SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

DATE: **NOVEMBER 26, 2014**

TO: **AGRICULTURAL PRESERVE REVIEW COMMITTEE**

FROM: **TERRY WAHLER, SENIOR PLANNER, CURRENT PLANNING**

SUBJECT: **NOTICE OF MEETING OF THE AGRICULTURAL PRESERVE REVIEW COMMITTEE ON MONDAY, DECEMBER 8, 2014**

SUMMARY:

The fourth Agricultural Preserve Review Committee meeting for this year is scheduled for Monday, December 8, 2014 from 1:30 to 4:30 p.m. at:

Veteran's Hall
801 Grand Ave,
San Luis Obispo, CA 93401

(Please note the different location)

The agenda includes:

1. ACTION ITEM - RENEWABLE ENERGY STREAMLINING PROGRAM – PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE TO IMPLEMENT THE LAND CONSERVATION ACT OF 1965

If you have any questions or comments, or if you are unable to attend the meeting, please call me at 781-5621.

AGRICULTURAL PRESERVE REVIEW COMMITTEE AGENDA

December 8, 2014
1:30 - 4:30 p.m.

Veteran's Hall
801 Grand Ave, San Luis Obispo

---

1. Roll call.
2. Public comment period
3. Request for updated APRC member status.
4. ACTION ITEM - RENEWABLE ENERGY STREAMLINING PROGRAM – PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE TO IMPLEMENT THE LAND CONSERVATION ACT OF 1965
5. Staff Updates.
6. Scheduling of next meeting.
7. Adjournment.

AGRICULTURAL PRESERVE REVIEW COMMITTEE
DECEMBER 2014

ORGANIZATION, OR AGENCY	REGULAR MEMBER	ALTERNATE MEMBER
Agricultural Liaison Committee	Don Warden	Chuck Pritchard
Farm Service Agency	Jennifer Anderson	TBA
Cattlemen's Association	Dick Nock	Anthony Stornetta
Environmental Organization Member	Irv McMillan	Jon Pedotti
Farm Advisor	TBA	Royce Larsen
Farm Bureau	Hugh Pitts	Paul Clark
Land Conservancy of San Luis Obispo County	Kaila Dettman	Beverly Gingg
Public-at-Large Member	Robert M. Sparling	TBD
Soil Science Member	TBD	Lynn E. Moody
Wine Industry	Paul Hoover	Dana Merrill
County Agricultural Commissioner	Lynda Auchinachie	Marc Lea
County Assessor	Tom Bordonaro	Jeff Stranlund
County Department of Planning and Building Department	Bill Robeson	Kami Griffin

APRC(12-8-14)_LST

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

DATE: DECEMBER 8, 2014

TO: AGRICULTURAL PRESERVE REVIEW COMMITTEE

FROM: TERRY WAHLER, SENIOR PLANNER

SUBJECT: ACTION ITEM - RENEWABLE ENERGY STREAMLINING PROGRAM – PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE TO IMPLEMENT THE LAND CONSERVATION ACT OF 1965

RECOMMENDATION

Discuss and evaluate the proposed amendments to the Rules of Procedure to Implement the Land Conservation Act of 1965 and consider a recommendation to the Board of Supervisors or additional direction to staff.

DISCUSSION

Introduction

At the July 14th APRC meeting the Renewable Energy Streamlining Program and the potential implications for Williamson Act program were presented as a discussion item. The Committee discussed a number of issues pertaining to the siting of renewable energy facilities on Williamson Act land at this meeting. Please refer to the attached July APRC minutes to see the main points of the discussion. Based on County Counsel's recommendation, it was noted that the Committee's recommendation on actual amendments to the Rules of Procedure would need to wait until the Draft Environmental Impact Report was released so that the environmental issues could be considered as part of the recommendation. This is required by state law.

The Draft Environmental Impact Report was released on November 17, 2014 and is available both as a CD (enclosed with the Agenda Packet) and as a link to the Planning Department website at www.sloplanning.org.

