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CITY OF ORLAND

INCORPORATED 1909

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CITY MANAGER

Peter R. Carr

Meeting Place: Carnegie Center
912 Third Street
Orland CA 95963

AGENDA

REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, August 18, 2022 at 5:30 P.M.

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at jschmitke@cityoforland.com or by phone at (530) 865-1610 by 4:00 p.m. on the day of the meeting. This meeting will be conducted pursuant to the provisions of the AB361 which suspends certain requirements of the Ralph M. Brown Act.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments:

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chairperson; however, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes).

5. CONSENT CALENDAR

- A. Approval of Prior Meeting Minutes: February 17, 2022
- B. Approval of Prior Meeting Minutes: April 21, 2022
- C. Approval of Prior Meeting Minutes: June 9, 2022
- D. Approval of Prior Meeting Minutes: July 21, 2022
- E. Compliance with AB361

6. PUBLIC HEARING

A. Variance: VAR#2022-01 – Green: 1001 Benson Drive. Glenn County Assessor’s Parcel Number - 040-092-007.

A request has been received from the property owner seeking approval of a Variance pursuant to Orland Municipal Code Chapter 17.84 for building setback Variance as follows:

Orland Municipal Code Requirement:

A. Patio covers and shade structures shall meet the following criteria. Those not meeting this criteria shall meet the yard, height and design criteria for main buildings:

1. Set back a minimum of five feet from the rear and side yard property line;
2. Open on at least two sides;
3. Maximum height: twelve (12) feet; and
4. Minimum six-foot spacing on support posts shall be provided.

Request:

1. A request to reduce the westerly side-yard setback for a detached shade structure from five (5) feet to three (3) feet to accommodate the existing setback of an existing shade structure utilized to the outdoor storage of a recreation vehicle.

B. Conditional Use Permit (CUP) #2022-03 – Stig Werelius, Applicant; Cross Petroleum, Landowner. Site Address - 1005 South Street.

A public hearing will be held to consider a request for a Conditional Use Permit (CUP) to approve a Site Plan on an existing parcel of land identified as Glenn County Assessor’s parcel numbers 040-310-011 and assigned the address of 1005 South Street. The parcel is currently in use as a vehicle refueling location operating as a Card Fueling Network (CFN) facility. The subject parcel is zoned with the *PD, Planned Development* zoning district. No special zoning standards have been applied to the parcel and no site master plan has been approved on the site. Pursuant to Table 2-6 of the Orland General Plan (*General Plan/Zoning Consistency Table*), the standards of the *ML - Light Industrial* zoning district shall apply to the site.

7. ITEMS FOR DISCUSSION OR ACTION

- A. Design Guidelines (Discussion)

8. STAFF REPORT

- A. Department Activity Report / Project Updates

9. COMMISSIONER REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on August 15, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, Orland, CA.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office at (530) 865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**PLANNING COMMISSION MINUTES
February 17, 2022**

1. Call to Order – The meeting was called to order by Vice Chairperson Nordbye at 5:31 PM

2. Pledge of Allegiance – Commissioner Doris Vickers

3. Roll Call:

Commissioner's present –	Stephen Nordbye, Doris Vickers, Michelle Romano and Sharon Lazorko
Commissioners absent -	Wade Elliott
Councilmember present -	Dennis Hoffman
Also present -	Scott Friend, City Planner; Jennifer Schmitke, Planning Commission Secretary/City Clerk; Rebecca Pendergrass, Assistant City Manager/Director of Administrative Services; Paul Rabo, City Engineer

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

5. APPROVAL OF THE MINUTES FROM PRIOR MINUTES

Vice Chairperson Nordbye stated there are no meeting notes currently available for approval.

6. ITEMS FOR DISCUSSION OR ACTION

A. Compliance with AB361

City Planner Scott Friend presented to the Planning Commission that AB361 was signed into law in 2021, AB361 amends Government Code section 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown act. Mr. Friend shared that the Resolution presented tonight will be renewed every 30 days until the state of emergency is over.

ACTION: Upon motion made by Commissioner Vickers and seconded by Commissioner Romano, the Planning Commission approved adopting AB361 the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

7. PUBLIC HEARING

A. Public Hearing: Zoning Code Text Amendment (Electric Vehicle Charging)

Zoning Ordinance Text Amendment: ZCA 2022-03 – Electric Vehicle Charging. The proposed action is the adoption of standards within the Zoning Code of the City of Orland to allow the creation of an expedited, streamlined permitting process that complies with AB 1236 and Government Code section 65850.7 to achieve timely and cost-effective installation of electric vehicle (EV) charging stations. The proposed code amendment would provide design standards for EV charging stations in the R-1 zone and allow EV charging stations as administratively permitted uses in the R-2, R-3, C-1, C-2, DT-MU, C-H, M-L, M-H, and P-F zoning districts.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented to the commission that the State of California passed Assembly Bill 970 in October 2021 and it went into effect January 2022. Assembly Bill 970 states all public agencies within California need to have ordinances addressing electric charging facilities. Mr. Friend stated that staff is recommending that the Orland Municipal Code (OMC) be revised to include electric vehicle (EV) charging stations, allowing for review of location, number, and design of EV charging stations prior to the submittal for building permits.

Commissioners Romano asked if even when installing a new carport, you would be required to install a 240-volt electrical outlet. Mr. Friend stated in all R1, R2 and R3 zones it will be a requirement.

Vice Chairperson Nordbye asked how the requirements fall in line with the state's requirements. Mr. Friend stated that Orland is 100% in line with AB970 to adopt EV charging with one major exception which is requiring the installation of the outlet in a garage.

Public Comment opened at 5:46 PM.

Dennis G. Hoffman, 932 Trinity St., Directed a question to Mr. Friend about generators, asking if he could use his solar panels as a generator since they produce energy. Mr. Friend stated that it was his understanding that it was possible but that he couldn't comment on individual situations.

Public Comment closed at 5:47 PM.

ACTION: Commissioner Vickers moved and seconded by Commissioner Romano, that the Planning Commission adopt Resolution # 2022-02 recommending to the City Council to approve the Municipal Code Amendment as presented and approve the Categorical Exemption. Motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

B. Public Hearing: Zoning Code Text Amendment (Small Home Overlay) – required by our SB2 grant.

Zoning Ordinance Text Amendment: ZCA 2022-04 – Small Home Overlay District. The proposed action is the adoption of standards within the Zoning Ordinance of the City of Orland to allow the creation of a new overlay zoning district to establish standards, design guidelines, a

plan review and approval process to permit the development of multiple small or "minimal size" dwelling units in multi-family residentially zoned areas. The proposed R-SHO district would allow small homes that shall be used for independent living quarters, designed as a permanent, year-round residence and be of 400 square feet in maximum size. The proposed amendment to Title 17-Zoning of the OMC would amend Title 17 Zoning add §17.30 *Residential – Small Home Overlay Zone (R-SHO)*.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented both an approval resolution and denial resolution as back in December 2021 the planning commission did not support the small home overlay topic. Mr. Friend shared that the SB2 grant that the City was approved for needs a conclusion with planning commissions recommendations to be sent to City Council so that the SB2 grant can be closed out.

Commissioner Romano asked the difference in an overlay zoning district and a normal zoning district. Mr. Friend stated the overlay district is laid over another base zone such as R2 or R3. Commissioner Romano stated she understood that the proposed district would establish a minimum areas size of 1 acre for use of the overlay district and asked if there was a proposed maximum acreage. Mr. Friend shared they only set a base level size for the projects to be workable and didn't want to set an upper limit that may potentially limit a future unknown project.

Commissioner Lazorko asked if the City could still do a small home project without the overlay district. Mr. Friend stated that a small home project could be done without the small home overlay district.

Vice Chairperson Nordbye clarified that if the Commission votes against this that the City will have more control over where these districts are laid out. Mr. Friend verified that City would continue to have control over where the specific districts are allowed.

Public Comment opened at 5:58 PM.

Marjorie Palmer, 716 Shasta St., asked if the small homes can be put into people's backyards. Mr. Friend stated that yes if the site is zoned multi-family or was an Accessory Dwelling Unit (ADU). Mrs. Palmer also asked if the small homes would have to have their own electricity and water. Mr. Friend stated that he understood that small homes would not need to have their own water meter or electric meter. Mr. Friend clarified that the requirements for electric service are set by PGE and not the City of Orland.

Public Comment closed at 6:00 PM.

ACTION: Commission Lazorko moved that the Planning Commission adopt Planning Commission Resolution #2022-02 recommending for denial to the City Council, the Municipal Code Amendment as presented in the staff report and denial of the Categorical Exemption as presented in the staff report, and Commissioner Vickers seconded the motion, the motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

C. Public Hearing: Zoning Code Text Amendment (Accessory Dwelling Units) – required by State Statute changes

Zoning Ordinance Text Amendment: ZCA 2022-02 – Accessory Dwelling Units / Junior Accessory Dwelling Units. The proposed action is the adoption of standards within the Zoning Ordinance of the City of Orland addressing new, State-mandated accessory dwelling unit (ADU) and junior accessory dwelling unit (JADU) requirements. The proposed amendment to Title 17-*Zoning* of the OMC would amend Title 17 Zoning §17.76.130 *Accessory Dwelling Units and Junior Accessory Dwelling Units* to comply with Government Code Sections 65852.2 and 65852.22. Amendments to OMC Section §17.76.130 would also add photovoltaic requirements for ADUs as required by the 2019 California Energy Code.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented a request to amend the zoning code for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to be consistent with the states regulations and to comply with SB13, AB68 and AB881 as well as the solar photovoltaic requirements established in the Energy Code. Mr. Friend stated that the law was updated on how solar systems on ADU are categorized. Previously you could not have solar panels on an ADU to power a primary home and now you could. Mr. Friend clarified that for parking requirements on JADU, there is no replacement parking required if you convert your garage. Mr. Friend explained the City cannot require replacement parking.

Commissioner Romano questioned if solar panels are required on the ADU units. Mr. Friend informed the Commission that a builder had to meet energy code requirements for any home, and that he's been informed that it was easiest to meet the code by using solar panels.

Vice Chairperson Nordbye questioned what the parking requirements are for brand new R1 single family home. Mr. Friend reported two parking spaces off the street. Vice Chairperson Nordbye challenged that statement by saying someone could build a brand-new house, be required to provide two parking spaces, and a month later turn the two parking spaces into a JADU and not have to provide parking. Mr. Friend confirmed. Vice Chairperson Nordbye clarified his statement by adding the opportunity for more people, more cars, more drivers, and you are taking away the requirements to park those cars. Mr. Friend again confirmed the statement.

Public Comment opened at 6:12 PM.

Public Comment closed at 6:12 PM with no comments.

ACTION: Commissioner Romano moved and seconded by Commissioner Vickers that the Planning Commission adopt Planning Commission Resolution #2022-03 recommending for approval to the City Council the Municipal Code Amendment as presented and approval of the Categorical Exemption. Motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

D. Public Hearing: Zoning Code Text Amendment (Tiny Home Overlay Zoning District.)

Zoning Ordinance Text Amendment: ZCA 2022-01 – Objective Design Standards: The proposed action is the adoption of Objective Design Standards into the Orland Municipal Code. The Objective Design Standards serve as minimum requirements for qualifying multi-family residential development. The standards will be mandatory for any qualifying residential project for which a streamlined approval process is requested by an applicant. Qualifying residential projects are those that comply with Government Code Section 65913.4(a) which requires certain provisions for affordable housing. These Objective Design Standards apply within the following zoning districts within the city: R-1, R-2, R-3, C-1, C-2, and DT-MU.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented an amendment to the City's zoning ordinance, to reconcile Orland's Code with legislation that was passed at the State level. Mr. Friend pointed out that SB35 was adopted a few years back and what it does is require cities to have a streamlined or ministerial approach to approving certain types of multi family projects. Mr. Friend explained that if a qualifying project, met state statute objectives for SB35 it cannot be subject to a discretionary hearing.

Mr. Friend stated that at the State level multi-family projects were getting denied in Cities and housing wasn't getting constructed in California. With SB35, the legislature took away the ability of local government agency's discretion for certain types of multi-family projects. Mr. Friend explained that the State was allowing City's that have Objective Development Standards in place, involving no discretion, a city could apply standards to qualifying multi-family project. Mr. Friend stated that currently the City does not have Objective Development Standards so currently if a qualifying SB35 project came into the city, nothing could be applied to the project.

Mr. Friend stated that the City applied for money through the SB2 grant to help create Objective Design Development Standards so that the City would have something to apply to future projects.

Commissioners went over certain standards they had concerns about, and Mr. Friend gave explanations for each concern and the Commission was satisfied with the answers.

Public Comment opened at 6:21 PM.

Public Comment closed at 6:22 PM with no comments.

City Engineer Paul Rabo asked if the standards could be challenged by developers. Mr. Friend stated that developers can object to anything.

ACTION: Commissioner Vickers moved and seconded by Commissioner Lazorko that the Planning Commission adopt Planning Commission Resolution #2022-05 recommending for approval to the City Council the Municipal Code Amendment as presented and approval of the Categorical Exemption. Motion carried 4-0 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

E. Public Hearing – Variance. DR Horton. Setbacks reduction on six (6) existing lots for homes in the Orland Park Phase I project.

Variance: V#2022-06 – DR Horton. The proposed action is a request by D.R. Horton (applicant) for approval of a Variance pursuant to Orland Municipal Code Section 17.20.070 to modify the existing rear-yard setback for six (6) lots in Phase I of the Orland Park project. The proposed rear-yard setback variances would occur on the following parcels:

Address	APN	Lot
700 Jackson Street	045-370-003	173
701 Moraga Street	046-370-002	172
703 Moraga Street	046-370-011	171
802 Ellis Street	046-370-061	151
804 Ellis Street	046-370-060	152
769 Oakwood Drive	046-370-059	153

The project site is designated as Low Density Residential (LDR) on the Orland General Plan land use diagram and zoned R-1, Residential One-Family Pursuant to Orland Municipal Code (OMC) Chapter 17.20. A final subdivision map to create the subject lots was approved by the city via a prior action.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented Variance 2022-01; a request by D.R. Horton for a Variance from setback standards for six lots within the Phase I of the Orland Park Estates. Mr. Friend stated that there are concerns on six corner lots, the standards need to be varied because the three different designs of home do not all fit. The Variance is asking for all the homes to fit on all the lots.

Commissioner Romano asked if the lots were approved. Mr. Friend stated that the lots were approved years ago and that the projects final map was also approved years ago.

Public Comment opened at 6:30 PM.

Mayor Dennis Hoffman, 932 Trinity St., stated he was asking on behalf of a real estate agent, the lots on the knuckles, normally have six-foot setbacks from back line, if asking for a Variance is to shorten that what will the distance be in the rear. Mayor Hoffman also asked will this create an issue in the future for the homeowner to get a burndown letter. Mr. Friend explained that the standard rear setbacks in R1 zone is 20 feet. Mr. Friend gave an example of lot 173 the setback would go from 20 feet to 9 feet, 9 inches; lot 172 from 20 feet to 13.5 feet; lot 171 from 20 feet to 14 feet 2 inches; lot 151 from 20 feet to 5 feet 5 inches, lot 152 from 20 to 9 feet 8 inches and lot 153 from 20 feet to 14 feet 5 inches. Mr. Friend clarified that the distance usually reflects the corner. As per the burn letter Mr. Friend stated that the City Municipal Code states that if the building is involuntarily destroyed and it is at a level of less than 75% you can build back without a burn letter, if the burn is greater than 75% you would need direct council action.

The Commissioners were in agreeance that lot 151 was the lot they had the most issue with.

Bonnie Chiu, DR Horton, reiterated that when it comes to encroaching on the rear yard setback that it is just a small portion and, in most cases, just the corner. Ms. Chui explained that Lot 151 does encroach quite a bit into the 20-foot setback, leaving 5.5 feet which is rare setback but not inconsistent with the width of the side yard. Ms. Chiu explained that the corner lots are the biggest lots, while there is some encroachment to the 20-foot rear setback, these rare cases the side yards are rear yards are much bigger than the typical rectangular lots.

Public Comment closed at 6:40 PM.

Commission Vickers asked if the house on lot 151 could be limited. Mr. Friend stated that the Commission could say no on lot 151 all together or they could choose appropriate setback amounts.

Vice Chairperson Nordbye expressed that he felt that the developers is taking the risk to have the setback smaller.

Commissioner Lazorko asked if the Variance was not allowed on 151 would it accommodate the two other smaller corner units.

Ms. Chiu clarified that if the Variance is denied on lot 151 then none of the house plans that have been submitted would fit and new house plans would need to be created and re-submitted to the City Planner.

Mr. Friend explained to the Commission that they could change front yard setback also to offer more setback in the rear yard.

ACTION: Commissioner Vickers moved, and seconded by Commissioner Romano, that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305 and approve the requested Variance (V#2022-01) with up to a 10 foot encroachment forward in the front leaving minimum on 10 feet in the rear yard, the motion failed 2-2 by the following roll call vote.

AYES: Commissioners Vickers and Romano

NOES: Commissioner Lazorko and Vice Chairperson Nordbye

ABSTAIN: None

ACTION: Commissioner Lazorko moved, and seconded by Vice Chairperson Nordbye, that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, make the required findings for the action, and approve the requested Variance (V#2022-01. Motion failed 2-2 by the following roll call vote.

AYES: Commissioners Vickers and Romano

NOES: Commissioner Lazorko and Vice Chairperson Nordbye

ABSTAIN: None

Discussion was held with staff and Commission trying to figure out the amount of space that would work best to for the developer as well as future homeowners.

ACTION: Commissioner Romano moved, and seconded by Commissioner Lazorko that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations in Land Use Limitations, and make the required findings for the action, and approve the requested Variance (V#2022-01) as requested with the exception that the rear setback be changed to 10 feet and the front setback be adjusted to 15 feet on lot 151. Motion carried 4-0 by the following roll call vote.

AYES: Commissioners Vickers, Lazorko, Romano and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

F. Public Hearing – Conditional Use Permit. Habitat for Humanity – Yuba/Sutter. Issuance of a Residential dwelling’s units on the ground-floor building level, and establishment of a residential land use in a Commercial zoning district.

Habitat for Humanity – Yuba/Sutter: Conditional Use Permit 2022-01; 2) Site Plan Review 2021-04; 3) Lot Line Adjustment 2021-04 – The proposed action involves the consideration of the issuance of Conditional Use Permit to permit the establishment of residential dwelling units on the ground-floor level, and the establishment of a residential and use in a Commercial zoning district pursuant to Orland Municipal Code Section 17.40.040.16 and 17.40.040.D and Orland Municipal Code Section 17.44.030.B on an existing +/- 0.5-acre site addressed as 827 Newville Road and located in the C-H and C-2 zoning districts.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented a request from Yuba Sutter Habitat for Humanity for a Conditional Use Permit (CUP) to allow development of a residential use in a commercial zoning district. Mr. Friend explained that the Orland Municipal Code allows the Planning Commission to issue a use permit for a use residential that is specifically allowed by the code commercial. Mr. Friend also stated that the City Code requires that if you allow residential in a commercial zone that you reserve the ground floor for commercial use. The CUP has two parts; the first part is to all residential and the second part is to allow the ground floor for residential also.

Mr. Friend reminded the Commission that the property is an existing parcel that is currently occupied as the Orlanda Hotel. The proposed project is a two story, 33-unit affordable residential community. This is not a shelter this is permanent long term supportive housing with an onsite manager, which also include services through Glenn County.

Mr. Friend stated a correction to the staff report, that this CUP does not go to Council and that the motion made this evening unless failed is the final decision.

Mr. Friend added that he received a letter from Cal Trans that he would like entered into the record, that basically is their review comments and stated an encroachment permit would be required.

Commissioner Romano asked as far as zoning how is the zoning for this project different from a hotel. Mr. Friend explained that a hotel is transitory, and this project is permanent housing.

Commissioners showed concern about additional traffic on Newville and Walker Streets, Mr. Friend and Mr. Rabo discussed their research on the traffic concerns.

Public Comment opened at 7:19 PM.

Joseph Hale, 202 D Street, Marysville, (Habitat for Humanity) stated that the target population for this project are elderly and disabled persons who would be primary residents with many of them not operating vehicles and he felt the traffic would be very limited as a result.

Public Comment closed at 7:23 PM.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Romano, that the Commission approve Planning Commission Resolution PC 2022-04 making the determination that the project is exempt from further CEQA review pursuant to Section 15332 infill development projects of the Public Resources Code and approving Conditional Use Permit application# 2022-01 subject to the conditions of approval provided as attachment C and findings shown on attachment D on the report package. Motion carried 4-0 by the following roll call vote.

AYES: Commissioners Vickers, Lazorko, Romano and Vice Chairperson Nordbye

NOES: None

ABSENT: Chairperson Elliott

ABSTAIN: None

G. Public Hearing – Conditional Use Permit. Maverik Fueling Station. 4463, 4473, and 4483 Commerce Lane (APNs 045-170-040, 041, and 042).

Maverik Fueling Station: 1) Conditional Use Permit 2021-01; 2) Site Plan Review 2021-04; 3) Lot Line Adjustment 2021-04 – The proposed action involves the consideration of and land use entitlement action (Lot Line Adjustment) and permit action (Conditional Use Permit) to permit the construction of a convenience store, quick stop restaurant and fueling station with 14 automobile fueling stations and 6 commercial truck fueling stations on a 5.56-acre site comprised of three parcels - 4463, 4473, and 4483 Commerce Lane (APNs 045-170-040, 041, and 042). Approval of a lot merger is also being requested to merge the three subject parcels into one site. The parcels are currently vacant and designated C, Commercial on the Orland General Plan land use diagram and located in the C-H, Highway Service Commercial zoning district.

Vice Chairperson Nordbye asked City Planner Scott Friend for the staff report.

Mr. Friend presented a request for approval of Conditional Use Permit (CUP) 2021-04, a lot line adjustment 2021-04 and a site plan for the Maverik project.

Mr. Friend described to the Commission that site was an empty field to the west of pilot, the project would involve two driveways, the project involves 9,084 sq foot convenience store building which could

include a fast-food restaurant, outside eating area, 7 automobile gas dispensers, 6 high flow high volume in the rear of the building. Mr. Friend stated that high flow dispenser is typically for commercial vehicles because the volume is greater. In the rear of the building there are two 30-minute truck parking spaces. This project is not a truck stop but has truck fuel capabilities. The City Code does not define the word truck stop so staff determined a CUP was necessary for this project, without the rear high flow fueling and parking spots this project could be built today without a CUP.

Mr. Friend stated that the City prepared a CEQA evaluation and that the document was an Initial Study / Mitigated Negative Declaration. Within that document three mitigations were identified. The first is if during construction something cultural, archeological, or paleontological was found that the contractor you must call the sheriff, coroner, or a paleontologist. The most site-specific mitigation called for a sound wall along the western and northern property lines due to noise attenuation needs of the project.

Mr. Friend stated a requirement of this project is to put in a stop light at the Newville and Commerce corner and is currently under design. Also, a left turn lane from south bound off ramp will also need to be widened after traffic studies which is something Caltrans will have to take care of.

Commissioners discussed with Mr. Friend the wall height the driveways into the Maverik and landscaping.

Public Comment opened at 7:39 PM.

Christie Hutchins, Maverik Inc, Ms. Hutchins verified that Maverik is doing a Lot Merger.

Mr. Friend stated the City is calling this a lot line adjustment because there are three lots but two different landowners (2 lots owned by one person and 1 lot owned by another person).

Ms. Hutchins stated the station will have a free RV dumping station at the North end of the parking lot.

Public Comment closed at 7:44 PM.

ACTION: Commissioner Vickers moved and seconded by Commissioner Romano, that the Commission approve Planning Commission Resolution #2022-07 approving and adopting the "Initial Study and Mitigated Negative Declaration for the Maverik Fueling Center Project, and to approve Planning Commission approve Resolution 2022-07 approving Lot Line Adjustment# 2021-04 as presented and approve Planning Commission Ordinance# 2022-01 approving Use Permit #2021-01 as presented. The motion carried 4-0-1 by the following roll call vote.

AYES: Commissioners Lazorko, Vickers, Romano, and Vice Chairperson Nordbye

NOES: None

ABSTAIN: None

8. STAFF REPORT – Department Activity report

A. Department Activity Report/Project Updates

Mr. Friend stated he had received a brand-new subdivision map; the proposal is called Quiet Creek with over 100 units. The review process is just beginning, and it will most likely be seen by Commission at the end of 2022.

Mr. Friend stated City Hall staff is managing list of people being connected and the map was recently released to show where the project is going.

The next meeting will be annual report for General Plan and Housing Element.

B. Housing Element

The Housing Element has been reviewed by Housing Community Department (HCD), the City received their letter, and the changes will be taken to the March 1, 2022, City Council meeting.

10. COMMISSIONER REPORTS

Commissioner Romano stated she would like to still do a workshop with City Council or other Commissions. Mr. Friend stated that he will speak with the City Council to see who would be interested in meeting up and Mr. Friend will report back at the next meeting.

Vice Chairperson Nordbye had nothing to report.

Commissioner Lazorko had nothing to report.

Commissioner Vickers had nothing to report.

11. ADJOURNMENT – 7:55 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Vice Chairperson

**PLANNING COMMISSION MINUTES
April 21, 2022**

1. Call to Order – The meeting was called to order by Vice Chairperson Nordbye at 5:30 PM

2. Pledge of Allegiance – Led by City Clerk Jennifer Schmitke

3. Roll Call:

Commissioner's present –	Chairperson Wade Elliott, Vice Chairperson Stephen Nordbye, Commissioner Doris Vickers, and Commissioner Sharon Lazorko
Commissioners absent -	Commissioner Michelle Romano
Councilmember present -	Mayor Dennis Hoffman, Bruce Roundy
Also present -	Mike Martin, ECORP Representative; Jennifer Schmitke, Planning Commission Secretary/City Clerk

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

5. CONSENT CALENDAR

- A. Approval of Prior Meeting Minutes: January 20, 2022
- B. Approval of Prior Meeting Minutes: February 17, 2022
- C. Compliance with AB361

Chairperson Elliott requested to pull item 5.B. from the consent calendar for further review, all commissioners were in favor of pulling the minutes from February 17, 2022.

ACTION: Commissioner Vickers moved to approve items A and C, seconded by Commissioner Lazorko to approve items A and C, the motion carried 4-0 by the following roll call vote.

AYES:	Commissioners Lazorko, Vickers, Vice Chairperson Nordbye and Chairperson Elliott
NOES:	None
ABSTAIN:	None

6. ITEMS FOR DISCUSSION OR ACTION

- A. Mixed – Use Zoning District

Chairperson Elliott introduced ECORP representative Mike Martin to present the staff report.

Mr. Martin presented a brief background on the Local Early Action Grant Program (LEAP) the City applied to and was approved for in 2021. LEAP provides one-time grant funding to cities and counties to update their planning documents and implement process improvements that will facilitate the acceleration of housing production. Mr. Martin explained that the City applied for LEAP funding to be used for the creation of a new mixed-use zoning district for the City. Mr. Martin stated that the mixed-use zone is intended to encourage efficient and affordable development with a mixture of vertical and

horizontal density and uses. It will allow for flexibility in uses, promote design creativity, augment city and state housing policies and goals, all while decreasing the reliance on vehicles for transportation by promoting walkable neighborhoods.

Mr. Martin shared two possible mixed-use zoning scenarios; version 1 is based on the City's existing planned development Zoning district but modified to better accommodate a mixture of land-uses and version 2 is an entirely new mixed-use district for the City.

Commissioner Lazorko asked if there was any advantage to the City passing either of the versions within the next 25 years. Mr. Martin stated the only advantage would be to landowners and developers.

Chairperson Elliott asked for clarification if there was a requirement or not to adopt an updated version of the mixed-use zoning district. Mr. Martin stated that there was no requirement, but the production of housing would be an improvement for the City. Chairperson Elliott asked if there were any applicants coming to the City asking for a specific mixed-use development option. Mr. Martin stated he had no recollection of any developers passing on projects due to the mixed-use zoning district. Chairperson Elliott inquired if there were other projects the City should be focusing on instead of the mixed-use zoning district. Mr. Martin stated that because this was funded by a grant the process must be completed whether it is approved or denied by the Planning Commission. Mr. Martin explained that the recommendation from the Planning Commission will be brought to the City Council for final action (approve or deny).

Chairperson Elliott, Commissioner Vickers and Commissioner Lazorko were not in favor of the adoption of a new district because there was no immediate advantage to the City. Vice Chairperson Nordbye stated he is in favor of pursuing the mixed-use zoning and asked Mr. Martin how long until the LEAP grant program ends. Mr. Martin stated that the grant closes in June of 2023. Vice Chairperson Nordbye stated that he believes this project is something that can help the City in the future and possibly bring in new developers to Orland and noted that the new district would help to encourage smart growth ideas.

Commissioners discussed the two mixed-use versions that were presented and reviewed current mixed-use zoning areas in town. Chairperson Elliott requested Mr. Martin to bring the topic back at a future meeting for a recommendation as is required by law. Mr. Martin verified that the Planning Department will bring back both versions at a future meeting.

B. Streetscapes Design Standard for Commercial Development

Chairperson Elliott ask to postpone item 6.B. until a future agenda, so that all commissioners could be present for the discussion.

7. STAFF REPORT – Department Activity report

A. Department Activity Report/Project Updates

Mr. Martin briefly reported on department activities which included an update on the status of three subdivisions in the City, the Habitat for Humanity project and staff's work with the Bureau of Reclamation on the undergrounding of canals. Mr. Martin also informed the Commission of two new Administrative Use Permit (AUP) applications and two site plans that the City has received, one being for a McDonald's restaurant.

Chairperson Elliott opened the meeting to any additional public comment.

Councilmember Roundy shared that he is going to speak to the Caltrans representative at the next Transportation and Transit meeting to encourage Caltrans to continue working on the streetscapes project. He noted that it has been approximately seven years since Caltrans initially promoted the project idea in Orland. Councilmember Roundy believes that now is the time to push to get the project started due to the downtown area flourishing.

Councilmember Roundy suggested coordinating with the Economic Development Commission, Planning Commission and City Council to have a workshop so that new councilmembers and commissioners can be informed about the status of projects in City. Councilmember Roundy also stated that the City needs to be proactive and create a criterion for when to hire new employees and when to expand City services, so the City is prepared for the future growth.

Chairperson Elliott thanked Councilmember Roundy for his comments.

8. INFORMATIONAL

A. 2021 General Plan Implementation and Housing Element Annual Report

Chairperson Elliott introduced ECORP representative Mike Martin to present the staff report.

Mr. Martin stated that the General Plan and Housing Element annual report is required by the State every year. Chairperson Elliott clarified that the Housing Element has already been turned in and that this is a courtesy to show the Commission that the report has been submitted. Mr. Martin explained the Housing Element provides the State with information about the amount of housing that has been produced in the City over the past year as well as how the City feels the General plan policies and programs are functioning to meet State and local goals.

9. COMMISSIONERS REPORTS

Chairperson Elliott thanked Vice Chairperson Nordbye for leading the February commission meeting.

Vice Chairperson Nordbye had nothing to report.

Commissioner Lazorko asked who would set up the workshop and provide the materials. Chairperson Elliott stated that the Planning Commission would extend an invitation to the Mayor and asked the Mayor to speak to Council to help set up a joint meeting.

Commissioner Vickers had nothing to report.

10. ADJOURNMENT – 6:45 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson

PLANNING COMMISSION MINUTES
June 9, 2022

1. Call to Order – The meeting was called to order by Chairperson Elliott at 5:33 PM

2. Pledge of Allegiance – Led by Chairperson Wade Elliott

3. Roll Call:

Commissioner's present –	Chairperson Wade Elliott, Vice Chairperson Stephen Nordbye, Commissioner Doris Vickers (arrived at 6:00 pm), and Commissioner Sharon Lazorko
Commissioners absent -	Commissioner Michelle Romano
Councilmember present -	Mayor Dennis Hoffman
Staff present -	Jennifer Schmitke, City Clerk; Scott Friend, City Planner; Rebecca Pendergrass, Director of Administrative Services/Assistant City Manager

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments

Alex (last name not given), Orland resident expressed his concerns about zoning and making Orland a more walkable community.

5. CONSENT CALENDAR

- A. Approval of Prior Meeting Minutes: February 17, 2022
- B. Approval of Prior Meeting Minutes: April 21, 2022
- C. Compliance with AB361

Chairperson Elliott stated that he was asked by Commissioners to pull the prior meeting notes to make necessary corrections and explained they would be available for review at a future meeting.

ACTION: Commissioner Lazorko moved to approve the consent calendar with the corrections Commissioner Lazorko provide to staff on the minutes, motion not seconded; motion failed.

ACTION: Chairperson Lazorko moved seconded by Commission Nordbye to approve item C only from the consent calendar. Motion carried 3-0 by voice vote.

6. ITEMS FOR DISCUSSION - Traffic Control Plan During Emergency Situations

City Planner Scott Friend stated that Commissioner Vickers had asked to put this item onto the agenda, but since she was absent Mr. Friend requested to postpone this item until Commissioner Vickers was available. Chairperson Elliott stated that the Commission would carry this item onto the next agenda.

7. Public Hearing

- A. Zoning Assignment/Pre-zoning: PZ 2022-01: Adoption of City of Orland zoning (pre-zoning) of six (6) total parcels, four (4) are privately owned properties as follows:

<u>Assessor's Parcel Number:</u>	<u>Pre-zoning District:</u>
045-170-013	M-L, Limited Industrial
045-170-014	M-L, Limited Industrial
045-170-015	M-L, Limited Industrial
045-170-016	M-L, Limited Industrial
045-170-017-9	P-F, Public Facilities
040-131-005-9	P-F, Public Facilities

- B. Annexation: *ANNEX 2022-01* – Authorization and direction to staff to file the annexation application with the Glenn County Local Agency Formation Commission (LAFCo).

Mr. Friend introduced the proposed Westside annexation and pre-zoning of six (6) total parcels. Mr. Friend explained that the Glenn County Local Agency Formation Commission (LAFCO) has directed and is requiring the annexation of the six (6) parcels into the City of Orland. Mr. Friend stated that this directive was given as a condition of approval placed on prior un-related annexation involving property for the now approved Orland Sunny Truck Wash and Service Center project.

Mr. Friend explained that the City proposes to pre-zone four privately owned parcels with the M-L – Limited Industrial zoning district consistent with the City's existing General Plan land use designation of I-LC – Light Industrial/Commercial, and, to pre-zone the two publicly owned parcels with PF – Public Facility zoning district consistent with their use as roadway right-of-way. The six parcels are currently located in the unincorporated portion of the County of Glenn.

Chairperson Elliott opened the Public Hearing at 6:00 pm.

Chairperson Elliott closed the Public Hearing at 6:01 pm with no comments.

Commissioners asked questions and discussed concerns with the proposed annexation and pre-zoning. Mr. Friend answered questions on the annexation and clarified some concerns on the pre-zoning.

Action: Commissioner Vickers moved, seconded by Commissioner Lazorko that the Planning Commission determine that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Alterations to Land Use Limitations as the affected parcels have slopes of less than twenty (20) percent, the action would not affect the existing land uses on the parcels and the potential impacts of development have been previously considered by the City's certified Environmental Impact Report (EIR) prepared at the time of the adoption of the City's General Plan. The motion carried 4-0 by voice vote.

Action: Vice Chairperson Nordbye moved, seconded by Commissioner Lazorko that the Planning Commission make a recommendation to the City Council to adopt Resolution PZ 2022-09 recommending to the City Council approval of an Ordinance to rezone the area to be annexed as described and as presented on attachment F in staff report. The motion carried 4-0 by voice vote.

Action: Commissioner Lazorko moved, seconded by Vice Chairperson Nordbye that the Planning Commission make a recommendation to the City Council to adopt Resolution 2022-09 approving Annexation #2022-01 as described and as presented on Attachment G in staff report. The motion carried 4-0 by voice vote.

8. COMMISSIONERS REPORTS

Commission Vickers shared her concerns about traffic during a recent fire emergency.

Chairperson Elliott had nothing to report.

Vice Chairperson Nordbye had nothing to report.

Commissioner Lazorko had nothing to report.

Scott Friend shared information about a special joint meeting on July 14, 2022 at 4:00 at Carnegie Center with the Economic Development Commission, Planning Commission and City Council.

9. ADJOURNMENT – 6:21 PM

Respectfully submitted,

Jennifer T. Schmitke, City Clerk

Wade Elliott, Chairperson

**PLANNING COMMISSION MINUTES
July 21, 2022**

1. Call to Order – The meeting was called to order by Chairperson Elliott at 5:31 PM

2. Pledge of Allegiance – Led by Mayor Hoffman

3. Roll Call:

Commissioner's present –	Chairperson Wade Elliott, Vice Chairperson Stephen Nordbye, Commissioner Doris Vickers
Commissioners absent -	Commissioners Michelle Romano and Sharon Lazorko
Councilmember present -	Mayor Dennis Hoffman
Staff present-	City Planner Scott Friend and City Clerk Jennifer Schmitke

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments

Scott Howard, Chico resident spoke about Orland Park sub-division that was mapped by his family and mentioned how nice it is to see Orland growing in a positive way and how he looks forward to working in Orland again on possible future projects.

5. CONSENT CALENDAR

A. Compliance with AB361

ACTION: Chairperson Vickers moved seconded by Vice Chairperson Nordbye to approve the consent calendar. Motion carried 3-0 by voice vote.

6. Public Hearing -

City Planner Scott Friend stated that this item will be continued to the next regular scheduled meeting agenda for August 18, 2022.

7. ITEMS FOR DISCUSSION - Traffic Control Plan During Emergency Situations

City Planner Scott Friend presented Lot Line Adjustment, LLA#2022-03, that is being processed in support for the potential McDonald's coming to Orland. Mr. Friend stated a correction in the staff report explaining that the adjustment is for the middle lot line not the western lot line of parcel 040-013-015. Mr. Friend stated that this adjustment complies with all City codes and design standards.

ACTION: Vice Chairperson Nordbye moved seconded by Commissioner Vickers, that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15315, Minor Land Divisions.

ACTION: Vice Chairperson Nordbye moved seconded by Commission Vickers, that the Planning Commission approve Resolution 2022-08 approving Lot Line Adjustment# 2022-03 as presented in the staff report. Motion carried 3-0 by voice vote.

8. STAFF REPORT

City Planner Scott Friend stated that West Side Annexation should be submitted to LAFCo by the end of July. Mr. Friend shared that it usually takes LAFCO typically 60 to 120 days to review and get back to the City.

Mr. Friend explained that the site plan review for the McDonald's building was waiting for the Lot Line Adjustment to be voted on by the Planning Commission and an approval letter will go out by Monday morning.

Mr. Friend shared that in the next few weeks he will be meeting with the general contractors for Liberty Bell Senior Apartments and Woodward Family Apartments to get construction started.

Mr. Friend shared that the Hambright Road connection to Ellis Drive has started along Highway 32.

9. COMMISSIONERS REPORTS

Commission Vickers shared her concerns about traffic lights backing up and blocking traffic near Dutch Bros and Sixth Street.

Vice Chairperson Nordbye had nothing to report.

Chairperson Elliott thanked Commissioners, Councilmembers and staff for taking the time to attend the special joint meeting on July 14, 2022.

10. ADJOURNMENT – 5:46 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson

**CITY OF ORLAND
PLANNING COMMISSION
RESOLUTION NO. 2022-01
RESOLUTION TO IMPLEMENT TELECONFERENCING REQUIREMENTS
DURING A PROCLAIMED STATE OF EMERGENCY**

WHEREAS, the Ralph M. Brown Act requires that all meetings of a legislative body of a local agency be open and public, and that any person may attend and participate in such meetings;

WHEREAS, the Brown Act allows for legislative bodies to hold meetings by teleconference, but imposes specific requirements for doing so;

WHEREAS, on March 17, 2020, in order to address the need for public meetings during the present public health emergency, Governor Newsom issued Executive Order No. N-29-20, suspending the Act's teleconferencing requirements; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order No. N-8-21, continuing the suspension of the Brown Act's teleconferencing requirements through September 30, 2021; and

WHEREAS, these Executive Orders allowed legislative bodies to meet virtually as long as certain notice and accessibility requirements were met; and

WHEREAS, the State Legislature amended the Brown Act through Assembly Bill No. 361 (AB 361) on September 16, 2021; and

WHEREAS, AB 361 amended the Brown Act so that a local agency may use teleconferencing without complying with the regular teleconferencing requirements of the Act, where the legislative body holds a meeting during a proclaimed state of emergency and makes certain findings; and

WHEREAS, Government Code section 54953 requires that the legislative body make additional findings every 30 days in order to continue such teleconferencing.

NOW THEREFORE, the City of Orland Planning Commission hereby finds, determines, declares, orders, and resolves as follows:

1. That the foregoing recitals are true and correct and incorporates them by this reference.
2. The City of Orland Planning Commission finds, by a majority vote, the following:
 - a. That there exists a proclaimed state of emergency; and

- b. State or local officials have imposed or recommended measures to promote social distancing.

3. This Resolution shall take effect August 18, 2022, and shall remain in effect for thirty (30) days thereafter (until September 16, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the City of Orland Planning Commission this 18th day of August 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Wade Elliott, Chairperson

ATTEST:

Jennifer Schmitke, City Clerk

By: _____

I, Jennifer Schmitke, City Clerk of the City of Orland, hereby certify that the attached is a true and correct copy of a Resolution duly made by the City of Orland Planning Commission at a regular meeting of said Commission, at Orland, California, on the 18th day of August, 2022, the original of which is on file in my office and duly and regularly entered in the official records of proceedings of the City of Orland.

Dated: _____

Jennifer Schmitke, City Clerk



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: August 18, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963
SUBJECT: **V#2022-02 – Green, L.**: A request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for a building setback at an existing lot identified as 1001 Benson Drive and 040-092-007:

The subject parcel/property is on the south side of Benson Drive and north of the partially developed lot containing the former Berry Patch / Blue Plate Special restaurant. The parcel is designated as Low Density Residential (LDR) on the Orland General Plan land use diagram and zoned R-1, Residential One-Family Pursuant to Orland Municipal Code (OMC) Chapter 17.20.

Environmental Review: The proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 as the project involves a setback variance that does not result in the creation of additional parcels and is the modification of a development standard on an existing fully developed lot.

APPLICANT/LANDOWNER: Lloyd Green
1001 Benson Drive
Orland, CA 95963

GENERAL PLAN: R-L, Low Density Residential
ZONING: R-1, Residential One-Family

Summary:

The applicant is requesting approval of a Variance to legalize and permit an existing metal carport structure used to provide sharing for a recreational vehicle. The subject lot is located on the south side of Benson Drive and north of the partially developed lot containing the former Berry Patch / Blue Plate Special restaurant (**Attachment A**). The proposed project site has a General Plan designation of R-L, Low Density Residential and a zoning designation of R-1, Residential One-Family. In the R-1 zoning designation, the side yard setback requirement is five (5) feet (Orland Municipal Code [OMC] Section 17.20.070). The applicant is requesting a Variance to allow an exception to the minimum standard of five (5) feet. The Variance request is to reduce the wester side-yard setback from five (5) feet to two (2) feet.

Discussion and Analysis:

A Variance is a request to modify zoning standards applicable to construction of a building or structure on a lot. Variances may be granted for standards such as setback requirements, building heights and other lot development standards. Variances to allow a use not otherwise allowed within a particular zoning district (i.e. "land use variance") cannot be considered.

The reduction in setback is necessary due to site constraints from the irregular shape of the lot due to its location on a curve in Benson Drive and due to the existing dwelling being irregular in shape. The applicant is requesting the Variance as a result of a code enforcement action and is pursuing the Variance at the direction of the City's Code Enforcement hearing officer.

Findings and Evaluation:

Evaluation of the request to grant a Variance is governed by California Government Code Section 65906 and Section 17.84.020 of the Orland Municipal Code (OMC).

In accordance with California Government Code Section 65906:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

A Variance may be approved in situations where physical characteristics of the property exist that limit the enjoyment of development rights experienced by other properties within the same zoning designation, resulting in unnecessary hardships, from the strict application of provisions of the Zoning Ordinance. In order to grant a variance, the Planning Commission must make the following findings pursuant to OMC Section 17.84.020:

1. The variance is in conformance with the city of Orland general plan;

The variance is in conformance with the city of Orland general plan, which designates the project site as Low Density Residential.

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;

The subject Variance is applicable to a previously constructed carport structure installed by a contractor for the homeowner to provide shade coverage for a recreational vehicle. The subject lot does not provide for adequate space in the eastern side yard area as the subject lot is located on a curve in the adjacent public street (Benson Drive) and the home was located on the eastern side setback line. The "large" portion of the rear-yard is located on the western side of the lot. Due to the width of the vehicle and the width of the cover necessary to support the covering of the vehicle, the required side yard setback is too small to accommodate the cover. Therefore, with strict adherence to the setback standards in the R-1, the applicants existing cover will not fit onto the lot in strict compliance with the City's standards unless the Variance is granted.

3. A Variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone. The granting of the requested major variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan.

The strict application of the zoning ordinance would deprive the subject properties of privileges enjoyed by other property owners in the vicinity and under identical zoning classification because lots in the R-1 zoning district are generally rectangular in the shape and allow for side-yard access. Due to the lot's location on a curve the lot is narrower in the front yard than the rear yard and cannot accommodate the cover using City-standard R-1 lot setbacks. Granting of the variance(s) will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland General Plan.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Variance is categorically exempt from further CEQA analysis pursuant to CEQA Guidelines Section 15305 (*Minor Alterations in Land Use Limitations*) as the project involves only a minor setback Variance not resulting in the creation of any new parcel, or physical impact on the environment that has not already been evaluated, and therefore the proposed action is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment C - Notice of Exemption**.

Recommendation:

Staff recommends that the Planning Commission make a determination that the project is exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15305 (*Minor Alterations in Land Use Limitations*) and approve Variance 2022-01, subject to making the necessary findings (**Attachment B**).

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 Variance(s), staff presents the following motion for consideration:

Move that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15305, Minor Alterations in Land Use Limitations, and approve the request making the required findings for the action, and approve the requested Variance (V#2022-02).

ATTACHMENTS

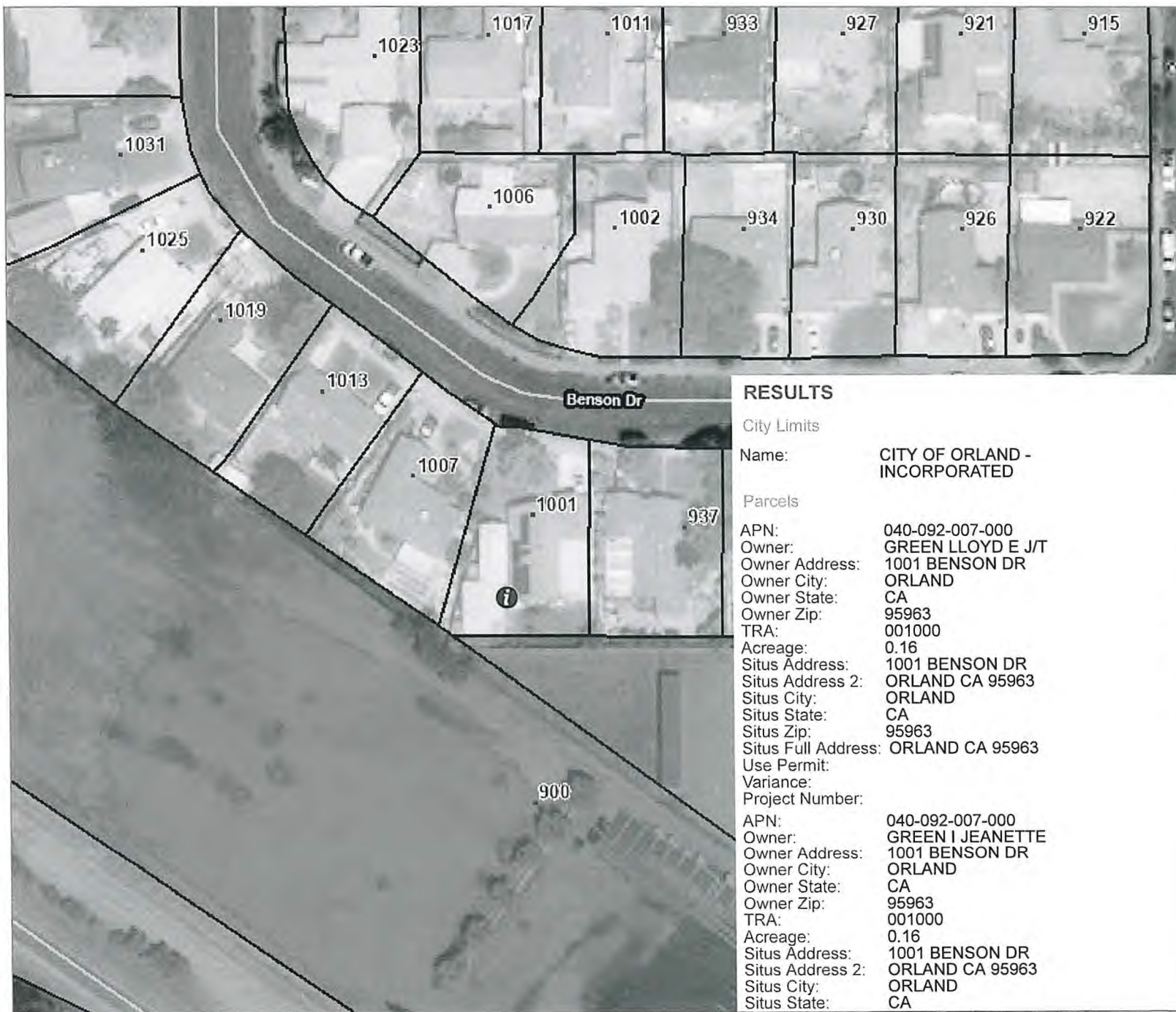
- **Attachment A** – Lot Exhibit
- **Attachment B** – Planning Commission Findings
- **Attachment C** – Notice of Exemption
- **Attachment D** – Planning Commission Resolution 2022-____



Lot Exhibit – A.1



Street View of Lot – A.2



- Address
- City Limits
- Downtown Area/Special Parking
- Roads
- Railroad
- Places
- Parcels
- Full Zoning Designation
 - C-1 - Neighborhood Commercial
 - C-2 - Community Commercial
 - C-H - Highway Service Commercial
 - M-H - Heavy Industrial
 - M-L - Light Industrial
 - MU - Mixed Use
 - O-S - Open Space
 - P-D - Planned Development
 - P-F - Public Facilities
 - R-1 - Residential One-Family
 - R-1/C-2
 - R-2 - Residential Two-Family
 - R-3 - Residential Multiple Family
 - R-E - Residential Estates

RESULTS

City Limits

Name: CITY OF ORLAND - INCORPORATED

Parcels

APN: 040-092-007-000
Owner: GREEN LLOYD E J/T
Owner Address: 1001 BENSON DR
Owner City: ORLAND
Owner State: CA
Owner Zip: 95963
TRA: 001000
Acreage: 0.16
Situs Address: 1001 BENSON DR
Situs Address 2: ORLAND CA 95963
Situs City: ORLAND
Situs State: CA
Situs Zip: 95963
Situs Full Address: ORLAND CA 95963
Use Permit:
Variance:
Project Number:

APN: 040-092-007-000
Owner: GREEN I JEANETTE
Owner Address: 1001 BENSON DR
Owner City: ORLAND
Owner State: CA
Owner Zip: 95963
TRA: 001000
Acreage: 0.16
Situs Address: 1001 BENSON DR
Situs Address 2: ORLAND CA 95963
Situs City: ORLAND
Situs State: CA



20 m
50 ft

**PLANNING COMMISSION FINDINGS FOR APPROVAL OF VARIANCE #2022-02
PURSUANT TO SECTION 17.84.020 OF THE ORLAND MUNICIPAL CODE**

In order to approve a Variance from the minimum 5-foot side yard requirement of the Orland Municipal Code, the Planning Commission must make all three findings required in Section 17.84.020. The following are the required findings and facts in support of each finding:

1. The Variance is in conformance with the city of Orland general plan;

The Variance is in conformance with the city of Orland general plan, which designates the project site as Low Density Residential.

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;

The subject Variance is applicable to a previously constructed carport structure installed by a contractor for the homeowner to provide shade coverage for a recreational vehicle. The subject lot does not provide for adequate space in the eastern side yard area as the subject lot is located on a curve in the adjacent public street (Benson Drive) and the home was located on the eastern side setback line. The "large" portion of the rear-yard is located on the western side of the lot. Due to the width of the vehicle and the width of the cover necessary to support the covering of the vehicle, the required side yard setback is too small to accommodate the cover. Therefore, with strict adherence to the setback standards in the R-1, the applicants existing cover will not fit onto the lot in strict compliance with the City's standards unless the Variance is granted.

3. A variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone. The granting of the requested major variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan.

The strict application of the zoning ordinance would deprive the subject properties of privileges enjoyed by other property owners in the vicinity and under identical zoning classification because lots in the R-1 zoning district are generally rectangular in the shape and allow for side-yard access. Due to the lot's location on a curve the lot is narrower in the front yard than the rear yard and cannot accommodate the cover using City-standard R-1 lot setbacks. Granting of the variance(s) will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan

Notice of Exemption**Form D**

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
(Address)

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

Project Title: Variance – Granting of a Variance to the City’s side setback requirement of 5 feet in the R-1 zone district from 5 feet to 2 feet.

Project Location - Specific:

City of Orland – 1001 Benson Drive; Glenn County Assessor’s Parcel Number 040-092-007.

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

Description of Nature, Purpose, and Beneficiaries of Project: A request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for a building setback Variance for one lot located at 1001 Benson Drive. The beneficiaries of the Project will be the current and future occupants of the subject lot.

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: Class 5, §15305 Minor Alterations in Land use Limitations
☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The proposed project is exempt from CEQA, based on its conformity with Section 15305 (Class 5) of the CEQA Guidelines. This exemption consists of minor alterations in land use limitations, in areas with an average slope of less than 20%, not resulting in changes in land use or density. This includes but is not limited to minor lot line adjustments, issuance of encroachment permits, and reversions to acreage. The City of Orland Planning Commission has determined that this project is exempt from CEQA as the project involves a setback variance that does not result in the creation of additional parcels or changes in land use or density and takes place in an area with an average slope of less than 20%. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15305.

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: _____

**CITY OF ORLAND
PLANNING COMMISSION
RESOLUTION PC 2022-__**

**A RESOLUTION TO APPROVE A VARIANCE APPLICATION ALLOWING A REDUCED SIDE
YARD SETBACK ON THE WESTERN SIDE YARD ON APN: 040-092-007) LOCATED AT
1001 BENSON DRIVE**

WHEREAS, Mr. Lloyd Green (applicant/landowners) has requested a Variance from requirements of Section 17.20.070 of the Orland Municipal Code requiring a minimum side yard setback of 5 feet; and

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on August 18, 2022; and

WHEREAS, the Planning Commission has determined that the use of the lot is consistent with the Orland General Plan (Low Density Residential) and the shape and location of the lot make the strict adherence to the standards of the Orland Zoning Code impossible to meet under the circumstances of the situation; and

WHEREAS, the Planning Commission has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Class 5, Section 15305 (Minor Alterations in Land Use Limitations) of the state CEQA Guidelines; and

WHEREAS, the Planning Commission has made the following findings with respect to the requested variance:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.
- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity.
- D. That the granting of such variance will not adversely affect the City of Orland General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve the requested Variance for one lot located at 1001 Benson Drive to reduce the western side minimum building setback from 5 feet to 3 feet.

The foregoing Resolution of the Planning Commission was adopted by the Planning Commission on the 18th day of August 2022, by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

Stephen Norby, Vice-Chair (meeting Chairperson)

ATTEST:

Jennifer T. Schmitke, City Clerk



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: August 18, 2022, 2020; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2020-01**: A request to approve a Conditional Use Permit (CUP) to permit the operation of compressed natural gas (CNG) fueling facility on an existing parcel identified as 1001 South Street and further as Glenn County APN 040-310-011. The parcel is currently used as a Card Fueling Network (CFN) petroleum fueling location. The subject parcel is designated Light Industrial/ Commercial (I-L/C) on the General Plan land use map and located in the P-D (Planned Development) zoning district. Pursuant to Orland Municipal Code Chapter 17.60, the proposed action requires the approval of a Conditional Use Permit by the Planning Commission for all uses.

Environmental Review: Staff recommends that the Planning Commission determine that the proposed action is exempt from further review pursuant to Section 15061.b.3 of the Government Code, also known as the “Common Sense Exemption.”

Summary:

The City of Orland has received a request for a Conditional Use Permit (CUP#2022-03) on an existing parcel of land identified as 1001 South Street and further as Glenn County Assessor's parcel number 040-310-011. The parcel is currently used as a petroleum fueling facility.

The project site is designated with the I-L/C- *Light Industrial / Commercial* land use designation on the City's General Plan land use diagram and is zoned with the *P-D, Planned Development* zone district. The property is not currently addressed as it is vacant and undeveloped. The parcel is owned by Cross Petroleum. No requests to modify development standards has been requested or is proposed.

Project Background:

The proposed project would result in the approval of a new compressed natural gas fueling facility on the proposed site. The existing parcel is approximately 2 acres in size with only a small portion of the overall site currently utilized for large vehicle fueling.

The proposed project would permit the establishment of a new multi-pump fueling island to be located on the eastern-side of the existing parcel along with a natural gas compression enclosure to be located in the southwestern portion of the site. The proposed natural gas compression infrastructure would be fully enclosed behind an opaque, lockable concrete block wall enclosure

and all noise (sound) and emissions from the facility would meet both Glenn County and City of Orland standards.

The proposed use has been reviewed by all City reviewing parties including the City of Orland Fire Chief, Public Works Director, City Engineer and Police Chief. All concerns and issues expressed by the reviewing parties have been addressed to their satisfaction. Additionally, the applicant has worked with the owners and users of the adjacent parcel to the south (Butte College) to address their initial concerns and all concerns have been addressed. The college has no opposition to the proposed use at this time. No written or verbal opposition to the project has been presented nor is known.

Conditional Use Permit:

Chapter 17.80 of the OMC provides the legal authority and basis for the issuance of a Conditional Use Permit in the City. Section 17.80.010 establishes that:

“A request for a use permit may be granted, granted subject to conditions, or denied by the planning commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the planning commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.”

Section 17.80.040 of the OMC states that, *“Approval of an application for a use permit shall be based upon a written finding that:*

Establishment, maintenance, or operation of the use of building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.”

As established in OMC Section 17.80.010, the Planning Commission may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

Upon review of the application, staff believes that the establishment, maintenance, or operation of the proposed project will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

Environmental determination:

The City of Orland, as the Lead Agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and determined that the project is exempt from further review under the California Environmental Quality Act (CEQA). This project is exempt from environmental review under the “Common Sense Exemption” of the California Government Code, §15061(b)(3), as it has been determined that this project does not have the potential for causing a significant effect on the environment. Staff has determined that this project meets the requirements for this exemption and is recommending a determination of such to the Planning Commission.

Recommendation:

Based upon the information contained in this report and after consideration of the attributes specific to the proposed site, staff is recommending that the Planning Commission approve Conditional Use Permit #20202-03, a request to approve a new compressed natural gas (CNG) fueling station on an existing parcel of land identified as Glenn County Assessor's parcel number 040-310-011.

Specifically, staff recommends that the following actions take place:

1. *California Environmental Quality Act (CEQA)*: Staff is recommending that the Planning Commission approve the project (CUP 2020-01) and determine that the proposed action is *exempt* from further review pursuant to Section 15061.b.3 of the Government Code.
2. *Conditional Use Permit*: Move to approve Planning Commission Resolution PC 2022-__, approving Conditional Use Permit application #2022-03 subject to the Conditions of Approval provided as **Attachment C** and Findings shown on **Attachment D**.

ATTACHMENTS

- **Attachment A1 – Project Location Map**
- **Attachment A2 – Project Location Map – street view**
- **Attachment A3 – General Plan / Zoning Map**
- **Attachment B - Project Site Plan (to be provide separately from this report)**
- **Attachment C - Conditions of Approval for CUP #2022-03**
- **Attachment D – Required CUP Findings #2022-03**
- **Attachment E – Notice of Exemption for CUP #2022-03**
- **Attachment F – Planning Commission Resolution PC 2022-__**

Attachment A: Project Location

CUP #2022-01 South Avenue Use Permit – Chevron CNG

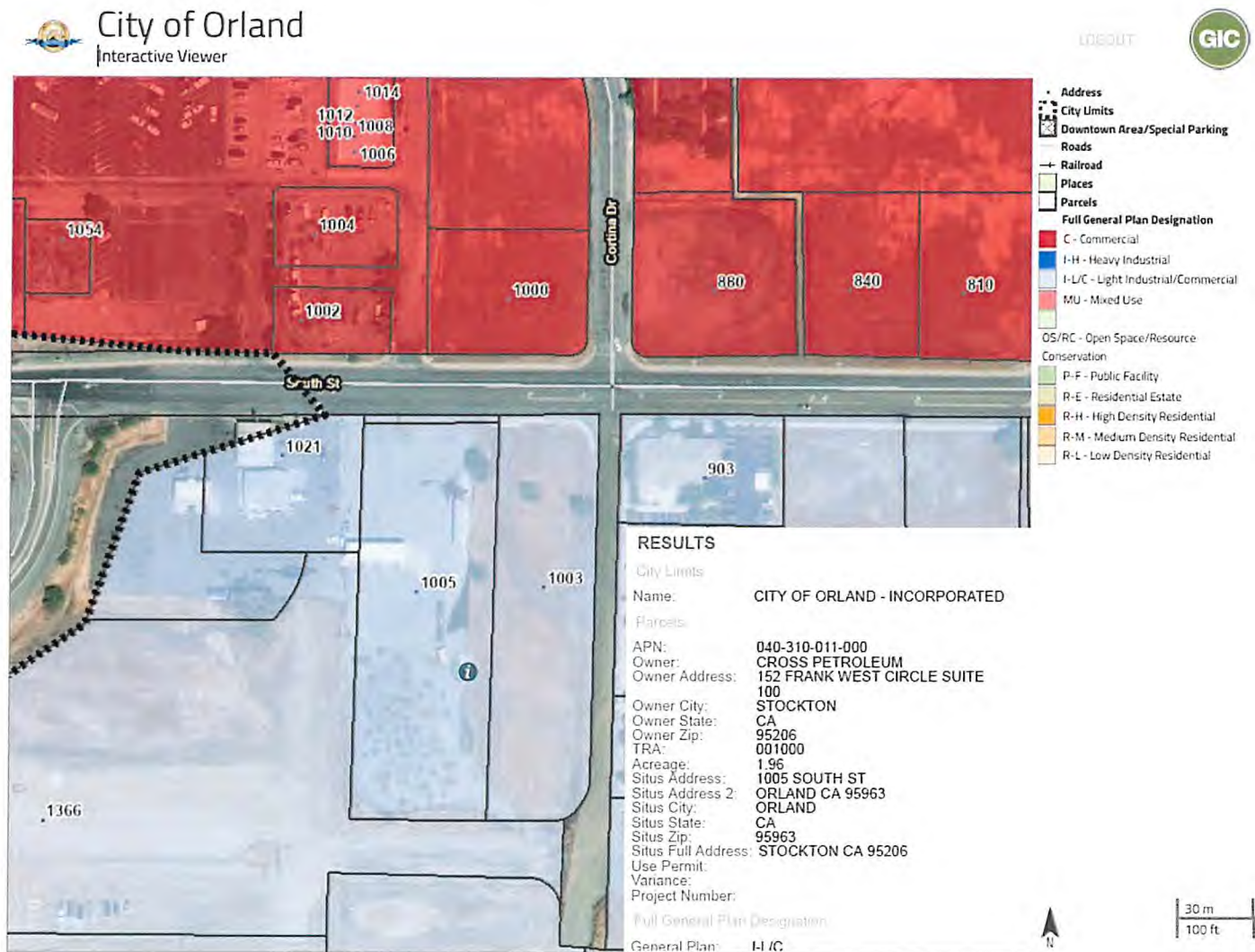


Attachment A2: Project Location – Streetview Image

CUP #2022-01 South Avenue Use Permit – Chevron CNG



Attachment A3: Project Site – General Plan and Zoning
CUP #2022-01 South Avenue Use Permit – Chevron CNG



General Plan Map



Zoning Map

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2022-03, Chevron / Stantech Consulting

Assessor's Parcel Number: 040-310-011

Project location: 1001 South Street, Orland, Glenn County, CA 95963.

