AGENDA

ORANGE COVE PLANNING COMMISSION MEETING

TUESDAY, JULY 19, 2016

REGULAR MEETING AT 6:30 P.M. Orange Cove Council Chambers 633 6th Street, Orange Cove, California 93646

Coy Weldon, Chairman

Rev. Rick Applegarth, Planning Commissioner - Vicky Alvarado, Planning Commissioner Rick E. Alonso, Planning Commissioner - Charles Lopez, Planning Commissioner

A. Call to Order/Welcome

- 1. Roll Call
- 2. Flag Salute

B. Confirmation of Agenda

(Materials regarding an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 633 6th Street, Orange Cove, CA 93646 during normal business hours.)

C. Administration

1. SUBJECT: PUBLIC HEARING Consideration and Discussion Regarding the Orange Cove Housing Element, 2016-2023 with Zoning Ordinance Amendment and Housing Element Related Amendments

Recommendation: Staff recommends the Planning Commission to consider approving the following Resolutions:

- 1. Resolution No. PC 2016-06 Approving the Housing Element 2016-2023
- 2. Resolution No. PC 2016-07 Amending Zoning Ordinance #308

D. Adjournment

Public Comment: Members of the public shall have an opportunity to address the City Council concerning this matter.

ADA Notice: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 626-4488 ext. 214. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at front counter at City Hall and at the Orange Cove Library located at 815 Park Blvd., Orange Cove, CA during normal business hours. In addition, most documents are posted on City's website at cityoforangecove.com.

NOTICE

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the public entity conducting the hearing at, or prior to, the public hearing. (Government Code Section 65009.)

STATEMENT ON RULES OF DECORUM AND ENFORCEMENT

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the Planning Commission has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Orange Cove Planning Commission, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard and that the Commissioners has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

GENERAL RULES OF DECORUM

While any meeting of the Planning Commission is in session, the following rules of decorum shall be observed:

- 1. All remarks shall be addressed to the Planning Commission as a whole and not to any single member, unless in response to a question from a member of the City Council.
- 2. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable

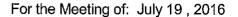
- noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning Commission meeting.
- 3. A person, other than members of the Planning Commission and the person who has the floor, shall not be permitted to enter into the discussion unless requested by the Chairman to speak.
- 4. Members of the Planning Commission may not interrupt a person who has the floor and is making public comments. Members of the Planning Commission shall wait until a person completes his or her public comments before asking questions or commenting. The Chairman shall then ask the Planning Commissioners if they have comments or questions.
- 5. No person in the audience at a Planning Commission meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impede the orderly conduct of any Planning meeting.

ENFORCEMENT OF DECORUM RULES

While the Planning Commission is in session, all persons must preserve order and decorum. A person who addresses the Planning Commission under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct which is likely to provoke others to violent or riotous behavior, which disturbs the peace of the meeting by loud and unreasonable noise, which is irrelevant or repetitive, or which disrupts, disturbs, or otherwise impedes the orderly conduct of any Planning meeting.

The Chairman or other presiding officer shall request that a person who is breaching the rules of decorum cease such conduct. If after receiving such a warning, the person persists in breaching the rules of decorum, the Chairman or other presiding officer may order the person to leave the City Council meeting. If such person does not leave, the Chairman or presiding officer may request any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove the person from the Council Chambers. In the event there is no one from law enforcement present, the Chairman or presiding officer may direct the City Manager to contact law enforcement.

In accordance with the Point of Order Rule 4.6, the majority of the Planning Commission may overrule the Chairman if the majority of the Planning Commission believes the Chairman or other presiding officer is not applying the rules of decorum appropriately.





CITY OF ORANGE COVE REPORT TO PLANNING COMMISSION

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l o:	Orange	Cove	Planning	Commission

From: Greg Collins, Principal

Collins & Schoettler, Planning Consultants

Subject: Orange Cove Housing Element, 2016-2023 with Zoning Ordinance

Amendment and Housing Element Related Amendments.

Attachments:

1. Resolution No. PC-2016-06 Approving Housing Element 2016-

2023.

2. Resolution No. PC-2016-07 Amending Zoning Ordinance #308

RECOMMENDATION:

- 1. That the Planning Commission recommend approval of the Housing Element to the Orange Cove City Council by passing Resolution No. PC-2016-06.
- 2. That the Planning Commission recommend approval of Zoning Ordinance Amendment No. 308 to the Orange Cove City Council by passing Resolution No. PC-2016 07, which amends certain sections of the zoning ordinance so that it is consistent with state planning law as it refers to housing elements.

EXECUTIVE SUMMARY/BACKGROUND:

The Housing Element is an element of the Orange Cove General Plan. Unlike other elements of the general plan, the housing element must be reviewed and "certified" by the State Department of Housing and Community Development (HCD). Sometimes, failure to receive certification can prevent a city (or county) from receiving certain state grants. Over the years, the state has been playing a more active role in insuring that all the relevant housing data, analysis, and programs are contained in the document.

Prepared by: Greg Collins	Approved by:		
REVIEW: City Manager:	Fir	nance:	City Attorney:
TYPE OF ITEM:	COUNCIL ACTION:	APPROVED	DENIED NO ACTION
Consent Info Item Action Item Department Report Redevelopment Age	ency		Public Hearing Matter Initiated by a Council Member Other Continued to:

Housing Element law, as described above, requires the community to formulate a "blueprint" on how local housing needs will be accomplished. Further, how will Orange Cove facilitate the construction of the housing figures detailed in Fresno County Association Governments (COG) Regional Housing Needs Plan?

Staff has recently reviewed the draft Housing Element with the State Department of Housing and Community Development. This 2-hour review with HCD went over the entire document. Major issues covered included public participation, the inclusion of transitional, support and emergency shelters into the zoning ordinance, and the requirement for additional information pertaining to demographic statistics, housing data and land use numbers. For example, SB 2 requires city's to provide areas in the community where emergency shelters are permitted (without a discretionary action). This requirement is similar to the Court's requirement that sexually-oriented business be allowed on some properties within the city.

Approval of the revised Housing Element commit the Planning Commission (and City Council) to implementing the goals, policies and actions contained in the Element. In order to ensure the certification of the Orange Cove Housing Element by HCD, it also requires certain sections of the Zoning Ordinance be amended. For example, emergency shelters must be permitted in certain districts by right. Also, transitional and supportive housing must be permitted in Orange Cove's residential districts by right (no conditional use permit requirement). These recommended amendments are detailed below.

The state-required modifications to the draft Housing Element are detailed in red in the document. There were other parts of the element where the state has recommended certain information be deleted. This text will be shown as strike thru. These amendments to the draft Element are contained in the attached draft Housing Element.

Orange Cove Zoning Ordinance amendments that will help Orange Cove comply with state housing law are detailed below.

Chapter 17.16 Secondary Residential Units Single-Family Zone

Chapter 17.16 shall be deleted from the Orange Cove Zoning Ordinance and second units shall be listed as permitted uses under all single-family residential districts.

Chapter 17.08, RA, Single-Family Residential/Agricultural District

17.08.02 Permitted Uses

- I. Transitional and supportive housing. -
- J. Second Residential Unit

Chapter 17.10, R-1-12, Single-Family/Low Density Residential District

17.10.02 Permitted Uses

- I. Transitional and supportive housing. -
- J. Second Residential Unit

Chapter 17.12, R-1-6, Single-Family/Medium Density Residential District

17.12.02 Permitted Uses

- I. Transitional and supportive housing. -
- J. Second Residential Unit

Chapter 17.18, R-2, Medium/High Density Residential District

17.18.02 Permitted Uses

D. Transitional and supportive housing. -

Chapter 17.20, R-3, High Density Multi-Family Residential District

17.20.02 Permitted Uses

H. Transitional and supportive housing. -

Chapter 17.40, U-R Urban Reserve District

17.40.02 Permitted Uses

B. Farm labor housing (37 or fewer beds)

17.34 M-1 Light Manufacturing District

17.34.02 Permitted Uses

P. Emergency Shelters

17.36 M-2 Heavy Manufacturing District

17.36.02 Permitted Uses

G. Emergency Shelters

17. 51 Density Bonus

17.51.01 Purpose

The purpose of a density bonus is to encourage the private sector to construct affordable housing for "target households" as defined by the Government Code. Orange Cove can approve a density bonus if a private sector housing developer agrees to construct a certain percentage of units for target households and agrees to maintain their affordability for a specific time period.

Section 65915 of the State Government Code states that when an applicant seeks a density bonus for a housing development in Orange Cove, the City shall provide the applicant incentives or concessions for the production of housing units and child care facilities.

17.51.02 Definitions

A. Density Bonus: A density increase over the otherwise maximum allowable residential density under the applicable zoning ordinance and the land use element of the general plan as of the date of application. Density bonus percentages may range from five to 35 percent depending upon the percentage of low-income, very low-income or moderate-income housing units proposed for construction a housing developer.

B. Developer Incentives:

- 1. Reduce or eliminate standards contained in the subdivision ordinance or Orange Cove's Improvements Manual.
- 2. Reduce or eliminate residential zone district requirements, including open space, lot size, setbacks, or parking standards.
- 3. Reduce or eliminate any design requirements exceeding Uniform Building code specification.
- C. Housing Development: One or more residential projects that have five or more residential units.
- D. Low Income Household: A unit affordable to a household at a rent that does not exceed 80 percent of the Fresno County median household income.
- E. Very Low Income Household: A unit affordable to a household at a rent that does not exceed 50 percent of the Fresno County median household income.
- F. Extremely Low Income Household: A units affordable to a household at a rent that does not exceed 30 percent of the Fresno County median household income.
- G. Target Households: Lower-income households or senior citizen households.
- H. Senior Households: Those residential units that have at least one occupant that is at least 55 years of age or older.

17.51.03 Application and Fees

An application for a density bonus shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.51.04 Density Bonus Requirements

Government Code Section 65915 indicates that when an applicant seeks a density bonus for a housing development, the density bonus requirements are triggered when the residential development sets aside at least 10 percent of the total units as affordable to low-income households; or at least 5 percent of the total units as affordable to very low-income households; or at least 10 percent of the total units as affordable for moderate-income households.

Development concessions or incentives that may be provided by the City of Orange Cove include a reduction in site development standards; a modification of zoning code requirements (including a reduction in setbacks, square footage requirements, or parking spaces; or architectural design requirements which exceed the minimum building standards); approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development, and if such nonresidential uses are compatible with the project; or other regulatory incentives or

concessions proposed by the developer or the city of Orange Cove which result in identifiable cost reductions.

A project that receives a density bonus and concession or incentive must retain affordability of the units for at least 30 years.

17.51.05 Density Bonus Requirements for Land Donations

If an applicant for a tentative subdivision map, parcel map, or some other type of residential development application donates land to Orange Cove where very-low income housing can be developed, the developer shall be entitled to a minimum of 15 percent increase above the allowable residential density under the zoning ordinance and land use element of the general plan.

17.51.06 Application

An application for a density bonus shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.51.07 Report and Findings

The Planning Department shall prepare a report on the density bonus application. The Department shall provide a recommendation based on the following density bonus requirements.

- A. The housing development qualifies for a density bonus based on the requirements outlined in Government Code Sections 65915 to 65918.
- B. The applicant has provided to the City the legal instrument that will insure that "target households" will remain affordable for at least 30 years.
- C. The application has selected a developer incentive or concession.

17.51.08 Action of Planning Commission

Following the Planning Commission's review of the Planning Department's report on the applicant's request for a density bonus, the Commission shall take action on the density bonus application based on the regulations contained in Government Code Sections 65915 to 65918. The Commission can approve, approve with conditions, or deny the density bonus. Denial of a density bonus application shall require findings consistent with those in Government Code Sections 65915 to 65918.

The Commission's recommendation shall be forwarded to the City Council.

If the Commission approves the density bonus and the developer provides an instrument that will insure that "target households" will remain affordable for 30 years or longer, the Commission may grant a developer incentive. If the Commission finds that a developer incentive is not necessary to insure the affordability of "target households," it shall make a written finding that the incentive or concession is not necessary.

The Commission's decision shall not be based on a finding that "target households" will occupy the housing project and that this condition may have an adverse impact on the neighborhood or community.

Within 10 days of adopting a resolution on the density bonus, the Planning Department shall forward the Commission's recommendation to the City Council and shall transmit a copy of the Commission's resolution to the applicant.

17.51.09 Action of the City Council

The City Council shall consider the Planning Commission's recommendation and shall take action on the density bonus application. The Council can approve, approve with modifications, or deny the density bonus application. One of the following actions shall be initiated:

- A. If the City Council approves or approves with modification a density bonus application, the Council shall adopt a resolution that confirms the finding associated with the approval or a density bonus project.
- B. Any modification of the proposed density bonus by the City Council that is based on information not considered by the Planning Commission shall cause the density bonus application to be referred back to the Commission for its reevaluation and recommendation.

17.51.10 Density Bonus Housing Agreement

Agreements, contracts, or other instruments between the City and the developer shall be required to insure that "target households" shall remain affordable for the period of time agreed to by the City and the developer. Said agreement shall be reviewed and approved by the City Attorney and shall be recorded with the Fresno County Recorders Office.

17.51.11 Density Bonus Calculations

The base density of a property for which a density bonus is being requested shall be determined by the property's zoning. A housing development may qualify for a minimum increase or density bonus of 35 percent over the maximum number of permitted residential units of the property's zoning.

REASON FOR RECOMMENDATION:

Housing Element law, as described above, requires the community to formulate a "blueprint" on how local housing needs will be accomplished.

FISCAL IMPACT:

The housing element must be reviewed and "certified" by the State Department of Housing and Community Development (HCD). Sometimes, failure to receive certification can prevent a city (or county) from receiving certain state grants.

CONFLICT OF INTEREST:

None known.

RESOLUTION PC-2016-06

BEFORE THE PLANNING COMMISSION CITY OF ORANGE COVE, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE COVE APPROVING THE ORANGE COVE HOUSING ELEMENT, 2016-2023, AS AMENDED

WHEREAS, the State requires local governments to update their Housing Element every five to seven years, and

WHEREAS, the City of Orange Cove has prepared an update to its Housing Element consistent with Article 10.6 of the State Government Code, and

WHEREAS, a public hearing notice was published ten days prior to the Planning Commission's meeting on this matter, and

WHEREAS, the Planning Department has presented a report and environmental finding for this project, and

WHEREAS, the Planning Commission held a public hearing on this project, accepted testimony and reviewed the staff report, and

WHEREAS, staff had reviewed with the Planning Commission the contents and purpose of the Housing Element prior to the Commission's public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this general plan element:

- 1. The project is consistent with the Orange Cove General Plan.
- 2. The element will not have a significant impact on the environment and a negative declaration has been prepared.
- 3. The element will not have an adverse impact on the health, safety or welfare of the neighborhood or community.
- 4. The Housing Element has been received by the State Department of Housing and Community Development for review and comment.

BE IT FURTHER RESOLVED, that the Planning Commission hereby
recommends approval the Orange Cove Housing Element Update, as amended, to the
Orange Cove City Council. The foregoing resolution was adopted upon a motion of
Commission member, seconded by Commission member
at a regular meeting of the City of Orange Cove Planning Commission
on the 19th of July 2016, by the following roll call vote:
A NATIO
AYES:
NOES:
NOLS.
ABSTAIN:
ABSENT:
Chairperson
Secretary

RESOLUTION PC-2016-07

BEFORE THE PLANNING COMMISSION CITY OF ORANGE COVE, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORANGE COVE AMENDING THE ORANGE COVE ZONING ORDINANCE, ZONING ORDINANCE AMENDMENT No. 308

WHEREAS, the State requires local governments to update their Housing Element every five to seven years, and

WHEREAS, the City of Orange Cove has prepared an update to its Housing Element consistent with Article 10.6 of the State Government Code, and

WHEREAS, both the Planning Commission held a public hearing on the Orange Cove Housing Element Update, 2016 to 2023, and

WHEREAS, the Commission approved the Orange Cove Housing Element Update, 2016 to 2023, with amendments that were consistent the requirements detailed by the State Department of Housing and Community Development, and

WHEREAS, approval of the Housing Element committed Orange Cove to amending specific sections in the Zoning Ordinance in order to be in conformance with State legislation and various sections of the State Government Code that refer to housing issues, and

WHEREAS, staff has prepared a series of amendments to the Orange Cove Zoning Ordinance that will bring Orange Cove into compliance HCD's guidance and recommendations on Exeter's Housing Element.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this general plan element:

- 1. The proposed amendments to the Orange Cove Zoning Ordinance are consistent with the Orange Cove General Plan, Housing Element.
- 2. The proposed amendments will not have a significant impact on the environment and a negative declaration was prepared for the Orange Cove Housing Element Update.
- 3. The proposed amendments will not have an adverse impact on the health, safety or welfare of the neighborhood or community.

4. The proposed amendments are consistent with the input provided by the State Department of Housing and Community Development in their letter dated July 1, 2016.

BE IT FURTHER RESOLVED, that the Planning Commission hereby recommends approval of the following to the Orange Cove City Council as follows:

Chapter 17.16 Secondary Residential Units Single-Family Zone

Chapter 17.16 shall be deleted from the Orange Cove Zoning Ordinance and second units shall be listed as permitted uses under all single-family residential districts.

Chapter 17.08, RA, Single-Family Residential/Agricultural District

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The foregoing resolution was adopted upon a motion of Com-	mission member
, seconded by Commission member of the City of Orange Cove Planning Commission on the 19th of following roll call vote:	at a regular meeting
AYES:	
NOES:	
ABSTAIN:	

ABSENT:	
Chairperson	
Secretary	