



## CITY OF ORLAND STAFF REPORT

MEETING DATE: February 6, 2024

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**TO:** Honorable Mayor and Members of the City Council of the City of Orland

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

**SUBJECT:**

- 1) **Request to Annex Property; ANX 2023-01 – Modoc Street Annexation: Latter Day Saints Church (Applicant/Owner) APN 046-080-016.**
- 2) **Zoning Code Amendment #2023-01: Prezoning.**
  - Prezoning of APN 046-080-016 (Z #2023-01) with the “R-1” (One-Family Residential) zoning district.
- 3) **Use Permit #2023-03:** OMC Chapter 17.20.040(C) – Approval of a Conditional Use Permit 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 OUWUA Lateral 40, at 125 Modoc Street, Orland, CA 95963. The property is currently zoned with the “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: 0-6 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.

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### 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 existing Orland City Limits to the north of the Lateral 40 irrigation canal and east of the Modoc Street cul-de-sac in the unincorporated area of Glenn County. See **Attachment A1** for site location.

The site is bordered on the north by an existing single-family residence and accessory structure, 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”, Residential Low Density (0-6 du/ac). 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 an existing church on the northern half of the parcel, with vacant land making up the majority of the southern half of the parcel.

## **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 the 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 involving multiple agencies. First, the City must undertake Planning Commission and City Council hearings to initiate the annexation action and to assign preliminary zoning (prezoning) to the property prior to sending the annexation application to the Local Agency Formation Commission (LAFCo).

For this action, the City Council is requested to conduct a public hearing on the request. The Planning Commission conducted a public hearing on this matter at their regular meeting of December 2023. Following the conduct of the public hearing, the Planning Commission voted unanimously (5-0) to recommend to the City Council the assignment of City zoning on the parcel and the annexation of the parcel into the City.

With this report, the City Council is being requested by the Planning Commission to conduct their own public hearing and to adopt an Ordinance assigning City of Orland zoning to the parcel and to adopt a Resolution directing staff to prepare an application to the Glenn LAFCo to annex the property. Upon adoption of the Resolution to Initiate Annexation, the City’s process is complete and the City of Orland acts as the applicant for the annexation of the property before LAFCo (Glenn County LAFCo). The City’s annexation request generally involves the preparation of the required LAFCo application(s) and annexation support materials and is prepared in cooperation with the applicant(s) requesting the action.

Following the receipt and review of the City’s petition to annex property, the LAFCo will conduct their own hearing(s) and may either disapprove the application, conditionally approve the application, or approve

the application. In this instance, annexation is the process that transfers property from an unincorporated unit of government to an incorporated one.

### **Review Criteria:**

#### **LAFCo Annexation Criteria:**

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Act) establishes the procedures for changes of organization to land, including city incorporation actions, 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 importance are the power to act on local agency boundary change requests and to adopt spheres of influence for local agencies and service providers. 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.

LAFCo may approve, approve with conditions, or disapprove the plan for incorporation based on its findings.

#### **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 a City zoning (pre-zoned) prior to annexation approval. Prezoning is the act of assigning a City zoning designation to an unincorporated parcel prior to annexation. The prezoning action is subject to the

requirements applicable to zoning in the city, including the requirement for consistency with the General Plan. Following the action to assign City zoning by the local agency, the zoning becomes 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 prezone the parcel to “R-1” *Residential One-Family*. This designation would be 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 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 at a density of up to 6 dwelling units per acre. Typical uses in this designation include single-family attached and detached homes, accessory structures, and upon the approval of a Conditional Use Permit, churches, schools, parks and other governmental or quasi-governmental uses.

Proposed City of Orland Zoning District:

The *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 a single-family residence 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 surrounding zoning and uses of land in the City.

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.

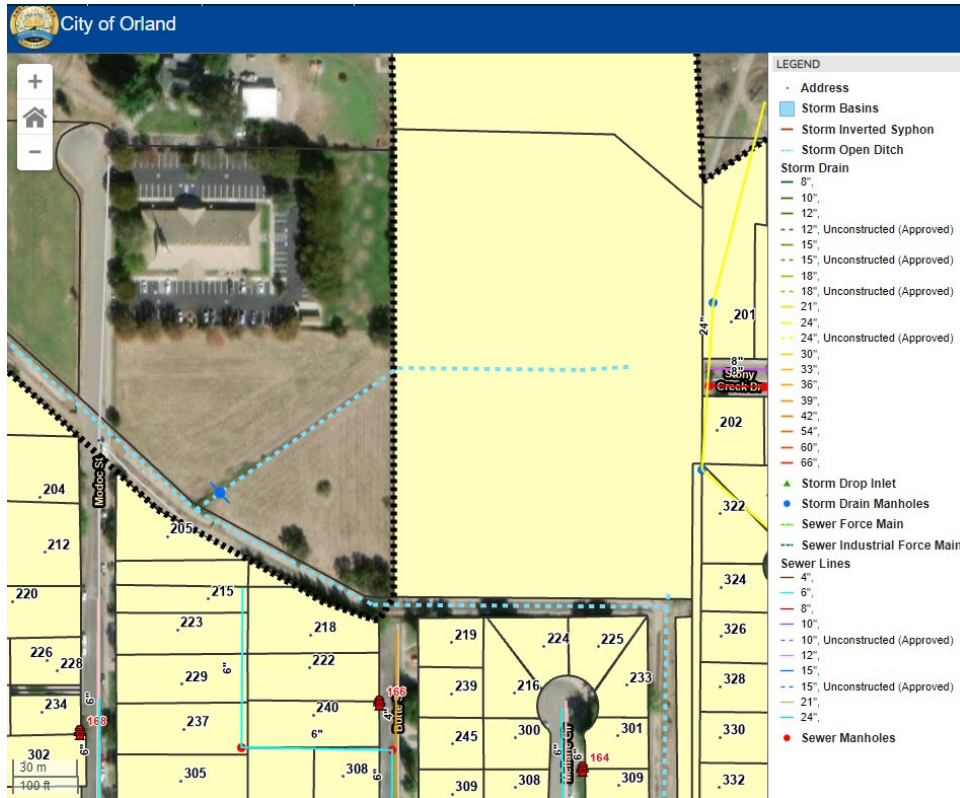
Municipal Services:

All annexation applications must be accompanied by a plan for services. A plan for service in intended to provide details outlining which municipal services, after incorporation, will be provided to the parcel by the new city or by other agencies. Table 2 below lists the property’s current and proposed service providers.

<b>Table 2: Current and Proposed Service Providers</b>		
<b>Subject/Service Area</b>	<b>Current Provider</b>	<b>Proposed Provider</b>
Water	Private Well	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 church is currently provided water and wastewater disposal utilities via an existing well and septic tank. No new water or sewer lines have been proposed to be installed on the project site with this action. Staff understands that the following utilities are located within the project vicinity, as shown in Figure 1 and below:

- Within Modoc Street, south of Lateral 40 and the project site:
  - 6” sewer line;
  - Fire hydrant fronting single family residences along the west side of Modoc (234 and 302 Modoc St.);
  - 6” waterline;
- The nearest storm drain is located at the western terminus of Stony Creek Dr, approximately 600 feet east of the existing church building.



**Storm Drainage Infrastructure / Irrigation Canal(s):**

This action does not involve the construction of any residential units or new impervious surfaces (streets, sidewalks, roofs, etc.). As noted previously, the USBoR/OUWUA Lateral 40 canal abuts the southern boundary of the site. In addition, a water diversion channel, historically used in high-flow water scenarios traverses the site heading in a northeasterly direction towards Stony Creek (see **Attachment A4**). It is understood that this channel is no longer utilized for the purpose.

During the preliminary review phase, this project was routed to public service agencies for comments. No comments noting problems or insufficient capacity were received.

**Transportation/ Circulation:**

Modoc Street is currently the only public access road to the site. Stony Creek Drive has a terminus at its westernmost end, beyond the parcel to the east (see **Attachment A1**). Similarly, Butte Street has a terminus at its northernmost end that terminates at Lateral 40 at the southeast corner of the project site, however provides no direct access. The church’s existing 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 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 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.

#### **ENVIRONMENTAL DETERMINATION:**

The City of Orland, acting in its capacity 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 meets the criteria for being *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 the application of an exemption for the action and the Planning Commission is recommending a determination of such to the City Council.

Upon review of the application, the Planning Commission has determined that it 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.

A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment G - Notice of Exemption**.

#### **RECOMMENDATION:**

Based upon the information contained in this report and after consideration of the attributes specific to the proposed site, the Planning Commission is forwarding its recommendation to the City Council the subject parcel be annexed into the City of Orland and assigned with the City of Orland R-1, One Family Residential zoning district designation. Additionally, the Planning Commission is requesting the City

Council approve Conditional Use Permit #2023-03, to allow the continued use of an existing “Church” on the parcel.

Specifically, the Planning Commission recommends to the City Council that the following actions take place:

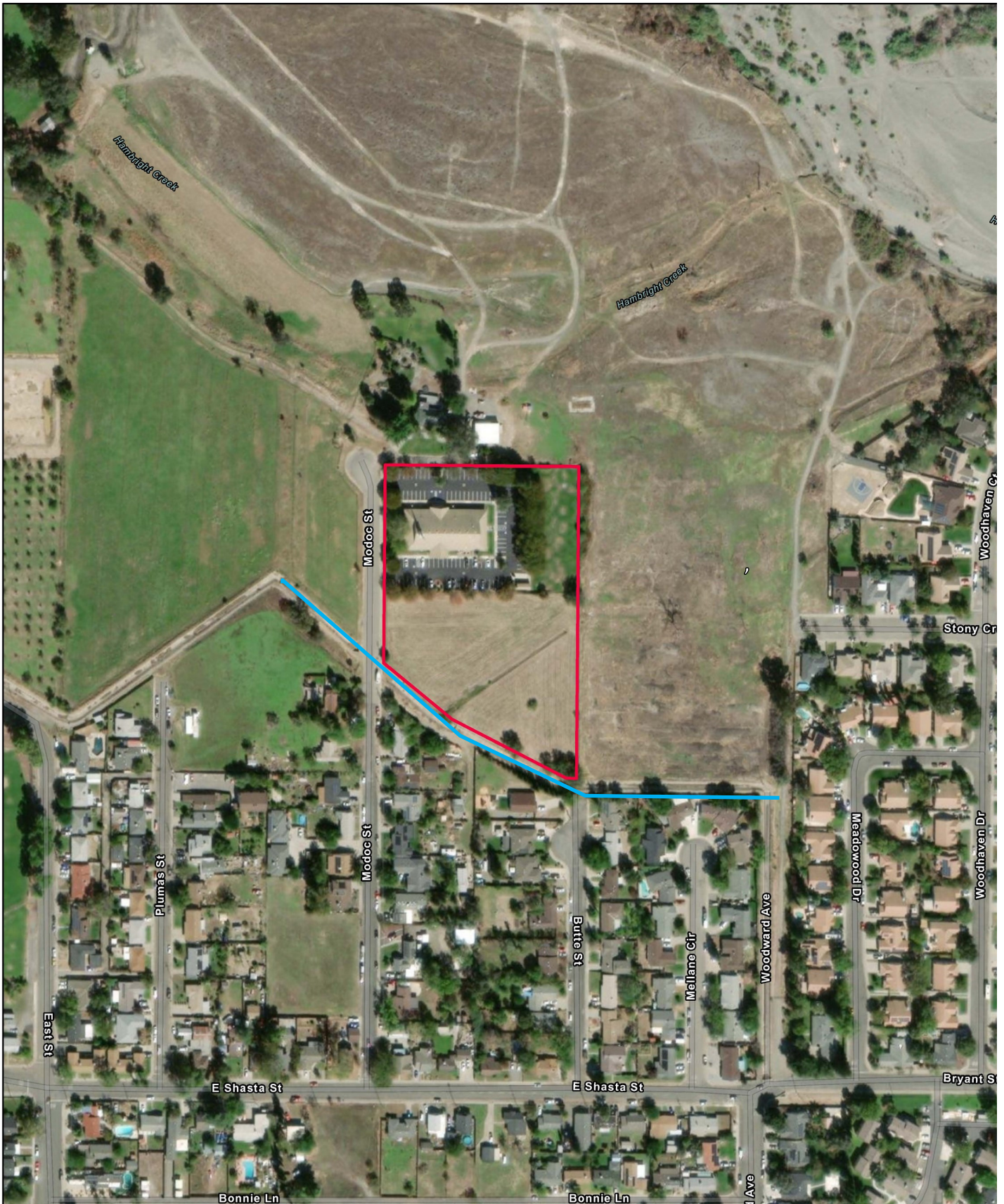
1. *Annexation*: Move to approve City Council Resolution CC 2024-\_\_\_, a Resolution of the City Council directing staff to file an application for the annexation of the parcel into the City of Orland with the Glenn County Local Agency Formation Commission (LAFCo) as provided in **Attachment B**;
2. *OMC Amendment(s)*: Move to approve City Council Ordinance CC 2024-\_\_\_, an Ordinance of the City Council assigning the rezoning of the parcel with the *R-1, One-Family Residential* zoning district subject as provided in **Attachment C** and making the Findings as provided in **Attachment E** and Conditions of Approval provided as **Attachment F**;
3. *OMC Amendment*: Move to approve City Council Ordinance CC 2024-\_\_\_, approving a Conditional Use Permit (CUP 2023-03) on the parcel to authorize the continued use of the parcel as a Church as required by OMC Section 17.040(c) as provided in **Attachment D** and making the Findings provided as **Attachment E** and Conditions of Approval provided as **Attachment F**.
4. *California Environmental Quality Act (CEQA)*: Move to approve that the action is *exempt* from further review pursuant to Sections 15301 and 15319 of the Public Resources Code.

**FISCAL IMPACT OF RECOMMENDATION:** None

**ATTACHMENTS:**

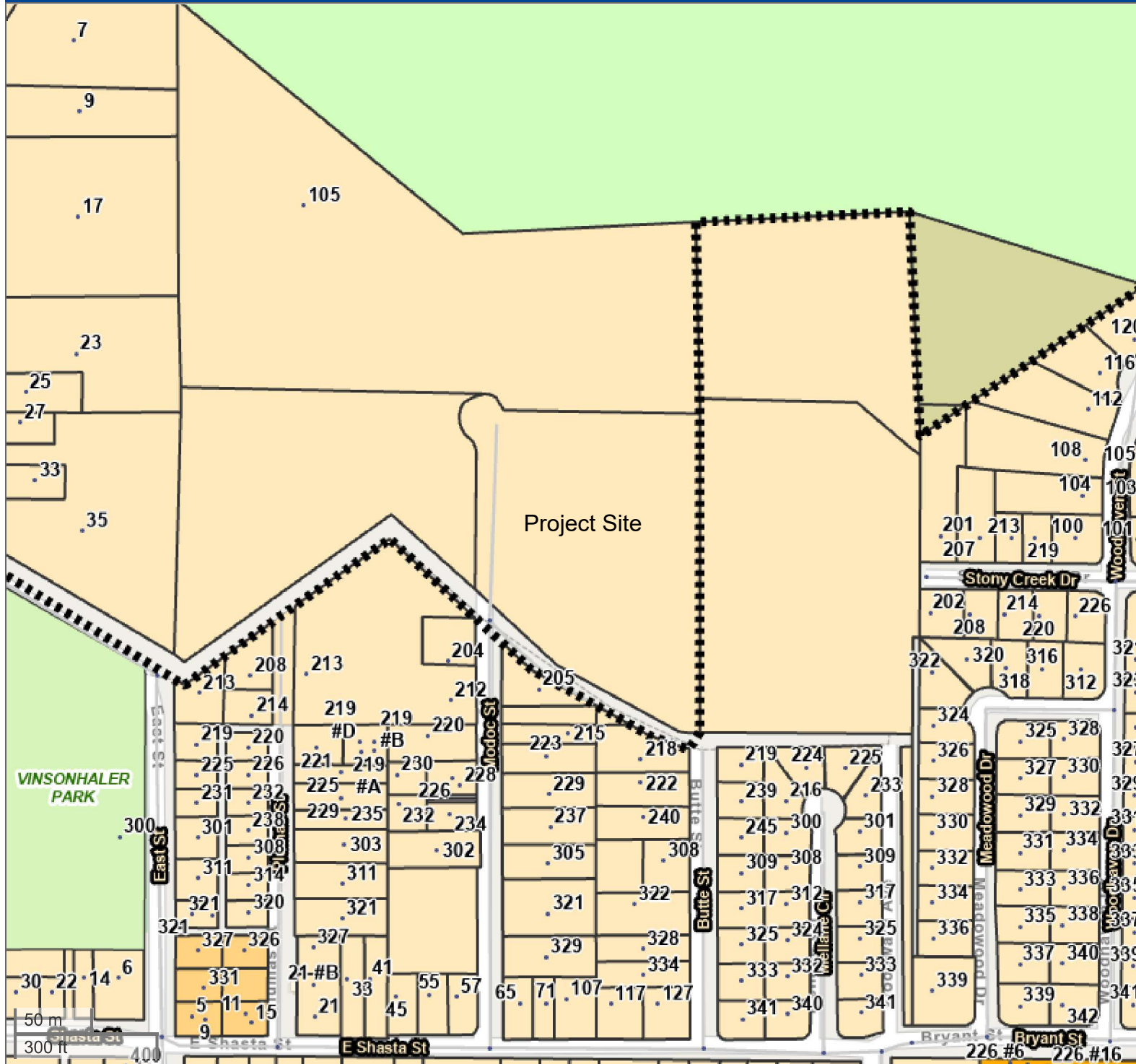
- **Attachment A1 – Location Map**
- **Attachment A2 – General Plan Land Use Designation (City of Orland)**
- **Attachment A3 – Existing Zoning Designation (Glenn County)**
- **Attachment A4 – Utilities Map**
- **Attachment B – City Council Resolution 2024-\_\_\_, approving the annexation of the subject parcel into the City of Orland.**
- **Attachment C – City Council Ordinance 2024-\_\_\_, approving the assignment of City of Orland zoning to the parcel.**
- **Attachment D – City Council Ordinance 2024-\_\_\_, approving Conditional Use Permit #2023-03 on the parcel.**
- **Attachment E – Findings for CUP #2023-03**
- **Attachment F – Conditions of Approval for CUP #2023-03**
- **Attachment G – CEQA Notice of Exemption**
- **Attachment H – (copy) Planning Commission Resolution PC 2023-\_\_\_**





## Modoc Street / Church of Jesus Christ of Latter-day Saints (LDS) Annexation Project

Attachment A1 - Project Location



**LEGEND**

- Address
- ⊞ City Limits
- ⊞ Downtown Area/Special Parking
- Roads
- + Railroad
- ▭ Places

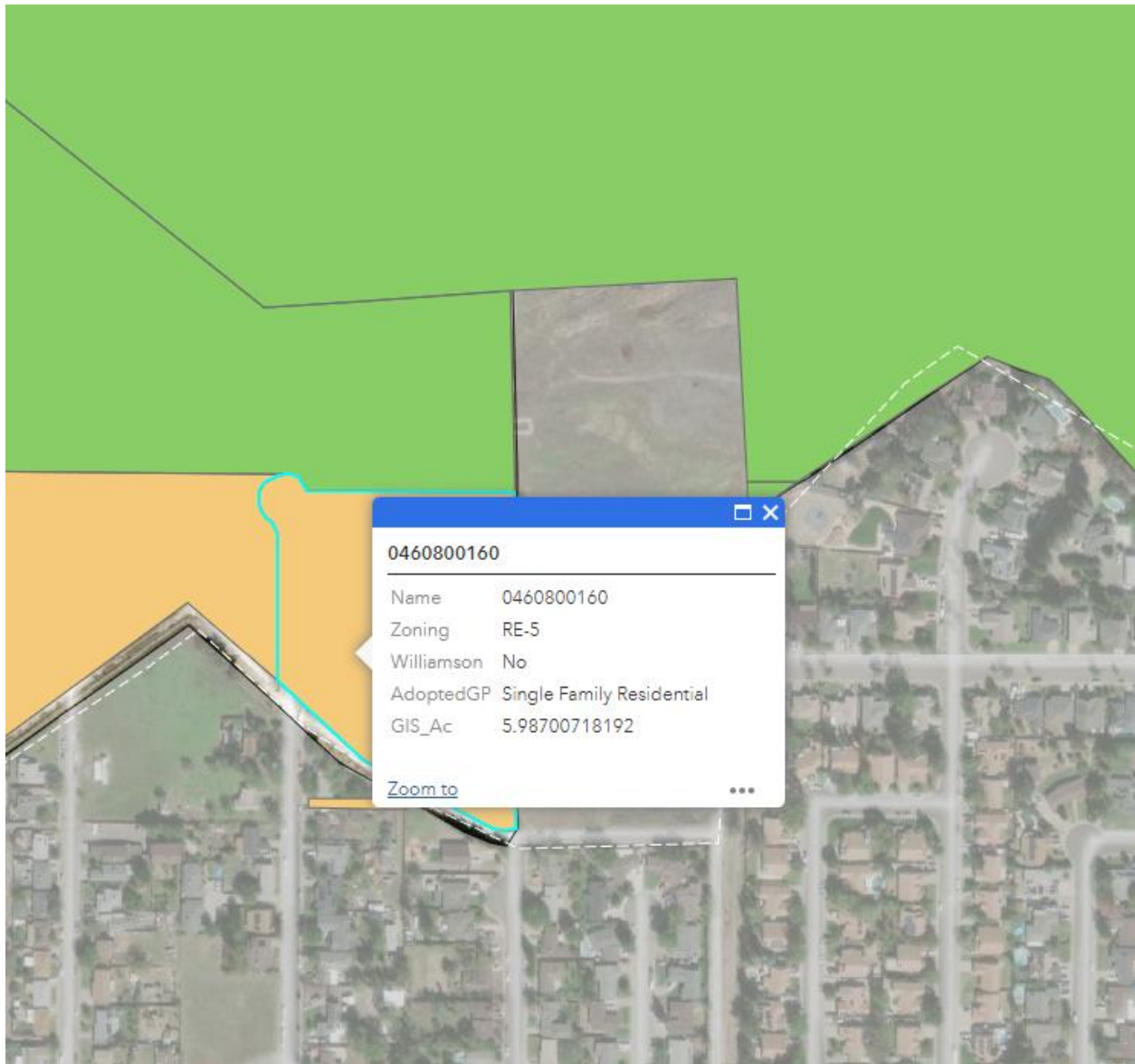
**Pavement Survey Data**

- ▭ Parcels

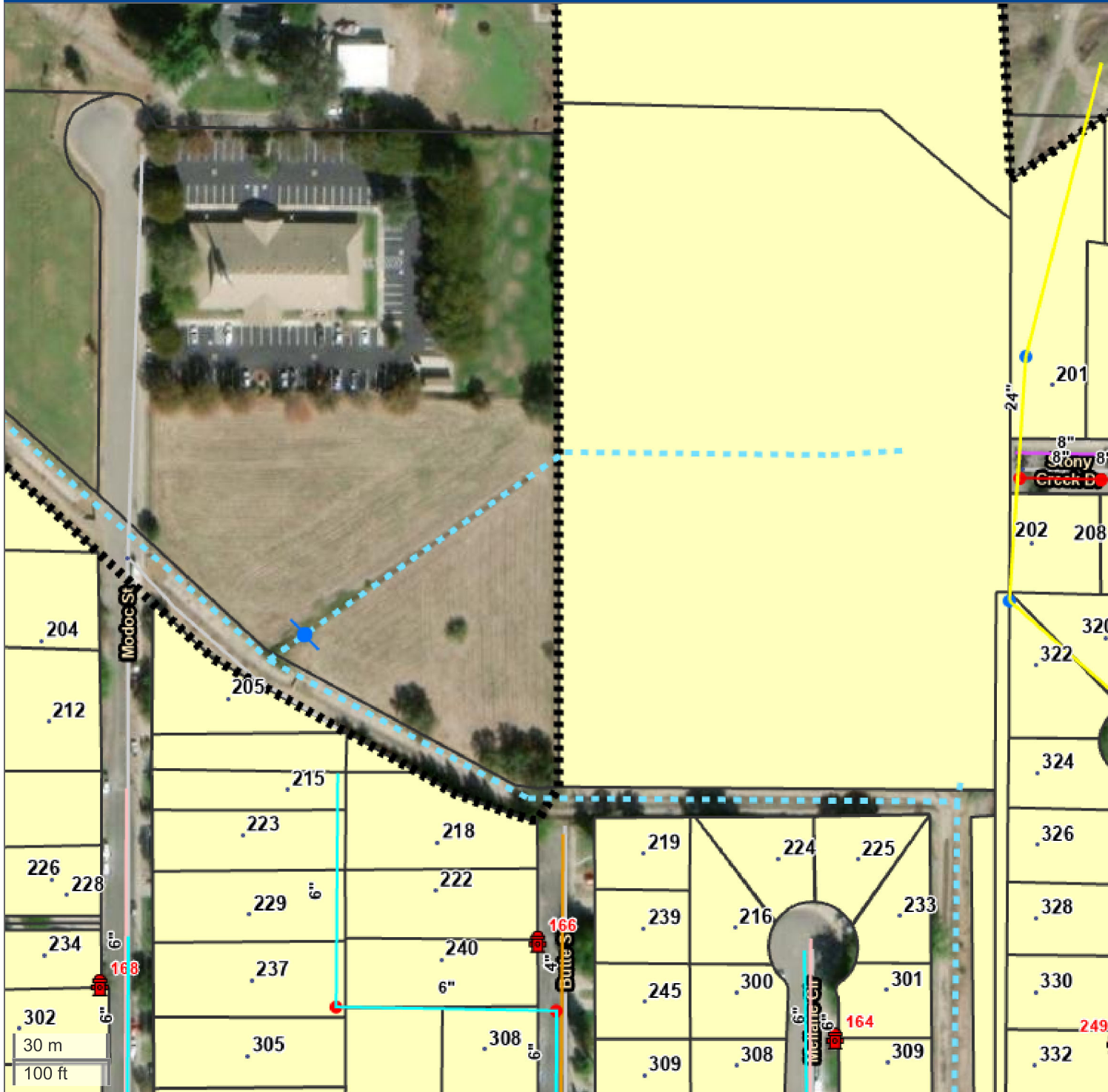
**Full General Plan Designation**

- 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





**Existing Zoning (Glenn County)**



LEGEND

- Address
- Storm Basins
- Storm Inverted Syphon
- - - Storm Open Ditch
- Storm Drain**
- 8"
- 10"
- 12"
- - - 12", Unconstructed (Approved)
- 15"
- - - 15", Unconstructed (Approved)
- 18"
- - - 18", Unconstructed (Approved)
- 21"
- 24"
- - - 24", Unconstructed (Approved)
- 30"
- 33"
- 36"
- 39"
- 42"
- 54"
- 60"
- 66"
- ▲ Storm Drop Inlet
- Storm Drain Manholes
- - - Sewer Force Main
- - - Sewer Industrial Force Main
- Sewer Lines**
- 4"
- 6"
- 8"
- 10"
- - - 10", Unconstructed (Approved)
- 12"
- 15"
- - - 15", Unconstructed (Approved)
- 21"
- 24"
- Sewer Manholes

30 m  
100 ft



**CITY OF ORLAND  
CITY COUNCIL RESOLUTION NO. 2024-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND APPROVING A  
RESOLUTION OF INTENTION TO ANNEX PROPERTY FOR 5.7+/- ACRES DESCRIBED AS  
125 MODOC STREET AND APN 046-080-016 AND DIRECTING STAFF TO PREPARE AND  
FILE THE APPROPRIATE APPLICATION FOR SUCH WITH THE GLENN COUNTY LOCAL  
AGENCY FORMATION COMMISSION (LAFCO)**