Background

The Department of Planning and Building was awarded a Renewable Energy and Conservation Planning Grant by the California Energy Commission (CEC). The purpose of the grant is to provide funding for the county to evaluate its regulations and permitting process for alternative energy projects and find ways to streamline the review of these projects to help facilitate the development of new alternative energy projects in the county. Most of the alternative energy projects will be solar energy projects. However, other projects such as wind energy and biomass are also included.

Using a consultant paid for by the grant funding, the Department is reviewing ways to revise its policies, ordinances and combining designations to streamline development of renewable energy projects that meet specific criteria.

Small alternative energy projects have significant locational constraints because they must locate close to sub-stations with capacity to accept additional electrical generation and also locate close to appropriately sized electric distribution lines, otherwise the high cost of providing new infrastructure to feed electricity into the grid becomes a deterrent. Most of the sub-stations with capacity are located along the Highway 101 corridor.

Since a considerable amount of rural land is under Williamson Act land conservation contract and many alternative energy projects will likely seek to use contracted land, any effort to streamline alternative energy projects would be incomplete without an evaluation of the role contracted land will play. The focus is on commercial alternative energy projects that will sell electricity to power companies, not small solar voltaic systems for on-site use only, which are currently allowed on contracted land.

Currently, according to Table 2 of the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 (Rules of Procedure) *electrical generating plants* are prohibited on contracted land and are considered non-compatible uses.

In most cases the options for proponents of energy projects are as follows:

- Avoid property that is under Land Conservation Contract (selecting an alternate site on non-contracted land),
- File a Notice of Nonrenewal and allow the 9 to 10-year term to run on the contract before applying for a project,
- Cancel the Land Conservation Contract, subject to a lengthy and complicated review under the Cancellation process, involving stringent findings and substantial cancellation fees,
- Apply for a Solar Use Easement (under the provisions of the Wolk Bill – SB 618 – Government Code Section 51191 et. Seq.) in order to rescind the Land Conservation Contract and replace it with a Solar Use Easement, or
- Apply for an Easement Exchange subject to a lengthy review process, stringent findings and substantial cost to acquire suitable land for the exchange.

Although the non-renewal process is the longest, taking between 9 and 10 years, all of the other options involve considerable time and expense, lengthy environmental review and uncertainty since (in most cases) difficult findings must be made.

Through the Renewable Energy Streamlining effort the Department is also looking at the possibility of allowing small, low impact alternative energy projects on contracted land as a compatible use, in much the same way as (surface) Mining, Petroleum Extraction (oil wells) and Public Utility Facilities are currently listed as compatible uses and allowed by Table 2 of the Rules of Procedure.

The Williamson Act allows each local jurisdiction to define compatible land uses in their local rules and administer their local program while maintaining overall consistency with the intent of the Williamson Act.

If County decision makers wish to amend the Rules of Procedure, one way to streamline small scale, low impact alternative energy projects on contracted land would be to amend Table 2 to add a new category of land use specifically for small scale alternative energy projects or change

the current definition of what is included in an existing category (with specific criteria to limit their size and impact on agricultural resources). At minimum the criteria would have to ensure that the minimum eligibility standards for both Agricultural Preserves and land conservation contracts would be maintained. Also, each project would have to meet the "three principles of compatibility" under the Williamson Act.

