

ORDINANCE NO:

An ordinance amending the Los Angeles County Code, Title 22 – Planning and Zoning to introduce uses and standards for battery energy storage systems and green hydrogen production facilities; and to update, as applicable, regulations pertaining to development of renewable energy facilities.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 22.14.070 is hereby amended to read as follows:

22.14.070 – G

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~~Ground-mounted utility-scale solar energy facility. A device or devices affixed to the ground and any accessory equipment or structures that converts solar energy into electrical or thermal energy primarily for off-site use. Such facility shall not use concentrated solar thermal collectors that use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.~~

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22.14.180 – R.

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Renewable Energy. The following terms are defined solely for Section 22.140.510 (Renewable Energy):

Battery energy storage systems. Electrochemical devices that charge or collect energy from the grid or a generation facility, store that energy, and then discharge that energy at a later time to provide electricity or other grid services. This includes battery energy systems used as uninterruptible power supplies.

Behind-the-meter. A renewable energy generation system or energy storage system installed on the customer's side of the utility meter and designed to support energy use by providing backup power, demand charge management, load shifting, or renewable energy integration on-site.

Energy storage systems. A device or group of devices, used to store energy in order to supply electrical energy at a later time.

Front-of-the-meter. A renewable energy generation facility connected directly to the energy transmission or distribution grid that produces energy for off-site use, or an energy storage systems facility that draws energy from a utility-scale renewable energy generation facility or from the energy transmission or distribution grid, stores the energy and releases it into the grid.

Green hydrogen production facility. A facility that produces hydrogen through electrolysis using electricity generated from renewable energy sources, usually on-site, such as solar or wind power, to electrolyze water into hydrogen and oxygen and resulting in zero-carbon dioxide emissions. Such facility may include equipment and infrastructure necessary for hydrogen production, storage and distribution.

Guy wires. Wire or cable used in tension to support a tower.

Megawatt. Megawatt (MW) is a unit of power that equals one million watts.

Megawatts indicate the power capacity of utility-scale facilities and how much electricity can be produced at any given moment.

Megawatt-hour. Megawatt-hour (MWh) is a measurement of power over time.

This measurement indicates how much electricity a facility can deliver over a period of time.

Renewable energy generation facility. A facility that generates electricity using fuel sources that restore themselves over a short period of time and do not diminish.

Solar energy system. A device or devices and any accessory equipment or structures, that converts solar energy into electrical energy. Any system utilizing a support structure built primarily for solar energy equipment shall be considered ground-mounted.

Temporary meteorological tower (Temp Met Tower). A temporary wind-measuring system consisting of a tower and related wind-measuring devices, which is used to measure winds prior to the construction of a behind-the-meter wind energy system. Temporary means the tower operation period is one year or less.

Thermal runaway. The rapid uncontrolled release of heat energy resulting from a chemical reaction in a battery cell. Thermal runaway occurs when the heat generated within a battery exceeds the amount of heat that can be dissipated to its surroundings. This phenomenon can cascade to adjacent cells and progress through the energy storage system, thus the term “runaway.”

~~Tower. The vertical component of a small-scale wind energy system that elevates the wind turbine generator and attached blades above the ground, or the vertical component of a temporary meteorological tower that elevates the wind measuring devices above the ground.~~

Utility-scale energy facility. A renewable energy generation facility or energy storage systems facility that is in front-of-the-meter.

Wind energy system. A device consisting of a tower, wind turbine, and any accessory equipment or structures that converts wind energy into electrical energy.

~~Wind turbine generator. The component of a small-scale wind energy system that transforms mechanical energy from the wind into electrical energy.~~

22.14.190 – S.

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~~Small-scale solar energy system. A device or devices, and any accessory equipment or structures, which converts solar energy into electrical or thermal energy primarily for on-site use. Such system may be affixed either to the ground ("ground-mounted small-scale solar energy system") or to a structure ("structure-mounted small-scale solar energy system"). Any system utilizing only a support structure built primarily to support solar energy equipment shall be considered affixed to the ground. Any energy generated by a small-scale solar energy system that exceeds the on-site energy demand may be used off-site. A small-scale solar energy system shall not use concentrated solar thermal collectors that use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.~~

~~Small-scale wind energy system. A device consisting of a tower, a wind turbine, and any accessory equipment or structures which converts wind energy into electrical energy primarily for on-site use. Such system may be affixed either to the ground ("ground-mounted small-scale wind energy system") or to a structure ("structure-mounted small-scale wind energy system"). Such system has a rated capacity of 50 kilowatts or fewer. Any excess energy not used on-site may be used offsite.~~

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~~Structure-mounted utility-scale solar energy facility. A device or devices affixed to a structure and any accessory equipment or support structures, which converts solar energy into electrical or thermal energy primarily for off-site use. Any system utilizing only a support structure built primarily to support solar energy equipment shall be considered affixed to the ground. Such facility shall not use concentrated solar thermal collectors that use lenses or mirrors to focus or reflect a large area of sunlight onto a small area.~~

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22.14.200 – T.

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~~Temporary meteorological tower (Temp Met Tower). A temporary wind-measuring system consisting of a tower and related wind-measuring devices, which is used to measure winds prior to the construction of a small-scale wind energy system.~~

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22.14.210 – U.

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~~Utility scale wind energy facility. A device or devices consisting of a tower or towers, a wind turbine or wind turbines, and any accessory equipment or structures which converts wind energy into electrical energy primarily for off-site use or exceeds a rated capacity of 50 kilowatts. Such facility may be affixed to either the ground or to a structure. Such facility shall not be classified as an "electric generating plant."~~

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SECTION 2. 22.16.030 – is hereby amended to read as follows:

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C. Use Regulations

1. Principal Uses. Table 22.16.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.16.030-B: PRINCIPAL USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
...						
Renewable Energy Uses						
Energy generating or storage devices, including but not limited to solar, wind, or geothermal devices	-	-	CUP	-	-	
Utility scale solar energy facilities, structure-mounted	P	P	-	P	-	Section 22.140.510.

TABLE 22.16.030-C: ACCESSORY USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES						
	A-1	A-2	O-S	R-R	W	Additional Regulations
...						
Small-scale sSolar energy systems, behind-the-meter, structure-mounted	P	P	P	P	P	Section 22.140.510
Small-scale sSolar energy systems, behind-the-meter, ground-mounted	SPR	SPR	MCUP	SPR	MCUP	Section 22.140.510
Small-scale wind energy systems	MCUP	MCUP	MCUP	-	-	Section 22.140.510
Wind energy system, behind-the-meter, less than 20kw	<u>SPR</u>	<u>SPR</u>	=	=	=	Section 22.140.510
Wind energy system, behind-the-meter, >20kw to 100kw	<u>MCUP</u>	<u>MCUP</u>	<u>MCUP</u>	=	=	Section 22.140.510
Wind energy system, behind-the-meter, >100kw to 1MW	=	<u>CUP</u>	=	=	=	Section 22.140.510
...						
Notes:						
...						

3. Temporary Uses. Table 22.16.030-D below, identifies the permit or review required to establish each temporary use.

TABLE 22.16.030-D: TEMPORARY USE REGULATIONS FOR AGRICULTURAL, OPEN SPACE, RESORT AND RECREATION, AND WATERSHED ZONES

2. Accessory Uses. Table 22.18.030-C, below, identifies the permit or review required to establish each accessory use.

[illegible]

TABLE 22.18.030-C: ACCESSORY USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
<u>behind-the-meter, >20kw to 100kw</u>							
...							
Notes:							
...							

3. Temporary uses. Table 22.18.030-D, below, identifies the permit or review required to establish each temporary use.

TABLE 22.18.030-D: TEMPORARY USE REGULATIONS FOR RESIDENTIAL ZONES							
	R-A	R-1	R-2	R-3	R-4	R-5	Additional Regulations
...							
<u>Temporary</u>	MCUP	MCUP	MCUP	MCUP	MCUP	MCUP	Section
<u>Meteorological</u>	SPR	SPR	SPR	SPR	SPR	SPR	22.140.510
towers							
...							

SECTION 4. 22.20.030 – is hereby amended to read as follows:

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C. Use Regulations.

1. Principal Uses. Table 22.20.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.20.030-B: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES								
	C-H	C-1	C-2	C-3	C-M	C-MJ	C-R	Additional Regulations
...								

<u>meter, stand alone</u>								
<u>Battery energy storage systems, behind-the-meter, wall mounted</u>	P	P	P	P	P	P	P	<u>Section 22.140.510</u>
...								
<u>Small-scale solar energy systems, behind-the-meter, structure-mounted</u>	P	P	P	P	P	P	P	Section 22.140.510
<u>Small-scale solar energy systems, behind-the-meter, ground-mounted</u>	SPR	SPR	SPR	SPR	SPR	SPR	SPR	Section 22.140.510
<u>Small-scale wind energy systems</u>	-	-	-	-	-	-	-	
...								
Notes:								
...								

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SECTION 5. 22.22.030 – is hereby amended to read as follows:

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C. Use Regulations.

1. Principal Uses. Table 22.22.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.22.030-B: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL ZONES

	M-1	M-1.5	M-2	M-2.5	Additional Regulations
...					
Renewable Energy Uses					
<u>Green hydrogen production facility²²</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	=	<u>Section 22.140.510</u>
<u>Utility-scale battery energy storage systems facility²²</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	=	<u>Section 22.140.510</u>
<u>Utility-scale solar energy facility³⁷</u>	CUP	CUP	CUP	-	Section 22.140.510
<u>Utility-scale solar energy facilities, structure-mounted</u>	P	P	P	-	Section 22.140.510
<u>Utility-scale wind energy facilities</u>	-	-	-	-	Section 22.140.510
...					
Notes:					
<u>22. Prohibited within Significant Ecological Areas.</u>					
...					

2. Accessory Uses. Table 22.22-030-C, below, identifies the permit or review required to establish each accessory use.

TABLE 22.22.030-C: ACCESSORY USE REGULATIONS FOR INDUSTRIAL ZONES					
	M-1	M-1.5	M-2	M-2.5	Additional Regulations
...					
<u>Battery energy storage systems, behind-the-meter, stand alone</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>Section 22.140.510</u>
<u>Battery energy storage systems, behind-the-meter, wall mounted</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Section 22.140.510</u>
...					
<u>Small-scale solar energy systems, behind-the-meter, structure-mounted</u>	P	P	P	P	Section 22.140.510

Small-scale solar energy systems, behind-the-meter, ground-mounted	SPR	SPR	SPR	SPR	Section 22.140.510
Small-scale wind energy systems	-	-	-	-	
...					
Notes:					
...					

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SECTION 6. 22.24.030 – is hereby amended to read as follows:

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C. Use Regulations.

1. Principal Uses. Table 22.24.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.24.030-B: PRINCIPAL USE REGULATIONS FOR RURAL ZONES			
	C-RU	MXD-RU	Additional Regulations
...			
Renewable Energy Uses			
Utility-scale solar energy facilities, structure-mounted	P	P	Section 22.140.510
Utility-scale solar energy facilities, ground-mounted	CUP	CUP	Section 22.140.510
...			
Notes:			
...			

2. Accessory Uses. Table 22.24-030-C, below, identifies the permit or review required to establish each accessory use.

TABLE 22.24.030-C: ACCESSORY USE REGULATIONS FOR RURAL ZONES
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	C-RU	MXD-RU	Additional Regulations
...			
<u>Battery energy storage systems, behind-the-meter, stand alone</u>	<u>SPR</u>	<u>SPR</u>	<u>Section 22.140.510</u>
<u>Battery energy storage systems, behind-the-meter, wall mounted</u>	<u>P</u>	<u>P</u>	<u>Section 22.140.510</u>
...			
Small-scale <u>Solar energy systems, behind-the-meter, structure-mounted</u>	<u>P</u>	<u>P</u>	<u>Section 22.140.510</u>
Small-scale <u>Solar energy systems, behind-the-meter, ground-mounted</u>	<u>SPR</u>	<u>SPR</u>	<u>Section 22.140.510</u>
Small-scale wind energy systems	-	-	
<u>Wind energy system, behind-the-meter, less than 20kw</u>	<u>SPR</u>	<u>SPR</u>	<u>Section 22.140.510</u>
<u>Wind energy system, behind-the-meter, >20kw to 100kw</u>	<u>MCUP</u>	<u>MCUP</u>	<u>Section 22.140.510</u>
...			
Notes:			
...			

3. Temporary Uses. Table 22.24.030-D below identifies the permit or review required to establish each temporary use.

TABLE 22.24.030-D: TEMPORARY USE REGULATIONS FOR COMMERCIAL ZONES			
	C-RU	MXD-RU	Additional Regulations
...			
<u>Temporary meteorological towers</u>	<u>MCUP-SPR</u>	-	<u>Section 22.140.510</u>
...			
Notes:			
...			

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SECTION 7. 22.26.020 – is hereby amended to read as follows:

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B. Land Use Regulations

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3. Use Regulations

a. Principal Uses. Table 22.26.020-B, below, identifies the permit or review required to establish each use.

TABLE 22.26.020-B: LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
...		
Renewable Energy Uses		
Green hydrogen production facility ¹	CUP	Section 22.140.510
Utility-scale battery energy storage systems facility ¹	CUP	Section 22.140.510
Utility-scale solar energy facility¹ facilities, ground-mounted	CUP	Section 22.140.510
Utility-scale solar energy facilities, structure-mounted	P	Section 22.140.510
Utility-scale wind energy facilities	-	

b. Accessory Uses. Table 22.26.020-C, below, identifies the permit or review required to establish each use.

TABLE 22.26.020-C: ACCESSORY LAND USE REGULATIONS FOR ZONE IT		
		Additional Regulations
...		
Battery energy storage systems, behind-the-meter, stand alone	SPR	Section 22.140.510
Battery energy storage systems, behind-the-meter, wall mounted	P	Section 22.140.510
...		
Small-scale s Solar energy systems, behind-the-meter, structure-mounted	P	Section 22.140.510
Small-scale s Solar energy systems, behind-the-meter, ground-mounted	SPR	Section 22.140.510
Small-scale wind energy systems	-	

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SECTION 8. 22.26.030 – is hereby amended to read as follows:

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B. Land Use Regulations

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3. Use Regulations

a. Principal Uses.

i. Table 22.26.030-B, below, identifies the permit or review required to establish each principal use.

TABLE 22.26.030-B: PRINCIPAL USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Renewable Energy Uses		
Utility-scale solar energy facilities, ground-mounted	CUP	Section 22.140.510
Utility-scale solar energy facilities, structure-mounted	P	Section 22.140.510
Utility-scale wind energy facilities	-	
...		
Notes:		
...		

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b. Accessory Uses. Table 22.26.030-D, below, identifies the permit or review required to establish each accessory use.

TABLE 22.26.030-D: ACCESSORY USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Battery energy storage systems, behind-the-meter, stand alone	SPR	Section 22.140.510

Battery energy storage systems, behind-the-meter, wall mounted	P	Section 22.140.510
...		
Small-scale s Solar energy systems, behind-the-meter, structure-mounted	P	Section 22.140.510
Small-scale s Solar energy systems, behind-the-meter, ground-mounted	SPR	Section 22.140.510
Small-scale wind energy systems	-	
...		
Notes:		
...		

c. Temporary Uses. Table 22.26.030-E, below, identifies the permit or review required to establish each temporary use.

TABLE 22.26.030-E: TEMPORARY USE REGULATIONS FOR ZONE MXD		
		Additional Regulations
...		
Temporary M eteorological towers	MCUP SPR	Section 22.140.510
...		
Notes:		
...		

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SECTION 9. 22.140.510 is hereby amended to read as follows:

22.140.510 – Renewable Energy.

A. Purpose. This Section establishes standards, conditions, and procedures that support and facilitate the development of ~~small-scale~~ behind-the-meter solar energy systems, ~~and~~ utility-scale solar energy facilities, temporary meteorological towers, ~~and~~ ~~small-scale~~ behind-the-meter wind energy systems, behind-the-meter battery energy storage systems, utility-scale battery energy storage systems facilities, and green

hydrogen production facilities in a manner that protects public health, safety, and welfare and minimizes significant impacts to the environment.

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C. Applicability.

1. Applicability of this Section. This Section applies to the development of any ground-mounted ~~small-scale~~ behind-the-meter solar energy system, utility-scale solar energy facility, temporary meteorological tower, ~~small-scale~~ behind-the-meter wind energy system, behind-the-meter stand-alone battery energy storage system, utility-scale battery energy storage systems facility, or green hydrogen production facility.
2. Exemption. Subject to Subsection C.3 below, this Section shall not apply:
 - a. To any structure-mounted ~~small-scale~~ behind-the-meter solar energy system, ~~structure mounted utility-scale solar energy facility, or small-~~ including residential rooftop solar energy system as defined and regulated by Section 65850.5 of the California Government Code and Title 26 (Building Code) ~~of the County Code in Zone R-1, when a building permit has been issued prior to January 12, 2017, the effective date of this Section;~~
 - b. ~~To any ground-mounted small-scale solar energy system, structure mounted utility-scale solar energy facility in Zone R-1 other than a small residential rooftop solar energy system as defined and regulated by Section 65850.5 of the California Government Code~~

~~and Title 26 (Building Code) of the County Code, ground-mounted utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system when a Ministerial Site Plan Review (Chapter 22.186), a Minor Conditional Use Permit (Chapter 22.160), or a Conditional Use Permit (Chapter 22.158), as applicable, has been granted prior to January 12, 2017, the effective date of this Section; or~~

- e. When preempted by regulation under the jurisdiction of the California Public Utilities Commission or preempted by other applicable law.

- 3. Modification to Existing System or Facility. This Section shall apply when a modification to a lawfully existing, as of ~~January 12, 2017~~[insert new effective date], the effective date of this Section, ~~small-scale behind-the-meter ground-mounted~~ solar energy system, utility-scale solar energy facility, temporary meteorological tower, ~~or small-scale behind-the-meter~~ wind energy system, green hydrogen production facility, behind-the-meter stand-alone battery energy storage systems, or utility-scale battery energy storage systems facility, occurs as follows:

- a. Any modification that would substantially increase the physical size, height, or footprint of an existing ~~small-scale behind-the-meter~~ solar energy system, utility-scale solar energy facility, temporary meteorological tower, ~~or small-scale behind-the-meter~~ wind energy system, green hydrogen production facility, behind-the-meter stand-

alone battery energy storage systems, or utility-scale battery energy storage systems facility;

- b. Any modification that would substantially change the type of equipment used by an existing ~~small-scale~~ behind-the-meter solar energy system, utility-scale solar energy facility, temporary meteorological tower, or ~~small-scale~~ behind-the-meter wind energy system except for replacement of equipment for maintenance purposes; or
 - c. Any modification that would convert a ~~small-scale~~ behind-the-meter solar energy system into a utility-scale solar energy facility; ~~and~~
 - d. ~~Any modification that would convert a small-scale wind energy system into a utility-scale wind energy system is prohibited.~~
4. ~~Applicability of Zone and Supplemental District Regulations. All provisions of the zone and any supplemental district in which a small-scale solar energy system, utility-scale solar energy facility, temporary meteorological tower, or small-scale wind energy system is located shall apply as follows:~~
- a. ~~For a small-scale solar energy system, temporary meteorological tower, or small-scale wind energy system, where a provision of the zone or supplemental district regulates the same matter as this Section, the provision of this Section shall apply; and~~
 - b. ~~For a utility-scale solar energy facility, where a provision of the zone or supplemental district regulates the same matter as this Section,~~

~~the more restrictive provision shall apply, except for the height of structure-mounted facilities and perimeter fences, in which case, this Section will control.~~

5. Prohibition. The following shall be prohibited:

- a. Ground-mounted utility-scale solar energy facilities, utility-scale battery energy storage systems, and green hydrogen production facilities within adopted Significant Ecological Areas designated in the General Plan and Economic Opportunity Areas designated in the Antelope Valley Area Plan; and
- b. Utility-scale wind energy facilities, including any single system with a rated capacity over one megawatt or conversion of a small-scale behind-the-meter wind energy system into a utility-scale wind energy facility;
- c. Green hydrogen production facilities in the Very High Fire Hazard Severity Zone;
- d. Utility-scale battery energy storage system facilities in the Very High Fire Hazard Severity Zone, except where a facility has a rated capacity of less than 125 megawatts/500 megawatt-hours and the findings in Subsection H.4.a.vi below are met;
- e. Utility-scale battery energy storage system facilities and green hydrogen production facilities on a site that is within 300 feet of a lot containing a sensitive use as defined in Section 22.14.190 of Division 2 (Definitions).

- f. Utility-scale battery energy storage system facilities on lots previously developed with mobilehome parks within five (5) years of the mobilehome park closure.
- g. Utility-scale battery energy storage systems facilities and green hydrogen production facilities within an environmentally sensitive site. An environmentally sensitive site includes sites identified in the California Protected Areas Database, Critical Habitat, Farmland, Flood Hazard Zones, Floodways, Hazardous Waste Sites, and Wetlands.
- h. Utility-scale battery energy storage systems facilities and green hydrogen production facilities in an Agricultural Resource Area designated in the Antelope Valley Area Plan.

D. ~~Small-Scale Behind-the-meter~~ Solar Energy Systems.

1. ~~Application Requirements.~~

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- d. ~~Modification. A Modification Permit (Chapter 22.178) Minor Conditional Use Permit (Chapter 22.160)~~ application shall be required where a modification to a development standard has been requested.

~~2. Additional Application Materials:~~

- a. ~~Ministerial Site Plan Review. The application shall contain all of the required application materials for a Ministerial Site Plan Review~~

~~(Chapter 22.186). In addition to the application materials required for a Ministerial Site Plan Review (Chapter 22.186), the application shall contain the following information:~~

- ~~i. A site plan that depicts the small-scale solar energy system's footprint, height, and setback from all property lines; and~~
- ~~ii. A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map.~~

~~b. Minor Conditional Use Permit. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160), the application shall contain the following information:~~

- ~~i. A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map; and~~
- ~~ii. Color photo simulations of the project area before construction of the project and after construction of the project.~~

~~32. Development Standards. Small-scale solar energy systems shall comply with the following standards:~~

- ~~a. Conformance with Federal, State, and County Requirements. A small-scale solar energy system shall comply with the California Solar Rights Act (California Civil Code Section 714 et seq.), the California Solar Shade Control Act (California Public Resources~~

~~Code Section 25980 et seq.), and any other applicable federal, State, and County legal requirements (and as may be modified by this Section).~~

~~b. Additional Standard for Structure Mounted Small Scale Solar Energy Systems. In addition to the applicable standards of this Subsection D.32, the combined height of a structure and structure-mounted small scale solar energy system shall not exceed the height limit of the zone by more than five feet.~~

~~bc. Additional Standards for Ground Mounted Small Scale Solar Energy Systems. In addition to the applicable standards of this Subsection D.32, a Behind-the-meter ground-mounted small scale solar energy system shall also comply with the following standards:~~

~~i.a. Height. The height of a solar array shall not exceed 15 feet.~~

~~ii.b. Maximum Lot Coverage. The maximum lot coverage for solar arrays and any accessory structures shall be 25 percent of the lot or 2.5 acres, whichever is lesser.~~

~~c. Setbacks. The solar array shall be sited within the lot in compliance with applicable setbacks defined in Chapter 22.110.040 or as defined in the applicable PASD or CSD.~~

~~d. Additional Standard for Lot Coverage Modification to Ground Mounted Small Scale Solar Energy Systems.~~

In addition to the applicable standards of this Subsection D.32, a lot coverage modification for a behind-the-meter ground mounted ~~small-scale~~ solar energy system shall also comply with Subsection E.32.ea.vii (Signs), below.

~~43. Aviation Review. When a Minor Conditional Use Permit (Chapter 22.160) is required by Subsection D.1, above, and the small-scale solar energy system is located within a Military Operations Area (MOA) or Airport Influence Area (AIA), Subsection HJ, below, shall apply.~~

5. ~~Additional Findings. When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection D.1, above, the following additional findings shall apply, as applicable.~~

a. Additional Findings for a Minor Conditional Use Permit.

i. ~~The project complies with all applicable development standards in Subsection D.32, above;~~

ii. The project is sited and designed and will be constructed in such a way to minimize significant impacts to the environment; and

iii. The project is sited in such a way to minimize site disturbance, such as grading, brush clearance, and other forms of earthwork.

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~~c. Additional Findings for Projects Requiring Aviation Review. Where an application requires aviation review and the application request would penetrate the lower floor elevation of any military operations area MOA mapped in the County General Plan, the following additional findings are required:~~

~~i. The MOA military operator has determined:~~

~~(1) The project would not be detrimental to the function of that MOA; and~~

~~(2) The project would not pose a health or safety hazard to MOA personnel or the public.~~

~~64. Conditions of Approval. When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection D.1, above, the following additional conditions may be imposed in addition to those required by Section 22.160.060 (Conditions of Approval).In addition to the conditions that may be imposed under Section 22.160.060 (Conditions of Approval), when a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection D.1, above, the following conditions of approval shall be imposed:~~

~~a. Development Standards. The applicable development standards in Subsection D.32, above, unless specifically modified as provided herein.~~

- b. Conditions to Ensure Compliance with Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection D.53, above.
- eb. Additional Conditions of Approval for a Lot Coverage Modification to behind-the-meter ~~G~~ground-~~M~~mounted ~~Small-Scale~~ ~~S~~solar ~~E~~energy ~~S~~systems. In addition to the conditions of approval required by this Subsection, when a lot coverage modification has been requested for a behind-the-meter ground-mounted ~~small-scale~~ solar energy system, Subsections E.4.h6.d.v and E.4.j6.d.vii, below, shall apply.

E. Utility-Scale Solar Energy Facilities

1. Application Requirements.

- a. ~~Minor Conditional Use Permit. Structure-mounted utility-scale solar energy facilities in Zone R-1, except small residential rooftop solar energy systems as defined and regulated by Section 65850.5 of the California Government Code and Title 26 (Building Code) of the County Code, shall require a Minor Conditional Use Permit (Chapter 22.160) application, in compliance with this Subsection E;~~
or
- b. Conditional Use Permit. ~~Ground-mounted u~~Utility-scale solar energy facilities in Zones A-2, ~~C-H, C-1, C-2, C-3, C-M, C-R, C-MJ, C-RU, M-1, M-1.5, M-2, M-4, R-R, MXD-RU, MXD,~~ and IT shall require a Conditional Use Permit (Chapter 22.158) application, in compliance with this Subsection E.

- b. Variance. Requests to modify any of the development standards listed in Subsection E.3, below, for utility-scale solar energy facilities shall require a Variance (Chapter 22.194) application when filed concurrently with another permit to establish or continue the use, subject to the findings in subsection E.5.c, below.

2. ~~Application Materials~~

- a. ~~Minor Conditional Use Permit. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160) application, the application shall contain the following information:~~

- i. ~~A minimum of six color photographs, displaying various angles illustrative of the project area, with a photo-key map; and~~
- ii. ~~Color photo simulations of the project area before construction of the project and after construction of the project.~~

- b. ~~Conditional Use Permit. In addition to the application materials required for a Conditional Use Permit (Chapter 22.158) application, the application shall contain the following information:~~

- i. ~~All materials and information required by Subsection E.2.a, above;~~
- ii. ~~A site plan that depicts the following:~~

- (1) ~~Solar array footprint and height;~~

- ~~(2) — Solar array setbacks from all property lines;~~
- ~~(3) — Area and amount of proposed grading and site disturbance;~~
- ~~(4) — Topography of the site;~~
- ~~(5) — Any watercourses on the site;~~
- ~~(6) — Access roads;~~
- ~~(7) — Any required fencing;~~
- ~~(8) — Any required signage;~~
- ~~(9) — Any required lighting;~~
- ~~(10) — Transmission lines; and~~
- ~~(11) — Any significant ridgelines on the site.~~

~~iii. A detailed landscaping plan that depicts:~~

- ~~(1) Any required fencing;~~
- ~~(2) — Proposed plant species palette, the number and size of each plant;~~
- ~~(3) — Proposed water usage for planting and maintaining proposed landscaping; and~~
- ~~(4) — Proposed timing and phasing of proposed landscaping.~~

~~iv. A decommissioning plan;~~

~~v. A hydrology study;~~

~~vi. A conceptual dust control plan;~~

~~vii. A glare study; and~~

~~viii. A description of amount and source of water necessary for the construction and operation of the project.~~

23. Development Standards.

~~Utility-scale solar energy facilities shall comply with the following standards:~~

~~a. Conformance with Federal, State, and County Requirements. A utility scale solar energy facility shall comply with any applicable federal, State, and County legal requirements (and as may be modified by this Subsection E).~~

~~b. Additional Standards for Structure Mounted Utility Scale Solar Energy Facilities. In addition to the applicable standards required by this Subsection E, a structure-mounted utility-scale solar energy facility shall also comply with the following standards:~~

~~i. Height. The combined height of a structure and structure mounted utility-scale solar energy facility's solar arrays shall not exceed the height limit of the zone by more than five feet.~~

~~ii. Setbacks. If a structure-mounted utility-scale solar energy facility is mounted to a building, setbacks from the perimeter of the roof shall be:~~

~~(1) Three feet on residential buildings; or~~

~~(2) Four feet on non-residential or mixed use buildings.~~

e. ~~Additional~~Development standards for ~~G~~ground-~~M~~mounted ~~U~~utility-~~S~~scale ~~S~~solar ~~E~~energy ~~F~~facilities. In addition to the applicable standards of this Subsection E.3, a ground-mounted utility-scale solar energy facility shall also comply with the following standards:

i. ~~Coastal Zone. Within the Coastal Zone, the placement of any ground-mounted utility-scale solar energy facility shall comply with the applicable Local Coastal Plan.~~

~~Design. Solar energy facilities shall not use concentrated solar thermal collectors that use lenses or mirrors to focus or reflect a large area of sunlight onto a smaller area.~~

ii. Fencing. Fencing shall be required around the perimeter of the ground-mounted utility-scale solar energy facility. ~~In addition to compliance with the California Public Utilities Commission and United States Occupational Safety and Health Administration fencing guidelines for substations, a~~ All fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:

- (1) Opaque and non-opaque fences are permitted;
- (2) Fencing up to eight feet in height is permitted;
- (3) Fencing shall not be located within 15 feet of a public right-of-way but may be located within the required setback area; and

- (4) ~~Facility perimeter~~ Fencing shall incorporate small animal permeable design to the satisfaction of the Director.

...

- iv. ~~Lighting. In addition to the requirements of Chapter 22.80 (Rural Outdoor Lighting District), outdoor lighting required for safety and security purposes shall be shielded and directed downward to avoid light trespass and shall include:~~

~~(1) Motion sensors for entry lighting to the on-site equipment, structures, and buildings; and~~

~~(2) Light sensor or motion sensor lighting for the main facility access gate, operations and maintenance building doorways, and any parking areas of facilities with operation and maintenance buildings.~~

(1) Shielding. Outdoor lighting shall be fully shielded.

(2) Light trespass. Outdoor lighting shall cause no unacceptable light trespass.

(3) Entry-lighting to the facility, on-site buildings, structures and equipment. All entrances shall have motion sensor entry-lighting that provides light with an accurate color rendition.

(4) Light allowance. For facilities located in Agricultural zones, outdoor light fixtures installed above 15 feet in height shall have a manufacturer's maximum output rating of no greater than 400 lumens.

(5) Hours of Operation. Outdoor lighting shall be turned off between the hours of 10:00 p.m. and sunrise every day, notwithstanding the foregoing:

i. Fully-shielded motion sensors are used to turn the outdoor lighting on after 10:00 p.m, and these sensors turn the outdoor lighting off automatically no more than 10 minutes after the involved area has been vacated; or

ii. Where the facility is located in a commercial or industrial zone, at least 50 percent of the total lumen levels for the outdoor lighting are reduced, or 50 percent of the total number of outdoor light fixtures are turned off, between 10:00 p.m. and sunrise.

...

vi. Significant Ridgelines. The highest point of a ground mounted utility-scale solar energy facility shall be located at least 50 vertical feet and 50 horizontal feet from a

~~Significant Ridgeline identified in the General Plan or in an applicable Community Standards District.~~

...

- viii. Landscaped Buffer. A landscaped area of at least 10 feet in depth shall be maintained ~~along any facility perimeter fencing and between such fencing and any public right-of-way or~~ along the property line adjacent to property with an existing residential or agricultural use.

34. ~~Aviation Review.~~

~~When a Minor Conditional Use Permit (Chapter 22.160) or Conditional Use Permit (Chapter 22.158) is required by this Subsection E and the utility-scale solar energy facility is located within a MOA or AIA, Subsection HJ, below, shall apply.~~

5. Additional Findings.

- a. ~~Conditional Use Permit and Minor Conditional Use Permit.~~ When a Conditional Use Permit (Chapter 22.158) application ~~or Minor Conditional Use Permit (Chapter 22.160) application~~ is required by Subsection E.1, above, in addition to the findings in 22.158.050 the following additional findings shall apply, as applicable:
 - i. ~~The project complies with all applicable development standards in Subsection E.3, above;~~
 - ii. The project is sited and designed and will be constructed in such a way to minimize significant impacts to the

environment, including impacts to birds and bats, through appropriate measures including minimizing proximity to perch sites such as transmission lines and towers; and

- iiiii. The project is sited in such a way to minimize site disturbance, such as grading, brush clearance, and other forms of earthwork.

~~b. Additional Findings for Ground Mounted Utility Scale Solar Energy Facilities. In addition to the findings required by this Subsection E.5, for ground mounted utility scale solar energy facilities, the following additional findings shall apply, as applicable:~~

- ~~i. The proposed vegetation required along the facility perimeter fencing sufficiently provides a buffer from adjacent residential and agricultural uses through variable placement and muting of frontage or other sensitive viewsheds so as to provide a natural visual transition between the project and its surroundings;~~

- iii. The landscape buffer screens adjacent residential and agricultural uses. The vegetation provides a natural visual transition between the project and its surroundings through variable placement and muting of frontage or other sensitive viewsheds;

- iv.ii. The proposed vegetation sufficiently provides ground cover to the satisfaction of a County biologist; and

~~v.iii.~~ The proposed vegetation sufficiently provides such buffer and ground cover in a timely manner ~~to the satisfaction of a County biologist.~~

eb. Additional Findings for a Modification to Development Standards. In addition to the findings required by this Subsection E.53, when a modification has been requested to any development standard required by Subsection E.32, above, the following findings shall apply, as applicable:

- i. Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and
- ii. The requested modification would not be contrary to the purpose of this Section.

~~d. Additional Findings for Projects Requiring Aviation Review. In addition to the findings required by this Subsection E.5, where a project requires aviation review and the project would penetrate the lower floor elevation of any military operations area MOA mapped in the County General Plan, the Commission or Hearing Officer, the following additional findings shall apply, as applicable:~~

~~i. MOA military operator has determined:~~

- ~~(1) The project would not be detrimental to the function of that MOA; and~~

~~(2) — The project would not pose a health or safety hazard to personnel or the public.~~

46. Conditions of Approval.

When a Conditional Use Permit (Chapter 22.158) application is required by Subsection E.1, above, the following additional conditions may be imposed in addition to those required by Section 22.158.060 (Conditions of Approval):~~In addition to the conditions that may be imposed when a Minor Conditional Use Permit (Chapter 22.160) or Conditional Use Permit (Chapter 22.158) is required by Subsection E.1, above, the following conditions of approval shall be imposed:~~

- a. Development Standards. The applicable development standards in Subsection E.32, above, unless specifically modified as provided herein.
- b. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection E.53, above.

...

- d. ~~Additional Conditions of Approval for Ground-Mounted Utility Scale Solar Energy Facilities. In addition to the conditions of approval required by this Subsection E.6, ground-mounted utility-scale solar energy facilities shall also require the following conditions of approval:~~

i. ~~Access Roads.~~ All temporary and permanent ingress and egress points to the ground-mounted utility-scale solar energy facility shall be designed and sited to the satisfaction of Public Works and Los Angeles County Fire Department, shall consider adequate spacing from intersections, and shall maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder or application of similarly effective material to control dust, such as gravel.

e.ii. Decommissioning. Decommissioning requirements as outlined in Subsection K below shall be prepared.

~~(1) The decommissioning plan shall be prepared to the satisfaction of the Director and the Director of Public Works.~~

~~(2) Prior to any ground disturbance or the issuance of any grading or building permit, performance and financial guarantees in an amount sufficient to ensure the performance of the decommissioning plan shall be determined to the satisfaction of the Director and the Director of Public Works and incorporated into a final decommissioning plan. This amount shall be posted by the permittee.~~

~~(3) Prior to any ground disturbance or the issuance of any grading or building permit, the permittee shall record an easement granting access to the County for activities related to decommissioning. A draft easement document shall be submitted~~

~~prior to easement recordation, for review and approval by the Director and the Director of Public Works.~~

~~(4) In the event that any portion of a ground mounted utility-scale solar energy facility ceases operation for a consecutive period of six months, or the permit for the use has expired, operations for that use shall be deemed to have been abandoned. Within six months after the written notice is mailed from the Director to the permittee advising of the abandoned use, the facility or portions thereof shall be removed from the property. However, within the six months after written notice of abandonment is mailed to the permittee, the permittee may provide the Director with a written request and justification for an extension to resume operations of the facility or portions thereof, so long as the permit has not expired.~~

~~f.iii.~~ Landscaped Buffer.

- ~~(1) A landscaped area at least 10 feet in depth shall be maintained along any facility perimeter fencing and between such fencing and any public right of way or adjacent property with an existing residential or agricultural use.~~
- ~~(2) Existing non-invasive drought-tolerant vegetation approved by a County biologist the Director shall be retained and/or new non-invasive, drought tolerant vegetation approved by a County biologist the Director shall be planted within the~~

landscaped area within the time frames specified in the permit conditions.

- (32) The landscaped area shall incorporate a variety of design elements appropriate for the surrounding area, including but not limited to hardscape, such as decorative rocks, boulders, berms, and fencing and softscape, such as trees, shrubs, vines, and succulents. In no way shall the hardscape or softscape features adversely affect drainage patterns.
- (43) The landscaped area shall be established in such manner that adequate corner sight distance is maintained from all access roads to the public right-of-way to the satisfaction of Public Works.
- (54) The landscaped area shall be planted and temporary irrigation system installed prior to final permit inspection of the project or project phase to the satisfaction of the Director. ~~Establishment of the plantings shall be verified at the time of regular inspections according to inspection time frames in the permit conditions; and~~
- (65) The landscaped area shall be maintained throughout the life of the facility.

g.iv. Scenic Resources. Any ground-mounted utility-scale solar energy facility placed within the viewshed of a designated Scenic Drive, or Scenic Highway, ~~or Scenic Route identified in the General Plan, an applicable~~

~~Area or Community Plan, or Community Standards District~~ shall be analyzed for any associated negative impacts, including but not limited to visual impacts. Appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed.

h.v. Site Disturbance.

(1) ~~Air Quality Management District. State requirements imposed by the applicable Air Quality Management District conditions shall apply.~~

~~(2)~~ Soil Erosion. To ensure dust control and minimal soil erosion, existing vegetation may be mowed, but removal of existing vegetation root systems shall be prohibited, except where necessary for construction of access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County.

~~(32)~~ Hydrology. The facility shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the property. Existing topography and watercourses shall be retained or restored to pre-development conditions following construction and during operations, except for drainage features specifically designed to mitigate drainage impacts.

- (43) Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County. The facility shall comply with all applicable grading standards.
- (54) Fugitive Dust Control Plan. A fugitive dust control plan including a dust plume response plan shall be prepared by the permittee for review and approval by applicable agencies prior to any earthwork activities.
- (65) Construction Practices.
- (a) Fugitive Dust. Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented by the permittee if determined by applicable agencies to be suitable methods to adequately control dust in a safe manner during construction, operation, and removal and restoration activities.
- (b) Vegetation. Work where the facility components are being installed in areas with existing vegetation shall be conducted

with minimal disturbance, and the permittee shall take all necessary precautions to not use vehicles or machinery for grading or alter the exiting grade in these areas. When vehicles or machinery are deemed necessary for installation, appropriate ground protection practices, such as construction mats, stabilizers, or established vegetation, shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The permittee shall retain a biologist to confirm that construction practices are compatible with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the facility shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Department and the Departments of Public Works and Public Health to prevent fugitive dust.

vi. Transmission Lines.

- i. A franchise agreement shall be required for distribution/transmission facilities within the public right-of-way.
Disturbed areas shall comply with Subsection E.4.h (Site Disturbance), above to ensure dust control and minimal soil erosion.

- ii. For facilities sited within a VHFSZ, on-site and off-site transmission lines shall be placed underground to the satisfaction of the Director and Department of Public Works, except where above-ground crossings are otherwise required, such as over the California Aqueduct.

~~On-site and off-site transmission lines shall be placed underground to the satisfaction of the Department and Public Works, except where above-ground crossings are otherwise required, such as over the California Aqueduct. A franchise agreement shall be required for distribution/transmission facilities within the public right-of-way. Disturbed areas shall comply with Subsection E.6.d.v (Site Disturbance), above to ensure dust control and minimal soil erosion.~~

- ivii. Water Quality Protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the facility design, as appropriate, and shall meet the requirements of the Regional Water Quality Control Board.

kviii. Water Use.

- (1) The facility shall use the minimum amount of water required during the construction period. ~~The facility shall be limited to the maximum use of water as established by the Commission or Hearing Officer, as applicable, for the duration of the construction period.~~
- (2) The facility shall use the minimum amount of water required during the operation of the facility. ~~The facility shall be limited to the~~

~~maximum use of water as established by the Commission or Hearing Officer, as applicable, for the operation of the facility for the duration of this grant.~~

- (3) The facility shall use piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value, suitable for use, and deemed appropriate by ~~a County biologist~~ the Director . If such piped recycled water does not meet all of the facility's water demand, the facility shall use piped potable water to supplement piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value and suitable for use.
- (4) The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the property ~~used~~ for the following, which includes, but is not limited to, construction, operation, maintenance, landscaping, and irrigation. The permittee shall complete the record of monthly water usage by source within eight days following the conclusion of each calendar month. The log shall be made available to the Department upon ~~demand~~ request.

F. Temporary Meteorological Towers.

1. Application Requirements. ~~Permit Required.~~

a. Ministerial Site Plan Review. ~~Minor Conditional Use Permit.~~

Temporary meteorological towers in Zones R-1, R-2, R-3, R-4, R-5,

R-A, A-1, A-2, O-S, C-RU, and MXD shall require a Minor Conditional Use Permit (Chapter 22.160) Ministerial Site Plan Review (Chapter 22.186) application, except when modified by this Subsection F.

b. Modification Permit. Requests to modify any of the development standards in Subsection F.3, below, shall require a Modification Permit (Chapter 22.178) application when filed concurrently with another permit to establish or continue the use, subject to the findings in Subsection F.5.b, below.

2. ~~Application Materials. In addition to the application materials required for a Minor Conditional Use Permit (Chapter 22.160) application, the application shall contain the following information:~~

a. ~~A minimum of six copies of the proposed site plan, elevation plan, and location map depicting the project location on United States Geological Survey topographic sheets. On each set of the required The site and elevation plans, the applicant shall depict the type and location of any ancillary equipment safety lights and energy storage devices; and~~

b. ~~Drawings to scale of the structure, including the tower, base, wind-measuring devices, and footings, if any.~~

3. Development Standards. Temporary meteorological towers shall comply with the following standards:

- a. Minimum Lot Size. The minimum lot size shall be ~~0.5~~ one gross acres.
- b. Maximum number of temporary meteorological towers. The maximum number of meteorological towers on a single lot is one.

~~b.c.~~ Maximum Tower Height. Tower height shall be measured from the ground to the top of the tower, excluding the wind measuring devices, and shall not exceed 197 feet (60 meters). ~~be consistent with the following:~~

~~i. The tower shall not exceed a height of 35 feet above grade for lots less than one acre in size; and~~

~~ii. The tower shall not exceed a height of 65 feet above grade for lots from one acre to less than two acres in size; and~~

~~iii. The tower shall not exceed a height of 85 feet above grade for lots two acres or greater in size.~~

e.d. Location.

- i. The minimum distance between a temporary meteorological tower and any property line or road right-of-way shall be the distance which is the equivalent to the height of the temporary meteorological tower including any wind measuring devices provided that the required distance shall also comply with any

applicable fire setback requirements pursuant to Section 4290 of the California Public Resources Code;

ii. No part of a temporary meteorological tower shall be located within or over drainage, utility, or other established easements, or on or over property lines; ~~and~~

~~iii. safe clearance shall be provided between a temporary meteorological tower and all structures and trees.~~

~~de.~~ Design.

i. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.

ii. Lighting. Towers shall be lighted in compliance with FAA (Federal Aviation Administration) regulations. ~~A safety light that meets Federal Aviation Administration (FAA) standards shall be required for all towers exceeding 50 feet in height including any wind measuring devices. A safety light may also be required on shorter towers. All required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.~~

...

iv. The use of guy wires is prohibited.

- e.f. Signs. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.
- f.g. Displacement of Parking Prohibited. The location of a temporary meteorological tower shall not result in the displacement of required parking as specified in Chapter 22.112 (Parking).
- g.h. Maintenance. Temporary meteorological towers shall be maintained in operational condition that pose no potential safety hazards.
- h.i. Removal. Within six months after the operation of a temporary meteorological tower has ceased or its permit has expired, whichever occurs first, the permittee shall remove the temporary meteorological tower, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to its installation. Failure to remove the temporary meteorological tower as required above shall constitute a public nuisance. Prior to installation of any temporary meteorological tower, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of the temporary meteorological tower as provided herein. In the event the temporary meteorological tower is not so removed within 90 days after the permittee's receipt of notice

requiring removal, the County may itself cause it to be removed, and the permittee shall be required to pay the County's cost or removal.

i. ~~Guy Wires. The use of guy wires shall be prohibited.~~

~~43. Aviation Review. The Director shall distribute copies of the proposed temporary meteorological tower site plan, elevation plan, and location map to aviation related regulatory agencies and facilities with flight operations in the vicinity, as determined by the Director, such as the FAA, Fire Department, Sheriff, Edwards Air Force Base, and Air Force Plant 42, as applicable. Any comments received within 30 days of distribution will be considered in establishing conditions, as appropriate.~~

~~54. Additional Findings.~~

~~a. Minor Conditional Use Permit. When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection F.1, above, the following additional findings shall apply, as applicable:~~

~~i. The project complies with all applicable development standards in Subsection F.32, above, unless modified by Subsection F.54.b, below.~~

~~b. Additional Findings for a Modification to Development Standards. In addition to the applicable findings required by this Subsection F.5, wWhen a modification has been requested to any development standard in~~

Subsection F.32, above, the following additional findings shall apply, as applicable:

- i. ~~Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and~~
- ii. The requested modification would not be contrary to the purpose of this Section.

~~6. Conditions of Approval. In addition to the conditions that may be imposed under a Minor Conditional Use Permit (Chapter 22.160) application, the following conditions of approval shall be imposed:~~

- ~~a. Development Standards. The applicable development standards in Subsection F.3, above, unless modified by Subsection F.5, above.~~
- ~~b. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection F.5, above.~~

G. ~~Small Scale~~Behind-the-meter Wind Energy Systems

- 1. Application Requirements.
 - a. Ministerial Site Plan Review. Behind-the-meter wind energy systems with a manufacturer rated capacity less than 20kw shall require a Ministerial Site Plan Review (Chapter 22.186) in Zone R-

1, R-2, R-3, R-4, R-5, R-A, A-1, A-2, C-RU, and MXD-RU, in compliance with this Subsection G;

- b. Minor Conditional Use Permit. ~~Small-scale~~ Behind-the-meter wind energy systems with a manufacturer rated capacity greater than 20kw and up to 100kw in Zone R-1, R-2, R-3, R-4, R-5, R-A, A-1, A-2, O-S, C-RU and MXD-RU, shall require a Minor Conditional Use Permit (Chapter 22.160) application in compliance with this, ~~except~~ when modified by this Subsection G.
- c. Conditional Use Permit. Behind-the-meter wind energy systems with a manufacturer rated capacity greater than 100kw and up to 1MW in Zone A-2 shall require a Conditional Use Permit (Chapter 22.158) application, in compliance with this Subsection G.
- d. Modification.
 - i. A Modification Permit (Chapter 22.178) application shall be required where a modification to a development standard in subsection G.3, below, has been requested for a behind-the-meter wind energy systems with a rated capacity less than or equal to 100kw.
 - ii. A Variance (Chapter 22.194) shall be required were a modification to a development standard in subsection G.3, below has been requested for a for a behind-the-meter wind energy systems with a rated capacity greater than 100kw and up to 1MW.

2. ~~Additional Application Materials.~~

- ~~a. A minimum of six copies of the proposed site plan, elevation plan, and location map depicting the project location on United States Geological Survey topographic sheets. On each set of the required The site and elevation plans, the applicant shall depict the type and location of any ancillary equipment safety lights and energy storage devices; and~~
- ~~ii. Drawings to scale of the structure, including the tower, base, wind turbine generator, blades, footings, and associated equipment.~~

3. Development Standards. ~~Small-scale~~ Behind-the-meter wind energy systems shall comply with the following standards:

- a. Minimum Lot Size. The minimum lot size shall be ~~0.5~~ one gross acres.
- b. Maximum Number of Wind Energy Systems. The maximum number of wind energy systems on a single lot is one.
- bc. Maximum Tower Height. Maximum height shall be measured from ground elevation to the highest point inclusive of the blade in the vertical position (top time).
- i. Maximum height for behind-the-meter wind energy systems with a rated capacity less than 20 kw shall not exceed 120 feet.

- ii. Maximum height for behind-the-meter wind energy systems with a rated capacity more than 20 kw shall not exceed 200 feet.

~~Tower height shall be measured from the ground to the top of the tower, excluding the wind turbine generator, blades, and wind measuring devices, as applicable, and be consistent with the following:~~

- i. ~~The tower shall not exceed a height of 35 feet above grade for lots less than one acre in size;~~
- ii. ~~The tower shall not exceed a height of 65 feet above grade for lots from one acre to less than two acres in size; and~~
- iii. ~~The tower shall not exceed a height of 85 feet above grade for lots two acres or greater in size.~~

ed. Location

- i. Wind energy systems shall be located a minimum of the distance equal to the height of the system from the base of the tower to:
- (1) Any on-site primary or habitable structure;
- (2) the nearest off-site residence at the time of application, measured from the nearest exterior wall of such residence;
- and
- (3) the nearest right-of-way, public access easement, or public trail.

~~The minimum distance between a small-scale wind energy system and any property line or road right-of-way shall be the distance which is the~~

~~equivalent to the height of the system including any wind turbine generator, wind measuring devices, and the highest vertical extent of any blades, provided that the required distance shall also comply with any applicable fire setback requirements pursuant to Section 4290 of the California Public Resources Code.~~

- ii. No part of a ~~small-scale~~ behind-the-meter wind energy system shall be located within or over drainage, utility, or other established easements, or on or over property lines.
- iii. ~~Safe clearance shall be provided between a small-scale wind energy system and all structures and trees.~~

de. Design.

- i. Colors. The colors used in the construction materials or finished surface shall be muted and visually compatible with surrounding development.
- ii. Lighting. Wind energy generation facilities shall be lighted in compliance with FAA (Federal Aviation Administration) regulations
and ~~A safety light that meets FAA standards shall be required for all systems exceeding 50 feet in height including any wind turbine generator, wind measuring devices, and the highest vertical extent of any blades. A safety light may also be required on shorter towers. All required lights shall be shielded from adjacent properties, and no other lights shall be placed upon the tower.~~

- iii. Climbing Apparatus. All climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.
- iv. The use of guy wires is prohibited.
- ef. Signs. One sign, limited to 18 inches in length and one foot in height, shall be posted at the base of the tower; the sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the property owner to call in the event of an emergency.
- fg. Displacement of Parking Prohibited. The location of a ~~small-scale~~ behind-the-meter wind energy system shall not result in the displacement of required parking as specified in Chapter 22.112 (Parking).
- g. ~~Guy Wires. The use of guy wires shall be prohibited.~~
- h. Clearance of Blade Above Ground Level. No portion of a ~~small-scale~~ behind-the-meter wind energy system blade shall extend within 20 feet of the ground.
- i. Automatic Overspeed Controls. A ~~small-scale~~ behind-the-meter wind energy system shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the ~~small-scale~~ wind energy system.
- j. Wind Turbine Generator.
 - i. The wind turbine generator shall be certified by a qualified, licensed engineer as meeting the requirements of wind turbine-specific safety and/or performance standards adopted by the national or

international standards-setting body, including, but not limited to IEC (International Electric Code) standard 61400-2.

- ii. The wind turbine generator shall have a manufacturer's warranty with at least five years remaining from the date the application is filed.
- iii. The model of equipment proposed shall have a documented record of at least one year of reliable operation at a site with average wind speeds of at least 12 mph.

~~k. Noise. Noise from a small scale wind energy system shall not exceed 60 dBA SEL (single event noise level) as measured at the closest neighboring inhabited dwelling, except during short term events, such as utility outages and severe windstorms.~~

l. Visual Effects.

- i. No ~~small scale~~ behind-the-meter wind energy system shall be placed or constructed in such a way that it silhouettes against the skyline above any ~~major~~ Significant Ridgeline when viewed from any designated Major, Secondary, or Limited Secondary Highway ~~on the County Highway Plan Policy Map~~, from any designated Scenic Highway, or from any significantly inhabited area, as determined by the Director. ~~As used in this Section, major ridgeline shall mean any ridgeline that surrounds or visually dominates the landscape, as determined by the Director, due to its:~~

- (1) ~~Size in relation to the hillside or mountain terrain of which it is a part;~~
- (2) ~~Silhouetting appearance against the sky, or appearance as a significant natural backdrop;~~
- (3) ~~Proximity to and visibility from existing development or major transportation corridors; or~~
- (4) ~~Significance as an ecological, historical, or cultural resource, including a ridgeline that provides a natural buffer between communities or is part of a park or trails system.~~

- ii. The top of a ~~small-scale~~ behind-the-meter wind energy system, including the wind turbine generator and the highest vertical extent of the blades, shall be located at least 25 vertical feet below the top of any adjacent ~~major~~ Significant Rridgeline, and a ~~small-scale~~ behind-the-meter wind energy system shall be located at least 100 horizontal feet from any adjacent ~~major~~ Significant Rridgeline.
- iii. Any ~~small-scale~~ behind-the-meter wind energy system that is placed within the viewshed of a designated Major, Secondary, Limited Secondary, or Scenic Highway shall be assessed for its visual effects, and appropriate conditions relating to siting, buffers, and design of the system shall be applied.
- iv. ~~The placement of a small-scale wind energy system shall not obstruct views of the ocean from any residence or highway, and~~

~~shall otherwise conform to the policies and standards of any applicable Local Coastal Plan.~~

ml. Maintenance.

i. _____ Systems shall be maintained in operational condition that poses no potential safety hazards.

ii. Tower Base. The vegetation within a 10-foot radius of the base of a wind tower shall be mowed, and appropriate measures shall be applied to prevent re-growth.

nm. Removal. Within six months after the operation of a ~~small-scale behind-the-meter~~ wind energy system has ceased or its permit has expired, whichever occurs first, the permittee shall remove the system, clear the site of all equipment, and restore the site as nearly as practicable to its condition prior to the installation of the system. Failure to remove such system as required above shall constitute a public nuisance. Prior to installation of any such system, the permittee shall post a performance security, satisfactory to the Director of Public Works, in an amount and form sufficient to cover the cost of the removal of the system as provided herein. In the event the system is not so removed within 90 days after the permittee's receipt of notice requiring removal, the County may itself cause the system to be removed, and the permittee shall be required to pay the County's cost of removal.

en. Additional Standards for ~~Ground-Mounted Small-Scale~~ behind-the-meter Wind Energy Systems. In addition to the standards required by this Subsection G.3, a ~~ground-mounted small-scale~~ behind-the-meter wind energy system shall also comply with the following:

i. ~~Use of trellis-style towers is prohibited;~~

ii. Buffers. The following buffers shall apply to reduce impacts to birds and bats:

(1) No part of the ~~ground-mounted small-scale~~ behind-the-meter wind energy system shall be closer than 300 feet or five times the ~~tallest~~ wind tower height including the wind turbine generator, wind-measuring devices, and highest vertical extent of any blades, whichever is greater, from the following:

(a) Bat roosting sites;

(b) Recorded open space easements and publicly designated preserve areas; and

(c) Riparian areas and wetland.

(2) No part of the ~~ground-mounted small-scale~~ behind-the-meter wind energy system shall be closer than one mile from a known golden eagle nest site; ~~and~~

iii. ~~Tower Base. The vegetation within a 10-foot radius of the base of a wind tower shall be mowed, and appropriate measures shall be~~

~~applied to prevent re-growth, but removal of existing vegetation root systems shall be prohibited.~~

4. ~~Aviation Review. The Director shall distribute copies of the proposed site plan, elevation plan, and location map to aviation-related regulatory agencies and facilities with flight operations in the vicinity, as determined by the Director, such as the FAA, Fire Department, Sheriff's Department, Edwards Air Force Base, and Air Force Plant 42, as applicable. Any comments received within 30 days of distribution, or more if additional review time is granted by the Director, will be considered in establishing conditions.~~

- 5.3. ~~Additional Findings. When a modification has been requested to any development standard in Subsection G.2, above, the following additional findings shall apply, as applicable: When a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection G.1, above, the following additional findings shall apply, as applicable:~~

a. ~~Due to topographic or physical features of the site, strict compliance with all the required development standards would substantially and unreasonably interfere with the establishment of the proposed project on the subject property; and~~

b. ~~The requested modification would not be contrary to the purpose of this Section.~~

64. Conditions of Approval. When a Conditional Use Permit (Chapter 22.158) or Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection G1, above, the following additional conditions may be imposed in addition to those required by Section 22.158.060 or Section 22.160.060 (Conditions of Approval):~~In addition to the conditions that may be imposed under Section (Conditions of Approval), when a Minor Conditional Use Permit (Chapter 22.160) application is required by Subsection G.1, above, the following conditions of approval shall be imposed:~~

- a. Development Standards. The applicable development standards in Subsection G.32, above, unless modified by Subsection G.54, above.
- b. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the applicable findings in Subsection G.54, above.

H. Battery Energy Storage Systems

1. Application Requirements.

- a. Permitted. Behind-the-meter wall mounted battery energy storage systems that store energy primarily for on-site use are permitted.
- b. Ministerial Site Plan Review. Behind-the-meter stand-alone battery energy storage systems that store energy primarily for on-site use, shall require a site plan review (Chapter 22.186) application.

- c. Conditional Use Permit. Utility-scale battery energy storage systems facilities in Zones A-2, C-M, M-1, M-1.5, M-2, and IT shall require a Conditional Use Permit (Chapter 22.158) application, in compliance with this Subsection H.
- d. Variance. Requests to modify any of the development standards listed in Subsection H.3, below, for battery energy storage systems shall require a Variance (Chapter 22.194) application when filed concurrently with another permit to establish or continue the use, subject to the findings in subsection H.5.c, below.

2. Additional Application Materials

- a. Conditional Use Permit. In addition to the application materials required for a Conditional Use Permit (Chapter 22.158) application, when a utility-scale battery energy storage systems under 125 MW/500 MWh is proposed in a VHFSZ, written documentation, prepared by a qualified third party, demonstrating the proposed battery technology poses no risk of thermal runaway shall be submitted.

3. Development Standards.

- a. Development standards for behind-the-meter stand-alone battery energy storage systems.
 - i. Setbacks. Accessory battery energy system unit must have a minimum setback of 10 feet from buildings, lot lines,

designated outdoor display or storage areas and vegetation
unless a reduced distance is approved by Los Angeles
County Fire Department.

ii. When a stand-alone system proposes more than one battery
unit, the development standards in subsection H.3.b below
shall apply.

b. Development standards for utility-scale battery energy storage systems:

i. Wall. All facilities shall be surrounded by a solid masonry wall that
is a minimum of eight feet in height.

ii. Height. Battery energy storage systems units shall not exceed 15
feet in height.

iii. Design. Indoor installations of reactive-ion or reactive-metal
technologies shall not be permitted.

iv. Lighting.

(1) Shielding. Outdoor lighting shall be fully shielded.

(2) Light trespass. Outdoor lighting shall cause no unacceptable
light trespass.

(3) Entry-lighting to the facility, on-site buildings, structures and
equipment. All entrances shall have motion sensor entry-
lighting that provides light with an accurate color rendition.

(4) Light allowance. For facilities located in Agricultural zones, outdoor light fixtures installed above 15 feet in height shall have a manufacturer's maximum output rating of no greater than 400 lumens.

(5) Hours of Operation. Outdoor lighting shall be turned off between the hours of 10:00 p.m. and sunrise every day, notwithstanding the foregoing:

i. Fully-shielded motion sensors are used to turn the outdoor lighting on after 10:00 p.m. and these sensors turn the outdoor lighting off automatically no more than 10 minutes after the involved area has been vacated; or

ii. Where the facility is located in a commercial or industrial zone, at least 50 percent of the total lumen levels for the outdoor lighting are reduced, or 50 percent of the total number of outdoor light fixtures are turned off, between 10:00 p.m. and sunrise.

v. Setbacks.

i. Battery energy storage systems array must have a setback of at least 30 feet from the property line.

ii. Battery energy storage systems unit groupings must have at least 10 feet of separation between adjacent battery and/or

hazardous materials enclosures, whether for operation or for storage, within the property unless a reduced distance is approved by Los Angeles County Fire Department.

iii. When co-located with utility-scale ground-mounted solar, the battery energy system array must be sited within the project to maximize the distance between the array and nearby habitable structures on adjacent properties.

vi. Significant Ridgelines. The highest point of a battery energy storage systems facility shall be located at least 50 vertical feet and 50 horizontal feet from a Significant Ridgeline.

vii. Landscaped Buffer. A landscaped area of at least 10 feet in depth shall be maintained between any public right-of way or along the property line adjacent to the property with an existing residential or agricultural use.

viii. Two Points of Access. At least two points of fire apparatus access shall be located on different overall sides of the battery energy storage systems array to the satisfaction of Los Angeles County Fire Department. The fire apparatus access must lead directly to the required first responder/fire-command station.

i. The fire apparatus access roadways and fire lanes shall maintain a minimum unobstructed width of 26 feet clear to

the sky and maintain a 32 foot centerline turning radius on all turns.

- ii. If the first-responder/fire-command station is part of the fire apparatus access roadways and fire lanes, that portion of the roadways and fire lanes shall be hardscaped.

4. Additional Findings.

- a. Conditional Use Permit. When a Conditional Use Permit (Chapter 22.158) application is required by Subsection H.1, above, the following additional findings, as applicable, shall apply:

- i. The project is sited and designed to maximize the distance between battery and/or hazardous-materials enclosures, whether for use/operation or for storage, and habitable structures.
- ii. The project is sited and designed and will be constructed in such a way to minimize significant impacts to sensitive uses and the environment, including wildlife;
- iii. The project is sited in such a way to minimize site disturbance, such as grading, brush clearance, and other forms of earthwork.
- iv. The proposed vegetation sufficiently provides ground cover; and

- v. The proposed vegetation provides such ground cover in a timely manner.
- vi. The utility-scale battery energy storage systems facility under 125 MW/500 MWh in a VHFSZ has no potential risk of thermal runaway, as demonstrated by the requirement in this Subsection H.2.a..
- vii. Utility-Scale battery energy storage system facilities over 125 MW/500 MWh meet the locational criteria described in Subsection C.4.f, above.

b. Additional Findings for Modification to Development Standards.

- i. The requested modification would not be contrary to the purpose of this Section.

5. Conditions of Approval. When a Conditional Use Permit (Chapter 22.158) application is required by Subsection H.1, above, the following additional conditions may be imposed in addition to those required by Section 22.158.060 (Conditions of Approval):

- a. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection H.5, above.
- b. Additional Conditions of Approval for utility-scale battery energy storage systems facilities. In addition to the conditions of approval required by this Subsection H.5, utility-scale battery energy storage

systems facilities shall also require the following conditions of approval:

- i. Access roads. All temporary and permanent ingress and egress points to the battery energy storage systems facility shall be designed and sited to the satisfaction of Public Works and Los Angeles County Fire Department, shall consider adequate spacing from intersections, and shall maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term soil binder or application of similarly effective material to control dust, such as gravel.
- ii. Decommissioning. A decommissioning plan as outlined in Subsection K, below, shall be prepared.
- iii. Landscaped buffer.
 - (1) Existing non-invasive drought-tolerant vegetation approved by the Director shall be retained and/or new non-invasive, drought tolerant vegetation approved by the Director shall be planted within the landscaped area within the timeframes specified in the permit conditions.
 - (2) The landscaped area shall incorporate a variety of design elements appropriate for the surrounding area.

including but not limited to hardscape, such as decorative rocks, boulders, berms, fencing and softscape, such as trees, shrubs, vines, and succulents. Hardscape and softscape features shall not adversely affect drainage patterns.

(3) The landscaped area shall be established in such manner that adequate corner sight distance is maintained from all access roads to the public right-of-way to the satisfaction of Public Works.

(4) The landscaped area shall be planted and temporary irrigation system installed prior to final permit inspection of the project or project phase to the satisfaction of the Director.

(5) The landscaped area shall be maintained throughout the life of the facility.

iv. Scenic resources. Any battery energy storage systems facility placed within the viewshed of a designated Scenic Drive or Scenic Highway shall be analyzed for any associated negative impacts, including but not limited to visual impacts. Appropriate conditions relating to siting, buffering, height, and design of the facility may be imposed to minimize significant effects on the viewshed.

v. Site Disturbance.

- (1) Soil erosion. To ensure dust control and minimal soil erosion, existing vegetation may be mowed, but removal of existing vegetation root systems shall be prohibited, except where necessary for the construction of access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County.
- (2) Hydrology. The facility shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the property. Existing topography and watercourses shall be retained or restored to pre-development conditions following construction and during operations, except for drainage features specifically designed to mitigate drainage impacts.
- (3) Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County.

The facility shall comply with all applicable grading standards.

(4) Fugitive Dust Control Plan. A fugitive dust control plan including a dust plume response plan shall be prepared by the permittee for review and approval by applicable agencies prior to any earthwork activities.

(5) Construction practices.

a. Fugitive dust. Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented by the permittee if determined by applicable agencies to be suitable methods to adequately control dust in a safe manner during construction, operation, and removal and restoration activities.

b. Vegetation. Work where the facility components are being installed in areas with existing vegetation shall be conducted with

minimal disturbance, and the permittee shall take all necessary precautions to not use vehicles or machinery for grading or to alter the existing grade in these areas. When vehicles or machinery are deemed necessary for installation, appropriate ground protection practices, such as construction mats, stabilizers, or established vegetation, shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The permittee shall retain a biologist to confirm that construction practices are compatible with continued and future vegetation growth. To prevent fugitive dust, any grading, diking, scraping, or other ground disturbance proposed as part of the facility shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Department and the Departments of Public Works and Public Health.

vi. Transmission lines.

- i. A franchise agreement shall be required for distribution/transmission facilities within the public right-of-way. Disturbed areas shall comply with Subsection H.5.b.v (Site Disturbance), above, to ensure dust control and minimal soil erosion.
- ii. For facilities sited within a VHFSZ, on-site and off-site transmission lines shall be placed underground to the satisfaction of the Director and Department of Public Works, except where above-ground crossings are otherwise required, such as over the California Aqueduct.
- vii. Water quality protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the facility design.
- viii. Water use
 - (1) The facility shall use the minimum amount of water required during the construction period.
 - (2) The facility shall use the minimum amount of water required during the operation of the facility.
 - (3) The facility shall use piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value, suitable for

use, and deemed appropriate by the Director. If such
piped recycled water does not meet all of the facility's
water demand, the facility shall use piped potable
water to supplement piped recycled water if it is
available from the public right-of-way within one mile
from the property at fair market value and suitable for
use.

- (4) The permittee shall maintain a daily log, which shall
include the number of gallons and acre feet of water
used on the property used for the following, which
includes, but is not limited to, construction, operation,
maintenance, landscaping, and irrigation. The
permittee shall complete the record of monthly water
usage by source within eight days following the
conclusion of each calendar month. The log shall be
made available to the Department upon request.

I. Green Hydrogen Production Facilities.

1. Application Requirements.

- a. Conditional Use Permit. Green hydrogen production facilities in
Zones A-2, C-M, and M-1, M-1.5, M-2, and IT shall require a
Conditional Use Permit (Chapter 22.158) application, in compliance
with Subsection I.

- b. Variance. Requests to modify any of the development standards listed in Subsection I.2, below, for green hydrogen production facilities shall require a Variance (Chapter 22.194) application when filed concurrently with another permit to establish or continue the use, subject to the findings in subsection I.3.b.1, below.

2. Development Standards.

- a. Development standards for green hydrogen production facilities.

i. Design.

(1) New Clean Energy Supply (or Additionality): Only newly developed clean electricity resources, not already serving the grid, are allowed to qualify as clean supply for electrolyzer loads.

(2) Hourly Matching: Electrolyzer loads must match the clean electricity portfolio production in every hour.

(3) Deliverability: Electrolyzer loads must be located in the same region as the clean electricity resources.

- ii. Fencing. Fencing shall be required around the perimeter of the facility. All fencing shall comply with the following, except as otherwise required by Public Works to maintain minimum corner sight distance:

- (1) Opaque and non-opaque fences are permitted;
- (2) Fencing up to eight feet in height is permitted;
- (3) Fencing shall not be located within 15 feet of a public right-of-way, but may be located within the required setback area; and
- (4) Fencing shall incorporate small animal permeable design to the satisfaction of the Director.

iii. Lighting.

- (1) Shielding. Outdoor lighting shall be fully shielded.
- (2) Light trespass. Outdoor lighting shall cause no unacceptable light trespass.
- (3) Entry-lighting to the facility, on-site buildings, structures and equipment. All entrances shall have motion sensor entry-lighting that provides light with an accurate color rendition.
- (4) Light allowance. For facilities located in Agricultural zones, outdoor light fixtures installed above 15 feet in height shall have a manufacturer's maximum output rating of no greater than 400 lumens.

(5) Hours of Operation. Outdoor lighting shall be turned off between the hours of 10:00 p.m. and sunrise every day, notwithstanding the foregoing:

i. Fully-shielded motion sensors are used to turn the outdoor lighting on after 10:00 p.m. and these sensors turn the outdoor lighting off automatically no more than 10 minutes after the involved area has been vacated; or

ii. Where the facility is located in a commercial or industrial zone, at least 50 percent of the total lumen levels for the outdoor lighting are reduced, or 50 percent of the total number of outdoor light fixtures are turned off, between 10:00 p.m. and sunrise.

iv. Setbacks. In Agricultural Zones, setbacks from the property line shall be a minimum of 30 feet.

v. Significant Ridgelines. The highest point of a green hydrogen production facility shall be located at least 50 vertical feet and 50 horizontal feet from a Significant Ridgeline.

vi. Signs. One pole-mounted project identification sign shall be located at each temporary or permanent ingress or egress point. Signs shall include owner and emergency contact information. No other

signs shall be posted at the facility other than safety, directional, and warning signs as required in Chapter 22.114 (Signs).

vi. Landscaped Buffer. A landscaped area of at least 10 feet in depth shall be maintained between any public right-of-way or along the property line adjacent to property with an existing residential or agricultural use.

3. Additional Findings.

a. Conditional Use Permit. When a Conditional Use Permit (Chapter 22.158) application is required by Subsection I.1, above, the following additional findings shall apply, as applicable:

i. The project is sited, designed, and will be constructed in such a way to minimize significant impacts to sensitive uses and the environment, including wildlife;

ii. The project is sited in such a way to minimize site disturbance, such as grading, brush clearance, and other forms of earth work;

iii. The landscape buffer screens adjacent residential and agricultural uses. The vegetation provides a natural visual transition between the project and its surroundings through variable placement and muting of frontage or other sensitive viewsheds;

iv. The proposed vegetation sufficiently provides ground cover;

v. The proposed vegetation provides such buffer and ground cover in a timely manner; and

vi. The project is sited and designed to maximize the distance between hydrogen production and/or hazardous-materials enclosures, whether for use/operation or for storage and habitable structures.

b. Additional Findings for a Modification to Development Standards.

i. The requested modification would not be contrary to the purpose of this Section.

4. Conditions of Approval. When a Conditional Use Permit (Chapter 22.158) application is required by Subsection I.1, above, the following additional conditions may be imposed in addition to those required by Section 22.158.060 (Conditions of Approval):

a. Findings. Any additional conditions deemed necessary to ensure that such use will be in accordance with the required findings in Subsection I.3, above.

b. Access roads. All temporary and permanent ingress and egress points to the green hydrogen production facility shall be designed and sited to the satisfaction of Public Works and the Los Angeles County Fire Department, shall consider adequate spacing from intersections, and shall maintain adequate sight distances. Dirt access roads shall be treated with a suitable non-toxic long-term

soil binder or application of similarly effective material to control dust, such as gravel.

d. Decommissioning. A decommissioning plan as outlined in Subsection K below shall be prepared.

e. Landscaped buffer.

i. Existing non-invasive drought-tolerant vegetation approved by the Director shall be retained and/or new non-invasive, drought tolerant vegetation approved by the Director shall be planted within the landscaped area within the time frames specified in the permit conditions.

ii. The landscaped area shall incorporate a variety of design elements appropriate for the surrounding area, including but not limited to hardscape, such as decorative rocks, boulders, berms, and fencing and softscape, such as trees, shrubs, vines, and succulents. In no way shall the hardscape or softscape features adversely affect drainage patterns.

iii. The landscaped area shall be established in such manner that adequate corner sight distance is maintained from all access roads to the public right-of-way to the satisfaction of Public Works.

iv. The landscaped area shall be planted and temporary irrigation system installed prior to final permit inspection of

the project or project phase to the satisfaction of the
Director; and

v. The landscaped area shall be maintained throughout the life
of the green hydrogen production facility.

f. Scenic Resources. Any green hydrogen production facility placed
within the viewshed of a designated Scenic Drive or Scenic
Highway shall be analyzed for any associated negative impacts,
including but not limited to visual impacts. Appropriate conditions
relating to siting, buffering, height, and design of the facility may be
imposed to minimize significant effects on the viewshed.

g. Site Disturbance.

i. Soil erosion. To ensure dust control and minimal soil
erosion, existing vegetation may be mowed, but
removal of existing vegetation root systems shall be
prohibited, except where necessary for construction of
access roads, substations and related underground
transmission lines, tanks, basins, inverter pads, or
other areas required by the County.

ii. Hydrology. The facility shall be designed to minimize
erosion, sedimentation, or other impacts to the natural
hydrology and drainage patterns of the property.
Existing topography and watercourses shall be

retained or restored to pre-development conditions following construction and during operations, except for drainage features specifically designed to mitigate drainage impacts.

iii. Grading. To control fugitive dust and preserve the natural topography, the facility shall be designed in such a way that ground disturbance or grading is limited to only the access roads, substations and related underground transmission lines, tanks, basins, inverter pads, or other areas required by the County. The facility shall comply with all applicable grading standards.

iv. Fugitive Dust Control Plan. A fugitive dust control plan including a dust plume response plan shall be prepared by the permittee for review and approval by applicable agencies prior to any earthwork activities.

v. Construction practices.

i. Fugitive dust. Fugitive dust emission shall be controlled by phased earthwork, site watering, use of clean gravel not to exceed a depth of six inches where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, posting private roadways with

reduced speeds, and/or re-vegetation. Use of other fugitive dust mitigation measures may be implemented by the permittee if determined by applicable agencies to be suitable methods to adequately control dust in a safe manner during construction, operation, and removal and restoration activities.

