



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: 07/13/2021
Placement: Departmental
Estimated Time: 45 minutes
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors (Board)
FROM: Department Lisa Plowman, Director, Planning and Development Department (P&D)
Director (805) 568-2086
Contact Info: Daniel T. Klemann, Deputy Director, Long Range Planning Division (LRP)
(805) 568-2072
SUBJECT: Utility-Scale Solar Comprehensive Plan and Ordinance Amendments – Scope of Work

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence N/A

As to form: N/A

Recommended Actions:

That the Board:

- a) Provide direction to staff regarding the scope of work for the Utility-Scale Solar Comprehensive Plan and Ordinance Amendments; and
- b) Determine that the Board's actions are not a project as defined in the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(3) and 15378(b)(5) and, therefore, are not subject to the requirements of CEQA.

Summary Text:

The County of Santa Barbara (County) Comprehensive Plan and zoning ordinances only allow utility-scale solar photovoltaic facilities (utility-scale solar) within the 600-acre Utility-Scale Solar Photovoltaic Overlay in the Cuyama Valley Rural Region. The Board directed staff to initiate zoning ordinance amendments to allow utility-scale solar facilities outside of the Utility-Scale Solar Photovoltaic Overlay. Staff is now seeking the Board's direction and concurrence on the scope of work for the Utility-Scale Solar Comprehensive Plan and Ordinance Amendments.

The County's Strategic Energy Plan (SEP) recommended amending the County Land Use and Development Code (LUDC) to allow utility-scale solar facilities on agricultural, commercial, industrial, special purpose, and resource protection zones in the Inland Area. The SEP also recommended amending the Uniform Rules for Agricultural Preserves and Farmland Security Zones (Uniform Rules) to allow utility-scale solar facilities on lands subject to an agricultural preserve contract. P&D staff researched the SEP's recommendations and believe there is limited or no opportunity for utility-scale solar in commercial, industrial, resource protection, and most special purpose zones. Staff's proposed scope of

work would allow for utility-scale solar facilities on agriculturally-zoned (AG-I and AG-II) and public utility (PU) properties, pending further analysis and a comprehensive public outreach effort.

Background:

In 2014, the Board adopted LUDC Chapter 35-59 (Utility-Scale Photovoltaic Facilities) and related amendments to the Land Use Element of the County Comprehensive Plan. These provisions only allow utility-scale solar facilities in the Utility-Scale Solar Photovoltaic Overlay. Section 1.0, below, describes the specific zones where the LUDC allows utility-scale solar facilities. It also describes smaller solar photovoltaic systems that the County zoning ordinances allow in the Inland Areas and Coastal Zone.

In 2019, the Board adopted the SEP to stimulate local renewable energy development, such as increasing utility-scale solar photovoltaic facilities in the Inland Areas, excluding the Montecito planning area. Section 2.0, below, describes the SEP’s recommendations in greater detail.

Through the LRP Fiscal Year 2020-2021 work plan, the Board directed staff to initiate zoning ordinance amendments to allow utility-scale solar outside of the Utility-Scale Solar Photovoltaic Overlay. Staff has reviewed the SEP recommendations and completed additional analysis to develop a proposed scope of work for the Utility-Scale Solar Comprehensive Plan and Ordinance Amendments. Section 3.0, below, describes staff’s proposed scope of work. Section 4.0 summarizes staff’s request for the Board’s direction.

1.0 Solar Photovoltaic Systems Currently Allowed

As described below, the County zoning ordinances allow two types of solar photovoltaic systems:¹ (1) utility-scale solar photovoltaic facilities, referred to hereafter as “utility-scale solar,” and (2) solar energy systems, including “rooftop solar energy systems” and “freestanding solar energy systems.” Table 1 describes both types of solar photovoltaic systems and the planning permit requirements for each.

Utility-Scale Solar

Utility-scale solar projects are generally large and require many acres of land. LUDC Section 35.110.020 (Definitions of Specialized Terms and Phrases) defines “utility-scale solar photovoltaic facilities” as,

Facilities that are connected to the electrical grid on the utility side of the electric meter and are built for the primary purpose of generating and selling wholesale power. The electricity generated by the facility is not primarily used for on-site activities (such as farming or domestic water heating).

As shown in Attachment 1 (Utility-Scale Solar Photovoltaic Overlay) and described in Table 1 below, the LUDC only allows utility-scale solar on lands zoned Agriculture II (AG-II) within the 600-acre Utility-Scale Solar Photovoltaic Overlay. LUDC Chapter 35.59 (Utility-Scale Photovoltaic Facilities) defines the overlay boundaries and prescribes development standards specifically for utility-scale solar. The development standards prevent or minimize potential impacts to public views, agricultural lands, sensitive biological resources, geologic hazards, and other project-related impacts. Applicants must obtain a Conditional Use Permit (CUP) to construct utility-scale solar.

The MLUDC does not allow utility-scale solar within the Montecito planning area. Similarly, the CZO does not allow these facilities in the Coastal Zone.

¹ LUDC Section 35.110.020 (Definitions of Specialized Terms and Phrases) defines and generally uses the term “solar photovoltaic system” to mean “[a] type of Solar Energy System that uses semiconductor technology to directly convert sunlight into electricity, including thin film and crystalline silicon technology.” The MLUDC and CZO do not define or use this term.

Table 1: Solar Photovoltaic Systems Allowed within Santa Barbara County

Location	Allowed Use	Description	Planning Permit Required	Allowable Zone(s)
Utility-Scale Solar				
Inland – Excluding Montecito	Utility-Scale Solar Photovoltaic Facilities (<i>LUDC Chapter 35.59</i>)	Utility-scale solar facilities located within the Utility-Scale Solar Photovoltaic Overlay (600 acres). (<i>LUDC Chapter 35.59</i>)	CUP	AG-II
Inland - Montecito	Not Allowed	N/A	N/A	N/A
Coastal Zone	Not Allowed	N/A	N/A	N/A
Solar Energy Systems				
Inland – Including Montecito	Rooftop and Freestanding Solar Energy Systems (<i>LUDC Sections 35.20.040.B.24 and 35.30.160, MLUDC Sections 35.420.040.B.22 and 35.430.160</i>)	Solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy. (<i>LUDC Section 35.110.020.S, MLUDC Section 35.500.020.S</i>)	Exempt ¹	All Zones
Coastal Zone	Rooftop Solar Energy Systems (<i>CZO Section 35-51B.B.2.n</i>)	Rooftop solar systems located on the roofs of existing structures. (<i>CZO Section 35-51B.B.2.n</i>)	Exempt	All Zones
Coastal Zone	Freestanding Solar Energy Systems (<i>CZO Section 35-169.4.2.c.1</i>)	Freestanding (ground-mounted) solar systems accessory and incidental to the principal use and sized to primarily support only the principal use. (<i>CZO Section 35-169.4.2.c.1</i>)	CDP ²	All Zones

Notes:

- ¹ A Solar Use Permit is required in tandem with the applicable building permit if the Building Official finds that the system would have “a specific, adverse impact upon the public health or safety.” (*LUDC Section 35.30.160.A, MLUDC Section 35.430.160.A*)
- ² The Director shall review the CDP application and approve, conditionally approve, or deny the Coastal Development Permit. A public hearing shall not be required. (*CZO Section 35-169.4.2.c.1.b*)

Solar Energy Systems

Solar energy systems typically provide electricity for on-site or local use but may also feed excess generated electricity back into the electrical grid. They can also be part of a microgrid system, defined by the U.S. Department of Energy as, “a local energy grid with control capability, which means it can disconnect from the traditional grid and operate autonomously.”

Solar energy systems can be located on the roof of a building or structure. They may also be “freestanding,” meaning they are attached to the ground by a pole or other support structure specifically intended to hold the solar panels. Solar energy systems are allowed within the entire unincorporated county and are exempt from planning permits except that freestanding systems in the Coastal Zone require a Coastal Development Permit (CDP). The County zoning ordinances do not limit the size of rooftop or freestanding solar energy systems based on the square footage or generating capacity (e.g., MW) of the system. The roof area of an existing structure physically limits the size of a rooftop system.

