

1 **DRAFT 3 <September 9, 2011>**  
2 **CCPDA Working Group Meeting**

3 **California County Planning Directors Association (CCPDA)**  
4  
5 **MODEL STREAMLINING ORDINANCE FOR CALIFORNIA**  
6 **COUNTIES**

7 **AN ORDINANCE AMENDING ORDINANCE NO. \_\_\_\_\_ OF**  
8 **THE COUNTY CODE OF ( \_\_\_\_\_ ) TO PROVIDE FOR THE**  
9 **PERMITTING OF PHOTOVOLTAIC SOLAR ENERGY**  
10 **FACILITIES**

11 **1. DEFINITIONS**

- 12 **A.** “Applicant” is the Landowner or Developer, including their heirs, successors  
13 and assigns, who has filed an application for development of a Solar Energy  
14 Facility under this Ordinance.
- 15 **B.** “Building Permit Fees” means the calculation by each County that recovers  
16 the cost of building permit plan check and inspection, unless the County is  
17 able to fund these permit types with other funding sources, which may result  
18 in a lesser fee.
- 19 **C.** “Conjunctive Use” means a portion or all of a parcel that is utilized for another  
20 purpose but may be available for the installation of some or all of the  
21 components of a SEF, such as an irrigation pond, floating solar energy facility  
22 (or similar), a detention basin for stormwater management or other similarly  
23 developed portions of a parcel.
- 24 **D.** “Distributed Generation or Distributed Energy Resources” are small-scale  
25 power generation technologies located close to where electricity is used that  
26 provide an alternative to the traditional electric power system and often  
27 enhance the capacity of the utility grid.
- 28 **E.** “Facility Owner” means the person or entity having an equity interest in the  
29 Solar Electric System, including such person’s heirs, successors and assigns.
- 30 **F.** “Feed-In Tariff” refers to the California Public Utilities Commission’s ruling that  
31 requires utilities to purchase power from a customer that has an eligible  
32 renewable energy generator (i.e. solar electric system) connected to the grid  
33 that generates up to 3 MW of power through a standard agreement and tariff  
34 established by the CPUC. The price or tariff is based on the value of  
35 electrical generation.
- 36 **G.** “Floating Solar Energy Facility” means a system where some or all of the  
37 parts of the Solar Electric System are contained on structures in or over

- 38 water. These will be processed per the various Tiers below dependent on  
39 their number of acres they cover.
- 40 **H.** “Net Metering” is a special metering and billing agreement between utilities  
41 and their customers that allows a customer with a renewable energy  
42 generator (i.e. solar electric system) to receive credit for generating power to  
43 the utility grid that is not consumed on site.
- 44 **I.** “Operator” means the entity responsible for the day-to-day operation and  
45 maintenance of the Solar Energy Facility
- 46 **J.** “Protected Lands” means for the purpose of this chapter only, lands  
47 containing resources that are protected or regulated by established regulatory  
48 standards of state, federal and local agencies, or conservation easements or  
49 other contractual instruments in such a way that prohibits or limits  
50 development of those lands.
- 51 **K.** “Review Authority” means applicable county or city land use decision making  
52 body as determined by local ordinance and appeal procedures.
- 53 **L.** “Solar Electric System (SES)” means the components and subsystems that,  
54 in combination, convert solar energy into electric energy suitable for use, and  
55 may include other appurtenant structures and facilities. The term includes but  
56 is not limited to photovoltaic power systems.
- 57 **M.** “Solar Energy Facilities Combining Zone” means a zoning district that may be  
58 combined with other base zoning and applied to specific geographic areas  
59 within the County through zoning, where the County has determined the land  
60 is suitable for a variety of types/sizes of Solar Energy Facilities and where  
61 permitting for larger facilities may be expedited.
- 62 **N.** “Solar Energy Facility – Tier 1” means a roof mounted Solar Electric System  
63 or parking lot (or similar accessory structure) or a ground mounted Solar  
64 Electric System up to one half (1/2) acre in size with some limitations  
65 permitted by right with a building permit, subject to Health and Safety  
66 standards. Roof mounted or parking lot covered SEF are allowed on all  
67 structures in all zones.
- 68 **O.** “Solar Energy Facility – Tier 2” is a Solar Electric System permitted with an  
69 administrative permit within the size limits and other limitations as shown in  
70 Table 5-1, Model SEF Ordinance Tiers.
- 71 **P.** “Solar Energy Facility – Tier 3” is a Solar Electric System that may be a  
72 secondary or primary use of the parcel(s), with most or all energy delivered  
73 off-site, permitted with a minor use permit as shown in Table 5-1, Model SEF  
74 Ordinance Tiers.
- 75 **Q.** “Solar Energy Facility – Tier 4”, anything larger than Tier 3 SEF. Guidance  
76 for evaluating large SEF is included in the Model SEF Guidance Document  
77 and listed in Table 5-1, Model SEF Ordinance Tiers.
- 78 **O.** “Uses Allowed” means one of the following:

- 79 i. Accessory Use – designed primarily for on-site use or a use that is  
80 related to the primary use of the property.
- 81 ii. Direct Use - designed and installed to provide on-site energy demand  
82 for any legally established use of the property
- 83 iii. Primary Use - primary use of the property over 50% of the parcel is  
84 devoted to solar electric power generation for use off-site.
- 85 iv. Secondary Incidental Use - up to 125% of on-site energy demand and  
86 generally less than 50% of building site area or 15-25% of parcel land  
87 area.
- 88 v. Secondary Use - not the primary use of the property < 50% of the  
89 parcel.

90 P. “Williamson Act Contracted Parcel” means a parcel of land that is in contract  
91 with a local authority for the preservation of agricultural and open spaces land  
92 per the Land Conservation Act of 1965 or similar local agricultural land  
93 preservation programs.  
94

## 95 2. PURPOSE

96 The purpose of the Ordinance is to provide for the entitlement, permitting,  
97 construction, installation and operation of a Solar Energy Facility (SEF) in the County of  
98 (\_\_\_\_\_), subject to reasonable conditions that will protect the public health,  
99 safety and welfare.

100

## 101 3. APPLICABILITY

102 A. This Ordinance applies to any Solar Energy Facilities (SEF) proposed to  
103 be constructed or permitted after the effective date of the Ordinance,  
104 excluding Tier 4 SEFs.

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

108 i. Physical modification or alteration to an existing SEF that materially  
109 alters the size, type or components of the SEF shall require a  
110 permit under this Ordinance. Only the modification or alteration is  
111 subject to this Ordinance;

112 ii. Routine operation and maintenance or like-kind replacements do  
113 not require a permit.  
114

115 4. PERMIT REQUIREMENTS – Permit requirements for all SEFs shall be as shown in  
116 Table 5-1, Model SEF Ordinance Tiers.

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**Table 5-1: Model SEF Ordinance Tiers Table Permit Requirements**

LAND USE/ZONING DISTRICT	Prime - WA	Non-prime - WA	Prime, Statewide, or 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	Foothill & Rural Residential 10+ ac	Rural Residential 5 - 10 ac	Rural Residential < 5 ac	Urban Residential	STANDARDS OR SPECIAL USE REGULATIONS	
<b>UTILITY &amp; RESOURCE-BASED USES</b>																		
<b>Solar Energy Facilities (PV)</b>																		
<b>Direct Use</b>																		
On structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Exempt Health & Safety Standards
Ground-mounted up to 1/2 acre	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Accessory Use</b>																		
<15% of parcel up to 5 ac whichever is less	AP <sup>1</sup>	AP <sup>1</sup>	AP	AP	AP <sup>1</sup>	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	—	General Development Standards
<15% of parcel up to 10 ac whichever is less	—	AP <sup>1</sup>	AP	AP	AP <sup>1</sup>	AP	AP	AP	AP	AP	AP	—	AP	AP	AP	—		
<b>Secondary Use</b>																		
< 30% of parcel up to 7 ac	MUP <sup>1</sup>	MUP <sup>1</sup>	AP <sup>2</sup>	AP <sup>2</sup>	AP <sup>1</sup>	AP	AP	AP	AP	AP	AP	—	AP	MUP	MUP	—		
< 30% of parcel up to 10 ac	MUP <sup>1</sup>	MUP <sup>1</sup>	MUP	AP <sup>2</sup>	AP <sup>1</sup>	AP	AP	AP	AP	MUP	AP	—	MUP	—	—	—		
< 30% of parcel up to 20 ac	—	MUP <sup>1</sup>	—	MUP <sup>2</sup>	AP <sup>1</sup>	MUP	AP	AP	AP	—	AP	—	CUP	—	—	—		
<b>Primary Use</b>																		
up to 15 ac	—	—	—	MUP <sup>2</sup>	MUP <sup>1</sup>	—	AP	AP	AP	CUP	AP	—	—	—	—	—		
up to 20 ac	—	—	—	MUP <sup>2</sup>	MUP <sup>1</sup>	—	AP	AP	AP	—	AP	—	—	—	—	—		
up to 30 acres	—	—	—	CUP <sup>2</sup>	CUP <sup>1</sup>	—	MUP	MUP	MUP	—	MUP	—	—	—	—	—		
exceeds thresholds above	—	—	—	CUP <sup>2</sup>	—	—	CUP	CUP	CUP	—	CUP	—	—	—	—	—		

Notes:

1. If under a Land Conservation Act (Williamson Act) contract, the facility must be listed as compatible use in the locally adopted Ag Preserve Rules; allowed by the type of contract; and, no more than 15% of the parcel up to 5 acres under prime contracted lands or up to 10 acres if under a non-prime contract or designated as grazing lands, unless findings are made by the Board of Supervisors that a larger site area meets the principles of

TYPE OF PERMIT REQUIRED		
<b>Tier 1</b>	<b>P</b>	Permitted Use - Ministerial; CEQA Exempt; Building Permit Only
<b>Tier 2</b>	<b>AP</b>	Administrative Permit - Ministerial w/standards; CEQA exempt; no added conditions
<b>Tier 3</b>	<b>MUP</b>	Minor Use Permit - Zoning Administrator or staff approval; noticed hearing; maybe CEQA exempt; can add conditions
<b>Tier 4</b>	<b>CUP</b>	Conditional Use Permit - noticed hearing before Planning Commission; CEQA review; can add conditions

118 **5. GENERAL REQUIREMENTS (apply to all tiers unless otherwise noted)**  
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120 **A. Building permits are required.** Nothing in this chapter modifies the  
 121 minimum building standards required to construct a SEF, consistent with  
 122 applicable building and fire codes. All SEFs shall comply with the most  
 123 recently adopted Building Code as determined by the Building Official and  
 124 Fire Code as determined by the Fire Official.  
 125

126 **B. Right To Farm.** If the SEF is located on or adjacent to an agricultural zone,  
 127 the applicant must acknowledge the County’s Right to Farm Ordinance and  
 128 shall be required to record a Right to Farm Notice prior to issuance of any  
 129 Building Permits. This shall be included as a recommended condition of  
 130 approval of the land use entitlement.  
 131

132 **C. Off-Site Facilities** – When the SEF is located on more than one parcel, there  
 133 shall be proper easement agreement, Non-Disturbance Agreement or other  
 134 approved methods for the notification of all impacted parties.  
 135

136 **D. Parcel Line Setbacks** The following setbacks from the parcel line to the  
 137 closest part of the SEF shall be established. Fencing, roads and landscaping  
 138 may occur within the setback. (Each County will need to establish their own  
 139 setback requirements - the following table is intended to assist in this effort).  
 140

141 **Table 5-2 – Parcel Line Setbacks –**  
 142

Zoning District	Tier 1	Tier 2	Tier 3		
			Front	Rear	Side
Ag Zone	Per Zoning for that District	Per Zoning for that District	30'	30'	30'
			*		
Commercial	Per Zoning for that District	Per Zoning for that District	30'	30'	30'
			*		
Industrial	Per Zoning for that District	Per Zoning for that District	30'	30'	30'
			*		
Rural Residential (> 10 acres)	Per Zoning for that District	Per Zoning for that District	100'	100'	100'
			*		
Residential (<10 acres)	Per Zoning for that District	Per Zoning for that District	Per Zoning for that District		

\* Agricultural Buffer: This applies only to Tier 3. 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.

