FILED
December 1, 2022
BY Paula Hig
DEPUTY CLERK OF THE BOARD

ORDINANCE NO. 681.236

AN ORDINANCE OF THE YOLO COUNTY BOARD OF SUPERVISORS ADOPTING THE ZONING CODE AMENDMENT TO MODIFY CERTAIN SECTIONS OF ARTICLE 11 IN CHAPTER 2 OF TITLE 8, YOLO COUNTY CODE OF ORDINANCES RELATED TO TELECOMMUNICATIONS SYSTEMS, SOLAR ENERGY SYSTEMS, AND ENERGY STORAGE SYSTEMS

The Board of Supervisors ("Board") of the County of Yolo, State of California, hereby ordains as follows:

SECTION 1. PURPOSE

This ordinance includes text amendments to certain sections of the Zoning Regulations (Chapter 2 in Title 8 of the Yolo County Code) relating to telecommunication systems, solar energy systems, and energy storage systems as set forth below. The Board of Supervisors hereby adopts the amendments set forth herein to the respective sections of the Yolo County Code to promote the public health, safety, and welfare of the residents of Yolo County, and for other reasons set forth in the staff report for this item.

SECTION 2. AMENDMENTS TO TITLE 8, CHAPTER 2, ARTICLE 11

A. Section 8-2.1102 (Wireless telecommunication facilities) is hereby amended to read as reflected in Exhibit A.

B. Section 8-2.1104 is hereby amended to enact the Solar Energy Systems Ordinance as reflected in Exhibit B.

C. Section 8-2.1105 is hereby repealed and replaced with the Energy Storage Systems Ordinance as reflected in Exhibit C.

SECTION 3. Severability

If any section, sub-section, sentence, clause, or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

Section 4. Effective Date

This Ordinance shall take effect and be in force within 30 days of enactment. Prior to expiration of fifteen (15) days after its passage of this Ordinance, it shall be published by title and summary only in the Davis Enterprise or other newspaper of general circulation together with the names of members of the Board of Supervisors voting for and against the same.

I HEREBY CERTIFY that the foregoing Ordinance was introduced before the Board of Supervisors of the County of Yolo and, at a further public hearing, said Board adopted this Ordinance on the 22 th day of November , 2022, by the following vote:

AYES: **Villegas, Saylor, Sandy, Provenza, Barajas.**
NOES: **None.**
ABSENT: **None.**
ABSTAIN: **None.**

Angel Barajas, Chair
Yolo County Board of Supervisors

ATTEST: Julie Dachtler, Senior Deputy Clerk
Board of Supervisors

By_____
Deputy (Seal)

APPROVED AS TO FORM:
Philip J. Pogledich, County Counsel

By_____
Eric May, Senior Deputy

EXHIBIT A

Sec. 8-2.1102 Wireless telecommunication facilities

(a) Purpose

The purpose of this Section is to implement permit requirements and development standards for wireless telecommunication facilities in the unincorporated area of Yolo County.

(b) Definitions

Eligible facilities request
"Eligible facilities request" shall mean any request for modification of an existing permitted tower or base station that does not substantially change the physical dimension of the tower or base station, involving: (1) colocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

Radio
Radio is a generic term for communication of sound, data, or energy by means of electromagnetic wave propagation. For regulatory purposes "radio" includes the popular terms "television" and "microwave". The term "wireless" is interchangeable with "radio."

Section 6409(a) modification
"Section 6409(a) modification" shall mean any eligible facilities request pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Spectrum Act"), which mandates that a local government approve certain wireless broadband facilities siting requests for modifications and colocations of wireless transmission equipment on an existing tower or base station that do not result in a substantial change to the physical dimensions of the tower or base station.

Wireless facility modification, substantial change
A "substantial change to a wireless facility" shall be as defined by the Federal Communications Commission (FCC) in Title 47 Code of Federal Regulations (CFR) Section 1.6100(b)(7), including the following:

(i) An increase in the height of a permitted tower, that is not in the public right of way, by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; or, an increase in the height of a permitted support structure by more than 10 percent or more than 10 feet, whichever is greater.

(ii) Adding an appurtenance to the body of a permitted tower, that is not in the public right of way, that would protrude from the edge of the tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater; or, adding an appurtenance to the body of a permitted structure that would protrude from the edge of the structure by more than six feet.

(iii) Installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four cabinets; or, for permitted towers and base stations in the public right of way, installation of any new equipment cabinets on

the ground if there are no existing ground cabinets associated with the structure or installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure.

(iv) Excavation or deployment outside of the permitted facility site; for permitted towers not in the public right of way any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction (measurement excludes existing access or utility easements related to the site).

(v) Modifications that would defeat the concealment elements of the permitted support structure.

(vi) The modification does not comply with conditions associated with the siting approval of the construction or modification of the permitted facility.

Wireless telecommunication facility
"Wireless telecommunication facility" shall mean an un-staffed facility for the transmission and reception of radio signals, including, but not limited to cellular radiotelephone service facilities, specialized mobile radio service facilities, microwave service facilities, broadband Internet service, communication towers, personal communication service facilities, and commercial paging service facilities.

Wireless telecommunication facility, attached
"Attached wireless telecommunication facility" shall mean a telecommunication facility that is attached to an existing permitted structure whose tower height is no more than 80 feet.

Wireless telecommunication facility, small
"Small wireless telecommunication facility" shall mean a telecommunication facility whose tower height is no more than eighty (80) feet.

Wireless telecommunication facility, large
"Large wireless telecommunication facility" shall mean one whose tower height is greater than eighty (80) feet.

(c) Permits required

(1) Construction of a wireless telecommunication facility may be approved in the following zoning districts, provided the facility meets setback requirements and other standards, as provided in Section 8-2.1102(e), below, as shown in Table 8-2.1102.

Table 8-2.1102

Allowed Wireless Telecommunications Facility Uses and Permit Requirements

A = Allowed use, subject to zoning clearance SP = Site Plan Review UP (m) = Minor Use Permit UP (M) = Major Use Permit N = Use Not Allowed	Land Use Permit Required by Zone					
	A-N, A-X, A-I A-C, A-R	RR-5, RR-2, R-L, R-M, R-H	C-L, C-G, DMX, C-H	I-L, I-H, OPRD	PQP POS, P-R	Specific Use Requirements or Performance Standards
Wireless Telecommunication Facility						
Small telecommunication facility (up to 80 ft on min parcel sizes) [(a)]	SP	UP(m)	UP(m)	UP(m)	UP(m)	20-ac minimum in agricultural zones 2-ac minimum in all other zones See Sec. 8-2.1102(e)
Small telecommunication facility (up to 80 ft if min parcel size cannot be met) [(b)]	UP(m)	UP(M)	UP(M)	UP(M)	UP(M)	See Sec. 8-2.1102(e)
Large telecommunication facility (>80 ft on 40 ac or more)	UP(m)	N	N	UP(m)	UP(m)	See Sec. 8-2.1102(e)
Large telecommunication facility (>80 ft <40ac)	UP(M)	N	N	UP(M)	UP(M)	
Attached telecommunication facility (up to 80 ft)	A	UP(m)	SP	A	SP	
Eligible facilities request	A	A	A	A	A	See definition in Sec. 8-2.1102(b) and Sec. 8-2.1102(f)

(a) Must meet parcel size requirements: 20 acres or more in agricultural zones, 2 acres or more in all other zones

(b) Minor Use Permit required in the agricultural zones on parcels less than 20 acres, Major Use Permit required in all other zones on parcels less than 2 acres

(2) Construction of a small wireless telecommunication facility on rural lands zoned for agricultural uses may be approved through the issuance of a Site Plan Review approval, provided the facility is located on a parcel 20 acres or more in size.

(3) If an application for a proposed small wireless telecommunication facility in the agricultural zones fails to meet the minimum parcel size or any of the specific development standards set forth in Section 8-2.1102(e), below, the application shall be referred to the Zoning Administrator for a hearing and decision to issue a Minor Use Permit.

