

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

AMENDED

Thursday, November 17, 2022 at 5:30 P.M.

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at jtschmitke@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.

The public is encouraged to participate in the meeting via Zoom or can participate at Carnegie Center.

ZOOM Link: www.zoom.us

WEBINAR ID# 816 9968 2420

ZOOM Telephone - Please call: 1 (669) 900-9128

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

- B. Approval of Prior Minutes: August 18, 2022
- C. Approval of Prior Minutes: October 20, 2022

6. PUBLIC HEARING

A. Conditional Use Permit: CUP 2022-07 – McDonald's Pole Sign (128 Frances Lane).

A public hearing will be held to consider a request for a Conditional Use Permit (CUP) to permit the construction of a "Pole Sign" as defined by Orland Municipal Code Section 17.78.250(B)(9). The project is proposed at 901 Newville Road (APN 040-131-008). The property is identified as being owned by Reed Land Holdings, LP.

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 17.78.250(A), Pole Signs are permitted on a site with no development in a C-H zone with approval of a CUP. A quick-service restaurant has been approved previously on the site and building plans have been approved prior to this action. Pursuant to OMC 17.78.250(B)(9) a CUP may be granted to exceed the allowable advertising surface area; to permit the construction of a new pole sign within 330 feet of an existing pole sign, and to exceed the maximum permitted pole sign height of seventy feet. The proposed request is for both additional signage height and advertising area.

B. Conditional Use Permit: CUP 2022-08 – Bill Schnoebelen (Applicant), Arbuckle Donnan SUC TRS (Landowner) at 500 5th Street. APN 040-115-001 and -002.

A public hearing will be held to consider a request for a Conditional Use Permit (CUP) to permit the use of the existing structures for the purposes of a Metal Working Shop (OMC 17.40.040(27) for the fabrication of metal parts. The project is proposed at 500 Fifth Street. The property is identified as being owned by the Arbuckle Donnan SUS Trust. The existing buildings on the site were previously used for a retail commercial use

The subject parcel is designated with the Light Industrial – Commercial (I-L/C) Land Use Designation on the City's General Plan land use diagram and is zoned with the C-2, *Community Commercial* zoning designation. Pursuant to Orland Municipal Code (OMC) section 17.40.040(27), The proposed use, Metal Working Shop, is permitted on the site subject to the approval of a Conditional Use Permit (CUP).

C. Zoning Ordinance Amendments – Accessory Dwelling Unit Proportional Development Impact Fee Reduction Program.

A proposed amendment to Orland Municipal Code (OMC) Section 17.76.130, *Accessory Dwelling Units and Junior Accessory Dwelling Units* to establish a proportional Development Impact Fee (DIF) for Accessory Dwelling Units as required by California Government Code Section 65852.2(3)(A). The proposed action would result in the adoption of a methodology for the reduction of DIF's for ADU's and JADU's.

7. ITEMS FOR DISCUSSION OR ACTION

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.

8. STAFF REPORT

- A. Department Activity Report / Project Updates
 - December Meeting Agenda Items
 - Westside Annexation
 - J. Kraemer Annexation
- B. Building Department Staffing Change
- C. 2022 California Building Code Update (effective 01/01/2023)

9. COMMISSIONER REPORTS

10. FUTURE AGENDA ITEMS

- A. None

11. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on November 10, 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 November 17, 2022, and shall remain in effect for thirty (30) days thereafter (until December 15, 2022), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the City of Orland Planning Commission this 17th day of November 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 November, 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

PLANNING COMMISSION MINUTES

August 18, 2022

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

2. Pledge of Allegiance – Led by Commissioner Sharon Lazorko

3. Roll Call:

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

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments - None

5. CONSENT CALENDAR

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

Vice Chairperson Nordbye stated the Commission would be reviewing and approving each set of minutes separately. Commissioner Sharon Lazorko shared corrections that needed to be made to the February 17, 2022 meeting. Staff stated that the corrections would be made.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Vickers to approve consent calendar item 5A. with the noted corrections and sending Commissioners a corrected version of the February 17, 2022 minutes. Motion carried, 3-0 by voice vote.

Vice Chairperson Nordbye shared corrections that needed to be made to the April 21, 2022 meeting.

ACTION: Commissioner Vickers moved, seconded by Commissioner Lazorko to approve consent calendar item 5B. with the noted corrections and sending Commissioners a corrected version of the April 21, 2022 minutes. Motion carried, 3-0 by voice vote.

ACTION: Commissioner Vickers moved, seconded by Commissioner Lazorko to approve consent calendar item 5C. Motion carried, 3-0 by voice vote.

Commissioner Lazorko shared corrections that needed to be made to the July 21, 2022 meeting.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Vickers to approve consent calendar item 5D with the noted corrections. Motion carried, 3-0 by voice vote.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Vickers to approve consent calendar item 5E. Motion carried, 3-0 by voice vote.

6. Public Hearing

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

City Planner Scott Friend presented a Variance request for 1001 Benson Drive. The applicant is requesting approval of the Variance to legalize and permit, and existing metal carport structure used to provide shade for his recreational vehicle.

The proposed project site has a General Plan designation of R-L, Low Density Residential and a zoning designation of R-1, Residential One-Family. Mr. Friend shared in the R-1 zoning designation, the side yard setback requirement is five (5) feet (Orland Municipal Code [OMC] Section 17.20.070).

The applicant is requesting a Variance to allow an exception to the minimum standard of five (5) feet. The Variance request is to reduce the western side-yard setback from five (5) feet to two (2) feet.

Mr. Friend stated that the Variance was started from a referral code from the City’s code enforcement hearing officer. Mr. Friend shared that the application was sent around to all departments within the City and received no feedback or input from any department. Mr. Friend went with both the Fire and Police Chief to the location where neither saw a problem with the structure.

Vice Chairperson Nordbye opened the Public Hearing at 5:49 PM.

Lloyd Green, Variance Applicant at 1001 Benson Dr, shared that the shade structure was installed more than 7 years ago and that he had never received a complaint or knew anything was wrong with the structure until he received the code enforcement letter this year. Mr. Green stated that he has hired many contractors in the past and has always relied on the contractors to know and follow City rules and regulations such as setback.

Cynthia Smith, 937 Benson Dr, shared her frustrations about the shade structure and stated she brought in letters years ago stating concerns and worries with the structure when it was being installed.

Earl Megginson, 1023 Trinity St, shared as a neighbor he doesn’t see an issue with the shade structure and wanted to let the Commission know not all neighbors are opposed to the structure.

Mr. Friend, responding to a comment made by Ms. Smith, clarified that the City does not keep random letters about specific addresses. Mr. Friend briefly explained how the Code Enforcement process was activated and shared that when a code enforcement action is started, a single letter is all that is needed to start action. Vice Chairperson Nordbye clarified that this Variance is only for 1001 Benson Drive.

All discussion ceased and Vice Chairperson Nordbye closed the Public Hearing at 6:02 PM.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Vickers that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15305, Minor Alterations in Land Use

Limitations, and approve the request making the required findings for the action and approve the requested Variance (V#2022-02) which is a 3-foot western side yard setback. Motion carried, 3-0 by the following roll call vote.

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

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

Mr. Friend presented a request for a Conditional Use Permit (CUP#2022-03) on an existing parcel of land identified at 1001 South Street and further identified as Glenn County APN 040-310-011. Mr. Friend stated that the proposed project would permit the establishment of a new multi-pump fueling island which would be for compressed natural gas (CNG) only on the eastern side of the property. Currently there is a Card Fueling Network (CFN) located on the western side of the property.

Mr. Friend shared that the project site is zoned with the P-D, Planned Development zone district, where uses are required to establish zoning by granting of a use permit from the Planning Commission. Mr. Friend stated that no formal zoning has ever been assigned to this parcel via a Use Permit, so staff determined that the safest and best option for the City was to grant the use subject to a use permit, such that in perpetuity it is permitted on site.

Commissioners discussed the project and asked staff questions they had on the project.

Vice Chairperson Nordbye opened the Public Hearing at 6:17 PM.

Gary Simling, Landscape and Civil Engineer representatives from Stantech Consulting representing the project applicant, spoke to the Commission on project details such as sound barriers, landscaping, storm water retention and working with Butte College on fencing.

Zack Degarmo, Renewable Project Manager for Chevron talked about the renewable sourcing events that will happen once the project is complete. Mr. Degarmo shared his excitement for the project expanding across the state.

Vice Chairperson Nordbye closed the Public Hearing at 6:23 PM.

ACTION: Commissioner Lazorko moved, seconded by Vice Chairperson Nordbye that the Planning Commission approve the project (CUP 2022-01) and determine that the proposed action is exempt from further review pursuant to Section 15061.b.3 of the Government Code. Motion carried, 3-0 by a voice vote.

ACTION: Vice Chairperson Nordbye moved, seconded by Commissioner Vickers to approve Planning Commission Resolution PC 2022-10, approving Conditional Use Permit application #2022-03 subject of

the Conditions of Approval provided as Attachment C and findings shown on Attachment D. Motion carried, 3-0 by a voice vote.

7. ITEMS FOR DISCUSSION – Lot Line Adjustment

Mr. Friend asked the Commission to postpone this discussion until all Commissioners are present at a future meeting. The Commission was all in favor of waiting until all Commissioners could be available for the discussion at the next scheduled meeting.

8. STAFF REPORT

Mr. Friend stated that staff has approved the site plan for the proposed McDonalds quick-service restaurant which will be located next to Burger King on Frances Lane.

Mr. Friend shared that Maverik Inc., is currently in discussions with the Bureau of Reclamation and the Orland Unit Water Users about the irrigation ditch that runs along the northern parcel boundary.

Mr. Friend noted that the Woodward Family and Liberty Bell apartment projects have both started.

Mr. Friend explained that the Department of Water Resources (DWR) drought project is moving along quickly, sharing that City staff meets with DWR project leaders at least once a week.

Mr. Friend stated that he was informed that all necessary permits have been secured from Caltrans and the Bureau of Reclamation for the Orland Park project.

9. COMMISSIONERS REPORTS

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

Vice Chairperson Nordbye had nothing to report.

10. ADJOURNMENT – 6:37 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson

**PLANNING COMMISSION MINUTES
October 20, 2022**

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

2. Pledge of Allegiance – Led by Chairperson Elliott

3. Roll Call:

Commissioner's present –	Chairperson Wade Elliott, Vice Chairperson Stephen Nordbye, Commissioners Doris Vickers (left the meeting at 6:40 PM) and Sharon Lazorko
Commissioners present via Zoom -	Commissioner Michelle Romano
Councilmember present -	Mayor Dennis Hoffman
Staff present-	City Planner Scott Friend and City Clerk Jennifer Schmitke

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments - None

5. CONSENT CALENDAR

A. Compliance with AB361

ACTION: Commissioner Vickers moved, seconded by Commissioner Lazorko to approve consent calendar item A. Motion carried unanimously by voice vote, 5-0.

6. Public Hearing

A. CONDITIONAL USE PERMIT: CUP 2022-03 – AMARIS BANQUET HALL (709 5TH 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.

City Planner Scott Friend presented a request for Conditional Use Permit (CUP) to operate a social hall on an existing parcel located at 709 Fifth Street.

Mr. Friend reminded the Commission that the Orland Municipal Code (OMC) section 17.40.040 establishes the listing of the 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. The OMC chapter 17.08 does not provide a definition for a social hall however it is staff's determination if 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, the request has been forwarded to the Commission for action. Mr. Friend noted that the parcel is designated C-Commercial (C) on the General Plan land use map and located in the *C-2-Community Commercial* zoning district.

Mr. Friend asked the Commission to specifically read Condition of Approval numbers 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 AM on weekends") and 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") addressing noise and special event permitting. Mr. Friend also addressed Condition of Approval number 22, which states that "[t]he sidewalk out front of the "Social Hall" shall be always kept open to the public and unimpeded the "social Hall" is for interior use only".

The proposed project would result in the approval of a use permit allowing the building to be used as a "social hall". The owners are requesting a use permit for this space to be used as a banquet hall.

Mr. Friend stated that 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. Mr. Friend explained that all concerns and issues expressed by the reviewing parties have been addressed to their satisfaction.

Mr. Friend indicated that no public input has been received on this item.

Commissioners voiced their concerns about the applicant having to seek approval from the City of Orland Police Department for every event held at the banquet hall. Mr. Friend reassured the Commission that it is not an approval that is being sought from the Police Chief it is simply a notification to alert the Department when there are 50 or more people planned to be at an event in case there is a need for more patrol or private security.

Commissioner Lazorko asked if the banquet room would have a separate entrance other than the front door to Farwood. Mr. Friend stated that he believed that there would be a separate front entrance and rear exit for the banquet hall.

Chairperson Elliott opened the Public Hearing at 5:40 PM.

Mayor Dennis Hoffman suggested that the wording in the Condition of Approval in number 20 be changed from "shall seek approval of the Orland Police Department" to "shall notify the Orland Police Department".

All discussion ceased and Chairperson Elliott closed the Public Hearing at 5:42 PM.

ACTION: Vice Chairperson Nordbye moved, seconded by Commissioner Vickers to approve and determine that the proposed action is exempt from further CEQA review pursuant to Section 15061.b.3 of the Government Code and to approve Planning Commission Resolution #2022-14, approving Conditional Use Permit application #2022-03 subject to the Conditions of Approval provided as Attachment D and findings shown on Attachment E of the staff report with an amendment to Condition of Approval number 20 to indicate the applicant shall notify the Orland Police Department of events expected to involve more than 50 persons and noting that the notification of the Orland Police Department is in consist with the direction of the Orland City Code. Motion carried by voice vote, 5-0.

B. ZONING ORDINANCE TEXT AMENDMENT (ZCA 2022-01) – REASONABLE ACCOMMODATION

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).

Mr. Friend gave a review of proposed amendment to the City of Orland's Municipal Code (OMC) to incorporate changes to the City Code resulting from changes to State and Federal law regarding reasonable accommodations for persons with disabilities or medical conditions necessitating the granting of a Reasonable Accommodation Request (RAR). The proposed action would provide an easier option for users of the OMC to identify the details associated with requests for a RAR. Mr. Friend reported that the City does not currently have an easily identifiable section of the OMC that gives guidance in identifying and implementing the necessary measures to process a request.

