



PLANNING COMMISSION

Wednesday, December 13, 2023
Regular Meeting - 7:00 PM
City Hall – City Council Chambers
425 Webster Street, Colusa, CA 95932

AGENDA

The public may address the Commission on any agenda item during the Commission's discussion of that item, not to exceed three (3) minutes. We ask that the speaker kindly be recognized by the Planning Commission Chair before speaking and be limited to one comment, per item.

Chair – John Martin
Vice Chair – Jean-Pierre Cativiela
Commissioner - Thomas Roach
Commissioner - Vicky Willloh
Commissioner – Sara Andreotii

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

CONSENT CALENDAR - *None*

PUBLIC COMMENTS *The Planning Commission may read / address comments on any item concerning subject matter that is within the Planning Commission's jurisdiction. No action may be taken on items not posted on the agenda, other than to briefly respond, refer to staff, or to direct that an item be placed on a future agenda.*

PUBLIC HEARING

1. Consideration adopting Resolution for **General Plan Amendment, Rezone and Development Agreement Amendment (Blue Herron Ridge Inc), APNs 017-130-080 and 017-130-166 (Portion of)** – A proposal to amend the General Plan designation and zoning on approximately 15 acres.

Recommendation: Open the Public Hearing and;

Commission to review and make a recommendation to the City Council for a General Plan Amendment, Rezone, and Development Agreement amendment.

Proposed Motion: Planning Commission to adopt Resolution No. 2023-___, recommending the City Council adopt the negative declaration and approve the General Plan Amendment, Rezone, and Development Agreement amendment.

PUBLIC COMMISSION MATTERS *Discussion of current Planning Department projects.*

FUTURE AGENDA ITEMS

ADJOURNMENT



SHELLY KITTLE, CITY CLERK

Americans with Disabilities Act

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk at least 48 hours prior to the meeting at 530-458-4941 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

“This institution is an equal opportunity employer and provider”



City of Colusa California

STAFF REPORT

DATE: December 13, 2023
TO: Planning Commission – Action Item – Public Hearing
FROM: David Swartz, City Engineer
 Jake Morley, Planning Consultant

AGENDA ITEM: Blue Herron Ridge Inc. – General Plan Amendment, Rezone and Development Agreement Amendment

Recommendation: Planning Commission to open the Public Hearing and review make a recommendation to the City Council for a General Plan Amendment, Rezone and Development Agreement amendment. See attached Resolution and amendment and supporting documentation.

Proposed Motion: I move that the Planning Commission adopt Resolution No. 23-___, recommending that the City Council adopt the negative declaration and approve the General Plan Amendment, Rezone, Development Agreement amendment.

SUMMARY

The proposed project is located just north of the Colusa County Airport and includes the following components:

- 1) Modify the existing General Plan designation of Low Density Residential and zoning of R-1 (Single Family) on a 13.31-acre parcel (APN# 017-130-080) to a General Plan designation of Industrial and zoning of M-1 (Light Industrial), and
- 2) Modify the existing General Plan designation of Low Density Residential and zoning of R-1 (Single Family) on a portion of a 1.725-acre parcel (APN# 017-130-116) to a General Plan designation of Parks Recreation Open Space and zoning of O-S (Open Space), and
- 3) Amend the existing Development Agreement to acknowledge the General Plan Amendment and Rezone for the Sunrise Landing project.

The proposal has been reviewed by the Colusa County Airport Land Use Commission (ALUC) on and was found to be consistent with the Airport Land Use Commission Plan (ALUCP).

BACKGROUND AND ANALYSIS:

In 2007, the City of Colusa certified an Environmental Impact Report (EIR) (SCH No. 2006052113) as part of the Colusa Industrial Properties project, that consisted of implementation of a General Plan Amendment and Zoning amendment for approximately 138 acres in the northern portion of the Colusa Industrial Park (Park) and 13 acres within the Colusa Golf and Country Club. That project consisted of a mixed-use community with approximately 286 residential units, expansion and modification of the Colusa Golf and Country Club (Club), various commercial and office use along State Route 20 and wastewater treatment facilities to serve the mixed use community and other uses within the Park.

The expansion of the Club to the south of their existing facility never materialized, while portions of the residential build out did. As part of that build out, areas of the site that were anticipated for residential development received Airport Land Use Commission review and were found to be not in compliance with the Airport Land Use Compatibility Plan (Plan). When projects are found not in compliance, local agencies have the authority to override the Commission. As such, the applicant requested and received City Council approval for an override. However, after the decision, the County, the agency who staffs and implements the Compatibility Plan challenged the overrule.

After extensive discussion between the property owner in conjunction with the City and the County, it was determined that through an Settlement Agreement, portions of the area will receive a General Plan Amendment and Rezone that would remove the Low Density Residential designation on approximately 15 acres of land and change them to Industrial and Open Space. Land uses that are compatible with the Plan and the surrounding quasi-built environment.

General Plan Amendment and Rezone to change the parcel land use designations and zoning as follows:

Assessor Parcel No.	Existing General Plan	Existing Zoning	Proposed GP	Proposed Zoning
017-130-080	Low Density Residential	R-1 Single Family	Industrial	M-1 Light Industrial
017-130-116 (Portion)	Low Density Residential	R-1 Single Family	Parks Recreation Open Space	O-S Open Space

Development Agreement Amendment to reflect the changed development potential associated with the new General Plan designations and rezoning. The Development Agreement amendment acknowledges that the removal of residentially zoned properties and accompany lots are not longer a part of the initial approval (Phase 6).

Colusa County Airport Land Use Commission

At the November 6, 2023, Colusa County Airport Land Use Commission (ALUC) reviewed the proposal to amend the General Plan, Rezone the property and to amend the Development Agreement was found to be in compliance with the 2014 Colusa County Airport Land Use Compatibility Plan in that the proposed changes are consistent with the B1, C1 and C2 Compatibility Zones.

Any potential future project within the boundaries of the project will need additional ALUC review by ALUC Staff and potentially Commission to ensure that the intensity and developmental elements of the potential land use are found in compliance with the ALUCP.

GENERAL PLAN

Re-designating and rezoning the subject property from R-1 Single Family Residential to M-1 Light Industrial and O-S Open Space, would increase the potential for development compatible with the Colusa County Airport Land Use Plan, as well as the surrounding land uses which are predominately open space/recreation to the north and industrial to the south. Boarded with single family residential to the west and additional industrial and Highway 20 to the east.

The following General Plan Goals, Policies and Actions are applicable to the project:

Policy LU-6.1: Growth shall provide a strong diversified economic base and a reasonable balance between employment and housing for all income groups.

Policy LU-6.3: Growth shall be managed to ensure that adequate public facilities and services are planned for and provided in a manner that protects the public's health, safety, and welfare.

Policy LU-6.5: The City shall actively encourage employment-intensive industrial, service, research and development, and manufacturing uses from previously prepared materials (assembly or value added industry) in the Industrial and Office Professional/Light Industrial land use districts.

Policy LU-10.1: The City shall make every effort to attract new jobs-producing businesses that will maximize economic benefits to current and new residents and businesses.

Policy LU-10.5: Industrial and light industrial uses shall be concentrated in two areas of the City: on the west side of Colusa along Fourteenth Street, the SR 20 corridor south of Vann property and the Colusa County Fairgrounds, and the Pirelli property; and on the southeast side of the City along the SR20/45 corridor, between Country Club Estates/Golf Course and the airport.

Environmental Review

Based on the results of an Initial Study, a Negative Declaration was prepared for the project and circulated for a 30-day comment period, commencing on November 13th, 2023, and ending on December 12th, 2023. The Negative Declaration is Exhibit I of the resolution.

FINDINGS

General Plan Amendment Findings

The Planning Commission must make a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed General Plan Amendment based on the required findings noted below.

1. *The proposed amendment is internally consistent with the plan being amended.*

The General Plan will remain internally consistent because the proposed land designation amendment from Low Density to Industrial and Open Space would result in designations that are compatible with the surrounding areas as well as the Colusa County Airport Land

Use Compatibility Plan. The change from Low Density designations does not impact the ability for the City to provide future housing to the community, as development potential of the site is limited due to the proximity to the airport. Further, the City has annexed and zoned approximately 85 acres to the west of the project that can accommodate a significant number of residential units that were not anticipated in the Housing Elements most recent update and adoption.

2. *The site is physically suitable, including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the proposed land use or development.*

There are no physical or environmental constraints on the property which would prohibit use of the site as Industrial or Open Space land use designations. The proposed designations would be consistent with surrounding Industrial and Open Space designations, maximizing the potential for development and non-development of the site.

Rezone Findings

The Planning Commission must make a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed zoning map amendment based on the required findings noted below.

1. *The proposed amendment is consistent with the General Plan, any applicable specific plan, and any applicable neighborhood and area plans.*

The proposed rezone from R-1 Single Family to M1 Light Industrial and O-S Open space would be consistent with the General Plan designation of Industrial and Parks Recreation Open Space. The rezone would be internally consistent with the General Plan for the same reasons cited above.

2. *The site is physically suitable, including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the requested zoning designations and anticipated land use and development.*

There are no physical or environmental constraints on the property which would prohibit use of the land consistent with the M-1 Light Industrial or the O-S Open Space zoning regulations. The project sites are suitable for development and non-development that would be compatible with existing adjacent land uses and the Airport Land Use Compatibility Plan

PUBLIC CONTACT

A 30-day public hearing notice as mailed to all landowners and residents within 300 feet of the site, and a legal notice was published in News Paper of Record. Tribal Consultation was completed in compliance with AB 52 and SB18 as part of the California Environmental Quality Act review.

BUDGET IMPACT: None Expected

ATTACHMENTS:

1. Planning Commission Resolution 23 - ___
Exhibit I – Negative Declaration
Exhibit II - General Plan Amendment and Rezone Plats
Exhibit III – Development Agreement Amendment
2. Location Map

RESOLUTION NO. 23-____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COLUSA – RECOMMENDING APPROVAL AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COLUSA AND COLUSA INDUSTRIAL PROPERTIES, INC. AND GENERAL PLAN AMENDMENT FROM SINGLE FAMILY RESIDENTIAL TO OPEN SPACE (APN 017-130-116, PORTION OF) AND INDUSTRIAL (APN 017-130-080) AND ADOPTION OF A NEGATIVE DECLARATION.

WHEREAS, there is a Settlement Agreement (Case no. 34-2022-8000385-I-CU-WMGDS) between the City of Colusa (City) and the County of Colusa (County) to made to Amend the General Plan diagram of certain properties from a Residential designation to Open Space and Industrial, and

WHEREAS, an application from Colusa Industrial Properties (CIP), Owner, has been received in a timely manner and in compliance with the Settlement Agreement to amend the General Plan and zoning designations and the Development Agreement which acknowledges the General Plan changes have received by City Staff, and

WHEREAS, section 1.4 – Amendment of Agreement, of the Development Agreement provides for CIP and the City to amend provisions of the Development agreement by mutual consent, and

WHEREAS, the Colusa County Airport Land Use Commission review the proposal at its November 6, 2023 meeting and found the Project to be in compliance with the Colusa County Airport Land Use Plan, and

WHEREAS, the Planning Commission considered the Project, Initial Study and proposed negative declaration which concluded the Project will not result in a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF COLUSA AS FOLLOWS:

1. With regard to the Negative Declaration, the Planning Commission finds that:
 - A. There is no substantial evidence supporting a fair argument that the project may have a significant effect on the environment.
 - B. That the negative declaration has been prepared in conformance with the provisions of the California Environmental Quality Act.
 - C. The negative declaration prepared for the Project reflects the independent judgement of the City of Colusa.
2. With regard to the general plan amendment the Planning Commission finds that:
 - A. The General Plan will remain internally consistent because the proposed land designation amendment from Low Density to Industrial and Open Space would result in designations

that are compatible with the surrounding areas as well as the Colusa County Airport Land Use Compatibility Plan. The change from Low Density designations does not impact the ability for the City to provide future housing to the community, as development potential of the site is limited due to the proximity to the airport. Further, the City has annexed and zoned approximately 85 acres to the west of the project that can accommodate a significant number of residential units that were not anticipated in the Housing Elements most recent update and adoption.

- B. There are no physical or environmental constraints on the property which would prohibit use of the site as Industrial or Open Space land use designations. The proposed designations would be consistent with surrounding Industrial and Open Space designations, maximizing the potential for development and non-development of the site.
3. With regards to the amendment to the development agreement the Planning Commission finds:
- A. That the amendments are consistent with the City’s General Plan, is in the best interest of the City, and will promote the public interest and welfare.
4. Based on all of the above, the Planning Commission hereby recommends that:
- A. The City Council adopt a negative declaration as set forth in Exhibit I, attached hereto;
 - B. The City Council amend the General Plan land use designation and zoning for APN 017-130-080 and APN (017-130-166 portion of) as set forth in Exhibit II, attached hereto;
 - C. The City council amend the Development Agreement as set forth in Exhibit III, attached hereto;

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission Meeting held on the 13th day of December 2023, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved as to form by me on this 13th day of December 2023

ATTEST: _____

City Manager, Jesse Cain

Chairman , _____
John Martin

ATTACHMENT 1 – Resolution No 23-_____

Exhibit I – Negative Declaration

Exhibit II – General Plan and Rezone Plats

Exhibit III – Development Agreement Amendment

Supplemental Initial Study and Environmental Checklist

for

COLUSA INDUSTRIAL PROPERTIES
GENERAL PLAN AMENDMENT, REZONE AND AMENDMENT TO A DEVELOPMENT
AGREEMENT

October 2023

Lead Agency:
City of Colusa



Lead Agency Contact:
Jessie Cain
City Manager
425 Webster Street
Colusa, CA 95932
(530) 458-5890

Prepared by:
Element Land Solutions
Jake Morley, Principal
2550 Lakewest Drive No. 50
Chico, CA 95928
(530) 513-3626

Applicant:
Blue Heron Landing Inc.
50 Sunrise Blvd.
Colusa, CA 95932

Project Summary

Project Name: Colusa Industrial Properties. - General Plan Amendment and Rezone and Amendment to a Development Agreement.

Type of Application(s): General Plan Amendment, Rezone and Amendment to a Development Agreement.

Assessor's Parcel Numbers (APN): 017-130-080 and 017-130-166 (portion of)

Existing City Zoning: R-1 Single Family Residential

Existing City General Plan: Low Density Residential

Proposed City Zoning: M-1 Light Industrial and O-S Open Space

Proposed City General Plan: Industrial and Parks Recreation Open Space

Environmental Setting:

The project site is in the southeast quadrant of the City of Colusa, which is a small to mid-sized city in the Sacramento Valley within an active agricultural region. Some scenic views are available from the site that include the Coast Range to the west, Sutter Buttes to the south, and on clear days the Cascade and Sierra Nevada mountains and foothills to the east and northeast. No state scenic highways pass through the project vicinity. East of the site is similar undeveloped land. The Sacramento River is less than one mile to the east and north. West of the site are established low to medium-high density residential uses. A golf course and commercial uses are to the north of the site. The Colusa County Airport is located south of the project site and contains a mix of industrial land uses and structures (see **Figure 1** – Project Location Aerial).

