



ORDINANCE No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE ADDING ARTICLE 14 TO CHAPTER V OF THE NEVADA COUNTY LAND USE AND DEVELOPMENT CODE TO PROVIDE AN EXPEDITED AND STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section I: Findings

- A. The Board of Supervisors seeks to implement California Government Code section 65850.7 (AB 1236) through the creation of an expedited, streamlined permitting process for electric vehicle charging stations; and
- B. It is in the health, welfare and safety interests of Nevada County residents to have an expedited permitting process to assure the effective deployment of electric vehicle charging technology. This Ordinance is consistent with and furthers the goals, objectives, policies, programs and implementation measures of the Nevada County Land Use and Development Code by adopting a streamlined permitting process for electric vehicle charging stations; and
- C. A streamlined permitting process for electric vehicle charging stations will encourage energy efficiency, help to expand access to lower income households, provide simpler installations for electric vehicle charging station customers, increase the County's use of clean, renewable energy and generate jobs locally.

Section II:

Article 14 of Chapter V (Buildings) of the Land Use and Development Code of the County of Nevada is hereby added as is set forth in Exhibit A attached hereto and incorporated herein by reference.

Section III:

The Board hereby finds and declares that this Ordinance is exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to the following categorical exemptions: Section 15378(b)(5) (as an organizational administrative governmental activity that will not result in direct or indirect physical changes to the environment), and Section 15060(c)(2) (it does not create a potential for direct, indirect, or reasonably foreseeable physical changes in the environment), and Section 15268 (exempting ministerial actions such as approval of building permits and individual utility service connections).

Section IV:

Severability. If any provision of this Article or the application thereof to any person or circumstance is held invalid, the remainder of this Article, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Article are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and it shall become operative on the ____ day of _____, 2017, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union and Sierra Sun, newspapers of general circulation printed and published in the County of Nevada.

EXHIBIT A

CHAPTER V: BUILDINGS

Article 14. Electric Vehicle Charging Station Permitting Process

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CHAPTER V: BUILDINGS

Article 14. Electric Vehicle Charging Station Permitting Process

Sec. L-V 14.1 Purpose

The purpose of the Article is to adopt an expedited, streamlined permitting process that complies with AB 1236 and Government Code section 65850.7 to achieve timely cost-effective installation of electric vehicle charging stations. This Article encourages the installation and use of electric vehicle charging stations by removing obstacles 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 Article allows the county to achieve these goals while protecting the public health and safety.

Sec. L-V 14.2 Applicability

This Article applies to the permitting of electric vehicle charging stations in the unincorporated area of the County of Nevada. Electric vehicle charging stations legally established or permitted prior to the implementation of this expedited permitting process are not subject to the requirements of this Article 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. L-V 14.3 Definitions

- A. “Electric vehicle charging station” or “charging station” means any level of electric vehicle supply equipment station that is designed and built in compliance with the California Electrical Code, as it reads on the effective date of this Article, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- B. “Electronic submittal” means the utilization of one or more of the following:
 - 1. Email;
 - 2. The Internet; or
 - 3. Fascimile.
- 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. “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 County on another similarly situated application in a prior successful application for a permit.
- E. “Building Official” means the officer or other designated authority charged with the administration and enforcement of the Nevada County Code, or a duly authorized representative.
- F. An “association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

Sec. L-V 14.4 Electric Vehicle Charging Station Requirements

- 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. L-V 14.5 Application Standards

- A. No later than September 30, 2017, the Building Official of Nevada County or his/her designee shall implement an expedited permitting process, after consulting with the local fire department or district, that will allow the Building Official to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit.
- B. 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 Nevada's Internet Website.
- C. 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" and/or 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 checklist and standards found in the Guidebook due to unique climatic, geological, seismological, or topographical conditions.
- D. Electronic submittal of the required permit application and supporting documents shall be made available for all electric vehicle charging station permit applications. The method of electronic submittal shall be at the County's discretion.

Sec. L-V 14.6 Expedited Permitting Process and Permit Review

- A. The applicant may submit the permit application and supporting documents to the Building Department by electronic submittal. 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.
- 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. The Building Official may establish a process to prioritize competing applications for expedited permits.
 - i. If the County 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 County may require the applicant to apply for a use permit.
 - ii. 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.
 - iii. The County shall not condition approval for any electric vehicle charging station permit on the approval of an electric vehicle charging station by an association, as that term is defined in Civil Code section 4080.

- D. The County shall not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
- E. Any conditions imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific adverse impact upon the public health or safety at the lowest cost possible.
- F. 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.
- G. The Building Official's decision pursuant to Sections L-V 14.6 (C) or (D) may be appealed to the Nevada County Building and Accessibility Standards Board of Appeals in accordance with Nevada County Code Section L-V 2.1.