Mr. Friend stated that this amendment would allow the City Manager or his/her appointed designee (aka: reviewing authority) the ability to review the details and information of each individual's RAR and make a determination of its acceptance. Mr. Friend reminded the Commission that the request as it has been presented does not change existing law nor does it change any existing procedures, rules, or regulations in regard to anything that the City is legally required to do or does currently. Mr. Friend reiterated that this request is only attempting to make it easier within the structure of the City Code for a user to find the information about the making of a RAR.

Commissioner Lazorko asked if owners of a rental property would have to make the accommodation for their tenant. Mr. Friend stated that tenants could make Reasonable Accommodation Requests from the owner of the property if needed but that the City is not a party to such request and noting that he was not able to comment on an RAR request that would be between two private parties.

Chairperson Elliott opened the Public Hearing at 5:56 PM.

With no comments, Chairperson Elliott closed the Public Hearing at 6:23 PM.

ACTION: Commissioner Vickers moved, seconded by Commissioner Lazorko to adopt Planning Commission Resolution PC 2022-12, recommending for approval to the City Council, the Municipal Code

Amendment as presented, and approval of the Categorical Exemption as presented. Motion carried, 5-0 by a voice vote.

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.

Mr. Friend presented the staff report regarding 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. 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. Mr. Friend stated that 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.

The proposed project/request would permit the installation of a Pole Sign onsite to be seen by passenger vehicles traveling on Interstate 5 on the frontage of Commerce Lane. The proposed sign would exceed advertisement space and pole height standards found in the Orland Municipal Code section 17.78.250 (B). The OMC provides a maximum advertisement space of 100 square feet and maximum Pole Sign height of 70 feet. The proposed sign would have approximately 863 square feet of total advertisement space composed of three individual signs and would be 100 feet in height.

Mr. Friend presented freeway sign graphics that the Maverik Corporation has provided to the Planning Commission to review.

Mr. Friend stated that the OMC has provisions for the treatment of the pole base and explained that none were provided in graphic and asked if a member of the Maverik team that was on the Zoom meeting would like to add anything about this topic.

Kevin Deis, Planning Project Manager for the Orland Maverik, Inc. project briefly explained why they are asking for the size and location of the pole and went on to explain the treatment that they are expecting to install at the base of the pole. Mr. Deis shared that he believed that the project should be under construction and fully open around the second or third quarter of next year.

Chairperson Elliott opened the Public Hearing at 6:12 PM.

Chairperson Elliott closed the Public Hearing at 6:12 PM with no comments made.

Chairperson Elliott ask Mr. Deis if he felt that there were any safety concerns when it came to the ingress or egress points as a result of the proposed pole sign. Mr. Deis shared he had met with Maverik's civil engineering team and indicated that they felt confident that there were no safety concerns related to the site triangle for the north entrance.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Vickers to approve Planning Commission Resolution PC 2022-13, approving Conditional Use Permit application #2022-05 subject to the Conditions of Approval provided as Attachment C and Findings shown on Attachment D to the staff report and determining that the proposed action is exempt from further review pursuant to Section 15061.b.3 of the Government Code. Motion carried, 5-0 by a voice vote.

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.

Mr. Friend presented the staff report regarding 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 developed parcel identified as 33 East Walker Street. 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.

Mr. Friend spoke briefly on the attachments which included a general location map, zoning map, application materials, the Conditions of Approval for CUP# 2022-26, Required CUP findings #2022-06, Notice of Exemption for CUP #2022-06 and the Resolution.

Chairperson Elliott opened the Public Hearing at 6:20 PM.

Chairperson Elliott closed the Public Hearing at 6:21 PM with no comments.

Chairperson Elliott invited the applicant to come forward and speak about the project.

Valerie Johnson, Hidden Treasures Sanctuary and Rescue applicant shared with the Commission about her upcoming plans and programs for her project and spoke about the need for the facility in the Community.

Ms. Johnson spoke about the facilities strict policy on cleaning and explained that the facility will be cleaned and deodorized all-day, every day. The applicant has indicated to staff that all noise and emissions from the facility would meet both Glenn County and City of Orland standards and conditions of approval have been included in this regard. 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 at a minimum. Ms. Johnson explained her plan for boarding animals, stating that the only animals staying overnight would be cats. She explained that dogs are only accepted by appointment and only for grooming and/or spaying/neutering. She also explained that the facility is not planned to accommodate animals other than dogs or cats for activities other than grooming or spay/neuter actions.

Ms. Johnson briefly went over the facility lay out and spoke about possible additions she would like to bring to the facility in the future such as the addition of one or more "catios" (an outdoor screened-in area to allow cats to play in a safe, contained outdoor area).

Chairperson Elliott noted some potential concerns about aspects of the project such as the exclusion of canine kenneling overnight and potential noise issues. Chairperson Elliott also clarified with Ms. Johnson that all feline kenneling would be indoors in the evening, and Ms. Johnson verified.

Mr. Friend reminded the Commission that the Conditional Use Permit runs with the property in perpetuity and suggested the possibility of stating in the Conditions of Approval that no large animals would be accommodated at the site, only cats and dogs, in case the property is sold in the future.

Vice Chairperson Nordbye stated his concerns over the outdoor space. Vice Chairperson Nordbye wanted to make sure correct permits and inspections will be done on the project to verify that there isn't any dangerous or hazardous conditions.

Mayor Dennis Hoffman asked if this Conditional Use Permit could be issued to Ms. Johnson only. Mr. Friend stated that it is his understanding that State law does not allow for a CUP to be issued to a specific applicant nor does the law allow a use to be approved or permitted to specific applicants. He again noted that any permit issue would run with the land in perpetuity.

Commissioner Lazorko asked if the CUP should be expanded on to clarify what is and is not allowed. Mr. Friend stated that if that was desired, the motion should be worded to clarify and specify what the Commission exactly. He noted that this could include detail as to the specific number of animals that are allowed at one time or stating that the facility was to be for cats and dogs only.

Chairperson Elliott stated his concerns with the matter and asked the applicant about the potential to push the approval of the project to the meeting next month, thereby allowing time for the applicant and Mr. Friend to consult and come to more precise wording on the CUP.

Vice Chairperson Nordbye suggested adding a note to the project Conditions of Approval not allowing dogs overnight, or adding a time limit in case the animal requires overnight monitoring due to a medical circumstance. Vice chairperson Nordbye also stated concerns over the number of animals that would be allowed in the building at one time.

Commissioner Lazorko stated she felt the language could have been decided at the meeting so that the applicant could have opened as planned.

Mr. Friend stated he would work with Ms. Johnson to rewrite the Conditions of Approval getting the wording correct and addressing the concerns of the Commissioners. Mr. Friend stated he would bring this item back at the next Planning Commission Meeting (scheduled for November 17, 2022).

ACTION: Chairperson Elliott moved, seconded by Vice Chairperson Nordbye that this item be continued to the next meeting to allow for additional time for staff to work with the project applicant to amend the Conditions of Approval as indicated during the meeting. Motion carried, 4-1 by a roll call vote.

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

7. ITEMS FOR DISCUSSION OR ACTION

A. SB9

Mr. Friend briefly updated the Commission on new legislation that has passed recently the State legislature. Mr. Friend spoke about Senate Bill 9 (SB9) Housing Development: Approvals; AB 2011: Affordable Housing and High Road Jobs Act; SB897: Junior Accessory Dwelling Units; AB2344: Wildlife Connectivity and Transportation Projects; AB 2449, AB2647 and SB 932.

8. STAFF REPORT

Mr. Friend stated that a Conditional Use Permit for a freeway monument sign for McDonalds will be on the next Planning Commission Agenda in November.

Mr. Friend shared that on October 17, 2022 LAFCo approved the Westside annexation.

Mr. Friend shared that October 22, 2022, is a Rib Cook-off held by the Chamber of Commerce in Library Park from 9 AM-3PM.

Mr. Friend stated that the Woodward Family and Liberty Bell apartment projects have started.

9. COMMISSIONERS REPORTS

Commissioner Lazorko asked for an update on anything new going on around Orland. Mr. Friend shared the Habitat for Humanity project; the Liberty Bell and Woodward apartments are all in progress. Mr. Friend also shared that a new Mexican market/eatery is going in on Eighth Street.

Commissioner Romano had nothing to report.

Vice Chairperson Nordbye shared that the Liberty Bell and Woodward apartments construction areas are fenced off and construction power is on.

Chairperson Elliott had nothing to report.

10. ADJOURNMENT – 7:24 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson



CITY OF ORLAND Staff Report

TO: City of Orland Planning Commission
FROM: Scott Friend, AICP – City Planner
MEETING DATE: November 17, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2022-07:** A request to approve a Conditional Use Permit (CUP) to permit the erection of a “Pole Sign” on an existing parcel identified as 128 Frances Lane and further as Glenn County APN 040-131-016. The parcel is currently in the process of being developed as a McDonald’s Quick Service Restaurant. 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, located within 330 feet from an existing pole sign, and total sign pole height. Pursuant to OMC 17.78.250(B)(9) and further 17.78.450(C)(a), a CUP may be granted to exceed the allowable advertising surface for pole signs, to exceed the maximum permitted pole sign height, and to construct a pole sign within 330 feet of an existing pole sign 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#2022-07) on an existing parcel of land identified as 128 Frances Lane and further as Glenn County APN 040-131-016. The parcel is currently proposed to be developed as a McDonald’s Quick Service Restaurant.

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 McDonald’s USA, LLC. 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 1.0 acres in size. Staff is currently working with the property owner (McDonald's USA, LLC) to construct a previously approved quick service restaurant project. 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 Sign Specifications*, would have approximately 250 square feet of total advertisement space composed of two individual signs, and would be 110 feet in height (total, actual height of pole under sign would be 100 feet). The Applicant submitted plans indicating a multi-tenant use of the sign, with the second space on the sign being for an unknown future tenant of the adjacent property, which is not permitted by the OMC 17.78.050(A). Also displayed on *Attachment B* are photo rendering pictures indicating the approximate size of the sign, as seen from 1,500 feet to the north, and 2,100 feet to the south, along Interstate 5.

The submitted pole sign site plans indicate the proposed pole sign would be in the northeast corner of the project site. As indicated in Section 17.78.250(B)(4), pole signs shall be placed a minimum of 350 feet from existing pole when possible. As indicated on *Attachment B2 Existing Pole Sign Locations*, the sign is approximately 230 feet from the ARCO fueling station to the north.

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.

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 #2022-07 subject to conditions of approval, a request to approve a new Single-Tenant-Use Pole Sign (with approximately 250 square feet of advertisement space, within 330 feet of an existing pole sign, for the development and fabrication of industrial technology equipment and 110 feet in height) on an existing parcel of land identified as Glenn County Assessor’s parcel number 040-131-016.

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 2022-07) 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 #2022-07 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 #2022-07**
- **Attachment D – Required CUP Findings #2022-07**
- **Attachment E – Notice of Exemption for CUP #2022-07**
- **Attachment F – Planning Commission Resolution PC 2022-____**

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: YESCO SIGNS
ADDRESS: 4119 S. MARKET CT., #10, SACRAMENTO, CA 95834
PHONE:(Business): 916-993-7104
(Home): _____
(Mobile): 917-838-3044
EMAIL ADDRESS: mike@allsignservices.com

2. PROPERTY OWNER(S):

NAME: MCDONALD'S USA, LLC
ADDRESS: 2999 OAK RD., #900, WALNUT CREEK, CA 94597
PHONE:(Business): 925-949-4000
(Home): _____
(Mobile): _____
EMAIL ADDRESS: _____

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: MICHAEL FORD
ADDRESS: 3033 MONUMENT DR., ROSEVILLE, CA 95747
PHONE:(Business): 917-838-3044
(Home): _____
(Mobile): _____
EMAIL ADDRESS: mike@allsignservices.com

City of Orland Conditional Use Permit
Instructions and Application Form

4. Address and Location of Project: 128 FRANCES LN.
5. Current Assessor's Parcel Number: 040-130-008-0
6. Zoning: C-H
7. General Plan Land Use Classification: COMMERCIAL
8. Existing use of property(ies): N/A (NEW CONSTRUCTION)
9. Request: INSTALL ONE (1) ILLUMINATED, FREEWAY VISIBLE POLE SIGN FOR MCDONALD'S
10. Provide any additional information that may be helpful in evaluating this request:

11. Surrounding Land Uses and Zoning Districts (please be specific):
North: C-H (COMMERCIAL)
South: C-H (COMMERCIAL)
East: C-H (COMMERCIAL)
West: INTERSTATE 5
12. Topography: _____
13. Vegetation: _____
14. Water Supply: _____ Source or Type: _____ Provider: _____
Existing: _____
Proposed: _____
15. Sewage Disposal:
Existing: _____
Proposed: _____

City of Orland Conditional Use Permit
Instructions and Application Form

16. Fire Protection:

Existing: _____

Proposed: _____

17. Storm drainage:

Existing: _____

Proposed: _____

18. School District: _____

19. Natural Hazards (include past and current uses, if any): _____

ENVIRONMENTAL INFORMATION FORM

Date Filed: 10/14/2022

General Information:

1. Name and address of developer/project sponsor: YESCO SIGNS ; 4119 S. MARKET CT., #10, SACRAMENTO, CA
2. Address of PROJECT: 128 FRANCES LN.
3. Assessor's Parcel Number: 040-130-008-0
4. Name, address and telephone number of person to be contacted concerning this project:
MICHAEL FORD ; 917-838-3044
3033 MONUMENT DR., ROSEVILLE, CA 95747
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

6. Existing Zoning District: C-H
7. Proposed use of the site (Project for which this form is filed): INSTALL ONE (1) ILLUMINATED
FREEMWAY VISIBLE POLE SIGN FOR McDONALD'S

Project Description:

8. Site size: N/A
9. Square footage: 250 sq. ft. (POLE SIGN)
10. Number of floors to be constructed: N/A
11. Amount of off-street parking provided: N/A
12. If residential:

Number of units:

Design of units (i.e. single family, multi-family, etc):

Square footage of each unit:

City of Orland Conditional Use Permit
Instructions and Application Form

13. If commercial:

Type of use: RESTAURANT

Square footage of each building (existing and proposed):

Number of employees (if applicable):

Number of shifts (if applicable):

Hours of operation:

14. If industrial:

Type of use:

Square footage of each building (existing and proposed):

Number of employees (if applicable):

Number of shifts (if applicable)

Hours of operations:

15. If institutional:

Estimated occupancy:

Type of use:

Square footage of each building (existing and proposed):

Number of employees (if applicable):

Number of shifts (if applicable)

Hours of operations:

16. If the project involves a variance, conditional use, request for annexation, or rezoning application, state this and indicate clearly why the application is required.

