

May 21, 2024

Ventura County Board of Supervisors

Agenda Item No. 49: Public Hearing Regarding Amending Articles 2, 5, 7 and 19 of the Ventura County Non-Coastal Zoning Ordinance for the Definition of “Energy Production from Renewable Sources” and Add a 100-Acreage Limitation for “Energy Storage” Facilities in OS, AE, and RA Zones (PL24-0019)



Resource Management Agency, Planning Division
Area Plans and Resources Section
Donald Nielsen, Case Planner

1

Presentation Overview

1. Project Background
2. Summary of NCZO Amendments
3. CEQA & Public Noticing
4. Recommended Actions



Saticoy Battery Energy Storage (Beedy Street), El Rio

2



Project Background

3

3

Background



- September 2020 – Board of Supervisors adopted 2040 General Plan
- February 2023 –Began implementation for Programs COS-O, HAZ-O, and Policy EV-4.4
 - COS-O: Assessment of Suitable Lands Near Electrical Transmission and Distribution Lines for Renewable Energy Priority Zone
 - EV-4.4: Identify Locations for Renewable Energy Facilities
 - HAZ-O: Solar Concentration Restriction Near Naval Base Ventura County

4

4

Background



- September 2023 – Board of Supervisors 1st review of Renewable Energy Siting Assessment and Program for **grid-scale** facilities
- November 2023 – Planning Director Use Equivalency Determination regarding battery energy storage issued
- December 2023 – Board heard 2nd review of Renewable Energy Siting Assessment and Program
- March 21, 2024 – Planning Commission Hearing
 - 5-0 Supported Staff Recommendation + 3 Recommendations

5

5

Background – Board Guidance from December 2023



Phase I (~6 months)

- 100 Acre Limitation in OS, AE, and RA zones
- Codify Director Determination

Phase II (~1 year)

- 5% OS, AE, Lot Coverage Exception
- Permit Simplification
- Solar Concentration Prohibition
- Accessory Uses
- Siting Requirements

Future Phases for Work Plan Consideration

- Renewable Energy Restriction Overlay

6

6

Background – Acres Limitation



- Presented Acres Limitation Amounts
 - a. **30 acres** – meets energy needs of countywide population through 2035
 - b. **50 acres** – Option (a) + additional holding capacity for economic development opportunities and electrical demand
 - c. **100 acres** – Option (a) + Option (b) + additional space for green technology & new statewide goals

7

7



Summary of NCZO Amendments

8

8

NCZO Amendments



Article 2: Definitions

Update “*Energy Production from Renewable Sources*” to “*Energy Production from Renewable Sources and Energy Storage*”

- New *Energy Storage* definition
- New definition allows flexibility in types of “energy storage”



Santa Paula Energy Storage

9

9

NCZO Amendments



Article 2: Definitions

- *Energy Production from Renewable Sources and Energy Storage* - Any facility, structure, or installation as a principal use that produces energy from naturally replenished sources such as, but not limited to, wind, water, sunlight, geothermal heat, or biomass, and/or facilities that store energy primarily for off-site uses.
- *Energy Storage* – A specific type of land use under the definition “energy production from renewable sources and energy storage” that is limited to the storage of energy primarily for off-site use.

10

10

NCZO Amendments



Article 5: Uses and Structures by Zone

- Section 8105-4 – Open Space, Agricultural, Residential and Special Purpose Zones

	OS	AE	RA	RE	RO	R1	R2	RPD	RHD	TP	TRU
ENERGY PRODUCTION AND STORAGE FROM RENEWABLE SOURCES (3)	CUP	CUP	CUP								

- Section 8105-5 - Commercial and Industrial Zones

	CO	C1	CPD	M1	M2	M3
ENERGY PRODUCTION AND STORAGE FROM RENEWABLE SOURCES (3)					CUP	CUP
Renewable Energy Storage*				PD	PD	PD

11

11

NCZO Amendments



Article 19: Old Town Saticoy Development Code

- Modify Use Matrix in **Sec. 8119-1** Saticoy Area Plan for consistency with the NCZO amendments and Director Determination

PERMITTED USES IN OLD TOWN SATICOY, BY ZONE				
	TC	R/MU	RES	IND
WAREHOUSING AND STORAGE, INDOOR ONLY				PD
Building Materials, Movers' Equipment, etc.				PD
Ministorage, with or without RV Storage *				CUP
Warehousing and Storage, with outdoor storage				CUP
Renewable Energy Storage				<u>PD</u>

12

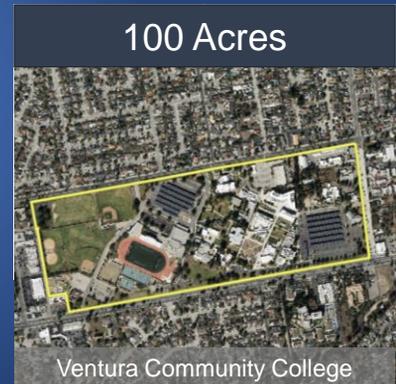
12

NCZO Amendments



Article 7: Standards for Specific Uses Sec. 8107-49: Energy Production and Storage from Renewable Sources

- Establishes a 100-acre limitation in OS, AE, and RA zones
- Placeholder for development standards (Phase II)



13

13

NCZO Amendments – 100 Acre Limitation



- Cumulative acreage
- Combined Areas of OS, AE, and RA zones
- Only approved projects count toward the limitation

Project Area – Included

- Energy storage modules
- Accessory equipment and structures
- Substations
- Internal circulation routes

Project Area – Excluded

- Ingress/Egress Access Road



14

14

Planning Commission Hearing, March 21, 2024



- Voted 5-0 to support staff's recommendation
 - Incorporated Revised Definition Text

- Recommended these considerations for your Board:
 - Conduct an industrial lands job impacts study
 - Consider an industrial acreage limitation
 - Siting Requirements for adjacency to existing electrical infrastructure (Phase 2)

15

15

Industrial Zoned Lands



General Plan
Alternatives Report (Commercial
and Industrial Zones)

Industrial Lands Review of
Development Potential
(Industrial Zones)

Other
Considerations

Vacant

165 Acres

71 Acres

Projected
industrial land
demand deficit

Underutilized

771 Acres

168 Acres

Cost of
Industrial Land

Land Size
Requirements

16

16



CEQA & Public Noticing

17

17

California Environmental Quality Act (CEQA)



Exempt from CEQA Under

- Section 15061(b)(3)– Common Sense Exemption
 - No possibility amendments may cause significant effect on the environment
- Section 15308– Actions by Regulatory Agency for Protection of the Environment
 - Amendments limit number of acres that may be utilized from an allowed use

18

18

Public Noticing



- May 9, 2024
 - Placed a legal ad and summary in the Ventura County Star
- The Planning Division provided additional noticing via email
 - List used for the General Plan update,
 - Interested Parties List

19

19

Public Comment Received



- Planning Division has received two public comments about including the CAISO process into the proposed amendments
- Other comments

20

20



Recommended Actions

21

21

Recommended Actions



1. **CERTIFY** that your Board has reviewed and considered this Board Letter and all exhibits hereto, the Planning Commission staff report and all exhibits thereto, and has considered all other materials and public comments received during the public comment and hearing processes.
2. **FIND** on the basis of the entire record and as set forth in Section B of the Planning Commission Staff Report (Exhibit 1, PC-1), that adoption of the proposed ordinance amending Articles 2, 5, 7, and 19 of the Non-Coastal Zoning Ordinance (NCZO) (Exhibit 2, BH-1) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15308 and 15061(b)(3) because the project consists of regulations for the benefit and protection of the environment and because it can be seen with certainty that there is no possibility the project may cause a significant effect on the environment; and **FIND** that no substantial evidence exists precluding the use of the above categorical exemption (CEQA Guidelines Section 15308) based on the presence of unusual circumstances or any other exception set forth in CEQA Guidelines section 15300.2

22

22

Recommended Actions



3. **FIND** on the basis of the entire record and as set forth in Sections A, B, and C of the Planning Commission staff report, that the proposed amendments to Articles 2, 5, 7, and 19 of the NCZO (Exhibit 2, BH-1) are consistent with the goals, policies and programs of the General Plan and good planning practices and are in the interest of public health, safety and general welfare.
4. **ADOPT** the proposed ordinance amending Articles 2, 5, 7, and 19 of the NCZO (Exhibit 2, BH-1).
5. **CONSIDER** the Planning Commission's additional recommendations to your Board for the County to 1) conduct a study regarding potential job impacts as a result of energy storage projects being developed in the Industrial zones, including potential job losses and/or job gains, and 2) based on this study consider initiating a subsequent legislative project to limit the acreage available for energy storage projects in the Industrial zones.
6. **SPECIFY** that the Clerk of the Board of Supervisors is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which these decisions are based.

23

23

May 21, 2024

Board of Supervisors Hearing

Staff is Available for Questions:

Susan Curtis, Assistant Planning Director

Aaron Engstrom, Planning Manager

Donald Nielsen, Case Planner

Jeffrey Barnes, Chief Assistant County Counsel

Jaclyn Smith, Assistant County Counsel



24