

SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for Revising Freestanding Solar Energy Systems
Permit Requirements

Hearing Date: March 4, 2009
Staff Report Date: February 13, 2009
Case No. 09ORD-00000-00001
Environmental Document: CEQA Guidelines Section 15061(b)(3)

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1.0 REQUEST

Hearing on the request of the Planning and Development Department that the County Planning Commission consider and adopt a recommendation to the Board of Supervisors that they adopt an ordinance (Case No. 09ORD-00000-00001) amending Article 35.3 - Site Planning and Other Project Standards, of Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code as set forth in Attachment C that would revise the existing procedures for permitting freestanding solar energy systems to allow such systems to be allowed with a Zoning Clearance instead of the current Land Use Permit when they comply with a set of development standards designed to address compatibility with the surrounding area.

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and recommend that the Board of Supervisors approve Case No. 09ORD-00000-00001 based upon the ability to make the appropriate findings. Your Commission's motion should include the following:

- Adopt the findings for approval and recommend that the Board of Supervisors adopt the findings for approval of the proposed amendment (Attachment A);
- Recommend that the Board of Supervisors find that this amendment is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) of the Guidelines for Implementation of CEQA (Attachment B); and,
- Adopt a Resolution recommending that the Board of Supervisors adopt Case No. 09ORD-00000-00001, an ordinance amending Section 35-1, the Santa Barbara County Land Use and Development Code, of Chapter 35, Zoning, of the County Code (Attachment C).

Please refer the matter to staff if your Commission takes other than the recommended action for the development of appropriate materials.

3.0 JURISDICTION

This project is being considered by the County Planning Commission based upon Section 65855 of the Government Code and Section 35.104.050 of the Santa Barbara County Land Use and Development Code (County LUDC). The Government Code and the County LUDC require that the County Planning Commission, as the designated planning agency for the unincorporated area of the County outside the Montecito Planning Area, review and consider proposed amendments to the County LUDC and provide a recommendation to the Board of Supervisors.

4.0 ISSUE SUMMARY AND BACKGROUND

The County LUDC currently provides that solar energy collection systems are exempt from planning permits if they are located on the roof of a structure, but require a Coastal Development Permit or a Land Use Permit if they are freestanding. In compliance with Government Code Section 65850.5(b) which requires that "a city or county shall administratively approve applications to install solar energy

systems through the issuance of a building permit or similar nondiscretionary permit," the County LUDC does not require design review for solar energy systems. Building permits (especially in the case of roof mounted systems) and electrical permits are typically required.

On October 1, 2008 the Planning and Development Department discussed with your Commission the possibility of shifting the permit requirement for freestanding solar energy systems in the Inland area from a Land Use Permit (with notice and the possibility for appeal) to a Zoning Clearance (no notice, no appeal) provided the project complies with all other zoning requirements (e.g., height, location) and a specific set of development standards designed to address compatibility issues such as location and visibility.

As discussed at the October 1st workshop, Assembly Bill 811 (effective July 21, 2008) authorizes the legislative bodies of cities and counties to adopt a program that could provide low-interest loans to property owners to finance the installation of solar energy systems. The County is in the process of developing a program that will implement AB811. Additional information on the status of this program will be presented at the March 4, 2009 public hearing.

Based on the generally supportive comments received at the October 1st workshop staff is now requesting that your Commission recommend adoption of the proposed ordinance amendment to the County Board of Supervisors.

A similar ordinance will be presented to the Montecito Planning Commission on February 25, 2009. The results of that hearing will be presented to your Commission at the March 4th public hearing

5.0 PROJECT DESCRIPTION

5.1 Proposed permit process. This amendment would shift the permit requirement for freestanding solar energy systems located in the Inland area from a Land Use Permit to a Zoning Clearance for systems that are able to comply with all of the development standards listed below (see Section 35.30.160.C). This amendment is not proposed to apply to the Coastal Zone since freestanding solar energy systems meet the definition of "development" and therefore require the issuance of a Coastal Development Permit. These development standards are written so that they can be applied in a ministerial manner in order to comply with Government Code Section 65850.5(b). If a particular installation is not able to meet all the development standards, it may still be permitted with a Land Use Permit. Implementing this process requires amending the text of Section 35.30.160 (Solar Panels) to read as shown below (added text is shown as underlined, deleted text is struck-through).

35.30.160 - Solar Panels

- A. **Roof Mounted.** Solar panels located on the roof of an existing structure do not require planning permit approval.
- B. **Freestanding.** Solar panels located on the ground shall be classified as accessory structures, and shall require the issuance of ~~a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).~~ the appropriate planning permit in compliance with the following:
 1. **Coastal Zone.** Freestanding solar panels located in the Coastal Zone shall require the issuance of either a Coastal Development Permit in compliance with Section 35.82.050 (Coastal Development Permits) or a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) as applicable.

2. **Inland area.** Freestanding solar panels located in the Inland area shall require the issuance of either a Land Use Permit or a Zoning Clearance.

(a) **Land Use Permit.** The issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be required for solar panels that do not comply with Subsection C. (Development Standards), below.

(b) **Zoning Clearance.** The issuance of a Zoning Clearance in compliance with Section 35.82.210 (Zoning Clearances) shall be required for solar panels that comply with Subsection C. (Development Standards), below.

C. **Development Standards.** Freestanding solar panels located in the Inland area may be allowed with the issuance of a Zoning Clearance in compliance with Section 35.82.190 (Zoning Clearances) if they comply with all of the following standards.

1. **Design.**

a. The proposed system is no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.

b. The solar panels and supporting framework do not extend more than six feet above the existing grade.

2. **Location.**

a. The solar energy system including any appurtenant equipment is not located within any required setback areas.

b. If the solar panels are visible from off-site, the solar panels are not located within 150 feet of a dwelling located on a lot other than the lot on which the solar energy system is located unless:

(1) There are appropriate facades, walls, fences or landscaping that screen the solar panels and supporting framework from unobstructed view.

(2) Taller screening and landscaping is used on the north side of panels to screen the panels from uphill views without reducing the efficiency of the system.

(3) Reflection angles from collector surfaces are oriented away from neighboring windows.

(4) The panels are mounted as close as possible to the ground to match the slope of the hillside while allowing adequate drainage and preventing vegetation from shading the panels.

c. The system is not located on a designated historical landmark.

3. **Visibility.**

a. The solar panels are not visible from a public right-of-way that abuts the lot on which the solar energy system is located, or, if visible, they are installed within one foot of the natural ground topography.

b. The solar panels are located so that they are not readily visible from public viewing areas including parks, roads and trails located to the south of the site.

6.0 ENVIRONMENTAL REVIEW

The proposed amendment is recommended to be determined to be exempt from environmental review in compliance with Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA) which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of this ordinance amendment as discussed in Attachment B.

7.0 POLICY CONSISTENCY

Adoption of the proposed ordinance will not result in any inconsistencies with the adopted policies and development standards of the County's Comprehensive Plan and regional Community Plans. In order to approve any application that results from this ordinance, the application still must be found consistent with the Comprehensive Plan and regional Community Plans.

8.0 ORDINANCE COMPLIANCE

The proposed ordinance is consistent with the remaining portions of the County LUDC that are not revised by this ordinance.

9.0 PROCEDURES

The County Planning Commission may recommend approval, approval with revisions, or denial of the proposed ordinance.

10.0 APPEALS PROCEDURE

Ordinance amendments are automatically forwarded to the Board of Supervisors for final action, therefore no appeal is required.

11.0 ATTACHMENTS

- A. Findings
- B. CEQA Notice of Exemption
- C. Resolution and Proposed Ordinance
- D. October 1, 2008 County Planning Commission Workshop Staff Report