



- 36 energy facility (or similar), a detention basin for stormwater  
37 management or other similarly developed portions of a parcel.
- 38 **G.** “Protected Lands” means for the purpose of this chapter only, lands  
39 containing resources that are protected or regulated by established  
40 regulatory standards of state, federal and local agencies, or  
41 conservation easements or other contractual instruments in such a  
42 way that prohibits or limits development of those lands.
- 43 **H.** Review Authority means applicable county or city land use decision  
44 making body as determined by local ordinance and appeal procedures.
- 45 **I.** “Solar Electric System (SES)” means the components and subsystems  
46 that, in combination, convert solar energy into electric energy suitable  
47 for use, and may include substations, electrical infrastructure,  
48 transmission lines and other appurtenant structures and facilities. The  
49 term includes but is not limited to photovoltaic and concentrated solar  
50 power systems.
- 51 **J.** “Solar Energy Facilities Combining Zone” means a geographic area  
52 within the County where the County has determined the land is  
53 suitable for a variety of types/sizes of Solar Energy Facilities through a  
54 separate planning process.
- 55 **K.** “Solar Energy Facility – Tier 1” means a roof mounted Solar Electric  
56 System or parking lot (or similar accessory structure) or a ground  
57 mounted Solar Electric System up to one half (1/2) acre in size with  
58 some limitations. Roof mounted or parking lot covered SEF are  
59 allowed on all structures in all zones.
- 60 **L.** “Solar Energy Facility – Tier 2” is a Solar Electric System installed with  
61 the size limits and other limitations as follows:
- 62 i. Tier 2A - Up to 15% of the parcel(s) or five (5) acres in size,  
63 whichever is less when on Williamson Act contracted land,  
64 Prime Farmland, Farmland of Statewide Importance or Unique  
65 Farmland in an Ag Zone. Minimum parcel size is 10 acres.
- 66 ii. Tier 2B – Up to 30% of the parcel(s) or 10 acres in size,  
67 whichever is less when on Williamson Act contracted land but  
68 NOT Prime Farmland, Farmland of Statewide Importance or  
69 Unique Farmland in an Ag Zone. Minimum parcel size is 10  
70 acres. Must be consistent with local Williamson Act Rules.
- 71 iii. Tier 2C – Up to 15% of the parcel(s) or five (5) acres in size,  
72 whichever is less when not on Williamson Act contracted land,  
73 but is on Prime Farmland, Farmland of Statewide Importance or  
74 Unique Farmland in an Ag Zone. Minimum parcel size is 10  
75 acres.
- 76 iv. Tier 2D - Up to fifteen (15) acres in size when designated  
77 Industrial, Commercial or Public Zone.

- 78 v. Tier 2E – 30% of the parcel(s) or seven (7) acres, whichever is  
79 less, when located in a Rural Residential or Foothill Residential  
80 Zone.
- 81 **M.** “Solar Energy Facility – Tier 3” is a Solar Electric System that may be  
82 the primary use of the parcel(s), with most or all energy delivered off-  
83 site. It includes
- 84 i. Tier 3A - Up to 30% of the parcel(s) or ten (10) acres in size,  
85 whichever is less when on Williamson Act contracted land,  
86 Prime Farmland, Farmland of Statewide Importance or Unique  
87 Farmland in an Ag Zone. Minimum parcel size is 10 acres.
- 88 ii. Tier 3B – Up to 30% of the parcel(s) or 20 acres in size,  
89 whichever is less when on Williamson Act contracted land but  
90 NOT Prime Farmland, Farmland of Statewide Importance or  
91 Unique Farmland in an Ag Zone. Must be consistent with local  
92 Williamson Act Rules.
- 93 iii. Tier 3C – Up to 30% of the parcel(s) or ten (10) acres in size,  
94 whichever is less when not on Williamson Act contracted land,  
95 but is on Prime Farmland, Farmland of Statewide Importance or  
96 Unique Farmland in an Ag Zone.
- 97 iv. Tier 3D – Up to twenty (20) acres in size when not on  
98 Williamson Act contracted land or on Prime Farmland, Farmland  
99 of Statewide Importance or Unique Farmland in an Ag Zone.
- 100 v. Tier 3E - Up to thirty (30) acres in size when designated  
101 Industrial, Commercial or Public Zone.
- 102 vi. Tier 2E – 30% of the parcel(s) or seven (15) acres, whichever is  
103 less, when located in a Rural Residential or Foothill Residential  
104 Zone.
- 105 **N.** “Solar Energy Facility – Tier 4 may be the primary use of the parcel(s),  
106 with most or all energy delivered off-site; it includes:
- 107 i. Tier 4A – Greater than 30% of the parcel(s) size when on  
108 Williamson Act contracted land, Prime Farmland, Farmland of  
109 Statewide Importance or Unique Farmland in an Ag Zone.  
110 Minimum parcel size is 10 acres.
- 111 ii. Tier 4B – Greater than 50% of the parcel(s) size when on  
112 Williamson Act contracted land but NOT Prime Farmland,  
113 Farmland of Statewide Importance or Unique Farmland in an Ag  
114 Zone. Must be consistent with local Williamson Act Rules.
- 115 iii. Tier 4C – Greater than 50% of the parcel(s) size when not on  
116 Williamson Act contracted land, but is on Prime Farmland,  
117 Farmland of Statewide Importance or Unique Farmland in an Ag  
118 Zone.

- 119                   iv. Tier 4D – Greater than 50% of the parcel(s) size when not on  
120                   Williamson Act contracted land or on Prime Farmland, Farmland  
121                   of Statewide Importance or Unique Farmland in an Ag Zone.
- 122                   v. Tier 4E – Greater than thirty (30) acres or 3 megawatts in size  
123                   when designated Industrial, Commercial or Public Zone.
- 124                   vi. Tier 4F – Greater than 50% of the parcel(s) size when located in  
125                   a Rural Residential or Foothill Residential Zone.
- 126                   vii. Other SEF's which do not meet the definition of Tier 1, 2, or 3  
127                   SEFs, or the requirements thereof.

128           **O. "Uses Allowed" means one of the following:**

- 129                   i. Direct Use - designed and installed for any legally established  
130                   use of the property
- 131                   ii. Primary Use - primary use of the property over 50% of the  
132                   parcel
- 133                   iii. Secondary Incidental Use - up to 125% of on-site energy  
134                   demand and <50% of building site area or 15-25% of parcel
- 135                   iv. Secondary Use - not the primary use of the property < 50% of  
136                   the parcel.

137           **P. "Williamson Act Contracted Parcel" means a parcel of land that is in**  
138           **contract with a local authority for the preservation of agricultural and**  
139           **open spaces land per the Land Conservation Act of 1965 or similar**  
140           **local agricultural land preservation programs.**

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142   **3. GENERAL REQUIREMENTS (apply to all tiers unless otherwise**  
143   **noted)**

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145   **A. Building permits are required.** Nothing in this chapter modifies the  
146   minimum building standards required to construct SEFs, consistent  
147   with applicable building and fire codes. All SEFs shall comply with the  
148   most recently adopted Building Code as determined by the Building  
149   Official and Fire Code as determined by the Fire Official.

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151   **B. Right To Farm.** If the SEF is located on or adjacent to an agricultural  
152   zone, the applicant must acknowledge the County's Right to Farm  
153   Ordinance and shall be required to record a Right to Farm Notice prior  
154   to issuance of any Building Permits. This shall be included as a  
155   recommended condition of approval of the land use entitlement.

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157   **C. Off-Site Facilities –** When the SEF is located on more than one  
158   parcel, there shall be proper easement agreement, Non-Disturbance  
159   Agreement or other approved methods for the notification of all

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impacted parties.

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**D. Parcel Line Setbacks (Each County will need to establish their own. The following examples are intended to assist in this effort).**

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**Table 3-1 – Parcel Line Setbacks – to the closest part of the SEF. Fencing, roads and landscaping may occur within the setback.**

SEF Category	Tier 1	Tier 2	Tier 3			Tier 4		
Parcel Line Setback								
- Ag Zone	Per Zoning for that District	Per Zoning for that District	Front 30'	Rear 30'	Side 30'	Front 30'	Rear 30'	Side 30'
			*			*		
- Commercial	Per Zoning for that District	Per Zoning for that District	Front 30'	Rear 30'	Side 30'	Front 30'	Rear 30'	Side 30'
			*			*		
- Industrial	Per Zoning for that District	Per Zoning for that District	Front 30'	Rear 30'	Side 30'	Front 30'	Rear 30'	Side 30'
			*			*		
- Rural Residential (> 10 acres)	Per Zoning for that District	Per Zoning for that District	Front 100'	Rear 100'	Side 100'	Front 100'	Rear 100'	Side 100'
			*			*		
- Residential (<10 acre)	Per Zoning for that District	Per Zoning for that District	Per Zoning for that District			Per Zoning for that District		

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\* Agricultural Buffer: This applies only to Tiers 3 & 4. Whenever an SEF abuts an agricultural operation or agricultural zone, an agricultural buffer on the SEF parcel shall be established at a minimum of 100 feet. The buffer may be reduced if the decision-making body determines that there is a substantial screen such as existing topography or landscaping vegetation and/or an operational management plan and/or an agricultural operation easement is provided.

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**E. Height Limits (Each County will need to establish their own. The following examples are intended to assist in this effort).**

**Table 3-2 – Height Limits** - For ground mounted systems, height restrictions will be measured from natural grade below each module in the event the site has topographic changes.

SEF Category	Tier 1	Tier 2	Tier 3	Tier 4
- Ag or Rural Residential Zone	Roof – 2’ above roof Ground – 15’	Roof – 2’ above roof surface and may project above the height limit Ground – 15’	Roof – 2’ above roof surface and may project above the height limit Ground – 15’	Roof – 2’ above roof surface and may project above the height limit Ground – 15’
- Commercial or Industrial	Roof – 4’ above roof surface and may project above the height limit Ground – 15’	Roof – 4’ above roof surface and may project above the height limit Ground – 15’	Roof – 4’ above roof surface and may project above the height limit Ground – 15’	Roof – 4’ above roof surface and may project above the height limit Ground – 15’
- Residential	Roof – 2’ above roof surface and may project above the height limit Ground – 10’	Roof – 2’ above roof surface and may project above the height limit Ground – 10’	Roof – 2’ above roof surface and may project above the height limit Ground – 15’	Roof – 2’ above roof surface and may project above the height limit Ground – 15’

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**F. Visibility.** For SEF in Scenic areas, as designated in the General Plan, for Tiers 3-4, efforts shall be made by the owner/installer of the SEF, to the maximum extent practicable, be shielded from the public view. On-site transmission and power lines shall, to the maximum extent practicable, be placed out of sight or underground. Additionally, ground mounted facilities shall:

- i. If lighting is required, it shall be motion sensed, fully shielded and downcast type where the light does not spill onto the adjacent parcel or the night sky;
- ii. Not display off-site advertising, except for reasonable identification of the panel, inverter or other equipment manufacturer, and the Facility Owner;
- iii. Be sited behind existing vegetation (which shall be supplemented with landscaping) or be sited using the natural topography to screen the project;

- 199                   iv. Shall be enclosed by a fence, barrier or other appropriate  
200                   means to prevent or restrict unauthorized persons or  
201                   vehicles from entering the parcel. Fences or barriers shall  
202                   incorporate wildlife friendly design;
- 203                   v. Comply with the setback requirements of Tables 3-1&2.

204                   **G. Potentially Incompatible Locations.** No portion of the SEF or their  
205                   structures shall occupy protected lands, unless specifically evaluated  
206                   under CEQA and permitted as a Tier 3 or Tier 4 facility. Potentially  
207                   incompatible locations, requiring Tier 3 and Tier 4 permits, include:

- 208                   i. Floodways.
- 209                   ii. Wetlands, wetland transition areas, riparian corridors, or  
210                   open water.
- 211                   iii. In agricultural designated zones, project sites designated  
212                   under the Farmland Mapping and Monitoring Program DOC,  
213                   Division of Land Resource Protection map, as “Prime  
214                   Farmland”, “Farmland of Statewide Importance” and “Unique  
215                   Farmland”..
- 216                   iv. Lands subject to Williamson Act Contracts that disallow the  
217                   SEF per principles of compatibility per Government Code  
218                   51201 (e) and 51238 and 51238.1 and 51238.3.
- 219                   v. Habitat of special status species, including the habitat of  
220                   threatened, endangered, or rare species, Ecologically  
221                   Sensitive Areas, important habitat/wildlife linkages or areas  
222                   of connectivity, and areas of Habitat Conservation Plans or  
223                   Natural Community Conservation Plans that preclude  
224                   development.
- 225                   vi. Lands subject to Easements unless the SEF is an allowed  
226                   use.
- 227

228                   **H. Decommissioning.** At the time of Use Permit approval for a Tier 3 or  
229                   Tier 4 SEF, a Reclamation Plan shall be required subject for review  
230                   and approval of the decision-making authority. The Reclamation Plan  
231                   shall include:

- 232                   a. A plan and timeframe for removal of all equipment and components  
233                   when they are no longer in use
- 234                   b. Removal of graveled areas and access roads and restoration of the  
235                   surface grade and placement of topsoil after removal of all  
236                   structures and equipment including grading, revegetation and  
237                   erosion control plans to return the site to an appropriate end use.
- 238                   c. Revegetation of disturbed areas with native seed mixes and plant  
239                   species suitable to the area.

- 240 d. A cost estimate for all reclamation activities shall be provided by a  
241 qualified person.
- 242 e. The Reclamation Plan shall also include a statement signed by the  
243 owner/operator that they take full responsibility for reclaiming the  
244 site in accordance with the Reclamation Plan upon cessation of  
245 use.

246 Decommissioning and removal of equipment and all  
247 appurtenant facilities shall commence as soon as the use  
248 has ceased or is no longer operating but no later than 90  
249 days after the SEF use ceases. The timeframe for  
250 completion of removal/reclamation shall be as described in  
251 the approved Reclamation Plan.

252 **I. Financial Assurance.** Prior to the issuance of a Building Permit for  
253 construction of the Tier 3 and Tier 4 SEF, a Financial Assurance or  
254 security in a form and amount acceptable to the County shall be  
255 required to secure the expense of dismantling and removing the SEF  
256 and reclaiming the site. The County shall draw upon this Financial  
257 Assurance, or enforce the guarantee, in the event the responsible  
258 party fails to act in accordance with the provisions of this section within  
259 ninety (90) days of termination of operations, or upon determination by  
260 the County that the SEF is unsafe, has been abandoned, or is in  
261 violation of this chapter. The Financial Assurance or guarantee shall  
262 remain in effect until the SEF is removed.

264 **J. Abandonment.**

265 (a) A SEF, other than a Tier 1 system, that ceases to produce  
266 electricity on a continuous basis for twelve (12) months shall be  
267 considered abandoned. Parcel owners are required to complete the  
268 decommissioning per the requirements in (8H) above.

270 (b) Facilities deemed by the County to be unsafe and facilities  
271 erected in violation of this section shall also be subject to this  
272 Section. The code enforcement officer or any other employee of the  
273 Planning, Building and Public Works Departments shall have the  
274 right to request documentation and/or affidavits from the system  
275 owner/operator regarding the system's usage, and shall make a  
276 determination as to the date of abandonment or the date on which  
277 other violation(s) occurred.

278 (c) Upon a determination of abandonment or other violation(s), the  
279 County shall send a notice hereof to the owner/operator, indicating  
280 that the responsible party shall remove the SEF and all associated  
281 facilities, and remediate the site to its approximate original condition  
282 within ninety (90) days of notice by the County, unless the County  
283 determines that the facilities must be removed in a shorter period to

284 protect public safety. Alternatively, if the violation(s) can be  
285 addressed by means short of removing the SEF and restoring of  
286 the site, the County may advise the owner/operator of such  
287 alternative means of resolving the violation(s).

288 (d) In the event that the responsible parties have failed to remove  
289 the SEF and/or restore the facility site or otherwise resolve the  
290 violation(s) within the specified time period, the County may remove  
291 the SEF and restore the site and may thereafter initiate judicial  
292 proceedings or take any other steps authorized by law against the  
293 responsible parties to recover costs associated with the removal of  
294 structures deemed a public hazard including but not limited to  
295 recording a lien against the property.

