

CITY COUNCIL

Dennis Hoffman, Mayor
Jeffrey A. Tolley, Vice-Mayor
Bruce T. Roundy
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CITY OFFICIALS

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City Clerk

Leticia Espinosa
City Treasurer

CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street
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CITY MANAGER

Peter R. Carr

Meeting Place: Carnegie Center
912 Third Street
Orland CA 95963

AGENDA

REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, April 21, 2022 at 5:30 P.M.

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at jtschmitke@cityoforland.com or by phone at (530) 865-1610 by 4:00 p.m. on the day of the meeting. This meeting will be conducted pursuant to the provisions of the AB361 which suspends certain requirements of the Ralph M. Brown Act.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chairperson; 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. **(Oral communications will be limited to three minutes).**

5. CONSENT CALENDAR

- A. Approval of Prior Meeting Minutes: January 20, 2022
- B. Approval of Prior Meeting Minutes: February 17, 2022
- C. Compliance with AB361

6. ITEMS FOR DISCUSSION OR ACTION

- A. Mixed - Use Zoning District: (Discussion Item Only. No Formal Action Requested)
- B. Streetscapes Design Standard for Commercial Development (Discussion Item Only. No Staff report provided)

7. STAFF REPORT – Department Activity Report (Verbal)

- A. Department Activity Report / Project Updates

8. INFORMATIONAL

- A. 2021 General Plan Implementation and Housing Element Annual Report (Information Item only. No Action Requested or Required)

9. COMMISSIONER REPORTS

10. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on April 15, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

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 at (530) 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.

PLANNING COMMISSION MINUTES
January 20, 2022

1. Call to Order – The meeting was called to order by Chairperson Elliott at 5:32 PM

2. Pledge of Allegiance – Mayor Dennis Hoffman

3. Roll Call:

Commissioner's present –	Wade Elliott, Doris Vickers, Michelle Romano and Sharon Lazorko
Commissioners absent -	Stephen Nordbye
Councilmember present -	Dennis Hoffman
Also present -	City Planner Scott Friend, Jennifer Schmitke, Planning Commission Secretary/City Clerk

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

5. ELECTION OF COMMISSION CHAIR AND VICE CHAIR FOR 2021

Mr. Friend thanked Chairperson Elliot for his services and asked for nominations for Chairperson for calendar year 2022.

Upon motion made by Commissioner Lazorko, Commissioner Elliott was elected Chairman for 2022. The motion carried unanimously by voice vote, 4-0 with Commissioner Nordbye absent.

Upon motion made by Chairman Elliott, Commissioner Nordbye was elected Vice-Chairperson for 2022. The motion carried unanimously by voice vote, 4-0 with Commissioner Nordbye absent.

6. APPROVAL OF THE MINUTES FROM December 16, 2021

Upon motion made by Commissioner Vickers and seconded by Commissioner Romano, the minutes of December 16, 2021 were approved as presented. The motion carried unanimously by voice vote, 4-0.

7. ITEMS FOR DISCUSSION OR ACTION

A. Presentation: CEQA 101

City Planner Friend presented a slideshow on the California Environmental Quality Act (CEQA). Mr. Friend stated that CEQA was passed in 1970; signed into law by then Governor Reagan and was based on The Environmental Bill of Rights and modeled after the National Environmental Policy Act (NEPA). Mr. Friend explained that CEQA is amended all the time by legislature, courts, and local jurisdictions.

Mr. Friend stated that the point of CEQA is to inform the public and decision making persons/bodies of the potential environmental effects of a project and to craft options for how to address potential effects

of a project if possible; or, to allow your consideration even if it isn't. Mr. Friend explained that CEQA evaluates change and how this change will affect the physical environment.

Mr. Friend stated that once a project is analyzed, then the analysis is circulated for public review and comment. Mr. Friend shared with the Commission three types of projects which are Ministerial: Little judgment, use of fixed or objective standards, Discretionary: Requires exercise of judgement or deliberation, Mixed Decision Projects: considered discretionary.

Mr. Friend explained once there is a project, then there must be a determination of the level of environmental review. The three basic outcomes are exempt, negative declaration, or mitigated negative declaration, or environmental impact report (EIR).

Commissioner Vickers thanked Mr. Friend for his presentation and explanation of CEQA.

B. Discussion: Electric Vehicle Charging/Service Facilities – Future Code Amendment

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.

The Proposed action is categorically *exempt* from the California Environmental Quality Act (CEQA) 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 Title 17- *Zoning* of the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA.

Mr. Friend stated that a draft electric vehicle charging/ Ordinance would be on the February 17, 2022 Planning commission agenda and that he wanted to give the Planning Commission time to give guidance or ask questions before the next meeting.

9. STAFF REPORT – Department Activity report

A. Glenn County General Plan Update

Mr. Friend reported that Glenn County is updating their general plan and stated it would be a good idea for the Commissioners as citizens of Orland to get involved and go to meetings, so they know what is going on.

Ms. Lazorko asked how she will know when something is going on, Mr. Friend stated there are no workshops that the County stated to just show up to meetings. Mr. Friend also shared that the County was not interested in coming to the Planning Commission meeting to talk about future.

Mr. Friend stated there is a website (Glenn County general plan) which is the best place to find out what is being planned for Glenn County.

Chairperson Elliott asked Mr. Friend if there is anything on the maps that are being worked on, that seem alarming or need addressing. Mr. Friend stated there is a lot of density being planned around Orland due to Orland being the bigger City with more going on.

Mr. Friend stated he spoke with the City Manager, Pete Carr and felt Marty Thomas, County Planner could maybe come speak to City Council about the general plan.

B. Project Updates

Mr. Friend reported the February 17, 2022, Planning Commission meeting will be having six formal public hearings and two non-public hearings that need action. The meeting will also have two conditional use permits, two zoning code amendment actions, a variance, and a hearing for the housing element.

C. Housing Element - Progress/Status Update

Mr. Friend reported that the housing element hearing will be on the agenda for the February 17, 2022, meeting.

10. COMMISSIONER REPORTS

Commissioner Romano asked about conducting a special meeting or a workshop to discuss work projects. Mr. Friend stated that is something that can be looked into in the future.

Chairperson Elliott stated Omicron is everywhere, stay protected.

Commissioner Lazorko had nothing to report.

Commissioner Vickers had nothing to report.

11. ADJOURNMENT – 6:45 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson

PLANNING COMMISSION MINUTES
February 17, 2022

1. Call to Order – The meeting was called to order by Vice Chairperson Nordbye at 5:31 PM

2. Pledge of Allegiance – Commissioner Doris Vickers

3. Roll Call:

Commissioner's present –	Stephen Nordbye, Doris Vickers, Michelle Romano and Sharon Lazorko
Commissioners absent -	Wade Elliot
Councilmember present -	Dennis Hoffman
Also present -	Scott Friend, City Planner; Jennifer Schmitke, Planning Commission Secretary/City Clerk; Rebecca Pendergrass, Assistant City Manager/Director of Administrative Services; Paul Rabo, City Engineer

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

5. APPROVAL OF THE MINUTES FROM PRIOR MINUTES

Vice Chairperson Nordbye stated there are no meeting notes currently available for approval.

6. ITEMS FOR DISCUSSION OR ACTION

A. Compliance with AB361

City Planner Scott Friend presented to the Planning Commission that AB361 was signed into law in 2021, AB361 amends Government Code section 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown act. Mr. Friend shared that the Resolution presented tonight will be renewed every 30 days until the state of emergency is over.

ACTION: Upon motion made by Commissioner Vickers and seconded by Commissioner Romano, to adopt AB361 the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

7. PUBLIC HEARING

A. Public Hearing: Zoning Code Text Amendment (Electric Vehicle Charging)

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.

Vice Chairperson Norbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented to the commission that the State of California passed Assembly Bill 970 in October 2021 and it went into effect January 2022. Assembly Bill 970 states all public agencies within California need to have ordinances addressing electric charging facilities. Mr. Friend stated that staff is recommending that the Orland Municipal Code (OMC) be revised to include electric vehicle (EV) charging stations, allowing for review of location, number, and design of EV charging stations prior to the submittal for building permits.

Commissioners Romano asked if even when installing a new carport, you would be required to install a 240-volt electrical outlet. Mr. Friend stated in all R1, R2 and R3 zones it will be a requirement.

Vice Chairperson Nordbye asked how the requirements fall in line with the state's requirements. Mr. Friend stated that Orland is 100% in line with AB970 to adopt EV charging with one major exception which is requiring the installation of the outlet in a garage.

Public Comment opened at 5:46 PM.

Dennis G. Hoffman, 932 Trinity St., Directed a question to Mr. Friend about generators, asking if he could use his solar panels as a generator since they produce energy. Mr. Friend stated that it was his understanding that it was possible but that he couldn't comment on individual situations.

Public Comment closed at 5:47 PM.

ACTION: Commissioner Vickers motioned that the Planning Commission adopt 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 seconded by Commissioner Romano, the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

B. Public Hearing: Zoning Code Text Amendment (Small Home Overlay) – required by our SB2 grant.

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)*.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented both an approval resolution and denial resolution as back in December 2021 the planning commission did not support the small home overlay topic. Mr. Friend shared that the SB2 grant that the City was approved for needs a conclusion with planning commissions recommendations to be sent to City Council so that the SB2 grant can be closed out.

Commissioner Romano asked the difference in an overlay zoning district and a normal zoning district. Mr. Friend stated the overlay district is laid over another base zone such as R2 or R3. Commissioner Romano stated she understood that the proposed district would establish a minimum areas size of 1 acre for use of the overlay district and asked if there was a proposed maximum acreage. Mr. Friend shared they only set a base level size for the projects to be workable and didn't want to set an upper limit that may potentially limit a future unknown project.

Commissioner Lazorko asked if the City could still do a small home project without the overlay district. Mr. Friend stated that a small home project could be done without the small home overlay district.

Vice Chairperson Nordbye clarified that if the Commission votes against this that the City will have more control over where these districts are laid out. Mr. Friend verified that City would continue to have control over where the specific districts are allowed.

Public Comment opened at 5:58 PM.

Marjorie Palmer, 716 Shasta St., asked if the small homes can be put into people's backyards. Mr. Friend stated that yes if the site is zoned multi-family or was an Accessory Dwelling Unit (ADU). Mrs. Palmer also asked if the small homes would have to have their own electricity and water. Mr. Friend stated that he understood that small homes would not need to have their own water meter or electric meter. Mr. Friend clarified that the requirements for electric service are set by PGE and not the City of Orland.

Public Comment closed at 6:00 PM.

ACTION: Commission Lazorko moved 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, and Commissioner Vickers seconded the motion, the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye
NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

C. Public Hearing: Zoning Code Text Amendment (Accessory Dwelling Units) – required by State Statute changes

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.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented a request to amend the zoning code for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to be consistent with the states regulations and to comply with SB13, AB68 and AB881 as well as the solar photovoltaic requirements established in the Energy Code. Mr. Friend stated that the law was updated on how solar systems on ADU are categorized. Previously you could not have solar panels on an ADU to power a primary home and now you could. Mr. Friend clarified that for parking requirements on JADU, there is no replacement parking required if you convert your garage. Mr. Friend explained the City cannot require replacement parking.

Commissioner Romano questioned if solar panels are required on the ADU units. Mr. Friend informed the Commission that a builder had to meet energy code requirements for any home, and that he's been informed that it was easiest to meet the code by using solar panels.

Vice Chairperson Nordbye questioned what the parking requirements are for brand new R1 single family home. Mr. Friend reported two parking spaces off the street. Vice Chairperson Nordbye challenged that statement by saying someone could build a brand-new house, be required to provide two parking spaces, and a month later turn the two parking spaces into a JADU and not have to provide parking. Mr. Friend confirmed. Vice Chairperson Nordbye clarified his statement by adding the opportunity for more people, more cars, more drivers, and you are taking away the requirements to park those cars. Mr. Friend again confirmed the statement.

Public Comment opened at 6:12 PM.

Public Comment closed at 6:12 PM with no comments.

ACTION: Commissioner Romano moved 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, and Commissioner Vickers seconded the motion, the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None
ABSENT: Chairperson Elliott
ABSTAIN: None

D. Public Hearing: Zoning Code Text Amendment (Tiny Home Overlay Zoning District.)

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.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented an amendment to the City's zoning ordinance, to reconcile Orland's Code with legislation that was passed at the State level. Mr. Friend pointed out that SB35 was adopted a few years back and what it does is require cities to have a streamlined or ministerial approach to approving certain types of multi family projects. Mr. Friend explained that if a qualifying project, met state statute objectives for SB35 it cannot be subject to a discretionary hearing.

Mr. Friend stated that at the State level multi-family projects were getting denied in Cities and housing wasn't getting constructed in California. With SB35, the legislature took away the ability of local government agency's discretion for certain types of multi-family projects. Mr. Friend explained that the State was allowing City's that have Objective Development Standards in place, involving no discretion, a city could apply standards to qualifying multi-family project. Mr. Friend stated that currently the City does not have Objective Development Standards so currently if a qualifying SB35 project came into the city, nothing could be applied to the project.

Mr. Friend stated that the City applied for money through the SB2 grant to help create Objective Design Development Standards so that the City would have something to apply to future projects.

Commissioners went over certain standards they had concerns about, and Mr. Friend gave explanations for each concern and the Commission was satisfied with the answers.

Public Comment opened at 6:61 PM.

Public Comment closed at 6:22 PM with no comments.

City Engineer Paul Rabo asked if the standards could be challenged by developers. Mr. Friend stated that developers can object to anything.

ACTION: Commissioner Vickers moved that the Planning Commission adopt Planning Commission Resolution #2022-XX recommending approval to the City Council, the Municipal Code Amendment as presented herein and approval of the Categorical Exemption as presented and Commissioner Lazorko seconded the motion, the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None
ABSENT: Chairperson Elliott
ABSTAIN: None

E. Public Hearing – Variance. DR Horton. Setbacks reduction on six (6) existing lots for homes in the Orland Park Phase I project.

Variance: V#2022-06 – DR Horton. The proposed action is a request by D.R. Horton (applicant) for approval of a Variance pursuant to Orland Municipal Code Section 17.20.070 to modify the existing rear-yard setback for six (6) lots in Phase I of the Orland Park project. The proposed rear-yard setback variances would occur on the following parcels:

Address	APN	Lot
700 Jackson Street	045-370-003	173
701 Moraga Street	046-370-002	172
703 Moraga Street	046-370-011	171
802 Ellis Street	046-370-061	151
804 Ellis Street	046-370-060	152
769 Oakwood Drive	046-370-059	153

The project site is designated as Low Density Residential (LDR) on the Orland General Plan land use diagram and zoned R-1, Residential One-Family Pursuant to Orland Municipal Code (OMC) Chapter 17.20. A final subdivision map to create the subject lots was approved by the city via a prior action.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented Variance 2022-01; a request by D.R. Horton for a Variance from setback standards for six lots within the Phase I of the Orland Park Estates. Mr. Friend stated that there are concerns on six corner lots, the standards need to be varied because the three different designs of home do not all fit. The Variance is asking for all the homes to fit on all the lots.

Commissioner Romano asked if the lots were approved. Mr. Friend stated that the lots were approved years ago and that the projects final map was also approved years ago.

Public Comment opened at 6:30 PM.

Mayor Dennis Hoffman, 932 Trinity St., stated he was asking on behalf of a real estate agent, the lots on the knuckles, normally have six-foot setbacks from back line, if asking for a Variance is to shorten that what will the distance be in the rear. Mayor Hoffman also asked will this create an issue in the future for the homeowner to get a burndown letter. Mr. Friend explained that the standard rear setbacks in R1 zone is 20 feet. Mr. Friend gave an example of lot 173 the setback would go from 20 feet to 9 feet, 9 inches; lot 172 from 20 feet to 13.5 feet; lot 171 from 20 feet to 14 feet 2 inches; lot 151 from 20 feet to 5 feet 5 inches, lot 152 from 20 to 9 feet 8 inches and lot 153 from 20 feet to 14 feet 5 inches. Mr. Friend clarified that the distance usually reflects the corner. As per the burn letter Mr. Friend stated that the City Municipal Code states that if the building is involuntarily destroyed and it is at a level of less

than 75% you can build back without a burn letter, if the burn is greater than 75% you would need direct council action.

The Commissioners were in agreeance that lot 151 was the lot they had the most issue with.

Bonnie Chiu, DR Horton, reiterated that when it comes to encroaching on the rear yard setback that it is just a small portion and, in most cases, just the corner. Ms. Chui explained that Lot 151 does encroach quite a bit into the 20-foot setback, leaving 5.5 feet which is rare setback but not inconsistent with the width of the side yard. Ms. Chiu explained that the corner lots are the biggest lots, while there is some encroachment to the 20-foot rear setback, these rare cases the side yards are rear yards are much bigger than the typical rectangular lots.

Public Comment closed at 6:40 PM.

Commission Vickers asked if the house on lot 151 could be limited. Mr. Friend stated that the Commission could say no on lot 151 all together or they could choose appropriate setback amounts.

Vice Chairperson Nordbye expressed that he felt that the developers is taking the risk to have the setback smaller.

Commissioner Lazorko asked if the Variance was not allowed on 151 would it accommodate the two other smaller corner units.

Ms. Chiu clarified that if the Variance is denied on lot 151 then none of the house plans that have been submitted would fit and new house plans would need to be created and re-submitted to the City Planner.

Mr. Friend explained to the Commission that they could change front yard setback also to offer more setback in the rear yard.

ACTION: Upon motion made by Commissioner Vickers and seconded by Commissioner Romano, moved that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, and make the required findings for the action, and approve the requested Variance (V#2022-01) with up to a 10 foot encroachment forward in the front leaving minimum on 10 feet in the rear yard, the motion failed 2-2 by the following roll call vote.

AYES: Commissioners Vickers and Romano

NOES: Commissioner Lazorko and Vice Chairperson Nordbye

ABSENT: Chairperson Elliott

ABSTAIN: None

ACTION: Commissioner Lazorko moved that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, and make the required findings

for the action, and approve the requested Variance (V#2022-01) and Commissioner Nordbye seconded the motion, the motion failed 2-2 by the following roll call vote.

AYES: Commissioners Vickers and Romano

NOES: Commissioner Lazorko and Vice Chairperson Nordbye

ABSENT: Chairperson Elliott

ABSTAIN: None

Discussion was held with staff and Commission trying to figure out the amount of space that would work best to for the developer as well as future homeowners.

ACTION: Commissioner Romano moved that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, and make the required findings for the action, and approve the requested Variance (V#2022-01) as requested with the exception that the rear setback be changed to 10 feet and the front setback be adjusted to 15 feet on lot 151. Commissioner Lazorko seconded the motion, the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Vickers, Lazorko, Romano and Vice Chairperson Nordbye

NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

F. Public Hearing – Conditional Use Permit. Habitat for Humanity – Yuba/Sutter. Issuance of a Residential dwelling's units on the ground-floor building level, and establishment of a residential land use in a Commercial zoning district.

Habitat for Humanity – Yuba/Sutter: Conditional Use Permit 2022-01; 2) Site Plan Review 2021-04; 3) Lot Line Adjustment 2021-04 – The proposed action involves the consideration of the issuance of Conditional Use Permit to permit the establishment of residential dwelling units on the ground-floor level, and the establishment of a residential and use in a Commercial zoning district pursuant to Orland Municipal Code Section 17.40.040.16 and 17.40.040.D and Orland Municipal Code Section 17.44.030.B on an existing +/- 0.5-acre site addressed as 827 Newville Road and located in the C-H and C-2 zoning districts.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented a request from Yuba Sutter Habitat for Humanity for a Conditional Use Permit (CUP) to allow development of a residential use in a commercial zoning district. Mr. Friend explained that the Orland Municipal Code allows the Planning Commission to issue a use permit for a use residential that is specifically allowed by the code commercial. Mr. Friend also stated that the City Code requires that if you allow residential in a commercial zone that you reserve the ground floor for commercial use. The CUP has two parts; the first part is to allow residential and the second part is to allow the ground floor for residential also.

Mr. Friend reminded the Commission that the property is an existing parcel that is currently occupied as the Orlanda Hotel. The proposed project is a two story, 33-unit affordable residential community. This is not a shelter this is permanent long term supportive housing with an onsite manager, which also include services through Glenn County.

Mr. Friend stated a correction to the staff report, that this CUP does not go to Council and that the motion made this evening unless failed is the final decision.

Mr. Friend added that he received a letter from Cal Trans that he would like entered into the record, that basically is their review comments and stated an encroachment permit would be required.

Commissioner Romano asked as far as zoning how is the zoning for this project different from a hotel. Mr. Friend explained that a hotel is transitory, and this project is permanent housing.

Commissioners showed concern about additional traffic on Newville and Walker Streets, Mr. Friend and Mr. Rabo discussed their research on the traffic concerns.

Public Comment opened at 7:19 PM.

Joseph Hale, 202 D Street, Marysville, (Habitat for Humanity) stated that the target population for this project are elderly and disabled persons who would be primary residents with many of them not operating vehicles and he felt the traffic would be very limited as a result.

Public Comment closed at 7:23 PM.

ACTION: Commissioner Lazorko moved to approve that the Planning Commission Resolution PC 2022-XX making the determination that the project is exempt from further CEQA review pursuant to Section 15332 infill development projects of the Public Resources Code and approving Conditional Use Permit application# 2022-01 has further presents in the staff report subject to the conditions of approval provided as attachment C and findings shown on attachment D on the report package and Commissioner Romano seconded the motion, the motion carried 4-0by the following roll call vote.

AYES: Commissioners Vickers, Lazorko, Romano and Vice Chairperson Nordbye

NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

G. Public Hearing – Conditional Use Permit. Maverick Fueling Station. 4463, 4473, and 4483 Commerce Lane (APNs 045-170-040, 041, and 042).

Maverik Fueling Station: 1) Conditional Use Permit 2021-01; 2) Site Plan Review 2021-04; 3) Lot Line Adjustment 2021-04 – The proposed action involves the consideration of and land use entitlement action (Lot Line Adjustment) and permit action (Conditional Use Permit) to permit the construction of a convenience store, quick stop restaurant and fueling station with 14 automobile fueling stations and 6 commercial truck fueling stations on a 5.56-acre site comprised of three parcels - 4463, 4473, and 4483 Commerce Lane (APNs 045-170-040, 041, and 042). Approval of a lot merger is also being requested to merge the three subject parcels

into one site. The parcels are currently vacant and designated C, Commercial on the Orland General Plan land use diagram and located in the C-H, Highway Service Commercial zoning district.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented a request for approval of Conditional Use Permit (CUP) 2021-04, a lot line adjustment 2021-04 and a site plan for the Maverik project.

Mr. Friend described to the Commission that site was an empty field to the west of pilot, the project would involve two driveways, the project involves 9,084 sq foot convenience store building which could include a fast-food restaurant, outside eating area, 7 automobile gas dispensers, 6 high flow high volume in the rear of the building. Mr. Friend stated that high flow dispenser is typically for commercial vehicles because the volume is greater. In the rear of the building there are two 30-minute truck parking spaces. This project is not a truck stop but has truck fuel capabilities. The City Code does not define the word truck stop so staff determined a CUP was necessary for this project, without the rear high flow fueling and parking spots this project could be built today without a CUP.

Mr. Friend stated that the City prepared a CEQA evaluation and that the document was an Initial Study / Mitigated Negative Declaration. Within that document three mitigations were identified. The first is if during construction something cultural, archeological, or paleontological was found that the contractor you must call the sheriff, coroner, or a paleontologist. The most site-specific mitigation called for a sound wall along the western and northern property lines due to noise attenuation needs of the project.

Mr. Friend stated a requirement of this project is to put in a stop light at the Newville and Commerce corner and is currently under design. Also, a left turn lane from south bound off ramp will also need to be widened after traffic studies which is something Caltrans will have to take care of.

Commissioners discussed with Mr. Friend the wall height the driveways into the Maverik and landscaping.

Public Comment opened at 7:39 PM.

Christie Hutchins, Maverik Inc, Ms. Hutchins verified that Maverik is doing a Lot Merger.

Mr. Friend stated the City is calling this a lot line adjustment because there are three lots but two different landowners (2 lots owned by one person and 1 lot owned by another person).

Ms. Hutchins stated the station will have a free RV dumping station at the North end of the parking lot.

Public Comment closed at 7:44 PM.

ACTION: Upon motion made by Commissioner Vickers and seconded by Commissioner Romano, to move that the Planning Commission approve Planning Commission Resolution #2022-XX approving and adopting of the "Initial Study and Mitigated Negative Declaration for the Maverik Fueling Center Project, also moved that the Planning Commission approve Resolution 2022-XX approving Lot Line Adjustment# 2021-04 as presented herein and move that the Planning Commission approve Planning Commission

Ordinance# 2022-XX approving Use Permit #2021-01 as presented herein. The motion carried 4-0-1 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

8. STAFF REPORT – Department Activity report

A. Department Activity Report/Project Updates

Mr. Friend stated he had received a brand-new subdivision map; the proposal is called Quiet Creek with over 100 units. The review process is just beginning, and it will most likely be seen by Commission at the end of 2022.

Mr. Friend stated City Hall staff is managing list of people being connected and the map was recently released to show where the project is going.

The next meeting will be annual report for General Plan and Housing Element.

B. Housing Element

The Housing Element has been reviewed by Housing Community Department (HCD), the City received their letter, and the changes will be taken to the March 1, 2022, City Council meeting.

10. COMMISSIONER REPORTS

Commissioner Romano stated she would like to still do a workshop with City Council or other Commissions. Mr. Friend stated that he will speak with the City Council to see who would be interested in meeting up and Mr. Friend will report back at the next meeting.

Vice Chairperson Nordbye had nothing to report.

Commissioner Lazorko had nothing to report.

Commissioner Vickers had nothing to report.

11. ADJOURNMENT – 7:55 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Vice Chairperson

**CITY OF ORLAND
PLANNING COMMISSION
RESOLUTION NO. 2022-01
RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public, and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the City of Orland Planning Commission hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The City of Orland Planning Commission finds, by a majority vote, the following:
 - a. That there exists a proclaimed state of emergency; and

- b. State or local officials have imposed or recommended measures to promote social distancing.

3. This Resolution shall take effect April 21, 2022 and shall remain in effect for thirty (30) days thereafter (until May 19, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the City of Orland Planning Commission this 21st day of April, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Jennifer Schmitke, City Clerk

By: _____

I, Jennifer Schmitke, City Clerk of the City of Orland, hereby certify that the attached is a true and correct copy of a Resolution duly made by the City of Orland Planning Commission at a regular meeting of said Commission, at Orland, California, on the 21st day of April, 2022, the original of which is on file in my office and duly and regularly entered in the official records of proceedings of the City of Orland.

Dated: _____

Jennifer Schmitke, City Clerk



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**

FROM: Scott Friend, AICP – City Planner

MEETING DATE: April 28, 2022; 5:30 p.m.
Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Mix-Use Zoning District: (Discussion Item Only. No Formal Action Requested)**

As a part of the LEAP Grant, the City proposed establishment/adoption of a new mixed-use zoning district into the Orland Municipal Code. The mixed-use district would be for the creation of a new residential/commercial mixed-use zoning district establishing the standards, design guidelines, a plan review process, and the approval process. Staff is providing two possible mixed-use zoning scenarios in this staff report for Planning Commission review and discussion.

Environmental Review: To be determined.

Background:

In the California 2019-20 Budget Act, Governor Gavin Newsom allocated \$250 million for all regions, cities, and counties to do their part in encouraging new housing by prioritizing planning activities that accelerate housing production to meet identified needs of every community. With this allocation, the California Department of Housing and Community Development (HCD) established the Local Early Action Planning Grant Program (LEAP) with \$119 million for cities and counties. LEAP provides one-time grant funding to cities and counties to update their planning documents and implement process improvements that will facilitate the acceleration of housing production.

In 2021, the City applied for and was approved for LEAP grant funding for the creation of a new mixed-use zoning district in the city. The mixed-use zone is intended to encourage efficient and affordable development, allow for flexibility in uses, promote design creativity, augment city and state housing policies and goals, all while decreasing the reliance on the automobile for transportation and promote walkable neighborhoods.

Mixed-use development is characterized as pedestrian-friendly development that blends two or more residential, commercial, cultural, institutional, and/or industrial uses. Mixed-use development can be vertical or horizontal. Vertical mixed-use occurs when different uses occupy the same building and sit atop one another, such as housing or offices over ground-floor retail. Horizontal mixed-use occurs when uses are placed next to each other, such as an apartment building adjacent to offices, restaurants, or retail shops. Mixed-use development can also be a

combination of vertical and horizontal mixed-use. Mixed-use development can reduce dependence on driving by promoting walkability and bikeability, enabling trip-linking (combining several trips into one), connecting to public transit, and supporting transit-oriented development. Less automobile dependence reduces land consumption, energy use and air pollution.

Discussion:

At this time, the city is not required to provide mixed-use zoning through a state statute or other state regulations.

The city's General Plan Land Use Element identified Mixed-Use as a land use designation in the city and defined mixed-use land uses as being compatible with the city's R-3, C-2, and PD zoning districts. Currently, mixed-use is only identified for use in the Downtown-Mixed Use (DT-MU) zone. As currently written, both of the proposed Mixed-Use zoning district versions would require a General Plan amendment to revise *Table 2-6 General Plan/Zoning Compatibility* to include R-1, R-2, and C-1 under Mixed Use.

As stated previously, the City, as a part of the LEAP grant, decided to explore the addition of a mixed-use zone that can be applied to other, non-downtown, areas of residential and commercial zoning in the City. Therefore, staff has created two possible Mixed-Use zoning ordinances to be considered by the Planning Commission, which are provided below.

Possible Mixed-Use Zoning Districts

Attached are two possible zoning ordinance amendments for a mixed-use zoning district. Only one of these can be adopted by the City. Staff is requesting that the Commission review, provide comments and changes, if necessary, and deliberate on which of the two versions would be the more acceptable.

Mixed-Use Zone Version #1

Attachment A provides one version of a possible zoning district (referred to as Mixed-Use Zone #1 in this staff report). This district is based on the requirements and stipulations in the city's P-D Planned Development zone and allows for an applicant to determine, with City Council approval, the type and amount of residential and commercial uses based on a master plan. However, rezoning to a Mixed-Use (M-U) zone can only be applied to areas of one-acre or greater in size and only within the R-1, R-2, R-3, C-1, and C-2 zoning districts. The master plan and use permit would have to provide what the proposed uses would be and their locations within the M-U zone.

Process for Mixed-Use Zone Application:

If Mixed-Use Zone #1 is adopted, the anticipated application/approval process for this Mixed-Use version would be as follows:

1. Submittal of planning application for use permit and rezone by landowner or developer with landowner approval. A master plan of mixed use area is required for application submittal.
2. Staff reviews application for compliance with Mixed-Use ordinance and CEQA.
3. Staff and applicant presents the master plan, use permit, and rezone to the Planning Commission for their review.

4. The Planning Commission reviews the master plan, use permit, and rezone request and forwards the master plan/rezone to the City Council with a recommendation.
5. Staff and applicant presents the master plan and rezone and Planning Commission recommendation to the City Council for their review.
6. The City Council reviews the master plan, use permit, and rezone request and either approves or denies the project.

Pros and Cons of Mixed-Use Zone #1:

Pros

1. Allows applicant to choose type of use and locations of use based on master plan.
2. Requires use permit(s) for future uses to be very specific on uses. (This would be good for the City but not necessarily good for the applicant.)
3. Provides for the Planning Commission and the City Council to request changes to master plan as a part of approval process.
4. Would permit a mixture of residential and commercial development within close proximity decreasing dependence on automobile travel.

Cons

1. Ordinance does not identify specific uses allowed in Mixed-Use zone but leaves this up to the applicant.
2. Use permit will identify what uses will be allowed by location. No changes to these uses would be allowed without a new use permit or modification of the exiting use permit.
3. May result in cost to the applicant for development of master plan and use permit.

Things to Consider:

1. Should a use ratio with underlying zone as the primary use be required? Example: in an existing R-1 zoning district, should a M-U rezone require that possible future uses be 75% residential uses currently allowed in the R-1 district and 25% commercial uses currently allowed in the C-1 district.
2. Should lot sizes and setbacks conform to the original residential or commercial zoning district or should the Mix-Use ordinance allow for a variety of lot sizes and setbacks?
3. As currently written, the design of future uses is up to the applicant with final approval by the Planning Commission and the City Council. Is this sufficient or should there be a project design section included in the Mixed-Use ordinance providing minimal guidelines?
4. The city currently has a Downtown Mixed-Use zoning district. Is this sufficient to meet the city's need for mixed-used?

Mixed-Use Zone Version #2

Attachment B provides a second version of a possible mixed-use zoning district (referred to as Mixed-Use Zone #2 in this staff report). This version is more definitive (e.g. includes setbacks, lot sizes, permitted uses etc.). Mixed-Use Zone #2 is divided into Mixed-Use/Residential (M-U/R) and Mixed-Use/Commercial (M-U/C) and possible rezone depends on what the existing zoning is at the time of a rezone request, as only existing residential zones can be rezoned to MU/R and

existing commercial zones can be rezoned to MU/C. This version of the M-U zone does not require a master plan or other type of site plan as a part of the rezoning process. However, this version provides more definition as to what is permitted by right and by administrative or conditional use permits as well as lot sizes, setbacks, maximum heights, design, and other requirements. All setbacks, heights, lot sizes, and uses are based on what is currently defined and allowed in the city's current zoning ordinance (Title 17 Zoning).

Process for Mixed-Use Zone Application:

If Mixed-Use Zone #2 is adopted, the anticipated application/approval process for this Mixed-Use version would be as follows:

1. Submittal of planning application for a rezone to mixed-use by landowner or developer with landowner approval.
2. Staff reviews application for compliance with Mixed-Use ordinance and CEQA.
3. Staff and applicant presents the rezone to the Planning Commission for their review.
4. The Planning Commission reviews the rezone request and forwards the rezone requires to the City Council with a recommendation.
5. Staff and applicant presents the rezone request and Planning Commission recommendation to the City Council for their review.
6. The City Council reviews the rezone and either approves or denies the rezone.

Pros and Cons of Mixed-Use Zone #2:

Pros

1. Defines specific allowed uses within the ordinance for M-U/R and M-U/C whether it be permitted by right, an administrative use permit is required, or a conditional use permit is required. This removes any speculation as to whether a use is allowed in the zoning district or not.
2. Those uses that are permitted by right would be ministerially approved and require no action by the Planning Commission or City Council.
3. Those uses that are permitted by right would be ministerially approved and therefore, would not require CEQA environmental review.
4. The M-U/R and M-U/C zones would work the same as other zoning districts in the city by providing requirements for allowed uses, lot sizes, setbacks, heights, parking requirements, etc.
5. Allows a mixture of residential and commercial development within close proximity decreasing dependence on automobile travel.

Cons

1. Potentially reduces the amount of residential development in an existing R-1, R-2, or R-3 zoning district because commercial uses may replace vacant parcels currently identified as residential. However, this remains to be seen as future commercial uses could also have residential uses as a part of the development.

2. Potentially reduces the amount of commercial development in an existing C-1 or C-2 zoning district because residential uses may replace vacant parcels currently identified as commercial.
3. Allows commercial uses in residential areas of the City where commercial uses are not allowed and thereby may change the character of that area.

Things to Consider:

1. Should rezone to M-U require at least one acre of land or can it be based on a parcel and allow commercial and residential uses on the same parcel and/or building?
2. Should future Mixed Use Residential and Mixed Use Commercial be based on the existing zoning district? Such as: M-U/R can only be a rezone from existing residential zones and M-U/C can only be a rezone from existing commercial zones. For those areas that may include both residential and commercial zoning currently, the dominate land area zoning district would apply. Such as: C-1 land area = 6 acres and R-1 land area = 7 acres, M-U/R would be the new zoning district. However since it is a rezone, final approval of new M-U zone would be the discretion of the City Council.
3. Should a use ratio based on the original zoning district be required? For example the original zoning district is R-1. Therefore, the new Mixed-Use zone use ratio would be required to be 75% residential uses and 25% commercial uses and ratio is based on land area. For example on a 10-acre site, 7.5 acres would be for residential uses and 2.5 acres for commercial uses.
4. Are uses provided in Section 17.54.040 (use table) adequate or does it need revision to incorporate more or less uses?
5. The city currently has a Downtown Mixed-Use zoning district. Is this sufficient to meet the city's need for mixed-used?

Comparison of Mixed Use Zone Versions

Below is a comparison table between the two versions of the Mixed-Use ordinance based on the major requirements of the zoning district.

Item	M-U Zone Version #1	M-U Zone Version #2
Rezone required?	Yes	Yes
Master plan required?	Yes	No
Use permit required?	Yes	Not required for rezone to M-U zone. Use permit may be required for specific use as provided in Section 17.54.40.
M-U zone establishes allowed uses in zone?	No	Yes
M-U zone establishes lot sizes, setbacks and heights?	No	Yes
M-U zone establishes building design requirements?	No	Yes

M-U zone establishes landscaping requirements?	No	Yes
M-U zone establishes open space requirements?	No	Yes
M-U zone establishes parking requirements?	No	Yes, based current parking standards

Environmental determination:

None at this time. Informational discussion only. To be determined upon selection of code version.

Staff Request:

Staff requests that the Planning Commission consider the two proposed options to amend the Municipal Code and provide comments, recommend changes and select a Mixed-Use version. Upon receipt of Planning Commission comments/revisions, staff will provide a revised version of the selected M-U Zone and bring this version back to the Commission for further review and a final decision.

ATTACHMENTS

- **Attachment A** – Municipal Code Amendment – Chapter 17.54 Mixed-Use Zone (Mixed-Use Zone #1 version)
- **Attachment B** – Municipal Code Amendment – Chapter 17.54 Mixed-Use Zone (Mixed-Use Zone #2 version)

Mixed-Use Zone #1 Version

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>Mixed-Use</u>	<u>M-U</u>	<u>Low Density Residential, R-L</u> <u>Medium Density Residential, R-M,</u> <u>High Density Residential, R-H</u> <u>Commercial, C</u>

Chapter 17.54 M-U – MIXED-USE ZONE

17.54.010 - Purpose.

The Mixed-Use (M-U) Zone is established to provide for and encourage a broader mix of uses and a more urban pattern of development in order to establish a pedestrian-oriented live/work/play environment, where the business community, residents, and visitors mingle in a dynamic setting, walking from offices to restaurants to shops to home. The MOU zone is meant to allow for residential and commercial mixed uses in areas that the primary zoning district would not allow.

17.54.020 - Applicability of the M-U Zoning District.

The provisions of this Chapter 17.54 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 the M-U district. This zoning district only applies to the following zoning districts:
1. R-1, R-2, R-3, C-1 and C-2.

-
- B. At least one acre of land shall be required for the use of the M-U district. This requirement can be met by one parcel or a combination of multiple contiguous parcels.

17.54.030 Deviation from regulations allowed when.

- A. All uses shall conform to the height, area, width, depth, ground coverage and yard regulations normally required for such uses except where the overall development will be improved by a deviation from such regulations. In all cases each structure shall conform to the precise development plan, which shall be made a part of the approved use permit.
- B. The standards (setbacks, building height, design requirements, etc.) to be applied to a project shall be clearly delineated within the application and included in the project development plan. Where specific deviations from required standards have not been approved, and if project standards are not clear within the approved project, the zoning standards most applicable to the project shall be applied.
- C. Minor modifications to the approved plan, not exceeding ten (10) percent of the most applicable standard, may be approved by the planning director when it can be determined that such modification is consistent with the intent of the approved plan and will have no detrimental effect on adjacent uses and property.

17.54.030 – Establishment - Master plan and use permit approval required.

- A. The M-U district is approved through the following process:
1. Submittal of a mixed-use master 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. Within one year of approval of the mixed-use master plan, an application shall be submitted to rezone the site (or a portion thereof) of to M-U. The M-U zone change request is submitted with a use permit application for the phase(s) of the project included in the requested M-U zone change area.
 4. Where lots/parcels are to be sold as part of the M-U zone, 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 master plan is sufficiently detailed, the use permit approving the site plan may be all that is necessary to authorize project implementation along with a M-U zone change and tentative map application, if applicable.

If the project is larger and/or the master plan is general in nature, implementation will require a detailed use permit application along with the MOU zone change request and tentative map if necessary. As noted in subsection (A4) above, implementation of the M-U 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 M-U applications 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 M-U zone shall only occur when such plan is consistent with the general plan, a deviation from normal zoning standards is found to not have any negative affect on the neighborhood and benefit the future residents and users of the project site.
 - D. The average population density per net acre shall not exceed the maximum population density prescribed by the general plan for the area, unless the applicant can demonstrate, by the design proposal and such additional evidence as may be submitted, that the objectives of this title will be achieved. However, an increase in density may be authorized by the city council upon receipt of a recommendation from the planning commission, of up to, but not exceeding, twenty-five (25) percent of the amount prescribed by the general plan.

17.54.040 - Use permit.

Application for use permits for the development of land in proposed M-U zones shall be accomplished by a plan of detailed development. Such plan shall include a map or maps and such written material as may be required to show:

- A. Topography of land and contour intervals;
- B. Proposed access, traffic and pedestrian ways;
- C. Lot design and easements;
- D. Areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public or quasi-public buildings and other such uses;
- E. Areas proposed for commercial uses, off-street parking, multiple and single-family dwellings, and all other uses proposed to be established within the zone;
- F. Proposed location of buildings on the land, including all dimensions necessary to indicate size of structure, setback and yard areas;
- G. Proposed landscaping, fencing and screening;
- H. Such other detailed elevations, plans and other information as may be required by the planning commission to enable it to evaluate adequately the proposed development.

17.54.050 - Delineation on zoning map—Supplemental regulations.

Mixed-Use zones shall be delineated on the zoning map by the M-U designation.

Mixed-Use Zone #2 Version

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>Mixed-Use</u>	<u>M-U</u>	<u>Low Density Residential, R-L</u> <u>Medium Density Residential, R-M,</u> <u>High Density Residential, R-H</u> <u>Commercial, C</u>

Chapter 17.54 M-U – MIXED-USE ZONE

17.54.010 - Purpose.

The Mixed-Use (M-U) Zone is established to provide for and encourage a broader mix of uses and a more urban pattern of development in order to establish a pedestrian-oriented live/work/play environment, where the business community, residents, and visitors mingle in a dynamic setting, walking from offices to restaurants to shops to home. The M-U zone process can be initiated by a developer with approval by the land owner, the land owner, or by the City through an application for re-zone. There are two (2) possible mixed-use zones in the City; Mixed-Use Residential (M-U/R) and Mixed-Use Commercial (M-U/C). The regulations of this chapter and the provisions of Chapter 17.76 shall apply in all M-U/R and M-U/C zones.

17.54.020 - M-U/R – Mixed Use Residential Districts.

- A. It is intended that this district classification be applied in areas to allow for a mixture of retail, personal service and residential uses that serve neighborhood residents and strengthen community connections.
- B. Re-zoning to the M-U/R zone can only be applied to an existing residential zoning district of R-1, R-2, and R-3 or a mix of residential and commercial zones where the dominate zone(s), the zone with the majority of land area, is a residential zoning district(s).

- C. The specific use regulations set out beneath the column titled “M-U/R” in the table in Section 17.54.040 shall apply in all M-U/R districts.
- D. Ratio of uses are as follows: seventy-five (75) percent of land within M-U/R shall be dedicated for residential uses, twenty-five (25) percent of land shall be dedicated for commercial uses.

17.54.030 - M-U/C – Mixed Use Commercial Districts.

- A. It is intended that this district classification be applied in areas to allow for a mixture of commercial, employment and residential uses in a predominately commercial area.
- B. Re-zoning to the M-U/C zone can only be applied to an existing commercial zoning district of C-1 and C-2 or a mix of residential and commercial zones where the dominate zone(s), the zone with the majority of land area, is a commercial zoning district(s).
- C. The specific use regulations set out beneath the column titled “M-U/C” in the table in Section 17.54.040 shall apply in all M-U/C districts.
- D. Ratio of uses are as follows: seventy-five (75) percent of land within M-U/C shall be dedicated for commercial uses, twenty-five (25) percent of land shall be dedicated for residential uses.

17.54.040 - Principal permitted and prohibited uses.

A. Permitted and Prohibited Uses:

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

<u>Type of Use</u>	<u>M-U/R</u>	<u>M-U/C</u>
<u>Residential Use Group</u>		
<u>Accessory dwelling units and junior accessory dwelling units subject to the provisions of Section 17.76.130</u>	<u>P</u>	<u>P</u>
<u>Agricultural worker housing</u>	<u>P</u>	<u>P</u>
<u>Bed and breakfast inn</u>	<u>C</u>	<u>C</u>
<u>Boarding and rooming house</u>	<u>C</u>	<u>C</u>
<u>Community care facilities with six or fewer persons as provided by California H&S Code Section 1569.13</u>	<u>P</u>	<u>P</u>
<u>Child care facility</u>	<u>C</u>	<u>C</u>
<u>Dwelling(s) - Single-family</u>	<u>P</u>	<u>P</u>
<u>Dwelling(s) - two-family dwellings and triplexes</u>	<u>P</u>	<u>P</u>
<u>Dwelling(s) - fourplexes and greater</u>	<u>C</u>	<u>P</u>
<u>Dwelling(s) in commercial or office building, ground floor</u>	<u>C</u>	<u>C</u>
<u>Dwelling(s) in commercial or office building, basement or second floor or above</u>	<u>P</u>	<u>P</u>
<u>Emergency shelters</u>	<u>X</u>	<u>X</u>
<u>Large family day care homes subject to the provisions of Section 17.76.070</u>	<u>P</u>	<u>P</u>

<u>Live/work dwelling</u>	<u>P</u>	<u>P</u>
<u>Manufactured home parks or subdivisions subject to a minimum of six thousand (6,000) square feet, four thousand five hundred (4,500) square feet, and three thousand (3,000) square feet for each space or lot</u>	<u>C</u>	<u>C</u>
<u>Pre-manufactured structures in accordance with the provisions of Section 17.76.120</u>	<u>P</u>	<u>P</u>
<u>Small family day care homes</u>	<u>P</u>	<u>P</u>
<u>Supportive housing</u>	<u>P</u>	<u>P</u>
<u>Transitional housing</u>	<u>P</u>	<u>P</u>
<u>Yard sales as defined and permitted in Section 17.76.160</u>	<u>A</u>	<u>A</u>
<u>Office/Professional Use Group</u>		
<u>Bank (no drive-thru)</u>	<u>C</u>	<u>P</u>
<u>Bank (drive-thru)</u>	<u>C</u>	<u>C</u>
<u>Medical, dental, eyecare offices, clinics, and labs</u>	<u>C</u>	<u>C</u>
<u>Office</u>	<u>P</u>	<u>P</u>
<u>Commercial/Service/Retail Use Group</u>		
<u>Adult entertainment</u>	<u>X</u>	<u>X</u>
<u>Alcoholic beverage sales (accessory to restaurant)</u>	<u>P</u>	<u>P</u>
<u>Alcoholic beverages and liquor, retail</u>	<u>C</u>	<u>P</u>
<u>Amusement arcade</u>	<u>X</u>	<u>C</u>
<u>Amusement services, sales and service</u>	<u>X</u>	<u>C</u>
<u>Appliance sales and repair</u>	<u>X</u>	<u>C</u>
<u>Art galleries and studios</u>	<u>P</u>	<u>P</u>
<u>Auto part sales, no repairs</u>	<u>C</u>	<u>C</u>
<u>Auto repair and sales</u>	<u>X</u>	<u>C</u>
<u>Automobile service station</u>	<u>X</u>	<u>C</u>
<u>Bakery</u>	<u>C</u>	<u>P</u>
<u>Bar</u>	<u>X</u>	<u>P</u>
<u>Bike sales/repair</u>	<u>P</u>	<u>P</u>
<u>Book store</u>	<u>P</u>	<u>P</u>
<u>Brew pub</u>	<u>X</u>	<u>P</u>
<u>Carpet and floor covering, retail</u>	<u>X</u>	<u>P</u>
<u>Caterer</u>	<u>C</u>	<u>P</u>

<u>Catering/food trucks</u>	<u>A</u>	<u>A</u>
<u>Christmas tree sales</u>	<u>X</u>	<u>P</u>
<u>Communication towers and support facilities</u>	<u>X</u>	<u>C</u>
<u>Equipment rental (within a building)</u>	<u>X</u>	<u>C</u>
<u>Farmers' market</u>	<u>X</u>	<u>P</u>
<u>Food stores</u>	<u>C</u>	<u>P</u>
<u>Furniture and home furnishings, office and home (including rental)</u>	<u>X</u>	<u>P</u>
<u>Gaming (limited)</u>	<u>X</u>	<u>C</u>
<u>Gaming establishment (non-restricted)</u>	<u>X</u>	<u>C</u>
<u>Hardware stores</u>	<u>C</u>	<u>P</u>
<u>Health and fitness club</u>	<u>P</u>	<u>P</u>
<u>Hotel</u>	<u>X</u>	<u>C</u>
<u>Nursery</u>	<u>C</u>	<u>P</u>
<u>Outdoor merchandise display</u>	<u>X</u>	<u>P</u>
<u>Outside storage (accessory to primary use)</u>	<u>X</u>	<u>C</u>
<u>Parking lot, private (as primary use)</u>	<u>X</u>	<u>C</u>
<u>Pet stores</u>	<u>C</u>	<u>P</u>
<u>Pharmacy</u>	<u>C</u>	<u>P</u>
<u>Photography studios</u>	<u>P</u>	<u>P</u>
<u>Restaurant, drive-through</u>	<u>C</u>	<u>C</u>
<u>Restaurant, with or without outdoor seating</u>	<u>P</u>	<u>P</u>
<u>Retail and personal services</u>	<u>C</u>	<u>P</u>
<u>Second hand businesses</u>	<u>C</u>	<u>P</u>
<u>Theater</u>	<u>C</u>	<u>P</u>
<u>Veterinary clinic</u>	<u>X</u>	<u>C</u>
<u>Wedding chapel</u>	<u>X</u>	<u>P</u>
<u>Civic and Institutional Use Group</u>		
<u>Church, temple, house of worship</u>	<u>C</u>	<u>P</u>
<u>Convention center</u>	<u>X</u>	<u>P</u>
<u>Fire stations</u>	<u>P</u>	<u>P</u>
<u>Fraternal association</u>	<u>C</u>	<u>P</u>
<u>Jail or correctional facility</u>	<u>X</u>	<u>X</u>

<u>Library</u>	<u>P</u>	<u>P</u>
<u>Museum</u>	<u>P</u>	<u>P</u>
<u>Open space</u>	<u>P</u>	<u>P</u>
<u>Park</u>	<u>P</u>	<u>P</u>
<u>Post office</u>	<u>P</u>	<u>P</u>
<u>Public parking garage</u>	<u>C</u>	<u>P</u>
<u>Public utility buildings</u>	<u>C</u>	<u>P</u>
<u>School, college or university and vocational</u>	<u>C</u>	<u>C</u>
<u>Senior center</u>	<u>C</u>	<u>P</u>
<u>Uses that the city planner determines by written findings are similar to the above, pursuant to Section 17.04.030.</u>		

17.54.050 - Lot requirements.

A. Lot requirements in the M-U/R and M-U/C zones are as follows:

	<u>M-U/R</u>	<u>M-U/C</u>
<u>Minimum lot area</u>	<u>6,000</u>	<u>6,000</u>
<u>Minimum lot area corner lot</u>	<u>7,000</u>	<u>7,000</u>
<u>Minimum lot width</u>	<u>60 feet</u>	<u>100 feet</u>
<u>Minimum lot width corner lot</u>	<u>70 feet</u>	<u>100 feet</u>
<u>Maximum lot depth</u>	<u>three times lot width</u>	<u>three times lot width</u>
<u>Maximum building coverage</u>	<u>60%</u>	<u>70%</u>

17.54.060 - Design requirements.

New development shall adhere to the character of the existing neighborhood and be integrated into the surrounding development. New development shall not dominate or interfere with the established character of its neighborhood. Site design of projects shall be cohesive both functionally and visually.

Design requirements for structures in the M-U/R and M-U/C zones are as follows:

A. Design requirements for residential uses and lots in the M-U/R and M-U/C zones are as follows:

- Prior to application for a building permit, the applicant shall submit to the city of Orland a complete site plan application with all applicable fees and all other documents necessary for review by the city to ensure compliance with all requirements of the Orland Municipal Code (OMC). A "site plan" application may be approved by the city manager or his/her nominee, without the necessity of public notice, a public hearing or planning commission action if findings required for approval (Section 17.82.050 of this title) can be made.

2. Minimum building width: twenty (20) feet;
3. Minimum roof slope: 3:12;
4. Minimum roof overhang: twelve (12) inches;
5. A carport or enclosed garage for each dwelling unit shall be provided for all new construction as follows:
 - a. Single-family: two on-site covered spaces.
 - b. Duplex or triplex: one covered and one uncovered on-site space.

When required, a two-space carport or garage shall be at least twenty (20) feet by twenty (20) feet (interior dimensions) with a minimum sixteen (16) foot wide garage door.

The maximum height for a detached garage or carport is fifteen (15) feet. Additional height above fifteen (15) feet may be granted up to a maximum of twenty-five (25) feet whereby an additional one foot of building setback is provided for each additional foot of building height.

Each required covered and uncovered parking space shall be paved and shall be a minimum of ten (10) foot by twenty (20) foot (except as otherwise provided in Section 17.76.100 of this code). Driveway access from street to all on- site parking spaces shall be paved;
6. All single detached storage or shop buildings shall meet the following criteria:
 - a. The storage or shop building shall conform to the maximum building coverage requirements indicated in Section 17.54.050.
 - b. The height of the storage building shall not exceed fifteen (15) feet.
 - c. The roof pitch and construction materials of the building shall be similar to that of the dwelling unit.
 - d. Shall not be located in any required front yard (closest to the front property line) or in front of the primary structure, whichever distance is greater.
 - e. Consistent with setbacks for this zone district;
7. All patio covers and shade structures shall meet the following criteria. Those not meeting these criteria shall meet the yard, height and design criteria for main buildings:
 - a. Set back a minimum of ten (10) feet from the rear and side yard property line.
 - b. Open on at least two sides.
 - c. Maximum height: twelve (12) feet.
 - d. Minimum six-foot spacing on support posts shall be provided;
8. Heating and air conditioning units may be located in the side yard of those lots where a dwelling exists at the time of adoption of the ordinance codified in this chapter;
9. At a minimum, the following landscaping is required:
 - a. 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;

- b. Landscaping within the front setback area shall include one, fifteen (15) gallon-sized tree for each fifty (50) feet of frontage. At least one of the trees must be planted within seven feet of the sidewalk. At least one gallon-sized shrub must be planted for each five feet of frontage;
- c. 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;
- d. Turf shall not be planted on sloped areas which exceed a slope of one-foot vertical elevation change for every four feet of horizontal length.
 - i) Climate adapted plants that require occasional to no summer water (average WUCOLS plant factor 0.3*) shall be planted for seventy-five (75) percent of the plant area. Use of flowering plant varieties known to benefit honeybees is encouraged;
- e. Other decorative non-plant ground covers may be used as long as they do not exceed twenty-five (25) percent of this landscaped area. Gravel, colored rock, walk-on bark, and similar materials shall be used in combination with the live groundcover in all non-turf areas as a mulch to control weeds and conserve or retain water until a living groundcover has achieved full coverage;
- f. All plants utilized for landscaping must be planted either directly into the native soil of the front yard, or, if compostable pots are used and it is so desired, the compostable pot may be planted into the soil along with the plant;
- g. A minimum three-inch layer of mulch shall be applied on all remaining exposed soil surfaces;
- h. 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.

*WUCOLS: Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

- B. Design requirements for commercial uses and lots in the M-U/R and M-U/C zones are as follows.
 - 1. Prior to application for a building permit, the applicant shall submit to the city of Orland a complete site plan application with all applicable fees and all other documents necessary for review by the city to ensure compliance with all requirements of the Orland Municipal Code (OMC). A "site plan" application may be approved by the city manager or his/her nominee, without the necessity of public notice, a public hearing or planning commission action if findings required for approval (Section 17.82.050 of this title) can be made.
 - 2. Maximum commercial building coverage is as shown in Section 17.54.050 and up to one hundred (100) percent coverage by parking/paved areas.
 - 3. When a commercial site is immediately adjacent to a residential use not within the same lot the following standards shall apply:
 - a. A solid six-foot masonry wall shall be placed on the property line, reduced to three feet within the required front setback area of the adjacent residential area; and

- b. All exterior lighting shall be designed to reflect away from the adjacent residential area, or down to the ground within the commercial/office site.
- 4. New projects shall be compatible with their surrounding development in intensity, setbacks, building forms, material, color, and landscaping:
 - a. Site design shall respect existing roadway patterns and driveways. New curb cuts shall be aligned with existing driveways and streets, when applicable.
 - b. Develop transition between projects with different uses and intensities to provide a cohesive visual and functional shift. Create transition by using appropriate setbacks, gradual building height, bulk, and landscaping.
 - c. Integrate perimeter landscaping with the landscaping of adjacent developments.
 - d. Minimize paved areas for curb cuts and parking on the street frontage of projects to maintain a continuous and attractive streetscape.
 - e. Preserve natural site features such as mature trees, views, etc., and incorporate into the site design of the new project.
 - f. Site design of projects shall be compatible with and protect existing nearby heritage structures and trees.
 - g. Link on-site walkways to the public sidewalk system outside the project site for ease of pedestrian access.
 - h. Provide pedestrian links between residential developments and nearby employment and shopping center, schools, and parks to encourage pedestrian activities.
- 5. Open Space
 - a. Design each project site for maximum utility of open space for ventilation, sunlight, recreation, and views for both new and existing buildings.
 - b. In business parks and strip shopping centers, open space areas are recommended.
 - c. Open space areas may include benches, art, landscape, water, and hardscape features, as approved by the city.
 - d. Provide direct access to common useable open space from all buildings. Common open spaces shall be useable for recreational purposes (landscaping strips of less than fifty (50) feet in width between buildings does not constitute useable common open space).
- 6. Scale and character.
 - a. Break up large buildings into groups of smaller segments whenever possible, to appear smaller in mass and bulk. This may require increasing setbacks to comply with the standards of the California Building Code.
 - b. Adjacent buildings shall be compatible in height and scale.
 - c. Buildings and additions shall not shade more than ten (10) percent of the structures or open space areas on adjacent properties for proper solar access.

- d. Buildings shall maintain similar horizontal and vertical proportions with the adjacent facades to maintain architectural unity.
- e. Step back upper stories of buildings three stories or taller from public roads and adjacent lowscale development to reduce the bulk impact.
- f. Maintain the dominant existing scale of an area.
- g. Placement of windows and openings on second story additions shall not create a direct line of sight into the living space or the back yard of adjacent properties to maintain privacy.
- h. Buildings shall maintain visually interesting activities at the street level by placing active facades with windows and openings on the street side to promote pedestrian activities.
- i. Interrupt front facades on large structures by various architectural elements such as trellises, balconies, steps, openings, etc., about every thirty (30) feet to appear smaller in scale.
- j. Choose inset, multi-pane windows over a continuous band of single pane windows, to create a sense of scale.
- k. Maintain the scale and character of the existing main structure in building additions by retaining similar proportions and rhythm present on the main structures.

17.54.070 - Setback and height requirements.

Front, side, street side, rear yards and structure heights shall comply with the standards shown below for the respective district.

<u>Item</u>	<u>Residential lots</u>	<u>Commercial lots</u>	<u>Mixed lots*</u>
<u>Front yard setback</u>			
<u>House/Main Building</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Garage</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Accessory Structure</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>Pool or spa</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>Not allowed</u>
<u>Side yard setback</u>			
<u>House/Main Building</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Garage</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Patio covers and shade structures</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Accessory</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>House facing side yard</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>
<u>Street side yard setback</u>			
<u>House/Main Building</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Garage (at same front plane as house)</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>

<u>Garage (behind rear plane of house, with alley access only)</u>	<u>Zero</u>	<u>Zero</u>	<u>Zero</u>
<u>Accessory structure (same plane as house)</u>	<u>20 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Accessory structure (behind rear plane of house)</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Rear yard setback</u>			
<u>House/Main Building</u>	<u>20 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>
<u>Garage (detached, no alley)</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>
<u>Garage (on alley)</u>	<u>Zero, if min. 24 ft. backup available into alley</u>	<u>Zero, if min. 24 ft. backup available into alley</u>	<u>Zero, if min. 24 ft. backup available into alley</u>
<u>Garage or accessory structure in rear yard abutting land on which no structure can be built (example: abutting US Bureau of Reclamation ditch right-of-way)</u>	<u>Zero</u>	<u>Zero</u>	<u>Zero</u>
<u>Accessory structure (on alley) greater than 120 square foot footprint</u>	<u>Zero</u>	<u>Zero</u>	<u>Zero</u>
<u>Accessory structure (no alley) less than or equal to 120 square foot footprint, and less than or equal to six feet tall</u>	<u>Zero</u>	<u>Zero</u>	<u>Zero</u>
<u>Metal sided and roofed structure less than or equal to six feet tall</u>	<u>Zero</u>	<u>Zero</u>	<u>Zero</u>
<u>Metal sided and roofed structure greater than six feet tall</u>	<u>1 ft. for each foot of height above six feet, up to ten feet</u>	<u>1 ft. for each foot of height above six feet, up to ten feet</u>	<u>1 ft. for each foot of height above six feet, up to ten feet</u>
<u>Non-metal sided and roofed structure greater than 120 square feet and greater than six feet tall</u>	<u>Minimum 5 ft., plus 1 ft. for each foot of height above 6 ft., up to 10'</u>	<u>5 ft.</u>	<u>Minimum 5 ft., plus 1 ft. for each foot of height above 6 ft., up to 10'</u>
<u>Patio covers and shade structures</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>10 ft.</u>
<u>Height (Maximum in feet)</u>	<u>35 ft.</u>	<u>45 ft.</u>	<u>45 ft.</u>

*Mixed lots are those lots with both commercial and residential uses.

17.54.080 - Parking and Loading Standards.

Off-street parking shall comply with Sections 17.76.100 and 17.76.110 of this title.



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**

FROM: Scott Friend, AICP – City Planner

MEETING DATE: April 21, 2022; 5:30 p.m.
Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **2021 General Plan Implementation and Housing Element Annual Report. Informational Item. No Action Requested or Required:**
Presentation, of the City of Orland General Plan and Housing Element 2021 annual report.

Environmental Review: No Action Required.

Summary:

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report discussing the status of the General Plan and progress in its implementation. Additionally, the Department of Housing and Community Development (HCD) requires each City and County to submit a report by April 1st of each year documenting the Agency's progress towards implementing its Housing Element and meeting the Agency's Regional Housing Needs Allocation (RHNA) target. The report for the City of Orland was submitted to both the Office of Planning and Research (OPR) and the Housing and Community Development Department (HCD) as required by law and is included as **Attachment A** to this report. This item is an informational item for the City Council however staff is requesting the adoption of a Resolution accepting the report as presented. The report presents the data from the City's Planning and Building Departments for calendar year 2021 only. This item is being provided to and presented to the Planning Commission at their meeting on April 21st.

The report(s) have been submitted to the both State Agencies (HCD and OPR) in compliance with Government Code 65400(a)(2).

Project Background

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. A copy of this progress report must also be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year.

The intent is to ensure that the general plan directs all land use decisions and remains an effective guide for future development. Because the role of the general plan is to act as a "constitution" for the long-term physical development of a community and because it is required

to be updated periodically to reflect current circumstances, it is critical that local planning agencies periodically review the general plan and its implementation. The report is a tool for doing this.

The main purpose and most important function of the report is to provide local legislative bodies with information regarding implementation of their general plans. The report must be presented to the local legislative body for their review and acceptance. This is typically done by placing the report on a regular meeting agenda as a consent or discussion item.

Project Description

Attached is the City of Orland 2021 General Plan / Housing Element Annual Progress Report (**Attachment A**). As discussed in the report, the City's General Plan is considered a valid and useful document, and the goals, policies, and programs of the plan were advanced through the City's actions throughout the 2021 calendar year.

Included in the 2021 General Plan / Housing Element Annual Progress Report is the Housing Element progress report data worksheets. The outline for this report is provided by HCD and the City follows this outline as it has been established for them. The data presented to HCD has been incorporated into the General Plan Annual Report however was provided to the State in the form of a Microsoft Excel spreadsheet consisting of eight tables with a number of categories as has been requested by the State. **Attachment A** only shows those that are relevant to the City for the 2021 report.

As shown in the report, three market rate homes and 33 lower-income single family homes and one market rate multifamily complex received building permits in Orland in 2018, while 14 lower-income single family homes received occupancy permits.

Recommendation:

No recommendation is made and no action is required. Informational item only.

ATTACHMENTS

- **Attachment A** – City of Orland 2021 General Plan / Housing Element Annual Progress Report.



City of Orland
2021 City of Orland
General Plan/Housing Element
Annual Report

Submitted by:
City of Orland Planning Department
815 Fourth Street
Orland, CA 95963

March 2022
(for calendar year 2021)

ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name:

City of Orland

Mailing Address:

City of Orland

815 Fourth Street

Orland, CA 95963

Contact Person: Pete Carr Title: City Manager

Phone: (530) 865-1608 FAX: (530) 865-1632 E-mail: peterc@cityoforland.com

Reporting Period by Calendar Year: from January 1, 2021 to December 31, 2021

These forms and tables, including the **Certificate of Accuracy**, are due to the Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) on or before April 1, 2022. Submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

Department of Housing and Community Development

Division of Housing Policy Development

P.O. Box 952053

Sacramento, CA 94252-2053

-and-

Governor's Office of Planning and Research

P.O. Box 3044

Sacramento, CA 95812-3044

CERTIFICATION OF ACCURACY

The undersigned, in the capacity of City Manager on behalf of the City of Orland, has reviewed the information provided in the forms and report contained herein, and certifies, to the best of his knowledge, that the information provided herein is true and correct.

(Scott Friend, City Planner for Peter R. Carr, City Manager)



Peter R. Carr, City Manager

03/31/2022

Date



BACKGROUND AND PURPOSE OF THE GENERAL PLAN ANNUAL REPORT

General – State Law and Local Planning

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. A copy of this progress report must also be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

The intent is to ensure that the general plan directs all land use decisions and remains an effective guide for future development. Because the role of the general plan is to act as a "constitution" for the long-term physical development of a community and because it is required to be updated periodically to reflect current circumstances, it is critical that local planning agencies periodically review the general plan and its implementation. The report is a tool for doing this.

The main purpose and most important function of the report is to provide local legislative bodies with information regarding implementation of their general plans. The report must be presented to the local legislative body for their review and acceptance. This is typically done by placing the report on a regular meeting agenda as a consent or discussion item.

City of Orland – Growth and the General Plan

The City of Orland General Plan 2008–2028 was adopted by the City Council in February of 2012. Since the plan's adoption, the City has sought to implement the programs contained in it. However, as has been the case for much of the recent past, the programs related to development have been and remain a challenge for the City to implement due to the decline in land owner / developer application volume following the 'burst' of the housing bubble in 2007-2008; the impact of the COVID-19 pandemic on the City, region, State and global economies; impacts associated with global tensions; natural disasters (wildfires); and drought. After an increase in development and entitlement requests in 2006–2007, requests tapered in number with the exception being an unexplained increase in residential development interest in 2014 and an increase in development application in 2019-2020. An increase in non-residential development interest in 2014 and 2020 was also observed. Residential development activity remained mild in calendar year 2021 despite an increase in development interest, and inquiries, however only five (5) building permits for new single family residential homes and one building permit for a multifamily development construction/renovation project were issued. While the specific reasons for the increased interest in development in Orland are likely varied, staff believes that it is likely related to the continuation of low interest rates at a national level, broader housing- and overall- market price-point increases of the larger regional areas, lower overall costs of ownership, proximity to the Chico urban area, a move towards remote-work arrangements, Orland's market responsiveness and pro-investment philosophy along with Orland's favorable geographical location on major regional transportation routes.

These and other market forces, including the general fluctuations of the local job market, have resulted in a relatively steady overall rate of growth within the City with broader



swings in the residential development landscape along with corresponding growth and fluctuation in commercial development in the city. In general, the City has seen a steady if not subtle increase in the overall number of development permit applications submitted for development since 2015. This is reflected in the City's slow but steady growth rate. As a result of stable economic conditions and an aging population of property owner aged residents that has increased land turn-over rates, the City has seen renewed interest in land development seeking to leverage the opportunities that exist in the city and to take advantage of the city's growth profile.

Regardless of development interest in the city, the overall condition of the broader economy and the overall global uneasiness, the City's General Plan is a valid and useful document, and the goals, policies, and programs of the plan were advanced through the City's actions throughout the 2021 calendar year.

City of Orland 6th Cycle (2021-2029) Housing Element

The City of Orland 2021–2029 Housing Element (6th Cycle Housing Element) was adopted by the City Council in March of 2022. The Housing Element has been submitted to the State and is currently pending certification by the California Department of Housing and Community Development (HCD). The date of expected certification is unknown at this time.

The Housing Element outlines the City's goals, policies, and programs in relation to the provision of housing, addresses the City's success in implementing the previous Housing Element, and provides a detailed demographic and analytical evaluation of how the City is planning to accommodate its share of the region's housing allocation during the planning period (2021–2029).

The primary components of Housing Element remain consistent with the City's previous Housing Element. The findings of the 6th Cycle element suggest that the City has made strides toward the achievement of accommodating its regional fair share of affordable housing needs and will continue to move toward meeting the goals of the Housing Element, the region and the State.

EXECUTIVE SUMMARY

As described in this report, the City of Orland General Plan is a useful and valuable tool to assist the City in providing policy direction to City decision-makers and information for city residents and interested parties.

In that context and in terms of the City of Orland and its General Plan, this report concludes the following:

- The City of Orland General Plan is a valid and useful document, which provides guidance and direction for the City as intended.
- In comparing current City of Orland General Plan projections to the current setting, it can be summarized that the main thrust of the General Plan projections are



correct; the plan recognized that limited new residential development would be necessary to meet projected demand.

- Detailed information about the city and the surrounding area is included in all of the elements of the current City of Orland General Plan. The overarching, supporting, and descriptive information is accurate and therefore useful.
- The adopted 2021–2029 Housing Element focuses on the City’s developing progress toward meeting its regional housing needs allocation, with the land supply available to meet its targets.

I. IS THE GENERAL PLAN SERVING TO MEET ITS OWN GOALS?

With regard to land use, all of the goals, policies, and programs set forth by the City of Orland General Plan stem from Goal 2.1, as follows:

- Goal 2.1 – Maintain and promote the qualities that make Orland a desirable community.

A determination as to whether Goal 2.1 is being met may be subjective, but there are objective measures as well. One metric to determine whether a community maintains its qualities is the presence of growth interests. The section titled Development Activity 2021 (on page 16) summarizes the development applications and activity that have occurred over the last year. Prior to that summary is a review of the stage set by the General Plan.

General Plan Land Use Projections

The City of Orland General Plan 2008–2028 made projections for both population and land use demands. The first section, Land Use, included the following under its Population and Demographics heading:

...the population of the City of Orland experienced substantial growth in the 1990s. From 1990 to 2000, the population of the City increased by 24.3 percent, an average annual increase of 2.2 percent. By comparison, the population of Glenn County increased by just 6.7 percent during the same time period.

Between 2000 and 2005, the City of Orland and Glenn County each grew by an average of 1.4 percent. In 2005 and 2006, the growth that had been affecting California began to appear locally, and the population of Orland grew 4.5 and 2.8 percent in those two years.

That same General Plan section contained a subsection titled Projected Population, which included the following:

Three growth rates were used to develop the population estimates. The “High” growth rate is a 2.6 percent average annual growth rate, which was the growth rate of the City’s population from 1970 to 2000. The “Medium” rates is a 2.2 percent average growth rate, which was the growth rate of the City’s population from 1990



to 2000, the most recent years for which data is available. The “Low” growth rate is a 1.8 percent average annual growth rate. This was an arbitrarily selected rate, which was obtained by subtracting the Medium rate from the High rate, then subtracting the difference from the Medium rate.

The General Plan applied these three separate growth rate scenarios to the existing population in order to estimate the population in the year 2028: 12,286 people under the “High” rate, 11,363 people under the “Medium” rate, and 10,506 people under the “Low” rate.

The same General Plan section contained a Projected Land Use Demands subsection, which analyzed the three separate growth rate scenarios in order to determine the need for 812 acres under the “High” rate, 657 acres under the “Medium” rate, and 510 acres under the “Low” rate.

Current Setting

The City of Orland 2021–2029 6th Cycle Housing Element states that the city has continued to grow from its humble beginnings of 292 residents to a community of over 8,527 (DOF est. January 1, 2021). The population of Orland grew significantly during the 1990s, resulting in a 23 percent increase between 1990 and 2000 and accounting for the large increase in the growth rate in 2000. A review of the population and growth estimates from the California Department of Finance (DOF) shows that the population of Orland increased by 1.8 percent during the 2020 to 2021 time period, from 8,374 in 2020 to 8,527 as of January 1st, 2021 (est.). Growth estimates during the 2021 calendar year have not yet been released by DOF.

The Housing Element identified a total of 3.38 acres of Residential Multiple Family (R-3) zoned lands with the realistic potential to result in 48 units, 30.4 acres of Residential One Family (R-1) zoned land with the realistic potential to result in 182 units and 2.44 acres of Planned Development zoned lands with the realistic potential to result in 43 units. It was concluded that the projections framed by the current General Plan regarding housing requirement needs accurately estimated the current setting relative to meeting the City’s Regional Housing Needs Allocation target as established by the State in that there is an adequate supply of appropriately zoned and designated land available for development in the City which could be developed serve to provide for the long-term housing needs of the City.

Regional Housing Needs

A Regional Housing Needs Allocation (RHNA) Plan is mandated by the State of California (Government Code Section 65584) for regions to address housing issues and needs based on future growth projections for the area. The State also establishes the number of total housing units needed for each region. Pursuant to California Government Code Section 65584, the California Department of Housing and Community Development (HCD) developed an RHNA Plan for Glenn County, which identifies a need for a specific number of new residential units in the county over an 8-year period (December 31, 2018, to November 30, 2029). The need for residential units is shared and distributed among each



of the communities in the county, with each community's share determined by its proportion of the county's overall household population.

The intent of the RHNA Plan is stated to be to help ensure that local jurisdictions not only address the needs of their immediate local community but also provide opportunity for their share of the overall housing needs for the broader region. Additionally, a major goal of the RHNA Plan as outlined by the State is to ensure that every community provides an opportunity for a mix of housing affordable to all economic segments of its population. The State believes that the RHNA Plan's jurisdictional housing allocations are made to ensure that adequate sites having appropriate zoning and entitlements are provided to address existing and anticipated housing demands during the planning period. Additionally, the RHNA Plan and Housing Element law attempt to ensure that market forces are not artificially inhibited relative to addressing the housing needs for all income-levels of a particular community.

Based on the RHNA Plan for Glenn County, the City of Orland's share of regional housing needs is 247 units.¹

Orland has an estimated vacant land capacity adequate to construct both single-family and multi-family units in an amount sufficient to meet its 2021–2029 RHNA goal of 247 units. The 2021-2027 RHNA goal established by the State for the City consists of sixty-two (62) very-low-income units, thirty-one (31) low-income units, forty-four (44) moderate-income units, and one hundred and ten (110) above moderate-income units. Since 2014, approximately 125 residential units have been built in Orland. As it relates to the markets attempt to meet the RHNA set-forth by the State in the 5th cycle Housing Element period, the City was able to see built the full allocation of moderate-income units the allocation from the State for very-low (20) and above-moderate (36) income units have not been met.

Summary

In comparing the General Plan's projections to the current setting, it can be concluded that the General Plan projections were correct that new residential development would be required to meet demand. The City's Housing Element identifies some new requirements (generally resulting from State legislation) that have created new targets for the City to meet, and through the required internal consistency, will work in concert to support the General Plan in addressing those goals. The City believes that the General Plan adequately identifies goals to meet existing and future desires of the City. The City has ensured that an ample amount of vacant land exists to accommodate the targeted RHNA unit allocation of 247 units. While the full targeted unit allocation for residential units pursuant to the RHNA Plan may not be physically constructed, Orland has made available appropriately zoned and designated land necessary to meet its RHNA allocation for units of all income levels.

¹ The 2021-2029 6th Cycle RHNA Plan identifies the need for 93 units for very-low and low-income households, 44 units for moderate-income households, and 110 units for above moderate-income households.



II. ADEQUACY OF THE CURRENT CITY OF ORLAND GENERAL PLAN

Government Code Section 65302 states that “the general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.” At the time the 2008-2028 General Plan was written the state required seven elements be included. These are described in this report. Recent state legislation requires that an environmental justice element also be included in a general plan. According to Government Code Section 65302(h)(2) this element must be included in the general plan upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. It, however, does not have to be a stand-alone element but the environmental justice goals, policies, and objectives can be included in other elements.

Also required because of recent state law revisions, upon the next revision of the housing element on or after January 1, 2014, (April 15, 2021 for Orland) the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones.

For one of the required elements, the *Housing Element*, the Government Code and the implementing guidelines of the State are very specific about contents, requirements, and frequency of adoption. The requirements for the other six elements are less specific. The Government Code requires that the Housing Element be reviewed and adopted or re-adopted at least every 8 years, while the other elements of the plan should be revised “as needed” to keep information current. The City of Orland General Plan contains all seven of the required elements and comprises a legally adequate General Plan.

The City of Orland General Plan was consistent with state requirements when it was adopted in February 2012 and remains consistent with state requirements to this day. The Housing Element (6th Cycle) was updated in 2021 and adopted in 2022 and is currently pending certification by the California Department of Housing and Community Development (HCD) to be in compliance with state housing element law.

As addressed above, the City of Orland has proceeded to comply with ever-changing State legislative requirements by adopting changes to the City's General Plan to incorporate environmental justice provisions consistent with Senate Bill 1241, 99, 379 and 1000 and Assembly Bills 2140 and 747; adopting Vehicle Miles Traveled (VMT) standards consistent with the requirement of 743; and, complete streets policies consistent with the Complete Streets Act of 2008 (AB 1358). Additional General Plan amendments actions were taken to incorporate policy provisions and standards regarding flooding, drought, wildfire and climate change vulnerability.



Usefulness of the Plan

The general plan has been described by the courts as “the constitution for development” (of a jurisdiction). All development approvals must be consistent with the general plan. Therefore, a general plan is useful if it provides up-to-date information, goals, policies, and programs that are consistent with current city growth policies and which are physically and economically feasible to implement.

The Orland General Plan elements are listed below, with a brief description of what they include, followed by a brief discussion and summary regarding currency and what was done in Orland in the 2021 calendar year to ensure that the goals, policies, and programs set forth in the General Plan have been addressed.

LAND USE ELEMENT

A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space...and other categories of public and private uses of land. [It]...shall include a statement of the standards of population and building intensity recommended for the various districts...

The Land Use Element of the General Plan lists five goals, as follows:

- Goal 2.1 – Maintain and promote the qualities that make Orland a desirable community.
- Goal 2.2 – Maintain a compact urban form and preserve agricultural land outside of the City.
- Goal 2.3 – Create and maintain neighborhoods that ensure a high quality of life in Orland.
- Goal 2.4 – Promote the expansion and retention of existing commercial establishments and encourage new commercial development in the City.
- Goal 2.5 – Promote economic growth in the City of Orland through attraction and retention of industry in order to enhance employment opportunity and maximize the availability of goods and services within the community.

These goals contain several policies and programs that generally seek to ensure a high quality of life, efficient development, and economic growth. Within that framework, staff worked on the following items throughout the 2021 calendar year to ensure that the goals set forth in the General Plan have been addressed:

- All development proposals within the City are required to comply with an established design review process. (Goal 2.1; Program 2.1.A.4)



- The processing approvals for various commercial endeavors such as the Butte Community College campus project, the Orland Truck Wash project, and the Maverick Fueling Station project. (Goal 2.4; Goal 2.5)

Summary/Conclusion: The Land Use Element is useful and adequate in its characterization of the nature of the City and the General Plan's overarching goals and policies. No amendments to the Land Use Plan to alter land use designations on the City's adopted land use diagram were made nor required in 2021. Changes were made to the General Plan in the form of policies however no changes were made to the Land Use Element.

CIRCULATION ELEMENT

A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan...

Ten goals are listed in the Circulation Element of the Orland General Plan, as follows:

- Goal 3.1 – Plan for, provide and maintain a circulation system that permits the safe and efficient movement of people and goods throughout the City and Orland Planning Area.
- Goal 3.2. – Establish a system of safe and efficient Local, Collector, and Arterial roads to reduce travel time and improve traffic safety that is consistent with the land use patterns of the City.
- Goal 3.3 – Formulate and adopt circulation design and improvement standards that require a level of service consistent with the demands generated by proposed development, public safety, and the efficient use of public and private resources and which are uniformly applied in the Orland Planning Area.
- Goal 3.4 – Achieve a coordinated regional and local transportation system that minimizes traffic congestion and efficiently serves users.
- Goal 3.5 – Provide safe and efficient parking and loading facilities for all nonresidential land uses.
- Goal 3.6 – Encourage transportation alternatives to the automobile.
- Goal 3.7 – A non-vehicular circulation system linking important public places within the community.
- Goal 3.8 – A safe sidewalk system which provides maximum opportunities for pedestrian traffic throughout the City.



- Goal 3.9 – Contribute toward improving the air quality of the region through more efficient use of private vehicles and increased use of alternative transportation modes.
- Goal 3.10 – To provide the highest level of roadway maintenance for City residents.

The goals contain several policies and programs that generally seek to enhance the movement of goods and people throughout the city, provide safe walking routes for residents, and maintain and improve the quality of the roadways within the city. During the 2021 calendar year, the City undertook the following measures to advance the Circulation Element:

- Preparation and processing of the Highway 32/Walker Street Streetscape Improvement project. The City has completed and adopted the plan for the Highway 32/Walker Street corridor streetscape design improvement. This design includes pedestrian, bicycle and circulation improvements which will also assist in commercial access. (Goal 3.1; Goal 3.2; Goal 3.4; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.9)
- The City of Orland modified the text of the Circulation Element to incorporate the provisions of Senate Bill 743 via the inclusion of policies and standards recognizing Vehicle Miles Traveled (VMT) as the traffic/circulation metric to be used in compliance with California Environmental Quality Act (CEQA) standards. (Goal 3.1; Goal 3.2; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.10)
- The City of Orland modified the text of the Circulation Element to incorporate the provisions of Assembly Bill 1358 also known as the Complete Streets Act of 2008 via the inclusion of policies and standards recognizing the multi-functional use of the public right-of-way and public City streets. (Goal 3.1; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.9)
- The City of Orland pursued additional grant funding to construct Phase II of an approximately 0.91-mile-long multi-use, non-motorized path in order to provide linkage between the residential neighborhoods in the Project area and the City's Community Center and Lely Aquatic Park. Phase I of project construction was completed in late 2019 and the City is seeking funding for the completion of the project (Phase II). (Goal 3.1; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.9)

Summary/Conclusion: The Circulation Element in the General Plan is devised and designed to support the Land Use Plan and policies for both current uses and future growth. The Circulation Element was amended in 2020 via General Plan Amendment #2020-01 via the adoption and incorporation of goals, policies, and programs addressing complete streets and vehicle-miles-traveled standards. With the inclusion of these policies and standards, the element remains current, implementable, and relevant. The Circulation Plan within the element continues to serve to facilitate the implementation of the Land Use



Plan, and the assumptions and projections supporting its designations of streets and roadways are accurate and provide a legally adequate and viable plan.

SAFETY ELEMENT

A safety element for the protection of the community from any unreasonable risks associated with the effects of [...earthquakes, dam failures, subsidence, liquefaction and other known geologic hazards]. It shall also address evacuation routes, peak load water supply requirements...

The Safety Element of the Orland General Plan lists nine goals, as follows:

- Goal 4.1 – Ensure that the City of Orland and involved local agencies are able to effectively respond to emergency situations that may threaten the people and property of Orland.
- Goal 4.2 – Minimize the risk of personal injury and property damage resulting from flooding.
- Goal 4.3 – Protect people and property within the City of Orland against fire-related loss and damage.
- Goal 4.4 – Provide police and emergency medical services in a well-planned, cost-effective, and professional manner.
- Goal 4.5 – Ensure a range of health care services are conveniently available to City residents.
- Goal 4.6 – Minimize the threat of personal injury and property damage due to seismic and geologic hazards.
- Goal 4.7 – Minimize the risk of personal injury, property damage, and environmental degradation resulting from the use, transport, disposal, and release/discharge of hazardous materials.
- Goal 4.8 – Minimize the potential for hazards related to rail service in and around the City of Orland.
- Goal 4.9 – Ensure public safety during airport operations.

The City has taken great strides in 2021 to advance the goals and programs of the Safety Element and to ensure that it remains as a valid, current and legally adequate element of the General Plan. These efforts included:

- The City continued to fund the Orland Police Department, which in turn has continued to provide a high quality, community-appropriate level of law enforcement services. (Goal 4.4; Program 4.4.A.3)



- Annually, the City implements the fire hydrant replacement project. This project replaces older fire hydrants which need updating in the city, as necessary (Goal 4.3; Goal 4.7)
- The City assisted in the purchase, using development impact fees collected by the City, of a new front-line response fire truck for the Orland Volunteer Fire Department. (Goal 4.3; Goal 4.4)
- The City pursued and was awarded grant funding to acquire additional safety equipment and vehicles (side-by-side and bulldozer) for the Orland Volunteer Fire Department. (Goal 4.3; Goal 4.4)
- The City added additional policies and programs to the Safety Element addressing flood hazards; wildland fire hazards, climate change, formal incorporation of the Glenn County Multi-Jurisdictional Hazard Mitigation Plan; and social justice and equity provisions via General Plan Amendment (GPA) #2021-01. (Goal 4.1, Policies 4.1A and 4.1B, Program 4.1.B.2; Goal 4.2, Policy 4.2.a, Programs 4.2.A.1; Goal 4.3, Policy 4.3.A, Policy 4.3.B and 4.3.C; new Goal 4.7, new Policy 4.7.A, and new Programs 4.7.A.1 - 4.7.A.8.)

Summary/Conclusion: The Safety Element contains information and goals, policies, and programs regarding emergency preparedness, flood and geologic hazards, fire and police protection, and hazardous waste and materials. The element was significantly updated via General Plan Amendment 2021-01 as outlined, and since its adoption and with the newly adopted text, is a current, useful, and adequate element of the General Plan.

OPEN SPACE, CONSERVATION, AND PUBLIC FACILITIES ELEMENT

A conservation element for the conservation, development and utilization of natural resources including water...soils, rivers...and other natural resources.

Ten goals are listed in the Open Space, Conservation, and Public Facilities Element of the Orland General Plan, as follows:

- Goal 5.1 – Promote and protect the continued viability of agriculture surrounding Orland.
- Goal 5.2 – Ensure that all mining activity is appropriately permitted and that mines are effectively reclaimed.
- Goal 5.3 – Minimize impacts to wildlife and wildlife habitat as new development occurs within the Orland Planning Area.
- Goal 5.4 – Maintain and protect air quality within the City of Orland at acceptable levels as defined by state and federal standards.



- Goal 5.5 – Reduce the contribution of greenhouse gases from existing sources and minimize the contribution of greenhouse gases from new construction and sources.
- Goal 5.6 – Conserve, enhance, and manage water resources, protect their quality, and ensure an adequate long-term supply of water for domestic, agricultural, industrial, and recreational use.
- Goal 5.7 – Protect the quantity and quality of community water supplies.
- Goal 5.8 – Provide quality wastewater service to all existing and future City residents.
- Goal 5.9 – Provide for the collection, transport, and stormwater in a safe manner to protect people and property from damage arising from storm drainage.
- Goal 5.10 – Develop and sustain an integrated and cohesively designed park system that is complementary to existing and proposed development as well as the natural environment. This shall include development and maintenance of a network of recreational trails, bicycle lanes and bikeways.

The City made an effort in 2021 to advance the goals and programs of the Open Space, Conservation, and Public Facilities Element. This effort includes:

- The City will continue to maintain and protect air quality in Orland at the acceptable levels as defined by state and federal standards. (Goal 5.5; Policies 5.5.A, B, and G)
- The City installed wastewater aeration equipment at the treatment plant which enhances the treatment abilities of the plant and assist in an increased capacity. (Goal 5.6; Goal 5.8)
- The City implemented various sewer and water pipe replacement projects. The projects replaced existing deteriorating concrete pipes with new, Polyvinyl chloride (PVC) pipe. (Goal 5.8)
- The City upgraded the pump at the Eva Drive well site to assist in the production of water in the city (Goal 5.6; Goal 5.7)
- The City continued to implement the water system Supervisory Control and Data Acquisition (SCADA) program. SCADA provides monitoring and control capabilities to the city water system. (Goal 5.6; Goal 5.7)
- The City is working closely with Glenn County and the State Department of Water Resources (DWR) to implement a project design to assist with the on-going drought and its impact on local groundwater wells and groundwater levels. (Goal 5.6, Policies 5.6.A and 5.6.E; Goal 5.7, Policies 5.7.A and 5.7.B)



Summary/Conclusion: The Open Space, Conservation, and Public Facilities Elements remain useful and relevant and has served the City well over the last year. The element has not been formally amended since its adoption, however the goals, policies, and programs of the element remain applicable, valid and useful.

NOISE ELEMENT

A noise element which shall identify and appraise noise problems in the community. [It] shall...analyze and quantify, to the extent practicable...current and projected noise levels for all of the following sources...[including highways, industrial uses, and others identified by Council as contributing to the community noise environment]. Noise contours shall be shown for all of these sources...The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element...

The Noise Element of the General Plan includes one goal, as follows:

- Goal 6.1 – Protect citizens of Orland from the harmful effects of exposure to excessive noise. Additionally, protect existing noise-sensitive land uses from new uses that would generate noise levels that are incompatible with those uses and discourage new noise-sensitive land uses from being developed near sources of high noise levels.

Summary/Conclusion: The Noise Element contains standards and guidelines that protect both existing noise-generating uses and new potentially noise-sensitive land uses. The Noise Element contained within the General Plan has been used by staff and has provided valuable guidance and policy direction for the City. The Noise Element contained within the General Plan is current and accurate and remains useful and legally adequate.

HOUSING ELEMENT

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. [It] shall identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community... (Section 65580).

Each local government shall review its housing element as frequently as appropriate.... (Section 65588)

The Housing Element of the General Plan includes five goals, as follows:

- Goal HQL-1 - It is the goal of the City of Orland to promote the development and preservation of housing that meets health and safety standards, and enhances existing neighborhoods, services, and the environment.



- Goal HQY-1 – Support and encourage the preservation of existing housing and the construction of new housing at a range of costs and in quantities to meet the needs of all income groups, including the very-low, low and moderate-income groups.
- Goal AH-1 Actively support and promote the preservation and development of housing affordable to all income levels, especially households who are very-low, low- and moderate-income.
- Goal FH-1 – Improve fair housing choice and equitable access to opportunity.
- Goal EC-1 – It is the goal of the City to promote the conservation of natural resources and energy in housing production and maintenance.

In 2015, programs in the Housing Element resulted a General Plan Amendment and rezone to allow for high density residential development. The result was the change in the General Plan land use designation of Commercial to High Density Residential. The zoning change converted the current zoning of C-2, Community Commercial, to R-3, Residential Multiple Family-Professional.

In 2018, the City Zoning Ordinance was revised to comply with new Accessory Dwelling Unit legislation. This latest revision resulted in complete conformity of the Zoning Ordinance with state law. No other revisions were necessary due to programs in the Housing Element or new state housing legislation.

In 2021, the City repealed and adopted the City existing Housing Element and adopted in March of 2022, the 6th Cycle 2021-2029 Housing Element. The 6th Cycle Housing Element was comprehensively revised to comply with the requirements of HCD and State Legislation. The Site Inventory included in the 2021-2029 6th Cycle Housing Element identified that the City had adequate land that was appropriately zoned to provide an opportunity for the market to meet RHNA targets during the planning period.

Summary/Conclusion: The long-term housing goal is to facilitate and encourage housing that fulfills the diverse needs of the community. The 2021-2029 6th Cycle Housing Element was adopted in March of 2022 and is pending certification by the California Department of Housing and Community Development Department (HCD) for compliance with state housing element law. The document was submitted following its adoption and the City awaits certification by the Department. Generally speaking, the Housing Element provides information and policy guidance on issues including affordable housing and housing for special needs groups and identifies potential programs that the City utilizes to help fill underserved housing needs in the community.

The 2021-2029 6th Cycle Housing Element contains 5 goals, 15 policies and 26 programs designed to establish the City's approach to the planning of housing in Orland. The City only saw five market rate homes issued Occupancy Permits in Orland in 2021. However, 31 income-qualified single-family homes and one income-qualified multifamily complex were permitted in 2020 and planning approvals and entitlements were issued or approved



for a new 32-unit Senior Living Apartment complex (Liberty Bell Senior Apartments), a 21+ units permanent supportive housing project (Habitat for Humanity/Orlanda Inn), and, a 36 unit income-qualified family apartment complex (Woodward Garden Apartments). Additionally, the City approved building permits for the addition of two (2) new units at an existing multi-family housing apartment complex (Shasta Gardens) along with a new managers unit and issued permits for the renovation of 15+ units at the same location.

An additional 97+/- single-family housing units are in the process of being developed in the City and another 260+ units are currently in the entitlement process.

The 2014-2021 Housing Element functioned as a useful and adequate element of the General Plan over the course of its life span and the newly adopted 2021-2029 Housing Element is anticipated to serve the City in the same manner for the next eight (8) years.



Overall Summary

The City of Orland adopted its current General Plan via a comprehensive update of six of the seven required elements in 2012. Amendments have been made to various elements of the plan during the last decade to ensure that the plan remains relevant, implementable, and accurate. The document has been and continues to provide policy guidance and direction in a meaningful manner. The City's General Plan is legally adequate and sufficiently and adequately represents the City's policy direction and vision. The plan is current and is inclusive of all newly adopted legislation and incorporates all legislative updates as of the time of its last amendment in March of 2022.

DEVELOPMENT ACTIVITY 2021

As discussed previously, after a substantial increase in development and entitlement requests in 2006–2007, requests tapered in number afterwards, with the exception of a significant increase in residential development in 2011. However, the amount of development in the more recent years (2012-2019) was relatively low. In 2020 the pace of development increased slightly with more significant activity occurring in 2021.

In 2021, the City of Orland Building Department processed a total of five (5) building permits for new primary residential dwellings and an additional four (4) building permits for Accessory Dwelling Units. One unit was lost via destruction (fire) during the period.

In 2021, the Planning Department process 29 projects consisting of use permits, parcel adjustments (mergers and lot line adjustments), parcel maps, subdivision maps CEQA studies. The City initiated the processing of two (2) tentative subdivision maps, one (1) tentative parcel map, two (2) lot merger, and two (2) lot split and 17 use permits. In addition, the city reviewed three (3) site plans and processed applications for one (1) annexation conditional use permits.

The table below shows a summary of applications submitted in 2021.

Planning Applications – 2021

Application Type	# of Applications	Status
Conditional Use Permit	0	---
Sign Use Permit	4	4 (approved)
Fireworks Sales Use Permit	6	6 (approved)
General Plan Amendment	0	---
Zoning Ord. / Zoning Map Amendment	0	---
Lot Merger	2	2 (approved)
Lot Split	2	2 (approved)
Parcel Map	1	1 (approved)
Subdivision Map	2	2 (in process)
Subdivision Map extension	1	1 (approved)
Variance	0	---



Annexation	1	1 (approved)
Site Plan Approvals	3	3 (approved)
Rezoning	0	---

Summary

Orland has seen a fluctuation in residential development activity over the last decade with 10 units in 2015, 44 units in 2016, 7 units in 2017, 46 units in 2018, 17 units in 2020 and 5 units in 2021. The majority of units a seventy-two (72) have been developed by the Community Housing Improvement Program's (CHIP) two projects identified as the Heartland and Benson Estates projects, designed to allow income-qualified households to purchase a single-family home. In 2021, all five (5) building permits were issued for non-CHIP single-family market rate homes.

As indicated previously in this report, the City of Orland General Plan provides meaningful direction to elected and appointed officials, City staff, landowners, citizens, and parties interested in the future of Orland. Through the end of calendar year 2021, the General Plan remained essentially unchanged in its foundational direction and policies despite being updated to reflect new legislation and new General Plan requirements. The plan was amended in 2014, with one change to a land use designation, and again in 2019 to add a new land use designation however there were no changes to the General Plan's goals, policies, and programs that accompanied those changes. Substantial changes were made during the year 2021 of which none of the changes change the value, applicability or core-direction of the City. The current General Plan provides accurate and useful policy guidance for the City. The document is adequate and functional, and succeeds in meeting its own goals, policies, and programs in serving the needs of the City of Orland.



REFERENCES

1. City of Orland. *City of Orland General Plan 2008–2028 (adopted - 2012)*.
2. 2021 City of Orland Planning Department Application Processing Log.
3. City of Orland. *City of Orland General Plan 2021-2029 Housing Element*.
4. California Department of Finance. Demographic Research Unit, E-5 Report (2021).

**CITY OF ORLAND
CITY COUNCIL RESOLUTION CC 2021-__**

**ACCEPTING AND APPROVING THE PRESENTATION OF THE
2021 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT**

WHEREAS, California Government Code Section 65400(a)(2) mandates that the City to complete the General Plan/Housing Element Annual Progress Report, and;

WHEREAS, the Planning Commission of the City of Orland, California considered the matter at their normally scheduled and noticed public meeting on *<insert date>* and recommended acceptance and approval of the report to the City Council and directed staff to submit the report as presented, and

WHEREAS, the City Council of the City of Orland, California considered the matter at their normally scheduled and noticed public meeting on *<insert date>* and accepted and approved the report as presented, and

WHEREAS, Planning Staff of the City of Orland, California submitted the report as directed and as provided by law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Orland approves and accepts the 2021 General Plan and Housing Element Annual Progress Report as required.

The foregoing Resolution was adopted by the City Council of the City of Orland on the <day> day of <month> 2021 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis G. Hoffman, Mayor

ATTEST:

Jennifer Schmitke, City Clerk