



Planning Commission

546 Jay Street, Suite 108
Colusa, CA 95932

SCHEDULED

PLANNING COMMISSION (ID # 10201)

Meeting: 01/08/25 09:00 AM

Department: Community Development Department

Category: Public Hearing

Prepared By: Greg Plucker

Initiator: Greg Plucker

Sponsors:

DOC ID: 10201

Detail

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

File: EIR and Use Permit #PD-24-24
Zoning: Foothill Agriculture (F-A),
Exclusive Agriculture (E-A)

Formal Title / Summary

Public Hearing and consideration of a Resolution for the Janus Solar and Battery Storage project (#PD-24-24) which would recommend that the Board of Supervisors: (1) certify the Final Environmental Impact Report including the CEQA Findings and Mitigation Monitoring and Reporting Program (SCH #2024061043); (2) approve Use Permit #PD-24-24 with Findings and Conditions of Approval; (3) adopt an Ordinance approving a Development Agreement; (4) adopt an Ordinance approving a Franchise Agreement; and (5) find that the project is compatible with the County's Williamson Act program.

Action Requested

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DETAILED DESCRIPTION/BACKGROUND OF REQUEST

Janus Solar PV, LLC (Applicant) has submitted a conditional use permit application to construct, operate, maintain, and decommission a solar photovoltaic (PV) power generating facility including solar PV modules, a battery energy storage system (BESS), on-site substation, a gen-tie transmission line, and other necessary supporting infrastructure (Janus Solar and Battery Storage Project). Along with the Use Permit Application, a Development Agreement, Franchise Agreement, and a review of project's compatibility with the County's Williamson Act program is also part of the project.

This project would generate up to 80 megawatts of alternating current of electricity and store up to 80 megawatts, or 320 megawatt hours (MWh), of electricity on an approximately 886-acre site; only an estimated 666 acres of the site would be used. The project would connect to the electrical grid at the existing PG&E Cortina Substation via an approximately 4-mile new gen-tie transmission line.

The County of Colusa, as the CEQA Lead Agency, has prepared an Environmental Impact Report (EIR) (State Clearinghouse No. 2024061043) to analyze the potential direct, indirect, and cumulative impacts of the proposed project.

APN:

018-050-005-000 and 018-050-006-000

LOCATION:

The project is located approximately 6.5 miles southwest of the City of Williams, approximately 2 miles south of the Walnut Drive/Spring Valley Road on the east side of Spring Valley Road.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Overview

When the project application was submitted, staff determined that the project could have potential significant effects upon the environment. As such, the Community Development Department has processed a Draft Environmental Impact Report (EIR) (State Clearinghouse No. 2024061043) to document the analysis of the potential direct, indirect, and cumulative impacts of the proposed project.

By way of background, an EIR is primarily an informational document intended to inform the public agency decision-makers (Planning Commission and Board of Supervisors), other responsible agencies, and the general public of the potentially significant effects of a proposed project. The EIR discloses the known potentially significant impacts; identifies feasible means to minimize or mitigate those effects; and considers reasonable alternatives to the project that might further reduce significant impacts while still attaining the project objectives. The decision-making bodies then must consider the information in an EIR before taking action on the proposed project.

An EIR is prepared in two key stages. First, a Draft EIR (DEIR) is prepared and distributed for public and agency review and comment. Once comments on the Draft EIR are received, responses to those comments and any additional relevant project information and analysis are prepared and compiled in a Final EIR (FEIR). Both of these documents (i.e., the Draft EIR and the Final EIR), along with any related technical appendices, represent the complete record of the EIR.

For clarification, the term EIR used in this staff report may refer to the Draft EIR together

with the Final EIR, Appendices, and all other studies and documents prepared as part of the environmental review document for the project as these documents represent the totality of the EIR record. However, when referring to just the "Draft EIR" or "DEIR", those terms will refer just to the draft document and when referring to just the "Final EIR" or "FEIR" those terms will refer just to the response to comment document.

Ultimately, the EIR is used by the agency's decision-making bodies to weigh the environmental impacts against a proposed project in order to make an informed decision. In the case of the Janus Solar and Battery Storage Project, the Planning Commission will be making a recommendation on the EIR and project to the Board of Supervisors for the final decision. Under the typical process, the Planning Commission is the approval authority for a Use Permit per Colusa County Zoning Code §44-1.70.010 (Review Authority), Table 44-1.70-1 (Planning and Development Permit Review Authority). However, the project includes a Development Agreement and pursuant to Zoning Code Table 44-1.70.1 the Planning Commission only makes a recommendation on the Development Agreement to the Board of Supervisors who is the final decision making body. Pursuant to Zoning Code §44-1.70.020 (Application Preparation and Filing) subsection D (Concurrent Permit Processing) when more than one planning permit application is submitted for a single project, the applications shall be processed concurrently, with all the permits being considered and acted upon by the highest applicable review authority. Because the application involves a Use Permit and Development Agreement, the Board is the highest review authority and, thus, the Planning Commission will make a recommendation to the Board on both the Use Permit and Development Agreement and the Board will make the final decision. Because the project also involves a Franchise Agreement and Williamson Act program determination, each of which is the responsibility of the Board of Supervisors, these items are also being presented to the Planning Commission for your review and recommendation.

PROJECT OVERVIEW:

Section 2.4 (pages 2-5 - 2-25) of the Draft EIR contains a detailed description of the proposed project. In general, the project consists of four major components: (1) a solar PV power generation facility (Solar Facility); (2) an on-site substation; (3) the Battery Energy Storage System (BESS); and (4) the gen-tie line (Draft EIR Figure 2-3). A general overview of each component is as follows:

Solar PV Generating Components

The Solar Facility would consist of solar PV modules (also known as panels) arranged into arrays supported by a racking system and tracker units that track the sun. A typical tracker section detail is provided in Draft EIR Figure 2-4. The PV modules on the trackers

convert sunlight into electricity. When modules are mounted on tracking devices, they are referred to as trackers or tracker blocks. The trackers are organized in rows in a uniform grid pattern or solar array. Each tracking assembly would consist of steel posts on which the frames for the PV modules rest. Each tracker would hold PV modules mounted on this metal framework structure and range between 6 and 13 feet above grade, depending on the topography. The trackers would be separated by sufficient distance to accommodate maintenance personnel and pursuant to design parameters that meet applicable Colusa County fire safety requirements. The project would include approximately 196,000 solar PV modules to form a utility scale PV system.

On-Site Substation

A project substation would be constructed in the northwest portion of the project site. It would include a generator step-up transformer to increase the output voltage from the module blocks (34.5 kV) to the voltage of the 60-kV gen-tie line, protective relay and metering equipment, utility and customer revenue metering, lightening arrestor, disconnect, circuit breaker and a station service transformer that would provide power to the substation and its weatherproof control house. The overall footprint of the project substation is anticipated to be constructed on approximately 3 acres and include structures up to 80 feet in height. An emergency generator for use in the event that the regional transmission system fails would also be located at the substation; this emergency generator would provide emergency power until the regional transmission system restores operations. The generator would be powered by propane or diesel. A fuel tank would be immediately adjacent to the generator. Details about the substation (including a plan view and elevations of the substation, and an elevation of the control enclosure) are provided in Figures 2-5 and 2-6 of the Draft EIR.

BESS

The BESS would be located adjacent to the on-site substation. Batteries would be contained within metal enclosures. Gravel would be placed on the surface of the BESS yard and in between each enclosure. The color of the metal enclosure may be dark gray, but typically varies by manufacturer and has not yet been determined. The maximum combined footprint for the BESS is approximately 4 acres. Key components of the BESS include batteries and battery storage system enclosures, as well as controllers, converters, inverters, and transformers. Figure 2-7 of the Draft EIR provides an overview of the BESS layout.

Sealed battery modules would be installed in self-supporting racks electrically connected either in series or parallel to each other. The individual battery racks would be connected in a series or a parallel configuration to deliver the BESS energy and power rating. The BESS enclosures would house the batteries as well as the battery

storage system controllers. The BESS enclosures would also house required heating, ventilation, and air conditioning (HVAC) and fire protection systems.

Lithium-ion technology, with lithium iron phosphate (LFP) sub-chemistry, is proposed for the BESS. Selection of the lithium-ion sub- chemistry for the project has taken into consideration various technical factors, including safety, life span, energy performance, and cost. In general, a lithium-ion battery is a rechargeable battery consisting of three major functional components: a positive electrode made from metal oxide, a negative electrode made from carbon, and an electrolyte made from lithium salt. The proposed BESS would be designed, constructed, operated, and maintained in accordance with existing federal, state, and local codes and regulations for health and safety, including the California Fire Code. The Applicant would select batteries or energy storage system providers that comply with the application-specific codes, standards, and regulations for the siting, construction, and operation of the storage system.

The BESS would contain a safety system that would be triggered automatically when the system senses imminent fire danger. The fire safety system would shut down the unit if any hazard indicators were detected. If the safety system detects a potential issue as detected by the smoke and temperature sensors, the batteries would be automatically de-energized by opening the electrical contacts, and HVAC units and fans would be shut off.

Gen-Tie Line

Energy from the proposed solar arrays would be collected at the on-site substation and transmitted to the existing PG&E Cortina Substation. In order to interconnect the project with the PG&E Cortina Substation, a new 60 kV gen-tie line would be installed that would originate from the northwest corner of the project site at the on-site substation and extend approximately 2 miles within the County ROW along Spring Valley Road to reach Walnut Drive. At Walnut Drive, the gen-tie line will continue within the County ROW for approximately 2 miles along Walnut Drive to the POI at the PG&E Cortina Substation. Along this route, the gen-tie line would cross the Colusa-Tehama Canal, administered by the United States Bureau of Reclamation (USBR). The Applicant's gen-tie construction would terminate at the PG&E Cortina Substation property line. From their property line, PG&E would construct an approximately 1,000-foot-long span, continuing the gen-tie to the project's bay within the existing footprint of the PG&E Cortina Substation. PG&E would be responsible for all improvements constructed within their property.

PROJECT CONSTRUCTION:

Project construction would consist of two major stages. The first stage would include site

preparation, grading, and preparing staging areas and on-site access routes. The second stage would involve assembling the trackers and constructing electrical interconnection facilities. Construction of the project is anticipated to last approximately 11 months. As conditioned, on- and off-site construction would occur Mondays through Fridays 7:00 am to 7:00 pm, and on-site could occur 8:00 am to 5:00 pm on Saturdays and Sundays. Please refer to Section 2.4.8 (pages 2-18 - 2-21) of the Draft EIR for details regarding the proposed construction.

DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SUMMARY:

As previously discussed, a Draft EIR for the project has been prepared and pursuant to the requirements of the California Environmental Quality Act. Detailed information about the project's potential impacts is contained in the Draft EIR documents. The following is an overview of the issues considered in the Draft EIR:

Section 4.1 Aesthetics

Section 4.1 of the Draft EIR (Pages 4.1-1 through 4.1-50) identifies and evaluates issues related to potential aesthetic impacts of the project and considers the physical and regulatory setting, the criteria used to evaluate the significance of potential visual impacts, the methods used in evaluating these impacts, and the results of the impact assessment. In addition, Appendix "B" of the Draft EIR contains a Visual Impact Assessment of the project.

Visual impacts are generally defined in terms of a project's physical characteristics and potential visibility, as well as the extent to which the project's presence would change the perceived visual character and quality of the environment in which it would be located. The visual analysis followed the contrast rating system used by the U.S. Bureau of Land Management (BLM) to objectively measure potential changes to the visual environment (BLM 1986). The BLM's contrast rating system is commonly used by federal agencies to assess potential visual resource impacts from proposed projects.

Potential visual impacts were characterized by determining the level of visual contrast introduced by the project based on comparing existing conditions and photo simulations. Visual contrast is a means to evaluate the level of modification to existing landscape features. Existing landscapes are defined by the visual characteristics (form, line, color, and texture) associated with the landform (including water), vegetation, and existing development.

In the visual impact analysis Key Observation Points (KOPs) were identified based on locations from which the project infrastructure would potentially be visible and noticeable to the casual observer. The "casual observer" is considered an observer who is not actively looking or searching for the project, but who is engaged in activities at locations with potential views of the project, such as hiking or driving along a scenic

road. If the project infrastructure is not noticeable to the casual observer, visual impacts can be considered minor to negligible.

The conclusion of the Draft EIR, based on the visual impact analysis, is that the project impacts to aesthetics would be less than significant, and no mitigation measures were required. It is recognized that the Project would substantially change the characteristics of the project site. However, the project site does not contain significant scenic features (on site there are no interesting landforms, the vegetation has little variety of patterns, forms, textures, or colors, and the scenic features are not unique or rare within the region). Because, the project would not block views of the hills in the background and the adjacent scenery, visual impacts would be less than significant.

Section 4.2 Agriculture and Forestry Resources

Section 4.2 of the Draft EIR (Pages 4.2-1 through 4.1-13) identifies and evaluates issues related to potential agriculture and forestry resource impacts and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The project site largely consists of grazing land and is currently used by the landowner for dry land cattle grazing. The project site is not classified as Unique or Prime farmland. The entire project site has been classified as Farmland of Local Importance under the California Department of Conservation (DOC) Farmland Mapping and Monitoring Program (FMMP). The project site is surrounded by land also classified as Farmland of Local Importance.

To assess potential impacts on agriculture and farmland, a project-specific Land Evaluation and Site Assessment (LESA) modeling (Appendix B-1), Addendum to the LESA (Appendix B-2), and site-specific zoning, and mapping pursuant to the Department of Conservation Farmland Mapping and Monitoring Program was considered. To assess potential impacts on forest resources, site-specific zoning, environmental characteristics, and applicable State law definitions were considered.

The conclusion of the Draft EIR, based on the impact analysis, is that the project impacts to Agriculture and Forestry Resources would be either no impact or less than significant, and no mitigation measures were required.

Section 4.3 Air Quality

Section 4.3 of the Draft EIR (Pages 4.3-1 through 4.3-31) identifies and evaluates issues related to Air Quality and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

As identified in the Draft EIR, the greatest potential for exposure to air pollutants would occur during construction, when the ground would be disturbed from grading and delivery of materials. The construction emissions presented in the analysis are based on worst-case conditions, assuming maximum construction activity would occur. In reality, exposure to emissions would vary substantially throughout the construction phase and would depend on the staging of the work being conducted, location of work relative to receptors, and weather conditions.

Once constructed, the project would operate 7 days per week and 365 days per year. Only occasional on-site maintenance is expected to be required following commissioning. Operations and maintenance activities would require up to three workers performing visual inspections, monitoring plant performance, executing minor repairs, and responding to needs for plant adjustment. On intermittent occasions, the presence of 5-30 workers may be required for repairs or replacement of equipment, panel cleaning, and other specialized maintenance. However, due to the self-operating nature of the facilities, such occasions would likely occur infrequently. The expected maintenance would generate little traffic during operations.

Air quality impacts from diesel particulate matter (DPM, represented by exhaust PM_{2.5}) were assessed using AERMOD v23132 model. Construction equipment emissions were imulated as a single area source covering the project site. In addition, a health risk assessment (HRA) was conducted for project construction emissions using HARP2 model based on values from AERMOD model. Please see Appendix D, Air Quality and Greenhouse Gas Technical Report for additional detail.

In general, the analysis found that there could be a significant air quality impact from the project. However, the mitigation measures AQ-1: Construction Equipment Requirements, AQ-2: Dust Control Measures, and AQ-3: Long Term Dust Control mitigation measures are recommended to reduce air quality impacts to less than a significant level.

Section 4.4 Biological Resources

Section 4.4 of the Draft EIR (page 4.4-1 through 4.4-61) describes the biological resources of the proposed project site and evaluates habitat conditions to determine the potential for occurrence of common and special status species and their habitats.

Special status plant species were defined in accordance with the CEQA Guidelines, Section 15380, and the Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (California Department of Fish and Game, 2018). In addition, Appendix E is a Biological Resource evaluation and biologists conducted literature reviews and field surveys of the biological resources potentially associated with the project site were conducted in 2019, 2020, 2021, and 2024.

The proposed project site supports an assortment of plants and wildlife and provide shelter, cover, roosting, foraging, and breeding habitats to mammals, birds, invertebrates, reptiles, and amphibians as year-round residents, seasonal residents, and/or migrants. However, the project site generally supports low quality wildlife habitat due to regular disturbances from cattle grazing and grain cultivation and lack of complex vegetation communities. During the field surveys, 102 native and non-native plant species, six mammals, 39 birds, seven invertebrates, four reptiles, and three amphibian species were identified. A list of plant and wildlife species recorded during the field surveys is provided in Appendix E.

A number of potentially significant impacts were identified in the Draft EIR. However, the Draft EIR determined that with the following mitigation measures impacts to biological resources were being reduced to a level that is less than significant: (1) BIO-1: Protection of Special Status Species the Crotch's Bumble Bee, the Burrowing Owl, the Swainson's Hawk, and the American Badger; (2) BIO-2: Worker Environmental Awareness Training and Best Management Practices for Biological Resources; and (3) BIO-3: Protection of Nesting Birds

Section 4.5 Cultural Resources

Section 4.5 of the Draft EIR (page 4.5-1 through 4.5-28) identifies and evaluates issues related to Cultural Resources and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. This analysis is based in part on the project-specific Cultural Resources Phase I Survey Report prepared in July 2021. The cultural evaluations were conducted in compliance with CEQA to identify cultural resources, including (but not limited to) archaeological, historic built architectural, and Native American resources within the project site (or area) and the transmission line corridor.

The Draft EIR identified a potentially significant impact to cultural resources. However, the Draft EIR determined that with mitigation measures CUL-1: Cultural Resource Worker Education/Training; CUL-2: Inadvertent Discovery of Archaeological Resources During Construction, and CUL-3: Inadvertent Discovery of Human Remains During Construction the impacts were being reduced to a level that is less than significant.

Section 4.6 Energy

Section 4.6 of the Draft EIR (page 4.6-1 through 4.6-11) identifies and evaluates issues related to Energy and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The Draft EIR did not identify potentially significant impact to energy as a result of the

project and, as such, no mitigation measures are recommended.

Section 4.7 Geology, Soils and Paleontological Resources

Section 4.7 of the Draft EIR (page 4.7-1 through 4.7-17) identifies and evaluates issues related to Geology, Soils and Paleontological Resources and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The Draft EIR identified potentially significant impacts to geology, soils and paleontological resources. However, the Draft EIR determined that with the following mitigation measures impacts were being reduced to a level that is less than significant GEO-1: Paleontological Worker Education and Awareness Program (WEAP); and GEO-2: Unanticipated Find Contingency.

Section 4.8 Greenhouse Gases

Section 4.8 of the Draft EIR (page 4.8-1 through 4.8-11) identifies and evaluates issues related to Greenhouse Gases and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. Information in this section is based on the Air Quality and Greenhouse Gas Technical Report located in Appendix D of this Draft EIR.

The Draft EIR did not identify a potentially significant impact to greenhouse gases as a result of the project and, as such, no mitigation measures are recommended.

Section 4.9 Hazards and Hazardous Materials

Section 4.9 of the Draft EIR (page 4.9-1 through 4.9-26) identifies and evaluates issues related to Hazards and Hazardous Materials and includes the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. Information in this section includes the Phase I Environmental Site Assessment and the Tesla Megapack 2/XL Hazard Mitigation Analysis prepared by the Energy Safety Response Group for Tesla, Inc. in Appendix G.

The Draft EIR identified a potentially significant impact as a result of the exposure to people or structures to a significant risk of loss, injury or death because of wildland fires. However, the Draft EIR determined that with mitigation measure FIRE-1: Wildfire Protection Measures impacts were being reduced to a level that is less than significant.

Section 4.10 Hydrology and Water Quality

Section 4.10 of the Draft EIR (page 4.10-1 through 4.10-14) identifies and evaluates issues related to Hydrology and Water Quality Resources including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. This analysis includes the 2021 Water Supply Assessment (WSA) (Appendix H-1) and the Addendum to the WSA (Appendix H-2).

The Draft EIR did not identify potentially significant impacts to hydrology and water quality as a result of the project and, as such, no mitigation measures are recommended.

Section 4.11 Land Use and Planning

Section 4.11 of the Draft EIR (page 4.11-1 through 4.11-11) identifies and evaluates issues related to Land Use and Planning including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. This analysis includes an evaluation of both General Plan and Zoning Ordinance requirements.

The Draft EIR did not identify potentially significant impacts to land use and planning issues as a result of the project and, as such, no mitigation measures are recommended.

Section 4.12 Mineral Resources

Section 4.12 of the Draft EIR (page 4.12-1 through 4.12-4) identifies and evaluates issues related to Mineral Resources including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The Draft EIR did not identify potentially significant impacts to mineral resources as a result of the project and, as such, no mitigation measures are recommended.

Section 4.13 Noise

Section 4.13 of the Draft EIR (page 4.13-1 through 4.13-23) identifies and evaluates issues related to Noise including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. This analysis included the Sound Survey and Analysis Report (Appendix I-1).

The Draft EIR identified potentially significant impacts as a result of project related noise but found with mitigation measure NOISE-1: Noise Minimization the impact was mitigated below a level of significance.

Section 4.14 Population and Housing

Section 4.14 of the Draft EIR (page 4.14-1 through 4.14-6) identifies and evaluates issues related to Population and Housing including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The Draft EIR did not identify potentially significant impacts as a result of population and housing and, thus, no mitigation measures are recommended.

Section 4.15 Public Services

Section 4.15 of the Draft EIR (page 4.15-1 through 4.15-7) identifies and evaluates issues related to Public Services including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The public services impact evaluation considered the public service provisions included within the project definition and the Draft EIR did not identify potentially significant impacts as a result of the project reacted to public services and, thus, no mitigation measures are recommended.

Section 4.16 Recreation

Section 4.16 of the Draft EIR (page 4.16-1 through 4.16-5) identifies and evaluates issues related to Recreation including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The Draft EIR did not identify potentially significant impacts as a result of project related to recreation and, thus, no mitigation measures are recommended.

Section 4.17 Transportation

Section 4.17 of the Draft EIR (page 4.17-1 through 4.17-11) identifies and evaluates issues related to Transportation including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. The analysis also included a traffic study (Appendix J-1) and an addendum (Appendix J-2) to examine Level of Service (LOS) and Vehicle Miles Traveled (VMT) assessments.

The Draft EIR identified potentially significant impacts as a result of project construction related traffic. However, the Draft EIR determined that with mitigation measures TRANS-1: Road Inspection and Repairs and TRANS-2: Construction Warning Signs potential impacts were being reduced to a level that is less than significant.

Section 4.18 Tribal Cultural Resources

Section 4.18 of the Draft EIR (page 4.18-1 through 4.18-5) identifies and evaluates issues related to Tribal Cultural Resources including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment. As part the analysis, an ethnographic review of tribal cultural resources was performed via the NWIC record search, NAHC search, and the review of available ethnographic documents (Please see Section 4.5.1 of the Draft EIR).

The Draft EIR identified a potentially significant impact to tribal cultural resources. However, the Draft EIR determined that with mitigation measures CUL-1: Cultural Resource Worker Education/Training; CUL-2: Inadvertent Discovery of Archaeological Resources During Construction, and CUL-3: Inadvertent Discovery of Human Remains During Construction the impacts were being reduced to a level that is less than significant.

Section 4.19 Utilities and Service Systems

Section 4.19 of the Draft EIR (page 4.19-1 through 4.19-10) identifies and evaluates issues related to Utilities and Service Systems including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

The Draft EIR did not identify potentially significant impacts to the utilities and service systems and, thus, no mitigation measures are recommended.

Section 4.20 Wildfire

Section 4.20 of the Draft EIR (page 4.20-1 through 4.20-24) identifies and evaluates issues related to wildfire including the physical and regulatory setting, the criteria used to evaluate the significance of potential impacts, the methods used in evaluating these impacts, and the results of the impact assessment.

As detailed, the National Wildfire Coordinating Group (NWCG) has developed a variety of fuel models that describe different types of fuel and how fire spreads through them. Based on the vegetation present on the project site, the most appropriate model to analyze the impact of a wildfire would be the Grass fuel model (GR) as the primary carrier in the model is grass. Grass fuels can vary from heavily grazed grass stubble or sparse natural grass to dense grass more than 6-feet tall. Fire behavior varies from moderate spread rate and low flame length in the sparse grass to extreme spread rate and flame length in the tall grass models (NWCG, 2024a). In order to analyze the project specific impacts, a site-specific fire behavior modeling was conducted and is detailed in the Fire Hazard Analysis Technical Memorandum (Appendix K, Dudek 2024

The Draft EIR identified a potentially significant wildland fire impact from the project. However, the Draft EIR determined that with mitigation measures FIRE-1: Wildfire Protection Measures the impact was being reduced to a level that is less than significant.

INTRODUCTION TO THE ALTERNATIVES

CEQA requires that a Draft EIR describe a range of reasonable alternatives to the project, or to its location, which could feasibly avoid or lessen any significant environmental impacts, while substantially attaining the basic objectives of the project. Chapter 3 of the Draft EIR (pages 3-1 through 3-8) describes potential alternatives to the proposed project that were considered, identifies alternatives that were eliminated from further consideration and the reasons for dismissal, and analyzes remaining alternatives in comparison to the potential environmental impacts associated with the proposed project.

Key provisions of the CEQA Guidelines pertaining to the alternatives analysis are summarized below:

- The discussion of alternatives shall focus on alternatives to the proposed project, or to its location, that avoid or substantially lessen any significant effects of the proposed project, even if these alternatives would impede to some degree the attainment of the proposed project objectives or would be more costly.
- The “No Project Alternative” shall be evaluated, along with its impact. The No Project analysis shall discuss the existing conditions at the time the Notice of Preparation is published. Additionally, the analysis shall discuss what would be reasonably expected to occur in the foreseeable future if the proposed project were not approved, based on current plans and consistent with available infrastructure and community services.
- The range of alternatives required in an EIR is governed by a “rule of reason”; therefore, the EIR must evaluate only those alternatives necessary to permit a reasoned choice. Alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the proposed project.
- For alternative locations, only locations that would avoid or substantially lessen any of the significant effects of the proposed project need to be considered for inclusion in the EIR.
- An EIR need not consider an alternative whose effects cannot be reasonably ascertained and whose implementation is remote and speculative.

As detailed in Section 3.3 of the Draft EIR (pages 3-2 through 3-4) the following

alternatives were considered and eliminated from further analysis: Section 3.3.1 Reduced Acreage Alternative; Section 3.3.2 Orchard Alternative; and Section 3.3.3 Conservation and Demand Side Management Alternative.

As detailed in Section 3.4 of the Draft EIR (pages 3-4 through 3-7), in addition to the mandatory No Project Alternative, an alternative that focused on distributed, rooftop solar throughout Colusa County; an alternative solely focused on solar PV energy (removing the BESS component from the project); an alternative that undergrounds the gen-tie line; and an off-site alternative in northeastern Colusa County were considered to potentially lessen or avoid significant environmental effects resulting from implementation of the proposed project. Specifically, these alternatives are: Section 3.4.1 No Project Alternative; Section 3.4.2 Distributed Solar Alternative; Section 3.4.3 Solar Only Alternative; Section 3.4.4 Undergrounded Gen-Tie Alternative, and Section 3.4.5 Northeast Site Alternative.

FINAL ENVIRONMENTAL IMPACT REPORT (FEIR) SUMMARY:

The 45-day public review period for the Draft EIR began with the filing of the Notice of Completion (NOC) on September 30, 2024 with the Governor's Office of Planning and Research and ended on November 13, 2024. In addition, notices were mailed directly to property owner's in the vicinity, published in the Colusa County Pioneer review, and an email was sent to persons and organizations who had previously expressed interest in this project informing all of the opportunity to review the Draft EIR and the public review time period. In addition, the Planning Commission held a meeting on October 30, 2024 to allow all interested parties an opportunity to comment verbally on the Draft EIR.

Upon conclusion of the public review period, nine comments were received from private individuals and their representative and from two State agencies. County staff, the EIR consultant, and the applicant have worked on performing additional analysis in order to respond to the submitted Draft EIR comments.

In considering the comments and responses to them, it is important to note that the adequacy of the findings and conclusions in an EIR are governed by the substantial evidence standard. "Substantial evidence" means "enough relevant information and reasonable inferences from this information is present so that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions based on facts, and expert opinion supported by facts. Argument, speculation, unsubstantiated statements, evidence that is not credible, or alleged economic impacts that do not cause physical impacts is not considered substantial evidence for the purposes of CEQA.

The Final EIR for the Janus Solar and Battery Storage Project consists of:

- 1.) The Draft EIR;
- 2.) Comments received on the Draft EIR;
- 3.) A list of persons, organizations, and public agencies that commented on the Draft EIR;
- 4.) Responses to the comments received; and
- 5.) Minor revisions to the Draft EIR.

Section 2 of the Final EIR provides the Draft EIR comments and the responses. There are three general parts to the Response to Comments (Section 2 – Comments and Responses to Comments). The first part is contained in Section 2.2 (Comprehensive Response to Common Comments) which provides responses to comments that were made by multiple commenters. These responses are labeled with an “R” and then followed by a section number ranging from R1.1 through R-17.8. The second part is a verbatim transcript of the June 30, 2024 Planning Commission meeting where verbal comments were received on the Draft EIR. The responses to these verbal comments made are labeled with an “HC” (Hearing Comments) then a comment number ranging from HC-1 through HC-63. The last part of the Response to Comment section is the responses to the written comments received on the Draft EIR. The lettering labels and the commenters are as follows:

Letter Designation	Agency/Interested Party
“A”	California Department of Fish and Wildlife
“B”	Antoinette Marsh
“C”	Stephen & Karan Marsh
“D”	Myers-Marsh Mutual Water Company
“E”	Clark & Nelson (David R. Nelson, representing Jean Terkildsen, Elizabeth Katsaris, and Matthew Ferrini)
“F”	Adam Borchard
“G”	Annamarie Marsh Louie
“H”	Bernadette Marsh
“I”	Jean Terkildsen
“J”	David Fong
“K”	Central Valley Regional Water Quality Control Board

While all of the comments and responses in the Final EIR must be considered, the intent of this section of the staff report is to provide a generalized summary of several issues that are included in many of the comments or concerns as follows:

General Plan Consistency

A number of comments were received that the Colusa County General Plan and Zoning Code do not allow for this type/size of project at its proposed location. The project site is designated as Agriculture Upland (AU) by the General Plan and zoned as Foothill Agriculture (F-A). The gen-tie line intersects land designated as AU and Agriculture General (AG) and zoned as F-A and Exclusive Agriculture (E-A).

As detailed in the Comprehensive Response Section 14 (General Plan and Zoning) of the Final EIR, the General Plan consists of a variety of goals, objectives, and policies - some of which are broad in scope; others of which are highly specific. For example, the General Plan includes overarching goals and objectives geared toward supporting agriculture and maintaining agriculture land use designations, while also providing specific guidance for the evaluation of certain uses that are considered compatible with agricultural lands, like alternative energy production (including solar). Because general plans are drafted in this way and are intended to reflect a range of competing interests, projects are not required to be in rigid conformity with every provision, but instead need to be interpreted considering the whole plan while following the more specific provisions.

The Draft EIR, as well as the response to comments of the Final EIR, contain a detailed discussion of the General Plan provisions with respect to this project and the General Plan consistency provided that the proposed Use Permit is approved. As detailed in Colusa County General Plan Land Use Element Table LU-1, energy production (including solar) is defined as an allowed use. General Plan Table LU-1 also states that the Zoning Ordinance will identify specific uses allowed on each parcel. The subject property's Foothill Agriculture (F-A) zoning district specifically states that "Energy Generation for Off-Site Use" is an allowed use subject to the issuance of a conditional use permit.

In addition, General Plan Policy CON 2-3 states, "Allow commercial alternative energy facilities, including solar, wind and biomass in the Agriculture General, Agriculture Upland, Industrial, Forest, and Resource Conservation land use designations with a Conditional Use Permit". It is important to note that when the County's 2030 General Plan Update EIR was prepared for the current General Plan in 2012, it was projected that the increase in new development would create additional stationary source emissions that would cause a Significant and Unavoidable Impact. To help lessen this impact, several policies were included in the 2030 General Plan Update to mitigate these significant impacts to the extent feasible. These policies included Policy CON 2-2 to encourage the development of large-scale commercial energy projects that utilize renewable sources such as solar, biomass, and agricultural byproducts. In addition, Policy CON 2-3 was adopted to allow commercial alternative energy facilities, including solar and biomass in the Agriculture General, Agriculture Upland, Industrial, and Resource Conservation land use designations with a Conditional Use Permit. These

policies were specifically written as General Plan EIR Mitigation Measures to allow alternate energy projects on agricultural lands and *"are specifically designed to benefit the overall air quality conditions and result in a per-capita decrease in emissions"*. As such, not only does the General Plan policies allow solar projects on agricultural lands, but this permissibility is the result of specific mitigation measures and requirements of the General Plan's EIR.

Northeast Site Alternative Site Selection Concern

A comment was submitted that the inclusion of the Northeast Site Alternative was "shorting the CEQA processes, procedures and requirements" because the owners of the property were not consulted about the project. Please refer to Final EIR Response B-2 for the specific response. In general, Section 15126.6 of the California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) describe a reasonable range of alternatives to a proposed project or to the proposed project location that would feasibly attain most of the proposed project's objectives and would avoid or lessen any significant environmental impacts.

The intent of the selection of the property in question was to allow for a comparison between the potential environmental impacts between the project site and another site in the vicinity. In this case, the alternative site has historically grown rice. The Draft EIR contains the required analysis of potential changed impacts should property that has historically grown rice be converted to the solar project. The purpose of the alternative analysis was to simply identify whether most of the proposed project's objectives could be obtained should it be relocated to property that has historically grown rice and whether any significant environmental impacts would be lessened. The Draft EIR did not state or imply that the project could be relocated to this site. To the contrary, the Draft EIR specifically stated that "...the Applicant does not have the Northeast Site under site control and there is no certainty that it could do so". As detailed in Response B-2 of the Final EIR, the Northeast Site alternative was provided in the EIR as an example of an off-site alternative, of which there are many, to help demonstrate the potential environmental impacts of relocating the project to an alternative site.

Assembly Bill (AB) 205 Approval Process

During the Commission's October, 2024 Draft EIR meeting, a question was raised regarding the AB 205 approval process in relation to the project. Assembly Bill 205 was approved in 2022 and broadened the California Energy Commission's (CEC) authority to allow the CEC to oversee the permitting of clean and renewable energy facilities, including solar projects. Known as the Opt-In Certification Program, this permitting process allows the CEC to supersede local agency land use authority and approve

projects directly.

As part of the AB 205 process, an applicant would have to enter into one or more community-based benefit agreements. However, the County would not have control of the community-based agreement(s), or control of the conditions required for development. As such, the currently proposed service fees, committed funding, and/or mitigation measures could be eliminated through the AB 205 process.

The CEC would be the lead agency in terms of the CEQA process. While the CEC approval process does allow for public input, their hearings are not held locally. In addition, like the County, any significant effects of the project must be avoided or substantially lessened through mitigation measures or project design changes. However, the CEC could adopt a statement of overriding considerations for significant effects found infeasible to avoid or mitigate. While this option is also available to the County, staff would pursue additional mitigation measures or project design changes should any of the potential impacts be determined to be significant rather than recommending the adoption of a statement of overriding considerations.

At the present time, the AB 205 process is not applicable as the applicant has chosen to process their entitlements through the County's approval process. However, should the project be denied, the AB 205 process is an available option.

County Financial Involvement in the Project

A number of comments were submitted about the County's financial commitment to the project and potential costs, and whether this project would have any financial benefit to the County. These comments appeared to have assumed that the County had some responsibility to help fund the project. Please refer to Final EIR Responses in Section C for the specific responses. In general, this project is being exclusively funded by the applicant without any funding obligation or funding contribution from the County. To the contrary, the project is expected to have a significant positive fiscal impact to the County as discussed below:

Project Fiscal Benefits

Currently, approximately \$18,500 in property taxes is collected on the two parcels involved with the project. Of this amount, the County receives just over \$4,900 of this amount with the remainder of the property taxes distributed to schools and other special districts. Like other properties throughout the County enrolled in the County's Williamson Act program, the amount of property taxes charged is reduced over what would normally be charged. County-wide, property owners enrolled in the Williamson Act program pay approximately \$4,000,000 less in property taxes than they would

otherwise pay due to the County's Williamson Act program. As a result, the County receives approximately \$1,000,000 less in property tax revenue and the schools and special districts receive approximately \$3,000,000 less in property tax revenue as a result of the County's Williamson Act program.

Contingent upon project approval, the applicant would purchase the property from the current owner. County staff recommends serving a notice of nonrenewal of the property's Williamson Act contract pursuant to Government Code Section 51245 to maximize property tax revenues that will flow to the County and to be consistent with the recommendation of the Board's Williamson Act Ad-Hoc Committee that the property be removed from the Williamson Act program. With respect to property tax payments, the County Assessor has estimated that the current \$18,500 property tax amount would increase to approximately \$284,000 in the first year (\$235,000 in property tax for the BESS facility and \$49,000 for the land). Accordingly, property tax payments to schools and special districts would increase from approximately \$13,520 to approximately \$208,415, or nearly a \$195,000 increase in the first year. Property tax payments to the County would increase from approximately \$4,900 to approximately \$75,583, a \$70,683 increase in the first year. Moreover, the applicant would pay an agricultural land preservation fee of \$30,000 annually.

