Draft Renewable Energy Streamlining Program

Proposed Amendments to the County of San Luis Obispo General Plan, Land Use Ordinance, and Conservation Act Rules of Procedure

Department of Planning and Building

November 17, 2014

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Introduction

The County of San Luis Obispo (County) prepared this Draft Renewable Energy Streamlining Program (RESP) to streamline permitting of certain renewable energy projects in the most suitable locations in the unincorporated inland area of the county. This is accomplished through revisions to County ordinances and policies. The Coastal Zone is not part of this program. The goal of streamlining is to increase the certainty of the permitting process and reduce the time it takes to review renewable energy development projects. The RESP and the Draft EIR together seek to balance the encouragement of renewable energy with the protection of natural resources.

The RESP requires revisions to many chapters of the Land Use Ordinance (LUO) and revisions to policy documents such as the Conservation and Open Space Element (COSE) and the Land Use and Circulation Elements. The following are the revisions to each chapter of the LUO and policy documents. These revisions are in *legislative format* with <u>additions to text underlined</u> and deletions crossed out. Please note that the changes reflect the important new development standards for renewable energy projects.

1. Land Use and Circulation Elements, County of San Luis Obispo General Plan
   - Part 1 Framework for Planning
   - Part II – Area Plans
2. Conservation and Open Space Element, County of San Luis Obispo General Plan
   - Energy Chapter
   - Glossary
3. Land Use Ordinance, Title 22 of the County of San Luis Obispo Code
   - Section 22.06 – Allowed Uses
   - Section 22.08 – Permit requirements
   - Section 22.10 – General Development Standards
   - Section 22.14 – Combining Designations
   - Section 22.22 – Subdivision Design
   - Section 22.32 – Electricity Generation
   - Section 22.80 – Definitions
   - Section 22.94 – North County Area
   - Section 22.96 – San Luis Obispo Area
   - Section 22.98 – South County Area
   - Section 22.104 – North County Area Urban and Villages
   - Section 22.106 San Luis Obispo Area Villages
   - Section 22.108 South County Area Villages
4. Rules of Procedure to Implement the California Land Conservation Act of 1965

Contact James Caruso, Project Manager, 805-781-5702 or jcaruso@co.slo.ca.us, with requests for information or to provide comments. The deadline to submit comments is January 2, 2015. The County Planning Commission and Board of Supervisors will consider the project during study sessions and public hearings during January – March 2015.

Proposed Amendments:
Land Use and Circulation Elements (Inland)
County of San Luis Obispo General Plan

Public Review Draft

November 2014

County of San Luis Obispo General Plan, Land Use and Circulation Elements, Framework for Planning (Inland), Chapter 7, page 7-1 is proposed to be amended as follows:

A. COMBINING DESIGNATIONS

Summary of Designations

The LUE uses the following ten ~~nine~~ combining designations: [Amended 1996, Ord. 2776]

AR Airport Review: Applied to areas identified in the various county airport land use plans where proposed developments receive special review (to avoid land uses incompatible with airport operations), as well as areas within airport approach and departure patterns.

GSA Geologic Study Area: Applied to: areas identified in the Alquist-Priolo Geologic Hazard Zones Act as "Special Studies Zone" (Public Resources Code Section 2622); to areas within urban and village reserve.

County of San Luis Obispo General Plan, Land Use and Circulation Elements, Framework for Planning (Inland), Chapter 7, page 7-2 is amended to insert the following combining designation definition following the Extractive Resource Area summary:

EX1 **Extractive Resource Area:** Applied to areas, including active mines, which the California Department of Conservation's Division of Mines and Geology has classified as containing or being highly likely to contain significant mineral deposits. Any such areas which are subsequently formally designated by the State as containing mineral deposits of statewide significance should be included in the EX combining designation subject to an amendment of the Land Use Element [Amended 1991, Ord. 2498].

NOTE: The classification information developed by the State is contained in a report titled "Special Report 162, Mineral Land Classification of Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo - Santa Barbara Production-Consumption Region, 1989." That report, together with the accompanying classification maps, are incorporated by reference herein as though set forth in full [Amended 1991, Ord. 2498].

RE **Renewable Energy Area:** Applies to areas where renewable energy production is favorable and prioritized. Within these areas, the County encourages distributed renewable energy development by streamlining permit requirements and environmental review in a manner that would not degrade ecosystems, agricultural resources, and other environmental resources.

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County of San Luis Obispo General Plan, Land Use and Circulation Elements, Framework for Planning (Inland), Chapter 7, page 7-10 is amended to insert the description of the proposed renewable energy combining designation following the description of the TDCS/TDCR Transfer of Development Credits-Sending and Receiving Sites description as follows:

RE – RENEWABLE ENERGY AREAS

Purpose

1. To encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources.

2. To identify areas of the county where: (1) renewable energy production is favorable, (2) the production of distributed renewable energy resources is prioritized, and (3) permit requirements are structured to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs).

3. To protect the development and use of locally appropriate distributed renewable energy resources in priority areas in a manner that will not degrade ecosystems, agricultural resources, and other environmental resources.

4. To notify landowners and the general public of areas where development of renewable energy resources is prioritized.

General Objectives

The Land Use Ordinance should provide detailed criteria for the review and processing of renewable energy projects to achieve the following objectives:

1. Where feasible, standards should simplify and streamline the land use permit and environmental review process for renewable energy facilities.

2. Performance standards for renewable energy facilities shall protect environmental resources, agricultural resources, and surrounding communities.

County of San Luis Obispo General Plan, Land Use and Circulation Elements (Inland, Part II), The Area Plans, Carrizo Area Plan, Section 6.2, Area Plan Combining Designations, Page 11.6-2, is proposed to be amended to add the Renewable Energy combining designation as follows:

9. **Renewable Energy (RE).** Identifies areas where renewable energy production is favorable and prioritized. Within these areas, the County encourages distributed renewable energy development by streamlining permit requirements and environmental review in a manner that would not degrade ecosystems, agricultural resources, and other environmental resources.

County of San Luis Obispo General Plan, Land Use and Circulation Elements (Inland, Part II), The Area Plans, North County Area Plan, Section 6.2, Area Plan Combining Designations, Page III.6-10, is proposed to be amended to add the Renewable Energy combining designation as follows:

Transfer of Development Credits Receiving Site

56. **Smith Property Transfer of Development Credits Receiving Site (TDCR).** A parcel map (CO 98-194, Smith) has been recorded on this site located at the intersection of El Pomar Drive and Moss Lane. This parcel map was approved as a receiving site for transfer of development credits (TDCs) in accordance with the Land Use Ordinance.

57. **Spanish Lakes Transfer of Development Credits Receiving Site (TDCR).** A cluster subdivision (Tract 2308, Spanish Lakes) has been recorded on a site located between Creston Road and South River Road, south of Paso Robles. This tract was approved as a receiver site for transfer of development credits (TDCs) in accordance with the Land Use Ordinance, and the TDCs were used to achieve higher density than would otherwise be allowed for the applicable land use category.

Renewable Energy (RE)

58. **Renewable Energy (RE).** Identifies areas throughout the North County Planning Area where renewable energy production is favorable and prioritized. Within these areas, the County encourages distributed renewable energy development by streamlining permit requirements and environmental review in a manner that would not degrade ecosystems, agricultural resources, and other environmental resources.

County of San Luis Obispo General Plan, Land Use and Circulation Elements (Inland, Part II), The Area Plans, San Luis Obispo Area Plan, Section 6.2, Area Plan Combining Designations, Page IV.6-6, is proposed to be amended to add the Renewable Energy combining designation as follows:

Renewable Energy (RE)

1. **Renewable Energy (RE).** Identifies areas throughout the San Luis Obispo Planning Area where renewable energy production is favorable and prioritized. Within these areas, the County encourages distributed renewable energy development by streamlining permit requirements and environmental review in a manner that would not degrade ecosystems, agricultural resources, and other environmental resources.

County of San Luis Obispo General Plan, Land Use and Circulation Elements (Inland, Part II), The Area Plans, South County, Section 6.2, Area Plan Combining Designations, V.6-1, is proposed to be amended to add the summary of the Renewable Energy combining designation as follows:

6.2 Area Plan Combining Designations

The following combining designations are located within the South County Planning Area:

Summary of Combining Designations

The Land Use Element uses the following ~~seven~~ combining designations inland of the coastal zone. Some combining designations are not applicable to the South County Planning Area:

AR Airport Review: Special review areas that are identified in the various County and Paso Robles airport land use plans where proposed developments are reviewed to avoid land uses incompatible with airport operations.

GSA Geologic Study Area: Areas within urban and village reserve lines that are subject to "moderately high to high" landslide risk or liquefaction potential; and to land outside urban reserve lines subject to high landslide risk potential, according to the Seismic Safety Element.

FH Flood Hazard: Flood-prone areas identified through review of available data from various federal, state or local agencies.

H Historic Site: Areas of unique historical significance.

SRA Sensitive Resource Area: Areas having high environmental quality and special ecological or educational significance.

EX Energy or Extractive Area: Areas where oil, gas or mineral extraction occurs, is proposed or where the State Geologist has identified petroleum or mineral reserves of statewide significance, and areas of existing or proposed energy-producing facilities.

EX1 Extractive Resource Area: Areas, including active mines, that the California Department of Conservation's Division of Mines and Geology has classified as containing or highly likely to contain significant mineral deposits.

RE Renewable Energy Area: Areas with potential for renewable energy development in order to prioritize such development and provide streamlined permit requirements.

County of San Luis Obispo General Plan, Land Use and Circulation Elements (Inland, Part II), The Area Plans, South County Area Plan, Section 6.2, Area Plan Combining Designations, IV.6-6, is proposed to be amended to add the Renewable Energy combining designation as follows:

Transfer of Development Credits Site (TDCS)

1. **Nipomo Bluffs (TDCR).** The area defined by 1996 Assessor Parcel Numbers 092-021-035 and 092-031-018, 019, commonly referred to as the Nipomo Bluffs project, has been determined to be eligible to be considered for the Transfer of Development Credit Receiving Site (TDCR) Combining Designation. A determination on the density shall occur during review of a tentative map by the Review Authority.

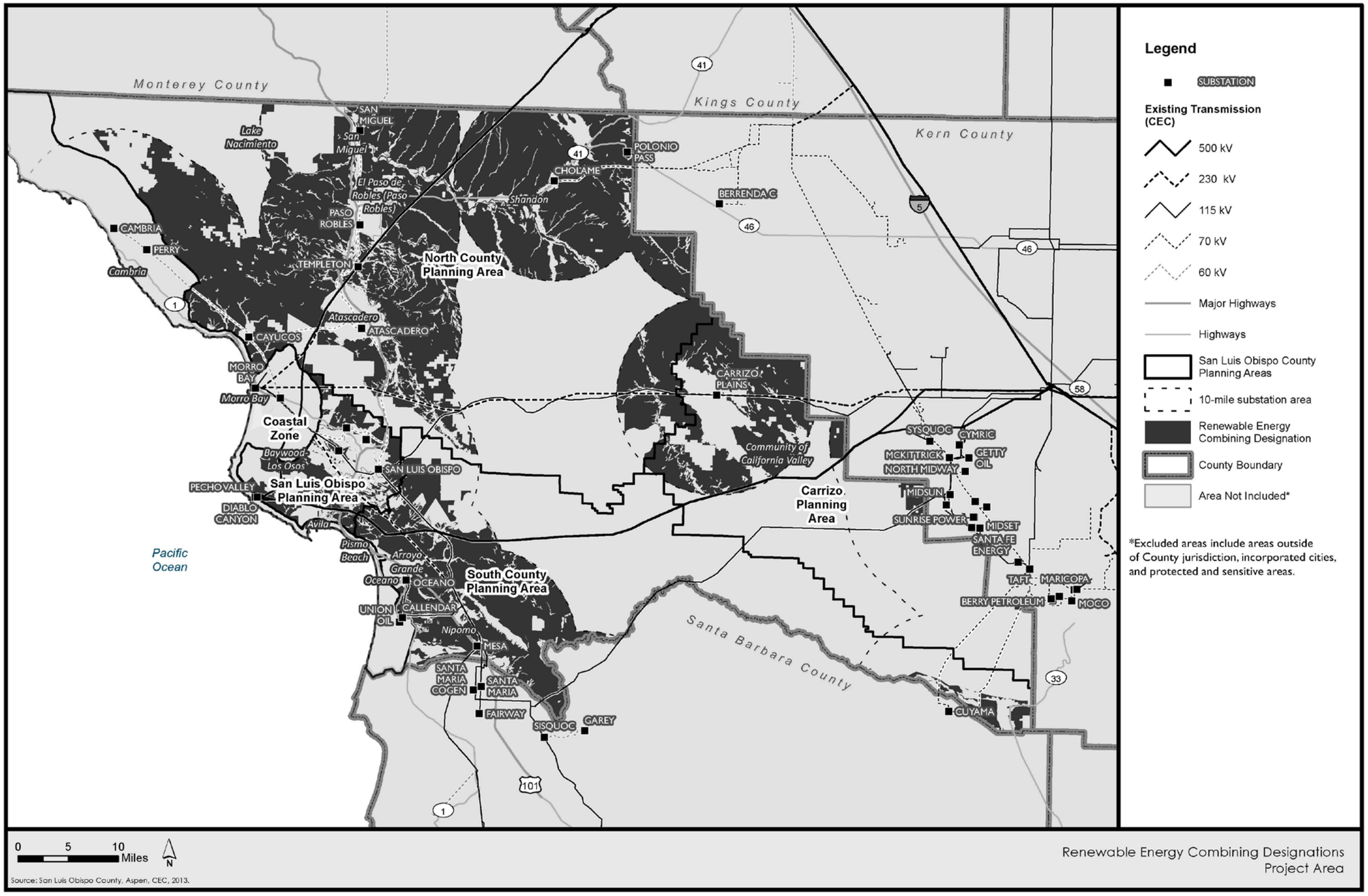
2. **Black Lake Specific Plan (TDCR).** The area defined in the Black Lake Specific Plan, has been determined to be eligible to be considered for the Transfer of Development Credit Receiving Site (TDCR) Combining Designation. Specific density, use and permit requirements are set forth in the Specific Plan.

3. **Black Lake Canyon (TDCS).** The narrow marsh extending inland from Dune Lakes has been determined to be eligible to be considered for the Transfer of Development Credit Sending Site (TDCS) Combining Designation. Sites in this area shall only be reviewed as to method of determining development value and issuance of bonus credits by the Review Authority. The guarantee of conservation shall be based on the method that would otherwise have been used to determine eligibility as a sending site.

Renewable Energy (RE)

Renewable Energy (RE). Identifies areas throughout the South County Planning Area where renewable energy production is favorable and prioritized. Within these areas, the County encourages distributed renewable energy development by streamlining permit requirements and environmental review in a manner that would not degrade ecosystems, agricultural resources, and other environmental resources.

County of San Luis Obispo General Plan, Land Use and Circulation Elements, The Area Plans (Inland, Part II). The following maps of the Renewable Energy Combining Designation will be added to the Element.


Legend
SUBSTATION
Existing Transmission (CEC)
500 kV
230 kV
115 kV
70 kV
60 kV
Major Highways
Highways
San Luis Obispo County Planning Areas
10-mile substation area
Renewable Energy Combining Designation
County Boundary
Area Not Included*
*Excluded areas include areas outside of County jurisdiction, incorporated cities, and protected and sensitive areas.
Monterey County
Kings County
Kern County
Santa Barbara County
Pacific Ocean
North County Planning Area
South County Planning Area
Coastal Zone
San Luis Obispo Planning Area
Carrizo Planning Area
Lake Nacimiento
San Miguel
El Paso de Robles (Paso Robles)
Shandon
Cambria
Atascadero
Morro Bay
Baywood-Los Osos
Avila
Pismo Beach
Arroyo Grande
Oceano
Nipomo
Community of California Valley
SAN MIGUEL
POLONIO PASS
CHOLAME
BERRENDA C
CAMBRIA
PERRY
PASO ROBLES
TEMPLETON
ATASCADERO
CAYUCOS
MORRO BAY
CARRIZO PLAINS
SAN LUIS OBISPO
PECHO VALLEY
DIABLO CANYON
OCEANO
UNION OIL
CALLENDAR
MESA
SANTA MARIA COGEN
SANTA MARIA
FAIRWAY
SISQUOC
GAREY
SYSQUOC
CYMRIC
MCKITTRICK
GETTY OIL
NORTH MIDWAY
MIDSUN
SUNRISE POWER
MIDSET
SANTA FE ENERGY
TAFT
MARICOPA
BERRY PETROLEUM
MOCO
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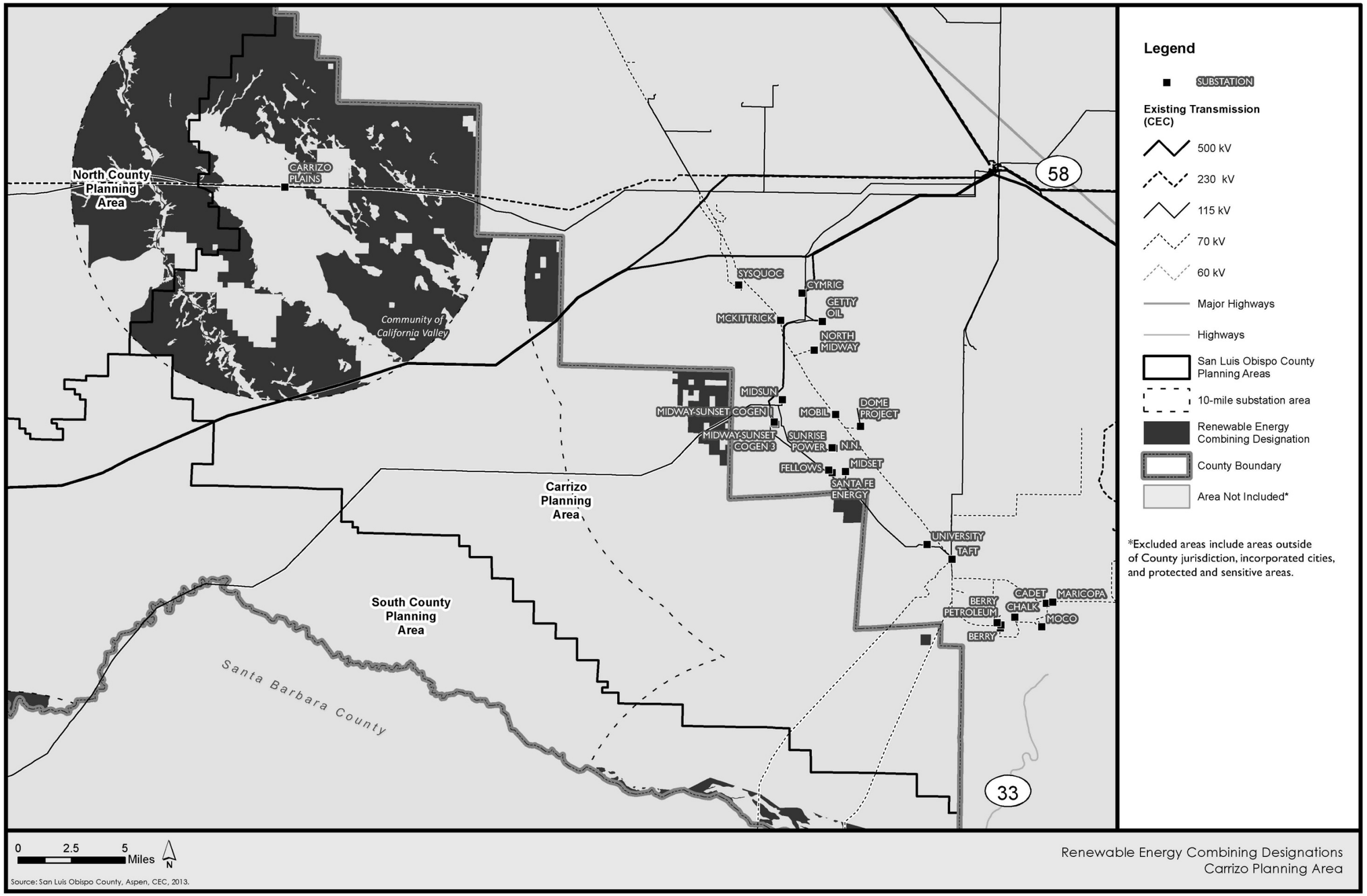
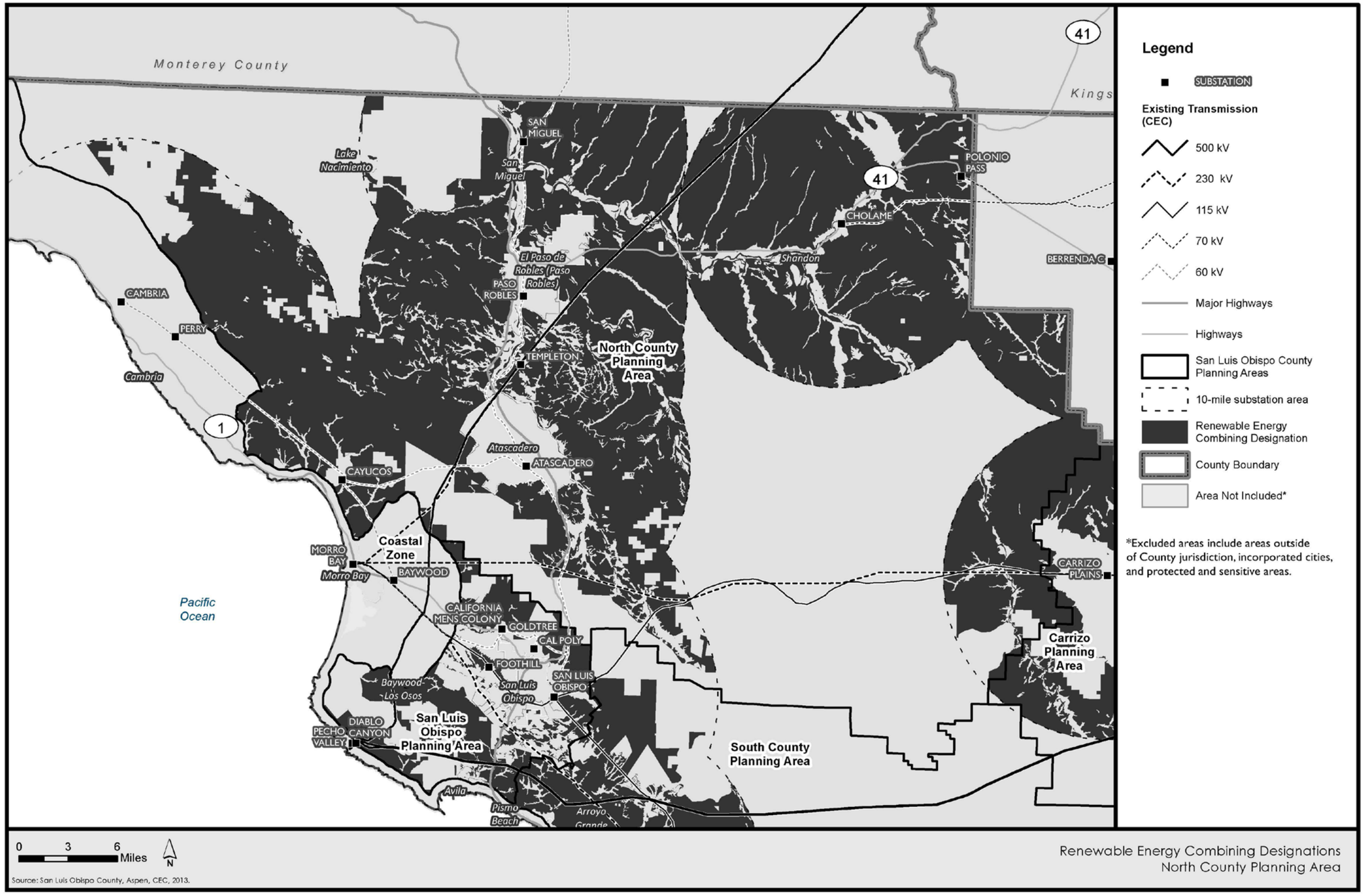
Source: San Luis Obispo County, Aspen, CEC, 2013.
Renewable Energy Combining Designations Project Area



Renewable Energy Combining Designations
Carrizo Planning Area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POLONIO PASS
CHOLAME
Shandon
BERRENDA C
El Paso de Robles (Paso Robles)
PASO ROBLES
CAMBRIA
PERRY
Cambria
TEMPLETON
North County Planning Area
Atascadero
ATASCADERO
CAYUCOS
Coastal Zone
MORRO BAY
Morro Bay
BAYWOOD
CARRIZO PLAINS
Pacific Ocean
CALIFORNIA MENS COLONY
GOLDTREE
CAL POLY
FOOTHILL
SAN LUIS OBISPO
San Luis Obispo
Baywood-Los Osos
Carrizo Planning Area
DIABLO CANYON
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South County Planning Area
Avila
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Arroyo Grande
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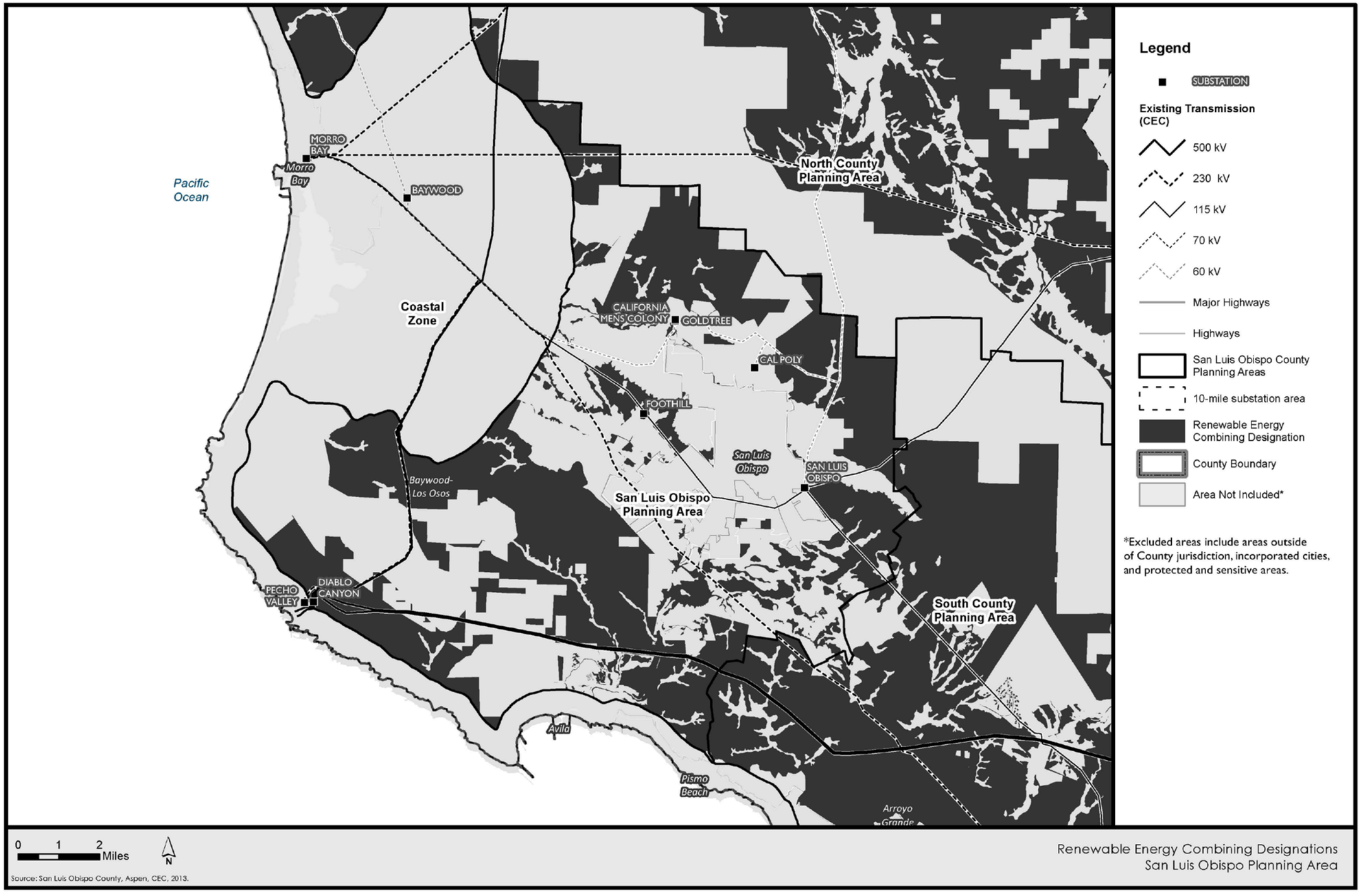
Source: San Luis Obispo County, Aspen, CEC, 2013.
Renewable Energy Combining Designations
North County Planning Area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DIABLO CANYON
South County Planning Area
Avila
Pismo Beach
Arroyo Grande
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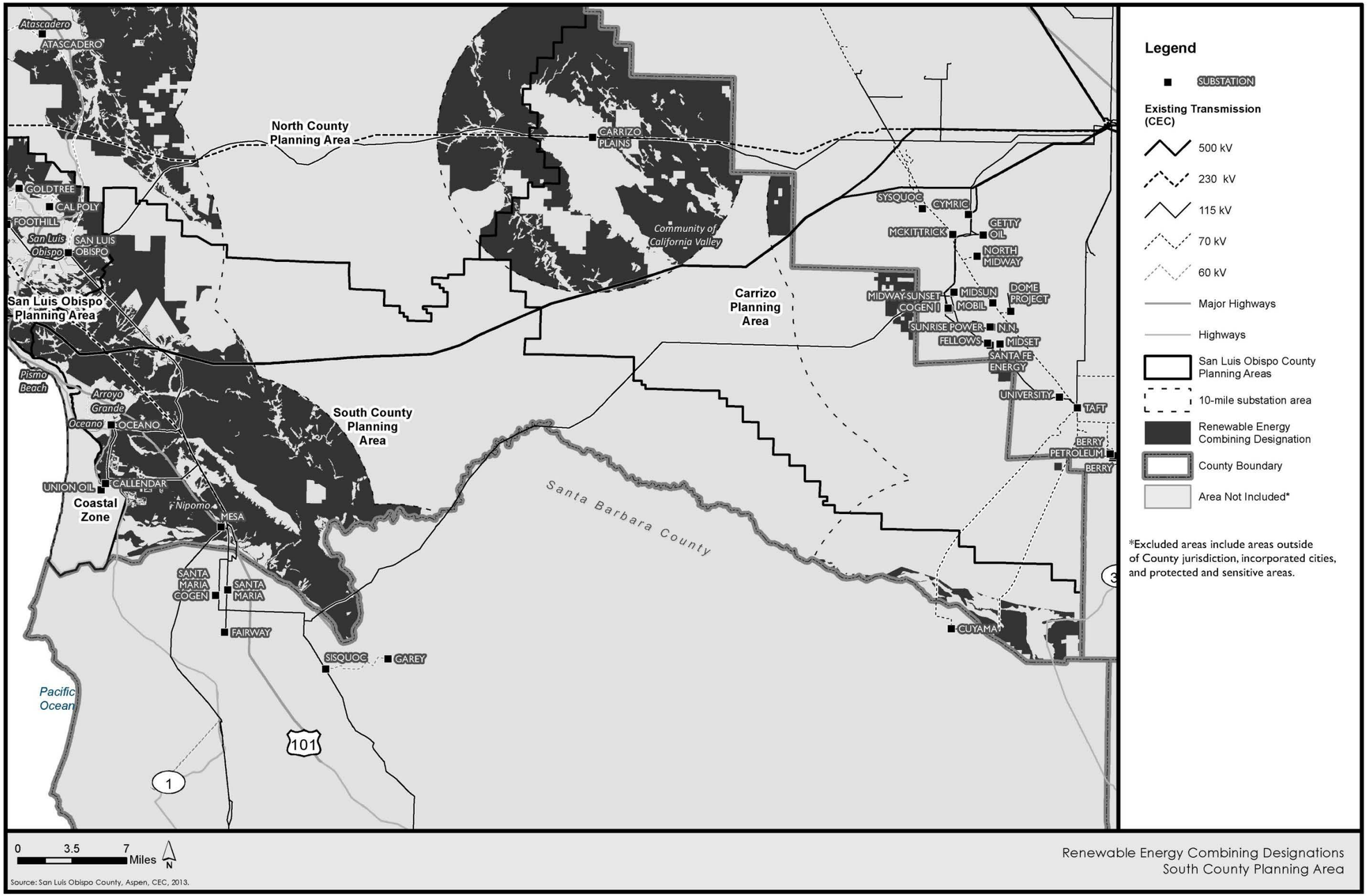
N
Source: San Luis Obispo County, Aspen, CEC, 2013.
Renewable Energy Combining Designations
San Luis Obispo Planning Area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OCEANO
UNION OIL
CALLENDAR
Nipomo
MESA
SANTA MARIA COGEN
SANTA MARIA
FAIRWAY
SISQUOC
GAREY
CARRIZO PLAINS
Community of California Valley
SYSQUOC
CYMRIC
MCKITTRICK
GETTY OIL
NORTH MIDWAY
MIDWAY-SUNSET COGEN I
MIDSUN
MOBIL
DOME PROJECT
SUNRISE POWER
N.N.
FELLOWS
MIDSET
SANTA FE ENERGY
UNIVERSITY
TAFT
BERRY PETROLEUM
BERRY
CUYAMA
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Source: San Luis Obispo County, Aspen, CEC, 2013.
Renewable Energy Combining Designations
South County Planning Area

Proposed Amendments: Conservation and Open Space Element County of San Luis Obispo General Plan

Public Review Draft

November 2014

County of San Luis Obispo General Plan, Conservation and Open Space Element, Energy Chapter, Page 5-21 is proposed to be amended as follows:

Policy E 6.2 Commercial solar and wind power and other renewable energy systems
Encourage and support the development of solar and wind power and other renewable energy systems as commercial energy enterprises.

◇ ***Implementation Strategy E 6.2.1 Review of large solar projects***
Evaluate large-scale commercial solar projects (i.e. over 20 ~~10~~ MW) to favor technologies that maximize the facility's power production and minimize the physical effects of the project. Physical effects include, but are not limited to, noise, area of land disturbance and water use.

County of San Luis Obispo General Plan, Conservation and Open Space Element, Energy Chapter, Page 5-22, Text Box, is proposed to be amended as follows.

Distributed energy resources *(DER) are small, modular, energy generation and storage technologies that provide electric capacity or energy located where it's needed, often at a customer's location. These facilities are typically owned by non-utility entities, such as generation developers or utility customers that offset all or part of the customer's on-site electrical load. DER's typically produce less than 20 ~~10~~ megawatts (MW) of power near the point of use and include wind turbines, photovoltaics (PV), fuel cells, microturbines, reciprocating engines, combustion turbines, cogeneration, and energy storage systems. DER systems may be either connected to the local electric power grid or isolated from the grid in stand-alone applications. – California Energy Commission*

County of San Luis Obispo General Plan, Conservation and Open Space Element, Energy Chapter, Page 5-23 is proposed to be amended as follows:

Policy E 6.8 Renewable Energy Resources
Designate and protect areas that contain renewable energy resources such as wind, solar, geothermal, and small hydroelectric. Continue to explore and encourage the development of renewable energy resources through further streamlining actions.

◇ ***Implementation Strategy E 6.8.1 Mapping of resources***
Use state, federal, or other available data to map areas that contain renewable energy resources.

◇ ***Implementation Strategy E 6.8.2 Streamlining of Renewable Energy Facilities***

a. Encourage further broad-based environmental review for renewable energy projects that can be used to streamline the approval of future projects.

b. Revise existing streamlining efforts in the future as major technological changes occur.

~~Amend the Framework for Planning, the Area Plans, and the Land Use Ordinance (LUO) by establishing and applying a Renewable Energy (RE) combining designation based on the~~

~~mapping in Energy Implementation Strategy 6.8.1. The RE designation and implementing LUO standards are to:~~

~~c. Encourage the development of renewable energy while maintaining a high level of environmental quality;~~

~~d. Avoid areas that are not appropriate for renewable energy due to existing incompatible uses; and~~

~~e. Protect areas of renewable energy resources, as well as existing and expanding renewable energy projects, from encroachment by incompatible land use categories and development.~~

County of San Luis Obispo General Plan, Conservation and Open Space Element, Energy Chapter, Page 5-35, Table E2 is proposed to be amended as follows:

Implementation Strategies	Responsible Department or Agency[1]	Priority	Timeframe to Start	Possible Funding Sources[2]
IS E 6.8.2 Streamlining ~~energy combining designations~~ of Renewable Energy Facilities	PB	High	2010	DB, grants

County of San Luis Obispo General Plan, Conservation and Open Space Element, Glossary, Page 12-5 is proposed to be amended as follows:

Distributed Energy Resources (DER): Small, modular, energy generation and accessory storage technologies that provide electric capacity or energy located where it's needed, often at a customer's location or close to a load center. These facilities are typically owned by non-utility entities, such as generation developers or utility customers that offset all or part of the customer's on-site electrical load. DER's typically produce less than 20 ~~10~~ megawatts (MW) of power near the point of use and include wind turbines, photovoltaics (PV), fuel cells, microturbines, reciprocating engines, combustion turbines, cogeneration, and energy storage systems. DER systems may be either connected to the local electric power grid or isolated from the grid in stand-alone applications.

County of San Luis Obispo General Plan, Conservation and Open Space Element, Glossary, Page 12-14 is proposed to be amended as follows:

> **Renewable energy:** Energy from sources that regenerate and are less damaging to the environment, including but not limited to ~~such as~~ solar, wind, biomass, and small-scale hydroelectric power.

County of San Luis Obispo General Plan, Conservation and Open Space Element, Glossary, Page 12-16 is proposed to be amended as follows:

> **Utility-Scale Renewable Energy Resources:** Large energy generation and storage technologies that are connected to the electric power grid and that generate electricity or energy primarily for off-site use producing more than 20 megawatts (MW) of power. Technologies may include wind turbines, photovoltaics, fuel cells, microturbines, reciprocating engines, combustion turbines, cogeneration, and energy storage systems.

Proposed Amendments:
Title 22, Land Use Ordinance
County of San Luis Obispo Code

Public Review Draft

November 2014

Attachment [1]

EXHIBIT LRP2014-00015: B

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,

THE LAND USE ORDINANCE

RELATIVE TO THE RENEWABLE ENERGY STREAMLINING PROGRAM (RESP)

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.04.030, Table 2-1 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

TABLE 2-1
LAND USE CATEGORIES AND COMBINING DESIGNATIONS

Map Symbol	Land Use Category Name
Agricultural and Rural Categories	
AG	Agriculture
RL	Rural Lands
Residential Categories	
RR	Residential Rural
RS	Residential Suburban
RSF	Residential Single-Family
Commercial and Industrial Categories	
OP	Office and Professional
CR	Commercial, Retail
CS	Commercial, Service
IND	Industrial
Special Purpose Categories	
OS	Open Space
REC	Recreation
PF	Public Facilities
Combining Designations	

[1] The proposed ordinance with an assigned number will be provided as an attachment to a staff report when the RESP is presented to the Planning Commission and Board of Supervisors as part of a public hearing.

Map Symbol	Land Use Category Name
AR	Airport Review Area
EX	Energy and Extractive Resource Area
EX1	Extractive Resource Area
FH	Flood Hazard
GSA	Geologic Study Area
H	Historic Site
LCP	Local Coastal Plan Area
RE	Renewable Energy Area
SRA	Sensitive Resource Area
TDCR	Transfer of Development Credit Receiving Site
TDCS	Transfer of Development Credit Sending Site

SECTION 2: Section 22.06.030A of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

A. Permit requirements. Table 2-2 provides for land uses that are:

1. Allowed subject to the approval of the land use permit required by Section 22.08.030 (Project-Based Permit Requirements). These are shown as "A1" uses in the table;

2. Allowed subject to the approval of the land use permit required for the particular use by Article 4 (Standards for Specific Land Uses). These are shown as "A2" uses in the table;

3. Permitted subject to the approval of a Zoning Clearance (Section 22.62.030). These are shown as "P" uses in the table;

4. Permitted subject to the Site Plan Review approval (Section 22.62.040). These are shown as "SP" uses in the table;

5. Allowed subject to the approval of a Minor Use Permit (Section 22.62.050). These are shown as "MUP" uses in the table; and

6. Allowed subject to the approval of a Conditional Use Permit (Section 22.62.060). These are shown as "CUP" uses in the table.

Note: where the last column ("Specific Use Standards ~~Regulations~~") in Table 2-2 includes a section number, the regulations in the referenced section apply to the specific use; however, the provisions of Article 3 (Site Planning and General Development Standards) shall also apply.

SECTION 3: Section 22.06.030.C of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C. Uses not listed. A land use that is not listed in Table 2-2 or is not shown in a particular land use category is not allowed, except as follows, or as otherwise provided by Section 22.06.040 (Exemptions from Land Use Permit Requirements).

1. Where a proposed land use is not specifically listed in Table 2-2, the Director will review the proposed use when requested to do so by letter and, based upon the characteristics of the use, determine whether any of the listed uses is equivalent to that proposed.

2. Upon a written determination by the Director that a proposed unlisted use is equivalent in its nature and intensity to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what standards affect its establishment.

3. Determinations that specific unlisted uses are equivalent to listed uses will be recorded by the Department, and will be considered for incorporation into ~~the~~ this Title through amendment as soon as is practical.

4. At the discretion of the Director, allowable use interpretation requests may be forwarded to the Commission for determination. Determinations by the Director may be appealed to the Commission in compliance with Section 22.70.050.

5. If a proposed use is found by the review authority to not be equivalent to any listed use, the proposed use shall be deemed not allowed.

[22.01.041.d]

SECTION 4: Section 22.06.030.C, Table 2-2 for Agricultural, Resource, and Open Space Uses of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

TABLE 2-2
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

Land Use (1) (2)	Permit Requirements By L.U.C. (3)						Specific Use Standards
	AG (8)	RL	RR	RS	RSF	RMF	
Agriculture, Resource, and Open Space Uses							
Ag Processing	A2	A2	CUP				22.30.070
Agricultural Accessory Structures	P	P	P	P			22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP			22.30.100
Animal hospitals & veterinary medical facilities	MUP	MUP	CUP				22.30.100

Beef and dairy feedlots	CUP	CUP					22.30.100
Fowl and poultry ranches	MUP	MUP	MUP	MUP			22.30.100
Hog ranches	CUP	CUP					22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP	CUP		22.30.100
Land Use (1) (2)	**Permit Requirements By L.U.C. (3)**						**Specific Use Standards**
	AG (8)	**RL**	**RR**	**RS**	**RSF**	**RMF**	
Kennels (6)	A1	A1	A1	A1	A1	A1(7)	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP				22.30.100
Zoos - Open to public							22.30.100
Animal Keeping	A2	A2	A2	A2	A2	A2	22.32.090
Crop Production and Grazing	A	A1	A2	A2	A2	A2	22.30.200
Energy-generating facilities (9) ~~Electricity generation - Except WECF~~	A2	A2	A2	A2	A2	A2	22.32
~~Electricity generation - WECF~~	~~MUP~~	~~MUP~~	~~MUP~~				~~22.32.050~~
Fisheries and Game Preserves	A1	A1	A1				
Forestry	A1	A1	A1	A1			
Mines and quarries	A2	A2	A2				22.36
Nursery Specialties	A2	A2	A2	A2			22.30.310
Petroleum Extraction	A2	A2	A2	A2			22.34

Key To Permit Requirements

Symbol	Permit Requirement	Procedure is in Section:
A1	Allowable use, subject to the land use permit required by 22.08.030, Table 2-3	22.08.030
A2	Allowable use, subject to the land use permit required by the specific use standards.	22.30
P	Permitted use, Zoning Clearance required. (4)	22.62.030
SP	Permitted use, Site Plan Review required. (4)	22.62.040
MUP	Conditional use - Minor Use Permit required. (4)	22.62.050
CUP	Conditional use - Conditional Use Permit required. (4)	22.62.060

Symbol	Permit Requirement	Procedure is in Section:
	Use not allowed. (See 22.06.030.C regarding uses not listed.)	22.06.030.C

Land Use (1) (2)	Permit Requirements By L.U.C. (3)							Specific Use Standards
	OP	CR	CS	IND	OS	REC	PF	
Agriculture, Resource, and Open Space Uses								
Ag Processing			A2	A1				22.30.070
Agricultural Accessory Structures			P	P	SP(5)	P	P	22.30.030,060
Animal Facilities - Specialized, except as follows	CUP	CUP	CUP	CUP		CUP	CUP	22.30.100
Animal hospitals & veterinary medical facilities	A1	A1	A1	A1		MUP	A1	22.30.100
Beef and dairy feedlots				CUP				22.30.100
Fowl and poultry ranches	MUP			MUP			MUP	22.30.100
Hog ranches	MUP			MUP				22.30.100
Horse ranches and other equestrian facilities	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Kennels (6)	A1	A1	A1	A1		A1(7)	A1	22.30.100
Zoos - Private, no display open to public	MUP	MUP	MUP	MUP		MUP	MUP	22.30.100
Zoos - Open to public						CUP	CUP	22.30.100
Animal Keeping		A2	A2	A2	A2	A2	A2	22.32.090
Crop Production and Grazing	A2	A2	A2	A2	A1	A1	A1	22.30.200

Energy-generating facilities (9) ~~Electricity generation - Except WECF~~	A2	A2	A2	A2	A2	A2	A2	22.32
Land Use (1) (2)	**Permit Requirements By L.U.C. (3)**							**Specific Use Standards**
	OP	**CR**	**CS**	**IND**	**OS**	**REC**	**PF**	
~~Electricity generation - WECF~~			~~MUP~~	~~MUP~~	~~MUP~~		~~MUP~~	~~22.32.050~~
Fisheries and Game Preserves					SP(5)	A1		
Forestry					SP(5)	A1		
Mines and quarries					SP(5)	A1	A2	22.36
Nursery Specialties		A2	A2	A2				22.30.310
Petroleum Extraction			A2	A2	SP(5)	A2	A2	22.34

SECTION 5: Section 22.06.030.C, Table 2-2 for Agricultural, Resource, and Open Space Uses of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding a new footnote (9) as follows:

(9) This use may not be allowable in every land use category. Refer to the standards in Chapter 22.32.

SECTION 6: Section 22.08.030, Table 2-3 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

TABLE 2-3
PERMIT REQUIREMENTS BASED ON PROJECT CHARACTERISTICS

Land Use or Development Characteristic	**Criteria (1)**	**Permit Requirement**			
		Zoning Clearance	**Site Plan Review**	**Minor Use Permit**	**Conditional Use Permit**
Dwellings	Number of proposed single- or multi-family dwellings per site (2)	4 or fewer	5 to 15	16 to 24	25 or more
Manufacturing & Processing,	Gross floor area or outdoor	Less than 10,000 sf, or	10,000 sf to 19,999 sf	20,000 sf to 39,999 sf	40,000 sf or more

Land Use or Development Characteristic	Criteria (1)	Permit Requirement			
		Zoning Clearance	Site Plan Review	Minor Use Permit	Conditional Use Permit
Outdoor Storage (3)	use area	change in "A1" uses (5)			
Retail Trade, Services, and all other nonresidential use groups (4)	Gross floor area or outdoor use area	Less than 2,500 sf, or change in "A1" uses (5)	2,500 sf to 9,999 sf	10,000 sf to 19,999 sf	20,000 sf or more
	and traffic circulation	with no drivein or drivethrough or drivethrough	and/or drivein or drivethrough	and/or drivein or drivethrough	
Site Disturbance	Area per site of grading requiring a permit, or removal of native vegetation (6)	Less than 1 acre (~~6~~7)	N.A. (~~6~~7)	1 to 3 acres	More than 3 acres
Impervious Surface	Area per site of site coverage by paving and structures (6)	Less than 1 acre (~~6~~7)	N.A. (~~6~~7)	1 to 3 acres	More than 3 acres

Notes:

(1) All criteria are cumulative for a single site (e.g. a proposed 3-unit expansion of an existing 39 unit apartment requires Conditional Use Permit approval).

(2) Or number of dwellings proposed to be constructed by a single developer, in a single subdivision that was recorded before March 19, 1962.

(3) Includes all uses listed under the Manufacturing & Processing land use group by Table 2-2, and the specific use identified by Table 2-2 as Storage Yards and Sales Lots.

(4) Includes all uses listed under the Retail Trade, Services, and all other land use groups by Table 2-2, except Residential, Manufacturing & Processing, and Outdoor Storage.

(5) When an allowed use (an "A1" use in Table 2-2) in an existing building is to be replaced with another allowed use that is required by Chapter 22.18 to have equal or less parking than the use being replaced, approval of a Zoning Clearance is required regardless of what permit was necessary for the original building, provided the building satisfies all applicable provisions of Chapter 22.72 (Nonconforming Buildings, Structures, Parcels, and Signs).

(6) Permit requirements and site disturbance characteristics for energy-generating facilities are identified in Chapter 22.32 (Energy-Generating Facilities).

(~~6~~7) A grading permit, drainage plan review, or erosion and sedimentation plan review may be required by Chapter 22.52 (Grading and Drainage); and/or construction permits may be required by the Building and Construction Ordinance, Title 19 of this Code.

SECTION 7: Section 22.10.090.C.2.c.8 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

(8) ~~Solar collectors.~~ Solar electric facilities and wind energy conversion systems may exceed ~~Not more than five feet above~~ the height limits specified in Subsection C.1 up to the maximum limits established in Chapter 22.32 for the proposed project.

SECTION 8: Section 22.10.140.A of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding a new Section 22.10.140.A.5 as follows:

5. Solar electric facilities, wind energy conversion systems, and other renewable energy facilities as allowed by Chapter 22.32 (Energy-Generating Facilities) with special setback standards. Where Chapter 22.32 establishes larger setback requirements than those identified in this Chapter, the larger setbacks shall apply.

SECTION 9: Section 22.10.140.H of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding a new Section 22.10.140.H.5 as follows:

5. Solar electric facilities, Tier 1. Tier 1 roof-mounted solar electric facilities as described by Section 22.32.050 (Solar Electric Facilities) of this Title not exceeding 10 feet in height may project into the required setback up to 15 feet, and no closer than 3 feet to the property line.

SECTION 10: Chapter 22.14 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding a new Section 22.14.100 as follows:

22.14.100 – Renewable Energy (RE) Area

A. Purpose. The Renewable Energy (RE) Combining Designation is used to encourage and support the development of local renewable energy resources, conserving energy resources and decreasing reliance on environmentally costly energy sources. Specifically, the purpose of the RE Combining Designation is to:

1. Identify areas of the county where: (1) renewable energy production is favorable, (2) the production of renewable energy resources is prioritized, and (3) permit requirements are structured to streamline the environmental review and processing of land use permits for solar electric facilities (SEFs).

2. Protect the development and use of locally appropriate distributed renewable energy resources in priority areas in a manner that will not degrade ecosystems, agricultural resources, and other environmental resources.

3. Notify landowners and the general public of areas where development of renewable energy resources is prioritized.

This combining designation does not limit the development of SEFs outside of this combining designation where it is an allowable use identified in Section 22.06.030 (Allowable Land Uses and Permit Requirements) and regulated by the special use standards in Chapter 22.32 (Energy-Generating Facilities).

B. Applicability.

1. The permit requirements of this Section shall apply only to proposed SEFs meeting the site criteria of this Section, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use. The size of ground-mounted SEF shall be measured as directed by Section 22.32.030.A. Where other accessory or primary uses are proposed that indirectly support proposed SEFs, the applicable permit requirements for the additional use(s) shall be determined as described in Chapter 22.06 (Allowable Land Uses and Permit Requirements by Land Use Category).

2. Land Conservation Act. Permit requirements of this Section (22.14.100) shall apply to proposed SEFs on land subject to a Land Conservation Act contract within an RE Combining Designation as follows.
   a. If a proposed SEF is greater than 20 acres in total area within an RE Combining Designation and is subject to a Land Conservation Act Contract:

      (1) The project shall be ineligible for the permit requirements established by this Section (22.14.100) but may elect to comply with standards of this section to streamline other aspects of project review.

      (2) The project shall require a Minor Use Permit (or Conditional Use Permit if otherwise required by Chapter 22.32 or the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2)).

      (3) The project shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Williamson Act itself and any changes that may be made to it.

   b. If a proposed SEF is 20 acres or less in total area and subject to a Land Conservation Contract within an RE Combining Designation, the project is allowable in all land use categories if the proposed SEF meets the site eligibility criteria for Tier 1 SEFs in Chapter 22.32 (Energy-Generating Facilities).

3. The standards of this Section shall not apply to proposed SEFs that meet the following criteria. When a proposed SEF meets any of the following criteria, the project shall be subject to permit requirements of Chapter 22.32 (Energy-Generating Facilities) or other applicable sections of this Title:

    a. Include energy transmission or distribution facilities within an RE Combining Designation and involve easements over parcels outside of an RE Combining Designation.

    b. Require new transmission lines to tie in to the electric grid.

    c. Are considered accessory energy-generating facilities or Tier 1 solar electric facilities, which are allowable uses as regulated by Chapter 22.32 (Energy-Generating Facilities).

    d. Sited on Class I or Class II soils, consistent with the areas included in the RE Combining Designation map established by Part III of the Inland Framework for Planning – Land Use Element.

    e. Located within visual Sensitive Resource Areas.

    f. Parcels subject to conservation easements that prohibit energy-generating facilities.

    g. Parcels in the Recreation (REC) and Open Space (OS) land use designations.

4. Other planning area standards. Where Article 9 (Community Planning Standards) or Article 10 (Community Area Standards) apply to a parcel within an RE Combining Designation, the standards of Article 9 and Article 10 shall prevail over the requirements of this Section (22.14.100).

5. Other combining designations. Projects located within other combining designations shall meet the required findings and standards for those combining designations, including but not limited to Flood Hazard Area (FH), Historic Site (H), and Sensitive Resource Area (SRA) Combining Designations.

C. Application content. Applications for proposed SEFs within the RE Combining Designation shall include descriptive and plan information as necessary to determine compliance with the requirements of this Section 22.14.100 (Renewable Energy Area) and an application form and other information prepared as specified in Sections 22.60.040.B, 22.60.040.D, and 22.62.040 for Site Plan Review. As noted in Section 22.60.040E, the Director may waive some or all application content requirements at the written request of the applicant if it is demonstrated that the absence of the documentation will not reduce the ability of the Director to evaluate the compliance of the proposed project with the standards of this Title.

Proposed SEFs eligible for Zoning Clearance as determined by part E of this Section shall submit application and information required by Sections 22.60.040B and 22.62.030.

D. General requirements. The applicable standards for renewable energy technologies described in Chapter 22.32 (Energy-Generating Facilities) shall apply to all renewable energy facilities proposed within the RE Combining Designation. When standards of Chapter 22.32 conflict with this Section, the standards of this Section shall prevail.

E. Permit requirements. A proposed roof- or structure-mounted SEF within the RE Combining Designation may be eligible for Zoning Clearance as described in Subsection 1. If a ground-mounted SEF is proposed within the RE Combining Designation and meets the criteria of this Section, the project may be eligible for Site Plan Review as described in Subsections 2–4. If an SEF is proposed within the RE Combining Designation but does not meet the criteria of this Section, the project is subject to the permit requirements and standards of Chapter 22.32 (Energy-Generating Facilities).

1. Tier 1 SEF, Roof- or Structure- Mounted. A proposed SEF that is located on the roof or structure of a use that is conforming per Chapter 22.72 of this Title is allowable with Zoning Clearance in accordance with Chapter 22.32.

2. Tier 1 SEF, Ground-Mounted. A proposed SEF that is ground-mounted, no more than 20 acres in total area within the RE Combining Designation, and complies with all development standards of Subsection F of this Section is allowable with Site Plan Review. The proposed SEF shall also meet one of the following criteria:

   a. Is proposed on land that is graded, disturbed, or altered; consistent with definitions for "Development," "Grading," or "Site Disturbance" in this Title, or

   b. Is located on land that was previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused.

   If a proposed project is ground-mounted and 20 acres or less in size but does not meet the criteria in Subsection 2, the project may be eligible for Site Plan Review as a Tier 2 or Tier 3 SEF within the RE Combining Designation, as described below in Subsections 3-4. If a project is proposed within the RE Combining Designation but does not meet the criteria for Tier 2 or Tier 3 SEFs as outlined in this Section (22.14.100), the permit requirements and standards of Chapter 22.32 (Energy-Generating Facilities) apply.

3. Tier 2 SEF. If a proposed SEF meets the following criteria and is 40 acres or less in total area of the facility within the RE Combining Designation, the project may be considered a Tier 2 SEF eligible for Site Plan Review. Proposed SEFs that are 40 acres or less in size that do not meet the criteria for a Tier 2 SEF described in Subsections a–e may be determined to be a Tier 3 SEF based on the criteria of Subsection 4 below. To be

eligible for Site Plan Review within the RE Combining Designation as a Tier 2 SEF, a proposed project must be consistent with the following criteria:

a. Total area of the proposed SEF is no more than 40 acres in area, measured as the total area of the facility inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

b. Is proposed on a parcel included in any land use category (vacant or not), except for Open Space (OS) or Recreation (REC).

c. In the Agriculture (AG) land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on Important Agricultural Soils designated as Highly Productive Rangeland Soils by the Conservation and Open Space Element. The proposed project may be located on Highly Productive Rangeland Soils or sited on other areas of the parcel without any Important Agricultural Soils.

d. Complies with all development standards of Subsection F of this Section.

If a proposed project is 40 acres or less in size within the RE Combining Designation but does not meet the criteria in Subsection 2, the project may be eligible for Site Plan Review as a Tier 3 SEF within the RE Combining Designation, as described below in Subsection 3. If a project is proposed within the RE Combining Designation but does not meet the criteria for Tier 2 or Tier 3 SEFs as outlined in this Section (22.14.100), the permit requirements and standards of Chapter 22.32 apply.

4. Tier 3 SEF. If a proposed SEF meets the following criteria and is 160 acres or less within the RE Combining Designation, the project may be considered a Tier 3 SEF eligible for Site Plan Review. To be eligible for Site Plan Review within the RE Combining Designation, a proposed project must be consistent with the following criteria:

a. Total area of the proposed SEF is no more than 160 acres in area, measured as the total area of the facility inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

b. Is proposed on a parcel included in the Commercial Service (CS), Industrial (IND), or Agriculture (AG) land use categories (vacant or non-vacant).

c. In the Agriculture land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on Important Agricultural Soils designated as Highly Productive Rangeland Soils by the Conservation and Open Space Element. The proposed project may be

located on Highly Productive Rangeland Soils or sited on other areas of the parcel without any Important Agricultural Soils.

d. Complies with all development standards of Subsection F of this Section.

If a proposed project is 160 acres or less in size within the RE Combining Designation but does not meet the criteria in Subsection 4 of this Section, the permit requirements and standards of Chapter 22.32 apply and no alternative requirements are available within the RE Combining Designation.

5. Tier 4 SEF. A solar electric facility that is greater than 160 acres is considered a Tier 4 SEF and shall require a Conditional Use Permit, as identified by Chapter 22.32 (Energy-Generating Facilities). No alternative requirements or streamlining for Tier 4 SEFs apply within the RE Combining Designation.

F. Development standards. In addition to applicable site criteria in Subsections E(2) – E(4), proposed ground-mounted SEFs within the RE Combining Designation shall comply with all standards in Section 22.32.040 of this Title and the following, as applicable:

1. Requirements of this section do not preclude authorities and requirements of other local, state, and federal agencies, including but not limited to the San Luis Obispo County Air Pollution Control District, California Department of Fish and Wildlife, California Department of Transportation, United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

2. If Botanical Reports or Biological Reports prepared as part of the proposed SEF permit application indicate the presence or potential presence of state or federally listed wildlife or plant species or designated critical habitat, the permit requirements and standards of Chapter 22.32 (Energy-Generating Facilities) apply and no alternative requirements are available within the RE Combining Designation. Exceptions to this requirement may apply to ground-mounted Tier 1 and Tier 2 SEFs if the proposed project is located on parcels in the San Joaquin Kit Fox Habitat Area and Botanical Reports or Biological Reports do not indicate the presence of additional state or federally listed wildlife or plant species or designated critical habitat on or adjacent to the project site as follows:

a. Tier 1 SEFs, ground-mounted, less than 20 acres located in the San Joaquin Kit Fox Habitat Area that comply with the standard mitigation ratio and all applicable kit fox conditions for grading and building plans set forth by the Director.

b. Tier 2 SEFs, less than 40 acres, located in the San Joaquin Kit Fox Habitat Area that comply with the standard mitigation ratio and all applicable kit fox conditions for grading and building plans set forth by the Director.

3. Ground-mounted SEFs that propose fencing where sensitive wildlife is present shall include wildlife-friendly fencing that is no higher than 48 inches and allows for the free movement of species.

4. Ground-mounted SEFs proposed on remediated brownfield sites (areas that have been developed for industrial or commercial purposes, polluted, and then abandoned or underused before remediation) or disturbed areas with site disturbance such as grading, paving, development, or other improvements shall meet the following:

    a. The Site Plan Review application shall include a Habitat Assessment prepared by a qualified biologist.

    b. Provide setbacks from any special-status plant species and habitat that could support special-status plant or wildlife species as specified in the Habitat Assessment for the proposed project, including federally and state-listed Threatened and Endangered, Candidate, and Rare Species; California Species of Special Concern; California Fully Protected Species; and California Rare Plant Rank 1B and 2 plants.

5. Ground-mounted SEFs shall be set back a minimum of 500 feet from any of the following identified on the site in the Biological Report, required by Section 22.60.040 of this Title:

    a. Sensitive vegetation and habitat that could support special-status species.

    b. Special-status species that could occur on the site or adjacent properties.

6. Ground-mounted SEFs shall be set back a minimum of 50 feet from any seasonal or perennial wetlands, drainages, vernal pools, or any other potentially jurisdictional features.

7. Ground-mounted SEFs shall provide a Archeological Report to demonstrate avoidance of any historical resources or unique archeological resources. The Archeological Report shall include the following information:

    a. California Historic Resource Information Center (CHRIS) search to identify previous projects and previous resources identified in the project.

    b. Archival map research to identify overall sensitivity for historic-era resources as well as locations of built resources of at least 45 years of age.

    c. Where these studies identify any potential resources on the proposed project site, the applicant shall also submit the following:

(1) One hundred percent (100%) field survey of the proposed project area where all identified resources are recorded on forms required by the State Historic Preservation Officer (SHPO).

(2) Correspondence with Native American contacts provided by the Native American Heritage Commission (NAHC) and a search of the sacred lands database maintained by the NAHC to identify sensitive resources.

(3) A technical report presenting the results of these studies, the identification of any resources that might be historic resources, and management and treatment recommendations for these resources in a report format meeting SHPO guidelines to identify measures the project would employ to avoid direct or indirect impacts to any potential resources.

8. Ground-mounted SEFs proposed on undisturbed areas with no development or site improvements shall provide revegetation for any vegetation to be removed, as follows:

   a. Provide a minimum 3:1 offset ratio for vegetation to be removed and that is identified as sensitive by the California Department of Fish and Wildlife, including but not limited to riparian vegetation.

   b. Provide a minimum 1:1 offset ratio for any other vegetation to be removed that is identified in Subsection 5 above (sensitive vegetation that could support special-status species on the site or adjacent properties).

   c. When landscaping is required, it shall include drought-tolerant, non-invasive species to avoid or minimize watering requirements, be compatible with the surrounding native vegetation, and include at least 80 percent native species.

9. In the Agriculture (AG) land use category, SEFs proposed on active agricultural uses or SEFs proposed on Highly Productive Rangeland, as defined in the Conservation and Open Space Element, shall meet the following:

   a. For projects proposed on land in an active agricultural use, the project shall provide a conservation easement as follows, which shall be on land that supports grazing or uses similar to those within the project site that would be lost due to the proposed project:

      (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on land that can support agricultural uses at the same intensity as the affected agricultural uses at the proposed project site, or

      (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on land that can support agricultural uses at a lower intensity than the affected agricultural uses at the proposed project site.

b. SEFs proposed on Highly Productive Rangeland should be sited to minimize impacts to Important Agricultural Soils to the maximum extent feasible. Where that is not feasible, SEFs proposed on Highly Productive Rangeland Soils shall provide the following:

(1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on Highly Productive Rangeland Soils or other Important Agriculture Soils at the proposed project site, or

(2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on Highly Productive Rangeland Soils or other Important Agriculture Soils on a parcel other than the proposed project site.

c. If a proposed SEF demonstrates dual-use design measures that ensure the long-term productivity of agricultural uses on site, or protects Highly Productive Rangeland Soils through other means, the SEF is allowable without a conservation easement through a Minor Use Permit. Techniques to allow for continuation of agriculture uses (dual-use) or protection of Highly Productive Rangeland Soils may vary based on underlying parcel and site characteristics, but can be achieved through multiple design features. Examples include, but are not limited to:

(1) The installation of SEFs on poles with no disturbance to soils or crops,

(2) Elimination of concrete bases, or

(3) Mounting panels off the ground using other technologies while continuing agricultural uses or protecting soils underneath.

10. Proposed SEFs shall be sited to be screened from residences and roadways to the maximum extent feasible using existing site features such as natural topography, vegetation, and structures. Where a proposed project cannot be screened using existing features, the project shall provide additional landscaping, screening, or wildlife-friendly fencing where the project abuts public roads.

SECTION 11: Section 22.14.100 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by renumbering the existing content to read as follows:

22.14.~~100~~110 - Sensitive Resource Area (SRA)

SECTION 12: Section 22.14.110 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by renumbering the existing content to read as follows:

22.14.~~110~~120 - Transfer of Development Credit Sending Site (TDCS)

SECTION 13: Section 22.14.120 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by renumbering the existing content to read as follows:

22.14.~~120~~130 - Transfer of Development Credit Receiving Site (TDCR)

SECTION 14: Section 22.22.140.F.1 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1. **Open space parcel required.** A cluster division shall include at least one open space parcel. For land use categories other than Residential Single-Family and Multi-Family, such parcel may be used for one of the allowable residential units, provided that the building site does not exceed 6,000 square feet and is defined on the recorded map. Otherwise, the open space parcel shall not be developed with structural uses except as follows: (1) in the Rural Lands, Residential Rural, and Residential Suburban land use categories: agriculture accessory buildings; (2) in the Recreation, Residential Single-Family, and Residential Multi-Family land use categories: community buildings, community residential accessory structures, parking structures, parking spaces, and driveways. The open space parcel in all land use categories may be used for any of the following: Crop production or rangeland; historic, archaeological, or wildlife preserves; water storage or recharge; leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation~~;~~ or other similar open space use; or renewable energy facilities generating energy for on-site use subject to the requirements in Chapter 22.32 (Energy-Generating Facilities), not to exceed 25 percent of the area of the open space parcel.

SECTION 15: Section 22.22.150.B.8.c of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

c. Structural uses allowed in defined open space areas. The area proposed for agricultural land and/or open space preservation is not to be developed with structural uses other than:

(1) A ranch/farm headquarters including up to two of the residential units allowed pursuant to Subsection B9, residential accessory structures and farm support housing, which may be approved or modified after the initial Conditional Use Permit approval through Minor Use Permit, provided that the building site does not exceed 2.5 acres.

(2) Areas set aside for the preservation of historic buildings identified by the Land Use Element, to be delineated on the recorded map.

(3) Agricultural accessory structures or agricultural processing uses essential to the continuing agricultural production of food and fiber in the immediately surrounding area~~, or renewable energy facilities generating energy for on-site use~~, which may be approved or modified after the initial Conditional Use Permit approval through Minor

Use Permit approval, which shall not occupy an aggregate area of the site larger than ~~five~~ 5 acres.

(4) Renewable energy facilities generating energy for on-site use may be allowed on up to 25 percent of the open space area subject to the requirements in Chapter 22.32 (Energy-Generating Facilities).

SECTION 16: Chapter 22.32 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Chapter 22.32 – ~~Electric~~ Energy-~~-~~Generating Facilities

SECTION 17: Section 22.32.010 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

22.32.010 – Purpose

This Chapter provides standards to regulate and mitigate the potential adverse effects of various types of ~~electric generating plants~~ energy-generating facilities.

SECTION 18: Section 22.32.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

22.32.020 – Applicability

The land use permit requirements of this Chapter apply to the new construction of energy-generating land uses.

A. Exemptions.

1. Previously permitted projects. Energy-generating facilities approved prior to the effective date of this Section shall not be required to meet the requirements of this Chapter, except that physical modification or alteration to an existing energy-generating facility that materially alters the size, type, or electrical components of the facility which are directly engaged in the production of energy or storage of energy shall be subject to this Section. Only the modification or alteration shall be subject to this Section as follows:

    a. Staff determinations of substantial conformance with the original permit do not require the issuance of new permits.

    b. Routine operation, maintenance, or in-kind replacements do not require the issuance of new permits.

2. Accessory renewable energy-generating facilities.

a. An accessory renewable energy-generating facility (see definition in Chapter 22.80) that is ground-mounted and provides energy for on-site uses does not require a land use permit unless the facility meets one or more of the criteria listed in Subsection b. Applications for accessory energy-generating facilities shall demonstrate compliance with all applicable standards for the proposed energy-generating facility provided in this Chapter and any other applicable provisions of this Title.

b. An accessory renewable energy-generating facility shall require a land use permit as established by this Chapter if the facility meets one or more of the following criteria:

(1) Provides energy for sale to off-site uses.

