunset Beach California which is approximately an hour drive from the apparent residence and Principal Executive Office in Walnut California. The type of business is listed as “ Business Consulting” – there is no record of any operating or real estate management experience. It is important to know the background of the entity of the principal proponent and its officers. The City of Colusa is a small town with limited oversight and law enforcement resources. It is important to note that illegal activity relating to the cannabis industry is common as was the case with the recent arrest of 5 individuals in April 2022 relating to the illegal cannabis operation at the old rice mill near the Project area. There was only one known California resident arrested, one from Brooklyn New York and three with no known residence in the United States.(See News Report - Exhibit E) ***Request – Please ask JAC Industries Corp to make a public presentation as Project proponent before taking action on the Conditional Use Permit.***
4. **The Planning Commission Should Be Prudent Regarding Future Litigation Risk** – At the May hearing it was disclosed that the taxpayers of the City of Colusa have already paid over \$ 500,000 in legal fees and there was concern that the City could be sued again by the current owner or perhaps by the client. ***Request – please consult with City Counsel about limiting future litigation risk – since the Conditional Use Permit is a discretionary act it may be most prudent for the Project proponent to fully complete any Project requirements to the satisfaction of the City rather than having potential litigation points of contention in the future.***
5. **The Current Owner Should Waive the Confidentiality Agreement for Past Litigation In the Spirit of Transparency and Goodwill** – Residents and Other Stakeholders deserve full transparency regarding the terms of the Settlement and other claims made during past litigation. The taxpayers have paid for this litigation and now have been told that the Project must move forward due to the possibility of future litigation. It is impossible for there to be public confidence in this project unless there is full transparency. ***Request – please request that the current owner waive the Confidentiality of the previous litigation and disclose all the documents regarding the previous litigation.***
6. **The Environmental Review Issues Should Be Fully Resolved Before Approval** - Much has been made about statute of limitations and the timing of other CEQA related issues. Since this is a discretionary process, it is important that these issues be resolved before an action for approval. It is hard to know what was raised and what the resolution was in the past since the process has been so lengthy and convoluted. For example, Greg Plucker who is head of the Environmental Health Department for the County of Colusa raised some of the same issues that were recently raised regarding potential pollution by chemicals, solvents, fertilizers, and pesticides routinely used in the cannabis manufacturing industry in 2019. (See July 24, 2019 Newspaper Article – Exhibit F). What was the resolution for Mr. Pluckers concerns? ***Request – please ask for an explanation of how these issues have been addressed rather than limit discussion due to technical considerations such as a statute of limitations. Use the discretionary authority for the Conditional Use Permit to resolve reasonable public concerns before considering approval.***

7. **The Project is Too Large for the General Welfare of the City** - This project essentially establishes a new business park for the City of Colusa without full public engagement and exposes the City to a material negative outcome if the project fails to be completed and/or is mismanaged. Dedicating 34 acres to cannabis is much too large for the City of Colusa. It is foreseeable that the project will not be completed for a variety of causes such as lack of financing or another systemic economic event or a geopolitical crisis affecting the source of potential foreign investor capital. A 3 acre site would be a reasonable risk to the general welfare but one ten times the size would not since a failed Project that is not fully constructed would be devastating to the local Project area. ***Request – Please make the determination that a cannabis Project of this size meets the general welfare standard to issue a Conditional Use Permit or reject the application.***

8. **The Project Is A Nuisance To The Adjacent Housing and Detrimental To The Riparian Ecosystem Next To The Sacramento River** - In addition to the odor and overbearing night lighting need for security, the Project poses significant risks to the adjacent riparian ecosystem. My family has owned the adjacent parcels for over 100 years and I grew up on these parcels. I can personally attest to the native vegetation of blackberries, elderberry and milkweed that would be at risk but also attest to a robust daylight and nocturnal ecosystem that would be at risk from the Project and its night time light pollution. ***Request – please make the determination that the project has met the nuisance standard to grant the Conditional Use Permit or reject the application.***

9. **The Project Is Not Consistent With The General Plan And Future Development Of The Colusa Riverfront District** - As mentioned previously, the General Plan has designated the area as residential housing. There is no viable industrial properties in the area – only abandoned industrial sites and housing on both the north and south of the Project Area. The Project will be detrimental to the successful implementation of the Colusa Riverfront District because it will limit the beneficial use of the riparian area south of the City due to the likely odor from the facility, intrusive night time security lighting and imposing incongruous warehouses overpowering the natural beauty of the riparian area. Please note that since this Project has been considered in 2012, all the industrial properties in the Project area have failed and are now in disrepair. The rice mill at the end of East Main is now abandoned and was the site of illegal activity but more importantly it now does not pose any hazard or nuisance to future housing from rice milling dust as was the case when the Project type was first proposed. ***Request – please make the determination that the Project meets the standard that it is consistent with the General Plan and the Special Colusa Riverfront District to grant the Conditional Use Permit or reject the application.***

10. **The Project Does Not Have An Adequate Drainage Plan** - The Project area has relied upon the conveyance ditch built by the Colusa Irrigation Company in 1907 for the natural drainage of the area. The County of Colusa uses the Colusa Irrigation Company ditch to drain East Main Street and has a pipe on the south side of Main Street into the ditch for drainage. Our adjacent parcels also drain into the Colusa Irrigation Ditch. The Project proponent has not submitted a drainage plan but instead claims ownership of the Ditch and intends to use the site of the ditch for Project access. This is not only an attempt to claim property that is not legally owned but will leave the area without adequate drainage. ***Request – please require the Project proponent to develop a reasonable drainage plan that does not impair the current drainage infrastructure of the Project area before granting a Conditional Use Permit.***

11. **The Current Owner Does Not Have Ownership Over The Proposed Access From East Main Street** – The current owner of the Project acreage claims fee simple ownership for the Colusa Irrigation Company conveyance ditch. We claim fee ownership for the portion of the Colusa Irrigation Company ditch which is directly south of our parcels. The current owner claims ownership of the pump in the Sacramento River but we currently hold two Water Right Settlement Contractor rights that rely on that diversion point for our water right. The Contracts are No. 14-06-200-1086-R-1 and 14-06-200-1086Z-R-1 (See Exhibit G which are Bureau of Reclamation Maps). The ownership claimed by the current owner is not correct and will severely damage or destroy our property rights if the current owner proceeds with its ownership claim. ***Request – the Conditional Use Permit must be rejected unless the proponent can prove other access rather than the parcel which encompasses our irrigation easement and our drainage access.***

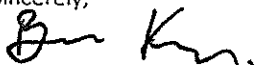
12. **The City Must Not Give Control of the Railroad Easement To The Current Owner Or Future Owner Of The Project** - The extension of Market Street via the old railroad easement is an important property right of the City and an important planning consideration to provide public access for the City of Colusa. There should not be one type of ownership resolution for the City's rights between our parcels and one set for the Project area. ***Request – the Conditional Use Permit should not be considered unless the City's dominion over the old railroad easement is clear under the Project plan.***

13. **The World Has Changed During The Last 10 Years When Zoning For The Site Was Changed From Residential to Light Industrial – It Should be Residential Today** - While there may have been a compelling rationale to convert the Project area from residential to light industrial zoning 10 years ago due to seepage concerns, it is clear that Project area should be used for housing not a new industrial park. Since the pandemic, more and more people are looking to live in Cities like Colusa as they have access to technology to work remotely and there is a definite need for more housing. Stakeholders like California Rural Assistance, Inc. should be reengaged and new innovations on how to manage seepage should be considered. It is not whether the Project area would be best used for housing but one of what density and what grade of elevation. ***Request – The Planning Commission should reject the Conditional Use Permit and leave the decision in the hands of the City Council after the larger stakeholder community has the opportunity to reengage.***

Thank you for your consideration of my points and perspective for objecting to the Conditional Use Permit. I appreciate all the work you and your colleagues have done on trying to move this project forward and in my opinion you have been placed in a very undeserving position in trying to justify a change in zoning that never should have happened. I am copying Rich Selover who is Chair of Planning Commission and Jessica Hill at California Rural Assistance, Inc. since she commented on the Housing Element.

Please contact me at bking@pacgoldag.com or (530) 723-3119 with any questions you may have.

Sincerely,



Ben King

EXHIBIT A

EXHIBIT A.

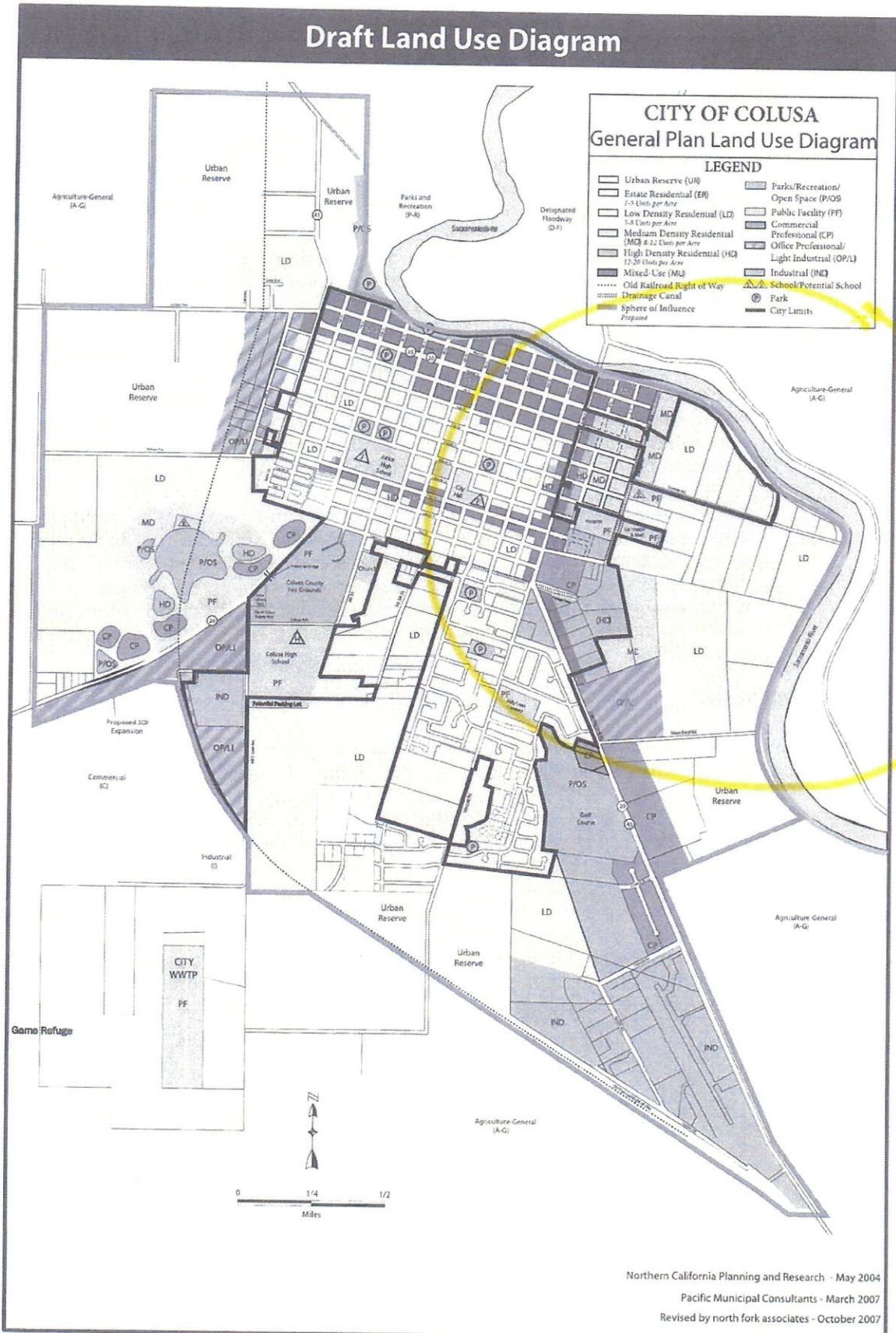
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CITY OF COLUSA PLANNING WEBSITE

2.0 LAND USE

A

Draft Land Use Diagram



ZONED
RESIDENTIAL

Northern California Planning and Research - May 2004
Pacific Municipal Consultants - March 2007
Revised by north fork associates - October 2007

FIGURE 2.3
GENERAL PLAN LAND USE DIAGRAM

PMC

2.0 LAND USE

Riverfront District

SPA 1: *Colusa Riverfront District* - Colusa's Riverfront District is bounded by the Sacramento River to the north, 13th Street to the west, Oak Street to the south, and Bridge Street to the east. This SPA will be given special attention with regard to architectural design, orientation, and land uses. All new development and redevelopment projects proposed within this district will be subject to development standards and design guidelines that will constitute the Riverfront Plan. The Riverfront Plan will be prepared by the City and will be incorporated by reference into the City's Zoning Ordinance.

