

ATTACHMENT "F"

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL, CALIFORNIA, FOR AN APPROVAL OF S ZONE CHANGE TO CHANGE THE ZONING CLASSIFICATION FROM “S-2” (OPEN SPACE PRESERVATION/GEOTHERMAL OVERLAY)” TO “OPEN SPACE PRESERVATION/ RERENEWABLE ENERGY “RE” OVERLAY (ZONE CHANGE #19-0001) AND THE ADOPTION OF THE ZONE CHANGE TO THE CODIFIED ORDINANCE.

WHEREAS, Project Applicant: ORNI 33, LLC has filed an application to re-zone parcels 003-240-001 from S-2-G “Open Space Preservation/Geothermal Overlay” to “S-2-RE with Renewable Energy Overlay. Wister Solar Energy Facility project area is mostly bounded on the east by the Gas Line Road (Cuff Road) and on the west by existing Orchard and the north and south by open space.

WHEREAS, the Board of Supervisors of the County of Imperial has been delegated with the responsibility for approval for changes to Zoning Map; and; and

WHEREAS, public notice of said application has been given, and the Board of Supervisors has considered evidence presented by the Imperial County Planning & Development Services Department and other interested parties at a public hearing held with respect to this item on January __, 2021;

NOW THEREFORE, the Board of Supervisors of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Board of Supervisors has considered the proposed Zone Change No. 19-0001, prior to making a decision for the proposed amendment to the Zoning Map. The Board of Supervisors finds and determines that the Environmental Impact Report is adequate and prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) which analyzes environmental effects, based upon the following findings and determinations.

SECTION 2. That in accordance with State Planning and Zoning law and the County of Imperial General Plan and Zoning Ordinances, the following findings for the approval of Zone Change No. 19-0001 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be

**BOARD OF SUPERVISORS RESOLUTION FOR
ZONE CHANGE NO. 19-0001**

Page 2 of 3

degraded as a result of this project.

2. The Zone Change is consistent with the General Plan's underlying land use overlay designation of Renewable Energy (RE). The Zone Change will allow development of 20 megawatts of solar energy.
3. The proposed Renewable Energy Overlay on the S-2 Open Space Preservation site subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinances 90519.02 for property in the aforementioned zones, provided that the applicant obtains a conditional use permit. Ordinances No. 90519.02 represent the county's long-standing determination that approved solar projects are not inconsistent with S-2.
4. The site physically is suitable of this type of development and zoning. The project site consists of generally flat terrain with very gentle topography.
5. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change. Several easements surround and traverse the area. The Imperial Irrigation District (IID) owns several easements associated with existing electrical lines. The easements and their associated facilities will be retained, vacated or realigned as appropriate.
6. The change of zone is consistent with the Imperial County Board of Supervisors' Resolution 2012-005, which established guidelines for the county's "Public Benefit Program for Use with Solar Power Plants," a codification of the county's commitment to "developing solar energy projects while addressing all environmental and economic negative effects and community concerns related to solar projects."
7. The change of zone is also consistent with the General Plan Land Use Element goals and objectives, including objectives to "achieve balance economic and residential growth while reserving the unique natural, scenic, and agriculture resources of Imperial County while supporting the safe and orderly development of renewal energy in conformance with the goals and objectives of the Renewable Energy and Transmission Element" (Goal 3, Objective 3.15).

NOW, THEREFORE, based on the above findings, the Board of Supervisors of the County of Imperial **DOES HEREBY APPROVE** the proposed Zone Change 19-0001 to rezone from the current zoning of S-2-G (Open Space Preservation/Geothermal Overlay), to S-2 RE Overlay Zone" and the proposed change to the Imperial County Codified Zoning Ordinance.

**BOARD OF SUPERVISORS RESOLUTION FOR
ZONE CHANGE NO. 19-0001
Page 3 of 3**

Luis A. Plancante, Chair
Imperial County Board of Supervisors

I hereby certify that the preceding resolution was taken by the Board of Supervisors at a meeting conducted on January __, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Blanca Acosta, Clerk of the Board of Supervisors

Ordinance No. _____

**AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF
THE COUNTY OF IMPERIAL RELATING TO ZONES**

The Board of Supervisors of the County of Imperial, State of California, ordain as follows:

SECTION 1: The map entitled "Renewable Energy Overlay" Zoning map Nol. 71 (Section 92571.00 of the Codified Ordinances) is hereby amended in the following particular only.

Section **92571.0** Amendment to Zoning Map No. 7 "Renewable Energy Overlay". "Zone Change #19-0001" Wister Solar Energy Facility Overlay."

The map entitled "Renewable Energy Overlay" Zoning Map No. 71 (Section 92571.00 of the Codified Ordinances) is hereby amended in the following particular only.

Section **92571.01** Amendment to Zoning Map No. 71 "Renewable Energy Overlay." Zone Change ZC 19-0001"; Wister Solar Energy Facility Overlay".

The zone classification of those certain parcels of real property situated in the County of Imperial, State of California, and more particularly described as:

LEGAL DESCRIPTION: Section 27. Township 10 South, Range 14 East, San Bernardino Base and Meridian 640 Acres **003-240-001-000**

"S-2-G" (Open Space Preservation/Geothermal Overlay) to S-2-RE" (Open Space Preservation/Renewable Energy Overlay Zone) AS DESIGNATED in the Renewable Energy and Transmission Element.

SECTION 2: This Ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, State of California, together with the names of the Board of Supervisors voting for and against the same.

SECTION 3: That in accordance with State Planning and Zoning law and the County of Imperial General Plan and zoning ordinances, the following findings for the approval of Zone Change No. 19-0001 have been made as follows:

1. The proposed Zone Change has been analyzed relative to its potential to be detrimental to the health, safety, comfort and welfare of the persons residing or working within the neighborhood of the proposed Zone Change. Staff concluded that the project does not propose land uses, densities, or development patterns that will jeopardize the health and safety of the persons residing or working within the neighborhood of the property. Health, safety, and welfare will not be degraded as a result of this project.
2. The Zone Change is consistent with the General Plan's underlying land use overlay designation of Renewable Energy (RE). The Zone Change will allow for the development of 20 megawatts of solar facilities.
3. The proposed Renewable Energy Overlay on the S-2 (Open Space/Preservation) site subject to this recommendation is consistent with the uses allowed by Imperial County's Land Use Ordinance 90519.02 for properties in the aforementioned zones, provided that the applicant obtains a conditional use permit. Ordinances Nos. 90519.02 represent the county's long-standing determination that conditionally-approved solar projects are not inconsistent with S-2 zones.
4. The site physically is suitable of this type of development and zoning. The project site consists of generally flat terrain with very gentle topography.
5. The change of zone will not conflict with any easements required by the public at large for access through or use of the property with the proposed zone change. Several easements surround and traverse the area. The Imperial Irrigation District (IID) owns several easements associated with existing canals, drains and electrical lines. The easements and their associated facilities will be retained, vacated or realigned as appropriate.
6. The change of zone is consistent with the Imperial County Board of Supervisors' Resolution 2012-005, which established guidelines for the county's "Public Benefit Program for Use with Solar Power Plants," a codification of the county's commitment to "developing solar energy projects while addressing all environmental and economic negative effects and community concerns related to solar projects."
7. The change of zone is also consistent with the General Plan Land Use Element goals and objectives, including objectives to "achieve balance economic and residential growth while reserving the unique natural, scenic, and agriculture resources of Imperial County while supporting the safe and orderly development of renewal energy in conformance with the

goals and objective of the Renewable Energy and Transmission Element”
(Goal 3,, Objective 3.15).

PASSED, ADOPTED AND APPROVED by the Board of Supervisors of
the County of Imperial this January___, 2021.

ATTEST:

Clerk of the Board of Supervisors

Luis A. Plancarte
Chairman of the Board
Board of Supervisors

S:\AllUsers\APN\003\240\001\GPA19-0001,ZC19-0001,CUP18-0040\Board Pkg\ZONE CHANGE ORDINANCE.doc