

ORDINANCE NO. 2090

AN ORDINANCE (REZONE NO. 20-01) OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF TEHAMA AMENDING THE TEHAMA COUNTY ZONING CODE TITLE 17,  
CHAPTER 17.84 SOLAR ENERGY SYSTEMS, SECTION 17.84.050- LOCATION

THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ORDAINS AS  
FOLLOWS:

**SECTION 1.** Sections of Chapter 17.84 of the Tehama County Code are hereby  
repealed and replaced to read as:

**CHAPTER 17.84**  
**SOLAR ENERGY SYSTEMS**

**17.84.010. Purpose.**

This article establishes development and operating standards for solar energy systems to minimize negative impacts on neighboring properties, implement State and Federal law, and ensure the orderly development of a diversity of land uses within the county.  
(Ord. No. 2009, § 2, 9-1-2015)

**17.84.020 Definitions.**

All terms used in this chapter shall have the following definitions:

- (a) **Dual purpose solar energy system** means a solar energy system designed to provide both on-premises electricity consumption and excess generation for sale. The system shall not exceed twice the power needed for on-premises consumption or else shall be deemed a Solar Power Facility.
- (b) **Premises** means mean a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single "premises" for purposes of this chapter.
- (c) **Small solar energy system** means any solar energy system whose primary purpose is to provide for on-premises space heating or cooling, or on-premises water heating, or which is intended to solely to reduce on-premises consumption of utility power. Small solar energy systems must be ancillary to a principally permitted use of the premises.

(d) **Solar energy system** means either of the following:

(1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(e) **Solar power facility** means any solar energy system whose primary function is the provision of electricity to the electrical distribution system or transmission grid. Any solar energy system that is not a small solar energy system or a dual purpose solar energy system shall be considered a solar power facility for purposes of this chapter.

(Ord. No. 2009, § 2, 9-1-2015)

#### 17.84.030 USES PERMITTED.

Notwithstanding any other provisions of this title, small and dual purpose solar energy systems and solar power facilities are allowed only in the following zone districts, subject to the following conditions:

Zoning Districts	RE	R-1	R-2	R-3	R-4	C-1	C-2	C-3	C-4	GR	M-1	M-2	PD	AV	PF	NR	PA	TPZ	AG-1	AG-2	AG-3	AG-4
Small Solar Energy System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	P	P
Solar Power Facility	C	C	X	X	X	C	C	C	C	C	C	C	C	C	X	C	C	C	C	C	C	C
Dual Purpose Solar System	C	C	X	X	X	C	C	C	C	C	C	C	C	C	X	C	C	C	C	C	C	C

P = PERMITTED USE, C = PERMITTED WITH APPROVAL OF A USE PERMIT, X = NOT ALLOWED

(Ord. No. 2009, § 2, 9-1-2015)

#### 17.84.040 Height.

(a) Solar panels shall comply with the maximum permitted height of the zoning district.

(b) Attachment to existing buildings and towers shall comply with the maximum permitted height of the zoning district.

(Ord. No. 2009, § 2, 9-1-2015)

#### 17.84.050 Location.

Solar Power Facility locations shall be determined by the Planning Commission through the use permit process, which at a minimum shall maintain the applicable zoning districts setback standards.

(Ord. No. 2009, § 2, 9-1-2015; Ord. No. XXXX § 1, 2020)

#### **17.84.060 Set Backs.**

Small Solar Energy Systems, Dual Purpose Solar Systems, and Solar Power Facilities must meet the required setbacks established by the zone district.

(Ord. No. 2009, § 2, 9-1-2015)

#### **17.84.070 Maintenance.**

All solar energy systems that are not in use for a period of six continuous months shall be considered abandoned. Abandoned solar energy systems are hereby designated as unlawful and as public nuisances, requiring no amortization period. Prior to issuance of the building permit for the installation of any solar energy system, the Director of Planning may require the applicant to post a performance security in an amount and form determined by the Director that is sufficient to cover the cost of removal of the system in the event that such system is abandoned, or if the permit has been terminated for violation of its conditions by the county after hearing. If the Director of Planning determines that the system is abandoned, the planning director may initiate appropriate proceedings under this Code to revoke the permit for the system and require the property owner to timely remove all portions of the system from the premises. If such system is not timely removed as provided herein, the county may abate the nuisance in accordance with Chapter 10.16 of this Code.

(Ord. No. 2009, § 2, 9-1-2015)

#### **17.84.080 WILLIAMSON ACT LANDS.**

Small solar energy systems shall be permitted on lands encumbered by the Williamson Act, subject to 17.83.030 Uses Permitted requirements. Solar Power Facilities and Dual Purpose Solar Energy Systems are **PROHIBITED** on lands subject to a Williamson Act or Farmland Security Zone contract, excepting where the project qualifies for placement into a solar use easement pursuant to Government Code sections 51190 *et seq.*

- a) A Decommissioning Plan is required with an application submitted for a Solar Power Facilities and Dual Purpose Solar Energy Systems on lands subject to a Williamson Act or Farmland Security Zone contract where the project qualifies for placement into a solar-use easement pursuant to Government Code sections 51190 *et seq.*
- b) Where consistent with applicable law and the general welfare, an Agreement providing for mitigation of the impacts of the project shall be entered into between the County and the land owner, or the operator of a Solar Power Facility and/or Dual Purpose Solar Energy System on lands subject to a Williamson Act or Farmland Security Zone contract where the project qualifies for placement into a solar-use easement pursuant to Government Code sections 51190 *et seq.*

(Ord. No. 2009, § 2, 9-1-2015)

**SECTION 2.** This ordinance shall take effect thirty (30) days from the date of its adoption. Prior to the expiration of fifteen (15) days from the adoption thereof, a summary of the ordinance prepared in accordance with Government Code section 25124, subdivision (b) shall be published, along with the names of those supervisors voting for and against the ordinance, at least one time in the *Red Bluff Daily News*, a newspaper of general circulation

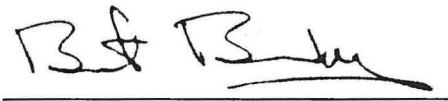
in Tehama County. A certified copy of the full text of the adopted ordinance, along with the names of those supervisors voting for and against the ordinance, shall be posted at that time in the office of the Clerk of the Board of Supervisors.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the 4th day of February, 2020 by the following vote:

AYES: Supervisors Garton, Chamblin, Carlson and Bundy

NOES: None

ABSENT OR NOT VOTING: Supervisor Williams



VICE-CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA )


) ss

COUNTY OF TEHAMA )

I, Jennifer A. Vise, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the 4th day of February, 2020.

DATED: This 4th day of February, 2020.

Jennifer A. Vise, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By 

Deputy