

## CITY COUNCIL

Dennis Hoffman, Mayor  
Jeffrey A. Tolley, Vice-Mayor  
Bruce T. Roundy  
William "Billy" Irvin  
Chris Dobbs

## CITY OFFICIALS

Jennifer Schmitke  
City Clerk

Leticia Espinosa  
City Treasurer

# CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
Telephone (530) 865-1600  
Fax (530) 865-1632



## CITY MANAGER

Peter R. Carr

Meeting Place: Carnegie Center  
912 Third Street  
Orland CA 95963

## AGENDA

### REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, October 20, 2022 at 5:30 P.M.

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at [itschmitke@cityoforland.com](mailto:itschmitke@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. Compliance with AB361

## 6. PUBLIC HEARING

- A. Conditional Use Permit: CUP 2022-03 – Amaris Banquet Hall (709 5<sup>th</sup> Street).** A public hearing will be held to consider a request for a Conditional Use Permit (CUP) to permit the use of an existing building as a "Social Hall" as required by Orland Municipal Code Section 17.40.040.37. The project is proposed to be located at 709 5th Street (APN 040-156-004) in the City of Orland. The property is currently owned by James & Leigh Ann Byerly and the property owner is also the project applicant.

The subject parcel is designated *Commercial (C)* on the City's General Plan land use diagram and is zoned in the C-2, *Community Commercial* zoning district. Pursuant to Orland Municipal Code (OMC) section 17.40.040(A)(37), Social Halls are permitted on the ground floor in a C-2 zone with approval of a CUP. The proposed Social Hall consists of a 1,000 square foot meeting space, a food and beverage area, two bathrooms, and a mop closet for a total of 1,980 square feet.

- B. Zoning Ordinance Text Amendment (ZCA 2022-01) – Reasonable Accommodations.** The Planning Commission will consider making a recommendation to the City Council to introduce an Ordinance amending the Orland Municipal Code in regard to the adoption of a Reasonable Accommodations for persons with disabilities; to support the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (The Acts). The proposed amendment would create a new Section 17.10, *Reasonable Accommodation* to the Orland Municipal Code (OMC).

- C. Conditional Use Permit: CUP 2022-05 – Maverik Fueling Center Pole Sign (4473 Commerce Lane).** A public hearing will be held to consider a request for a Conditional Use Permit (CUP) to permit the use of a "Pole Sign" as required by Orland Municipal Code Section 17.78.250. The project is proposed to be located at 4463 Commerce Lane (APN 045-170-043) in the City of Orland. The property is currently owned by the Maverik, Inc..

The subject parcel is designated *Commercial (C)* on the City's General Plan land use diagram and is zoned in the C-H, *Highway Service Commercial* zoning district. Pursuant to Orland Municipal Code (OMC) section 17.478.250(A), Pole Signs are permitted on the site with no development in a C-H zone with approval of a CUP. A convenience fueling station has been approved previously on the site and building plans have been approved prior to this action. Pursuant to OMC 17.48.250(B)(9) a CUP may be granted to exceed the allowable advertising surface for pole signs and OMC Section 17.48.410(A)(13) states that a CUP may be granted to exceed the maximum permitted pole sign height. The proposed action is request for both additional signage height and advertising area.

- D. Conditional Use Permit: CUP 2022-06 – Hidden Treasures Sanctuary and Rescue (33 East Walker Street).** A public hearing will be held to consider a request for a Conditional Use Permit (CUP) to permit the use of a "Animal Hospital/Veterinary Office" as required by Orland Municipal Code Section 17.40.040(A)(2). The project is proposed to be located at 33 East Walker Street (APN 041-072-002) in the City of Orland. The property is currently owned by Ricky Quezada and Monica Mojica.

The subject parcel is designated *Commercial (C)* on the City's General Plan land use diagram and is zoned in the C-2, *Community Commercial* zoning district. Pursuant to Orland Municipal Code (OMC) section 17.40.040(A)(2), Animal Hospitals and Veterinary Clinics are permitted on the ground floor in a C-2 zone with approval of a CUP. The proposed Veterinary Clinic consists of a clinic limited to spaying/neutering, animal vaccine injections, micro-chip implants, and simple procedures such as mite and flea prevention for dogs and cats.

**7. ITEMS FOR DISCUSSION OR ACTION**

A. SB9 (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 October 17, 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.

**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 October 20, 2022, and shall remain in effect for thirty (30) days thereafter (until November 17, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the City of Orland Planning Commission this 17th day of October 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 17th day of October, 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 (contract)

MEETING DATE: October 20, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2022-03**: A request to approve a Conditional Use Permit (CUP) to permit the operation of social hall on an existing parcel identified as 709 Fifth Street and further as Glenn County APN 040-156-004. The parcel is currently occupied by a vacant, unused building. The subject parcel is designated *C - Commercial* on the General Plan land use map and located in the *C-2 - Community Commercial* zoning district. Pursuant to Orland Municipal Code Chapter 17.40, the proposed action requires the approval of a Conditional Use Permit by the Planning Commission.

**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.”

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### **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 709 Fifth Street and further as Glenn County Assessor’s Parcel Number 040-156-004. The parcel is currently occupied by a vacant, unused building.

The project site is designated with the *C- Commercial* land use designation on the City’s General Plan land use diagram and is zoned with the *C-2, Community Commercial* zone district. The building is currently vacant with previous uses of the building space consisting of sporadic social gatherings and events, office space and social services space. The building space making up the southern half of the parcel is currently vacant. The parcel is owned by James & LeighAnn Byerly. No requests to modify development standards have been requested or are proposed.

### **Project Background:**

The proposed project would result in the approval of a use permit allowing the building to be used as a “Social Hall”. The existing parcel is approximately 0.12 acre in size, with 1,980 square feet being proposed for the Social Hall space. The requested action would permit the establishment of a new social hall, having a food or event preparation area and two bathrooms.

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. The applicant/property owner also owns the adjacent property to the north. Additionally, the applicant has worked with the owners and users of the adjacent parcel to the south (5<sup>th</sup> Street Thrift Store)

to address their initial concerns and all concerns have been addressed. The thrift store has no opposition to the proposed use at this time. No written or verbal opposition to the project has been presented nor is known.

Orland Municipal Code section 17.40.040 establishes the listing of uses that require the granting of a Conditional Use Permit by the Planning Commission prior to their establishment. OMC Section 17.40.040.37 lists “Social halls” as a conditional use requiring the issuance of a Use Permit. Orland Municipal Code Chapter 17.08 - *Definitions* provides definitions applicable to uses or potential uses in the City. OMC Chapter 17.08 does not provide a definition for a Social hall. It is staff’s determination that the proposed use of the space would meet the “normal and customary” definition of a “Social hall” as it pertains to uses in the City of Orland. As a result, staff has recommended that the applicant pursue and secure a Conditional Use Permit from the Planning Commission for the proposed project.

As noted elsewhere in this report, the proposed use is located in the C-2, *Community Commercial* zoning district and in the area of the City normally and customarily described as the “downtown” area of the City. The uses surrounding the site are all designated with the “C” – *Commercial* land use designation on the General Plan land use diagram and are zoned with the C-2, *Community Commercial* zoning designation. Additionally, all of the structures surrounding the proposed use are currently used for a commercial purpose.

The subject parcel/building is located in the Downtown Special Parking overlay district and the Downtown area. OMC Section 17.40.060 – *Design Requirements* establishes that no dedicated off-street parking or landscaping requirements are required in this portion of the City. OMC Section 17.40.135 provides that there are no (zero) minimum yard setbacks required in the C-2 zoning district.

#### **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 of 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 subject to conditions of approval, a request to approve a new Social Hall on an existing parcel of land identified as Glenn County Assessor’s parcel number 040-156-004.

Specifically, staff recommends that the following actions take place:

1. *California Environmental Quality Act (CEQA)*: Move to approve a 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 D** and Findings shown on **Attachment E**.

#### **ATTACHMENTS**

- **Attachment A – Project Location Map**
- **Attachment B – General Plan / Zoning Map**
- **Attachment C - Project Application Materials / Building Use Plan**
- **Attachment D - Conditions of Approval for CUP #2022-03**
- **Attachment E – Required CUP Findings #2022-03**
- **Attachment F – Notice of Exemption for CUP #2022-03**
- **Attachment G – Planning Commission Resolution PC 2022-\_\_**



## Location Map

CUP #2022-03 Amaris Banquet Hall

709 5<sup>th</sup> Street, Orland CA



ATTACHMENT A



## Amaris Banquet Hall / Social Hall

709 Fifth Street

APN: 040-156-004

### City of Orland General Plan Map:




Full General Plan Designation


 C - Commercial

### City of Orland Zoning Map:



Full Zoning Designation

 C-1 - Neighborhood Commercial

 C-2 - Community Commercial

ATTACHMENT B

Date Filed: 7-1-2022

CUP # 2022-03

CITY OF ORLAND  
815 FOURTH STREET  
ORLAND, CA 95963  
530.865.1600  
530.865.1632 (fax)

**APPLICATION FOR A CONDITIONAL USE PERMIT** (Failure to answer applicable questions and provide required attachments could delay the processing of your application).

1. **Applicant:**

Name: James & Leigh Ann Byerly  
Address: 705 5th Street, Orland CA 95963  
Phone: (Business): 530-865-9900 (Home): 530-865-9715  
Mobile: 530-624-5612 (Email): farwoodbar@yahoo.com

2. **Landowner:**

Name: James & Leigh Ann Byerly  
Address: 705 5th Street, Orland CA 95963  
Phone: (Business): 530 865-9900 (Home): 530-865-9715  
Mobile: 530-624-5612 (Email): farwoodbar@yahoo.com

3. **Agent (Engineer, Surveyor, etc):**

Name: Engineer: Streamline Engineering  
Address: 2571 California Park Dr. #210, Chico CA 95928  
Phone: (Business): 530-892-1109 (Home): \_\_\_\_\_  
Mobile: \_\_\_\_\_ (Email): \_\_\_\_\_



4. **Request (Please explain in detail the specific project for this Use Permit):**

see attached

5. **Address of the Site for this Use Permit:**

709 5th Street  
Orland CA 95963

6. **Current Assessor's Parcel Number:**

040-156-004-000

7. **Existing Zoning:**

C-2

8. **Existing Use of Property:**

D

It is understood that any permit issued pursuant to this application will not grant any right or privilege to use any building or land either contrary to the provisions of law or of any ordinance of the City of Orland. All provisions of law or of any ordinance governing the use of the aforesaid building or land will be complied with whether specified herein or not.

**DECLARATION UNDER PENALTY OF PERJURY**

(Must be signed by the applicant and the property owner)

I am (we are) the owner(s) and/or applicant(s) of property involved in this application, and I (we) have completed this application and all other documents required.

I am (we are) the owner(s) and/or applicant(s) of the property consenting to the preparation and submission of this application.

I (we) also shall agree to abide by the conditions of approval as issued by the Planning Commission.

I (we) declare under penalty of perjury that the foregoing is true and correct.

The property owner(s) and/or applicant(s) by signing this application, shall be deemed to have agreed to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void, or null the approval of this development entitlement or approval or certification of the environmental document which accompanies it, or to obtain damages relating to such action(s). This indemnification agreement shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the approval of the entitlement, whether or not there is concurrent passive or active negligence on the part of the City.

**Property Owner:**

Leigh Ann Byerly      James Byerly  
Printed Name  
Leigh Ann Byerly      [Signature]      9/1/22  
Signature      Date

**\*\*Please Note:** If the Property Owner is a corporation, partnership, etc., a signed Resolution from the corporation, partnership, etc., shall be submitted as part of this application to the City of Orland denoting the authority for this signature.

**Applicant:**

Leigh Ann Byerly      James Byerly  
Printed Name  
Leigh Ann Byerly      [Signature]      9/1/22  
Signature      Date

**Agent:**

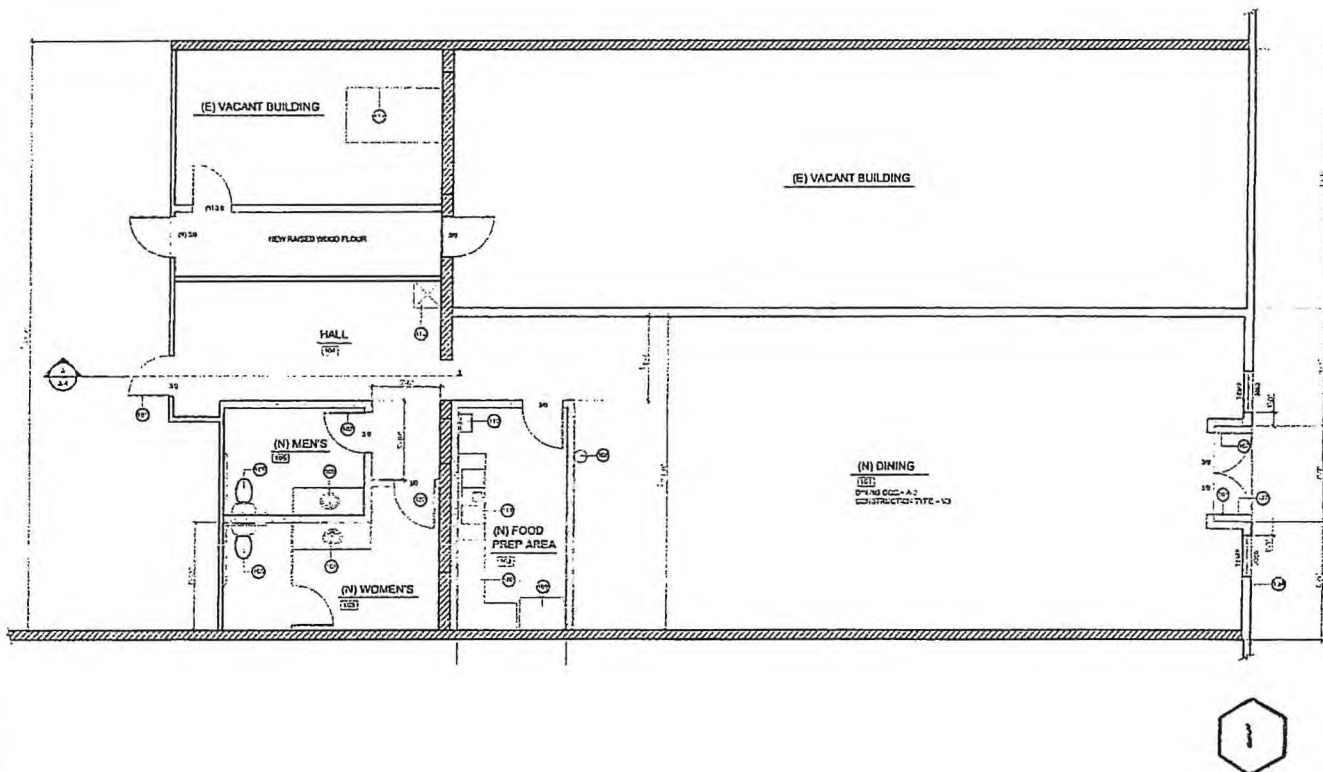
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Printed Name

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Signature

\_\_\_\_\_  
Date



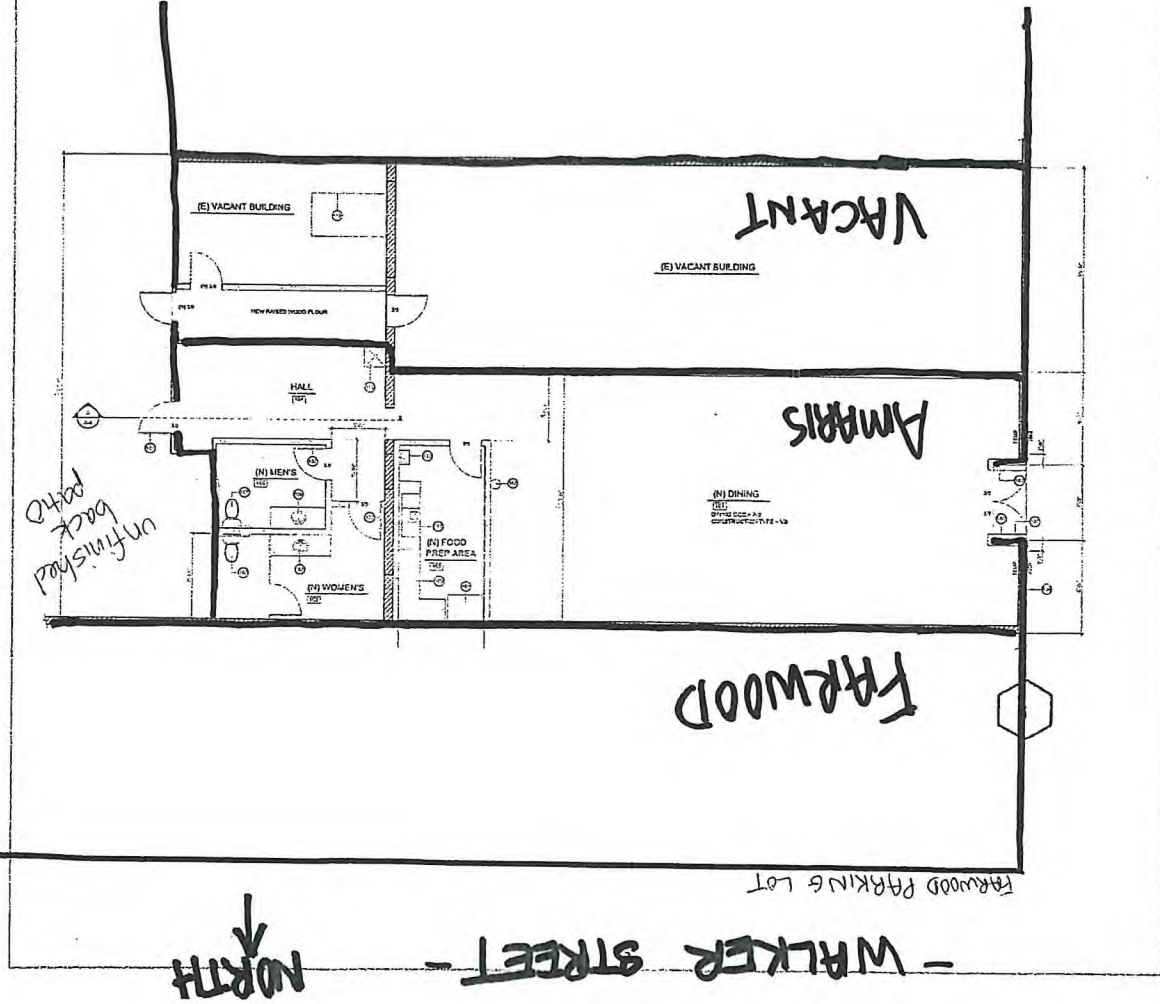
BY: JFL  
DATE: 4-15-22  
JOB NO: 4571  
PAGE 3 OF



011



- 5th Street -



Owners:  
James Leighman  
705 5th St  
Orland CA 95963  
530-865-9715

APN #  
040-156-004-000

Building Dimensions  
85' x 22.5' = 1936  
sq ft

Occupancy: 66

Parking  
street parking +  
lot across  
the street

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2022-03, Amaris Banquet Hall**

Assessor's Parcel Numbers: 040-156-004

Project location: 709 5<sup>th</sup> Street, Orland, Glenn County, CA 95963. APN: 040-156-004

Zoning: "C-2" (Community Commercial)

General Plan Land Use Designation: "Commercial"

Proposed Use: "Social Hall/Banquet Space"

**Conditional Use Permit #2022-03, James and LeighAnn Byerly (Applicant/Landowner):** A request for approval of a Conditional Use Permit for the utilization of building space as a Social Hall. The existing parcel is designated *Commercial (C)* on the General Plan land use map and located in the *C-2 (Community Commercial)* zoning district.

**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 use of +/-1,980 square feet of existing building space as a Social Hall on a parcel of land identified as Glenn County Assessor's parcel numbers 040-156-004, as requested on CUP application #2022-03, and as presented on the Building Plan. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. All signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code).
11. 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.
12. 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.
13. 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.
14. No exterior storage of any materials, equipment, or vehicles related to the project are permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.
15. The social hall area shall be in conformance with the conceptual design plan submitted with the application and included as Attachment B of the Planning Commission staff report.

**Use/Site Specific Conditions of Approval:**

**Permitting and Approvals**

16. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the interior modification of the existing structure (as required).
17. All events/social gatherings and any other uses occurring at the proposed site shall adhere to all applicable Noise Standards of the City of Orland Municipal Code.
18. All events/social gatherings and any other uses occurring at the proposed site shall adhere to all applicable Emissions Standards promulgated in the Glenn County Air Pollution Control District.
19. All events/social gatherings and any other uses occurring at the proposed site shall end no later than midnight on weeknights, and 2:00 a.m. on weekends.
20. The owner/applicant or representative in charge of special events occurring onsite shall seek approval from the City of Orland Police Department prior to the event.
21. Any patrons participating in events held at the proposed site shall adhere to all local and state regulations pertaining to smoking on the premises.
22. The sidewalk out front of the "Social Hall" shall be kept open to the public and unimpeded at all times; the "Social Hall" is for interior use only.
23. The owner/applicant shall seek approval of an alcohol license for any events in which the sale of alcohol would occur on the premises.
24. The owner/applicant shall seek an approved "Maximum Occupancy" count from the City of Orland Fire Marshal for all events occurring on the premises.

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,

\_\_\_\_\_  
James and/or LeighAnn Byerly, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
James and/or LeighAnn Byerly, Landowner

\_\_\_\_\_  
Date

**CITY OF ORLAND  
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:  
CONDITIONAL USE PERMIT #2022-03  
FOR: James & LeighAnne Byerly (Applicant/Owner);  
Assessor's Parcel Numbers: 040-156-004:  
709 Fifth 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 ("C-2", Community Commercial Zone and OMC 17.40.040, Conditional uses requiring use permits).
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 17.40.020 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 as the approval of this request would allow for specific zoning to be assigned to parcel: 040-156-004. 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 17.40.040 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 as the approval of this request would allow for specific zoning to be assigned to parcel: 040-156-004. The proposed Commercial use is compatible with the surrounding environment as the project site is located in an area of predominantly commercial 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 specific zoning to be applied to a property zoned C-2 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 the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor’s parcel number 040-156-004, as a Social Hall for events and gatherings.

**Project Location - Specific:**

709 5<sup>th</sup> Street in Orland, Glenn County, CA 95963. APN 040-156-004

**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 the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor’s parcel number 040-156-004, as a Social Hall for events and gatherings. The request includes the use of 1,980 square feet of building space including 1,000 square feet of meetings space and 980 square feet of space consisting of a prep room for catering/individual’s already-prepared food’s needs, two large bathrooms, and a mop closet. Pursuant to section 17.40.040 of the Orland Municipal Code (OMC), the Planning Commission may issue a CUP to establish specific uses requiring a permit in the C-2 (Community Commercial) zone. The primary beneficiary of the project will be the project applicant.

**Name of Public Agency Approving Project:**

City of Orland

**Name of Person or Agency Carrying Out Project:**

James & LeighAnn Byerly

**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: 040-156-004 and located south of  
Walker Street, east of Interstate 5, at 709 Fifth Street  
APPLICATION: Conditional Use Permit #2022-03**

**WHEREAS**, Mr. and Mrs. Byerly (applicant/Landowner) have requested a Conditional Use Permit (CUP) to allow for the approval of a new Social Hall pursuant to OMC Chapter 17.40.040; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on October 20, 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 October 20, 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 C-2, Community Commercial 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 #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.

**Use/Site Specific Conditions of Approval:**

**Application Specific Conditions of Approval:**

14. All events/social gatherings and any other uses occurring at the proposed site shall adhere to all applicable Noise and Emissions Standards promulgated in the City of Orland Municipal Code.
15. All events/social gatherings and any other uses occurring at the proposed site shall end no later than midnight on weeknights, and 2:00 a.m. on weekends.
16. The owner/applicant or representative in charge of special events occurring onsite shall seek approval from the City of Orland Police Department prior to the event.
17. Any patrons participating in events held at the proposed site shall adhere to all local and state regulations pertaining to smoking on the premises.

**Attachment F**

CUP #2022-03 (Amaris Banquet Hall)

Page 2 of 3

18. The owner/applicant shall approval of an alcohol license for any events in which the sale of alcohol would occur on the premises.

The foregoing Resolution was adopted by the Planning Commission on the 20<sup>th</sup> day of October 2022 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

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Wade Elliott, Chairman

ATTEST:

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





## CITY OF ORLAND

### Staff Report

TO: **City of Orland Planning Commission**

FROM: Scott Friend, AICP, Contract Planner

MEETING DATE: October 20, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland,

SUBJECT: Orland Municipal Code (OMC) Amendment:

- Title 17 Zoning to incorporate State and Federal law requirements regarding Reasonable Accommodations for persons with disabilities; to support the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (the Acts).

Meeting date: October 20, 2022

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#### **Summary:**

The City Staff have prepared an amendment to the City of Orland Municipal Code (OMC) to incorporate changes to State and Federal law regarding reasonable accommodations for persons with disabilities or medical conditions necessitating the granting of a reasonable accommodation request. The proposed revisions are included as **Attachment A – Municipal Code Revisions** in a DRAFT version. A “clean” version of the Code revisions is included as **Attachment B – Municipal Code Revisions**.

#### **Discussion/Analysis:**

##### *Reasonable Accommodations:*

City Staff is requesting that the Zoning Ordinance be amended to incorporate State and Federal statutes regarding Reasonable Accommodations for persons with disabilities seeking equal access to housing. Currently, the City of Orland does not have an easily identifiable section of the OMC that gives guidance in identifying and implementing the necessary measures to process a request a Reasonable Accommodation request.

Adoption of this amendment would allow the City Manager or his/her appointed designee (Reviewing Authority) the ability to review the relative information of each individual’s Reasonable Accommodation Request (RAR); the RAR’s relation to “The Acts” and their defined

parameters; if approval of the RAR is necessary to make specific housing available for the individual with a disability; any potential undue financial or administrative burdens imposed on the City; if approval of the RAR would require alterations to a City program/law; and any necessary timeframes that are required for conditions of approval. These amendments additionally define the specific deadlines in which the Reviewing Authority must respond to the RAR's applicant identifying the procedures considered in granting approval or denial of the application, including any potential necessities for public opinion.

Staff recommends the insertion of Chapter 17.18 – REASONABLE ACCOMMODATIONS into the OMC between Chapters 17.16 MARIJUANA CULTIVATION and 17.20 R-1 RESIDENTIAL ONE-FAMILY ZONE as there is available space that would not require any renumbering of other code sections. Additionally, locating this measure towards the beginning of Title 17 would help to inform users of its applicability to all OMC zoning districts. It is noted that an alternative location would be Chapter 17.90 as there is space that would not require renumbering of other chapters. However, this location succeeds Chapter 17.88 AMENDMENTS and precedes Chapter 17.92 APPEALS, which are more procedural actions applying to all codes in Title 17.

California Fair Employment and Housing Act (California Government Code Section 12900-12951 & 12927-12928 & 12955 - 12956.1 & 12960-12976) provides protection from discrimination, retaliation and harassment in all terms and conditions of employment based on all the following protected categories:

Race, Color, Religion, Sex/Gender (or gender identity/sexual orientation), marital status, medical condition, veteran status, national origin/ancestry, disability (mental and physical), genetic information, request for family care/health condition/pregnancy leave, retaliation for reporting patient abuse, or age

Generally, Title VIII (42 U.S.C. §§ 3601-19) of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex (including gender identity and sexual orientation), familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

The Americans with Disabilities Act of 1990 (ADA Title I and II) is one of several disability-related laws and probably the one with which many Americans are most familiar. The purpose of the law is to ensure that people with disabilities have the same rights and opportunities as everyone else. The ADA guarantees this for people with disabilities in all aspects of everyday life – from employment opportunities, to being able to purchase goods and services, to participating in state and local governments' programs and services. Additionally, the Rehabilitation Act of 1973 (Rehabilitation Act Sections 501, 501, 504, and 508) is another law that prohibits disability discrimination.

### **Current Municipal Code Regulations:**

Presently, regulations pertaining to reasonable accommodations for persons with disabilities are not easily discernible within the Orland Municipal Code (OMC) *Title 17 – Zoning*; or any other portion of the OMC.

### **Proposed Code Amendments:**

- a) Added separate code sections outlining the purpose and applicability of this municipal code;
- b) A description of the public authority responsible for the review of Reasonable Accommodation applications;
- c) Outlining the process of submitting an application requesting Reasonable Accommodations and the necessary information to include in said application;
- d) A description of factors to be considered by the City Manager, or his/her designee, to support the decision to approve or deny a Reasonable Accommodations request;
- e) The addition of any conditions of approval that the Reviewing Authority may impose to ensure the Reasonable Accommodation complies with the findings presented during the application review process;
- f) Added text regarding the process and descriptions to appeal, extend, or revise Reasonable Accommodations and expiration of said Accommodations.

### **Summary:**

City Staff is requesting revisions to the City Municipal Code to provide an easier option for users of the OMC to identify the details associated with requests for Reasonable Accommodations. Staff is proposing revisions to the Code to include the changes as requested.

### **Environmental Analysis and Determination:**

Staff recommends that the Planning Commission determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) 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, and therefore the proposed revision 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**.

### **Staff Recommendation:**

Staff requests that the Planning Commission consider the proposed revisions to the Municipal Code and recommend changes, if necessary. If no changes are considered necessary, staff recommends that the Planning Commission recommend for approval to the City Council, the

Amendment(s) to the Orland Municipal Code, as contained herein, through adoption of Planning Commission Resolution #2022-\_\_ (**Attachment D**). Staff also recommends that the Planning Commission recommend for approval to the City Council, adoption of the Notice of Exemption (**Attachment C**) prepared for the proposed action.

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 Municipal Code Amendment, staff presents the following motions for consideration:

- 1. I move that the Planning Commission adopt Planning Commission Resolution #2022-\_\_ recommending for approval to the City Council, the Municipal Code Amendment as presented herein and approval of the Categorical Exemption as presented.*

**Attachments:**

**Attachment A** – Municipal Code Amendment - DRAFT version

**Attachment B** – Municipal Code Amendment – clean version

**Attachment C** – Notice of Exemption

**Attachment D** – Planning Commission Resolution PC 2022-\_\_



[Staff recommends the insertion of the Reasonable Accommodations code into Title 17, as Chapter 17.18. The proposed amendment applies to all zoning districts of the City].

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## **17.18 - REASONABLE ACCOMMODATION**

### **17.18.010 - Purpose**

This Chapter establishes the procedures to request a Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

### **17.18.020 - Applicability**

- A. A request for a Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

### **17.18.030 - Review Authority**

The City Manager, or his/her designee, shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

### **17.18.040 - Application**

An application for a Reasonable Accommodation shall be prepared, filed, and processed

in with the City of Orland. No noticing or public hearing is required for a Reasonable Accommodation request. In addition to any other information required under the City of Orland Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

- A. Description of the accommodation request;
- B. The applicant's name, address, and telephone number;
- C. Location of the subject property, including address and assessor's parcel numbers;
- D. Name and address of the property owner and the owner's written consent to the application;
- E. The current actual use of the subject property;
- F. Verifiable documentation of the individual's disability status;
- G. The regulation(s), policy, or procedure for which accommodation is sought;
- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
- I. The anticipated timeframe in which the Reasonable Accommodation is valid and evidence to support the projected timeframe (i.e. would the Reasonable Accommodation have short- or long-term impacts to a land use or other concerned parties, including but not limited to the City of Orland and residents thereof); and
- J. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

#### **17.18.050 - Procedures**

The City Manager, or his/her designee, shall make a written determination within 7 days of the application submittal date on whether to determine completeness of the Reasonable Accommodations Request application, and to identify the specific approval process including any conditions of approval required of the applicant. Following the determination above, the City Manager, or his/her designee, shall make a written determination within 10 days of the final decision to either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section 17.18.040, unless the City in its Required Findings determines that further public opinion on the matter is required, in which the City shall make a written determination within 10 days of any required public hearing on the matter.

#### **17.18.060 - Required Findings**

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

#### **17.18.070 - Conditions of Approval**

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

#### **17.18.080 - Appeals, Expiration, Extensions, and Revisions**

- A. **Appeals** - Reasonable Accommodation decisions may be appealed as provided for in Section 17.18.060.
- B. **Expiration, Extensions, and Revisions** - Reasonable Accommodations may only be expired, extended or revised as provided for in Section 17.18.070. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

[Staff recommends the insertion of the Reasonable Accommodations code into Title 17, as Chapter 17.18. The proposed amendment applies to all zoning districts of the City].

---

## **17.18 - REASONABLE ACCOMMODATION**

### **17.18.010 - Purpose**

This Chapter establishes the procedures to request a Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

### **17.18.020 - Applicability**

- A. A request for a Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

### **17.18.030 - Review Authority**

The City Manager, or his/her designee, shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

### **17.18.040 - Application**

An application for a Reasonable Accommodation shall be prepared, filed, and processed



in with the City of Orland. No noticing or public hearing is required for a Reasonable Accommodation request. In addition to any other information required under the City of Orland Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

- A. Description of the accommodation request;
- B. The applicant's name, address, and telephone number;
- C. Location of the subject property, including address and assessor's parcel numbers;
- D. Name and address of the property owner and the owner's written consent to the application;
- E. The current actual use of the subject property;
- F. Verifiable documentation of the individual's disability status;
- G. The regulation(s), policy, or procedure for which accommodation is sought;
- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
- I. The anticipated timeframe in which the Reasonable Accommodation is valid and evidence to support the projected timeframe (i.e. would the Reasonable Accommodation have short- or long-term impacts to a land use or other concerned parties, including but not limited to the City of Orland and residents thereof); and
- J. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

#### **17.18.050 - Procedures**

The City Manager, or his/her designee, shall make a written determination within 7 days of the application submittal date on whether to determine completeness of the Reasonable Accommodations Request application, and to identify the specific approval process including any conditions of approval required of the applicant. Following the determination above, the City Manager, or his/her designee, shall make a written determination within 10 days of the final decision to either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section 17.18.040, unless the City in its Required Findings determines that further public opinion on the matter is required, in which the City shall make a written determination within 10 days of any required public hearing on the matter.

#### **17.18.060 - Required Findings**

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

#### **17.18.070 - Conditions of Approval**

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

#### **17.18.080 - Appeals, Expiration, Extensions, and Revisions**

- A. **Appeals** - Reasonable Accommodation decisions may be appealed as provided for in Section 17.18.060.
- B. **Expiration, Extensions, and Revisions** - Reasonable Accommodations may only be expired, extended or revised as provided for in Section 17.18.070. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

**Notice of Exemption****Attachment C**

**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:** Amendment to Municipal Code to include regulations and procedures regarding Reasonable Accommodation requests for persons with disabilities.

**Project Location - Specific:**

City of Orland – Citywide.

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

**Description of Nature, Purpose, and Beneficiaries of Project:** Amendment to Municipal Code to include State and Federal law requirements regarding Reasonable Accommodation requests for persons with disabilities; to support the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (The Acts).

**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 Planner

■ Signed by Lead Agency

**Date received for filing at OPR:** \_\_\_\_\_

**CITY OF ORLAND  
PLANNING COMMISSION RESOLUTION NO. 2022-\_\_**

**RECOMMENDATION OF APPROVAL FOR  
CITY OF ORLAND MUNICIPAL CODE AMENDMENT AMENDING TITLE 17- ZONING BY  
ADDING SECTION 17.18 – REASONABLE ACCOMMODATIONS, REVISING TITLE 17 –  
ZONING TO INCLUDE STATE AND FEDERAL LAW REQUIREMENTS REGARDING  
REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES; TO SUPPORT  
THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, THE FEDERAL FAIR  
HOUSING ACT, AND THE AMERICANS WITH DISABILITIES ACT**

**WHEREAS,** On October 20<sup>th</sup>, 2022, the Planning Commission conducted a public hearing and considered an amendment to Title 17 - *Zoning* of the Orland Municipal Code making changes to the City Code to incorporate changes made to State and Federal laws regarding Accommodations for persons with disabilities and consolidating reasonable accommodation request information into a single, more convenient location in the Code; and

**WHEREAS,** Consideration of amendments to zoning regulations is in response to recent updates made to the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act; and

**WHEREAS,** The Planning Commission recommended amendments to the zoning code be made to clarify reasonable accommodation standards for Orland citizens; and

**WHEREAS,** The Planning Commission determined that the proposed Municipal Code Amendment is exempt from CEQA under Section 15061(b)(3), known as the "General Rule" as the Commission finds that 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; and

**NOW, THEREFORE, BE IT RESOLVED,** That the Planning Commission of the City of Orland does hereby recommend to the City Council of the City of Orland, approval of the Orland Municipal Code Amendments and the accompanying CEQA Exemption.

The foregoing Resolution was adopted by the Planning Commission on the 20<sup>th</sup> day of October, 2022 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: APPROVED AS TO FORM

\_\_\_\_\_  
Jennifer T Schmitke, City Clerk

\_\_\_\_\_  
Gregory Einhorn, City Attorney

PC Resolution No. 2022-\_\_

**Attachment D**  
Page 1 of 1





## CITY OF ORLAND Staff Report

TO: City of Orland Planning Commission

FROM: Scott Friend, AICP – City Planner

MEETING DATE: October 20, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2022-05**: A request to approve a Conditional Use Permit (CUP) to permit the erection of a “Pole Sign” on an existing parcel identified as 4473 Commerce Lane and further as Glenn County APN 045-170-043. The parcel is currently in the process of being developed as a Maverik-branded Fueling Center. The subject parcel is designated *Commercial (C)* on the General Plan land use map and is in the *C-H (Highway Service Commercial)* zoning district.

Pursuant to Orland Municipal Code (OMC) Chapter 17.78.250(A), the proposed action requires the approval of a Conditional Use Permit (CUP) by the Planning Commission due to the request involving an increase in the permitted sign advertising square footage and total sign pole height. Pursuant to OMC 17.78.450(C)(a), a CUP may be granted to exceed the allowable advertising surface for pole signs and to exceed the maximum permitted pole sign height, if the sign is located within a freeway interchange property.

**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#2022-05) on an existing parcel of land identified as 4473 Commerce Lane and further as Glenn County APN 045-170-043. The parcel is currently in the process of being developed as a Maverik-branded fueling facility.

The subject parcel is designated *Commercial (C)* on the General Plan land use map and located in the *C-H (Highway Service Commercial)* zoning district. The property is currently vacant and undeveloped. The parcel is owned by Maverik Inc. The proposed action is only applicable to the Pole Sign request and does not affect or otherwise alter any prior approvals or actions on the site.

### **Project Background:**

The proposed action would result in the approval of a new Pole Sign on the site. The existing parcel is approximately 5.56 acres in size. Staff is currently working with the property owner (Maverik Inc.) to construct a previously approved fueling center project and various off-site improvements. The proposed action is only applicable to a proposed advertising Pole Sign.

The proposed project would permit the installation of a Pole Sign onsite to be seen by passenger vehicles traveling on Interstate 5. The proposed sign would exceed advertisement space and pole height standards found in the Orland Municipal Code section 17.78.250(B). OMC provides a maximum advertisement space of 100 square feet and maximum Pole Sign height of 70 feet.

The proposed Pole Sign, as indicated on ***Attachment B, Site Plan and Pole Sign Specifications***, would have approximately 863 square feet of total advertisement space composed of three individual signs, and would be 100 feet in height. Also displayed on ***Attachment B*** are photo rendering pictures indicating the approximate size of the sign, as seen from 2,100 feet to the north, and 1,950 feet to the south, along Interstate 5.

The OMC Design and Construction requirements for a Pole Sign (17.78.250.B) include:

1. A maximum height of (70) feet above finished grade and a maximum total sign shall be 100 square feet for a single (one use) pole sign and 250 square feet for a multi-use sign;
2. Pole signs shall only be allowed within (600) feet of Interstate-5 in the C-2, C-H, or PD Zoning Districts;
3. Pole signs shall be spaced a minimum of (330) feet from an existing pole when possible. Where it is not possible to achieve a (330) foot separation, the new pole sign shall be located as far from an existing pole sign(s) as practicable on the parcel and to the extent practicable shall not otherwise obstruct or block an existing sign;
4. No pole sign shall project over any public right-of-way or sidewalk. Pole signs erected over a private vehicular drive shall be erected so as to provide not less than (15) feet vertical clearance;
5. All such signs shall be required to provide an architectural enhanced treatment for the sign base, pole and supports compatible with the individual business or the complex/center. Pole covers and sign base shall be a minimum of (25) percent of the full sign width;
6. Engineering plans shall be required in accordance with Section 17.78.050 for all pole signs;
7. The grounds surrounding the pole base shall be clear of all brush, vegetation, weeds and debris within a (15) foot perimeter at all times;
8. Pursuant to the provisions of Section 17.78.450, exceptions, a conditional use permit may be granted by the planning commission to exceed the allowable advertising surface for pole signs, to construct a pole sign within (33) feet of an existing pole sign or to exceed the maximum permitted pole sign height.

Pursuant to OMC Section 17.78.450(C)(a) *Height and Size Exceptions – Conditions for Granting*, the Planning Commission, through a CUP, may grant exceptions to the height and advertising space for any sign located within a freeway interchange property designated by resolution of the City Council and is a vehicle fueling station (among others). Although the proposed Pole Sign is

over 600 feet from I-5 (17.78.250.B.3] above), the subject property is within a freeway interchange property in the Westside Freeway Special Plan Area. *Note: the proposed sign would be approximately 850' from the mainline traffic lanes of Interstate 5 (southbound) but is within 400' of the Freeway off-ramp starting location (southbound).*

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. 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 #2022-05 subject to conditions of approval, a request to approve a new Pole Sign on an existing parcel of land identified as Glenn County Assessor's parcel number 045-170-043.

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 2022-05) 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 #2022-05 subject to the Conditions of Approval provided as **Attachment C** and Findings shown on **Attachment D**.

**ATTACHMENTS**

- **Attachment A – Project Location Map**
- **Attachment B - Project Site Plan and Sign Specifications**
- **Attachment C - Conditions of Approval for CUP #2022-05**
- **Attachment D – Required CUP Findings #2022-05**
- **Attachment E – Notice of Exemption for CUP #2022-05**
- **Attachment F – Planning Commission Resolution PC 2022-\_\_**





**Figure 2. Project Location**  
Maverik Fueling Center Pole Sign Project





## Sign Package for Maverik - Orland, CA

Presented By



Salt Lake Region

Salt Lake Office  
1605 South Gramercy Road  
Salt Lake City, UT 84104  
801-487-8481

### Version:

DSGN\_44636\_Maverik - Orland, CA\_R0\_2022.01.05  
DSGN\_44636\_Maverik - Orland, CA\_R1\_2022.04.18  
DSGN\_44636\_Maverik - Orland, CA\_R2\_2022.07.27

### GENERAL NOTES:

All work shall comply with  
2019 California Building Code  
2019 California Electrical Code  
2019 California Energy Code, Title 24  
2019 California Existing Building Code  
2019 California Fire Code  
2019 California Green Building Standards Code  
2019 California Mechanical Code  
2019 California Referenced Standards Code

NOTE: CUSTOMER TO PROVIDE  
TITLE 24 COMPLIANT SIGN  
LIGHTING CONTROLS  
(AUTOMATIC TIME SWITCH &  
PHOTO CELL)

CUSTOMER TO PROVIDE PRIMARY  
POWER TO SIGN LOCATION

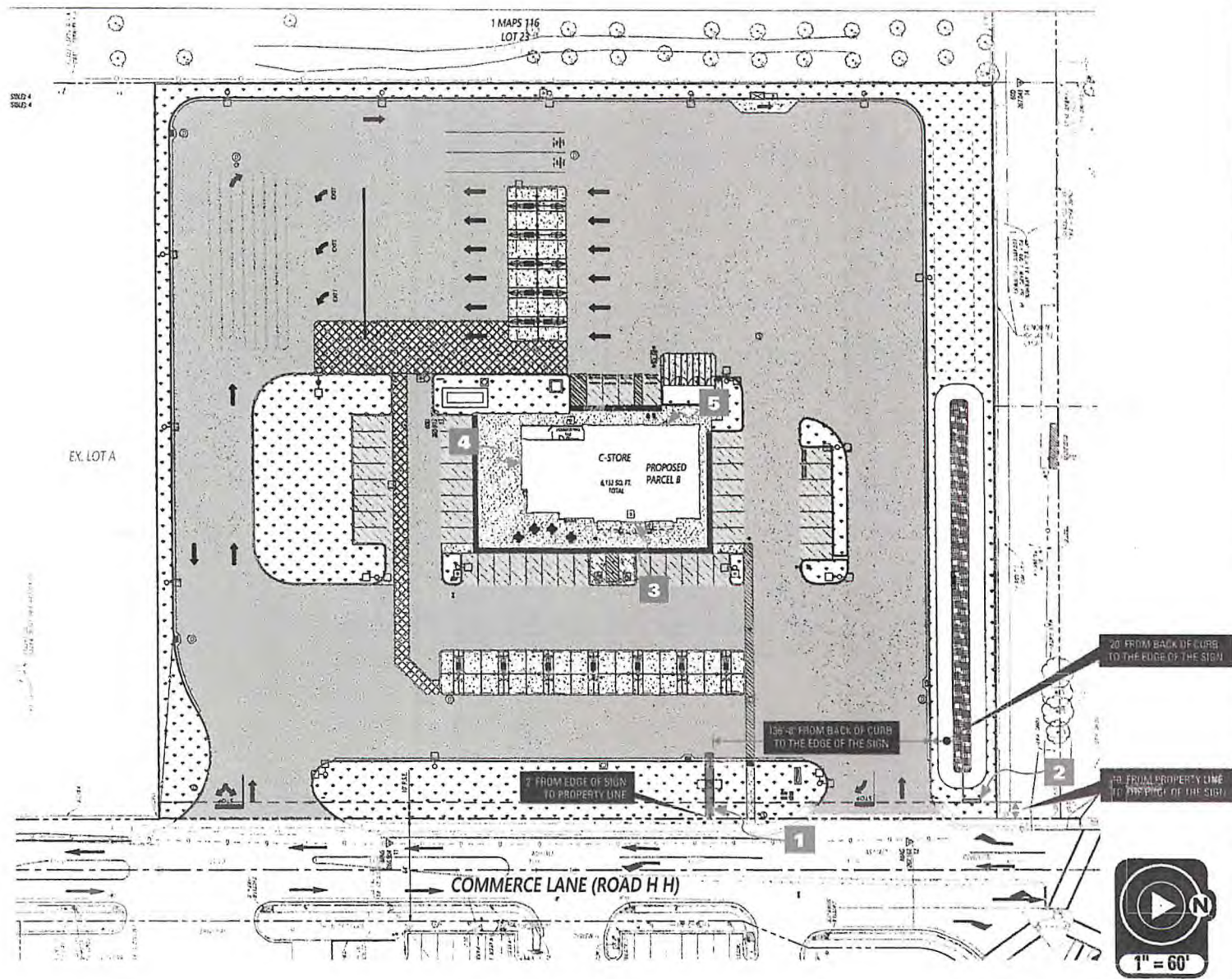


This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

### PAGE INDEX

PG. 0.00 - COVER PAGE
PG. 0.1 - SITE PLAN
PG. 0.2 - SATELLITE VIEW - OPTIMAL SIGN READING DISTANCES
PG. 1.0 - HIGH-RISE POLE SIGN #1
PG. 1.1 - HIGH-RISE POLE SIGN #1 - CONCEPTUAL VIEW (N TO S)
PG. 1.2 - HIGH-RISE POLE SIGN #1 - CONCEPTUAL VIEW (S TO N)
PG. 2.0 - MID-RISE POLE SIGN #2
PG. 3.0 - BUILDING SIGN #3 (EAST / FRONT ELEVATION)
PG. 4.0 - BUILDING SIGN #4 (SOUTH / SIDE ELEVATION)
PG. 5.0 - BUILDING SIGN #5 (WEST/ REAR ELEVATION)
PG. 6.0 - FUEL CANOPY ELEVATIONS #6 A-E (SPECS)
PG. 7.0 - INTERIOR STORE SIGN #7





## DESIGN

1605 South Gramercy Rd.  
Salt Lake City, UT 84104  
801.487.8481


[www.yesco.com](http://www.yesco.com)

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## Revisions

No.	Date / Description
WAL-001	25.06.2002
A1	24.10.2002
A2	07.27.2002 Update FIBBI
A3	
A4	
A5	
A6	
A7	
A8	
A9	
A10	
A11	
A12	
A13	
A14	
A15	

### Approvals

-----  
YESCO A/E Signature / Date

-----  
Client Signature / Date

-----  
Landlord Signature / Date

**Maverik**

I-5 & Newville Rd  
Orland, CA

**Acct. Exec:** Matt Wren

**Designer:** Justin Raymond

Date: 04.18.2022

### Site Plan

44636

JO #

scale: as noted  
**ART**

R2

0.1





# YESCO. DESIGN


1605 South Gramercy Rd.  
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## Revisions

No.	Date / Description
1	04/18/2022
2	04/18/2022 New Page (10/1)
3	
4	
5	
6	
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12	
13	
14	

## Approvals

YESCO A/E Signature / Date

Client Signature / Date

Landlord Signature / Date

**Maverik**

I-5 & Newville Rd  
Orland, CA

Acct. Exec: Matt Wren

Designer: Justin Raymond

Date: 04.18.2022

Site Plan

**44636**

**R2**

JO #

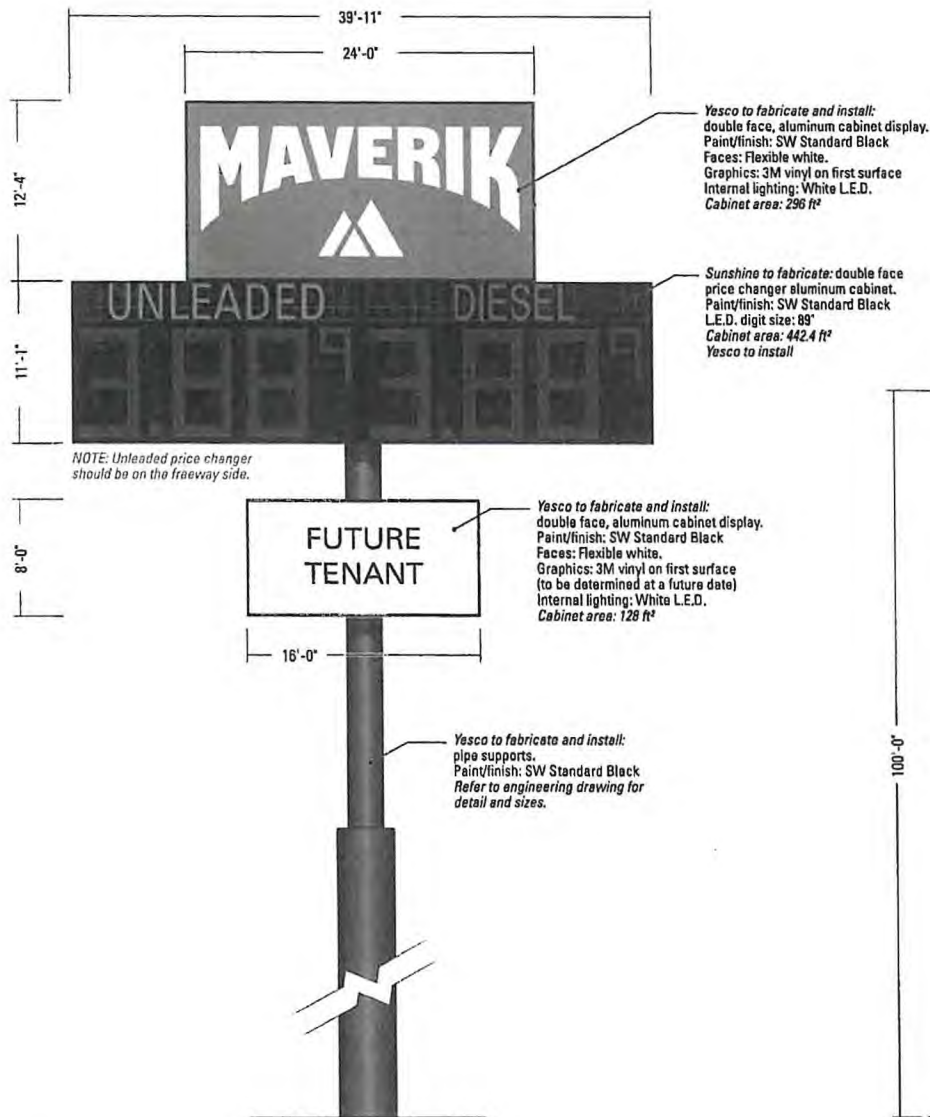
scale: as noted  
**ART**

**0.2**





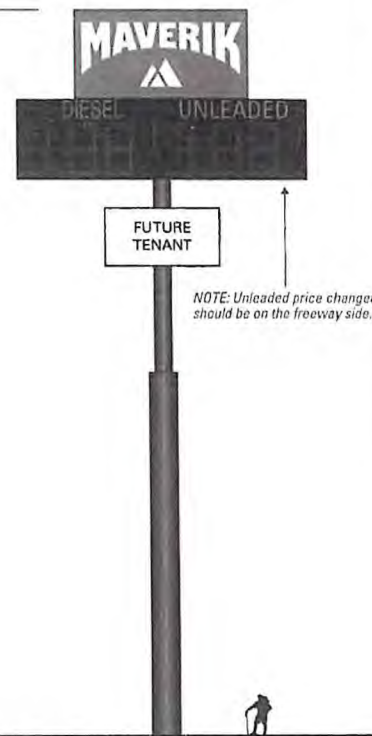
1.1 SIDE VIEW



1.0 HIGH RISE POLE SIGN  
SCALE 1/8" = 1'-0"

QTY 1

SCOPE OF WORK	
MANUFACTURE & INSTALL ONE (1) HIGH RISE POLE SIGN w/ D/F CABINET.	
PERMITTING	
AREA ID CABINET	296 ft <sup>2</sup>
PRICE CHANGER	442.4 ft <sup>2</sup>
TENANT CABINET	128 ft <sup>2</sup>
<b>TOTAL</b>	<b>866.4 ft<sup>2</sup></b>
ELECTRICAL	
POWER TO DISPLAY LOCATION BY OTHERS	
HOOKUP AT DISPLAY BY YESCO	
COLOR KEY	
Paint	SW Standard Black
Vinyl	3M 3530-33 Red
NOTE: UNLESS OTHERWISE NOTED, THE COLORS SPECIFIED ON THIS DRAWING MAY NOT MATCH ACTUAL COLORS ON FINISHED DISPLAY. PLEASE REFER TO COLOR-CALLOUTS AND THEIR APPROPRIATE VENDOR SPECIFIED SAMPLES FOR APPROVED COLOR DESIGNATIONS.	



1.2 FULL VIEW - SHOWING OPPOSITE FACE  
SCALE 1/16" = 1'-0"

## YESCO. DESIGN

1605 South Gramercy Rd.  
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### Revisions

No.	Date / Description
1	04/18/2022
2	07/17/2022 New Design (001)
3	
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17	
18	
19	
20	

### Approvals

YESCO A/E Signature / Date

Client Signature / Date

Landlord Signature / Date

### Maverik

I-5 & Newville Rd  
Orland, CA

Acct. Exec: Matt Wren

Designer: Justin Raymond

Date: 04.18.2022

Freestanding Sign  
High-Rise Pole Sign

44636

R2

JO #

scale: as noted

ART

1.0



LOOKING SOUTH



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This sign will be installed in accordance with the requirements of Article 800 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

#### Revisions

No.	Date / Description
01	04.18.2022
02	07.27.2022 Conceptual Sign Update (R1)
03	
04	
05	
06	
07	
08	
09	
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13	
14	
15	

#### Approvals

YESCO A/E Signature / Date

Client Signature / Date

Leadlord Signature / Date

#### Maverik

I-5 & Newville Rd  
Orland, CA

Acct. Exec: Matt Wran

Designer: Justin Raymond

Date: 04.18.2022

Freestanding Sign  
High-Rise Pole Sign

44636

R2

JO #

scale: as noted  
ART

1.1







**YESCO.**  
DESIGN

1605 South Gramercy Rd.  
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This sign will be installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign.

**Revisions**

No.	Date / Description
1	04.18.2022
2	07.27.2022 (overhead view update)
3	
4	
5	
6	
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12	

**Approvals**

YESCO A/E Signature / Date

Client Signature / Date

Lendlord Signature / Date

**Maverik**

I-5 & Newville Rd  
Orland, CA

Acct. Exec: Matt Wren

Designer: Justin Raymond

Date: 04.18.2022

Freestanding Sign  
High-Rise Pole Sign

**44636**

**R2**

JO #

scale: as noted  
**ART**

**1.2**



**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2022-05, Maverik, Inc. Fueling Center Pole Sign**

Assessor's Parcel Numbers: 045-170-043

Project location: 4463 Commerce Lane, Orland, Glenn County, CA 95963

Zoning: "C-H" (Highway Service Commercial);

General Plan Land Use Designation: "Commercial".

**Conditional Use Permit #2022-05, Maverik LLC (Landowners)/(Applicant):** A request for approval of a Conditional Use Permit to allow for the installation a new Pole Sign located south of the Newville Road/Commerce Lane intersection, and east of Interstate 5 in the C-H, Planned Development zoning district. Pursuant to OMC Sections 17.78.250(A), 17.78.250(B)(9), and 17.78.410(A)(13) the Planning Commission may issue a Conditional Use Permit, as defined in the Orland Municipal Code Chapter 17.80, for all pole signs that are to be located on land with no development; that exceed the allowable advertising surface for pole signs (100 sq ft) as defined in section 17.78.250(B)(1); and which exceed the maximum permitted pole sign height (70 ft) as defined in section 17.78.410(A)(3), respectively.

**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** for the preparation 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 sign 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 one parcel of land identified as Glenn County Assessor's parcel number 045-170-043, as requested on CUP application #2022-05. 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:**

14. The applicant shall adhere to OMC sections 17.78.250(B)(6) and provide plans for the required enhanced architectural features at the base of the pole, with pole and supports compatible with the Maverik Fuel Center.
15. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the Pole Sign, in accordance with OMC Section 17.78.250(B)(7).
16. The applicant shall adhere to OMC Section 17.78.250(B)(8) by maintaining area surrounding the base of the pole sign, ensuring the ground is clear of all brush, vegetation, weeds, and debris within a (15) foot perimeter at all times.
17. Any lighting installed on or around the proposed Pole Sign must adhere to all City of Orland Municipal Code regulations pertaining to light trespass/pollution.
18. The proposed sign shall not be erected prior to development of the site and opening of the Maverik Fueling Station facility.



**CITY OF ORLAND**  
**PLANNING COMMISSION FINDINGS OF APPROVAL FOR:**  
**CONDITIONAL USE PERMIT #2022-05**  
**FOR: Michael Ford/Maverik Inc. (Applicant/Owner);**  
Assessor's Parcel Number: 045-170-043:  
4473 Commerce Lane, 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 ("C-H", Highway Service Commercial Zone and OMC 17.78.250(A), Conditional uses requiring use permits).
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 17.78.250(A), 17.78.250(B)(9), and 17.78.410(A)(13) 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 as the approval of this request would allow for specific zoning to be assigned to parcel: 045-170-043. 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 17.78.250(A), 17.78.250(B)(9), and 17.78.410(A)(13) 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 as the approval of this request would allow for specific zoning to be assigned to parcel: 045-170-043. The proposed Commercial use is compatible with the surrounding environment as the project site is located in an area of predominantly commercial 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 specific zoning to be applied to a property zoned C-H 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#2022-05 – A request to approve the Conditional Use of a land parcel space, located on the parcel of land identified as Glenn County Assessor’s parcel number 045-170-043, as a Pole Sign for the Maverik Fueling Center.

**Project Location - Specific:**

4463 Commerce Lane in Orland, Glenn County, CA 95963. APN 045-170-043

**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 the Conditional Use of land space, located on the parcel of land identified as Glenn County Assessor’s parcel number 045-170-043, as a Pole Sign for the Maverik Fueling Center. The request includes the installation of an advertisement “Pole Sign” onsite to be seen by passenger vehicles and the travelling public traversing Interstate 5, located approximately 940 feet east of the proposed Pole Sign location. The sign would exceed the allowable advertisement space (100 sq ft) and pole height (70 ft), as specified in the Orland Municipal Code. Pursuant to sections 17.80.010 of the Orland Municipal Code (OMC), the Planning Commission may issue a CUP to establish specific uses requiring a permit in the City of Orland. The primary beneficiary of the project will be the project applicant.

**Name of Public Agency Approving Project:**

City of Orland

**Name of Person or Agency Carrying Out Project:**

Michael Ford

**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 #2022-05**

**Location: An existing parcel identified as APN: 045-170-043 and located south of Newville Road, west of Interstate 5, at 4463 Commerce Lane  
APPLICATION: Conditional Use Permit #2022-05**

**WHEREAS**, Mr. Ford, on behalf of Maverik Inc., (applicant/Land-owner) have requested a Conditional Use Permit (CUP) to allow for the approval of a new Pole Sign pursuant to OMC Chapter 17.78.250; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on October 20, 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 October 20, 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 C-H, Highway Service Commercial 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 #2022-05, 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.

**Attachment F**  
CUP#2022-03 (1001 South Street)  
Page 1 of 3

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 a parcel of land identified as Glenn County Assessor's parcel number 045-170-043, as requested on CUP application #2022-05. 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:**

14. The applicant shall adhere to OMC sections 17.78.250(B)(6) and provide plans for the required enhanced architectural features at the base of the pole, with pole and supports compatible with the Maverik Fuel Center.
15. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the Pole Sign, in accordance with OMC Section 17.78.250(B)(7).
16. The applicant shall adhere to OMC Section 17.78.250(B)(8) by maintaining area surrounding the base of the pole sign, ensuring the ground is clear of all brush, vegetation, weeds, and debris within a (15) foot perimeter at all times.
17. Any lighting installed on or around the proposed Pole Sign must adhere to all City of Orland Municipal Code regulations pertaining to light trespass/pollution
18. The proposed sign shall not be erected prior to development of the site and opening of the Maverik Fueling Station facility.

The foregoing Resolution was adopted by the Planning Commission on the 20<sup>th</sup> day of October 2022 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

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Wade Elliott, Chairman

ATTEST:

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





## CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**

FROM: Scott Friend, AICP – City Planner

MEETING DATE: October 20th, 2022, 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2022-06**: A request to approve a Conditional Use Permit (CUP) to permit the operation of a small-animal Spay and Neuter Clinic / Kennel / Grooming facility on an existing parcel identified as 33 East Walker Street and further as Glenn County APN 041-072-002. The parcel is currently developed with an unused commercial building. The subject parcel is designated *Commercial (C)* on the General Plan land use map and located in the *C-2 (Community Commercial)* zoning district. Pursuant to Orland Municipal Code Chapter 17.40, 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.”

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### **Summary:**

The City of Orland has received a request for a Conditional Use Permit (CUP#2022-06) on an existing parcel of land identified as 33 East Walker Street and further as Glenn County APN 041-072-002. Historically the parcel was used as a church, however the parcel and existing building are vacant and unused. The project site is designated with the *C- Commercial* land use designation on the City’s General Plan land use diagram and is zoned with the *C-2, Community Commercial* zoning district. The parcel is owned by Manuel and Ricky Quezada. No requests to modify development standards have been requested or are being proposed.

### **Project Background:**

The proposed project is seeking the approval of a Conditional Use Permit that would result in the approval of a new small animal Spay and Neuter Clinic / Kennel / Grooming facility on the site. The existing parcel is approximately 0.55 acre in size. As proposed, the existing building (+/- 3,600 square feet) would be used for the Spay and Neuter Clinic / Kennel / Grooming facility, while the remaining parcel acreage consisting of a 22-space paved parking lot and approximately 4,500 square feet of outdoor/lawn space.

The proposed project would permit the establishment of a new Spay and Neuter Clinic / Kennel / Grooming facility, and area to sell organic baked animal treats and handcrafted pet beds. The

facility is expected to generate noise from animals (i.e. dogs barking and cats meowing), however the applicant ensures that these will be kept to a minimum. The applicant has indicated to staff that all noise (sound) and emissions from the facility would meet both Glenn County and City of Orland standards and a condition of approval has been included in this regard. The applicant plans to have a grooming facility on the premises for mostly dogs, with a planned closing time of 5:00 p.m. to reduce the quantity of dogs onsite that could otherwise generate noise after closing hours. No specific information has been provided to staff indicating whether or not overnight animal boarding would be included in the services at the site.

In order to address anticipated concerns of the adjacent residential and commercial properties, specific conditions of approval have been included addressing noise, trash service, lighting and hours of operation (refer to **Attachment C**). These include complying with State and Federal laws pertaining to the care and handling of animals, preparation and/or sale of any animal food products, facility hygiene, including inspections by Glenn County Animal Control, animal waste handling and the keeping of animals indoors (except during exercising periods) to reduce potential nuisance annoyances pursuant to OMC sections 6.04.150 and 6.04.160.

The proposed use has been reviewed by all City reviewing parties including the City of Orland Fire Chief, Public Works Director, City Engineer, Police Chief, and the Glenn County Public Health Department. All concerns and issues expressed by the reviewing parties have been addressed to their satisfaction. Public hearing notices have been mailed to all properties within 300' of the proposed use. As of the time of the preparation of this report, no comments have been offered to the City on this matter. No written or verbal opposition to the project has been presented nor is known.