**WHEREAS**, on February 21, 2012, the City Council adopted the 2008-2028 General Plan; and

**WHEREAS**, the Orland 2008-2028 General Plan is a comprehensive document that provides policies and guidelines for the future expansion and development of the community; and

**WHEREAS**, the parcel proposed for annexation has been assigned an existing City of Orland General Plan land use designation and was previously considered for future annexation into the City of Orland; and

**WHEREAS**, the parcel proposed for annexation is within the City's adopted and approved Sphere of Influence; and

**WHEREAS**, the City Council finds that the Proposed Project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15319, Annexations of Existing Facilities and lots for exempt facilities and §15301, Existing Structures; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing at its regular meeting of December 21, 2023 to review the proposed annexation; and

**WHEREAS**, after the conduct of the public hearing and upon the taking of public input and deliberation of the action, the Planning Commission voted unanimously via a 5-0 vote to recommend approval of the request to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on February 6, 2024 to review the proposed annexation; and

**WHEREAS**, based on comments received from the public at the public hearing, input from other public agencies, and after review of the Project, the City Council has determined that the proposed action is consistent with the action approved by the Planning Commission and is consistent with the City's adopted General Plan and the LAFCO approved Sphere of Influence of the City; and

**WHEREAS**, the City Council voted to approve the annexation of the subject parcel into the City; and making the determination that the proposed annexation is beneficial to the public health, safety, and welfare.

