COUNTY OF GLENN
AGENDA ITEM TRANSMITTAL

MEETING DATE: Tuesday, April 19, 2016 9:30 a.m.

BRIEF SUBJECT/ISSUE DESCRIPTION:
Introduce an Ordinance (Zone Change 2015-001) to subsequently consider and (intend to) adopt, in order to provide guidance on permit processing for power generation facilities.

Contact: Di Aulabaugh, Deputy Director
Phone: (530) 934-6530

AGENDA PLACEMENT

APPOINTMENT – Appearances by: (Specify Name & Title)
Mardy Thomas, Principal Planner

ATTACHMENTS

LEGAL/PERSONNEL/FISCAL

PC Resolution

Return Minute Order

Return Certified Copy Of:

Other: Copy of approved resolution.

Required 20 Minutes

Business – No

Consent

Correspondence

Reports & Notices

AFFECTED DEPARTMENT(S)

Receive Concurrence

PUBLIC HEARINGS & COMMITTEE VACANCIES

State

Federal

Public Hearings:

☐ Published

☐ Affidavit on File w/Clerk

☐ Affected Parties Notified

Bill#: __

☐ Latest Version of Bill

☐ Draft Letter Attached

☐ List of Supporters/Opposers

☐ Statement of Relevance to County Interests

☐ Description Attached

☐ General Fund Impact

☐ Other: _____

☐ Budgeted

☐ Transfer Attached

☐ 4/5ths Vote Required

☐ Contingency Request

☐ New

☐ Renewal

☐ Amendment

☐ Insurance Certificate

☐ Contract Report

DATE OF ORIGINAL

Contract: __________________________

Contract No.: ______________________

Fiscal Year: _______________________

RECOMMENDED ACTION/MOTION:

(1) Find Zone Change 2015-001 Categorically Exempt from the California Environmental Quality Act;
(2) Introduce, to subsequently consider and (intend to) adopt, by title only and waive further reading, “An Ordinance Of The Board Of Supervisors Of The County Of Glenn, State Of California, Amending Title 15 Of The Glenn County Code”.

Digitally signed by Di Aulabaugh
County of Glenn, Deputy Director
5/18/16

Reviewed By (if applicable):

Deputy Director

Deputy Director

CC:
BOARD REPORT

EXECUTIVE SUMMARY:

Introduce an Ordinance (Zone Change 2015-001) to be subsequently adopted, regarding an update of the “AE” (Exclusive Agricultural) Zoning District for “Uses Permitted with a Conditional Use Permit” (Section 15.330.040 of the Glenn County Code). As directed by the Glenn County Board of Supervisors, the Planning & Public Works Agency has reviewed and developed an update to Title 15 of the Glenn County Code under Zone Change 2015-001 in order to provide guidance on permit processing for power generation facilities.

Additional information is included in the attached Planning Commission Staff Report.

RECOMMENDATION(S):

That the Board of Supervisors;

(A) Conduct a Public Hearing in consideration of and decision for Zone Change2015-001; and

(B) Consider and decide on finding Zone Change 2015-001 exempt from the California Environmental Quality Act; and

(C) Consider and decide on adoption of Zone Change 2015-001.

HISTORY AND BACKGROUND:

On August 18, 2015, the Glenn County Board of Supervisors (Board) voted to adopt a Moratorium prohibiting the Planning & Public Works Agency (PPWA), and all of its departments/units, effective immediately, from accepting, processing, and/or setting for hearing before the Planning Commission any requests and/or applications for “Uses Permitted With a Conditional Use Permit” under Glenn County Code Section 15.330.040 (M) for a period of six months or until PPWA reviews and submits, and the Board adopts by ordinance, changes to said section.

PPWA Staff met with the Glenn County Farm Bureau, the Glenn County Agricultural Commissioner, and the University of California Cooperative Extension for Glenn County to determine where and how power generation facilities would be permissible in the Exclusive Agricultural Zone (Glenn County Code Chapter 15.330). Additionally, these meetings also discussed what standards would be applied to a power generation proposal in agricultural zoning districts.

On Wednesday, March 16, 2016, the Planning Commission public hearing regarding the proposed update to Title 15 of the Glenn County Code in which they recommended adoption of the proposed changes to Title 15 by the Glenn County Board of Supervisors with amendments incorporated by the Commission.
FISCAL / PERSONNEL IMPACT(S):
Not Applicable.

ANALYSIS / DISCUSSION:
This proposal is within the procedures established under Glenn County Code and California State law. Government Code section 50022.2 authorizes local government to adopt or amend any code. County Code Chapter 15.290 provides specifically for amending Title 15.

Findings for Environmental Determination:
The adoption of the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Public Resources Code section 15061(b) (3) (the "general rule" exemption). Therefore, in anticipation of the Board of Supervisors adopting the Ordinance, Staff has prepared a Notice of Exemption to be executed by the Planning & Public Works Agency Deputy Director.

ANALYSIS / DISCUSSION (continued):
Finding A.
The adoption of the proposed zone change is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 15061(b)(3) (the "general rule" exemption). The proposed project is a text change to the zoning ordinance, Title 15 of the Glenn County Code, and will not result in or otherwise compel any physical disturbance to the existing physical environment.

Findings for Zone Change 2015-001:
Finding 1.
That the proposed zone change promotes and protects public health, safety, peace, morals, comfort, convenience and general welfare of Glenn County by balancing the need to preserve productive farmland with the desire to create opportunities for alternative power generation facilities in Glenn County.

Finding 2.
That the proposed zone change will implement the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan by guiding development to meet agricultural preservation and alternative energy objects contained in the Glenn County General Plan.

Finding 3.
That the proposed zone change will protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County by establishing standards for development siting alternative energy facilities for the orderly, planned use of real property.
ORDINANCE NO. __________

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN, STATE OF CALIFORNIA, AMENDING TITLE 15 OF THE GLENN COUNTY CODE

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN, a political subdivision of the State of California, does ordain as follows:

SECTION I: Findings. The purpose of this ordinance is to provide guidance on permit processing for power generation facilities, as well as, provide for consistency in the requirement of permitting types while continuing to protect the public safety, health, and welfare of the citizens of Glenn County. The Board of Supervisors of the County of Glenn finds or declares as follows:

A. For consistency in the requirement of permitting types, it is the desire of the Board of Supervisors to modify the Zoning Code to provide guidance on permit processing for power generation facilities.

B. The Board of Supervisors finds and determines that the adoption of Zone Change 2015-001 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (the "general rule" exemption) in that the proposed project is a text change to the zoning ordinance, Title 15 of the Glenn County Code, and will not result in or otherwise compel any physical disturbance to the existing physical environment.

C. Zone Change 2015-001 change promotes and protects public health, safety, peace, morals, comfort, convenience and general welfare of Glenn County by balancing the need to preserve productive farmland with the desire to create opportunities for alternative power generation facilities in Glenn County.

D. Zone Change 2015-001 implement the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan by guiding development to meet agricultural preservation and alternative energy objects contained in the Glenn County General Plan.

E. Zone Change 2015-001 will protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County by establishing standards for development siting alternative energy facilities for the orderly, planned use of real property.

SECTION II: Proposed Amendments. Pursuant to Title 15 of the Glenn County Code, the Zoning Code is hereby amended as shown in Exhibit "A".

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is held by court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, sentence, clause, or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Zone Change 2015-001 1
SECTION IV: Conflict. All ordinances or parts of an ordinance or resolutions or parts of a resolution in conflict herewith are hereby repealed to the extent of such conflict and no further.

SECTION V: Effective. This ordinance shall take effect on ____________, and before the expiration of fifteen days after its passage, it shall be published at least once in a newspaper of general circulation in the County of Glenn.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the Board of Supervisors of the County of Glenn on ________________ , and adopted by the following vote on ________________ .

AYES:

NOES:

ABSENT:

ABSTAIN:

COUNTY OF GLENN:

____________________________________
LEIGH W. MC DANIEL , Chairman
Board of Supervisors
Glenn County, California

ATTEST:

____________________________________
DI AULABAUGH, Clerk of the Board,
Board of Supervisors, Glenn County, California

APPROVED AS TO FORM:

____________________________________
HUSTON T. CARLYLE, JR., County Counsel
Glenn County, California

Zone Change 2015-001
EXHIBIT “A”

TITLE 15: UNIFIED DEVELOPMENT CODE
DIVISION 3: DEVELOPMENT DISTRICTS
PART 1: STANDARD LAND USE DISTRICTS
Chapter 15.330: AE EXCLUSIVE AGRICULTURAL ZONE

15.330.040 Uses Permitted with a Conditional Use Permit
M. Power generation meeting Chapter 15.860;

TITLE 15: UNIFIED DEVELOPMENT CODE
DIVISION 3: DEVELOPMENT DISTRICTS
PART 1: STANDARD LAND USE DISTRICTS
Chapter 15.440: M INDUSTRIAL ZONE

15.440.030 Uses Permitted with a Conditional Use Permit
B. The following nonmanufacturing uses and associated structures shall be permitted in this zone only if a conditional use permit has first been secured:
4. Power generation facilities meeting Chapter 15.860;

TITLE 15: UNIFIED DEVELOPMENT CODE
DIVISION 5: SPECIAL USE STANDARDS

Sections:
15.860.010 Purpose
15.860.020 Definitions
15.860.030 Standards

15.860.010 Purpose
This purpose of this chapter is to facilitate the construction, installation and operation of power generation facilities in Glenn County in conformance with Section 15.010.020 of this Title.

15.860.020 Definitions
As used in this Chapter:
A. “Practicable” shall mean available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes.
B. “Uses Allowed” means one of the following:
1. Accessory Use – a power generation facility designed to serve on-site needs or a use that is related to the Primary Use of the property.
2. Direct Use – a power generation facility designed and installed to provide on-site energy demand for any legally established use of the property.
3. Primary Use – a power generation facility that uses over 50% of a lot and is devoted to power generation for offsite use.
4. Secondary Use – a power generation facility that is not the Primary Use of the property and occupies less than 50% of the lot area. This type of use would be considered conjunctive.

15.860.030 Standards
The following standards have been established to facilitate the location of power generation facilities delineating the permitting necessary for each different class identified. All other standards set forth by this Title remain applicable.

A. Permits Required
The table below shows the permit required for the different types of power generation facilities allowed under this Chapter. This table should be used in conjunction with the subparagraphs that follow in this section to identify permitting requirements. In all cases, there may be additional permits required by other governmental agencies other than the County and it is the permit applicant’s responsibility to comply with said permits. Evidence of compliance may be required for permit issuance.

<table>
<thead>
<tr>
<th>Uses Allowed</th>
<th>Direct Use</th>
<th>Accessory Use</th>
<th>Secondary Use</th>
<th>Primary Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Roof Mounted or Ground Mounted up to ½ acre)</td>
<td>(15% of lot size up to 5 acres whichever is less)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use/Zoning District</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Agriculture</td>
<td></td>
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<tr>
<td>AE, FA</td>
<td>P</td>
<td>SPR</td>
<td>CUP</td>
<td>CUP</td>
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<tr>
<td>Williamson Act</td>
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<td></td>
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<td></td>
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<tr>
<td>AP, FS, TPZ</td>
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<td>CUP</td>
<td>NP</td>
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<tr>
<td>Commercial</td>
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</tr>
<tr>
<td>LC, CC, SC, PDC</td>
<td>P</td>
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<td>NP</td>
<td>NP</td>
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<tr>
<td>RPM, M, AV</td>
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<td>SPR</td>
<td>CUP</td>
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<td>Residential</td>
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<td>RE, AT, RE-NW, R-1, R-M, RE-NW, MHP, PDR</td>
<td>P</td>
<td>ADM</td>
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<td>Other</td>
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<tr>
<td>MP, RZ</td>
<td>P</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
</tr>
</tbody>
</table>

B. Permitted Uses (P)

Direct Use power generation facilities may require the application for a Site Plan review depending on the requirements of the individual zoning district. Also, ground mounted facilities are subject to the lot coverage standards of each zoning district which may not allow for ½ an acre of lot coverage. Facilities that generate noise, dust, heat, or glare may not meet established performance standards which will require an applicant to secure a conditional use permit.

C. Administrative Permit (ADM)

See Chapter 15.180

D. Site Plan Review (SPR)

See Chapter 15.130.

E. Conditional Use Permit (CUP)

Secondary Use and Primary Use power generation facilities shall require an applicant to first secure a conditional use permit in accordance with Chapter 15.220 and the applicable zoning district. Issuance of said permit is subject to the following:


2. Proposed power generation projects in Agriculture and Williamson Act zoning districts, as defined in Section 15.860.030(A), shall be subject to the following requirements:
   a. Land designated as Prime Farmland, Farmland of Statewide Importance and Unique Farmland under the most recent California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program (FMMP) shall be avoided. When a proposed power generation use includes these lands as designated under the FMMP in Agriculture or Williamson Act zoning districts specified under Section 15.860.030(A), mitigation shall be required to secure replacement land of equal or greater farming potential at a ratio of 1:1. Said mitigation may be accomplished on the same lot.
b. Proposals for Secondary Use facility shall clearly demonstrate that the power generation use is subordinate to, practicable, and compatible with the primary agricultural use.

3. Williamson Act contracted lands may qualify for placement into a solar-use easement pursuant to California Government Code Section 51190 et seq. Any land owner who desires to take such action shall also secure a conditional use permit in addition to all other required procedures and permits.

F. Not Permitted (NP)
Zoning districts where power generation activities of any level of the uses allowed where such activities are not compatible, are prohibited by law, impracticable, or are detrimental to uses permitted under a particular zoning district are not permitted. There are no conditions under which a power generation facility could be allowed.

G. General Requirements
1. All power generation uses shall be subject to the requirements of the zoning district in which they are located.

2. All power generation uses allowed in an Agriculture or Williamson Act zoning district, as defined by Section 15.860.030(A), shall comply with Chapter 15.580 of this Title.

3. For all off-site facilities where a power generation use is located on more than one Lot, there shall be a proper easement agreement or other approved method for notification of all impacted parties.

4. When a power generation use will be located near a residence on an adjacent Lot, one of the following measures shall be used to preserve site aesthetics:
   a. A setback of at least 60 feet shall be required for solar panels, 150 feet for enclosed buildings, and 200 feet for wind turbines.
   b. Visual screening shall be installed for any power generation use located on or mounted to the ground to the maximum extent practicable. In all respects, the power generation use shall meet the requirements of Chapter 15.560 of this Title. Vegetative screens shall employ native species which are resistant to drought.
NOTICE OF EXEMPTION

To: County Clerk, County of Glenn,
516 W. Sycamore Street, 2nd Floor, Willows, CA 95988

From: Glenn County Planning & Public Works Agency
777 North Colusa Street, Willows, CA

Project Title: Zone Change 2015-001

Project Location: The unincorporated areas of Glenn County.

Description of Project: By amending the Title 15, Unified Development Code, the Planning &
Public Works Agency, acting on behalf of the County of Glenn, has initiated Zone Change 2015-
001 in order to provide guidance on permit processing for power generation facilities.

Name of Public Agency Approving Project:
Glenn County Board of Supervisors

Name of Person(s) or Agency Carrying Out Project:
Glenn County Planning & Public Works Agency

Exempt Status: General Rule Exemption:
Section 15061(b) (3) of the Guidelines for the California Environmental Quality Act (CEQA).

Reasons why project is exempt:
The adoption of the Zone Change 2015-001 and the corresponding Ordinance can be considered
exempt from (CEQA) pursuant to Guidelines section: 15061(b) (3): Public Resources Code
section 15061(b) (3) (general rule). The proposed project is a text change to the zoning
ordinance, Title 15 of the Glenn County Code and will not result in or otherwise compel any
physical disturbance to the existing physical environment. Therefore, pursuant to CEQA, staff has
prepared this Notice of Exemption.

Lead Agency Contact Person:
Planning Staff, Glenn County Planning & Public Works Agency
777 North Colusa Street, Willows, CA 95988  (530-934-6540)

Signature: ___________________________  Date: ___________________________
Di Aulabaugh, Deputy Director
RESOLUTION MAKING FINDINGS AND RECOMMENDING APPROVAL OF ZONE CHANGE 2015-001 TO THE GLENN COUNTY BOARD OF SUPERVISORS

WHEREAS, on Wednesday, March 16, 2016, pursuant to the Glenn County Code, a public hearing was held to amend Title 15 of the Glenn County Code as described in Exhibit “A” attached hereto and incorporated herein; and

WHEREAS, the Glenn County Planning & Public Works Agency has reviewed the proposed Zone Change 2015-001 for the County of Glenn and placed the matter as an item for review on the agenda of the Planning Commission on Wednesday, March 16, 2016; and

WHEREAS, pursuant to Section 65901 of the California Government Code, notice was given of a public hearing by publication in a newspaper of general circulation in the County of Glenn; and,

WHEREAS, the Planning Commission after considering all the evidence, both written and oral, presented at said public hearing, did find that there was sufficient information available to enable them to make a fair and impartial decision.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission as follows:

Environmental Document:

Finding A.

The adoption of the proposed zone change is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 15061(b)(3) (the "general rule" exemption). The proposed project is a text change to the zoning ordinance, Title 15 of the Glenn County Code, and will not result in or otherwise compel any physical disturbance to the existing physical environment.

Zone Change 2015-001:

Finding 1.

That the proposed zone change promotes and protects public health, safety, peace, morals, comfort, convenience and general welfare of Glenn County by balancing the need to preserve productive farmland with the desire to create opportunities for alternative power generation facilities in Glenn County.
Finding 2.
That the proposed zone change will implement the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan by guiding development to meet agricultural preservation and alternative energy objects contained in the Glenn County General Plan.

Finding 3.
That the proposed zone change will protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County by establishing standards for development siting alternative energy facilities for the orderly, planned use of real property.

This Resolution was adopted by the Planning Commission of Glenn County at a regular meeting thereof on Wednesday, March 16, 2016, by the following vote:

AYES: Commissioners Amaro, (Chair) Carriere, Costa, Irvin

NOES: None

ABSTAIN: None

ABSENT: Commissioner Cawthra

__________________________
Chair, Planning Commission
Glenn County, California

ATTEST:

__________________________
Di Aulabaugh, Deputy Director
Glenn County Planning & Public Works Agency

Zone Change 2015-001, County of Glenn
Planning Commission Resolution 2016-004
STAFF REPORT

MEETING DATE: March 16, 2016

TO: Glenn County Planning Commission

FROM: Planning Division Staff

SUBJECT: Zone Change 2015-001, Update of the “AE” Zoning District

An update of the “AE” (Exclusive Agricultural) Zoning District for “Uses Permitted with a Conditional Use Permit” (Section 15.330.040 of the Glenn County Code). As directed by the Glenn County Board of Supervisors staff is to review the matter of “power generation” activities in the “AE” Zoning District and consider new guidelines for how, where, or if these types of facilities could be permitted in agricultural areas.

Attachments:

1. Notice of Exemption
2. Planning Commission Resolution
3. Board of Supervisors Ordinance
4. Exhibit “A”
1. PROJECT SUMMARY:

The Planning & Public Works Agency, acting on behalf of the County of Glenn, has proposed an amendment to Title 15, Unified Development Code, with Zone Change 2015-001 in order to provide guidance on permit processing for power generation facilities in zoning districts where power generation facilities are permitted.

1.1 Considerations/Decisions:

That the Planning Commission:

A. Conduct a Public Hearing to consider and render a decision making a recommendation to the Glenn County Board of Supervisors on Zone Change 2015-001 finding it exempt from the California Environmental Quality Act and approve Zone Change 2015-001.

1. Consider and render a decision recommending to the Glenn County Board of Supervisors that Zone Change 2015-001 is exempt from the California Environmental Quality Act and;

2. Consider and render a decision adopting Planning Commission Resolution (2016-004) recommending that the Glenn County Board of Supervisors approve Zone Change 2015-001, with the findings listed in the Staff Report.

2. POLICY/PROCEDURE:

This proposal conforms to the procedures established under Glenn County Code and California State law. Government Code section 50022.2 authorizes local government to adopt or amend code. Glenn County Code Chapter 15.290 dictates the process for amending Title 15.

3. ANALYSIS:

3.1 Environment:

The adoption of the ordinance can be considered exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Public Resources Code section 15061(b) (3) (the "general rule" exemption). Therefore, pending the Glenn County Board of Supervisors adoption of the ordinance, staff has prepared a Notice of Exemption pursuant to CEQA. A project is exempt from CEQA if the activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed project is a text change to the zoning ordinance, Title 15 of the Glenn County Code, and will not result in or otherwise compel any physical disturbance to the existing physical environment.
3.2 Zone Change:

On August 18, 2015, the Glenn County Board of Supervisors (Board) voted to adopt a Moratorium prohibiting the Planning & Public Works Agency (PPWA), and all of its departments/units, effective immediately, from accepting, processing, and/or setting for hearing before the Planning Commission any requests and/or applications for “Uses Permitted With a Conditional Use Permit” under Glenn County Code Section 15.330.040 (M) for a period of six months or until PPWA reviews and submits, and the Board adopts by ordinance, changes to said section.

PPWA Staff met with the Glenn County Farm Bureau, the Glenn County Agricultural Commissioner, and the University of California Cooperative Extension for Glenn County to determine where and how power generation facilities would be permissible in the Exclusive Agricultural Zone (Glenn County Code Chapter 15.330). Additionally, these meetings also discussed what standards would be applied to a power generation proposal in agricultural zoning districts.

The term “power generation” is also listed under conditionally permitted uses in other zoning districts outlined in Title 15 of the Glenn County Code. As such, minor text changes from those districts have been included for consistency. Additionally, staff concluded that application of a uniform standard would be appropriate as agriculture is the dominant land use in Glenn County and it is highly likely that future projects on non-agriculturally zoned lands could impact on agriculturally zoned areas.

3.2.1 Power Generation Facilities:

During the past year, PPWA has begun to receive requests from land owners to develop ground mounted solar electric facilities on their property. In most cases, the power generated from the project was intended to meet power needs for facilities or operations located on-site, however; there was the potential for the generation of excess power which could be sold to a public utility company such as Pacific Gas and Electric. Recently, proposals have been submitted where the primary purpose of the ground mounted solar electric facility was to generate power for sale to a public utility for off-site use.

PPWA staff’s review of the Glenn County Code in relation to the Board’s request involved review of current codes and standards, researching practices in other areas, and discussions with other stakeholders. The majority of the material reviewed centered on siting and streamlining the permitting of alternative energy facilities such as solar energy systems and wind turbines. Also, the research materials discussed the issues of compatibility of these alternative energy facilities with agricultural production and other land uses. The discussion focused on the different types of power generation facilities and how they would impact the landscape. These types ranged from smaller accessory uses which supplemented power use on-site to large facilities which became the primary land use on any one parcel of land.

The following are PPWA Staff findings based on the research conducted above:
• Power generation has been a part of the agricultural zoning chapter of the Glenn County Code since at least 1974 and very possibly beyond.

• The Glenn County General Plan Energy Element encourages power generation activities in conjunction with agricultural land uses. It recognizes the mutual benefits of having power generation and agricultural operations working together such as using agricultural waste for a cogeneration power facility.

• Avoidance of prime soils is desirable. Any projects proposed where these soils are found are subject to mitigation related to the loss of farmland.

• Williamson Act does not allow power generation facilities as primary uses without changes to the Land Conservation Contract but may allow conjunctive use of power generation facilities meeting certain criteria with farming.

• The Glenn County Code appears to make a distinction between "power generation" and the installation of a similar facility by a public utility (Glenn County Code Section 15.330.040 (M) and (O)).

• Existing codes already provide many protections to assure that proposals in agricultural zones are compatible with agriculture and preserve farmland.

• Defining terms and thresholds is difficult as there many different ways that this is done by federal, state and local codes.

• In surrounding jurisdictions and other policy guidance on the relationship between alternative forms of power generation such as solar energy facilities or wind turbines in agricultural settings, the concerns center on land consumption, loss of productive farmland, and compatibility.

