



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** July 28, 2015
From: Patrick Carroll, Building and Safety **Item No:** 3
 Building Official
Subject: ADOPT ORDINANCE NO. 470, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, ADDING CHAPTER 8.38 TO TITLE 8 (BUILDINGS AND CONSTRUCTION) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO PERMITTING OF SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 470.

SUMMARY:

At the Town Council Meeting on July 14, 2015, the Town Council introduced Ordinance No. 470 recommended that a chapter be added to the Town of Apple Valley Municipal Code relating to permitting of small residential rooftop solar systems.

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. Adoption of this ordinance meets that requirement.

FISCAL IMPACT:

There is no anticipated fiscal impact, as the costs would be recovered through existing building permit fees. As noted, the Building Division is currently providing expedited review of applications for small residential rooftop solar systems.

ATTACHMENTS:

Ordinance No. 470

ORDINANCE NO. 470

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, ADDING CHAPTER 8.38 TO TITLE 8 (BUILDINGS AND CONSTRUCTION) OF THE TOWN OF APPLE VALLEY MUNICIPAL CODE RELATING TO PERMITTING OF SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

The Town Council of the Town of Apple Valley does hereby ordain as follows:

SECTION 1. That Chapter 8.38 of the Town of Apple Valley Municipal Code is hereby added to read as follows:

Chapter 8.38

PERMITTING SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS

Sections:

- 8.38.010: Purpose.**
- 8.38.020: Definitions.**
- 8.38.030: Small Residential Rooftop Solar System Requirements.**
- 8.38.040: Application Review.**
- 8.38.050: Electronic Access to Permit Information and Submittals.**
- 8.38.060: Inspection.**

8.38.010 Purpose.

The intent of this Article is to adopt an expedited, streamlined solar permitting process 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 small residential rooftop solar energy systems. This Article will increase the deployment of residential solar distributed generation, provide solar customers greater installation ease, improve the Town and State's ability to reach its clean energy goals, and generate additional employment in the Town and State. The Article allows the Town to achieve these goals while protecting public health and safety.

8.38.020. Definitions.

The following definitions shall be applicable to the provisions in this Article.

A FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR AVOID THE SPECIFIC, ADVERSE IMPACT. A method that 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.

Solar Energy System. A solar energy system as defined in California Code of Regulations, Title 24.

Small Residential Rooftop Solar Energy System. A solar energy system, which meets all of the following:

i. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

ii. A solar energy system that (1) conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the Town; (2) all state 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 Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

iii. A solar energy system that is installed on a single or duplex family dwelling.

iv. A solar panel or module array that does not exceed the maximum legal building height as defined by the Town.

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.

8.38.030. Small Residential Rooftop Solar System Requirements.

(a) All small residential rooftop solar energy systems shall comply with the applicable standards and requirements for solar energy systems as set forth in the Town Municipal Code as well as the California Code of Regulations, Title 24.

(b) The small residential rooftop solar system permit process, standard plan(s), and checklist(s), 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.

8.38.040. Application Review.

(a) Upon confirmation that the application is complete, staff shall review the application to ensure that the small residential rooftop solar energy system meets local, state, and federal health and safety requirements. The Building Official may require an applicant to apply for a use permit pursuant to the Town Development Code, if the Building Official finds, based on substantial evidence, that the small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety.

(b) Staff shall issue a building permit or other nondiscretionary permit within a reasonable time following receipt of a complete application that meets the requirements of the approved checklist, standard plan and this Article.

(c) Staff's approval of an application shall not be based or conditioned on the approval of an association, as defined in California Civil Code § 4080.

8.38.050. Electronic Access to Permit Information

(a) The Building Official shall make the checklist, permit application and sample documentation required for a small residential rooftop solar energy system available on a publicly accessible website.

(b) Pending software installation, adaptation and security testing, an applicant may submit the application and related documentation for a small residential rooftop solar energy system by electronic submittal, as specified on the Town website. Electronic signatures shall be accepted by the Town on all electronic submittals in lieu of a wet signature, in conformance with California Government Code § 16.5 and 2 California Code of Regulations § 22000 *et seq.*

8.38.060. Inspection.

(a) 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) 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. Except as specifically amended or revised by the provisions of this ordinance, the provisions of the Town of Apple Valley Municipal Code shall remain in effect.

SECTION 3. Notice of Adoption. The Town Clerk of the Town of Apple Valley shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the Town in a manner permitted under section 36933 of the Government Code of the State of California.

SECTION 4. Effective Date. This ordinance shall take effect the 30th day of September as required by Assembly Bill 2188.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 28th day of July, 2015.

Larry Cusack, Mayor

Attest:

La Vonda M-Pearson, CMC, Town Clerk

Approved as to form:

Approved as to content:

John Brown, Town Attorney

Frank W. Robinson, Town Manager