(2) Is within an area designated Open Space (OS) or Recreation (REC).

(3) Is within an Airport Review, Flood Hazard, or Sensitive Resource Area Combining Designation.

(4) Is a ground-mounted facility that is greater than 21,780 square feet in area (exclusive of the total parcel area).

(5) Is located within 100 feet of any adjacent property or public road.

(6) Is proposed on a parcel with no existing or apparent use or development on the property.

(7) Is sited on Class I or II soils.

(8) Is subject to environmentally related permits.

SECTION 19: Section 22.32.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

22.32.030– ~~Development Standards~~ Permit and Application Requirements

~~The following permit and application requirements apply to all energy generating facilities, except where other provisions of this Chapter establish different requirements.~~

A. Permit requirements. Except where county land use permit authority is preempted by state law, and except where other provisions of this Chapter establish a different permit requirement, the required land use permit for energy-generating facilities is determined as described below.

1. ~~by~~ Non-renewable energy-generating facilities. Permit requirement is determined by the area in square feet per site of grading or the removal of natural ground cover as follows.

PERMIT REQUIREMENTS FOR NON-RENEWABLE ENERGY-GENERATING FACILITIES

Permit Requirement	Area of Site Disturbance
Zoning Clearance	Less than 40,000 sf
Minor Use Permit	40,000 sf or more

2. Energy storage.

    a. Energy storage shall require a Conditional Use Permit where it meets any of the following criteria:

        (1) It is the primary use of the site.

        (2) It is proposed on a site with no existing or apparent use or development.

    b. Energy storage that is accessory to a primary use shall be subject to the permit requirements and development standards of the primary use.

3. Renewable energy facilities.

    a. Permit requirements for SEFs within the Renewable Energy (RE) Combining Designation seeking Site Plan Review are established in Section 22.14.100.

    b. Permit requirements for renewable energy facilities, including but not limited to SEF outside of the RE Combining Designation, are determined based on land use and land use category:

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS FOR RENEWABLE ENERGY FACILITIES BY LAND USE CATEGORY

Land Use (~~21~~, 2)	Permit Requirements By L.U.C. (3)						Notes/Site-Specific Standards
	AG (4)	RL	RR	RS	RSF	RMF	
Bioenergy Facilities	CUP	CUP	CUP				Refer to 22.32.030.
Solar Electric Facilities (SEF)(5)							
Tier 1 SEF: up to 20 acres(6)	A2	A2	A2	A2	A2	A2	Allowable only where minimum site criteria are met. Refer to 22.32.030 and 22.32.050.

Land Use (~~21~~, 2)	Permit Requirements By L.U.C. (3)						Notes/Site-Specific Standards
	AG (4)	RL	RR	RS	RSF	RMF	
Tier 2 SEF: up to 40 acres(7)	A2	A2	A2				Permit requirements vary by area. Refer to 22.32.030 and 22.32.050.(8)
Tier 3 SEF: up to 160 acres(7)	A2	A2	A2				Permit requirements vary by area. Refer to 22.32.030 and 22.32.050.(8)
Tier 4 SEF: greater than 160 acres(7)	CUP	CUP	CUP				Refer to 22.32.030 and 22.32.050.
Solar Thermal Facilities Solar thermal facilities – all technologies(7)	CUP	CUP	CUP				Refer to 22.32.030 and 22.32.050.
Wind Energy Conversion Systems (WECS)							
Tier 1 WECS: roof- or structure-mounted(7)	P	P	P				Refer to 22.32.030 and 22.32.060.
Tier 2 WECS: ground-mounted up to 100 feet tall and no more than rated capacity of 2 MW for all turbines(7)	MUP	MUP	MUP				Refer to 22.32.030 and 22.32.060.
Tier 3 WECS: greater than 100 feet tall or with a rated capacity of 2 MW or more for all turbines(7)	CUP	CUP					Refer to 22.32.030 and 22.32.060.

Notes

(1) See Article 8 and this Chapter for definitions of the listed land uses.

(2) See Article 9 for any restrictions or special permit requirements for a listed use in specific community or area.

(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.

(~~8~~4) Land uses on property under Land Conservation Act contracts must adhere to the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it.

(5) The size of the SEF shall be measured as the total area of the facility, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

(6) For Tier 1 SEF projects proposed on land under Land Conservation Act contract up to 20 acres in size, the permit requirements of this Chapter shall apply. Tier 1 SEFs shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it.

(7) For projects proposed on land under Land Conservation Act contract greater than 20 acres, a Minor Use Permit shall be required and the project shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it. For purposes of determining permit requirements for WECS proposed on land under Land Conservation Act contract, the area shall be measured as the total area of site disturbance.

(8) For projects proposed in the Renewable Energy Combining Designation, if the project is consistent with criteria of the RE Combining Designation, alternative permit requirements may apply. Refer to Section 22.14.100.

Key To Permit Requirements

Symbol	Permit Requirement
A2	Allowable use, subject to the land use permit required by the specific use standards.
P	Permitted use, Zoning Clearance required.
SP	Permitted use, Site Plan Review required.
MUP	Conditional use, Minor Use Permit required.
CUP	Conditional use, Conditional Use Permit required.
	Use not allowed.

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS FOR RENEWABLE ENERGY FACILITIES BY LAND USE CATEGORY

Land Use (1, 2)	Permit Requirements By L.U.C. (3)							Notes/Site-Specific Standards
	OP	CR	CS	IND	OS	REC	PF	
Bioenergy Facilities			CUP	CUP			CUP	
Solar Electric Facilities (SEF) (4)								
Tier 1 SEF: up to 20 acres (5)	A2	A2	A2	A2	A2	A2	A2	Allowable only where minimum site criteria are met. Refer to 22.32.030 and 22.32.050.
Tier 2 SEF: up to 40 acres(6)		A2	A2	A2			A2	Permit requirements vary by area. Refer to 22.32.030 and

Land Use (1, 2)	Permit Requirements By L.U.C. (3)							Notes/Site-Specific Standards
	OP	CR	CS	IND	OS	REC	PF	
								22.32.050.(7)
Tier 3 SEF: up to 160 acres(6)			A2	A2			A2	Permit requirements vary by area. Refer to 22.32.030 and 22.32.050. (7)
Tier 4 SEF: greater than 160 acres (6)			CUP	CUP			CUP	Refer to 22.32.030 and 22.32.050.
Solar Thermal Facilities Solar thermal facilities – all technologies(6)			CUP	CUP				Refer to 22.32.030 and 22.32.050
Wind Energy Conversion Systems (WECS)								
Tier 1 WECS: roof- or structure-mounted (6)			P	P	P		P	Refer to 22.32.030 and 22.32.060.
Tier 2 WECS: ground-mounted up to 100 feet tall and no more than rated capacity of 2 MW for all turbines (6)			MUP	MUP			MUP	Refer to 22.32.030 and 22.32.060.
Tier 3 WECS: greater than 100 feet tall or with a rated capacity of 2 MW or more for all turbines(6)			CUP	CUP				Refer to 22.32.030 and 22.32.060.

Notes

(1) See Article 8 and this Chapter for definitions of the listed land uses.

(2) See Article 9 for any restrictions or special permit requirements for a listed use in specific community or area.

(3) L.U.C. means "land use category." See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.

(4) The size of the SEF shall be measured as the total area of the facility, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

(5) For Tier 1 SEF projects proposed on land under Land Conservation Act contract up to 20 acres in size, the permit requirements of this Chapter shall apply. Tier 1 SEFs shall comply with the County's Rules of Procedure to

Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it.

(6) For projects proposed on land under Land Conservation Act contract greater than 20 acres, a Minor Use Permit shall be required and the project shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it. For purposes of determining permit requirements for WECS proposed on land under Land Conservation Act contract, the area shall be measured as the total area of site disturbance or grading.

(7) For projects proposed in the Renewable Energy Combining Designation, if the project is consistent with criteria of the RE Combining Designation, alternative permit requirements may apply. Refer to Section 22.14.100.

Key To Permit Requirements

Symbol	Permit Requirement
A2	Allowable use, subject to the land use permit required by the specific use standards.
P	Permitted use, Zoning Clearance required.
SP	Permitted use, Site Plan Review required.
MUP	Conditional use, Minor Use Permit required.
CUP	Conditional use, Conditional Use Permit required.
	Use not allowed.

4. Permit requirements for all other energy-generating facilities not identified in this Section are determined by Chapter 22.06.

B. Application contents. In addition to any specific requirements later in this Section, land use permit applications shall comply with the requirements of Chapter 22.62 (Permit Applications) and shall also describe:

1. The physical and operating characteristics of the facility; the proposed design capacity of the facility; the operating schedule; how the electric energy shall be used for on-site purposes or for off-site distribution; and if any electric energy shall leave the site, the physical and contractual arrangement for tying-in, or connecting, to other facilities.~~;~~

2. For discretionary projects, alternatives ~~Alternatives~~ to the proposed facility and to distinct or separable aspects of the proposal. This will include reliability, as well as economic and environmental advantages and disadvantages.~~;~~

3. Plans for any overhead or underground transmission lines, transformers, inverters, switchyards, or any required new or upgraded off-site transmission facilities.~~; and~~

4. For energy-generating facilities that require a Site Plan Review, an application form and other information prepared as specified in Section 22.60.040.B, 22.60.040.D, and 22.62.040 for Site Plan Review. As noted in Section 22.60.040E, the Director

may waive some or all application content requirements at the written request of the applicant if it is demonstrated that the absence of the documentation will not reduce the ability of the Director to evaluate the compliance of the proposed project with the standards of this Title.

5. For energy-generating facilities eligible for Zoning Clearance as determined by Section 22.32.030 of this Chapter, an application form and information required by Section 22.60.040B and 22.62.030 of this Title.

6. For Tier 4 SEFs and discretionary non-renewable energy facilities, ~~4. t~~The number and characterization by trades of the estimated construction and operation force. If construction is estimated to take over six months, the construction workforce will be estimated for each six-month period and will include estimates of numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools, and traffic.

C. Approvals from other agencies. If another public agency must approve the proposed facility, the applicant shall:

1. Describe the requirements of that agency; summarize the agency's procedures for acting on the proposed use, and describe the studies, analyses, and other data collection which the applicant or agency will perform in order to resolve each substantive requirement of the agency.

2. List the required actions related to the proposed facility by other public agencies and utilities and a schedule for application and approval of those actions.

3. Provide a copy of necessary state and federal permits and all written comments and decisions made by officials of the agencies listed prior to the start of construction.

D. Information from other applications. An applicant may incorporate by reference any information developed or submitted in any other application for the project, provided the applicant submits a copy or summary of the referenced material, identifies the permitting process in which it was submitted and the outcome of that permitting process, and explains the relevance of the information to the approval standards of this Title.

SECTION 20: Section 22.32.030 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

~~22.32.030~~ 22.32.040 – Development Standards and General Requirements

The following development standards are applicable to all types of energy-generating facilities allowable by this Title, as identified below. Note that general standards are not exclusive. Projects may be subject to multiple types of standards from Subsections A – C.

A. General standards applicable to all energy-generating facilities.

1. Decommissioning and restoration. A decommissioning and restoration plan shall be submitted that includes the removal of all facility elements and reclamation of the site. Plans shall address: removal of all facility elements and reclamation of the site including but not limited to evaluation of adjacent grasses and vegetation, soil preparation, seed/crop planting, and watering and fertilization (if necessary).

2. ~~A. Bonding. Following permit approval and prior to any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements of this Title and any conditions required by the permit. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Conditional Use Permit review and approval process, and will be administered in compliance with Section 22.64.040~~. Bonding for decommissioning energy-generating facilities. Prior to acceptance of a discretionary permit application for an energy-generating facility, the applicant shall submit a cost estimate of the decommissioning work for review by the County or qualified third-party consultant approved by the County. A bond shall be posted in the amount identified in the cost estimate prior to issuance of any construction permits.

~~B. Environmental quality assurance. An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the Conditional Use Permit. Specific requirements of this Environmental Quality Assurance Program will be determined during the environmental review process and Conditional Use Permit review and approval process.~~

3. ~~C.~~ Clearing and revegetation. The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil must be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil, and replanted during the next appropriate season.

4. ~~D.~~ Utility interconnect. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the utility. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the County building inspector prior to the issuance of any building permit. Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.

~~E. Other requirements. Development standards in addition to those specified in this Section and in this Chapter may be imposed through conditions of approval where Minor Use Permit or Conditional Use Permit approval is required.~~

5. Undergrounding of electrical equipment. All electric distribution lines of low to medium voltage less than 60 kV shall be located underground up to the low-voltage side of the step-up transformer, to the point of on-site use, or to the utility-interface point of an on-site substation.

6. Safety signage. The project shall include electrical safety signage on all arrays in the immediate vicinity of all wiring and all electrical conduits to reduce the risk of electrical shock and fire. All signage shall use weather-resistant and fade-proof materials to provide reasonable notice to protect employees and visitors.

7. Easements. Any application for a renewable energy facility or distribution lines requiring easements across parcels other than those under the control of the project applicant, or involving multiple parcels, shall provide evidence of necessary easements prior to the issuance of a building permit. The applicant shall also provide evidence of adequate noticing for all impacted landowners and regulatory agencies

B. Standards applicable to energy-generating facilities requiring a discretionary permit.

1. Environmental quality assurance. Projects that require a discretionary permit per this Section shall submit an Environmental Quality Assurance Program covering all aspects of construction and operation prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the land use permit. Specific requirements of this Environmental Quality Assurance Program will be determined during the environmental review process and land use permit review and approval process.

2. Bonding for decommissioning. Energy-generating facilities requiring a discretionary permit per this Section shall submit a decommissioning report for review and approval with a cost estimate of the decommissioning work for review by the County or qualified third-party consultant approved by the County. A bond shall be posted in the amount identified in the cost estimate prior to issuance of any construction permits.

3. Standards applicable to energy-generating facilities requiring a discretionary permit that are ground-mounted (including renewable and non-renewable energy-generating facilities).

a. Decommissioning and restoration. Proposed energy-generating facilities that are ground-mounted shall submit a decommissioning and restoration plan for the facility that includes the removal of all facility elements and reclamation of the site. Plans shall address: removal of all facility elements, including but not limited to solar modules, trackers, tracking, posts, power station electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels and reclamation of the site including but not limited to evaluation of adjacent grasses and vegetation, soil preparation, seed/crop planting, and watering and fertilization (if necessary).

4. Standards applicable to renewable energy facilities requiring a discretionary permit.

a. Recycling and disposal plan for renewable energy facilities. Projects subject to a discretionary permit per this Section shall submit a recycling and disposal plan for renewable energy infrastructure, including photovoltaic panels, in order that project structures not pose a risk to human health or the environment. The recycling and disposal plan should include panels that are broken during all project phases, including transport, installation, operation, and after project decommissioning. The plan shall specify how these project components will be disposed of in a manner that will not pose a risk to human health or the environment, and the costs of such disposal.

C. Standards applicable to all energy-generating facilities that are ground-mounted.

1. Requirements of this section do not preclude authorities and requirements of other local, state, and federal agencies, including but not limited to the San Luis Obispo County Air Pollution Control District, California Department of Fish and Wildlife, California Department of Transportation, United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

2. Proposed ground-mounted energy-generating facilities otherwise eligible for a Site Plan Review shall be subject to a Minor Use Permit, unless this Chapter (22.32, Energy-Generating Facilities) otherwise requires a Conditional Use Permit, if Botanical Reports or Biological Reports prepared as part of the permit application indicate the presence or potential presence of state or federally listed wildlife or plant species or designated critical habitat unless the proposed project is located in the San Joaquin Kit Fox Habitat Area and meets the following criteria.

a. Is ground-mounted;

b. Is 20 acres or less;

c. Botanical Reports or Biological Reports do not indicate the presence of additional state or federally listed wildlife or plant species or designated critical habitat on or adjacent to the project site; and

d. Complies with the standard mitigation ratio and all applicable San Joaquin Kit Fox Habitat Area conditions for grading and building plans set forth by the Director.

3. Abandonment of ground-mounted facilities. When any ground-mounted energy-generating facility ceases to produce energy on a continuous basis for 12 months, it shall be considered abandoned and a public nuisance unless the owner or operator demonstrates by substantial evidence satisfactory to the Director of Planning and Building Department that there is no intent to abandon the facility. Owners or operators are required to remove all equipment and facilities and to restore the site to the original condition upon abandonment. Facilities deemed by the County to be unsafe and facilities erected in violation of this Section shall also be considered abandoned.

a. The Code Enforcement Officer or any other employee of the Planning and Building Department shall have the right to request documentation and/or affidavits from the system owner/operator regarding the system's usage and to make a determination as to the date of abandonment or the date on which other violation(s) occurred.

b. Upon a determination of abandonment or other violation(s), the Director of Planning and Building shall send a notice thereof to the owner or operator, indicating that the responsible party shall remove the energy-generating facility and all associated facilities, and remediate the site to its approximate original condition within 90 days of notice by the Director of Planning and Building, unless the County determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means other than removing the energy-generating facility and restoration of the site, the Director may advise the owner or operator of such alternative means of resolving the violation(s).

c. In the event the responsible parties have failed to comply, the County's Director of Planning and Building or his or her designee may remove the energy-generating facility and restore the site and may thereafter (a) draw funds from any bond, security, or financial assurance that may have been provided, or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.

4. Standards applicable to ground-mounted renewable energy facilities (including projects requiring a ministerial or discretionary permit).

    a. Ground-mounted renewable energy facilities shall avoid siting on exposed bedrock, rock outcrops, or significant ridgetops.

    b. Ground-mounted renewable energy facilities shall provide an Integrated Pest Management Plan to identify measures for weed control. Measures may include, but are not limited to, native ground cover, livestock grazing to control grasses, manual harvest, or vegetative management.