Some issues for consideration include:

1) how to limit the project's impact on agricultural resources and operations both on-site and off-site

2) ensuring appropriate relative scale on varying sizes of contracted properties

3) dealing with projects on land with old contracts that do not meet current eligibility criteria but meet the criteria in effect at the time the property entered the Williamson Act program

4) possibility of requiring compliance with current eligibility standards and new replacement land conservation contracts

5) how to ensure that commercial agricultural use of the property is maintained as required by all land conservation contracts (enforcement issues)

6) restoration to agricultural use if the alternative energy project ceases

PROPOSED AMENDMENTS

It is suggested that the current USE GROUP "Electric Generation Plants" (renamed "Energy Generating Facilities" in the draft Renewable Energy Streamlining Program) be retained in Table 2 of the Rules of Procedure and a new category of energy facilities be added entitled "Renewable Energy Facilities." This use group would be allowed on non-prime soils in the Inland Area only subject to specific criteria in a new appendix. Renewable energy facilities generating power for onsite use (Tier 1) are currently allowable uses on contracted land and will continue to be allowable uses. The draft Renewable Energy Streamlining Program limits such onsite accessory renewable energy facilities to one-half acre (0.5 acre). This is more restrictive than requests we have permitted to date, mostly for large wineries. Facilities for onsite use may be larger than this but they must have discretionary review with a Minor Use Permit to ensure consistency with the Rules of Procedure. Staff will consider recommending that the 0.5 acre size limit for onsite accessory renewable energy facilities be increased. For purposes of clarity it may be best to include onsite facilities in Table 2 as a separate use group.

The criteria as currently proposed are as follows:

Tier 1 (not for onsite use) through 4 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" 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. The site area acreage for the REF shall not be located on areas of the property/parent parcel with soils types necessary to qualify for establishment of an agricultural preserve and entering into a land conservation contract.

4. A REF project must not involve removal of existing cultivated areas of the property unless the same or equal value crops are planted on equal quality soils. (There shall be no net decrease in the amount of cultivated land associated with the REF project).

5. A REF project may not be located on prime or potentially prime soils. (Any soils classified as Class 1 if irrigated or Class 2 if irrigated by the Natural Resource Conservation Service soils survey).

6. REF projects are not allowed on properties qualifying for preserves and contracts as High Productivity Prime Land (Small specialized Farms)

7. For properties qualifying as a Prime Land Preserves 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).

8. For properties qualifying as a Mixed Use (irrigated non-irrigated use) shall be required to have acreage 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.

9. 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.

10. 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.

11. REF project acreage may not exceed 20% of the total acreage within a land conservation contract.

12. 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.].

13. REF projects up to 20 acres in size may be reviewed by Department of Planning and Building staff through Site Plan Review for consistency with the Rules of Procedure and the Principles of Compatibility unless a discretionary use permit is required by Title 22, in which case the REF project 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.

14. REF projects over 20 acres in size on contracted land shall require Minor Use Permits (or conditional use permits if otherwise required by Title 22) and shall be presented to the Agricultural Preserve Review Committee for a recommendation to the Review Authority for the use permit. The Agricultural Preserve Review Committee shall base their review on the criteria in the Rules of Procedure and the Principles of Compatibility.

Example 1 – Tier 1 REF Project (up to 20 acres meeting REF Program standards)

A 50-acre parcel that qualifies for a Prime Land Agricultural Preserve and Land Conservation Contract with 40 acres of irrigated vineyard could apply for a 10-acre solar facility on the unused portion of the property and be consistent with the above criteria since the acreage proposed is equal to or less than 20% of the overall property acreage, does not involve planted acreage and the property meets the minimum parcel size for a Prime Land Agricultural Preserve. The Site Plan Review process could be used to permit the proposed facility if the land has been previously disturbed and is not on Class I or II soils.

Example 2 – Tier 2 REF Project (up to 40 acres meeting REF Program standards)

A 200-acre parcel that qualifies for a Dry Land Agricultural Preserve and Land Conservation Contract (with over 160 acres of gross acreage and 100 acres is in production on Class 3 or 4 soils) could comply with the above criteria with a 30-acre solar facility. The maximum allowable size of the facility is less than 20% of the entire site or 40 acres. In this example the 30-acre facility would also meet the requirement to maintain at least 160 acres available for dry land farming and unoccupied by the facility. The Minor Use Permit Review process could be used to permit the proposed facility if the land has not been previously cultivated and is not located on Class I or II soils.

Example 3 – Tier 3 REF Project (up to 160 acres meeting REF Program standards)

A 400-acre parcel that qualifies for a Range Land Agricultural Preserve and Land Conservation Contract (with over 320 acres gross acreage and over 100 acres of land with soils listed as "moderately to well suited" as range land by the Natural Resources Conservation Service) could apply for a 50-acre solar facility and comply with the above criteria.

The solar facility would be less than 20% of the gross acreage and maintain over 320 acres for the range land agricultural use. A 50-acre solar facility in the RE designation can use the Site Plan review process if it is not on Important Agricultural Soils and is not subject to environmental permits. Otherwise, a Minor Use Permit or Conditional Use Permit is required with greater environmental review and public hearings.

Staff working on the RESP program will attend the meeting to provide additional information and answer questions. Staff will also give a PowerPoint presentation and show examples of how the above criteria would apply to a range of properties, for example irrigated winery properties, dry farm properties and range land properties.

Please see the attached Memo from James Caruso for a brief discussion of environmental impacts. For a more in depth discussion please also see the Draft EIR provided for your review in the attached CD, especially the section on Agriculture. The Draft EIR is also available via a Planning Department Website link at www.sloplanning.org.

ATTACHMENTS:

1. **Memo from James Caruso dated November 25, 2014**

2. **Excerpts from the Minutes of the July 2014 meeting of the Agricultural Preserve Review Committee**

3. **Renewable Energy Streamlining Program (RESP) Public Review Draft EIR**

   http://www.slocounty.ca.gov/Assets/PL/Draft+EIR+Notice+of+Availability/Renewable+Energy+Streamlining+Program+DEIR.pdf

SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

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

DATE: November 25, 2014

TO: Terry Wahler, Senior Planner

FROM: James Caruso, Senior Planner

SUBJECT: Renewable Energy Streamlining Program (RESP) Public Review Draft and Draft EIR to allow certain renewable energy projects on Williamson Act contracted land as compatible uses, subject to certain criteria.

BACKGROUND

The RESP and accompanying Draft EIR have been released for public review and comment. One aspect of the RESP proposes to revise the Rules of Procedure to conditionally allow renewable energy facilities (REF) on Williamson Act lands. Currently, the Rules of Procedure do not allow renewable energy facilities on contracted lands. The purpose of the RESP is to encourage the development of renewable energy facilities in the county and to streamline development approval of such projects. Development of standards to allow these facilities to be compatible with Williamson Act lands is an important part of the RESP.

REF projects have significant locational constraints because they must locate close to sub-stations with capacity to accept additional electrical generation and also locate close to appropriately sized electric distribution lines. Otherwise, the high cost of providing new infrastructure to feed electricity into the grid becomes a deterrent. Most of the sub-stations with available capacity are located along the Highway 101 corridor. The northern part of the county has significant solar resources available but also contains many acres of Williamson Act land.

PROPOSED AMENDMENTS

The RESP proposes to revise Table 2 of the Rules of Procedure to create a new Use Group entitled "Renewable Energy Facilities." This use group would be allowed on non-prime soils in the Inland Area only, subject to specific criteria in a new appendix (Appendix 1). Small renewable energy facilities generating power for onsite use (Tier 1 – accessory uses) are currently allowable uses on contracted land and will continue to be allowable uses.

Larger Tier 1 and Tier 2 through 4 REF projects are proposed to be allowed on contracted land if they can satisfy rigorous criteria:

Permit requirements for solar and wind energy are summarized in this table.

Zoning Clearance	Site Plan Review	Minor Use Permit	Conditional Use Permit
Tier 1 (solar) roof- or structure-mounted – located on the roof or structure of a conforming use or structure	Tier 1 (solar) – 20 acres or less, ground-mounted, not on Class I or II soils and meets one of the following: • previously developed or degraded lands • on land that is graded, disturbed or altered	Tier 2 (solar) – 40 acres or less outside an RE designation and meets the following: • located in urban areas or rural sites designated CS or IND • not located in SJKF habitat • not subject to environmental permits	Tier 3 (solar) – 160 acres or less outside RE designations Tier 4 – more than 160 acres
	Tier 2 (solar) – 40 acres or less in an RE designation and meets all the following: • other than Open Space or REC categories • not subject to environmental permits • not on Important Ag. Soils		
Tier 1 (wind) – roof- or structure-mounted	Tier 3 (solar) – 160 acres or less in an RE designation and meets the following: • in the CS, IND or AG categories • not subject to environmental permits • not on Important Ag. Soils	Tier 2 (wind) – ground mounted and meets the following: • up to 100 feet tall • no more than 2 mw capacity	Tier 3 (wind) – greater than 100 feet or rated at more than 2 mw

Draft EIR

A draft EIR has been prepared for the RESP. The Draft EIR is a Program EIR in that it evaluates changes to policies and ordinances, not a specific building project. However, in order to identify potential impacts of the RESP, it was assumed that 150 megawatts of renewable energy will be produced as a result of the RESP, with 1500 acres of Important Agricultural Soils

affected. Agricultural Resource impacts are identified in Section 3.2. The draft EIR has determined that the proposed RESP will have the following two Class I impacts (significant and unavoidable after mitigation is applied) on Agricultural Resources (the environmental analysis includes all agricultural lands, not just Williamson Act lands).

1. Impact 3-2-1 - Implementation of the proposed project could convert Important Agricultural Soils to nonagricultural use. This impact is considered significant, unavoidable, and adverse (Class I).

This determination is reached because Tier 1 solar facilities (up to 20 acres) will not be required to provide conservation easements to compensate for potential impacts to agricultural lands.

2. Impact 3-2-1 (Policy Changes) - Implementation of the proposed Program could result in changes to countywide policies that could indirectly result in the conversion of Important Agricultural Soils to nonagricultural use. This impact is considered significant, unavoidable, and adverse (Class I).

The development of the RESP and Draft EIR occurred simultaneously. The ordinance was revised as the environmental analysis proceeded, allowing the ordinance to include mitigation measures that reduced most potentially significant impacts to a less than significant level. Compliance with these ordinance provisions provides for differing levels of streamlining depending on Tier and location.

- Tier 1 (20 acres or less) Site Plan Review
  - Not located on Class I or II soils
  - On land that is graded, disturbed or altered

- Tier 2 (40 acres or less) Site Plan review
  - Located in an RE combining designation
  - Not in Open Space or Recreation land use designations
  - Not located on Important Agricultural Soils
  - Not subject to environmental permits

- Tier 3 (160 acres of less) Site Plan Review
  - Located on Commercial Service, Industrial or Agriculture-designated land
  - Not located on Important Agricultural Soils
  - Not subject to environmental permits

However, only Tier 1 size solar facilities can be streamlined with Site Plan Review on Williamson Act property. Other tiers must go through the Minor Use Permit process. Other Class I impacts (significant and unavoidable) of the RESP include visual resource and land use impacts.

Alternatives

CEQA requires an EIR to identify and evaluate alternatives to the proposed project. In this case, three alternatives were evaluated: 1) no project; 2) reduced RE combining designation footprint (10-mile to five-mile radius around electrical sub-stations); 3) 40-acre maximum size for streamlined renewable energy projects.

Excerpts from the Minutes of the July 14, 2014 Agricultural Preserve Review Committee Meeting

AGRICULTURAL PRESERVE REVIEW COMMITTEE

Present:

Don Warden	Agricultural Liaison Committee
Jennifer Anderson	Farm Service Agency
Dick Nock	Cattlemen's Association
Irv McMillan	Environmental Organization Member
Robert Sparling	Public-at-Large (for Items 7, 8, and 9)
Lynda Auchinachie	County Agriculture Department
Jeff Stranlund	County Assessor
Kaila Dettman	Land Conservancy of San Luis Obispo
Dana Merrill	Wine Industry
Kami Griffin	County Planning and Building Department

Absent:

Robert Sparling	Public-at-Large (absent for Items 4, 5 and 6)
Royce Larson	Farm Advisor
Hugh Pitts	Farm Bureau
Lynn E. Moody	Soil Science

It is determined there is a quorum for today's meeting.

