# Chapter 3 – Obstacles and Opportunities for Distributed and Utility-Scale Energy Resources

This chapter will discuss the various obstacles for renewable energy development that are most important and/or unique to Santa Barbara County. Santa Barbara's combination of historical architecture, natural coastlines and mountains, and agricultural origins shape a culture that values natural aesthetics and social tradition. Although this culture contributes to what makes Santa Barbara special, it can be an impediment to renewable energy development.

One or more potential solutions or opportunities to address each obstacle will also be suggested. In Chapter 5, the most impactful possible solutions will be analyzed and explained in further detail to enable the County to identify and work rapidly towards implementation of programs and policies that can create an environment more conducive to mass renewable energy development. This list of barriers and solutions was developed by working closely with County officials, public agencies, community environmental advocacy groups, and residents and businesses.

## 3.1 – Regulatory Barriers and Solutions

### 3.1.1 – County Land Use & Development Code

*Obstacle*

The County Land Use & Development Code (LUDC) governs permitting for all inland areas of Santa Barbara County, including for renewable energy facilities such as wind turbines and solar photovoltaic facilities. Currently, the LUDC does not permit utility-scale solar photovoltaic facilities, defined in current code as those developed purely to sell electricity to the wholesale market, outside of the Cuyama Valley Rural Region. Furthermore, inside Cuyama Valley, they are limited to no more than 600 acres of AG-II zoned land. In comparison, wind turbines ARE permitted in agricultural and industrial zones with the Major Conditional Use Permits.[38]

The particular Cuyama solar allowance is in place because Cuyama Valley was the first region in the County that developers determined was suitable for utility-scale solar development, due to its high solar intensity and duration. However, with falling solar costs, more areas are financially viable for utility-scale solar development. Therefore, a new solar ordinance is necessary to open utility-scale development in the rest of Santa Barbara County.

For purposes of the solutions and recommended strategies in the SEP, the following definitions are used to refer to solar projects of various sizes selling electricity to the wholesale market:

- "Community-scale" is a subset of utility-scale solar and refers to systems between 1-10 MW
- "Utility-scale" solar refers to systems greater than 10 MW

*Solutions*

The main recommendations are:

1) Clarify the definition of utility-scale solar in the LUDC and the land-use element of the comprehensive plan to specify that solar facilities of any size that are constructed on built-environments, including rooftops, parking lots, and parking structures, are not considered

[38] County of Santa Barbara, "Santa Barbara County Land Use & Development Code, Chapters 58-59."

to be utility-scale solar facilities and therefore are exempted from the regulations governing utility-scale (and community scale) solar.

2) Allow community-scale solar projects under 3 MW in all industrial, AG-I and AG-II zones as permitted uses.

3) Allow community-scale solar projects under 3 MW in commercial zones (see Section 5.1.2 for specific suggestions) with a Minor Conditional Use Permit (MCUP).

4) Allow community-scale or utility-scale solar photovoltaic development greater than 3 MW in all industrial and AG-II zones in Santa Barbara County with a Conditional Use Permit (CUP).

5) Investigate the feasibility of allowing community-scale or utility-scale solar photovoltaic development greater than 3 MW in in AG-I zones with a CUP.

The first recommendation clarifies that solar projects developed on existing rooftops and parking lots should not be considered "utility-scale" for the purposes of regulation regardless of the specifics of the interconnection arrangement. For solar projects on open land, rather than amend the LUDC on a case-by-case basis as was done with Cuyama solar project, the County should amend the Code on a blanket basis, as is currently the case with wind energy. Permit applications can then be reviewed on a case-by-case basis, rather than updating the ordinance for each new region of interest. This would greatly reduce approval time for projects while still allowing the County to retain control over which projects can proceed. Changes to the LUDC may also require some General Plan updates to ensure alignment.