17. Attach site plan(s).

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary):

18. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.

Yes _____

No ✓

City of Orland Conditional Use Permit
Instructions and Application Form

19. Change in scenic views or vistas from existing residential areas or public lands or roads.

Yes _____ No ☒

20. Change in pattern, scale or character of general area of project.

Yes _____ No ☒

21. Significant amounts of solid waste or litter.

Yes _____ No ☒

22. Change in dust, ash, smoke, fumes or odors in the vicinity.

Yes _____ No ☒

23. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.

Yes _____ No ☒

24. Substantial change in existing noise or vibration levels in the vicinity.

Yes _____ No ☒

25. Site on filled land or on slope of 10 percent or more.

Yes _____ No ☒

26. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.

Yes _____ No ☒

27. Substantial change in demand for municipal services (police, fire, water, sewage, etc.),

Yes _____ No ☒

28. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)

Yes _____ No ☒

29. Relationship to a larger project or series of projects.

Yes _____ No ☒

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.

MICHAEL FORD

Printed Name (Applicant)

Michael Ford

Signature (Applicant)

10/14/2022

Date

Printed Name (Property Owner)

Signature (Property Owner)

Date

Printed Name (Property Owner)

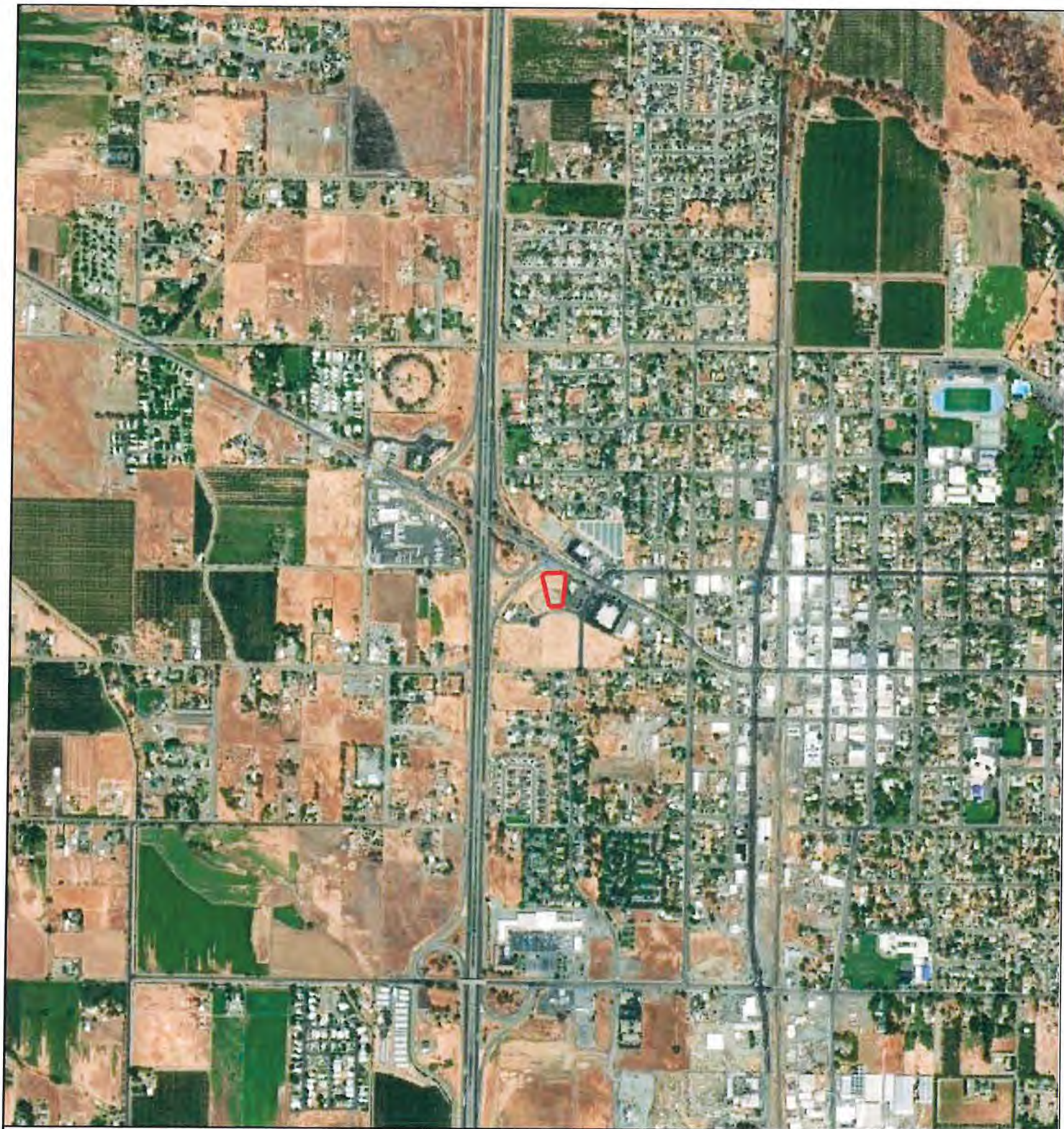
Signature (Property Owner)

Date

Printed Name (Agent/Representative)

Signature (Agent/Representative)

Date



— Project Boundary



1:18,056
0 0.1 0.2 0.4 mi
0 0.17 0.35 0.7 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft
Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA
USGS, Bureau of Land Management, EPA, NPS, US Census
Bureau, USDA



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

10/27/2022

Attachment A. Project Location
CUP 2022-07 McDonalds Pole Sign



McDonald's

#39626 - 128 FRANCES LANE - ORLAND, CA 95963

SIGN PROGRAM BOOK

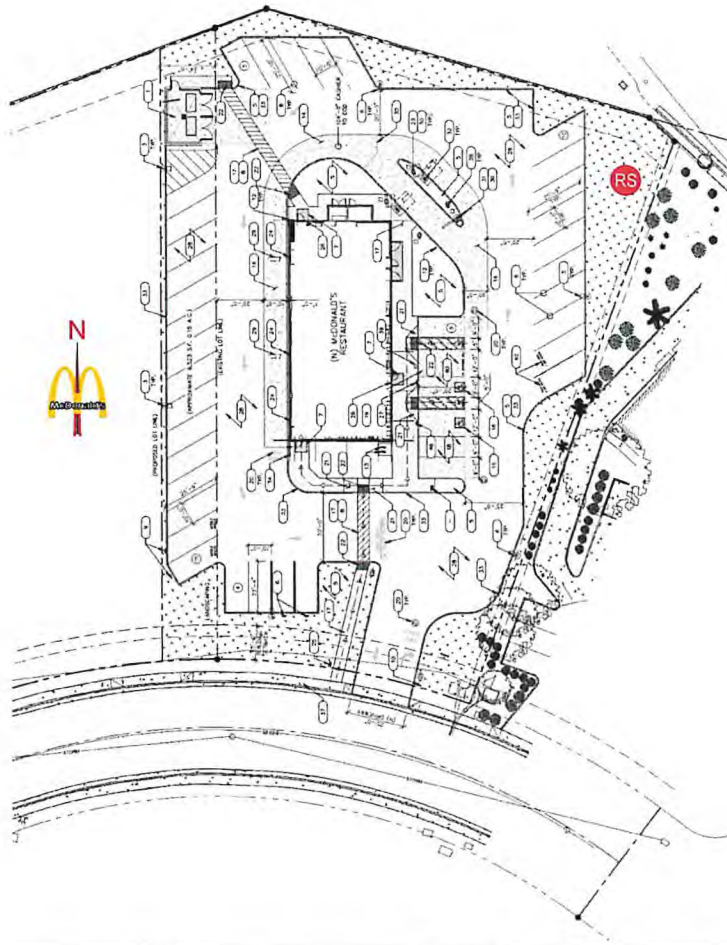


VICINITY MAP
NTS

Customer: MCDONALD'S	Date: 10/18/22	Prepared By: CTM	Eng: -	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>
Location: ORLAND, CA	File Name: 343289 - R10 - ROAD SIGN - 128 FRANCES LANE - ORLAND, CA			

persona
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 - www.personasigns.com



RS ROAD SIGN

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL _____ Date: _____

Customer:
MCDONALD'S

Date:
11/03/22

Prepared By:
JR

Eng:
-

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

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File Name:
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RS



EXISTING
26'-0" WIDE BURGER KING HIGHWAY SIGN
(APPROX.)



PHOTO MAY NOT BE TO SCALE.
FOR VISUAL PURPOSES ONLY.

PROPOSED
110' OAH SIGN

APPROVAL BOX - PLEASE INITIAL

CUSTOMER APPROVAL

DATE

Customer:
MCDONALD'S

Date:
10/26/22

Prepared By:
CTM/AL

Eng:
-

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

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CUSTOMER APPROVAL Date

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CUSTOMER APPROVAL DATE

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Location: ORLAND, CA	File Name: 343289 - R10 - ROAD SIGN - 128 FRANCES LANE - ORLAND, CA			

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[APPROX.]



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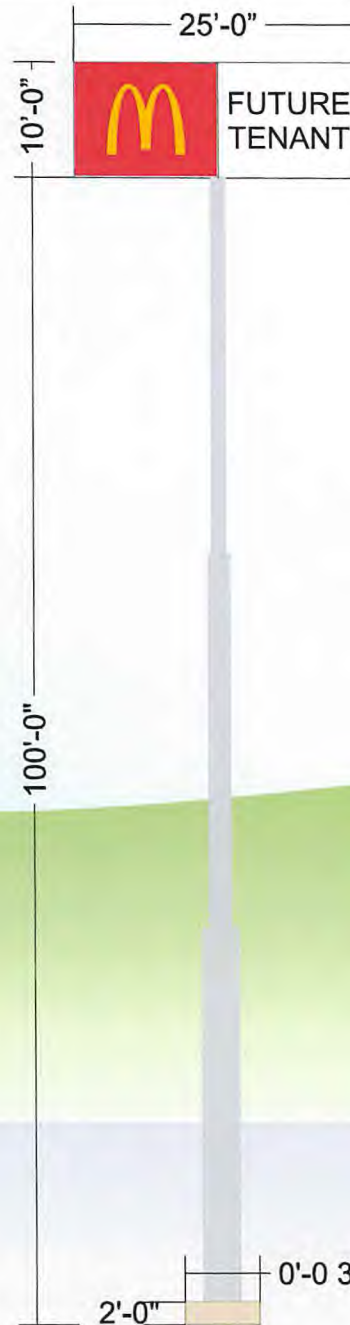
APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Design

Customer: MCDONALD'S	Date: 10/26/22	Prepared By: CTM/AL	Eng: -	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>
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persona
SIGNS | LIGHTING | IMAGE

Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 - www.personasigns.com

GRAPHIC DETAIL
SCALE: 1/16" = 1'-0"



NOTE: 2'-0" X 6'-6" X 6'-6"
ARCHITECTURAL BASE TO
MATCH FACADE BY OTHERS

Customer:
MCDONALD'S

Date:
10/26/22

Prepared By:
CTM/JR/AL

Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.

Location:
ORLAND, CA

File Name:
343289 - R10 - ROAD SIGN - 128 FRANCES LANE - ORLAND, CA

Eng:
-

persōna
SIGNS | LIGHTING | IMAGE

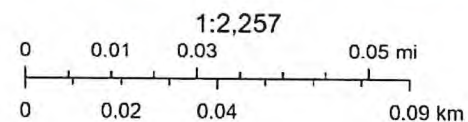
Persona Signs, LLC
700 21st Street Southwest
PO Box 210
Watertown, SD 57201-0210
1.800.843.9888 · www.personasigns.com



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USGS, Bureau of Land Management, EPA, NPS, US Census
Bureau USDA

 **Project Boundary**

 **Pole Sign Location**



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

10/27/2022

Attachment B2. Existing Pole Sign Locations
CUP 2022-07 McDonalds Pole Sign

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2022-07, McDonald's Pole Sign

Assessor's Parcel Numbers: 040-131-016

Project location: 128 Frances Lane, Orland, Glenn County, CA 95963

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

General Plan Land Use Designation: "Commercial".

Conditional Use Permit #2022-07, McDonald's USA, LLC (Landowners): A request for approval of a Conditional Use Permit to allow for the installation a new Pole Sign located south of the Newville Road/Interstate 5 Northbound Offramp intersection, and east of Interstate 5 in the C-H, Planned Development zoning district. Pursuant to OMC Sections 17.78.250(A) and 17.78.250(B)(9), 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 040-131-008, as requested on CUP application #2022-07. 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 McDonald's Quick-Service Restaurant proposed to be developed onsite.
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 the 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 McDonald's Quick-Service Restaurant.
19. The proposed sign shall be limited to a Single-Tenant-Only use, as permitted by the OMC Section 17.78.050(A).
20. The proposed sign shall be as far from existing pole signs in the vicinity of the site and shall not obstruct views of any existing sign.

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2022-07
FOR: Michael Ford/McDonald's USA, LLC. (Applicant/Owner);
Assessor's Parcel Number: 040-131-016:
128 Frances 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) and 17.78.250(B)(9) 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: 040-131-008. 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) and 17.78.250(B)(9) 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#2022-07 – 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 040-131-008, as a Pole Sign for the McDonald’s Quick Service Restaurant.

Project Location - Specific:

128 Frances Lane in Orland, Glenn County, CA 95963. APN 040-131-016

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 040-131-016, as a Pole Sign for the McDonald’s Quick Service Restaurant. 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 directly adjacent to and east of the proposed Pole Sign location. The sign would exceed the allowable advertisement space (100 sq ft), pole height (70 ft), and distance from existing pole signs (330 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 2022-07**

APPROVAL OF CONDITIONAL USE PERMIT #2022-07

**Location: An existing parcel identified as APN: 040-131-016 and located south of Newville Road and east of Interstate 5, at 128 Frances Lane
APPLICATION: Conditional Use Permit #2022-07**

WHEREAS, Mr. Ford, on behalf of McDonald's USA, LLC., (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 November 17, 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 November 17, 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 #2022-07, 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 a parcel of land identified as Glenn County Assessor's parcel number 040-131-008, as requested on CUP application #2022-07. 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 McDonald's Quick-Service Restaurant proposed to be developed onsite.
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 the 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 McDonald's Quick-Service Restaurant.
19. The proposed sign shall be limited to a Single-Tenant-Only use, as permitted by the OMC Section 17.78.050.
20. The proposed sign shall be as far from existing pole signs in the vicinity of the site and shall not obstruct views of any existing sign.

