

## **ORDINANCE NO. 4479**

### **ORDINANCE ADDING CHAPTER 18.50 TO THE MENDOCINO COUNTY CODE CREATING AN EXPEDITED ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS**

The Board of Supervisors of the County of Mendocino, State of California, ordains as follows:

**Section 1:** Chapter 18.50 is hereby added to the Mendocino County Code to read as follows:

#### **Chapter 18.50 – Electric Vehicle Charging Station Permitting Process**

Sec. 18.50.005 - Title and Authority.

Sec. 18.50.010 - Purpose.

Sec. 18.50.015 - Applicability.

Sec. 18.50.020 - Definitions.

Sec. 18.50.025 - Requirements for Electric Vehicle Charging Stations.

Sec. 18.50.030 - Application Checklist and Procedures.

Sec. 18.50.035 - Expedited Permitting Process and Permit Review.

#### **Sec. 18.50.005 - Title and Authority.**

This chapter is and may be cited as the "Electric Vehicle Charging Station Permitting Process." The chapter is enacted pursuant to Government Code section 65850.7 as established by Assembly Bill 1236 (Chapter 598, Statutes 2015).

#### **Sec. 18.50.010 - Purpose.**

The purpose of this chapter is to create an expedited, streamlined permitting process that complies with AB 1236 and Government Code section 65850.7 to achieve timely and cost-effective installation of electric vehicle charging stations. This chapter encourages the installation and use of electric vehicle charging stations by removing obstacles to and minimizing the cost of permitting for charging stations, and by expanding the ability of residential, agricultural, and commercial property owners to install electric vehicle charging stations. This chapter allows the county to achieve these goals while protecting the public health and safety. The expedited permitting process shall allow the building official to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit.

#### **Sec. 18.50.015 - Applicability.**

This chapter applies to the permitting of electric vehicle charging stations in the unincorporated territory of the County of Mendocino. Electric vehicle charging systems legally established or permitted prior to the building official's

implementation of an expedited permitting process are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of an electric vehicle charging station in such a way as to require new permitting.

**Sec. 18.50.020 - Definitions.**

The following words and phrases as used in this chapter are defined as follows:

- (A) "Electronic submittal" means the utilization of Email; the Internet; or Facsimile.
- (B) "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as that article may be amended or superseded, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- (C) "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.
- (D) "Building Official" has the same definition as stated in section 18.04.010.

**Sec. 18.50.025 – Requirements for Electric Vehicle Charging Stations**

- (A) All electric vehicle charging stations shall meet applicable health and safety standards and requirements of local, state, and federal law.
- (B) Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

**Sec. 18.50.030. - Application Checklist and Procedures**

- (A) The Building Official shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review. The checklist and all required permitting documentation shall be published on the County of Mendocino's Department of Planning & Building Services website.

- (B) In developing the expedited permitting process and checklist, the building official may refer to the recommendations contained in the most recent version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the State of California's Office of Planning and Research. The building official may modify the checklists and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions.
- (C) The Building Official may establish a process to prioritize competing applications for expedited permits.

#### **Sec. 18.50.035 - Expedited Permitting Process and Permit Review**

- (A) The Department of Planning and Building Services shall provide for the electronic submittal of electric vehicle charging station permit applications, though the method of electronic submittal shall be at the Department's discretion and electronic submittal of applications is not required. . In the case of electronic submittal, the electronic signature of the applicant on all forms, applications, and other documents may be used in lieu of a wet signature. If at the time of a permit application, the county's supporting technology does not facilitate electronic signatures, the county, at its discretion, may authorize the acceptance of either electronic signature or wet signature.
- (B) An application and supporting documents that satisfy 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 that is required to be eligible for expedited permit issuance.
- (C) Upon confirmation by the Building Official that the application is complete and meets the requirements of the checklist, and is consistent with this chapter, the building official shall administratively approve the application and issue all required permits or authorizations. However, the county may withhold issuance of the permit or authorization if there is a violation on record for any structure associated with the application under review.
- (D) If the Building Official makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, the permit application shall be denied.

- (E) This expedited permitting process is intended to apply only to applications for permits for electric vehicle charging stations, and will not expedite the review of any other permit applications.
- (F) The Building Official's decision to approve or deny a permit for an electrical vehicle charging station may be appealed to the Mendocino County Planning Commission pursuant to the appeal provisions of the relevant division of the Mendocino County Zoning Code.

**Section 2. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section 3. Environmental Determination.** This ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to section 15061, subdivision (b)(3) of the CEQA Guidelines because it can be seen with certainty that adoption of the ordinance does not result in a physical change in the environment. Procedures to expedite review of Electric Vehicle Charging Station Systems do not alter requirements for compliance with existing health and safety regulations for Electrical Vehicle Charging Station Systems. Implementation is required under Assembly Bill 1236 and will not result in any impact on the environment.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 5<sup>th</sup> day of January, 2021, by the following roll call vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

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Deputy

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS,  
County Counsel

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DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

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Deputy