

CITY OF ORLAND
PLANNING COMMISSION MINUTES
September 15, 2011

I. CALL TO ORDER - The meeting was called to order by Chairman Bentz at 7:03 P.M.

II. PLEDGE OF ALLEGIANCE - led by Commissioner Shoop

III. ROLL CALL Commissioners Present: Byron Denton, Shannon Ovard, Stephen
Shoop, Claire Arano and Ryan Bentz

Commissioners Absent: None

Staff Present: Nancy Sailsbery, Ken Skillman and Janet Wackerman

IV. ORAL AND WRITTEN COMMUNICATIONS

A. Citizen Business - Bob Bishop, Mellane Circle, requested permission to playback approximately 45 seconds of the June 16, 2011 meeting. After Commissioners listened to the recording, where discussion of the housing element's RHNA numbers takes place, he asked that that portion of the meeting be inserted in the minutes. Mr. Bishop stated that since revising the RHNA numbers was going to be on the Council meeting he thought it should be in the Planning Commission minutes. He also congratulated the Commissioner on their part in changing the City's RHNA numbers. Mr. Bishop also wanted included in the minutes his mention of the EIR and the statement of overriding considerations and that the Council needs to know that it needs to be addressed more fully.

V. APPROVAL OF THE MINUTES OF THE MAY 19, 2011 AND JUNE 16, 2011
PLANNING COMMISSION MINUTES

Commissioner Shoop noted that the minutes of the March 10, 2011 meeting were of more considerable length in relationship to the June 16, 2011 minutes. He pointed out several areas from the audio transcription of the June meeting that he felt should be in the transcribed minutes. Commissioner Denton asked if every word is transcribed at other meetings. Secretary Wackerman stated that her style of minute taking is "action" minutes and if there is something that a Commissioner or other attendee of the meeting wants in the minutes, they need to either ask for it to be transcribed into the minutes or submit a written document stating what needs to be added to the minutes. Commissioner Shoop stated that he had too many additional requests for the minutes and asked that a verbatim record of the meeting transcribed from the audio recording be provided.

Upon motion made by Commissioner Shoop and seconded by Commission Arano a full transcription of the CD of the June 16, 2011 Planning Commission meeting will be transcribed. The motion carried unanimously.

Upon motion made by Commission Shoop and seconded by Commission Arano, the minutes of May 19, 2011 were approved. The motion carried unanimously.

PUBLIC HEARINGS - None

VII. RECOMMENDATION TO THE CITY COUNCIL:

**1) Planned Development Conditional Use Permit #2004-03, Amendment:
Benson Estates**

To revise the approved Benson Estates project from Senior-only (55+years) to affordable housing and from 36 to 34 lots with Lot "A" serving as a park area and storm water detention basin. Planned Development Conditional Use Permit #2004-03 was originally approved by the Orland City Council on September 7, 2004. The Assessor's Parcel numbers are 040-190-030 through 040-190-064, the zoning is PD (Planned Development) with the underlying R-1 (Single Family Residential) zoning district with requested modifications, and the General Plan Land Use Designation is Low Density Residential (R-L:6 dwelling units per acre). The site is located on the north side of Newport Avenue, west of Cortina Drive, south of Cortina Court, east side of Interstate 5, Orland, Glenn County, CA. Environmental Review: Updated Mitigated Negative Declaration.

City Planner Sailsbery stated the applicant is requesting approval to revise originally approved Planned Development Conditional Use Permit #2004-03 from senior-only (55+years) housing to affordable housing. The original Use Permit was approved by the City Council in 2004. An updated environmental study was completed by Eco-Analysts June 8, 2011. The applicant is also requesting that Condition of Approval #21 of the original project be modified regarding the rear yard setbacks on the lots. An easement grant with the Orland Water Users Association requires the project to reduce the setback on each lot from twenty (20') to fifteen (15'). Additionally Condition Approval #11 from the conditions approved September 7, 2004 will need to be revised prior to the City Council Public Hearing because it refers to 55+. The Technical Advisory Committee (TAC) has reviewed the environmental document and recommends a finding that the document meets the requirements of the California Environmental Quality Act (CEQA) and provides adequate mitigation measures to reduce potential project impacts to a less than significant level. Based upon these findings, the TAC recommended adopting the proposed Mitigation Negative Declaration pursuant to Section 15074 of the State CEQA Guidelines and the Mitigation Monitoring Plan in compliance with Section 15074. The TAC reviewed the proposed project and recommends a finding that the project is consistent with surrounding land uses and the R-L (Low Density Residential) General Plan land use designation. Based upon these findings, the TAC recommends the Commission recommend approval of the project to the City Council approving Planned Development Conditional Use Permit #2004-03, amendment.

Commissioner Shoop asked if there will be a Public Hearing before the Planning Commission regarding this amendment. City Planner Sailsbery stated only one Public Hearing is required because it is a Planned Development and procedurally the Hearing is held at a City Council meeting. Commissioner Shoop stated that it was his understanding from his research of the municipal code that there should be a public hearing before the Planning Commission to hear public input. City Planner Sailsbery stated it is standard procedure to hold the public hearing before the Council because they have final approval and if needed, the Council can send the item back to the Planning Commission for further review. Commissioner Shoop asked if the original use permit went before the Planning Commission as a public hearing. Commissioner Shoop stated he did not feel right about making a decision without public input. City Planner Sailsbery stated it was not correct procedure. Commissioner Shoop asked for where it could be found that this was standard procedure. City Planner Sailsbery offered to research his request and provide him an answer. Commissioner Shoop asked what would be the City Attorney's view on the matter. City Planner Sailsbery stated she did not know only that this was standard procedure. Commissioner Shoop stated he thought it was too late if it goes to the City Council.

Commissioner Shoop moved to have the City Attorney look into whether Public Hearings are necessary for Conditional Use Permits at the Planning Commission level.

Commissioner Arano asked Staff if this recommendation was different because it was an amendment. City Planner Sailsbery stated it was Planned Development and since it has to do with an ordinance, it has to go to City Council. Commissioner Denton asked Commissioner Arano, with her years of experience on the Planning Commission, if she remembers if this was the same procedure used previously. Commissioner Arano responded that she remembers the Benson Estates project but doesn't remember doing it this way.

The motion died from lack of a second.

Chairman Bentz asked for any additional questions for Staff. Commissioner Ovard stated she had concerns with Orland having two unfinished developments with the same type of housing and approving a project that doesn't fit in a category the city needs. City Planner Sailsbery asked Mr. Benson to address the Commission regarding his project.

The applicant, Richard Benson, spoke for the project. He plans on using local contractors to build 1200-1400 square foot moderate homes with solar assist similar to what has been successfully built in Redding and Sacramento. They will build three to five homes at a time in the \$200,000 price range that Mr. Benson stated would be for teachers, police and other community oriented members. Commissioner Shoop asked if something besides "affordable" could be used to describe the homes. Mr. Benson stated "affordable" is

what most families can afford, a home in the \$200,000 price range. Commissioner Shoop asked City Planner Sailsbery what other besides "affordable" housing would categorize it. City Planner Sailsbery stated the application was processed with affordable. The applicant requested removing the restriction from senior to affordable and all of the improvements are in but the Planning Commission can recommend a condition to the City Council that "moderate" be recorded on each parcel. Commissioner Arano asked if the only reason for the amendment was to take out the 55 year restriction. City Planner Sailsbery stated that the project was in the housing element as moderate so it would only remove the 55+ restriction in the housing element. Commissioner Arano stated that a language change would be more in line. Commissioner Denton asked Mr. Benson why he was not continuing with senior only. Mr. Benson stated he has found that there is very little market for that population since that age group is staying in their homes but providing financial help to their children to establish their own home ownership. Commissioner Shoop asked if there were any proposed elevation drawings for review. Mr. Benson stated he doesn't have any updated ones available at this time. Commissioner Arano asked City Planner Sailsbery about page 4 in the Planned Development master plan where it references R-3. City Planner Sailsbery stated that was a typo and it should have been taken out. Chairman Bentz agreed with Commissioner Shoop regarding review of the proposed elevations. Commissioner Arano stated the sound wall was already in place. Mr. Benson stated yes it was and had been approved by the City. City Planner Sailsbery stated there will have to be additional modifications to the wall in the updated environmental, as part of the mitigations. Commissioner Ovard asked if the fence was going to be installed at the Orland Water User's ditch. Mr. Benson stated OUWUA have asked for a six (6) foot cyclone fence to be installed. Commissioner Denton questioned if any water was in the ditch. Mr. Benson stated the ditch was used when the property was an olive orchard but now the only user is OUWUA to water the grass at their headquarters. Commissioner Arano asked if the lots were less than 6000 sq ft because it was a PD overlay zone. City Engineer Skillman stated the lots would stay as recorded in 2004; the only modification at this time was changing from 55+ to moderate housing. Commissioner Denton asked if it was going to be changed to moderate. City Planner Sailsbery stated the Commission was recommending to City Council to remove the senior only. Commissioner Ovard asked Mr. Benson if the homes would be using USDA loans. Mr. Benson stated only if the applicants met USDA criteria. Commissioner Arano stated it was important to use moderate because it will closely reflect what Mr. Benson has described he will be building. Bob Bishop asked if it would be market rate housing. City Planner Sailsbery stated she was not sure what the market rate housing is currently. Mr. Bishop stated it was listed in the housing element under HE-2.D that the City would encourage the production of market rate housing. Jane King, 330 Meadowood, questioned page four of the Staff report and the wrong RHNA numbers that Staff developed regarding City's low and moderate have been met by City and very low and high have not been met. City Planner Sailsbery stated it was a

suggestion that the Planning Commission may want to make a recommendation to Council. Commissioner Shoop asked if it can be removed from the Staff report when it goes before the City Council. City Planner Sailsbery stated Staff could do that.

Commissioner Shoop moved to postpone the amendment to Use Permit #2004-03 until the Planning Commission reviews the elevations and drawings.

City Planner Sailsbery stated the review of the elevations will be completed by the Building Department and not the Planning Commission.

The motion died from lack of a second.

Commissioner Arano moved that the Planning Commission recommend that the Orland City Council adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring Program per State CEQA Guidelines, Section 15074. Commissioner Denton seconded the motion and the motion was carried, 3-2 with no abstentions.

Roll Call: Ayes-Commissioners Arano, Denton and Shoop
Noes-Commissioners Ovard and Bentz
Absent-None

Commissioner Arano moved that the Planning Commission recommend that the Orland City Council adopt the findings of the staff report, and approve Planned Development Conditional Use Permit #2004-03, Amendment, for Benson Estates to revise the project from Senior-only housing (55 years+) to moderate housing.

The motion died from lack of a second.

Chairman Bentz asked for a straw poll from the Commissioners on this item.

Commissioner Shoop stated he would like to see the property elevations. Commissioner Arano stated once the conditional use permit is granted, then the elevations would go to the Building Department. City Planner Sailsbery stated the elevations are an extra expense and typically done at the Building Department to save the developer money.

Commissioner Ovard stated she is concerned that there are two similar developments already and they are halfway finished; so many open projects and piecemeal development concerns her. City Engineer Skillman stated the subdivision is already listed as an entitled project in the Housing Element. Commissioner Ovard stated the project is not needed and extreme low and above moderate is what is needed.

Sharon Nord, realtor, cited statistics on building permits issued in the City; 83% of the permits were for low and extremely low in the last three one-half years.

Commissioner Shoop, stating that solar intrigues him, but the Planning Commission won't see how the homes will look and what makes the homes stand out.

Ms. Nord stated homes in the moderate range and with solar will help homeowners with their payments.

Commissioner Denton stated he likes the project and was appointed to do what is best for the City. He is not asking to see elevations and stated this project will bring money to the City.

Commissioner Arano stated they see subdivisions come in and then the property forecloses so to build three to five at a time is good. Mr. Benson stated they will do two to three different floor plans for people to look at and offered to give Commissioner Shoop drawings of the property elevations.

Upon motion made by Commissioner Shoop and seconded by Commissioner Denton, the Planning Commission recommended that the Orland City Council adopt the findings of the staff report, and approve Planned Development Conditional Use Permit #2004-03, Amendment, for Benson Estates to revise the project from Senior-only housing (55 years+) to moderate housing. Upon roll call vote the motion carried unanimously.

Roll Call: Ayes-Commissioners Shoop, Denton, Ovard, Arano and Bentz
None-None
Absent-None

VIII. COMMISSIONER REPORTS - None

IX. ADJOURNMENT - 8:24 P.M.

Respectfully submitted,

Janet Wackerman, Secretary

Ryan Bentz, Chairman