

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 18.17 TO THE MONTEREY COUNTY CODE RELATING TO EXPEDITED SMALL RESIDENTIAL ROOFTOP SOLAR PERMITS**

**County Counsel Summary**

*This ordinance adds Chapter 18.17 to the Monterey County Code to establish an expedited permitting process for small residential rooftop solar systems in accordance with Assembly Bill 2188 (AB 2188). AB 2188, chaptered in 2014, modifies the existing state Solar Rights Act and requires cities and counties to adopt an ordinance by September 30, 2015 to create an expedited, streamlined permitting process for small residential rooftop solar energy systems. This ordinance authorizes the County Building Official to develop an administrative, nondiscretionary, expedited permitting process for small residential rooftop solar energy systems, including developing checklists and standard plans in substantial conformance with the recommendations of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.*

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Chapter 18.17 is added to the Monterey County Code to read as follows:

**Chapter 18.17 EXPEDITED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

**Sections:**

<b>18.17.010</b>	<b>Purpose</b>
<b>18.17.020</b>	<b>Applicability</b>
<b>18.17.030</b>	<b>Definitions</b>
<b>18.17.040</b>	<b>Duties of the Building Official</b>
<b>18.17.050</b>	<b>Permit Review</b>
<b>18.17.060</b>	<b>Inspection Requirements</b>
<b>18.17.070</b>	<b>Fees</b>

**18.17.010 Purpose**

The purpose of this Chapter is to adopt an expedited, streamlined permitting process that complies with the state Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The intent of this Chapter is to encourage the use of solar systems by removing unreasonable barriers, minimize costs to property owners and the County, and expand the ability of property owners to install small residential rooftop solar energy systems, while allowing the County to protect the public health and safety.

**18.17.020 Applicability**

1. This Chapter applies to the permitting of all small residential rooftop solar energy systems, as defined, in the County of Monterey.
2. A construction permit is required to install a solar energy system, including small residential rooftop solar energy systems, as defined.
3. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Chapter are not subject to the requirements of this Chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.
4. This Chapter shall not apply to solar energy systems that are not small residential rooftop solar energy systems.

**18.17.030 Definitions**

For the purposes of this Chapter, the following definitions shall apply:

- A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development
- B. "Building Official" means the County Building Official or his or her designee.
- C. "Common interest development" means any of the following:
  1. A community apartment project.
  2. A condominium project.
  3. A planned development.
  4. A stock cooperative.
- D. "Electronic submittal" means the utilization of one or more of the following:
  1. Email
  2. The Internet
  3. Facsimile
- E. "Small residential rooftop solar energy system" means a solar energy system that meets all of the following requirements:
  1. The system is no larger than 10 kilowatts alternating current nameplate rating, or 30 kilowatts thermal;
  2. The system, including its installation, conforms to all applicable state fire, structural, electrical and other building codes as adopted or amended by the County;
  3. The system meets all state and County health and safety standards;
  4. The system meets all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability;

5. The system is located on a rooftop of a detached single-family dwelling or a duplex; and
  6. The system, when installed on a rooftop, does not exceed the maximum legal building height limit of the zoning district and fire authority jurisdiction in which it is located.
- F. “Solar Energy System” means either:
1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating; or
  2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

G. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

#### **18.17.040 Duties of the Building Official**

1. The Building Official shall develop an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems.
2. The Building Official shall adopt standard plans and checklist of all requirements with which the application for small residential rooftop solar energy systems shall comply to be eligible for expedited review.
3. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor’s Office of Planning and Research, as may be periodically revised.
4. The Building Official will have the authority to revise the process, standard plan(s), and checklist in substantial conformance to such revisions as may be made periodically to the *California Solar Permitting Guidebook*.
5. The Board of Supervisors may, by ordinance, modify the checklists and standards found in the *California Solar Permitting Guidebook* due to unique climatic, geological, seismological, or topographical conditions in the County.
6. The Building Official shall make available on the publicly accessible County website, the County’s checklist, standard plans, the permit application form, and such other permitting documentation as is required for small residential rooftop solar energy systems.

#### **18.17.050 Permit Review**

1. An application and related documentation to install a small residential rooftop solar energy system may be submitted electronically in the manner specified by the County.
2. An applicant’s electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

3. An application for a small residential rooftop solar energy system shall be deemed complete when the Building Official determines that the application satisfies all the information requirements in the checklist.

4. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

5. Applications for small residential rooftop solar energy systems shall be administratively reviewed and acted upon by the Building Official as nondiscretionary permits within a reasonable time following receipt of a complete application that meets the requirements of the County's checklist, standard plans, and payment of all required permit processing and inspection fees. The Building Official's review shall be limited to whether the proposed small residential rooftop solar energy system meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the solar energy system will not have a specific, adverse impact upon the public health and safety.

6. The Building Official, in consultation with the Director of Planning, may require an applicant to apply for a use permit if the Building Official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. The Building Official's decision to require a use permit may be appealed to the County Planning Commission.

7. If a use permit is required, the application for the use permit may be denied if the appropriate authority as designated in the applicable County zoning ordinance makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact. Such decisions may be appealed to the County Planning Commission, or if the Planning Commission was the appropriate authority, such decisions may be appealed to the Board of Supervisors.

8. Any condition imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest possible cost.

9. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the County on another similarly situated application in a prior successful application for a permit. The County shall use its best efforts to ensure that the selected method, condition, or mitigation does not significantly increase the cost of the system or decrease its efficiency or specified performance. The term "significantly" as used herein means an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

10. The County shall not condition approval of an application on the approval of an Association.

11. A solar energy system permitted pursuant to this Chapter shall meet all applicable health and safety standards and requirements imposed by state and County permitting authorities.

**18.17.060 Inspection Requirements.**

1. Only one inspection shall be required and performed by the Building Official for small residential rooftop solar energy systems eligible for expedited review under this Chapter.
2. A separate fire inspection is required to be performed by the local fire authority prior to the inspection by the Building Official.
3. The inspections shall be done in a timely manner and should include consolidated inspections to the extent possible.
4. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Chapter.

**18.17.070 Fees**

The Board of Supervisors may establish fees for processing permits for small residential rooftop solar energy systems under this Chapter, provided that such fees comply with the requirements of Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and Health and Safety Code Section 17951.

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective on the thirty-first day following its adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

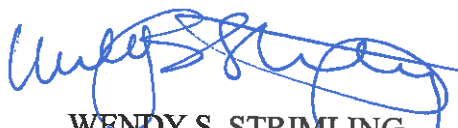
AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Simon Salinas, Chair  
Monterey County Board of Supervisors

**A T T E S T :**

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

<p>APPROVED AS TO FORM:</p>  <p>WENDY S. STRIMLING Senior Deputy County Counsel</p>
---