



City of Colusa California

STAFF REPORT

DATE: November 21, 2023
TO: Mayor and Members of the City Council
FROM: Jesse Cain, City Manager

AGENDA ITEM:

Consideration of a Resolution of the City Council of the City of Colusa approving a Conditional Use Permit/Cannabis Special Use Permit for special planning area #4 Located at the northeast corner of Colusa east of D street (between East Clay Ave and Sacramento River levee).

Recommendation: The Council approve the Proposed Resolution approving a conditional use permit/cannabis special use permit for the project.

BACKGROUND ANALYSIS:

On January 20, 2015, the City Council adopted Ordinance 503 and Resolution Nos. 15-02 and 15-03, thereby approving the Colusa Riverbend Estates planned development subdivision with 257 lots (ranging from 5000-7000 sq. ft.) and 110 apartment units. A mitigated negative declaration (MND), prepared in compliance with the California Environmental Quality Act (CEQA), was also adopted providing environmental clearance for that project. Legal challenge to the scope and adequacy of the environmental documentation, including drainage/hydrology, failed.

On July 16, 2019, the City Council adopted Resolutions 19-19 and 19-20 for a mitigated negative declaration (MND), **which provided environmental clearance, and a general plan amendment to establish Industrial land uses, respectively**, in support of converting the Riverbend Estates project into the Colusa Triple Crown Cannabis Business Park ("Triple Crown") project. On August 6, 2019, the City Council adopted Ordinance 537, approving planned development (P-D) zoning for the site as well as the Triple Crown General Development Plan discussed below.

Triple Crown General Development Plan (GDP) Now the Colusa Farms Pomona Rio Property, LLC Colusa Riverbend Estates

The GDP is a guiding policy and planning document applying to the greater 84.7-acre site (as approved by the City Council) for cannabis land uses and operations. The site is located on the northeast side of the city, bounded by D Street, East Clay Street, and the Sacramento River levee.

The previously approved GDP describes and illustrates all aspects of the proposed project, and sets forth design **standards, densities, and land uses that the owner is allowed to develop following conditional use permit review by the** Planning Commission (to merely determine consistency of current, specific design plans with the original GDP). The **GDP, and subsequent cannabis use permits and building permits, allows the construction and eventual operation of a cannabis research and development business park** Specifically, the GDP allows approximately 1,490,000 square feet of buildings on 84.7 acres with energy-efficient greenhouses for cannabis cultivation, plant processing spaces, facilities for creating infused products, a testing laboratory for internal product testing, research/development and training centers, distribution center, and corporate offices. Space may be sold or leased to other cannabis businesses properly licensed by the State of California.

Location and Setting

The project site is situated in the northeast corner of the City of Colusa, along the south side of the Sacramento River level. The 84.7-acre project site is bounded by D Street to the west and East Clay Street to the south. The Sacramento River forms its northern boundary. The site is located on seven existing parcels. Approval of the Proposed Project may include a lot line adjustment to combine these into four parcels.

Residential, agricultural, and commercial uses surround the project location on three sides, with the Sacramento River on the north. Residential uses are located at the southwest corner of the project site, and rural residential/agricultural uses are located along the south border of the site.

Greater Project Site (as approved within GDP)



The GDP as originally approved by City Council is within Ordinance 537

ANALYSIS:

Colusa Farms Pomona Rio Property, LLC Colusa Riverbend Estates Conditional Use Permit / Cannabis Special Use Permit

The Colusa Farms Pomona Rio Colusa Riverbend Estates conditional use permit / cannabis special use permit package represents the current development project ("Project"), which is only approximately 32 acres (including the detention basin) of the greater GDP. Other subsequent projects (proposed for development on the remaining acreage) will be reviewed in accordance with the GDP by the Planning Commission and City Council at such time they are submitted in the future.

The City's zoning code requires a conditional use permit for projects, such as this Project, which are located in Planned Development zones. The zoning code also requires the project to obtain a cannabis special use permit, which is a conditional use permit specific to cannabis businesses. There is no difference in the application materials or legal effect of these use permits, and therefore they are being processed concurrently with this public hearing.

As illustrated within the Colusa Farms Pomona Rio Property, LLC Colusa Riverbend Estates Design Package. The Project represents a detailed and current-day plan for development within this first phase of the project area GDP. Additionally, the Project represents an upgrade of proposed building types and materials, from greenhouses (**as originally approved**) to sealed indoor cultivation rooms/ buildings (as currently proposed). This **building upgrade also represents significant gains in energy efficiency.**

City staff have reviewed the Project and determined it to be consistent with the General Plan, zoning code, and previously approved GDP, and within the scope of the adopted mitigated negative declaration. In August 2022 the project was taken to the Planning commission for consistency with the General Plan. The planning commission had only 4 members present of this agenda item and there was a tie regarding consistency with the general plan.

Drainage:

Multiple studies have been prepared by various hydrologists/engineers to address levee under seepage that occurs within the portions of Project site, and that is planned for detention within the southwest area of the site. The proposed location of this on-site basin was reviewed by the City Engineer in conjunction with the applicant's preliminary hydrologic and geotechnical reports, which document the presence of a higher groundwater table within the Project site.

Given the higher ground water table at the Project site and the possibility of levee under seepage (as discussed above) the Project will be subject to conditions of approval that require presentation of a thorough and comprehensive storm drainage **plan for the ultimate Project build-out. This drainage plan is required as a component of the conditional use permit**

process prior to issuance of any building permits. Any drainage plan serving the entire Project area (or any portion of the Project area associated with phasing of the development improvements) shall be prepared by a registered civil engineer and submitted to the City Engineer for review and potential approval.

Conveyance of storm drain water downstream from the on-site basin could potentially follow multiple routes. The storm **drainage conveyance route and system that is ultimately selected would be designed and engineered during implementation** of the Project improvement plans. The route would be subject to review and approval by the City Engineer in compliance with the City's previously adopted *Storm Drainage Master Plan* (June 2009).

Numerous public comments centered around drainage, under-levee seepage, and groundwater were submitted and are attached for consideration.

ENVIRONMENTAL REVIEW:

An IS/MND was prepared in compliance with CEQA Guidelines Sections 15152 & 15168 and identified mitigation **measures that would avoid or mitigate the potential environmental effects of the Project to a point where no significant effects would occur.** On July 16, 2019, the City Council approved Resolution 19-19, adopting these mitigation **measures, a Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Program (applicable to the Project site and scope).**

BUDGET IMPACT:

None

STAFF RECOMMENDATION:

Approve Resolution 23-
Conditions of Approval for Conditional Use Permit 01-23

ATTACHMENTS

Mitigation Monitoring and reporting program
Comment Letters
Updated project description