

ORDINANCE NO. NS-1200.331

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA AMENDING APPENDIX I OF THE
COUNTY OF SANTA CLARA ORDINANCE CODE RELATED TO
COMMERCIAL SOLAR ENERGY CONVERSION SYSTEMS**

SUMMARY

This ordinance revises the use classification and amends supplemental development standards for Solar Energy Conversion Systems – Commercial.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1: Section 2.10.040 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined):

§ 2.10.040 Non-Residential Use Classifications

[For illustrative purposes only, the entire text of § 2.10.040 has not been included
in this version of the Ordinance.]

Solar Energy Conversion Systems – Commercial (Infrastructure). Commercial facilities for the conversion of solar energy to electricity. Does not include systems that ancillary in nature and supply energy to a primary on-site use. All uses within this classification shall fit within one of the following subcategories:

1. **Minor.** Facilities covering eight (8) acres or less, and involving only minor structures other than energy conversion equipment. Structures must be 35 feet or less in height. Land coverage calculations shall include the gross land area utilized by the systems (whether enclosed or unenclosed by security fences) including all areas covered by access roadways and parking used exclusively to support the facility. Multiple facilities proposed in conjunction that cover greater than eight acres shall not meet this definition..
2. **Major.** Facilities that do not meet the definition of *Solar Energy Conversion Systems – Commercial – Minor.*

[Criteria/Findings § 4.10.345]

SECTION 2: Section 2.20.020 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the Ordinance Code of the County of Santa Clara, is amended to read as follows (additions are underlined):

§ 2.20.020 Use Regulations

[For illustrative purposes only, the entire text of § 2.20.020 has not been included
in this version of the Ordinance.]

Table 2.20-2

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<u>Solar Energy Conversion Systems – Commercial</u>					
<u>Minor</u>	<u>A</u>	<u>U</u>	<u>U</u>	<u>A</u>	<u>§ 4.10.345, Note 4, 13</u>
<u>Major</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>§ 4.10.345, Note 4, 13</u>

NOTES:

4. Not a permitted use in areas with the Agriculture-Large Scale land use plan designation of the General Plan. [existing note]

13. Not a permitted use in areas with the –d1 (Santa Clara Valley Viewshed) or –d2 (Milpitas Hillside) Design Review Combining Zoning Districts.

SECTION 3: Section 2.50.020 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the Ordinance Code of the County of Santa Clara, is amended to read as follows (additions are underlined):

§ 2.50.020 Use Regulations

For illustrative purposes only, the entire text of § 2.50.020 has not been included in this version of the Ordinance.

Table 2.50-1

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	O/SF	
<u>Solar Energy Conversion Systems – Commercial</u>				
<u>Minor</u>	<u>A</u>	<u>–</u>	<u>–</u>	<u>§ 4.10.345</u>
<u>Major</u>	<u>U</u>	<u>–</u>	<u>–</u>	<u>§ 4.10.345</u>

SECTION 4: Section 4.10.345 of Chapter 4.10, Article 4 of Appendix I, Zoning, of the Ordinance Code of the County of Santa Clara, is added to read as follows:

§4.10.345 Solar Energy Conversion Systems–Commercial

This section refers to uses classified as Solar Energy Conversion Systems - Commercial, as described in § 2.10.040. Commercial solar energy conversion systems shall comply with all of the requirements of this section.

A. **Exclusive Agriculture Zoning District.** Such uses shall be subject to all of the following provisions in the A, Exclusive Agriculture, Zoning District:

1. **Prohibited in Agriculture–Large Scale.** Such uses are not allowed on any land designated Agriculture–Large Scale by the general plan;

2. **Agriculture–Medium Scale Lands.** Such uses may be allowed on lands with a general plan designation of Agriculture–Medium Scale, provided that the subject lot is deemed by the decision-maker to be of marginal quality for agricultural purposes because of one or more of the following conditions: poor soil type, lack of water availability, or an abundance of surrounding incompatible non-agricultural uses. Projects must also demonstrate consistency with the provisions of Section 2.20.250, A Districts: Agricultural Preservation Criteria.
- B. **Prohibited in Certain Design Review Combining Districts.** Not allowed on any land located within the -d1 (Santa Clara Valley Viewshed) and -d2 (Milpitas Hillsides) Design Review Combining Districts.
 - C. **Criteria.** Commercial solar energy systems are subject to all of the following provisions:
 1. **Setbacks.** All structures shall have a minimum setback of thirty (30) feet.
 2. **Signage.** Signs visible from a public road shall only identify the manufacturer, installer, or owner of the system, or public health and safety information applicable to the installed systems. A facility shall be limited to two signs and aggregate sign area shall be no greater than 200 square feet..
 3. **Wildlife Passage.** In areas identified as containing important wildlife habitat, the facility shall be designed, to the maximum extent feasible, to allow continued use of the site for wildlife habitat and migration across the site.
 4. **Construction and Operation.** The design, construction and operation of the facility shall minimize soil disturbance to the maximum extent possible, and shall not substantially alter drainage from the site.
 - D. **Williamson Act Limitation.** No system shall be allowed on lands subject to a California Land Conservation Act (Williamson Act) contract unless permitted as a compatible use.
 - E. **Termination and Decommissioning.** Solar energy conversion systems and all related equipment and accessory structures shall be removed following cessation of use as defined in either § 5.40.070 or § 5.65.050 of the Zoning Ordinance.