

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

266



**FROM:** TLMA – Building & Safety Department

**SUBMITTAL DATE:**  
June 4, 2015

**SUBJECT:** Initiation of Ordinance Amendment to Ordinance No. 348 and New Ordinance Establishing an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems – All Districts - [\$10,600 total cost]; 100% Department Administrative Fee Revenue

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt an order initiating a new ordinance that would establish an expedited, streamlined permitting process for small residential rooftop solar energy systems consistent with Assembly Bill 2188 (AB 2188).
2. Adopt an order initiating a possible amendment to Section 18.51 of Ordinance No. 348 regarding solar energy systems to ensure consistency with AB 2188.
3. Direct the Building & Safety Department to work with the Fire Department, Planning Department and County Counsel to prepare and process the new ordinance and ordinance amendment.

**BACKGROUND:**

AB 2188, effective January 1, 2015, amends Civil Code section 714 and Government Code section 65850.5 of the Solar Rights Act to require cities and counties to adopt streamlined permitting and inspection processes for residential rooftop solar installations of ten kilowatts (kw) or less.

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Juan C. Perez,  
TLMA Director

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Mike Lara  
Director of Building & Safety

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$ 5,000	\$ 5,600	\$ 10,600	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$	\$	\$	\$	

<b>SOURCE OF FUNDS:</b> (Department Administrative Fee Revenue)	100% Building and Safety Budget	<b>Budget Adjustment:</b> NO
		<b>For Fiscal Year:</b> 14/15 - 15/16

**C.E.O. RECOMMENDATION:**

APPROVE

BY: Tina Grande  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
BY: ANITA C. WILLIS  
DATE: 6-4-15

Department: Concurrence

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District: ALL

Agenda Number:

**3-52**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: Initiation of Ordinance Amendment to Ordinance No. 348 and New Ordinance  
Establishing an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar  
Energy Systems – All Districts - [\$10,600]  
DATE: June 4, 2015  
PAGE: 2 of 3**

**BACKGROUND:**

**Summary (continued)**

With regard to solar energy systems that are not residential rooftop solar installations of ten kilowatts (kw) or less, AB 2188 also modifies the Solar Rights Act to require the County building official to make a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety before the County can require an applicant to seek a discretionary land use permit for such solar energy system. If such a finding cannot be made, the solar energy system shall be administratively reviewed and approved as a nondiscretionary permit.

In particular, AB 2188 amends the Solar Rights Act to require the County to:

**For Residential Rooftop Solar Installations of 10kw or Less:**

- Adopt a County Ordinance, in consultation with the fire department, *by September 30, 2015*, to provide for an expedited, streamlined permitting process for small residential rooftop solar energy systems in substantial conformance with the recommendations, including checklists and standard plans, set forth in the most current California Solar Permitting Guidebook (Guidebook) adopted and published by the Governor's Office of Planning and Research. The County may modify the checklist or deviate from the Guidebook's processes, if the County makes findings related to unique local climatic, geological, seismological, or topographical conditions.
- Adopt a Checklist of all requirements for expedited County review (Checklist) in substantial conformance with the Guidebook.
- Provide for Web / Internet Access and Electronic Submittals. The Checklist and all permitting documentation must be published on a publicly accessible website. The County must allow for electronic submittals (email, internet or fax) and permit electronic signatures on all forms. If the County is unable to provide for electronic access and submittal, the County must provide reasons for its inability in the ordinance.
- Administratively Approve an Application and Issue a Nondiscretionary Permit upon confirmation that that application and supporting documents are complete, meet the requirements of the Checklist, and the ordinance. Such approval cannot be conditioned upon the approval of the solar energy system by a homeowner association
- If the Application is Incomplete, issue a written correction notice detailing all the deficiencies in the application and any missing documentation.
- Conduct Only One (1) Inspection, in a timely manner, which may include a consolidated inspection with the fire department inspection. Any required re-inspections for failure to pass the initial inspection are not subject to the one (1) inspection mandate.

**For Solar Energy Systems (including residential rooftop greater than 10 kw where more than 50% of the energy produced is being used onsite):**

- Require an Applicant to Seek a Discretionary Land Use Permit only if the building official makes a finding, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety.

The above provisions shall not apply to "solar power plants" as defined in Ordinance No. 348 where more than 50% of the energy produced is being used offsite. Solar power plants shall continue to require a conditional use permit in accordance with the provisions of Ordinance No. 348.

**Impact on Residents and Businesses**

The expressed purpose of AB 2188 is to increase the deployment of residential solar distributed generation, help to expand access to lower income households, provide solar customers greater installation ease, improve the County's and State's ability to reach its clean energy goals, and generate much needed jobs in the County and State, all while maintaining safety standards.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

The adoption of this new ordinance is an unfunded state mandate. The fiscal impact to the County in preparing and implementing the new ordinance would be \$10,600. This includes the total estimated cost for developing the following mandated elements of the expedited permitting processing: (1) a new ordinance, (2) a Small Residential Solar Photovoltaic Checklist identifying all required documentation for expedited review, (3) incorporating the small residential solar into our electronic submittal process for permit applications, and (4) increasing staffing levels, likely through use of consultant contracts, to comply with the required deadlines for expedited review and inspection. While state law allows the County to recover up to \$500 in permit fees for residential solar photovoltaic projects of 15 kw or less, such fees can only be used to defray the actual, reasonable cost of permit processing and enforcement and cannot be used to develop the new program and prepare the ordinances.