Note: staff has identified information suggesting that as of October 11, 2022, the Hidden Treasures Sanctuary and Rescue clinic is operating at the site. It is noted that the City has not issued any permits, approvals, or a business license for the use. Please see the link below to public advertisement of facility being open):

Facebook <https://www.facebook.com/ourmissionisrescue>

### **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, acting 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 #20202-06 subject to the attached Conditions of Approval, thereby permitting the request for a new Spay and Neuter Clinic / Kennel / Grooming facility on an existing parcel of land identified as Glenn County Assessor’s parcel number 041-072-002.

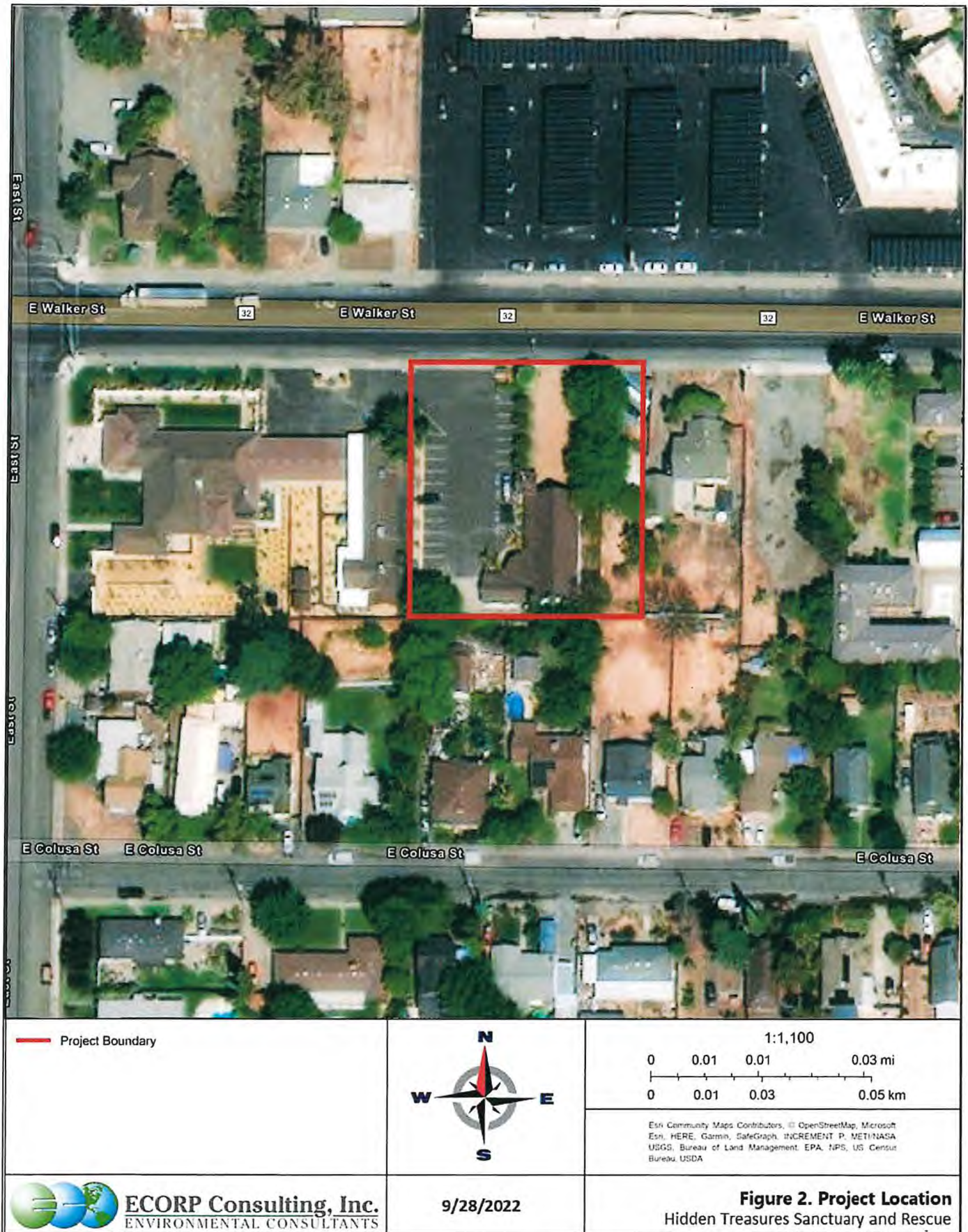
Specifically, staff recommends that the following actions take place:

1. *California Environmental Quality Act (CEQA)*: Staff is recommending that the Planning Commission approve the project (CUP 2022-06) 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 #2022-06 subject to the Conditions of Approval provided as **Attachment D** and Findings shown on **Attachment E**.

#### **ATTACHMENTS**

- **Attachment A – Project Location Map**
- **Attachment B – General Plan / Zoning Map**
- **Attachment C - Project Site Plan**
- **Attachment D - Conditions of Approval for CUP #2022-06**
- **Attachment E – Required CUP Findings #2022-06**
- **Attachment F – Notice of Exemption for CUP #2022-06**
- **Attachment G – Planning Commission Resolution PC 2022-\_\_**







**Project Site Zoning:**



**Project Site General Plan Designation:**



CITY OF ORLAND  
PLANNING DEPARTMENT  
815 FOURTH STREET  
ORLAND, CA 95963  
530.865.1608 (PHONE) 530.865.1632 (FAX)

**APPLICATION FOR A CONDITIONAL USE PERMIT**

Please submit the following items. A complete Application will ensure its prompt processing. If you have any questions, please contact the City of Orland Planning Department at 530.865.1608 or by email to nsailsbery@cityoforland.com.

1. **APPLICANT(S):**

NAME: Valerie Johnson Hidden Treasures Sanctuary  
ADDRESS: 33 E Walker St Orland, Ca + Rescue  
PHONE:(Business): 530-828-2063  
(Home): \_\_\_\_\_  
(Mobile): \_\_\_\_\_  
EMAIL ADDRESS: hiddentreasuresanctuary@gmail.com

2. **PROPERTY OWNER(S):**

NAME: Manuel Quezada Ricky<sup>A</sup> Quezada  
ADDRESS: 427 Mill St. Orland, Ca 95963  
PHONE:(Business): 530-624-3141  
(Home): \_\_\_\_\_  
(Mobile): \_\_\_\_\_

\* EMAIL ADDRESS: rickyquezada12@gmail.com

3. **Name and address of property owner(s) duly authorized agent who is to be furnished with Notice of Hearing (Section 65091 California Government Code):**

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
PHONE:(Business): \_\_\_\_\_  
(Home): \_\_\_\_\_  
(Mobile): \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_



City of Orland Conditional Use Permit  
Instructions and Application Form

**Environmental Setting:**

30. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.
31. Describe the surrounding properties, including information on plant – and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc) intensity of land use (one-family, apartment houses, shops, department stores etc.) and scale of development (height, frontage, set-back, rear yard, etc.) Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

**Certification**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Valerie Johnson  
Printed Name (Applicant)

Valerie Johnson  
Signature (Applicant)

Sept 27 2022  
Date

Rebecca Grant  
Printed Name (Property Owner)

\_\_\_\_\_  
Signature (Property Owner)

9-28-2022  
Date

\_\_\_\_\_  
Printed Name (Property Owner)

\_\_\_\_\_  
Signature (Property Owner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name (Agent/Representative)

\_\_\_\_\_  
Signature (Agent/Representative)

\_\_\_\_\_  
Date

City of Orland Conditional Use Permit  
Instructions and Application Form

4. Address and Location of Project: 33 E. Walker St Orland
5. Current Assessor's Parcel Number: 041-072-002-000
6. Zoning: Commercial
7. General Plan Land Use Classification: Commercial
8. Existing use of property(ies): \_\_\_\_\_
9. Request: Low cost pet clinic / adoption center / grooming
10. Provide any additional information that may be helpful in evaluating this request: \_\_\_\_\_
11. Surrounding Land Uses and Zoning Districts (please be specific):  
North: Commercial Sav Mor Market  
South: Residential  
East: "  
West: "
12. Topography: \_\_\_\_\_
13. Vegetation: Palm trees, lawn
14. Water Supply:                      Source or Type:                      Provider:  
Existing: city                      City of Orland  
Proposed: city                      "
15. Sewage Disposal:  
Existing: city                      "  
Proposed: city                      "

Hidden Treasures Animal Sanctuary, a 501(c) 3 nonprofit, was founded in 2019 by Valerie Johnson. She saw a dire need to help the forgotten felines and started Hidden Treasures. We are the first No Kill sanctuary located on 20 beautiful acres in Glenn County CA.

Our mission is to rescue, trap, spay and neuter, provide vet care to get them ready for adoption to their forever homes. Unadoptable feral cats are given loving lifetime care.

We are in our third year as an official 501(c) 3 non-profit organization. With the help of our animal loving volunteers, we have rescued hundreds of cats and kittens to date. We've even rescued dogs and bunnies. Our love has no breed limitations.

We work with fellow rescue organizations to achieve our mission goals. We share information regarding medical needs and education to provide much needed emergency care. We're dynamic in our passion to save these felines.

We are blessed with volunteers who are passionate about our mission.

We've personally experienced the tragedy that comes upon these cats that are discarded, dumped, and abandoned. This can cause an epidemic of diseases. Kitten panleuk is highly contagious and deadly. Left untreated entire colonies can be wiped out. This and other diseases can be passed on for years to come. Hidden Treasures works to eradicate those diseases.

There is a lack of low cost and available veterinary care here. Appointments are difficult to get in a timely manner. We've been forced to travel over an hour to get the low cost services that we desperately need. Travel costs along with the vet bills have been very expensive.

Our goal is to work with our local and county agencies to get financial help to provide much low cost veterinary services. We are currently working towards providing a low cost spay and neuter clinic for the county.

We are funded by donations. We also raise money by baking and selling organic dog treats, and selling pet beds donated by one of our generous volunteers.



[www.hiddentreasuresanctuaryandrescue.com](http://www.hiddentreasuresanctuaryandrescue.com) is our website, with information, videos, current happenings and pics updated daily. Links to our Amazon Smile Program, how to make a monetary donation and to see our other social media sites can be found there as well.

This is Hidden Treasures Animal Sanctuary





Valerie Johnson &lt;hiddentreasuressanctuary@gmail.com&gt;

## Meeting with city council.

2 messages

**Valerie Johnson** <hiddentreasuressanctuary@gmail.com>  
 To: Valerie Johnson <hiddentreasuressanctuary@gmail.com>

Tue, Sep 20, 2022 at 7:46 AM

Dear City Council of Orland,

We are earnestly working hard to prepare a way for our project of a low cost spay and neuter clinic, to become a reality in our county. We feel blessed to be in the city of Orland. We request a meeting with our City Council, and graciously ask for help and support to make this happen. It will absolutely definitely benefit the whole community in helping resolve the horrendous cat over population problem, in a humane way.

We want to limit the clinic to spay and neuter, vaccines, chip, and simple procedures as ear mites prevention, and flea. We have two vet's on board and ready, part time to begin.

We also want to provide dog and cat grooming, nail trim, hygienic.

We are absolutely ready to apply our high standards of cleaning to make this a spotless and odor free facility in its entirety, as that is our reputation, and very high on our list of importance.

We've raised over \$7000 to begin renovation and we've got several more thousand into it still. We've submitted grants through the county and UC Davis, as we are a non-profit organization.

We graciously ask for any fee waivers you can offer us, we would appreciate. This has been a grass roots community effort, and they've given sacrificially to see this become reality.

We will also have our kitten sanctuary here and adoption center, we plan to utilize the building to its fullest extent, so we can financially operate. We also plan to continue with our baking organic treats for dog's and cat's, and sell handcrafted pet beds.

We plan to be very good neighbors and there will be some dog barking, but kept to a minimum, our grooming is by appointment one on one, and mostly small dog's, all going home by 5 pm.

The kittens.. are very quiet, and again, we are fastidious about cleaning. Please we invite you to come visit us anytime. You'll find this for yourself. Please visit our website and especially watch our videos of kittens.

We look forward to meeting all of you and sharing a glimpse of our vision in this very important project.

Sincerely,

Valerie Johnson  
 Director Hidden Treasures Sanctuary and Rescue  
 530 828 2063  
[hiddentreasuressanctuary@gmail.com](mailto:hiddentreasuressanctuary@gmail.com)  
[www.hiddentreasuressanctuaryandrescue.com](http://www.hiddentreasuressanctuaryandrescue.com)

**Valerie Johnson** <hiddentreasuressanctuary@gmail.com>  
 To: Jean Ramsauer <jaramsauer@gmail.com>

Tue, Sep 20, 2022 at 7:46 AM

[Quoted text hidden]

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2022-06, Hidden Treasures Sanctuary and Rescue**

Assessor's Parcel Numbers: 041-072-002

Project location: 33 East Walker Street, Orland, Glenn County, CA 95963. APN: 041-072-002

Zoning: "C-2" (Community Commercial)

General Plan Land Use Designation: "Commercial"

Proposed Use: "Animal Hospital/Veterinary Clinic"

**Conditional Use Permit #2022-06, Valerie Johnson (Applicant):** A request for approval of a Conditional Use Permit for the utilization of an existing building and parcel as a small-animal Spay and Neuter Clinic / Kennel / Grooming facility. The existing parcel is designated Commercial (C) on the General Plan land use map and located in the C-2 (Community Commercial) zoning district.

**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.

**Attachment D**

CUP #2022-06 (Hidden Treasures Sanctuary and Rescue)

9. The Use Permit is only approving the use of the existing building space and existing lot as a small-animal Spay and Neuter Clinic / Kennel / Grooming facility on a parcel of land identified as Glenn County Assessor's parcel numbers 041-072-002, as requested on CUP application #2022-06, and as presented on the site/building use plan. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. All signage shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code) and shall be handled by a separate approval.
11. 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.
12. No changes shall be made to any approved plan(s) or the exterior of the building, without prior approval of the City Planner, City Engineer and/or the Planning Commission (as applicable).
13. No exterior storage of any materials, equipment, or vehicles related to the project are permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.
14. The facility/use shall be in conformance with the conceptual design plan submitted with the application and included as Attachment C of the Planning Commission staff report.

**Use/Site Specific Conditions of Approval:**

**Permitting and Approvals**

15. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.
16. All small-animal Spay and Neuter Clinic / Kennel / Grooming facility activities and any other uses occurring at the proposed site shall adhere to all applicable Noise Standards promulgated in the City of Orland Municipal Code.
17. All small-animal Spay and Neuter Clinic / Kennel / Grooming facility activities and any other uses occurring at the proposed site shall adhere to all applicable Emissions Standards promulgated in the Glenn County Air Pollution Control District and Glenn County Animal Control office. This includes taking actions to ensure potential odors emanating from the facility are not detectable to a degree that a public nuisance determination occurs at the site.
18. In order to reduce potential public nuisances associated with establishments involving animal care, the following provisions of the OMC shall be adhered to:
  - a. Pursuant to Chapter 6.04.060(Q) it is unlawful to keep or harbor any animal, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys any number of persons or any neighborhood. Therefore, no animals shall be kept in any exterior space on the premises for longer than 1 hour at a time to avoid disruptions to residences adjacent to the premises.
  - b. All animal waste and by-products and any refuse or waste associated with animals shall be removed from exterior spaces on the premises and disposed of in an odor-free container, with refuse pickups happening every 48 hours to reduce to buildup of unwanted/undesirable waste onsite.
19. Pursuant to OMC Chapter 6.04.410 *Inspection of kennels* and Chapter 6.04.470 *Sanitation and inspection*, the owner/applicant or representative in charge of the facility shall seek approval from the Glenn County Sheriff Animal Control Unit prior to occupancy of the structure; maintain a clean and sanitary premises with routine

**Attachment D**

CUP #2022-06 (Hidden Treasures Sanctuary and Rescue)



inspections by the animal control officer; and provide adequate exercise areas, constructed to prevent animals from running at large.

20. The owner/applicant shall secure all necessary and required approvals for all local, County and State regulatory agencies/departments prior to occupancy of the structure and must comply with all state and local Health and Safety Regulations including those promulgated by the California Veterinary Medical Board.
21. As required, the owner/applicant shall secure approval from any/all County or State Departments prior to the commencement of any animal baked goods preparations/sales and must comply with all state and federal regulations pertaining to the preparation and handling of any animal foods.

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2022-06 and acknowledge and consent to the Conditions as presented.

Signed,

\_\_\_\_\_  
Valerie Johnson, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manuel and Ricky Quezada, Landowner

\_\_\_\_\_  
Date

**CITY OF ORLAND**  
**PLANNING COMMISSION FINDINGS OF APPROVAL FOR:**  
**CONDITIONAL USE PERMIT #2022-06**  
**FOR: Valerie Johnson (Applicant);**  
Assessor's Parcel Numbers: 041-072-002:  
33 Walker 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 ("C-2", Community Commercial Zone and OMC 17.40.040, Conditional uses requiring use permits).
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 17.40.020 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 as the approval of this request would allow for specific zoning to be assigned to parcel: 041-072-002. 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 17.40.040 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 as the approval of this request would allow for specific zoning to be assigned to parcel: 041-072-002. The proposed Commercial use is compatible with the surrounding environment as the project site is located in an area of predominantly commercial 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 specific zoning to be applied to a property zoned C-2 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.*



**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#2022-06 – A request to approve the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor’s parcel number 041-072-002, as an Animal Hospital/Veterinary Office for the spaying/neutering, grooming, and adopting of cats and dogs. Additionally, the applicant seeks to prepare/bake animal food/treats onsite.

**Project Location - Specific:**

709 5<sup>th</sup> Street in Orland, Glenn County, CA 95963. APN 040-156-004

**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 the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor’s parcel number 040-156-004, as an Animal Hospital/Veterinary Office for the spaying/neutering, grooming, and adopting of cats and dogs. Additionally, the applicant seeks to prepare/bake animal food/treats onsite. The request includes the use of approximately +/-3,600 square feet of building space consisting of a “kitty sanctuary” for rescued felines; a grooming/nail trimming/hygienic space for cats and dogs; a spay/neutering, vaccine injection, micro-chipping, simple veterinary procedure space (ear mites/flea/tick prevention); and an animal treat baking and preparation space. Pursuant to section 17.40.040 of the Orland Municipal Code (OMC), the Planning Commission may issue a CUP to establish specific uses requiring a permit in the C-2 (Community Commercial) zone. The primary beneficiary of the project will be the project applicant (Valerie Johnson).

**Name of Public Agency Approving Project:**

City of Orland

**Name of Person or Agency Carrying Out Project:**

Valerie Johnson

**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 F

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

**APPROVAL OF CONDITIONAL USE PERMIT #2022-06**

**Location: An existing parcel identified as APN's: 041-072-002 and located east of East  
Street, at 33 East Walker Street**

**APPLICATION: Conditional Use Permit #2022-06**

**WHEREAS**, Mrs. Valeria Johnson (applicant) has requested a Conditional Use Permit (CUP) to allow for the approval of a new small-animal Spay and Neuter Clinic / Kennel / Grooming facility pursuant to OMC Chapter 17.40.040(A)(2); and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on October 20, 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 15332 of the State CEQA guidelines further described as the 'In-Fill Development Projects' Exemption; and

**WHEREAS**, the Planning Commission, in a staff report dated October 20, 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 C-2, Community Commercial 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 #2022-06, subject to the following conditions:

**General Conditions of Approval:**

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of 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.

**Attachment G**

CUP#2022-06 (Hidden Treasures Sanctuary and Rescue)

Page 1 of 4

**070**

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.
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9. The Use Permit is only approving the use of the existing building space and existing lot as a small-animal Spay and Neuter Clinic / Kennel / Grooming facility on a parcel of land identified as Glenn County Assessor's parcel numbers 041-072-002, as requested on CUP application #2022-06, and as presented on the site/building use plan. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
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12. No changes shall be made to any approved plan(s) or the exterior of the building, without prior approval of the City Planner, City Engineer and/or the Planning Commission (as applicable).
13. No exterior storage of any materials, equipment, or vehicles related to the project are permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.
14. The facility/use shall be in conformance with the conceptual design plan submitted with the application and included as Attachment C of the Planning Commission staff report.

#### **Use/Site Specific Conditions of Approval:**

##### **Permitting and Approvals**

15. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.



16. All small-animal Spay and Neuter Clinic / Kennel / Grooming facility activities and any other uses occurring at the proposed site shall adhere to all applicable Noise Standards promulgated in the City of Orland Municipal Code.
17. All small-animal Spay and Neuter Clinic / Kennel / Grooming facility activities and any other uses occurring at the proposed site shall adhere to all applicable Emissions Standards promulgated in the Glenn County Air Pollution Control District and Glenn County Animal Control office. This includes taking actions to ensure potential odors emanating from the facility are not detectable to a degree that a public nuisance determination occurs at the site.
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  - b. All animal waste and by-products and any refuse or waste associated with animals shall be removed from exterior spaces on the premises and disposed of in an odor-free container, with refuse pickups happening every 48 hours to reduce to buildup of unwanted/undesirable waste onsite.
19. Pursuant to OMC Chapter 6.04.410 *Inspection of kennels* and Chapter 6.04.470 *Sanitation and inspection*, the owner/applicant or representative in charge of the facility shall seek approval from the Glenn County Sheriff Animal Control Unit prior to occupancy of the structure; maintain a clean and sanitary premises with routine inspections by the animal control officer; and provide adequate exercise areas, constructed to prevent animals from running at large.
20. The owner/applicant shall secure all necessary and required approvals for all local, County and State regulatory agencies/departments prior to occupancy of the structure and must comply with all state and local Health and Safety Regulations including those promulgated by the California Veterinary Medical Board.
21. As required, the owner/applicant shall secure approval from any/all County or State Departments prior to the commencement of any animal baked goods preparations/sales and must comply with all state and federal regulations pertaining to the preparation and handling of any animal foods.

The foregoing Resolution was adopted by the Planning Commission on the 20<sup>th</sup> day of October 2022 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

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Wade Elliott, Chairman

ATTEST:

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