The area surrounding the Riverfront District effectively serves as the principal City center. It achieves this in part through the many historic buildings that occupy the historic downtown/riverfront area (a reminder of the City's origins) and in its varied retail and service establishments. Riverfront Plan development standards and design guidelines demonstrate the City's commitment to enhancing the area and promoting local and visitor-serving businesses.

Future development of the Riverfront District will largely occur as new infill projects and redevelopment. Projects will be expected to improve the aesthetic character and economic health of this historic district. Expansion of existing uses will be encouraged to include high-density residential units. Vertical expansion will be expected to maximize the use of and scenic views from this premium land, while increasing commercial vitality and creating affordable live-work housing opportunities.

New Growth Areas

Adjacent to the city limits and within the Planning Area are significant acreages of vacant land that present new growth opportunities for the City. Each of these areas is being actively planned for urban development, consistent with the Land Use Map (**Figure 2.3**), and is considered appropriate for annexation into the City. Concurrent with this comprehensive General Plan update, work has been ongoing with property owners and developers of SPAs 2-5 (described below) to create development proposals that will be consistent with the General Plan. The results of these efforts have been incorporated into the SPA descriptions for their respective areas. While the General Plan designates a range of land uses and assumes development to occur at the mid-range of allowable densities, project-specific information was submitted for use by the City and incorporated into this General Plan. This process has aided in the formulation of policies and implementing actions that will allow new urban development to occur without compromising the quality of life for existing Colusa residents. New growth SPAs include:

A

Special Planning Areas

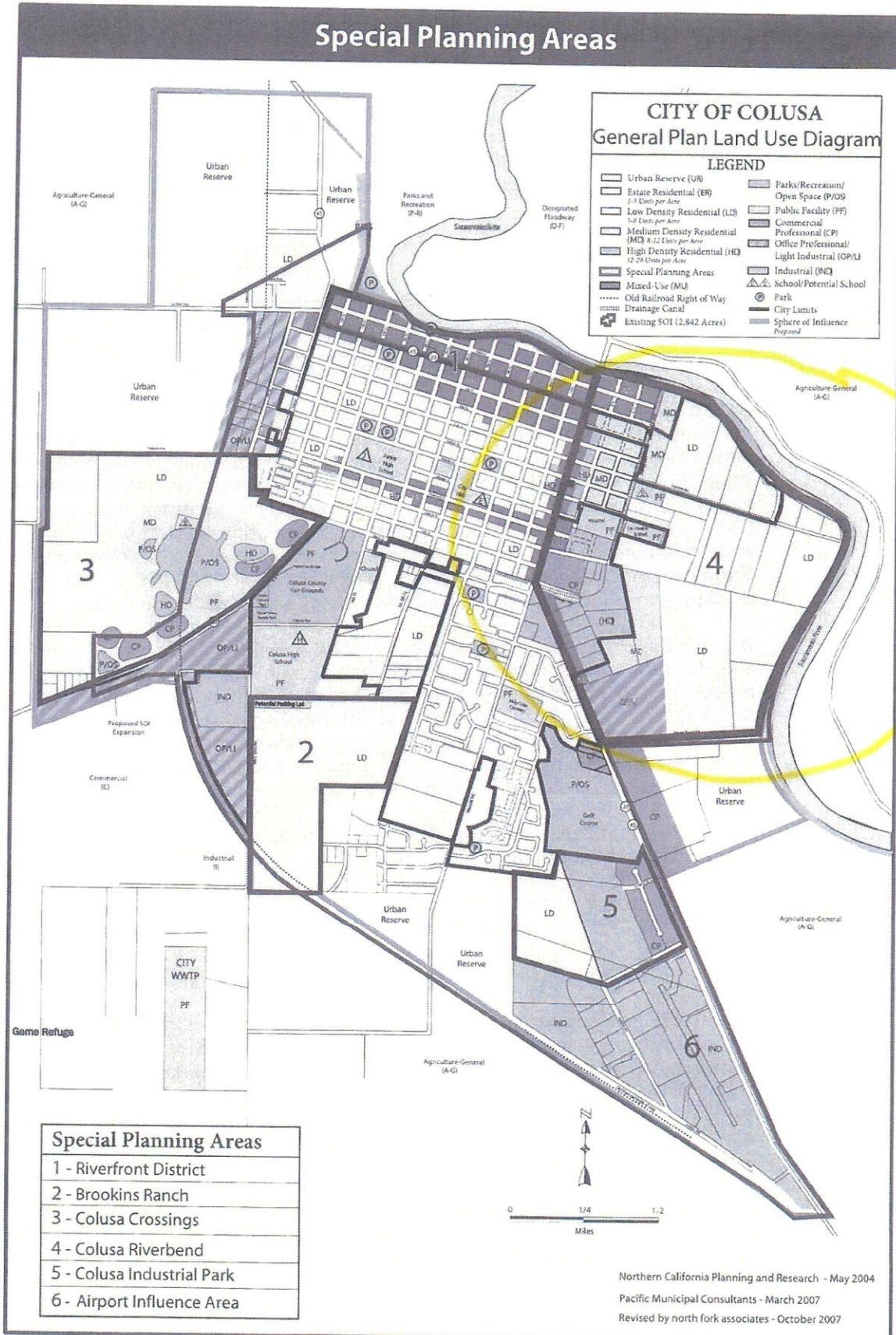


FIGURE 2.4
SPECIAL PLANNING AREAS



Proposed Land Use	Acres
<i>21-acre neighborhood park according to need to be determined in the City's Parks and Recreation Master Plan)</i>	
Open Space	21
Elementary School	10
TOTAL	310

() Denotes conditions pertaining to 21 acre neighborhood park instead of 51 acre community park.

SPA 4: *Colusa Riverbend* – Colusa Riverbend encompasses approximately 442 acres in the northeast and eastern portion of Colusa's Planning Area. The aggregate of land is roughly bounded by the Sacramento River to the north and east, Highway 20/45 to the west, and Moon Bend Road to the south. This SPA is comprised mostly of unincorporated land with multiple owners; the exception is the northern 80-acre parcel (formerly known as Riverbend), which is located within the City limits and presently designated Residential in the *City of Colusa General Plan*. The remaining unincorporated land is designated Rural Residential (RR) and a small portion of Industrial (to the south) in the *Colusa County General Plan*.

The City's intent for this planning area is that the entire area be annexed to the City to be master-planned and developed with low- and medium-density residential (LDR and MDR) development. Based on a mid-range density of six (6) dwelling units per acre for LDR and 10 dwelling units per acre for MDR development, the General Plan would allow for development of up to 2,530 units. Colusa Riverbend would be developed under a Specific Plan or as a planned development to provide flexibility in site design and density distribution.

Colusa Riverbend Development Proposal The 76-acre parcel presently in the City limits would be developed as a planned development during the first phase of development of this plan area. A Colusa Riverbend Specific Plan will be prepared to serve as the City's long-range plan for development of the portion of Colusa Riverbend area outside the existing City limits. The Specific Plan would be the planning and regulatory document for the purpose of implementing the City's General Plan, providing a bridge between the broad policies contained in this General Plan and any detailed project-specific development plan proposal(s). In accordance with California Government Code §65450-65457, which provides guidelines for specific plan preparation and implementation, the plan would include landscaping and design guidelines, development standards, and a financing plan that identifies funding for new infrastructure and public services. This specific plan would be adopted by the City of Colusa, consistent with the General Plan, and serve as the policy document to accomplish buildout within the Colusa Riverbend area.

Another component of the proposed Colusa Riverbend project is a Land Use Plan, which provides for a range of residential housing types at a density ranging from six (6)-10 dwelling units per acre. Under the specific plan's buildout scenario, this would result in approximately 2,530 single-family, detached units. It also proposes an elementary school, parks, and open space land uses for the 442-

2.0 LAND USE

acre area. City storm drainage, water, and sewer facilities would be upgraded as needed prior to development in order for the City to serve the new residents.

The conceptual land use plan shows a macro grid street system, consistent with the City's Circulation Map (see Chapter 4). This would include: 1) a North-South Collector extending east from Market Street into the middle of Colusa Riverbend, then heading south to Moon Bend Road; 2) the extension of Darling Lane from Bridge Street (at the intersection with Carson Street) to the North-South Collector; 3) extension of D Street from Darling Lane to the North-South Collector.

Prior to annexation and development of the unincorporated areas, the 80-acre Cribari property—a portion of Colusa Riverbend that is already within the City limits—will be proposed for development under a separate planning application. The project will propose subdivision and development of this land under a planned development— 360 residential units with eight acres of parks, open space, an enhanced drainage corridor, and river access. The development would be consistent with, and eventually be integrated into, the ultimate Colusa-Riverbend Specific Plan area.

SPA 5: *Colusa Industrial Park* – Colusa Industrial Park, located adjacent to the south of Colusa's city limits, comprises approximately 137.5 acres of the 1,049-acre Colusa Industrial Properties (CIP) complex. The site is roughly bounded by State Route 20/45 to the east, Colusa Golf Club to the north, Wescott Road to the west, and CIP's agricultural lands to the south. Existing businesses and an agricultural service complex are located on the northern portion of the site, while approximately 127 acres are presently vacant. The site is currently designated as Industrial (I) in the *Colusa County General Plan*.

The City's intent for this planning area is that it be annexed to the City with a mix of land uses including low-density residential (LDR) on the western portion of the site; commercial professional (CP) along the SR 20/45 corridor; and Parks, Recreation and Open Space (P/OS). Portions of this SPA are situated within the Colusa County Airport Comprehensive Land Use Plan (CLUP) safety zones—the clear zone, approach/depart zone and overflight zone, as shown in **Figure 2.5**. At a mid-range density of six (6) dwelling units per acre and commercial intensity of between .25 and .5 FAR, the General Plan would allow for development of 253 residential units and up to 827,640 square feet of commercial space. Colusa Industrial Park would be developed as a planned development to provide flexibility in site design.

Colusa Industrial Park Proposal A proposal to develop the site with a mix of residential, commercial, and recreation uses is currently being processed through the County of Colusa Planning Department. The project, if approved, would result in an urbanized development outside of the city limits, consisting of approximately 50 acres of residential land to be developed with 200 single-family homes; a high-density residential complex; approximately 28 acres of commercial uses (e.g., motel, restaurant, and other highway commercial services); approximately 56 acres of open space to be developed as a nine-hole golf course facility, and a separate wastewater treatment plant.

The City of Colusa is currently unable to provide domestic wastewater treatment capacity for the CIP proposal. Thus, CIP has proposed two alternatives: The first is

EXHIBIT B.

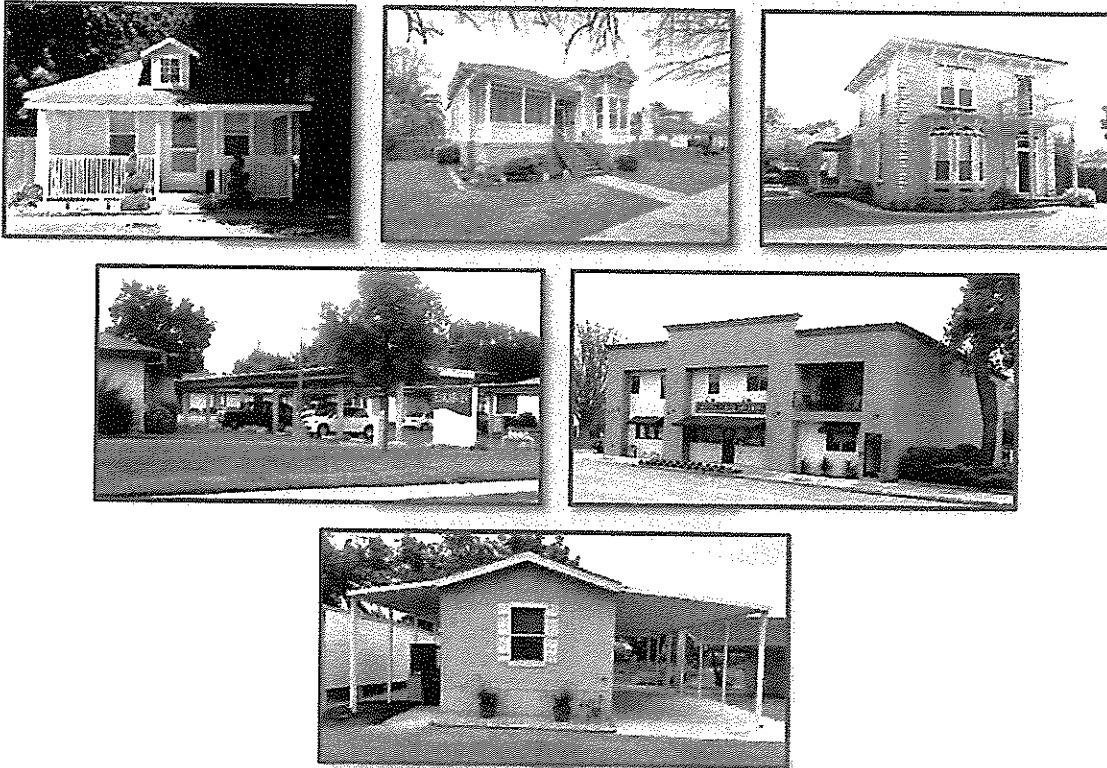
EXHIBIT B.

DOWNLOADED MAY 23, 2022



City of Colusa
Planning Department
425 Webster Street
P.O. Box 1063
Colusa, CA 95932-1063
<http://www.cityofcolusa.com/>

HOUSING ELEMENT UPDATE 2020-2028



PLANNING COMMISSION DRAFT

ADOPTED ON TBA

CITY COUNCIL RESOLUTION TBA

9.2 REGULATORY FRAMEWORK

A. AUTHORITY

California Government Code § 65302(c) requires every county and city in the state to include a "Housing Element" as part of its adopted General Plan. In stipulating the content of this Housing Element, Article 10.6 of the Government Code indicates that the Housing Element shall consist of "identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives and scheduled programs for the preservation, improvement and development of housing." This legislation further states that the Housing Element "shall identify adequate sites for housing, including rental housing, factory-built housing and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community." This Housing Element was adopted on December 1, 2020. In accordance with state law, this Housing Element has been updated for the 6th Housing Cycle, valid between December 31, 2018 and June 15, 2028.

B. STATE HOUSING GOALS

According to the California Statewide Housing Plan Update, it is the goal of the State to "ensure to all Californians the opportunity to obtain safe, adequate housing in a suitable living environment." In addition, HCD has established the following four primary goals:

- Provision of new housing
- Preservation of existing housing and neighborhoods
- Reduction of housing costs
- Improvement of housing conditions for special needs groups

C. RECENT LEGISLATION

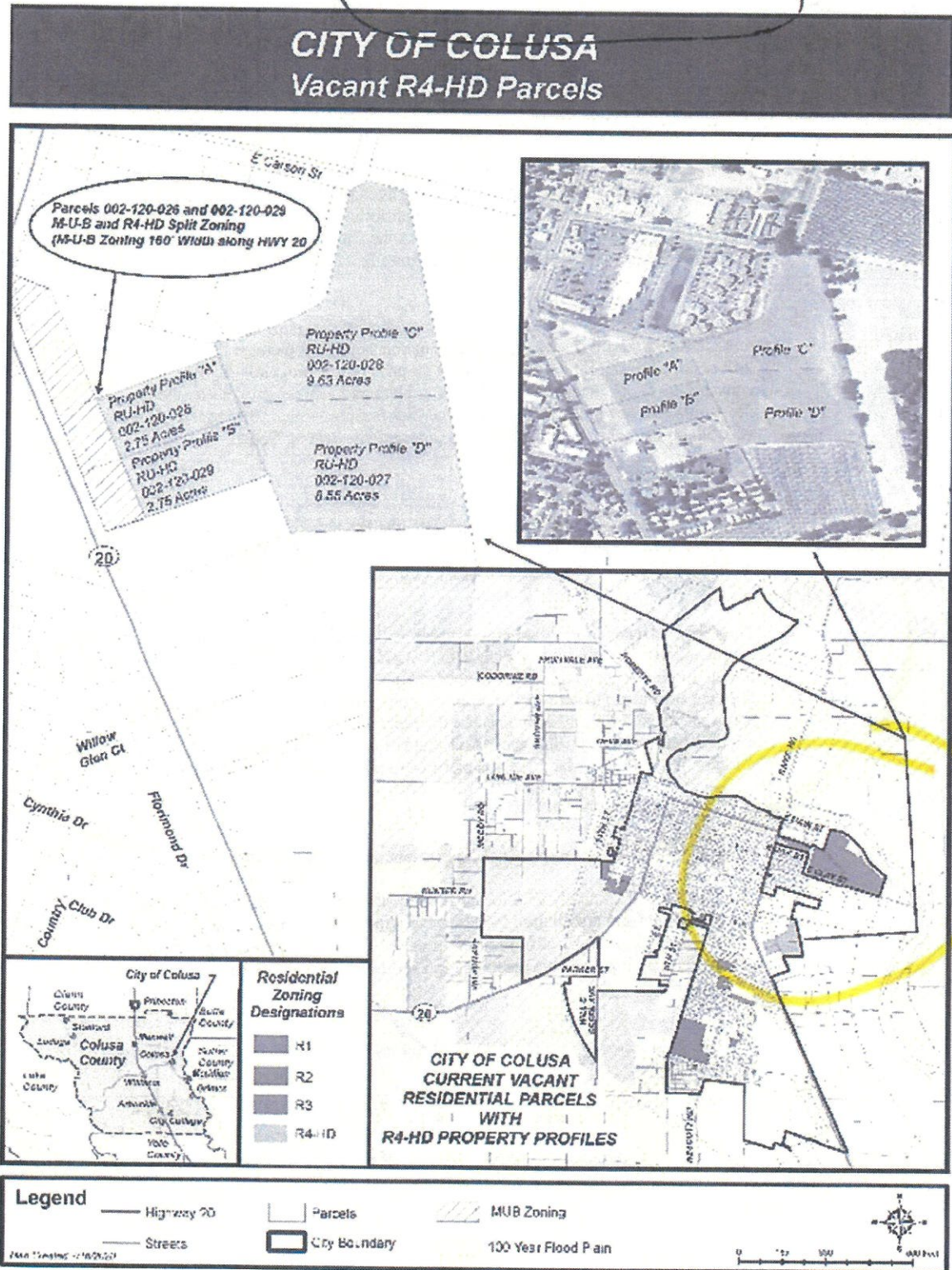
Recent legislation, pertinent to the preparation of the Housing Element and housing element law, include the following:

- SB 2135 (California Government Code § 54220) – Requires the City of Colusa to provide opportunity to provide affordable housing on surplus City property.
- SB 1069 (California Government Code § 65852) – Accessory Dwelling Units
- AB 1397 (California Government Code §§ 65580, 65583 and 65583.2) – Housing Package that includes accelerating affordable housing development, revises methodology for determining realistic development capacity, reduces constraints to the production of affordable housing and creates new opportunities for housing development.
- AB 2248 (California Government Code § 65583) – Land Inventory Requirements
- AB 1233 (California Government Code § 65583) – Provision of Adequate Sites for Regional Housing Needs Allocation (RHNA)



B

Figure 9.5-2. Vacant R-4-HD Lands Map



B



CALIFORNIA RURAL LEGAL ASSISTANCE, INC
FIGHTING FOR JUSTICE, CHANGING LIVES
SINCE 1966

B. Program H-2

Program H-2 required the City to analyze and potentially revise the "Zoning Code as appropriate, to promote flexibility in densities and uses, to improve incentives for affordable housing production and to bring applicable codes into compliance with State Law." (HE, p. 85.) The analysis indicates that the City did not complete this program and that it has been revised and replaced by Program H-2 in the current draft Housing Element.

In *Building Blocks*, HCD states that Housing Element programs should contain, among other things, a "description of the specific action steps to implement the program."¹ The lack of concrete steps defined to meet the purpose of this program was likely a contributing factor in the City's failure to implement it. In order to ensure the revised program's efficacy in the current cycle the City must provide further concrete steps that it will take to meet the deadlines it has set to amend the Zoning Code.

C. Program H-4

Program H-4 contemplated Public Works standards adopted in 2007 and required the City to establish these standards "in a manner that encourages the creation of housing, minimizes impacts on the cost and supply of housing and maximizes land resources." (HE, p. 85.)

The City's analysis of Program H-4 is vague as to the City's actions to attempt to complete this program, merely stating that "standards were reviewed for housing production impacts and found not to need amending." (HE, p. 85.) In fact, the analysis does not even seem to address the program's objective of implementing these standards as described above. This is likely because the program itself provided no framework for implementation, review, timeline, or schedule of actions. This failure of specificity makes it impossible to know what, if any, actions were taken to implement this program.

D. Program H-20

Program H-20 of the previous Housing Element required the City to

work cooperatively with local growers, agricultural-related businesses, such as packing and distribution facilities, the farm bureau and advocates for farm workers, such as California Rural Legal Assistance, Inc, for the purpose of determining available resources and shortfalls to address farm workers housing needs.

¹ <https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml>



COMMENT
ASSUMED
RESIDENTIAL



EXHIBIT C

EXHIBIT C

Business

UCC

Login

MAY 26, 2022

Business Search SEARCH

The California Business Search provides access to available information for **corporations, limited liability companies and limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.

Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.

Basic Search

A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, **remove "C"** from the entity number. Note, **a basic search will search only ACTIVE entities** (Corporations, Limited Liability Companies, Limited Partnerships, Cooperatives, Name Reservations, Foreign Name Reservations, Unincorporated Common Interest Developments, and Out of State Associations). The basic search performs a contains ?keyword? search. The Advanced search allows for a ?starts with? filter. To search entities that have a status other than active or to refine search criteria, use the **Advanced** search feature.

Advanced Search

An Advanced search is required when searching for publicly traded disclosure information or a status other than active.

An Advanced search allows for searching by specific entity types (e.g., Nonprofit Mutual Benefit Corporation) or by entity groups (e.g., All Corporations) as well as searching by ?begins with? specific search criteria.

Disclaimer: Search results are limited to the 500 entities closest matching the entered search criteria. If your desired search result is not found within the 500 entities provided, please refine the search criteria using the Advanced search function for additional results/entities. The California Business Search is updated as documents are approved. The data provided is not a complete or certified record.

Although every attempt has been made to ensure that the information contained in the database is accurate, the Secretary of State's office is not responsible for any loss, consequence, or damage resulting directly or indirectly from reliance on the accuracy, reliability, or timeliness of the information that is provided. All such information is provided "as is." To order certified copies or certificates of status, (1) locate an entity using the search; (2) select Request Certificate in the right-hand detail drawer; and (3) complete your request online.

JAC Industries

Advanced ▾

Results: 36

Business

UCC

1-2022
 2021
 2020
 2019

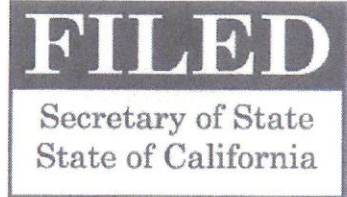
BILL JACK INDUSTRIES (236023)	>	05/04/1949	Terminated	Stock Corporation - CA - General	CALIFORNIA	
BILL JACK INDUSTRIES (315390)	>	02/01/1956	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	
CLAY JACKSON INDUSTRIES INC (1336360)	>	04/08/1985	Terminated	Stock Corporation - CA - General	CALIFORNIA	MARSHA L JACKSON
JAC INDUSTRIES CORP (4825246)	>	01/01/2022	Active	Stock Corporation - CA - General	CALIFORNIA	JERRY BINJUN ZHU
JAC INDUSTRIES LLC (201508610002)	>	12/31/2014	Suspended - FTB/SOS	Limited Liability Company - CA	CALIFORNIA	CHRISTOPHER MARTIN
JACAERC INDUSTRIES LLC (201020510174)	>	07/22/2010	Active	Limited Liability Company - CA	CALIFORNIA	JORDYN FARRISS
JACE INTERNATIONAL INDUSTRIES LIMITED (655247)	>	12/26/1972	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	
JACE B BARRY INDUSTRIES LLC (201803910350)	>	01/24/2008	Suspended - FTB	Limited Liability Company - CA	CALIFORNIA	MICHAEL W FENTON
JACK ANTHONY INDUSTRIES INC (812495)	>	03/28/1977	Active	Stock Corporation - CA - General	CALIFORNIA	V CATHLEEN ANTHONY
JACK BARRY INDUSTRIES INC (176133)	>	06/12/1974	Terminated	Stock Corporation - CA - General	CALIFORNIA	PATTE BARRY
JACK INDUSTRIES LLC (201052110040)	>	11/16/2010	Suspended - FTB	Limited Liability Company - CA	CALIFORNIA	DORA ALICIA ANZALDO CAMPOS
JACK INDUSTRIES LLC (201052110040)	>	04/20/2016	Active	Limited Liability Company - CA	CALIFORNIA	RAFFERTY JACKSON
JACK INDUSTRIES INC (201052110040)	>	09/23/2005	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	LAWRENCE C DURAN

EXHIBIT D



D

California Secretary of State
Electronic Filing



General Stock Corporation - Articles of Incorporation

Entity Name: JAC INDUSTRIES CORP
Entity (File) Number: C4825246
File Date: 01/01/2022
Entity Type: General Stock Corporation
Jurisdiction: California

Detailed Filing Information

- 1. Corporate Name: JAC INDUSTRIES CORP
- 2. Business Addresses:
 - a. Initial Street Address of Corporation: 422 CARBONIA AVE
WALNUT, California, 91789
United States of America
 - b. Initial Mailing Address of Corporation: 422 CARBONIA AVE
WALNUT, California, 91789
United States of America
- 3. Agent for Service of Process:
 - Individual Agent: JERRY BINJUN ZHU
422 CARBONIA AVE
WALNUT, California, 91789
United States of America
- 4. Shares: 1000000
- 5. Purpose Statement: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.
- 6. Future File Date Of: 01/01/2022

NOT
SUNSET BEACH
P.O. BOX

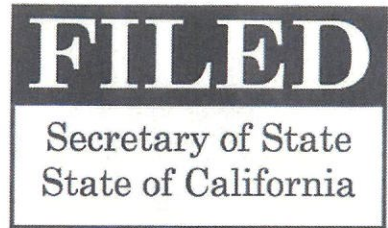
The incorporator affirms the information contained herein is true and correct.

Incorporator: JERRY BINJUN ZHU



D

California Secretary of State
Electronic Filing



Corporation - Statement of Information

Entity Name: JAC INDUSTRIES CORP

Entity (File) Number: C4825246

File Date: 01/04/2022

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: H081348

Detailed Filing Information

- 1. Entity Name: JAC INDUSTRIES CORP
- 2. Business Addresses:
 - a. Street Address of Principal Office in California: 422 CARBONIA AVE
WALNUT, California 91789
United States of America
 - b. Mailing Address: 422 CARBONIA AVE
WALNUT, California 91789
United States of America
 - c. Street Address of Principal Executive Office: 422 CARBONIA AVE
WALNUT, California 91789
United States of America
- 3. Officers:
 - a. Chief Executive Officer: JERRY BINJUN ZHU
422 CARBONIA AVE
WALNUT, California 91789
United States of America
 - b. Secretary: CARRIE YIQING CUI
422 CARBONIA AVE
WALNUT, California 91789
United States of America

Document ID: H081348



D

California Secretary of State Electronic Filing

Officers (cont'd):

c. Chief Financial Officer:

CARRIE YIQING CUI
422 CARBONIA AVE
WALNUT, California 91789
United States of America

4. Director:

JERRY BINJUN ZHU
422 CARBONIA AVE
WALNUT, California 91789
United States of America

Number of Vacancies on the Board of
Directors:

0

5. Agent for Service of Process:

JERRY BINJUN ZHU
422 CARBONIA AVE
WALNUT, California 91789
United States of America

6. Type of Business:

BUSINESS CONSULTING

No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign.

Electronic Signature: JERRY BINJUN ZHU

Use bizfile.sos.ca.gov for online filings, searches, business records, and resources.

Document ID: H081348



D

California Secretary of State
Electronic Filing

Corporation - Attachment to Statement of Information

List of Additional Directors:

1. CARRIE YIQING CUI
422 CARBONIA AVE
WALNUT, California 91789
United States of America
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

Document ID: H081348

EXHIBIT E.

EXHIBIT E.

COVID-19: Northern California COVID Updates Continuing Coverage

ACTION NEWS NOW: Download Our Apps

https://www.actionnewsnow.com/news/5-people-arrested-in-connection-to-large-scale-marijuana-grow-in-colusa/article_2d9c3c46-c2a3-11ec-bda2-2b6e6bf80cfe.html

5 people arrested in connection to large-scale marijuana grow in Colusa

By: Ariana Powell

Apr 22, 2022

E



COLUSA, Calif. - The Colusa County Sheriff's Office served a search warrant and arrested five suspects connected with a large-scale, illegal indoor marijuana grow operation on Thursday at around 7 a.m. inside an old rice mill on the 200 block of E. Main St. in Colusa.

The illegal operation had been taking place for several months, according to the Colusa County Sheriff's Office.



E

The marijuana grow operation has been connected to other operations in the San Joaquin County area. The San Joaquin County Task Force helped with the investigation after the connection was discovered.

The investigation resulted in the confiscation of 4,832 mature marijuana plants and the arrest of five suspects, Bo Sen Tan, 45 of San Leandro; Zhui Gou Hiu, 43, of Brooklyn, New York; Hong Pin Zhen, 52; Guo Ming Zhang, 56; and Xin Shi Yu, 45.



E

All suspects were arrested during the service of the search warrant and were booked into the Colusa County Jail on the charges of conspiracy to commit a crime and the illegal cultivation of marijuana, according to the Colusa County Sheriff's Office.



The investigation is ongoing.

If anyone has information about the illegal marijuana grow operation, please contact Sergeant Arnold Navarro at 530-458-0200.

Ariana Powell

Weekend assignment desk editor and web producer

EXHIBIT F.

City Council approves zoning for cannabis park

By Susan Meeker

July 24, 2019

The Colusa City Council last week rezoned about 84 acres adjacent to the Sacramento River on East Clay Street from residential to light industrial to pave the way for the proposed 1.4 million square-foot Triple Crown Cannabis Research and Development Park.

The rezoning would allow the developers to scrap their previous plan to build a large residential project, originally pitched to the city during the booming housing market, in order to invest in the growing cannabis market.

Instead of 257 new homes, the Triple Crown project would include 14 to 17 "state-of-the-art" greenhouses for the cultivation of marijuana, as well as facilities for the manufacturing, research, and development of cannabis products, and a "state-of-the-art" testing lab.

The City Council also voted 4-0, with Councilman Dave Markss absent, to adopt the mitigated negative declaration prepared by Oakland-based Horizon Water and Environment, LLC, who determined that the impacts of such a large marijuana operation on air quality, water quality, utility and service systems, greenhouse gas emissions, storm drainage, wildlife, recreation, traffic, public health, and public safety would be insignificant with proper mitigation.

A monitoring and reporting program to ensure that the mitigation measures identified in the report are carried out as the project develops was also approved 4-0, upon the recommendation of the Colusa Planning Commission.

The Triple Crown project would be constructed in phases as market and investment opportunities demand, and would be subject to a host of required state and local permits, officials said.

According to Horizons report, the project could include, in addition to greenhouses for marijuana cultivation and processing, a 45,000 square-foot facility for research, development, and training, a 40,000 square-foot warehouse and distribution center, and a 30,000 square-foot administration building.

Seepage of water under the levee, odor, human exposure to hazardous materials, noise, and traffic are among the major challenges that will have to be mitigated, according to the report.

"I personally don't care if they have marijuana processing there, residential housing, or 18 skyscrapers," said Woody Yerxa, who spoke at the July 16 public hearing. "The seepage has to be dealt with."

City officials said concerns about the project, particularly water seepage, would be dealt with during the permitting phase, once the property owner actually submits a project description and design, which has not yet been done.

"Once that does happen, we will assure the seepage is handled," said City Manager Jesse Cain. "Everything is resolvable."

A Colusa resident, who lives on East Clay across from the property, said he is deeply concerned about the impact a marijuana project of this size would have on the city, not to mention his own family's quality of life and his property values.

"I don't like it," he said. "I don't think it is in the best interest of the community."

Among the public's concern with a potentially large cannabis operation within city limits is the odor, as the mitigated negative declaration indicates that just 90 percent "not 100 percent" of marijuana's pungent odor could be filtered to a less than significant level.

In a letter to Colusa officials, Colusa County Community Services Director Greg Plucker said he also had concerns about the project and the negative mitigated declaration, which he said was not entirely supported by the evidence.

EXHIBIT F





Plucker requested that the Colusa Planning Commission require a full Environmental Impact Report before they approve such a large project. Among his concerns is the use of highly volatile chemicals, solvents, fertilizers, and pesticides routinely used in the cannabis manufacturing industry.

F

City officials, however, said the state has stringent criteria for cannabis manufacturing, which includes the handling of chemicals, as well as restrictions on the total number of licenses each cannabis business can hold.

Colusa Mayor Greg Ponciano said each phase of the project would also have to go through the Planning Commission and City Council, and would be regulated and permitted each step of the way.

"We have some safeguards if this was to go forward," Ponciano said. "There would be some safeguards, and part of those safeguards would be the developer agreement and licensing. And it is incumbent on the applicant to mitigate those things, like smell, like security! We are not going into this blindly.

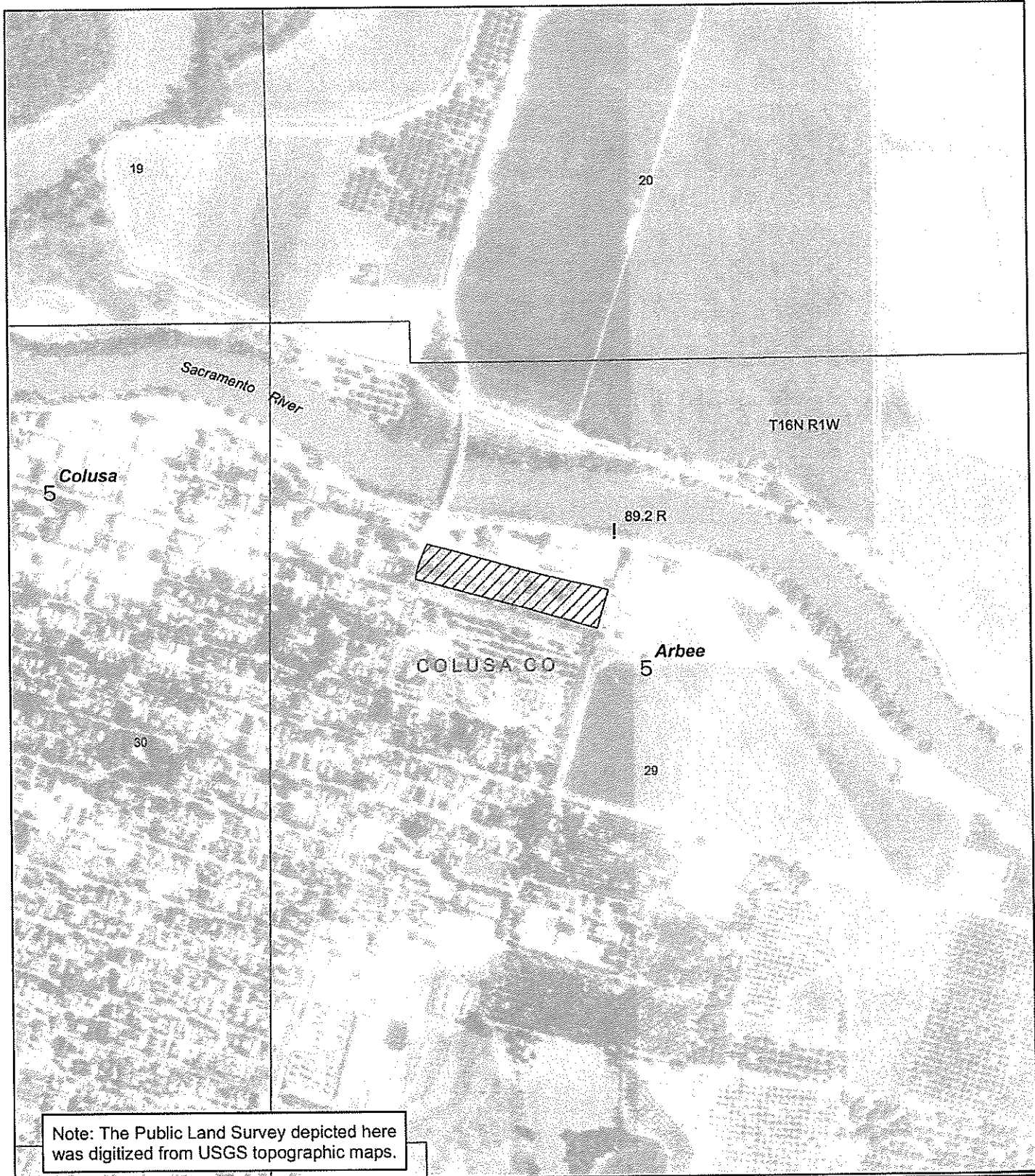
Cain said Colusa's cannabis ordinance is written so that the city can review projects annually and ask all cannabis developers to "beef up" mitigation efforts if issues occur at their facilities.

Because last week's City Council action was only to rezone the property and not to consider any actual project – cannabis or otherwise – city officials were not hesitant to express their relief that the large scale housing project the public has fought against for a decade has effectively been taken off the table.

"I'm very comfortable making the adjustment from residential," said Councilman Tom Reische. –

EXHIBIT G



EXHIBIT G



Note: The Public Land Survey depicted here was digitized from USGS topographic maps.

King, Laura

Contract No. 14-06-200-1086Z-R-1
Exhibit B

-  Contractor's Service Area
-  Point of Diversion

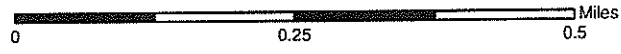
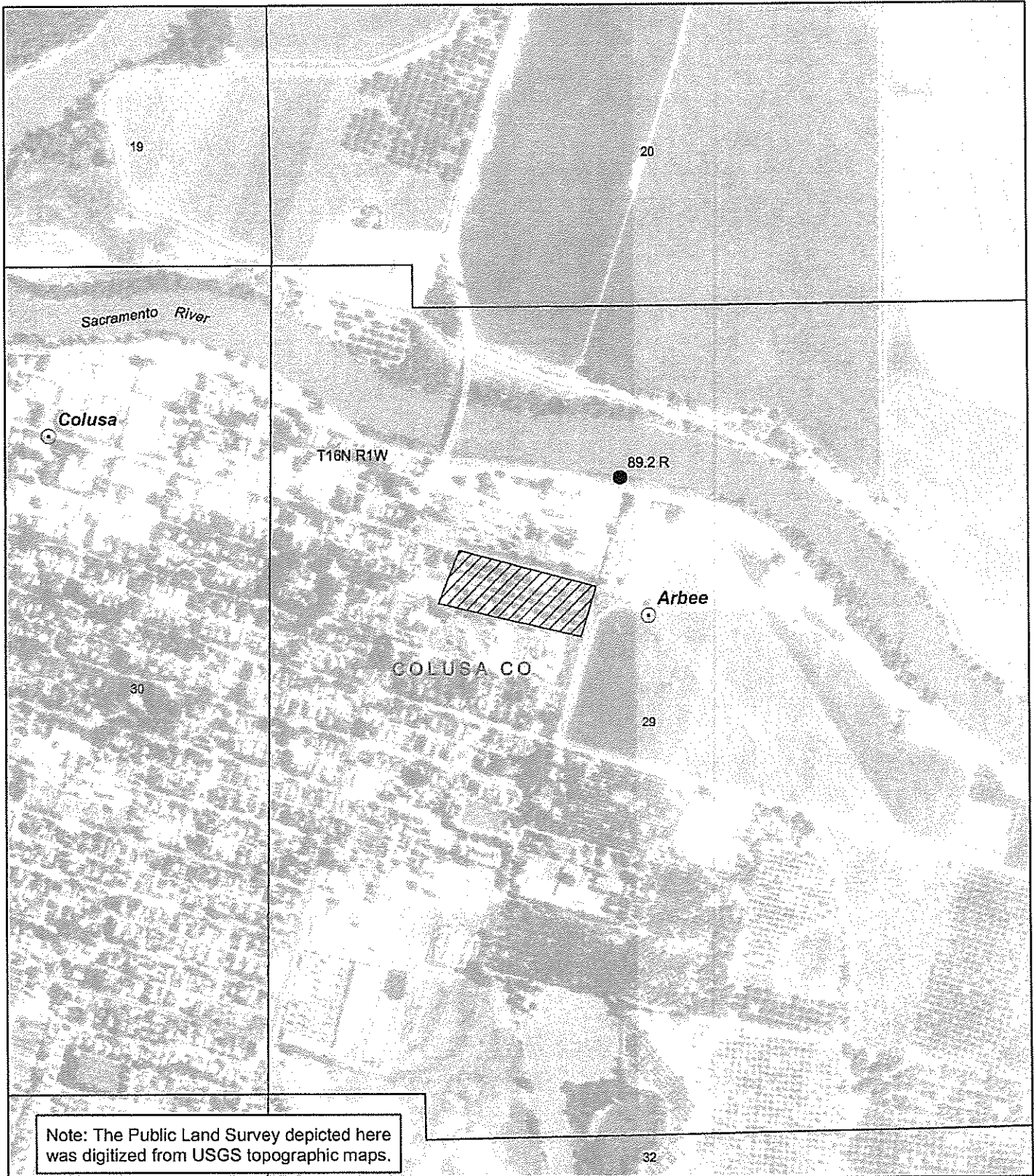


EXHIBIT G



Note: The Public Land Survey depicted here was digitized from USGS topographic maps.



Contractor's Service Area

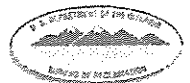


Point of Diversion

King, Benjamin and Laura

Contract No. 14-06-200-1086Y-R-1

Exhibit B



DATE May 31, 2022

TO: The City of Colusa Planning Commission

SUBJECT: Colusa Triple Crown Cannabis Research and Development Business Park

I attended the May 11, 2022, Planning Commission meeting in regard to the Colusa Triple Crown Cannabis Research and Development Business Park ("project"). The City of Colusa is using a 2019 Initial Study/Mitigated Negative Declaration (2019 IS/MND) to address project impacts, as required under the California Environmental Quality Act (CEQA). I stated during the May 11 meeting that the 2019 document does not sufficiently describe the proposed action based on the 2022 design, and as a result the analysis of impacts is insufficient. Differences in the 2019 proposed action and the current design proposal include: the 2019 proposed action had the buildings spread across the project area in three different locations, while the current proposal has most of the buildings concentrated in the northwest corner of the property; and the 2019 schedule and phasing covered five (5) phases over the course of eight (8) years while the current proposed design is reduced to three (3) phases, which implies more rapid construction schedule, thus compressing the impacts to a shorter time frame. Additionally, it was stated during the May 11 meeting that the analysis within the 2019 document was based on modeling and documentation conducted for a previous proposed project, the 2010 Riverbend Estates, formerly Colusa River Bend Phase II (the housing development.) The housing development was a completely different proposed project, therefore any modeling (such as how surface water flows across and off the property) conducted for that project would be inconsistent with the current proposed project impacts on resources. In addition, modeling conducted over 10+ years ago should not be considered the most up-to-date science and analysis. Beyond that, from my review of the 2019 document none of the modeling was appended to the CEQA document for the public to review, nor does the document indicate that the modeling used for analysis was conducted several years prior to the development of the proposed action. During the May 11 meeting, it was stated by the applicant that the "Hydrology and Water Quality" analysis was based upon the decade old modeling from the housing development, when in fact the 2019 document states that the analysis was based upon information from FEMA mapping, the Sacramento Valley Groundwater Basin subbasin designation, and other generalized regulatory characterizations (pg. 3-96 to 3-104).

There is a limitation period on the use of CEQA documents (see CEQA Statute and Guidelines § 21157.6). CEQA documents must be supplemented, updated, include an addendum, or be redone if the approval of the project was not as described in the master environmental impact report. Specifically, the Guidelines state:

"The master environmental impact report shall not be used for the purposes of this chapter if either of the following has occurred: (1) The certification of the master environmental impact report occurred more than five years prior to the filing of an application for the subsequent project. (2) The filing of an application for the subsequent project occurs following the certification of the master environmental impact report, and the approval of a project that was not described in the master environmental impact report, may affect the adequacy of the environmental review in the master environmental impact report for any subsequent project."

Additionally, the CEQA Statute and Guidelines (§ 21166) states that: "When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental

environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs: (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report. (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report. (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."

To adequately follow the CEQA Statute and Guidelines, the City of Colusa must take a hard look at the current proposed project to see if it truly fits within bounds of the 2019 IS/MND and accompanying environmental assessment.

I would also like to raise some issues to the Planning Commission's attention, beyond that the 2019 CEQA document does not adequately describe the current proposed action.

Valley Elderberry Longhorn Beetle: The 2019 IS/MND states that there are two elderberries of note, one within project boundaries, one directly adjacent to the project boundaries. The elderberry is the host plant to the federally protected valley elderberry longhorn beetle (*Desmocerus californicus*) (VELB). The document states that the elderberries are isolated from intact riparian habitat. However, one is located within the dense vegetation growing along the north-northeast of the project boundary, near the buildings to be demolished. While this stand of vegetation is not cohesive with the riparian vegetation on the water side of the levee, it is close enough to provide similar habitat benefits to those wildlife species that utilize the area. If the plans handed out during the May 11, 2022, meeting are accurate, that elderberry shrub and the surrounding vegetation will be removed, triggering the need to mitigate for the impacts to VELB via the host elderberry plant, if not for the impacts to the surrounding vegetation.

If there are impacts to elderberries, it is required to consult with U.S. Fish and Wildlife Service (USFWS) under Section 10 due to anticipated impacts to VELB, a species listed under the Endangered Species Act, prior to any action taken against elderberries, the host plant of the VELB. Nowhere in the documentation do I see that the applicant or the City of Colusa Planning Commission has started the required consultation process with USFWS under Section 10 of the Endangered Species Act for effects to the listed VELB. Nor is the USFWS listed on page 3-2 of the document as an "Other Public Agency whose Approval or Input May Be Needed". If "take" (i.e., "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct") occurs without consultation with USFWS under Section 10 of the Endangered Species Act, criminal violations may result in imprisonment and a fine of up to \$50,000.

If impacts to any elderberry shrub is not avoidable (e.g., shrub must be removed or heavily trimmed), and Mitigation Measure BIO-2 is implemented, applicant must consult with USFWS under Section 10 of the Endangered Species Act to coordinate appropriate mitigation prior to any action taken. USFWS will need to approve location for transplantation of shrub(s) and likely notify the applicant of appropriate mitigation for transplantation (often either buying credits from a mitigation bank or adding additional plantings of elderberry shrubs and/or other riparian plants in conjunction with the transplanted shrub.) Mitigation of a single elderberry shrub can cost between \$10,000 and \$50,000, depending on the mitigation compensation agreed upon under consultation with USFWS.

Western Yellow-billed Cuckoo: Western yellow-billed cuckoo (*Coccyzus americanus*) is listed as Threatened under the Federal Endangered Species Act and listed as Endangered in California under the California Endangered Species Act. The riparian corridor to the north provides suitable stopover habitat, along with the vegetation near and on the north-northeastern edge of the project footprint. The project occurs well within the defined summer range for the yellow-billed cuckoo; transient individuals and nesting pairs could use the area for foraging and migration corridors. The document states that, while nesting impacts are not anticipated (due to BIO-3), it is possible that noise and vibration could have impacts, and that the implementation of mitigation measures BIO-1 through BIO-5 would reduce these impacts to less than significant with mitigation (pg. 3-173). Bio-1 and Bio-2 refer to impacts to VELB and the host elderberry plant. Bio-3 is appropriate in regard to bird surveys noting potential nests but has nothing to do with the reduction of noise or vibration effects on sensitive bird species such as the Western yellow-billed cuckoo. Bio-4 is for Swainson's Hawk only. There is no BIO-5 mitigation measure in the document. None of the above impacts address non-nesting impacts to the Western yellow-billed cuckoo. NOI-1 is the Implementation of Buffers between Sensitive Receptors and the Proposed Project Construction Equipment; however, the document does not list wildlife as a sensitive receptor, and in the case of Endangered Species listed species, they should be considered as such. The document does not detail how mitigation measures such as NOI-1 might reduce impacts of noise and vibration on ESA listed species, which could lead to "take" and a violation under the Endangered Species Act. The applicant should consult with USFWS on potential affects to the Western yellow-billed cuckoo to avoid take on the listed species.

Migratory Bird Surveys: Typical nesting surveys should be done within 48 hours of commencing activity/work on the ground, not two weeks. Two weeks is long enough to allow nesting migratory birds enough time to build a nest and lay eggs. Once the nest is active, the buffer must be established and maintained until baby birds have fledged.

Bats: The table "Mitigation Monitoring and Reporting Program" is missing mitigation measures for bats. Several species of bat are identified by California Department of Fish and Wildlife (CDFW) as species of special concern. Mature trees that may provide suitable roost cavities for pallid bats (*Antrozous pallidus*) and other trees with suitable foliage for roosting by western red bats (*Lasiurus blossevillei*) occur in and adjacent to the project area. It is possible this habitat would support a maternity colony; removal of a maternity colony could result in loss of a large number of individuals of special-status bats, potentially having a substantial adverse impact on the local population under CEQA. Implementing mitigation measures will reduce potentially significant effects on roosting special-status bats under CEQA to a less-than-significant level by implementing appropriate buffers around active roosts that could be affected by project activities. Some example language from similar documentation that could be utilized to reduce impacts to sensitive bat species follows:

- The applicant will implement the following measures, to avoid and minimize effects on special-status bats:
 - Wherever feasible, the applicant will conduct construction activities outside of the pupping season for bats (generally April 1 to August 31).
 - Designated environmental biologists will specify which trees slated for removal contain suitable bat roosting habitat. Trees indicated for removal that are not identified as suitable bat habitat can be removed using normal methods.
 - Live trees that are indicated to contain roosting habitat shall be removed in a two-phase process. The first day, under the supervision of the biological monitor, remove limbs and branches that do not contain cavities, cracks, crevices, or deep bark fissures that can provide roosting habitat. On the second day remove the remainder of the tree by gently

lowering the tree to the ground, under the supervision of the biological monitor. If it is not feasible to remove a tree using the two-phased approach, limbs containing habitat features should be removed and gently lowered to the ground in a location where they are not likely to be crushed or disturbed by the felling of the tree and left undisturbed for the next 48-hours.

- Standing dead trees or snags with habitat features should be removed over a single day by gently lowering the tree or snag to the ground. The tree or snag should be left undisturbed on the site for the next 48-hours.
- For trees containing suitable bat roosting habitat that will be trimmed, trimming shall be conducted in the presence of a biological monitor. If trimming results in the removal of vegetation that contains potential bat habitat, vegetation should be gently lowered to the ground and left near the tree for 48-hours prior to removal, if feasible. If the vegetation cannot be left for 48-hours, the biological monitor shall survey the vegetation for the presence of bats. If any bats are found within the vegetation, the vegetation must be left for 48-hours (or CDFW should be called for guidance regarding relocation of the bat dependent on urgency for removal).
- If removal of trees must occur during the bat pupping season, within 30 days of tree removal activities, all trees to be removed will be surveyed by a qualified biological monitor for the presence of features that may function as special-status bat maternity roosting habitat. Trees that do not contain potential special-status maternity roosting habitat may be removed. For trees that contain suitable special-status bat maternity roosting habitat, surveys for active maternity roosts shall be conducted by the designated biological monitor in trees designated for removal. The surveys shall be conducted from dusk until dark.
- If any special-status species bat maternity roost is located, appropriate buffers must be established by clearly marking the buffer area. The buffer area must be a minimum of 100 feet outside the tree containing the maternity roost. No contract activities shall commence within the buffer areas until the end of pupping season (September 1st), or the biological monitor confirms that the maternity roost is no longer active.
- If construction activities must occur within the buffer, the biological monitor must monitor activities either continuously or periodically during the work, which will be determined by the biological monitor. The biological monitor would be empowered to stop activities that, in their opinion, would cause unanticipated adverse effects on special status bats. If construction activities are stopped, the biological monitor would inform the City of Colusa Planning Commission, and CDFW would be consulted to determine appropriate measures to implement to avoid adverse effects.
- The biological monitor must attend a meeting with Planning Commission's designated environmental personnel prior to tree removal to discuss the intent and implementation of measures to protect special status bat species. This can be part of the preparatory meeting held prior to tree removal.
- The designated environmental personnel will provide the biological monitor with data sheets that must be used to document removal of trees identified as potential roosting habitat. At minimum, the biological monitor should document the following information: weather conditions, date, and time of removal for each tree, method(s) of removal for each tree and reasoning, equipment used, and any other biological observations of note. The biological monitor should also take photos pre- and post-felling of each tree identified as potential roosting habitat.

- Biological monitors for tree removal outside pupping season must have familiarity with bat ecology and habitat requirements. Biological monitors for tree removal during pupping season must have prior experience surveying and monitoring for bats and must be approved by the City of Colusa Planning Commission. The biological monitors must also have a degree (Bachelors of Science or higher) in biology, ecology, wildlife biology, or related fields. They must have a minimum of 3 years field experience using USFWS and CDFW techniques and experience with the wildlife species likely to be encountered on the site.

Burrowing Owls: The 2019 document does not discuss burrowing owls (*Athene cunicularia*), which are a state special species of concern and have also been petitioned to be listed under the California Endangered Species Act. The areas within the project footprint that have been left undisturbed, such as the areas near the levee and amongst the old buildings to the north-northeast, are areas that would have potential to have burrowing owls. Impacts to burrowing owls and their habitat and the mitigation for those impacts must be coordinated with CDFW. Recommended mitigation measures from similar documentation could include:

- Prior to the implementation of construction, surveys would be conducted to determine the presence of burrows or signs of burrowing owls at the project site. A habitat assessment and any proceeding surveys would be conducted in accordance with Appendix D of the Staff Report on Burrowing Owl Mitigation (CDFG 2012).
- If burrowing owls are observed, coordination with the California Department of Fish and Wildlife (CDFW) would be initiated to determine the appropriate actions to take or any additional avoidance and minimization measures that may need to occur. These measures may include creating a protective buffer around occupied burrows during the duration of the breeding/juvenile rearing season and biological monitoring of active burrows to ensure that construction activities do not result in adverse effects on nesting burrowing owls.
- If potential burrows are present, all on-site construction personnel would be instructed on the potential presence of burrowing owls, identification of these owls and their habitat, and the importance of minimizing impacts on burrowing owls and their habitat.

Tribal Consultation: In 2019, six tribes (provided in a list from the Native American Heritage Commission) were notified of the project through mailed letters. At the time of the publication of the 2019 IS/MND, none of the tribes that were contacted had responded. Given the period of time that has elapsed since then and the changes in design from 2019 to 2022, it would behoove the applicant and the Planning Commission to reach out to the tribes again and recommend calling and/or emailing the tribal environmental and/or cultural staff for each listed tribe, beyond just mailing letters for a true good faith effort in the state mandated tribal consultation (i.e., tribal consultation under AB 52)¹. It is highly recommended by cultural resources professionals to send more than one consultation notice to ensure the tribes receive the notice. On a note related to tribes and cultural resources, nowhere in the document does it state that the applicant would have a cultural resources monitor on site during construction, monitoring for potential cultural resources. Without a cultural monitor, Mitigation

¹ Please note: For compliance under AB-52 Tribal Consultation, within 14 days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead entity or agency must provide formal notification to the designated contact or tribal representative of traditionally and culturally affiliated California native American Tribes that have requested notice.

Measures CR-1 through CR-3 would need to be determined by non-trained personnel, which could lead to missing or misidentifying cultural resources during construction.

I strongly urge the City of Colusa Planning Commission to consider the above when deciding the sufficiency of the 2019 IS/MND to cover activities being proposed in the current design. If the Planning Commission decides to move forward with the current proposed project using the 2019 IS/MND, I urge the Commission to consider the issues listed above for biological and cultural/tribal resources.

Thank you,

Mariah Brumbaugh

Email: mariahgarr@yahoo.com

Phone: 530-570-3764

Colusa Planning

From: Julie Garofalo <jagarofalo85@gmail.com>
Sent: Thursday, June 16, 2022 6:30 PM
To: rselover@selovers.com; City Manager; Colusa Planning; City Clerk; rrj@jones-mayer.com
Subject: Riverbend Estates, LLC - Planning Commission Public Comment (6/22/2022)
Attachments: JGarofalo_PlanningCommission_PublicComment_June22_2022.pdf;
FEMA_Firm_Map_Released_June10_2022.pdf

Hi All,

Thank you for listening to my public comments during the May 11, 2022 Planning Commission meeting. I have attached those comments, as well as my revised responses following that meeting, as Exhibit A.

Since the May meeting, there have been very recent developments regarding the FEMA flood zone designation in the Colusa area. On June 10, 2022, FEMA publicly released the new flood maps, which indicate the proposed project area for Riverbend Estates is located in Flood Zone AE, with base flood elevations determined during a 100-year storm event.

Prepared by a reputable civil engineer with 20+ years of experience in levee design and flood protection infrastructure projects, I have attached Exhibit B that provides design considerations and concerns for this project based on the new flood mapping.

While the purpose of this project on the agenda is to pass a Development Agreement to allow cannabis cultivation on this property, I believe that the City and the landowner should re-engage with the USACE and the CVFPB, and other agencies as appropriate, as soon as possible to determine if the project, as proposed, would have any impacts to through seepage or underseepage and/or the integrity of the levee, based on results of the updated FEMA flood mapping. Setback criteria may have changed, and the project design may need to change (potentially significantly) to meet any new criteria or address flooding concerns.

I am requesting that this email and all attachments to this email are incorporated into the public record and provided to the Planning Commission for the meeting to be held on June 22, 2022.

Thank you,

--

Julie A. Garofalo, PG, CHG
Associate Hydrogeologist
Ph: 916.752.2617

June 16, 2022

City of Colusa – Planning Commission
425 Webster St.
Colusa, CA 95932

RE: Public Comment and Response to Riverbend Estates, LLC’s Cannabis Research and Development Business Park – Planning Commission Meeting on June 22, 2022

Dear Planning Commission,

I am a licensed Professional Geologist and Certified Hydrogeologist in the State of California, with over ten years’ experience in preparing groundwater evaluations for water supply assessments, environmental document preparation, and surface water-groundwater interaction.

I have reviewed the IS/MND report (2019) prepared for the proposed Triple Crown Cannabis Research and Development Business Park, and the revised design for the JAC/Colusa Farms Cannabis Facility (as presented at the May 11, 2022, Planning Commission meeting). My public comments from the May 11th meeting and my follow-up comments are provided in **Exhibit A** (attached). My independent review indicates there was inadequate analysis of the groundwater-surface water interaction and potential impacts during operation of the agricultural well, failure to assess impacts to neighboring properties’ shallow domestic wells and septic systems from the 13-acre detention basin, and failure to assess for changes in flow patterns of levee through-seepage and underseepage water due to the planned construction of impervious surfaces.

FEMA has very recently completed its flood modeling and evaluation for the Colusa area and publicly released an updated flood zoning map on June 10, 2022. The majority of the total 83-acre project area, formerly mapped in Zone X, is now located in Zone AE (see attached **Exhibit B**). The design documents for this project indicate a finished building pad elevation of 56 feet, with adjacent site grading likely to be lower, all below the 100-year base flood elevation of 57 feet (NAVD88). Furthermore, the planned sewer pipes are within Zone AE, which could impact downstream City sewer lines, or the sewer pipes would become unavailable for discharge of excess irrigation water from the project during flood events.

An independent review by a reputable civil engineer with 20+ years of experience in levee design and flood protection infrastructure indicates that this project, as proposed, has the potential to exacerbate the underseepage and affect the level of protection provided by the Sacramento River levee.

Since the FEMA flood zoning has changed since the release of the IS/MND report, it is imperative that the City and the landowner re-engage with the U.S. Army Corps of Engineers (USACE) and the Central Valley Flood Protection Board (CVFPB) to determine how the proposed project may impact underseepage and flooding potential, and to ensure that public safety in our community is maintained.

I appreciate your consideration in addressing these concerns and am available to answer any questions.

Thank you,



Julie A. Garofalo, PG, CHG

EXHIBIT A

Public Comment and Response to Colusa Triple Crown Cannabis Research and Development Business Park IS/MND Report (2019), following the May 11, 2022 Planning Commission Meeting

I, Julie Garofalo, am a licensed Professional Geologist and Certified Hydrogeologist in the State of California. In my professional career, I have had the opportunity to work with many different land developers on the water supply side of projects. I have experience in preparing Water Supply Assessments, and environmental documents such as Notice of Exemption (NOI) and Initial Study/Mitigated Negative Declaration (IS/MND) reports. Upon review of the IS/MND report prepared in February 2019 for this project, I have identified several deficiencies in the report and project design that cause great concern.

I. Groundwater-Surface Water Interaction

- 1) The IS/MND report suggests that **groundwater levels within the proposed Project area are heavily influenced by surface water elevations in the Sacramento River**. No analysis was provided to support this finding or show the correlation between groundwater and surface water elevations, or showing historical seasonal highs and lows of the groundwater table during wet and dry periods.

- 2) The Project identifies an existing agricultural well to provide irrigation water for cannabis plant cultivation. The report indicates the well has a reported capacity of 1,450 gallons per minute (gpm), but no information was provided on the construction details of the well, such as how deep the well was drilled, the depth of the well screen intervals where the well is drawing groundwater from the aquifers, or the depth of the cement sanitary seal to protect against contamination from the surface. The well is located adjacent to the levee of the Sacramento River. **No analysis was provided in the IS/MND regarding the potential connection of the Property agricultural well to the Sacramento River.**

- 3) Page 3-106 of the IS/MND states that *“The Proposed Project’s location in close proximity to the Sacramento River may also mitigate any localized lowering of the groundwater table that could occur, since groundwater levels in this area are heavily influenced by the river. Overall, this impact would be less than significant.”* This statement implies a connection of the well’s aquifers to the streamflow from well operation. **No analysis was provided to quantify the potential for surface water-groundwater interaction during operation of the Property agricultural well to support that statement.** ANY degree of streamflow depletion is considered an environmental impact that should be quantified in the IS/MND. Furthermore, the determined surface water-groundwater interaction should be confirmed if the proposed project will meet the goals and objectives of the Sustainable Groundwater Management Act (SGMA) and the Groundwater Sustainability Agencies (GSAs) within the Colusa Subbasin.

II. Property Water System

- 4) Page 2-16 states that for startup operations, “approximately 20-percent of [the total water supply] water would be discharged from the cultivation and nursery facilities (27,808 gpd and 7,400 gpd, respectively)... Once the facilities are in operation... approximately 85-percent of the discharged water would be recycled.” **The report does not state WHERE the remaining excess irrigation water would be discharged to** from these cultivation and nursery facilities, so the potential risk or impacts from the discharged water from the Property cannot be fully assessed from this IS/MND unless the discharge location is stated.
- a. Follow-up from the Planning Commission’s meeting on May 11, 2022: The Project owner stated during public comment that the excess irrigation water would be discharged to the sewer force main, which ultimately directs waste out to the City’s Water Treatment Plant. The Project owner did not state what potential chemicals and/or contaminants, if any, could be in the discharged water, or who would be responsible for water quality monitoring of the discharge. Depending on the final design, the sewer pipes may become unavailable for discharge during 100-year flood events, based on recent FEMA flood elevation mapping.

III. Property Storm Drain System

- 5) The Proposed Project indicates that a 13-acre stormwater detention area would be constructed near the southwest corner of the property, and a lift pump station would direct stormwater from the basin into a new City 10-inch force main that connects to the City’s existing 42-inch main line on Bridge Street. Following work on the storm drain line along Bridge Street, localized areas of flooding from backup of the storm drain system have been observed to still occur during high precipitation events. The Proposed Project also indicates that a swale would be constructed along the southern site boundary, and that in the event of overflow from the detention area, the swale would convey excess flows to two existing 18-inch culverts under East Clay Street. Since this IS/MND was released, these culverts are overgrown, and some areas have been backfilled south of the Proposed Project. The second culvert beneath Oak Street has since been filled in during recent planting of an orchard. **The Proposed Project currently does not have a backup discharge location should the City’s storm drain system be stressed at capacity.**
- a. Follow-up from the Planning Commission’s meeting on May 11, 2022: The Project owner stated that he would just have the culvert under Oak Street dug out again, with the ultimate location out to Lindhurst’s pond located on private property (part of a former slough channel). The Project owner had a written agreement in place for discharging excess surface water runoff from the Project to his pond; however, the property owner has since passed away. The Project owner claims that the property owner’s daughter may be willing to uphold the discharge agreement. In my opinion, the Project owner should be required by the City to supply an updated agreement with the current property owner. **Having a definitive location (with redundancy) to discharge surface water runoff is a critical aspect of this Project to avoid negative impacts to neighboring properties.**

- 6) **No analysis was provided to indicate the volume the lift pump station would need to operate at to prevent overflow of the proposed detention basin, and no contingencies plans are in place to mitigate flooding risks to residences located adjacent to the Proposed Project.** (The potential volumes of water in storage in the onsite reservoir could be: 13ac x 1' depth = 4.2 MG; x 2' depth = 8.5 MG; x 3' depth = 12.7 MG. For reference, the Colusa elevated storage tanks have a combined capacity of 250,000 gal).
- a. Follow-up from the Planning Commission's meeting on May 11, 2022: Although the IS/MND states that the final engineering design of the detention basin would be completed at a later date, the City is not requiring the Project owner to submit final engineering design documents to the City Planning Commission for approval. Since the proposed Project has the potential to impact neighboring residents with flooding, and because the Project is proposing to discharge water from the detention basin to the City's force main, **it is in my opinion that the City should request final engineering design documents be submitted by the Project owner to the City for pre-approval prior to construction.**
- 7) The underlying static groundwater levels were reported in the IS/MND to be at depths of approximately 4.5-5.5 feet below ground surface in April of 2011, which was the onset of the 2011-2014 drought. During wet years, the groundwater levels can be near or even at ground surface, and underflow seepage and overland flow have been visually observed by residents across the Project property and flowing over the surface of Oak Street towards the south. **The proposed 13-acre detention basin poses significant potential risk for contamination by having the potential to create a direct connection between runoff water retained in the Project basin to the underlying groundwater aquifer system.**
- 8) The IS/MND study failed to identify nearby domestic wells and septic systems that are adjacent to and in close proximity to the proposed Project. DWR Water Well Driller's Reports (which are publicly available and easy to locate online) indicates that domestic wells exist immediately adjacent to the proposed 13-acre detention basin. All the residences in the Goad's Extension (eastside of Bridge Street) are on septic systems. **No analysis was conducted to determine the potential impacts to water quality of nearby domestic wells or for the potential to cause migration of nitrate plumes from the septic systems from the hydrostatic pressures that may be induced from the adjacent 13-acre detention basin, or the changed flow patterns of underseepage from the construction of impervious surfaces across the entire 83-acre project area.**

IV. Local Laws, Regulations, and Policies

- 9) The City of Colusa General Plan's Land Use Chapter, Policy LU 4-2, states that *"The City shall require a 200-500 foot residential buffer, based on the type of agricultural use and the method of pesticide application."* **Several private residences are located within that 200-500-foot buffer immediately adjacent to (west and south) of the Project that the IS/MND failed to identify and assess for potential impacts as they relate to the proposed land use.**

10) The City of Colusa General Plan's Parks, Recreation and Resource Conservation Chapter includes goals, policies, and implementing actions for open space. The City's Policy PRC-1 states that *"The City shall require that new development be designed and constructed to preserve the types of areas and features as open space to the maximum extent feasible... including scenic corridors, and wetlands and riparian vegetation."* The Sacramento River levee is a scenic corridor that provides a beautiful path for residents to enjoy a walk or bike ride along the river. Furthermore, wildlife, such as deer and coyotes, are a common site as they cross the levee to graze in fields adjacent to the levee. The iconic Sutter Buttes serve as the backdrop behind the levee that residents along Oak Street have the pleasure of seeing. **The Proposed Project with an iron-barricaded 83-acre facility with the City's approval of up to 40-foot-tall structures does not support the preservation of our scenic corridor and is inconsistent with the City's General Plan policies.** Our beautiful riverfront is unique, and the dozen or so residents I have personally talked to, whether they are in support or are against cannabis operations within the City, state that the Riverbend area is not an appropriate place to have cannabis operations, as the Project would ruin the aesthetics of our scenic river corridor along the levee and would not promote a desirable and unique family-oriented outdoor recreational area that Colusa is known for.

V. Conclusion

I do not believe that the City can enter an agreement to allow this Project, as designed, without conducting further assessment and evaluating the Project design while considering the updated FEMA flood mapping. We cannot make such heavy-weight decisions now and figure out the rest of the details later. This approach has not worked well for the City thus far, with several years of ongoing citizen complaints for pungent odors emanating from cannabis facilities within the City, despite the City's promise to the public that the cannabis project owners would be held accountable. The impact to crime rate within the City from additional cannabis operations has not been adequately studied, nor the potential impacts to our local police force, which is currently severely understaffed with only seven full-time officers (including the Police Chief), with a reported total of 12 officers recommended for our City.

To help protect the citizens of Colusa and the environment in which we live, we kindly request the following of the City:

- 1) **Require the Project Owner conduct further detailed assessment of potential impacts of their Proposed Project that were deficient in the IS/MND and propose mitigation strategies that adequately address such.**
- 2) **The City and property owner should coordinate with the USACE and CVFPB, and other appropriate flood protection agencies, to evaluate the new FEMA flood mapping and determine how the proposed project may affect the current level of flood protection to our community.**
- 3) **We ask that the City not enter into any additional agreements, including for this project, or approve any additional cannabis ordinances until the issues with the existing cannabis facilities within the City have been satisfactorily addressed.**

EXHIBIT B

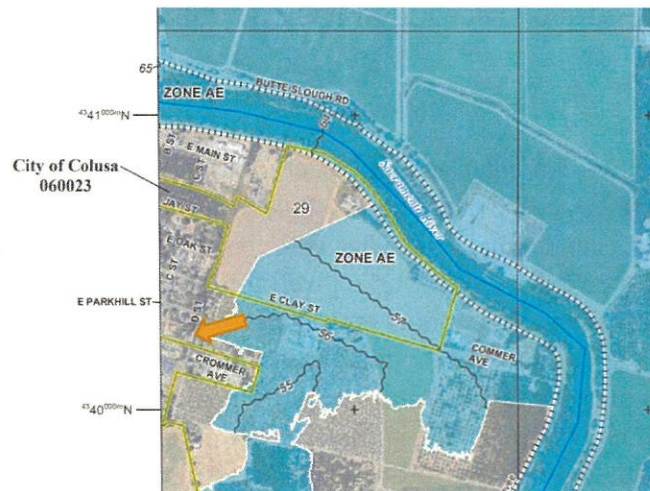
Comments Regarding the JAC/Colusa Farms Project Site Drainage, Site Flooding and Levee Considerations

Site Drainage

The exhibits do not provide details regarding how on-site drainage is to be addressed. There is a proposed tile drainage system located 100 feet from the levee toe to receive and convey seepage water from the Sacramento River right bank levee, but no details are provided for this system. Questions include how is the seepage water ultimately disposed of? What flow or volume of seepage water is anticipated during a highwater event? How does the site intend to drain and treat (per California Regional Water Quality Requirements) local runoff?

