

CITY COUNCIL

Bruce T. Roundy, Mayor
Dennis G. Hoffman, Vice Mayor
James Paschall, Sr.
Charles Gee
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CITY OF ORLAND

INCORPORATED 1909

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CITY MANAGER
Peter R. Carr

CITY OFFICIALS

Angela Crook
Assistant City Manager/City Clerk
Pamela Otterson
City Treasurer

Meeting Place: Carnegie Center
912 Third Street
Orland, CA 95963

AGENDA
REGULAR MEETING, ORLAND PLANNING COMMISSION

Thursday, September 15, 2016

7:00 P.M.

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. **APPROVAL OF THE MINUTES FROM AUGUST 18, 2016.**
6. **PUBLIC HEARINGS –**
 1. **Tentative Parcel Map TPM#2016-02 (Arbuckle-Harris):** A request by Scott and Kathryn Arbuckle, Property Owners, to subdivide an existing parcel of land approximately 1.22 acres in size and described as Glenn County Assessor's Parcel Number 045-100-127 into seven (7) individual parcels having an overall average project lot size of 7,600 square feet (lot sizes ranging from 6,840sq.ft. to 9,775sq.ft). Property is located at the northeast corner of Almond Way and 8th Street. Parcel is currently occupied by various vacant outbuilding/

shops and was previously occupied by a single family dwelling that was removed as a result of a fire event. Access to the subject parcel can be taken from Almond Way (south); 8th Street (west); and Apricot Circle(north). The City of Orland General Plan designates the site with the *RL-Residential Low Density* (up to 6 du/ac.) land use designation and is zoned with the *R-1 – Residential One Family* zoning district. No specific plan of development has been submitted on the site at this time. Based upon a review of the project application and an evaluation of the project site, the City has determined that the project meets the criteria for application of a *Class 32, In-Fill Development Project* Categorical Exemption from further review pursuant to the California Environmental Quality Act (CEQA).

2. **Conditional Use Permit CUP#2016-03 (Harris):** A request by Gary Harris, Business and Property Owner, to allow for the operation of an automotive repair shop at 1114 6th Street, Assessor Parcel 040-244-017. The parcel is located in the C-2, Community Commercial zoning district and designated C – Commercial in the Orland General Plan. The project site is surrounded by commercial uses to the north and south, residential on the west, and Highway 99 on the east. Vehicle access to the site is provided off of 6th Street. The current use of the property is an automotive detailing/car restoration business. As proposed, the applicant would utilize the existing shop and office building, carport, paint booth, and parking areas. No additional construction is proposed with this request. Pursuant to Orland Municipal Code Section 17.40.040, automotive repair and sales is permitted in the C-2 zone subject to an approved Use Permit. Based upon review of the project application and an evaluation of the project site, the City has determined that the project meets the criteria for application of a Class 1, Existing facilities Categorical Exemption from further review pursuant to the California Environmental Quality Act (CEQA).

7. **ITEMS FOR DISCUSSION OR ACTION**

8. **STAFF REPORT**

Department Activity Report.

9. **COMMISSIONER REPORTS**

10. **ADJOURN**

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on September 12, 2016.

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 865-1601 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.

PLANNING COMMISSION MINUTES
August 18, 2016

1. Call to Order - The meeting was called to order by Vice-Chairman Elliott at 7:00 PM
2. Pledge of Allegiance - Commissioner Crane
3. Roll Call: Commissioners Present - Vice-Chairman Wade Elliott, Steve Crane, Doris Vickers and Sharon Lazorko

Commissioners Absent - Chairman Stephen Shoop
Councilmember Present - None
Staff present - Scott Friend, City Planner and Ann Butler, Secretary

4. ORAL AND WRITTEN COMMUNICATIONS

Citizen Comments – None

5. APPROVAL OF THE MINUTES FROM June 16, 2016

Vice-Chairman Elliott requested a correction to the minutes of June 16, 2016 to reflect that he was in attendance at the meeting and asked that his name be removed from the section of the minutes reflecting Commissioner absences.

Upon motion made by Commissioner Crane and seconded by Commissioner Vickers the minutes were approved as corrected. The motion carried unanimously.

Ayes – Commissioners Vickers, Lazorko, Crane, Elliott; Nose – None

6. PUBLIC HEARING – **Zoning Ordinance Text Amendment #2016-01**: A city-initiated amendment to Title 17, *Zoning* of the City of Orland Municipal Code to modify the Sign Ordinance to include new and revised regulations for temporary signage, electronic message boards, and off-site, multi-tenant signs. The amendment package includes the following action components:

Chapter 17.78 Signs – Amend existing code to address legally mandated requirements for temporary signage; establish development regulations for electronic message board signs; and, multi-tenant, off-site monument signs.

Vice-Chairman Elliott introduced the item and asked City Planner Friend for the Staff report.

City Planner Friend presented the proposed amendment, explained the details of the proposed action and indicated that staff is recommending that the Planning Commission recommend approval to the City Council to adopt the draft Code amendment as presented; and, is recommending that the Commission determine that the matter exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Government Code Section 15061 (b) (3), the General Rule exemption; Commissioner Crane asked for clarification from

City Planner Friend...by asking “if the sign needs to be read to determine if a regulation applies, it is presumed to be content based and presumed to be unconstitutional”? City Planner Friend stated that generally speaking if a person must read a sign to determine the rules that would apply to the sign then there could be a problem. Regulations can only be targeted to sign types, not sign copy or message.

Commissioner Crane stated that it was his understanding that Political signage that remains posted for long periods after the respective elections are over is in violation of State election code requirements. City Planner Friend concurred and informed the Commission that the State Elections Code requires that political signs be removed no later than 90 days after the election is concluded. If signs are not removed, it has been the City’s practice to contact the candidate about removing the signs.

Commissioner Vickers asked about the placement of signs in site of visibility triangles, adjacent to sidewalks, in grass median or landscape areas and suggested that it was her understanding that signs must be located 10 feet behind the edge of the pavement. Commissioner Vickers stated that signs are being placed in the grassy area between the street and the sidewalk. City Planner Friend stated that there is not a hard-rule that signs must be located 10 feet behind the edge of pavement and informed the Commission that if a sign blocks safe traffic movement or is located where it can create a traffic hazard; the sign must be moved per the City’s existing Code.

Commissioner Lazorko mentioned there are numerous abandon multi-tenant pole signs located on Highway 99 at Garry’s Saw Shop and Orland Food & Gas. City Planner Friend stated that the City of Orland does not have a requirement to remove existing legal, non-conforming signs nor does the City have a sign removal requirement or sign amortization program. Only when the sign becomes a hazard or a nuisance does the City take steps to have existing non-conforming signs removed. City Planner Friend stated that the City has informally cited owners for poor sign maintenance or sign nuisance factors and that the majority of owners have been compliant and addressed the issue.

Vice-Chairman Elliott opened the Public Hearing at 7:15pm. The Public Hearing was closed at 7:16pm due to no public comment. .

Vice-Chairman Elliot asked about the use of the strike-add editing format noting that those items shown with a strikeout were to be removed and those items shown with a double-underline were proposed to be added. City Planner Friend stated that nothing new was being added to the Code as a result of this action.

City Planner Friend stated that potential code changes dealing with multi-tenant pole signs and electronic reader board signs would be discussed separately and at a later date.

Vice-Chairman Elliott stated for the Commission that the staff report had both a CEQA motion and a Resolution component to the proposed action and that both were necessary if action on the matter was to occur.

Commissioner Lazorko moved that the Planning Commission adopt Planning Commission Resolution PC 2016-___ recommending to the City Council to determine that the proposed project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the California Government Code and recommending that the City Council approve ZCA#2016-02 to amend Title 17, *Zoning*, by revising Chapter 17.78 Sign Ordinance.

Upon motion made by Commissioner Lazorko and seconded by Commissioner Vickers, the Commission voted on the matter. The motion carried unanimously.

Ayes – Commissioners Vickers, Lazorko, Crane, Elliott; Noes – None

Vice Chairman Elliot asked for a brief explanation from City Planner Friend as to why he was not recommending consideration of Code amendments dealing with electronic reader board signs and multi-tenant monument signs at this time and asked what will be required by the Commission to regulate electronic reader boards.

City Planner Friend stated that staff had done research on the laws potentially affecting the use of such sign types in Orland. He stated that there were two State laws and one Federal law that all but prohibit the use of these sign types in Orland. City Planner Friend explained one of the laws, the Highway Beautification Act, to the Commission. City Planner Friend explained that the Act limited the use of freeway signs and electronic reader board signs within a 660 foot corridor along State transportation routes where certain Federal monies had been used to acquire or construct the roadway. City Planner Friend explained that the City's existing Code allows an individual to request a Conditional Use Permit for a sign proposal that will deviate from the sign code. The individual must work with the State and Federal governments to acquire the necessary approvals in the event that the City approves the Use Permit. City Planner Friend stated that electronic reader boards are not prohibited but neither are they expressly allowed. He explained that it was his opinion that the City could consider such a sign under the current Sign Code via the Conditional Use Permit process. City Planner Friend recommended keeping the Conditional Use Permit allowance in the City Code to address situations like this.

City Planner Friend explained that electronic reader board signs were already in use at many public schools, as schools are exempt from certain sign regulations. City Planner Friend also explained that time and temperature reader board signs are OK in the City, however, large, brightly illuminated signs may need deviations to the sign code which could be obtained through the Conditional Use Permit process.

Vice Chairman Elliott asked about General Standards, Subdivision Signs, (D) Standards for Specific Temporary Sign Types, (3) Subdivision signs. Is it new language, City Planner Friend stated it is existing language but had been moved for formatting purpose. No new language or standards had been added.

7. ITEMS FOR DISCUSSION OR ACTION

City Planner Friend reported the Planning Department was processing a Subdivision Map on property near the Lateral 40 Canal, north of Almond Street and west of old Highway 99. The map proposes a 7 lot, subdivision proposal that meets the lot size requirements for single family parcels in the R-1 zoning district. City Planner Friend indicated that this would potentially be an action item for the September meeting.

8. STAFF REPORT

City Planner Friend stated there may be a number of Conditional Use Permit applications requiring public hearings at the Commission level in the near future. Gary's Diesel Repair Shop on 5th Street has purchased the property on 6th Street where the old Chevrolet dealership was located and was seeking a Conditional Use Permit to allow auto repair at the location. The public hearing is tentatively scheduled for the September Planning Commission meeting.

A Substance Abuse Treatment facility is being proposed at the site of the former Orangewood Rest Home. As proposed, the facility will be owned, and operated by the licensee. The facility operator has indicated that they were pursuing opportunities to be a service provider for the County.

The traffic study for La Quinta Hotel is complete and moving forward. Staff has been informed that the property at Ide and Commerce streets has been purchased for the purpose of building a truck wash and diesel truck repair shop. This would require annexation, rezoning and potentially a General Plan amendment. Staff also understands that a second piece of land, the Bippus property, is along in escrow for a similar purpose. This would also require annexation.

Sav-More Grocery Store is in the permitting process for the construction of a solar system on the roof of the Sav-Mor store and above its front parking lot. Tobacco Road has moved to the old Valley Billiards store on old Highway 99. The old Palos Collision Repair building at the intersection of Sixth Street and Walker Street has been sold to an owner who has expressed a desire to expand the property into an Art Gallery/Studio Space facility. Gamboa Taqueria, a new restaurant in town, is open for business in the space formerly occupied by the Mi Casa Restaurant. The City has approved building permits for the next phase of development in the Heartlands subdivision. This is Phase III of CHIP homes project.

A change in the Planning Commission meeting starting time was discussed and the decision to change the time to 5:30 PM was considered and approved unanimously by the Commission. The day remains the 3rd Thursday of the month with the new time to commence in October. City Planner Friend will confirm the change with the City Clerk and have the City Clerk notify the Planning Commission members of the confirmation.

9. COMMISSIONER REPORTS

Commissioner Vickers reported she spoke at the Willows Rotary meeting about the City of Orland's success with the new hotel project in progress.

10. ADJOURMENT - 7:59 PM

Respectfully submitted,

Ann Butler, Secretary

Wade Elliott, Vice-Chairman



CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: September 15th, 2016; 7:00 p.m.
Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Tentative Parcel Map (TPM) #2016-02: Arbuckle**

A request to divide an existing 1.22 acre parcel addressed as 708 Almond Way (APN: 045-100-127) into seven parcels with an average lot size of 7,600 square feet.

Environmental Review: Staff recommends that the Planning Commission determine that the proposed action is categorically *exempt* from further CEQA review pursuant to Section §15332, Infill Development, a class 32 CEQA exemption.

Summary:

The proposed project is a request by Scott and Kathryn Arbuckle, Property Owners, to divide an existing parcel of land approximately 1.22 acres in size and described as Glenn County Assessor's Parcel Number 045-100-127 into seven parcels with an average lot size of 7,600 square feet (see **Attachment A – Arbuckle Tentative Parcel Map**). Access to the project site can be taken from Almond Way, 8th Street, and Apricot Circle. No new construction or improvements are proposed or required at this time. The City of Orland General Plan designates the site with the LDR – Low Density Residential land use designation and is zoned with the R-1 – Single Family Residential zoning district. Pursuant to the Subdivision Map Act Section 66426(a), this application is being processed as a tentative parcel map as opposed to a subdivision map.

Discussion:

The applicant, Scott Arbuckle, is proposing a Tentative Parcel Map to divide an existing 1.22 acre (53,199 sqft.) parcel into seven smaller lots. The subject parcel was previously developed with a single family house, which has now been demolished. Currently existing onsite are two shed structures and an in-ground pool, all of which are planned for removal.

The proposed parcels are located in an established residential (R-1) zoning district and bounded by Almond Way to the south, 8th Street on the west, and Apricot Circle to the north. There is existing water, sewer, gas, and electricity services available to all parcels. Curb, gutter and sidewalk improvements currently exist along the parcel frontages. No street or right-of-way dedications have been required or are necessary as a result of the proposed action.

Review Criteria:

The content, form, and processing requirements for Parcel Maps within the City Limits are set forth in Orland Municipal Code (OMC) Title 16 *Subdivisions*. The Subdivision Map Act (California Government Code Section 66410 *et seq.*) is the primary regulation for the subdivision of land in California. Generally, divisions of land into four or more parcels require a Tentative and Final *Subdivision* Map. However, pursuant to the Subdivision Map Act Section 66426(a), this application is being processed as a tentative parcel map as opposed to a subdivision map. The land proposed for division is less than 5 acres, each new parcel created by the division will abut a public street or highway, and no street improvements are required.

State of California – Government Code:

California Government Code Section 66473.5 guides subdivisions at the local level:

No local agency shall approve a tentative map... unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1.

A proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

In addition, California Government Code Section 66474 requires that findings be made to support approval or denial of a Map. These findings have been included in this report and are added as **Attachment C**.

City of Orland Zoning Ordinance:

The subject parcel is located within the City of Orland R-1 Single Family Residential zoning district. In guiding the nature of development, each zone district defines lot requirements for new development. The minimum lot area in the R-1 zone is 6,000 square feet for interior lots and 7,000 square feet for corner lots.

As shown on the parcel map, Parcel 1 is situated on the corner of Apricot Circle and 8th Street, and has a lot size of 9,775 square feet. Parcel 3 is located on the corner of Almond Way and 8th Street and has an area of 8,288 square feet. The smallest parcels proposed are Lot 5 and Lot 7, each having an area of 6,840 square feet. As such, the seven new parcels would be consistent with the R-1 district lot size requirements.

City of Orland Subdivisions Ordinance:

The OMC Section 16.16.090 outlines what the Planning Commission shall consider when reviewing a Tentative Parcel Map as listed below with staff's analysis:

1. The planning commission shall consider each tentative map with accompanying statements and documents, the committee report, related department and agency reports to determine whether the map is confirmative with the provisions of the law, this title, with the then existing general and specific plan standards and proposals and being consistent with good planning and engineering practice.

Per the procedures outlined in OMC Chapter 16.16 for the submission and review of parcel maps, the City Engineer has reviewed the proposed Parcel Map and has determined that the map meets all City requirements as to the required form of a Parcel Map and the requirements for the processing of Parcel Map as required by the OMC, and has recommended that conditions of approval be attached to the proposed Map to ensure consistency with City requirements should the Commission decide to approve the project (see **Attachment B – Conditions of Approval**). The City Planner has also reviewed the project for consistency with the Orland Municipal Code and development regulations and has found that the Parcel Map is consistent with the General Plan and the OMC.

2. The planning commission shall consider also such measures as will promote and protect the public health, safety, comfort, convenience and general welfare, and the environmental values and other assets and conditions making for excellence of residential, commercial, industrial, recreational and other developments.

The Tentative Parcel Map is consistent with the density and intensity standards as specified in the Orland General Plan. The proposed lot size is consistent with the development regulations for the R-1 zoning district. As further described in the Environmental Determination section below, staff has determined that the project is exempt from further environmental review. The proposed Parcel Map is located on a previously developed residential parcel that has no value as habitat for endangered, rare, or threatened species, and will result in no significant effects related to traffic, noise, air quality, or water quality. Subject to the Conditions of Approval for the project, the project will not affect the public health, safety, comfort, convenience, and general welfare, and will stay consistent with the environmental values and other assets and conditions making for excellence of residential development.

Environmental Determination:

Staff has reviewed the project to determine the required level of review under the California Environmental Quality Act (CEQA). Section 15332, *Infill Development Projects*, of the CEQA Guidelines exempts projects that are consistent with the designation and policies of the General Plan, occur within city limits on a site less than five acres having no value as habitat for

endangered species, can be adequately served by utilities and public services, and will not result in any significant effects relating to traffic, noise, air quality, or water quality. Based upon the application of these criteria, staff has determined that the project meets the criteria for being *exempt* from further review under the California Environmental Quality Act (see **Attachment D – Notice of Exemption**).

Recommendation:

Staff recommends that the Planning Commission find that the project is exempt from further review pursuant to the California Environmental Quality Act (CEQA); adopt the required findings (**Attachment C**); and, approve TPM#2016-02 subject to the Conditions of Approval (**Attachment B**).

Staff recommends the following process for the consideration of this matter:

1. Accept report by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project; and
4. Motion and vote.

If the Planning Commission determines that it intends to approve the project as proposed and as described in this report, staff offers the following motion for the Commission’s consideration:

1. California Environmental Quality Act:

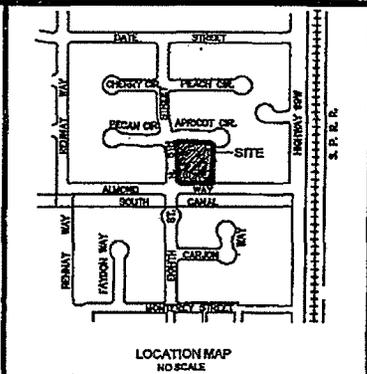
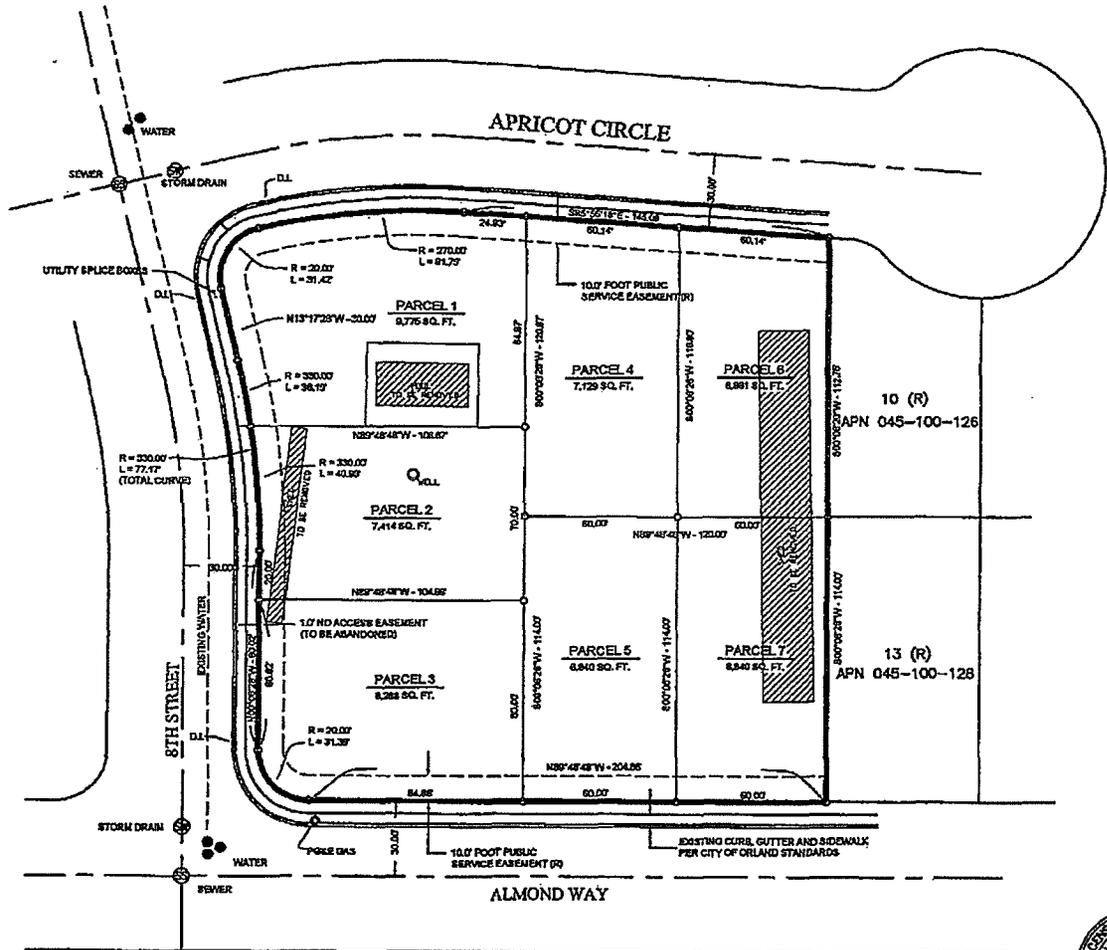
Move that the Planning Commission determine that the project is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15332, Infill Development Projects.

2. Tentative Parcel Map:

Move that the Planning Commission approve Resolution 2016-02 approving Tentative Parcel Map #2016-02 as presented subject to the Findings and Conditions of Approval included as Attachments C and B.

ATTACHMENTS:

- **Attachment A – Arbuckle Tentative Parcel Map**
- **Attachment B – Conditions of Approval for TPM#2016-02**
- **Attachment C – Findings of Approval for TPM#2016-02**
- **Attachment D – Notice of Exemption**
- **Attachment E – TPM#2016-02 Application**
- **Attachment F – Planning Commission Resolution 2016-02**
- **Attachment G – Site Photos**



MAP LEGEND

- N.T.S. NOT TO SCALE
- (R) BOOK 13 MAPS AND SURVEYS, PAGE 16

PROPERTY INFORMATION

OWNER:
 SCOTT AND KATHRYN ARBUCKLE
 5188 KENSINGTON DRIVE
 EL DORADO HILLS, CA 95602
 PHONE 916-832-3481

SITE ADDRESS:
 708 ALMOND WAY

APN: 045-100-127

ZONING: R-1

NO ACCESS EASEMENT CREATED BY LEDGERWOOD SUBDIVISION No. 7 IS PROPOSED TO BE REMOVED AND ABANDONED BY THE CITY OF ORLAND BY THE RECORDATION OF THIS PARCEL MAP

EXISTING SHED STRUCTURES AND POOL TO BE REMOVED

**APN 045-100-127
 TENTATIVE PARCEL MAP**

BEING LOT 14 OF LEDGERWOOD ESTATES No. 7 AS SHOWN ON BOOK 13 OF MAPS AND SURVEYS, AT PAGE 16; SITUATE IN THE CITY OF ORLAND, STATE OF CALIFORNIA.

APRIL 2018 FOR SCALE 1" = 30'

SCOTT ARBUCKLE and KATHRYN L. ARBUCKLE
 OFFICIAL RECORDS DOCUMENT NO. 2015-5183

PREPARED BY:



Thomas E. Harris
 THOMAS E. HARRIS
 LAND SURVEYOR
 808 6TH STREET, ORLAND, CA. 95663

05/31/2016

SHEET 1 OF 1

3066-18

REDUCED PRINT

CITY OF ORLAND
CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP#2016-02 - ARBUCKLE
708 Almond Way, Assessor's Parcel Number: 045-100-127

Approved Use: Tentative Parcel Map resulting in seven new parcels from the lot identified as APN: 045-100-127 in the City of Orland, CA.

Conditions of Approval:

General -

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the City prior to recording the Parcel Map.
2. Owner or an agent of Owner shall satisfy, and the project shall meet, all applicable requirements provided by federal, state, and local laws, City of Orland Municipal Code, City of Orland Land Division Standards, City of Orland Development Requirements, City of Orland General Plan, and regulations including the requirements provided by the Subdivision Map Act (Government Code Section 66410).
3. Pursuant to section 66474.9 of the California Government Code, the subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding against the County, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the Planning Commission or City Council concerning this subdivision, which action is brought within the time period provided for in Section 66499.37. The City shall promptly notify the applicant of any such claim, action or proceeding and shall cooperate fully in the defense of the action. If the City fails to so notify the applicant or to cooperate fully in the defense, the applicant shall not be obligated by this condition.

Public Works Department -

4. The property shall be subdivided in substantial compliance with the conditionally approved Tentative Parcel Map. Any substantive changes prior to recordation of the Parcel Map shall require review and approval by the Planning Commission.
5. All future infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards" and the Caltrans Improvement Standards, latest edition. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, grading plans, typical sections and project specifications prior to commencement of any construction within Caltrans right-of-way.
6. Developer shall pay all actual city attorney and city engineer fees incurred in the review of this project.

7. Prior to issuance of a building permit for any future development on any of the seven parcels, all utilities serving the parcels shall be installed underground and meet the design standards of the service provider.
8. Prior to issuance of a building permit for any future development on any of the seven parcels, any conflicting, existing utilities shall be relocated at the applicant's expense.

Planning Department:

10. Owner/applicant shall apply for and receive all permits deemed necessary from the City of Orland Engineering, Public Works, and Building Departments, wherever applicable. This action involves the division of land only. No construction is approved with this action.
11. Any and all overhead utilities shall be placed underground at the time of construction.
12. All subsequent development shall comply with the City of Orland land division, land development and zoning standards.
13. All existing accessory structures or improvements shall be removed prior to the issuance of buildings permits for subsequent development on that parcel.
14. Any and all wells, septic tanks or other sub-surface features (e.g. fuel tanks, heating oil tanks, etc.) shall be removed from the site prior to the permitting of any future development.

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR
TENTATIVE PARCEL MAP#2016-02 - ARBUCKLE
708 Almond Way, Assessor's Parcel Number: 045-100-127

Findings of Approval for TPM#2016-02:

1. *The proposal will not have a significant adverse impact on the environment and the project has been determined to be exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15332 of CEQA Guidelines.*

In accordance with the State CEQA Guidelines, as developed under Public Resources Code Section 21084, the project has been determined to be categorically exempt from further environmental review pursuant to Section 15332 of the State CEQA Guidelines. The project involves the division of one parcel into seven parcels. In addition, the project is in conformance with the General Plan and zoning regulations and all services are available to the parcel. Approval of the project would not allow for any use or development of the property not otherwise already allowed without the approval of a discretionary action by the City.

2. *Section 66474 of the California Subdivision Map Act requires a City to deny approval of a tentative map if it makes any of the following findings:*

- a. *That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.*

The proposed map is consistent with the density/intensity standards as specified in the Orland General Plan and shall be made to be consistent with City General Plan policies upon implementation of the project Conditions of Approval.

- b. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The division of land is consistent with the density/intensity standards of the Orland General Plan. No specific plans are applicable to the parcel.

- c. *That the site is not physically suitable for the type of development.*

The site is a previously developed parcel physically suitable for the development. The applicant is proposing to divide one 1.22 acre residential lot into seven parcels with an average area of 7,600 square feet. The lots meet the development regulations of the Orland Municipal Code and project conforms to the policies of the Orland General Plan.

