

ORLAND PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, June 20, 2024 at 5:30 PM Carnegie Center, 912 Third Street and via Zoom

P: (530) 865-1600 | www.cityoforland.com

Commission: Stephen Nordbye | Wade Elliott

Sharon Lazorko | Vernon Montague | Michelle Romano

City Clerk: Jennifer Schmitke

City Staff: Scott Friend, City Planner

Virtual Meeting Information:

https://us02web.zoom.us/j/84812044743

Webinar ID: 848 1204 4743 | Zoom Telephone: 1 (669) 900-9128

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at itschmitke@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 April 18, 2024

6. PUBLIC HEARING

VAR#2024-01 – 33 E. Walker Street, Quezada, R.: A request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for a reduction in the required rear yard setback (OMC Section 17.40.135.B) on an existing developed lot identified as 33 E. Walker Street and further identified as APN 041-072-002

7. ITEMS FOR DISCUSSION OR ACTION

A. Building Orientation (Discussion)

- 8. STAFF REPORTS
- 9. COMMISSIONER REPORTS
- 10. FUTURE AGENDA ITEMS
- 11. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on June 13, 2024.

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 where meeting minutes and video 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, April 18, 2024

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

Pledge of Allegiance

Roll Call:

Commissioner's present: Chairperson Stephen Nordbye, Commissioners Sharon Lazorko, Vice

Chairperson Michelle Romano and Vern Montague

Commissioner's absent: Commissioner Wade Elliott

Councilmember(s) present: Councilmember John McDermott and Jeffery Tolley Staff present: City Planner Scott Friend; City Clerk Jennifer Schmitke

ORAL AND WRITTEN COMMUNICATIONS - None

CONSENT CALENDAR

Approval of Prior Minutes: March 21, 2024

ACTION: Vice Chairperson Romano moved, seconded by Commissioner Lazorko to approve consent calendar as presented. Motion carried unanimously by a voice vote, 4-0.

PUBLIC HEARING

A. Rezoning (Z2023-01), Tentative Subdivision Map (TSM 2022-01/2023-02) and Initial Study / Mitigated Negative Declaration - Addendum (IS/MND) - Penbrook Subdivision Project Applicant: Precision Surveying (Applicant)/Lakeport Parkside LLC (Applicant/Owner(s)). TSM 2022-01/Zoning 2022-01)

City Planner Scott Friend announced that Precision Surveying (applicant) has rescinded the application for the proposed Penbrook Tentative Subdivision Map (TSM 2022-01/2023-02) on behalf of Lakeport Parkside LLC (property owner(s)). Mr. Friend shared that it was conveyed to him that the applicant and property owner(s) were reworking their proposal to deal with issues to include emergency access, street orientation and drainage. Commissioners discussed and asked questions about the rescinding and Mr. Friend answered.

ITEMS FOR DISCUSSION

A. Use of Bollards Vs. Gates for Emergency Access Points

Mr. Friend discussed the recent fire at Paigewood Apartments, emphasizing the problems and dangers posed by using physical barriers to control entry and exit. Mr. Friend noted that currently, the City of Orland's General Plan and Orland Municipal Code lack specific standards or policies for using barriers and identified that the use and installation of barriers is an topic that could be addressed during the project consideration phase for projects involving a discretionary action.

Commissioners reviewed different barriers like bollards, Knox boxes, gates, tire spikes, and krails and deliberated with Mr. Friend on the City's policy regarding such barriers and inquired about the City sending out letters to all businesses/apartments regarding exercising barriers.

Staff and the Commission discussed the use of the various types of barrier options and addressed options for how the City could guide and regulate the use of barriers at existing projects.

B. Review of Sign Code Provisions

Mr. Friend presented the topic of sign code provisions to the Planning Commission, highlighting their importance for providing information and directions and serving as guides or points-of-interest in the City. Mr. Friend shared that the goal is to assess the current sign code's adequacy and consider any needed changes. He explained that in Orland, signs are regulated by the Orland Municipal Code (Chapter 17.78, *Sign Ordinance*) and the California Building Code.

Mr. Friend also discussed recently approved signs for McDonald's, Maverik, and the Orland Unified School District, as well as new signs on State property to include the Butte College site and at the Glenn County Fairgrounds.

