Planning Commission
Dave McCullough, District I
Heath Krug, District 2
John Troughton, Jr., District 3, Chair
Kirk Pendleton, District 4
Elizabeth Yerxa, District 5,
Vice-Chair

Community Development Department
Greg Plucker,
Secretary to the Planning Commission
220 12th Street, Colusa, CA 95932
Phone: (530)458-0480
Fax: (530)458-0482
colusacountyca.iqm2.com
www.countyofcolusa.org

COLUSA COUNTY
Planning Commission

Agenda

December 6, 2023

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

9:00 a.m. CALL TO ORDER/ROLL CALL
- Pledge of Allegiance

I. APPROVAL OF MINUTES
1. Minutes Approval
Planning Commission – Regular Meetings – September 6, 2023.

II. PUBLIC COMMENT

III. PUBLIC HEARING
COMMUNITY DEVELOPMENT DEPARTMENT/PROMOTION PLUS SIGN CO., INC.
1. Public Hearing and approval of a Resolution adopting a categorical exemption and approving variance (PD-23-39) for PROMOTION PLUS SIGN CO., INC. located in the community of Arbuckle.

IV. COMMUNITY DEVELOPMENT DEPARTMENT/ERIN HEUPEL (AYMIUM)
1. Adopt a Resolution amending Use Permit #21-19 to extend the time frame that the Use Permit must be established from a 24-month time frame to a 36-month time frame.

V. PLANNING DIRECTOR COMMENTS/REPORTS

VI. PLANNING COMMISSIONER'S COMMENTS/REPORTS

ADJOURN

PERIOD OF PUBLIC COMMENT: Any person may speak about any subject of concern, provided it is within the jurisdiction of the Planning Commission and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes per issue and each individual or group will be limited to no more than 5 minutes each within the 15 minutes allocated per issue. **Note:** No action shall be taken on comments made under this comment period.

ADA COMPLIANCE: Upon request, Agendas will be made available in alternative formats to accommodate persons with disabilities. In addition, any person with a disability who requires a modification or accommodation to participate or attend this meeting may request necessary accommodation. Please make your request to the County Board Clerk, specifying your disability, the format in which you would like to receive this Agenda, and any other accommodation required no later than 24 hours prior to the start of the meeting.

Anyone wishing to appeal a decision of the Planning Commission may do so within 10 calendar days after the decision. Anyone wishing to appeal a decision must submit a letter of appeal and pay the required fee of $750.00 to the Clerk of the Board of Supervisors at 547 Market Street, Ste. 102, Colusa, CA, 95932

All supporting documentation is available for public inspection and review in the Office of the Board Clerk, 547 Market Street, Suite 102, Colusa, CA 95932 during regular business hours 8:30 a.m. to 5:00 p.m., Monday through Friday.

Planning Commission
Dave McCullough, District I
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COLUSA COUNTY
Planning Commission

Minutes

September 6, 2023

Board Chambers
546 Jay Street, Suite 108
Colusa, CA 95932

The Colusa County Planning Commission meets in Regular Session this 6th day of September 2023 at the hour of 9:00 a.m. PRESENT: Commissioners Heath Krug, Elizabeth Yerxa, John Troughton Jr., and Kirk Pendleton. ABSENT: Commissioner Dave McCullough.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval

Planning Commission – Regular Meetings – August 2, 2023

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Yerxa
SECONDER:	Pendleton
AYES:	Krug, Yerxa, Jr., Pendleton
ABSENT:	McCullough

II. PUBLIC COMMENT

None.

III. PUBLIC HEARINGS

Chair Troughton makes time for a Public Hearing and approval of a Resolution recommending the Board of Supervisors adopt a CEQA statutory exemption, approve a General Plan Amendment to change the land use designation of approximately 20± acres of land from Agriculture General (AG) to Industrial (I), and a Zoning Amendment to change the zoning classification of said land from Exclusive Agriculture (E-A) to Light Industrial (M-1).

Comments received by Mr. Geiger.

9:09 a.m. Chair Troughton opens the Public Hearing and calls for public comment. Haring none, Chair Troughton closes the Public Hearing.

Minutes Acceptance: Minutes of Sep 6, 2023 9:00 AM (APPROVAL OF MINUTES)

COMMUNITY DEVELOPMENT DEPARTMENT/TERRY TALBOT (COLUSA COUNTY FARM SUPPLY)

1. Adopt **Resolution No. 23-004** recommending the Board of Supervisors adopt a CEQA statutory exemption, approve a General Plan Amendment to change the land use designation of approximately 20± acres of land from Agriculture General (AG) to Industrial (I), and a Zoning Amendment to change the zoning classification of said land from Exclusive Agriculture (E-A) to Light Industrial (M-1).

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Krug
SECONDER:	Pendleton
AYES:	Krug, Yerxa, Jr., Pendleton
ABSENT:	McCullough

Chair Troughton makes time for a Public Hearing and adoption of a Resolution recommending the Board of Supervisors adopt a Zoning Code text amendment adding the definition of Farm Supply and Feed Store and designate where said use can occur, amend the Zoning Code to allow Farm Supply and Feed Stores and Retail Nurseries to occur in a limited area of the Forest Residential Zoning District subject to an Administrative Permit, and find the proposed text amendment is exempt from the California Environmental Quality Act.

Comments received by Mr. Geiger.

9:19 a.m. Chair Troughton opens the Public Hearing and calls for public comment.

Comments received by Ms. Loudon

9:20 a.m. Chair Troughton calls for any further comments. Hearing none, Chair Troughton closes the Public Hearing.

COMMUNITY DEVELOPMENT/COLUSA COUNTY

2. Adopt **Resolution No. 23-005** recommending the Board of Supervisors adopt a Zoning Code text amendment adding the definition of Farm Supply and Feed Store and designate where said use can occur, amend the Zoning Code to allow Farm Supply and Feed Stores and Retail Nurseries to occur in a limited area of the Forest Residential Zoning District subject to an Administrative Permit, and find the proposed text amendment is exempt from the California Environmental Quality Act.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Yerxa
SECONDER:	Pendleton
AYES:	Krug, Yerxa, Jr., Pendleton
ABSENT:	McCullough

Chair Troughton makes time for adoption of a Resolution that would: (1) deny the certification of the Final EIR; (2) deny the adoption a Mitigation Monitoring and Reporting Program; and (3) deny the approval of a Use Permit for the Janus Solar electrical generating and battery storage project.

9:22 a.m. Commissioner Yerxa recuse herself and leaves the room.

Minutes Acceptance: Minutes of Sep 6, 2023 9:00 AM (APPROVAL OF MINUTES)

Comments received by Mr. Geiger and Ms. Sutton.

Chair Troughton calls for public comment.

Comments received by Mr. Colie, Attorney for RWE and Mr. Salas, from RWE,

Comments also received by Mr. Nelson, Attorney representing Ms. Terkildsen, Mr. Ferrini and Ms. Katsaris, opponents of the project, and Ms. Terkildsen.

Chair Troughton calls for any further comments.

IV. JANUS SOLAR PROJECT
COMMUNITY DEVELOPMENT/JANUS SOLAR PV, LLC

1. Adopt **Resolution No. 23-006** (1) deny the certification of the Final EIR; (2) deny the adoption a Mitigation Monitoring and Reporting Program; and (3) deny the approval of a Use Permit for the Janus Solar electrical generating and battery storage project.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Krug
SECONDER:	Pendleton
AYES:	Krug, Jr., Pendleton
ABSENT:	McCullough
RECUSED:	Yerxa

9:30 a.m. Commissioner Yerxa rejoins the session and is now seated.

V. PLANNING DIRECTOR COMMENTS/REPORTS
None.

VI. PLANNING COMMISSIONER'S COMMENTS/REPORTS
None.

Chair Jr. adjourned the meeting at 9:33 a.m. to reconvene in Regular Session on October 4, 2023 at the hour of 9:00 a.m.

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

By:_____
Ann Nordyke, Chief Deputy Clerk

_____
John Troughton Jr., Chair

Minutes Acceptance: Minutes of Sep 6, 2023 9:00 AM (APPROVAL OF MINUTES)

Planning Commission
546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

Meeting: 12/06/23 09:00 AM
Department: Community Development Department
Category: Public Hearing
Prepared By: Steve Geiger
Initiator: Steve Geiger
Sponsors:
DOC ID: 9484

PLANNING COMMISSION (ID # 9484)

Detail

Applicant:	Promotion Plus Sign Co., Inc.	**File:**	PD-23-39
General Plan:	Commercial (C)	**Zoning:**	Community Commercial (C-2)

Formal Title / Summary

Public Hearing and approval of a Resolution adopting a categorical exemption and approving variance (PD-23-39) for PROMOTION PLUS Sign CO., INC. located in the community of Arbuckle.

Action Requested

Public Hearing and approval of a Resolution adopting a categorical exemption and approving variance (PD-23-39) for PROMOTION PLUS SIGN CO., INC. located in the community of Arbuckle.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

The adoption of the proposed resolution would approve a variance to allow the construction of three (3) signs for a gas service station. Sign #1 is a 12 foot tall downtown monument sign *(5 foot high maximum permitted)*. Sign #2 is a 12 foot tall downtown pole sign *(5 foot high maximum permitted)*. Sign #3 is a 65 foot tall and 144 square foot size highway pole sign *(55 foot high and 100 square foot maximum size permitted)*.

APNs:

020-043-011 & 020-043-010

LOCATION

The project site is located at 720 and 716 5th Street in the community of Arbuckle, approximately 275 feet east of Interstate 5.

PROJECT AND SITE DESCRIPTION:

The project site is developed with a former gas service station and is zoned C-2 (Community Commercial). The site is being remodeled to open a new gas service station and new signage is being proposed. On April 4, 2023, the applicant submitted an Administrative Permit (PD-23-11) for the proposed signage for the facility as required by the Zoning Code. After some revisions to the signage by the applicant and review by staff, it was determined a Variance application would be required for three of the

proposed signs.

The applicant is proposing three (3) signs that exceed height and sign area standards contained in Zoning Code Table 44-3.50-1. Sign #1 is proposed as a 12 foot tall and 72 square foot in area downtown monument sign. While it meets the 100 square foot maximum area, it will exceed the 5 foot maximum height permitted in the downtown Arbuckle district. Sign #2 is proposed as a 12 foot tall and 24 square foot in area downtown pole sign. Like Sign #1, this sign also exceeds the 5 foot high maximum height permitted in the downtown Arbuckle district. Sign #3 is a 65 foot tall and 144 square foot size highway pole sign that will exceed both the 55 foot maximum height and 100 square foot maximum area for highway pole signs. All three signs will be internally illuminated.

The project site is located in the southeast area of the community of Arbuckle at the south end of the downtown area and approximately 275 feet east of Interstate 5. The project site is actually comprised of two parcels (720 and 716 5th Street) that are rectangular in shape, similar to adjacent parcels to the north and south. As previously noted, the site is currently being remodeled to open a new gas service station. This includes an existing building to be used as a food mart/convenience store.

ANALYSIS:

Variance Findings:

In accordance with Section 65906 of the California Government Code, a variance application request allows the County to grant exception to the development standards and provisions of the County Zoning Code. The following are the findings required to be met by Section 44-1.80.050A. of the Zoning Code in order to approve a variance:

1. *That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning classifications.*

   The Zoning Code allows a maximum sign area of 100 square feet per sign for monument and pole signs and depending on its location and type, a maximum height of either 5 feet (Downtown), 55 feet (Highway), or 12 feet (Other). Based on Figure 44-3.50-4: Downtown Areas, the project site is located at the southern end of the Downtown Arbuckle area. Based on this location, both the monument and smaller pole signs are subject to a 5 foot maximum height and the taller Highway pole sign is subject to a 55 foot maximum height.

   Based on the project site being located at the southern end of the Downtown Arbuckle area, and since it is located directly across the street from the end of the Interstate 5 off ramp, staff believes allowing the applicant to increase the

height of the monument and smaller pole sign to 12 feet (the same height allowed for these signs outside of the Downtown Arbuckle area) is warranted to allow for greater visibility of these two signs from the adjacent road. Staff notes there are three other existing gas service stations in Arbuckle (two located to the north, one located directly west) that are located outside the Downtown Arbuckle area that are permitted a 12 foot height for monument and pole signs.

With regard to the taller Highway pole sign, staff believes allowing for the additional 10 feet in height (65 feet) is warranted due to the fact that Interstate 5 is located approximately 275 feet west of the property and is elevated in this location. The additional 10 feet in height will allow for increased visibility of the business from vehicles traveling along Interstate 5 at freeway speed. Staff also believes the larger size of the sign (144 square feet) is warranted for visibility and for the scale of the pole height.

In addition to the reduced height standards for signs within the Downtown area, signs are also subject to additional design standards contained in Zoning Code Section 44-3.50.080A.3. These standards include being scaled and oriented to the pedestrian level and being designed and constructed with a high level of craftmanship and detail that complements the architectural features, scale and finish of the building. Staff believes these standards are more appropriate to independent, non-chain businesses located more within the Downtown area, where there is more pedestrian traffic. Staff therefore does not believe these standards should not be applied to a national chain gas service station at this location.

Based on these factors, staff believes that Finding 1 can be made.

2. *That granting the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which such property is located.*

The project is located within the community of Arbuckle and there are three existing gas service stations in the area that have highway pole advertising signs that do not meet the current signage standards. The Chevron gas station facility located on the north side of Arbuckle on the west side of Interstate 5 has a highway pole sign that is 65 feet in height with a sign area of approximately 250 square feet. In addition, the Sinclair gas station at the southern Arbuckle Interstate 5 interchange on the west side of Interstate 5 is approximately 70 feet in height and has a sign area of 85 square feet. These are both existing nonconforming Highway pole signs.

In June 2022, the Planning Commission approved a Variance (PD-22-11) for a 65 foot tall and 246 square feet in size highway pole sign for the Poppy gas service station, located on the north side of Arbuckle along the east side of Interstate 5.

Approval of the Variance would not be the granting of a special privilege because the Highway pole sign will be the same height as both the Poppy and Chevron gas service stations, and will be shorter than the Sinclair gas station sign's height, located just to the west across Interstate 5. Staff believes allowing the 12 foot tall monument and smaller pole signs is consistent with the requirements placed on the other gas service stations located outside the Downtown area.

Based on this information, staff believes that Finding 2 is made.

3. *That granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.*

As noted above, the Highway pole sign will be similar in height and size as those of the three other existing gas service stations noted. The proposed 12 foot height of the monument and smaller pole sign is consistent with the height allowed for signs outside the Downtown area and is not excessive. Staff believes the granting of the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity and that Finding 3 is made.

4. *That granting the variance is consistent with the objectives of the General Plan and this chapter.*

The granting of the variance is considered consistent with the Zoning Code as it allows the applicant to request deviations from the County's sign height and area standards.

The proposed signs will provide visibility for the business and assist the new gas service station in attracting customers. Staff believes the variance is consistent with the following General Plan policy, which is located in the Economic Development Element:

Policy ED 1-9: Encourage economic investments in the downtowns of the unincorporated communities by creating a vibrant mix of retail, office, commercial, health services, and recreational opportunities that draw visitors and provide residents local options to shop and dine.

The variance is consistent with the General Plan and therefore, Finding 4 is made.

General Plan and Zoning

The project site has a General Plan land use designation of Commercial (C) and is

zoned Community Commercial (C-2).

The project site is currently being redeveloped into a new gas service station which is a permitted use in the C-2 zone. The applicant requests deviations from sign height and area standards which are found under Zoning Code Section 44-3.50 (Sign Regulations). The Planning Commission would need to approve a Variance under Zoning Code Section 44-1.80.050 to allow the three signs in question to be constructed.

As described above, signs #1 and #2 exceed the Downtown monument and pole sign height limitations of 5 feet and sign #3 exceeds the Highway pole sign height limitation of 55 feet and the sign area limitation of 100 square feet. These signs may be considered for this variance by the Planning Commission due to the property's location, characteristics, and since there are other gas service station signs in the area that are comparable in height and size.

Surrounding Land Use & Compatibility

The project applicant has proposed a Highway pole sign (sign #3) that is consistent with the height and area of other existing Highway pole signs for gas stations in the area. The proposed 12 foot height of signs #1 and #2 is consistent with the height permitted for the other three existing gas service stations in the area located outside the Downtown Arbuckle area.

Surrounding land use adjacent to the project site consist of Interstate 5 to the west with a mix of commercial and residential uses beyond the interstate, commercial uses within the Downtown Arbuckle area to the north, the railroad, a vacant parcel, and residential uses to the east, and Interstate 5, the off ramp, and old Highway 99W to the south. The nearest residences are located approximately 330 feet to the east of the Highway pole sign. In addition, there has been an existing Highway pole sign of similar height previously at this location. Staff believes the project can be considered compatible with surrounding land uses.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The project consists of approving a Variance to allow commercial on-site signage which does not comply with the current zoning requirements for height and sign area. This Variance is Categorically Exempt from CEQA pursuant to Section 15305(a), Minor Alteration to Land Use Limitations, and Section 15311(a), Accessory Structures, because the project consists of a Variance to commercial sign regulations for on-site signs.

SUMMARY

The proposed three signs would exceed the height and sign area standards allowed by the Zoning Code for the proposed commercial gas service station. Based on the

analysis in this staff report, however, staff believes the height and sign area proposed is appropriate, is consistent with other gas service station signs in the area, and also meets the required variance findings for approval. Staff has prepared the attached resolution with the necessary findings for the Commission to approve the proposed Variance (PD-23-39).

RESOLUTION NO. 23-____

RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION ADOPTING A CATEGORICAL EXEMPTION AND APPROVING VARIANCE (PD-23-39) FOR PROMOTION PLUS SIGN CO., INC.

WHEREAS, Promotion Plus Sign Co., Inc. has applied for a Variance to allow construction of three (3) signs for a gas service station which would exceed sign height and area standards, as described in Exhibit "A" and the application submitted to the Community Development Department; and

WHEREAS, the County of Colusa is considered a Lead Agency under the California Environmental Quality Act (CEQA) for this proposed project and it has determined that a Categorical Exemption is appropriate pursuant to CEQA for the proposed Variance; and

WHEREAS, a Notice of Public Hearing for consideration of the proposed Variance was published in accordance with all applicable requirements; and

WHEREAS, the Planning Commission held a Public Hearing regarding the proposed Environmental Document and Variance on December 6, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Colusa County Planning Commission based on facts in the Staff Report, and the written and oral testimony, and exhibits presented at the public hearing, takes the following action:

I. Adopts a Categorical Exemption, specifically the project is considered exempt from CEQA pursuant to Section 15305(a) Minor Alteration to Land Use Limitations, and Section 15311(a) Accessory Structures, because the project consists of a Variance for three on-site gas service station signs.

   A. Find the proposed Categorical Exemption is adequate and reflects the independent judgment and analysis of the County, which is the lead agency.

II. Approves the Variance subject to the conditions of approval attached in Exhibit "B", for the project described in Exhibit "A" and makes the following findings:

   A. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings. Based on Zoning Code Figure 44-3.50-4: Downtown Areas, the project site is located at the southern end of the Downtown Arbuckle area. Based on this location, both the monument and smaller pole signs are subject to a 5 foot maximum height instead of a 12 foot maximum for similar signs outside the Downtown area and the taller Highway pole sign is subject to a 55 foot maximum height.

Attachment: PC Approval Resolution Promotion Plus Variance PD-23-39 (9484 : Promotion Plus Sign Co., Inc. Variance PD-23-39)

Based on the project site being located at the southern end of the Downtown Arbuckle area, and since it is located directly across the street from the end of the Interstate 5 off ramp, allowing the applicant to increase the height of the monument and smaller pole sign to 12 feet (the same height allowed for these signs outside of the Downtown Arbuckle area) is warranted to allow for greater visibility of these two signs from the adjacent road. There are three other existing gas service stations in Arbuckle (two located to the north, one located directly west) that are located outside the Downtown Arbuckle area that are permitted a 12 foot height for monument and pole signs.

Regarding the taller Highway pole sign, allowing for the additional 10 feet in height (65 feet) is warranted due to the fact that Interstate 5 is located approximately 275 feet west of the property and is elevated in this location. The additional 10 feet in height will allow for increased visibility of the business from vehicles traveling along Interstate 5 at freeway speed. In addition, the larger sign area (144 square feet) is warranted for visibility and for the scale of the pole height.

In addition to the reduced height standards for signs within the Downtown area, signs are also subject to additional design standards contained in Zoning Code Section 44-3.50.080A.3. These standards are more appropriate to independent, non-chain businesses located more within the Downtown area, where there is more pedestrian traffic. Staff therefore does not believe these standards should be applied to a national chain gas service station at this location.

