

underscores the importance of a cooperative process by which local jurisdictions would voluntarily adopt the standard procedures. But there is no guarantee that all or most localities will agree to adopt the region-wide approach. Indeed, as some of the following examples show, political unanimity and incentives to adopt standardized procedures may be required to overcome inertia and induce local jurisdictions to act consistently with a regional plan.

Another challenge of creating regional standardization is the recognition that local jurisdictions may have specific requirements built into their respective codes that make it difficult to adopt the regional model in full. In this respect, harmonizing local requirements can require action by the local elected body. This underlines the importance of broad participation in a regional working group that develops standards, so that problems with implementation may be anticipated and addressed in the developmental phase.

B. Examples of Regional Efforts to Streamline Solar Permitting

1. Long Island Unified Solar Permitting Initiative

A recent effort by the Long Island Power Authority (LIPA) provides a first-of-its-kind effort by a municipal utility, along with local governments and other industry stakeholders, to achieve regional standardization of residential solar permit review.³⁶ Long Island is made up of approximately one hundred towns and villages, with widely varying permitting requirements in each jurisdiction. The population of this region is nearly as large as some states in the country and industry participants indicated that the lack of consistency among the jurisdictions on Long Island created unnecessary expense in preparing and submitting solar energy system applications in different municipalities.

LIPA has a successful solar rebate program that has led to the largest concentration of solar energy facilities in New York.³⁷ Recognizing the inefficiencies created by each jurisdiction having its own distinct requirements for residential solar permits, LIPA and the Planning Commissions of Nassau and Suffolk Counties took a leadership role in unifying the solar permit process for Long Island. The resulting Long Island Unified Solar Permitting Initiative sought to create a process for “standard” residential solar energy systems that would apply to 90 percent of all residential systems.³⁸ The Initiative represented the first joint effort between the Nassau and Suffolk County Planning Commissions, and the first time that local jurisdictions and these departments have worked together to develop any type of public policy.³⁹

Given New York’s strong tradition of local independence, LIPA took a collaborative and voluntary approach to achieving this goal. First, in developing the criteria and format of a unified application, LIPA worked closely and openly with industry stakeholders and the planning commissions of Suffolk and Nassau Counties.⁴⁰ In addition, since uniform permitting for solar energy systems could not be accomplished by fiat, LIPA took a creative approach to encouraging

³⁶ Long Island Power Authority, Nassau County and Suffolk County Planning Commissions and LIPA Launch New Unified Solar Permit Initiative (LIPA Press Release) (September 23, 2011), available at: <http://www.lipower.org/newscenter/pr/2011/092311-solar.html>.

³⁷ *Id.*

³⁸ See Long Island Unified Solar Permitting Initiative Program Packet (Unified Packet) at 1 (Sept. 9, 2011), available at <http://www.suffolkcountyny.gov/Portals/0/planning/publications/SCPCLIPAEnergy.pdf> (document was sent to all local jurisdictions in Nassau and Suffolk counties).

³⁹ Video of LIPA Press Conference, David Calone, Suffolk County Planning Commissioner and LIPA Board Member, speaking at minute 3:55, available at <http://www.youtube.com/watch?v=qRd9uWivzTE>.

⁴⁰ See LIPA Press Conference, *supra* note 36.

local jurisdictions: it provided cash grants of \$15,000 to towns and \$5,000 to villages that adopted the unified process early to help defer the costs of the transition.⁴¹

The Long Island “Solar Energy System Fast Track Permit Application” process has three primary components that will be uniform across the adopting jurisdictions in Long Island.⁴² First, for systems that meet fast track eligibility, the application fee must be waived or must not exceed \$50. Second, the local jurisdictions must complete review and provide a determination within 14 days of submittal of the application. Lastly, and perhaps most importantly, the fast track application itself is uniform.

LIPA’s approach of offering grants to local jurisdictions to assist in the implementation of the unified permitting process is a proven success. As of this article, all ten towns in Suffolk County and one town in Nassau County have adopted the unified permit process through code revisions, entitling them to the full \$15,000 cash grant for implementation. LIPA has indicated that it will extend this offer, at a reduced grant amount, to encourage the remaining jurisdictions to move quickly to adopt the procedures.⁴³ While fewer villages have taken advantage of the grant available to them, the success of the incentive means that a significant portion of Long Island’s population will be covered by the unified permit, a fact that could represent a critical mass that encourages other local jurisdictions to follow suit going forward.

LIPA’s role as a municipal utility helped to motivate its interest in permitting reform. LIPA’s charter includes the economic development of Long Island as one of its organizational objectives. As LIPA states, permit reform furthers the goal of wider customer adoption of rooftop solar, which is consistent with LIPA’s mission and charter. For this reason, LIPA funded the cash grants to local jurisdictions out of its general fund using ratepayer dollars.

2. East Bay Green Corridor: Solar Permitting Initiative

The East Bay Green Corridor (Green Corridor) is a partnership of nine mayors and academic institutions in the San Francisco Bay Area. Its mission is to create a thriving region of clean energy innovation, commercialization and local economic development, leveraging the assets of UC Berkeley and the Lawrence Berkeley National Laboratory.⁴⁴ The Green Corridor’s Principals identified development of a regional standardized solar permitting process as its top policy priority.⁴⁵ As a result, the Green Corridor is driving standardized permitting across nine jurisdictions as part of two DOE SunShot Initiative consortium grants focusing on permitting, inspection, interconnection and financial models.⁴⁶

Green Corridor hopes to establish a regional standardized permitting process, and to create a model that addresses a variety of city processes, recommends policy guidelines and develops transition and implementation plans that are scalable enough to apply to other jurisdictions throughout the state and nation. It intends to streamline both process details, including submittal checklists, turnaround times, fees, and application requirements, as well as technical

⁴¹ *Id.*

⁴² Unified Packet at 4, *supra* note 38.

⁴³ Based on conversation with Michael Deering, LIPA Vice President of Environmental Affairs and Todd Stebbins of LIPA.

⁴⁴ See East Bay Green Corridor Profile, available at http://www.ebgreencorridor.org/corridor_profile.php.

⁴⁵ All information regarding the East Bay Green Corridor, unless otherwise cited, is based on conversations with Carla Din, Director of the East Bay Green Corridor.

⁴⁶ See East Bay Green Corridor: Regional Solar Policy Initiative, available at http://www.ebgreencorridor.org/solar_policy.php.

guidelines, including fire access, roof framing, slope, and aspects of the inspection process. The effort will likely also include trainings with the contractor community in the hopes of getting buy-in and cooperation, and may culminate in a “pre-qualified” list of contractors eligible for an expedited process. The goal is to unveil the proposed guidelines in the fall of 2012, with implementation beginning during the winter of 2012.

3. County Standardization Efforts

With some exceptions, county governmental agencies generally do not possess authority to mandate requirements that cities within the county must adopt. But like the regional efforts above, county government institutions may be an effective conduit to encourage regional standardization of solar permitting. This subsection reviews two recent examples where local partnerships with county-level departments have facilitated standardization of solar permitting processes: Pima County, Arizona and Sonoma County, California. While the permit standardization initiatives are just getting underway at the time of writing this report, the use of regional standards from these counties could be instructive to other regions looking to adopt a model of standardization.

Pima County, Arizona, which contains Arizona’s second largest city, Tucson, has recently developed a standard solar permitting process that should soon be adopted by all jurisdictions within the County.⁴⁷ Through its U.S. DOE Solar America Cities work, Tucson partnered with officials from Pima County to lay the groundwork for regional standardization.⁴⁸ Representatives from the cities, Pima County, and industry stakeholders all worked in collaboration with the common goal of removing barriers to greater solar adoption in the region. Significantly, the Pima County standards are based closely on the Solar ABCs *Expedited Permit Process*,⁴⁹ which is discussed in more detail in [Section IV.B.1](#). While the standards for permitting will be mostly uniform, there will be some variation as not all jurisdictions have online permit processing capability. However, as part of the move toward standardization, Tucson and other jurisdictions are interested in moving toward adopting similar technologies to make the process as efficient and similar as possible.⁵⁰ The implementation of standardized permitting in Pima County is just getting underway, so the respective city and town forms and websites do not yet reflect the agreed-upon changes.

Sonoma County, California has taken a leadership role in supporting standardization of the permitting processes through the “Solar Sonoma County” organization. Solar Sonoma County is a consortium of local businesses, elected officials, city governments and individuals, which got its start as a partnership between the City of Santa Rosa and the group’s founders. With the City of Santa Rosa’s assistance, Solar Sonoma County received a Solar America Cities grant to “create a countywide solar implementation plan”⁵¹ to “streamline and standardize solar policies for all local governments.”⁵² Specifically, the Solar Sonoma effort aims to create a countywide

⁴⁷ All information regarding the City of Tucson, unless otherwise cited, is based on a conversation with Bruce Plenk, Solar Coordinator, City of Tucson.

⁴⁸ See Tucson, Arizona: Solar in Action: Challenges and Successes on the Path toward a Solar-Powered Community, DOE/GO-102011-3221 (2011), available at <http://www.nrel.gov/docs/fy12osti/50204.pdf>.

⁴⁹ Bill Brooks, Solar America Board for Codes and Standards, Expedited Permit Process for PV Systems (Oct. 2011), available at <http://www.SolarABCs.org/about/publications/reports/expedited-permit/>.

⁵⁰ Based on conversation with Bruce Plenk, Solar Energy Coordinator, City of Tucson.

⁵¹ <http://solarsonomacounty.org/aboutus3.aspx> (history of Solar Sonoma County).

⁵² <http://solarsonomacounty.org/uploads/documents/PressKitforWebsite.pdf> (See Solar Sonoma County Press Kit).

permit application, an ongoing training mechanism to keep stakeholders up-to-date on new technology, and a central database of permitting submittal requirements by jurisdiction.⁵³

As a result of the U.S. Department of Energy's Rooftop Solar Challenge, which awarded funds to 22 regional collaborations, it is apparent that regional efforts will continue to be a popular forum for addressing the challenges of solar permitting going forward.⁵⁴ These efforts have great promise to increase the consistency of requirements region-wide, if not nationwide, and appear to be one of the more efficient methods for encouraging change across a number of different municipalities.

Regional Coordination for Climate-Specific Conditions

Southern Florida is a region blessed with ample solar resources but it is also exposed to hazardous wind and water conditions during its annual hurricane season. Indeed the Florida Building Code contains specific provisions regarding this area, known as the "High-Velocity Hurricane Zone", that provide additional requirements for roofing and other materials to increase their chance of withstanding hurricane conditions. Because the region is subject to these unique building code requirements, the Miami-Dade County Board of Rules and Appeals established a working committee to develop minimum code requirements with regard to renewable energy installations. Broward County joined in the effort to enable uniform requirements in the region.

As a result of these efforts, in May 2009, the two counties implemented "Uniform Permit Submittal Guidelines for Solar Thermal and Solar Electric Installations in the High Velocity Hurricane Zone" and accompanying "Solar Thermal/Electric Instructions and Recommendations." These documents specify requirements that solar installations must comply with to meet wind loads and other requirements in accordance with the Florida Building Code. They also set out some suggestions on implementation of these requirements through the permitting process that are intended to help streamline the permit review. These suggestions include the development of a master permit for solar thermal and solar electric installations and a procedure that enables inspections to be completed within a two-hour timeframe.

This multi-county effort provides a good example of an action taken to deal with unique code requirements and climactic conditions that could have otherwise acted as a hurdle to solar installations. In addition, the effort was done on a regional basis, thereby providing consistency to installers operating in the region.

For information on these requirements see: Florida Building Code, 2007, section 4401-4413. "Uniform Permit Submittal Guidelines for Solar Thermal and Solar Electric Installations in the High Velocity Hurricane Zone" and accompanying "Solar Thermal/Electric Instructions and Recommendations." Available at www.broward.org/CodeAppeals/Documents/SolarThermalElectric.pdf (visited Mar. 14, 2012).

⁵³ Based on email correspondence with Alison Healy, Executive Director of Solar Sonoma County.

⁵⁴ See U.S. DOE Rooftop Solar Challenge Web Page, <http://www.eere.energy.gov/solarchallenge> (link to "Team Activity Matrix" has detail on award recipients).