

**ORDINANCE NO. 488**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA  
APPROVING A TIER 1 DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF COLUSA AND COLUSA CROSSINGS, LLC**

The City Council of the City of Colusa does ordain as follows:

**Section 1. Recitals**

**WHEREAS**, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, et seq., of the Government Code (the "Development Agreement Statute"), which authorizes the City and any person having a legal or equitable interest in the real property to enter into a development agreement, establishing certain development rights in the property which is the subject of the development project application; and

**WHEREAS**, the development application for the Colusa Crossings, LLC project ("Project") was submitted to the City of Colusa in March 2010. Since that time, the City has been in the process of evaluating the Project in accordance with Government Code section 65451; and

**WHEREAS**, the Project is a 325.5-acre Annexation, Pre-zoning and a Tier 1 Development Agreement supporting a combination of commercial, park & recreational, and school uses; and a broad range of residential uses and associated infrastructure and roads on an approximately 310-acre portion of the Project site in the City of Colusa. The Project includes between 180 to 210 acres of Low Density Residential land; 13 acres of Medium Density land; 10 acres of High Density land; 25 acres of Commercial land; 21 to 51 acres of Park land; 21 acres of Open Space land; and 10 acres of Elementary School land.

**WHEREAS**, the Project will, following approval of additional land use entitlements, ultimately be developed with new roadway and utility infrastructure; and

**WHEREAS**, the City of Colusa General Plan Master Environmental Impact Report (MEIR) was certified, and a subsequent initial study environmental document was prepared for the Project in accordance with the requirements of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the current proposal is to process the Project in two separate phases or "Tiers" of development approvals. The Tier 1 entitlements include a Tier One Development Agreement for Colusa Crossings, LLC, annexation and Pre-zoning of the Project ("Initial Entitlements"); and

**WHEREAS**, in accordance with Government Code sections 65854 and 65867, the City of Colusa Planning Commission ("Planning Commission") held a noticed, public hearing on

November 28, 2012 to consider the Project and the Project applicant's requested approvals, including the Tier 1 Development Agreement with Colusa Crossings, LLC; and

**WHEREAS**, the public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091; and

**WHEREAS**, during the public hearing, the Planning Commission considered a written staff report on the Tier 1 Development Agreement, the Initial Entitlements, and an environmental determination the Project, and all other oral and written comments presented to them; and

**WHEREAS**, following the conclusion of the public hearing, the Planning Commission voted to recommend to the City Council approval of the Tier 1 Development Agreement, and an environmental determination the Project; and

**WHEREAS**, in accordance with Government Code section 65355, the City of Colusa City Council held a noticed, public hearing on February 5, 2013, to consider the Project, the Project applicant's requested Tier 1 approvals, including a Tier 1 Development Agreement, and the Initial Entitlements, in accordance with Government Code section 65867, the recommendation of the Planning Commission; and

**WHEREAS**, the public hearing was noticed in accordance with the requirements set forth in Government Code section 65090 and 65091; and

**WHEREAS**, during the public hearing, the City Council considered a written staff report on the Project, and all other oral and written comments presented to them; and

**WHEREAS**, on February 5, 2013, the City of Colusa City Council, pursuant to Resolution No. 13-02 considered the Colusa Crossings, LLC Initial Study, and determined that the Project would have NO ADDITIONAL SIGNIFICANT EFFECT on the environment, that NO NEW ADDITIONAL MITIGATION MEASURES OR ALTERNATIVES may be required, and that the Project IS WITHIN THE SCOPE of the City of Colusa General Plan MEIR, pursuant to CEQA guidelines Section 15177.

**Section 2.     Findings and Determination**

On the basis of (a) the foregoing Recitals, which are incorporated herein, (b) the City of Colusa's General Plan, (c) the *Colusa Crossings, LLC Initial Study* for the Project, and (d) on the basis of the specific conclusions set forth below, the City Council finds and determines that:

A.     The Tier 1 Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan, in that:

In accordance with Government Code section 65867.5(b), the Tier 1 Development Agreement is consistent with the City's General Plan. The Tier 1 Development Agreement vests the Landowner's City of Colusa General Plan land use designations, Pre-zoning, and sets forth the Landowner's general obligations related to subsequent land use approvals. As required by Government Code section 65867.5(b), the City Council finds that the Tier 1 Development

Agreement, which vests the Initial Entitlements, is consistent with the City's General Plan. The findings and evidence to support this General Plan consistency determination are forth below.

