



# COUNTY OF HUMBOLDT

AGENDA ITEM NO.  
**C-10**

For the meeting of: October 13, 2015

Date: September 28, 2015

To: Board of Supervisors

From: Kevin Hamblin, Director of Planning and Building *JK for Kevin Hamblin*

Subject: Adoption of Ordinance Adding Chapter 2 to Division 4 of Title VIII of the Humboldt County Code relating to Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems

RECOMMENDATION(S):

That the Board of Supervisors adopt Ordinance No. 2538, adding Chapter 2 to Division 4 of Title VIII of the Humboldt County Code relating to Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems.

SOURCE OF FUNDING: None

DISCUSSION: On October 6, 2015, your Board introduced the above ordinance for adoption; with a directive to the Clerk of the Board to publish a pre-adoption summary of the ordinance and set the ordinance for adoption at least one week away. This action completes adoption of the ordinance and will result in publication of a post-adoption summary.

FINANCIAL IMPACT: None

ATTACHMENTS:

1 - Ordinance, summary and code pages

Prepared by Todd Sobolik, Chief Building Official *JK* CAO Approval *Amey Wiser*

REVIEW:	Auditor	County Counsel <u><i>WAD</i></u>	Human Resources	Other
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other

PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Sundberg* seconded by Supervisor *Bass*

Ayes: *Sundberg, Lovelace, Fennell, Bohm, Bass*

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

Absent \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *October 13, 2015*

By: *Kathy Hayes*

Kathy Hayes, Clerk of the Board

**ORDINANCE NO. 2538**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF HUMBOLDT ADDING CHAPTER 2 TO DIVISION 4 OF  
TITLE VIII TO THE HUMBOLDT COUNTY CODE RELATING TO PROVIDING AN  
EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL  
ROOFTOP SOLAR ENERGY SYSTEMS**

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

SECTION 1. Sections 842-1 through 842-5 of Chapter 2 of Division 4 of Title VIII are hereby added as shown on the attached pages.

SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 13 day of October 2015.

AYES: Supervisors—Sundberg, Lovelace, Fennell, Bohn, Bass  
NOES: Supervisors--  
ABSENT: Supervisors—



Chair of the Board of Supervisors of the  
County of Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors  
County of Humboldt



## **SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE**

(The summary shall be published within fifteen (15) days after the adoption of the ordinance.)

### **SUMMARY**

On October 13, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. 2538, adding Sections 842-1 through 842-5 of Chapter 2 to Division 4 of Title VIII to the Humboldt County Code relating to Providing an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems.

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors.

The votes were:

AYES: Sundberg, Lovelace, Fennell, Bohn, Bass

NOES:

ABSENT:

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TITLE VIII - BUSINESS LICENSES, FRANCHISES

AND MUNICIPAL SOLAR UTILITY PROGRAMS

DIVISION 4

MUNICIPAL SOLAR UTILITY PROGRAMS

Chapter 1 - Municipal Solar Utility Program

- § 841-1. Findings.
- § 841-2. Definitions.
- § 841-3. Regulation of Solar Leasing Operations.

Chapter 2 - Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Energy Systems.

- § 842-1. Definitions.
- § 842-2. Applicability.
- § 842-3. Solar Energy System Requirements.
- § 842-4. Duties of the Building Inspection Division and Building Official.
- § 842-5. Permit Review and Inspection Requirement.



CHAPTER 2

EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL  
ROOFTOP SOLAR ENERGY SYSTEMS

842-1. DEFINITIONS.

(a) "Solar Energy System" means either of the following:

(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, electricity generation or water heating. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(2) A 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. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(b) A "small residential rooftop solar energy system" means all of the following: (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(2) A solar energy system that conforms to all applicable state fire, structural, electrical and other building codes as adopted or amended by the County of Humboldt and all State and County health and safety standards. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(3) A solar energy system that is installed on a single or duplex family dwelling. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(4) A solar panel or module array that does not exceed the maximum legal building height as defined by the County. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(c) "Electronic submittal" means that utilization of one or more of the following: (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

- (1) Email
- (2) The internet
- (3) Facsimile

(d) An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development. (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

(e) A "common interest development" means any of the following: (Ord. \_\_\_\_, § \_\_, \_\_ / 2015)

- (1) A community apartment project
- (2) A condominium project
- (3) A planned development
- (4) A stock cooperative

(f) "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. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(g) "Reasonable restrictions" on a solar system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency and energy conservation benefits. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(h) "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means: (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(1) For water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding ten percent (10%) of the cost of the system, but in no case more than one thousand dollars (\$1,000.00), or decreasing the efficiency of the solar energy system by an amount exceeding ten percent (10%) as originally specified and proposed. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(2) For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000.00) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent (10%) as originally specified and proposed. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

#### **842-2. APPLICABILITY.**

(a) This ordinance applies to the permitting of all small residential rooftop solar energy systems in the unincorporated area of Humboldt County. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(b) Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this ordinance are not subject to the requirements of this ordinance 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. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

#### **842-3. SOLAR ENERGY SYSTEM REQUIREMENTS.**

(a) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the County, local fire department or district and utility director, if applicable. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(b) Solar energy systems for heating water in single family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code. (Ord. \_\_\_\_, § \_\_, \_\_/2015)



(c) Solar energy systems for producing electricity shall meet 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. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

**842-4. DUTIES OF THE BUILDING INSPECTION DIVISION AND BUILDING OFFICIAL.**

(a) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible County website. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(b) Electronic submittal of the required permit application and documents by email or facsimile shall be made available to all small residential rooftop solar energy system permit applicants. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(c) An applicant's electronic signature shall be accepted on all forms, applications and other documents in lieu of a wet signature. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(d) The County's Building Inspection Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(e) 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. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(f) All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016 and State Health and Safety Code Section 17951. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

**842-5. PERMIT REVIEW AND INSPECTION REQUIREMENTS.**

(a) The County Building Inspection Division shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within thirty (30) days of the adoption of this ordinance. The Building Inspection Division shall issue a building permit or other nondiscretionary permit so as to substantially conform to the requirements of AB 2188 and the California Solar Permitting Guidebook following the receipt of a complete application that meets the requirements of the approved checklist and standard plan. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(b) Review of the application shall be limited to the Building Official's review of whether the application meets local, State and Federal health and safety requirements. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(c) Where adopted California Building Standards Code conflict with prescribed code requirements found in the most recently adopted California Solar Permitting Guidebook, the code requirements found in the California Solar Permitting Guidebook shall control. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(d) A building official may deny an application for a permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternatives for preventing the adverse impact. Such decision may be appealed to the Board of Appeals. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(e) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(f) "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 meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(g) The County shall not condition approval of an application on the approval of an association as defined in Section 4080 of the Civil Code. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(h) 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. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(i) Only one (1) inspection shall be required and performed by the Building Inspection Division for small rooftop solar energy systems eligible for expedited review. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(j) The inspection shall be done in a timely manner and should include consolidated inspections. Inspections shall be scheduled so as to substantially conform to AB 2188 and the California Solar Permitting Guidebook. (Ord. \_\_\_\_, § \_\_, \_\_/2015)

(k) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, but need not conform to the requirements of this ordinance. (Ord. \_\_\_\_, § \_\_, \_\_/2015)



## Damico, Tracy

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**From:** Damico, Tracy  
**Sent:** Thursday, October 15, 2015 9:19 AM  
**To:** 'Legals@times-standard.com' (Legals@times-standard.com)  
**Subject:** Post Adoption Summary  
**Attachments:** solar ordinance - post.rtf

Can you please run the attached in the next available issue.  
Thanks and have a great day~  
Tracy

*Tracy D'Amico  
Administrative Assistant to the Board of Supervisors  
Deputy Clerk of the Board  
(707) 476-2390*

**Damico, Tracy**

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**From:** Meredith Aldrich <maldrich@times-standard.com>  
**Sent:** Thursday, October 15, 2015 9:21 AM  
**To:** Damico, Tracy  
**Subject:** Re: Post Adoption Summary

Received, thank you. Mere

Mere Aldrich  
Obituary & Legals Advertising  
Eureka Times Standard  
707.441.0571

On Thu, Oct 15, 2015 at 9:19 AM, Damico, Tracy <[TDamico@co.humboldt.ca.us](mailto:TDamico@co.humboldt.ca.us)> wrote:

Can you please run the attached in the next available issue.

Thanks and have a great day~  
Tracy

*Tracy D'Amico*

*Administrative Assistant to the Board of Supervisors*

*Deputy Clerk of the Board*

*(707) 476-2390*