

Notice of Determination

Appendix D

To:

Office of Planning and Research
U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St., Rm 113
Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
County of: COLUSA
Address: 546 JAY ST.
COLUSA, CA 95932

From:

Public Agency: County of Colusa
Address: 1213 Market St.
Colusa, CA 95932
Contact: Mark Tomey, Associate Planner
Phone: 530-458-0486

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse):

Project Title: Harmony Valley Elderberry Longhorn Beetle Conservation Bank (PD-23-48)

Project Applicant: Dayna Winchell, Westervelt Ecological Services

Project Location (include county): County of Colusa

Project Description:

The proposed project will restore the 62-acre project site to provide suitable habitat for the federally listed Valley elderberry longhorn beetle (VELB). The purpose of the project is to provide compensatory mitigation credits for unavoidable impacts to the VELB by developing suitable habitat that would be protected and maintained in perpetuity. The proposed project requires approval of an amendment to the General Plan designation from Agriculture General (AG) to Resource Conservation (RC) and a change

This is to advise that the COUNTY OF COLUSA has approved the above (Lead Agency or Responsible Agency)

described project on 1-14-2025 and has made the following determinations regarding the above described project.

- 1. The project will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was adopted for this project.
6. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Signature (Public Agency): Associate Planner

Date: 2/10/2025 Date Received for filing at OPR:

RESOLUTION 24 -014

RESOLUTION OF THE COLUSA COUNTY PLANNING COMMISSION RECOMMENDING THE BOARD OF SUPERVISORS ADOPT A MITIGATED NEGATIVE DECLARATION, A MITIGATION MONITORING REPORTING PROGRAM, AND APPROVE A GENERAL PLAN AMENDMENT AND ZONING AMENDMENT (PD-23-48) FOR THE HARMONY VALLEY ELDERBERRY LONGHORN BEETLE (VELB) CONSERVATION BANK PROJECT

WHEREAS, on December 4, 2023 an application was filed by Dayna Winchell (Westervelt Ecological Services) requesting a General Plan Amendment (GPA) and Zoning Amendment (ZA) on 62.0± acres of land on Assessor's Parcel Number (APN) 012-170-032, ("Property"), to allow for the creation of habitat for the Valley elderberry longhorn beetle (VELB);

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

WHEREAS, Colusa County is considered the Lead Agency under the California Environmental Quality Act (CEQA) for this project and has determined that a Mitigated Negative Declaration is appropriate and was prepared and processed pursuant to CEQA for the proposed project;

WHEREAS, a Notice of Intent to adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program for the proposed applications was noticed and published in accordance with all applicable requirements;

WHEREAS, in accordance with California Government Code sections 65358 and 65850 et seq., the Colusa County Planning Commission conducted a public hearing on December 4, 2024 for the proposed General Plan Amendment and Zoning Amendment (PD-23-24) for the Property as shown on Exhibits "A" and "B" attached to this Resolution; and

WHEREAS, during the hearing, the Planning Commission considered the requested applications, the Planning Division staff report, and all comments and evidence submitted into evidence at the hearing on the project and proposed Mitigated Negative Declaration.

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

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

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


1. Adopt a Mitigated Negative Declaration (SCH Number 2024110070) for PD-23-48 finding that:
 - A. The Initial Study was completed in accordance with the California Environmental Quality Act; that said study identified potential significant environmental effects; and includes Mitigation Measures that would mitigate such potentially significant effects to a level less than significant.
 - B. The proposed Mitigated Negative Declaration is adequate and reflects the independent judgment and analysis of the County, which is the lead agency.
2. Adopt and pass a General Plan Amendment and Zoning Amendment (PD-23-48) in substantially the form shown on Exhibit "A" and Exhibit "B", and approve the Mitigation Monitoring Program prepared by the Colusa County Community Development staff, attached to the Planning Commission staff report of December 4, 2024 as Exhibit "C", and on file with the Colusa County Community Development Department.

PASSED AND ADOPTED by the Colusa County Planning Commission, State of California, this 4th day of December 2024, by the following vote:

AYES: Commissioners Gerry Nall, Heath Krug, Kirk Pendleton, David McCullough and Elizabeth Yerxa.

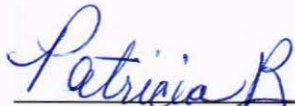
NOES: None.

ABSENT: None.



Elizabeth Yerxa, Chair
Planning Commission

ATTEST: Greg Plucker, Secretary to
the Planning Commission



Patricia Rodriguez, Deputy Clerk

APPROVED AS TO FORM:



Jennifer Sutton, Sr. Deputy County Counsel

EXHIBIT "A"
DRAFT BOARD OF SUPERVISORS
GENERAL PLAN MAP AMENDMENT (PD-23-48) RESOLUTION

RESOLUTION NO. _____

RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS
APPROVING A MITIGATED NEGATIVE DECLARATION, MITIGATION
MONITORING AND REPORTING PROGRAM, AND GENERAL PLAN
AMENDMENT (PD-23-48) CHANGING THE LAND USE DESIGNATION FOR
APPROXIMATELY 62 ACRES OF LAND (APN: 012-170-032)

WHEREAS, an application was filed by Westervelt Ecological Services requesting a General Plan Amendment (GPA) and a Zoning Amendment (ZA) on Assessor's Parcel Number (APN) 012-170-032, ("Property") to allow the 62±-acre project site to be restored to habitat for the federally listed Valley elderberry longhorn beetle;

WHEREAS, the General Plan Amendment application requested changing the General Plan Land Use Designation of the Property from Agricultural General (AG) to Resource Conservation (RC) as shown on Exhibit "A" attached hereto and incorporated by reference;

WHEREAS, in accordance with California Government Code Sections 65353 et seq., the Colusa County Planning Commission has conducted a public hearing on December 4, 2024 on the proposed General Plan Amendment and the concurrent Zoning Amendment;

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

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

WHEREAS, in accordance with State Law, the Board of Supervisors held a public hearing on January 14, 2025 which was noticed pursuant to all legal requirements; and

WHEREAS, the Board of Supervisors has reviewed and considered the staff report prepared by the Colusa County Community Development Department, the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, the Planning Commission staff report, minutes and recommendation, and all comments submitted by the public at large.

EXHIBIT "A"
DRAFT BOARD OF SUPERVISORS
GENERAL PLAN MAP AMENDMENT (PD-23-48) RESOLUTION

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

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

BE IT FURTHER RESOLVED that the Board of Supervisors does hereby:

1. Adopt a Mitigated Negative Declaration (SCH Number 2024110070) for PD-23-48 finding that:
 - A. The Initial Study was completed in accordance with the California Environmental Quality Act; that said study identified potential significant environmental effects; and includes Mitigation Measures that would mitigate such potentially significant effects to a level less than significant.
 - B. The proposed Mitigated Negative Declaration is adequate and reflects the independent judgment and analysis of the County, which is the lead agency.
2. Adopt and pass a General Plan Amendment (PD-23-48) as shown on Exhibit "A" and approves the Mitigation Monitoring and Reporting Program prepared by the Colusa County Community Development staff, attached to the Planning Commission staff report of December 4, 2024, and on file with the Colusa County Community Development Department.

EXHIBIT "A"
DRAFT BOARD OF SUPERVISORS
GENERAL PLAN MAP AMENDMENT (PD-23-48) RESOLUTION

PASSED AND ADOPTED, this 14th day of January, 2025, by the following vote:

AYES:

NOES:

ABSENT:

_____, Chair
Colusa County Board of Supervisors

ATTEST:
Wendy G Tyler
Clerk to the Board of Supervisors

By

Patricia Rodriquez, Deputy

APPROVED AS TO FORM:

Richard Stout, County Counsel

EXHIBIT "A"
DRAFT BOARD OF SUPERVISORS
GENERAL PLAN MAP AMENDMENT (PD-23-48) RESOLUTION

Existing General Plan Land Use Designation – Agricultural General



Project Site

EXHIBIT "A"
DRAFT BOARD OF SUPERVISORS
GENERAL PLAN MAP AMENDMENT (PD-23-48) RESOLUTION

Proposed General Plan Land Use Designation – Resource Conservation



Project Site 

EXHIBIT B
BOARD OF SUPERVISORS
DRAFT ZONING MAP AMENDMENT (PD-23-48)

ORDINANCE NO. _____

**AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS
AMENDING THE COUNTY ZONING MAPS (PD-23-48) FOR ASSESSOR'S PARCEL
NUMBER (APN) 012-170-032 FROM THE EXCLUSIVE AGRICULTURE (E-A) ZONING
DESIGNATION TO THE RESOURCE MANAGEMENT (R-M) ZONING DESIGNATION**

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

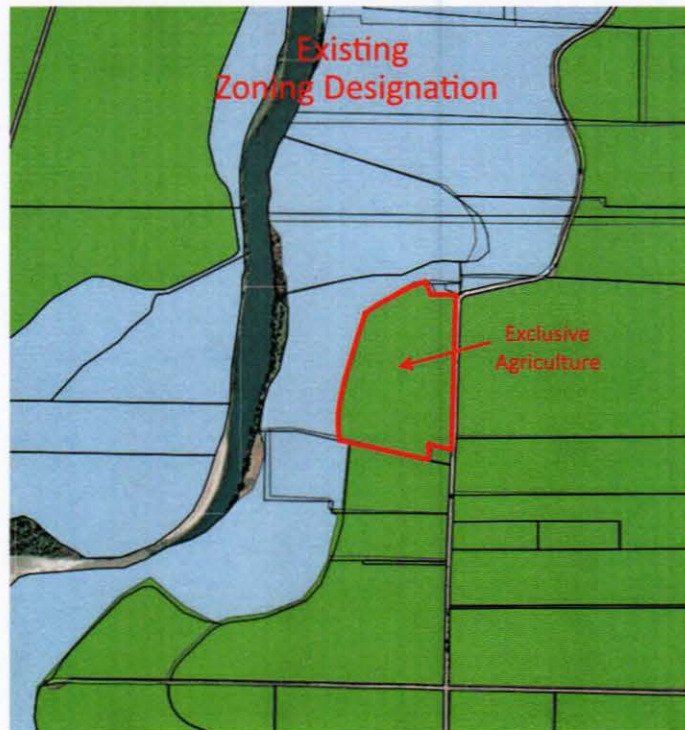
SECTION 1

The provisions of this ordinance are subject to the Mitigated Negative Declaration (SCH Number 2024110070) and Mitigation Monitoring and Reporting Program for PD-23-48 that the Board of Supervisors has adopted for the concurrent General Plan Amendment under PD-23-48.

SECTION 2.

The official zoning maps of Colusa County are amended to change the zoning designation of 62± acres of land identified as APN: 012-170-032 from the Exclusive Agriculture (E-A) Zoning Designation to the Resource Management (R-M) Zoning Designation as shown below.

Existing Zoning – Exclusive Agriculture (E-A)




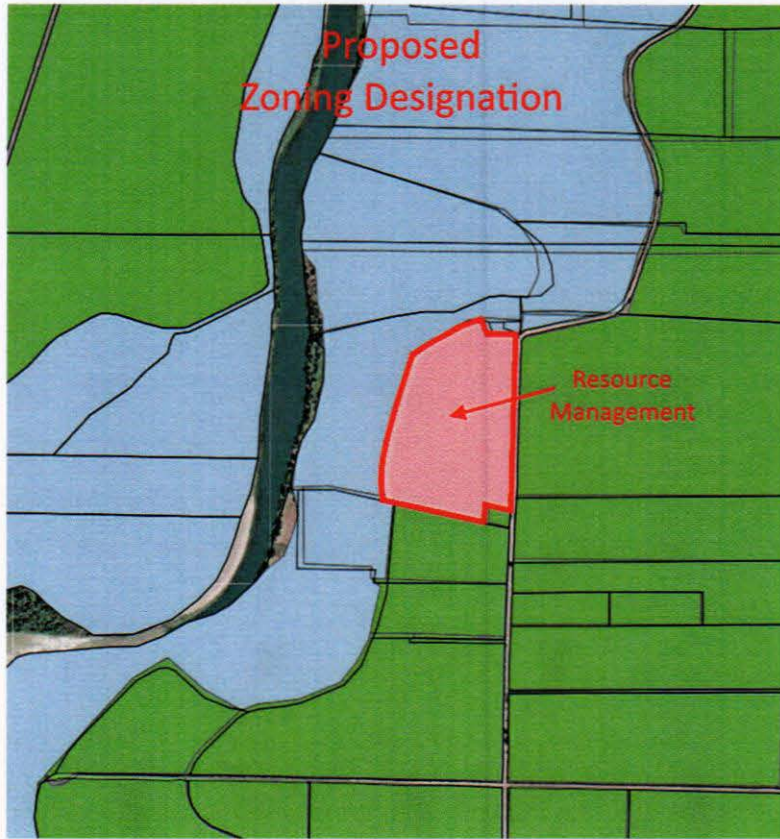
Project Site 

EXHIBIT B
BOARD OF SUPERVISORS
DRAFT ZONING MAP AMENDMENT (PD-23-48)

Proposed Zoning – Resource Management R-M



Project Site 

SECTION 3.

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

EXHIBIT B
BOARD OF SUPERVISORS
DRAFT ZONING MAP AMENDMENT (PD-23-48)

SECTION 4.

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

Introduced, passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the 14th day of January, 2025, by the following roll call vote:

AYES:

NOES:

ABSENT:

_____, Chair
Board of Supervisors

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

APPROVED AS TO FORM:

By: _____,
Patricia Rodriguez, Deputy

Richard Stout, County Counsel

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

USE PERMIT 23-48 - HARMONY CONSERVATION BANK

CEQA Section 21081.6 requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted along with a Mitigated Negative Declaration (MND) to ensure that proposed mitigation measures are implemented. The MMRP must specify what the mitigation measure requires, the entity responsible for monitoring the program, and when in the process it should be implemented. The following MMRP summary table includes the mitigation measures identified in the County of Colusa's (County's) initial study/mitigated negative declaration (IS/MND) for the Harmony Conservation Bank Project. This table also includes a column where responsible parties can check off monitoring and reporting actions as they are completed.

Mitigation Measure	Timing	Responsible Party	Completion Date and Initials
II. Agricultural and Forestry Resources			
AG-1: General Plan Amendment and Zoning Amendment. Prior to project implementation, the Colusa County Board of Supervisors shall approve the proposed General Plan land use designation change from Agriculture General (AG) to Resource Conservation (RC) and Zoning Amendment change from Exclusive Agriculture (E-A) to Resource Management (R-M) for the project site.	Pre-Construction	County	
V. Cultural Resources			
CUL-1: Tribal Resources Sensitivity Training. Before the start of project planting activities, a Tribal Resources Sensitivity Training shall be implemented. A representative from Yocha Dehe Wintun Nation (YDWN) shall conduct the training for project personnel regarding background on indigenous use of the vicinity and protocol to follow should potential indigenous archaeological materials and/or tribal cultural resources be discovered. WES shall ensure that project personnel are made available for and attend the training and retain documentation demonstrating attendance.	Pre-Construction	Developer	
CUL-2: Discovery or Recognition of Archaeological Resources During Construction. If archaeological resources are encountered during proposed project construction, all construction activities within 100 feet shall immediately halt, and a qualified archaeologist, defined as an archaeologist meeting the U.S. <i>Secretary of the Interior's Historic Preservation Professional Qualification Standards</i> for Archeology,	During Construction	County/ Developer	

shall inspect the find within 24 hours of discovery and shall notify the County of their initial assessment. Indigenous archaeological materials might include: obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls; and deposits of metal, glass, and/or ceramic refuse.

If the County determines, based on recommendations from the qualified archaeologist and California Native American Tribes, if the resource is indigenous, that the resource may qualify as an historical resource, unique archaeological resource, or tribal cultural resource (as defined by CEQA), the resource shall be avoided, if feasible. This may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.

If avoidance of the resource is not feasible, the County shall continue to consult with California Native American Tribes, if the resource is indigenous, and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts to the resource pursuant to CEQA. This shall include preparation and implementation of a detailed treatment plan to recover the scientifically consequential information from the resource before any excavation at the resource site. The treatment plan shall be prepared in consultation with the County, and, if the resource is indigenous, relevant California Native American Tribes. Treatment for most resources would consist of (but would not necessarily be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be affected by the proposed project. The treatment plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. Any technical report developed to document the implementation mitigation shall be submitted to Northwest Information Center (NWIC) upon approval by the County, unless the document contains information that California Native American Tribes

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involved in the development of the mitigation deem should not be filed with the Northwest Information Center, in which case, the report shall be submitted to the Native American Heritage Commission.			
CUL-3: Discovery or Recognition of Human Remains During Construction. In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find shall immediately cease until the Colusa County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission shall be contacted within 24 hours if it is determined that the remains are Native American. The Native American Heritage Commission shall then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the lead agency for the appropriate means of treating the human remains and any grave goods. Per Public Resources Code Section 5097.98, the County shall ensure that the immediate vicinity of the location of the human remains is not damaged or disturbed by further development activity until the County has discussed and conferred with the most likely descendant regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.	During Construction	County/ Developer	
CUL-4: Protection of WBC-01 and WBC-02. In order to protect archaeological resources WBC-01 and WBC-02, no plantings or any ground-disturbing activities shall occur within 50 feet of the boundaries of either site. Additionally, fencing shall be installed at the 50-foot buffer around WBC-02 to prevent driving through the sensitive area.	During Construction	County/ Developer	
XI. Land Use and Planning			
LU-1: Mitigation Bank Credit Reservation and Discount. A condition of approval shall be required that makes the General Plan land use designation change and Zoning Amendment approval contingent upon entering a mitigation bank credit and reservation agreement with the County of Colusa. The terms of this agreement shall include discounts for the County's purchase of mitigation credits generally consistent with the discounts provided in the Sacramento River VELB Mitigation Bank Reservation and Discount Agreement, and shall be mutually acceptable to the County and WES and shall specify the number of credits reserved for the County, the discount amount, the	Pre-Construction	County/ Developer	

amount of time of the reservation, and other applicable factors detailed in said agreement.

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