The Commissioners reviewed recently approved and constructed signs in the City and examined the current sign code provisions. They discussed strategies for managing sign codes, including limiting the number of signs in one area, enhanced enforcement of Code provisions, and requesting funds from the City Council for sign cleanup. They also asked City staff to research sign codes from other cities, limiting the number of signs in an area and Caltrans copy requirements.

C. Review of Setback Provisions of Title 14

Mr. Friend introduced a discussion on setbacks, which are regulated by the Orland Municipal Code (Title 17, *Zoning*). He explained that each zone district has specific standards for primary and accessory buildings, with exceptions for features like swimming pools, shade structures, ADU's and detached garages. Setbacks are designed to ensure safety, privacy, and access to sunlight and ventilation by separating structures. In residential zones, the Code specifies the required distances between structures and property lines.

Mr. Friend and the Commissioners discussed whether the current Code is clear and user-friendly or if revisions are needed. Additionally, the Commissioners talked about sending reminders with water bills regarding the allowed sizes for sheds.

STAFF REPORT

Mr. Friend informed the Commission that there are no public hearings or new projects scheduled for the next few months. Chairperson Nordbye suggested canceling the May meeting and Commissioners agreed.

COMMISSIONERS REPORTS

- Commissioner Montague: Nothing to Report.
- <u>Commissioner Lazorko</u>: Nothing to Report.
- Chairperson Nordbye: Nothing to Report.
- Vice Chairperson Romano: Nothing to Report.

FUTURE AGENDA ITEMS

Vice Chairperson Romano requested that the Commission agenda be distributed on the Friday before meetings to allow for weekend preparation. Mr. Friend agreed to try to accommodate this request. Mrs. Romano also expressed a desire to discuss buildings that face the street and garage requirements, and Mr. Friend indicated these topics could be added to a future agenda.

Councilmember McDermott inquired about addressing the remaining underground gas tanks in Orland, which are causing delays in current projects. Mr. Friend suggested consulting the Department of Substance Control for assistance with Leaking Underground Storage Tanks (LUST) information and maps and noted that he was unaware of any delays in projects by the City as a result of known or unknown underground fuel storage tanks.

ADJOURNMENT – 6:55 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson



CITY OF ORLAND Staff Report

TO: City of Orland Planning Commission

FROM: Scott Friend, AICP – City Planner

MEETING DATE: June 20, 2024; 5:30 p.m., Carnegie Center, 912 Third Street, Orland, CA

95963

SUBJECT: VAR#2024-01 – 33 E. Walker Street, Quezada, R.: A request to approve a Variance pursuant to Orland Municipal Code Chapter 17.84 for a reduction in the required rear yard setback (OMC Section 17.40.135.B) on an existing developed

lot identified as 33 E. Walker Street and further identified as APN 041-072-002:

The subject parcel/property is located on the south side of Walker Street / SR32, east of an existing tri-plex development identified as 20 E. Walker Street and west of an existing single family dwelling identified as 40 E. Walker Street. The parcel is designated as Commercial (C) on the Orland General Plan land use diagram and zoned C-2, Community Commercial Pursuant to Orland Municipal Code (OMC)

Chapter 17.40.

<u>Environmental Review</u>: The proposed action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, *Existing Facilities*, as the project involves a rear-yard setback Variance on an existing fully developed lot, located within an urbanized area having existing utilities and involving only a minor addition on an existing structure.

APPLICANT/LANDOWNER: Ricky Quezada and Maria Mojica S/S J/T

7135 CO RD 20 Orland, CA 95963

GENERAL PLAN: C, Commercial

ZONING: C-2, Community Commercial

Summary:

The applicant is requesting approval of a Variance to reduce the required rear-yard setback (OMC 17.40.135.B) for an existing structure (formerly Hidden Treasures Animal Rescue). The subject parcel/property is located on the south side of Walker Street/SR32 and north of an existing developed single-family neighborhood fronting onto E. Colusa Street (see **Attachments A1 and A2**). The parcel is designated as Commercial (C) on the Orland General Plan land use diagram and zoned C-2, Community Commercial.

The Orland Municipal Code [OMC] Section 17.40.135.B, requires that structures located in the C-2, Community Commercial zoning district have zero (0) setback in the rear-yard area except

where a rear yard abuts a residential zone. In such situations, the minimum rear-yard setback is identified as being fifteen (15) feet.

Discussion and Analysis:

A Variance is a request to modify development standards applicable to a use/building. Variances may be granted for site development standards such as setback requirements, building heights and other lot development standards to include requests such as the proposed action. Variances to allow a use not otherwise allowed within a particular zoning district (i.e. "land use variance") cannot be considered pursuant to State law.

