



**Department of Development Services**

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## AGENDA REPORT

DATE: November 10, 2016  
TO: Butte County Planning Commission  
FROM: Dan Breedon, AICP, Principal Planner  
RE: PowerButte Solar Overlay Zone Project Amendment

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### I. RECOMMENDATION

Recommend to the Board of Supervisors:

1. Direct staff to amend the project and grant work program to remove the development of a Solar Overlay Zone and related amendments to the Zoning Ordinance, Zoning Map, including permit processes and development standards; and,
2. Direct staff and consultant to develop the *PowerButte Guide to Utility-Scale Solar in Butte County* and related *Mapping Tool* based upon completed and planned work under a revised work program as an alternative to the Solar Overlay Zone.

### II. BACKGROUND

Based upon public input to date and Planning Commission discussion at the September 22, 2016 meeting, Development Services staff is recommending a major amendment to this project as set forth in the recommendation above. Staff has completed 5 community meetings, several stakeholder group meetings, and developed a vision and guiding principles at the Planning Commission and Board of Supervisors. Concepts for this project have been reviewed by the Planning Commission on September 22, 2016, and as currently scheduled for November 10, 2016. These efforts, which included concerns voiced by members of the Butte County Farm Bureau and the Cattlemen's and Cattlewomen's Association, have resulted in a recommendation to change the project's overall approach.

### III. ANALYSIS

The Butte County Farm Bureau and the Cattlemen's and Cattlemen's Association have voiced concerns regarding the loss of agricultural lands in Butte County posed by utility-scale solar facility development. The Cattlemen's and Cattlemen's Association has also indicated in a letter to the Board of Supervisors dated December 8, 2015 that, *"Regardless of intent, these large scale facilities are not conducive to agricultural production, including rangeland grazing, and should only be located on land zoned for commercial use"* (see letter attached). More recently, during the September 22, 2016 Planning Commission Workshop on this project, additional testimony was received from the Butte County Farm Bureau and the Butte County Cattlemen's and Cattlemen's Association that was critical of the current approach to develop a Solar Overlay Zone, summarized in the following:

#### Butte County Cattlemen's and Cattlemen's Association

1. Butte County provides valuable winter grazing, which would be jeopardized by solar facility development under a Solar Overlay Zone
2. Grazing generates revenue for the County.
3. It is not feasible for cattle to graze within solar panel facilities.
4. Grazing lands shaded by solar facilities does not produce grass that is adequate for cattle grazing.
5. Groundwater recharge lost to development in grazing lands cannot be returned.

#### Butte County Farm Bureau

1. Solar facility development should only be developed as an accessory use to agriculture.
2. The Solar Overlay Zone would provide no economic benefit to County, while reducing effort for solar companies to develop on grazing lands.
3. Grazing lands must be kept productive and uncluttered

The concerns regarding loss of grazing lands to utility scale solar facility development is a problem for the current direction of the project. To date, the modeling and constraints analysis completed under the Solar Overlay zone project identifies grazing lands as some of the most suitable for solar facility development. Of the areas identified as most suitable, fully 70 percent are located in lands designated for grazing by the Department of Conservation, with the additional 30 percent located on lands designated as "Other Lands"<sup>1</sup>. The following table shows how the Agriculture zones in Butte County provides the highest percentage of the most suitable sites:

<sup>1</sup> Other land is land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as other land.

<b>Zone</b>	<b>Percent of total</b>
<b>AG-20</b>	17%
<b>AG-40</b>	29%
<b>AG-80</b>	9%
<b>AG-160</b>	33%
<b>Public</b>	3%
<b>Resource Conservation</b>	2%
<b>Timber Mountain</b>	4%
<b>Timber Preserve</b>	2%

### PowerButte Guide to Utility-Scale Solar in Butte County

On October 18, 2016, Development Services staff discussed options with representatives from the Farm Bureau, and the Cattlemen's and Cattlemen's Association that would address their concerns regarding the loss of agricultural lands, and that could result in a more favorable project moving forward. Staff presented a revised approach that would build upon the work completed to date, and develop a PowerButte Guide to Utility-Scale Solar in Butte County, but would not amend the Zoning Ordinance with a new solar overlay zone.

This revised approach would not make any changes to the Zoning Ordinance, or change any permitting processes. The existing permit process, as set forth under the Zoning Ordinance, would remain unchanged. A Conditional Use Permit would still be required to develop utility scale solar facilities in Butte County. The proposed guide would provide valuable information to staff, decision-makers, and the public on the subject of utility scale solar energy development in Butte County, but would not authorize or enable utility scale solar energy facility development.

Both the Farm Bureau and Cattlemen's and Cattlemen's Association indicated agreement with the revised approach, but wished to stay apprised and involved in the future development of the project. Staff will continue to work closely with the Stakeholder Group, the Farm Bureau, the Cattlemen's and Cattlemen's Association, and the public as this project moves forward.

Development Services staff met with the Department of Conservation's grant administrators and the Strategic Growth Council's staff (the funding source agency for this grant) to present and discuss this major amendment to the work program. These agencies were agreeable to the new approach to develop a guide to utility scale solar in Butte County. Staff will continue to work with the Department of Conservation to amend the work plan supported by the grant, as well as PlaceWorks Consulting to complete the development of the guide. All work products would continue to be brought forward for review and consideration by the Planning Commission and Board of Supervisors in the coming months.

The PowerButte Guide to Utility-Scale Solar Facilities will include the constraints and opportunities modeling that has been completed to date. However, this work will continue to be refined based upon the Planning Commission's direction and public comment. The resulting map tool will provide users and members of the public with detailed assessments for all parcels located in the County. Development Services staff will also work with PlaceWorks consulting in the development of an amended work program supporting the new PowerButte Guide. A preliminary outline of the Guide is presented as follows:

- Introduction
- Vision and Guiding Principles
- Purpose
- Constraints and Opportunities in Butte County
- Recommended Standards and Design Criteria
- Best Practices for Low Impact Development
- Discussion of the Mapping Tool
- Exhibit Maps

### CEQA Review

Because the PowerButte Guide will not be authorizing any development, and will not be amending the Zoning Ordinance, no further CEQA review, as proposed under the previous project, would be required.

### Alternative Project Options Considered by Staff

In reviewing this project and public comment received to date, staff developed and analyzed a list of five options, including pros and cons for each. Of these, staff is recommending Option 2 – the Power Butte Guide, as the most feasible because it will address the concerns of the agricultural community, can continue to build upon the work

that has been completed to date, and would provide valuable information to decision-makers, staff, and the public. The five options are discussed below:

**1. No Project Option:** Discontinue the Solar Overlay Zone project.

- All Tier 3 and 4 solar would continue to require a conditional use permit.
- Pros:
  - Reduces potential for impacts to grazing lands.
- Cons:
  - Likely requires repayment of grant monies received.
  - Need to identify replacement action to meet GHG reduction targets of the Climate Action Plan.
  - Does not provide any further information concerning utility scale solar facility development for Butte County

**2. PowerButte Guide Option (Staff Recommended):** Maintain and utilize information developed from the Overlay project as a source of information and merge with new approach to develop a guide for future solar energy applications.

- All Tier 3 and 4 solar projects would continue to require a conditional use permit.
- Project would not include CEQA analysis for programmatic coverage of future solar applications.
- Pros:
  - Provides information on potential constraints and opportunities for future Tier 3 and 4 solar.
  - Reduces potential for impacts to grazing lands.
  - Builds upon existing work.
  - Has received initial support from agricultural community.
- Cons:
  - Need to identify replacement action to meet GHG reduction targets of the Climate Action Plan.

**3. Narrowed Scope Option:** Narrow the scope of the Overlay to exclude all grazing and agriculturally zoned lands.

- Only lands designated as “Other Land” or shown to be significantly impaired/not suitable for grazing and outside of the Agriculture zone would be considered.
- The Overlay would expand the list of prohibited locations (see below).
- Project would not include CEQA analysis for programmatic coverage of future solar applications.
- Pros:
  - Avoids impacts to grazing lands.

- Maintains opportunities for public review and discretionary review of individual Tier 3 and 4 solar projects.
- Builds upon existing work
- Cons:
  - Significantly limits potential locations for Tier 3 and 4 solar projects
  - Need to identify replacement action to meet GHG reduction targets of the Climate Action Plan.
  - Is not supported by the agricultural community.

Option 3 Prohibited Locations:

- Residential, Commercial, and Industrial Zones
- Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Grazing Land unless proven to be significantly impaired/not suitable for grazing
- Agriculturally Zoned Lands
- Mapped Wetlands
- Conservation Areas
- Critical habitat (multiple species)
- Preserve area (Butte County Meadowfoam)
- Very High Fire Hazard Zones
- 100-Year Flood Hazard Areas
- Scenic Highway Overlay Zone
- State, Federal, Tribal, and Municipal Lands
- Airport Land Use Compatibility Zone A

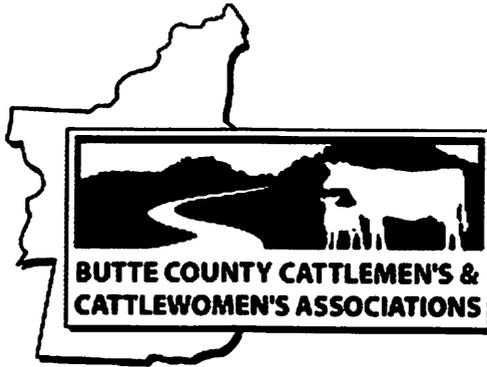
**4. Limited Overlay Option:** Proceed with a limited Overlay that maintains requirements for conditional use permits for all Tier 3 and 4 solar applications.

- Reduced Overlay area (approximately 50,000 acres).
- Project would include CEQA analysis for programmatic coverage of future solar applications.
- Pros:
  - Reduces potential for impacts to grazing lands.
  - Maintains opportunities for public review and discretionary review of individual Tier 3 and 4 solar projects.
  - Builds upon existing work.
- Cons:
  - Is not supported by the agricultural community.
  - May not meet GHG reduction targets of the Climate Action Plan

- 5. Specific Areas Option:** Refocus the Overlay to specific areas, including parking lots, highway corridors, commercial buildings, and other urbanized areas.
- Focus of the Overlay would be to establish a program encouraging Tier 3 and 4 solar facilities in these areas.
  - Work product would include identification of incentives and potential grants for such projects.
  - Potentially allow such projects by right in specified areas.
  - Pros:
    - Reduces potential for impacts to grazing lands.
  - Cons:
    - Would require extensive new work to analyze potential sites and outreach to new group of stakeholders
    - May not meet GHG reduction targets of the Climate Action Plan

### **III. Next Steps**

- The Planning Commission's recommendation to amend the PowerButte Solar Overlay Zone Project will be presented to the Board of Supervisors at their December 6, 2016 meeting.
- Staff and consultant will develop the PowerButte Guide based on work completed and new work proposed under revised scope.
- An additional Planning Commission meeting will be scheduled for review of the final product and recommendations to the Board.
- The Board of Supervisors will hold a public hearing to review the PowerButte Guide, to be approved under County Resolution.
- Project completion is expected by summer 2017.



December 8, 2015

Butte County Board of Supervisors:

The Butte County Cattlemen's Association is opposed to construction of commercial solar facilities on land that is zoned for agricultural use. Regardless of the intent, these large scale facilities are not conducive to agricultural production, including rangeland grazing, and should only be located on land zoned for commercial use. We see the continual erosion of the agricultural land base in Butte County which has long term implications for the economic vitality of our rural communities.

The following resolution was proposed by the Butte County Cattlemen and passed at the recent California Cattlemen's Convention in Reno. This is now official policy of our state organization, and will be advocated for by our staff and leadership team in Sacramento to the legislature and regulators as the subject of solar overlays and commercial scale facilities is debated. Similarly, as the issue is explored in Butte County, BCC intends to be involved in that discussion.

Thank you for your consideration. If you require further clarification on our policy, or wish to discuss this directly, please feel free to contact our President, Sean Earley (530) 701-8181 or Secretary, Dave Daley (1<sup>st</sup> Vice-President CCA) (530) 521-3826.

CC: Pete Calarco, Planning Department  
Colleen Cecil, Butte County Farm Bureau  
Paul Hahn, CAO Butte County  
Luis Mendoza, Ag commissioner  
Tim Snellings, Planning Department

### **California Cattlemen's Association resolution. Adopted by the Board and Membership on November 20<sup>th</sup>, 2015**

#### **COMMERCIAL SCALE SOLAR AND WIND FACILITIES – NEW**

WHEREAS, commercial-scale solar and wind production are increasingly touted as alternative energy solutions in California and are supported by both Federal and State programs, and

WHEREAS, various counties are exploring development of solar overlay maps (along with solar companies) to encourage establishment of commercial-scale solar facilities, and

WHEREAS, the potential sites being explored frequently are zoned for agricultural use, not commercial production, and

WHEREAS, those facilities will negatively impact grazing and other agricultural pursuits; now

THEREFORE, BE IT RESOLVED, that the California Cattlemen's Association oppose the establishment of commercial-scale solar and wind production on lands that are zoned for agriculture.