



## PLANNING COMMISSION

Wednesday, October 01, 2025

Regular Meeting - 6:00 PM

City Hall – City Council Chambers

425 Webster Street, Colusa, CA 95932

### AGENDA

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

Chair – John Martin

Vice Chair – Thomas Roach

Commissioner – Sara Andreotii

Commissioner – Amy Schmidt

Commissioner – Jean-Pierre Cativiela

#### CALL TO ORDER

#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### APPROVAL OF THE AGENDA

#### CONSENT CALENDAR - *None*

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

#### PUBLIC HEARING

1. Amend the Colusa Municipal Code to create a Sidewalk Vending Regulations - Ordinance

**Recommendation:** Open the Public Hearing and make a motion recommending that the Colusa City Council adopt the Ordinance adding Chapter 12.17 – Sidewalk Vending Regulations to the Colusa Municipal Code and find the amendment exempt from the California Environmental Quality Act pursuant to 15060(c)(2) and 15061(b)(3).

2. Amend the Colusa Municipal Code to create a Home Occupation Permit Regulations – Ordinance

**Recommendation:** Open the Public Hearing and make a motion recommending that the Colusa City Council adopt the Ordinance approving amendments to Appendix A – Article 50 of the Colusa Municipal Code and find the amendment exempt from the California Environmental Quality Act pursuant to 15060(c)(2) and 15061(b)(3)

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

## FUTURE AGENDA ITEMS

## ADJOURNMENT



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SHELLY KITTLE, CITY CLERK

### Americans with Disabilities Act

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

"This institution is an equal opportunity employer and provider"



## City of Colusa California

### STAFF REPORT

**DATE:** October 1, 2025  
**TO:** Planning Commission  
**FROM:** Jake Morley, Planning Consultant

#### **AGENDA ITEM: Amend the Colusa Municipal Code to create a Sidewalk Vending Regulations – Ordinance**

**Recommendation:** Open the Public Hearing and recommend that Colusa City Council adopt the Ordinance Amendment, adding Chapter 12.17 – Sidewalk Vending Regulations to the Colusa Municipal Code and determine the Ordinance amendment is exempt from review under the California Environmental Quality Act pursuant to 15060 (c)(2) and 15061(b)(3).

**Proposed Motion:** I move that the Planning Commission recommend that the Colusa City Council adopt Ordinance \_\_\_, adding Chapter 12.17 – Sidewalk Vending Regulations to the Colusa Municipal Code and find the amendment exempt from the California Environmental Quality Act pursuant to 15060(c)(2) and 15061(b)(3).

#### **BACKGROUND and ANALYSIS:**

In 2018 California Senate Bill 946 (SB 946) sought to encourage sidewalk vending across the state, in part by decriminalizing sidewalk vending and limiting local authorities to administrative citations as enforcement tools. In 2022, California Senate Bill 972 (SB 972) encouraged permitting for sidewalk vendors and further limited local authorities' ability to penalize sidewalk vending.

The state found that such vendors provide important entrepreneurship and economic development opportunities for low income and immigrant communities, while increasing desired goods, culturally significant foods and merchandise while contributing to a safe and dynamic public space. State laws distinguish between roaming sidewalk vendors (i.e.: push carts, pedal-drive cart, wagon or non-motorized) and stationary sidewalk vendors (i.e.: stands, rack or display).

The City of Colusa Municipal Code (CMC) is currently silent on sidewalk vending, while community discussion has been ongoing and vendors continue to sell products and food without the benefit of standards or license requirements.

### *Summary of SB 946 and SB 972*

- Cannot require sidewalk vendors to operate within specific parts of the public right-of-way unless the restriction is related to objective health, safety or welfare concerns.
- Cannot prohibit sidewalk roaming vendors from selling in local parks but can limit stationary vendors if local agencies have a contract with a concession operator within the park.
- Cannot restrict sidewalk vendors to operate in designated neighborhoods or areas unless directly related to objective health, safety or welfare concerns.
- Cannot use “economic competition” (i.e: brick and mortar stores) as a basis for limiting sidewalk vending.
- Cottage food operations can support vending operations.
- For enforcement, the City is limited to the administrative citations of specific amounts are mentioned in the ordinance.
- Local authorities can:
  - Limit the hours of operation so long as they are not unduly restrictive.
  - Maintaining sanitary conditions and securing local authority permit, valid business license.
  - Ensure compliance with the federal American with Disabilities Act or other disabled access standards.
  - Prohibit sidewalk vendors from the immediate vicinity of permitted certified farmers; market or permitted swap meeting.
  - Restrict or prohibit sidewalk vendors within the immediate vicinity of any special temporary permit issued by a local agency (i.e.: parades or outdoor concerts).
  - Can subject violators to administrative fines.

The proposed Sidewalk Vending Ordinance (See **Attachment A**) is intended to create a regulatory system for sidewalk vending that brings the City of Colusa law in compliance with recent Senate Bills while also contributing to the economic and cultural experiences of the community while also balancing the built environment acknowledging established improvements related to safety such as fire hydrants and movement of vehicles, while also acknowledging other pedestrians that utilize sidewalks for access and movement.

## **GENERAL PLAN**

Incorporating the Municipal Code changes advances economic related policies for the City of Colusa as outlined in portions of the General Plan.

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

Goal LU-8: To provide a variety of high-quality residential developments and neighborhoods for all income groups.

Goal LU-10: To promote an expanding and increasingly diversified local economy that will meet the employment needs of local residents and strengthen the local tax base.

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

Goal CCD-1: To ensure the preservation and enhancement of Colusa's unique community character and vitality within its neighborhoods and business districts.

Policy CCD-4.2: The City shall encourage a combination of uses in the Downtown to include retail, office, and entertainment uses (e.g., movie and performing arts theaters) that serve the daily and occasional needs of residents.

## **PUBLIC CONTACT and ENVIRONMENTAL REVIEW**

A 20-day public hearing notice was published in the Pioneer Review on August 22, 2025 and a notice was also placed at the planning counter. The Ordinance amendment has been determined exempt pursuant to the California Environmental Quality Act Section 15062(c)(2) and 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a Municipal Code text amendment, it can be seen with certainty that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA.

**BUDGET IMPACT:** None Expected

## **ATTACHMENTS:**

1. Ordinance No - Uncodified

## ORDINANCE NO. \_\_\_\_\_

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA ADDING APPENDIX A – CHAPTER 12-17 OF THE COLUSA MUNICIPAL CODE AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**WHEREAS**, the attached Ordinance (Exhibit I) adds Appendix A – Chapter 12-17 – Sidewalk Vending to the Colusa Municipal Code to allow ministerial review of sidewalk vending; and

**WHEREAS**, the attached Ordinance advances and provides important entrepreneurship and economic development opportunities, interest, diversity and base, while increasing desired goods, cultural significant foods and merchandise while contributing to a safe and dynamic public space through a series of regulations and standards as well as being in compliant with California Senate Bill 946 (2018) and Senate Bill 972 (2022); and

**WHEREAS**, the attached Ordinance (Exhibit I) has been found to be exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a Municipal Code text amendment, it can be seen with certainty that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA; and

**WHEREAS**, On October 1, 2025 the Planning Commission conducted a duly notice public hearing to consider the staff report, staff recommendation, and public testimony concerning the ordinance. Following the public hearing, the Planning Commission voted to recommend forwarding the ordinance to the City Council with a recommendation in favor of its adoption; and

BE IT ORDAINED by the Council of the City of Colusa find that:

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The City Council finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(2) and 15061(b)(3) because it will not result in a direct or reasonably foreseeable physical change in the environment; and the activities is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

**Section 3.** In accordance with the State of California Government Code commencing with section 65800, the City of Colusa City Council finds that:

1. General Plan: The ordinance amendments to the Colusa Municipal Code (CMC) are consistent with the General Plan and are found to be consistent with and advances economic related policies for the City of Colusa as outlined in the Land Use (LU-8, LU-10, LU-10-1) and Community Character (CCD-1 and CCD-4.2) Elements portions of the General Plan. Further, the ordinance amendments are in compliance with California Senate Bill 946 (2018) which sought to encourage sidewalk vending across the state and Senate Bill 972 (2022) which also encouraged sidewalk vending while limiting local authority ability to penalize sidewalk vending.
  2. Health, Safety, and Welfare; Illogical Land Use Pattern Adoption of this ordinance will not adversely affect the public health, safety and welfare as it updates the Colusa Municipal Code to allow ministerial review of home occupation permits that sets up standards and regulations. This ordinance will not result in an illogical land use pattern as it is not amending the City's zoning map.
  3. Consistency with Appendix A. This ordinance is consistent with the purpose and intent of the Colusa Municipal Code as it does not alter or revise the type of intensity of allowed uses in both commercial and residential zoning districts and ensures that the provisions thereof are consistent with the City's General Plan and State regulations and requirements.
- Section 4** Code Amendment. Chapter 12.17 is hereby added in its entirety to Appendix A – Zoning of the Colusa Municipal Code to read as attached in Exhibit I:

**Section 5.** This ordinance shall become effective 30 days following the date of its adoption.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Colusa at it meeting held on \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
RYAN CODORNIZ, MAYOR

\_\_\_\_\_  
Shelly Kittle, City Clerk

## Chapter 12-17: Sidewalk Vending Regulations

### Sec. 12-17.01 – Purpose

The purpose of this article is to establish a sidewalk vending business license and regulatory program in compliance with Senate Bill 946. The provisions of this chapter allow the City of Colusa to encourage small business activities by removing sidewalk prohibitions on small-scale stationary and mobile vendors of goods, wares, merchandise, or food items under a regulatory and enforcement program that protects the public's health, safety, and welfare. This chapter applies only to vending on public property and does not regulate activity on private property.

### Sec. 12-17.02 – Definitions

As used in this chapter:

- **Administrator** means the City Manager or their designee responsible for implementing and enforcing this chapter.
- **Business license** refers to a valid City business license issued under Chapter 10, Section 26 of the Municipal Code.
- **Cart** includes any pushcart, pedal-driven cart, stand, rack, showcase, wagon, or other non-motorized equipment used for vending, whether stationary or mobile.
- **California Retail Food Code** means Part 7 of Division 104 of the California Health and Safety Code (§113700 et seq.).
- **Colusa County health permit** means permits, licenses, or certifications issued by Colusa County Environmental Health for vending food in the city.
- **Food** means any edible substance or beverage intended for consumption.
- **Goods or merchandise** refers to any item that is not food.
- **Health Department** means the Colusa County Department of Environmental Health.
- **Person** includes an individual, partnership, corporation, association, group, or entity, whether for-profit or nonprofit.
- **Roaming vending cart** means a cart that is moved continuously and only stops to conduct sales, used by a roaming sidewalk vendor.
- **Roaming sidewalk vendor** is a sidewalk vendor who moves from place to place and stops only to complete transactions, as defined in Government Code §51036(b).
- **Rules and regulations** means policies established by the Administrator and adopted by City Council resolution to implement this chapter.



- **Sidewalk** means any paved pedestrian path or public walkway in the City's right-of-way.
- **Sidewalk vending** means the sale of food or goods from a cart or from one's person on public sidewalks or pedestrian paths.
- **Sidewalk vending program** refers to the City of Colusa's permit and compliance system for sidewalk vendors under this chapter.
- **Sidewalk vendor** means a person who vends on public pedestrian areas as described in Government Code §51036(a).
- **State seller's permit** means a permit issued by the California Department of Tax and Fee Administration for sales tax collection.
- **Stationary vending cart** means a vending cart that remains at a fixed location during operating hours.
- **Stationary sidewalk vendor** is a vendor who operates from a fixed location, as defined in Government Code §51036(c).
- **Vending permit** refers to a permit issued by the Administrator to authorize sidewalk vending within the City of Colusa.

### **Sec. 12-17.03 – Vending Permit Required**

No person may engage in sidewalk vending within the City without first obtaining a vending permit issued by the Administrator. Vendors must comply with all permit terms and applicable laws.

### **Sec. 12-17.04 – Application Requirements**

- (a) To obtain or to renew a vending permit, a sidewalk vendor must provide the following as part of the application:
1. Valid identification, such as a State of California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number, or any other government-issued identification card.
  2. The name, address and telephone number of the sidewalk vendor.
  3. Proposed hours and days of operation.
  4. Whether the sidewalk vendor intends to operate a stationary vending cart or a roaming vending cart.
  5. Proposed location of operation.
    - i. An application for placement of a stationary vending cart in a commercial or industrial area of the city must contain the proposed location, marked by major cross streets, and a photo or sketch of such location.

- ii. An application for a roaming vending cart in a residential area of the city must contain a sketch or description of the route the sidewalk vendor will travel.
  - iii. If a cart will be used, a description of the cart, including dimensions.
- 6. The type of merchandise or food offered for sale or exchange.
- 7. Proof of a valid business license issued pursuant to Title 10.
- 8. The application or renewal fee, in an amount established by resolution of the City Council.
- 9. A valid state seller's permit and any additional licenses from state or local agencies to the extent required by law.
- 10. A county health permit for food-related vending, if applicable.
- 11. A certificate of completion of a food handler course, if applicable.
- 12. A declaration that the information provided to the city is true and correct.
- (b) Vending permits will expire one year after the date of issuance.
- (c) Vending permits are not transferable.
- (d) A person whose vending permit is revoked may not renew their vending permit for one year.
- (e) In accordance with Government Code section 51038(c)(4), identification numbers, including social security numbers, will be confidential and will not be disclosed.
- (f) The Administrator may require inspection of the cart as a condition of permit issuance.
- (g) If there is any prior history of violations under this chapter, the Administrator may review any such violations in its review of renewal requests and consider those violations when imposing conditions on a renewal permit.

## **Sec. 12-17.05 – General Operational Requirements**

Applicants, Operators and Vendors must:

- (a) Display a valid city vending permit and any other required permits that are issued by other public agencies, such as a county health permit.
- (b) Operate only within the approved hours and locations of the vending permit.
- (c) A vendor must keep and maintain a clean and trash-free 20-foot radius from the sidewalk vendor's stationary cart during hours of operation and must leave the area clean by the approved closing time.
- (d) Provide customer trash bins no larger than 20 gallons in capacity (if vending food).
- (e) Not exceed cart size: 72" (L) x 54" (W) x 78" (H), plus small condiment table (max 48" x 24") and trash can (max 20 gal).
- (f) Operate food carts within 200 feet of approved restrooms (if stationary).
- (g) Use no amplified sound or unpermitted electricity.
- (h) Comply with local and state laws, including the Americans with Disabilities Act (ADA) and food packaging rules.

- (i) No signs that are not attached to the vending cart may be used or displayed.
- (j) No vending cart, condiment table or trash receptacle, or other operational equipment may be left at the vending location after closing.
- (k) Sidewalk vendors may not set up tables, chairs, or other structures.
- (l) Sidewalk vendors must comply with all applicable federal, state, and local laws, regulations, and ordinances

### **Sec. 12-17.06 – Vending in Residential Areas**

- (a) Stationary vending is prohibited in residential zones.
- (b) Roaming vendors may operate but must keep moving except to complete a sale.

### **Sec. 12-17.07 – Prohibitions on placement of stationary or roaming carts**

Stationary vending carts may not be placed:

- (a) No sidewalk vendor may place or leave any vending cart or supporting equipment that is:
  1. Within 10 feet of a marked crosswalk or Americans with Disabilities Act (ADA) access ramps.
  2. Within 10 feet of a curb return for an unmarked crosswalk.
  3. Within 5 feet of hydrants or driveways.
  4. Within 12 inches of the edge of the curb.
  5. Within 5 feet of any driveway or driveway apron.
  6. Within marked bus zones or within 5 feet of a designated bus stop.
  7. Within any color curbed zones, such as red, blue, yellow, green, and white zones.
  8. Where placement impedes the flow of vehicle traffic, such as on public streets or public highways, or any roadway (as defined by Vehicle Code section 530).
- (b) No vending cart may be chained or fastened to any utility pole, sign, tree, or other object in the public right-of-way or left unattended.
- (c) No vending cart may impede the flow of pedestrian traffic by reducing the path of travel to less than 4 feet or impede access to or restrict the use of abutting property, including, but not limited to, residences and places of business, in accordance with the Americans with Disabilities Act (ADA).
- (d) No vending cart may play music or have any other noise device.