The reduction in the required rear-yard setback is being requested to align a proposed expansion of the existing structure with the existing developed structure on the site. The existing structure has a rear-yard setback of approximately ten (10) feet. As proposed, the expansion would be required to have a minimum rear-yard setback of fifteen (15) feet. The applicant is requesting the Variance to permit the reduction of the required rear-yard setback from fifteen (15) to ten (10) feet to "align" the proposed expansion with the existing structure. The requested Variance would have the effect of reducing the required rear yard setback by approximately five (5) feet.

Findings and Evaluation:

Evaluation of the request to grant a Variance is governed by California Government Code Section 65906 and Section 17.84.020 of the Orland Municipal Code (OMC).

In accordance with California Government Code Section 65906:

Variances from the terms of the zoning ordinances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.

A Variance may be approved in situations where physical characteristics of the property exist that limit the enjoyment of development rights experienced by other properties within the same zoning designation, resulting in unnecessary hardships, from the strict application of provisions of the Zoning Ordinance. In order to grant a variance, the Planning Commission must make the following findings pursuant to OMC Section 17.84.020:

1. The variance is in conformance with the City of Orland General Plan;

The variance is in conformance with the City of Orland General Plan, which designates the project site as Commercial.

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;

Staff cannot identify any exceptional or extraordinary circumstances applicable to the property. However, the strict adherence to the setback provisions of the Orland Municipal Code would not permit the modification of the facility (addition) as proposed due to the non-conforming configuration of the existing building/structure and would not allow the expansion to "align" with the existing rear wall of the existing building.

3. A Variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone. The granting of the requested Variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan.

While staff cannot identify any significant degradation of the property rights of the property owner that would limit the use of the site, the strict application of the zoning ordinance would prevent the owner/applicant from constructing an expansion of the existing building on the same setback as the existing structure. A review of the request by city staff suggests that the granting of the Variance will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the City of Orland General Plan as sufficient setback distance remains to permit access to the rear-yard of the site.

Environmental determination:

Staff recommends that the Planning Commission determine that the proposed Variance is categorically exempt from further CEQA analysis pursuant to CEQA Guidelines Section 15301 (*Existing Facilities*) as the project involves only the slight reduction of the required rear yard setback. A Notice of Exemption has been prepared for this project and has been included with this staff report as **Attachment C - Notice of Exemption**.

Recommendation:

Staff recommends that the Planning Commission make a determination that the project is *exempt* from further environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15301 (*Existing Facilities*) and take action on the matter (Variance 2024-01), subject to making the necessary findings (**Attachment B**).

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

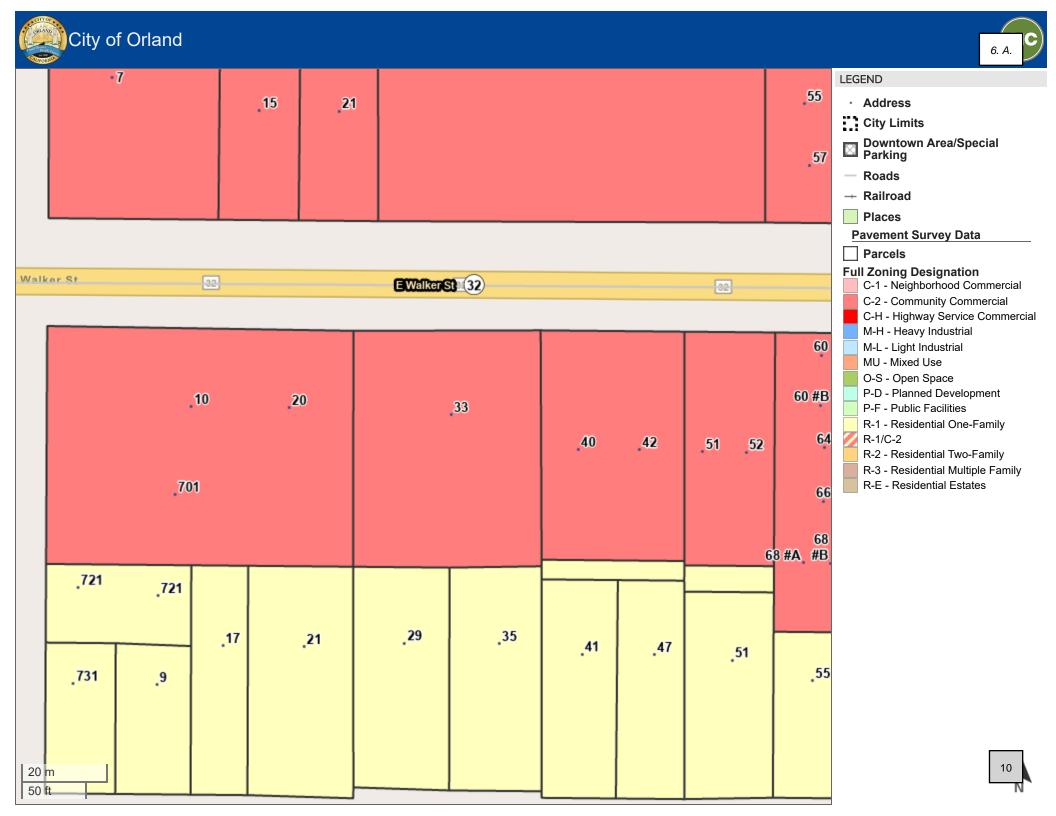
- 1. Accept a presentation of the project by staff;
- 2. Open the public hearing and take public testimony;
- 3. Close the public hearing and initiate consideration of the project by the Planning Commission; and
- 4. Motion and vote by the Planning Commission.

