

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 18.18 TO THE MONTEREY COUNTY CODE RELATING TO EXPEDITING ELECTRIC VEHICLE CHARGING STATION PERMITS

County Counsel Summary

This ordinance adds Chapter 18.18 to the Monterey County Code to establish an expedited permitting process for electric vehicle charging stations in accordance with Assembly Bill 1236 (AB 1236). AB 1236, chaptered in 2015, requires cities and counties with a population of 200,000 or more residents to adopt an ordinance by September 30, 2016 to create an expedited, streamlined permitting process for electric vehicle charging stations. This ordinance authorizes the County Building Official to develop an administrative, nondiscretionary, expedited permitting process for electric vehicle charging stations, including developing a checklist in substantial conformance with the recommendations of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” adopted by the Governor’s Office of Planning and Research.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. FINDINGS AND DECLARATIONS.

- A. Pursuant to Article XI, Section 7 of the California Constitution, the County of Monterey (“County”) may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.
- B. Promoting the use of electric vehicle charging stations and limiting obstacles to their use serves the public health, safety, and welfare by encouraging zero-emission vehicles which improve air quality by reducing local pollution and greenhouse gas emissions.
- C. Assembly Bill 1236 – Local Ordinances: Electric Vehicle Charging Stations (“AB 1236”) was signed into law on October 8, 2015, requiring each county and city with a population of 200,000 or more residents to adopt an ordinance, by September 30, 2016, that creates an expedited and streamlined permitting process for electric vehicle charging stations.
- D. Adoption of this ordinance is exempt from environmental review pursuant to Sections 15301, 15303, and 15304 of the California Environmental Quality Act (“CEQA”) Guidelines, as suggested in the *Zero-Emission Vehicles in California: Community Readiness Guidebook* adopted by the Governor’s Office of Planning and Research. Adoption and implementation of this ordinance is an action taken by the County and is required by state law pursuant to Government Code Section 65850.7. Consistent with Section 15301 of the CEQA

Guidelines, an expedited permitting process for electric vehicle charging stations will result in minor alterations to existing facilities involving negligible or no expansion of use beyond that which is presently existing. Additionally, consistent with Sections 15303 and 15304 of the CEQA Guidelines, an expedited permitting process for electric vehicle charging stations will result in a limited number of new, small structures, and will consist of minor public or private alterations in the condition of land.

SECTION 2. Chapter 18.18 is added to the Monterey County Code to read as follows:

**CHAPTER 18.18
EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE
CHARGING STATIONS**

Sections:

- 18.18.010 Purpose**
- 18.18.020 Applicability**
- 18.18.030 Definitions**
- 18.18.040 Duties of the Building Official**
- 18.18.050 Permit Review**
- 18.18.060 Fees**

18.18.010 Purpose

The purpose of this Chapter is to adopt an expedited, streamlined permitting process that complies with Section 65850.7 of the California Government Code to achieve timely and cost-effective installations of electric vehicle charging stations. The intent of this Chapter is to encourage the use of electric vehicle charging stations by removing unreasonable barriers, minimizing costs to property owners and the County, and expanding the ability of property owners and agricultural and business concerns to install electric vehicle charging stations, while allowing the County to protect the public health and safety.

18.18.020 Applicability

- A. This Chapter applies to the permitting of all electric vehicle charging stations, as defined, in the unincorporated area of the County of Monterey.
- B. A construction permit is required to install utility interconnected electric vehicle charging stations.
- C. Electric vehicle charging stations legally established or permitted prior to the effective date of Ordinance No. _____ enacting 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. Routine operation and maintenance shall not require a permit.

18.18.030 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. "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.
- B. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- C. "Building Official" means the County Building Official or his or her designee.
- D. "Electronic submittal" means the utilization of one or more of the following:
 - 1. Email.
 - 2. The Internet.
 - 3. Facsimile.
- E. "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 it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- F. "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.

18.18.040 Duties of the Building Official

- A. The Building Official shall develop an administrative, nondiscretionary expedited review process for permits for electric vehicle charging stations.
- B. The Building Official shall adopt a checklist of all requirements with which the application for electric vehicle charging stations shall comply to be eligible for expedited review.
- C. The electric vehicle charging station permit process and checklist shall substantially conform to the recommendations contained in the most current 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, as may be periodically revised, unless the Board of Supervisors modifies the checklist and standards by ordinance due to unique climatic, geological, seismological, or topographical conditions in the County.

D. The Building Official shall have the authority to revise the process checklist in substantial conformance to such revisions as may be made periodically to the *Zero-Emission Vehicles in California: Community Readiness Guidebook*.

E. The Building Official shall make available on the publicly accessible County website, the County's checklist, the permit application form, and such other permitting documentation as is required for electric vehicle charging stations.

18.18.050 Permit Review

A. An application and related documentation to install an electric vehicle charging station may be submitted electronically in the manner specified by the County.

B. An applicant's electronic signature shall be accepted on all forms, applications, and other documents that are part of the electronic submittal in lieu of a wet signature.

C. An application for an electric vehicle charging station shall be deemed complete when the Building Official determines that the application satisfies all the information requirements in the checklist.

D. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

E. Applications for electric vehicle charging stations shall be administratively reviewed and acted upon by the Building Official as a nondiscretionary permit within a reasonable time following receipt of a complete application that meets the requirements of the County's checklist and payment of all required permit processing and inspection fees. The Building Official's review shall be limited to whether the proposed electric vehicle charging station meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health and safety.

F. The Building Official, in consultation with the Chief of Planning, may require an applicant to apply for a use permit if the 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. The Building Official's decision to require a use permit may be appealed to the County Planning Commission.

G. If a use permit is required, the application for the use permit may be denied if the appropriate authority as designated in the applicable County zoning ordinance 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. Such findings shall include the basis

for the rejection of potential feasible alternatives for preventing the specific, adverse impact. Such decisions may be appealed to the County Planning Commission, or if the Planning Commission was the appropriate authority, such decisions may be appealed to the Board of Supervisors.

H. Any condition imposed on an application to install an electric vehicle charging station shall be designed to mitigate the specific, adverse impact upon the public health and safety at the lowest possible cost.

I. The County shall not condition approval of an application on the approval of an electric vehicle charging station by an Association.

J. An electric vehicle charging station permitted pursuant to this Chapter shall meet all applicable health and safety standards and requirements imposed by state and County permitting authorities.

K. An electric vehicle charging station 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.

18.18.060 Fees

Fees for processing permits for electric vehicle charging stations under this Chapter shall be as established by the Board of Supervisors and as set forth in the Monterey County Fee Resolution, pursuant to Chapter 1.40 of the Monterey County Code, as amended from time to time.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED this ____ day of _____, 2016, by the following vote:

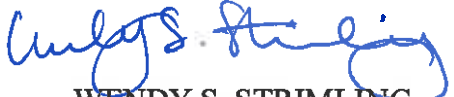
AYES:
NOES:
ABSENT:

Jane Parker, Chair
Monterey County Board of Supervisors

A T T E S T :

GAIL T. BORKOWSKI
Clerk of the Board

By: _____
Deputy

APPROVED AS TO FORM:

WENDY S. STRIMLING
Senior Deputy County Counsel