

**PLANNING COMMISSION MINUTES  
November 17, 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 Commissioner Romano

**3. Roll Call:**

Commissioner’s present –	Chairperson Wade Elliott, Vice Chairperson Stephen Nordbye, Commissioners Doris Vickers, and Michelle Romano
Commissioner’s absent -	Commissioner Sharon Lazorko
Councilmember present -	None
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
- B. Approval of Prior Minutes: August 18, 2022
- C. Approval of Prior Minutes: October 20, 2022

ACTION: Commissioner Vickers moved, seconded by Commissioner Romano to approve consent calendar items 5B and 5C. Motion carried unanimously by voice vote, 4-0.

ACTION: Vice Chairperson Nordbye moved, seconded by Commissioner Vickers to approve consent calendar item 5A. Motion carried unanimously by a voice vote, 4-0.

Chairperson Elliott asked the Commission for permission to move agenda item number 7 ahead of the Public Hearing items. Commission was in consensus to present the agenda item early.

**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.**

Mr. Friend stated that Conditional Use Permit (CUP) 2022-06 was a continued Public Hearing from the October 20th Planning Commission meeting and explained that the staff report had been amended. Mr. Friend shared that at the previous meeting the Commission directed staff to amend the conditions of approval and work with the applicant to make sure everyone was in agreement with the amended conditions. Mr. Friend went over the amended conditions with the commission addressing occupancy, overnighting of animals and the understanding that the CUP runs with the land.

Mr. Friend stated he wanted on the record that information was sent to the City sharing that there was a possibility of someone living on the site, he shared that he spoke with Ms. Johnson, applicant, and she confirmed that no one will be living on the site.

The Commission shared approval of the amended conditions and Chairperson Elliott thanked the applicant.

ACTION: Vice Chairperson Nordbye moved, seconded by Commissioner Vickers to approve Planning Commission Resolution PC 2022-15, approving Conditional Use Permit application #2022-06 subject to the Conditions of Approval provided in attachments and determining that the proposed action is exempt from further review pursuant to Section 15061.b.3 of the Government Code. Motion carried, 4-0 by a voice vote.

## **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.**

Mr. Friend presented a request for a Conditional Use Permit (CUP) to permit the erection of a “Pole Sign” on an existing parcel identified as 128 Frances Lane. Mr. Friend noted that the 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 reminded the Commission that pursuant to Orland Municipal Code (OMC) Chapter 17.78.250(A), the proposed action requires the approval of a 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 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.

Mr. Friend provided background and pictures for the project stating that the proposed Pole Sign would have approximately 250 square feet of total advertising space composed of two individual signs and would be 110 feet in height (total, actual height of pole under sign would be 100 feet). Mr. Friend shared that the applicant (McDonald's USA, LLC) 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).

Mr. Friend stated that staff recommends that the Planning Commission determine that the proposed action is exempt from additional CEQA review, and that they approve the additional sign height and sign area for a Pole Sign.

Drew Sanchez, McDonald's Representative clarified that the sign being proposed should be a dual tenant sign. Mr. Sanchez stated that he understands that the OMC does not allow for offsite advertisement and that is why a letter was sent to the Planning Department proposing that the property owner owns both parcels and that the adjacent property would be the sole use for the other side of the sign. Mr. Friend stated that the OMC does not allow for a dual sign on one site for two tenants on different sites, sharing that tonight's meeting is to approve one sign on a single piece of property. Mr. Friend stated that if the applicant wants the sign to be an offsite sign the City would need to either amend its Municipal Code or issue a Variance. Mr. Friend explained that the City Attorney has recommended changing the OMC and not issuing a Variance.

Mr. Friend spoke to the Commission about code amendments sharing that he would like to expedite the process as quickly as possible to get the signed approved so McDonald's can begin work. Mr. Friend stated that neither a code amendment nor Variance can be approved through a CUP.

Chairperson Elliott explained that tonight the only action that can be taken is the approval of the height of the sign and size of the sign with conditions. Chairperson Elliott asked Mr. Sanchez to follow up with a request for a Variance or code change to result in the dual tenant sign for a future meeting. Mr. Sanchez stated he would like at a minimum to have the sign height and square footage approved for a sole tenant and he would at a future meeting come back to get the code amended to get a dual tenant sign.

Mr. Sanchez spoke about the importance of the McDonald's Pole Sign and shared why the pole sign height and location will help with future success for the restaurant located along I5 in Orland.

Chairperson Elliott opened the Public Hearing at 5:51 PM.

With no comments, Chairperson Elliott closed the Public Hearing at 5:51 PM.

Commissioners and staff discussed code changes that were made in the past having to do with sign improvements, improvements they will want to discuss amending in the future and discussed heights and sizes of other businesses and restaurants in Orland off I5.

Chairperson Elliott thanked Mr. Sanchez for his request and stated that the Planning Commission is prepared to approve the request as submitted minus the approval for a secondary tenant, but adding to

the record that the Planning Commission anticipates that the applicant will work with the Planning Department and choose a course of action, either a request to work with the City in a Code change or a Variance.

ACTION: Commissioner Romano moved, seconded by Commissioner Vickers to 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 and Resolution PC 2022-16 approving Conditional Use Permit application #2022-07 subject to the Conditions of Approval as presented. Motion carried, 4-0 by a voice vote.