B. The granting of the variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning classification in which such property is located. The project is located within the community of Arbuckle and there are three existing gas service stations in the area that have highway pole advertising signs that do not meet the current signage standards. The Chevron gas station facility located on the north side of Arbuckle on the west side of Interstate 5 has a highway pole sign that is 65 feet in height with a sign area of approximately 250 square feet. In addition, the Sinclair gas station at the southern Arbuckle Interstate 5 interchange on the west side of Interstate 5 is approximately 70 feet in height and has a sign area of 85 square feet. These are both existing nonconforming Highway pole signs.

In June 2022, the Planning Commission approved a Variance (PD-22-11) for a 65 foot tall and 246 square feet in size highway pole sign for the Poppy gas service station, located on the north side of Arbuckle along the east side of Interstate 5. Approval of this Variance would not be the granting of a special privilege because the Highway pole sign will be the same height as both the Poppy and Chevron gas service stations, and will be shorter than the Sinclair gas station sign's height, located just to the west across Interstate 5. Allowing the 12 foot tall monument and smaller pole signs is consistent with the requirements placed on the other gas service stations located outside the Downtown area.

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C. The granting of the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in

Attachment: PC Approval Resolution Promotion Plus Variance PD-23-39 (9484 : Promotion Plus Sign Co., Inc. Variance PD-23-39)

question. The Highway pole sign will be similar in height and size as those of the three other existing gas service stations noted. The proposed 12 foot height of the monument and smaller pole sign is consistent with the height allowed for signs outside the Downtown area and is not excessive. The granting of the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity.

D. The granting of the variance is consistent with the objectives of the General Plan and this chapter (Zoning Code). The granting of the variance is considered consistent with the Zoning Code as it allows the applicant to request deviations from the County's sign height and area standards.

The proposed signs will provide visibility for the business and assist the new gas service station in attracting customers. The variance is consistent with the following General Plan policy, which is located in the Economic Development Element:

> **Policy ED 1-9:** Encourage economic investments in the downtowns of the unincorporated communities by creating a vibrant mix of retail, office, commercial, health services, and recreational opportunities that draw visitors and provide residents local options to shop and dine.

PASSED AND ADOPTED this 6th day of December, 2023 by the following vote:

AYES:

NOES:

ABSENT:

_____
John Troughton, Chair, Planning Commission

ATTEST: Greg Plucker, Secretary to the Colusa County Planning Commission

_____
Ann Nordyke, Chief Deputy Clerk

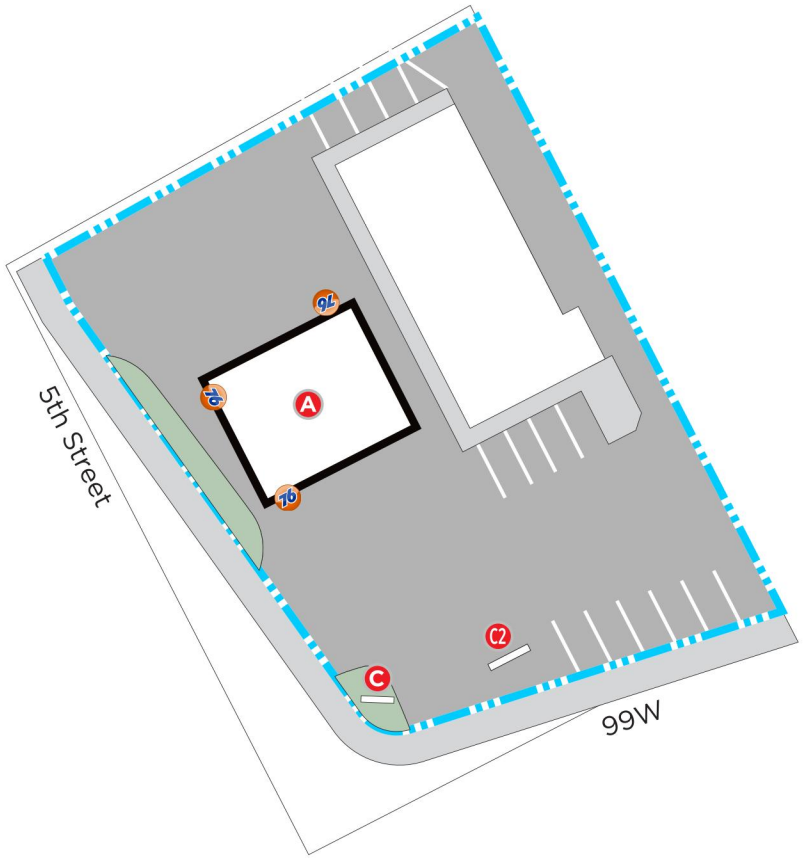
APPROVED AS TO FORM

_____
Jennifer Sutton, Sr. Deputy County Counsel

Attachment: PC Approval Resolution Promotion Plus Variance PD-23-39 (9484 : Promotion Plus Sign Co., Inc. Variance PD-23-39)

76 Wave Conversion | Siteplan

EXHIBIT "A"
VARIANCE PD-23-39
DECEMBER 6, 2023



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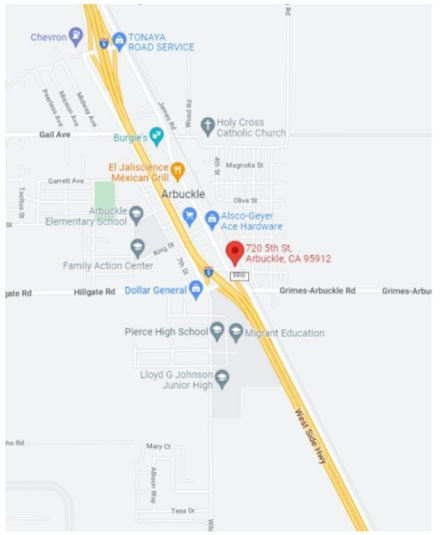
Vicinity Map



Siteplan Legend

	Sign Type	Sqft (Ea)	Qty	Sqft To
A	Canopy Logos	7.6	3	2
C	MID	68	1	
C2	Hi Rise	144	1	
	Overall Sqft			23

APN/Parcel: 020-043-011-000
Zoning: C-2

PROMOTION PLUS SIGN CO., INC.
"The Imaging Experts"
Check Us Out On zoomnsupply.com | Zoom N Supply | O'Connor Electric | Now part of the PROMOTION PLUS SIGN CO., INC Family
21034 Osborne St.
Canoga Park, CA 91304
(P) 818.993.5406
(F) 818.993.3174
State License: 853228

Job Location	Bill Information	Project Information
76 Arbuckle - 904198 720 5th St, Arbuckle, CA 95912	Lakeview Petroleum Co Rrogers25@lakeviewpetroleum.com (530) 742-7614 1528 Colusa Hwy, Yuba City, CA 95993	Project — 76 Conversion Designed by — LB/RH Date — 08/02/2023 Estimate # — 136338 Revision # — J

Approval

Owner | Date

I have reviewed all renderings and I am satisfied with the look and the scope of work listed within.

This rendering is property of Promotion Plus S and cannot be reproduced without written co

Attachment: PD-23-39 Exhibit A for PC Reso (site plan, elevations) (9484 : Promotion Plus Sign Co., Inc.

76 Wave Conversion

EXHIBIT "A"
VARIANCE PD-23-39
DECEMBER 6, 2023

Before

After

PROMOTION PLUS SIGN CO., INC.
"The Imaging Experts"
Check Us Out On zoomnsupply.com
Zoom N Supply
O'Connor Electric
Now part of the PROMOTION PLUS SIGN CO., INC Family
21034 Osborne St.
Canoga Park, CA 91304
(P) 818.993.5406
(F) 818.993.3174
State License: 853228

Job Location

76 Arbuckle - 904198
720 5th St,
Arbuckle, CA 95912

Bill Information

Lakeview Petroleum Co
Rrogers25@lakeviewpetroleum.com
(530) 742-7614
1528 Colusa Hwy,
Yuba City, CA 95993

Project Information

Project	76 Conversion
Designed by	LB/RH
Date	04/25/2023
Estimate #	136338
Revision #	07

Approval

Owner Date

I have reviewed all renderings and I am satisfied with the look and the scope of work listed within.

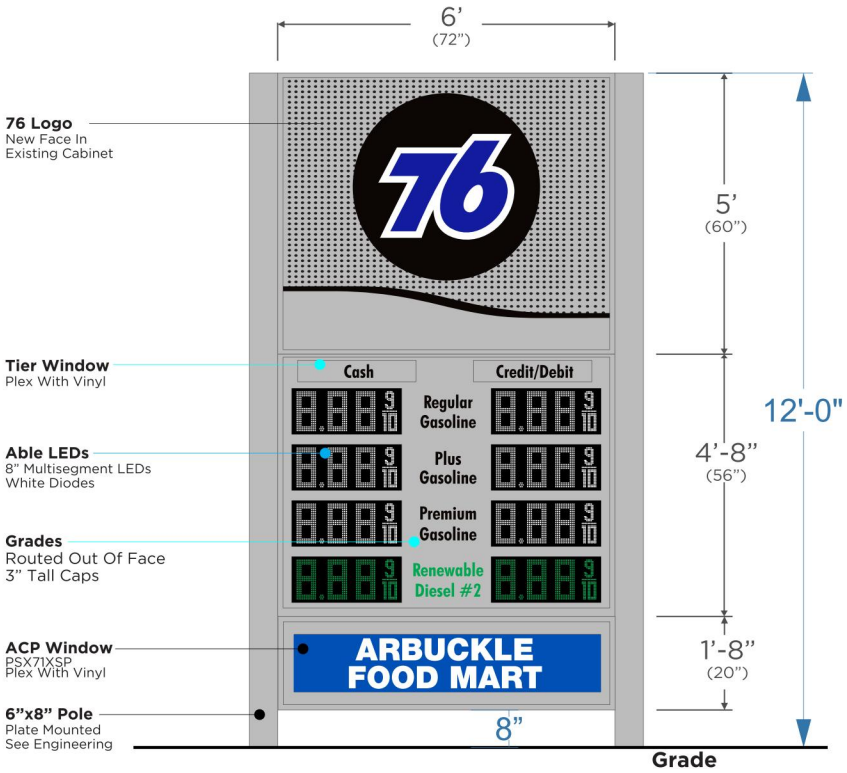
This rendering is property of Promotion Plus S and cannot be reproduced without written co

Attachment: PD-23-39 Exhibit A for PC Reso (site plan, elevations) (9484 : Promotion Plus Sign Co., Inc.

