

Planning Commission

Dave McCullough, District 1
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
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COLUSA COUNTY Planning Commission Agenda September 6, 2023

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

9:00 a.m. CALL TO ORDER

- Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval
Planning Commission – Regular Meetings – August 2, 2023.

II. PUBLIC COMMENT

III. PUBLIC HEARINGS

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

1. 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).

COMMUNITY DEVELOPMENT/ZONING CODE TEXT AMENDMENT (PD-23-30)

2. 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.

IV. COMMUNITY DEVELOPMENT/JANUS SOLAR PV, LLC

1. Adopt 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.

V. PLANNING DIRECTOR COMMENTS/REPORTSVI. 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.

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COLUSA COUNTY
Planning Commission
Minutes

August 2, 2023

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

The Colusa County Planning Commission meets in Regular Session this 2nd day of August 2023 at the hour of 9:00 a.m. Present: Commissioners Heath Krug, Elizabeth Yerxa, Kirk Pendleton and John Troughton, Jr. Absent: Commissioner Dave McCullough.

Pledge of Allegiance

I. APPROVAL OF MINUTES

1. Minutes Approval

Planning Commission – Regular Meetings – May 3, 2023.

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

II. PUBLIC COMMENT

None.

III. PUBLIC HEARINGS

Chair Troughton makes time for a Public Hearing and adoption of a Resolution approving Statutory Exemptions and approving Tentative Parcel Map (PD-23-6) for Travis Roberts (Kalfsbeek Living Trust).

Comments received by Mr. Geiger.

9:04 a.m. Chair Troughton opens the Public Hearing and calls for public comment. Hearing none, Chair Troughton closes the Public Hearing.

COMMUNITY DEVELOPMENT DEPARTMENT/TRAVIS ROBERTS (KALFSBEEK LIVING TRUST)

1. Adopt **Resolution No. 23-003** approving Statutory Exemptions and approving Tentative Parcel Map (PD-23-6) for Travis Roberts (Kalfsbeek Living Trust).

Minutes Acceptance: Minutes of Aug 2, 2023 9:00 AM (APPROVAL OF MINUTES)

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

Chair Troughton makes time for a Public Hearing and consideration of a Resolution for the Janus Solar electrical generating and battery storage Use Permit 20-01 (PD-3829) which would: (1) certify the Environmental Impact Report including the CEQA Findings and Mitigation Monitoring and Reporting Program; (2) adopt Use Permit Findings and Conditions of Approval; and (3) direct staff to file the Notice of Determination.

9:05 a.m. Commissioner Yerxa recuses herself and leaves the room.

Comments received by Mr. Plucker.

9:28 a.m. Chair Troughton opens the Public Hearing and calls for public comment.

Chair Troughton calls for comments from supporters of the project.

Comments received by Mr. Folks and Ms. Nevis from RWE.

Mr. Moore from Maxwell states he supports this project because it's good for the County and there should be more like this. He states it will bring a lot of money to the County, Parks and Recreation and the Fire Department. He further states that the County would be in bad financial shape this year if it didn't rain.

Ms. Meeker states she would like to comment on behalf of the Maxwell Parks and Recreation District and discloses she works for the local paper. She states that the District supports the project and states that the project would provide well needed funding.

Chair Troughton calls for comments from opponents of the project.

Ms. Terkildsen states she is a landowner off Spring Valley Road in Colusa County and is opposed to this project. She says her comments she submitted are mentioned as being "insignificant" in the staff report. She further states that she has concerns about the closure and decommissioning of the project and the amount of the bonds.

Mr. Plucker states an engineer's estimate would be required to develop a cost estimate of returning the site to its pre-development condition and that this estimate would be reviewed and approved by the County. He states County Counsel would review the security instrument to ensure that the County would get access to the funds when needed.

Ms. Terkildsen further states she has concerns about the construction in the evening that would require lighting. Also, the report states that the project isn't a detriment for the health, safety, peace, comfort or general welfare of persons working or residing in the area and she disagrees.

Mr. Plucker states that the proposed use permit conditions limits the hours of operation and would restrict night time operations to prevent lighting impacts on the neighbors.

Mr. Ferrini states he lives on Walnut Drive and disagrees with everything that's been discussed by the proponents. He shows a map and states that he has almost a mile of common property line and that there isn't any way there won't be a visual impact. He also states that this area has always been in agriculture and the area could be annexed by West Side Water District for farming. He states he's lived in the area for 43 years and recently met the landowner who asked to put a transmission line through his property. He stated that he would have helped explain how to annex the property to the Westside District. He states 196,000 solar panels will have a visual impact and the money isn't worth it. He urges the Planning Commission to deny the project.

Mr. Marsh states he has concerns about water runoff if there was a fire emergency and how the contaminated water would affect the groundwater supply. He further states that he has concerns about the details of the Emergency Operations Plan.

Ms. Marsh states she has concerns in regards to the Williamson Act cancellation. She further states that she has concerns about decommission procedures for the project and also water containment if there is a fire.

Ms. Ferrini Katsaris states she has concerns that the company answered no to every question about impacts in the applicant questionnaire form which is incorrect and you cannot have confidence in a company that fills out the application dishonestly. She further states that she doesn't have confidence that mitigation measures would have been addressed unless her neighbors had raised concerns. She further states she doesn't think the funding provided for fire mitigation will be sufficient as it's a high fire risk area.

Mr. LaGrande is a neighbor to the project. He's concerned about the dust and the impacts to orchards. He asks how dust from Spring Valley Road will be addressed.

Ms. Nevis states it won't be paved and dust from construction will be mitigated.

Mr. Plucker states "Dust Off" would be applied to the area and for the life of the project.

Mr. LaGrande states dust mites are a big problem and Dust Off won't be adequate. He further states because of where the substation is located, there have been calls from realtors from out of the area looking at land for similar projects. He states we need to decide if we're going to be agriculture based or a solar based County.

Ms. Ell states she's lived all over and it is not fair that rich people can come in and take over and change the way of life and the historic character of an area.

Mr. Vann is a landowner in the area and states they don't need additional power lines as it affects the agricultural business and crop dusting. He further states Agriculture is important for the County and this will directly affect how many people are employed.

Mr. Nelson states he is representing Ms. Terkildsen, Mr. Ferrini and Ms. Katsaris and states that he sent a letter stating he takes exception to the fact County Staff says the project is in compliance to the General Plan, when it is not. He states that the following sections in the General Plan should be noted:

Agricultural Element Policies:

Policy AG-1, AG 1-8, AG 1-9, Action AG 1-A, Policy AG 1-12, and AG 2-A

Land Use Element Policies:

LU 1-7, LU 2, LU 2A, LU 2-2, LU 2-3, LU 2-5, LU 2-6, and LU 2-10

He further states the Williamson Act was meant to preserve open space lands and the permit should not be approved pending cancellation of Williamson Act Contracts pursuant to State law. He states property owners have rightful concerns and he urges the Planning Commission to vote against the project.

Mr. Katsaris asks if there will be a holding area for water runoff and states any runoff will impact the City of Williams and asks if the project will have stand pipes for fire prevention. He further states it's just a matter of time that a fire will happen and when it does, when they use 50,000 gallons to suppress it, the water and contaminants will enter the groundwater supply.

Chair Troughton calls for the proponent's response.

Mr. Folks states they will abide by all requirements made by the Commission and County staff. He states there will be grass under the solar panels to prevent flooding and fire training will begin before operations get underway. He states that a pallative will be applied to control dust as often as necessary as designated by the County. He states they will try to conduct business during daylight hours, so as not to require lighting. He further states the decommissioning bond is required before getting a building permit.

Mr. Rex Favero states his family owns the property of the site of the proposed project and states he's been working with the Westside Water District for years and they are unable to get water to the property.

Mr. Paul Favero states he was born in 1929 and raised on the farm. He states he's tried to be a good steward and it's time to do what's best for the community. He states that he feels good about turning it over and it will benefit the area.

Mr. Plucker responds to the concerns of the project opponents. He states Staff has never determined any submitted comments as insignificant. He states that in regards to hours of operation, there were proposed hours established that limit work during non-daylight hours to prevent issues with residents in the area. He states in regards to groundwater issues, the project is required to comply with local laws and requirements. He states the County has standards for runoff and they will do studies and an analysis of the project. One of the requirements is a review of any impact to groundwater and containment needs will be evaluated as part of project approval. He states fire training will need to be completed before the project starts construction. He further states that regarding the County's importance of agriculture, the General Plan looks at everything regarding the overall principal. Policy 2-2 allows commercial alternative energy facilities, including solar, with a conditional use permit, which is very specific language. He states that in regards to the Williamson Act, it is a very specific

condition that the use permit wouldn't be valid if the Williamson Act Contract is not cancelled.

