

## **ORDINANCE NO. 828**

### **AN ORDINANCE OF THE COLUSA COUNTY BOARD OF SUPERVISORS ADOPTING AN AMENDMENT (PD-22-28) TO THE COLUSA COUNTY CODE TO ADD ARTICLE V. ELECTRIC VEHICLE CHARGING STATION PERMITTING PROCESS, TO CHAPTER 5. BUILDING CODE AND FIND THE PROPOSED AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

#### **SECTION 1.**

The provisions of this ordinance are exempt from the California Environmental Quality Act pursuant to Title 14, Division 6, Chapter 3, Article 5 of the California Code of Regulations Section 15061(b)(3) because there is no possibility this ordinance may have a significant effect on the environment as the amendment merely provides streamlined procedures for the permitting of electric vehicle charging stations.

#### **SECTION 2.**

Colusa County Code Chapter 5, Building Code, is hereby amended to include the following additional Article V:

### **ARTICLE V. Electric Vehicle Charging Station Permitting Process**

#### **Sec. 5-40 Purpose.**

The purpose of this article is to adopt an expedited, streamlined permitting process that complies with AB 1236 and AB 970 codified in Government Code Sections 65850.7 and 65850.71 to achieve timely and cost-effective installation of electric vehicle charging stations. This article encourages the installation and use of electric vehicle charging stations by removing obstacles to and minimizing the cost of permitting for charging stations, and by expanding the ability of property owners and businesses to install electric vehicle charging stations. This article allows the County of Colusa to achieve these goals while protecting the public health and safety.

#### **Sec. 5-41 Applicability.**

This article applies to the permitting of electric vehicle charging stations in the unincorporated territory of the County of Colusa. 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. 5-42 Definitions.**

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this chapter, the common and ordinary meaning of the word 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 of Colusa 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 officer or other designated authority charged with the administration and enforcement of the County of Colusa Building Code, or a duly authorized representative.
- D. "Community Development Department" means the County of Colusa department which includes the Planning and Building Unit division that is responsible for issuance of building permits within the unincorporated county area.
- 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 the California Electrical Code, as it reads on the effective date of this article or as it may be amended and/or renumbered thereafter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- F. "Electronic submittal" means the utilization of one or more of the following:
  - 1. Email;
  - 2. The internet; or
  - 3. 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.

## **Sec. 5-43 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. The establishment of electric vehicle charging stations shall be determined to be a "permitted" or "accessory use" consistent with the Colusa County Zoning Code.
- C. There is not a violation of record for any structures associated with the application under review.

- D. 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. 5.44 Application standards.**

- A. The Building Official of the County of Colusa or his/her designee shall facilitate an expedited permitting process 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 establish 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 Colusa'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" of 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 of Colusa's discretion.

**Sec. 5.45 Expedited permitting process and permit review.**

- A. The applicant may submit the permit application and supporting documentation for an electric vehicle charging station to the Community Development 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. 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. A permit application and supporting documentation that satisfy the information requirements in the checklist, as determined by the Building Official, shall be deemed complete. Upon making the determination 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 article, 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.

1. If the County of Colusa 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 of Colusa may require the applicant to apply for a use permit in accordance with Colusa County Zoning Code Section 44-1.80.030.
  2. The County of Colusa may withhold issuance of the use permit or administrative approval if there is a violation on record for any structure associated with the application under review.
  3. The County of Colusa 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 California Civil Code Section 4080.
- D. The County of Colusa 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 5.45C. or D. may be appealed to the County of Colusa Planning Commission in accordance with County of Colusa Zoning Code Section 44-1.80.080.

### SECTION 3.

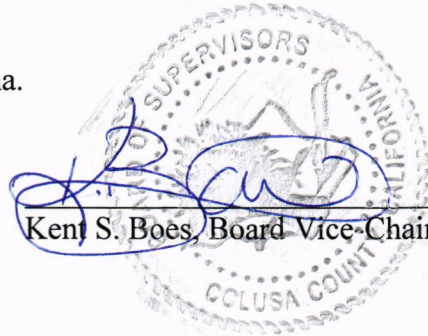
This ordinance shall become effective thirty (30) days after its passage. An Summary of this Ordinance shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Colusa, State of California, within fifteen (15) days after its passage.

Introduced at a regular meeting of the Board of Supervisors held on the 6<sup>th</sup> day of December 2022, and passed and adopted by the Board of Supervisors of the County of Colusa, State of California, on the 20<sup>th</sup> day of December 2022, by the following roll call vote:

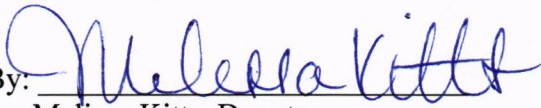
**AYES:** Supervisors Denise J. Carter, Daurice K. Smith and Kent S. Boes.

**NOES:** Supervisor Gary J. Evans.

**ABSENT:** Supervisor J. Merced Corona.



**ATTEST:** Wendy G. Tyler, Clerk of the Board of Supervisors

By:   
Melissa Kitts, Deputy

**APPROVED AS TO FORM:**

  
Richard Stout, County Counsel

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U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

By *[Signature]*  
Special Agent in Charge

APPROVED AND FORWARDED:  
*[Signature]*  
Richard Henry Cooper, Chief