



**STAFF REPORT  
TOWN COUNCIL MEETING OF OCTOBER 13, 2015**

**TO:** Town Council

**FROM:** Rick Angelocci, Town Manager

**SUBJECT:** Second Reading of Ordinance adding Chapter 11.12 of the Loomis Municipal Code regarding Small Residential Rooftop Solar Permits

**DATE:** September 22, 2015

**STAFF RECOMMENDATION:**

Staff recommends that the Town Council adopt the proposed Ordinance adding Chapter 11.12 of the Loomis Municipal Code regarding Small Residential Rooftop Solar Permits pursuant to AB 2188.

**TOWN COUNCIL ACTION:**

At the September 8, 2015 Town Council meeting, the Town Council voted unanimously to introduce for first reading the attached new ordinance adding Chapter 11.12 of the Loomis Municipal Code regarding Small Residential Rooftop Solar Permits pursuant to AB 2188.

**BACKGROUND:**

In September 2014, the State Legislature adopted AB 2188, which enacted Government Code section 65850.5. Section 65850.5(a) 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, on or before September 30, 2015, 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 ordinance must create an expedited, streamlined permitting process for residential solar PV and solar thermal systems consistent with the goals and intent of the California Solar Rights Act. The ordinance must also establish a permitting process that "substantially conforms" with the recommendations, standard plans, and checklists found in the most updated version of the Office of Planning and Research's Solar Permitting Guidebook.

**DISCUSSION:**

Currently the Town of Loomis processes such applications within 2 days, however, the Town has not codified the processing of small solar applications in the Municipal Code. The attached ordinance will bring the Town into full compliance with AB 2188.

**FINANCIAL IMPLICATIONS:**

None.

**ORDINANCE \_\_\_\_**

**AN ORDINANCE OF THE TOWN OF LOOMIS ADDING CHAPTER 11.12 TO THE  
MUNICIPAL CODE RELATING TO PERMITTING PROCEDURES FOR SMALL  
RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

The Town Council of the Town of Loomis does ordain as follows:

**Section 1: Purpose and Authority**

The purpose of this Ordinance is to establish the process for obtaining a permit for the installation of a "small residential rooftop solar system", as defined. The Town Council enacts this ordinance in accordance with Section 65850.5 of the California Government Code.

**Section 2: Enactment**

Chapter 11.12 of the Town of Loomis Municipal Code is hereby added to read as follows:

**11.12.010 Definitions**

- A. A "Solar Energy System" means either of the following:
  - 1. 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.
  - 2. 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 or cooling, or for water heating.
- B. A "small residential rooftop solar energy system" is a solar energy system that satisfies all of the following requirements:
  - 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 Town and all state and Town health and safety standards.
  - 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 Town.
- C. An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- D. A "common interest development" means any of the following:
  - 1. A community apartment project.
  - 2. A condominium project.
  - 3. A planned development.
  - 4. A stock cooperative.
- 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.

- F. "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.
- G. "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.

#### **11.12.020 Purpose**

The purpose of the Ordinance 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. The Ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the Town, and expanding the ability of property owners to install solar energy systems. The Ordinance allows the Town to achieve these goals while protecting the public health and safety.

#### **11.12.030 Applicability**

- A. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the Town.
- B. 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 Ordinance 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.

#### **11.12.040 Solar energy system requirements**

- A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the Town.
- B. 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.
- C. 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.

**11.12.050 Duties of Building Official**

- A. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible Town Website.
- B. The Town's Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- C. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) 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.
- D. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

**11.12.60 Permit review and inspection requirements**

- A. The Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Building Department shall issue a building permit or other nondiscretionary permit upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. However, a 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 Planning Commission.
- B. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.
- C. If a use permit is required, a 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, as defined, the 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 Planning Commission.
- D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- E. "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 Town on another similarly situated application in a prior successful application for a permit. The Town 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 defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
- F. The Town shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- G. 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.

- H. Only one inspection may be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.
- I. The inspection shall be done in a timely manner and should include consolidated inspections. To the extent that the building official determines it to be practicable to do so, inspections of small residential rooftop solar energy systems should be scheduled within two business days of a request.
- J. 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 3: Severability** If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional or to conflict with state or federal law, such decision shall not affect the validity of the remaining portions of this ordinance.

The Town Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared invalid.

**Section 4: Posting** The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the \_\_\_\_\_, 2015, and was **ADOPTED AND ORDERED** published and posted at a meeting of the Council held on the \_\_\_\_ day of \_\_\_\_\_, 2015, by the following roll call vote:

**AYES:** \_\_\_\_\_  
**NOES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_

By: \_\_\_\_\_  
**Rhonda Morillas, Mayor**

ATTEST:

By: \_\_\_\_\_  
**Crickett Strock, Town Clerk**