

4 Permitting Process

This chapter provides guidance on the County-level permitting process of utility-scale solar energy facilities, per the requirements of [Section 24-157](#) of the Zoning Ordinance, which regulates alternative energy structures. You can also find out about other permitting considerations at the State and federal levels at the end of this chapter. Required fees for the applications discussed below are available at buttecounty.net/dds/Fees.aspx.

The Zoning Ordinance defines Tier 4 utility-scale solar energy facilities as a “major utility” in which most or all power generated is delivered off-site with little or no use on site. In Butte County, Tier 4 facilities require a Conditional Use Permit (CUP) and approval by the Planning Commission. The application process described in this Guide focuses on solar facility development within the unincorporated areas of Butte County. This chapter also provides general information on the California Environmental Quality Act (CEQA), State permitting, and federal permitting processes.

GENERAL TIPS & INFORMATION



Power Purchase Agreements

Entering into a Power Purchase Agreement (PPA) is the most common arrangement to secure financing for selling electricity from a utility-scale solar project. Under a PPA, an off-taker (the entity using the electricity) contracts with the developer to purchase the electricity generated from the solar facility for an agreed-upon cost per unit of energy (\$/kWh). If used, the PPA should be included with your CUP application.

Right-to-Farm Ordinance

If the utility-scale solar facility is located on or adjacent to an agricultural zone, you must acknowledge the County’s Right to Farm Ordinance and must record a Right to Farm Notice on your parcel prior to issuance of any Building Permits. These requirements will be included as conditions of approval of the CUP.

Performance Standards

Photovoltaic panel systems must meet all applicable performance standards established by the [National Electrical Code \(NEC\)](#), the [Institute of Electrical and Electronics Engineers \(IEEE\)](#), and the [California Public Utilities Commission \(CPUC\)](#) regarding safety and reliability.

Electronic Submittal

The CUP application form and application materials (e.g., drawings) should be submitted in an electronic format (e.g., CD-ROM or USB thumb drive).

COUNTY APPLICATION PROCESS

Step 0

Predevelopment Review

Prior to the formal submittal of a development application, applicants and property owners can choose to participate in a pre-application conference, which is an interdepartmental review meeting with County staff from the Development Services Department, Environmental Health Division, Public Works Department, Fire Department, and any other agency that has jurisdiction over the site. While not required, a pre-application conference can be helpful, especially when there are challenges or constraints specific to the site.

At this meeting, you'll learn about local, State, and/or federal requirements that may apply to your project; hear an overview of the County review process; discuss possible changes if appropriate; and find out what information and materials are required for the formal application, including any necessary technical studies.

Any direction from the County will be preliminary and may be refined or changed as the application progresses through the formal process. You must submit a pre-application packet prior to scheduling the meeting.

In addition, outreach to establish a good neighbor policy with adjacent property owners is helpful and encouraged, although not required by the County. Adjacent property owners within 300 feet of the property boundaries will receive notice of the proposal and are encouraged to provide input and attend the public hearing.

The **application**, with more details, including a checklist of pre-application materials, can be found on the Butte County Development Services website (see Documents/Planning/Project Application Forms).

Step 1

Submit Application

Materials

Required materials for application submittal are provided on the CUP application form available from the Department of Development Services, Planning Division. In addition to those required items, consider including the following recommended items on the drawings for utility-scale solar projects:

Site Plans

Existing features to include:

- Structures, access roads, powerlines, and other utilities
- Trees or other landscape features
- Any significant ridgelines

Proposed features to include:

- Solar array footprint and layout
- Access roads, fencing, and utility infrastructure (e.g., poles and powerlines)
- Area and amount of grading and site disturbance

Access Road Drawings

- Sections showing slope, subgrade material, and surface material
- Geometry plans

Elevations

- Perimeter elevation showing fencing, landscaping, and solar panels beyond
- Solar array front-facing elevation (if tracking array, include elevation shown at maximum height configuration)
- Solar array side elevation (if tracking array, elevation should show rotating capabilities)

Specifications

- Solar product manufacturer specifications (e.g., solar modules, inverters, racking and/or tracking array, transformer)
- Proposed lighting manufacturer specifications

Photos

- Image or photo of proposed signage
- Visual simulations

Note: Wherever applicable, include existing and proposed dimensions, colors, and materials on any drawings.

The **application** with more details and a checklist of application packet materials can be found on the Butte County Development Services website (see Documents/Planning/Project Application Forms).

Step 2

County Staff Reviews

The County has 30 days to determine if the application is complete. If the application is incomplete, County staff will work with you to refine and complete it.

Is the application complete?

NO

YES

Step 3

Environmental Review

Once the application is complete, County staff will consider potential environmental impacts of the proposed project, as required by CEQA. The type of CEQA document (e.g., Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report) will be determined through the environmental review process. County staff will prepare a staff report that presents staff's evaluation, including the CEQA review document, and recommended actions to the Planning Commission.

