



ORLAND CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, January 16, 2024 at 6:30 PM
Carnegie Center, 912 Third Street and Via Zoom

P: (530)-865-1600 | www.cityoforland.com

City Council: Chris Dobbs, Mayor | Bruce T. Roundy, Vice-Mayor

Jeffrey A. Tolley | John McDermott | Mathew Romano

City Manager: Peter R. Carr

City Officials: Jennifer Schmitke, City Clerk

Virtual Meeting Information:

<https://us02web.zoom.us/j/85315101301>

Webinar ID: 8153 1510 1301 | Zoom Telephone: 1 (669) 900-9128

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at jtschmitke@cityoforland.com or by phone at (530) 865-1610 by 4:00 p.m. on the day of the meeting

1. **CALL TO ORDER - 6:30 PM**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSENT CALENDAR**
 - A.** Warrant List (Payable Obligations) (Pg.3)
 - B.** Approve City Council Minutes for January 2, 2024 (Pg.7)
 - C.** Receive and file Library Commission Minutes from November 13, 2023 (Pg.14)
 - D.** Receive and file Planning Commission Minutes from November 16, 2023 (Pg.16)
5. **RECOGNITION - Service Years Acknowledgment: Byron Denton**
6. **PUBLIC HEARING**
 - A.** Tentative Subdivision Map (TSM) and Mitigated Negative Declaration Addendum (MND) – Quiet Creek Subdivision project Supplement. Applicant: Quiet Creek, Inc. (TSM #2022-02) (15 min)(Pg.23)
 - B.** Proposed Amendments to Water and Sewer Service Charges (15 Min) (Pg. 89)
 - *Consider protests to proposed amendments to water and sewer service charges.
 - *Consider adoption of Resolution 24-XX amending water and sewer service charges schedule, establishing new water and sewer rates for Calendar Year 2024, and for providing a CPI adjustment thereafter.
7. **PRESENTATIONS - Fire and Police Department Annual Presentations**

8. ADMINISTRATIVE BUSINESS

- A. Schedule Special Meeting for Adoption of Street Project Environmental Report - Pete Carr, City Manager (5 Min) (No Staff Report)

9. ORAL AND WRITTEN COMMUNICATIONS

Public Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor. However, no formal action or discussion will be taken unless placed on a future agenda. The public is advised to limit discussion to one presentation per individual. While not required, please state your name and place of residence for the record. Please direct your comments to the Mayor or Vice Mayor. (Public Comments will be limited to three minutes).

10. CITY COUNCIL COMMUNICATIONS AND REPORTS

11. ADJOURN TO CLOSED SESSION

12. CLOSED SESSION

- A. Public Comments: The Public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section: 54957
Position:City Manager

13. RECONVENE TO REGULAR SESSION

14. REPORT FROM CLOSED SESSION

15. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on January 12, 2024.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at www.cityoforland.com where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 530-865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



CITY COUNCIL

Chris Dobbs, Mayor
Mathew Romano, Vice-Mayor
Bruce T. Roundy
Jeffrey A. Tolley
John McDermott

CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street
ORLAND, CALIFORNIA 95963
Telephone (530) 865-1600
Fax (530) 865-1632

CITY OFFICIALS

Jennifer Schmitke
City Clerk

Leticia Espinosa
City Treasurer

CITY MANAGER

Peter R. Carr

WARRANT LIST

January 16, 2024

Warrant	1/11/2024	\$	248,066.23
Pers 11/30/2023 - 12/13/2023	12/21/2023	\$	28,981.60
Pers 12/14/2023 - 12/27/2023	1/9/2024	\$	29,028.67
		\$	<u>306,076.50</u>

APPROVED BY

Mayor, Chris Dobbs

Vice-Mayor, Mathew Romano

Councilmember, Jeffrey A. Tolley

Councilmember, John McDermott

Councilmember, Bruce T. Roundy

REPORT.: Jan 11 24 Thursday
 RUN....: Jan 11 24 Time: 10:43
 Run By.: Leticia Espinosa

CITY OF ORLAND
 Cash Disbursement Detail Report
 Check Listing for 01-24 thru 01-24 Bank Account.: 1001

PAGE: 001
 ID #: P
 CTL.: 4. A.

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
058412	01/11/24	ABD00	ADVANCED DOCUMENT CONCEPT	10.10 172.01 436.20 184.33 15.40	117810 INV117807 INV117808 INV117809 INV117811	FD/MEASURE A-COPIER DEC 1-31,2023 PD/COPIER DEC 1-31, 2023 CITY HALL/COPIES DEC 1-31,2023 BD-PLAN-PW/COPIES DEC 1-31,2023 REC/COPIES DEC 1-31,2023
			Check Total.....:	818.04		
058413	01/11/24	AIR01	Airgas-USA, LLC	444.48	33142,728	FD/MEASURE A-MEDICAL OXYGEN
058414	01/11/24	AMA02	AMAZON CAPITAL SERVICES	883.45	11G3LL6K	LIB/ZIP BOOKS
058415	01/11/24	AMA03	AMAZON CAPITAL SERVICES	441.11	1YV9WYQPW	LIB/BOOKS AND PROGRAM SUPPLIES
058416	01/11/24	APP03	Applied Concepts Inc	12930.95	430198	PD/MEASURE A-FISCAL YR 22/23 RADARS NEW VEHICLES
058417	01/11/24	ARA00	ARAMARK UNIFORM SERVICES	1061.40	12302023	PW/UNIFORM CLEANING DECEMBER
058418	01/11/24	ATT07	A T & T	95.65	12252023	AC/PHONE LINE & INTERNET
058419	01/11/24	ATT09	AT&T MOBILITY	858.20	X12102023	PD/CELL SERVICE (14)
058420	01/11/24	AWA00	Awards Company	60.35	24804	PLAQUE FOR BYRON DENTON
058421	01/11/24	BAL00	Knife River Construction	713.91	297688	PW/STREET SUPPLIES
058422	01/11/24	BET02	BETTER EARTH ELECTRIC INC	175.00	01102024	BLDG/REFUND OF BUILDING PERMIT #23026
058423	01/11/24	BRA05	BRANDEN'S PLUMBING & ROOT	2000.00	1225	FD/MEASURE A-KITCHEN FAUCETS REPLACEMENTS
058424	01/11/24	CAL14	Cal Signal Corp	4200.00	9825	PW/COMMERCE/NEWVILLE INTERSECTION INSPECTION
058425	01/11/24	CAR02	CARDMEMBER SERVICE	4396.42 489.56 3379.14 344.91 1542.81 4375.69 2652.30	DEC2023 DEC23RE Dec2023 12282023 DEC2023FD DEC2023PD DEC2023PW	PW/OFFICE/SEWER SUPPLIES, PW/PD/FD/FLEET EQ MAIN. REC/APPLE, SCHEDULING APP, VOLUNTEER LUNCH OHS CH/ZOOM, UTILITY POSTAGE, EMP LUNCHEON LIB/BOOKS, PROGRAM SUPPLIES, SOFTWARE FD/MEASURE A-OFFICE SUPPLIES, CE RENEWAL PD/TRNING, INTERNET, HOLSTERS, TECH UPGADE, SUPPLIES MULTI-DEPT/SUPPLIES PW/EQUIPMENT MAINTENANCE
			Check Total.....:	17180.83		
058426	01/11/24	CAS05	CASCADE FIRE EQUIPMENT	17924.89	7386,8992	FD/MEASURE A-HOSE NOZZLES
058427	01/11/24	CES01	Kyle Cessna	150.00	01012024	PD/PER DIEM TRNING LOS ANGELES JAN 18-20,2024
058428	01/11/24	CIT01	City of Corning	3638.25	12312023	FD/MEASURE A-DISPATCH
058429	01/11/24	COM02	Comcast	404.70 304.38	1222023 01092024	FD/INTERNET FOR FIREHOUSE MULTI-DEPTS/INTERNET CONNECTION
			Check Total.....:	709.08		
058430	01/11/24	COR00	CORNING LUMBER CO., INC.	32.36 747.05	89931 12252023	FD/MEASURE A-PROPANE TANK LIB/UPGRADES
			Check Total.....:	779.41		
058431	01/11/24	COR02	Corning Chevrolet Buick	424.63	861,866	PD/FLEET EQUIPMENT MAINTENANCE
058432	01/11/24	COR05	Corning Ford	391.18	58194	PW/FLEET EQUIPMENT MAINTENANCE
058433	01/11/24	CSA00	CSAC-EIA	531.30	24400886	EMPLOYEE ASST PROGRAM JAN-MAR 2024
058434	01/11/24	DOW00	DOWN RANGE	24.89	664542	PD/MEASURE A-ACADEMY SUPPLIES FOR NEW RECRUIT
058435	01/11/24	EIN02	Gregory P. Einhorn	4200.00	12608DEC	CA/CONTRACT SERVICES
058436	01/11/24	ELLO6	STEVE ELLIOTT	51.66 21.54	01032024 12022023	AC/REIMBURSEMENT GALLERY SUPPLIES AC/NEW CLOCK FOR GALLERY
			Check Total.....:	73.20		
058437	01/11/24	FLO04	JOSE FLORES	100.00	01012024	PD/PER DIEM TRNING SACRAMENTO FEB 12-13,2024
058438	01/11/24	FRA00	FRANCOTYP-POSTALIA, INC.	286.77	RI1060245	MULTI-DEPTS/POSTAGE METER RENTAL
058439	01/11/24	GAY01	GAYNOR TELESYSTEMS INC	116.00 51.00	43545 C40110	PD/PHONE GREETING FD/MEASURE A-FAXFINDER CLOUD
			Check Total.....:	167.00		
058440	01/11/24	GLE14	GLENN COUNTY	3966.75	01102024	PLAN/M 1/2 IMPRV PROJECT (CEQA-ND)

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
058441	01/11/24	GRA02	GRAINGER, INC.	2329.09	55878,967	PW/SHOP/WATER/SEWER/SAFETY SUPPLIES
058442	01/11/24	GRO00	Ferguson Enterprises Inc	1054.62	1827931	PW/WATER & SEWER SUPPLIES
058443	01/11/24	GUE03	Jorge Guerrero	220.00	01092024	PW/REIMBURSEMENT FOR BOOTS
058444	01/11/24	HEI01	VIRGIL HEISE	100.00	12012023	FD/JANITORIAL
058445	01/11/24	HIN03	Hinderliter deLlamas & As	300.00	SIN034659	CONTRACT SERVICES- TRANSACTION TAX OCT - DEC 2023
058446	01/11/24	HOM00	HOME DEPOT CREDIT SERVICE	3204.06	12132023	LIB/UPGRADE SUPPLIES, PW/SHOP SUPPLIES
058447	01/11/24	HOU05	HOUSING TOOLS	212.50	3012	LABOR FOR LIBERTY BELL,QTY REPORT HCD,SUBMIT MSR
058448	01/11/24	INT03	INTERNATIONAL ASSOCIATION	65.00	M24-C6715	PD/MEMBERSHIP RENEWAL & (4)DIGITAL MAGAZINE
058449	01/11/24	JAS01	JASPER ENQINE EXCHANGE, I	4920.83	13098722	PD/FLEET EQUIPMENT MAINTENANCE
058450	01/11/24	KEV00	KEVIN TUPES	910.00	01042024	PW/WELL UPGRADES & AFTER HOURS CALL
058451	01/11/24	LES00	LES SCHWAB	9.99	585089	PD/FLEET EQUIPMENT MAIN-VIPS
058452	01/11/24	LIF00	Life Assist Inc.	576.98	13855619	FD/MEASURE A-MEDICAL SUPPLIES
058453	01/11/24	LOW01	KATHERINE LOWERY	250.00	01012024	PD/PER DIEM TRNING SACRAMENTO FEB 12-16, 2024
058454	01/11/24	MEJ01	Lilia Mejia-Aparicio	233.57	12272023	PD/MILEAGE REIMB TRNING DUBLIN DEC 6-8,2023
058455	01/11/24	MEZ00	JODY MEZA	250.00	01052024	LIB/DEC TRAVEL TO WILLOWS LIB & BRANCHES
058456	01/11/24	MJB00	MJB WELDING SUPPLY, INC	13.33	01460113	PW/CYLINDER RENTAL
058457	01/11/24	MOT00	Motorola Solutions Inc.	27962.92	828177910	PD/MEASURE A- FISCAL YR 22/23 RADIOSNEW VEHICLES
058458	01/11/24	NAP00	NAPA AUTO PARTS	1425.24	12242023	PD/PW FLEET MAINTENANCE, PW/SHOP SUPPLIES
058459	01/11/24	NOR03	NORTH STAR ENGINEERING	3807.52	196179	REC/BASKETBALL SHIRTS
058460	01/11/24	NUS00	NUSO, LLC	105.70	130836044	FD/MEASURE A-PHONE LINES
058461	01/11/24	OLD04	OLD SCHOOL MACHINE	720.00	14372,143	FD/FLEET MAINTENANCE #40
058462	01/11/24	ORE00	O'REILLY AUTO	467.57	12282023	PD/FLEET EQUIPMENT MAINTENANCE
058463	01/11/24	ORH00	ORLAND HARDWARE	52.89 2664.05 1347.62	547381 12272023 DEC272023	PD/OFFICE SUPPLIES MULTI-DEPTS/MISC. SUPPLIES FD/MEASURE A-BUILDING SUPPLIES,MONOPOLE PARTS
			Check Total.....:	4064.56		
058464	01/11/24	ORL00	ORLAND VOLUNTEER FIRE DPT	48000.00	01092024	FD/VOLUNTEER SUPPORT
058465	01/11/24	OVE01	Overdrive, Inc.	702.86	02323CO23	LIB/EBOOKS
058466	01/11/24	PAC07	PACE ANALYTICAL SERVICES,	2158.64	2311154	PW/LAB SERVICES
058467	01/11/24	PAX00	WYATT PAXTON	5111.87	732	BD/DECEMBER 2023 PROFESSIONAL SERVICES & MILEAGE
058468	01/11/24	PGE00	PG&E	96.50 76.80	12172023 12202023	PW/TRAFFIC CONTROL PW/CORTINA DRIVE LIFT STATION
			Check Total.....:	173.30		
058469	01/11/24	PON00	PONCI'S WELDING	2013.82	79980,799	FD/FLEET EQUIPMENT MAINTENANCE & LIBRARY
058470	01/11/24	QUI02	QUILL CORP.	308.89 436.96 65.27	35911509 36365658 36412609	PD/MISC OFFICE SUPPLIES PD/MISC OFFICE SUPPLIES FD/MEASURE A-PAPER CALENDAR
			Check Total.....:	811.12		
058471	01/11/24	ROU01	Bruce Roundy	89.78	01102024	COUNCIL/MILEAGE REIMBURSEMENT
058472	01/11/24	SAV00	North State Grocery	45.30	67700	MEASURE A-ESC FOOD FOR ACTIVE SHOOTER TRAINING
058473	01/11/24	SEI00	ROY R SEILER, C.P.A	6416.00	30577	ACCOUNTING PROFESSIONAL SVCS NOV & DEC,2023
058474	01/11/24	SHA15	SHASTA TEHAMA TRINITY JOI	865.00	993	FD/MEASURE A-WILDLAND TRAINING X2
058475	01/11/24	SON05	Sonsray Machinery	4848.12	43207-1	PW/EQUIPMENT MAINTENANCE
058476	01/11/24	STO04	Jeffrey G. Dunn	225.00	12312023	PEST CONTROL SERVICES DECEMBER 2023
058477	01/11/24	SUN05	Sun Life Financial	5209.85	DEC2023	GAP INSURANCE DECEMBER 2023

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
058478	01/11/24	SWR00	STATE WATER RESOURCES CON	8951.60	LW1043110	PW/ANNUAL WATER SYSTEM FEE 7/1/23 - 6/30/24
				765.00	SM1043106	PW/ANNUAL WATER SYSTEM FEE H FIELD 7/1/23-6/30/24
			Check Total.....:	9716.60		
058479	01/11/24	T-M00	T-MOBILE	29.40	01132024	LIB/WIFI HOTSPOT
058480	01/11/24	TIA00	EVERBANK, N.A.	246.93	9839069	PD/COPIER LEASE
058481	01/11/24	TRA09	TRANSUNION RISK & ALTERNA	120.00	01032024	PD/MONTHLY FEE DEC 1-31,2023
058482	01/11/24	TRU02	TRUCK VAULT INC.,	9820.66	264011	PD/MEASURE A- FISCAL YR 22/23 NEW VEHICLE SUPPLIES
058483	01/11/24	VAL02	VALLEY ROCK PRODUCTS	167.51	82697,826	PW/STREET SUPPLIES
058484	01/11/24	VER03	Verizon Wireless	164.04	36544	FD/MEASURE A-RESPONSE SERVICE FOR CITY ENGINE
				266.07	951936542	PW/SCADA COMPUTER/IPADS
			Check Total.....:	430.11		
058485	01/11/24	WAS00	WASTE MANAGEMENT	58.46	405334	FD/MEASURE A-EXTRA PICKUP & 20 YRD DUMPSTER
058486	01/11/24	WES16	West Mitsubishi	170.95	77188	PD/FLEET WHEEL ALIGNMENT
				10814.39	70202,703	FD/RADIO REPEATER UPGRADE REIMBURSEMENT MONOPOLE
			Check Total.....:	10985.34		
058487	01/11/24	WEX00	WEX BANK	1195.13	3953489FD	FD/FUEL
				4725.99	3953489PD	PD/FUEL
				5304.14	3953489PW	PW/FUEL
				161.10	953489REC	REC/FUEL
			Check Total.....:	11386.36		
			Cash Account Total.....:	248066.23		
			Total Disbursements.....:	248066.23		



ORLAND CITY COUNCIL REGULAR MEETING MINUTES

Tuesday, January 2, 2024

CALL TO ORDER

Meeting called to order by Mayor Chris Dobbs at 6:00 PM.

ROLL CALL

Councilmembers present:	Councilmembers John McDermott, Bruce T. Roundy, Jeffrey Tolley, Vice Mayor Matt Romano, and Mayor Chris Dobbs
Councilmembers absent:	None
Staff present:	City Manager Pete Carr; Director of Administrative Services/ACM Rebecca Pendergrass; City Clerk Jennifer Schmitke; City Attorney Greg Einhorn; Police Chief Joe Vlach; Director of Public Works Ed Vonasek, City Planner Scott Friend, City Engineer Paul Rabo

CITIZEN COMMENTS ON CLOSED SESSION – NONE
MEETING ADJOURNED TO CLOSED SESSION AT 6:01 PM
CLOSED SESSION ENDED AT 6:33 PM
RECONVENED TO REGULAR SESSION

Meeting called to order by Mayor Chris Dobbs at 6:33 PM.

REPORT FROM CLOSED SESSION – No direction was given, Council will reconvene to closed session at the end of regular session.

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR

- A.** Warrant List (Payable Obligations)
- B.** Approve City Council Minutes for December 19, 2023
- C.** Fiscal Year Objectives Quarterly Report
- D.** Updated Posting of Salary Schedule

Councilmember Tolley noted that he would like the time he arrived at the closed session meeting (6:20 PM) added on the December 19th's minutes. City Staff stated the arrival times for both Councilors Tolley and Roundy would be added.

ACTION: Councilmember McDermott moved, seconded by Vice Mayor Romano, to approve the consent calendar with the corrections to the minutes. Motion carried by a voice vote 5-0.

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 an existing 34.76-acre property into 67 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 Orland 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 listed the three (3) Orland residents that attended the November Planning Commission meeting and shared the concerns of each person.

1. *Mr. Carel Lely.* Mr. Lely provided a letter that was handed out to the Commission members prior to the start of the meeting. Mr. Lely’s letter addressed concerns related to trespassing, irrigation ditch use / property access and Glenn County’s right-to-farm ordinance (Cal. Civ. Code Section 3482.5).

2. *Mr. Christopher Lapp.* Mr. Lapp addressed the Commission regarding numerous items to include Best Management Practices (BMP’s) for stormwater, the need for a Stormwater Pollution Prevention Plan (SWPPP), well impacts, groundwater quality impacts, flooding from Stony Creek and the potential to increase accessibility to the creek.

3. *Ms. Julie Henderson.* Ms. Henderson addressed the Commission regarding numerous items to include illegal property access via area irrigation canals, potential well impacts, depth to groundwater concerns, concerns regarding speed limits and traffic on adjacent roads, noise and privacy.

Mr. Friend explained to Council that upon consideration of the inputs offered by the speakers at the Planning Commission meeting, the Planning Commission requested that staff add the following three items to the Conditions of Approval proposed for this project:

1) *Walking path.* A paved walking path to be required on the southern edge of the proposed retention basin for the length of the project behind the proposed lots 24-36 (previously 26-38) and extending from the western boundary of the project to the proposed Andrea Way.

2) *Fence/Barrier/Wall.* A solid screen/fence/barrier to be installed behind lots 55-58 and Lot B, for those lots adjacent to BoR/OUWUA Lateral 40 for privacy and sound reduction purposes.

3) *Right-to-Farm Ordinance.* A notice to be placed on the face of the recorded subdivision map stating notice of the Agricultural Statement of Acknowledgement / Right to Farm Ordinance.

Mr. Friend shared that following the Planning Commission action, the project applicant contacted City staff to address the desire to extend the life of the proposed Tentative Subdivision Map from two (2) years

to three (3) years as was requested by the applicant of the proposed Penbrook Tentative Subdivision Map. Staff supports the request and has modified the proposed Conditions of Approval as requested.

Mr. Friend highlighted that City's local street standard is 60-foot in width, the developer as proposed has utilized a 50-foot street standard instead of a 60-foot right-of-way standard. Mr. Friend shared that the Public Works Director and City Engineer have reviewed the changes and stated that they are both supportive of the change.

Mr. Friend shared that the Planning Commission recommends, with a 4-1 vote, approval to the City Council TSM #2022-02, a request to approve a new Tentative Subdivision Map on an existing parcel of land identified as Glenn County Assessor's parcel number 046-090-018 and approve the City of Orland Quiet Creek Subdivision Project Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program prepared for the proposed action.

Mr. Friend addressed two areas of concern on the TSM:

- Lot A - the regional storm basin area at the north of the TSM map and shared that the applicant has proposed to dedicate that area to the City. Mr. Friend clarified that the basin is currently an easement on private property for storm drainage.
- Lot C - on the southern portion of the map where M ½ intersects Bryant, Mr. Friend shared that staff was concerned about headlights from the M ½ intersection shining into lots. Staff proposed and the developer agreed to a neighborhood/green space to help mitigate headlights into homes.
- Lot B – a potential dedication of a well location.
- Andrea Way – City staff asked the developer for a cul-de-sac for emergency vehicles to access all lots and make a safe turnaround. Mr. Friend noted there would be an access restriction gate at the end of the road and into the pedestrian walking path.

Councilmember Roundy shared his concerns about egress/ingress on the proposed project. Mr. Friend stated all City Staff have reviewed the map and approved the access. Councilmember Roundy thanked the Fire Chief for giving his feedback to the project.

Mayor Dobbs opened the Public Hearing at 6:47 PM.

Orland area resident Chris Lapp asked Council to come out to his property to see the project area. Mr. Lapp shared his concerns with the project including road conditions from trucks bringing soil in, asked about pollution and testing of all soil being dropped off at the project location, asked about grading/mining permits. Mr. Lapp asked the City to take their time on the proposed project.

Orland area resident Jaime Lely stated her concerns as a neighbor to the project and read a letter she sent into the November Planning Commission meeting.

Orland resident Earl Megginson asked Council to take their time on the project and listen to all concerns from nearby residents.

Mayor Dobbs closed the Public Hearing at 6:57 PM.

Councilmembers discussed and asked questions about the proposed project including how nearby wells would be impacted, concerns about M ½ not being extended to Stony Creek Dr., asked about the

agricultural buffer, concerns with the storm basin being a park and asked about control of access to the creek.

Ms. Lely requested to allow for properties along the border that are farming to add a note to the deeds of the new homes going in, that there is acknowledgement that farming practices are happening in the area. Mr. Friend stated that the request could be added to the proposed project deeds. Ms. Lely stated her concerns with a trail into the storm basin park. Mr. Friend wanted on record that the City's General Plan states there should be a walking path and park in that current location, the General Plan identifies and has a map of East Anchor Park in the storm basin location.

The Council was in agreement that the nearby neighbors' questions and concerns have not been fully addressed and reached a decision to push the topic to the next meeting to give the concerned neighbors a chance to meet with City Staff. Mayor Dobbs stated that the City would like to be good neighbors and work with nearby property owners.

Owner of the proposed project property Mike Visinoni shared that he has been working on this project for the last year and a half and he has spoken with all neighbors and stated that they have all been notified of what is going on with the project.

ACTION: Councilmember McDermott moved, seconded by Vice Mayor Romano, to continue the topic at the next City Council meeting in two weeks, allowing time for Ms. Lely and Mr. Lapp to consult more with City Staff. Motion carried by a roll call vote 4-1.

Ayes: Councilmembers McDermott, Roundy, Vice Mayor Romano and Mayor Dobbs

Nays: Councilmember Tolley

Mayor Dobbs asked for a 5 min recess.

PRESENTATIONS

Honeybee Discovery Center Update/Presentation

Carolina Burreson, Vice President of the Honeybee Discovery Center (HDC) Board, presented a slideshow to the Council, outlining the board's activities over the past year. The initiatives included expanding the Bee Curriculum for K-12 students, establishing a bee-centered gift shop at the center, introducing two new exhibits, and launching a new fundraising event called "Show Me the Honey." Ms. Burreson also discussed the HDC's financial status. Looking ahead to 2024 and beyond, HDC's goals involve hiring more staff, increasing fundraising efforts, relocating to a new site in Orland, and briefly touched upon future plans with California State University, Chico.

Ms. Burreson welcomed Council to come visit the Honeybee Discovery Center to see all they have to offer, the first Friday of the month from 3pm to 6 pm.

Councilmember Roundy asked what size building HDC is looking to relocate to in Orland. Ms. Burreson said HDC would need around 5,000 sq ft and would also need the rent to be reasonable or discounted so that HDC can continue to run their programs.

Mayor Dobbs thanked HDC for all they do for the community of Orland.

Planning Annual Presentation

Mr. Friend presented an overview of the Planning Department's activities in 2023, highlighting their role in General Plan Amendments, Zoning Code Amendments, Environmental Compliance (CEQA/NEPA), project processing, staffing Planning Commission meetings, and ensuring statutory and regulatory compliance. Additionally, the Planning Department assists City Staff with project tasks and engages with the public and City clients.

Mr. Friend provided a summary of activities and an overview of special projects in 2023, which included the revision of the 6th Cycle Housing Element, Zoning Code Updates (Joint Tenant Pole Sign and Freeway Influence Area), and ongoing efforts for Informational Handouts/Website Updates, encompassing planning applications, a notification page, and an ADU page. Additionally, work is in progress with the County of Glenn on the Glenn County Multi-Jurisdiction Hazard Mitigation Plan (GCMJHMP). Mr. Friend noted several approved projects in 2023.

Mr. Friend highlighted ongoing projects continuing into 2024, including the DWR/City of Orland/Glenn County Water project and the Orland Volunteer Fire Department (OVFD)/Orland Rural Fire Department (ORFD) Fuels Reduction/Fire Break Project. Future residential projects for 2024 may involve Penbrook 3.0 TSM and Rezoning, Quiet Creek TSM – Phase I, DWR Water Project, General Plan Amendments, Zoning Code Amendments, and the Road M 1/2 Rehab Project site.

Mr. Friend thanked City Hall Staff, City Department heads and both Fire and Police Chiefs for helping the Planning Department have another successful year.

Building Annual Presentation

Wyatt Paxton presented an overview of the Building Department for 2023. The Building Department now consists of a Certified Building Official (Wyatt Paxton, Owner of Paxton Scott Enterprises), Building Inspector Garrett Paxton, and a permit clerk (Deysy Simpson).

Mr. Paxton shared that in 2023 the Building Department issued 316 permits (44 commercial and 272 residential. Total permit Valuation for 2023 was \$181,623.93 (\$25,663.40 commercial and \$155,960.55 residential) and a total of \$411,623.95 was collected in fees for the department. Total number of inspections for 2023 was 725.

Mr. Paxton shared that in 2024 he expects solar applications will be much lower due to reduced federal tax credits and changes in the PG & E credit pay outs. Councilmember McDermott shared that Councilmembers received a nice email from Maverik stating how easy it was to work with Orland City Staff.

Mayor Dobbs thanked Mr. Friend and Mr. Paxton for everything the Departments do for the City stating they do a “Stellar Job”.

ADMINISTRATIVE BUSINESS

Caltrans Project OJ500 and Walker Streetscapes

City Engineer Paul Rabo presented an overview of past Caltrans projects in Orland and proposed improvements, including a traffic signal at Commerce Lane, enhancements to I-5 access, drainage solutions, and safety improvements at various intersections. In 2023, a private developer installed a traffic

signal at Commerce Lane. The City is conducting a traffic analysis for the Newville/Tehama/9th Street intersection and applied for a Federal Multimodal Project Discretionary Grant, which was not granted. Efforts to secure funds for Walker Street improvements were also unsuccessful. Currently, Caltrans is in the design phase of a Capital Maintenance Improvement project (OJ500) on SR 32, and discussions are ongoing regarding specific concerns related to sidewalks on the north side.

Vice Mayor Romano inquired about the cost of installing curb extensions on 4th Street, to which Mr. Rabo provided a preliminary estimate. However, Mr. Rabo mentioned that he would obtain a more accurate cost and present it to the Council. Vice Mayor Romano further questioned whether the City's contribution for the curb extensions could prompt Caltrans to include them in the project. Mr. Rabo stated that he had asked Caltrans about this but has not yet received a response.

Councilmember McDermott expressed concerns about crosswalks and flooding on 2nd and 5th Streets. He inquired about the threshold at which the City should escalate the matter beyond Caltrans and reach out to State representatives for assistance.

Rebecca Pendergrass, the Director of Administrative Services/ACM, conveyed that the City Manager has communicated to Caltrans Representatives the Council's strong commitment to the project's success. Pendergrass also reminded the Council that City Staff continues to actively seek funding sources, including the RAISE Grant, to support the progress of the streetscapes project.

Councilmember Roundy expressed frustration with Caltrans, noting that promises have been made but changes are still pending. In light of this, Councilmember Roundy suggested that it might be the right time for the City to consider taking matters into its own hands, possibly through the implementation of a new sales tax to address the community's needs independently.

Mayor Dobbs emphasized the need for improved communication between the City and Caltrans, specifically to obtain accurate figures for the cost of curb extensions.

ORAL AND WRITTEN COMMUNICATIONS

PUBLIC COMMENTS: None

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Tolley:

- Mentioned he has heard from constituents frustrations with the road conditions on the west side from the DWR project.

Councilmember McDermott:

- Attended the Planning Commission Meeting December 21st,

Vice Mayor Romano:

- Nothing to Report

Councilmember Roundy:

- Shared that downtown businesses were very busy over the holiday season;

Mayor Dobbs:

- Will be attending the Library Commission meeting January 8th;
- Will be attending the Fire Department meeting this month.

CITIZEN COMMENTS ON CLOSED SESSION – NONE
MEETING ADJOURNED TO CLOSED SESSION AT 9:10 PM
CLOSED SESSION ENDED AT 9:11 PM

**REPORT FROM CLOSED SESSION – No reportable action, direction was given to staff.
MEETING ADJOURNED AT 9:11 PM**

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor



ORLAND LIBRARY COMMISSION MINUTES
Monday, November 13, 2023

CALL TO ORDER

Meeting called to order at 5:00 p.m. by Chair Mary Ann Deeming

ROLL CALL

Commissioners Present: Mary Ann Deeming; Dick Jolley; Sherry Romano;

Staff/Council Present: Mayor Chris Dobbs; Librarian J. Meza

ORAL & WRITTEN COMMUNICATIONS: None

ITEMS FOR DISCUSSION OR ACTION

1. **ACTION ITEM:** Approve minutes of previous meeting. Motion made by Commissioner Romano, 2nd by Commissioner Jolley. Motion carried unanimously
2. **Reports from City Librarian on financial and monthly statistics:** Librarian provided statistical reports for September and October, 2023. Librarian and Commissioners discussed purchase of Kanopy streaming media material for the library’s digital collection.
3. **Library Programs, Events and Grants:** Librarian discussed \$1,500 Staff Training award from the library’s cooperative system. Approximately 150 solar eclipse safety glasses were distributed to community members. A print and digital campaign to get public feedback regarding library materials and services is ongoing. The Librarian has applied for QRCS/First 5 funds.
4. **Glenn County Health Department Agreement for COVID 19 Education:** Librarian and commissioners discussed the agreement and education and services that the library will offer to patrons. The Orland Library will be reimbursed up to \$100,000 for these services.
5. **Building Grant Activities and outdoor improvements planning:** Librarian reported that next step in the project will be completion of automatic door at main entrance and remodeling of the lobby area.
6. **Staff Training & Development:** Librarian reported that all library staff are scheduled to participate in an active shooter preparedness safety training in December to be held at the Carnegie building and Orland Library in the morning. Librarian has library skills specific training planned for that afternoon.
7. **ACTION ITEM:** Request for approval to close library on Thursday, December 7th, for Staff training. Moved by Commissioner Roman, 2nd by Commissioner Jolley, approved unanimously

COMMISSIONER AND/OR FRIENDS OF THE LIBRARY REPORTS: Mayor Dobbs advised that tax measure education should begin soon.

Future Agenda Items: None

ADJOURN: 5:25 p.m.



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 Orland 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



CITY OF ORLAND STAFF REPORT - SUPPLEMENT
MEETING DATE: JANUARY 16, 2024

TO: City of Orland City Council
FROM: Scott Friend, AICP – City Planner
MEETING DATE: January 16, 2024; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Tentative Subdivision Map #2022-02: Staff Report SUPPLEMENT** – Quiet Creek Subdivision. A public hearing to consider and make a recommendation to the Orland City Council on the approval of the proposed Quiet Creek Subdivision (TSM #2022-02). The proposed project would divide an existing 34.76-acre property into 67 parcels. 65 lots will be approximately 7,300 sq. ft. in size on average and will be used for the development of single-family homes. Of the two remaining lots, Lot A will include an area for a +/-319,000 square foot (7.3 acre) stormwater drainage basin and open space area. Lot B will be dedicated to the City of Orland for a future well location. The property is currently vacant/undeveloped land.

The project site is located directly north of the intersection of Road M½ and Bryant Street. The Project Site is 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. The property is zoned “R-1” (Residential, One-family) and designated in the General Plan as “Low Density Residential” (R-L).

Environmental Review: an Initial Study/Negative Declaration was completed for the project and included as **Attachment E**.

Planning Commission Recommendation: Recommendation for Approval (4-1)

Summary:

At its regular meeting of January 2, 2024, the City Council conducted a public hearing to consider a request to review and approve TSM #2022-02, a request to subdivide an existing ±34.76-acre property into 68 parcels, to be known as the “Quiet Creek” Subdivision. Following the conduct of the public hearing, the City Council directed staff to meet with and discuss the project with Mr. Chris Lapp and Ms. Jamie Lely in search of solutions or inputs to address the issues that were raised during the Public Hearing. Mr. Lapp and Ms. Lely are residents of the unincorporated area

to the east of the project site. Both Mr. Lapp and Ms. Lely addressed the City Council during the public hearing held on January 2nd in regard to the proposed project.

On Thursday, January 4th, the Orland City Manager, Mr. Peter Carr and the Orland City Planner, Mr. Scott Friend, met with both Mr. Lapp and Ms. Lely. During the discussions, five (5) primary issues were raised and discussed.

- 1) Right-to-Farm Notice / Presence of Active Farmland Cultivation: Inclusion of / modification of the draft Condition of Approval addressing the City’s Right-to-Farm Ordinance and presenting the idea of the recordation of a Right-to-Farm notice on the deeds of lots 55-65 (along the eastern boarder of the project)
Result: Staff supports the request. Condition of Approval #73 has been modified to reflect that the property owner / subdivider shall record a notice to be placed on the deeds of the affected lots notifying buyers that the lots are within an area of active farmland use. (Lely)

- 2) Right-to-Farm Notice / Presence of Active Farmland Cultivation: A request was made to add a condition of approval requiring the recordation of a Right-to-Farm notice on the deeds of lots 4-9 due to the presence of an actively cultivated orchard located south of Bryant Street and east of Road M 1/2.
Result: staff is not supportive of this request. Staff acknowledges the presence of the orchard and acknowledges the potential impacts to the operation of the orchard due to the proposed subdivision. However, due to the location of the orchard inside of the City Limits, the designation of the property with the Low Density Residential (LDR) land use designation, and due to the zoning of the parcel being R-1, One-Family Residential zoning designation, staff does not support the recordation of deed notices on these parcels as they have been previously designated for residential development by the City. However, it is noted that the application of a deed notice on the proposed lots is identified as a possible action by the City Council within the City’s Agricultural Buffer Guidelines policy document. (Lely)

- 3) Signage: A request was made to add a Condition of Approval requesting that signage be required at the end of Andrea Way (proposed) and adjacent to the existing stormwater detention basin pathway notifying persons to stay on developed walkways/paths and to respect private property.
Result: Staff supports the request. A new Condition of Approval has been added (new #74) directing that signage shall be installed at the cul-de-sac terminus of Andrea Way (proposed) and at a minimum at the terminus of the proposed multi-modal pathway to be constructed around the existing stormwater detention basin requesting that facility users stay on improved trails. Note: Specific signage language to be determined. (Lely)

- 4) Water Quality: A request was made for the City to affirmatively state that there will be no degradation of the water quality in adjacent domestic wells as a result of the project.
Result: Staff is not supportive of the request. The City of Orland cannot make an affirmative statement as requested. It was noted to the commenter that Conditions of Approval requiring conformance with Regional Water Quality Control Board (RWQCB) standards are already proposed (COA #'s 24, 25, 38, and 39). (Lapp)

- 5) Stormwater Runoff: A request was made for the City to require a Storm Water Pollution Prevention Plan (SWPPP) for the activities currently being undertaken on the site relative to the importation and storage of soil. (Lapp)

Result: Staff indicated to the commenter that the City is not the appropriate regulatory entity to require a SWPPP nor is the City the appropriate regulatory entity to review and approve such plans. Further, staff noted to the commenter that the action to divide the parcel is a separate action from events and activities currently being undertaken on the property. The commenter was directed to contact the appropriate regulatory agency if they felt that a SWPPP was required.

Based upon the items described above, staff proposes the following modifications:

Modification of proposed Condition of Approval #73:

Originally Proposed Condition of Approval language:

- 73. As part of any real estate transactions conducted on site, the sellers and agents must disclose that the property is located within one mile of farmland as designated on the most recent Important Farmland Map, and that those farming operations are protected against nuisance suits when impacting neighboring properties.

Modified Conditions of Approval language:

- 73. As part any transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, or transfer of residential stock cooperative, improved with or consisting of not less than one dwelling unit, the transferor and his/her/their agent shall require that a disclosure statement shall be signed by the purchaser or lessee acknowledging the presence of active land cultivation activity in the area, acknowledging the right-to-farm of the use, and, acknowledging that various concerns, including but not limited to, noises, odors, dust, chemicals, smoke and hours of operation that may accompany agricultural operations may result from the activity.
- 74. The subdivider/property owner/builder shall install City-approved signage at the terminus of the proposed Andrea Way, at the easterly intersection of proposed recreation path around the retention basin area with the proposed Andrea Way, and, at the western-most accessible location on the site along the recreational path indicating that users shall remain on the path and shall respect any and all adjacent private property.

The following deed *notice* / disclosure statement language is hereby proposed:

Real Estate Transfer

Disclosure Statement

This disclosure statement concerns the real property located in the City of Orland, State of California, described as _____. This statement is a disclosure of the condition of the above-described property in compliance with the *Guidelines for Implementation of General Plan Agricultural Buffering Policies* of the City of Orland. This notice is not a warranty of any kind by the seller(s) or any agent(s) representing any principal(s) in this transaction, and is not a substitute for any inspection or warranties the principal(s) may wish to obtain.

I. Seller's Information

The seller discloses the following information with the knowledge that even though it is not a warranty, prospective buyers may rely upon this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

The following are representations made by the seller as required by the City of Orland and are not the representations of the agent(s), if any. This information is a disclosure and is not intended to be part of any contract between the buyer and seller.

The City of Orland supports operation of properly conducted agricultural operations within the City. If your property is adjacent to or near property used for agricultural operations, or on agricultural lands, you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, fumes, smoke, dust, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the ground or aerial application of fertilizers, soil amendments, herbicides and pesticides. The City has determined that the use of real property for agricultural operations shall be protected in accordance with the General Plan and State of California rules and regulations and will not consider to be a nuisance those inconveniences or discomforts arising from such agricultural operations, if such operations are consistent with accepted customs and standards.

Seller certifies that the information herein is true and correct to the best of Seller's knowledge as of the date by the Seller.

Seller _____ Date _____

Seller _____ Date _____

II. Buyer(s) and Seller(s) May Wish to Obtain Professional Advice and/or Inspections of the Property

I/we acknowledge receipt of a copy of this statement.

Seller _____ Date _____

Seller _____ Date _____

Buyer _____ Date _____

Buyer _____ Date _____

Agent (Broker Representing Seller):

(Broker) By _____
(Signature)

Date _____

Agent (Broker Obtaining Offer):

(Broker) By _____
(Signature)

Date _____



CITY OF ORLAND STAFF REPORT
MEETING DATE: January 2, 2024

TO: City of Orland City Council
FROM: Scott Friend, AICP – City Planner
MEETING DATE: January 2, 2023; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Tentative Subdivision Map #2022-02:** – Quiet Creek Subdivision. A public hearing to consider and approve the proposed Quiet Creek Subdivision (TSM #2022-02). The proposed project would divide an existing 34.76-acre property into 68 parcels. 65 lots will be approximately 7,300 sq. ft. in size on average and will be used for the development of single-family homes. Of the three remaining lots, Lot A will include an area for a +/-319,000 square foot (7.3 acre) stormwater drainage basin and open space area. Lot B will be dedicated to the City of Orland. Lot C is proposed for use as a neighborhood park/green space/storm basin. The property is currently vacant/undeveloped land.

The project site is located directly north of the intersection of Road M½ and Bryant Street. The Project Site is 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. The property is zoned “R-1” (Residential, One-family) and designated in the General Plan as “Low Density Residential” (R-L).

Environmental Review: an Initial Study/Negative Declaration was completed for the project and included as **Attachment E**.

Planning Commission Recommendation: Recommendation for Approval (4-1)

Summary:

At its regular meeting of November 16, 2023, the Planning Commission considered a request to review and approve TSM #2022-02, a request to subdivide an existing ±34.76-acre property into 67 parcels, to be known as the “Quiet Creek” Subdivision. Of the 68 parcels, 65 lots will be used

for the development of single-family homes. Of the two remaining lots, Lot A includes an area for a ±319,000 square foot (7.3 acres) stormwater drainage basin and open space/recreation area. Lot B is proposed to be dedicated to the City of Orland. Lot C is a proposed neighborhood park/green space/storm basin. After consideration and discussion, and following the conduct of the public hearing, the Planning Commission voted 4-1 to recommend to the City Council approval of TSM #2022-02 along with the inclusion of three (3) additional Conditions of Approval (see below for more detail). The motion for approval of the project was made by Commissioner Elliott and was seconded by Commissioner Nordbye. Commissioner Romano was the opposing vote. See attached Planning Commission Resolution PC # 2023-08 (**Attachment H**).

Public Comment:

At the Planning Commission meeting, three (3) members of the community spoke about the project as follows:

1. *Mr. Carel Lely.* Mr. Lely provided a letter to each of the Planning Commission members that was handed out to the Commission members prior to the start of the meeting. Mr. Lely’s letter addressed concerns related to trespassing, irrigation ditch use / property access and Glenn County’s right-to-farm ordinance (Cal. Civ. Code Section 3482.5).

2. *Mr. Christopher Lapp.* Mr. Lapp addressed the Commission regarding numerous items to include Best Management Practices (BMP’s) for stormwater, the need for a Stormwater Pollution Prevention Plan (SWPPP), well impacts, water quality impacts and addressed concerns about flooding from Stony Creek and the potential to increase accessibility to the creek.

3. *Ms. Julie Henderson.* Ms. Henderson addressed the Commission regarding numerous items to include illegal property access via area irrigation canals, potential well impacts, depth to groundwater concerns, concerns regarding speed limits and traffic on adjacent roads, noise and privacy.

Following the public hearing and upon consideration of the inputs offered by the speakers, the Planning Commission requested that staff add the following three items to the Conditions of Approval proposed for the project:

- 1) *Walking path.* The Commission requested that staff add a Condition of Approval requiring that a paved walking path be required on the southern edge of the proposed retention basin for the length of the project behind the proposed lots 24-36 (previously 26-38) and extending from the western boundary of the project to the proposed Andrea Way.
- 2) *Fence/Barrier/Wall.* The Commission requested that staff add a Condition of Approval requiring that a solid screen/fence/barrier be installed behind lots 55-58 and Lot B, for those lots adjacent to BoR/OUWUA Lateral 40 for privacy and sound reduction purposes.
- 3) *Right-to-Farm Ordinance.* The Commission requested that staff add a Condition of Approval requiring that notice be placed on the face of the recorded subdivision map stating the following (Agricultural Statement of Acknowledgement / Right to Farm Ordinance. Appendix C of the *City of Orland Administrative Guidelines for Implementation of General Plan Agricultural Buffering Policies* manual):

Agricultural Statement of Acknowledgement: *This property is near or adjacent to property used for agricultural operations or included in an area zoned for agricultural purposes. Users and residential occupants of this property may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, odors, fumes, dust, smoke, the operation of machinery of any kind during any 24-hour period, the application of manures, and the application*

by spraying or otherwise of chemical fertilizers, soil amendments and pesticides. The City of Orland has determined that those inconveniences or discomforts arising from agricultural operations will not be considered to be a nuisance, if such operations are consistent with legal and accepted agricultural customs and standards. Upon transfer of this real property by sale, exchange, installment land sale contract, lease with an option to purchase, or other option to purchase, the transferor shall require that the agricultural statement of acknowledgment for residential development in the form set forth above be signed by the purchaser and recorded in the county recorder's office in conjunction with the deed conveying the real property.

Following the Planning Commission action, the project applicant contacted City staff to address the desire to extend the life of the proposed Tentative Subdivision Map from two (2) years to three (3) years as was requested by the applicant of the *proposed* Penbrook Tentative Subdivision Map. Staff supports the request and has modified the proposed Conditions of Approval as requested.

Background/Discussion:

Project Location and Site Description:

The Project is located within the City of Orland, located directly north of the intersection of County Road M½ and Bryant Street. The Project Site is east of Stanton Way and north and west of an irrigation canal known as Lateral 40. See **Attachment A** for site location. The Assessor Parcel Number (APN) for the Project Site is 046-090-018. The single parcel will be split into 67 lots resulting in a ±21.20-acre subdivision and a 13.55-acre remainder. The remainder will not be developed as a part of this Project and will remain as undeveloped vacant land. The project site is currently vacant land. A portion of the site, shown as Lot A on the subdivision map (**Attachment B**), was previously excavated. This excavated area is used as storm drainage basin which provides storm water control for the residential neighborhoods to the west of the proposed site. This storm drainage basin will remain and will serve the same purpose for the Quiet Creek project.

Surrounding Uses:

The Site is bordered by Byrant Street to the south and an irrigation canal known as Lateral 40 to the south and east. Surrounding uses include a single-family residential subdivision directly adjacent to the Project Site and to the west (Blair Estates Phase II); single-family residences inside of the City of Orland and fronting Road M ½ to the south; vacant land, agriculture, and a scattering of single-family residences within the unincorporated County area to the east; and unincorporated vacant land in the County and Stony Creek to the north.

Residential Subdivision:

The project applicant proposes to develop the property exclusively for single-family residential use. The property would be subdivided into a total of 68 lots, of which 65 lots will be for single family residential development (see **Attachment B**). The average lot size for the 65 single family lots will be ±6,750 square feet (0.15 acres). These lot sizes will range from ±6,259 to 10,059 square feet. The Project will have a gross density of 2.9 dwelling units per acre. Lot A will include an area for a ±319,000 square foot (7.3 acres) stormwater drainage basin. In addition to being used for stormwater detention purposes, Lot A will also be used for a community recreation area/storm drain basin.

Consistency with General Plan Land Use and Zoning Designations:

The site is designated in the General Plan as “Low Density Residential” (R-L) which allows a maximum of 6 dwelling units per acre. The proposed Tentative Subdivision Map (TSM) would have a density of 2.9 dwelling units per acre, making it consistent with the General Plan designation which establishes a residential density range of 0-6 du/ac. The property is currently zoned “R-1” (Residential, One-family) and the proposed project is consistent with the existing zoning.

Water and Sewer:

Water and sewer lines would be installed on the project site, with services to be provided by the City of Orland. Consultation with the City’s Public Works Director and City Engineer indicate that the City currently has adequate capacity to meet peak water and sewer demands. The following utilities are located within the project vicinity:

- Within Bryant Street:
 - 8” sewer line;
 - 8” waterline;
 - Storm drain.

Storm Drainage:

The project would involve the construction of residential units, along with impervious surfaces such as streets, sidewalks, hardscapes, roofs, and other non-permeable elements. This increase in the amount of impervious surface on the site can substantially increase the amount and rate of drainage produced during rainfall events. As a result, a storm water drainage system will be installed on the site. The Project Site improvements include the construction of curbs, gutters and sidewalks along all Project internal streets and Bryant Street adjacent to the project site. An existing stormwater drainage basin is located on the project site. The project site would be designed to direct stormwater flows from the project streets into the drainage system which then flows into the existing basin (Lot A). This stormwater drainage basin is currently sized to accommodate all stormwater runoff from the site as well as the area for which it currently serves.

Neighborhood Park/Retention Basin:

As discussed at the November Planning Commission meeting and included in the Conditions of Approval (**Attachment D**), a neighborhood park/retention basin is proposed a Lot C. Prior to its designation as Lot C, two lots were previously proposed in this area. The proposed neighborhood park/green space/retention basin is proposed to be located to the north of, and across from, the “T” intersection of Bryant Street and Road M ½. During the initial plan review for the project, Staff expressed concerned that when a vehicle approaches the stop sign of the existing intersection (traveling northbound on Road M ½ at the Bryant Street intersection) at night, vehicle headlights would directly shine on and/or into the proposed units. To eliminate a potential nuisance and to enhance the overall aesthetic of the project and intersection, the applicant has modified the project to include the green space in this location.

Lot B:

Lot B, located in the southeastern most corner of the site, was designed to be available for a potential future City well based upon input from the City Public Works Director and City Engineer. However, as addressed at the November Planning Commission meeting, the City of Orland has identified the need for a minimum of 50 feet radius around a potential future well in this location. As the lot was originally designed to be a total of 49 feet wide, putting a well anywhere within the boundaries of the lot would not allow for a 50-foot radius. Therefore, Lot B has been widened and to accommodate the additional radius and all lots fronting on to the proposed Andrea Way have been shifted north to make this accommodation.

Transportation/ Circulation:

The Project Site will be accessed via Bryant Steet and Stony Creek Drive. Stony Creek Drive and Bryant Street are identified as Minor Collector Streets in the 2008-2028 General Plan. Collector streets are designed to accept traffic from surrounding local streets and deliver it to larger “through” streets (usually designated as Arterial Streets). For this Project, Bryant Street is the primary access street, however regional access is also provided via Papst Avenue, Road M1/2 and Stony Creek Drive.

Street Design Standards:

The City of Orland has various requirements for street construction in the city, including right-of-way (ROW) width, lane width, curbs, gutters, and sidewalks. For local streets, such as the project’s interior streets, the standard City ROW is 60 feet. For each half of the street, this includes an 18-foot travel lane including a parking lane, 2.5-foot curb and gutter section, 4.5-5-foot sidewalk and 5-foot area from the back of the sidewalk to the end of the ROW reserved for public utilities. The “Quiet Creek” project’s interior streets propose the use of interior streets having a 50-foot total ROW width. The half street ROW includes an 18-foot travel/parking lane from the centerline of the roadway to the gutter, a 2.5-foot gutter and curb, and a 5-foot sidewalk. While the project’s ROW is narrower than the City standard 60-foot ROW, the proposed project includes a 10-foot utility easement starting at the back of the sidewalk resulting in essentially the same dimensions with the only difference being the area reserved for public utilities. However, it is noted that the project is proposing the use of a street right-of-way width that is less than the adopted City street standard. The City Engineer and Public Works Director have reviewed the proposed and are supportive of the map as presented.

The project also requires the improvement of the north side of Bryant Street along the property frontage. This portion of the street will be required to be designed pursuant to Orland street standard requirements.

As an addition to the previously proposed Conditions of Approval presented at the Planning Commission meeting in November, a cul-de-sac has been required at the north end of Andrea Way to allow for safe and adequate vehicle turn-around movements. City Approved vehicle restrictions measures (gates) will be installed to limit and control vehicle access to the creek and to the proposed community recreation area/storm basin area from Andrea Way.

Regulatory Framework:

Subdivision Map Act: The primary regulation concerning the subdivision of land is the Subdivision Map Act (California Government Code Section 66410 *et seq.*). Under the Subdivision

Map Act, proposed subdivisions of land into five or more parcels that are to be sold, leased or financed require a subdivision map, as opposed to a parcel map. Orland Municipal Code (OMC) Chapter 16, *Subdivisions*, sets forth standards, regulations and procedures for the subdivision and utilization of land within the City, as authorized and directed by the Subdivision Map Act and other applicable provisions of law. Section 16.16 delineates procedures for the submission of tentative subdivision maps.

OMC Section 16.28 sets forth standards and requirements for the design of subdivisions, for the installation of improvements within subdivisions, and requesting for change of zoning to insure compatibility of plans and regulations. All of the parcels to be created by the proposed parcel map will be required to install curb, gutter and sidewalks along the street frontage. City staff have reviewed the tentative map and have recommended that conditions be attached to the approval of the map to ensure consistency with City requirements. Following the Planning Commission meeting of November 16, the conditions have been amended to include the additional items addressed above. These conditions are listed in the **Conditions of Approval**, which are attached to this report as **Attachment D** and include the mitigation measures as identified in the IS/MND, the items directed by the Planning Commission, and, include the extension of the term of the tentative map term to three (3) years as requested by the applicant.

Following a review of the proposed tentative subdivision map, staff has determined that the proposed subdivision is in compliance with the provisions of OMC Sections 17.60, 16.16, 16.28 and the Subdivision Map Act.

Environmental determination:

The City of Orland, acting 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 it is subject to the requirements of CEQA. Following the preliminary review of the project and the preparation of an Initial Study to review the potential effects on the environment, the City of Orland, as Lead Agency, determined that implementation of the project could result in potentially significant impacts to the environment. However, because of mitigation measures provided in the Initial Study that would avoid or mitigate potentially significant impacts to a point where no significant impacts would occur, a Mitigated Negative Declaration has been prepared for the project. The Final Initial Study/Mitigated Negative Declaration (IS/MND) has been included as **Attachment E** to this report for review by the Planning Commission.

The Draft IS/MND (SCH#2023080044) was circulated to the public and to public agencies by the State Clearinghouse beginning on August 5, 2023. The public review period ended on September 5, 2023. As a result of the State mandated circulation period, two comment letters were received; one from the State Water Resources Board and the other from the Department of Transportation. However, these comments letters did not indicate that additional studies were necessary and all comments that were raised were responded to in the Final IS/MND. As a result of these comments, one section of the Draft IS/MND was revised to include the State Water Resources Control Board, Division of Drinking Water as a potential permitting agency. No changes to the IS/MND were required as a result of new or unknown information and no additional mitigation measures were necessary as a result of agency and public comments.

The proposed IS/MND includes mitigation measures that have also been incorporated as Conditions of Approval for the project. Attached is a copy of the Mitigation Monitoring Program (**Attachment F**), which summarizes all of the mitigation measures, required of this project.

Recommendation:

Based upon the information contained in this report and after consideration of the attributes specific to the proposed site, the Planning Commission recommends for approval to the City Council TSM #2022-02, a request to approve a new Tentative Subdivision Map on an existing parcel of land identified as Glenn County Assessor’s parcel number 046-090-018. The Planning Commission also recommends for approval to the City Council, adoption of the City of Orland Quiet Creek Subdivision Project Initial Study/Mitigated Negative Declaration (**Attachment E**) and the Mitigation Monitoring and Reporting Program (**Attachment F**) prepared for the proposed action.

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

1. *OMC Amendment(s)*: Move to approve City Council Ordinance CC 2023-__, approving the rezoning of APN 046-090-018 subject to the Findings and Conditions of Approval provided as **Attachment C**. The Planning Commission recommends the City Council move to approve the proposed Tentative Subdivision Map for APN 046-090-018, otherwise known as the Quiet Creek Subdivision, subject to the Findings and Conditions of approval provided as **Attachment C**.
2. *California Environmental Quality Act (CEQA)*: the Planning Commission recommends the City Council adopt the City of Orland Quiet Creek Subdivision Project Initial Study/Mitigated Negative Declaration and the Quiet Creek Subdivision Project Mitigation Monitoring and Reporting Program.

ATTACHMENTS

- **Attachment A – Project Location Map**
- **Attachment B – Project Tentative Subdivision Map (TSM)**
- **Attachment C – Findings for Approval for TSM #2022-02**
- **Attachment D – Conditions of Approval for TSM #2022-02**
- **Attachment E – City of Orland Quiet Creek Subdivision Project Final IS/MND**
- **Attachment F – Mitigation Monitoring and Reporting Program**
- **Attachment G – City Council Ordinance CC 2024-XX**
- **Attachment H – PC Resolution 2023-08**



- LEGEND
- Roads
 - ▣ City Limits
 - Parcels



RECORD REFERENCES:

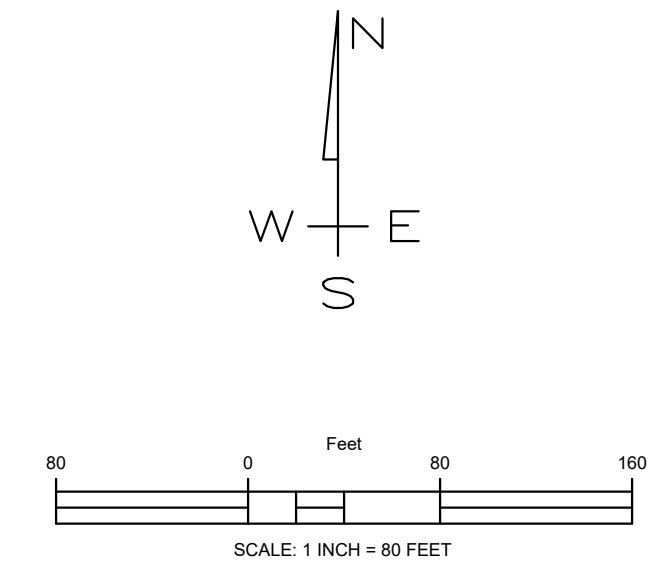
- (R1) - FIELDSTONE SUBDIVISION, BOOK 13 OF MAPS, PAGES 33 AND 34
- (R2) - BLAIR ESTATES SUBDIVISION, BOOK 13 OF MAPS, PAGES 64 AND 65
- (R3) - PARCEL MAP, BOOK 6 OF MAPS, PAGES 52 AND 53
- (R4) - ROAD EASEMENT GRANT DEED 2004-8664
- (R5) - DRAINAGE EASEMENT GRANT DEED BOOK 677, PAGE 27
- (R6) - BLAIR ESTATES SUBDIVISION NO. 2, BOOK 14 OF MAPS, PAGES 10 AND 11
- (R7) - PARCEL MAP, BOOK 4 OF MAPS, PAGES 89 & 90
- (R8) - PARCEL MAP, BOOK 12 OF MAPS, PAGES 49 & 50

SURVEY LEGEND:

- FOUND MONUMENT, AS NOTED
- FOUND 3" BRASS CAP WITH 3/4" PIN STAMPED LS 5442 PER R2
- * CALCULATED POINT NOTHING SET OR FOUND
- OIP OPEN IRON PIPE
- IP IRON PIPE

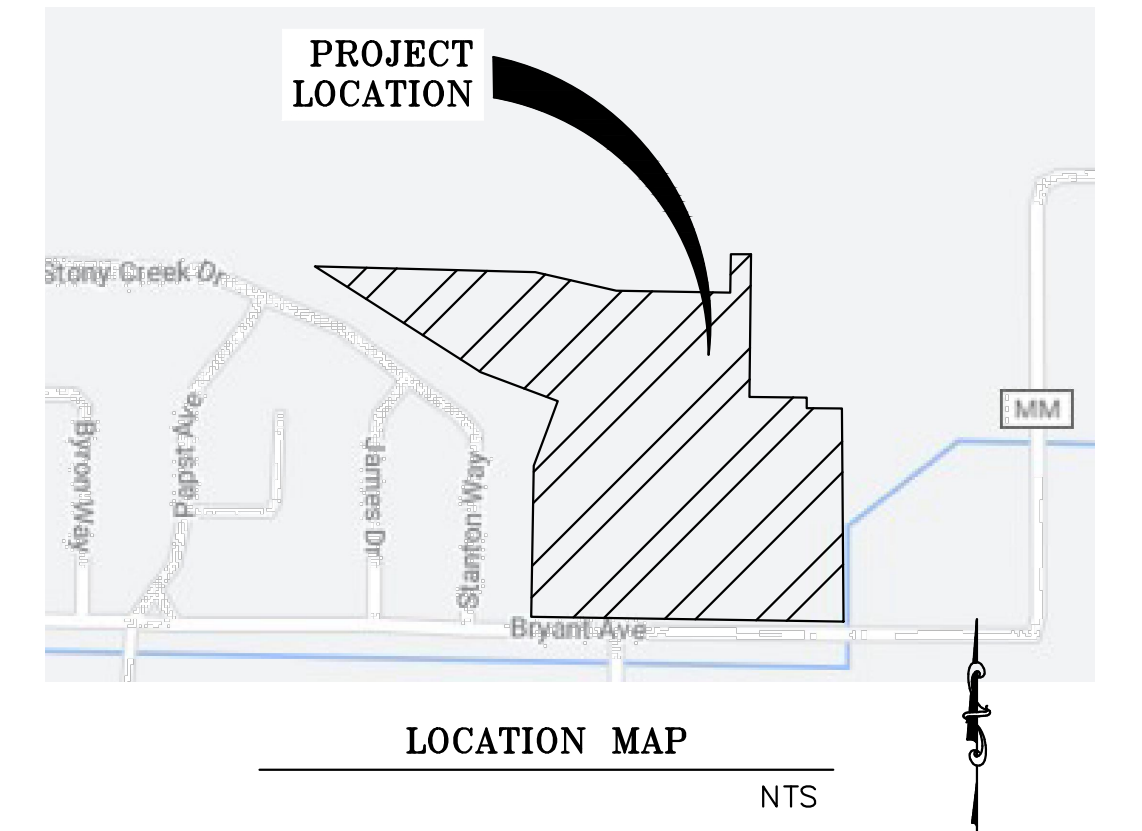
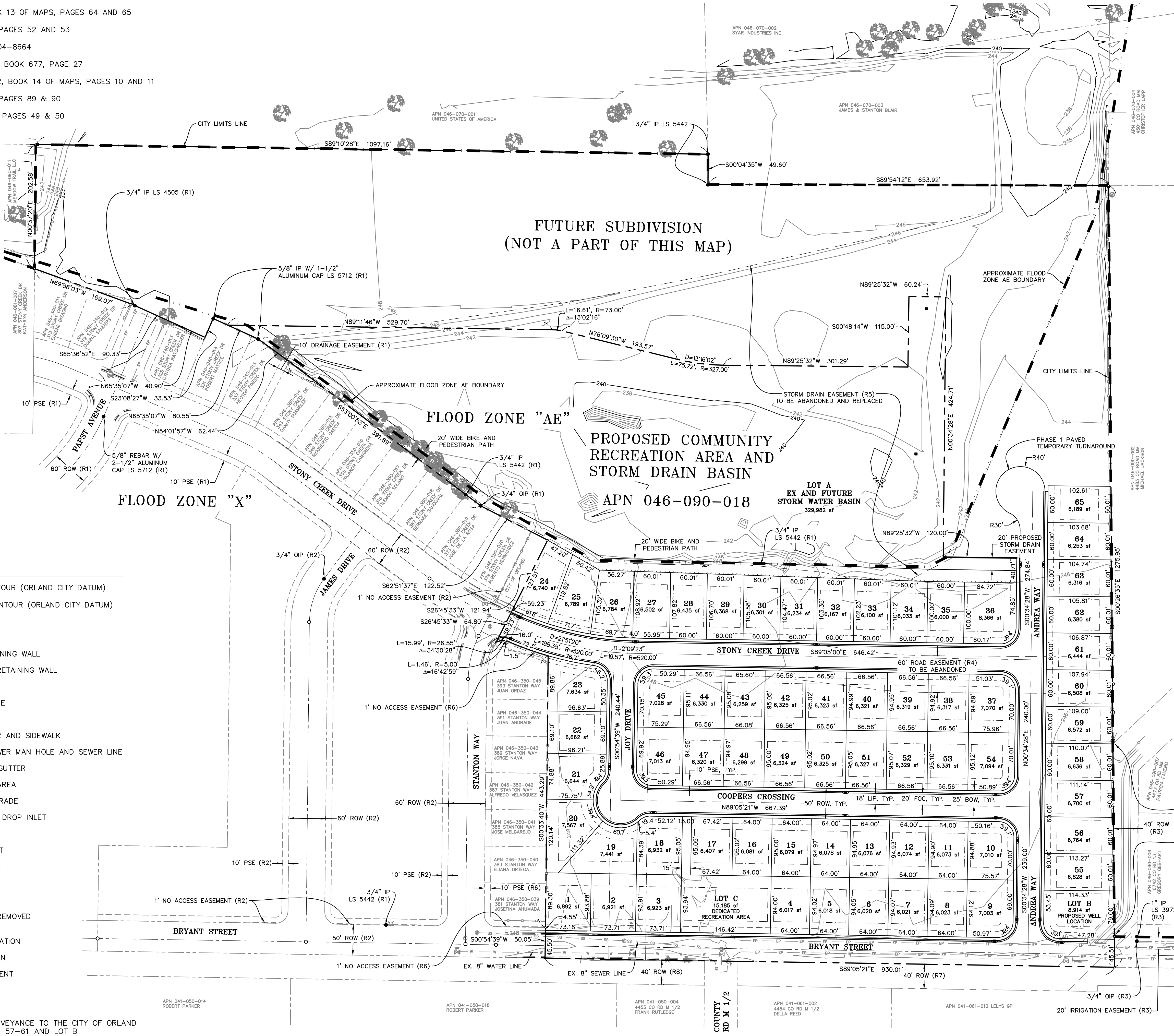
BUILDING SETBACKS

FRONT AND BACK YARDS: 20'
 SIDE YARDS: 5'
 TYPICAL FOR ALL LOTS
 CORNER LOTS SIDE SETBACKS
 FACING THE STREET: 20'



LEGEND:

- 242 — EXISTING GROUND CONTOUR (ORLAND CITY DATUM)
- — PROPOSED GROUND CONTOUR (ORLAND CITY DATUM)
- — SUBDIVISION BOUNDARY
- — PROPOSED LOT LINE
- — PROPOSED WOOD RETAINING WALL
- — PROPOSED CONCRETE RETAINING WALL
- — CENTER LINE
- — BUILDING SET BACK LINE
- — EASEMENT LINE
- — EXISTING CURB, GUTTER AND SIDEWALK
- — EXISTING SANITARY SEWER MAN HOLE AND SEWER LINE
- — PROPOSED CURB AND GUTTER
- — PROPOSED CONCRETE AREA
- — EXISTING AND FINISH GRADE
- — EXISTING STORM DRAIN DROP INLET
- — EXISTING FENCE
- — EXISTING FIRE HYDRANT
- — EXISTING WATER VALVE
- — EXISTING TREE
- — EXISTING TREE TO BE REMOVED
- EG EXISTING GROUND ELEVATION
- FG FINISH GRADE ELEVATION
- PSE PUBLIC SERVICE EASEMENT
- ROW RIGHT OF WAY
- BOW BACK OF WALK
- — ABUTTERS RIGHTS CONVEYANCE TO THE CITY OF ORLAND BACK OF LOTS 26-38, 57-61 AND LOT B



SUBDIVISION NOTES:

- SUBDIVISION MAP INFORMATION:

ACREAGE±:	SUBDIVISION	REMAINDER	TOTAL
TOTAL NUMBER OF LOTS:	21,984	12,780	34,764
	65	1	66

 UNITS PER ACRE: 4.511
 AVERAGE LOT SIZE: 6,518 sf (0.150 ACRES±)
- THE SUBDIVISION MAP LIES IN FLOOD ZONE "AE" AND "X" AS SHOWN ON FIRM MAP NUMBER 06021C0170D DATED AUGUST 5, 2010
- DATE OF SURVEY: SEPTEMBER 9, 2021
- NO EXISTING WELL'S, SEPTIC TANKS OR LEACH FIELDS
- FENCING WILL BE INSTALLED ALONG THE BACKS AND SIDES OF EACH LOT

LAND USE:
 PRESENT: LOW DENSITY RESIDENTIAL
 FUTURE: LOW DENSITY RESIDENTIAL

ZONING:
 PRESENT: R1
 FUTURE: R1

ASSESSOR'S PARCEL NUMBER:
 046-090-018

DESIGN MODIFICATIONS:
 REDUCED ROAD RIGHT OF WAY TO 50'

OWNER:
 QUIET CREEK, INC.
 260 LOCKHEED AVE.
 CHICO, CA 95973

UTILITIES:
 SANITARY SEWER: CITY OF ORLAND
 WATER: CITY OF ORLAND
 POWER: PACIFIC GAS & ELECTRIC
 COMMUNICATIONS: AT&T
 CABLE TV: COMCAST
 STORM DRAIN: CITY OF ORLAND

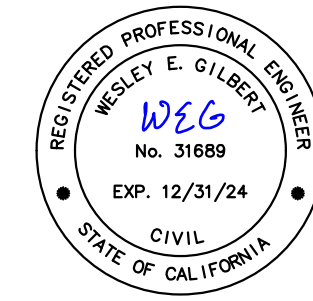
SUBDIVIDER:
 M & D DEVELOPMENTS, LLC
 216 CENTENNIAL AVENUE
 CHICO, CA 95928
 (530) 624-6517

ENGINEER:
 W. GILBERT ENGINEERING
 WESLEY E. GILBERT, R.C.E. 31689
 140 YELLOWSTONE DRIVE, SUITE 110
 CHICO, CALIFORNIA 95973
 (530) 809-1315

THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: *Wesley E. Gilbert* DATE: 12/21/2023

WESLEY E. GILBERT
 R.C.E. 31689
 EXPIRES: 12/31/24



PROPOSED 1' NO ACCESS EASEMENT AT THE BACK OF LOT B & LOTS 55-58

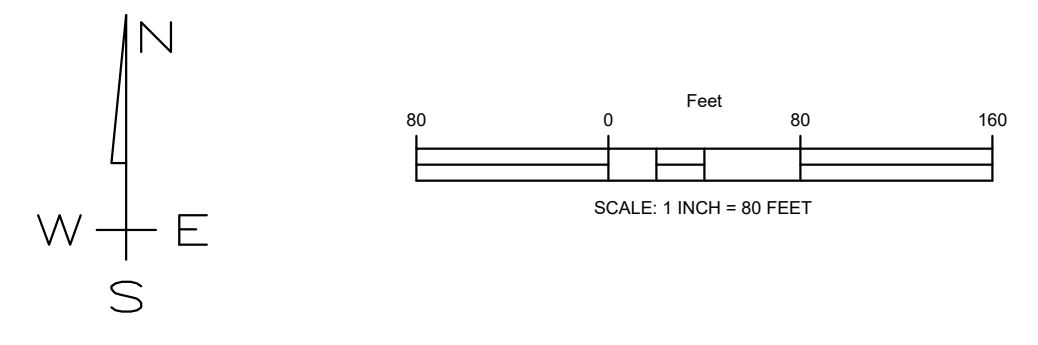
QUIET CREEK VESTING TENTATIVE SUBDIVISION MAP TSM # 2022-01

FOR
 M & D DEVELOPMENTS, LLC

BEING A PORTION OF THE NORTH HALF OF THE NORTH HALF OF SECTION 23, T.22N.R.3W, M.D.B. AND M., AND ALSO BEING A PORTION OF LOTS 8 & 9 OF THE UNITED STATES IRRIGATION DISTRICT OF ORLAND, SUBDIVISION NO. 16, AS SAID LOTS ARE SHOWN ON THAT CERTAIN MAP FILED IN BOOK 1 OF MAPS AND SURVEYS, AT PAGE 202, AND ALSO BEING A PORTION OF "OWNER'S REMAINING LAND", AS SAID "LAND" IS SHOWN ON THAT CERTAIN MAP FILED IN PARCEL MAP BOOK 7 AT PAGE 98, CITY OF ORLAND, COUNTY OF GLENN, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
 140 YELLOWSTONE DRIVE, SUITE 110
 CHICO, CALIFORNIA 95973
 (530) 809-1315

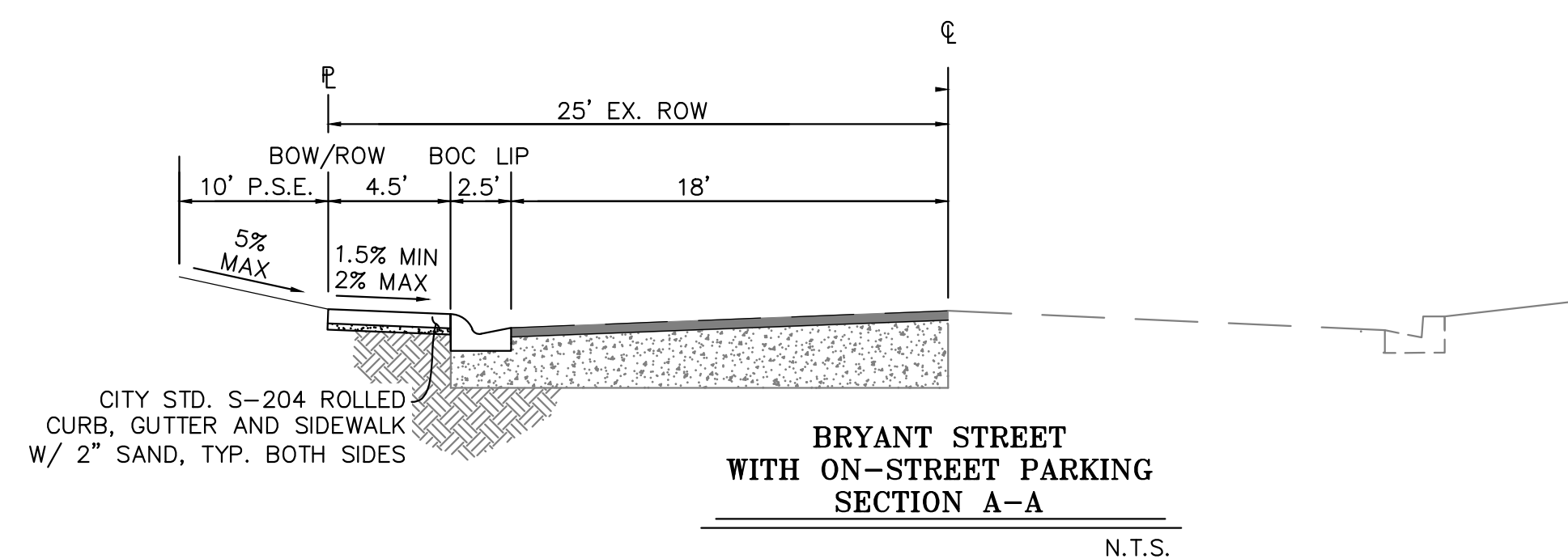
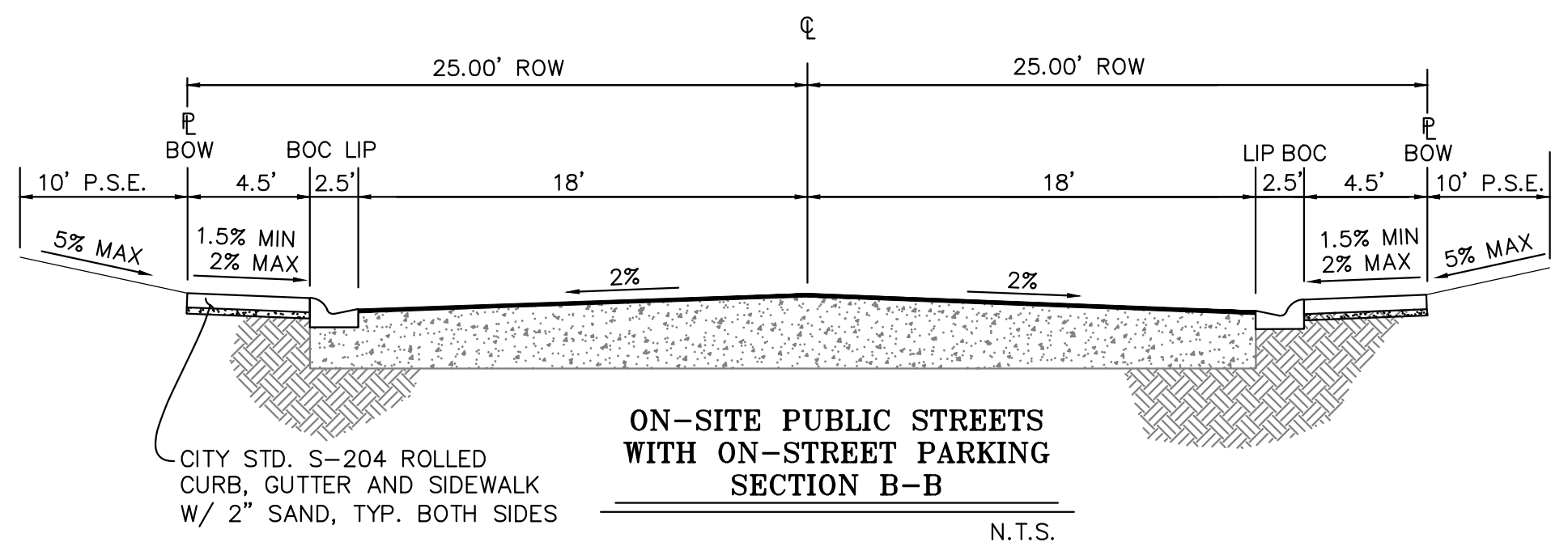
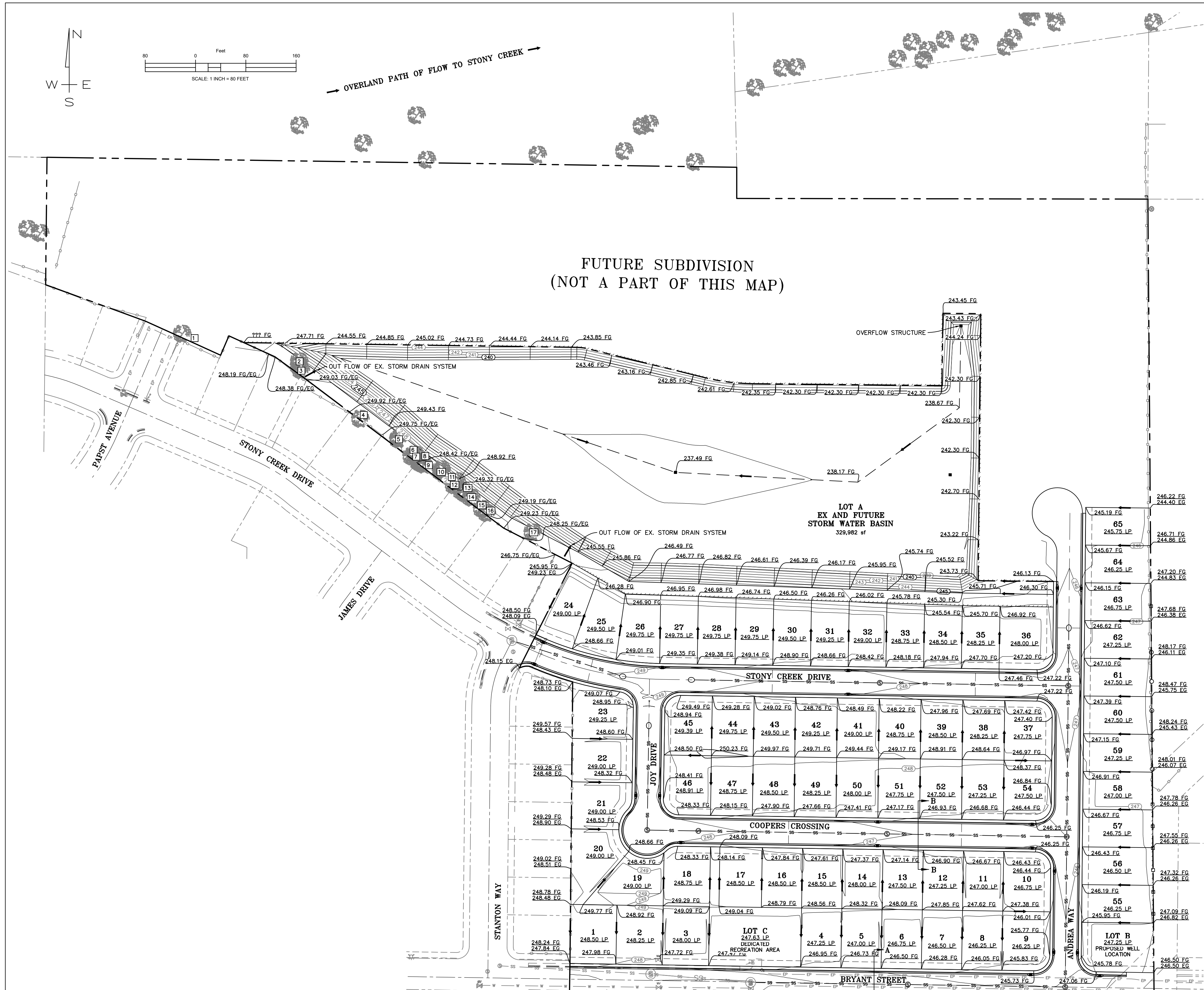
DECEMBER 21, 2023 SHEET 1 OF 3



OVERLAND PATH OF FLOW TO STONY CREEK →

FUTURE SUBDIVISION
(NOT A PART OF THIS MAP)

TREE NO.	TREE SPECIES	TREE DIAMETER	DRIPLINE RADIUS	PROTECT/REMOVE
1	VALLEY OAK XL	30"	30'	PROTECT
2	OLIVE	6"	30'	PROTECT
3	OLIVE	6"	30'	PROTECT
4	OLIVE	6"	30'	PROTECT
5	OLIVE	6"	30'	PROTECT
6	OLIVE	6"	8'	PROTECT
7	OLIVE	6"	6'	PROTECT
8	OLIVE	6"	6'	PROTECT
9	OLIVE	6"	8'	PROTECT
10	MULBERRY	8"	6'	PROTECT
11	OAK	6"	8'	PROTECT
12	OLIVE	6"	6'	PROTECT
13	MOMOSA	6"	4'	PROTECT
14	DEODAR CEDAR	6"	4'	PROTECT
15	DEODAR CEDAR	6"	6'	PROTECT
16	DEODAR CEDAR	6"	4'	PROTECT
17	ENGLISH WALNUT	6"	4'	PROTECT

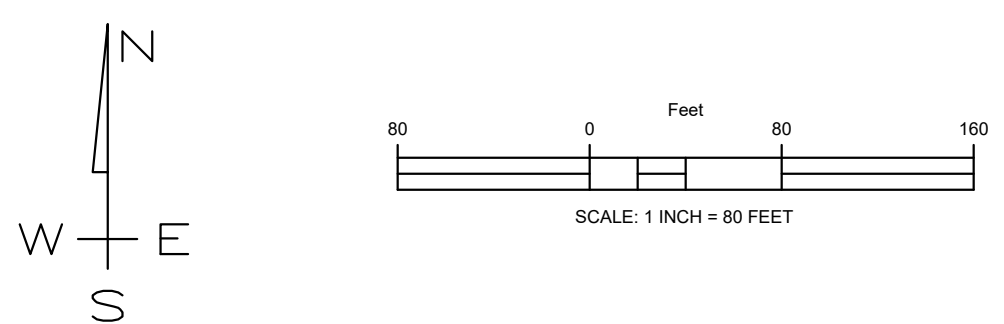


QUIET CREEK VESTING TENTATIVE
SUBDIVISION MAP
TSM # 2022-01

FOR
M & D DEVELOPMENTS, LLC

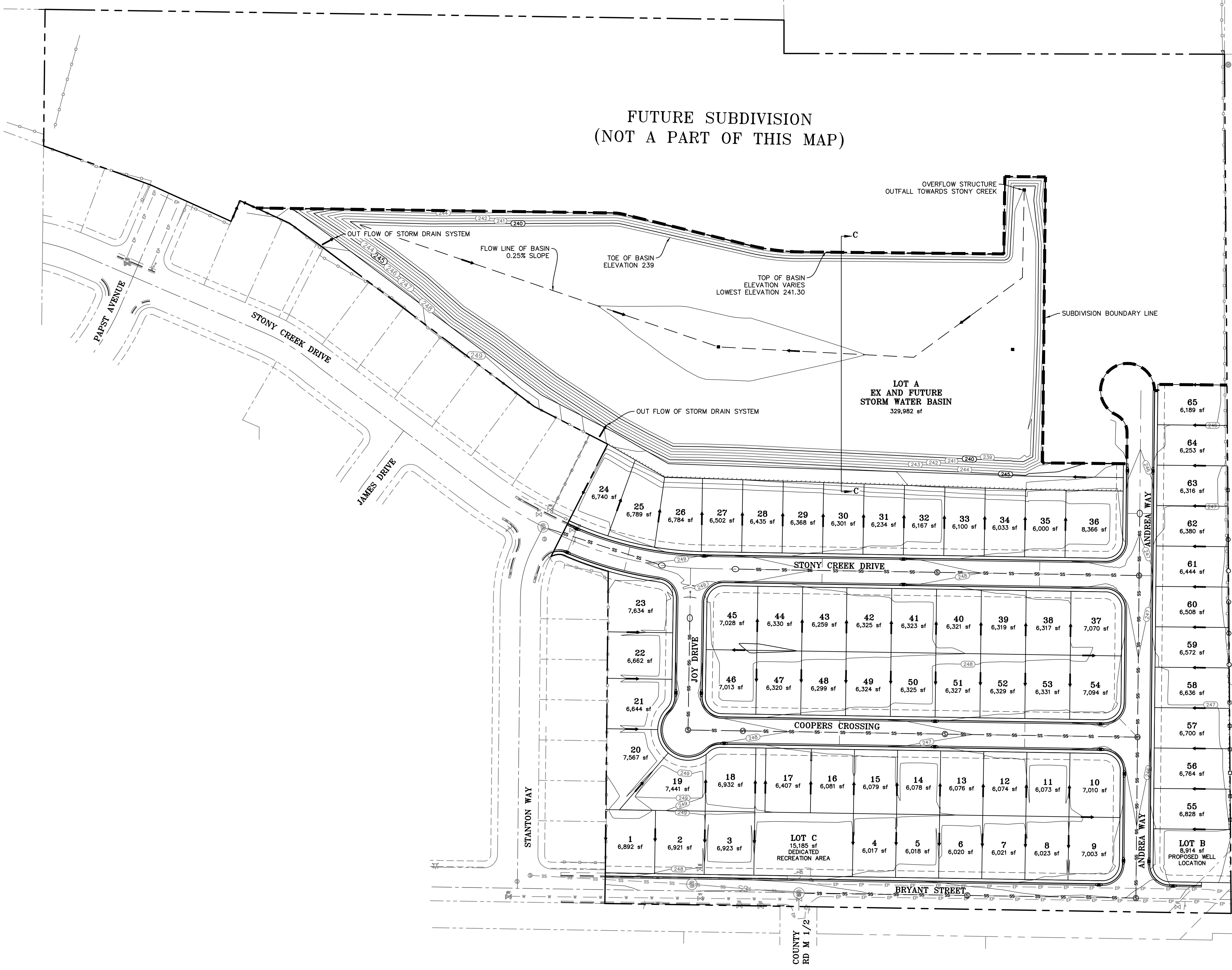
BEING A PORTION OF THE NORTH HALF OF THE NORTH HALF OF SECTION 23, T.22N.R.3W. M.D.B. AND M., AND ALSO BEING A PORTION OF LOTS 8 & 9 OF THE UNITED STATES IRRIGATION DISTRICT OF ORLAND, SUBDIVISION NO. 16, AS SAID LOTS ARE SHOWN ON THAT CERTAIN MAP FILED IN BOOK 1 OF MAPS AND SURVEYS, AT PAGE 202, AND ALSO BEING A PORTION OF "OWNER'S REMAINING LAND", AS SAID "LAND" IS SHOWN ON THAT CERTAIN MAP FILED IN PARCEL MAP BOOK 7 AT PAGE 98, CITY OF ORLAND, COUNTY OF GLENN, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315



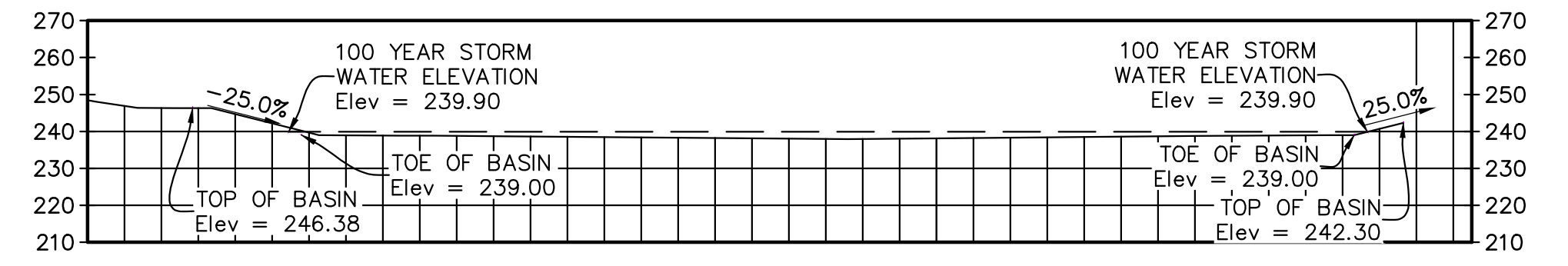
→ OVERLAND PATH OF FLOW TO STONY CREEK

**FUTURE SUBDIVISION
(NOT A PART OF THIS MAP)**



STORM DRAIN BASIN DETAILS:

- 1) RUNOFF COEFFICIENT (C) FROM EVERGREEN SUBDIVISION DATA: 0.51
- 2) STORM INTENSITY USED: 100 YEAR EVENT
- 3) TOTAL TRIBUTARY AREA: 2,951,441 SF (67.756 ACRES)
- 4) AREA AT THE TOE OF BASIN: 245,995 SF (5.647 ACRES)
- 5) ELEVATION AT TOE OF BASIN: 239.00
- 6) LOWEST ELEVATION AT TOP OF BASIN: 241.30
- 7) AVAILABLE DEPTH WITH 1 FOOT OF FREE BOARD
240.30-239.00 = 2.30 FEET
- 8) PERCOLATION RATE FROM EVERGREEN SUBDIVISION DATA: 8.24 MIN/INCH
PERCOLATION RATE USED IN BASIN CALCULATIONS: 20 MIN/INCH
(2.43 FACTOR OF SAFETY FOR SUSTAINED FLOW)
- 9) REQUIRED STORAGE FOR 100 YEAR EVENT WITHOUT PERCOLATION: 612,048 CF
- 10) REQUIRED STORAGE FOR 100 YEAR EVENT WITH PERCOLATION: 72,878 CF
- 11) STORAGE PROVIDED: 594,682 CF
(245,995 SF X 2.30 FT + (0.5 X 2.3 FT X 9.2 FT) X 2.731 FT)
(TOE AREA X WATER HEIGHT + (SLOPE AREA) X MID LENGTH OF BASIN)
- 12) WATER ELEVATION AT 100 YEAR EVENT WITH PERCOLATION: 239.30
(72,878 CF / 245,995 SF = 0.30 FT)
- 13) WATER ELEVATION WITH 3.0 FACTOR OF SAFETY: 239.90
(0.30 FT X 3 = 0.90)



**STORM DRAIN BASIN
SECTION C-C**
NTS

**QUIET CREEK VESTING TENTATIVE
SUBDIVISION MAP
TSM # 2022-01**

FOR
M & D DEVELOPMENTS, LLC

BEING A PORTION OF THE NORTH HALF OF THE NORTH HALF OF SECTION 23, T.22N.R.3W. M.D.B. AND M., AND ALSO BEING A PORTION OF LOTS 8 & 9 OF THE UNITED STATES IRRIGATION DISTRICT OF ORLAND, SUBDIVISION NO. 16, AS SAID LOTS ARE SHOWN ON THAT CERTAIN MAP FILED IN BOOK 1 OF MAPS AND SURVEYS, AT PAGE 202, AND ALSO BEING A PORTION OF "OWNER'S REMAINING LAND", AS SAID "LAND" IS SHOWN ON THAT CERTAIN MAP FILED IN PARCEL MAP BOOK 7 AT PAGE 98, CITY OF ORLAND, COUNTY OF GLENN, STATE OF CALIFORNIA

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FINDINGS
TENTATIVE SUBDIVISION MAP (TSM #2022-02), Quiet Creek Subdivision

Assessor’s Parcel Numbers: 046-090-018

Project location: Located directly north of the intersection of County Road M½ and Bryant Street. The Project Site is west of Stanton Way and north and east of an irrigation canal known as Lateral 40, Orland, Glenn County, CA 95963

Zoning: “R-1” (Residential, One-family)

General Plan Land Use Designation: “R-L” (Low-Density Residential)

Proposed Use: “Residential Subdivision”

Tentative Subdivision Map – TSM #2022-02, Quiet Creek, Inc. (Applicant[s]): A request for the approval of a TSM for the Quiet Creek Subdivision Project. The proposed project, along with implementation of the Conditions of Approval, would divide an existing 34.76+/- acre parcel of land identified as Glenn County Assessor’s Parcel Number 046-090-018 into sixty-seven (67) parcels. Sixty-five (65) lots will be approximately 7,313 sq. ft. in size on average and 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 square foot (7.323 acres) stormwater drainage basin and open space area. Lot B will be dedicated to the City of Orland for a future groundwater well location. The average lot size for the 65 single family lots will be 6,751 square feet (0.155 acres). These lot sizes will range from 6,259 to 10,059 square feet.

Findings for adoption of the Mitigated Negative Declaration:

1. The City of Orland has considered the Mitigated Negative Declaration and Initial Study Amendment prepared for the project (Quiet Creek Subdivision 2023 Initial Study/Mitigated Negative Declaration) and any comments received as part of the public review of the document;
2. The City of Orland finds that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment;
3. The City of Orland finds that development of the proposed facilities will not constitute an actual or potential endangerment of public health;
4. The City of Orland has independently reviewed, analyzed, and considered the proposed Negative Declaration with mitigation measures prior to making a decision on the project, and hereby finds that the said Mitigated Negative Declaration adequately represents impacts associated with this project;
5. The City of Orland finds that the Negative Declaration and Initial Study reflects the City's independent judgment and analysis;
6. The City Clerk is designated as custodian of the documents and/or other materials, which constitute the record of proceedings upon which the decision of the City Council is based, and this record shall be maintained at the Orland City Hall located at 815 Fourth Street, Orland, CA 95963; and
7. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4).

Findings for the Approval of the Tentative Subdivision Map:

1. That the proposed project is consistent with the City of Orland General Plan and does not exceed density and intensity standards within the Land Use Element. *The single-family residential standards*

of the City's General Plan establish a maximum density of six units per acre. The proposed project has a gross density of approximately 2.88 dwelling units per acre of residentially developed land.

2. That the site is physically suitable for the type of development proposed. *The project site is flat with slopes less than five percent. The project site is vacant and is not within a flood plain.*
3. That the site is physically suited for the density of development. The proposed Tentative Subdivision Map conforms to the requirements of the R-1 zone district.
4. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, or wildlife or their habitat. *The site was reviewed under the requirements of the California Environmental Quality Act and a Mitigated Negative Declaration was prepared to support the project. The Mitigated Negative Declaration included mitigation measures that, when implemented (included as a Condition of Approval), would mitigate any potential negative impacts to fish, wildlife or the natural or built environment.*
5. That the design of the subdivision or the proposed improvements are not likely to cause serious public health problems. *As conditioned, the project will provide roadway and construction improvements to minimize project related problems. Standard subdivision improvements will include fire hydrants, streetlights and roadways designed for residential traffic.*
6. The design of the project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project site. *The project will not impact or conflict with any easements or land acquired by the public.*
7. The Tentative Subdivision Map conforms to the provisions of the Subdivision Map Act and to the provisions of Orland Municipal Code Title 16 — Subdivisions (OMC Section 16.16.190). *The tentative subdivision map complies with the required form and content of tentative subdivision maps, as set forth by the City and based upon the provisions of Title 16 of the Orland Municipal Code.*
8. The Tentative Subdivision Map conforms to the provisions of the City of Orland General Plan (OMC Section 16.16.190). *The project applicant proposes to use the subdivided parcels for residential purposes. This is consistent with the land use designations for the subdivided parcel under the City's General Plan (Low Density Residential).*
9. The Tentative Subdivision Map is consistent with good planning and engineering practice (OMC Section 16.16.190). *The City Engineer has reviewed the tentative subdivision map, and has attached conditions that have been incorporated within the Conditions of Approval. All lots comply with the requirements in the City of Orland Land Division Standards and Improvement Standards.*
10. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area. *The project applicant proposes to develop the lots for residential uses. This type of development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.*
11. The project will not result in substantial environmental damage. *The Tentative Subdivision Map would not result in any substantial damage to the environment. Development proposed under the Tentative Subdivision Map would be consistent with the type of development in the vicinity, and would not substantially damage the physical environment of the area.*
12. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4). *The project is located in an area designated on the City of Orland General Plan as being suitable for residential development and that portion of the site proposed for residential development by the Tentative Subdivision Map has been previously disturbed by past land uses.*

**AMENDED CONDITIONS OF APPROVAL
TENTATIVE SUBDIVISION MAP (TSM #2022-02), Quiet Creek Subdivision**

Assessor’s Parcel Numbers: 046-090-018

Project location: Located directly north of the intersection of County Road M½ and Bryant Street. The Project Site is west of Stanton Way and north and east of an irrigation canal known as Lateral 40, Orland, Glenn County, CA 95963

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General Conditions of Approval:

1. The developer shall note that Section 711.4 of the Fish and Game Code requires payment of a fee to the County Clerk for filing a Notice of Determination for an environmental document. Payment of this fee is the responsibility of the developer.
2. Implementation of the entire Mitigation Monitoring Program dated September 2023 is here included by reference, as a Condition of Approval. Developer shall pay all actual City Planner hourly fees incurred in the monitoring of all mitigation measures for the implementation of this project.
3. The term of the Quiet Creek Tentative Subdivision Map (TSM 2022-02) shall be 3 years from the date of City Council approval. The tentative map shall expire January 2, 2027. The term of the map shall be stated on the face of the tentative map.

Cost Recovery:

4. Applicant shall pay Cost Recovery for staff time spent processing in the amount necessary to complete the processing of this request the project if staff time exceeds the deposited fee amount (Resolutions #2008-26 and 2010-20, adopted September 7, 2010, by the Orland City Council).

Engineering/Public Works:

Design Criteria and Improvement Standards

5. All required public and joint-use private improvements shall be designed in accordance with the City of Orland Land Division Standards and Improvement Standards (LDSIS).
6. Submit improvement plans, profiles, typical sections, details and specifications to the City for review and approval prior to the start of any construction of public improvements.

Streets

7. Street names shall be approved concurrent with the improvement plans and prior to recordation of the Final Map.
8. All proposed interior roadways shall be public.

- a. Construct City standard streets and appurtenant facilities in accordance with the following typical sections: Interior Roads shall include a 12' (travel lane) + 8' (parking and gutter pan) + 5.5' (sidewalk and rolled curb) = 25.5-foot half width right-of-way. The total right-of-way width shall be 51 feet. Structural section designs for interior streets shall be based on findings from the soils report and traffic indexes provided by the City.
 - b. Bryant Street shall include a 5.5' (sidewalk and rolled curb) + 8' (parking and gutter pan) + 12' (travel lane) + 12' (travel lane) + 8.5' (parking, vertical curb and gutter) = 46.0 feet. The total Bryant Street right-of-way width shall be 50 feet. Structural section design shall be based on findings from the soils report and traffic indexes provided by the City. Bryant Street shall be improved for the entire length of the project.
9. Construct a fully improved cul-de-sac at the north end of Andrea Way.
 10. Conduits for future broadband service shall be placed in all public roadways per City of Orland standards.
 11. Install City standard street lights on steel poles with concrete bases on all streets that are required to be constructed.
 12. Install street signs, regulatory signs, pavement striping and pavement markings on all streets and bicycle facilities as directed by the City.
 13. Submit a copy of compaction results within proposed public rights-of-way prior to asphalt paving.

Bicycle Facilities

14. Construct a Class 1 paved bicycle path per City standards from Papst Avenue to Andrea Way, along the southwesterly boundary line of Lot A and the northerly line of Lots 26 through 38. Install removable bollards, or approved equal, at both ends of the path.
15. Construct a Class 1 paved bicycle path per City standards between Lots 4/5 and 18/19 from Bryant Street to Coopers Crossing. Install removable bollards, or approved equal, at both ends of the path.

Access

16. Install a navigable and locking gate at the following locations:
 - a. The north end of Andrea Way.
 - b. The north end of Papst Avenue.
 - c. The north end of APN 046-350-038 (City parcel west of Lot 26).
 The gate size, design and final location shall be submitted to the City for review and approval prior to construction.
17. Each proposed lot shall have a designated point of access to a public roadway.

Storm Drainage

18. Improvement plans shall provide designs to accommodate storm water runoff east of Lot 63 through the project.
19. Design and install a storm drain conveyance system with all appurtenances to serve the project. Conveyance systems shall be designed to convey a 10-year storm event. The storm drain conveyance system shall be designed in accordance with Orland LDSIS. The developer's engineer shall submit a storm drain design report to the City Engineer for review.
20. Design and install a storm drain retention system to accommodate existing and proposed development and with all appurtenances to serve the project. Retention systems shall be designed to contain a 100-year storm event shall drain within 72 hours of the end of storm events. The storm drain retention system shall include an emergency overflow location to Stony Creek and be designed in accordance with Orland LDSIS. The developer's engineer shall submit a storm drain design report to the City Engineer for review.
21. For retention systems, provide a copy of percolation test location(s) and results to the City Engineer for review.
22. Construct a paved vehicular access road into the storm drain basin. The vehicular access into the basin shall be protected from erosion.
23. The storm drain basin shall have a rock bank to limit mowing on side of hills and inclines. The bottom of the basin shall be native or drought resistant grasses.

Storm Water Pollution Prevention Plan

24. Coverage under the stormwater Construction General Permit (GCP) will be required by the State Water Resources Control Board if development activities result in ground disturbance, including clearing, excavation, filling, and grading of one or more acres or disturb less than one acre but are part of a larger common plan or development. Coverage under this General Permit must be obtained from the State Water Resources Control Board prior to starting construction. If coverage under the CGP is required, provide the City with the Waste Discharge Identification number assigned by the State.

Post Construction Standards

25. Implement post-construction Best Management Practices (BMPs) consistent with State Water Resources Control Board Order 2013-0001-DWQ (Order) to control the volume, rate, and potential pollutant load of stormwater runoff, including, but not limited to, requirements to minimize the generation, transport and discharge of pollutants. Provide stormwater treatment system(s) designed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measure(s), stormwater treatment system(s) and/or hydromodification measures. Design and sizing requirements shall comply with the Post-Construction Stormwater Management Program (Section E.12) requirements of the Order.

Well and Septic Abandonment

26. Obtain all necessary permits from the Glenn County Environmental Health Department to abandon all wells and septic systems in accordance with their requirements.

Sanitary Sewer

27. Design and install the following City standard sanitary sewer facilities:
- Interior to Subdivision: An underground gravity sanitary sewer system, with all appurtenances, to serve all lots.
 - Adjacent to Subdivision: An underground gravity sanitary sewer system, with all appurtenances, along the subdivision frontage to serve Lots 1 through 11.
 - Each sewer lateral shall have a cleanout installed at the right-of-way line.

Water

28. Design and install a looped water system with connection points at Stony Creek Drive and Bryant Street. The water system shall have the following City standard facilities:
- Interior to Subdivision: An underground water system, with all appurtenances, to serve all lots.
 - Adjacent to Subdivision: An underground water system, with all appurtenances, along the subdivision frontage to serve Lots 1 through 11.
29. Submit a fire hydrant layout for review and approval by the City of Orland Fire Chief.

Neighborhood Park

30. Prior to recordation of the final map, submit a site plan to the City for review and approval showing proposed features including sidewalks, bike path, landscaping (groundcover, turf, shrubs and trees), irrigation, picnic table with shelter and pre-fabricated play structure.

Other Public Services

31. Install concrete pads for NDCBU delivery to the lots of this subdivision. Improvements are subject to approval by the local office of the United States Postal Service.
32. Obtain all required permits from outside agencies having pertinent jurisdiction prior to construction or the recordation of the Final Map for this subdivision.
33. Install all new utilities underground.
34. All public utility and/or public service easements shall be kept free and clear of an and all obstructions, including but not limited to, structures, longitudinal fencing and/or soundwalls, which may impede the construction, operation and maintenance of public utility facilities within such easements.
35. Any and all existing utilities conflicting with proposed improvements shall be relocated at the Subdivider's expense.

36. Provide the City with copies of improvement plans for review by Orland Unit Water Users Association (OUWUA) and United States Bureau of Reclamation (USBR).

Public Facilities Maintenance

37. Prior to recordation of the Final Map, create a maintenance district to fund the maintenance of certain public improvements including:
- Storm water conveyance system.
 - Maintenance of 1' wide strip along the east side of Lots 58 through 61 (Lot C).
 - Street Lights along interior and adjacent roads.
 - Bicycle path and appurtenances between Lots 4/5 and 18/19 from Bryant Street to Coopers Crossing.
 - Playground facilities, landscaping and irrigation in neighborhood park (Lots 4 and 5).

Subdivision Grading

38. Submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:
- An investigation of the nature, distribution and strength of existing soils.
 - A description of site geology.
 - Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
 - Verification that the site is suited to proposed BMPs.
39. A grading plan shall be submitted to the City Engineer for review and approval prior to the start of any work. All subdivision grading shall be in conformance with the LDSIS.
40. Construct retaining curbs, fences, or walls along project boundaries where proposed grades are 12" or greater than existing grades on adjacent properties.
41. Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:
- Final grading complies with the approved grading plan or any approved revisions.
 - The subdivision grading complies with the recommendations included in the Geological and/or Soils Report.
 - The subdivision soils are adequately compacted for their intended use. A copy of compaction and/or field density tests shall be included in the Final Grading Report.

Fencing

42. The Subdivider shall construct an eight foot (8') tall chain link fence with privacy slats, or approved equal, along the east side of Lots 55 through 58. Fencing shall be set on a continuous concrete curb having no less than 16 inches below ground level and at least 6 inches above ground level.
43. 40. The Subdivider shall construct gates, as required, to access USBR rights-of-way or easements.
44. 41. Construct a fence around the perimeter of Lot A. The fence layout and design shall be submitted to the City for review and approval prior to construction.

Public Property Conveyances

In conjunction with recordation of the Final Map, the Subdivider shall:

- Dedicate all of Bryant Street (50' wide) in fee to the City of Orland.
- Dedicate all interior public roadways (51' wide) in fee to the City of Orland.
- Dedicate a 10' wide public service easement contiguous to and on each side of proposed public roadways.
- Dedicate a 10' wide public service easement contiguous to the north side of Bryant Street.
- Dedicate abutters rights at the following locations:
 - along the north side of Lots 25 through 38.
 - along the west side of Lots 47 and 48.
 - along the east side of Lots 11, 12, 38, 39, 56 and 58 through 61.
- Dedicate Lot A in fee to the City of Orland.

51. Dedicate Lot B and Lot 57 in fee to the City of Orland. Lot B shall demonstrate that a well site control zone with a 50-foot radius around the proposed well location can be established for protecting the source from vandalism, tampering, or other threats at the site.
52. Dedicate Lots 4 and 5 in fee to the City of Orland for neighborhood park purposes.
53. Dedicate a 20' wide strip of land, for public facilities, in fee to the City of Orland at the following locations:
 - a. contiguous to and along the south line of the Future Subdivision from Papst Avenue to Lot A.
 - b. contiguous to and along the southwesterly line of Lot A.
 - c. contiguous to and along the northerly line of Lots 26 through 38.
 - d. between Lots 18 and 19.
54. Dedicate a 1' wide strip of land (Lot C) in fee to the City of Orland along the east side of Lots 57 through 61.
55. The following easements are approved for abandonment upon recordation of the Final Map:
 - a. road easement per Original Record 2004-8664.
 - b. storm drainage easement per Book 677 of Original Records Page 27.

Final Map

56. The subdivision shall comply with all local, state and federal regulations.
57. The Subdivider shall provide a current title report and a copy of all exceptions for review.
58. Identify and label the location and dimension(s) of all easements of record.
59. Identify and label the location and dimension of USBR rights-of-way or easements.
60. Prior to or concurrently with the recordation of the Final Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
61. Pay the recording fees in effect at the time the Final Map and related documents are recorded.
62. Prior to recordation of the Final Map, pay any outstanding project-related processing fees.

Administrative Requirement

63. Subdivision Fees
 - a. Final Map: pay to the City of Orland a Final Subdivision Map plan checking fee per Table A of Municipal Code Section 16.12.080 upon submitting the final map for review. The final fee shall be equal to the actual City Costs.
 - b. Improvement Plans: pay to the City of Orland an Improvement Plan checking deposit of \$500.00 upon submitting the improvement plans for review. The final fee shall be equal to the actual City Costs.
 - c. Inspection: pay to the City of Orland an inspection fee prior to commencing construction. The fee shall be an initial deposit of 2% of estimated costs of all public improvements. The final fee shall be equal to the actual City Costs.
 - d. OUWUA/USBR: the Subdivider shall pay all application and review fees required by OUWUA and USBR to review and approve improvement plans and environmental documents.
 - e. Sewer: pay to the City of Orland connection fees as provided on the adopted schedule of fees.
 - f. Water: pay to the City of Orland connection fees as provided on the adopted schedule of fees.
64. Concurrently with the acceptance of the final map, the subdivider shall enter into an agreement with the city council agreeing to have the improvements completed within the time clause guaranteeing the workmanship and materials provided in all improvements for a twelve (12) month period after acceptance of the improvements by the city council.
65. To assure that the improvements required herein are satisfactorily completed, adequate improvement security shall be furnished by the subdivider for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the city engineer.
66. The improvement security shall be released by the city engineer upon acceptance of the work or upon revocation or reversion to acreage of the subdivision and abandonment of all streets and easements, except the security in the amount specified by the city engineer to guarantee workmanship and materials shall remain in full force and effect for one year after acceptance of the improvements.
67. Certificates of Occupancy (temporary or permanent) for all lots, shall not be issued until improvements to Road M ½ and the Lateral 40 Canal crossing have been completed. This work is scheduled for the summer/fall of 2024 and will be completed by the City.

PG&E:

68. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicant's expense. There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any easements that exist which infringe on PG&E's easement rights.

Project Site Lighting:

69. No exterior lighting has been proposed or approved with this permit. A lighting plan shall be submitted to the city and approved by the city prior to issuance of a building permit and subsequent commencement of construction. All new exterior light sources shall be shielded to prevent any glare or direct illumination on public streets, adjacent properties, or highways. All on-site pedestrian and automobile traffic areas shall be well lit for safety and security. Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
70. All project-installed outdoor lighting (wall lights and street lighting) 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.

Landscaping:

71. The applicant shall submit a landscape plan with all building plans that illustrates conformity with landscaping requirements of OMC Section 17.20.060(H).
72. Landscaping irrigation shall be accommodated using a separate water meter for landscape irrigation purposes and an automated irrigation timer having a rain sensor and meeting State irrigation control requirements shall be utilized and integrated into the project landscape design program.

Right-to-Farm Disclosure:

73. As part of any real estate transactions conducted on site, the sellers and agents must disclose that the property is located within one mile of farmland as designated on the most recent Important Farmland Map, and that those farming operations are protected against nuisance suits when impacting neighboring properties.

CEQA Required Mitigation Measures

74. The project shall comply with all mitigation measures provided in the Quiet Creek Subdivision Project 2023 Initial Study/Mitigated Negative Declaration, which are as follows:

Air Quality

AQ-1: Wood Burning Fireplaces. Prior to the issuance of individual building permits, the Orland Planning and Building Departments shall confirm that all construction documents and specifications stipulate that the installation of wood-burning hearths is prohibited. Natural gas-fueled hearths are acceptable.

Biological Resources:

BIO-1: Erosion Control Measures and BMPs. The Project will implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project Site. Measures may include the following:

- Erosion control measures will be placed between Waters of the U.S., and the outer edge of the staging areas, within an area identified with highly visible markers (e.g., construction fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification and erosion control measures will be properly maintained until construction is completed and the soils have been stabilized.
- Fiber rolls used for erosion control will be certified by the California Department of Food and Agriculture as weed-free.

- Seed mixtures applied for erosion control will not contain California Invasive Plant Council-designated invasive species (<http://cal-ipc.org/>) and will be composed of native species appropriate for the site.
- Trash generated onsite will be promptly and properly removed from the site.
- Any fueling in the upland portion of the Study Area will use appropriate secondary containment techniques to prevent spills.
- A qualified biologist will conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel on the potential for special status species to occur on the Project Site. The training will provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance.

BIO-2: Special-Status Plants. The following mitigation measures would minimize potential impacts to special-status plants:

- Perform focused special-status plant surveys of the Project Site according to CDFW, California Native Plant Society (CNPS), and USFWS protocols (ECORP 2023a). Surveys will be timed according to the blooming period for target species and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur.
- No further measures pertaining to special-status plants are necessary if no special- status plants are found.
- Avoidance zones may be established around plant populations to clearly demarcate areas for avoidance if special-status plant species are found within the Project Site. Avoidance measures and buffer distances may vary between species; the specific avoidance zone distance will be determined in coordination with CDFW.
- Additional measures such as seed collection and/or transplantation may be developed in consultation with CDFW and the CEQA Lead Agency if special-status plant species are found within the Project Site and avoidance of the species is not possible.

BIO-3: Oak Trees. To avoid and minimize potential adverse effects to listed and special status bird species and their designated critical habitat, implement the following measures:

Guidelines are written and disseminated by the Glenn County Board of Supervisors for those that wish to harvest or remove trees during construction, road design, and other activities that may impact trees. These guidelines encourage landowners to develop oak management plans that will address the preservation of wildlife habitat. Mature oaks provide valuable habitat for multiple species, including but not limited to Swainson's hawk, white-tailed kite, Nuttall's woodpecker, oak titmouse, western red bat, and many other non-listed species. These guidelines can be found in Appendix 4.4 of the BRA. Implementation of an oak management plan to protect the small number of mature oaks present on the borders of the Study Area would ensure minimization or avoidance of impacts to trees and the valuable habitat they provide for listed species.

BIO-4: Crotch Bumble Bee. Implementation of the following measure would minimize or avoid adverse effects to Crotch bumble bee that may be present within the Study Area:

The Permittee shall retain a state-approved qualified biologist knowledgeable of Crotch bumble bee species ecology to conduct a survey of areas that may provide habitat for this species. The qualified biologist shall contact the CDFW to request the agency- approved survey protocol for Crotch bumble bee and shall follow the agency-accepted protocol when conducting the surveys. Within 30 days of completing the survey, the County-approved qualified biologist shall prepare a Crotch Bumble Bee Survey Report and submit it to the County Planning Division. The report shall include a description of the methods to conduct the surveys, a description of suitable habitat areas, and a map of the locations where Crotch bumble bee and any other special status species were observed. The state-approved qualified biologist shall submit CNDDDB forms for any Crotch bumble bees or other special-status species observed during the surveys. The survey report shall also include measures sufficient to avoid "take" or other adverse impacts to Crotch bumble bee, if found during the surveys.

If Crotch bumble bee is confirmed to be present within the Study Area, the applicant shall apply for and receive an Incidental Take Permit from CDFW prior to Project activities. The Incidental Take Permit (ITP) application

shall be submitted to CDFW approximately one year prior to the take or adverse impacts to allow time for the processing of the application and the issuance of the ITP.

BIO-5: Special-Status Fish Species. If construction activities must encroach into the riparian corridor of Stony Creek, implementation of the following mitigation measure would minimize or avoid impacts to special-status fish species:

- Consult with a biologist on how to proceed to avoid impacts to Stony Creek and special-status fish species.

BIO-6: Northwestern Pond Turtle. To avoid and minimize potential adverse effects to Northwestern Pond Turtles, implement the following:

- Conduct a pre-construction survey for northwestern pond turtles. The survey should be conducted within 24 hours prior to the start of construction.
- No further measures pertaining to this species are necessary if no northwestern pond turtles are found.
- If northwestern pond turtles are found within an area proposed for impact, a qualified biologist shall relocate the northwestern pond turtle to a suitable location away from the proposed construction, in consultation with CDFW.

BIO-7: Special-Status Birds and MBTA-Protected Birds (including nesting raptors). Suitable nesting and/or wintering and foraging habitat for several special-status birds is present within the Project Site. These include Swainson's hawk, burrowing owl, and tricolored blackbird. If present, the Project could result in harassment to nesting individuals and may temporarily disrupt foraging activities.

In addition to the above listed special-status birds, all native birds, including raptors, are protected under the California Fish and Game Code and the federal MBTA. As such, implementation of the following mitigation measures would ensure that there are no impacts to protected active nests:

- Conduct a pre-construction nesting bird survey of all suitable habitats on the project within 14 days prior to the commencement of construction.
- The pre-construction Swainson's hawk nesting survey shall be conducted within the Project Site and all accessible areas within 0.5 mile of the Project Site, and the pre-construction raptor nesting survey shall be conducted within 0.25 mile of the Project Site.
- A no-disturbance buffer around the nest shall be established if active nests are found. The buffer distance shall be established by a qualified biologist in consultation with CDFW. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary

BIO-8: Special-Status Bats. The mature oaks along the border of the Project Site represent potential habitat for tree-roosting bats like the western red bat. Implementation of the following mitigation measures would ensure that there are no significant impacts to western red bat:

- Prior to tree removal, two preconstruction surveys shall be conducted by a qualified biologist. The first survey shall occur approximately 30 days prior to tree removal and the second survey within one week of tree removal. Trees would be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, acoustic surveys from sunset to two hours post-sunset would occur at those locations showing evidence of bat use to verify presence/absence of special-status bat species. These measures will be undertaken regardless of time of year and will be undertaken by qualified biologists.
- If any special-status bats are found, the CDFW would be immediately contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed.

Cultural Resources:

CUL-1: Cultural or Archaeological Resource Discovery. All construction plans and grading plans shall include the following:

If subsurface deposits believed to be cultural or human in origin are discovered during any roadway or future construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.
- If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Glenn County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Geology Soils and Paleontology

GEO-1: Paleontological or Sensitive Geologic Resource Discovery. If paleontological or other geologically sensitive resources are identified during any phase of project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City of Orland. The City shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project Site while mitigation for paleontological resources is carried out.

Other Agency Permits and Approvals:

75. The project applicant and/or building contractor shall apply for and secure all required permits and approvals required for the project. Such approvals and permits may include, but are not limited to, the following:
- Glenn County Air Pollution Control District

Central Valley Regional Water Quality Control Board

74. Applicant shall submit an application for a General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP).

Statement of Acknowledgement:

I have reviewed the Conditions of Approval associated with the approval of TSM #2022-02 and acknowledge and consent to the Conditions as presented.

Signed,

Mike Visinoni, Quiet Creek, Inc., Applicant

Date

Mike Visinoni, Quiet Creek, Inc., Landowner

Date

FINAL

Initial Study for the Quiet Creek Subdivision Project

Glenn County, California
State Clearinghouse Number 2023080044

CEQA Lead Agency:



City of Orland
815 Fourth Street
Orland, California 95963

Prepared by:



55 Hanover Lane, Suite A
Chico, California 95973

September 2023

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Appendix 4.4 – Biological Resources Assessment for the Orland Quiet Creek Subdivision Project. ECORP Consulting, Inc. May 2023

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Appendix 4.13 – Noise Impact Assessment for the Quiet Creek Subdivision Project. ECORP Consulting, Inc. April 2023

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SECTION 1.0 INTRODUCTION

This document, in conjunction with the draft Initial Study/Mitigated Negative Declaration (IS/MND), responds to comments made on the proposed Quiet Creek Subdivision Project. While the State California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments on draft initial studies/mitigated negative declarations the City has determined to provide responses to the comments it has received in order to provide further disclosure of the Project's impacts.

1.1 Background of Environmental Review Process for the Project

1.1.1 INITIAL STUDY

The IS/MND was released for public and agency review on August 5, 2023, with the 30-day review period ending on September 5, 2023. The City received two comment letters during this review period.

1.1.2 RESPONSE TO COMMENTS

This section provides a response to comments received on the IS/MND and is included as Section 2.0 of this document.

1.1.3 REVISIONS TO THE INITIAL STUDY

This section provides a list of revisions made to the IS/MND as a result of comments received.

1.2 Intended Uses of the IS/MND

The IS/MND in its final form will be used by the City of Orland in considering approval of the proposed Project. In accordance with CEQA Guidelines Section 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

1.2.1 CONSIDERATION OF COMMENTS

Prior to taking action on the proposed Project, the City will consider the IS/MND, this response to comments document, and any additional comments or testimony. Negative declarations and mitigated declarations are considered and adopted per CEQA Guidelines Section 15074, which reads as follows:

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

- (a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.
- (c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.
- (d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
- (e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.
- (f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Upon review and consideration of the IS/MND, the City may take action to adopt, revise, or reject the proposed Project. A decision to approve the proposed Project would be made in a resolution recommending certification of the IS/MND as part of the consideration of the proposed Project. The City of Orland has prepared this IS/MND and has determined that the environmental impacts of the

proposed Project have been reduced to a less than significant level through mitigation measures adopted as part of a Mitigation Monitoring and Reporting Program (MMRP).

1.3 Organization and Scope of this Document

This document is organized in the following manner:

SECTION 1.0 – INTRODUCTION

Section 1.0 provides an overview of the environmental review process to date and discusses the CEQA requirements for consideration and adoption of a mitigated negative declaration.

SECTION 2.0 – COMMENTS AND RESPONSES TO COMMENTS

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those comments made on the IS/MND.

SECTION 3.0 – REVISIONS TO THE DRAFT INITIAL STUDY

Section 3.0 provides edits to the Initial Study in response to comments received during the public review period.

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SECTION 2.0 RESPONSE TO COMMENTS

2.1 List of Commenters

The following individuals and representatives of organizations and agencies submitted written comments on the IS/MND.

Letter	Agency, Organization, or Individual	Date
A	Lori Schmitz, State Water Resources Control Board	September 5, 2023
B	Gary Arnald, California Department of Transportation	September 6, 2023

2.2 Comments and Responses

2.2.1 RESPONSES TO COMMENT LETTERS

Written comments on the draft IS/MND are reproduced on the following pages, along with responses to those comments. CEQA does not require lead agencies to provide formal responses to comments received on initial studies supporting proposed mitigated negative declarations; however, the City prepared this response to comments document to provide responses to comments received on the IS/MND in order to provide comprehensive information and disclosure for both the public and City's decision-makers.

Where changes deemed necessary to clarify the draft IS/MND text result from responding to comments, those minor changes are included in the response and demarcated with revision marks (underline for new text, strikeout for deleted text).

Letter A – State Water Resources Control Board

Letter A



State Water Resources Control Board

September 5, 2023

City of Orland
Attn: Scott Friend
815 Fourth Street
Orland, CA 95963



CITY OF ORLAND (CITY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE QUIET CREEK SUBDIVISION PROJECT (PROJECT); STATE CLEARINGHOUSE #2023080044

Dear Mr. Scott Friend:

Thank you for the opportunity to review the MND for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. The Project is within the jurisdiction of the State Water Board, DDW's Valley District. DDW Valley District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a water supply permit amendment for changes to a water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The City will need to apply for a water supply permit amendment for this Project.

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), has the following comments on the City's Initial Study (IS)/MND:

- The Project includes the construction of a new groundwater well (PDF page 27). Under Section 2.3 "Regulatory Requirements, Permits, and Approvals" in the list of approvals, permits, and entitlements from other public agencies, please include "State Water Resources Control Board, Division of Drinking Water".
Please describe all of the water system components that will be needed to support this Project (e.g., well, treatment system, connection and distribution piping etc.).
Please explain what the Orland Fire Department firebreak will involve, how close to Stony Creek will it be implemented, and if it is a requirement of the Project (PDF page 106). If it is needed for this Project, please consider any hydrology and water quality impacts that might be associated with it in this document (PDF page 106).

A-1
A-2
A-3

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Mr. Scott Friend

- 2 -

September 5, 2023

- Under 4.10.2.2 Operational Related Issues, please explain where the well discharge pipeline will discharge and what state, regional, individual permit, or waiver will be obtained. If the Project will be discharging to the storm drain and/or surface water a Statewide General NPDES permit 2014-0194-Division of Water Quality (DWQ) for Drinking Water Discharges may be applicable. For questions about the Statewide General NPDES permit please contact Renan Jauregui of the DWQ at (916) 341-5505 or Renan.Jauregui@waterboards.ca.gov. If the discharge line will be discharging to the ground the Statewide Water Quality Order 2003-0003-DWQ, Statewide General Waste Discharge Requirements for Discharges to Land with a Low Threat to Water Quality may be applicable. For questions on regional waste discharge permits, individual waste discharge permits, and/or waivers please contact David Durette of the Central Valley Regional Water Quality Control Board (CVRWQCB), Redding District at (530) 224-3208 or David.Durette@waterboards.ca.gov. A-4
- The Project is within the Colusa Groundwater Basin, a high priority groundwater basin as prioritized under the Sustainable Groundwater Management Act. Please discuss if the Project will have sufficient water available during normal, dry, and multiple dry years.
 - The claim that water that will be used is only a small percent of the available water, does not consider the fact that groundwater levels are already declining in the basin. Please discuss how the Project will compensate for the additional water that would be required through this Project. Consider all water use and replacement and/or recharge in the discussion. A-5
 - Also, discuss if there are any General Plan actions that may apply to this Project to help conserve and recharge the aquifer?
- The IS/MND failed to include the Appendices. Please include the referenced documents. Documents incorporated by reference must be made publicly available (CCR Title 14. Section 15150 [b]). A-6

When the CEQA review process is completed, please forward the following items with your permit application to the State Water Board, DDW Valley District Office at DWPRedding@waterboards.ca.gov:

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate; A-7
- Copy of the Resolution or Board Minutes adopting the MND and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Glenn County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, if you have any questions regarding this comment letter.

Mr. Scott Friend

- 3 -

September 5, 2023

Sincerely,

Lori Schmitz  Digitally signed by Lori Schmitz
Date: 2023.09.05 15:13:04 -07'00'

Lori Schmitz

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th Floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Rebecca Tabor
District Engineer
Valley District

Renan Jauregui
Water Resource Control Engineer
State Water Board, DWQ

David Durette
Senior Water Resource Control Engineer
CVRWQCB, Redding District

Comment Letter A – Lori Schmitz, State Water Resources Control Board

- Comment A-1: The comment states that the Project would include the development of a new well. Additionally, the commenter requests that the State Water Resources Control Board, Division of Drinking Water be included in Section 2.3 which lists regulatory requirements, permits and approvals.
- Response A-1: The Project would not include the development of a new well. As stated on page 2-1 (page 27, as numbered by the pdf reader program) "...Lot B (0.13 acres) which will be dedicated to the City of Orland for a new groundwater well location." The future well, if developed, would be the responsibility of the city and is not a part of this Project. The Project does not include, nor is it necessary, the construction of a well to serve the project. The IS/MND has been revised to include the State Water Resources Control Board, Division of Drinking Water. See Section 3.0 for this change.
- Comment A-2: This comment requests a description of all water system components needed to support the Project.
- Response A-2: The Project would connect to existing city-owned water pipelines located in Bryant Street and Stanton Way adjacent to the Project site. All Project internal water pipelines will be constructed as a part of Project development. The City's existing water distribution and treatment facilities and Project impacts to the city's water system are discussed in Section 4.19. The Project would not result in the construction of new city-owned water facilities to serve the Project.
- Comment A-3: The comment requests an explanation of the Orland Fire Department firebreak.
- Response A-3: The Project does not include the development of a firebreak nor is the firebreak required to develop the Project. As discussed on page 4-72 (page 107, as numbered by the pdf reader program), the firebreak is a separate Orland Fire Department project, not related in any way to the Proposed Project. The firebreak, if and when developed, is anticipated to be a 10-20 foot firebreak located between the Project site and Stony Creek. The environmental impacts of this firebreak are not discussed in the Initial Study as this firebreak is not a component of the Project nor is it necessary to develop the Project. This firebreak, when developed, while assisting in the protection of the Project site from wildfires, would be constructed regardless of approval of the Quiet Creek Subdivision Project. No further discussion of the firebreak and its impact is necessary in the Initial Study.

- Comment A-4: The comment request the location of the well discharge pipeline and what state, regional, individual permits or waiver will be obtained.
- Response A-4: As discussed previously in Response A-1, the Project does not include the development of a well nor is this well needed to serve the Project. There will be no well discharge pipeline for the project.
- Comment A-5: The comment request a discussion of whether the Project will have sufficient water available during normal, dry, and multiple dry years. Also, discuss how the Project will compensate for the additional water that would be required for this Project and any General Plan actions that may apply to the Project to help conserve and recharge the groundwater aquifer.
- Response A-5: Information regarding water supply during normal, dry, and multiple dry years is generally determined as a part of an Urban Water Management Plan. However, the City of Orland, whom is the water supplier in the city, is not required to complete an Urban Water Management Plan as it does not meet the threshold requirements for such a plan of either directly or indirectly supplying water to more than 3,000 customers or supplying more than 3,000 acre-feet annually (California Water Code §10617). As such, the information regarding water supply during normal, dry, and multiple dry years is not available and therefore was not included in the IS/MND.
- It is unclear from the comment of why the Project should compensate for the use of water supplied by the city. The project would be required to comply with all city water conservation measures such as the use of low flow toilets, faucets, and Orland Municipal Code Chapter 13.06 – Water Conservation Program which provides water conservation requirements for landscaping and lawn care. The city’s wastewater system is not, at this time, equipped to provide recycled water for lawn care or other uses. Additionally, the Project includes 7.32 acres of area which has an existing water detention basin. This basin will be re-sized, as necessary, to handle all stormwater runoff from the Project as well as the surrounding neighborhood. The water drainage basin will continue to assist in groundwater recharge as it currently does.
- The General Plan policy and programs designed to conserve water are as follows:
- Policy 5.7.B: Avoid the wasteful use of water within the Planning Area.
- Program 5.7.B.1: The City shall promote the use of water-conserving devices and practices in both new construction and major alterations and additions to existing buildings.*

Program 5.7.B.2: The City shall develop and implement methods for equitably distributing costs associated with providing water service to new development, including impact mitigation fees where warranted.

As previously stated, the Project is required to comply with all water conservation requirements in the city.

- Comment A-6: The comment states that the IS/MND failed to include the appendices.
- Response A-6: Comment noted. The exclusion of the appendix was an inadvertent error and is included in this Final Initial Study. All pertinent information provided in the appendices has been reiterated in the Draft Initial Study is accurate. The inadvertent exclusion of the appendix does not change, in any way, the determinations made in the Initial Study. No other comments were made by agencies or the public on the failure to include the appendix.
- Comment A-7: The comment requests that listed items be included with the permit to the State Water Board.
- Response A-7: As discussed previously, the Project does not include the construction of a well. Therefore, no well permits or other permits related to water use are required for this Project.

Comment Letter B – Gary Arnald, California Department of Transportation

Letter B

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 3
703 B STREET | MARYSVILLE, CA 95901-5556
(530) 821-8401 | FAX (530) 741-4245 TTY 711
www.dot.ca.gov



September 6, 2023

GTS# 03-GLE-2023-00082
SCH# 2023080044

Scott Friend
City Planner
125 S. Murdock Street
Willows, CA 95988

Quiet Creek Subdivision Project

Dear Mr. Friend,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which includes addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The project is located directly north of the intersection State Route (SR)32 of County Road M½ and Bryant Street. The project entails the west of Stanton Way and north and east of an irrigation canal known as Lateral 40., Orland, California. The project site is 34.764 acres. The single parcel will be split into 67 lots resulting in a 21.204-acre subdivision and a 13.556-acre remainder. The remainder will not be developed as a part of this project and will remain as undeveloped vacant land. Based on the application package provided, Caltrans provides the following comments:

Highway Operations

- There will be more future growth east of Orland, in Glenn County. The County should collect Fair Share Fees for future roadway improvements on SR32. **B-1**
- Please include a directional map showing the percentage of where traffic will be coming and going from the development. **B-2**

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Scott Friend, City Planner
September 6, 2023
Page 2

- Please provide a Traffic Impact Study Memo showing LOS, delay, and mitigations needed along SR32 that the proposed development will impact, including the I-5 on/off ramps at SR32.
- Any work done on the State Right of Way will require an encroachment permit.

B-2
cont

B-3

Traffic Safety

Caltrans traffic safety looks forward to reviewing your draft EIR. We believe a Traffic Study is warranted and that this project may require improvements at MM1/2, such as a traffic signal, and/or Pabst Way, such as a left turn pocket, dependent on traffic generated. Please ensure that your DEIR incorporates the principals of Vision Zero, Caltrans goal of zero fatalities on the State highway system by 2050.

B-4

Encroachment Permit

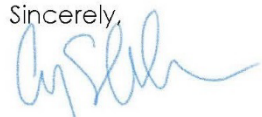
Any project along or within the State's ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to:

B-5

Hikmat Bsaibess
California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Satwinder Dhatt, Local Development Review Coordinator, by phone (530) 821-8261 or via email at satwinder.dhatt@dot.ca.gov.

Sincerely,


GARY ARNOLD, Branch Chief
Local Development Review, Equity and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Comment Letter B – Gary Arnald, California Department of Transportation

- Comment B-1: The comment states that there will be more future growth east of Orland and the County should collect fair-share fees for future roadway improvements on State Route 32 (SR 32).
- Response B-1: This comment does not contain specific comments on the content or adequacy of the IS/MND. Additionally, the City of Orland has no control over the collection of fair-share fee in Glenn County. Comment noted.
- Comment B-2: The comment request the inclusion of a directional map showing the percentage of traffic from the Project. The comment also request a Traffic Impact Study memo for the Project.
- Response B-2: This comment does not contain specific comments on the content or adequacy of the IS/MND. However, as a point of clarification, CEQA no longer requires identification of roadway Level of Service (LOS) and delay impacts or mitigations for these impacts caused by a project. Regarding roadway impacts, CEQA only requires a Vehicle Miles Traveled (VMT) analysis. As discussed on page 4-101, the Project Site meets the requirements of the City of Orland Vehicle Miles Traveled Screening Thresholds for a project within the existing City boundaries. Therefore, the Project would not result in a VMT or be inconsistent with the City of Orland VMT requirements. Because of this, the project was not required to complete a Traffic Impact Study. Therefore , a directional map and information regarding LOS and delay impacts are not, nor will be, included in the IS/MND.
- Comment B-3: The comment states that any work done in a State Right-of-Way will require an encroachment permit.
- Response B-3: This comment does not contain specific comments on the content or adequacy of the IS/MND. Comment noted.
- Comment B-4: The comment states that Caltrans looks forward to reviewing a Draft Environmental Impact Report (EIR) for the Project and that they believe a Traffic Impact Study is warranted.
- Response B-4: As discussed in the Initial Study, all Project related environmental impacts can be reduced to a less than significant level with implementation of mitigation measures provided in the Initial Study. As such, the Project was determined to result in a mitigated negative declaration as stated on page 3-1. Therefore, pursuant to CEQA Section 15070, an EIR is not required nor will one be completed for the Project.

As stated in Response B-2, a Traffic Impact Study was not obligatory for the Project to meet the requirements of CEQA.

Comment B-5: The comment provides the requirements for an encroachment permit in a state ROW.

Response B-5: This comment does not contain specific comments on the content or adequacy of the IS/MND. Comment noted.

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SECTION 3.0 REVISIONS TO THE INITIAL STUDY

3.1 Introduction

This section includes edits to the Initial Study in response to comments received during the public review period. Changes are provided in revision marks (double underline for new text and ~~strike-out~~ for deleted text).

Revisions herein may not result in new significant environmental impacts, may not constitute significant new information, and may not alter the conclusions of the environmental analysis. The changes clarify and amplify the information and analysis presented in the Draft Initial Study and do not alter the Initial Study in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect. No new significant environmental effects and no increase in the severity of an environmental impact are identified in this Final Initial Study/Mitigated Negative Declaration.

3.2 Revisions to the Initial Study

Summary, page 1, is hereby revised to read:

Project Location:	The Project is located within the City of Orland, located directly north of the intersection of County Road M½ and Bryant Street. The Project Site is west of Stanton Way and north and east of an irrigation canal known as Lateral 40. The Assessor Parcel Number (APN) for the Project Site is 046-070-003 <u>046-090-018</u> . The Site is in Section 23, Township 22 North, Range 3 West of the Mount Diablo Base and Meridian. The approximate center of the Site is located at latitude 39.752266° and longitude -122.72669°.
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1.0 Background, Section 1.1 Summary, page 1-1, is hereby revised to read:

Project Location:	The Project is located within the City of Orland, located directly north of the intersection of County Road M½ and Bryant Street. The Project Site is west of Stanton Way and north and east of an irrigation canal known as Lateral 40. The Assessor Parcel Number (APNs) for the Project Site is 046-070-003 <u>046-090-018</u> . The Site is in Section 23, Township 22 North, Range 3 West of the Mount Diablo Base and Meridian. The approximate center of the Site is located at latitude 39.752266° and longitude -122.72669°.
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Section 2.3.1, page 2-6, is hereby revised to read:

In addition to the above City actions, the Project may require approvals, permits, and entitlements from other public agencies for which this IS may be used, including, without limitation, the following:

- California Department of Fish and Wildlife (CDFW), Region 2
- California Department of Transportation (Caltrans), District 3
- Glenn County Air Pollution Control District (PCAPCD)
- State Water Resources Control Board, Division of Drinking Water

**Mitigation Monitoring and Reporting Program
Quiet Creek Subdivision Project**

**State Clearinghouse Number
2023080044**

September 2023

Lead Agency:



**City of Orland
815 Fourth Street
Orland, California 95963**

Prepared by:



**55 Hanover Lane
Chico, CA 95973**

SECTION 1.0 INTRODUCTION

In accordance with CEQA, an MND that identifies adverse impacts related to the construction activity for the Quiet Creek Subdivision Project was prepared. The MND identifies mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. A MMRP is required for the Proposed Project, because the IS/MND identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by the City of Orland during project implementation, as necessary, in response to changing conditions or other Project refinements. Table 1-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the IS/MND.

1.2 ROLES AND RESPONSIBILITIES

The City of Orland as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

1.3 MITIGATION MONITORING AND REPORTING PLAN

The column categories identified in the MMRP table (Table 1-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.

- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

Table 1-1. Quiet Creek Subdivision Project - Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Activity/Timing/Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>AQ-1: Wood Burning Fireplaces. Prior to the issuance of individual building permits, the Orland Planning and Building Departments shall confirm that all construction documents and specifications stipulate that the installation of wood-burning hearths is prohibited. Natural gas-fueled hearths are acceptable.</p>	<p>Activity: Prohibition of the installation of Wood Burning Fireplaces</p> <p>Timing: Prior to the issuance of individual building permits.</p> <p>Frequency: Ongoing during construction.</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	None	
<p>BIO-1: Erosion Control Measures and BMPs. The Project will implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project Site. Measures may include the following:</p> <ul style="list-style-type: none"> ▪ Erosion control measures will be placed between Waters of the U.S., and the outer edge of the staging areas, within an area identified with highly visible markers (e.g., construction fencing, flagging, silt barriers) prior to commencement of construction activities. Such identification and erosion control measures will be properly maintained until construction is completed and the soils have been stabilized. ▪ Fiber rolls used for erosion control will be certified by the California Department of Food and Agriculture as weed-free. ▪ Seed mixtures applied for erosion control will not contain California Invasive Plant Council-designated invasive species (http://cal-ipc.org/) and will be composed of native species appropriate for the site. ▪ Trash generated onsite will be promptly and properly removed from the site. 	<p>Activity: Implement erosion control measures and BMPs</p> <p>Timing: Prior to and during the construction activities</p> <p>Frequency: As needed</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	Possible coordination with CDFW and USFWS	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<ul style="list-style-type: none"> ▪ Any fueling in the upland portion of the Study Area will use appropriate secondary containment techniques to prevent spills. ▪ A qualified biologist will conduct a mandatory Worker Environmental Awareness Program for all contractors, work crews, and any onsite personnel on the potential for special status species to occur on the Project Site. The training will provide an overview of habitat and characteristics of the species, the need to avoid certain areas, and the possible penalties for non-compliance. 					
<p>BIO-2 Special-Status Plants. The following mitigation measures would minimize potential impacts to special-status plants:</p> <ul style="list-style-type: none"> ▪ Perform focused special-status plant surveys of the Project Site according to CDFW, California Native Plant Society (CNPS), and USFWS protocols (ECORP 2023a). Surveys will be timed according to the blooming period for target species and known reference populations will be visited prior to surveys to confirm the species is blooming where known to occur. ▪ No further measures pertaining to special-status plants are necessary if no special- status plants are found. ▪ Avoidance zones may be established around plant populations to clearly demarcate areas for avoidance if special-status plant species are found within the Project Site. Avoidance measures and buffer distances may vary between species; the specific avoidance zone distance will be determined in coordination with CDFW. ▪ Additional measures such as seed collection and/or transplantation may be developed in consultation with CDFW and the CEQA Lead Agency if special-status plant species are found within the Project Site and avoidance of the species is not possible. 	<p>Activity: Special-status plant surveys</p> <p>Timing: Prior to commencement of construction</p> <p>Frequency: Once prior to construction.</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>Possible coordination with CDFW and USFWS</p>	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>BIO-3: Oak Trees. To avoid and minimize potential adverse effects to listed and special status bird species and their designated critical habitat, implement the following measures:</p> <p>Guidelines are written and disseminated by the Glenn County Board of Supervisors for those that wish to harvest or remove trees during construction, road design, and other activities that may impact trees. These guidelines encourage landowners to develop oak management plans that will address the preservation of wildlife habitat. Mature oaks provide valuable habitat for multiple species, including but not limited to Swainson's hawk, white-tailed kite, Nuttall's woodpecker, oak titmouse, western red bat, and many other non-listed species. These guidelines can be found in Appendix 4.4 of the BRA. Implementation of an oak management plan to protect the small number of mature oaks present on the borders of the Study Area would ensure minimization or avoidance of impacts to trees and the valuable habitat they provide for listed species.</p>	<p>Activity: The protection of listed and special status bird species and their designated critical habitat</p> <p>Timing: Prior to the removal of trees</p> <p>Frequency: As needed</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		
<p>BIO-4: Crotch Bumble Bee. Implementation of the following measure would minimize or avoid adverse effects to Crotch bumble bee that may be present within the Study Area:</p> <p>The Permittee shall retain a state-approved qualified biologist knowledgeable of Crotch bumble bee species ecology to conduct a survey of areas that may provide habitat for this species. The qualified biologist shall contact the CDFW to request the agency- approved survey protocol for Crotch bumble bee and shall follow the agency-accepted protocol when conducting the surveys. Within 30 days of completing the survey, the County-approved qualified biologist shall prepare a Crotch Bumble Bee Survey Report and submit it to the County Planning Division. The report shall include a description of the methods to conduct the surveys, a description of suitable habitat areas, and a map of the locations where Crotch bumble bee and any other special status species were observed. The state-approved qualified</p>	<p>Activity: Crotch bumble bee survey</p> <p>Timing: Prior to construction</p> <p>Frequency: Once prior to construction.</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>biologist shall submit CNDDDB forms for any Crotch bumble bees or other special-status species observed during the surveys. The survey report shall also include measures sufficient to avoid “take” or other adverse impacts to Crotch bumble bee, if found during the surveys.</p> <p>If Crotch bumble bee is confirmed to be present within the Study Area, the applicant shall apply for and receive an Incidental Take Permit from CDFW prior to Project activities. The Incidental Take Permit (ITP) application shall be submitted to CDFW approximately one year prior to the take or adverse impacts to allow time for the processing of the application and the issuance of the ITP.</p>					
<p>BIO-5: Special-Status Fish Species. If construction activities must encroach into the riparian corridor of Stony Creek, implementation of the following mitigation measure would minimize or avoid impacts to special-status fish species:</p> <ul style="list-style-type: none"> Consult with a biologist on how to proceed to avoid impacts to Stony Creek and special-status fish species. 	<p>Activity: Crotch bumble bee survey</p> <p>Timing: Prior to construction</p> <p>Frequency: Once prior to construction.</p>	<p>Contractor</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>		
<p>BIO-6: Northwestern Pond Turtle. To avoid and minimize potential adverse effects to Northwestern Pond Turtles, implement the following:</p> <ul style="list-style-type: none"> Conduct a pre-construction survey for northwestern pond turtles. The survey should be conducted within 24 hours prior to the start of construction. No further measures pertaining to this species are necessary if no northwestern pond turtles are found. If northwestern pond turtles are found within an area proposed for impact, a qualified biologist shall relocate the northwestern pond turtle to a suitable location away 	<p>Activity: Northwestern pond turtle survey</p> <p>Timing: Prior to commencement of construction</p> <p>Frequency: Once prior to construction.</p>	<p>Contractor</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>Possible coordination with CDFW and USFWS</p>	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
from the proposed construction, in consultation with CDFW.					
<p>BIO-7: Special-Status Birds and MBTA-Protected Birds (including nesting raptors). Suitable nesting and/or wintering and foraging habitat for several special-status birds is present within the Project Site. These include Swainson's hawk, burrowing owl, and tricolored blackbird. If present, the Project could result in harassment to nesting individuals and may temporarily disrupt foraging activities.</p> <p>In addition to the above listed special-status birds, all native birds, including raptors, are protected under the California Fish and Game Code and the federal MBTA. As such, implementation of the following mitigation measures would ensure that there are no impacts to protected active nests:</p> <ul style="list-style-type: none"> ▪ Conduct a pre-construction nesting bird survey of all suitable habitats on the project within 14 days prior to the commencement of construction. ▪ The pre-construction Swainson's hawk nesting survey shall be conducted within the Project Site and all accessible areas within 0.5 mile of the Project Site, and the pre- construction raptor nesting survey shall be conducted within 0.25 mile of the Project Site. ▪ A no-disturbance buffer around the nest shall be established if active nests are found. The buffer distance shall be established by a qualified biologist in consultation with CDFW. The buffer shall be maintained until the fledglings are capable of flight and become independent of the nest tree, to be determined by a qualified biologist. Once the young are independent of the nest, no further measures are necessary. 	<p>Activity: Pre-construction nesting bird and Swainson's hawk survey</p> <p>Timing: Prior to commencement of construction</p> <p>Frequency: Once prior to construction.</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>The City of Orland Planning and Building Departments</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	Possible coordination with CDFW and USFWS	
<p>BIO-8: Special-Status Bats. The mature oaks along the border of the Project Site represent potential habitat for tree-roosting bats like the western red bat. Implementation of the following mitigation measures would ensure that there are no significant impacts to western red bat:</p>	<p>Activity: Pre-construction bat surveys</p> <p>Timing: Prior to any tree removal</p>	<p>Contractor</p> <hr/> <p>Initials</p>	<p>The City of Orland Planning and Building Departments</p>	Possible coordination with CDFW and USFWS	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<ul style="list-style-type: none"> Prior to tree removal, two preconstruction surveys shall be conducted by a qualified biologist. The first survey shall occur approximately 30 days prior to tree removal and the second survey within one week of tree removal. Trees would be inspected for presence of roosting bats and also areas below potential roosts will be examined for bat guano. If evidence of bat use is found, acoustic surveys from sunset to two hours post-sunset would occur at those locations showing evidence of bat use to verify presence/absence of special-status bat species. These measures will be undertaken regardless of time of year and will be undertaken by qualified biologists. If any special-status bats are found, the CDFW would be immediately contacted to determine the appropriate course of action. Maternity colonies would remain undisturbed until the young are volant (able to fly) and the colony has dispersed. 	<p>Frequency: As needed</p>	<p>_____</p> <p>Date</p>	<p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>		
<p>CUL-1: Cultural or Archaeological Resource Discovery All construction plans and grading plans shall include the following: If subsurface deposits believed to be cultural or human in origin are discovered during any roadway or future construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:</p> <ul style="list-style-type: none"> If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall 	<p>Activity: If cultural resources or human remains are found then ground disturbing activities must be suspended within a 100-foot radius of the find and appropriate steps as shown must be taken</p> <p>Timing: During construction.</p> <p>Frequency: As required.</p>	<p>Contractor</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>City of Orland Planning Department and construction lead</p> <p>_____</p> <p>Initials</p> <p>_____</p> <p>Date</p>	<p>Potential coordination with Glenn County Coroner</p>	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<p>immediately notify the lead agencies. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction.</p> <ul style="list-style-type: none"> If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Glenn County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may 					

Mitigation Measure	Monitoring Activity/Timing/Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.					
<p>GEO-1: Paleontological or Sensitive Geologic Resource Discovery. If paleontological or other geologically sensitive resources are identified during any phase of project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City of Orland. The City shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Project Site while mitigation for paleontological resources is carried out.</p>	<p>Activity: If, during the course of project implementation, paleontological or other geologically sensitive resources are discovered.</p> <p>Timing: During construction.</p> <p>Frequency: As required</p>	<p>Contractor</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>	<p>City of Orland Planning Department and construction lead</p> <hr/> <p>Initials</p> <hr/> <p>Date</p>		

To be signed when all mitigation measures have been completed:

City of Orland

Signature Date

Printed Name Title

**CITY OF ORLAND
CITY COUNCIL RESOLUTION CC 2024-XX
A RESOLUTION OF THE CITY OF ORLAND CITY COUNCIL APPROVING
TENTATIVE SUBDIVISION MAP #2022-02 ON AN EXISTING PARCEL OF LAND
LOCATED NORTH OF THE INTERSECTION OF ROAD M1/2 AND BRYANT STREET AND
FURTHER IDENTIFIED AS GLENN COUNTY ASSESSOR’S PARCEL NUMBER 046-090-018
APPLICATION: TSM 2022-02**

WHEREAS, Mr. Visinoni, on behalf of Quiet Creek, Inc., (applicant/Landowner) have requested a Tentative Subdivision Map (TSM) to allow the approval of a new Tentative Subdivision Map pursuant to OMC Chapter 16.16; and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on November 16th, 2023 and following the conduct of the public hearing has recommended approval of the matter to the City Council by a vote of 4-1 and the action as a result of PC Resolution 2023-___; and

WHEREAS, the City Council finds that the Quiet Creek Subdivision Project Initial Study and Mitigated Negative Declaration (SCH #2023080044) is complete and adequate pursuant to the California Environmental Quality Act, and that the City Council has considered and reviewed all information contained in it; and

WHEREAS, the City Council deliberated on the proposed request and has determined that, subject to approval of the Municipal Code Amendment and TSM 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 City Council, in a staff report dated December 19th, 2023, 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 R-1, Residential, One Family 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 TSM #2022-02, subject to the Conditions of Approval identified in the staff report, and including the following Condition:

3. The term of the Quiet Creek Tentative Subdivision Map (TSM 2022-02) shall be 3 years. The tentative map shall expire January 2, 2027. The new term of the map shall be stated on the face of the tentative map.

The foregoing Resolution was adopted by the City Council on the 2nd day of January 2024, by the following vote:

AYES: City Council Members:

NOES: City Council Members:

ABSENT: City Council Members:

ABSTAIN: City Council Members:

Chris Dobbs, Mayor

ATTEST:

Jennifer T. Schmitke, City Clerk

**CITY OF ORLAND
PLANNING COMMISSION RESOLUTION PC 2023-08**

**RECOMMENDATION FOR APPROVAL TO THE CITY OF ORLAND CITY COUNCIL
OF TENTATIVE SUBDIVISION MAP #2022-02**

**Location: An existing parcel identified as APN: 046-090-018 and located north of the
intersection of County Road M½ and Bryant Street
APPLICATION: TSM 2022-02**

WHEREAS, Mr. Visinoni, on behalf of Quiet Creek, Inc., (applicant/Land-owner) have requested a Tentative Subdivision Map (TSM) to allow the approval of a new Tentative Subdivision Map pursuant to OMC Chapter 16.16; and,

WHEREAS, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the application on November 16th, 2023; and

WHEREAS, the Planning Commission finds that the Quiet Creek Subdivision Project Initial Study and Mitigated Negative Declaration (SCH #2023080044) is complete and adequate pursuant to the California Environmental Quality Act, and that the Planning Commission has considered and reviewed all information contained in it; and

WHEREAS, the Planning Commission deliberated on the proposed request and has determined that, subject to approval of the Municipal Code Amendment and TSM 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, in a staff report dated October 19th, 2023, 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 R-1, Residential, One Family zoning district upon the issuance of the Permit.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Orland does hereby recommend for approval to the Orland City Council TSM #2022-02, subject to the Conditions of Approval identified in the staff report.

The foregoing Resolution was adopted by the Planning Commission on the 16th day of November 2023 by the following vote:

AYES: Commissioner Sharon Lazorko, Vern Montague, Vice Chairperson Wade Elliott and Chairperson Stephen Nordbye

NOES: Commissioner Michelle Romano

ABSENT: None

ABSTAIN:None

Stephen Nordbye, Chairman

ATTEST:

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

RESOLUTION NO. 2024-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND AMENDING THE SERVICE CHARGES SCHEDULE ESTABLISHING NEW WATER AND SEWER RATES FOR CALENDAR YEAR 2024, AND FOR PROVIDING A CPI ADJUSTMENT THEREAFTER

BE IT RESOLVED BY THE CITY OF ORLAND AS FOLLOWS:

WHEREAS, all water and sewer services furnished to customers by the City of Orland shall be charged, paid for and supplied only in accordance with such applicable schedules, rules and regulations as the City Council shall adopt pursuant to the provisions of section 13.04.110 of the Orland Municipal Code; and,

WHEREAS, California Government Code sections 54344 and 54345 authorizes the City Council to collect charges for the water and sewer services;” and,

WHEREAS, Article XIII D of the California Constitution requires that utility customers be given a minimum of 45 days’ notice of any proposed rate increases; and,

WHEREAS, notice of a Public Hearing was mailed to utility customers and property owners on November 30, 2023, at least 45 days prior to the Public Hearing; and,

WHEREAS, the notice was sent to 2500+/- customers; and,

WHEREAS, the City Council has reviewed the Water and Sewer Rate Schedule attached and incorporated into this Resolution by reference; and,

WHEREAS, the amounts shown on the Rate Schedule reflect the actual cost to provide water and sewer service; and,

WHEREAS, the City Council has conducted a Public Hearing on Tuesday, January 16, 2024 at 6:30 pm, at which it reviewed all protests regarding the proposed rate increases.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORLAND AS FOLLOWS:

- 1. In accordance with Article XIII D, Section 6(b), of the California Constitution, the City Council finds that:
 - A. The revenues derived from the water and sewer service charges shall not exceed the funds required to provide water and service, because the rates are calculated to allow the City to recover its costs.
 - B. The revenues derived from the water and sewer service charges will not be used for any purpose other than that for which the charge is imposed.

C. The amount of the charge does not exceed the proportional cost of the water and sewer service attributable to each parcel.

D. Water and sewer service charges will not be imposed upon parcels for which water and/or sewer service is not available.

E. The water and sewer service charges will be used to enable the City to provide water and sewer service rather than general governmental services.

2. That based on a tabulation of all protests received prior to the close of the Public Hearing, ___ protests were received which do not constitute a majority of affected utility customers.

3. That the Water and Sewer Rate Schedule attached to this Resolution and incorporated by this Resolution by this reference is hereby adopted and shall be effective per section 6 of this Resolution.

4. That, pursuant to California Government Code section 53756(b), effective January 16, 2024, and each January 1 thereafter, the then current water and sewer and rates shall be revised by a percentage equal to the percentage change in the annual Consumer Price Index for all Urban Consumers: U.S. city average, detailed expenditure category-water and sewer and trash collection services.

5. Constitutionality, Severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not aft the validity of the remaining portions of the Resolution. The City of Orland hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrases(s) or word(s) be delayed invalid.

6. Effective Date. All previously adopted rate schedules, to the extent that they are inconsistent with those contained herein, are superseded by those charges as set forth in the Water and Sewer Rate Schedule herein, beginning on January 16, 2024.

THIS RESOLUTION was passed by the Orland City Council at a regular meeting held on January 16th 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chris Dobbs, Mayor

ATTEST:

Jennifer Schmitke, City Clerk

Current 2023 Rates and Proposed 2024 Rates

WATER RATES	Inside City Limits		Outside City Limits	
	Existing	Proposed	Existing	Proposed
Fixed Bi-Monthly Charge Rate	\$66.35	\$69.34	\$132.71	\$138.68
Per 1,000 gallons with more than 15,000 gallons	\$1.78	\$1.86	\$1.78	\$1.86

2024 SEWER RATES	Inside City Limits		Outside City Limits	
	Existing	Proposed	Existing	Proposed
Fixed Bi-Monthly Charge Rate	\$64.57	\$67.48	\$129.13	\$134.94
Commercial only: per 1,000 gallons with more than 15,000 gallons	\$0.92	\$0.96	\$0.92	\$0.96