

ORDINANCE 574

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR ADDING CHAPTER 15.56, ELECTRIC VEHICLE CHARGING STATIONS, TO THE DUNSMUIR MUNICIPAL CODE

WHEREAS, California Government Code Section 65850.7 requires that every city and county adopt an ordinance establishing an expedited, streamlined permitting process for electric vehicle charging stations; and

WHEREAS, the City Council recognizes the importance of the creation of an expedited, streamlined, and cost-effective permitting process for electric vehicle charging stations; and

WHEREAS, the City Council desires to facilitate convenient charging of electric vehicles and help reduce the community's reliance on fossil fuels.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Dunsmuir does ordain as follows:

SECTION I: Chapter 15.56, Electric Vehicle Charging Stations, is hereby added to Title 15, Buildings and Construction, of the City of Dunsmuir Municipal Code to read as follows:

Chapter 15.56 – ELECTRIC VEHICLE CHARGING STATIONS

Sections

- 15.56.010 Definitions.
- 15.56.020 Purpose.
- 15.56.030 Applicability.
- 15.56.040 Electric vehicle charging system requirements.
- 15.56.050 Duties of the building official.
- 15.56.060 Permit review requirements.
- 15.56.070 Permit application timelines.

15.56.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“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 and delivers electricity from a source outside an electric vehicle into a plug-in vehicle.

“Electronic submittal” means the utilization of one or more of either electronic mail, the internet, or facsimile.

“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. Feasible methods to satisfactorily mitigate or avoid the specific adverse impact include, but are not limited to, any cost-effective methods, conditions, or mitigations imposed by the city on other similarly situated applications in a prior successful application for a similar permit.

15.56.020 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.

15.56.030 Applicability.

This chapter applies to the permitting of all electric vehicle charging stations in the city. 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 system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

15.56.040 Electric vehicle charging system requirements.

- A. All electric vehicle charging stations shall meet the requirements of the California Electrical 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 regarding safety and reliability.
- B. Installation of electric 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.
- 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.

15.56.050 Duties of the building official.

- A. All documents required for submission of an electric vehicle charging system application shall be made publicly available on the city's website.
- B. By resolution, the city council shall adopt a checklist of all requirements with which electric vehicle charging stations shall comply to be eligible for expedited review.
- C. The electric vehicle charging system permit process and checklist shall substantially conform to 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.
- D. The building official shall allow the electronic submittal of the electric vehicle charging station application.

15.56.060 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 building official as a nondiscretionary permit.
- B. The city 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 building official determines that the application satisfies all the 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.
- E. The building official, in consultation with the city manager, may require an applicant to apply for a conditional 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 conditional use permit may be appealed by the applicant to the planning commission pursuant to the appeals process in DMC Title 17 (Zoning).
- F. If a conditional use permit is required, the application for the conditional use permit may be denied if the planning commission 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 city council pursuant to the appeals process in DMC Title 17 (Zoning).

15.56.070 Permit application timelines.

- A. An application for twenty-five (25) or fewer electric vehicle charging stations at a single site shall be deemed complete if after five (5) business days the building official has not found the application to be complete or issued a written deficiency notice containing the following information:
 - 1. Details regarding the changes needed to make the application consistent with the city's electric vehicle charging station permit checklist; and
 - 2. Identification of specific information necessary for the building official to conduct a limited review of whether the project meets all health and safety requirements.
- B. An application for more than twenty-five (25) electric vehicle charging stations at a single site shall be deemed complete if after ten (10) business days the city has not found the application to be complete or issued a written deficiency notice containing the information required pursuant to subsections (A)(1) and (A)(2) of this section.
- C. If not already approved or denied pursuant to the requirements of DMC Section 15.56.060 (Permit review requirements), an application for twenty-five (25) or fewer electric vehicle charging stations at a single site shall be deemed approved twenty (20) business days after it was deemed complete, provided:
 - 1. The city has not made a finding, based on substantial evidence, that the electric vehicle charging station(s) could have a specific adverse impact upon the public health or safety;
 - 2. The city has not required the applicant to apply for a use permit as specified in subsection E of DMC Section 15.56.060 (Permit review requirements); and
 - 3. An appeal has not been made to the planning commission pursuant to the appeals process in DMC Title 17 (Zoning).

- D. If not already approved or denied pursuant to the requirements of DMC Section 15.56.060 (Permit review requirements), an application for more than twenty-five (25) electric vehicle charging stations at a single site shall be deemed approved forty (40) business days after it was deemed complete if:
1. The city has not made a finding, based on substantial evidence, that the electric vehicle charging station(s) could have a specific adverse impact upon the public health or safety;
 2. The city has not required the applicant to apply for a use permit as specified in subsection E of DMC Section 15.56.060 (Permit review requirements); and
 3. An appeal has not been made to the planning commission pursuant to the appeals process in DMC Title 17 (Zoning).

SECTION II: FINDINGS: Because there is not substantial evidence, in light of the whole record before the City, that this ordinance would have a significant impact on the environment, the City Council has determined that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

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

SECTION IV: This ordinance shall become effective thirty (30) days after its passage, and within fifteen (15) days after its adoption it shall be posted in three public places in the City of Dunsmuir in accordance with Government Code Section 36933.

PASSED AND ADOPTED this 5th day of January 2023, at a regular meeting of the City of Dunsmuir City Council by the following vote:

AYES: Clarno, Deutsch, Keisler, Bryan, Lucchesi

NOES: None

ABSENT: None

ABSTAIN: None

Juliana Lucchesi, Mayor

ATTEST:

Wendy Perkins, Deputy City Clerk