

ORDINANCE NO. 843

ORDINANCE OF THE COLUSA COUNTY
BOARD OF SUPERVISORS APPROVING A
DEVELOPMENT AGREEMENT BETWEEN
THE COUNTY OF COLUSA AND
JANUS SOLAR PV, LLC

WHEREAS, Janus Solar PV, LLC (“Applicant”) submitted planning applications to the Colusa County Community Development Department for the construction, operation, maintenance, and decommissioning of a photovoltaic (“PV”) electricity generating facility, with a battery energy storage system (“BESS”) and associated facilities and infrastructure (“Project”) on an approximately 886-acre site in unincorporated western Colusa County; and

WHEREAS, the County of Colusa (“County”) and the Applicant negotiated a development agreement for the Project (the “Development Agreement”), a substantive form which is attached hereto as Exhibit C.1; and

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 benefits and public benefits that the Project will provide; and

WHEREAS, on February 5, 2025, the Colusa County Planning Commission held a duly noticed public hearing to receive oral and written testimony regarding the Development Agreement and to make a recommendation to the Board of Supervisors regarding the approval or disapproval of the Development Agreement; and

WHEREAS, at the conclusion of the hearing on February 5, 2025, the Colusa County Planning Commission deliberated and considered the Project, and motions were made to both recommend denial and to recommend approval, subject to conditions, however neither motion garnered a second, and the Planning Commission therefore did not take any action; and

WHEREAS, the Project and the approvals described herein, including the actions contemplated under this Ordinance, were the subject of that certain Final Environmental Impact Report for the Janus Solar and Battery Storage Project (“FEIR”) (State Clearinghouse No. 2024061043); and

WHEREAS, the Board of Supervisors has considered, approved, and certified the FEIR and adopted related findings and a Mitigation Monitoring and Reporting Program under separate Resolution No. 25-006, on February 25, 2025, prior to taking any approval actions on the Project; and

WHEREAS, in conjunction with this Ordinance, the Board of Supervisors has taken or intends to take other actions in furtherance of the Project, including approval of a Use Permit for the Project (#24-24) (Resolution No. 25-006) and the approval of an ordinance granting the Applicant a franchise for purposes of operating and maintaining a generation intertie line within County right-of-way (Ordinance No. 844); and

WHEREAS, on February 25, 2025, the Colusa County Board of Supervisors held a duly noticed public hearing to receive oral and written testimony regarding the Development Agreement and to consider the Planning Commission’s recommendation and said public hearing was concluded prior to the adoption of this Ordinance and the Board of Supervisors has considered and certified the FEIR under separate Resolution prior to taking any approval actions on the Project; and

WHEREAS, the Colusa County Board of Supervisors is the decision-making body for the proposed Development Agreement.
NOW, THEREFORE, BE IT RESOLVED, that the Colusa County Board of Supervisors makes the following findings:

1. The Development Agreement is consistent with the General Plan, the County Code, and any other applicable plans or regulations for the reasons set forth in Resolution No. 25-006 approving the Use Permit, which findings are incorporated herein by reference.
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.

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, and through Developer’s payment of community benefit fees for the life of the Project. The Development Agreement will further advance the development of the Project which will assist California utilities in meeting their obligation under California’s Renewable Portfolio Standard Project and Senate Bill 100, which calls for one hundred percent of all electricity sold in California to come from carbon-free resources by 2045, including 60 percent renewables by 2030. 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.

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

The proposed project and improvements will enhance the utility of the Project site and promote the orderly development of the Project area. The Development Agreement advances the development of a Project that establishes an environmentally beneficial and economically viable use of the Project site considering its limited access to water. It will also facilitate the development of a solar PV power generation and BESS facility in proximity to established electrical infrastructure to minimize environmental impacts and efficiently interconnect to the electrical grid. The property is not developed, an historically been used for grazing. The Project will result in the development of the property and an increase in property tax.

4. The Development Agreement specifies the duration of the agreement, the permitted uses of the property, and that the Project is subject to Applicable Rules (as defined in the Development Agreement) which collectively regulate the height, design and size of structures and any required reservations or dedications of land..

- 5.The development agreement is consistent with the requirements of State law, including Government Code Sections 65865 through 65869.5.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Colusa County Board of Supervisors based on its review of the totality of the record for the Project takes the following actions:

1. The Board of Supervisors hereby approves the proposed Development Agreement in substantially the form attached hereto as Exhibit “C.1” and authorizes and directs the Board Chair to execute the Development Agreement, substantially in the form attached hereto as Exhibit “C.1”, on behalf of the County as soon as this Ordinance becomes effective.
2. This Ordinance is adopted under the authority of California Government Code Section 65868 et seq. (“Development Agreement Statute”) and pursuant to the provisions of 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.
3. The Board of Supervisors finds that the Development Agreement substantially complies with the requirements of the Development Agreement Ordinance and the Development Agreement Statute.
4. 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.
5. The Board of Supervisors hereby authorizes all subsequent action to be taken by County officials consistent with this Ordinance.
- 6.This Ordinance shall take effect thirty (30) days after adoption.

PASSED AND ADOPTED by the Board of Supervisors of the County of Colusa, State of California, this 25th day of February 2025, by the following vote:

AYES: Supervisors Janice A. Bell, J. Merced Corona and Randy Wilson.
NOES: Supervisor Daurice K. Smith.
ABSENT: Supervisor Kent S. Boes.

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

ATTEST: Wendy G. Tyler, Clerk to the Board of Supervisors
/s/ Patricia Rodriguez, Deputy Clerk

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