### 3.1.2– Williamson Act

*Obstacle*

The Williamson Act, officially known as the California Land Conservation Act, was established in 1965 to incentivize the preservation of farmland and open space land by providing property tax relief to land owners in exchange for 10-year contracts that require that the land not be developed or converted to another use for the duration of the contract. Longer 20-year contracts can be established for greater tax benefits on prime agricultural land, known as Farmland Security Zones.[39] In Santa Barbara County, the Williamson Act is enforced via the Uniform Rules for Agricultural Preserves and Farmland Security Zones.

Both Agricultural Preserve and Farmland Security Zone contracts are automatically renewed each year if a notice of non-renewal is not recorded. If a notice of non-renewal is recorded, starting January 1 of the following year, the contract will remain in effect for nine full years for a standard Agricultural Preserve contract, or 19 years for a Farmland Security Zone contract.[40] Figure 3.1 shows the land preserved under the Williamson Act within Santa Barbara County, as of June 2019. Although not all of it is viable for renewable energy generation, this land comprises a significant portion of the county.

[39] California Department of Conservation, "Williamson Act Program."

[40] County of Santa Barbara, "Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones."

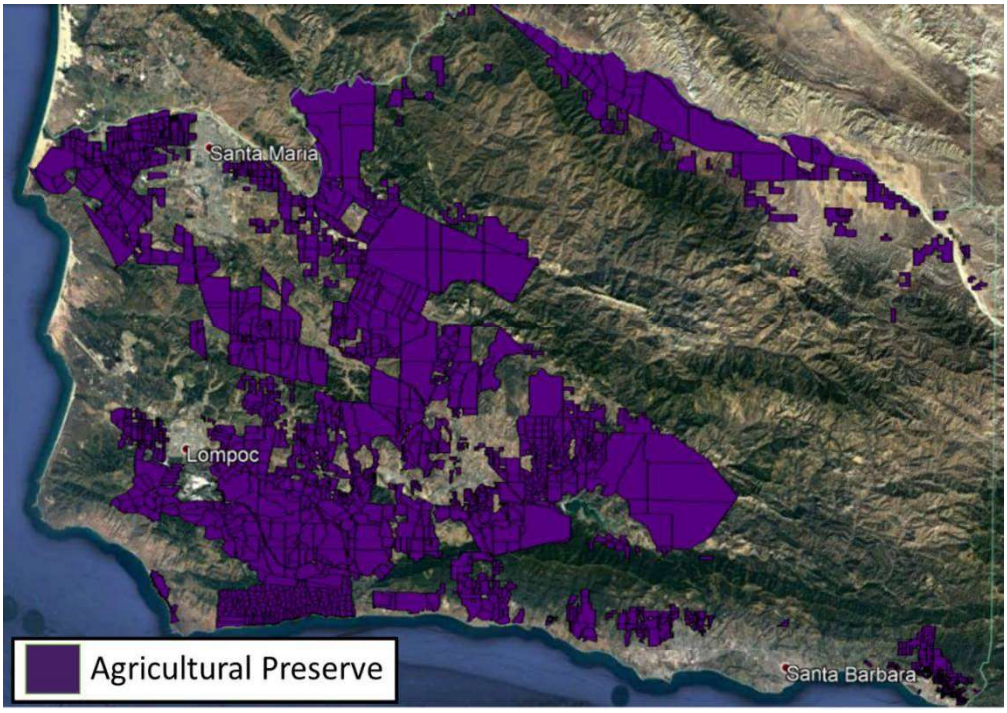


Figure 3.1: Williamson Act Land

Although cancellation of a contract is possible, it requires submitting documentation demonstrating the need for cancellation as well as payment of a cancellation fee equal to 25% of the land value and is therefore generally prohibitively expensive. To date, there have only been two cancellations of Williamson Act in the history of Santa Barbara County. Additionally, a 2012 UC Davis study of cattle ranchers across 33 counties in California reported that 71% of surveyed ranchers had an annual profit equal to or less than their Williamson Act savings,[41] indicating that Williamson Act savings are integral to maintaining operations, particularly on non-prime grazing land.

Owners or lessees of parcels preserved under the Williamson Act can install solar and wind energy systems to support on-site operations such as pumping water, as well as for frost protection. Furthermore, they are permitted to install other energy production structures subject to other zoning requirements and a review by the Agricultural Preserve Advisory Committee (APAC). However, the compatibility guidelines for this permit require that the long-term agricultural capability of the parcel is not harmed and that no current or foreseeable agricultural operations are impaired. The latter guideline allows development only on marginal land, but also allows APAC to make exemptions on non-prime land, generally ranch land.[42] The Uniform Rules also allow residences, residential accessory structures, and personal uses within a non-agricultural development envelope equal to two acres or three percent of the total contract size, whichever is less.

The APAC is responsible for monitoring and enforcement of the County's Agricultural Preserve Program and reviews land use permit applications to determine consistency with the County's

[41] Wetzel et al., "Analysis Reveals Potential Rangeland Impacts If Williamson Act Eliminated."

[42] County of Santa Barbara, "Santa Barbara County Uniform Rules for Agricultural Preserves and Farmland Security Zones."

Uniform Rules. The Uniform Rules do not generally allow utility-scale solar projects on Williamson Act land. For the Cuyama Valley utility-scale solar project, a partial contract cancellation was approved, which included the requirement to enroll equivalent agricultural land under a new preservation contract.

The Williamson Act therefore acts as a barrier to utility-scale solar development in two different ways:

1) Prevents the alternate use of preserved land for the contract duration
2) Provides a strong alternative revenue stream through tax relief that limits the value of solar lease payments to the landowner

### *Solutions*

The following are the main recommendations for best practices for enabling judicious development of large-scale solar on Williamson Act land:

1) Amend the Uniform Rules to 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 fee equal to only 6.25% of the assessed value of the land.

2) Amend Uniform Rules to allow community-scale solar (projects 1-10 MW) as a compatible use, provided all the following conditions are met:
    - Facility is located on non-prime land
    - Does not exceed 30 acres
    - Confined to single lot
    - Sited to minimize land taken out of Agricultural Preserve
    - Consistent with Principles of Compatibility (Uniform Rules Section 2-1.1)
    - Board of Supervisors finding that the facility provides a substantial benefit to the agricultural community and the public.

3) Amend Uniform Rules to allow larger community-scale or utility-scale solar as a compatible use on non-prime land if it qualifies as a "dual-use" project which can co-exist with shade tolerant crops or smaller grazing animals. The following conditions need to be met to qualify as dual-use:
    - The land must be in continuous agricultural production over the period of the Agricultural Preserve or Farmland Security Zone contract
    - An agricultural study is conducted to ensure the crops or grazing animals on the land are compatible with reduced levels of sunlight
    - Does not exceed 50 acres
    - Confined to single lot
    - Consistent with Principles of Compatibility (Uniform Rules Section 2-1.1).

4) Explore the application of Recommendation 3 to prime land, as well, pending a further review of research indicating that dual-use solar development does not impact the long-term productivity of prime agricultural land.

The first recommendation is geared towards aligning the Uniform Rules with what state law already permits on Williamson Act land, particularly the solar use easement.[43] Meanwhile, the second and third recommendations are methods through which the County can amend its Uniform Rules to relax the restrictions surrounding solar development while maintaining the objective of the Williamson Act. The fourth recommendation would work towards a "co-habitation" of solar and agriculture to increase total land productivity, when and where possible.

These proposed changes do not require amending the Williamson Act itself, only the County's Uniform Rules. As such, they will be possible for the County to implement directly, as opposed to larger changes that would require lobbying on the topic statewide.

### 3.1.3 – Historic Landmarks Regulations

#### *Obstacle*

The State Historical Building Code, Santa Barbara County Code Chapter 18A, and County land use policies and development standards strictly regulate and limit alterations to designated historic structures. Therefore, historic designation of a structure or site presents a barrier to renewable energy by restricting alterations or new development.

