

**CITY OF ORLAND
CITY COUNCIL ORDINANCE 2024-01**

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 6th, 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 6th, 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.

Attachment D

CUP #2023-03 (Modoc Street Annexation)

Page 1 of 3

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 6th 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