In general, the Project is consistent with the General Plan as follows:

- The mix of land uses as proposed by the Project are exactly consistent with the allowable land uses and densities prescribed within the City of Colusa General Plan.
- The project represents desired land use patterns (master-planned neighborhoods, parks, schools, and commercial areas) as envisioned in the General Plan Land Use Element, Special Planning Area #3.
- The *Colusa Crossings Plan for Services* is consistent with the General Plan Circulation Element and Municipal Facilities and Services Element because it mirrors the related master infrastructure studies and reports, prepared subsequent to adoption of the General Plan.
- Sufficient Park and Open Space lands are designated within project, consistent with the Parks and Recreation Master Plan, prepared subsequent to adoption of the General Plan.

B. The Tier 1 Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use area in which the real property is located in that the project approvals include the current General Plan land uses adopted by the City on October 30, 2007.

D. The Tier 1 Development Agreement is in conformity with public convenience, general welfare and good land use policies in that the Project will implement General Plan goals and policies for comprehensive planning of various land uses, infrastructure, open space, parks and schools at this location.

E. The Tier 1 Development Agreement will not be detrimental to the health, safety and general welfare in that the Project will proceed in accordance with all the programs and policies of the General Plan and the provisions of this agreement. The impacts of the development on existing land uses, public services and the environment have been evaluated and mitigated through the CEQA process, except for those impacts found to be significant and unavoidable for which the City Council previously adopted a Statement of Overriding Considerations.

F. The Tier 1 Development Agreement will not adversely affect the orderly development of property or the preservation of property values in that the project will be consistent with the General Plan, and it will comply with policies and development standards of the required, future general development plan.

G. The Tier 1 Development Agreement is consistent with the provisions of Government Code sections 65864 through 65869.5 in that it includes all the substantive elements, and has been processed consistent with, all the procedural requirements of Government Code sections 65864 through 65869.5.

### **Section 3. CEQA Compliance**

In compliance with the California Environmental Quality Act, on October 30, 2007, the City of Colusa City Council, pursuant to Resolution No. 07-29, certified an MEIR, adopted environmental findings pursuant to CEQA guidelines section 15091, adopted a statement of overriding considerations, and adopted a mitigation measures in support of the Colusa Crossings Project. Additionally, on February 5, 2013, the City of Colusa City Council, pursuant to Resolution No. 13-02 considered the Colusa Crossings, LLC Initial Study, and determined that the Project would have NO ADDITIONAL SIGNIFICANT EFFECT on the environment, that NO NEW ADDITIONAL MITIGATION MEASURES OR ALTERNATIVES may be required, and that the Project IS WITHIN THE SCOPE of the City of Colusa General Plan MEIR, pursuant to CEQA guidelines Section 15177.

**Section 4.     Approval**

The City Council hereby approves the Tier 1 Development Agreement between the City of Colusa and Colusa Crossings, LLC (Exhibit A) and authorizes the Mayor to execute both Development Agreements.

**Section 5.     Recordation**

Within ten (10) days after the Development Agreement is executed by the Mayor, the City Clerk shall submit the Agreements to the County Recorder for recordation.

**Section 6.     Severability**

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

**Section 7.     Effective Date**

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

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Colusa, California, held on February 5, 2013, and was passed and adopted at a regular meeting of the City Council held on March 5, 2013 by the following vote:

AYES: Acree, Ponciano, Critchfield, Kelleher and Reische.

NOES: None.

ABSENT: None.

ABSTAINING: None.

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THOMAS REISCHE, MAYOR

**ATTEST:**

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Shelly Kittle, City Clerk

EXHIBITS

A: Tier 1 Development Agreement between the City of Colusa and Colusa Crossings, LLC