

ORDINANCE NO. 860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI ADDING SECTION 9-1.216 TO THE MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS IN THE CITY OF OJAI

WHEREAS, Subsection (a) of Section 65850.5 of the California Government Code 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; and

WHEREAS, Subdivision (g)(1) of Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council does hereby further find that in accordance with California Environmental Quality Act ("CEQA") Guidelines section 15268, 15308, and 15378, the adoption of this amendment to the Municipal Code is exempt from the provisions of the California Environmental Quality Act because such actions are administrative in nature as the actions create an expedited permitting process for certain small residential rooftop solar energy systems as required by statute and will enhance, and not adversely affect the environment in any manner by promoting the development of small residential rooftop solar energy systems.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 9-1.216 Added.

Section 9 1.216 is added to the Ojai Municipal Code to read in full as follows:

Section 9-1.216 Small Residential Rooftop Solar Energy System Review Process.

1. The following words and phrases as used in this section are defined as follows:

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

- (i) e-mail,
- (ii) facsimile.

"Small residential rooftop solar energy system" means 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 conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by

the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

- (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 authority having jurisdiction.

"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, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

2. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
3. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.
4. The checklist shall be published on the city's Internet website. The applicant may submit the permit application and associated documentation to the City's building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.
5. Prior to submitting an application, the applicant shall:
 - a. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 - b. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.
6. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include

a consolidated inspection by the building official. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

7. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
8. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official 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.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 4. In adopting this ordinance, the City Council has considered and hereby incorporates the findings set forth herein as well as all evidence submitted at the time of consideration hereof.

SECTION 5. Environmental Determination. The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that the adoption of the these amendments to the Ojai Municipal Code is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15268, 15378, and 15308 for the following reasons:

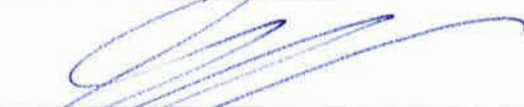
(a) Under CEQA Guidelines Section 15268, CEQA review is not required because Subdivision (g)(1) of Section 65850.5 of the California Government Code requires the City to adopt these amendments to the provisions of the Ojai Municipal Code providing for expedited permitting for certain small, residential roof-top solar energy systems and thus this amendment is a ministerial project.

(b) Under CEQA Guidelines Section 15378(b)(5), the proposed amendments are not a project under CEQA because they will not cause a “direct physical change in the environment” or a “reasonably foreseeable indirect physical change in the environment” because the amendments provide for an expedited administrative process to review and approve certain small, residential roof-top solar energy systems, but do not approve any applications and thus do not authorize any specific development activity. Accordingly, the City finds that these amendments do not qualify as a “project” under CEQA Guidelines Section 15378(b)(5) because they constitute administrative activities of government that do not directly or indirectly result in any physical changes in the environment.

(c) Under CEQA Guidelines Section 15308, these amendments are categorically exempt from CEQA review because the amendments promote the protection of the environment by providing for expedited approval of certain small, residential roof-top solar energy systems. If compliant applications are received and approved under this expedited process, then there will be more renewable energy used in Ojai, reducing the impact on the environment from conventional energy production.

SECTION 6. This Ordinance shall become effective on the thirty-first (31st) day after its passage.

CITY OF OJAI, CALIFORNIA




Severo Lara, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:




Matthew T. Summers, City Attorney

STATE OF CALIFORNIA)
)
COUNTY OF VENTURA)
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I, Rhonda K. Basore, City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on September 22, 2015 and adopted at a regular meeting held on October 13, 2015 by the following vote:

AYES: Blatz, Clapp, Haney, Lara, Weirick
NOES: None
ABSTAIN: None
ABSENT: None


Rhonda K. Basore
Rhonda K. Basore
City Clerk for the City of Ojai