The mission of the Historic Landmarks Advisory Commission (HLAC) is to promote the preservation of historic sites, buildings, and structures. The HLAC acts as the design review authority for any alteration outside normal maintenance and repair work that is made at 50 designated Historic Landmarks[44] and over 15 designated Places of Historic Merit[45] in the county.

Although these sites do not have potential to accommodate community-scale or utility-scale installations, in large part they are sites that the County or another public agency has direct control over.

#### *Solutions*

These are the main recommendations to expedite renewable energy development at historic landmarks:

1) Conduct a potential study at each historic site to determine total potential.
2) Create a list of pre-approved solar installation designs that are non-visible and sited away from historic features such as Mission-style roofs that can be replicated at different sites.

Recommendation 1 is intended to feed into Recommendation 2 by assessing the total potential and determining the types of solar designs that would be most viable at historic sites. Following that, a list of pre-approved designs would reduce approval time for HLAC while maintaining the aesthetic value of the Historic Landmarks. However, this would require there to be common features between different historical sites with regards to solar siting, which may not be the case.

### 3.1.4 – Coastal Zoning Ordinance

#### *Obstacle*

The California Coastal Commission is a key regulatory body in California. In partnership with coastal cities and counties, the Coastal Commission plans and regulates the use of land and water in the Coastal Zone, in accordance with the California Coastal Act. However, given that the County

[43] California Senate, SB-618 Local government: solar-use easement.

[44] County of Santa Barbara, "County of Santa Barbara Historic Landmarks."

[45] County of Santa Barbara, "County of Santa Barbara Historic Places of Merit."

# Chapter 5 – Specific Recommended Actions and Timeline

The recommendations listed in Chapter 3 were compiled and organized into five (5) key program areas matching the categories of barriers described in Chapter 3. The identified strategies are described in detail and an "implementation action plan" is provided for each strategy. Not every recommendation in Chapter 3 is addressed in further detail with a strategy, as some are already being undertaken as part of the SEP, and some are deemed to be relatively simple to address within pre-existing County precedents and roles, such as working with utilities and internal stakeholders to clarify the ability to use on-bill financing (OBF) programs for energy upgrades at County facilities. Additionally, several strategies are recommended in this chapter that do not track exactly with identified barriers but are advised for general pursuit of a development environment more conducive to promoting the deployment of sustainable energy.

This chapter also includes discussion of two overarching strategies that can be used by the County to support more specific efforts. These strategies are: (1) increased advocacy and outreach at the state and federal levels; and (2) revenue-raising methods to provide funding for SEP implementation efforts.

*Table 5.1: Barriers Identified & Recommended Strategies to Address Each Barrier*

| Type of Barrier | Barrier | Strategy to Address |
|---|---|---|
|  Regulatory | County Land Use and Development Code | Strategy 5.1.1: Develop Utility-Scale Solar Ordinance |
| | Williamson Act | Strategy 5.1.2: Update Uniform Rules for Agricultural Preserves |
| | Historic Landmarks Regulations | Addressed, as needed, via internal County efforts |
| | Coastal Zoning Ordinance | Strategy 5.1.3: Update Coastal Zoning Ordinance |
| | Solar and Solar + Storage Permitting | Strategy 5.1.4: Update Residential Solar and Storage Permitting Procedures |
|  Utility & Infrastructure | Transmission Grid | Strategy 5.2.1: Evaluate the Benefits of a Community Choice Aggregation (CCA) and Consider Establishment |
| | PG&E Integrated Capacity Analysis (ICA) Maps | Addressed via increased advocacy described in Strategy 5.6.1 |