- ii. Vegetation. Work where the facility components are being installed in areas with existing vegetation shall be conducted with minimal disturbance, and the permittee shall take all necessary precautions to not use vehicles or machinery for grading or alter the exiting grade in these areas. When vehicles or machinery are deemed necessary for installation, appropriate ground protection practices, such as construction mats, stabilizers, or established vegetation, shall be utilized for both dust suppression and to ensure that the use of vehicles or machinery is compatible with continued and future vegetation growth. The permittee shall retain a biologist to confirm that construction practices

are compatible with continued and future vegetation growth. Any grading, disking, scraping, or other ground disturbance proposed as part of the facility shall be permanently stabilized with an earth-stabilizing product or other measure that is acceptable to the Department and the Departments of Public Works and Public Health to prevent fugitive dust.

h. Transmission lines.

i. A franchise agreement shall be required for distribution/transmission facilities within the public right-of-way. Disturbed areas shall comply with Subsection I.4.g (Site Disturbance), above to ensure dust control and minimal soil erosion.

ii. For facilities sited within a VHFSZ, on-site and off-site transmission lines shall be placed underground to the satisfaction of the Director and Department of Public Works, except where above-ground crossings are otherwise required, such as over the California Aqueduct.

i. Water quality protection. Measures to protect groundwater and surface water from waste discharge shall be incorporated into the facility design, as appropriate.

j. Water use

i. The facility shall use the minimum amount of water required during the construction period.

ii. The facility shall use the minimum amount of water required during the operation of the facility.

iii. The facility shall use piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value, suitable for use, and deemed appropriate by the Director. If such piped recycled water does not meet all of the facility's water demand, the facility shall use piped potable water to supplement piped recycled water if it is available from the public right-of-way within one mile from the property at fair market value and suitable for use.

iv. The permittee shall maintain a daily log, which shall include the number of gallons and acre feet of water used on the property used for the following, which includes, but is not limited to, construction, operation,

maintenance, landscaping, and irrigation. The permittee shall complete the record of monthly water usage by source within eight calendar days following the conclusion of each calendar month. The log shall be made available to the Director upon request.

HJ. Aviation Review.

For any ~~small-scale~~ behind-the-meter solar energy system, ~~or utility-scale solar energy facility,~~ behind-the-meter wind energy system, green hydrogen production facility, behind-the-meter stand-alone battery energy storage systems or utility-scale battery energy storage systems facility subject to a Minor Conditional Use Permit (Chapter 22.160) or Conditional Use Permit (Chapter 22.158) and located within a ~~MOA~~ Military Operations Area or Airport Influence Area ~~AIA as identified by the General Plan or applicable Airport Land Use Compatibility Plans,~~ the following provisions apply:

1. Consultation. Aviation-related agencies shall be consulted for review of the proposed use for any potential impacts to ensure the safety of residents and continued viability of military training and testing operations. The Department shall distribute copies of the proposed site plan, elevation plan, and location map to the aviation-related agencies and shall request comments within a 30 day period. Applicable aviation-related agencies to be consulted include, but are not limited to, the FAA, United States Navy, Edwards Air Force Base, Air Force Plant 42, United States Forest

Service, California Department of Transportation Division of Aeronautics, Public Works—Aviation Division, ~~Airport Land Use Commission~~, Fire Department, and Sheriff's Department. The consultation review shall request consideration of the following:

- a. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;
 - b. Uses that release into the air any substances that may impair visibility such as steam, dust, or smoke;
 - c. Uses that produce light emissions that could interfere with pilot vision or be mistaken for airfield lighting, such as glare or distracting lights;
 - d. Uses that physically obstruct any portion of the ~~MOA~~ Military Operations Area due to relative height above ground level; and
 - e. ~~Uses, such as utility-scale solar energy facilities,~~ that may affect aviation fire-fighting operations.
2. Any comments received through consultation shall be considered by the Department and provided to the Commission or Hearing Officer, as applicable.
 3. Additional Findings for Projects Requiring Aviation Review. Where a project requires aviation review and the project would penetrate

the lower floor elevation of any military operations area mapped in the General Plan, the Commission, or Hearing Officer, the following additional findings shall apply, as applicable:

i. Military operations area operator has determined:

- (1) The project would not be detrimental to the function of the military operations area; and
- (2) The project would not pose a health or safety hazard to personnel or the public.

K. Decommissioning Requirements.

- 1. A decommissioning plan shall be prepared to the satisfaction of the Director of Public Works. The plan shall include:
 - a. An overview of the decommissioning process developed specifically for the facility that is to be decommissioned.
 - b. Decommissioning timeline.
 - c. A detailed description of the dismantling and removal of system components, including for any components have been damaged by a fire or other event.
 - d. Roles and responsibilities for those involved in the decommissioning of the facility and removal from the site.
 - e. Means and methods in the decommissioning plan submitted during the permitting process to be made available at a point in time corresponding to the decision to decommission the facility.

- f. Plans and specifications necessary to understand the facility and all associated operational controls and safety systems, as built, operated, and maintained.
 - g. A detailed description of each activity to be conducted during the decommissioning process.
 - h. Procedures to be used in documenting the facility and all associated operational controls and safety systems that have been decommissioned.
 - i. Guidelines and format for a decommissioning checklist and relevant operational testing forms and necessary decommissioning logs and progress reports.
 - j. A site restoration plan including mitigation of any environmental impacts.
 - k. A description of how any changes to the surrounding areas and other systems adjacent to the facility, including, but not limited to, structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.
 - l. A recycling and disposal plan of system components.
2. Prior to any ground disturbance or the issuance of any grading or building permit, performance, and financial guarantees in an amount sufficient to ensure the performance of the

decommissioning plan shall be determined to the satisfaction of the Director of Public Works and incorporated into a final decommissioning plan. This amount shall be posted by the permittee.

3. Prior to any ground disturbance or the issuance of any grading or building permit, the permittee shall record an easement granting access to the County for activities related to decommissioning. A draft easement document shall be submitted prior to easement recordation, for review and approval by the Director of Public Works.
4. In the event that any portion of a facility ceases operation for a consecutive period of six months, or the permit for the use has expired, operations for that use shall be deemed to have been abandoned. Within six months after the written notice is mailed from the Director to the permittee advising of the abandoned use, the facility will be decommissioned in accordance with the decommissioning plan. However, within the six months after written notice of abandonment is mailed to the permittee, the permittee may provide the Director with a written request and justification for an extension to resume operations of the facility or portions thereof, so long as the permit has not expired.
5. For battery energy storage systems facilities, the facility owner shall notify the Director prior to the decommissioning of the system.

II. Enforcement Procedures

1. Pursuant to Section 22.242.070.A (Final Zoning Enforcement Order), the Director is authorized to issue a Final Zoning Enforcement Order, without

prior issuance of a Notice of Violation, to any permittee operating a ~~small-scale~~ behind-the-meter ground mounted solar energy system, utility scale solar energy facility, temporary meteorological tower, ~~or a small-scale~~ behind-the-meter wind energy system, green hydrogen production facility, behind-the-meter stand-alone battery energy storage systems or utility-scale battery energy storage systems facility not in compliance with the provisions of this Section. The Final Zoning Enforcement Order shall subject the non-compliant permittee to enforcement actions pursuant to Section 22.242.070 (Zoning Enforcement Order and Noncompliance Fee). In addition, the non-compliant permittee may be subject to any civil and criminal remedies.

2. Nothing in this Subsection ~~I-K~~ shall preclude the Director from issuing a warning, field notice of violation, Notice of Violation, or citation prior to issuing a Final Zoning Enforcement Order for a non-compliant ~~small-scale~~ behind-the-meter ground-mounted solar energy system, utility-scale solar energy facility, temporary meteorological tower, ~~or small-scale~~ behind-the-meter wind energy system, green hydrogen production facility, behind-the-meter stand-alone battery energy storage systems or utility-scale battery energy storage systems facility.

SECTION 10. 22.300.020 – Is hereby amended to read as follows:

...

B. Relationship to Other Title 22 Provisions.

...

8. Renewable Energy. Section 22.140.510 (Renewable Energy) shall prevail in a Planning Area Standards District, Community Standards District, or Supplemental District.

SECTION 11. 22.414.060 – Is hereby amended to read as follows:

...

TABLE 22.414.060-A: PRINCIPAL USE REGULATIONS FOR COMMERCIAL ZONES ¹			
Use Category	NC	UC	Additional Regulations
...			
Renewable Energy Uses			
Utility-scale solar energy facilities, ground-mounted	-	-	Section 22.140.510
Utility-scale solar energy facilities, structure-mounted	SPR	SPR	Section 22.140.510
Utility-scale wind energy facilities	-	-	
...			

SECTION 12. 22.414.070 – Is hereby amended to read as follows:

...

TABLE 22.414.070-A: PRINCIPAL USE REGULATIONS FOR INDUSTRIAL FLEX ZONE		
Use Category	IF	Additional Regulations
...		
Renewable Energy Uses		
Utility-scale solar energy facilities, ground-mounted	-	
Utility-scale solar energy facilities, structure-mounted	SPR	
Utility-scale wind energy facilities	-	
...		

SECTION 13. 22.414.080 – Is hereby amended to read as follows:

...

TABLE 22.414.080-A: PRINCIPAL AND ACCESSORY USE REGULATIONS FOR ALPINE VILLAGE ZONE		
Use Category	IF	Additional Regulations
...		
Renewable Energy Uses		
Utility-scale solar energy facilities, ground-mounted	-	
Utility-scale solar energy facilities, structure-mounted	-	
Utility-scale wind energy facilities	-	
...		

SECTION 14. 22.418.060 – Is hereby amended to read as follows:

...

TABLE 22.418.060-A: TOD R ZONES PRINCIPAL USE REGULATIONS					
Use Category	RLM-1	RLM-2	RM	RSS	Notes
...					
Renewable Energy Uses					
Utility-scale solar energy	P	P	P	P	Section 22.140.510

facilities, structure- mounted					
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SECTION15. 22.218.070 – Is hereby amended to read as follows:

TABLE 22.418.070-A: TOD IX ZONE PRINCIPAL USE REGULATIONS		
Use Category	IX	Notes
...		
Renewable Energy Uses		
Utility-scale solar energy facilities, structure-mounted	P	Section 22.140.510
...		