

## 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 Minutes

August 2, 2023

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

The Colusa County Planning Commission meets in Regular Session this 2<sup>nd</sup> 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.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Pendleton
<b>SECONDER:</b>	Krug
<b>AYES:</b>	Krug, Yerxa, Troughton, Jr., Pendleton
<b>ABSENT:</b>	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).

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Pendleton
<b>SECONDER:</b>	Yerxa
<b>AYES:</b>	Krug, Yerxa, Troughton, Jr., Pendleton
<b>ABSENT:</b>	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 palliative 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.

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

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

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Pendleton
<b>SECONDER:</b>	Krug
<b>AYES:</b>	Krug, Troughton, Jr., Pendleton
<b>ABSENT:</b>	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

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John Troughton Jr., Chair

By: \_\_\_\_\_  
Melissa Kitts, Deputy Clerk