11:02 a.m. Chair Troughton calls for further public comment. Hearing none, Chair Troughton closes the Public Hearing.

Mr. Plucker states if the Commission denies the project, he will bring forward a Resolution at the next meeting stating the Commission's denial of the project and the reasons for the denial.

Comments received by Ms. Sutton.

COMMUNITY DEVELOPMENT/JANUS SOLAR PV, LLC

2. Deny the certification of the Environmental Impact Report including the CEQA finding and mitigation monitoring and reporting program, based on inconsistencies with the General Plan.

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

Deny the adoption of the Permit Findings and Conditions of approval based on inconsistencies with the General Plan.

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

11:08 a.m. Commissioner Yerxa rejoins the session and is now seated.

IV. PLANNING DIRECTOR COMMENTS/REPORTS

None.

V. PLANNING COMMISSIONER'S COMMENTS/REPORTS

None.

Chair Troughton adjourned the meeting at 11:09 a.m. to reconvene in Regular Session on September 6, 2023 at the hour of 9:00 a.m.

Respectfully submitted,
Greg Plucker, Secretary to the
Planning Commission

By: _____
Melissa Kitts, Deputy Clerk

John Troughton Jr., Chair

Minutes Acceptance: Minutes of Aug 2, 2023 9:00 AM (APPROVAL OF MINUTES)



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 9298)

Meeting: 09/06/23 09:00 AM
Department: Community Development Department
Category: Public Hearing
Prepared By: Steve Geiger
Initiator: Steve Geiger
Sponsors:
DOC ID: 9298

Detail

Applicant: Terry Talbot (Colusa County Farm Supply) **File:** PD-23-24
General Plan: Agriculture General (AG) **Zoning:** Exclusive Agriculture (E-A)

Formal Title / Summary

Resolution Recommending the Board of Supervisors adopt a CEQA Exemption and Approve a General Plan Amendment and Zoning Amendment

Action Requested

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).

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

The proposed project would amend the General Plan land use designation and zoning classification of approximately 20± acres of land to allow the expansion of an existing commercial farm supply business (Colusa County Farm Supply). Specifically, the General Plan land use designation would be changed from Agriculture General (AG) to Industrial (I) and the zoning classification would change from Exclusive Agriculture (E-A) (40 acre minimum parcel size) to Light Industrial (M-1) (1 acre minimum parcel).

According to the applicant, Colusa County Farm Supply initially purchased the western 13± acre portion of APN 016-070-125 and began operations there in 1973. This portion of the property is currently designated Industrial (I) by the General Plan and zoned Light Industrial (M-1). The applicant has since acquired the 20± acre eastern portion of the parcel through a lot line adjustment with the property owner to the east, and has submitted this application to change the General Plan land use designation and Zoning classification to allow for future expansion of the farm supply business.

APN:

016-070-125 (eastern 20± acres)

LOCATION:

The project site is located at 5873 Freshwater Road, approximately 2,800 feet east of Interstate 5, adjacent to the northern city limits boundary of the City of Williams, APN

016-070-125.

PROJECT AND SITE DESCRIPTION:

The applicant requests the approval of a General Plan and a Zoning amendment to change the General Plan designation of approximately 20± acres of APN 016-070-125 from Agriculture General (AG) to Industrial (I) and the zoning classification from Exclusive Agriculture (E-A) to Light Industrial (M-1). The western portion of the site is substantially developed with the business's buildings, tank farms, and other improvements. The applicant has indicated the existing farm supply business is in need of more space for operations and storage beyond its current 13 acre site.

The applicant initially contacted staff and discussed moving the storage of the business' crop protection chemicals (i.e. pesticides) onto the adjacent 20± acre parcel. By itself, this proposed use classified as "agricultural chemicals commercial storage and distribution" would be permitted in the existing Exclusive Agriculture (E-A) zone with approval of a Use Permit. The applicant also proposes, however, to move the retail commercial hardware store which is part of the existing farm supply operation to the undeveloped 20 acre parcel in the future. General retail commercial uses are not permitted in the E-A zone district. They are, however, permitted in the Light Industrial (M-1) zone district with approval of a Minor Use Permit (Zoning Code, Table 44-2.50-2). The applicant was therefore directed to submit this General Plan Amendment and Zoning Amendment application in order to meet his project goals. If the General Plan and Zoning Amendment application is approved, the applicant will need to obtain approval of a Minor Use Permit prior to relocating the retail commercial hardware store to the eastern portion of the parcel. A Minor Use Permit is normally reviewed and approved by the Zoning Administrator,

ANALYSIS:

General Plan and Zoning

The existing farm supply business is located on approximately 13 acres of the western portion of APN 016-070-125. This portion of the site has an existing Industrial (I) General Plan designation and existing Light Industrial (M-1) zoning classification. The eastern 20± acre portion of the site the applicant wants to expand onto has an Agriculture General (AG) General Plan designation and an Exclusive Agriculture (E-A) zoning classification.

The proposed project would facilitate the expansion of the existing Colusa County Farm Supply business by providing more land area for expansion of their crop protection chemicals and eventual relocation of their existing retail commercial hardware store.

While the farm supply business is agricultural in nature and supportive of existing farms and agricultural operations in the county, it's important to note that if the project is approved, future uses on the project site will not be limited to those that are necessarily

agriculturally related or supportive. Proposed uses will be required to comply with the Light Industrial (M-1) requirements of the Zoning Code, as well as the Industrial policies of the General Plan.

According to the General Plan, the Industrial (I) designation "identifies areas suitable for a wide range of industrial activities, ranging from light industrial to heavy manufacturing and processing uses. The designation is applied to lands with existing industrial uses, including industrial parks and agricultural support uses, and to lands suited for future industrial uses, where necessary services such as transportation systems (e.g., 1-5, SR 20, SR 45 corridors) and utilities and services exist or can be efficiently provided, where disruption of proximate uses will be least, and where the potential for environmental disruption is minimal or can be adequately mitigated."

Staff believes the redesignation of the subject 20± acres from Agriculture General (AG) to Industrial (I) and rezoning from Exclusive Agriculture (E-A) (40 acre minimum parcel size) to Light Industrial (M-1) (1 acre minimum parcel) is appropriate, given the existing farm supply business being located on Industrial designated and M-1 zoned property, and its desire to expand operations onto the subject 20± acres adjacent to the east. Staff believes the project is consistent with the following General Plan goals, objectives, and policies:

Goal LU-1: Maintain the efficient and harmonious use of land in the county, promoting a well organized and orderly development pattern, avoiding random, haphazard growth, protecting public health and safety, and accommodating the orderly and sustainable growth of employment and population.

Staff believes the proposed project promotes an orderly development pattern, avoids haphazard growth, and accommodates the orderly and sustainable growth of employment and population in the County.

Objective LU-1A: Provide a Balanced Mix of Land Uses that Reflect the Needs of the County Residents and Businesses.

Policy LU 1-1: Ensure that the County designates a supply of developable industrial, commercial, and residential land sufficient to meet projected growth and economic needs over the planning period.

Staff believes the proposed project provides a balanced mix of land uses, reflecting the needs of County residents and businesses.

Policy LU 1-7: The Land Use Map may be amended from time to time to ensure that there is an adequate supply of industrial, commercial, public service, residential, and other lands to serve the County's economic needs. However, agricultural and open space lands shall not be re-designated or developed for urban or residential uses unless:

- The proposed use is necessary for the economic, agricultural, and social well-being of the County.
- Residential uses are located away from areas of excessive noise, smoke, or dust, especially in those areas adjoining freeways or industrial uses.
- The proposed use will not conflict with existing or anticipated uses in the vicinity.

Staff believes the proposed project is necessary for the economic, agricultural, and social well-being of the County. There are no residences located within close proximity to the site that will be subject to excessive noise, smoke, or dust, and the proposed use will not conflict with existing or anticipated uses in the vicinity.

Objective LU-1B: Focus Future Growth In and Around Existing Communities While Preserving and Enhancing the County's Agriculture and Rural Character

Policy LU 1-10: Concentrate future development within or adjacent to the communities that provide urban services, including Arbuckle, College City, Colusa, Grimes, Maxwell, Princeton, Stonyford, and Williams, with an emphasis on placing large-scale and more intense development projects in these population centers as opposed to other rural and remote areas that lack public services and amenities or are not connected to an existing community.

Future development of the site is adjacent to the Williams city limits, as the city limits are immediately south of the subject site.

Policy LU 3-23: Maintain a supply of industrial land commensurate with the objective of attracting a wide array of manufacturing and agricultural support uses.

Policy LU 3-24: Require proposed industrial development to be consistent with the following:

- The area can be readily hooked up to public sewer and water facilities where these facilities are available, or to private sewer and water facilities where utilities do not yet exist.
- If the industry uses community utilities, that community systems can accommodate the added demand without additional costs to the existing community.
- If the project is to be served by groundwater wells, that reliable, scientific data be provided in the project development application that demonstrates that groundwater will be available under all conditions, including drought, that surrounding the wells will not have appreciable adverse effects on the quality and quantity of existing domestic and agricultural water supplies, and that private sewage disposal systems can comply with Environmental Health Department standards.
- The project will not significantly contribute to air, water, light, and noise pollution.

- The area has access to a major transportation route.
- The impact of the development on local streets can be mitigated to acceptable levels.
- The area is located within 10 minutes of a fire station or can mitigate fire hazards through additional measures, such as, water storage and pressure systems, building sprinkler systems and/or providing its own fire protection independently.

Staff believes the project meets the above criteria.

Policy LU 3-25: Concentrate future industrial development in areas with direct access to rail, interstate, air, or state highway transportation facilities.

The project site has direct access State Highway 20 to the east via Freshwater Road. The project site is also located in close proximity to Interstate 5.

Policy LU 3-28: Require new industrial development to pay its fair share of increases in public service and facilities costs.

Construction of future improvements on the project site will be required to pay applicable development impact fees.

State of CA Important Farmlands

The proposed project will not result in the loss of Prime Farmland. The State of California, Department of Conservation, maps and classifies farmlands and adjacent lands in the state and provides them with a description, or Farmland Type. The approximate 13 acres where the existing farm supply business is located on is not being farmed and is classified as "Urban and Built-Up Land", with no farmland importance.

The 20± acres that is the subject of this General Plan amendment and Zoning amendment is classified as "Unique Farmland." According to the State, these are described as "lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date." As such, the proposal to convert the subject property from Agriculture General (AG) to Industrial (I) will not result in the loss of Prime Farmland.

Surrounding Land Use and Compatibility

The area to be redesignated to Industrial (I) and rezoned to Light Industrial (M-1) was previously planted in rice. The area has been cleared and the applicant is currently parking equipment on this portion of the property. Approval of this project will result in the conversion of 20± acres of agricultural land to industrial.

Land uses surrounding the project site are agricultural and are not anticipated to change in the near future. Interstate 5 is located approximately 2,800 to the west, and the City of Williams borders the subject site to the south. Land uses in the area have been established for many years and the project is considered compatible and allows for the expansion of an existing agricultural/industrial type use.

Issues and Concerns

Approval of the project will not impact the adjacent City of Williams or surrounding agricultural operations. As noted above, the subject site is located adjacent to the northern city limits boundary of the City of Williams. Based on its location, the project was circulated to the City of Williams for review and comment. The City requested confirmation on which jurisdiction (City of Williams or Colusa County) maintains Freshwater Road. The County's Public Works Director has indicated that Colusa County is responsible for maintaining Freshwater Road. After obtaining this information, the City of Williams had no concerns or further comments on the project.

The project was also circulated to the County Public Works Department, Agriculture Commissioner's Office, Sheriff's Department, Environmental Health, Williams Fire Protection Authority, and California Highway Patrol. No other issues or concerns were identified by these departments and agencies during processing of the application.

General Plan Amendments and Native American Tribal Consultation

State law allows cities and counties to amend their General Plans up to four (4) times in a calendar year (California Government Code 65358b). This General Plan Amendment represents the first one considered for the 2023 calendar year.

State law also requires cities and counties to forward General Plan amendment applications to Native American tribes having traditional lands located within the jurisdiction for review and consideration. The tribes have 90 days to review and determine if they would like to request consultation with the jurisdiction on the proposed General Plan amendment.

For this application, a total of seven (7) Native American tribes were notified of the application. None of the tribes have requested consultation with the County on this project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Approval of the project will redesignate approximately 20± acres from Agriculture General (AG) to Industrial (I), and rezone this acreage from Exclusive Agriculture (E-A) to Light Industrial (M-1). The General Plan and Zoning amendments will allow for expansion of the existing farm supply business. The applicant proposes to construct a new metal warehouse building for crop protection chemicals, store agricultural trailers

and other equipment, and relocate an existing commercial retail hardware store to the project site in the future. Other than this future relocation of commercial retail sales onto the property, the project will appear and function as the expansion of an agricultural support use.

The General Plan and Zoning amendments are exempt from CEQA pursuant to Title 14, Article 5 of the California Code of Regulations Section 15061(b)(3) because there is no possibility that this project may have a significant effect on the environment.

SUMMARY

Staff believes that the proposed project would be consistent with the General Plan and Zoning requirements. No significant impacts to the environment are anticipated. Based upon the totality of the record, staff is recommending the Planning Commission approve the project by making the motion previously listed.

RESOLUTION 23 -

**RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION RECOMMENDING
THE BOARD OF SUPERVISORS ADOPT A STATUTORY EXEMPTION AND APPROVE A
GENERAL PLAN AMENDMENT AND ZONING AMENDMENT (PD-23-24) FOR
APPROXIMATELY 20.0 ACRES OF LAND**

WHEREAS, on May 17, 2023 an application was filed by Terry Talbot requesting a General Plan Amendment (GPA) and Zoning Amendment (ZA) on 20.0± acres of land on the eastern portion of Assessor's Parcel Number (APN) 016-070-125, ("Property"), to allow for the expansion of an existing farm supply business;

WHEREAS, the application requests amending the General Plan designation for the Property from Agriculture General (AG) to Industrial (I); and the Zoning classification from Exclusive Agriculture (E-A) to Light Industrial (M-1) as shown on Exhibits "A" and "B" (attached draft Board Resolution and Ordinance);

WHEREAS, Colusa County is the Lead Agency under the California Environmental Quality Act (CEQA) for the project and has determined that a statutory exemption is appropriate for the proposed project due to the fact that the change in land use regulations would result in projects that are exempt from CEQA;

WHEREAS, a Notice of Intent to adopt the proposed CEQA Exemption and a Public Hearing Notice for the proposed applications was noticed and published in accordance with all applicable requirements;

WHEREAS, in accordance with California Government Code sections 65358 and 65850 et seq., the Colusa County Planning Commission conducted a public hearing on the proposed General Plan Amendment and Zoning Amendment (PD-23-24) for the Property as shown on Exhibits "A" and "B" attached to this Resolution; and

WHEREAS, during the hearing, the Planning Commission considered the requested applications, the Planning Division staff report, and all comments and evidence submitted into evidence at the hearing and staff's proposed environmental determination.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission, based on its analysis of all evidence and testimony presented and considered at the public hearing, makes the following findings:

1. The proposed project will not impair the integrity and character of the zone in which the land lies, and the use would not be injurious or detrimental to the public health, safety and general welfare of the persons residing or working in the neighborhood, or to the general health, safety and welfare of the County.
2. The project would not be incompatible with surrounding land uses.
3. The proposed zoning amendment is consistent with the General Plan goals, policies, and implementation programs.

BE IT FURTHER RESOLVED that the Planning Commission makes the following recommendations to the Colusa County Board of Supervisors:

1. Adopt CEQA Exemption and in doing so:
 - A. Find the Statutory Exemption reflects the independent judgment and analysis of the County, which is the lead agency.
 - B. That the proposed project and ordinance is exempt from the California Environmental Quality Act (CEQA) under Title 14, Article 5 of the California Code of Regulations Section 15061(b)(3) because there is no possibility it may have a significant effect on the environment.
2. Adopt and pass a General Plan Amendment and Zoning Amendment (PD-23-24) in substantially the form shown on Exhibit "A" and Exhibit "B" prepared by the Colusa County Community Development staff, attached to the Planning Commission staff report of September 6, 2023 and on file with the Colusa County Community Development Department.

PASSED AND ADOPTED by the Colusa County Planning Commission, State of California, this 6th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

John Troughton, Jr., Chair
Planning Commission

ATTEST: Greg Plucker, Secretary to
the Planning Commission

APPROVED AS TO FORM:

Ann Nordyke, Chief Deputy Clerk

Jennifer Sutton,
Sr. Deputy County Counsel

**EXHIBIT “A”
DRAFT GPA (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS
RESOLUTION**

RESOLUTION NO. _____

**RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS
APPROVING A CEQA EXEMPTION AND GENERAL PLAN AMENDMENT
(PD-23-24) CHANGING THE LAND USE DESIGNATION FOR
APPROXIMATELY 20.0 ACRES OF APN 016-070-125 (PORTION)**

WHEREAS, on May 17, 2023 an application was filed by Terry Talbot requesting a General Plan Amendment (GPA) and a Zoning Amendment (ZA) on 20.0± acres of land on the eastern portion of Assessor’s Parcel Number (APN) 016-070-125, (“Property”) to allow for the expansion of an existing farm supply business;

WHEREAS, the General Plan Amendment application requested changing the General Plan Land Use Designation of the Property from Agriculture General (AG) to Industrial (I) as shown on Exhibit “A” attached to this Resolution;

WHEREAS, in accordance with California Government Code Sections 65353 et seq., the Colusa County Planning Commission has conducted a public hearing on September 6, 2023 on the proposed General Plan Amendment (PD-23-24) and concurrent Zoning Amendment on the property identified as the eastern portion of APN 016-070-125 as shown on Exhibit “A” attached to this Resolution;

WHEREAS, during the hearing, the Planning Commission considered the requested applications, the Planning Division staff report, and all public comments and other evidence submitted at said hearing and staff’s proposed environmental determination;

WHEREAS, in accordance with California Government Code Sections 65354 et seq., the Colusa County Planning Commission following its review and analysis of all evidence submitted during the public hearing adopted a resolution recommending that the Board of Supervisors approve the CEQA Exemption and the requested General Plan Amendment;

WHEREAS, in accordance with Government Code Section 65355, the Board of Supervisors held a public hearing on _____, 2023 which was noticed pursuant to Government Code Section 65090; and

WHEREAS, the Board of Supervisors has reviewed and considered the staff report prepared by the Colusa County Community Development Department, the CEQA Exemption, the Planning Commission staff report, minutes and recommendation, and all comments submitted by the public at large.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Colusa:

Attachment: PD 23-24 Exhibit A DRAFT BOS Resolution for GPA (9298 : PD-23-24 Talbot (Colusa County Farm Supply))

EXHIBIT "A"
DRAFT GPA (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS
RESOLUTION

1. Finds that the proposed project is exempted from the California Environmental Quality Act (CEQA) pursuant to Title 14, Article 5 of the California Code of Regulations Section 15061(b)(3) because there is no possibility this ordinance may have a significant effect on the environment; and
2. Approves the General Plan Land Use Element revision, PD-23-24 as shown on Exhibit "A" prepared by the Colusa County staff attached to this Resolution.

PASSED AND ADOPTED, this ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

 Kent S. Boes, Chair
 Colusa County Board of Supervisors

ATTEST:
 Wendy G Tyler
 Clerk to the Board of Supervisors

By _____
 Ann Nordyke, Chief Deputy Clerk

APPROVED AS TO FORM:

 Richard Stout, County Counsel

Attachment: PD 23-24 Exhibit A DRAFT BOS Resolution for GPA (9298 : PD-23-24 Talbot (Colusa County Farm Supply))

EXHIBIT "A"
DRAFT GPA (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS
RESOLUTION

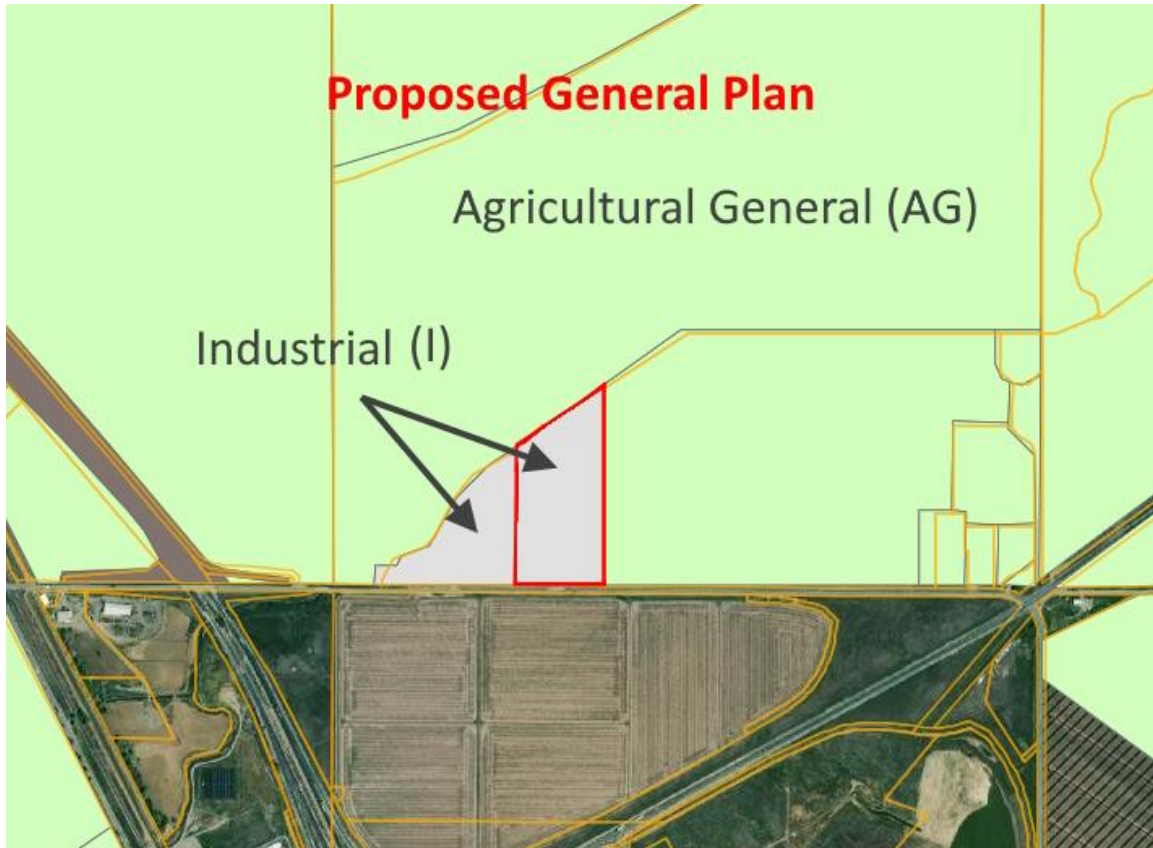
Existing General Plan Land Use Designation – Agricultural General



Project Site

EXHIBIT “A”
DRAFT GPA (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS
RESOLUTION

Proposed General Plan Land Use Designation – Industrial



Project Site

EXHIBIT B
DRAFT (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS

ORDINANCE NO. _____

**AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS
AMENDING THE COUNTY ZONING MAPS (PD-23-24), REZONING A 20.0± ACRES SITE
TO THE LIGHT INDUSTRIAL (M-1) ZONING DESIGNATION**

The Board of Supervisors for the County of Colusa ordains as follows:

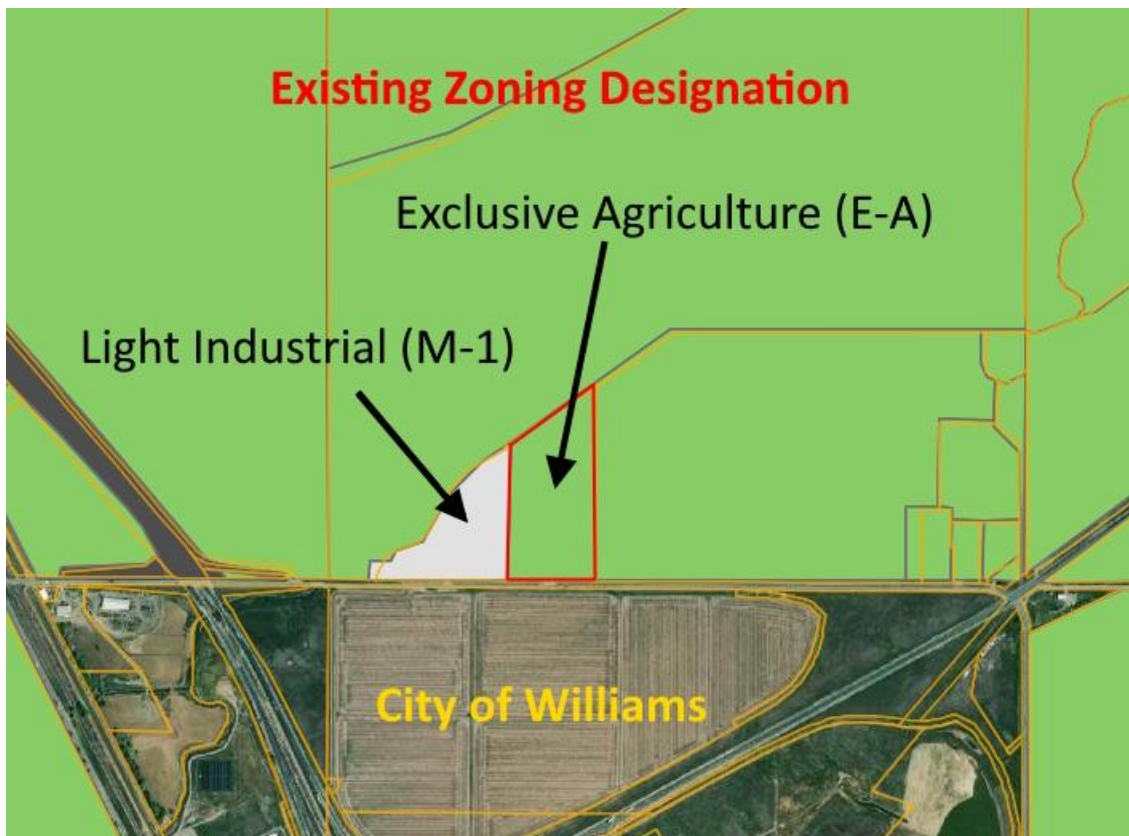
SECTION 1

The provisions of this ordinance are exempt from the California Environmental Quality Act (CEQA) under Title 14, Article 5 of the California Code of Regulations Section 15061(b)(3) because there is no possibility this ordinance may have a significant effect on the environment. The construction of industrial related buildings in support of the existing on site business is a ministerial act and exempt from CEQA.

SECTION 2.

The official zoning maps of Colusa County are amended to change the zoning designation of 20.0± acres of land identified as the eastern portion of APN: 016-070-125 from Exclusive Agriculture (E-A) to Light Industrial (M-1) as shown below.

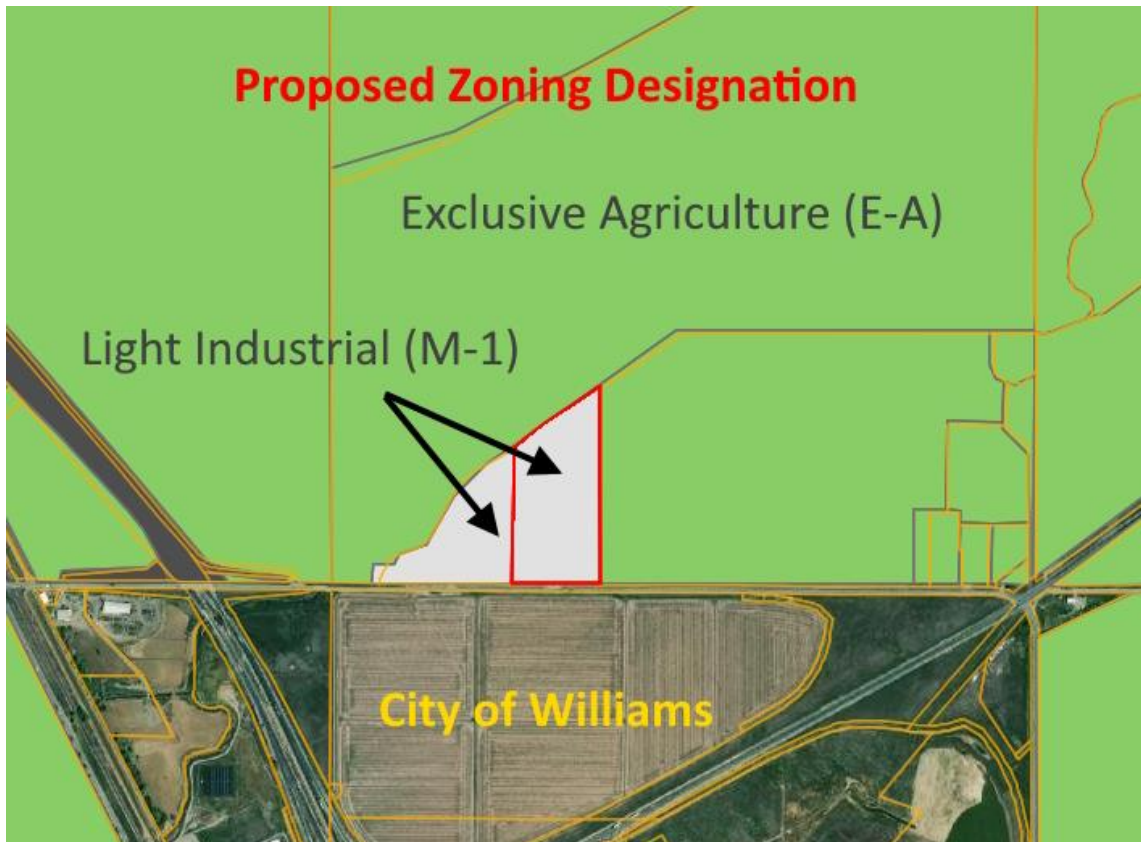
Existing Zoning – Exclusive Agriculture (E-A)



Project Site

EXHIBIT B
DRAFT (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS

Proposed Zoning – Light Industrial (M-1)



Project Site

SECTION 3.

The provisions of this ordinance are severable and if any of said provisions or their application in a particular circumstance is held invalid, the remainder of the ordinance amendment, including the application of such part or provision in other circumstances, shall not be affected and shall continue in full force. The Board of Supervisors declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance irrespective of the fact that any one, or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 4.

This ordinance shall become effective thirty (30) days after its passage. It shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

EXHIBIT B
DRAFT (PD-23-24) MAP AMENDMENT BOARD OF SUPERVISORS

Introduced, passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the _____ day of _____, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ATTEST:

Wendy G. Tyler,
Clerk to the Board of Supervisors

Kent S Boes, Chair
Board of Supervisors

APPROVED AS TO FORM:

By: _____
Ann Nordyke, Chief Deputy Clerk

Richard Stout, County Counsel

Attachment: PD 23-24 Exhibit B DRAFT BOS Ordinance for RZ (9298 : PD-23-24 Talbot (Colusa County Farm Supply))

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Colusa County Planning Commission will conduct a Public Hearing on **September 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:

General Plan Amendment and Zoning Amendment #PD-23-24, Terry Talbot (Colusa County Farm Supply) – A Resolution recommending the Board of Supervisors 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), and find the proposed project is exempt from the California Environmental Quality Act. The project site is located at 5873 Freshwater Road, approximately 2,800 feet east of Interstate 5, adjacent to the northern city limits boundary of the City of Williams, APN 016-070-125.

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: August 17, 2023

By ORIGINAL SIGNED
Melissa Kitts, Deputy Clerk

08/25/2023 • CCPR



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 9301)

Meeting: 09/06/23 09:00 AM
Department: Community Development
Category: Public Hearing
Prepared By: Greg Plucker
Initiator: Greg Plucker
Sponsors:
DOC ID: 9301

Detail

Applicant:	Colusa County	File:	PD-22-30
General Plan:	Commercial (C), Forest Lands (FL), Industrial (I), Resource Conservation (RC)	Zoning:	Rural Services (R-S), Light Industrial (M-1), Forest Residential (F-R), Neighborhood Commercial (C-1), Community Commercial (C-2), Highway Service Commercial (C-H)

Formal Title / Summary

Zoning Code Text Amendment PD-22-30

Action Requested

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.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

County staff has been approached by a property owner west of the Stonyford community regarding the potential to establish a commercial business that would provide products to support nearby agricultural and forest-related businesses and retail nursery products. The property is located in area that is zoned Forest Residential (F-R). The Forest Residential (F-R) Zoning District was established with the County-wide 2014 comprehensive Zoning Code update to allow for the development of limited single-family residential and commercial uses on privately owned parcels in the Mendocino National Forest. The F-R Zoning District allows a limited number of residential, agricultural, and commercial uses which generally are limited to support on-site or wholesale activities. The principal reason for these restrictions is due to these privately held properties are typically surrounded by the Mendocino National Forest and have considerable access limitations.

When staff was approached by the local resident, staff analyzed the original reasoning for limiting retail type of commercial uses in the F-R Zoning District in relation to the location of the subject property. Attachment #1, Figure #1 shows the F-R designated parcels (designated in dark brown) in relation to the Mendocino National Forest (designated in light brown). As can be seen, the majority of privately held properties

are located within the Mendocino National Forest and have significant access limitations.

In reviewing the location of the R-F zoned properties, there is an area of F-R zoned properties that is located just to west of the community of Stonyford and is adjacent to privately held properties zoned Upland Conservation and Exclusive Agriculture which allow more commercial uses reflecting greater accessibility to these properties. Attachment #1, Figure #2 shows these R-F zoned properties and adjacent Upland Conservation and Exclusive Agriculture properties and the Rural Residential, Upland Transition, and Community Commercial zoned properties in and around Stonyford.

APN:

County-Wide

LOCATION:

County-Wide

ANALYSIS:

As introduced, the Forest Residential (F-R) Zoning District was established with the County-wide 2014 comprehensive Zoning Code update to allow limited development of privately owned properties which were surrounded by the Mendocino National Forest due to vehicular access limitations. As shown in the above referenced illustrations, there is an area of privately owned properties that is partially surrounded by the Mendocino National Forest but that is also adjacent to other privately owned properties and the nearby community of Stonyford that allow many more commercial uses. This area is along Fouts Spring Road east of the Mendocino National Forest intersection with Fouts Springs Road. Fouts Springs Road in this area is paved and has sufficient roadway width for emergency access. Please see Attachment #1, Figure #3. The access to this area, and the topography is considerably different to that of many of the other F-R zoned properties that are accessed by partially graveled roads that do not meet access widths and have considerable grades.

County staff believes that the F-R zoned properties along Fouts Springs Road, east of the Mendocino National Forest federally held land, do not have the same level access restrictions and allowing for a limited amount of commercial development would be appropriate (as discussed above).

The proposed Zoning Text Amendment before the Commission would allow for Farm Supply and Feed Stores and Retail Nurseries to be established in this area. However, in order to ensure that appropriate vehicle access for customers and emergency response vehicles are present an Administrative Permit would be required. This is a no-fee staff level permit that can be processed in 2 to 4 weeks. As part of the

Administrative Permit process, review by the Bear and Indian Valley Fire Department would be conducted. Only those properties that have adequate access would receive approval of an Administrative Permit by County staff.

It should also be noted that the proposed text amendment would allow for Farm Supply and Feed Stores in other zoning districts where other commercial and similar uses are currently allowed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The proposed text amendment would add the definition of Farm Supply and Feed Store to the Zoning Code, specify which zone districts this use is allowed in, and also allow Retail Nurseries to certain zoning districts where similar commercial uses are allowed. Section 15061(b)(3) of the CEQA Guidelines specifies that CEQA applies only to projects which have the potential for causing a significant impact on the environment. As the project relates only to minor changes in the Zoning Code, it can be seen with certainty that there is no possibility the project will have a significant impact on the environment. The project is therefore not subject to CEQA.

SUMMARY

The proposed zoning text amendment would allow for additional commercial activities (Farm Supply and Feed Stores and Retail Nurseries) in a limited area of the F-R zoning designation just west of the community of Stonyford and Farm Supply and Feed Stores in other zoning districts where similar commercial uses are allowed. Establishment of these uses in the F-R zoning district would trigger a no-cost staff level administrative permit to ensure adequate vehicular access is available. Adopting the attached resolution would recommend that the Board adopt the proposed ordinance making these text amendments and allowing additional commercial opportunities close to the community of Stonyford.

RESOLUTION NO. 23-_____

**A RESOLUTION OF THE COUNTY OF COLUSA PLANNING COMMISSION
RECOMMENDING THE BOARD OF SUPERVISORS ADOPT A ZONING TEXT
AMENDMENT (PD-23-30) REGARDING FARM SUPPLY AND FEED STORES,
EXPANDING CERTAIN USES IN THE FOREST RESIDENTIAL ZONING DISTRICT,
AND FIND THAT THE PROPOSED TEXT AMENDMENT IS EXEMPT
FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, Colusa County adopted an updated Zoning Ordinance in 2014 and the proposed text amendment would add the definition of Farm Supply and Feed Store, designate where said use can occur, amend the Zoning Code to allow Farm Supply and Feed Stores and Retail Nurseries in a limited area of the Forest Residential Zoning District with an Administrative Permit, and find the text amendment is exempt from the California Environmental Quality Act;

WHEREAS, in accordance with Government Code Section 65853 the Planning Commission conducted a public hearing on proposed text amendment (PD-23-30);

WHEREAS, following the public hearing the Planning Commission found based on the totality of the public record that based on Section 15061(b)(3) of the CEQA Guidelines, the project is not subject to CEQA, that proposed text amendments are consistent with the General Plan, and that the proposed text amendments merely clarify the intent of said sections.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Colusa finds, determines, and recommends to the Colusa County Board of Supervisors that the Board approve the proposed Zoning Text Amendment (PD-23-30) as detailed in the draft ordinance (Exhibit "A") attached hereto and incorporated by reference.

PASSED AND ADOPTED by the Colusa County Planning Commission this 6th day of September, 2023, by the following vote:

AYES:

NOES:

ABSENT:

John Troughton, Jr., 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

Exhibit "A"

ORDINANCE NO. _____

**AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS
ADOPTING A ZONING TEXT AMENDMENT (PD-22-23) THAT WOULD ADD
THE DEFINITION OF FARM SUPPLY AND FEED STORE TO THE ZONING CODE AND
DESIGNATE WHERE SAID USE CAN OCCUR, EXPAND THE ABILITY TO CONDUCT
CERTAIN USES IN THE FOREST RESIDENTIAL ZONING DISTRICT, AND FIND
THAT THE PROPOSED TEXT AMENDMENT IS EXEMPT FROM
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Board of Supervisors of the County of Colusa ordains as follows:

SECTION 1.

The provisions of this ordinance are exempt from the California Environmental Quality Act pursuant to Title 14, Division 6, Chapter 3, Article 5 of the California Code of Regulations Sections 15060(c)(2) because this project will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 2.

Section 44-0.10. Definitions of the Colusa County Code is hereby amended to read as follows:

Farm supply and feed store. A retail/wholesale business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other items directly related to the day to day operations and processes of farming and ranching.

SECTION 3.

The Commercial Uses sections of TABLE 44-2.20-2: ALLOWED USES IN THE AGRICULTURAL ZONES and TABLE 44-2.30-3: ALLOWED USES IN THE RESIDENTIAL ZONES is hereby amended with the addition of the “Farm Supply and Feed Store” use immediately after the “Farm Equipment: Sale, Rental, Repair and Supplies” use as follows:

Farm Supply and Feed Store	-	-	-	-	-	
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SECTION 4.

The Commercial Uses section of TABLE 44-2.40-2: ALLOWED USES IN THE COMMERCIAL ZONES is hereby amended with the addition of the “Farm Supply and Feed Store” use immediately after the “Farm Equipment: Sale, Rental, Repair and Supplies” use as follows:

Exhibit "A"

Farm Supply and Feed Store	M	P	P	-	-	
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SECTION 5.

The Commercial Uses section of TABLE 44-2.50-2: ALLOWED USES IN THE INDUSTRIAL ZONES is hereby amended with the addition of the “Farm Supply and Feed Store” use immediately after the “Farm Equipment: Sale, Rental, Repair and Supplies” use as follows:

Farm Supply and Feed Store	A	-	-	
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SECTION 6.

The Commercial Uses section of TABLE 44-2.60-2: ALLOWED USES IN THE NATURAL RESOURCES ZONES is hereby amended with the addition of the “Farm Supply and Feed Store” use immediately after the “Farm Equipment: Sale, Rental, Repair and Supplies” use as follows:

Farm Supply and Feed Store	-	-	A		-	See Footnote (1)
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SECTION 7.

A Footnote shall be added to the end of TABLE 44-2.60-2: ALLOWED USES IN THE NATURAL RESOURCES ZONES to read as follows:

Footnote: (1) These uses in the Forest Residential Zoning District are limited to the land so designated along Fouts Spring Road east of the federally owned land (the easterly half of Section 35 T18N R7W) of the Mendocino National Forest.

SECTION 8.

The Commercial Uses section of TABLE 44-2.70-2: ALLOWED USES IN THE SPECIAL PURPOSE ZONES is hereby amended with the addition of the “Farm Supply and Feed Store” use immediately after the “Farm Equipment: Sale, Rental, Repair and Supplies” use as follows:

Farm Supply and Feed Store	-	-	-	A	
----------------------------	---	---	---	---	--

SECTION 9.

The Nursery, Retail use of TABLE 44-2.60-2: ALLOWED USES IN THE NATURAL RESOURCES ZONES is hereby amended as follows:

Exhibit "A"

Nursery, Retail	-	-	A		-	See Footnote (1)
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SECTION 10.