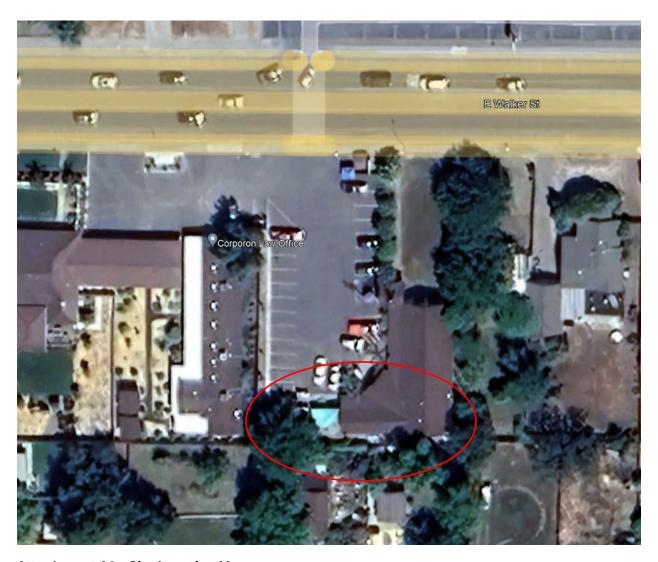
If the Planning Commission determines that it intends to approve the Variance as requested, staff presents the following motion for consideration:

Move that the Planning Commission determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15301, Existing Facilities, and (approve/deny) the request making the required findings for the action and approve the requested Variance as requested (V#2024-01).

ATTACHMENTS

- Attachments A1 and A2 Site Location Maps
- **Attachment B** Planning Commission Findings
- **Attachment** C Notice of Exemption
- Attachment D Planning Commission Resolution 2024-
- Attachment E Variance Application
- Attachment F OMC Section 17.40.135.B (excerpt)





Attachment A2 – Site Location Map

PLANNING COMMISSION FINDINGS FOR APPROVAL OF VARIANCE #2024-01 (Quezada) PURSUANT TO SECTION 17.84.020 OF THE ORLAND MUNICIPAL CODE

In order to approve a Variance from the requirements of the Orland Municipal Code, the Planning Commission must make all three findings required in Section 17.84.020. The following are the required findings and facts in support of each finding:

1. The Variance is in conformance with the city of Orland general plan;

The variance is in conformance with the City of Orland General Plan, which designates the project site as Commercial.

2. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone;

Staff cannot identify any exceptional or extraordinary circumstances applicable to the property. However, the strict adherence to the setback provisions of the Orland Municipal Code would not permit the modification of the facility (addition) as proposed due to the non-conforming configuration of the existing building/structure and would not allow the expansion to "align" with the existing rear wall of the existing building.

3. A Variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone. The granting of the requested Variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the city of Orland general plan.

While staff cannot identify any significant degradation of the property rights of the property owner that would limit the use of the site, the strict application of the zoning ordinance would prevent the owner/applicant from constructing an expansion of the existing building on the same setback as the existing structure. A review of the request by city staff suggests that the granting of the Variance will not be materially detrimental to the public health, safety, convenience, and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of the City of Orland General Plan as sufficient setback distance remains to permit access to the rear-yard of the site.

Notice of Exemption Form D 6. A

To: ■	Office of Planning and Research	From: (Public Agency) City of Orland
	PO Box 3044, 1400 Tenth Street, Room 212	
	Sacramento, CA 95812-3044	Orland, CA 95963
		(Address)
•	County Clerk	
	County of Glenn	
	526 West Sycamore Street	
	Willows, CA 95988	
Project T	Chapter 17.84 to reduce the required rea	approve a Variance pursuant to Orland Municipal Code r-yard setback at an existing lot identified as 33 E. Walker ounty Assessor's parcel number 041-072-002.
Project L	ocation - Specific:	
•	h Street in Orland, Glenn County, CA 95963.	APN 040-243-001
	•	
Project L	ocation – City: Orland	Project Location – County: Glenn
lot identif is request the require of the OM	ied as 33 E. Walker Street/SR32 and Glenn Coing a Variance to allow an exception to the med rear-yard setback from 15' to 11' to align was	de Chapter 17.84 to reduce the rear-yard setback at an existing ounty Assessor's parcel number 041-072-002. The applicant inimum setback standard. The Variance request is to reduce ith the existing built structure. Pursuant to sections 17.84.020 ance upon making findings consistent with those found in the project applicant.
	Public Agency Approving Project:	
City of O	rland	
Name of 1	Person or Agency Carrying Out Project:	
Martin Ga	alvan, Applicant/Owner	
	•	
-	Status: (check one)	
□ Dec □ Em ■ Cat		
Reasons v	why project is exempt:	
The City would havareas and	of Orland has determined that the project is <i>e</i> we a negligible impact to the surrounding proper	exempt from further CEQA analysis as the proposed requestries, no new lot(s) are being created, the lot is in an urbanized attermovement space exists on the parcel currently. Therefore tion 15301.
Lead Age Contact I	· ·	Area Code/Telephone/Extension: (530) 865-1608
Signature	: Date:	Title: <u>City Clerk</u>
■ Sign	ned by Lead Agency	
_		
Date rece	eived for filing at OPR· N/A	Attachment C

CITY OF ORLAND PLANNING COMMISSION RESOLUTION PC 2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORLAND APPROVING A VARIANCE THE REQUIREMENTS OF THE ORLAND MUNICIPAL CODE SECTION 17.40.135.B CONCERNING REAR-YARD SETBACKS FROM 15' TO 11' ON APN: 041-072-002 LOCATED AT 33 E. WALKER STREET

WHERERAS, Mr. RICKY QUEZADA (applicant/landowner) has requested a Variance from requirements of Section 17.40.135.B of the Orland Municipal Code to reduce the required building setback on an existing lot from 15' to 11'; and

WHERERAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on June 20th, 2024; and

WHEREAS, the Planning Commission has determined that the use of the lot is consistent with the Land Use diagram of the Orland General Plan (*Commercial*) and that the pre-existing conditions of the lot make the strict adherence to the standards of the Orland Zoning Code incongruous with the circumstances of the situation; and

WHEREAS, the Planning Commission has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Class 1, Section 15301 (*Existing Facilities*) of the State CEQA Guidelines; and

WHERERAS, the Planning Commission has made the following findings with respect to the requested variance:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.
- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.
- C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity.
- D. That the granting of such variance will not adversely affect the City of Orland General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve the requested Variance on an existing developed lot located at 33 E. Walker Street to reduce the required rear-yard building setback from 15' to 11'.

The foregoing Resolution of the Planning Commission was adopted by the Planning Commission on the 20th day of June 2024, by the following vote:

AYES:	Commission Members:	
NOES:	Commission Members:	
ABSENT:	Commission Members:	
ABSTAIN:	Commission Members:	
ATTEST:		Stephen Norbye (Chairperson)
Jennifer T. Sc	hmitke, City Clerk	





City of Orland

Planning Division

815 Fourth Street Orland, CA 95963 (530) 865-1600 FAX (530) 865-1632 www.cityoforland.com

VARIANCE APPLICATION

· · · · · · · · · · · · · · · · · · ·					
APPLICANT I	NFORMATION 530	433-3312			
Applicant Name:	Phone Number:				
Kirky Querade	530 60	24-314			
Street Address:	Email:				
33 G Wilker SC	richaguezada 12 Elgmail. (1)				
City: /	State: Zip:				
Oxlund	14	95965			
Agent/Representative (If any):	Phone Number:				
Street Address:	Email:	Email:			
City:	State:	Zip:			
Property Owner:	Phone Number:				
Mickel Chezada	530 43	3-33/2			
Street Address:	Email:				
/					
City:	State:	Zip:			
PROJECT IN	FORMATION				
Property Address: //a 6 7					
33 Walker					
City: /	State:	Zip:			
Orly of	(A	45465			
Existing Zoning District:	Existing Property Use:				
Request: Co Obtain Variance From 15tt					
to obtain Verlier	ice trom	10			
,					

Orland Municipal Code: (excerpt)

Chapter 17.40 – C-2, Community Commercial Zone

• 17.40.135 - Setbacks.

Minimum yards in the C-2 zone are as follows:

- A. Front: none, except when the front yard is across the street from a residential zone, then a ten (10) foot setback is required;
- B. Rear: none, except where a rear yard abuts a residential zone the minimum setback shall be fifteen (15) feet. If the rear yard abuts an alley, such rear yard shall not be less than five feet;
- C. Side: none, except that a side yard of an interior lot abutting a residential zone shall be not less than the front yard required in such residential zone;
- D. Adjacent buildings shall have compatible front setbacks to maintain visual continuity of the streetscape. Setback in fill projects in areas with different front setbacks at a distance equal to the average setbacks of buildings on either side not to exceed fifty (50) percent of the minimum setback requirements of the zoning code.

(Ord. 2007-05 § 3 (part))



Our streets and sidewalks are the public spaces of our town and should be given as much consideration as the buildings themselves. This "in between" is the family room of our town and how the buildings address it is just one factor in creating a wonderful public space where people want to walk, talk, bike and drive in safety and beauty.

Residents of Orland and those who visit love our small town "feel," which we hope to keep as the town grows. We should strive to have design standards for our streetscapes, building orientation and façades that enhance and continue to encourage the small-town neighborliness of Orland.

This discussion is looking at our General Plan chapter 3, Circulation Element 3.2.B.6

"Residential development shall not have direct access to and shall be oriented away (side-on or rear-on) from Arterial and Major Collector streets, and properly buffered..."



4th St. (Across from Library Park)



Front Orientation - No walls or fences





Hambright Ave. (Across from Lely Park)
Back and side orientation - Fences

Side Orientation

VS.

Front Orientation









South Street - Different fences make a difference



Front yard, sidewalk, landscape strip, parking, bike path.

FACADES: CORNER LOT BUILDINGS





Introduce design standards that require both facades address the street







North of Walker St. vs. South of Walker St.

At one time, these corner buildings addressed both streets, but have since boarded one side creating an unfriendly pedestrian zone.

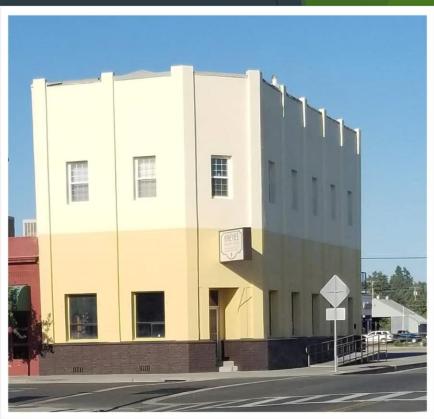




Facades make a difference in pedestrian walkability and the feeling of safety.

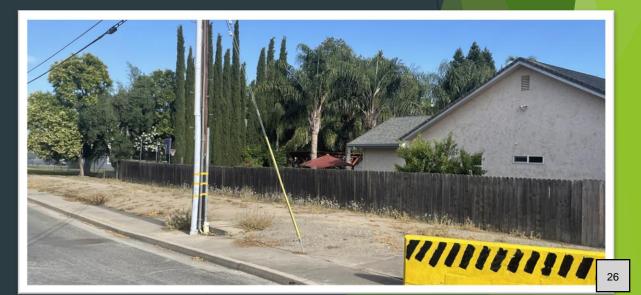
Same building, different facades







Two different treatments of side facades



Corner buildings that address both streets - both facades designed





City design with alleys put the people in front and the cars in back.





VS.

