

From: [Gallina, Charlene](#)
To: [Fuller, Lashun](#)
Subject: FW: Special meeting agenda 112818 -- Solar
Date: Tuesday, November 27, 2018 6:19:47 PM
Attachments: [Solar energy production use permit.docx](#)

Please prep for meeting.

Planning Commission Mtg.

Charlene

NOV 28 2018

Agenda Item # 7a

From: Anderson, Laura
Sent: Tuesday, November 27, 2018 6:17 PM
To: Gallina, Charlene <Charlene.Gallina@countyofnapa.org>
Subject: FW: Special meeting agenda 112818 -- Solar

Sent with BlackBerry Work
(www.blackberry.com)

From: Morrison, David <David.Morrison@countyofnapa.org>
Date: Tuesday, Nov 27, 2018, 6:13 PM
To: Smith, Vincent (PBES) <Vincent.Smith@countyofnapa.org>, Anderson, Laura <Laura.Anderson@countyofnapa.org>
Subject: FW: Special meeting agenda 112818 -- Solar

Sent with BlackBerry Work
(www.blackberry.com)

From: Charlotte Williams <cdevorak@sonic.net>
Date: Tuesday, Nov 27, 2018, 6:01 PM
To: Whitmer, David <Dave.Whitmer@countyofnapa.org>, joellegPC@gmail.com <joellegPC@gmail.com>, anne.cottrell@lucene.com <anne.cottrell@lucene.com>, Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>, JeriGillPC@outlook.com <JeriGillPC@outlook.com>
Cc: Morrison, David <David.Morrison@countyofnapa.org>
Subject: Special meeting agenda 112818 -- Solar

Dear Napa County Planning Commissioners and Director Morrison,

Please see my letter attached and pasted below.

Dear Napa County Planning Commission,

In regard to the proposed commercial solar energy production facility at 2180 American Canyon Road (APNs 059-090-012 & 059-090-016) adjacent to the I-80 freeway in American Canyon, I respectfully request that you deny this application (Use Permit P18-00114-UP) until

this county has had time to fully develop thoughtful and thorough regulations concerning all commercial energy production.

Instead of becoming embroiled in countywide controversy, as has happened in Sonoma County regarding cannabis production and distribution, it would be wiser for this county government to study energy production facility regulations in similar counties, the results of those regulations, and have conversations with a broad range of county residents before approving any commercial production facilities.

Often we hear that a business venture will suffer financial hardship because of governmental delays in approval. However as a citizen, voter and taxpayer I do not see that it is the government's responsibility to ensure that any business become, maintain, or increase its profitability. I believe it is our government's responsibility to protect its citizens' health, safety and welfare.

Thank you for carefully considering this topic and application.

Sincerely,

Charlotte Williams

--

Charlotte Helen Williams
707-889-1788
cdevorak@sonic.net



Virus-free. www.avast.com

Dear Napa County Planning Commission,

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Thank you for carefully considering this topic and application.

Sincerely,

Charlotte Williams

Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

November 28, 2018

To Anne Cottrell, Chair of the Napa County Planning Commission and fellow Commissioners
(via email to anne.cottrell@lucene.com; joellegPC@gmail.com; Andrew.Mazotti@countyofnapa.org;
JeriGillPC@outlook.com; Dave.Whitmer@countyofnapa.org):

Re: American Canyon solar project

Our county needs to have regulations of this new use in place prior to consideration and approval of the American Canyon solar project. The staff's recommendation of project approval hinges on finding this to be a public utility which it is not. Just calling the project a public utility to shoehorn it into an allowable use subverts our county's entire zoning plan.

Beyond the misnomer of "public utility," the proposed project raises Measure J and P issues. Measures J and P were passed by the voters of our county to prevent this kind of subversion of our Agricultural Watershed Open Space and Agricultural Reserve zoning designations.. The American Canyon's project *de facto* changes the land's Agricultural Watershed (AW) zoning to Industrial. The county's process for such redesignation has not been followed or even invoked. Even had it been invoked, Measure P, in effect until 2058, prohibits the project at this location without voter approval. The current use is Agricultural. Measure P permits redesignation only if the land proposed for redesignation has not been used for agricultural purposes in the past 2 years and is unusable for agriculture for reasons not applicable here.

Measure P allows extraction of onsite groundwater and application of offsite groundwater at the site only pursuant to a groundwater or use permit unless exempted or waived under the Napa County Groundwater Conservation Ordinance. Here, there is no permit even applied for, required, waived or exempted under that ordinance. The Conditions of Approval as proposed exempt the project from groundwater management. See exhibit B (page 3), COA 4.1 groundwater management – wells, which is noted as reserved. Reserved is defined as. "Where conditions are not applicable or relevant to this project, they shall be noted as "reserved" and, therefore, have been removed.

There are alternative sites in appropriate zoning that this project, and other solar projects could be built. It is my understanding that there is exploration underway for locating this project at the landfill in American Canyon. I support this effort and think the county should continue discussions with the developer to make this site available for the proposal.

Sincerely,



Kathy Felch
Attorney and Napa County resident
kathy@kathylynnfelch.com
707-332-6842

cc: Minh Tran (via email to minh.tran@countyofnapa.org)

November 28, 2018

Planning Commission Mtg.
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We want to make it very clear that we are in full support of exploring all forms of renewable energy and that we appear to be on the same page regarding the need for regulations. We do not know yet if this site is right or wrong for solar development. By educating ourselves and creating regulations for our County, we can easily make that determination.

We do not have the necessary tools, at this time, to implement a project of this magnitude. From the very beginning we have been unprepared. A winery use permit was used for the initial application. Rather than understanding related issues such as financial surety bonds for decommissioning, water usage related to washing the panels located next to I-80, or the expected lifetime of the installation, we requested information on grape origin, visitation hours and food service. As a community with no experience, we insist that our leaders research the potential problems and benefits related to a 17.5-acre, privately-owned electricity manufacturing facility.

This project is roughly 9.5 times the square footage of the newly built Salesforce Tower in San Francisco.⁶ The recently incorporated developer (September 2017), Renewable Properties, has no independent history of large-scale solar development. The very idea of placing a project of this magnitude on protected land, with no regulations or prior experience, is incomprehensible to most.

Not one County citizen has stood at this podium in support of this project at this time. Something is very wrong when our community leaders, the people who are responsible for creating the future of Napa County, choose to turn a deaf ear to the public. Your vote of approval of this project, once again, at this time, is irresponsible and appears to be self-serving.

We have asked for nothing more than the County pause to develop regulations for the manufacturing and sale of solar energy, as we have for vineyards, wineries, businesses, and homes before we blindly leap into uncharted territory.

Respectfully,

Stephanie Zuck, Napa

JOHN P. ZIMMERMANN, M.D.
A PROFESSIONAL CORPORATION
PLASTIC AND RECONSTRUCTIVE SURGERY
CERTIFIED BY THE AMERICAN BOARD OF PLASTIC SURGERY

To the Napa County Planning Commission
To the Napa County Board of Supervisors

November 27, 2017
Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

Ladies and gentleman,

Please regard this letter as an addendum to my attached letter of October 17, 2018. I would request that you all read the commentary, as there are numerous citizens of Napa County that share my sentiment.

As a long term physician, I am cognizant of the profound, often life altering responsibilities that we have to our patients.

As elected and appointed representatives of the citizen base of Napa, you have a similar profound responsibility...to selflessly promote the welfare of that citizen base.

What an honor that is for both of us!

Now is the time for all of you to thoughtfully weigh our "well thought out" concerns regarding the attempts to place solar installations in Ag. Preserves and Ag. Zones, specifically the one in American Canyon. This project is being fast tracked...to the obvious financial advantage of the developer... but to the detriment of the citizenry of the Napa County.

Please table all large scale solar applications until we have a well developed general plan that encompasses them, similar to that already established in Marin and Sonoma Counties.

That is your responsibility...

Thank you,


John and Bianca Zimmermann



JOHN P. ZIMMERMANN, M.D.
A PROFESSIONAL CORPORATION
PLASTIC AND RECONSTRUCTIVE SURGERY
CERTIFIED BY THE AMERICAN BOARD OF PLASTIC SURGERY

Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

To the Napa County Board of Supervisors
To the Napa County Planning Commission

October 17, 2018

Ladies and gentlemen,

First and foremost, thank you all for your selfless and tireless work on behalf of all the residents of Napa County.

As neighbors to the proposed solar installation on Palm Drive, we were recently exposed to attempts by outside business interests to decimate the rural neighborhoods of Napa County... promoting their selfish, personal financial interests under the guise of "alternative energy" and "solar farms".

We had obviously been under the false impression that the Ag Preserve/Ag Watershed zoning of these areas protected them from such blatant commercial intervention.

Clearly, for the sake of our planet and it's future, we are all desirous of energy that is clean and hopefully derived from natural resources, including solar. We welcome individual homeowners and the wineries, for which Napa County is famous, to derive energy from tastefully constructed personal solar installations.

The Palm Drive and American Canyon projects do not fit into the scenario that our previous elected and appointed officials so wisely envisioned in their designation of "Ag zoning" and "Ag preserve" almost thirty years ago. If they hadn't had the courage and foresight at that time, our hills and valley floor would have been filled with condos and homes, and what makes the Napa Valley so incredibly beautiful and special would have been lost forever.

American Canyon is the the entrance to the Napa Valley that hundreds of thousands of tourists (and residents) pass through annually. Their positive impression starts there and goes on to help drive the tourist industry that financially sustains our beautiful valley.



American Canyon deserves the same protection from unbridled and poorly planned development as the rest of our county. The time is now.

There is, and will be, plenty of acreage more appropriate for these large scale solar facilities in commercial zones throughout the county.

We must not create an "inappropriate precedent" by placing these facilities in an Ag. Preserve or Ag. zone before we thoughtfully consider our options and their long term effect on our Valley. It makes no difference whether it is in Coombsville or in American Canyon. Our way of life is at stake.

We ask you, the Board of Supervisors and the Planning Commission, to decline these requests for unbridled development on Ag. Zone land. We similarly request that you create additional regulations to establish just what is and what is not appropriate for these spaces, so that we have a reasonable template for future development. You have that responsibility for what will affect generations to come. Please exercise that responsibility wisely.

Respectfully yours,



John and Bianca Zimmermann

Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

Dear Napa County Planning Commissioners,

As the CFO of Oakville Ranch Vineyards LP, a Napa County vineyard that's been in operation for over 30 years, I want to express my support for the American Canyon Solar Project. Since 2005 Oakville Ranch Vineyards has used solar panels on the vineyard grounds to power our irrigation pumps.

It is my understanding you are voting on Wednesday November 28th to approve this project. It is my belief this project is a good use for this land and appropriately sited.

It is without question that investing in renewable energy projects is critical to reduce our reliance on fossil fuels. Solar is a low impact development and a great use for this site. I ask that you approve this project.

As individuals and community citizens we need to show others that we can and will "step-up" and commit to an appropriate level of responsibility and resources to embrace projects like the American Canyon Solar Project. It's quite simple, how can we ask other communities to do their part when we won't do ours? ***The American Canyon Solar Project will generate electricity in Napa county that will be used by Napa county residents.***

It's the right solar project for the right time in the right location. Please approve this project on November 28th.

Sincerely,

Roy Bukstein
Chief Financial

Officer
Vineyards, LP

Oakville Ranch



November 26, 2018

Planning Commission
County of Napa
1195 Third Street
Napa, CA 94559

Planning Commission Mtg.
NOV 28 2018
Agenda Item # 7a

RE: American Canyon Solar Project

Dear Chair Cottrell and Fellow Commissioners:

Thank you for providing an opportunity to consider my comments. Unfortunately, I have to be out of town on Wednesday but hope you can consider the following concerns.

1. **Clarification on the sound/noise metrics:** At the last meeting the applicant said the 37db sound is equivalent to a cycling refrigerator. If the 37db sound is coming from just the panel trackers, what is the **cumulative** sound from the 12,093 panel trackers and 66 string inverters?
2. **Clarification on the existing code exceptions that allows approval WITHOUT LIMITATION.** What does this really mean? Does this impact the conditions of approval? Does this mean that the County's current rules on setbacks etc. do not apply? Does this mean that this facility can continue to use an offsite well when other uses may/would require a water source on-site. Industries that the County regulates with appropriate rules and regulations and guidelines do not have this type of freedom to roam...without any and all guidelines.

Water is sacred and we have water deficient areas in this valley...this project parcel uses water from an off-site source. Is this an acceptable standard? With 12093 panels that need to be washed more frequently than normal due to a continuous exposure to diesel and other pollutants due to adjacency to the 80 freeway...does this require further investigation? With a change in use being considered does this require review? We do not have regulations in place...If we had guidelines, this question would perhaps be investigated.

3. **Need for appropriate application, regulations, and guidelines:** A few of the commissioners at the last meeting strongly agreed there is a need to establish a framework for renewable energy proposals. But no reason or rationale was provided to justify an approval on this project prior to these being in place. I use the current example of a cannabis ordinance. Twice the BOS have delayed as they realized the need for a well thought out ordinance that balances the needs of the industry, residents and visitors. What is the rush to judgement on the proposal before you now?

Many thanks,
Eve Kahn, Chair Get a Grip on Growth
PO Box 805
Napa, CA 94559

November 27, 2018

Planning Commission
County of Napa
1195 Third Street
Napa, CA 94559

Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

Re: American Canyon Solar Project

Dear Chair Cottrell and Fellow Commissioners:

I am Eileen Pereira, Napa Citizens for Smart Planning, and a resident on First Avenue.

Thank you for the opportunity to share our concerns and present our questions.

Renewable Energy is the future; on a commercial scale it is new to Napa County; Napa County does not have rules and regulations in place to provide guidelines...in truth Napa County does not have an application for such projects. This project uses an application designed as a Winery use application. The majority of the questions are therefore N/A. Questions specific to a solar use have not been added because they do not exist within the County vocabulary...YET.

Our neighbors Sonoma and Solano Counties have guidelines in place ...Sonoma since 2013, Solano since 2015. (Documents attached)

Sonoma County shares much of the natural beauty and Agricultural Resources which our Napa General Plan has sworn to protect.

Sonoma's Renewable Energy rules and regulations define and designate zones and the appropriateness of the zones for various renewable energy uses. Perhaps the AC Landfill site approved in 2010 would emerge as an ideal location once a framework is established to identify renewable energy appropriate zones.

Sonoma sets standards that establish parcel percentages and limit acreage thereby dealing with the present and looking into the future. AC at 21 acres with 18 acres of project disturbed area represents 85.7% coverage. This exceeds by far what is allowed for other uses. We do not have rules in place....

In Sonoma's ordinance, Issues like cessation of use, Development standards, Decommissioning, Financial Assurance, Abandonment, Disposal of modules (state mandated), removal of septic tanks and leach fields...are all laid out making the guidelines clear for a Developer while protecting the County's valued resources.

Renewable Energy rules & regulations would reestablish true leadership in Napa County...true leadership would provide a sustainable business climate where there is an element of certainty. Piggybacking Incentives and fast tracking on the new rules and regulations would enable the renewable energy industry and ensure the project's success for both the Developer and the County.

A template exists! Sonoma County has 5+ years of experience with their regs. Could we retake the leadership role...put forward thinking regulations and guidelines in place before approval of this project sets us back further?

We agree...Renewable energy is the future.

Respectfully,

Aston and Eileen Pereira
2145 First Avenue
Napa, CA 94558

Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

SOLANO COUNTY SOLAR ORDINANCE

ORDINANCE NO. 2015 - 1764

AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO ESTABLISH LAND USE REGULATIONS FOR COMMERCIAL SOLAR ENERGY FACILITIES AND ON-SITE SOLAR ENERGY SYSTEMS IN THE UNINCORPORATED AREA, AND TO ADD GLINT AND GLARE AS REGULATED PERFORMANCE STANDARDS FOR ALL LAND USES AND STRUCTURES

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I: PURPOSE

The purpose of this ordinance is to establish the land use regulations for commercial solar energy facilities and on-site solar energy systems in the unincorporated county. This ordinance substantially limits the conversion of land resources to commercial scale solar energy facilities and places an emphasis on the development of on-site solar energy systems that provide power for the land use or operations on the property. The ordinance protects Solano County's valuable agricultural resources, residential, and environmentally sensitive areas, including the Suisun Marsh, from unnecessary conversion and authorizes development of commercial scale facilities only in the specific commercial and manufacturing districts. This ordinance supersedes Section 3 of Ordinance No. 2014-1751 and Section 2 of Ordinance No. 2015-1756.

A further purpose of this ordinance is to clarify that both glint and glare are regulated performance standards for all uses of land and structures within the unincorporated area of Solano County, and that these glint and glare performance standards are for the protection of both neighboring properties and overflying aircraft. Glint is a momentary flash of bright light, whereas glare is a continuous source of bright light.

SECTION II: DEFINITIONS

The following definitions are added, in alphabetical order, to Section 28.01 of the Solano County Code:

Commercial Solar Energy Facility. A solar energy conversion system and associated control or conversion electronics that converts solar energy to utility power for the primary purpose of resale or off-site use.

Solar Energy System. Any solar energy collector, together with any associated equipment and structural design features of a building, whose primary purpose is to provide for the collection of solar energy for on-site space heating, cooling, or water heating, or for electric generation that is used solely to meet or offset on-site electric load. A solar energy system is incidental to the land use of the property and is subject to the requirements of Chapter 6.3. A ground mounted solar energy system shall comply with the development standards of the zoning district for accessory structures.

SECTION III: EXCLUSIVE AGRICULTURAL DISTRICTS

Table 28.21A of Section 28.21 of the Solano County Code is amended, as shown in Exhibit A attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use

within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the A-40, A-80, A-20, and A-160 zoning districts.

SECTION IV: SUISUN MARSH AGRICULTURAL DISTRICTS

Table 28.22A of Section 28.22 of the Solano County Code is amended, as shown in Exhibit B attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the A-SM-80 and A-SM-160 zoning districts.

SECTION V: SUISUN VALLEY AGRICULTURAL DISTRICTS

Table 28.23A of Section 28.23 of the Solano County Code is amended, as shown in Exhibit C attached hereto, to identify Commercial Solar Energy Facility as a type of land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the A-SV-20, ATC, and ATC-NC zoning districts.

SECTION VI: RURAL RESIDENTIAL DISTRICTS

Table 28.31A of Section 28.31 of the Solano County Code is amended, as shown in Exhibit D attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the RR-2.5, RR-5, and RR-10 zoning districts.

SECTION VII: RESIDENTIAL TRADITIONAL COMMUNITY DISTRICTS

Tables 28.32A and 28.32B of Section 28.32 of the Solano County Code are amended, as shown in Exhibit E attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the R-TC-1AC, R-TC-20, R-TC-15, R-TC-10, R-TC-6, R-TC-5, R-TC-4, R-TC-D-4, R-TC-D-6, R-TC-MF, and R-TC-MU zoning districts.

SECTION VIII: COMMERCIAL DISTRICTS

Table 28.41A of Section 28.41 of the Solano County Code is amended, as shown in Exhibit F attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, to prohibit such land use in the C-R. and C-R-L zoning districts, and to authorize such land use in the C-H, C-N, C-S, and C-O zoning districts subject to obtaining a use permit and compliance with subsection 28.78.20(B)(11).

SECTION IX: MANUFACTURING AND INDUSTRIAL DISTRICTS

Table 28.42A of Section 28.42 of the Solano County Code is amended, as shown in Exhibit G attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, to prohibit such land use in the I-WD, zoning district, and to authorize such land use in the M-L, M-G-1/2, and M-G-3 zoning districts subject to obtaining a use permit and compliance with subsection 28.78.20(B)(11).

SECTION X: INDUSTRIAL AGRICULTURAL SERVICE DISTRICT

Table 28.43A of Section 28.43 of the Solano County Code is amended, as shown in Exhibit H attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the I-AS zoning district.

SECTION XI: WATER AND CONSERVATION DISTRICT

Table 28.51A of Section 28.51 of the Solano County Code is amended, as shown in Exhibit I attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the W zoning district.

SECTION XII: MARSH PRESERVATION DISTRICT

Table 28.52A of Section 28.52 of the Solano County Code is amended, as shown in Exhibit J attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the MP zoning district.

SECTION XIII: PARK DISTRICT

Table 28.61A of Section 28.61 of the Solano County Code is amended, as shown in Exhibit K attached hereto, to identify Commercial Solar Energy Facility as a type of infrastructure land use within the general category of Communication, Infrastructure, and Public Service Uses, and to prohibit such land use in the P zoning district.

SECTION XIV: GLINT AND GLARE REGULATIONS

Section 28.70 of the Solano County Code, subsection 28.70.10(B)(1), is amended to read:

1. **Prevent Offensive Noise, Dust, Glare, Vibration, or Odor.** All uses of land and structures shall be conducted in a manner, and provide adequate controls and operational management, to prevent:
 - a. Dust, offensive odors, or vibrations detectable beyond any property line;
 - b. Noise that exceeds 65dBA LDN at any property line; and
 - c. Glint or glare detectable beyond any property line or by overflying aircraft.

SECTION XV: SITE RESTORATION REQUIREMENT

Section 28.78 of the Solano County Code is amended to add new paragraph 11 to subsection 28.78.20(B) to read:

11. **Commercial Solar Energy Facility.** A commercial solar energy facility shall provide financial assurance there will be adequate funds available at the time of expiration or revocation of the use permit to remove all facility-related improvements from the site and

to restore the site to its preconstruction condition. Such assurance shall be provided prior to issuance of any grading or building permit for the facility, and may be in the form of a bond, letter of credit, or other form acceptable to the Director or specified in the conditions of the use permit.

SECTION XVI: HEIGHT REGULATIONS

Section 28.93 of the Solano County Code is amended to add new paragraph 5 to subsection 28.93(A) to read:

5. Roof mounted solar energy systems may exceed the height limits of the primary or accessory structure, to a maximum of five (5) feet above the roof surface.

SECTION XVII: AGRICULTURAL RESEARCH FACILITY

Notwithstanding the definition of Commercial Solar Energy Facility provided in Section II of this ordinance, an agricultural research facility that produces electricity as a by-product of its research activities and provides that electricity to off-site uses shall not be considered a commercial solar energy facility. For example, a use permit shall be processed and acted upon as an application for an agricultural research facility if the proposed facility meets all of the following guidelines:

- 1) The facility is a demonstration project designed to research the feasibility of simultaneously using land for both agricultural production and commercial solar energy production;
- 2) A component of the research conducted at the demonstration project shall analyze changes in soil flora, fauna, and chemistry under the panels as well as environmental impacts to the area around the project site;
- 3) The area of the facility developed with solar photovoltaic panels shall not exceed 5 acres;
- 4) Water rights and other mitigation rights associated with the project site remain with the property for the term of the demonstration project; and
- 5) At the end of the demonstration project's useful life, the site will be returned to its pre-project agricultural conditions.

SECTION XVIII: FINDINGS

The Board of Supervisors has made the following findings in regard to the zoning text amendment:

1. The zoning amendment is in conformity with the Solano County General Plan.
2. The zoning amendment will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County or be detrimental to adjacent property or improvements in the neighborhood.

3. The zoning amendment assures the maintenance and protection of the existing environment, and is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines.

SECTION XIX: EFFECTIVE DATE

This ordinance will be effective thirty (30) days after its adoption.

SECTION XX: SEVERABILITY

If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION XXI:

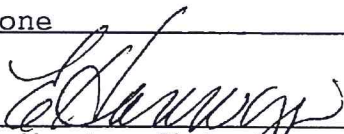
A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its adoption.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on October 6, 2015, 2015, by the following vote:

AYES: Supervisors Seifert, Spring, Thomson, Vasquez, Hannigan

NOES: Supervisors None.






EXCUSED: Supervisors None



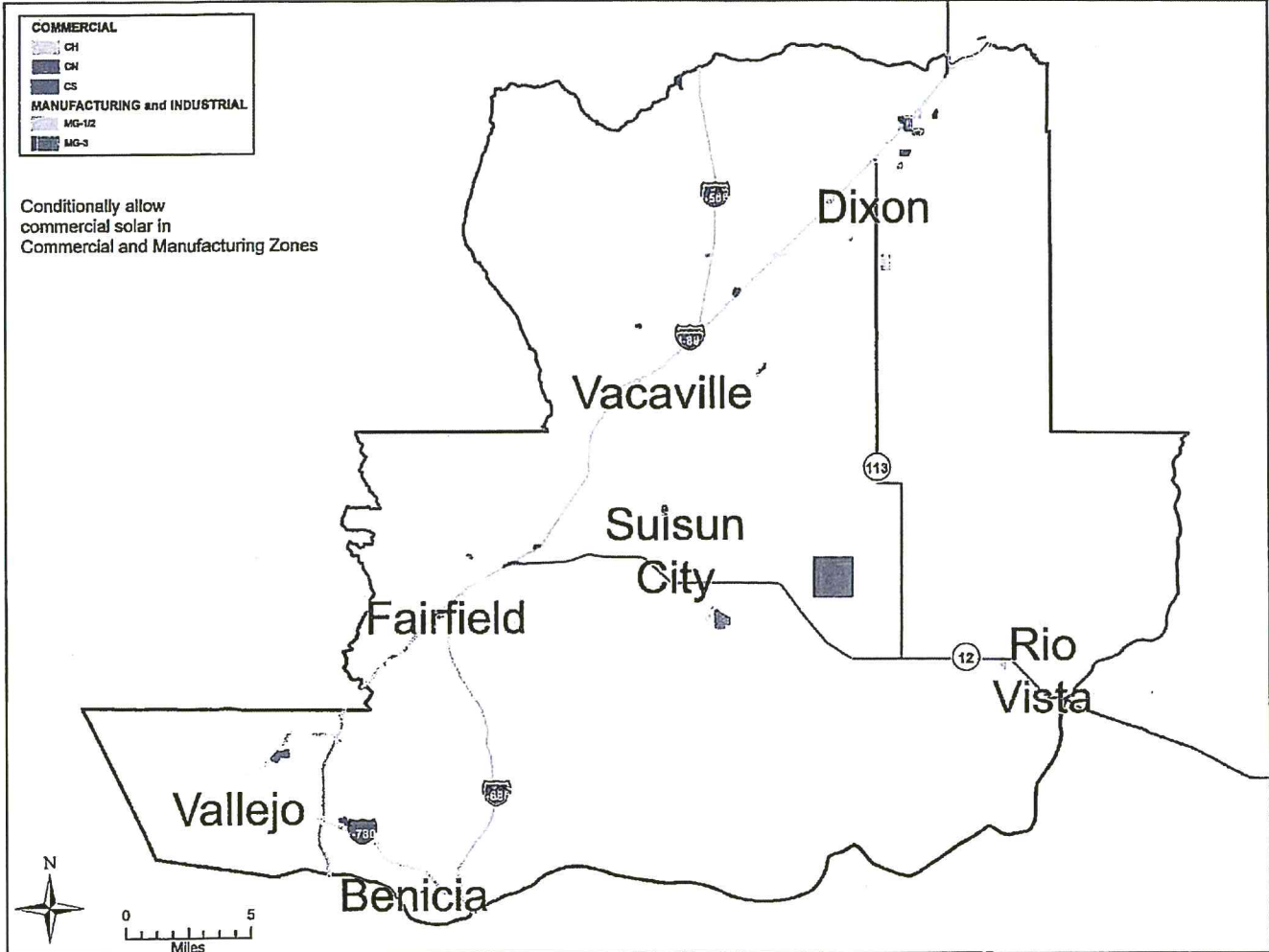
Erin Hannigan, Chairwoman
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Solano County Board of Supervisors

By: 
Jeanette Bellinder, Chief Deputy Clerk

COMMERCIAL	
	CH
	CH
	CS
MANUFACTURING and INDUSTRIAL	
	MG-1/2
	MG-3

Conditionally allow commercial solar in Commercial and Manufacturing Zones



SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.21A TABLE OF ALLOWED USES for the EXCLUSIVE AGRICULTURAL DISTRICT

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,
 --- = Prohibited

ALLOWED USES*	Permit Requirements				Land Use Regulations**
	A-40	A-80	A-20	A-160	
*See Definitions Section 28-01					** See Section 28-70.10
COMMUNICATION AND INFRASTRUCTURE USES					
A. COMMUNICATION USES					
Wireless communication facilities					
Co-locations	MUP	MUP	MUP	MUP	28.78.10(A) & 28.81
New towers	UP	UP	UP	UP	
B. INFRASTRUCTURE USES					
Commercial Solar Energy Facility	---	---	---	---	
Commercial wind turbine generator	UP	UP	UP	UP	28.80
Injection well	UP	UP	UP	UP	28.78.20(A) & (B)(4)
Non-commercial wind turbine					
100 feet or less in height	A	A	A	A	28.80
Over 100 feet in height	MUP	MUP	MUP	MUP	
Oil or gas well	AP	AP	AP	AP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line, in R.O.W.	A	A	A	A	28.78.20(A) & (B)(8)
Refuse, disposal, incineration, recycling or composting (10)	UP	UP	UP	UP	28.78.20(B)(3)
Surface mining operation	UP	UP	UP	UP	28.78.20(A)
Utility facility or infrastructure, outside of R.O.W.	UP	UP	UP	UP	28.78.20(A) & (B)(9)
C. PUBLIC SERVICE USES					
Public service facility	UP	UP	UP	UP	28.78.30(A) & (B)(4)

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

Table 28.22A TABLE OF ALLOWED USES

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,
UP = Use Permit, - - - = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	A-SM-80 & A-SM-160 Zoning Districts	See Section 28.70.10
A. INDUSTRIAL, MANUFACTURING AND PROCESSING USES		
None Allowed		
B. WHOLESALE USES		
None Allowed		
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES		
A. COMMUNICATION USES		
Wireless communication facility		
<i>Co-location</i>	MUP	28.81
<i>New tower</i>	UP	28.81
B. INFRASTRUCTURE USES		
Commercial Solar Energy Facility	- - -	
Commercial wind turbine generator	UP	28.80
Extraction and Removal of Minerals or Natural Materials from Quarries and Borrow Areas existing as of January 1, 1982	UP	28.78.20(A)
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	- - -	28.80
Oil or Gas Well ⁽⁴⁾	AP	28.78.20(A) & (B)(7)
Pipeline, transmission, or distribution line, in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
Waste disposal, processing, and composting	UP ⁽⁵⁾	28.78.20(A) & (B)(3)
C. PUBLIC SERVICE USES		
Public Service Facility	UP	28.78.30(A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
28.79 RESOURCE CONSERVATION USES		
Conservation and Mitigation Bank	UP	28.79.10(A)

Notes:

1. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code.

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28-23A Table of Allowed Uses and Permit Requirements (continued)

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited				
ALLOWED USES*				
*See Definitions Section 28-10				
	A-SV-20	ATC	ATC-NC	Land Use Regulations** **See Section 28-70.10
COMMERCIAL SERVICE USES				
Airfield or heliport, Agricultural	- - -	- - -	- - -	- - -
Commercial agricultural trucking service and facility	- - -	- - -	UP	28.76.10(A) & (B)(2)
Commercial custom farm services, e.g. hay baling	UP	- - -	UP	28.76.10(A)
Commercial farm equipment fabrication and repair	UP	- - -	A	28.76.10(A)
Commercial storage and sale of agricultural service products(fertilizer/fuel)	UP	UP	A	28.76.10(A)
<u>Large</u> Kennel or Cattery	MUP	- - -	- - -	28.76.20(A) & (B)(2)
Veterinary facility	UP	UP	UP	28.76.10(A) & (B)(1)
COMMUNICATION AND INFRASTRUCTURE USES				
Commercial Solar Energy Facility	- - -	- - -	- - -	
Pipeline, transmission or distribution line in R.O.W.	A	A	A	28.78.20(A) & (B)(8)
Public service facility	UP	UP	UP	28.28.78.30(A) & (B)(4)
Refuse dumping, disposal, processing, composting ⁽¹⁰⁾	UP	- - -	- - -	28.78.20(A) & (B)(3)
Surface mining operation	UP	UP	UP	28.78.20(A)
Wind turbine generator, commercial	- - -	- - -	- - -	
Temporary Construction and Infrastructure				
Construction office, storage and construction yard	AP	AP	AP	28.23.50.70
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	28.78.20(A) & (B)(9)
Wireless communication facility	UP	UP	UP	28.81
OTHER USES				

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.31A TABLE OF ALLOWED USES

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,
 --- = Prohibited

ALLOWED USES*

Permitted Uses

Land Use Regulations**

*See Definitions Section 28-10

**See Section 28-70.10

	RR-2.5	RR-5	RR-10	
28.78 COMMUNICATION, INFRASTRUCTURE AND PUBLIC SERVICE USES				
A. COMMUNICATION USES				
Wireless communication facility				
Co-location	MUP	MUP	MUP	
New tower	UP	UP	UP	
B. INFRASTRUCTURE USES				
Commercial Solar Energy Facility	---	---	---	
Commercial wind turbine generator	---	---	---	
Non-commercial wind turbine				28.80
100 feet or less in height	A	A	A	28.80
Over 100 feet in height	MUP	MUP	MUP	28.80
Oil or Gas Well	UP	UP	UP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line in R.O.W.	A	A	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	28.78.20(A) & (B)(9)
C. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE				
Meteorological Tower, 100 feet or less in height	AP	AP	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	MUP	MUP	28.78.20(A) & (B)(6)
D. PUBLIC SERVICE USES				
Cemetery	UP	UP	UP	28.78.30(A) & (B)(1)
Community care facility	UP	UP	UP	28.78.30(A) & (B)(2)
Hospital or sanitarium	UP	UP	UP	28.78.30(A) & (B)(3)
Public Service Facility	UP	UP	UP	28.78.30(A) & (B)(4)
28.79 RESOURCE CONSERVATION USES				
None Allowed	---	---	---	

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,
 --- = Prohibited

ALLOWED USES* *See Definitions Section 28-10	Permitted Uses					Land Use Regulations** **See Section 28-70.10
	R-TC-1AC	R-TC-20	R-TC-15	R-TC-10	R-TC-6	
COMMUNICATION, INFRASTRUCTURE AND SERVICE USES						
A. COMMUNICATION USES						
Wireless communication facility						
Co-location	MUP	MUP	MUP	MUP	MUP	See Section 28.81
New tower	UP	UP	UP	UP	UP	See Section 28.81
B. INFRASTRUCTURE USES						
Commercial Solar Energy Facility	---	---	---	---	---	
Pipeline, transmission, or distribution line, in R.O.W.	A	A	A	A	A	28.78.20 (A) &(B)(8)
Utility facilities or infrastructure, outside of R.O.W.	MUP	MUP	MUP	MUP	MUP	28.78.20 (A)&(B)(9)
C. SERVICE USES						
Community care facility	UP	UP	UP	UP	UP	28.78.30 (A) & (B)(2)
Public Service Facility	UP	UP	UP	UP	UP	28.78.30 (A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE USES						
None Allowed	---	---	---	---	---	
RESOURCE CONSERVATION USES						
None Allowed	---	---	---	---	---	

Notes:

- (1) Accessory building:
 - a) Does not include a guest house
 - b) May be established prior to construction or installation of a dwelling on the same property.
- (2) Use permit approval is required by the Zoning Administrator only, unless otherwise referred to the Planning Commission by the Zoning Administrator. Aggregate square footage shall include all accessory buildings, except as follows:
 - a) Any structure used for the keeping of animals, such as a stable or corral, or for crop storage, which is unenclosed with an open side and no flooring, shall not require a use permit and shall not be counted as part of the aggregate total for accessory buildings
 - b) Any structure 120 square feet in size or less and exempt from the permit requirements of County Building Code shall not be counted as part of the aggregate total for accessory buildings.

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,
 --- = Prohibited

ALLOWED USES* *See Definitions Section 28-10	Permitted Uses						Land Use Regulations** **See Section 28-70.10
	R-TC-5	R-TC-4 ⁽¹⁾	R-TC-D-4	R-TC-D-6	R-TC-MF	R-TC-MU	
COMMUNICATION, INFRASTRUCTURE AND SERVICE USES							
A. COMMUNICATION USES							
Wireless communication facility							
Co-location	MUP	MUP	MUP	MUP	MUP	MUP	See Section 28.81
New tower	UP	UP	UP	UP	UP	UP	See Section 28.81
B. INFRASTRUCTURE USES							
Commercial Solar Energy Facility	---	---	---	---	---	---	
Pipeline, transmission, or distribution line, in R.O.W.	A	A	A	A	A	A	28.78.20 (A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	UP	UP	UP	28.78.20 (A) & (B)(9)
C. SERVICE USES							
Community care facility	UP	---	UP	UP	UP	UP	28.78.30 (A) & (B)(2)
Public Service Facility	UP	---	UP	UP	UP	UP	28.78.30 (A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE USES							
None Allowed							
RESOURCE CONSERVATION USES							
None Allowed							

Notes:

- (1) Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit, pursuant to the Suisun Marsh Preservation Act of 1977 and as provided for in Section 28.104 of this Code.
- (2) Accessory building:
 - a) Does not include a guest house
 - b) May be established prior to construction or installation of a dwelling on the same property.
- (3) Use permit approval is required by the Zoning Administrator only, unless otherwise referred to the Planning Commission by the Zoning Administrator. Aggregate square

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.41A ALLOWED USES: (C-H), (C-N), (C-G), (C-S), (C-O) DISTRICTS

A= Allowed by right, AP= Administrative Permit, MUP= Minor use permit, PD = Planned Unit Development, UP= Use permit, E=Exempt, - - - = Prohibited

ALLOWED USES* *See Definition Section 28-10	Permitted Uses						Land Use Regulations** **See Section 28.70.10
	C-H	C-N	C-R	C-R-L ⁽⁶⁾	C-S	C-O	
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES							
A. COMMUNICATION USES							
Wireless communication facility							
Co-location	MUP	MUP	MUP	---	MUP	MUP	28.78.10 & 28.81
New tower	UP	UP	UP	---	UP	UP	28.78.10 & 28.81
B. INFRASTRUCTURE USES							
Commercial Solar Energy Facility	UP	UP	---	---	UP	UP	28.78.20(B)(11)
Commercial wind turbine generator	UP	UP	--	--	UP	UP	28.80
Non-commercial wind turbine							28.80
<i>Under 100 feet</i>	A	A	A	A	A	A	28.80
<i>Over 100 feet</i>	MUP	MUP	MUP	--	MUP	MUP	28.80
Pipeline, transmission, or distribution line, in R.O.W.	A	A	A	A	A	A	28.78.20(B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	UP	UP	UP	28.78.20(B)(9)
C. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE USES							
Meteorological Tower, 1000 feet or less in height	AP	AP	AP	AP	AP	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	MUP	MUP	MUP	MUP	MUP	28.78.20(A) & (B)(6)
D. SERVICE USES							
Hospital	--	--	--	--	--	A	28.78.30(A) & (B)(3)

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.42A ALLOWED USES: (M-L), (M-G), (I-WD) DISTRICTS

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt,

--- = Prohibited

ALLOWED USES*	Permitted Uses				Land Use Regulations**	
	M-L	M-G-1/2	M-G-3	I-WD ^d	**See Section 28-70.10	
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES						
A. COMMUNICATION USES						
Wireless communication facility						
Co-location	MUP	MUP	MUP	MUP		28.78.10(A) & (B)(1) and 28.81
New tower	UP	UP	UP	UP		28.78.10(A) & (B)(1) and 28.81
B. INFRASTRUCTURE USES						
Airport, heliport	A	---	---	---		28.78.20(A) & (B)(1)
Commercial Solar Energy Facility	UP	UP	UP	---		28.78.20(B)(11)
Commercial wind turbine generator	UP	UP	UP	UP		28.78.20(A) & 28.80
Dredge Disposal Site	---	---	---	UP		28.78.20(A)
Waste disposal, processing, and composting	---	UP ^d	UP ^d	---		28.78.20(A) & (B)(3)
Non-commercial wind turbine						28.80
100 feet or less in height	A	A	A	A		28.80
Over 100 feet in height	MUP	MUP	MUP	MUP		28.80
Gas Well ⁽⁹⁾	---	AP	AP	AP		28.78.20(A) & (B)(7)
Pipeline, transmission, or distribution line, in R.O.W.	A	A	A	A		28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	UP	UP	UP		28.78.20(A) & (B)(9)
C. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE USES						
Meteorological Tower, 100 feet or less in height	AP	AP	AP	AP	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	MUP	MUP	MUP	MUP	28.78.20(A) & (B)(6)

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

Table 28.43A TABLE OF Allowed Uses

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, PUD = Planned Unit Development, UP= Use Permit, E=Exempt, --- = Prohibited		
ALLOWED USES*	Permitted Uses	Land Use Regulations
*See Definitions Section 28-10	I-AS	
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES		See Section 28.78
A. COMMUNICATION USES		28.78.10
Wireless communication facilities		
Co-locations	MUP	28.81
New towers	UP	28.81
B. INFRASTRUCTURE USES		28.78.20
Commercial Solar Energy Facility	---	
Commercial wind turbine generators	UP	28.80
Non-commercial wind turbines		
100 feet or less in height	A	28.80
Over 100 feet in height	MUP	28.80
Pipelines, transmission and distribution lines in R.O.W.	A	28.78.20A and B10
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20A and B11
C. SERVICE USES		28.78.30
Public Service Facility	UP	28.78.30A and B4
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		28.78.40
Meteorological Towers, 100 feet or less in height	AP	28.78.20A and B6
Meteorological Towers, greater than 100 feet in height	MUP	28.78.20A and B6
28.79 RESOURCE CONSERVATION USES		See Section 28.79
Mitigation Banks	---	

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.51A TABLE OF ALLOWED USES

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited

ALLOWED USES*	Permitted Uses	Land Use Regulations**
*See Definitions Section 28-10		**See Section 28-70.10
W District		
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES		See Section 28.78
E. COMMUNICATION USES		
Wireless communication facility		
Co-location	MUP	28.81
New tower	UP	28.81
F. INFRASTRUCTURE USES		
Commercial Solar Energy Facility	- - -	
Commercial wind turbine generator	UP	28.80
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	MUP	28.80
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
G. SERVICE USES		
Cemetery	UP	28.78.30(A) & (B)(1)
Public Service Facility	UP	28.78.30(A) & (B)(4)
H. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
28.79 RESOURCE CONSERVATION USES		
None Allowed	- - -	

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

Table 28.52A TABLE OF ALLOWED USES

A = Allowed by right, AP = Administrative Permit, MUP = Minor Use Permit,
UP = Use Permit, --- = Prohibited

ALLOWED USES	Permit Requirements	Land Use Regulations
See Definitions Section 28.10	MP ⁽¹⁾ Zoning District	See Section 28.70.10
Commercial Solar Energy Facility	---	
Commercial wind turbine generator	---	
Dredging of minerals and natural resources	UP	28.78.20(A)
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	---	
Oil or Gas Well ⁽⁴⁾ , Natural Gas Storage	UP	28.78.20(A) & (B)(7)
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
C. PUBLIC SERVICE USES		
Public Service Facility	UP	28.78.30(A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
Temporary facility for the transfer of material from shore to barge	UP	28.78.40(A)
28.79 RESOURCE CONSERVATION USES		
Conservation and Mitigation Bank	UP	28.79.10(A)
Growing of plants and natural feed important to wildlife habitat	A	28.79.10(A)
Restoration of tidal, managed, and seasonal wetlands	UP	28.79.10(A)

Notes:

1. Any development within the Suisun Marsh, as defined by Section 29114 of the Public Resources Code, shall be subject to obtaining a Marsh Development Permit pursuant to the Suisun Marsh Preservation Act of 1977, and as provided for in Section 28.104 of this Code.
2. Management of wetlands and agricultural operations, with emphasis on grain and hay crop production, pasture, grazing, and the growing of plants and natural feed important to wildlife habitat.
3. Buildings and uses clearly accessory or incidental to any permitted use located on the premises, including a one-family dwelling or a manufactured dwelling, barns, private stables, sheds, and other associated buildings.
4. Oil wells not permitted in the Suisun Marsh primary and secondary management areas.

SOLANO COUNTY CODE – CHAPTER 28 – ZONING REGULATIONS

TABLE 28.61A TABLE OF ALLOWED USES

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, --- = Prohibited

ALLOWED USES [†]	Permitted Uses	Land Use Regulations ^{**}
*See Definitions Section 28-10		** See Section 28-70.10
	P District	
28.78 COMMUNICATION, INFRASTRUCTURE AND SERVICE USES		
A. COMMUNICATION USES		
Wireless communication facility		
Co-location	MUP	28.78.10; 28.81
New tower	UP	28.78.10; 28.81
B. INFRASTRUCTURE USES		
Commercial Solar Energy Facility	---	
Commercial wind turbine generator	UP	28.80
Non-commercial wind turbine		
<i>100 feet or less in height</i>	A	28.80
<i>Over 100 feet in height</i>	MUP	28.80
Pipeline, transmission or distribution line in R.O.W.	A	28.78.20(A) & (B)(8)
Utility facilities or infrastructure, outside of R.O.W.	UP	28.78.20(A) & (B)(9)
C. SERVICE USES		
Public Service Facility	UP	28.78.30(A) & (B)(4)
D. TEMPORARY CONSTRUCTION AND INFRASTRUCTURE		
Meteorological Tower, 100 feet or less in height	AP	28.78.20(A) & (B)(6)
Meteorological Tower, greater than 100 feet in height	MUP	28.78.20(A) & (B)(6)
28.79 RESOURCE CONSERVATION USES		
None Allowed	---	

Notes:

- (1) On parcels with 20 acres or more.

Lee	Abernethy	305 North Avenue			urcnabs@aol.com
Keith & Mary	Allen	1860 Silverado Trail			
Linda	Arens	First Avenue			
Anne	Arns	4297 E. Third Avenue	707-224-3960		anne@tournesolwine.com
Bob and Anne	Arns, Attorney	4297 E Third Ave.	415-307-3204		anne@tournesolwine.com
Don	Baker	675 Cunard Drive			
Iris	Barrie				barrie001@comcast.net
Jill	Barwick		707-258-1799		napagirl2010@live.com
(Mary) T	Beller	2063 N. 3rd Avenue	707-480-5143		t@vervenapavalley.com
Annie	Bennett	3333 Hagen Road	707-226-5700		annie@bennettvineyards.com
Richard	Bennett	2033 First Avenue	707-483-6114		richard@bennettvineyards.com
Geni	Bennetts MD	10 Lupine Hill Road	707-479-3293		genibennetts@gmail.com
Michael & Carol	Black	2000 North Avenue	707-255-9048		mbmerlot@pacbell.net
Carol	Blessing	5146 Wild Horse Valley Road	707-255-3549		mabcab57@att.net
Mike	Blessing	5146 Wild Horse Valley Road			
S.E.	Bohrer-Todd	2144 1st Avenue	707-346-0760		ascotchicks3@gmail.com
Alan	Borem	2138 1st Avenue	707-224-0213		aborem@sbcglobal.net
Lonnie	Brumley	2nd Avenue	707-224-2704		
Lani & Brad	Burguin		707-224-1466		upforent@hotmail.com
707-224-1466	Butler	1107 Mt.George Avenue	707-249-7699		Linda.reisacher@gmail.com
Susan	Calcagno		707-287-2077		sccalcagno@gmail.com
Valli	Carter		707-307-3862		valli.carter@gmail.com
David	Caul		925-609-6220		david@caul.net
Diane	Chase	673 Montecito			
Laurence	Cheffel	2221 1st Avenue	707-254-8475	707-480-9144	laurencec@sbcglobal.net
Melanie	Clampet		415-424-5085		
Pat & Glenn	Cofran	2168 1st ave			patcof2@sbcglobal.net
Colleen	Cole	1151 La Grande Avenue			icyndicy@aol.com
John	Coleman	2211 1st Avenue	415-425-4139	707-258-2315	jcnnapa@gmail.com
Jackson	Conaway	2010 North 3rd Avenue	830-237-7410		jackson@foundhelp.org
Yadira	Contreras	2209 1st Avenue	707-225-1160		yadicz@gmail.com
Laura	Corthell				l.corthell@comcast.net

Michael	Craig	2151 1st Avenue	916-223-9940		craigmichael.319@gmail.com
Al Chuck	Czap Dellario	600 Stonecrest Drive	208-290-5098		
Patricia	Damery				pdamery@patriciadamery.com
Kim	Deboer	P.O.Box 880, Gualala, CA 95445	707- 363-7642		kimedb1@comcast.net
Chuck	Dell' Ario	Montecito Avenue	707-666-5351		charles@dellario.org
George	Dom	500/550 Stonecrest Drive	805-704-2607		george.dom@mac.com
Rian	Dom	500/550 Stonecrest Drive	805-704-3796		rian.dom@mac.com
Randy	Dowis	1291 Darling St.	707-287-7508		
Tom	Dudenhoeffer	2141 1st ave	707-815-5080		tdudenhoeffer2@gmail.com
Michelle & Shawn	Egide	657 Montecito	415-250-4492		cdnmich@gmail.com
Kathy	Felch				kathlynnfelch@gmail.com
Rebekka	Fox	2151 First Avenue	916-223-9940		craigmichael.319@gmail.com
Linda	Fuetz				lindafeutz@comcast.net
michael	Gallagher	1035 Barrow Lane			mikeg@citypass.com
Linda	Garland	2113 1st Avenue	707-226-6443		thefarm@juno.com
Christine	George	35 Vindel Lane	240-687-5962		c@christinegeorge.com
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Erline	Geske	2255 First Avenue			erline@aol.com
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Rebecca	Griffin	4056 E 3rd Avenue			rebecca@sciandrivineyard.com
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Planning Commission Mtg.

NOV 28 2018

Agenda Item # 7a

SONOMA COUNTY SOLAR ORDINANCE

Ordinance No. 6046

Renewable Energy Amendment

Adopted September 10, 2013

An ordinance of the board of supervisors of the county of Sonoma, state of California, adopting changes to chapter 26 of the Sonoma county zoning code for renewable energy by amending uses allowed in zoning districts, establishing general development and special use standards for renewable energy systems and facilities, adding a renewable energy combining district, adding to the existing density bonus program, providing for reduced parking incentives and by adoption of definitions.

Exhibit A - Combining Zone Regulations

Exhibit B - Required Parking Standards

Exhibit C - Allowed Uses and Permit Requirements (PDF: 93 kB)

Exhibit D - General Development Standards for Renewable Energy Projects

Exhibit E - Bioenergy Facilities Special Use Standards

Exhibit F - Solar Energy Facilities – Special Use Standards

Exhibit G - Wind Energy Special Use Standards

Exhibit H - Density Bonus for Renewable Energy Systems

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I Findings

The Board finds and declares that the adoption of this Ordinance is necessary and appropriate to implement state law and the policies and programs of the Sonoma County General Plan, to ensure neighborhood compatibility, protect the general welfare of residents in the County, and facilitate the development of alternative energy sources. The Board hereby finds that the facts supporting the adoption of this Ordinance are as follows:

1. The State of California enacted the Global Warming Solutions Act, Assembly Bill 32 (AB 32) in 2006 which requires a reduction in California's greenhouse gas (GHG) emissions to 1990 levels by 2020, and the County of Sonoma has adopted a bold goal of reducing GHG by 25 percent below 1990 levels by 2015.
2. The County has adopted a Community Climate Action Plan which identifies a number of actions to be taken in order to address the AB 32 requirements and the County's GHG reduction goals by 2015.
3. The Sonoma County General Plan contains numerous policies and programs within its Open Space and Resource Conservation Element and its Circulation and Transportation Element that will be supported and implemented with the adoption of the ordinance amending the Zoning Code. The proposed ordinance is consistent with the goals, policies and objectives of the General Plan, including the proposed amendment to ORSC-15D and the Glossary.
4. This ordinance provides specific measures to identify and facilitate development of a variety of alternative energy systems and provides clarification on standards for placement, construction, operation and maintenance of renewable energy systems, as well as making provisions for density bonuses and parking allowances, in order to encourage and facilitate the provision of new distributed energy systems and to reduce uncertainty in the permitting process for new renewable energy production facilities.
5. Based upon the information contained in the Initial Study dated September 11, 2012 and included in the project file, it has been

Section II Chapter 26, Zoning, of the Sonoma County Code is amended as follows:

Section 26-02-140, Definitions, is amended to incorporate the following definitions, in their alphabetical locations:

Accessory renewable energy system: An on-site renewable energy system, including but not limited to wind, bioenergy, solar, low-temperature geothermal heating systems, geothermal heat pump systems, and fuel cells and combinations thereof, where the energy generated is used primarily to meet the energy demands of the lawful use on the property where the system is located. Accessory renewable energy systems are subject to the applicable general development standards set forth in 26.88.200 A.

Biodiesel: A liquid fuel intended for consumption by compression ignition engines that is produced by chemical modification of plant oil, animal fat, or algae feedstock. Production involves reacting the feedstock with an alcohol such as ethanol in the presence of a catalyst.

Bioenergy: Renewable energy made available from materials derived from from feedstocks that consist of recently living organisms or their metabolic by-products from sources such as farming, forestry, and biodegradable industrial and municipal waste.

Capacity (Electrical): The maximum amount of electricity that a generating unit, power facility, or utility can produce under specified conditions. Capacity is measured in kilowatts (KW) or megawatts (MW).

Co-generation: The successive production of electrical or mechanical energy and useful heat energy.

Commercial renewable energy facility: An energy generation facility using renewable fuel sources, including but not limited to wind, bioenergy, solar, geothermal, and fuel cells and combinations thereof, where the energy generated is used to meet off- site energy needs. Commercial renewable energy facilities are subject to the general development standards set forth in 26.88.200.B. as well as any applicable Special Use Regulations.

Community Choice Aggregator (CCA): As defined in Public Utilities Code Section 331.1 refers to any of the following entities, if that entity is not within the jurisdiction of a local publicly owned electric utility that provided electrical service as of January 1, 2003: any city, county, or city and county whose governing board elects to combine the loads of its residents, businesses, and municipal facilities in a community wide electricity buyers' program or any group of cities, counties, or cities and counties whose governing boards have elected to combine the loads of their programs, through the formation of a joint powers agency established under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

Distributed energy system or facility: A small-scale electricity generation system or facility that is interconnected to the distribution network. Distributed energy systems primarily serve on-

site uses, while distributed energy generation facilities generate power for both on- and off-site power needs.

Emerging renewable technology: Technology that uses a renewable power source, such as solar or wind energy, to generate electricity, and that has emerged beyond the research and development phase, is commercially available, and has significant commercial potential as determined by the Energy Commission. Emerging renewable technologies include photo voltaic, solar thermal electric, fuel cells using a renewable fuel, and small wind turbine technology no greater than 50 kilowatts in size.

Fuel Cell: An advanced energy conversion device that combines hydrogen-bearing fuels with airborne oxygen in an electrochemical reaction to produce electricity very efficiently and with minimal environmental effects.

Geothermal: Natural heat from within the earth, captured for production of electrical power.

Hybrid alternative energy facilities: An alternative energy system using one or more renewable fuel sources to provide electricity, gas, or heat energy. Batteries or fuel cells may be a part of a hybrid alternative energy facility.

Important farmland: Lands mapped by the state Farmlands Mapping and Monitoring Program (FMMP) as Prime Farmland, Farmland of Statewide Importance, or Unique Farmlands. Does not include lands mapped by the FMMP as Farmlands of Local Importance unless specifically noted.

Megawatt (MW): 1,000 kilowatts. (Example) One megawatt is about the amount of power needed to meet the energy demands of up to 750 homes.)

Net metering: Contractual agreement or tariff wherein the system owner/generator produces more electricity than is needed to serve the on-site electrical load, and the surplus electricity is supplied to the electrical distribution grid. The owner/generator's utility meter records the difference, or net, between what the utility supplies to the owner/generator and what the owner/generator supplies to the grid.

Photo-voltaic (PV): A technology that uses a semiconductor to convert sunlight directly into electricity.

Solar energy system: An system of photo-voltaic cells, panels or arrays designed to collect and convert solar power into energy for on-site use. See also Accessory Renewable Energy System.

Solar thermal electric: The conversion of sunlight to heat and its concentration and use to power a generator to produce electricity. Typically, solar concentrators boil water with focused sunlight, generating high-pressure steam which drives conventional turbine generators.

(b) A new Article 60, RE Renewable Energy Combining District, is added to replace the previously reserved Article 60, as shown in the attached Exhibit A

(c) Section 26-86-010, Required Parking, is amended beginning at section (h) and continuing through (k) and adding a new Section 26-86-020, as shown in the attached Exhibit B, in order to provide parking allowances and recommendations to encourage alternative means of transportation. In all other respects, Section 26-86-010, at sections (a) through (g) shall remain unchanged.

(d) A new Table 1, Renewable Energy Systems and Facilities Land Use Table, is added at Section 26-88-200 as shown on the attached Exhibit C.

(e) Section 26-88-200, Renewable Energy General Development Standards, is added as shown in the attached Exhibit D.

(f) Section 26-88-202, BioEnergy Special Use Standards, is added as shown in the attached Exhibit E.

(f) Section 26-88-204, Geothermal and Thermal Solar Facilities, is added as a placeholder as follows:

Geothermal and Thermal Solar Facilities (Reserved)

(h) Section 26-88-206, Solar Energy Special Use Standards, is added as shown in the attached Exhibit F.

(i) Section 26-88-135, Small Wind Energy Systems, is deleted in its entirety, for purposes of moving it to a new section of the County Code.

(j) Section 26-88-208, Wind Energy Special Use Standards, formerly known as Small Wind Energy Systems, is added as shown in the attached Exhibit G.

(k) Section 26-89-050, Density Bonus Programs, Subsection D, County supplemental density bonus program, is amended to provide additional density bonus for renewable energy facilities, as shown on the attached Exhibit H. In all other respects, Section 26- 89-050 shall remain unchanged.

Section III

The Board of Supervisors hereby adopts the Negative Declaration and certifies that the Negative Declaration has been completed, reviewed, and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines. The Board of Supervisors finds and declares that the Negative Declaration reflects the independent judgment and analysis of the Board.

Section IV

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section V

This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Supervisors voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

In Regular Session of the Board Supervisors of the County of Sonoma, passed and adopted this 10 day of September, 2013, on a regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Aye
Zane: Aye
McGuire: Aye
Carrillo: Aye
Rabbitt: Aye

Ayes: 5
Noes: 0
Absent: 0
Abstain: 0

So Ordered.

Whereupon, the Chair declared the above foregoing Ordinance duly adopted and attested and signed by the Chair of the Board of Supervisors and attested by Clerk of the Board of Supervisors

Exhibit A for Ordinance 6064

Article 60 - Renewable Energy Combining Zone

26.60.005 Purpose

To identify, designate and protect areas suitable for the development of large scale renewable energy facilities based on the availability of renewable resources, the location of existing or proposed infrastructure, and the potential for renewable energy facilities to be appropriately sited and to effectively mitigate potential significant impacts.

26.60.010 Applicability

The RE combining zone may be applied only within the following base zones:

LEA (Land Extensive Agriculture)
DA - (Diverse Agriculture)
RRD - (Resources and Rural Development) TP (Timber Production)
C3- (General Commercial) M2 (Heavy Industrial)
PF- (Public Facilities)

The uses allowed and standards required in the RE combining zone shall be in addition to those of the base zone.

26.60.020 Criteria for designation

The RE combining zone may be applied only to property meeting all of the following designation criteria:

- A. The RE combining zone may not be combined with the Land Intensive Agriculture Zone (LIA).
- B. The RE combining zone may not be combined with any residential zone including R1, R2, R3, RR, AR or PC, nor may it be applied within 300 feet of these zones.
- C. The RE combining zone shall not be placed on any property under Williamson Act contract or within an open space or conservation easement unless renewable energy power generation facilities are specifically allowed under the Agricultural Preserve or Open Space District Rules, contract and/or easement.
- D. The RE combining zone shall not be placed within the approach zone (outer or inner safety zones) or the inner turning zones for any public use airport.
- E. The RE combining zone shall exclude areas within the General Plan, Area Plan or Specific Plan designated as Biotic, Historic or Scenic Resources including the Biotic Resource (BR), Scenic Resources (SR), or Historic District (HD) combining zones, unless a protective easement is provided to ensure protection of the resources. The RE Combining Zone shall also exclude areas mapped as state designated Important Farmland unless a protective easement is placed over these farmlands.
- F. An RE combining zone shall not be applied within 300 feet of an urban service area for a city or unincorporated community, except that RE combining zone may be applied to public facility, industrial, and commercially zoned properties regardless of location within or outside of urban service areas.

26.60.030 Permitted uses

All uses allowed as permitted uses by the underlying primary zone with which the RE combining zone is combined shall be permitted in the RE combining zone in compliance with the provisions and standards of the primary zone.



Sonoma County
County Administrator's Office

Exhibit B for Ordinance 6081

26.88.200 Renewable Energy Systems and Facilities Development Standards

Renewable Energy Systems and Facilities are allowed in accordance with permit requirements as shown in Table 1: [Allowed Uses and Permit Requirements-for Renewable Energy Systems and Facilities](#). (PDF 93 kB)

- A. **Accessory-renewable Energy Systems** The following site planning and development-standards shall apply to accessory renewable energy systems, defined as those designed to supply a total of not more than 125% of the calculated energy-demand for all legally established on-site uses. Accessory renewable energy systems include attached wind systems and those not exceeding forty (40) feet-in height; solar photo-voltaic systems; low-temperature geothermal heating-systems; geothermal heat pump systems; and bioengineering systems (and intergenerational facilities) where the feedstock is also produced on-site.

Accessory systems do not include-systems designed or used primarily to supply off-site energy needs. Overspecialize solar or energy systems constructed on or within existing-buildings or as shade structures over required parking areas are not subject tithe 125% threshold when producing electricity for a feed-in tariff or Community-choice Aggregation Program.

1. Site Planning and Development Standards
 - a. **Biotic Resources.** Accessory renewable-energy systems shall not be sited within designated sensitive biotic resource areas as designated in the General Plan, Zoning or Area Plan including wetlands, streams, threatened or endangered species habitat areas and/or habitat connectivity corridors.
 - b. **Scenic Resources.** Accessory renewable-energy systems located within scenic areas as designated in the General Plan, Zoning or Area Plan shall require administrative design review as set forth in 26.82.050 (Design Review). Systems shall be sited behind natural topography or vegetation when feasible.
 - c. **Farmland Protection.** In the-agricultural zoning districts, an accessory renewable energy system shall be sited to minimize any loss of Important Farmlands, and shall meet the-requirements of General Plan Policy AR-

4a. A Right to Farm declaration and an agricultural impact easement limiting the liability of farmers on agricultural uses shall be recorded. If the system is located on a site under a Land Conservation Act (Williamson Act) contract, the system must serve an agricultural or compatible use listed in the Uniform Rules for the Land Conservation Act program.

- d. **Fire Protection.** An accessory renewable energy system shall meet Chapter 13 of the Sonoma County Code (the Fire Safety Ordinance). For roof-mounted solar systems, this includes 3 feet clear at roof edges, valley and hips, unless waived in writing by the Fire Marshal.
- e. **Grading and Access.** Accessory renewable energy systems shall be sited to maintain natural grades and shall use existing roads for access. Grading and/or construction of new roads shall be allowed only where necessary to provide the system in proximity to the energy use or transmission and distribution system, and that an alternate location on the subject site is less suitable for environmental or visual reasons.
- f. **Noise.** Renewable energy systems shall not exceed the General Plan Noise Standards Table NE-2, measures at the nearest property line.
- g. **Cessation of Use.** The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use, and shall begin restoration and removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within ninety (90) days from the date the facility ceases operation, and complete restoration within six (6) months.

B. **Commercial-renewable Energy Facilities.** The following siting criteria and development standards apply to all commercial (non-accessory) renewable energy facilities which provide energy for off-site use, unless otherwise exempt, in addition to the applicable special use standards for the specific type of facility:

1. Siting Criteria.

- a. **Aesthetics.** Renewable energy facilities shall be sited to minimize view impacts from public roads and adjacent residential areas, and shall require administrative design review as set forth in 26.82.050 (Design Review). Proposed facilities located within Scenic or Historic Resource combining zones shall also require design review of materials, colors, landscape, fencing and lighting plans. Any lighting shall be fully shielded, downward casting and not wash out onto structures, other properties or the night sky. The operator shall maintain the facility, including all required landscaping, in compliance with the approved design plans.
- b. **Air Safety.** Renewable energy facilities shall not be located within the approach zone (outer or inner safety zones) or the inner turning zones for any public use airport. Renewable energy facilities shall be sited and operated to avoid hazards to air navigation; sites located within a public use airport-traffic zone will be required to provide an analysis documenting compliance with this standard. The owner/operator of a facility approved within a public-airport's traffic zone shall be required to record an aviation easement and may be required to mark or light the

facility for air traffic safety. The operator shall notify the FAA and California Division of Aeronautics of any structures in an airport traffic zone that are more than 200 feet above the-ground elevation or that exceed airport imaginary surfaces as defined in Federal Aviation Regulations Part 77. If located on airport lands, the facility-must meet the building setback approved on the Airport Layout Plan.

- c. **Biotic Resources.** Renewable energy facilities shall be sited to avoid or minimize impacts to sensitive biotic habitats including woodlands, wetlands, streams, and habitat connectivity corridors as identified in the General Plan, Area Plan, Specific Plan or biotic Resource combining zone. Projects located within or adjacent to these areas will require a biotic study at the time of use permit application to demonstrate that the facility avoids sensitive species to the maximum extent feasible and provides adequate mitigation of potential impacts.
- d. **Cultural-and Historic Resources.** Renewable energy facilities shall be sited to avoid or mitigate impacts to significant cultural and historic resources. Projects located within a Historic District shall be subject to review by the Landmarks Commission, unless otherwise exempt. Projects involving grading more than 18-inches in depth may require a cultural resources survey at the time of use permit application.
- e. **Farmland-protection.** Where a commercial renewable energy facility is sited within an-agricultural Zone, the primary use of the parcel shall remain in agriculture pursuant to General Plan Policy AR-4a. A Right to Farm Declaration and Agricultural Use Easement shall be recorded to minimize conflicts with agricultural operations. A renewable energy facility shall not take mapped Important Farmlands out of agricultural production by removing permanent crops.

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

- f. **Proximity to Utility Transmission Lines and-utility Notification.** For renewable energy facilities interconnected to transmission lines greater than 6kV, the location of new transmission lines, poles, and utility substations shall be identified on the site plans. If high-voltage (100kV) or private transmission lines are proposed, they shall be reconsidered as part of the use permit process for the renewable energy facility. No building permit for a renewable energy facility shall be issued until 1) evidence has been provided to the department that the proposed interconnection is acceptable to the utility; 2) the Planning Commission has reviewed and made a recommendation regarding the-proposed transmission line route;

and, 3) the California Public Utilities-commission has approved the location of any new utility-owned transmission lines.

- g. **Grading-and Access.** Renewable energy facilities shall be sited to maintain natural grades and use existing roads for access to the extent practical. Construction of new roads shall be-avoided as much as possible. Following use of temporary access roads, construction staging areas, or field office sites used during construction, all-natural grades shall be restored and re-vegetated. The operator shall maintain an all-weather access road for maintenance and emergency vehicles.
- h. **Land Use.** Renewable energy accessory systems and commercial facilities shall be located within existing built overdeveloped areas, or within existing legally established structures or over-parking areas to the extent practicable and within the limits of the Solar Rights Act.

2. Development Standards

- a. **Air Quality.** During site preparation, grading and construction, the operator must implement best management practices-to minimize dust and wind erosion including, regularly water roads and-construction staging areas as necessary. Paved roads shall be swept as needed to remove any soil that has been carried onto them from the project site.
- b. **Erosion-and Sediment Control.** The operator must have a storm-water management permit-and an erosion and sediment control plan approved prior to beginning grading or construction. The plan must include best management practices for erosion control during and after construction and-permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to minimize sediment run-off into waterways.
- c. **Fire Protection.** Renewable energy facilities shall meet Chapter 13 of the Sonoma County Code (the Fire Safety Ordinance). The operator must implement a Fire Prevention Plan for construction and ongoing operations approved by the County Fire Marshall and local fire protection district. The plan shall include, but not be limited to: emergency vehicle access and turn-around at the facility site(s), addressing, vegetation management and fire break maintenance around all structures.
- d. **Noise.** Renewable energy facilities shall be operated in compliance with the-general Plan Noise Standards Table NE-2.
- e. **County Service Impacts/Sales and Use Taxes.** Prior to issuance of any grading or building permit(s), the owner/operator shall-enter into an agreement with the County, in a form approved by the County-counsel, governing payment of sales and use taxes. The owner/operator shall-undertake specified actions in contracting for construction of the facility so as to allocate sales and use taxes paid-in connection with the construction of the plant to the County. The owner/operator shall include language in its construction contracts identifying the job site as within the County and requiring its construction contractors to allocate sales and use taxes to the County, to the extent provided by law units Board of Equalization filings and permits.

- f. **Security and Fencing.** The site area for a renewable energy facility must be fenced to prevent unauthorized access and provide adequate signage. Wildlife friendly fencing shall be used in rural areas. If needed, security lighting shall be motion censored. Access gates and equipment cabinets must be locked at all times.
- g. **Signs. Temporary** signs describing the project, and providing contact information for the contractor and operator shall be placed during construction and must be removed prior to final inspection and operation. Signs for public or employee safety are required. No more than two signs relating to the address and name of the operator/facility may be placed on-site, subject to administrative design review. Outdoor displays, billboards or advertising signs of any kind either on- or off-site are prohibited unless approved as a part of the use permit.
- h. **Decommissioning.** A decommissioning plan shall be required as part of any use permit for a renewable energy facility and must include the following:
 - 1. Removal of all aboveground and underground equipment, structures not identified for re-use, fencing and foundations to a depth of three feet below grade. Underground equipment, structures and foundations located at least three feet below grade that do not constitute a hazard or interfere with the use of the land do not need to be removed.
 - 2. Removal of graded areas and access roads and placement of topsoil.
 - 3. Restoration of the surface grade and placement of topsoil after removal of all structures and equipment including grading, re-vegetation and erosion control plans to return the site to an appropriate end use.
 - 4. Re-vegetation of disturbed areas with native seed mixes and plant species suitable to the area. Documentation of a three (3) year-maintenance agreement for all re-vegetated areas must be submitted prior to the restoration being considered complete.
 - 5. The time-frame for completion of removal and restoration activities.
 - 6. An engineer's cost estimate for all aspects of the restoration plan.
 - 7. An agreement signed by the owner and operator that they take full responsibility for decommissioning and reclaiming the site in accordance with the Decommissioning Plan and Use Permit approval upon cessation of use.
 - 8. A plan to comply with all state and federal requirements for reuse, recycling or disposal of potentially hazardous waste.

The facility operator is required to notify the department immediately upon termination or cessation of use or abandonment of the operation. The operator shall remove components of the facility when it becomes functionally obsolete or is no longer in use. The

operator shall begin restoration and removal of all equipment, structures, footings/foundations, signs, fencing, and access roads within ninety (90) days from the date the facility ceases operation, and complete restoration within one (1) year.

- i. **Financial Assurance.** Financial assurance may be required for any commercial renewable-energy facility, and shall be required for renewable energy facilities of 1 MW or larger or which exceed 5 acres inland area. At the time of issuance of the permit for the construction of the facility, the operator shall provide financial assurance in a form and amount acceptable to the Department to secure the expense of decommissioning, dismantling and removing all equipment, structures, fencing, and reclaiming the site and associated access or distribution lines/pipes in compliance with the approved restoration plan.
- j. **Abandonment.** A renewable energy facility that ceases to produce electricity and/or useful heat and/or renewable fuel on a continuous basis for twelve (12) months shall be determined abandoned in compliance with the following procedures. Facilities determined by the County to be unsafe and facilities erected in violation of this section shall also be considered abandoned and shall be subject to code enforcement action.
 1. The determination of abandonment shall be made by the code enforcement officer or his/her designer. The code enforcement officer or any other employee of the Department shall have the right to request documentation and/or affidavits from the facility owner/operator regarding the use of the facility, and shall make determination as to the date of abandonment or the date on which other violation(s) occurred. The code enforcement officer's decision is pursuant to Section 1-7.3 (b) of the Sonoma County Code.
 2. Upon a determination of abandonment or other violation(s), the County shall send a notice to the owner and operator, indicating that the responsible party shall remove the facility and all associated structures, and begin restoration of the site to its approximate-original condition within ninety (90) days of notice by the County, unless the County determines that the facilities must be removed in a shorter period to protect public safety or an alternative to resolving the violation is agreed-upon. All restoration work shall be completed within one (1) year.
 3. In the event that the responsible parties have failed to remove and/or restore the facility site or otherwise resolve the violation(s) within the specified time period, and the appeals have been exhausted, the County may use the financial security to remove the facility and restore the site. The County may thereafter initiate judicial proceedings or take any other steps authorized by law against the responsible parties to cover costs associated with the removal of structures determined to be public hazard.

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Exhibit F for Ordinance 6064

26.88.206 Solar Energy Facilities – Special Use Standards

- A. **Purpose.** This section establishes minimum development and operational standards for solar energy facilities, where allowed by the base zone or the Renewable Energy (RE) combining zone. The intent of these standards is to promote and facilitate the siting and permitting of solar electric (photovoltaic) systems and facilities in a manner that minimizes adverse environmental impacts.
- B. **Applicability.** These standards apply to all solar energy facilities not otherwise exempted.
- C. **Exempt facilities.** The special use standards set forth in this section shall not apply to the following exempt systems:
 1. Solar hot water systems designed as an accessory use to serve a legally established use of the property;
 2. Solar photovoltaic systems, subject to planning clearance that meet any one of the following:
 - a. Roof-mounted accessory systems and commercial facilities located on a legally established building containing the primary allowed use on the site,

and/or on legally established accessory structure(s) containing use(s) allowed as accessory to the primary use, where the installations meet Fire Safe Standards for access along the roof peak and eaves.

- b. Solar accessory systems and commercial facilities affixed to shade structures located over required parking areas, in accordance with Parking and Fire Safe Standards.
- c. Accessory ground mounted solar photovoltaic systems designed to provide no more than 125% of the estimated energy demand on-site meeting all of the following health and safety standards:
 - i. Not exceeding 15-feet in height, unless demonstrated by a structural engineer to meet public safety standards;
 - ii. For residential installations, the system design capacity does not exceed the average kW use for similar sites, unless a higher energy need for legal uses on the installation site is demonstrated as determined by the Director, subject to a zoning permit;
 - iii. The system installation complies with required yard setbacks and lot coverage limitations of the underlying zone district, unless demonstrated that the installation does not impair sight distance for safe access to or from the property or other properties in the vicinity as determined by the Director subject to a zoning permit;
 - iv. The system installation meets fire safe standards and provisions for emergency access, and defensible space around the system components are provided;
 - v. The system is not located over a septic system or leachfield area or identified reserve area, and is not located in a floodway as designated by FEMA; and,
 - vi. Does not otherwise create a fire or other safety hazard as determined by the Fire Marshal and Building Official.
3. Solar photovoltaic systems and facilities owned by the County or other local agency as defined in Government Code Section 53090 or the California Public Utility Code Section 12808.5.

D. Minor Commercial Solar Facilities (Incidental to a Primary Use)

The following special use standards apply to all minor solar electric (PV) systems and facilities designed to provide energy for on- and off-site use, that are incidental to the primary use of the property. These standards apply in addition to the general site planning and development standards of Section 26.88.200.

1. **Parcel Coverage.** Minor commercial solar facilities shall cover less than 15% of the parcel and no more than 5 acres. The area covered by panels shall be the lesser of 50% of the maximum lot coverage allowed by the zone, or if applicable, 50% of the allowable building envelope as designated on a final map. Facilities mounted on the roof(s) of legal, permitted structures that otherwise comply with lot coverage maximums are exempt from these limitations.
2. **Minimum setbacks.** The facility shall meet the minimum front yard setbacks for primary structures of the zone. In urban service areas, the facility shall meet fire

safe standards and provisions for emergency access and defensible space around the facility are required.

3. **Height Limits.** Facilities mounted on a structure may exceed the height limit of the zone by no more than 2 feet. Ground -mounted facilities shall not exceed 15-feet in height.
4. **Incompatible Locations.** Ground mounted facilities shall not be located in the following areas:
 1. over a septic system or leachfield area or identified reserve area
 - a. in a floodway as designated by FEMA
 - b. in a designated sensitive habitat or biotic resource area as identified in an adopted General Plan, Area Plan, Specific Plan or the California Natural Diversity Database.
 - c. in an approach zone (inner or outer safety zones) or the inner turning zone of a public use airport.
 - d. Glare. Concentrated reflections or glare shall not be directed at occupied structures, recreation areas, roads, highways or airport flight landing or takeoff areas.
 - e. Farmland Protection. If the facility is located within or near an agricultural area, the owner/operator shall sign and record a Right to Farm declaration and an agricultural easement.

E. Commercial Solar Facilities

The following special use standards apply to all solar electric (PV) facilities that are developed as a primary use of the property as allowed by the underlying zone, in addition to the siting criteria and development standards of Section 26.88.200.

0. **Minimum setbacks.** The facility shall meet the minimum front yard setbacks for primary structures of the zone. In urban service areas, the facility shall meet fire safe standards and access for emergency vehicles shall be provided along the periphery of the facility.
1. **Height Limits.** Facilities mounted on a structure may exceed the height limit of the zone by up to 2-feet. Ground -mounted facilities shall not exceed 15-feet in height unless otherwise allowed by use permit.
2. **Undergrounding Electrical.** Electrical distribution lines on the project site shall be underground up to the low voltage side of the step up transformer, to the point of on- site use or to the utility interface point of an on-site substation. This provision may be waived by the decision-making body if the undergrounding is determined to be an undue burden.
3. **Glare Effects.** Concentrated reflections or glare shall not be directed at occupied structures, recreation areas, roads, highways or airport flight landing or takeoff areas. A detailed analysis of potential glare effects may be required at the time of application, and the applicant may be required to minimize glare effects by installing vegetative screens or berms, and/or by adjusting solar collector position or operation to minimize glare.
4. **Farmland Protections.** In addition to the Right to Farm and Agricultural Use Easement requirements set forth in 26.88.200 B1 e (Farmland

Protection), the site area used for the installation of a commercial solar facility shall exclude mapped Important Farmlands, and a protective easement may be required over these lands.

5. **Scenic and Biotic Resource Protections.** Ground mounted commercial solar facilities shall not be located in the following areas:
 - . over a septic system or leachfield area or identified reserve area;
 - a. in a floodway as designated by FEMA;
 - b. within a Scenic Resource (SR) or Biotic Resource (BR) Combining Zone, nor within a sensitive habitat or biotic resource area as identified in an adopted General Plan, Area Plan, Specific Plan, or the California Natural Diversity Database, unless a protective easement is recorded to protect these resources;
 - c. in an approach zone (inner or outer safety zones) or the inner turning zone of a public use airport.
6. **Photovoltaic Module Management.** Reuse, recycling or disposal of any photovoltaic panels shall be conducted in accordance with the *Standards for Universal Waste Management – Photovoltaic Modules* as set forth in California Code of Regulations, title 22, division 4.5, chapter 23, and subsequent amendments thereto.

Planning commission meeting

Renewable Properties has done a good job in overcoming the visual and physical impacts objections of this development such as glare, noise, wildlife, water runoff and others, however how about others factors to take into consideration.

1. Will the cost of this power generated lower energy bills for Napa residence or just go into the grid that will benefit other counties?
2. Aron from Renewable Properties mentioned that he will hire and train local residence, what guarantee do we have? Is there a contract in place?
3. Does Napa county have the building and electrical inspectors that are familiar and trained with large solar installations?
4. Has the Toxic issues been clearly defined by Renewable Properties if there was a fire or disposal of the panels after there life span.
 - a. Article written my David Nguyen PHD talks about the harmful compounds found in the solar panels such as
 1. Cadmium Telluride and Copper Indium Selenide. When inhaled, prevented normal weight gain and caused lung inflammation and lung fibrosis. Moderate to high doses of inhaled CT could be deadly.
 2. Cadmium Indium Gallium (Di)selenide which causes excessive fluid and damaging spots in the lungs.

3. Hexafluoroethane is a colorless, odorless gas. Under prolonged exposure to fire or intense heat can create hydrofluoric acid
 4. Lead
 5. Polyvinyl fluoride
5. Where are the panels made? In America providing jobs or China where the lack of laws and regulations in production are causing environmental catastrophes due to the by-product Silicon Tetrachloride.

I don't see a reason to push this through if it does not benefit our county or effect the wellbeing of our citizens. It was suggested by this counsel that we need to develop a profile of what a solar farm should look like and identify areas in the county that would best fit the profile and I suggest identifying other Solar companies in the market and inviting them to bid our solar needs that would best benefit our citizens. We need to have contracts in place that will guarantee that the promises made, and the environmental concerns are met.

We can all agree that Solar is part of the future and allowing this project to go forward would seem to make some sense. I ask what is the benefit for the Napa residence other than saying we have a large solar complex in our county and a few property tax dollars due to the increase in property value? Do the benefits outweigh the risks of not having a plan and contract in place.