Zoning: "P-D" (Planned Development);

General Plan Land Use Designation: "Light Industrial/Commercial".

Proposed Use: M-L Zoning

Conditional Use Permit #2022-03, Stig Werelius (Applicant): A request for approval of a Conditional Use Permit to permit and approve a Site Plan for a propose Compressed Natural Gas (CNG) heavy vehicle fueling facility on an existing parcel currently used for large vehicle fueling as part of the Card Fueling Network (CFN) line of fueling stations.

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 Planning Commission approval.
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. The use granted by this permit shall be established within one (1) year of the date of approval or the permit shall become null and void.
4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** to cover costs associated with the preparation and filing of the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. 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.
7. 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 conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
8. 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 Orland Building Department and pay all appropriate fees for construction work to be undertaken as a result of this approval.

9. The Use Permit is only approving a site plan on an existing parcel identified as 1001 South Street, as requested on CUP application #2022-03. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner and City Engineer.
12. If changes are requested to the site plan, use of the building/space, or the 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.
13. No exterior storage of any materials, equipment, or vehicles is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.
14. Applicant is responsible for replacement of any/all damaged public infrastructure elements resulting from the construction of this project. Improvements may include but are not limited to sidewalk, curb, gutter, etc.
15. No signage is approved with this action.
- 16.

Use/Site Specific Conditions of Approval:

17. All mechanical equipment to include the compressor, above ground storage tanks, and any appurtenant infrastructure shall be screened and located inside of an enclosed and secured containment area a minimum of six (6) feet in height.
18. All site lighting shall be fully screened and shall be directed downward. No lighting shall be permitted on the site resulting in more than one-foot candle of lighting spillage at the property line.
19. The site shall be paved in all areas on which large vehicle parking, fueling or access is possible or permitted.
20. Zoning Specific Amendments:
 - a. None requested, none approved

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2022-03 and acknowledge and consent to the Conditions as presented.

Signed,

Stig Werelius, Applicant

Date

Landowner

Date

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2022-03
FOR: Stig Werelius (Applicant);
Assessor's Parcel Number: 040-310-011
1001 South Street, Orland, CA 95963

Findings for adoption of the Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Orland; and
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan, any applicable specific plan and the applicable section of Title 17 of the Orland Municipal Code as applicable ("P-D", Planned Development Zone and OMC 17.60.020, Establishment – Master plan and use permit approval required).
5. The project will not have a significant or unmitigable impact on the physical environment.

Staff Analysis of Consistency with Required Findings:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *The proposed use is permitted with an approved Conditional Use Permit as established by the Orland Municipal Code and the request has been processed consistent with the provisions of Sections 17.60.020 and 17.80.010 of the OMC. The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The use would not result in any impacts to the existing environment, as the use will not create significant new noise, and there are no scenic vista points or designated scenic roadways in the area that would be affected. As conditioned, potential impacts associated with the approved use would be addressed. Subject to the issuance of a Conditional Use Permit by the Planning Commission, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed use would be compatible with the surrounding land uses and would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as permit*

approval would allow for the use of the existing structures on site in a manner permitted by the City Municipal Code and does not include any requests for additional construction or development. The use would not result in any impacts to the existing environment, will not create significant new noise, and there are no scenic vista points or designated scenic roadways in the area that would be affected. As conditioned, potential impacts associated with the approved use would be addressed. Subject to the issuance of a Conditional Use Permit by the Planning Commission, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposed use is permitted with an approved Conditional Use Permit as established by the Orland Municipal Code and the request has been processed consistent with the provisions of Sections 17.60.020 and 17.80.010 of the OMC. The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood. The proposed Commercial / Light Industrial use is compatible with the surrounding environment as the project site is located in an area of predominantly commercial and light industrial uses. As conditioned, the use would not result in any adverse impacts to the existing environment, as the use will not create new noise, and there are no scenic vista points or designated scenic roadways in the area that would be affected. The proposed use would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project will not be detrimental to the health, safety or general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and land use designations of the general plan and any applicable specific plan: *The City of Orland Municipal Code allows for the approval of site specific projects on properties zoned P-D, Planned Development upon the approval of a Conditional Use Permit by the Planning Commission. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will not have a significant or unmitigable impact on the physical environment. *The proposed project meets the criteria for the use of the Common-Sense Exemption (15061.B) also known as the General Rule, pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

Notice of Exemption**Form D**

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
(Address)

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

Project Title: Conditional Use Permit CUP#2022-03 – A request to approve a Site Plan for a compressed natural gas (CNG) heavy vehicle fueling facility on an existing parcel of land identified as Glenn County Assessor's parcel numbers 040-310-011.

Project Location - Specific:

1001 South Street in Orland, Glenn County, CA 95963. APN 040-310-011

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

Description of Nature, Purpose, and Beneficiaries of Project: The City of Orland received a request for a Conditional Use Permit (CUP) to approve a site plan to for a compressed natural gas (CNG) heavy vehicle fueling facility on a existing parcel currently used by the Card Fueling Network (CFN) for large vehicle fueling. The proposed action would result in the construction of a new multi-pump fueling island, gas compression equipment and enclosure, paving and landscaping at a parcel currently addressed as 1001 South Street and further identified as 040-310-011. Pursuant to section 17.60.020 of the Orland Municipal Code (OMC), the Planning Commission may issue a CUP to establish site specific uses and to approve zoning district standards. The primary beneficiary of the project will be the project applicant and heavy vehicle users of the facility.

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: §15061(b)(3) Common Sense Exemption
☐ 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 Clerk

■ Signed by Lead Agency

Date received for filing at OPR: _____ N/A

Attachment E

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2022-__**

APPROVAL OF CONDITIONAL USE PERMIT #2022-03

Location: An existing parcel identified as APN's: 040-310-011 and located south of South Street, west of Cortina Drive, and east of Interstate 5

APPLICATION: Conditional Use Permit #2022-03

WHEREAS, Mr. Stig Werelius (applicant agent) acting on behalf of the landowner (Cross Petroleum), has requested a Conditional Use Permit (CUP) to allow for the approval of a new compressed natural gas (CNG) heavy vehicle fueling facility pursuant to OMC Chapter 17.60; and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on August 18, 2022; and

WHEREAS, the Planning Commission deliberated on the proposed request and has determined that, subject to approval of the Conditional Use Permit and the project Conditions of Approval, the request is consistent with the Orland General Plan and the requirements of Orland Zoning Code; and

WHEREAS, the Planning Commission has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA guidelines further described as the 'Common Sense' Exemption; and

WHEREAS, the Planning Commission, in a staff report dated August 18, 2022 has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use.
3. The proposed use will not be detrimental or injurious to the general welfare of the city.
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan, any applicable specific plan and the P-D, Planned Development zoning district upon the issuance of the Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Orland does hereby approve Conditional Use Permit #2022-03, subject to the following conditions:

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 Planning Commission approval.
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. The use granted by this permit shall be established within one (1) year of the date of approval or the permit shall become null and void.

4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** to cover costs associated with the preparation and filing of the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. 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.
7. 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 conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
8. 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 Orland Building Department and pay all appropriate fees for construction work to be undertaken as a result of this approval.
9. The Use Permit is only approving the assignment of parcel specific zoning to two (2) parcels of land identified as Glenn County Assessor's parcel numbers 040-310-013 and 040-350-003, as requested on CUP application #2020-01. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner and City Engineer.
12. If changes are requested to the site plan, use of the building/space, or the 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.
13. No exterior storage of any materials, equipment, or vehicles is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

Use/Site Specific Conditions of Approval:

Application Specific Conditions of Approval:

14. Should a sensitive use be established on Parcel 1, a noise barrier must be constructed on the north property line of Parcel 2 to protect the sensitive use from excessive noise from a potential industrial use.
15. Where industrial and commercial lot lines meet, a fifty (50) foot landscaped buffer is between uses.
16. Should a sensitive use be constructed on Parcel 1, any industrial use that may be established on Parcel 2 must be contained to the southerly 50% of the parcel.
17. Zoning Specific Amendments:

- a. § 17.76.100 - Parking and loading facilities. In all zones, each standard parking space shall not be less than nine (9) feet wide, by eighteen (18) feet long, and seven feet high, and each loading space shall not be less than ten (10) feet wide, twenty-five (25) feet long and fourteen (14) feet high.
- b. § 17.76.110 - Parking lot landscaping. Landscaping shall be provided in new parking lots whenever seventeen (17) or more spaces are required. If the parking is required as an addition to an existing use, landscaping as required herein shall only be required for the new parking spaces.
- c. No further amendments to the zoning shall be made.

The foregoing Resolution was adopted by the Planning Commission on the 18th day of August 2022 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

Stephen Nordby, Vice-Chair / Acting Chairperson

ATTEST:

Jennifer T. Schmitke, City Clerk / Clerk of the Planning Commission