

Michael J. Johnson, AICP
Agency Director

Tim Wegner, Chief Building Official

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, AICP
Agency Director

By: Tim Wegner, Chief Building Official
Building Services Division

DATE: November 3, 2015

SUBJECT: Adoption of Ordinance for Expedited Permit Process for Small Residential Rooftop Solar Systems

ACTION REQUESTED

1. Adopt the Ordinance amending Placer County Code Chapter 15, Article 15.04 to add Section 15.04.138, entitled "Expedited Permit Process for Small Residential Rooftop Solar Systems".

BACKGROUND/PROPOSAL

The proposed Ordinance amending Placer County Code Chapter 15, Article 15.04 to add Section 15.04.138, entitled "Expedited Permit Process for Small Residential Rooftop Solar Systems" was introduced at the Board's public meeting held on October 20, 2015. Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems. The attached Ordinance codifies the requirements of Section 65850.5(g)(1).

FISCAL IMPACT

Adoption of the proposed Ordinance will have no fiscal impact to the County, as costs of the permitting process codified in the Ordinance will be recovered through existing building permit fees.

Attachment 1 - Ordinance

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:

Ord. No: _____

Amendment to Placer County Code Chapter
15, Article 15.04 to Add Section 15.04.138
Pertaining to Expedited Permit Process for
Small Residential Rooftop Solar Systems.

First Reading: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of
Placer at a regular meeting held _____ by the following
vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

The Board of Supervisors of the County of Placer, State of California, does
hereby ordain as follows:

SECTION 1. Placer County Code Chapter 15, Article 15.04 is hereby amended to add
Section 15.04.138, entitled "**Expedited Permit Process for Small Residential
Rooftop Solar Systems**" as follows:

Attachment 1

15.04.138 Expedited permit process for small residential rooftop solar systems.

A. Purpose and Intent. The purpose of this section is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014, CA Govt. Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the County and expanding the ability of property owners to install solar energy systems. This section allows the County to achieve these goals while protecting the public health and safety.

B. Definitions.

As used in this section:

“Electronic submittal” means the utilization of electronic e-mail or submittal via the internet.

“Reasonable restrictions” on a solar energy 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.

“Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
2. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

“Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
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 and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such

section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

“Specific adverse impact” means a significant, quantifiable, direct, 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.

C. Applicability.

1. This section applies to the permitting of all small residential rooftop solar energy systems under the jurisdiction of the County.

2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this section are not subject to the requirements of this section 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. Routine operation and maintenance or like-kind replacements shall not require a permit.

D. Solar Energy System Requirements.

1. All small residential rooftop solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the County.

2. Solar energy systems for heating water in single-family residences shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

3. 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.

E. Applications and Documents.

1. All documents required for the submission of an expedited solar energy system application shall be made available on the County website.
2. Electronic submittal of the required permit application and documents by email or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.
3. The County's Building Services Division shall adopt and post on the County's website a standard plan and checklist of all requirements ("Expedited Application Requirements") with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. Said plan and checklist 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.
4. Prior to submitting an application, the applicant shall:
 - a. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 - b. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

F. Permit Review and Inspection Requirements.

1. An application that satisfies all the requirements of the Expedited Application Requirements, as determined by the Chief Building Official or his designee, shall be deemed complete.
2. Once deemed complete, the Building Services Division shall issue a building permit, the issuance of which is nondiscretionary, on the same day for over-the-counter applications or within one – three (1-3) business days for electronic applications. The issuance of said permit does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid until inspected and authorization to do so is demonstrated by the Chief Building Official or his designee. The applicant is further responsible for obtaining such approval or permission to connect from the local utility provider.

3. Only one inspection shall be required and performed by the Building Services Division for small residential rooftop solar energy systems eligible for expedited review. The inspection shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief, and/or their designated representatives. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subsection.

4. If the building official determines an application is incomplete, the Chief Building Official or his designee shall issue a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance. Said written correction notice shall be issued within five business days of the date of determination of an incomplete application.

5. The Chief Building Official or his designee may require an applicant to apply for a limited review permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decision may be appealed by the applicant to the Community Development Resources Agency Director subject to the provisions of subsection G.

6. If a limited review permit is required, the Chief Building Official may deny such application if it 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. "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 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. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decision may be appealed by the applicant to the Community Development Resources Agency Director subject to the provisions of subsection G.

7. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

G. Appeals.

1. The applicant may appeal decisions rendered pursuant to subsection F(4) or F(5) upon payment of the appeal fee, submittal of an appeal application to the

Community Development Resources Agency front counter within ten (10) calendar days of the date of the decision.

2. The decision of the Community Development Resources Agency Director on an appeal is final.

SECTION 2. This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with Government Code section 25124.