**NOW THEREFORE BE IT RESOLVED**, that based on the record before the Orland City Council, the staff reports, public testimony, the application, the Notice of Exemption, and considering the record as a whole, the Orland City Council adopts the Resolution of Intention to Annex Property for the annexation of 5.7+/- acres.

PASSED AND ADOPTED by the Orland City Council on this 6<sup>th</sup> day of February 2024, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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Chris Dobbs, Mayor  
City of Orland

ATTEST:

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Jennifer Schmitke, City Clerk

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Greg Einhorn, City Attorney

**CITY OF ORLAND  
CITY COUNCIL ORDINANCE NO. 2024-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND APPROVING THE  
PREZONING OF AN EXISTING PARCEL OF LAND IDENTIFIED AS 125 MODOC STREET  
(APN 046-080-016) WITH THE R-1 – RESIDENTIAL ONE FAMILY ZONING DISTRICT**

**WHEREAS**, the City proposes to prezone one parcel located at 125 Modoc Street (APN 040-080-016) to R-1 – Residential One Family zoning district; and

**WHEREAS**, the parcel is currently developed with a structure used as a church and has a General Plan land use designation of *R-L – Low Density Residential*; and

**WHEREAS**, pre zoning the parcel along with the issuance of a Conditional Use Permit (CUP 2023-01) would provide consistency between the zoning and General Plan designation; and

**WHEREAS**, the existing use of the parcel as a church has been determined to be compatible with the proposed pre zoning of the site via the approval of a Conditional Use Permit allowing for the continued use of the church structure; and

**WHEREAS**, the proposed pre zoning action is consistent with the policies, standards, density range and land use type specified in the General Plan; and

**WHEREAS**, the proposed pre zoning and annexation action is consistent and compatible with the uses authorized in, and the regulations prescribed for, the zoning district for which it is proposed; and

**WHEREAS**, The Planning Commission of the City of Orland held a duly noticed public hearing to consider the request at their regularly scheduled meeting on December 21, 2023 and following the conduct of the public hearing has recommended approval of the matter to the City Council by a unanimous vote of 5-0; and

**WHEREAS**, The Planning Commission has made a recommendation to the City Council that the proposed action is *exempt* from further environmental review pursuant to California Public Resources Code Sections 15301 and 15319 (b)(3), as the Commission determined that the proposed action meets the definitions provided for the use of the exemptions and that it can be seen with certainty that there is no possibility that the proposed pre zoning of the parcel would have a significant effect on the environment; and

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Orland does hereby determine that the proposed action is exempt from further CEQA review pursuant to Public Resources Code Sections 15301 and 15319 and does hereby approve project number PZ 2023-01 rezoning the subject parcel to the *R-1 – Residential One Family* zoning district and making findings for the action.

The foregoing Ordinance was adopted by the Orland City Council on the 6th day of February 2024, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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Chris Dobbs, Mayor  
City of Orland

ATTEST:

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Jennifer Schmitke, City Clerk

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Greg Einhorn, City Attorney



**CITY OF ORLAND  
CITY COUNCIL ORDINANCE 2024-\_\_**

**APPROVAL OF CONDITIONAL USE PERMIT #2023-03**

**Location: An existing parcel identified as APN: 046-080-016 and located north of the northern edge of the existing Orland City Limits and east of the northerly terminus of Modoc Street**

**APPLICATION: Conditional Use Permit #2023-03**

**WHEREAS**, Mr. Brien Hamilton (applicant), on behalf of the Church of Jesus Christ of Latter Day Saints (landowner), has requested a Conditional Use Permit (CUP) to allow for the approval of the continued operation of an existing Church pursuant to OMC Chapter 17.20.040(C); and,

**WHEREAS**, the Orland City Council held a duly noticed public hearing to accept public comments and to review and consider the application on February 6<sup>th</sup>, 2024; and

**WHEREAS**, the Orland City Council 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 Orland City Council has determined the project is Categorically Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15319 of the State CEQA guidelines further described as the 'Annexation of Existing Facilities and Lots for Exempt Facilities' and 'Existing Structures' Exemptions; and

**WHEREAS**, the City Council, in a staff report dated February 6<sup>th</sup>, 2024, 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 M-L, Light Industrial zoning district upon the issuance of the Permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Orland does hereby approve Conditional Use Permit #2023-01, subject to the following conditions:

**General Conditions of Approval:**

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

4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
7. Minor changes to the approved use 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 assignment of parcel specific zoning one parcel of land identified as Glenn County Assessor's parcel number 046-080-016, as requested on CUP application #2023-02. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. 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.
12. 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.
13. No exterior storage of any materials, equipment, or vehicles is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

**Use/Site Specific Conditions of Approval:**

14. The landowner shall adhere to the standards and conditions of OMC Chapter 17.20 and the standards and requirements of the OMC for any future development activity on the site.
15. The landowner shall adhere to all standards, conditions and procedures of the Orland Municipal Code (OMC) related to noise, lighting, trash and debris, animal keeping for the proposed use that is the subject of this Use Permit.

**Statement of Acknowledgement:**

I have reviewed the Conditions of Approval associated with the approval of CUP#2023-03 and acknowledge and consent to the Conditions as presented.

Signed,

\_\_\_\_\_  
Church of Jesus Christ of Latter-Day Saints, (Applicant/Landowner)

\_\_\_\_\_  
Date

The foregoing Resolution was adopted by the City Council on the 6<sup>th</sup> day of February 2024 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
Chris Dobbs, Mayor  
City of Orland

ATTEST:

\_\_\_\_\_  
Jennifer Schmitke, City Clerk

\_\_\_\_\_  
Greg Einhorn, City Attorney

**CITY OF ORLAND  
CITY COUNCIL FINDINGS FOR:  
CONDITIONAL USE PERMIT #2023-03, A REQUEST BY THE  
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (PROPERTY OWNER)  
FOR THE ISSUANCE OF A CONDITIONAL USE PERMIT TO PERMIT THE USE OF  
AN EXISTING CHURCH ON A PARCEL  
LOCATED AT 125 MODOC ST AND FURTHER IDENTIFIED AS  
GLENN COUNTY ASSESSOR'S PARCEL NUMBER 046-080-016 FOLLOWING THE  
ASSIGNMENT OF CITY ZONING ON THE PARCEL  
APPLICATION NUMBER: CUP #2023-03**

**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 ("R-1", Residential One-Family Zone and OMC 17.20.040[C], 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 (17.20.040.C) and the request has been processed consistent with the provisions of Section 17.80 of the OMC. The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood as the approval of this request would allow for specific zoning to be assigned to parcel: 046-080-016. 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 zoning 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 Orland Municipal Code (OMC) and the request has been processed consistent with the provisions of Section 17.20.040.C and Chapter 17.80 of the OMC. The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood as the approval of this request would allow for specific zoning to be assigned to parcel: 046-080-016. The proposed use is compatible with the surrounding environment as the project site is located in an area of predominantly rural single-family residential uses on large lots, the facility is an existing facility that has been in continual operation and use for well over twenty years, and, the existing church will remain a neighborhood church for residents of the city. 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 and or allows for the approval of certain specified uses of land on properties zoned R-1 upon the approval of a Conditional Use Permit by the Planning Commission or City Council. With the issuance of a Conditional Use Permit, the project would be consistent with the city's codes and standards.*
5. The project will not have a significant or unmitigable impact on the physical environment. *The proposed project meets the criteria for the use of the Common-Sense Exemption (15061.B) also known as the General Rule, pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment. The proposed project will have impact on the physical environment as the project only involves the annexation of land into the City of Orland, the assignment of City zoning and the approval of a Conditional Use Permit. The proposed project does not propose any development on the parcel or approve any parcel disturbance activities.*

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2023-03, Church of Jesus Christ of Latter-Day Saints (LDS)**

Assessor's Parcel Numbers: 046-080-016

Project location: 125 Modoc Street, Orland, Glenn County, CA 95963

Zoning: "R-1" (Residential One-Family)

General Plan Land Use Designation: "R-L" (Low-Density Residential).

**Conditional Use Permit #2023-02 – Church of Jesus Christ of Latter-Day Saints (Landowner):** A Conditional Use Permit to allow for the continued use of an existing parcel as a "Church" as defined by the Orland Municipal Code, and, as is currently utilize by the Church, upon the annexation of the site into the City of Orland. The proposed Conditional Use Permit is applicable to an existing parcel of land proposed to be zoned with the City of Orland *R-1, One Family Residential* zoning district upon its annexation into the municipal city limits of the City of Orland. The affected parcel is located on the east side of Modoc Street in an area designated with the R-L (*Low-Density Residential*) land use Classification of the City of Orland General Plan. Pursuant to OMC Sections 17.20.040(C), the Planning Commission or City Council, as appropriate, may issue a Conditional Use Permit, as defined in the Orland Municipal Code Chapters 17.80, for the use of a parcel of land as a "Church" within the R-1 zoning district, following the site-specific conditions of approval.

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of Planning Commission approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. The use granted by this permit shall be established within one (1) year of the date of approval or the permit shall become null and void.
4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** for the preparation of the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
7. Minor changes to the approved use 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 assignment of parcel specific zoning one parcel of land identified as Glenn County Assessor's parcel number 046-080-016, as requested on CUP application #2023-02. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. 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.
12. 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.
13. No exterior storage of any materials, equipment, or vehicles is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

**Use/Site Specific Conditions of Approval:**

14. The landowner shall adhere to the standards and conditions of OMC Chapter 17.20 and the standards and requirements of the OMC for any future development activity on the site.
15. The landowner shall adhere to all standards, conditions and procedures of the Orland Municipal Code (OMC) related to noise, lighting, trash and debris, animal keeping for the proposed use that is the subject of this Use Permit.

**Statement of Acknowledgement:**

I have reviewed the Conditions of Approval associated with the approval of CUP#2023-03 and acknowledge and consent to the Conditions as presented.

Signed,

\_\_\_\_\_  
Church of Jesus Christ of Latter-Day Saints, (Landowner)

\_\_\_\_\_  
Date

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:** Annexation ANNEX#2023-01 – A request to annex a parcel of land identified as Glenn County Assessor’s Parcel Number 046-080-016 into the city limits of the City of Orland.  
Prezone PZ#2023-01 – A request to prezone a parcel of land identified as Glenn County APN# 046-080-016 with the “R-1” (Residential One-Family) zoning district of the City of Orland.  
Conditional Use Permit CUP#2023-03 – A request to approve a Conditional Use Permit to permit an existing church, located on the parcel of land identified as Glenn County Assessor’s parcel number 046-080-016, within the R-1, One-Family Residential zoning district.

**Project Location - Specific:**

125 Modoc Street in Orland, Glenn County, CA 95963. APN 046-080-016

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

**Description of Nature, Purpose, and Beneficiaries of Project:** A request for the annexation of an existing parcel of land into the corporate limits of the City of Orland, the assignment of City of Orland zoning (prezoning) to the parcel identified as Glenn County Assessor’s parcel number (APN) 046-080-016. The request also includes the approval of a Conditional Use Permit to permit the continued use of an existing Church on the parcel. The primary beneficiary of the project will be the project applicant.

**Name of Public Agency Approving Project:**

City of Orland

**Name of Person or Agency Carrying Out Project:**

Church of Jesus Christ of Latter-Day Saints (LDS) / City of Orland

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: §15301 Existing Facilities; 15319 Annexation of Existing facilities and Lots for Exempt Facilities
- Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The City Council of the City of Orland has determined that this project is exempt from CEQA as it can be seen with certainty that the proposed revisions to the City of Orland Municipal Code would not have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061.B.

**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



**CITY OF ORLAND**  
**PLANNING COMMISSION RESOLUTION PC 2023-\_\_**  
**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL TO INITIATE PROCEEDINGS TO ANNEX CERTAIN REAL PROPERTY CURRENTLY LOCATED WITHIN THE UNINCORPORATED TERRITORY OF GLENN COUNTY AND WITHIN THE CITY OF ORLAND PLANNING AREA AND SPHERE OF INFLUENCE AND DESCRIBED AS 125 MODOC STREET AND FURTHER IDENTIFIED AS GLENN COUNTY ASSESSOR'S PARCEL NUMBER 046-080-016, AND, FURTHER RECOMMENDING ADOPTION OF CITY OF ORLAND R-1, RESIDENTIAL ONE FAMILY ZONING ON THE PARCEL AND APPROVAL OF CONDITIONAL USE PERMIT #2023-03 TO PERMIT THE CONTIUED USE OF THE EXISTING CHURCH OF THE PARCEL.**  
**APPLICATION NUMBER(S): ANX #2023-01, PZ #2023-01, & CUP #2023-03**

**WHEREAS**, the City of Orland has received an application submitted by The Church of Jesus Christ of Latter-Day Saints (LDS) for annexation of territory into the City limits and an action to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code; and

**WHEREAS**, the boundaries of the territory to be annexed are described as Glenn County Assessor Parcel Number 046-080-016; and

**WHEREAS**, the City of Orland proposes to concurrently assign City of Orland zoning to the parcel via the rezoning process with the *R-1, Residential One-Family* zoning district; and

**WHEREAS**, the parcel is 5.76 acres and bordered by property within the City on the south and east; and

**WHEREAS**, the rezoning of the property to *R-1* would create consistency between the existing and approved residential developments to the south, east, and southwest; and

**WHEREAS**, the applicant, acting on behalf of the Church of Jesus Christ of Latter-Day Saints (Landowner), has requested a Conditional Use Permit (CUP) to allow for the approval of a 'Church' pursuant to OMC Chapter 17.20.040(C); and

**WHEREAS**, the Orland City Council certifies that it consents to waiver of the conducting authority proceedings by the Local Agency Formation Commission (LAFCo) of Glenn County, pursuant to Section 56837 of the Government Code.

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on December 21<sup>st</sup>, 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 Categorical Exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15301

**Attachment F**

ANX #2023-01, PZ #2023-01, & CUP #2023-03 (125 Modoc St.)

Page 1 of 3

and 15319 of the State CEQA guidelines further described as the 'Existing Facilities' and 'Annexations of existing facilities and lots for exempt facilities' Exemptions; and

**WHEREAS**, the Planning Commission, in a staff report dated December 21, 2023, recommends to the City Council approving the following actions and making findings with respect to the following requests:

**Prezoning:**

1. The prezoning application generally meets the application and submittal requirements contained in Title 17 ZONING, Section 17.12.060; the property shall be prezoned prior to annexation. Prezoning will be accomplished in the same manner as zoning within the City.
2. The proposed prezoning to R-1 (Residential One-Family) zoning district is consistent with the City of Orland General Plan and is within the City of Orland Sphere of Influence.
3. The proposed prezoning is compatible with the existing use of adjacent properties in the vicinity and with the City's long-term, intended use of adjacent properties, as reflected in the General Plan Land Use Diagram.
4. The proposed prezoning of the property to R-1 would create consistency between the current use which occurs onsite (Church) of which is permitted with a Conditional Use Permit consistent with OMC Section 17.20.040(C).
5. The proposed prezoning to R-1 (Residential One-Family) zoning district will not be detrimental to the public health, safety, or welfare of the City.

**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 R-1, Residential One-Family zoning district upon the issuance of the Permit.

**Initiation of Proceedings for Annexation:**

1. The proposed annexation to the City of Orland of the territory described as Glenn County Assessor Parcel Number 046-080-016 is located within the same county as the City; the territory is contiguous to the City at the time of the initiation of the proposed annexation application; the territory is located within one County, Glenn, and is consisting of one (1) singular parcel of land, as required by Section 56741 of the California Government Code.

2. The proposed annexation would not result in unincorporated territory being completely surrounded by the City of Orland or by the City on one or more sides and the Pacific Ocean on the remaining sides.
3. The proposed annexation territory is not within a farmland security zone or subject to a Williamson Act contract (Sections 51296 and 56752 Ca. Govt. Code) that would require facilities or services.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Orland does hereby recommend to the Orland City Council approval of the rezoning and intent to annex of one (1) parcel (APN 046-080-016), and Conditional Use Permit #2023-02, subject to the Conditions of Approval.

The foregoing Resolution was adopted by the Planning Commission on the 21<sup>st</sup> day of December 2023 by the following vote:

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

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Stephen Nordbye, Chairman

ATTEST:

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