This ordinance shall become effective thirty (30) days after its passage. It shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

Introduced and passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the 8th day of November in the year of 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

Kent S. Boes, Board Chair

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

By: _____
Melissa Kitts, Deputy

APPROVED AS TO FORM:

Richard Stout, County Counsel

Figure #1

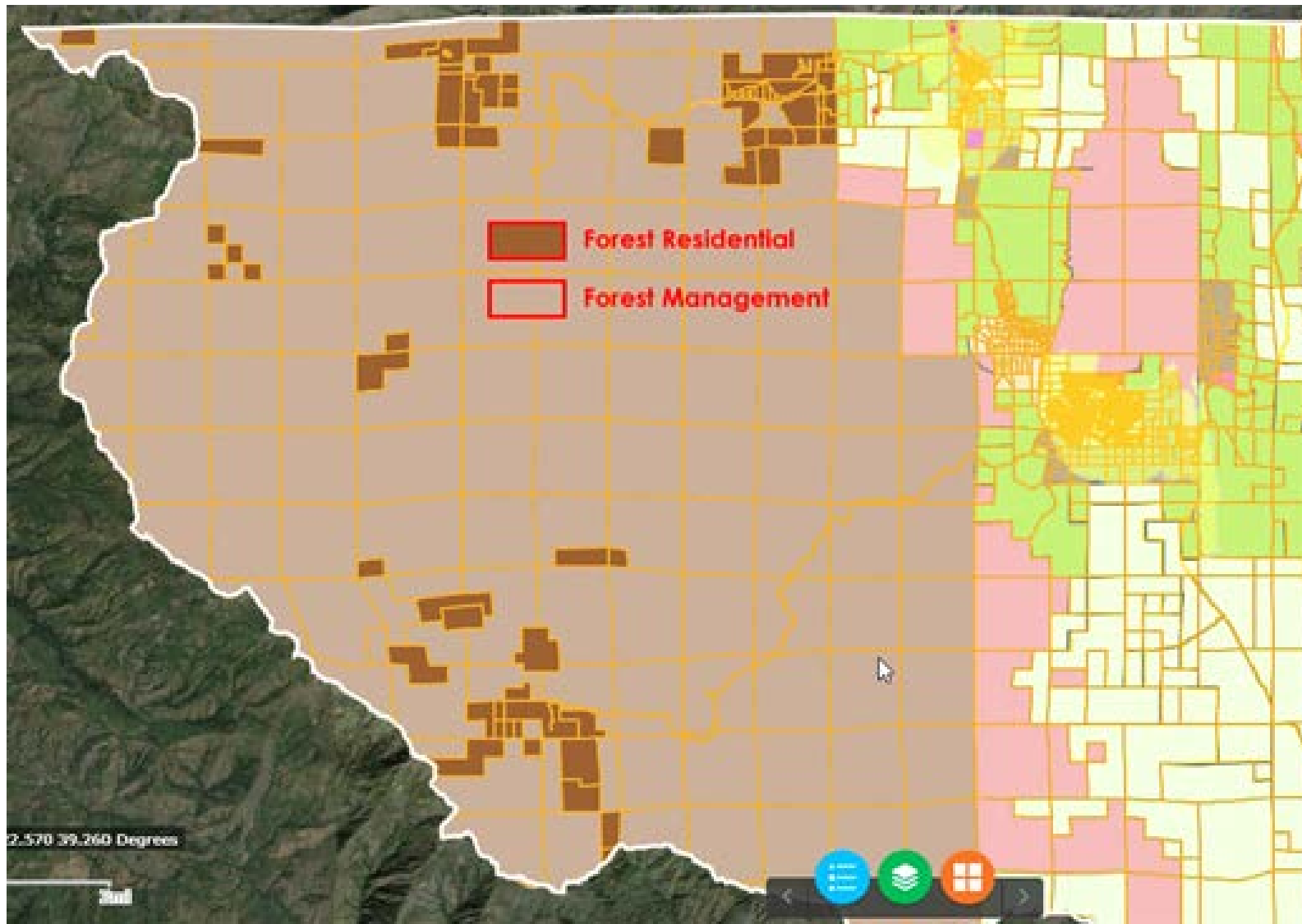


Figure #2

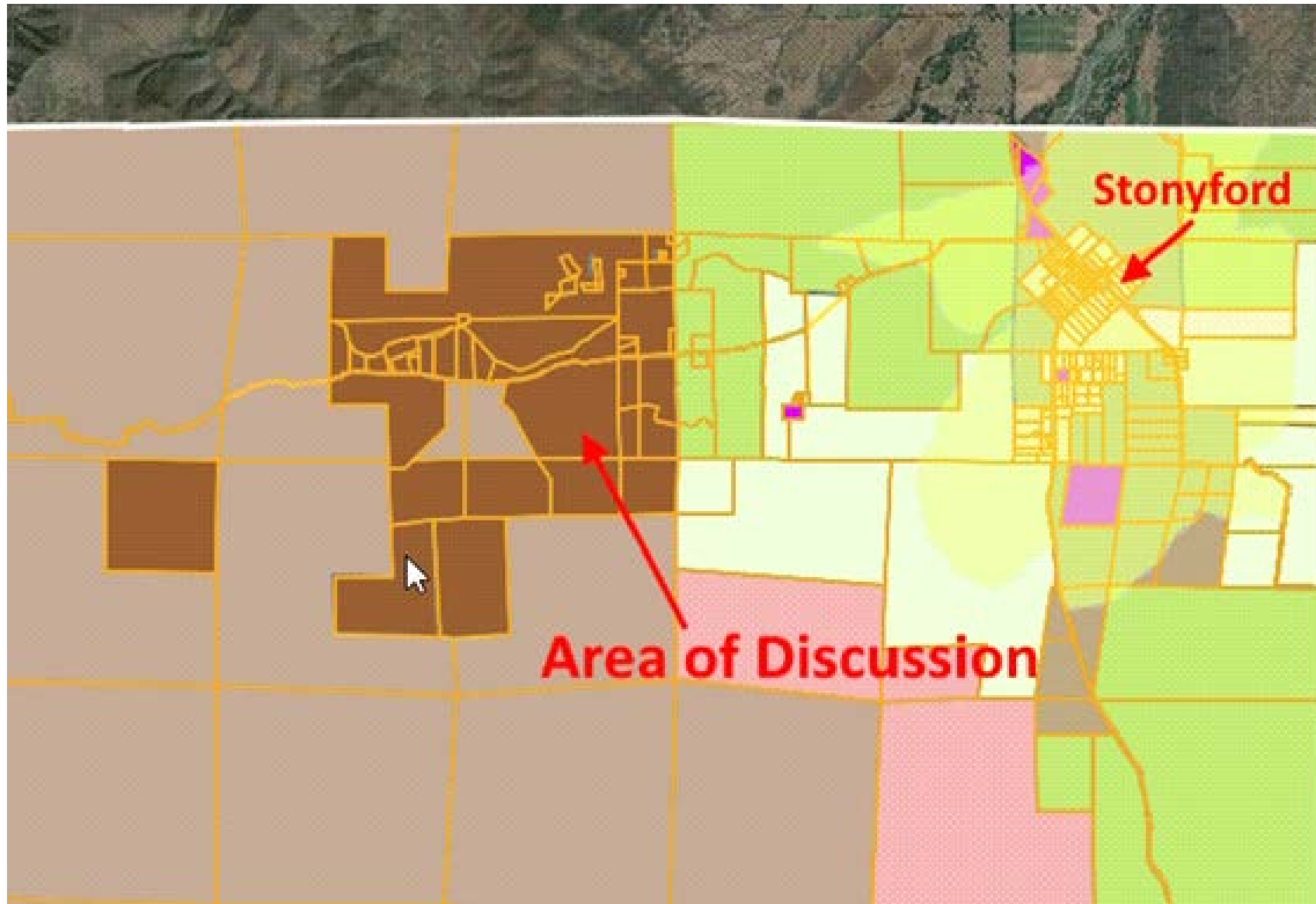
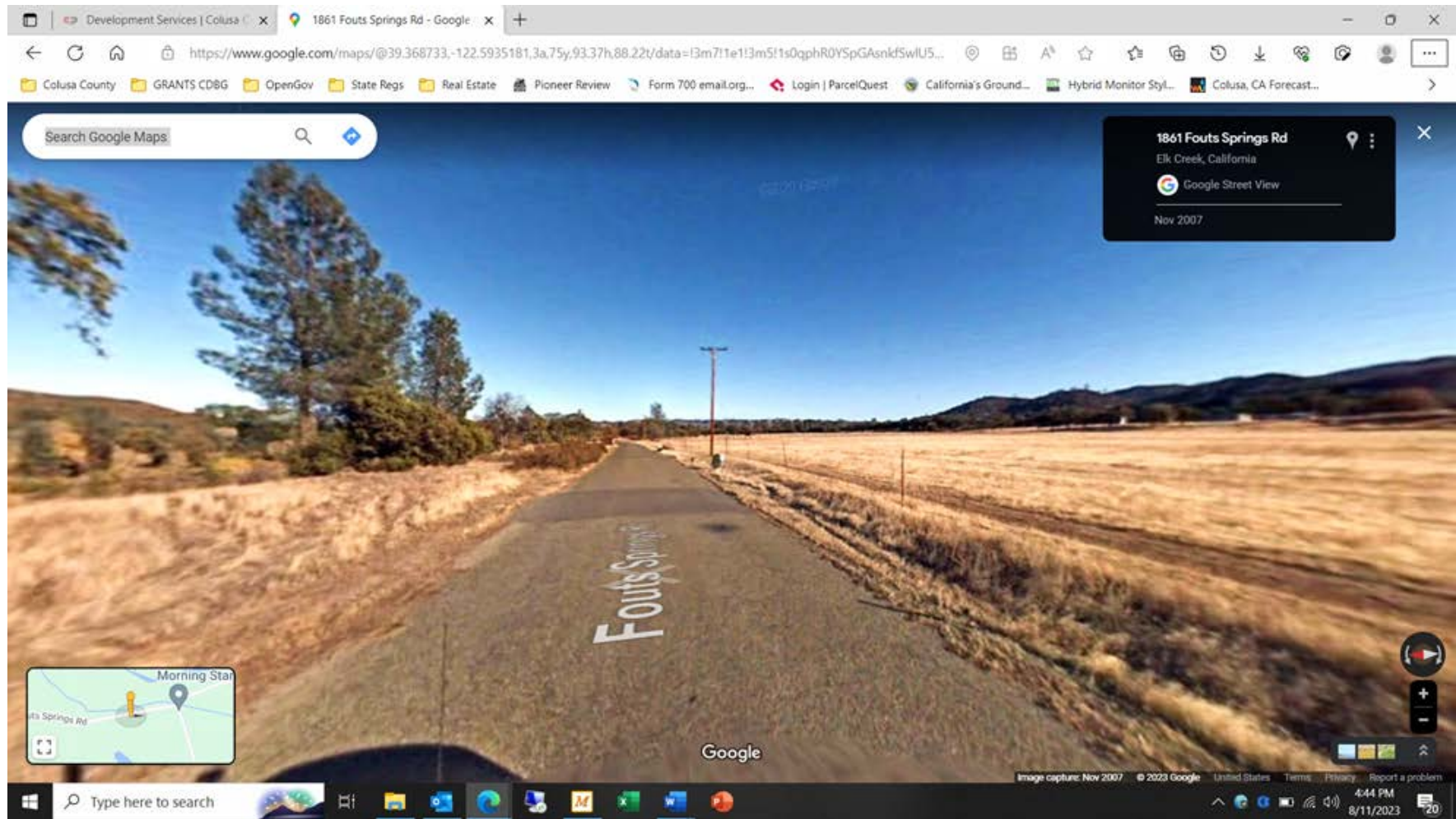


Figure #3



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Planning Commission will conduct a Public Hearing on **3.2.d** **September 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:

Zoning Text Amendment #PD-23-30, Colusa CA
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 they can occur, amend the Zoning Code to allow Farm Supply and Feed Stores and Retail Nurseries to occur in an area of the Forest Residential Zoning District subject to a Conditional Use Permit, and find the proposed text amendment is exempt from the California Environmental Quality Act.

If you have questions or concerns regarding this matter, you would like to submit comments you may do so to the following: Secretary to the Planning Commission, 1214 Market Street, Colusa, CA (530)458-0480, or by email at egplucker@countyofcolusa.com. All persons are invited to attend and be heard. Additional documentation is available for review in accordance with Agenda Scheduling Guidelines at the Office of the Clerk of the Board, 547 Market Street, Ste. 102, Colusa, CA (530)458-0508 and at the Community Development Department, 220 12th Street, Colusa, CA (530) 458-0480.

If you challenge the proposed project or environmental impact statement 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: August 16, 2023

By: ORIGINAL SIGNED
Melissa Kitts, Deputy Clerk

Packet Pg. 35



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

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

PLANNING COMMISSION (ID # 9300)

DOC ID: 9300

Detail

Applicant: Janus Solar PV, LLC
General Plan: Agriculture Upland (AU)

File: Use Permit #20-01 (PD-3829)
Zoning: Foothill Agriculture (F-A)

Formal Title / Summary

Janus Solar Final Environmental Impact Report and Use Permit #20-01 (PD-3829)

Action Requested

Adopt 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.

DETAILED DESCRIPTION/BACKGROUND OF REQUEST

At Planning Commission's August 2, 2023, the Commission conducted a public hearing on the proposed Janus Solar Use Permit. This use permit was for the construction, operation and decommissioning (in the future) a photovoltaic (PV) electricity generating facility with a battery energy storage system (BESS) and associated facilities and infrastructure. Following the close of the public hearing, the Commission voted to deny: (1) the certification of the Final EIR; (2) the adoption of the Mitigation and Reporting Program; and (3) the approval of the Use Permit because the Commission found the project was inconsistent with the General Plan.

The item before the Commission today is the adoption of the Resolution which would make the required findings to implement the August 2, 2023 Planning Commission's decision to deny the project.

APNs:

018-050-005-000, 018-050-006-000, and 018-050-013-000

LOCATION:

The project site is located approximately 6.5 west/southwest from the City of Williams. Access to the site is provided by Spring Valley Road and is approximately 1.64 miles to the south of the Spring Valley Road/Walnut Drive street intersection. Please refer to Figure 2-1 (Project Location) of the Draft Environmental Impact Report (DEIR) for the specific location.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Commission's adoption of the resolution denying the proposed Use Permit is statutorily exempt from the CEQA pursuant to Section 15270 of the California Code of Regulations, Title 14, Division 6, Chapter 3 Guidelines for the Implementation of the California Environmental Quality Act.

RESOLUTION NO. 23-

**RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION
DENYING THE CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT
REPORT (SCH No. 2020070577), THE ADOPTION OF A MITIGATION MONITORING
AND REPORTING PROGRAM, AND THE APPROVAL OF USE PERMIT #20-01 (PD-
3829) FOR THE JANUS SOLAR PROJECT BASED ON GENERAL PLAN
INCONSISTENCY**

WHEREAS, Janus Solar PV, LLC (Applicant) has applied for a conditional use permit to construct, operate, maintain, and decommission (in the future) a photovoltaic (PV) electricity generating facility with a battery energy storage system (BESS) and associated facilities and infrastructure (Project); and

WHEREAS, the County of Colusa is considered a Lead Agency under the California Environmental Quality Act (CEQA) for this Project and has determined that an Environmental Impact Report was necessary to fully review and consider all potentially significant impacts for the Project; and

WHEREAS, a Draft Environmental Impact Report and a Final Environmental Impact were prepared and processed pursuant to all requirements of Title 14 (Natural Resources), Division 6 (Resources Agency), Chapter 3 (Guidelines for Implementation of the California Environmental Quality Act) of the California Code of Regulations; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing regarding the proposed Final Environmental Impact Report and Use Permit on March 1, 2023, April 5, 2023, May 3, 2023, and on August 2, 2023, at which time any and all comments were received during the public hearing process; and

WHEREAS, after the close of the Public Hearing the Planning Commission fully considered the Final Environmental Impact Report, Planning Staff's report on the Project, all public testimony, all other written and orally testimony, and totality of the public record of the Project.

I. NOW, THEREFORE, BE IT RESOLVED that the Colusa County Planning Commission based on information contained within the Final EIR, the Draft EIR, the Planning Staff's staff reports, all written and oral testimony, and totality of the public record of the Project makes the following findings:

A. The Colusa County Agricultural and Land Use Elements of the General Plan contains numerous goals, objectives, policies and action items geared towards the protection of agricultural lands, the expansion of agricultural operations, and the reduction of conflicts between agricultural and non-agricultural land uses. The proposed project would not be consistent with these goals, objectives, policies and action items including Objective AG 1-A which recognizes that agricultural land is the County's greatest natural asset and calls for appropriate measures to restrict the conversion of agricultural lands to non-agricultural uses and Policy AG 2-1 because it would take 1,000 acres of agricultural lands out of production for a commercial solar project that would provide energy exclusively for off-site uses.

Section 44-2.80.020.C.b (Energy Production (EP) Overlay Zone) states that the EP overlay zone shall not be placed on any property under Williamson Act contract unless power generation facilities are specifically allowed under the contract. The proposed project would be located on land that is currently under Williamson Act contract and would not be consistent with this Zoning Code section.

II. NOW, THEREFORE, BE IT FURTHER RESOLVED that based upon the findings of Section I herein, the Colusa County Planning Commission hereby determines that based on the Project's inconsistency with the General Plan and Zoning ordinance the Commission:

- A. Does not certify the Final EIR (SCH No. 2020070577);
- B. Does not adopt the Mitigation Monitoring and Report Program; and
- C. Denies the proposed Use Permit 20-01 for the Janus Solar Project.

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

AYES:

NOES:

ABSENT:

John Troughton, Jr.
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