

CITY COUNCIL

Christopher Dobbs, Mayor
Bruce T. Roundy, Vice-Mayor
Jeffrey A. Tolley
John McDermott
Mathew Romano

CITY OFFICIALS

Jennifer Schmitke
City Clerk

Leticia Espinosa
City Treasurer

CITY OF ORLAND

INCORPORATED 1909

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



CITY MANAGER

Peter R. Carr

Meeting Place: Carnegie Center
912 Third Street
Orland CA 95963

AGENDA

REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, December 15, 2022 at 5:30 P.M.

AMENDED

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# 826 0488 5058

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

6. PUBLIC HEARING

CONDITIONAL USE PERMIT: CUP 2022-09 – José Briseno & Jaime Farias (Applicant[s]), Ilian Mohammed M TRS (Landowner) at 226 East Walker Street (Hwy 32). APN 041-082-019.

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 an Automotive Repair and Sales Shop (OMC 17.40.040[3]) for the repair and sales of Automotive Tires and Wheels. The project is proposed at 226 East Walker Street. The property is identified as being owned by the Ilian Mohammed M Land Trust. The existing building on the site was previously used for a commercial retail space for pallet liquidations from major retailers.

The subject parcel is designated with the Commercial (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(3). The proposed use, Automotive Repair and Sales Shop, is permitted on the site subject to the approval of a Conditional Use Permit (CUP).

7. ITEMS FOR DISCUSSION OR ACTION:

Request for Permit Approval Clarification: CUP 2022-07: Freeway Identification Pole Sign for the McDonald's Corporation. (Verbal)

8. STAFF REPORT: Verbal Update

9. COMMISSIONER REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on December 6, 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 December 15, 2022, and shall remain in effect for thirty (30) days thereafter (until January 19, 2023), provided the conditions set forth in Section 2 remain.

PASSED AND ADOPTED by the City of Orland Planning Commission this 15th day of December 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 15th day of December, 2022, the original of which is on file in my office and duly and regularly entered in the official records of proceedings of the City of Orland.

Dated: _____

Jennifer Schmitke, City Clerk



CITY OF ORLAND Staff Report

TO: City of Orland Planning Commission

FROM: Scott Friend, AICP – City Planner

MEETING DATE: December 15th, 2022; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2022-09**: A request to approve a Conditional Use Permit (CUP) to permit the operation of an Automotive Repair and Sales Shop on an existing parcel identified as 226 East Walker Street (Hwy 32) and further as Glenn County APN 041-082-019. The parcel contains an existing building which is currently vacant. 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 17.40.040(3), 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 15301 of the Public Resource Code (PRC), also known as the “Existing Facilities” Exemption.

Summary:

The City of Orland has received a request for a Conditional Use Permit (CUP#2022-09) on an existing parcel of land identified as 226 East Walker Street and further as Glenn County APN 041-082-019. Every zoning district in the City of Orland contains a list of principal uses, which do not require a use permit, and conditional use that do require a use permit. Listed under OMC Section 17.40.040(3), and automobile repair and sales shall require a Conditional Use Permit. Historically the parcel was used as an auto sales/mechanic shop (most recently a Sadie Mae Design Center/home décor shop, with prior uses including a KB Wholesale and pallet liquidation retail stores). The site has a parking space for persons with disabilities that City staff believe meets ADA standards, with 3 striped parking spaces. A front-access to service bay is on the street-side façade. No on-street parking is permitted along East Walker Street (Hwy 32). The rear of the building consists of an unimproved dirt lot and is proposed to be used for additional parking, a used tire storage area, and a storage space for an air compressor (as indicated on **Attachment B Site Plan**).

The existing building includes utility connections for power supplied by PG&E, with water and sewer supplied by the City of Orland. The site currently does not have street improvements as they stop on the property line of the adjacent parcel to the east. There exists a fire hydrant adjacent to the site to the east fronting East Walker Street and provided street lighting is on the adjacent property to the west.

The project site is designated with the *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 the Muhammed Ilian Trust. No requests to modify development standards have been requested or are proposed.

