



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

DATE: FEBRUARY 26, 2015

TO: PLANNING COMMISSION

FROM: JAMES CARUSO, SENIOR PLANNER

SUBJECT: CONTINUED HEARING to consider a request by the **COUNTY OF SAN LUIS OBISPO** to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulations Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965.

RECOMMENDATION

Continue your Commission's review of the RESP.

REVIEW OF THE RESP

Your Commission started your detailed review of the proposed revisions to the Land Use Ordinance at your hearing of January 22, 2015. You completed your review of the new development standards in the RE combining designation (Section 22.14) and can start with Section 22.32 standards. The following is a summary of the changes to the LUO starting on Page 17 of Attachment 4. The summary is based on the Section numbers that reflect a new numbered section of the ordinance.

Section 14 and 15– Add allowance for solar facility on cluster subdivision open space parcel up to 3 acres (accessory definition).

Sections 16 and 17 – Start of Section 22.32 addressing energy generation
Renames Electric Generating Plants to *Energy Generating Facilities* to be inclusive of all uses.

Section 18 – Exempts previously approved projects. Sets standards for zoning clearance approval of accessory solar facilities.

Section 19 – Establishes permit levels on pages 20 – 25 for all energy generating uses including solar. Page 25 (sub section B) starts the application content requirements for all energy generating uses many of which are in the existing ordinance.

Section 20 – Establishes development standards and general requirements for all energy generating uses; energy generating uses needing a discretionary permit and ground mounted energy generating facilities.

Section 21 – Establishes permit requirements for tiers 1-4 for solar electric facilities outside RE designation, development standards such as heights, setbacks, non-reflective material and lighting.

Section 22 – Wind Energy Conversion Systems (WECS) permit requirements, setbacks, heights and other special standards.

Sections 23-30 – Adds definitions for renewable energy terms being added to the LUO.

Sections 33-74 - Planning Area standards throughout the county limit allowable uses in the various land use categories. The RESP adds either “energy-generating facilities (limited to accessory renewable energy facilities)” or “energy-generating facilities (limited to renewable energy facilities) to the list of allowable land uses depending on the characteristics of the area. Examples of each include:

- Energy-generating facilities (limited to accessory renewable energy facilities) are appropriate in residential areas such as.
 - Spanish Camp
 - Almira Park
 - Shandon
 - Cienega Valley
 - Oso Flaco area

- Energy-generating facilities (limited to renewable energy facilities).
 - Commercial service and Industrial designations along Highway 101 from Wellsona to Exline Rds.

Project Notice

The Commission has discussed the potential for providing some type of notice to property owners in a project area. The primary difference between a MUP and a Site Plan review is the notice of hearing sent to property owners in the MUP process and the conduct of the public hearing itself.

**Table 1
Process Comparison**

Process Step	Site Plan Review	Minor Use Permit	Conditional Use Permit
Pre-application meeting	✓	✓	✓
Application packet	✓	✓	✓
Referrals to Agencies	✓	✓	✓
Special Reports (e.g. Biological, Archaeological)	✓	✓	✓
Peer Review of Special Reports	X	X	X
Environmental Review	✓	✓	✓
Public Hearing Notice	X	✓	✓
Appeal	✓	✓	✓

Staff offers two possible methods to address this issue:

Posting the property: An 8 1/2" x 11" notice is posted in a conspicuous place on the site adjacent to public rights of way before the application is approved. The Notice would have the property address, a project description a contact person and contact number for additional information.

However, this is not a very effective way to notify interested persons of the project as these are rural areas where the residential lots are spread out. Posting the property is used in urban areas where passersby and neighbors can easily see the posting.

Notice at Application: If the Commission seeks to give neighboring owners the opportunity to weigh in on the proposed project, contact could be made with adjacent property owners at the beginning of the process when their input can play a more important role in the review of the application, especially when the process does not conclude with a public hearing. A similar process is used to

inform neighboring property owners of impending special events at rural properties such as wineries. Adjacent owners are informed of the pending application with a project description, a contact person and contact number. The neighboring owners have an opportunity to deal directly with the applicant before the application enters the public process.

Supplemental Staff Report

A supplemental staff report will be delivered to your Commission and available on the web page by Friday February 20, 2015. The supplemental staff report will include all the exhibits need for the Commission to adopt the RESP (and which the Commission has seen in previous reports):

1. CEQA Findings
2. General Findings
3. Amendments to the General Plan
4. Amendments to the Land Use Ordinance
5. Amendments to the Rules of Procedure

Staff will also provide alternatives to the RESP as currently proposed. Alternatives may include fewer streamline eligible tiers, smaller RE combining designation, property owner notice requirements and other possible revisions based on past Commission discussions and public testimony.