ATTACHMENT B

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 contributes to the supply of 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 seven and one-half (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 (1) 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 one hundred (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 ten (10) kilowatts alternating current nameplate rating or thirty (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 ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal; and

(iii) has a solar panel or module array that does not exceed five (5) feet above rooftop for photovoltaic or seven (7) 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 seven and one-half (7.5) acres and no more than thirty (30) acres of land, and that will be used to produce utility power to onsite 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 thirty (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 (1) megawatt. A solar energy system that feeds directly to the power grid but generates one (1) 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 two and one-half (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 one hundred twenty (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 one hundred twenty (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**
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 (fifteen (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 (fifteen (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 (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 (fifteen (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 (fifteen (15) feet).

(3) Accessory solar energy systems occupying more than two and one-half (2.5) acres of land that are proposed in agricultural zones and the PQP zone are encouraged to locate on predominantly (more than sixty percent (60%)) 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 two and one-half (2.5) acres shall not be required to meet the front yard setback. To address Fire Code requirements for weed control, a ten (10)-foot perimeter is required from property lines in all agricultural, commercial, industrial, and public and open space zones and a five (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 two and one-half (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 two and one-half (2.5) acres shall be located no closer than a minimum of one hundred (100) feet away from a riparian corridor.

(8) Accessory solar energy systems shall occupy no more than seven and one-half (7.5) acres of land or twenty percent (20%) 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 one hundred (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 fifty (50) feet from all property lines. A ten (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 fifty (50) feet from any property line.

(6) Utility solar energy systems shall be located no closer than one hundred (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 twelve (12) months after a medium-sized or large-scale solar energy system has ceased to generate electricity. Within six (6) 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.

(Ord. 1445, eff. August 14, 2014; as amended by Ord. 1449, eff. November 6, 2014; as amended by Ord. 1454, eff. August 6, 2015; as amended by § 13, Ord. 1466, eff. March 24, 2016; as amended by Ord. 1472, eff. November 10, 2016; as amended by § 2, Ord. 1497, eff. June 7, 2018; as amended by § 4, Ord. 1522, eff. August 6, 2020; as amended by § 2, Ord. 681.236, eff. December 22, 2022)

Sec. 8-2.1106. Major electrical transmission and distribution facilities.

(a) *Definitions.*

Major electrical transmission and distribution project

"Major electrical transmission and distribution project" shall mean a project that includes a network of transmission lines and related towers and similar facilities with a capacity to convey two hundred (200) kilovolts (kV) or greater. It shall also include any project that proposes the designation of a transmission corridor zone to accommodate such facilities.

(b) *Application required.* At a minimum, each application for a major use permit for a major electrical transmission and distribution project shall include the following:

(1) A completed application form and filing fee.

(2) A description of a reasonable range of alternatives to the proposed project, including alternatives that use or expand existing rights-of-way and existing infrastructure.

(3) All application materials (maps, site plans, etc.) necessary to illustrate the proposed location of the proposed facilities and all alternative locations, together with all other materials required for a conditional use permit application pursuant to Section 8-2.217 of this chapter, as described on application forms provided by the Planning Division.

(4) A photo simulation of the proposed project and each alternative from at least six (6) locations along its route in the County. Each location shall include simulated views of project facilities from four (4) directions (north, south, east, and west).

(5) A narrative explanation of the route of the proposed project and each alternative, together with a discussion of any alternative locations and project alternatives considered by the applicant but not formally included for County consideration.

(6) For the proposed project and each alternative, all of the following:

(i) Estimated cost, including construction, land acquisition, and other development costs;

(ii) A description of the type of vegetation and soils that would be removed or impacted by construction;

(iii) A map showing the number, types, uses, and distances of buildings, public and private airports, dedicated open space, and parklands located within a one-thousand (1,000) foot distance of project infrastructure;

(iv) An analysis of the audible noise and lighting impacts of the proposal, together with any other studies reasonably necessary for the County to perform its duties as a lead or responsible agency in connection with the environmental review of the project;

(v) An analysis of the potential adverse human health effects of the project on those present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project. The analysis shall use the best available scientific information at the time it is conducted; and

(vi) An analysis of potential economic impacts on agriculture and related support industries. The Director may also require an analysis of potential economic impacts on other matters relevant to the review criteria set forth below, including potential economic impacts on other industries, on County and special district revenues, on local tourism and economic development efforts, and on other similar matters.

(c) *Coordination and documentation.* Within thirty (30) days of filing an application for a major use permit in connection with a major electrical transmission and distribution project, the applicant shall provide the County with copies of all applications for State, Federal, and other permits and licenses in connection with the proposed project. Promptly following the issuance of any State or Federal permits or licenses, biological opinions, records of decision, memoranda of understanding, exemptions, variances, or similar authorizations or approvals related to the proposed project, the applicant shall provide copies of those documents to the County.

(d) *Public outreach.* For all major electrical transmission and distribution projects that traverse a significant portion of the County, and whose impacts are not likely to be isolated to a small geographic area, the Director may require the applicant to present the application to interested members of the public at one or more public meetings arranged by the applicant at a location convenient for interested members of the public. Such meetings shall be in addition to any hearings on the permit application held by the Planning Commission or the Board of Supervisors, and in addition to any meetings of local general plan advisory committees to which the application is referred. The Director and the applicant shall, if requested by the Director, develop a mutually acceptable public outreach program that includes such meeting(s) and any similar public outreach efforts to be undertaken by the applicant. If any portion of the proposed project is located within a planning area designated in a city general plan, the outreach program shall also include one or more meetings in that city.

(e) *Deciding authority.* The Deciding Authority for a major electrical transmission and distribution project application shall be the Board of Supervisors. The Planning Commission shall review the project application and any other relevant documents, hold at least one (1) noticed public hearing, and make a recommendation to the Board of Supervisors thereon. Upon receiving this recommendation, the Board of Supervisors shall consider the application at a noticed public hearing, taking into account the criteria set forth in Subsection (f), below.

(f) *Review criteria.* The purpose of this section is to establish use permit criteria for major electrical power distribution and transmission projects in the unincorporated area of the County, and shall apply to all such projects that require a use permit. A use permit for such projects may only be approved if all of the following findings are made based on substantial evidence in the record:

(1) The proposed project is consistent with any applicable policies in the General Plan and any applicable specific plan(s), as well as the Yolo Natural Heritage Program (HCP/NCCP) upon its adoption;

(2) There is a demonstrated need for the proposed project;

(3) To the greatest feasible (as that term is defined in Public Utilities Code Section 12808.5) extent, the project utilizes existing infrastructure and rights-of-way or, alternatively, expands existing rights-of-way, in that order of preference;

(4) There are no feasible alternatives that are superior to the proposed project, taking into consideration and balancing the considerations set forth in this section;

(5) The proposed project would not have adverse human health effects, particularly with respect to individuals present in residential areas, schools, licensed day-care facilities, playgrounds, and other developed areas in reasonable proximity to the project;

(6) To the greatest feasible extent, the proposed project does not have a significant adverse effect on the environment, agriculture, existing land uses and activities, areas with significant scenic qualities, or other relevant considerations of public health, safety, or welfare;

(7) To the greatest feasible extent, the proposed project avoids lands preserved by the County for public park purposes;

(8) To the greatest feasible extent, the proposed project avoids lands preserved by a conservation easement or similar deed restriction for agricultural, habitat, or other purposes. The Board of Supervisors may waive this requirement if the applicant provides documentation that the project does not conflict with the conservation easement or deed restriction, or that the conservation easement or deed restriction will be amended or extinguished prior to implementation of the project. If the conservation easement or deed restriction was provided as mitigation for the impacts of a prior development project, however, it shall only be amended or extinguished if adequate substitute mitigation is provided by the applicant;

(9) The proposed project complies with all laws, regulations, and rules regarding airport safety conditions and similar

matters, and would not require a significant change in the operations of a public or private airport in the County, create an undue hazard for aircraft, or substantially hinder aerial spraying operations;

(10) To the greatest feasible extent, operation of the proposed project would not create conditions that unduly reduce or interfere with public or private television, radio, telemetry, or other electromagnetic communications signals; and

(11) The applicant has agreed to conduct all roadwork and other site development work in compliance with all laws, regulations, and rules relating to dust control, air quality, erosion, and sediment control, as well as any permits issued pursuant thereto.

(g) *Scope.* The requirements of this section shall apply to all major electrical power transmission and distribution projects that have not received all required Federal, State, and local agency approvals prior to the effective date of this ordinance.

(h) *Costs.* The project applicant shall reimburse all County costs associated with reviewing an application for a major electrical power transmission and distribution project. In addition, if the County is required to review a proposed transmission corridor zone pursuant to California Government Code Section 25334 or other provisions of law, such costs shall also be reimbursed by the project applicant.

(Ord. 1445, eff. August 14, 2014; as amended by § 13, Ord. 1466, eff. March 24, 2016)