

ATTACHMENT C

2022 Zoning Code Amendment to Article 11: Energy and Telecommunications Development Standards

Topic	Affected Section	Existing	Update	Reason
Wireless Telecommunication Facilities 8-2.1102				
Eligible facilities request Section 6409(a) modification Wireless facility modification, substantial change	8-2.1102(b) Definitions Table 8-2.1102 8-2.1102(c)(7) Permits required 8-2.1102(f)	None – staff reviews requests for non-substantial improvements to existing telecommunication facilities in compliance with FCC regulations	Include definition Identify allowed use in Table Add new subsection (f) and identify the standard	Clarifies the process for reviewing modifications to existing permitted telecommunication facilities Adds new definitions
Wireless telecommunication facility, attached	8-2.1102(b) Definitions 8-2.1102(c)(3) and (4) Permits required	No existing definition Attached towers only allowed in rural/ag areas	Adds new definition Identified in Table Modifies the permit requirements to allow in other zones	Clarifies an attached tower can be up to 80 feet in height Expands the by-right use to ag and industrial zones; site plan review required in commercial and open space zones
Wireless telecommunication facility, small Wireless telecommunication facility, large	8-2.1102(b) Definitions	Small facility defined as less than 80 feet in height Large facility defined as 80 feet in height or greater	Expands height for small facility up to 120 feet Defines large facility as greater than 120 feet	Reduces permitting requirements and allows for a more efficient review process for small facilities in remote, rural areas

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Table 8-2.1102: Allowed Wireless Telecommunication Facility Uses and Permit Requirements	8-2.1102(c) Permits required	Allowed uses and permits required are identified through text in subsections (1) – (4)	Replaces zoning text requirements with Table 8- 2.1102 Subsections modified with updated text	Table added for ease of reference Eliminates complex text
Performance measures	8-2.1102(e) Development standards	Currently 7 standards required to make findings for approval	Clarifies existing requirements and adds new requirements regarding minimum parcel size for large facilities, scenic corridors, and setbacks; proposes new setback equidistant to tower height	Sets standards for setbacks vs restrictions on parcel size; addresses scenic corridors
Small and Medium Solar Energy Systems 8-2.1104 Large and Very Large Solar Energy Systems 8-2.1105				
Accessory solar energy system	8-2.1104(b) Definitions	None	Creates new definition and use category for accessory systems serving onsite uses – allows for up to 10 acres of solar energy uses that are onsite serving	Updated to reflect the needs of agricultural operations – current regulations are overly restrictive for systems that occupy more than 2.5 acres, but are onsite serving (not fed directly to the utility grid)

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Small accessory use ground-mounted and roof-mounted solar energy systems	8-2.1104(b) Definitions	Currently limited to small residential rooftop only	Broadens the small accessory use category to include all small ground-mounted and roof-mounted systems that are no larger than 10 Kw	Allows for more permit streamlining opportunities under the Solar Rights Act and AB 2188 that mandates an efficient and timely permitting process
Medium-sized solar energy systems	8-2.1104(b) Definitions	Currently defined as occupying more than 2.5 acres and no more than 30 acres – can be onsite and/or utility serving	Modifies definition to systems that occupy more than 10 acres and no more than 30 acres	Modified to accommodate new accessory use solar energy system, defined above
Very large solar energy system	8-2.1105(b) Definitions	Currently defined as occupying more than 120 acres	Deleted. Large solar energy system updated to include all systems occupying more than 30 acres	Simplifies major types of systems
Utility solar energy system	8-2.1105(b) Definitions	None	Establishes a definition for solar systems that feed directly to the energy grid vs an onsite serving system	Provides clarity for distinguishing between an onsite serving accessory or medium-sized system and a medium-sized or large-scale utility system

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Administration and approvals	<p>8-2.1104(d)</p> <p>8-2.1104(d)(6) – updated review process for ground-mounted solar energy systems proposed in the POS/P-R zones</p> <p>8-2.1104(d)(8) – updated review process for medium-sized solar energy systems</p> <p>8-2.1104(d)(9) – adds new provision for approval of large-scale solar systems up to 120 acres</p> <p>8-2.1104(d)(10) – adds review requirements for land under Williamson Act contract</p>	<p>8-2.1104(d) and 8-2.1105(e)</p> <p>Currently, all large and very large solar energy systems require approval from the Board of Supervisors upon a recommendation from the Planning Commission</p>	<p>Approval sections have been combined and expanded – notable changes include provisions for small accessory use and accessory solar energy systems, as well as the process for reviewing and approving medium-sized systems.</p> <p>Large-scale solar energy systems up to 120 acres can be approved by Planning Commission; large-scale systems over 120 acres still require Board approval</p>	<p>Provides clarity for reviewing accessory, medium-sized, and large-scale solar energy systems. Gives the Planning Commission approval authority for large-scale systems up to 120 acres.</p>
Required permits	<p>8-2.1104(e) Permitted locations</p> <p>Table 8-2.1104</p>	<p>Allowed uses/permits required are defined through text in subsections (1) and (2)</p>	<p>Text removed and replaced with new Table to identify zoning/permitting requirements</p>	<p>Table added for ease of reference; removes complex text</p>

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Small residential rooftop solar energy systems	8-2.1104(g)	Addresses building permit review process	Section deleted	Building requirements for permitting small roof-mounted solar systems are already implemented by the Building Division through adopted procedures and protocols; section is unrelated to Zoning Regulations and will not omit permit streamlining under the Solar Rights Act
Standards for accessory solar energy systems	<p>8-2.1104(g)</p> <p>8-2.1104(g)(4) – new setback requirements to address Fire Code</p> <p>8-2.1104(g)(6) – new requirement for accessory systems to provide vegetative substrate to address habitat resources</p> <p>8-2.1104(g)(8) – defines size limitations for accessory solar systems</p> <p>8-2.1104(g)(9) – clarifies that solar panels shall not create new impervious surfaces</p>	Defines standards for permitting medium-sized solar energy systems	Section replaced to define new standards for accessory solar energy systems (onsite serving systems up to 10 acres)	New use category requires new performance standards. Notable updates include addressing fire code requirements for systems located in setbacks and requirement for vegetative substrate to offset potential loss of Swainson’s hawk foraging habitat.
Standards for medium-sized and large-scale solar energy systems	<p>8-2.1104(h)</p> <p>8-2.1104(h)(2) – new fire code setback requirement</p>	Combines 8-2.1104(h) and 8-2.1105(e)	Creates a new section for identifying performance	Combines the standards for medium-sized and large-scale solar energy systems,

	<p>8-2.1104(h)(4) – new setback requirement from nearby residences for utility systems</p> <p>8-2.1104(h)(5) – addresses visual buffers</p>		<p>measures for medium-sized and large-scale solar energy systems. Retains 50-foot setback requirement for large-scale solar systems and requires new 100-foot setback from nearby residences for all utility systems, including medium-sized systems that feed the electrical grid.</p>	<p>particularly for utility systems</p>
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Mitigation requirements	<p>8-2.1104(i) Mitigation required</p> <p>8-2.1104(i)(2) – new provision to require mitigation for loss of habitat – applies to any utility system that will remove habitat</p>	<p>8-2.1105(f) currently addresses agricultural mitigation requirements for large and very large solar energy systems</p>	<p>Deletes section and replaces with new section to address agricultural and habitat resources mitigation requirements for any medium-sized solar system that is utility in nature and for all large-scale systems</p>	<p>Ensures the continued protection of agricultural and habitat resources</p>

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Decommissioning	8-2.1104(j)	None – not previously addressed in the solar energy systems ordinances	Adds new requirements and criteria for decommissioning solar energy systems no longer in use	Provides assurance for restoring property back to its prior condition