

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: CZ – SOLAR (Roof-mounted solar systems in the Coastal Zone)

Effective Date: 4/7/08

Originally Issued: none

Revised: none

Question:

Under the existing State Law (AB 2473) and County Coastal Zone Regulations, what review parameters do we set for residential roof-mounted solar energy systems in the Coastal Zone?

Applicable Regulatory Section(s)

§AB 2473 (State Law)

§13.20.068

§13.10.510 (d) (2)

§13.20.130

INTERPRETATION:

All roof-mounted solar energy systems in the Coastal Zone will be exempt from requirements for Coastal Approval and will be processed as over the counter permits. Flush roof-mounted solar systems shall not exceed the height limit of the zone district by more than 3 feet, as allowed by Section 13.10.510(d)(2). As part of the zoning review of applications for roof-mounted solar panels located on structures on a beach or within 50 feet of a coastal bluff, the project will be evaluated and must be found consistent with any conditions imposed on previous permits relating to visual issues.

This interpretation does not apply to ground-mounted solar systems.

Reason

State Law AB 2473 requires that local jurisdictions approve solar energy systems, including roof-mounted systems, through the issuance of a building permit or other non-discretionary permit. It further specifies that the review of such a system shall be limited to considering whether the system meets all health and safety requirements of local, state and federal law. (The law prohibits design review of solar energy systems for aesthetic purposes.) The state law does not provide for separate requirements within the Coastal Zone.

Currently, Coastal Zone Regulations under 13.20.068 exempt improvements to single-family residences and to other structures within the Coastal Zone from requirements for Coastal Approvals. However, improvements to structures that are located within 50' of a Coastal bluff or on a beach are not exempt. Although the installation of roof-mounted solar systems could conceivably be considered as an improvement to a structure, the installation of such systems on a residence on a beach or within 50' of a Coastal bluff would not be exempt. Those portions of our

coastal regulations that require discretionary review of solar energy systems do not conform to state law.

To comply with State Law AB 2473, all roof-mounted solar energy systems will be exempt from requirements for Coastal Approval throughout all areas of the Coastal Zone. Existing county regulations under §13.10.510 (d) (2) that prohibit all flush roof-mounted solar systems from exceeding the height limit of the zone district by more than 3 feet should limit visual impacts of such systems. However, for all applications for roof-mounted solar panels located on structures on a beach or within 50' of a coastal bluff, zoning staff will evaluate the proposed project for consistency with conditions imposed on any previous permits addressing visual issues. This requirement will address current requirements within Coastal regulations Section 13.20.130 relating to design criteria for projects.

This policy interpretation should address immediate concerns with roof-mounted solar energy systems in the Coastal Zone. A future amendment to Coastal Zone regulations will address remaining inconsistencies between our coastal regulations and state law.

Tom Burns, Planning Director

Date