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Title: Small and medium solar energy systems; Large and very large solar energy systems
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Abstract

Yolo County, C.A., Code § 8-2.1104, .1105. Yolo County's solar energy regulations allow approval of small solar energy systems for onsite uses through the issuance of a building permit and a zoning clearance, provided the application meets setback and other standards set forth in the solar energy regulation. . If the County's chief building official believes a small 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. Medium-sized solar energy systems for onsite and/or offsite uses may be approved through site plan approval, provided the application meets specific standards set forth in the solar regulation for medium-sized systems. The site plan review approval is ministerial (not discretionary) and does not require a public hearing. If an application for a medium-sized system fails to meet any of the standards, the zoning administrator must review it as an application for a minor use permit. The board of supervisors approves large and very large utility-scale solar energy systems through the issuance of a major use permit, following the planning commission's recommendation, provided the application is consistent with conditions and standards set forth in the County's solar regulations for large and very large systems.

Resource

See separate PDF below.

site, the County may advise the owner/operator of such alternative means of resolving the violation(s).

- (3) In the event that the responsible parties have failed to remove the wind energy system and/or restore the facility site or otherwise resolve the violation(s) within the specified time period, the County may remove the wind energy system and restore the site and may thereafter initiate judicial proceedings or take any other steps authorized by law against the responsible parties to recover costs associated with the removal of structures deemed a public hazard.
- (4) **Financial Surety.** Prior to the issuance of a building permit authorizing installation of a large wind energy system, the applicant shall provide a demolition surety in a form and amount deemed by the County to be sufficient to remove and dispose of the wind energy system and restore the site to its approximate preconstruction condition. The County shall draw upon this surety in the event the responsible party fails to act in accordance with the provisions of this section within ninety (90) days of termination of operations, or upon determination by the County that the wind energy system is unsafe, has been abandoned, or is in violation of this Chapter. The surety shall remain in effect until the wind energy system is removed.

Sec. 8-2.1104 Small and medium solar energy systems

(a) Purpose

The purposes of this section are as follows:

- (1) To provide for the placement of small to medium solar energy systems to enable generation of electricity from the sun, for on- and/or off-site uses, thereby reducing the consumption of electricity supplied by utility companies.
- (2) To minimize potential adverse impacts associated with solar energy systems on area residents, historic sites, 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.

(b) Definitions

Small solar energy system

“Small solar energy system” shall mean a single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion

electronics, occupying no more than 2.5 acres of land, and that will be used to produce utility power primarily to on-site users or customers.

Medium-sized solar energy system

“Medium-sized solar energy system” shall mean a private on-site or utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, occupying more than 2.5 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.

(c) Applicability

The provisions of this section apply to small and medium-sized solar energy systems. These solar energy systems require the issuance of a Building Permit, a Site Plan Review, a Minor Use Permit, or a Major Use Permit, as set forth below. Any solar systems installed following the issuance of appropriate County permits prior to the effective date of this section shall be treated as a prior legal nonconforming use pursuant to this Chapter unless, through the issuance of a permit pursuant to this section, they are subsequently made conforming.

(d) Permitted locations

(1) Small solar energy systems may be installed and operated in the following districts, provided the systems meet setback and other standards, as provided in this section:

- (i) all agricultural districts (including the Agricultural Intensive (A-N), the Agricultural Extensive (A-X), the Agricultural Commercial (A-C), the Agricultural Industrial (A-I), and the Agricultural Residential (A-R) zones);
- (ii) all residential districts (including the Rural Residential (RR-5 and RR-1), the Residential Low (R-L), the Residential Medium (R-M), and the Residential High (R-H) zones);
- (iii) all commercial districts (including the Local Commercial (C-L), the General Commercial (C-G), the Downtown Mixed Use (DMX), and the Highway Commercial (C-H) zones);
- (iv) all industrial districts (including the Light Industrial (I-L), the Heavy Industrial (I-H), and the Office Park/Research and Development (OPRD) zones); and
- (v) all public and open space districts (including the Public Open Space (POS), the Park and Recreation (P-R), and the Public and Quasi-Public (PQP) zones).

(2) Medium-sized solar energy systems may be installed and operated in the following districts, provided the systems meet setback and other standards, as provided in this section:

- (i) the following agricultural districts: the A-N, the A-X, and the A-I zones;
- (ii) all commercial districts (the C-L, the C-G, the DMX, and the C-H zones);

- (iii) all industrial districts (the I-L, I-H, and OPRD zones); and
- (iv) all public and open space zones (the POS, the P-R, and the PQP zones).

(e) Approvals required

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) Small solar energy systems may be approved 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.
- (2) Medium-sized solar energy systems may be approved through the issuance of a 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 must instead be evaluated as an application for a Minor Use Permit by the Zoning Administrator.

(f) Development standards for small solar energy systems

Applications for small 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 district 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 district 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 yard, but shall not be closer than two (2) feet from any property line.
- (4) Pole mounted solar collection panels shall comply with existing regulations for accessory structures (Section 506(b) 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) Solar facilities 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.

(g) Development standards for medium-sized solar energy systems

Applications for medium-sized 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 it 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) Medium-sized solar energy systems shall comply with subsection (a) of Section 8-2.1104(f) above.
- (2) Medium-sized solar facilities proposed in agricultural and open space zones are encouraged to locate on predominantly (more than 60 percent) non-prime farmland and to locate on non-Williamson Act contracted land. All medium-sized facilities are required to mitigate for the permanent loss of agricultural land, in accordance with Section 8-2.404 (the Agricultural Conservation and Mitigation Program).
- (3) If a medium-sized facility is located on predominantly prime farmland, a Minor Use Permit shall be required. If the facility is located on lands under a Williamson Act contract, a Minor Use Permit shall be required and shall include findings required under Section 51200 *et seq* of the California Government Code.
- (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 exception: in agricultural and open space zones, the setbacks shall be at least 50 feet from all property lines.
- (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) If the proposed solar facility will impact more than 2.5 acres of Swainson's hawk foraging habitat, a Minor Use Permit shall be required and shall include conditions for mitigation for the permanent loss of Swainson's hawk foraging habitat, as required under the Yolo Natural Heritage Program.

(h) Sunset

This ordinance shall expire three years after its effective date unless it is extended by further action of the Board of Supervisors following a noticed public hearing. Any applications pending at the time of its expiration shall remain valid, and shall be processed and considered for approval pursuant to the terms of this ordinance. Prior to its expiration, staff shall return to the Board of Supervisors with a report on the ordinance, including its overall effectiveness at addressing the issues that led to its adoption, and a recommendation for any extension of its term.

Sec. 8-2.1105 Large and very large solar energy systems

(a) Purpose

The purpose of this Ordinance is to add provisions to the Yolo County Code to address the permitting of large and very large solar energy systems. These changes are necessary and appropriate to improve and enhance public welfare and safety, and to implement the Yolo County General Plan.

(b) Definitions

Large solar energy system

“Large solar energy system” shall mean a utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 30 acres and no more than 120 acres of land, and that will be used to produce utility power to off-site customers.

Very large solar energy system

“Very large solar energy system” shall mean a utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, occupying more than 120 acres of land, and that will be used to produce utility power to off-site customers.

(c) Applicability

The provisions of this section apply to large and very large solar energy systems. These solar energy systems require the issuance of a Major Use Permit, as set forth below. Any such solar systems installed prior to the effective date of this Section shall be considered legal, conforming uses so long as a County use permit was issued in connection with their installation.

(d) Permitted locations

Solar facilities, depending on their size, may be located in the following zoning districts:

- (1) Large utility scale solar energy systems used to produce electricity for off-site customers may be installed and operated in the following districts, provided the systems meet all the standards and requirements, as provided in this section: agricultural districts (the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, and the Agricultural Industrial (A-I) zone); public and open space districts (the Public Open Space (POS), Park and Recreation (P-R), and Public Quasi-Public (PQP) zones); and industrial districts (the Heavy industrial (I-H) and the Light Industrial (I-L) zones).
- (2) Very large utility scale solar energy systems used to produce electricity for off-site customers may be installed and operated in the following districts, provided the systems meet all the standards and requirements, as provided in this Section: agricultural districts (the Agricultural Intensive (A-N) zone, the Agricultural Extensive (A-X) zone, and the Agricultural Industrial (A-I) zone).

(e) Approvals required

Large and very large solar energy systems may be approved through the issuance of a Major Use Permit by the Board of Supervisors, following a recommendation from the Planning Commission, provided the application is consistent with conditions and standards set forth in subsection 8-2.1105(f), below.

(f) Agricultural land mitigation required

All large and very large solar facilities shall mitigate for the permanent loss of agricultural land, in accordance with Section 8-2.404 (the Agricultural Conservation and Mitigation Program).

(g) Sunset

This ordinance shall expire three years after its effective date unless it is extended by further action of the Board of Supervisors following a noticed public hearing. Any applications pending at the time of its expiration shall remain valid, and shall be processed and considered for approval pursuant to the terms of this ordinance. Prior to its expiration, staff shall return to the Board of Supervisors with a report on the ordinance, including its overall effectiveness at addressing the issues that led to its adoption, and a recommendation for any extension of its term.