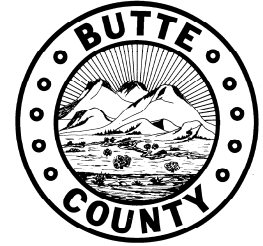


# ***Butte County Department of Development Services***

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**TO:** Honorable Chair and Board of Supervisors

**FROM:** Tim Snellings, Director  
Butte County Department of Development Services

**SUBJECT:** Solar Energy Systems

**DATE:** December 12, 2011

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At the December 6, 2011 Board meeting on the text of Parts 1 through 4 of the Third Draft Zoning Ordinance, the issue of Solar Energy Systems (Draft Ordinance Section 24-156) was discussed. The Board directed that staff review the legal issues of permitting Solar Energy Systems, including: ensuring that prime farmland and lands subject to Williamson Act contracts are adequately addressed; and, that the proposed Supplemental EIR for the Draft Zoning Ordinance will adequately assess potential impacts from Solar Energy Systems in agricultural Zones.

The following refinements to the Draft Zoning Ordinance have been completed to address the permitting of Solar Energy Systems in Agricultural zones. Two divisions have been added to the table below: the first division shows that Solar Energy Systems for Utility, Minor and Utility, Accessory would be allowed in all Agriculture zones. The second division shows that Solar Energy Systems for Utility, Intermediate and Utility, Major would only be allowed on Grazing Land in Agricultural zones (as defined under the Department of Conservation Farmland Mapping and Monitoring Program, and shown on Butte County General Plan Agriculture Element Figure AG-1).

This change would ensure that only accessory and smaller-scale Solar Energy Systems would be allowed in Agriculture zones that support Prime Farmlands, Farmlands of Statewide Importance, and Unique Farmlands as identified by the Farmland Mapping Program. Larger Solar Energy Systems that produce additional electricity beyond on-site demands, and that could potentially cover much more land area would be limited to the Grazing Lands as identified by the State Farmland Mapping. This change reduces the impact to agricultural lands that are required to be assessed under CEQA, and supports the General Plan Agriculture Element.

Additionally, the larger systems under Utility, Intermediate and Utility, Major would not be allowed on Grazing Lands subject to a Williamson Act Contract. This maintains compatibility with the terms of the Williamson Act and corresponding contracts.

### Solar Energy Systems and Agriculture Zones

Category	Permit Process	Solar Energy Systems	Wind Energy Systems
<b>Solar Energy Systems Allowed in Agriculture Zones</b>			
Utility, Minor	Building Permit	Roof-mount/Ground up to ½ acre	Rooftop/Micro
Utility, Accessory	Administrative Permit	<15 percent of parcel size up to 5 acres, whichever is less	Agricultural
<b>Solar Energy Systems only Allowed on Grazing Land <sup>[1]</sup> in Agriculture Zones <sup>[2]</sup></b>			
Utility, Intermediate	Minor Use Permit	<30 percent of parcel size up to 20 acres, whichever is less	Small
Utility, Major	Use Permit	Ground-mounted system for power generation	Large

[1] Grazing Land as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and as shown under General Plan Agriculture Element, Figure AG-1.

[2] Only allowed on parcels not subject to a Williamson Act Contract.

The Table set forth above will be used to make corresponding changes to the Use Regulation Tables for the Agriculture zones as contained within the Third Draft Zoning Ordinance. Section 24-156 of the Draft Zoning Ordinance devoted to Alternative Energy Structures will also be updated accordingly. Lastly, the definitions for Utilities, Intermediate, and Utilities, Major as contained under Part 7, Glossary of the Draft Zoning Ordinance will be updated as follows:

**Utilities, Intermediate.** A ground-mounted Solar Electric System, limited to Grazing Land as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, not subject to a Williamson Act Contract, and limited to less than 30 percent of a parcel's size up to 20 acres maximum for on-site primary, accessory uses or with the power delivered off-site. This definition also includes Small Wind Energy Systems. Utilities, Intermediate includes uses that are permitted by a Minor Use Permit in most zones, refer to the Use Regulation Tables for each zone.

**Utilities, Major.** Large-scale facilities of a regional nature including power plants, hydro-electric facilities, electricity transmission substations, water storage tanks, community wastewater treatment plants, commercial and industrial composting operations, and

similar facilities. A ground-mounted Solar Electric System limited to Grazing Land as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and not subject to a Williamson Act Contract, where most or all power generated is delivered off-site with little or no on-site use. This definition also includes Large Wind Energy Systems. Utilities, Major includes uses that are permitted by a Conditional Use Permit in most zones, refer to the Use Regulation Tables for each zone.