

Attachment 8

Board Ordinance Amendment to the Land Use Development Code

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 35-1, THE SANTA BARBARA COUNTY LAND USE AND DEVELOPMENT CODE, OF CHAPTER 35, ZONING, OF THE COUNTY CODE, BY AMENDING ARTICLE 35.2, ZONES AND ALLOWABLE LAND USES, ARTICLE 35.5, OIL AND GAS, WIND ENERGY AND COGENERATION FACILITIES, AND ARTICLE 35.11, GLOSSARY, TO ADD REGULATIONS REGARDING THE DEVELOPMENT OF UTILITY-SCALE SOLAR PHOTOVOLTAIC FACILITIES, AND TO AMEND THE COUNTY ZONING MAP BY CHANGING THE ZONING OF CERTAIN PROPERTIES TO AGRICULTURE II.

Case Nos. 10ORD-00000-00001 & 10RZN-00000-00001

The Board of Supervisors of the County of Santa Barbara, State of California, ordains as follows:

SECTION 1:

ARTICLE 35.2, Zones and Allowable Land Uses, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to amend the Agricultural, Mining, and Energy Facilities section of Table 2-1, Allowed Land Uses and Permit Requirements for Agricultural Zones, of Section 35.21.030, Agricultural Zones Allowable Land Uses, of Chapter 35.21, Agricultural Zones, to read as follows:

Table 2-1 Allowed Land Uses and Permit Requirements for Agricultural Zones	E Allowed use, no permit required (Exempt) P Permitted use, Land Use or Coastal Permit required (2) MCUP Minor Conditional Use Permit required CUP Conditional Use Permit required S Permit determined by Specific Use Regulations — Use Not Allowed				
	PERMIT REQUIRED BY ZONE				Specific Use Regulations
LAND USE (1)	AG-I	AG-I CZ	AG-II	AG-II CZ	

AGRICULTURAL, MINING, & ENERGY FACILITIES

Agricultural accessory structure	P	P	P	P	35.42.020
Agricultural processing - On-premise products	P	P	P	P	35.42.040
Agricultural processing - Off-premise products	—	CUP	CUP	CUP	35.42.040
Agricultural processing - Extensive	—	—	CUP(3)	—	35.42.040
Animal keeping (except equestrian facilities, see RECREATION)	S	S	S	S	35.42.060
Aquaculture	—	—	CUP	CUP	35.42.070
Cultivated agriculture, orchard, vineyard	E	E	E	E	
Grazing	E	E	E	E	
Greenhouse	P	P	P	P	35.42.140
Mining - Agricultural soil export	—	—	MCUP	—	35.82.160
Mining, extracting & quarrying of natural resources, not including gas, oil & other hydrocarbons	CUP	CUP	CUP	CUP	35.82.160
Mining- Surface, less than 1,000 cubic yards	P(4)	CUP	P(4)	P	35.82.160
Mining- Surface, 1,000 cubic yards or more	CUP	CUP	CUP	P	35.82.160
Oil and gas uses	S	S	S	S	35.5
Utility-scale photovoltaic facilities	—	—	CUP	—	35.59
Winery	S	—	S	CUP	35.42.280

Key to Zone symbols

AG-I	Agriculture I	CZ	Coastal Zone
AG-II	Agriculture II		

Notes:

- (1) See Article 35.11 (Glossary) for land use definitions.
- (2) Development Plan approval may also be required; see Section 35.21.030.C.
- (3) Use limited to areas designated on the Land Use Element Maps with the "Agricultural Industry overlay."
- (4) On one or more locations or lots under the control of an operator that do not exceed a total area of one acre; if the total area exceeds one acre, then a CUP is required.

SECTION 2:

ARTICLE 35.5, Oil and Gas, Wind Energy and Cogeneration Facilities, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code, is amended to add a new Chapter titled "Utility-Scale Solar Photovoltaic Facilities" and to read as follows:

CHAPTER 35.59 – Utility-Scale Solar Photovoltaic Facilities

Sections:

35.59.010 – Purpose and Intent

35.59.020 - Applicability

35.59.030 - Allowed Locations

35.59.040 - Development Standards

35.59.050 - Post Approval Procedures

35.59.010 - Purpose and Intent

This Chapter identifies utility-scale solar photovoltaic facilities that are allowed in the County and the locations and zones in which they are allowed; identifies the required types of permits, and provides regulations for the operation of such facilities. These provisions are intended to encourage utility-scale solar photovoltaic development while protecting public health and safety.

35.59.020 - Applicability

The regulations contained in this Chapter shall apply to utility-scale solar photovoltaic facilities used for electrical power generation located in the Cuyama Valley Rural Region.

35.59.030 – Allowed Locations

Utility-scale solar photovoltaic facilities may only be allowed on no more than 600 acres located within the Cuyama Valley Rural Region designated with the Utility-scale Solar Photovoltaic Overlay as designated on the Comprehensive Plan maps.

35.59.040 - Development Standards

All utility-scale solar photovoltaic facilities shall comply with the following standards. Additionally, such facilities shall also comply with all the requirements established by other sections of this Development Code that are not in conflict with the requirements contained in this Chapter 35.59 (Utility-Scale Solar Photovoltaic Facilities).

A. View protection. Utility-scale solar photovoltaic facilities shall be designed and located in a manner to minimize adverse visual impacts from public viewing areas (e.g., scenic highways, recreational trails, public parks). To the greatest extent feasible, the utility-scale solar photovoltaic facility shall:

1. Avoid significant visual impacts to designated or eligible designated scenic highways.
2. Apply aesthetic design treatments to and maintain all structures, including fencing, onsite buildings and panel mounting structures where needed, to minimize visual impacts to the existing visual character of the project area. Aesthetic design treatments include fence slats, decorative walls, landscaping, painting and application of other finishes to reduce the visibility of structures and reduce glare.

3. Minimize night lighting by only utilizing construction and operational lighting that is of low intensity, low glare design, located at a minimum height, and hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots.
4. Minimize glare and spectral lighting from solar panels and hardware.

B. Protection of agricultural land. Utility-scale solar photovoltaic facilities shall minimize adverse agricultural impacts by permanently preserving off-site agricultural land if the project requires the conversion of prime agricultural land and/or Important Farmland shown on the Department of Conservation's Important Farmland Maps to non-agricultural use, or impairs agricultural productivity. The applicant of utility-scale solar photovoltaic facilities shall:

1. Prior to issuance of any grading or building permit, provide written evidence to P&D of the completion of the permanent preservation of off-site agricultural land of equal or better agricultural quality at a ratio of 1:1 for each acre that is either converted or impaired through one of the following methods:
 - a. Funding and purchase of agricultural conservation easements.
 - b. Purchase of credits from an established agricultural farmland mitigation bank.
 - c. Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland.
 - d. Participation in any agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above.
2. Prior to issuance of any grading or building permit, submit a site-specific Integrated Pest and Weed Management Plan to the Department in a form that is acceptable to the Department.
 - a. The Integrated Pest and Weed Management Plan shall:
 - (1) Require use of County approved herbicides or mechanical weed removal methods or grazing animals (e.g., goats) depending on which is most appropriate for the suppression or eradication of the weed species and their locations.
 - (2) Describe when herbicides would be used, factors that would prohibit use of herbicides (such as high wind), and the specific type of herbicides proposed.
 - (3) Document measures that would be used for pest control, as applicable; however the use of rodenticides shall be prohibited on the project site.
 - b. The plan shall be implemented during facility installation and throughout the life of the facilities.
3. Prior to issuance of zoning clearance, submit a Demolition and Reclamation Plan with associated financial assurance to the Department in a form that is acceptable to the Department. The financial assurance shall be sufficient to guarantee the removal of the facility, including all of its components, upon the completion of facility operations, in order to allow the land to be utilized for agricultural uses or uses consistent with current land use plans, policies, and zoning requirements in place at the time of completion of facility operations.

C. Sensitive biological resource protection. Utility-scale solar photovoltaic facilities shall be designed and located in a manner so as to minimize any adverse biological impacts. The utility-scale solar photovoltaic facility shall:

1. Be designed and located in order to avoid any significant adverse impacts to known sensitive natural communities, rare and special-status plant species, special-status wildlife species and their habitats, critical habitat corridors, and nesting birds. Facilities shall also be designed to avoid the removal of any native specimen trees unless determined to be infeasible, in which case a tree replacement plan shall be required in accordance with County standards.

2. Minimize the potential for raptor electrocution by utilizing the recommendations contained in the most current "Avian Protection Plan Guidelines" and "Reducing Avian Collisions with Power Lines" as promulgated by the Edison Electric Institute's Avian Power Line Interaction Committee regarding power line spacing and construction and work procedures.

D. Geologic hazards avoidance. Utility-scale solar photovoltaic facilities shall be designed and located in a manner to minimize adverse geologic impacts. The utility-scale solar photovoltaic facility shall:

1. Be sited and designed to avoid significant geologic impacts considering soil types, soil and groundwater conditions and geologic and seismic hazards.
2. Avoid areas with slopes that exceed 20 percent, or require cut slopes having a height of 15 feet or greater.
3. Control erosion, minimize flooding, and minimize degradation of water quality during facility construction and operation. Measures shall include use of temporary vegetation, seeding, mulching, or other suitable stabilization to minimize impacts to affected areas. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate non-native plants, or with accepted landscaping practices. Impacts to surface water due to sedimentation of streams shall be mitigated to the maximum extent feasible through adequate erosion and sediment controls.

E. Fire prevention. Utility-scale solar photovoltaic facilities shall include a fire prevention plan to identify sources of fire hazards and methods to mitigate fire hazards during construction and throughout operation of the project. Prior to issuance of any grading or building permit a County Fire Department-approved plan shall be submitted to the Department.

F. Hazardous material avoidance. Utility-scale solar photovoltaic facilities shall be located to avoid sites that are known to be contaminated or are listed on agency databases as requiring clean-up action. If avoidance is not feasible, then any contamination shall be appropriately evaluated, characterized, and remediated in accordance with County, State Regional Water Quality Control Board, and California Department of Toxic Substances Control standards prior to construction of the utility-scale photovoltaic facilities.

G. Noise level reduction. Utility-scale solar photovoltaic facilities shall be designed and located in a manner to avoid any significant adverse construction and operational noise impacts to noise sensitive uses as determined by the Noise Element of the Comprehensive Plan.

H. Traffic hazard prevention. Utility-scale solar photovoltaic facilities shall minimize traffic hazards by implementing a project-specific Traffic Control Plan. Prior to the issuance of any zoning clearance, a County Traffic Engineer-approved Traffic Control Plan shall be submitted to identify adequate traffic control measures during construction to avoid significant impacts with vehicles and pedestrians.

I. Waste reduction. Utility-scale solar photovoltaic facilities shall minimize waste generated during construction and operation.

35.59.050 - Post Approval Procedures

The procedures and requirements in Chapter 35.84 (Post Approval Procedures) and those related to appeals in Article 35.10 (Land Use and Development Code Administration) shall apply following the decision on an application for a Conditional Use Permit.

SECTION 3:

ARTICLE 35.11, Glossary, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the Santa Barbara County Code is amended to amend Section 35.110.020, Definitions of Specialized Terms and Phrases, of Chapter 35.110, Definitions, to add the following new definitions of "Solar Photovoltaic System" and Utility-scale Solar Photovoltaic Facilities" read as follows:

Solar Photovoltaic System. A type of Solar Energy System that uses semiconductor technology to directly

convert sunlight into electricity, including thin film and crystalline silicon technology.

Utility-Scale Solar Photovoltaic Facilities. 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).

SECTION 4:

The County Zoning Map within the area regulated by Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code shall be amended by changing the zoning on Assessor Parcel Nos. 149-150-029, 149-150-030, 149-150-031 and 149-150-032 located within the unincorporated portion of Santa Barbara County from Unlimited Agriculture (U) under Ordinance No. 661 to Agriculture II, 40 acres minimum lot area (AG-II-40) as shown in Exhibit A of this Ordinance.

SECTION 5:

All existing indices, section references, and figure and table numbers contained in Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, are hereby revised and renumbered as appropriate to reflect the revisions enumerated above.

SECTION 6:

Except as amended by this Ordinance, Articles 35.2, 35.5, and 35.11 of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code, shall remain unchanged and shall continue in full force and effect.

SECTION 7:

The Chair of the Board of Supervisors is hereby authorized and directed to endorse said Exhibit A to show that said map has been adopted by this Board.

SECTION 8:

This ordinance shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days after its passage it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara News Press, a newspaper of general circulation published in the County of Santa Barbara.

