

ORDINANCE NO. 3301

**AN ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO ADDING NEW
CHAPTER 9: SOLAR TO TITLE 19 OF THE SAN LUIS OBISPO COUNTY CODE
RELATED TO EXPEDITED PERMITTING PROCEDURES FOR
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

WHEREAS, Subsection (a) of Government Code section 65850.5 states that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of solar energy systems is a matter of statewide concern and it is the policy of the State to promote and encourage the use of solar energy systems and to limit obstacles to their use; and

WHEREAS, Subsection (a) of Government Code section 65850.5 further states that it is the intent of the Legislature of the State that local agencies “not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems,” and to “encourage the installation of solar energy systems by removing obstacles to, and minimizing costs of, permitting solar energy systems;” and

WHEREAS, the purpose of this ordinance is to adopt an expedited, streamlined permitting process for small residential rooftop solar energy systems that complies with the Solar Rights Act, as amended by Assembly Bill 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of such small residential rooftop solar energy systems while protecting public health and safety; and

WHEREAS, this ordinance shall apply to the permitting of all small residential rooftop solar energy systems in the unincorporated area of the County. Small residential rooftop solar energy systems permitted prior to the effective date of this ordinance are not subject to the requirements set forth herein unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small residential rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit; and

WHEREAS, this ordinance is adopted pursuant to the authority granted by Article XI, Section 7 of the California Constitution, Government Code section 65850.5, and Health & Safety Code section 17959.1.

NOW, THEREFORE, the Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: New Chapter 9, SOLAR, Section 19.09.010, Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems, is hereby added to Title 19 of the San Luis Obispo County Code, as follows:

CHAPTER 9: SOLAR

19.09.010 – Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems.

19.09.011 - Definitions: As used in Section 19.09.010, the following terms shall have the following meanings:

- a. Electronic submittal. The utilization of one or more of the following:
 - (1) Email;
 - (2) Internet;
 - (3) Facsimile.

- b. Small residential rooftop solar energy system. A solar energy system which meets 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 (i) conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the County; (ii) all state and County health and safety standards; and (iii) 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.
 - (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 County.

- c. Solar energy system. A system which is an accessory use to any residential, commercial, industrial, mining, agricultural or public use, used primarily (i.e. more than 50 percent) to reduce onsite utility usage, and which is either of the following:
 - (1) Any solar collector or other solar energy device the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.
 - (2) Any structural design feature of a building, the primary purpose of which is to provide for the collection, storage and distribution of solar energy for electric generation, space heating, space cooling, or water heating.

- d. Specific, adverse impact. 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.

19.09.012 – Exemptions. This Section shall not apply to solar energy systems that are not small residential rooftop solar energy systems. All other solar energy systems, including

residential rooftop solar energy systems greater than 10 kilowatts, shall be processed under section 105.3.1 of the San Luis Obispo County Municipal Code and the provisions of this section shall not apply.

19.090.013 - Small Residential Rooftop Solar Energy Systems Checklists and Standard Plans.

- a. On or before September 30, 2015, the Department of Planning and Building shall adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, including standard plans and checklists. The checklists shall set forth all requirements with which the small residential rooftop solar energy system must comply in order to be eligible for expedited review. The building official is hereby authorized and directed to develop such checklist and procedures.
- b. The small residential rooftop solar system permit process, standard plans, and checklists, shall substantially conform to the recommendations for expedited permitting, including the checklists 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.
- c. The building official may modify the checklists and standard plans found in the California Solar Permitting Guidebook due to unique climactic, geological, seismological, or topographical conditions.
- d. The checklists and standard plans for small residential rooftop solar energy systems adopted by the Department of Planning and Building, as well as all other required permitting documentation shall be published on the County's website. If the Department of Planning and Building modifies the checklists and standard plans found in the California Solar Permitting Guidebook, the Department shall document the unique climactic, geological, seismological or topographical conditions requiring such modifications and shall also include such documentation on the County's website.

19.090.014 – Application Review.

- a. The applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal, with all required permit processing and inspection fees, as specified on the County's website. Electronic signatures shall be accepted by the Department of Planning and Building on all electronic submittals in lieu of a wet signature.
- b. An application for a small residential rooftop solar energy system shall be deemed complete when the Department of Planning and Building staff determines that the application satisfies all the information requirements in the checklists and standard plans.
- c. If an application 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 permit issuance shall be sent to the applicant for resubmission.

- d. Applications for small residential rooftop solar energy systems shall be administratively reviewed and approved by the building official as nondiscretionary permits within a reasonable time following receipt of a complete application that meets the requirements of the County's approved checklists, standards plans, and payment of all required permit processing and inspection fees.
- e. The Department of Planning and Building may require the applicant to apply for a plot plan or site plan pursuant to Title 22 or Title 23 of the San Luis Obispo County Municipal Code and all provisions of those sections of the applicable title (Title 22 – inland, Title 23 – coastal) of San Luis Obispo County Municipal Code shall apply if the Department finds, based on substantial evidence, that the proposed small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.
- f. Approval of an application for a small residential rooftop solar energy system shall not be based or conditioned on the approval of an association, as defined in section 4080 of the Civil Code.
- g. Approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility.

19.090.015 – Inspection.

- a. Only one inspection shall be required and performed by staff for small residential rooftop solar energy systems eligible for expedited review.
- b. The inspection shall be done in a timely manner.
- c. A separate fire inspection may be performed if an agreement with the local fire authority does not exist to perform safety inspections on behalf of the fire authority.
- d. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.

SECTION 2: The Board of Supervisors has considered the amendments to Title 19 that are proposed with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, determined that this activity is exempt from review pursuant to CEQA Guidelines Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The Board of Supervisors finds that it can be seen with certainty that there is no possibility that the adoption of the amendments to Title 19 as stated above may have a significant effect on the environment because there is no substantial evidence that the adoption of this ordinance will

have a significant effect on the environment. The Board of Supervisors hereby approves this adoption of the above amendments to Title 19 in accordance with the California Environmental Quality Act and the County's regulations implementing said Act.

SECTION 3: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, 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.

SECTION 4: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

SECTION 5: The Recitals hereto are incorporated herein by this reference and made a part hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California on this 22nd day of September, 2015, by the following roll call vote, to wit:

AYES: Supervisors Lynn Compton, Adam Hill, Frank R. Mecham, Bruce S. Gibson and
Chairperson Debbie Arnold
NOES: None
ABSENT: None
ABSTAINING: None

Debbie Arnold

Chairperson of the Board of Supervisors of the County of
San Luis Obispo, State of California

ATTEST:
Tommy Gong

County Clerk and Ex-Officio Clerk of the Board of Supervisors,
County of San Luis Obispo, State of California

By: Sandy Currens
Deputy Clerk