Please note, these figures are based on current estimates due to the change in land value and the equipment that would be subject to property taxes. Due to State law, significant portions of the solar project are exempt from property taxes such as the PV modules, inverters, and racking systems, the sub-station, and AC/DC material. Other parts of the project that would be subject to inclusion in the property tax calculation includes the land, on-site roads, fencing, and project components from on-site sub-station to the point of connection with the PG&E facility.

As mentioned above, the above estimates were made by the Assessor's office for the first year. Over time, the actual property tax calculation would be subject to the change in land value, property tax appreciation, depreciation, and the effects of the non-renewal of the properties' Williamson Act contract. The Assessor's office has calculated that over the life of the project (35 years) the total amount of property taxes that would be collected would be approximately \$6,159,444. This would average some \$175,984, or approximately \$157,484 a year more than the current property taxes for the property.

The increase in property taxes resulting from the property would be significant. In addition, the project also includes a \$300,000 annual contribution to the Williams Fire Protection Authority, an offer of funding contributions totaling \$45,000 to local park and recreation districts (Maxwell, Williams, and Arbuckle), an annual \$100,000 "Public Services Fee Payment" to the County, as detailed in the Development Agreement, an

annual \$30,000 fee to the County for agricultural preservation, and (as discussed later) a \$52,800 a year payment to the County for the Franchise Agreement. In total, the project would be paying some \$703,784 in property taxes, service fees and contributions, and franchise agreement payments, or some \$685,284 a year more than the \$18,500 in property taxes being collected. These monies would in turn provide: enhanced fire protection services to businesses and residents throughout the Williams Fire Authority district boundaries; benefit all users of the three park and recreation districts; fund public services throughout the County, and provide additional road department funding.

In addition to this significant increase in annual revenue, as identified in the previous fiscal impact study performed for the project (Colusa County Janus Solar Facility Economic Impact Analysis, Economic & Planning Systems, Inc., January 9, 2023) the project would also generate some \$15.9 million in onetime economic activity, some \$788,000 in onetime fiscal revenues to the County, and on an annual ongoing basis, project operations are anticipated to generate some \$4.0 million annually in total economic activity.

Fire Hazard Concerns

Considerable concerns were expressed with respect to potential fire hazards associated with the project during the EIR scoping phase. As a result, the Draft EIR included an analysis of the potential fire hazards associated with the solar panels and the BESS. Chapter 2 (Project Description) of the Draft EIR provides a general discussion of fire hazards associated with the project, the incorporated design features to minimize those hazards, and the mitigation measures developed to minimize any such hazards including the Emergency Response Plan and the Vegetation Management and Wildfire Prevention Program. Section 4.9 (Hazards and Hazardous Material) of the Draft EIR provides information on the potential hazards and environmental risks associated with the project, additional information on the design considerations to address these hazards, a discussion of the third-party Hazard Mitigation Analysis performed on the BESS and its compliance with various fire codes and standards, and specific details on how the BESS design features would respond to a battery cell malfunction. Section 4.15 (Public Services) provides an analysis of the potential impact of the project to fire protection services during construction, operation, and decommissioning. Section 4.20 (Wildfire) discusses the existing wildfire threat and characteristics of a wildfire associated with the existing site conditions, the post-project fire behavior modeling that was conducted in the project's Fire Hazard Analysis Technical Memorandum, and the requirements of the Vegetation Management and Wildfire Protection Plan and the Emergency Services Response Plan that would be implemented with the project.

During the Draft EIR comment period, additional comments and concerns were

submitted with respect to potential fire hazards associated with the project. The Final EIR contains additional information on the project characteristics and compliance with applicable fire codes and standards. A summary of responses follows:

- Should there be a fire at a BESS module, the gases released would be a fraction of a percent (.012 ppm vs. 30 ppm) of the National Institute for Occupational Safety and Health (NIOSH) standard for immediately dangerous to life or health. In addition, the levels would also be well below the NIOSH threshold for a 10-hour work shift (3 ppm) and were well below the 15-minute work period maximum (6 ppm). The emission levels were also well below the American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit value (TLV) of 0.5 ppm averaged over an 8-hr work shift and 2 ppm not to be exceeded during any part of the work exposure.
- Overall, the detected levels of emissions located 20 feet upwind and 5 feet downwind from the forced thermal runaway event show that the air emission levels would not pose a hazard to emergency response personnel and would not cause ingress/egress to be suspended along Spring Valley Road which is some 500 feet away (the air emission levels would be greatly reduced at this distance further ensuring no air emission risks).
- The BESS technology proposed for the project is a lithium-ion battery with a lithium-iron-phosphate (LFP) sub-chemistry which, compared to other technologies such as nickel-manganese-cobalt found in electric vehicles and other types of BESS technology, has a higher ignition point and is less prone to fire.
- There will be two layers of remote monitoring. Tesla will remotely monitor the BESS through a local operations center and, through the Tesla Site Controller, will be able to provide diagnostics and troubleshooting and can shut down modules and/or enclosures remotely. The applicant will also remotely monitor the system through the Supervisory Control and Data Acquisition (SCADA) system which communicates with the company's Remote Operations Center located in Austin, Texas which also has remote shutdown capabilities.
- All BESS enclosures have an IP-66 level of waterproof and dustproof protection inside and out, which means that it prevents water from entering but also prevents any potential leak from exiting the enclosure.
- The enclosure roofs have thermal vents on the top. These vents open if there are any gases released in the event of an abnormal operation of the batteries, avoiding any buildup of pressure inside the enclosure itself and eliminating the

risk of explosion.

- At the cell level, the BESS modules leverage the lithium iron phosphate (LFP) chemistry and a new industry-leading cell design. Testing has demonstrated a strong ability to resist thermal runaway, and has shown controlled venting in worst-case events, without explosive bursts or fire.
- At the module level, the BESS modules have undergone testing which has shown that the battery modules are resistant to multiple co-located cells being sent into a thermal runaway event, at the same time which greatly mitigates the risk of a thermal event.
- At the system level, the BESS modules are designed with a combination of dedicated runaway gas igniters and overpressure vents built into the roof that passively mitigate the risk of deflagration hazards in case of unlikely accumulation of flammable gases due to arc flash events or thermal runaways. In the unlikely event of a fire, full-scale fire testing has shown that the BESS modules perform in a safe and controlled manner, consuming itself slowly and without explosive bursts, projectiles, or unexpected hazards.
- The cells used in the BESS modules do not contain solid metallic lithium and thus do not react with water.
- An Emergency Services Response Plan (ESRP) is required and this plan would be reviewed and approved by the Williams Fire Protection Authority (WFPA) and the County prior to issuance of a building permit.
- This ESRP will detail specific fire suppression and protection measures that will be implemented in the entire facility, including the BESS, to eliminate fire hazards, as well as detailed information about the emergency response strategy so that first responders are well equipped to effectively respond to a call for service.
- The ESRP will address the following, among other requirements:
 - ✓ On-site water storage of 50,000 gallons of water with hose and truck hook-ups connections compatible with responding fire apparatus will be installed and maintained.
 - ✓ Battery container spacing shall be determined based on UL 9540A test data, manufacturer recommended separations at a minimum with final approval required by the Williams Fire Protection Authority.

- ✓ The battery containers will receive a UL 9540 certification and will comply with all provisions of 2022 California Fire Code, Section 1207, including the preparation of a hazard mitigation analysis.
- ✓ As part of the siting and design of the BESS, the project will have a setback of more than 500 feet to prevent Spring Valley Road from being closed to two-way through traffic in the event of an emergency response at the project site. Prior to fire permit issuance, the setback and access shall be reviewed and approved by the WFPA Fire Chief.
- The ESRP would also include coordination and communication with local fire departments and other first responders to identify shut down procedures, site personnel training, identification of evacuation routes, and traffic control. This would include substantial training for the WFPA and any relevant mutual aid entities, including but not limited to the Maxwell and Arbuckle-College City Fire Departments. The training will be provided prior to the start of construction and again prior to the project becoming operational and continue on a regular basis throughout the project's operating lifetime to ensure that local fire personnel have the most up-to-date information on the most effective ways to respond to any incident at the project.
- Under all circumstances analyzed in the Hazard Mitigation Analysis, the BESS protection systems effectively manage all potential fault conditions. As part of the Hazard Mitigation Analysis, UL 9540A destructive testing, an intentional thermal runaway event found that visible flames outside of a battery cabinet would be unlikely, and any flaming would be unlikely to be sustained. No heat fluxes were recorded at distances of up to 20 to 30 feet from the battery cabinet; no explosion hazards, including deflagration, projectiles, flying debris, detonation, or other explosive discharge of gases were observed; no fire propagation to adjacent cabinets spaced 6-inches apart and 8-feet apart were observed; no integral fire suppression nor manual fire suppression (hose lines) was required to stop cabinet to cabinet fire spread; and no liquid runoff was observed after the test.
- A site-specific Fire Hazard Analysis Technical Memorandum has been prepared (Appendix K) which shows that there is a low probability of wildfire based on the availability of vegetation and terrain on the site.
- The project would include mitigation measure FIRE-1, which requires the development of a Vegetation Management and Wildfire Prevention Plan and an Emergency Services Response Plan as well as a Vegetation Management which will implement three fuel modification zones which significantly reduces

potential wildfires and their spread.

- The installation of the project's facilities, roads, and vegetation management areas will replace the existing grasses that occur on most of the property with large areas where the grass will be mowed or where the grass has been replaced with a non-flammable surface such as a road. These managed areas will help reduce fire risk around the project and provide fire breaks that will help slow down the progress of wildfires that start off-site.
- Furthermore, the internal road system, public road system, and Fuel Modification Zones would provide first responders with multiple anchor points from which to engage the fire, as well as safe access/escape routes.

An important note is that the applicant and the Williams Fire Authority have entered into a fire service contribution agreement where the Authority will receive a total of \$300,000 annually, adjusted for inflation. The agreement also requires the development of a Response and Prevention Plan, training, payment to replace personal protective equipment that is damaged or rendered unusable as a result of responding to a call, and paying for additional emergency vehicles and personnel required to respond to a call. The signed agreement is attached (Attachment #1).

The Authority believes that this agreement will allow them to adequately respond to any call for service from the project.

Water Usage

A concern was expressed about the amount of water obtained from the City of Williams for the project. Water consumption during construction is estimated to be 40 acre-feet (13,000,000 gallons), primarily for dust control, and operations. The City has stated that they could supply this water and the developer would be required to purchase the water at the City's determined cost. Water usage in the City of Williams is approximately 267,180,000 gallons annually. As such, the proposed water demand for the project is less than 5 percent and can easily be accommodated as the City has pumping capacity for nearly twice the average daily demand. A condition of approval has been developed to require that prior to building permit issuance that a will-serve letter be obtained.

It should also be pointed out that if the 666 acres proposed for the project were instead converted to almond orchards, the water usage would amount to approximately 2,664 acre-feet (roughly 270 million gallons) of water per year. The project's water usage of approximately 70 acre-feet over the lifetime of the project is significantly less (only 0.026%) than the amount of water that would be required to sustain an almond orchard of a similar size over a single year.

Decommissioning

Concern has been expressed over the process to ensure that should the project be closed sometime in the future, that the necessary guarantees are in place to ensure that the site is restored back to its pre-development condition. As conditioned, prior to building permit issuance, an engineer's estimate for decommissioning the project and returning it back to the pre-existing condition and a bond or other surety in a form satisfactory to the County Counsel would be submitted to ensure that the decommissioning would occur. The County would be named on the bond/surety to allow it to access it to ensure that the site is fully cleaned up and restored. This engineer estimate and bond would be updated every five years and two years prior to the decommissioning of the project, the applicant is required to submit an update of the cost estimate to the Community Development Director for review and approval and any required update to the bond amount would occur.

Attachment #2 is an example of an engineer's estimate for the decommissioning work. As is shown, the current cost is estimated to be \$3,391,683.58. Also shown is the estimated salvage value of the on-site equipment which totals some \$5,883,450.

The engineering estimate and bonding requirement would ensure that the site is returned to its pre-development condition should the project end by either the applicant or the County. This type of bond requirement is not unusual as other projects in the County, such as mines and subdivision improvements, are also subject to bonding requirements to ensure that the mine sites are reclaimed and subdivision improvements are installed. Given that the salvage value of the project exceeds the actual decommissioning costs, this provides an additional financial incentive to fully decommission the project site.

Final EIR Summary

The above discussion provides a summary of a number of issues for which comments were received on the Draft EIR. The intent of this section of the staff report is to provide a generalized summary of several issues that appear to have garnered many comments and/or concerns and not to repeat the totality of the Response to Comments in the Final EIR. These are not the only issues that were identified and responded to in the Final EIR and all of the comments and responses to them are important and the Commission must consider the totality of the comments and responses. As previously detailed, in considering the comments and responses to them the substantial evidence standard is used. This standard means that enough relevant information and reasonable inferences can be made so that a fair argument supports a conclusion, even though other conclusions might also be reached. Exhibit "B" are the Findings of Fact that would support an approval recommendation of the Final EIR to the Board of Supervisors.

PROPOSED USE PERMIT (UP 24-24)

Land Use

The Solar Facility would be located on land designated in the Colusa County General Plan as "Agriculture Upland," in which cultivated agriculture, industrial and commercial agriculture, agricultural tourism, resource production, energy production (including solar), single family housing, and farmworker housing are allowed as appropriate uses (Colusa County General Plan Land Use Element Table LU-1). The gen-tie power lines along Walnut Drive are located on land designated in the Colusa County General Plan as "Agriculture General" in which the same land uses are also allowed by the Colusa County General Plan.

With respect to the zoning, the Solar Facility would be located on land designated as the Foothill Agriculture zoning district and the gen-tie power lines along Walnut Drive are located on land with the zoning designation of Exclusive Agriculture. Pursuant to Section 44-2.20.30 (Allowed Uses in the Agricultural Zones) of the Zoning Code, Energy Generation for Off-Site Use are permitted subject to obtaining a Conditional Use Permit.

As previously discussed, the General Plan provisions that allow commercial alternative energy facilities, including solar, wind and biomass in the Agriculture General, Agriculture Upland, Industrial, Forest, and Resource Conservation land use designations with a Conditional Use Permit were developed and adopted as specific mitigation measures in the County's 2030 General Plan Update EIR to mitigate the projected significant and unavoidable Impacts of air quality emissions from new development. These policies were specifically written as General Plan EIR Mitigation Measures to allow alternate energy projects on agricultural lands and "are specifically designed to benefit the overall air quality conditions and result in a per-capita decrease in emissions". As such, not only does the General Plan allow solar projects on agricultural lands, but this permissibility was mitigation requirements of the General Plan's EIR.

Use Permit Process

Under the typical process, the Planning Commission is the approval authority for a Use Permit per Colusa County Zoning Code §44-1.70.010 (Review Authority), Table 44-1.70-1 (Planning and Development Permit Review Authority). However, the project includes a Development Agreement and pursuant to Table 44-1.70.1, the Planning Commission only makes a recommendation on the Development Agreement to the Board of Supervisors who is the final decision making body. Pursuant to Zoning Code §44-1.70.020 (Application Preparation and Filing) subsection D (Concurrent Permit Processing) when more than one planning permit application is submitted for a single project, the applications shall be processed

concurrently, with all the permits being considered and acted upon by the highest applicable review authority. Because the application involves a Use Permit and Development Agreement, the Board is the highest review authority and, thus, the Planning Commission will make a recommendation to the Board on both the Use Permit and Development Agreement and the Board will make the final decision. Because the project also involves a Franchise Agreement and Williamson Act program determination, each of which is the responsibility of the Board of Supervisors, these items are also being presented to the Planning Commission for review and recommendation.

Section 44-1.80.030 (Use Permits) of the County Code specifies that in order to approve a Use Permit application, the Planning Commission must make the following findings:

1. The proposed use is consistent with the General Plan and all applicable provisions of this title; and
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use.

As detailed above, the proposed project is allowed as energy generation for off-site use by the General Plan and Zoning Code with a Use Permit, as required mitigation measures of the General Plan EIR and, thus, staff recommends Finding #1 be made.

With respect to Finding #2, the Draft EIR has identified potential impacts and has developed a series of mitigation measures in order to ensure that the proposed project would not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area. The Final EIR also contains responses to the comments received on the Draft EIR and several minor amendments to further reduce potential impacts. In addition, the staff has recommended additional conditions of approval within the Use Permit to further ensure that the project would not be detrimental to other properties or residents in the area.

In determining the Commission's recommendation to the Board of Supervisors on the Final EIR and Use Permit, the Commission must determine whether the mitigation measures and conditions of approval address the potential environmental impacts that have been detailed in the Final EIR using the substantial evidence test. Again, the "Final EIR substantial evidence test" refers to the legal standard used in California to review whether a Final EIR adequately supports its conclusions regarding a project's potential environmental impacts, meaning that a court will uphold the agency's decision if there is "substantial evidence" in the record to support it, even if other evidence might

suggest a different conclusion; essentially, the test determines if the EIR provides enough credible data and analysis to justify its findings about the project's environmental effects

DEVELOPMENT AGREEMENT

Section 44-1.100 of the County Code establishes the procedures and requirements for the adoption of a development agreement in compliance with Government Code Section 65864 et seq. A development agreement provides assurances to an applicant of a development project that, upon approval, the project may proceed in accordance with the conditions placed upon it by the review authority, as well as with existing policies, rules, and regulations. The designated approving authority for a development agreement is the Board of Supervisors, with review and recommendation by the Planning Commission. Approval of a development agreement is required to be by ordinance.

The Board of Supervisors' Solar Ad Hoc Committee has developed a Development Agreement template for use on solar projects. Exhibit "C" is the Development Agreement Ordinance and Development Agreement that has been crafted for the Janus Solar and Battery Storage project. As written, the Development Agreement includes standard development agreement language (definitions, legal recitals, specified agreement and assurance provisions, review, and default provisions) and specific obligations of the project developer and the County. In exchange for the County's commitment to allow the project to be developed, the developer agrees to pay the County an annual \$100,000 public service fee payment and a \$30,000 a year agricultural land preservation fee each year for the life of the project; both fees are subject to an annual 3% inflation adjustment factor. In addition, the developer is also required to implement a variety actions that are designed to allow the County to capture as much sales' tax as possible. The Development Agreement also requires that all typical development impact, building permits, and any other permit fees that are in effect at the time of approval be paid.

The intent of the Ad-Hoc Committee is to standardize the requirements for any future renewal energy projects that may be proposed in the future through this Development Agreement template. In addition, the Development Agreement template has also been developed to meet the findings required by Section 44-1.100.020 of the County Code.

FRANCHISE AGREEMENT

A franchise agreement allows a public or private utility to utilize the public right-of-way (ROW) in order to install and maintain private infrastructure within the public ROW. Exhibit "D" is a proposed ordinance that would establish a Franchise Agreement

between the County and the applicant to install, operate, and maintain the gen-tie transmission line from the project site to the PG&E substation. The proposed agreement is for 35 years and details the specific requirements of the applicant. This includes the requirement to relocate the gen-tie line should it conflict with any other County project, pay the County any added cost for another public works project due to the presence of the gen-tie line, and submit a bond to ensure the future removal of the gen-tie line. In addition to these requirements, the applicant is required to pay the County an annual franchise fee of \$2.50 per lineal foot of the gen-tie line, or approximately \$52,800 annually – subject to a 3% inflation factor increase each year. The proposed Franchise Agreement would ensure that the gen-tie line does not interfere with other County projects within the ROW and in exchange obligates the applicant to bond for its removal and pay the County for the privilege of installing the gen-tie line within the public ROW.

WILLIAMSON ACT COMPATIBILITY DETERMINATION

The project site is subject to a Williamson Act contract between the landowner and the County. To qualify as a compatible use on Williamson Act contracted land, the project must be consistent with applicable provisions of the Williamson Act as well as the County's adopted Williamson Act policy. Under the Williamson Act, a use may be compatible with contracted land if it satisfies the required findings in either Government Code section 51238.1 (a) (the "principles of compatibility") or Government Code section 51238.1 (c) (approval on non-prime land with a use permit).

Exhibit "E" details how the project is consistent with each of the "principles of compatibility" under Government Code section 51238.1 (a). This exhibit also details how the project is consistent with Government Code section 51238.1 (c) because it is located on non-prime farmland and subject to the approval of the Use Permit. As such, the project would satisfy the required statutory findings as a compatible use under the Williamson Act under Government Code section 51238.1 (c), independent from the findings under Government Code section 51238.1 (a). In addition, Exhibit "E" details the consistency determination under the County's existing Williamson Act program.

SUMMARY

As required by CEQA, a DEIR was prepared for the project and comments regarding the adequacy of that document were received. The Final EIR has been prepared responding to those comments and additional studies, analysis and several minor amendments have been made. Together, these documents comprise the entirety of the environmental record for the proposed project.

Attached to this staff report, Planning Staff has prepared a resolution for the Commission's review that would recommend that the Board of Supervisors: (1) certify

the Final Environmental Impact Report including the CEQA Findings and Mitigation Monitoring and Reporting Program; (2) approve Use Permit #PD-24-24 with Findings and Conditions of Approval; (3) approve an Ordinance approving the proposed Development Agreement; (4) approve an Ordinance approving a Franchise Agreement; and (5) find that the project is compatible with the County's Williamson Act program. If the Planning Commission determines that that the FEIR along with the proposed mitigation measures and Use Permit's conditions of approval reduce potential impacts below a level of significance and that the project would not be detrimental to surrounding properties and residents, then the Planning Commission can adopt this resolution.

During this review, the Commission could also determine that additional project changes or conditions are necessary in order to reduce potential impacts below a level of significance and/or to ensure that the project would not be detrimental to surrounding properties and residents. Should that be the case, the Commission can recommend to the Board of Supervisors any such change(s) and/or condition(s) be incorporated into the proposed project. It is important that if the Commission does recommend any change(s) or condition(s) that sufficient detail be provided so that the reasons can be fully articulated to the Board and any recommended potential changes and/or additional conditions can be developed.

Finally, after considering the totality of the record, should the Commission determine either of the following, then the Commission could not recommend approval of the project to the Board of Supervisors:

- 1.) There are potential environment impacts that have not been mitigated to below the level of significance which prevents certification of the FEIR; and/or
- 2.) That the project would be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

Attached to this staff report is a resolution that would recommend denial of the project to the Board of Supervisors.