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ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 110 OF THE EL DORADO COUNTY ORDINANCE CODE TO ESTABLISH PROCEDURES FOR EXPEDITING PERMIT PROCESSING FOR ELECTRIC VEHICLE CHARGING STATIONS

Whereas, the State of California and the County of El Dorado has consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

Whereas, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations; and

Whereas, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the County’s reliance on environmentally damaging fossil fuels.

THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. The Board of Supervisors finds and declares that the above recitals are true, correct, and incorporated herein. Such recitals constitute a declaration of the facts constituting the ordinance.

Section 2. Title 110 (Buildings and Construction) is amended to add Chapter 110.70. entitled “Electric Vehicle Charging Station Regulations” as set forth below:

“Chapter 110.70. – Electric Vehicle Charging Station Regulations.

Sec. 110.70.010. – Purpose.

The purpose of this chapter is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations that complies with AB 1236 (California Government Code § 65850.7), to achieve timely and cost-effective installations. The chapter encourages the installation of electric vehicle charging stations while

promoting public health and safety; preventing specific adverse impacts in the installation and use of such charging stations.

Sec. 110.70.020. – Applicability.

This chapter applies to the permitting of all electric vehicle charging stations within the unincorporated area of the County of El Dorado. Electric vehicle charging stations legally established or permitted prior to the effective date of this chapter 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. 110.70.020. – 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 current edition of the adopted California Electrical Code, as it reads on the effective date of this chapter, 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. On-line submission via County of El Dorado Building Services website
 - 2. Email
 - 3. Licensed Contractors Trade Email Permit Program
 - 4. Facsimile
- 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.

Sec. 110.70.030. – Building Services Responsibilities.

- A. The County of El Dorado Planning and Building Department: Building Services shall develop an Electric Vehicle (EV) Checklist (Residential or Commercial) of all requirements that electric vehicle charging stations must comply with to be eligible for expedited review. The criteria outlined in the EV Checklist (Residential or Commercial) will facilitate an expedited plan review process. The EV Checklist (Residential or Commercial) and all other documents required for the submission of the electric vehicle charging station application shall be made available on the Building Services website. Department staff may carry out the administrative responsibilities of the Building Official for purposes of this section.

- B. The expedited, streamlined permitting process and EV Checklist (Residential or Commercial) may refer to the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research.
- C. Electronic submittal of the required permit application and documents shall be made available to all applicants eligible for expedited review of electric vehicle charging stations. The Building Official shall allow for electronic submittal of permit applications covered by this chapter.
- D. The Building Official shall accept electronic signature on all forms, applications, and supplemental documentation in lieu of a wet signature by the applicant. For purposes of this section, the Building Official will accept as an electronic signature an electronic copy of an applicant’s written signature, such as a facsimile image or an electronic image (such as a PDF).

Sec. 110.70.040. – Permit Process.

- A. Prior to submitting a building permit application for expedited processing, the applicant shall verify that the installation of an electric vehicle charging station will not have a specific, adverse impact to public health, safety, and building occupants. The applicant shall verify that the proposed electric vehicle charging stations meet applicable health and safety standards established by the State and the County of El Dorado. The verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring; bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
- B. A permit application that satisfies the requirements in the County’s adopted EV Checklist (Residential or Commercial) shall be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet, the requirements of the County adopted EV Checklist (Residential or Commercial), and is consistent with all applicable laws, health and safety standards, the Building Official shall, consistent with Government Code § 65850.7, approve the application and prepare the permit for issuance.
- C. The application approval does not authorize applicant to energize or utilized the electric vehicle charging station, which shall not occur until the County grants final building permit approval.
- D. If the Building Official determines that the permit application is incomplete, he or she shall issue a correction notice to the applicant, detailing all deficiencies in the

application and any additional information required to be eligible for expedited permit issuance.

Sec. 110.70.050. – Permit Review Requirements.

- A. The intent of the Electric Vehicle Charging Station Ordinance is to encourage the installation of electric vehicle charging stations by removing obstacles of permitting for charging stations, so long as the action does not supersede the Building Official’s authority to address higher priority life-safety situations.
- B. Electric vehicle charging stations as defined in subsection 110.70.020 shall be allowed as a secondary use in commercial zones, industrial zones, and in all residential zones that have established their primary use. In residential, commercial, and industrial zones, the electric vehicle charging stations as a use shall be secondary, accessory, and subordinate to the primary use.
- C. The review of the permit application shall be limited to the Building Official’s review of whether the application meets local, State, and Federal health and safety requirements. The Building Official shall administratively review the application as a ministerial permit.
- D. The Building Official, consistent with Government Code § 65850.7, shall not condition the approval of an application on the approval of an association, as Civil Code §4080 defines that term.
- E. An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the Building Official determines that the application satisfies all the requirements found in the EV Checklist (Residential or Commercial).
- F. The Building Official may require an applicant to apply for a conditional use permit if the Building Official makes a written finding, based on substantial evidence, that the proposed electric vehicle charging station could have a specific, adverse impact upon the public health or safety. The Building Official’s decision to require a conditional use permit may be appealed by the applicant to the Planning Commission pursuant to subsection 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of Title 130 Zoning Ordinance. Any conditions imposed on, or the denial of a conditional use permit, shall comply with Government Code § 65850.7.

Sec. 110.70.060. – Electric Vehicle Charging Station Installation.

- A. Electric vehicle charging station equipment shall meet the requirements of the California Electric Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters

Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.

- B.** Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of the current edition and all applicable provisions of the California Electrical Code.
- C.** Installation of electrical vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- D.** Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.”

Section 3. Any provisions of Title 110 of the El Dorado County Ordinance Code or appendices thereto, inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The County Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. The Board hereby finds and determines that the adoption of the Electrical Vehicle Charging Station Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), which addresses the future construction and location of limited numbers of new, small facilities or structures. The future installation of Countywide individually proposed charging stations would qualify for this exemption. The ordinance aligns with California's initiative to implement future ministerial projects that will encourage the use of fuel-efficient electric vehicles and help reduce the County's reliance on environmentally damaging fossil fuels. The ordinance is required pursuant to California Government Code § 65850.7, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging stations.

Adoption of the electric vehicle charging station ordinance is also categorically exempt from CEQA review under CEQA Guidelines Section 15301 (Existing Facilities), in that the designation of parking spaces for exclusive electric vehicle use is a minor alteration of existing facilities involving negligible or no expansion of use beyond that presently existing residential and on non-residential zoned sites.

Section 6. The Board of Supervisors Chair shall sign and the Clerk of the Board of Supervisors shall attest to the passage of this Ordinance. The County Clerk shall cause this Ordinance, or a summary thereof to be published once in the newspaper of major circulation within 15 days after its adoption. Accordingly, this Ordinance shall take effect thirty (30) days following the adoption thereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2022, by the following vote of said Board:

ATTEST

Ayes:

Kim Dawson

Clerk of the Board of Supervisors

By _____
Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

**APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL**

By: _____

Title: _____