The topography of the site is flat, with minimal elevation changes. Both parcels are undeveloped but have been previously disturbed, either through historic grazing and agricultural production or via grading and early site improvements associated with development of pads for single-family homes.

Surrounding Uses:

North: Open Space and Single Family Residential

South: Undeveloped and Industrial Lands

East: Undeveloped and Industrial Land

West: Single Family Residential and Undeveloped Lands

Other Public Agencies:

Colusa County Airport Land Use Commission – Airport Land Use Plan Consistency Determination

California Native American Tribal Consultation – Public Resource Code Section 21080.3.1. Consultation was requested pursuant to AB 52 and SB 18 on September 21, 2023, with no response.

History:

In 2008, the County approved a project and certified an EIR (SCH No. 2006052113 – Colusa Industrial Properties (CIP)) for land consisting of approximately 117.59 acres of open space, 52.53 acres of low density residential and 5.98 acres of high density residential. The property is part of Special Planning Area No. 5 in the General Plan. Subsequently in 2017 the City of Colusa and Colusa Industrial Properties, Inc. entered into a Development Agreement (City of Colusa and Colusa Industrial Properties Inc. – 2018-0001584) to acknowledge that the total acres of single-family residential acres be reduced from 58.51 to 57.43 and that the total housing units be reduced from 230 to 180.

Prior to issuing those approvals, the County referred the Project to the Colusa County Airport Land Use Commission (“ALUC”), after which the ALUC determined that the Project was inconsistent with the County’s Airport Land Use Compatibility Plan (“ALUCP”). As part of its approvals, the County overruled the ALUC’s inconsistency determination pursuant to Public Utilities Code Section 21676. The Board of Supervisors also adopted a mitigation monitoring and reporting program (“MMRP”) that identified mitigation measures for the Project.

In 2014, the County of Colusa adopted new ALUCP to govern uses within the defined airport influence area, including the CIP Project Area.

On September 30, 2015, the Colusa LAFCo Executive Officer recorded a Certificate of Completion annexing portions of the Colusa Industrial Park, including the CIP Project site, into the City.

In April 2016, the Colusa City Council adopted Ordinance No. 513 approving a Development Agreement between the property owner of the CIP Project and the City, which reflected amendments to the Project.

In May 2016, the Colusa City Council passed Resolution No. 16-14 approving Tentative Map 01-16 concerning the Project.

As part of its approvals for the Project, the City adopted mitigation measures included in the County's 2008 EIR, as well as the mitigation measures included in the City's 2007 General Plan Master EIR.

On March 1 and 11, 2021, the County's ALUC reviewed the City's amended CIP Project entitlements for consistency with the ALCUP.

On March 22, 2021, the County ALCU adopted Resolution No. 21-003 with findings that determined that components of the Project were inconsistent with requirements of the ALUCP.

On November 2, 2021, the City Council passed Resolution 21-57 and overruled the ALUC's inconsistency determination pursuant to Public Utilities Codes Section 21676.

On January 2, 2022, the County filed a Petition of Writ of Mandate Complaint for Declaratory and Injunctive Relief challenging the City's Approval (County of Colusa v. City of Colusa, Sacramento County Superior Court Case No. 34-2022-8000385 1-CU-WMGDS).

Following the filing, the parties to the Case, agreed that it is in their mutual interest if all legal disputes between them including the Petition are resolved without further litigation. Therefore, all parties agree that the City would process a General Plan Amendment and rezone for 13.3 acres from Low Density Residential with an R-1 Single Family zoning to Industrial General Plan with an M-1 Light Industrial zoning and 1.75 acres from Low Density Residential with R-1 Single Family Zoning to Parks Recreation Open Space General Plan with an O-S Open Space zoning designation.

On November 6, 2023 ALUC reviewed the proposed General Plan Amendment and rezone and found that they were consistent with the ALUCP.

Project Description:

As directed by a Settlement Agreement between the County of Colusa (County) and the City of Colusa (City) (Case No. 34-2022-8000385-I-CU-WMGDS) signed on 10/09/2023, the General Plan Amendment/Rezone would: 1) modify the existing General Plan designation of Low Density Residential and zoning of R-1 (Single Family) on a 13.31-acre parcel (APN# 017-130-080) to a General Plan designation of Industrial and zoning of M-1 (Light Industrial); 2) modify the existing General Plan designation of Low Density Residential and zoning of R-1 (Single Family) on a portion of a 1.725-acre parcel (APN# 017-130-166) to a General Plan designation of Parks Recreation Open Space and zoning of O-S (Open Space); and 3) amend the existing Development Agreement to acknowledge the General Plan Amendment and Rezone for the Sunrise Landing project (see **Figure 2** – GPA/Rezone Plat).

The proposed General Plan Amendment/Rezone would result in lands that are in compliance with the Settlement Agreement, as well as bring the subject parcels in compliance with the Colusa County Airport Land Use Plan, which has C1 and C2 Compatibility overflight zones applied to the Project boundaries. On November 6, 2023 the ALUC reviewed the General Plan Amendment and Rezone and found the request to be consistent with the ALCUP.

The Project does not include a proposed development project at this time, nor does it involve any grading, earthwork, site enhancements or other improvements within the boundaries of the properties.

The Project boundary area has been previously subject to two separate Environmental Impact Reports (EIRs) that contemplated development of the area. Starting in 2007, with a sphere of influence update as part of the City of Colusa General Plan Update, an EIR which was adopted and certified by the City. Within that document, it noted that land within the sphere of influence would be subject to urban development.

In addition, a development proposal, which included the boundaries of the Project, was subject to a detailed analysis in the Colusa Industrial Properties (CIP) Final Environmental Impact Report (SCH No. 2006052113) which was approved and certified by the County of Colusa in 2008.

Development Applications Requiring Discretionary Approvals:

General Plan Amendment and Rezone to change the parcels land use designations and zoning as follows:

Assessor Parcel Number	Existing General Plan	Existing Zoning	Proposed GP	Proposed Zoning
017-130-080	Low Density Residential	R-1 Single Family	Industrial	M-1 Light Industrial
017-130-166 (Portion)	Low Density Residential	R-1 Single Family	Parks Recreation Open Space	O-S Open Space

Development Agreement Amendment to reflect the changed development potential associated with the new General Plan designations and rezoning. The Development Agreement amendment acknowledges that the removal of residentially zoned properties and accompanying lots are no longer a part of the initial approval (Phase 6).

Introduction:

The City of Colusa is the Lead Agency for this Initial Study. The Initial Study has been prepared to identify and assess the anticipated environmental impacts of the Blue Heron Ridge General Plan Amendment/Rezone (Project or Proposed Project). This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Pub. Res. Code, Section 21000 et seq.) and State CEQA Guidelines (14 CCR 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of Projects over which they have discretionary authority before acting on those Projects. A CEQA Initial Study is generally used to determine which CEQA document is appropriate for a Project (Negative Declaration [ND], Mitigated Negative Declaration [MND], or Environmental Impact Report [EIR]).

Project Location:

Two parcels are located in the southern portion of the City of Colusa, to the east of State Highway Route (SHR) 20 and just north of the Colusa County Airport. The cumulative site area is 15.035 acres, with one Assessor Parcel Number (APN) 017-130-080 occupying 13.31 acres and a portion of APN 017-130-116 occupying 1.725 acres.

Figure 1 - Project Location Aerial

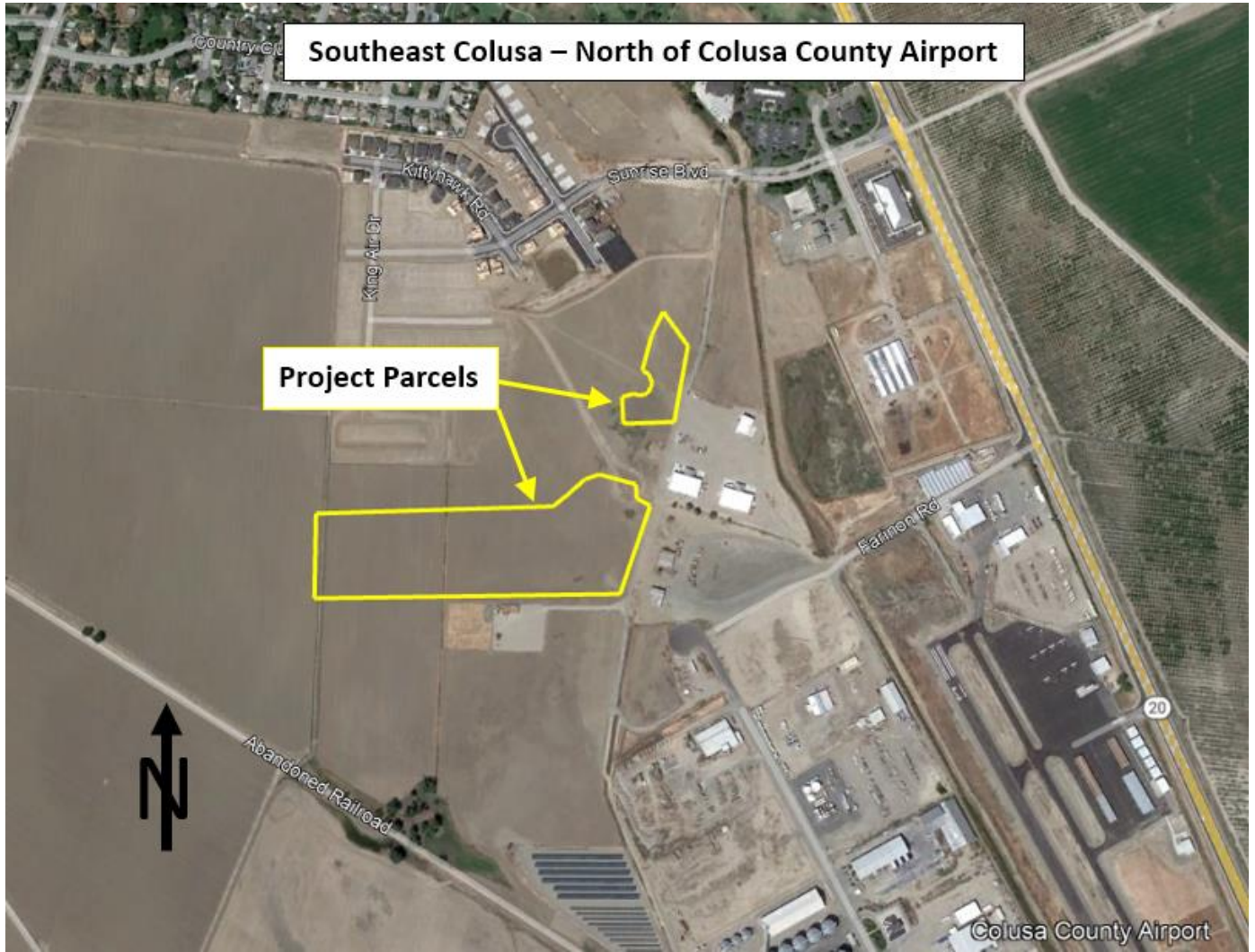
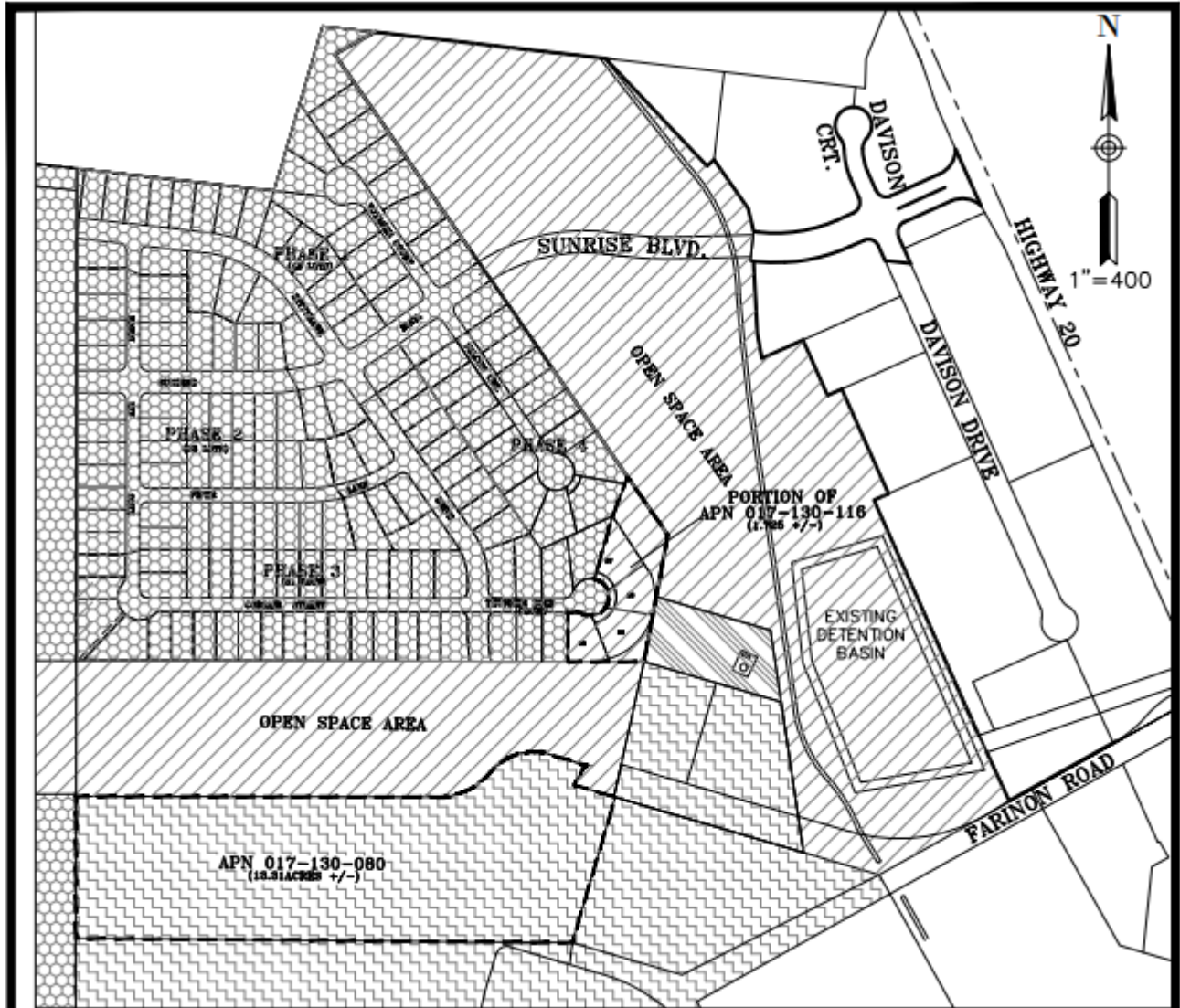






Figure 2 - General Plan Amendment and Rezoning Plat



	ZONING	GENERAL PLAN
	O-S OPEN SPACE	PARKS RECREATION OPEN SPACE
	P-F PUBLIC FACILITIES DISTRICT	PUBLIC FACILITY DISTRICT
	M-1 LIGHT INDUSTRIAL	INDUSTRY DISTRICT
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	LOW DENSITY RESIDENTIAL

OWNER:
 BLUE HERON RIDGE INC
 50 SUNRISE BLVD
 COLUSA, CA 95932

ENGINEER/SURVEYOR:
 NORTH VALLEY ENGINEERING
 AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CALIFORNIA 95993
 (530) 713-0417

ASSESSOR'S PARCEL NUMBER:
 APN: 017-130-106

LOT ACREAGE:
 PARCEL ACREAGE AS SHOWN.

