

# CAN YOUR NEIGHBORS BLOCK THE SUN?

The City of Lincoln tests whether it can  
control where solar systems get placed

by *Steven Yoder*

**I**t seemed simple enough when the Lincoln Hills Golf Club decided to install about 1,800 ground-mount solar panels this spring on two acres of its course's practice facility. The system would help offset the company's electric bill — typically, golf courses use solar energy to cut their overhead from recharging golf carts, running irrigation systems and the like.

But the club's chosen installation site fronted on the views of about a dozen homes, an amphitheater and a restaurant in the Sun City Lincoln Hills retirement development next door. When the neighbors found out, its community association launched three weeks of protests. "No Solar Power Plant" signs sprouted in lawns, neighbors showed up on the street with "No Solar in Our Backyard" placards and they got more than 900 names on a petition delivered to the city council. They argued that when they bought their homes, they bought their views too.

Citizens asked the council and the local planning commission for help, and in early June the council slapped down a 45-day moratorium on solar projects of more than 15 kilowatts. (The average rooftop installation runs about five kilowatts.) The council said that would allow it to consider whether larger projects create "specific, adverse impacts on the public health and safety" and whether the City would need new standards or regulations.

The full-court press worked — in late July the golf club's owner agreed to move the panels to a parking lot, adding \$300,000 to the cost of the project, according to Christopher O'Keefe, executive director of the community association. "Had the moratorium not been put in place, the result may very well have been different," he wrote by email. (The golf course didn't respond to requests for comment.)



But the case calls into question whether other cities will push for more discretion over the placement of solar systems under the state's Solar Rights Act. The 1978 law states that local governments must issue permits for the installation of solar systems, and it gives them no discretion in developing standards for issuing those permits. "We're very limited in our level of review and the parameters that we can use to establish control and discretion in the approval process [for solar projects]," says Jim Bermudez, a manager in Lincoln's Community Development Department.

But now the City may be pushing its luck: In July, the council extended its moratorium to May 2017. Bermudez says the extension will allow them to determine whether to proceed with an in-depth analysis of potential health and safety impacts of solar installations.

That may be a bridge too far for the California Solar Industries Association, which represents solar system installers, manufacturers, distributors and others. Bernadette Del Chiaro, the group's executive director, says that when she heard of the first Lincoln moratorium, she asked the City to send her the documents they'd collected on potential health and safety impacts. Of those, she says, "there's not a single bit of information submitted to the city council that justifies that there are any health and safety impacts of a solar PV system." For his part, Bermudez concedes that based on the documents they've collected, the City hasn't concluded whether there are any health and safety concerns.

Indeed, the U.S. Occupational Safety and Health Administration notes that there are hazards associated with solar installs but that those dangers — like arcing, electric shocks and thermal burns — involve workers, not residents. A report by the Massachusetts government's Energy and Environmental Affairs office about the safety of solar installs concludes that they pose few — if any — dangers to public safety. Overall, few credible U.S. research studies appear to exist, looking at the health and safety risks posed by solar installations.

Del Chiaro believes that the town is abusing the health and safety language in the law. That provision was designed to ensure that, for example, a roof is strong enough to hold a planned installation. "This is entirely a NIMBY battle between these customers who didn't want to look out at a solar system on the golf course ... To put in place a moratorium is a violation of the Solar Rights Act, and to extend it out a whole year is unprecedented and frankly illegal," she says. Del Chiaro can't say whether the association will challenge the city's moratorium, but she does say they will "be looking into it and figuring out what's the appropriate response."

Back in Lincoln, the city council is charging ahead. Bermudez says they're now working on an ordinance that would permanently give them more control over where solar systems are sited by requiring solar installations to be "accessory structures" to a primary structure — meaning that a ground-mount system couldn't be put in an empty City lot. It's not clear whether that ordinance would fly under the solar law, which discourages municipalities from adopting "ordinances that create unreasonable barriers to the installation of solar energy systems."

Lincoln so far appears to be alone in feeling for the outer edges of the solar law. Bermudez says he's heard from some cities in the Central Valley that have gone through similar issues, but no others have taken the steps Lincoln has.

It's possible the state will see more neighborhood solar disputes. California produces nearly half the nation's solar energy, and

solar installs on homes and businesses account for almost a third of the state's production. Their number will only grow as the state aims to produce half its electricity from renewable sources by 2030. "Everybody's waiting for battery storage to hit that price point where it becomes a viable technology," says Patrick McCoy, SMUD's solar program planner. If it does, the number of solar systems will grow, so more local debates like this one could emerge.

Bermudez thinks cities should have more leeway on siting and says they've contacted the League of California Cities about lobbying for changes to the Solar Rights Act.

But a spokesperson for the League didn't have an answer about whether it has plans for any revisions to the law.

McCoy says there's some hope that communicating with neighbors as the very first step in planning a solar project could smooth over problems. SMUD has more than 30 years of experience siting solar projects — it put in the first utility-scale solar project in 1984 next to the now-decommissioned Rancho Seco nuclear plant. "Any projects we're working on, we like to have conversations up front: 'Hey, here's what we're thinking about, what are your thoughts?'" he says. If someone is thinking of a larger solar project and has already designed it and is pulling permits, that's too late in the process, McCoy says.

And what if neighbors are opposed no matter what? "That's a tough one," he concedes. ●

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Steven Yoder writes about business, real estate and criminal justice. His work has appeared in The Fiscal Times, Salon, The American Prospect and elsewhere. On Twitter @syodertweets, and online at [stevenyoder.net](http://stevenyoder.net).

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