

ORDINANCE NO. 15-012

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA TO ADD PERMITTING PROCEDURES FOR SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS

The Board of Supervisors of the County of Orange, California ordains as follows:

WHEREAS, as set forth in Government Code Section 65850.5(a) it is the policy of the State of California that local agencies encourage the installation of solar energy systems by removing obstacles to, and minimizing the costs of, permitting such energy systems; and

WHEREAS, as set forth in Government Code Section 65850.5(g), every city or county shall adopt an ordinance on or before September 30, 2015 that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the ordinance must substantially conform with the recommendations set forth in the California Solar Permitting Guidebook, including the use of a checklist of all requirements that, if complied with, requires every City or County to approve the application and issue the permits in an expedited manner.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 7, Division 1, Article 2 Sections 57 through 93 of the Orange County Codified Ordinances are hereby amended to read as follows:

Section 7-1-57.—7-1-80 Reserved.

Section 7-1-81. – Small Residential Solar Energy System Permits.

(A) Intent and purpose.

The intent and purpose of this section is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This section is designed to encourage 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.

- (1) "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development
- (2) "Building Official" means the Building Official for the County of Orange.

- (3) "County" means the County of Orange.
- (4) "Common interest development" means any of the following:
 - (a) A community apartment project.
 - (b) A condominium project.
 - (c) A planned development.
 - (d) A stock cooperative.
- (5) "Electronic submittal" means the utilization of one or more of the following:
 - (a) Email
 - (b) The Internet
 - (c) Facsimile
- (6) "Expedited permitting," and "expedited review," means the process outlined in Section F entitled "Expedited permit review and inspection requirements."
- (7) 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 similar permit.
- (8) "Hearing Officer" is defined in Section 7-1-23 of this ARTICLE.
- (9) "Small residential rooftop solar energy system" means all of the following:
 - (a) A solar energy system that is not larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - (b) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County of Orange and all State of California health and safety standards.
 - (c) A solar energy system that is installed on a single or duplex family dwelling.
 - (d) A solar panel or module array that does not exceed the maximum legal building height as defined by the County of Orange.
- (10) "Solar energy system" means either of the following:
 - (a) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - (b) Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.
- (11) "Specific, adverse impact" means a significant, quantifiable, direct and 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.

This section applies to the permitting of all small residential rooftop solar energy systems in unincorporated areas of the County. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance 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 solar energy systems shall meet applicable health and safety standards and requirements imposed by the County and the State of California.
- (2) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications 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) Duties of Building Official.

- (1) All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the County's publicly accessible website.
- (2) Electronic submittal of the required permit application and documents via email, the County's website, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.
- (3) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (4) The Building Official shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply with to be eligible for expedited review.
- (5) The small residential rooftop solar system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
- (6) All fees prescribed for the permitting of small residential rooftop solar energy

systems must comply with Government Code Sections 65850.55 and 66015 and Health & Safety Code Section 17951.

(F) Expedited permit review and inspection requirements.

- (1) The Building Official shall adopt an administrative, nondiscretionary review process to expedite the approval of small residential rooftop solar energy system applications within 30 days of adoption of this Ordinance. For an application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan, the Building Official shall issue a building permit or other non-discretionary permit within 3 business days. The building official may require an applicant to apply for a use 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 decisions may be appealed to the Hearing Officer.
- (2) Review of the application shall be limited to the building official's review of whether the applicant meets local, state and federal health and safety requirements.
- (3) If a use permit is required, the building official may deny an application for the use permit if the official 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 the specific, adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Hearing Officer.
- (4) If an application for a small residential rooftop solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.
- (5) Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist and the standard plan, the Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.
- (6) Only one inspection shall be required and performed by the building inspector for small residential rooftop solar energy systems eligible for expedited review.
- (7) The inspection shall be done in a timely manner and should include consolidated inspections.
- (8) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

Section 7-1-82.—7-1-93 Reserved.

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors of the County of Orange hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

This ordinance shall take effect and be in full force thirty (30) days from and after its passage and before the expiration of fifteen (15) days after the passage thereof, shall be published once in an adjudicated newspaper in the County of Orange.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Orange County Board of Supervisors on August 25, 2015, to wit:

AYES: Supervisors: SHAWN NELSON, ANDREW DO, MICHELLE STEEL
LISA A. BARTLETT, TODD SPITZER

NOES:
EXCUSED:
ABSTAINED:

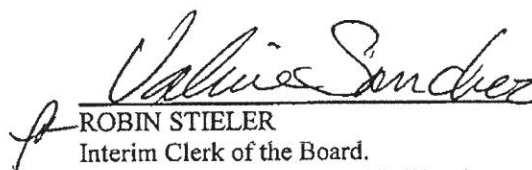


CHAIRMAN

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, ROBIN STIELER, Interim Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Ordinance was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.



ROBIN STIELER
Interim Clerk of the Board.
County of Orange, State of California



Ordinance No.: 15-012
Agenda Date: 08/25/2015
Item No.: 56



I certify that the foregoing is a true and correct copy of the Ordinance adopted by the Board of Supervisors, Orange County, State of California

Robin Stigler, Interim Clerk of the Board of Supervisors

By: 

Deputy