



County of Yolo

DEPARTMENT OF COMMUNITY SERVICES

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Time Set 11.

Planning Commission
Meeting Date: 10/13/2022

Information

SUBJECT

ZC #2022-02: Public hearing to consider a recommendation to the Board of Supervisors on a Zoning Code Amendment to update the Zoning Regulations for Telecommunication Facilities, Solar Energy Systems and Energy Storage Systems (Sections 8-2.1102, 8-2.1104 and 8-2.1105 of the Yolo County Code of Ordinances). In compliance with the California Environmental Quality Act, an Addendum to the 2011 Negative Declaration for Solar Facilities has been prepared for the proposed Solar Energy Systems and Energy Storage Systems Ordinances and a Notice of Exemption has been prepared for the proposed amendments to the Wireless Telecommunication Facilities Ordinance. Applicant: Yolo County Planning Division; Planner: SCormier

SUMMARY

FILE # ZC2022-02: Proposed Zoning Code Amendment to Sections 8-2.1102, 8-2.1104 and 8-2.1105 of the Yolo County Code of Ordinances related to telecommunication facilities, solar energy and energy storage systems	
APPLICANT: Yolo County	OWNER: N/A
LOCATION: Countywide	SOILS: various
GENERAL PLAN: All land use designations	WILLIAMSON ACT: N/A
ZONING: All zones	FLOOD ZONE: N/A
SUPERVISORIAL DISTRICT: All	FIRE SEVERITY ZONE: N/A
ENVIRONMENTAL DETERMINATION: Addendum to Negative Declaration and common sense exemption	

RECOMMENDED ACTION

That the Planning Commission:

1. Hold a public hearing and accept public comments on the proposed Zoning Code Amendment to Sections 8-2.1102 Wireless Telecommunication Facilities, 8-2.1104 Small and Medium Solar Energy Systems and 8-2.1105 Large and Very Large Solar Energy Systems of the Yolo County Code of

Ordinances (summarized in Att. A); and

2. Consider a recommendation to the Yolo County Board of Supervisors to:

A. Hold a public hearing and accept public comments on the proposed Zoning Code Amendment related to telecommunication facilities, solar energy systems, and energy storage systems;

B. Approve the Resolution to adopt the Addendum to the 2011 Negative Declaration for the proposed Solar Energy Systems and Energy Storage Systems Ordinances and CEQA Exemption for the amendments to the Wireless Telecommunication Systems Ordinance as the appropriate level of environmental documentation in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Att. B); and

C. Approve an Ordinance to adopt the Zoning Code Amendment to (i) update the Wireless Telecommunication Facilities Ordinance (County Code Section 8-2.1102) and (ii) enact the Solar Energy Systems Ordinance (County Code Section 8-2.1104) and Energy Storage Systems Ordinance (County Code Section 8-2.1105) (Att. C).

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The purpose of this item is to consider updates to the zoning laws related to two topics: (i) an update to the Wireless Telecommunication Facilities Ordinance (County Code Section 8-2.1102), and (ii) enactment of two renewable energy ordinances: the Solar Energy Systems Ordinance (which will update and consolidate the existing solar regulations into County Code Section 8-2.1104) and the Energy Storage Systems Ordinance (which will be codified in County Code Section 8-2.1105). Although these two topics are distinct, the code updates are being brought as a single item because both sets of regulations are found in the same Article in the County's Zoning Code (Article 11. Energy and Telecommunications Development Standards).

On September 8, 2022, the Planning Commission conducted a public workshop to review and accept comments on proposed changes to certain sections of the Zoning Regulations related to telecommunication facilities, solar energy systems, and energy storage systems. Based on Planning Commission input and feedback from the public, Planning staff has prepared a revised set of changes to County Code Sections 8-2.1102, 8-2.1104, and 8-2.1105 for the Commission's consideration. Pending any further requested changes, staff is seeking a recommendation from the Planning Commission to the Board of Supervisors for adoption of the Zoning Code Amendment (Attachment A).

Staff has prepared a set of revised changes to Sections 8-2.1102 (Wireless Telecommunication Facilities), 8-2.1104 (proposed Solar Energy Systems), and 8-2.1105 (proposed Energy Storage Systems), which are briefly summarized below, and more fully summarized in Attachment A.

Wireless Telecommunication Facilities Ordinance

Staff's original amendment included proposed changes to the height requirements for small and large cell towers, which would increase the height of a small tower from 80 feet up to 120 feet and allow for an administrative Site Plan Review. Staff has removed that change from the proposed amendment at this time. The originally proposed setback requirement (equidistant to tower height) has also been removed. Instead, staff is proposing only minor changes to some of the standards to clarify permitting and application requirements, as well as to include provisions for reviewing non-substantial eligible facilities requests regulated under federal law. Staff believes the proposed changes to the Wireless Telecommunication Facilities Ordinance are minor in nature and do not constitute a significant change for the purposes of additional environmental review and a notice of exemption has been prepared for CEQA purposes. To view the proposed changes to the ordinance, please refer to Attachment A.

Proposed Solar Energy Systems Ordinance

The proposed consolidation of the solar energy systems ordinances includes additional changes based on feedback from the Commission and staff consultation with Jim Estep of Estep Environmental

Consulting. A clean copy with recent staff edits can be found in Attachment D. Attachment A includes the redlined version in its entirety.

Staff's original amendment proposed that 'accessory solar energy systems' shall occupy no more than 10 acres of land so long as the system was ancillary to the primary uses of the property. Staff has revised the proposed amendment to define an accessory solar energy system as an ancillary system that occupies no more than 7.5 acres of land to ensure that larger systems, whether accessory or utility in nature, would have a greater level of planning review and to prevent unforeseen cumulative impacts. Additional measures have been proposed to encourage that utility solar energy systems consider integrating into the agricultural or natural landscape in such a way as to establish, maintain, and/or promote wildlife use of the site. Protections have also been added to prevent solar energy systems from encroaching into riparian corridors. Lastly, in an effort to remove confusion, references to the Yolo HCP/NCCP have been omitted because renewable energy systems, such as solar and wind, are not covered actions under the HCP/NCCP. Instead, specific measures to address potential loss have been identified in the event a solar energy system will remove sensitive habitat.

The following sections have been modified since the September 8th Planning Commission workshop:

8-2.1104(b) - Definitions: Accessory solar energy system now defined as occupying no more than 7.5 acres of land; medium-sized solar energy system defined as occupying more than 7.5 acres of land and up to 30 acres of land.

8-2.1104(d) - Administration and required approvals: minor modification to subsection (8) to remove provisions related to the Yolo HCP/NCCP and replace with requirements for managing solar uses with a grassland substrate; subsection (11) has been added to encourage easy restoration of the site once the use has ceased.

8-2.1104(g) - Development standards for accessory solar energy systems: subsection (6) has been modified to require a management plan that is designed with a vegetative substrate that would promote raptor use of the site; subsection (7) has been added to clarify systems greater than 2.5 acres cannot be located within riparian areas, i.e., must maintain a 100-foot buffer.

8-2.1104(h) - Development standards for medium-sized and large-scale solar energy systems: subsection (2) added to require integration with agricultural landscape by maintaining a vegetative substrate that supports wildlife use; subsection (3) added to preclude siting within riparian corridors.

8-2.1104(i) - Mitigation required: subsection (2) modified to remove reference to Yolo HCP/NCCP and require mitigation through land conservation, payment of in-lieu fee, or other in accordance with CDFW (solar and wind energy development are not covered actions under the HCP/NCCP).

Proposed Energy Storage Systems Ordinance

Table 8-2.1105- Allowed Energy Storage System Uses and Permit Requirements: Minor modification to increase the planning review for energy systems subject to Site Plan Review from 1 MW to 2 MW. No other significant changes have been made to the Energy Storage Systems Ordinance.

Staff prepared an Addendum to the 2011 Solar Ordinance's Negative Declaration for the amendments to the Solar Energy System and Energy Storage System Ordinances. The addendum will be included with the Negative Declaration as part of the Board's review or the proposed ordinances.

Staff respectfully requests that the Planning Commission approve the recommended action for the Board of Supervisor's consideration. The proposed changes support numerous General Plan policies that seek to reduce dependence on fossil fuels, incorporate green building standards into project design, and preserve the agricultural and natural landscape through integrative site design.

COLLABORATIONS

Staff consulted with Sol Smart, the Citizens Advisory Committees (CAC), the public (through a stakeholder distribution list of interested parties), Valley Clean Energy, and Estep Environmental Consulting. The CAC comments were included in the staff report for the September 8th Planning Commission workshop (Attachment E).

APPEALS

N/A

Attachments

Att. A. Summary of Zoning Code Amendments

Att. B. CEQA Resolution

Att. C. Article 11 Ordinance

Att. D. Solar Energy Systems Ordinance (staff changes)

Att. E. PC workshop staff report

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	10/05/2022 12:05 PM
Eric May	Eric May	10/06/2022 11:52 AM
Leslie Lindbo	Leslie Lindbo	10/06/2022 05:11 PM
Taro Echiburu	Taro Echiburu	10/06/2022 05:42 PM
Form Started By: Stephanie Cormier		Started On: 09/21/2022 02:31 PM
Final Approval Date: 10/06/2022		



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Regular 12.

Planning Commission
Meeting Date: 09/08/2022

Information

SUBJECT

ZC 2022-02: Public workshop on proposed amendments to the Zoning Regulations regarding wireless telecommunication facilities, solar energy systems, and energy storage systems (Article 11: Energy and Telecommunications Development Standards). Applicant: Yolo County Planning Division; Planner: SCormier

SUMMARY

FILE # ZC 2022-02: Proposed Zoning Code Amendment to Article 11: Energy and Telecommunications Development Standards	
APPLICANT: Yolo County	OWNER: N/A
LOCATION: Countywide	SOILS: various
GENERAL PLAN: All land use designations	WILLIAMSON ACT: N/A
ZONING: All zones	FLOOD ZONE: N/A
SUPERVISORIAL DISTRICT: All	FIRE SEVERITY ZONE: N/A
ENVIRONMENTAL DETERMINATION: To be determined	

RECOMMENDED ACTION

That the Planning Commission:

1. Hold a workshop and consider public comments on the proposed Zoning Code Amendment to certain sections of the Zoning Regulations in Article 11: Energy and Telecommunications Development Standards (Att. A);
2. Provide staff with further revisions to the Wireless Telecommunication Facilities Ordinance (Section 8-2.1102), Solar Energy Systems Ordinance (Section 8-2.1104), and Energy Storage Systems Ordinance (Section 8-2.1105); and
3. Direct staff to schedule a future public hearing with the Planning Commission to accept further public comment and consider a formal recommendation on the proposed Zoning Code Amendment to the Board of Supervisors.

REASONS FOR RECOMMENDED ACTIONS/BACKGROUND

The Planning Division has prepared a set of proposed changes to certain sections of the Zoning Regulations in Article 11 (Energy and Telecommunications Development Standards) related to telecommunication facilities and solar energy systems, and is proposing to add a new section for energy storage systems. The primary purposes of the proposed zoning amendments are to update regulations to better accommodate the permitting process by reducing regulatory hurdles, clarify terminology, include state and federal statutes already in effect, and identify new uses. Each section has been modified to update and introduce new definitions and to include a zoning table of allowed and permitted uses for ease of reference.

The following attachments have been included to assist with the Planning Commission's review:

- Attachment A contains a 'redlined' version of each section with proposed changes to existing code.
- Attachment B contains a clean copy version of each section with recent staff edits in response to public outreach.
- Attachment C contains a table that highlights the changes between existing and proposed sections.
- Attachment D contains public comments received to date.

Summary of Proposed Changes

Section 8-2.1102: Wireless Telecommunication Facilities has been modified to more readily provide for 'eligible facilities requests' that comply with the 2012 Spectrum Act which mandates that a local government approve certain wireless facilities siting requests for modifications and collocations that do not result in a substantial change to the physical dimensions of a previously permitted tower or base station in conformance with Title 47 Code of Federal Regulations Section 1.6100(b)(7). Attachment A includes a redlined version of proposed changes to Section 8-2.1102 and can be referenced for details regarding substantial changes in subsection (b), Definitions.

Other notable changes to Section 8-2.1102 include increasing the tower height for a small wireless telecommunication facility from 80 feet to 120 feet, which will streamline the permitting process for a small facility proposed in the rural areas. Increasing the tower height allows for greater collocation opportunities and is proposed to facilitate better coverage in underserved areas. Standards have also been updated to require a setback from property lines that is equidistant to the tower height rather than limiting the height of a tower based on parcel size.

Sections 8-2.1104: Small and Medium Solar Energy Systems and 8-2.1105: Large and Very Large Solar Energy Systems have been combined into one section (8-2.1104) and significantly modified to include provisions for onsite serving solar energy uses, particularly systems serving agricultural operations. Currently, the solar energy regulations require a use permit for any ground-mounted or roof-mounted system that occupies 2.5 or more acres of prime farmland, Williamson Act contracted land, or habitat. This, in turn, triggers the requirement for an extensive discretionary and environmental review process resulting in potentially significant costs and time associated with reviews and mitigation requirements, especially for renewable energy systems that will be ancillary to the primary use of a property. Staff has noted that a typical solar energy system serving an agricultural operation requires approximately 3.8 acres but can be as large as 10 acres or more.

To streamline the use of solar energy for agricultural operations, implement General Plan policies supporting the use of onsite renewable energy sources, and continue the protection of important County resources, staff is proposing to amend the solar energy regulations to allow up to 10 acres of onsite serving solar uses without requiring a discretionary review so long as the system meets required standards (reference Attachment A to review proposed standards).

Currently, an onsite ag-serving solar energy system that is greater than 2.5 acres can be considered an 'agricultural use' in the Agricultural Conservation and Mitigation Program Ordinance [County Code Section 8-2.404(b)] and would therefore be excluded from mitigation requirements. Thus, staff does not consider the proposed changes to Section 8-2.1104 to be in conflict with protections addressing

agricultural resources.

With respect to loss of habitat, some solar energy systems are managed with a vegetative substrate and are therefore considered 'habitat friendly'. The amended regulations would require that all 'accessory solar energy systems' include a planting plan for increasing or maintaining Swainson's Hawk foraging habitat resources. If a proposed accessory solar energy system would remove foraging habitat, mitigation would be required. Attachment A contains a redlined version of an updated Section 8-2.1104 where proposed performance standards can be referenced.

Section 8-2.1104 has also been modified to clarify that all small roof-mounted and ground-mounted accessory use solar energy systems are subject to permit streamlining under the Solar Rights Act and Assembly Bill 2188 (2014) which mandates a standardized and simplified procedure for permitting small systems. This proposed change increases permit streamlining to all small accessory use solar energy systems rather than limiting to small residential rooftop systems. The section has been amended to remove the small residential rooftop solar energy system review process [currently codified as subsection (g)] since the practice is already in effect and implemented under the Building Division's standardized procedures and protocols. The deleted subsections have no bearing on land use or zoning requirements nor do they eliminate the process for permit streamlining. They are simply not relevant to the Zoning Regulations.

The standards for a 'medium-sized solar energy system' have been updated to reflect the new accessory solar energy system category, and a medium-sized solar energy system is now defined as any onsite and/or off-site serving system that occupies over 10 acres but no more than 30 acres. Any medium-sized solar energy system designed to generate power that is fed directly to the electrical grid would be considered a 'utility' solar energy system. The standards regulating the large and very large solar energy systems are relatively similar in the amended version, except the 'very large' category has been removed. A large-scale system over 30 acres and up to 120 acres in size is proposed to be considered for approval by the Planning Commission (currently requires Board approval) while any system that occupies over 120 acres would still require Board of Supervisors approval.

The proposed changes to Sections 8-2.1104 and 8-2.1105 do not affect the updates that were approved in 2020 to limit ground-mounted solar energy systems in the open space and recreational zones, though some minor text amendments have been prepared.

Finally, staff is proposing to replace Section 8-2.1105 with a new ordinance for **Energy Storage Systems**. With preliminary input from Valley Clean Energy, staff drafted the ordinance to help foster potential future uses for additional renewable energy opportunities. It is more and more common for renewable energy projects to include battery storage as a component of the project. The proposed energy storage ordinance clarifies requirements for 'paired' renewable energy systems and provides for stand-alone battery energy storage systems.

Public Outreach

Public review drafts of the proposed changes to Article 11 were posted on the Planning webpage at this link: [Current Projects | Yolo County](#) and circulated to all the Citizen Advisory Committees (CAC) and the CAC Interested Parties lists, as well as to a broader range of stakeholders, community and special interest groups, and local agencies on August 5, 2022. During the month of August, staff attended several CAC meetings to seek recommendations on the proposed Zoning Code Amendment, including the Esparto CAC on August 16th, the Dunnigan CAC on August 17th, and Clarksburg CAC on August 18th. The Capay Valley CAC met on August 31st. JD Trebec, Senior Planner, facilitated the CAC discussions, and a summary of comments is provided below.

The Esparto CAC had five members in attendance voting unanimously to recommend the Zoning Code Amendment with proposed changes as follows:

- Require a Minor Use Permit for all freestanding cell tower facilities, regardless of tower height.
Note: *This recommendation exceeds current requirements which allow for towers 80 feet in height*

or less through Site Plan Review on agricultural parcels greater than 20 acres in size.

- Require a Minor Use Permit for all energy storage systems, regardless of size, and require noise levels to be measured from the nearest property whether or not an offsite residence is present.
- No proposed changes to the updated Solar Energy Systems Ordinance (Section 8-2.1104).

The Dunnigan CAC had five members in attendance and voted 4 to 1 to recommend the Zoning Code Amendment with proposed changes as follows:

- Increase the kilowatts (Kw) allowed for small accessory use ground-mounted solar energy systems and require no maximum Kw for small accessory use roof-mounted systems. Note: *The standards set for the small accessory use ground-mounted and roof-mounted solar energy systems comply with AB 2188 provisions for permit streamlining. Following the recommendation, staff made some minor changes to the permitting requirements for clarity. See Table 8-2.1104 in Attachments A (redlined version) and B (clean version w/ staff edits) for allowed and permitted requirements related to accessory ground-mounted and roof-mounted solar energy systems.*
- Require Major Use Permit for energy storage systems over 1 megawatt (MW).
- No proposed changes to the Wireless Telecommunication Facilities Ordinance (Section 8-2.1102).

The Clarksburg CAC had four members in attendance and voted 3 to 1 to recommend the Zoning Code Amendment with proposed changes as follows:

- Require agricultural mitigation for solar energy and energy storage projects on non-prime farmland, as well as development fees. Note: *Current standards require utility solar energy systems that are not considered agricultural uses to comply with the Agricultural Conservation and Mitigation Program; the proposed amendments would not change the requirement.*
- Remove the tower height setback requirement for telecommunication facilities to reduce impacts to agriculture and agricultural operations.
- Base the permitting requirements for energy storage systems on megawatt (MW) rather than acreage and require a use permit for battery storage systems greater than 1MW. Note: *Staff concurs with this recommendation and has made the relevant changes to the new Energy Storage Systems Ordinance (see Att. B).*

The Capay Valley CAC had four members in attendance but did not meet a quorum. However, the committee reviewed the draft amendments and provided the following feedback;

- Commented that the ordinances were too technical in nature to comment in depth.
- Supportive of 'streamlining' solar energy uses.
- Supported small cell tower height increase, but noted the potential for visual consequences. Note: *The proposed edits to Section 8-2.1102 provide for consideration of stealth design elements in designated scenic corridors.*
- Expressed concern about energy storage system height limits.

COLLABORATIONS

Staff coordinated extensively with Sol Smart, a national organization dedicated to assisting cities, counties, and regional organizations to make solar energy affordable and easy to permit. Sol Smart offers technical assistance as well as a national designation program that recognizes local governments that have taken key steps to address local barriers for fostering solar energy growth. Sol Smart assisted staff with clarifying regulations and provided suggestions for simplifying the permitting process to ensure 'small accessory use' and 'accessory' solar energy system regulations were better defined.

Prior to conducting the Planning Commission workshop, staff reached out to the community for feedback. Public comments received to date include responses from Chad Roberts (see attached email in Attachment D), Office of Emergency Services (no issues), and the Delta Protection Commission (Att. D). Once staff receives direction from the Planning Commission as to further changes to Article 11, a final proposed draft will be prepared and considered for recommendation by the Planning Commission at a future duly noticed public hearing.

Staff will continue to work with County Counsel to address legal adequacy for all proposed zoning changes.

APPEALS

N/A

Attachments

- Att. A. Article 11 Amendments (redlined review)
 - Att. B. Article 11 Amendments (clean w/ staff edits)
 - Att. C. Article 11 Amendment Exhibit
 - Att. D. Public Comments
-

Form Review

Inbox	Reviewed By	Date
Eric May	Eric May	09/01/2022 12:38 PM
Leslie Lindbo	Leslie Lindbo	09/01/2022 03:44 PM
Taro Echiburu	Evelyn Tamayo-Arias	09/01/2022 03:53 PM
Form Started By: Stephanie Cormier		Started On: 08/23/2022 02:51 PM
Final Approval Date: 09/01/2022		