The foregoing Resolution was adopted by the Planning Commission on the 17th day of November 2022 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

Wade Elliott, Chairman

ATTEST:

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

ILIAN MUSTAFA TRS
683 E WALKER ST
ORLAND CA 95963

SILACCI STEVE &
2249 LAQUINTA
CHICO CA 95928

SILACCI STEVE & % SILACCI ANN TRS
2249 LA QUINTA
CHICO CA 95928

ILIAN MUSTAFA TRS
683 E WALKER ST
ORLAND CA 95963

LDG PROPERTY CO LLC
1 CVS DRIVE
WOONSOCKET RI 02895

FOSKARIS LLC
3421 E MANDEVILLE PL
ORANGE CA 92867

LDG PROPERTY CO LLC
P O BOX 71130
PHOENIX AZ 85050

BKCA LLC
1640 TIBURON BLVD #13
TIBURON CA 94920

ORLAND RETAIL LLC
7090 N MARKS STE 102
FRESNO CA 93711

ORLAND RETAIL LLC
7090 N MARKS STE 102
FRESNO CA 93711

CALIFORNIA STATE OF
P O BOX
SACRAMENTO CA 95800

MEHROKE LLC
9397 MIKO CIRCLE
ELK GROVE CA 95624

ILIAN MOHAMMAD TRS ETAL
683 E WALKER ST
ORLAND CA 95963

CALIFORNIA STATE OF
P O BOX
SACRAMENTO CA 95800



CITY OF ORLAND Staff Report

TO: City of Orland Planning Commission

FROM: Scott Friend, AICP – City Planner

MEETING DATE: November 17th, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2022-08**: A request to approve a Conditional Use Permit (CUP) to permit the operation of a Metal Working Shop on an existing parcel identified as 500 & 508 5th Street and further as Glenn County APNs 040-115-001 & 040-115-002. The parcel is currently vacant, with 3 existing buildings all proposed to be utilized by the applicant. The subject parcel is designated Light Industrial/Commercial (I-L/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.

Environmental Review: Staff recommends that the Planning Commission determine that the proposed action is *exempt* from further review pursuant to Section 15332 of the Government Code, also known as the “In-Fill Development” Exemption.

Summary:

The City of Orland has received a request for a Conditional Use Permit (CUP#2022-08) on an existing parcel of land identified as 500 & 508 5th Street and further as Glenn County APNs 040-115-001 & 040-115-002. Historically the parcel was used as a Surplus retail store; however, the parcel and buildings are currently vacant. The site has on-street parking available on both 5th Street (angled parking) and Tehama Street (parallel parking). Four (4) angled parking spaces are available on 5th Street with unstriped parallel parking available on Tehama Street. Site access is provided via 5th Street. No site access is currently available from the alley located on the western side of the parcel.

The northern façade of the existing building (proposed development shop) fronting Tehama Street, is a single-planed blank façade with one entry door and the eastern façade of the existing building (proposed development shop) has an awning that overhangs the sidewalk. The roof of the existing building (development shop) facing 5th Street has wooden shake shingles. The property has existing utility infrastructure, with water/sewer provided by the City of Orland (including a fire hydrant at the northwestern corner of the project site) and overhead power provided by PG&E in the alley on the western side of the parcel. The proposed CNC machine room is enveloped with CMU walls (concrete masonry unit) on all but the southern wall and the main sliding door on the eastern wall (which consists of plywood siding over 2x4 framing and takes up approximately 1/3

of the total wall space). The material storage space, which is enveloped by corrugated sheet metal siding and wooden studs, is proposed to house the on-site compressor.

The applicant is required (as a Condition of Approval) to work with the Public Works department to address any required improvements to the curb, gutter, sidewalks along the east and northern property boundaries, as well as any improvements to the onsite dirt parking lot (as indicated on **Attachment B Site Plan**).

The project site is designated with the I-L/C *Light Industrial/Commercial* land use designation on the City's General Plan land use diagram and is zoned with the C-2, *Community Commercial* zone district. The parcel is owned by Arbuckle Donnan SUC TRS. No requests to modify development standards have been requested or are proposed.

Project Background:

The proposed project would result in the approval of a new Metal Working Shop for the development and fabrication of industrial technology equipment on the existing site. The existing parcel is approximately 0.48 acre in size, with +/-8,200 square feet of building space being proposed for the CNC Shop (Computerized Numerical Control machines used to make precise cuts in material using a computer program to accurately control the cutting router), a Material Storage area, and a Development Shop, with the remaining parcel acreage consisting of a parking lot.

The proposed project would permit the establishment of a new Metal Working Shop, with areas for storing material, designing project builds, and running the CNC machines 24 hours per day to produce products. All noise (sound) and emissions from the facility would meet both Glenn County and City of Orland standards, with the compliance of the Conditions of Approval (see **Attachment C**). The facility is expected to generate noise from the CNC machines; however, the applicant ensures that these will be kept to a minimum with sound-proofing actions taken. The precision-cutting machines will not operate without the enclosure being fully secured, as a built-in safety mechanism. Additionally, the applicant has notified staff that the on-site proposed compressor will be the loudest of all equipment, and that they are installing the necessary material in order to dampen the noise generated from the compressor. The applicant plans to have a total of 2-5 employees, running 1-3 shifts in order to keep the facility running 24 hours per day.

The proposed use has been reviewed by all City reviewing parties including the City of Orland Fire Chief, Public Works Director, City Engineer, and the Police Chief. All concerns and issues expressed by the reviewing parties have been addressed to their satisfaction. The residential and monument manufacturer neighbors to the north have been notified of the proposed project, along with the olive processing plants to the south, east, and west; and no oppositions to the proposed use have been expressed at this time. No written or verbal opposition to the project has been presented nor is known.

Conditional Use Permit:

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

“A request for a use permit may be granted, granted subject to conditions, or denied by the planning commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these

regulations, is, in the opinion of the planning commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.”

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

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

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

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

Environmental determination:

The City of Orland, as the Lead Agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and determined that the project is *exempt* from further review under the California Environmental Quality Act (CEQA). This project is exempt from environmental review under the “In-Fill Development Exemption” of the California Government Code, §15332, 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 #20202-08, a request to approve a new Metal Working Shop on existing parcels of land identified as Glenn County Assessor’s parcel numbers 040-115-001 & 040-115-002.

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 2022-08) 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 #2022-08 subject to the Conditions of Approval provided as **Attachment C** and Findings shown on **Attachment D**.

ATTACHMENTS

- **Attachment A1 – Project Location Map**
- **Attachment A2 – Project Location Map – street view**
- **Attachment A3 – General Plan Designation**
- **Attachment A4 – Zoning Designation**
- **Attachment B – Project Site Plan**
- **Attachment C – Conditions of Approval for CUP #2022-08**
- **Attachment D – Required CUP Findings #2022-08**
- **Attachment E – Notice of Exemption for CUP #2022-08**
- **Attachment F – Planning Commission Resolution PC 2022-__**

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

INSTRUCTIONS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

Applicants are encouraged to consult with the Technical Advisory Committee (TAC) prior to filing this application. The Technical Advisory Committee meets the third Wednesday of each month, dependent upon case load, at 10:00 a.m. in Carnegie Center, 912 Third Street, Orland, CA 95963. Please contact the Planning Department at 530.865.1608 or by email: nsailsbery@cityoforland.com to schedule your pre-project review for TAC.

This list is intended to meet the requirements of State of California Government Code Section 65940.

The law requires that the City Manager or designee make affirmative findings of fact in each of the following if your application is to be approved that the:

- Use is consistent with the purposes of the district in which the site is located; and
- Proposed location of the use and the conditions under which it may be either operated or maintained will not be detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity; and
- The proposed use is in conformance with the General Plan.

PROCEDURE FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Application Form must be properly filled out and signed by owner(s) of property and Applicant(s). All property owner(s) must sign (husband and wife) or a Power-of-Attorney must be submitted specifically authorizing a designated person to sign this Application. If a corporation is the property owner, a Resolution from the corporation authorizing this Application must be submitted.
2. Environmental Information Form must be properly filled out and signed.
3. The Application fee for a Conditional Use Permit is only for the processing of the application and not a guarantee that the project will be approved. The fee amount listed below is non-refundable.

Conditional Use Permit Fee: \$1,040.00

4. One copy of all information (maps, plot plans, site plans, landscaping plans, parking layout etc.) shall be submitted in **digital format** (CD or DVD) to the City of Orland as part of a complete application.

City of Orland Conditional Use
Permit Instructions and Application
Form

5. Along with the application, a reproducible 11" x 17" (minimum acceptable size) plot plan must be submitted. The plot plan shall contain the following for a complete application:
6. The "Site Plan" shall be drawn to scale (on a sheet of paper 11" x 17" or larger) large enough to show all information legibly. Applicant shall submit twenty-five (25) **FOLDED** copies with the north arrow facing the top of the page or to the left. These copies are for submittal to Agencies (i.e. Caltrans, Public Works, City

Engineer, etc.) for early project review only. Please note that additional maps will be required to be provided by the Applicant at the City's request for any environmental documents prepared, for the required Technical Advisory Committee meeting(s) and all Public Hearing(s). "Site Plan" shall include, but not be limited to, the following:

- a. Name, address, telephone number (home, business, mobile), and email address of property owner, applicant, and agent.
 - b. Address of the project site.
 - c. Current Glenn County Assessor's Parcel Number (APN) and map depicting the subject property.
 - d. Property dimensions and acreages.
 - e. North arrow and scale. Lettering shall be right side up with the North arrow at the top of the page (see attached Sample Site Plan).
 - f. Names of all adjoining streets or roads, widths of City road rights-of-way, location of the center of all roads, locations of access roads and driveways.
 - g. All existing and proposed structures and buildings including all locations from property lines, square footages, size and height, and distances from existing and proposed buildings and structures.
 - h. Proposed use or type of business
 - i. Signs in conformance with Chapter 17.78, Sign Ordinance, of the Orland Municipal Code. Please show all existing and proposed signs.
 - j. Off-street parking and loading areas, in conformance with Chapter 17.76, General Use and Design Requirements, of the Orland Municipal Code.
 - k. Striped parking spaces including ADA van accessible parking spaces.
 - l. Landscaping Plan (may be submitted on separate 11' x 17" paper) in conformance with Chapter 17.76, General Use and Design Requirements, of the Orland Municipal Code.
 - m. Existing and proposed walls and fences including location, height, and construction materials.
 - n. Location and nature of utilities.
 - o. Location of all US Bureau of Reclamation facilities (canals, laterals, access roads, etc.).
 - p. Existing water and sewer provider(s) and the locations and sizes of mains, existing and proposed storm water runoff and drainage and all existing and proposed easements.
7. File one copy of the County Assessor's Map with the property's proposed use delineated.
8. The attached Environmental Information Form must be properly filled out and signed. Based on the information submitted by the Applicant, an evaluation will be made as to whether the project is either exempt from the California Environmental Quality Act (CEQA) or whether it is necessary to prepare an Initial Study. The Initial Study will determine whether the project requires an Environmental Impact Report or whether a Negative Declaration/Mitigated Negative Declaration is sufficient. The cost of the environmental evaluation process will be the City's staff hourly fee or the consultant's fee plus five (5) percent. An environmental Fish and Game Fee will also be required if your project is approved. This fee is due within five (5) days of approval of your project (see below for these fees).

9. For complex projects an estimate of the City of Orland Staff time and expense shall be prepared by the Planning Department within thirty (30) days of Application submittal. The Applicant shall be notified of the amount of deposit required in writing. The Applicant shall be required to deposit the amount of money

specified in the estimate in a Planning Department Trust Account for that specific Application.

No work shall be performed by the Planning Department on the project in excess of the allotted hours listed above until funds are deposited in a Planning Department Trust Account. Funds shall be deposited prior to determining that the Application is complete for processing.

At the time of final project approval, any excess funds remaining in the Trust Account shall be returned to the Applicant.

10. Environmental Review fees shall be charged to the Applicant as follows (Adopted by the Orland City Council on September 7, 2004. Effective October 7, 2004):

TASK DESCRIPTION CITY PLANNER HOURS included in Fee Fee -California

Environmental Quality Act (CEQA) Review:

- CEQA Notice of Exemption: 1 \$100.00 -CEQA Notice of Determination: 1 \$100.00
- CEQA Initial Study: Deposit collected, hourly rate of Deposit collected, \$60.00 billed to Applicant
hourly rate of \$60.00 billed
to Applicant
- CEQA Negative Declaration/
Mitigated Negative Declaration Deposit collected, hourly rate of Deposit collected, hourly \$60.00
billed to Applicant rate of \$60.00 billed to
Applicant
- Environmental Impact Report (EIR) Prepared by consultant, Actual cost of contract Approved by
City at Applicant's plus five (5) percent of
Expense contract value for contract
administration
- Review of Negative Declaration/ 15% of value of consultant contract 15% of value of consultant
Mitigated Negative Declaration/EIR contract
prepared by consultant

NOTE: The amount of the appropriate deposit to be collected for Initial Study and/or Negative Declaration/Mitigated Negative Declaration will be determined by the City Planner, based on the scope of the specific project to be reviewed. If changes to the project are deemed by the City of Orland to be substantial and result in redundant processing by City Staff, the Applicant agrees to pay those costs at the stated hourly rate.

11. If the Conditional Use Permit is in conjunction with another project, all proposed roads and easements to be

constructed shall be shown with proposed sizes and widths. The site plan/map shall also show all routes of proposed connections to City water and sewer services with the proposed lengths, sizes and dimensions of all lines and mains. If a lift station is required, the type, size, and location of the lift station shall be shown.