- d. *That the site is not physically suitable for the proposed density of development.*

The zoning of the site is R-1, Single Family Residential and the project meets the density/intensity standards of the City's General Plan. No new development is proposed at this time as a part of the project. The site is physically suitable to accommodate future development on the site.

- e. *That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The project does not propose any new development on this site at this time nor are any new physical improvements proposed or required with this action. The site was previously developed with a single family dwelling which has been demolished and various accessory buildings and structures. Currently, the site is occupied by two shed structures and an in-ground pool, all of which are planned for removal. The project will have no adverse impacts on the surrounding environment and thus has been determined to be exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA guidelines.

- f. *That the design of the subdivision or type of improvements is likely to cause serious public health problems.*

No conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, have been identified.

- g. *That the design of the subdivision or type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.*

There are no easements that will be affected with approval of the Tentative Parcel Map.

Notice of Exemption

Form D

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

■ County Clerk
County of Glenn
526 West Sycamore Street
Willows, CA 95988

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
(Address)

Project Title: TPM#2016-02 – Arbuckle

Project Location - Specific: 708 Almond Way, Orland, CA 95963 (APN: 045-100-127)

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

Description of Project: The proposed project is a request by Scott and Kathryn Arbuckle, property owners, to divide an existing 1.22 acre parcel of land described as Glenn County Assessor's Parcel Number 045-100-127 into seven new parcels with an average lot size of 7,600 square feet. The subject parcel has been previously developed with a single family house, which was demolished. Currently existing onsite are two shed structures and an in-ground pool, all of which are planned for removal. Access to the project site can be taken from Almond Way (south); 8th Street (west); and Apricot Circle (north). No new construction or improvements are proposed or required at this time. The City of Orland General Plan designates the site with the LDR – Low Density Residential land use designation and is zoned with the R-1 – Single Family Residential zoning district.

Name of Public Agency Approving Project:

City of Orland

Name of Person or Agency Carrying Out Project:

City of Orland

Exempt Status: (check one)

- 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 Infill Development Projects
- Statutory Exemptions. State code number:

Reasons why project is exempt: The proposed Tentative Parcel Map is categorically exempt from the California Environmental Quality Act pursuant to Section 15332, *Infill Development Projects*, as the proposed action to divide an existing parcel into seven smaller parcels is consistent with the policies of the General Plan, will occur within city limits on a site less than five acres having no value as habitat for endangered species, can be adequately served by utilities and public services, and will not result in any significant effects relating to traffic, noise, air quality, or water quality. Furthermore, pursuant to Subdivision Map Act Section 66426(a), this application is being processed as a tentative parcel map as opposed to a subdivision map. The land proposed for division is less than 5 acres, each new parcel created by the division will abut a public street or highway, and no street improvements are required.

Lead Agency

Contact Person: Scott Friend, AICP Area Code/Telephone/Extension: (530) 894-3469 ext. 13214

Signature: _____ Date: _____ Title: City Planner

- Signed by Lead Agency
- Signed by Applicant

Date received for filing at OPR: _____

7Am 2016-02

CITY OF ORLAND
815 Fourth Street
Orland, CA 95963
530.865.1600
530.865.1632 (fax)

APPLICATION FOR TENTATIVE MAP

Please check one: PARCEL MAP SUBDIVISION MAP

Check Box if Application is for a Vesting Map

1. Applicant:

Name: Scott and Kathryn Arbuckle

Address: 3186 Kennsington Drive, El Dorado Hills, CA 95762

Phone: (Business): _____ (Home): _____

Mobile: (916) 832-3491 (Email): _____

2. Landowner:

Name: Same as applicant

Address: _____

Phone: (Business): _____ (Home): _____

Mobile: _____ (Email): _____

3. Agent (Engineer, Surveyor, etc):

Name: Thomas E. Harris

Address: 908 Sixth Street, Orland, CA 95963

License Number: LS 8532

Phone: (Business): (530) 865-5567 (Home): _____

Mobile: _____ (Email): harrisurveying@sbcglobal.net

4. Request (Please explain in detail the specific project for this tentative map):

To partition Lot 14 of Ledgerwood Estates by parcel map into
7 new parcels.

5. Address of the Site for this tentative map:

708 Almond Way

Orland, CA 95963

6. Current Assessor's Parcel Number: 045-100-127

7. Number of proposed lots: 7 Average Lot Size: 7,600± sq. ft.

8. Project acreage: 1.22 Within City limits? Yes () No ()

9. Existing Zoning: R-1 Existing Land Use: Residential

10. Existing Use of Property: Residential

11. Proposed Use of Property: Residential

12. Related Applications: N/A

FOR OFFICE USE ONLY

SUBMITTAL INFORMATION:

Application Received by: _____ Date: _____

FEES:

Receipt Number: _____

Application Fee: _____

Environmental Review: _____

Total Fee: _____

PLANNING COMMISSION ACTION:

Approved () Denied () Date: _____ Vote: _____

CITY COUNCIL ACTION:

Approved () Denied () Date: _____ Vote: _____

Resolution Number: _____

DECLARATION UNDER PENALTY OF PERJURY
(Must be signed by the applicant and the property owner)

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

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

I (we) also shall agree to abide by the conditions of approval as issued by the Planning Commission. I (we) declare under penalty of perjury that the foregoing is true and correct.

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

Property Owner:

Scott Arbuckle
Printed Name

Scott Arbuckle
Signature

5-25-16
Date

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

Applicant:

Kathy Arbuckle
Printed Name

Kathy Arbuckle
Signature

5-25-16
Date

Agent:

THOMAS E. HARRIS
Printed Name

Thomas E. Harris
Signature

5/31/2016
Date

ENVIRONMENTAL INFORMATION FORM

Date Filed: _____

General Information

1. Name and address of developer/project sponsor: Scott & Kathryn Arbuckle

2. Address of PROJECT: 708 Almond Way

3. Assessor's Parcel Number: 045-100-127

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

Thomas E. Harris, L.S.

908 Sixth Street, Orland, CA 95963 865-5567

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:

N/A

6. Existing Zoning District: R-1

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

Parcel map to create 7 new parcels.

Project Description

8. Site size: 1.22 Ac.

9. Square footage: 53,199

10. Number of floors to be constructed: N/A

11. Amount of off-street parking provided: N/A

12. If residential:

Number of units: Seven parcels.

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

Square footage of each unit: 7,600 average parcel size.

ENVIRONMENTAL INFORMATION FORM
City of Orland

13. If commercial: N/A

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: N/A

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: N/A

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 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 X

ENVIRONMENTAL INFORMATION FORM
City of Orland

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 x

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

Yes _____ No x

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

Yes _____ No x

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

Yes _____ No x

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

Yes _____ No x

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

Yes _____ No x

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

Yes _____ No x

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

Yes _____ No x

ENVIRONMENTAL INFORMATION FORM
City of Orland

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.