76 Wave Conversion

MID

EXHIBIT "A"
VARIANCE PD-23-39
DECEMBER 6, 2023



1:41 | South Elevation
68sqft

Existing Sign

Night View

Details

Cabinet — Existing

PMS 165c | 3M 180C-14 Bright Orange

PMS 287c | 3M 3650-157 Sultan Blue

Silver | 3M 3630-121 Silver

PROMOTION PLUS SIGN CO., INC.
"The Imaging Experts"
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21034 Osborne St.
Canoga Park, CA 91304
(P) 818.993.5406
(F) 818.993.3174
State License: 853228

Job Location
76 Arbuckle - 904198
720 5th St,
Arbuckle, CA 95912

Bill Information
Lakeview Petroleum Co
Rrogers25@lakeviewpetroleum.com
(530) 742-7614
1528 Colusa Hwy,
Yuba City, CA 95993

Project Information
Project — 76 Conversion
Designed by — LB/RH
Date — 06/13/2023
Estimate # — 136338
Revision # — I

Approval

Owner | Date

I have reviewed all renderings and I am satisfied with the look and the scope of work listed within.

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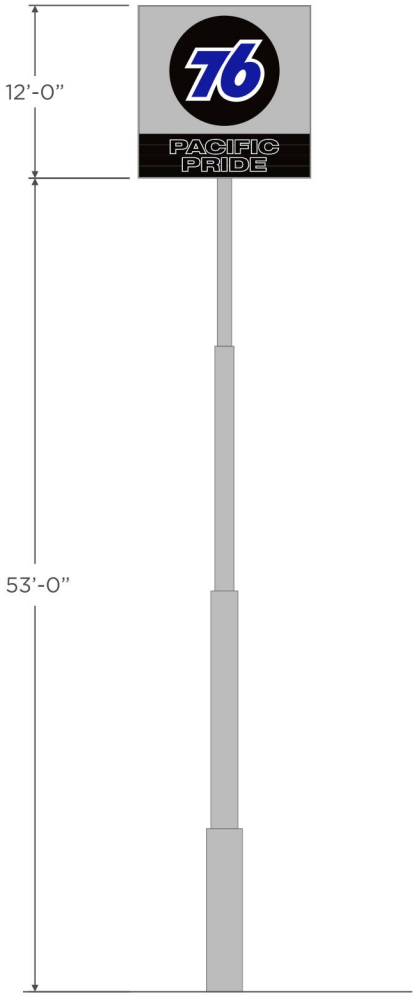
Attachment: PD-23-39 Exhibit A for PC Reso (site plan, elevations) (9484 : Promotion Plus Sign Co., Inc.
ermit Packa

76 Wave Conversion

C2 Hi Rise

EXHIBIT "A"
VARIANCE PD-23-39
DECEMBER 6, 2023

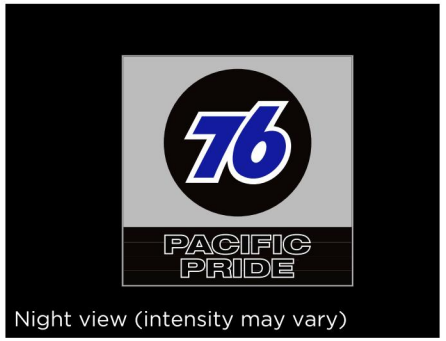


1:120 | Elevation

Hi-Rise Reface | 1:42
Panoflex Faces | 144sqft

Existing Sign

Night View



Details

Faces	Panoflex
Illumination	Internal LED - Check Illumination

PMS 165c | 3M 180C-14 Bright Orange

PMS 287c | 3M 3650-157 Sultan Blue

Silver | 3M 3630-121 Silver

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(530) 742-7614
1528 Colusa Hwy,
Yuba City, CA 95993

Project Information

Project	76 Conversion
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Approval

Owner | Date

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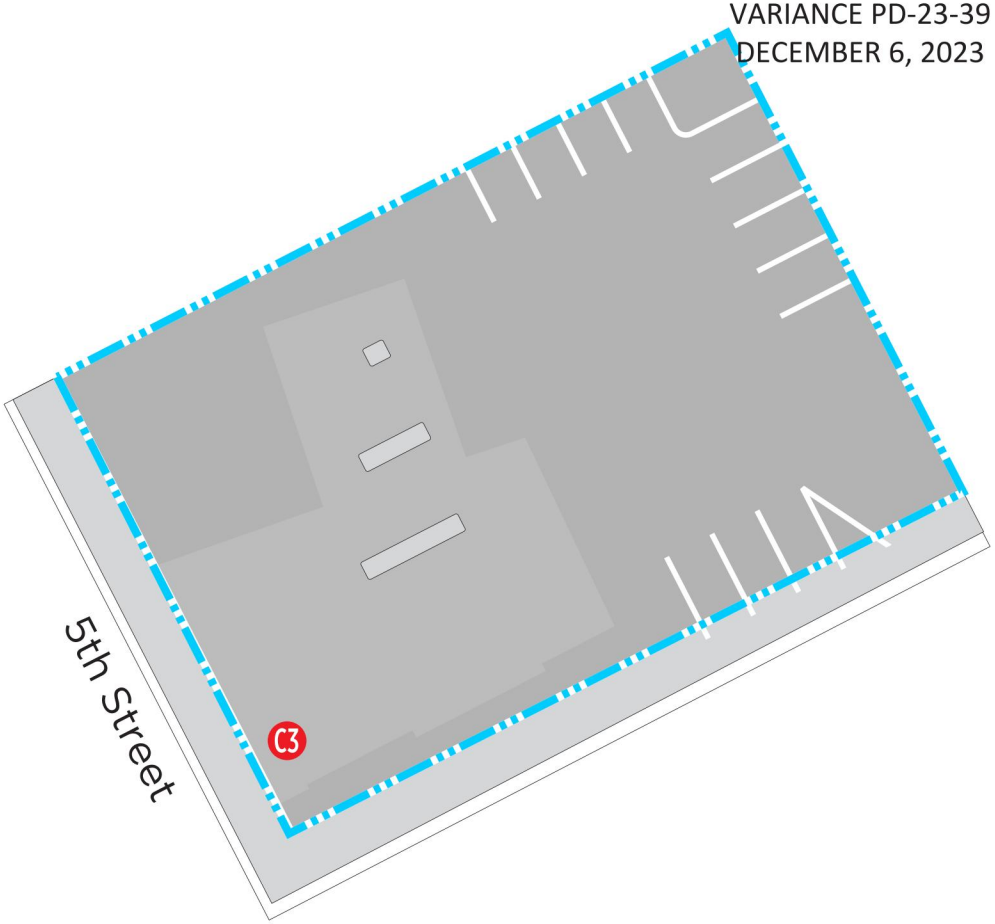
Attachment: PD-23-39 Exhibit A for PC Reso (site plan, elevations) (9484 : Promotion Plus Sign Co., Inc. ermit Pack

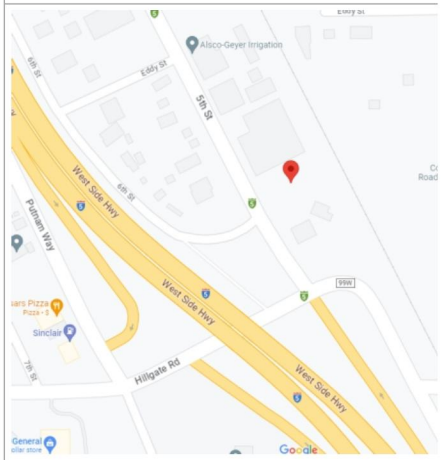
Pacific Pride | Siteplan

EXHIBIT "A"
VARIANCE PD-23-39
DECEMBER 6, 2023



1/128"=1' (1:1563)

Vicinity Map



Siteplan Legend

	Sign Type	Sqft (Ea)	Qty	Sqft To
C3	Flag Pole	24	1	24
	Overall Sqft			

APN/Parcel: 020-043-010-000
Zoning: C-2

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(F) 818.993.3174
State License: 853228

Job Location	Bill Information	Project Information
76 Arbuckle - 904198 716 5th Street Arbuckle Ca 95912	Lakeview Petroleum Co Ryan Roger Rrogers25@lakeviewpetroleum.com (530) 742-7614 1528 Colusa Hwy, Yuba City, CA 95993	Project — 76 Conversion Designed by — LB/RH Date — 08/02/2023 Estimate # — 136338 Revision # — K

Approval

Owner	Date

I have reviewed all renderings and I am satisfied with the look and the scope of work listed within.

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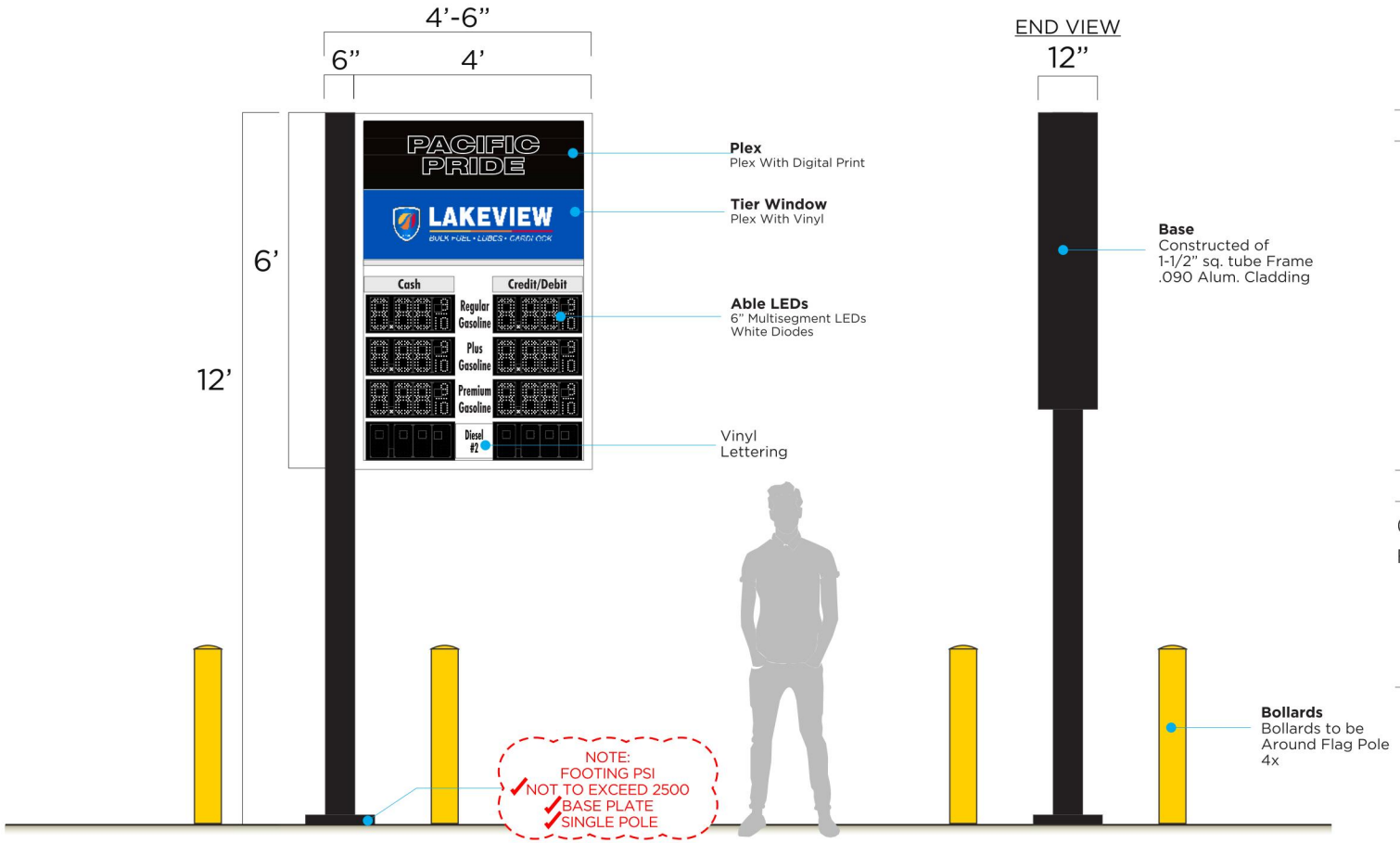
Attachment: PD-23-39 Exhibit A (#2) for PC Reso. (site plan, elevation) (9484 : Promotion Plus Sign Co.,

C3 Flag Pole

EXHIBIT "A"
VARIANCE PD-23-39
DECEMBER 6, 2023

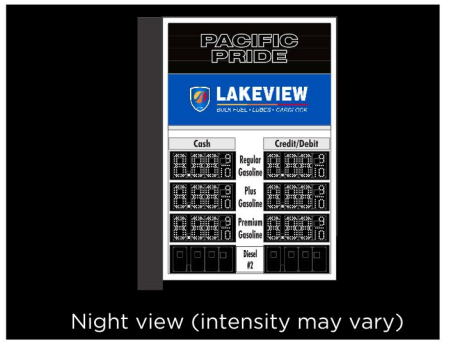
Flag Pole | 1:36

Pricer Flag Pole | 24sqft



Existing Sign

Night View



Night view (intensity may vary)

Details	QTY (
Cabinet	New To Build
Faces	0.090 Aluminum With Lexann/Poly Windo

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Job Location	Bill Information	Project Information	
76 Arbuckle - 904198 716 5th Street Arbuckle Ca 95912	Lakeview Petroleum Co Ryan Roger Rrogers25@lakeviewpetroleum.com (530) 742-7614 1528 Colusa Hwy, Yuba City, CA 95993	Project Designed by Date Estimate # Revision #	76 Conversion LB/RH 07/11/2023 136338 J

Approval

Owner	Date

I have reviewed all renderings and I am satisfied with the look and the scope of work listed within.

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Attachment: PD-23-39 Exhibit A (#2) for PC Reso. (site plan, elevation) (9484 : Promotion Plus Sign Co.,

EXHIBIT "B"
PROMOTION PLUS SIGN CO., INC. VARIANCE (PD-23-39)
COLUSA COUNTY PLANNING COMMISSION
DECEMBER 6, 2023

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, Promotion Plus Sign Co., Inc. is hereby granted Variance PD-23-39 in accordance with the application filed to allow a 12 foot tall downtown monument sign (5 foot maximum permitted), a 12 foot tall downtown pole sign (5 foot maximum permitted), and a 65 foot tall highway pole sign (55 maximum permitted) that is 144 square feet in size (100 square foot maximum permitted) located at 720 and 716 Fifth Street in the community of Arbuckle, on APNs 020-043-011 & 020-043-010, subject to all of the following Conditions of Approval:

CONDITIONS OF APPROVAL

I. General

A. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this Variance constitutes cause for the revocation of said Variance in accordance with the procedures set forth in the Colusa County Code Section 44-1.90.090.

B. Unless otherwise provided for in a condition to this Variance, all conditions must be completed prior to or concurrently with the establishment of the proposed signs.

C. Minor changes may be approved administratively by the Director of Community Development upon receipt of a written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by the Director that the modification is consistent with the project approval and all conditions. Changes deemed to be major or significant in nature shall require a formal application or amendment.

D. A building permit shall be obtain from the Colusa County Community Development Department prior to the installation of the proposed signage within 24 months of the effective date of this variance or this permit shall expire.

II. Planning & Building

A. The applicant agrees, as a condition of issuance and use of this entitlement, to indemnify and defend the County, at applicant's sole cost and expense, in any claim, action, or proceeding brought against the County after the issuance of this entitlement because of, or resulting from, any preliminary approval or actual issuance of this entitlement, or, in the alternative, to relinquish such entitlement. Applicant will reimburse the County for any damages, court costs and attorney fees which the County may be required by a court to pay as a result of such claim, action or proceeding. The County shall promptly notify the applicant of any such claim, action, or proceeding and will cooperate in its defense. The County may also, at its sole discretion, participate in the defense of any such claim, action, or proceeding but such participation shall not relieve applicant of its obligations under this condition.

Attachment: PD-23-39 Exhibit B COA for PC Reso (9484 : Promotion Plus Sign Co., Inc. Variance PD-23-39)

B. The applicant shall comply with all federal, state and local statutes, ordinances and regulations.

C. This variance becomes effective on the eleventh (11th) calendar day following the Planning Commission approval unless appealed pursuant to Zoning Code Section 44-1.80.080.

D. The proposed downtown monument sign and downtown pole sign shall be limited to a maximum of 12 feet in height. The proposed highway pole sign shall be limited to a maximum of 65 feet in height and a maximum sign area of 144 square feet in size.

E. The applicant shall comply with all requirements of Zoning Code Section 44-3.50.070 General Standards regrading sign illumination and Zoning Code Section 44-3.30 Outdoor Lighting.

Attachment: PD-23-39 Exhibit B COA for PC Reso (9484 : Promotion Plus Sign Co., Inc. Variance PD-23-39)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Planning Commission will conduct a Public Hearing on **December 6, 2023** at 9:00 a.m. in the Board of Supervisors Chambers located at 546 Jay Street, Suite 108, Colusa, CA, to consider the following:

Variance #PD-23-39, Promotion Plus Sign Co., Inc. – Adoption of a Resolution which would approve a 12 foot tall downtown monument sign (5 foot maximum permitted), a 12 foot tall downtown pole sign (5 foot maximum permitted), and 65 foot tall highway pole sign (55 foot maximum permitted) that is 144 square feet in size (100 square foot maximum permitted) for a gas service station, and find the proposed project is exempt from the California Environmental Quality Act. The project site is located at 720 and 716 Fifth Street, approximately 275 feet east of Interstate 5, within the community of Arbuckle, APNS 020-043-011 & 020-043-010.

If you have questions or concerns regarding this matter, or would like to submit comments you may do so to the following: Secretary to the Planning Commission, 1213 Market Street, Colusa, CA (530)458-0480, or by e-mail at sgeiger@county-ofcolusa.com. All persons are invited to attend and be heard. Additional documentation is available for review in accordance with Agenda Scheduling Deadlines at the Office of the Clerk of the Board, 547 Market Street, Ste. 102, Colusa, CA (530)458-0508. All persons are invited to attend and be heard.

If you challenge the proposed project or environmental determination in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Dated: November 15, 2023

By: ORIGINAL SIGNED
Patricia Rodriguez, Deputy Clerk

11/24/2023 · CCPR

Attachment: 12-06-23 Proof of Publication (9484 : Promotion Plus Sign Co., Inc. Variance PD-23-39)

Planning Commission
546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

Meeting: 12/06/23 09:00 AM
Department: Community Development Department
Category: Resolution
Prepared By: Greg Plucker
Initiator: Greg Plucker
Sponsors:
DOC ID: 9483

PLANNING COMMISSION (ID # 9483)

Detail

Applicant: Erin Heupel (Aymium)
General Plan: Industrial (I)
File: UP #21-19 - Time Extension
Zoning: Heavy Industrial (M-2)

Formal Title / Summary

Adopt a Resolution amending Use Permit #21-19 to extend the time frame that the Use Permit must be established from a 24-month time frame to a 36-month time frame.

Action Requested

Adopt a Resolution amending Use Permit #21-19 to extend the time frame that the Use Permit must be established from a 24-month time frame to a 36-month time frame.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

On December 1, 2021, the Planning Commission adopted Resolution No. 21-020 which approved the Use Permit to allow the reuse of the Olam Tomato Processing Plant by Aymium (National Carbon Technologies) for the production of a variety carbon-based products. By way of background, the new facility will use a patented non-combustion technology to convert sustainable sourced biomass into renewable biocarbon products. The new facility will use self-generated renewable biogas for the biocarbon process and will be net water positive and carbon negative on a lifecycle basis. The facility also will significantly reduce regional air emissions by thousands of tons per year by converting locally sourced biomass such as orchard rotations and trimmings, that otherwise undergo open burning or land disposal, into renewable biocarbon products. The proposed project will create approximately 65 well-paying, direct clean-tech jobs.

Since the Use Permit approval, civil engineering design work for the Aymium facility has been completed and initial site work, including grading and stormwater control, has been initiated. During the final detailed engineering, equipment specifications for certain core process equipment (specifically biomass dryers and pyrolysis units) were revised which pushed back the procurement schedule for this equipment. Further, due to supply chain challenges, final delivery of all necessary equipment will not occur until 2024. Based on current equipment delivery schedules, Aymium anticipates completion of construction in first quarter 2025.

Because of the procurement/delivery delays and impacts on the construction timeline, Aymium has requested that the Use Permit be extended for an additional 2-year period until December 2025 (Attachment #1).

APNs:

017-090-062 and 017-090-070

LOCATION

The site of the production facility is located at 6229 Myers on the north side of Myers Road and east of Old Highway 99 West approximately 1.4 miles south of the City of Williams. The site previously occupied by the Olam Tomato Processing Plant.

DISCUSSION:

Condition I.D, Exhibit "B", of Resolution No. 21-020 (Attachment #2) states, *"The use granted by this permit must be established within 24 months per the County Code. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit per the County Code."*

Section 44-1.90.070.B (Permit Time Limits, Extensions, and Expiration) of the Zoning Code specifies that upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit to be exercised for no more than one additional 12-month period subject to several conditions. As the Commission may recall, a number of other use permits have been extended for up to a year pursuant to this Zoning Code section. In the subject case, County staff is recommending a slightly different approach given the complexity of construction and financing the project. With regards to the development financing, last summer the Board of Supervisors adopted a resolution which approved the execution of a Joint Exercise of Powers Agreement with the California Municipal Finance Authority (CMFA) to issue $150,000,000 in tax-exempt revenue bonds by the CMFA for the financing of the project. This bond issuance also has caused delays in moving the project forward. Please see Attachment #3 for the staff report from the Board's public hearing on this matter.

Under Zoning Code Section 44-1.90.070 (Permit Time Limits, Extensions, and Expiration) the typical time frame for a use permit is typically 24 months from the effective date. In the subject case that would be December 11, 2023. However, this Zoning Code Section also allows for a different time frame to be set, *"unless a condition of approval"* establishes a different time limit. Under the Zoning Code and Use Permit conditions of approval, amendments to the original conditions may be approved. Accordingly, the proposed time extension before the Planning Commission would amend Condition I.D, Exhibit "B" of Resolution No. 21-020 as follows:

Resolution No. 21-020 Condition I.D., *"The use granted by this permit must be established within **24** **36** months **of the effective date of the Use Permit** per the County Code. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit per the County Code."*

This amend would grant the requested extension. In addition, it would also provide the

flexibility for an additional one-year extension if needed which would be consistent with the applicant's original request. Although staff does not believe that this will be necessary. However, as previously described, given the complexity of the development and its financing, staff believes that providing for this flexibility is important even if we do not believe it will be necessary.

Zoning Code Section 44-1.90.080 (Revision to an Approved Permit) specifies the process to review and approve an modification to an approved permit. The applicant has complied with the requirements (submittal of an written application prior to expiration detailing the reasoning for the request). This Zoning Code Section also authorizes the Planning Director to approve the proposed amendment provided that the request is: 1. Is consistent with all applicable provisions of this chapter; 2. Does not involve a feature of the project that was specifically addressed in the conditions of approval or mitigation measures or was the basis for the project approval or findings in a negative declaration or environmental impact report for the project; 3. Is minor and will not adversely affect the surrounding area; 4. Does not substantially alter the original approval; and 5. Does not result in an expansion of the project.

Planning staff believes that the proposed amendment does comply with the aforementioned requirements. However, since the project was originally approved by the Planning Commission, staff believed that it was appropriate to refer the proposed amendment to the Commission for formal action.

SUMMARY

Staff believes that the proposed amendment to Condition I.D to extend the time for the proposed use to be established is appropriate given the size, scale and complexity of the project. The proposed extension will not have any detrimental impacts to the area and is consistent with the intent of the original project approval and the Zoning Code requirements.

As such, Planning staff is recommending that the Planning Commission approve the one-year (12 months) time extension amendment by adopting the attached resolution.

RESOLUTION NO. 23-____

RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION AMENDING CONDITION I.D OF PLANNING COMMISSION RESOLUTION NO. 21-020 GRANTING A ONE-YEAR TIME EXTENSION TO IMPLEMENT USE PERMIT PD-21-19

WHEREAS, California Renewable Carbon applied for the required Use Permit for the project described in the Initial Study, Mitigated Negative Declaration, and Use Permit PD-21-19 (State Clearinghouse Number: SCH 2021090047);

WHEREAS, the Planning Commission held a Public Hearing regarding the proposed Environmental Documents and Use Permit on November 3, 2021 and on December 1, 2021;

WHEREAS, the Planning Commission following the close of the public hearing and the consideration of County staff's recommendation and all other public testimony adopted Resolution No 21-020 which adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approved Use Permit No. PD-21-19;

WHEREAS, Condition No. I.D of Use Permit No. PD-21-19 specifies the use must be implemented within 24-months from the effective date of the Use Permit, December 11, 2023;

WHEREAS, Project proponents have made considerable progress in vesting the project per the terms of the Use Permit but due to the size, complexity, supply chain issues, and bond financing issuance have not been able to fully vest the subject Use Permit and have requested a time extension;

WHEREAS, Zoning Code Section 44-1.90.080 (Revision to an Approved Permit) specifies the process to review and approve a modification to an approved permit and the applicant has complied with said requirements; and

WHEREAS, on December 6, 2023, the Planning Commission conducted a duly noticed public hearing to consider the requested amendment to Use Permit No. PD-21-19.

NOW, THEREFORE, BE IT RESOLVED that the Colusa County Planning Commission based on facts in the Staff Report, and the written and oral testimony, and exhibits presented at the public hearing takes the following action:

I. Finds that the proposed change meets the standards of the Zoning Code Section 44-1.90.080 (Revision to an Approved Permit) to approve a modification to an approved permit and that extending the time frame by which the Use Permit must be vested from 24-months from the effective date of the Use Permit to 36-months complies with said Zoning Code Section in that the request is: 1. Is consistent with all applicable provisions of this chapter; 2. Does not involve a feature of the project that was specifically addressed in the conditions of approval or mitigation measures or was the basis for the project approval or findings in a negative declaration or environmental impact report for the project; 3. Is minor and will not adversely affect the surrounding area; 4. Does not substantially alter the original approval; and 5. Does not result in an expansion of the project.

Attachment: Planning Commission Resolution Approving Time Extension for PD-21-19 [Revision 1] (9483 : National Carbon Technologies, dba

II. Does hereby amend Resolution No. 21-020 Condition I.D as *follows "The use granted by this permit must be established within **36** months **of the effective date of the Use Permit** per the County Code. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit per the County Code"* and all other conditions and requirements of Use Permit No. PD-21-19 shall remain in full force and unchanged.

III. Does hereby confirm that the current Use Permit No. PD-21-19 project proponent is National Carbon Technologies-CA, LLC (d/b/a Aymium), a wholly owned subsidiary of California Renewable Carbon, LLC.

PASSED AND ADOPTED this 6th day of December, 2023 by the following vote:

AYES:

NOES:

ABSENT:

_____
John Troughton, Jr., Planning Commission Chair

ATTEST: Greg Plucker, Secretary to the Colusa County Planning Commission

_____
Ann Nordyke, Chief Deputy Clerk

APPROVED AS TO FORM

_____
Jennifer Sutton, Sr. Deputy County Counsel

.

Attachment: Planning Commission Resolution Approving Time Extension for PD-21-19 [Revision 1] (9483 : National Carbon Technologies, dba

AYMIUM

Colusa County Planning Department
1213 Market Street
Colusa, CA 95932

October 24, 2023

Attention: Greg Plucker

Re: Extension Request – Use Permit PD-21-19

Dear Greg,

Thank you for your continued support and assistance as the Aymium project is constructed.

Aymium would like to request an extension of Use Permit PD-21-19 approved by Planning Commission Resolution No. 21-020 adopted on December 1, 2021.

Civil engineering design work for the Aymium facility has been completed and initial site work, including grading and stormwater control, has been initiated.

Standard process equipment has been purchased, some of which has been delivered to the facility.

During final detailed engineering, equipment specifications for certain core process equipment (specifically biomass dryers and pyrolysis units) were revised which pushed back the procurement schedule for this equipment. Further, due to supply chain challenges, final delivery of all units will not occur until 2024.

Based on current equipment delivery schedules, Aymium anticipates completion of construction in first quarter 2025. Aymium's Project Management Team is working with procurement and construction contractors to identify every opportunity to keep this schedule as short as possible.

Because of the procurement/delivery delays and impacts on the construction timeline, Aymium requests that the Use Permit be extended for an additional 2-year period until December 2025.

We also request that the Use Permit be assigned to National Carbon Technologies-CA, LLC (d/b/a Aymium), a wholly owned subsidiary of California Renewable Carbon, LLC.

If you have any questions regarding this request, please let me know.

Sincerely,

Erin B. Heupel

Erin B. Heupel, PE
Director of Environmental Management

Attachment: Attachment #1 Aymium Use Permit PD-21-19 Extension Request (9483 : National Carbon Technologies, dba Aymium UP #21-19

RESOLUTION NO. 21-020

RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING USE PERMIT #PD-21-19 FOR CALIFORNIA RENEWABLE CARBON

WHEREAS, California Renewable Carbon have applied for a Use Permit for the project described in Exhibit "A" (Initial Study/Mitigated Negative Declaration for PD-21-19) attached hereto; and

WHEREAS, the County of Colusa is considered a Lead Agency under the California Environmental Quality Act (CEQA) for this proposed project and has determined that a Mitigated Negative Declaration is appropriate and was prepared and processed pursuant to CEQA for the proposed Use Permit; and

WHEREAS, a the required public hearing notices for the proposed Mitigated Negative Declaration and Use Permit was published in accordance with all applicable requirements; and

WHEREAS, the Planning Commission held a Public Hearing regarding the proposed Mitigated Negative Declaration and Use Permit on November 3, 2021 and again on December 1, 2021.

WHEREAS, the Planning Commission has considered County staff's recommendation to amend certain mitigation measures in response to comments submitted on the proposed Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Colusa County Planning Commission based on facts in the Staff Report, and the written and oral testimony, and exhibits presented at the public hearing takes the following action:

I. Adopts a Mitigated Negative Declaration for PD-21-19 finding that:

A. Finds that the Initial Study was completed in accordance with the California Environmental Quality Act; that said study identified potential significant environmental effects and includes appropriate Mitigation Measures attached as Exhibit "C" that would mitigate such effects to a level less than significant.

B. The proposed Mitigated Negative Declaration is adequate and reflects the independent judgment and analysis of the County, which is the lead agency.

C. The proposed amendments to the mitigations measures do not constitute a substantial revisions as defined by Section 15073.5(b) of the CEQA Guidelines and recirculation of the proposed Mitigated Negative Declaration is not required pursuant Section 15073.5(c)(2) of the CEQA Guidelines as the revisions are added in response to comments of the project's effects identified in the proposed Mitigated Negative Declaration which are not new avoidable significant effects.

Attachment: Attachment #2 Planning Commission Resolution 21-020 Approving Use Permit PD 21-19 (9483 : National Carbon Technologies, dba

II. Adopts the Mitigation Monitoring and Reporting Program for PD-21-19.

III. Approves the Use Permit for the project described in attached Exhibit "A", subject to conditions attached in Exhibit "B" and Mitigation Measures in attached Exhibit "C", and the following Findings:

A. The proposed project will not impair the integrity and character of the zone in which the land lies, and that the use would not be injurious or detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood, or to the general health, welfare and safety of the County.

1. The project would not be incompatible with surrounding land uses with the incorporation of conditions identified in Agenda Report.

2. The project is in a zoning classification conditionally, suitable for the proposed use.

3. The improvement of the property will not conflict with easements, access through or use of the property.

4. Approval of this project will not be detrimental to the public health, safety and welfare with compliance of the required conditions.

B. The project is consistent with the Colusa County General Plan Land Use Element goals and policies for the Industrial (I) land use designation.

C. The project is consistent with the Colusa County Zoning Ordinance Heavy Industrial (M-2) zoning designation.

D. The project is in compliance with Section 44-2.50.30(b), Performance Standards of the Industrial Zoning District with the approval of PD-21-19.

Attachment: Attachment #2 Planning Commission Resolution 21-020 Approving Use Permit PD 21-19 (9483 : National Carbon Technologies, dba

PASSED AND ADOPTED this 1st day of December, 2021 by the following vote:

AYES: Commissioners Dave McCullough, John Troughton Jr. and Kirk Pendleton.

NOES: None.

ABSENT: Commissioners Barry Morrell and Gail Beduhn.

Kirk Pendleton, Vice Chair
Planning Commission

ATTEST: Greg Plucker, Secretary to the
Colusa County Planning Commission

tsr Melissa Kitts, Deputy Clerk

APPROVED AS TO FORM

Jennifer Sutton, Sr. Deputy County Counsel

Attachment: Attachment #2 Planning Commission Resolution 21-020 Approving Use Permit PD 21-19 (9483 : National Carbon Technologies, dba

Exhibit "B"
USE PERMIT #PD-21-19
COLUSA COUNTY PLANNING COMMISSION

December 1, 2021
DATE

PD-21-19
PERMIT NO.

017-090-062 & 017-090-070
ASSESSORS PARCEL NO.

Pursuant to the provisions of the Zoning Ordinance of the County of Colusa and the special conditions set forth below, California Renewable Carbon is hereby granted a Use Permit in accordance with the application filed to operate carbon products manufacturing and energy production facility on APN 017-060-062 & 017-060-070 subject to all of the following Conditions of Approval:

CONDITIONS OF APPROVAL

I. General

A. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of the Use Permit constitutes cause for the revocation of said permit in accordance with the procedures set forth in the Colusa County Code and Zoning Ordinance.

B. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use to the satisfaction of the zoning administrator.

C. The use shall be limited to the project described in Exhibit "A" as approved by the Planning Commission subject to the Conditions of Approval in Exhibit "B" and the Mitigation and Monitoring Program in Exhibit "C". Minor changes may be approved by the Zoning Administrator pursuant to Section 44-1.80.030 of the County Code. Changes deemed to be major or significant in nature shall require an application amendment which may be reviewed by the Planning Commission as determined by the Community Development Director.

D. The use granted by this permit must be established within 24 months per the County Code. Upon written request by the applicant, the original review authority for the permit may extend the time limit for the permit per the County Code.

E. The terms and conditions of this permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

Attachment: Attachment #2 Planning Commission Resolution 21-020 Approving Use Permit PD 21-19 (9483 : National Carbon Technologies, dba

CONDITIONS OF APPROVAL

II. Planning and Building:

A. The project developer agrees, as a condition of issuance and use of this entitlement, to indemnify and defend the County, at applicant's sole cost and expense, in any claim, action, or proceeding brought against the County within 180-days after the issuance of this entitlement because of, or resulting from, any preliminary approval or actual issuance of this entitlement, or, in the alternative, to relinquish such entitlement. Applicant will reimburse the County for any damages, court costs and attorney fees which the County may be required by a court to pay as a result of such claim, action or proceeding. The County shall promptly notify the applicant of any such claim, action, or proceeding and will cooperate in its defense. The County may also, at its sole discretion, participate in the defense of any such claim, action, or proceeding but such participation shall not relieve applicant of its obligations under this condition.

B. The project developer shall comply with all other applicable federal, state, and local laws, statutes, ordinances and regulations.

C. The project developer shall comply with all the Mitigations Measures as presented in Mitigation Monitoring and Reporting Program attached hereto as Exhibit "C" to the satisfaction of the Community Development Director.

D. The project developer shall comply with the current version of the California Building Standards Code adopted in Chapter 5 of the County Code in effect at the time of building permit submittal.

E. The project developer will establish an office in unincorporated area of the County, and to the extent feasible, will procure equipment and materials necessary for the development of the project in a manner that maximizes the amount of sales tax paid by the project developer that is directed to the County to the satisfaction of the Community Development Director.

F. During construction and following commencement of commercial operations, the project developer shall endeavor to procure materials and services necessary for the development of the project from vendors and contractors whose primary place of business is within the County to the satisfaction of the Community Development Director.

G. Delivery trucks shall be advised to avoid the use of the Husted Road/Old Highway 99 street intersection to the greatest extent possible and travel to and from the site by an alternate route which avoids this street intersection.

II. Williams Fire Protection Authority

A. The project developer shall comply with the 2019 California Fire Code as adopted by the Williams Fire Protection Authority in Ordinance 20-01, including the adopted Local Amendments to the 2019 California Fire Code.

III. Environmental Health Division

A. The project developer shall submit the necessary Certified Unified Program Agencies (CUPA) Permits to Environmental Health Division for review and approval prior to operation to the satisfaction of the Environmental Health Division Manager and the Community Development Director.

Attachment: Attachment #2 Planning Commission Resolution 21-020 Approving Use Permit PD 21-19 (9483 : National Carbon Technologies, dba

COUNTY OF COLUSA, CA

Request For County Board of Supervisors Action

MEETING DATE: June 21, 2022

DEPARTMENT: Community Development

FROM: Greg Plucker

SUBJECT: California Municipal Finance Authority Issuance of Revenue Bonds and execution of a Joint Exercise of Powers' Agreement

9:30 a.m. Public Hearing and adoption of a Resolution to approve and authorizing the execution of a Joint Exercise of Powers Agreement with the **California Municipal Finance Authority (CMFA)** and the issuance of $150,000,000 in tax-exempt revenue bonds by the CMFA for the financing of the Aymium, LLC. project (formerly California Renewable Carbon).

Detailed Description/Background of request

Summary

As the Board may recall, last December the Planning Commission issued a use permit to California Renewable Carbon to repurpose the former Olam processing plant at 6229 Myers Road in Williams. The new facility will convert locally sourced biomass (such as orchard rotations and trimmings) into renewable biocarbon products, as well as generating and exporting renewable electricity to the grid.

Since that time, the parent company (National Carbon Technology) of California Renewable Carbon has changed its name to Aymium. In addition, Aymium has requested that the California Municipal Finance Authority (CMFA) issue up to $150,000,000 in tax-exempt revenue bonds (Bonds) for the purpose of financing the acquisition, construction, improvement and equipping of the proposed project and paying for certain expenses incurred in connection with the issuance of the Bonds.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the County of Colusa must conduct a noticed public hearing under the Tax and Equity Fiscal Responsibility Act (the "TEFRA Hearing") to provide for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing the project. Following the public hearing, the Board must approve a resolution agreeing to become part of the CMFA's Joint Exercise of Powers Agreement (JPA) and approving the issuance of the tax exempt bonds.

California Municipal Finance Authority

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. The CMFA's representatives and its Board of Directors have considerable experience in bond financings. To date, over 300 municipalities have become members of CMFA.

Execution of the Joint Exercise of Powers Agreement

In order for the CMFA to have the authority to serve as the issuer of the Bonds for the Aymium project, it is necessary for the County of Colusa to become a member of the CMFA. The attached JPA specifies that the CMFA is a public entity, separate and apart from each JPA member. The Bonds to be issued by the CMFA for the Aymium project will be the sole responsibility of the borrower, and the County will have no financial, legal, or liability for the repayment of the project Bonds. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the County or the State of California but are to be paid for solely from funds provided by the borrower.

There are no costs associated with membership in the CMFA and the County is not exposed to any financial liability by reason of its membership in the CMFA. In addition, participation by the County in the CMFA will not impact the County's appropriations limits and will not constitute any type of indebtedness by the County. Outside of holding the TEFRA hearing, adopting the required resolution and executing the Joint Exercise of Powers Agreement of the CMFA, no other participation or activity of the County or the Board of Supervisors with respect to the issuance of the Bonds will be required.

The JPA expressly provides that any member may withdraw from such agreement upon written notice to the Board of Directors of the CMFA. In the case of the proposed bond financing for the borrower, the County following its execution of the JPA could, at any time following the issuance of the Bonds, withdraw from the CMFA by providing written notice to the Board of Directors of the CMFA.

Prior Board Action

None

Fiscal Impact/Funding Source

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the "Foundation"), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the County of Colusa, it is expected that that a portion of the issuance fee attributable to the County will be granted by the CMFA to the general fund of the County. Such grant may be used for any lawful purpose of the County. While the exact

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

amount has yet to be determined, it is estimated to be in the range of $35,000.

Action for the Clerk

Obtain the necessary signatures on the JPA and resolution, forward electronic copies to the Community Development Director, and forward a certified copy of the Resolution and an originally executed copy of the JPA to the CMFA in care of its counsel:

Ronald E. Lee, Esq.
Jones Hall, APLC
475 Sansome Street, Suite 1700
San Francisco, CA 94111

ATTACHMENTS:

- Board Resolution Approving JPA and CMFA Bond Issuance (DOCX)
- California Municipal Finance Authority JPA Agreement (PDF)
- 06-21-22 Notice of Public Hearing - JPA for CMFA (PDF)

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

RESOLUTION NO. 22-____

RESOLUTION APPROVING, AUTHORIZING AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF REVENUE BONDS BY THE AUTHORITY FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION AND IMPROVEMENT OF CERTAIN FACILITIES FOR THE BENEFIT OF CALIFORNIA RENEWABLE CARBON, LLC (D/B/A AYMIUM) OR AN AFFILIATE OR RELATED PERSON THERETO

WHEREAS, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") in order to form the California Municipal Finance Authority (the "Authority"), for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

WHEREAS, the County of Colusa (the "County"), has determined that it is in the public interest and for the public benefit that the County become a Member of the Authority in order to facilitate the promotion of economic, cultural and community development activities in the County, including the financing of projects therefor by the Authority; and

WHEREAS, there is now before the Colusa County Board of Supervisors (the "Board") the form of the Agreement; and

WHEREAS, the Agreement has been filed with the County, and the members of the Board, with the assistance of its staff, have reviewed said document; and

WHEREAS, the Authority is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction of capital projects; and

WHEREAS, California Renewable Carbon, LLC (d/b/a Aymium), a Delaware limited liability company or an affiliate or related person thereto (the "Borrower") has requested that the Authority issue and sell revenue bonds in the maximum principal amount of $150,000,000 (the "Bonds") for the purpose of (1) making a loan to the Borrower, to enable the Borrower to finance the acquisition, construction, improvement and equipping of solid waste disposal facilities pursuant to Section 142(a)(6) of the Code that processes and converts woody biomass and is located at 6229 Myers Road, Williams, California 95987 (the "Project") and (2) paying certain expenses incurred in connection with the issuance of the Bonds; and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that an "applicable elected representative" of the governmental unit, the geographic jurisdiction of which contains the site of facilities to be financed with the proceeds of the Bonds, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing; and

WHEREAS, the Authority has determined that the Board is an "applicable elected representative" for purposes of holding such hearing; and

WHEREAS, the Authority has requested that the Board approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and, the requirements of Section 4 of the Agreement; and

WHEREAS, notice of such public hearing has been duly given as required by the Code, and this Board has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing or refinancing of the Project and the Authority's issuance of the Bonds therefor; and

WHEREAS, it is in the public interest and for the public benefit that the Board approve the issuance of the Bonds by the Authority for the aforesaid purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE Board, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The Agreement is hereby approved and the Chair of the Board or the designee thereof is hereby authorized and directed to execute said document, and the Clerk of the Board or such Clerk's designee is hereby authorized and directed to attest thereto.

Section 3. The Board hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the Board that this resolution constitutes approval of the issuance of the Bonds (a) by the "applicable elected representative" of the governmental unit having jurisdiction over the area in which the Project is to be located in accordance with Section 147(f) of the Code and (b) by the Board in accordance with Section 4 of the Agreement.

Section 4. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The County shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 5. The adoption of this Resolution shall not obligate the County or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 6. The Colusa County Administrative Officer is hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

Section 7. The Clerk shall forward a certified copy of this Resolution and an originally executed Agreement to the Authority in care of its counsel:

Ronald E. Lee, Esq.
Jones Hall, APLC
475 Sansome Street, Suite 1700
San Francisco, CA 94111

Section 8. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the Colusa County Board of Supervisors at a regular meeting of the Board held on this 21st day of June 2022 by the following vote:

AYES:

NOES:

ABSENT:

_____
J. Merced Corona, Chair
Colusa County Board of Supervisors

ATTEST: Wendy G. Tyler,
Clerk of the Board of Supervisors

By: _____
Patricia Rodriguez, Deputy

APPROVED AS TO FORM:

_____
Richard Stout
County Counsel

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

JOINT EXERCISE OF POWERS AGREEMENT
RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY

THIS AGREEMENT, dated as of January 1, 2004, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Initial Members"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means, including through making grants, loans or providing other financial assistance to governmental and nonprofit organizations; and

WHEREAS, each Member is also empowered by law to acquire and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, as specified in this Agreement and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute bonds, notes, commercial paper or any other evidences of indebtedness, including leases or installment sale agreements or certificates of participation therein (herein "Bonds"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue Bonds pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects of any nature, including, but not limited to, capital or working capital projects, insurance, liability or retirement programs or facilitating Members use of existing or new financial instruments and mechanisms; and

WHEREAS, it is further the intention of the Members that the projects undertaken will result in significant public benefits to the inhabitants of the jurisdictions of the Members; and

WHEREAS, by this Agreement, each Member desires to create and establish the "California Municipal Finance Authority" for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of Bonds for any purpose or activity permitted under the Joint Exercise of Powers Act or any other applicable law. Such purpose will be accomplished and said power exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Bonds issued or caused to be issued by the Authority (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement or other instrument pursuant to which such Bonds are issued, or unless a successor to the Authority assumes all of the Authority's debts, liabilities and obligastions.

Section 3. Authority.

A. CREATION AND POWERS OF AUTHORITY.

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Municipal Finance Authority" (the "Authority"), and said Authority shall be a public entity separate and apart from the Members. Its

debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members.

B. BOARD.

The Authority shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") of the California Foundation for Stronger Communities, a nonprofit public benefit corporation organized under the laws of the State of California (the "Foundation"), with each such Director serving in his or her individual capacity as a Director of the Board. The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein. The number of Directors, the appointment of Directors, alternates and successors, their respective terms of office, and all other provisions relating to the qualification and office of the Directors shall be as provided in the Articles and Bylaws of the Foundation, or by resolution of the Board adopted in accordance with the Bylaws of the Foundation.

All references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director.

Directors may receive reasonable compensation for serving as such, and shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

The Foundation may be removed as administering agent hereunder and replaced at any time by amendment of this Agreement approved as provided in Section 16; provided that a successor administering agent of this Agreement has been appointed and accepted its duties and responsibilities under this Agreement.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The officers of the Authority shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Authority (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be

Attachment: Attachment #3 2022-06-21 Board Agenda Packet CMFA Bond and JPA (9483 : National Carbon Technologies, dba Aymium UP #21-

specified by resolution of the Board, the Treasurer is designated as the depositary of the Authority to have custody of all money of the Authority, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Board but in no event less than $1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Authority and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Authority.

D. MEETINGS OF THE BOARD.

(1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

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(4) Minutes.

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors constituting a quorum, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Authority may adopt, from time to time, by resolution of the Board such rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Authority shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Authority is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to make grants, loans or provide other financial assistance to governmental and nonprofit organizations (e.g., the Members or the Foundation) to accomplish any of its purposes; and generally to do any and all things necessary or convenient to accomplish its purposes.

Without limiting the generality of the foregoing, the Authority may issue or cause to be issued Bonds, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law; provided, however, the Authority shall not issue Bonds with respect to any project located in the jurisdiction of one or more Members unless the governing body of any such Member, or its duly authorized representative, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Such approval may be evidenced by resolution, certificate, order, report or such other means of written approval of such project as may be selected by the Member (or its authorized representative) whose approval is required. No such approval shall be required in

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connection with Bonds that refund Bonds previously issued by the Authority and approved by the governing board of a Member.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2004.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

Section 7. Bonds.

From time to time the Authority shall issue Bonds, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing shall be used by the Authority. The expenses of the Board shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

Section 8. Bonds Only Limited and Special Obligations of Authority.

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds except from revenues and other funds pledged therefor. Neither the Members nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Authority shall be pledged to the payment of the

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principal of, premium, if any, or interest on the Bonds nor shall the Members or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Authority in his or her individual capacity and neither the Board of the Authority nor any Director or officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

Section 9. Accounts and Reports.

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Authority may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Authority. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Members which report shall describe the amount of money held by the Treasurer for the Authority, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Bonds to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

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Section 10. Funds.

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

Section 11. Notices.

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided, however, that to the extent permitted by law, the Authority may, provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

Section 12. Additional Members/Withdrawal of Members.

Qualifying public agencies may be added as parties to this Agreement and become Members upon: (1) the filing by such public agency with the Authority of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Section 13. Indemnification.

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Director or an officer, employee of other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Authority, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

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Section 14. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any Member may do so. The Members understand and agree that a portion of the funds of the Authority that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and nonprofit organizations (e.g., the Foundation) to accomplish any of the governmental unit's or nonprofit organization's purposes.

Section 15. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Authority while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

Section 16. Amendments.

Except as provided in Section 12 above, this Agreement shall not be amended, modified, or altered, unless the negative consent of each of the Members is obtained. To obtain the negative consent of each of the Members, the following negative consent procedure shall be followed: (a) the Authority shall provide each Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Authority shall provide each Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

Section 17. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof.

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Section 18. Partial Invalidity.

If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

Section 19. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

Section 20. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

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IN WITNESS WHEREOF, the County of Colusa has caused this Agreement to be executed and attested by its duly authorized representatives as of the ___ day of _____, 2022.

Member:

COUNTY OF COLUSA

By _____
Name:
Title:

ATTEST:

By _____
Name:
Title:

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LEGAL NOTICE

COUNTY OF COLUSA

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Board of Supervisors will conduct a Public Hearing on June 21, 2022 at 9:30 a.m. in the County Board of Supervisors' Chambers at 546 Jay Street, Suite 108, Colusa, CA, 95932 to consider the adoption of a Resolution which would approve: (1) the execution of a Joint Exercise of Powers Agreement with the California Municipal Finance Authority (CMFA); and (2) as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), approve the issuance by the California Municipal Finance Authority, pursuant to a plan of financing, of its revenue bonds in one or more series in an amount not to exceed $150,000,000 (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance the acquisition, construction, improvement and equipping of an exempt facility bond for solid waste disposal facilities pursuant to Section 142(a)(6) of the Code that processes and converts woody biomass and is located at 6229 Myers Road, Williams, California; and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facility is initially to be legally owned, principally used, operated and/or managed by the California Renewable Carbon, LLC (d/b/a Aymium), a Delaware limited liability company or an affiliate or related person thereto.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the County of Colusa, the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The Hearing will commence at 9:30 am or as soon thereafter as the matter can be heard. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed may attend the public hearing or, prior to the time of the hearing, submit written comments.

Documentation and information regarding the project may be obtained at the Community Development Department, 1213 Market Street, Colusa, CA (530) 458-0480. If you have questions or concerns regarding this matter, or would like to submit comments you may do so to the following: Greg Plucker, Community Development Director, 1213 Market Street, Colusa, CA (530) 458-0483, or by e-mail at gplucker@countyofcolusa.com. Additional documentation is available for review in accordance with Agenda Scheduling Deadlines at the Office of the Clerk of the Board, 547 Market Street, Ste. 102, Colusa, CA (530)458-0508. All persons are invited to attend and be heard.

If you challenge the proposed project you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the public hearing.

Dated: June 2, 2022

/s/ Melissa Kitts, Deputy Clerk

06/09/2022 - CCPR #2022-0607

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