12. A petition signed by all property owner(s) involved with the request.
13. According to Section 65943 of the California Government Code, your Application will be reviewed within thirty (30) days and you and/or your agent will receive written notice regarding the completeness of your Application. The Technical Advisory Committee or other reviewing Agencies may, in the course of processing the Application, request the Applicant to clarify, amplify, correct, or otherwise supplement the information required for the Application, according to Section 65944(C), Division 13, of the State of California Public Resources Code.
14. If the California Department of Fish and Game requires environmental review fees, the Applicant is responsible for these additional fees which are due within five (5) days after City Council certification of the environmental document. The fees, as of January 1, 2008, are as follows and are subject to change by the State of California:
 - Negative Declaration: \$1,876.75
 - Mitigated Negative Declaration: \$1,876.75
 - Environmental Impact Report: \$2,606.75
 - Environmental Document:
pursuant to a Certified Regulatory Program (CFP): \$ 886.25
 - County Clerk Processing Fee: \$ 50.00

Please Note: The check or money order for these fees should be made payable to the **GLENN COUNTY RECORDER'S OFFICE** and submitted to the City of Orland within five (5) days of project approval.

15. Engineering fees (based on an hourly rate of \$95.00) will be billed separately and are the responsibility of the Applicant.
16. City Attorney fees will be billed separately and are the responsibility of the Applicant.
17. City staff, in the course of processing the application, may request the applicant to clarify, amplify, correct or otherwise supplement the information required for the application. A Technical Advisory Committee (TAC) meeting shall be held on the application and applicant(s) and landowner(s) shall be invited, in writing, to attend.
18. It takes approximately eight (8) weeks to process a Conditional Use Permit application from the date the submittal is deemed complete if the project is exempt from CEQA. If the project is not exempt from CEQA, the City has six (6) months to complete a Negative Declaration/Mitigated Negative Declaration and one (1) year to complete an Environmental Impact Report.
19. The City must hold a public hearing on the Use Permit application. Legal notice of said hearing shall be provided at least ten (10) calendar days prior to the public hearing. If the project is not exempt from CEQA, the notice of the public hearing shall be provided twenty (20) days prior to the public hearing.
20. Applicant will be notified of the date of all meetings and public hearings at which the applicant or applicant's representative should be present.

Permit Instructions and Application
Form

21. Applicant will be notified in writing of the action taken on the application.
22. Approval of the Use Permit application does not constitute approval of a building permit. A separate application for a building permit may need to be submitted to the Building Department for review. Impact fees are separate and are due at the time of Building Permit issuance.

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: William Hartwell Schnobelen (Potential New Owner)

Address: 146 Margaret Ave, San Francisco, CA 94112

Phone: (Business): 415-420-4177

(Email): bill@circuitcase.com

2. PROPERTY OWNER(S):

Name: ARBUCKLE DONNAN SUC TRS

Address: PO BOX 361 ORLAND, CA 95963

Phone: (Business): 530-520-3497

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: Austin Barron

PHONE:(Business): 530-894-4502

(Mobile): 530-588-4538

EMAIL ADDRESS: Austin.Barron@c21selectgroup.com

4. Address and Location of Project:

- 500 5th Street, Orland, CA 95963
- 508 5th Street, Orland, CA 95963

5. Current Assessor's Parcel Number:

- 040-115-001-000
- 040-115-002-000

6. Zoning: C-2

7. General Plan Land Use Classification:

8. Existing use of property(ies): Vacant, was Arbuckle's Surplus Sales

9. Request: We are requesting an M2 conditional use permit for a USA manufacturing shop.

10. Provide any additional information that may be helpful in evaluating this request:

This will be for converting an existing building from C-2 to M-2. This will be for a much needed design and manufacturing shop.

11. Surrounding Land Uses and Zoning Districts (please be specific):

North: Tehama Street then apartment

South: Olive Processing

East: Olive Processing

West: Olive Processing



12. Topography: Flat

13. Vegetation: None

14. Water Supply: Source or Type: Provider:

Existing: City

15. Sewage Disposal:

Existing: City

16. Fire Protection:

Existing: Extinguishers

Proposed:

17. Storm drainage:

Existing: Drains to street and alley

Proposed:

18. School District:

19. Natural Hazards (include past and current uses, if any): None

ENVIRONMENTAL INFORMATION FORM

Date Filed: 10/27/22

General Information:

1. Name and address of developer/project sponsor:

Name: William Hartwell Schnoebelen (Potential New Owner)

Address: 146 Margaret Ave, San Francisco, CA 94112

Phone: (Business): 415-420-4177

(Email): bill@circuitcase.com

2. Address of PROJECT:

- 500 5th Street, Orland, CA 95963
- 508 5th Street, Orland, CA 95963

3. Assessor's Parcel Number:

- 040-115-001-000
- 040-115-002-000

4. Name, address and telephone number of person to be contacted concerning this project:

Name: William Hartwell Schnoebelen (Potential New Owner)

Address: 146 Margaret Ave, San Francisco, CA 94112

Phone: (Business): 415-420-4177

(Email): bill@circuitcase.com

5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies:

Conditional Use Permit

6. Existing Zoning District: C-2

7. Proposed use of the site (Project for which this form is filed):

This will be a machine shop/development shop. Uses include CNC and Manual machining, welding, cutting, and general metal fabrication.

There will also be an electronics lab for circuits, motors, relays, and microprocessors. This will be mainly for development use.

Much of the work will be done for various high tech industries. We do hope to start our own business line for biology equipment.

We currently do this same work. This would be just expanding our current scale. We currently do one off prototypes and outsource the manufacturing. This would allow us to do a high mix- low volume - high value manufacturing.

The intention is to run the CNC machines lights out. The machines may run 24 hours per day. There may or may not be a human there to tend the machines.

Project Description:

8. Site size: 0.477 Acres

9. Square footage: 8200

10. Number of floors to be constructed: 0

11. Amount of off-street parking provided: Existing

12. If residential:

Number of units:

Design of units (i.e. single family, multi-family, etc):

Square footage of each unit:

13. If commercial:

Type of use:

Square footage of each building (existing and proposed):

Number of employees (if applicable):

Number of shifts (if applicable):

Hours of operation:

14. If industrial:

Type of use: CNC Machine Shop

Square footage of each building (existing and proposed): 1200 SQFT, 3200 SQFT, 4800 SQFT

Number of employees (if applicable): 2-5

Number of shifts (if applicable) 1-possibly 3

Hours of operations: 24 hours

15. If institutional:

Estimated occupancy:

Type of use:

Square footage of each building (existing and proposed):

Number of employees (if applicable):

Number of shifts (if applicable)

Hours of operations:

16. If the project involves a variance, conditional use, request for annexation, or rezoning application, state this and indicate clearly why the application is required.

We need this building to be zoned M-2 for manufacturing purposes.

17. Attach site plan(s).

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary):

18. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours. Yes _____ No ____X____

19. Change in scenic views or vistas from existing residential areas or public lands or roads. Yes _____ No ____X____

20. Change in pattern, scale or character of general area of project.

Yes _____ No ____X____

21. Significant amounts of solid waste or litter.

Yes _____ No ____X____

22. Change in dust, ash, smoke, fumes or odors in the vicinity.

Yes _____ No ☒ _____

23. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.

Yes _____ No ☒ _____

24. Substantial change in existing noise or vibration levels in the vicinity.

Yes _____ No ☒ _____

25. Site on filled land or on slope of 10 percent or more.

Yes _____ No ☒ _____

26. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.

Yes _____ No ☒ _____

27. Substantial change in demand for municipal services (police, fire, water, sewage,

etc.), Yes _____ No ☒ _____

28. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)

Yes _____ No ☒ _____

29. Relationship to a larger project or series of projects.

Yes _____ No ☒ _____

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.

This is a 0.477 acre flat lot. It has three structures. The soil is hard and rocky. There are no plants.



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.

There are olive processing plants on three sides. There is a residential apartment across the street on the north side. There is a monument manufacturing company next to them.





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.

William Schnoebelen

Printed Name (Applicant & Potential Property Owner)

10/27/22

Date

William H Schnoebelen

Signature ((Applicant & Potential Property Owner)



Attachment A Project Location
CUP 2022-08 Schnoebelen

Site Photo 2

Write a description for your map.

Legend



Attachment A2 Project Location Street View
CUP 2022-08 Schnoebelen



RESULTS

City Limits

Name: CITY OF ORLAND - INCORPORATED

Parcels

APN: 040-115-001-000
Owner: ARBUCKLE DONNAN SUC TRS
Owner Address: P O BOX 361
Owner City: ORLAND
Owner State: CA
Owner Zip: 95963
TRA: 001000
Acreage: 0.36
Situs Address: 500 FIFTH ST
Situs Address 2: ORLAND CA 95963
Situs City: ORLAND
Situs State: CA
Situs Zip: 95963
Situs Full Address: ORLAND CA 95963
Use Permit:
Variance:
Project Number:

Full General Plan Designation

General Plan: I-L/C
Use_Permit:
Variance:
Project_Num:



20 m
50 ft



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

RESULTS

City Limits

Name: CITY OF ORLAND - INCORPORATED

Parcels

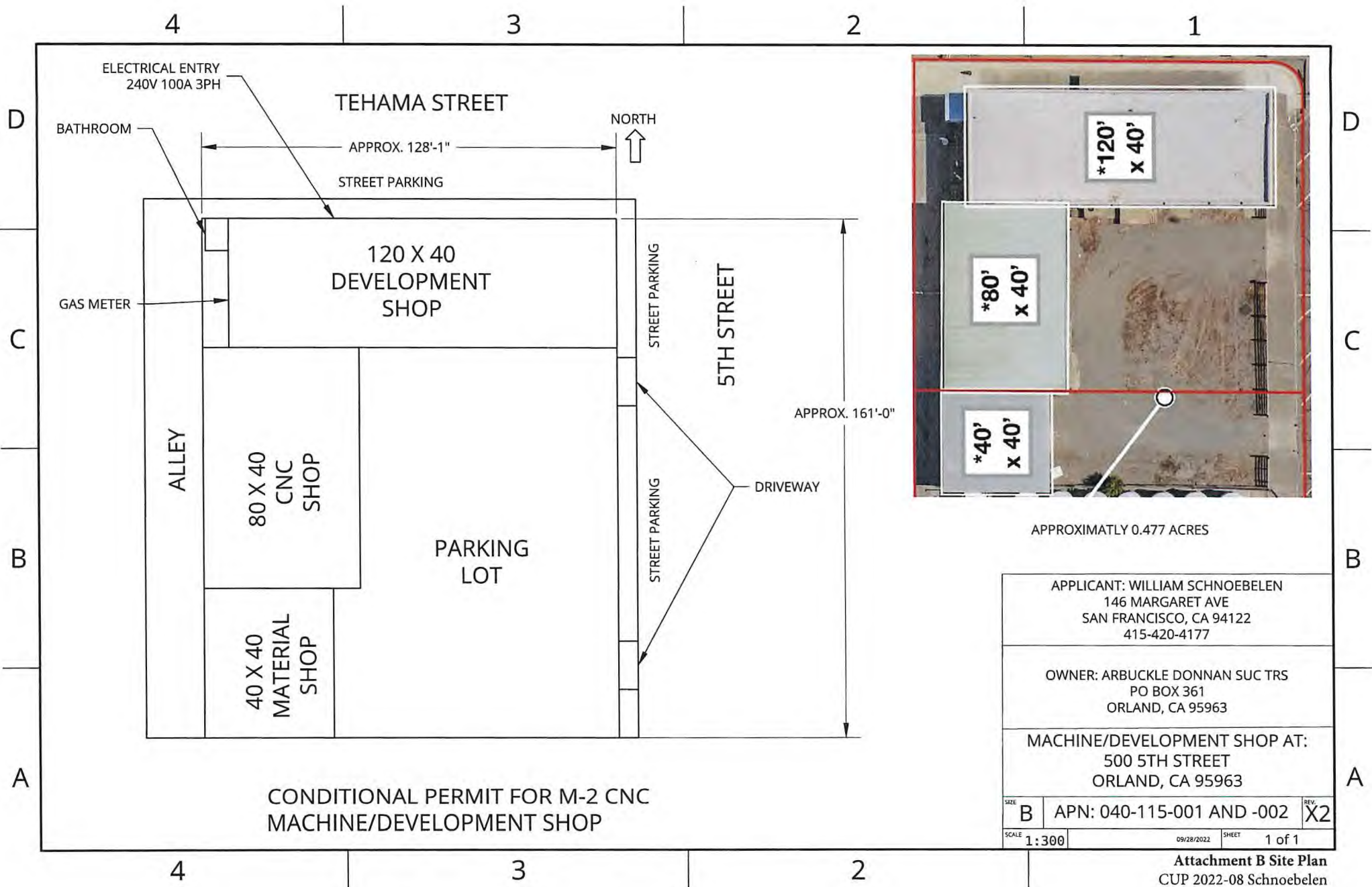
APN: 040-115-001-000
Owner: ARBUCKLE DONNAN SUC TRS
Owner Address: P O BOX 361
Owner City: ORLAND
Owner State: CA
Owner Zip: 95963
TRA: 001000
Acreage: 0.36
Situs Address: 500 FIFTH ST
Situs Address 2: ORLAND CA 95963
Situs City: ORLAND
Situs State: CA
Situs Zip: 95963
Situs Full Address: ORLAND CA 95963
Use Permit:
Variance:
Project Number:

Full Zoning Designation

Zoning: C-2
Use_Permit:
Variance:
Project_Num:



20 m
50 ft



CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2022-08, Bill Schnoebelen Metalworking Shop

Assessor's Parcel Numbers: 040-115-001, 040-115-002

Project location: 500 & 508 5th Street, Orland, Glenn County, CA 95963

Zoning: "C-2" (Community Commercial)

General Plan Land Use Designation: "I-L/C" (Light Industrial/Commercial)

Proposed Use: "Metal Working Shop"

Conditional Use Permit #2022-08, William Hartwell Schnoebelen (Applicant): A request for approval of a Conditional Use Permit for the utilization of building space as a Metal Working Shop. The existing parcel is designated Light Industrial/Commercial) 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 +/-8,200 square feet of existing building space as a Metal Working Shop on a parcel of land identified as Glenn County Assessor's parcel numbers 040-115-001 & 040-115-002, as

requested on CUP application #2022-08, 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) 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), 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 metal shop 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 modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.
17. The applicant shall consult with the City of Orland Public Works department to address any required improvements to the curbs, gutters, sidewalks, and onsite dirt parking lot.
18. All uses occurring at the proposed site shall adhere to all applicable Noise Standards of the City of Orland Municipal Code. This includes ensuring noise from the CNC machinery (Computerized Numerical Control machines used to make precise cuts in material using a computer program to control the cutting router) running 24 hours a day do not violate OMC noise ordinances by exceeding ambient noise levels in the residential neighborhood to the north. Additionally, the space in which the compressor will be housed shall be retrofitted with noise-dampening material in order to comply with the OMC noise standards.
19. All Metal Working Shop 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. This includes taking actions to ensure unpleasant odors emanating from the facility are encapsulated onsite.