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#### 297 4. APPLICABILITY

298 A. This Ordinance applies to any Solar Energy Facilities (SEF)  
299 proposed to be constructed or permitted after the effective date of  
300 the Ordinance.

301 B. A SEF legally established or permitted prior to the effective date of  
302 this Ordinance shall not be required to meet the requirements of  
303 this Ordinance, however:

304 i. Physical modification or alteration to an existing SEF that  
305 materially alters the size, type or components of the SEF  
306 shall require a permit under this Ordinance. Only the  
307 modification or alteration is subject to this Ordinance;

308 ii. Routine operation and maintenance or like-kind  
309 replacements do not require a permit.  
310

311 5. PERMIT REQUIREMENTS – Permit requirements for all SEF shall be as  
312 shown in Table 5-1...

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315 **NOTE TO READER:** One of the following Tables will be used but they are not  
316 currently finalized...the goal is to create a simple table for a member of the public  
317 and staff to read to clearly understand 'at a glance', what category their proposed  
318 SEF is within...THIS IS STILL UNDER DEVELOPMENT ...

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CCPDA Model SEF Ordinance - Solar Energy Facility Tiers – 2011-07-23 Edited at Working Group Meeting on 07-20-2011 DRAFT #2 – Clean Copy

Tiers	Type of Permit or Entitlement – Ministerial, Admin, Minor Use Permit or Use Permit	Max Acres of ground mounted SEF	Williamson Act contracted land	Minimum Parcel Size	Prime Farm Land (PFL) or Farm Land of Statewide Importance (FLSI) or Unique Farm Land (UFL)	CEQA review required	PFL or FLSI or UFL designation that IS physically or chemically impaired (as determined by the Agricultural Commissioner or designated body) or non productive OR Non PFL/FLSI/UFL	Primary Use, Accessory Use or Conditional Use	Agriculture Zone	Industrial, Commercial, Public Zones	Rural Residential or Foothill Residential Zone
Tier 1A	Building Permit	Roof Mounted	Yes or No	All parcel sizes	Yes	No	Yes	Accessory	Yes	Yes	Yes
Tier 1B	Building Permit	< 50% of the building envelope or 15-25% of the parcel if there is no lot coverage standard up to a maximum of ½ acre	Yes or No		Yes	No	Yes	Accessory	Yes	Yes	Yes

Tiers	Type of Permit or Entitlement – Ministerial, Admin, Minor Use Permit or Use Permit	Max Acres of ground mounted SEF	Williamson Act contracted land	Minimum Parcel Size	Prime Farm Land (PFL) or Farm Land of Statewide Importance (FLSI) or Unique Farm Land (UFL)	CEQA review required	PFL or FLSI or UFL designation that IS physically or chemically impaired (as determined by the Agricultural Commissioner or designated body) or non productive OR Non PFL/FLSI/UFL	Primary Use, Accessory Use or Conditional Use	Agriculture Zone	Industrial, Commercial, Public Zones	Rural Residential or Foothill Residential Zone
Tier 2A	Admin	15% of the parcel/parcels or 5 acres, whichever is less	Yes, if the Accessory Use is primarily related to Ag Use and consistent with local Ag Rules	10 acres	Yes	No	No	Accessory Use	Yes	No	No
Tier 2B	Admin	30% of the parcel/parcels or 10 acres, whichever is less	Yes, if the Accessory Use is primarily related to Ag Use and consistent with local Ag Rules		No	No	Yes	Accessory Use	Yes	No	No
Tier 2C	Admin	15% of the parcel/parcels or 5 acres, whichever is less	No		Yes	No	No	Accessory Use	Yes	No	No
Tier 2D	Admin	15 acres	No		No	No	N/A	Accessory Use	No	Yes	No
Tier 2E	Admin	30% of the parcel/parcels or 7 acres, whichever is less	No		No	No	N/A	Accessory Use	No	No	Yes

Tiers	Type of Permit or Entitlement – Ministerial, Admin, Minor Use Permit or Use Permit	Max Acres of ground mounted SEF	Williamson Act contracted land	Minimum Parcel Size	Prime Farm Land (PFL) or Farm Land of Statewide Importance (FLSI) or Unique Farm Land (UFL)	CEQA review required	PFL or FLSI or UFL designation that IS physically or chemically impaired (as determined by the Agricultural Commissioner or designated body) or non productive OR Non PFL/FLSI/UFL	Primary Use, Accessory Use or Conditional Use	Agriculture Zone	Industrial, Commercial, Public Zones	Rural Residential or Foothill Residential Zone
Tier 3A	Minor UP	30% of the parcel/parcels or 10 acres, whichever is less	Yes (must be deemed to be compatible or terminated)	10 acres	Yes	Yes	No	Conditional Use	Yes	No	No
Tier 3B	Minor UP	30% of the parcel/parcels or 20 acres, whichever is less	Yes (must be deemed to be compatible or terminated)		No	Yes	Yes	Conditional Use	Yes	No	No
Tier 3C	Minor UP	30% of the parcel/parcels or 10 acres, whichever is less	No		Yes	Yes	No	Conditional Use	Yes	No	No
Tier 3D	Minor UP	Up to 20 acres	No		No	Yes	Yes	Conditional Use	Yes	No	No
Tier 3E	Minor UP	30 acres	No		No	Yes	N/A	Conditional Use	No	Yes	No
Tier 3F	Minor UP	30% of the parcel/parcels or 15 acres, whichever is less	No		No	Yes	N/A	Conditional Use	No	No	Yes

