



Monterey County

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Board Report

Legistar File Number: ORD 15-018

September 29, 2015

Introduced: 9/21/2015

Version: 1

Current Status: Consent Agenda

Matter Type: Ordinance

Adopt an ordinance adding Chapter 18.17 to the Monterey County Code to establish an expedited, streamlined permitting process for small residential rooftop solar energy systems in the unincorporated area of Monterey County.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt an ordinance adding Chapter 18.17 to the Monterey County Code to establish an expedited, streamlined permitting process for small residential rooftop solar energy systems in the unincorporated area of Monterey County.

SUMMARY:

On September 22, 2015, the Board of Supervisors introduced the ordinance, waived the reading, and considered the ordinance. The Board set September 29, 2015 at 10:30 am (consent calendar) as the date and time to adopt the ordinance.

In September 2014, the California State Legislature passed, and the Governor signed, Assembly Bill 2188 (AB 2188), which requires local agencies to have expedited permit processing for small residential rooftop solar energy systems. This legislative action revised two parts of the California Solar Rights Act; specifically, it amends Section 714 of the Civil Code, and Section 65850.5 of the Government Code, relating to solar energy.

Government Code Section 65850.5 mandates adoption of an ordinance on or before September 30, 2015 that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. The proposed ordinance would add Chapter 18.17 to provide for this process as required by AB 2188. This ordinance would apply to solar energy systems below 10 kilowatts installed on a single family or duplex dwelling that does not exceed the maximum legal building height.

The Resource Management Agency-Building Services (RMA-Building Services) anticipates needing only minimal changes in its current procedures in order to comply with AB 2188. RMA-Building Services currently accepts applications via email for the majority of its solar permits and meets the time-frame required by AB 2188 for same-day, over-the-counter issuance. Additionally, RMA-Building Services has already implemented AB 2188's requirement for one timely inspection to finalize the permit.

As required by AB 2188, the application, checklist, all other permitting documents for expedited solar permits have been developed by the RMA-Building Services staff, and will be

available on-line through the RMA website.

RMA will begin accepting applications via the internet when the technology is in place. The challenge at this time is the inability to accept online payments; only credit card authorization forms can be accepted at this time.

CEQA EXEMPTION

Adoption of this ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA). Pursuant to Public Resources Code section 21080.35, installation of a solar energy system on the roof of an existing building is statutorily exempt from CEQA, and this ordinance merely establishes a streamlined permitting process, as required by state law, for the permitting of such solar energy systems. The project is also exempt from CEQA pursuant to CEQA Guideline 15061(b)(3); it can be seen with certainty that there is no possibility the ordinance may have a significant effect on the environment because the ordinance implements a state mandate to remove barriers to installation of rooftop solar energy systems in order to meet the state's clean energy and greenhouse gas reduction goals.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has approved the ordinance as to form. RMA-Building Services has consulted with the appropriate local fire departments and districts as required by AB 2188. The draft ordinance and checklist has been distributed to stakeholders for their input. RMA is committed to working cooperatively with the Office of the Treasurer - Tax Collector to find the best online payment mechanism to serve the needs of the RMA and the County as a whole.

FINANCING:

There is no additional impact to the General Fund as a result of the above actions. The staff costs associated with this item are included in the FY 2015-16 Adopted Budgets for the RMA.

Prepared by: Kate Battiato, Management Analyst (831) 759-6560

Approved by: Daniel P. Dobrilovic, Acting Chief Building Official

Approved by: Carl P. Holm, AICP, Resource Management Agency Director

Prepared Date: September 18, 2015

Attachments: Ordinance