

TO: TOWN COUNCIL

FROM: PLANNING DIRECTOR

RE: PUBLIC HEARING FOR PROPOSED ORDINANCE ON
GROUND MOUNTED SOLAR COLLECTORS

RECOMMENDATION

Hold first reading of ordinance waiving reading.

CEQA

This item is exempt from compliance with the California Environmental Quality Act [CEQA], per §15061(b)(3) and §15035 of the CEQA Guidelines, because the proposed ordinance simply clarifies existing ordinance provisions and therefore does not and could not have a significant effect on the environment..

MONEY

Possible future savings of staff and Commission time explaining that collectors are accessory structures and need to meet the Zoning Ordinance requirements. Last year 20 permits were issued for solar installations with one quarter of them being ground mounted.

DISCUSSION

By April 2009, staff had noticed that an increasing number of ground mounted solar array building permits were being applied for within the Rural Residential (RR), Residential Estates (RE) and Residential Agricultural (RA). In the previous eight (8) months, staff has approved a ground mounted system in the Ridge Park subdivision overlooking a Monte Claire II vacant parcel, a tracking array system on the south side of Shambaugh Lane, a ground mounted system on Napoleon Drive; another system on Oak Tree Lane in addition to the ground mounted array on Lot 2 in the Poppy Ridge subdivision of off Rocklin Road. Staff had encountered neighbor opposition on at least one of the projects mentioned above and was forced to mediate a common solution prior to approval of the permit. This included the planting of landscaping and lattice to screen as much of the system as possible while not reducing the efficiency or practical use of the array. The contractor of the Poppy Ridge solar system disagreed with the Director interpretation that ground mounted solar arrays were a structure requiring standard setbacks – he wanted only a 5’ setback for his system. Staff presented these issues to the Planning Commission in April. The Planning Commission spent several meetings, discussing property rights issues and State solar laws (which supersede and circumscribe what town zoning laws may regulate – with the intent to encourage solar). In November the Planning Commission recommended the attached ordinance to the Town Council for adoption which clarifies that ground-mounted solar structures are accessory structures, and regulated by the zoning restrictions as such. Since this time, at least one additional ground-mounted solar array has been constructed – but within the setbacks allowed for structures.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
BY ADDING SETBACK AND HEIGHT REQUIREMENTS
FOR GROUND MOUNTED SOLAR COLLECTORS**

WHEREAS, the Town of Loomis wishes to add setback and height requirements for ground mounted solar collectors to the Loomis Municipal Code in order to lessen the impacts of such devices on adjacent neighbors, among other things;

NOW, THEREFORE, the Town Council of the Town of Loomis ordains as follows:

Section 1. Section 13.30.110G.6.is hereby added to the Loomis Municipal Code to read in its entirety as follows:

“6. Ground mounted solar collectors in residential zones. All ground mounted solar collectors in residential zones shall comply with the setback requirements of this section.

a. **Definition.** For purposes of this section, a “ground mounted solar collector” means a fixed device, structure, or part of a device or structure that is used primarily to transform solar energy into thermal, chemical, or electrical energy and is installed on the ground.

b. **Setbacks.**

(1) Ground mounted solar collectors which are less than six (6) feet in height may be located anywhere on a residential lot.

(2) Ground mounted solar collectors which are six (6) feet or more in height, shall comply with the applicable front, side-interior, side-corner and rear setback requirements set out in Table 2-3and 2-4 of Section 13.24.040.

Notes:

- (i) In addition to complying with the above setback requirements, one should refer to the State law entitled “Solar Shade Control Act” (Public Resources Code §§ 25980 et al.) which contains other setback & additional requirements that must be complied with in order to protect your solar collector to the extent allowed from shade caused by neighbors’ landscaping & trees.
- (ii) On a related note, the maximum allowable height of a ground mounted solar collector is set out in § 13.30.050 D.4.”

Section 2. Section 13.30.050 D.4.is hereby added to the Loomis Municipal Code to read in its entirety as follows:

- “4. The maximum height for a “ground mounted solar collector” as that term is defined in Section 13.30.110 G.6. shall be fifteen (15) feet, measured from the natural pre-development grade, to the top of the array.”

Section 3. The Town Clerk shall cause this Ordinance to be published as required by law in the Loomis News, a newspaper of general circulation, and posted at three (3) locations within fifteen (15) days of the certification to be entered in the Book of Ordinances of the Town.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis duly held on the _____ day of _____, 2010, and was approved and enacted at a duly held regular meeting of the Council held on the _____ day of _____, 2010, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney