

ORDINANCE NO. 189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEHAMA ADDING CHAPTERS 17.83 AND 17.84 TO THE CITY OF TEHAMA CODE PERTAINING TO WIND AND SOLAR ENERGY SYSTEMS

THE CITY COUNCIL OF THE CITY OF TEHAMA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 17.83 is hereby added to the City of Tehama Code to read:

17.83.010. Purpose.

This article establishes development and operating standards for wind 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.

17.83.020. Definitions.

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

- (a) **Dual purpose wind energy system** means a wind 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 wind 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 wind energy system** means a wind energy system used only to reduce on-premises consumption of utility power. The purpose of a small energy system is to be an accessory use of the property. Small wind energy systems shall not exceed 20 kilowatts. When a premises on which a small wind energy system is installed also receives electrical power supplied by a utility company, any excess electrical power generated by the small wind energy system, and not then needed for on-premises use, may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-premises use. No net revenue to the owners shall be produced by such excess electrical power generation.
- (d) **Wind energy system** means any equipment or facility that converts and then stores or transfers energy from the wind into usable forms of energy, which may consist of but is not limited to a wind turbine, a tower, a mill, and associated controls or conversion electronics.
- (e) **Wind power facility** means a wind energy system whose primary function is the provision of electricity to the electrical distribution system or transmission grid. Any wind energy system that is not a small wind energy system or a dual purpose wind energy system shall be considered a wind power facility for purposes of this chapter.

17.83.030. Uses Permitted.

Notwithstanding any other provisions of this title, wind energy systems are allowed only on properties that are at least 10 acres in size in the following zone districts, subject to the following conditions:

Zoning Districts	Residential	Open Space
Small wind energy system	C	P

Wind Power Facility	X	X
Dual purpose wind system	X	X

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

17.83.040. Allowable number of towers and wind turbines.

- (a) Towers.
- (1) Small wind energy systems and dual purpose wind energy systems: No more than one wind energy tower may be located on any single premises.
 - (2) Wind Power Facilities: The City Council / Planning Commission shall specify the permitted number of towers through the use permit process.

17.83.050. Height.

The total height of wind energy systems is measured as the vertical distance from the ground level to the tip of a wind generator blade when the tip is at its highest point, and shall not exceed the following maximum height requirements:

- (a) **Wind towers:** Small and dual purpose wind energy systems shall not exceed 80 feet unless the City Council / Planning Commission approves additional height through the Use Permit process.
- (b) **Wind Power Facilities:** The City Council / Planning Commission shall specify the maximum height through the use permit process.

17.83.060. Location.

Small and dual purpose wind energy systems shall be located in the rear yard portion of any lot where permitted, unless otherwise approved by the City Council / Planning Commission. Wind Power Facility locations shall be determined by the City Council / Planning Commission through the use permit process subject to all applicable laws, ordinance, and enforceable restrictions applicable to the property.

17.83.070. Setbacks

(a) Wind energy systems shall not be permitted within 1,000 feet of the following:

- (1) A residence, excepting residences on the same premises and other residences owned by the applicant at the time the application is approved.
- (2) The outer boundaries of any parcel. .
- (3) A property listed on the National Register of Historic Places or the California Register of Historical Resources.

(b) Tower Set Backs.

- (1) All wind energy system towers shall be located outside of the setback for the zone district and at least 1.2 times its height from all property boundaries.
- (2) Wind energy systems shall be placed and oriented to avoid casting a shadow on any off-site structure.

17.83.080 Noise.

Noise levels resulting from normal operation of wind energy systems shall not exceed noise standards for non-transportation noise set forth in the Noise Element of the 2009-2029 Tehama

County General Plan, Table 9-7, as measured at the nearest property line. Applications for permitted or conditionally permitted wind energy systems shall include noise specifications and/or noise studies demonstrating consistency with those standards.

17.83.090 Color of Towers.

All towers shall be painted a neutral, non-reflective color, except when obstruction marking is required for aviation purposes.

17.83.100 Advertising/Signage.

Appropriate warning signs, no larger than 4 square feet, shall be placed on or near wind energy systems. Wind energy systems and related equipment will not be used to advertise or promote any product or service other than the manufacturer’s identification up to a size not to exceed 32 square feet.

17.83.110 Maintenance.

All wind energy systems that are not in use for a period of six continuous months shall be considered abandoned. Abandoned wind 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 wind energy system, the Director of Planning or City Administrator 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 8.08 of this Code.

17.83.120 Williamson Act Lands.

Small energy systems shall be permitted on lands encumbered by the Williamson Act, where otherwise permitted in accordance with Section 17.83.030. Wind Power Facilities and Dual Purpose Wind Energy Systems are **PROHIBITED** on lands subject to a Williamson Act or Farmland Security Zone contract.

SECTION 2. Chapter 17.84 is hereby added to the City of Tehama Code to read:

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.

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.

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	Residential	Open Space-1
Small Solar Energy System	P	P
Solar Power Facility	X	C
Dual Purpose Solar System	C	C

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

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.

17.84.050 Location.

Small and dual purpose wind energy systems shall only be located in the rear yard portion of any lot where permitted, except when the solar energy system is attached to a building. Solar Power Facility locations shall be determined by the City Council / Planning Commission through the use permit process.

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.

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 city 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 8.08 of this Code.

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.*

SECTION 3. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be posted in three (3) public places in the City of Tehama.

The foregoing ordinance was introduced on the 13th day of October and duly passed and adopted by the City Council of the City of Tehama, State of California, at a regular meeting of the City Council on the 10th day of November, 2015 by the following vote:

AYES: Mitchell, Christison, Himes, Unsworth, Bacquet
NOES: None
ABSENT OR NOT VOTING: None

MAYOR, City of Tehama

STATE OF CALIFORNIA)
) ss
COUNTY OF TEHAMA)

I, CAROLYN STEFFAN, City Clerk of the City Council of the City of Tehama, 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 City Council on the 10th day of November, 2015.

DATED: This 10th day of Novemberr, 2015.

CAROLYN STEFFAN, City Clerk of the City Council of the City of Tehama, State of California.