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2022-08 and acknowledge and consent to the Conditions as presented.

Signed,

Bill Schnoebelen, Applicant

Date

Arbuckle Donnan SUC TRS, Landowner

Date

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2022-08
FOR: Bill Schnoebelen (Applicant);
Assessor's Parcel Numbers: 040-115-001 & 040-115-002:
500 & 508 5th 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: 040-115-001 & 040-115-002. 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: 040-115-001 & 040-115-002. The proposed Light Industrial/Commercial use is compatible with the surrounding environment as the project site is located in an area of predominantly Light Industrial/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 project meets the intent of the exemption described in CEQA Guidelines Section 15332. As conditioned, the proposed sign is compatible with applicable General Plan and Zoning designations with an approved Conditional Use Permit; occurs within the City limits on a property less than 5 acres; has no value as habitat for endangered, rare, or threatened species, will result in no significant effects related to traffic, noise, air quality, or water quality as it is surrounded by commercial, zoning; and the site is serviced by developed utilities and public services.*

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#2022-08 – A request to approve the Conditional Use of building space, located on the parcels of land identified as Glenn County Assessor's parcel number 040-115-001 & 040-115-002, as a Metal Working Shop for the development and fabrication of industrial technology equipment.

Project Location - Specific:

500 & 508 5th Street in Orland, Glenn County, CA 95963. APN 040-115-001 & 040-115-002

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 040-115-001 & 040-115-002, as a Metal Working Shop for the development and fabrication of industrial technology equipment. The request includes the use of approximately +/- 8,200 square feet of building space consisting of a Development Shop, CNC Shop (Computerized Numerical Control machines used to make precise cuts in material using a computer program to accurately control the cutting router), and a Materials Storage 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 (Bill Schnoebelen).

Name of Public Agency Approving Project:

City of Orland

Name of Person or Agency Carrying Out Project:

Bill Schnoebelen

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: \$15332 In-Fill Development 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 15332.

Lead Agency

Contact Person: Scott Friend, AICP

Area Code/Telephone/Extension: (530) 865-1608

Signature:  **Date:** 11/10/22 **Title:** City Clerk ^{Planner}

■ Signed by Lead Agency

Date received for filing at OPR: N/A

Attachment E

HAMILTON BLANE L
P O BOX 628
RAIL ROAD FLAT CA 95248

ROSALES TERESA M & PEDRO J/T
27 E SWIFT ST
ORLAND CA 95963

REED HANNAH S
P O BOX 993
ORLAND CA 95963

ABBOTT LINDA A S/S
830 CRESTWOOD WAY
WILLOWS CA 95988

ARBUCKLE DONNAN SUC TRS
P O BOX 361
ORLAND CA 95963

MUSCO OLIVE PRODUCTS CO INC
17950 VIA NICOLO
TRACY CA 95377

SELLERS THOMAS E
441 5TH ST
ORLAND CA 95963

RUSH DAMIEN M & % RUSH TAMMY R
TRS
7382 LINDSAY AVE
ORLAND CA 95963

SANCHEZ SONIA
P O BOX 26
ORLAND CA 95963

SANCHEZ SAMUEL G TRS
3920 CO RD O
ORLAND CA 95963

JOHNSON STEPHEN L TRS
78-7018 MOLOLANI ST
KAILUA-KONA HI 96740

OCCUPANT
ORLAND CA 95963

OCCUPANT
527 5TH ST
ORLAND CA 95963

OCCUPANT
528 5TH ST
ORLAND CA 95963

OCCUPANT
514 4TH ST
ORLAND CA 95963

OCCUPANT
510 4TH ST
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500 5TH ST
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OCCUPANT
506 4TH ST
ORLAND CA 95963

OCCUPANT
500 4TH ST
ORLAND CA 95963

OCCUPANT
440 5TH ST
ORLAND CA 95963

OCCUPANT
500 TEHAMA ST
ORLAND CA 95963

OCCUPANT
508 TEHAMA ST
ORLAND CA 95963

OCCUPANT
424 TEHAMA ST
ORLAND CA 95963

OCCUPANT
438 5TH ST
ORLAND CA 95963

OCCUPANT
437 5TH ST
ORLAND CA 95963

OCCUPANT
431 5TH ST #31
ORLAND CA 95963

OCCUPANT
431 5TH ST #32
ORLAND CA 95963

OCCUPANT
430 5TH ST
ORLAND CA 95963

OCCUPANT
431 5TH ST #30
ORLAND CA 95963

OCCUPANT
431 5TH ST #29
ORLAND CA 95963

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2022-08**

APPROVAL OF CONDITIONAL USE PERMIT #2022-08

**Location: An existing parcel identified as APN's: 040-115-001 & 040-115-002 and located south of Tehama Street, at 500 & 508 5th Street
APPLICATION: Conditional Use Permit #2022-08**

WHEREAS, Mr. Bill Schnoebelen (applicant) has requested a Conditional Use Permit (CUP) to allow for the approval of a Machine Shop pursuant to OMC Chapter 17.40.040(27); and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on November 17, 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 November 17, 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 #2022-08, 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 use of +/-8,200 square feet of existing building space as a Metal Working Shop on a parcel of land identified as Glenn County Assessor's parcel numbers 040-115-001 & 040-115-002, as requested on CUP application #2022-08, 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) 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), 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 metal shop 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 modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.
17. The applicant shall consult with the City of Orland Public Works department to address any required improvements to the curbs, gutters, sidewalks, and onsite dirt parking lot.
18. All uses occurring at the proposed site shall adhere to all applicable Noise Standards of the City of Orland Municipal Code. This includes ensuring noise from the CNC machinery (Computerized Numerical Control machines used to make precise cuts in material using a computer program to control the cutting router) running 24 hours a day do not violate OMC noise ordinances by exceeding ambient noise levels in the residential neighborhood to the north. Additionally, the space in which the compressor will be housed shall be retrofitted with noise-dampening material in order to comply with the OMC noise standards.
19. All Metal Working Shop 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. This includes taking actions to ensure unpleasant odors emanating from the facility are encapsulated onsite.

The foregoing Resolution was adopted by the Planning Commission on the 17th day of November 2022 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

Wade Elliott, Chairman

ATTEST:

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: November 17, 2022; 5:30 p.m.
Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Accessory Dwelling Unit Development Impact Fees:**

The City charges Development Impact Fees (DIFs) for new construction in the city. California Government Code Section 65852.2(3)(A) requires a reduced DIF for Accessory Dwelling Units (ADUs). The fee is to be based on proportional relationship between the square footage of the primary dwelling and the ADU.

This report is for the establishment of these fees.

Environmental Review: Staff is recommending that the Planning Commission determine that the project is *Exempt* from further environmental review pursuant to CEQA Guidelines Section 15273 and Public Resources Code Section 21080(b)(3) as adoption of rates, tolls, fares, and charges by the City are exempt from CEQA.

Background:

The City charges a DIF for new residential, commercial, and industrial construction in the city as permitted by California Government Code Section 66000. The purpose of these fees is to finance public facilities and improvements and/or to fund compensating measures to reduce the impacts caused by future developments in the City of Orland. Such improvements or compensation measures include, but are not limited to, police facilities, fire facilities, city hall facilities, library facilities, local and area wide storm drainage facilities, parks facilities, community center, and transportation facilities. The current total DIF for residential construction is as follows:

- Single Family - per unit: \$18,510.51
- Multifamily - per unit: \$16,087.94

Government Code Section 65852.2(f)(3)(A) requires that an ADU's DIF be proportional to those charged to a primary dwelling. Government Code Section 65852.2(f)(3)(A) is as follows:

Gov. Code Section 65852.2(f)(3)(A): A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less

than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

Additionally, Orland Municipal Code (OMC) Section 17.76.130(p) states that:

“ Development impact fees for ADUs shall be based on the proportional size of the accessory dwelling unit to the primary dwelling. No development impact fees shall be required for ADUs of seven hundred fifty (750) sq. ft. or less in size.”

In 2021, the City applied for and was approved for SB 2 grant funding for the Accessory Dwelling Units Fee Reduction Project (Project). The goal of this project was the completion of a DIF fee study to review the DIF the City imposed on ADUs. Senate Bill 2 (2017) (SB 2) is part of a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs.

The Project analyzed the City’s 2019 Development Impact Fee to determine the most appropriate methodology to establish a proportional ADU DIF as required by State law. As noted previously, this fee is required to be based on an ADU to primary unit proportional size ratio. This effort determined that a straight-line ADU square footage to primary dwelling square footage proportion, as required by Gov. Code Section 65852.2(3)(A), was not feasible. This determination was made because the City’s current Residential DIF fee structure is based on the *total number of units* and not on a square footage basis. Using a square footage proportional ratio would thusly result in an inconsistent and unfair ADU DIF.

As shown in Table 1 below, an ADU of 751 sq. ft. and a primary dwelling unit of 2,100 sq. ft. would have a proportionate ratio of 0.357. While an ADU of 751 sq. ft. and a primary unit of 1,500 sq. ft. would have a proportionate ratio of 0.501. This would mean that the owner of the smaller 1,500 sq. ft. primary unit would have to pay a higher DIF (\$9,273.77) than the owner of the 2,100 sq. ft. primary unit for the same sized ADU (\$6,608.26).

Table 1 Square Footage Ratio Comparison

Primary Unit	1,500 sq. ft.	2,100 sq. ft.
Primary Unit DIF	\$18,510.51	\$18,510.51
ADU	751 sq. ft.	751 sq. ft.
Proportional Ratio (ADU sq. ft. / Primary Unit sq. ft.)	<i>0.501</i>	<i>0.357</i>
ADU DIF	\$9,273.77	\$6,608.26

Therefore, an alternative way to determine a fair and consistent ADU DIF was required. This is explained further in **Attachment A**. Below is the result of the Accessory Dwelling Units Fee Reduction Project analysis and staff proposed ADU DIF.

Discussion:

Pursuant to State law, the City has been allowing ADUs since the State law came into effect in 2018. In an effort to provide context on ADU development in Orland, staff researched the number of building permits issued for new ADUs. Since 2018, nine (9) ADUs have been approved in the City. None of these were over 750 square feet, and therefore none were required to pay DIFs. While not specifically stated in the building permit documentation, staff believes that the 750 square foot threshold for requiring a DIF fee was one of the main factors in determining ADU size by the ADU applicant.

As discussed previously, the City is required to have a reduced DIF fee for ADUs. Below is staff's proposed ADU DIF.

Proposed ADU DIF Fee – Single Family

The City's 2019 Development Impact Fee Study uses an identified average persons per single-family household of 2.8 persons per unit (U.S. Census owner-occupied persons per household) for the City as one of the primary factors for calculating the various impact fees. Household sizes for an ADU would generally be smaller than for a single family unit. However, there are no Census statistics available identifying the number of persons per household as a result of the number of bedrooms in a housing unit. As a result, some assumptions had to be made as to the how many persons would occupy an ADU in order to determine the potential ADU DIF. As such, the following ADU household size assumptions have been made:

- ADU of less than 750 sq. ft. no DIF pursuant to Municipal Code Section 17.76.130.
- ADU of between 751 sq. ft. and 900 sq. ft. would allow for up to a two bedroom unit and therefore accommodate an average of 1.5 persons per ADU.
- ADUs between 901 sq. ft. and 1,050 sq. ft. would allow for two to three bedrooms and therefore accommodate an average of 1.75 persons per ADU.
- ADUs of 1,051 and 1,200 sq. ft. would allow for a three bedroom unit and therefore accommodate an average of 2.0 persons per ADU.

As shown, the persons per ADU is based on ADU square footage and the potential number of bedrooms in that ADU. These assumptions are based on experience and not on actual statistical or field-verified information. However, based on the average 2.8 household size for the City, these assumptions are considered to be practical as one factor in determining the ADU DIF.

Using the ADU assumptions listed above instead of a straight-line ADU to single family square footage ratio will provide a uniform DIF for ADUs while still providing for a proportional DIF

reduction, regardless of primary dwelling unit size. This will thereby not result in a greater ADU DIF cost for development of an ADU on lots with smaller primary dwelling units.

As shown in Table 2, an ADU of 750 to 900 sq. ft. will have an average household size factor of 1.5. This calculates in a proportional size ratio of 0.536 when compared to the citywide average household size of 2.8 ($1.5 / 2.8 = 0.536$). This results in a total ADU DIF on a single family lot of \$9,916.34. Using the DIF costs provided in Table 1 will provide a uniform DIF, regardless of primary unit size, for ADUs while still providing a proportional ADU to primary unit reduction for the DIF as required.

Table 2: Proposed Single Family ADU DIF

ADU Size		Less than 750 sq. ft. ¹	750 to 900 sq. ft.	901 to 1,050 sq. ft.	1,051 to 1,200 sq. ft.
Average Household Size Factor	2.8	-	1.5	1.75	2.0
Proportional Size Ratio of Ave. HH Size	1	-	0.536	0.625	0.714
Fee Category	Single Family DIF per Unit	ADU DIF per Unit			
Park Fees					
Land Acquisition Fee	\$835.24	\$0	\$447.45	\$522.03	\$596.60
Park Improvement Fee	\$4,176.17	\$0	\$2,237.23	\$2,610.11	\$2,982.98
Park Maintenance Fee	\$40.18	\$0	\$21.53	\$25.11	\$28.70
Comm & Rec Fees	\$2,036.92	\$0	\$1,091.21	\$1,273.08	\$1,454.94
Public Safety Fees	\$2,697.83	\$0	\$1,445.27	\$1,686.14	\$1,927.02
Library Fees	\$1,356.07	\$0	\$726.47	\$847.54	\$968.62
City Hall Fees	\$405.69	\$0	\$217.33	\$253.56	\$289.78
Transportation Fee	\$1,736.41	\$0	\$930.22	\$1,085.26	\$1,240.29
Water Fee	\$2,711.00	\$0	\$1,452.32	\$1,694.38	\$1,936.43
Sewer Fee	\$2,515.00	\$0	\$1,347.32	\$1,571.88	\$1,796.43
Total DIF	\$18,510.51	\$0	\$9,916.34	\$11,569.07	\$13,221.79
Reduction in DIF		-	\$8,594.17	\$6,941.44	\$5,288.72

Notes:

- 1) ADUs of 750 sq. ft. are not subject to a DIF pursuant to Gov. Code Section 65852.2(f)(3)(A) and Orland Municipal Code (OMC) Section 17.76.130(p).
- 2) ADUs of more than 1,200 sq. ft. are not allowed pursuant to Gov. Code Section 65852.2(a)(1)(D) and Orland Municipal Code (OMC) Section 17.76.130(2)(a).

Proposed ADU DIF Fee – Multifamily Lot

The proposed DIF for multifamily ADUs is shown in Table 3. As with single family development, the City's 2019 Development Impact Fee Study uses an average persons per household as one of the primary factors for calculating the various impact fees. The average persons per multifamily household is set at 2.4 persons. However, using this factor for multifamily ADU DIF results in a greater fee of \$10,054.96 than the single family ADU DIF of \$9,916.34 for the same size ADU. This scenario does not meet the City's DIF single family and

multifamily fee conditions where the DIF for multifamily units is supposed to be less than for single family units. As such, an average household size of 2.8 is also used to determine the ADU multifamily DIF. This will allow for a lower multifamily ADU DIF cost than a single family DIF cost, consistent with the City's DIF fee schedule. Using the same assumptions described previously, ADUs of between 751 sq. ft. and 900 sq. ft. would accommodate a two bedroom unit and ADUs between 901 sq. ft. and 1,050 sq. ft. would accommodate two to three bedrooms, while ADUs of 1,051 and 1,200 sq. ft. would accommodate a three bedroom unit. Also a persons per household of 1.5, 1.75, and 2.0 for the ADUs. As with the single family ADU DIF, using these factors instead of a straight ADU/average multifamily dwelling proportion will provide a uniform DIF for multifamily ADUs while still providing a proportional DIF reduction as required.

Table 3: Proposed Multifamily ADU DIF

ADU Size		Less than 750 sq. ft. ¹	750 to 900 sq. ft.	901 to 1,050 sq. ft.	1,051 to 1,200 sq. ft. ²
Average Household Size Factor	2.8	-	1.5	1.75	2.0
Proportional Size Ratio of Ave. HH Size	100%	-	0.537	0.625	0.714
Fee Category	Multifamily DIF per Unit	ADU DIF per Unit			
Park Fees					
Land Acquisition Fee	\$715.92	\$0	\$383.53	\$447.45	\$511.37
Park Improvement. Fee	\$3,579.58	\$0	\$1,917.63	\$2,237.24	\$2,556.84
Park Maintenance Fee	\$34.44	\$0	\$18.45	\$21.53	\$24.60
Comm & Rec Fees	\$1,745.93	\$0	\$935.32	\$1,091.21	\$1,247.09
Public Safety Fees	\$2,312.43	\$0	\$1,238.80	\$1,445.27	\$1,651.74
Library Fees	\$1,162.35	\$0	\$622.69	\$726.47	\$830.25
City Hall Fees	\$347.73	\$0	\$186.28	\$217.33	\$248.38
Transportation Fee	\$1,065.91	\$0	\$571.02	\$666.19	\$761.36
Water Fee (1 inch meter) ³	\$2,657.82	\$0	\$1,423.83	\$1,661.14	\$1,898.44
Sewer Fee (1 inch meter) ³	\$2,465.82	\$0	\$1,320.98	\$1,541.14	\$1,761.30
Total DIF	\$16,087.93	\$0	\$8,618.53	\$10,054.96	\$11,491.38
Reduction in DIF		-	\$7,469.40	\$6,032.97	\$4,596.55

Notes:

- 1) ADUs of 750 sq. ft. are not subject to a DIF pursuant to Gov. Code Section 65852.2(f)(3)(A) and Orland Municipal Code (OMC) Section 17.76.130(p).
- 2) ADUs of more than 1,200 sq. ft. are not allowed pursuant to Gov. Code Section 65852.2(a)(1)(D) and Orland Municipal Code (OMC) Section 17.76.130(2)(a).
- 3) Multifamily DIF for sewer and water are based on meter size. If meter size is greater than one (1) inch, use proportional percentage value as shown above by specific meter size DIF to determine Multifamily ADU DIF for water and sewer.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Municipal Code Amendment(s) to be statutorily exempt pursuant to CEQA Guidelines Section 15273 and Public Resources Code Section 21080(b)(3) as adoption of rates, tolls, fares, and charges by the City are exempt from CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment B**.

Staff Request:

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 provides the following for a recommendation to the City Council of approval for the proposed ADU DIF:

- 1) Recommend for *approval* to the City Council, the Amendment(s) to the Development Impact Fee, as contained herein, through adoption of Planning Commission Resolution #2022-XX (**Attachment C**). Staff also recommends that the Planning Commission recommends for approval to the City Council, the Notice of Exemption (**Attachment B**) prepared for the proposed action.

Recommended Motions:

- 1) If the Planning Commission determines that it intends to recommend for approval all of the actions to the City Council, staff presents the following motions for consideration:

I move that the Planning Commission adopt Planning Commission Resolution #2022-XX recommending for approval to the City Council, the ADU DIF as presented herein and approval of the Categorical Exemption as presented.

ATTACHMENTS

- **Attachment A** – Orland ADU Development Impact Fee Analysis
- **Attachment B** – Notice of Exception
- **Attachment C** – Planning Commission Resolution for Recommendation of Approval 2022-XX

Orland ADU Development Impact Fee Analysis

State law requires that ADUs Development Impact Fees (DIFs) be proportional to the primary dwelling as identified in Government Code Section 65852.2(3)(A).

Gov. Code Section 65852.2(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

Orland Municipal Code Section 17.76.130(p) states that:

“ Development impact fees for ADUs shall be based on the proportional size of the accessory dwelling unit to the primary dwelling. No development impact fees shall be required for ADUs of seven hundred fifty (750) sq. ft. or less in size.”

As noted in Section 17.76.130, ADUs of 750 square feet or less are not subject to DIF fees. The DIF will increase to cost of construction for a ADU larger than 750 sq. ft. and therefore may result in reducing the number of larger ADUs in the city. However, the DIF is necessary to continue to provide city services and therefore new dwellings which increase the need for continuing city services should be charged for their impact to these services including new ADUs.

Single Family Lot

Because the Orland single family Development Impact Fee (DIF) is not based on building square footage but rather one fee for a new single family dwelling regardless of size, charging a DIF for a new ADU on a purely square footage proportional relationship results in a disproportionate fee charge. This would require an applicant with a smaller primary dwelling to pay a higher fee than an applicant with a larger primary dwelling for the same ADU square footage. As shown in the table below, a lot with primary dwelling size of 1,500 sq. ft. and a proposed 751 sq. ft. ADU would have a DIF of \$9,267.60 whereas, a lot with a 2,100 sq. ft. primary dwelling and the same 751 sq. ft. ADU will have a DIF of \$6,619.71.

Table 1: Single Family DIF Proportional Comparison

	ADU Sq. Ft.	Primary Dwelling Sq. Ft.	
	751	2,100	1,500
Proportional Size		35.8%	50.1%
Fee Category	Single Family DIF per Unit	ADU DIF per Unit	
Park Fees			
Land Acquisition Fee	\$835.24	\$298.70	\$418.18
Park Improvement. Fee	\$4,176.17	\$1,493.48	\$2,090.87
Park Maintenance Fee	\$40.18	\$14.37	\$ 20.12
Comm & Rec Fees	\$2,036.92	\$728.44	\$1,019.82
Public Safety Fees	\$2,697.83	\$964.80	\$1,350.71
Library Fees	\$1,356.07	\$ 484.96	\$678.94
City Hall Fees	\$405.69	\$145.08	\$203.12

Transportation Fee	\$1,736.41	\$620.97	\$869.36
Water Fee	\$2,711.00	\$969.51	\$1,357.31
Sewer Fee	\$2,515.00	\$899.41	\$1,259.18
Total	\$18,510.51	\$6,619.71	\$9,267.60

Multifamily Lot

As with the Orland single family DIF, the multifamily DIF is not based on building square footage but rather one fee per multifamily unit regardless of size. Again, charging a DIF for a new ADU in a multifamily development on a purely square footage proportional relationship results in a disproportionate fee charge. For example, a duplex with an average unit square footage between the two units of 1,000 sq. ft., an ADU of 751 sq. ft. will result in a proportional DIF of 75.0 percent resulting in a fee of \$12,065.95. While this same size ADU in a larger multifamily complex of 20,000 sq. ft. and 25 units averaging out to 800 sq. ft. per unit, will result in a proportional DIF of 93.8 percent and a fee of \$15,082.43. Also, the DIF would be much greater than the single family DIF for the same size ADU as shown in Table 1. As with the single family ADU, a more uniformly equal DIF for multifamily ADUs would be a DIF based on a range of ADU square footages and a development impact load factor.

Table 2: Multifamily DIF Proportional Comparison

Total building square footage		20,000	2,000
Number of units in building		25	2
Average square feet of all MF units in building		800	1,000
ADU square footage		751	751
Resulting proportional size		93.8%	75.0%
Item	Multifamily DIF per Unit	ADU fee	
Park Fees			
Land Acquisition Fee	\$715.92	\$671.18	\$536.94
Park Improvement. Fee	\$3,579.58	\$3,355.86	\$2,684.69
Park Maintenance Fee	\$34.44	\$32.29	\$25.83
Comm & Rec Fees	\$1,745.93	\$1,636.81	\$1,309.45
Public Safety Fees	\$2,312.43	\$2,167.90	\$1,734.32
Library Fees	\$1,162.35	\$1,089.70	\$871.76
City Hall Fees	\$347.73	\$326.00	\$260.80
Transportation Fee	\$1,065.91	\$999.29	\$799.43
Water Fee (1 inch meter)	\$2,657.82	\$2,491.71	\$1,993.37
Sewer Fee (1 inch meter)	\$2,465.82	\$2,311.71	\$1,849.37
Total	\$16,087.93	\$15,082.43	\$12,065.95

Proposed ADU DIF Fee – Single Family Lot

The City's 2019 Development Impact Fee Study uses an identified average persons per single-family household of 2.8 for the City as one of the primary factors for calculating the various impact fees.

Household sizes for ADU would generally be smaller than for a single family units. As such, the following ADU household sized assumptions have been made:

- ADU of less than 750 sq. ft. no DIF pursuant to Municipal Code Section 17.76.130.
- ADU of between 751 sq. ft. and 900 sq. ft. would allow for up to a two bedroom unit and therefore accommodate an average of 1.5 persons per ADU.
- ADUs between 901 sq. ft. and 1,050 sq. ft. would allow for two to three bedrooms and therefore accommodate an average of 1.75 persons per ADU.
- ADUs of 1,051 and 1,200 sq. ft. would allow for a three bedroom unit and therefore accommodate an average of 2.0 persons per ADU.

Using these factors instead of a straight ADU to single family proportion will provide a uniform DIF for ADUs while still providing for a proportional DIF reduction regardless of primary dwelling size. This will thereby not result in a greater ADU DIF cost for smaller primary dwelling units.

As shown below, an ADU of 750 to 900 sq. ft. will have an average household size factor of 1.5. This calculates in a proportional size, when compared to the citywide average household size of 2.8, of 53.6 percent resulting in a total ADU DIF on a single family lot of \$9,916.34 or a reduction in the cost of the DIF by 46.4 percent or \$8,594.17 for the ADU. This will provide a uniform DIF for ADUs while still provides for a proportional DIF reduction as required and will not result in a greater ADU DIF cost for smaller primary dwelling units.

Table 3: Proposed Single Family ADU DIF

ADU Size		Less than 750 sq. ft.	750 to 900 sq. ft.	901 to 1,050 sq. ft.	1,051 to 1,200 sq. ft.
Average Household Size Factor	2.8	-	1.5	1.75	2.0
Proportional Size of Ave. HH Size	100%	-	53.6%	62.5%	71.4%
Fee Category	Single Family DIF per Unit	ADU DIF per Unit			
Park Fees					
Land Acquisition Fee	\$835.24	\$0	\$447.45	\$522.03	\$596.60
Park Improvement Fee	\$4,176.17	\$0	\$2,237.23	\$2,610.11	\$2,982.98
Park Maintenance Fee	\$40.18	\$0	\$21.53	\$25.11	\$28.70
Comm & Rec Fees	\$2,036.92	\$0	\$1,091.21	\$1,273.08	\$1,454.94
Public Safety Fees	\$2,697.83	\$0	\$1,445.27	\$1,686.14	\$1,927.02
Library Fees	\$1,356.07	\$0	\$726.47	\$847.54	\$968.62
City Hall Fees	\$405.69	\$0	\$217.33	\$253.56	\$289.78
Transportation Fee	\$1,736.41	\$0	\$930.22	\$1,085.26	\$1,240.29
Water Fee	\$2,711.00	\$0	\$1,452.32	\$1,694.38	\$1,936.43
Sewer Fee	\$2,515.00	\$0	\$1,347.32	\$1,571.88	\$1,796.43
Total DIF	\$18,510.51	\$0	\$9,916.34	\$11,569.07	\$13,221.79
Reduction in DIF		-	\$8,594.17	\$6,941.44	\$5,288.72

Proposed ADU DIF Fee – Multifamily Lot

The City's 2019 Development Impact Fee Study uses an identified average persons per multifamily household of 2.4 for the City as one of the primary factors for calculating the various impact fees. However, using this factor results in a multifamily ADU DIF greater than the single family ADU DIF for the same size unit. This scenario does not meet the DIF single family/multifamily conditions where the fee for multifamily units is less than for single family units. As such, an average household size of 2.8 is also used to determine the ADU multifamily DIF. This will allow a lower multifamily ADU DIF cost than a single family DIF cost. Using the same assumptions described previously, ADU of between 751 sq. ft. and 900 sq. ft. would accommodate a two bedroom unit and ADUs between 901 sq. ft. and 1,050 sq. ft. would accommodate two to three bedrooms, while ADUs of 1,051 and 1,200 sq. ft. would accommodate a three bedroom unit. Also a persons per household of 1.5, 1.75, and 2.0 for the ADUs. As with the single family ADU DIF, using these factors instead of a straight ADU/average multifamily dwelling proportion will provide a uniform DIF for ADUs while still providing a proportional DIF reduction as required.