Tiers	Type of Permit or Entitlement – Ministerial, Admin, Minor Use Permit or Use Permit	Max Acres of ground mounted SEF	Williamson Act contracted land	Minimum Parcel Size	Prime Farm Land (PFL) or Farm Land of Statewide Importance (FLSI) or Unique Farm Land (UFL)	CEQA review required	PFL or FLSI or UFL designation that IS physically or chemically impaired (as determined by the Agricultural Commissioner or designated body) or non productive OR Non PFL/FLSI/UFL	Primary Use, Accessory Use or Conditional Use	Agriculture Zone	Industrial, Commercial, Public Zones	Rural Residential or Foothill Residential Zone
Tier 4A	Use Permit	> 30% of the parcel/parcels	Yes (must be deemed to be compatible or terminated)	10 acres	Yes	Yes	No	Conditional Use	Yes	No	No
Tier 4B	Use Permit	> 50% of the parcel/parcels	Yes (must be deemed to be compatible or terminated)		No	Yes	Yes	Conditional Use	Yes	No	No
Tier 4C	Use Permit	> 50% of the parcel/parcels	No		Yes	Yes	No	Conditional Use	Yes	No	No
Tier 4D	Use Permit	> 50% of the parcel/parcels	No		No	Yes	Yes	Conditional Use	Yes	No	No
Tier 4E	Use Permit	> 30 acres (3 megawatts)	No		No	Yes	N/A	Conditional Use	No	Yes	No
Tier 4F	Use Permit	> 30% of the parcel/parcels	No		No	Yes	N/A	Conditional Use	No	No	Yes

For any comments or questions about this Model SEF Tiers Table, please email Tim Snellings, Butte County Director of Development Services at [tsnellings@buttecounty.net](mailto:tsnellings@buttecounty.net) .

LAND USE/ZONING DISTRICT	Land Intensive Ag - Prime, Statewide, Unique Farmland	Land Extensive Ag Non-prime or Grazing	Resource Lands	Timber Production	Renewable Energy Overlay Zone	Public Facilities	Industrial or Heavy Commercial	Industrial, Office or Business Park	General Commercial	Neighborhood Commercial	Agriculture & Rural Residential 10+ ac	Rural Residential 5 - 10 ac	Rural Residential < 5 ac	Urban Residential	STANDARDS OR SPECIFIC USE REGULATIONS
<b>UTILITY &amp; RESOURCE-BASED USES</b>															
<b>Solar Energy Facilities (PV)</b>															
Accessory/Direct Use on structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Tier 1 Health and Safety Standards; setbacks and
Accessory/Direct Use ground mounted up to .5 ac	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Secondary/Incidental Use <15% of parcel up to 5 ac	AP <sup>1</sup>	AP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP	AP	AP	AP	—	AP	AP	AP	—	See Tier 2
< 30% of parcel up to 7 ac	AP <sup>1</sup>	AP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP	AP	AP	AP	—	AP	AP	AP	—	
< 30% of parcel up to 10 ac	MUP <sup>1,2</sup>	AP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP	AP	MUP	—	—	MUP	—	—	—	See Tier 3
< 30% of parcel up to 15 ac	MUP <sup>2</sup>	AP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP	AP	CUP	—	—	MUP	—	—	—	
< 30% of parcel up to 20 ac	MUP <sup>2</sup>	MUP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP	MUP	—	—	—	CUP	—	—	—	See Tier 4
Primary Use															
> 30% - < 50% of parcel	CUP <sup>1,2</sup>	MUP <sup>1</sup>	AP <sup>1</sup>	MUP	AP	MUP	MUP	—	—	—	CUP	—	—	—	see Tier 4
> 50% of parcel	CUP <sup>2</sup>	CUP <sup>1</sup>				CUP									
up to 20 acres	—	CUP <sup>1</sup>	MUP <sup>1</sup>	CUP	AP	CUP	MUP	—	—	—	—	—	—	—	
up to 30 acres	—	CUP <sup>1</sup>	CUP <sup>1</sup>	CUP	MUP	—	MUP	—	—	—	—	—	—	—	
> 30 acres	—	CUP <sup>1</sup>	CUP <sup>1</sup>	—	CUP	—	CUP	—	—	—	—	—	—	—	

TYPE OF PERMIT REQUIRED	
<b>P</b>	Permitted use - Ministerial; CEQA exempt; Building Permit Only
<b>AP</b>	Administrative Permit - Ministerial w/standards; CEQA exempt; no added conditions
<b>MUP</b>	Minor Use Permit - Zoning Administrator or staff approval; noticed hearing; maybe CEQA exempt; can add conditions
<b>CUP</b>	Use Permit - noticed hearing before Planning Commission; CEQA; can add conditions
—	Use prohibited

DEFINITION OF TERMS
<b>Direct Use</b> - designed and installed for any legally established use of the property
<b>Secondary Incidental Use</b> - up to 125% of on-site energy demand and <50% of building site area or 15-25% of parcel
<b>Secondary Use</b> - not the primary use of the property < 50% of the parcel
<b>Primary Use</b> - primary use of the property over 50% of the parcel

- Notes:**
1. If under Land Conservation (WA) contract, the facility must be listed as compatible use in the local Ag Preserve Rules; allowed by the type of contract; and shall be no more that 15% of the parcel or 5 acres whichever is less, unless determined by the Board of Supervisors that a larger percentage is compatible.
  2. Allowed if not under WA or site is physically or chemically impaired as determined by the Ag Commissioner (or designated body)

Highlighted indicates the information from the "Tiers" table. Other columns are added but not categorized in the Tiers table