D. Other requirements. Where this Section does not specify development standards for a proposed energy-generating use, the County will establish standards through the required land use permit.

SECTION 21: Section 22.32.050 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by replacing the existing content in its entirety with new content to read as follows:

A. Permit requirements. Permit requirements by land use category for SEFs are summarized in Section 22.32.030 of this Chapter. Where requirements vary based on the technology and site criteria, requirements shall be as described in Subsections 1–3.

1. Calculation of SEF size. For purposes of this Section, the size of the proposed SEF shall be measured as the total area of the facility inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

2. Applicability of SEF permit requirements. The permit requirements of this Section shall apply only to the proposed SEF, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use. Where other accessory or primary uses are proposed that indirectly support the proposed SEF, the applicable permit requirement for the additional use shall be determined as described in Chapter 22.06 (Allowable Land Uses and Permit Requirements by Land Use Category).

3. Applicable permit requirements for SEFs based on site criteria.

    a. Tier 1 SEF, Roof- or Structure-Mounted. If a proposed SEF located on the roof or structure of a use that is conforming per Chapter 22.72 of this Title, the project shall require Zoning Clearance.

    b. Tier 1 SEF, Ground-Mounted. If a proposed SEF is 20 acres or less, is not located on Class I or Class II soils, and is located to

meet one or more of the site eligibility criteria presented in (a)–(c) below, the project is considered a Tier 1 SEF and shall require Site Plan Review. Projects seeking Tier 1 site eligibility must meet the following criteria:

(1) Is located on land that is graded, disturbed, or altered; consistent with definitions for "Development," "Grading," or "Site Disturbance" in this Title, or

(2) Is located on land that was previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused.

Proposed SEFs that are 20 acres or less but do not meet the Tier 1 site eligibility criteria may be considered a Tier 2 SEF eligible for a Minor Use Permit when consistent with the standards of Subsection c below.

c. Tier 2 SEF. If a proposed SEF is 40 acres or less, is not located on Class I or Class II soils, and is located to meet the site eligibility criteria in (1)–(3) below, the project is considered a Tier 2 SEF and shall require a Minor Use Permit. Proposed projects that are 40 acres or less and located in the Renewable Energy (RE) Combining Designation may be eligible for Site Plan Review when consistent with the site criteria in Section 22.14.100 (Renewable Energy Combining Designation). Projects located outside of the RE Combining Designation seeking Tier 2 site eligibility must meet the following criteria

(1) Is not located on Class I or Class II soils, and

(2) Is ground-mounted, and

(3) Located in urban areas, or located in rural areas on sites designated as Commercial Service (CS) or Industrial (IND).

Proposed SEFs that are 40 acres or less but do not meet the Tier 2 site eligibility criteria may be considered a Tier 3 SEF allowable with a Conditional Use Permit when consistent with the standards of Subsection c.

d. Tier 3 SEF. If a proposed SEF is 160 acres or less, is not located on Class or Class II soils, and does not meet the criteria for Tier 1 or Tier 2 SEFs described above in Subsections a and b and is

located outside of a Renewable Energy (RE) Combining Designation, the project is considered a Tier 3 SEF and shall require a Conditional Use Permit where allowable in table below. Proposed projects that are 160 acres or less and located in the RE Combining Designation may be eligible for Site Plan Review when consistent with the site criteria in Section 22.14.100 (Renewable Energy Combining Designation).

e. Tier 4 SEF. An SEF that is greater than 160 acres and is not located on Class I or Class II soils is considered a Tier 4 SEF and shall require a Conditional Use Permit where allowable in table below.

B. Setbacks.

1. Roof- or structure-mounted SEFs are subject to the setback areas for the type of structure on which they are mounted as regulated by Section 22.10.140.

2. The minimum setbacks for ground-mounted SEFs are determined as follows:

MINIMUM SETBACKS FOR GROUND-MOUNTED SOLAR ELECTRIC FACILITIES(1)

Land Use	Setback			
	Front	**Side**	**Rear**	
Rural Areas				
Tier 1 and Tier 2 SEF(2) 40 acres or less	25 feet	10% of lot width to a maximum of 30 feet, but not less than 15 feet, on sites less than 1 acre Minimum of 30 feet on sites 1 acre or larger	30 feet	
Tier 3 SEF 160 acres or less	50 feet	30 feet	50 feet	
Tier 4 More than 160 acres	100 feet	100 feet	100 feet	

Land Use	Setback			
	Front	Side	Rear	
Urban and Village Areas				
Tier 1 and Tier 2 SEF(2) 40 acres or less	15 feet	10% of lot width to a maximum of 20 feet, but not less than 10 feet, on sites less than 1 acre Minimum of 30 feet on sites of one acre or larger in net area	15 feet	
Tier 3 SEF 160 acres or less	20 feet	20 feet	20 feet	
Tier 4 SEF More than 160 acres	100 feet	100 feet	100 feet	

Notes:

(1) Proposed SEFs shall also comply with the following minimum setbacks where applicable:

- All SEFs shall be set back a minimum of 100 feet from all adjacent parcels in Open Space and Recreation land use categories.
- All SEFs shall be set back a minimum of 50 feet from any seasonal or perennial wetlands, drainages, and vernal pools, except as follows.
- All SEFs requiring a Site Plan Review or discretionary review shall be set back a minimum of 500 feet from any of the following where it is identified in the biological report:
  - Sensitive vegetation and habitat that could support special-status plant or wildlife species.
  - Special-status species that could occur on the site or adjacent properties.
  - Any seasonal or perennial wetlands, drainages, vernal pools, and any other potentially jurisdictional features where sensitive wildlife is present.

(2) Tier 1 and Tier 2 solar electric facilities that are 40 acres or less in size shall be set back from all adjacent parcels in a Residential land use category 10 feet more than the minimum setbacks.

C. Height limits.

1. Measurement of height. The height for all SEFs shall be measured as the vertical distance from the highest point of the SEF to the average of the highest and lowest points where the vertical planes of the SEF would touch the roof surface (for roof-mounted SEFs) or the ground (for ground-mounted SEFs).

2. Height limits. The maximum heights for ground-mounted and roof-mounted SEFs are provided below, respectively.

HEIGHT LIMITS FOR GROUND-MOUNTED SOLAR ELECTRIC FACILITIES

Land Use	Land Use Category	
	Residential (RR, RS, RSF, RMF), Open Space, Recreation, and Public Facilities	**All Other Land Use Categories**
Tier 1, 2, and 3 SEF 160 acres or less	15 feet	25 feet
Tier 4 SEF More than 160 acres	Not applicable	45 feet

MAXIMUM HEIGHT LIMITS FOR ROOF-MOUNTED SOLAR ELECTRIC FACILITIES

Land Use	Land Use Category			
	Agriculture and Rural Lands (AG, RL)	**Residential (RR, RS, RSF, RMF)**	**Commercial and Industrial (OP, CR, CS, IND)**	**Open Space, Recreation, Public Facilities**
All solar electric facilities	No more than 5 feet	No more than 3 feet	No more than 5 feet	No more than 3 feet

D. Other special standards for SEFs. In addition to the general standards applicable to all energy-generating facilities, the following standards shall apply to SEFs.

1. All SEFs shall use nonreflective surfaces that minimize glare to the greatest extent feasible.

2. Tier 1 roof- or structure-mounted SEFs shall be integrated with roofing materials and/or blended with a structure's architectural form. Any roof- or structure-mounted SEF and its equipment shall be designed to be removed at a later date for the roof to be returned to its original pre-project condition.

3. Rotating SEFs shall have tracking system design and shall not create concentrated reflections directed at occupied structures, recreation areas, Sensitive Resource Areas, or public roads.

4. Ground-mounted SEFs shall be located a minimum of 18 inches from the ground to allow wildlife movement and line of sight for wildlife.

5. Lighting. If lighting is required, it shall be activated by motion sensors, fully shielded, and a downcast type so the light does not spill onto adjacent parcels or illuminate the night sky.

6. In the Flood Hazard Combining Designation, solar equipment, wiring, and other supportive electric equipment (such as inverters or transfer switches) shall be located above the base flood elevation.

7. SEFs requiring a discretionary permit shall be sited for screening from residences, Sensitive Resources Areas for visual resources, and areas subject to Highway Corridor Design Standards. Screening measures shall use existing site characteristics to the greatest extent feasible, including existing vegetation and natural topography. Where a project cannot be sited to provide adequate screening, the project shall provide additional screening such as landscaping, or wildlife-friendly fencing shall be provided.

8. SEFs shall not be sited on designated Class I or Class II soils. Where proposed on parcels with Class I and Class II soils, the SEF shall be sited on other areas of the parcel.

9. SEFs requiring a discretionary permit proposed in the Agriculture (AG) land use category on land in an active agricultural use or Important Agricultural Soils, as defined in the Conservation and Open Space Element, shall meet the following:

    a. For projects proposed on land in an active agricultural use, the project shall provide a conservation easement as follows, which shall be on land that supports grazing or uses similar to those within the project site that would be lost due to the proposed project:

        (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on land that can support agricultural uses at the same intensity as the affected agricultural uses at the proposed project site, or

        (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on land that can support agricultural uses at a lower intensity than the affected agricultural uses at the proposed project site.

    b. For projects proposed on parcels with Important Agriculture Soils, the project should be sited to minimize impacts to Important Agricultural Soils to the maximum extent feasible. Where that is not feasible, projects proposed on Important Agriculture Soils shall provide the following:

        (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on Important Agriculture Soils at the proposed project site, or

        (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on Highly Productive Rangeland Soils or other Important Agriculture Soils on a parcel other than the proposed project site.

c. If a proposed project demonstrates dual-use design measures that ensure the long-term productivity of agricultural uses on site, or protects Important Agricultural Soils through other means, the project is allowable without a conservation easement through a Conditional Use Permit. Techniques to allow for continuation of agriculture uses (dual-use) or protection of Highly Productive Rangeland Soils may vary based on underlying parcel and site characteristics, but can be achieved through multiple design features. Examples include, but are not limited to:

(3) The installation of SEFs on poles with no disturbance to soils or crops

(4) Elimination of concrete bases, or

(5) Mounting panels off the ground using other technologies while continuing agricultural uses or protecting soils underneath.

SECTION 22: Section 22.32.060 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by replacing the existing content in its entirety with new content to read as follows:

Determination of permit requirements for wind energy conversion systems (WECS). Permit requirements for WECS are identified in **Table X** of Section 22.32.030 of this Chapter by land use category. Where allowable, WECS requirements vary based on technology and system type as described in Subsections 1 – 3.

1. Tier 1 WECS. A wind energy conversion system that is mounted on a roof or structure of a conforming use per 22.72 of this Title is considered a Tier 1 WECS and shall require a Zoning Clearance where allowable.

2. Tier 2 WECS. A wind energy conversion system is considered a Tier 2 WECS and shall require Site Plan Review where allowable if it meets all of the following criteria:

   a. Is ground-mounted.

   b. Is no greater than 100 feet tall, as measured from the natural grade below the wind turbine to the uppermost extension of any blades.

   c. Has a cumulative rated capacity of 2 MW or less for all turbines proposed on the site.

3. Tier 3 WECS. A wind energy conversion system that is ground-mounted and does not meet the criteria for Tier 2 WECS is considered a Tier 3 solar WECS and shall require a Conditional Use Permit where allowable.

B. Setbacks.

1. Tier 1 WECs (roof- or structure-mounted) are subject to the setbacks for the type of structure on which they are mounted as specified in Section 22.10.140.

2. Ground-mounted WECs.

a. The minimum setbacks for ground-mounted WECS are determined by project height, as measured from the lowest point to the highest point of the WECS, as shown below.

MINIMUM SETBACKS FOR GROUND-MOUNTED WIND ENERGY CONVERSION SYSTEMS(1)

Land Use	Setback		
	Front	Side	Rear
Tier 2 WECS	Minimum of two times the overall machine height on sites less than 5 acres Minimum of three times the overall machine height on sites more than 5 acres		
Tier 3 WECS	Minimum of three times the overall machine height		

Notes:

(1) All ground-mounted WECS shall also comply with the following minimum setbacks where applicable:

a. 50 feet from any seasonal or perennial wetlands, drainages, and vernal pools.

b. 500 feet from any wetlands or riparian zones, or from any location found to serve as a nesting or roosting site for any sensitive bird or bat species or any species of raptor.

C. Height limits.

1. Measurement of height. The height for all WECS shall be measured as the vertical distance from the lowest point of the WECS to the uppermost extension of any rotor, for both roof-mounted and ground-mounted systems.

2. Height limits. The maximum heights for WECS are shown in the table below. For roof- or structure-mounted WECS, these height limits may exceed the maximum height limits for the structure established in Section 22.10.090 (Height Measurement and Height Limit Exceptions).

HEIGHT LIMITS FOR WIND ENERGY CONVERSION SYSTEMS

Land Use	Land Use Category	
	Agriculture, Rural Lands, and Public Facilities (AG, RL, PF)	All Other Land Use Categories
Tier 1 WECS	10 feet	5 feet
Tier 2 WECS	100 feet	100 feet
Tier 3 WECS	600 feet	500 feet

D. Other Special Standards for Wind Energy Conversion Systems

1. All ground-mounted WECS shall be sited to maintain natural grades and shall use existing roads for access to the extent possible. Any grading or road construction that is required shall be the minimum necessary to locate the system and establish sufficient access. The land use permit application shall demonstrate that an alternative site on the parcel is less suitable for other reasons.

2. Tier 1 roof- or structure-mounted WECS shall be designed to be removed at a later date for the roof to be returned to its original pre-project condition.

3. WECS requiring a discretionary permit shall not be sited on designated Class I or Class II soils. Where proposed on parcels with Class I and Class II soils, the WECS shall be sited on other areas of the parcel.

4. A WECS shall not generate noise levels exceeding any standards of the Noise Element of the San Luis Obispo County General Plan. The system shall be designed and constructed in compliance with the California Building Code and the National Electric Code. The safety of the design and construction shall be certified by a California-licensed mechanical, structural, or civil engineer.

5. For a WECS with multiple turbines, each turbine shall be separated from all others by a distance at least equal to that of the diameter of the rotors.

6. Tier 3 WECS shall be located to minimize visual impacts to residences, Sensitive Resource Areas for visual resources, and areas subject to Highway Corridor Design Standards.

7. The design of all WECS shall be as follows:

    a. All materials and surfaces shall be nonreflective and of an unobtrusive color.

b. The WECS and individual components shall carry all appropriate warning signs.

c. Guy wires shall be avoided to the extent possible. If they are necessary, all guy wires shall be marked with bird deterrent devices as recommended by the US Fish and Wildlife Service or the California Department of Fish and Wildlife.

d. No exterior lighting shall be allowed except for lighting required by the Federal Aviation Administration, which shall be at the lowest allowable intensity.

e. All turbines shall be equipped with manual and automatic overspeed controls capable of limiting the blade rotation speeds to within the design limits of the system.

f. Ground-mounted WECS shall be designed to prevent climbing within the first 12 feet. Any climbing apparatus shall be located at least 12 feet above the finished grade.

g. No portion of a blade of a ground-mounted WECS shall extend within 20 feet of the finished grade.

h. The lowermost extension of any rotor of a Tier 2 or Tier 3 WECS shall be 30 feet above the highest existing occupied structure or tree within a 250-foot radius. A modification to this standard may be approved by the Review Authority if the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

SECTION 23: Section 22.80.030.A on page 8-4 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Accessory Renewable Energy-Generating Facilities. Ground-mounted facilities accessory to any principal use and customarily a part thereof engaged in the production of energy from sources that regenerate, as defined under "Renewable Energy Facilities." Accessory renewable energy-generating facilities are incidental to and generate energy primarily for the principal use. Includes roof-mounted energy-generating facilities, which are further defined under "Energy-Generating Facilities."

SECTION 24: Section 22.80.030.A on page 8-5 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Agricultural Accessory Structure (land use): An uninhabited structures or buildings designed and built to store farm animals, implements, supplies, or products (not including commercial greenhouses which are included under "Nursery Specialties," or buildings for agricultural

processing activities) that contains no residential use and is not open to the public. Also include greenhouses engaged in agricultural research as the primary use. Agricultural accessory structures can also include but not be limited to wind- and solar-powered devices used for direct climate control, and water pumping or other conversion of wind, ~~or~~ solar, or bioenergy energy to mechanical, electrical, or thermal power used on-site. Wind energy conversion systems and solar electric facilities ~~machines~~ for electric power generation are separately defined. Includes barns, grain elevators, silos, and other similar buildings and structures. [Amended 1989, Ord. 2411; 1995, Ord. 2740].

SECTION 25: Section 22.80.030.B on page 8-9 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Bioenergy Facilities. Facilities engaged in the production of renewable energy from combustion or decomposition of biomass or biogas including forest and other wood waste, agriculture and food processing wastes, organic urban waste, waste and emissions from water treatment facilities, landfill gas, and other organic waste sources. Bioenergy can be used to generate renewable electricity, liquid fuels, and biogas. Primary types of bioenergy are biomass, landfill gas, digester gas, and municipal solid waste. Bioenergy facilities are a type of renewable energy facility and included under "Energy-Generating Facilities" and "Renewable Energy Facilities" as defined by this Title.

SECTION 26: Section 22.80.030.D on page 8-20 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Distributed Energy Resources (DER). Small, modular, energy generation and accessory storage technologies that provide electric capacity or energy located where it's needed, often at a customer's location or close to a load center. These facilities are typically owned by non-utility entities, such as generation developers or utility customers that offset all or part of the customer's on-site electrical load. DER's typically produce less than 20 megawatts of power near the point of use and include wind turbines, photovoltaics (PV), fuel cells, microturbines, reciprocating engines, combustion turbines, cogeneration, and energy storage systems. DER systems may be either connected to the local electric power grid or isolated from the grid in stand-alone applications. DER systems are a type of energy-generating facility and included under "Energy-Generating Facilities" as defined by this Title.

SECTION 27: Section 22.80.030.E on page 8-23 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

~~**Electric Generating Plants**~~ **Energy-Generating Facilities (land use).** Facilities engaged in the generation and distribution of ~~electrical~~ energy ~~for sale~~ and the accessory energy storage systems to support them. The ~~electricity~~ energy may be generated from oil, gas, coal, or nuclear fuels or from "alternate" sources including but not limited to water, wind, the sun, biogas, or municipal or agricultural wastes. This includes "cogeneration," which means the sequential use of

energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by electric power production or the reverse. ~~See also "Wind Energy Conversion System."~~ Includes, but is not limited to:

a. Electric-generating plants generating electricity for sale.

b. Renewable energy facilities producing energy for on- or off-site use such as "Solar Electric Facilities" or "Wind Energy Conversion Facilities" as defined by this Title.

c. "Non-Renewable Energy Facilities" defined by this Title, such as power plants fueled with natural gas.

Energy Storage. Energy storage technologies store energy and deliver it to the electric grid or an end user at a later time. This includes both small, battery systems and independent, freestanding facilities, such as flow batteries, flywheel devices, compressed air energy storage, or pumped hydro energy storage (PHES) technologies. Accessory energy storage that supports on-site energy production is included separately under the primary on-site energy facility, including "Solar Electric Facilities," "Wind Energy Conversion Facilities," or other types of "Energy-Generating Facilities" as defined by this Title.

SECTION 28: Section 22.80.030.N on page 8-46 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Non-Renewable Energy Generating Facilities. Facilities that generate or store energy from non-renewable sources such as oil, gas, or coal. Non-renewable energy generating facilities are a type of energy-generating facility and included under "Energy-Generating Facilities" as defined by this Title.

SECTION 29: Section 22.80.030.R on page 8-59 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Renewable Energy Facilities (REF). Facilities that generate or store energy from sources that regenerate as defined by the California Public Resources Code, including but not limited to energy conversion systems such as bioenergy, solar thermal, photovoltaic, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current (California Public Resources Code Section 25741.a.1). Renewable energy facilities are a type of energy-generating facility and included under "Energy-Generating Facilities" as defined by this Title. Includes "Bioenergy Facilities," "Solar Electric Facilities," "Solar Heating and Hot Water Systems," "Solar Thermal Facilities," and "Wind Energy Conversion Systems" as defined by this Title.

SECTION 30: Section 22.80.030.S on page 8-68 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Solar Electric Facilities (SEF). Any solar electric system including the components and subsystems that, in combination, convert solar energy into electric energy suitable for use. Includes, but is not limited to, photovoltaic systems and the accessory solar energy storage systems to support them. Transmission lines located off the site of the facility are included under "Pipelines and Transmission Lines." Electrical substations are included under "Public Utility Facilities." Solar thermal systems are included under "Solar Thermal Energy Facilities." Solar electric facilities are a type of renewable energy facility and included under "Energy-Generating Facilities" and "Renewable Energy Facilities" as defined by this Title.

Solar Heating and Hot Water Systems. Solar energy systems that capture the sun's radiant energy, convert it into heat energy, store this heat in insulated storage tank(s), and deliver the stored energy as needed to either the domestic hot water or heating system for on-site uses. Solar heating and hot water systems are a type of renewable energy facility and included under "Energy-Generating Facilities" and "Renewable Energy Facilities" as defined by this Title.

Solar Thermal Energy Facilities. The components and subsystems that concentrate sunlight on a relatively small area to create high temperatures that vaporize water or other fluids to drive a turbine for generation of electric power. Solar thermal energy facilities are a type of renewable energy facility and included under "Energy-Generating Facilities" and "Renewable Energy Facilities" as defined by this Title.

SECTION 31: Section 22.80.030.W on page 8-77 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

Wind Energy Conversion Systems (WECS). Devices which converts wind energy to a form of usable energy or provide storage of wind energy including all equipment and accessory structures related to the system, including but not limited to wind turbines, mounting posts, on-site transmission lines, operations and maintenance buildings, and other related accessory structures. WECS producing electricity are included here; those used for direct climate control, water pumping, or other conversion to mechanical or thermal power, are included under "Agricultural Accessory Structures." Transmission lines located off the site of the facility are included under "Pipelines and Transmission Lines." Electrical substations are included under "Public Utility Facilities." (SIC: Group 49) (Amended 1989, Ord. 2411). WECS are a type of renewable energy facility and included under "Energy-Generating Facilities" and "Renewable Energy Facilities" as defined by this Title.

SECTION 32: Section 22.94.082.C starting on 9-56 (excluding Figure 94-39 which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C) Commercial Retail (CR) - Stockdale Road area.

The following standards apply within the Commercial Retail land use category on Stockdale Road, as shown in Figure 94-39.

1) Limitation on use. Land uses shall be limited to the following

Animal keeping	Offices, temporary
Bars and night clubs (limited to 60 customer seats)	Outdoor sports and recreation
Caretaker residence	Pipelines and transmission lines
Convenience and liquor stores (limited to 2,000 square feet)	Public safety facilities
Crop production and grazing	Public utility facilities
Energy-generating facilities (limited to renewable energy facilities)	Recycling collection stations
Food and beverage products manufacturing	Residential accessory uses
General retail (limited to 2,000 square feet)	Restaurants (limited to 60 customer seats)
Grocery stores (limited to 1,500 square feet)	Small scale manufacturing
Mail order and vending	Vehicle storage

2) Permit Requirement. Minor Use Permit approval is required for any new use and any expanded use that increases use area more than 10 percent, unless a Conditional Use Permit is otherwise required by this Title.

SECTION 33: Section 22.94.082.D, starting on page 9-57 (excluding Figures 94-40 and 94-41) which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

D) Commercial Service (CS) - Wellsona Road area. The following standards apply within the Commercial Service category from the vicinity of the intersection of Highway 101 and Wellsona Road to the Exline Road intersection with the highway, as shown in Figure 94-40.

1) Limitation on use – Wellsona Road area. Allowable land uses on the Wellsona Road properties shown in Figure 94-40 are limited to:

Agriculture and accessory structures	Recreational Vehicle Parks
Bars and night clubs	Recycling and scrap
Bed and breakfast inns	Recycling collection stations
Caretaker residence	Residential accessory use
Concrete, gypsum, and plaster products	Restaurants
Construction contractors	Small scale manufacturing
Convenience and liquor stores (limited to 2,000 square feet)	Stone and cut stone products
Crop production and grazing	Storage, accessory
Energy-generating facilities (limited to renewable energy facilities)	Storage yards
Existing motorcycle dealers	Temporary offices
Gas stations	Transmission facilities

General retail (limited to gifts, novelties, souvenirs, and antiques)	Truck stops
Grocery stores (maximum gross floor area of 5,000 square feet)	Vehicle and freight terminals
Hotels, motels if associated with truck stops as uses	Vehicle storage
Mail order and vending	Warehousing
Personal services	Wholesale and distribution
Public safety facilities	

2) Limitation on use - Other Commercial Service properties. Land uses shall be limited to the following for other Commercial Service properties shown in Figure 94-40. Retail sales are limited only to the incidental sale of goods produced, assembled or manufactured on the site. All other sales shall be wholesale to other businesses only.

Ag accessory structures	Recreational vehicle parks are also an allowable use on a property at Exline and Stockdale Roads, as shown in Figure 94-41.
Caretaker residence	Small scale manufacturing
Concrete, gypsum, and plaster products	Stone and cut stone products
Construction contractors	Storage, accessory
Crop production and grazing	Storage yards
Energy-generating facilities (limited to renewable energy facilities)	Temporary offices
Existing motorcycle dealers	Transmission facilities
Public safety facilities	Vehicle and freight terminals
Recycling and scrap	Vehicle storage
Recycling collection stations	Warehousing
Residential accessory use	Wholesale and distribution

3) Permit requirement. Minor Use Permit approval is required for all new uses, or expanded uses that increase use area more than 10 percent, unless a Conditional Use Permit is otherwise required by this Title.

SECTION 34: Section 22.94.082.E on page 9-65 (excluding Figure 94-48 which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

E) Industrial (IND). The following standards apply within the Industrial land use category located at Wellsona Road east of Highway 101 as shown in Figure 94-48.

1) Limitation on use. Land uses shall be limited to fuel dealers, energy-generating facilities (limited to renewable energy facilities), and those listed in Table 2-2, Section 22.06.030 within the Manufacturing and Processing group as allowable, permitted, or conditional

in the Industrial land use category. Retail trade uses are only allowed incidental to the manufacture, assembly or processing of products on the same site.

2) Permit requirement. Minor Use Permit approval is required for all proposed uses, unless a Conditional Use Permit is otherwise required by this Title.

SECTION 35: Section 22.94.082.G.4 starting on page 9-68(excluding Figures 94-53 which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

4) Spanish Camp Area. The following standards apply only to the area south of Charolais Road, east of Highway 101, as shown in Figure 94-53.

a) Limitation on use - Spanish Camp area. Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: agricultural accessory structures; crop production and grazing; caretaker residence; animal keeping; energy-generating facilities (limited to renewable energy facilities); home occupations; residential accessory uses; single-family dwellings; storage-accessory; and temporary construction yards.

SECTION 36: Section 22.94.082.G.5 starting on page 9-69(excluding Figure 94-54, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

5) Almira Park area. Allowable land uses within the Almira Park area as shown in Figure 94-54 are limited to agricultural accessory structures; crop production and grazing; caretaker residences; animal keeping; energy-generating facilities (limited to renewable energy facilities); home occupations; residential accessory uses; single-family dwellings; storage-accessory; temporary construction yards; and bed and breakfast inns.

SECTION 37: Section 22.94.090.C starting on page 9-78 (excluding Figure 94-65, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C) Commercial Service (CS). The following standards apply within the Commercial Service land use category.

1) **Highway 46 between Shandon and Cholame - Commercial Service area**. The following standards apply to the area located on the northwest side of Highway 46 between Shandon and Cholame, which is 200 feet wide with 390 feet of frontage on Highway 46 extending southwesterly from the intersection of the highway and the easterly line of the northwest quarter of Section 2, Township 26 South, Range 15 East as shown on Figure 94-65.

a) **Limitation on use - service commercial area**. Land uses shall be limited to the following, subject to the land use permit requirements of Section 22.06.030: Metal Industries - Fabricated; Small Scale Manufacturing; Agricultural Processing (excluding wine tasting and special events); Energy-Generating Facilities (limited to

Renewable Energy Facilities that are an accessory use); Warehousing (no wholesale or retail sales from the site), Caretaker's Quarters and Residential Accessory Uses. All uses are limited to the producing, assembling, manufacturing, and storing of goods and products that are for rural or agricultural applications or operations

b) **Permit requirement**. Minor Use Permit approval is required for all new or expanded uses, unless a Conditional Use Permit is otherwise required by this Title.

2) West Centre and Highway 46. The following standards apply to the property near the intersection of West Centre Street and State Highway 46.

a) Permit requirement. Conditional Use Permit is required prior to the first entitlement on the site. The Conditional Use Permit shall specify the permit requirements for the full build-out of the site for all new construction. If a separate entitlement has not been obtained prior to the master Conditional Use Permit for the Peck Ranch Master Plan area required by Section 22.110.050.B.1, development of this site shall be included as part of that master Conditional Use Permit.

b) Limitation on use. Allowable uses shall be limited to Ag Processing, Animal hospitals and veterinary medical facilities, Crop Production and Grazing, Nursery Specialties, Small Scale Manufacturing (limited to artisan/craftsman type operations), Indoor Amusement and Recreation Facilities, Energy-Generating Facilities (limited to Renewable Energy Facilities), Automobile Service Stations and Gas Stations, Restaurants, Libraries and Museums, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, General Retail, Restaurants, Lodging and Personal Services.

SECTION 38: Section 22.96.050.A starting on page 9-94 (excluding Figure 96-8, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

A. Agriculture (AG). The following standards apply within the Agriculture land use category.

1. **O'Connor Way / West Foothill Area.** The following standards apply to development projects that are accepted as complete for processing after September 20, 2002 and only to lands within the Agriculture land use category in the O'Connor Way / West Foothill Area, as shown in Figure 108-10.

***Guideline**: Development should be designed to blend with the existing rural development and preserve the rural and agrarian character of the area.*

a. **Limitation on Use**. Uses identified in Table O, Part I of the Land Use Element as "A" or "S" uses are limited to: agricultural accessory structures; agricultural processing; airfields and landing strips; animal raising and keeping; bed and breakfast facilities; caretaker residence; churches; communications facilities; crop production and grazing; eating and drinking places; energy-generating facilities ~~electric generating plants~~ (solar ~~energy~~ electric facilities and wind energy conversion systems ~~& WECF~~ only); farm equipment and supplies; farm support quarters; fisheries and game preserves; food and kindred products; forestry; home occupations; libraries

and museums; membership organization facilities; mining; mobilehomes; nursery specialties; offices, temporary; outdoor retail sales; petroleum extraction; pipelines and transmission lines; public safety facilities; public utility facilities; residential accessory uses; residential care (for 6 or fewer); roadside stands; rural recreation and camping; schools- specialized education and training; single family dwellings; small scale manufacturing; specialized animal facilities; storage accessory; temporary construction trailer parks; temporary construction yards; temporary dwelling; temporary events; warehousing; and wholesaling and distribution.

SECTION 39: Section 22.96.050.B starting on page 9-94 (excluding Figure 96-9, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

B) Rural Lands (RL). The following standards apply within the Rural Lands land use category.

1) Irish Hills - Limitation on use. Land uses within the Irish Hills (see Figure 96-9) shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: ag accessory structures; animal facilities; crop production and grazing; nursery specialties; energy-generating facilities (limited to renewable energy facilities); communications facilities; animal keeping; residential accessory uses; single-family dwellings; mobile homes; temporary dwellings; roadside stands; outdoor retail sales; accessory storage; pipelines and transmission lines.

2) San Luis Obispo Sub-area – Limitation on use. All land uses identified by Section 22.06.030 as allowable, permitted, or conditional in the Rural Lands land use category within the San Luis Obispo Sub-area (as shown in Figure 96-1) may be authorized in compliance with the land use permit requirements of that Section, except residential care, correctional institutions, and uses listed by Table 2-2, Section 22.06.030 in the Industry, Manufacturing and Processing use group.

C) Industrial (IND) – Edna and Buckley Roads - Limitation on use. Land uses on the shaded parcel within the Industrial land use category shown in Figure 96-10 shall be limited to construction contractors, caretaker residences, ~~and~~ storage yard (sales lots prohibited), and energy-generating facilities (limited to renewable energy facilities).

SECTION 40: Section 22.96.050.E.2 starting on page 9-96 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a) Limitation on Use. Uses identified in Table O, Part I of the Land Use Element as "A" or "S" uses are limited to: agricultural accessory structures; animal raising and keeping; bed and breakfast facilities; caretaker residence; cemeteries and columbaria; churches; communications facilities; crop production and grazing; energy-generating facilities; ~~electric generating plants~~ (solar electric facilities and wind energy conversion systems ~~solar and~~ ~~WECF~~ only); farm equipment and supplies; fisheries and game preserves; forestry; home occupations; mobile homes; nursery specialties;

offices, temporary; public safety facilities; public utility facilities; residential accessory uses; residential care (for 6 or fewer); roadside stands; secondary dwellings; single family dwellings; specialized animal facilities; storage accessory; temporary dwelling; and existing school, pre to secondary, and existing outdoor sports and recreation facilities.

SECTION 41: Section 22.96.050.E.3 starting on page 9-96 (excluding Figure 96-11, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

3) West of Bear Valley Estates (Tract 502). The following standards apply only to the parcel located west of Tract 502 as shown in Figure 96-11.

   a) Limitation on use. Land uses shall be limited to agricultural accessory structures, animal keeping, ~~and~~ crop production and grazing, and energy-generating facilities (limited to renewable energy facilities).

SECTION 42: Section 22.96.050.F.3 starting on page 9-104 (excluding Figure 96-17, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

3) Squire Canyon. The following standards apply to the Residential Suburban land use category in Squire Canyon (see Figure 96-17).

   a) Limitation on use. Land uses in the area northeast of the intersection of Squire Canyon and Indian Knob roads shall be limited to the following (as required by Ordinance 824): agricultural accessory structures; crop production and grazing; energy-generating facilities (limited to renewable energy facilities); communications facilities; animal keeping; animal facilities (with the only use limited to keeping not more than six adult dogs per parcel, with a kennel license being required for raising more than four adult dogs, in compliance with County Code Section 9.04.120); home occupations; residential accessory uses; single-family dwellings; temporary dwellings; pipelines and transmission lines.

SECTION 43: Section 22.98.062.B.3.c starting on page 9-156 (excluding Figure 98-12, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

c) Limitation on use. Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: agricultural accessory structures; animal keeping; crop production and grazing; animal facilities (horse ranches and other equestrian facilities only); energy-generating facilities (limited to renewable energy facilities); caretaker residences; home occupations; mobile homes; residential accessory uses; single-family dwellings; storage, accessory; and public utility facilities. Notwithstanding the provisions of

this standard, it is the applicant's responsibility to ensure that any proposed land uses comply with the Tiffany Ranch covenants, conditions and restrictions (CC&Rs).

SECTION 44: Section 22.98.072.A.3.a starting on page 9-172 (excluding Figure 98-22, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a) Limitation on use. Land uses are limited to the following within Agriculture land use category in the Nipomo and Santa Maria (Oso Flaco) Valleys, subject to the land use permit requirements of Section 22.06.030:

Ag processing	Mobile homes
Agricultural accessory structures	Nursery specialties (Conditional Use Permit required)
Animal keeping	Outdoor retail sales
Communications facilities	Pipelines and power transmission lines
Crop production and grazing	Residential accessory uses
Energy-generating facilities (limited to renewable energy facilities)	Roadside stands
Farm support quarters	
Home occupations	Single-family dwellings
Mining and concrete batch plants (within the area along the Santa Maria River shown in Figure 98-23 which corresponds to the EX1 or subsequently designated EX combining designation)	Temporary dwellings

SECTION 45: Section 22.98.072.F.1.a starting on page 9-181 (excluding Figure 98-30, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

F) Recreation (REC)/Public Facilities (PF). The following standards apply within the Recreation/Public Facilities land use category in the rural portions of the South County planning area.

1) Northwest corner of Willow and Via Concha. The following standards apply only to the property shown as Area B in Figure 98-30.

a) Limitation on Use.

(1) Land uses within the REC/ PF land use category shall be limited to: Schools - Elementary and Secondary, and energy-generating facilities (limited to accessory renewable energy facilities), if the site is acquired and developed by the Lucia Mar Unified School District.

(a) Land uses within the REC/ PF land use category shall be limited to Crop Production and Grazing, Outdoor Sports and Recreation, Energy-generating facilities (limited to renewable energy facilities), Parks, and active and passive Open Space if the site is not acquired and developed by the Lucia Mar Unified School District.

SECTION 46: Section 22.104.030.C starting on page 10-12 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C) Open Space (OS). The following standards apply within the OS land use category.

1) Limitation on use. Land uses shall be limited to: a single shooting range, equestrian facilities and incidental camping, hiking and riding trails, picnic areas; grazing and other agricultural uses; energy-generating facilities (limited to renewable energy facilities); public utility facilities; communication facilities; and pipelines and transmission lines, in compliance with the land use permit requirements of Section 22.06.030.

2) Limitation on use - Open space lots. Use of the open space lots in Tracts 424, 446, 447, 452, 466, 474, and 475 shall be limited to hiking and riding trails, energy-generating facilities (limited to renewable energy facilities), and approved facilities for recreational, drainage, and utility purposes. These lots shall be retained in permanent open space. Open space lots in future subdivisions shall be subject to this Limitation on use.

SECTION 47: Section 22.104.030.E starting on page 10-13 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

E) Residential Rural (RR). The following standards apply within the RR land use category.

1) Limitation on use. Land uses shall be limited to single-family dwellings, residential accessory uses, home occupations, animal keeping and agricultural uses, and energy-generating facilities (limited to renewable energy facilities) in compliance with the land use permit requirements of Section 22.06.030.

SECTION 48: Section 22.104.030.F.2 starting on page 10-14 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

2) **Limitation on use - Open space lots.** Use of the open space lots in new land divisions shall be limited to agricultural uses, energy-generating facilities (limited to renewable energy facilities that are an accessory use), biking and riding trails, and approved facilities for recreation, drainage and utility purposes. These lots shall be retained in permanent open space use.

SECTION 49: Section 22.104.030.G.1 starting on page 10-14 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1) **Limitation on use.** Land uses shall be limited to single-family dwellings, residential accessory uses, home occupations, animal keeping and agricultural uses, and energy-generating facilities (limited to renewable energy facilities that are an accessory use), in compliance with the land use permit requirements of Section 22.06.030.

SECTION 50: Section 22.104.040.C.1 starting on page 10-19 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1) **Limitation on use**. Land uses within areas designated for open space shall be limited to riding and hiking trails, energy-generating facilities (limited to renewable energy facilities), and utilities, in compliance with the land use permit requirements of Section 22.06.030.

SECTION 51: Section 22.104.040.F.1 starting on page 10-20 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1) **Limitation on use.** Land uses shall be limited to single-family dwellings, residential accessory uses, home occupations, ~~and~~ religious facilities, and energy-generating facilities (limited to renewable energy facilities that are an accessory use), in compliance with the land use permit requirements of Section 22.06.030.

SECTION 52: Section 22.104.050.B.1 starting on page 10-22 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

B) Commercial Retail (CR). The following standards apply within the CR land use category.

1. **Limitation on use.** Land uses shall be limited to bars and night clubs, convenience and liquor stores, single-family dwellings, gas stations, general retail, grocery stores, ~~and~~ restaurants, and energy-generating facilities (limited to renewable energy facilities that are an accessory use), in compliance with the land use permit requirements of Subsection B.2.

SECTION 53: Section 22.104.050.C on page 10-23 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C) **Residential Suburban (RS) - Limitation on use.** Land uses within the RS land use category shall be limited to single-family dwellings, ~~and~~ religious facilities, and energy-generating facilities (limited to renewable energy facilities that are an accessory use), in compliance with the land use permit requirements of Section 22.06.030.

SECTION 54: Section 22.104.060.B.3.a on page 10-26 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1. **Location and Limitation on use.** Land uses shall be limited to:

Energy-generating facilities (limited to renewable energy facilities)	Outdoor retail sales (plaza festivals and art shows)
Accessory storage	Personal services
Bars and night clubs	Recreational vehicle park (on the southerly half of the site)
Convenience and liquor stores	Restaurants
Gas stations	Small scale manufacturing
Grocery stores, and general retail (tourist oriented, limited to 2,000 square feet each, to total no more than 30,000 square feet in areas 1 and 2)	
Hotels and motels	

SECTION 55: Section 22.104.060.D-E on page 10-27 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

D) **Industrial (IND) - Limitation on use.** Land uses within the Industrial land use category shall be limited to: offices; accessory storage; storage yards; vehicle and freight terminals; ~~and~~ warehousing; and energy-generating facilities (limited to renewable energy facilities).

E) **Recreation (REC) - East of Mission Street - Limitation on use.** Land uses in the area within the Recreation land use category located east of Mission Street as shown in Figure 104-4 shall be limited to religious facilities, libraries and museums, outdoor sports and recreation, energy-generating facilities (limited to renewable energy facilities that are an accessory use), temporary events, or other similar uses that can be found compatible and consistent with the existing cultural resources, in compliance with the land use permit requirements of Section 22.06.030.

SECTION 56: Section 22.104.070.C-D on page 10-35 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C) **Industrial (IND).** The following standards apply within the Industrial land use category.

1) **Limitation on Use - Railroad property.** Allowable land uses are limited on lands in Southern Pacific Railroad ownership to offices, accessory storage, storage yards, vehicle and freight terminals, pipelines and transmission, public utility facilities and warehousing; and energy-generating facilities (limited to renewable energy facilities).

D) **Recreation (REC).** The following standards apply within the Recreation land use category.

1) **Limitation on use.** Land uses shall be limited to libraries and museums, membership organization facilities, outdoor sports and recreation, public assembly and entertainment, sports assembly, temporary events, government offices and caretaker residences, and

energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 57: Section 22.104.080.A.5.a on page 10-38 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

5. **Energy and water conservation.** New development shall implement the following water and energy-saving measures: Installation of low flow or dual flush toilets, low flow shower heads and water faucets and energy efficient appliances; drip irrigation or micro-sprayers on appropriate landscaped areas; Use of devices such as soil monitors and rain shutoff devices for all automatic irrigation systems; and use of mulch in non-turf areas, permeable hardscape to the extent feasible, soil amendments to increase soil moisture holding capacity of soil and native low water using landscaping.

In addition, new development shall include at least four of the following conservation techniques:

a. Install renewable energy facilities or alternative energy equipment and devices such as solar heating and hot water systems ~~thermal heating~~.

SECTION 58: Section 22.104.080.E.2 on page 10-53 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

2) **Limitation on use.** Land uses shall be limited to the those in the following use groups: Industry, Manufacturing and Processing, excluding concrete, gypsum and plaster products, recycling - scrap and dismantling yards, and stone and cut stone products; Recreation, Education & Public Assembly, excluding outdoor sports and recreation facilities and sports assembly; Services (includes offices); Retail Trade-limited to uses that are in support of the business park; and Agriculture, Resource, and Open Space-limited to agricultural processing and nursery specialties and energy-generating facilities (limited to renewable energy facilities that are an accessory use) only.

SECTION 59: Section 22.104.080.F.1 on page 10-54 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1) **Limitation on use.** Allowable uses shall be limited to Ag Processing, Energy-Generating Facilities (limited to Renewable Energy Facilities only), Animal hospitals and veterinary medical facilities, crop production and grazing, nursery specialties, Small Scale Manufacturing (limited to artisan and craftsman-type operations), Indoor Amusement and Recreation Facilities, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, Automobile Service Stations/Gas Stations, General Retail, Restaurants, and Lodging, and Personal Services.

SECTION 60: Section 22.104.080.G on page 10-55 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

G) **Recreation (REC) - Limitation on use.** Within the Recreation land use category, uses are limited to: Crop Production and Grazing, Energy-Generating Facilities (limited to Renewable Energy Facilities only), Recycling - Collection Stations, Libraries and Museums, Outdoor Sports and Recreational Facilities, Public Assembly and Entertainment Facilities, Sports Assembly, Temporary Events, and Outdoor Retail Sales. Areas adjacent to Crawford W. Clarke Memorial Park are limited to the expansion of the community park.

SECTION 61: Section 22.104.090.D.3 on page 10-63 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a. **Limitation on use.** Allowable land uses shall be limited to Building Materials and Hardware and incidental outdoor storage, Nursery Specialties, Energy-Generating Facilities (limited to Renewable Energy Facilities that are an accessory use), and Vehicle and Freight Terminals.

SECTION 62: Section 22.104.090.D.4.a on page 10-64 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a. **Limitation on use.** Land uses shall be limited to agricultural processing, agricultural accessory structures, caretaker residence, crop production and grazing, energy-generating facilities (limited to renewable energy facilities that are an accessory use), incidental offices, accessory storage, outdoor storage yards, and vehicle and freight terminals.

SECTION 63: Section 22.104.090.F.3 on page 10-65 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

3. **Limitation on use - Railroad property.** Allowable land uses are limited to: offices; accessory storage; storage yards; vehicle and freight terminals; ~~and~~ warehousing; and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 64: Section 22.104.090.G.2.a on page 10-66 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a. **Limitation on use.** Land uses shall be limited to libraries and museums, outdoor sports and recreation, ~~and~~ public assembly and entertainment, and energy-generating facilities (limited to renewable energy facilities that are an accessory use) in compliance with the land use permit requirements of Section 22.06.030.

SECTION 65: Section 22.104.090.G.3.c on page 10-67 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

c. **Limitation on use.** Land uses shall be limited to indoor amusement and recreation facilities, libraries and museums, outdoor athletic facilities, public parks and play-grounds, schools, sports assembly, temporary events, health care services, social service organizations, caretaker quarters, offices, public assembly and entertainment facilities, ~~and~~ transit stations

and terminals, and energy-generating facilities (limited to renewable energy facilities), in compliance with the land use permit requirements of Section 22.06.030.

SECTION 66: Section 22.104.090.G.4.b on page 10-69 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

b. **Limitation on use.** Land uses shall be limited to indoor amusement and recreation facilities, libraries and museums, outdoor athletic facilities, public parks and playgrounds, schools, sports assembly, temporary events, health care services, social service organizations, caretaker quarters, offices, public assembly and entertainment facilities and transit stations and terminals, and energy-generating facilities (limited to renewable energy facilities), in compliance with the land use permit requirements of Section 22.06.030.

SECTION 67: Section 22.106.010.C on page 10-79 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

C) **Commercial Retail (CR).** The following standards apply within the Commercial Retail land use category.

1) Avila Valley. The following standards apply only to Avila Valley (see Figure 106-1), to the specific areas listed.

a) **Limitation on use.** Land uses shall be limited to highway and tourist oriented uses and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

b) Permit requirement. Conditional Use Permit approval is required for all uses.

c) Access - Commercial site at San Luis Bay Drive and Highway 101. Primary access to the commercial site shall be from San Luis Bay Drive.

2) **San Luis Bay Estates.** The following standards apply only to the San Luis Bay Estates (see Figure 106-2), to the specific areas listed.

a) Limitation on use. Land uses in the commercial village shall be limited to bars and night clubs, convenience and liquor stores, financial services, general retail, grocery stores, health care services, offices, personal services, public assembly and entertainment, ~~and~~ restaurants, and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 68: Section 22.106.010.E.2 on page 10-82 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

2. **San Luis Bay Estates.** The following standards apply only to the San Luis Bay Estates (see Figure 106-2), to the specific areas listed.

a) **Limitation on use.** Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: accessory storage; bars and night clubs; caretaker residence; convenience and liquor stores; grocery stores; hotels and motels; indoor amusements and recreation; outdoor sports and recreation; pipelines and transmission lines; public safety facilities; restaurants; rural recreation and camping; temporary events, and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 69: Section 22.106.010.F.2 on page 10-85 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

2. **San Luis Bay Estates.** The following standards apply only to the San Luis Bay Estates (see Figure 106-2), to the specific areas listed.

a) **Limitation on use.** Land uses within the residential clusters shall be limited to: home occupations; residential accessory uses; single-family dwellings; temporary dwellings; public safety facilities; public utility facilities; pipelines and transmission lines and storage accessory, and energy-generating facilities (limited to renewable energy facilities that are an accessory use). The range of uses allowed shall be further refined through preparation of the project Master Use Permit, so that uses will be compatible with the character of each cluster.

SECTION 70: Section 22.108.040.C.3.a on page 10-97 (excluding Figure 108-11, which is not proposed for change) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a. **Limitation on use**. Land uses shall limited to the following, in compliance with the land use permit requirements of Section 22.06.030: grocery stores; restaurants; offices; financial services; personal services; consumer repair services; general retail; building materials and hardware; indoor amusements and recreation; gas stations; and multi-family or caretaker dwellings, and energy-generating facilities (limited to renewable energy facilities), except that gas stations shall not be allowed within Area "A" on Figure 108-11.

SECTION 71: Section 22.108.050.F on page 10-119 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

F. **Recreation (REC) - Limitation on use.** Land uses within the Recreation land use category between Highway 1 and the railroad right-of-way shall be limited to recreational vehicle parks in compliance with Ordinance 1215, and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 72: Section 22.108.050.H.3.a on page 10-121 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

a. **Limitation on use.** Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: mobile home parks; except that on 1989 Assessor Parcel Number 75-032-05 as shown in Figure 108-23, land uses shall be limited to: animal keeping; crop production and grazing; energy-generating facilities (limited to renewable energy facilities); religious facilities; membership organization facilities; home occupations; one single-family dwelling or mobile home; residential accessory uses; public safety facilities; storage, accessory; pipelines and transmission lines; and public utility facilities.

SECTION 73: Section 22.108.060.B.1 on page 10-122 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1. **Limitation on use.** Land uses shall be limited to: bars and night clubs; caretaker dwellings; consumer repair services; convenience and liquor stores; financial services; gas stations; general retail; hardware stores; indoor amusements and recreation; offices; personal services; restaurants, and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 74: Section 22.108.060.C.1 on page 10-125 97 (excluding Figure 108-26, which is not proposed for change)of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

1. Limitation on Use. The allowed uses are as follows:

a. "previously-approved uses" per D890413D are allowed, including: golf course and related uses, specific commercial uses within the "Village Center", single family residences, eating and drinking places;

b. additional uses as follows: hotel (not to exceed 103-units), a facility of an approximate 14, 000 square foot footprint (pro-shop, hotel registration, and full service restaurant (200 seat)), employee housing, additional "Village Center" use to allow general public to conduct meetings and social events, ~~and~~ child care facilities, and energy-generating facilities (limited to renewable energy facilities that are an accessory use).

SECTION 75: Based on the findings attached hereto as Exhibit LRP2014-00015:C[2] and incorporated herein as if set forth in full, the Board of Supervisors hereby certifies that the FEIR has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., that the Board of Supervisors reviewed and considered the information contained in the FEIR and the information submitted prior to and during public hearings on the project prior to approving the amendments, and that the FEIR reflects the lead agency's independent judgement and analysis.

[2] The Findings will be provided as an attachment to the staff report when the RESP is presented to the Planning Commission and Board of Supervisors as part of a public hearing.

SECTION 76: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 77: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20_____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

_____

Chairman of the Board of Supervisors,

County of San Luis Obispo,

State of California

ATTEST:

_____

County Clerk and Ex-Officio Clerk

of the Board of Supervisors

County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED

AS TO FORM AND CODIFICATION:

RITA L. NEAL

County Counsel

By:_____

Deputy County Counsel

Dated:_____

Proposed Amendments
County of San Luis Obispo Rules of Procedure to Implement the California Land Conservation Act of 1965

Renewable Energy Streamlining Program
Public Review Draft

November 2014

SECTION 1: Table 2 of the Rules of Procedure, is amended to read as follows:

Add a new Use Group entitled "Renewable Energy Facilities".

		Coastal Zone	
USE GROUP	INLAND AREA	PRIME SOILS	NON-PRIME SOILS
Renewable Energy Facilities	Appendix 1	No	No

SECTION 2: Appendix to the Rules of Procedure, are amended as follows:

Add Appendix 6 to the Ag Preserve Rules of Procedure:

Tier 2 through 4 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. An 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. An 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 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.