Mr. Friend asked for clarification from the Commission that they are asking staff to move forward with the code amendment on the dual tenant signage to bring back at a future meeting. The Commission stated that pursuant to a conversation with the applicant they hope to have this item back at a future meeting.

**B. Conditional Use Permit: CUP 2022-08 – Bill Schnoebelen (Applicant), Arbuckle Donnan SUC TRS (Landowner) at 500 5<sup>th</sup> 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).**

Mr. Friend presented a request for Conditional Use Permit (CUP) to permit the operation of a metal working shop on an existing parcel identified as 500 & 508 5<sup>th</sup> Street. Mr. Friend noted that 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. Mr. Friend reminded the Commission that pursuant to OMC Chapter 17.40, the proposed action requires the approval of a CUP by the Planning Commission.

Mr. Friend provided background on the business, pictures of the site and an explanation of the site plan. Mr. Friend spoke about requirements of the applicant to work with 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.

Chairperson Elliott welcomed the applicant to come forward to speak about his Metal Working business.

Mr. Bill Schnoebelen explained to the Commission his vision for the location which entails high variance low volume machining. Mr. Schnoebelen stated that many of his manufactured parts are shipped out of the country.

Commissioners asked about the quantity and type of machines that will be used in the shop and how many employees he planned on hiring. Mr. Schnoebelen answered all Commissioner questions.

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

Austin Barron, Chico Realtor spoke about the history of the 508 5<sup>th</sup> Street building and on Mr. Schnoebelen's behalf, stating that the applicant would be an asset to the community.

Patrick Astarita, Mr. Schnoebelen's employee, stated he is excited to bring this type of manufacturing to Orland.

Chairperson Elliott closed the Public Hearing at 6:15 PM.

Vice Chairperson Nordbye asked if the business would be running 24 hours a day. Mr. Schnoebelen stated that the machines will run 24 hours a day. Vice Chairperson Nordbye also asked about how loud the noises will be from the running machines. Mr. Schnoebelen stated that the machines are quiet enough for you to have a conversation next to it, the louder machine will be the compressor at 85 decibels. He stated that the building is cinder block and with the doors closed you cannot hear the machines or generators from the outside.

ACTION: Vice Chairperson Nordbye seconded by Commissioner Vickers to recommend 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 and approve Planning Commission Resolution 2022-17, approving Conditional Use Permit application #2022-08 subject to the Conditions of Approval that was provided in Attachment C and Attachment D as well as paving the delivery area and repairing the sidewalk and gutter. Motion carried, 4-0 by a voice vote.

### **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.**

Mr. Friend presented a request for an update to the City's Development Impact Fees (DIFs) for new construction in the city. California Government Code Section 65852.3(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. Mr. Friend stated that the City of Orland does not have a provision in the current fee structure, so this will establish what the law requires which is a proportionate share fee.

Mr. Friend stated that currently the City charges a DIF for a new residential, commercial, and industrial construction in the City as permitted by California Government Code Section 66000.

Mr. Friend shared that currently the impact fee program is not based on square footage but total units. Mr. Friend explained that staff had to formulate a methodology on how the City could achieve a proportionate relationship allocation cost as the City's current fee is based upon total units and not square footage.

Mr. Friend asked the Commission to give a recommendation to City Council to amend the City code via the fee program to establish a percentage share relationship.

Mr. Friend stated that the goal was to reduce the proportionate shared cost for new ADU's reviewed the proposed single family and Multi-family ADU DIF tables. Mr. Friend stated that the action for the Commission is not to set the fee but establish the methodology via a recommendation to the City Council.

Chairperson Elliott opened the Public Hearing at 6:26 PM.

With no comments, Chairperson Elliott closed the Public Hearing at 6:26 PM.

Commissioners discussed the proposed costs and shared thoughts on the amounts and stated concerns with the amendment. Mr. Friend stated the proposed fees are some of the lowest in the state.

ACTION: Commissioner Vickers moved, seconded by Commissioner Romano that the Planning Commission adopt Planning Commission Resolution #2022-18 recommending for approval to the City Council, the ADU DIF as presented herein and approval of the Categorical Exemption as presented, Motion carried, 4-0 by a voice vote.

## **8. STAFF REPORT**

Mr. Friend shared that on October 17, 2022 LAFCo approved the Westside annexation. December 5, 2022 will be when the protest hearing is held. The Kraemer annexation will held in December and will have an update at the next planning meeting in December.

Mr. Friend shared that the City has received a general plan amendment and a rezone for a multi-family project south of Penbrook on County Road M opposite the Baldwin Minkler Facilities.

Mr. Friend shared that he was informed that DR Horton has backed out of the Orland Park Phase I property. The property is still owned by Visoni Brothers who is still looking to develop that area residential. There are currently 37 lots that will be completed but any future expansion in that area is on hold.

Mr. Friend shared that the Department of Water Resources (DWR) project is moving along.

Mr. Friend shared that two Conditional Use Permits will be brought forward at the December 15, 2022 meeting.

Mr. Friend shared that the 2022 Elections have been completed for City Council but the official names have not be released as of yet, January Planning Commission will most likely have a new liaison at the meetings.

## 9. COMMISSIONERS REPORTS

- Vice Chairperson Nordbye reported that he likes driving thru town and seeing all the new projects around town.
- Commissioner Romano had nothing to report.
- Commissioner Vickers had nothing to report.
- Chairperson Elliott had nothing to report.

## 10. ADJOURNMENT – 7:24 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson