



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: **Zoning Code Amendment: Residential – Small Home Overlay District**

As a part of the SB2 Grant, the City proposed the creation of a new overlay zoning district to establish standards, design guidelines, a plan review and approval process to permit the development of multiple small or "minimal size" dwelling units in multi-family residentially zoned areas. The Residential-Small Home Overlay District (R-SHO) is staff's proposed overlay district to satisfy the SB2 Grant project.

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.

Background:

Senate Bill 2 (2017) (SB 2) is part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. Specifically, SB 2 established a permanent source of revenue intended to increase the affordable housing stock in California. Program grants are funded through 50 percent of the revenues collected during the first calendar year (January through December 2018). Among other provisions, SB2 provides financial and technical assistance to local governments to update planning documents.

In 2021, the City applied for and was approved for SB 2 grant funding for the creation of a new overlay zoning district to establish standards, design guidelines, a plan review and approval process to permit the development of multiple small or "minimal size" dwelling units in multi-family residentially zoned areas. The Residential-Small Home Overlay District (R-SHO) is staff's proposed overlay district to satisfy the SB 2 Grant project.

Discussion:

Attached is the proposed Residential-Small Home Overlay District ordinance (**Attachment A**). If adopted in its current form, the new R-SHO ordinance (Orland Municipal Code Chapter 17.30) would define the R-SHO district with the following requirements:

1. The Residential - Small Home Overlay Zone (R-SHO) is a zoning overlay that is established to provide housing options in the City by permitting homes smaller in size and shall be used for independent living quarters, designed as a permanent, year-round residence and be of 400 square feet in maximum size.
2. The R-SHO overlay can be applied to the R-2, R-3 and DT-MU zoning districts in the City at the request of an applicant and with approval by the City Council at a public hearing.
3. This overlay zoning district only applies to the R-2, R-3, and DT-MU zoning districts.
4. At least one acre of land is required for the use of the R-SHO overlay district. This requirement can be met by one parcel or a combination of multiple contiguous parcels.
5. Minimum lot area: four thousand five hundred (3,000) square feet for interior lots, three thousand five hundred (3,500) square feet for corner lots.
6. Minimum lot width is forty (40) feet for interior lots, fifty (50) feet for corner lots.
7. Maximum lot depth is three times lot width.
8. Would allow permanent and mobile tiny homes.

Tiny homes are defined as:

Mobile Tiny Homes

- Mobile tiny home means a structure that is on wheels, does not have an engine but must be pulled by a vehicle, must be licensed by the state for highway use and is compliant with state and federal laws regarding on-road use.
- Mobile tiny homes must also be compliant with the American National Standards Institute (ANSI) 119.5 standard as a recreational park trailer or the ANSI 1192 (NFPA 1192) standard as a recreational vehicle, as well as National Fire Protection Association (NFPA) 70.

Permanent Tiny Homes

- Permanent tiny home means a structure that is meant to be permanently located on a site.

- Permanent tiny homes must comply with the California Building Code, Appendix Q Tiny Houses.
- All permanent tiny homes must be placed on a permanent foundation.
- All undercarriage, foundation system, and external elements below the finished floor shall be screened or constructed with architectural elements that complement the main structure.

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 B**.

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 provides the following two scenarios for the Planning Commission for a recommendation to the City Council of approval or denial for the proposed R-SHO zoning overlay:

- 1) 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 C**). Staff also recommends that the Planning Commission recommends for approval to the City Council, the Notice of Exemption (**Attachment C**) prepared for the proposed action.
- 2) Recommend for *denial* 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 recommends for denial to the City Council, the Notice of Exemption (**Attachment D**) prepared for the proposed action.

Recommended Motions:

- 1) If the Planning Commission determines that it intends to recommend for approval all of the actions to the City Council, 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.

Or

- 2) If the Planning Commission determines that it intends to recommend denial of all of the actions to the City Council, staff presents the following motions for consideration:

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

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment – Chapter 17.30 R-SHO – Residential - Small Home Overlay Zone
- **Attachment B** – Notice of Exception
- **Attachment C** – Planning Commission Resolution for Recommendation of Approval 2022-XX
- **Attachment D** – Planning Commission Resolution for Recommendation of Denial 2022-XX

Chapter 17.08 - DEFINITIONS

17.08.630 - Easement.

17.08.635 - Efficiency unit

17.08.640 - Electronic component assembly.

