



## CITY OF ORLAND STAFF REPORT

### MEETING DATE: August 21, 2025

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**TO:** Planning Commission

**FROM:** Lisa Lozier, City Planner

**SUBJECT:** Follow Up Discussion: CUP 2024-02 - Zoning

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At the July 17, 2025 Planning Commission meeting Chairperson Nordbye tasked staff to prepare a discussion to revisit Conditional Use Permit CUP 2024-02 at the next meeting, focusing on the initial presentation and its alignment with Downtown Mixed-Use (DT-MU) zoning regulations.

#### **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.

#### **Analysis:**

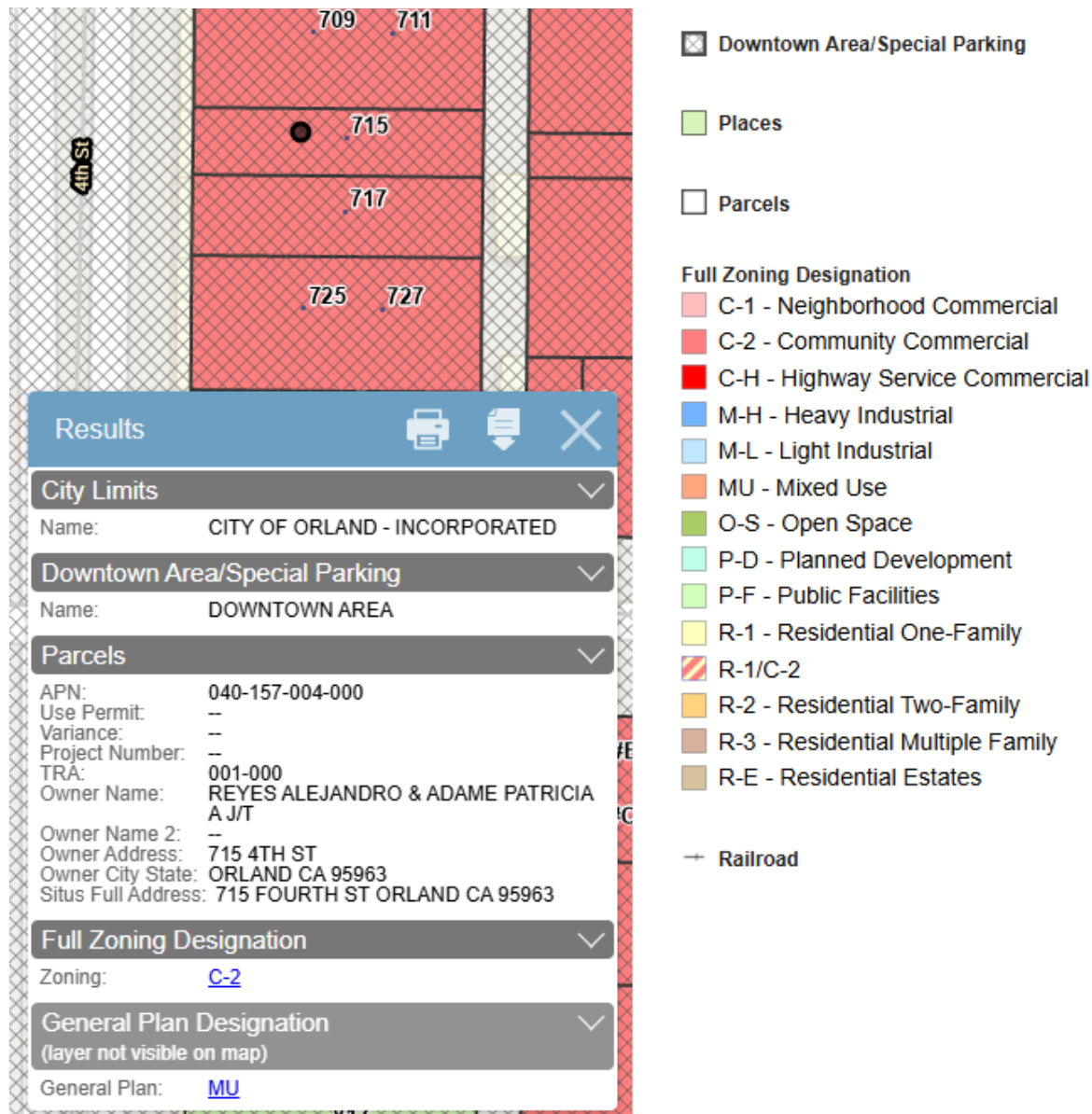
Based on the Staff Report provided at the March 20, 2025, Planning Commission Meeting, the following General Plan designation and Zoning Codes were used to interpret the policies and regulations applicable to the proposed project.

As Indicated in the Staff Report, the Project Site is designated Mixed Use (M) on the Orland General Plan land use map. The Mixed Use designation is utilized in the Downtown District and other areas **as deemed appropriate** by the City to “provide for a pedestrian-oriented live/work/play environment” according to the Orland 2008-2028 General Plan. As indicated in Table 2-6 the Mixed Use General Plan Designation is compatible with the R-2, C-2 and C-H districts, and does not include the MU.

FIGURE 1: City of Orland Parcel Viewer

TABLE 2-6  
GENERAL PLAN/ZONING COMPATIBILITY

General Plan Designation	Compatible Zoning
Low Density Residential	R-1
Medium Density Residential	R-2
High Density Residential	R-3
Residential Estates	R-E
Mixed Use	R-3, C-2, PD
Commercial	C-1, C-2, C-H
Light Industrial/Commercial	M-L
Heavy Industrial	M-H
Open Space/Resource Conservation	O-S
Public Facility	PF



The Project Site is located within the Downtown Area/Special Parking overlay zone which waives compliance with on-site parking and landscaping requirements of Sections 17.76.100 and 17.76.110 of the Orland Municipal Code (OMC) as stated in Section 17.42.080 -On-site parking requirements of The Downtown Area/Special Parking overlay zone located in Chapter 17.42-DT-MU Downtown Mixed Use Zone.

Based on the Zone District Map as indicated on the City of Orland Parcel Viewer, the Project Site is also subject to the standards and regulations of the primary zoning district, C-2 Community Commercial.

**Orland Municipal Code (OMC) analysis of - DT-MU DOWNTOWN MIXED USE ZONE**

**17.42.010 - Purpose and applicability.**

*The downtown mixed use or DT-MU zone is intended to apply to areas in the historic downtown area and other areas **as deemed appropriate**. The purpose of the downtown mixed use zoning designation is to allow for and encourage a broader mix of uses and a more urban pattern of development than exists in the city today, while respecting its historic context and creating a vibrant, pedestrian-friendly environment. The regulations of this chapter and the provisions of [Chapter 17.76](#) shall apply in all downtown mixed use or DT-MU zones.*

**17.42.020 - Principal permitted and prohibited uses. (Residential Group)**

A. Permitted and Prohibited Uses:  
P = Primary Permitted Uses; X = Not Allowed; C = Conditional Use; A = Administrative

<u>Type of Use</u>	<u>DT-MU</u>
Bed and breakfast inn	C
Boarding and rooming house	C
Dwelling(s), ground floor	C
Dwelling(s), basement or second floor or above	P
Emergency shelters	P
Live/work dwelling	P

OMC Section 17.42.020 for permitted and prohibited uses for residential groups would allow dwellings in a basement second floor or above as a Primary Permitted Use. Dwellings located on the ground floor would require a Conditional Use Permit for approval.

**Orland Municipal Code (OMC) analysis of C-2 Community Commercial District**

**17.40.010 - Purpose and applicability.**

*The community commercial or C-2 zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. Typically this zone will be applied in downtown Orland and in shopping centers. The regulations of this chapter and the provisions of [Chapter 17.76](#) shall apply in all community commercial or C-2 zones.*

OMC Section 17.40.020 – Principal permitted uses does not include residential uses (dwellings or associated residential uses) as permitted uses.

OMC Section 17.40.030, particularly item 7. Dwellings second floor only, specifies that dwellings can be considered as a use in conjunction with commercial as the primary use. Section 17.40.030.7 Administratively permitted uses includes Dwellings, second floor only.

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.

NOTE: In the Background section Staff report prepared for the March 20, 2025 Planning Commission meeting, the report indicates that the project 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.”

Based on the specificity of the Administrative (17.40.030) and Conditional (17.40.040) use of the C-2 community commercial favors the commercial development. As the primary district use, allows for uses that are subordinate to the commercial primary use as Administratively Permitted or Conditionally Permitted

#### **Conflicts identified:**

A finding of consistency between the General Plan land use designations and Zoning Ordinance districts is required for approval of projects. The project site as indicated in Figure 1 – City of Orland Parcel Viewer is Zone District C-2 Community Commercial and Mixed Use General Plan Designation. The parcel viewer does not clearly indicate where or when the DT-MU district is to apply and how it is to be determined to be consistent with the General Plan.

#### **Dwelling versus Residential Use:**

OMC Section 17.08.610 - Dwelling.

A. "Dwelling" means any building or portion thereof designed or used for habitation or residential occupancy.

Are dwellings residential uses?

Yes, dwellings are residential uses, as they are defined as buildings or structures designed for living accommodation for one or more individuals or households. This includes various forms of housing like single-family homes, duplexes, apartments, and accessory dwelling units, all serving as living spaces rather than commercial or business purposes.

Residential uses include a wide range of options from detached single-family homes to multi-family dwellings like duplexes and apartments, as well as specialized housing such as manufactured homes, dormitories, group homes, and senior living communities. Supporting residential uses can also include Accessory Dwelling Units (ADUs), home occupations, and sometimes even small-scale childcare facilities or farm labor housing on the same property.

#### **Conflicts identified:**

A finding of consistency between the General Plan land use designations and Zoning Ordinance districts is required for approval of projects. The project site as indicated in Figure 1 – City of Orland Parcel Viewer is Zone District C-2 Community Commercial and Mixed Use General Plan Designation. The parcel viewer does not clearly indicate where or when the DT-MU district is to apply and how it is to be determined to be consistent with the General Plan.