

Role of the MHRB with regard to solar installations in  
Mendocino

I believe that it is important to have an understanding between the Board Members and the Planning & Building Services staff as to the role of the MHRB with regard to applications to install solar arrays in the Mendocino Historic Preservation District.

County Counsel has in the past indicated that the MHRB may exercise its review of proposed solar energy installations in the Historic District. But Counsel has also stated that the Board's review must comply with California's Solar Rights Act limitations. In that connection, the Board may not place restrictions on solar energy installations that either significantly raise the cost or lower the efficiency of the installation or use of the system. Furthermore, the Solar Rights Act prohibits unreasonable barriers arising from design review for aesthetic purposes. Thus, County Counsel has concluded that the MHRB does not have authority to outright deny solar installation permits based on design review alone. It does, however, have authority under the Local Coastal Program to review these projects and to develop reasonable design guidelines and recommendations, as long as there is no undue delay in processing such a permit. In this connection, Counsel has recommended that the MHRB develop an expedited "meet and confer" process with applicants if there are issues that require modifications.

Based on the above, I believe that:

- All applications for solar energy installations in the Historic District should come before the Board for review
- That review should allow for input from all members of the community
- Such review should take account of the Secretary of the Interior's Standards for the Use of Solar Energy Technology in a Historic District
- The review should examine the impact of the proposed solar installation on the structure and neighborhood in question
- The review should ensure that all health & safety requirements have been met
- The Board should "meet and confer" with the applicants in order to seek to minimize any negative impact of the proposed solar installation

- While the Board does not have the right to "outright deny" solar installations it does have the right to insist on reasonable changes to the proposed installation consistent with the Board's mission to protect the Mendocino Historic Preservation District

I believe that the Board's current review of the Dominy solar array project is an example of the process I have outlined above and is already showing progress in the form of a substantially revised and improved proposal.

I would hope that we can all agree on working methods along these lines as we discuss future applications for the installation of solar arrays.