

The logo features a stylized map of California in yellow, centered within a blue circular graphic that has a 3D effect. A white horizontal bar with rounded ends is superimposed over the map, containing the text "California County Planning Directors Association" in black.

California County Planning Directors Association

Renewable Energy Combining Zone

Appendix B

to

Model Solar Energy Facility Permit Streamlining Guide

February 3, 2012

<http://www.ccpda.org>

RENEWABLE ENERGY COMBINING ZONE

A. Purpose

To encourage and facilitate development of large-scale renewable energy facilities in appropriate areas based on the availability of renewable resources, the location of existing or planned infrastructure, and the potential for renewable energy facilities to be appropriately sited and to effectively mitigate potential significant impacts.

B. Applicability

The Renewable Energy Combining Zone may be applied only within the following primary zoning districts:

1. Land Extensive Agriculture/Non-Prime/Grazing Lands
2. Resources and Rural Development
3. General Commercial
4. Heavy Industrial
5. Public Facilities

The uses allowed and standards required in the Renewable Energy Combining Zone shall be in addition to those of the primary zoning district.

C. Limitations and Designation Criteria

The Renewable Energy Combining Zone may be applied only to property meeting all of the following designation criteria, if applicable.

1. The Renewable Energy Combining Zone may not be combined with the Land Intensive Agricultural zone with prime soils.
2. The Renewable Energy Combining Zone shall not be placed on any property under a Land Conservation Act (Williamson Act) contract or within an open space or conservation easement.
3. The Renewable Energy Combining Zone may not be combined with any residential zone.
4. The Renewable Energy Combining Zone shall not be placed within the approach zone (outer or inner safety zones) or the inner turning zones for any public-use airport.
5. The Renewable Energy Combining Zone shall not be applied to areas within the General Plan, Area Plan or Specific Plan designated as Biotic, Historic or Scenic Resources, nor applied in conjunction with any combining zones to protect those designated resources, unless a protective easement is established to ensure protection of the resources.
6. The Renewable Energy Combining Zone shall not be applied within 300 feet of an urban service area or urban growth boundary for a city or unincorporated community, or any land zoned for urban residential use. The Renewable Energy Combining Zone may be applied to industrial and commercial zones within or outside of urban service areas.

D. Permitted Uses

All uses allowed as permitted uses by the primary zone district with which the Renewable Energy Combining Zone is combined shall be permitted in the Renewable Energy Combining Zone, subject to the provisions and standards of the primary zone.

In addition to the uses allowed by the primary zoning district, the following renewable energy facilities shall be allowed, subject to an administrative permit and the site planning and development standards of Section XX-XX-XXX.

1. Solar Energy Facilities (SEF) up to 30 acres in site area, subject to the special use standards of Section F.
2. Transmission lines less than 100kV and related substations associated with a renewable energy facility

E. Uses Permitted with a Use Permit

In addition to the uses permitted with a use permit by the primary zoning district, the following renewable energy facilities may be permitted subject to granting of a use permit and compliance with the site planning and development standards of Section XX-XX-XXX, unless otherwise exempted by state or federal law.

1. Large SEFs, subject to the standards in Section F.
2. Transmission lines over 100kV, pipelines, substations and similar facilities associated with a renewable energy facility
3. Other hybrid or emerging renewable energy technologies, which in the opinion of the review authority are of a similar and compatible nature to those uses described in this section

F. Development Standards and Special Use Regulations

The following development standards and special use regulations shall apply to renewable energy facilities, if applicable.

1. Aesthetics

- a. **All Areas**—All ground-mounted facilities shall comply with the following standards, unless waived by the review authority.
 - i. If lighting is required, it shall be motion-sensored, fully shielded, and downward casting such that light does not spill onto adjacent parcels or the night sky. Floodlights are not permitted.
 - ii. The renewable energy facility shall be landscaped with drought-tolerant or other appropriate vegetation indigenous to the area to screen the fencing to

the extent feasible from view from designated scenic public roads and along property lines that adjoin existing residential uses to soften the view.

- iii. The operator of the renewable energy facility shall maintain the facility including all required landscaping in compliance with the approved design plans, and shall keep the facility free from weeds, dust, trash and debris.

- b. **Scenic or Historic Resource Areas**—Proposed facilities located within a historic or scenic resource area as designated in the General Plan, Area Plan or zoning code shall require administrative review of materials, colors, landscape, fencing and lighting plans. In designated Scenic Resource Areas, the renewable energy facility shall be sited behind natural topography, existing vegetation or supplemental landscaping indigenous to the area to screen the facility from public view to the extent feasible, unless waived by the review authority. Equipment cabinets and structures shall be painted to blend with the surrounding property.

2. Air Quality

During site preparation, grading and construction, the renewable energy facility operator must implement best management practices to minimize dust and wind erosion, including regularly watering roads and construction staging areas as necessary, and minimizing vehicle idling and number of vehicle trips. Paved roads shall be swept as needed to remove any soil that has been carried onto them from the facility site.

3. Air Safety

Renewable energy facilities shall be sited and operated to avoid hazards to air navigation. Sites located within an airport traffic zone shall be required to provide an analysis documenting compliance with this standard. Renewable energy facilities shall not be located within the approach zone (outer or inner safety zones) or the inner turning zones for any public-use airport. If located on airport lands, the facility must meet the building setback approved on the Airport Layout Plan. The owner or operator of a facility approved within a public airport's traffic zone shall be required to record an aviation easement, and may be required to mark or light the facility for air traffic safety. The operator shall notify the Federal Aviation Administration of any structures in an airport traffic zone that are more than 200 feet above ground level or that exceed airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. The renewable energy facility shall comply with any conditions imposed by federal agencies.

4. Biological Resources

Renewable energy facilities shall be sited to avoid or minimize impacts to: the habitat of special status species, including threatened, endangered or rare species; Environmentally Sensitive Habitat Areas; designated important habitat/wildlife linkages or areas of connectivity; and areas of Habitat Conservation Plans or Natural Community Conservation Plans that preclude development. Renewable energy facilities located within these areas or potentially impacting these areas shall require a use permit. A biological resource study prepared by a qualified biologist shall be required at the time of facility application to identify potential impacts and demonstrate that the facility avoids protected species to the maximum extent feasible. Identified mitigation measures shall be incorporated into California Environmental Quality Act (CEQA) documents and facility approvals. Any required compensatory mitigation shall be perpetual.

5. Cultural and Historic Resources

Renewable energy facilities shall be sited to avoid or mitigate impacts to significant cultural and historic resources, as well as sacred landscapes. Facilities located within a Historic District shall be subject to design review by the historic review committee of the local jurisdiction, unless otherwise exempt. Facilities requiring a use permit that result in ground disturbance shall require a cultural resources records search and, if necessary, a cultural resources field survey at the time of facility application. Consultation with Native American tribes for sacred landscapes and sensitive cultural resources shall be conducted as part of the environmental review process.

Grading plans for all renewable energy facilities shall include notes that require the contractor to halt work within the vicinity of any archeological, historical or cultural resources or artifacts that may be discovered during construction or operation. If cultural resources are discovered during construction, the operator shall notify the local agency and a qualified professional shall be retained at the applicant's expense to evaluate the find and determine any measures to mitigate impacts including avoidance, removal, preservation or recordation in accordance with California law. The operator shall implement any feasible mitigation measures as determined by the local agency. If human remains are discovered, the County Coroner must also be notified and consultation with the Native American Heritage Commission may be required to determine the most likely descendants.

6. Agricultural Resources

Siting of renewable energy facilities shall avoid "Important Farmlands" to streamline permitting. Important Farmlands are agricultural land classified as Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Locally Important Farmland, as designated in the state Farmland Mapping and Monitoring Program. If a renewable energy facility will impact Important Farmlands the facility shall include conditions for mitigation for the temporary or permanent loss of these Important Farmlands, unless determined by the Agriculture Commissioner that these Important Farmlands are marginally productive or contaminated. Mitigation for the temporary or permanent loss of Important Farmlands may be satisfied by an on-site agricultural management plan, dedication of perpetual agricultural conservation easements either on-site or off-site and held by a qualified conservation organization or other arrangements satisfactory to the County. Facilities may pay an in-lieu fee if allowed by County requirements. If significant impacts to Important Farmlands are not mitigated, then a use permit and an Environmental Impact Report (EIR) shall be required.

If the facility is located on a site under a Land Conservation Act (Williamson Act) contract, the facility must be listed as a compatible use in the Agricultural Preserve Rules and allowed by the type of contract. The total site area for all compatible uses including renewable energy facilities shall not be greater than 15 percent of the parcel or 5 acres, whichever is less, unless determined by the Board of Supervisors in consultation with the Agriculture Commissioner that a larger site area is consistent with the principles of compatibility in Government Code Section 51238.1.

7. Erosion and Sediment Control

The renewable energy facility must have a storm water permit from Public Works and an Erosion and Sediment Control Plan approved prior to beginning grading or construction.

The plan must include best management practices for erosion control during and after construction, and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas, and to minimize sediment and storm water run-off into waterways, agricultural lands and habitat areas.

8. Fire Protection

The renewable energy facility shall be subject to Fire Safety Standards. The operator must implement a Fire Prevention Plan for construction and ongoing operations approved by the County Fire Marshall and local fire protection district. The plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), addressing, vegetation management and fire break maintenance around structures.

9. Grading, Access and Parking

Renewable energy facilities shall be sited to maintain natural grades and use existing roads for access to the extent practical. Construction of new roads shall be avoided as much as possible. Natural grades shall be restored and re-vegetated for temporary access roads, construction staging areas, or field office sites used during construction. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.

10. Proximity to Transmission Lines and Utility Notification

Upgrades to distribution or transmission facilities shall be identified and addressed as part of the CEQA review process. No building permit for a renewable energy facility shall be issued until evidence has been provided that the proposed interconnection is acceptable to the affected utility.

If new distribution, transmission, or substation facilities are required and the utility is an investor-owned utility, the California Public Utilities Commission (CPUC) may need to approve a Permit to Construct or a Certificate of Public Convenience and Necessity. Coordination with the CPUC is essential prior to renewable energy facility approval.

11. Security and Fencing

The site area for a renewable energy facility must be fenced or other appropriate measures to prevent unauthorized access and provide adequate signage. Wildlife friendly fencing shall be used in rural areas. If needed, security lighting shall be operated by motion sensors. Access gates and equipment cabinets must be locked at all times.

12. Signs

Temporary signs describing the facility, and providing contact information for the contractor and operator shall be placed during construction and must be removed prior to final inspection and operation. Signs for public or employee safety are required. No more than two signs relating the address and name of the operator/facility may be placed on-site, subject to design review. Outdoor displays, billboards or advertising signs of any kind either on- or off-site are prohibited.

13. Decommissioning and Restoration

A Decommissioning Plan shall be required and shall include the following:

- a. Removal of all aboveground and underground equipment, structures, fencing and foundations to a depth of three feet below grade. Underground equipment, structures and foundations located at least three feet below grade that do not constitute a hazard or interfere with the use of the land do not need to be removed.
- b. If applicable, removal of substations, overhead poles, above ground electricity transmission lines located on-site or within the public right of way if determined not to be usable to any other public or private utility.
- c. Removal of graveled areas and access roads.
- d. Regrading and placement of like-kind topsoil after removal of all structures and equipment.
- e. An Erosion Control Plan.
- f. Revegetation of disturbed areas with native seed mixes and plant species suitable to the area.
- g. The timeframe for completion of removal and decommissioning activities.
- h. An engineer's cost estimate for all aspects of the decommissioning plan, including use of prevailing wage rates, and credit for the salvage value of the panels and system materials.
- i. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the Decommissioning Plan and Use Permit approval upon cessation of use.

The renewable energy facility operator is required to notify the Planning Department immediately upon termination or cessation of use or abandonment of the operation. The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use. The operator shall begin decommissioning and removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within 90 days from the date the facility ceases operation, and shall return the site to an appropriate end-use within the timeframe specified in the Decommissioning Plan.

14. Financial Assurance

At the time of issuance of the permit for the construction of the facility, the operator shall provide financial assurance in a form and amount acceptable to the local agency to secure the expense of decommissioning and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines in compliance with the approved reclamation plan.

15. Workforce Development

The operator shall be encouraged to participate in the a regional occupational training program, or a similar program approved by the county, providing job training in renewable energy, and restoration and land stewardship, by providing an annual

contribution to fund the program and providing access to the facility by teachers and students, for the term of the lease or facility use.

Submittal of a Local Hiring Plan is required prior to applying for a building permit for new construction valued at above \$__ [to be established by each County]__. The Plan shall set voluntary targets for local hiring, along with a protocol for sequencing local job recruitment activities prior to advertising outside the County or region as determined by the County Planning Director or designee. The Plan shall also include annual monitoring and reporting requirements during construction.