

ORDINANCE NO. 1614**AN ORDINANCE ENACTING CHAPTER 10.12 OF THE YUBA COUNTY ORDINANCE CODE
RELATING TO EXPEDITED PERMIT PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS**

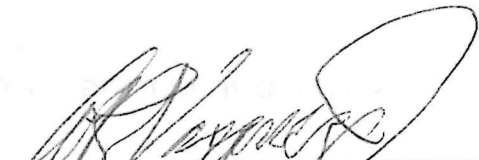
The following ordinance consisting of three (3) sections was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on 14 day of February, 2023, by the following vote:

AYES: Supervisors Vasquez, Blaser, Fuhrer, Messick

NOES: None

ABSENT: Supervisor Bradford

ABSTAIN: None



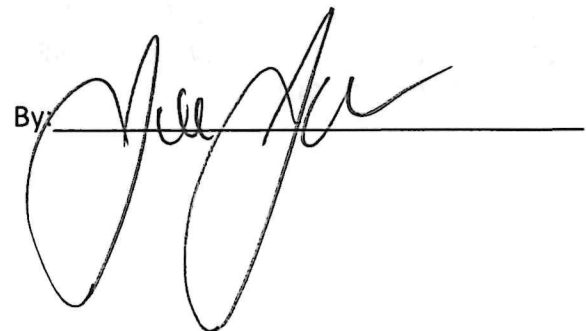
Chairperson of the Board of Supervisors
of the County of Yuba, State of California
Andy Vasquez

ATTEST: MARY PASILLAS
Clerk of the Board of Supervisors

By: Natalie Allen

Natalie Allen, Board Clerk

APPROVED AS TO FORM
County Counsel:

By: 

**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN
AS FOLLOWS:**

Section 1. 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 general circulation in the County of Yuba, State of California.

Section 2. Chapter 10.12 of Title X of the Yuba County Ordinance Code is hereby created:

**CHAPTER 10.12
EXPEDITED PERMITTING FOR ELECTRIC VEHICLE CHARGING STATIONS**

10.12.100 TITLE.

10.12.110 AUTHORITY.

10.12.115 PURPOSE.

10.12.120 SCOPE.

10.12.200 DEFINITIONS.

10.12.300 GENERAL REQUIREMENTS.

10.12.310 PERMIT APPLICATION REQUIREMENTS.

10.12.320 EXPIDITED PROCESSING AND APPROVAL.

10.12.330 EXCEPTIONS TO EXPEDITED PROCESSING.

10.12.400 DUTIES AND POWERS OF THE BUILDING OFFICIAL.

10.12.500 SEVERABILITY.

ARTICLE 1

SCOPE AND APPLICATION

10.12.100 TITLE. These regulations, as part of Title X of the Yuba County Ordinance Code, shall be known as the Expedited Permit Process for Electric Vehicle Charging Stations of the County of Yuba, hereinafter referred to as "this Ordinance".

10.12.110 AUTHORITY. This Ordinance is enacted pursuant to the authority granted by AB 1236 and AB 970, codified in Government Code sections 65850.7 and 65850.71, to adopt a local ordinance that is consistent with the goals and intent of the State of California to promote and encourage the use of electric vehicle charging stations and limit obstacles to their use.

10.12.115 PURPOSE. The purpose of this Ordinance is to create an expedited, streamlined permitting process to achieve timely and cost-effective installation of electric vehicle charging stations, hereinafter referred to as "EVC Stations". This Ordinance encourages the installation and use of EVC Stations by removing potential 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 EVC Stations. This Ordinance allows the County to achieve these goals while protecting the public health and safety.

10.10.120 SCOPE. This Ordinance applies to the permitting of all new EVC Stations in the unincorporated area of Yuba County.

EXCEPTION: EVC Stations legally established or permitted prior to the adoption of this Ordinance and 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.

ARTICLE 2

DEFINITIONS

10.12.200 DEFINITIONS. For the purposes of this Chapter, the following definitions shall govern:

- 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. "Building Official" shall mean the person, certified pursuant to the California Health and Safety Code, who oversees the Building Department and is assigned the responsibility of enforcing the provisions of this code including his or her deputies, designees or contract employees.
- C. "Department" means the Building Department of Yuba County.
- D. "Electric Vehicle Charging Station" or "EVC 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 chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- E. "Electric Vehicle Charging Station Permitting Guidebook" means the most recent and current version of the Guidebook published by California's Office of Planning and Research.
- F. "Electronic Submittal" means the utilization of one (1) or more of the following:
 - 1. The County of Yuba's current Permit Processing Software; or
 - 2. Other electronic means as directed by the Building Department that may include:
 - i. Email;
 - ii. The Internet; or
 - iii. Facsimile.
- G. "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.

ARTICLE 3

ELIGIBILITY REQUIREMENTS FOR EXPIDITED PROCESSING APPLICATION SUBMITTAL, EXPIDITED PROCESS AND APPROVAL

10.12.300 GENERAL REQUIREMENTS.

- A. This expedited permitting process is intended to apply only to applications for permits for EVC Stations, and will not expedite the review of any other permit applications.
- B. All EVC Stations shall meet applicable health and safety standards and requirements of local, state, and federal law.
- C. EVC 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.

10.12.310 PERMIT APPLICATION REQUIREMENTS.

- A. Permit applications and supporting documents shall be submitted to the Department using the Department's online permitting portal. Paper submittals may be made in person at the Department during office hours. 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. Applications and supporting documents must satisfy the information requirements contained in the ECV Station Expedited Permit Checklist, prescribed and published by the Department.
- C. Applications and supporting documents shall be properly stamped and signed by the design engineer.

10.12.320 EXPIDITED PROCESSING AND APPROVAL.

- A. Applications shall be deemed complete within the following timeframe, unless the applicant receives a written correction notice or denial letter pursuant to Section 10.12.330:
 - 1. For charging station applications proposing 1-25 charging connections, the permit shall be deemed complete within five (5) business days.
 - 2. For charging station applications proposing more than 25 charging connections, the permit shall be deemed complete within ten (10) business days.
- B. Upon confirmation by the Building Official that the application is complete, meets the requirements of the checklist, and is consistent with this Ordinance, the Building Official shall administratively approve the application and issue all required permits or authorizations as follows:
 - 1. For charging station applications proposing 1-25 charging connections, the permit shall be approved within 20 business days.
 - 2. For charging station applications proposing more than 25 charging connections, the permit shall be approved within 40 business days.

10.12.330 EXCEPTIONS TO EXPEDITED PROCESSING.

- A. Applications that have been deemed incomplete may be denied for expedited processing. A written correction notice detailing all deficiencies in the application and any additional information that is required to be eligible for expedited permit issuance shall be issued to the applicant.

- B. Applications that have been deemed to have a specific, adverse impact upon the public health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, may be denied for expedited processing. Written findings based upon substantial evidence shall be inserted into the permit record.

ARTICLE 4 ADDITIONAL PROVISIONS

10.12.400 DUTIES AND POWERS OF THE BUILDING OFFICIAL. The duties and powers contained in this Ordinance are cumulative to the powers and duties already vested to the Building Official in Title X of the Yuba County Ordinance Code.

- A. The Building Official may establish a process to prioritize competing applications for expedited permit review, including but not limited to electric vehicle charging stations, small residential rooftop solar energy systems, wireless telecommunication co-location facilities, and accessory and junior accessory dwelling units.
- B. 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 County may require the applicant to apply for a use permit.
- C. The Building Official may withhold issuance of the permit or authorization if there is a violation on record for the parcel, or any structure associated with the application under review.
- D. If the Building Official determines that the EVC Station requires an additional permit(s) for development, the issuance of the building permit for the EVC Station shall not be interpreted or construed to be an approval for any other governmental agency or department's permit requirements.
- E. The Building Official 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.
- F. The department responsible for Use Permits shall not deny an application for a Use Permit to install an EVC 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.
- G. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

- H. 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.
- I. The Building Official's decision pursuant to Sections 10.12.330A, 10.12.330B, or 10.12.400B above may be appealed to the Planning Commission in accordance with the procedures set forth in Title XI of the Yuba County Ordinance Code. The Planning Commission's decision shall be final.

ARTICLE 5 SEVERABILITY

10.12.500 SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, unlawful, or unconstitutional such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this Chapter.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and 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 any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

The following is a true and correct copy of
the document on file in this office.

ATTEST: MARY PASILLAS

Clerk of the Board of Supervisors of
The County of Yuba , State of California

By: Natalie Allen

Date: February 14, 2023