



CITY OF ORLAND STAFF REPORT

MEETING DATE: NOVEMBER 16, 2023

TO: City of Orland Planning Commission

FROM: Scott Friend, AICP – City Planner

SUBJECT: **Conditional Use Permit CUP#2023-02 – Mauricio’s Automobile Service Station and Spray Booth**: A request to approve a Conditional Use Permit (CUP) 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. The parcel contains an existing building which is 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.

Environmental Review: Staff recommends that the Planning Commission determine that the proposed action is *exempt* from further review pursuant to Section 15301 of the Public Resource Code (PRC), also known as the “Existing Facilities” Exemption.

SUMMARY:

The City of Orland has received a request for a Conditional Use Permit (CUP#2023-02) on an existing parcel of land identified as 421 Road 15 and further as Glenn County APN 041-200-005. The project is designated with the *C- Commercial* land use designation on the City’s General Plan land use diagram and is zoned with the *C-1, Neighborhood Commercial* zoning district.

Every zoning district in the City of Orland contains a list of Conditional Uses Requiring a Use Permit. Listed under OMC Section 17.36.040(B)(1), an “automobile service station” is permitted as it is a service of light commercial character, conducted entirely within an enclosed building. As described in Section 17.36.040(C), the City Planner may determine by written findings that a use similar to those listed under 17.36.040(B) would be permitted with a Conditional Use Permit. The 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. However, the City Planner has determined that the proposed “Spray Booth” is considered an increase in intensity of use of the existing facility, along

with the potential for fumes emanating into the surrounding neighborhood, and therefore staff is not supportive of approving the *new* “Spray Booth” component of the proposed project.

Historically the parcel was used as an auto mechanic shop (most recently as Mike’s Small Engine Repair Shop). The site has an unmarked gravel parking area fronting the existing shop. A front-access to the service bay is on the street-side façade. The rear and east side of the building consists of unimproved dirt areas and were historically used for storage areas.

The existing building includes utility connections for power supplied by PG&E, with water and sewer supplied by the City of Orland. The site currently does not have street improvements as they stop on the property line of the adjacent parcel to the south beyond Road 15. No street improvements exist on the side of the street containing the project site. There exists a fire hydrant on the southeast corner of Papst Ave and Road 15 to the southwest of the site.

The project site is designated with the *Commercial* land use designation on the City’s General Plan land use diagram (see **Attachment B2**) and is zoned with the *C-1, Neighborhood Commercial* zone district (see **Attachment B3**). The *Neighborhood Commercial* Zoning District is intended to provide for land uses of a light commercial character that would potentially serve adjacent residential land uses. The subject parcel is the only parcel zoned C-1 in the vicinity and has been zoned that way for longer than the tenure of the current City of Orland Planning staff. In total, there are only four (4) parcels within the City limits with the C-1 zoning designation. No requests to modify development standards have been requested or are proposed.

BACKGROUND:

The OMC permits Automotive Service Stations with a use permit. The proposed project would result in the approval of a new Automotive Service Station for the repair of automobiles. The parcel is approximately 0.5 acre in size, with +/-2,000 square feet of building space being proposed for the auto repair area, with the remaining parcel acreage consisting of a front unimproved gravel parking lot and rear and side dirt areas.

As discussed above, the OMC allows for uses similar to those discussed in Section 17.36.040(B), in which the light commercial service is conducted within and enclosed building and at the discretion of the City Planner, to be permitted with a Conditional Use Permit. Staff acknowledges that the Applicant submitted an application for an “Auto Body Shop” and included a site plan for a proposed new structure (see **Attachment B**) to contain an automotive paint spray booth. However, City staff has determined this to be an increase in intensity of use for the site as there is no existing spray booth structure onsite, leading to staff not being in support of this proposed new construction.

The proposed project requests a CUP to allow for the use of an Automotive Service Station to allow for the repair of vehicles. The facility is expected to generate noise from the air compressor(s), pneumatic tools, and other automotive service machinery. All noise (sound) and emissions from the facility would meet both Glenn County and City of Orland standards (OMC 17.40.110 states no more than 50dBA at property line for the residential use adjacent to site or 75dBA for adjacent commercial zones), with the compliance of the Conditions of Approval (see **Attachment C**).

The notion of the C-1 zoning designation is to be “Residential serving”. Currently, the City Noise Ordinance in this zone does not contain specific hours of applicability. Rather, noise is left to the discretion of the responding officer as to offensive. Therefore, staff is recommending a specific Condition of Approval (COA # 18) of hours of operation in consideration to the sensitivity of the surrounding residents adjacent to the project site. Hours of operation are to occur between 7:00 a.m. and 7:00 p.m. on

weekdays, and 8:00 a.m. to 6:00 p.m. on weekends. Furthermore, for the first hour of operation, no pneumatic tools or compressors are to be run at this time.

The following land uses are adjacent to the proposed site:

- North – a single-family residence (zoned R-1 with a GP designation of R-L)
- South – a single-family residence (zoned R-1 with a GP designation of R-L)
- East – a single-family residence (zoned R-1 with a GP designation of R-L) just beyond a vacant field previously used for agricultural purposes.
- West - a single-family residence (zoned R-1 with a GP designation of R-L) with the County Fairgrounds beyond, and a Dog Grooming facility directly adjacent to the auto shop and on the same parcel

The proposed project is required to comply with all City of Orland Noise Ordinances to ensure noise experienced by these receptors complies with the OMC.

The proposed use has been reviewed by all City reviewing parties including the City of Orland Fire Chief, Public Works Director, City Engineer, and the Police Chief. All concerns and issues expressed by the reviewing parties have been addressed to their satisfaction. The residential neighbors surrounding the site have been notified of the proposed project and no oppositions to the proposed use have been expressed at this time. No written or verbal opposition to the project has been presented nor is known.

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 or 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 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.

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 under the "Existing Facilities Exemption" of the California Government Code, §15301, 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.

RECOMMENDATION:

Based upon the information contained in this report and after consideration of the attributes specific to the proposed site, staff is recommending that the Planning Commission approve Conditional Use Permit #2023-02, a request to approve a new Automotive Service Station on the existing parcel of land identified as Glenn County Assessor's parcel number 041-200-005.

Specifically, staff recommends that the following actions take place:

1. *California Environmental Quality Act (CEQA)*: Staff is recommending that the Planning Commission approve the project (CUP 2023-02) and determine that the proposed action is *exempt* from further review pursuant to Section 15301 of the PRC.
2. *Conditional Use Permit*: Move to approve Planning Commission Resolution PC 2023-__, approving Conditional Use Permit application #2023-02 subject to the Conditions of Approval provided as **Attachment C** and Findings shown on **Attachment D**.

FISCAL IMPACT OF RECOMMENDATION: None

ATTACHMENTS:

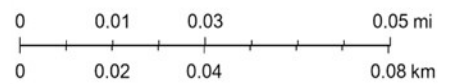
- **Attachment A – Project Location Map**
- **Attachment B1 – Project Site Plan - *Spray Booth Only***
- **Attachment B2 – General Plan Designations**
- **Attachment B3 – Zoning Designations**
- **Attachment C – Conditions of Approval for CUP #2023-02**
- **Attachment D – Required CUP Findings #2023-02**
- **Attachment E – Notice of Exemption for CUP #2023-02**
- **Attachment F – Planning Commission Resolution PC 2023-__**



— Project Boundary



1:1,485



Esri Community Maps Contributors, © OpenStreetMap, Microsoft
Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA
USGS, Bureau of Land Management, EPA, NPS, US Census
Bureau, USDA



CITY OF ORLAND

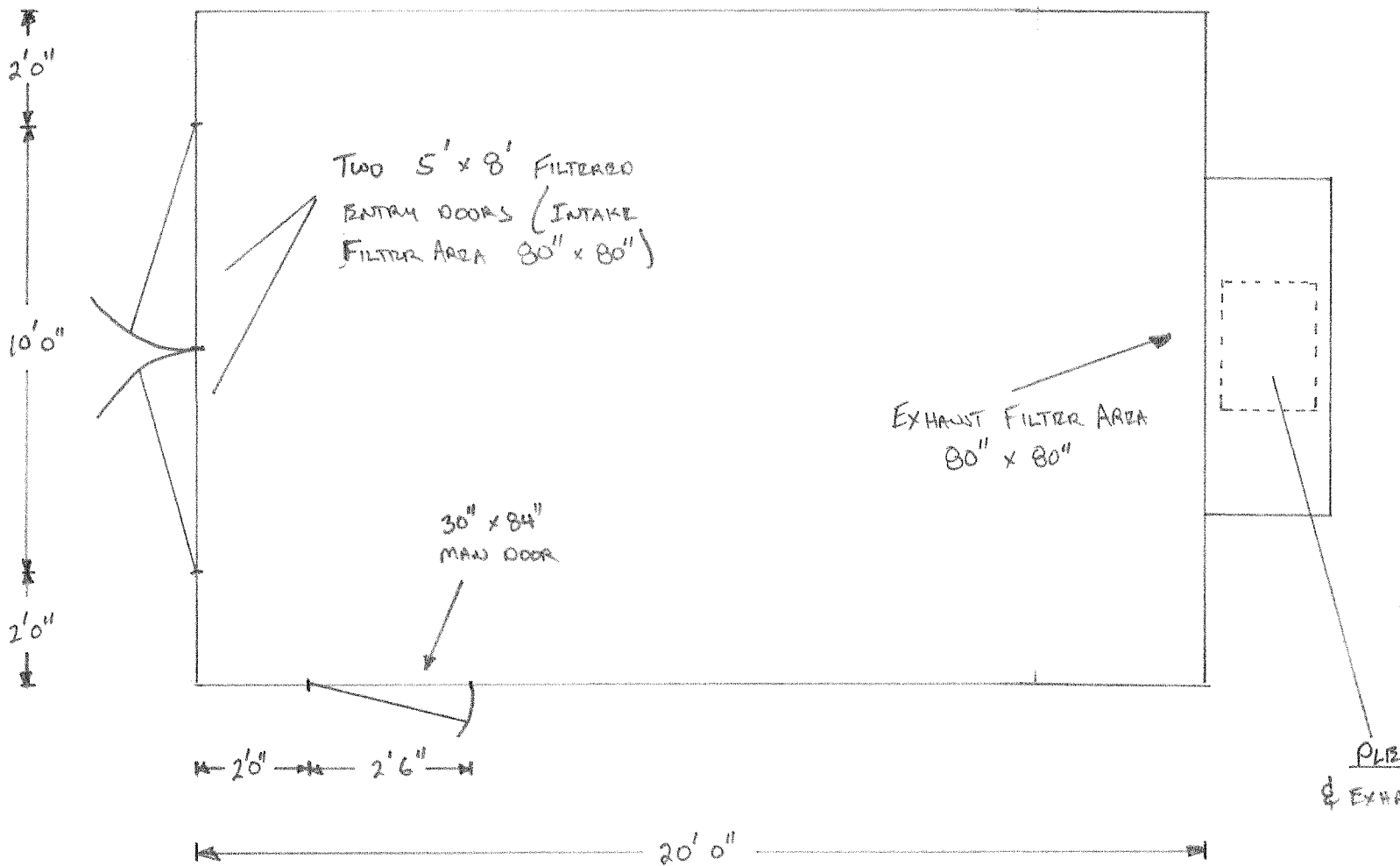
11/1/2023

Attachment A. Project Location
CUP 2023-02 Murrillo's Auto Service Station

PROPOSED SPRAY BOOTH: RIVERBEND CABINETS

*NOT

TOP VIEW

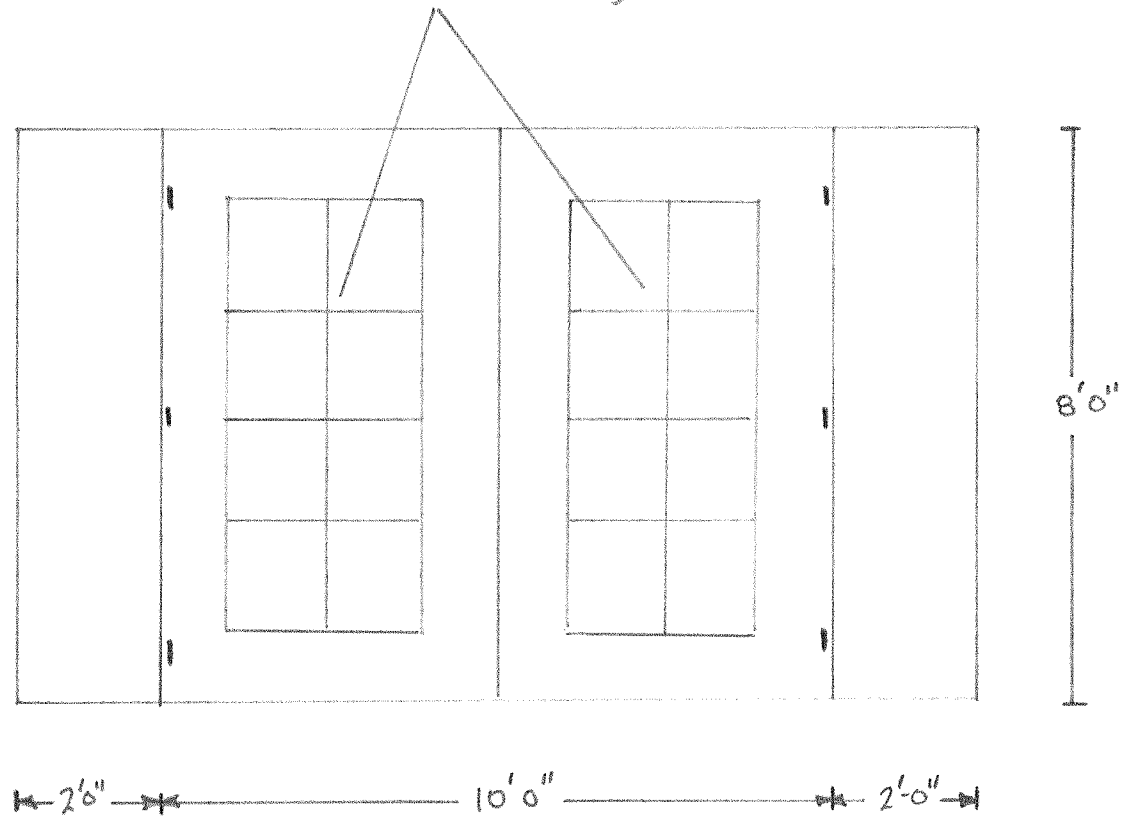


PROPOSED SPARK BOOTH: RIVERBEND CABINETS

* NOT TO SCALE (2)

