



PLANNING COMMISSION

Wednesday, December 14, 2022
Regular Meeting - 7:00 PM
City Hall – City Council Chambers
425 Webster Street, Colusa, CA 95932

AGENDA

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

Chair – Ryan Codorniz
Vice Chair – Ed Duncan
Commissioner – John Martin
Commissioner - Thomas Roach
Commissioner - Vicky Willoh

CALL TO ORDER

ROLL CALL

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. **Public Hearing:** A Resolution approving a variance application for 557 13th Street
2. **Public Hearing:** A Resolution approving a map extension for the Cheney-Wilson Tentative Parcel Map
3. **Public Hearing:** Resolution approving a 3-lot Tentative Parcel Map - APN # 017-030-050 for Colusa Industrial Properties and the Wescott Ranch LLC
4. **Public Hearing continuation:** Ordinance 519, 551 Chapter 12F (commercial cannabis)

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

ADJOURNMENT

SHELLY KITTLE, CITY CLERK

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) 458-4740 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

"This institution is an equal opportunity employer and provider"



City of Colusa California

STAFF REPORT

DATE: December 14th, 2022
TO: Planning Commission – Public Hearing
FROM: Jesse Cain, City Manager

AGENDA ITEM: Consideration to construct a 6' high redwood fence within the front yard along Parkhill street at the home address located at 557 13th Street.

Recommendation: Commission may approve this variance once the have taken testimony from the public hearing and applicant.

BACKGROUND ANALYSIS: Its our understanding that the applicant desires to construct an inground pool in their yard fronting Parkhill Street. Due to the lot size and house position constraints, they have indicated that their options are limited, and desire to build the pool in the area of yard adjacent to Parkhill Street. Currently the zoning code states the following:

“Fences in front yards shall be constructed in such a manner as not to create a solid visible barrier. The surface area of the fence is to be open so passersby can view activity on the other side of the fence for not less than thirty percent of the surface area per square foot.”

“(b) Front Yard Set-back: Fifteen feet.”

That notwithstanding, the planning commission under section 34.01 may make findings that this circumstance justifies a variance, or not. Section 34.01 states the following:

Sec. 34.01. - *Variances.*

Where practical difficulties, unnecessary hardships or results inconsistent with the purposes and intent of this ordinance may result from the strict application of certain area, *height*, yard and space requirements thereof, *variances* in such requirements may be granted, as provided in this section, by the planning commission.

(a) *Variance* Application and Fee.

1. Application for a *variance* shall be made to the city planning department in writing on a form prescribed by the city. Such application shall be accompanied by a fee in an amount as established from time to time by resolution of the city council, statements, plans and other evidence showing:

a. That, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance provisions deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

b. That granting of the *variance* requested will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

c. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health, or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

2. A public hearing shall be held within sixty days after a filing of application for a *variance*, notice of which shall be given by one publication in a newspaper of general circulation published and circulated in the City of Colusa and by mailing notice to the applicant and owners of all property within three hundred feet of any boundary of the lot or parcel for which the *variance* has been filed, as such owners are shown on the last equalized assessment roll of the County of Colusa. Notice in each case is to be given at least ten days prior to such public hearing.

(b) Action by the Planning Commission.

1. Within thirty days after the public hearing the planning commission shall make a finding of facts showing whether the qualifications under [Section 34.01](#) apply to the land, building or use for which *variance* is sought and whether such *variance* shall be in harmony with the general purposes of this ordinance.

2. After making findings the planning commission shall either approve, with or without conditions, or deny said *variance*.

BUDGET IMPACT: None

ATTACHMENT:

Resolution

RESOLUTION NO. 2022-____

A RESOLUTION OF THE CITY OF COLUSA PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF A VARIANCE TO CONSTRUCT A 6 FT TALL REDWOOD FENCE WITHIN THE FRONT YARD OF THE HOME ALONG PARKHILL STREET AT THE ADDRESS 557 13TH STREET

WHEREAS, the City has received an application for a variance to construct a non-conforming fence in the front yard of a property located at 557 13th Street, and

WHEREAS, the City has established City Ordinance 34.01 allows for a variance where practical difficulties, unnecessary hardships or results inconsistent with the purposes and intent of the ordinance may result from the strict application of certain area, *height*, yard and space requirements thereof, *variances* in such requirements may be granted, as provided in this section, by the planning commission.

WHEREAS, all procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, the Planning Commission has duly called, advertised and conducted a Public Hearing required by law concerning proposed, extension request; and

WHEREAS, the City of Colusa Planning Commission has considered public and staff input.

NOW, THEREFORE, BE IT RESOLVED by the City of Colusa Planning Commission, that the Planning Commission recommends that the City Council of the City of Colusa adopt a resolution of the City Council of the City of Colusa approving a variance for the property owner located at 557 13th Street for purposes of constructing a 6 foot high redwood fence in the front yard.

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission held on the 14th day of December 2022, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved as to form by me on this 14th day of December 2022

ATTEST: _____
Planning Commission Chair, Codorniz

City Manager, Jesse Cain

ATTACHMENT 1 – Resolution No 22-_____



City of Colusa California

STAFF REPORT

DATE: December 14th, 2022
TO: Planning Commission – Public Hearing
FROM: David Swartz, City Engineer, Planning Dept. Support

AGENDA ITEM: Tentative Subdivision Map Request for Extension

Recommendation: Commission to approve an extension of up to 5 years.

Recommendation: Commission to adopt Resolution No. _____

BACKGROUND ANALYSIS: This tentative map was approved by the City Council on 12/15/2020 via Resolution 20-62. Tentative maps approved by the City remain valid for a period of 24 months, per 66452.6 of the Subdivision Map Act. Jon Cheney submitted a letter (attached) requesting the map be extended. City Ordinance 17-19 requires a public hearing be held to consider this action. The PC may make a recommendation to the City Council that the tentative map be extended for a period not exceeding a total of five years.

Staff does not have a specific recommendation as to the length of the extension, only that the city ordinance allows for up to 5 years. Planning Commission may reduce this time allowed during the public hearing.

Staff does not contemplate any changes or modifications to the already approved conditions of approval and the applicant has made no request for reconsideration.

BUDGET IMPACT: None

ATTACHMENT: Letter from Jon Cheney; Resolution 22-_____

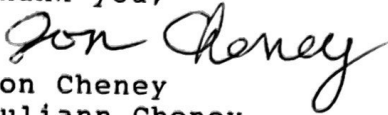
City of Colusa Planning Dept
Colusa City Hall
Colusa, Ca 95932

Nov 1, 2022

Attn: Dave Schwartz

We would like to request an extension for a final map for the Cheney-Wilson Subdivision. Please notify us if you need further information.

Thank you,



Jon Cheney
Juliann Cheney
Jeffrey Wilson

RESOLUTION NO. 2022-____

A RESOLUTION OF THE CITY OF COLUSA PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF AN EXTENSION OF THE CHENEY-WILSON TENTATIVE PARCEL MAP FOR A PERIOD NOT TO EXCEED 5 YEARS

WHEREAS, the City has received an request via letter from Jon Cheney, one of the owners of the subject property requesting the existing tentative subdivision map be extended, and

WHEREAS, the City has established City Ordinance 17-19, and the California Subdivision Map Act via Section ARTICLE 2. Tentative Maps [66452 - 66452.27] allows for the legislative body to approve such extensions, and

WHEREAS, all procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, the Planning Commission has duly called, advertised and conducted a Public Hearing required by law concerning proposed, extension request; and

WHEREAS, the City of Colusa Planning Commission has considered public and staff input.

NOW, THEREFORE, BE IT RESOLVED by the City of Colusa Planning Commission, that the Planning Commission recommends that the City Council of the City of Colusa adopt a resolution of the City Council of the City of Colusa approving an extension of the Cheney-Wilson tentative subdivision map for a period not to exceed 5 years.

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission held on the 14th day of December 2022, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved as to form by me on this 14th day of December 2022

ATTEST: _____
Planning Commission Chair, Codorniz

City Manager, Jesse Cain



City of Colusa California

STAFF REPORT

DATE: December 14th, 2022
TO: Planning Commission – Public Hearing
FROM: David Swartz, City Engineer, Planning Dept. Support

AGENDA ITEM: Tentative Subdivision Map Request for Extension

Recommendation: Commission to approve a 3-lot parcel map along Wescott Road (see attached).

BACKGROUND ANALYSIS: This parcel was part of an annexation of the Colusa Industrial Properties which was finalized in 2020. Under the annexation this parcel was rezoned from Urban Reserve to Low Density Residential (LDR). The original parcel consists of two lots, for which one is bifurcated by the former rail road right of way. All properties are owned in fee title by the applicant. The minimum lot size allowed under the current zoning is 8000 square feet. All lots shown herein exceed this size. There is no proposed development associated nor any type of entitlement requested by the applicant related to this tentative map. This is purely a land division. The proposed project is consistent with the Cities general plan and zoning requirements. Since there is no specific entitlement and no proposed project associated with this map, there are no conditions of approval nor need for any CEQA review as there is no change in land use created by this map.

BUDGET IMPACT: None

ATTACHMENT: Resolution

RESOLUTION NO. 2022-___

A RESOLUTION OF THE CITY OF COLUSA PLANNING COMMISSION RECOMMENDING CITY COUNCIL APPROVAL OF A 3-LOT TENTATIVE PARCEL MAP ON APN NO. 017-030-050 AND 077 FOR COLUSA INDUSTRIAL PROPERTIES AND WESCOTT RANCH LLC

WHEREAS, the City has received an application for a tentative parcel map on August 10th, 2022 to subdivide the subject parcels into three lots, and

WHEREAS, the City has established City Ordinance under Section 17 which allows for the subdivision of parcels within the city limits, and

WHEREAS, all procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 et seq., and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 et seq. have been satisfied as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

WHEREAS, the Planning Commission has duly called, advertised and conducted a Public Hearing required by law concerning proposed, extension request; and

WHEREAS, the City of Colusa Planning Commission has considered public and staff input.

NOW, THEREFORE, BE IT RESOLVED by the City of Colusa Planning Commission, that the Planning Commission recommends that the City Council of the City of Colusa adopt a resolution of the City Council of the City of Colusa approving a tentative 3 lot parcel map subject to the city ordinances and zoning.

THE FOREGOING RESOLUTION was duly introduced and passed at a regular meeting of the City of Colusa Planning Commission held on the 14th day of December 2022, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Signed and approved as to form by me on this 14th day of December 2022

ATTEST: _____
Planning Commission Chair, Codorniz

City Manager, Jesse Cain

ATTACHMENT



CITY OF COLUSA

PLANNING DEPARTMENT

MASTER PLANNING APPLICATION

Item 3.

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

STAFF USE ONLY

Date application received: 8-10-22 Received by (Name) Jesse Cain
 Total Fee Deposit Paid \$ 2,500 Cash ☐ Check ☒
 Date Application Deemed Complete: 8-10-20 By: [Signature] Receipt No: 020401 Check # 50659

PROJECT INFORMATION:

Proposed Project Name: Wescott Parcel Map
 Project Address: Wescott Road - Colusa
 Assessor's Parcel Number(s): 217-230-0508 077
 Parcel Size: Square feet: _____ AND Acres: 112.67 Zoning District: SFR & AG

APPLICANT INFORMATION:

Applicant's Name: CIP - Colusa Industrial Properties
 Mailing Address: 50 Sunrise Blvd. Colusa CA 95932
 Daytime phone (530) 458-2118 Fax # _____ E-mail _____
 Signature: _____

OWNER INFORMATION:

Property Owner's Name: CIP & Wescott Ranch LLC
 Mailing Address: 642 5th Street Colusa CA 95932
 Daytime phone #: (530) 458-2118 Fax # _____ E-mail ehulbert@cipcorp.com
 Signature: [Signature] [Signature] BBERTRAM@BARRYVBERTRAM@GMAIL.COM

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

Property Owner Statement

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

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

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

Owner Signature: [Signature]
 Printed Name: Edwin Hulbert

Date: 8/9/22

Owner Signature: [Signature]
 Printed Name: BARRY BERTRAM

Date: 8/9/2022

Property Owner Authorization

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

Owner Signature: *Edwin Hulbert*Date: *8/8/22*Printed Name: *Edwin Hulbert*Authorized Person *BARRY BERTRAM*Applicant's Name: NVESMailing Address: 1547 STARR DRIVE SUITE "J" YUBA CITY CA 95993Daytime phone #: (530) 713-0417 Fax # E-mail *gmusallamp@nvesca.com*Signature: *[Signature]*

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

PROJECT INFORMATION:

Describe the Project:

Subdivide Property into three parcels

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

NA

Provide the following information, if applicable:

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

NA

Proposed phasing plan:

NA

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

NA

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

NA

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

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

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

APPLICATION PROCESSING AND REIMBURSEMENT AGREEMENT

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


TO BE COMPLETED BY APPLICANT:

This Agreement is entered into this _____ day of _____, 20____, by and between the City of Colusa, California, a municipal corporation, ("City,") and _____ ("Applicant") related to the Proposed Project as set forth in more detail below.


1. PROPERTY INFORMATION:

Property Location: Wescott Road in Colusa
Interest of Applicant: CO-Owner

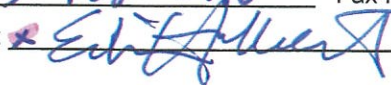
2. APPLICANT CONTACT INFORMATION:

Applicant's Name: Colusa Industrial Properties
Mailing Address: 50 Sunrise Blvd. Colusa CA 95932
Daytime phone #: (530) 458-2118 Fax # _____
E-Mail: ehulbert@cipcorp.com
Signature: 

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

Property Owner's Name: CIP & Wescott Ranch LLC
Mailing Address: 642 5th St. Colusa CA 95932
Daytime phone #: (530) 458-2118 Fax # _____
E-mail: _____
Signature: 

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

Company Name: CIP Attn: Ed Hulbert
Street Address: 50 Sunrise Blvd. Colusa CA 95932
City: Colusa State: CA Zip: 95932
Phone No.: (530) 458-2118 Fax No.: _____
Federal Tax ID No.: 

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

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

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

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

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

APPLICANT

Property Owner's Name: Colusa Industrial Properties
Signature: [Signature]
Date: 8/8/22

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

Property Owner's Name: CIP & Wescott Ranch LLC
Signature: [Signature]
Date: 8/9/2022

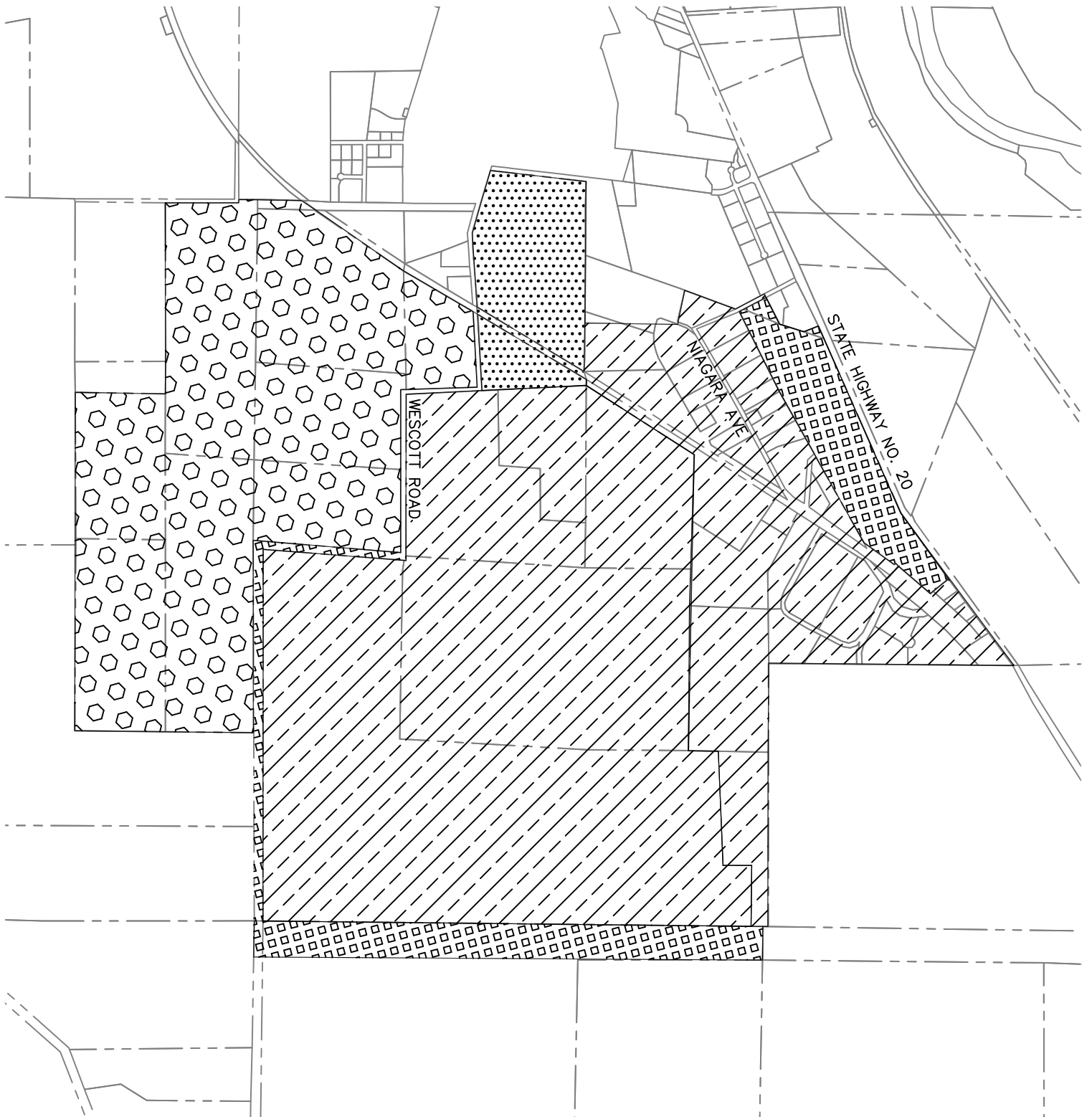
CITY OF COLUSA

By: Jessy Carr
Signature: [Signature]
Date: 8-10-22

EXHIBIT A

PROPOSED GENERAL PLAN LAND USES

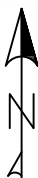
Item 3.



PROPOSED LAND USES LEGEND

	INDUSTRIAL (IND)
	PUBLIC FACILITIES (PF)
	LOW DENSITY RESIDENTIAL (LDR)
	URBAN RESERVE

0 2000 4000 Feet



PROJECT NOTES:

OWNERS:
COLUSA INDUSTRIAL PROPERTIES.
50 SUNRISE BLVD
COLUSA, CA 95932
WESCOTT RANCH LLC
642 5TH STREET
COLUSA, CA 95932

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

ASSESSOR'S PARCEL NUMBER:
APN: 017-030-050 & 077

LOT ACREAGE:
PARCEL ACREAGE AS SHOWN.

EXISTING USE:
RAW CROPS

PROPOSED USE
PARCELS 1 SFR AND OPEN SPACE
PARCELS 2: ACCESS ROAD

EXISTING ZONING:
SFR AND AG

PROPOSED ZONING:
NO CHANGE

BUILDINGS & STRUCTURES:
NONE

WATER, SEWAGE:
CITY OF COLUSA

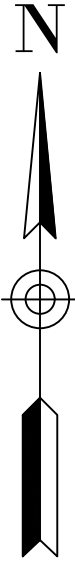
UNDERGROUND ALERT SERVICES:
1-800-642-2444

ELECTRICAL, GAS:
PG&E

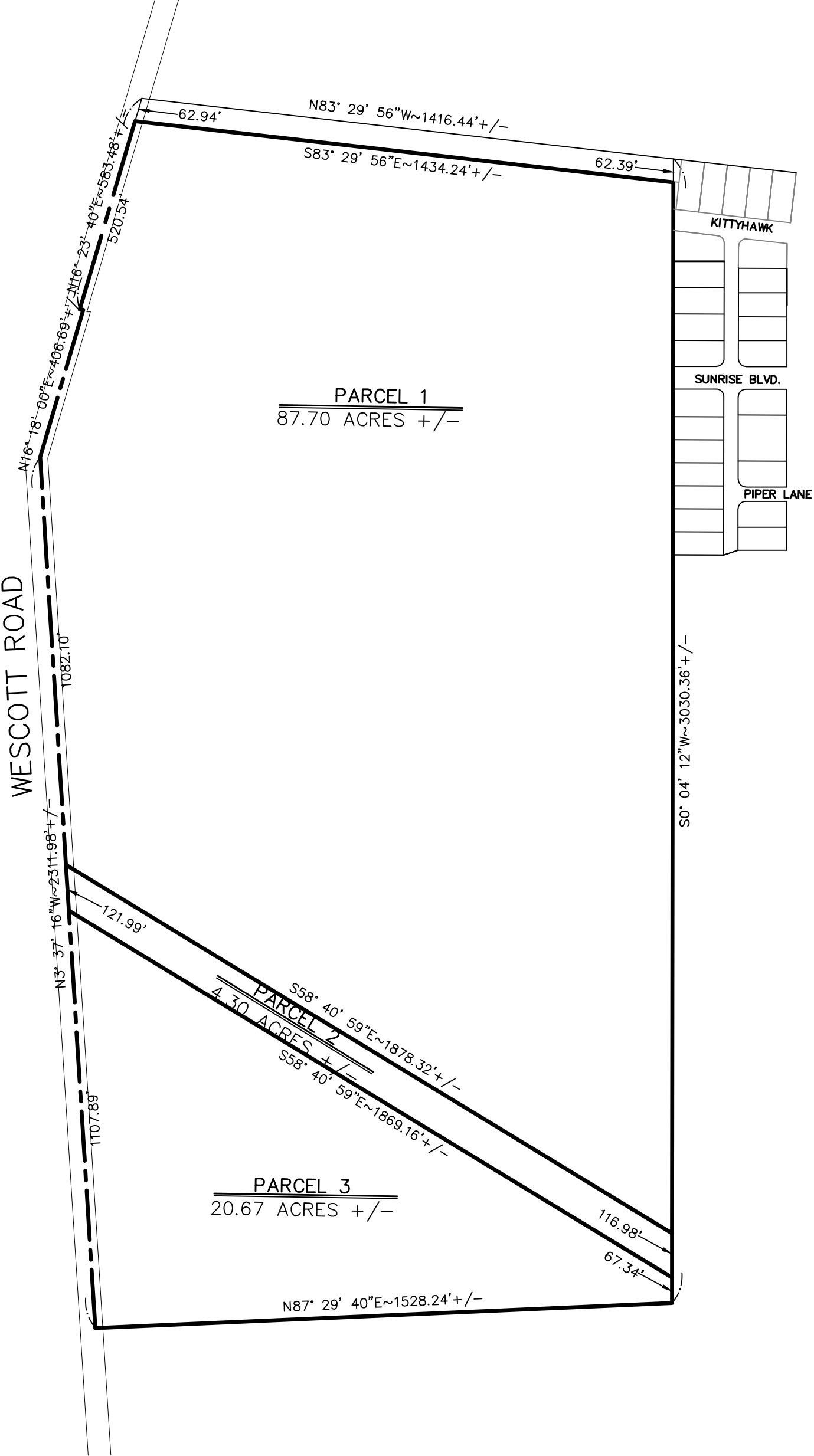
FLOOD PLAIN DESIGNATION:
LOCATED WITHIN FLOOD ZONE X

THE FOLLOWING ARE REQUESTED TO BE
EXEMPT FROM THIS MAP DUE TO NO
PROPOSED CHANGE IN LAND USE:

CONTOURS, CROSS SECTIONS



1"=300'



TENTATIVE PARCEL MAP NO. _____

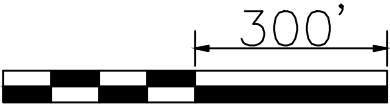
CIP/WESCOTT RANCH LLC

BEING A PORTION OF SECTION 5, T. 15 N., R. 1 W., M.D.B.&M., IN THE COUNTY OF
COLUSA, IN THE STATE OF CALIFORNIA.

JULY, 2016

PAGE 1 OF 1

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





CHAPTER 12F. CANNABIS FACILITIES REGULATORY PERMIT.

Sec. 12F-1. Purpose and intent.

Cannabis ~~manufacturing~~ facilities shall be permitted, in accordance with the criteria and procedures set forth in this Code, upon application and approval of a regulatory permit pertaining to the operation of the facility. Prior to obtaining a regulatory permit under this chapter, all applicants must obtain and maintain a cannabis manufacturing special use permit pertaining to the location of the facility, or show proof of a business relationship as a tenant or subcontractor of an entity holding a cannabis manufacturing special use permit, which has been validly issued by the city per the Code.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-2. Cannabis ~~manufacturing~~ facilities. **business**

Cannabis ~~manufacturing~~ **business** facilities permitted under this chapter include facilities where cannabis is manufactured into cannabis products, tested, and distributed, and the associated activities of planting, growing, harvesting, trimming and grading, and transporting cannabis, subject to the provisions of the Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code Sections 11362.7 through 11362.83), the California Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued in August, 2008, the Medical Marijuana Regulation and Safety Act (AB 243, AB 266, and SB 643), and all other state laws pertaining to cultivating cannabis.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-3. Regulatory permit required.

- A. Prior to initiating operations and as a continuing requisite to operating a cannabis ~~manufacturing~~ facility, the legal representative of the persons wishing to operate a cannabis manufacturing facility shall first obtain a regulatory permit from the city manager or designee under the terms and conditions set forth in this chapter. The legal representative shall file an application with the city manager or designee upon a form provided by the city and shall pay an application fee as established by resolution adopted by the city council as amended from time to time. An application for a regulatory permit shall include, but shall not be limited to, the following information:
- B. The initial regulatory permit application period for cannabis ~~manufacturing~~ facilities will not begin until either the city council approves a development agreement for the site, an operations agreement for a site, or until after the effective date of an approved ballot measure authorizing the taxation of commercial cannabis cultivation, manufacturing, distribution, testing, or transportation facilities in the city.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-4. Cannabis manufacturing regulatory permit application and responsible party designation.

- A. Application. Applications for regulatory permits shall be filed by the proposed business owner(s) with the city manager or designee and include the information set forth herein. The city manager or designee may request such information he or she deems necessary to determine who the applicant is. The applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct. The application shall contain the following items for the business owner, operator and all responsible parties known at the time (if different than the business owner), and any other party designated below, to the extent the same shall apply:
1. The full name, present address, and telephone number, including such information to the premises owner.
 2. Date of birth.
 3. Tax identification number.
 4. The address to which notices relating to the application is to be mailed.
 5. Previous addresses for the five years immediately preceding the present.
 6. The height, weight, color of eyes and hair.
 7. Photographs for identification purposes (photographs shall be taken by the police department).
 8. All business, occupation, or employment for the five years immediately preceding the date of submittal of the application form.
 9. The cannabis operation business history, including whether the business owner and responsible parties while previously operating in this or another city, county or state has had a cannabis related license revoked or suspended, the reason therefor, and the business or activity or occupation subsequent to such action of suspension or revocation.
 10. Complete property ownership and lease details, where applicable. If the business owner is not the premises owner, the application form must be accompanied with a notarized acknowledgment from the premises owner that cannabis operations will occur on its property.
 11. A descriptive business plan for the cannabis operation, including a detailed list of all cannabis manufacturing operations and activities proposed to occur on the premises.
 12. A diagram and floor plan of the entire premises, denoting all the use of areas proposed for cannabis operations, including, but necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
 13. The name or names of the operator. The operator shall designate one or more responsible parties, one of which shall at all times be available as a point of contact for the city, twenty-four hours per day. The contact information and schedule of the operator and responsible parties shall be provided to the city manager or designee and updated within twenty-four hours of any changes.
 14. The proposed security arrangements for insuring the safety of persons and to protect the premises from theft.

15. An accurate straight-line drawing prepared within thirty days prior to the application depicting the building and the portion thereof to be occupied by the cannabis operation and the property line of any school as set forth in the operational requirements.
 16. Authorization for the city, its agents and employees to seek verification of the information submitted.
- B. Improper or Incomplete Application. If the applicant has completed the application improperly, or if the application is incomplete, the city manager or designee shall, within thirty days of receipt of the original application, notify the applicant of such fact.
 - C. Changes in Information. Except as may otherwise be provided, the information provided in this subsection shall be updated to the city manager or designee upon any change within ten days.
 - D. Other Permits or Licenses. The fact that an applicant possesses other types of state or city permits or licenses does not exempt the applicant from the requirement of obtaining a regulatory permit.
 - E. Term of Permits and Renewals. Regulatory permits issued under this chapter shall expire one year following the date of issuance. Applications for renewal shall be made at least forty-five days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the city manager or designee shall renew annual permits for additional one-year periods if the circumstances and information provided with the initial application have not materially changed.
 - F. Grounds for Denial of Regulatory Permit. The grounds for denial of a regulatory permit shall be one or more of the following:
 1. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule or regulation.
 2. The business owner or operator has been issued a local or state permit related to cannabis operations in any other location in California, or another state, and that permit was suspended or revoked, or the business owner or operator has had disciplinary action relating to the permit.
 3. The business owner or operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
 4. Consistent with the Act or other applicable state law, the business owner or operator, or any responsible person, has been:
 - a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 - b. Convicted of any of the offenses listed in Business and Professions Code section 19323; or
 - c. Convicted of a misdemeanor involving moral turpitude as defined under state law (generally crimes relating to theft and dishonesty) within the five years preceding the date of the application; or
 - d. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a certificate of rehabilitation as defined in the Act; or
 - e. Has engaged in misconduct related to the qualifications, functions and duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a state license under the Act.
 - f. A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

5. Consistent with the Act or other applicable state law, the business owner or operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The business owner or operator is under eighteen years of age, or any older other age set by the state.
7. The cannabis operation does not comply with the zoning ordinance standards of the City of Colusa.
8. The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

G. Notice of Decision and Final Action.

1. Regulatory Permit. Action on the regulatory permit shall be as follows:
 - a. The city manager or designee shall cause a written notice of his or her recommendation on the issuance or denial of a regulatory permit, and the date and time when the city council will consider action on the regulatory permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
 - b. Following a public hearing before the city council, the council may grant the regulatory permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the regulatory permit for any of the grounds specified in this section. The decision of the council shall be final, subject to judicial review below.

H. Suspension and Revocation of Regulatory Permit.

1. Regulatory Permit. The city council may suspend or revoke the regulatory permit of a commercial cannabis operation when any of the following occur:
 - a. The cannabis operation is conducted in violation of any provision of this section, the Act, or any other applicable state law.
 - b. The cannabis operation is conducted in such a manner as to create a public or private nuisance.
 - c. A failure to pay the regulatory fee required by this section.
 - d. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside or outside the premises, traffic control problems, or obstruction of the operation of another business.
 - e. A failure to comply with the terms and conditions of the regulatory permit or any cannabis manufacturing special use permit issued in connection therewith.
 - f. Any act which would be considered grounds for denial of the regulatory permit in the first instance.
2. Procedures for Revoking Regulatory Permits. For regulatory permits, the procedures for revoking cannabis manufacturing special use permits shall be utilized except that the matter shall be heard by the city council in the first instance, and shall be subject to the same judicial process as applied to a cannabis manufacturing special use permit.
3. Immediate Suspension. The city manager or designee may immediately suspend or revoke a regulatory permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:
 - a. The business owner or operator is convicted of a public offense in any court for the violation of any law which relates to the cannabis operation.

- b. The city manager or designee determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The city manager or designee shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.
- I. Effect of Denial or Revocation. When the city council shall have denied a regulatory permit or revoked a regulatory permit, no new application for a regulatory permit shall be accepted and no regulatory permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one year after the action denying or revoking the regulatory permit.
- J. Abandonment. In addition to the suspension or revocation of a regulatory permit, a regulatory permit shall be deemed abandoned if cannabis operations cease for a period of more than ninety consecutive days. Before restarting operations, a new regulatory permit shall be secured. The ninety-day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor; materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-5. Limitations on city's liability.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever, with respect to approving any regulatory permit pursuant to this chapter or the operation of any cannabis manufacturing facility approved pursuant to this chapter. As a condition of approval of a regulatory permit as provided in this chapter, the applicant or its legal representative shall:

- A. Execute an agreement indemnifying the city from any claims, damages, etc., associated with the operation of the cannabis manufacturing facility;
- B. Maintain insurance in the amounts and of the types that are acceptable to the city manager or designee;
- C. Name the city as an additionally insured on all city required insurance policies;
- D. Agree to defend, at its sole expense, any action against the city, its agents, officers, and employees related to the approval of a regulatory permit; and
- E. Agree to reimburse the city for any court costs and attorney fees that the city may be required to pay as a result of any legal challenge related to the city's approval of a regulatory permit. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-6. Additional terms and conditions.

Based on the information set forth in the application, the city manager or designee may impose reasonable terms and conditions on the proposed operations of the cannabis manufacturing facility in addition to those specified in this chapter.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-7. Hours.

All cannabis manufacturing shall be allowed to operate per the requirements of the underlying zone district and subject to the city's noise and nuisance ordinances.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-8. Cannabis secured.

All cannabis and cannabis products shall be kept in a secured manner during business and non-business hours.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-9. Consumable cannabis products.

Cannabis operations that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate approvals from the state department of public health for the provision of food or other comestibles, unless otherwise governed by the Act and licensed by the state.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-10. Taxes to be paid.

All cannabis ~~manufacturing~~ facilities must pay any applicable sales tax or other tax imposed pursuant to federal, state, and local law.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-11. Point of sale system.

Cannabis ~~manufacturing~~ facilities shall have an electronic point of sale system that produces historical transactional data for review by the city manager or designee for auditing purposes.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-12. Odor control. (551_21.10_updates and addition of point 3 and 3b)

Cannabis ~~manufacturing~~ facilities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the cannabis manufacturing facility that is distinctive to its operation is not detected outside the cannabis manufacturing facility, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the cannabis manufacturing facility. As such, cannabis manufacturing facilities must install and maintain the following equipment or any other equipment which the city manager or designee determines has the same or better effectiveness:

- A. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

- B. An air system that creates negative air pressure between the cannabis manufacturing facility's interior and exterior so that the odors generated inside the cannabis manufacturing facility are not detectable outside the cannabis manufacturing facility.

C. A City issued Certificate of Occupancy approving installed odor absorbing ventilation, proper exhaust air filtration system, and any other odor control equipment, is required before Cannabis operations commence.

(1) Any Cannabis business that was existing, open and operating within the City as of December 1, 2017, will file an application with the City for a Certificate of Occupancy within 90 days after the adoption of this article. The Certificate of Occupancy constitutes a revocable privilege, which shall be subject to revocation/suspension of any issued Cannabis Use Permits.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-13. Records.

- A. All cannabis manufacturing facilities shall perform an inventory on the first business day of each month and shall record the total quantity of each form of cannabis on the premises. These records shall be maintained for two years from the date created and shall be made available to the city manager or designee upon request.
- B. Register of Employees. The operator shall maintain a current register of the names of persons required to have employee permits. The register shall be available to the city manager or designee at all times immediately upon request.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-14. Community relations.

Each cannabis manufacturing facility shall provide the city manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the city can provide notice if there are operating problems associated with the cannabis manufacturing facility or refer members of the public who may have any concerns or complaints regarding the operation of the cannabis manufacturing facility. Each cannabis manufacturing facility shall also provide the above information to its business neighbors located within one hundred feet of the cannabis manufacturing facility as measured in a straight line without regard to intervening structures, between the front doors of each establishment.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-15. Compliance.

All cannabis manufacturing facilities and their related collectives or cooperatives shall fully comply with all the provisions of the Compassionate Use Act of 1996, the Medical Marijuana Program Act, the 2008 Attorney General Guidelines, the Medical Marijuana Regulation and Safety Act (AB 243, AB 266, and SB 643), all applicable

provisions of this Code, and any specific, additional operating procedures and measures as may be imposed as conditions of approval of the regulatory permit.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-16. Inspections and enforcement.

- A. Recordings made by security cameras at any cannabis manufacturing facility shall be made immediately available to the police chief upon verbal request; no search warrant or subpoena shall be needed to view the recorded materials.
- B. Subject to provisions of the regulatory permit regarding the use and handling of confidential information below, the permittee shall provide IP access for remote monitoring of security cameras by the Colusa Police Department or department designee.
- C. The city manager or designee shall have the right to enter all cannabis manufacturing facilities from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this chapter.
- D. Operation of the cannabis manufacturing facility in non-compliance with any conditions of approval or the provisions of this chapter shall constitute a violation of the Municipal Code and shall be enforced pursuant to the provisions of this Code.
- E. The city manager or designee may summarily suspend or revoke a medical cannabis regulatory permit if any of the following, singularly or in combination, occur:
 - 1. The city manager or designee determines that the cannabis manufacturing facility has failed to comply with this chapter or any condition of approval or a circumstance or situation has been created that would have permitted the city manager or designee to deny the permit under Section 5.68.090;
 - 2. Operations cease for more than ninety calendar days, including during change of ownership proceedings;
 - 3. Ownership is changed without securing a regulatory permit;
 - 4. The cannabis manufacturing facility fails to maintain two hundred forty continuous hours of security recordings; or
 - 5. The cannabis manufacturing facility fails to allow inspection of the security recordings, the activity logs, or the premises by authorized city officials.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-17. Confidentiality statement.

The city, police chief, police department employees, and any other law enforcement official acting under the direction of the police chief who access the premises and video and/or audio feeds or recordings of the premises ("recipients") may receive or be provided with confidential information relating to the cannabis operations, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "confidential information").

To the extent confidential information is acquired without a warrant from access to the premises and video and/or audio feeds or recordings as authorized under this section, the recipients shall, to the maximum extent possible, keep such confidential information confidential and not disclose the confidential information to any third parties. Provided, however, that the recipients may disclose confidential information to the state or federal courts

in California in connection with any criminal law enforcement action against the business owner or operator, (including its employees, contractors and agents conducting business within the premises) arising from or related to the cannabis operations, but only to the extent it is necessary and relevant to such criminal prosecution, and the recipients shall file any such documents under seal to the extent they contain any confidential information.

Notwithstanding the foregoing, the city may disclose confidential information:

- A. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the city shall notify the operator and provide the operator with a reasonable opportunity to obtain a protective order before disclosing the confidential information.
- B. In connection with any city enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the confidential information is relevant to the proceeding.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-18. Permits not transferable.

Regulatory permits issued pursuant to this chapter are not transferable.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-19. Violations.

- A. Any violation of any of the provisions of this chapter **or article 21** is unlawful and a public nuisance.
- B. Any violation of any of the provisions of this chapter shall constitute a misdemeanor violation and upon conviction thereof any violation shall be punishable by a fine not to exceed one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- C. In lieu of issuing a misdemeanor citation, the city may issue an administrative citation, and/or assess an administrative fine of up to one thousand dollars for each violation of this chapter pursuant to the procedures set forth in Title 3.
- D. A separate offense occurs for each day any violation of this chapter is continued and/or maintained.
- E. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Sec. 12F-20. Definitions.

"Act" means the Medical Marijuana Regulation and Safety Act, now called the Medical Cannabis Regulation and Safety Act. Both names may be used interchangeably, but shall have the same meaning.

"AUMA" means the Adult Use Of Marijuana Act, approved by California voters in November 2016, with the express purpose to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age twenty-one and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

"Applicant" means a person who is required to file an application for a permit under this article.

"Business owner" means the owner(s) of the cannabis manufacturing operation. For corporations and limited liability companies, business owner means the president, vice president, and any shareholder owning a ten percent or greater share of the corporation or company. For partnerships, business owner means all general partners and managing partners.

"Cannabis" or "marijuana" shall have the meaning set forth in California Business and Professions Code section 19300.S(f). Cannabis and marijuana may be used interchangeably, but shall have the same meaning.

"City" means the City of Colusa.

"Cannabis manufacturing facility" or "cannabis operation(s)" means a cannabis manufacturing facility where cannabis is planted, grown, harvested, dried, cured, graded, trimmed, manufactured into cannabis products, tested, distributed, or transported.

"Cannabis manufacturing regulatory permit" or "regulatory permit" means the permit required under Article 21.5 and Chapter 12F of this Code to operate a cannabis manufacturing facility, or to undertake any subcomponent of cannabis manufacturing which is done within the cannabis manufacturing facility by a subcontractor or tenant of the holder of a cannabis manufacturing special use permit.

"Operator" means the business owner and any other person designated by the business owner as responsible for the day to day cannabis operations.

"Police chief" means the police chief of the City of Colusa or his or her designee.

"Premises" or "site" means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used by the business owner in connection with the cannabis operations.

"Premises owner" means the fee owner(s) of the premises where cannabis operations are occurring.

"Responsible party" shall mean the business owner, operator, manager(s), and any employee having significant control over the cannabis operations.

(Ord. No. 519, § 8(Exh. B), 7-18-2017)

Limitation on the Number of Cannabis Dispensaries

Cannabis Dispensaries.

1. Initial Maximum Amount of Cannabis Dispensary Permits. Upon the effective date of this provision, the City Council may issue a maximum of up to one (1) cannabis business permit to a qualified cannabis dispensary at any one given time. The permit shall be issued in accordance with the application and permit approval process contained in this Chapter 12F and resolutions adopted pursuant to this Chapter. The cannabis dispensary must obtain a cannabis regulatory permit from the City before commencing operations, must be in compliance with all applicable state and federal laws pertaining to its operation, including obtaining all necessary licenses from the state, and shall comply with all applicable operational and zoning requirements set forth in the City of Colusa Municipal Code. Nothing in this Chapter creates a mandate that the City Council must issue one or more cannabis business permit to a cannabis dispensary if the City Council determines that there are no qualified applicants, the proposed locations for cannabis businesses are incompatible with neighboring land uses, or if the City Council determines that the issuance of a cannabis dispensary would have a negative effect on the health, safety, or welfare of the citizens or businesses of the City of Colusa, or for any other reason allowed by law.
 - (a) City Council Review and Increased Maximum Number of Cannabis Dispensaries to be Issued. Eighteen (18) months after the first cannabis business permit for a dispensary is issued, the City Manager shall deliver a report to the City Council during a regular meeting which examines the positive and negative impacts that the cannabis dispensary has had on the community during the preceding twelve (12) months. The report shall include, among other things, an analysis of how the cannabis dispensary has complied with state and local regulations, any positive or negative community and law enforcement impacts, and any revenue generated. If after hearing the report the City Council makes a determination that there are no significant consequences of allowing cannabis dispensaries to operate in the City, the City Council at its sole discretion may vote to expand the number of authorized cannabis dispensary permits to be issued up to a maximum of two (2). If the City Council takes no action, or finds that the impacts are unacceptable, then the maximum number and type of cannabis dispensaries authorized shall continue to be limited to one (1) as provided is subdivision (a) above.
2. All Other Cannabis Businesses. The Planning Commission may issue permits to other qualified cannabis business owners or operators to operate cannabis cultivation, manufacturing, distribution, transporting, or testing laboratory businesses within the City of Colusa through the application and permit approval process contained in this Chapter 12F, Zone Article 21, and resolutions adopted pursuant to this Chapter. All cannabis businesses must obtain a cannabis regulatory permit from the City before commencing operations, must be in compliance with all applicable state and federal laws pertaining to its operation, including obtaining all necessary licenses from the state, and shall comply with all applicable operational and zoning requirements set forth in the City of Colusa Municipal Code. Nothing in this Chapter creates a mandate that the Planning Commission or the City Council must issue one or more cannabis business permit to a cannabis cultivator, manufacturer, distributor, transporter, or testing laboratory if the Planning Commission or the City Council determines that there are no qualified applicants, the proposed locations for cannabis businesses are incompatible with neighboring land uses, or if the Planning Commission or the City Council determines that the issuance of a cannabis business permit would have a negative effect on the health, safety, or welfare of the citizens or businesses of the City of Colusa, or for any other reason allowed by law.

Application for Cannabis Business Permit: Renewal Applications; and Effect of Revocation or Suspension of State License.

A. Initial Application Procedure.

1. The City Council shall adopt by resolution the procedures which will govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any cannabis business permit(s). The resolution shall authorize the City Manager or his or her designee to prepare the necessary forms, adopt any necessary rules, regulations and processes, solicit applications, conduct initial evaluations of the applicants, and to ultimately provide a final recommendation to the City Council of the top three (3) applicants for consideration.
2. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.
3. After the initial review the City Manager or his designee will make a recommendation to the City Council, and the City Council shall make a final determination in accordance with the selection procedure set forth in the Resolution adopted by the City Council.

B. The City's Reservation of Rights:

The City reserves the right to reject any or all applications. The City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided a failure to comply with other requirements in this Chapter, an application RISKS BEING REJECTED for any of the following reasons:

1. Proposal received after designated time and date.
2. Proposal not containing the required elements, exhibits, nor organized in the required format.
3. Proposal considered not fully responsive to this request for permit application.
4. Proposal contains excess or extraneous material not called for in the request for permit application.

C. Expiration of Cannabis Business Permits. A cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. cannabis business permits may be renewed as provided in subsection D below.

D. Revocation of Permits. Cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to this Chapter 12F or Article 21

E. Renewal Applications.

1. An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
 2. The renewal application shall contain all the information required for new applications.
 3. The applicant shall pay a fee in an amount to be set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.
 4. An application for renewal of a cannabis business permit shall be rejected if any of the following exists:
 - a. The application is filed less than sixty (60) days before its expiration.
 - b. The cannabis business permit is suspended or revoked at the time of the application.
 - c. The cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter as existing at the time the original permit was issued, including separation of the location from sensitive uses.
 - d. The permittee fails or is unable to renew its State of California license.
 - e. If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, or the City's Municipal Code as existing at the time the original permit was issued, including separation of the location from sensitive uses, or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the cannabis business permit.
 5. The City Manager or his designee is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the City Manager or his designee is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the City Manager or his designee shall be handled pursuant to Section 9.22.060 entitled "Appeals."
 6. If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.
- F. Effect of state license suspension, revocation, or termination. Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall also revoke or terminate the ability of a cannabis business to operate within the City of Colusa

Application Resolution:

APPLICATION PROCEDURE

FOR MEDICAL CANNABIS BUSINESS PERMIT (OTHER THAN DISPENSARIES)

The application process for a permit to operate a Cannabis Business (other than dispensaries) including cannabis cultivation, manufacturing, distribution and testing laboratories (“MCB”) in the City of Colusa is now open. Applications will be processed on a first come, first served basis, and will be accepted on a rolling basis. Applications will be available at the Colusa City Hall, 425 Webster Street, Colusa, CA 95932, or my request to City Manager (citymanager@cityofcolusa.com)

BEFORE YOU APPLY:

- Review the information to learn about the application process and which documents you will need.
 - Review the application in its entirety to ensure that it is complete and accurate.
- City of Colusa Municipal Code Chapter 12F which contains the City regulations on Cannabis Businesses.
 - Local Zoning Ordinance Chapters 21 and 33.
 - State Background Check Form and Live Scan Form.
 - State laws governing cannabis, including the Medicinal and Adult-Use Cannabis Regulation and Safety Act.
 - The California Department of Justice Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use and Senate Bill 420 (Medical Marijuana Program Act).

GENERAL INFORMATION:

1. Application Process: The selection process shall consist of the following steps:

- Staff determination of application completeness.
- Background checks verification.
- Staff review and public noticing.
- Planning Commission Meeting for determination of permit.

For more information, see Evaluation and Selection Process below.

2. Criminal History Check: Each individual applying to be a principal of the cannabis business (“Principal”) must undergo a criminal history check. Until City receives clearance to receive federal background check results, applicants must submit to a state background check and then once the City receives federal clearance, applicants must also complete the Live Scan background check process. The Planning Commission is authorized to issue a cannabis regulatory permits after an applicant passes the stat background check, but before the applicant completes the Live Scan process, provided that the permit issued is contingent on the applicants’ passing the Live Scan background check. Should an applicant with a permit fail the Live Scan background check, the permit will immediately and automatically be revoked and the operating must cease operations immediately upon being notified by the City that the applicant failed the background check.

The Live Scan process involves submitting fingerprints to the DOJ/FBI, which will review for criminal offender record information (CORI). CORI reports will be provided to the Nevada City Police Department for the sole purpose of determining eligibility for operating a Medical Cannabis Dispensary. See CMC Section 21 for background check requirements. The City may deny a permit application if the applicant has been convicted of a crime listed in California Business and Professions Code section 19323.

3. Zoning Verification Letter: Applicants will be required to identify by Assessor’s Parcel Number (APN), and address (where available), the property they intend to use for their proposed MCB. Applicants must also obtain and pay all applicable fees for obtaining a “Zoning Verification Letter” for that property from the City of Colusa Planning Department. The purpose of the Zoning Verification Letter is to ensure that the property the applicant is applying for meets local requirements or has submitted a completed application to the City Planning Department for a qualifying rezone. The fee for the Zoning Verification Letter is included in the application fee. Please note that the issuance of a “Zoning Verification Letter” does not constitute written evidence of any kind of permission being given by the City of Colusa, and it does not convey any right to operate a cannabis business in the City. Final decisions on the issuance of permits will be made by the Planning Commission following the approved application procedure process. The issuance of a Zoning Verification letter is not a “permit” within the meaning of the Permit Streamlining Act, nor does it constitute an entitlement of any kind under the City’s Zoning or Building Code. A regulatory permit for the purpose of regulating a cannabis business does not constitute a permit that runs with the land on which the cannabis business is established. Request for Zoning Verification Letters require a written request to the Planning Department and will not be completed over the counter.

4. Application: Applicants must hand deliver two (2) complete comprehensive and signed copies of the City of Colusa Cannabis Regulatory Permit Application Form, and all attachments, if any, and payment of **\$5,000.00** for the initial application fee (Payment must be made by a certified check, cashier's check or money order made payable to the City of Colusa. Application Fees are non-refundable.

A complete application will consist of the following information:

- a. City of Colusa Cannabis Regulatory Permit Application Form;
2. Proof of completion of background check application (either state background check or Live Scan submittal and payment for each of the Principals, whichever is applicable);
3. Zoning Verification Letter; and
4. All of the information about the cannabis business which is described in the application and Evaluation Process section below in this procedure.
5. Payment of the application fee.

5. Public Meeting: Completed application, once principals pass background checks and staff has had adequate time to review and make a recommendation, will schedule each application for a public meeting in front of the Planning Commission that will be held at the City of Colusa Council Chambers located at 425 Webster Street, Colusa, California. Notice of this meeting will be provided by the City to any affected parcels located within 300 feet of the proposed location for each of the top three (3) applicants in each category, in accordance with CMC Section 12F/Article 21. The cost of providing this notification must be paid by the applicants before the Planning Commission hearing to consider the application takes place. Applicants are notified that, they will be required to separately purchase the radius map and labels for the public meeting. Labels and radius map are required at least twenty-four (24) days prior to the date of the public meeting. Staff will prepare and mail out the notice. Applicants will be required to pay \$15 per mailing and \$100 for preparation of the notice.

EVALUATION AND SELECTION PROCESS:

Step 1: Determination of Eligibility and Application

Each Principal must undergo a criminal history check by obtaining a background check through either the state background check process and Live Scan process or only the Live Scan process depending on whether the FBI has granted City access to federal background check results by the time the application is submitted. The City will deny a permit application if the applicant has been convicted of a crime listed in California Business and Professions Code section 19323.

Applications must be complete to be considered. Complete application will contain the following information:

1. Proposed location of business and Zoning Verification Letter;
2. Business and Parking Plan;
3. Environmental Benefits (energy/water efficient practices, disposal methods;
4. Labor & Employment;
5. Local Enterprise;

6. Neighborhood Compatibility Plan;
7. Community Benefits;
8. Qualifications of Principals; and
9. Safety and Security Plan.

Step 2: Staff and Planning Commission Review

Once the principals pass the background check, City staff including the Police Chief, Fire Chief, Building Official, City Engineer, City Manager, City Planner and an attorney from the City Attorney's Office will review the application in order to make a recommendation to the Planning Commission about whether the application should be approved. The Planning Commission will also be given the application to allow adequate time for their review.

Step 3: Notice & Planning Commission Meeting to Consider Application

Once staff and the Planning Commission have completed their review of the application, planning staff will schedule the application for consideration at a Planning Commission meeting and will notify property owners within 300 feet of the proposed business location, as required by Chapter 12F/Article 21 of the Colusa Municipal Code.

The Planning Commission will hold a public meeting at a regular Planning Commission meeting as scheduled by the planning department, and will make a determination as to whether to approve, deny, or continue the application. If the Planning Commission approves the application for a cannabis regulatory permit, it will be contingent on the applicant obtaining all other land use entitlements necessary to begin operations, including any required environmental review.

The City's Reservation of Rights

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Furthermore, a proposal **RISKS BEING REJECTED** for any of the following reasons:

1. Proposal not containing the required elements, exhibits, nor organized in the required format.
2. Proposal considered not fully responsive to this request for a permit application.
3. Proposal contains excess or extraneous material not called for in the request for permit application.

