

ORDINANCE NO. 567

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA ADDING APPENDIX A – ARTICLE 41.5 OF THE COLUSA MUNICIPAL CODE AND FINDING THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, On December 1, 2020, The City of Colusa adopted the 2020-2028 Housing Element of the Colusa General Plan

WHEREAS, In 2021 the California Department of Housing and Community Development certified the City's six-cycle Housing Element; and

WHEREAS, The Housing Element Program H-2 directs the City to amend the Municipal Code to comply with Assembly Bill (AB) 1397 (2017) to allow ministerial approval for housing projects where at least twenty percent of the units are affordable to lower income household on parcels identified on the Table – 9.5-2 - Inventory of Vacant Lands.

WHEREAS, the attached Ordinance (Exhibit I) adds Appendix A – Article 41.5 to the Colusa Municipal Code to allow ministerial review of housing projects that are consistent with AB 1397 (2017); and

WHEREAS, On January 8, 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 the Housing Element and are necessary and desirable

to implement the provisions above and to be in compliance with AB 1397, by allowing ministerial review of housing projects that meet certain criteria. This ordinance effectuates and implements Housing Program H-2, Section “H”

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 affordable housing projects on site that were previously evaluated for their ability to accommodate affordable housing. 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 b as it does not alter or revise the type of intensity of allowed uses and ensures that the provisions thereof are consistent with the City’s Housing Element.

Section 4 Code Amendment. Article 41.5 is hereby added in its entirety to Appendix A – Zoning of the Colusa Municipal Code to read as follows:

Article 41.5 – By Right Housing Projects

- A. Purpose and Intent. It is the purpose of this section to facilitate the development of qualifying affordable housing units by implementing Program H-2 H from the City of Colusa 2020-2028 Housing Element and to codify the statutory requirements found in the California Government Code section 65583.2(c) governing the same.
- B. Applicability. This section applies to the following sites listed in Table – 9.5-2 Inventory of Vacant Lands and identified as Assessor’s Parcel Numbers (APNs); 017-130-079, 017-130-080, 001-084-015, 001-126-002, 001-203-002, 001-551-046, 001-351-047, 001-351-048, 002-070-012, 002-070-014, 002-110-014, 002-110-020, 002-110-021, 002-160-037, 002-170-002, 002-170-005, 002-170-006, 002-260-010, 002-280-004, 002-300-037, 002-320-006, 015-165-008, 015-165-009, 015-200-053, 015-200-072, 015-230-042, 015-320-038, 001-061-003, 001-072-006, 001-076-004, 001-084-002, 001-145-007, 001-183-013, 001-184-014, 001-191-011, 001-191-012, 001-254-007, 001-296-017, 001-304-005, 001-305-013, 001-305-014, 001-306-008, 001-151-009, 001-203-002, 002-120-027, 002-120-028, 002-120-026 and 002-120-029.

- C. Effect. Residential projects allowed as a use by right under this section shall be exempt from discretionary review and any corresponding discretionary permits that would otherwise be required by the Colusa Municipal Code. For purposes of this section “use by right” has the same meaning as provided in Government Code section 665832.2(i).
- D. Requirements. A proposed owner-occupied or multifamily residential project shall be allowed as a use by right under this section if all the of the following requirements are satisfied:
1. The project is located on a site listed in subsection (B) above.
 2. The project complies with all applicable objective City policies and development standards established in the General Plan or Development Code, or design standards, if adopted. Where there is conflict between other City requirements and this section, the provisions of this section apply.
 3. At least 20 percent of the units are affordable to lower income households in accordance with Government Code section 65583.2(c).

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 its meeting held on March 4, 2025, by the following vote:

AYES: Ponciano, Markss, Conrado and Codorniz.

NOES: None.

ABSENT: Vaca.

RYAN CODORNIZ, MAYOR

ATTEST:

Shelly Kittle, City Clerk