Signature

Date: 5/31/2016

For: SCOTT AND KATHRYN ARBUCICLE

30. The site is formerly a residence which has since been demolished. The remaining structures are sheds which are proposed to be removed upon development of new parcels. There are no known cultural, historical or scenic qualities to this site.
31. The surrounding properties are single family residential, with no known cultural, historical or scenic qualities. This form is to accompany the application for a parcel map to create new parcels. Any subsequent development of said lots will conform to the City of Orland residential zoning requirements.

TAM# 2016-02

Charles E. Harris, Jr.
LAND SURVEYOR
Thomas E. Harris, L.S.
908 Sixth Street • Orland, CA 95963-1631
(530) 865-5567 phone
(530) 865-5568 fax

LETTER OF TRANSMITTAL

TO City of Orland
815 Fourth Street
Orland, CA 95963

Date: 6/1/16	Job No. 3066-16
Attention: Scott Friend	
Re: Scott & Kathryn Arbuckle	

LADIES / GENTLEMEN:

WE ARE SENDING YOU Attached Under separate cover Via the following items:

Shop Drawings Prints Plans Samples Specifications

Copy of letter Change Order

Copies	Date	No.	Description
			Application for Tentative Map & Environmental Information Form
x			Preliminary title report
x		2 pg.	Deed copy
x			Assessor's Map 45-10
x		1 pg.	Google Earth view of site
			Check #11820, application fee
		16 pg.	Tentative Parcel Map (1 pg.)

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit copies for approval
- For your use Approved as noted Submit copies for distribution
- As requested Returned for corrections Return corrected prints
- For review and comment
- FOR BIDS DUE 20 PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO: _____

Signed: Thomas E. Harris

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2016-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORLAND
APPROVING A TENTATIVE PARCEL MAP
TO DIVIDE AN EXISTING PARCEL LOCATED AT
708 ALMOND WAY (APN: 045-100-127)**

WHEREAS, Scott Arbuckle, applicant, filed an application with the City of Orland seeking approval of a Tentative Parcel Map to divide an existing 1.22 acre parcel into seven parcels with an average lot size of 7,600 square feet; and

WHEREAS, pursuant to Subdivision Map Act Section 66426(a), the proposed action is being processed as a Tentative Parcel Map as opposed to a Tentative Subdivision Map as the division of property does not require the dedication of any rights-of-way, does not require any off-site improvements, is surrounded by existing fully-improved and dedicated public streets, is surrounded by existing public utilities necessary to serve the project, is located in a developed urban area and surrounded by existing development, and, is consistent with the City's General Plan, zoning and land development standards; and

WHEREAS, the Planning Commission is the appropriate authority to hear and take action on this project; and

WHEREAS, the Planning Commission held a duly noticed public hearing for which a public notice was posted and advertised and notices were sent to adjacent property owners within 300 feet of the proposed project; and

WHEREAS, the proposed Tentative Parcel Map conforms to the standards of the R-1, Single Family Residential zoning district and Title 16 Subdivisions of the OMC; and

WHEREAS, the Planning Commission has determined that, subject to approval of the Tentative Parcel Map and the project Conditions of Approval, the request is consistent with the Orland General Plan, Orland Zoning Code and Orland Subdivision 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; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Orland does hereby:

1. Adopt the determination of Categorical Exemption for the project under Section 15332 of the State CEQA Guidelines.
2. Adopt the findings in the staff report, and approve Tentative Parcel Map #2016-02 (Arbuckle), subject to the conditions of approval listed in the staff report.

The foregoing Resolution was adopted by the Planning Commission on the 15th day of September, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephen Shoop, Chairman

ATTEST:

E. Ann Butler, Clerk of the Planning Commission



Google earth

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CITY OF ORLAND Staff Report

TO: **City of Orland Planning Commission**
FROM: Scott Friend, AICP – City Planner
MEETING DATE: September 15th, 2016; 7:00 p.m., Carnegie Center, 912 Third Street,
Orland, CA 95963

SUBJECT: **Conditional Use Permit CUP#2016-03**: A request for approval of a Conditional Use Permit to allow for the operation of an automotive repair, service and sales facility at 1114 6th Street, Assessor Parcel 040-244-017. A Conditional Use Permit is required for an auto service facility and automobile repair and sales facility in this zoning district according to Section 17.40.040A of the Orland Municipal Code.

Environmental Review: Staff is recommending that the Planning Commission determine that the project is *Exempt* from further environmental review pursuant to CEQA Guidelines Section 15301 – *Existing Facilities*.

Summary:

The City of Orland received an application for a Conditional Use Permit (CUP#2016-03) on August 24, 2016 seeking approval for the operation of an automotive repair, service and sales facility at 1114 6th Street. This property is designated C – Commercial in the Orland General Plan and is located in the C-2, Community Commercial zoning district on Assessor Parcel Number 040-244-017.

Discussion:

The proposed parcel, located at 1114 6th Street, has an area of 0.57 acres (24,829 sq.ft.). The project site is surrounded by existing commercial uses to the north and south, existing residential on the west, and 6th Street on the east. Vehicle access to the site is provided off of 6th Street via an existing partially improved driveway. The current use of the property is an automotive detailing/car restoration business.

As proposed, the applicant would utilize the existing shop and office building, carport, paint booth, and parking areas. Five existing off-street parking spaces are provided in the paved lot at the front of the building. The existing parking area has space to accommodate additional parking if needed. Additional vehicle parking and storage is located in the rear yard of the property and is currently unpaved. The project site is provided water and sewer service by the City of Orland. No additional construction or changes to the existing water or sewer collection systems have been proposed with this request. Pursuant to Orland Municipal Code Section 17.40.040, automotive repair and sales is permitted in the C-2 zone subject to an approved Use Permit.

This action would be compatible with the surrounding land uses, as the project site and adjacent properties along 6th Street are located in a commercial corridor within the C-2, Community Commercial zoning district and have been used for various commercial purposes for the past

20+years. Properties located west of the subject parcel are zoned R-3, Multi-Family Residential. The project has been conditioned to mitigate potential noise impacts on the surrounding environment and uses.

Conditional Use Permit / Site Plan Approval:

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

“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 regulation, or for any use which, while not specifically enumerated in these regulation, 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 described above, the proposed application would permit the use of the subject site for automobile repair, sales and service uses. Pursuant to Section 17.40.040, Conditional Uses requiring use permits, the proposed uses require the issuance of a Conditional Use Permit by the Planning Commission due to the nature of the proposed use.

As established in 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.

Staff Analysis of Consistency with Required Findings:

1. The 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.

City planning staff and the City of Orland Technical Advisory Committee (TAC) have reviewed the subject application, have circulated the proposed application to potentially affected public agencies, service providers and interested parties, and held a publically notice project review meeting to review the subject proposal. As a result of these efforts, the City of Orland acting as the permitting authority for the project has attached conditions of approval to the project to address the following potential issues:

- Noise
- Light and Glare
- Parking
- Site Access
- Permitting
- Hours of Operation

Environmental determination:

Should the Planning Commission desire to approve a Conditional Use Permit allowing for automotive repair use(s) of the commercial property at 1114 6th Street, staff recommends that in accordance with State CEQA Guidelines, as developed under Public Resources Code Section

21084, the Planning Commission determine that the project is *categorically exempt* from further environmental review, as the proposed action meets one or more of the criteria for application of a Class 1 Categorical Exemption as described below:

- Section 15301 – *Existing Facilities*

In addition, staff has determined, and recommends to the Planning Commission, that the proposed application is compatible with applicable General Plan and Zoning designations (subject to the approval of the Conditional Use Permit); the project site is fully developed and has no significant value as habitat for endangered, rare, or threatened species; the action will not result in any significant effects related to traffic, noise, air quality, or water quality as it is located on a fully developed site; and serviced by all required utilities and public services.

