

RESOLUTION NO. 26 - 02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUSA – RECOMMENDING CITY COUNCIL APPROVAL OF THE EMBARC DEVELOPMENT AGREEMENT AND TEXT AMENDMENT TO THE COLUSA MUNICIPAL CODE ARTICLE 21-5 – CANNABIS REGULATIONS AND USE PERMIT – CANNABIS AND FIND THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO 15061.B3. COMMON SENSE EXEMPTION (“PROJECT”)

WHEREAS, in 2025 City of Colusa City Council authorized the permitting window to accept cannabis dispensary business applications for consideration and processing; and

WHEREAS, prior to the closing of the permitting window, Colusa Responsible and Compliant Retail LLC (Embarc) has applied for a cannabis dispensary permit for 2967 Davison Court, Suite B (Portion of APN 017-150-007); and

WHEREAS, the project includes a development agreement (DA 26-01), municipal code text amendment (CA 26-01), and use permit - cannabis (Cannabis UP 26-01), which all constitute the Project (“Project”); and

WHEREAS, the application has been evaluated in accordance with Colusa Municipal Code Article 21.5 – Cannabis Regulations, with consideration given to the City’s General Plan, Zoning ordinance, physical location of the Project and other applicable laws and regulations; and

WHEREAS, the Project is Exempt from the provisions of the California Environmental Quality Act CEQA) as set forth in Public Resources Code §21000 et seq. and CEQA Guidelines as set forth in 14 California Code of Regulations Sections §15000 et seq., and under CEQA Guidelines Section 15061.B.3 – Common Sense that the proposed dispensary is a retail establishment that will be located in the C-G General Commercial zoning district, which is intended to be applied where general commercial facilities are necessary for public service and convenience; and

WHEREAS, the Planning Commission has considered the Project, the recommendations of the staff report, and comments provided at a public hearing, duly noticed and held in a manner as required by law on August 5, 2026.

1. In regard to the Development Agreement, the City of Colusa Planning Commission finds:

- a. That the proposed Development Agreement is consistent with the objectives of the City of Colusa General Plan and is in the public interest. The agreement establishes clear obligations between the City and the applicant regarding the operation of the proposed cannabis dispensary, provides for an additional five percent tax on specific cannabis sales that will generate revenue to offset municipal service costs, and provides long-term certainty regarding the project's regulatory requirements while preserving the City's police powers and authority to protect the public health, safety, and welfare. The project will occupy an existing commercial tenant space within an established commercial area served by existing public infrastructure, promote economic development and local employment, and implement General Plan Policies LU-6.2, LU-6.4, and LU-10.1 by supporting orderly commercial growth that strengthens the City's tax base without requiring significant public infrastructure improvements.
 - b. That the proposed Development Agreement protects the public health, safety, and welfare by establishing enforceable operational requirements for the proposed cannabis dispensary. The agreement, together with the approved Use Permit and applicable City and State regulations, ensures continued compliance with security, odor control, hours of operation, and other operational standards. It also preserves the City's authority to enforce future health and safety regulations, ensuring the use remains compatible with surrounding properties and minimizing potential impacts over the term of the agreement.
2. In regard to the Colusa Municipal Code Text Amendment, the City of Colusa Planning Commission finds:
 - a. That the proposed amendment to Article 21.5 of the Colusa Municipal Code is consistent with the goals, policies, and land use designation of the City of Colusa General Plan. The amendment is limited to a specifically identified parcel within the C-G General Commercial zoning district and facilitates commercial retail use on property designated for commercial development. The amendment supports orderly economic development, promotes employment opportunities, strengthens the City's tax base, and utilizes an existing developed site served by

adequate public infrastructure, consistent with General Plan Policies LU-6.2, LU-6.4, and LU-10.1.

- b. that the proposed Municipal Code Text Amendment serves the public interest by narrowly authorizing a cannabis dispensary on a single commercially developed parcel rather than expanding the use throughout the entire C-G General Commercial zoning district. The amendment maintains the intent of the City's zoning regulations while providing an appropriate location for the use within an existing commercial and industrial area. The project remains subject to all applicable operational standards, security requirements, odor control measures, and conditions of approval contained in the Colusa Municipal Code and Use Permit, ensuring the use is compatible with surrounding development and protective of the public health, safety, and welfare.
3. In regard to the Cannabis Use Permit, the City of Colusa Planning Commission finds:
- a. The proposed cannabis dispensary is compatible with the existing and surrounding land uses. The project will occupy an existing 1,116-square-foot tenant suite within a developed commercial building on a 1.74-acre site located at 2967 Davison Court. No expansion of the existing building or significant site modifications are proposed. The project is located within an established commercial and industrial area adjacent to industrially zoned properties and the Colusa County Airport, where commercial retail activity is appropriate. The existing site provides adequate vehicle access, pedestrian circulation, parking, lighting, landscaping, and public utilities to support the proposed use.
 - b. The proposed cannabis dispensary will not be detrimental to the public health, safety, or welfare. The project complies with the operational requirements of Article 21.5 of the Colusa Municipal Code and includes comprehensive security, odor control, and operational measures designed to protect surrounding properties and the public. The facility will incorporate monitored alarm systems, high-resolution surveillance cameras, controlled access areas, perimeter lighting, secure storage, employee background checks, and operational procedures that prohibit on-site consumption, loitering, and access by minors.

- c. That subject to approval of the associated Municipal Code Text Amendment and Development Agreement, the proposed cannabis dispensary is consistent with the goals and policies of the City of Colusa General Plan and the intent of the General Commercial designation. The project establishes a retail business within an existing commercial building served by existing infrastructure, promotes employment opportunities, expands the City's commercial tax base, and supports orderly economic development consistent with General Plan Policies LU-6.2, LU-6.4, LU-10.1, and Goal LU-10. The project also complies with applicable operational standards of the Colusa Municipal Code, including required separation from schools, operational restrictions, parking, signage, and security requirements, and has been determined not to require Airport Land Use Commission review due to the existing nature and intensity of the development.
4. In regard to the California Environmental Quality Act, the Planning Commission finds that:
- a. The Project is Exempt from the provisions of the California Environmental Quality Act (CEQA) as set forth in Public Resources Code §21000 et seq. and CEQA Guidelines as set forth in 14 California Code of Regulations Sections §15000 et seq., and under CEQA Guidelines Section 15061.B.3 – Common Sense that the proposed dispensary is a retail establishment that will be located in the C-G General Commercial zoning district, which is intended to be applied where general commercial facilities are necessary for public service and convenience

NOW THEREFORE, BE IT RESOLVED by the City of Colusa Planning Commission as follows:

1. The Commission hereby determines and finds that the facts set forth in the recitals above are true and correct and hereby added as substantive findings.
2. Based on all of the above, and based on the findings contained in the attached draft Resolutions and Ordinances prepared for the City Council, the Planning Commission hereby recommends that the City Council approve the Development Agreement (DA 26-01), amend the Colusa Municipal Code Appendix A – Article 21.5 Cannabis Regulations (CA 26-01) and approve Use Permit – Cannabis (Cannabis UP 26-01) by adopting the attached resolutions and ordinances each attached hereto.

3. The Planning Commission hereby specifies that the materials and documents which constitute the record of proceedings upon which its entitlements decisions are based are located and under the custody of the City of Colusa.

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission Meeting held on the 5th day of August 2026, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved as to form by me on this _____ day of _____ 2026

ATTEST: _____

City Manager, Jesse Cain

Planning Chair, _____
John Martin

Exhibit 1 – City Council Resolution – Use Permit and Environmental Analysis

Exhibit 2 – City Council Ordinance – Development Agreement

Exhibit A – Owner Consent

Exhibit B – Legal Description

Exhibit C – Overall Site Plan

Exhibit 3 – City Council Ordinance – Colusa Municipal Code Text Amendment – Article 21.5