----- PROPERTY SUBJECT TO REZONE & GP AMENDMENT

PREPARED BY:
NVE
 NORTH VALLEY ENGINEERING AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CA 95993
 (530) 713-0417

EXHIBIT "B"
PROPOSED ZONING & GP
 BLUE HERON RIDGE INC.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Open Space/Recreation
- Transportation
- Tribal Cultural Resources
- Utility/Service Systems
- Wildfire
- Mandatory Findings of Significance

PLANNING DIRECTOR DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Lead Agency, Contact Person

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

A. Aesthetics: Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect on a scenic vista, including scenic roadways as defined in the General Plan, or a Federal Wild and Scenic River?				X
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings visible from a state scenic highway?				X
3. Affect lands preserved under a scenic easement or contract?				X
4. In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
5. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

DISCUSSION:

A1: The project site is not in the vicinity of a federally designated Wild and Scenic River, nor is the site adjacent to any scenic roadways. The Sacramento River is approximately 0.84 miles to the east and not visible from the project site. The project site is not in the vicinity of scenic vistas or subject to any special or specific design standards of the Colusa General Plan. **No Impact.**

A2: The project site does not contain scenic resources. The site itself is void of any structures and is not visible from a state highway, which is approximately 0.22 miles to the east. There are no trees, habitat, or other natural features on the site besides seasonal weeds which are routinely mowed. The site does have a drainage swell, that runs in a north-south fashion through the center of the 13.3 acres, that is used for stormwater collection and is void of any plant materials. **No Impact.**

A3: There are no known scenic preserves or easements in the vicinity of the project site. **No Impact.**

A4: The site is not identified by the General Plan or zoning as possessing scenic qualities or resources. Although the undeveloped, open space character of the site will change to developed and urbanized for the R1 to M1 zoning change, this change would be equal under either land use designation. While the R1 to Open Space would remain an unurbanized 1.75 acres, it would be surrounded on two sides by the built environment. Because of these reasons, this impact is considered **Less Than Significant.**

A5: Conversion of the current R-1 land use back to the original M-1 land use designation as required as part of the settlement agreement would allow for light industrial development instead of single family residential. Light industrial land uses would have similar or fewer lighting impacts when compared to residential land use. There would be more light infrastructure in residential zones when compared to light industrial. Future physical improvements to the M-1 zoning would be related to an industrial setting which typically includes parking lots and structures, which routinely have lighting associated with them. Lighting within the M-1 zone would be similar to the lighting that would be within the R-1 zone district, as single-family structures also contain outdoor lighting (garages and patios), and similar streetlights are present in the public right of ways. Light industrial zoning would be subject to design review and follow City lighting requirements. Mitigation measures previously approved and adopted by the City Council for residential lighting for the project would be implemented by the project developer. For these reasons, the impact from the land use and zone change is considered **Less Than Significant.**

Conversion of the R-1 land use to Open Space zoning would provide additional open space and would have less impacts when compared to the current residential zoning as no lighting would be allowed in this area. This impact is considered **Less Than Significant.**

B. Agriculture and Forest Resources: Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
4. Result in the loss of forest land or conversion of forest land to non-forest use?				X
5. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

B.1: Portions of the subject site are designated local important farmland, however, the lands are not currently in production. The area surrounding the project is quasi-developed with a range of land uses, including single family homes, industrial and the Colusa County Airport. The southern area of the City of Colusa, which includes the project boundaries, has been previously subject to two separate Environmental Impact Reports (EIRs) that contemplated development of the area. Starting in 2007, with a sphere of influence update as part of the City of Colusa General Plan Update, an EIR which was adopted and certified by the City. Within that document, it noted that land within the sphere of influence would be subject to urban development and that agricultural land would be converted. The Colusa General Plan concluded that the loss of local important farmland land was considered a significant and unavoidable impact and a Statement of Overriding Considerations was approved by the City Council acknowledging the potential loss of agricultural land.

In addition, a development proposal, which included the boundaries of the Project, was subject to a detailed analysis in the Colusa Industrial Properties Final Environmental Impact Report (SCH No. 2006052113) which was approved and certified by the County of Colusa in 2008. As part of the annexation of this area to the City, the Local Area Formation Commission (LAFCo) tiered off all of the above referenced environmental documents in support of the annexation approval of this area from the County to the City.

As discussed in the Project Description, the project is returning the parcels' industrial and open space land use designations and zoning to what previously existed at the time the City approved its General Plan Update in 2007. Changing the land use designations does not present any new project specific impacts that would require additional environmental analysis beyond this initial study and the previous referenced EIRs. **Less than Significant Impact.**

B.2: Pursuant to the *California Williamson Act Enrollment Finder* interactive website managed by the California Department of Conservation, the project site and its surroundings are not enrolled or a part of a Williamson Act contract. **No Impact.**

B.3: According to General Plan EIR, the City of Colusa does not contain forest or timber resources. The Project would have **No Impact** in this area.

B.4: According to General Plan EIR, the City of Colusa does not contain forest or timber resources. The Project would have **No Impact** in this area.

B.5: Portions of the subject site are designated local important farmland, however, the lands are not currently in production. The area surrounding the project is quasi-developed with a range of land uses, including single family

homes, industrial and the Colusa County Airport. The southern area of the City of Colusa, which includes the project boundaries, has been previously subject to three separate Environmental Impact Reports (EIRs) that contemplated development of the area. Starting in 2007, with a sphere of influence update as part of the City of Colusa General Plan Update, an EIR which was adopted and certified by the City. Within that document, it noted that land within the sphere of influence would be subject to urban development and that agricultural land would be converted. This urbanization would exist either in the R-1 or the M-1 zoning designation, while the conversion from R-1 to Open Space would remain undeveloped. The Colusa General Plan concluded that the loss of local important farmland land was considered a significant and unavoidable impact, and a Statement of Overriding Considerations was approved by the City Council acknowledging the potential loss of agricultural land.

In addition, a development proposal, which included the boundaries of the Project, was subject to a detailed analysis in the Colusa Industrial Properties Final Environmental Impact Report (SCH No. 2006052113) which was approved and certified by the County of Colusa in 2008. As part of the annexation of this area to the City, the Local Area Formation Commission (LAFCo) tiered off all of the above referenced environmental documents in support of the annexation approval of this area from the County to the City.

As discussed in the Project Description, the project is returning the parcels' industrial and open space land use designations and zoning to what previously existed at the time the City approved its General Plan Update in 2007. Changing the land use designations does not present any new project specific impacts that would require additional environmental analysis beyond this initial study and the previous referenced EIRs. **Less than Significant Impact.**

C. Air Quality: Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with or obstruct implementation of the applicable air quality plans?			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.			X	
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
4. Expose sensitive receptors to substantial pollutant concentrations?			X	
5. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

C.1: Colusa County is in a portion of the North Sacramento Valley Air Basin (NSVAB), which encompasses the Project site, and is classified as attainment for all federal standards. Neither the City of Colusa nor the Colusa County Air Pollution Control District (CCAPCD) have established air pollution thresholds for assessment of air quality impacts, the CCAPCD does not have adopted air quality plan. Mitigation measures previously approved and adopted by the City Council for air quality for the project would be implemented by the project developer. For these reasons, the impact from the land use and zone change is considered would be a **Less Than Significant** impact associated with the land use change and would not result in conflicts or obstructing any air quality plans.

C.2: As previously noted, Colusa County, including the City of Colusa, is not subject to an air quality plan or standards. The change in land use designation from R-1 to M-1 would have similar air quality impacts in this case, because development under the R-1 was anticipated to be an Airpark, or a “fly in” subdivision which consists of single-family homes that are connected to the Colusa County Airport. Each home would not only have traditional single-family home improvements but would also contain a hanger for an airplane. By reverting to the M-1 designation, aircraft in the 13.3 acres are removed from the project. While the R-1 to Open Space designation would result in 1.75 acres held in permanent open space and not contributing to or violating air quality standards. Mitigation measures previously approved and adopted by the City Council for air quality for the project would be implemented by the project developer. For these reasons, the impact from the land use and zone change is considered would be a

Less Than Significant impact associated with the land use change and would not result in conflicts or obstructing any air quality plans.

C.3: The changing of the land use designation (see **Figure 2**) does not result in Air Quality Impacts that were not previously analysis in the EIR associated with the General Plan Update. The City-certified General Plan EIR discussed that implementation of the General Plan Update could increase air pollutant emissions from land use activities within the City. However, the EIR noted that with the implementation of Actions Items, which includes the requirement to obtain the permits referenced above, air quality impacts are considered **Less Than Significant**.

C.4: Sensitive receptors are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptors include residences located directly east and north of the Project’s boundary. The change is the General Plan and associated zoning would permit land uses which would have similar impacts on sensitive receptors from the R-1 zone to the M-1 zone therefore impacts would be a **Less Than Significant** impact on sensitive receptors. Any future land use activities may be subject to additional CEQA review as well as existing regulations, including the need to obtain a Rule 400 permits from the CCAPCD and grading permits from the City.

C.5: Removal of the R-1 portion of the zone, removed development potential for single family homes that were connected to the Colusa County Airport, which would permit the ability to taxi a plane from the airport to your individual home which contained a hanger. By removing the R-1 designation on 13.1 acres, the emissions with would be less than previously analysis because aircraft are removed from the boundary. However, because the site will retain an M1 – Light Industrial zoning, future emissions from the site would be anticipated to some degree at buildout. These emissions would be equal to those as originally studied in the City’s 2007 General Plan EIR, therefore the Project is not anticipated to result in any new impacts beyond those previously identified. **Less Than Significant**.

D. Biological Resources. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species as listed and mapped in the General Plan Draft EIR or other local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.			X	
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.			X	
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or			X	

other approved local regional, or state habitat conservation plan.

D.1: According to the EIR certified in conjunction with the City of Colusa’s 2007 General Plan Update, there are currently no adopted habitat conservation plans or natural community conservation plans in the General Plan Planning Area. The proposed Project is located on previously disturbed land. The parcel proposed for open space has been previously graded in anticipation of single-family home production. The parcel identified for industrial use is routinely mowed and disced as part of the City’s Weed Abatement program and at the request of the Colusa Fire Department. The proposed Project site does not contain any trees or other natural resources such as creeks, ponds or lakes. There is a man-made stormwater ditch that runs in a north-south direction through the property, collecting stormwater from the subdivision to the north, as well as runoff from portions of adjacent industrial areas. The water is conveyed to privately owned storage ponds that are located south of the airport.

The Project does contain any earthwork activities, removal of soils, propose any construction related activities, nor does the Project propose any ongoing land use operations, improvements, or other physical constructed items. Mitigation measures previously approved and adopted by the City Council for biological resources for the project would be implemented by the project developer. For these reasons, the impact from the land use and zone change is considered would be a **Less Than Significant** impact associated with the land use change and would not result in conflicts or obstructing any biological resources.

D.2: Chapter 8 of the General Plan EIR – Biological Resources, Figure 4.8-1 notes that the project area is irrigated row and field crops, which according to the City of Colusa General Plan “generally provides low breeding habitat for wildlife species due to the high level and frequency of disturbance; however, it provides cover and foraging habitat for many species.” Chapter 6 (Parks, Recreation, and Resource Conservation) of the City of Colusa General Plan goes on to note that “the urbanized areas both in and outside of the City limits are generally less likely to contain significant wildlife resources or habitat, and the California Department of Fish has indicated there are no endangered animal species within the City of Colusa. This is also supported by EIR Figure 4.8-2 – Recorded Occurrences of Special Status Species within 5 Miles of the City. This figure clearly illustrates that any special status species occur significantly away from City limits or along the Sacramento River. Because of the above, the project would result in an impact that is considered **Less Than Significant**.

D.3: A review of the online *United States Fish and Wildlife Service National Wetlands Inventory* map for the Site area indicates that no wetlands are on the Site. The nearest body of water being the Sacramento River, which is approximately 0.84 miles to the east of the site. As a result of the change in land use, impacts associated with wetlands would remain the same under the new land use designations. Therefore, the results are considered **Less Than Significant**.

D.4: The project site is adjacent to the north, west, south, and partially to the east of existing development areas and roadways and the Colusa County Airport and industrial lands nearby. There are no areas in the immediate vicinity with native habitat that can support large concentrations of wildlife. Therefore, the Project site does not function as a wildlife corridor. The site contains no waterways and thus would not impact the migration of fish. Regular vegetation control such as mowing and tilling are completed on the site to reduce weeds. The site devoid of trees, shrubs, and buildings. Thus, the change in land use designations would have a **Less Than Significant** impact in this area.

D.5: Since the site is absent sensitive biological resources or habitats, including trees. As the site has historically and routinely been mowed and tilled for weed abatement purposes. The change in land use would not alter nor conflict with any adopted General Plan policies or ordinance protecting resources, as there currently are none for the City. Therefore, the change will result in a **Less Than Significant** impact.

D.6: There are no adopted habitat conservation plans, natural community conservation plans, or any adopted biological resources recovery or conservation plans in the City of Colusa. As such, there will be a **Less Than Significant** impact with the change in land use designations.

E. Cultural Resources. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Cause a substantial adverse change in the significance of an historical resource as defined in PRC Section 15064.5?				X

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to PRC Section 15064.5?	X
3. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	X
4. Disturb any human remains, including those interred outside of formal cemeteries?	X

E.1: The project site is vacant and has no historical resources. **No Impact.**

E.2: Both boundary sites have been previously disturbed through earth moving activities. The 1.75 acres that are to be designated Open Space, at one time was graded with the anticipation of developing single-family homes. This area is at the end of a cul-de-sac with associated underground improvements. The 13.3 acres that are to be designated M-1 Light Industrial has been routinely disced and tilled to minimize weeds and other plant material. The potential impacts associated with the land use change would remain the same under either zoning designation. **Less Than Significant.**

E. 3: The General Plan EIR notes that a search of the *University of California Museum of Paleontology* collections database did not identify any evidence of significant paleontological resources in the Planning Area. The change in the General Plan and the associated zoning district would result in potential impacts that would be equal to one another. Therefore, the change would be considered **Less Than Significant.**

E.4: Any undiscovered human remains within the project boundaries were more than likely to have been previously disturbed through prior agricultural activities, bulldozing, and episodes of development and demolition, including ditch excavation, grading for single family home pads, agricultural plantings, and grazing. The change in land use designations results in the same potential to resources. Therefore, the impact is considered **Less Than Significant.**

F. Energy. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
2. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

F.1: The change in land use designations from R-1 Single Family to M1- Light Industrial and Open Space would result an energy consumption that would be equal too if not better than consumption of energy, wastefulness of energy because the R-1 development located on the 13.3 acres was associated with an Airpark, which would permit the uses of personal aircraft in and out of the area by taxing to the airport. The physical development of the site between the old and new designations would continue to allow the development of structures and their associated improvements. Therefore, the change would result in a **Less Than Significant** impact.

F.2: The City of Colusa has not adopted a local plan for renewable energy or energy efficiency. However, several goals, policies, and actions were adopted with the City’s 2007 General Plan Update that encourage and require energy efficiency in new development. The EIR adopted in conjunction with the General Plan Update provides that “The City can and does require energy efficient design in building construction within the City. This requirement and the General Plan policies and implementing actions listed previously can effectively reduce GHG emissions from building operations (energy use).” The change in land use designations does not impede policies and actions as outlined in the General Plan. Therefore, the change can be viewed as **Less Than Significant.**

G. Geology/Soils: Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
---	---------------------------------------	---	-------------------------------------	------------------

1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	
a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)	X
b. Strong seismic ground shaking?	X
c. Seismic-related ground failure, including liquefaction?	X
d. Landslides?	X
2. Result in substantial soil erosion or the loss of topsoil?	X
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	X
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	X
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	X

DISCUSSION:

G.1a: Per the City's General Plan, there are no known active faults within Colusa County, and the County is only vulnerable to moderate ground shaking from earthquakes outside the area. The change in the General Plan and zoning would result in impacts that are the same between the different zoning districts. Therefore, **Less Than Significant** impacts are associated with the land use change.

G.1b: Per the City's General Plan, there are no known active faults within Colusa County, and the County is only vulnerable to moderate ground shaking from earthquakes outside the area. The change in the General Plan and zoning would result in impacts that are the same between the different zoning districts. Therefore, **Less Than Significant** impacts.

G.1c: The Project would result in impacts that equal to one another when exposing people or structures to potential substantial impacts associated seismic-related ground failure including liquefaction. Therefore, **Less Than Significant**.

G.1d: The subject site is flat with little to no grade changes. The land use designation change would result in impacts that equal to the previous designation when exposing people or structures to potential substantial impacts associated with landslides. Therefore, **Less Than Significant**.

G.2: The Project scope is to modify the existing General Plan designation and zoning to those as directed in the Settlement Agreement. The change in land use designations results in a change that is equal to loss in topsoil as previously discussed in the General Plan EIR. Other than the routine mowing and removal of seasonal weeds that occur on the vacant properties. These routine activities do not require any site-specific erosion control measures, grading or air quality permits. **Less Than Significant**.

G. 3: As discussed previously, the Project has no potential for landslides due to the flat topography of the site.

Lateral spreading is a form of horizontal displacement of soil toward an open channel or other "free" face such as an excavation boundary. Soils in and around the City exhibit a distinct horizontal characteristic. Chapter 6-Building Regulations of the City of Colusa Municipal Code includes common engineering practices requiring special design and construction methods that reduce or eliminate potential soil-related impacts, which would be imposed on development in the M-1 zoning designation. As such, the potential for impacts due to collapse would be **Less Than Significant**.

According to the City of Colusa General Plan’s Safety Element, liquefaction is a hazard associated with seismic activity. Liquefaction occurs when seismic waves act upon water in saturated soils, causing the soils to lose their cohesiveness and act like a liquid. As the description indicates, liquefaction tends to occur in soils that are moist, which generally includes soils near streams and bodies of water. Colusa is located on the west bank of the Sacramento River, on top of soils formed by deposits left from previous flooding. This soil tends to contain silts, which can become moist easily. Liquefaction could be a concern in areas with soil located near the Sacramento River, including the project site. However, as previously discussed, the potential for ground shaking in the City of Colusa due to an earthquake of sufficient magnitude to create liquification is considered low to moderate. Overall, the Project would have a **Less Than Significant** impact in this area.

G.4: As noted in Chapter 6 – Parks, Recreation and Resource Conservation of the City’s General Plan, Figure 6.2 – Soils Map notes that the project site has a soil type of *Marvin Clay Loam, Slightly Alkalai*. The General Plan notes that Marvin Series soils consist of soil derived from transported alluvium of mixed origin with a predominance of granite rock. The soils occupy the older and imperfectly drained portions of the floor plain or occurs in areas near flat basin areas. The subsoils are moderately compacted, with surface and subsoil drainage tending to be poor. Pursuant to the City’s General Plan EIR, several soils in the planned area have a moderate shrink-swell potential. Those soils are: Moonbend silt loam, Colusa loam and the Grandbend loam. The expansion and contraction of these soils can cause damage to buildings and foundations, streets, and other infrastructure. If structures or improvements are proposed in the future in the M-1 zone, proper engineering, and construction techniques, reviewed and approved by the City’s Building Department, will eliminate potential expansive soil considerations. **Less Than Significant**.

G.5: The Project would connect to the City of Colusa’s wastewater collection and treatment plant. The Proposed Project would not use a septic system or other wastewater disposal system. Thus, the Project would have no impact in this area systems **No Impact**.

H. Greenhouse Gas Emissions. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

H.1: As discussed in detail in the General Plan Update EIR, there is a potential for greenhouse gases to have a cumulative regional impact. The implementation of the General Plan would result in an increase in population and new development, which would result in a cumulative increase in greenhouse gases. As part of the General Plan, to offset greenhouse gas emission associated with General Plan “build out”, the City adopted several Policies to assist in greenhouse gas emission reduction.

As part of the certification of the General Plan Update EIR, the City determined that cumulative GHG impacts were considered significant and unavoidable, and a Statement of Overriding Considerations was approved by the City Council acknowledging this potential cumulative impact. As the scope of this Project is consistent with the previously certified General Plan EIR it is considered to have a **Less Than Significant** impact.

H.2: In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)], which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the California Air Resources Board (CARB or Board) to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the Board in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan (updated 2014 and 2017). Each of the Scoping Plans has included a suite of policies to help the State achieve its GHG targets, in large part leveraging existing programs whose primary goal is to reduce harmful air pollution.

The Scoping Plan recommends strategies for implementation at the state level to meet the goals of AB 32 and establishes an overall framework for measures that will be adopted to reduce California’s GHG emissions. The Scoping Plan, is not directly applicable to specific projects, nor is it intended to be used for project-level evaluations. It does not provide recommendations for lead agencies to develop evidence-based numeric thresholds consistent with the Scoping Plan, the State’s long-term GHG goals, and climate change science. Under the Scoping Plan, however, there are several State regulatory measures aimed at the identification and reduction of GHG emissions. CARB and other State agencies have adopted many of the measures identified in the Scoping Plan. Most of these measures focus on area source emissions (e.g., energy usage, high-global warming potential (GWP) GHGs in consumer products) and changes to the vehicle fleet (i.e., hybrid, electric, and more fuel-efficient vehicles) and associated fuels (e.g., Low Carbon Fuel Standard), among others.

The change in land use designations for the site does not impede or conflict with the Scoping Plan and therefore the change from R-1 to M-1 and R-1 to Open Space would be considered **Less Than Significant**.

I. Hazards/ Hazardous Materials. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
2. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Cortese List) and, as a result, would it create a significant hazard to the public or the environment?			X	
5. For a project located within the airport land use plan, would the project result in a safety hazard for people residing or working in the project area?			X	
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires?			X	

I.1: By changing the land use designation from R-1 Single Family to Open Space it would be expected that no hazardous materials would be stored or handled on site. While changing the land use designation from R-1 Single Family, which anticipated an Airpark with aircraft to M-1 Light Industrial, hazardous materials on site, stored and handled would be equal to those as previously discussed in the General Plan EIR. Therefore, **Less Than Significant** impact is anticipated.

I.2 By changing the land use designation from R-1 Single Family to Open Space it would be expected that no hazardous materials would be stored or handled on site. While changing the land use designation from R-1 Single Family, which

anticipated an Airpark with aircraft to M-1 Light Industrial, hazardous materials on site, stored and handled would be equal to those as previously discussed in the General Plan EIR. Therefore, **Less Than Significant** impact is anticipated.

I.3: The nearest school is Colusa High School, approximately 1.30 miles to the northwest of the project site, which is more than 0.25 from the project site. **Less Than Significant.**

I.4: A search of both the *Department of Toxic Substance Control (DTSC)* and the *State Water Resource Control Board (SWRCB)* databases, revealed that the Project site is not listed on either database and does not have an open case of hazardous materials (Cortese list, Government code Section 65962.5). If any herbicide or fertilizer application for vegetation management occurs to maintain the existing conditions on the Project site, they would be applied by trained personnel in compliance with federal and state regulations. **Less Than Significant.**

I.5: The Colusa County Airport is approximately 1,000 linear feet to the southwest of the Project site. The Project proposes to remove the residential designation on two parcels and apply open space and industrial designations. The properties are in both the C1 Zone (Outer Approach/Departure) and C2 Zone (Primary Traffic Pattern) of the Colusa County Airport Land Use Compatibility Plan (Map 3a, September 2014). The existing Low Density Residential land use designation is a "Conditional" land use within both the C1 and C2 Compatibility Zones, which limits the number of units per acre (e.g., Zone C1: 1 unit per 10 acres; Zone C2: 1 unit per 5 acres). The Open Space land use designation is permitted in both of these airport overlay zones, and various land uses allowed by the Industrial land use designation are considered compatible and conditionally compatible in overlay zones. At this time, it is speculative to assume what land uses could potentially be accommodated on the Industrial land. If a project is proposed on the Project site, it would be subject to the rules, regulations and restrictions of both the City's Municipal Code and the Colusa County Airport Land Use Compatibility Plan, as well as a supporting CEQA review in the event a discretionary action is required. On November 6, 2023 the Airport Land Use Commission found that the proposed Project is consistent with the ALUC Plan. This conversion of land uses is therefore **Less Than Significant.**

For an additional discussion regarding land use compatibility near the Colusa County Airport, see Section K – Land Use and Planning.

I.6: The Proposed Project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan as the change in land uses designations would be considered equal to one another in terms of permitting a built environment. When and if construction occurs within the M-1 designations, Emergency departments would be made aware of all roadway construction and would adjust routes as necessary. Construction would not impede the use of surrounding roadways in an emergency evacuation. Implementation of the Proposed Project would result in a **Less Than Significant** impact in this area.

I.7: The change in land use would not conflict with or impair implementation of any emergency response or evacuation plans. The site is quasi-surrounded by urban uses, accessible by both paved and unpaved roads. City services, including the Fire Department, already service the area. The change in land use designations will not interfere with any emergency or an evacuation plan. **Less Than Significant.**

I.8: The site itself is designated a Local Responsibility Area (LRA) by the Office of the State Fire Marshal and is not considered to be in a Fire Hazard Severity Zone. There is a **Less Than Significant** impact to expose people or structures to a significant risk of loss, injury or death involving wildland fires as that risk is the same between the R-1 zone and the M-1 zone.

J. Hydrology/ Water Quality. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Violate any water quality standards or waste discharge requirements or other substantially degrade surface or ground water quality?			X	
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impeded sustainable groundwater management of the basin?			X	

3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through additional impervious surfaces?	X
4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	X
5. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	X
6. Otherwise substantially degrade water quality?	X
7. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	X
8. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	X
9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	X
10. Inundation by seiche, tsunami, or mudflow?	X

DISCUSSION:

J.1: With the removal of the residential designations from the General Plan and changing it to Open Space and Industrial, it would be expected that the discharge in water would be equal to those that were previously analyzed in the City General Plan EIR. Removal of an Airpark would also minimize the potential of industrial related aircraft fluids and material being discharged from the site. **Less Than Significant.**

J.2: By removing the residential designation from the project boundaries, the site anticipated water usage would be equal to that as original analysis within the City General Plan EIR. **Less Than Significant.**

J.3: The 1.75 acre of Open Space has previously been altered in anticipation of the construction of single family homes, which included below grade utilizes and significant ground disturbance to create building pads. The 13.3 acres that is changing from R-1 Single Family to M-1 Light Industrial has also been subject to routine grading and ground disturbances in the past to remove weeds and other ground cover from the site in compliance with the City's Weed Abatement Ordinance. The change in land uses designations results in the potential of an altering of drainage patterns that would be exactly the under the existing land use designation, therefore the impact is considered **Less Than Significant.**

J.4: The project area is flat in elevation and does not contain any water resources (creeks, vernal pools, rivers etc.). The change in land use designations results in the potential to change the drainage of the site as previously identified and discussed within the General Plan EIR. Therefore, there will be a **Less Than Significant** impact as a result of the project.

J.5: The change in land use designations would result in runoff water which would be equal to the previous designation, in that both designation permit development and would require specific improvements to minimize and capture run off from the site. Therefore, the impact associated with the change would be considered **Less Than Significant.**

J.6: The change in land uses designations creates the same opportunities to change the water quality of the site. Future development under the old or new designation would be subject to standards, such as Low Impact Development, which aids in water quality from the project site. The change would result in a **Less Than Significant** impact.

J.7: The change in land use from R-1 to M-1 and R-1 to Open Space, directly removes residential occupied structures from the potential of being developed within Flood Zone X, as defined by the Federal Emergency Management Agency. Therefore, the change in designations is considered **Less Than Significant.**

J.8: All of the Project site is located within an area designated as Zone X - "0.2% Annual Chance Flood Hazard. Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile" as

delineated by Federal Emergency Management Agency (Panels: 06011C0575F, 06011C0555F, 06011C0535F and 06011C0550F). The change in land uses designation does not alter the flood mapping therefore, the result of the change would be exactly the same. The change also does not alter the requirement for review and approval by the Colusa Building Department to ensure that any proposed structures meet all requirements related to building in flood hazard areas. **Less Than Significant.**

J.9: The change in land use results in the equal exposure of people or structures to flooding, in that both the previous zones as well as the new ones permit development. Therefore, the change results in a **Less Than Significant** impact.

J.10: The project site is inland and has little to no slope, so it is not at risk for tsunamis, mudflows or seiche. **No impact.**

K. Land Use and Planning. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Be inconsistent with General Plan or Specific Plan policies, or zoning regulations?			X	
2. Physically divide an established community?			X	
3. Conflict with any applicable land use plan, policy, or regulation over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
4. Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	
5. Be a part of a larger project involving a series of cumulative actions?			X	
6. Result in displacement of people or business activity?			X	

K.1: The change in land uses designations from R-1 to M-1 and R-1 to Open Space as part of the settlement agreement would permit development that was initially found consistent within the City’s 2007 General Plan and subsequent EIR. The change would result in an impact that is considered **Less Than Significant.**

K.2: The project area is at the southern end of the City’s limits, which is in an area that transitions from residential lands uses, to those of industrial and airport operations. The change of land use designations does not divide an established community; therefore, the result is anticipated to be **Less Than Significant.** The Project will not physically divide a community nor displace a population or business operation, therefore, **No Impact.**

K.3:

City of Colusa General Plan

Development in this area was anticipated, expected and analyzed several times through three separate Environmental Impact Reports. The General Plan itself discusses Policies that mention compact growth, orderly and manageable growth patterns (Goal LU-5, Policy LU 5.1, Policy LU 5.2, Goal LU-6, Policy LU-6.1), as well as consistency with Special Planning Area 5- Colusa Industrial Park, which discusses a range of land uses that should be compatible not only with one another, but as well as with airport operations.

Colusa County Airport Land Use Compatibility Plan

The project area falls within the Colusa County Airport Land Use Compatibility Plan (ALUCP) area and are located in Compatibility Zone B1 (Inner Approach/Departure Zone) Compatibility Zone C1 (Outer Approach/Departure Zone) and C2 (Primary Traffic Pattern Zone) (see Compatibility Policy Map – Map 3). The B1 Compatibility Zone permits a density of 1 unit per 20 acres. Only the 1.75-acre portion of the project boundary is within the B1 zone and given the size of the boundary, it could not support residential density.

The C1 and C2 Compatibility Zones also significantly limit the density of residential development (e.g., Zone C1: 1 unit per 10 acres; Zone C2: 1 unit per 5 acres). These limitations are inconsistent with the parcels' existing R-1 (Single Family Residential) zoning that allows 3 to 8 units per acre. As discussed below, removing the residential designation on the two parcels and applying open space and industrial designations, which will create greater compatibility with the ALUCP.

The C1 and C2 Compatibility zones identify a range of land uses that are determined by the ALUCP to be Normally Compatible, Conditional, and Incompatible. A detailed list of these land uses is noted in Compatibility Criteria-Table 3A of the ALUCP. Open space uses are consistent with the "Natural Land Area" land use definition in the ALUCP, which is noted as Normally Compatible in the C1 Compatibility Zone. Potential land uses allowed by the Industrial zoning designation may fall into any of the Normally Compatible, Conditional, or Incompatible categories in the C1 Compatibility and C2 Compatibility zones, depending on the general characteristics, details, and operational aspects of the land use. Future land use or land uses at the Project site, which are currently not known or proposed, will be subject to review by the Airport Commission for a consistency determination, to ensure that the project details meet requirements within the ALUCP. Future land uses will need to ensure that they do not exceed height limitations, intensities, densities or in other ways impede the ongoing safe operations of the airport.

The proposed General Plan Amendment and Rezone is consistent with the following ALUCP policies:

- Elimination of conflicts between two adopted plans and ensuring general plans and airport plans are consistent (Policies 3.1.1 and 3.1.2); and
- Preservation of the Airport Influence Areas by strongly discouraging residential uses (Policies 3.1.3 and 3.1.4); and
- Ensure future projects are evaluated and reviewed to ensure compliance with the ALUP and its land use compatibility zones, maps and tables (Policies 3.2.1, 3.2.2 and 3.2.3).

2020-2028 Housing Element

The parcels associated with the Project are listed in the City of Colusa 2020-2028 Housing Element Inventory of Vacant Parcels, which notes a potential for 72 units. The Housing Element, however, fails to note the restrictive nature of the ALUCP and the C1 and C2 Compatibility Zones on residential density. The Housing Element's residential unit potential for the parcels is in error and unachievable.

Since the adoption of the Housing Element, however, the City of Colusa has annexed an approximately 82.4-acre area zoned for R-1 (Single Family Residential) located west of the Project site. This area was not noted in the City's recently adopted Housing Element Inventory of Vacant Parcels. The majority of area is located in the ALUCP C3 Compatibility Zone, which does not have the same density restrictions as the C1 and C2 Compatibility zones (only 0.41 acres are within the C2 Compatibility zone).

The C3 Compatibility Zone notes that Single-Family Dwellings are Normally Compatible on Table 3A of the ALUP, which also does not list a density requirement nor an Open Land percentage requirement. The newly annexed area has the potential to accommodate up to 481 residential units under the City's current zoning, which allows 3 to 8 units per acre. Further, there is an active application to subdivide and rezone a portion of the recently annexed area to accommodate multi-family residential development. This area is known as the Wescott Subdivision. The proposal consists of 171 single family homes, 16.21 acres of medium density residential (8 to 12 units per acre), 7.5 acres of high density residential (12 to 20 units per acre), 3.5 acres of parks, 1.17 acres of commercial development, as well as roads and open space. This proposal alone could accommodate an additional 411 dwelling units. The recently annexed area will ensure that the City remains in compliance with Government Code Section 65863, which requires a jurisdiction to ensure that an adequate supply of appropriately zoned vacant land is available throughout the Housing Element planning period to accommodate a jurisdiction's regional housing need allocation (RHNA). **Less Than Significant.**

K.4: The City of Colusa does not have an adopted habitat conservation plan or natural community conservation plan. The change in land use designations does not impede the ability to adopt or implement one. Therefore, the change in land uses designations would be considered **Less Than Significant.**

K.5: The Project is a result of a Settlement Agreement between the County of Colusa and the City of Colusa, which requires the land use designations and zoning to lands that are compatible with the ALUCP. There is no piecemealing

as there is no known industrial development proposal. The change in land uses designations would therefore be considered **Less Than Significant**.

K.6: Currently the project site is vacant from residential and commercial structures, and void of any improvements. The change in land use designations would not result in any displacement, therefore the change should be considered **Less Than Significant**.

L. Mineral Resources. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

DISCUSSION:

L.1: Neither the City of Colusa General Plan or the EIR adopted with the Plan, identifies any mineral resources in the planning area. Therefore, the change in land use would result in a **Less Than Significant** impact on mineral resources.

L.2: The Project site is not identified as a mineral resource recovery site in the City of Colusa General Plan. There would be **No Impact** in this area.

M. Noise. Would the project or its related activities result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Exposure of persons to or generation of noise levels in excess of standard established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
2. Exposure of sensitive receptors (residential, parks, hospitals, schools) to exterior noise levels of 65 dBA Ldn or higher?			X	
3. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
4. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	

5. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	X
6. For a project located within the airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	X
7. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	X

M.1: The Project site is undeveloped and adjacent areas are zoned for and used for industrial purposes. By removing the R-1 designations from the site, the ability to expose residential occupied structures to noises from the nearby Colusa County Airport is dimensioned. Future operations and business within the M-1 could, depending on land uses themselves, quality of building construction material etc. could expose people to noise from the airport. Therefore, the change in land use is considered equal and **Less Than Significant** as the impact remains the same.

M.2: The change in land use designation from R-1 to M-1 would remove residential land uses from the vicinity of the Colusa County Airport. The change from R-1 to Open Space could expose individuals to noise from the airport. However, this Open Space is not an active Park, with park-related improvements (play structure, walking paths), so its uses as an active Park is not anticipated. Therefore, the change in land uses designations would be considered equal. The change is considered **Less Than Significant**.

M.3: The project is consistent with the City’s General Plan and is not anticipated to result in any new noise impacts beyond those identified by the General Plan EIR. Any construction-related activity associated with future use of the Project site would only generate known construction-related noise levels for a temporary period. Any future development and operation at the Project site would be required to comply with Chapter 11A of the Colusa Municipal Code, which sets forth the City’s standards for construction-generated noise and limits the hours of construction activities within the City and the Mitigation measures previously approved and adopted by the City Council for noise impacts for the project would be implemented by the project developer. For these reasons, the impact from the land use and zone change is considered would be a **Less Than Significant** impact associated with the land use change and would not result in conflicts or obstructing any biological resources.

M.4: The Project site is primarily surrounded by existing industrial uses. The Project, a change in land use designations removes an R-1 zoning which was anticipated to have an Airpark associate with it and replaced it with a M-1 land use designation. These uses should be considered equal in terms of noise associated with the land uses and therefore there would be a **Less Than Significant** impact associated with the change.

M.5: Any project under the previous land use designation of R-1 or a future project under the M-1 designation would both be subject to the adherence of to the City’s noise standards, as identified in Chapter 11A of the Colusa Municipal Code, which limit the amount of noise being generated during specific hours of the day. Following these standards will ensure a **Less Than Significant Impact**.

M.6: The Project site is located approximately 1,000 linear feet from the Colusa County Airport, and also falls within the boundaries of the Colusa County Airport Land Use Compatibility Plan (ALUCP). The ALUCP identifies the Project site being located in both the Capability Zone C1-Outer Approach/Departure and Zone C2–Primary Traffic Pattern Zone (see ALUCP Compatibility Policy Map – Map 3). Removing the existing residential land use and zoning designations and providing for industrial and open space zoning would remove residential structures from the area, but also permit the ability to construct an industrial development. Therefore, the change in land uses should be considered equal and the impact would be **Less Than Significant**.

For additional discussion regarding Airport Compatibility Zones, see the above Land Use Section (Section K).

M.7: The project site is not near a private air strip. Therefore, there will be No Impact. For additional discussion on land uses near the Colusa County Airport, see M.6 (above) as well Section K – Land Use Section (above).

N. Open Space/Recreation. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Affect lands preserved under an open space contract or easement?			X	
2. Affect an existing or potential community recreation area?			X	
3. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
4. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

N.1: A portion of the Project site is being re-designated from Residential to Open Space. It is intended that area will remain as open space in perpetuity. The remainder of the Project site is not under an open space contract or easement. Additional land will go from R-1 to M-1 designation and is not under any preservation or open space contract. The change in land use designation is therefore considered **Less Than Significant**.

N.2: The Colusa Golf and Country Club is an 18-hole golf course located approximately 900 linear feet to the north of the site. The golf course will continue its operations and is not part of the Project. No recreational areas are proposed to be removed or modified as part of the Project. The Project will result in **Less Than Significant** on recreational areas.

N.3: The Project results in the removal of residentially zoned property, which predominately utilizes the need for parks and recreational facilities. At the same time, the Project designations 1.75 acres as Open Space, which would be utilized by neighbors. Therefore, the change between the different land uses should be considered equal to one another and have **Less Than Significant** impact on the demand for recreational facilities and parks.

N.4: The land use designation change does not include recreational facilities or require the construction or expansion of recreational facilities. In fact, the removal of the R1 land use designation would have a **Less Than Significant** impact on the need for recreational facilities, as residential land uses are considered growth inducing and would inherently require more facilities.

O. Population and Housing. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			X	
4. Conflict with General Plan population growth rates for its planning areas in conjunction with other recently approved development?			X	

DISCUSSION:

O.1: The Project removes R-1 land use designation from the site in conformance with a settlement agreement. The project area, as identified within the 2007 General Plan, anticipates urban related growth and development and as such was studied within the City’s EIR. The change in land use would be **Less Than Significant** in that itself does not include substantial population growth.

For additional discussion regarding Housing and Population, see the above Land Use Section (Section K).

O.2: The Project removes R-1 land uses designation from the site in conformance with a settlement agreement. The R-1 zoning occupied approximately 13.3 acres at a low-density residential designation. The R-1 was also removed from 1.75 acres of property, which could accommodate an additional 4 single family residential structures. Both sites are currently vacant and do not have housing units placed upon them. Given the detailed discussion under Land Use Section (Section K) above, which notes developmental potential for the area was minimal due to Airport Overlay Compatibility Zones. Therefore, the change is considered **Less Than Significant**.

O.3: The project site is void of any physical improvements including residential structures. The removal of the R1 land use designations, in conformance with the settlement agreement, removes the ability for residential structures to be placed within the boundaries of the site. As discussed in greater detail in Land Use Section (section K) above, the residential development potential for the site was limited due to the Airport Overlay Compatibility Zones. Therefore, the change is considered **Less Than Significant**.

O.4: The Project is to remove residential zoning designations and revert them back to those noted in the General Plan Update. Such reversion on a limited number of acres within an Airport Overlay Compatibility Zone is not anticipated to modify growth rates for the City. The impact would be considered **Less Than Significant**.

P. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Fire protection?			X	
2. Police protection?			X	
3. Schools?				X
4. Parks and recreation facilities? (See Section N Open Space/Recreation)			X	
5. Maintenance of public facilities, including roads, canals, etc.?			X	
6. Other government services?				X

DISCUSSION:

P.1: The change in land use designations would not result in any new impacts beyond those identified in the General Plan EIR when it comes to Fire Protection services. Such services exist within the City and the site is already served by them. The change in land use designations from R-1 to M-1 would anticipate less calls for Fire Protections services because of a decrease in number of residential units and an increase in building standards for industrial type buildings. **Less Than Significant.**

P.2: The change in land use designations would not result in any new impacts beyond those identified in the General Plan EIR when it comes to Police Protection services. Such services exist within the City and the site is already served by them. The change in land use designations from R-1 to M-1 would anticipate less calls for Police services because

of a decrease in number of residential within the area, there the result in land use change is considered **Less Than Significant**.

P.3: The Project will not result in any new residential development, which has a direct correlation to school enrollment. **No Impact** on school services.

P.4: By changing the land uses for the site and removing the R-1 designations, the need for parks and recreations facilities, which are closely tied to residential development are **Less Than Significant** when compared to the M-1 land use designations.

P.5: Public improvements and their maintenance would be the same when changing the land use designations. In that both zoning districts would require some public improvements (roads, lights) to be developed in order to build out the parcel. This maintenance is minimized as well in regard to the Open Space designation, as all public improvements to those acres are already established. The change would result in a **Less Than Significant** impact.

P.6: The Project areas are not public, and do not contain any public improvements such libraries, trails or other public related services and operations. **No Impact**.