(4) Construction of a wireless telecommunication facility that is attached to an existing structure (such as a barn on rural lands zoned for agricultural uses or a warehouse on lands zoned for industrial uses), regardless of the size of the parcel, may be approved with the issuance of a building permit only, provided the overall height of the tower is no more than 80 feet.

(5) An attached telecommunication facility may be permitted in the commercial and public and open space zones through Site Plan Review approval so long as the overall tower height is no more than 80 feet.

(6) If an application for a small telecommunication facility is proposed in the residential, commercial, industrial, or public and open space zones on a small lot of less than two acres, or if the application fails to meet any of the development standards set forth in 8-2.1102(e), below, the application shall be referred to the Planning Commission for a public hearing to consider issuance of a Major Use Permit.

(7) Construction of large wireless telecommunication facilities on lands zoned for agricultural, industrial, open space and recreation uses, shall be considered for approval of a Minor Use Permit, provided the facility is located on a parcel 40 acres or more in size. Large wireless telecommunication facilities constructed on parcels less than 40 acres, on lands zoned for agricultural, industrial, open space and recreation uses, shall be considered in all cases for approval of a Major Use Permit. The application shall meet all of the development standards set forth in Section 8-2.1102(e), below.

(8) An applicant may submit in writing a request for modification to an existing permitted tower or base station. An eligible facilities request that does not substantially change the physical dimensions of the facility shall be approved in accordance with 47 CFR Section 1.6100, as described in subsection (f), below.

(d) Application

Each application for a wireless telecommunication facility permit shall include the following:

(1) A graphic depiction of the search ring used in determining facility location. The graphic shall identify all existing telecommunication tower sites within the search ring.

(2) A propagation or signal map showing the proposed coverage area (with and without the proposed facility).

(3) A photo simulation of the proposed developed site from four directions (north, south, east and west).

(4) A written justification that identifies opportunities to collocate the proposed facility on an existing facility have either been exhausted or are not available in the area.

(e) Development standards

The following development standards shall be satisfied prior to the approval of a wireless communications facility:

(1) The site can provide all necessary infrastructure for the development of the proposed wireless communication facility. The minimum parcel size required for a large telecommunication facility shall be two acres.

(2) Opportunities to co-locate the subject facility on an existing facility have either been exhausted or are not available in the area.

(3) The facility as proposed is necessary for the provision of an efficient wireless communication system.

(4) The development of the proposed wireless communication facility will not significantly affect the existing onsite topography and vegetation; or any designated public viewing area, scenic corridor or any identified environmentally sensitive area or resource. Wireless communication facilities proposed to locate in a designated scenic corridor, including areas identified by the General Plan as providing scenic value, may require stealth design elements to mitigate visual impacts.

(5) The proposed wireless communication facility will not create a hazard for aircraft in flight and will not hinder aerial spraying operations.

(6) The applicant agrees to accept proposals from future applicants to co-locate at the approved site.

(7) The applicant agrees to reserve space and/or provide conduit available for County and emergency communications.

(f) Eligible Facilities Request for a Wireless Telecommunication Facility Modification

(1) An application for a “Section 6409(a) Modification” on an existing wireless communication facility may be submitted to the Planning Division for processing. Federal law requires local government approval of any eligible facilities request for modification of an existing wireless tower or base station. An eligible facilities request is any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

i. Colocation of new transmission equipment
ii. Removal of transmission equipment; or
iii. Replacement of transmission equipment.

(2) A modification substantially changes the physical dimensions of an existing wireless communication facility if it meets the criteria listed in Sec. 8-2.1102(b) above.

Sec. 8-2.1104 Solar energy systems

(a) Purpose

The purposes of this Section are as follows:

(1) To provide for the placement of solar energy systems to enable generation of electricity from the sun, for on- and/or off-site uses, thereby increasing local production and use of renewable energy and reducing peak demand on the power grid.

(2) To minimize potential adverse impacts associated with solar energy systems on area residents, historic sites, and agricultural and biological resources through careful siting, design and operation, consistent with State law.

(3) To avoid or minimize public health and safety risks associated with solar energy systems by providing standards for the placement, design, construction, modification and removal of such systems, consistent with Federal, State and local regulations.

(4) To streamline the solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 21, Statutes 2014) to achieve timely and cost-effective installations of small accessory use solar energy systems, as defined below.

(b) Definitions

Solar energy system
"Solar energy system" shall mean a device, array of devices, or structural design feature which is used to provide for generation and/or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating

Accessory solar energy system
"Accessory solar energy system" shall mean an onsite solar energy system in which the energy generated supplies power to and/or offsets energy demands on the property, or on adjacent or contiguous properties. An accessory solar energy system shall be limited to ground-mounted systems, roof-mounted systems, floating systems, and systems affixed to shade structures located over parking areas. Accessory solar energy systems do not include small accessory use roof-mounted and ground-mounted solar energy systems as defined in this Section. Accessory solar energy systems shall not occupy more than 7.5 acres of land. A solar energy system that produces power that is sold directly to the electrical grid with a generation capacity of more than one megawatt shall be considered a utility solar energy system, as defined below.

Adjacent
A property shall be "adjacent" to the property with the accessory solar energy system if the property lines are separated by less than 100 feet at their nearest point.

Small accessory use ground-mounted solar energy system
"Small accessory use ground-mounted solar energy system" shall mean a system that:

(i) is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal; and

(ii) is structurally mounted to the ground.

Small accessory use roof-mounted solar energy system
"Small accessory use roof-mounted solar energy system" shall mean a system that:

(i) is mounted to the roof of a house, building, or other structure;

(ii) is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
and

(iii) has a solar panel or module array that does not exceed five feet above rooftop for photovoltaic or seven feet above rooftop for thermal solar systems.

Medium-sized solar energy system
"Medium-sized solar energy system" shall mean a private on-site or utility solar energy conversion system consisting of many ground–mounted solar arrays, a solar photovoltaic system mounted on a rack or pole that is ballasted on or attached to the ground, or roof-panels, and associated control or conversion electronics, occupying more than 7.5 acres and no more than 30 acres of land, and that will be used to produce utility power to on-site uses and/or off-site customers.

Large-scale solar energy system
"Large-scale solar energy system" shall mean a utility solar energy conversion system consisting of many ground–mounted solar arrays, or a solar photovoltaic system mounted on a rack or pole that is ballasted on or attached to the ground, and associated control or conversion electronics, occupying more than 30 acres of land, and that will be used to produce utility power to off-site customers.

Utility solar energy system
"Utility solar energy system" shall mean a solar facility featuring panels designed to generate solar power that is fed directly into the electrical grid, supplying a utility company with energy which is distributed to offsite end users. For the purposes of this Section, a utility solar energy system has a total generation capacity of more than one megawatt. A solar energy system that feeds directly to the power grid but generates one megawatt or less shall be considered a medium-sized solar energy system as defined above.

Specific, Adverse Impact
"Specific, Adverse Impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(c) Applicability

The provisions of this Section apply to onsite accessory and small accessory use solar energy systems, medium-sized solar energy systems, and large-scale solar energy systems, as defined in subsection (b). These solar energy systems require the issuance of a Building Permit, a Site Plan Review, or a Use Permit, as set forth below. Any solar systems installed prior to the effective date of this Section shall be considered legal, conforming uses so long as a County permit or approval was issued in connection with their installation.

(d) Administration and required approvals

The following types of approvals are required in addition to any other permits that may be required by State, federal, and regional agencies and by any other sections of this Code:

(1) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the County Building and local fire department or districts.

(2) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

(3) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(4) Small accessory use roof-mounted and ground-mounted solar energy systems may be approved in all zones through the issuance of a Building Permit and a Zoning Clearance, provided the application meets setback and other standards, as provided in this Section. However, consistent with Section 65850.5 of the California Government Code, if the Chief Building Official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety, the Official may require the applicant to apply for a Use Permit. Such a Use Permit shall be considered by the Zoning Administrator according to the requirements of Section 65850.5

(5) Accessory solar energy systems that occupy more than 2.5 acres, excluding ground-mounted systems located in the POS and P-R zones, may be approved

through the issuance of a Building Permit and Site Plan Review, provided the application meets the Development Standards set forth in Section 8-2.1104(g), below. The Site Plan Review approval is ministerial (not discretionary) and does not require a public hearing. If the application fails to meet any of the standards, the application shall instead be evaluated as an application for a Minor Use Permit by the Zoning Administrator.

(6) Accessory or medium-sized ground-mounted solar energy systems proposed to locate in the POS and P-R zones may be approved through the issuance of a Minor Use Permit as set forth in Section 8-2.1104(e)(4), below.

(7) Solar energy systems proposed on a property or structure that is a designated Historic Landmark or is located within a designated Historic District may be permitted provided that the design of the facilities is consistent with the purposes of the Landmark or District designation.

(8) Medium-sized solar energy systems may be approved through Site Plan Review if the facility is located on non-prime farmland that is not under a Williamson Act contract and shall include a vegetative substrate, derived from source-identified plant materials whose origin includes Yolo County and surrounding counties, planted and maintained beneath and between the rows of panels. Any medium-sized solar energy system that is located on prime farmland or on land that is enrolled in the Williamson Act shall require the issuance of a Minor Use Permit provided the application is consistent with the conditions and standards set forth in subsections (h) and (i), below.

(9) Large-scale solar energy systems occupying no more than 120 acres of land may be approved through the issuance of a Major Use Permit by the Planning Commission, provided the application is consistent with conditions and standards set forth in subsections (h) and (i). A large-scale solar energy system greater than 120 acres requires approval from the Board of Supervisors, following a recommendation from the Planning Commission, provided the application is consistent with conditions and standards set forth in subsections (h) and (i), below.

(10) If a utility solar energy system is proposed to locate on lands under a Williamson Act contract, the use must be found to be compatible in accordance with Section 106 of the Yolo County Williamson Act Guidelines, including compliance with the Williamson Act statutes governing the principles of compatibility required under Section 51238.1 of the California Government Code.

(11) Solar energy development shall employ design features that allow for full restoration of the land once the system has ceased to generate electricity.

(e) Permitted locations

(1) Solar energy systems may be installed and operated in the following zones, provided the systems meet setback and other standards, as provided in this Section and shown in Table 8-2.1104:

Table 8-2.1104
Allowed Solar Uses and Permit Requirements

A = Allowed use, subject to zoning clearance SP = Site Plan Review UP (m) = Minor Use Permit UP (M) = Major Use Permit N = Use Not Allowed	Land Use Permit Required by Zone							
	A-N, A-X, A-I	**A-C, A-R**	**RR-5, RR-2, R-L, R-M, R-H**	**C-L, DMX, C-G, C-H**	**I-L, I-H, OPRD**	**PQP**	**POS, P-R**	**Specific Use Requirements or Performance Standards**
Solar Energy System								
Small accessory use roof-mounted solar energy system (up to 10kW)	A	A	A	A	A	A	A	Sec. 8-2.1104(f)
Small accessory use ground-mounted solar energy system (up to 10kW)	A	A	A	A	A	A	SP	
Accessory solar energy system (>10kW, < 2.5 ac)	A	A	A	A	A	A	A/SP[(a)]	Sec. 8-2.1104(g)
Accessory solar energy system (2.5 to 7.5 ac)	SP	SP	SP	SP	SP	SP	SP/UP(m)	
Medium-sized solar energy system (7.5 to 30 ac)	SP/UP(m)	N	N	SP/UP(m)	SP/UP(m)	SP/UP(m)	N	Sec. 8-2.1104(h)(i)
Large-scale solar energy system (> 30 ac)	UP(M)	N	N	N	UP(M)	UP(M)	N	

(a) Site Plan Review required for ground-mounted systems

(2) Installation of roof-mounted solar arrays is encouraged in all public facilities in all zones so long as associated controls or conversion electronics do not impact other facilities.

(3) Accessory and medium-sized solar energy systems in the Public and Open Space (POS) and Park and Recreation (P-R) zones are limited to roof-mounted panels and associated controller and conversion electronics.

(4) Under circumstances where roof -mounted solar arrays alone cannot provide sufficient power for onsite uses in the POS or P-R zones, supplemental ground-mounted solar arrays may be permitted only to the extent necessary to provide sufficient power for onsite uses only through the issuance of a Minor Use Permit**.**

(5) Large-scale solar energy systems are prohibited in the Public Open Space (POS) and Parks and Recreation (P-R) zones.

(f) Development standards for small accessory use solar energy systems

Applications for small accessory use roof-mounted and ground-mounted solar energy systems shall meet all of the following standards and any permit issued for such a system shall be conditioned to meet the standards:

(1) Photovoltaic solar energy systems may extend up to five (5) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the zone in which it is located, or if this exceeds the height limit of an accessory structure (15 feet).

(2) Solar water or swimming pool heating systems may extend up to seven (7) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the zone in which it is located, or if this exceeds the height limit of an accessory structure (15 feet).

(3) Excluding solar collection panels, solar energy system equipment may be installed within the required side and rear yards, but shall not be closer than ten (10) feet from any property line in agricultural, commercial, industrial, and public and open space zones and five (5) feet from any property line in residential zones.

(4) Pole mounted solar collection panels located in the residential zones shall comply with existing regulations for accessory structures (Section 8-2.506(a) and Table 8-2.506 of this Chapter), i.e., the panels may not exceed ten (10) feet in height in residential zones and must meet a rear yard setback of five (5) feet.

(5) The solar panels of a small accessory use ground-mounted solar energy system shall not be included in any calculation of impervious surface for purposes of calculating lot coverage.

(g) Development standards for accessory solar energy systems

Applications for accessory solar energy systems shall meet all of the following standards. If the application does not meet one or more of the standards, a Minor Use Permit shall be required and shall be conditioned to meet the standards, unless findings of fact to justify a waiver of any of the standards are adopted by the Zoning Administrator. A waiver may be granted only if the Zoning Administrator concludes that the waiver is consistent with the purposes of this Section and that, due to unusual circumstances or other considerations, it is not reasonable to require compliance with one or more of the standards.

(1) Photovoltaic solar energy systems may extend up to five feet above the roof surface even if this exceeds the maximum height limit for the principal structure for

the zone in which it is located, or if this exceeds the height limit of an accessory structure (15 feet).

(2) Solar water or swimming pool heating systems may extend up to seven (7) feet above the roof surface even if this exceeds the maximum height limit for the principal structure for the zone in which it is located, or if this exceeds the height limit of an accessory structure (15 feet).

(3) Accessory solar energy systems occupying more than 2.5 acres of land that are proposed in agricultural zones and the PQP zone are encouraged to locate on predominantly (more than 60 percent) non-prime farmland and/or previously disturbed areas to the extent feasible.

(4) Ground-mounted solar facilities shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exceptions: Accessory solar energy systems in agricultural zones occupying no more than 2.5 acres shall not be required to meet the front yard setback. To address Fire Code requirements for weed control, a 10-foot perimeter is required from property lines in all agricultural, commercial, industrial, and public and open space zones and a 5-foot perimeter is required in all residential zones.

(5) Ground-mounted solar facilities shall meet the height limit requirements of the zone in which they are located, except that auxiliary equipment may exceed this limit.

(6) Ground-mounted solar arrays that occupy more than 2.5 acres of Swainson's hawk foraging habitat shall require a management plan that includes a vegetative substrate, such as native grasslands habitat or pollinator habitat, planted and maintained beneath and between the rows of panels. Native vegetation shall be derived from source-identified plant materials whose origin includes Yolo County and surrounding counties.

(7) Accessory solar energy systems larger than 2.5 acres shall be located no closer than a minimum of 100 feet away from a riparian corridor.

(8) Accessory solar energy systems shall occupy no more than 7.5 acres of land or 20 percent of the area of the parcel, whichever is smaller.

(9) The solar panels of an accessory solar energy system shall not be included in any calculation of impervious surface for purposes of calculating lot coverage.

(h) Development standards for medium-sized and large-scale solar energy systems

(1) Medium-sized and large-scale solar energy systems are encouraged to locate on predominantly non-prime farmland and non-Williamson Act contracted land, as feasible. Any medium-sized solar energy system that locates on prime farmland or farmland under Williamson Act contract shall require a Minor Use Permit.

(2) Utility solar energy systems shall be integrated into the agricultural landscape by maintaining a substrate with a plant palette that supports ecological function and encourages and maintains wildlife use. Native vegetation shall be derived from source-identified plant materials whose origin includes Yolo County and surrounding counties.

(3) Solar uses shall require a minimum 100-foot buffer from riparian corridors.

(4) Medium-sized solar energy systems shall meet the front, rear, and side yard setback requirements of the zone in which they are located, with the following exception: in agricultural zones, the setbacks shall be at least 50 feet from all property lines. A 10-foot perimeter shall be required in all other zones to address Fire Code requirements for weed control.

(5) Large-scale solar energy systems must be setback at least 50 feet from any property line.

(6) Utility solar energy systems shall be located no closer than 100 feet from any residential dwelling on an adjacent property.

(7) To the extent reasonably practicable, a utility solar energy system shall have a visual buffer of native vegetation that provides a visual screen to reduce the view of the solar energy system from residences on adjacent lots, including those lots located across a public right-of-way. Solar energy systems proposed to locate in a designated scenic corridor shall require visual screening. Vegetation shall be derived from source-identified plant materials whose origin includes Yolo County and surrounding counties.

(8) Solar panels shall not be included in any calculation of impervious surface or impervious cover.

(i) Mitigation required

(1) All utility solar energy systems shall mitigate for the permanent loss of agricultural land, in accordance with Section 8-2.404 (the Agricultural Conservation and Mitigation Program). Medium-sized solar energy systems approved by Site Plan Review are exempt from this requirement.

(2) If a proposed utility solar energy system will remove Swainson's hawk foraging habitat, mitigation for the loss of foraging habitat shall be required to minimize adverse effects. For each acre of suitable agricultural land removed, a replacement acre shall be protected and managed to consistently provide suitable conditions for foraging Swainson's hawks. Mitigation can be accomplished by payment of a development fee for land in lieu, providing land in lieu of a development fee, or other arrangement in accordance with the California Department of Fish and Wildlife. Alternatively, a project proponent may seek coverage for the loss of habitat under the Yolo HCP/NCCP as a special participating entity.

(j) Decommissioning

Unless otherwise approved by the County, decommissioning shall begin no later than 12 months after a medium-sized or large-scale solar energy system has ceased to generate electricity. Within six months of the beginning of decommissioning, the solar energy system and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the solar energy system or to some other condition reasonably appropriate for the designated land use.

EXHIBIT C

Sec. 8-2.1105 Energy storage facilities

(a) Purpose

The purpose of this Ordinance is to add provisions to the Yolo County Code to regulate the permitting and installation of energy storage systems. These changes are necessary and appropriate to improve and enhance public welfare and safety, to ensure compatible land uses in the vicinity of areas affected by energy storage systems, and to mitigate the impacts of energy storage systems on important environmental resources, such as agricultural lands and wildlife habitat.

(b) Definitions

Dedicated use building
"Dedicated use building" shall mean a building that is constructed for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the California Building Standards Code, and complies with the following:

(i) The building's only use shall be for energy storage, energy generation, and other electrical grid-related operations.

(ii) No other occupancy types shall be permitted in the building.

Participating property
"Participating property" shall mean an energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the energy storage system owner (or affiliate) regardless of whether any part of the energy storage system is constructed on the property.

