

**B-Engrossed**  
**House Bill 3516**

Ordered by the Senate June 2  
Including House Amendments dated April 27 and Senate Amendments  
dated June 2

Sponsored by Representatives CANNON, BAILEY, J SMITH; Representatives BOONE, GARRARD, GARRETT,  
HARKER, 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. (1) The installation and use on a residential structure of a solar photovoltaic**  
5 **energy system or a solar thermal energy system is an outright permitted use in any zone in**  
6 **which residential structures are an allowed use.**

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

10 **(3) Approval of a permit application under ORS 215.402 to 215.438 is, notwithstanding the**  
11 **definition of "permit" in ORS 215.402, a ministerial function if:**

12 **(a) The installation of a solar energy system can be accomplished without increasing the**  
13 **footprint of the residential or commercial structure or the peak height of the portion of the**  
14 **roof on which the system is installed; and**

15 **(b) The solar energy system would be mounted so that the plane of the system is parallel**  
16 **to the slope of the roof.**

17 **(4) As part of the permit approval process, a county:**

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

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

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

22 **(5) Subsections (3) and (4) of this section do not apply to a permit application for a resi-**  
23 **dential or commercial structure that is:**

24 **(a) A federally or locally designated historic building or landmark or that is located in a**  
25 **federally or locally designated historic district.**

**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 (b) A conservation landmark designated by a city or county because of the historic, cul-  
2 tural, archaeological, architectural or similar merit of the landmark.

3 (c) Located in an area designated as a significant scenic resource unless the material  
4 used is:

5 (A) Designated as anti-reflective; or

6 (B) Eleven percent or less reflective.

7 (6) As used in this section, “solar photovoltaic energy system” has the meaning given  
8 that term in ORS 757.360.

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

12 (2) The installation and use on a commercial structure of a solar photovoltaic energy  
13 system or a solar thermal energy system is an outright permitted use in any zone in which  
14 commercial structures are an allowed use.

15 (3) Approval of a permit application under ORS 227.160 to 227.186 is, notwithstanding the  
16 definition of “permit” in ORS 227.160, a ministerial function if:

17 (a) The installation of a solar energy system can be accomplished without increasing the  
18 footprint of the residential or commercial structure or the peak height of the portion of the  
19 roof on which the system is installed; and

20 (b) The solar energy system would be mounted so that the plane of the system is parallel  
21 to the slope of the roof.

22 (4) As part of the permit approval process, a city:

23 (a) May not charge a fee pursuant to ORS 227.175 for processing a permit;

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

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

27 (5) Subsections (3) and (4) of this section do not apply to a permit application for a resi-  
28 dential or commercial structure that is:

29 (a) A federally or locally designated historic building or landmark or that is located in a  
30 federally or locally designated historic district.

31 (b) A conservation landmark designated by a city or county because of the historic, cul-  
32 tural, archaeological, architectural or similar merit of the landmark.

33 (c) Located in an area designated as a significant scenic resource unless the material  
34 used is:

35 (A) Designated as anti-reflective; or

36 (B) Eleven percent or less reflective.

37 (6) As used in this section, “solar photovoltaic energy system” has the meaning given  
38 that term in ORS 757.360.

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