Project Background:

The OMC permits Automotive Sales and Repair shops with a use permit. The proposed project would result in the approval of a new Automotive Tire Repair and Rim/Wheels Sales Shop for the sales and repair of automotive tires and wheels. The parcel is approximately 0.28 acre in size, with +/-1,800 square feet of building space being proposed for the Tires and Wheels Shop, used tire area, and an air compressor storage area; with the remaining parcel acreage consisting of a front paved parking lot and rear dirt parking lot.

The proposed project requests a CUP to allow for the use of an Automotive Repair and Sales shop to allow for the repair and sale of tires and wheels. The facility is expected to generate noise from the air compressor(s), pneumatic tools, and balancing machines. The applicant indicates on the provided site plans (see **Attachment B**) an area in the rear of the existing building to store the air compressor. All noise (sound) and emissions from the facility would meet both Glenn County and City of Orland standards (OMC 17.40.110 states no more than 50dBA at property line for the residential use adjacent to site or 75dBA for the adjacent commercial zones), with the compliance of the Conditions of Approval (see **Attachment C**). The applicant plans to have a total of 2 employees, running 1 shift, with hours of operation between 8:00 a.m. and 6:00 p.m.

The following land uses are adjacent to the proposed site:

- North – a single-family residence (zoned R-1 with a GP designation of R-L)
- South – an automotive repair/sales shop and antiques store (zoned C-2 with a GP designation of C)
- East – auto dealership (zoned C-2 with a GP designation of C)
- West - a mini storage facility, with a living quarter available for management on-site (zoned C-2 with a GP designation of C)

The proposed project is required to comply with all City of Orland Noise Ordinances to ensure noise experienced by these sensitive receptors complies with the OMC.

Through further analysis of the project site and communications with the City Engineer, the following observations are noted:

- Public Utilities (sewer and water), as indicated on the Parcel Map (**Attachment B2**), are provided via a P.U.E. along the eastern boundary;
- There exists a 12' wide access and locked gate to the rear of the building where parking and the facility's refuse would reside in a constructed refuse storage area. (OMC 17.40.120 states refuse must be enclosed and access driveways for collection trucks shall be a minimum of 16' wide). Conditions of Approval shall include the applicant construct a refuse storage area in the rear of the building out of view of the general public and arrange with the refuse provider to provide for trash pickup to be feasible for collection trucks;
- The paved lot in the front of the establishment is 40' x 70', with 4 parking spaces (including an ADA-approved space). Additional parking (4+) would be provided in the rear of the building, OMC requires 5 total. As a Condition of Approval, the Applicant is prohibited from restriping the existing parking spaces;

- The only visible landscaping feature is a hedge along the property's western boundary, protruding out from the building's front façade for 20'. No perimeter landscaping on eastern boundary of front lot, and only partial perimeter landscaping around rear lot (some hedges along eastern boundary and a couple trees scattered around the remaining rear lot);
- If the lot in rear of building is to be paved, then the applicant would be required to mitigate the increase in stormwater runoff;
- The nearest sewer manholes to the site are located to the east, within Pabst Ave at the intersections with E Walker St. and E Swift St.

As indicated on **Attachment G Applicant Testimonial**, the applicants "aim to enrich the community by immersing themselves into and giving back to the community". They have been in the tire business for over 15 years and want to use their expertise to help benefit the community with competitive prices and the "best customer service".

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 mini storage neighbors to the north and west have been notified of the proposed project 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 “Existing Facilities Exemption” of the California Government Code, §15301, 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 #20202-09, a request to approve a new Automotive Repair and Sales Shop on existing parcels of land identified as Glenn County Assessor’s parcel number 041-082-019.

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-__) and determine that the proposed action is *exempt* from further review pursuant to Section 15301 of the PRC.
2. *Conditional Use Permit*: Move to approve Planning Commission Resolution PC 2022-__, approving Conditional Use Permit application #2022-09 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**
- **Attachment C - Conditions of Approval for CUP #2022-09**
- **Attachment D – Required CUP Findings #2022-09**
- **Attachment E – Notice of Exemption for CUP #2022-09**
- **Attachment F – Planning Commission Resolution PC 2022-__**
- **Attachment G – Applicant Testimonial**



— Project Boundary



1:1,485

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

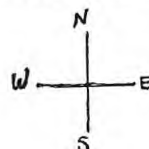
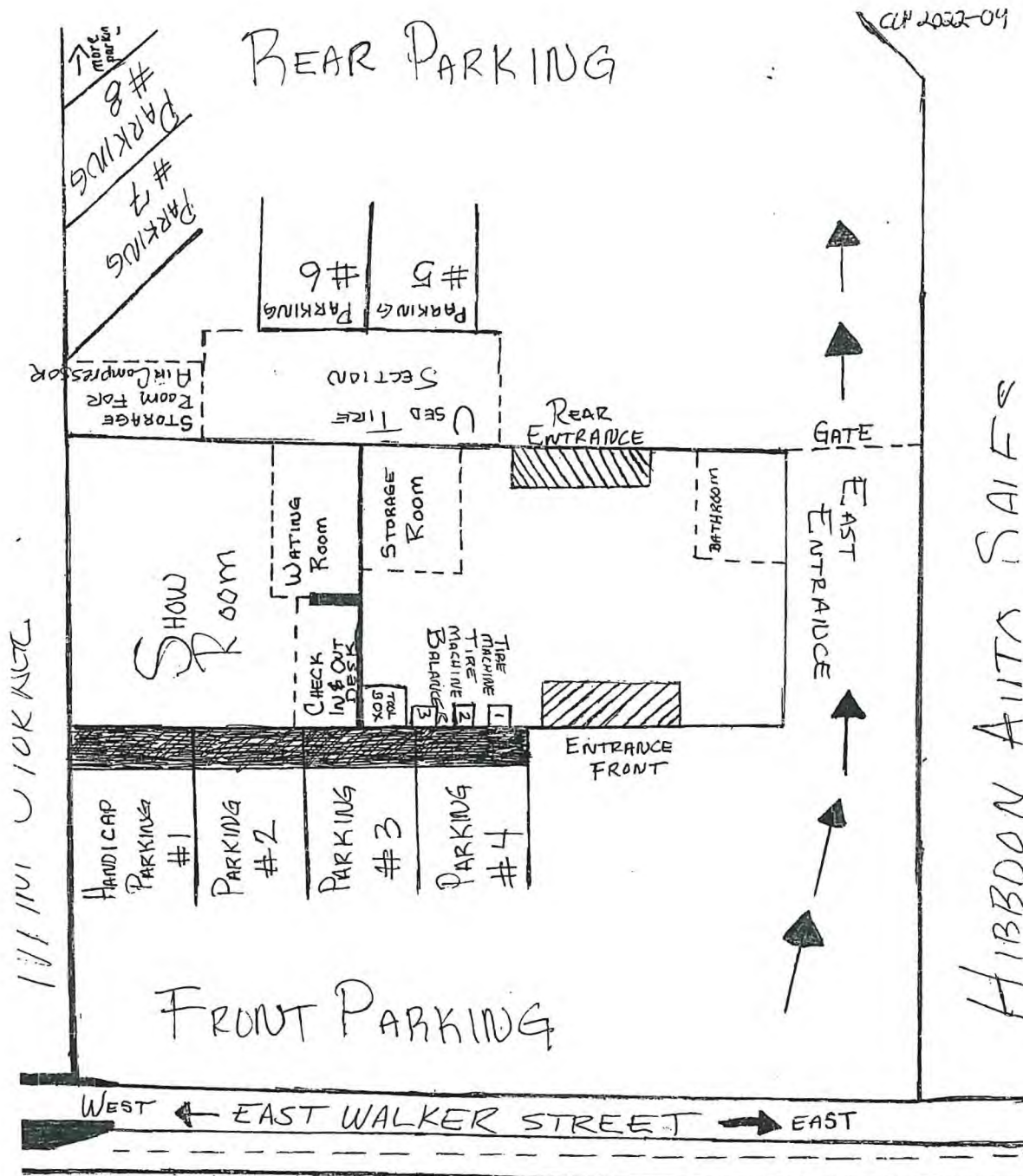
Esri Community Maps Contributors, © OpenStreetMap, Microsoft
Esri, HERE, Garmin, SafeGraph, INCREMENT P, MET/NASA
USGS, Bureau of Land Management, EPA, NPS, US Census
Bureau, USDA



ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

11/08/2022

Attachment A. Project Location
CUP 2022-09 JJ's Tires and Wheels



Attachment B Site Plan
CUP 2022-09 JJ's Tires and Wheels

WE HEREBY CERTIFY THAT THE COPIES OF, OR
WHOSE NAME, RANK, TITLE OR INTEREST IN AND TO, THE REAL
PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN
ON THIS MAP, AND THAT WE ARE THE ONLY PERSONS
ENTITLED TO SIGN SAID MAP, HAVE BEEN PRESENT TO
SIGN THE MAP, AND WE CONSENT TO THE MAKING OF SAID
MAP OF SUBDIVISION AS SHOWN WITHIN THE BORDER LINES
AND HEREIN REFER TO AND SIGN TO THE CITY OF SAN JOSE
THE OFFICIAL PRICE OF WHICH IS \$110.00
SEAL OF OFFICERS

John D. Cunningham *Julia E. Cunningham*
JOHN D. CUNNINGHAM JULIA E. CUNNINGHAM

WESTERN TITLE ASSURANCE CO., A CORPORATION, AS TRUSTEE
BY James E. Lee
VICE PRES.

ON THIS 19th DAY OF August 1950 BEFORE ME
a Notary Public in and
for said County and State,
appearing John J. Connelley and
residing thereat, duly sworn and being,
personally appeared John J. Connelley and
John E. Connelley known to me to be the persons
whose names are subscribed to the within instrument
and acknowledged to me that they executed the
same for the purposes and consideration therein
expressly stated and AFFIXED AN OFFICIAL SEAL THE DAY AND
YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Ester Louise Neal
NOTARY PUBLIC,
COUNTY OF Glenn
STATE OF CALIFORNIA

WESTERN TITLE INSURANCE COMPANY, A CORPORATION
AS TRUSTEE, AND JOSEPH A. TEIXEIRA AND JORDANA
(7). TEIXEIRA, AS JOINT TENANTS, AS BENEFICI-
ARIES PER DEED OF TRUST RECORDED AT BOOK
618 OFFICIAL RECORDS AT PAGE 757

[illegible]

Debra J. Francisco
NOTARY PUBLIC
COUNTY OF Glen
STATE OF CALIFORNIA

THIS MAP WAS PREPARED IN THE ORDINARY MANNER, BY DIRECTION AND
IN JUNE 1900, A FIELD SURVEY IN CONFORMANCE WITH THE
REQUIREMENTS OF THE SUBDIVISION MAP ACT OF THE LEGISLATURE
OF KANSAS, SUBSCRIBED BY ME, MAY 5, 1910.

I HEREBY STATE THAT THE PARCEL MAP PROCEDURES OF THE
LOCAL AGENCY HAVE BEEN COMPLIED WITH AND THAT THE PARCEL
MAP HAS BEEN PREPARED IN ACCORDANCE WITH THE LAWS AND
THE CONDITIONS OF APPROVAL THEREOF WHICH WERE REQUIRED
TO BE FULFILLED PRIOR TO THE FILING OF THE PARCEL MAP.

Robert C Goodwin
ROBERT C GOODWIN, DSOY 13 1545
LICENSED LAND SURVEYOR
STATE OF CALIFORNIA

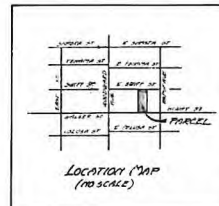
THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBSIDIARY MAP ACT AND LOCAL ORDINANCE.

DATED: _____

ELIOT C. ROLLO, R.C.E. 1446
CALIFORNIA ENGINEER

FILED THIS 24th DAY OF 1970, AT 11:00 AM, IN BOOK 10 OF PARCEL MAPS, AT PAGE 1, AT THE REQUEST OF ROBERT C. GARDENHOLSEN
JAMES A. DUNN
PLEASANT COUNTY RECORDER

SY _____ FEE: _____
DEBIT _____ SPAL NO: _____

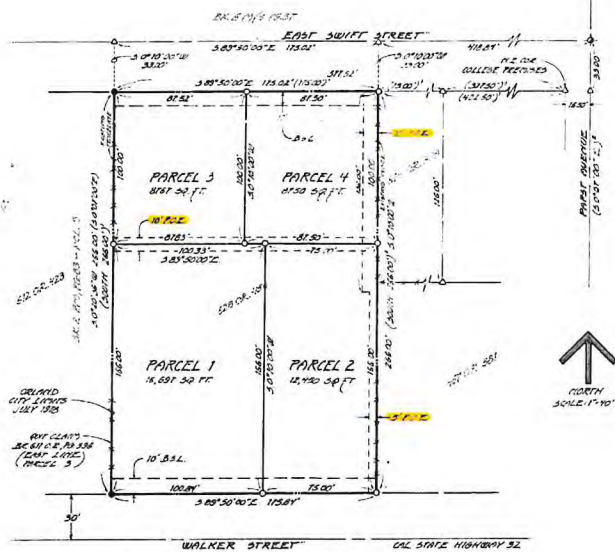


- 0 SET ANY IRON PIPE TAPPED L.S. 1918
- 0 FOUND 1 IRON PIPE TAPPED L.S. 1918
- 0 FOUND 1/2" COTT OF CEILING PLASTERING PER AC 2
- P7 BRICK PAIS
- 0 CALCULATED PART, NOT SET OR PAID
- (-) REDDED DATA PER AC 2 P7, P8-25
- (-) PER DEED BK SEC O.R. PG 1918
- FOR BUILDING UTILITIES EASEMENT
- SS. SOLID DISTANCE LINE.
- (-) PER AC'S X CAMP GUINTEA, AS ST
- O.E. ORIGINAL RECORDS
- ADVISORY IF LAND INCLUDED IN THIS
- ADJUSTMENT

THE BASE OF DECATUR FOR THIS SURVEY WAS TAKEN FROM THE CENTERLINE OF SWIFT STREET SHOWN AS N 83° 30' 00" W AT THAT CERTAIN CORNER OR PLAT FILED BY BOOK 6 OF MAPS & SURVEYS, AT PAGE 37, GLENN COUNTY RECORDS.

I, JOHN TRICKELL, CITY CLERK OF ORLANDO, HEREBY CERTIFY THAT THE CITY COUNCIL OF THE CITY OF ORLANDO, ON THE _____ DAY OF _____, 1918, APPROVED AND ACCEPTED THE 5' AND 10' E.L.E. STRIPS OFFERED FOR DEDICATION TO THE PUBLIC.

MYRA FRAZEE
ORLAND CITY CLERK



PARCEL MAP
BEING A DIVISION OF A PORTION OF
"COLLEGE PREMISES" OF THE PAPST'S
ADDITION TO THE TOWN OF ORLAND
AS RECORDED IN BOOK 5 OF MAPS &
SURVEYS, PAGE 35, GLENN COUNTY
RECORDS.

CITY OF ORLAND ALBERT COUNTY CALIFORNIA
JOHN D. JULIAN E. CHERRINGTON
60 E. WALKER ST.
JULIE 1978 ORLAND, CALIF. 95363 SCALE: 1"=40'
ROBERT C. GOODMUNDSON
LICENSED LAND SURVEYOR - L.S. 19515
717 FIFTH STREET ORLAND, CA 95363

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2022-00, José Briseno & Jaime Farias Automobile Repair and Sales Shop

Assessor's Parcel Numbers: 041-082-019

Project location: 226 East Walker Street, Orland, Glenn County, CA 95963

Zoning: "C-2" (Community Commercial)

General Plan Land Use Designation: "C" (Commercial)

Proposed Use: "Automobile Repair and Sales"

Conditional Use Permit #2022-09, José Briseno & Jaime Farias (Applicant[s]): A request for approval of a Conditional Use Permit for the utilization of building space as an Automobile Tire Repair and Rim/Wheels Sales Shop. The existing parcel is designated 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 +/-1,800 square feet of existing building space as an "Automobile Repair and Sales" shop for Tires and Wheels on a parcel of land identified as Glenn County Assessor's parcel number 041-082-019, as requested on CUP application #2022-09, 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 Automobile Repair and Sales 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 Tires and Wheels shop, all noise generating equipment such as pneumatic tools and generators and any exterior activities associated with the proposed use (i.e., backup beepers from trucks), do not violate OMC noise ordinances (OMC 17.40.110) by exceeding noise levels.
18. All Automobile Tire Repair and Rim/Wheels Sales 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.
19. The applicant shall post signage onsite declaring the prohibition of backing up any vehicles on/off of Hwy 32.
20. The applicant is required to construct a refuse storage area in the rear of the building out of view of the general public and arrange with the refuse provider to provide for trash pickup to be feasible for collection trucks.
21. The applicant must leave striping of existing parking spaces as is.

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2022-09 and acknowledge and consent to the Conditions as presented.

Signed,

José Briseno, Applicant

Date

Jaime Farias, Applicant

Date

Ilian Mohammad M TRS, Landowner

Date

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2022-089
FOR: José Briseno & Jaime Farias (Applicant[s]);
Assessor's Parcel Numbers: 041-082-019:
226 East 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: 041-082-019. 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: 041-082-019. 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 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#2022-09 – A request to approve the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor's parcel number 041-082-019, as an Automotive Repair and Sales Shop for the repair and sales of tires and wheels.

Project Location - Specific:

226 East Walker Street in Orland, Glenn County, CA 95963. APN 041-082-019

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 041-082-019, as an Automotive Repair and Sales Shop for the repair and sales of tires and wheels. The request includes the use of approximately +/-1,800 square feet of building space consisting of a Show Room, Waiting Room, Sales Desk, Used Tires area, Tire Balancing Machines area, and a bathroom. Pursuant to section 17.40.040(3) 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 applicants (José Briseno & Jaime Farias).

Name of Public Agency Approving Project:

City of Orland

Name of Person(s) or Agency Carrying Out Project:

José Briseno & Jaime Farias

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:** _____ **Title:** City Clerk

■ Signed by Lead Agency

Date received for filing at OPR: _____ **N/A**

Attachment E

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2022-19**

APPROVAL OF CONDITIONAL USE PERMIT #2022-09

**Location: An existing parcel identified as APN: 041-082-019 and located east of
Woodward Avenue, at 226 East Walker Street (Hwy 32)
APPLICATION: Conditional Use Permit #2022-09**

WHEREAS, Mr. José Briseno & Jaime Farias (applicant[s]) has requested a Conditional Use Permit (CUP) to allow for the approval of a Automotive Repair and Sales Shop pursuant to OMC Chapter 17.40.040(3); and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on December 15, 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 Project' Exemption; and

WHEREAS, the Planning Commission, in a staff report dated December 15, 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 #2022-09, 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 +/-1,800 square feet of existing building space as an "Automobile Repair and Sales" shop for Tires and Wheels on a parcel of land identified as Glenn County Assessor's parcel number 041-082-019, as requested on CUP application #2022-09, 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 Tires and Wheels shop, all noise generating equipment such as pneumatic tools and generators and any exterior activities associated with the proposed use (i.e., backup beepers from trucks), do not violate OMC noise ordinances (OMC 17.40.110) by exceeding noise levels.
18. All Automobile Tire Repair and Rim/Wheels Sales 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.
19. The applicant shall post signage onsite declaring the prohibition of backing up any vehicles on/off of Hwy 32.
20. The applicant is required to construct a refuse storage area in the rear of the building out of view of the general public and arrange with the refuse provider to provide for trash pickup to be feasible for collection trucks.
21. The applicant must leave striping of existing parking spaces as is.

The foregoing Resolution was adopted by the Planning Commission on the 15th day of December 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

WE'VE BEEN IN THE TIRE BUSINESS FOR
OVER 15 YEARS AND WE HAVE REACHED TO A
POINT WHERE WANNA MAKE A BIG CHANGE
IN LIFE... NOT JUST FOR US BUT FOR OUR
COMMUNITY.. SPENDING TIME ENRICHING THE
COMMUNITY IS A GREAT WAY BROADEN YOUR
PERCEPTIONS OF THE WORLD, BY IMMERSING
YOURSELF IN A COMMUNITY AND SURROUNDING
YOURSELF WITH PEOPLE WHO ~~ARE DEDICATED~~
TO BETTERING THE WORLD. GIVING BACK
TO THE COMMUNITY HELPS UNITE AND
~~BRING~~ BENEFITS EVERY ONE IN OUR SURROUNDINGS.
WE GUARANTEE WE WILL HAVE THE BEST
PRICES AND CUSTOMER SERVICE PEOPLE
WILL NEED.