

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE  
INTERPRETATION**

Interpretation No.: EVRS-01 (Enhanced Vapor Recovery systems – permit requirements)

Effective Date: 5/16/08

Originally Issued: N/A

Revised: N/A

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**Question**

What types of permits are required for installation of State mandated Enhanced Vapor Recovery (EVR) systems at existing fuel stations?

**Applicable State Law:**  
Executive Order VR-202-E

**INTERPRETATION:**

The State of California Air Resources Board issued Executive Order VR-202-E on December 26<sup>th</sup>, 2007, that requires EVR systems to control gasoline vapor emissions at existing fuel stations. The equipment includes a tank, pad, and vent pipes. The tank is about nine feet high and three feet in diameter. The location of the equipment is largely dependent on the location of gas storage tanks and vent lines at the 19 existing fuel stations (3 within the Coastal Zone) within the County's jurisdiction.

While VR-202-E does not specifically exempt EVR systems from local zoning review, it is clear that such a review could not result in a denial: "...no local or regional authority shall prohibit the installation of a certified system without obtaining concurrence from the state."

Therefore, the installation of EVR systems, both outside and within the Coastal Zone, will have a modified process for recognizing the addition of this equipment to a valid use permit, depending on the location and visual impact of the proposed equipment, consistent with the following three situations:

1. Where the impact of the equipment is minor, only a ministerial building permit is required. A form letter which cross-references the building permit number (see attached) will be placed in the use permit file and a parcel notebook entry will be made explaining the situation.
2. Where the equipment conforms to county site standards but the impact of the equipment is significant, such as where the site so constrained that it must be sited in full view or when the installation of the proposed equipment will necessitate the removal of previously approved buildings, landscaping,

**parking spaces or parking lot vehicular circulation, a Minor Variation will be required where the objective will be to review the site and minimize the visual impact of the equipment or address conflicts with previous approvals.**

- 3. Where the proposed equipment will encroach into a required setback, a Variance will be required per the usual procedure.**

**The majority of these projects will fall into case 1. A manager should be consulted if there are questions about the need for a Minor Variation.**

### **Reason**

State law now mandates this new technology to protect the environment. Requiring a separate local planning process where the proposed EVR system is not likely to create land use conflicts is in conflict with the intent of state law. The Zoning Plan Check portion of the building permit process is adequate to identify proposed EVR systems that meet the above criteria.

This situation is analogous to how the Department has dealt with roof mounted solar equipment, where, in light of State law intended to encourage them, the County does not require a discretionary process where one would otherwise be required, including proposals within the Coastal Zone.

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Tom Burns, Planning Director

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Date