



CITY OF ORLAND STAFF REPORT

MEETING DATE: April 1, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP - City Planner

SUBJECT: **Planned Development Use Permit PD-UP#2024-01:** A request to approve a Planned Development Use Permit (PD-UP) to permit the continued commercial use and occupation of an existing structure located at 909 Third Street, on Glenn County Assessor's Parcel Number (APN) 040-218-001. The existing business is Cabrera's Income Tax service. Pursuant to Orland Municipal Code Chapter 17.60, the proposed action requires the approval of a Conditional Use Permit by the City Council.

SUMMARY:

The City of Orland has received a request for a Planned Development / Conditional Use Permit (PD-UP / CUP#2024-01) on an existing parcel of land identified as 909 Third Street and further as Glenn County APN 040-218-001. The subject parcel is approximately 10,400 square feet in size and is located at the southeast corner of Third Street and Mill Street. The subject parcel is designated *Residential Low Density* (R-L) on the Orland General Plan land use map and located in the *Planned Development* (PD) zoning district. The parcel is located outside of the formally designated Downtown Area/Special Parking overlay district. The current owner, Susana Cabrera, has submitted a request for a Conditional Use Permit, for the purposes of establishing a non-residential land use on the parcel. No requests to modify development standards have been requested or are being proposed.

Orland Municipal Code (OMC) Section 17.60.020, directs that the Planning Commission "provide a recommendation on the planned development applications to the city council". This report and recommendation is intended to conform to the direction provided by the OMC.

BACKGROUND:

The subject parcel is zoned with the *Planned Development* (PD) zoning and the existing structure located on the parcel has been utilized for a non-residential purpose for many decades. The current use of the parcel (*Cabrera's Income Tax services*) has been operating on the parcel for many years. According to the Glenn County Assessor's Office, the existing structure on the site is ±985 square feet in size and was built in 1951.

The Project Site is designated *Residential Low Density* (R-L) on the Orland General Plan land use map. The *Residential Low Density* land use designation is utilized in areas where development of up to 6 dwelling units per acre is desired. The City of Orland General Plan establishes the following additional direction, "[t]ypical development in this designation includes single-family attached and detached homes, accessory structures, and occasionally churches, schools, parks and other governmental or quasi-governmental uses."

No alterations or modifications to the existing structure or parcel are proposed with this action.

In instances where a parcel of land exists which contains an existing developed use that was not being requesting to be modified, the City has historically waived the requirement for the submittal of a detailed Planned Development Master Plan (OMC 17.60.020). As noted previously, no modifications to either the existing built structure or parcel are being pursued or requested with this action. Rather, the proposed action seeks to establish the existing structure as a permitted use of the parcel for a non-residential purpose.

ANALYSIS:

Pursuant to Orland Municipal Code (OMC) section 17.60., uses located in the P-D, *Planned Development* zoning district are subject to the securing of a Use Permit by the City for the use of the parcel.

The existing structure is a one-story, ±985 square foot structure, built in 1951. The historic "front" of the building was oriented toward 3rd Street consistent with the residential uses located in the area surrounding the structure. The current entrance to the existing use is now oriented onto Mill Street. Parking is accommodated by existing diagonally oriented on-street parking, located immediately adjacent to the existing use on both Mill Street and 3rd Street. No off-street parking exists on the parcel currently and none is proposed.

The parcel is provided with City-provided utility services (water, sewer and storm drainage) and is connected to the existing utility grid for electrical service. An existing alleyway is located to the east of the parcel and separates the uses fronting on 3rd street from those fronting onto 2nd street. No changes or alterations to the existing building or the surrounding utilities are proposed with this action.

The application was routed to responsible agencies by City staff and no comments were received.

OMC Chapter 17.60 – P-D Planned Development Zone:

Chapter 17.60 of the OMC provides the legal authority and basis for the issuance of a Use Permit for parcels designated with the Planned Development (P-D) zoning in the City. Section 17.60.010 establishes that:

1. *Submittal of a planned development master plan to the planning commission following the hearing and notification requirements for use permits.*
2. *The detail provided shall be sufficient to show the intended use, density, intensity and plan concepts proposed within the project.*
3. *Within one year of approval of the planned development master plan, an application shall be submitted to rezone the site (or a portion thereof) of to P-D. The P-D zone change request is submitted with a use permit application for the phase(s) of the project included in the requested P-D zone change area. If the site has been previously zoned P-D, a rezone application is not necessary.*
4. *Where lots/parcels are to be sold as part of the planned development, a tentative subdivision or parcel map application shall also accompany the use permit and zone change request.*
5. *If the project is small and the master plan is sufficiently detailed, the use permit approving the master plan may be all that is necessary to authorize project implementation along with a P-D zone change and tentative map application, if applicable.*

As established in the OMC and State law guiding the issuance of Use Permits, the City may impose Conditions of Approval on a Use Permit that it finds necessary to carry out the purpose of the Code. In this instance, staff did not recommended that the Planning Commission impose any specific Conditions of Approval specific to this request and none were added by the Planning Commission upon their approval.

Upon review of the application, the Planning Commission and staff believe that the establishment, maintenance, or operation of the proposed project along with its Conditions of Approval 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.

PLANNING COMMISSION ACTION/SUMMARY:

At the regular meeting of the Planning Commission on March 20, 2025, the Planning Commission conducted a noticed Public Hearing to review and consider the request. Following the conduct of the public hearing and after hearing and considering public input, the Planning Commission voted unanimously via a vote of 5-0 to recommend approval of the PD-UP as submitted to the City Council.

ENVIRONMENTAL REVIEW:

The Planning Commission recommends that the City Council determine that the project is *exempt* from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 “*Existing Facilities*” as the proposed project involves no expansion of the existing structure, no change of use and is located on an existing parcel of land.

FISCAL IMPACT OF RECOMMENDATION:

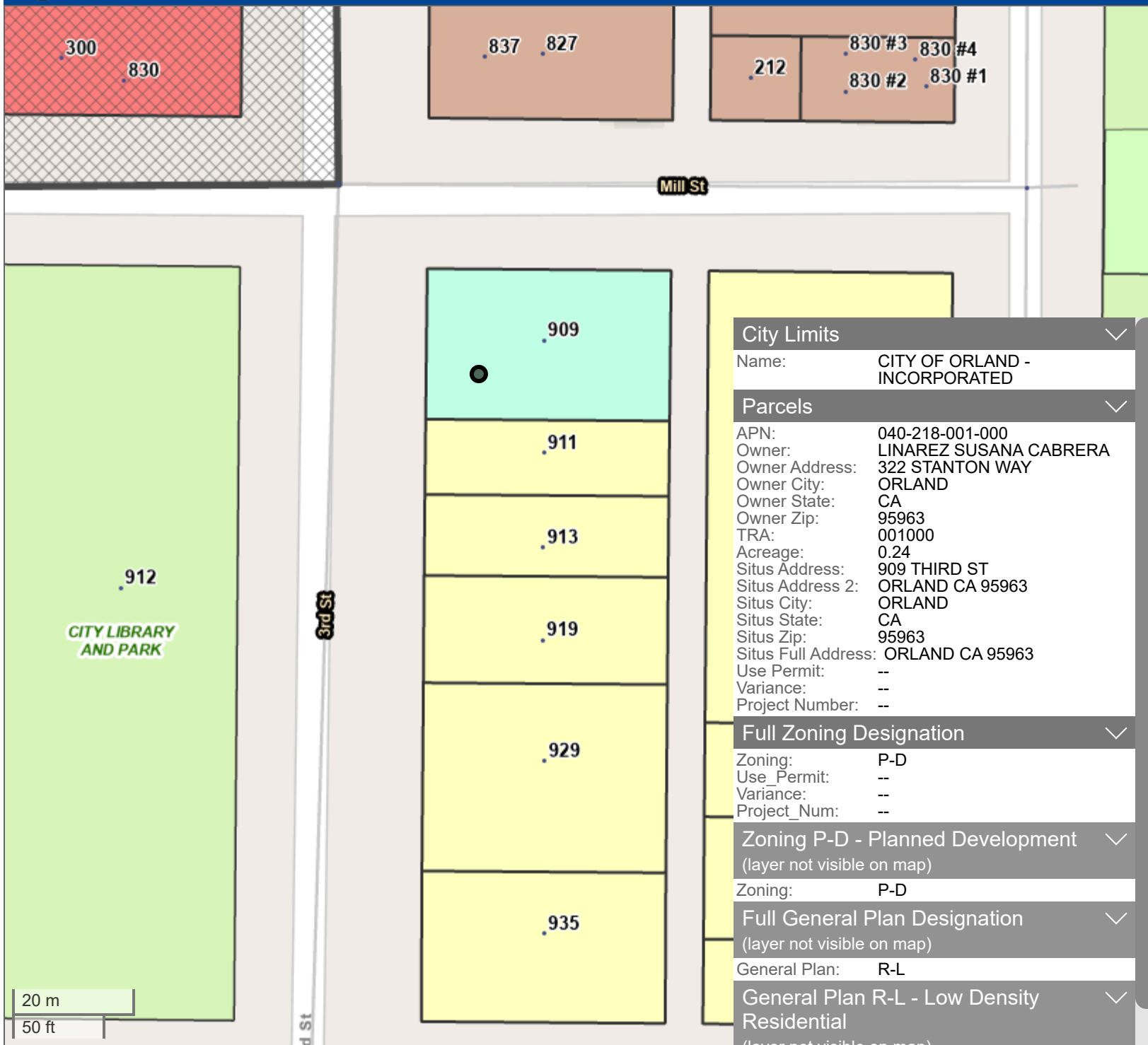
Adoption of the project will have no impact to the budget of the Planning Department and no impact to the City’s General Fund operating budget is anticipated due to the action.

RECOMMENDATION:

The Planning Commission had recommended that the City Council approve the application as submitted, making findings and subject to general Conditions of Approval. Staff recommends that the City Council concur with the recommendation of the Planning Commission via the adoption of City Council Resolution 2025-___, “A Resolution of the City Council of the City of Orland to Approve the Planned Development Use Permit (PD-UP) for the Cabrera’s Income Tax Planned Development – Use Permit Project.”

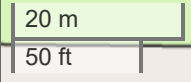
ATTACHMENTS

- **Attachment A – Zoning Site Exhibit**
- **Attachment B – Aerial Photo Exhibit**
- **Attachment C – PD-UP/CUP #2024-01 Application**
- **Attachment D – Conditions of Approval for CUP #2024-01**
- **Attachment E – Required CUP Findings #2024-01**
- **Attachment F – CEQA Notice of Exemption**
- **Attachment G – DRAFT City Council Resolution CC 2025-___**



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



CUP 2024-01
Cabreras Income Tax



Mill St

3rd St

Mill St

Mill Street Sc

CABRERA'S INCOME TAX

Orland Special Programs Center

Orland Free Library



3rd St

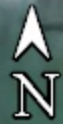
2nd St

Google Earth

Library Park

Image © 2025 Airbus

100 ft



**CITY OF ORLAND
PLANNING DEPARTMENT
815 FOURTH STREET
ORLAND, CA 95963
530.865.1608 (PHONE) 530.865.1632 (FAX)**

APPLICATION FOR A CONDITIONAL USE PERMIT

Please submit the following items. A complete Application will ensure its prompt processing. If you have any questions, please contact the City of Orland Planning Department at 530.865.1608 or by email to nsailsbery@cityoforland.com.

1. APPLICANT(S):

NAME: Subana Cabrera Linarez
ADDRESS: 909 3rd St, Orland, CA 95963
PHONE:(Business): Cabrera's Income Tax LLC
(Home): 530 988 9068
(Mobile): 530 717 7588
EMAIL ADDRESS: ctaxpreorland@gmail.com

2. PROPERTY OWNER(S):

NAME: Subana Cabrera Linarez
ADDRESS: 322 Stanton Way
PHONE:(Business): same
(Home): _____
(Mobile): 530 717 7588
EMAIL ADDRESS: susanacabrera85@gmail.com

3. Name and address of property owner(s) duly authorized agent who is to be furnished with Notice of Hearing (Section 65091 California Government Code):

NAME: Subana Cabrera Linarez
ADDRESS: 322 Stanton Way
PHONE:(Business): _____
(Home): _____
(Mobile): 530 717 7588
EMAIL ADDRESS: susanacabrera85@live.com

City of Orland Conditional Use Permit
Instructions and Application Form

4. Address and Location of Project: 909 3rd St
5. Current Assessor's Parcel Number: _____
6. Zoning: _____
7. General Plan Land Use Classification: _____
8. Existing use of property(ies): Office
9. Request: _____
10. Provide any additional information that may be helpful in evaluating this request:

11. Surrounding Land Uses and Zoning Districts (please be specific):
North: _____
South: _____
East: _____
West: _____
12. Topography: _____
13. Vegetation: _____
14. Water Supply: Source or Type: Provider:
Existing: _____
Proposed: _____
15. Sewage Disposal:
Existing: _____
Proposed: _____

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT #2024-01, 909 Third Street (Cabrera)

Conditional Use Permit #2024-01: A request to approve a Conditional Use Permit (CUP) to permit the non-residential use of an existing structure located at 909 Third Street, on Glenn County Assessor's Parcel Number (APN) 040-218-001. Pursuant to Orland Municipal Code Chapter 17.60, the proposed action requires the approval of a Conditional Use Permit by the City.

Conditions of Approval:

General Conditions:

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. The project applicant and/or contractor shall obtain all necessary 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.
8. 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.
9. 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.
10. If changes are requested to the site plan 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.

Use/Site Specific Conditions of Approval:

1. The project shall maintain adequate entrance and exit access to and from the structure in compliance with the standards of the California Building Code.

2. No additions to the existing structure are permitted with the conditional approval of this request.
3. All outdoor lighting (wall lights, interior signage, etc.) shall be directed away from adjacent uses and properties and shall be shielded so that no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture-head and/or so that no exterior lighting is un-shielded to the public view.

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of CUP#2024-01 and acknowledge and consent to the Conditions as presented.

Signed,

Applicant

Date

**CITY OF ORLAND
FINDINGS OF APPROVAL FOR: CONDITIONAL USE
PERMIT #2024-01**

909 Third Street, Orland, CA 95963
Assessor's Parcel Number: 040-218-001

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 any use designations of the general plan, any applicable specific plan and the PD, Planned Unit Development zoning district upon the issuance of the Permit.
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 17.48.030(A)(3) 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: 040-218-001. 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 17.48.030(A)(3) 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: 040-218-001. The proposed dwelling use is compatible with the surrounding environment as the project site is located in an area of predominantly mixed 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 PD, Planned Development, 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 proposed project meets the criteria for the use of the Existing Facilities (15301), pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

Notice of Exemption**Appendix E**

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Glenn

526 West Sycamore Street

Willows, CA 95988

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

(Address)

Project Title: Conditional Use Permit #2024-218-01

Project Applicant: Susana Cabrera Linarez

Project Location - Specific:

909 3rd Street in Orland, Glenn County, CA 95963. APN 040--001.

Project Location - City: Orland Project Location - County: Glenn County

Description of Nature, Purpose and Beneficiaries of Project:

A proposal to permit the use of an existing parcel for a non-residential use on an existing legal lot in the City of Orland. The Project applicants, Susana Cabrera Linarez, is requesting that a planned development use permit be issued to validate the existing condition on the site. As stated in Orland Municipal Code Section 17.60, a planned development use permit must be issued by the City for the use. The primary beneficiary of the project is project applicant and subsequent owners/users of the parcel.

Name of Public Agency Approving Project: City of Orland

Name of Person or Agency Carrying Out Project: 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)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The City of Orland has determined that this project is exempt from CEQA as it can be seen with certainty that the proposed project would not have a significant effect on the environment as the proposed project involves no expansion of the existing structure. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15301.

Lead Agency

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

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ■ Yes No

Signature: _____ Date: 3/17/2025 Title: City Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

**CITY OF ORLAND
CITY COUNCIL RESOLUTION CC 2025-__**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ORLAND APPROVING A PLANNED DEVELOPMENT
USE PERMIT (PD-UP) ON PROPERTY DESCRIBED AS 909 THIRD STREET
SUBJECT TO THE MAKING OF FINDINGS AND CONDITIONS OF APPROVAL**

**ACTION: APPROVAL OF PLANNED DEVELOPMENT USE PERMIT #2024-01
909 3rd Street, APN: 040-218-001**

WHEREAS, the City Council held a duly noticed public hearing to accept public comments and to review and consider the application on April 1, 2025; and

WHEREAS, the City Council deliberated on the proposed request and has determined, subject to approval of the Planned Development Use Permit being requested and the Conditions of Approval, the request is consistent with the Orland General Plan and the requirements of the Orland Zoning code; and

WHEREAS, the City Council 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 City Council, in a staff report dated April 1, 2025, 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 MU, Mixed Use 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 Planned Development Use Permit #2024-01, subject to the following conditions:

General Conditions:

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. The project applicant and/or contractor shall obtain all necessary 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.
8. 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.
9. 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.
10. If changes are requested to the site plan or the Conditions of Approval, a Planned Development / Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council, prior to implementing the changes.

Use/Site Specific Conditions of Approval:

1. The project shall maintain adequate entrance and exit access to and from the structure in compliance with the standards of the California Building Code.
2. No additions to the existing structure are permitted with the approval of this request.
3. Any/All new outdoor lighting (wall lights, signage, etc.) shall be directed away from adjacent residential uses and properties and shall be shielded so that no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture-head and/or so that no exterior lighting is un-shielded to the public view.

The foregoing Resolution was adopted by the City Council on the 1st day of April, 2025 by the following vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

ATTEST:

Jennifer T. Schmitke, City Clerk