



## CITY OF ORLAND STAFF REPORT

MEETING DATE: January 16, 2025

**TO:** City of Orland Planning Commission

**FROM:** Scott Friend, AICP – City Planner

**SUBJECT:** **Municipal Code Amendment:**

- Amends portions of Title 17 – *Zoning* to modify the design and setback standards for Accessory Structures.

**Environmental Review:**

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

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### SUMMARY:

At the December 19, 2024, Planning Commission meeting, Staff was given direction to amend the standards within the Orland Municipal Code concerning accessory structures. According to the Zoning Code, accessory structures are administratively permitted within residential zones, R-1: *Residential One-Family Zone*, R-2: *Residential Two-Family Zone*, and R-3: *Residential Multiple Family-Professional Zone*, and are subject to design and setback standards.

The following is a discussion of proposed amendments to Title 17 – *Zoning* concerning the design and setback requirements of accessory structures.

### DISCUSSION:

#### Current Standards for Accessory Structures:

Accessory structures are defined in the Orland Municipal Code as “a usual and customary building normally associated with a permitted or conditional use.” (OMC 17.08.040) Accessory structures are intended to be incidental to the primary structure, to include uses that are associated with an existing permitted or conditional use such as detached enclosed garages, storage structures, or patio covers (see **Figures 1-3**).

**FIGURE 1 – Accessory Structure, Storage Shed**



**FIGURE 2 – Accessory Structure, Patio Cover**



**FIGURE 3 – Accessory Structure, Detached Garage**



The Planning Department ministerially permits residential accessory structures with an administrative use permit if the proposed structure meets the City’s required setbacks, size, height, and design standards (see **Table 1 & 2**). Additionally, if the proposed accessory structure exceeds 120 square feet, a building permit shall also be obtained from the Orland Building Department.

**Table 1: Design Standards for Accessory Structures**

	<b>Enclosed Detached Garage</b>	<b>Detached Storage/Shop Building</b>	<b>Patio Cover/Shade Structure</b>
<b>Size</b>	Shall be at least 20’ x 20’	Shall conform to the maximum building coverage requirements	n/a
<b>Height</b>	15’	15’	12’
<b>Utilities</b>	Shall be equipped with a 208/240 volt electrical outlet	Shall <u>not</u> be equipped with electrical service or plumbing of any kind <i>(Pertains only to the R-1 Zone)</i>	n/a
<b>Location</b>	Shall be positioned to have proper driveway access	Shall <u>not</u> be located in any required front yard, or in front of the primary structure (whichever is greater)	n/a
<b>Design</b>	Shall have a minimum 16’ wide garage door	The roof pitch and construction materials of the building shall be similar to the main residential structure	Shall be open on at least two sides
	The roof pitch and construction materials of the building shall be similar to the main residential structure		

Residential accessory structures are subject to minimum setback requirements unless otherwise described within the respective zoning chapter (see **Table 2**).

**Table 2: Minimum Structure Setback Requirements for Accessory Structures**

	R-1 Zone	R-2 Zone	R-3 Zone
Front	35'	35'	35'
Side	5'	5'	5'
Rear	20'	20'	15'

**ANALYSIS:**

Proposed Text Amendments

Based on the Planning Commission’s feedback at the December 19, 2024 meeting, Staff proposes the following Municipal Code text amendments:

1. **Storage Building Height.** The draft amendment would modify the maximum 15-foot structure height to 25 feet for storage and, or shop buildings. Currently, primary structures in the R-1 and R-2 zones are allowed a 35-foot maximum building height and 45-feet in the R-3 zone. Additionally, the maximum height of an ADU structure is applicable according to the designated residential zone in which the property is located.

Considering the greater height limits for primary structures and ADUs, the proposed increase of maximum building height for storage and, or shop buildings would allow for increased flexibility and maximization of yard area. Structure setbacks dependent on building height shall apply.

2. **Utility Restriction.** The draft amendment would remove the electrical and plumbing restriction stated in OMC Section 17.20.060(E)(6). The current restriction on installation of electrical and plumbing only applies to accessory structures within the R-1 zone. The proposed draft amendment would remove the limitation to provide consistency amongst the design standards for accessory structures in the R-2 and R-3 zones and allows for expanded uses within a residential accessory structure.
3. **Restricted Dwelling Use.** The draft amendment would insert a new standard to restrict residential occupation of an accessory structure. Despite the proposed amendment to remove the installation of electrical and plumbing, the permitted uses of an accessory structure shall be distinguished from those of an Accessory Dwelling Unit (ADU). Shall a structure be intended for living purposes, the structure shall comply with the ADU standards of OMC Section 17.76.130.
4. **Runoff Prevention.** The draft amendment would add the design standard for all accessory structures to be constructed to prevent stormwater runoff onto adjacent properties. Regardless of structure setbacks, proper construction and maintenance of drainage shall be the responsibility of the property owner.
5. **Minimum Structure Setbacks.** The draft amendment would modify the minimum setback requirement to 4 feet from the side and rear property line in all residential zoning districts. Currently, it is codified that accessory structures shall have a minimum 5-foot side and 20-foot rear setback. The proposed setback amendment provides consistency with the 4-foot side and rear setback standard for ADUs as prescribed in GOV § 66314, subd. (d)(7) and stated in OMC Section 17.76.130.

Additionally, the proposed draft amendment would clarify the minimum front setback of accessory structures to 20 feet and would add the standard that no accessory structure shall exist in the front plane of the primary structure. The modification from 35 feet to a 20-foot front setback provides consistency with the setback requirements of a primary structure and would provide flexibility and maximization of rear/side yard area. It shall be noted that not all accessory structures are permitted within a front yard. As accessory structures refer to the assortment of buildings that are incidental to a primary structure, some structures (garage/carport) are permitted in the front yard while others (storage/shop building, pool/spa) are restricted.

6. **Setback Exceptions.** The amendment would codify accessory structures under 120 square feet in size, 6 feet or less in height, and not requiring a building permit would have zero side and rear setbacks. Currently, the setback standards within the OMC state that structures less than 120 square feet and less than or equal to 6 feet tall shall have a zero rear setback standard. The proposed text amendment would streamline incidental structures and provide consistency with exempted structures identified in the California Building Code. Additionally, the proposed 6-foot height limit would maintain consistency with the residential fence standard stated in OMC Section 17.76.190(C) as permitted by right.

It shall be noted that a building permit shall continue to be required on all installations of plumbing and electrical within a structure. In the case of a proposed accessory structure that does not meet all 3 requirements to qualify for zero side and rear setbacks, the minimum 4-foot side and rear setbacks would apply.

Additionally, all accessory structures, regardless of size, would be required to comply with the stormwater runoff prevention design standard. Shall a proposed accessory structure qualify for zero side and rear setbacks, the structure should be constructed to maintain proper drainage to prevent runoff to adjacent properties.

7. **Accessory Structure Setbacks Table.** Based upon the Planning Commission's feedback and to ensure clarity, the Structure Setbacks Table is proposed to be updated as follows:
  - a. The side, interior lot, setback requirement for accessory structures would be amended to distinguish tiers, specific to the height of the structure. Establishing setback tiers allows for increased flexibility amongst homeowners when determining the appropriate sized structure while maximizing the amount of yardage. The three setback tiers are as follows:
    1. Accessory structures 120 square feet or less, below 6 feet in height, and not requiring a building permit shall have a zero-foot setback from the side property line.
    2. Accessory structures between 6 feet and less than 15 feet shall have a 4-foot side setback.
    3. Accessory structures that have a height between 15 feet and 25 feet shall have a minimum 4-foot side setback and shall add an additional foot for every foot above 15 feet. In the example of a proposed 18-foot accessory structure, the structure shall maintain a minimum 7-foot side setback.
  - b. The side, corner lot, setback requirement for accessory structures would be amended as follows:
    - i. Accessory structures, located on the same plane as the primary structure, would be amended to maintain a 10-foot setback.
    - ii. Accessory structures, located behind the rear plane of the primary structure, would be amended from a 10-foot setback to a four-foot side setback.
  - c. The rear setback requirement for accessory structures would be amended as follows:
    - i. It is currently codified that accessory structures not located on an alley shall maintain rear setbacks specific to the material and height of the structure (see **Figure 4**).

**FIGURE 4 – REAR ACCESSORY STRUCTURE SETBACKS**

Accessory structure (no alley):	
Less than or equal to 120 square foot footprint, and less than or equal to six feet tall	Zero
Metal sided and roofed	
Structure less than or equal to six feet tall	Zero
Metal sided and roofed	
Structure greater than six feet tall	1' for each foot of height above six feet, up to ten feet

The proposed amendment removes the specificity of material and establishes tiers based upon the height of the structure. Consistent with the proposed amendment to the side setbacks of accessory structures, the three tiers are described as follows:

1. Accessory structures 120 square feet or less, below 6 feet in height, and not requiring a building permit shall have a minimum zero-foot setback from the rear property line.
2. Accessory structures between 6 feet and less than 15 feet shall have a 4-foot rear setback.
3. Accessory structures that have a height between 15 feet and 25 feet shall have a minimum 4-foot rear setback and shall add an additional foot for every foot above 15 feet. In the example of a proposed 18-foot accessory structure, the structure shall maintain a minimum 7-foot rear setback.

**ENVIRONMENTAL DETERMINATION:**

Staff recommends that the Planning Commission determine that the proposed action (Municipal Code Amendment) is determined to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment B - Notice of Exemption**.

**FISCAL IMPACTS:** None / Not Applicable

**RECOMMENDATIONS:**

Staff requests that the Planning Commission consider the proposed text amendments and recommend changes, if necessary. If no changes are considered necessary or if the proposed changes are minor in nature and can be addressed during the consideration of the matter, staff recommends that the Planning Commission recommend for approval to the City Council, adoption of the proposed text amendments (**Attachment A**) as presented.

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission; and

4. Motion and vote by the Planning Commission.

If the Planning Commission determines that it intends to recommend for approval the Municipal Code Amendment, staff presents the following motions for consideration:

*I move that the Planning Commission recommend to the City Council for their approval Planning Commission Resolution #2025-XX recommending for approval to the City Council, the Municipal Code Amendment addressing accessory structures as presented herein.*

**ATTACHMENTS:**

**Attachment A.** Proposed Text Amendments to City of Orland Municipal Code Title 17: Zoning.

**Attachment B.** Notice of Exemption.

**ATTACHMENT A**

**CITY OF ORLAND MUNICIPAL CODE AMENDMENTS**

*Proposed Text Amendments to Title 17 Zoning*

**Chapter 17.08 – Definitions**

**17.08.040 – Accessory use, structure.**

- A. “Accessory use” means a land use that is associated with an existing permitted or conditional use ~~within a zoning district.~~
- B. “Accessory structure” means a usual and customary building normally associated with a permitted or conditional use.

**Chapter 17.20 – R-1 Residential One-Family Zone**

**17.20.030 – Administratively permitted uses.**

Administratively permitted uses in an R-1 zone are as follows:

- A. Accessory structures typically occurring in residential areas;

**17.20.060 – Design Requirements**

E. A single detached storage or shop building shall meet the following criteria:

- 1. The ~~structure storage or shop building~~ shall conform to the maximum building coverage requirements;
- 2. The height of the ~~structure storage building~~ shall not exceed ~~fifteen (15) feet~~ twenty-five (25) feet;
- 3. The roof pitch and construction materials of the ~~accessory structure building~~ shall be similar to that of the ~~dwelling unit primary structure~~;
- 4. Shall not be located in any required front yard (closest to the front property line) or in front of the primary structure, unless a zoning exception is approved by the City Planner;
- 5. Consistent with setbacks for this zone district; and
- 6. ~~The storage building shall not be equipped with electrical service or plumbing of any kind.~~
- 7. Shall not be occupied for living purposes.
- 8. Shall be constructed to prevent stormwater runoff to adjacent properties. The property owner shall install, monitor, maintain, and revise measures to ensure proper drainage of stormwater.

**17.20.070 – Setbacks**

- A. Minimum yards in the R-1 zone are as follows:

Main Building:

Front: twenty (20) feet;

Rear: twenty (20) feet;

Side: five feet. Side setback on a corner lot facing the street shall not be less than twenty (20) feet.

Accessory Structures:

Front: ~~thirty-five (35) feet~~;



twenty (20) feet;

Rear: ~~twenty (20) feet, unless otherwise specified herein;~~

four feet, unless specified herein.

Side: ~~five feet, unless otherwise specified herein.~~

four feet, unless otherwise specified herein.

B. Exceptions to the minimum yards established above are as follows:

1. Detached accessory buildings shall not be located within five feet of any ~~main building~~ other structure, ~~nor within five feet of a side lot line~~, nor encroach on any easement. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main building yard and setback requirements.
2. If the property abuts a public alley, the rear setback shall be as detailed in Table: R-1 Structure Setbacks if this section.
3. The rear setback for a detached garage that meets the following requirements shall be as detailed in Table: R-1 Structure Setbacks of this section:
  - a. The height shall not exceed fifteen (15) feet;
  - b. The roof pitch and construction materials of the garage shall be similar to that of the primary structure dwelling unit.
4. Where more than one-half of the block is occupied with buildings, the required front yard may be reduced to the average of those of the improved sites, but in no case shall be less than twelve (12) feet.
5. ~~If any building is so located on a lot that the front faces any side lot line, it shall be at least twenty five (25) feet from such side lot line.~~
6. Outdoor swimming pools and spas located within ten (10) feet of any side yard, rear yard or structure, shall be set back from said side yard, rear yard of structure a distance equal to the depth of the pool within said ten (10) foot area, but in no instance shall the setback be less than five feet. Pools and spas shall not be located in a required front yard.
7. Setbacks for all other garages or accessory structures not otherwise described herein shall be as detailed in Table: R-1 Structure Setbacks of this section.
8. See Section 17.76.190 – Fence standards for fence height and setback regulations.
9. Detached accessory structures under one hundred-twenty (120) square feet in size, less than six (6) feet in height, and not requiring a building permit are not subject to setback standards.

**R-1 Structure Setbacks**

Yard	Structure	Setback
Front	House/Main Building	20
	<u>Accessory Structures:</u>	
	Garage	20
	Pool or Spa	Not allowed
	<u>All Other Accessory Structures</u>	Not allowed
Side (interior lot)	House/Main Building	5
	<u>Accessory Structures:</u>	
	Garage	5
	Patio Covers and Shade Structures	5



		<u>All Other Accessory Structures:</u>	
		<u>120 square feet or less, below 6 feet in height, and not requiring a building permit</u>	<u>Zero</u>
		<u>Structure between 6 feet and 15 feet in height (regardless of square footprint)</u>	<u>4</u>
		<u>Structure between 15 feet and 25 feet in height (regardless of square footprint)</u>	<u>Minimum 4ft. setback, plus 1ft. for each additional foot above 15ft.</u>
	House facing side yard		25
Side yard facing street (corner lot)	House/Main Building		20
	Garage (at same front plane as house)		20
	Garage (behind rear plane of house, with alley access only)		10
	Accessory structure (same plane as house)		<del>20</del> <u>10</u>
	Accessory structure (behind rear plane of house)		<del>40</del> <u>4</u>
Rear	House/Main Building		20
	Garage (detached, no alley)		10
	Garage (on alley)		Zero, if min. 24' backup available into alley
	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)		Zero
	Patio covers and shade structures		10
	Accessory structure (on alley)		Zero
	Accessory structure (no alley):		
		<u>120 square feet or less, below 6 feet in height, and not requiring a building permit</u>	<u>Zero</u>
		<u>Structure between 6 feet and 15 feet in height (regardless of square footprint)</u>	<u>4</u>
		<u>Structure between 15 feet and 25 feet in height (regardless of square footprint)</u>	<u>Minimum 4ft. setback, plus 1ft. for each additional foot above 15ft.</u>
	<u>Metal sided and roofed:</u>		
		Structure less than or equal to six feet tall	Zero
	<u>Metal sided and roofed: _____</u>		
		Structure greater than six feet tall	1' for each foot of height above 6', up to 10'
	Non-metal sided and roofed structure greater than 120 square feet and greater than six feet tall		Minimum 5', plus 1' for each foot of height above 6', up to 10'

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(Address)

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

**Project Title:** Municipal Code Amendment to Title 17 – Accessory Structures.

**Project Location - Specific:**

City of Orland – Citywide.

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

**Description of Nature, Purpose, and Beneficiaries of Project:** Amendment to Title 17, *Zoning* of the Orland Municipal Code to revise standards pertaining to Accessory Structures.

**Name of Public Agency Approving Project:**

City of Orland

**Name of Person or Agency Carrying Out Project:**

City of Orland

**Exempt Status:** (*check one*)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: §115061(b)(3) General rule
- Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

**Lead Agency**

**Contact Person:** Scott Friend, AICP Area Code/Telephone/Extension: (530) 865-1608

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: City Planner

■ Signed by Lead Agency

Date received for filing at OPR: N/A