More information about the CEQA process can be found on the next page.

Step 4

County Staff Provides Public Notice of Hearing

Notices are mailed or delivered at least ten days before the scheduled Planning Commission hearing to project site owners, the applicant, local agencies, affected property owners, and those requesting a notice.

Step 5

Planning Commission Hearing

Required Findings and Potential Conditions of Approval

The Planning Commission may approve an application for a CUP only if the proposed project complies with applicable standards in the **Zoning Ordinance**, other County ordinances, the **General Plan** and any other applicable land use plans, and the County Improvement Standards. The Planning Commission must also be able to make the five findings specified in **Section 24-222 of the Zoning Ordinance**. The Planning Commission may attach conditions to the approval of a CUP as needed to ensure compliance with ordinances, plans, and standards.

Step 6

Permit is issued and approval goes into effect!

Appeal/ Review Process

YES

NO

Is the approval appealed or called up for review within 10 days of approval?

APPROVAL

ENVIRONMENTAL REVIEW (CEQA)



Utility-scale solar facilities, including upgrades to distribution or transmission facilities, are projects that are subject to environmental review under CEQA. During the County's application review period, County staff will determine what type of environmental review document will be required, including any required technical studies from the applicant, such as biological and cultural resource studies, hydrology studies, and visual impact studies. The County will then prepare the environmental analysis, which will be provided with the staff report to the Planning Commission. Depending on the type of environmental document required, there may be State-mandated public review and comment periods. In addition, the Board of Supervisors is required to adopt (in the case of a Negative Declaration or Mitigated Negative Declaration) or certify (in the case of an Environmental Impact Report, or EIR) the environmental document. This process is likely to include one or more public hearings.

STATE PERMITTING ON PRIVATE LAND



While the State of California does not have specific permitting authority for solar energy projects, State agencies such as the California Public Utilities Commission (CPUC) and California Energy Commission (CEC) play a role regulating how generated electricity gets on the grid. Coordination with the local utility is essential prior to solar facility approval. If new distribution, transmission, or substation facilities are required and the utility is an investor-owned utility, which is the case with the Pacific Gas and Electric Company (PG&E), the CPUC may need to approve a **Permit to Construct (PTC) or a Certificate of Public Convenience and Necessity (CPCN)**. The CEC has a role at the policy level in developing the State's renewable roadmap, but does not have a role in solar facility approval. More information on the CEC and CPUC can be found in Chapter 2, State and Local Context.

DEVELOPMENT ON STATE-OWNED LAND



As described in Chapter 6, Future Trends and Creative Approaches, recent innovations in solar technology open up new locations for solar facilities, like roadways and waterways. Many of these areas are owned by the State. The permitting authority for developing solar facilities on State-owned land and/or infrastructure is the State agency responsible for that land/infrastructure. Below are examples of different types of State-owned land that may be considered for solar facility development and the general process that would be required by the responsible State agency.

State Roadways and ROW

For California State roadways and rights-of-way (ROW), **Caltrans** is the permitting authority. Proposals for installation of solar generation facilities on lands under Caltrans jurisdiction are reviewed and processed as an air space lease. Air space leases are subject to the provisions of the **Encroachment Permits Manual** and the **Right of Way Manual**. These air space lease requests are reviewed and approved by the District Airspace Review Committee.

Canals and Waterways

For canals, waterways, and ROW related to the **State Water Project**, the **California Department of Water Resources** is the permitting agency. Activities such as construction on or near ROW and utility work would require an encroachment permit.

FEDERAL PERMITTING

Local governments have the authority to regulate utility-scale solar facility development through local land use and building regulations, zoning codes, and other enactments so long they do not conflict with State or federal regulations. However, if the proposed site is on federal land, such as **Bureau of Land Management (BLM)** or **US Forest Service (USFS)** land, the developer must apply for federal permits.



FEDERAL CONSIDERATIONS ON NON-FEDERAL LANDS

Depending on the characteristics of your site, federal agencies may have a permitting role for your project. The following are some triggering events that may require you to obtain a federal permit and/or consult with a federal agency:

- Impacts to endangered and threatened species and to bald and golden eagles
- Impacts to migratory birds or nests
- A need to access or cross Indian Lands
- Construction within 3 nautical miles of an airport
- Impacts to Department of Defense installations

INTERCONNECTION

Interconnection of electric generation to the grid requires an evaluation of existing transmission and distribution (T&D) equipment to determine if sufficient capacity and control measures exist to safely integrate additional generation. In many cases, additional investment in T&D infrastructure is required, with costs either borne by the developer or split among developers with projects in close proximity to one another. Developers planning to connect solar facilities to the electric utility grid must complete an interconnection agreement with either the local electric utility (in Butte County's case, **PG&E**) or the **California Independent System Operator (CAISO)** depending on the desired interconnection voltage. No building permit for a renewable energy facility will be issued until evidence has been provided that the proposed interconnection is acceptable to the affected utility.

