

PLANNING COMMISSION MINUTES
December 15, 2016

1. Call to Order - The meeting was called to order by Chairman Shoop at 5:30 PM
2. Pledge of Allegiance - Commissioner Crane
3. Roll Call: Commissioners Present - Chairman Stephen Shoop, Steve Crane, Doris Vickers and Sharon Lazorko
- Commissioners Absent - Vice-Chairman Wade Elliott
- Others Present - City of Orland Vice Mayor: Dennis Hoffman
- Staff Present - Scott Friend, City Planner and Ann Butler, Secretary

4. ORAL AND WRITTEN COMMUNICATIONS

5. APPROVAL OF THE MINUTES FROM

Upon motion made by Commissioner Crane and seconded by Commissioner Vickers the minutes of the meeting of November 17, 2016 were unanimously approved as presented.

6. PUBLIC HEARING – **Conditional Use Permit #2016-04 (Krause)**: A request by applicant to allow for the operation of an automotive detailing shop at 615 Fifth Street, Assessor Parcel 040-152-015. The parcel is in the C-2, Community Commercial zoning district, designed C – Commercial in the Orland General Plan. The project is located within Mixed-Use commercial and residential building fronting on Walker Street (SR32) and Fifth Streets.

Chairperson Shoop introduced the item and asked City Planner Friend for the Staff Report.

City Planner Friend presented the details for Krause Conditional Use Permit, as stated on page 3 of the Staff Report. Planner Friend is recommending this is approved, as Class 1 15301, CEQA. Announcements to the newspaper, and notices to property owners were sent out with no comments returned.

Open Public Hearing by Chairperson Shoop 5:55PM.

Justice Krause discussed his sole purpose of the business will be minor oil and lube and interior detailing. The name of the new business will be: Orland Automotive Oil and Lube.

CONDITIONAL USE PERMIT Item # 28 removed. The tenant space didn't front a public street and thus the condition was inapplicable to the permittee and location.

Public Hearing closed at 6PM.

Commissioner Lazorko moved that the project is Categorically Exempt from further environmental review according to CEQA exemption and also move to approve Resolution PC 2016-03, Conditional Use Permit application CUP #2016-03 subject to Conditions of Approval provided as Attachments C, and Findings shown on Attachment D and omission of COA #28 as previously discussed. Motion seconded by Commissioner Vickers. The motion carried unanimously. Ayes-Commissioners Lazorko, Vickers, Crane, and Shoop; Noes – None; Absent – Elliott.

7. ITEMS FOR DISCUSSION OR ACTION

Nothing at this time.

8. STAFF REPORT

City Planner Friend discussed two annexation applications are in the process stages in and around the Pilot Center. Zoning will be Commercial and Highway Commercial.

City Planner Friend mentioned there is interest in the development of the seven acre lot parcel map. Action is moving forward in the purchase of this parcel map.

City Planner Friend will bring discussions on where Planning is going in 2017 at the January 2017 meeting.

City Planner Friend reported he had received the hotel/restaurant Draft Environmental Report. It is currently under review with him and the City Manager. February, 2017 will be the soonest a building permit can be issued.

9. COMMISSIONER REPORTS

None

10. ADJOURNMENT – 6:16 PM

Respectfully submitted,

Ann Butler, Secretary

Stephen Shoop, Chairman

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2016-04, Krause

Assessor's Parcel Numbers: 040-152-015

Project location: 615 Fifth Street: Adjacent to the east side of 5th Street, north of Walker Street, west of 4th Street, south of Swift Street in Orland, Glenn County, CA 95963. APN 040-152-015.

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

General Plan Land Use Designation: "Commercial".

Conditional Use Permit #2016-04, Justin Krause (Applicant): A request for approval of a Conditional Use Permit to allow for the operation of an automotive repair and service 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 minor automotive repair, detailing, service and sales use(s) to occur at this property, located in the C-2 zoning district, as requested on CUP application #2016-04. 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 nor shall any repair, detailing or servicing activities occur on the adjacent parking lot, in the adjacent alley or outside of the existing tenant space.
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 and all business activities shall conform to the requirements of the City of Orland Municipal Code.
20. No amplified speaker systems or amplified music systems shall be utilized on the site at a level to be heard beyond the space in a manner that constitutes a nuisance condition.

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 storage, display, parking or work 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.
24. No car parts or dismantled cars shall be kept in the parking lot or adjacent alley way at any time and no vehicle salvage or dismantling activities are permitted with this approval.

Cost Recovery:

25. 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:

26. No new connections to the City utility systems are approved with use permit.
27. 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.
28. ~~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.~~

29. 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:

30. 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:

31. 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:

32. 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#2016-04 and acknowledge and consent to the Conditions as presented.

Signed,

Justin Krause, Applicant

Date

Ray Hobbs, Landowner

Date

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2016-04
FOR: Justin Krause (Applicant);
Assessor's Parcel Numbers: 040-152-015: 615 Fifth 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 (5th 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.*