



PLANNING COMMISSION REGULAR MEETING MINUTES

Thursday, November 16, 2023

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

2. **Pledge of Allegiance** – led by Commissioner Romano

3. **Roll Call:**

Commissioner's present – Chairperson Stephen Nordbye, Vice Chairperson Wade Elliott, Commissioners Sharon Lazorko, Michelle Romano, and Vern Montague

Commissioner's absent - None

Councilmember(s) present - Councilmember John McDermott

Staff present - City Planner Scott Friend; City Clerk Jennifer Schmitke; Director of Administrative Services/ACM Rebecca Pendergrass; Police Chief Joe Vlach; Fire Chief Justin Chaney; Public Works Director Ed Vonasek; City Engineer Paul Rabo; City Manager Pete Carr

4. **ORAL AND WRITTEN COMMUNICATIONS**

Citizen Comments - None

5. **CONSENT CALENDAR**

ACTION: Commissioner Montague moved, seconded by Vice Chairperson Elliott to approve consent calendar as presented. Motion carried unanimously by a voice vote, 5-0.

6. **PUBLIC HEARING**

A. Public Hearing: Tentative Subdivision Map (TSM) and Mitigated Negative Declaration Addendum (MND) – Quiet Creek Subdivision project. Applicant: Quiet Creek, Inc. (TSM #2022-02)

City Planner Scott Friend presented a request to subdivide and existing 34.76-acre property into 68 parcels, to be known as the "Quiet Creek" Subdivision. Mr. Friend explained that of the 67 parcels, 65 will be used for the development of single-family homes. Of the two remaining lots, Lot A will include an area for a +/-319,041 sq. foot (7.32 acres) stormwater drainage basin and open space/recreation area. Lot B (+/-5,476 sq. foot) will be dedicated to the City of Orlando for a possible future well location. The property is currently vacant/undeveloped land. Mr. Friend shared that an Initial Study/Mitigated Negative Declaration was completed for the project (SCH# 2023080044). Mr. Friend stated that this project site is located directly north of the intersection of Road M ½ and Bryant Street and east of Stanton Way and north and west of an irrigation canal

known as Lateral 40. The Assessor Parcel Number (APN) for the Project Site is 046-090-018-000. The property is zoned "R-1" (Residential, One-family) and designated in the General Plan as "Low Density Residential" (R-L).

Mr. Friend explained to the Commission that modifications that were made to the map after meeting with City Staff and applicant including:

- Removing two lots at the intersection of M ½ and Bryant so that headlights would not be pointed directly into the front of the proposed homes for the possibility of a future park for the subdivision, similar to the open park in the Linwood Subdivision.
- Include a requirement for a walking path (15 ft wide easement) along the top-edge of the retention basin area in conformance with Figure 5-1 of the General Plan and to allow for easier accessibility into the basin.
- Increase the size (width) of the proposed Lot B so that the radius around any potential future improvements (e.g. well) had an adequate amount of buffer space.
- Add a cul-de-sac "bulb" to provide for emergency vehicle access at the end of Andrea Way.

Vice Chairperson Elliott inquired about adding two additional lots due to the two that were removed for the park on Bryant. Mr. Friend shared that three lots were moved to the north end of Andrea Way to offset the loss of lots for the proposed open space/neighborhood park area and for the enlargement of the proposed Lot B.

Chairperson Nordbye invited a Visinoni representative to come forward and give a statement. Mike Visinoni, Visinoni Brothers representative spoke briefly about the development and shared that the company enjoys building in Orland and look forward to continuing to work in the City.

Commissioner Elliott thanked the Visinoni for coming to the meeting.

Mr. Friend shared that he had received an email before the meeting from a neighbor of the proposed development stating their concerns about trespassing in the creek and they wanted to make sure that the City incorporated the right-to-farm ordinance into this project.

Chairperson Nordbye opened the Public Hearing at 5:44 PM.

Orland area resident, Chris Lapp stated his concerns over the project including contaminated water runoff into his well, imported/exported soil in the project area, Road M ½ and Bryant Street damage from construction trucks and damage to the natural habitat at his property line. Mr. Lapp stated he wanted to make sure his property is protected.

Orland area resident, Julie Henderson shared her issues with the project including being worried about her well level dropping, well damage from contamination from this project, the traffic/road conditions this project will bring on the road and she asked if a sound barrier of some kind will be built to block the noise this project will bring being so close to her country home.

Orland area resident, Carel Lely stated his concerns about the trespassing issues on the ditch along the project and asked if the City could put up a fence and signage to help enforce trespassing.

Chairperson Nordbye closed the Public Hearing at 6:02 PM.

Commissioner Romano stated concerns with the project regarding the general plan circulation element, asked about naming the subdivision streets and shared her opinion on the connectivity

of the streets through the subdivision, stating she would like to see Road M ½ go all the way through into the new subdivision for easier access of the community. Mr. Friend clarified that this project is proposing to dedicate the existing retention basin to the City of Orland and the City of Orland would then have to make the decision to make it a formal recreational amenity in the future. Mr. Friend noted that it is the understanding of staff that the basin is currently a storm drainage easement and has not been dedicated to the City. Mr. Friend shared that it was staff's belief that the proposed Andrea Way cul-de-sac allows for better access to the basin than running Road M ½ straight through the subdivision based upon input received from local emergency services providers.

Vice Chairperson Elliott asked if all City departments have reviewed the map and the proposed changes and asked if they had any concerns. City Staff (Public Works, Fire and Police) shared that they had all reviewed the new map changes and believe that public safety measures have all been discussed and are supported. Vice Chairperson Elliott stated his concern for the existing neighbors' wells and asked if the City could service the proposed new homes without a new well. City Engineer Paul Rabo stated that fire capacity would be lacking, but for residential uses the City does have the capacity to connect these homes. Mr. Rabo noted that one of the conditions of approval was that the developer would be required to construct a looped water system throughout the subdivision for water service via existing municipal water lines. Mr. Friend explained that there is no commitment for a well at this time, only that lot is being dedicated for a potential future well location. He noted that any action to approve a well on the lot would be a separate action from what was being considered.

Vice Chairperson Elliott suggested working with the County on enforcement of trespassing along County canal and into the creek, public safety in the project area and conditions of the roadways. Mr. Friend stated that all projects are routed through the County and the City did not receive comments back on this project from the County. Vice Chairperson Elliott asked about the type of housing development this subdivision might end up being. Mr. Visinoni shared that currently they are working on 3 models for the Quiet Creek subdivision with a mix of 3 bed/2 baths at 1450 sq. ft, 3 beds/2 baths 1650 sq. ft homes and a few 4 bed/3 bath at 1800-1850 sq. ft.

Commissioner Romano asked about agricultural buffer guidelines and Mr. Friend explained that the City does have guidelines and briefly explained established guidelines. Mr. Friend discussed active agriculture in the area of this subdivision and stated that the concept of agricultural buffering is addressed in the Orland Municipal Code. Vice Chairperson Elliott mentioned that when the homes are sold developers should disclose that nearby farmers do actively spray chemicals, and harvest which may cause dust in the air. Mr. Friend agreed with the comment. Commissioner Romano asked about the potential for nature trails behind Quiet Creek and asked why the Commission didn't name the subdivision streets. Mr. Friend stated that developers usually name the streets in a project and shared that the Planning Commission has the ability to change the names of the streets if they decide they don't like the names. Mr. Friend noted that street names are not required to be noted at the time of a tentative subdivision map action.

Chairperson Nordbye asked about water run-off from the project. Mr. Rabo stated that the developer is required to create a storm water pollution prevention plan that is filed with the state prior to any construction activity. He further noted that the plan has requirements for post construction standards on how the water will be treated as it runs off the road before it enters

storm basins, ponds, and other water ways. Mr. Friend directed the Commission to review condition number 23. Chairperson Nordbye asked about the developer building a sturdy buffer and/or sound wall between the new subdivision and canal. Mr. Friend directed the Commission to condition 41 that discusses fencing and indicated that the Commission could address this issue.

Commissioners discussed concerns they had with the project, shared ideas that they would like to see changed to the project and possible recommendations for the Council including the possibility of considering moving an future well to another area, building a sound/buffer wall between development and Lateral 40 canal, and considering having Road M ½ going all the way through project.

ACTION: Vice Chairperson Elliott moved, seconded by Chairperson Nordbye to approve Planning Commission Resolution PC 2023-08, recommending the approval of the proposed Tentative Subdivision Map on APN 046-090-018, otherwise known as the Quiet Creek Subdivision, subject to the Findings and Conditions of approval including Commissioner comments and Public Hearing Comments to the Council. The motion includes, the inclusion of a right-to-farm notice on the approved map, the construction of a recreation trail along the rim of the detention basin/recreation area and construction of gates at the end of the Andrea Way cul-de-sac and recreation trail. The motion also includes that the Planning Commission recommends the adoption of the Initial Study/Mitigated Negative Declaration prepared for the project, approval of the draft Mitigation Monitoring and Reporting Program and making the findings for the actions. Motion carried by a roll call vote, 4-1.

Ayes: Commissioners Sharon Lazorko, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

Nays: Commissioner Michelle Romano

B. Conditional Use Permit: CUP 2023-02 – Mauricio Automobile Service Station and Spray Booth (421 Road 15)

Mr. Friend presented a request for a Conditional Use Permit (CUP 2023-02) to permit the operation of an Automotive Service Station, and accompanying new vehicle spray booth structure, on an existing parcel identified as 421 Road 15 and further as Glenn County APN 041-200-005. Mr. Friend noted that the parcel contains an existing building for which a portion was currently vacant. The subject parcel is designated Commercial (C) on the General Plan land use map and located in the C-1 (Neighborhood Commercial) zoning district. Pursuant to Orland Municipal Code Chapter 17.36.040, the proposed action requires the approval of a Conditional Use Permit by the Planning Commission. Mr. Friend explained that proposed use involves elements of both land use types via the repair and service of automobiles, as well as the paint booth, that could be considered a similar service of light commercial character. Mr. Friend shared that City Staff has determined that the proposed "Spray Booth" is considered an increase in intensity of use of the existing facility, and noted staff's concerns related to the potential for fumes emanating into the surrounding neighborhood, and therefore staff is not supportive of approving the proposed "Spray Booth" component of the proposed project. Mr. Friend briefly discussed the historical use of the parcel.

Chairperson Nordbye thanked the new owner for coming to the meeting and stated his appreciation for the way the owner has cleaned up the property.

Mauricio Murrillo, applicant, shared briefly with the Commission his background and about his past working in the autobody and auto repair field. Mr. Murrillo stated that he cannot run the business without the “Spray Booth” component and that a spray booth was required for him to finish projects.

Chairperson Nordbye opened the Public Hearing at 6:53 PM.

No public comments were offered during the public hearing and staff noted that no written comments were received. Chairperson Nordbye closed the Public Hearing at 6:53 PM.

Vice Chairperson Elliott asked if the current zoning excludes “Spray Booths”, Mr. Friend shared that only automotive repair facilities are identified in the City Code and noted that there is not a definition for spray or paint booths. Vice Chairperson Elliott asked if there would be an exhaust system and if the booth would be sealed. Mr. Murrillo shared that there will be an air filtering system and that the spray booth would be sealed room. Vice Chairperson Elliott explained he is in favor of the business as long as it is properly managed and there are no complaints from nearby neighbors. Commissioner Romano asked about the location of the “Spray Booth” and Mr. Friend clarified and showed on a diagram where the proposed “Spray Booth” would be located. Commissioner Montague stated his concerns about the filtration system and environmental hazards. Mr. Friend shared that the City requires that the business must get full approval from Glenn County Environmental Health prior to beginning operations and stated that the Commission has the right to add a condition addressing the environmental concerns.

ACTION: Commissioner Lazorko moved, seconded by Commissioner Montague to approve Planning Commission Resolution PC 2023-09 approving Conditional Use Permit application #2023-02 subject to the Conditions of Approval provided in the attachments to include the spray booth and also approve the project (CUP 2023-02) and determine that the proposed action is exempt from further review pursuant to Section 15301 of the PRC. Motion carried by a roll call vote, 5-0.

Ayes: Commissioners Sharon Lazorko, Michelle Romano, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

Naes: None

C. Public Hearing: Rezoning (Z2023-01), Tentative Subdivision Map (TSM 2022-01/2023- 02) and Mitigated Negative Declaration Addendum (MND) – Penbrook Subdivision project. Applicant: Precision Surveying / Schellinger Brothers LLC (TSM #2022-01/ ZONING #2022-01)

City Planner Scott Friend brought back to the Commission a proposed project known as the “Penbrook” Subdivision. Mr. Friend briefly described the site location and spoke of the extensive project history. Mr. Friend presented that the proposed project would involve subdividing the existing +/-5.7-acre parcel into 34 lots, rezoning of the existing parcel from “R-1” (One-Family Residential) to “P-D”(Planned Development), and included a CEQA environmental review component. Mr. Friend reminded the Commission that this project was originally reviewed by the Commission at their meeting on the 18th of May and that they directed City Staff at that meeting to engage with the applicant regarding the making of further modifications to the proposed

subdivision map. Mr. Friend noted that the applicant has made modifications to the TSM but after City Staff review, they still do not support the map as it was proposed due to public safety and service infrastructure issues related to the design. Mr. Friend shared an alternative design showing modifications that City Engineer made to the applicants current TSM. Mr. Friend shared that staff was recommending that the Planning Commission deny the current TSM#2022-01 as proposed due to staff's concerns. Mr. Friend noted that there was not an opposition to the idea of residential development on the site, that staff was not opposed to the idea of smaller lots but noted that staff remained concerned about the design and about eliminating the Planning Commission from consideration of future design changes if the project was advanced.

Penbrook subdivision representative Mr. Steve Butler noted that the Schellinger Brothers, owners were in attendance. Mr. Butler shared that he has presented 4-5 map modifications to staff prior to this time, he addressed the public safety issues that City Staff were concerned about and stated his concerns about additional modifications to the map and wording in the conditions of approval.

Chairperson Nordbye opened the Public Hearing at 7:21 PM.

No public comments were offered during the public hearing and staff noted that no written comments were received. Chairperson Nordbye closed the Public Hearing at 7:21 PM.

Commissioners discussed issues related to storm drainage, stated concerns for the proposed hammerhead access design, addressed the pros/cons regarding the use of removable bollards for access at the north and south ends of the proposed hammerhead road, and suggested alternative design modifications for staff to review. City Staff present at the meeting shared their concerns with the proposed project in its proposed configuration. City Staff and Commission members stated they would like to see suggested modifications on paper and brought back in January to the Planning Commission for further consideration and review. The Commissioners indicated that they supported the rezoning of the parcel from the R-1 zoning designation to the P-D, Planned Development zoning designation to allow for enhanced flexibility in the design of the project and to provide the applicant with the opportunity to more creatively utilize the site. Nordbye wanted to note that the Commission discussed with the developer for the Penbrook proposed subdivision the plot plan and that the Commission asked the developer to go through and make some changes. Chairperson Nordbye reminded the Commission that the developer stated they would bring back the changes at a later date.

ACTION: Vice Chairperson Elliott moved, seconded by Commissioner Lazorko to approve the concept of the rezoning of the site from the R-1, Residential One-Family zoning district to the P-D, Planned Development zoning and approving a Planned Development Conditional Use Permit on the site subject to the findings provided in staff report attachments for the purpose of developing development standards and parameters on the site for the purposes of preparing a revised Tentative Subdivision Map at future meeting. The motion also included a determination that the Planning Commission recommend to the City Council the adoption of the addendum to the Penbrook Subdivision Project Initial Study/Mitigated Negative Declaration and the Penbrook Subdivision Project Mitigation Monitoring and Report Program with the provision for satisfaction of the project to increase from 1 years to 3 years. Motion carried by a roll call vote, 5-0.

Ayes: Commissioners Sharon Lazorko, Michelle Romano, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

Nays: None

ACTION: Vice Chairperson Elliott moved, seconded by Commissioner Montague that the decision on the Tentative Subdivision Map for the proposed "Penbrook" Subdivision be continued to the January Planning Commission meeting. Motion carried by a voice vote, 5-0.

7. STAFF REPORT

Mr. Friend shared that it was his intention to bring both the revised Housing Element document and the Modoc Street annexation request to the Commission at their regular meeting proposed for December 21, 2023.

8. COMMISSIONERS REPORTS

- Chairperson Nordbye thanked City Staff for attending the meeting.
- Commissioner Romano nothing to report.
- Vice Chairperson Elliott nothing to report.
- Commissioner Montague nothing to report.
- Commissioner Lazorko shared her thoughts on the new striping on East Street.

9. FUTURE AGENDA ITEMS

None

10. ADJOURNMENT – 8:00 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson