



DEPARTMENT of PUBLIC WORKS and PLANNING
DEVELOPMENT SERVICES & CAPITAL PROJECTS DIVISION

Amendment to Text No. 389



**Amendment to Article 5, Chapter 842.5, Section 842.5.020.B.14,
Applicability, Unclassified Conditional Use Permits for specified uses:**

14. Power production, storage and generation facilities (includes utility-scale photovoltaic facilities subject to the County's adopted Solar Facility Guidelines, wind farms and hydroelectric facilities subject to County jurisdiction) including without limitation any associated facilities for the storage or transmission of electrical energy;

Amendment to Article 7 – Definitions, Public Utility Facilities:

Public utility facilities. Fixed base structures and facilities for the collection, distribution, maintenance, provision, transmission, or disposal of gas, information, oil, power, storm and sanitary sewage, telecommunication, telephone cable services, and water by public utilities, and includes facilities for the generation or storage of electricity. Does not include “Wireless telecommunication facilities.” Notwithstanding the foregoing, “public utility facility” shall include, without limitation, facilities for the storage or transmission of electrical energy, owned or operated by a “local agency,” as defined in section 53090 of the Government Code, including such facilities for the storage or transmission of electrical energy which are proposed in connection to a project otherwise permitted under section 53091, subdivision (e) of the Government Code.

RECOMMENDATION

- Recommend that the Board of Supervisors approve Amendment to Text No. 389 amending the text of two sections of the Ordinance relating to Power Production and Generation Facilities; and
- Recommend the Board of Supervisors determine that the recommended actions are exempt from the California Environmental Quality Act; and
- Direct the Secretary to prepare a Resolution forwarding the proposed amendments to the Zoning Ordinance to the Board of Supervisors with a recommendation for approval.

Government Code:

53090. As used in this article:

- (a) *“Local agency” means an agency of the state for the local performance of governmental or proprietary function within limited boundaries. “Local agency” does not include the state, a city, a county, a rapid transit district, or a rail transit district whose board of directors is appointed by public bodies or officers or elected from election districts within the area comprising the district, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code.*

- (b) *“Building ordinances” means ordinances of a county or city regulating building and construction and removal of buildings, including ordinances relating to the matters set forth in Section 38660 and similar matters, and including ordinances relating to building permits and building inspection.*

53091.

- (e) *Zoning ordinances of a county or city shall not apply to the location or construction of facilities for the production, generation, storage, treatment, or transmission of water, or for the production or generation of electrical energy, facilities that are subject to Section 12808.5 of the Public Utilities Code, or electrical substations in an electrical transmission system that receives electricity at less than 100,000 volts. Zoning ordinances of a county or city shall apply to the location or construction of facilities for the storage or transmission of electrical energy by a local agency, if the zoning ordinances make provision for those facilities.*



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