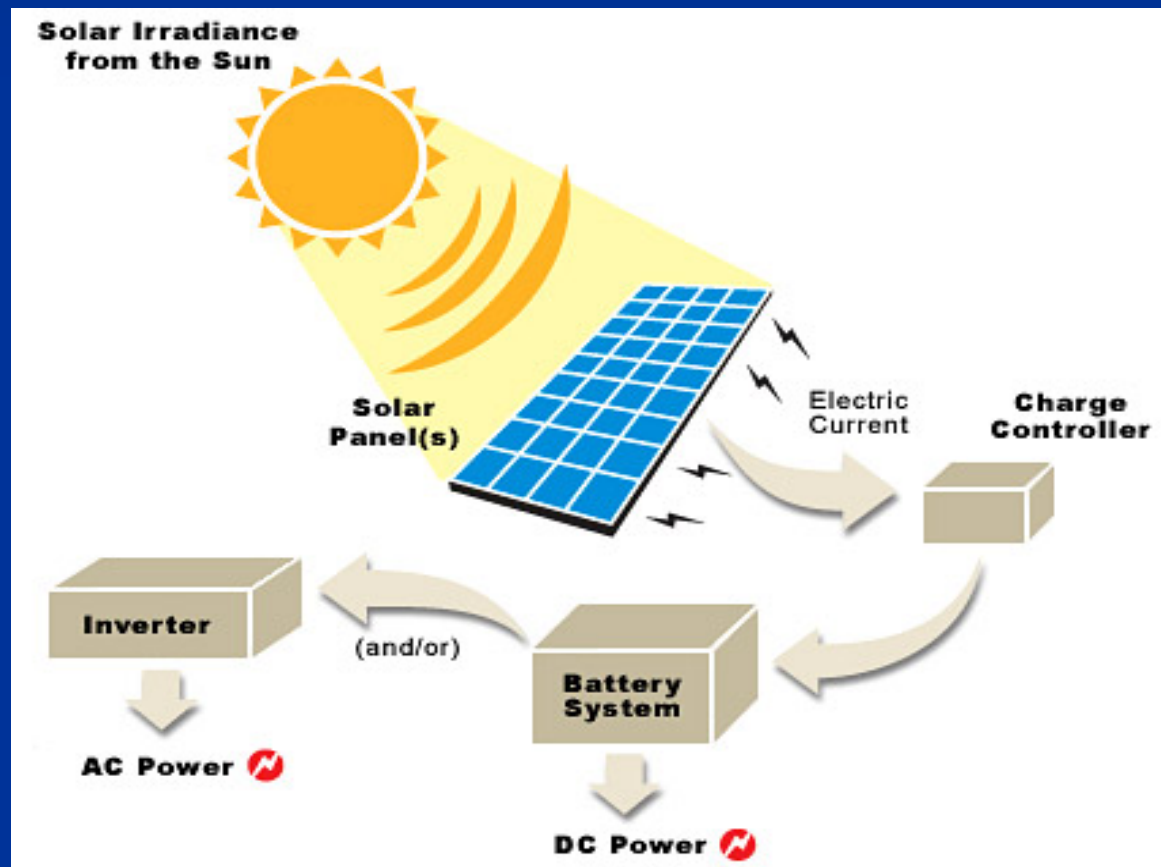


**Santa Barbara County Board of Supervisors  
Solar Energy Systems  
Permitting Ordinance Amendment  
June 23, 2009**



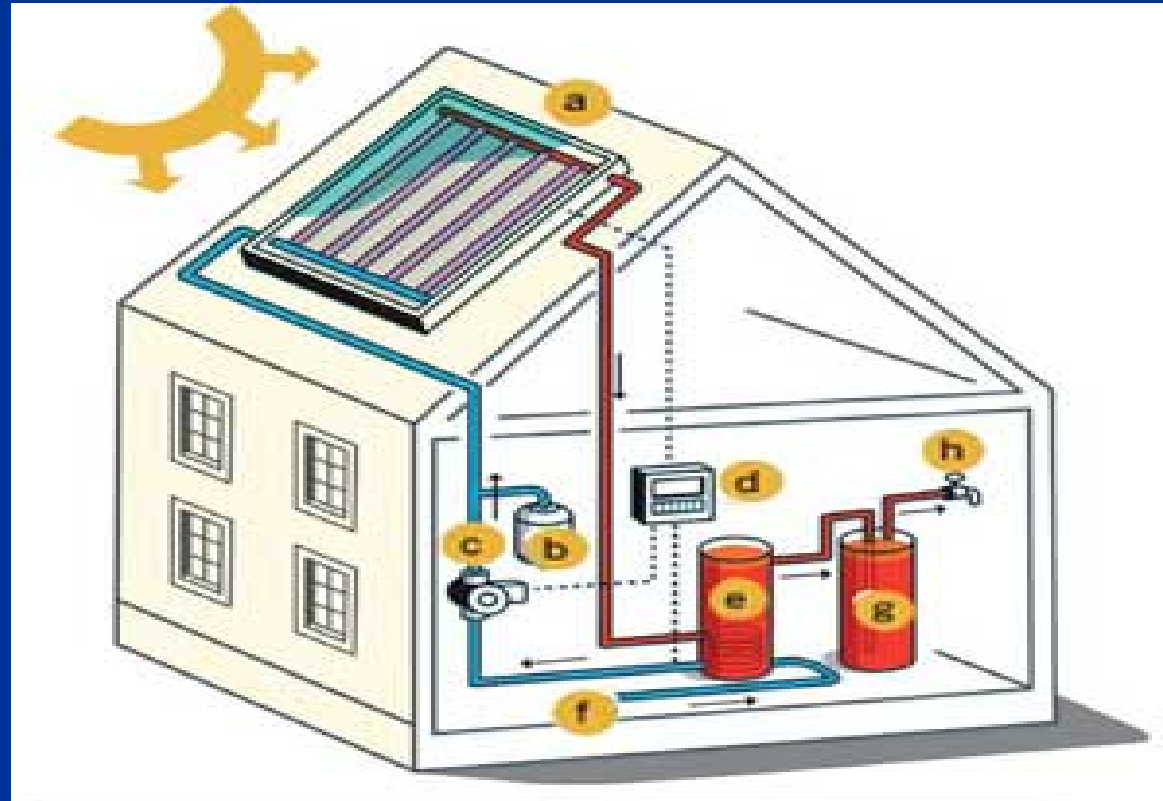
# Solar Energy Systems

- Photovoltaic (PV)



# Solar Energy Systems

- Thermal (hot water)



# P&D Outreach Efforts

- Solar energy informational brochure
  - Benefits
  - Basic Steps
  - Resources
- Innovative Building Review Program (IBRP)
  - Expedited processing
  - Fee reductions
  - Board recognition
- Permit process streamlining
  - Building & Safety Division timelines
  - Downshifting permit requirements

# Permit Processing Streamlining

- Building & Safety Division
  - 10 day review process
    - Building permit
    - Electrical or plumbing permit (depending on type of system)

# Permit Processing Streamlining

- Roof mounted systems
  - Exempt from planning permit requirements
- Ground mounted systems
  - Original proposal to downshift certain systems from Land Use Permit to a Zoning Clearance if complied with development standards regarding
    - Design
    - Location

# Government Code Section 65850.5

## Restrictions on Local Review

- Government Code Section 65850.5 was amended in 2004 to significantly limit the discretion of local governments in reviewing permit applications for solar energy systems
- Policy of the State to encourage the use of solar energy systems and limit obstacles to their use

# Government Code Section 65850.5

## Legislative Intent

- Prevent local jurisdictions from adopting ordinances that create unreasonable barriers, including requirements for design review
- Encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such systems



# Government Code Section 65850.5 Summary

- 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 review of the application to install a solar energy system is limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law.

# Government Code Section 65850.5 Summary

- Requirements of local law 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 or safety.
- The building official may require the application for a “use permit” if there is a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety.

# Government Code Section 65850.5 Summary

- A city or county **may not deny** a “use permit” unless it 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.
- The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

