



**AGENDA**  
Regular Meeting of the  
**CITY OF COLUSA PLANNING COMMISSION**  
Wednesday June 22, 2022, at 7:00 PM  
425 Webster Street, City Council Chambers (530) 458-4740

The public may address the Commission on any agenda item during the Commission's discussion of that item. When doing so, and when commenting on non-agenda items, we ask that the speaker kindly be recognized by the Planning Commission Chair before speaking and please keep their remarks brief. If several persons wish to address the same item, or if any one person's comments are excessive, a two (2) minute time limit may be imposed on individual speakers.

1. **MEETING CALLED TO ORDER AND ROLL CALL (with introduction of new planning commissioner)**
2. **CONSENT CALENDAR:** Items on the Consent Calendar may be removed and discussed at the request of a Commission member.
  - A. **Action Minutes:** May 11, 2022; and May 25, 2022
  - B. **Correspondence:** None
3. **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.
4. **CONTINUED PUBLIC HEARING:** A resolution approving a Conditional Use Permit to allow construction of a cannabis business, manufacturing and cultivation facilities and related street and infrastructure improvements over an approximately 32-acre site zoned Light Industrial (M-I-PD) Planned Development District, located at the northeast corner of D Street and East Clay Street
5. **PUBLIC HEARING:** A resolution approving a parcel map to subdivide approximately 8 acres located at 1210 10<sup>th</sup> Street (APN: 015-130-003) into four lots.
6. **PLANNING COMMISSION MATTERS:**
  - A. **Selection of Planning Commission Chairman and Vice Chairman**
  - B. **Resignation of Community Development Manager**
7. **ADJOURNMENT.**

AGENDA POSTED

  
Bryan Sice, Community Development Manager

In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk or Deputy City Clerk at least 48 hours prior to the meeting at (530) 458-4740 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.



**ACTION MINUTES**  
Regular Meeting of the  
**CITY OF COLUSA PLANNING COMMISSION**  
Wednesday May 11, 2022, at 7:00 PM  
425 Webster Street, City Council Chambers (530) 458-4740

The public may address the Commission on any agenda item during the Commission's discussion of that item. When doing so, and when commenting on non-agenda items, we ask that the speaker kindly be recognized by the Planning Commission Chair before speaking and please keep their remarks brief. If several persons wish to address the same item, or if any one person's comments are excessive, a two (2) minute time limit may be imposed on individual speakers.

**1. MEETING CALLED TO ORDER AND ROLL CALL**

**2. CONSENT CALENDAR:** Items on the Consent Calendar may be removed and discussed at the request of a Commission member.

**A. Action Minutes:** Meeting Minutes of January through March 2022. **Motion by Commissioner Selover, seconded by Commissioner Codorniz, to approve minutes of January 12, 2022, January 26, 2022; and February 9, 2022, passed 4-0.**

**B. Correspondence:** None

**3. 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. **No Action**

**4. CONTINUED PUBLIC HEARING:** A resolution approving a Conditional Use Permit to allow construction of a cannabis business, manufacturing and cultivation facilities and related street and infrastructure improvements over an approximately 32-acre site zoned (PD) Planned Development District, located at the northeast corner of D Street and East Clay Street.

**Planner Stice presented the project / draft resolution to the Commission. Chairman Selover opened the public hearing and the commission and staff addressed comments / questions. Members of the Planning Commission requested more time to consider information surrounding the project. Motion by Commissioner Duncan, seconded by Commissioner Codorniz, to continue this item to the regular meeting of the Planning Commission passed 4-0.**

**5. PLANNING COMMISSION MATTERS:** None

**6. ADJOURNMENT.** Adjourned to the next regular meeting of the Planning Commission.



**ACTION MINUTES**  
Regular Meeting of the  
**CITY OF COLUSA PLANNING COMMISSION**  
Wednesday May 25, 2022, at 7:00 PM  
425 Webster Street, City Council Chambers (530) 458-4740

The public may address the Commission on any agenda item during the Commission's discussion of that item. When doing so, and when commenting on non-agenda items, we ask that the speaker kindly be recognized by the Planning Commission Chair before speaking and please keep their remarks brief. If several persons wish to address the same item, or if any one person's comments are excessive, a two (2) minute time limit may be imposed on individual speakers.

**1. MEETING CALLED TO ORDER AND ROLL CALL**

**2. CONSENT CALENDAR:** Items on the Consent Calendar may be removed and discussed at the request of a Commission member.

- |                           |  |
|---------------------------|--|
| <b>A. Action Minutes:</b> | Meeting Minutes of March 2022 through April 2022 <b>Motion by Commissioner Codorniz, seconded by Commissioner Martin, to approve meeting minutes of March 9, 2022, March 23, 2022, and April 13, 2022, passed 4-0.</b> |
| <b>B. Correspondence:</b> | None   |

**3. 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.

**4. PUBLIC HEARING:** A Resolution of the City of Colusa Planning Commission recommending City Council review and potential approval of a Development Agreement between the City of Colusa and 5D1S, LLC relative to the establishment and operation of a cannabis manufacturing / business facility located at 2857 Niagara Ave in Colusa.

**Planner Stice presented the staff report.**

**Chairman Selover opened the public hearing, took comments from the public, then closed the public hearing. Motion by Commissioner Martin, seconded by Commissioner Duncan, to approve the Resolution with the corrected site address passed 4-0.**

**5. PUBLIC HEARING:** A Resolution of the City of Colusa Planning Commission recommending City Council review and potential approval of a Development Agreement between the City of Colusa and XO Cannabis relative to the establishment and operation of a cannabis manufacturing / business facility located at 2959 Davison Ct in Colusa.

**Planner Stice presented the staff report.**

**Chairman Selover opened the public hearing, took comments from the public, then closed the public hearing. Motion by Commissioner Duncan, seconded by Commissioner Martin, to approve the Resolution passed 4-0.**

**6. PUBLIC HEARING:** Resolution of the Planning Commission approving a Tentative Parcel Map to divide property located at 243 7<sup>th</sup> St. into two 4,800 square foot lots.

**Planner Stice presented the staff report.**

**Chairman Selover opened the public hearing, took comments from the public, then closed the public hearing. Motion by Commissioner Duncan, seconded by Commissioner Codorniz, to approve the Resolution passed 4-0.**

**7. PLANNING COMMISSION MATTERS:**

- A. Resolution Determining that realignment of Hwy 20/Wescott Road including related dedication and/or vacation of rights-of-way (ROW) is consistent with City of Colusa General Plan.

**Planner Stice presented the staff report.**

**Chairman Selover opened the public hearing, took comments from the public, then closed the public hearing. Motion by Commissioner Codorniz, seconded by Commissioner Duncan, to approve the Resolution passed 4-0.**

- B. Planning Commission meeting start time change discussion. **No action**

**8. ADJOURNMENT. Adjourned to the next regular meeting of the Planning Commission.**



**City of Colusa  
PLANNING COMMISSION  
STAFF REPORT**

**Agenda Item #4**

**MEETING DATE:** June 22, 2022

**PREPARED BY:** Bryan Stice (Community Development Manager)

**APPLICATIONS:** Conditional Use Permit / General Development Plan (GDP) Consistency Review

**OWNER:** Colusa Riverbend Estates LP

**SITE DATA:**

**Location:** Northeast corner of Colusa, east of D Street (between East Clay Avenue and the Sacramento River levee).

**APNs:** 002-270-002, -003, -004, -005, -006, -007, -008, -009

**Total Area:** 32 acres (approximate)

**General Plan:** Special Planning Area #4 (entire Project Site)  
Industrial

**Existing Zoning:** Planned Development (P-D) District

**BACKGROUND:**

On January 20, 2015, the City Council adopted Ordinance 503 and Resolution Nos. 15-02 and 15-03, thereby approving the Colusa Riverbend Estates planned development subdivision with 257 lots (ranging from 5000-7000 sq. ft.) and 110 apartment units. A mitigated negative declaration (MND), prepared in compliance with the California Environmental Quality Act (CEQA), was also adopted providing environmental clearance for that project. Legal challenge to the scope and adequacy of the environmental documentation, including drainage/hydrology, failed.

On July 16, 2019, the City Council adopted Resolutions 19-19 and 19-20 for a mitigated negative declaration (MND), which provided environmental clearance, and a general plan amendment to establish Industrial land uses, respectively, in support of converting the Riverbend Estates project into the Colusa Triple Crown Cannabis Business Park ("Triple Crown") project. On August 6, 2019, the City Council adopted Ordinance 537, approving planned development (P-D) zoning for the site as well as the Triple Crown General Development Plan discussed below.

**Triple Crown General Development Plan (GDP)**

The GDP is a guiding policy and planning document applying to the greater 84.7-acre site (as approved by the City Council) for cannabis land uses and operations. The site is located on the northeast side of the city, bounded by D Street, East Clay Street, and the Sacramento River levee.

The previously approved GDP describes and illustrates all aspects of the proposed project, and sets forth design standards, densities, and land uses that the owner is allowed to develop following conditional use permit review by the Planning Commission (to merely determine consistency of current, specific design plans with the original GDP). The GDP, and subsequent cannabis use permits and building permits, allows the construction and eventual operation of a cannabis research and development business park.

Specifically, the GDP allows approximately 1,490,000 square feet of buildings on 84.7 acres with energy-efficient greenhouses for cannabis cultivation, plant processing spaces, facilities for creating infused products, a testing laboratory for internal product testing, research/development and training centers, distribution center, and corporate offices. Space may be sold or leased to other cannabis businesses properly licensed by the State of California.

### **Location and Setting**

The project site is situated in the northeast corner of the City of Colusa, along the south side of the Sacramento River level. The 84.7-acre project site is bounded by D Street to the west and East Clay Street to the south. The Sacramento River forms its northern boundary. The site is located on seven existing parcels. Approval of the Proposed Project may include a lot line adjustment to combine these into four parcels.

Residential, agricultural, and commercial uses surround the project location on three sides, with the Sacramento River on the north. Residential uses are located at the southwest corner of the project site, and rural residential/agricultural uses are located along the south border of the site.

### **Greater Project Site (as approved within GDP)**



The GDP as originally approved by City Council is attached within Ordinance 537

### **ANALYSIS:**

#### **JAC Industries Colusa Farms Design Review Package**

The JAC Industries Colusa Farms Design Review Package represents the current development project ("Project"), which is only approximately 32 acres (including the detention basin) of the greater GDP. Other subsequent projects (proposed for development on the remaining acreage) will be reviewed in accordance with the GDP by the Planning Commission and City Council at such time they are submitted in the future.

As illustrated within the JAC Industries Colusa Farms Design Package (attached, Planning Commission Resolution Attachment A), the Project represents a detailed and current-day plan for development within this first phase of, and consistent with, the GDP. Additionally, the Project represents an upgrade of proposed building types and materials, from greenhouses (as originally approved) to sealed indoor cultivation rooms / buildings (as currently proposed). This building upgrade also represents significant gains in energy efficiency.

City staff have reviewed the Project and determined it to be consistent with the General plan, zoning code, and previously approved GDP, and within the scope of the adopted mitigated negative declaration.

**Drainage:**

Multiple studies have been prepared by various hydrologists/engineers to address levee under seepage that occurs within the portions of Project site, and that is planned for detention within the southwest area of the site. The proposed location of this on-site basin was reviewed by the City Engineer in conjunction with the applicant's preliminary hydrologic and geotechnical reports, which document the presence of a higher groundwater table within the Project site.

Given the higher ground water table at the Project site and the possibility of levee under seepage (as discussed above) the Project will be subject to conditions of approval that require presentation of a thorough and comprehensive storm drainage plan for the ultimate Project build-out. This drainage plan is required as a component of the conditional use permit process prior to issuance of any building permits. Any drainage plan serving the entire Project area (or any portion of the Project area associated with phasing of the development improvements) shall be prepared by a registered civil engineer and submitted to the City Engineer for review and potential approval.

Conveyance of storm drain water downstream from the on-site basin could potentially follow multiple routes. The storm drainage conveyance route and system that is ultimately selected would be designed and engineered during implementation of the Project improvement plans. The route would be subject to review and approval by the City Engineer in compliance with the City's previously adopted *Storm Drainage Master Plan* (June 2009).

Numerous public comments centered around drainage, under-levee seepage, and groundwater were submitted and are attached for consideration. City staff may address question about these comments during the public hearing.

**ENVIRONMENTAL REVIEW:**

An IS/MND was prepared in compliance with CEQA Guidelines Sections 15152 & 15168 and identified mitigation measures that would avoid or mitigate the potential environmental effects of the Project to a point where no significant effects would occur. On July 16, 2019, the City Council approved Resolution 19-19, adopting these mitigation measures, a Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Program (applicable to the Project site and scope).

**PUBLIC COMMENT:**

Written comments (attached) were delivered to the Planning Commission prior to this public hearing.

**RECOMMENDED ACTIONS:**

Staff recommends that the Planning Commission consider the analysis and public testimony. Should the Planning Commission support the Project, staff recommends that the Planning Commission approve the following Resolution 2022-\_\_:

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

**RELATED DOCUMENTS:**

1. Planning Commission Resolution 2022-\_\_\_\_  
Attachment A – JAC Industries Colusa Farms Design Review Package (May 1, 2022)  
Attachment B – Conditions of Approval
2. Ordinance 537 (containing original Colusa Triple Crown General Development Plan)  
Exhibit A - Boundary Map  
Exhibit B – General Development Plan for Colusa Triple Crown Cannabis Research and Development Business Park
3. Comments  
from Woody and Kathy Yerxa (no date)  
from Janice Bell and the Partnership to Preserve Community Integrity (April 12, 2022)  
from Ben King (May 30, 2022)  
from Mariah Brumbaugh (May 31, 2022)  
from Julie Garofalo (June 16, 2022)

RESOLUTION NO. 2022-

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

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

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

**WHEREAS**, the IS/MND was prepared in compliance with CEQA Guidelines Sections 15152 & 15168, and identified mitigation measures that would avoid or mitigate the potential environmental effects of the Project to a point where clearly no significant effects would occur, and such mitigation measures are incorporated to the Project herein by reference.; and

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

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

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

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

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

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

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

**WHEREAS**, the Planning Commission has considered public testimony and a Planning Department staff report at their meetings of May 11, 2022 and June 22, 2022; and

**WHEREAS**, the Planning Commission has determined that the site designs, with the attached conditions of approval, are consistent with the scope of the General Development Plan for the Triple Crown Cannabis Business Park; and

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

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

**THE FOREGOING RESOLUTION** was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission held on the 22<sup>nd</sup> day of June 2022, by the following vote.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

Signed and approved as to form by me on this \_\_\_\_\_ day of \_\_\_\_\_, 2022. ATTEST:

\_\_\_\_\_  
*Planning Commission Chair*

\_\_\_\_\_  
*Planning Clerk*

**ATTACHMENTS:**

Attachment A – Jac Industries Colusa Farms - Design Review Package (Revised May 1, 2022)

Attachment B – Conditions of Approval

## **ATTACHMENT A**

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

#### **General Conditions**

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

#### **Architectural Conditions**

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

#### **Access / Parking Conditions**

1. The owner/developer shall, prior to any Project site grading or construction, offer for dedication their fair share portion of property that is needed for future public rights-of-way and/or utility easements within the existing planned D Street and East Clay Street corridors. Such offer(s) for dedication and any corresponding plan(s) shall be subject to review by the City Engineer and Public Works Director.
2. The timing and future construction of D Street and East Clay Street frontage improvements and public utilities shall be determined by the City Engineer and Public Works Director, subject to a deferred improvement agreement.
3. The owner/developer shall pave all on site roadway, fire access, and primary parking areas with

asphalt concrete or superior materials to minimize generation of dust pollutants, subject to review by the City Engineer.

4. The owner/developer shall submit plans for parking striping and handicap access, subject to review and approval by the Planning Department and Certified Access Specialist ("CASp") inspector.
5. Employee parking areas that are located within 100 feet of the Sacramento River Levee shall conform to the requirements of the Army Corps of Engineers and/or RD 108.
6. The owner/developer shall submit plans for the primary and emergency access gates, subject to review and approval by Planning Department.

#### **Drainage / Grading Conditions**

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

#### **Landscaping Conditions**

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

#### **Sewer / Water System Conditions**

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



**ATTACHMENT B**

Jac Industries Colusa Farms

Design Review Package (Revised May 1, 2022)

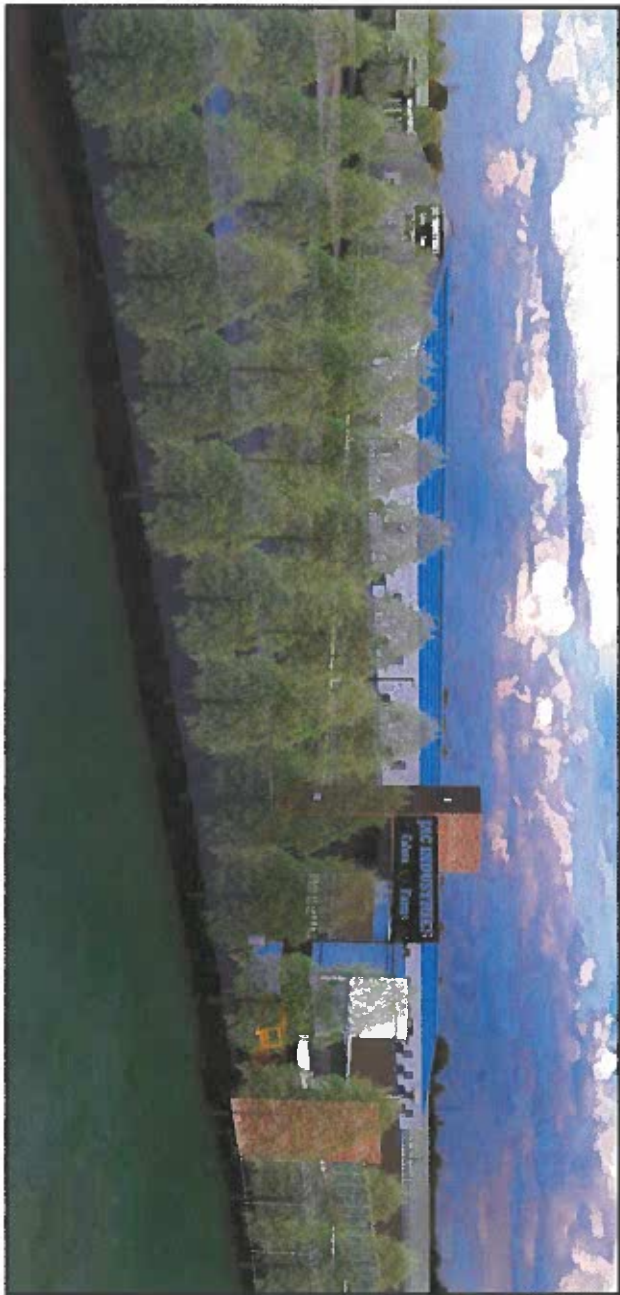
(Attached)



# Colusa California

JAC INDUSTRIES  
COLUSA FARMS

Design review Package  
Date: March 21, 2022  
Revised Date: 5/1/2022



MO devco LLC  
706 Foxglove Cir.  
Winters, CA 95694

CLIENT  
JAC INDUSTRIES  
PO Box 1267  
Sunset Beach, CA 95694

PROJECT NAME  
JAC INDUSTRIES  
PROJECT NO.  
001-2021

ISSUE  
<11/9/2021>  
DRAWN BY  
MBO

COVER PAGE

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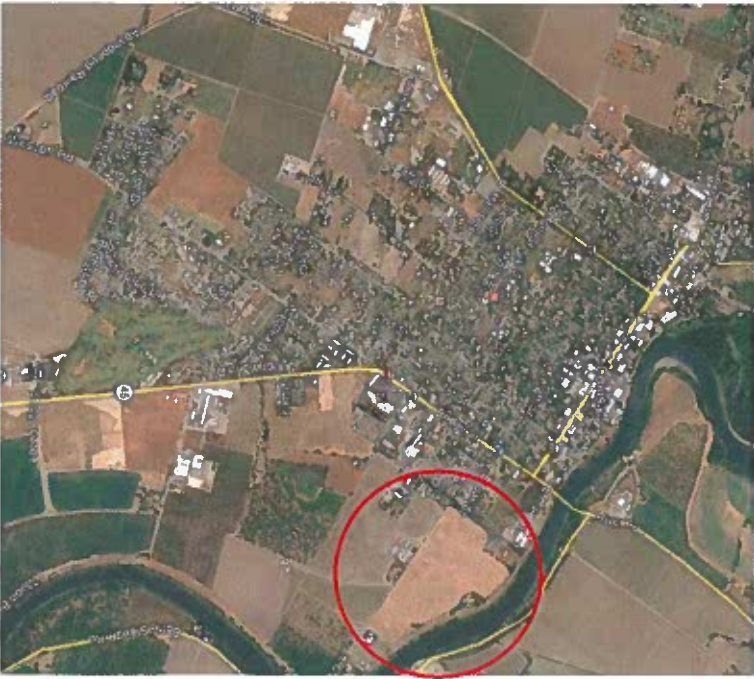
## TABLE OF CONTENTS

### Backbone Infrastructure

A.01	PROJECT AERIAL
A.02	TABLE OF CONTENTS
A.03	PROJECT LOCATION MAPS
A.04	PROPOSED LOT LINE ADJUSTMENT
A.05	EXISTING CONDITIONS
A.06	PROPOSED EASEMENTS FOR ROAD AND UTILITIES
A.07	SITE GRADING EXHIBIT
A.08	POWER SYSTEM PLAN
A.09	LANDSCAPE EXHIBIT

### INDIVIDUAL PROJECT:

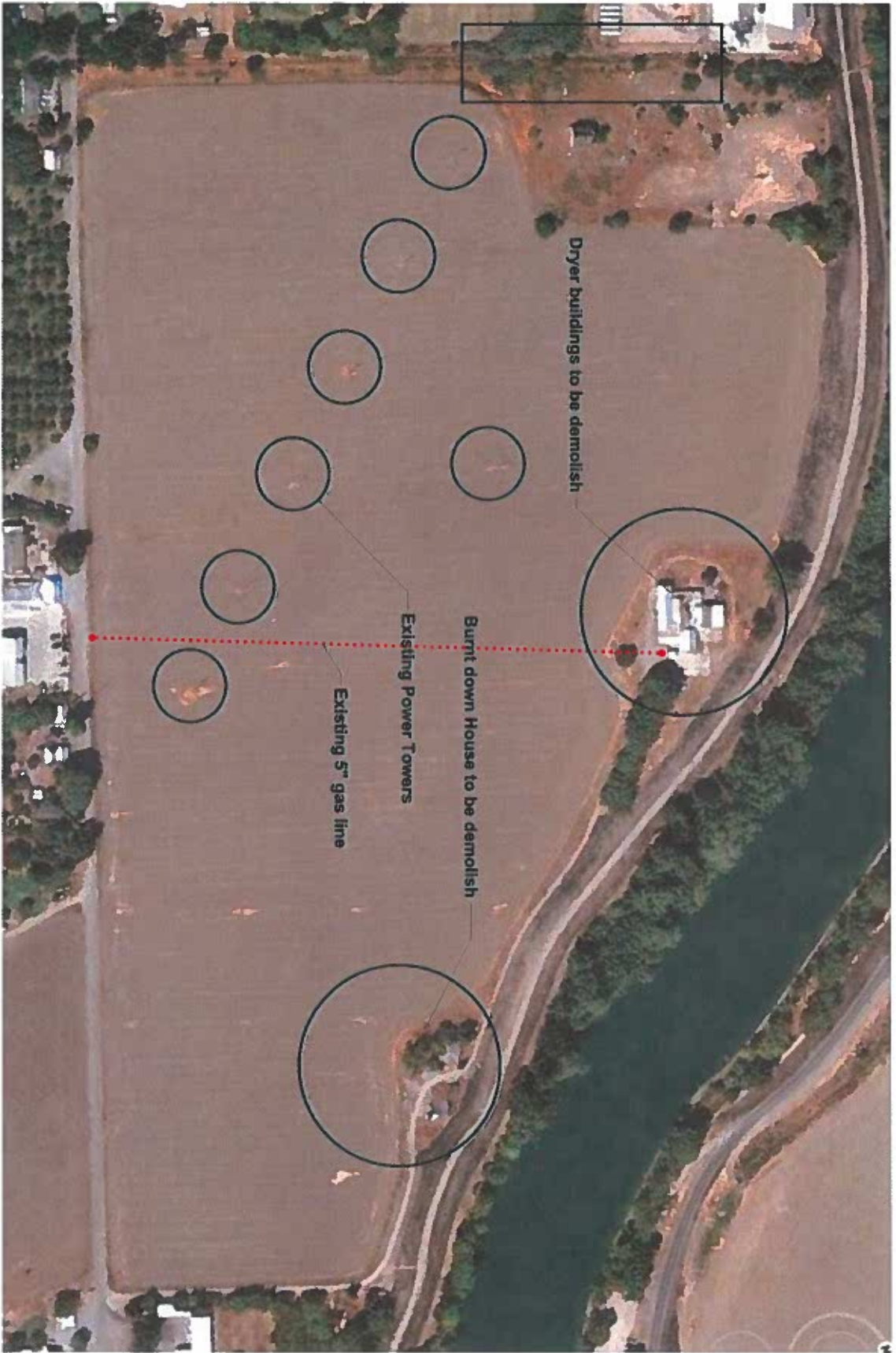
A.10	SITE PLAN PHASE 1
A.11	PERIMETER PROPERTY LINE AND SETBACKS
A.12	PARKING AND LOADING EXHIBIT
A.13	DEVELOPMENT STANDARDS
A.14	FENCING AND GATE SYSTEM PHASE ONE BUILD OUT
A.15	PHASE ONE BUILDOUT
A.16	ADMINISTRATION, WAREHOUSE, PROCESSING AND SALES
A.17	TYPICAL BUILDING LAYOUT
A.18	PRODUCT INFORMATION FRAMING AND SIDING
A.19	PRODUCT INFORMATION ROOFING
A.20	PROPOSED PHASING PLAN
A.21	TYPICAL CULTIVATION UNITS
A.22	LIGHT STUDY
A.23	AERIAL PERSPECTIVES
A.24	AERIAL PERSPECTIVES
A.25	AERIAL PERSPECTIVES
A.26	AERIAL PERSPECTIVES
APPENDIX	
LAUGENOUR AND MEIKLE CIVIL PLANS	
JAC INDUSTRIES BUSINESS PLAN	
JAC INDUSTRIES SECURITY PLAN	

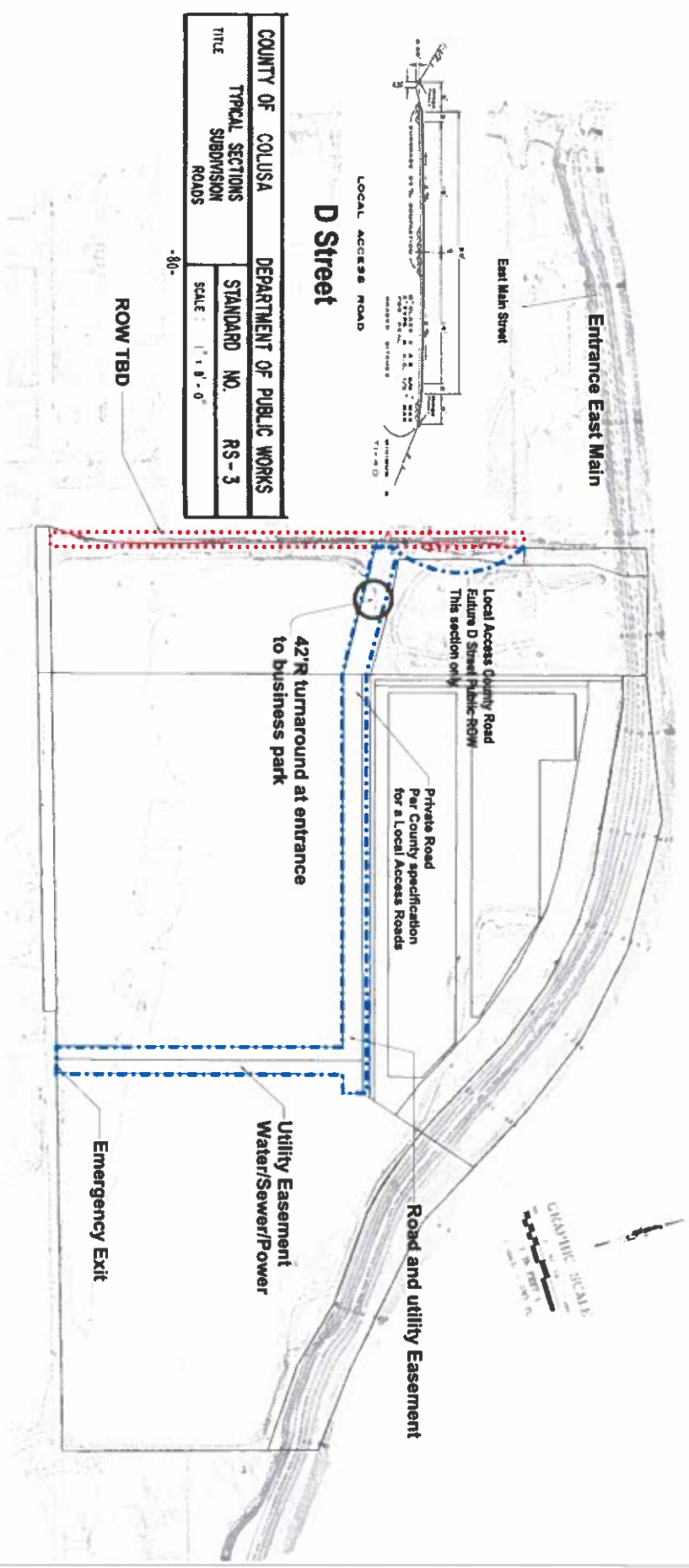


## JAC INDUSTRIES COLUSA FARMS









There is one primary entrance to the JAC Industries project: D Street will extend from East Main Street to the project site. East Main Street will be the main entrance and exit from JAC Industries Business Park for all future employees and deliveries. A right of way will be dedicated for the future D Street that will run north-south connecting both Market Street and East Clay Street.

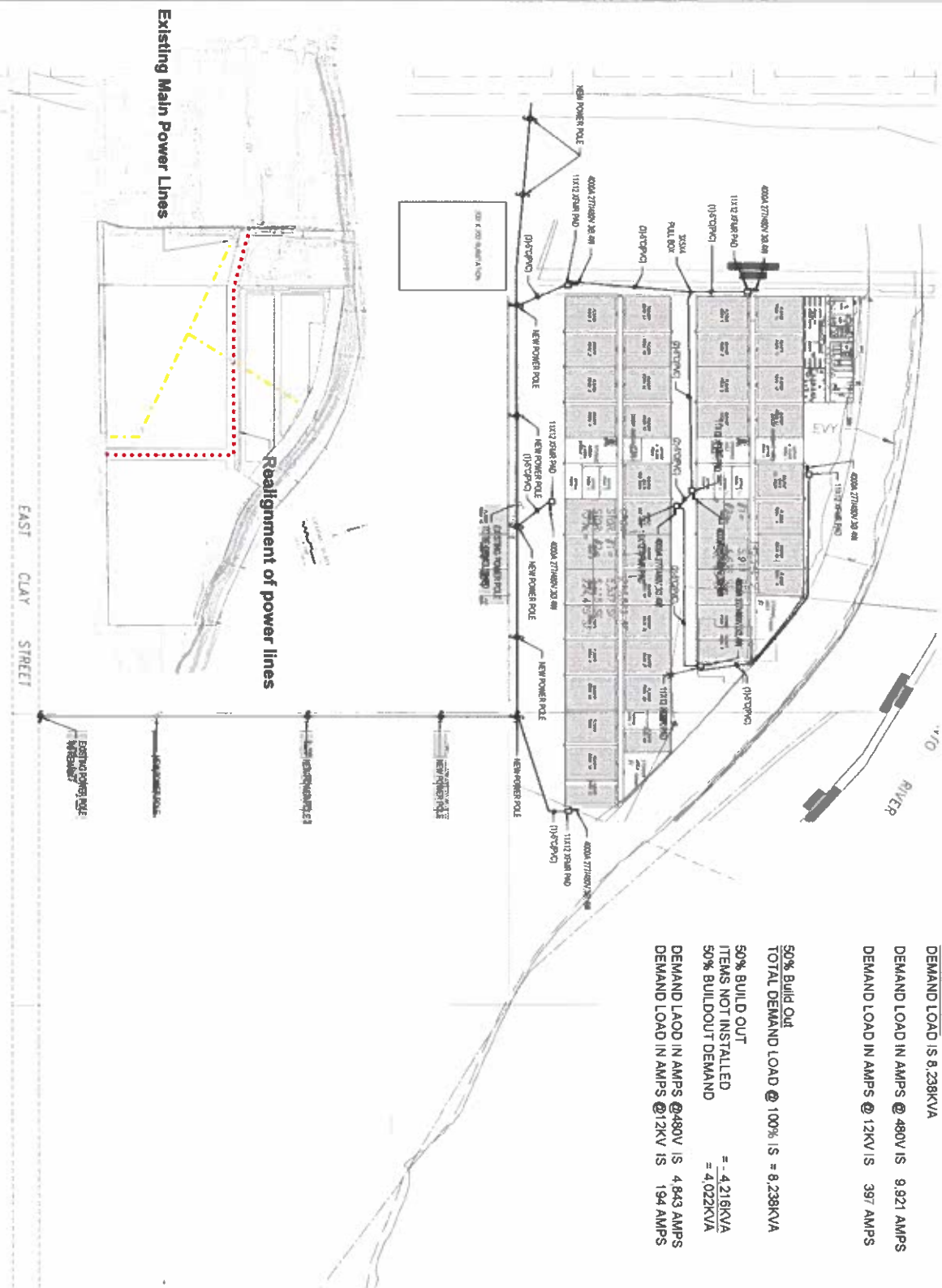
All roads within the JAC Industries (JAC) Business Park are private roads and will be maintained by the property owners. The project will provide road access for local emergency service that will extend through the project and circulate around the project turning south until intersecting with East Clay. The emergency access road will be maintained by the property owners and will not be open to local traffic.





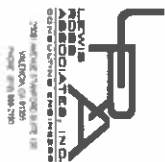


# 1 SITE PLAN - PHASE 1

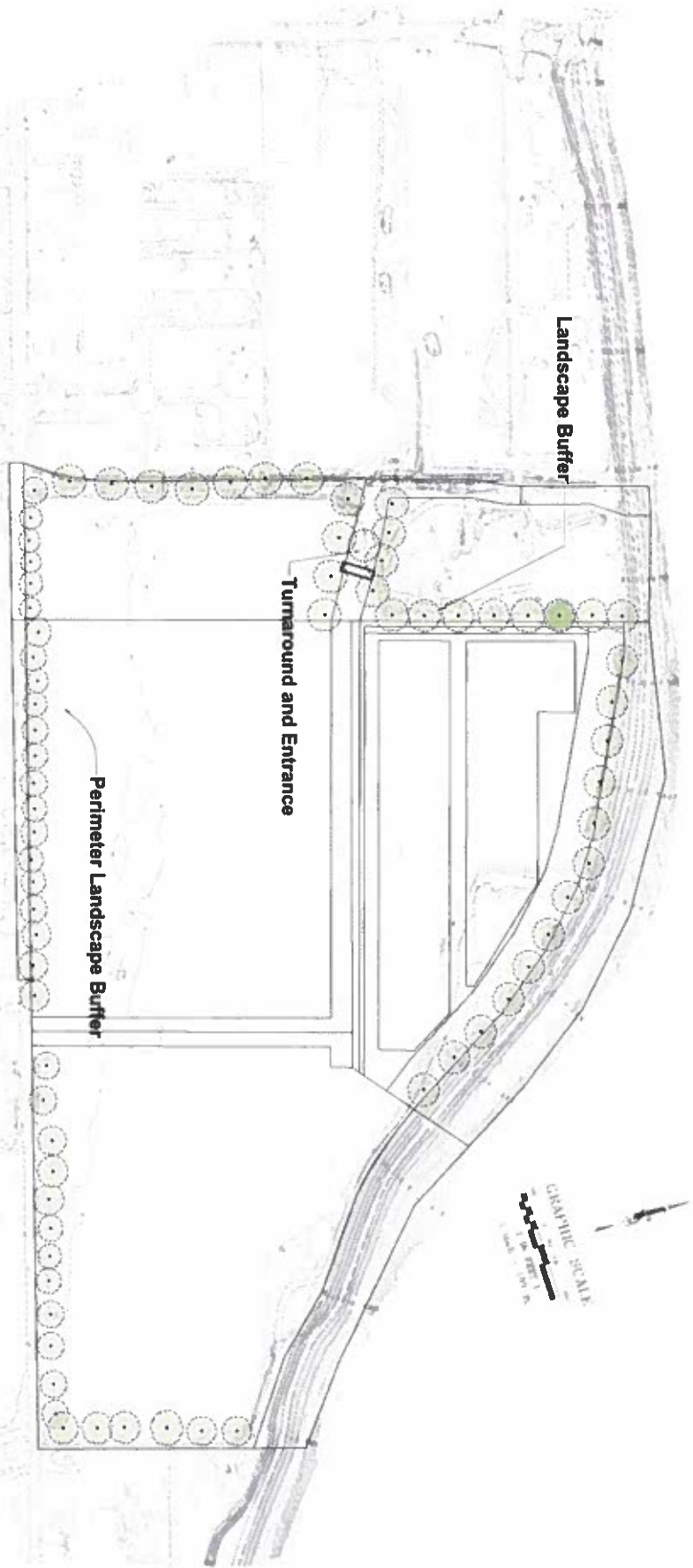


100% Build Out  
DEMAND LOAD IS 8,238KVA  
DEMAND LOAD IN AMPS @ 480V IS 9,921 AMPS  
DEMAND LOAD IN AMPS @ 12KV IS 397 AMPS

50% Build Out  
TOTAL DEMAND LOAD @ 100% IS = 8,238KVA  
50% BUILD OUT ITEMS NOT INSTALLED = 4,218KVA  
50% BUILDOUT DEMAND = 4,022KVA  
DEMAND LAOD IN AMPS @480V IS 4,843 AMPS  
DEMAND LOAD IN AMPS @12KV IS 194 AMPS



REV	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/2/2021
2	REVISION	11/2/2021
3	REVISION	11/2/2021
4	REVISION	11/2/2021
5	REVISION	11/2/2021
6	REVISION	11/2/2021
7	REVISION	11/2/2021
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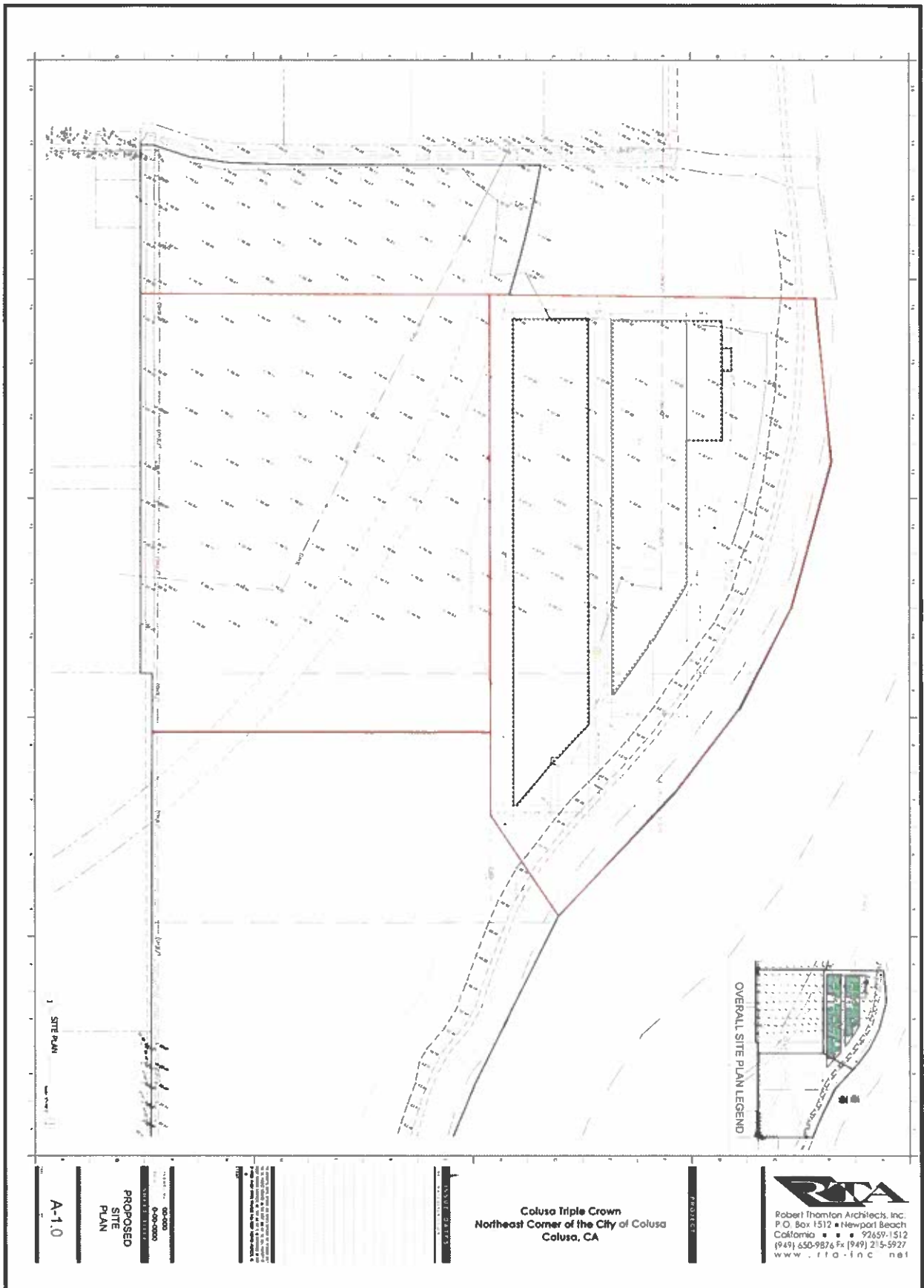
**Example of Detention Area**

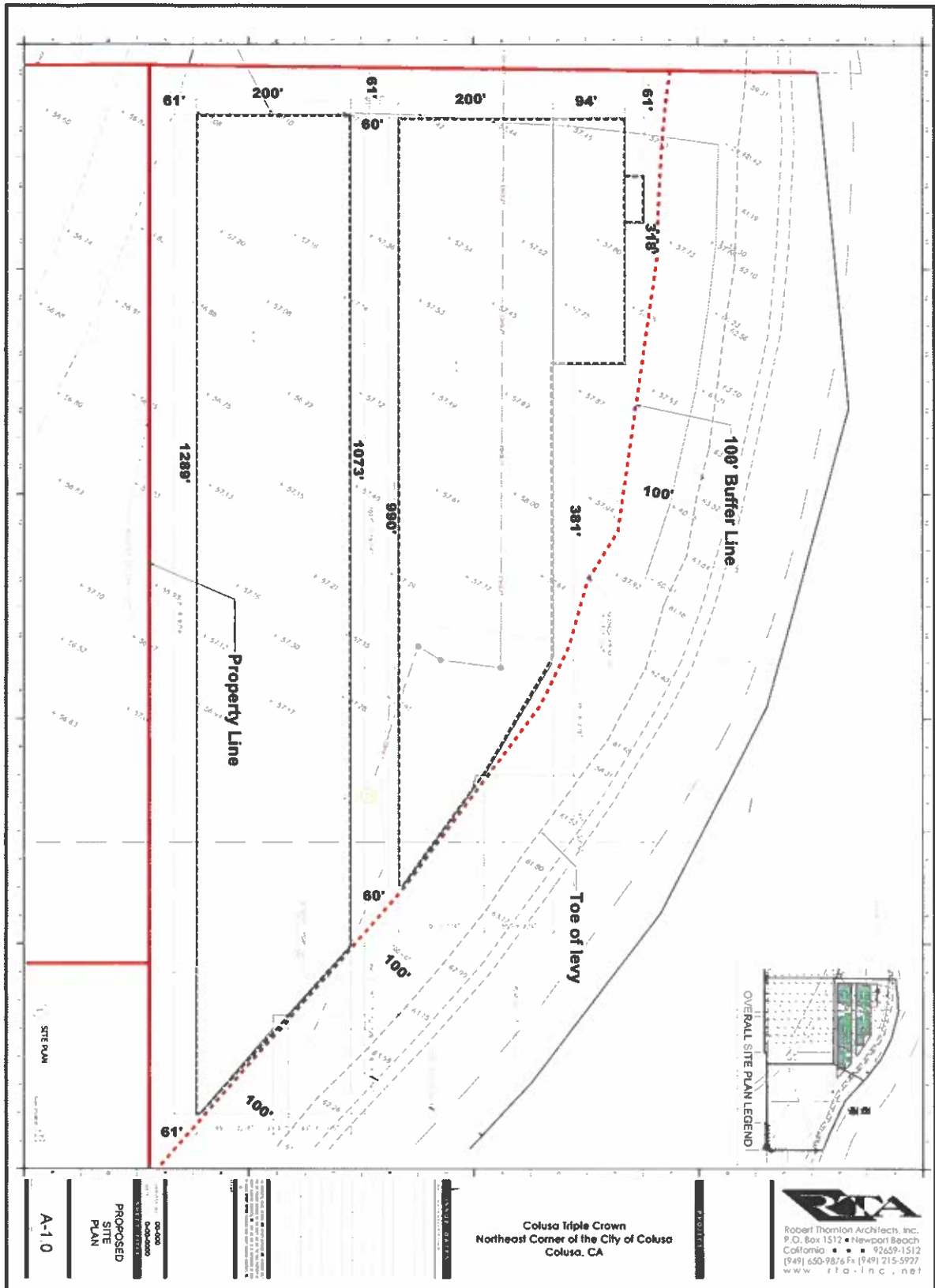


**Entrance off D Street**



**Example of Detention Area**









**MO devco LLC**  
706 Foxglove Cir.  
Winters, CA 95894

## Development Standards and permitted uses

### Land Use

### Permitted JAC Industries Phase One

Cultivation	P	X
Processing	P	X
Nursery	P	X
Manufacturing	P	X
Research	P	X
Development	P	X
Distribution and sales	P	X
Warehouse	P	X
Administration	P	X
Recycling area	P	X
Loading areas	P	X
Food service	P	X

### Minimum Setbacks from the perimeter property lines

Cultivation	55'	X
Processing	55'	X
Nursery	55'	X
Manufacturing	40'	X
Research	40'	X
Development	40'	X
Distribution and sales	40'	X
Warehouse	40'	X
Administration	40'	X
Recycling area	55'	X
Loading areas	40'	X
Food service	40'	X

No structures are allowed within 100' of the key toe

See Exhibit Map

### Maximum Height

Cultivation	30'	X
Processing	30'	X
Nursery	30'	X
Manufacturing	45'	X
Research	45'	X
Development	45'	X
Distribution and sales	45'	X
Warehouse	45'	X
Administration	45'	X
Recycling area	30'	X
Loading areas	30'	X
Food service	45'	X

### Site Coverage Maximum

Cultivation	22.00%	7.64%
Processing	5.00%	0.16%
Nursery	10.00%	0.32%
Manufacturing	12.00%	0.07%
Research	12.00%	0.12%
Development	12.00%	0.02%
Distribution and sales	11.00%	0.08%
Warehouse	11.00%	0.16%
Administration	3.00%	0.06%
Recycling area	10.00%	0.12%
Loading areas	10.00%	0.55%
Food service	2.00%	0.14%

### Interior setbacks between buildings

Cultivation	25'	X
Processing	25'	X
Nursery	25'	X
Manufacturing	25'	X
Research	25'	X
Development	25'	X
Distribution and sales	25'	X
Warehouse	25'	X
Administration	25'	X
Recycling area	25'	X
Loading areas	25'	X
Food service	25'	X

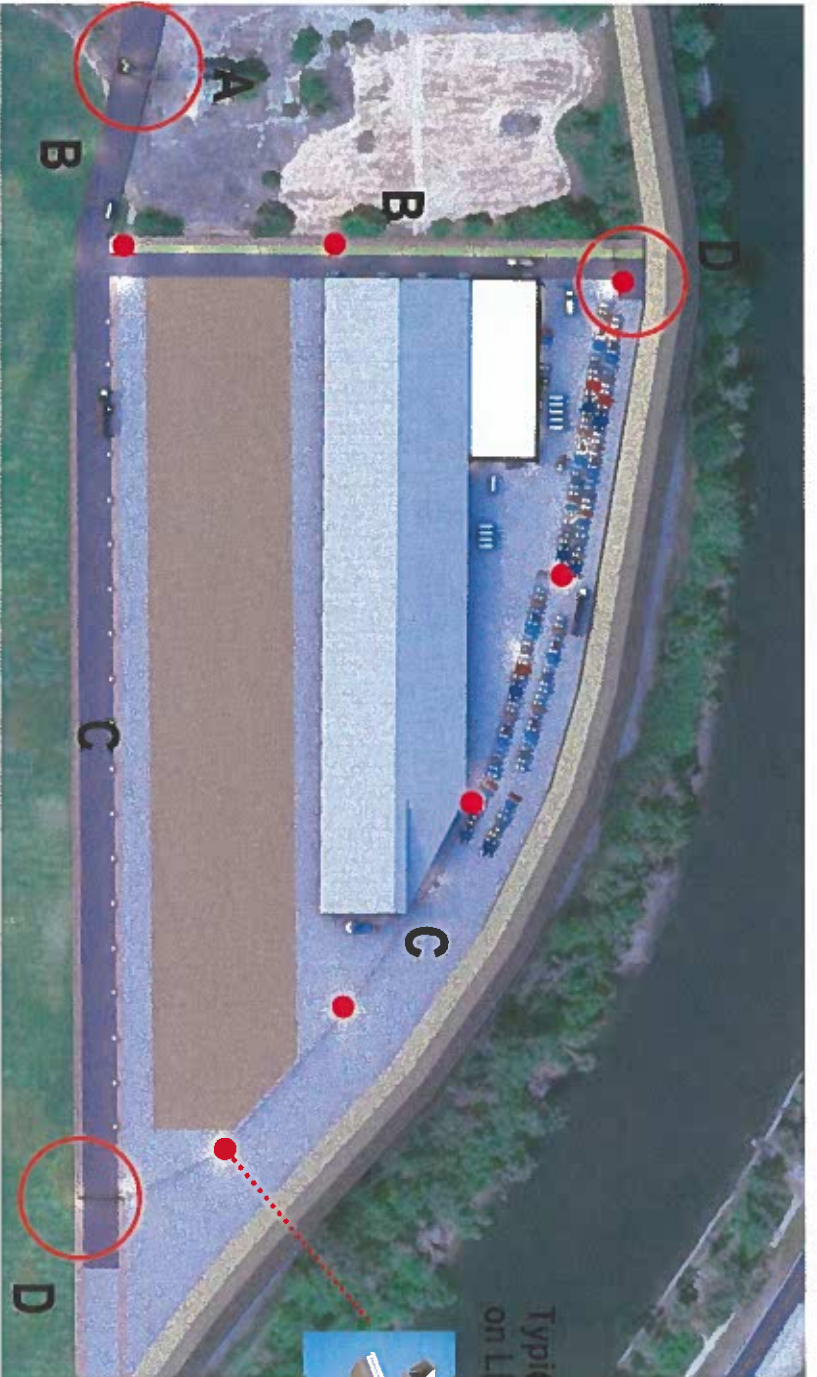
### Standards for roadways

Type	Roadway	Landscape	Sidewalk
	Lanes	ROW	Median
D street/ County	2	54'	no
Market Street on site	2	64'	no
Project Emergency access	2	26'	no
Project Service roads	2	24'	no
See Exhibit Map			no

### Landscape Standards

#### Approved Street Trees and drought tolerant plants

Perimeter Landscape	Yes	X
Detention Area	Yes	X
Interior Landscaping will be limited if any.	No	X
See Exhibit Map		



Typical Camera on  
on Light Posts



Main Gate A



Perimeter Fence Type B



Perimeter Fence Type C

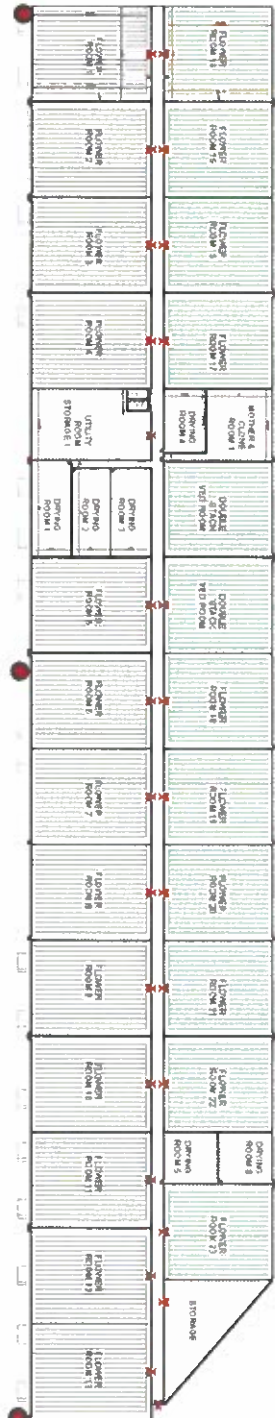


Exit Gates Type D

Fencing and gate system

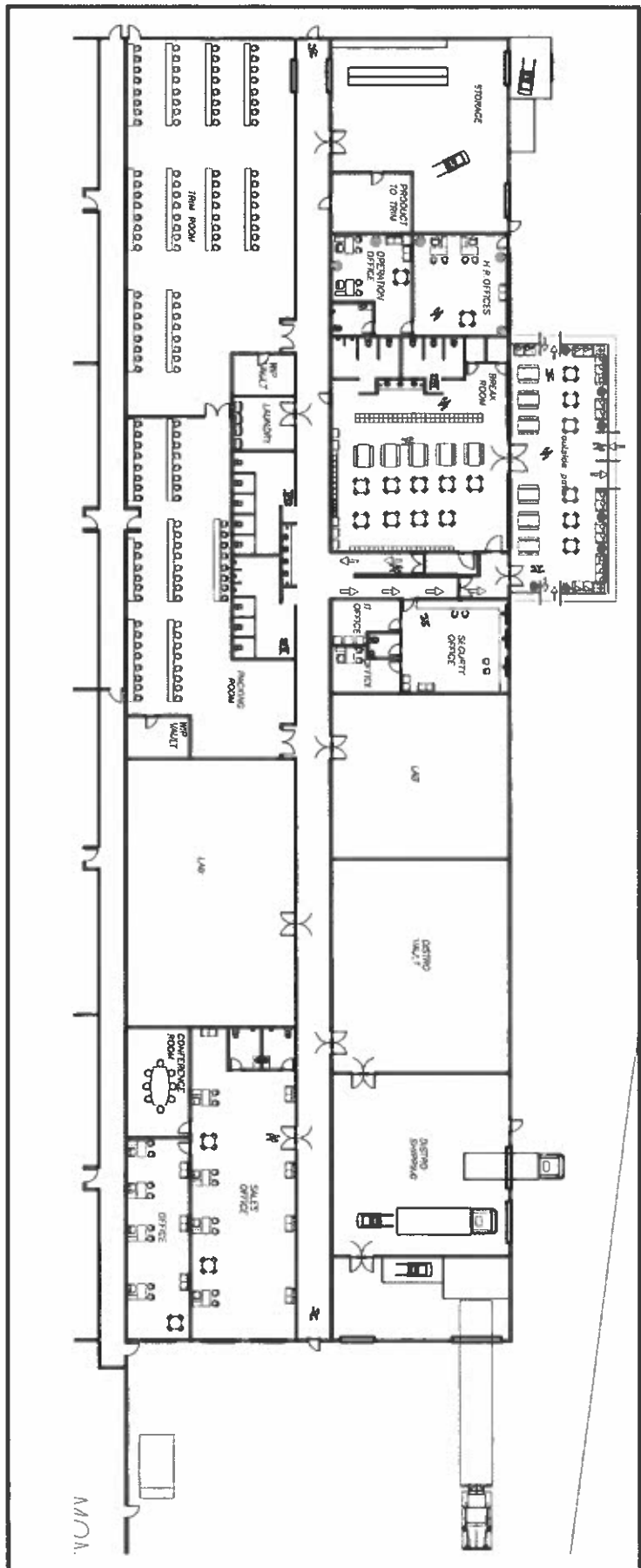
Property Line

Standard Fire Hydrant



JAC Industries  
Colusa Farms







## FRAMING SOLUTIONS

### PRIMARY FRAMING SOLUTIONS

VP frames are custom-designed for your project. All frames can be specified to support load and code requirements as well as for use with non-load-bearing conventional walls.

#### Features

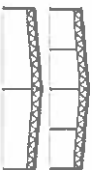
Primary framing solutions come in multiple configurations to meet stringent requirements.

- **Continuous Truss** Open web design offering construction



#### Benefits

- **Continuous Truss** HVAC ducts, wiring, sprinkler systems, and lighting can be incorporated through the trusses to maximize clearance beneath the rafter.



Continuous Truss

#### Continuous Truss

- Frames can be designed for center ridge, off-center or single slope.
- Roof pitch can be as low as 1/4:12.
- With Continuous Truss frames, virtually any width or eave height and interior clearance can be achieved.

### IMPRESSACLAD™ WALL PANEL

Embossed surface helps with local code restrictions

#### Features

- 16" wide coverage; lengths up to 32'
- Heavy 20 gauge embossed steel panel
- Concealed fastener system
- 30 year warranty
- Tongue and groove fit



Each ImpressaClad panel is manufactured from sturdy 20-gauge galvanized steel. Panel width installed is 16". Both top and bottom of every panel has a 5/8" fold back. Stacking trim allows panels to rest end-to-end for installation up a vertical wall, allowing for taller elevation applications. Panel lengths range from 14' to 32'. ImpressaClad panels are backed by a 30-year warranty.

The panels are available in 4 standard Kynar colors (custom colors available). Kynar paint finishes are respected for their durability, resistance and color retention. The swatches shown below are an approximation of actual paint colors. Variations may occur between sample materials and finished product. For actual paint color, ask for a painted metal chip.



#### Benefits

- Interlocking panel and concealed fasteners provide secure installation
- Embossed surface provides attractive architectural appearance
- Lightweight and stackable, ideal for applications up to six stories
- Works great as a soffit panel
- Can be installed over hat channels to achieve thicker insulation and higher R-values

#### ImpressaClad Panel Profile



VARCO PRUDEN

### Siding Color Ash Gray

### Accent Colors

### Evergreen

### Burnished Slate



## SSR™ STANDING SEAM ROOF

### Features

- Roof slopes as low as ¼"12"
- Panels offer 24" coverage with 3" high trapezoidal ribs
- Available in 24 ga standard thickness, 22 ga optional
- Available in acrylic coated Galvalume® coated steel, steel or KXL cool colors
- Exclusive ridge cap and clip design allow for thermal movement
- 350° seam creates weathertight seal
- Panels meet UL 90 and FM Class 1 ratings ESR-2527 and Florida approvals



### Benefits

- Economical roof system
- Unique ridge and clip design delivers long-term weathertightness
- The panels are mechanically seamed to a full 350° interlock to form an effective single membrane
- Designed for reliable performance backed by a 25-year finish warranty
- Available in cool colors for improved energy efficiency



## Roof Color Arctic White

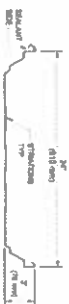
VARCO PRUDEN

## LONG-TERM, LOW MAINTENANCE, WEATHERTIGHT PERFORMANCE

VP's SSR™ Standing Seam Roof offers economical construction and superior performance backed by an available 20-year weathertightness warranty.

Made from sturdy Galvalume® coated steel, SSR panels come standard in 24-gauge, with 22-gauge optional. Finish options include acrylic coated Galvalume® or KXL paint. See VP's Standard Wall & Roof Colors (P6021) for KXL selections. Standard roof pitches range from ¼"12" up to 4"12" or greater to achieve the desired roof slope.

### SSR ROOF PROFILE



VP's Standing Seam Roof Clips are available in four heights: 35, 42, 48, and 57 gal.



**VARCO PRUDEN BUILDINGS | 3200 Players Club Circle**  
Memphis, TN 38125 | 901-748-8000 | [www.vpcorpn.com](http://www.vpcorpn.com)



SSR panels are factory-formed and field-machine seamed in place yielding a single unit membrane. The patented SSR ridge system is efficiently installed requiring only one weather-sealed joint. The special clips used to attach SSR panels to structural members are designed to allow panel movement up to 1-5/8" in either direction to compensate for thermal effects. VP's concealed clips minimize the need for through-the-roof fasteners.

Varco Pruden Buildings meets the highest standards and certifications in the industry, including ESR-2527 & Florida approvals, UL Class 90 rating for wind uplift and FM Class 1-60, 1-90 and 1-105 ratings are available for most applications.

SSR panels can accommodate up to 9" of faced fiberglass blanket insulation for high levels of energy efficiency. For greater thermal performance, VP's ThermalLift™ system allows up to 15" of combined thermal block and insulation. Panels are available in lengths up to 60 feet, which minimizes requirements for end laps. SSR's innovative ridge system and unique panel design provides a long-lasting, weather-resistant roof.

\*Kynar 500® is a registered trademark of Arcochem.  
\*Hiper 5000® is a registered trademark of Akzo Nobel.  
\*Galvalume® is a registered trademark of BRC International, Inc.

VP's Sun in Day 503 Shaded Deck (A621) ESR27 Vented A-Joint Siding® is a Varco® Plastic Extrusion Systems, LLC® product. See all rights reserved.



Proposed Phasing Plan

A.20

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<11/9/2021>  
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MSO

PROJECT NAME  
JAC INDUSTRIES  
PROJECT NO.  
001-2021

CLIENT  
JAC INDUSTRIES  
PO Box 1267  
Sunset Beach, CA 95694

MO devco LLC  
706 Foxglove Cir.  
Winters, CA 95694



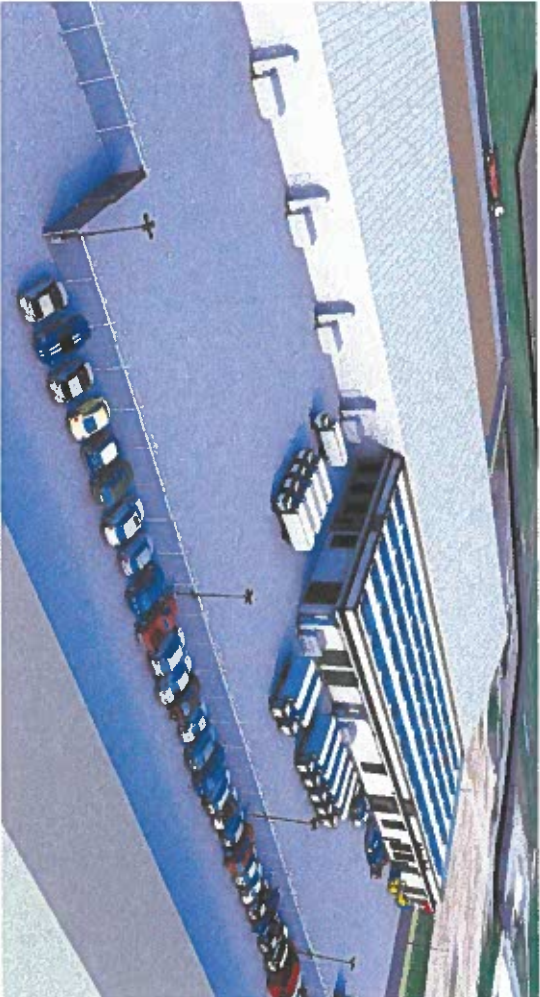


#### Greenhouse Light Deprivation: Pros

- Energy Efficient when Sun is Available
- Quality Product when Sun is Available

#### Greenhouse Light Deprivation: Cons

- Upfront Cost
- Power Availability
- Consistent Product
- Longevity in Cultivation Equipment
- Inefficient Climate and Environment Control
- Inconsistent Climate Control
- Inconsistency in Crops
- Inconsistent Work Environment
- Inconsistent ROI, Taxes, etc...
- Water Consumption Inconsistent



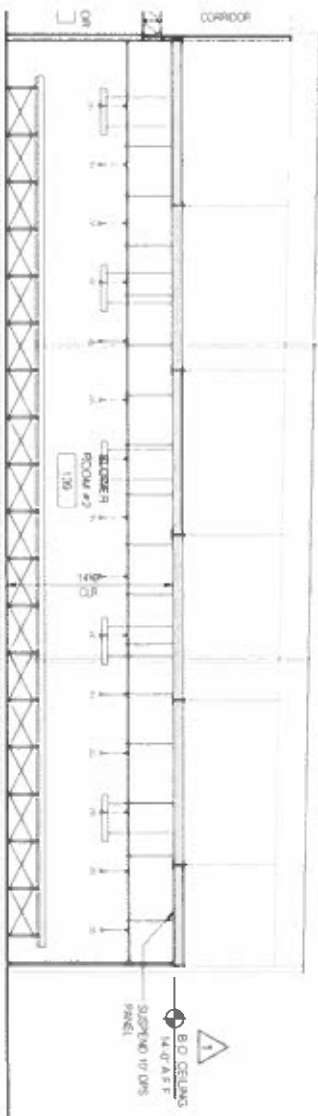
### Sealed Indoor Cultivation Room vs. Greenhouse Light Deprivation

#### Sealed Indoor Cultivation: Pros

- Fully Sealed Climate/Environment Control
- R-Value Efficiency in walls and ceiling for Balanced Environment over Time
- Greater control of Air-borne and Carrier Transmittal of Microns and Pests
- Sealed Walls and Ceilings Mitigates Environmental Sent Escape
- Superior Product Quality
- Energy Efficient upon Climate Set Point Achievement
- Consistency in crops = Consistency with ROI, Taxes, etc..
- Longevity in Cultivation Equipment
- Safer and Consistent work Environment
- Precision Watering for Efficiency

#### Sealed Indoor Cultivation: Cons

- Upfront Cost
- Material Availability
- Power Availability



Summarizing the comparison, Greenhouse light deprivation requires the same power for cultivation lights as well as HVAC tonnage do to the simple fact that when the sun is not out you must compensate. This is a Dollar for Dollar cost. The indoor sealed cultivation R rated panel system is cheaper than glazing as well as controllable. The glazing in a greenhouse requires automatic shades that blackout or retract depending on sunlight conditions. This is an enormous cost and inefficient when comes to light leaks or R value, not to mention the ability to control sent. Greenhouses are not sealed efficiently in or out, so if conditioned air can leak out that means pests and microns can get interior. All of this poses major problems for consistent quality product which is tested at the high level.



South East View



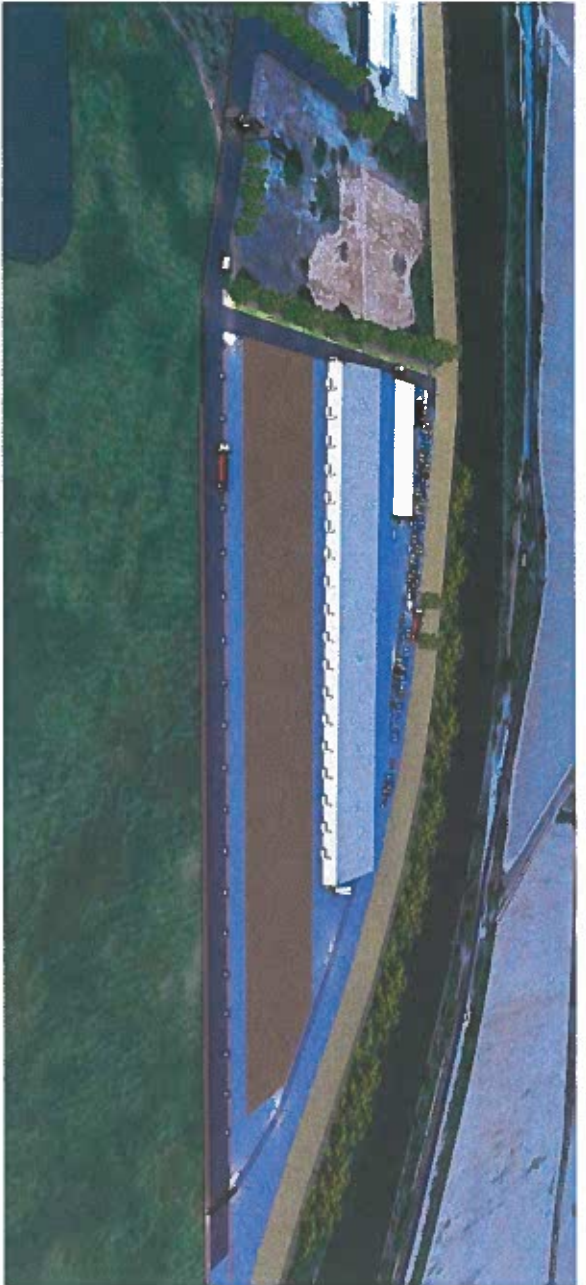
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Light studies



**North View**



**North View  
Dust**

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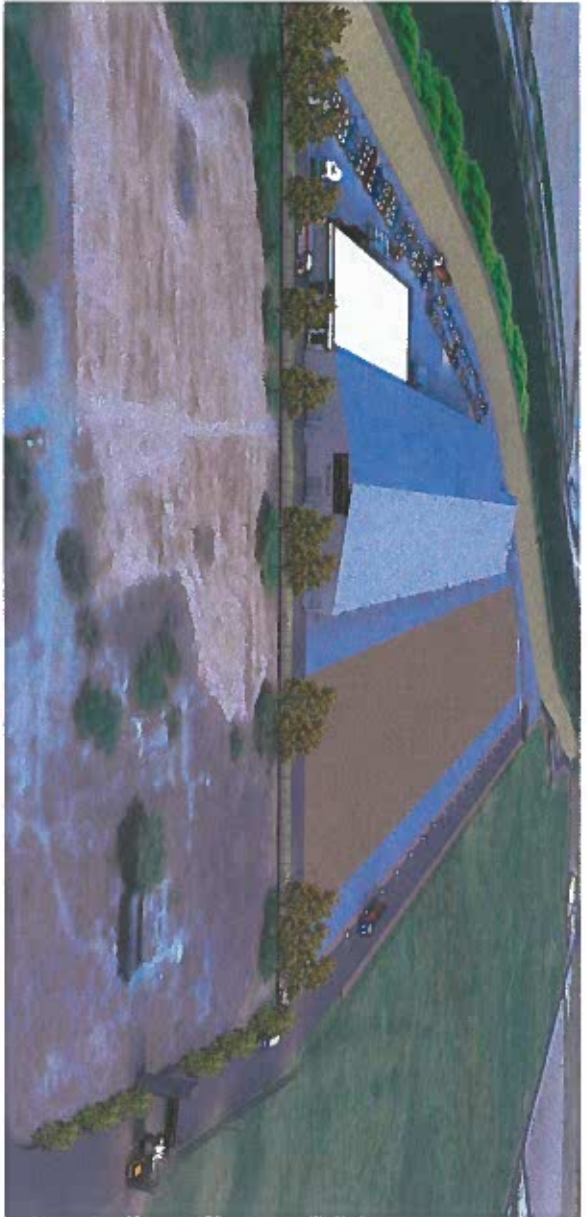
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**PROJECT NO.**  
001-2021

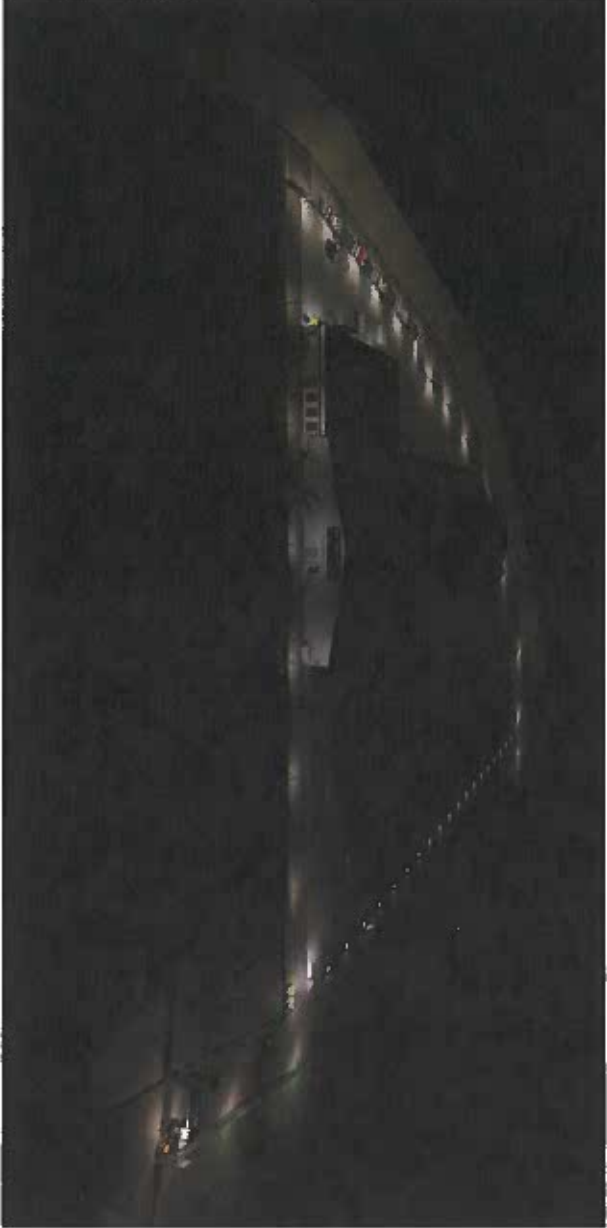
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<11/6/2021>  
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**Aerial Perspective  
North View**





**East View**



**East View  
Night**

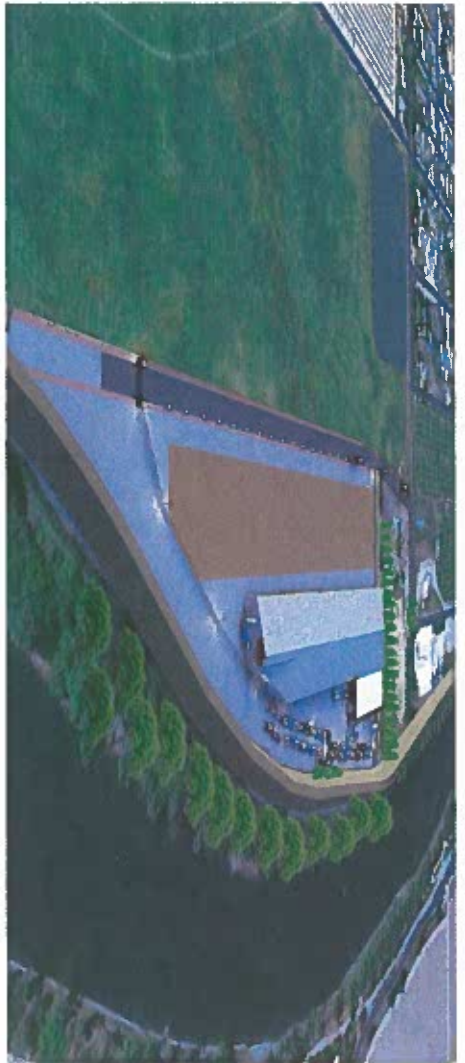
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**Aerial Perspective  
East View**



**West View**



**West View  
Dust**

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001-2021

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<11/8/2021>  
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**Aerial Perspective  
West View**



**South View**



**South View  
Dust**

## **ORDINANCE NO 537**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA APPROVING A GENERAL DEVELOPMENT PLAN AND PLANNED DEVELOPMENT (P-D) DISTRICT ZONING FOR THE COLUSA TRIPLE CROWN CANNABIS RESEARCH AND DEVELOPMENT BUSINESS PARK PROJECT**

**Colusa Triple Crown Cannabis Business Park Zoning and General Development Plan  
(Z 02-19)**

**Section 1.** The City Council of the City of Colusa does resolve as follows:

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

B. The IS/MND was prepared in compliance with CEQA Guidelines Sections 15152 & 15168, and identified mitigation measures that would avoid or mitigate the potential environmental effects of the Project to a point where clearly no significant effects would occur, and such mitigation measures are incorporated to the Project herein by reference.

C. The Project applicant has prepared, and the City of Colusa Planning Department has reviewed, a general development plan for the Project in compliance with Article 15 of the City of Colusa Zoning Code.

D. The Project general development plan describes and illustrates in detail, all aspects of the proposed project, and sets forth general development and building standards regulating future development within the Project.

E. The proposed Planned Development (P-D) zoning and Project general development plan are consistent with the City of Colusa's General Plan land use element (as amended) which designates the site as Industrial.

F. The proposed Planned Development (P-D) zoning and Project general development plan are consistent with and implement the policies of the City of Colusa's General Plan, and would not conflict with policies of the Housing Element.

G. The proposed Planned Development (P-D) zoning and Project general development plan are compatible with the land uses existing and permitted on the properties in the vicinity.

H. The area is physically suited to the uses authorized in the proposed pre-zone and general development plan.

I. The land uses, and their density and intensity, allowed in the proposed pre-

zone and general development plan are not likely to create serious health problems or create nuisances on properties in the vicinity.

J. On May 22, 2019, during a duly-noticed public hearing the Planning Commission considered a Planning Department staff report, public testimony, the above findings. Additionally, the Planning Commission has considered the effect of the proposed Planned Development (P-D) zoning and Project general development plan on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources

K. The Planning Commission, by a vote of 4-1, passed a resolution recommending City Council approval of the proposed Planned Development (P-D) zoning as shown on Exhibit A, attached hereto and incorporated by reference herein, and adoption of the Project general development plan in the form attached hereto as Exhibit B and incorporated by reference herein.

#### Section 2. Approval

The City Council hereby approves Planned Development (P-D) zoning as shown on Exhibit A, attached hereto and incorporated by reference herein, and adopts the Project general development plan in the form attached hereto as Exhibit B and incorporated by reference herein.

#### Section 3. Severability

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

#### Section 4. Effective Date

This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and/or posted as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on July 16, 2019, and was passed and adopted at a regular meeting of the City Council held on August 6, 2019 by the following vote:

**AYES:** Hill, Reische, Nobles and Ponciano.

**NOES:** None.

**ABSENT:** Markss.

**ABSTAIN:** None.

---

GREG PONCIANO, MAYOR

**ATTEST:**

---

Shelly Kittle, City Clerk

**EXHIBITS**

**Exhibit A**

**PLANNED DEVELOPMENT (P-D) DISTRICT ZONING BOUNDARY MAP**

**Exhibit B**

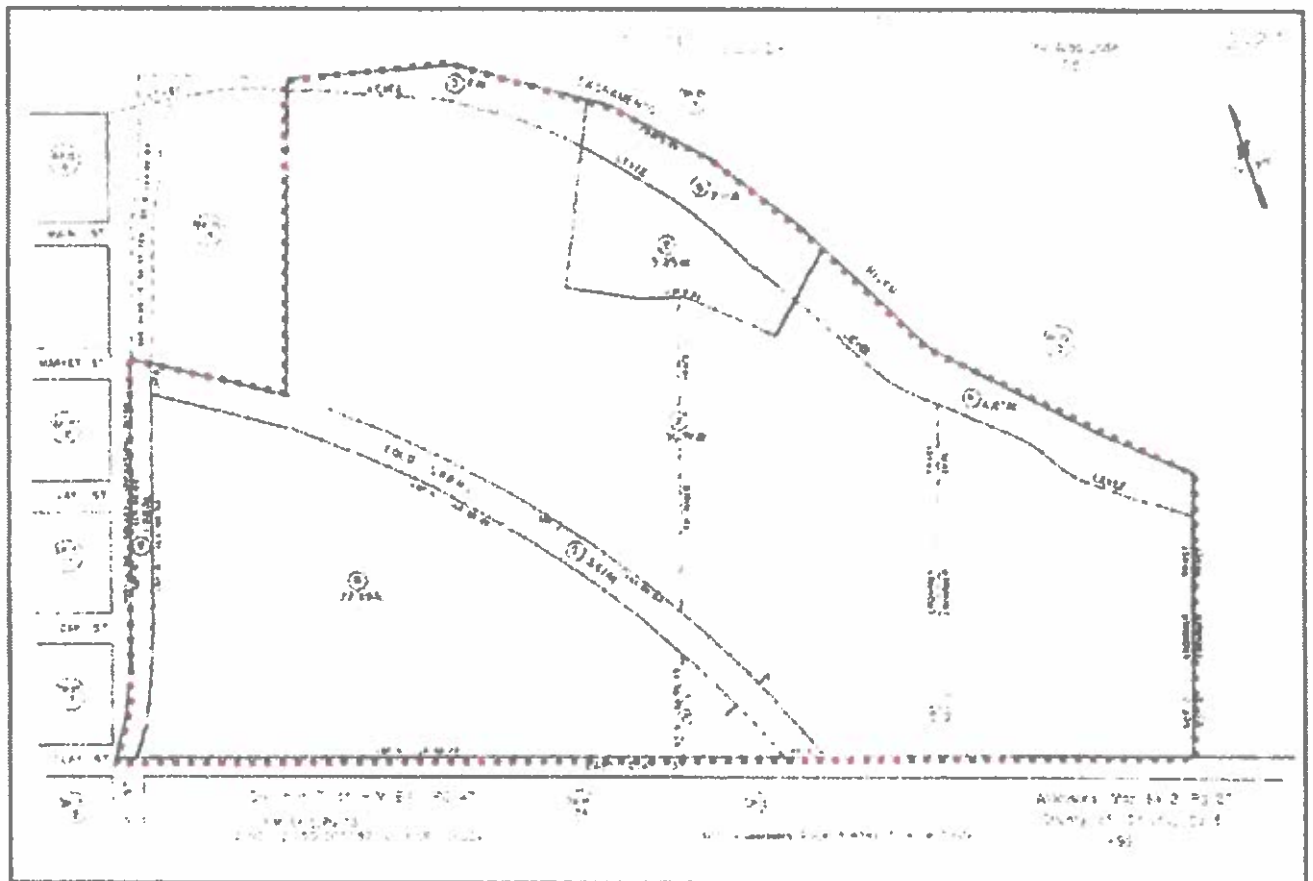
**GENERAL DEVELOPMENT PLAN**

## EXHIBIT A

### ZONING BOUNDARY MAP

AREAS (CROSS HATCHED) ZONED PLANNED DEVELOPMENT (P-D) DISTRICT

Assessor Parcel Nos. 002-270-002 thru -009



**EXHIBIT B**

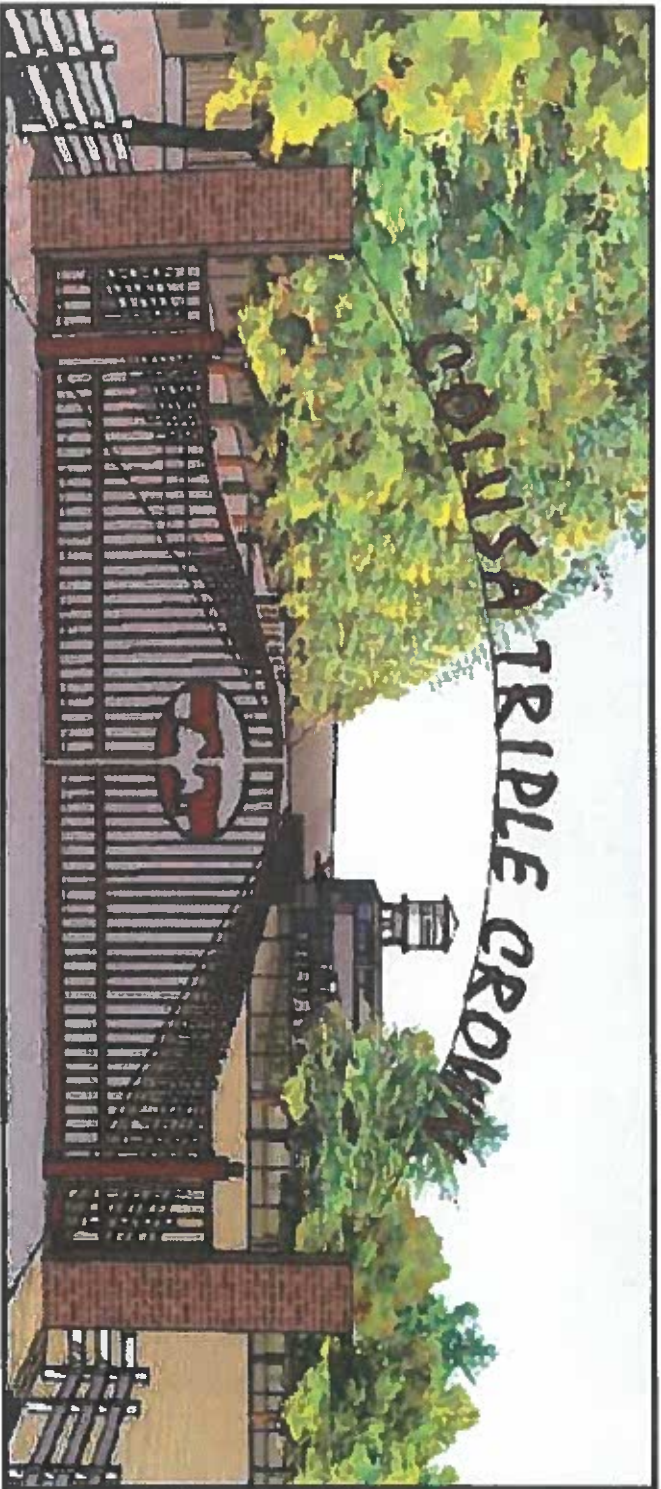
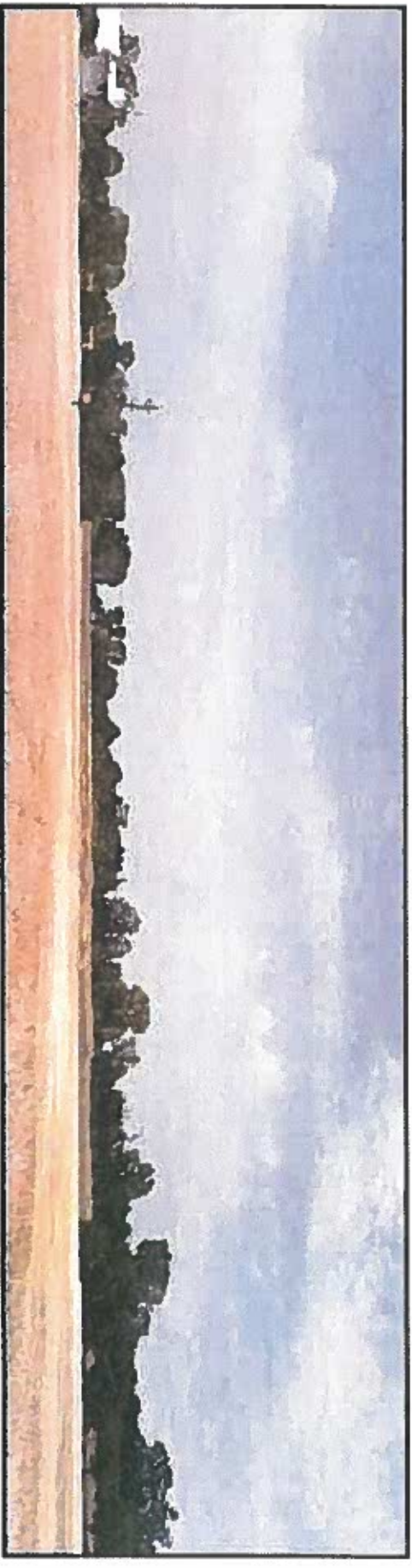
**GENERAL DEVELOPMENT PLAN**

**FOR**

**COLUSA TRIPLE CROWN**

**CANNABIS RESEARCH AND DEVELOPMENT BUSINESS PARK**





**PROJECT: COLUSA TRIPLE CROWN**

**Project Title:**

**Colusa Triple Crown**

**Lead Agency Name and Address:**

**City of Colusa  
Planning Division  
425 Webster Street  
Colusa, CA 95932**

**Phone Number:**

**(530) 458-4740**

**Project Location:**

**The project is in the northeast corner of the City of Colusa, along the border of the Sacramento River Levee. D Street is to the west and East Clay Street is to the south**

**General Plan Designation(s):**

**Low Density Residential and Medium Density Residential**

**Zoning:**

**Planned Development (P-D) District**

**Contact Person:**

**Michael S. Olivas 56mikeolivas@gmail.com (530) 400-6092**

**Date Prepared:**

**January 25, 2018**

**Project Description:**

**The proposed project is a Cannabis Research and Development Business Park and a drainage detention area on 84 gross acres. The proposed project involves the following requested entitlements:**

- A Development Agreement, Special Use Permit, and Regulatory Use Permit to allow a Cannabis Research and Development Business Park.**
- A General Plan Amendment of approximately 84 acres of the site from Low Density Residential District to Industrial District**
- A Rezone of approximately 84 acres of the site from Planned Development (P-D) District to Light Industrial (M-1) District.**
- A Lot Line adjustment to create four parcels.**
- General Development Plan to create, and to establish design standards and guidelines for a Cannabis Research and Development Business Park, open space, and related drainage facilities on a collective project site of 84 acres.**

The project is in the northeast corner of the City of Colusa. The Sacramento River winds around the project site forming the site's northern boundary. Unincorporated lands of Colusa County border the project to the east, north and south, and the west (excepting limited lands already incorporated.)

## **Cannabis Research and Development Business Park**

The Cannabis Research and Development Business Park will be approximately 1,490,000 square feet on 84 acres and will include energy-efficient greenhouses for cultivation, plant processing spaces, facilities for creating infused products, a testing laboratory, research & development and training centers, distribution center, and corporate offices. Space will be sold or leased to businesses registered under the California Marijuana Program.

Proposed site access will be from East Main Street to the project site.

**The project shall consist of the following operations:**

### **Cultivation**

As plants mature from seedlings, they are transferred to the cultivation area which covers 900,000 square feet. This area utilizes state of the art greenhouses to harness readily available resources, i.e. the sun, while controlling negative factors such as pests and contaminants. Each greenhouse is optimized for the plant variety(ies) it houses and is controlled via a central computer system that monitors and corrects for humidity, temperature, light, and soil compounds.

Plant management and soil amendments are carried out through the widely accepted "fertigation" method which deploys plant nutrients through the plant's water supply (drip irrigation.) While each greenhouse is optimized for plant health, other factors will be considered. Minimizing environmental impact is important and will be managed through intelligent water reclamation. In addition, each greenhouse will be laid out in a way that allows for farmer access since we believe farm, farmer and plant benefit from regular, hands-on testing and attention.

### **Processing, Drying, & Storage**

Throughout the year, plant flower will be harvested and processed into a commercial-ready product in 149,760 square feet of facilities. In addition to processing recently collected flower, the facilities will also serve as an inventoried storage location where flower will get prepared for testing and packaged for distribution.

The 'curing' process is an important step to ensure proper shelf life and safe consumption by the consumer. While most of this process is manual, it is space intensive to ensure inventory integrity and to store enough product to resist market demand fluctuations. This facility will also contain additional security elements given the quantity of finished product stored on-site.

## **Manufacturing and R&D**

Once the plant flower is harvested, dried, tested, and packaged, it is ready for sale or further refinement. The manufacturing facility, comprising 44,500 square feet, will house a fractional distillation process that separates out each plant chemical (e.g. terpenes, cannabinoids, etc.) into its purest form. These pure cannabinoids and terpenes can then get mixed together, for example, to provide a specific flavor or effect for the consumer when consumed.

The fractional distillation process does not use a solvent-based approach and is thus a much safer but more expensive process for refining flower into commercial ready cannabis oil.

## **Distribution**

After Triple Crown's products are tested and ready for sale, they move to the 40,000 square foot distribution and warehouse facility. This facility may be operated by Big Moon Sky, an online-only dispensary in California. Big Moon Sky offers curated collections of cannabis products for sale on-line which are then shipped to consumer's homes across the state.

This facility will serve as a distribution center where orders are picked, packed, and then shipped out. Orders are pre-sorted based on delivery location minimizing the need for multiple truck pick-ups throughout the day cutting down on environmental impact and truck congestion.

This state-of-the-art distribution center also relies on local staffing; providing employment opportunities throughout the city and county. The facility operates across a single shift with the opportunity of extending to three shifts if required.

Any product that is not sold direct-to-consumer via Big Moon Sky is then made available to the regulated market and sold in bulk to distributors who hold the required local and state permits to purchase and transport cannabis products.

## **Nursery**

Located on-site will be a 7.55-acre nursery facility where each plant will begin its development from seed to seedling. The nursery serves two purposes: plant incubator and strain/variety development.

In the initial stages of development, the plant requires a particularly controlled environment free of pests and harmful environments that can take advantage of the fragile state of the infant plant. As the plant starts to mature, it develops natural defenses increasing survivability in its permanent, greenhouse environment. By segregating the immature plants, we increase plant health, ensure the development of natural plant defenses (reducing the reliance on pesticides, for example) and identify/correct potential plant health issues.

In addition to incubation, the nursery provides an environment for strain or variety development. As with grape vines in the wine world, each plant is a hybrid bred to provide a quality product in a commercially viable quantity. Plant cloning and cross breeding must be carried out in a controlled environment and will thus be part of the nursery facility.

Buildings C-1, C-2, C-5, C-6, C-7, C-8, C-9, C-10, C-11 and C-12 consist of two separate sections of 37,500 square feet each to accommodate 22,000 square feet of canopy cultivation and include separate areas for processing, drying, control equipment space, employee area and administration.

Building C-3, C-4, C-13 and C-14 consists of one separate section of 37,500 square feet in each building to accommodate the production, cultivation, processing, drying, control equipment space, employee areas, administration and warehouse.

The research & development building (R&D) is a total of 45,500 square feet that includes separate areas for manufacturing facilities for creating infused products, control equipment, testing laboratory, research and development laboratories, training center, warehouse and corporate administration areas. The R&D building also includes an interactive employee center along with food service facilities.

Building D-W, consists of 40,000 square feet for distribution and warehouse and including 11,200 square feet for administration, employee lounge and food service facilities.

Building M, consists of 14,400 square feet for Manufacturing, testing laboratory, control equipment areas and distribution activities, and 11,200 square feet for administration, and employee area.

N-1, N-2 and N-3 represents 7.55 acres of greenhouse production and plant genetics research & development.

The utility services will be provided by the following:

Domestic Water:	The City of Colusa
Waste Water:	The City of Colusa
Utility power:	Pacific Gas and Electric PG&E
Fire protection:	The City of Colusa
Police protection:	The City of Colusa
Solid Waste:	

The project will be developed in a series of phases in approximately three to five years.



## TABLE OF CONTENTS

TABLE OF CONTENTS .....	A.01
PROJECT AERIAL .....	A.02
PROPOSED PROJECT CANNABIS MANUFACTURING BUSINESS PARK .....	A.03
DIMENSION SITE MAP .....	A.04
DEVELOPMENT STANDARDS .....	A.05
PERIMETER PROPERTY LINE AND SETBACKS .....	A.06
LANDSCAPE EXHIBIT .....	A.07
CALCULATIONS OF PERVIOUS AND IMPERVIOUS .....	A.08
STANDARD CULTIVATION UNIT .....	A.09
EXISTING ZONING PLANNED DEVELOPMENT (P-D) DISTRICT .....	A.10
PROPOSED ZONING LIGHT INDUSTRIAL (M-1) .....	A.11
PROPOSED LOT LINE ADJUSTMENT .....	A.12
PROPOSED PHASING .....	A.13
CIRCULATION PLAN LIGHT INDUSTRIAL (M-1) .....	A.14
STREET SECTION LIGHT INDUSTRIAL (M-1) .....	A.15
STORM DRAIN SYSTEM LIGHT INDUSTRIAL (M-1) .....	A.16
WATER SYSTEM LIGHT INDUSTRIAL (M-1) .....	A.17
SEWER SYSTEM LIGHT INDUSTRIAL (M-1) .....	A.18
SECURITY FENCING AND GATE SYSTEM .....	A.19
LANDSCAPING .....	A.20
AERIAL PERSPECTIVE NORTH AND SOUTH VIEWS LIGHT INDUSTRIAL (M-1) .	A.21
AERIAL PERSPECTIVE WEST AND EAST VIEWS LIGHT INDUSTRIAL (M-1) .....	A.22
PROPOSED GREENHOUSE SYSTEM .....	A.23
PROPOSED PROCESSING AND DRYING SYSTEM .....	A.24
MANUFACTURING AND RESEARCH AND DEVELOPMENT .....	A.25
ADMINISTRATION AND EMPLOYEE AREAS .....	A.26
DISTRIBUTION FACILITY SYSTEM .....	A.27
NURSERY FACILITY SYSTEM .....	A.28
WASTE STORAGE AND PARKING PLAN WITH LOADING AREAS .....	A.29
WATER MANAGEMENT AND RECIRCULATION PLAN .....	A.30
POWER SYSTEM .....	A.31

**Colusa Triple Crown**



**Colusa Triple Crown: Project Information**

**Project:** Colusa Triple Crown Business Park and R&D Agricultural Center  
**Developer:** Colusa Triple Crown, LLC  
**Owner:** Colusa Riverbend Estates, LLC  
**City of Colusa**  
**Colusa County**



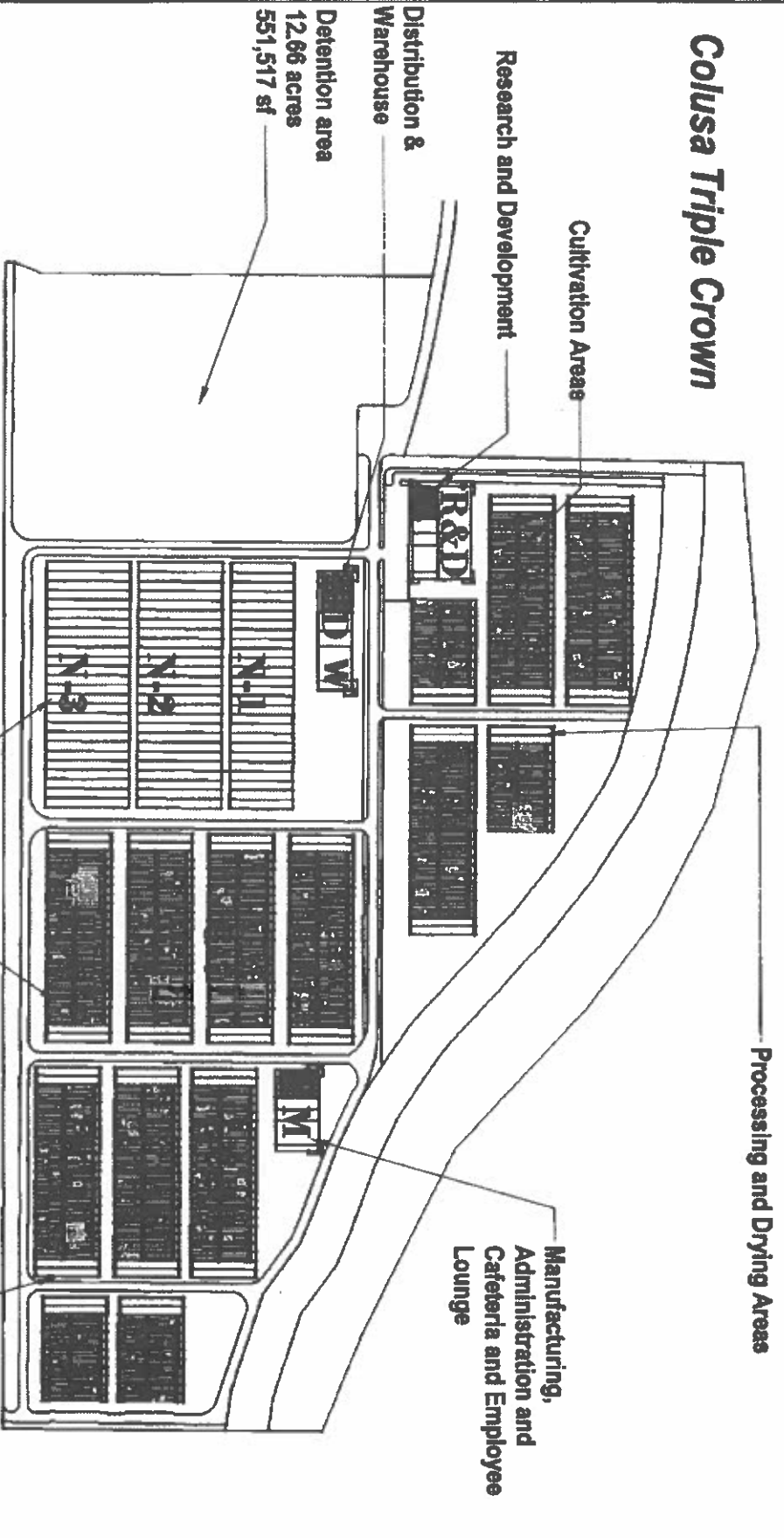
**Project Aerial**

**PROJECT:**  
Colusa Triple Crown

**Applicant:**  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

**Owner:**  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3

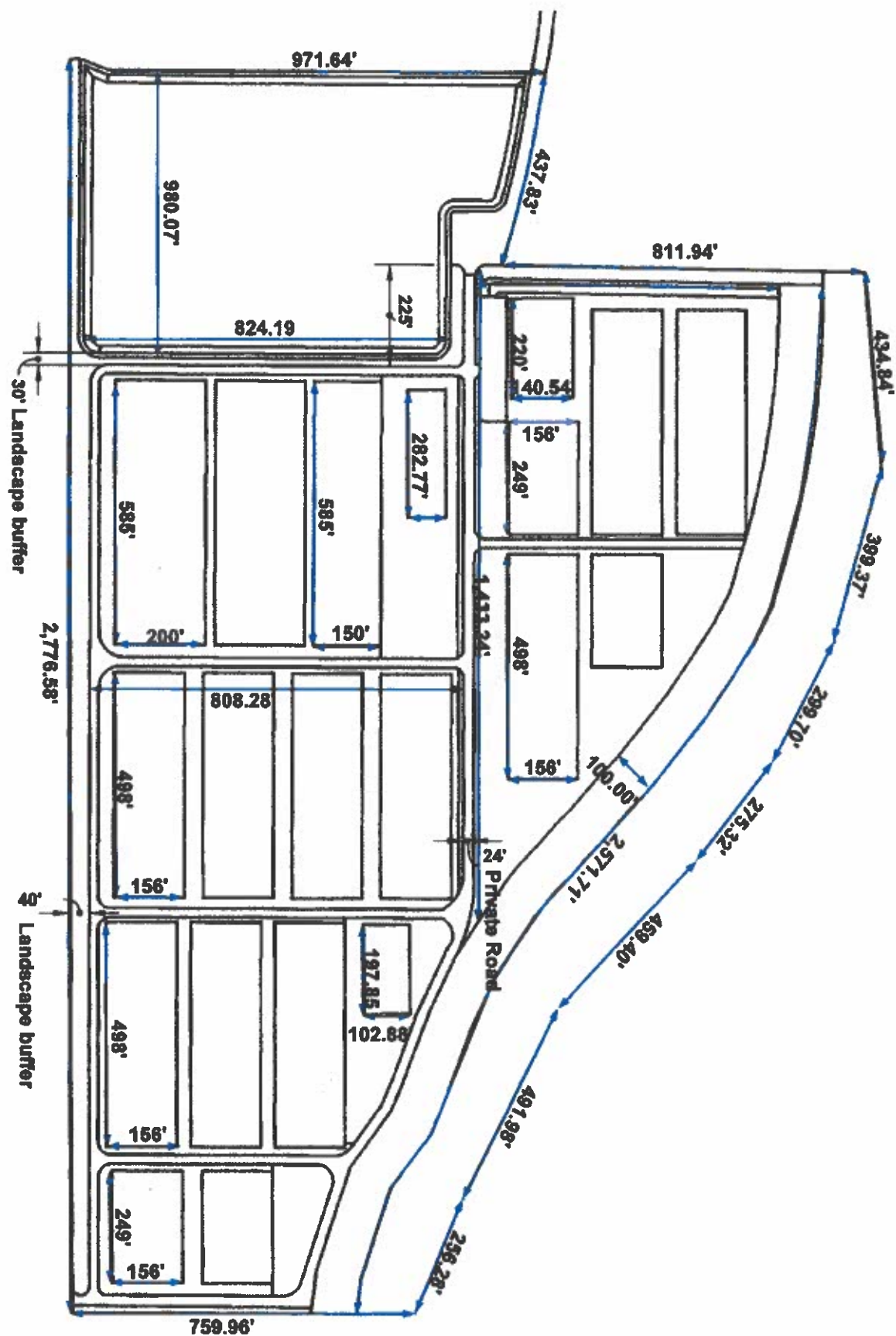
# Colusa Triple Crown



**Agricultural Production Center**  
 Nursery  
 Cultivation  
 Processing / Drying  
 Manufacturing / R & D  
 Distribution and Warehouse  
 Administration  
 Total Building Space  
 Total Estimated Employees

328,878 sq. ft.  
 900,000 sq. ft.  
 149,760 sq. ft.  
 45,500 sq. ft.  
 40,000 sq. ft.  
 30,000 sq. ft.  
 1,493,638 sq. ft.  
 310 FTE





## Dimension Site Map

**PROJECT:**  
Colusa Triple Crown

**Applicant:**  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

**Owner:**  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3

## Development Standards and permitted uses

### Land Use Criteria

Cultivation	P
Processing	P
Nursery	P
Manufacturing	P
Research	P
Development	P
Distribution and sales	P
Warehouse	P
Administration	P
Recycling area	P
Loading areas	P
Food service	P

### Minimum Setbacks from the perimeter property lines

Cultivation	55'
Processing	55'
Nursery	55'
Manufacturing	40'
Research	40'
Development	40'
Distribution and sales	40'
Warehouse	40'
Administration	40'
Recycling area	55'
Loading areas	40'
Food service	40'

No structures are allowed within 100' of the key see See Exhibit Map

### Maximum Height

Cultivation	30'
Processing	30'
Nursery	30'
Manufacturing	45'
Research	45'
Development	45'
Distribution and sales	45'
Warehouse	45'
Administration	45'
Recycling area	30'
Loading areas	30'
Food service	45'

### Site Coverage Maximum

Cultivation	22.00%
Processing	5.00%
Nursery	10.00%
Manufacturing	12.00%
Research	12.00%
Development	12.00%
Distribution and sales	11.00%
Warehouse	11.00%
Administration	3.00%
Recycling area	10.00%
Loading areas	10.00%
Food service	2.00%

### Interior setbacks between buildings

Cultivation	25'
Processing	25'
Nursery	25'
Manufacturing	25'
Research	25'
Development	25'
Distribution and sales	25'
Warehouse	25'
Administration	25'
Recycling area	25'
Loading areas	25'
Food service	25'

### Standards for roadways

Type	Roadway	Landscaping	Sidewalk
D street/ County	2	54' no	no
Market Street on site	2	64' no	no
Project Emergency access	2	25' no	no
Project Service roads	2	24' no	no