**DRAFT**  
**SOLAR ELECTRIC FACILITY**  
**MODEL ORDINANCE**

LAND USE/ZONING DISTRICT	Important Farmlands - Prime, Statewide, Unique or Locally Important	Land Extensive Ag Non-prime or Grazing	Resource Lands	Timber Production	Renewable Energy Overlay Zone	Public Facilities	Industrial or Heavy Commercial	Industrial, Office or Business Park	General Commercial	Neighborhood Commercial	Rural Residential 10+ ac	Rural Residential < 10 ac	Urban Residential	STANDARDS OR SPECIFIC USE REGULATIONS
<b>UTILITY &amp; RESOURCE-BASED USES</b>														
<b>Solar Energy Facilities (SEF)</b>														
Accessory/Direct Use on structures or ground mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	See Tier 1 Health and Safety Standards;
Secondary Use														See Tier 2
< 30% of parcel up to 7.5 ac	AP <sup>1</sup>	AP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP	AP	AP	AP	MUP	MUP	MUP	MUP	
< 30% of parcel up to 15 ac	MUP <sup>1,2</sup>	AP <sup>1</sup>	AP <sup>1</sup>	MUP	AP	AP	AP	MUP	MUP	CUP	CUP	—	—	
< 50% of parcel up to 30 ac	CUP <sup>1,2</sup>	MUP <sup>1,2</sup>	AP <sup>1</sup>	CUP	AP	AP	MUP	CUP	CUP	—	—	—	—	See Tier 3 - Reclamation Plan Required
Primary Use														see Tier 4 - Financial Assurance required
> 50% of parcel up to 30 ac	—	CUP <sup>1,2</sup>	CUP <sup>1</sup>	—	MUP	MUP	CUP	—	—	—	—	—	—	
> 50% of parcel or over 30 acres	—	CUP <sup>1,2</sup>	CUP <sup>1</sup>	—	CUP	CUP	CUP	—	—	—	—	—	—	

TYPE OF PERMIT REQUIRED	
<b>P</b>	Permitted use - Ministerial; CEQA exempt; Building Permit Only
<b>AP</b>	Administrative Permit - Ministerial w/standards; CEQA exempt; no added conditions
<b>MUP</b>	Minor Use Permit - Zoning Administrator or staff approval; noticed hearing; maybe CEQA exempt; can add conditions
<b>CUP</b>	Use Permit - noticed hearing before Planning Commission; CEQA; can add conditions
—	Use prohibited

DEFINITION OF TERMS
<b>Direct Use</b> - designed and installed for any legally established use of the property
<b>Secondary Incidental Use</b> - <50% of building site area or 15-30% of parcel
<b>Secondary Use</b> - not the primary use of the property < 50% of the parcel
<b>Primary Use</b> - primary use of the property over 50% of the parcel

- Notes:**
1. If under Land Conservation (WA) contract, the facility must be listed as compatible use in the local Ag Preserve Rules; allowed by the type of contract; and shall be no more that 15% of the parcel or 5 acres whichever is less, unless determined by the Review Authority, in consultation with the Agricultural Commissioner (and designated advisory body where applicable) that a larger percentage is compatible.
  2. Includes important farmlands that are physically or chemically impaired as determined by the Review Authority, in consultation with the Agricultural Commissioner (and designated advisory body where applicable) and
  3. Roof mounted systems on conforming structures are exempt facilities not limited by this ordinance.

321 **SOLAR ENERGY FACILITIES – TIER 1 (Exempt Facilities, Building Permit**  
322 **Only Required)**

323 A. Tier 1 Solar Energy Facilities and Solar Hot Water systems that  
324 provide energy for on-site use are permitted as accessory uses in all  
325 zone districts within the County as shown in Table 5-1 provided they  
326 meet the following health and safety criteria:

327 i. The photovoltaic solar panels and all accessory equipment  
328 shall comply with the most recently adopted Building Code,  
329 as determined by the Building Official.

330 ii. Ground mounted systems located within developed parking  
331 areas or other hardscape area in compliance.

332 iii. Height Limits. Facilities shall conform to the height limits of  
333 Table 3-2.

334 B. Ground mounted systems designed to serve primarily on-site use(s)  
335 that are up to ½ acre in size that meet the following health and safety  
336 standards:

337 i. Not exceeding 15-feet in height, unless demonstrated by a  
338 structural engineer to meet public safety standards;  
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340 ii. Setbacks. Ground mounted structures shall conform to the  
341 setbacks as shown in Table 3-1.  
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343 iii. Complies with required front yard setbacks, or otherwise  
344 does not impair sight distance for safe access to or from the  
345 property or other properties in the vicinity as determined by  
346 zoning clearance;  
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348 iv. On sites less than 1 acre, the facility shall meet fire safe  
349 standards for a minimum setback of 10-feet from property  
350 line. If sited on over 1 acre a 30-foot setback from property  
351 lines for emergency access and defensible space around the  
352 facility shall be provided;  
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354 v. The facility shall not be located over a septic system or  
355 leachfield area or identified reserve area unless approved by  
356 the Department of Environmental Health.  
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358 vi. If located in a floodplain as designated by FEMA or an area  
359 of known localized flooding all panels, electrical wiring,  
360 automatic transfer switches, inverters, etc. shall be located  
361 above the base flood elevation; and, does not otherwise  
362 create a fire or other safety hazard as determined by the  
363 Building Official.  
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- vii. A site plan is provided at the time of Building Permit application demonstrating compliance with the standards. The Building Permit shall include review and approval by the local Fire Authority and other departments responsible for health and safety Requirements.

**6. SOLAR ENERGY FACILITIES – TIER 2 (Administrative Permit - Secondary and Incidental Uses)**

- A. Tier 2 SEF provide energy for on-site or off-site use and are permitted as secondary and incidental uses as shown in Table 5-1. The following standards shall apply to all Tier 2 SEF, notwithstanding the development standards for the underlying zone:
  - i. Tiers Table 5-1. Meet the parameters of one of the various Tier 2 sub tiers;
  - ii. Lot Coverage. Ground mounted lot coverage for all existing, permitted, and proposed SEF is not greater than 30% of the parcel up to 10 acres whichever is less.
  - iii. Setbacks. Ground mounted structures shall conform to the setbacks as shown in Table 3-1.
  - iv. Height Limits. Facilities shall conform to the height limits of Table 3-2.
  - v. Farmland Protection. Ground mounted SEF facilities shall be sited to avoid important farmlands as mapped by the state department of conservation including prime, farmlands of statewide importance, unique or locally important farmlands, unless determined by the review authority in consultation with the Agricultural Commissioner to be chemically or physically impaired. Exception: If in Tiers 2A or 2C, this is not required due to size limitation.
  - vi. Allowed on a Williamson Act Property only under sub tier 2A and 2B circumstances - the SEF must be listed as a compatible use in the local Williamson Act Rules. The total site area for all compatible uses including renewable energy facilities should not be greater than 15 percent of the parcel or 5 acres, whichever is less, if located on prime land or 30 percent of the parcel or up to 10 acres if located on non-prime land, unless determined by the legislative body in consultation with the Agricultural Commissioner and/or the appointed advisory body that a larger site area is consistent with the principles of compatibility in conformance with Government Code Section 51238.1.

- 408                   vii. Biological Resources. Tier 2 SEF shall not be located on  
409                   lands which support listed, sensitive or otherwise fully  
410                   protected species, or provide important habitat linkage or  
411                   connectivity on a landscape or regional scale as designated in  
412                   a General Plan, Area or Specific Plan or as identified in  
413                   the California Natural Diversity Database. If a proposed  
414                   Tier 2 SEF project is located on high habitat value parcel (s),  
415                   it shall require a minor or conditional use permit as  
416                   determined by the director.
- 417                   viii. A site plan is provided at the time of Building Permit  
418                   application demonstrating compliance with the setbacks in  
419                   Tables 3-1&2. The Building Permit shall include review by  
420                   local permitting departments including but not limited to the  
421                   local Fire Authority for Health and Safety Requirements.  
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423 **7. SOLAR ENERGY FACILITIES – TIER 3 (Zoning Administrator aka the**  
424 **Planning Manager or Similar Review Authority at a level below the**  
425 **Planning Commission and above an Administrative Permit – Secondary**  
426 **or Primary Use)**

- 427                   A. Tier 3 must meet the parameters of one of the various Tier 3 sub  
428                   tiers and may be allowed in all zoning districts subject to a Minor  
429                   Use Permit and the requirements of a CEQA review and approval  
430                   by the Zoning Administrator (or other similar level approved hearing  
431                   process). Decisions may be appealed within 10 calendar days of  
432                   the decision to the Planning Commission.
- 433                   B. Tier 3 SEF may be secondary or primary uses that provide energy  
434                   for off-site use. Tier 3 Solar Energy Facilities shall comply with the  
435                   following standards, notwithstanding the development standards for  
436                   the underlying zone:
- 437                   i. Tiers Table 5-1. Meet the parameters of one of the various  
438                   Tier 3 sub tiers;
- 439                   ii. Lot Coverage. Ground mounted lot coverage for all existing,  
440                   permitted, and proposed SEF is not greater than 50% of the  
441                   parcel up to 30 acres whichever is less;
- 442                   iii. Setbacks. Ground mounted structures conform to the  
443                   setbacks as shown in Table 5-1;
- 444                   iv. Height Limits. Facilities shall conform to the height limits of  
445                   Table 5-2;
- 446                   v. Are ground mounted or when located on structures, they  
447                   shall conform to the development standards for a principal  
448                   structure in the zone in which such facilities and structures  
449                   are to be located;

- 450 vi. Allowed on a Williamson Act Parcel if findings can be made  
451 that the SEF is consistent the statutory requirements and the  
452 local rules or the contract must be terminated;
- 453 vii. A site plan shall be provided at the time of Building Permit  
454 application demonstrating compliance with the setbacks in  
455 Tables 5-1&2. The Building Permit shall include review by  
456 local permitting departments including but not limited to the  
457 local Fire Authority for Health and Safety Requirements.  
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459 **C. Farmland Preservation.** The preservation of agricultural activities  
460 and agriculturally viable soils is an important consideration.  
461 Therefore:

- 462 i. Tier 3 SEF projects shall limit the amount of disturbance to  
463 Prime Farmland, Farmland of Statewide Importance, Unique  
464 Farmland and Locally Important agricultural lands so  
465 designated by the County to the highest extent possible,  
466 unless determined by the review authority in consultation  
467 with the Agricultural Commissioner to be chemically or  
468 physically impaired.
- 469 ii. Grading within Prime Farmland, Farmland of Statewide  
470 Importance, Unique Farmland shall be limited to only that  
471 necessary to construct access roads and install equipment,  
472 unless the areas are determined to be contaminated or  
473 otherwise non productive.
- 474 iii. **Mitigation:** If the proposed Tier 3 SEF will impact  
475 productive agricultural land (Prime Farmland, Farmland of  
476 Statewide Importance, Unique Farmland), the project shall  
477 include conditions for mitigation for the temporary or  
478 permanent loss of agricultural land at a ratio of 1:1 (one acre  
479 mitigated for one acre lost). The amount of temporary or  
480 permanent loss shall be determined by an analysis of such  
481 impacts, prepared by licensed professional(s). Mitigation for  
482 the temporary or permanent loss of agricultural land shall be  
483 satisfied by dedication and stewardship funding of perpetual  
484 agricultural conservation easements either on-site or off-site  
485 and held by a qualified conservation organization, or other  
486 arrangements satisfactory to the County. Projects requiring  
487 20 acres or less may pay an in-lieu fee per County  
488 requirements.
- 489 iv. Agricultural Preserves. If the facility is located on a site  
490 under a Land Conservation (Williamson Act) contract, the  
491 facility must be listed as a compatible use in the local  
492 Agricultural Preserve Rules, allowed by the type of contract  
493 and findings of compatibility must be made by the review

494 authority in consultation with the Agricultural Commissioner  
495 and/or the appointed advisory body that the SEF is  
496 consistent with the principles of compatibility in conformance  
497 with Government Code Section 51238.1.

498 **D. Biological Resources.** The protection of high value biological  
499 resources is an important consideration when considering the  
500 location of the SEF. Tier 3 SEF projects shall not be located on  
501 lands which support listed, sensitive or otherwise fully protected  
502 species, or provide important habitat linkage or connectivity on a  
503 landscape or regional scale. If a proposed Tier 3 SEF project is  
504 located on high habitat value parcel (s), it shall be processed as a  
505 Tier 4 project. Applicants are encouraged to coordinate with  
506 permitting agencies such as Dept. of Fish and Game and U.S. Fish  
507 and Wildlife Service during design stages.

508 **E. Soil stabilization, erosion control and ground water**  
509 **management.** For ground mounted SEF Tier 3, the following  
510 requirements shall apply:

- 511 i. Re-vegetation plans shall be reviewed and approved by the  
512 County Planning and Fire Departments. All areas occupied by  
513 the facility that are not utilized for access to operate and  
514 maintain the installation shall be planted and maintained with a  
515 native shade tolerant grass or other vegetation for the purpose  
516 of soil stabilization or other methods approved by the Planning  
517 Department.
- 518 ii. A storm water management plan showing existing and proposed  
519 grading and drainage demonstrating no net increase in runoff  
520 shall be provided subject to approval by the review authority.
- 521 iii. A maintenance plan shall be submitted for the continuing  
522 maintenance of the SEF which may include but not be limited to  
523 planned maintenance of vegetation or ground cover, equipment  
524 maintenance, and plans for cleaning of solar panels if required.
- 525 iv. Prior to Building Permit Final, an as-built grading and drainage  
526 plan, prepared by a licensed professional surveyor or other  
527 approved qualified professional shall be submitted to the  
528 reviewing agency's engineer for review and approval. The plan  
529 shall show that the as-built conditions are substantially the same  
530 as those shown on the approved grading and drainage plan.  
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532 **8. SOLAR ENERGY FACILITIES – TIER 4 (Planning Commission – Primary**  
533 **Use Projects)**

534 A. Tier 4 may be allowed in all zoning districts (with a combining zone)  
535 subject to a Use Permit and the requirements of a CEQA review  
536 and approval by the Planning Commission. Decisions may be

- 537 appealed within 10 calendar days of the decision to the Board of  
538 Supervisors.
- 539 B. Tier 4 SEF are uses that provide energy primarily for off-site uses  
540 or that do not meet the standards for 1, 2 or 3. Tier 4 Solar Energy  
541 Facilities shall comply with the following standards, notwithstanding  
542 the development standards for the underlying zone:
- 543 i. Tiers Table 5-1. Do not meet the parameters of one of the  
544 lower Tier 1-3 sub tiers, therefore, it is deemed to be a Tier 4  
545 SEF project;
  - 546 ii. Lot Coverage. Ground mounted systems that may exceed  
547 50 percent of the parcel or exceed 30 acres.
  - 548 iii. Setbacks. Ground mounted structures shall conform to the  
549 setbacks as shown in Table 5-1.
  - 550 iv. Height Limits. Facilities shall conform to the height limits of  
551 Table 5-2.
  - 552 v. Are ground mounted or when located on structures, they  
553 shall conform to the development standards for a principal  
554 structure in the zone in which such facilities and structures  
555 are to be located;
  - 556 vi. Allowed on a Williamson Act Parcel if findings can be made  
557 that the SEF is consistent the statutory requirements and the  
558 local rules or the contract must be terminated;
  - 559 vii. **Farmland Preservation**. Tier 4 SEFs shall comply with the  
560 Farmland Preservation standards for Tier 3 SEFs listed  
561 above.
  - 562 viii. **Agricultural Preserves**. Tier 4 SEFs shall comply with the  
563 Agricultural Preserves standards for Tier 3 SEFs listed  
564 above.
  - 565 ix. **Biological Resources**. Tier 4 SEFs shall comply with the  
566 Biological Resources standards for Tier 3 SEFs listed above.
  - 567 x. **Soil stabilization, erosion control and ground water**  
568 **management**. Tier 4 SEFs shall comply with the soil  
569 stabilization, erosion control and ground water management  
570 standards for Tier 3 SEFs listed above.
  - 571 xi. A site plan shall be provided at the time of Building Permit  
572 application demonstrating compliance with the setbacks in  
573 Tables 5-1&2. The Building Permit shall include review by  
574 local permitting departments including but not limited to the  
575 local Fire Authority for Health and Safety Requirements.