

ORDINANCE NO. 2010

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA ADDING CHAPTER 15.60 TO THE TEHAMA COUNTY CODE TO ESTABLISH A STREAMLINED PERMIT PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

THE BOARD OF SUPERVISORS FOR THE COUNTY OF TEHAMA ORDAINS AS FOLLOWS:

SECTION 1. Chapter 15.60 is hereby added to the Tehama County Code to read:

15.60.010. Title.

This Chapter shall be known as the Tehama County "Streamlined Permit Process For Small Residential Rooftop Solar Energy Systems."

15.60.020. Purpose.

This article adopts a streamlined solar permitting process in compliance with California Government Code section 65850.5, to expedite cost-effective installations of small residential rooftop solar energy systems. Small residential rooftop solar energy systems permitted prior to the effective date of this Article are not subject to the requirements herein 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.

15.60.030 Definitions.

All terms used in this chapter shall have the following definitions:

(a) "Electronic submittal" means submittal by any of the following means:

- (1) Email.
- (2) Facsimile.

(b) "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 that 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, incorporated here by reference.

(c) "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 (1) conforms to all applicable state fire, structural, electrical, and other building codes as adopted by the state and/or amended by the County; (2) all State and County health and safety standards; and (3) 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 Underwrites 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; and
 - (4) A solar panel or module array that does not exceed the maximum legal building height as defined by the County.
- (d) "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, incorporated herein by reference.
- (e) "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.

15.60.040 Application Process, Review & Inspection.

- (a) On or before September 30, 2015, the Director of the Building Department shall adopt an administrative, nondiscretionary expedited review process for small residential rooftop solar energy systems, including standard plan(s) and checklists which 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. Said standard plan(s) and checklist shall set forth all requirements with which a small residential rooftop solar energy system must comply in order to be eligible for expedited review.
- (b) The Director of the Building Department shall make the checklist and all permitting documentation required for a small residential rooftop solar energy system available to the public on the County website. The Building Department shall accept applications for such energy systems through electronic submittal, as specified on the County website, and accept Electronic signatures in lieu of a wet signature.
- (c) An application shall be deemed complete when staff determines that it satisfies all the information requirements in the checklist.

- (d) 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 permits issuance shall be sent to the applicant for resubmission.
- (e) Only one, timely, inspection shall be required and performed by staff for small residential rooftop solar energy systems eligible for expedited review, excepting a separate fire inspection if necessary. If the system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Article.
- (f) Upon the Building Official or its designee's determination that the application is complete, correct, and that it meets the requirements of the checklist, staff 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 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 and in conformance with all other County regulations of such uses.
- (g) If the Director of the Building Department finds, based on substantial evidence, that the proposed energy system could have a specific adverse impact upon the public health and safety, he will refer the application to the Planning Department. If the Planning Director concurs with the finding, based on substantial evidence, that the proposed energy system could have a specific, adverse impact upon the public health and safety then the applicant must apply for a use permit. The applicant may appeal the Planning Director's determination that a use permit is required to the Planning Commission by submitting a written request for appeal within ten (10) calendar days from the date of the Planning Director's decision. The applicant's failure to so appeal shall make the Planning Director's determination final and be constituted as a failure to exhaust administrative remedies. The Planning Commission shall not deny an application for such a use permit unless it makes written findings based on substantial evidence that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives preventing the adverse impact.
- (h) Any conditions imposed on an application to install a solar energy system shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest possible cost.

15.60.050 Severability.

If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

15.60.060 Effective Date.

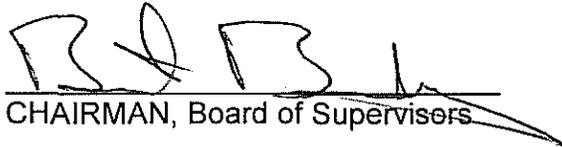
SECTION 2. This ordinance shall take effect thirty (30) days from the date of its adoption, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in the Red Bluff Daily News, a newspaper of general circulation in Tehama County.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular meeting of the Board of Supervisors on the 18th day of August, 2015 by the following vote:

AYES: Supervisors Williams, Carlson, Garton, Chamblin and Bundy

NOES: None

ABSENT OR NOT VOTING: None


CHAIRMAN, Board of Supervisors

STATE OF CALIFORNIA)

) ss

COUNTY OF TEHAMA)

I, JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Supervisors on the 18th day of August, 2015.

DATED: This 18th day of August, 2015.

JENNIFER A. VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California.

By Angela L. Ford
Deputy