

ORDINANCE NO. 27-24

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ORANGE APPROVING A
DEVELOPMENT AGREEMENT NO. 0010-24 BY
AND BETWEEN THE CITY OF ORANGE AND
OC RECLAMATION, A CALIFORNIA LIMITED
LIABILITY COMPANY**

APPLICANT: OC RECLAMATION, LLC

WHEREAS, Section 65864 through 65869.5 of the California Government Code authorizes cities to enter into development agreements with any person having a legal or equitable interest in real property for the development of such property; and

WHEREAS, the City Council of the City of Orange has adopted Chapter 17.44 of the Orange Municipal Code which establishes procedures for the processing and approval of development agreements; and

WHEREAS, an application for a Development Agreement between the City and OC Reclamation (“Development Agreement”) and associated approvals for the Project was filed by OC Reclamation, LLC as authorized by the City of Orange Municipal Code; and

WHEREAS, the Development Agreement application was processed in the time and manner consistent with state and local law; and

WHEREAS, OC Reclamation, LLC (“Applicant”) has requested expansion of the existing Blue Ribbon nursery with building materials and landscape supply, located at 5093 E. Santiago Canyon Road (alternate addresses 1425 North Santiago Boulevard and 1921 Old Country Park Road) to maintain the viability of a local business in exchange for the public benefit of open space preservation of the area designated as the “Chandler Pit” (“Project”); and

WHEREAS, the Planning Commission recommended approval of the Project and determined that the Project is categorically exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guideline 15332 because:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (d) The site can be adequately served by all required utilities and public services; and

WHEREAS, the City Council conducted a duly advertised public hearing on September 10, 2024, at which time interested persons had an opportunity to testify either in support of or opposition to the Development Agreement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES ORDAIN AS FOLLOWS:

SECTION I:

The City Council finds that a public hearing has been held before this City Council pursuant to the procedures described in Chapter 17.44 of the Orange Municipal Code. At the hearing, the City Council has considered testimony presented by the public and the Planning Commission's recommendation to approve Development Agreement No. 0010-24 between the City of Orange and OC Reclamation, LLC (Development Agreement).

SECTION II:

The City Council hereby finds, as recommended by the Planning Commission, that the Development Agreement between the City of Orange and OC Reclamation:

- A. Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan; and
- B. Is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is and will be located;
- C. Is in conformity with and will promote public necessity, public convenience, general welfare, and good land use practices; and
- D. Will be beneficial to the health, safety, and general welfare consistent with the policy of the City with respect to development agreements, as provided in Section 17.44.200 of the Orange Municipal Code; and
- E. Will not adversely affect the orderly development of property or the preservation of property values; and

SECTION III:

The City Council hereby approves Development Agreement No. 0010-24 in the form attached hereto and incorporates the Agreement herein by this reference.

SECTION IV:

Within ten (10) days after the execution of the Development Agreement by all parties, the City Clerk is directed to record the Development Agreement pursuant to the terms of this Agreement.

SECTION V:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION VI:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2024.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Mike Vigliotta, City Attorney, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 10th day of September, 2024, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2024 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange