

**Conditional Use Permit # 2021-01, Maverik Inc. (Applicant); Land Developers, Inc. / RCM Investments, LLC (Landowners) for the Maverick Fueling Center Project - Orland:**

A request by Maverik Inc. to construct a convenience fueling facility in the City of Orland on parcels identified as 4463, 4473 and 4483 and as Glenn County Assessor's Parcel numbers 045-170-040, -041 and -042.

The proposed project has been approved by the Planning Commission of the City of Orland to allow for the development of a fueling and convenience use and "truck stop" in the C-H zoning district pursuant to OMC Section 17.44.030 and Chapter 17.80 subject to the following Conditions of Approval:

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of City Council approval of the project.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
4. Minor changes to the approved project may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
5. The project applicant and/or contractor shall obtain all necessary business licenses and permits from the City and pay all appropriate fees for any required utilities modification, construction, and connection work associated with the project. Project shall also obtain permits all necessary and required building permits from the City of Public Works, Engineering, and Building Departments, and pay all appropriate fees for construction work to be undertaken as a result of this approval.
6. The Use Permit is only for the development of the Maverik Fueling Center project as presented on the approved site plan/use permit exhibit and included as Attachment A to the February 17, 2022 staff report for CUP#2021-01. The approved project shall not be expanded or modified beyond the approvals and plans detailed and approved with this action.

7. If significant changes are requested to the project plans or Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council prior to implementing the changes.
8. The applicant shall submit two (2) checks or money orders to the City in the amount of \$50.00 (each) made payable to the Glenn County Recorder's Office for the fee to file the EIR and Use Permit documents within ten (10) days of the date of approval of the Conditional Use Permit approving the project.
9. The use granted by this permit shall be established within two (2) years of the date of approval or the permit shall become null and void.
10. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
11. Project shall obtain all required permits and pay all required fees for utility modifications, extensions, and/or connections. Project shall obtain a building permit(s) from the Building Department and pay all appropriate fees prior to initiation construction on any portion of the building.
12. This approval is only for the development and use as indicated on the final approved Site Plan/Use Permit exhibit signed and dated August 31, 2021. The permissions granted with this approval shall not be expanded or modified beyond the approvals detailed in this approval letter and without approval by the Community Development Department of the City of Orland.
13. If changes are requested to the approved project plans or the Conditions of Approval, supplemental information, applications and/or approvals may be required, with all applicable fees paid by the applicant and approved by the City of Orland, prior to implementing the changes.

**Cost Recovery:**

14. Applicant shall pay Cost Recovery for staff time spent processing in the amount necessary to complete the processing of this request the project if staff time exceeds the deposited fee amount (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council).

**Lighting:**

15. All project-installed outdoor lighting (wall lights and parking lot lighting) shall be directed away from adjacent uses and properties and shall be shielded so that no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture-head and/or so that no exterior lighting is unshielded to the public view.
16. All site lighting shall conform to the requirements of OMC Section 17.44.110, Lighting.

17. As required and at their own expense, the project developer shall apply for and receive approval of any and all sign and lighting plans from the California Department of Transportation (Caltrans) deemed necessary and required of the project.

**Signs:**

18. All signs shall comply with the City of Orland Sign Ordinance unless otherwise authorized for an exception as approved by CUP#2021-01 (Chapter 17.78 of the Orland Municipal Code).

19. The project shall submit an application for and receive approval of an Administrative Sign Permit for all on-site signs associated with the project and not otherwise approved for an exception as part of the approval of CUP#2021-01 prior to receipt of a building permit for the installation of any sign or signs related to the project.

**Parking:**

20. Parking shall be provided consistent with Section 17.76.100 of the Orland Municipal Code and shall be consistent with the conceptual site plan/use permit exhibit approved by CUP#2021-01.

**Landscaping:**

21. The project shall be developed consistent with the Conceptual Landscape Plan submitted and dated August 30, 2021 as part of the approval for CUP#2021-01.

22. Landscaping irrigation shall be accommodated using a separate water meter for landscape irrigation purposes and an automated irrigation timer having a rain sensor and meeting State irrigation control requirements shall be utilized and integrated into the project landscape design program.

**Fencing:**

23. No fencing, excepting the sound wall on along the northern and western property lines, has been approved with this approval. If fencing is desired in the future, all fencing shall comply with OMC Section 17.44.125.

**Trash Enclosure:**

24. The trash and recyclable materials enclosure shall have metal gates with opaque covering fully screening the inside of the enclosure. The property owner / operator is required to ensure that the gates remain closed during business operations and that the gates remain functional and fully screen the contents of the refuse enclosure.

25. The color(s) and material(s) of the trash and recyclable enclosure shall match the design and color of the building(s) to which it serves.

**Site and Building Design:**

26. The project shall be constructed consistent with the conceptual design plans and elevation details signed as approved and dated August 30, 2021. Any and all substantial

design modifications shall be approved by the City Council prior to the construction of the building or element.

27. All mechanical equipment (ground- and roof-mounted) shall be screened from public view as required by OMC Section 17.44.105.
28. Window and door glass should be clear-glass as required by OMC Section 17.44.080.
29. Colors and designs of all building awnings, fueling canopies, fuel tank enclosures, accessory structures and accessory elements shall be integrated with the design style and color of the primary building structure as required by OMC Section 17.44.080.M and shall be consistent with the approved design plans and elevation details dated August 30, 2021.

**Other Agency Permits and Approvals:**

30. The project applicant and/or building contractor shall apply for and secure all required permits and approvals required for the project. Such approvals and permits may included, but are not limited to, the following:
  - Glenn County Health Department
  - Glenn County Air Pollution Control District
  - California Department of Transportation (Caltrans)
  - California Environmental Protection Agency (EPA)
  - California Department of Toxic Substances Control (DTS)
  - California Highway Patrol
  - California Regional Water Quality Control Board (RWQCB)
  - California Department of Fish and Wildlife (CDFW)

**City Engineer:**

31. All infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards". The developer shall have a registered engineer prepare and submit construction details, plans and profiles, a grading plan, typical sections and any project specifications prior to commencement of construction. The engineered grading plan and subsequent construction shall comply with the California Code of Regulations, Title 24 for accessibility and parking spaces shall comply with Orland Municipal Code 17.76.100.
32. In the event that an elevation difference exceeding 12 inches arises between contiguous and/or perimeter lots/parcels during design of the grading plan, a masonry or concrete retaining wall shall be utilized.
33. A hydrology report shall be required for this project. Since we are aware that Caltrans is reviewing the hydrology report (and the City Engineer has already approved same without exceptions), the City of Orland will allow Caltrans methodology to be used for this project. The applicant's engineer should incorporate onsite detention/retention of runoff exceeding the predevelopment condition utilizing a 100-year design storm event.

34. All utilities serving this project shall be installed underground and meet the design standards of the purveyor.
35. Any and all conflicting, existing utilities shall be relocated at the developer's expense.
36. Applicant shall pay all City impact fees in effect at the time of issuance of building permits.
37. Developer shall pay all actual city attorney and city engineer fees incurred in the review of this project

### **Design Criteria and Improvement Standards**

38. All public improvements shall be designed in accordance with the City of Orland Land Division Standards and Improvement Standards (LDSIS).

### **Traffic**

39. Developer shall provide a crosswalk from the existing pedestrian island, at the Newville Road and Commerce Lane intersection, to the west side of Commerce Lane.
40. Developer shall construct a separate right turn lane on the I-5 southbound off ramp. Developer is responsible for the preparation and submittal of plans, applications, and fees required to obtain necessary encroachment permits from the CA State Department of Transportation. Developer shall provide documentation to the City that said improvement is either constructed or in-process with the Department of Transportation prior to the issuance of an Occupancy permit by the City.
41. Developer shall install a traffic signal, controller, vehicle detection and intersection improvements including curb, gutter, pedestrian facilities, crosswalks, striping and signage. The traffic signal shall utilize camera detection for vehicles approaching the intersection. Improvements shall be installed and completed prior to the issuance of an occupancy permit by the City.
42. Developer shall construct a continuous two way left turn lane on Commerce Lane between Ide Street and Newville Road.
43. Developer shall construct a second southbound traffic lane on Commerce Lane between Newville Road and the northerly driveway of Flying J / Pilot.

### **Streets**

44. *Commerce Lane*: Developer shall widen Commerce Lane to accommodate the following (beginning from the existing face of curb on the east side of Commerce Lane): 5.0' (shoulder) + 12.0' (travel lane) + 12.0' (two way left turn lane) + 12.0' (travel lane) + 5.0' (shoulder) + 5.5' (sidewalk and curb).

45. Developer shall construct City standard vertical curb, gutter, and sidewalk from the north end of the project to the proposed Newville Road and Commerce Lane intersection improvements.
46. Developer shall construct onsite/offsite improvements in a manner that avoids conflicts with existing utility poles along Commerce Lane. A 5.0' wide clear path around existing pole(s) and guy wire(s) shall be provided.
47. The structural section for all public streets shall be based on the R-values from the soils report and traffic indexes provided by the City.
48. *Northerly Access*: Developer shall construct a commercial driveway of adequate width to accommodate turning movements of proposed vehicles. Turning movements at this location shall be limited to a right turn in and a right turn out. A City standard cross gutter shall be constructed to convey stormwater flows through the driveway. A raised median shall be constructed with appropriate striping and signage to notify vehicles of allowed turning movements in and out of the driveway.
49. *Southerly Access*: Developer shall construct a two-way commercial driveway of adequate width to accommodate turning movements of proposed vehicles. A City standard cross gutter shall be constructed to convey stormwater flows through the driveway. The southerly access should be located across (or as close as possible) from the southerly entrance/exit of Flying J / Pilot.
50. Developer shall install accessible curb ramps at driveway locations.
51. Developer shall install "No Parking" signage along Commerce Lane.
52. Developer shall install street signage, striping and pavement markings as directed by the City Engineer.
53. All utility trenches within public roadways shall be restored in conformance with the LDSIS.

### **Storm Drainage**

54. Developer shall design and install storm drain conveyance and retention systems with all appurtenances to serve the project. Conveyance systems shall be designed to convey a 10-year storm event. Retention systems shall be designed to contain a 100-year storm event. Retention systems shall drain within 72 hours of the end of storm events. The storm drain conveyance and retention systems shall be designed in accordance with Orland LDSIS. The developer's engineer shall submit a storm drain design report to the City Engineer for review.
55. If percolation trenches or basins are proposed, the developer shall provide a copy of percolation test location(s) and results to the City Engineer for review.
56. The allowable percolation area for leach trenches shall be 100% of the bottom width and 50% of the sidewalls and ends.

## **Storm Water Pollution Prevention Plan**

57. Coverage under the stormwater Construction General Permit (GCP) will be required by the State Water Resources Control Board if development activities result in ground disturbance, including clearing, excavation, filling, and grading of one or more acres or disturb less than one acre but are part of a larger common plan or development. Coverage under this General Permit must be obtained from the State Water Resources Control Board prior to starting construction. If coverage under the CGP is required, provide the City with the Waste Discharge Identification number assigned by the State.

## **Post-Construction Standards**

58. Developer shall implement post-construction Best Management Practices (BMPs) consistent with State Water Resources Control Board Order 2013-0001-DWQ (Order) to control the volume, rate, and potential pollutant load of stormwater runoff, including, but not limited to, requirements to minimize the generation, transport and discharge of pollutants. Provide stormwater treatment system(s) designed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measure(s), stormwater treatment system(s) and/or hydromodification measures. Design and sizing requirements shall comply with the Post-Construction Stormwater Management Program (Section E.12) requirements of the Order.