2.0 SEP Recommendations

The SEP recommended that the County develop a comprehensive “utility-scale solar ordinance” and amend the Uniform Rules, as summarized below. Attachment 2 to this board letter contains the full language of the SEP recommendations.

Utility-Scale Solar Ordinance

The SEP recommended developing a “utility-scale solar ordinance” to allow and reduce the planning permit requirements for utility-scale projects outside of the Utility-Scale Solar Photovoltaic Overlay, as well as other amendments to the LUDC. Staff summarized the SEP’s recommendations below:

1. Clarify that solar facilities of any size constructed on built environments, including rooftops, parking lots, and parking structures, are not considered utility-scale solar facilities and, therefore, are exempt from planning permits.
2. Allow utility-scale solar projects under 3 MW to be installed in all AG-I and AG-II zones as permitted uses.
3. Allow utility-scale solar projects under 3 MW to be installed in the following zones with a Minor Conditional Use Permit (MCUP):
 - C-1 (Limited Commercial)
 - C-2 (Retail Commercial)
 - C-3 (General Commercial)
 - CH (Highway Commercial)
 - CN (Neighborhood Commercial)
 - C-S (Service Commercial)
 - CV (Resort/Visitor Serving Commercial)
 - M-1 (Light Industry)
 - M-2 (General Industry)
 - M-CR (Coastal-Related Industry)
 - M-RP (Industrial Research Park)
 - MT-GOL (Mountainous Areas – Goleta)
 - MT-TORO (Mountainous Areas – Toro Canyon)
 - MU (Mixed-Use)
 - PI (Professional and Institutional)
 - PU (Public Utilities)
 - REC (Recreation)
 - RES (Resource Management – Coastal Zone)²
 - RMZ (Resource Management - Inland)
 - SC (Shopping Center)
4. Allow utility-scale solar projects greater than 3 MW to be installed in all AG-I, AG-II, M-1, M-2, M-RP, and M-CR zones with a CUP.

Uniform Rules

The SEP also recommended amendments to the Uniform Rules to reduce barriers for solar development on land under agricultural preserve contracts while maintaining agricultural productivity, particularly for prime farmland. Staff summarized the SEP’s recommendations below:

1. Incorporate solar-use easement provisions consistent with Government Code sections 51190-51192.2, which allow owners with land that is no longer agriculturally productive to rescind their contracts with a reduced fee.
2. Allow utility-scale projects 1-10 MW in size as a compatible use, provided certain conditions are met, such as the facility is located on non-prime farmland and does not exceed 30 acres.
3. Allow larger utility-scale solar as a compatible use on non-prime farmland if it qualifies as a “dual-use” project which can co-exist with shade-tolerant crops or smaller grazing animals. In part, the facility would need to be less than 50 acres in size and in continuous agricultural production.
4. Explore allowing utility-scale solar as a dual-use project on prime farmland.

² The SEP did not recommend amendments to the CZO to allow for utility-scale solar. RES was (presumably inadvertently) listed as a zone to be considered for changes to the LUDC. (*Strategy 5.1.1: Develop Utility-Scale Solar Ordinance page 91*)

3.0 Utility-Scale Solar Amendments - Proposed Scope of Work

Staff considered the Board’s direction, SEP recommendations, and performed further research and analysis to draft a scope of work for the Comprehensive Plan and ordinance amendments. Staff is specifically looking for the Board’s direction on the following three components of the scope of work:

- Expand Utility-Scale Solar Beyond the Utility-Scale Solar Photovoltaic Overlay
- Amendments to the Uniform Rules
- Changes to Definitions and Ordinance Text

Each topic is described below and summarized in Section 4.0 (Scope of Work Concurrence or Direction).

3.1 Expand Utility-Scale Solar Beyond the Utility-Scale Solar Photovoltaic Overlay

LUDC Amendments

The primary goal of this effort is to allow utility-scale solar beyond the Utility-Scale Solar Photovoltaic Overlay. The SEP recommends updating the LUDC to allow utility-scale solar on agricultural, commercial, industrial, resource protection, and special purpose zones. Staff examined these recommendations based on the (1) purpose/intent of each zone; (2) availability of large, vacant parcels within each zone; and (3) overall compatibility with allowed uses within each zone. Attachment 3 summarizes staff’s preliminary analysis. Overall, staff identified potential opportunities for utility-scale solar on agriculturally-zoned lands and public utility-zoned lands. Staff found constraints potentially limiting utility-scale solar within commercial, industrial, resource protection, and special purpose zones in the Inland Area, as described in each subsection below.

Agricultural Zones

The SEP recommended allowing utility-scale solar on both AG-I and AG-II zones in the Inland Area. As shown in Attachment 4 (AG-I and AG-II Zoned Lands (Excluding Prime Farmland) in the LUDC Inland Area), the vast majority of agricultural lands in the Inland Area are zoned AG-II (953,273 acres) and are large parcels located within the Rural Area. Allowing utility-scale solar projects on AG-II parcels in the Inland Area would offer the most significant opportunity for large-scale solar energy production.

Parcels zoned AG-I (35,940 acres) are small and located within Urban, Inner Rural, and Existing Developed Rural Neighborhood areas. The small size of these parcels, limited total acreage, and the proximity to residential use make the AG-I zone less desirable for utility-scale solar.

Staff agrees with the SEP recommendation to amend the LUDC to allow utility-scale solar on AG-II properties in the Inland Area. If directed by the Board, staff will investigate allowing utility-scale solar on AG-I properties in the Inland Area, as well, in consultation with the Agricultural Preserve Advisory Committee (APAC) and the Agricultural Advisory Committee (AAC).

Commercial and Industrial Zones

The SEP recommended updating the LUDC to allow for small (under 3 MW) utility-scale solar facilities on commercial and industrial lands in the Inland Area. Staff performed a mapping analysis to assess potential opportunities for utility-scale solar within these zones. According to the SEP, facilities generating 1 to 3 MW of electricity need approximately 3 to 15 acres of land.

As shown in Attachment 5 (Vacant Commercial and Industrial Lands), undeveloped commercial and industrial lands in the county are extremely limited (85 acres in total). There are no vacant parcels that are zoned C-S, CV, SC, M-RP, or M-CR. Zones M-1, M-2, C-1, C-3, and CN do not have any vacant

parcels greater than three acres in size. Table 2 shows the commercial and industrial zones with at least one vacant parcel at least three acres in size.

Table 2. Inland Area Commercial and Industrial Zones with Vacant Parcels Larger than Three Acres (outside Montecito)

Zone	Total Acreage	Number of Parcels	Size of Largest Parcel (acres)
CH	7.1	2	6.76
PI	11.92	4	9.31
C-2	49.23	20	27.4

There are only two vacant CH parcels, one less than an acre and one less than seven acres. There are only four PI parcels with only one greater than five acres. Of the 20 C-2 parcels, only two are larger than 10 acres.

The amount of vacant commercial and industrial land in the Inland Area is extremely limited. Most of the vacant parcels are too small to accommodate utility-scale solar facilities. Therefore, commercial and industrial parcels appear better suited for rooftop solar energy systems that can provide on-site energy and allow for excess power to contribute to a microgrid or the local electricity grid.

Resource Protection and Special Purpose Zones

The SEP recommended allowing utility-scale solar facilities under 3 MW with a MCUP in resource protection and special purpose zones in the Inland Area.

The resource protection zones (MT-GOL, MT-TORO, and RMZ) total 436,568 acres. These parcels are generally large in size; however, most land in the RMZ zone is within the United States Forest Service’s jurisdiction (401,377 acres), not the County’s jurisdiction. The resource protection zones protect lands characterized by steep slopes and areas with outstanding resource values, including environmentally sensitive habitats and/or watersheds. They are unsuited for intensive development. Utility-scale solar projects often require a site that is accessible, provides significant acreage, and requires vegetation removal and grading to install and maintain the photovoltaic panels. Therefore, the nature of these sites is challenging for installation and long-term maintenance of utility-scale solar and their installation in these areas has the potential to conflict with the purpose and intent of these zones. Rooftop and freestanding solar energy systems are a more compatible use and are already allowed to primarily power on-site uses in the resource protection zones.