COUNTY STAFF:

Terry Wahler	Williamson Act Program Manager, Department of Planning & Building
Jim Orton	Deputy County Counsel
James Caruso	Senior Planner

AGENDA ITEM #9 - Discussion Item: Renewable Energy Streamlining program – Implications for Williamson Act program.

Kami Griffin clarifies for the members that this item is not an "action" item, just a discussion item.

James Caruso: discusses the Renewable Energy Streamlining program in terms of its effect on the Williamson Act. States this discussion will be an item going to the Planning Commission by the end of 2014 with a recommendation from the APRC.

Irv McMillian: asks how many energy sources will be included with Mr. Caruso stating commercial wind, bio mass generation, and solar.

Kaila: Asks how you are proposing to keep Williamson Act contracts intact and viable.

James: ensuring that at least the contract minimum amount of land remains unencumbered and EIR is being prepared which will include performance standards.

Terry Wahler: explains to the APRC the compatible uses under Table 2. Discusses APRC's review of surface mines, and oil extraction in terms of current compatible uses on contracted land. These land uses allow supplemental income to help grazing land properties. Discusses proximity of solar facilities to substations Asks if Committee Members want to have more rural land or ag properties able to have supplemental income through these alternative energy facilities, or would they want this very narrowly constrained. These would likely be amendments to Table 2. Would like feedback from the APRC on how they feel about small well defined, low impact facilities on agricultural properties and developing standards that would ensure agricultural operations are not interfered with.

Lynda Auchinachie: asks if a solar facility goes on the land, does the land continue to be assessed at the agricultural level, or is it some different level.

Jeff Stranlund: states income is applied to the property which increases the assessment. Explains how estimates are calculated in terms of restricted values and easements.

Terry Wahler: asks how surface mines are assessed with Mr. Strandlund explaining they may be assessed separately.

Dick Nock: asks about the income that is reported about agricultural preserves each year as additional income –would that solve the problem. Hypothetically speaking -asks if he had an alternative energy source located on his property, receiving added income for it, he would have to report it to the assessor based on the income from the ranch.

Terry Wahler: asks if this was similar to what a winery would divulge.

Jeff Stranlund: explains if you have a commercial use as a compatible use on contracted land the Assessor is supposed to come up with economic rent for the site and value the site accordingly.

Dick Nock: asks what must change in order to authorize this to happen.

Terry Wahler: explains it depends upon what land uses are recommended by Committee Members to be allowed as compatible uses, but probably the best way to make the amendments would be to change the allowed uses in Table 2. You could change existing categories outright or create a new category i.e. "small electrical generating" plants to allow small scale alternative energy.

James Caruso: states we are using the term "Renewable" in the ordinance, such as in "renewable energy".

Terry Wahler: explains the steps to make changes which would be drafting changes to the Rules of Procedure, which would then go to the Planning Commission and the Board of Supervisors. States that there will be an environmental review process required and the approach would be to have the Rules of Procedure amendments go as a companion to the renewable energy streamlining package which Mr. Caruso and the consultants are working on.

Jim Orton: asks if the Planning and Building Department is considering making these small scale energy facilities an allowed use with Mr. Wahler stating 'yes' with limitations. States the goal is to have

ministerial approvals that are easy to obtain. Mentions the section in the Government Code where you may only use Conditional Use Permits (CUPs) on non-prime land if it isn't listed as a compatible use already. So to have it work you would have to change it to be an allowed use, that is compatible with a distinction between what is small and what is large.

James Caruso: adds that this needs to be defined carefully due to our intent in only allowing a certain size.