Small energy storage system
"Small energy storage" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A small energy storage facility may be used in conjunction with an accessory renewable energy system and shall have an aggregate energy capacity less than or equal to 600kWh and consist of only a single energy storage system technology.

Energy storage system
"Energy storage system" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time. An energy storage system has an aggregate energy capacity greater than 600kWh or is comprised of more than one storage battery technology in a room or enclosed area. An energy storage system facility may be integrated with a utility renewable energy system with storage

connected to the renewable energy system and the grid or may be a standalone storage facility with storage connected to the grid only.

(c) Applicability

The requirements of this Section shall apply to all energy storage systems permitted, installed, or modified in unincorporated Yolo County after the effective date of this ordinance, excluding general maintenance and repair. Energy storage systems constructed or installed prior to the effective date of this ordinance shall not be required to meet the requirements of this Section. Modifications to, retrofits or replacements of an existing energy storage system that increase the total energy storage system designed discharge duration or power rating shall be subject to the provisions of this Section.

(d) Permitting requirements

Energy storage facilities may be permitted to locate in the following zones:

Table 8-2.1105
Allowed Energy Storage System Uses and Permit Requirements

A = Allowed use, subject to zoning clearance* SP = Site Plan Review UP (m) = Minor Use Permit UP (M) = Major Use Permit N = Use Not Allowed	Land Use Permit Required by Zone							
	A-N, A-X, A-I	A-C, A-R	RR-5, RR-2, R-L, R-M, R-H	C-L, DMX, C-G, C-H	I-L, I-H, OPRD	PQP	POS, P-R	Specific Use Requirements or Performance Standards
Energy Storage System								
Small energy storage (≤600Kw)	A	A	A	A	A	A	A	
Energy storage (>600kW to 2MW)	SP	SP	N	SP	SP	SP	N	See Sec. 8-2. 1105(e)
Energy storage (>2MW)	UP(m)	N	N	UP(m)	UP(m)	UP(m)	N	

(1) Energy storage systems shall meet all applicable safety and performance standards established by the California Building Standards Code.

(e) Development standards for energy storage systems

(1) Small energy storage systems must be installed in non-habitable spaces, such as utility rooms, garages, storage rooms or on the exterior of a building.

(2) Onsite utility lines shall be placed underground to the extent feasible and as permitted by the serving utility.

(3) Lighting of an energy storage system shall be limited to that minimally required for safety and operational purposes and shall be shielded and downcast from abutting properties and public right-of-way, and shall take into consideration protection of the rural night sky.

(4) Areas within 10 feet on each side of an energy storage system, excluding small energy storage systems, shall be cleared of combustible vegetation and other combustible growth. Removal of trees should be minimized to the extent possible.

(5) Noise generated from energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the property line of the nearest offsite residence. Applicants may submit equipment and component manufactures noise ratings to demonstrate compliance.

(6) Energy storage systems, excluding small energy storage systems, shall comply with the setback requirements of the zone in which they are located.

(7) Energy storage systems shall comply with the height limitations of the zone in which they are located.

(8) Energy storage systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.

(f) Decommissioning

(1) A decommissioning plan, developed in accordance with all relevant codes, shall be submitted with any application for an energy storage system, but excluding a small energy storage system, and shall be implemented upon abandonment and/or in conjunction with removal from the facility. The decommission plan shall include:

(i) A narrative description of the activities to be accomplished for complete physical removal of all energy storage system components, batteries, structures, equipment, security barriers, and transmission lines from the site;

(ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

(iii) The anticipated life of the energy storage system;

(iv) The estimated decommissioning costs and method of ensuring funds will be available for decommission and restoration of the site;

(v) The manner in which the site will be restored, including a description of how any changes to the surrounding areas will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

(vi) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other natural disaster event.

(2) The owner and/or operator of the energy storage system, not including a small energy storage system, shall continuously maintain a fund or bond payable to the County of Yolo, in a form approved by the County, for the removal of the energy storage system, in an amount to be determined by the County for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.