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 #2016-03, a request to allow for operation of an automotive repair shop on a commercial lot located at 1114 6th Street.

Specifically, staff recommends that the following actions take place:

1. *California Environmental Quality Act (CEQA)*: Move that the project is Categorical Exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Section 15301, *Existing Facilities*, a Class 1 exemption.
2. *Conditional Use Permit*: Move to approve Planning Commission Resolution PC 2016-03, approving Conditional Use Permit application CUP #2016-03 subject to the Conditions of Approval provided as **Attachment D** and Findings shown on **Attachment E**.

ATTACHMENTS

- **Attachment A – Project Location Map**
 - **Attachment B – CUP #2016-03 Application**
 - **Attachment C – Conditions of Approval for CUP #2016-03**
 - **Attachment D – Required CUP Findings #2016-03**
 - **Attachment E – Notice of Exemption for CUP #2016-03**
 - **Attachment F – Planning Commission Resolution PC 2016-XX**
-

Project Location: 1114 6th Street, Orland CA 96963
Assessor Parcel Number: 040-244-017
Zoning District: C-2, Community Commercial



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 nsaisbery@cityoforland.com.

1. **APPLICANT(S):**

NAME: Gary Harris

ADDRESS: 801 Cortina Dr Orland, CA

PHONE:(Business): (530) 518-4822

(Home): _____

(Mobile): _____

EMAIL ADDRESS: harris.truck@att.net

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

NAME: Gary Harris CBrian

ADDRESS: 801 Cortina Dr Orland, CA

PHONE:(Business): (530) 518-4822

(Home): _____

(Mobile): (530) 517-2544

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: Travis Harris

ADDRESS: 1214 Walters St Orland, CA

PHONE:(Business): (530) 518-4822

(Home): _____

(Mobile): (530) 864-1435

EMAIL ADDRESS: travis.harris04@yahoo.com

City of Orland Conditional Use Permit
Instructions and Application Form

4. Address and Location of Project: 7114 6th st orland, CA
5. Current Assessor's Parcel Number: 040-24-4-017
6. Zoning: C-2 - Comm. Commercial
7. General Plan Land Use Classification: C - Commercial
8. Existing use of property(ies): Auto Repair shop / classic car Restoration
9. Request: Automotive Repair / Tow service
10. Provide any additional information that may be helpful in evaluating this request:
Hire New Employee
11. Surrounding Land Uses and Zoning Districts (please be specific):
North: Commercial
South: Commercial
East: High way 99
West: Residential
12. Topography: _____
13. Vegetation: 2 trees No grass
14. Water Supply: City water Source or Type: _____ Provider: _____
Existing: _____
Proposed: _____
15. Sewage Disposal: City waist
Existing: _____
Proposed: _____

City of Orland Conditional Use Permit
Instructions and Application Form

16. Fire Protection:

Existing: Alarm System

Proposed: Fire Ex team advisor

17. Storm drainage:

Existing: _____

Proposed: _____

18. School District: None

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

DECLARATION UNDER PENALTY OF PERJURY
(Must be signed by the applicant(s) and the property owner(s))

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

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

I (we) also shall agree to abide by the conditions of approval as issued by the Technical Advisory Committee/Planning Commission/City Council.

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

The property owner(s) and/or applicant(s) by signing this application, shall be deemed to have agreed to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions (collectively, the "Indemnified Parties") from any claim, action, or proceeding brought against any of the foregoing individuals or entities by a third party, the purpose of which is to attack, set aside, void, or null the approval of this development entitlement or approval or certification of the environmental document which accompanies it (collectively, the "Entitlements") or to obtain damages relating to such action(s). This indemnification agreement shall include, but not be limited to, damages, costs, expenses, attorney fees, or expert witness fees that may arise out of an action by a third party to void the Entitlements, whether or not there is concurrent passive or active negligence on the part of the City provided, however, this indemnification shall not apply to the gross negligence or willful misconduct of the Indemnified Parties.

Gary Harris
Printed Name (Applicant)
[Signature]
Signature (Applicant)

8-24-16
Date

Travis Harris
Printed Name (Property Owner)
[Signature]
Signature (Property Owner)

8-24-2016
Date

Gary Harris
Printed Name (Property Owner)
[Signature]
Signature (Property Owner)

8-27-16
Date

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2016-03, Harris

Assessor's Parcel Numbers: 040-244-017

Project location: 1114 6th Street: Adjacent to the west side of 6th Street, north of South Street, west of 8th Street, south of Sacramento Avenue in Orland, Glenn County, CA 95963. APN 040-244-017.

Zoning: "C-2" (Community Commercial);

General Plan Land Use Designation: "Commercial".

Conditional Use Permit #2016-03, Gary Harris (Applicant/Landowner): A request for approval of a Conditional Use Permit to allow for the operation of an automotive repair, service and sales facility on a commercial property in the C-2, Community Commercial zoning district. Pursuant to OMC Sections 17.40.040 and 17.80.010, the Planning Commission may issue a Use Permit to allow for automotive repair use(s) to occur on property zoned C-2.

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 automotive repair, service and sales use(s) to occur at this property, located in the C-2 zoning district, as requested on CUP application #2016-03. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. All signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code).
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 is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

Use/Site Specific Conditions of Approval:

Project Site Lighting:

15. No new exterior lighting has been proposed or approved with this permit. Any new exterior light sources shall be shielded to prevent any glare or direct illumination on public streets, adjacent properties, or highways.

Noise:

16. Mechanical equipment shall not be located in any front setback area between the public street and existing building.
17. Mechanical equipment shall be located far enough from adjacent properties to not cause noise impacts. Noise level at property line may not exceed fifty (50) dBA in or adjacent to residential areas and seventy-five (75) dBA in all commercial and industrial zones.
18. Siting of noise and odor generating functions on a site shall not create a nuisance for the adjacent properties.

19. Hours of operation for the proposed uses shall be limited to the hours between 7:00am to 10:00pm for all work activity occurring outside of the existing enclosed building structure, for all vehicle sales activities, and for all service, repair and maintenance activities that would generate noise levels beyond those customary to a commercial land use.
20. No exterior amplified speaker systems or amplified music systems shall be utilized on the site.

Parking:

20. The applicant shall provide four (4) total paved parking spaces, one of which shall be design as a handicapped accessible parking space. Parking spaces shall be designed as follows:
 - All parking spaces and access thereto shall be improved with Portland cement or asphalt concrete.
 - All parking spaces shall be ten (10) wide by twenty (20) feet in length.
21. All vehicle display and sales parking areas shall be paved with Portland cement or asphalt concrete.

Other:

22. No residential use shall be allowed within the commercially described area of the project site.
23. All development in this zoning district shall provide for adequate storage of trash and recyclable materials in containers in enclosed areas.

Cost Recovery:

24. Applicant shall pay Cost Recovery for Staff time spent processing this Conditional Use Permit if Staff time exceeds the initial application fee (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council).

City Engineer Conditions of Approval:

25. No new connections to the City utility systems are approved with use permit.
26. Applicant shall pay all City Attorney fees and City Engineer fees associated with processing this application in excess of those included as part of the application processing fee.
27. Land owner shall enter into a Deferred Improvements Agreement with the City for roadway frontage improvements on Sixth Street / Road 99W. The Agreement shall be recorded against the property and shall be signed by the City of Orland and the Property Owner prior to the initiation of the proposed use.
28. Applicant shall construct a paved, van accessible parking space and path of travel from same in accordance with Title 24 of the California Code of Regulations.

PG&E Conditions of Approval:

29. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense. There shall be no building of structures, or the storage of any

materials allowed over or under any existing PG&E facilities, or inside any easements that exist which infringe on PG&E’s easement rights.

Glenn County Air Pollution Control District:

30. Applicant shall complete and submit all required information to the Glenn County Air Pollution Control District to verify if hazardous wastes or materials will be used or stored on site and shall secure all required permits prior to the initiation of commercial activity on the site.

City of Orland Building Division:

31. Applicant shall have completed by the City of Orland Building Inspector, a building safety and code compliance inspection and shall make all necessary improvements to the physical building structure as required by the California Building Code for a commercial land use. All building code and building safety requirements shall be inspected and approved by the Building Inspector and shall be completed prior to the initiation of commercial business activities at the site.

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2016-03 and acknowledge and consent to the Conditions as presented.

Signed,

Gary Harris, Applicant

Date

Landowner

Date

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2016-03
FOR: Gary Harris (Applicant/Owner);
Assessor's Parcel Numbers: 040-244-017: 1114 6th Street

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 ("C-2", Community Commercial 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 17.40.040 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 a local business to expand to a larger location and better service the auto repair needs of customers. 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 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 a local business to expand to a larger location and better service the auto repair needs of customers. The proposed use is compatible with the surrounding environment as the project site is located along a commercial corridor (6th Street). 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 automotive repair, service and sales uses to occur on commercially zoned property with the approval of a Conditional Use Permit. 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 a Class 1 'Existing Facilities' Exemption pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

To: ■ Office of Planning and Research
 PO Box 3044, 1400 Tenth Street, Room 212
 Sacramento, CA 95812-3044

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
 (Address)

■ County Clerk
 County of Glenn
526 West Sycamore Street
Willows, CA 95988

Project Title: Conditional Use Permit CUP#2016-03 – A request to allow for the operation of an automotive repair, service and sales facility on a commercial lot located at 1114 6th Street.

Project Location - Specific:

1114 6th Street: Adjacent to the west side of Highway 99, north of South Street, west of 8th Street, south of Sacramento Avenue in Orland, Glenn County, CA 95963. APN 040-244-017.

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

Description of Nature, Purpose, and Beneficiaries of Project: The City of Orland received an application for a Conditional Use Permit (CUP) seeking approval for the operation of an automotive repair, service and sales facility on a commercial property in the C-2, Community Commercial zoning district. Pursuant to Sections 17.40.040 and 17.80.010 of the Orland Municipal Code (OMC), the Planning Commission may issue a CUP to allow for automotive repair use(s) in the C-2 zone. The primary beneficiary of the project will be the applicant, whose thriving business is requiring relocation to a larger commercial property to better accommodate his customers.

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: §15301 – Existing Facilities
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The City of Orland Planning Commission has determined the project to be categorically exempt, as it is a request for automotive repair, service and sales uses to be permitted on a parcel in the C-2, Community Commercial zoning district previously developed with an automotive detailing/customization business. The project meets the intent of the exemption described in CEQA Guidelines Section 15301. The proposed use is compatible with applicable General Plan and Zoning designations with an approved Conditional Use Permit, 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.

Lead Agency

Contact Person: Scott Friend, AICP Area Code/Telephone/Extension: (530) 894-3469 ext. 13214

Signature: _____ Date: _____ Title: City Clerk

■ Signed by Lead Agency

Date received for filing at OPR: N/A

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2016-__**

**APPROVAL OF CONDITIONAL USE PERMIT #2016-03
At: 1114 6th Street (APN: 040-244-017)
APPLICATION: Conditional Use Permit #2016-03**

WHEREAS, Mr. Gary Harris (applicant), has requested a Conditional Use Permit to allow for the operation of an automotive repair shop on a commercial property pursuant to OMC Section 17.40.040; and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on September 15, 2016; 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 15301 of the State CEQA guidelines further described as Class 1 'Existing Facilities' Exemption; and

WHEREAS, the Planning Commission, in a staff report dated September 15, 2016, 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.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Orland does hereby approve Conditional Use Permit #2016-03, subject to the following conditions:

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of Planning Commission approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.

3. The use granted by this permit shall be established within one (1) year of the date of approval or the permit shall become null and void.
4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** 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 automotive repair, service and sales use(s) to occur at this property, located in the C-2 zoning district, as requested on CUP application #2016-03. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. All signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code).
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 is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

Use/Site Specific Conditions of Approval:

Project Site Lighting:

15. No new exterior lighting has been proposed or approved with this permit. All exterior light sources shall be shielded to prevent any glare or direct illumination on public streets, adjacent properties, or highways.

Noise:

16. Mechanical equipment shall not be located in any front setback area between the public street and building.

17. Mechanical equipment shall be located far enough from adjacent properties to not cause noise impacts. Noise level at property line may not exceed fifty (50) dBA in or adjacent to residential areas and seventy-five (75) dBA in all commercial and industrial zones.

18. Siting of noise and odor generating equipment on the site shall not create a nuisance to the adjacent properties.

19. Hours of operation for the proposed uses shall be limited to the hours between 7:00am to 10:00pm for all work activity occurring outside of the existing enclosed building structure, for all vehicle sales activities, and for all service, repair and maintenance activities that would generate noise levels beyond those customary to a commercial land use.

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Other:

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24. Applicant shall pay Cost Recovery for Staff time spent processing this Conditional Use Permit if Staff time exceeds the initial application fee (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council).

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25. No new connections to the City utility systems are approved with use permit.

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- 30. Applicant shall complete and submit all required information to the Glenn County Air Pollution Control District to verify if hazardous wastes or materials will be used or stored on site and shall secure all required permits prior to the initiation of commercial activity on the site.

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- 31. Applicant shall have completed by the City of Orland Building Inspector, a building safety and code compliance inspection and shall make all necessary improvements to the physical building structure as required by the California Building Code for a commercial land use. All building code and building safety requirements shall be inspected and approved by the Building Inspector and shall be completed prior to the initiation of commercial business activities at the site.

The foregoing Resolution was adopted by the Planning Commission on the 15th day of September, 2016 by the following vote:

- AYES: Commission Members:
- NOES: Commission Members:
- ABSENT: Commission Members:
- ABSTAIN: Commission Members:

Stephen Shoop, Chairman

ATTEST:

Ann Butler, Clerk of the Planning Commission