



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: February 17, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Municipal Code Amendment:** Proposed amendments include revisions to:

- Revise Title 17 Zoning to include requirements for Electric Vehicle Charging Stations
- Revise Title 17 Zoning to include a definition for Generator - Electric

Environmental Review: Staff is recommending that the Planning Commission determine that the project is *Exempt* from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

Summary:

On October 8, 2021, the State of California adopted new legislation regarding the permitting of electrical vehicle (EV) charging stations (Assembly Bill 970 (2021) codified as Gov. Code 65850.7). Gov. Code 65850.7 provides provisions for the building permit processing of EV charging stations requiring building permit complete/incomplete notification within five days for 25 or less charging stations and ten days for more than 25 charging stations. However, neither Gov. Code 65850.7 nor the Orland Municipal Code (OMC) addresses the planning process for these improvements. Because EV charging stations are becoming more commonplace as an alternative fuel use, staff is recommending that the OMC be revised to include EV charging stations. This will allow for review of the location, number, and design of EV charging stations prior to the submittal for building permits. The following is a discussion of the proposed changes.

Discussion:

The staff suggested changes to the Zoning Ordinance, as shown in **Attachment A** in a strikethrough/underline version and **Attachment B** in a “clean” version, includes revisions that will identify the use of EV charging stations in all zoning districts in the city. The revisions are as follows:

- Title 17 Zoning – Chapter 17.08 – Definitions has been revised to include a definition of Electric Vehicle Charging Station.

- Title 17 Zoning – Chapter 17.08 – Definitions has been revised to include a definition of Generator - Electric.
- Title 17 Zoning – Section 17.20.030 has been revised to include EV charging stations as an administratively permitted use in the R-1 zoning district.
- Title 17 Zoning – Section 17.20.060 has been revised to include a requirement for the inclusion of a dedicated 240 volt electrical outlet within a new garage to allow for installation of a Level 2 EV charging station in the R-1 zoning district.
- Title 17 Zoning – Section 17.24.030 has been revised to include EV charging stations as an administratively permitted use in the R-2 zoning district.
- Title 17 Zoning – Section 17.24.060 has been revised to include a requirement for the inclusion of a dedicated 240 volt electrical outlet within a new covered parking space (single family use) or within a new covered/uncovered parking space (duplex and triplex use) to allow for installation of a Level 2 EV charging station in the R-2 zoning district.
- Title 17 Zoning – Section 17.28.030 has been revised to include EV charging stations as an administratively permitted use in the R-3 zoning district.
- Title 17 Zoning – Section 17.28.060 has been revised to include a requirement in the R-3 zoning district for the inclusion of at least one (1) dedicated 240 volt electrical outlet for the following:
 - Within a new single family covered parking space, or
 - Within a new duplex, triplex and fourplex covered/uncovered parking space, or
 - In new construction of multifamily properties exceeding 50 units, the installation of a minimum of one (1) EV charging station that can be shared by two parking spaces shall be required. For multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community. No more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces.
- Title 17 Zoning – Section 17.36.030 has been revised to include EV charging stations as an administratively permitted use in the C-1 zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations (defined as automobile service station in the OMC) are still required to obtain a conditional use permit for construction in this district. EV charging stations will be considered as a part of that approval process.
- Title 17 Zoning – Section 17.40.030 has been revised to include EV charging stations as an administratively permitted use in the C-2 zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are still required to obtain a conditional use permit for construction in this district. EV charging stations will be considered as a part of that approval process.
- Title 17 Zoning – Section 17.40.030 has been revised to include numbering for the administratively permitted uses in order to be consistent with the rest of the section.

- Title 17 Zoning – Section 17.42.020 has been revised to include EV charging stations as an administratively permitted use in the DT-MU zoning district.
- Title 17 Zoning – Section 17.44.025 has been revised to include EV charging stations as an administratively permitted use in the C-H zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are a principally permitted use in the C-H zoning district. EV charging stations will be considered as a part of design review for gas stations in the district.
- Title 17 Zoning – Section 17.48.025 has been revised to include EV charging stations as an administratively permitted use in the M-L zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are a principally permitted use in the M-L zoning district. EV charging stations will be considered as a part of design review for gas stations in the district.
- Title 17 Zoning – Section 17.52.030 has been revised to include EV charging stations as an administratively permitted use in the M-H zoning district with the exception of EV charging stations proposed as a part of a new gas station. Gas stations are a principally permitted use in the M-H zoning district. EV charging stations will be considered as a part of design review for gas stations in the district.
- Title 17 Zoning – Section 17.64.030 has been revised to include EV charging stations as an administratively permitted use in the P-F zoning district.
- Title 17 Zoning – Section 17.76.100 has been revised to require that no more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces. EV charging only spaces representing more than 10 percent of the total parking spaces may be granted through the approval of administrative permit.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment C -Notice of Exemption**.

Recommendation:

Staff requests that the Planning Commission consider the proposed revisions to the Municipal Code and recommend changes, if necessary. If no changes are considered necessary, staff recommends that the Planning Commission recommend for approval to the City Council, the Amendment(s) to the Orland Municipal Code, as contained herein, through adoption of Planning Commission Resolution #2022-XX (**Attachment D**). Staff also recommends that the Planning Commission recommend for approval to the City Council, adoption of the Notice of Exemption (**Attachment C**) prepared for the proposed action.

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
4. Motion and vote by the Planning Commission.

If the Planning Commission determines that it intends to recommend for approval the Municipal Code Amendment, staff presents the following motions for consideration:

I move that the Planning Commission adopt Planning Commission Resolution #2022-XX recommending for approval to the City Council, the Municipal Code Amendment as presented herein and approval of the Categorical Exemption as presented.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment - strikethrough/underline version
 - **Attachment B** – Municipal Code Amendment – clean version
 - **Attachment C** – Notice of Exemption
 - **Attachment D** – Planning Commission Resolution 2022-XX
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CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

Proposed Revisions to Title 17 Zoning

Chapter 17.08 - DEFINITIONS

17.08.170 - Automobile service station.

"Automobile service station" means any place where motor fuel or lubricating oil or grease or electric vehicle charging is offered for sale to the public and deliveries are made directly into vehicles.

(Ord. 2007-05 § 3 (part))

17.08.630 Easement.

"Easement" means any legal right defined as an easement in the California Code of Civil Procedure, Section 800 et al. Generally, an easement is a right to the use of another's land.

(Ord. 2007-05 § 3 (part))

17.08.635 Electric Vehicle Charging Station

"Electric Vehicle (EV) 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 that article may be amended or superseded, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

There are 3 standard charging levels used to charge electric cars. All electric cars can be charged with level 1 and level 2 stations. These types of chargers offer the same charging power as the ones you can install at home. Level 3 chargers - also called DCFC or fast charging stations - are much more powerful than level 1 and 2 stations, meaning you can charge an EV much faster with them. that being said, some vehicles cannot charge at level 3 chargers.

Level 1 Charging: Alternating Current (AC) Level 1 equipment provides charging through a 120 volt AC plug. Level 2 Charging: AC Level 2 equipment offers charging through 240 volt or 208 volt electrical service. This charging option can operate at up to 80 amperes (Amp) and 19.2 kW. Level 3 Charging: Direct-current (DC) fast charging equipment (typically 208/480 V AC three-phase input) enables rapid charging along heavy traffic corridors at installed stations.

EV charging includes the use of Vehicle to Grid (V2G), Vehicle to Home (V2H) and Vehicle to Building (V2B) technology.

17.08.640 Electronic component assembly.

"Electronic component assembly" means an industrial use in which the manufactured goods are assembled from components manufactured elsewhere.

(Ord. 2007-05 § 3 (part))

17.08.740 - General plan.

"General plan" means the city of Orland general plan as currently adopted including all amendments.

(Ord. 2007-05 § 3 (part))

17.08.745 - Generator – electrical.

"Generator – electrical" means a generator, whether powered through battery, natural gas, propane (LP), gasoline, or diesel fuel, used as a backup generator to provide electrical power to a building during times when electricity is not available. Generators shall not be used as the main source of electricity to a building but shall only

be used when the main electrical provider has been shut off power during an emergency situation. Generators shall not be used to replace traditional electrical power pursuant to the requirements of Orland Municipal Code Title 15 Buildings and Construction.

17.08.750 - Government code.

"Government code" means the California Government Code.

(Ord. 2007-05 § 3 (part))

Chapter 17.20 - R-1 RESIDENTIAL ONE-FAMILY ZONE

17.20.030 - Administratively permitted uses.

Administratively permitted uses in an R-1 zone are as follows:

D. Crop and tree farming between two and ten (10) acres in size. Must comply with the city's administrative guidelines for implementation of general plan agricultural buffering policies-~~z~~

E. Electric vehicle charging stations.

17.20.060 - Design requirements.

Design requirements for structures in the R-1 zone are as follows:

C. Minimum roof eave overhang, twelve (12) inches;

D. An enclosed garage for at least two cars shall be provided for all new residential construction. The garage shall be at least twenty (20) feet by twenty (20) feet with a minimum sixteen (16) foot wide garage door. The garage shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station. Driveway access shall be paved;

Chapter 17.24 - R-2 RESIDENTIAL TWO-FAMILY ZONE

17.24.030 - Administratively permitted uses.

Administratively permitted uses in the R-2 zone are as follows:

F. Crop and tree farming between two and ten (10) acres in size. Must comply with the city's administrative guidelines for implementation of general plan agricultural buffering policies-~~z~~

G. Electric vehicle charging stations.

17.24.060 - Design requirements.

Design requirements for structures in the R-2 zone are as follows:

D. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:

1. Single-family: two on-site covered spaces. At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
2. Duplex or triplex: one covered and one uncovered on-site space. At least one (1) space shall be equipped with a dedicated 208/ 240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.

Chapter 17.28 - R-3 RESIDENTIAL MULTIPLE FAMILY-PROFESSIONAL ZONE

17.28.030 - Administratively permitted uses.

Administratively permitted uses in the R-3 zone are as follows:

- G. Public and quasi-public uses of an administrative, recreational, public service or cultural nature including city, county, state, or federal administrative centers, courts, libraries, museums, police and fire stations, schools and other public buildings and structures (fairgrounds and civic centers); parks and recreation, public playgrounds, cemeteries, reservoir, historical sites and monuments, wastewater treatment, airport and corporation yard;
- H. Single-room occupancy (SRO) housing;
- I. Electric vehicle charging stations.

17.28.060 - Design requirements.

Design requirements for structures in the R-3 zone are as follows:

- C. Minimum roof eave overhang: twelve (12) inches;
- D. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:
 - 1. Single-family: two on-site "covered" spaces, At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
 - 2. Duplex, triplex or fourplex: one covered and one uncovered on-site space, At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
 - 3. Other multifamily (use of "covered" spaces is optional):
 - a. Studio or one-bedroom units: 1.5 on-site spaces per unit,
 - b. Two or more bedrooms per unit: two on-site spaces per unit,
 - c. New construction of multifamily properties exceeding 50 units shall require the installation of a minimum of one (1) EV charging station that can be shared by two parking spaces. For multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community. No more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces.

Chapter 17.36 - C-1 NEIGHBORHOOD COMMERCIAL ZONE

17.36.030 - Administratively permitted uses.

Administratively permitted uses in the C-1 zone are as follows:

- E. Stands for the purpose of displaying and selling agricultural, floricultural or products produced or grown on the premises, provided that there shall be only one for contiguous land under single ownership. The ground coverage of the stand shall not exceed three hundred (300) square feet and be set back a minimum of twenty-five (25) feet from the adjacent street or highway. (Ord. 2003-03 § 3 (part) and Ord. 2007-05; 9-4-07). Other uses which the city planner determined by written findings are similar to the above;
- I. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.36.040.

Chapter 17.40 - C-2 COMMUNITY COMMERCIAL ZONE

17.40.030 - Administratively permitted uses.

A. Administratively permitted uses in a C-2 zone are as follows:

1. Antique shops;
2. Appliance sales and repair;
3. Auto part sales, no repairs;
4. Carpet/flooring sales;
5. Catering/food trucks;
6. Cleaners and Laundromats;
7. Dwellings, second floor only;
8. Electric appliances repair;
9. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.40.040;
10. Fireworks sales;
11. Food trucks;
12. Medical clinics and offices;
13. Medical labs;
14. Produce stand(s);
15. Restaurants with outdoor eating areas;
16. Secondhand store in accordance with the provisions of Section 5.20.060;
17. Studios and instructional studios;
18. Video stores.

Chapter 17.42 - DT-MU DOWNTOWN MIXED USE ZONE

17.42.020 - Principal permitted and prohibited uses.

A. Permitted and Prohibited Uses:

P = Primary Permitted Uses; X = Not Allowed; C = Conditional Use; A = Administrative

Type of Use	DT-MU
Commercial/Service/Retail use Group	
Communications towers and support facilities	C
<u>Electric vehicle charging station</u>	<u>A</u>
Equipment rental (within a building)	C

Chapter 17.44 - C-H HIGHWAY SERVICE COMMERCIAL ZONE

17.44.025 - Administratively permitted uses.

A. Administratively permitted uses in the C-H zone are as follows:

1. Catering trucks;
2. Food trucks;
3. Produce stand(s);
4. Fireworks sales;
5. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.44.020.

Chapter 17.48 - M-L LIMITED INDUSTRIAL ZONE

17.48.025 - Administratively permitted uses.

A. Administratively permitted uses in the M-L zone are as follows:

1. Catering trucks;
2. Food trucks;
3. Produce stand(s);
4. Fireworks sales;
5. Electric vehicle charging stations. For use in automobile service stations see Section 17.48.020.

Chapter 17.52 - M-H HEAVY INDUSTRIAL ZONE

17.52.030 - Administratively permitted uses.

Administratively permitted uses in the M-H zone are as follows:

- A. Catering trucks;
- B. Food trucks;
- C. Retail uses associated with an approved manufacturing use;
- D. Temporary uses associated with entertainment, construction or sales for periods of less than thirty (30) days;
- E. One residential unit to be used solely as a caretaker residence, not exceeding one thousand five hundred (1,500) square feet and otherwise meeting all requirements for a single-family residence;
- F. Produce stand(s);
- G. Other uses which the city planner determines by written findings are similar to the above;
- H. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.52.020.

Chapter 17.64 - P-F PUBLIC FACILITIES ZONE

17.64.030 - Administratively permitted uses.

Administratively permitted uses in the P-F zone are as follows:

- A. Public and quasi-public uses;
- B. One residential unit to be used solely as a caretaker residence, not exceeding one thousand five hundred (1,500) square feet and otherwise meeting all requirements for a single-family residence;
- C. Electric vehicle charging stations.

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

17.76.100 - Parking and loading facilities.

Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.

A. Off-street parking and loading spaces shall be provided in conformity with the following:

7. All outdoor storage areas (where allowed by the zoning district) and loading areas shall be located in the rear of sites and screened from view by solid walls or chain link fencing with slats and landscaping

8. Generally, no more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces with the exception of hotels/motels, as defined in B2 below. EV charging only spaces representing more than 10 percent of the total parking spaces may be granted through the approval of administrative permit.

B. Parking spaces shall be provided in all zones as follows:

- 1. Day care centers: one space for each employee;
- 2. Hotels/motels: one space per guest room. All newly constructed hotels and motels shall provide at least ten (10) percent of required parking to be fully conditioned EV charging spaces. All construction documents indicating parking shall identify the location of these spaces;

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

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17.08.170 - Automobile service station.

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17.08.630 Easement.

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Level 1 Charging: Alternating Current (AC) Level 1 equipment provides charging through a 120 volt AC plug. Level 2 Charging: AC Level 2 equipment offers charging through 240 volt or 208 volt electrical service. This charging option can operate at up to 80 amperes (Amp) and 19.2 kW. Level 3 Charging: Direct-current (DC) fast charging equipment (typically 208/480 V AC three-phase input) enables rapid charging along heavy traffic corridors at installed stations.

EV charging includes the use of Vehicle to Grid (V2G), Vehicle to Home (V2H) and Vehicle to Building (V2B) technology.

17.08.640 Electronic component assembly.

"Electronic component assembly" means an industrial use in which the manufactured goods are assembled from components manufactured elsewhere.

(Ord. 2007-05 § 3 (part))

17.08.740 - General plan.

"General plan" means the city of Orland general plan as currently adopted including all amendments.

(Ord. 2007-05 § 3 (part))

17.08.745 - Generator – electrical.

"Generator – electrical" means a generator, whether powered through battery, natural gas, propane (LP), gasoline, or diesel fuel, used as a backup generator to provide electrical power to a building during times when electricity is not available. Generators shall not be used as the main source of electricity to a building but shall only

be used when the main electrical provider has been shut off power during an emergency situation. Generators shall not be used to replace traditional electrical power pursuant to the requirements of Orland Municipal Code Title 15 Buildings and Construction.

17.08.750 - Government code.

"Government code" means the California Government Code.

(Ord. 2007-05 § 3 (part))

Chapter 17.20 - R-1 RESIDENTIAL ONE-FAMILY ZONE

17.20.030 - Administratively permitted uses.

Administratively permitted uses in an R-1 zone are as follows:

- D. Crop and tree farming between two and ten (10) acres in size. Must comply with the city's administrative guidelines for implementation of general plan agricultural buffering policies-;
- E. Electric vehicle charging stations.

17.20.060 - Design requirements.

Design requirements for structures in the R-1 zone are as follows:

- C. Minimum roof eave overhang, twelve (12) inches;
- D. An enclosed garage for at least two cars shall be provided for all new residential construction. The garage shall be at least twenty (20) feet by twenty (20) feet with a minimum sixteen (16) foot wide garage door. The garage shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station. Driveway access shall be paved;

Chapter 17.24 - R-2 RESIDENTIAL TWO-FAMILY ZONE

17.24.030 - Administratively permitted uses.

Administratively permitted uses in the R-2 zone are as follows:

- F. Crop and tree farming between two and ten (10) acres in size. Must comply with the city's administrative guidelines for implementation of general plan agricultural buffering policies-;
- G. Electric vehicle charging stations.

17.24.060 - Design requirements.

Design requirements for structures in the R-2 zone are as follows:

- D. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:
 - 1. Single-family: two on-site covered spaces. At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
 - 2. Duplex or triplex: one covered and one uncovered on-site space. At least one (1) space shall be equipped with a dedicated 208/ 240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.

Chapter 17.28 - R-3 RESIDENTIAL MULTIPLE FAMILY-PROFESSIONAL ZONE

17.28.030 - Administratively permitted uses.

Administratively permitted uses in the R-3 zone are as follows:

- G. Public and quasi-public uses of an administrative, recreational, public service or cultural nature including city, county, state, or federal administrative centers, courts, libraries, museums, police and fire stations, schools and other public buildings and structures (fairgrounds and civic centers); parks and recreation, public playgrounds, cemeteries, reservoir, historical sites and monuments, wastewater treatment, airport and corporation yard;
- H. Single-room occupancy (SRO) housing-;
- I. Electric vehicle charging stations.

17.28.060 - Design requirements.

Design requirements for structures in the R-3 zone are as follows:

- C. Minimum roof eave overhang: twelve (12) inches;
- D. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:
 - 1. Single-family: two on-site "covered" spaces, At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station,
 - 2. Duplex, triplex or fourplex: one covered and one uncovered on-site space, At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station,
 - 3. Other multifamily (use of "covered" spaces is optional):
 - a. Studio or one-bedroom units: 1.5 on-site spaces per unit,
 - b. Two or more bedrooms per unit: two on-site spaces per unit-;
 - c. New construction of multifamily properties exceeding 50 units shall require the installation of a minimum of one (1) EV charging station that can be shared by two parking spaces. For multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community. No more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces.

Chapter 17.36 - C-1 NEIGHBORHOOD COMMERCIAL ZONE

17.36.030 - Administratively permitted uses.

Administratively permitted uses in the C-1 zone are as follows:

- E. Stands for the purpose of displaying and selling agricultural, floricultural or products produced or grown on the premises, provided that there shall be only one for contiguous land under single ownership. The ground coverage of the stand shall not exceed three hundred (300) square feet and be set back a minimum of twenty-five (25) feet from the adjacent street or highway. (Ord. 2003-03 § 3 (part) and Ord. 2007-05; 9-4-07). Other uses which the city planner determined by written findings are similar to the above-;
- I. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.36.040.

Chapter 17.40 - C-2 COMMUNITY COMMERCIAL ZONE

17.40.030 - Administratively permitted uses.

A. Administratively permitted uses in a C-2 zone are as follows:

1. Antique shops;
2. Appliance sales and repair;
3. Auto part sales, no repairs;
4. Carpet/flooring sales;
5. Catering/food trucks;
6. Cleaners and Laundromats;
7. Dwellings, second floor only;
8. Electric appliances repair;
9. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.40.040;
10. Fireworks sales;
11. Food trucks;
12. Medical clinics and offices;
13. Medical labs;
14. Produce stand(s);
15. Restaurants with outdoor eating areas;
16. Secondhand store in accordance with the provisions of Section 5.20.060;
17. Studios and instructional studios;
18. Video stores.

Chapter 17.42 - DT-MU DOWNTOWN MIXED USE ZONE

17.42.020 - Principal permitted and prohibited uses.

A. Permitted and Prohibited Uses:

P = Primary Permitted Uses; X = Not Allowed; C = Conditional Use; A Administrative

Type of Use	DT-MU
Commercial/Service/Retail use Group	
Communications towers and support facilities	C
Electric vehicle charging station	A
Equipment rental (within a building)	C

Chapter 17.44 - C-H HIGHWAY SERVICE COMMERCIAL ZONE

17.44.025 - Administratively permitted uses.

A. Administratively permitted uses in the C-H zone are as follows:

1. Catering trucks;
2. Food trucks;
3. Produce stand(s);
4. Fireworks sales-;
5. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.44.020.

Chapter 17.48 - M-L LIMITED INDUSTRIAL ZONE

17.48.025 - Administratively permitted uses.

A. Administratively permitted uses in the M-L zone are as follows:

1. Catering trucks;
2. Food trucks;
3. Produce stand(s);
4. Fireworks sales-;
5. Electric vehicle charging stations. For use in automobile service stations see Section 17.48.020.

Chapter 17.52 - M-H HEAVY INDUSTRIAL ZONE

17.52.030 - Administratively permitted uses.

Administratively permitted uses in the M-H zone are as follows:

- A. Catering trucks;
- B. Food trucks;
- C. Retail uses associated with an approved manufacturing use;
- D. Temporary uses associated with entertainment, construction or sales for periods of less than thirty (30) days;
- E. One residential unit to be used solely as a caretaker residence, not exceeding one thousand five hundred (1,500) square feet and otherwise meeting all requirements for a single-family residence;
- F. Produce stand(s);
- G. Other uses which the city planner determines by written findings are similar to the above-;
- H. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.52.020.

Chapter 17.64 - P-F PUBLIC FACILITIES ZONE

17.64.030 - Administratively permitted uses.

Administratively permitted uses in the P-F zone are as follows:

- A. Public and quasi-public uses;
- B. One residential unit to be used solely as a caretaker residence, not exceeding one thousand five hundred (1,500) square feet and otherwise meeting all requirements for a single-family residence-;
- C. Electric vehicle charging stations.

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

17.76.100 - Parking and loading facilities.

Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.

- A. Off-street parking and loading spaces shall be provided in conformity with the following:
 - 7. All outdoor storage areas (where allowed by the zoning district) and loading areas shall be located in the rear of sites and screened from view by solid walls or chain link fencing with slats and landscaping
 - 8. Generally, no more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces with the exception of hotels/motels, as defined in B2 below. EV charging only spaces representing more than 10 percent of the total parking spaces may be granted through the approval of administrative permit.
- B. Parking spaces shall be provided in all zones as follows:
 - 1. Day care centers: one space for each employee;
 - 2. Hotels/motels: one space per guest room. All newly constructed hotels and motels shall provide at least ten (10) percent of required parking to be fully conditioned EV charging spaces. All construction documents indicating parking shall identify the location of these spaces;

NOTICE OF EXEMPTION

CEQA: California Environmental Quality Act

To: ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Orland
815 Fourth St.
Orland, CA 95963

☒ County Clerk
526 West Sycamore Street
Willows, CA 95988

Project Title: **City of Orland Municipal Code Amendment:** Revise Title 17 Zoning to include requirements for Electric Vehicle Charging Stations.

Project Location - Specific: City-wide
- **City:** Orland
- **County:** Glenn

Description of Nature, Purpose, and Beneficiaries of Project:
Revision of the City Zoning Ordinance to include the use of electric vehicle charging stations.

Name of Public Agency Approving Project: City of Orland

Name of Person or Agency Carrying Out Project: City of Orland

- ☐ Ministerial (Sec. 21080 (b) (1); 15268);
- ☐ Declared Emergency (Sec. 21080 (b) (3); 15269 (a));
- ☐ Emergency Project (Sec. 21080 (b) (4); 15269 (b) (c));
- ☒ Categorical Exemption. Type and Section Number: Section 15061(b)(3).
- ☐ Statutory Exemption. Code Number:

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Lead Agency Contact Person: Scott Friend; City Planner

Area Code/Telephone/Extension: (530) 865-1608, Extension 3059.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

<hr/>		<u>City Planner</u> <hr/>
Signature:	Date	Title
<input checked="" type="checkbox"/> Signed by Lead Agency	Date Received for Filing At OPR:	

PLANNING COMMISSION RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORLAND
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF ORLAND, APPROVAL
OF THE ORLAND MUNICIPAL CODE AMENDMENT AND ASSOCIATED CEQA
EXEMPTION.**

WHEREAS, the State of California adopted Assembly Bills 1236 and 930, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, On January 1, 2022, the State of California adopted revisions to Government Code Sections 65850.7 and 65850.71 regarding electric vehicle charging stations; and

WHEREAS, creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the reliance on environmentally damaging fossil fuels; and

WHEREAS, following the advertisement of the matter in the newspaper of general circulation as required by the Orland Municipal Code and State Government Code, the Planning Commission held a duly noticed public hearing on the proposed amendments to Title 17, *Zoning*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter on February 17th, 2022, as provided by law; and

WHEREAS, the use of electric vehicle charging stations is currently not recognized in Title 17 Zoning; and

WHEREAS, *Title 17- Zoning* - Chapter 17.08 – *DEFINITIONS* has been amended to include an electric vehicle charging station definition as shown in **Exhibit A**; and

WHEREAS, *Title 17- Zoning* - Chapter 17.08 – *DEFINITIONS* has been amended to include a definition for generator - electric as shown in **Exhibit A**; and

WHEREAS, *Title 17- Zoning* - §§17.20.030, 17.24.030, 17.28.030, 17.36.030, 17.40.030, 17.42.020, 17.44.025, 17.48.025, 17.52.030, and 17.64.030 have been amended to include electric vehicle charging stations as an administratively permitted use in the R-1, R-2, R-3, C-1, C-2, C-H, DT-MU, M-L, M-H and P-F zoning districts, as shown in **Exhibit A**; and

WHEREAS, *Title 17 Zoning* – §17.40.030 has been amended to include numbering for the administratively permitted uses in order to be consistent with the rest of the section, as shown in **Exhibit A**; and

WHEREAS, *Title 17 Zoning* – §17.20.060 has been amended to include a requirement for the inclusion of a dedicated 240 volt electrical outlet within a new garage to allow for installation of a Level 2 EV charging station in the R-1 zoning district, as shown in **Exhibit A**; and

WHEREAS, *Title 17 Zoning* – §17.24.060 has been amended to include a requirement for the inclusion of a dedicated 240 volt electrical outlet within a new covered parking space (single family use) or within a new covered/uncovered parking space (duplex and triplex use) to allow for installation of a Level 2 EV charging station in the R-2 zoning district, as shown in **Exhibit A**; and

WHEREAS, *Title 17 Zoning* – §17.28.060 has been amended to include a requirement in the R-3 zoning district for the inclusion of at least one (1) dedicated 240 volt electrical outlet for the following:

- Within a new single family covered parking space, or
- Within a new duplex, triplex and fourplex covered/uncovered parking space, or
- In new construction of multifamily properties exceeding 50 units, the installation of a minimum of one (1) EV charging station that can be shared by two parking spaces shall be required. For multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community. No more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces, as shown in **Exhibit A**; and

WHEREAS, *Title 17 Zoning* – §7.76.100 has been revised to require that no more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces. EV charging only spaces representing more than 10 percent of the total parking spaces may be granted through the approval of administrative permit, as shown in **Exhibit A**; and

WHEREAS, The Planning Commission determined that the proposed Municipal Code Amendment is exempt from CEQA under Section 15061(b)(3), known as the “General Rule” or “Common Sense” exemption as the Commission finds that it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment; and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Orland does hereby recommend to the City Council of the City of Orland, approval of Ordinance 2022-XX regarding the Orland Municipal Code Amendment and associated CEQA Exemption.

The foregoing resolution was passed and adopted at a regular adjourned meeting of the Orland Planning Commission held on **February 17th, 2022** by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT OR NOT VOTING: Commissioners

Scott Friend, City Planner

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

Proposed Revisions to Title 17 Zoning

Chapter 17.08 - DEFINITIONS

17.08.170 - Automobile service station.

"Automobile service station" means any place where motor fuel or lubricating oil or grease or electric vehicle charging is offered for sale to the public and deliveries are made directly into vehicles.

(Ord. 2007-05 § 3 (part))

17.08.630 Easement.

"Easement" means any legal right defined as an easement in the California Code of Civil Procedure, Section 800 et al. Generally, an easement is a right to the use of another's land.

(Ord. 2007-05 § 3 (part))

17.08.635 Electric Vehicle Charging Station

"Electric Vehicle (EV) 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 that article may be amended or superseded, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

There are 3 standard charging levels used to charge electric cars. All electric cars can be charged with level 1 and level 2 stations. These types of chargers offer the same charging power as the ones you can install at home. Level 3 chargers - also called DCFC or fast charging stations - are much more powerful than level 1 and 2 stations, meaning you can charge an EV much faster with them. that being said, some vehicles cannot charge at level 3 chargers.

Level 1 Charging: Alternating Current (AC) Level 1 equipment provides charging through a 120 volt AC plug. Level 2 Charging: AC Level 2 equipment offers charging through 240 volt or 208 volt electrical service. This charging option can operate at up to 80 amperes (Amp) and 19.2 kW. Level 3 Charging: Direct-current (DC) fast charging equipment (typically 208/480 V AC three-phase input) enables rapid charging along heavy traffic corridors at installed stations.

EV charging includes the use of Vehicle to Grid (V2G), Vehicle to Home (V2H) and Vehicle to Building (V2B) technology.

17.08.640 Electronic component assembly.

"Electronic component assembly" means an industrial use in which the manufactured goods are assembled from components manufactured elsewhere.

(Ord. 2007-05 § 3 (part))

17.08.740 - General plan.

"General plan" means the city of Orland general plan as currently adopted including all amendments.

(Ord. 2007-05 § 3 (part))

17.08.745 - Generator – electrical.

"Generator – electrical" means a generator, whether powered through battery, natural gas, propane (LP), gasoline, or diesel fuel, used as a backup generator to provide electrical power to a building during times when electricity is not available. Generators shall not be used as the main source of electricity to a building but shall only

be used when the main electrical provider has been shut off power during an emergency situation. Generators shall not be used to replace traditional electrical power pursuant to the requirements of Orland Municipal Code Title 15 Buildings and Construction.

17.08.750 - Government code.

"Government code" means the California Government Code.

(Ord. 2007-05 § 3 (part))

Chapter 17.20 - R-1 RESIDENTIAL ONE-FAMILY ZONE

17.20.030 - Administratively permitted uses.

Administratively permitted uses in an R-1 zone are as follows:

D. Crop and tree farming between two and ten (10) acres in size. Must comply with the city's administrative guidelines for implementation of general plan agricultural buffering policies-~~z~~

E. Electric vehicle charging stations.

17.20.060 - Design requirements.

Design requirements for structures in the R-1 zone are as follows:

C. Minimum roof eave overhang, twelve (12) inches;

D. An enclosed garage for at least two cars shall be provided for all new residential construction. The garage shall be at least twenty (20) feet by twenty (20) feet with a minimum sixteen (16) foot wide garage door. The garage shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station. Driveway access shall be paved;

Chapter 17.24 - R-2 RESIDENTIAL TWO-FAMILY ZONE

17.24.030 - Administratively permitted uses.

Administratively permitted uses in the R-2 zone are as follows:

F. Crop and tree farming between two and ten (10) acres in size. Must comply with the city's administrative guidelines for implementation of general plan agricultural buffering policies-~~z~~

G. Electric vehicle charging stations.

17.24.060 - Design requirements.

Design requirements for structures in the R-2 zone are as follows:

D. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:

1. Single-family: two on-site covered spaces. At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
2. Duplex or triplex: one covered and one uncovered on-site space. At least one (1) space shall be equipped with a dedicated 208/ 240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.

Chapter 17.28 - R-3 RESIDENTIAL MULTIPLE FAMILY-PROFESSIONAL ZONE

17.28.030 - Administratively permitted uses.

Administratively permitted uses in the R-3 zone are as follows:

- G. Public and quasi-public uses of an administrative, recreational, public service or cultural nature including city, county, state, or federal administrative centers, courts, libraries, museums, police and fire stations, schools and other public buildings and structures (fairgrounds and civic centers); parks and recreation, public playgrounds, cemeteries, reservoir, historical sites and monuments, wastewater treatment, airport and corporation yard;
- H. Single-room occupancy (SRO) housing;
- I. Electric vehicle charging stations.

17.28.060 - Design requirements.

Design requirements for structures in the R-3 zone are as follows:

- C. Minimum roof eave overhang: twelve (12) inches;
- D. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:
 - 1. Single-family: two on-site "covered" spaces, At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
 - 2. Duplex, triplex or fourplex: one covered and one uncovered on-site space, At least one (1) space shall be equipped with a dedicated 208/240 volt electrical outlet to allow for installation of a Level 2 electric vehicle charging station.
 - 3. Other multifamily (use of "covered" spaces is optional):
 - a. Studio or one-bedroom units: 1.5 on-site spaces per unit,
 - b. Two or more bedrooms per unit: two on-site spaces per unit,
 - c. New construction of multifamily properties exceeding 50 units shall require the installation of a minimum of one (1) EV charging station that can be shared by two parking spaces. For multifamily developments, the location of the EV charging stations shall be located in common or guest parking areas. If a fee is charged for charging vehicles, the fee shall be based on market conditions for similar EV charging stations within the community. No more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces.

Chapter 17.36 - C-1 NEIGHBORHOOD COMMERCIAL ZONE

17.36.030 - Administratively permitted uses.

Administratively permitted uses in the C-1 zone are as follows:

- E. Stands for the purpose of displaying and selling agricultural, floricultural or products produced or grown on the premises, provided that there shall be only one for contiguous land under single ownership. The ground coverage of the stand shall not exceed three hundred (300) square feet and be set back a minimum of twenty-five (25) feet from the adjacent street or highway. (Ord. 2003-03 § 3 (part) and Ord. 2007-05; 9-4-07). Other uses which the city planner determined by written findings are similar to the above;
- I. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.36.040.

Chapter 17.40 - C-2 COMMUNITY COMMERCIAL ZONE

17.40.030 - Administratively permitted uses.

A. Administratively permitted uses in a C-2 zone are as follows:

1. Antique shops;
2. Appliance sales and repair;
3. Auto part sales, no repairs;
4. Carpet/flooring sales;
5. Catering/food trucks;
6. Cleaners and Laundromats;
7. Dwellings, second floor only;
8. Electric appliances repair;
9. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.40.040;
10. Fireworks sales;
11. Food trucks;
12. Medical clinics and offices;
13. Medical labs;
14. Produce stand(s);
15. Restaurants with outdoor eating areas;
16. Secondhand store in accordance with the provisions of Section 5.20.060;
17. Studios and instructional studios;
18. Video stores.

Chapter 17.42 - DT-MU DOWNTOWN MIXED USE ZONE

17.42.020 - Principal permitted and prohibited uses.

A. Permitted and Prohibited Uses:

P = Primary Permitted Uses; X = Not Allowed; C = Conditional Use; A = Administrative

Type of Use	DT-MU
Commercial/Service/Retail use Group	
Communications towers and support facilities	C
<u>Electric vehicle charging station</u>	<u>A</u>
Equipment rental (within a building)	C

Chapter 17.44 - C-H HIGHWAY SERVICE COMMERCIAL ZONE

17.44.025 - Administratively permitted uses.

A. Administratively permitted uses in the C-H zone are as follows:

1. Catering trucks;
2. Food trucks;
3. Produce stand(s);
4. Fireworks sales;
5. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.44.020.

Chapter 17.48 - M-L LIMITED INDUSTRIAL ZONE

17.48.025 - Administratively permitted uses.

A. Administratively permitted uses in the M-L zone are as follows:

1. Catering trucks;
2. Food trucks;
3. Produce stand(s);
4. Fireworks sales;
5. Electric vehicle charging stations. For use in automobile service stations see Section 17.48.020.

Chapter 17.52 - M-H HEAVY INDUSTRIAL ZONE

17.52.030 - Administratively permitted uses.

Administratively permitted uses in the M-H zone are as follows:

- A. Catering trucks;
- B. Food trucks;
- C. Retail uses associated with an approved manufacturing use;
- D. Temporary uses associated with entertainment, construction or sales for periods of less than thirty (30) days;
- E. One residential unit to be used solely as a caretaker residence, not exceeding one thousand five hundred (1,500) square feet and otherwise meeting all requirements for a single-family residence;
- F. Produce stand(s);
- G. Other uses which the city planner determines by written findings are similar to the above;
- H. Electric vehicle charging stations. For use in a new automobile service station, see Section 17.52.020.

Chapter 17.64 - P-F PUBLIC FACILITIES ZONE

17.64.030 - Administratively permitted uses.

Administratively permitted uses in the P-F zone are as follows:

- A. Public and quasi-public uses;
- B. One residential unit to be used solely as a caretaker residence, not exceeding one thousand five hundred (1,500) square feet and otherwise meeting all requirements for a single-family residence;
- C. Electric vehicle charging stations.

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

17.76.100 - Parking and loading facilities.

Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.

A. Off-street parking and loading spaces shall be provided in conformity with the following:

7. All outdoor storage areas (where allowed by the zoning district) and loading areas shall be located in the rear of sites and screened from view by solid walls or chain link fencing with slats and landscaping

8. Generally, no more than ten (10) percent of the parking spaces shall be dedicated as EV charging only spaces with the exception of hotels/motels, as defined in B2 below. EV charging only spaces representing more than 10 percent of the total parking spaces may be granted through the approval of administrative permit.

B. Parking spaces shall be provided in all zones as follows:

- 1. Day care centers: one space for each employee;
- 2. Hotels/motels: one space per guest room. All newly constructed hotels and motels shall provide at least ten (10) percent of required parking to be fully conditioned EV charging spaces. All construction documents indicating parking shall identify the location of these spaces;