- (e) Notwithstanding any specific regulations in this chapter, no sidewalk vendor may install, use or maintain a vending cart where placement endangers the safety of persons or property.

### **Sec. 12-17.08 – Vending in Parks and Recreation Areas**

- (a) Only allowed on paved/decomposed granite pedestrian paths.
- (b) Prohibited within 25 feet of another vendor.
- (c) Prohibited where exclusive concession or event contracts exist.
- (d) Sidewalk vendors may not possess, utilize, or provide any person with any bottle, cup, dish, tumbler jar, or container having any glass.

### **Sec. 12-17.09 – Proximity to Events**

Vending is prohibited:

- (a) Within 50 feet from all borders of a city-sponsored or city-permitted event within the time period commencing of the event and from one hour before until one hour after the event.
- (b) Within 50 feet from all borders of a farmers' market or swap meet during operational hours.
- (c) The Administrator will maintain a list of permitted event areas and notify vendors upon request.

### **Sec. 12-17.10 – Administration**

- (a) The Administrator is authorized to issue a permit in accordance with this chapter. The Administrator shall maintain a list of parks and facilities with an exclusive concession agreement and provide a copy of such list with the issuance of any vending permit.
- (b) The Administrator is authorized to develop, and enforce, the rules and regulations regarding the licensing, permitting, and operation of sidewalk vending, in accordance with this chapter.

### **Sec. 12-17.11 – Enforcement**

- (a) Sidewalk vending in violation of this chapter will not be punishable as a criminal infraction or misdemeanor, but will be subject to an administrative citation as follows:
  1. For vending without a valid vending permit

- i. An administrative fine of two hundred fifty and no/100<sup>th</sup> (\$250.00) dollars for a first violation
  - ii. An administrative fine of five hundred and no/100<sup>th</sup> (\$500.00) dollars for a second within one year of the first violation
  - iii. An administrative fine of one thousand and no/100<sup>th</sup> (\$1,000.00) dollars for a third violation and each subsequent violation, within one year of the first violation. Upon proof of a valid permit issued by the city before such fines are due, the city will reduce the amount of the fines to one hundred and no/100<sup>th</sup>s (\$100.00) dollars for the first violation, two hundred and no/100<sup>th</sup>s (\$200.00) dollars for the second violation, and five hundred and no/100<sup>th</sup>s (\$500.00) dollars for each violation thereafter.
- 2. For all violations of this chapter other than vending without a valid vending permit as outlined in subsection (a) above:
  - i. An administrative fine of one hundred and no/100<sup>th</sup>s (\$100.00) dollars for a first violation
  - ii. An administrative fine of two hundred and no/100<sup>th</sup>s (\$200.00) dollars for a second violation within one year of the first violation.
  - iii. An administrative fine of five hundred and no/100<sup>th</sup>s (\$500.00) dollars for a third violation within one year of the first violation.
  - iv. An administrative fine of five hundred and no/100<sup>th</sup>s (\$500.00) dollars for a fourth and each subsequent violation, and revocation of the vending permit. Revocation proceedings will be conducted in accordance with the rules and regulations established by the city

Citations follow the City's administrative appeal process. Fines may be reduced (20%) or waived with proof of financial hardship per Gov. Code §51038(f).

### **Sec. 12-17.12 – Cart Removal**

The City may request removal of any non-compliant cart. If the vendor fails to comply or if the cart is abandoned, the City may impound and dispose of it after reasonable notice, including any food or merchandise.

### **Sec. 12-17.13 – Impounding of Vending Equipment**

(a) Impoundment Conditions: The City of Colusa reserves the right to impound vending equipment and associated goods for violations of this article, specifically under conditions including but not limited to:

1. Leaving vending equipment or goods unattended in violation of Section 12.17-07(b) poses a fire risk or other safety hazards.
  2. Vending without a valid license as stipulated in Section 12.17-04.
  3. Operating in a manner that obstructs the free movement of pedestrians or fails to maintain a minimum accessible path of travel as stipulated in Section 12.17-04 (c).
  4. Vending in a manner that creates an imminent and substantial danger or environmental hazard to the public or the property, such as the use of unapproved portable cooking equipment or open flames.
- (b) Handling of Impounded Property: Vending equipment or goods that serve as evidence of a crime or are booked as property after the arrest of a sidewalk vendor for violation of local, state, or federal laws may be impounded following Colusa Police Department's policies and procedures.
- (c) Disposition of Impounded Goods: The City may immediately dispose of impounded goods that cannot be safely stored or are perishable.
- (d) Right to Administrative Hearing: Any owner of impounded vending equipment or goods may, within 10 days, request an administrative hearing before a hearing officer appointed by the City.
- (e) Receipt and Retrieval Instructions: The Administrator shall provide the person from whom the goods or vending equipment were impounded with a receipt and instructions for retrieval. These instructions shall be provided at the time of impoundment or mailed within two business days to the address provided by the vendor.
- (f) Release of Impounded Equipment and Goods: Impounded vending equipment and goods will be released to the vendor or owner upon presentation of proper proof of ownership and full payment of all administrative costs incurred due to the violation. Any unclaimed items will be considered abandoned and forfeited to the City after 90 days following impoundment.



## City of Colusa California

### STAFF REPORT

**DATE:** October 1, 2025  
**TO:** Planning Commission – Action Item – Public Hearing  
**FROM:** Jake Morley, Planning Consultant

#### **AGENDA ITEM: Amend the Colusa Municipal Code to create a Home Occupation Permit Regulations – Ordinance**

**Recommendation:** Open the Public Hearing and recommend that Colusa City Council adopt the Ordinance Amendment A – Article 50 and determine the Ordinance amendment is exempt from review under the California Environmental Quality Act pursuant to 15060(c)(2) and 15061(b)(3).

**Proposed Motion:** I move that the Planning Commission that the Colusa City Council adopt Ordinance No. \_\_\_, approving amendments to Appendix A – Article 50 of the Colusa Municipal Code and find the amendment exempt from the California Environmental Quality Act pursuant to 15060(c)(2) and 15061(b)(3)

#### **BACKGROUND AND ANALYSIS:**

Currently the Colusa Municipal Code (CMC) permits a Home Occupation Permit (HOP) in any residential zoning district, subject to the issuance of a minor use permit. A minor use permit is a discretionary action that is heard by the Planning Director (City Manager). Such a permit requires a public notice hearing, notice mailed to all properties within 300 feet of the HOP, the submittal of a project description, application, fee, and the creation of a staff report and supporting documents.

Being a discretionary process, the request is also subject to the California Environmental Quality Act (CEQA), which also means approvals could be subject to CEQA lawsuits, a costly and time-consuming process that would be the responsibility of the city to defend.

Staff recommend that the CMC be amended to remove the minor use permit process and include administrative standards that ensure residential zoned district continue to retain their residential integrity.

The proposed amendments to the CMC would remove the public hearing requirement and the subsequent CEQA review. The intent of addition of the HOP code would strive to maintain

neighborhood integrity by limiting the number of vehicles, parking, excessive trips etc. while also encouraging an economic foundation.

The amendment to the CMC will also include the addition of Cottage Food operation, which pursuant to Assembly Bill (AB) 1616, adopted in 2012, created a new category of food enterprises which permit food businesses that can use a home kitchen for processing food for sale to the public. Under the current CMC, cottage food operations are currently not addressed.

## **GENERAL PLAN**

Incorporating the Municipal Code changes advances economic related policies for the City of Colusa as outlined in the Land Use and Community Character Elements portions of the General Plan.

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

Goal LU-8: To provide a variety of high-quality residential developments and neighborhoods for all income groups.

Goal LU-10: To promote an expanding and increasingly diversified local economy that will meet the employment needs of local residents and strengthen the local tax base.

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

Goal CCD-1: To ensure the preservation and enhancement of Colusa's unique community character and vitality within its neighborhoods and business districts.

Policy CCD-4.2: The City shall encourage a combination of uses in the Downtown to include retail, office, and entertainment uses (e.g., movie and performing arts theaters) that serve the daily and occasional needs of residents.

## **PUBLIC CONTACT AND ENVIRONMENTAL REVIEW**

A 20-day public hearing notice was published in the Pioneer Review on August 22, 2025 and a notice was also placed at the planning counter. The Ordinance amendment has been determined exempt pursuant to the California Environmental Quality Act Section 15060(c)(2) and 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a Municipal Code text amendment, it can be seen with certainty that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA.