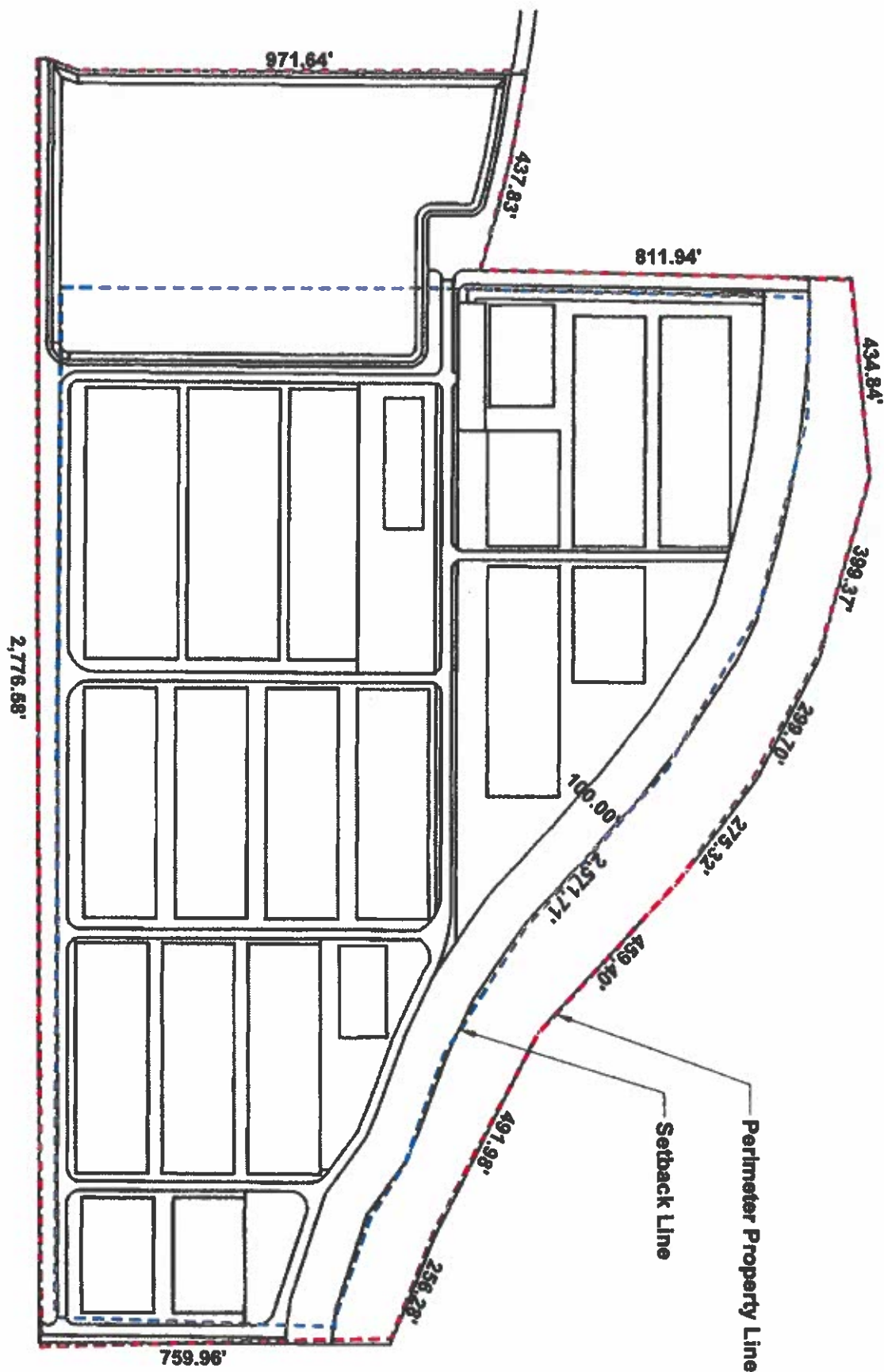
See Exhibit Map

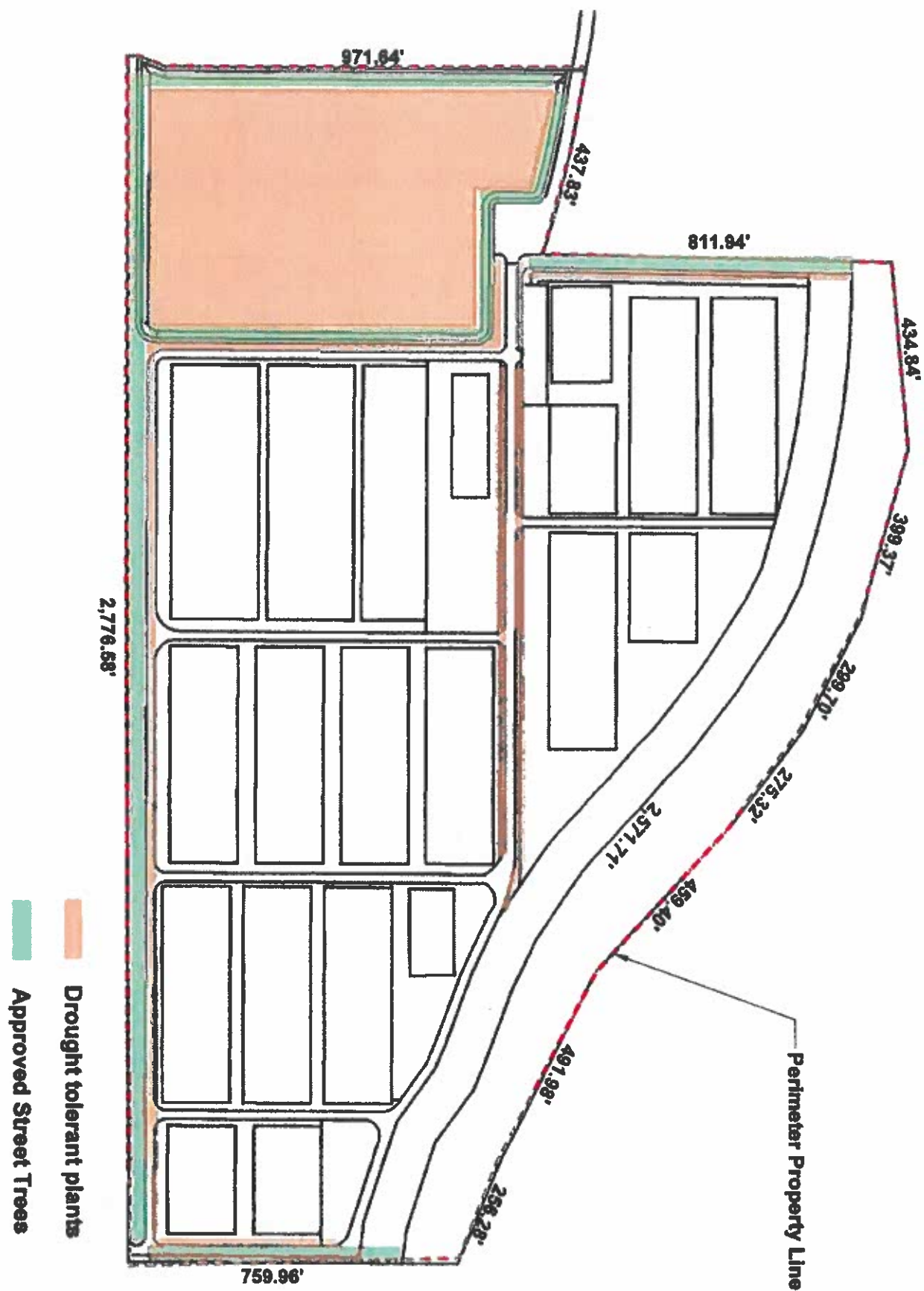
### Landscape Standards

Approved Street Trees and drought tolerant plants	Yes
Perimeter Landscaping	Yes
Detention Area	Yes
Interior Landscaping will be limited if any.	No

See Exhibit Map







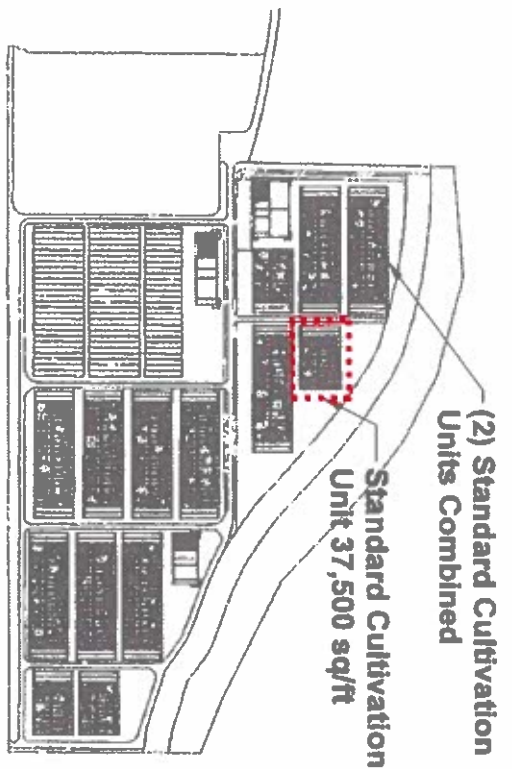
### Current Existing Conditions

Total Roads and Sidewalks	-	SQ. FT.	0.00	Acres
Lot Coverage	47,102	SQ. FT.	1.08	Acres
Gravel Areas	51,552	SQ. FT.	1.18	Acres
Farming Area	3,064,020	SQ. FT.	70.34	Acres
Open Space	400,566	SQ. FT.	9.20	Acres
Detention/Irrigation Channel	126,759	SQ. FT.	2.91	Acres
Lot Landscape Areas	-	SQ. FT.	0.00	Acres
Total Non Porous Surface	47,102	SQ. FT.	1.08	Acres
Total Porous Surface	3,591,345	SQ. FT.	82.45	Acres
Total Area	3,689,998	SQ. FT.		
Total Acres	84.71	Acres	84.71	

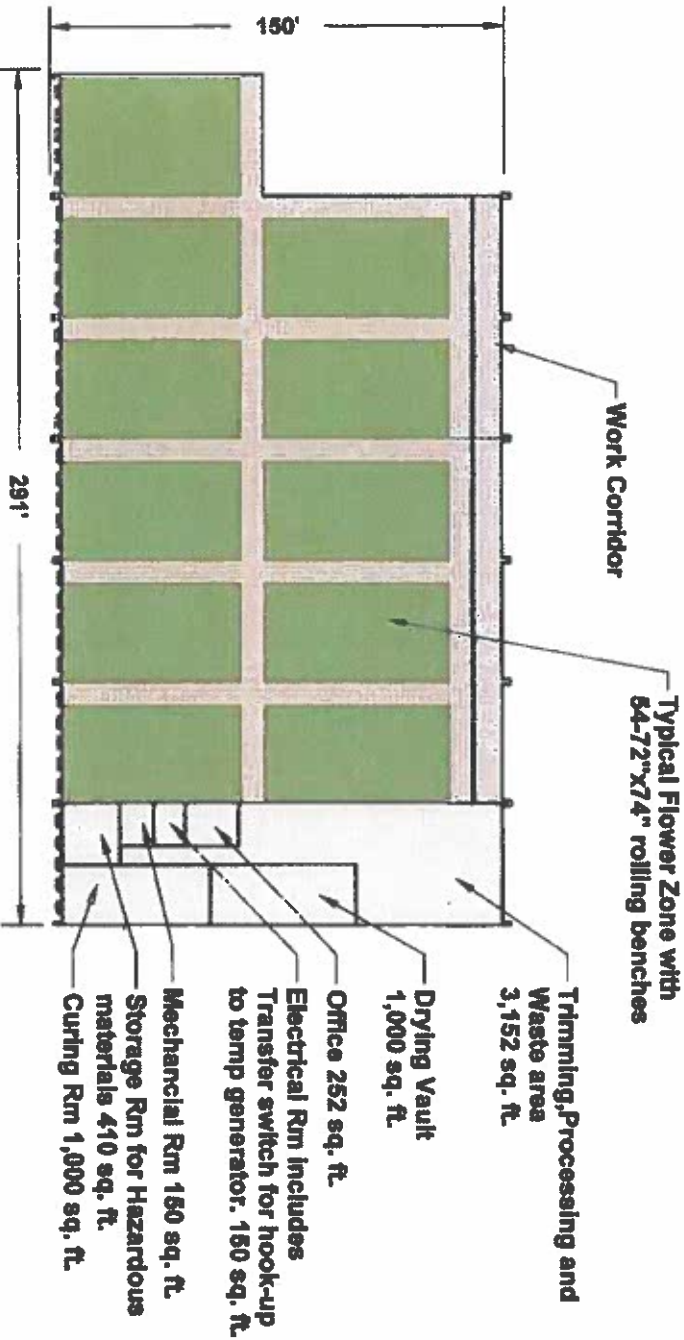
### Colusa Triple Crown Business Park

Public Roads and Sidewalks	26,002	SQ. FT.	0.60	Acres	Difference	Acres
Private Roads and Parking	218,322	SQ. FT.	5.01	Acres	218,322	5.01
Gravel Areas	538,573	SQ. FT.	12.36	Acres		11.18
Parking Areas Gravel	420,578	SQ. FT.	9.66	Acres		
Lot Coverage	1,006,991	SQ. FT.	23.12	Acres	959,889	22.04
Landscape Areas	268,478	SQ. FT.	6.16	Acres	268,478	(64.18)
Open Space	400,566	SQ. FT.	9.20	Acres	-	-
Detention and Landscape Area	490,225	SQ. FT.	11.25	Acres	363,466	8.34
Nursey	320,436	SQ. FT.	7.36	Acres	320,436	
Total Non Porous Surface	1,571,750	SQ. FT.	36.08	Acres	1,524,648	35.00
Total Porous Surface	1,697,842	SQ. FT.	38.98	Acres	(1,893,502)	(43.47)
Total Area	3,690,170	SQ. FT.				
Total Acres	84.71	Acres	84.71	Acres		

Lot Coverage 35.97%  
Floor Area Ratio 0.366



## Standard Cultivation Unit



Typical Cultivation Standard Unit:

594-72"x74" Rolling Benches 21,978 sq. ft. of Flower bench space/canopy

33,737 sq. ft. of Greenhouse/ Cultivation

6,240 sq. ft. of Headhouse

Total Facility size equals 39,977 sq. ft.

## Standard Cultivation Unit 37,500 sq/ft

PROJECT:  
Colusa Triple Crown

Applicant:  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

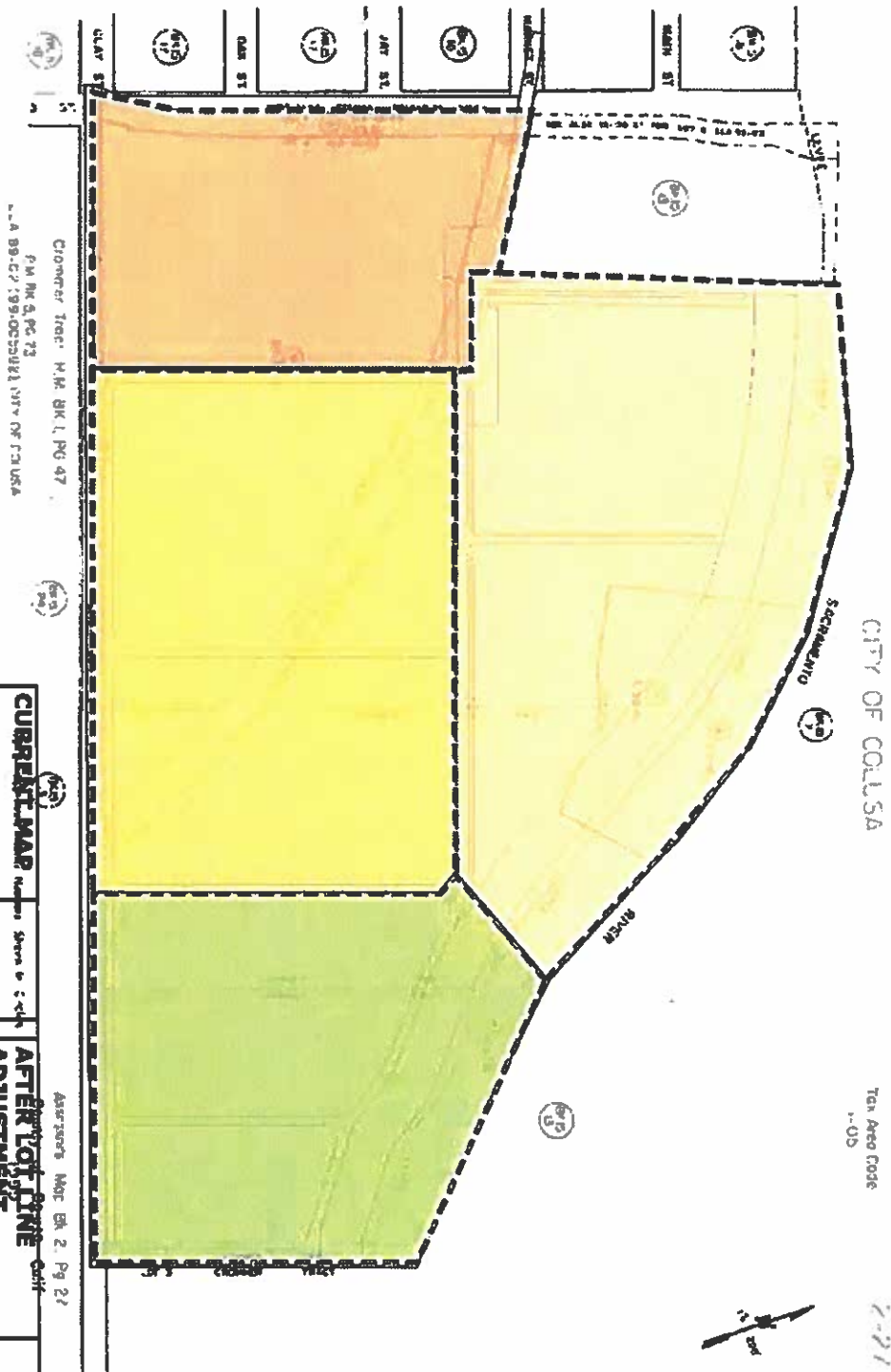
Owner:  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3











Crowder Tract, M.M. BK. I, PG. 47  
P.M. BK. 2, PG. 73  
S.A. 89-C2:89-0000001 1ST OF COLUSA

Assessor's Map BK. 2, PG. 21

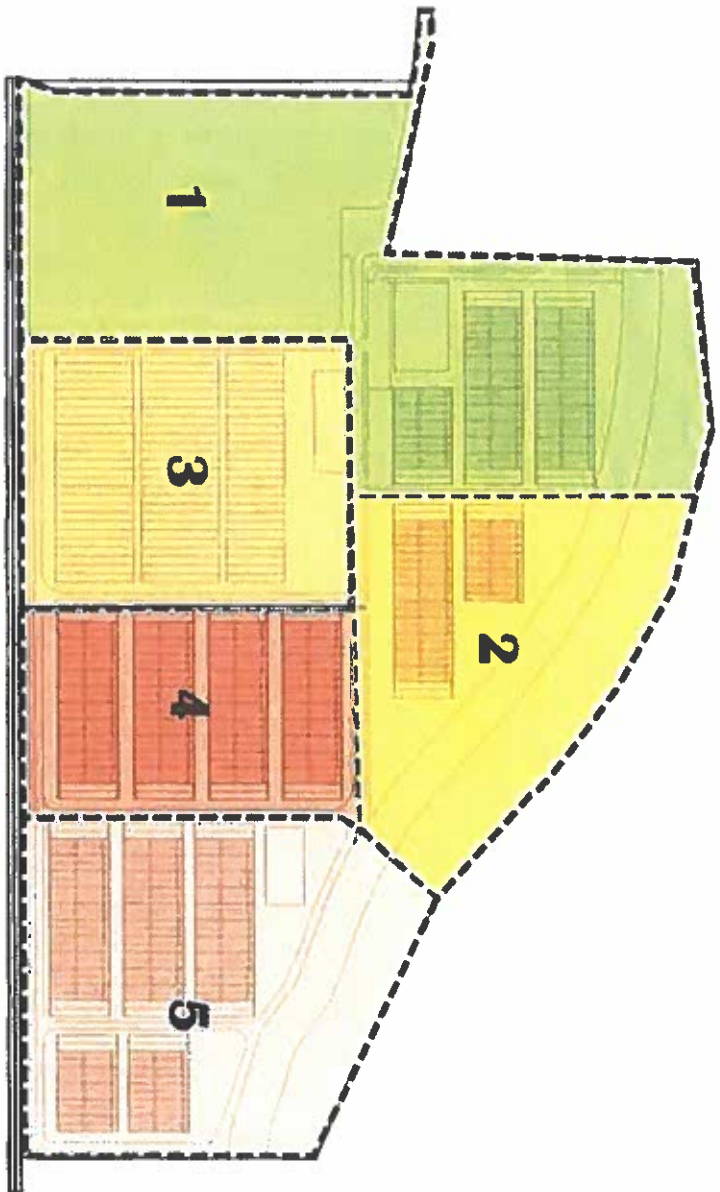
CURRENT MAP		AFTER LOT LINE ADJUSTMENT	
APN	Acreage	APN	Acreage
002-270-002	2.112	002-270-003	14.210
002-270-003	2.719	002-270-005	27.120
002-270-004	3.993	002-270-007	24.250
002-270-005	2.628	002-270-009	19.120
002-270-006	3.804		
002-270-007	44.361		
002-270-008	25.134		

84.70	84.70
-------	-------

**Phase 1:** The development and construction of 187,500 square feet of cultivation and processing that includes five separate structures at 37,500 square feet each. In addition, a 45,500 square feet of manufacturing & research and development, including square footage for administration. Necessary infrastructure will include the extension of D Street from East Main Street (limited section) to the commercial entrance, water extension from Bridge Street to project entrance, the construction of the required area of the detention basin and required drainage distribution system. The initial sewer connection will be established for the entire project. The development and construction will include all required landscaping and security details as proposed.

**Phase 2:** The development and construction of 112,500 square feet of cultivation and processing that includes three separate structures at 37,500 square feet each. Utilities will be extended to provide service for the commercial use including further development of the detention area. The development and construction will include all required landscaping and security details as proposed.

**Phase 3:** The development and construction of 328,878 square feet of nursery and supporting structures and equipment. A fourth structure is a 40,000-square foot distribution center and warehouse. Utilities will be extended to provide service along with further development of the detention area for drainage. The development and construction will include all required landscaping and security details as proposed.



**Phase 4:** The development and construction of 300,000 square feet of cultivation and processing that includes eight separate structures at 37,500 square feet each. Utilities will be extended to provide service for the commercial use including further development of the detention area. The development and construction will include all required landscaping and security details as proposed.

**Phase 5:** The development and construction of 300,000 square feet of cultivation and processing that includes eight separate structures at 37,500 square feet each. In addition, 19,250 square feet of distribution, manufacturing and warehouse. Utilities will be extended to provide service, including additional development of the detention area if necessary. The development and construction will include all required landscaping and security details as proposed.

## Proposed Phasing

**PROJECT:**  
Colusa Triple Crown

**Applicant:**  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

**Owner:**  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3



## Colusa Triple Crown



- ■ ■ ■ ■ East Main Street County Road
- ■ ■ ■ ■ East Clay 58'-0 ROW
- ■ ■ ■ ■ Private road for employees and deliveries and for use as public service not open to local traffic
- ■ ■ ■ ■ Private roads for commercial use

## Circulation Plan



D Street County Road



D Street County Road



East Main Street from Bridge Street to D Street will be the Primary Entrance to the Project Site. D Street will be constructed as a County Road from East Main Street south to the main project entrance.

There is one primary entrance to the Colusa Triple Crown project: D Street will extend from East Main Street to the project site. East Main Street will be the main entrance and exit from Colusa Triple Crown Business Park for all future employees and deliveries. An easement for the future D Street will run north-south connecting both Market Street and East Clay Street.

All roads within the Colusa Triple Crown (CTC) Business Park are private roads and will be maintained by the property owners. The project will provide an emergency road for local Public Service that will extend through the project off Market Street and circulate around the project turning south until intersecting with East Clay. The Public Service road will be maintained by the property owners and will not be open to local traffic.





The Applicant submitted a project drainage description and a concept off-site drainage routing exhibit depicting alternative proposed locations of interim drainage channels and detention facilities to serve the project plan area. Drainage plan showing grading and drainage information including topographic information are preliminary only. A comprehensive storm drainage plan for the ultimate development buildout and any interim drainage plan serving the entire project area or any portion of the project area associated with phasing of the development improvements shall be prepared by a registered civil engineer and submitted to the City Engineer for approval. The drainage plan shall identify specific storm drainage design features to control increased runoff from the project site. The drainage plan shall demonstrate the effectiveness of the proposed storm drainage system to prevent negative impacts to existing downstream facilities and to prevent additional flooding at off-site downstream locations. All necessary calculations and assumptions and design details shall be submitted to the City Engineer for review and approval. The design features proposed by the applicant shall be consistent with the most recent version of the City's Storm Drainage Master Plan criteria and City Public Improvement Standards. The plan shall incorporate secondary flood routing analysis and shall include final sizing and location of on-site and off-site storm conduit channels, structures, and detention facilities. The Storm Drainage Plan shall be approved prior to submittal of the first final map. The applicant shall pay the cost associated with all improvements required by the plan and an appropriate reimbursement agreement shall be drafted to reimburse the applicant for oversize improvements on a pro rata basis per the Project level Reimbursement Agreement.

## Storm Drain System Light Industrial (M-1)

**PROJECT:**  
Colusa Triple Crown

**Applicant:**  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

**Owner:**  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3



All domestic water services will be metered. Water meters shall be installed on all water services to the satisfaction of the city engineer.

Per City of Colusa Cross Connection Control Program, all types of multi-family residential, commercial buildings and landscape irrigation services are required to maintain an approved backflow prevention assembly at the applicant's expense. Service size and flow rate for the backflow prevention assembly must be submitted. Location of the backflow prevention assembly shall be per the City of Colusa Public Improvements Standards and Construction Standards.



Colusa Triple Crown

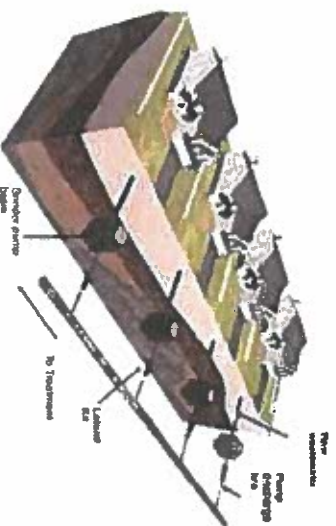


Connect to existing manhole on D Street. The system will be maintained by Colusa Triple Crown

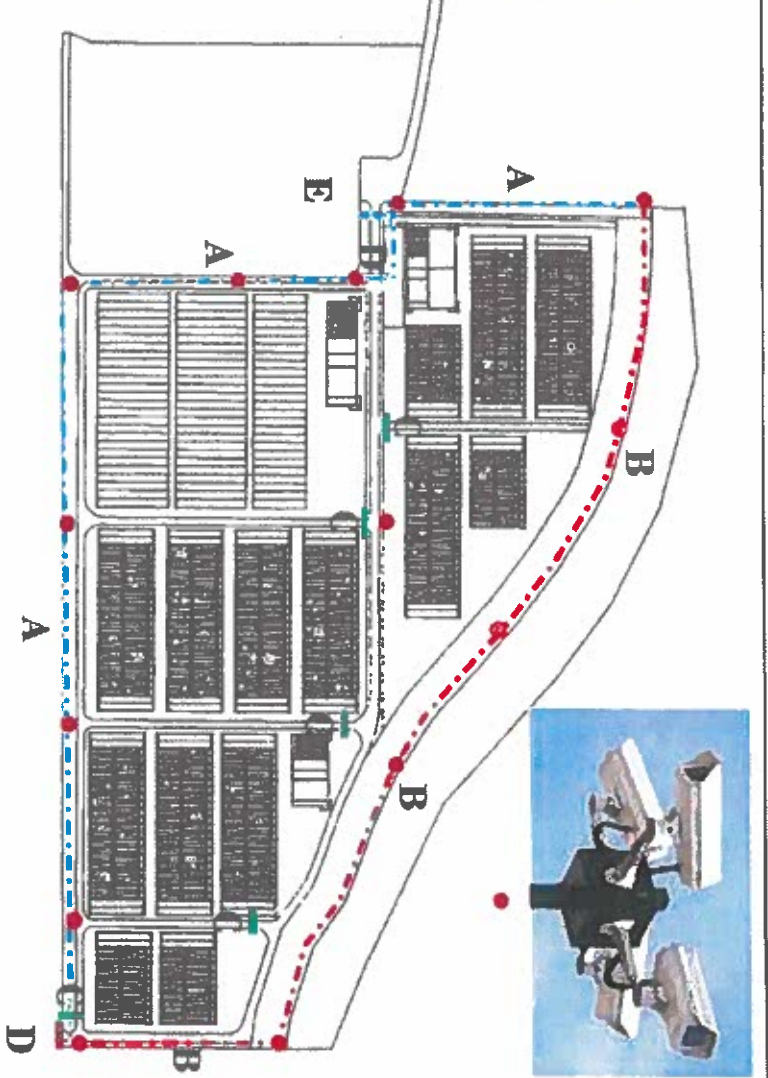
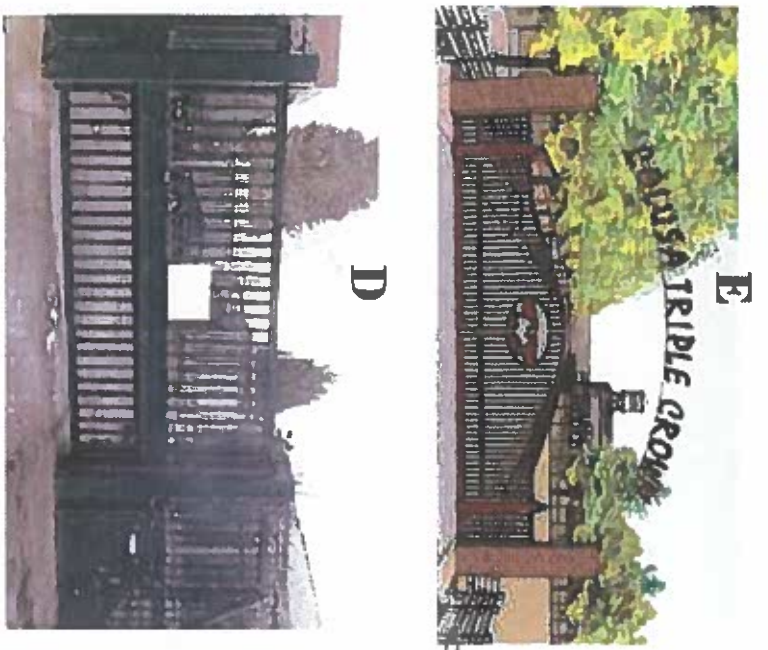
#### Sewer System Upgrades: Eliminating Infiltration & Inflow

The E/One Sewer system is a pressure sewer system that is powered by E/One grinder pumps. A pressure sewer system uses small-diameter pipes and grinder pumps, which are installed at each location. The grinder pump station collects all the wastewater and grinds it into slurry. The wastewater is then pumped to a larger sewer main.

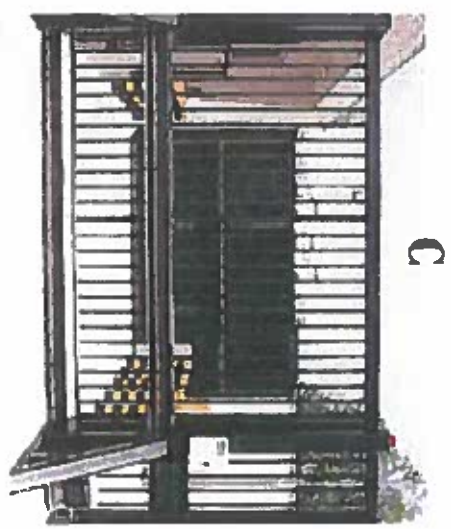
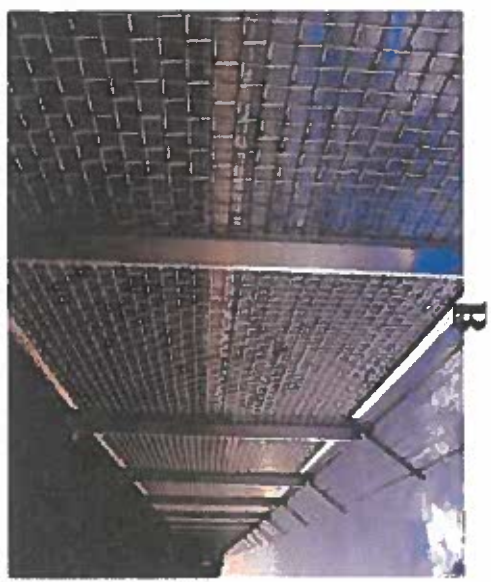
- Sewer flat, hilly, rocky or wet terrain
- Eliminates infiltration and inflow
- Low initial costs make central sewers economically feasible
- Central sewers increase the value of developmental units
- High reliability - maintenance is minimal
- Reduces operating costs
- Protective of public health
- Permits regulatory compliance
- Installation follows the contour of the land - needs only shallow trenches
- Labor and material costs are much less than gravity sewer systems



**e one**  
SEWER SYSTEMS



# Security System







**Entrance off Market Street**



**Example of Detention Area**

**Owner:**  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3

**Applicant:**  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

**PROJECT:**  
Colusa Triple Crown

## Landscaping

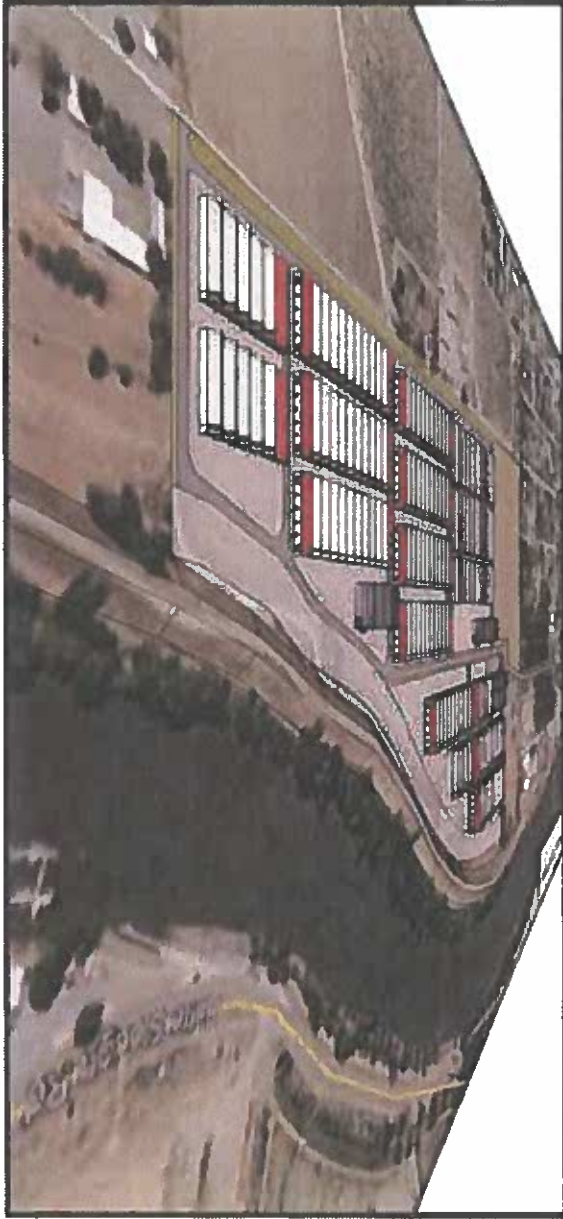


North View



South View





**West View**



**East View**





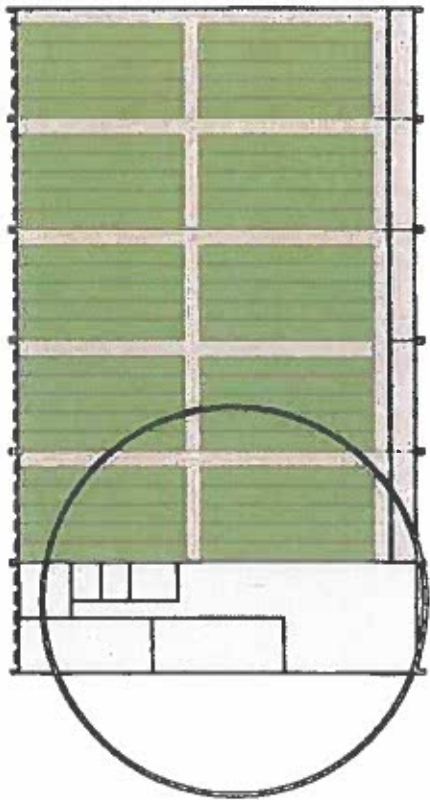


## Cultivation

As plants mature from seedlings, they are transferred to the cultivation area which covers 900,000 square feet. This area utilizes state of the art greenhouses to harness readily available resources, i.e. the sun, while controlling negative factors such as pests and contaminants. Each greenhouse is optimized for the plant varietal(s) it houses and is controlled via a central computer system that monitors and corrects for humidity, temperature, light, and soil compounds.

Plant management and soil amendments are carried out through the widely accepted "fertigation" method which deploys plant nutrients through the plant's water supply (drip irrigation.) While each greenhouse is optimized for plant health, other factors will be considered. Minimizing environmental impact is important and will be managed through intelligent water reclamation. In addition, each greenhouse will be laid out in a way that allows for farmer access since we believe farm, farmer and plant benefit from regular, hands-on testing and attention.





## Processing, Drying, and Storage

Throughout the year, plant flower will be harvested and processed into a commercial-ready product in a 149,760-square foot facility. In addition to processing recently collected flower, this facility will also serve as an inventoried storage location where flower will get prepared for testing and packaged for distribution.

The 'curing' process is an important step to ensure proper shelf life and safe consumption by the consumer. While most of this process is manual, it is space intensive to ensure inventory integrity and to store enough product to resist market demand fluctuations. This facility will also contain additional security elements given the quantity of finished product stored on-site.



## Processing and Drying Facilities



**Owner:**  
Colusa Riverbend Estates LLC  
1046 Olive Drive Suite 3

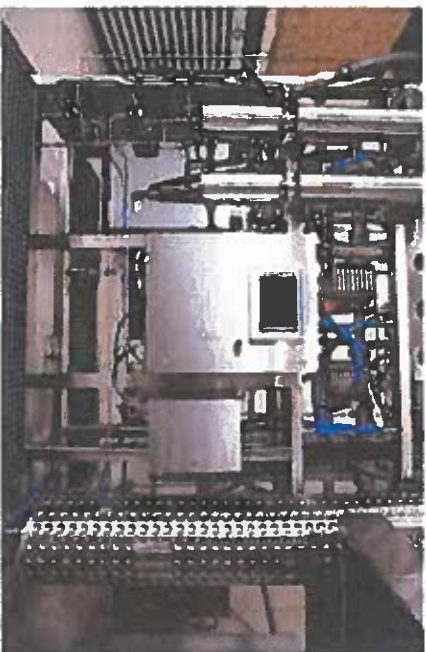
**Applicant:**  
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1046 Olive Dr. Suite 3b

**PROJECT:**  
Colusa Triple Crown

## Processing and Drying



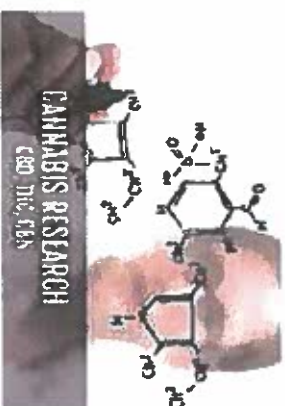
## Research & Development, Quality Control and Manufacturing



### Manufacturing and R&D

Once the plant flower is harvested, dried, tested, and packaged, it is ready for sale or further refinement. The manufacturing facility, comprising 44,500 square feet, will house a fractional distillation process that separates out each plant chemical (e.g. terpenes, cannabinoids, etc.) into its purest form. These pure cannabinoids and terpenes can then get mixed together, for example, to provide a specific flavor or effect for the consumer when consumed.

The fractional distillation process does not use a solvent-based approach and is thus a much safer albeit more expensive process for refining flower into commercial ready cannabis oil.



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**PROJECT:**  
Colusa Triple Crown

**Manufacturing  
and R&D**







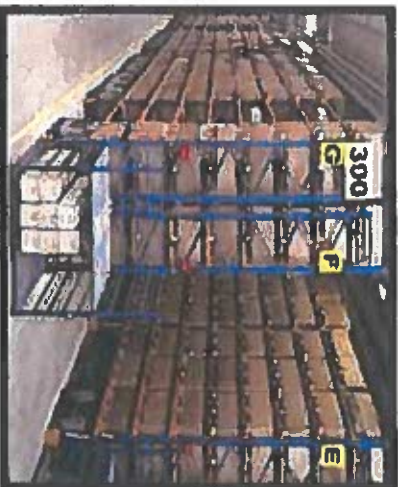
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Any product that is not sold direct-to-consumer via Big Moon Sky is then made available to the regulated market and sold in bulk to distributors who hold the required local and state permits to purchase and transport cannabis products.



## Distribution Facility

**PROJECT:**  
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**Applicant:**  
Colusa Triple Crown, LLC  
1046 Olive Dr. Suite 3b

**Owner:**  
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1046 Olive Drive Suite 3



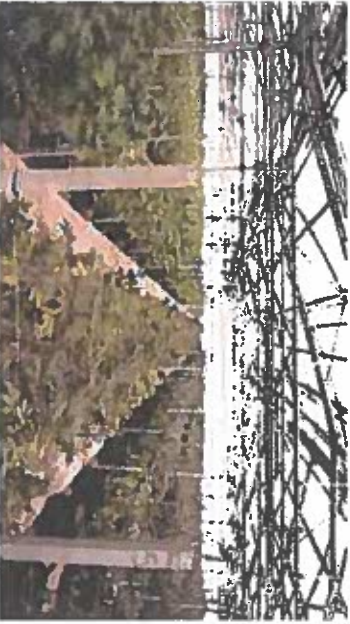


## Nursery

Located on-site will be a 7.55-acre nursery facility where each plant will begin its development from seed to seedling. The nursery serves two purposes: plant incubator and strain/varietal development.

In the early stages of development, the plant requires a particularly controlled environment free of pests and harmful environmental factors that can take advantage of the fragile state of the infant plant. As the plant starts to mature, it develops natural defenses increasing survivability in its permanent, greenhouse environment. By segregating the immature plants we increase plant health, ensure the development of natural plant defenses (reducing the reliance on pesticides, for example) and identify/correct potential plant health issues.

In addition to incubation, the nursery provides an environment for strain or varietal development. As with grape vines in the wine world, each plant is a hybrid bred to provide a quality product in a commercially viable quantity. Plant cloning and cross breeding must be carried out in a controlled environment and will thus be part of the nursery facility.



**Future area for recycling of the hemp by-product for sustainable and eco-friendly use.**

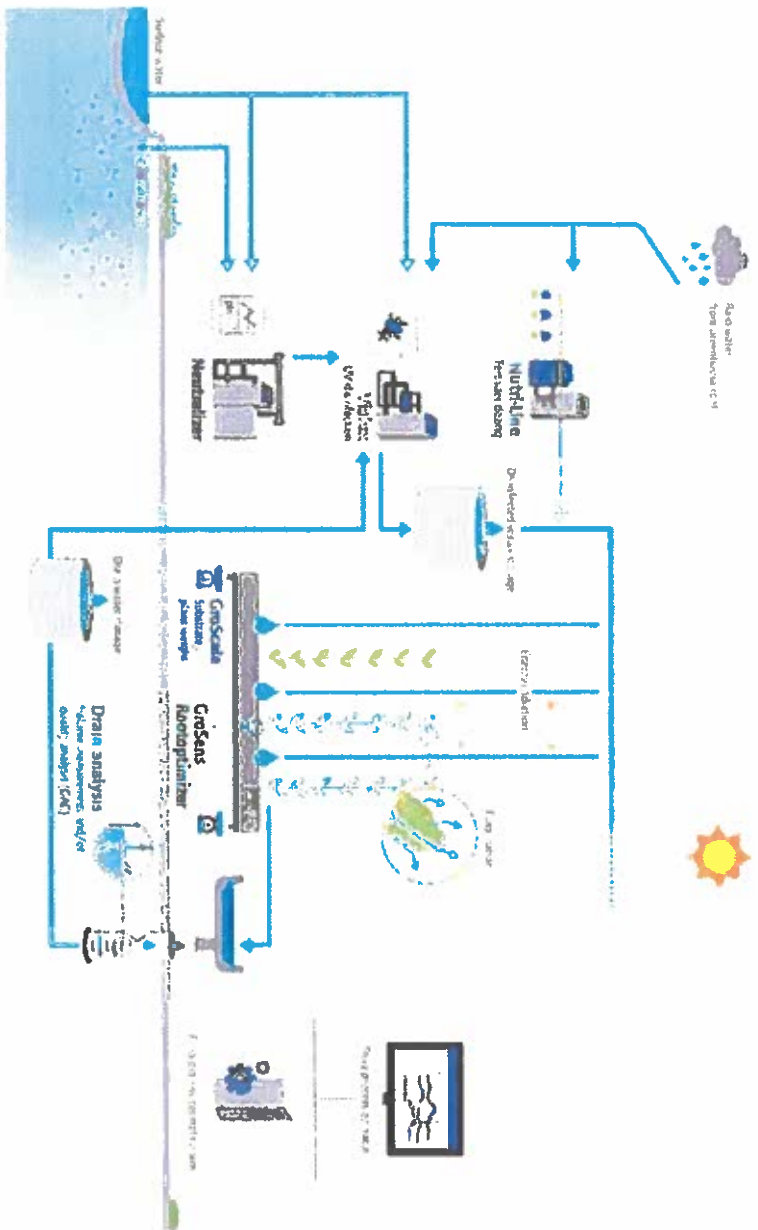
**Fuel** - hemp is an efficient biomass source of methanol  
**Paper** - hemp has a low lignin content compared to wood and can be turned to pulp faster and easier and does not need chlorine bleaching which is good for the environment.

**Construction** - fiberboards made from a hemp-based composite are stronger yet lighter than those made from wood. Hemp is an economical construction material that is recyclable.

**Typical waste grinders for easy and safe use in order to meet required waste disposal regulations. Located in the headhouse of cultivation standard units.**







## Water Management

WATER CYCLE

Water management a closed loop system for healthy growth. Priva supplies automated watering systems that allows you to efficiently dose high quality irrigation water and to recirculate it safely.

**Pre-treatment:** reasonable and economical water management starts with the correct pre-treatment of the water. HD-UV disinfection is a very reliable water disinfection method; it uses little energy, is safe for the environment and is low maintenance and prevents the spread of pathogens. Priva's watering system allows you to fine tune the bicarbonate content so that a stable pH is achieved. The EC pre-mixing allows you to reuse the drain water to the greatest possible extent.

**Fertigation:** The fertigation must be flexible and straightforward and Priva system controls this with stable EC and pH. The correct pH allows plants to absorb the fertilizer efficiently, and a stable EC ensures better growth in the greenhouse and a longer shelf life in the supply chain.

**Water recirculation:** The Priva systems disinfect the drain water. This is even more effective using a combination of HD-UV and oxidation: growth inhibitors and other harmful substances are broken down more effectively. See appendix for more detail





## **Comment Letters**

# Colusa Riverbend Estates LLC

Seepage observations prepared by:  
Woody and Kathy Yerxa  
(530) 458 2550

*Opposed*

Colusa Triple Crown  
Cannabis Research and  
Development Business Park  
Project  
Mike Olivas (530) 400 6092  
Project sponsor



# East Clay Street Seepage

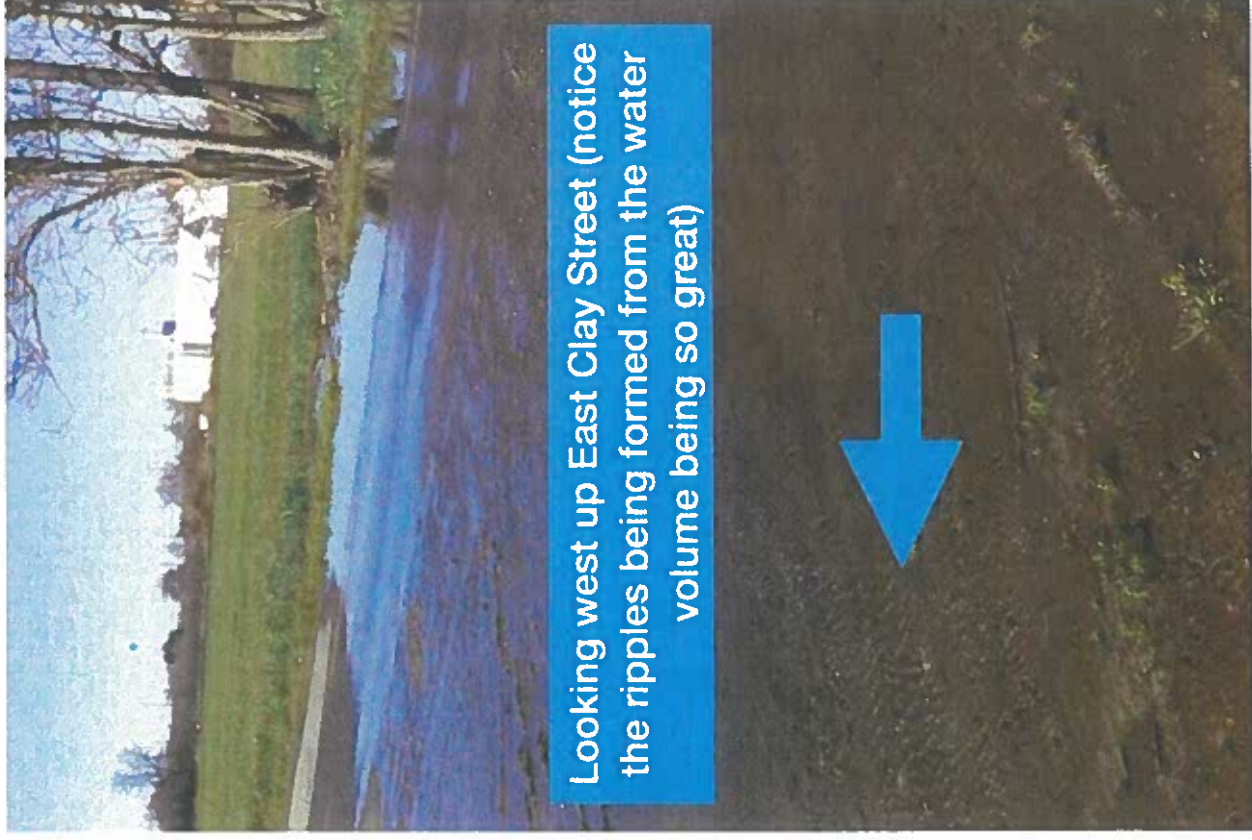


- The proposed project is located south of the Sacramento River levee, east of D Street and north of East Clay Street.
- These photos were taken the week of February 28, 2017
- The entire property was filled with seepage water; so much that it was running across East Clay Street



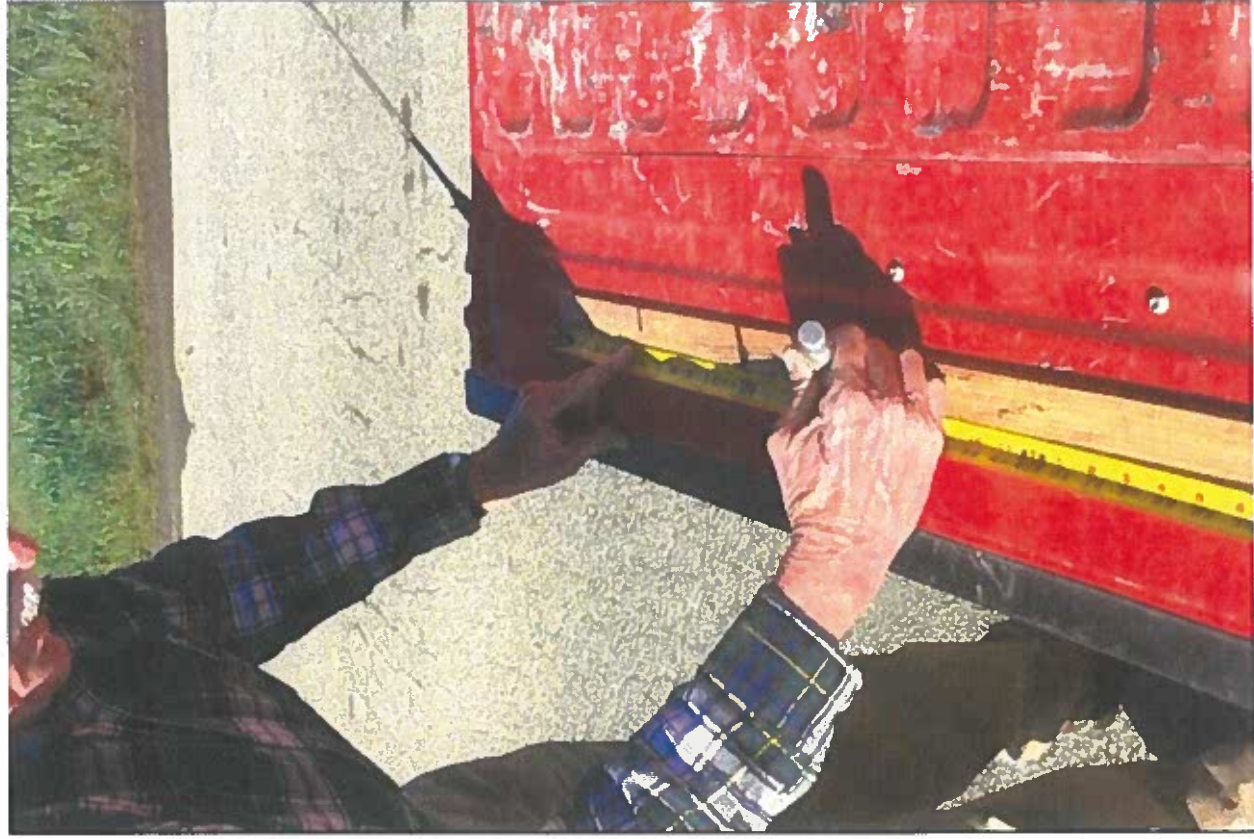


Water flowing across East Clay Street from the seepage to the north off of the Riverbend property



Looking west up East Clay Street (notice the ripples being formed from the water volume being so great)





Making a measuring stick to show water depth

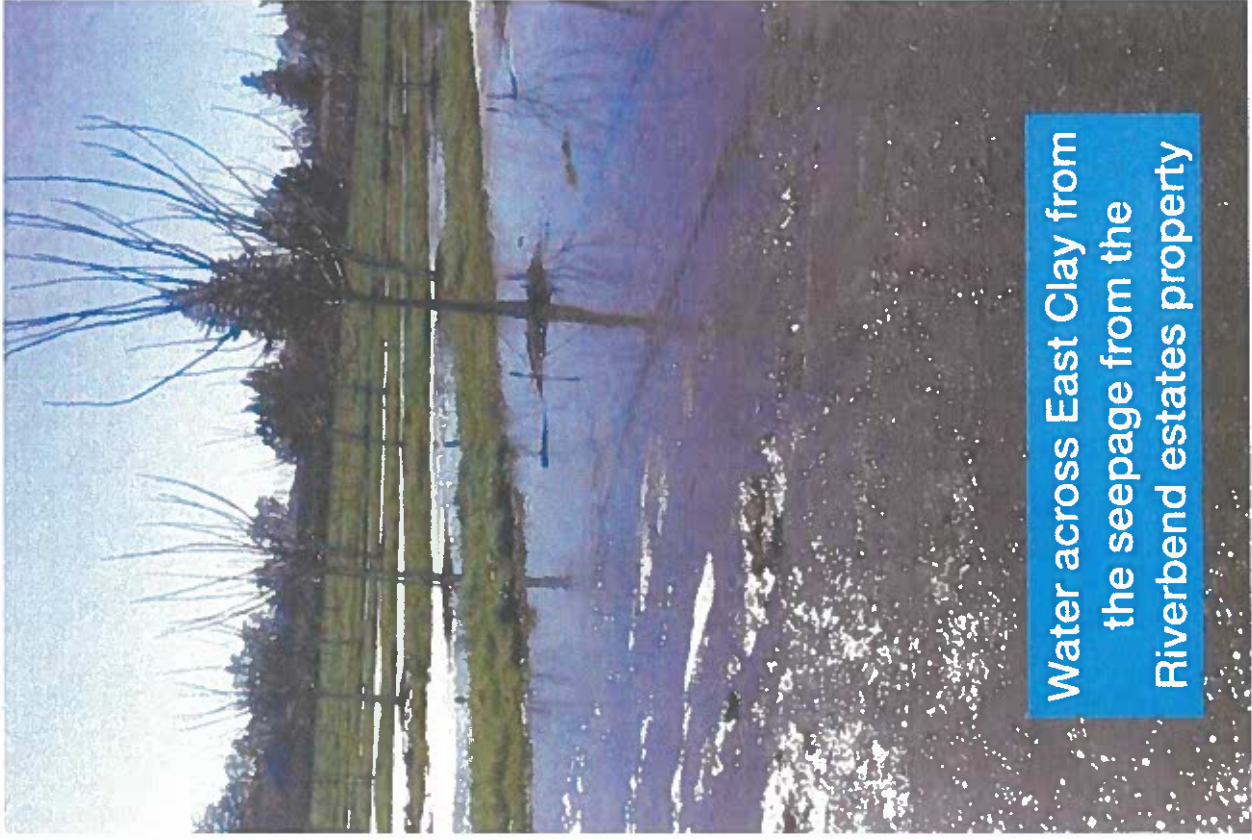


Water above her boots



14" deep





Water across East Clay from  
the seepage from the  
Riverbend estates property



Water across East Clay from  
the seepage from the  
Riverbend estates property  
looking west

# Conclusions

- All of these photos were taken more than a week after a rainfall event
- These seepage events are very common in this area during high river events of over 55' at the Colusa bridge
- Water always seeks its own level, no matter how big of a retention pond is constructed, property wide seepage will still be a problem



## PARTNERSHIP TO PRESERVE COMMUNITY INTEGRITY

JANICE BELL, Spokesperson  
229 E. OAK STREET, COLUSA, CA 95932  
W- 458-0218, CELL 821-9561  
janicecesa@gmail.com

City of Colusa  
425 Webster Street  
Colusa, CA 95932

April 12, 2022

Good day:

Attached please find some facts regarding the negative impacts of the Triple Crown Cannabis Park proposed for E. Clay Street that have caused concerns of tax payers, community supportive residents and small business owners within the sphere of influence of the project. These concerns have been presented to the City planning commission and council during previous iterations of development proposals from the current applicant.

While the attached is long, it doesn't cover everything that we have considered. You may be enlightened by having these issues revealed to you by many concerned partners in the city and county.

As the environmental reports and studies performed previously are being considered to be current, then all public comments that have come before the commission and council should also be considered to be current and evaluated relative to the most recent project development plan.

Sincerely,

Janice Bell



**Reasonable and negative effects of the proposal for Triple Crown Cannabis Park (aka Triple Crown Growers and Triple Crown Estates- on file at this time and known as Riverbend Estates)**

***The Storms of February 2017 and 2019 validated the below described flooding and seepage concerns: there are flood-fight efforts on record with the Colusa County Office of Emergency Services. Seepage was being experienced- and increased-even after the river levels receded during the most recent declared flood emergency***

**Employment**

During the construction phase, it is known that there may be some jobs for a few people in this area. The applicant stated building materials and supplies may not be purchased locally, and construction crew, security and other management positions will not be filled by area unemployed. This project will not produce much revenue, except for the building fees should the city impose them. Many fees to date have been waived as a condition of a settlement or due to threat of litigation by the applicant. We know when the facility is complete, there may be jobs as the developer advised at a previous planning meeting. However, the highly educated scientists and biologists they state they will hire aren't going to be found in our city, thus not relieving county unemployment rates

**PG&E 60kv overhead lines and service poles, plus 12 kv lines**

PG&E (Laird Oelrichs, Land Management Division) states that any development near or under these lines must address utilities in advance- not after plans are approved. They have great concerns and have an easement on file which is being ignored. The most recent version of this proposed development shows lines will be moved and new poles erected. PG&E is not on-board with this. Developer claims utilities will be addressed at a later phase, and the city is condoning it

**Drainage & Seepage (*We are now aware that many hydrology issues cannot be discussed, but may be addressed during engineering*)**

Elevations, poor drainage, high water levels exist. When building our homes in 2005, a neighbor and I were advised by Environmental Health that we were lucky that we didn't have to develop above-ground septic systems due to poor drainage and high water table. This proposed development is closer to the river than we are

There has already been a lawsuit in our neighborhood over negligence of drainage issues during construction of a home

Colusa County Public Works has submitted objections and concerns regarding this and the alternative housing project for this area

Several E. Clay Street residences are without septic use for extended periods of time during winter weather, as was pointed out during the Yerxa Family's video filmed Feb. 28, 2017 and presented at a Planning Commission Meeting (and being submitted now to be entered into the record.) It is also the testimony during Public Hearings on this development. I have documentation of seepage that came up after the water level receded- three days after Yerxa's filmed the seepage within the project area

E. Clay Street was posted with county road Flooded signs until May one year as seepage water was running across the road

Water retention pond part of the proposed project: An inexperienced person may suggest this mitigation effort, however digging down will only bring water to the surface and will pool for longer periods of time; also won't allow for capacity levels if already filled with existing water. The original plan called for 12+ acres (now showing 13) equating to a lake, then resulting stagnant water and mosquito breeding grounds will take over. The pond being reduced to one acre will still be unmanageable

- Mosquito Abatement has not been consulted regarding increased expenses to them for the additional pesticides and manpower
- Mosquito Abatement already pays special attention to the area for vector control of West Nile Virus mosquitoes, which have been previously detected. Ponds will encourage breeding of mosquitoes, especially a full 13 acres
- The water retention pond at the Del Rey Apartments is a prime example of this type of issue: it always has water in it even when there is no precipitation, and until recently, there was no protective fencing or barrier around it for several years. The water has dried up in this drought, but it will return and the fencing has fallen into disrepair

Colusa Industrial Park housing (Phases 1 & 2) and Walnut Ranch have annexed into the city for sewer services, with the City not planning any measures to increase the capacity at the waste-water treatment plant. Water run-off and sewer services are already taxed. And there are purportedly three additional housing developments tapping into these resources, it is obvious that a development utilizing large amounts of water will place additional burdens on them

The Triple Crown Facility's proposal to channel the water down to Moonbend Road, across private property and out to Davis Ranch will not work as is evidenced historically in the area. It is unclear if Davis Ranch would ever receive that water, even if they agreed to (Davis Ranch management is unaware of any agreement.) The plans don't appear to accommodate for the infrastructure to channel water through adjacent private property to the south, and it is apparent that this is to occur organically as per archived observation. The recent channels developed by CalTrans along Highway 20 were not engineered for use by the Triple Crown project applicant and are not adequate. The City of Colusa's Drainage Master Plan summarizes that current drainage is inadequate for existing conditions and doesn't address the increased flows

While this area is not in a special flood hazard zone, there is a historical record of surface flooding with losses in the hundred-thousands. Orchards have not been able to thrive due to the poor drainage. As noted before, there is current litigation regarding drainage in the adjacent neighborhood which is of slightly higher elevation

FEMA has not yet performed the remapping of Colusa and it is expected that this area will become a special flood zone

Reclamation District 108 has been to previous meetings and has advised that certain activities tied to the project are potentially damaging to the levee (proposing E. Market Street too close to the toe of the levee, for instance). RD 108 has received a grant to perform a Small Community Feasibility Study and has begun discussions about this hazardous project. They will provide comments on the new development plans when allowed to view them

The city is requiring plantings or ground coverings to be placed by the developer along the bank of the levee. From a flood threat standpoint, this is ill advised as it would obstruct observation of seepage or boils

### **Ditch use**

Filling in the ditch or bringing it to ground elevation where D Street is proposed on the north side of E. Clay Street will affect our neighborhood drainage as has been experienced when the ditch was blocked by a resident at the corner of D and E. Webster Streets

While it is not presently in production, Riverbend Rice Mill property drainage is dependent upon that ditch. It is documented and they have experienced damage to facility infrastructure. The county has allowed that property owner noted at D and E. Webster Streets (not by allowing it but due to not stopping the work when it was reported) to fill in one area and the results have been damaging. Riverbend management submitted a letter to the Planning Commission but it seems to have been misplaced and is not in the record

## **Crime**

The current plans don't include actions to enhance city law enforcement; it has been learned that the Sheriff's Department was not contacted or even given a courtesy call so that planning for enhanced response or emergency services can be made. The City of Colusa Police Department has not been provided with funding to enhance their staff for the increase in calls

Nearly every business on E. Clay Street has been burglarized, some numerous times since the Del Rey Apartments were built. Those of us in the area who have businesses can expect repetitive and costly losses from thefts from the nature of the proposed development, and can anticipate our personal safety will be compromised from those seeking to burglarize the facility. Theft of fencing materials, copper, and other materials found at such businesses has increased as desperate underpaid or unemployed persons resort to theft to support themselves or their families

Federal laws continue to uphold illegality of cannabis cultivation, transportation and sales

## **Road use**

E. Market Street is planned as an access road. It is hoped that it will be developed prior to any construction

D Street has not been established north of E. Clay Street. From research at a local title company it was learned that the old Goad's Extension maps were suggestions. The actual streets, lots and alleys were not developed in a manner consistent with city blocks. Many streets and alleys are not streets or alleys but private property and use is for fire access only. No expectation that others may use them exists. I am aware of private ownership of some of these "alleys." The City has put the burden of developing E. Market Street and D Street onto the county

Traffic along the ingress/egress road, E. Clay Street, now is relatively light but is still causing a problem with excessive speed from vehicles and trucks. Traffic may increase exponentially and will cause a great burden on the poorly maintained roads. California Highway Patrol was not consulted during the planning: they are responsible for traffic control on county roads such as E. Market Street (when developed), D Street and E. Clay Street. A traffic study should be performed

## **Trespassers**

Already a problem with residents from Del Rey Apartments- unattended children on foot or bikes- and the homeless that the city has allowed to remain on the levee; adults walking through private property, trespassing and entering our yards and ag buildings for no apparent reason. Our neighborhood has been performing our own neighborhood watch program as an increase of suspicious persons in our neighborhoods has occurred. We are already losing the quality of life that we have come to enjoy

Private streets and drives: fire access only is allowed. Increasingly each day, vehicles encroach on private property and cause repetitive damage. Posted signage is ignored now: with an increase in traffic and drivers who care not to read or wish to disregard signage will greatly increase the incidence of trespassing and property damage. Delivery trucks may become lost as the development is proposing new roads that may not be mapped, causing them to encroach on private property and potentially damage surfaces as they attempt to locate the facility

## **Impact to environment**

Endangered and indigenous species are known to inhabit the farmland and levees, and with their habitat being taken away, they will surely be adversely affected. Giant garter snakes, elderberry bushes with beetles, deer, coyotes and foxes and even eagles have been seen here. While some of these are not protected, their habitat will be completely depleted. There is no relocation program for any of these animals. Some older oak trees (when they were still protected) and elderberry bushes have been removed from the project site already



Prior to being taken off of a protected list, elder oak trees that were in the project area were removed before they could be recognized as a hindrance to development

Alluvial ponds in the area may be diminished or destroyed

There will be an increase in littering in the area as well as harmful exposure to the environment from fuels and oils from increased traffic and potentially poorly maintained vehicles and trucks

The development of E. Market Street will also deplete habitat and introduce residual traffic debris, noise and environmental pollutants into an area previously free of them

If Triple Crown Growers is allowed, they have made it public at a City Council meeting that they will be using fertilizer that is a challenge to dispose of, so they will recirculate it in an open retention pond: the same pond that was identified to collect seepage water

Various stages of cannabis cultivation require large amounts of water, in fact, more water than normal agricultural crops: water that nearby households are being required to conserve. The county has a drought proclamation of emergency in place which is expected to continue for additional years, and an emergency household water-hauling program for those with dry wells. River water is being restricted greatly so that the majority of existing farming operations will not be able to produce food for human consumption. A recreational drug business should not be allowed to place an additional burden on our water availability

### **Animal Control Services**

Colusa County Animal Control Services are contracted to the City of Colusa. There are currently two full-time Animal Control Officers for the entire county. They are already having difficulty keeping up with the number of calls they receive. They were not consulted for the increase in calls (resulting from displaced wildlife, snakes, etc.) nor has an increase in officers been planned or funded by the city. I am aware of additional city annexations with increased populations that are also not considering Animal Control Services which, again, are contracted for the City. Police Officers will have to respond to these calls, and as a reminder, there is no plan for an increase in officers

### **Health & Safety**

Most of the concerns listed herein deal with the health and safety of established tax-paying families being threatened. Several of us homeowners have invested in security and/or alarm systems just to keep ourselves and our properties safe, but there may not be a way to mitigate the hazardous effects of pollutants or other hazardous materials introduced to our environment

There will be a tremendous increase in littering in the area as well as harmful exposure to the environment from fuels and oils from increased traffic and poorly maintained vehicles

Please note the earlier statement regarding fertilizer being difficult to safely get rid of so the plan is to retain it on site in a water retention pond, where it will seep into residential wells

### **Emergency Services**

County OES/Sheriff not included in planning. It has been discovered that no additional law enforcement is planned, and law enforcement services were not consulted for analysis for services: may need to increase patrol for calls for service from increased crime spilling over into county jurisdiction and for back up of City Police services, not just for the facility but the increased population from employees

The local hospital is already understaffed and was not allowed to consider a plan for providing services to the number of workers or additional residents anticipated

The underground streams that are gauged and monitored in that exact area by the Department of Water Resources have not been addressed. Underground streams don't support a suitable building base, especially when considering the dense number of the buildings to be built or any multi-story structures with machinery. No plans for emergency evacuation or housing of those displaced persons in case of flood or building collapse has been made as risk analysis from emergency services has not been planned for

## **Levee**

These 100 year old levees are already 150 years old. If any agency of responsibility was consulted, and they weren't, it would be conceivable that they would have major concerns. The Bureau of Reclamation and the Army Corps of Engineers were not aware of this project prior to 2017. The applicant has already been advised to adhere to set backs at the toe of the levee and they have been forced to amend their road plan as such. The new proposal does not show accurate measurements of the project distance from the levee toe

Our group contacted Reclamation District 108, the agency that has responsibility for the river levee along the project boundary, and their manager appeared at a City Planning meeting to advise they will not allow trespassing nor any construction to the levee. The toe of the levee is also a right-of-way issue that the applicant is being allowed to disregard upon permission by the City. The City does not have that authority

Aside from the proposed buildings being constructed within feet of the levee (even with the new set back) existing homes within the sphere of influence and beyond may be at risk from this compromised levee. As the Office of Emergency Services was not given an opportunity to review the plan so that emergency preparedness activities could be analyzed, the project may be considered as a high-risk community. As the OES has learned about the project, it was analyzed and included in the recent update to the Local Multi-jurisdiction Hazard Mitigation Plan and will be deemed as a hazard area

The activity conducted by the city that neglected to consult with Emergency Services seems to violate City Code section 17-58, B. 1. Rights of vesting a tentative map. Even though a large-scale housing element is no longer part of the application and a new map must be considered with a smaller-scale housing element, the tentative map should not have been vested

## **Water Rates**

City water & sewer rates have been increasing considerably over the years to accommodate for the city's delinquency in updating the sewer treatment plant and resultant state imposed penalty, and again now to accommodate for the new construction areas recently annexed into the city. Persons on limited income can ill afford another 40% rate increase (as was implemented in 2017 and 2020.) Current water & sewer users should not have to pay more and more to cover what the applicant will not

## **Established family homes- currently a relatively drug free environment**

The project may bring in the element that abuses &/or sells drugs and be a draw for others to frequent the area seeking that market. Despite the state legalization and city's adoption, many elements to the cannabis industry still violate federal laws. Residents are already frequently affected by this crime element moving in from another large increase in population from the low-income Del Rey Apartment complex

## **Property values**

Will only be adversely affected by this development. Will in no way improve current homeowner property values based on analysis by local realtors

## **Scenic Vista and Viewshed**

Many residents enjoy the eastern view of the Sutter Buttes- the famous smallest mountain range in the world. They, the skyline, sunrises and moonrises will be obscured by any 2 or 3 story structures, and possibly by single story structures. Planting trees won't mitigate that. Traffic from the proposed D Street road will also be an eye-sore. Usurping our scenic viewshed is basis for litigation, and the offending structure would be ordered to be modified to alleviate the problem

## **Noise**

Current county agricultural noises are not disruptive to our lives, however, should this project go through, the noise from trucks and other traffic and the sheer number of people condensed into that area 24 hours a day may be extremely disruptive. There are times when we or our neighbors are required to work

nights and sleep during the day. As this is annexed into the City, the City will need to address their noise ordinances and, as recently witnessed, will certainly modify ordinances to accommodate the developer, disregarding their constituents

### **Lights**

Light pollution may create a legal nuisance. A 24-hour a day cannabis operation will have exterior lighting for security purposes to ensure safety of the personnel working and to light work areas, but may be within our line of vision as we attempt to enjoy our view of the Sutter Buttes or the night sky

### **Odors**

As is being experienced all over the city, offensive odors from the current cannabis business at Bridge and Main Streets is ever-present, in spite of any magical filtration system they have recently installed. Residents are not able to keep their windows open due to the invasive odor emanating from that business 24-hours a day, in any type of weather. Residents have become frustrated and stopped reporting the nuisance odor as it is apparent that nothing can be done. This offends our olfactory senses, causes headaches or other ailments, and offends our morals even when the product being grown is not visible

### **Violations of City Codes, Project not consistent with General Plan**

The newest version of the City of Colusa General Plan seems to have been customized to accommodate for this specific project instead of following its original intent, which states that minor amendments may be made as long as they didn't change the scope of the plan. This project seems to be way over that line. In fact, there are documents that state the General Plan is following the guidelines of the Triple Crown Facility proposals, and now accommodating for the Triple Crown Grow Facility. And, as learned during testimony in a recent Public Hearing, the applicant provided input into that General Plan update. It is too general to allow the applicant or the City the latitude to "amend the City of Colusa Housing Element as needed"

The look and style of the new buildings is not consistent with the homes in the adjacent neighborhoods. Previous developments have been rejected due to incompatibility with these rules

Allowing for a zone change from Low-Density to Medium- to High-Density populations wasn't consistent with planned development, but that element has been eliminated and the zoning has changed again. Additionally, changing the zone to allow for dispensaries has met with much concern from residents

Few of the people within the sphere of influence were even aware of the project in the early stages as they were not notified, though the General Plan requires it. This continues for many in the sphere of influence with regard to the new plan from the applicant. It can be argued that Public Hearings were noticed, however the circulation of the local newspaper is low and many residents don't peruse the front door of city hall with any regularity to have become aware of any posting

It should be noted that in the early 2000s, the City Attorney and City Planner at the time of the original plan were promoting this project as if they were benefitting personally from it, to the point of being argumentative to the Planning Commissioners during open meetings when questions about the project were presented. That City Attorney and City Planner are no longer employed by the City of Colusa, and the City Manager was terminated (prior to Randy Dunn and Jesse Cain's employ) (*reference archived Colusa Sun-Herald articles*)

### **Brown Act Violations**

Posting of notices, the manner in which public hearings and regular planning and council meetings frequently violate the Brown Act. Over the past few years, the members presiding over city council meetings have attempted to suppress public comments and criticize the public for making comments during public comment periods or during public hearings

### **Exemptions from CEQA**

Environmental issues are disregarded and a full environmental impact report should be required. Part of the earlier litigation was due to the fact that the public became aware of the development plans and became actively objecting to all activities, and demanding a comprehensive environmental consideration. We've been told the exemptions are pursuant to CEQA regulations, however we are aware that the issues were not completely evaluated, and the scope of the project has changed several times. Given all of these concerns, there is no reasonable justification for a finding of no significant impact or a mitigated negative declaration

### **Morals**

An element in many ordinances directs consideration on whether a project will offend the morals of residents. We have stated numerous times how cannabis development- and especially dispensaries- offends our morals. Our values, pride for our community and town are being disregarded. Even if the cannabis businesses in Colusa were to produce the revenue they were projected to, the exchange for money over citizens' values, health and safety is immoral in and of itself



May 30, 20022

Mr. Bryan Stice  
Community Development Manager  
City of Colusa  
425 Webster Street  
Colusa, California 959532

**Re: East Clay Street Conditional Use Permit – Comment Letter of Ben King**

Dear Bryan,

I am writing to urge that the Conditional Use Permit to allow construction of the proposed cannabis business on the 32 acre site located at the corner of D Street and East Clay Street be denied. As you know, my family has been owners of adjacent parcels for over 100 years and we continue to have a strong desire to promote good planning for the long term benefit of the City of Colusa and its residents. We do not believe that the proposed Project is in the best interests of the general welfare of the residents and City of Colusa. We do believe that the Project will result in an incompatible use with character of City and its environs and we also believe that the proposed used in incompatible with the General Plan and Housing Element for the City of Colusa.

The reasons for our objection to the grant of the Conditional Use Permit are the following:

- 1. Current Public Disclosure Is Misleading Regarding The Zoning of the Subject Property** - There has not been adequate public notice regarding the zoning as a Light Industrial (M-I-PD) Development . Neither the General Plan ( see attached excerpt – Exhibit A ) nor the Housing Element (see attached excerpt – Exhibit B) contains any disclosure or discussion regarding this parcel being zoned Light Industrial. Both of these documents have maps and discussion regarding this part of the City as being zoned residential. The excerpts were downloaded the week of May 23, 2022 and there is no reason any interested public stakeholder would know that this area has been rezoned from a residential use. It is reasonable to expect that recent purchasers of houses in Colusa may have relied on the misleading public disclosure in the General Plan and Housing Element to their detriment. Likewise, some sellers may have possessed actual knowledge of the planned cannabis project and may have sold their property to an unsuspecting purchaser. ***Request – Please explain how residents and other stakeholders should have become aware that the zoning for the subject property has changed from Residential to Light Industrial?***
- 2. Who is the Proponent for this Project Seeking the Conditional Use Permit?** - It is not clear that Mr. Olivas has the appropriate agency to be the proponent for the prospective owner/operator seeking the Conditional Use Permit. Mr. Olivas has appeared in multiple previous public meetings seemingly representing himself or an investor group other than the current client. At this time, it appears that Mr. Olivas is attempting to represent a group called JAC Industries Corp. without disclosing his relationship or his intended future business dealings with this “client”. ***Request - we ask that the Planning Commission require Mr. Olivas to disclose his relationship with JAC Industries and whether he intends to sell the property and at what stage of the proposed development if he does indeed intend to sell all or part of his interest in the Project.***

3. **What Experience Does JAC Industries Have In Cannabis and Who Are Their Probable Future Investors?** – The “Client” listed on the plans for the Project is an entity called JAC Industries. There is only one entity named JAC Industries authorized to do business (California Secretary of State Entity Search–Exhibit C ) in the State of California and it was only formed a few months ago on January 1, 2022. The Statement of Information for JAC Industries Corp which was filed on January 4, 2022 ( See Exhibit D) lists the Principal Executive Office as the Residence for both the CEO and Chief Financial Officer of JAC Industries Corp. The address for JAC Industries on the plans for the Project is listed as a Post Office Box in Sunset Beach California which is approximately an hour drive from the apparent residence and Principal Executive Office in Walnut California. The type of business is listed as “ Business Consulting” – there is no record of any operating or real estate management experience. It is important to know the background of the entity of the principal proponent and its officers. The City of Colusa is a small town with limited oversight and law enforcement resources. It is important to note that illegal activity relating to the cannabis industry is common as was the case with the recent arrest of 5 individuals in April 2022 relating to the illegal cannabis operation at the old rice mill near the Project area. There was only one known California resident arrested, one from Brooklyn New York and three with no known residence in the United States.( See News Report - Exhibit E ) ***Request – Please ask JAC Industries Corp to make a public presentation as Project proponent before taking action on the Conditional Use Permit.***
4. **The Planning Commission Should Be Prudent Regarding Future Litigation Risk** – At the May hearing it was disclosed that the taxpayers of the City of Colusa have already paid over \$ 500,000 in legal fees and there was concern that the City could be sued again by the current owner or perhaps by the client. ***Request – please consult with City Counsel about limiting future litigation risk – since the Conditional Use Permit is a discretionary act it may be most prudent for the Project proponent to fully complete any Project requirements to the satisfaction of the City rather than having potential litigation points of contention in the future.***
5. **The Current Owner Should Waive the Confidentiality Agreement for Past Litigation In the Spirit of Transparency and Goodwill** – Residents and Other Stakeholders deserve full transparency regarding the terms of the Settlement and other claims made during past litigation. The taxpayers have paid for this litigation and now have been told that the Project must move forward due to the possibility of future litigation. It is impossible for there to be public confidence in this project unless there is full transparency. ***Request – please request that the current owner waive the Confidentiality of the previous litigation and disclose all the documents regarding the previous litigation.***
6. **The Environmental Review Issues Should Be Fully Resolved Before Approval** - Much has been made about statute of limitations and the timing of other CEQA related issues. Since this is a discretionary process, it is important that these issues be resolved before an action for approval. It is hard to know what was raised and what the resolution was in the past since the process has been so lengthy and convoluted. For example, Greg Plucker who is head of the Environmental Health Department for the County of Colusa raised some of the same issues that were recently raised regarding potential pollution by chemicals, solvents, fertilizers, and pesticides routinely used in the cannabis manufacturing industry in 2019. (See July 24, 2019 Newspaper Article – Exhibit F). What was the resolution for Mr. Pluckers concerns? ***Request – please ask for an explanation of how these issues have been addressed rather than limit discussion due to technical considerations such as a statute of limitations. Use the discretionary authority for the Conditional Use Permit to resolve reasonable public concerns before considering approval.***

7. **The Project Is Too Large for the General Welfare of the City** - This project essentially establishes a new business park for the City of Colusa without full public engagement and exposes the City to a material negative outcome if the project fails to be completed and/or is mismanaged. Dedication of 34 acres to cannabis is much too large for the City of Colusa. It is foreseeable that the project will not be completed for a variety of causes such as lack of financing or another systemic economic event or a geopolitical crisis affecting the source of potential foreign investor capital. A 3 acre site would be a reasonable risk to the general welfare but one ten times the size would not since a failed Project that is not fully constructed would be devastating to the local Project area. ***Request – Please make the determination that a cannabis Project of this size meets the general welfare standard to issue a Conditional Use Permit or reject the application.***
8. **The Project Is A Nuisance To The Adjacent Housing and Detrimental To The Riparian Ecosystem Next To The Sacramento River** - In addition to the odor and overbearing night lighting need for security, the Project poses significant risks to the adjacent riparian ecosystem. My family has owned the adjacent parcels for over 100 years and I grew up on these parcels. I can personally attest to the native vegetation of blackberries, elderberry and milkweed that would be at risk but also attest to a robust daylight and nocturnal ecosystem that would be at risk from the Project and its night time light pollution. ***Request – please make the determination that the project has met the nuisance standard to grant the Conditional Use Permit or reject the application.***
9. **The Project Is Not Consistent With The General Plan And Future Development Of The Colusa Riverfront District** - As mentioned previously, the General Plan has designated the area as residential housing. There are no viable industrial properties in the area – only abandoned industrial sites and housing on both the north and south of the Project Area. The Project will be detrimental to the successful implementation of the Colusa Riverfront District because it will limit the beneficial use of the riparian area south of the City due to the likely odor from the facility, intrusive night time security lighting and imposing incongruous warehouses overpowering the natural beauty of the riparian area. Please note that since this Project has been considered in 2012, all the industrial properties in the Project area have failed and are now in disrepair. The rice mill at the end of East Main is now abandoned and was the site of illegal activity but more importantly it now does not pose any hazard or nuisance to future housing from rice milling dust as was the case when the Project type was first proposed. ***Request – please make the determination that the Project meets the standard that it is consistent with the General Plan and the Special Colusa Riverfront District to grant the Conditional Use Permit or reject the application.***
10. **The Project Does Not Have An Adequate Drainage Plan** - The Project area has relied upon the conveyance ditch built by the Colusa Irrigation Company in 1907 for the natural drainage of the area. The County of Colusa uses the Colusa Irrigation Company ditch to drain East Main Street and has a pipe on the south side of Main Street into the ditch for drainage. Our adjacent parcels also drain into the Colusa Irrigation Ditch. The Project proponent has not submitted a drainage plan but instead claims ownership of the Ditch and intends to use the site of the ditch for Project access. This is not only an attempt to claim property that is not legally owned but will leave the area without adequate drainage. ***Request – please require the Project proponent to develop a reasonable drainage plan that does not impair the current drainage infrastructure of the Project area before granting a Conditional Use Permit.***

11. **The Current Owner Does Not Have Ownership Over The Proposed Access From East Main Street** – The current owner of the Project acreage claims fee simple ownership for the Colusa Irrigation Company conveyance ditch. We claim fee ownership for the portion of the Colusa Irrigation Company ditch which is directly south of our parcels. The current owner claims ownership of the pump in the Sacramento River but we currently hold two Water Right Settlement Contractor rights that rely on that diversion point for our water right. The Contracts are No. 14-06-200-1086-R-1 and 14-06-200-1086Z-R-1 (See Exhibit G which are Bureau of Reclamation Maps). The ownership claimed by the current owner is not correct and will severely damage or destroy our property rights if the current owner proceeds with its ownership claim. ***Request – the Conditional Use Permit must be rejected unless the proponent can prove other access rather than the parcel which encompasses our irrigation easement and our drainage access.***
12. **The City Must Not Give Control of the Railroad Easement To The Current Owner Or Future Owner Of The Project** - The extension of Market Street via the old railroad easement is an important property right of the City and an important planning consideration to provide public access for the City of Colusa. There should not be one type of ownership resolution for the City's rights between our parcels and one set for the Project area. ***Request – the Conditional Use Permit should not be considered unless the City's dominion over the old railroad easement is clear under the Project plan.***
13. **The World Has Changed During The Last 10 Years When Zoning For The Site Was Changed From Residential to Light Industrial – It Should be Residential Today** - While there may have been a compelling rationale to convert the Project area from residential to light industrial zoning 10 years ago due to seepage concerns, it is clear that Project area should be used for housing not a new industrial park. Since the pandemic, more and more people are looking to live in Cities like Colusa as they have access to technology to work remotely and there is a definite need for more housing. Stakeholders like California Rural Assistance, Inc. should be reengaged and new innovations on how to manage seepage should be considered. It is not whether the Project area would be best used for housing but one of what density and what grade of elevation. ***Request – The Planning Commission should reject the Conditional Use Permit and leave the decision in the hands of the City Council after the larger stakeholder community has the opportunity to reengage.***

Thank you for your consideration of my points and perspective for objecting to the Conditional Use Permit. I appreciate all the work you and your colleagues have done on trying to move this project forward and in my opinion you have been place in a very undeserving position in trying to justify a change in zoning that never should have happened. I am copying Rich Selover who is Chair of Planning Commission and Jessica Hill at California Rural Assistance, Inc. since she commented on the Housing Element.

Please contact me at [bking@pacgoldag.com](mailto:bking@pacgoldag.com) or (530) 723-3119 with any questions you may have.

Sincerely,



Ben King



EXHIBIT A

EXHIBIT A.

Downloaded MAY 23, 2022

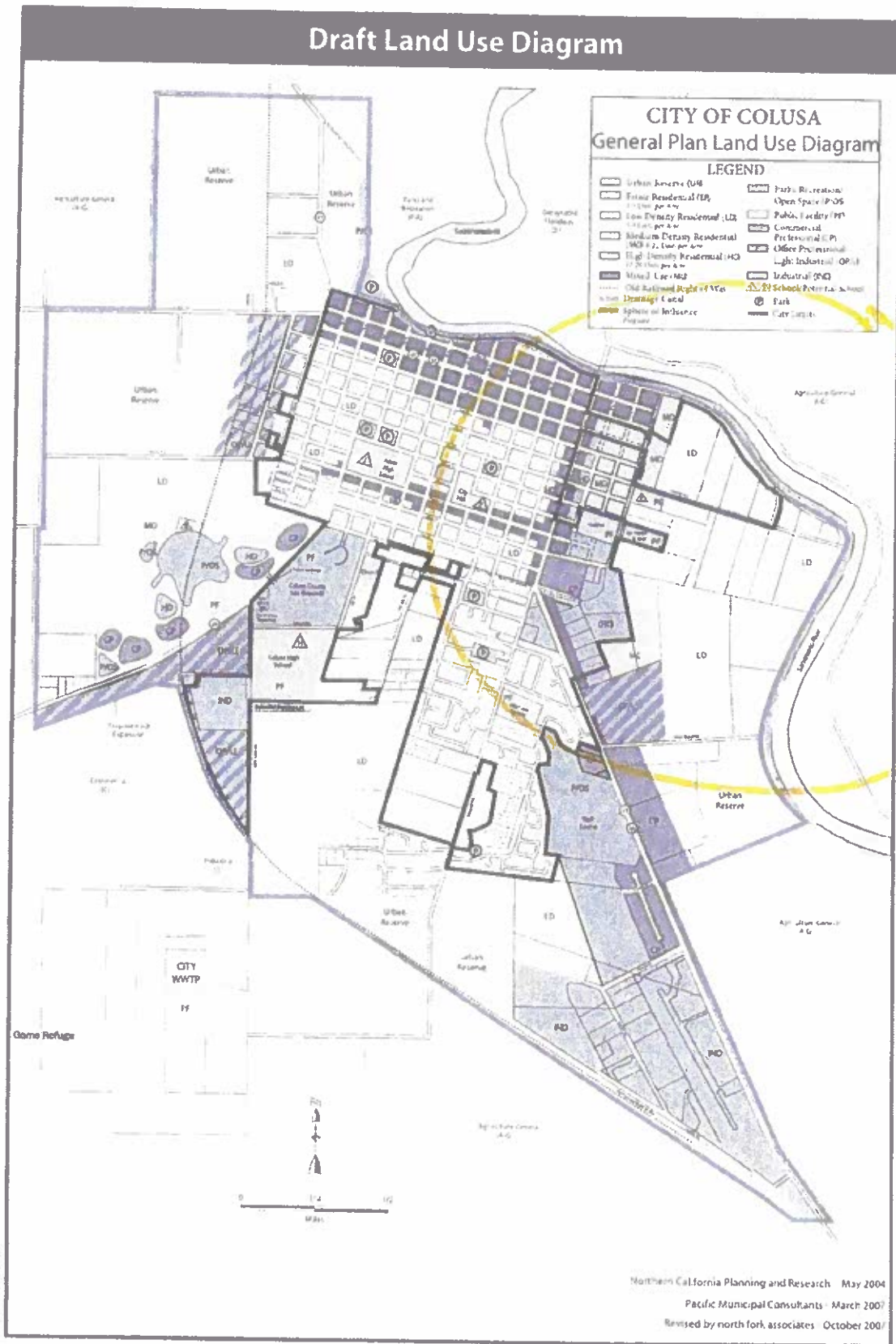
CITY OF COLUSA PLANNING WEBSITE

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## 2.0 LAND USE

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A



ZONED  
RESIDENTIAL

## 2.0 LAND USE

### Riverfront District

**SPA 1:** *Colusa Riverfront District* - Colusa's Riverfront District is bounded by the Sacramento River to the north, 13th Street to the west, Oak Street to the south, and Bridge Street to the east. This SPA will be given special attention with regard to architectural design, orientation, and land uses. All new development and redevelopment projects proposed within this district will be subject to development standards and design guidelines that will constitute the Riverfront Plan. The Riverfront Plan will be prepared by the City and will be incorporated by reference into the City's Zoning Ordinance.

The area surrounding the Riverfront District effectively serves as the principal City center. It achieves this in part through the many historic buildings that occupy the historic downtown/riverfront area (a reminder of the City's origins) and in its varied retail and service establishments. Riverfront Plan development standards and design guidelines demonstrate the City's commitment to enhancing the area and promoting local and visitor-serving businesses.

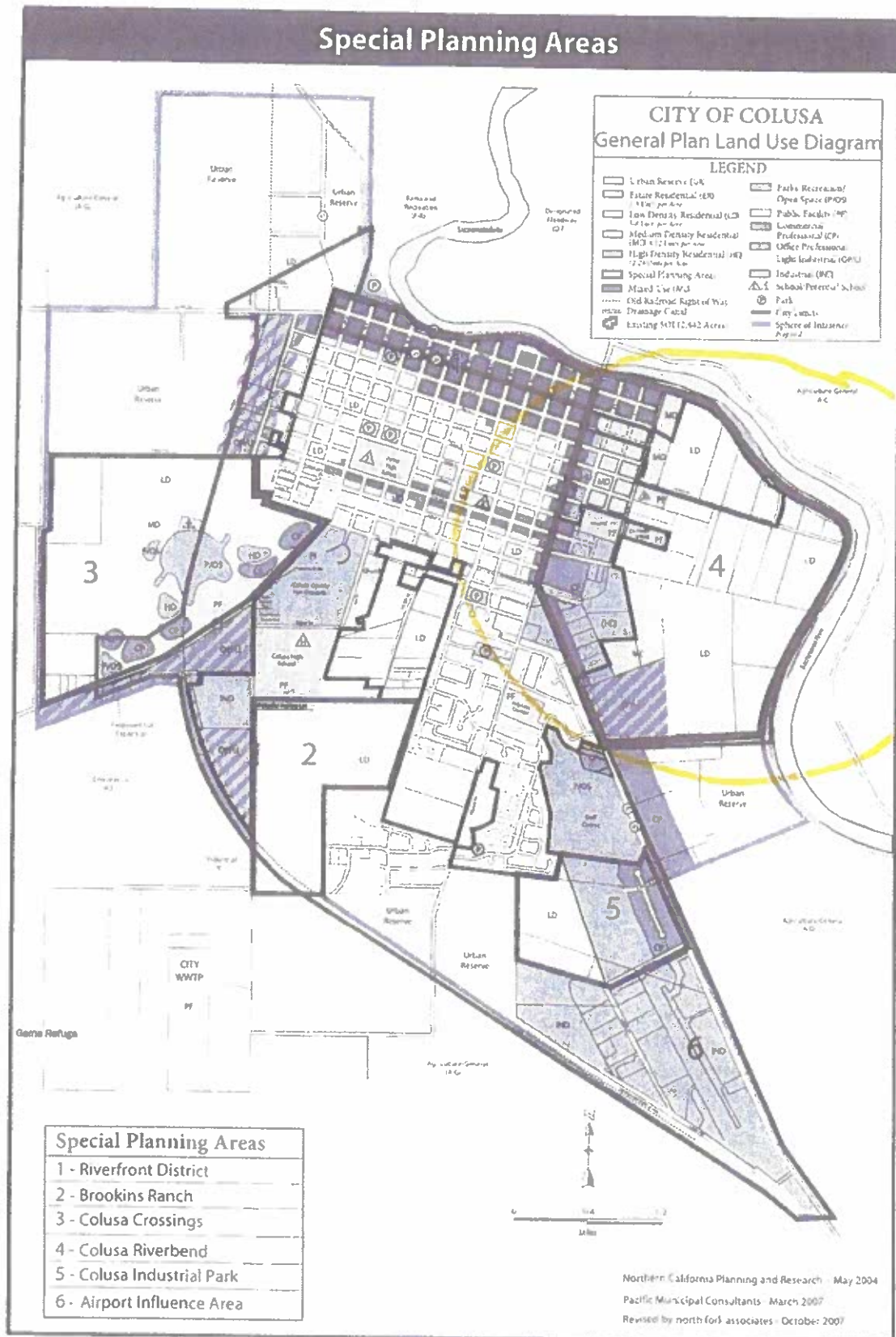
Future development of the Riverfront District will largely occur as new infill projects and redevelopment. Projects will be expected to improve the aesthetic character and economic health of this historic district. Expansion of existing uses will be encouraged to include high-density residential units. Vertical expansion will be expected to maximize the use of and scenic views from this premium land, while increasing commercial vitality and creating affordable live-work housing opportunities.

### New Growth Areas

Adjacent to the city limits and within the Planning Area are significant acreages of vacant land that present new growth opportunities for the City. Each of these areas is being actively planned for urban development, consistent with the Land Use Map (Figure 2.3), and is considered appropriate for annexation into the City. Concurrent with this comprehensive General Plan update, work has been ongoing with property owners and developers of SPAs 2-5 (described below) to create development proposals that will be consistent with the General Plan. The results of these efforts have been incorporated into the SPA descriptions for their respective areas. While the General Plan designates a range of land uses and assumes development to occur at the mid-range of allowable densities, project-specific information was submitted for use by the City and incorporated into this General Plan. This process has aided in the formulation of policies and implementing actions that will allow new urban development to occur without compromising the quality of life for existing Colusa residents. New growth SPAs include:



A



ZONED  
RESIDENTIAL

FIGURE 2.4  
SPECIAL PLANNING AREAS

PMC

Proposed Land Use	Acres
21-acre neighborhood park according to need to be determined in the City's Parks and Recreation Master Plan)	
Open Space	21
Elementary School	10
<b>TOTAL</b>	<b>310</b>

( ) Denotes conditions pertaining to 21 acre neighborhood park instead of 51 acre community park.

SPA 4: *Colusa Riverbend* – Colusa Riverbend encompasses approximately 442 acres in the northeast and eastern portion of Colusa's Planning Area. The aggregate of land is roughly bounded by the Sacramento River to the north and east, Highway 20/45 to the west, and Moon Bend Road to the south. This SPA is comprised mostly of unincorporated land with multiple owners; the exception is the northern 80-acre parcel (formerly known as Riverbend), which is located within the City limits and presently designated Residential in the *City of Colusa General Plan*. The remaining unincorporated land is designated Rural Residential (RR) and a small portion of Industrial (to the south) in the *Colusa County General Plan*.

The City's intent for this planning area is that the entire area be annexed to the City to be master-planned and developed with low- and medium-density residential (LDR and MDR) development. Based on a mid-range density of six (6) dwelling units per acre for LDR and 10 dwelling units per acre for MDR development, the General Plan would allow for development of up to 2,530 units. Colusa Riverbend would be developed under a Specific Plan or as a planned development to provide flexibility in site design and density distribution.

*Colusa Riverbend Development Proposal* The 76-acre parcel presently in the City limits would be developed as a planned development during the first phase of development of this plan area. A Colusa Riverbend Specific Plan will be prepared to serve as the City's long-range plan for development of the portion of Colusa Riverbend area outside the existing City limits. The Specific Plan would be the planning and regulatory document for the purpose of implementing the City's General Plan, providing a bridge between the broad policies contained in this General Plan and any detailed project-specific development plan proposal(s). In accordance with California Government Code §65450-65457, which provides guidelines for specific plan preparation and implementation, the plan would include landscaping and design guidelines, development standards, and a financing plan that identifies funding for new infrastructure and public services. This specific plan would be adopted by the City of Colusa, consistent with the General Plan, and serve as the policy document to accomplish buildout within the Colusa Riverbend area.

Another component of the proposed Colusa Riverbend project is a Land Use Plan, which provides for a range of residential housing types at a density ranging from six (6) to 10 dwelling units per acre. Under the specific plan's buildout scenario, this would result in approximately 2,530 single-family, detached units. It also proposes an elementary school, parks, and open space land uses for the 442-

## 2.0 LAND USE

acre area. City storm drainage, water, and sewer facilities would be upgraded as needed prior to development in order for the City to serve the new residents.

The conceptual land use plan shows a macro grid street system, consistent with the City's Circulation Map (see Chapter 4). This would include: 1) a North-South Collector extending east from Market Street into the middle of Colusa Riverbend, then heading south to Moon Bend Road; 2) the extension of Darling Lane from Bridge Street (at the intersection with Carson Street) to the North-South Collector; 3) extension of D Street from Darling Lane to the North-South Collector.

Prior to annexation and development of the unincorporated areas, the 80-acre Cribari property—a portion of Colusa Riverbend that is already within the City limits—will be proposed for development under a separate planning application. The project will propose subdivision and development of this land under a planned development—360 residential units with eight acres of parks, open space, an enhanced drainage corridor, and river access. The development would be consistent with, and eventually be integrated into, the ultimate Colusa-Riverbend Specific Plan area.

**SPA 5:** *Colusa Industrial Park* – Colusa Industrial Park, located adjacent to the south of Colusa's city limits, comprises approximately 137.5 acres of the 1,049-acre Colusa Industrial Properties (CIP) complex. The site is roughly bounded by State Route 20/45 to the east, Colusa Golf Club to the north, Wescott Road to the west, and CIP's agricultural lands to the south. Existing businesses and an agricultural service complex are located on the northern portion of the site, while approximately 127 acres are presently vacant. The site is currently designated as Industrial (I) in the *Colusa County General Plan*.

The City's intent for this planning area is that it be annexed to the City with a mix of land uses including low-density residential (LDR) on the western portion of the site; commercial professional (CP) along the SR 20/45 corridor; and Parks, Recreation and Open Space (P/OS). Portions of this SPA are situated within the Colusa County Airport Comprehensive Land Use Plan (CLUP) safety zones—the clear zone, approach/depart zone and overflight zone, as shown in **Figure 2.5**. At a mid-range density of six (6) dwelling units per acre and commercial intensity of between .25 and .5 FAR, the General Plan would allow for development of 253 residential units and up to 827,640 square feet of commercial space. Colusa Industrial Park would be developed as a planned development to provide flexibility in site design.

*Colusa Industrial Park Proposal* A proposal to develop the site with a mix of residential, commercial, and recreation uses is currently being processed through the County of Colusa Planning Department. The project, if approved, would result in an urbanized development outside of the city limits, consisting of approximately 50 acres of residential land to be developed with 200 single-family homes; a high-density residential complex; approximately 28 acres of commercial uses (e.g., motel, restaurant, and other highway commercial services); approximately 56 acres of open space to be developed as a nine-hole golf course facility, and a separate wastewater treatment plant.

The City of Colusa is currently unable to provide domestic wastewater treatment capacity for the CIP proposal. Thus, CIP has proposed two alternatives: The first is

EXHIBIT B.



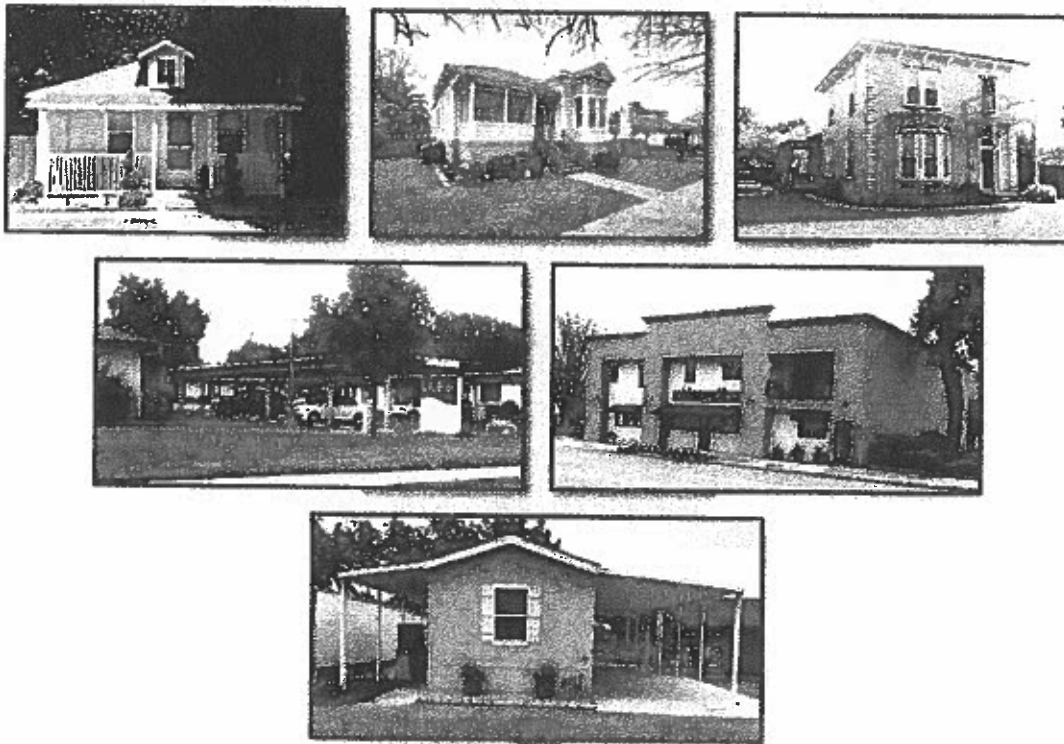
# EXHIBIT B.

DOWNLOADED MAY 23, 2022



City of Colusa  
Planning Department  
425 Webster Street  
P.O. Box 1063  
Colusa, CA 95932-1063  
<http://www.cityofcolusa.com/>

## HOUSING ELEMENT UPDATE 2020-2028



PLANNING COMMISSION DRAFT

ADOPTED ON TBA

CITY COUNCIL RESOLUTION TBA

## 9.2 REGULATORY FRAMEWORK

### A. AUTHORITY

California Government Code § 65302(c) requires every county and city in the state to include a "Housing Element" as part of its adopted General Plan. In stipulating the content of this Housing Element, Article 10.6 of the Government Code indicates that the Housing Element shall consist of "identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives and scheduled programs for the preservation, improvement and development of housing." This legislation further states that the Housing Element "shall identify adequate sites for housing, including rental housing, factory-built housing and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community." This Housing Element was adopted on December 1, 2020. In accordance with state law, this Housing Element has been updated for the 6<sup>th</sup> Housing Cycle, valid between December 31, 2018 and June 15, 2028.

### B. STATE HOUSING GOALS

According to the California Statewide Housing Plan Update, it is the goal of the State to "ensure to all Californians the opportunity to obtain safe, adequate housing in a suitable living environment." In addition, HCD has established the following four primary goals:

- Provision of new housing
- Preservation of existing housing and neighborhoods
- Reduction of housing costs
- Improvement of housing conditions for special needs groups

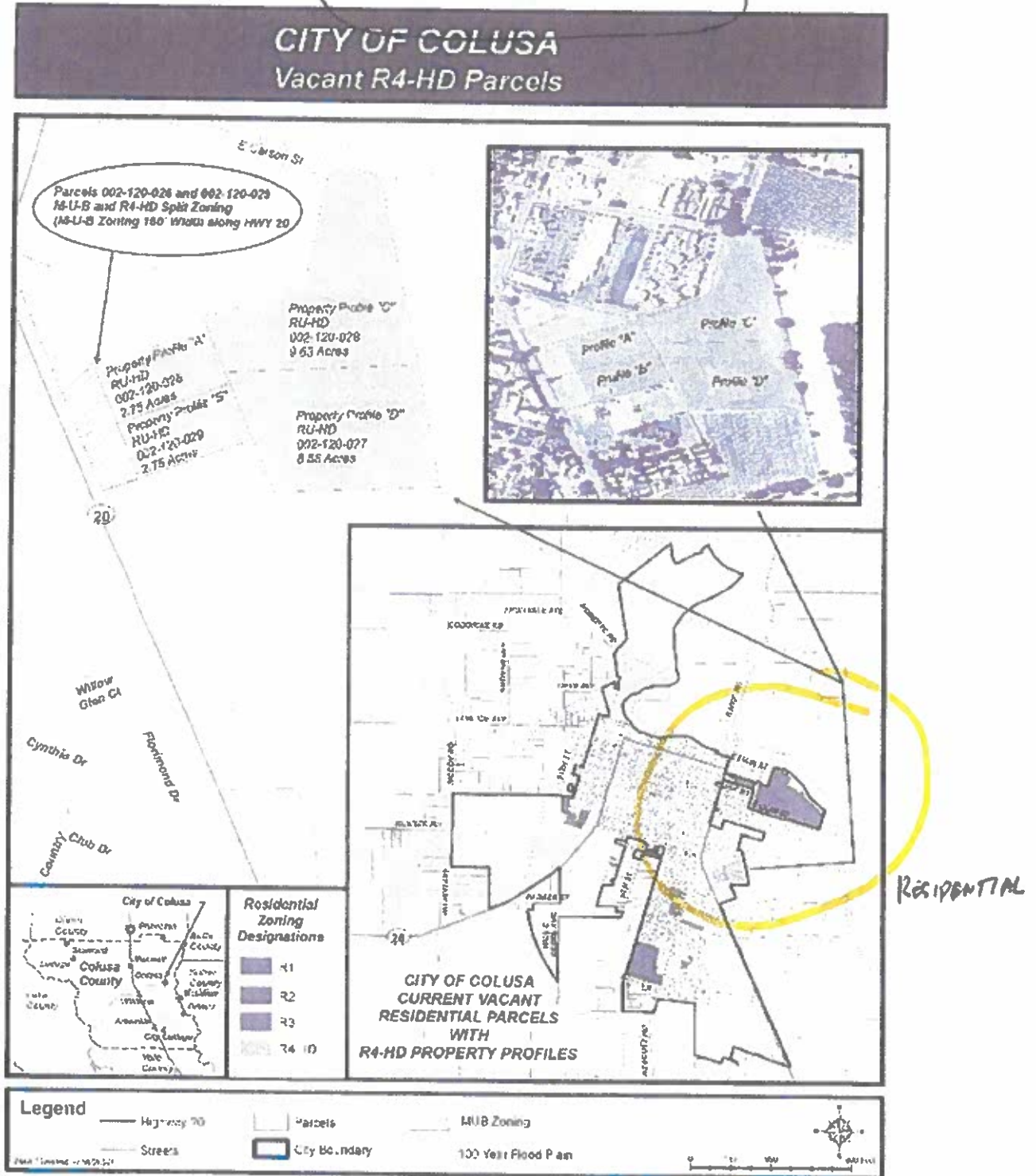
### C. RECENT LEGISLATION

Recent legislation, pertinent to the preparation of the Housing Element and housing element law, include the following:

- SB 2135 (California Government Code § 54220) – Requires the City of Colusa to provide opportunity to provide affordable housing on surplus City property.
- SB 1069 (California Government Code § 65852) – Accessory Dwelling Units
- AB 1397 (California Government Code §§ 65580, 65583 and 65583.2) – Housing Package that includes accelerating affordable housing development, revises methodology for determining realistic development capacity, reduces constraints to the production of affordable housing and creates new opportunities for housing development.
- AB 2248 (California Government Code § 65583) – Land Inventory Requirements
- AB 1233 (California Government Code § 65583) – Provision of Adequate Sites for Regional Housing Needs Allocation (RHNA)

B

Figure 9.5-2. Vacant R-4-HD Lands Map



B



# CALIFORNIA RURAL LEGAL ASSISTANCE, INC

FIGHTING FOR JUSTICE, CHANGING LIVES  
SINCE 1966

## B. Program H-2

Program H-2 required the City to analyze and potentially revise the "Zoning Code as appropriate, to promote flexibility in densities and uses, to improve incentives for affordable housing production and to bring applicable codes into compliance with State Law." (HE, p. 85.) The analysis indicates that the City did not complete this program and that it has been revised and replaced by Program H-2 in the current draft Housing Element.

In *Building Blocks*, HCD states that Housing Element programs should contain, among other things, a "description of the specific action steps to implement the program."<sup>1</sup> The lack of concrete steps defined to meet the purpose of this program was likely a contributing factor in the City's failure to implement it. In order to ensure the revised program's efficacy in the current cycle the City must provide further concrete steps that it will take to meet the deadlines it has set to amend the Zoning Code.

## C. Program H-4

Program H-4 contemplated Public Works standards adopted in 2007 and required the City to establish these standards "in a manner that encourages the creation of housing, minimizes impacts on the cost and supply of housing and maximizes land resources." (HE, p. 85.)

The City's analysis of Program H-4 is vague as to the City's actions to attempt to complete this program, merely stating that "standards were reviewed for housing production impacts and found not to need amending." (HE, p. 85.) In fact, the analysis does not even seem to address the program's objective of implementing these standards as described above. This is likely because the program itself provided no framework for implementation, review, timeline, or schedule of actions. This failure of specificity makes it impossible to know what, if any, actions were taken to implement this program.

## D. Program H-20

Program H-20 of the previous Housing Element required the City to

work cooperatively with local growers, agricultural-related businesses, such as packing and distribution facilities, the farm bureau and advocates for farm workers, such as California Rural Legal Assistance, Inc, for the purpose of determining available resources and shortfalls to address farm workers housing needs.

<sup>1</sup> <https://www.hcd.ca.gov/community-development/building-blocks/program-requirements/program-overview.shtml>

COMMENT  
ASSUMED  
RESIDENTIAL





EXHIBIT C

EXHIBIT C

Business

UCC

Login

MAY 26, 2022

## Business Search SEARCH

The California Business Search provides access to available information for **corporations, limited liability companies and limited partnerships** of record with the California Secretary of State, with **free PDF copies** of over 17 million imaged business entity documents, including the most recent imaged Statements of Information filed for Corporations and Limited Liability Companies.

Currently, information for Limited Liability Partnerships (e.g. law firms, architecture firms, engineering firms, public accountancy firms, and land survey firms), General Partnerships, and other entity types are **not contained** in the California Business Search. If you wish to obtain information about LLPs and GPs, submit a Business Entities Order paper form to request copies of filings for these entity types. Note: This search is not intended to serve as a name reservation search. To reserve an entity name, select Forms on the left panel and select Entity Name Reservation ? Corporation, LLC, LP.

### Basic Search

A Basic search can be performed using an entity name or entity number. When conducting a search by an entity number, where applicable, **remove "C"** from the entity number. Note, a **basic search** will search **only ACTIVE entities** (Corporations, Limited Liability Companies, Limited Partnerships, Cooperatives, Name Reservations, Foreign Name Reservations, Unincorporated Common Interest Developments, and Out of State Associations). The basic search performs a **contains ?keyword?** search. The Advanced search allows for a **?starts with?** filter. To search entities that have a status other than active or to refine search criteria, use the **Advanced search** feature.

### Advanced Search

An Advanced search is required when searching for publicly traded disclosure information or a status other than active.

An Advanced search allows for searching by specific entity types (e.g., Nonprofit Mutual Benefit Corporation) or by entity groups (e.g., All Corporations) as well as searching by **?begins with?** specific search criteria.

**Disclaimer:** Search results are limited to the 500 entities closest matching the entered search criteria. If your desired search result is not found within the 500 entities provided, please refine the search criteria using the Advanced search function for additional results/entities. The California Business Search is updated as documents are approved. The data provided is not a complete or certified record.

Although every attempt has been made to ensure that the information contained in the database is accurate, the Secretary of State's office is not responsible for any loss, consequence, or damage resulting directly or indirectly from reliance on the accuracy, reliability, or timeliness of the information that is provided. All such information is provided "as is." To order certified copies or certificates of status, (1) locate an entity using the search; (2) select Request Certificate in the right-hand detail drawer; and (3) complete your request online.

JAC Industries

Advanced ▾

Results: 36



05/04/1949	Terminated	Stock Corporation - CA - General	CALIFORNIA	
02/01/1956	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	
04/08/1985	Terminated	Stock Corporation - CA - General	CALIFORNIA	MARSHA L JACKSON
01/01/2022	Active	Stock Corporation - CA - General	CALIFORNIA	JERRY BINJUN ZHU
12/31/2014	Suspended - FTB/SOS	Limited Liability Company - CA	CALIFORNIA	CHRISTOPHER MARTIN
07/22/2010	Active	Limited Liability Company - CA	CALIFORNIA	JORDYN FARRISS
12/26/1972	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	
01/24/2008	Suspended - FTB	Limited Liability Company - CA	CALIFORNIA	MICHAEL W FENTON
03/28/1977	Active	Stock Corporation - CA - General	CALIFORNIA	V CATHLEEN ANTHONY
06/12/1974	Terminated	Stock Corporation - CA - General	CALIFORNIA	PATTE BARRY
11/16/2010	Suspended - FTB	Limited Liability Company - CA	CALIFORNIA	DORA ALICIA ANZALDO CAMPOS
04/20/2016	Active	Limited Liability Company - CA	CALIFORNIA	RAFFERTY JACKSON
09/23/2005	Suspended - FTB	Stock Corporation - CA - General	CALIFORNIA	LAWRENCE C DURAN

EXHIBIT D





D

California Secretary of State  
Electronic Filing

**FILED**  
Secretary of State  
State of California

## General Stock Corporation - Articles of Incorporation

Entity Name: JAC INDUSTRIES CORP  
Entity (File) Number: C4825246  
File Date: 01/01/2022  
Entity Type: General Stock Corporation  
Jurisdiction: California

### Detailed Filing Information

1. Corporate Name: JAC INDUSTRIES CORP
2. Business Addresses:
  - a. Initial Street Address of Corporation: 422 CARBONIA AVE  
WALNUT, California, 91789  
United States of America
  - b. Initial Mailing Address of Corporation: 422 CARBONIA AVE  
WALNUT, California, 91789  
United States of America
3. Agent for Service of Process:  
Individual Agent: JERRY BINJUN ZHU  
422 CARBONIA AVE  
WALNUT, California, 91789  
United States of America
4. Shares: 1000000
5. Purpose Statement: The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.
6. Future File Date Of: 01/01/2022

The incorporator affirms the information contained herein is true and correct.

Incorporator: JERRY BINJUN ZHU

NOT  
SUNSET BEACH  
P.O. BOX



**California Secretary of State  
Electronic Filing**

**FILED**

Secretary of State  
State of California

**Corporation - Statement of Information**

Entity Name: JAC INDUSTRIES CORP

Entity (File) Number: C4825246

File Date: 01/04/2022

Entity Type: Corporation

Jurisdiction: CALIFORNIA

Document ID: H081348

**Detailed Filing Information**

1. Entity Name: JAC INDUSTRIES CORP
2. Business Addresses:
  - a. Street Address of Principal Office in California:  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America
  - b. Mailing Address:  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America
  - c. Street Address of Principal Executive Office:  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America
3. Officers:
  - a. Chief Executive Officer:  
JERRY BINJUN ZHU  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America
  - b. Secretary:  
CARRIE YIQING CUI  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America

Document ID: H081348



D

## California Secretary of State Electronic Filing

Officers (cont'd):

c. Chief Financial Officer:

CARRIE YIQING CUI  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America

4. Director:

JERRY BINJUN ZHU  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America

Number of Vacancies on the Board of  
Directors:

0

5. Agent for Service of Process:

JERRY BINJUN ZHU  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America

6. Type of Business:

BUSINESS CONSULTING

No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.

By signing this document, I certify that the information is true and correct and that I am authorized by California law to sign

Electronic Signature: JERRY BINJUN ZHU

Use [bizfile.sos.ca.gov](http://bizfile.sos.ca.gov) for online filings, searches, business records, and resources.

Document ID: H081348



D

**California Secretary of State**  
**Electronic Filing**

**Corporation - Attachment to Statement of Information**

---

**List of Additional Directors:**

1. CARRIE YIQING CUI  
422 CARBONIA AVE  
WALNUT, California 91789  
United States of America

2.

3.

4.

5.

6.

7.

Document ID: H081348



EXHIBIT E.

# EXHIBIT E.

COVID-19: Northern California COVID Updates Continuing Coverage

ACTION NEWS NOW: Download Our Apps

[https://www.actionnewsnow.com/news/5-people-arrested-in-connection-to-large-scale-marijuana-grow-in-colusa/article\\_2d9c3c46-c2a3-11ec-bda2-2b6e6bf80cfe.html](https://www.actionnewsnow.com/news/5-people-arrested-in-connection-to-large-scale-marijuana-grow-in-colusa/article_2d9c3c46-c2a3-11ec-bda2-2b6e6bf80cfe.html)

## **5 people arrested in connection to large-scale marijuana grow in Colusa**

By: Ariana Powell

Apr 22, 2022

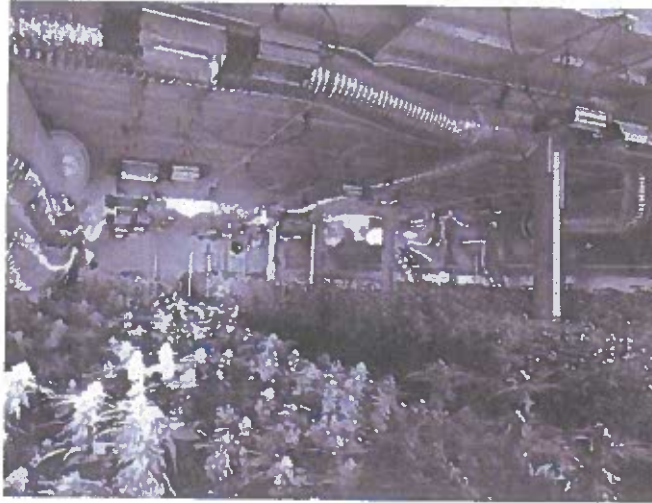
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E



**COLUSA, Calif.** - The Colusa County Sheriff's Office served a search warrant and arrested five suspects connected with a large-scale, illegal indoor marijuana grow operation on Thursday at around 7 a.m. inside an old rice mill on the 200 block of E. Main St. in Colusa.

The illegal operation had been taking place for several months, according to the Colusa County Sheriff's Office.



E

The marijuana grow operation has been connected to other operations in the San Joaquin County area. The San Joaquin County Task Force helped with the investigation after the connection was discovered.

The investigation resulted in the confiscation of 4,832 mature marijuana plants and the arrest of five suspects, Bo Sen Tan, 45 of San Leandro; Zhui Gou Hiu, 43, of Brooklyn, New York; Hong Pin Zhen, 52; Guo Ming Zhang, 56; and Xin Shi Yu, 45.





E

All suspects were arrested during the service of the search warrant and were booked into the Colusa County Jail on the charges of conspiracy to commit a crime and the illegal cultivation of marijuana, according to the Colusa County Sheriff's Office.



The investigation is ongoing.

If anyone has information about the illegal marijuana grow operation, please contact Sergeant Arnold Navarro at 530-458-0200.

**Ariana Powell**

Weekend assignment desk editor and web producer

EXHIBIT F.

## City Council approves zoning for cannabis park

 By Susan Meeker

July 24, 2019

EXHIBIT F

The Colusa City Council last week rezoned about 84 acres adjacent to the Sacramento River on East Clay Street from residential to light industrial to pave the way for the proposed 1.4 million square-foot Triple Crown Cannabis Research and Development Park.

The rezoning would allow the developers to scrap their previous plan to build a large residential project, originally pitched to the city during the booming housing market, in order to invest in the growing cannabis market.

Instead of 257 new homes, the Triple Crown project would include 14 to 17 "state-of-the-art" greenhouses for the cultivation of marijuana, as well as facilities for the manufacturing, research, and development of cannabis products, and a "state-of-the-art" testing lab.

The City Council also voted 4-0, with Councilman Dave Marks absent, to adopt the mitigated negative declaration prepared by Oakland-based Horizon Water and Environment, LLC, who determined that the impacts of such a large marijuana operation on air quality, water quality, utility and service systems, greenhouse gas emissions, storm drainage, wildlife, recreation, traffic, public health, and public safety would be insignificant with proper mitigation.

A monitoring and reporting program to ensure that the mitigation measures identified in the report are carried out as the project develops was also approved 4-0, upon the recommendation of the Colusa Planning Commission.

The Triple Crown project would be constructed in phases as market and investment opportunities demand, and would be subject to a host of required state and local permits, officials said.

According to Horizons report, the project could include, in addition to greenhouses for marijuana cultivation and processing, a 45,000 square-foot facility for research, development, and training, a 40,000 square-foot warehouse and distribution center, and a 30,000 square-foot administration building.

Seepage of water under the levee, odor, human exposure to hazardous materials, noise, and traffic are among the major challenges that will have to be mitigated, according to the report.

"I personally don't care if they have marijuana processing there, residential housing, or 18 skyscrapers," said Woody Yersa, who spoke at the July 16 public hearing. "The seepage has to be dealt with."

City officials said concerns about the project, particularly water seepage, would be dealt with during the permitting phase, once the property owner actually submits a project description and design, which has not yet been done.

"Once that does happen, we will assure the seepage is handled," said City Manager Jesse Cain. "Everything is resolvable."

A Colusa resident, who lives on East Clay across from the property, said he is deeply concerned about the impact a marijuana project of this size would have on the city, not to mention his own family's quality of life and his property values.

"I don't like it," he said. "I don't think it is in the best interest of the community."

Among the public's concern with a potentially large cannabis operation within city limits is the odor, as the mitigated negative declaration indicates that just 90 percent "not 100 percent" of marijuana's pungent odor could be filtered to a less than significant level.

In a letter to Colusa officials, Colusa County Community Services Director Greg Müller said he also has concerns about the project and the negative mitigated declaration, which he said was not entirely supported by the evidence.





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Plutcher requested that the Colusa Planning Commission require a full Environmental Impact Report before they approve such a large project. Among his concerns is the use of highly volatile chemicals, solvents, fertilizers, and pesticides routinely used in the cannabis manufacturing industry.

City officials, however, said the state has stringent criteria for cannabis manufacturing, which includes the handling of chemicals, as well as restrictions on the total number of licenses each cannabis business can hold.

Colusa Mayor Greg Ponciano said each phase of the project would also have to go through the Planning Commission and City Council, and would be regulated and permitted each step of the way.

"We have some safeguards if this was to go forward," Ponciano said. "There would be some safeguards, and part of those safeguards would be the developer agreement and licensing. And it is incumbent on the applicant to mitigate those things, like smell, like security; We are not going into this blindly."

Cain said Colusa's cannabis ordinance is written so that the city can review projects annually and ask all cannabis developers to "beef up" mitigation efforts if issues occur at their facilities.

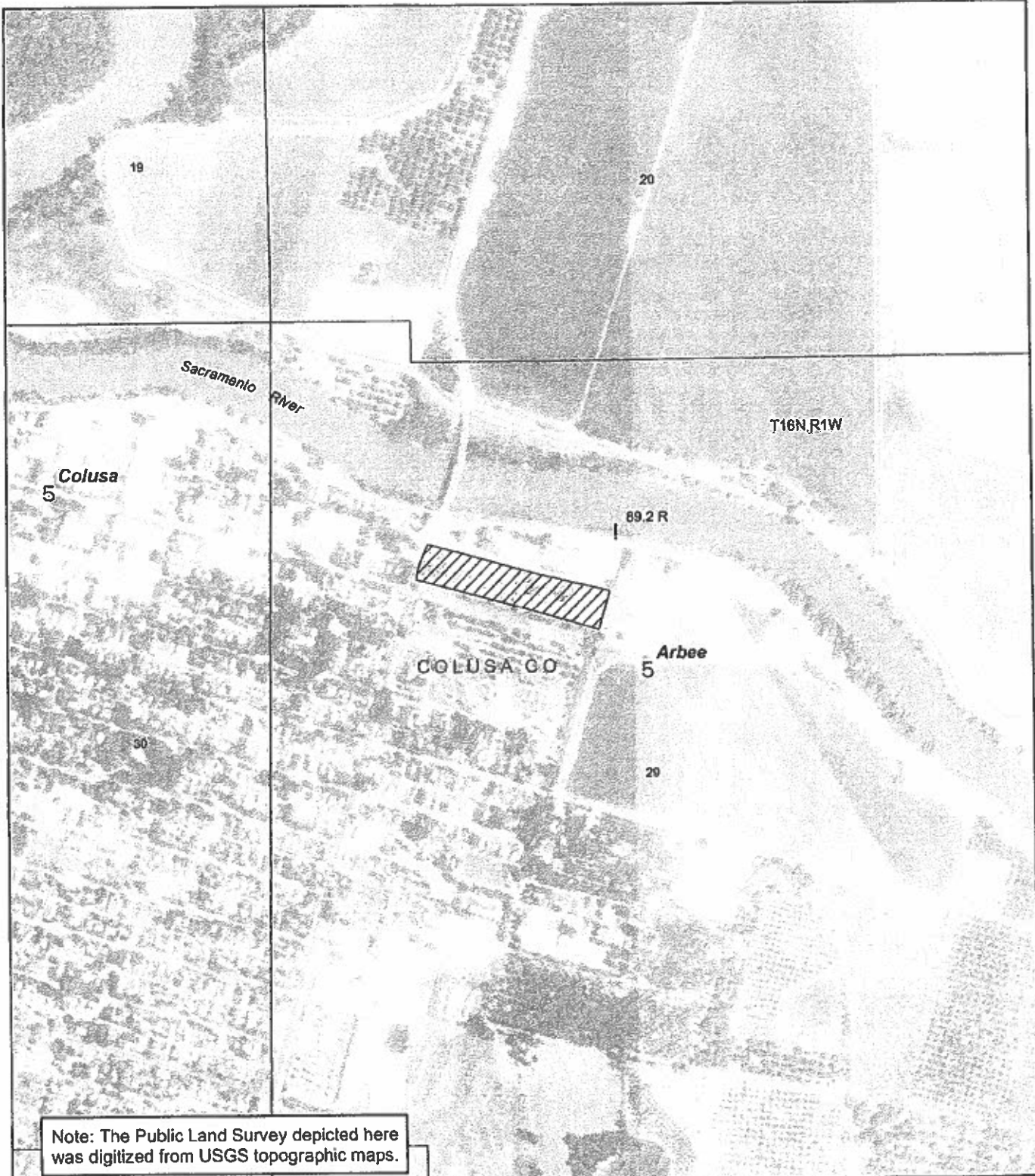
Because last week's City Council action was only to rezone the property and not to consider any actual project - cannabis or otherwise - city officials were not hesitant to express their relief that the large scale housing project the public has fought against for a decade has effectively been taken off the table.

"I'm very comfortable making the adjustment from residential," said Councilman Tom Reische. -



EXHIBIT G

# EXHIBIT G



## King, Laura

Contract No. 14-06-200-1086Z-R-1

Exhibit B



Contractor's Service Area



Point of Diversion

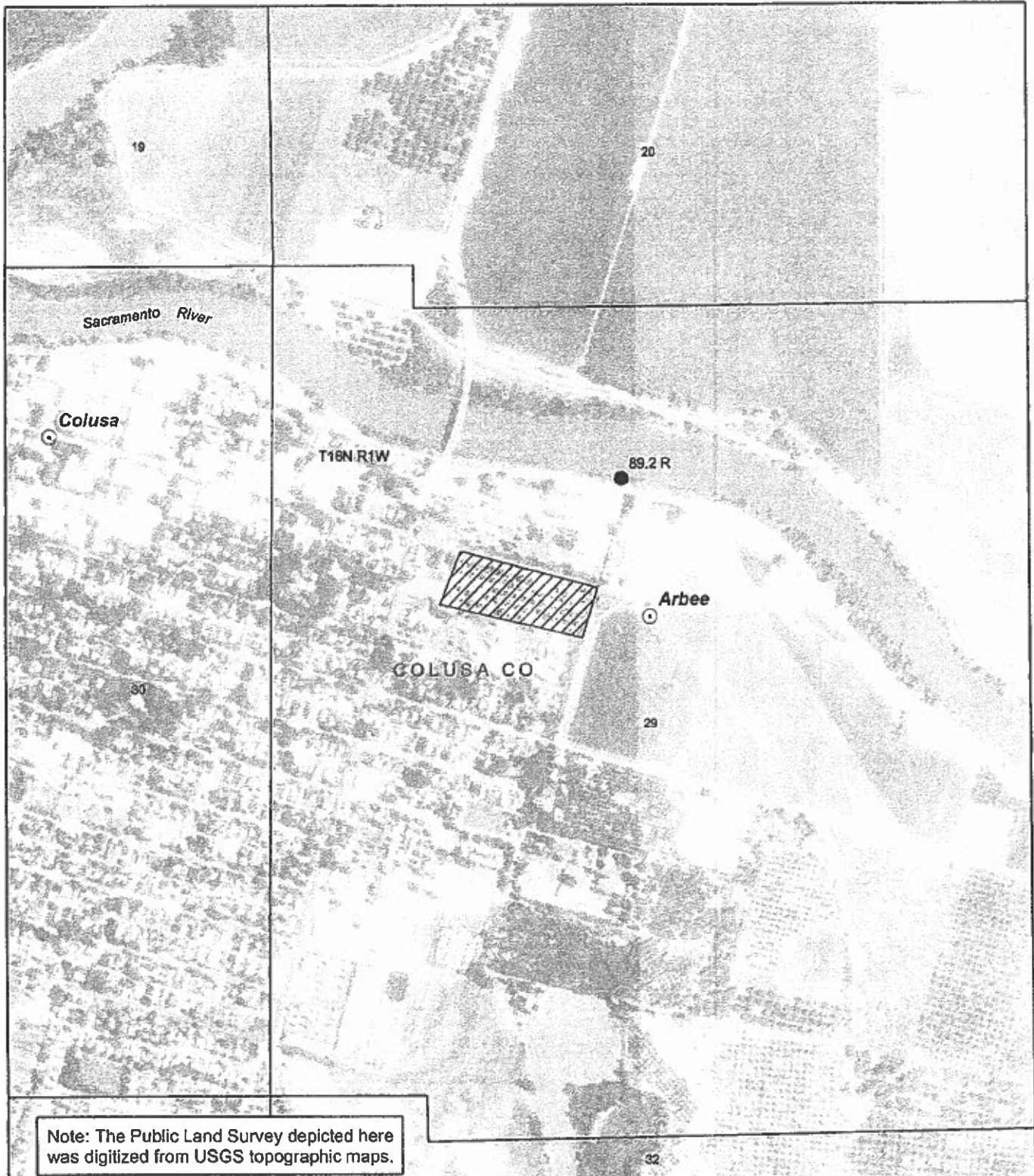


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Date: May 19, 2005  
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725-202-80

# EXHIBIT G



Contractor's Service Area



Point of Diversion

**King, Benjamin and Laura**

Contract No. 14-06-200-1086Y-R-1

Exhibit B



DATE May 31, 2022

TO: The City of Colusa Planning Commission

SUBJECT: Colusa Triple Crown Cannabis Research and Development Business Park

I attended the May 11, 2022, Planning Commission meeting in regard to the Colusa Triple Crown Cannabis Research and Development Business Park ("project"). The City of Colusa is using a 2019 Initial Study/Mitigated Negative Declaration (2019 IS/MND) to address project impacts, as required under the California Environmental Quality Act (CEQA). I stated during the May 11 meeting that the 2019 document does not sufficiently describe the proposed action based on the 2022 design, and as a result the analysis of impacts is insufficient. Differences in the 2019 proposed action and the current design proposal include: the 2019 proposed action had the buildings spread across the project area in three different locations, while the current proposal has most of the buildings concentrated in the northwest corner of the property; and the 2019 schedule and phasing covered five (5) phases over the course of eight (8) years while the current proposed design is reduced to three (3) phases, which implies more rapid construction schedule, thus compressing the impacts to a shorter time frame. Additionally, it was stated during the May 11 meeting that the analysis within the 2019 document was based on modeling and documentation conducted for a previous proposed project, the 2010 Riverbend Estates, formerly Colusa River Bend Phase II (the housing development.) The housing development was a completely different proposed project, therefore any modeling (such as how surface water flows across and off the property) conducted for that project would be inconsistent with the current proposed project impacts on resources. In addition, modeling conducted over 10+ years ago should not be considered the most up-to-date science and analysis. Beyond that, from my review of the 2019 document none of the modeling was appended to the CEQA document for the public to review, nor does the document indicate that the modeling used for analysis was conducted several years prior to the development of the proposed action. During the May 11 meeting, it was stated by the applicant that the "Hydrology and Water Quality" analysis was based upon the decade old modeling from the housing development, when in fact the 2019 document states that the analysis was based upon information from FEMA mapping, the Sacramento Valley Groundwater Basin subbasin designation, and other generalized regulatory characterizations (pg. 3-96 to 3-104).

There is a limitation period on the use of CEQA documents (see CEQA Statute and Guidelines § 21157.6). CEQA documents must be supplemented, updated, include an addendum, or be redone if the approval of the project was not as described in the master environmental impact report. Specifically, the Guidelines state:

"The master environmental impact report shall not be used for the purposes of this chapter if either of the following has occurred: (1) The certification of the master environmental impact report occurred more than five years prior to the filing of an application for the subsequent project. (2) The filing of an application for the subsequent project occurs following the certification of the master environmental impact report, and the approval of a project that was not described in the master environmental impact report, may affect the adequacy of the environmental review in the master environmental impact report for any subsequent project."

Additionally, the CEQA Statute and Guidelines (§ 21166) states that: "When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental



environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs: (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report. (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report. (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."

To adequately follow the CEQA Statute and Guidelines, the City of Colusa must take a hard look at the current proposed project to see if it truly fits within bounds of the 2019 IS/MND and accompanying environmental assessment.

I would also like to raise some issues to the Planning Commission's attention, beyond that the 2019 CEQA document does not adequately describe the current proposed action.

Valley Elderberry Longhorn Beetle: The 2019 IS/MND states that there are two elderberries of note, one within project boundaries, one directly adjacent to the project boundaries. The elderberry is the host plant to the federally protected valley elderberry longhorn beetle (*Desmocerus californicus*) (VELB). The document states that the elderberries are isolated from intact riparian habitat. However, one is located within the dense vegetation growing along the north-northeast of the project boundary, near the buildings to be demolished. While this stand of vegetation is not cohesive with the riparian vegetation on the water side of the levee, it is close enough to provide similar habitat benefits to those wildlife species that utilize the area. If the plans handed out during the May 11, 2022, meeting are accurate, that elderberry shrub and the surrounding vegetation will be removed, triggering the need to mitigate for the impacts to VELB via the host elderberry plant, if not for the impacts to the surrounding vegetation.

If there are impacts to elderberries, it is required to consult with U.S. Fish and Wildlife Service (USFWS) under Section 10 due to anticipated impacts to VELB, a species listed under the Endangered Species Act, prior to any action taken against elderberries, the host plant of the VELB. Nowhere in the documentation do I see that the applicant or the City of Colusa Planning Commission has started the required consultation process with USFWS under Section 10 of the Endangered Species Act for effects to the listed VELB. Nor is the USFWS listed on page 3-2 of the document as an "Other Public Agency whose Approval or Input May Be Needed". If "take" (i.e., "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct") occurs without consultation with USFWS under Section 10 of the Endangered Species Act, criminal violations may result in imprisonment and a fine of up to \$50,000.

If impacts to any elderberry shrub is not avoidable (e.g., shrub must be removed or heavily trimmed), and Mitigation Measure BIO-2 is implemented, applicant must consult with USFWS under Section 10 of the Endangered Species Act to coordinate appropriate mitigation prior to any action taken. USFWS will need to approve location for transplantation of shrub(s) and likely notify the applicant of appropriate mitigation for transplantation (often either buying credits from a mitigation bank or adding additional plantings of elderberry shrubs and/or other riparian plants in conjunction with the transplanted shrub.) Mitigation of a single elderberry shrub can cost between \$10,000 and \$50,000, depending on the mitigation compensation agreed upon under consultation with USFWS.

Western Yellow-billed Cuckoo: Western yellow-billed cuckoo (*Coccyzus americanus*) is listed as Threatened under the Federal Endangered Species Act and listed as Endangered in California under the California Endangered Species Act. The riparian corridor to the north provides suitable stopover habitat, along with the vegetation near and on the north-northeastern edge of the project footprint. The project occurs well within the defined summer range for the yellow-billed cuckoo; transient individuals and nesting pairs could use the area for foraging and migration corridors. The document states that, while nesting impacts are not anticipated (due to BIO-3), it is possible that noise and vibration could have impacts, and that the implementation of mitigation measures BIO-1 through BIO-5 would reduce these impacts to less than significant with mitigation (pg. 3-173). Bio-1 and Bio-2 refer to impacts to VELB and the host elderberry plant. Bio-3 is appropriate in regard to bird surveys noting potential nests but has nothing to do with the reduction of noise or vibration effects on sensitive bird species such as the Western yellow-billed cuckoo. Bio-4 is for Swainson's Hawk only. There is no BIO-5 mitigation measure in the document. None of the above impacts address non-nesting impacts to the Western yellow-billed cuckoo. NOI-1 is the Implementation of Buffers between Sensitive Receptors and the Proposed Project Construction Equipment; however, the document does not list wildlife as a sensitive receptor, and in the case of Endangered Species listed species, they should be considered as such. The document does not detail how mitigation measures such as NOI-1 might reduce impacts of noise and vibration on ESA listed species, which could lead to "take" and a violation under the Endangered Species Act. The applicant should consult with USFWS on potential affects to the Western yellow-billed cuckoo to avoid take on the listed species.

Migratory Bird Surveys: Typical nesting surveys should be done within 48 hours of commencing activity/work on the ground, not two weeks. Two weeks is long enough to allow nesting migratory birds enough time to build a nest and lay eggs. Once the nest is active, the buffer must be established and maintained until baby birds have fledged.

Bats: The table "Mitigation Monitoring and Reporting Program" is missing mitigation measures for bats. Several species of bat are identified by California Department of Fish and Wildlife (CDFW) as species of special concern. Mature trees that may provide suitable roost cavities for pallid bats (*Antrozous pallidus*) and other trees with suitable foliage for roosting by western red bats (*Lasiurus blossevillei*) occur in and adjacent to the project area. It is possible this habitat would support a maternity colony; removal of a maternity colony could result in loss of a large number of individuals of special-status bats, potentially having a substantial adverse impact on the local population under CEQA. Implementing mitigation measures will reduce potentially significant effects on roosting special-status bats under CEQA to a less-than-significant level by implementing appropriate buffers around active roosts that could be affected by project activities. Some example language from similar documentation that could be utilized to reduce impacts to sensitive bat species follows:

- The applicant will implement the following measures, to avoid and minimize effects on special-status bats:
  - Wherever feasible, the applicant will conduct construction activities outside of the pupping season for bats (generally April 1 to August 31).
  - Designated environmental biologists will specify which trees slated for removal contain suitable bat roosting habitat. Trees indicated for removal that are not identified as suitable bat habitat can be removed using normal methods.
  - Live trees that are indicated to contain roosting habitat shall be removed in a two-phase process. The first day, under the supervision of the biological monitor, remove limbs and branches that do not contain cavities, cracks, crevices, or deep bark fissures that can provide roosting habitat. On the second day remove the remainder of the tree by gently

lowering the tree to the ground, under the supervision of the biological monitor. If it is not feasible to remove a tree using the two-phased approach, limbs containing habitat features should be removed and gently lowered to the ground in a location where they are not likely to be crushed or disturbed by the felling of the tree and left undisturbed for the next 48-hours.

- Standing dead trees or snags with habitat features should be removed over a single day by gently lowering the tree or snag to the ground. The tree or snag should be left undisturbed on the site for the next 48-hours.
- For trees containing suitable bat roosting habitat that will be trimmed, trimming shall be conducted in the presence of a biological monitor. If trimming results in the removal of vegetation that contains potential bat habitat, vegetation should be gently lowered to the ground and left near the tree for 48-hours prior to removal, if feasible. If the vegetation cannot be left for 48-hours, the biological monitor shall survey the vegetation for the presence of bats. If any bats are found within the vegetation, the vegetation must be left for 48-hours (or CDFW should be called for guidance regarding relocation of the bat dependent on urgency for removal).
- If removal of trees must occur during the bat pupping season, within 30 days of tree removal activities, all trees to be removed will be surveyed by a qualified biological monitor for the presence of features that may function as special-status bat maternity roosting habitat. Trees that do not contain potential special-status maternity roosting habitat may be removed. For trees that contain suitable special-status bat maternity roosting habitat, surveys for active maternity roosts shall be conducted by the designated biological monitor in trees designated for removal. The surveys shall be conducted from dusk until dark.
- If any special-status species bat maternity roost is located, appropriate buffers must be established by clearly marking the buffer area. The buffer area must be a minimum of 100 feet outside the tree containing the maternity roost. No contract activities shall commence within the buffer areas until the end of pupping season (September 1st), or the biological monitor confirms that the maternity roost is no longer active.
- If construction activities must occur within the buffer, the biological monitor must monitor activities either continuously or periodically during the work, which will be determined by the biological monitor. The biological monitor would be empowered to stop activities that, in their opinion, would cause unanticipated adverse effects on special status bats. If construction activities are stopped, the biological monitor would inform the City of Colusa Planning Commission, and CDFW would be consulted to determine appropriate measures to implement to avoid adverse effects.
- The biological monitor must attend a meeting with Planning Commission's designated environmental personnel prior to tree removal to discuss the intent and implementation of measures to protect special status bat species. This can be part of the preparatory meeting held prior to tree removal.
- The designated environmental personnel will provide the biological monitor with data sheets that must be used to document removal of trees identified as potential roosting habitat. At minimum, the biological monitor should document the following information: weather conditions, date, and time of removal for each tree, method(s) of removal for each tree and reasoning, equipment used, and any other biological observations of note. The biological monitor should also take photos pre- and post-felling of each tree identified as potential roosting habitat.

- Biological monitors for tree removal outside pupping season must have familiarity with bat ecology and habitat requirements. Biological monitors for tree removal during pupping season must have prior experience surveying and monitoring for bats and must be approved by the City of Colusa Planning Commission. The biological monitors must also have a degree (Bachelors of Science or higher) in biology, ecology, wildlife biology, or related fields. They must have a minimum of 3 years field experience using USFWS and CDFW techniques and experience with the wildlife species likely to be encountered on the site.

**Burrowing Owls:** The 2019 document does not discuss burrowing owls (*Athene cunicularia*), which are a state special species of concern and have also been petitioned to be listed under the California Endangered Species Act. The areas within the project footprint that have been left undisturbed, such as the areas near the levee and amongst the old buildings to the north-northeast, are areas that would have potential to have burrowing owls. Impacts to burrowing owls and their habitat and the mitigation for those impacts must be coordinated with CDFW. Recommended mitigation measures from similar documentation could include:

- Prior to the implementation of construction, surveys would be conducted to determine the presence of burrows or signs of burrowing owls at the project site. A habitat assessment and any proceeding surveys would be conducted in accordance with Appendix D of the Staff Report on Burrowing Owl Mitigation (CDFG 2012).
- If burrowing owls are observed, coordination with the California Department of Fish and Wildlife (CDFW) would be initiated to determine the appropriate actions to take or any additional avoidance and minimization measures that may need to occur. These measures may include creating a protective buffer around occupied burrows during the duration of the breeding/juvenile rearing season and biological monitoring of active burrows to ensure that construction activities do not result in adverse effects on nesting burrowing owls.
- If potential burrows are present, all on-site construction personnel would be instructed on the potential presence of burrowing owls, identification of these owls and their habitat, and the importance of minimizing impacts on burrowing owls and their habitat.

**Tribal Consultation:** In 2019, six tribes (provided in a list from the Native American Heritage Commission) were notified of the project through mailed letters. At the time of the publication of the 2019 IS/MND, none of the tribes that were contacted had responded. Given the period of time that has elapsed since then and the changes in design from 2019 to 2022, it would behoove the applicant and the Planning Commission to reach out to the tribes again and recommend calling and/or emailing the tribal environmental and/or cultural staff for each listed tribe, beyond just mailing letters for a true good faith effort in the state mandated tribal consultation (i.e., tribal consultation under AB 52)<sup>1</sup>. It is highly recommended by cultural resources professionals to send more than one consultation notice to ensure the tribes receive the notice. On a note related to tribes and cultural resources, nowhere in the document does it state that the applicant would have a cultural resources monitor on site during construction, monitoring for potential cultural resources. Without a cultural monitor, Mitigation

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<sup>1</sup> Please note: For compliance under AB-52 Tribal Consultation, within 14 days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead entity or agency must provide formal notification to the designated contact or tribal representative of traditionally and culturally affiliated California native American Tribes that have requested notice.



Measures CR-1 through CR-3 would need to be determined by non-trained personnel, which could lead to missing or misidentifying cultural resources during construction.

I strongly urge the City of Colusa Planning Commission to consider the above when deciding the sufficiency of the 2019 IS/MND to cover activities being proposed in the current design. If the Planning Commission decides to move forward with the current proposed project using the 2019 IS/MND, I urge the Commission to consider the issues listed above for biological and cultural/tribal resources.

Thank you,

Mariah Brumbaugh

Email: [mariahgarr@yahoo.com](mailto:mariahgarr@yahoo.com)

Phone: 530-570-3764

## Colusa Planning

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**From:** Julie Garofalo <jagarofalo85@gmail.com>  
**Sent:** Thursday, June 16, 2022 6:30 PM  
**To:** rselover@selovers.com; City Manager; Colusa Planning; City Clerk; rrj@jones-mayer.com  
**Subject:** Riverbend Estates, LLC - Planning Commission Public Comment (6/22/2022)  
**Attachments:** JGarofalo\_PlanningCommission\_PublicComment\_June22\_2022.pdf;  
FEMA\_Firm\_Map\_Released\_June10\_2022.pdf

Hi All,

Thank you for listening to my public comments during the May 11, 2022 Planning Commission meeting. I have attached those comments, as well as my revised responses following that meeting, as Exhibit A.

Since the May meeting, there have been very recent developments regarding the FEMA flood zone designation in the Colusa area. On June 10, 2022, FEMA publicly released the new flood maps, which indicate the proposed project area for Riverbend Estates is located in Flood Zone AE, with base flood elevations determined during a 100-year storm event.

Prepared by a reputable civil engineer with 20+ years of experience in levee design and flood protection infrastructure projects, I have attached Exhibit B that provides design considerations and concerns for this project based on the new flood mapping.

While the purpose of this project on the agenda is to pass a Development Agreement to allow cannabis cultivation on this property, I believe that the City and the landowner should re-engage with the USACE and the CVFPB, and other agencies as appropriate, as soon as possible to determine if the project, as proposed, would have any impacts to through seepage or underseepage and/or the integrity of the levee, based on results of the updated FEMA flood mapping. Setback criteria may have changed, and the project design may need to change (potentially significantly) to meet any new criteria or address flooding concerns.

I am requesting that this email and all attachments to this email are incorporated into the public record and provided to the Planning Commission for the meeting to be held on June 22, 2022.

Thank you,

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Julie A. Garofalo, PG, CHG  
Associate Hydrogeologist  
Ph: 916.752.2617

June 16, 2022

City of Colusa – Planning Commission  
425 Webster St.  
Colusa, CA 95932

**RE: Public Comment and Response to Riverbend Estates, LLC's Cannabis Research and Development Business Park – Planning Commission Meeting on June 22, 2022**

Dear Planning Commission,

I am a licensed Professional Geologist and Certified Hydrogeologist in the State of California, with over ten years' experience in preparing groundwater evaluations for water supply assessments, environmental document preparation, and surface water-groundwater interaction.

I have reviewed the IS/MND report (2019) prepared for the proposed Triple Crown Cannabis Research and Development Business Park, and the revised design for the JAC/Colusa Farms Cannabis Facility (as presented at the May 11, 2022, Planning Commission meeting). My public comments from the May 11<sup>th</sup> meeting and my follow-up comments are provided in **Exhibit A** (attached). My independent review indicates there was inadequate analysis of the groundwater-surface water interaction and potential impacts during operation of the agricultural well, failure to assess impacts to neighboring properties' shallow domestic wells and septic systems from the 13-acre detention basin, and failure to assess for changes in flow patterns of levee through-seepage and underseepage water due to the planned construction of impervious surfaces.

FEMA has very recently completed its flood modeling and evaluation for the Colusa area and publicly released an updated flood zoning map on June 10, 2022. The majority of the total 83-acre project area, formerly mapped in Zone X, is now located in Zone AE (see attached **Exhibit B**). The design documents for this project indicate a finished building pad elevation of 56 feet, with adjacent site grading likely to be lower, all below the 100-year base flood elevation of 57 feet (NAVD88). Furthermore, the planned sewer pipes are within Zone AE, which could impact downstream City sewer lines, or the sewer pipes would become unavailable for discharge of excess irrigation water from the project during flood events.

An independent review by a reputable civil engineer with 20+ years of experience in levee design and flood protection infrastructure indicates that this project, as proposed, has the potential to exacerbate the underseepage and affect the level of protection provided by the Sacramento River levee.

Since the FEMA flood zoning has changed since the release of the IS/MND report, it is imperative that the City and the landowner re-engage with the U.S. Army Corps of Engineers (USACE) and the Central Valley Flood Protection Board (CVFPB) to determine how the proposed project may impact underseepage and flooding potential, and to ensure that public safety in our community is maintained.

I appreciate your consideration in addressing these concerns and am available to answer any questions.

Thank you,



Julie A. Garofalo, PG, CHG

## EXHIBIT A

### **Public Comment and Response to Colusa Triple Crown Cannabis Research and Development Business Park IS/MND Report (2019), following the May 11, 2022 Planning Commission Meeting**

I, Julie Garofalo, am a licensed Professional Geologist and Certified Hydrogeologist in the State of California. In my professional career, I have had the opportunity to work with many different land developers on the water supply side of projects. I have experience in preparing Water Supply Assessments, and environmental documents such as Notice of Exemption (NOI) and Initial Study/Mitigated Negative Declaration (IS/MND) reports. Upon review of the IS/MND report prepared in February 2019 for this project, I have identified several deficiencies in the report and project design that cause great concern.

#### **I. Groundwater-Surface Water Interaction**

- 1) The IS/MND report suggests that **groundwater levels within the proposed Project area are heavily influenced by surface water elevations in the Sacramento River**. No analysis was provided to support this finding or show the correlation between groundwater and surface water elevations, or showing historical seasonal highs and lows of the groundwater table during wet and dry periods.
- 2) The Project identifies an existing agricultural well to provide irrigation water for cannabis plant cultivation. The report indicates the well has a reported capacity of 1,450 gallons per minute (gpm), but no information was provided on the construction details of the well, such as how deep the well was drilled, the depth of the well screen intervals where the well is drawing groundwater from the aquifers, or the depth of the cement sanitary seal to protect against contamination from the surface. The well is located adjacent to the levee of the Sacramento River. **No analysis was provided in the IS/MND regarding the potential connection of the Property agricultural well to the Sacramento River.**
- 3) Page 3-106 of the IS/MND states that *"The Proposed Project's location in close proximity to the Sacramento River may also mitigate any localized lowering of the groundwater table that could occur, since groundwater levels in this area are heavily influenced by the river. Overall, this impact would be less than significant."* This statement implies a connection of the well's aquifers to the streamflow from well operation. **No analysis was provided to quantify the potential for surface water-groundwater interaction during operation of the Property agricultural well to support that statement.** ANY degree of streamflow depletion is considered an environmental impact that should be quantified in the IS/MND. Furthermore, the determined surface water-groundwater interaction should be confirmed if the proposed project will meet the goals and objectives of the Sustainable Groundwater Management Act (SGMA) and the Groundwater Sustainability Agencies (GSAs) within the Colusa Subbasin.



## **II. Property Water System**

- 4) Page 2-16 states that for startup operations, “approximately 20-percent of [the total water supply] water would be discharged from the cultivation and nursery facilities (27,808 gpd and 7,400 gpd, respectively)... Once the facilities are in operation... approximately 85-percent of the discharged water would be recycled.” **The report does not state WHERE the remaining excess irrigation water would be discharged to** from these cultivation and nursery facilities, so the potential risk or impacts from the discharged water from the Property cannot be fully assessed from this IS/MND unless the discharge location is stated.
- a. Follow-up from the Planning Commission’s meeting on May 11, 2022: The Project owner stated during public comment that the excess irrigation water would be discharged to the sewer force main, which ultimately directs waste out to the City’s Water Treatment Plant. The Project owner did not state what potential chemicals and/or contaminants, if any, could be in the discharged water, or who would be responsible for water quality monitoring of the discharge. Depending on the final design, the sewer pipes may become unavailable for discharge during 100-year flood events, based on recent FEMA flood elevation mapping.

## **III. Property Storm Drain System**

- 5) The Proposed Project indicates that a 13-acre stormwater detention area would be constructed near the southwest corner of the property, and a lift pump station would direct stormwater from the basin into a new City 10-inch force main that connects to the City’s existing 42-inch main line on Bridge Street. Following work on the storm drain line along Bridge Street, localized areas of flooding from backup of the storm drain system have been observed to still occur during high precipitation events. The Proposed Project also indicates that a swale would be constructed along the southern site boundary, and that in the event of overflow from the detention area, the swale would convey excess flows to two existing 18-inch culverts under East Clay Street. Since this IS/MND was released, these culverts are overgrown, and some areas have been backfilled south of the Proposed Project. The second culvert beneath Oak Street has since been filled in during recent planting of an orchard. **The Proposed Project currently does not have a backup discharge location should the City’s storm drain system be stressed at capacity.**
- a. Follow-up from the Planning Commission’s meeting on May 11, 2022: The Project owner stated that he would just have the culvert under Oak Street dug out again, with the ultimate location out to Lindhurst’s pond located on private property (part of a former slough channel). The Project owner had a written agreement in place for discharging excess surface water runoff from the Project to his pond; however, the property owner has since passed away. The Project owner claims that the property owner’s daughter may be willing to uphold the discharge agreement. In my opinion, the Project owner should be required by the City to supply an updated agreement with the current property owner. **Having a definitive location (with redundancy) to discharge surface water runoff is a critical aspect of this Project to avoid negative impacts to neighboring properties.**

- 6) **No analysis was provided to indicate the volume the lift pump station would need to operate at to prevent overflow of the proposed detention basin, and no contingencies plans are in place to mitigate flooding risks to residences located adjacent to the Proposed Project.** (The potential volumes of water in storage in the onsite reservoir could be: 13ac x 1' depth = 4.2 MG; x 2' depth = 8.5 MG; x 3' depth = 12.7 MG. For reference, the Colusa elevated storage tanks have a combined capacity of 250,000 gal).
- a. Follow-up from the Planning Commission's meeting on May 11, 2022: Although the IS/MND states that the final engineering design of the detention basin would be completed at a later date, the City is not requiring the Project owner to submit final engineering design documents to the City Planning Commission for approval. Since the proposed Project has the potential to impact neighboring residents with flooding, and because the Project is proposing to discharge water from the detention basin to the City's force main, **it is in my opinion that the City should request final engineering design documents be submitted by the Project owner to the City for pre-approval prior to construction.**
- 7) The underlying static groundwater levels were reported in the IS/MND to be at depths of approximately 4.5-5.5 feet below ground surface in April of 2011, which was the onset of the 2011-2014 drought. During wet years, the groundwater levels can be near or even at ground surface, and underflow seepage and overland flow have been visually observed by residents across the Project property and flowing over the surface of Oak Street towards the south. **The proposed 13-acre detention basin poses significant potential risk for contamination by having the potential to create a direct connection between runoff water retained in the Project basin to the underlying groundwater aquifer system.**
- 8) The IS/MND study failed to identify nearby domestic wells and septic systems that are adjacent to and in close proximity to the proposed Project. DWR Water Well Driller's Reports (which are publicly available and easy to locate online) indicates that domestic wells exist immediately adjacent to the proposed 13-acre detention basin. All the residences in the Goad's Extension (eastside of Bridge Street) are on septic systems. **No analysis was conducted to determine the potential impacts to water quality of nearby domestic wells or for the potential to cause migration of nitrate plumes from the septic systems from the hydrostatic pressures that may be induced from the adjacent 13-acre detention basin, or the changed flow patterns of underseepage from the construction of impervious surfaces across the entire 83-acre project area.**

#### **IV. Local Laws, Regulations, and Policies**

- 9) The City of Colusa General Plan's Land Use Chapter, Policy LU 4-2, states that *"The City shall require a 200-500 foot residential buffer, based on the type of agricultural use and the method of pesticide application."* **Several private residences are located within that 200-500-foot buffer immediately adjacent to (west and south) of the Project that the IS/MND failed to identify and assess for potential impacts as they relate to the proposed land use.**

10) The City of Colusa General Plan's Parks, Recreation and Resource Conservation Chapter includes goals, policies, and implementing actions for open space. The City's Policy PRC-1 states that *"The City shall require that new development be designed and constructed to preserve the types of areas and features as open space to the maximum extent feasible... including scenic corridors, and wetlands and riparian vegetation."* The Sacramento River levee is a scenic corridor that provides a beautiful path for residents to enjoy a walk or bike ride along the river. Furthermore, wildlife, such as deer and coyotes, are a common site as they cross the levee to graze in fields adjacent to the levee. The iconic Sutter Buttes serve as the backdrop behind the levee that residents along Oak Street have the pleasure of seeing. **The Proposed Project with an iron-barricaded 83-acre facility with the City's approval of up to 40-foot-tall structures does not support the preservation of our scenic corridor and is inconsistent with the City's General Plan policies.** Our beautiful riverfront is unique, and the dozen or so residents I have personally talked to, whether they are in support or are against cannabis operations within the City, state that the Riverbend area is not an appropriate place to have cannabis operations, as the Project would ruin the aesthetics of our scenic river corridor along the levee and would not promote a desirable and unique family-oriented outdoor recreational area that Colusa is known for.

## **V. Conclusion**

I do not believe that the City can enter an agreement to allow this Project, as designed, without conducting further assessment and evaluating the Project design while considering the updated FEMA flood mapping. We cannot make such heavy-weight decisions now and figure out the rest of the details later. This approach has not worked well for the City thus far, with several years of ongoing citizen complaints for pungent odors emanating from cannabis facilities within the City, despite the City's promise to the public that the cannabis project owners would be held accountable. The impact to crime rate within the City from additional cannabis operations has not been adequately studied, nor the potential impacts to our local police force, which is currently severely understaffed with only seven full-time officers (including the Police Chief), with a reported total of 12 officers recommended for our City.

**To help protect the citizens of Colusa and the environment in which we live, we kindly request the following of the City:**

- 1) Require the Project Owner conduct further detailed assessment of potential impacts of their Proposed Project that were deficient in the IS/MND and propose mitigation strategies that adequately address such.**
- 2) The City and property owner should coordinate with the USACE and CVFPB, and other appropriate flood protection agencies, to evaluate the new FEMA flood mapping and determine how the proposed project may affect the current level of flood protection to our community.**
- 3) We ask that the City not enter into any additional agreements, including for this project, or approve any additional cannabis ordinances until the issues with the existing cannabis facilities within the City have been satisfactorily addressed.**





## EXHIBIT B

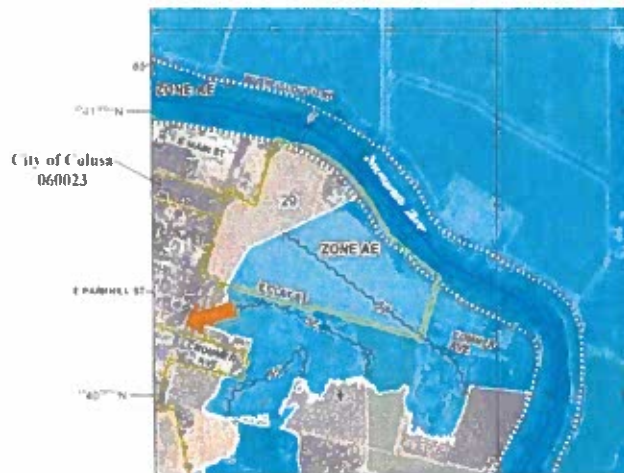
### Comments Regarding the JAC/Colusa Farms Project Site Drainage, Site Flooding and Levee Considerations

#### Site Drainage

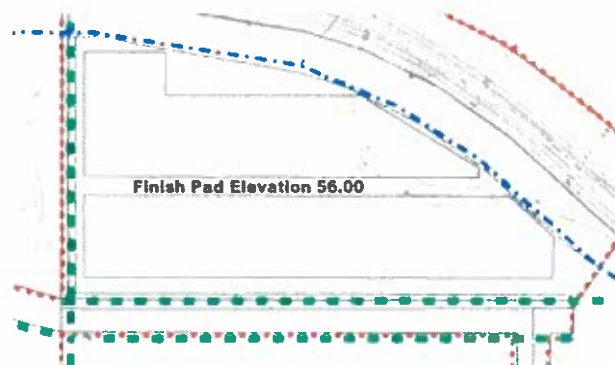
The exhibits do not provide details regarding how on-site drainage is to be addressed. There is a proposed tile drainage system located 100 feet from the levee toe to receive and convey seepage water from the Sacramento River right bank levee, but no details are provided for this system. Questions include how is the seepage water ultimately disposed of? What flow or volume of seepage water is anticipated during a highwater event? How does the site intend to drain and treat (per California Regional Water Quality Requirements) local runoff?

#### Site Flooding

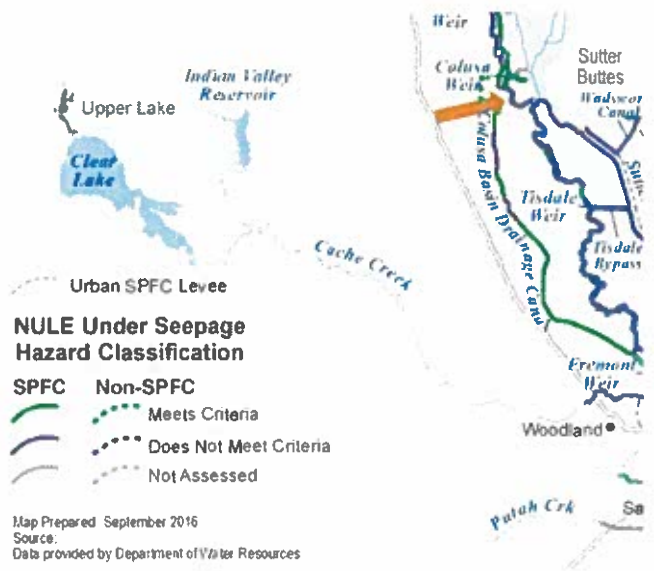
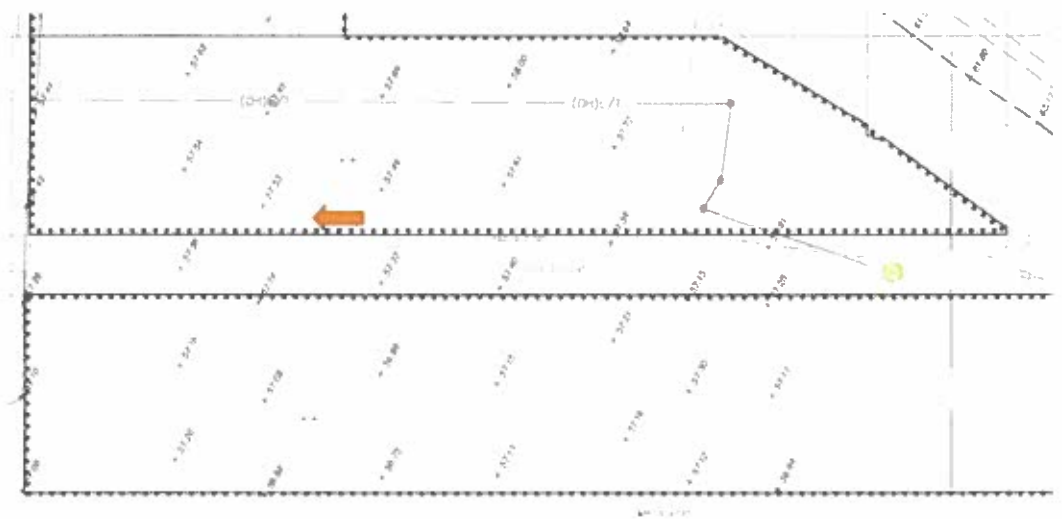
Parts of the property are situated in FEMA Zone AE with respect to flooding. The base flood elevation has been determined (recently) to be elevation 57 feet (NAVD88):



The building pads are currently established at 56 feet. Datum information is not provided in the exhibits but is assumed to be NAVD 88 (similar to FEMA Mapping in the area), which could place them in the floodplain. See snippet below from Design Review Exhibits:



Existing ground is at elevation 57/58 feet (see snippet below, datum also unknown), so they may be lowering the grade at the building pad elevations. To facilitate site drainage, it is assumed that elevations throughout the site (outside of the buildings) would be below that of the building pads (no finish grade information was provided in the exhibits). **Lowering the grade exacerbates underseepage potential at the Sacramento River right bank levee.** Underseepage gradients are directly related to the elevation of the landside toe area (even at locations several hundred feet from the actual levee toe). This project may also be reducing any overburden blanket soil layer that serves to resist underseepage gradients. **This could increase the potential for levee failure due to seepage during a high-water event.**



The Department of Water Resources' (DWR) 2016 Non-Urban Levee Evaluations Program found that the levee through this stretch of the river is susceptible to underseepage (see arrow). Therefore, **grading and excavations adjacent to the levee could have a potential detrimental impact on levee performance.**

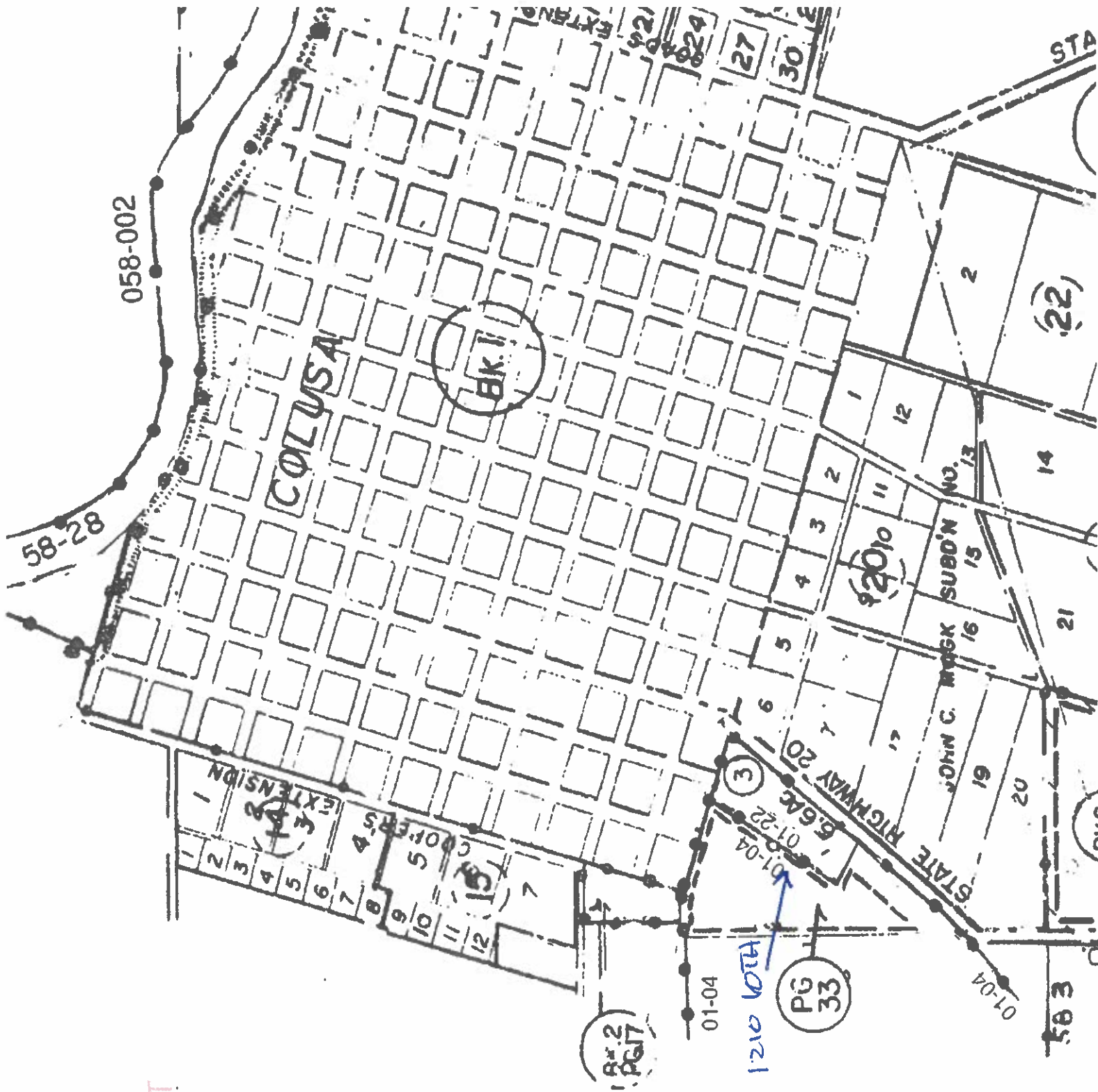
### **Levee Considerations**

The Sacramento River right bank levee is under the jurisdiction of the US Army Corps of Engineers (Sacramento River Flood Control Project) and operated and maintained by the State of California. **Given its current condition (or lack of information showing the levee meets FEMA standards), the levee is not certifiable at this time.** A future project must be initiated to ensure that the levee provides a 100-year level of protection.

If (when) a project to improve the levee is initiated, **levee improvements may require more than the 100-feet of setback currently shown in the design exhibits.** To address the underseepage susceptibility noted above, either a cutoff wall or seepage berm would be required. Geotechnical analysis of the levee may indicate that a berm 300' wide would be required. Alternatively, a cutoff wall could be used to address underseepage, but may be more expensive depending on the availability of soil material in the area. **It is typical (and codified in DWR Urban Levee Design Criteria) to provide a future needs area landward of the improved levee of at least 4x the height of the levee (beyond the levee improvements).**

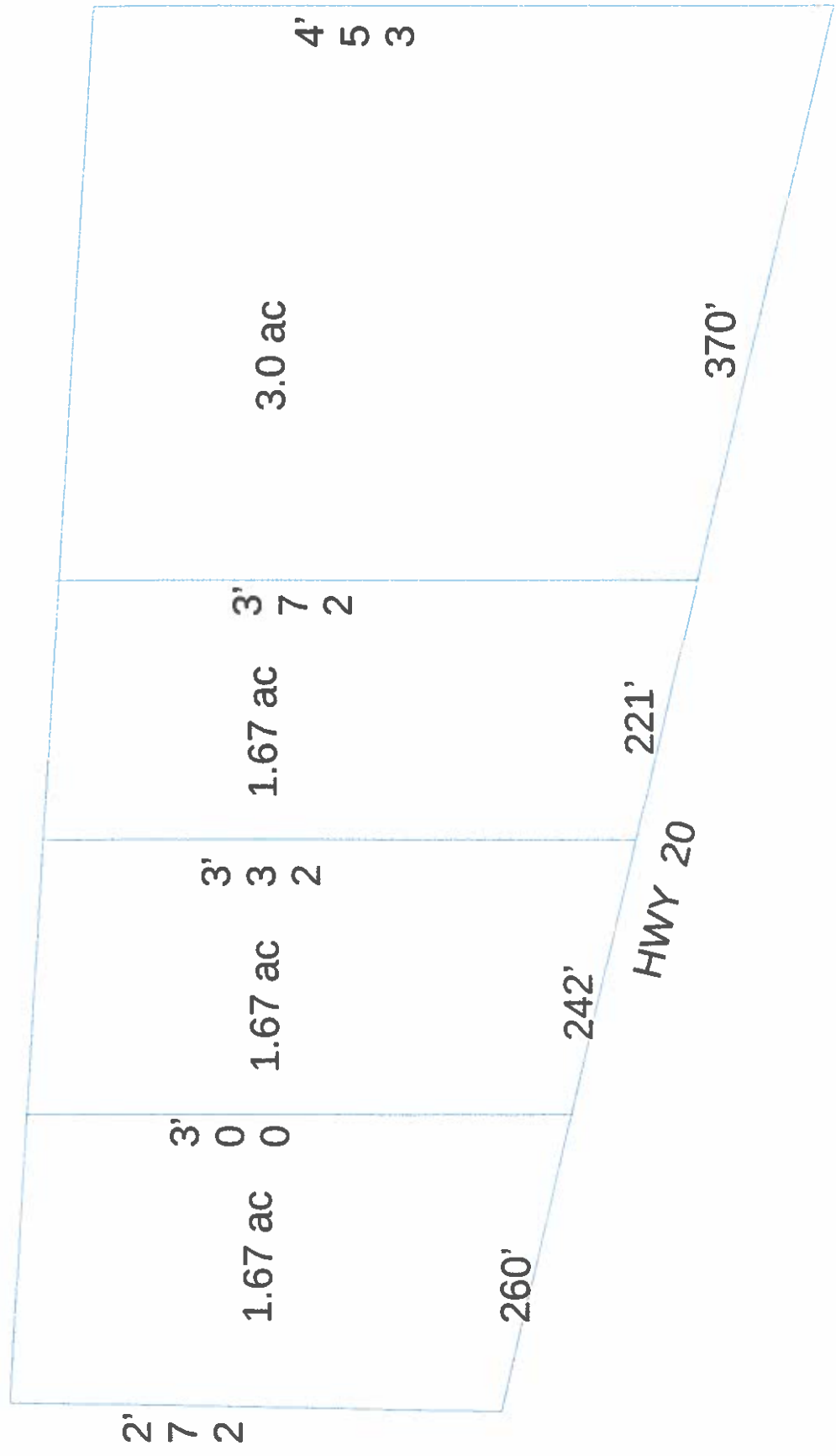
## **Agenda Item #5**







1210 10TH ST. Parcel 015 130 003 000



### Article III. - Parcel Maps.

#### Sec. 17-22. - Applicability.

This chapter sets forth the provisions governing the form, contents, submittal, approval, and filing of a parcel map. A parcel map shall be required for all divisions of land into four or less parcels, except that a parcel map shall not be required for:

- A. Subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases (terminable by either party on not more than thirty days notice in writing); or
- B. Land conveyed to or from a government agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this subdivision, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license; or
- C. The exclusions provided for in Section 66412 of the Subdivision Map Act; or
- D. Parcel maps waived by the planning commission in accordance with section 17.02.020.

(Ord. No. 449, § 1, 7-21-2009)

#### Sec. 17-23. - Waiver of parcel map requirement.

- A. Waiver. After notice and public hearing in accordance with the terms of Section 17-15, the planning commission may waive the requirement of submission of a parcel map for subdivisions for which a parcel map is required under subdivisions (a), (b), (c), (d), or (e) of Section 66426 of the Government Code and other subdivisions for which a final map is not required under the Subdivision Map Act, if the planning commission finds that the proposed division of land complies with the legal requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of the Subdivision Map Act, the general plan, any applicable specific plan and this code which are applicable to the division of such land.
- B. Certificate of Compliance. Upon the waiver of the parcel map requirement by the planning commission, the city engineer shall file with county recorder a certificate of compliance for the land to be divided, and a plat map showing the division. The certificate shall include a certificate

by the county tax collector stating that all taxes due have been paid or that a tax bond or other adequate form of security assuring payments of all taxes which are a lien but not yet payable has been filed with the county.

- C. Conditions. A waiver by the planning commission may be conditioned to provide for, among other things, payment by the subdivider of parkland dedication, drainage and other fees that are permitted by law by a method approved by the city council.
- D. Report to City Council. If any waiver is approved or conditionally approved pursuant to this section, the planning commission shall make a written report thereof to the city council within ten days of such action. If the city council, by a majority vote, decides to review the waiver and conditions, it shall conduct a public hearing after giving notice pursuant to Sections 65090 and 65091 of the Government Code. The public hearing shall be held within thirty days after the date of the request for review. The city council may add, modify or delete conditions if the planning commission determines that such changes are necessary to ensure that the waiver conforms to the Subdivision Map Act, the general plan, any applicable specific plan, and this code. Within ten days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the waiver shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, the general plan, any applicable specific plan, and this code.
- E. Timeframe for Action. An application for a waiver shall be acted upon no later than sixty days after the application for a waiver is deemed complete, unless that time limit is extended by mutual consent of the subdivider and the planning director.

(Ord. No. 449, § 1, 7-21-2009)

Sec. 17-24. - Parcel map; form and contents.

The parcel map shall be prepared in a manner acceptable to the planning commission and shall be prepared by a registered civil engineer or land surveyor. The form and contents of the parcel map shall conform to all of the following provisions:

- A. The parcel map shall show the locations of streets and property lines bounding the property;
- B. It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificate or statements, affidavits, and acknowledgements may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility;
- C. The size of each sheet of the parcel map shall be eighteen by twenty-six inches or four hundred sixty by six hundred sixty millimeters. A marginal line shall be drawn around each



sheet, leaving an entirely blank margin of one inch or 25 millimeters. The scale of the map shall be large enough to show all details clearly and enough streets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown;

- D. Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated. The subdivision number shall be shown together with the description of the real property being subdivided;
- E. 1. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.  
2. The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a "designated remainder" parcel or similar parcel, and the gross area of the "designated remainder" parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.  
3. A parcel designated as "not a part" shall be deemed to be a "designated remainder" for the purposes of this section.
- F. Subject to the provisions of Section 66436 of the Subdivision Map Act, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this paragraph, "record title ownership" means fee title of record unless a leasehold interest is to be divided, in which case "record title ownership" means ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights or other subsurface interests that have been severed from ownership of that surface.

- G. Statements and acknowledgments required pursuant to subsection E. shall be made by separate instrument to be recorded concurrently with the parcel map being filed for record;
- H. No additional survey and map requirements shall be included on a parcel map that do not affect record title interests;
- I. Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the parcel map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66434.2 of the Government

Code;

- J. The parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be site in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced; and
- K. Any public streets or public easements to be left in effect after the subdivision shall be adequately delineated on the map. The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map. Before a public easement vested in another public entity may be abandoned pursuant to this section, that public entity shall receive notice of the proposed abandonment. No public easement vested in another entity shall be abandoned pursuant to this section if that public entity objects to the proposed abandonment.

(Ord. No. 449, § 1, 7-21-2009)

#### Sec. 17-25. - Parcel map; data and reports.

The subdivider shall also comply with the data and report requirements contained in Section 17-10 and Section 17-11 of this title, unless otherwise waived by the planning director.

(Ord. No. 449, § 1, 7-21-2009)

#### Sec. 17-26. - Engineer's (surveyor's) and recorder's statements.

A statement of the engineer's or surveyor's conformance with the requirements of the Subdivision Map Act and this chapter shall appear on the parcel map in accordance with Section 66449 of the Subdivision Map Act.

(Ord. No. 449, § 1, 7-21-2009)

#### Sec. 17-27. - Field survey requirement.

In all cases where a parcel map is required, the parcel map shall be based upon a field survey made in conformity with the land surveyors or be compiled from recorded or filed data when sufficient recorded or filed survey monumentation presently exists to enable the retracement of the exterior boundary lines of the parcel map and the establishment of the interior parcel or lot lines of the parcel map.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-28. - Preliminary submittal.**

The subdivider shall submit prints of the parcel map to the city engineer for checking. The preliminary prints shall be accompanied by copies of the data, reports, and documents required by Section 17-25 of this chapter.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-29. - Review by city engineer.**

The city engineer shall review the parcel map and the subdivider shall make corrections or additions until the map is acceptable to the city engineer.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-30. - City engineer's statement.**

The city engineer shall prepare a statement in accordance with the provisions in Section 66450 of the Subdivision Map Act upon completing the review of the parcel map as provided for in Section 17-28.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-31. - Review and approval of parcel map.**

- A. **Application Filing and Review by Applicable Agencies.** After review by the city engineer, the parcel map application shall be filed with the planning director. The subdivider shall file the number of parcel maps that the planning director deems necessary. The planning director shall forward copies of the parcel map to the affected public agencies and utilities which may, in turn, forward to the department their findings and recommendations. Public agencies and utilities shall certify that the subdivision can be adequately served.
- B. **Application Deemed Complete.** The application shall be deemed complete by the planning director only when the form and contents of the parcel map conform to the requirements of Section 17-24 and when all accompanying data and reports, as required by Section 17-25 have been submitted and accepted by the planning director. If the planning director does not determine whether a parcel map application is complete within thirty days of receiving application, then the application shall be deemed complete.
- C. **Approval.** After notice and a public hearing in accordance with the terms of Section 17-15 A., the planning commission shall approve, conditionally approve or deny the parcel map. Any action by the planning commission shall be supported by findings that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the Subdivision Map Act, the general plan, any applicable specific plan and all applicable provisions of this Code. Such

action shall occur within fifty days after certification of the environmental impact report, adoption of a negative declaration, or a determination by the planning commission that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code).

(Ord. No. 449, § 1, 7-21-2009)

#### Sec. 17-32. - Grounds for denial.

The planning commission shall deny approval of a parcel upon making any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451 of the Government Code;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems; or
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Ord. No. 449, § 1, 7-21-2009)

#### Sec. 17-33. - Appeal.

The subdivider or any interested person adversely affected by any action of the planning commission with respect to the parcel map may, within ten days after the decision, file an appeal in writing with the city council. The city council shall consider the appeal within thirty days after the date of filing of the appeal, unless the appellant consents to a continuance. Within ten days following the conclusion of the hearing, the

city council shall render its decision. The appeal shall be a public hearing after notice has been given according to Section 17-15 A. In addition, notice of the public hearing shall be given to the planning commission. The city council may sustain, modify, reject or overrule any recommendations or rulings of the planning commission and may make any findings which are consistent with the provisions of the Subdivision Map Act, the general plan, any applicable specific plan or this code.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-34. - City clerk to transmit parcel map to county recorder.**

Upon approval of a parcel map by the planning commission or the city council, whichever occurs last, and after all certificates or statements and security required by Section 66493 of the Subdivision Map Act have been filed and deposited with the city clerk, the city clerk shall transmit the parcel map to the county recorder pursuant to the provisions of Section 66464 of the Subdivision Map Act.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-35. - Amendments to approved or conditionally approved parcel map.**

After a parcel map is filed with the county recorder, it may be amended by a certificate of correction or an amending map pursuant to provisions of Section 66469 et seq., of the Subdivision Map Act.

(Ord. No. 449, § 1, 7-21-2009)

**Sec. 17-36. - Judicial review; action must be within ninety days.**

Any action or proceedings to attack, review, set aside, void or annul the decision of the planning commission, or the city council concerning the subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced and service of summons effected within ninety days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings.

**Sec. 17-37. - Processing fees.**

Reasonable fees for processing a parcel map may be established by resolution of the city council.

(Ord. No. 449, § 1, 7-21-2009)