Kaila: asks who defines what is small or large with Mr. Caruso stating that this will be determined at further meetings.

James Caruso: explains the department is time-constrained in that this needs to be accomplished by the end of the year. Then proposals of specifics can be taken and inserted into the staff report with recommendations on size.

Terry Wahler: states that at the next APRC meeting staff would present some criteria for the APRC's review where sections would be identified that needed to be changed in the Rules of Procedure and then receive input from the APRC on size, scale, location, intensity of land issue and how these can be integrated with agricultural land uses. And then we would agendize that into an item which the APRC can make a recommendation on. There would need to be a roll call vote as there may not be complete consensus on each category. Then at the next APRC meeting, which would probably be in September, there could be specific changes presented and a formal recommendation that could go on to the Planning Commission in the fall so that these changes coincide with the Mr. Caruso's ordinance update to the Board of Supervisors. Discusses the Williamson Act provision that allows the use of the Conditional Use Permit (CUP) process for conditions and mitigation measures to craft a compatible project that isn't otherwise listed as compatible. So as Counsel put it, if the goal is to do streamlining and you don't want to use CUPs because of the lengthy process, ministerial permits would be used (and these would need to be listed as compatible uses in Table 2).

Kaila: asks if a project fits within the streamlining criteria, would it still come before the APRC for review. With Mr. Wahler stating it could. Or it may be set up so that very small operations could be listed in the Rules of Procedure as not requiring the APRC's recommendation and the bigger ones could come before the APRC. However, the APRC recommendation is for any request going before a hearing body.

James Caruso: discusses different approaches to streamlining starting with ministerial permits where there are no hearings, no appeal periods, or CEQA review. However, "small scale" projects need to be defined for everyone.

Kaila: asks if there are any current requests from anyone wishing to have alternative energy on their contracted land with Mr. Caruso stating not at this time.

Terry Wahler: suggests having new definitions reflect current technology because new requests with different technologies may not fit into the current definitions. Continues using a previous applicant's case in which he had a "sub-station" on his property. Asks Mr. Caruso about whether or not PG&E is building substations.

James Caruso: reports PG&E is not building substations anymore.

Kaila: states one of her concerns is i.e. how big and who the reviewing parties are because with smaller streamlining projects these types make sense to her to have streamlined.

Terry Wahler: feels there will have to be more criteria in the Rules of Procedure than what is currently there. Perhaps have a checklist to make it as easy as possible for the reviewer because if they are approved with discretionary permits these will move fast and the criteria needs to be understandable.

Irv McMillian: wonders if the APRC should wait until the EIR is out before changing the Rules of Procedure.
James Caruso: discusses timing and reports the draft EIR will not be out until late August. States staff could bring the draft section on agriculture to the APRC and asks Mr. Wahler what his timing and deadlines are for APRC meetings.

Terry Wahler: feels the earliest meeting the APRC can have is towards the end of August because most materials regarding a meeting need to be distributed two weeks in advance.

Kami Griffin: asks if the APRC were to wait until the draft EIR is released then the next meeting would probably be in September.

Jim Orton: asks when the final EIR will be completed with Mr. Caruso stating it must be completed in the fall around Thanksgiving. States the recommending body must consider the environmental document when they make an action.

Terry Wahler: explains these would be handled as "companion" amendments i.e. ordinance changes that are proposed should be done in line with changes to the APRC Rules of Procedure. States it does create some difficulty when the final recommendation comes from the APRC before being heard at Planning Commission level because at that point there will not be an adopted environmental document.

Jim Orton: states this is a potential problem which Mr. Wahler should confer with Whitney McDonald about. States CEQA guidelines have a requirement that any review bodies that make recommendations consider environmental documents.

James Caruso: states the timing needs to be worked out as there is a possibility there would need to be a November APRC meeting.

Kami Griffin: explains there could be an initial meeting for further discussion and then a final meeting to make the recommendation.