**E. 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. (Each County will need to establish their own. The following table is intended to assist in this effort).

**Table 5-3 – Height Limits**

Zoning District	Tier 1	Tier 2	Tier 3
Ag or Rural Residential	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’
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’
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’

**F. Visibility.** For Tier 3 SEF in Scenic areas, as designated in the General Plan, efforts shall be made by the owner/installer of the SEF, to the maximum extent practicable, to shield the SEF from 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 sensor, 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;

- 170           iii. Be sited behind existing vegetation (which shall be supplemented  
171           with landscaping) or be sited using the natural topography to screen  
172           the project;
- 173           iv. Shall be enclosed by a fence, barrier or other appropriate means to  
174           prevent or restrict unauthorized persons or vehicles from entering the  
175           parcel. Fences or barriers shall incorporate wildlife friendly design;
- 176           v. Comply with the setback requirements of Tables 5-2 and 5-3.

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178           **G. Locations Requiring Discretionary Review.** Where possible, the following  
179           principles shall apply to the Review of Tier 3 locations: No portion of the SEF  
180           or their structures shall occupy protected lands, unless specifically evaluated  
181           under CEQA and permitted as a Tier 3 facility. Potentially incompatible  
182           locations, requiring Tier 3 permits, include:

- 183           i. Floodways.
- 184           ii. Wetlands, wetland transition areas, riparian corridors, or open water.
- 185           iii. In agricultural designated zones, project sites designated under the  
186           Farmland Mapping and Monitoring Program DOC, Division of Land  
187           Resource Protection map, as “Prime Farmland”, “Farmland of  
188           Statewide Importance” and “Unique Farmland”..
- 189           iv. Lands subject to Williamson Act Contracts that disallow the SEF per  
190           principles of compatibility per Government Code 51201 (e) and  
191           51238 and 51238.1 and 51238.3.
- 192           v. Habitat of special status species, including the habitat of threatened,  
193           endangered, or rare species, Ecologically Sensitive Areas, important  
194           habitat/wildlife linkages or areas of connectivity, and areas of Habitat  
195           Conservation Plans or Natural Community Conservation Plans that  
196           preclude development.
- 197           vi. Lands subject to Easements unless the SEF is an allowed use.

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199           **H. Abandonment.** A SEF, other than a Tier 1 system, that ceases to produce  
200           electricity on a continuous basis for twelve (12) months shall be considered  
201           abandoned. Parcel owners are required to remove all equipment and facilities  
202           and restore the site to original condition.

- 203           i. Facilities deemed by the County to be unsafe and facilities erected  
204           in violation of this section shall also be subject to this Section. The  
205           code enforcement officer or any other employee of the Planning,  
206           Building and Public Works Departments shall have the right to  
207           request documentation and/or affidavits from the system  
208           owner/operator regarding the system’s usage, and shall make a  
209           determination as to the date of abandonment or the date on which  
210           other violation(s) occurred.

- 211                   ii.    Upon a determination of abandonment or other violation(s), the  
212                   County shall send a notice hereof to the owner/operator, indicating  
213                   that the responsible party shall remove the SEF and all associated  
214                   facilities, and remediate the site to its approximate original condition  
215                   within ninety (90) days of notice by the County, unless the County  
216                   determines that the facilities must be removed in a shorter period to  
217                   protect public safety. Alternatively, if the violation(s) can be  
218                   addressed by means short of removing the SEF and restoration of  
219                   the site, the County may advise the owner/operator of such  
220                   alternative means of resolving the violation(s).
- 221                   iii.   In the event that the responsible parties fail to remove the SEF  
222                   and/or restore the facility site or otherwise resolve the violation(s)  
223                   within the specified time period, the County may remove the SEF  
224                   and restore the site and may thereafter initiate judicial proceedings  
225                   or take any other steps authorized by law against the responsible  
226                   parties to recover costs associated with the removal of structures  
227                   deemed a public hazard including but not limited to recording a lien  
228                   against the property.

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230 **6.   SOLAR ENERGY FACILITIES – TIER 1 (Exempt Facilities, Building Permit**  
231 **Only Required)**

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

- 236                   i.    The photovoltaic solar panels and all accessory equipment shall  
237                   comply with the most recently adopted Building Code, as  
238                   determined by the Building Official.
- 239                   ii.   A ground mounted system covering a developed parking area or  
240                   other hardscape area are encouraged as preferred locations for a  
241                   SEF.

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

- 244                   i.    Not exceeding 15-feet in height, unless demonstrated by a  
245                   structural engineer to meet public safety standards;
- 246                   ii.   Setbacks. Ground mounted structures shall conform to the  
247                   setbacks as shown in Table 5-2.
- 248                   iii.   Height Limits. Facilities shall conform to the height limits of Table  
249                   5-3.
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- iv. Complies with required front yard setbacks, or otherwise does not impair sight distance for safe access to or from the property or other properties in the vicinity as determined by zoning clearance;
  - v. On sites less than 1 acre, the facility shall meet fire safe standards for a minimum setback of 10-feet from property line. If sited on over 1 acre a 30-foot setback from property lines for emergency access and defensible space around the facility shall be provided;
  - vi. The facility shall not be located over a septic system or leachfield area or identified reserve area unless approved by the Department of Environmental Health.
  - vii. If located in a floodplain as designated by FEMA or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and, does not otherwise create a fire or other safety hazard as determined by the Building Official.
  - viii. 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.

280 **7. SOLAR ENERGY FACILITIES – TIER 2 (Administrative Permit)**

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- 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 size thresholds for an administrative permit in the applicable zoning district as shown in Table 5-1;
    - ii. Lot Coverage. Lot coverage varies by zoning district as shown in Table 5-1;
    - iii. Setbacks. Ground mounted structures shall conform to the setbacks as shown in Table 5-2.
    - iv. Height Limits. Facilities shall conform to the height limits of Table 5-3.
    - 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

298 to be chemically or physically impaired. Exception if less than 15%  
299 of the parcel.

300 vi. Allowed on a Williamson Act contracted land only if determined to  
301 be a compatible use. The SEF must be listed as a compatible use  
302 in the local Williamson Act Rules. The total site area for all  
303 compatible uses including renewable energy facilities should not be  
304 greater than 15 percent of the parcel or 5 acres, whichever is less,  
305 if located on prime land or 30 percent of the parcel or up to 10  
306 acres if located on non-prime land, unless determined by the  
307 legislative body in consultation with the Agricultural Commissioner  
308 and/or the appointed advisory body that a larger site area is  
309 consistent with the principles of compatibility in conformance with  
310 Government Code Section 51238.1.

311 vii. Biological Resources. Tier 2 SEF shall not be located on lands  
312 which support listed, sensitive or otherwise fully protected species,  
313 or provide important habitat linkage or connectivity on a landscape  
314 or regional scale as designated in a General Plan, Area or Specific  
315 Plan or as identified in the California Natural Diversity Database. If  
316 a proposed Tier 2 SEF project is located on high habitat value  
317 parcel (s), it shall require a minor or conditional use permit as  
318 determined by the director.

319 viii. A Tier 2 SEF shall not be located in a Floodway unless evaluated  
320 under a discretionary process.

321 ix. A site plan is provided at the time of Building Permit application  
322 demonstrating compliance with the setbacks in Tables 5-2 and 5-3.  
323 The Building Permit shall include review by local permitting  
324 departments including but not limited to the local Fire Authority for  
325 Health and Safety Requirements.  
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327 **8. SOLAR ENERGY FACILITIES – TIER 3 (Zoning Administrator or Similar**  
328 **Administrative Review Authority – Secondary or Primary Use)**

329 **A.** Tier 3 facilities are allowed as shown in Table 5-1 subject to a minor use  
330 permit and CEQA review and approval by a Zoning Administrator or other  
331 similar administrative approval process.

332 **B.** Tier 3 SEF may be secondary or primary uses that provide energy for off-site  
333 use. Tier 3 Solar Energy Facilities shall comply with the following standards,  
334 notwithstanding the development standards for the underlying zone:

335 i. Tiers Table 5-1. Meet the size thresholds for a minor use permit in  
336 the applicable zoning district as shown in Table 5-1;

337 ii. Lot Coverage. Lot coverage varies by zoning district as shown in  
338 Table 5-1;

- 339                   iii. Setbacks. Ground mounted structures conform to the setbacks as  
340                   shown in Table 5-2;
- 341                   iv. Height Limits. Facilities shall conform to the height limits of Table 5-  
342                   3;
- 343                   v. Are ground mounted or when located on structures, they shall  
344                   conform to the development standards for a principal structure in  
345                   the zone in which such facilities and structures are to be located;
- 346                   vi. Allowed on a Williamson Act Parcel if findings can be made that the  
347                   SEF is consistent the statutory requirements and the local rules or  
348                   the contract must be terminated;
- 349                   vii. A site plan shall be provided at the time of Building Permit  
350                   application demonstrating compliance with the setbacks in Tables  
351                   5-1 and 5-2. The Building Permit shall include review by local  
352                   permitting departments including but not limited to the local Fire  
353                   Authority for Health and Safety Requirements.  
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355                   **C. Farmland Preservation.** The preservation of agricultural activities and  
356                   agriculturally viable soils is an important consideration. Therefore:

- 357                   i. Tier 3 SEF projects shall limit the amount of disturbance to Prime  
358                   Farmland, Farmland of Statewide Importance, Unique Farmland  
359                   and Locally Important agricultural lands so designated by the  
360                   County to the highest extent possible, unless determined by the  
361                   review authority in consultation with the Agricultural Commissioner  
362                   to be chemically or physically impaired.
- 363                   ii. Grading within Prime Farmland, Farmland of Statewide Importance,  
364                   Unique Farmland shall be limited to only that necessary to  
365                   construct access roads and install equipment, unless the areas are  
366                   determined to be contaminated or otherwise non productive.
- 367                   iii. Agricultural Preserves. If the facility is located on a site under a  
368                   Land Conservation (Williamson Act) contract, the facility must be  
369                   listed as a compatible use in the local Agricultural Preserve Rules,  
370                   allowed by the type of contract and findings of compatibility must be  
371                   made by the review authority in consultation with the Agricultural  
372                   Commissioner and/or the appointed advisory body that the SEF is  
373                   consistent with the principles of compatibility in conformance with  
374                   Government Code Section 51238.1.

375                   **D. Biological Resources.** The protection of high value biological resources is  
376                   an important consideration when considering the location of the SEF. Tier 3  
377                   SEF projects shall not be located on lands which support listed, sensitive or  
378                   otherwise fully protected species, or provide important habitat linkage or  
379                   connectivity on a landscape or regional scale. If a proposed Tier 3 SEF  
380                   project is located on high habitat value parcel (s), it may be directed for  
381                   hearing to the Planning Commission. Applicants are encouraged to

382 coordinate with permitting agencies such as Dept. of Fish and Game and U.S.  
383 Fish and Wildlife Service during design stages.  
384

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

387 i. Re-vegetation plans shall be reviewed and approved by the County  
388 Planning and Fire Departments. All areas occupied by the facility that  
389 are not utilized for access to operate and maintain the installation shall  
390 be planted and maintained with a native shade tolerant grass or other  
391 vegetation for the purpose of soil stabilization or other methods  
392 approved by the Planning Department.

393 ii. A storm water management plan showing existing and proposed  
394 grading and drainage demonstrating no net increase in runoff shall be  
395 provided subject to approval by the review authority.

396 iii. A maintenance plan shall be submitted for the continuing maintenance  
397 of the SEF which may include but not be limited to planned  
398 maintenance of vegetation or ground cover, equipment maintenance,  
399 and plans for cleaning of solar panels if required.

400 iv. Prior to Building Permit Final, an as-built grading and drainage plan,  
401 prepared by a licensed professional surveyor or other approved  
402 qualified professional shall be submitted to the reviewing agency's  
403 engineer for review and approval. The plan shall show that the as-built  
404 conditions are substantially the same as those shown on the approved  
405 grading and drainage plan.  
406

407 **9. SOLAR ENERGY FACILITIES – TIER 4 (Planning Commission – Primary Use**  
408 **Projects)**

409 Tier 4 SEF are facilities that provide energy primarily for off-site uses or that do  
410 not meet the standards for 1, 2 or 3. Tier 4 Solar Energy Facilities require a  
411 conditional use permit and environmental review to establish appropriate  
412 conditions and mitigation measures. Refer to Guidance Document for additional  
413 discussion of issues in the discretionary process and options for mitigation  
414 measures if needed.

415 **RENEWABLE ENERGY COMBINING ZONE.** The following provides a template or  
416 format for a combining zone, which may be used to encourage and facilitate  
417 development of SEF in appropriate areas near infrastructure and to protect areas where  
418 they would be incompatible.

419 **I. Renewable Energy Combining Zone (RE)**

420  
421

422 **A. Purpose.**

423

424 To identify, designate and protect areas suitable for the development of large scale  
425 renewable energy facilities based on the availability of renewable resources, the  
426 location of existing or proposed infrastructure, and the potential for renewable energy  
427 facilities to be appropriately sited and to effectively mitigate potential significant impacts.

428

429 **B. Applicability.**

430

431 The RE combining zone may be applied only within the following base zones:

432

433 Land Extensive Agriculture/Non-prime/Grazing Lands

434 Diverse Agriculture

435 Resources and Rural Development

436 Timber Production

437 General Commercial

438 Heavy Industrial

439 Public Facilities

440

441 The uses allowed and standards required in the RE combining zone shall be in addition  
442 to those of the base zone.

443

444 **C. Limitations and designation criteria.**

445

446 The RE combining zone may be applied only to property meeting all of the following  
447 designation criteria, if applicable.

448

- 449 1. The RE combining zone may not be combined with the Land Intensive  
450 Agricultural zone on prime soils.
- 451
- 452 2. The RE combining zone may not be combined with any residential zone, except  
453 on parcels greater than 20 acres.
- 454
- 455 3. The RE combining zone shall not be placed on any property under Williamson  
456 Act contract or within an open space or conservation easement unless renewable  
457 energy power generation facilities are specifically allowed under the Agricultural  
458 Preserve Rules, contract and/or easement.
- 459

- 460 4. The RE combining zone shall not be placed within the approach zone (outer or  
461 inner safety zones) or the inner turning zones for any public use airport.  
462
- 463 5. The RE combining zone shall not be applied to areas within the General Plan,  
464 Area Plan or Specific Plan designated as Biotic, Historic or Scenic Resources  
465 including the Biotic Habitat (BH) or Streamside Conservation (SC), Scenic  
466 Resources (SR), or Historic District (HD) combining zones, unless a protective  
467 easement is provided to ensure protection of the resources.  
468
- 469 6. An RE combining zone shall not be applied within 300 feet of an urban service  
470 area or urban growth boundary for a city or unincorporated community, or any  
471 land zoned for urban residential use. The RE combining zone may be applied to  
472 industrial and commercial zones within or outside of urban service areas.  
473

474  
475 **D. Permitted uses.**  
476

477 All uses allowed as permitted uses by the underlying base zone with which the RE  
478 combining zone is combined shall be permitted in the RE combining zone, subject to the  
479 provisions and standards of the base zone.  
480

481 In addition to the uses allowed by the underlying base zone the following renewable  
482 energy facilities shall be allowed, subject to an administrative permit and the site  
483 planning and development standards of Section XX-XX-XXX.  
484

- 485 1. Solar energy facilities with a rated capacity up to 5 megawatts (MW) and up to 30  
486 acres in site area, subject to the special use standards of Section XX-XX-XXX;  
487

488 **E. Uses permitted with a use permit.**  
489

490 In addition to the uses permitted with a use permit by the underlying base zone, the  
491 following renewable energy facilities may be permitted subject to granting of a use  
492 permit and compliance with the site planning and development standards of Section XX-  
493 XX-XXX, unless otherwise exempted by state or federal law.  
494

- 495 1. Large solar electric facilities, subject to the standards in Section XX-XX-XXX;  
496
- 497 2. Transmission lines, pipelines, substations and similar facilities associated with a  
498 renewable energy facility;  
499
- 500 3. Other hybrid or emerging renewable energy technologies which in the opinion of  
501 the director are of a similar and compatible nature to those uses described in this  
502 section.