

*From the Desk of
Mark Tomey*

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Subject: Formal Appeal of Minor Use Permit Approval for Colusa Meat Processing Facility
(7295 Industrial Way, Colusa, CA 95932)

To: City of Colusa Planning Department

From: Mark Tomey

Date: 7/25/2025

Re: Appeal of Minor Use Permit Approval – Approved July 15, 2025

Dear City of Colusa Planning Department,

Pursuant to applicable provisions of the City of Colusa Zoning Code and the California Planning and Zoning Law, I, Mark Tomey, hereby submit this formal appeal of the City's approval of the Minor Use Permit (MUP) for the proposed Colusa Meat Processing Facility, located at 7295 Industrial Way, Colusa, CA 95932, approved on July 15, 2025.

Grounds for Appeal

1. Procedural Error and Improper Zoning Disclosure

The subject property is located within the M-2-P-D (Heavy Industrial with Planned Development Overlay) zoning district. Public noticing for the Administrative Hearing failed to accurately identify this zoning designation, and instead described the site under base M-2 zoning. This omission is not a minor error—it constitutes a material defect in public notice, misleading the public regarding the level of discretionary review required.

Under the correct M-2-P-D designation, the proposed use is subject to the Planned Development procedures outlined in Ordinance No. 533, which include additional discretionary review. An Administrative Hearing is not a sufficient review mechanism under these circumstances, and the matter should have been referred to the Planning Commission at a minimum.

Accordingly, the decision rendered on July 15, 2025 is procedurally flawed and must be considered null and void. We respectfully request that the City re-notice the matter under the correct zoning designation and schedule a full public hearing before the Planning Commission.

2. Noncompliance with Planned Development Requirements

The permit approval does not satisfy the conditions and discretionary procedures associated with the P-D overlay. As stated in Ordinance No. 533, projects within the M-2-P-D zone must be evaluated under enhanced public scrutiny to ensure compatibility with surrounding land uses and infrastructure. This standard has not been met.

3. Environmental and Public Health Concerns

The approval failed to address several critical environmental and public health issues, which should be mitigated through enforceable Conditions of Approval:

- Odor Mitigation: No odor analysis or odor-related conditions are included in the Staff Report. We request that the project undergo an:

- Odor Impact Assessment
- Odor Control Plan
- Air Quality Impact Analysis
- Odor Monitoring Plan, with regular review and coordination with the Air Quality Management District (AQMD)

- Water Drainage and Runoff: The current condition stating "there shall not be an increase of runoff onto adjacent lands" is insufficient. It does not account for the change in runoff composition once operations begin. A more detailed runoff management and water quality plan is necessary.

- ALUC and FAA Coordination: Given the facility's proximity to the Colusa County Airport, and the increase in bird and scavenger activity, we request involvement of:

- Airport Land Use Commission (ALUC)
- California Department of Fish & Wildlife (CDFW)
- Federal Aviation Administration (FAA)

To assess risks related to bird strikes and aviation safety.

- Interagency Oversight: Although CDFA and the RWQCB may have reviewed this facility, there is currently no condition ensuring ongoing coordination. We request enforceable conditions that:

- Require continuous oversight by CDFA, RWQCB, and CDFW
- Address pest control (flies, vermin)
- Prevent overburdening the Walnut Ranch sewer line
- Monitor waste handling and irrigation pond impacts

4. Compliance, Enforcement, and Penalties

We propose that the following progressive enforcement conditions be incorporated into the permit:

- Valid complaints regarding odor, water quality, irrigation ponds, sewer issues, noise, flies, vermin, or excessive bird activity be reported to the City Council
- First violation: monetary penalty
- Second violation: doubled penalty
- Third violation: suspension of operations until mitigation measures are implemented

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If the applicant believes that these impacts will not occur, they should have no objection to such reasonable accountability measures.

Relief Requested

Based on the above, I respectfully request:

1. The approval of the Minor Use Permit be rescinded due to procedural defects;
2. A full discretionary review process be initiated, including hearings before the Planning Commission, ALUC, and, if necessary, the City Council;
3. That the project be subjected to updated and appropriate Conditions of Approval consistent with the M-2-P-D zone and associated public health and safety considerations.

Enclosed is the required appeal fee of \$1,500, as well as my contact information.

Thank you for your attention to this matter. I welcome the opportunity to collaborate with City staff to ensure that this project meets both regulatory requirements and community expectations.

Sincerely,

Mark Tomey

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