

ORDINANCE NO. 2020-02

Ordinance revising Lassen County Code Title 12 (Buildings and Construction) to add Chapter 12.10 (Electric Vehicle Charging Systems)

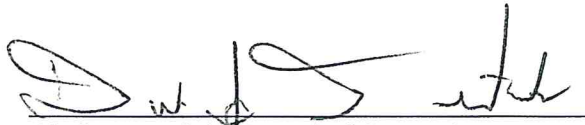
The following ordinance, consisting of three sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Lassen, State of California, at a regular meeting of the Board of Supervisors held on the 8 th day of December, 2020, by the following vote:

AYES: Supervisors Teeter, Gallagher, Albaugh and Hammond.

NOES: Supervisor Hemphill.

ABSTAIN: None.

ABSENT: None.

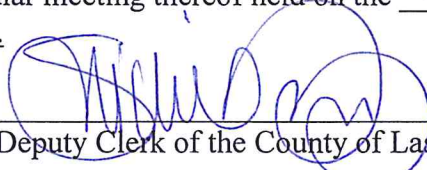


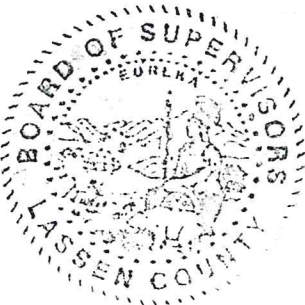
Chairman of the Board of Supervisors,  
County of Lassen, State of California

Attest: JULIE BUSTAMANTE  
Clerk of the Board

By:   
MICHELE J. YDERRAGA, Deputy Clerk of the Board

I, MICHELE J. YDERRAGA, Deputy Clerk of the Board of the Board of Supervisors, County of Lassen, do hereby certify that the foregoing ordinance was adopted by the said Board of Supervisors at a regular meeting thereof held on the 8 th day of December, 2020.

  
Deputy Clerk of the County of Lassen Board of Supervisors



THE BOARD OF SUPERVISORS OF THE  
COUNTY OF LASSEN ORDAINS AS FOLLOWS:

SECTION ONE: This ordinance shall take effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of the County of Lassen, State of California.

SECTION TWO: Chapter 12.10 is added to the Lassen County Code to read as follows:

**Chapter 12.10 Electric Vehicle Charging Systems**

**12.10.010 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 article 625 of the California Electric Code and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.
- (b) Electronic Submittal; Means the utilization of one or more of either electronic mail, the internet, or facsimile.
- (c) 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 similar permit.
- (d) 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.

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

**12.10.030 Applicability**

Section 65850.7 of the California Government Code provides that every city, county or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for electric vehicle Charging Stations.

- (a) This chapter applies to the permitting of all electric vehicle-charging systems in the unincorporated areas of the County.
- (b) Electric vehicle charging systems legally established or permitted prior to the effective date of the 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 system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

#### **12.10.040 Electric Vehicle Charging System Requirements**

- (a) All electric vehicle-charging systems shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electric Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of Public Utilities Commission regarding safety and reliability.
- (b) Installation of electric vehicle charging stations shall be incorporated into load calculations of all new or existing electrical services and shall meet the requirements of the California Electric Code. Electric vehicle charging equipment shall be considered a continuous load.
- (c) 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.
- (d) Electric vehicle-charging stations shall be located on a parcel appropriately zoned for such use, as determined by the director of the planning and building services department. Any determination by the planning and building services department director that an electric vehicle charging station is not allowed on a particular parcel as a result of that parcel's zoning is appealable to the board of supervisors in accordance with chapter 18.122 (Interpretive Action). The requirements detailed in chapter 12.10 for the acceptance and issuance of a building permit application for an electric vehicle charging station shall not commence until after the board of supervisors has rendered its decision on said appeal filed pursuant to Chapter 18.122.

#### **12.10.050 Duties of the Chief Building Official**

- (a) All documents required for the submission of an electric vehicle charging system application shall be made publically available on the County's website.
- (b) Within 30 days of the effective date of this ordinance, the planning and building services department shall make a checklist of all requirements with which electric



vehicle charging systems shall comply to be eligible for expedited review available to the public.

- (c) The electric vehicle charging system permit process and checklist shall substantially conform to the recommendations contained in the most recent version of the Plug-in Electric Vehicle Infrastructure Permitting Checklist contained in the Zero-Emission Vehicles in California: Community Readiness Guidebook adopted by the Governor's Office of Planning and Research.
- (d) The chief building official shall allow the electronic submittal of the electric vehicle charging station application.

#### **12.10.060 Permit Review Requirements**

- (a) Review of the permit application shall be limited to the chief building official's review of whether the application meets local, State, and Federal health and safety requirements. The application shall be administratively reviewed by the chief building official as a nondiscretionary permit.
- (b) The County shall not condition approval of an application on the approval of an association, as that term is defined by Civil Code section 4080.
- (c) An application for an electric vehicle charging station shall be deemed complete and the permit available for issuance, when the chief building official determines that the application satisfies all requirements found in the checklist.
- (d) If an application is deemed incomplete, a written plan check correction notice will be available to the applicant within ten (10) working days, detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be given to the applicant for resubmission. If, at any time, legislation is adopted that requires review for acceptance and issuance of a permit in less time than indicated in this section, the chief building official shall comply with said legislation. The checklist provided by the planning and building services department pursuant to section 12.10.050, and any other pertinent information pertaining to submittal of an application, shall indicate any new time limits that may be established by the legislature after adoption of this ordinance.
- (e) The chief building official, in consultation with the director of the planning and building services department, may require an applicant to apply for a use permit if the chief building official finds, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health and safety. Any such use permit shall be submitted and will be considered in accordance with chapter 18.112 (Use Permits) of this code.
  - i. If the applicant is not satisfied with the chief building official's determination that a use permit is required, s/he may, within thirty days

after such action, appeal in writing to the planning commission by filing an appeal with the planning and building service department and paying the fee established by the board of supervisors for appeals to the planning commission.

- A. Public Hearing. Within sixty days of filing an appeal with the planning and building services department, the appeal shall be scheduled for public hearing before the planning commission. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and applicant and to all record owners of property immediately adjacent to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.
  - B. Appeal to the board of supervisors. Any interested party not satisfied with the planning commission's decision may appeal to the board of supervisors within ten days of the planning commission's action regarding the appeal. Such an appeal shall be submitted in writing to the county clerk, along with the appropriate fee established by the board of supervisors for appeals, and shall detail the basis for the appeal. Whenever possible, the board shall hold a public hearing on the appeal within sixty days of receipt by the clerk. Notice of the hearing shall be given by publication at least one time in a newspaper of general circulation, and by mail or delivery to the subject property owner and to all record owners of property immediately adjacent to the subject property, at least ten days prior to the hearing. If there is no newspaper in general circulation, the notice will be posted in at least three public locations, as determined by the director of the planning and building services department. Any appeal hearing shall be de novo.
- (f) If a use permit is required, the application for the use permit may be denied if the planning commission, or board of supervisors on appeal, makes written findings, based on 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. Such findings shall include the basis for the rejection of potential feasible alternatives for preventing the specific, adverse impact.

SECTION THREE: If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall

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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 any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Pla/admin/fiels/322.18