

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development AF

BOARD AGENDA # *B-5(b)

Urgent

Routine

AGENDA DATE March 26, 2013

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Set a Public Hearing on April 23, 2013, at 9:05 a.m. to Introduce and Waive the First Reading of an Ordinance to Amend the Current Building Permit Fees Relating to Solar Energy and Other Renewable/Alternative Energy Systems

STAFF RECOMMENDATIONS:

Set a public hearing on April 23, 2013, at 9:05 a.m. to introduce and waive the first reading of an ordinance to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems.

FISCAL IMPACT:

If the proposed fee adjustments are approved, it will align fees for solar systems with state law and establish a fee schedule for other types of alternative energy systems. This will not increase fees, but will provide revenue as a cost base fee approach, and therefore, will result in no fiscal impact.

BOARD ACTION AS FOLLOWS:

DISCUSSION:

On June 8, 2010, the Board of Supervisors adopted the Building Permits Fee Schedule based on valuation for solar energy systems. The fees were adopted by Ordinance C.S. No. 1083.

The Planning and Community Development Department, Building Permits Division is proposing to amend the existing permit fee for solar energy systems. This adjustment is needed to align solar energy system permit fees in Stanislaus County with the mandated fees written by the State Legislature and signed into law in September 2012, by the Governor of the State of California. Assembly Bill 1801 and Senate Bill 1222 are written with the intent to restrict **valuation** based permit fee calculation and create a standard cost of service base fee to regulate solar system fees throughout the state.

Existing state law provides the policy to promote and encourage the use of solar energy systems, to limit the obstacles to their use and provide a more consistent statewide standard to achieve timely and cost-effective installation of solar systems. With the approval of these laws, the intent is to regulate fees, increase the deployment of solar energy distribution across all income spectrums, ease installation, create jobs and allow the State of California to move closer to its goal of having 33 percent of the state's power generation to be supplied by renewable sources such as wind, solar and geothermal sources, by the year 2020.

Assembly Bill 1801 is authored to prohibit, any city, county, city or county or charter city from basing the calculation of the fee on **valuation**, on any solar energy system, or any other factor not directly associated with the cost to issue the permit. In addition, no city, county, city or county or charter city shall base the calculation of the fee on the valuation of the property on which the improvement is planned, or the improvement, materials, or labor costs associated with the improvement.

Senate Bill 1222 is authored to require permit fees for rooftop solar energy systems to not exceed the estimated reasonable cost of providing the service for which the fee is charged. The law goes one step further to set a maximum fee amount for Rooftop Solar Energy Systems, which is reflected in the attached proposed Solar Energy System Fee table.

The laws summarized above do not set a permit fee amount for a ground mount solar energy system. A ground mount solar energy system can range from a small residential 15kw system for personal use to a 150 Megawatt (150,000kw) commercial solar energy generated power plant with sub-station. Permit fees for the residential and commercial ground mount system, reflect a higher base in the proposed permit fee tables due to increased plan check review and the larger volume of field inspections required on these projects.

The Building Permits Division has tracked the time and resources taken to provide administration, plans examination and inspection services for each type of solar energy system, rooftop and ground mount. The Division has tracked the cost of service for smaller residential 15 to 30kw solar energy systems and commercial up to 25 Megawatt (25,000 kilowatts) solar energy systems, the largest permitted system in Stanislaus County to date. This tracking provided a cost per kilowatt base fee for the ground mount systems.

With the rooftop system mandatory cost base fee set forth in Senate Bill 1222 and the ground mount system cost per kilowatt base fee established, the Division has conducted a comparison of the existing valuation fees which were previously approved by the Board of Supervisors with the proposed fees. The comparison has shown that the new proposed fees will not be an increase to the existing solar fees but will result in an alignment of fees to cost base.

Examples:

A 113 Kilowatt Commercial Ground Mount Solar System valued at \$171,864 using the existing valuation based fee calculation the permit fee total's \$2416.00.

A 113 Kilowatt Commercial Ground Mount Solar System valued at \$171,864 using the new cost base calculation fee, the permit fee total will be \$2,038.00.

A 16.8 Kilowatt Residential Ground Mount System valued at \$34,000 using the existing valuation based fee calculation, the permit fee totaled \$973.00.

A 16.8 Kilowatt Residential Ground Mount System valued at \$34,000 using the new cost base calculation fee, the permit fee total will be \$895.00.

A 5.28 Kilowatt Residential Roof Mount System valued at \$21,345 using the existing valuation based fee calculation, the permit fee totaled \$654.25.

A 5.28 Kilowatt Residential Roof Mount System valued at \$21,345 using the new cost base calculation fee, the permit fee total will be \$500.00.

With the Board of Supervisor's approval of the amended fee, this will provide the revenue needed to support the cost of core services associated with these projects and ensure the fee collected is consistent with recent legislation. As such, the Division is proposing new solar energy system permit fees based on these factors.

Along with solar system fees, the Division requests to address fees associated with other types of renewable/alternative energy sources (including wind and geothermal). Given the Division has no current or historical data associated with processing these alternate energy systems, the Division is requesting Board of Supervisor's approval to place these systems in our miscellaneous fee categories approved previously in the

Ordinance C.S. No.1083. This will allow the Building Permits Division to track the cost of services using hourly rates and gather the information needed to establish a cost base fee for alternative energy systems in the future.

With the Board of Supervisor's approval of these recommended changes to the fees collected, this will align permit fees for these systems with state law and allow the Building Permits Division to maintain and continue to provide a high level of customer service the citizens of Stanislaus County have grown to expect.

Summary

The Building Permits Division of the Department of Planning and Community Development is self-funded. The Division operates as a special revenue fund and as such, the proposed adjustments would have no impact on the County General Fund. The Building Permits Division's only source of revenue is the fee charged for building permits, and other related services. The Department fee structure is designed to cover all direct and indirect costs of providing these services.

POLICY ISSUES:

The Board should determine if this action is consistent with its priorities of striving to provide A Safe Community and Efficient Delivery of Public Service.

STAFFING IMPACT:

Approval of the proposed new fee and amendment of existing fees would not create any additional staffing impact, but rather, will allow the Department to maintain the current staffing level.

CONTACT PERSONS:

Angela Freitas, Planning and Community Development Director,
Telephone: (209) 525-6330
Steve Treat, Chief Building Official, Telephone: (209) 525-6557

ATTACHMENTS:

- A. Solar Energy System Fee Table and Miscellaneous Permit Fees
- B. Assembly Bill 1801
- C. Senate Bill 1222

ORDINANCE NO. C.S. _____

AN ORDINANCE TO AMEND THE CURRENT BUILDING PERMIT FEES RELATING TO SOLAR ENERGY AND OTHER RENEWABLE/ALTERNATIVE ENERGY SYSTEMS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The Board of Supervisors hereby adopts the Building Permits 2013 Solar Energy System Fees and 2013 Miscellaneous Permit Fees to include item No. 6 Renewable/Alternative Energy Systems and incorporated by reference as Attachment A. A copy of which is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act.

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the member voting for and against the same in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the ____ day of _____, 2013, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ASENT: Supervisors:

Vito Chiesa, Chairman
Board of Supervisors of the County of Stanislaus,
State of California

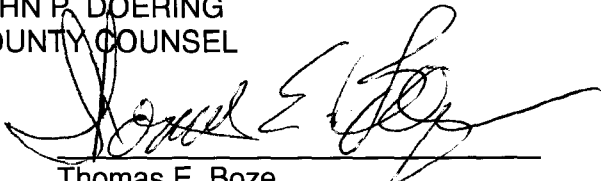
ATTEST:

CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By: _____
Elizabeth A. King, Assistant Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
COUNTY COUNSEL

By: 
Thomas E. Boze
Deputy County Counsel

2013 SOLAR ENERGY SYSTEM FEES

Residential Roof Mount Systems

TOTAL KILOWATTS	BASE COST	ADDITIONAL COST PER KILOWATT
0 TO 15	\$500.00	\$0.00
16 AND UP	\$500.00	\$15.00 FOR EACH KW OVER 15 KW

Residential Ground Mount System

TOTAL KILOWATTS	BASE COST	ADDITIONAL COST PER KILOWATT
0 TO 15	\$798.00	\$0.00
16 AND UP	\$798.00	\$15.00 FOR EACH KW OVER 15 KW

*fees above do not include accessory structures associated with project.

*additional review fees as established by other departments may apply.

Commercial Roof Mount Systems

TOTAL KILOWATTS	BASE COST	ADDITIONAL COST PER KILOWATT
0 TO 50	\$1,000.00	\$0.00
51 TO 250	\$1,000.00	\$7.00 FOR EACH KW OVER 50 KW
251 AND UP	\$2,400.00	\$5.00 FOR EACH KW OVER 250 KW

Commercial Ground Mount Systems

TOTAL KILOWATTS	BASE COST	ADDITIONAL COST PER KILOWATT
0 TO 50	\$1,447.00	\$0.00
51 TO 250	\$1,447.00	\$7.00 PER KILOWATT OVER 50
251 TO 1,000	\$2,847.00	\$4.00 PER KILOWATT OVER 250
1,001 TO 5,000	\$5,847.00	\$1.50 PER KILOWATT OVER 1,000
5,001 TO 25,000	\$11,847.00	\$0.50 PER KILOWATT OVER 5,000
25,001 TO 75,000	\$21,847.00	\$0.25 PER KILOWATT OVER 25,000
75,001 TO 150,000	\$34,347.00	\$0.25 PER KILOWATT OVER 75,000
150,001 AND UP	\$53,097.00	\$0.25 PER KILOWATT OVER 150,000

*Fees above do not include accessory structures associated with project.

*additional review fees as established by other departments may apply.

2013 MISCELLANEOUS PERMIT FEES

The minimum fee for each permit shall not be less than the County's actual cost of inspection and plan check computed at the following weighted rate:

- a) \$30.00 permit application processing fee.
- b) \$85.00 per hour for plan checks, with a minimum one-half hour charge of \$42.50.
- c) \$85.00 per hour for field inspection, with a minimum charge of \$64.00 per required inspection.

A fee for each inspection and permit shall be paid to the Building Permits Division in accordance with the following:

1. For each inspection and report on the advisability of moving a dwelling or other structure requiring a permit and inspection:
 - a) The fee shall be \$108.00 for structures located within the County.
 - b) The fee shall be \$164.00 for structures located outside of the County.
2. After Hour Inspections: Whenever a special or unusual condition exists, inspections may be arranged for after hours, Saturdays, Sundays, or holidays by applying with the Building Permits division, a minimum of 24 hours in advance of the time for such inspection. The fee shall be paid to the Building Permits Division prior to the inspection being made. The additional fee will be charged at the following rates:
 - a) \$128.00 per hour, with a minimum charge of \$384.00.
3. The fee for mobile home set-up permits on private property shall be as stipulated in the Mobile Home Parks Act, Title 25 of the California Administrative Code section 1020.1. (Excluding the re-inspection fee). The re-inspection fee is based on our approved re-inspection fee. The fee's indicated in section 1020.1 to include inspection of utilities, sewage and setup.
 - a) \$30.00 Mobile Home application processing fee.
 - b) \$64.00 Mobile Home plan check fee based on three quarter of an hour.
 - c) \$42.00 Additional plan check time per half-hour minimum.
4. For any mobile home to be placed on a permanent foundation, the fee for the permanent foundation system shall be as follows:
 - a) \$77.00 per Single Wide.
 - b) \$98.00 per Double Wide.
 - c) \$118.00 per Triple wide.
5. For each general inspection of any site or structure as to compliance with applicable codes and ordinances.
 - a) The fee shall be \$108.00.
 - b) An additional \$46.00 for each unit more than a duplex.
6. For other types of Renewable/Alternative Energy Systems (including Wind and Geothermal), the minimum fee for each permit shall not be less than the County's actual cost of inspection and plan check computed at the following weighted rate:
 - a) \$30.00 permit application processing fee.
 - b) \$85.00 per hour for plan checks, with a minimum one-half hour charge of \$42.50.
 - c) \$85.00 per hour for field inspection, with a minimum charge of \$64.00 per required inspection.

Assembly Bill No. 1801

CHAPTER 538

An act to add Section 65850.55 to the Government Code, relating to land use.

[Approved by Governor September 25, 2012. Filed with Secretary of State September 25, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1801, Campos. Land use: fees.

(1) Existing law requires fees charged by a local agency for specified purposes to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by, $\frac{2}{3}$ of the electors. The Planning and Zoning law requires a city or county to administratively approve applications to install solar energy systems, as defined, through the issuance of a building permit or similar nondiscretionary permit.

This bill would prohibit a city, county, or city and county from basing the calculation of the fee charged for a solar energy system on the valuation of the solar energy system, or any other factor not directly associated with the cost to issue the permit, or from basing the calculation of the fee on the valuation of the property or the improvement, materials, or labor costs associated with the improvement. The bill would also require the city, county, or city and county to separately identify each fee assessed on the applicant for the installation of a solar energy system on the invoice provided to the applicant.

(2) The bill would also express a legislative finding and declaration that oversight of permit fees for renewable energy systems is an issue of statewide concern and not a municipal affair and that, therefore, all cities, including charter cities, would be subject to the provisions of the bill.

The people of the State of California do enact as follows:

SECTION 1. Section 65850.55 is added to the Government Code, to read:

65850.55. (a) (1) The Legislature finds and declares that oversight of permitting fees for solar energy systems is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore this act shall apply to all cities, including charter cities. The Legislature further finds and declares that

Senate Bill No. 1222

CHAPTER 614

An act to add and repeal Chapter 7.5 (commencing with Section 66015) of Division 1 of Title 7 of the Government Code, relating to solar energy.

[Approved by Governor September 27, 2012. Filed with Secretary of State September 27, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1222, Leno. Solar energy: permits.

Existing law provides that it is the policy of the state to promote and encourage the use of solar energy systems, as defined, and to limit obstacles to their use. Existing law provides that the implementation of consistent statewide standards to achieve timely and cost-effective installation of solar energy systems is not a municipal affair, but is instead a matter of statewide concern. Existing law requires a city or county to administratively approve applications to install solar energy systems through the issuance of a building permit or similar nondiscretionary permit. Existing law requires fees charged by a local agency for specified purposes, including permits, to not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of this cost is submitted to, and approved by, $\frac{2}{3}$ of the electors.

This bill would require permit fees for rooftop solar energy systems, as specified, by a city, county, city or county, or charter city to not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed \$500 plus \$15 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems, and \$1,000 plus \$7 per kilowatt for each kilowatt between 51kW and 250kW, plus \$5 for every kilowatt above 250kW, for commercial rooftop solar energy systems, unless certain conditions are met.

By requiring local agencies to perform additional duties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The provisions of the bill would remain in effect only until January 1, 2018.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on April 23, 2013, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to introduce and waive the first reading of an ordinance to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems.

ADDITIONAL NOTICE IS GIVEN that the Planning and Community Development, Building Permits Division's 2013 Solar Energy System and 2013 Miscellaneous Permit Fee Schedules will be available for review on March 26, 2013, in the Clerk of the Board Office, 1010 10th Street, Suite 6500, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. If you have any questions, please call Angela Freitas, Director of the Planning and Community Development Department at (209) 525-6330 or Steve Treat, Chief Building Official, between the hours of 8:30 a.m. and 4:30 p.m. or visit the office at 1010 10th Street, Suite 3400, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 26, 2013

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY: _____
Elizabeth A. King, Assistant Clerk

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on April 23, 2013, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider the introduction and waiving of the first reading of the following proposed ordinances:

- A. An ordinance to amend existing fees for the Department of Public Works (for further information, contact Diane Haugh, Assistant Director of Public Works, at (209) 525-4100 or at 1716 Morgan Road, Modesto, CA).
- B. An ordinance to amend existing fees for the Department of Environmental Resources to include two new fees for the implementation of the Body Art Program and the Cottage Food Program, eliminate the Recreational Health State surcharge fee, reduce the Hazardous Materials State surcharge fee, include the Milk & Dairy State surcharge fee, and increase the ash tipping fee (for further information, contact Jami Aggers, Director of Environmental Services, at (209) 525-6770, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- C. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation related to Veterans fees, Go-Kart Area Use, Pool Rental, and Off Highway Vehicle Parks Special Events (for further information, contact Jami Aggers, Director of Parks and Recreation, at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).
- D. An ordinance to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems for the Department of Planning and Community Development – Building Permits Division (for further information, contact Angela Freitas, Director of Planning and Community Development at (209) 525-6330 or Steve Treat, Chief Building Official, planning@stancounty.com or at 1010 10th Street, Suite 3400, Modesto, CA.)

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 12, 2013, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: March 26, 2013

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:


Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 12, 2013, Apr 18, 2013

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

April 18th, 2013

(By Electronic Facsimile Signature)

Marie Dickmann

NOTICE OF PUBLIC HEARINGS

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B. An ordinance to amend existing fees for the Department of Environmental Resources to include two new fees for the implementation of the Body Art Program and the Cottage Food Program, eliminate the Recreational Health State surcharge fee, reduce the Hazardous Materials State surcharge fee, include the Milk & Dairy State surcharge fee, and increase the ash tipping fee (for further information, contact Jami Aggers, Director of Environmental Services, at (209) 525-6770, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).

C. An ordinance to establish new and amend existing fees for the Department of Parks and Recreation related to Veterans fees, Go-Kart Area Use, Pool Rental, and Off Highway Vehicle Parks Special Events (for further information, contact Jami Aggers, Director of Parks and Recreation, at (209) 525-6768, jaggers@envres.org or at 3800 Cornucopia Way, Suite C, Modesto, CA).

D. An ordinance to amend the current Building Permit Fees relating to Solar Energy and other Renewable/Alternative Energy Systems for the Department of Planning and Community Development - Building Permits Division (for further information, contact Angela Freitas, Director of Planning and Community Development at (209) 525-6330 or Steve Treat, Chief Building Official, planning@stancounty.com or at 1010 10th Street, Suite 3400, Modesto, CA.)

ADDITIONAL NOTICE IS GIVEN that the proposed Ordinances and Fee Schedules will be available for review on April 12, 2013, in the Clerk of the Board Office, 1010 10th Street, Suite 6700, Modesto, CA.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to one or more of the above items is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. BY ORDER OF THE BOARD OF SUPERVISORS. DATED: March 26, 2013. ATTEST: Christine Ferraro Tallman, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk.

Pub Dates April 12, 18, 2013