FRONT VIEW

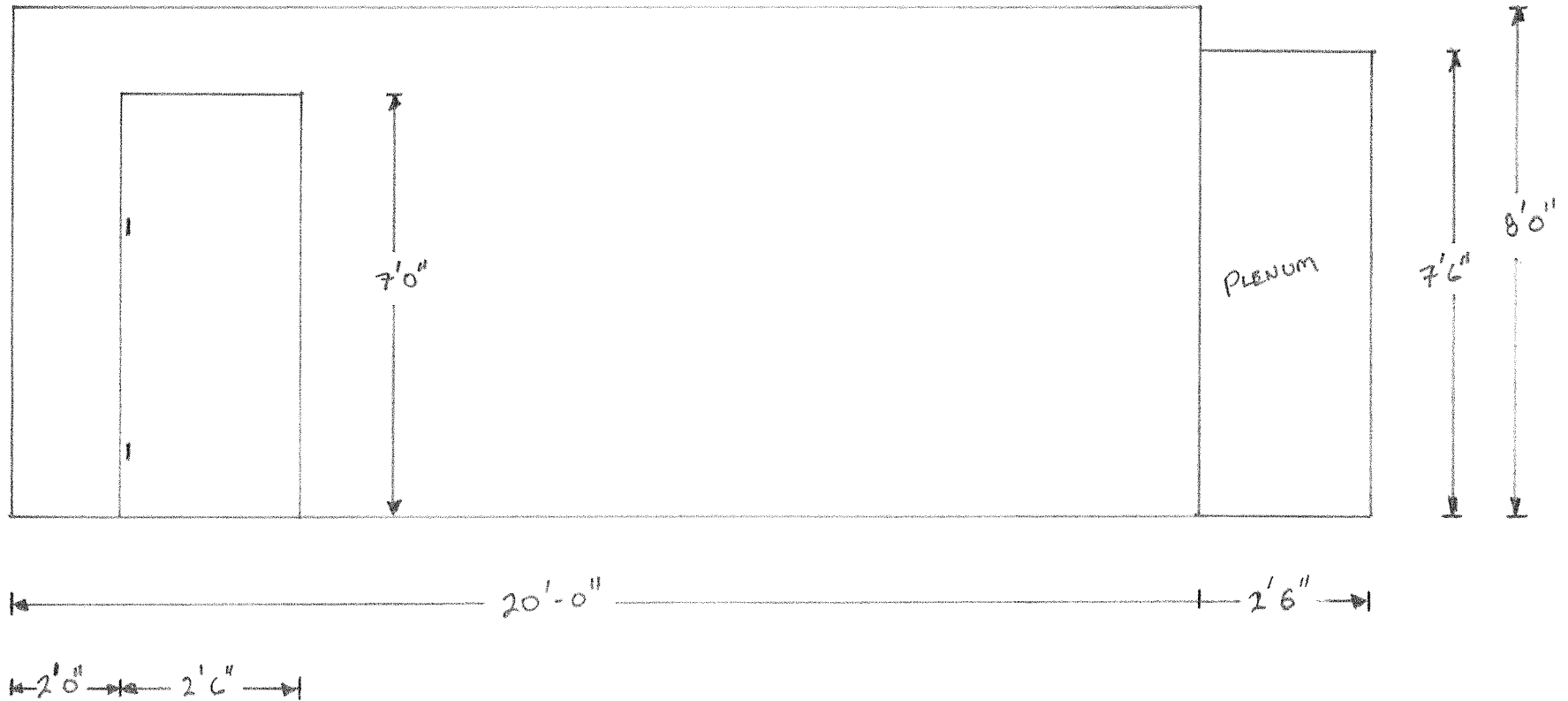
(16) - 20" x 20" INTAKE FILTERS
(8) IN EACH DOOR



PROPOSED SPARK BOOTH : RIVERBEND CABINETS

* NOT TO SCALE

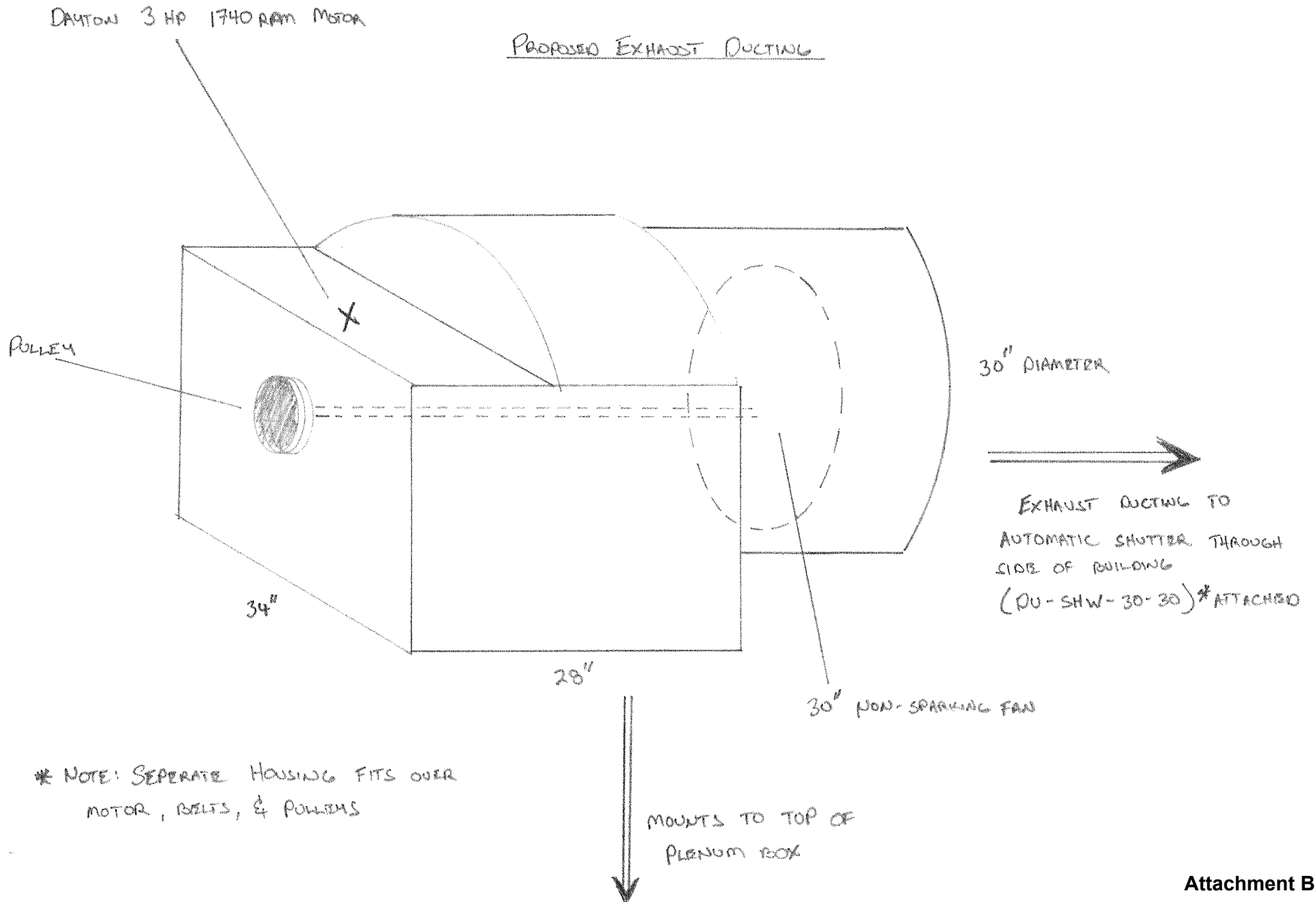
SIDE VIEW

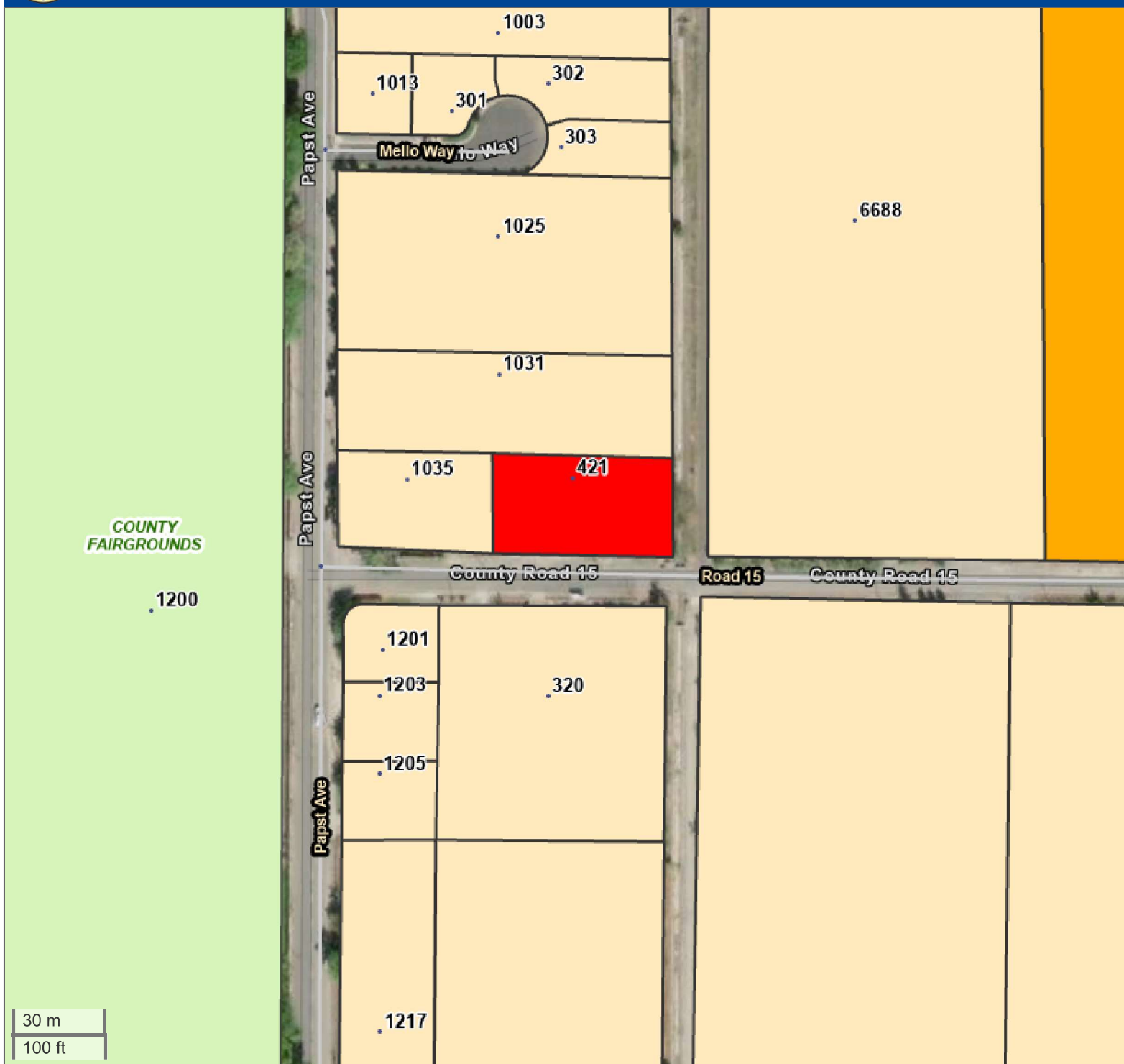


PROPOSED SPRAY BOOTH: RIVERBEND CABINETS

* NOT TO SCALE

PROPOSED EXHAUST DUCTING

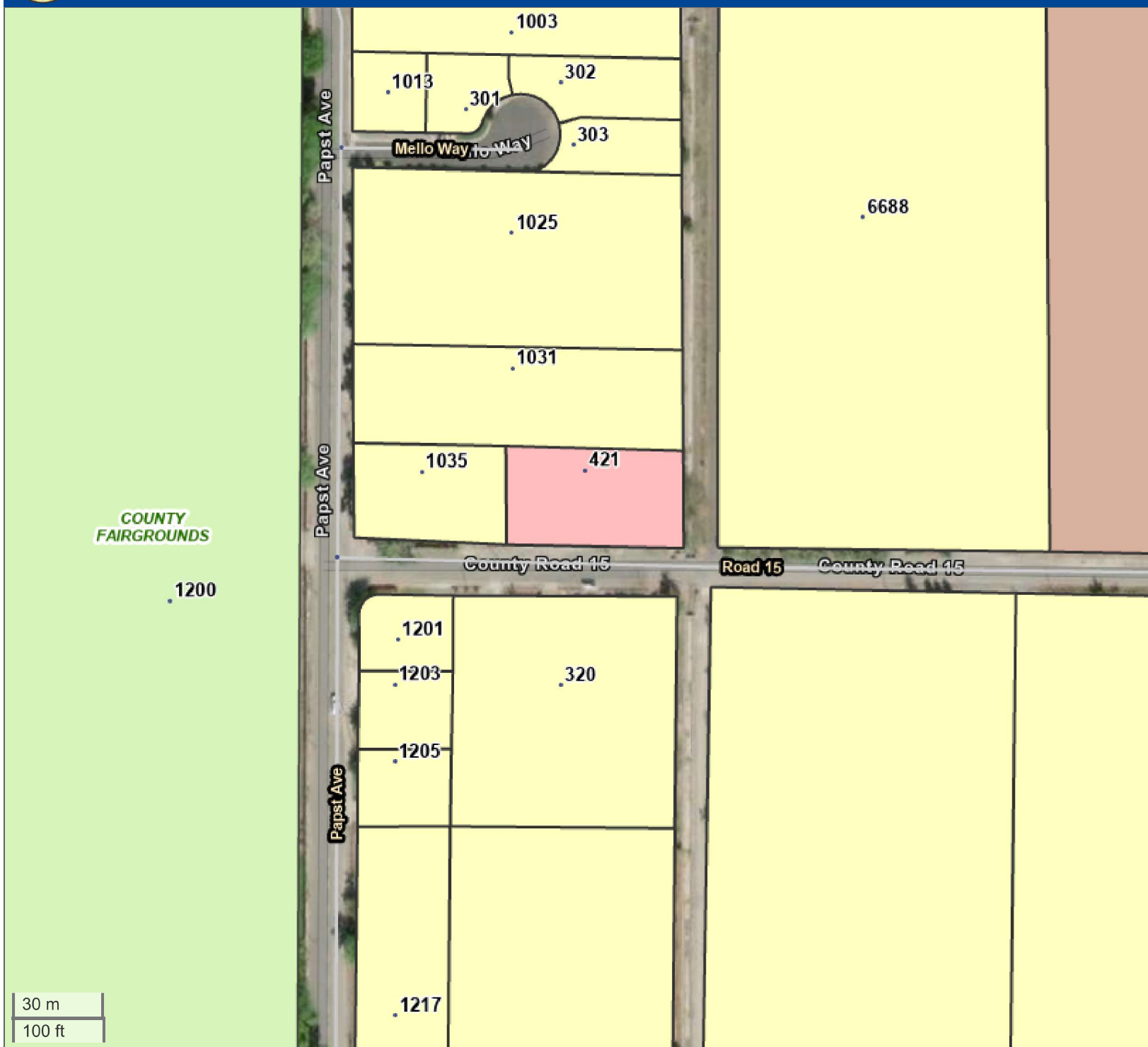




LEGEND

- Address
- City Limits
- Downtown Area/Special Parking
- Roads
- Railroad
- Places
- Pavement Survey Data
- Parcels
- Full General Plan Designation
 - C - Commercial
 - I-H - Heavy Industrial
 - I-L/C - Light Industrial/Commercial
 - MU - Mixed Use
 - OS/RC - Open Space/Resource Conservation
 - P-F - Public Facility
 - R-E - Residential Estate
 - R-H - High Density Residential
 - R-M - Medium Density Residential
 - R-L - Low Density Residential





LEGEND

- Address
- City Limits
- Downtown Area/Special Parking
- Roads
- Railroad
- Places
- Pavement Survey Data
- Parcels
- Full Zoning Designation
 - C-1 - Neighborhood Commercial
 - C-2 - Community Commercial
 - C-H - Highway Service Commercial
 - M-H - Heavy Industrial
 - M-L - Light Industrial
 - MU - Mixed Use
 - O-S - Open Space
 - P-D - Planned Development
 - P-F - Public Facilities
 - R-1 - Residential One-Family
 - R-1/C-2
 - R-2 - Residential Two-Family
 - R-3 - Residential Multiple Family
 - R-E - Residential Estates



CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2023-02, Mauricio Murrillo Automotive Service Station

Assessor's Parcel Numbers: 041-200-005

Project location: 421 County Road 15, Orland, Glenn County, CA 95963

Zoning: "C-1" (Neighborhood Commercial)

General Plan Land Use Designation: "C" (Commercial)

Proposed Use: "Automotive Service Station"

Conditional Use Permit #2023-02, Mauricio Murrillo (Applicant/Landowner): A request for approval of a Conditional Use Permit for the utilization of existing building space as an Automotive Service Station. The existing parcel is designated Commercial on the General Plan land use map and located in the C-1 (Neighborhood Commercial) zoning district.

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** to cover costs associated with the preparation and filing 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 project 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 the use of +/-2,000 square feet of existing building space as an "Automobile Service Station" on a parcel of land identified as Glenn County Assessor's parcel number 041-200-005, as requested on CUP application #2023-02, and as presented. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. All signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code) and shall be handled by a separate approval.

11. 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.
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 related to the project are permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

Use/Site Specific Conditions of Approval:

Permitting and Approvals

15. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.
16. No new construction is permitted onsite without the prior approval of the City Building and Planning Departments.
17. All uses occurring at the proposed site shall adhere to all applicable Noise Standards of the City of Orland Municipal Code. This includes ensuring noise from the auto repair shop, all noise generating equipment such as pneumatic tools and generators and any exterior activities associated with the proposed use (i.e., backup beepers from trucks), do not violate OMC noise ordinances (OMC 17.36.110) by exceeding noise levels.
18. Hours of operations shall be limited to 7:00 a.m to 7:00 p.m. on weekdays, and 8:00 a.m. to 6:00 p.m. on weekends. However, to ensure compliance with OMC noise ordinances, no pneumatic tools or air compressors shall be in operation before 8:00 a.m. on weekdays, and before 9:00 a.m. on weekends.
19. All Automotive Service activities and any other uses occurring at the proposed site shall adhere to all applicable Emissions Standards promulgated in the Glenn County Air Pollution Control District. This includes taking actions to ensure unpleasant odors emanating from the facility are encapsulated onsite.
20. The applicant is required to construct a refuse storage area in the front of the building out of view of the general public and arrange with the refuse provider to provide for trash pickup to be feasible for collection trucks.
21. Required to get all applicable permits relating to an Automotive Service Station within the City and County for all activities being conducted onsite. This includes any related permits required for the handling and discarding of any hazardous materials on and off site.

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2023-02 and acknowledge and consent to the Conditions as presented.

Signed,

Mauricio Murrillo, Applicant/Landowner

Date

CITY OF ORLAND
PLANNING COMMISSION FINDINGS OF APPROVAL FOR:
CONDITIONAL USE PERMIT #2023-02
FOR: Mauricio Murillo (Applicant/Landowner);
Assessor's Parcel Numbers: 041-200-005:
421 County Road 15, Orland, CA 95963

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 as applicable ("C-1", Neighborhood Commercial Zone and OMC 17.36.040, 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 17.36.020 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 specific zoning to be assigned to parcel: 041-200-005. 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 in a manner permitted by the City Municipal Code 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 17.36.040 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 specific zoning to be assigned to parcel: 041-200-005. The proposed Commercial use is compatible with the surrounding environment as the project site is located in an area of predominantly residential neighborhood land uses. 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 specific zoning to be applied to a property zoned C-1 upon the approval of a Conditional Use Permit by the Planning Commission. 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 project meets the intent of the exemption described in CEQA Guidelines Section 15332. As conditioned, the proposed Automotive Services Station is compatible with applicable General Plan and Zoning designations with an approved Conditional Use Permit; occurs within the City limits on a property less than 5 acres; has no value as habitat for endangered, rare, or threatened species, will result in no significant effects related to traffic, noise, air quality, or water quality as it is surrounded by commercial, zoning; and the site is serviced by developed utilities and public services.*

Notice of Exemption**Form D**

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

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

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

Project Title: Conditional Use Permit CUP#2023-02 – A request to approve the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor’s parcel number 041-200-005, as an Automotive Service Station for the repair of automobiles.

Project Location - Specific:

421 County Road 15 in Orland, Glenn County, CA 95963. APN 041-200-005

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

Description of Nature, Purpose, and Beneficiaries of Project: The City of Orland received a request for a Conditional Use Permit (CUP) to approve the Conditional Use of building space, located on the parcel of land identified as Glenn County Assessor’s parcel number 041-200-005, as an Automotive Service Station for the repair of automobiles. The request includes the use of approximately +/-2,000 square feet of existing building space. Pursuant to section 17.36.040(B)(1) of the Orland Municipal Code (OMC), the Planning Commission may issue a CUP to establish specific uses requiring a permit in the C-1 (Neighborhood Commercial) zone. The primary beneficiary of the project will be the project applicant (Mauricio Murrillo).

Name of Public Agency Approving Project:

City of Orland

Name of Person(s) or Agency Carrying Out Project:

Mauricio Murrillo

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: §15301 Existing Facilities Exemption
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15301.

Lead Agency

Contact Person: Scott Friend, AICP Area Code/Telephone/Extension: (530) 865-1608

Signature: _____ Date: _____ Title: City Clerk

■ Signed by Lead Agency

Date received for filing at OPR: _____ N/A

Attachment E

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2023-__**

APPROVAL OF CONDITIONAL USE PERMIT #2023-02

Location: An existing parcel identified as APN: 041-200-005 and located east of Papst Avenue, at 421 County Road 15

APPLICATION: Conditional Use Permit #2023-02

WHEREAS, Mr. Mauricio Murillo (Applicant) has requested a Conditional Use Permit (CUP) to allow for the approval of a Automotive Service Station pursuant to OMC Chapter 17.36.040(B)(1); and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on November 16, 2023; and

WHEREAS, the Planning Commission deliberated on the proposed request and has determined that, subject to approval of the Conditional Use Permit and the project Conditions of Approval, the request is consistent with the Orland General Plan and the requirements of Orland Zoning Code; and

WHEREAS, the Planning Commission has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the State CEQA guidelines further described as the 'Existing Facilities' Exemption; and

WHEREAS, the Planning Commission, in a staff report dated November 16, 2023, has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use.
3. The proposed use will not be detrimental or injurious to the general welfare of the city.
4. The proposed use will be consistent with the policies, standards and any use designations of the general plan, any applicable specific plan and the C-1, Neighborhood Commercial zoning district upon the issuance of the Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Orland does hereby approve Conditional Use Permit #2023-02, subject to the following conditions:

General Conditions of Approval:

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

4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** to cover costs associated with the preparation and filing 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 project 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 the use of +/-2,000 square feet of existing building space as an "Automobile Service Station" on a parcel of land identified as Glenn County Assessor's parcel number 041-200-005, as requested on CUP application #2023-02, and as presented. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. All signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code) and shall be handled by a separate approval.
11. 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.
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 related to the project are permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

Use/Site Specific Conditions of Approval:

Permitting and Approvals

15. The applicant shall submit building and engineering plans to the City of Orland Building Department and receive approval prior to undertaking any work related to the modification of the existing structure (as applicable) and shall cause to be completed a Pre-Occupancy Inspection prior to occupancy of the structure.
16. No new construction is permitted onsite without the prior approval of the City Building and Planning Departments.
17. All uses occurring at the proposed site shall adhere to all applicable Noise Standards of the City of Orland Municipal Code. This includes ensuring noise from the auto repair shop, all noise generating equipment such as pneumatic tools and generators and any exterior activities associated with the proposed use (i.e., backup beepers from trucks), do not violate OMC noise ordinances (OMC 17.36.110) by exceeding noise levels.
18. Hours of operations shall be limited to 7:00 a.m. to 7:00 p.m. on weekdays, and 8:00 a.m. to 6:00 p.m. on weekends. However, to ensure compliance with OMC noise ordinances, no pneumatic tools or air compressors shall be in operation before 8:00 a.m. on weekdays, and before 9:00 a.m. on weekends.
19. All Automotive Service activities and any other uses occurring at the proposed site shall adhere to all applicable Emissions Standards promulgated in the Glenn County Air Pollution Control District. This includes taking actions to ensure unpleasant odors emanating from the facility are encapsulated onsite.
20. The applicant is required to construct a refuse storage area in the front of the building out of view of the general public and arrange with the refuse provider to provide for trash pickup services adequate access as required by service company.
21. Required to get all applicable permits relating to an Automotive Service Station within the City and County for all activities being conducted onsite. This includes any related permits required for the handling and discarding of any hazardous materials on and off site.

The foregoing Resolution was adopted by the Planning Commission on the 16th day of November 2023 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

Wade Elliott, Chairman

ATTEST:

Jennifer T. Schmitke, City Clerk / Clerk of the Planning Commission