



City of Colusa California

STAFF REPORT

DATE: August 20, 2025

TO: City Council – Public Hearing Regarding Appeal of Planning Directors approval of a Minor Use Permit to authorize an animal processing facility (Colusa Meat)

FROM: Jesse Cain, City Manager

Jake Morley, Planning Consultant

AGENDA ITEM: Appeal of the Planning Directors approval of a Minor Use Permit to authorize an animal processing facility (Colusa Meat) at 7295 Industrial Way (Portion of APN 017-030-115).

Report in Brief: On July 15, 2025 the Planning Director held a public hearing and approved a Minor Use Permit for an animal processing facility at 7295 Industrial Way. The subject use will occupy 1-acre of the 10.92-acre site and utilize an existing 3,600 square foot structure. The project includes the addition of outdoor holding pens and corals, fencing, water, food and shade (See Planning Director Staff Report, **Attachment A**).

On July 25, 2025, Mark Tomey filed a timely appeal of the Planning Directors approval (See Appeal Letter, **Attachment B**).

Recommendation: Staff recommend that the City Council hold a public hearing and deny the appeal and uphold the Planning Directors approval of the Minor Use Permit (Colusa Meat) at 7295 Industrial Way (Portion of APN 017-030-115).

ANALYSIS:

Appeal Comment No. 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.

Staff Response

The public notice, staff report, zoning map on the city's website and all corresponding documents related to known public documents and maps for the Minor Use Permit make reference to the M-2 General Industrial zoning district. Although reference to the P-D – Planned Development is mentioned in the ordinance adopting the zoning for the property, there are no specific P-D development standards, regulations or other standards mentioned.

Upon review of the P-D Planned Development designation in the Colusa Municipal Code (CMC) Appendix A – Article 15 Planned Development – it too does not impose regulatory requirements to any zoning district. But rather, it is used as a tool by applicants for discretionary entitlements to seek deviations from development standards (lots sizes and design, parking requirements, setbacks, etc.). In this instance, the proposed animal processing facility meets all development standards in the CMC or as conditioned as part of the project and is not seeking deviations from the CMC.

As required a Public Hearing was notice both via mailed notices to all property owners within 300 feet of the project site and public notice was placed in the newspaper. Additional notices were in City Hall, both in the Planning Department and within Public Notice portion of City Hall.

For additional discussion on this item, see City Attorney Letter, dated July 25, 2025 (**Attachment C**)

Appeal Comment No. 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.

Staff Response

As discussed above, there are no specific standards, conditions or other development regulations associated with a P-D Planned Development Overlay zoning district either in Ordinance No. 533 or in CMC Appendix A – Article 15 – Planned Developments.

Appeal Comment No. 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

Staff Response

When analyzing the proposed project under the California Environmental Quality Act (CEQA) staff reviews the project description, the zoning district requirements, reviewed the scale of the use, the location of the project in relationship to existing uses, the orientation of the use on the land. In this instance, staff also reviewed existing adopted documents for both the City and County, the subsequent Environmental Impact Reports (EIRs) and an EIR for the Colusa Industrial Properties. Further, additional review and researched was conducted based upon Air Quality Requirements, USDA regulations, etc. As such, staff concluded that given the environmental baseline, the proposed use and its location, scale of the project, and the project description, that the project did not warrant additional CEQA review, the prior environmental impact reports and adopted mitigation measures adequately addressed any and all potential impacts of this project, and that there are no special circumstances that would require additional analysis.

With that said, although the staff found the project exempt from additional CEQA review, it does not mean that a project is not subject to regulatory requirements from agencies, such as obtaining any required permit to operate, be in compliance with regulations or be subject to

finer. As such, it is the responsibility of the applicant to know permitting requirements they must meet and ensure compliance with those agencies' rules and regulations, as those agencies have the permitting and authority that extend beyond that of the City.

Odor and Water/Runoff

City's General Plan and Environmental Impact Report

Colusa's General Plan Environmental Impact Report (EIR) specifically notes odors are regarded as an annoyance rather than a health hazard. However, manifestations of a personal reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g.: circulatory and respiratory effects, nausea, vomiting and headaches).

The ability to detect odors varies among the population and overall is quite subjective. Some individuals have the ability to smell minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; in fact, an odor that is offensive to one person (e.g., from a fast-food restaurant) may be perfectly acceptable to another. It is also important to note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity. Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word "strong" to describe the intensity of an odor. Odor intensity depends on the odorant concentration in the air. When an odorous sample is progressively diluted, the odorant concentration decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odorant reaches a detection threshold. An odorant concentration below the detection threshold means that the concentration in the air is not detectable by the average human.

Regarding land use, agricultural practices, and the location of such uses in relationship to residential lands General Plan Policy LU-4.2 states:

The City shall require at 200–250-foot residential buffer, based on the type of agricultural uses (e.g. field crops, orchards, grazing, etc.) and method of pesticide application (aerial, ground application) as appropriate.

Often the best management practice to reduce potential odor or nuisances is the placement of the proposed use. In this instance Colusa Meat is approximately 4,400 linear feet (0.80 miles) from the nearest residential zoned property and over 5,824 linear feet (1.1 miles) from existing residence. Exceeding the requirements mentioned in Policy LU-4.2. The EIR for the General Plan concluded that impacts associated with odor to be less than significant with implementation of the plan.

M-2 General Industrial Zoning District

As discussed in the General Plan, industrial designated properties are intended to accommodate more intense industrial land uses, such as manufacturing, warehousing, and food processing. The industrial lands are designated such because necessary services such as transportation and utilities exist and can be effectively provided and where disruption to adjacent uses will be minimal.

When reviewing the CMC several uses in the M-2 General Industrial zoning designation are permitted by right (no discretionary action necessary) that can cause odor or nuisance. These include agricultural activities such as raising crops, trees, or animals, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry.

Colusa County General Plan and EIR

Language regarding odor in the County's General Plan mirrors that as found in the City's General Plan. That odor is subjective and based upon the individual and intensity of the source. The County's EIR concludes that odor impacts related to implementation of the General Plan are considered less than significant.

Air Pollution Control District

The Regulations and Rules of the Colusa County Air Pollution Control District handbook identifies certain uses which produce air emissions that are prohibited in the District. Regulations II – Prohibitions includes a nuisance rule that addresses odor exposure. Rule R2-10 states that no person shall discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons, or to the public, or that endanger the comfort, repose, health, or safety of any such persons, or the public, or that cause to have a natural tendency to cause injury or damage to business or property. The provisions of Rule R2-10 do not apply to odors emanating from agricultural operations necessary for the growing of crops or raising of fowl or animals.

Water and Runoff

The property contains a 3,600 square foot structure with additional improvements planned (fencing, parking, pervious surfaces for animal holding). All future improvements are required to meet existing regulations pertaining to water and runoff, as the State has a comprehensive system of regulations to manage water quality and ensure sustainable water resources. Including:

- National Pollutant Discharge Elimination Systems (NPDES) which permits construction and industrial activities.
- Construction Stormwater Permits, which required project more than 1-acre to obtain a permit and implement a Stormwater Pollution Prevention Plan (SWPPP).
- The State Water Resource Control Board requires projects to be subject to Low Impact Development (LID) standards that ensure development of sites maintain pre-development

runoff rates and volumes.

- Nonpoint Source Pollution (NPS) Control Program focus on reducing and preventing pollution from diffused sources like agricultural and urban runoff.

Airport Land Use Compatibility Plan (ALUCP)

The subject property is located in the C-3 – Secondary Traffic Pattern Zone of the Airport Compatibility Land Use Plan. The C-3 Secondary Traffic Pattern is second to last overlay zone and one of least restrictive districts. With a risk level of low and a noise impact of low to moderate.

Pursuant to ALUC Policy 2.2.1 and 2.2.2 projects are automatically referred to the Airport Land Use Commission (ALUC) when they involve specific actions or activities, such as General Plan Amendments, Sphere of Influence changes, residential projects or commercial buildings that are 10,000 square feet or larger. In this instance, in 2023, the property owner reached out to County ALUC staff to discuss the proposal. ALUC staff has already determined that further ALUC review is not necessary (See **ALUC Determination, Attachment D**) and that a navigational easement is required, which has subsequently been recorded by the property owner.

Interagency Oversight and additional Conditions of Approval

The appellant makes reference to California Department of Food and Agricultural (CDFA), Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) and that conditions should be placed on the project addressing their oversight.

These agencies do not carry land use responsibility over the proposed project, but already have regulatory requirements, including the operation and inspection of the facility (CDFA), the release of water into the industrial waste ponded owned by CIP (RWQCB) and its existing monitoring and threshold requirements. The CDFW would only be responsible for the site in the event the operator harvested game animals, such as deer, elk, boar, etc. which they have indicated is to not take place.

It should be noted that the U.S. Department of Agriculture (USDA) is the primary regulatory agency with oversight of the operation. As such, the USDA has strict requirements when it comes to the harvesting of animals, including the Food and Safety Inspection Service (FSIS) oversees the meat and poultry slaughter and processing. The USDA also has the following guidance and regulations in place to regulate and reduce pathogens:

- Hazard Analysis and Critical Control Point (HACCP): laboratory testing programs to reduce the occurrence and number of pathogenic microorganisms, reduce incidences of foodborne illness and provide a framework for modernization of the inspection system.

- Public Health Information System (PHIS): a dynamic, comprehensive data analytic system to collect, consolidate and analyze data in order to improve public health.
- Retail Guidance: recordkeeping regulations for all official establishments and retail stores that produce products for commerce must maintain supplier lots numbers, production dates, names of supplied materials, date and time of each lot of raw product, date and time when equipment and food contact surfaces are cleaned and sanitized.
- Recall Process: what defines a recall, expectation of FSIS inspected establishment, requiring sites to maintain a written recall plan.

Finally, the appellant refers to (1) conditions of approval regarding flies and vermin the (2) prevention of overburdening the Walnut Ranch sewer lines and (3) monitoring waste handling and irrigation.

1. Existing Conditions of Approval, No. 34, No 35, No. 37, No 38 and No.39 all address operational aspects of the project and are specifically designed to address flies and vermin and odor of the site. These include the requirement of installing fly traps, minimizing food quantities to what is just necessary for animal holding and limiting long term storage of animals and the continue maintenance and cleaning of holding pens and removal of animal waste.
2. The subject property does not connect to the Walnut Ranch sewer lines. But it will be connected to the existing industrial wastewater storage pond, which is privately owned by CIP and already monitored by the RWQCB. This pond abuts the project site immediately to the north.
3. The application does not reference irrigating the project site and Condition of Approval No. 34 and No.39 already speak to the handling and storage of waste. Waste from the site is also regulated by the USDA.

PUBLIC CONTACT AND ENVIRONMENTAL REVIEW

A 10-day public hearing notice was mailed to all landowners and residents within 300 feet of the boundaries of the project site, and a legal notice was published in the Pioneer Review on August 8, 2025.

BUDGET IMPACT

None Identified .

ATTACHMENTS

- A. Planning Director Staff Report – July 15, 2025
- B. Appeal Letter, Mark Tomey, July 25, 2025
- C. City Attorney Reposed to Mark Tomey, July 25, 2025
- D. ALUC 2023 Exempt Memo
- E. Resolution