Site Flooding

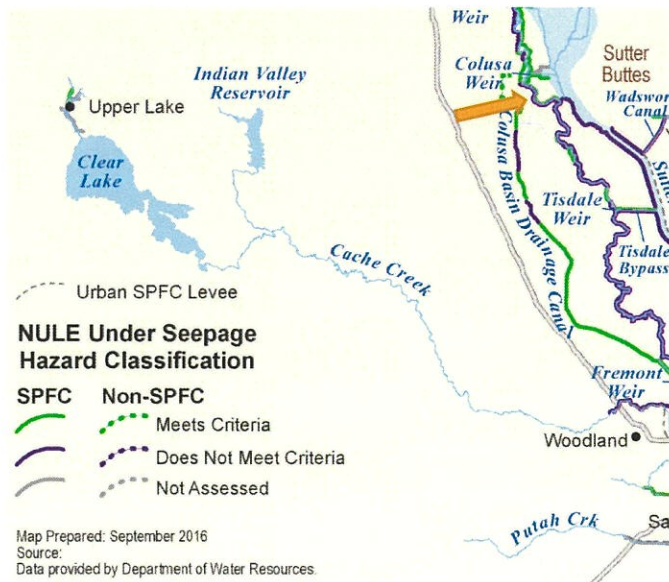
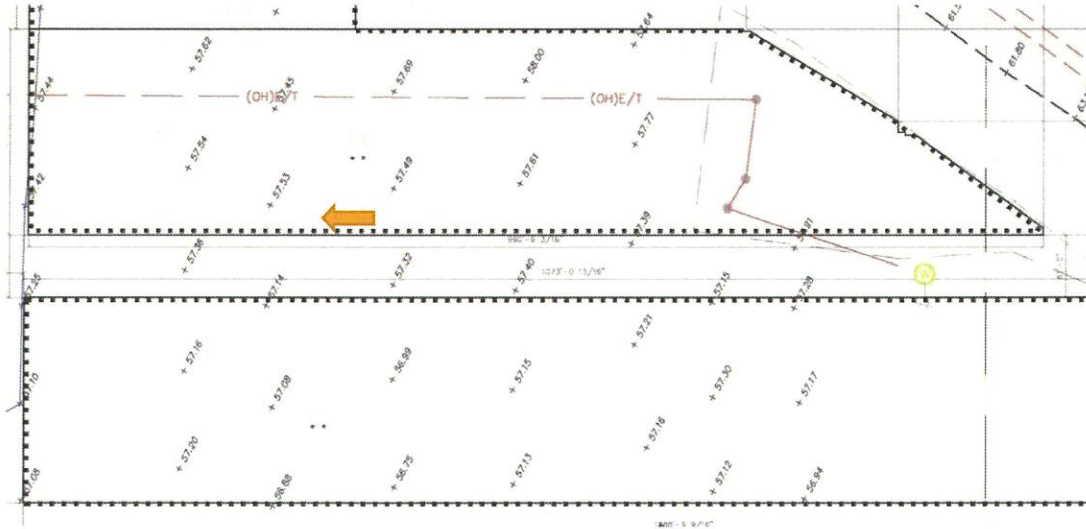
Parts of the property are situated in FEMA Zone AE with respect to flooding. The base flood elevation has been determined (recently) to be elevation 57 feet (NAVD88):



The building pads are currently established at 56 feet. Datum information is not provided in the exhibits but is assumed to be NAVD 88 (similar to FEMA Mapping in the area), which could place them in the floodplain. See snippet below from Design Review Exhibits:



Existing ground is at elevation 57/58 feet (see snippet below, datum also unknown), so they may be lowering the grade at the building pad elevations. To facilitate site drainage, it is assumed that elevations throughout the site (outside of the buildings) would be below that of the building pads (no finish grade information was provided in the exhibits). **Lowering the grade exacerbates underseepage potential at the Sacramento River right bank levee.** Underseepage gradients are directly related to the elevation of the landside toe area (even at locations several hundred feet from the actual levee toe). This project may also be reducing any overburden blanket soil layer that serves to resist underseepage gradients. **This could increase the potential for levee failure due to seepage during a high-water event.**

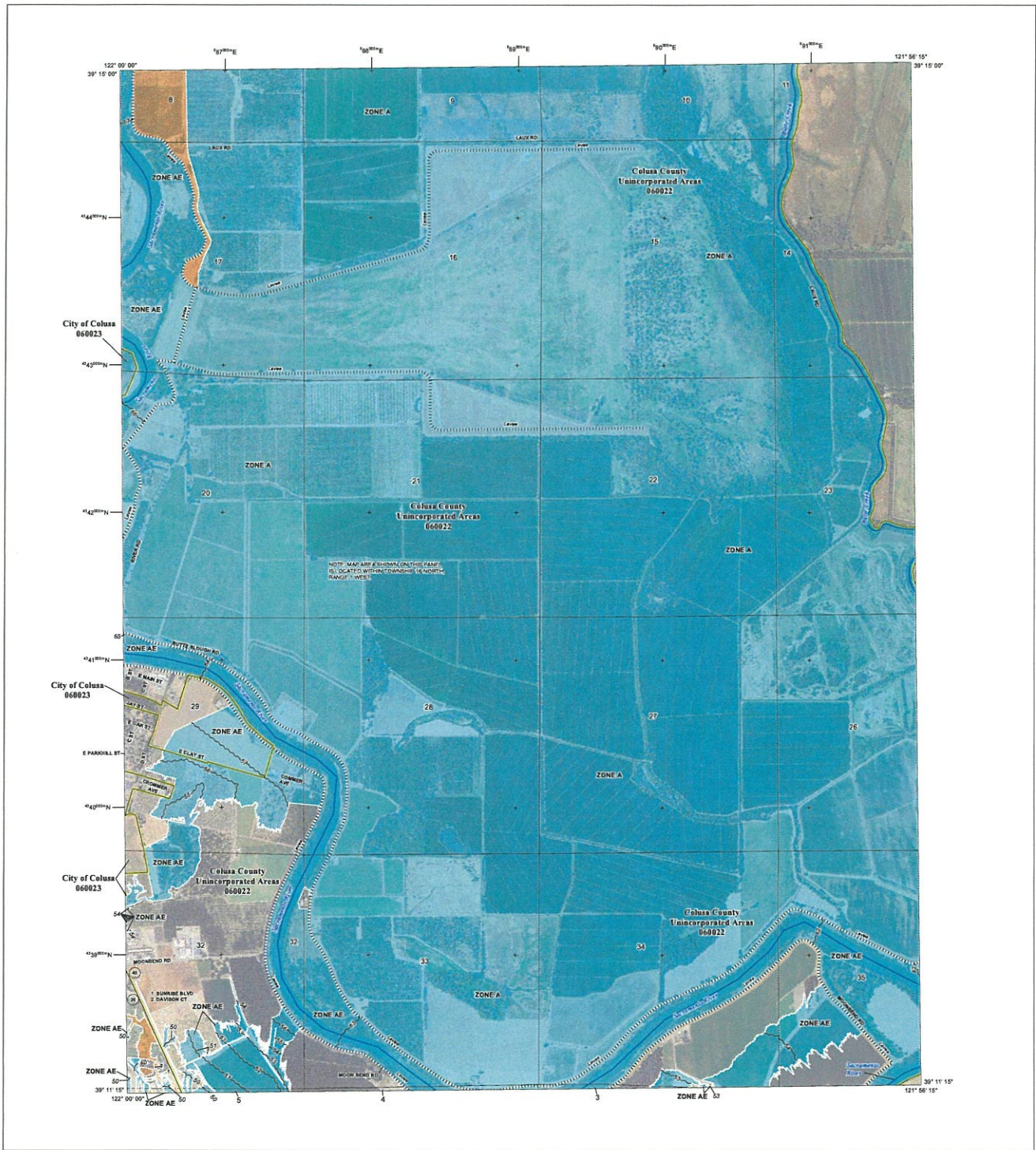


The Department of Water Resources' (DWR) 2016 Non-Urban Levee Evaluations Program found that the levee through this stretch of the river is susceptible to underseepage (see arrow). Therefore, **grading and excavations adjacent to the levee could have a potential detrimental impact on levee performance.**

Levee Considerations

The Sacramento River right bank levee is under the jurisdiction of the US Army Corps of Engineers (Sacramento River Flood Control Project) and operated and maintained by the State of California. **Given its current condition (or lack of information showing the levee meets FEMA standards), the levee is not certifiable at this time.** A future project must be initiated to ensure that the levee provides a 100-year level of protection.

If (when) a project to improve the levee is initiated, **levee improvements may require more than the 100-foot of setback currently shown in the design exhibits.** To address the underseepage susceptibility noted above, either a cutoff wall or seepage berm would be required. Geotechnical analysis of the levee may indicate that a berm 300' wide would be required. Alternatively, a cutoff wall could be used to address underseepage, but may be more expensive depending on the availability of soil material in the area. **It is typical (and codified in DWR Urban Levee Design Criteria) to provide a future needs area landward of the improved levee of at least 4x the height of the levee (beyond the levee improvements).**



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
**THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)**

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone X
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
 - Areas of Minimal Flood Hazard Zone X
 - Area of Undetermined Flood Hazard Zone D
- OTHER AREAS OF FLOOD HAZARD**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER AREAS**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
- GENERAL STRUCTURES**
 - Limit of Study
 - Jurisdiction Boundary

NOTES TO USERS

For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP), in general, please call the FIRM Mapping and Insurance Helpline at 1-877-FIRM-1 (1-877-336-8277) or visit the FEMA Flood Map Service Center website at <https://www.fema.gov>. Available products may include previously issued editions of Map Change, a Flood Insurance Study Report, and/or digital versions of the map. Many of these products can be ordered or obtained directly from the website.

Communities ordering hard or softcover FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

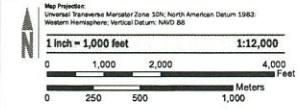
For community and countywide map date refer to the Flood Insurance Study Report for the jurisdiction.

To determine if Flood Insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6822.

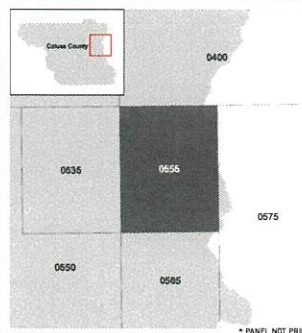
Base map information shown on this FIRM was provided in digital format by the United States Department of Agriculture Farm Service Agency (USDA). This information was derived from digital orthorectification of a 1-foot resolution topographic map dated 2016.

NON-ACCREDITED LEVEL SYSTEM: This panel contains a level system that has not been accredited and is therefore not recognized as reducing the 1-percent annual chance flood hazard.

SCALE



PANEL LOCATOR



FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

COLUSA COUNTY, CALIFORNIA
And Incorporated Areas

PANEL 555 of 875

COMMUNITY	NUMBER	PANEL	SUFFIX
COLUSA CITY OF COLUSA COUNTY	06023	0555	6
	06022	0556	6

PRELIMINARY
6/10/2022

VERSION NUMBER
2.6.4.6

MAP NUMBER
0601100555G

MAP REVISED