

**California County Planning Directors Association
Model Photovoltaic Ordinance Working Group Meeting**

Meeting Date: Thursday, May 19, 2011
Meeting Time: 10:00 am - noon
Meeting Location: CSAC office, 11th & K St, Sacramento, 1st Floor
Conference Call #: 916-445-5476 (note: if you are the first one to call, let it ring until another caller joins the call)
WebEx Meeting #: 941 287 031 (website: <http://meetmenow.webex.com/>) click on "Attend a MeetMeNow meeting", enter meeting #
WebEx URL: <https://mwmus.webex.com/mwmus/jm.php?PWD=&MK=941287031>

AGENDA

- 1) Get your coffee and settle in
- 2) Introductions
- 3) Background
- 4) Ground Rules
- 5) Some numbers...
- 6) Review of existing Ordinances
 - a. Attachment A (San Diego County)
 - b. Attachment B (Yolo County)
 - c. Other Ordinances???
- 7) Review of Issues
- 8) Issues Discussion
- 9) Next Meeting – WebEx/Conference Call

Attachment A

MEETING BACKGROUND

The Law:

SB X1-2 requires CA power companies to produce 33% of their energy from renewables by 2020.

Problem:

Most CA counties do not have a current, up to date, Zoning Ordinance that clearly addresses the rapidly changing world and legal requirements on the solar industry in CA.

Opportunity:

Since CA is a leader in providing renewable energy, it is incumbent on local government to create a regulatory system that implements SB X1-2 and provides for the protection of agricultural lands. It is not uncommon to have competing land use demands. CCPDA is eager to help facilitate this discussion and lead to a plan for CA counties that can be effectively implemented in a timely manner.

Meeting Purpose:

- 1) **For today, to answer the Issues/Questions that will be used to write the first DRAFT of the Model Photovoltaic Ordinance.**
- 2) Today's information will be developed into a FIRST DRAFT Model Photovoltaic Ordinance that represents today's input!!! It will then be discussed/refined.
- 3) This DRAFT Model Photovoltaic Ordinance, when completed, will be provided to the CCPDA members and Board for clarification/modification/adoption.
- 4) The CCPDA Adopted Model Photovoltaic Ordinance will be available for use by ALL CA Counties to write their own local ordinances that are appropriate for their jurisdictions.

Attachment B

Meeting Ground Rules

1. Only one person speaks at a time; no one will interrupt while someone is speaking. No sidebar discussions... On the phone, wait for a pause to ask your question/make your comment.
2. Let's be efficient with everyone's time when we give our comments.
3. Avoid grandstanding (i.e., extended comments/speaking), so that every one has a fair chance to speak.
4. No personal attacks. Challenge ideas, not people.
5. Everybody agrees to make a strong effort to stay on track with the agenda and to move the deliberations forward.
6. Everybody will seek to focus on the merits of what is being said, making a good faith effort to understand the concerns of others. Questions of clarification are encouraged. Disparaging comments are discouraged.
7. Everybody will follow the "no surprises" rule. Concerns should be voiced when they arise, not later in the deliberations when a "surprise" objection is raised.
8. Each person will seek to identify options or proposals that represent shared interests, without minimizing legitimate disagreements. Each person agrees to do their best to take account of the interests of the group as a whole.
9. Each person reserves the right to disagree with any proposal and accepts responsibility for offering alternatives that accommodates their interests and the interests of others.

Attachment C

Just the facts...what we all should know...(our first task):

A few numbers...do we agree on these???

1) Six acres of solar panels generates about 1 megawatt of power
4) 4-10 acres generates

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2) A home system generally needs a 3-5 Kw system
2) 3-5 kw systems

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3) A farm might need up to 2 acres of solar panels for their needs
4) A farm might need up from 3-10 megawatts of power for their onsite needs

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Avg size farm in CA is about 350 acres

3)

5) Other background info we all should know???

6) _____

7) Solar Thermal Hot Water systems (wet technology vs. PV is a dry tech)

=
8) Anything under 50 megawatts is under local jurisdiction (this is for all power) Cost may drive the issue to be greater than

9) Need to take into account that farms will use roof top solar as well as ground mount solar.

10) Looking for

11) Renewables: Solar, wind, geothermal, alternative fuels (RPS guidelines list these issues)

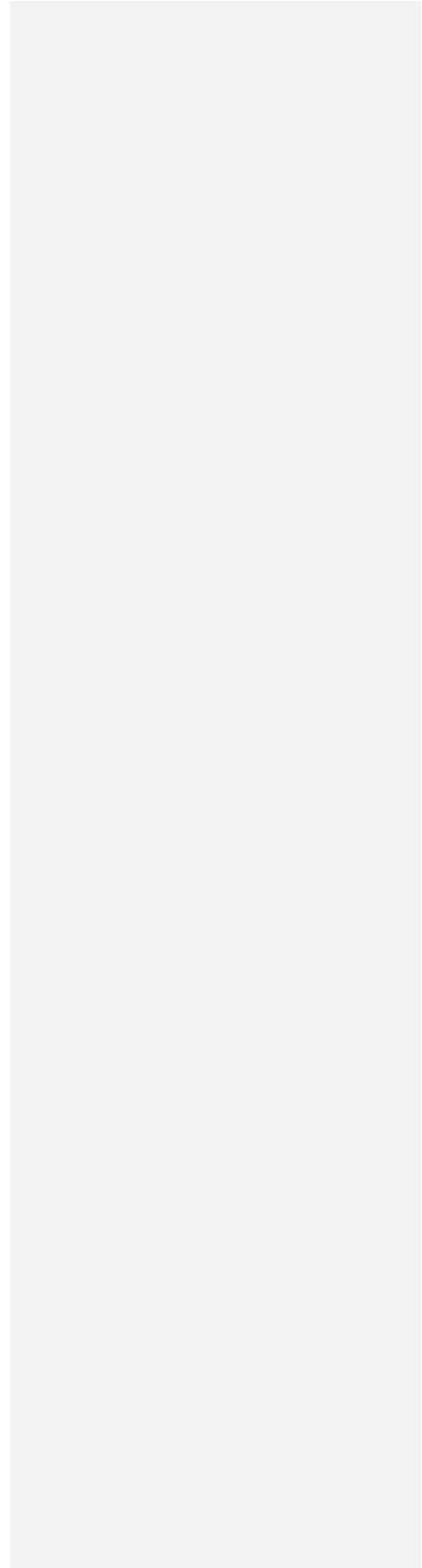
12) Kern has a good working wind ordinance

13) WE ARE GOING TO FOCUS ON SOLAR ENERGY FACILITY (PV) WITH THIS MODEL ORDINANCE

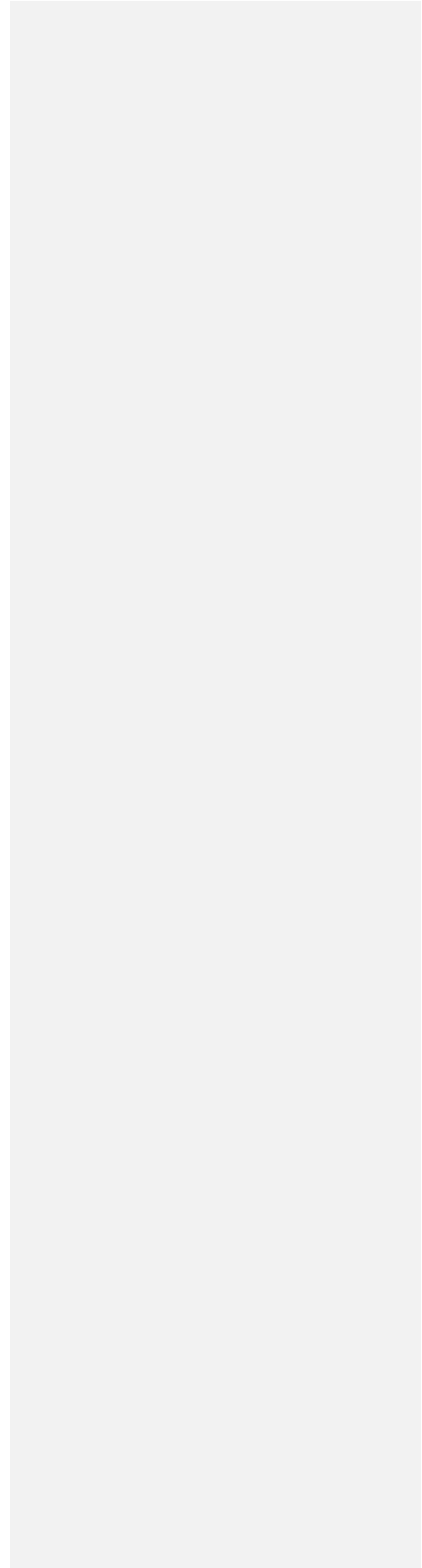
14) Gov Code Section 65850.5

4)15) _____

Attachment D San Diego County Ordinance



Attachment E Yolo County Ordinance



Attachment F

Issues and Discussion Items:

- 1) Roof mounted solar allowed with a simple Building Permit...right? Leasing the roof for 'feed and tariff'. Leasing is becoming an issue...since it is now producing power for 'off-site' use. Kern has an issue if the building is abandoned or not up to the Building Code. Kern would require the structure to be updated per Building Code as well. Shade structures as well.
- 4) Solar Panels on rooftop on commercial/industrial should be permitted with a ministerial permit. Can't do anything on aesthetics. A mobilehome park wants to put Solar Panels on all structures. Solar Rights Act. Why do we care if someone puts more Solar Panels on a roof than they need on-site? We agree that we should not put up any barriers to roof top mounted solar panels on residential, commercial, industrial, carports structures, parking lots, regardless of commercial sale or on-site use. Solar Rights Act...as much as it is not deemed a hazard. The goal is to have all rooftops covered with solar panels some day.
- 2) OK to put Photovoltaic on adjacent property to provide power to house or another meter? Require an easement to tie facility to main use. Easement should match the life of the solar energy facility or be in perpetuity. Prefer to do a Lot Line Adjustment if possible to keep all structures for one parcel on the same parcel.
- 3) Protecting Ag Land Vs. converting/covering large tracts of farm land to solar power generation. No farmer is volunteering any prime ag land to be converted to solar. Farmers are interested in using marginal lands for solar. May have an awkward portion of land that would help support the farmer. Some have farmers with rice land. 65 yr old farmer who wants to lease land to solar. In Sonoma County, from a resource management standpoint, farm value/food value is greater than solar value...consider prime soils off limits to solar. Monterey County has policies in General Plan to encourage Ag and Solar. Conversion of Ag land is to look at different levels of soil qualities. Different levels of mitigation for different soil types. Prime might need greater mitigation. Some think that Prime is THE BEST land for solar production – lots of sun, flat, etc. As prime farm land is created, we have pushed species into the non-prime areas (swainson's hawk and kit fox). Prime farm land is sterilized land. Concept of micro-generation everywhere. Want to put ½ to 1 acre of solar energy facilities throughout CA...want to see a lot of small sites vs. large sites. Tulare – issue of main transmission lines that goes from prime to non prime lands. When you have over 5 megawatts of power, PG&E requires to interconnect in shortest space. Farm Bureau – if a solar

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facility goes in on marginal or prime land. Does that impact the neighbor's facility if shade created? Shading could be addressed with setbacks. What about dust sprayed from farming on solar panels? What about insecticides/sprays/dust impacting PV cells? The operator of the solar energy facility is responsible for this issue. Kern believes that future replacement of PV systems will go where current systems are being installed. Some areas of land may be prime but have no water. What is the definition of prime ag land? Needs soil AND water. Tulare – agrees with Kern. Farm Bureau would not like to see people acquire land and abandoned rights to water. Two different impacts between installing Solar Energy Facility (SEF) vs Housing. What about the ripple effect of putting in SEF and creating more demand. In marginal ground, it is very important where the ground is in relation to the grid. Location is KEY, access to grid and capacity at that point on the grid. Transmission is driving this...since it is put through the Ag areas. How does the extension of a transmission line effect the overall cost of a SEF? Accessing parcels of 5-7 acres to 1500 feet connection to grid. Over 5 megawatts have to connect to a substation (\$150K to 250K per mile to extend a new distribution line). On the ISO site, utilities have posted the site of interconnection costs.

Access to the grid doesn't mean that it is feasible. Each county will have different constraints.

OPTIONS TO CONSIDER:

A) 100 acres – would require a discretionary permit
3)B)___

- 4) Animal compatibility with solar?
- 5) Counties typically have four processes for land use approval/clearance: Ag Land – if you have ½ acre parcel and put ½ acre solar panels.
 - a. Allowed By Right (only need a Building Permit) up to ½ acre
 - b. Administrative ½ acre to 5 acres
 - c. Zoning Administrator 5 acres to 20 acres
 - d. Planning Commission/Board of Supervisors > 20 acres full use permit

Ag Zones

Grazing lands vs orchards/vineyards vs. rice vs. ???

Class 1 vs. Class 2 soils

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Conversion of Ag lands will be county specific. Sonoma County is going to protect their prime soils. Strong ordinance with some flexibility.

Concept of using an overlay to ID lands within County that is appropriate for SEV. Renewable Energy combining Zone is going to be used in Sonoma county. This would enable Power Generation Facility without new CEQA.

Allow by right in industrial zones. Sonoma County.

Commerical

e. Industrial Zones

- 6) Property Line setback strategies
- 7) Height allowance/limitation strategies
- 8) Fencing ideas/concerns
- 9) Security ideas/concerns
- 10) Location issues: Floating Solar Panel systems, telephone poles, other???
- 11) We must address the Williamson Act (Kern???)
- 12) Ag mitigation strategies – 1 to 1???
- 13) Post decommissioning strategies need to be discussed
- 14) Permit Fees

15) Taxes

- 16) Need for General Plan Policies on this issue
- 17) Difference between industrial lands and Ag lands.
- 18) InterTie connection lines – from the facility to the substation (some want underground, some want in easements.
- 19) Commercial generation vs on-site
- 20) 'Over the fence' rules...check this out.
- 21) Historic Structures
- 22) Conservation and Scenic Easements
- 23) Review State Gov Code –
- 24) Utilities – they can impose different rules and land use demands. Utility might require things above and beyond the local requirements.

~~15~~25) Fire Safety – State Fire Marshal guidelines and ground mounted guidelines are being drafted. May want a local fire rep

Attachment G

For our next meeting: Basic Ordinance Outline

Purpose

Location - We should indicate what zones allow photovoltaic power stations and accessory photovoltaic panels.

Applicability –Describe which zones support solar photovoltaic power, and which ones would not, if any.

Permits Required –Describe the various permit processes for variously sized facilities.

Agricultural Zones –Describe special issues related to AG (prime/non-prime soils, Williamson Act issues).

Design Standards –Height, setbacks (could be per zone), security fencing, buffering, access, maintenance. This section could help streamline the Use Permit process by building in design standards that would otherwise be reflected as conditions on a UP.

Decommissioning –plan for removal after effective life.

NEXT MEETING:

Thursday June 2, 2011 at the CSAC office at 10 am