



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

DATE: December 22, 2014

TO: Planning Commission and Board of Supervisors

FROM: Bill Robeson, Agricultural Preserve Review Committee *BR*

SUBJECT: Agricultural Preserve Review Committee recommendation for proposed amendments to the Rules of Procedure to Implement the Land Conservation Act of 1965 to allow Renewable Energy Facilities (REF) on contracted land and implement streamlining measures from the Renewable Energy Streamlining Program (RESP)

RECOMMENDATION

The Agricultural Preserve Review Committee recommends approval of amendments to the Rules of Procedure to Implement the Land Conservation Act of 1965 to allow Renewable Energy Facilities on properties under land conservation (Williamson Act) contract as compatible uses subject to specific criteria in proposed Appendix F.

DISCUSSION

Introduction

On December 8, 2014 the Agricultural Preserve Review Committee (APRC) met to consider a proposal by the Department of Planning and Building to amend The Rules of Procedure to Implement the Land Conservation Act of 1965 to allow Renewable Energy Facilities on properties under land conservation (Williamson Act) contract as compatible uses with amendments to Table 2 (Agricultural and Compatible Uses for lands Subject to Land Conservation Contracts and Farmland Security Zone Contracts), and subject to specific criteria in proposed Appendix F.

Planning Department staff presented information on the RESP review criteria for different size projects and the permit processing requirements (permit level) being proposed.

Staff to the Agricultural Preserve Review Committee presented information regarding the integration of the Streamlining Program into the Rules of Procedure and the implications for the Williamson Act program.

The Committee discussed a number of issues pertaining to the siting of renewable energy facilities on different types and sizes of properties such as prime land preserves and dry land preserves (and corresponding land conservation contracts) as well as the appropriate permit level and size of facilities.

ATTACHMENT 6 - APCR Recommendation (Final)

The Draft Environmental Impact Report, released on November 17, 2014, was transmitted to and considered by Committee Members (as required by state law) along with the staff report, prior to the meeting and the resulting recommendation.

The recommended Amendments are as follows:

A. Amendments to Table 2 of the Rules of Procedure (Agricultural and Compatible Uses for lands Subject to Land Conservation Contracts and Farmland Security Zone Contracts)

1. The current USE GROUP "Electric Generation Plants" (renamed "Energy Generating Facilities" in the draft Renewable Energy Streamlining Program) to be retained as referenced in Table 2. (This USE GROUP includes facilities that are not renewable energy facilities).
2. Add a new USE GROUP entitled "Renewable Energy Facilities" allowed subject to the criteria in new Appendix F on property under land conservation contract in the Inland area of the county (only).
3. Add note 12 to Table 2 referencing proposed Land Use Ordinance Section 22.32.020.A.2 Accessory Renewable Energy-Generating Facilities which includes a description of on-site Renewable Energy Facilities and permitting levels. (On-site use facilities are currently allowed and would continue to be, as recommended by the Agricultural Preserve Review Committee.)

B. The criteria (to be added to the Rules of Procedure as Appendix F) as recommended by the Review Committee are as follows:

Renewable Energy Facility (REF) projects are allowed on contracted land if they can satisfy the following criteria:

1. These criteria apply to Renewable Energy Facilities only, not "Non-Renewable Energy Facilities" ("Electric Generation Plants" renamed "Energy Generating Facilities" in the draft Renewable Energy Streamlining Program) as defined in Title 22 which are not allowed uses on contracted land.
2. Each property must meet and maintain the current eligibility criteria in the Rules of Procedure for both establishment of an agricultural preserve and entering into a land conservation contract as well as the "Minimum Parcel Size for Conveyance" required by each contract. A land owner with a contract not compliant with current eligibility standards may apply to requalify their property and enter into a new replacement contract as part of the application process for a REF project.
3. A REF project may not be located on prime or potentially prime soils. (Prime or potentially prime soils are any soils classified as Class 1 or Class 2 by the Natural Resource Conservation Service soils survey).
4. REF projects are not allowed on properties qualifying for preserves and contracts as High Productivity Prime Land (Small specialized Farms).

ATTACHMENT 6 - APCR Recommendation (Final)

5. For properties qualifying as a Prime Land Preserve the site area acreage for REF projects shall be in addition to the minimum acreage required to meet the 40 acre eligibility criteria. (Example: An REF project on prime land preserve property must exceed 40 acres by the amount of the REF site acreage).
6. For properties qualifying as Mixed Use (irrigated and non-irrigated uses) the required acreage shall be consistent with the 80 to 160 acre minimum parcel size based on eligible soils classes and uses. The acreage required for the REF site shall be in addition to the applicable minimum parcel size.
7. For properties qualifying as Dry Land Preserves (non-irrigated Class 3 & 4 soils, minimum 160 acres in size — with 100 acres of Class 3 & 4 qualifying soils and current or historical dry farm agricultural use) the acreage required for the REF site shall be in addition to minimum parcel size of 160 acres.
8. For properties qualifying as Rangeland Preserves (Class 6 & 7 or better soils and minimum 320 acres in size — with 100 acres of Class 6 & 7 qualifying soils and 100 acres with soils moderately to well-suited as rangeland) the REF project site shall be in addition to the minimum parcel size of 320 acres.
9. REF project site acreage may not exceed 10% of the total acreage of the property under a land conservation contract up to but not to exceed 20 acres in size.
10. The proposed REF project must be found consistent with the Principles of Compatibility in the Williamson Act [Government Code Section 51238.1(a) et seq.].
11. All REF projects shall be reviewed by Department of Planning and Building staff through Site Plan application for projects up to 10 acres in site area and Minor Use Permit for projects over 10 acres in site area. All REF projects shall be reviewed for compliance with the above criteria. REF projects subject to Minor Use Permit review (or Conditional Use Permit if otherwise required) shall be presented to the Agricultural Preserve Review Committee for a recommendation to the Review Authority. The Agricultural Preserve Review Committee shall base their review on the criteria in the Rules of Procedure and the Principles of Compatibility.