**BUDGET IMPACT:** None Expected

## **ATTACHMENTS:**

1. Ordinance No. - Uncodified



## ORDINANCE NO. \_\_\_\_\_

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA ADDING APPENDIX A – ARTICLE 50 OF THE COLUSA MUNICIPAL CODE AND FINDING THE ORDINANCE EXEMPT FORMR THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

**WHEREAS**, the attached Ordinance (Exhibit I) adds Appendix A – Article 50 to the Colusa Municipal Code to allow ministerial review of home occupation permits; and

**WHEREAS**, the attached Ordinance advances the economic interest, diversity and base for the city while also ensuring neighborhood compatibility through a series of regulations and standards; and

**WHEREAS**, the attached Ordinance (Exhibit I) has been found to be exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. As a Municipal Code text amendment, it can be seen with certainty that the proposed action may result in a significant effect on the environment, and the proposed revisions to the Municipal Code are exempt from further review under CEQA; and

**WHEREAS**, On October 1, 2025 the Planning Commission conducted a duly notice public hearing to consider the staff report, staff recommendation, and public testimony concerning the ordinance. Following the public hearing, the Planning Commission voted to recommend forwarding the ordinance to the City Council with a recommendation in favor of its adoption; and

BE IT ORDAINED by the Council of the City of Colusa find that:

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The City Council finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(2) and 15061(b)(3) because it will not result in a direct or reasonably foreseeable physical change in the environment; and the activities is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

**Section 3.** In accordance with the State of California Government Code commencing with section 65800, the City of Colusa City Council finds that:

1. General Plan: The ordinance amendments to the Colusa Municipal Code (CMC) are consistent with the General Plan and are found to be consistent with and advances

economic related policies for the City of Colusa as outlined in the Land Use (LU-8, LU-10, LU-10-1) and Community Character (CCD-1 and CCD-4.2) Elements portions of the General Plan.

2. Health, Safety, and Welfare; Illogical Land Use Pattern Adoption of this ordinance will not adversely affect the public health, safety and welfare as it updates the Colusa Municipal Code to allow ministerial review of home occupation permits that sets up standards and regulations. This ordinance will not result in an illogical land use pattern as it is not amending the City's zoning map.
3. Consistency with Appendix A. This ordinance is consistent with the purpose and intent of the Colusa Municipal Code as it does not alter or revise the type of intensity of allowed uses in the residential zoning districts and ensures that the provisions thereof are consistent with the City's General Plan.

**Section 4** Code Amendment. Article 50 is hereby added in its entirety to Appendix A – Zoning of the Colusa Municipal Code to read as attached in Exhibit I:

**Section 5.** This ordinance shall become effective 30 days following the date of its adoption.

THE FOREGOING ORDINANCE was adopted by the City Council of the City of Colusa at it meeting held on \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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RYAN CODORNIZ, MAYOR

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Shelly Kittle, City Clerk

## **ARTICLE 50 Home Occupation Permits**

### **50.01 Purpose.**

The following provisions are intended to permit limited business activities in a manner that maintains the character and integrity of residential neighborhoods, ensures compatibility with surrounding uses, and provides a path for legal operations of home-based businesses.

### **50.02 Applicability.**

(a) Home Occupation Permit Required. A home occupation permit shall be obtained prior to the establishment or operation of any of the activities listed in Section 50.04 (Allowable Home Occupations) and are subject to approval by the Fire Authority and must comply with all applicable requirements of the current California Fire Code.

The activities regulated by this chapter shall not include those that solely involve the use of a desk, personal computer, and/or telephone, which are considered permitted uses in all residential zoning districts.

(b) Business License Required. In addition to securing a home occupation permit from the Planning Director, a business license shall be obtained and posted, in compliance with Chapter 10 (Licenses) of the Municipal Code. A statement of compliance with the operating standards contained in Section 50.08 (Operating Standards) shall be signed prior to issuance of the business license.

### **50.03 Definitions**

'Home Occupation' means a business or commercial activity conducted entirely within a residential dwelling or accessory structure by one or more occupants of the home, which is incidental to the primary residential use and meets the standards set forth in this Chapter.

### **50.04 Allowable home occupations.**

Allowable home occupations shall include the following activities:

- (a) On-site tutoring, teaching, art, music, dance, and similar lessons, provided no more than one student or client is being served at a time;
- (b) Hairdresser or barber, provided no more than one client is being served at a time
- (c) Crafts and hobby uses, such as (but not limited to) photography, artwork, and home crafts;
- (d) Cottage Food Operation (Class A or B) as defined by Section 113758 of the California Health and Safety Code
- (e) Any other use of the same general character as those listed above.

### **50.05 Specifically prohibited business types**

- (a) Automobile and mechanical work including small engine repair or sales;
- (b) Restaurant, tavern, wine-tasting or similar uses;
- (c) Clubs, gyms or membership organizations;
- (d) Animal harboring, boarding, training or veterinary services and raising dogs, cats, birds or other animals;
- (e) Small and Large family day care;
- (f) Any use that generates excessive traffic, noise, odor, or visual impacts.

#### 50.06 Application filing, initial processing.

An application for a home occupation permit shall include all information specified in the Department handout for home occupation permits. A completed Home Occupancy Permit form, affirming compliance with all applicable requirements (including limits on signage, traffic, parking, noise, and use of space), must be submitted to the City before home-based business operations commence.

#### 50.07 Action by the Planning Director.

The Planning Director shall review and act upon a home occupation permit application after all required information has been submitted. Since the permit is nondiscretionary, no formal public notice is required. In reviewing the application, the Planning Director shall determine if the proposal is in compliance with the standards and criteria listed in Section 50.08 (Operating standards).

#### 50.08 Operating standards.

Home occupations shall comply with all of the following operating standards:

- (a) The location of the home occupation is the principal residence of the applicant and is clearly incidental and secondary to the use of the property for residential purposes;
- (b) No major structural changes are proposed which would significantly alter the character of the residence, or change its occupancy classification, in compliance with the Uniform Building Code;
- (c) The proposed home occupation shall not create levels of new glare and light inconsistent with existing amounts of glare and light within the surrounding neighborhood;
- (d) The proposed home occupation shall not adversely increase noise levels beyond permissible residential noise levels within the surrounding neighborhood;
- (e) The proposed home occupation shall not generate electrical interference, dust, heat, odor, solid waste, vibration, or other characteristics in excess of those customarily associated with similar residential uses in the surrounding neighborhood;
- (f) Employment shall be limited to persons residing on the premises;

(g) Is confined completely within a legal structure and occupies not more than twenty-five percent of the floor space of a dwelling or fifty percent of that of an accessory building, whichever is less;

(h) No equipment, materials, or products associated with the use shall be stored or displayed where visible from off the premises;

(i) The proposed home occupation shall not involve the storage or use of explosive, flammable, or toxic materials, specifically defined as hazardous materials;

(j) Any proposed home occupation affording access by use of a private road easement shall be conducted in a manner that shall not overburden the vehicular use of the private road easement;

(k) The home occupation activity shall not generate more than 10 additional pedestrian or vehicular trips in excess of that customarily associated with the zoning district in which it is located, and no more than 2 deliveries each day. Any traffic generated by the home occupation shall be consistent with the existing traffic levels and patterns of the surrounding residential neighborhood;

(l) No customers or clients shall be allowed to patronize the home occupation business between the hours of 10:00 p.m. and 8:00 a.m.

(m) One service or company vehicle associated with the home occupation can be stored on the premises;

(n) There is no sale of goods or commodities from the residence except for Cottage Food Operations;

(o) Any home occupation that was existing, open, and operating within the City as of December 31, 2025, must file an application with the City for a Home Occupancy Permit; and

(p) The Home Occupancy Permit constitutes a revocable privilege, which shall be subject to suspension or revocation if the terms and conditions are not maintained.

#### **50.09 Revocation and Enforcement**

Permits may be revoked if the home occupation violates any part of this Chapter or creates a nuisance. The Planning Director may require discontinuation, modification, or conditional use review as needed.

#### **50.10 Amendments to Permits Changes to a home occupation permit.**

Changes in use, business expansion, or changes of ownership shall require re-evaluation by the Planning Department. Minor modifications may be approved administratively.