The SEP also recommended allowing utility-scale solar projects in the special purpose zones (REC, MU, and PU). The 6,586 acres of REC-zoned land are divided among 409 parcels. Utility-scale solar facilities in this zone could conflict with the operations and active and passive recreational use of the properties. Rooftop and freestanding solar energy systems would be a compatible use and are already allowed to primarily power on-site recreational uses.

The MU zone allows for a combination of residential, commercial, and industrial uses on a single parcel. There are 56 vacant MU parcels comprising 34 acres. The largest parcel is a portion of a nine-acre site and the second-largest parcel is only two acres in size. Therefore, MU-zoned parcels offer little opportunity for utility-scale solar. .

Utility-scale solar facilities may be compatible with PU-zoned lands. The LUDC allows energy-related facilities such as electrical substations, transmission lines, public utility facilities, and wind energy systems within the PU zone. However, there is limited opportunity for utility-scale solar on vacant PU parcels. There are only 25 PU parcels comprising only 200 acres in the Inland Area, outside the

Montecito planning area. The largest PU parcel is only 22 acres. Therefore, staff supports the SEP’s recommendation to allow utility-scale solar within the PU zone, but recognizes that this zone offers limited opportunity for solar photovoltaic energy generation.

MLUDC Amendments

The SEP did not recommend allowing utility-scale solar facilities within the Montecito planning area. No agricultural lands exist in the Inland Area of the Montecito planning area. The large vacant parcels in Montecito often include steep slopes and sensitive natural resources and, therefore, are not well suited for utility-scale solar. The opportunity for increasing solar within Montecito is through rooftop and freestanding solar energy systems as opposed to utility-scale solar. Therefore, staff did not include MLUDC amendments for utility-scale solar in the proposed scope of work.

Coastal Zone Amendments

The SEP did not recommend amending the CZO to allow utility-scale solar facilities in the Coastal Zone. However, staff examined the potential to expand utility-scale solar to AG-II lands within the Coastal Zone since staff is considering allowing utility-scale solar on AG-II lands in the Inland Area.

There are 53,158 acres of AG-II lands within the entire Coastal Zone; however, 46,200 acres are within the Gaviota Coast planning area. The Board adopted the Gaviota Coast Plan in 2016, and the California Coastal Commission certified it in 2018. Gaviota Coast Plan Action TEI-7 recommends that the County “extend the enabling ordinance for community-scale solar energy into the Coastal Zone, west of the Gaviota Pass viewshed,” if results from studies show that there are appropriate renewable energy resources. The Gaviota Coast Plan does not define the term “community-scale solar energy” used in Action TEI-7.

The SEP did find some solar energy potential in the Gaviota coast planning area, west of the Gaviota Pass viewshed. The SEP ultimately did not recommend utility-scale or community-scale solar in this area, however, primarily because the potential lands are far from existing transmission line corridors and often under agricultural preserve contracts. In addition, of the 41,458 acres of AG-II land within the Gaviota Coast planning area west of the Gaviota Pass, more than half (23,096 acres) is owned by The Nature Conservancy, so they are likely to be retained as open space. Therefore, staff did not include utility-scale solar CZO amendments in the proposed scope of work.

Comprehensive Plan Amendment

Land Use Development (LUD) Policy 15 limits utility-scale solar to the Utility-Scale Solar Photovoltaic Overlay. P&D staff will initiate a General Plan Amendment (GPA) to amend LUD Policy 15 and perhaps other portions of the Comprehensive Plan, as needed, to expand utility-scale solar opportunities and for consistency with the amended utility-scale solar ordinance.

3.2 Amendments to the Uniform Rules

Of the 953,273 acres of AG-II land in the Inland Area, almost half (471,550 acres) are under agricultural preserve contracts (Attachment 6), providing landowners with a reduced property tax assessment in exchange for restricting land uses to those consistent with the following principles of compatibility:

- The use will not significantly compromise the long-term agricultural productivity.
- The use will not significantly impair current or reasonably foreseeable agricultural operations. Uses that significantly displace agricultural operations may be deemed compatible if they relate directly to the production of commercial agricultural products.

- The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The SEP proposed four recommended changes to the Uniform Rules: (1) incorporate solar-use easement provisions, (2) allow small utility-scale solar as a compatible use, (3) allow dual-use projects on non-prime farmland, and (4) explore dual-use projects on prime farmland. These changes are discussed below.

3.2.1 Solar-Use Easements

Government Code Sections 51190 - 51192.2 allow the parties to an agricultural preserve contract to rescind a contract (or a portion of) in order to simultaneously enter into a solar-use easement. Solar-use easements require that the land be used for solar photovoltaic facilities for at least 10 years. The California Department of Conservation (DOC) must determine that the site is marginally productive or physically impaired. Entering into a solar-use easement reduces the fee to rescind contracts to only 12.5 percent (rather than 25 percent) of the assessed value of the land. The SEP recommended amending the Uniform Rules to incorporate solar-use easements. Staff agrees that there is a need to update the Uniform Rules to be consistent with State law for solar-use easements.

3.2.2 Utility-Scale Solar as a Compatible Use

The SEP recommended allowing small (less than 30 acres with 1-10 MW generating capacity) utility-scale solar as a compatible use with commercial agricultural production if the facility is (1) located on non-prime farmland, (2) confined to a single lot, (3) sited to minimize land taken out of agricultural preserve contracts, and (4) consistent with the Uniform Rule's Principles of Compatibility.³ Staff proposes investigating the feasibility of the SEP's recommendations. If directed by the Board, staff would bring the SEP's recommendations to the APAC, AAC, and DOC.

3.2.3 Dual-Use on Non-Prime Land

The SEP recommended amending the Uniform Rules to allow dual-use projects up to 50 acres in size on non-prime farmland as a compatible use with commercial agriculture. Dual-use utility-scale solar facilities are co-located with small grazing animals or shade-tolerant crops. To qualify, (1) the land must remain in continuous agricultural production, (2) the land must be confined to a single lot, (3) the landowner must conduct an agricultural study to ensure compatibility of dual-use with agricultural production, and (4) the utility-scale solar facility must be consistent with the Uniform Rule's Principles of Compatibility. Staff proposes investigating the feasibility of the SEP's recommendations. If directed by the Board, staff would bring the SEP's recommendations to the APAC, AAC, and DOC.

3.2.4 Dual-Use on Prime Farmland

Lastly, the SEP recommended exploring dual-use projects on prime farmland if additional research demonstrates that utility-scale solar facilities would not impact the land's long-term agricultural productivity. The consultant that completed the SEP applied for grant funding to conduct this research but did not receive the grant. There is currently no funding to conduct additional research regarding dual-use projects on prime farmland. If the Board moves forward with Subsection 3.2.3, above, landowners will have the opportunity to try dual-use projects on non-prime farmland. For these reasons, staff is not proposing to include updates to the Uniform Rules to allow for dual-use projects on prime farmlands within this scope of work. If dual-use projects prove successful on non-prime farmland, allowing them on prime land could be considered in the future.

³ Uniform Rules Section 2-1.1

3.3 Changes to Definitions and Ordinance Text

The Board directed staff during the September 19, 2019, SEP hearing to revise the definition of “utility-scale solar” to exclude solar on built environments. (See Attachment 7.) In addition, the SEP recommended changes to the definition of utility-scale solar to clarify that photovoltaic systems “of any size” constructed on built environments are not utility-scale solar facilities.

P&D staff researched best practices for defining and regulating solar photovoltaic systems. Generally, leading sources recommend that zoning codes should avoid regulating the “use” of electricity, including;

- Who can use the electricity (e.g., a building inhabitant or a public utility),
- Where the electricity can be used (e.g., “on-site” versus “off-site,” or “front-of-the-meter” versus “behind the meter”), and
- Amount of electricity produced by a system or facility.

Instead, zoning codes should focus on the land use impacts of solar photovoltaic systems; more specifically, zoning codes should (1) expedite installation of solar photovoltaic systems that result in negligible or minimal land-use impacts and (2) adopt development standards that avoid or minimize land-use impacts from larger systems.

Therefore, staff will consider changes to the definitions of utility-scale solar and rooftop and freestanding solar energy systems to achieve the Board’s direction, and regulate solar photovoltaic systems based on land use impacts rather than the end use of the electricity produced by such systems. In addition, staff will explore different permit types to streamline solar photovoltaic development in accordance with State requirements and the Board’s previous direction. Staff may also identify additional opportunities to clarify ordinance definitions, development standards, and permit types or permit thresholds.

4.0 Scope of Work Concurrence or Direction

Staff is requesting the Board’s concurrence or direction on the following proposed scope of work for the Utility-Scale Solar Comprehensive Plan and Ordinance Amendments:

Expand Utility-Scale Solar Beyond the Overlay

Staff would amend the Land Use Element of the County Comprehensive Plan and the LUDC to allow utility-scale solar on lands zoned AG-II and PU, and potentially AG-I, in the Inland Area. Staff would also consider appropriate development standards and a tiered, streamlined permitting process for utility-scale solar facilities.

Amendments to the Uniform Rules

Staff would consult the APAC, AAC, and DOC regarding amendments to the Uniform Rules that would incorporate solar-use easements and allow limited utility-scale solar as a compatible and dual-use on non-prime farmland.

Definition Changes and Minor Ordinance Text Amendments

Staff would update the definitions for utility-scale solar photovoltaic facilities and solar energy systems (rooftop and freestanding). Specifically, staff would revise the definition of “utility-scale solar” to exclude solar on built environments. Staff would also explore policy and development standard options to streamline permit requirements for solar energy systems on (1) built environments and (2) freestanding systems with minimal or negligible land-use impacts. Staff would amend the LUDC, MLUDC, and CZO as needed for consistency across all three ordinances.

5.0 Environmental Review

CEQA Guidelines Section 15060(c)(3) states that an activity is not subject to CEQA if “the activity is not a project as defined in [CEQA Guidelines] Section 15378.” CEQA Guidelines Section 15378(b)(5) states that a project does not include “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” The Board’s actions provide direction to staff regarding the scope of work for the Utility-Scale Solar Comprehensive Plan and Ordinance Amendments. They are administrative activities that would not result in any physical changes in the environment. Therefore, the Board’s actions are not a project and not subject to CEQA.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding for the Utility-Scale Comprehensive Plan and Ordinance Amendments, including \$200,000 for consultant costs is budgeted in P&D’s Long Range Planning Division Budget Program on page D-301 of the County of Santa Barbara Fiscal Year (FY) 2021-22 adopted budget.

The funding sources for this project is a combination of one-time Cannabis tax revenue provided by the Board in the amount of \$171,000 for consultant services, use of Planning and Development’s one-time project designation in the amount of \$29,000 for consultant services, and General Fund for staff costs in the adopted FY 2021-22 budget.

There are no facilities impacts.

Special Instructions:

P&D staff will satisfy all noticing requirements. The Clerk of the Board shall forward a copy of the minute order to P&D, attention Selena Evilsizor Whitney.

Attachments:

1. Utility-Scale Solar Photovoltaic Overlay (map)
2. Excerpts from the “Strategic Energy Plan for the County of Santa Barbara” (County of Santa Barbara Sustainability Division, August 2019):
 - Chapter 3 (Obstacles and Opportunities for Distributed and Utility-Scale Energy Resources), Sections 3.1.1. and 3.1.2
 - Chapter 5 (Specific Recommended Actions and Timeline), Sections 5.1.1. and 5.1.2
3. LUDC Zone Opportunities for Utility-Scale Solar Energy Facilities (table)
4. AG-I and AG-II Zoned Lands (Excluding Prime Farmland) in the LUDC Inland Area (map)
5. Vacant Commercial and Industrial Lands (map)
6. Agricultural Preserve Contracted Lands in the LUDC Inland Area (map)
7. County of Santa Barbara Board of Supervisors Minute Order, September 10, 2019

Authored by:

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