

**PLANNING COMMISSION MINUTES
December 15, 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 Wade Elliott

3. Roll Call:

Commissioner’s present –	Chairperson Wade Elliott, Vice Chairperson Stephen Nordbye, Commissioners Doris Vickers, Sharon Lazorko and Michelle Romano
Commissioner’s absent -	None
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

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

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.

Mr. Friend present the request for a Conditional Use Permit (CUP) to permit the operation of an Automotive Repair and Sales Shop (tire and wheel shop) on an existing parcel identified as 226 East Walker Street (Hwy 32). Mr. Friend noted that the parcel contains an existing building which is currently vacant. Mr. Friend reminded the Commission that the CUP runs with the property, and if approved, the use will stay with the property if this business goes away. Mr. Friend stated that the parcel is designated Commercial (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 Orland Municipal Code Chapter

17.40.040(3), the proposed action requires the approval of a Conditional Use Permit by the Planning Commission.

Mr. Friend provided background and pictures of the proposed project stating that the applicants are looking to establish an automotive tire repair and wheel/rim sales store at the site. Mr. Friend provided an overview of some of the potential operational elements that are involved with use such to include pneumatic tools, balancing machines and air compressors that may have a potential noise impact. Mr. Friend mentioned that the applicant has 2 employees, running 1 shift, with hours of operation between 8 AM and 6 PM. The proposed project is required to comply with all City of Orland Noise Ordinances.

Mr. Friend presented a map of the parcel and noted that at the rear of the building where additional parking is located there is no pavement just a dirt and gravel lot. Mr. Friend mentioned that parking in the City of Orland has to occur on asphalt or concrete surfaces. Mr. Friend stated that this would be a condition that needed attention from the Commission.

Commissioner Lazorko asked staff to explain the condition that the applicant is prohibited from restriping the existing parking spaces. Mr. Friend explained that Caltrans has rules about backing onto Hwy 32 and currently the spaces on the lot are in the correct locations and specifications to allow for cars to enter the site, move on the site (to include backing out of the spaces safely) and the to pull onto SR32 in a forward movement.

Vice Chairperson Nordbye asked if any services other than tires and wheel work be done at the shop. Mr. Friend stated that currently that the question was not specifically addressed in the application, and he noted that the Commission would need to clarify their intentions on this matter if they would like to.

Commissioner Romano asked if the noises would affect the close neighbors. Mr. Friend stated there are homes all around the rear-yard area of the site and because of that there is a condition of approval about noise ordinance compliance which the applicants will have to comply with.

Chairperson Elliott asked if there were any restrictions on hours of operation. Mr. Friend stated there are no restrictions on hours of operations proposed.

Chairperson Elliott opened the Public Hearing at 5:41 PM.

With no comments, Chairperson Elliott closed the Public Hearing at 5:41 PM.

Chairperson Elliott invited the applicants to come forward and speak if they desired to do so.

Jaime Farias, applicant shared that the compressor will be placed in a room that is insulated to cut down on noise for neighbors and customers.

Vice Chairperson Nordbye asked about where waste tires would be stored on the parcel. Mr. Farias stated that on the northeast end of the parcel is where the junk tires would be located. Vice Chairperson Nordbye asked if the applicant was planning on doing anything other than tires and wheels in the future. Mr. Farias stated they are only going to work on wheels and tires.

Chairperson Elliott asked if the applicant planned on working on commercial vehicles such as big rigs or tractors. Mr. Farias shared that he will only be working on them if the tires are carried into the shop not directly off of the vehicle / equipment.

The Commission discussed the rear parking lot and discussed potential concerns with the parking spaces in the front.

ACTION: Vice Chairperson Nordbye moved, seconded by Commissioner Vickers to approve Planning Commission Resolution PC 2022-19, approving Conditional Use Permit Application #2022-09 subject to the Conditions of Approval provided in attachments provided and recommends that the Planning Commission approve the project (CUP 2022-09) and determining that the proposed action is exempt from further review pursuant to Section 15301 of the Public Resources Code. Motion carried, 5-0 by a voice vote.

7. ITEMS FOR DISCUSSION OR ACTION

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

Mr. Friend shared that it was his understanding that the property owner that owns the two parcels between Starbuck's and Burger King was not willing to close escrow with McDonald's until he received clarification from the Planning Commission regarding the potential for joint-tenancy of the freeway pole sign that was approved for the proposed McDonald's quick-serve restaurant. Mr. Friend stated that the City Code does not allow for off-site signs; he noted that the a joint-tenancy use of the approved McDonald's sign would meet the City's definition of an off-site sign; and, he noted that the sign approved for use by the McDonald's showed two tenants on it and that the property owner intended for the two parcels that are next to each other to jointly share the sign. Mr. Friend reminded the Commission that there are two parcels and that a sign on one is an offsite sign for the other.

Mr. Friend reminded the Commission that the CUP that was approved at the November Planning Commission meeting allowed for one sign to be used by only the tenant/tenants of the proposed McDonald's restaurant. Mr. Friend noted that the applicant did not agree with this interpretation and Mr. Friend asked the Commission to clarify that the intention of their vote and to clarify if the approved sign was for one sign to be used for both parcels. Mr. Friend reminded the Commission what the sign looked like stating that one side said McDonald's and the other side said future tenant (currently the future tenant is unknown).

Chairperson Elliott indicated that it was his opinion that it was an unfortunate oversight that when all the code changes happened over the past years with signage that this area was not specifically addressed to consider this type of circumstance. Chairperson Elliott shared that it was his belief that all the Commissioners agreed that a series of "lollipop" signs is not in the best interest of the City and that if co-tenancy of signs was allowed it could reduce the overall number of lollipop signs in the City. Chairperson Elliott stated that what he believed the Commission agreed to was to follow up the discussion and action with an amendment to the current Ordinance adding parameters and reasonable limitations for future applicants to eliminate that need to process applicants through the Variance process. Chairperson Elliott shared that the Commissions intention is to not hold up the development process even if the long-term process of a Variance is the route chosen. Chairperson Elliott stated that

what the applicant is asking for is very reasonable and consistent with the intent of the City Code in his opinion.

Mr. Friend stated staff intentions is to come back to the Commission with an amendment for the sign code to address this situation. Mr. Friend stated that in the interest of trying to get the applicant through the approval process now so they can close escrow, that he wanted to make sure there was clarification of what was agreed upon by the Commission.

Commissioner Lazorko asked what would satisfy the applicant. Mr. Friend stated he would write the applicant a formal letter stating he had a conversation with the Planning Commission clarifying the approval of the CUP and that he believed that this would satisfy their issue.

Chairperson Elliott indicated that it was his desire that the Commission would give direction to staff on behalf of the Planning Commission to write a letter to clarify the approval of the CUP from the November 15th Planning meeting that the Commission's approval was for a single sign having joint tenancy for both of the adjacent parcels.

Commissioner Lazorko asked about that the approved CUP, wondering if the CUP originally stated the sign was for two lots. Mr. Friend stated that the Commission determined that the CUP was for two lots, it was the Planning Commission's interpretation based upon the conversation and motion at the November meeting that it did apply. Commissioner Lazorko stated her concern was to try and eliminate any confusion with anyone reading the CUP in the future and not being able to understand the Commission's intent. Mr. Friend stated he would attach the formal letter to the CUP so that there will not be any doubts in the future as the intention of the Commission's action.

Mr. Friend indicated that he would return to the Commission with a formal City Code Amendment at a future meeting to modify the City's Municipal Code to address this situation.

ACTION: Vice Chairperson Nordbye moved, seconded by Commissioner Vickers to direct staff to draft a letter to McDonald's allowing them to proceed as per understanding. Motion carried, 5-0 by a voice vote.

8. STAFF REPORT

Mr. Friend shared that this meeting would be Commissioner Vickers last Planning Commission meeting as her term was expired and she had indicated a desire not to continue as a member of the Commission. Mr. Friend thanked her for all the time and effort she has put in working on the Planning Commission. All the Commissioners thanked Commissioner Vickers stating they would miss her presence on the Commission.

Mr. Friend stated that a new applicant has applied to become a Planning Commission member and that after Tuesday's City Council meeting the Commission will know if the Council has appointed that applicant to the Commission. Mr. Friend also shared that Commissioner Lazorko's term was also up but that she has indicated that she would like to stay on another 4-year term. Mr. Friend also noted that Commissioner Lazorko's application would need to be approved by the City Council.

Mr. Friend shared that he has receive many calls about the fuel tanks that are now on the Maverik parcel and stated that Maverik has indicated to him that they are moving forward with the installation of the tanks however they are waiting on weather to facilitate that work.

Mr. Friend shared that he was recently informed that Musco Olives was in the process of consolidating their operations in Orland and that they would be moving the core of the business to their facilities in Tracy, CA.

9. COMMISSIONERS REPORTS

- Vice Chairperson Nordbye nothing to report.
- Commissioner Romano nothing to report.
- Commissioner Vickers had nothing to report.
- Chairperson Elliott had nothing to report.
- Commissioner Lazorko had nothing to report.

10. FUTURE AGENDA ITEMS

- Commissioner Romano would like on a future agenda a discussion about open space land use.

11. ADJOURNMENT – 6:11 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Wade Elliott, Chairperson