

ORDINANCE NO. 926
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
RELATED TO EXPEDITED PERMITTING PROCEDURES FOR
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS AND PURPOSE. The Board of Supervisors finds and declares the following:

- a. 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.
- b. 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.”
- c. 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.
- d. 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.

Section 2. AUTHORITY. 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.

Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Director. The Director of the Building and Safety Department or his designee.
- b. Electronic submittal. The utilization of one or more of the following:
 - (1) Email;
 - (2) Internet;

- (3) Facsimile.
- c. 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.
- d. 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.
- e. 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.

Section 4. EXEMPTIONS. This ordinance 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 18.51 of Ordinance No. 348 and the provisions of this ordinance shall not apply.

Section 5. SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS CHECKLISTS AND STANDARD PLANS.

- a. On or before September 30, 2015, the Director 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.
- 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 Director 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 Director, as well as all other required permitting documentation shall be published on the County's website. If the Director modifies the checklists and standard plans found in the California Solar Permitting Guidebook, he shall document the unique climactic, geological, seismological or topographical conditions requiring such modifications and shall also include such documentation on the County's website.

Section 6. 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 website. Electronic signatures shall be accepted by the Building and Safety Department 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 Building and Safety Department 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 Director as nondiscretionary permits within in 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 Director may require the applicant to apply for a plot plan pursuant to section 18.30 of Ordinance No. 348 and all provisions of sections 18.30 and 18.51 of Ordinance No. 348 shall apply if the Director finds, based on substantial evidence, that the proposed small residential rooftop solar energy system could have a specific, adverse impact upon the public health or 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.

Section 7. 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 8. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 9. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 3-24 of 09/01/2015 (Eff: 10/01/2015)