Table 4: Proposed Multifamily ADU DIF

ADU Size		Less than 750 sq. ft.	750 to 900 sq. ft.	901 to 1,050 sq. ft.	1,051 to 1,200 sq. ft.
Average Household Size Factor	2.8	-	1.5	1.75	2.0
Proportional Size of Ave. HH Size	100%	-	53.57%	62.50%	71.4%
Fee Category	Multifamily DIF per Unit	ADU DIF per Unit			
Park Fees					
Land Acquisition Fee	\$715.92	\$0	\$383.53	\$447.45	\$511.37
Park Improvement. Fee	\$3,579.58	\$0	\$1,917.63	\$2,237.24	\$2,556.84
Park Maintenance Fee	\$34.44	\$0	\$18.45	\$21.53	\$24.60
Comm & Rec Fees	\$1,745.93	\$0	\$935.32	\$1,091.21	\$1,247.09
Public Safety Fees	\$2,312.43	\$0	\$1,238.80	\$1,445.27	\$1,651.74
Library Fees	\$1,162.35	\$0	\$622.69	\$726.47	\$830.25
City Hall Fees	\$347.73	\$0	\$186.28	\$217.33	\$248.38
Transportation Fee	\$1,065.91	\$0	\$571.02	\$666.19	\$761.36
Water Fee (1 inch meter)*	\$2,657.82	\$0	\$1,423.83	\$1,661.14	\$1,898.44
Sewer Fee (1 inch meter)*	\$2,465.82	\$0	\$1,320.98	\$1,541.14	\$1,761.30
Total DIF	\$16,087.93	\$0	\$8,618.53	\$10,054.96	\$11,491.38
Reduction in DIF		-	\$7,469.40	\$6,032.97	\$4,596.55

Notes: * Multifamily DIF for sewer and water are based on meter size. If meter size is greater than one (1) inch, use proportional percentage value as shown above by specific meter size DIF to determine Multifamily ADU DIF for water and sewer.

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: Accessory Dwelling Unit Development Impact Fee

Project Location - Specific:

City of Orland – Citywide.

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

Description of Nature, Purpose, and Beneficiaries of Project: Adoption of a proportional Development Impact fee for Accessory Dwelling Units pursuant to Government Code Section 65852.2(3)(A).

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: 15273
☒ Statutory Exemptions. State code number: PRC 21080(b)(8)

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as the establishment, modification of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of obtaining funds for capital projects necessary to maintain service within existing service areas exempted under Public Resources Code 21080(b)(8) and CEQA Guidelines Section 15273.

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: _____

PLANNING COMMISSION RESOLUTION NO. 2022-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORLAND
RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF ORLAND, APPROVAL
OF THE ACCESSORY DWELLING UNIT DEVELOPMENT IMPACT FEES AND
ASSOCIATED CEQA EXEMPTION FOR THE CITY OF ORLAND.**

WHEREAS, on January 1, 2018, the State of California adopted revisions to Government Code Section 65852.2(3)(A) requiring the development impact fee for accessory dwelling units be proportional to the primary dwelling; and

WHEREAS, this proportional development impact fee applies to ADUs developed on single family lots and multifamily lots; and

WHEREAS, the city completed the *Orland ADU Development Impact Fee Analysis* to determine a fair and equitable ADU DIF in 2022; and

WHEREAS, based on this analysis, a fair and equitable ADU DIF has been determined and is included as **Exhibit A**; and

WHEREAS, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter on November 17th, 2022, as provided by law; and

WHEREAS, following the advertisement of the matter in the newspaper of general circulation as required by the Orland Municipal Code and State Government Code, the Planning Commission held a duly noticed public hearing on the proposed amendments the Orland Development Impact Fee in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

WHEREAS, The Planning Commission determined that the proposed ADU DIF is exempt from CEQA under Section 115273 as adoption of rates, tolls, fares, and charges by the City are statutorily exempt from CEQA. CEQA Section 15273(c) requires that written findings be incorporated in the record setting forth with specificity the basis for the claim of exemption. This claim of exemption is made based on the finding that the fee is necessary to maintain current service levels within the Orland Planning Area. Without such fees, current service levels will decline within the Planning Area, causing economic and social hardship on residents of Orland and threatening public health and safety; 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 Resolution 2022-XX regarding the Orland ADU DIF and associated CEQA Exemption.

The foregoing resolution was passed and adopted at a regular adjourned meeting of the Orland Planning Commission held on **November 17th, 2022** by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT OR NOT VOTING: Commissioners

Scott Friend, City Planner

Development Impact Fees Schedule for Accessory Dwelling Units

Table 1: Proposed Single Family ADU DIF

ADU Size	Less than 750 sq. ft. ¹	750 to 900 sq. ft.	901 to 1,050 sq. ft.	1,051 to 1,200 sq. ft. ²
Park Fees				
Land Acquisition Fee	\$0	\$447.45	\$522.03	\$596.60
Park Improvement Fee	\$0	\$2,237.23	\$2,610.11	\$2,982.98
Park Maintenance Fee	\$0	\$21.53	\$25.11	\$28.70
Comm & Rec Fees	\$0	\$1,091.21	\$1,273.08	\$1,454.94
Public Safety Fees	\$0	\$1,445.27	\$1,686.14	\$1,927.02
Library Fees	\$0	\$726.47	\$847.54	\$968.62
City Hall Fees	\$0	\$217.33	\$253.56	\$289.78
Transportation Fee	\$0	\$930.22	\$1,085.26	\$1,240.29
Water Fee	\$0	\$1,452.32	\$1,694.38	\$1,936.43
Sewer Fee	\$0	\$1,347.32	\$1,571.88	\$1,796.43
Total DIF	\$0	\$9,916.34	\$11,569.07	\$13,221.79

Notes:

- ADUs of 750 sq. ft. are not subject to a DIF pursuant to Gov. Code Section 65852.2(f)(3)(A) and Orland Municipal Code (OMC) Section 17.76.130(p).
- ADUs of more than 1,200 sq. ft. are not allowed pursuant to Gov. Code Section 65852.2(a)(1)(D) and Orland Municipal Code (OMC) Section 17.76.130(2)(a).

Table 2: Proposed Multifamily ADU DIF Per Unit

ADU Size	Less than 750 sq. ft. ¹	750 to 900 sq. ft.	901 to 1,050 sq. ft.	1,051 to 1,200 sq. ft. ²
Park Fees				
Land Acquisition Fee	\$0	\$383.53	\$447.45	\$511.37
Park Improvement. Fee	\$0	\$1,917.63	\$2,237.24	\$2,556.84
Park Maintenance Fee	\$0	\$18.45	\$21.53	\$24.60
Comm & Rec Fees	\$0	\$935.32	\$1,091.21	\$1,247.09
Public Safety Fees	\$0	\$1,238.80	\$1,445.27	\$1,651.74
Library Fees	\$0	\$622.69	\$726.47	\$830.25
City Hall Fees	\$0	\$186.28	\$217.33	\$248.38
Transportation Fee	\$0	\$571.02	\$666.19	\$761.36
Water Fee (1 inch meter)³	\$0	\$1,423.83	\$1,661.14	\$1,898.44
Sewer Fee (1 inch meter)³	\$0	\$1,320.98	\$1,541.14	\$1,761.30
Total DIF	\$0	\$8,618.53	\$10,054.96	\$11,491.38

Notes:

- ADUs of 750 sq. ft. are not subject to a DIF pursuant to Gov. Code Section 65852.2(f)(3)(A) and Orland Municipal Code (OMC) Section 17.76.130(p).
- ADUs of more than 1,200 sq. ft. are not allowed pursuant to Gov. Code Section 65852.2(a)(1)(D) and Orland Municipal Code (OMC) Section 17.76.130(2)(a).
- Multifamily DIF for sewer and water are based on meter size. If meter size is greater than one (1) inch, use proportional percentage value as shown above by specific meter size DIF to determine Multifamily ADU DIF for water and sewer.



CITY OF ORLAND

Staff Report

(AMENDED REPORT)

TO: **City of Orland Planning Commission**

FROM: Scott Friend, AICP – City Planner

MEETING DATE: October 20th, 2022, 2020; 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.”

Note: This is an amended Staff Report pursuant to the request of the Planning Commission at the October 20th Planning Commission meeting. The amendments made to this report can be found on Attachment D, Conditions of Approval (attached). It is noted here that the Public Hearing on this matter was conducted at the October 20th meeting.

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. During the October 20th Planning Commission meeting, Staff was directed to work with the applicant in modifying the original conditions of approval (provided as Attachment H) to limit the use of the facility to felines and canines only; preclude the overnight boarding of dogs as the intended use of the facility has been made clear by the applicant to be a feline spay/neuter/boarding facility, with some dog

grooming; along with prohibiting dogs in outdoor spaces for longer than an hour per animal to allow for movement and stretching. Additionally, to ensure an overall healthy feline community, a maximum capacity of feline occupancy has been established.

Project Background:

The proposed project is seeking the approval of a Conditional Use Permit that would result in the approval of a new 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. The Applicant ensures that the only overnight animal boarding being conducted onsite will be for felines only. In the rare case that a canine must stay overnight for medical reasons, the Amended Conditions of Approval provide provisions to address this matter.

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. Additionally, as a response to concerns brought to the Planning Commission's attention at the October 20th meeting, Staff has prepared an Amended Conditions of Approval with the cooperation of the Applicant that limits the use of the facility to feline and canine only, prohibits dogs to be allowed in outdoor areas of the property for longer than an hour, limits the boarding of use of the facility to cats only, with the exception of emergency medical circumstances that require boarding of up to 24 hours. However, the applicant is aware of and in agreement that in such a circumstance all reasonable efforts will be made to discharge the larger animal breed post haste. Additionally, to ensure an overall healthy feline community, a maximum capacity of feline occupancy has been established.

The original proposed use was 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 for the original proposal were mailed to all properties within 300' of the proposed use prior to the October 20th Planning Commission meeting, as well as for the Amended Conditions of Approval addressed at the November 17th meeting. 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 and its amended Conditions of Approval 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 its Amended Conditions of Approval 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 and the *amended* Conditions of Approval, staff is recommending that the Planning Commission **approve** Conditional Use Permit #2022-06 subject to the attached Conditions of Approval (*as amended*), 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** and further expanded to include the Amended Conditions of Approval as **Attachment H**.

NOTE: Only amended Attachment D, Conditions of Approval has been included with this report.

ATTACHMENTS

- Attachment A – Project Location Map
- Attachment B – General Plan / Zoning Map
- Attachment C - Project Application Materials
- **Attachment D - Conditions of Approval for CUP #2022-06 (*amended*)**
- Attachment E – Required CUP Findings #2022-06
- Attachment F – Notice of Exemption for CUP #2022-06
- Attachment G – Planning Commission Resolution PC 2022-__
- Attachment H – Amended Conditions of Approval

Amendments to Conditions of Approval for Hidden Treasures Sanctuary and Rescue:

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.
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. The facility shall be limited to small-animal, feline and canine animals only.
19. 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. Exterior shall be for felines only. Canines are prohibited in exterior areas for periods of longer than one-hour per animal to minimize disruption to residences adjacent to the facility. Additionally, no animals of any type shall be allowed in exterior spaces on the premises outside of the hours of 8:00a.m. to 6:00p.m. daily.~~
 - 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.
20. The applicant shall not board canine breeds on the premises overnight, with the exception of emergency medical circumstances where overnight boarding is a medical necessity. Additionally, no canine shall be boarded for a period of time longer than 24-hours. All reasonable efforts shall be made to discharge the animal (canine) from the premises and avoid overnight boarding.
21. Pursuant to recommendations promulgated from the UC Davis Koret Shelter Medicine Program, the maximum capacity of felines allowed in the facility at one time shall be no more than 60¹, unless the facility is needed to provide occupancies in emergency situations.
22. 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.
23. 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.
24. 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.

¹ This is a conservative number given that the minimum sq.ft. for each cat to be less stressed is 11. The sanctuary is roughly 700 sq ft.

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/or Ricky Quezada, Landowner(s)

Date

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2022-17**

APPROVAL OF CONDITIONAL USE PERMIT #2022-08

**Location: An existing parcel identified as APN's: 040-115-001 & 040-115-002 and located
south of Tehama Street, at 500 & 508 5th Street
APPLICATION: Conditional Use Permit #2022-08**

WHEREAS, Mr. Bill Schnoebelen (applicant) has requested a Conditional Use Permit (CUP) to allow for the approval of a Machine Shop pursuant to OMC Chapter 17.40.040(27); and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on November 17, 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 November 17, 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 #2022-08, 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 use of +/-8,200 square feet of existing building space as a Metal Working Shop on a parcel of land identified as Glenn County Assessor's parcel numbers 040-115-001 & 040-115-002, as requested on CUP application #2022-08, 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) 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), 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 metal shop 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 modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.
17. All uses occurring at the proposed site shall adhere to all applicable Noise Standards of the City of Orland Municipal Code. This includes ensuring noise from the CNC machinery (Computerized Numerical Control machines used to make precise cuts in material using a computer program to control the cutting router) running 24 hours a day do not violate OMC noise ordinances by exceeding ambient noise levels in the residential neighborhood to the north.
18. All Machine Shop 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. This includes taking actions to ensure unpleasant odors emanating from the facility are encapsulated onsite.

The foregoing Resolution was adopted by the Planning Commission on the 17th day of November 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Elliott, Chairman

ATTEST:

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.”

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 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, 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 Boundary



1:1,100
0 0.01 0.01 0.03 mi
0 0.01 0.03 0.05 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft
Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA
USGS, Bureau of Land Management, EPA, NPS, US Census
Bureau, USDA



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

9/28/2022

Figure 2. Project Location
Hidden Treasures Sanctuary and Rescue

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: hidden-treasures-sanctuary@gmail.com

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

NAME: Manuel Quezada Ricky^A Quezada
ADDRESS: 427 Mill St. Orland, Ca 95963
PHONE:(Business): 530-624-3141
(Home): _____
(Mobile): _____

X 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

[Signature]
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.

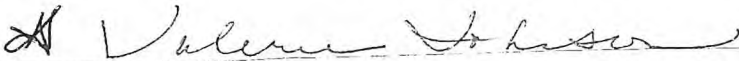
We are blessed with volunteers who are passionate about our mission.

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 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 <hiddentreasuressanctuary@gmail.com>

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
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.

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

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.*

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#2022-06 – 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 5th 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