



CITY OF ORLAND STAFF REPORT

MEETING DATE: December 19, 2023

TO: City of Orland Planning Commission

FROM: Scott Friend, AICP – City Planner

SUBJECT:

- 1) **Request to Annex Property; #ANX 2023-01 – Modoc Street #1 / Church of Jesus Christ of Latter-Day Saints (Property Owner):**
APN 046-080-016
- 2) **Zoning Code Amendment #2023-01: Application of City of Orland Zoning:**
 - Pre-zoning of APN 046-080-016 (Z #2023-03) to the “R-1” (One-Family Residential) zoning district.
- 3) **Use Permit #2023-03:** Chapter 17.20.040(C) – A request to approve a Conditional Use Permit (CUP) to permit the continued use of an existing “Church” on the parcel proposed for annexation.

The project site is located just outside the limits of the City of Orland on the east side Modoc Street, north of the BoR/OUWUA Lateral 40 irrigation canal and is further described as 125 Modoc Street, Orland, CA 95963 and Glenn County Assessor’s Parcel Number 046-080-016-000. The property is currently zoned “RE-5” (*Rural Residential Estate, 4.25-acre minimum*) in Glenn County and designated in the City of Orland General Plan as “*Low Density Residential*” (R-L – 6 dwelling units per acre).

Environmental Review: The project has been determined to be exempt from further CEQA review pursuant to PRC Sections 15301, the *Existing Structures* exemption and Section 15319, the *Annexation of Existing Facilities and Lots for Exempt Facilities* exemptions, as it has been determined with certainty that the project would not have a significant effect on the environment.

SUMMARY:

The proposed project is a request to annex an existing +/-5.7-acre parcel of land into the City limits of Orland, to pre-zone the parcel with the City of Orland “R-1” zoning district (*Residential One-Family*) in anticipation of the annexation, and, to approve a Conditional Use Permit to allow for the continued use of the existing “Church” (Church of Jesus Christ of Latter-Day Saints) as specified in Section 17.20.040(C) of the Orland Municipal Code.

The project site is located just beyond the northern edge of the Orland City Limits at the northernmost end (cul-de-sac) of Modoc Street, in the unincorporated area of Glenn County. See **Attachment A1** for site location. The site is bordered on the north by a single-family residence, with Stony Creek beyond; Modoc Street to the west with a vacant parcel used as a cattle pasture beyond; the U.S. Bureau of Reclamation (BoR) / Orland Unit Water Users Association (OUWUA) Lateral 40 canal abuts the southern border of the site, with a single-family residential neighborhood beyond; and a vacant parcel to the east, that has been previously proposed for a single-family residential development (Creekside Estates) with a single-family residential neighborhood beyond. The property is currently zoned “RE-5” in the County of Glenn and is designated in the City of Orland General Plan as “R-L”. The property is located within the City Council adopted and Glenn LAFCo approved Sphere of Influence of the City of Orland.

Currently, the site contains the existing church on the northern half of the parcel, with vacant land making up the majority of the southern half (adjacent to the US BoR/OUWUA Lateral 40 canal).

BACKGROUND:

The City of Orland has been petitioned to annex property by a potential purchaser of the parcel. The current legal owner of the parcel, the Church of Jesus Christ of Latter-Day Saints (LDS) Church (property owner), is in agreement with the filing of application and has consented to the annexation of the parcel. In this case, annexation is the legal process that transfers property from an unincorporated unit of government to an incorporated one. In this action, a property owner of a single property in unincorporated Glenn County is requesting incorporation into the City of Orland. The benefits of annexation include the possibility for connection to City-provided utilities (sewer and domestic water service), city provided law enforcement services, an increased potential for the use of your parcel when connected to City-provided utility services, and an opportunity to vote in City elections as well as to serve on City boards and commissions. There is no difference in property taxes between properties in unincorporated Glenn County and properties in the City of Orland.

In general, Annexations actions involve a multi-step process. First, the City must undertake Planning Commission and City Council hearings initiation the annexation and applying preliminary zoning to the property prior to sending the annexation application to the Local Agency Formation Commission (LAFCo). For this action, the Planning Commission is requested to conduct a public hearing on the request with the action being the making of a recommendation to the City Council on how to proceed on the request. The City Council will then conduct their own public hearing at which they will be asked to adopt a Resolution directing staff to prepare an Application to the LAFCo to annex the property. Once the City's process is complete, the City of Orland acts as the applicant before LAFCo (Glenn County LAFCo). The City's annexation request usually involves the preparation of the required LAFCo application(s) and materials and is generally prepared in cooperation with the applicant(s). Following the receipt and review of the City's petition to annex property, the LAFCo will conduct a hearing(s) and may either disapprove the application, conditionally approve the application, or approve the application.

Review Criteria:

LAFCo Annexation Criteria:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. Local agency formation commissions (LAFCos) have numerous powers under the Act, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies. Among the purposes of LAFCos are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies.

LAFCo's policies and procedures on incorporations include a list of criteria which LAFCo will use in evaluating boundaries. When considering an incorporation proposal, LAFCo is required to consider the following factors (Government Code §56668):

- The population, population density, and potential for growth.
- The need for organized community services, and effect on adequacy of services.
- The effect of the proposal on adjacent areas and local government structure.
- The conformity of the proposal with adopted LAFCo policies and priorities.
- The effect of the proposal on integrity of agricultural lands.
- The definiteness and certainty of the proposed physical boundaries.
- Consistency with county General Plan and specific plans.
- The sphere of influence of any affected local agency.
- The comments of any affected agency.
- The ability of the new city to provide services, including sufficiency of revenues.
- Timely availability of adequate water supplies.
- The extent to which the proposal helps achieve its allocation of regional housing needs.
- Comments from land owners.
- Any information relating to existing land use designations.

City of Orland Annexation Criteria:

The content, form, and processing requirements for Annexations within the City Limits are set forth in Orland Municipal Code (OMC) Title 1 *General Provisions*. OMC Section 1.08.010 states:

Annexation to the city will be processed pursuant to 56000 of the California Government Code. The application fee for annexation shall be in addition to all actual California State Board of Equalization fees, actual engineering costs, and actual Glenn County LAFCo fees.

Prezoning:

Pursuant to OMC Section 17.12.060 and state law, annexation requires that properties be assigned City zoning (pre-zoned) prior to annexation approval. Prezoning is the act of assigning a City zoning designation to an unincorporated parcel prior to its being incorporated. The pre-zoning action is subject to the requirements applicable to applicable zoning district in the City, including the requirement for consistency with the general plan. The zoning shall become effective at the same time that the annexation becomes effective. **Table 1** below lists the parcel's current County and City General Plan and Zoning Designations.

The City proposes to pre-zone the parcel with the “R-1” *Residential One-Family* zoning district. This designation is consistent with the City of Orland’s current General Plan Land Use Designation of “R-L” *Low Density Residential*.

Table 1: Current and Proposed Land Use Designations			
Current County General Plan Designation	Current County Zoning Designation	Current City General Plan Designation	Proposed City Zoning
Rural Residential	RE-5 – Rural Residential Estate	R-L – Low Density Residential	R-1 – Residential One Family

The subject parcel is currently zoned with the Rural Residential land use designation and the RE-5 zoning in Glenn County. The *Glenn County* General Plan states that the Rural Residential zone is utilized to identify areas suitable for large lot, low density residential use that provide for development which is compatible with a rural character and lifestyle. Uses permitted within the RE-5 classification include single-family residences, agricultural and domestic livestock farming on a limited scale, and home occupations.

The City of Orland General Plan states that the *Low Density Residential* (R-L) classification is intended for development single family dwellings at a density of up to 6 dwelling units per acre. Typical uses in this designation include single-family detached homes, accessory structures, and other uses as approved via the Conditional Use Permit process.

Proposed City of Orland Zoning:

The R-1, *Residential One-Family* Zone (OMC Section 17.20) is intended to be applied in areas of the city where topography, access, utilities, public services and general conditions make the areas suitable and desirable for single-family home developments and developments, administrative or conditional, which serve residential uses. **Attachments A2** and **A3** illustrate the current City/County zoning and General Plan designations. Uses on the parcels surrounding the site include single-family residences to the north, east, south and west. Prezoning the property to R-1 would be consistent with the City of Orland's General Plan Land Use Designation and the current surrounding zoning and uses.

R-1 Lot Conformance:

OMC Section 17.20.050(B) lists the lot requirements in the R-1 zone. Minimum lot area ranges from 6,000 sq. ft. to 20,000 sq. ft. depending on the size of the property. The subject property is 250,900 sq. ft. (5.76 acres) total. The property meets the minimum lot requirements of the R-1 zone.

The maximum lot depth in an R-1 zone is three times the lot width. The subject property has an irregular shape with a width of approximately 420 feet at its widest point and a depth of approximately 660 feet at its deepest point. The property meets the lot depth requirements in the R-1 zone.

Maximum building coverage is forty (40) percent in the R-1 zone. The property is currently developed with a 0.40-acre church and associated outbuilding in the northern half of the 5.76-acre lot. The total building coverage is less than ten (10) percent. The property conforms with maximum building coverage requirements in the R-1 zone.

Municipal Services:

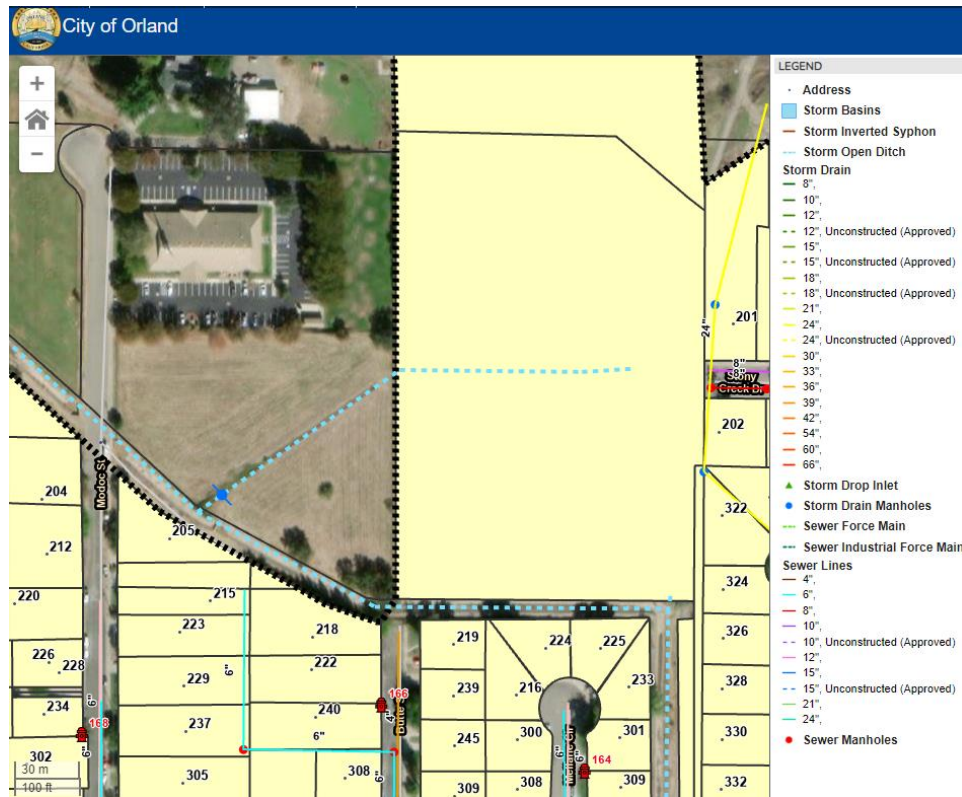
Annexation applications must be accompanied by a plan for services. A plan for services generally provides details regarding the nature of the provision of services, after incorporation. This includes service providers will be provided to the parcel by the new city or by other third-party service providers. *Table 2* below lists the property's current and proposed service providers.

Table 2: Current and Proposed Service Providers		
Subject/Service Area	Current Provider	Proposed Provider
Water	Well system	No Change
Wastewater	Septic	No change
Law Enforcement / Police	Glenn County Sheriff's Department	City of Orland Police Department
Fire Suppression Service	Orland Rural Fire District	Orland Volunteer Fire Department
Streets / Circulation	Glenn County	City of Orland
Storm Drainage	Glenn County / None	City of Orland
Electricity	PGE	PGE
Dry Utilities (teleco)	Private Provider	Private Provider
Educational Services	Orland Unified School District	Orland Unified School District
Governmental Services	Glenn County	City of Orland
Recreational Services	Glenn County / None	City of Orland
Other: Library, Planning, Solid Waste Collection, Special Service Districts, other	Glenn County / None	City of Orland

The existing LDS church is currently provided water and wastewater services via a well and septic tank. No new water or sewer lines have been proposed to be installed on the project site, and staff understand that the existing well and septic infrastructure are adequate to service the needs of the church.

While the existing well and septic infrastructure are understood to be adequate, connection to City utilities is assumed in the future condition. The following utilities are located within the project vicinity, as shown in Figure 1 below:

- Within Modoc Street, south of Lateral 40 and the project site:
 - 6" sewer line;
 - Sewer manholes, one along rear property boundary of 237 Modoc St, approximately 700 feet from church;
 - Fire hydrant fronting single family residences along the west side of Modoc (234 and 302 Modoc St.);
 - 6" waterline;
- Nearest storm drain and storm drain manhole exists at the western terminus of Stony Creek Dr, approximately 600 feet from church building.



Storm Drainage and Lateral 40:

The project would not involve the construction of any residential units and no new storm water drainage system elements are proposed. The OUWUA/BoR Lateral 40 canal abuts the southern boundary of the site. A floodwater diversion overflow channel, historically used in high-flow scenarios following heavy rains, traverses the site heading northeast towards Stony Creek from Lateral 40 (see **Attachment A4**).

Transportation/ Circulation:

Modoc Street is currently the only access road to the project site. Modoc Street is an existing improved street for its length inside of the City. In the unincorporated area beyond the City limits, the eastern half-street is fully developed with curb, gutter and sidewalk. The western half-street is unimproved.

Streets within the vicinity of the project site include Stony Creek Drive to the east and Butte Street to the south. Stony Creek Drive has its current westerly terminus just beyond the parcel to the east (see **Attachment A1**). Similarly, Butte Street terminates at Lateral 40 at the southeast corner of the project site. There is currently no crossing over Lateral 40 at Butte Street.

The church paved parking area consists of approximately 123 spaces, of which six (6) are ADA-approved. No new roadway infrastructure is proposed with this action.

CONDITIONAL USE PERMIT:

Chapter 17.80 of the OMC provides the legal authority and basis for the issuance of a Conditional Use Permit in the City. Section 17.80.010 establishes that:

“A request for a use permit may be granted, granted subject to conditions, or denied by the planning commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the planning commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.”

Section 17.80.040 of the OMC states that, *“Approval of an application for a use permit shall be based upon a written finding that:*

Establishment, maintenance, or operation of the use of building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.”

As established in OMC Section 17.80.010, the Planning Commission may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

Upon review of the application, staff believes that the establishment, maintenance, or operation of the proposed subdivision project will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

During its preliminary review phase, this project was routed to public service agencies for comments. No comments noting problems or insufficient capacity with City service connections were received. The City's utility system has adequate capacity to serve this parcel.

ENVIRONMENTAL DETERMINATION:

The City of Orland, as the Lead Agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and determined that the project is exempt from further review under the California Environmental Quality Act (CEQA). This project is exempt from environmental review pursuant to PRC Sections 15301, the *Existing Structures* exemption and Section 15319, the *Annexation of Existing Facilities and Lots for Exempt Facilities* exemption, as it has been determined that this project does not have the potential for causing a significant effect on the environment. Staff has determined that this project meets the requirements for this exemption and is recommending a determination of such to the Planning Commission.

Upon review of the application, staff believes that the establishment, maintenance, or operation of the proposed project will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

RECOMMENDATION:

Based upon the information contained in this report and after consideration of the attributes specific to the proposed site, staff is recommending that the Planning Commission recommend to the City Council approval of the intent to annex and prezone (Z #2023-XX) of a parcel of land, with the associated Conditional Use Permit #2023-XX, a request to approve the use of an existing “Church” on the parcel of land identified as Glenn County Assessor’s parcel number 046-080-016.

Specifically, staff recommends that the following actions take place:

1. *OMC Amendment(s)*: Move to approve Planning Commission Resolution PC 2022-___, recommending for approval to the City Council the intent to annex a parcel of land into the City of Orland, prezone of that parcel of land otherwise known as APN 046-080-016, and the associated Conditional Use Permit (CUP #2023-XX) subject to the Findings provided as **Attachment C** and Conditions of Approval provided as **Attachment D**.
2. *California Environmental Quality Act (CEQA)*: Staff is recommending that the Planning Commission approve the action (intent to annex, Z 2023-02, and CUP #2023-XX recommendations of approval to the City Council) and determine that the proposed action is *exempt* from further review pursuant to Sections 15301 and 15319 of the PRC.

FISCAL IMPACT OF RECOMMENDATION: None

(note Attachments to be provided separately due to file sizes)

ATTACHMENTS:

- **Attachment A1 – Project Location Map**
- **Attachment A2 – Zoning Map**
- **Attachment A3 – General Plan Map**
- **Attachment A4 – Utility Map**
- **Attachment B – Project Site Plan**
- **Attachment C – Findings for CUP #2023-03**
- **Attachment D – Conditions of Approval for CUP #2023-03**
- **Attachment E – CEQA Notice of Exemption**
- **Attachment F – Planning Commission Resolution PC 2023-___**