



# COUNTY OF SONOMA

## PERMIT AND RESOURCE MANAGEMENT DEPARTMENT

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**DATE:** September 10, 2013 at 2:10 p.m.

**TO:** Board of Supervisors

**FROM:** Jane Riley, Project Planner

**SUBJECT:** Continued Hearing to consider General Plan Amendment and Zoning Code changes for Renewable Energy; File ORD11-0005; Countywide; Supervisorial Districts: All.

### Action Requested of the Board of Supervisors:

The Board is requested to resume the public hearing on the proposed General Plan Amendment and Zoning Code changes to enable renewable energy systems and facilities. At the conclusion of the hearing the Board may adopt the Negative Declaration and approve the General Plan Amendment to the Open Space and Resource Conservation Element and adopt the Ordinance as recommended by staff and the Planning Commission.

### Prior Actions:

The Board of Supervisors held a public hearing on May 7, 2013 on the package of proposed amendments for renewable energy and provided direction to staff on most of the policy options, requested additional information for others and continued the hearing to consider the changes. Overall, the direction from the Board was to facilitate and encourage renewable energy systems for on-site uses and within existing developed areas. The Board requested that staff return with additional information and with options for a more cautious approach to the permitting of commercial renewable energy facilities, including the use of the proposed Renewable Energy Combining Zone on agricultural and resource lands.

The following policy direction and general request for information was provided and has been incorporated into the revised draft Ordinance, attached:

- Land Intensive Agriculture (LIA) lands - Accept the Planning Commission recommendation to only allow Accessory Solar Systems on parcels zoned Land Intensive Agriculture. Permit commercial solar facilities without limitation on rooftops or over parking areas, but do not allow commercial ground-mounted solar facilities unless the parcel is removed from the LIA designation through a General Plan Amendment and Rezone.
- Land Extensive Agriculture (LEA) lands - Accept the Planning Commission recommendation to limit commercial solar facilities to 30 percent of a parcel, up to a maximum of 50 acres. Permit larger facilities only with a Rezone to add the Renewable Energy (RE) Combining Zone.
- Diverse Agriculture (DA) lands – Apply the same limits to the DA as are applied to the LEA zoned parcels.

- Resources and Rural Development (RRD) lands - Revise these standards to: 1) limit commercial solar facilities on RRD lands to 15 percent of the parcel area, not to exceed 5 acres, with a use permit; and, 2) permit larger facilities only with a Rezone to add the Renewable Energy (RE) Combining Zone.
- Incentivizing Developed Areas - Add a policy to encourage and incentivize the use of built lands first through the addition of General Development Standards.
- Consider adding an incentive for bioenergy facilities located in developed areas.
- Consider adding incentives for building solar over parking, such as further reducing parking requirements when solar is provided.
- Provide additional cost information for commercial solar applications if a Rezone and/or General Plan Amendment is required
- Provide additional information on disposal of solar panels/hazardous materials.
- Add thresholds for when financial assurances would be required for larger projects
- Review effectiveness of the ordinance in the near term with Phase II of the Development Code update.
- Adopt other recommended minor changes to the text of the Ordinance as outlined below for clarification.

The following discussion summarizes the issues discussed at the May 7 Board meeting, as well as an additional issue raised by the City of Petaluma in July. Where appropriate, policy options are provided for your Board's consideration. Recommended options are reflected in the attached Draft Ordinance and its Exhibits, including Ordinance Exhibit C, *Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities*.

### **DISCUSSION ITEMS & RECOMENDATIONS**

#### **Issue #1a:** Solar Energy Facilities on Land Intensive Agriculture (LIA) Lands & Permitting Costs

The Board's discussion on whether commercial solar facilities should be allowed to be located on Land Intensive Agricultural (LIA) lands included two main options:

- 1) Do not allow commercial solar facilities to be located on LIA zoned lands, unless a General Plan Amendment to another land use designation is approved. Accessory solar systems to serve 125% of permitted uses (agricultural and residential) on site would still be allowed by-right in this zone, as would accessory or commercial solar on rooftops and over required parking areas.
- 2) Allow commercial solar facilities in the LIA only with the Renewable Energy combining zone, but do not require a General Plan Amendment.

The 1st and 4th Supervisorial Districts contain the majority of the county's LIA-zoned lands, most of which are mapped by the State Department of Conservation as Important Farmlands. Some of the lands with LIA zoning are not mapped as Important Farmlands; however, these lands are typically either within flood areas along the river valleys, or part of the uplands that form the scenic backdrop for Important Farmlands and therefore not likely to be suitable for commercial renewable energy facility development. Staff felt that listing commercial solar facilities as potentially allowed within LIA-designated lands would be misleading to prospective applicants and problematic to administer because most of the land within the LIA would not qualify for commercial facilities under the criteria that excludes Important Farmlands, floodways, and Scenic Resources. The General Plan policies currently limit commercial solar facilities to commercial and industrial areas and the proposed amendment would allow them in marginally productive agricultural areas, but opening up the prime agricultural lands would be inconsistent with the policies to strengthen and preserve the prime agricultural lands and the Board's focus on using developed areas.

At the meeting on May 7th, the majority of the Board accepted the Planning Commission recommendation to avoid commercial solar facilities in the LIA unless they are provided on rooftops or over required parking. The minority opinion at the Planning Commission was that LIA lands should be able to be developed with commercial solar facilities if a Rezone to add the RE Renewable Energy Combining Zone was granted. Because not all Boardmembers were present at the May 7 meeting, policy options are presented again for Board consideration:

Policy Options.

1. Adopt Planning Commission's recommendation to not allow ground-mounted commercial solar energy facilities on Land Intensive Agriculture (LIA) lands. Instead, require a General Plan Amendment and Rezone to a more suitable designation and a Use Permit. Under this Option, each request for commercial solar facility development on an LIA parcel would be subject to Board of Supervisors approval following a Planning Commission recommendation and CEQA review.
2. Allow commercial solar facilities within the Land Intensive Agriculture (LIA) Zone only with a rezone to add the Renewable Energy (RE) Combining Zone (allows up to 100 percent of the site to be renewable facilities). The Rezone to add the RE would be subject to Board of Supervisors approval following a Planning Commission recommendation and CEQA review, but the project would not require a General Plan Amendment.
3. Allow commercial solar facilities in the LIA with a use permit, subject to the same standards and thresholds (up to 30% of parcel up to 50 acres unless a Rezone to add the RE is approved; see below) as the other agricultural zoning districts. Projects would require CEQA review and standards exclude Important Farmlands and Scenic and Biotic Resource areas.

**Recommendation: Option 1.** In order to maintain consistency with the General Plan, commercial solar production facilities would only be allowed on LIA lands if provided on rooftops or over required parking. If the subject parcel or portion of a parcel meets the designation criteria, a General Plan Amendment and Rezone to another category may be considered. A Use Permit would also be needed, but would be processed concurrently to the General Plan Amendment request. Accessory solar systems to power 125% of on-site uses - including both residential uses and permitted agricultural uses such as wineries - would still be allowed within the LIA, along with

accessory or commercial solar facilities on rooftops or over required parking without limitation. This recommendation is reflected in Ordinance Exhibit C, Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities.

**Issue #1b:** Permitting Costs.

In a request related to the permitting costs for commercial solar facilities, the Board asked staff to determine what the difference would be in terms of time and costs to add a General Plan Amendment (GPA) requirement to the application process for a commercial renewable energy facility, as well as the cost to apply for a rezone to add the Renewable Energy (RE) Combining Zone. Assuming a 3 megawatt (MW) ground-mounted commercial solar facility covering 25 acres of land with environmental review (no special studies), design review, and referrals to consulting divisions and agencies, those differences would be as follows:

<u>Permit Level</u>	<u>Application Cost</u>	<u>Deciding Body</u>	<u>Approx. Timeline</u>
Use Permit	\$13,100	BZA	5-6 months
Rezone to add RE + Use Permit	\$14,821	BOS	8-9 months
GPA + RE Rezone + Use Permit	\$16,000	BOS	9-10 months

The addition of a requirement for a General Plan Amendment and Rezone to a more suitable base zone, along with a Rezone to add the RENEWABLE ENERGY (RE) Combining Zone and the Use Permit reviews, would not add significant processing time because the Board of Supervisors is the deciding body in either case. Most of the potential time difference is related to the need to “package” General Plan Amendments so as to not exceed state law maximums. The processing time difference to add a General Plan Amendment requirement to the application for a commercial renewable energy facility is approximately 30 days, and the at-cost processing cost difference is an increase of \$1,179.