4. PROPOSED AMENDMENTS:

The following section includes the proposed amendments to Title 15 of the Glenn County Code. Additions to the code are denoted by the **bolded, italicized, and underlined format with the alternative font**. Sections to be deleted are denoted by the **italicized alternative strikethrough font**. Sections of the code included for reference are differentiated by the **italicized alternative font**.

**TITLE 15: UNIFIED DEVELOPMENT CODE**

**DIVISION 3: DEVELOPMENT DISTRICTS**

**PART 1: STANDARD LAND USE DISTRICTS**

Chapter 15.330: AE EXCLUSIVE AGRICULTURAL ZONE

15.330.040 Uses Permitted with a Conditional Use Permit

M. Power generation **meeting Chapter 15.860;**
DIVISION 3: DEVELOPMENT DISTRICTS
PART 1: STANDARD LAND USE DISTRICTS
Chapter 15.440: M INDUSTRIAL ZONE

15.440.030 Uses Permitted with a Conditional Use Permit
B. The following nonmanufacturing uses and associated structures shall be permitted in this zone only if a conditional use permit has first been secured:
   4. Power generation facilities meeting Chapter 15.860;

TITLE 15: UNIFIED DEVELOPMENT CODE
DIVISION 5: SPECIAL USE STANDARDS

Sections:
   15.860.010 Purpose
   15.860.020 Definitions
   15.860.030 Standards

15.860.010 Purpose
This purpose of this chapter is to facilitate the construction, installation and operation of power generation facilities in Glenn County in conformance with Section 15.010.020 of this Title.

15.860.020 Definitions
As used in this Chapter:
A. “Practicable” shall mean available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes.
B. “Uses Allowed” means one of the following:
   1. Accessory Use – a power generation facility designed to serve on-site needs or a use that is related to the Primary Use of the property.
   2. Direct Use – a power generation facility designed and installed to provide on-site energy demand for any legally established use of the property.
   3. Primary Use – a power generation facility that uses over 50% of a lot and is devoted to power generation for offsite use.
   4. Secondary Use – a power generation facility that is not the Primary Use of the property and occupies less than 50% of the lot area. This type of use would be considered conjunctive.

15.860.030 Standards
The following standards have been established to facilitate the location of power generation facilities delineating the permitting necessary for each different class identified. All other standards set forth by this Title remain applicable.

A. Permits Required
The table below shows the permit required for the different types of power generation facilities allowed under this Chapter. This table should be used in conjunction with the subparagraphs that follow in this section to identify permitting requirements. In all cases, there may be additional permits required by other governmental agencies other than the County and it is the permit applicant’s responsibility to comply with said permits. Evidence of compliance may be required for permit issuance.

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<td>Agriculture</td>
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<td>AE, FA</td>
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<td>SPR</td>
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B. Permitted Uses (P)

Direct Use power generation facilities may require the application for a Site Plan review depending on the requirements of the individual zoning district. Also, ground mounted facilities are subject to the lot coverage standards of each zoning district which may not allow for ½ an acre of lot coverage. Facilities that generate noise, dust, heat, or glare may not meet established performance standards which will require an applicant to secure a conditional use permit.

C. Administrative Permit (ADM)

See Chapter 15.180

D. Site Plan Review (SPR)

See Chapter 15.130.

E. Conditional Use Permit (CUP)

Secondary Use and Primary Use power generation facilities shall require an applicant to first secure a conditional use permit in accordance with Chapter 15.220 and the applicable zoning district. Issuance of said permit is subject to the following:


2. Proposed power generation projects in Agriculture and Williamson Act zoning districts, as defined in Section 15.860.030(A), shall be subject to the following requirements:
   a. Land designated as Prime Farmland, Farmland of Statewide Importance and Unique Farmland under the most recent California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program (FMMP) shall be avoided. When a proposed power generation use includes these lands as designated under the FMMP in Agriculture or Williamson Act zoning districts specified under Section 15.860.030(A), mitigation shall be required to secure replacement land of equal or greater farming potential at a ratio of 1:1.
   b. Proposals for Secondary Use facility shall clearly demonstrate that the power generation use is subordinate to, practicable, and compatible with the primary agricultural use.

3. Williamson Act contracted lands may qualify for placement into a solar-use easement pursuant to California Government Code Section 51190 et seq. Any land owner who desires to take such action shall also secure a conditional use permit in addition to all other required procedures and permits.

F. Not Permitted (NP)

Zoning districts where power generation activities of any level of the uses allowed where such activities are not compatible, are prohibited by law, impracticable, or are detrimental to uses permitted under a particular zoning district are not permitted. There are no conditions under which a power generation facility could be allowed.

G. General Requirements
1. All power generation uses shall be subject to the requirements of the zoning district in which they are located.

2. All power generation uses allowed in an Agriculture or Williamson Act zoning district, as defined by Section 15.860.030(A), shall comply with Chapter 15.580 of this Title.

3. For all off-site facilities where a power generation use is located on more than one Lot, there shall be a proper easement agreement or other approved method for notification of all impacted parties.

4. When a power generation use will be located near a residence on an adjacent Lot, one of the following measures shall be used to preserve site aesthetics:
   a. A setback of at least 60 feet shall be required for solar panels, 150 feet for enclosed buildings, and 200 feet for wind turbines.
   b. Visual screening shall be installed for any power generation use located on or mounted to the ground to the maximum extent practicable. In all respects, the power generation use shall meet the requirements of Chapter 15.560 of this Title. Vegetative screens shall employ native species which are resistant to drought.

5. ZONING:

The proposal is an amendment to the County Code Title 15. Below is a discussion of this proposal's consistency with the Unified Development Code:

5.1 Glenn County Code Section 15.010.020 A-C (Purpose of Title 15):

5.1.1 To promote and protect public health, safety, peace, morals, comfort, convenience, and general welfare.

The proposed text amendment to the Glenn County zoning ordinance is intended to balance the need to preserve productive farmland with the desire to create alternative energy sources and opportunities for said facilities in Glenn County. This proposal is consistent with the purposes of Title 15 as it promotes the general welfare of the public.

5.1.2 To implement the County General Plan and to facilitate and guide growth in accordance with the General Plan.

The Glenn County General Plan lays out policies to preserve productive agricultural land and to allow locations where alternative energy production could be established. The proposed change to the Glenn County Zoning Code will help guide development to meet both policy objectives.

5.1.3 To protect the social and economic stability of residential, commercial, industrial, resource production and recreational activities within the County through the orderly, planned use of real property.

The Glenn County General Plan acknowledges that agriculture is the primary economic driver in the county. It also recognizes the importance of pursuing alternative energy production. The proposed change to the Glenn County Code will guide development so that both economic segments can flourish in an orderly and planned manner so as to avoid conflicts between them.
6. **FINDINGS:**

6.1 **Environmental Document:**

**Finding A.**

The adoption of the proposed zone change is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 15061(b)(3) (the "general rule" exemption). The proposed project is a text change to the zoning ordinance, Title 15 of the Glenn County Code, and will not result in or otherwise compel any physical disturbance to the existing physical environment.

6.2 **Zone Change 2015-001:**

**Finding 1.**

That the proposed zone change promotes and protects public health, safety, peace, morals, comfort, convenience and general welfare of Glenn County by balancing the need to preserve productive farmland with the desire to create opportunities for alternative power generation facilities in Glenn County.

**Finding 2.**

That the proposed zone change will implement the Glenn County General Plan and facilitate and guide growth in accordance with the General Plan by guiding development to meet agricultural preservation and alternative energy objects contained in the Glenn County General Plan.

**Finding 3.**

That the proposed zone change will protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County by establishing standards for development siting alternative energy facilities for the orderly, planned use of real property.

7. **SAMPLE MOTIONS:**

7.1 **Notice of Exemption:**

I move that the Planning Commission recommend that the Board of Supervisors find the adoption of Zone Change 2015-001 exempt from the California Environmental Quality Act (CEQA) pursuant to the findings listed in the Staff Report.

7.2 **Zone Change 2015-001:**
(Furthermore) I move that the Chairman execute Planning Commission Resolution (2016-004), recommending that the Board of Supervisors approve Zone Change 2015-001, including the introduction and subsequent adoption of the corresponding Ordinance.