17.08.1450 - Temporary use.

17.08.1452 - Tiny home.

17.08.1454 - Transitional housing.

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.

17.08.635 – Efficiency Unit.

"Efficiency unit" means:

- A. A multifamily apartment unit with a maximum occupancy of two persons.
- B. A unit occupied by not more than one person shall have a minimum clear floor area of 120 square feet. A unit occupied by not more than two persons shall have a minimum clear floor area of 220 square feet. These required areas shall be exclusive of the areas required by Items C and D below.
- C. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches in front. Light and ventilation conforming to the city building requirements shall be provided.
- D. The unit shall be provided with a separate bathroom containing a toilet, sink, and bathtub or shower.

17.08.640 - Electronic component assembly.

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

17.08.1450 - Temporary use.

"Temporary use" means a land use which may occur on a parcel of land for a limited time as may be authorized herein.

17.08.1452 – Tiny home.

"Tiny home" means a residential structure between two hundred (200) to four hundred (400) square feet of living area under roof installed on a permanent foundation or mounted on a

wheeled trailer chassis, is intended for independent living quarters including bathroom, kitchen and sleeping facilities, designed as a permanent, year-round residence for one (1) household.

- A. Permanent tiny home means a structure that is meant to be permanently located on a site. Permanent tiny homes shall comply with the California Building Code, Appendix Q Tiny Houses.
- B. Mobile tiny home means a structure that is on wheels, does not have an engine but must be pulled by a vehicle, must be licensed by the state for highway use and is compliant with state and federal laws regarding on-road use. Mobile tiny homes must also be compliant with the American National Standards Institute (ANSI) 119.5 standard as a recreational park trailer or the ANSI 1192 (NFPA 1192) standard as a recreational vehicle, as well as National Fire Protection Association (NFPA) 70.

17.08.1454 - Transitional housing.

"Transitional housing" means a building configured as rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Chapter 17.12 - ZONING DISTRICTS DESIGNATED

Sections:

17.12.010 - Principal zones established.

The several zones established, and into which the city may be divided, are as follows:

Zone	Abbreviation	Intended Land Use Designation
Residential one-family	R-1	Low Density Residential, R-L
Residential two-family	R-2	Medium Density Residential, R-M
Residential multiple family	R-3	High Density Residential, R-H
<u>Residential-Small Home Overlay</u>	<u>R-SHO</u>	<u>Medium Density Residential, R-M.</u> <u>High Density Residential, R-H</u>

Chapter 17.30 R-SHO – RESIDENTIAL - SMALL HOME OVERLAY ZONE

17.30.010 - Purpose.

The Residential - Small Home (R-SHO) Overlay Zone is established to provide housing options in the City by permitting homes smaller in size and shall be used for independent living quarters.

designed as a permanent, year-round residence and be of 400 square feet in maximum size. The regulations of this chapter shall apply within all R-SHO zones.

17.30.020 - Applicability of the R-SHO Zoning District.

The provisions of this Chapter 17.30 apply to proposed land uses and development in addition to all other applicable requirements of this Title 17. If there is a conflict between the provisions of this Chapter and any other provision of this Title 17 the specific provisions of this Chapter shall take precedence and control.

- A. Location of overlay district. This overlay zoning district only applies to the following zoning districts:
 - 1. R-2, R-3, and DT-MU.
- B. At least one acre of land shall be required for the use of the R-SHO overlay district. This requirement can be met by one parcel or a combination of multiple contiguous parcels.
- C. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter:
 - 1. Any land use normally allowed in the primary zoning district may be allowed within this overlay district, subject to any additional requirements of this overlay district;
 - 2. Development within the R-SHO district shall obtain the zoning approvals required by for the primary zoning district; and
 - 3. Development within this overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of Title 17.

17.30.030 - Permitted Uses.

- A. Tiny home between 200 sq. ft to 400 sq. ft.
- B. All uses permitted in the primary zoning district.

17.30.040. - Conditional Uses.

- A. All conditional uses permitted in the primary zoning district

17.30.050 - Lot requirements.

Lot requirements in the R-SHO zone are as follows:

- A. Minimum lot area: four thousand five hundred (3,000) square feet for interior lots, three thousand five hundred (3,500) square feet for corner lots;
- B. Minimum lot width: forty (40) feet for interior lots, fifty (50) feet for corner lots;
- C. Maximum lot depth: three times lot width;
- D. Maximum building coverage: sixty (60) percent.

17.30.060 - Design requirements.

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

- A. A tiny home is intended for independent living quarters including bathroom, kitchen and sleeping facilities, designed as a permanent, year-round residence for one (1) household shall meet these following conditions:

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1. Is designed and built to like a conventional residential structure and therefore, is distinct in appearance from a conventional mobile home or recreational vehicle (RV).
 2. Materials used as an exterior wall covering, roofing, windows, etc. shall be similar to those used on a conventional home;
 3. Windows shall be at least double pane glass and labeled for building use, and shall include exterior trim;
 4. Design features shall include pitched roofs of no less than a 3:12 slope, and eaves with no less than a three (3) inch overhang.
- B. Tiny homes are to have at least one (1) parking space on-site but are not required to have covered parking.
- C. Any garages, covered parking structures, and accessory buildings located in the R-SHO district shall be no larger than four hundred (400) square feet when constructed on a lot where the primary building is a tiny home.
- D. Tiny homes shall be connected to water supply source, sewer/septic, and electric utilities or solar with battery backup.
- E. Tiny homes are required to have sprinklers and sufficient water supply for fire protection.
- F. Mechanical equipment shall be incorporated into the structure and not located on the roof.
- G. Tiny homes must comply with all applicable state and local codes and regulations.
- H. Tiny homes can be permanent or mobile in nature.
- I. All permanent tiny homes shall be placed on a permanent foundation and all undercarriage, foundation system, and external elements below the finished floor shall be screened or constructed with architectural elements that complement the main structure.
- J. All permanent tiny homes shall have a minimum of four (4) of the following design features:
1. Upgraded entry feature, such as transom or side windows around an exterior door;
 2. Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
 3. Dormers;
 4. Premanufactured skylights;
 5. Built-on porch or deck;
 6. Other features as otherwise approved by the City Planner.
 7. The provision of more than one (1) item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).
- K. All mobile tiny homes shall comply with the following:
1. Mobile tiny homes shall be located on a site for at least 30 days continuously unless located in an RV park;

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2. Mobile tiny homes shall be parked on an improved parking surface of concrete or asphalt approved by the city building official;
 3. Mobile tiny homes shall not rest solely on the wheels but shall be supported using trailer jacks, lifts or other supports acceptable to the city building official;
 4. Mobile tiny homes shall be skirted with materials similar to the siding of the tiny home and shall enclose the full perimeter of the home including trailer hitch;
- L. All mobile tiny homes shall have a minimum of four (4) of the following design features:
1. Upgraded entry feature, such as transom or side windows around an exterior door;
 2. Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
 3. Dormers;
 4. Premanufactured skylights;
 5. Built-on porch or deck;
 6. Other features as otherwise approved by the City Planner.
 7. The provision of more than one (1) item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

17.30.070 - Setbacks.

Minimum yard setbacks in the R-SHO zone shall be equivalent to the primary zoning district.

17.30.080 - Establishment—Site plan and use permit approval required.

- A. A R-SHO district is approved through the following process:
1. Submittal of a R-SHO site plan to the planning commission following the hearing and notification requirements for use permits.
 2. The detail provided shall be sufficient to show the intended use, density, intensity and plan concepts proposed within the project.
 3. An application shall be submitted to rezone the site to include the R-SHO overlay zone. The R-SHO zone change request is submitted with a use permit application for the project.
 4. Where lots/parcels are to be sold as part of the R-SHO project, a tentative subdivision or parcel map application shall also accompany the use permit and zone change request.
 5. If the project is small and the R-SHO site plan is sufficiently detailed, the use permit approving the site plan may be all that is necessary to authorize project implementation along with a R-SHO zone change and tentative map application, if applicable.
- If the project is larger and/or the site plan is general in nature, implementation will require a detailed use permit application along with the R-SHO zone change request and tentative map if necessary. As noted in subsection (A)(4) above, implementation

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- of the planned development occurs through the submittal and approval only of the detailed use permit and a tentative subdivision map if lots/parcels are to be sold.
- B. The planning commission shall provide a recommendation on the development application to the city council, by forwarding their recommendation to the city clerk within ten (10) days of their action. The city council shall follow the notification, hearing and action requirements for use permits, zone changes, and tentative maps as provided in this title.
- C. Approval of the development shall only occur when such plan is consistent with the general plan, and any deviation from normal zoning standards is found to not have any negative affect on the neighborhood and will benefit the future residents and users of the project site.

17.30.090 - Delineation on zoning map—Supplemental regulations.

Residential - small home overlay zones shall be delineated on the zoning map by the R-SHO designation.

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:** Title 17- Zoning - Chapter 17.30- R-SHO – Residential Small Home Overlay Zone

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 a Residential-Small Home Overlay zone.

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

Signature: Date
☒ Signed by Lead Agency Date Received for Filing At OPR: _____
City Planner _____
Title

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 passed Senate Bill 2 (2017) aimed at addressing the state's housing shortage and high housing costs; and

WHEREAS, the City of Orland received SB2 grant funds to consider the potential for a small home overlay zoning district in the city; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the Project on February 17th, 2022; and

WHEREAS, *Title 17- Zoning - Chapter 17.08 - Definitions* has been amended to include definitions for efficiency unit and tiny home, as shown in **Exhibit A**; and

WHEREAS, *Title 17- Zoning - Chapter 17.76- Zoning Districts Designated § 17.12.010 Principal zones established* has been amended to include Residential-Small Home Overlay (R-SHO), as shown in **Exhibit A**; and

comments and to review and consider the Project on February 17th, 2022; and

WHEREAS, *Title 17- Zoning - Chapter 17.30 – Residential – Small Home overlay Zone* is a newly adopted chapter of the Orland Municipal Code to address the Residential – Small Overlay Zone standards and requirements, as shown in **Exhibit A**; 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 determined that the proposed Municipal Code Amendment is exempt from CEQA under Section 15061(b)(3), known as the "General Rule" or "Common Sense Rule" 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.

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

Chapter 17.08 - DEFINITIONS

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Chapter 17.30 R-SHO – RESIDENTIAL - SMALL HOME OVERLAY ZONE

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- B. At least one acre of land shall be required for the use of the R-SHO overlay district. This requirement can be met by one parcel or a combination of multiple contiguous parcels.
- C. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter:
 - 1. Any land use normally allowed in the primary zoning district may be allowed within this overlay district, subject to any additional requirements of this overlay district;
 - 2. Development within the R-SHO district shall obtain the zoning approvals required by for the primary zoning district; and
 - 3. Development within this overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of Title 17.

17.30.030 - Permitted Uses.

- A. Tiny home between 200 sq. ft to 400 sq. ft.
- B. All uses permitted in the primary zoning district.

17.30.040. - Conditional Uses.

- A. All conditional uses permitted in the primary zoning district

17.30.050 - Lot requirements.

Lot requirements in the R-SHO zone are as follows:

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- B. Minimum lot width: forty (40) feet for interior lots, fifty (50) feet for corner lots;
- C. Maximum lot depth: three times lot width;
- D. Maximum building coverage: sixty (60) percent.

17.30.060 - Design requirements.

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

- A. A tiny home is intended for independent living quarters including bathroom, kitchen and sleeping facilities, designed as a permanent, year-round residence for one (1) household shall meet these following conditions:
 - 1. Is designed and built to like a conventional residential structure and therefore, is distinct in appearance from a conventional mobile home or recreational vehicle (RV).
 - 2. Materials used as an exterior wall covering, roofing, windows, etc. shall be similar to those used on a conventional home;
 - 3. Windows shall be at least double pane glass and labeled for building use, and shall include exterior trim;
 - 4. Design features shall include pitched roofs of no less than a 3:12 slope, and eaves with no less than a three (3) inch overhang.
- B. Tiny homes are to have at least one (1) parking space on-site but are not required to have covered parking.

- C. Any garages, covered parking structures, and accessory buildings located in the R-SHO district shall be no larger than four hundred (400) square feet when constructed on a lot where the primary building is a tiny home.
- D. Tiny homes shall be connected to water supply source, sewer/septic, and electric utilities or solar with battery backup.
- E. Tiny homes are required to have sprinklers and sufficient water supply for fire protection.
- F. Mechanical equipment shall be incorporated into the structure and not located on the roof.
- G. Tiny homes must comply with all applicable state and local codes and regulations.
- H. Tiny homes can be permanent or mobile in nature.
- I. All permanent tiny homes shall be placed on a permanent foundation and all undercarriage, foundation system, and external elements below the finished floor shall be screened or constructed with architectural elements that complement the main structure.
- J. All permanent tiny homes shall have a minimum of four (4) of the following design features:
 - 1. Upgraded entry feature, such as transom or side windows around an exterior door;
 - 2. Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
 - 3. Dormers;
 - 4. Premanufactured skylights;
 - 5. Built-on porch or deck;
 - 6. Other features as otherwise approved by the City Planner.
 - 7. The provision of more than one (1) item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).
- K. All mobile tiny homes shall comply with the following:
 - 1. Mobile tiny homes shall be located on a site for at least 30 days continuously unless located in an RV park;
 - 2. Mobile tiny homes shall be parked on an improved parking surface of concrete or asphalt approved by the city building official;
 - 3. Mobile tiny homes shall not rest solely on the wheels but shall be supported using trailer jacks, lifts or other supports acceptable to the city building official;
 - 4. Mobile tiny homes shall be skirted with materials similar to the siding of the tiny home and shall enclose the full perimeter of the home including trailer hitch;
- L. All mobile tiny homes shall have a minimum of four (4) of the following design features:
 - 1. Upgraded entry feature, such as transom or side windows around an exterior door;
 - 2. Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
 - 3. Dormers;
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 - 5. Built-on porch or deck;

6. Other features as otherwise approved by the City Planner.
7. The provision of more than one (1) item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

17.30.070 - Setbacks.

Minimum yard setbacks in the R-SHO zone shall be equivalent to the primary zoning district.

17.30.080 - Establishment—Site plan and use permit approval required.

- A. A R-SHO district is approved through the following process:
 1. Submittal of a R-SHO site plan to the planning commission following the hearing and notification requirements for use permits.
 2. The detail provided shall be sufficient to show the intended use, density, intensity and plan concepts proposed within the project.
 3. An application shall be submitted to rezone the site to include the R-SHO overlay zone. The R-SHO zone change request is submitted with a use permit application for the project.
 4. Where lots/parcels are to be sold as part of the R-SHO project, a tentative subdivision or parcel map application shall also accompany the use permit and zone change request.
 5. If the project is small and the R-SHO site plan is sufficiently detailed, the use permit approving the site plan may be all that is necessary to authorize project implementation along with a R-SHO zone change and tentative map application, if applicable.

If the project is larger and/or the site plan is general in nature, implementation will require a detailed use permit application along with the R-SHO zone change request and tentative map if necessary. As noted in subsection (A)(4) above, implementation of the planned development occurs through the submittal and approval only of the detailed use permit and a tentative subdivision map if lots/parcels are to be sold.
- B. The planning commission shall provide a recommendation on the development application to the city council, by forwarding their recommendation to the city clerk within ten (10) days of their action. The city council shall follow the notification, hearing and action requirements for use permits, zone changes, and tentative maps as provided in this title.
- C. Approval of the development shall only occur when such plan is consistent with the general plan, and any deviation from normal zoning standards is found to not have any negative affect on the neighborhood and will benefit the future residents and users of the project site.

17.30.090 - Delineation on zoning map—Supplemental regulations.

Residential - small home overlay zones shall be delineated on the zoning map by the R-SHO designation.

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, DENIAL OF THE
ORLAND MUNICIPAL CODE AMENDMENT AND ASSOCIATED CEQA EXEMPTION**

WHEREAS, the State of California passed Senate Bill 2 (2017) aimed at addressing the state's housing shortage and high housing costs; and

WHEREAS, the City of Orland received SB2 grant funds to consider the potential for a small home overlay zoning district in the city; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the Project on February 17th, 2022; and

WHEREAS, *Title 17- Zoning - Chapter 17.08 - Definitions* has been amended to include definitions for efficiency unit and tiny home, as shown in **Exhibit A**; and

WHEREAS, *Title 17- Zoning - Chapter 17.76- Zoning Districts Designated § 17.12.010 Principal zones established* has been amended to include Residential-Small Home Overlay (R-SHO), as shown in **Exhibit A**; and

comments and to review and consider the Project on February 17th, 2022; and

WHEREAS, *Title 17- Zoning - Chapter 17.30 – Residential – Small Home overlay Zone* is a newly adopted chapter of the Orland Municipal Code to address the Residential – Small Overlay Zone standards and requirements, as shown in **Exhibit A**; 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 determined that the proposed Municipal Code Amendment is exempt from CEQA under Section 15061(b)(3), known as the "General Rule" or "Common Sense Rule" 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.

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, denial 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

Chapter 17.08 - DEFINITIONS

17.08.630 - Easement.

17.08.635 - Efficiency unit

17.08.640 - Electronic component assembly.

17.08.1450 - Temporary use.

17.08.1452 - Tiny home.

17.08.1454 - Transitional housing.

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.

17.08.635 – Efficiency Unit.

"Efficiency unit" means:

- A. A multifamily apartment unit with a maximum occupancy of two persons.
- B. A unit occupied by not more than one person shall have a minimum clear floor area of 120 square feet. A unit occupied by not more than two persons shall have a minimum clear floor area of 220 square feet. These required areas shall be exclusive of the areas required by Items C and D below.
- C. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches in front. Light and ventilation conforming to the city building requirements shall be provided.
- D. The unit shall be provided with a separate bathroom containing a toilet, sink, and bathtub or shower.

17.08.640 - Electronic component assembly.

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

17.08.1450 - Temporary use.

"Temporary use" means a land use which may occur on a parcel of land for a limited time as may be authorized herein.

17.08.1452 – Tiny home.

"Tiny home" means a residential structure between two hundred (200) to four hundred (400) square feet of living area under roof installed on a permanent foundation or mounted on a wheeled trailer chassis, is intended for independent living quarters including bathroom, kitchen and sleeping facilities, designed as a permanent, year-round residence for one (1) household.

- A. Permanent tiny home means a structure that is meant to be permanently located on a site. Permanent tiny homes shall comply with the California Building Code, Appendix Q Tiny Houses.

- B. Mobile tiny home means a structure that is on wheels, does not have an engine but must be pulled by a vehicle, must be licensed by the state for highway use and is compliant with state and federal laws regarding on-road use. Mobile tiny homes must also be compliant with the American National Standards Institute (ANSI) 119.5 standard as a recreational park trailer or the ANSI 1192 (NFPA 1192) standard as a recreational vehicle, as well as National Fire Protection Association (NFPA) 70.

17.08.1454 - Transitional housing.

"Transitional housing" means a building configured as rental housing development, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Chapter 17.12 - ZONING DISTRICTS DESIGNATED

Sections:

17.12.010 - Principal zones established.

The several zones established, and into which the city may be divided, are as follows:

Zone	Abbreviation	Intended Land Use Designation
Residential one-family	R-1	Low Density Residential, R-L
Residential two-family	R-2	Medium Density Residential, R-M
Residential multiple family	R-3	High Density Residential, R-H
<u>Residential-Small Home Overlay</u>	<u>R-SHO</u>	<u>Medium Density Residential, R-M.</u> <u>High Density Residential, R-H</u>

Chapter 17.30 R-SHO – RESIDENTIAL - SMALL HOME OVERLAY ZONE

17.30.010 - Purpose.

The Residential - Small Home (R-SHO) Overlay Zone is established to provide housing options in the City by permitting homes smaller in size and shall be used for independent living quarters, designed as a permanent, year-round residence and be of 400 square feet in maximum size. The regulations of this chapter shall apply within all R-SHO zones.

17.30.020 - Applicability of the R-SHO Zoning District.

The provisions of this Chapter 17.30 apply to proposed land uses and development in addition to all other applicable requirements of this Title 17. If there is a conflict between the provisions of this Chapter and any other provision of this Title 17 the specific provisions of this Chapter shall take precedence and control.

- A. Location of overlay district. This overlay zoning district only applies to the following zoning districts:
1. R-2, R-3, and DT-MU.

- B. At least one acre of land shall be required for the use of the R-SHO overlay district. This requirement can be met by one parcel or a combination of multiple contiguous parcels.
- C. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter:
 - 1. Any land use normally allowed in the primary zoning district may be allowed within this overlay district, subject to any additional requirements of this overlay district;
 - 2. Development within the R-SHO district shall obtain the zoning approvals required by for the primary zoning district; and
 - 3. Development within this overlay district shall comply with all applicable development standards of the primary zoning district, all other applicable provisions of Title 17.

17.30.030 - Permitted Uses.

- A. Tiny home between 200 sq. ft to 400 sq. ft.
- B. All uses permitted in the primary zoning district.

17.30.040. - Conditional Uses.

- A. All conditional uses permitted in the primary zoning district

17.30.050 - Lot requirements.

Lot requirements in the R-SHO zone are as follows:

- A. Minimum lot area: four thousand five hundred (3,000) square feet for interior lots, three thousand five hundred (3,500) square feet for corner lots;
- B. Minimum lot width: forty (40) feet for interior lots, fifty (50) feet for corner lots;
- C. Maximum lot depth: three times lot width;
- D. Maximum building coverage: sixty (60) percent.

17.30.060 - Design requirements.

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

- A. A tiny home is intended for independent living quarters including bathroom, kitchen and sleeping facilities, designed as a permanent, year-round residence for one (1) household shall meet these following conditions:
 - 1. Is designed and built to like a conventional residential structure and therefore, is distinct in appearance from a conventional mobile home or recreational vehicle (RV).
 - 2. Materials used as an exterior wall covering, roofing, windows, etc. shall be similar to those used on a conventional home;
 - 3. Windows shall be at least double pane glass and labeled for building use, and shall include exterior trim;
 - 4. Design features shall include pitched roofs of no less than a 3:12 slope, and eaves with no less than a three (3) inch overhang.
- B. Tiny homes are to have at least one (1) parking space on-site but are not required to have covered parking.

- C. Any garages, covered parking structures, and accessory buildings located in the R-SHO district shall be no larger than four hundred (400) square feet when constructed on a lot where the primary building is a tiny home.
- D. Tiny homes shall be connected to water supply source, sewer/septic, and electric utilities or solar with battery backup.
- E. Tiny homes are required to have sprinklers and sufficient water supply for fire protection.
- F. Mechanical equipment shall be incorporated into the structure and not located on the roof.
- G. Tiny homes must comply with all applicable state and local codes and regulations.
- H. Tiny homes can be permanent or mobile in nature.
- I. All permanent tiny homes shall be placed on a permanent foundation and all undercarriage, foundation system, and external elements below the finished floor shall be screened or constructed with architectural elements that complement the main structure.
- J. All permanent tiny homes shall have a minimum of four (4) of the following design features:
 - 1. Upgraded entry feature, such as transom or side windows around an exterior door;
 - 2. Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
 - 3. Dormers;
 - 4. Premanufactured skylights;
 - 5. Built-on porch or deck;
 - 6. Other features as otherwise approved by the City Planner.
 - 7. The provision of more than one (1) item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).
- K. All mobile tiny homes shall comply with the following:
 - 1. Mobile tiny homes shall be located on a site for at least 30 days continuously unless located in an RV park;
 - 2. Mobile tiny homes shall be parked on an improved parking surface of concrete or asphalt approved by the city building official;
 - 3. Mobile tiny homes shall not rest solely on the wheels but shall be supported using trailer jacks, lifts or other supports acceptable to the city building official;
 - 4. Mobile tiny homes shall be skirted with materials similar to the siding of the tiny home and shall enclose the full perimeter of the home including trailer hitch;
- L. All mobile tiny homes shall have a minimum of four (4) of the following design features:
 - 1. Upgraded entry feature, such as transom or side windows around an exterior door;
 - 2. Exterior accessories, such as permanent shutters, or fixed sunshade devices, or gutters/downspouts;
 - 3. Dormers;
 - 4. Premanufactured skylights;
 - 5. Built-on porch or deck;

6. Other features as otherwise approved by the City Planner.
7. The provision of more than one (1) item within the same category of design features may be counted independently towards the overall minimum requirements (e.g., including both a sunshade and shutters).

17.30.070 - Setbacks.

Minimum yard setbacks in the R-SHO zone shall be equivalent to the primary zoning district.

17.30.080 - Establishment—Site plan and use permit approval required.

- A. A R-SHO district is approved through the following process:
 1. Submittal of a R-SHO site plan to the planning commission following the hearing and notification requirements for use permits.
 2. The detail provided shall be sufficient to show the intended use, density, intensity and plan concepts proposed within the project.
 3. An application shall be submitted to rezone the site to include the R-SHO overlay zone. The R-SHO zone change request is submitted with a use permit application for the project.
 4. Where lots/parcels are to be sold as part of the R-SHO project, a tentative subdivision or parcel map application shall also accompany the use permit and zone change request.
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- B. The planning commission shall provide a recommendation on the development application to the city council, by forwarding their recommendation to the city clerk within ten (10) days of their action. The city council shall follow the notification, hearing and action requirements for use permits, zone changes, and tentative maps as provided in this title.
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17.30.090 - Delineation on zoning map—Supplemental regulations.

Residential - small home overlay zones shall be delineated on the zoning map by the R-SHO designation.