*Table 5.1: Continued*

| Type of Barrier | | Barrier | Strategy to Address |
|---|---|---|---|
|  | County Institutional | Limited County-Owned Parcels | Addressed via maximizing development on existing County parcels through site assessments completed for the SEP |
| | | Energy Assurance Plan (EAP) | Strategy 5.3.1 Create an Energy Assurance Plan |
| | | On-Bill Financing (OBF) at County Facilities | Addressed via ongoing internal County efforts |
|  | Financial & Funding | Financing Mechanisms | Strategy 5.4.1 Create New Financing Mechanisms for the Community |
| | | Altered Time-of-Use (ToU) Rate Schedules | Strategy 5.4.2 Offer Financial Incentives to Increase Economic Payback |
| | | Funding Sources | Strategy 5.4.3 Diversify County Funding Streams |
| | | Federal Investment Tax Credit (ITC) | Addressed via increased advocacy described in Strategy 5.6.1 |
|  | Education & Public Awareness | Cost Awareness of Renewable Energy | Strategy 5.5.1 Formalize a County-Wide One-Stop Shop to Lead Education Efforts Across the County |

## 5.1 – Regulatory Program Area

### 5.1.1 – Develop Utility-Scale Solar Ordinance

*Strategy Description*

This strategy is aimed at reducing barriers for utility-scale (including community-scale projects under 3MW) solar PV projects by updating the County Land Use and Development Code (LUDC) to permit these projects outside of the Cuyama Valley Rural Region.

The following recommendations are made towards permitting for large-scale solar projects. As discussed in Section 3.1.1, "Community-scale" is a subset of "Utility-scale" solar and refers to systems between 1-10 MW and "Utility-scale" solar refers to systems greater than 10 MW.

1) Clarify the definition of utility-scale solar in the LUDC and the land-use element of the comprehensive plan to specify that solar facilities of any size that are constructed on built-environments, including rooftops, parking lots, and parking structures, are not considered

to be utility-scale solar facilities and therefore are exempted from the regulations governing utility-scale (and community scale) solar.

2) Allow community-scale solar projects under 3 MW to be installed in all AG-I and AG-II zones as permitted uses.

3) Allow community-scale solar projects under 3 MW to be installed in all MT-GOL, MT-TORO, RMZ, RES, C-1, C-2, C-3, C-S, CH, CN, CV, SC, PI, M-1, M-2, M-RP, M-CR, MU, PU, and REC zones with a Minor Conditional Use Permit (MCUP).

4) Allow community-scale or 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 Conditional Use Permit (CUP).

The permit requirements for each zone were selected based on the current permit requirements for wind turbines in the LUDC to increase the consistency with which wind and solar projects are treated. Although wind projects have some advantages over solar projects regarding site impact, namely the ability to co-locate other uses, solar projects have advantages regarding noise and visual impacts.

In addition, when compared to utility-scale wind projects, community-scale and utility-scale solar projects have a smaller total site footprint, but a larger utilization of that footprint. While a utility-scale wind farm would be spread out over a very large amount of space, it would be possible to grow crops or graze animals between each individual turbine. For example, an NREL survey indicated that the total site footprint of a wind farm is roughly 30-100 acres/MW, but the actual turbines and supporting electrical infrastructure permanently utilize less than 1 acre/MW, with up to 3.5 acres/MW being disturbed only temporarily during construction.[65] A solar farm would have a total site footprint of only roughly 3-5 acres/MW, but the land would be fully utilized unless specific measures are put in place to enable co-location of shade-tolerant crops or small cattle. Due to the large spacing of wind farms, they also more often require roads to be built to transport parts to the turbine locations, which is less often the case with solar farms. Due to the more modular nature of solar farms, land use scales very linearly with capacity, whereas wind turbines often need to be sited in unique configurations to maximize wind flows and circumvent existing features.

A community-scale or utility-scale power plant greater than 3 MW, whether wind or solar, generally also requires the construction of a dedicated substation to connect the generation to the transmission grid, unless a substation is already located nearby with available capacity. Placing the threshold for a CUP at 3 MW ensures that the construction of any substation, which would be a significant development, would require heavy scrutiny.

Additionally, a 3 MW cap aligns with past IOU- and CPUC-run programs for expedited interconnection of renewable projects. The availability of similar programs should be reviewed each year during SEP implementation.

From a visual perspective, large solar plants are generally ground-mounted, reaching a maximum height of less than 10-15 feet off the ground. It is common to use a hedge or some other type of greenery to hide the farm if desired. A utility-scale wind turbine is generally 250-330 feet in height and not possible to hide. From a noise perspective, although the impacts of wind turbines are generally overstated, they are undeniably louder than solar farms. Wind turbines produce noise

[65] Denholm et al., "Land Use Requirements of Modern Wind Power Plants in the United States."

up to 40dB (the level of a refrigerator) up to a quarter mile away. The main components that produce noise in solar farms are transformers for raising or lowering system voltage, but these are often located in just one corner of a project, limiting the audible impact. Furthermore, they primarily produce sound during the day and are mostly silent during the night when solar farms do not produce power, or they can be contained within a new building structure to further reduce noise impact.

This solar ordinance would govern solar development in many parts of the County but, where applicable, the permit allowances would be superseded by the Coastal Zoning Ordinance in the Coastal Zone and the Uniform Rules for Agricultural Preserves in Williamson Act land. Since the ordinance would need to follow the guidelines within these other County codes, those codes should be similarly updated as proposed in Sections 5.1.3 and 5.1.4.

Furthermore, the ordinance would include project development plan guidelines that would need to be met to obtain a CUP for projects that require one. These would include the creation of a site-specific Integrated Pest and Weed Management Plan and a fire prevention plan, attention to the protection of agricultural land and sensitive biological resources, the avoidance of geologic hazards and hazardous material, and the reduction of traffic hazards, noise levels, and waste.

## Action Plan – Project

**Year 1**

1. Work with members of the Long-Range Planning division to review of best practices for County-wide community-scale and utility-scale solar permitting in California and other high-penetration states.
2. Identify potential places of overlap between permitting requirements for community-scale and utility-scale solar and other renewable energy facilities such as wind turbines to streamline writing of ordinance.
3. Compile development guidelines for community-scale and utility-scale solar construction.
4. Draft revised ordinance for community-scale and utility-scale solar permitting.
5. Circulate draft ordinance to all relevant County stakeholders for written feedback.
6. Prepare a programmatic environmental document pursuant to CEQA, which analyzes the environmental impacts of utility-scale solar development that would be allowed under the revised ordinance.
7. Present draft ordinance to appropriate County review committees and design boards.
8. Present draft ordinance to the County Planning Commission.
9. Obtain approval from Board of Supervisors.

## Staffing Responsibility

1. Long Range Planning – Supervising Planner
2. Long Range Planning – Senior Planner
3. Long Range Planning – Planner I, II, and/or III
4. Sustainability Division Chief
5. Senior Sustainability Program Specialist

### 5.1.2 – Update Uniform Rules for Agricultural Preserves

*Strategy Description*

This strategy is aimed at reducing barriers for solar development on land designated as agricultural preserve under the Williamson Act, while maintaining agricultural productivity, particularly for prime land. Since most of the agricultural land in Santa Barbara County is currently designated as either an agricultural preserve or farmland security zone, enabling a greater amount of solar development within these areas is critical. While a larger lobbying effort could be undertaken to ease Williamson Act requirements on a state-wide level, this strategy focuses on changes the County can make to its Uniform Rules for enforcing Williamson Act contracts.

The following recommendations are directed towards amending the Uniform Rules. For the purposes of these recommendations, community-scale and utility-scale projects are those whose primary purpose is to sell electricity to the utility or wholesale electricity market rather than to offset on-site electricity consumption and that are delineated by the project capacity limits discussed in Section 3.1.1. Non-prime land generally refers to ranch land for grazing cattle, whereas prime land generally refers to crop land.

1) Amend the Uniform Rules to 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 fee equal to only 6.25% (rather than 25%) of the assessed value of the land.

2) Amend Uniform Rules to allow community-scale solar (projects 1-10 MW) as a compatible use, provided all the following conditions are met:
    - Facility is located on non-prime land
    - Does not exceed 30 acres
    - Confined to single lot
    - Sited to minimize land taken out of Agricultural Preserve
    - Consistent with Principles of Compatibility (Uniform Rules Section 2-1.1)
    - Board of Supervisors finding that the facility provides a substantial benefit to the agricultural community and the public.

3) Amend Uniform Rules to allow larger community-scale or utility-scale solar as a compatible use on non-prime land if it qualifies as a "dual-use" project which can co-exist with shade tolerant crops or smaller grazing animals. The following conditions need to be met to qualify as dual-use:

- The land must be in continuous agricultural production over the period of the Agricultural Preserve or Farmland Security Zone contract
- An agricultural study is conducted to ensure the crops or grazing animals on the land are compatible with reduced levels of sunlight
- Does not exceed 50 acres
- Confined to single lot
- Consistent with Principles of Compatibility (Uniform Rules Section 2-1.1).

4) Explore the application of Recommendation 3 to prime land, as well, pending a further review of research indicating that dual-use solar development does not impact the long-term productivity of prime agricultural land

Non-prime land is targeted for community-scale projects under a certain acreage impact level because a minor loss in agricultural productivity is much less harmful to the landowner, particularly if that loss is offset, or more than offset, by a new revenue stream through a solar project. Furthermore, since non-prime parcel sizes are generally larger, projects will take up a smaller portion of the parcel. The County should also specify best practices to ensure that the remainder of the parcel remains suitable for cattle grazing requirements. Given the importance of these land considerations, the suggested changes to the Uniform Rules utilize acreage caps as the primary factor limiting project size, compared to a MW cap used in the Solar Ordinance recommendations.

Dual-use projects that promote co-existence of solar PV and smaller grazing animals (e.g., goats and sheep) or shade tolerant crops such as broccoli and celery should also be permitted on non-prime land. Research indicates that for certain crops, the shading provided by solar panels set above them can actually increase total productivity of the land.[66] The County should also specify further development guidelines to maximize agricultural productivity, such as requiring such projects to be west-facing, allowing inter-row crops to receive more sunlight than they would receive between south-facing rows of solar modules. As comfort grows with allowing dual-use solar projects, the County should explore expansion of the dual-use allowances to prime land.

Lastly, the County should align their Uniform Rules with the solar-use easement specified by SB-618, which allows owners of non-productive agricultural land to rescind their contracts specifically for solar development. Although there is still a rescission fee in this process, it is 6.25% of the fair market value of the parcel, compared to 25% of the value for a traditional cancellation of the contract.[67] With the changing climate, it is expected that this method of enabling solar development will increase in importance.

All community-scale projects on agricultural preserves will also need to be compliant with the development guidelines outlined in the revised Utility Scale Solar Ordinance in Strategy 5.5.1.

## Action Plan – Project

[66] Herbert, "Vegetables under Solar PV 2016-17."

[67] California Senate, SB-618 Local government: solar-use easement.

**Year 1**

1. Conduct review of best practices for solar permitting on agricultural preserves in California.
2. Compile additional development guidelines for dual-use solar projects based on best national practices.
3. Submit draft Uniform Rules amendment to the Department of Conservation for review and comment.
4. Work with members of the Long-Range Planning Division to draft revised Uniform Rules.
5. Prepare a programmatic environmental document pursuant to CEQA, which analyzes the environmental impacts of allowing community-scale projects on both prime and non-prime lands.
6. Conduct environmental review on proposed Uniform Rules amendment and circulate draft for public comment.
7. Circulate or present draft document to all relevant County stakeholders and review committees for feedback.
8. Obtain approval from Board of Supervisors.

## Staffing Responsibility

1. Long Range Planning – Supervising Planner
2. Long Range Planning – Senior Planner
3. Long Range Planning – Planner I, II, and/or III
4. Sustainability Division Chief
5. Senior Sustainability Program Specialist

### *Case Study: Limiting the Agricultural Impact of Utility-Scale Projects*

Several counties have Public Benefit Policies that allow utility-scale renewable energy development on farmland while limiting any negative impact they may have on the community through the removal of farmland. Butte County created a best-practices guide for utility-scale solar permitting, summarizing some of these policies.[68] The examples include:

- Riverside County, which implemented an annual fee of $150/acre on utility-scale projects, with at least 25% of collected fees going towards benefiting the local community
- Imperial County, which implemented a one-time payment of $5,000/acre for projects in prime farmland, and $2,000/acre for projects in Farmland of Statewide Importance, as well as an annual payment of $150/acre for the first ten years
- San Bernardino County, which implemented an annual fee of $157/acre
- Kern County, which created the RENEWBIZ program to use tax collections from utility-scale projects to fund community revitalization projects

[68] Butte County, "Butte Utility-Scale Solar."

It is important that these fees be designed such that they do not prevent utility-scale development but do ensure that prime farmland is only converted for high-value projects. One potential way of ensuring that only high-value projects pass is to create the fee based on the GHG reduction impact of the farmland, to ensure that the net GHG reduction of the renewable energy is positive. An American Farmland Trust study has examined the potential value of this GHG reduction.[69]

When exploring programs for implementation in the County, the legal considerations of a fee versus a tax will need to be considered, as revenue collected via fee must be spent on a program closely related to the activity on which the fee is charged.

### 5.1.3 – Update Coastal Zoning Ordinance

#### *Strategy Description*

This strategy is aimed at reducing barriers for renewable energy projects by targeting the Coastal Zone, where development typically is subject to heightened permit requirements as compared to development within the inland portions of the unincorporated county. Although the Coastal Zone does not cover as large an amount of land as the Williamson Act, it does cover an area that is particularly important for wind energy development. Although the solar resource for large-scale development is low relative to other parts of the County, coastal permitting can also be an issue for solar projects aimed at reducing on-site consumption.

The Gaviota Coast Plan adopted in 2016 outlined several recommended policies and actions for allowing judicious renewable energy development in the Coastal Zone. These included:

- **Policy TEI-10:** *Renewable Energy Production Facility Impacts. (COASTAL)* "Ensure through siting, design, scale, and other measures that all renewable energy production facilities are constructed to avoid significant impacts on public health, safety and welfare, public views, community character, natural resources, agricultural resources, and wildlife, including threatened or endangered species, bat populations, and migratory birds. Where an applicable, more specific resource protection policy of the Gaviota Coast Plan requires more stringent protection of resources, renewable energy production facilities must comply with those policies as opposed to this more general policy."
- **Policy TEI-11:** *Renewable Energy Resource Priority.* "Utilize local renewable energy resources and shift imported energy to renewable resources where technically and financially feasible at a scale that is consistent with the sensitivity of coastal resources. Encourage opportunities for development of renewable energy resources where impacts to people, natural resources and views can be avoided or minimized. Support appropriate renewable energy technologies, including solar and wind conversion, wave and tidal energy, and biogas production through thoughtfully streamlined planning and processing, rules and other incentives. New development should be encouraged to use small scale renewable energy facilities to offset energy requirements."
- **Action TEI-6:** *Study Renewable Energy Resource Potential.* "Work with other agencies to study the potential for renewable energy generation in the Coastal Zone and Inland Areas of the Gaviota Coast and identify areas with adequate capacity for renewable resources such as wind and solar power. Within areas identified, specify sites suitable for locating renewable energy facilities with the least possible impact, and evaluate mechanisms for protecting such sites for appropriate renewable energy facilities."

[69] "State of the Art on Agricultural Preservation."