# Government Code Section 65850.5 Summary

- Both the decision by the building official to require a use permit and the decision by the building official on the use permit may be appealed to the Planning Commission.
- Any conditions imposed on an application to install a solar energy system are restricted to those designed to mitigate the specific, adverse impact upon the public health and safety at the lowest cost possible

# Current Process

- Roof mounted systems
  - Exempt from zoning permit
  - Exempt from design review
  - Building permit and electrical permit
- Freestanding systems
  - Coastal Development Permit (CDP) or Land Use Permit (LUP)
  - Exempt from design review
  - Building permit and electrical permit

# Proposed Process – Inland area

- Retain existing exemption for roof-mounted solar energy systems
- Exempt freestanding systems from zoning permits (i.e., LUP)
- Building, electrical, plumbing permits still required

# Proposed Process – Inland area

- Montecito Resource Management Zone
  - Allow in the RMZ as an accessory structure
  - Exempt from Development Plan requirement

# Proposed Process – Inland area

- Solar Use Permit process
  - **Only** required when the building official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public health and safety
  - Building Official is the review authority
  - Decision is noticed



# Proposed Process – Inland area

- Solar Use Permit process (cont.)
  - Decision to deny requires adoption of findings
  - Conditions restricted to those necessary to mitigate health/safety impacts
  - Appeals restricted to a demonstration that the system will not have health/safety impacts
  - Revisions to County Code Chapter 10 (Building Regulations) are required to address the Solar Use Permit process

# Proposed Process – Coastal Zone

- Retain existing exemption for roof-mounted solar energy systems
- Retain existing CDP for freestanding solar energy systems
- Create special process for CDP applications that would normally require a public hearing
  - Provide same notice as would for a CDP with hearing
  - Specify that final County action on CDP may be appealed to the Coastal Commission

# Planning Commission Review

- County Planning Commission
  - 4/8/2009 recommended approval of proposed ordinance (5 - 0 vote)
  
- Montecito Planning Commission
  - 4/22/2009 recommended approval of proposed ordinance (3 - 2 vote)
  - 7/22/2009 discussion of voluntary guidelines for solar system installations