

RESOLUTION NO. 23-____

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A CANNABIS BUSINESS, MANUFACTURING AND CULTIVATION FACILITIES AND RELATED STREET AND INFRASTRUCTURE IMPROVEMENTS OVER AN APPROXIMATELY 32-ACRE SITE ZONED (PD) PLANNED DEVELOPMENT DISTRICT, LOCATED AT THE NORTHEAST CORNER OF D STREET AND EAST CLAY STREET

WHEREAS, Mike Olivas of Colusa Riverbend Estates, LP (Owner) initiated Application # 02-22 (C.U.P.) requesting Planning Commission site and design approval of cannabis business, manufacturing, and cultivation facilities (“Project”); and

WHEREAS, on October 30, 2007, the City of Colusa in its capacity as CEQA Lead Agency certified a Master Environmental Impact Report for the City of Colusa General Plan (SCH 2005072145), which document was prepared in accordance with CEQA Guidelines section 15175 and 15176; and

WHEREAS, the City of Colusa, as “Lead Agency,” commissioned the preparation of an Initial Study/Mitigated Negative Declaration (“IS/MND”), dated February 2019, and incorporated herein by reference, to evaluate the potential environmental impacts associated with the Colusa Triple Crown Cannabis Business Park; and

WHEREAS, the 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 clearly no significant effects would occur, and such mitigation measures are incorporated to the Project herein by reference.; and

WHEREAS, on July 16, 2019, in compliance with to CEQA Guidelines Section 15074, the City Council passed Resolution 19-19, adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the Colusa Triple Crown Cannabis Business Park; and

WHEREAS, on August 6, 2019, the City Council adopted Ordinance 537, rezoning the Project site to Planned Development (PD) District and approving a General Development Plan for the Triple Crown Cannabis Business Park; and

WHEREAS, the City of Colusa has reviewed the Project against, and has determined consistency with, the scope of the original Environmental Initial Study and Mitigated Negative Declaration for the Colusa Triple Crown Cannabis Business Park; and

WHEREAS, The City of Colusa Planning Commission has been delegated by the City Council the responsibility of meeting, holding public hearings, reviewing, and deciding upon all applications for a conditional use permit, in accordance with the *City of Colusa Zoning Ordinance*; and

WHEREAS, the Project with conditions of approval is consistent with the land-use goals and policies in the *City of Colusa General Plan*, and would comply with the use standards, rules, and regulations of the *City of Colusa Zoning Ordinance* and other City ordinances and regulations; and

WHEREAS, the establishment, maintenance or operation of the use or building applied for will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and

WHEREAS, the Planning Commission duly called, advertised and conducted a Public Hearing required by law concerning Application # 02-22 (C.U.P.), and the opportunity to submit input; and

WHEREAS, the Planning Commission considered public testimony and a Planning Department staff report at their meetings of May 11, 2022 and June 22, 2022; and on August 24th 2022; and

WHEREAS, the Planning Commission on a 2-2 vote did not make a final determination that the site designs, with the attached conditions of approval, are consistent with the scope of the General Development Plan for the Triple Crown Cannabis Business Park; and

WHEREAS, appeals to the Planning Commission's decisions may be made to the City of Colusa City Council within ten days of the Commission's decision by filing an appeal at City Hall and paying a fee.

WHEREAS, The applicant has timely appealed this matter to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City of Colusa City Council that the above recitals are incorporated herein as findings, and that Application #02-22 (C.U.P.) for the requested conditional use permit is hereby approved, subject to the Conditions of Approval as described in "**Attachment A**," attached hereto, and subject to the Colusa Riverbend Estates LP. And Pomona Rio Property LLC Design Review Package, attached hereto as "**Attachment B**," and both incorporated herein by reference.

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa City Council held on the 17th day of January 2023, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

GREG PONCIANO, MAYOR

ATTEST

Shelly Kittle, City Clerk

ATTACHMENTS:

Attachment A – Conditions of Approval

Attachment B – Colusa Riverbend Estates, LP - Design Review Package (Revised May 1, 2022)

ATTACHMENT A

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 02-22 (C.U.P.)

General Conditions

1. Approval of this conditional use permit is limited to site designs, access, and development standards as established within the Triple Crown General Development Plan (GDP) and the City of Colusa Zoning Code.
2. The owner/developer shall secure land-use approvals via City Council approval of a development agreement, a Cannabis Business Special Use Permit, and a Cannabis Business Regulatory Permit prior to any site grading or construction.
3. Operational, odor control, site/building security, and signage plans shall be subject to Article 21.5 of the City Zoning Code and a Cannabis Business Special Use Permit.
4. The owner/developer shall comply with all Mitigation Monitoring and Reporting Program (MMRP) requirements as adopted within the 2019 Colusa Triple Crown Cannabis Business Park Project IS/MND.
5. The owner/developer shall submit a lighting plan in compliance with City Code Section 29.04 (c) (5) for review and approval by the Planning Department, prior to building permit issuance.
6. In the case this Conditional (Major) Use Permit has not been used within one (1) year after the date of granting thereof, unless vested under the rights granted by a development agreement between the applicant and the City, and without further action by the Planning Commission, the use permit granted shall be null and void.
7. Planning Commission approval of this Conditional Use Permit shall not be considered final or valid until the 10-day appeal period or, in the case when an appeal is filed, the appeal process is concluded in accordance with Section 33.01.D. of the *Colusa Zoning Ordinance*.

Architectural Conditions

1. Building permit plans shall illustrate doorway awnings, decorative window trim, and a wainscoting design (of contrasting materials and/or colors) along the north, east and west elevations of the administration building, subject to review and approval by the Planning Department.
2. All storage areas shall either be enclosed within buildings or screened with sufficient landscaping or other materials to minimize visual impacts to surrounding properties, subject to review and approval by the Planning Department.
3. All perimeter fencing shall be installed prior to any building occupancy, limited to a maximum of seven (7) feet above finished grade, and subject to review and approval by the Planning Department and/or Police Department.
4. Signage shall be considered and approved with the cannabis business special use permit.

Access / Parking Conditions

1. The owner/developer shall, prior to any Project site grading or construction, offer for dedication their fair share portion of property that is needed for future public rights-of-way and/or utility easements within the existing planned D Street and East Clay Street corridors. Such offer(s) for dedication and any corresponding plan(s) shall be subject to review by the City Engineer and Public Works Director.
2. The timing and future construction of D Street and East Clay Street frontage improvements and public utilities shall be determined by the City Engineer and Public Works Director, subject to a deferred improvement agreement.
3. The final design of the road section of East Main Street located in the County of Colusa shall be

designed to the satisfaction of the County of Colusa's Public Works Director

4. The owner/developer shall pave all on site roadway, fire access, and primary parking areas with asphalt concrete or superior materials to minimize generation of dust pollutants, subject to review by the City Engineer.
5. The owner/developer shall submit plans for parking striping and handicap access, subject to review and approval by the Planning Department and Certified Access Specialist ("CAsp") inspector.
6. Employee parking areas that are located within 100 feet of the Sacramento River Levee shall conform to the requirements of the Army Corps of Engineers and/or RD 108.
7. The owner/developer shall submit plans for the primary and emergency access gates, subject to review and approval by Planning Department.

Drainage / Grading Conditions

1. The owner/developer shall submit a comprehensive storm drainage plan for the ultimate development build out, any interim drainage plan serving the entire project area, or any portion of the project area associated with phasing of the development improvements, and such plan shall be prepared by a registered civil engineer and submitted to the City Engineer for approval. The drainage plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at offsite downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the owner/developer shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and City Public Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures, and detention facilities. The Storm Drainage Plan shall be reviewed and approved by the City Engineer prior to any Project site grading or construction.
2. The owner/developer shall pay the cost associated with all improvements required by the Storm Drainage Plan and an appropriate reimbursement agreement shall be drafted to reimburse the owner/developer for oversized improvements on a pro rata basis per the project-level reimbursement agreement.
3. Drainage and stormwater basin system improvements shall be completed prior to any building occupancy.
4. Plans for the project storm water basin are within the jurisdiction of the Colusa County Airport Land Use Commission (ALUC). Such plans shall be reviewed by the ALUC for a determination of consistency with Colusa County Airport Land Use Compatibility Plan (ALUCP).

Landscaping Conditions

1. The owner/developer shall submit landscaping plans in compliance with State Municipal Water Efficiency Landscape Ordinance (MWELo) requirements, subject to review and approval by the Planning Department.
2. The owner/developer shall install tree landscaping to screen/obscure employee parking areas and buildings from public view along the Sacramento River levee, subject to review and approval by the Planning Department.

Sewer / Water System Conditions

1. The owner/developer shall connect to the City water consistent with City design standards, subject to review and approval by the City Engineer. The applicant shall pay any/all costs associated with connecting to the City water system including connection and impact fees.
2. The owner/developer shall connect to the City sewer system consistent with City design standards, subject to review and approval by the City Engineer. The applicant shall pay any/all costs associated with connecting to the City sewer system including connection and impact fees.

ATTACHMENT B

Colusa Riverbend Estates, LP

Design Review Package (Revised May 1, 2022)

(Attached)