

CITY COUNCIL

Dennis Hoffman, Mayor
Jeffrey A. Tolley, Vice-Mayor
Bruce T. Roundy
William "Billy" Irvin
Chris Dobbs

CITY OFFICIALS

Jennifer Schmitke
City Clerk

Leticia Espinosa
City Treasurer

CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street
ORLAND, CALIFORNIA 95963
Telephone (530) 865-1600
Fax (530) 865-1632



CITY MANAGER

Peter R. Carr

AGENDA

REGULAR MEETING, ORLAND CITY COUNCIL

Tuesday, March 15, 2022

This meeting will be conducted pursuant to the provisions AB361 which suspends certain requirements of the Ralph M. Brown Act.

This City Council meeting will be held at Carnegie Center, 912 Third Street, Orland and teleconferenced using Zoom technology. Councilmembers and City staff may choose to be in person or remote.

The public is encouraged to participate in the meeting via Zoom or can participate at Carnegie Center.

ZOOM Telephone - Please call: 1 (669) 900-9128

ZOOM Link ID# 861 8563 4741

1. CALL TO ORDER – 6:30 P.M.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

A. Public Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor. However, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. Please direct your comments to the Mayor or Vice Mayor. **(Oral communications will be limited to three minutes).**

5. CONSENT CALENDAR

- A. Warrant List (payable obligations). (p. 1)
- B. Approve City Council Minutes for March 1, 2022. (p. 6)
- C. Receive and file Economic Development Commission Minutes of February 8, 2022. (p.12)
- D. Lease Agreement for City Hall Equipment. (p.14)
- E. Resolution 2022-07 Accepting Easement Interests. (p.17)
- F. Agreement for City Attorney Services for 2022 Labor Negotiations. (p.20)

Comments from the public are welcomed. The Mayor will announce the opportunity for comments related to Public Hearings and each action item on the agenda. Please limit your comments to three minutes per topic, and one comment per person per topic. Once the public comment period is closed, please allow the Council the opportunity to continue its consideration of the item without interruption.

6. PUBLIC HEARING

A. Zoning Code Amendment ZCA#2022-01: Adoption of Objective Design Standards (p.21)

Zoning Ordinance Text Amendment: ZCA 2022-01 – Objective Design Standards: The proposed action is the adoption of Objective Design Standards into the Orland Municipal Code. The Objective Design Standards serve as minimum requirements for qualifying multi-family residential development. The standards will be mandatory for any qualifying residential project for which a streamlined approval process is requested by an applicant. Qualifying residential projects are those that comply with Government Code Section 65913.4(a) which requires certain provisions for affordable housing. These Objective Design Standards apply within the following zoning districts within the city: R-1, R-2, R-3, C-1, C-2, and DT-MU.

B. Zoning Code Amendment ZCA #2022-04: Revise Title 17 Zoning to Residential – Small Home Overlay District (p.46)

Zoning Ordinance Text Amendment: ZCA 2022-04 – Small Home Overlay District. The proposed action is the adoption of standards within the Zoning Ordinance of the City of Orland to allow 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 proposed R-SHO district would allow small homes that shall be used for independent living quarters, designed as a permanent, year-round residence and be of 400 square feet in maximum size. The proposed amendment to Title 17-Zoning of the OMC would amend Title 17 Zoning add §17.30 *Residential – Small Home Overlay Zone (R-SHO)*.

C. Zoning Code Amendment ZCA#2022-02:Accessory Dwelling Units/Junior Accessory Dwelling Units (p.75)

Zoning Ordinance Text Amendment: ZCA 2022-02 – Accessory Dwelling Units / Junior Accessory Dwelling Units. The proposed action is the adoption of standards within the Zoning Ordinance of the City of Orland addressing new, State-mandated accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) requirements. The proposed amendment to Title 17-Zoning of the OMC would amend Title 17 Zoning §17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* to comply with Government Code Sections 65852.2 and 65852.22. Amendments to OMC Section §17.76.130 would also add photovoltaic requirements for ADUs as required by the 2019 California Energy Code.

D. Zoning Code Amendment ZCA #2022-03: Electric Vehicle Charging (p.89)

Zoning Ordinance Text Amendment: ZCA 2022-03 – Electric Vehicle Charging. The proposed action is the adoption of standards within the Zoning Code of the City of Orland to allow the creation of an expedited, streamlined permitting process that complies with AB 1236 and Government Code section 65850.7 to achieve timely and cost-effective installation of electric

vehicle (EV) charging stations. The proposed code amendment would provide design standards for EV charging stations in the R-1 zone and allow EV charging stations as administratively permitted uses in the R-2, R-3, C-1, C-2, DT-MU, C-H, M-L, M-H, and P-F zoning districts.

7. ADMINISTRATIVE BUSINESS

- A. Fire Department Labor Cost Share (Discussion/Action) – Pete Carr, City Manager (p. 120)
- B. Library Capital Project (Discussion/Action) – Jody Meza, Library Director (p.122)
- C. Annual Financial Audit Report – Pete Carr, City Manager (p.125)
- D. Debt Reduction Proposal – Pete Carr, City Manager (p.185)
- E. Drought Update and Water Shortage Contingency Plan (Discussion/Action) – Pete Carr, City Manager (p.187)

8. CITY COUNCIL COMMUNICATIONS AND REPORTS

9. CLOSED SESSION

- A. Public Comments: The Public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.
- B. CONFERENCE WITH LABOR NEGOTIATORS
Government Code Section: 54957.6
Agency Negotiators: Peter R. Carr; Rebecca Pendergrass; Greg Einhorn
Council Members Bruce Roundy and Billy Irvin
Employee Organizations: United Public Employees of California Local #792 (Mid Management and General Units); Orland Police Officers Association; Unrepresented Employees (All other not in UPEC)

10. RECONVENE TO REGULAR SESSION

11. REPORT FROM CLOSED SESSION

12. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on March 11, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at www.cityoforland.com where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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**CITY MANAGER**

Peter R. Carr

WARRANT LIST

March 15, 2022

Warrant	3/10/22	\$	182,862.87
Payroll Compensation	2/24/22	\$	110,351.67
PERS	3/9/22	\$	21,956.97
		\$	315,171.51

APPROVED BY

 Dennis Hoffman, Mayor

 Jeffrey A. Tolley, Vice-Mayor

 Bruce T. Roundy, Councilmember

 William "Billy" Irvin, Councilmember

 Chris Dobbs, Councilmember

REPORT.: Mar 10 22 Thursday
 RUN....: Mar 10 22 Time: 15:10
 Run By.: Leticia Espinosa

CITY OF ORLAND
 Cash Disbursement Detail Report
 Check Listing for 03-22 thru 03-22 Bank Account.: 1001

PAGE: 001
 ID #: PY-DP
 CTL.: ORL

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055038	03/01/22	AME00	AMERICAN FAMILY LIFE	736.24	225900H	LIFE INSURANCE PAYABLE
055039	03/10/22	GLE14	GLENN COUNTY	50.00	055039H	CEQA FILING FEE ORLAND PARK ESTATES
055040	03/10/22	GLE14	GLENN COUNTY	50.00	055040H	CEQA FEE HABITAT FOR HUMANITY
055041	03/10/22	GLE14	GLENN COUNTY	50.00	03042022H	CEQA FEE HOUSING ELEMENT
055042	03/10/22	GLE14	GLENN COUNTY	50.00	055042H	CEQA MAVERIK FUELING CENTER
055043	03/10/22	CAL29	CALIFORNIA DEP OF FISH AN	2548.00	055043H	CEQA FISH & WILDLIFE ADMIN FEE MAVERIK
055044	03/10/22	ABD00	ADVANCED DOCUMENT	502.63 33.71 243.40	INV66617 INV66618 INV66619	BD-PLAN/COPIES PD/COPIER USAGE CITY HALL/COPIES
Check Total.....:				779.74		
055045	03/10/22	AIR01	Airgas-USA, LLC	205.50 172.16	2359125 122855968	MEASURE A FD/MEDICAL OXYGEN FD/MEASURE A, MEDICAL OXYGEN
Check Total.....:				377.66		
055046	03/10/22	AME00	AMERICAN FAMILY LIFE	736.24	604693	SUPPLEMENTAL INSURANCE
055047	03/10/22	AMG00	AMG & ASSOCIATES	390.00	2020	REIMB FOR SITE PLAN REVIEW 2020 LIBERTY BELL
055048	03/10/22	ARA00	ARAMARK UNIFORM SERVICES	879.76	02282022	PW/UNIFORM CLEANING FEBRUARY
055049	03/10/22	ATT05	A T & T	150.85	17733486	MEASURE A FD/PHONES
055050	03/10/22	ATT06	A T & T	275.44	02202022	PW/WELL COMMUNICATIONS
055051	03/10/22	ATT10	AT&T MOBILITY (FIRST NET)	98.35	222022	MEASURE A FD/PHONES
055052	03/10/22	AUT00	Auto Zone Inc.	19.32	094512500	PD/CAR WASH SUPPLIES
055053	03/10/22	BYW00	ByWater Solutions	3399.00	6327	LIB/SOFTWARE SUPPORT & HOSTING
055054	03/10/22	CAM00	Gary Campbell	1468.56	22422	FD/REIMBURSEMENT FOR REPEATER PROJECT
055055	03/10/22	CAR02	CARDMEMBER SERVICE	2385.98 402.49 1894.57 1743.96 38.07 2138.44	02252022 FEB2022LB FEB2022PD FEB2022PW FEB2022RD FEB2022SH	FD/MEASURE A TRAINING,ICLOUD STORAGE LB/PRINTER,CHILDREN SERVICES,WEBSITE PD/SUPPLIES,TRAINING, RIFLE SUPPLIES/CLEANING PW/SUPPLIES, PW/FLEET, CLERK SUPPLIES REC/CLEANING SUPPLIES CENTER MULTI DEPT/MISC
Check Total.....:				8603.51		
055056	03/10/22	CHI12	Chico Immediate Care Medi	400.00	821K23200	PW/DMV EMPLOYEE PHYSICAL
055057	03/10/22	COM02	Comcast	399.95 237.82	2222022 MARCH2022	FD/INTERNET FOR FIREHOUSE MULTI-DEPTS/INTERNET CONNECTION
Check Total.....:				637.77		
055058	03/10/22	COP01	COPWARE, INC	615.00	85964	PD/CAL PEACE OFFICERS LEGAL SOURCEBOOK
055059	03/10/22	COR00	CORNING LUMBER CO., INC.	1826.67	02252022	PW/PARKS & STREET SUPPLIES
055060	03/10/22	COR02	Corning Chevrolet Buick	187.49	508	PD/FLEET PARTS
055061	03/10/22	DOJ03	DEPARTMENT OF JUSTICE	130.00	566749	PD/FINGERPRINT APPS,CHILD ABUSE,PEACE OFFICER
055062	03/10/22	EIN02	Gregory P. Einhorn	4000.00	14562FEB	CA/CONTRACT SERVICES
055063	03/10/22	EIS00	Employers Investigative S	2380.92	5050454	PD/BACKGROUND CHECK POLICE OFFICER CANDIDATE
055064	03/10/22	ELLO6	STEVE ELLIOTT	47.02	02282022	AC/GALLERY FACEBOOK ADVERTIZING
055065	03/10/22	FLE04	FLEMING, JOHN	1700.00	2/23-3/8	BD/Inspection Services
055066	03/10/22	FLO00	FLOR'S	56.96	3804	AC/JANITORIAL SUPPLIES
055067	03/10/22	FLO04	JOSE FLORES	1932.29	2/22/22	MEDICAL GAP REIMBURSEMENT
055068	03/10/22	FUL04	Full Moon Portable Sanita	240.00	1458	PW/GREEN WASTE YARD,CITY YARD JAN-FEB
055069	03/10/22	GAN00	Gandy & Staley Oil Co.	831.72	138498	PW/OIL
055070	03/10/22	GOL05	GOLDEN STATE EMERGENCY VE	223.41	CSO38444	FD MEASURE A/PARTS FOR TRUCK #20
055071	03/10/22	GRA02	GRAINGER, INC.	1744.27	FEB2022	PW/FLEET & SHOP SUPPLIES

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055072	03/10/22	HAR06	TRAVIS HARRIS	260.28	382022	FD/MEASURE A TRAINING
055073	03/10/22	HEI01	VIRGIL HEISE	100.00 100.00	1012022 FEB 2022	FD/JANITORIAL FD/JANITORIAL
Check Total.....:				200.00		
055074	03/10/22	JCN00	J.C. NELSON SUPPLY	213.88	651	PW/BM - CLEANING SUPPLIES
055075	03/10/22	LES00	LES SCHWAB	40.25	494503	PW/TIRE SERVICE
055076	03/10/22	LIF00	Life Assist Inc.	1991.56 111.46	1180014 1180380	MEASURE A FD/MEDICAL SUPPLIES FD/MEASURE A MEDICAL SUPPLIES
Check Total.....:				2103.02		
055077	03/10/22	MAT04	MATSON & ISOM	3924.00	82496	MONTHLY BILLING FOR FEB2022
055078	03/10/22	MCM00	McMaster-Carr	208.58	73248691	PW/SHOP SUPPLIES
055079	03/10/22	MEZ00	JODY MEZA	200.00	03042022	FEB TRAVEL TO WILLOWS & BRANCHES
055080	03/10/22	MJB00	MJB WELDING SUPPLY, INC	11.20	1376732	PW/CYLINDER RENTAL
055081	03/10/22	NAP00	NAPA AUTO PARTS	697.90 4058.92	FEB2022 02252022	FD/MEASURE A, TRUCK & ENGINE PARTS PW & PD/FLEET & PW/SHOP MATERIALS
Check Total.....:				4756.82		
055082	03/10/22	NOR06	NOR-MAC INC.	255.77	805	PW/PARKS SUPPLIES
055083	03/10/22	NSP01	NATIONAL SPORTS PRODUCTIO	6569.20	362961	PICKLEBALL
055084	03/10/22	NUS00	NUSO, LLC	103.83	130626276	FD/MEASURE A PHONE LINES
055085	03/10/22	ORE00	O'REILLY AUTO	12.92	02282022	PD/FLEET SUPPLIES
055086	03/10/22	ORH00	ORLAND HARDWARE	21.54 399.69 2274.89	492083 FEB2022 02252022	PD/KEYS FOR CONEX BOX FD/SUPPLIES PW/MISC. SUPPLIES
Check Total.....:				2696.12		
055087	03/10/22	ORL15	Orland Saw & Mower	14.99	44227	PW/PARKS EQUIP MAINTENANCE
055088	03/10/22	PEN00	PENWORTHY CO.	274.84	0578903IN	LIB/BOOKS
055089	03/10/22	PEN05	PENQUIN MANAGEMENT INC	1524.00	68767	FD/DISPATCH COMMUNICATONS
055090	03/10/22	PGE00	PG&E	13775.66 79.22	2/22/22 02162022	MULTI-DEPT/UTILITY USAGE PW/TRAFFIC CONTROL
Check Total.....:				13854.88		
055091	03/10/22	PIN02	EDGAR PINEDO	245.12	2/22/22	PD/MILEAGE REIMBURSEMENT
055092	03/10/22	PNC00	PNC Equipment Finance LLC	76967.58	1365090	FD/MEASURE A LADDER TRUCK #26 PMT
055093	03/10/22	PON00	PONCI'S WELDING	105.60	77277	PW/FLEET SUPPLIES
055094	03/10/22	QUI02	QUILL CORP.	125.27 560.76	148141 0157,4245	PD/MISC OFFICE SUPPLIES FD/ENVELOPES
Check Total.....:				686.03		
055095	03/10/22	R&B00	R&B A CORE & MAIN COMPANY	982.90	706	PW/WATER PARTS
055096	03/10/22	REC03	RECDESK, LLC	3700.00	INV12340	REC/YEARLY ONLINE REGISTRATION
055097	03/10/22	RED00	REDDING-EUREKA FREIGHTLIN	24.85	63642	FD/PARTS FOR ENGINE # 31
055098	03/10/22	SAN07	DENISE SANDATE	242.44	546743	FACADE IMPROVEMENT METAL SIGN
055099	03/10/22	SBC03	SUTTER BUTTES COMMUNICATI	1216.09	43576	FD/MEASURE A, RADIOS REPAIR
055100	03/10/22	SEI00	ROY R SEILER, C.P.A	2243.60	30485	ACCOUNTING PROFESSIONAL SERVICES
055101	03/10/22	SHA02	Shasta Cascade Chapter IC	50.00	03102022	BLG/2022 ANNUAL MEMBERSHIP
055102	03/10/22	STO04	Jeffrey G. Dunn	213.00	02282022	PEST CONTROL SERVICES
055103	03/10/22	SUN05	Sun Life Financial	4364.99	FEB 2022	GAP MEDICAL INSURANCE
055104	03/10/22	THO06	Thomson Reuters-West	297.39	845724769	PD/CA PENAL CODE BOOKS 2022

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055105	03/10/22	TIA00	TIAA COMMERCIAL FINANCE,	246.93 302.63 -----	80099 02262022	PD/COPIER RENTAL MULTI/COPIER LEASE
			Check Total.....:	549.56		
055106	03/10/22	TUR01	Rae Turnbull	45.00	02172022	AC/WEBSITE NEWSLETTER
055107	03/10/22	UNI01	UNITED RENTALS	1023.02	650430	PICKLEBALL
055108	03/10/22	VAL02	VALLEY ROCK PRODUCTS	1312.65	007,907,0	PW/SAND AND ROCK
055109	03/10/22	VAN00	VANTAGE POINT TRANSFER AG	1539.73	22422	DEF COMP PLAN 304591
055110	03/10/22	VER03	Verizon Wireless	78.51 164.04 228.06 -----	731427 9731428 899731426	REC/CELL PHONE USAGE MEASURE A FD/RESPONSE SERVICES FOR CITY ENGINE PW/SCADA COMPUTER/IPADS, PD-LAPTOP
			Check Total.....:	470.61		
055111	03/10/22	VON01	Ed Vonasek	259.00	03232022	PW/PER DIEM CAL LEAG OF CITIES MEETING
055112	03/10/22	WEX00	WEX BANK	61.29 42.35 1738.01 5597.19 4044.10 -----	802710REC 8802710BD 8802710FD 8802710PD 8802710PW	REC/FUEL BLDG/FUEL FD/FUEL PD/FUEL PW/FUEL
			Check Total.....:	11482.94		
			Cash Account Total.....:	182862.87		
			Total Disbursements.....:	182862.87 =====		

REPORT.: 02/24/22
 RUN....: 02/24/22 Time: 14:23
 Run By.: Deysy Guerrero

CITY OF ORLAND
 Warrant Register

Warrant Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
14358	02/24/22	02/23/22	ALL01	ALLEN, TATUM	02-22	08-22	172.50
14359	02/24/22	02/23/22	COM01	COMBS, DANIEL T	02-22	08-22	270.00
14360	02/24/22	02/23/22	FOS02	FOSTER, MALLORY	02-22	08-22	195.00
14361	02/24/22	02/23/22	ORO02	OROZCO, EVVEN	02-22	08-22	221.25
14362	02/24/22	02/23/22	OVI00	OVITZ, BRADEN	02-22	08-22	225.00
14363	02/24/22	02/23/22	SMI03	SMITH, BLAKE	02-22	08-22	217.50
14364	02/24/22	02/23/22	WAT04	WATHEN, MIDASIA	02-22	08-22	247.50
Z04777	02/24/22	02/23/22	ALV01	ALVA, MICAELA	02-22	08-22	1760.12
Z04778	02/24/22	02/23/22	AND00	ANDRADE, EDGAR	02-22	08-22	2774.40
Z04779	02/24/22	02/23/22	BAL00	BALDRIDGE, THEA	02-22	08-22	105.00
Z04780	02/24/22	02/23/22	CAR03	CARR, PETER R	02-22	08-22	5769.23
Z04781	02/24/22	02/23/22	CES00	CESSNA, KYLE A	02-22	08-22	3784.41
Z04782	02/24/22	02/23/22	CHA01	CHANEY, JUSTIN	02-22	08-22	3881.08
Z04783	02/24/22	02/23/22	CON00	CONTRERAS, ISAAC	02-22	08-22	172.50
Z04784	02/24/22	02/23/22	CRA00	CRANDALL, JEREMY	02-22	08-22	2039.09
Z04785	02/24/22	02/23/22	ESP00	ESPINOSA, LETICIA	02-22	08-22	1931.74
Z04786	02/24/22	02/23/22	FEN03	FENSKE, JOSEPH H	02-22	08-22	2911.84
Z04787	02/24/22	02/23/22	FLO00	FLORES, JOSE D	02-22	08-22	3621.59
Z04788	02/24/22	02/23/22	FUL00	FULLMORE, KRISTOPHER	02-22	08-22	3160.98
Z04789	02/24/22	02/23/22	GAM00	GAMBOA, YADIRA -	02-22	08-22	465.00
Z04790	02/24/22	02/23/22	GUE01	GUERRERO, DEYSY D	02-22	08-22	2398.80
Z04791	02/24/22	02/23/22	GUE02	GUERRERO, JORGE	02-22	08-22	2107.64
Z04792	02/24/22	02/23/22	HAR00	ZOLLERHARRIS, TRAVIS	02-22	08-22	1905.29
Z04793	02/24/22	02/23/22	JOH01	JOHNSON, SEAN KARL	02-22	08-22	5119.70
Z04794	02/24/22	02/23/22	LOW00	LOWERY, KATHERINE	02-22	08-22	2768.14
Z04795	02/24/22	02/23/22	MAR02	MARTINDALE, RYAN EUGENE	02-22	08-22	2310.06
Z04796	02/24/22	02/23/22	MEJ00	APARICIO, LILIA MEJIA	02-22	08-22	2544.42
Z04797	02/24/22	02/23/22	MEZ00	MEZA, JODY L	02-22	08-22	3762.99
Z04798	02/24/22	02/23/22	MIL00	MILLS, DARYL A	02-22	08-22	3005.21
Z04799	02/24/22	02/23/22	MON03	MONDRAGON, MEAGAN N	02-22	08-22	1326.60
Z04800	02/24/22	02/23/22	MOR02	MORECI, CHRISTOPHER DAVI	02-22	08-22	1731.91
Z04801	02/24/22	02/23/22	MYE00	MYERS, KEVIN	02-22	08-22	621.30
Z04802	02/24/22	02/23/22	ORO03	OROZCO, ETHAN	02-22	08-22	172.50
Z04803	02/24/22	02/23/22	ORO04	OROZCO, JORDAN	02-22	08-22	165.00
Z04804	02/24/22	02/23/22	OVA00	OVARD, CONNOR	02-22	08-22	75.00
Z04805	02/24/22	02/23/22	PAI01	PAILLON, MICHAEL	02-22	08-22	2000.56
Z04806	02/24/22	02/23/22	PAN00	PANIAGUA, BLANCA A	02-22	08-22	416.40
Z04807	02/24/22	02/23/22	PEN01	PENDERGRASS, REBECCA A	02-22	08-22	3000.01
Z04808	02/24/22	02/23/22	PER00	PEREZ, MARGARITA T	02-22	08-22	1899.15
Z04809	02/24/22	02/23/22	PIN00	PINEDO, EDGAR ESTEBAN	02-22	08-22	3701.41
Z04810	02/24/22	02/23/22	POR00	PORRAS, ESTEL	02-22	08-22	1763.18
Z04811	02/24/22	02/23/22	PUN00	PUNZO, GUILLERMO	02-22	08-22	1951.77
Z04812	02/24/22	02/23/22	PUR01	PURCHASE, HEATHER	02-22	08-22	1415.49
Z04813	02/24/22	02/23/22	RIC01	RICE, GERALD W	02-22	08-22	2001.75
Z04814	02/24/22	02/23/22	ROD00	RODRIGUES, ANTHONY	02-22	08-22	3007.44
Z04815	02/24/22	02/23/22	ROE00	ROENSPIE, THOMAS LUKE	02-22	08-22	4196.81
Z04816	02/24/22	02/23/22	ROM00	ROMERO, ARNULFO	02-22	08-22	2666.08
Z04817	02/24/22	02/23/22	SCH03	SCHMITKE, JENNIFER	02-22	08-22	2284.82
Z04818	02/24/22	02/23/22	STE01	STEWART, ROY E	02-22	08-22	2798.05
Z04819	02/24/22	02/23/22	SUA02	SUAREZ, BRYAN E	02-22	08-22	2201.57
Z04820	02/24/22	02/23/22	SWI00	SWINHART, ROBERT	02-22	08-22	1770.30
Z04821	02/24/22	02/23/22	VAL00	VALENZUELA , BRENDA	02-22	08-22	316.54
Z04822	02/24/22	02/23/22	VLA00	VLACH, RAYMOND JOSEPH	02-22	08-22	4753.08
Z04823	02/24/22	02/23/22	VON00	VONASEK, EDWARD J	02-22	08-22	4266.97

110351.67

MINUTES OF THE ORLAND CITY COUNCIL
REGULAR MEETING HELD MARCH 1, 2022

CALL TO ORDER

Meeting called to order by Mayor Hoffman at 6:30 p.m.

Meeting opened with the Councilmember Dobbs leading the pledge of allegiance.

ROLL CALL

Councilmember present: Councilmembers Bruce Roundy, Billy Irvin(arrived at 6:35 PM), Chris Dobbs, Vice Mayor Jeffrey Tolley and Mayor Dennis Hoffman

Councilmembers absent: None

Staff present: City Manager, Peter Carr; City Clerk, Jennifer Schmitke; Police Chief, Joe Vlach; City Planner, Scott Friend; City Attorney, Greg Einhorn

ORAL AND WRITTEN COMMUNICATIONS

A. Public Comments: None

CONSENT CALENDAR

- A. Approve Warrant List (payable obligations).
- B. Approve City Council minutes for February 15, 2022.
- C. AB361 Compliance.

Action: Vice Mayor Tolley motioned to approved 5A and 5C of the consent calendar and asked to pull 5B, Councilmember Dobbs seconded. The motion carried by voice vote 4-0-1, Councilmember Irvin absent.

Vice Mayor Tolley asked that his reasoning for why he voted no on the police officer recruitment incentive be added to the City Council minutes from February 15, 2022, he is not against the incentive but thought there was a better structure and wanted more time to go over the incentive. Also, Vice Mayor Tolley brought to staff's attention that on page 9 the vote was recorded correctly in the action notes but incorrectly in the voice call notes. Staff reassured Vice Mayor Tolley the comment would be added to the notes as well as the correction of the votes on record.

Action: Vice Mayor Tolley moved to accept the amended and corrected consent calendar item 5B, seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

AYES: Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman
NOES: None
ABSENT: None
ABSTAIN: None

ADMINISTRATIVE BUSINESS

A. Red Cross Proclamation

Mayor Hoffman read a proclamation declaring March as Red Cross Month for the City of Orland. Red Cross Volunteer Mary Jurdana came forward to accept the proclamation. Mayor Hoffman thanked all public service volunteers for their service.

B. Development Reimbursement Agreement – City Manager, Pete Carr

City Manager Carr presented to Council a draft proposed reimbursement agreement with a future developer for certain infrastructure improvements.

Mr. Carr stated that anytime there is development interest in Orland, the City has the option to participate in the cost of the project improvements associated with the development. The developer, Maverik Inc., is obligated to signalize the intersection at Newville and Commerce. A previous developer paid as part of their development fee, for part of the cost of a signal that was to be added at a future date. The City has decided to contribute \$130,000 which was collected from the previous developer for signalizing this specific intersection.

Mr. Carr stated to Council that staff is recommending contributing from the City's Developmental Impact Fee fund \$140,000 and from the Transportation Impact Fund an additional \$60,000 to total \$200,000. Mr. Carr shared that when new developments come in, within the next 10 years, they will also have to pay their fair share of signal impact fees, and the City will then pass those monies back to Maverik to the extent that Maverik has invested more than their 20.4% obligation.

Councilmember Irvin asked if a roundabout was discussed for this intersection. Mr. Carr stated that at one time a roundabout was considered but that there is not sufficient space for a roundabout. The City would have to purchase land from 3 or 4 property owners in that area. Councilmember Irvin asked if the studies show that the traffic light will not back up traffic past the stop signs. Mr. Carr stated that the study shows there will not be an issue with vehicles backed up to the stop sign. Mr. Carr mentioned that the study obligates Maverik to also make off ramp improvements.

Public Comment was opened at 6:51 PM.

Christie Hutchings, Senior Planning project manager for Maverik stated she was present via Zoom to answer questions.

Jeff Tolley expressed his appreciation to Ms. Hutchings for bringing healthy growth to town.

Public Comment was closed at 6:52 PM

Action: Councilmember Roundy moved to approve the proposed reimbursement agreement with Maverik Inc. and authorize City Manager to execute on behalf of the City of Orland, seconded by Councilmember Irvin. The motion carried by roll call vote 5-0.

AYES: Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman

NOES: None

ABSENT: None

ABSTAIN: None

C. Verbal Update on Drought Conditions and Water Connection Project – City Manager, Pete Carr

City Manager Carr presented that there are 303 wells reported within Glenn County experiencing issues, 191 of those wells are listed as dry. Mr. Carr explained that of the 237 people that expressed interest in connecting to City water services about 150 of those people are within the planning area and will be connected. Mr. Carr reminded Council that the map was created based on clusters of dry wells that expressed interest in connecting to City water; if one well is off by itself unfortunately the City will not be able to reach it.

DWR has expressed that the project will be about one million dollars per mile, so the City Engineers and Public Works worked with DWR to create a map that would reach the most people in need. Mr. Carr stated that City Engineer, Public Works and DWR are working intensely on details such as new wells, depth, and size as well as the storage tanks details. Mr. Carr explained that he has been working closely with DWR on finalizing the contract between the City and the State.

Mr. Carr stated that plans for the first well on Sixth Street that the City was working on before DWR are also advancing; USDA is working with the City on the engineering. At the February 15, 2022, meeting Council approved a grant from USDA for this purpose.

Mr. Carr reported that the City's wells are holding steady, and they continue to be monitored weekly. Mr. Carr stated that there is still currently one pump down, waiting on parts to arrive. Mr. Carr shared with Council that production for the month of February was 33.8 million gallons which is high, normally the City is in the twenty million range. Mr. Carr stated that if March does not bring more rain and snowpack that staff recommends moving the City from Stage 1 (the City has been in since June 2021) to Stage 2 of the water contingency plan. Stage 2 is where a higher dollar cost kicks in for a higher usage of water (there are tiers) and day/time restrictions for watering your yard.

Councilmember Roundy agreed with Mr. Carr and recommended that the Council bring the decision to advance to Stage 2 of the water contingency plan.

Vice Mayor Tolley and Councilmember Dobbs agreed they would like to wait till the first meeting in April to bring back the water contingency plan.

Mayor Hoffman stated he would like to see the water contingency plan come back at the next Council meeting agenda, even if it is just for discussion.

Mr. Carr reflected that the consensus of the Council is to add the water contingency plan to the next agenda for March 15, 2022, and Council will give direction.

Mayor Hoffman opened the meeting up for public comment, but none were made.

PUBLIC HEARING

Housing Element – City Planner, Scott Friend

City Planner Scott Friend presented a public hearing for part of the City's General Plan Housing Element. Mr. Friend stated that State law requires every City and County in California to have a General Plan to contain a minimum of seven required elements. One of the seven required elements is the Housing Element. Mr. Friend shared that the City must periodically amend these elements to reflect changing

conditions within the City and to maintain compliance with state and federal laws. The purpose of the Housing Element is to adequately plan for the existing and future housing needs of the City. This Element is being updated to address the requirements for the 6th Cycle planning period spanning from 2021-2029. Mr. Friend stated that this is the document that is needing repealing of the 5th cycle and approving the 6th cycle. The current update cycle for the City of Orland is eight years.

Mr. Friend stated that the City currently has three projects in process right now in Orland that are using some form of Federal or State Grant funding to help their projects. Those funds are only available for use if you have a certified Housing Element.

Mr. Friend spoke about how Housing Tools was chosen as a project consultant, then stated that once Housing Tools was chosen for the project they jumped in and got to work quickly. Housing Tools immediately set up a dedicated webpage for Housing Element updates. Mr. Friend shared that on the webpage notices, flyers, documents any time there was an update it was posted on the website. Mr. Friend stated there were two community meetings one being in June 23 and the second was on August 5th. Mr. Friend stated that they have been utilizing social media and there have been five social media posts about meetings and any updates and 10 email blasts. The document itself has been available since October 14th for viewing, online, at City Hall, at the Library and that many people have digitally received the document.

Mr. Friend stated that the Planning Commission held a public hearing back on November 18, 2021, where they voted 5-0 to recommend approval of the document to the City Council, and also to asked to consider an exemption. Once this document is approved by Council it will be sent to the State for approval.

Mr. Friend presented out a public review letter from YIMBY Law that he would like introduced into the record and stated that nothing in the letter was specific to Orland, that this is just a proclamation of their thoughts on public housing.

Mr. Friend introduced and asked James Coles, Housing Tools consultant, to present what he has been working on and updating in the 2021-2029 Housing Element. Mr. Coles gave an overview on of the Housing Element, Regulatory Framework, Needs Assessment, Site Inventory and Goals, policies, and programs.

Mayor Hoffman opened Public Comment at 7:59 PM, no comments were made, and the public comments was closed at 8:00 PM.

The Public Hearing closed at 8:00 PM.

Councilmembers had a discussion with Mr. Friend and Mr. Coles with concerns or questions they have with the Housing Element.

Action: Councilmember Dobbs moved, seconded by Councilmember Roundy to adopt Resolution 2022-XX approving General Plan Amendment (GPA) #2021-02 and adopting the 2021-2029 Housing Element update as presented by repealing the existing adopted 5th Cycle Housing Element and replacing it with the 6th Cycle Housing Element ant that it is CEQA exempt. The motion carried 4-1 by the following roll call vote.

AYES: Councilmembers Roundy, Irvin, Dobbs and Mayor Hoffman
NOES: Vice Mayor Tolley

ABSENT: None
ABSTAIN: None

Vice Mayor Tolley wanted on record the reason he voted no is because he would like more time to review the Housing Element and he is discouraged the State takes away local control with the Housing Element.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Roundy:

- Will be attending the LAFCO meeting on Friday March 4, 2022,
- Art Gallery will be open Friday March 4, 2022,
- Will be attending Transportation and Transit for March 2022.

Councilmember Irvin:

- Many code enforcement cases were moved to the March hearing.

Councilmember Dobbs:

- Orland Volunteer Fire Department (OVFD) ticket drive begins Saturday March 4, 2022,
- OVFD Fireman's Ball is Saturday March 19, 2022.

Vice Mayor Tolley:

- Stated he is working on getting a skatepark in Orland and will be meeting with City department heads, Orland Unified School District Superintendent and has found there is a lot of support within the community. Vice Mayor Tolley hopes to present to the Recreation Commission at their next meeting.

Mayor Hoffman:

- The Honeybee Discovery Center will be open Friday March 4th, 2022,
- The 4th Street Ice Cream Shop will be having its grand opening Saturday March 5th, 2022.

ADJOURN TO CLOSED SESSION AT 8:18 PM

CITIZEN COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

A. Public Comments: The public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.

B. CONFERENCE WITH LEGAL COUNSEL – LABOR NEGOTIATIONS

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one potential case

RECONVENE TO REGULAR SESSION AT 8:38 PM

REPORT FROM CLOSED SESSION – No Reportable Action

MEETING ADJOURNED AT 8:38 PM

Jennifer Schmitke, Deputy City Clerk

Dennis Hoffman, Mayor

CITY OF ORLAND
ECONOMIC DEVELOPMENT COMMISSION MEETING
February 8, 2022

1. CALL TO ORDER

The meeting was called to order by Chairperson Lane at 6:03 pm

2. PLEDGE OF ALLEGIANCE – led by Commissioner Romano.

3. ROLL CALL

Present: Ron Lane, David Allee, Russell Pierce (via Zoom), and Mathew Romano
Absent: None
Councilmembers: Bruce Roundy, Jeff Tolley
Staff: Pete Carr, Rebecca Pendergrass

4. ORAL AND WRITTEN COMMUNICATIONS

None

5. CONSENT CALENDAR

Approval of the November 9, 2021 minutes

Moved by Chairperson Lane, seconded by Commissioner Romano, motion carried to approve the November 9, 2021 minutes as presented. 3-0-1-0 Ayes: Commissioners Pierce, Lane and Romano; Noes: None; Abstain: Allee; Absent: None. Motion carried.

6. ITEMS FOR DISCUSSION OR ACTION

A. Compliance with AB361

City Manager Carr presented the Commission with a resolution regarding AB361. The resolution, once approved, would allow for participants to utilize remote access to attend meetings without having it posted in advance.

Moved by Commissioner Allee, seconded by Chairperson Lane, motion carried to approve the resolution as presented. 4-0-0-0 Ayes: Commissioners Pierce, Lane, Allee and Romano; Noes: None; Abstain: None; Absent: None. Motion carried.

B. Identify new chair for 2022

City Manager Carr requested nominations for Chairperson for 2022. Commissioner Pierce nominated Chairperson Lane. With no further nominations, the nomination was closed.

some of the dispensaries he has seen in other towns and what kind of effect they would have on public safety.

After continued discussion the Commission directed staff to continue research as well as conducting their own research individually to discuss at the next meeting.

E. City Five Year Plan Discussion

City Manager Carr explained that the Economic Development Commission has the opportunity to help shape the five-year plan for Orland. The Commission began discussing the type of development they would like to see in the community and where said development should be located. The Commission agreed they would like to see both development of commercial businesses and housing. A specific topic the Commission would like to focus on moving forward is development on the west side of I5, specifically around County Road 16 and HH.

7. **STAFF REPORTS**

City Manager update on:

A. General business and economic news

City Manager Carr informed the Commission that the Maverik fueling station environmental report and project will be going to the Planning Commission for approval. An addition fueling station has shown interest in coming to Orland as well as a national fast food chain restaurant but neither have submitted an application yet. A second location for Orland Smoke Shop will be opening soon on Walker Street. De'Serj, West Mitsubishi, Harvest Church, Lutheran Church, Little Caesars, Higgins and Associates, CPA and Three Little Birds have all applied for the façade improvement program since the last time the commission had met.

8. **COMMISSIONER REPORTS**

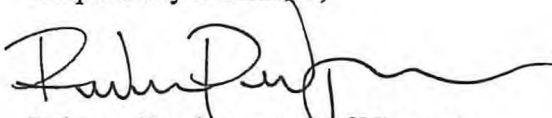
Vice Chairperson Romano stated that he attended the virtual 22nd Annual Economic Forecast Conferenced hosted by California State University Chico.

9. **FUTURE AGENDA ITEMS**

- Cannabis and it's sale within the City of Orland.
- Development on the west side of town, specifically around Co Rd 16 and HH.

10. **ADJOURN – 7:54 pm**

Respectfully Submitted,



Rebecca Pendergrass, Staff Support



Ron Lane, Chairperson

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 5.D.

MEETING DATE: March 15, 2022

TO: Honorable Mayor and Council
FROM: Rebecca Pendergrass, Director of Administrative Services
SUBJECT: Lease Agreement for City Hall Equipment (Action)

Consider entering into a new copier lease agreement.

BACKGROUND

The City of Orland leases most of its copier/printer equipment from Advanced Document Concepts located in Chico, CA. The copier lease for both the Building and Planning Department is expired and a new lease agreement will need to be approved in order to maintain equipment support.

DISCUSSION

If the new lease agreement is approved, Advance Document Concepts will replace the current piece of equipment with a newer model. The new device has a lower monthly lease payment as well as lower service and supply fees.

Attachments: Proposal
Cost Analysis

RECOMMENDATION:

Approve new lease agreement and authorize City Manager to sign.

Fiscal Impact of Recommendation:

Estimated savings of \$7,885.80 over the life of the five-year lease.

Approved by City Manager:

PRC



702 Nord Avenue • P.O. Box 3870 • Chico, CA 95927

PROPOSAL

Prepared For

City of Orland
Building Department
815 4th Street
Orland, Ca. 95965

February 28, 2022

1 ea. Kyocera TASKalfa 3554ci Color MFP \$138.00 per month, plus tax
• 60 Month, 0 down, FMV Lease

Features:


- 35 pages per minute b/w & color
- 4800 x 1200 dpi
- 36 GB RAM & 320 GB HDD
- data & device security protocols
- dual scan document feeder (200 ipm / 320 Sheet capacity)
- automatic duplexing
- network fax interface with Job separator
- network print interface
- network scan interface
- scan in PDF, JPEG, TIFF & XPS file formats
- scan to folder, desktop, email, USB, Cloud & Mobile Devices
- dual 1,500 sheet paper deck
- dual 500 sheet paper trays
- 150 sheet bypass tray
- power filter device
- includes installation, setup, training and IT services for up to for printing, scanning, & faxing
- includes lease payoff & trade in of Kyocera TASKalfa 3252ci

Maintenance Program:

Billed monthly @ \$.007 per b/w page and \$.03 or \$.06 per color page. Covers all parts, labor, maintenance and supplies; excluding paper, staples and IT services.

**Color pages with less than an average of 3% image fill per color will be billed @ \$.03 per page*

***Equipment carries a 5-year performance guarantee.*


Michael Fogleman
V.P. of Sales

Proposal Accepted:

By _____

Title _____

Date _____

530 / 893-8711 • 530 / 893-9027 fax • 530 / 893-8714 service

DIGITAL COPIERS/PRINTERS • LASER PRINTERS • DOCUMENT ARCHIVING SYSTEMS • FAX MACHINES • SCANNERS • MAILING SYSTEMS
COMPREHENSIVE TECHNICAL SUPPORT • PRINTING SUPPLIES

015

Cost Analysis

Prepared For

City of Orland
Building Department
815 4th Street
Orland, Ca. 95965

February 28, 2022

Kyocera TASKalfa 3554ci

Current Solution:

1.) Kyocera TASKalfa 3252ci Lease Payment	\$185.00 per month
2.) Service & Supplies for 805 b/w pages	\$10.63 per month
3.) Service & Supplies for 891 reduced color pages	\$50.88 per month
4.) Service & Supplies for 1,022 normal color pages	<u>\$116.61 per month</u>
Total Monthly Cost	\$363.12

Proposed Solution:

1.) Kyocera TASKalfa 3554ci Lease Payment	\$138.00 per month
2.) Service & Supplies for 805 b/w pages	\$5.64 per month
3.) Service & Supplies for 891 reduced color pages	\$26.73 per month
4.) Service & Supplies for 1,022 normal color pages	<u>\$61.32 per month</u>
Total Monthly Cost	\$231.69

Monthly Savings \$131.43

Total Program Savings \$7,885.80

016

RESOLUTION 2022-07

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND ACCEPTING
DEEDS FROM SUBURBAN PROPANE, MOHAMMAD M. ILIAN, MUSTAFA ILIAN,
BYRON H. ROYCE AND DONNA M. ROYCE, CLEMENTINE COOK, DALE W. AND
DE A. TRACY, (GRANTORS) FOR EASEMENT INTERESTS
IN REAL PROPERTY IN GLENN COUNTY**

WHEREAS, Suburban Propane offered to grant via an Easement Deed an easement interest in Grantor's fee interest in the real property described in that Easement Deed, such easement described as a Public Service Easement; and,

WHEREAS, Mohammad D. Ilian offered to grant via two Easement Deeds easement interests in Grantor's fee interest in the real properties described in the Easement Deeds, such easements described as Public Service Easements; and,

WHEREAS, Mustafa Ilian offered to grant via an Easement Deed an easement interest in Grantor's fee interest in the real property described in that Easement Deed, such easement described as a Public Service Easement; and,

WHEREAS, Bryon H. and Donna M. Royce offered to grant via an Easement Deed an easement interest in Grantors' fee interest in the real property described in that Easement Deed, such easement described as a Public Service Easement; and,

WHEREAS, Clementine Cook offered to grant via an Easement Deed an easement interest in Grantor's fee interest in the real property described in that Easement Deed, such easement described as a Public Service Easement; and,

WHEREAS, Dale W. and De A. Tracy offered to grant via an Easement Deed an easement interest in Grantors' fee interest in the real property described in that Easement Deed, such easement described as a Public Service Easement; and,

WHEREAS, all said easement deeds referenced above are attached to this Resolution; and,

WHEREAS, the City Attorney reviewed the proposals and determined that it was appropriate for the City to accept the property interests.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Orland hereby:

1. Accepts the interest in real property conveyed by the Easement Deed from Suburban Propane to the City of Orland.
2. Accepts the interests in real property conveyed by the Easement Deeds from Mohammad D. Ilian to the City of Orland.

3. Accepts the interest in real property conveyed by the Easement Deed from Mustafa Ilian to the City of Orland.
4. Accepts the interest in real property conveyed by the Easement Deed from Bryon H. and Donna M. Royce to the City of Orland.
5. Accepts the interest in real property conveyed by the Easement Deed from Clementine Cook to the City of Orland.
6. Accepts the interest in real property conveyed by the Easement Deed from Dale W. and De A. Tracy to the City of Orland.
7. Authorizes the City Attorney to sign the Certificate of Acceptance for said property interests.

I certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Orland at its regular meeting of March 15, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis G. Hoffman, Mayor

ATTEST:

Jennifer Schmitke, City Clerk

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY:

1. The interest in real property conveyed by the Easement Deed from Suburban Propane to the City of Orland;
2. The interests in real property conveyed by the Easement Deeds from Mohammad D. Ilian to the City of Orland;
3. The interest in real property conveyed by the Easement Deed from Mustafa Ilian to the City of Orland;
4. The interest in real property conveyed by the Easement Deed from Bryon H. and Donna M. Royce to the City of Orland;
5. The interest in real property conveyed by the Easement Deed from Clementine Cook to the City of Orland; and,
6. The interest in real property conveyed by the Easement Deed from Dale W. and De A. Tracy to the City of Orland,

are all hereby accepted by the undersigned City Attorney for the City of Orland pursuant to the authority conferred by Orland City Council Resolution No. 2022-07, and the Grantee hereby consents to the recordation thereof by its duly appointed officer.

Dated: _____

ACCEPTANCE:

Gregory P. Einhorn, City Attorney

**AGREEMENT FOR
CITY ATTORNEY SERVICES
CITY OF ORLAND
2022 LABOR NEGOTIATIONS**

The CONTRACT SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES (Agreement), effective as of July 1, 2016, by and between the Law Offices of Gregory P. Einhorn (Einhorn), and the CITY OF ORLAND (City), provides that, upon agreement with the City, Einhorn shall perform services for work not set forth in section 2 of the Agreement at the rate of \$135/hour.

Einhorn and the City agree that Einhorn shall perform work not set forth in Section 2 of the Agreement consisting of and relating to labor negotiations of behalf of the City for 2022.

All other terms of the Agreement shall apply to such work.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date of execution by the City.

Dated: _____, 2022

“City”
CITY OF ORLAND,

By: _____
Dennis G. Hoffman
Mayor

Dated: _____, 2022

“Law Offices of Gregory P. Einhorn”

By: _____
Gregory P. Einhorn



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: Item 6.A.

MEETING DATE: March 15, 2022

TO: City of Orland City Council

FROM: Scott Friend, AICP – City Planner

MEETING DATE: March 15, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Zoning Code Amendment: Adoption of Objective Design Standards**

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for qualifying multifamily residential developments. As a part of this, bill cities and counties are required to establish objective design standards for qualifying multifamily residential development.

Environmental Review: Staff recommends that the City Council determine that the proposed action is *exempt* from further CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the *common sense exemption* as the action will not include any physical development nor result in development which is not already considered in the particular zoning district.

Summary:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend approval of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Resolution No. 2022-___, adopting Zoning Ordinance Text Amendment (ZCA) #2022-01 – Objective Design Standards as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Background:

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for multifamily residential developments, defined as a housing development that contains two or more residential units and is restricted to lower or moderate income households, in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). Those jurisdictions that have not met their RHNA are defined by the California Department of Housing and Community Development (HCD), which oversees this determination, as those cities and counties who have not met the RHNA, by income category, for a reporting period.

Included as a part of SB 35 streamlining requirements, cities are required to establish objective design standards for multifamily residential development that are eligible under SB 35. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal." As a result, the City is required to develop and include in the Orland Municipal Code objective design standards. The draft Objective Design Standards ordinance, which is a new chapter (17.18) of the Municipal Code, is included as **Attachment A – Objective Design Standards**.

While not the subject of this staff report, information on SB 35 eligible projects is provided below as additional background material. SB 35 eligible projects have a number of state requirements for location and affordability, generally these include:

Location

1. The site has to be a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster.
2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.
3. It is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use.

Affordability

1. The development proponent has committed to record, a land use restriction or covenant providing that all lower or moderate income housing units remain available at affordable housing costs or rent for no less than the following periods of time:

- a. Fifty-five years for units that are rented.
 - b. Forty-five years for units that are owned.
2. The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:
 - a. The City’s latest Housing Element annual report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the RHNA cycle and the project contains more than 10 units of housing, the project does the following:
 - i. The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.
 - b. The City’s latest Housing Element annual report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the RHNA cycle and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.

Discussion:

The subject of this staff report is the required Objective Design Standards as prescribed by SB 35. As defined in Gov. Code Section 65913.4(a)(5):

.... For purposes of this paragraph, “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.....

Design vs. Development Standards

In the planning and development realm, there is an important distinction between development standards and design standards. While each inevitably play a large role in the overall look and feel of a structure, they have historically been treated and enforced differently.

Development Standards

Development standards are regulations pertaining to the physical modification of a structure or development, including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum setbacks, maximum lot coverage. By nature, these standards are objective because they establish standards that are verifiable by reference to known criteria (e.g., minimum lot size: 6,000 square feet, maximum

height: 35 feet, etc.). In Orland, development standards are primarily established in the Zoning Ordinance.

Design Standards and Guidelines

Design standards and guidelines provide design guidance for City staff and applicants. Used in conjunction with the Zoning Ordinance and applicable development standards, design standards/guidelines provide a common basis for the evaluation of design during the project approval process. Typically, design standards incorporate objective language in the form of mandates whereas design guidelines are often subjective and make design recommendations. Where the word “shall” or “must” is used it is intended to be a mandate; and where the word “should” or “encouraged” is used, it is intended to be a recommended guideline. The mandates are treated as standards with little room for variation whereas the recommendations are subject to some interpretation and have room for minor deviations.

While the City has very few design requirements, design guidelines and standards can regulate a multitude of design features and provide some control over building design in the City for those projects that are ministerial, requiring no discretionary approval, in process. These features include lighting, articulation, building materials, color, fenestration, roof design, and building massing. SB 35 eligible projects would be, as required by SB 35, ministerial in process and would not be subject to any design review approval by the Planning Commission of City Council. As such, the adoption of Objective Design Standards is an important factor in assuring that future multifamily development meets the City’s objectives for design and compatibility.

The Objective Design Standards follows the City’s current site and design standards as identified in the Municipal Code. However, the Objective Design Standards expands these requirements in order to assure an adequately designed and aesthetically pleasing multifamily complex in response to SB 35’s elimination of discretionary design review for any qualified multifamily development requesting streamlined ministerial approval. The Objective Design Standards provides for site requirements including:

- street connectivity,
- the amount of parking,
- parking location, design, and access,
- parking lot lighting,
- onsite outdoor recreation areas,
- landscaping,
- fencing, and
- refuse containers.

The Objective Design Standards also provides requirements for building design including:

- building mass and articulation,
- façade transparency/limitation on blank walls,
- roofline,
- exterior theme, and
- screening of mechanical and electrical equipment.

As previously stated, upon review of the proposed amendment, the Planning Commission recommended that the City Council approve the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included herein as **Attachment B**.

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:

The Planning Commission recommends that the City Council approve the proposed Municipal Code Title 17 Zoning Amendment through adoption of City Council Ordinance #2022-____ included as **Attachment D**; approve the adoption of the Notice of Exemption included as **Attachment C**, and make the findings outlined in the staff report.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

Sample Motions:

1. California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

2. Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-____ approving ZCA #2022-03 as presented herein and making findings for the amendment of the General Plan.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment – Chapter 17.18 Objective Design Standards
- **Attachment B** – Planning Commission Staff Report – dated February 16, 2022
- **Attachment C** – Notice of Exemption
- **Attachment E** – City Council Ordinance 2022-XX

CHAPTER 17.18 – OBJECTIVE DESIGN STANDARDS

Sections:

17.18.010 – Purpose.

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, requires the availability of a streamlined ministerial approval process for multifamily residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA) as determined by the California Department of Housing and Community Development.

Included in the streamlining process, cities are required to establish objective design standards for multifamily residential development. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal."

This chapter establishes Objective Design Standards that serve as minimum requirements for residential development in the City. Compliance with these standards will remove subjective or discretionary review of a proposed residential project. For any developer of a qualifying project seeking exceptions to these standards, or any of the City's applicable design guidelines, the City's existing discretionary design review process is available.

17.18.20 – Applicability

These standards are mandatory for any qualifying residential project that requests streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards. Qualifying residential projects are those that comply with Government Code Section 65913.4(a).

Section 65913.4(a)(2)(C) provides that Section 65913.4 applies to areas within a jurisdiction that is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. As such, these Objective Design Standards apply to developments meeting these requirements within the following zoning districts: R-1, R-2, R-3, C-1, C-2, and DT-MU. Section 65913.4(a)(1) defines a multifamily development as a development that contains two or more residential units.

17.18.30 – Objective Design Standards

A. Site standards

1. Street connectivity

- a) **External Connectivity.** Streets within any proposed subdivision or development site shall be aligned with existing and planned streets in adjacent neighborhoods so as to create a continuous street pattern. All streets, alleys, and pedestrian pathways in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development.

- b) Internal connectivity. New streets must form a continuous and linked vehicular and pedestrian network within the development.
 - c) Cul-de-sacs and dead-end streets. Any cul-de-sac or other dead-end street longer than 300 feet shall be connected to other streets by a pedestrian path.
 - d) No gates/barriers. Automobile and pedestrian access points into multi-family residential developments shall not be gated or closed off to the public.
 - e) Block length/mid-block pedestrian connections. Blocks shall not exceed 600 feet in length, measured from street centerline to street centerline, unless mid-block pedestrian connections are provided at intervals of no more than 350 feet apart. Such pedestrian connections shall include a walkway at least 10 feet wide.
2. Parking required.
- a) Pursuant to Government Code Section 65913.4(e), no parking shall be required for those developments located within one-half mile of public transit.
 - b) Pursuant to Government Code Section 65913.4(e), the maximum required parking shall be one (1) space per dwelling unit. A carport or enclosed garage is optional.
3. Parking location, design, and access.
- a) All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where deemed necessary by the city to protect property.
 - b) Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the city engineer and planning director.
 - c) The parking area, aisles, and access drives shall be constructed with a minimum of six-inch base and a double chip and seal so as to provide a durable, dustless surface, and shall be graded and drained as to dispose of surface water, with the design and specification so such work is subject to the approval of the city engineer.
 - d) The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.
 - e) All parking lots shall include appropriately striped spaces for standard and compact cars as well as handicapped spaces.
 - f) No parking is allowed in setback areas along project boundaries.
 - g) A separation of pedestrian and automobile traffic paths is required to minimize conflict areas for safety.
 - h) Walkways to connect parking lots to building entrances shall be provided. Define walkways by landscaping, lighting and paving.
4. Parking lot lighting.
- a) Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.

- b) Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
 - c) Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.
 - d) Use bollard type luminaries, maximum of eight feet high for pedestrian areas.
 - e) Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties, or highways.
 - f) All area lights shall be energy efficient type (High Pressure Sodium or equivalent).
 - g) All on-site pedestrian and automobile traffic areas shall be well lit for safety and security.
5. Onsite outdoor recreation areas.
- a) On each multifamily development of five (5) units or more within any district, whether such development is on a single recorded lot or on two or more adjacent recorded lots, such development shall provide usable and accessible open space for the recreation and outdoor living enjoyment of the development's residents and their guests. Such open space shall not be less than twenty-five percent (25%) of the total parcel area.
- Open space standards shall be as follows:
- i. 1. Open space may be provided in more than one location.
 - ii. To qualify as required open space, such area shall have no area less than ten (10) square feet and at least fifty percent (50%) open to the sky and free of any overhead structural or architectural projections.
 - iii. Open space shall be improved. Improvements may consist of planting areas containing living plant materials, walks, patios, swimming and wading pools, arbors, temporary and removable shade elements, recreation equipment and facilities and such other appurtenances as are appropriate to serve the outdoor living needs of people.
 - iv. Garages, carports, open off-street parking areas, vehicular access driveways, trash enclosures, clothes- drying yards and non-landscaped areas shall not be included in calculating required open space.
- b) In addition to those standards in subdivision (a), any multifamily project of fifteen (15) or more units shall provide the following recreation area:
 - i. A defined and fenced play area which may include fixed play equipment, ball courts, swimming or wading pools and similar child play facilities,
 - ii. The play area shall not be less than five hundred (500) square feet, or twenty-five (25) square feet for each apartment unit, whichever is greater.
 - iii. Be visible from multiple dwelling units within the project.
 - iv. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
 - c) Exemptions. The play area requirement shall not apply to any development that is:

- i. Age-restricted to senior citizens; or
 - ii. Located within 300 feet of a public park.
 - d) For minimum setback requirements, refer to the zoning district.
6. Landscaping.
- a) At a minimum, the following landscaping is required:
 - i. All areas not occupied by parking, driveways, pedestrian walkways, recreation areas, buildings, structures, and hardscape shall be landscaped.
 - ii. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width,
 - iii. Landscaping within the front setback area shall include one fifteen (15) gallon-sized tree for each fifty (50) feet of frontage, and at least one gallon-sized shrub for each five feet of frontage,
 - iv. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of this landscaped area,
 - v. Parking lot landscaping shall be provided to enhance sites and building parking areas in compliance with the standards identified in Section 17.76.110 of this code.
 - vi. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines or other ground cover required pursuant to this section.
7. Fencing.
- a) Any perimeter fencing utilized along a public street, shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.
 - b) Fences and walls shall be compatible in style and material with the main structures on a site.
 - c) To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, and depth is encouraged.
 - d) Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.
 - e) Barbed wire and chain link fencing is prohibited.
 - f) Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.
 - g) Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.
 - h) Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots,

including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.

- i) All fences shall be made of durable and weather-resistant materials as approved by the city.

8. Refuse containers.

- a) Provide dumpsters for garbage recycling, and green waste containers collection within a screened enclosure design specifically for that use.
- b) Shield all dumpsters within an enclosure a minimum of six feet tall. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates should be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.
- c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.
- d) Provide lighting at trash enclosures for nighttime security and use.
- e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

B. Building design standards

1. Building mass and articulation.

- a) Building length. Buildings shall not be less than 20 feet or exceed 200 feet in width or length on any side.
- b) Façade articulation. All building facades that face or will be visible from a public street shall include one or more of the following treatments.
 - i. Exterior building walls shall vary in depth through a pattern of offsets, recesses, or projections.
 - ii. The building height shall be varied so that a portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.
 - iii. The building façades shall incorporate details such as window trim, window recesses, cornices, belt courses, and other design elements.
- c) Maximum building height: 35 feet.
- d) Vertical articulation for tall buildings. In buildings of three or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.
 - i. A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.
 - ii. A horizontal design feature such as a water table, belt course, or bellyband.
 - iii. A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the

façade and projecting at least one inch from the wall surface of the remainder of the building.

- iv. Setting back the top floor(s) of the building at least five feet from the remainder of the façade.

2. Façade transparency/limitation on blank walls.

- a) At least 20 percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space shall run in a continuous plane of more than 30 feet without a window, door, or other opening.

3. Roofline

- a) Minimum roof slope: 3:12.
- b) Minimum roof eave overhang, twelve (12) inches.

4. Exterior theme

- a) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
- b) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

5. Screening.

- a) All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building.



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: Adoption of Objective Design Standards**

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for qualifying multifamily residential developments. As a part of this, bill cities and counties are required to establish objective design standards for qualifying multifamily residential development.

Environmental Review: Staff recommends that the Planning Commission determine that the proposed action is *exempt* from further CEQA review pursuant to CEQA Guidelines Section 15061(b)(3), the *common sense rule* as the action will not include any physical development nor result in development which is not already considered in the particular zoning district.

Previous Planning Commission Action:

The Objective Design Standards were brought before the Planning Commission at a duly noticed Planning Commission hearing on December 16, 2021. At that time, the Commission decided to continue this action to a later meeting in order to allow for additional Planning commission review. This item is being brought back to the Planning Commission for action as a noticed Public Hearing. A new public hearing notice was prepared and published for this action.

Background:

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State's housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for multifamily residential developments, defined as a housing development that contains two or more residential units and is restricted to lower or moderate income households, in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). Those jurisdictions that have not met their RHNA are defined by the California Department of Housing and Community Development (HCD), which oversees this determination, as those cities and counties who have not met the RHNA, by income category, for a reporting period.

Attachment B

Objective Design Standards

City of Orland Planning Commission Meeting – February 17, 2022

Page | 2

Included as a part of SB 35 streamlining requirements, cities are required to establish objective design standards for multifamily residential development that are eligible under SB 35. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal." As a result, the City is required to develop and include in the Orland Municipal Code objective design standards. The draft Objective Design Standards ordinance, which is a new chapter (17.18) of the Municipal Code, is included as **Attachment A – Objective Design Standards**.

While not the subject of this staff report, information on SB 35 eligible projects is provided below as additional background material. SB 35 eligible projects have a number of state requirements for location and affordability, generally these include:

Location

1. The site has to be a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster.
2. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.
3. It is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use.

Affordability

1. The development proponent has committed to record, a land use restriction or covenant providing that all lower or moderate income housing units remain available at affordable housing costs or rent for no less than the following periods of time:
 - a. Fifty-five years for units that are rented.
 - b. Forty-five years for units that are owned.
2. The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:
 - a. The City's latest Housing Element annual report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the RHNA cycle and the project contains more than 10 units of housing, the project does the following:

Attachment B

Objective Design Standards

City of Orland Planning Commission Meeting – February 17, 2022

Page | 3

- i. The project dedicates a minimum of 10 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.
- b. The City's latest Housing Element annual report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the RHNA cycle and the project seeking approval dedicates 50 percent of the total number of units to housing affordable to households making at or below 80 percent of the area median income.

Discussion:

The subject of this staff report is the required Objective Design Standards as prescribed by SB 35. As defined in Gov. Code Section 65913.4(a)(5):

.... For purposes of this paragraph, "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal....

Design vs. Development Standards

In the planning and development realm, there is an important distinction between development standards and design standards. While each inevitably play a large role in the overall look and feel of a structure, they have historically been treated and enforced differently.

Development Standards

Development standards are regulations pertaining to the physical modification of a structure or development, including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum setbacks, maximum lot coverage. By nature, these standards are objective because they establish standards that are verifiable by reference to known criteria (e.g., minimum lot size: 6,000 square feet, maximum height: 35 feet, etc.). In Orland, development standards are primarily established in the Zoning Ordinance.

Design Standards and Guidelines

Design standards and guidelines provide design guidance for City staff and applicants. Used in conjunction with the Zoning Ordinance and applicable development standards, design standards/guidelines provide a common basis for the evaluation of design during the project approval process. Typically, design standards incorporate objective language in the form of mandates whereas design guidelines are often subjective and make design recommendations.

Attachment B

Objective Design Standards

City of Orland Planning Commission Meeting – February 17, 2022

Page | 4

Where the word “shall” or “must” is used it is intended to be a mandate; and where the word “should” or “encouraged” is used, it is intended to be a recommended guideline. The mandates are treated as standards with little room for variation whereas the recommendations are subject to some interpretation and have room for minor deviations.

While the City has very few design requirements, design guidelines and standards can regulate a multitude of design features and provide some control over building design in the City for those projects that are ministerial, requiring no discretionary approval, in process. These features include lighting, articulation, building materials, color, fenestration, roof design, and building massing. SB 35 eligible projects would be, as required by SB 35, ministerial in process and would not be subject to any design review approval by the Planning Commission of City Council. As such, the adoption of Objective Design Standards is an important factor in assuring that future multifamily development meets the City’s objectives for design and compatibility.

The Objective Design Standards follows the City’s current site and design standards as identified in the Municipal Code. However, the Objective Design Standards expands these requirements in order to assure an adequately designed and aesthetically pleasing multifamily complex in response to SB 35’s elimination of discretionary design review for any qualified multifamily development requesting streamlined ministerial approval. The Objective Design Standards provides for site requirements including:

- street connectivity,
- the amount of parking,
- parking location, design, and access,
- parking lot lighting,
- onsite outdoor recreation areas,
- landscaping,
- fencing, and
- refuse containers.

The Objective Design Standards also provides requirements for building design including:

- building mass and articulation,
- façade transparency/limitation on blank walls,
- roofline,
- exterior theme, and
- screening of mechanical and electrical equipment.

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 -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 C**). 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 – Chapter 17.18 Objective Design Standards
- **Attachment B** – Notice of Exemption
- **Attachment C** – Planning Commission Resolution 2022-XX

Notice of Exemption**Form D**

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
(Address)

■ County Clerk
County of Glenn
526 West Sycamore Street
Willows, CA 95988

Project Title: Amendment to Municipal Code for ADUs.

Project Location - Specific:

City of Orland – Citywide.

Project Location – City: Orland **Project Location – County:** Glenn

Description of Nature, Purpose, and Beneficiaries of Project: Amendment to Municipal Code incorporating Objective Design Standards.

Name of Public Agency Approving Project:

City of Orland

Name of Person or Agency Carrying Out Project:

City of Orland

Exempt Status: (check one)

- ☐ 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. State type and section number: §115061(b)(3) common sense rule
☐ Statutory Exemptions. State 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, AICP

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

Signature: _____ Date: _____ Title: City Planner

■ Signed by Lead Agency

Date received for filing at OPR: N/A

Attachment C**037**

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-____

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY INCLUDING CHAPTER 17.18 – OBJECTIVE DESIGN STANDARDS TO COMPLY WITH STATE LAW REGARDING OBJECTIVE DESIGN STANDARDS

WHEREAS, On January 1, 2021, the State of California adopted revisions to Government Code Section 65913.4 requiring ministerial approval of qualifying multifamily developments; and

WHEREAS, adoption of revisions of Government Code Section 65913.4 by the State results in a necessary amendment to the City's Municipal Code to include Objective Design Standards; and

WHEREAS, the City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; 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, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended approval of the proposed Code amendment to the Council as presented; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, the City Council 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, Title 17- *Zoning* has been revised to include Chapter 17.18 *Objective Design Standards* as shown in **Exhibit A**; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading (by title only) on **March 15, 2022.**

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

CHAPTER 17.18 – OBJECTIVE DESIGN STANDARDS

Sections:

17.18.010 – Purpose.

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, requires the availability of a streamlined ministerial approval process for multifamily residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA) as determined by the California Department of Housing and Community Development.

Included in the streamlining process, cities are required to establish objective design standards for multifamily residential development. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal."

This chapter establishes Objective Design Standards that serve as minimum requirements for residential development in the City. Compliance with these standards will remove subjective or discretionary review of a proposed residential project. For any developer of a qualifying project seeking exceptions to these standards, or any of the City's applicable design guidelines, the City's existing discretionary design review process is available.

17.18.20 – Applicability

These standards are mandatory for any qualifying residential project that requests streamlined processing and ministerial approval pursuant to state law provisions that reference objective design standards. Qualifying residential projects are those that comply with Government Code Section 65913.4(a).

Section 65913.4(a)(2)(C) provides that Section 65913.4 applies to areas within a jurisdiction that is zoned for residential use or residential mixed-use development or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, and at least two-thirds of the square footage of the development is designated for residential use. As such, these Objective Design Standards apply to developments meeting these requirements within the following zoning districts: R-1, R-2, R-3, C-1, C-2, and DT-MU. Section 65913.4(a)(1) defines a multifamily development as a development that contains two or more residential units.

17.18.30 – Objective Design Standards

A. Site standards

1. Street connectivity

- a) External Connectivity. Streets within any proposed subdivision or development

site shall be aligned with existing and planned streets in adjacent neighborhoods so as to create a continuous street pattern. All streets, alleys, and pedestrian pathways in any subdivision or development site shall connect to other streets and to existing and planned streets outside the proposed subdivision or development.

- b) Internal connectivity. New streets must form a continuous and linked vehicular and pedestrian network within the development.
 - c) Cul-de-sacs and dead-end streets. Any cul-de-sac or other dead-end street longer than 300 feet shall be connected to other streets by a pedestrian path.
 - d) No gates/barriers. Automobile and pedestrian access points into multi-family residential developments shall not be gated or closed off to the public.
 - e) Block length/mid-block pedestrian connections. Blocks shall not exceed 600 feet in length, measured from street centerline to street centerline, unless mid-block pedestrian connections are provided at intervals of no more than 350 feet apart. Such pedestrian connections shall include a walkway at least 10 feet wide.
2. Parking required.
- a) Pursuant to Government Code Section 65913.4(e), no parking shall be required for those developments located within one-half mile of public transit.
 - b) Pursuant to Government Code Section 65913.4(e), the maximum required parking shall be one (1) space per dwelling unit. A carport or enclosed garage is optional.
3. Parking location, design, and access.
- a) All parking areas shall have adequate ingress and egress to and from a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site. Bumper rails or other barriers shall be provided where deemed necessary by the city to protect property.
 - b) Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the city engineer and planning director.
 - c) The parking area, aisles, and access drives shall be constructed with a minimum of six-inch base and a double chip and seal so as to provide a durable, dustless surface, and shall be graded and drained as to dispose of surface water, with the design and specification so such work is subject to the approval of the city engineer.
 - d) The use of cluster parking spaces into small parking areas, dispersed around the site, to avoid large paved expanses is required.
 - e) All parking lots shall include appropriately striped spaces for standard and compact cars as well as handicapped spaces.
 - f) No parking is allowed in setback areas along project boundaries.
 - g) A separation of pedestrian and automobile traffic paths is required to minimize conflict areas for safety.
 - h) Walkways to connect parking lots to building entrances shall be provided. Define walkways by landscaping, lighting and paving.

4. Parking lot lighting.

- a) Light fixture design shall be compatible with the design and the use of the principal structure on the site. Light fixtures shall be equipped with appropriate reflectors and shielded to prevent illumination of the adjacent properties.
- b) Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
- c) Height of any light poles shall be appropriate for the project and surrounding environment. Height of the light poles shall not exceed that of the main building.
- d) Use bollard type luminaries, maximum of eight feet high for pedestrian areas.
- e) Shield light sources to prevent any glare or direct illumination on public streets, adjacent properties, or highways.
- f) All area lights shall be energy efficient type (High Pressure Sodium or equivalent).
- g) All on-site pedestrian and automobile traffic areas shall be well lit for safety and security.

5. Onsite outdoor recreation areas.

- a) On each multifamily development of five (5) units or more within any district, whether such development is on a single recorded lot or on two or more adjacent recorded lots, such development shall provide usable and accessible open space for the recreation and outdoor living enjoyment of the development's residents and their guests. Such open space shall not be less than twenty-five percent (25%) of the total parcel area.

Open space standards shall be as follows:

- i. 1. Open space may be provided in more than one location.
 - ii. To qualify as required open space, such area shall have no area less than ten (10) square feet and at least fifty percent (50%) open to the sky and free of any overhead structural or architectural projections.
 - iii. Open space shall be improved. Improvements may consist of planting areas containing living plant materials, walks, patios, swimming and wading pools, arbors, temporary and removable shade elements, recreation equipment and facilities and such other appurtenances as are appropriate to serve the outdoor living needs of people.
 - iv. Garages, carports, open off-street parking areas, vehicular access driveways, trash enclosures, clothes- drying yards and non-landscaped areas shall not be included in calculating required open space.
- b) In addition to those standards in subdivision (a), any multifamily project of fifteen (15) or more units shall provide the following recreation area:
 - i. A defined and fenced play area which may include fixed play equipment, ball courts, swimming or wading pools and similar child play facilities,
 - ii. The play area shall not be less than five hundred (500) square feet, or twenty-five (25) square feet for each apartment unit, whichever is greater.
 - iii. Be visible from multiple dwelling units within the project.

- iv. Be protected from any adjacent streets or parking lots with a fence or other barrier at least four feet in height.
 - c) Exemptions. The play area requirement shall not apply to any development that is:
 - i. Age-restricted to senior citizens; or
 - ii. Located within 300 feet of a public park.
 - d) For minimum setback requirements, refer to the zoning district.
6. Landscaping.
- a) At a minimum, the following landscaping is required:
 - i. All areas not occupied by parking, driveways, pedestrian walkways, recreation areas, buildings, structures, and hardscape shall be landscaped.
 - ii. The required front yard shall be landscaped and not used for parking. The only area not landscaped within the required front yard is the driveway access to the required parking area, which shall not exceed twenty-five (25) feet in width,
 - iii. Landscaping within the front setback area shall include one fifteen (15) gallon-sized tree for each fifty (50) feet of frontage, and at least one gallon-sized shrub for each five feet of frontage,
 - iv. In addition to the required trees and shrubs, the landscaped area may also be planted with lawn or ground cover plants. Other decorative, non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of this landscaped area,
 - v. Parking lot landscaping shall be provided to enhance sites and building parking areas in compliance with the standards identified in Section 17.76.110 of this code.
 - vi. Where landscaping is provided, adequate irrigation and maintenance thereof shall be provided, including replacement of dead trees, shrubs, vines or other ground cover required pursuant to this section.
7. Fencing.
- a) Any perimeter fencing utilized along a public street, shall be constructed of decorative iron, pre-painted welded steel, or wood picket material.
 - b) Fences and walls shall be compatible in style and material with the main structures on a site.
 - c) To avoid the monotony of long, solid walls and fences around the perimeter of projects, variation in height, and depth is encouraged.
 - d) Signs, lights, and other street furniture incorporated into the design of fences and walls are encouraged.
 - e) Barbed wire and chain link fencing is prohibited.
 - f) Fences and walls used for noise control shall be made of materials most suited for noise reduction, and which minimize reflective sound.

- g) Security fencing and gates shall be of an open type to allow for maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.
 - h) Fencing shall be a maximum of six feet in height. Fencing over six feet in height, excepting subsection B above, shall require a building permit. All corner lots, including corners on alleys, shall be a maximum of three feet in height within the front and exterior side yard setback areas.
 - i) All fences shall be made of durable and weather-resistant materials as approved by the city.
8. Refuse containers.
- a) Provide dumpsters for garbage recycling, and green waste containers collection within a screened enclosure design specifically for that use.
 - b) Shield all dumpsters within an enclosure a minimum of six feet tall. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures and gates should be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.
 - c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.
 - d) Provide lighting at trash enclosures for nighttime security and use.
 - e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

B. Building design standards

1. Building mass and articulation.

- a) Building length. Buildings shall not be less than 20 feet or exceed 200 feet in width or length on any side.
- b) Façade articulation. All building facades that face or will be visible from a public street shall include one or more of the following treatments.
 - i. Exterior building walls shall vary in depth through a pattern of offsets, recesses, or projections.
 - ii. The building height shall be varied so that a portion of the building has a noticeable change in height; or roof forms are varied over different portions of the building through changes in pitch, plane, and orientation.
 - iii. The building façades shall incorporate details such as window trim, window recesses, cornices, belt courses, and other design elements.
- c) Maximum building height: 35 feet.
- d) Vertical articulation for tall buildings. In buildings of three or more stories, upper and lower stories shall be distinguished by incorporating one or more of the following features. These features may be applied to the transitions between any floors, except where otherwise specified.

- i. A change in façade materials, along with a change in plane at least one inch in depth at the transition between the two materials.
 - ii. A horizontal design feature such as a water table, belt course, or bellyband.
 - iii. A base treatment at the ground floor consisting of a material such as stone, concrete masonry, or other material distinct from the remainder of the façade and projecting at least one inch from the wall surface of the remainder of the building.
 - iv. Setting back the top floor(s) of the building at least five feet from the remainder of the façade.
2. Façade transparency/limitation on blank walls.
 - a) At least 20 percent of the area of each street-facing facade of a residential building must consist of windows, doors, or other openings. No wall that faces a sidewalk, pedestrian walkway, or publicly accessible outdoor space shall run in a continuous plane of more than 30 feet without a window, door, or other opening.
3. Roofline
 - a) Minimum roof slope: 3:12.
 - b) Minimum roof eave overhang, twelve (12) inches.
4. Exterior theme
 - a) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.
 - b) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.
5. Screening.
 - a) All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building.



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: Item 6.B.

MEETING DATE: March 15, 2022

TO: City of Orland City Council

FROM: Scott Friend, AICP – City Planner

MEETING DATE: March 15, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Municipal Code Amendment ZCA #2022-04:** Proposed amendments include revisions to:

- Revise Title 17 Zoning to 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 City Council 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:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend denial of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Resolution No. 2022-____, denying Zoning Ordinance Text Amendment (ZCA) #2022-04 – Residential – Small Home Overlay District as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

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.

After reviewing the proposed revisions, the Planning Commission recommended that the City Council deny the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included herein as **Attachment B**.

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**.

Recommendation:

The Planning Commission recommended denial to the City Council for the proposed Municipal Code Title 17 Zoning Amendment. However, staff provides the following two Ordinances/Resolution for the City Council for approval or denial of the proposed R-SHO zoning overlay:

Sample Motions:

- 1) If the City Council determines that it intends to approve ZCA 2002-04, staff presents the following motions for consideration:

- a) California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

- b) Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-___ approving ZCA #2022-03 as presented herein and making findings for the amendment of the General Plan.

Or

- 2) If the City Council determines that it intends to deny ZCA 2002-04, staff presents the following motions for consideration:

I move that the City Council adopt Resolution #2022-XX denying the Municipal Code Amendment as presented herein.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment – Chapter 17.30 R-SHO – Residential - Small Home Overlay Zone
- **Attachment B** – Planning Commission Staff Report – dated February 16, 2022
- **Attachment C** – Notice of Exception
- **Attachment D** – City Council Ordinance for Approval 2022-XX
- **Attachment E** – City Council Resolution for 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

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.



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

Attachment B

- 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

NOTICE OF EXEMPTION

CEQA: California Environmental Quality Act

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

☒ County Clerk
526 West Sycamore Street
Willows, CA 95988

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

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

Attachment C

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY MODIFYING CHAPTER 17.08 – DEFINITIONS AND ADOPTING CHAPTER 17.30 – RESIDENTIAL-SMALL HOME OVERLAY DISTRICT

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 City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; 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, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended denial of the proposed Code amendment to the Council as presented; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, the City Council 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, 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

Attachment D

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, the City Council determined the proposed amendments to Title 17, *Zoning* meet the standards to quality as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *Common Sense Exemption* of the State CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading (by title only) on **March 15, 2022**.

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

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

Exhibit A

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.
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.

CITY OF ORLAND

CITY COUNCIL RESOLUTION NO. 2022-____

**A RESOLUTION OF THE CITY OF ORLAND CITY COUNCIL DENYING AN
AMENDMENT OF TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL
CODE FOR THE ADDITION OF CHAPTER 17.30 – RESIDENTIAL-SMALL HOME
OVERLAY DISTRICT**

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, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended denial of the proposed Code amendment to the Council as presented; and

WHEREAS, the Planning Commission recommended denial through resolution of the proposed Municipal code amendment; and

WHEREAS, the City Council 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 City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, *Title 17- Zoning - Chapter 17.08 - Definitions* has been amended to include definitions for efficiency unit and tiny home; 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); 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; and

WHEREAS, the Municipal Code of the City of Orland does not limit the minimum residential unit size and therefore does not disallow the use of a permanent “tiny home” in the City; and

WHEREAS, the Municipal Code of the City of Orland does not disallow the use of a mobile “tiny home” in established mobile home parks in the City; and

WHEREAS, the Municipal Code does allow the use of tiny homes in the City and therefore, the R-SHO district is considered unnecessary; and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland denies the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Resolution was introduced at the regular meeting of the City Council for a Public Hearing on **March 15, 2022.**

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

Attachment E

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.
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.



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: Item 6.C.

MEETING DATE: March 15, 2022

TO: **City of Orland City Council**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: March 15, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963
SUBJECT: **Municipal Code Amendment ZCA #2022-02:** Proposed amendments include revisions to:

- Revise Title 17 Zoning to include new State requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units

Environmental Review: Staff is recommending that the City Council 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:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend approval of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Ordinance No. 2022-___, adopting Zoning Ordinance Text Amendment (ZCA) #2022-02 – Accessory Dwelling Units / Junior Accessory Dwelling Units as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Background:

On January 1st, 2021, new legislation adopted by the State of California (Assembly Bill 68 (2019), Assembly Bill 881 (2019), and Senate Bill 13 (2019)) regarding Accessory Dwelling Units (ADUs) came into effect. This new legislation added new language to Government Code Sections

65852.2 and 65852.22, which discusses Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and the regulations for the and permitting of this type of dwellings unit.

Additionally, the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6) has solar photovoltaic (PV) system requirements for all newly constructed low-rise residential buildings, including newly constructed ADUs. However, these requirements do not apply to additions or alterations to existing buildings. For example, an existing unconditioned building (like a garage) that is converted to an ADU is considered an addition and not subject to the PV system requirements. Additionally, JADUs are not subject to PV system requirements as the JADU is required to be constructed within the single family residence. Unconditioned buildings are also not subject to the PV system requirements.

As a result, the City is required to revise the Orland Municipal Code to comply with new state regulations for ADUs/JADUs. The revision to the Municipal Code is included as **Attachment A – Municipal Code Revisions** in a strikethrough/underline version. The following is a discussion of the proposed changes.

The new ADU/JADU legislation results in revisions to the Zoning Ordinance to comply with the requirements of SB 13, AB 68 and AB 881 as well as the solar photovoltaic requirements established in the Energy Code.

Discussion:

The staff suggested changes to the Zoning Ordinance, as shown in **Attachment A**, includes revisions that will bring the Zoning Ordinance into compliance with State law. Upon review of the proposed revisions, the Planning Commission recommended to the City Council approve the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included as **Attachment B**.

The revisions are as follows:

- Title 17 Zoning – Section 147.76.130 has been revised to define the maximum size limits for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the review period timing (60 days) for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the photovoltaic (PV) system requirements for all newly constructed, non-manufactured, ADUs as required by 2019 Energy Code. However, the Energy Code does allow for exceptions to this requirement such as if the new ADUs availability of solar access is limited because of tree or adjacent structure shading.
- Title 17 Zoning – Section 147.76.130 has been revised to further define the requirements for Junior Accessory Dwelling Units to comply with those requirements of the new state laws.

Upon adoption of the new revisions, the City is required to submit the revised ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. However, upon submittal, the ordinance is not subject to a HCD review and findings process.

Environmental determination:

The Planning Commission recommends that the City Council 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:

The Planning Commission recommends that the City Council approve the proposed Municipal Code Title 17 Zoning Amendment through adoption of City Council Ordinance #2022-____ included as **Attachment D**; approve the adoption of the Notice of Exemption included as **Attachment C**, and make the findings outlined in the staff report.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

Sample Motions:

1. California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

2. Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-____ approving ZCA #2022-02 as presented herein and making findings for the amendment of the General Plan.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment - strikethrough/underline version
- **Attachment B** – Planning Commission Staff Report – dated February 17, 2022
- **Attachment C** – Notice of Exemption
- **Attachment D** – City Council Ordinance 2022-XX

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

Proposed Revisions to Title 17 Zoning

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

Sections:

17.76.130 Accessory dwelling units and junior accessory dwelling units.

- A. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are defined in § 17.08.145.

Applications for ADUs and/or JADUs:

1. In single-family or multi-family residential zones are an allowed use in all single-family and multi-family zoning districts in the city and shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements: and
2. In industrial zones, ADUs and JADUs are allowed if the property has an existing or proposed single- or multi-family dwelling. The ADU or JADU shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements:
 - a. The increased floor area of an attached ADU shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area, as long as the size limitation permits an ADU at least eight hundred (800) sq. ft. in size, at least sixteen (16) feet in height with four-foot side and rear yard setbacks, and that can be constructed in compliance with all other local development standards. Maximum allowed increase in floor area for an ADU is one thousand two hundred (1,200) square feet. Maximum allowed increase in floor area for a JADU is five hundred (500) square feet.
 - j. With the acceptance of those requirements discussed in divisions 8h and 9i above, requirements relating to height, architectural review, site plan review, fees, charges, and other zoning requirements are generally applicable to residential construction in the zone in which the property is located.
 - q. For an ADU that is not described in ~~subsection 15~~ division o above, a new or separate utility connection directly between the ADU and the utility shall be required. The connection is subject to a connection fee or capacity charge which shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
 - s. Multiple ADUs shall be allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms,

passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

At least one attached ADU and a maximum of twenty-five (25) percent of the existing multi-family dwelling units shall be allowed in a multi-family structure.

Up to two detached ADUs that are located on a lot that has an existing multi-family dwelling shall be allowed on that multi-family lot. These detached ADUs are subject to a height limit of sixteen (16) feet and four-foot rear yard and side setbacks.

- t. The City shall ministerially review and act on a building permit application for an ADU and JADU within 60 days after receiving the application. An ADU or JADU unit proposed with a permit application for a new primary dwelling unit shall not be approved until the primary dwelling receives approval.
- u. Newly constructed accessory dwelling units are subject to the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6, Subchapter 8, Section 151.1(14)) requirement, with exceptions, to provide a solar photovoltaic (PV) system if the unit is a newly constructed, non-manufactured, detached accessory dwelling unit. The solar panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide a PV system.
- v. Additional JADU requirements:
 - i. One JADU unit is allowed per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
 - ii. The creation of a JADU must be within the walls of the proposed or existing single-family residence. JADUs are not allowed in accessory structures. Attached garages are eligible for JADU creation.
 - iii. The JADU is required to include a separate entrance from the main entrance to the proposed or existing single-family residence but may also include shared access between the two units.
 - iv. No passageway shall be required in conjunction with the construction of a JADU. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

17.76.100 - Parking and loading facilities.

K. Garage conversion:

1. Any off-street parking spaces lost through conversion of a garage to a non-garage use in a residential zone shall be replaced with enclosed space meeting the standards for the use as required by the applicable zone district unless the conversion is a ADU or JADU. Parking replacement requirements for these type of uses are identified in Section 17.76.130.



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 new State requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units

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 January 1st, 2021, new legislation adopted by the State of California (Assembly Bill 68 (2019), Assembly Bill 881 (2019), and Senate Bill 13 (2019)) regarding Accessory Dwelling Units (ADUs) came into effect. This new legislation added new language to Government Code Sections 65852.2 and 65852.22, which discusses Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and the regulations and permitting of these type of dwellings unit.

Additionally, the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6) has solar photovoltaic (PV) system requirements for all newly constructed low-rise residential buildings, including newly constructed ADUs. However, these requirements do not apply to additions or alterations to existing buildings. For example, an existing unconditioned building (like a garage) that is converted to an ADU is considered an addition and not subject to the PV system requirements. Additionally, JADUs are not subject to PV system requirements as the JADU is required to be constructed within the single family residence. Unconditioned buildings are also not subject to the PV system requirements.

As a result, the City is required to revise the Orland Municipal Code to comply with new state regulations for ADUs/JADUs. The revision to the Municipal Code is included as **Attachment A – Municipal Code Revisions** in a strikethrough/underline version. A “clean” version of the Code revisions is included as **Attachment B – Municipal Code Revisions**. The following is a discussion of the proposed changes.

Attachment B

Discussion:

The new ADU/JADU legislation results in revisions to the Zoning Ordinance to comply with the requirements of SB 13, AB 68 and AB 881 as well as the solar photovoltaic requirements established in the Energy Code.

The staff suggested changes to the Zoning Ordinance, as shown in **Attachments A and B**, includes revisions that will bring the Zoning Ordinance into compliance with State law. The revisions are as follows:

- Title 17 Zoning – Section 147.76.130 has been revised to define the maximum size limits for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the review period timing (60 days) for ADUs and JADUs.
- Title 17 Zoning – Section 147.76.130 has been revised to define the photovoltaic (PV) system requirements for all newly constructed, non-manufactured, ADUs as required by 2019 Energy Code. However, the Energy Code does allow for exceptions to this requirement such as if the new ADUs availability of solar access is limited because of tree or adjacent structure shading.
- Title 17 Zoning – Section 147.76.130 has been revised to further define the requirements for Junior Accessory Dwelling Units to comply with those requirements of the new state laws.

Upon adoption of the new revisions, the City is required to submit the revised ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. However, upon submittal, the ordinance is not subject to a HCD review and findings process.

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
-

NOTICE OF EXEMPTION

CEQA: California Environmental Quality Act

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

☒ County Clerk
526 West Sycamore Street
Willows, CA 95988

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

Project Title: **City of Orland Municipal Code Amendment:** Title 17- Zoning - Chapter 17.76- GENERAL USE AND DESIGN REQUIREMENTS, Section § 17.76.130 Accessory Dwelling Units and Junior Accessory Dwelling Units.

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

Description of Nature, Purpose, and Beneficiaries of Project:
Revision of the City Zoning Ordinance to comply with state law regarding accessory dwelling units.

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

Attachment C

083

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY MODIFYING CHAPTER CHAPTER 17.76 - GENERAL USE AND DESIGN REQUIREMENTS, SECTION 17.76.130 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND SECTION 17.76.100 - PARKING AND LOADING FACILITIES TO COMPLY WITH STATE LAW REGARDING ACCESSORY DWELLING UNITS

WHEREAS, the City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; and

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

WHEREAS, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended approval of the proposed Code amendment to the Council as presented; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, adoption of Government Code Section 65852.2 regarding accessory dwelling units by the State results in necessary revisions to the City's Municipal Code; and

WHEREAS, the City Council 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, Title 17- *Zoning* - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* has been amended to comply with Government Code Sections 65852.2 and 65852.22 as shown in **Exhibit A**; and

WHEREAS, Title 17- *Zoning* - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* has been amended to comply with the photovoltaic requirements of the 2019 California Energy Code as shown in **Exhibit A**; and

WHEREAS, Title 17- Zoning - Chapter 17.76- *GENERAL USE AND DESIGN REQUIREMENTS* § 17.76.100 *Garage Conversion* has been amended to comply with the replacement parking requirements for ADU/JADU when converting an existing garage to an AD or JADU as shown in **Exhibit A**; and

WHEREAS, the City Council determined the proposed amendments to Title 17, *Zoning* meet the standards to quality as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *General Rule* of the State CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading (by title only) on **March 15, 2022.**

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS
(Additions are underlined, deletions are overstruck)

Title 17 Zoning

Chapter 17.76 - GENERAL USE AND DESIGN REQUIREMENTS

Sections:

17.76.130 Accessory dwelling units and junior accessory dwelling units.

- A. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are defined in § 17.08.145.

Applications for ADUs and/or JADUs:

1. In single-family or multi-family residential zones are an allowed use in all single-family and multi-family zoning districts in the city and shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements: and
2. In industrial zones, ADUs and JADUs are allowed if the property has an existing or proposed single- or multi-family dwelling. The ADU or JADU shall not be subject to a use permit or other discretionary action pursuant to California Government Code §§ 65852.2 and 65852.22 with the following additional requirements:
 - a. The increased floor area of an attached ADU shall not exceed fifty (50) percent of the proposed or existing primary dwelling living area, as long as the size limitation permits an ADU at least eight hundred (800) sq. ft. in size, at least sixteen (16) feet in height with four-foot side and rear yard setbacks, and that can be constructed in compliance with all other local development standards. Maximum allowed increase in floor area for an ADU is one thousand two hundred (1,200) square feet. Maximum allowed increase in floor area for a JADU is five hundred (500) square feet.
 - j. With the acceptance of those requirements discussed in divisions ~~8h~~ and ~~9j~~ above, requirements relating to height, architectural review, site plan review, fees, charges, and other zoning requirements are generally applicable to residential construction in the zone in which the property is located.
 - q. For an ADU that is not described in ~~subsection 15~~ division o above, a new or separate utility connection directly between the ADU and the utility shall be required. The connection is subject to a connection fee or capacity charge which shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either

its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

- s. Multiple ADUs shall be allowed within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

At least one attached ADU and a maximum of twenty-five (25) percent of the existing multi-family dwelling units shall be allowed in a multi-family structure.

Up to two detached ADUs that are located on a lot that has an existing multi-family dwelling shall be allowed on that multi-family lot. These detached ADUs are subject to a height limit of sixteen (16) feet and four-foot rear yard and side setbacks.

- t. The City shall ministerially review and act on a building permit application for an ADU and JADU within 60 days after receiving the application. An ADU or JADU unit proposed with a permit application for a new primary dwelling unit shall not be approved until the primary dwelling receives approval.
- u. Newly constructed accessory dwelling units are subject to the 2019 California Energy Code (Cal. Code Regs., Title 24, Part 6, Subchapter 8, Section 151.1(14)) requirement, with exceptions, to provide a solar photovoltaic (PV) system if the unit is a newly constructed, non-manufactured, detached accessory dwelling unit. The solar panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide a PV system.
- v. Additional JADU requirements:
 - i. One JADU unit is allowed per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
 - ii. The creation of a JADU must be within the walls of the proposed or existing single-family residence. JADUs are not allowed in accessory structures. Attached garages are eligible for JADU creation.
 - iii. The JADU is required to include a separate entrance from the main entrance to the proposed or existing single-family residence but may also include shared access between the two units.
 - iv. No passageway shall be required in conjunction with the construction of a JADU. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.

17.76.100 - Parking and loading facilities.

K. Garage conversion:

1. Any off-street parking spaces lost through conversion of a garage to a non-garage use in a residential zone shall be replaced with enclosed space meeting the standards for the use as

required by the applicable zone district unless the conversion is a ADU or JADU. Parking replacement requirements for these type of uses are identified in Section 17.76.130.



CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: Item 6.D.

MEETING DATE: March 15, 2022

TO: **City of Orland City Council**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: March 15, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963
SUBJECT: **Municipal Code Amendment ZCA #2022-03:** 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 City Council 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:

At its regular meeting of February 17th, 2022, the Planning Commission conducted a public hearing and engaged in discussion regarding the proposed Municipal Code Amendment action. Following the conduct of the public hearing and at the conclusion of the discussion on the matter, the Commission voted unanimously, 4-0, to recommend approval of the Municipal Code Title 17 Zoning Amendment to the City Council as presented.

Recommendation:

The Planning Commission recommends that the City Council take the following action(s):

1) Adopt City Council Ordinance No. 2022-___, adopting Zoning Ordinance Text Amendment (ZCA) #2022-03 – Electric Vehicle Charging as presented and determine that the proposed amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

Background:

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. As previously stated, upon review of the proposed revisions, the Planning Commission recommended that the City Council approve the proposed amendment to Title 17 Zoning as presented. The Planning Commission staff report is included herein as **Attachment C**.

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

Municipal Code Amendment ZCA 2022-03 – Electric Vehicle Charging Stations

City of Orland City Council Meeting – March 15, 2022

Page | 3

- 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:

The Planning Commission recommends that the City Council 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 D -Notice of Exemption**.

Recommendation:

The Planning Commission recommends that the City Council approve the proposed Municipal Code Title 17 Zoning Amendment through adoption of City Council Ordinance #2022-___ included as **Attachment E**; approve the adoption of the Notice of Exemption included as **Attachment D**, and make the findings outlined in the staff report.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

Sample Motions:

1. California Environmental Quality Act (CEQA):

Move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the Common Sense Exemption.

2. Municipal Code Amendment:

Move that the City Council adopt Ordinance 2022-___ approving ZCA #2022-03 as presented herein and making findings for the amendment of the General Plan.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment - strikethrough/underline version
- **Attachment B** – Municipal Code Amendment – clean version
- **Attachment C** – Planning Commission Staff Report – dated February 16, 2022
- **Attachment D** – Notice of Exemption
- **Attachment E** – City Council Ordinance 2022-XX

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;
- 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
<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

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;
- 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;



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.

Attachment C

- 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
-

NOTICE OF EXEMPTION

CEQA: California Environmental Quality Act

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

☒ County Clerk
526 West Sycamore Street
Willows, CA 95988

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

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

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF ORLAND CITY COUNCIL AMENDING TITLE 17, ZONING, OF THE CITY OF ORLAND MUNICIPAL CODE BY MODIFYING CHAPTER 17.08 – DEFINITIONS, CHAPTER 17.20 - R-1 RESIDENTIAL ONE-FAMILY ZONE, CHAPTER 17.24 - R-2 RESIDENTIAL TWO-FAMILY ZONE, CHAPTER 17.28 - R-3 RESIDENTIAL MULTIPLE FAMILY-PROFESSIONAL ZONE, CHAPTER 17.36 C-1 NEIGHBORHOOD COMMERCIAL ZONE, CHAPTER 17.40 - C-2 COMMUNITY COMMERCIAL ZONE, CHAPTER 17.42 - DT-MU DOWNTOWN MIXED USE ZONE, CHAPTER 17.44 - C-H HIGHWAY SERVICE COMMERCIAL ZONE, CHAPTER 17.48 - M-L LIMITED INDUSTRIAL ZONE, CHAPTER 17.52 - M-H HEAVY INDUSTRIAL ZONE, CHAPTER 17.64 - P-F PUBLIC FACILITIES ZONE, AND CHAPTER 17.76 - GENERAL USE AND DESIGN REQUIREMENTS TO COMPLY WITH STATE LAW REGARDING ELECTRIC VEHICLE CHARGING

WHEREAS, the City of Orland, California did complete the necessary studies thereon, as provided by law, and;

WHEREAS, Title 1 *General Provisions* of the City Code does allow for amendment to the City Code; and

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

WHEREAS, no public comment was received as a result of the public hearing and upon the closing of the public hearing and deliberation on the matter, the Planning Commission recommended approval of the proposed Code amendment to the Council as presented; and

WHEREAS, the City Council of the City of Orland, California considered the Amendment to the Municipal Code Title 17 *Zoning* and the recommendation of the Planning Commission at a regular meeting of the City Council held on March 15, 2022; and

WHEREAS, the City Council 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, adoption of Government Code Section 65850.7 and 65850.71 regarding electric vehicle charging by the State results in necessary revisions to the City's Municipal Code; 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 City Council determined the proposed amendments to Title 17, *Zoning* meet the standards to qualify as being exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15061(b)(3), *Common Sense Exemption* of the State CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Orland approve the associated CEQA Exemption and approves the Orland Municipal Code Amendments reflected in Exhibit A and incorporated herein by reference.

This Ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading (by title only) on **March 15, 2022.**

PASSED AND ADOPTED by the Orland City Council on this ____ day of _____, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

DENNIS HOFFMAN, MAYOR
CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

JENNIFER SCHMITKE,
CITY CLERK

GREG EINHORN, ESQ.
CITY ATTORNEY

CODIFY _____

UNCODIFY _____

CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

(Additions are underlined, deletions are overstruck)

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;
- 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
<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

CITY COUNCIL AGENDA ITEM #: 7.A.

MEETING DATE: March 15, 2022

TO: Honorable Mayor and Council
FROM: City Manager and Fire Chief
SUBJECT: Fire Department Labor Cost Share (Discussion/Direction)

City Staff will propose a revised arrangement for cost share of the Fire Chief position.

BACKGROUND

As part of agreeing to jointly fund and hire a full-time paid chief in 2018, the City entered a memorandum of understanding (MOU) with the Orland Fire Protection District. This MOU provided for cooperative recruitment and hiring of a chief, as well as a cost-share structure. The cost share specified was:

Year 1	City pays 100%
Year 2	City and District each pay 50%
Year 3	District pays 100%
Year 4+	Cost share per % of calls from the previous calendar year

Call volume was at that time about 55% City and 45% District. That proportion continues today.

The intent of the Years 1-3 arrangement was to help bridge budgets until the District would receive an expected increase in revenues through a successful parcel tax assessment. The plan assumed the chief's responsibilities and time would be applied roughly along call volume lines. Neither assumption (revenues or chief time) has been realized.

DISCUSSION

The District paid the Year 2 cost share as agreed, and intends to pay the Year 3 obligation as agreed. For Year 4 and beyond, the District has initiated a conversation with us about the reality of continuing to use call volume as the basis for cost share.

Issues impacting the conversation include:

1. City revenues are relatively robust and dynamic while District revenues are constrained due to the nature of sales tax vs the District's unrealized parcel assessment.
2. General Fund sales tax and Measure A use tax revenues result from taxable purchases made inside City limits by both City residents and non-residents.
3. Experience with the first three years of a full-time paid chief demonstrate that more than half (and more than 55%) of his time is dedicated to City responsibilities.
 - a. Weed abatement and related code enforcement are almost exclusively City tasks.

- b. New development consultation and reviews for site plans, permits, and inspections are almost exclusively City tasks and are increasingly demanding in a growing municipality.
- c. The fire chief is going to start a program of safety inspections of commercial and multi-family residential buildings; this will necessarily be mostly City time.
- d. Interaction with the City Manager, other City department heads and the Orland Public Works & Safety Commission is ongoing and necessary but time consuming; there is no comparable corollary for the District.
- e. Most of the responsibilities of our joint agency fire chief are municipal fire chief responsibilities regardless of whether or not there is a District co-responsibility, such as hazard mitigation planning, emergency response planning, and representing the City to other agencies as well as organizations like Chamber of Commerce, schools, CalCities Fire Chiefs Department, etc.
- f. City governance is four times as demanding, with two Council meetings per month vs one District meeting per month.

It may be that a closer approximation of time and responsibility for the chief, as well as resource availability and ability to pay, would be 75% City and 25% District.

RECOMMENDATION:

Consider cost share issues and direct staff. If the Council directs a revision to the MOU, Staff will return with a draft MOU proposed for adoption by both agencies.

Options include:

- A. Revise the MOU with a 75/25 cost share formula
- B. Revise the MOU with some other specified cost share formula
- C. Retain the MOU with its current formula and issues

Fiscal Impact of Recommendation:

\$125,000 expense shared 55% / 45% or some other % as directed.

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 7.B.

MEETING DATE: March 15, 2022

TO: Honorable Mayor and Council
FROM: Library Director Jody Meza
SUBJECT: **Library Capital Project** (Discussion/Direction)

City Staff Council approval is sought to apply for a grant to offset costs of capital improvements for the library.

BACKGROUND

The Orland Free Library facility was constructed in the 1970's, with a small addition and partial remodel in 2013. The much-used building is in need of major capital repairs and improvements. City Council in September 2021 identified replacement of the library roof and HVAC system as a high priority for ARPA funding. City staff have been gathering contractor quotes and developing a scope for the project.

DISCUSSION

The State Library is offering to fund capital repairs to community libraries by a grant which requires a 25% City match. The grant application is due this month and requires a resolution from the City Council as well as other project need, scope and support documentation. Staff is preparing these documents and seeks Council adoption of the necessary resolution.

This grant would enable us to accomplish more projects at less cost to the City. It would provide a library that is more inclusive and ADA accessible, more comfortable for daily patrons and for use as a county cooling center, more secure for patrons and employees, and more efficient in use of energy. Our ARPA funds designated for the roof and HVAC are more than sufficient for the match.

Attachments: Resolution 2022-08 Authorizing Submission of Library Building Grant

RECOMMENDATION:

Adopt Resolution 2022-08 and authorize Library Director Jody Meza to submit the grant application on behalf of the City.

Fiscal Impact of Recommendation: Amount to be determined from ARPA funds, most likely in FY22-23.

Approved by City Manager:

PTC

**CITY OF ORLAND
RESOLUTION 2022-08**

**A RESOLUTION OF THE CITY OF ORLAND AUTHORIZING THE GRANT APPLICATION,
ACCEPTANCE, AND EXECUTION OF THE GRANT FUNDS FROM THE STATE OF CALIFORNIA
BUDGET ACT OF 2021 (SB 129)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California State Library has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California State Library require a resolution certifying the approval by the potential grantee's governing board either before submission of said application(s) to the State or prior to execution of the grant agreement; and

WHEREAS, the Applicant/Grantee, if selected, will enter into an agreement with the State of California to carry out the project

WHEREAS, proposes to implement 2022 Library Facility Improvements;

WHEREAS, City of Orland has the legal authority and is authorized to enter into a funding agreement with the State of California; and

WHEREAS, City of Orland intends to apply for grant funding from the California State Library for the 2022 Library Facility Improvements;

THEREFORE, BE IT RESOLVED by the City of Orland, with acknowledgement of County of Glenn, as follows:

1. That pursuant and subject to all of the terms and provisions of the California Budget Act of 2021, the City of Orland Library Director is hereby authorized and directed to prepare and file an application for funding with the California State Library and take such other actions necessary or appropriate to obtain grant funding.
2. The City of Orland Library Director is hereby authorized and directed to execute the funding agreement with the California State Library and any amendments thereto.
3. The City of Orland Library Director is hereby authorized and directed to submit any required documents, funding requests, and reports required to obtain grant funding.

4. The City of Orland certifies that the project will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, the California Labor Code, disabled access laws, and that prior to commencement of the project, all applicable permit will have been obtained.

CERTIFICATION I hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Orland at the meeting held on March 15, 2022, motion by _____ and seconded by _____, motion passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dennis G. Hoffman
Mayor
City of Orland
State of California

ATTEST:

Jennifer Schmitke

By: _____

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 7.C.

MEETING DATE: March 15, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager / Finance Director
SUBJECT: Annual Financial Audit Report (Discussion/Action)

City Manager (as Director of Finance) and Director of Administrative Services will present the annual independent financial audit report for Council consideration and will recommend acceptance.

BACKGROUND

The City each year engages an outside auditor, currently the Sacramento CPA firm Marcello & Company, to perform an independent audit of City finances compliant with Orland Municipal Code and California State Government Code. The report contains financial statements, audit-based opinions about the accuracy and reasonableness of management's presentation of financial information as well as internal controls, and a management letter to the City Council.

Once accepted by the City Council, the entire audit report is filed with the State, posted at the City website, and made available by the City in printed form for public review.

DISCUSSION

The auditor reports that Orland's financial statements "present fairly, in all material respects, the financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Orland..." No material deficiencies were identified.

The fiscal year was remarkably characterized by an ongoing pandemic, although more a year of recovery than of shut-down. A late-year infusion of ARPA (American Rescue Plan Act) revenue to the General Fund and Measure A Fund helped offset lagging sales tax revenue growth which was still in recovery from the previous year. The City wrapped up its Tehama Street reconstruction and completed the CR MM sewer main line replacement project, completed the final construction phase of the City fleet maintenance shop, and made significant progress in upgrading public safety radio systems infrastructure.

As of June 30, 2021, the City had:

- \$8.7M in cash & investments (only \$1.9M discretionary -- General Fund, Measure A and ARPA combined).
- General Fund balance was \$1.25M, Measure A \$1.2M, ARPA \$636k.

For the fiscal year 2020-21:

- The General Fund received \$5.5M and expended \$5.0M.
- GenFund revenues exceeded original budget by \$630k before ARPA, expenditures by \$341k.

Water Fund and Sewer Fund balances both increased as budgeted, strengthening reserves against future projects and contingencies.

This past fiscal year's audit was, like so many activities in the pandemic, started on time but delayed in completion, while equal in quality to normal years. Each Council member is provided a printed copy of the audit report from the auditor along with the Management Letter.

Upon acceptance by the City Council, the financial audit report becomes a completed, filed and published document of the City.

This is the last year of our engagement with Marcello & Company. This spring the City will need to publish an RFQ to solicit proposals for a new audit firm.

Attachment: Fiscal Year 2021 Financial Audit Report for City of Orland
(also provided in printed form to each Councilmember)

RECOMMENDATION:

Consider and accept the annual financial report and the auditor's management letter as presented.

Fiscal Impact of Recommendation:

The annual audit expense is \$33,000 including GASB-required sub-audit components.

CITY OF ORLAND

CITY COUNCIL AGENDA ITEM #: 7.D.

MEETING DATE: March 15, 2022

TO: Honorable Mayor and Council
FROM: Pete Carr, City Manager
SUBJECT: Debt Reduction Proposal (Discussion/Action)

City Treasurer proposes City Council utilize available cash to pay down certain outstanding loans.

BACKGROUND

The City Council may authorize debt for purchase of necessary capital equipment, lease agreements, completion of capital improvement projects, and investment in projects like energy efficiency and economic development. Terms often range from 5 to 30 years at various bank interest rates. The City's debt is reported and tracked as part of the published annual budget.

DISCUSSION

Considering the City's current cash position, low rate of return on investments, and outstanding debts, the City Treasurer, Leticia Espinosa, proposes the City utilize cash resources to pay down or pay off certain lease agreements before their maturity dates. Payoff of all five leases combined would cost \$340,592, with interest savings to the City of \$3,059 this fiscal year and \$12,866 over the remaining life of the loans. None of these agreements has an early payoff penalty.

The City's CPA advises that Council may want to authorize the Treasurer to pay off loans on a limited basis as part of the budget process or a quarterly review.

See loans proposed for payoff listed on following page.

RECOMMENDATION:

Authorize Treasurer to utilize current cash assets to pay off all or a portion of the proposed lease agreement indebtedness.

Fiscal Impact of Recommendation:

Up to \$340,592 in expense less savings in avoided interest payments.

1. Bucket Truck – General Fund
Lease #041-10668871-001
Principal balance \$ 7,186.00
Rate 4%
Maturity date 08/01/2022
\$ 42.81 interest savings April-June 2022
\$ 47.39 savings over remaining life of the loan

2. OPD Equipment – Water, Sewer and General Fund
Lease #013-1068871-003
Principal balance \$ 95,630.99
Rate 5%
Maturity date 09/01/2022
\$ 621.67 interest savings April-June 2022
\$ 871.42 savings over remaining life of the loan

3. OPD Vehicles – General Fund
Lease #013-1068871-004
Principal balance \$ 67,432.87
Rate 4.67%
Maturity date 05/01/2023
\$ 655.49 interest savings April-June 2022
\$ 1,676.40 savings over remaining life of the loan

4. OPD Vehicles – General Fund
Lease #013-1068871-005
Principal balance \$ 75,144.75
Rate 4.46%
Maturity date 03/01/2024
\$ 736.76 interest savings April-June 2022
\$ 3,243.01 savings over remaining life of the loan

5. OPD Vehicles – General Fund
Lease #013-1068871-006
Principal balance \$ 95,197.40
Rate 3.36%
Maturity date 06/01/2025
\$ 1,002.41 interest savings April-June 2022
\$ 7,027.45 savings over remaining life of the loan

CITY OF ORLAND WATER CONSERVATION AND SHORTAGE CONTINGENCY PLAN

Adopted by Council Sept 2, 2014

UPDATE 3.2 July 6, 2021

FUNCTION	ACTION	NORMAL OPERATIONS	STAGE 1 SHORTAGE	STAGE 2 SHORTAGE	STAGE 3 SHORTAGE	STAGE 4 SHORTAGE
<i>City Council will declare operational stages for Orland as needed depending on local resources, environmental conditions and State guidance.</i>						
TARGET USAGE	Measure and track	Resource supplies exceed demand and can meet expected population growth.	25% reduction in demand from base year 2013	30% reduction in demand from base year 2013	35% reduction in demand from base year 2013	50% reduction in demand from base year 2013
RESIDENTIAL USE	Irrigation of residential property	Metered usage, conservation encouraged, wasting prohibited per code (OMC 13.06.060). Rates include cost per volume used after a base allotment.	Customers are asked to increase conservation, egregious instances called to attention of property owner.	Stage 1 + irrigation is limited to 3 days/week and hours per OMC 13.06.070. Irrigation when winds exceed 15MPH is discouraged.	Stage 2 + irrigation is limited to 2 days/week; daylight watering is prohibited. Irrigation when winds exceed 15MPH is prohibited.	Stage 3 + outdoor irrigation is prohibited.
COMMERCIAL USE	Irrigation of property and use in operations	Metered usage, conservation encouraged, wasting prohibited per code (OMC 13.06.060). Rates include cost per volume used after a base allotment.	Customers are asked to increase conservation, egregious instances called to attention of property owner.	Stage 1 + irrigation is limited to 3 days/week and hours per OMC 13.06.070. Irrigation when winds exceed 15MPH is discouraged.	Stage 2 + irrigation is limited to 2 days/week; daylight watering is prohibited. Irrigation when winds exceed 15MPH is prohibited.	Stage 3 + outdoor irrigation is prohibited.
INDUSTRIAL USE	Industrial and ag use in operations	Metered usage, conservation encouraged, wasting prohibited per code (OMC 13.06.060). Rates include cost per volume used after a base allotment.	Customers are asked to increase conservation, 20% reduction from base year 2013 is encouraged, egregious instances called to attention of property owner.	Stage 1 + 25% reduction is required.	Stage 2 + 35% reduction is required.	Stage 3 + 50% reduction is required.
CITY ADMIN	Public information	Continuous education outreach about water conservation generally.	Alerts on customer bills, social media, press releases.	Stage 1 + messages on city website, tips on conservation tactics, warnings of fines.	Stage 2 + letters to all customers that OMC 13.06.080 with fines is being implemented.	Stage 3 + information on where/how to obtain household water in the event of municipal resource curtailment.
	Enforcement of water use code OMC 13.080	Act on reported wasting, advise customers.	Act on reported and observed wasting, advise customers of city code and need to conserve.	Stage 1 + City employees identify water wasting and bring directly to attention of property owners, warn of fines for egregious or persistent wasting.	Stage 2 + City hires and deputizes special enforcement staff to inspect entire City random hours and days, 20 hrs per week, report non-compliance for implementation of fines.	Stage 3 @ 40+ hrs per week
	Rates	Normal operations, normal rates: Base: \$61.35 bi-monthly up to 15,000 gallons, then \$1.65/1000 >15,000 gallons	Normal operations, normal rates: Base: \$61.35 bi-monthly up to 15,000 gallons, then \$1.65/1000 >15,000 gallons	Begin Tier rates Base: \$61.35 bi-monthly up to 15,000 gallons, then Tier 2: \$2.00/1000 gals 15,001-23,000 Tier 3: \$4.00/1000 gals 23,001-30,000 Tier 4: \$6.00/1000 >30,000	Continue Tiers, increase rates Base: \$61.35 bi-monthly up to 15,000 gallons, then Tier 2: \$3.00/1000 gals 15,001-23,000 Tier 3: \$5.00/1000 gals 23,001-30,000 Tier 4: \$7.00/1000 >30,000	Continue Tiers, increase rates Base: \$61.35 bi-monthly up to 15,000 gallons, then Tier 2: \$4.00/1000 gals 15,001-23,000 Tier 3: \$6.00/1000 gals 23,001-30,000 Tier 4: \$8.00/1000 >30,000
CITY PUBLIC WORKS & ENGINEERING	Well monitoring	Inspect well levels monthly and bi-annually report levels and production records to State	Normal ops + inspect well levels bi-monthly, report internally to city engineer and city manager.	Implement weekly inspections of well levels. Report 2/mo to City Council.	Continue Stage 2 + report to City Council weekly.	Continue Stage 3
	Parks and other public	Keep lawns and landscaping green with minimal waste.	Reduce irrigation and step up efforts to identify and fix leaks.	Stage 1 + additional reduction, allow for some browning.	Stage 2 + reduce irrigation to 3 days/week; increase browning.	Stage 3 + reduce irrigation to 2 days/week.
	City pool and splash pad	Operate as safe recreation for residents	Operate as safe recreation for residents. Limit hours at pad to 60 hours per week.	Stage 1 + limit hours at pad to 45 hours/week or only days > 90°.	Stage 2 + limit hours at pad to 35 hours/week or only days > 95°. If pool is not yet filled for the season, do not fill it.	Close pad except >100°. If pool is not yet filled for the season, do not fill it.

**CITY OF ORLAND
RESOLUTION 2022-XX**

**A RESOLUTION OF THE ORLAND CITY COUNCIL PROCLAIMING A LOCAL EMERGENCY DUE TO
DROUGHT CONDITIONS IN THE CITY OF ORLAND ADVANCING STAGE 1 TO STAGE 2 OF THE
CITY OF ORLAND WATER SHORTAGE CONTINGENCY PLAN**

WHEREAS, the City Council on June 7th 2021 declared a local emergency due to drought conditions and directed City Staff to implement Stage 1 of the City of Orland Water Shortage Contingency Plan; an

WHEREAS, ongoing drought conditions are worsening the outlook for groundwater supplies this summer;

THEREFORE, Direct Staff to implement Stage 2 of the City of Orland Water Shortage Contingency Plan effective April 6, 2022.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Orland, California at a regular meeting held on the 15th day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Dennis G. Hoffman
Mayor
City of Orland
State of California

ATTEST:

Jennifer Schmitke

By:_____