

ORDINANCE NO. 15- 755

AN ORDINANCE OF THE CITY OF GRASS VALLEY AMENDING THE GRASS VALLEY MUNICIPAL CODE ADDING CHAPTER 15.08 REGARDING SOLAR ENERGY SYSTEMS AND PROVIDING AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS IN ACCORDANCE WITH AB 2188.

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY ORDAINS AS FOLLOWS:

SECTION I: Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code Section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

SECTION II: Amendment. Title XV, Chapter 15.8 of the Grass Valley Municipal Code is hereby amended as provided in **Exhibit A** attached herewith:

SECTION III: Severability. Should any section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction or by reason of any preemptive legislation, the remaining sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect and, to that end, the provisions hereof are determined to be severable.

SECTION IV: Construction. To the extent the provisions of the Grass Valley Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance,

those provisions shall be construed as continuations of the prior provisions and not as new enactments.

SECTION V: Effective Date. This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

SECTION VI: Notice. This ordinance shall take effect thirty (30) days from and after the date of its adoption and a summary of said ordinance shall be published once within fifteen (15) days upon its passage and adoption in the Union, a newspaper of general circulation printed and published in the Grass Valley Area.

INTRODUCED and first read on the 14th day of July 2015

PASSED AND ADOPTED this 28th day of July 2015, by the following vote:

AYES: *Council Members Aguilar, Arbuckle, Levine, Swarthout + Mayor Fouyer*

NOES: *NONE*

ABSENT: *NONE*

ABSTAIN: *NONE*



Jason Fouyer, Mayor

ATTEST:



Kristi K. Bashor, City Clerk

APPROVED AS TO FORM



Michael Colantuono, City Attorney

PUBLISH DATE: *8/1/2015*

CHAPTER 15.08

SOLAR ENERGY SYSTEMS

Sections:

- 15.08.010** Definitions
- 15.08.020** Purpose
- 15.08.030** Applicability
- 15.08.040** Solar Energy System Requirements
- 15.08.050** Duties of Community Development Department and Building Official
- 15.08.060** Permit Review and Inspection Requirements For Small Residential Rooftop Solar Energy Systems
- 15.08.070** Requirements For Solar Energy Systems Other Than Small Residential Rooftop Systems
- 15.08.080** Solar Energy Systems in the 1872 Historic Townsite

15.08.010 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" 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 conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and all state and City health and safety standards;
- (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 City.

(C) "Electronic submittal" means the utilization of one or more of the following:

- (1) Email;
- (2) The Internet;
- (3) Facsimile.

(D) An "association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

(E) 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.

(F) "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.

(G) "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.

(H) "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.

15.08.020 Purpose

The purpose of the Chapter 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 Chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property

owners and the City, and expanding the ability of property owners to install solar energy systems. The Chapter allows the City to achieve these goals while protecting the public health and safety.

15.08.030 Applicability

(A) Sections 15.08.040 through 15.08.060 of this Chapter apply to the permitting of all small residential rooftop solar energy systems in the City of Grass Valley. Sections 15.08.070 et. seq. applies to all solar energy systems which do not meet the definition of "small residential rooftop solar energy system" set forth in Section 15.08.040 through 15.08.060.

(B) 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 change the size of the system by more than 10% in any dimension, or that change the type, or any major components of a solar energy system in such a way as to require new permitting.

(C) Routine operation and maintenance or like-kind replacements shall not require a permit.

15.08.040 Solar Energy System Requirements

(A) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.

(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.

15.08.050 Duties of the Community Development Department and Building Official

(A) The Community Development 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.

(B) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City Website.

(C) Electronic submittal of the required permit application and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

(D) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

(E) 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.

15.08.060 Permit Review and Inspection Requirements For Small Residential Rooftop Solar Energy Systems

- (A) The City Community Development Department shall adopt an administrative, non-discretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption on this Ordinance. For permit applications submitted over-the-counter and electronically, the Building Department shall issue a building permit or other non-discretionary permit within five business days of receipt. The time to issue a permit begins upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. All fees prescribed for the permitting of small residential rooftop solar systems must comply with Government Code Section 66016 and State Health and Safety Code Section 17951.
- (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) The Community Development Director may require an applicant to apply for a minor use permit if the Community Development Director 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, which may be further appealed to the City Council.
- (D) If a minor use permit is required, the Community Development Director may deny an application for the minor use permit if the Director 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, which may be further appealed to the City Council in accordance with Chapter 17.91 of the Grass Valley Municipal Code.

- (E) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
- (F) "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 City on another similarly situated application in a prior successful application for a permit. The City 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.
- (G) The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.
- (H) 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.
- (I) Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.

(J) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request and the applicant shall be provided with a two-hour inspection window.

(K) If a small residential rooftop solar energy system fails inspection, a subsequent re-inspection is authorized and may include a re-inspection fee in accordance with the City's adopted fee schedule.

15.08.070 Requirements For Solar Energy Systems Other Than Small Residential Rooftop Systems

(A) An application for a permit to construct or install a solar energy system other than a "small residential rooftop system" as that term is defined in section 15.08.010 (B) of this Chapter shall include the information contained in the City's Solar Photovoltaic (PV) System Plan Submittal Requirements.

(B) Inspections

(1) All solar energy systems subject to this section shall be inspected for compliance with this section and for compliance with the manufacturer's installation requirements for grounding.

(2) The systems shall be ready for inspection with all boxes open.

(3) The City's Inspector shall have access to all parts of the system.

(4) The permit, approved plans, and specifications shall be readily available on site at the time of inspection.

(5) Any changes to approved plans must be reviewed and approved by the Building Department prior to scheduling the inspection.

15.08.080 Solar Energy Systems in the 1872 Historic Townsite

(A) Solar energy systems in the City's 1872 Historic Townsite shall comply with the recommendations of the City of Grass Valley Design Review Guidelines for the 1872 Historic Townsite.