## **Sanitary Sewer**

59. Developer shall connect to the City's sanitary sewer system in Commerce Lane and install a sanitary sewer lateral(s), with all appurtenances, to serve the project.

## **Water**

60. Developer shall connect to the City's water system in Commerce Lane and install a new water service(s), with all appurtenances, to the project site. The City will provide and install the water meter(s).
61. Developer shall install approved backflow assemblies on landscape, domestic, and fire services.

## **Other Public Services**

62. Developer shall install all new utilities underground.
63. Any and all existing utilities conflicting with proposed improvements shall be relocated at the Developer's expense unless approved by the City Engineer.

64. Developer shall relocate existing overhead wires as required by utility companies to provide vertical separation between the wires and vehicles entering/exiting the project.
65. All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.
66. Developer shall comply with the requirements of the City of Orland Fire Department.
67. Developer shall comply with the requirements of the local office of the United States Postal Service.
68. Developer shall coordinate with City staff and Orland Unit Water Users Association (OUWUA) to abandon the existing irrigation canal along the northerly project boundary. Developer shall be responsible for providing the City with applicable fees and improvement plans required by OUWUA for applicable applications.

### **Grading**

69. The Developer shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:
  - a. An investigation of the nature, distribution and strength of existing soils.
  - b. A description of site geology.
  - c. Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
  - d. Verification that the site is suited to proposed BMPs.
70. A grading plan shall be submitted to the City Engineer for review and approval prior to the start of any work. All subdivision grading shall be in conformance with the LDSIS.
71. Developer shall construct retaining curbs, fences, or walls along project boundaries where proposed grades are 12" or greater than existing grades on adjacent properties.

### **Public Property Conveyances**

72. Developer shall dedicate right-of-way along Commerce Lane, as required, to provide a 32-foot half width.
73. Developer shall dedicate a 10-foot-wide public service easement adjacent to the Commerce Lane right-of-way.

### **Other Items/Conditions to Consider:**

74. Developer shall install appropriate fencing or walls along boundaries adjacent to residential uses. Wall and/or fence materials and construction shall be in accordance with the City's municipal code.



75. Emergency access through the site shall be a paved surface capable of supporting 75,000 pounds per California Fire Code Appendix D.
76. Developer shall install fire hydrant(s) at locations approved by the fire department.
77. Developer shall obtain all necessary permits from Glenn County Environmental Health Department and abandon all wells and septic systems in accordance with their requirements.

**PG&E:**

78. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicant's expense. There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any easements that exist which infringe on PG&E's easement rights.

**Caltrans:**

79. Any work or traffic control that would encroach onto the State Right of Way requires an encroachment permit issued by Caltrans.
80. Project shall receive approval of a Project Drainage Report meeting Caltrans standards accurately analyzing the proposed drainage conditions and shall include detailed drainage calculations for anticipated rainfall intensities, time of concentration, composite runoff coefficient(s), runoff discharge at each discharge location, the capacity of each of the two proposed retention basins, basin overflow locations etcetera. The analysis should be provided for both the pre- and post- construction site conditions to show the post construction runoff discharges do not exceed pre-construction runoff discharges. Caltrans must review and approve the Project Drainage Report before a building permit for the project is issued.
81. No increase in runoff discharge from the post-project site may be discharged to the State Highway System right-of-way above the historic discharge from the site under the pre-construction site conditions.

**Department of Public Works:**

82. Provide plans for review and approval showing the proposed connections to the City's existing water and wastewater infrastructure, including the number and size of water meters, to the Public Works Department for approval prior to the initiation any work on the project site.
83. Any and all connections to the public water and wastewater shall be approved and inspected by the Public Works Department.

**Building Department:**

84. The applicant shall submit four sets of plans to the Building Department for review and approval prior to the initiation of any construction work on the site.

85. Project contractor shall consult directly with the Glenn County Health Department (530) 934-6102 for all plan checking, inspections and approvals for health department related matters.