Q. Transportation/Circulation Factors.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project or its related activities:				
1. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
2. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
5. Result in inadequate emergency access?			X	
6. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

Q.1: The Project is consistent with the City’s General Plan, including the Circulation Element (Chapter 4 of the General Plan). Any future development in the M-1 zone would have similar or equal traffic patterns as those found in the R-1 zoning district, which are discussed in the City’s General Plan EIR. The change in land use designation would result in a **Less Than Significant** impact.

Q.2: The change in land use back to the M-1 and Open Space designations would have minimal change compared to land uses developed under the R-1 zoning district. These changes, such as peak demand and usage, would not have an

impact up the City. Nor would it conflict with applicable congestion management programs or circulation plans as the City currently does not have one. The project area is already served by public roads. Therefore, the change would be **Less Than Significant**.

Q.3: The conversion of the R-1 land use to the M-1 and Open Space land use designation as required as part of the settlement agreement would bring the site in conformance with the Colusa County Airport Land Use Plan, which restricts residential land uses in proximity to the airport, which is approximately 1000 feet to the southeast. Therefore, the change would be **Less Than Significant** to air traffic patterns and to public safety.

Q.4: The conversion of the R-1 land use to the M-1 and Open Space land use designation would not result in an increase in hazardous design features as the sites are currently accessible by roads that are not designed with sharp curves, dangerous intersections or other aspects that would impede drivers. Therefore, the change would be considered **Less Than Significant**.

Q.5: The conversion of the R-1 land use to the M-1 and Open Space land use designation would result in the same access in the event of an emergency, as the sites are currently accessible by roads. Therefore, the change in land use designations would be considered **Less Than Significant**.

Q.6: The conversion of the R-1 land use to the M-1 and Open Space land use would result in a decreased need for bicycle related infrastructure when compared residential to light industrial development. While bus ridership would be similar in both land uses designation, which demand is minimal for the Colusa Transit Authority. Therefore, the change in land use designations would result in a **Less Than Significant** impact.

For a greater discussion on Airport related activities, see Land Use Section above (Section K).

R. Tribal Cultural Resources. Would the project cause a substantial adverse change in the significance of a public tribal cultural resource, defined in Public Resource Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of landscape, sacred place, or object with cultural value to the California Native American Tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code section 5020.1(k), or?			X	
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivisions (c) of Public Resource Code Section 5024.1. In applying the criteria			X	

R.1. And R.2: Pursuant to Chapter 4.9 – Historic and Cultural Resources of the City’s EIR, tribal resources and villages have historically taken place near or along the Sacramento River and extended as far as 35 miles across the valley. The Sacramento River is approximately 0.83 miles to the northwest of the project boundaries.

On September 7, 2023, the Native American Heritage Commission (NAHC) was contact to do a Sacred Land File check, which was completed with negative results. As a result of that search, the NAHC identified local Native American tribal groups were formally notified on September 21, 2023, that environmental review for the Project was to take place and invited to provide consultation:

- Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- Corina Rancheria – Kietzel Dehe Band of Wintun Indians
- Estom Yumeka Maidu Tribe of The Enterprise Rancheria
- Grindstone Rancheria of Wintun Wailaki
- Paskenta Band of Nomlaki
- Yocha Deneh Wintun Nation

Under AB 52, Native American tribes typically have 30 days to response and request further project information and formal consultation. No response was received to the mailings. No response has been received, and no formal consultation has been requested. Accordingly, the requirements of AB 52 have been met for the project. **Less than Significant.**

S. Utilities and Service Systems. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
2. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
3. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?			X	
4. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
5. Comply with federal, state, and local statutes and regulations related to solid waste?			X	

S.1: The change in land use designation from R-1 to M-1 and Open Space does not result in any additional need for the expansion of utility services such as water, natural gas, etc. as the site has current access to all local utilities. Therefore, the change would be considered **Less Than Significant.**

S.2: The City of Colusa administers a domestic water delivery system, operated by the Public Works Department which currently extracts groundwater from five wells at various locations throughout the City. There are currently sufficient water supplies to facilitate the land use designation from R-1 to M-1 and Open Space. Therefore, the project is expected to have a **Less Than Significant** impact on water services.

S.3: The City of Colusa is responsible for the operation and maintenance of the sewer collection and treatment system, as well as disposal. Personnel, operations, and discharges are regulated and licensed by the State, and there is adequate capacity to serve the effluent needs of the proposed project. The change in land use designation would result in demand on sewers that would be equal to one another from the R-1 to the M-1 and Open Space zones, therefore the impact is anticipated to be **Less Than Significant**.

S.4: The City of Colusa provides solid waste disposal services to both City residents and business. Waste is collected and transported in compliance with County and State regulations governing solid waste disposal to the Ostrom Road Landfill in Yuba County and the Ostrom Road Landfill has adequate capacity to serve the land use designation change from R-1 to M-1 and Opens Space, therefore the impact is considered **Less Than Significant**.

S.5: The change in land use from R-1 to M-1 and Open Space does not modify or change the federal state or local requirements related to solid waste. This impact would be considered **Less Than Significant**.

T. Wildfire. Would the project or its related activities:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
2. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
3. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
4. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

T.1: The site is not in an area designated by the California Department of Forestry and Fire Protection (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Also, the project site is not located in a State Responsibility Area (SRA). Therefore, the change in land use designations would have a **Less Than Significant** impact on emergency response plans or evacuations.

T.2: The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult.

Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point.

The Project site is relatively flat, and it is not located near any steep slopes. It is in an area that includes a mixture of uses ranging from urban to agricultural to commercial to industrial. These uses are not considered a significant risk for wildlife.

In addition, as mentioned previously (see T.1), the Project site is not in an area designated by California Department of Forestry and Fire Protection (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Also, the Project site is not located in a state responsibility area. The Project would have no impact in this area. Therefore, the change in land use designations from R-1 to M-1 and Open Space does not exacerbate wildfire risks and the impact anticipated with wildfire will be **Less Than Significant**.

T.3: The Project site is not in an area designated by California Department of Forestry and Fire Protection (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. The property that is to be zoned Open Space is accessible by a paved road through a residential subdivision, while the property that is going from R-1 to M-1 is situated in a semi-built environment with access roads constructed to them. Therefore, the change in land use designations would be **Less Than Significant**.

T.4: Landslides encompass the following occurrences: rockfalls, shallow slope failure, and deep slope failure. The risk of a landslide is accelerated following the occurrence of a fire on steep slopes. The primary factors that influence landslide risk include geologic conditions, the slope, drainage of the soil, and the type of vegetation. Cut and fill for the construction of new roadways can also have increased landslide potential.

The Proposed Project site is very level and not located within the vicinity of any slopes with landslide potential. The Proposed Project also does not require the construction of new roadways. The Project site is not in an area designated by the California Department of Forestry and Fire Protection (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. The change in land use designations would result in a **Less Than Significant** impact.

MANDATORY FINDINGS OF SIGNIFICANCE

Pursuant to Section 15382 of the State EIR Guidelines, a project shall be found to have a significant effect on the environment if any of the following are true:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
2. Does the project have impacts that are individually limited but cumulatively considerable. (“Cumulatively considerable” means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past, current and probable future projects?)			X	
3. Does the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.			X	

1: Based on the preceding environmental analysis, which notes that the site is void of any biological resources, including trees, rivers, creeks and wetlands and the limited scope of the project is changing of land use designations from R-1 to M-1 and Open Space. The site has been routinely mowed and maintained to minimize weeds on site. These weeds provide little to no habitat for the wild animal community. The change in land use designation from R-1 to M-1 and Open Space would not degrade the site any further than anticipated within the General Plan EIR, which calls for the area to be urbanized. Therefore, the change is considered **Less Than Significant**.

2: Conversion of the current R-1 land use back to the original M-1 land use designation as required as part of the settlement agreement would allow for light industrial development instead of single family residential. Light industrial land uses would have similar or fewer impacts when compared to the residential land uses. These impacts were anticipated within the General Plan EIR, therefore the change is considered **Less Than Significant**.

3. By changing the land use designation from R-1 to M-1 and Open Space the project boundaries would now be in compliance with the Colusa County Airport Land Use Plan, and therefore reduce the adverse effects on humans who are placed in proximity to the airport. Future buildout of the M-1 property will be subject to the City of Colusa’s Municipal

Code which ensures fire, life and safety are met. Therefore, impacts to this change in land use designation are considered **Less Than Significant**.

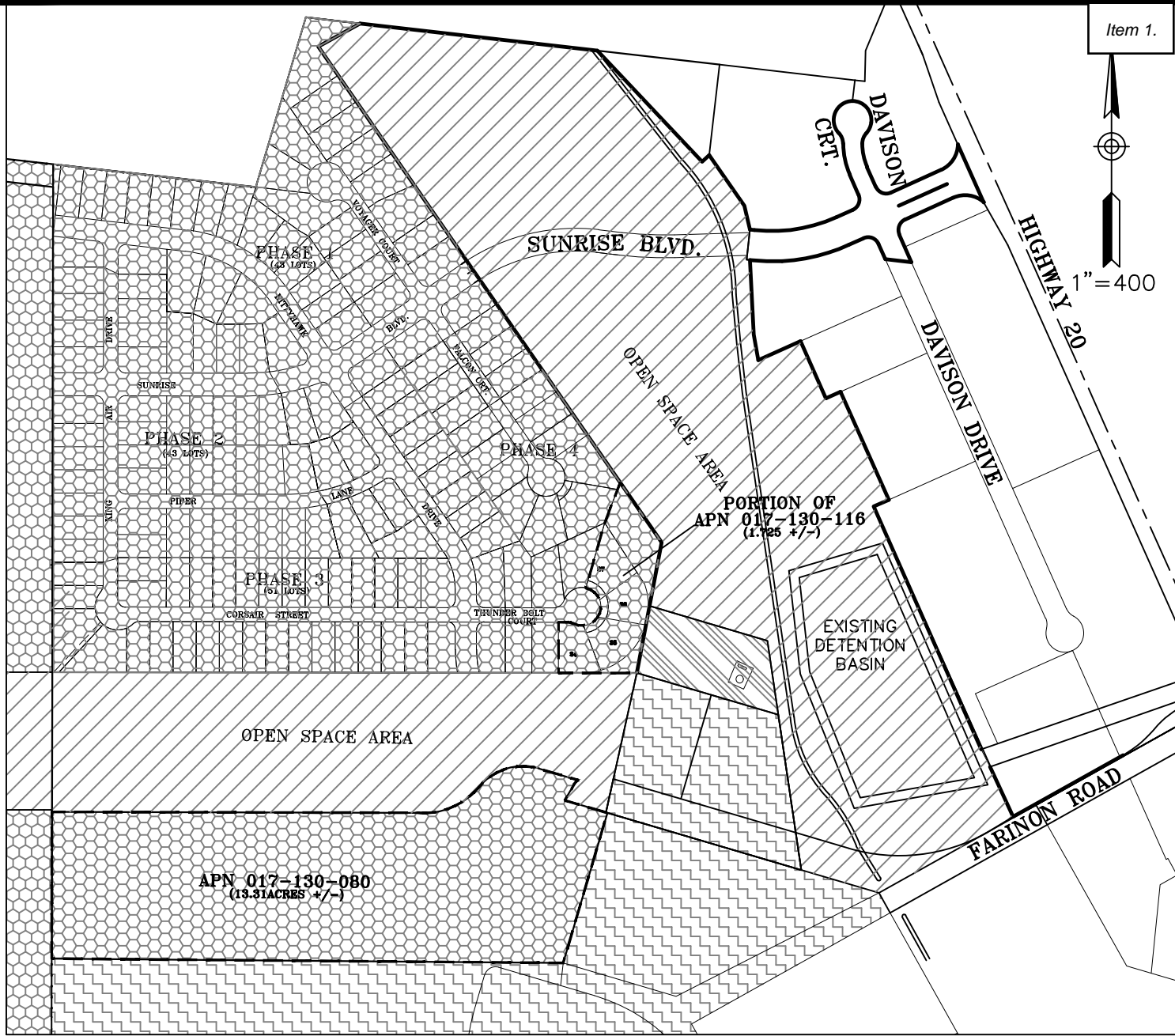
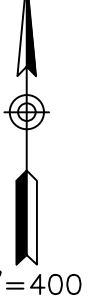
4. **REFERENCES:**

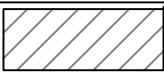
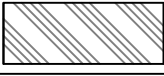
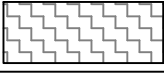
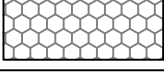
- City of Colusa General Plan, 2007
- Draft Environmental Impact Report for Colusa General Plan. City of Colusa, 2007
- Draft Environmental Impact Report for the Colusa Industrial Properties, 2007
- Colusa Local Area Formation Commission Staff Report (2019-0001) – Annexation, 2019
- City of Colusa Municipal Code
- Department of Toxic Substances Control's Hazardous Waste and Substances Site (Cortese) List - Website
- State Water Resource Control Board; GeoTracker – Website
- Colusa County Airport Land Use Compatibility Plan, September 24, 2014
- Office of State Fire Marshal, State and Local Responsibility Maps, June 2023
- Office of State Fire Marshal, Fire Hazard Severity Zones in State Responsibility Zones Maps, November 2007
- Federal Emergency Management Agency Map, 1998
- Farmland Mapping and Monitoring Program – <https://maps.conservation.ca.gov/agriculture/>

5. **ATTACHMENTS**

None

Item 1.



	ZONING	GENERAL PLAN
	O-S OPEN SPACE	PARKS RECREATION OPEN SPACE
	P-F PUBLIC FACILITIES DISTRICT	PUBLIC FACILITY
	M-1 LIGHT INDUSTRIAL	INDUSTRY DISTRICT
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	LOW DENSITY RESIDENTIAL

OWNER:
 BLUE HERON RIDGE INC.
 50 SUNRISE BLVD
 COLUSA, CA 95932

ENGINEER/SURVEYOR:
 NORTH VALLEY ENGINEERING
 AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CALIFORNIA 95993
 (530) 713-0417

ASSESSOR'S PARCEL NUMBER:
 APN: 017-130-106

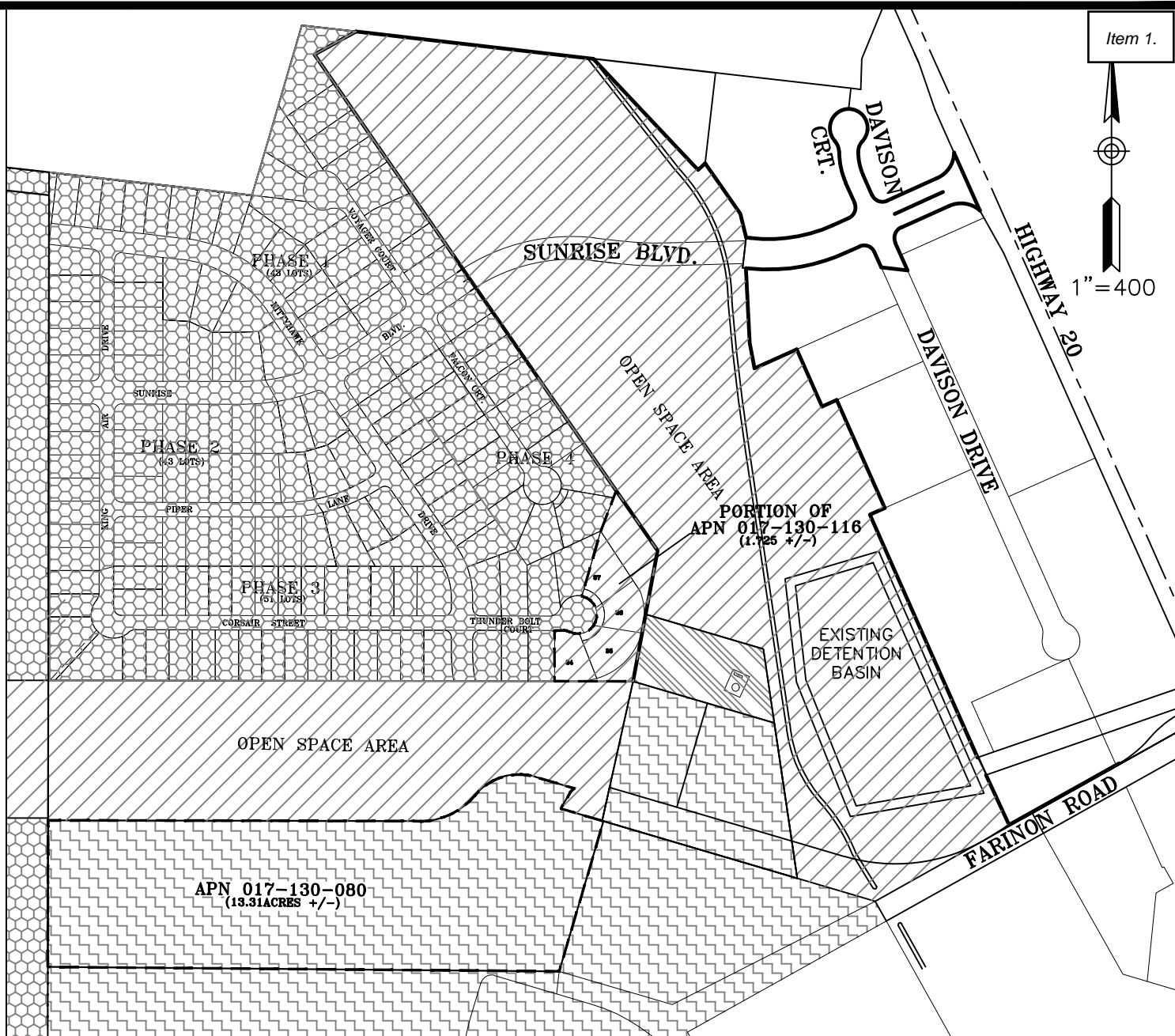
LOT ACREAGE:
 PARCEL ACREAGE AS SHOWN.

--- PROPERTY SUBJECT TO REZONE & GP AMENDMENT

PREPARED BY:
NVES
 NORTH VALLEY ENGINEERING AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CA 95993
 (530) 713-0417

EXHIBIT "B"
EXISTING ZONING & GP
 BLUE HERON RIDGE INC.

Item 1.



	ZONING	GENERAL PLAN
	O-S OPEN SPACE	PARKS RECREATION OPEN SPACE
	P-F PUBLIC FACILITIES DISTRICT	PUBLIC FACILITY
	M-1 LIGHT INDUSTRIAL	INDUSTRY DISTRICT
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	LOW DENSITY RESIDENTIAL

OWNER:
 BLUE HERON RIDGE INC
 50 SUNRISE BLVD
 COLUSA, CA 95932

ENGINEER/SURVEYOR:
 NORTH VALLEY ENGINEERING
 AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CALIFORNIA 95993
 (530) 713-0417

ASSESSOR'S PARCEL NUMBER:
 APN: 017-130-106

----- PROPERTY SUBJECT TO REZONE & GP AMENDMENT

LOT ACREAGE:
 PARCEL ACREAGE AS SHOWN.

PREPARED BY:
NVES
 NORTH VALLEY ENGINEERING AND SURVEYING
 1547 STARR DRIVE SUITE "J"
 YUBA CITY, CA 95993
 (530) 713-0417

EXHIBIT "B"
PROPOSED ZONING & GP

BLUE HERON RIDGE INC.

DRAFT

AMENDMENT NO. 2 TO DEVELOPMENT AGREEMENT

THIS AMENDMENT NO. 2 TO DEVELOPMENT AGREEMENT is made and entered into this ___ day of _____, 2023, by and between the CITY OF COLUSA (CITY) and COLUSA INDUSTRIAL PROPERTIES, INC. (CIP).

The CITY and CIP desire to amend the current Development Agreement approved by the City Council, Ordinance No. 516 on April 18, 2017 by and between the CITY OF COLUSA (CITY) and COLUSA INDUSTRIAL PROPERTIES, INC. (CIP), pursuant to the authority of Sections 65864 through 65869.5 of the Government Code of California.

No changes other than these specifically made by this Amendment shall modify the Agreement or the First Amendment.

Terms of a Settlement Agreement and Release of Claims are a result of a negotiated resolution of a lawsuit County of Colusa v. City of Colusa, Case No. 34-2022-8000385-I-CU-WMGDS, which will modify the Sunrise Landing project and the Development Agreement.

In Phase 6 of the Phasing Plan, (24) single family lots will be converted to Light Industrial and (4) lots in Phase 5 will be converted to Open Space.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

Pages 2-3 of 11

B. RESPONDENT AND REAL PARTIES’ OBLIGATIONS

1. Project Amendments. Within 90 days of the effective date of this Agreement, CIP agrees to apply for City approval of the following changes to the Project and the City agrees to timely and lawfully process said applications for: (1) a General Plan Amendment and rezoning for lots #157-180 as shown on Tentative Parcel Map 01-18 (attached hereto as Attachment 1) to a low-intensity industrial/commercial use; and (2) a General Plan Amendment and rezoning to open space for lots #34-37 as shown on Tentative Parcel Map 01-18. Each will be submitted to the County ALUC for review, which review process will follow the statutory scheme governing said ALUC review. Processing of the General Plan amendment and rezone applications contemplated by this section with respect to the ALUC and any override thereof will occur per statute.

CITY OF COLUSA

COLUSA INDUSTRIAL PROPERTIES, INC.

Edwin Hulbert, CEO

ATTEST:

APPROVED AS TO FORM:

Shelly Kittle, City Clerk

Ryan R. Jones, City Attorney



CITY OF COLUSA

PLANNING DEPARTMENT

MASTER PLANNING APPLICATION

Item 1.

425 WEBSTER STREET * COLUSA, CA 95932 * (530) 458-4740 * FAX (530) 458-8674

STAFF USE ONLY	
Date application received: _____	Received by (Name) _____
Total Fee Deposit Paid \$ _____ Cash <input type="checkbox"/> Check <input type="checkbox"/>	
Date Application Deemed Complete: _____	By: _____ Receipt No: _____ Check # _____

PROJECT INFORMATION:

Proposed Project Name: REZONE AND GENERAL PLAN AMENDMENT

Project Address: FARINON ROAD

Assessor's Parcel Number(s): 017-130-106

Parcel Size: Square feet: _____ AND Acres: _____ As shown on map Zoning District: R1

APPLICANT INFORMATION:

Applicant's Name: BLUE HERON RIDGE INC.

Mailing Address: 50 SUNRISE BLVD COLUSA CA 95932

Daytime phone #: 530-458-2118

Fax # _____

E-mail _____

Signature: _____

OWNER INFORMATION:

Property Owner's Name: SAME AS APPLICANT

Mailing Address: _____

Daytime phone #: _____

Fax # _____

E-mail _____

Signature: _____

Application Requested - check appropriate box(es)

- | | | |
|--|--|--|
| <input type="checkbox"/> Conditional (Major) Use Permit | <input type="checkbox"/> Lot Merger | <input type="checkbox"/> General Development Plan |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Minor Use/Sign Permit | <input type="checkbox"/> Tentative Subdivision /Parcel Map |
| <input checked="" type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Pre-Zone (for annexation) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Specific Plan | <input checked="" type="checkbox"/> Zoning Amendment |

Property Owner Statement

Processing of this Application will not begin until the following statement has been completed to the satisfaction of the City:

I certify under penalty of perjury that I am the legal owner(s) (all individual owners must sign as they appear on the deed to the land), Corporate Officer(s) empowered to act for the corporation, Owner's legal agent having power of attorney (a notarized Power of Attorney document must accompany this application), or the owner's authorized representative (include a letter of authorization from the owner.)

I also certify, that the statements and information contained in this application, are true and correct. I understand that all property lines must be shown/dimensioned on the drawings and visible upon site inspection. In the event that the lines and monuments are not shown, their location is found to be incorrect, the owner assumes full responsibility.

Owner Signature: _____

Ed Hulbert

Date: _____

7/5/23

Printed Name: ED HULBERT

Owner Signature: _____

Date: _____

Printed Name: _____

Property Owner Authorization

Item 1.

I am (we are) the legal owners of said property, applying for entitlements from the City pursuant to this application; and do here by authorize the person/firm shown below to file and represent my/our interest in the application listed below, or if the person/firm below has a leasehold interest in the Property, I/we authorize the person to apply for entitlements for this Property. If the Authorized Person has a leasehold interest in the Property, a copy of the lease agreement must be provided for as part of this application.

Owner Signature: X Ed Hulbert
Printed Name: Ed Hulbert

Date: 7/5/23

Authorized Person

Applicant's Name: NORTH VALLEY ENGINEERING AND SURVEYING

Mailing Address: 1547 STARR DRIVE SUITE "J" YUBA CITY CA 95993

Daytime phone #: 530 713-0417 Fax # _____ E-mail gmusallam@nvesca.com

Signature: George L. Musallam

A letter signed by the property owner(s) may be submitted in lieu of this form, but the letter must identify the person being authorized to represent the property owner and the application submitted.

PROJECT INFORMATION:

Describe the Project:

A REZONE AND GENERAL PLAN AMENDMENT TO CHANGE ZONING FROM SINGLE FAMILY RESIDENCE ZONING TO INDUSTRIAL.

List any other related permits and other public approvals required for this project, including those required by the City, Regional, State and Federal Agencies:

NA

Provide the following information, if applicable:

Amount of off-street parking required, and what is provided:

NA

Proposed phasing plan:

NA

If residential, include the number of units, schedule of unit sizes, and type of household expected:

NA

If the project involves a variance, conditional use or rezoning application, state this and describe why the application is required:

NA

Additional Information: Read Carefully

This project may be subject to fees and/or permits imposed by the Department of Fish and Wildlife (Fish and Game Code Section 711.4 et. seq.; Public Resources Code, Section 1005). Unless a project is denied, no action requiring payment of fees shall be deemed final until such fees are paid (Section 21089 (6) of the Public Resources Code). State of California Department of Fish and Game Code section 711.4 and Title 14, California Code of Regulations, section 753.5 requires payment of a \$2,210.00 fee at the time of filing of California Environmental Quality Act (CEQA) Notice of Determination (NOD) for review of a Negative Declaration, or Mitigated Negative Declaration, and \$3,069.75 for an Environmental Impact Report (EIR). Checks made payable to State Department of Fish & Game, and a \$50 recording fee made payable to the Colusa County Clerk's office must be delivered to Colusa City Hall within 5 business days of application approval. Pursuant to CEQA Guidelines Section 15075, recording of the NOD at the County Clerk's office is required within five (5) business days; or the statute of limitations is extended from 30 days to 180 days. The City fee for recording environmental documents is \$50.00. Checks must be made payable to the City of Colusa and must be delivered to Colusa City Hall, along with documents to be recorded and appropriate fees within 3 business days of application approval to ensure recording at the County within 5 business days as required by the Public Resources Code.

Any construction activity within a channel, waterway, or creek bed requires approval of a Streambed Alteration Permit from the California Department of Fish & Game, Regional Headquarters 1701 Nimbus Road, Rancho Cordova 95670, Environmental Services (916) 358-2929. For Department of Fish & Game forms, visit the agency's web site at www.DFG.CA.GOV.

The City of Colusa City Code, and the California Building Code, prohibit occupancy of the buildings prior to the issuance of a Certificate of Occupancy/Final Inspection by the Building Official.

APPLICATION PROCESSING AND REIMBURSEMENT AGREEMENT

Item 1.

This Agreement relates to the Payment of Costs incurred by the City of Colusa for Processing the Applications

TO BE COMPLETED BY APPLICANT:

This Agreement is entered into this 5th day of July 2023, by and between the City of Colusa, California, a municipal corporation, ("City,") and COLUSA INDUSTRIAL PROPERTIES ("Applicant") related to the Proposed Project as set forth in more detail below.

1. PROPERTY INFORMATION:

Property : NIAGARA AVENUE , COLUSA _____

Interest of Applicant: OWNER _____

2. APPLICANT CONTACT INFORMATION:

Applicant's Name: ED HULBERT - BLUE HERON RIDGE INC _____

Mailing Address: 50 SUNRISE BLVD, COLUSA CA 95932 _____

Daytime phone # 458-2118 _____ Fax # 530-458-2110 _____

E-Mail ehulbert@cipcorp.com _____

Signature: Ed Hulbert _____

3. OWNER CONTACT INFORMATION (If different from Applicant):

Property Owner's Name: SAME AS APPLICANT _____

Mailing Address: _____

Daytime phone #: _____ Fax #: _____

E-mail _____

Signature: _____

4. BILLING INFORMATION: Statements, requests for deposits or refunds shall be directed to Applicant identified in Section 2 above unless stated otherwise below:

Company Name: SAME AS APPLICANT _____ Attn: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____

Federal Tax ID No.: _____

This Agreement relates to the Payment of Costs incurred by the City of Colusa for Processing the Applications (cont'd)

This is a legally binding agreement. You should read all provisions.

- A.. Intent. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City Manager.
- B. Reimbursement Payments. Applicant agrees to provide the funds ("Reimbursement Payments") to allow City to perform the tasks necessary relating to the City's processing of the Project.
- C. Deposit. Applicant agrees to make an initial deposit in the amount of \$1500, concurrently with the execution of this Agreement, which deposit ("Deposit") will be held by City in a separate account ("Account") and used by City for payment of its costs related to the Project. The City will not pay interest on deposits. Whenever the amount in the Account in which the Deposit is held is \$100 or less, City shall have the right to request in writing that Developer replenishes the Account by depositing an additional Reimbursement Payment in order to bring the balance of the Account back to the amount of the initial Deposit.
- D. Invoices. City will provide Developer an itemized invoice of processing costs pertaining to the Project on a monthly basis. Developer shall have fifteen (15) days after mailing of the invoice to review the invoice and shall work in good faith with City to resolve any disputed costs. The City may elect to send statements less frequently than monthly if there is only a limited amount of activity on the Project in any given month. Invoices are due and payable within thirty (30) days.
- City statements and invoices shall provide summary information indicating the cost for employees and independent contractors, including direct and indirect charges. Original invoices from independent contractors (except attorney/client invoices) shall be available upon request by Applicant, at Applicant's additional cost.
- E. Failure to Replenish Account. If Applicant does not deposit such requested deposits or make payments on outstanding invoices within fifteen (15) days after the date of the deposit request or invoice, City staff may cease work on the project until the required deposit or payment is made, subject to any other provisions of law. Failure to make any subsequent deposits may result in denial of an application for a development project or in the decision by the City to postpone action on the application. City has the right to make more than one request for replenishment as set forth in Section C.
- F. Processing Timelines. Applicant agrees that that it knowingly and voluntarily waives, extends and continues each of the time limits imposed by California Government Code Section 65943 for the determination of a development application's completeness and the time limits imposed by California Government Code Sections 65950, 65950.1, 65951 and 65952 for the approval or disapproval of development permits for as many days as the applicant delays making a subsequent deposit from the date of written notice requesting such additional deposit until the deposit is received by City, not to exceed 90 days.

- G. Authority/Obligations of City. Deposits shall be applied toward the City's costs of reviewing and processing the application. City, in the exercise of the sole discretion of its officials, agents, or employees, will decide how City spends the Reimbursement payments. Except as provided elsewhere in this Agreement, City makes no promise, representation, or warranty, express or implied, as to the manner in which City will use the Reimbursement Payments. City also makes no promise, representation or warrant, express or implied, as to the timing of the City's processing of the Project nor as to the outcome by the City as to the processing, including the action by the City Council on Applicant's Application.
- H.. Costs Exceeding Deposit. In the event that the accumulated periodic charges exceed the Deposit and any subsequent deposits previously received by City, City will invoice Applicant for the amount outstanding and may require an additional deposit. Applicant will pay any and all amounts exceeding the initial and subsequent deposits within fifteen (15) days of the date of the invoice, and shall make any additional deposit required by City.
- I. Payment Upon Receipt of Invoices. Applicant shall pay interest on all costs unpaid thirty (30) days after the date of any invoice at the maximum legal rate, and the City is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts.
- J. Lien on Property. Applicant and owner of property, if not the same, agree to and authorize City to place lien on the property subject to this application for any and all delinquent costs and fees. The City shall remove such a lien once the Applicant has paid all delinquent costs and fees. For purposes of this section, an invoice amount shall become delinquent when unpaid for thirty (30) days after the date of the invoice.
- K. Refunds. Any refund of amounts deposited shall be made in the name of the Applicant, to the address noted above in Section 4.
- L. Withholding of Entitlements. Applicant further agrees that no building permits, Certificate of Occupancy and/or subdivision Acceptance for the project will be issued until all costs for review and processing are paid.
- M. Duty to Notify City. Applicant shall provide written notice to the City if any of the above information changes.
- N. Indemnification. Applicant agrees to defend, with counsel selected by the City, indemnify and hold City harmless for all costs and expenses, including reasonable attorney's fees incurred by City or held to be the liability of the City, including plaintiff's attorneys' fees if awarded, in connection with City's defense of its actions in any proceeding brought in any State or Federal court challenging the City's actions with respect to the Applicant's project. If Applicant is not the property owner, Applicant agrees to pay such costs unless the property owner also signs this Agreement, in which case both Applicant and the property owner shall be jointly liable for such costs.
- O. Authority to Enter Agreement. This Agreement shall only be executed by an authorized representative of the Applicant. The person executing this Agreement represents that he/she has the express authority to enter into agreements on behalf of the Applicant.
- P. Not Assignable. This Agreement is not assignable without written consent of the City of Colusa, which consent shall not be unreasonably withheld. The City of Colusa will not consent to assignment of this Agreement until all outstanding costs, fees and liabilities have been paid by Applicant.
- Q. No Agency, Joint Venture or Partnership. City and Applicant renounce the existence of any form of agency relationship, joint venture or partnership between City and Applicant and agree that nothing

contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between City and Applicant.

APPLICANT

Property Owner's Name: BLUE HERON RIDGE INC

Signature: *[Handwritten Signature]*

Date: 7/5/23

OWNER (must be filled out only if Applicant is not the fee owner of the property)

Property Owner's Name: _____

Signature: _____

Date: _____

CITY OF COLUSA

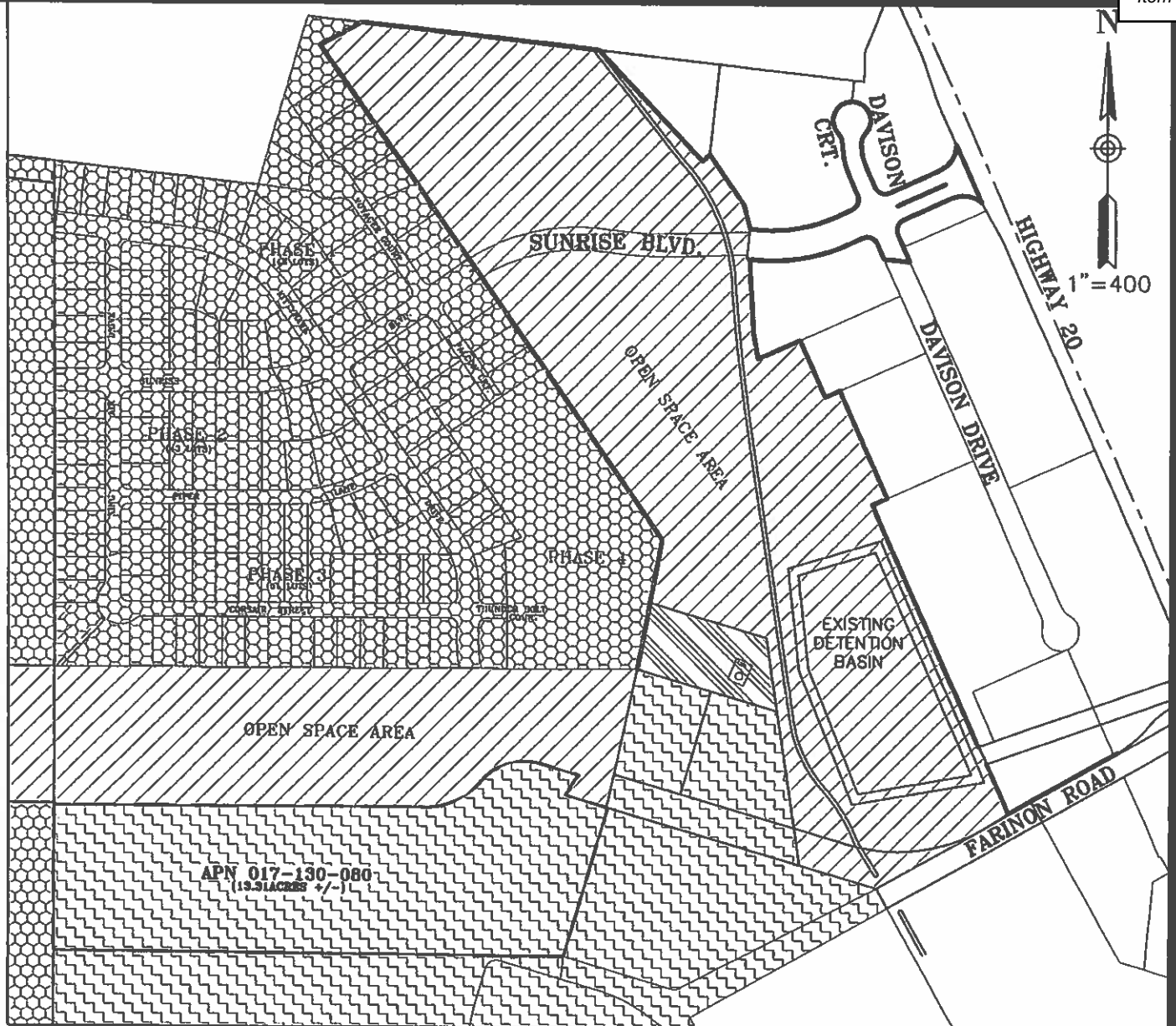
By: *Jesse Fair*

Signature: *[Handwritten Signature]*




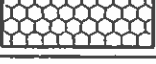
Date: 7-5-23



1" = 400'



APN 017-130-080
(19.31 ACRES +/-)

	ZONING	GENERAL PLAN
	O-S OPEN SPACE	PARKS RECREATION OPEN SPACE
	P-F PUBLIC FACILITIES DISTRICT	PUBLIC FACILITY
	M-1 LIGHT INDUSTRIAL	INDUSTRY DISTRICT
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	LOW DENSITY RESIDENTIAL

--- PROPERTY SUBJECT TO REZONE & GP AMENDMENT

OWNER:
BLUE HERON RIDGE INC
50 SUNRISE BLVD
COLUSA, CA 95932

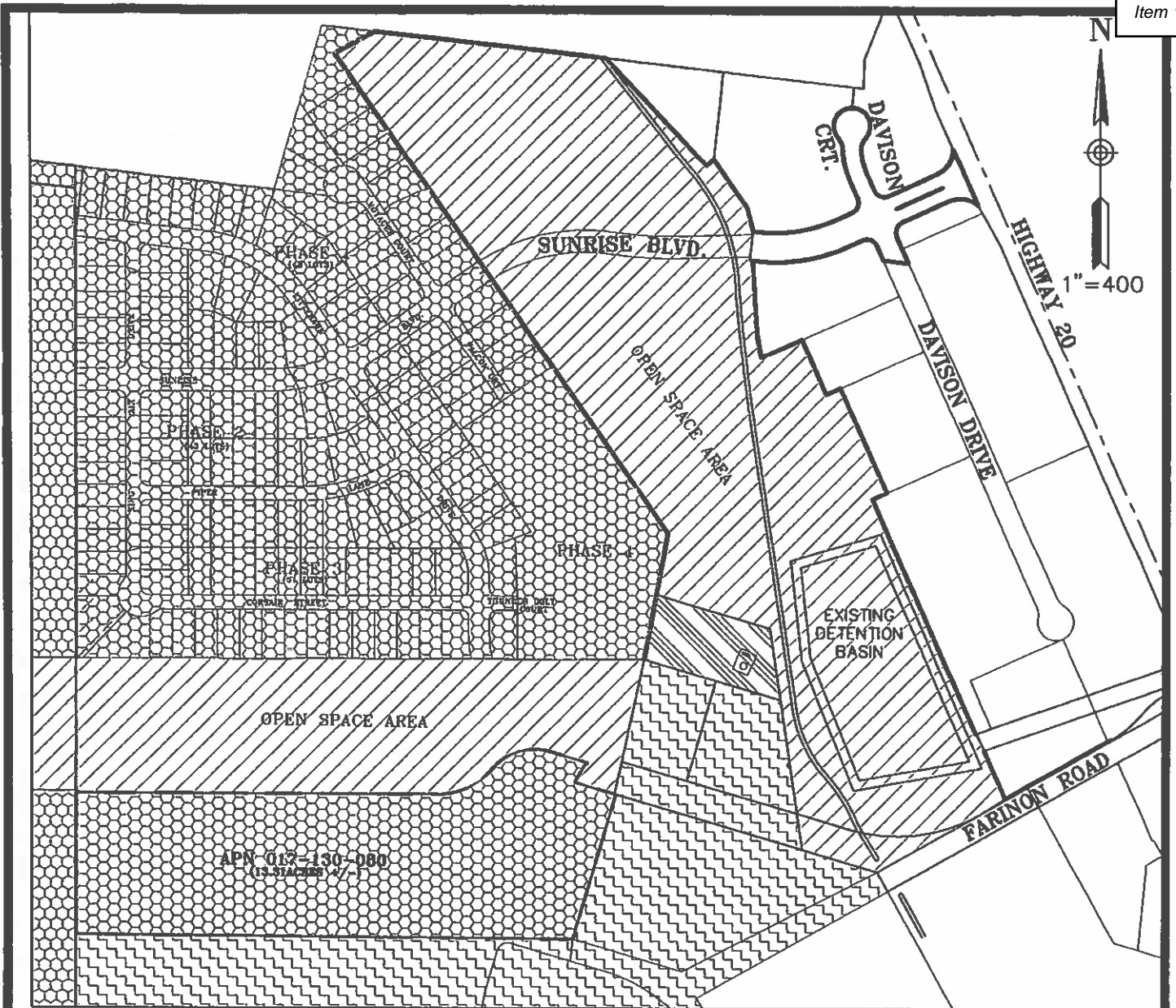
ENGINEER/SURVEYOR:
NORTH VALLEY ENGINEERING
AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CALIFORNIA 95993
(530) 713-0417

ASSESSOR'S PARCEL NUMBER:
APN: 017-130-106

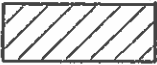



LOT ACREAGE:
PARCEL ACREAGE AS SHOWN.

EXHIBIT "B"
PROPOSED ZONING & GP
BLUE HERON RIDGE INC.

PREPARED BY:
NVES
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417



APN 017-130-080
(13 PARCELS 47-1)

	ZONING	GENERAL PLAN
	O-S OPEN SPACE	PARKS RECREATION OPEN SPACE
	P-F PUBLIC FACILITIES DISTRICT	PUBLIC FACILITY
	M-1 LIGHT INDUSTRIAL	INDUSTRY DISTRICT
	R-1 SINGLE FAMILY RESIDENTIAL DISTRICT	LOW DENSITY RESIDENTIAL

--- PROPERTY SUBJECT TO REZONE & GP AMENDMENT

OWNER:
BLUE HERON RIDGE INC.
50 SUNRISE BLVD
COLUSA, CA 95932

ENGINEER/SURVEYOR:
NORTH VALLEY ENGINEERING
AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CALIFORNIA 95993
(530) 713-0417

ASSESSOR'S PARCEL NUMBER:
APN: 017-130-106

LOT ACREAGE:
PARCEL ACREAGE AS SHOWN.

EXHIBIT "B"
EXISTING ZONING & GP
BLUE HERON RIDGE INC.

PREPARED BY:
NVES
NORTH VALLEY ENGINEERING AND SURVEYING
1547 STARR DRIVE SUITE "J"
YUBA CITY, CA 95993
(530) 713-0417