**Issue #2:** Solar Energy Facilities on Land Extensive Agriculture (LEA) Lands

It is generally agreed at the State level that commercial solar power generation facilities should be encouraged to develop only on marginally productive agricultural lands where environmental impacts can be mitigated, and in proximity to existing or planned transmission lines. Less than 20% of Land Extensive Agriculture (LEA) lands in Sonoma County are mapped as Important Farmlands, with the majority being haylands and grazing lands. These lands are likely to experience the most pressure for commercial solar facilities, as they are generally level and located along transmission and distribution lines. The Farm Bureau has opined that these marginally productive lands are the most suitable for commercial solar energy production facilities, provided that any potential environmental impacts can be mitigated. The Farm Bureau was agreeable to the limit of 30% of parcel/50 acre maximum within the Land Extensive Agriculture Zone so long as the mapped Important Farmlands are excluded and protected.

Following considerable input from the agricultural and environmental communities, the Planning Commission voted 5-0 to recommend limiting commercial solar energy facilities on LEA lands to 30% of the parcel up to 50 acres, unless a rezone to the Renewable Energy (RE) Combining District is approved. Important Farmlands mapped as Prime, Statewide or Unique would be excluded. Accessory systems to power 125% of legal on-site uses, as well as unlimited solar rooftops, would still be allowed as permitted uses. The Board of Supervisors accepted this

recommendation at their May 7 meeting, directing staff to permit large commercial solar facilities primarily in developed areas to avoid unforeseen consequences. The Board agreed that a rezone to add the Renewable Energy (RE) Combining District would provide an appropriate level of review for larger commercial facilities.

#### Policy Options

1. Adopt the Planning Commission's recommendation and allow commercial solar facilities within the Land Extensive Agriculture (LEA) Zone up to 30% of the parcel up to 50 acres, with a Use Permit and Environmental Review. Allow these limits to be exceeded only with a Rezone to the Renewable Energy (RE) Combining Zone. A Use Permit would be subject to CEQA review and would be subject to Board of Zoning Adjustments (BZA) approval. A Rezone to add the Renewable Energy (RE) would be subject to Board of Supervisors approval following a Planning Commission recommendation and CEQA review.
2. Allow commercial solar facilities within the LEA Zone of up to 49% of site area subject to a Use Permit and CEQA review. Exclude mapped Important Farmlands, Biotic Resource areas and Scenic Resource areas.

**Recommendation: Option 1.** Consistent with the Board's direction that the county proceed with caution when allowing commercial solar facilities, staff recommends that the Board limit commercial solar to 30% of a parcel up to 50 acres. A rezone to add the Renewable Energy (RE) Combining District would be required if a commercial solar facility is to exceed the 30% of parcel/50 acre threshold. Important Farmlands mapped as Prime, Statewide or Unique would be excluded from commercial solar development, pursuant to the development standards (see Ordinance Exhibit F, *Solar Energy Special Use Standards*). Biotic and Scenic Resources would also be excluded unless a restrictive easement was recorded to protect these resources. Accessory systems to power 125% of legal on-site uses, as well as unlimited solar rooftops, would still be allowed as permitted uses. This recommendation is reflected in Ordinance Exhibit C, *Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities*.

#### **Issue #3:** Solar Energy Facilities on Diverse Agriculture (DA) Lands

Subsequent to the Board's May 7 hearing, City of Petaluma staff contacted PRMD staff to request that the County consider applying the same limits to Diverse Agriculture (DA) Lands as are applied to the LEA zoned sites. The permitting requirements and thresholds for DA Lands were considered by the Planning Commission, but no further limitations or thresholds beyond the use permit and environmental review were recommended.

Parcels with Diverse Agricultural (DA) zoning range in size from less than 1 acre to 120 acres, with the vast majority of DA parcels (92%) being under 20 acres in size. Because of their smaller size, parcels within the DA Zone are not expected to experience significant pressure for the development of commercial solar generation facilities. However, there are some larger Diverse Agriculture parcels located in the west county and between the cities of Petaluma and Rohnert Park that might be considered as potential sites for commercial solar development. The City of Petaluma has requested that the Board consider applying the same limits, standards and thresholds to these DA zoned sites as are proposed to be applied to the LEA zoned sites; that is, a 30% parcel coverage limit to a maximum of 50 acres unless a rezone to add the Renewable Energy (RE) Combining Zone is granted.

Policy Options.

1. Allow commercial solar facilities within the DA Zone on 30% of the parcel up to 50 acres with a Use Permit and Environmental Review. Allow these limits to be exceeded only with a Rezone to the Renewable Energy (RE) Combining Zone. A Use Permit would be subject to CEQA review and would be subject to Board of Zoning Adjustments (BZA) approval. A Rezone to add the RE would be subject to Board of Supervisors approval following a Planning Commission recommendation and CEQA review.
2. Allow commercial solar facilities within the DA Zone of up to 49% of site area subject to a Use Permit and environmental review. Allow these limits to be exceeded only with a Rezone to the Renewable Energy (RE) Combining Zone.

**Recommendation: Option 1.** Consistent with the Board's direction that the county proceed with caution when allowing commercial energy facilities producing power for off-site use, staff is recommending that the Board adopt the same standards and thresholds for DA and LEA lands; that is, to limit commercial facilities to 30% of a parcel up to 50 acres. A rezone to add the RE Renewable Energy Combining District would be required if a commercial solar facility exceeds the 30% limit. Important Farmlands mapped as Prime, Statewide or Unique would be excluded from solar development, pursuant to the development standards. Biotic and Scenic Resources would also be excluded unless a restrictive easement is recorded to protect these resources. Accessory systems to power 125% of legal on-site uses, as well as unlimited solar rooftops, would still be allowed as permitted uses. This recommendation is reflected in Ordinance Exhibit C, Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities.

**Issue #4:** Solar Energy Facilities on Resource and Rural Development Lands (RRD)

At their hearing, the Planning Commission voted 5-0 to allow commercial solar facilities on Resources and Rural Development (RRD) lands with the same site coverage and permitting thresholds as the Land Extensive Agriculture (LEA) Zone, but excluding lands with Scenic or Biotic Resources Combining Zones and those mapped as Important Farmlands. They determined that small commercial facilities of no more than 15% of the site area up to a maximum of 5 acres should be allowed with a Minor Use Permit (administratively approved with a hearing waiver), and facilities of up to 30% of the parcel up to a maximum of 50 acres could be allowed with a Conditional Use Permit. Large projects of more than 50 acres or 30% of the parcel could not be permitted unless a Rezone to add the RE Combining District were approved.

At the Board of Supervisors May hearing, your Board directed staff to return with revised thresholds for Resources and Rural Development (RRD) parcels to both eliminate the allowance for a Minor Use Permit, and to require a Rezone to add the Renewable Energy (RE) Combining Zone for any commercial solar facility that exceeds the threshold of 15% of site area up to a maximum of 5 acres.

Policy Options

1. Require a Conditional Use Permit for commercial solar facilities of up to 15% of a parcel up to 5 acres. A rezone to add the RE Renewable Energy Combining Zone would be required for any commercial solar facility that exceeds the threshold of 15% of a parcel up to a maximum of 5 acres. Under this option, the Board of Zoning Adjustments would be the

approval authority for any commercial solar facility of up to 15% not to exceed 5 acres, and the Board of Supervisors would be the approval authority for any commercial solar facility of greater than 15% or 5 acres on Resources and Rural Development lands. The development standards would continue to protect Scenic and Biotic Resources as well as any mapped Important Farmlands. Accessory systems to power 125% of legal on-site uses, as well as unlimited solar rooftops or installations over required parking areas, would still be allowed as permitted uses.

2. As recommended by the Planning Commission, allow small commercial solar facilities of no more than 15% of the site area up to a maximum of 5 acres with a Minor Use Permit (hearing waiver, with possible staff level approval), and facilities of up to 30% of the parcel up to a maximum of 50 acres with a Conditional Use Permit (Board of Zoning Adjustments approval). Large projects of more than 50 acres or 30% of the parcel would not be permitted unless the Board of Supervisors approves a Rezone to add the RE Combining District. The development standards would continue to protect Scenic and Biotic Resources as well as any mapped Important Farmlands. Accessory systems to power 125% of legal on-site uses, as well as unlimited solar rooftops, would still be allowed as permitted uses.

**Recommendation: Option 1.** In keeping with the Board's direction to facilitate commercial solar energy facilities primarily within developed areas, staff is recommending adoption of the more conservative approach that affords stronger protections on Resources and Rural Development lands. This recommendation is reflected in Ordinance Exhibit C, Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities.

**Issue #5:** Incentivizing Developed Areas (Renewable Energy Development within the Built Environment)

Both the Planning Commission and the Board of Supervisors have clearly conveyed that development of renewable energy systems and facilities should be facilitated primarily on built or developed sites before land is converted to energy generation. While the Board understands that the Solar Rights Act limits the County's ability to restrict ground-mounted solar systems that are used to provide power for on-site uses, they have requested that staff continue to explore ways to "incentivize" rooftops installations and the use of parking areas and other built environments whenever possible. The Board also directed staff to explore ways to incentivize bioenergy facilities.

Subsequent to the May 7 Board hearing, staff met with representatives from the agricultural community interested in developing bioenergy facilities and discussed adding provisions similar to the allowances made for solar facilities placed on rooftops or over required parking areas.

**Recommendation:** In response to this direction, staff recommends that the following be included in the package of Code Amendments for Renewable Energy:

1. Add a standard to encourage facilities within already-developed areas to the General Development Standards (see Ordinance Exhibit D, Renewable Energy Systems and Facilities General Standards, subsection B. 1. h);
2. Incentivize solar installations over required parking areas with a 10% reduction in the number of parking spaces required when 10% of total spaces are covered (see Ordinance Exhibit B, Parking Regulations);

3. Adding a provision to allow “oversized” bioenergy systems to exceed the 125% “accessory” threshold when located on or within already-built or developed areas; (see Ordinance Exhibits E, *Bioenergy Facilities Special Use Standards* and Exhibit C, *Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities*); and,
4. Allow the lower and less expensive level of review (Zoning Permit) for small commercial renewable energy facilities in commercial & industrial zones (Ordinance Exhibit C, *Table 1 - Allowed Uses and Permit Requirements for Renewable Energy Systems and Facilities*).

**Issue #6a:** Disposal of Panels & Restoration of Sites

At their May 7 hearing, Board members expressed concern about the reuse and disposal of solar panels at the end of their useful lives. Public testimony from the Planning Commission hearings noted the high potential salvage value of old panels; however, this is supposition and cannot be guaranteed. The Board asked how the future disposal of photovoltaic panels and other potentially hazardous components would be handled.

The Department of Toxic Substances Control (DTSC) is currently amending the California Code of Regulations to address this very issue and to provide industry-wide standards for the management of photovoltaic modules.

**Recommendation:** The proposed *Renewable Energy Systems and Facilities General Standards* (Ordinance Exhibit D) already contained provisions for:

- A decommissioning plan;
- Financial assurance;
- Removal of all equipment, including underground footings to a depth of three feet; and
- Restoration and revegetation.

Staff recommends that additional language be added to incorporate DTSC standards for photovoltaic waste management (see italic text in h. 8., below)

(excerpt from Ordinance Exhibit D, with staff recommended addition)

**h. Decommissioning.** A decommissioning plan shall be required as part of any use permit for a renewable energy facility and must include the following:

1. Removal of all aboveground and underground equipment, structures not identified for re-use, fencing and foundations to a depth of three feet below grade. Underground equipment, structures and foundations located at least three feet below grade that do not constitute a hazard or interfere with the use of the land do not need to be removed.
2. Removal of graveled areas and access roads and placement of topsoil.



3. Restoration of the surface grade and placement of topsoil after removal of all structures and equipment including grading, revegetation and erosion control plans to return the site to an appropriate end use.
4. Revegetation of disturbed areas with native seed mixes and plant species suitable to the area. Documentation of a three (3) year maintenance agreement for all revegetated areas must be submitted prior to the reclamation being considered complete.
5. The timeframe for completion of removal and reclamation activities.
6. An engineer's cost estimate for all aspects of the reclamation plan.
7. An agreement signed by the owner and operator that they take full responsibility for decommissioning and reclaiming the site in accordance with the Decommissioning Plan and Use Permit approval upon cessation of use.
8. *A plan to comply with all state and federal requirements for reuse, recycling or disposal of potentially hazardous waste.*

The facility operator is required to notify the department immediately upon termination or cessation of use or abandonment of the operation. The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use. The operator shall begin reclamation and removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within ninety (90) days from the date the facility ceases operation, and complete restoration within one (1) year.

- i. **Financial Assurance.** Financial assurance may be required for large scale renewable energy facilities. At the time of issuance of the permit for the construction of the facility, the operator shall provide financial assurance in a form and amount acceptable to the Department to secure the expense of decommissioning, dismantling and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines/pipes in compliance with the approved reclamation plan.

Staff further recommends the addition of a new standard for Commercial Solar Facilities, as follows: (see Ordinance Exhibit F, *Solar Energy Facilities Special Use Standards*)

*Photovoltaic Module Management. Reuse, recycling or disposal of any photovoltaic panels shall be conducted in accordance with the Standards for Universal Waste Management – Photovoltaic Modules as set forth in California Code of Regulations, title 22, division 4.5, chapter 23, and subsequent amendments thereto.*

**Issue #6b:** Thresholds for Financial Assurance Requirements

As outlined above, the proposed *Renewable Energy Systems and Facilities General Standards* (Ordinance Exhibit D) contains provisions that allow the decision-maker to require financial assurances as a part of the use permit process. In their review of this issue, the Planning

Commission heard from solar industry representatives that the requirement for financial assurances added significant costs to their projects, rendering smaller project infeasible. The Planning Commission recommended that the term “financial assurances may be required” (see paragraph i. of Ordinance Exhibit D, above) was sufficient and appropriate to allow the decision-maker the ability to require financial assurances for larger projects without making it mandatory and unnecessarily increasing costs for smaller commercial projects. At their May meeting, the Board asked staff to consider threshold levels at which financial assurances would be mandatory.

### Policy Options

1. Require financial assurances for projects of greater than 5 acres of land area or 1 MW of production capacity. Retain existing language leaving the requirement up to the decision-maker for smaller facilities. This threshold would apply to the different types of renewable energy projects, but may serve to discourage smaller commercial solar projects due to increased costs.
2. Require financial assurances only for commercial renewable energy projects greater than 1 MW or 10 acres. Retain existing language leaving the requirement up to the decision-maker for smaller facilities. This threshold would apply to all types of renewable energy projects, but may not provide sufficient assurances for commercial solar installations of between 5 and 10 acres.
3. Require financial assurances only for solar projects of greater than 20 acres. Retain existing language leaving the requirement up to the decision-maker for smaller facilities. This Option would impose the requirement only on commercial solar production facilities; other types of renewable energy facilities would be at the discretion of the decision-maker.
4. As recommended by the Planning Commission, do not require financial assurances. Retain existing language and allow the decision-maker to condition the project as appropriate in each particular case.

**Recommendation: Option 1.** In keeping with the Board’s direction to proceed with caution when considering regulations for renewable energy production facilities, staff is recommending the 5 acre/1MW threshold for the financial assurance requirement. Revised language to incorporate this Option is provided below and included in the attached ordinance Exhibit D.

**i. Financial Assurance.** Financial assurance may be required for any commercial renewable energy facility, and shall be required for large-scale renewable energy facilities of 1 MW or larger or which exceed 5 acres in land area. At the time of issuance of the permit for the construction of the facility, the operator shall provide financial assurance in a form and amount acceptable to the Department to secure the expense of decommissioning, dismantling and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines/pipes in compliance with the approved reclamation plan.

**Issue #7:** Concerns Expressed by Local Jurisdictions

Prior to and following the May 7 Board of Supervisors hearing, the City of Petaluma requested additional time to review the draft provisions for commercial renewable energy facilities within the unincorporated county. Their concerns included the loss of agricultural lands and open space, and the impact of commercial facilities on their gateways. The City of Cloverdale has expressed similar concerns, especially in regard to its General Plan policies of protecting its viewsheds.

All major planning applications received for projects located within or near any city's LAFCO-approved Sphere of Influence (SOI) are currently referred to that City for review and comment. Staff has requested that each City indicate their preference for referrals of applications for commercial renewable energy facilities in the county; all jurisdictions have responded that they would like to receive application referrals (sent out at the beginning of the application review process) for each Planning Area (see map of Planning Areas, attached) instead of just those in or near their respective Spheres of Influence. This process has now been put into place by PRMD.

**Recommendation:** Support Staff procedure of making referrals to cities at the level they request; include comments from cities in staff reports to the decision-makers.

**Issue #8:** Review of Ordinance Effectiveness

Your Board directed that staff review effectiveness of the ordinance changes in the near-term. This review can be accomplished in one of two ways: as a formal project programmed as a part of the Comprehensive Planning Division's 2-year Work Plan; or, as a part of the second phase of the Development Code Update, currently scheduled for 2015/2016.

**Recommendation:** Direct staff to schedule a review of the ordinance changes as a part of the Development Code Update. If it is determined that changes are needed in the interim, the Board may prioritize them in the Work Plan.

**Issue #9:** Other Recommended Changes to Text of Ordinance Exhibits

In addition to the changes recommended above, staff has made a few other minor edits to the Ordinance text to provide consistency and clarification. These changes include adding language to clarify that lands within a Biotic Resource or Scenic Resource Combining Zones cannot be developed with renewable energy facilities unless a restrictive easement is used to protect the identified resources (Ordinance Exhibit C: Table footnote 5, and text of Exhibit F Solar paragraph E. 6. were changes to be compatible). An additional change was made to Ordinance Exhibit F, Solar Special Use Standards, to remove the reference to 8kW as the maximum sized accessory system allowed without justification of load; this limit was inadvertently left in after staff had agreed with industry representatives and other PRMD divisions to include these limits in administrative policies rather than in the Code. This provision will allow flexibility in the size and design of various solar systems and needs within the County. The draft policy sets a "soft" threshold of 10kW per residence and makes additional allowances for well pumps, swimming pools, spas and similar common uses. The policy does NOT set "limits," rather, it establishes a threshold under which plans can be signed off without need for review of load calculations. This type of administrative permit threshold will facilitate permitting and allows flexibility for larger systems where justified.

**REQUESTED ACTIONS**

Staff requests that the Board of Supervisors:

1. Reopen the public hearing continued from May 7, 2013;
2. Review the Negative Declaration, new information provided by Staff in this report, and any public comments;
3. Approve the Resolution adopting a Negative Declaration and amending the Open Space and Resource Conservation Element and Glossary of the Sonoma County General Plan; and
4. Approve the Ordinance adopting provisions allowing renewable energy systems and facilities through additions and amendments to Chapter 26 of the Sonoma County Zoning Code.

**List of Attachments:**

Att A: Draft Board of Supervisors Resolution for Amendment of OSRC-15d

Att B: Draft Ordinance with Exhibits A-H as follows:

Exhibit A RE Combining Zone

Exhibit B Parking Regulations

Exhibit C Renewable Energy Use Table

Exhibit D Systems and Facilities General Standards

Exhibit E Bioenergy Facilities Special Use Standards

Exhibit F Solar Energy Special Use Standards

Exhibit G Wind Energy Special Use Standards

Exhibit H Density Bonus for Renewable Energy Systems

Att C: Map of Planning Areas

Att D: Public Correspondence Received

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**Items "On File" with the Clerk of the Board:** Board of Supervisors Staff Report dated May 6, 2013, with attachments and Negative Declaration

**KEY TO ABBREVIATIONS USED IN THIS STAFF REPORT**

<b>PRMD</b>	Permit & Resource Management Department
<b>RE</b>	Renewable Energy Combining Zone
<b>LIA</b>	Land Intensive Agriculture Zone
<b>LEA</b>	Land Extensive Agriculture Zone
<b>DA</b>	Diverse Agriculture Zone
<b>RRD</b>	Resources and Rural Development Zone
<b>SR</b>	Scenic Resources Combining Zone
<b>BR</b>	Biotic Resources Combining Zone

<b>BZA</b>	Board of Zoning Adjustments
<b>CEQA</b>	California Environmental Quality Act
<b>LAFCO</b>	Local Agency Formation Commission
<b>SOI</b>	Sphere of Influence