



## ORLAND PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, December 21, 2023 at 5:30 PM  
Carnegie Center, 912 Third Street and Via Zoom

P: (530)-865-1600 | [www.cityoforland.com](http://www.cityoforland.com)

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**Commission:** Stephen Nordbye | Wade Elliott

Sharon Lazorko | Vernon Montague | Michelle Romano

**City Officials:** Jennifer Schmitke, City Clerk | Leticia Espinosa, City Treasurer

**Virtual Meeting Information:**

<https://us02web.zoom.us/j/87288182134>

Webinar ID: 872 8818 2134 | Zoom Telephone: 1 (669) 900-9128

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at [jtschmitke@cityoforland.com](mailto:jtschmitke@cityoforland.com) or by phone at (530) 865-1610 by 4:00 p.m. on the day of the meeting

1. CALL TO ORDER - 5:30 PM
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

**Public 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. The public is advised to limit discussion to one presentation per individual. While not required, please state your name and place of residence for the record. (Public Comments will be limited to three minutes).

5. CONSENT CALENDAR

A. Approve Planning Commission Minutes from November 16, 2023 (Pg.3)

6. PUBLIC HEARING

A. Request to Annex Property; #ANX 2023-01 – Modoc Street #1 / Church of Jesus Christ of Latter-Day Saints (Property Owner): APN 046-080-016 (Pg. 10)

Zoning Code Amendment #2023-01: Application of City of Orland Zoning:

- Pre-zoning of APN 046-080-016 (Z #2023-03) to the “R-1” (One-Family Residential) zoning district.

Use Permit #2023-03: Chapter 17.20.040(C) – A request to approve a Conditional Use Permit (CUP) to permit the continued use of an existing “Church” on the parcel proposed for annexation.

The project site is located just outside the limits of the City of Orland on the east side Modoc Street, north of the BoR/OUWUA Lateral 40 irrigation canal and is further described as 125 Modoc Street, Orland, CA 95963 and Glenn County Assessor’s Parcel Number 046-080-016-000. The property is currently zoned “RE-5” (*Rural Residential Estate, 4.25-acre minimum*) in Glenn County and designated in the City of Orland General Plan as “*Low Density Residential*” (R-L – 6 dwelling units per acre).

Environmental Review: The project has been determined to be exempt from further CEQA review pursuant to PRC Sections 15301, the *Existing Structures exemption* and Section 15319, the *Annexation of Existing Facilities and Lots for Exempt Facilities* exemptions, as it has been determined with certainty that the project would not have a significant effect on the environment.

- B. Housing Element - *This item will be postponed until the January 18, 2024 Planning Commission Meeting*

**7. STAFF REPORTS** - Verbal Update (Scott Friend, City Planner)

- A. Planning Department Annual Presentation
- B. 2024 Chairperson/Vice Chairperson Vote
- C. Hazard Mitigation Report

**8. COMMISSIONER REPORTS**

**9. FUTURE AGENDA ITEMS**

**10. ADJOURN**

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on December 14, 2023.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at [www.cityoforland.com](http://www.cityoforland.com) where meeting minutes and audio recordings are also available.

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 530-865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



## PLANNING COMMISSION REGULAR MEETING MINUTES

Thursday, November 16, 2023

1. **Call to Order** – The meeting was called to order by Chairperson Stephen Nordbye at 5:30 PM.

2. **Pledge of Allegiance** – led by Commissioner Romano

3. **Roll Call:**

- Commissioner’s present – Chairperson Stephen Nordbye, Vice Chairperson Wade Elliott, Commissioners Sharon Lazorko, Michelle Romano, and Vern Montague
- Commissioner’s absent - None
- Councilmember(s) present - Councilmember John McDermott
- Staff present - City Planner Scott Friend; City Clerk Jennifer Schmitke; Director of Administrative Services/ACM Rebecca Pendergrass; Police Chief Joe Vlach; Fire Chief Justin Chaney; Public Works Director Ed Vonasek; City Engineer Paul Rabo; City Manager Pete Carr

4. **ORAL AND WRITTEN COMMUNICATIONS**

**Citizen Comments** - None

5. **CONSENT CALENDAR**

**ACTION:** Commissioner Montague moved, seconded by Vice Chairperson Elliott to approve consent calendar as presented. Motion carried unanimously by a voice vote, 5-0.

6. **PUBLIC HEARING**

**A. Public Hearing: Tentative Subdivision Map (TSM) and Mitigated Negative Declaration Addendum (MND) – Quiet Creek Subdivision project. Applicant: Quiet Creek, Inc. (TSM #2022-02)**

City Planner Scott Friend presented a request to subdivide and existing 34.76-acre property into 68 parcels, to be known as the “Quiet Creek” Subdivision. Mr. Friend explained that of the 67 parcels, 65 will be used for the development of single-family homes. Of the two remaining lots, Lot A will include an area for a +/-319,041 sq. foot (7.32 acres) stormwater drainage basin and open space/recreation area. Lot B (+/-5,476 sq. foot) will be dedicated to the City of Orland for a possible future well location. The property is currently vacant/undeveloped land. Mr. Friend shared that an Initial Study/Mitigated Negative Declaration was completed for the project (SCH# 2023080044). Mr. Friend stated that this project site is located directly north of the intersection of Road M ½ and Bryant Street and east of Stanton Way and north and west of an irrigation canal

known as Lateral 40. The Assessor Parcel Number (APN) for the Project Site is 046-090-018-000. The property is zoned "R-1" (Residential, One-family) and designated in the General Plan as "Low Density Residential" (R-L).

Mr. Friend explained to the Commission that modifications that were made to the map after meeting with City Staff and applicant including:

- Removing two lots at the intersection of M ½ and Bryant so that headlights would not be pointed directly into the front of the proposed homes for the possibility of a future park for the subdivision, similar to the open park in the Linwood Subdivision.
- Include a requirement for a walking path (15 ft wide easement) along the top-edge of the retention basin area in conformance with Figure 5-1 of the General Plan and to allow for easier accessibility into the basin.
- Increase the size (width) of the proposed Lot B so that the radius around any potential future improvements (e.g. well) had an adequate amount of buffer space.
- Add a cul-de-sac "bulb" to provide for emergency vehicle access at the end of Andrea Way.

Vice Chairperson Elliott inquired about adding two additional lots due to the two that were removed for the park on Bryant. Mr. Friend shared that three lots were moved to the north end of Andrea Way to offset the loss of lots for the proposed open space/neighborhood park area and for the enlargement of the proposed Lot B.

Chairperson Nordbye invited a Visinoni representative to come forward and give a statement. Mike Visinoni, Visinoni Brothers representative spoke briefly about the development and shared that the company enjoys building in Orland and look forward to continuing to work in the City.

Commissioner Elliott thanked the Visinoni for coming to the meeting.

Mr. Friend shared that he had received an email before the meeting from a neighbor of the proposed development stating their concerns about trespassing in the creek and they wanted to make sure that the City incorporated the right-to-farm ordinance into this project.

Chairperson Nordbye opened the Public Hearing at 5:44 PM.

Orland area resident, Chris Lapp stated his concerns over the project including contaminated water runoff into his well, imported/exported soil in the project area, Road M ½ and Bryant Street damage from construction trucks and damage to the natural habitat at his property line. Mr. Lapp stated he wanted to make sure his property is protected.

Orland area resident, Julie Henderson shared her issues with the project including being worried about her well level dropping, well damage from contamination from this project, the traffic/road conditions this project will bring on the road and she asked if a sound barrier of some kind will be built to block the noise this project will bring being so close to her country home.

Orland area resident, Carel Lely stated his concerns about the trespassing issues on the ditch along the project and asked if the City could put up a fence and signage to help enforce trespassing.

Chairperson Nordbye closed the Public Hearing at 6:02 PM.

Commissioner Romano stated concerns with the project regarding the general plan circulation element, asked about naming the subdivision streets and shared her opinion on the connectivity

of the streets through the subdivision, stating she would like to see Road M ½ go all the way through into the new subdivision for easier access of the community. Mr. Friend clarified that this project is proposing to dedicate the existing retention basin to the City of Orland and the City of Orland would then have to make the decision to make it a formal recreational amenity in the future. Mr. Friend noted that it is the understanding of staff that the basin is currently a storm drainage easement and has not been dedicated to the City. Mr. Friend shared that it was staff's belief that the proposed Andrea Way cul-de-sac allows for better access to the basin than running Road M ½ straight through the subdivision based upon input received from local emergency services providers.

Vice Chairperson Elliott asked if all City departments have reviewed the map and the proposed changes and asked if they had any concerns. City Staff (Public Works, Fire and Police) shared that they had all reviewed the new map changes and believe that public safety measures have all been discussed and are supported. Vice Chairperson Elliott stated his concern for the existing neighbors' wells and asked if the City could service the proposed new homes without a new well. City Engineer Paul Rabo stated that fire capacity would be lacking, but for residential uses the City does have the capacity to connect these homes. Mr. Rabo noted that one of the conditions of approval was that the developer would be required to construct a looped water system throughout the subdivision for water service via existing municipal water lines. Mr. Friend explained that there is no commitment for a well at this time, only that lot is being dedicated for a potential future well location. He noted that any action to approve a well on the lot would be a separate action from what was being considered.

Vice Chairperson Elliott suggested working with the County on enforcement of trespassing along County canal and into the creek, public safety in the project area and conditions of the roadways. Mr. Friend stated that all projects are routed through the County and the City did not receive comments back on this project from the County. Vice Chairperson Elliott asked about the type of housing development this subdivision might end up being. Mr. Visinoni shared that currently they are working on 3 models for the Quiet Creek subdivision with a mix of 3 bed/2 baths at 1450 sq. ft, 3 beds/2 baths 1650 sq. ft homes and a few 4 bed/3 bath at 1800-1850 sq. ft.

Commissioner Romano asked about agricultural buffer guidelines and Mr. Friend explained that the City does have guidelines and briefly explained established guidelines. Mr. Friend discussed active agriculture in the area of this subdivision and stated that the concept of agricultural buffering is addressed in the Orland Municipal Code. Vice Chairperson Elliott mentioned that when the homes are sold developers should disclose that nearby farmers do actively spray chemicals, and harvest which may cause dust in the air. Mr. Friend agreed with the comment. Commissioner Romano asked about the potential for nature trails behind Quiet Creek and asked why the Commission didn't name the subdivision streets. Mr. Friend stated that developers usually name the streets in a project and shared that the Planning Commission has the ability to change the names of the streets if they decide they don't like the names. Mr. Friend noted that street names are not required to be noted at the time of a tentative subdivision map action.

Chairperson Nordbye asked about water run-off from the project. Mr. Rabo stated that the developer is required to create a storm water pollution prevention plan that is filed with the state prior to any construction activity. He further noted that the plan has requirements for post construction standards on how the water will be treated as it runs off the road before it enters

storm basins, ponds, and other water ways. Mr. Friend directed the Commission to review condition number 23. Chairperson Nordbye asked about the developer building a sturdy buffer and/or sound wall between the new subdivision and canal. Mr. Friend directed the Commission to condition 41 that discusses fencing and indicated that the Commission could address this issue.

Commissioners discussed concerns they had with the project, shared ideas that they would like to see changed to the project and possible recommendations for the Council including the possibility of considering moving an future well to another area, building a sound/buffer wall between development and Lateral 40 canal, and considering having Road M ½ going all the way through project.

**ACTION:** Vice Chairperson Elliott moved, seconded by Chairperson Nordbye to approve Planning Commission Resolution PC 2023-08, recommending the approval of the proposed Tentative Subdivision Map on APN 046-090-018, otherwise known as the Quiet Creek Subdivision, subject to the Findings and Conditions of approval including Commissioner comments and Public Hearing Comments to the Council. The motion includes requiring the construction of a solid wall between the project and the Lateral 40 canal, the inclusion of a right-to-farm notice on the approved map, the construction of a recreation trail along the rim of the detention basin/recreation area and construction of gates at the end of the Andrea Way cul-de-sac and recreation trail. The motion also includes that the Planning Commission recommends the adoption of the Initial Study/Mitigated Negative Declaration prepared for the project, approval of the draft Mitigation Monitoring and Reporting Program and making the findings for the actions. Motion carried by a roll call vote, 4-1.

**Ayes:** Commissioners Sharon Lazorko, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

**Nays:** Commissioner Michelle Romano

**B. Conditional Use Permit: CUP 2023-02 – Mauricio Automobile Service Station and Spray Booth (421 Road 15)**

Mr. Friend presented a request for a Conditional Use Permit (CUP 2023-02) to permit the operation of an Automotive Service Station, and accompanying new vehicle spray booth structure, on an existing parcel identified as 421 Road 15 and further as Glenn County APN 041-200-005. Mr. Friend noted that the parcel contains an existing building for which a portion was currently vacant. The subject parcel is designated Commercial (C) on the General Plan land use map and located in the C-1 (Neighborhood Commercial) zoning district. Pursuant to Orland Municipal Code Chapter 17.36.040, the proposed action requires the approval of a Conditional Use Permit by the Planning Commission. Mr. Friend explained that proposed use involves elements of both land use types via the repair and service of automobiles, as well as the paint booth, that could be considered a similar service of light commercial character. Mr. Friend shared that City Staff has determined that the proposed “Spray Booth” is considered an increase in intensity of use of the existing facility, and noted staff’s concerns related to the potential for fumes emanating into the surrounding neighborhood, and therefore staff is not supportive of approving the proposed “Spray Booth” component of the proposed project. Mr. Friend briefly discussed the historical use of the parcel.

Chairperson Nordbye thanked the new owner for coming to the meeting and stated his appreciation for the way the owner has cleaned up the property.

Mauricio Murrillo, applicant, shared briefly with the Commission his background and about his past working in the autobody and auto repair field. Mr. Murrillo stated that he cannot run the business without the “Spray Booth” component and that a spray booth was required for him to finish projects.

Chairperson Nordbye opened the Public Hearing at 6:53 PM.

No public comments were offered during the public hearing and staff noted that no written comments were received. Chairperson Nordbye closed the Public Hearing at 6:53 PM.

Vice Chairperson Elliott asked if the current zoning excludes “Spray Booths”, Mr. Friend shared that only automotive repair facilities are identified in the City Code and noted that there is not a definition for spray or paint booths. Vice Chairperson Elliott asked if there would be an exhaust system and if the booth would be sealed. Mr. Murrillo shared that there will be an air filtering system and that the spray booth would be sealed room. Vice Chairperson Elliott explained he is in favor of the business as long as it is properly managed and there are no complaints from nearby neighbors. Commissioner Romano asked about the location of the “Spray Booth” and Mr. Friend clarified and showed on a diagram where the proposed “Spray Booth” would be located. Commissioner Montague stated his concerns about the filtration system and environmental hazards. Mr. Friend shared that the City requires that the business must get full approval from Glenn County Environmental Health prior to beginning operations and stated that the Commission has the right to add a condition addressing the environmental concerns.

**ACTION:** Commissioner Lazorko moved, seconded by Commissioner Montague to approve Planning Commission Resolution PC 2023-09 approving Conditional Use Permit application #2023-02 subject to the Conditions of Approval provided in the attachments to include the spray booth and also approve the project (CUP 2023-02) and determine that the proposed action is exempt from further review pursuant to Section 15301 of the PRC. Motion carried by a roll call vote, 5-0.

**Ayes:** Commissioners Sharon Lazorko, Michelle Romano, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

**Naes:** None

**C. Public Hearing: Rezoning (Z2023-01), Tentative Subdivision Map (TSM 2022-01/2023- 02) and Mitigated Negative Declaration Addendum (MND) – Penbrook Subdivision project. Applicant: Precision Surveying / Schellinger Brothers LLC (TSM #2022-01/ ZONING #2022-01)**

City Planner Scott Friend brought back to the Commission a proposed project known as the “Penbrook” Subdivision. Mr. Friend briefly described the site location and spoke of the extensive project history. Mr. Friend presented that the proposed project would involve subdividing the existing +/-5.7-acre parcel into 34 lots, rezoning of the existing parcel from “R-1” (One-Family Residential) to “P-D”(Planned Development), and included a CEQA environmental review component. Mr. Friend reminded the Commission that this project was originally reviewed by the Commission at their meeting on the 18<sup>th</sup> of May and that they directed City Staff at that meeting to engage with the applicant regarding the making of further modifications to the proposed

subdivision map. Mr. Friend noted that the applicant has made modifications to the TSM but after City Staff review, they still do not support the map as it was proposed due to public safety and service infrastructure issues related to the design. Mr. Friend shared an alternative design showing modifications that City Engineer made to the applicants current TSM. Mr. Friend shared that staff was recommending that the Planning Commission deny the current TSM#2022-01 as proposed due to staff's concerns. Mr. Friend noted that there was not an opposition to the idea of residential development on the site, that staff was not opposed to the idea of smaller lots but noted that staff remained concerned about the design and about eliminating the Planning Commission from consideration of future design changes if the project was advanced.

Penbrook subdivision representative Mr. Steve Butler noted that the Schellinger Brothers, owners were in attendance. Mr. Butler shared that he has presented 4-5 map modifications to staff prior to this time, he addressed the public safety issues that City Staff were concerned about and stated his concerns about additional modifications to the map and wording in the conditions of approval.

Chairperson Nordbye opened the Public Hearing at 7:21 PM.

No public comments were offered during the public hearing and staff noted that no written comments were received. Chairperson Nordbye closed the Public Hearing at 7:21 PM.

Commissioners discussed issues related to storm drainage, stated concerns for the proposed hammerhead access design, addressed the pros/cons regarding the use of removable bollards for access at the north and south ends of the proposed hammerhead road, and suggested alternative design modifications for staff to review. City Staff present at the meeting shared their concerns with the proposed project in its proposed configuration. City Staff and Commission members stated they would like to see suggested modifications on paper and brought back in January to the Planning Commission for further consideration and review. The Commissioners indicated that they supported the rezoning of the parcel from the R-1 zoning designation to the P-D, Planned Development zoning designation to allow for enhanced flexibility in the design of the project and to provide the applicant with the opportunity to more creatively utilize the site.

**ACTION:** Vice Chairperson Elliott moved, seconded by Commissioner Lazorko to approve the concept of the rezoning of the site from the R-1, Residential One-Family zoning district to the P-D, Planned Development zoning and approving a Planned Development Conditional Use Permit on the site subject to the findings provided in staff report attachments for the purpose of developing development standards and parameters on the site for the purposes of preparing a revised Tentative Subdivision Map at future meeting. The motion also included a determination that the Planning Commission recommend to the City Council the adoption of the addendum to the Penbrook Subdivision Project Initial Study/Mitigated Negative Declaration and the Penbrook Subdivision Project Mitigation Monitoring and Report Program with the provision for satisfaction of the project to increase from 1 years to 3 years. Motion carried by a roll call vote, 5-0.

**Ayes:** Commissioners Sharon Lazorko, Michelle Romano, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

**Nays:** None



**ACTION:** Vice Chairperson Elliott moved, seconded by Commissioner Montague that the decision on the Tentative Subdivision Map for the proposed “Penbrook” Subdivision be continued to the January Planning Commission meeting. Motion carried by a voice vote, 5-0.

**7. STAFF REPORT**

Mr. Friend shared that it was his intention to bring both the revised Housing Element document and the Modoc Street annexation request to the Commission at their regular meeting proposed for December 21, 2023.

**8. COMMISSIONERS REPORTS**

- Chairperson Nordbye thanked City Staff for attending the meeting.
- Commissioner Romano nothing to report.
- Vice Chairperson Elliott nothing to report.
- Commissioner Montague nothing to report.
- Commissioner Lazorko shared her thoughts on the new striping on East Street.

**9. FUTURE AGENDA ITEMS**

None

**10. ADJOURNMENT – 8:00 PM**

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson



**CITY OF ORLAND STAFF REPORT**  
**MEETING DATE: December 19, 2023**

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**TO:** City of Orland Planning Commission

**FROM:** Scott Friend, AICP – City Planner

**SUBJECT:**

- 1) **Request to Annex Property; #ANX 2023-01 – Modoc Street #1 / Church of Jesus Christ of Latter-Day Saints (Property Owner):**  
APN 046-080-016
- 2) **Zoning Code Amendment #2023-01: Application of City of Orland Zoning:**
  - Pre-zoning of APN 046-080-016 (Z #2023-03) to the “R-1” (One-Family Residential) zoning district.
- 3) **Use Permit #2023-03:** Chapter 17.20.040(C) – A request to approve a Conditional Use Permit (CUP) to permit the continued use of an existing “Church” on the parcel proposed for annexation.

The project site is located just outside the limits of the City of Orland on the east side Modoc Street, north of the BoR/OUWUA Lateral 40 irrigation canal and is further described as 125 Modoc Street, Orland, CA 95963 and Glenn County Assessor’s Parcel Number 046-080-016-000. The property is currently zoned “RE-5” (*Rural Residential Estate, 4.25-acre minimum*) in Glenn County and designated in the City of Orland General Plan as “*Low Density Residential*” (R-L – 6 dwelling units per acre).

**Environmental Review:** The project has been determined to be exempt from further CEQA review pursuant to PRC Sections 15301, the *Existing Structures* exemption and Section 15319, the *Annexation of Existing Facilities and Lots for Exempt Facilities* exemptions, as it has been determined with certainty that the project would not have a significant effect on the environment.

**SUMMARY:**

The proposed project is a request to annex an existing +/-5.7-acre parcel of land into the City limits of Orland, to pre-zone the parcel with the City of Orland “R-1” zoning district (*Residential One-Family*) in anticipation of the annexation, and, to approve a Conditional Use Permit to allow for the continued use of the existing “Church” (Church of Jesus Christ of Latter-Day Saints) as specified in Section 17.20.040(C) of the Orland Municipal Code.

The project site is located just beyond the northern edge of the Orland City Limits at the northernmost end (cul-de-sac) of Modoc Street, in the unincorporated area of Glenn County. See **Attachment A1** for site location. The site is bordered on the north by a single-family residence, with Stony Creek beyond; Modoc Street to the west with a vacant parcel used as a cattle pasture beyond; the U.S. Bureau of Reclamation (BoR) / Orland Unit Water Users Association (OUWUA) Lateral 40 canal abuts the southern border of the site, with a single-family residential neighborhood beyond; and a vacant parcel to the east, that has been previously proposed for a single-family residential development (Creekside Estates) with a single-family residential neighborhood beyond. The property is currently zoned “RE-5” in the County of Glenn and is designated in the City of Orland General Plan as “R-L”. The property is located within the City Council adopted and Glenn LAFCo approved Sphere of Influence of the City of Orland.

Currently, the site contains the existing church on the northern half of the parcel, with vacant land making up the majority of the southern half (adjacent to the US BoR/OUWUA Lateral 40 canal).

**BACKGROUND:**

The City of Orland has been petitioned to annex property by a potential purchaser of the parcel. The current legal owner of the parcel, the Church of Jesus Christ of Latter-Day Saints (LDS) Church (property owner), is in agreement with the filing of application and has consented to the annexation of the parcel. In this case, annexation is the legal process that transfers property from an unincorporated unit of government to an incorporated one. In this action, a property owner of a single property in unincorporated Glenn County is requesting incorporation into the City of Orland. The benefits of annexation include the possibility for connection to City-provided utilities (sewer and domestic water service), city provided law enforcement services, an increased potential for the use of your parcel when connected to City-provided utility services, and an opportunity to vote in City elections as well as to serve on City boards and commissions. There is no difference in property taxes between properties in unincorporated Glenn County and properties in the City of Orland.

In general, Annexations actions involve a multi-step process. First, the City must undertake Planning Commission and City Council hearings initiation the annexation and applying preliminary zoning to the property prior to sending the annexation application to the Local Agency Formation Commission (LAFCo). For this action, the Planning Commission is requested to conduct a public hearing on the request with the action being the making of a recommendation to the City Council on how to proceed on the request. The City Council will then conduct their own public hearing at which they will be asked to adopt a Resolution directing staff to prepare an Application to the LAFCo to annex the property. Once the City’s process is complete, the City of Orland acts as the applicant before LAFCo (Glenn County LAFCo). The City’s annexation request usually involves the preparation of the required LAFCo application(s) and materials and is generally prepared in cooperation with the applicant(s). Following the receipt and review of the City’s petition to annex property, the LAFCo will conduct a hearing(s) and may either disapprove the application, conditionally approve the application, or approve the application.

**Review Criteria:**

LAFCo Annexation Criteria:

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) establishes procedures for local government changes of organization, including city incorporations, annexations to a city or special district, and city and special district consolidations. Local agency formation commissions (LAFCos) have numerous powers under the Act, but those of primary concern are the power to act on local agency boundary changes and to adopt spheres of influence for local agencies. Among the purposes of LAFCos are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies.

LAFCo’s policies and procedures on incorporations include a list of criteria which LAFCo will use in evaluating boundaries. When considering an incorporation proposal, LAFCo is required to consider the following factors (Government Code §56668):

- The population, population density, and potential for growth.
- The need for organized community services, and effect on adequacy of services.
- The effect of the proposal on adjacent areas and local government structure.
- The conformity of the proposal with adopted LAFCo policies and priorities.
- The effect of the proposal on integrity of agricultural lands.
- The definiteness and certainty of the proposed physical boundaries.
- Consistency with county General Plan and specific plans.
- The sphere of influence of any affected local agency.
- The comments of any affected agency.
- The ability of the new city to provide services, including sufficiency of revenues.
- Timely availability of adequate water supplies.
- The extent to which the proposal helps achieve its allocation of regional housing needs.
- Comments from land owners.
- Any information relating to existing land use designations.

City of Orland Annexation Criteria:

The content, form, and processing requirements for Annexations within the City Limits are set forth in Orland Municipal Code (OMC) Title 1 *General Provisions*. OMC Section 1.08.010 states:

Annexation to the city will be processed pursuant to 56000 of the California Government Code. The application fee for annexation shall be in addition to all actual California State Board of Equalization fees, actual engineering costs, and actual Glenn County LAFCo fees.

Prezoning:

Pursuant to OMC Section 17.12.060 and state law, annexation requires that properties be assigned City zoning (pre-zoned) prior to annexation approval. Prezoning is the act of assigning a City zoning designation to an unincorporated parcel prior to its being incorporated. The pre-zoning action is subject to the requirements applicable to applicable zoning district in the City, including the requirement for consistency with the general plan. The zoning shall become effective at the same time that the annexation becomes effective. **Table 1** below lists the parcel’s current County and City General Plan and Zoning Designations.

The City proposes to pre-zone the parcel with the “R-1” *Residential One-Family* zoning district. This designation is consistent with the City of Orland’s current General Plan Land Use Designation of “R-L” *Low Density Residential*.

<b>Table 1: Current and Proposed Land Use Designations</b>			
<b>Current County General Plan Designation</b>	<b>Current County Zoning Designation</b>	<b>Current City General Plan Designation</b>	<b>Proposed City Zoning</b>
Rural Residential	RE-5 – Rural Residential Estate	R-L – Low Density Residential	R-1 – Residential One Family

The subject parcel is currently zoned with the Rural Residential land use designation and the RE-5 zoning in Glenn County. The *Glenn County* General Plan states that the Rural Residential zone is utilized to identify areas suitable for large lot, low density residential use that provide for development which is compatible with a rural character and lifestyle. Uses permitted within the RE-5 classification include single-family residences, agricultural and domestic livestock farming on a limited scale, and home occupations.

The City of Orland General Plan states that the *Low Density Residential* (R-L) classification is intended for development single family dwellings at a density of up to 6 dwelling units per acre. Typical uses in this designation include single-family detached homes, accessory structures, and other uses as approved via the Conditional Use Permit process.

Proposed City of Orland Zoning:

The R-1, *Residential One-Family Zone* (OMC Section 17.20) is intended to be applied in areas of the city where topography, access, utilities, public services and general conditions make the areas suitable and desirable for single-family home developments and developments, administrative or conditional, which serve residential uses. **Attachments A2** and **A3** illustrate the current City/County zoning and General Plan designations. Uses on the parcels surrounding the site include single-family residences to the north, east, south and west. Prezoning the property to R-1 would be consistent with the City of Orland's General Plan Land Use Designation and the current surrounding zoning and uses.

R-1 Lot Conformance:

OMC Section 17.20.050(B) lists the lot requirements in the R-1 zone. Minimum lot area ranges from 6,000 sq. ft. to 20,000 sq. ft. depending on the size of the property. The subject property is 250,900 sq. ft. (5.76 acres) total. The property meets the minimum lot requirements of the R-1 zone.

The maximum lot depth in an R-1 zone is three times the lot width. The subject property has an irregular shape with a width of approximately 420 feet at its widest point and a depth of approximately 660 feet at its deepest point. The property meets the lot depth requirements in the R-1 zone.

Maximum building coverage is forty (40) percent in the R-1 zone. The property is currently developed with a 0.40-acre church and associated outbuilding in the northern half of the 5.76-acre lot. The total building coverage is less than ten (10) percent. The property conforms with maximum building coverage requirements in the R-1 zone.

Municipal Services:

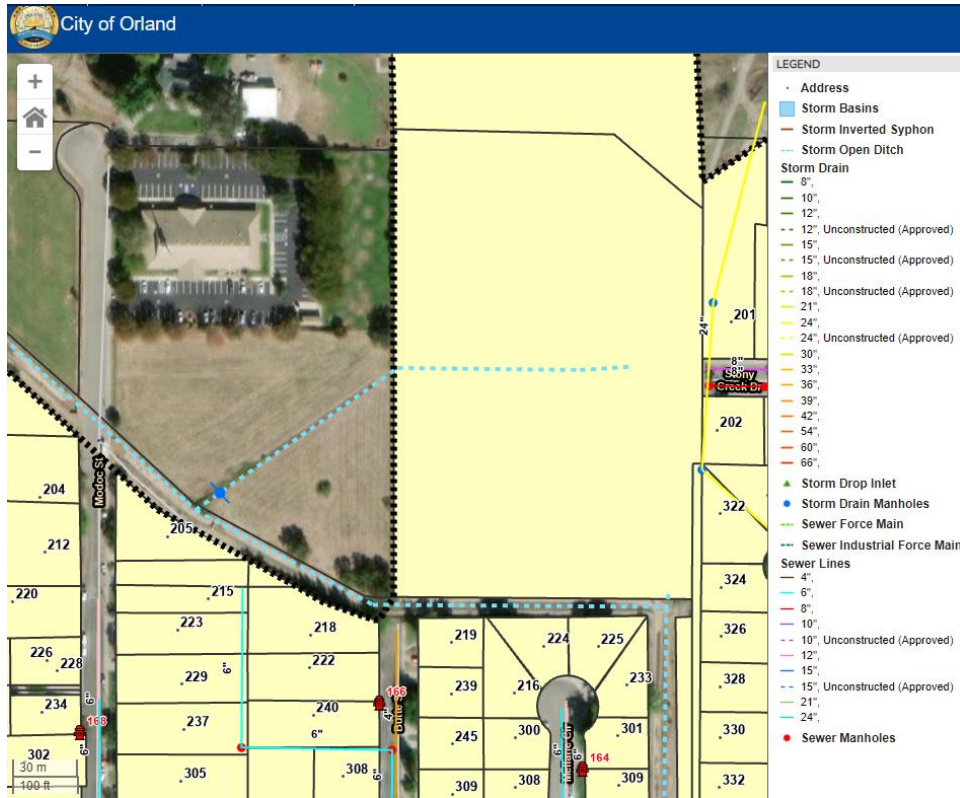
Annexation applications must be accompanied by a plan for services. A plan for services generally provides details regarding the nature of the provision of services, after incorporation. This includes service providers will be provided to the parcel by the new city or by other third-party service providers. *Table 2* below lists the property’s current and proposed service providers.

<b>Subject/Service Area</b>	<b>Current Provider</b>	<b>Proposed Provider</b>
Water	Well system	No Change
Wastewater	Septic	No change
Law Enforcement / Police	Glenn County Sheriff’s Department	City of Orland Police Department
Fire Suppression Service	Orland Rural Fire District	Orland Volunteer Fire Department
Streets / Circulation	Glenn County	City of Orland
Storm Drainage	Glenn County / None	City of Orland
Electricity	PGE	PGE
Dry Utilities (teleco)	Private Provider	Private Provider
Educational Services	Orland Unified School District	Orland Unified School District
Governmental Services	Glenn County	City of Orland
Recreational Services	Glenn County / None	City of Orland
Other: Library, Planning, Solid Waste Collection, Special Service Districts, other	Glenn County / None	City of Orland

The existing LDS church is currently provided water and wastewater services via a well and septic tank. No new water or sewer lines have been proposed to be installed on the project site, and staff understand that the existing well and septic infrastructure are adequate to service the needs of the church.

While the existing well and septic infrastructure are understood to be adequate, connection to City utilities is assumed in the future condition. The following utilities are located within the project vicinity, as shown in Figure 1 below:

- Within Modoc Street, south of Lateral 40 and the project site:
  - 6” sewer line;
  - Sewer manholes, one along rear property boundary of 237 Modoc St, approximately 700 feet from church;
  - Fire hydrant fronting single family residences along the west side of Modoc (234 and 302 Modoc St.);
  - 6” waterline;
- Nearest storm drain and storm drain manhole exists at the western terminus of Stony Creek Dr, approximately 600 feet from church building.



Storm Drainage and Lateral 40:

The project would not involve the construction of any residential units and no new storm water drainage system elements are proposed. The OUWUA/BoR Lateral 40 canal abuts the southern boundary of the site. A floodwater diversion overflow channel, historically used in high-flow scenarios following heavy rains, traverses the site heading northeast towards Stony Creek from Lateral 40 (see **Attachment A4**).

Transportation/ Circulation:

Modoc Street is currently the only access road to the project site. Modoc Street is an existing improved street for its length inside of the City. In the unincorporated area beyond the City limits, the eastern half-street is fully developed with curb, gutter and sidewalk. The western half-street is unimproved.

Streets within the vicinity of the project site include Stony Creek Drive to the east and Butte Street to the south. Stony Creek Drive has its current westerly terminus just beyond the parcel to the east (see **Attachment A1**). Similarly, Butte Street terminates at Lateral 40 at the southeast corner of the project site. There is currently no crossing over Lateral 40 at Butte Street.

The church paved parking area consists of approximately 123 spaces, of which six (6) are ADA-approved. No new roadway infrastructure is proposed with this action.

## **CONDITIONAL USE PERMIT:**

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

*“A request for a use permit may be granted, granted subject to conditions, or denied by the planning commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the planning commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.”*

Section 17.80.040 of the OMC states that, *“Approval of an application for a use permit shall be based upon a written finding that:*

*Establishment, maintenance, or operation of the use of building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property of improvements in the neighborhood or to the general welfare of the City.”*

As established in OMC Section 17.80.010, the Planning Commission may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

Upon review of the application, staff believes that the establishment, maintenance, or operation of the proposed subdivision project will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

During its preliminary review phase, this project was routed to public service agencies for comments. No comments noting problems or insufficient capacity with City service connections were received. The City’s utility system has adequate capacity to serve this parcel.

## **ENVIRONMENTAL DETERMINATION:**

The City of Orland, as the Lead Agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and determined that the project is exempt from further review under the California Environmental Quality Act (CEQA). This project is exempt from environmental review pursuant to PRC Sections 15301, the *Existing Structures* exemption and Section 15319, the *Annexation of Existing Facilities and Lots for Exempt Facilities* exemption, as it has been determined that this project does not have the potential for causing a significant effect on the environment. Staff has determined that this project meets the requirements for this exemption and is recommending a determination of such to the Planning Commission.

Upon review of the application, staff believes that the establishment, maintenance, or operation of the proposed project will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.



**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 recommend to the City Council approval of the intent to annex and prezone (Z #2023-XX) of a parcel of land, with the associated Conditional Use Permit #2023-XX, a request to approve the use of an existing “Church” on the parcel of land identified as Glenn County Assessor’s parcel number 046-080-016.

Specifically, staff recommends that the following actions take place:

1. *OMC Amendment(s)*: Move to approve Planning Commission Resolution PC 2022-\_\_\_, recommending for approval to the City Council the intent to annex a parcel of land into the City of Orland, rezoning of that parcel of land otherwise known as APN 046-080-016, and the associated Conditional Use Permit (CUP #2023-XX) subject to the Findings provided as **Attachment C** and Conditions of Approval provided as **Attachment D**.
2. *California Environmental Quality Act (CEQA)*: Staff is recommending that the Planning Commission approve the action (intent to annex, Z 2023-02, and CUP #2023-XX recommendations of approval to the City Council) and determine that the proposed action is *exempt* from further review pursuant to Sections 15301 and 15319 of the PRC.

**FISCAL IMPACT OF RECOMMENDATION: None**

*(note Attachments to be provided separately due to file sizes)*

**ATTACHMENTS:**

- **Attachment A1 – Project Location Map**
- **Attachment A2 – Zoning Map**
- **Attachment A3 – General Plan Map**
- **Attachment A4 – Utility Map**
- **Attachment B – Project Site Plan**
- **Attachment C – Findings for CUP #2023-03**
- **Attachment D – Conditions of Approval for CUP #2023-03**
- **Attachment E – CEQA Notice of Exemption**
- **Attachment F – Planning Commission Resolution PC 2023-\_\_\_**