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PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this _____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

STEVE LAVAGNINO, CHAIR
BOARD OF SUPERVISORS
COUNTY OF SANTA BARBARA

ATTEST:

MONA MIYASATO, COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
COUNTY COUNSEL


By: 
Deputy County Counsel

EXHIBIT:

A. Zoning Map

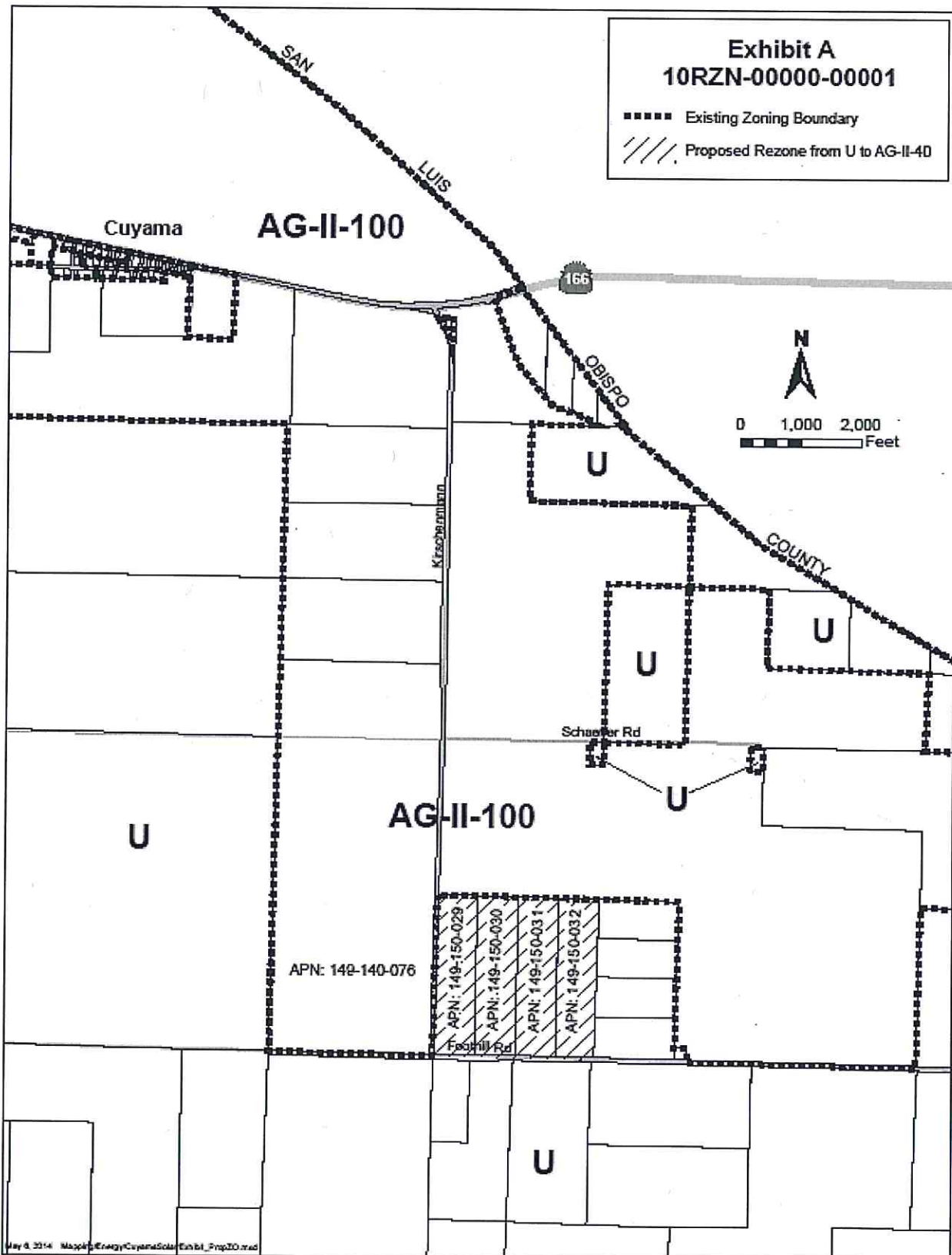
EXHIBIT A

ZONING MAP

Rezoning Assessor's Parcel Nos. 149-150-029, 149-150-030, 149-150-031 and 149-150-032 from Unlimited Agriculture (U) under Ordinance No. 661, to AG-II, 40 acre minimum lot area, (AG-II-40), under Section 35-1, the County Land Use and Development Code, of Chapter 35, Zoning, of the County Code

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EXHIBIT A
ZONING MAP



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