



CITY OF ORLAND STAFF REPORT

MEETING DATE: October 16, 2025

TO: City of Orland Planning Commission

FROM: Lisa Lozier, AICP – City Planner

SUBJECT: Zone Amendment: ZCA 2025-05: Title 17 Zoning Ordinance Text Amendment – Review and 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 Review: The proposal action is 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.

Summary:

The proposed Zoning Code 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).” 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. The proposed action is a recommendation from the Planning Commission to the City Council.

Background:

At the March 20, 2025, Regular Planning Commission Meeting, A request to approve a Conditional Use Permit (CUP#2024-02) to approve a residential use on the second floor of

an existing structure located at 715 4th Street, on Glenn County Assessor's Parcel Number (APN) 040-157-004 was presented to the Planning Commission for review and action. The Planning Commission opened a public hearing and received public comment and project clarification from the applicant. Concerns raised during the public hearing included parking and a question OMC Section 17.40.030 – Administratively permitted uses in the Community Commercial zone district versus the recommendation OMC Section 17.40.040 – Conditional uses requiring use permits. After closing the public hearing and Planning Commission discussion, the Planning Commission voted unanimously to approve the project.

At the August 21, 2025, Planning Commission meeting, staff provided a follow up discussion of the of the March 20, 2025, Planning Commission meeting approval of CUP 2024-02. Following the discussion, the Planning Commissioners recommended adding clarifying language to Section 17.40.040(D) of Chapter 17.40 C-2 Community Commercial district of the Orland Municipal Code to clearly identify which residential uses qualify for administrative approval. Staff proposed a text amendment to Section 17.04.40.040(D) of the C-2 General Commercial Zone to explicitly allow second-story residential dwellings as administrative uses.

The Commission directed staff to prepare a report and draft resolution for consideration at the October 16th meeting. In accordance with updated state requirements, a 20-day public hearing notice will be issued prior to any formal action.

Analysis:

OMC Section 17.40.020 – Principal permitted uses does not include residential uses (dwellings or associated residential uses) as permitted uses for the Community Commercial district.

OMC Section 17.40.030,(A)(7) allows for dwellings on the second floor of only, specifies that dwellings can be considered as a use in conjunction with commercial as the primary use.

OMC Section 17.40.040(A)16 specifically addresses dwellings on the ground floor as a residential use that would require approval of a Conditional Use Permit to be established in the C-2 District. and Section 17.40.040(D) lists Residential Uses generally as requiring approval of a use permit.

Conclusion:

Any project requesting approval of a "Residential Use" is subject the standards and regulation of the primary zone district, C-2 Community Commercial. And pursuant to OMC Section 17.40.040, "residential uses not located on the ground floor are considered a conditional use and require a Conditional Use Permit within the C-2 district."

In the situation of an applicant requesting a "residential use" in the C-2 district, a conflict between the Administratively approved uses and conditionally approved uses may result

in a default to the more restrictive conditional use as indicated in Section 17.40.040(D). In order to provide clarification, the following zoning code text is recommended:

17.40.040 – Conditional uses requiring use permits.

D. Residential Uses, except as otherwise identified in Section 17.40.30(A)(7)

Attachment B, proposed ordinance and **Attachment C**, redline code version both indicate how the proposed text would appear as proposed.

Public Notice:

A 20-day public hearing notice of the subject project was published in accordance with notice requirements provided in OMC Section 17.88.040 – Amendments and Government Code Section 65854 requiring a 20-day hearing. The Planning Department received no public comments on the project at the time of this report.

Environmental Determination:

The City of Orland finds that this Ordinance is not a “project” according to the definition outlined in the California Environmental Quality Act (“CEQA”), and, pursuant to CEQA Guidelines section 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment), the adoption of this ordinance is therefore not subject to the provisions requiring environmental review.

Recommendation:

Based on the information contained in the staff report, public testimony, and Planning Commission consideration, staff recommends the following actions:

1. Find that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guideline section 15061(b)(3).
2. The Planning Commission adopt PC Resolution 2025-XX (Attachment A) recommending the proposed text change to City Council for review and approval.

ATTACHMENTS:

Attachment A – PC Resolution # 2025-XX

Attachment B – Draft Ordinance

Attachment C – Redline Copy Ordinance