

A-Engrossed
House Bill 3516

Ordered by the House April 27
Including House Amendments dated April 27

Sponsored by Representatives CANNON, BAILEY, J SMITH; Representatives BOONE, GARRARD, GARRETT, KRIEGER, MATTHEWS, MCLANE, Senators BOQUIST, DINGFELDER, GEORGE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes installation and use of solar photovoltaic energy system on residential or commercial structure in zones in which residential or commercial structures are authorized.

Requires local government reviewing permit application to make ministerial decision approving or denying permit. Prevents local government from collecting land use permit application fee for application to install solar photovoltaic energy system. Limits certain land use reviews of site. **Creates exceptions.**

A BILL FOR AN ACT

1
2 Relating to solar energy generation by retail electricity consumers.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 757.360 to**
5 **757.380.**

6 **SECTION 2. (1) The installation and use on a residential structure of a solar photovoltaic**
7 **energy system that is a residential qualifying system or a solar thermal energy system is**
8 **an outright permitted use in any zone in which residential structures are an allowed use.**

9 **(2) The installation and use on a commercial structure of a solar photovoltaic energy**
10 **system that is a small commercial qualifying system or a solar thermal energy system is an**
11 **outright permitted use in any zone in which commercial structures are an allowed use.**

12 **(3) Approval of a permit application under ORS 215.402 to 215.438 or 227.160 to 227.186 is,**
13 **notwithstanding the definitions of "permit" in ORS 215.402 and 227.160, a ministerial function**
14 **if:**

15 **(a) The installation of a solar energy system can be accomplished without increasing the**
16 **footprint or the roof height of the residential or commercial structure; and**

17 **(b) The solar energy system panels would be mounted:**

18 **(A) Within 12 inches of the surface of the roof; and**

19 **(B) So that the plane of the panels is parallel to the slope of the roof.**

20 **(4) As part of the permit approval process, a city or county:**

21 **(a) May not charge a fee pursuant to ORS 215.416 or 227.175 for processing a permit;**

22 **(b) May not require extensive surveys or site evaluations including, but not limited to,**
23 **vegetation surveys, contour maps and elevation drawings; and**

24 **(c) May charge building permit fees pursuant to ORS 455.020, 455.210 and 455.220.**

25 **(5) Subsections (3) and (4) of this section do not apply to a permit application for a resi-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **dential or commercial structure:**

2 (a) **That is a federally or locally designated historic building or landmark or is located in**
3 **a federally or locally designated historic district.**

4 (b) **Located within the boundaries of a conservation district established by a local gov-**
5 **ernment if the solar energy system would be installed on a section of the roof that is ori-**
6 **ented toward the roadway that provides the primary access to the structure.**

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