

ORDINANCE NO. 847

AN UNCODIFIED ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE COUNTY OF COLUSA AND THE SITES PROJECT AUTHORITY

WHEREAS, the Sites Project Authority (“Applicant”) submitted planning applications to the Colusa County Community Development Department for the construction, operation, maintenance, and decommissioning of the Sites Reservoir Project (“Project”), a 1.3 – 1.5 million acre-foot off-stream reservoir, located approximately 10 miles west of the unincorporated town of Maxwell, within Colusa County;

WHEREAS, the County of Colusa (“County”), and the Applicant, negotiated a development agreement for the Project (“Development Agreement”), the substantive form of which is attached as Exhibit A;

WHEREAS, the Development Agreement establishes the rights and obligations of the Applicant and the County relating to the development of the Project, secures Applicant’s vested right to develop the Project in accordance with the terms of the Development Agreement, and establishes community and public benefits that the Project will provide;

WHEREAS, on October 1, 2025, the Colusa County Planning Commission held a duly noticed public hearing where it received oral and written testimony regarding the Development Agreement in consideration of making a recommendation to the Board of Supervisors regarding the approval or disapproval of the Development Agreement;

WHEREAS, at the conclusion of the hearing on October 1, 2025, the Colusa County Planning Commission adopted Resolution No. 25-07 recommending the Colusa County Board of Supervisors approve the Development Agreement and adopt this ordinance;

WHEREAS, the Sites Project Authority is considered a Lead Agency under the California Environmental Quality Act (CEQA) and the U.S. Department of Interior, Bureau of Reclamation is the lead agency under the National Environmental Policy Act (NEPA) for this Project and has determined that an Environmental Impact Report (EIR) /Environmental Impact Statement (EIS) was necessary to fully review and consider all potentially significant impacts for the Project;

WHEREAS, the Sites Project Authority issued a Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) on November 12, 2021, and a Final Environmental Impact Report/Environmental Impact Statement (Final EI/EIS) on November 2, 2023. The RDEIR/SDEIS and Final EIR/EIS include various Project alternatives, including two alternatives (Alternative 1 and 3) that include Project Facilities and potential mitigation elements involving placing lands in conservation easement within Colusa County. On November 17, 2023, the Sites Project Authority certified the Final EIR/EIS and took various related actions, including approving Alternative 3 as the Project for implementation;

WHEREAS, the Authority and the County desire to see the Project advance in a manner that will achieve its objectives, address impacts to affected County roads, adhere to various Best Management Practices (BMPs) outlined in the Final EIR/EIS, and promote certain shared goals such as strengthening local workforce training and development, and contributing sales tax revenues to the local economy. Additionally, the Authority seeks, through mutual agreement with the County, to identify and mitigate negative impacts to the County that were not identified in the Final EIR/EIS that result from the construction and operation of the Project;

WHEREAS, on November 4, 2025, the Colusa County Board of Supervisors held a duly noticed public hearing where it fully reviewed and considered the Planning Staff’s report on the Project, all public testimony, all other written and oral testimony, and the totality of the public record for the Project. Additionally, it considered the Planning Commission’s recommendation, and concluded the public hearing prior to adoption of this Ordinance; and

WHEREAS, the Colusa County Board of Supervisors is the decision-making body for the County of Colusa and has the authority to approve the proposed Development Agreement.

NOW, THEREFORE, THE BOARD OF SUPERVISOR FOR THE COUNTY OF COLUSA ORDAINS AS FOLLOWS:

SECTION 1
The Development Agreement is consistent with the General Plan, the County Code, and any other applicable plans or regulations.

SECTION 2
The Development Agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the County as a whole.

SECTION 3
The Development Agreement advances the public convenience and general welfare of persons residing in the immediate area and residents within the County as a whole. Development of the Project will provide much-needed, cost-competitive clean energy and resiliency to the State of California and contribute significantly to the economy of the County, including through the generation of property and sales tax, payments in lieu of lost tax revenue, and through Developer’s payment of community benefit fees for the life of the Project. Development of the Project will also support the economy by investing in the local community, creating local construction jobs, and increasing tax and fee revenue to the County.

SECTION 4
The Development Agreement will promote the orderly development of property or the preservation of property values.

SECTION 5
The Development Agreement advances the development of the Sites Reservoir Project, a 1.3 – 1.5 million acre-foot off-stream reservoir, located approximately 10 miles west of the unincorporated town of Maxwell, within Colusa County. The Project, in accordance with the terms of the Development Agreement, establishes community benefits and public benefits that the Project will provide to the County.

SECTION 6
The Development Agreement specifies the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings (including through vesting the Applicant’s rights to develop the Project in accordance with applicable laws), and provisions for reservation or dedication of land for public purposes.

SECTION 7
The development agreement is consistent with the requirements of State law, including Government Code Sections 65864 through 65869.5.

SECTION 8
The Development Agreement is approved by the County of Colusa through this Ordinance and the action of the Board of Supervisors, in the substantive form of which is attached as Exhibit A, and the Board of Supervisors authorizes the Chair of the Board of Supervisors to execute the approved Development Agreement on behalf of the County of Colusa, as soon as this Ordinance becomes effective.

SECTION 9
This Ordinance is adopted in accordance with the law and more specifically under California Government Code Section 65868 et seq. (“Development Agreement Statute”) and Section 44-1.100 of the Colusa County Code (“Development Agreement Ordinance”), both of which provide for the ability of the County to adopt development agreements and set forth procedures and requirements for the consideration of those agreements.

SECTION 10
The Board of Supervisors finds that the Development Agreement complies with the requirements of the Development Agreement Ordinance and the Development Agreement Statute.

SECTION 11
A final version of the Development Agreement shall be provided to the Clerk of the Board of Supervisors within ten (10) days after the effective date of the Development Agreement and the Clerk shall have the Development Agreement recorded with the County Recorder.

SECTION 12
The Board of Supervisors authorizes all necessary subsequent action to be taken by County officials consistent with this Ordinance.

SECTION 13
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

Passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the 4th day of November 2025, by the following roll call vote:

AYES: Supervisors Janice A. Bell, J. Merced Corona, Randy Wilson, Kent S. Boes and Daurice K. Smith
NOES:None.
ABSENT:None.

/s/ Daurice K. Smith, Chair Colusa County Board of Supervisors

ATTEST: Marcos Kropf, Interim Clerk to the Board of Supervisors
/s/ Patricia Rodriguez, Deputy Clerk

APPROVED TO FORM:
/s/ Richard Stout, County Counsel