



## PLANNING COMMISSION REGULAR MEETING MINUTES

Thursday, June 20, 2024

**Call to Order** – The meeting was called to order by Chairperson Stephen Nordbye at 6:02 PM.

### Pledge of Allegiance

#### Roll Call:

Commissioner's present: Chairperson Stephen Nordbye, Commissioners Sharon Lazorko, Wade Elliott, Vern Montague and Vice Chairperson Michelle Romano  
Commissioner's absent: None  
Councilmember(s) present: Jeffrey Tolley  
Staff present: City Planner Scott Friend; City Clerk Jennifer Schmitke

### ORAL AND WRITTEN COMMUNICATIONS - None

### CONSENT CALENDAR

Approval of Prior Minutes: April 18, 2024

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

### PUBLIC HEARING

- A. **VAR#2024-01 – 33 E. Walker Street, Quezada, R.:** A request to approve a Variance pursuant to Orland Municipal Code Chapter (OMC) 17.84 for a reduction in the required rear yard setback (OMC Section 17.40.135.B) on an existing developed lot identified as 33 E. Walker Street and further identified as APN 041-072-002

City Planner Scott Friend presented a request to approve a variance pursuant to Orland municipal code chapter 17.84 for a reduction in the required rear yard setback (OMC Section 17.40.135.B) on an existing developed lot identified as 33 E. Walker Street (APN 041-072-002). Mr. Friend states that the subject parcel is designated as Commercial (C) on the Orland General Plan land use diagram and is zoned C-2, Community Commercial pursuant to OMC Chapter 17.40. Mr. Friend explained that Mr. Quezada is requesting the rear yard setback to align a proposed expansion of the existing structure with the developed structure on site. Mr. Friend explained that there is no setback requirement in the C-2 zoning district except when a rear yard abuts a residential zone. At that time the required rear yard setback is fifteen (15) feet. The applicant, Mr. Quezada, owns a building backing onto properties having a residential zoning district. The properties to the south of Mr. Quezadas property are zoned with the R-1 zoning district. Mr. Fried explained that the existing structure on the site has a rear-yard

setback of approximately 10 feet and the applicant (Mr. Quezada) is requesting that the proposed new portion of the structure be allowed to reduce the setback requirement in the Municipal Code from 15 feet to match the rear yard setback for the existing structure. The proposed setback reduction would be approximately five (5) feet and would allow the newly proposed construction to align with and match the setback of the existing structure.

Mr. Friend shared that the Municipal Code (OMC Section 1784.020) requires that three (3) findings are made when considering a variance. Mr. Friend read the required findings for the Commission.

Chairperson Nordbye opened the public hearing at 6:10 PM.

Applicant Manual Quezada briefly explained the expansion project sharing they will be keeping the existing building and adding on. Mr. Quezada thanked the Planning Department and Commission for supporting the project.

Chairperson Nordbye closed the public hearing at 6:12 PM.

Vice Chairperson Romano asked if the building height was going to stay the same. Mr. Quezada stated the roof height/line would stay the same on the extension.

Commissioner Lazorko asked what the building would be used for, and Mr. Quezada shared it would be turned into a five 3-bedroom apartment complex.

Commissioner Elliott clarified that the planning commission isn't asked to change City standards regarding setbacks but just one parcel/one variance project. Commissioner Elliott spoke about the 3 conditions that must be met on this project. Commissioner Elliott suggested having City Staff bring a report on setback for the Planning Commission to review for future development projects.

**ACTION:** Commissioner Elliott moved, seconded by Commissioner Montague that the Planning Commission makes findings for approval of variance 2024-01 pursuant to OMC section 17.84.020 and Planning Commission acknowledges the three (3) requirements we've satisfied specifically that the conditions applicable to this property which do not apply to other properties in the vicinity and that the Planning commission acknowledges that this property is exempt from CEQA. Motion carried unanimously by a roll call vote, 5-0.

Ayes: Commissioners Lazorko, Montague, Elliott, Vice Chairperson Romano and Chairperson Nordbye  
Noes: None

## **ITEMS FOR DISCUSSION**

### **A. Building Orientation**

Chairperson Elliott shared that the presentation will be moved to a future meeting.

## **STAFF REPORT**

Mr. Friend shared that he felt that there is a misunderstanding about how developments works in the City sharing that the OMC states that site plans do not come to or thru the Planning Commission. Rather, approvals are completed by the City Manager and that the action is ministerial (ministerial actions cannot be conditioned or denied per state law), as it is the role of staff reviewing site plan applications to determine only if the proposed plan complies with City Code requirements or it doesn't and he noted that no staff discretion is used to make a decision on a site plan application. . Mr. Friend explained that it has been City protocol since he has been working for the City to never bring a site plan to the Planning

Commission or City Council unless they are accompanied by a discretionary action such as variance, conditional use permit (CUP), rezoning or general plan amendment. Mr. Friend asked if the Commission would like to discuss this item more at a future meeting. Commissioner Elliott asked City Council member Jeffrey Tolley if he knew about ministerial and discretionary actions. Councilmember Tolley shared he felt like it needs to be discussed more with both the City Council and all of the City's Commissions.

Mr. Friend shared the City has issued 9 Administrative Use Permits over the last month, mostly fireworks stands. There have been 2 Home Occupancy Use Permits, 3 Site Plans are currently in the review stage, there are 2 code enforcement actions underway for businesses without site plans. Mr. Friend shared that on the City website there is a current development map showing projects. Commissioner Elliott shared this map allows for all to get on the website to review what is going on in the City.

## **COMMISSIONERS REPORTS**

- Commissioner Montague: Nothing to Report.
- Commissioner Lazorko: Nothing to Report.
- Chairperson Nordbye: Nothing to Report.
- Commissioner Elliott: Commissioner Elliot stated that he was sorry that he was absent to the last two meetings and noted his intention to be present at future meetings and his desire to remain on the Planning Commission.
- Vice Chairperson Romano: Ms. Romano noted her attendance at the Bee Sculpture ribbon cutting event.

## **ADJOURNMENT – 6:32 PM**

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson