



CITY OF ORLAND STAFF REPORT

MEETING DATE: November 18, 2025

TO: Honorable Mayor and Councilmembers

FROM: Lisa Lozier, City Planner

SUBJECT: **Zoning Code Amendment – ZCA2025-05:** (Action)

Title 17 Zoning Ordinance Text Amendment – Recommend the addition of text to General Commercial (C-2) Section of the Orland Municipal Code (OMC) Title 17 to differentiate the difference between residential uses generally (17.40.040(D) and Dwellings located on the second floor (17.40.030(A)(7)) of commercial structures specifically.

Environmental Determination:

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

SUMMARY:

The proposed Zoning Amendment (ZCA) 2025-05 is intended to amend Title 17 of the City of Orland Municipal Code, Section 17.40.040(D)-Residential Uses, to include the following text: “except as otherwise identified in Section 17.40.030(A)(7) and amend Section 17.40.030(A)(7) to read as “Dwellings, second floor and above”. The text amendment is intended to resolve potential conflicting rules for Residential Uses which includes multiple types of residential uses including Dwellings and the more specific use of Dwellings located on the second floor of buildings subject to the General Commercial (C-2) zoning guidelines.

DISCUSSION:

The purpose of the amendment is to resolve conflicting provisions within the zoning code regarding residential uses in the C-2 (Community Commercial) District—specifically distinguishing between general residential uses permitted by approval of a use permit and dwellings located on the second floor of commercial buildings requiring an administrative permit.

On March 2025, the Planning Commission approved Conditional Use Permit (CUP 2024-02) for a second-floor residential unit at 715 4th Street (APN 040-157-004). During that meeting, questions were

raised regarding which residential uses require a Conditional Use Permit versus those that may be administratively approved.

On October 16, 2025, at the regularly scheduled Planning Commission meeting, Staff presented a report outlining the permitting processes for residential uses in commercial buildings for Title 17 – Zoning, Section 17.40 - Community Commercial (C-2) zone District.

The Orland municipal Code (OMC) Section 17.40.020 does not list residential uses as principal permitted uses in the C-2 District. Section 17.40.030(A)(7) allows second-floor dwellings in conjunction with commercial uses as administratively permitted uses, while Section 17.40.040 identifies general residential uses and ground-floor dwellings as conditional uses requiring a permit.

To eliminate inconsistencies between administrative and conditional approvals for residential uses in the C-2 District, Staff recommends adding clarifying language to Section 17.40.040(D). The amendment would ensure that second-story residential dwellings are treated as administratively approved uses, consistent with Section 17.40.030(A)(7).

PLANNING COMMISSION SUMMARY/ACTION:

At the regular meeting of the Planning Commission on October 16, 2025, the Planning Commission and considered a staff report and conducted a public hearing and voted as follows: 1) to adopt that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guideline section 15061(b)(3). Motion carried by a voice vote 4-0, 2) adopt PC Resolution 2025-06 recommending the proposed text change to City Council for review and approval to include the language presented to include second floor and above. Motion carried by a voice vote 4-0. There were no speakers from the public for this item.

ENVIRONMENTAL DETERMINATION:

The City of Orland acting as Lead Agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), This project will result in no potentially significant impacts to the environments and is considered exempt from environmental review as required by CEQA through the use of the “General Rule” Section 15061(b)(3) that is applied to proposals, which will have no potential adverse impact on the environment.

FISCAL IMPACT OF RECOMMENDATION:

Adoption of the proposed Zoning Code Amendment (ZCA 2025-05) as an amendment of the City of Orland Municipal Code will not have an impact on the City’s General Fund operating budget as a result of this action.

RECOMMENDATION:

The Planning Commission recommends that the City Council take the following Actions:

1. Review the staff report and environmental determination.
2. Open the public hearing and consider public testimony.
3. Close the public hearing and consider the project by City Council.
4. Motion and vote by the City Council.

Motion for consideration:

I move that the City Council finding the Amendment exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) and adopt **City Council Ordinance No. 2025-XX** approving the first reading of the Amendments to Title 17 concerning residential uses as contained herein.

ATTACHMENTS:

Attachment A – Proposed Municipal Code Amendments Title 17 – Zoning (Redline)

Attachment B – Orland City Council Ordinance No. 2025-XX

EXHIBIT A. Municipal Code Amendments Title 17