



## **CITY OF ORLAND STAFF REPORT**

### **MEETING DATE: NOVEMBER 16, 2023**

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**TO:** City of Orland Planning Commission

**FROM:** Scott Friend, AICP – City Planner

**SUBJECT:** 1) **Zoning Code Amendment #2022-01: Proposed amendments:**

- Rezoning of APN 041-262-028 (Z #2022-01) from “R-1” (One-Family Residential) to “P-D” (Planned Development).

2) **Tentative Subdivision Map #2022-01: –** Penbrook Subdivision. A public hearing to consider and make a recommendation to the Orland City Council on the approval of the proposed “Penbrook” Subdivision (TSM #2022-01). The proposed project would divide an existing 5.7+/- acre parcel of land identified as Glenn County Assessor’s Parcel Number 041-262-028 into thirty-four (34) parcels having an average parcel size of approximately 5,440 square feet and ranging from 4,775-6,540 square feet in size. The majority of the existing parcel is vacant with the exception of a single-family residential dwelling accessed off of Papst Avenue (Road M) which will be removed as a part of the project. The subject lot has been used as “overflow” parking for the Glenn County fair.

3) **Use Permit #2023-03:** Chapter 17.60 - P-D Planned Development Zone. A request for the approval of a Use Permit. Rezoning of APN 041-262-028 to P-D would also require the approval of a Use Permit (OMC Section 17.60.030)

The project site is located on the southwest corner of South Street and Papst Avenue, south of the Glenn County Fairgrounds, Orland, Glenn County, CA 95963. The property is zoned “R-1” (Residential, One-family) and designated in the General Plan as “Low Density Residential” (R-L – 6 dwelling units per acre).

**Environmental Review:** Initial Study/Negative Declaration Addendum

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## **SUMMARY:**

The proposed project is a request to rezone the property and subdivide an existing +/-5.7-acre parcel of land into 34 lots. The proposed action would include the rezoning of the existing parcel from R-1 to P-D, and shall be known as the "Penbrook" Subdivision. At the direction of the Planning Commission, Staff informed the applicant that the proposed TSM that was presented at the May 18th meeting would need modification. The currently proposed TSM has been modified to include a frontage road perpendicular to Papst Avenue that would allow vehicles frontage access. However, as it stands currently, the proposed logistics of the service road does not allow for trucks to turnaround. Therefore, Staff is not supportive of the most-recently proposed TSM.

The project site is located on the southwest corner of South Street and Papst Avenue, south of the Glenn County Fairgrounds, Orland, Glenn County, CA 95963. See **Attachment A** for site location. The property is currently zoned "R-1" (Residential, One-family) and designated in the General Plan as "Low Density Residential" (R-L – 6 dwelling units per acre). The proposed Tentative Subdivision Map (TSM) would have a density of 5.96 dwelling units per acre, making it consistent with the General Plan designation. However, the proposed TSM does not meet the R-1 zoning district minimum lot size, lot width and length. Therefore, a request to change the zoning district from R-1 to P-D, which allows for modifications to lot size, width, and length, has been submitted by the applicant.

The project site is located near the southern edge of the Orland City Limits. The site is bordered on the north by South Street, and on the east by Papst Avenue (Road M). A vacant, undeveloped open pasture abuts the project to the south.

## **BACKGROUND:**

### **Site Description and Project History:**

The site is a 5.56-acre portion of what was originally (2004) a larger 9.26-acre olive orchard within the City limits of Orland. To the west, separated from the project site by a 3.7-acre parcel currently occupied by a single-family dwelling, and formerly a portion of a larger olive orchard, is the 92-lot "Kennedy" single-family residential subdivision. The land to the south of the site is undeveloped land currently used as a seasonal pasture. To the east, across Papst Avenue (Road M) is a 16-acre parcel, zoned *Light Industrial*, on which was formerly-located the Baldwin-Minkler agricultural processing plant. It is Staff's understanding that this site is not currently being used as an agricultural packing/processing facility and is currently for sale. The Glenn County Fairgrounds is located immediately north of the site, across South Street.

As mentioned previously, one existing +/- 1,387 square foot single-family residence is located on the east central portion of the project site. The structure is proposed for demolition and the domestic well and septic systems for this residence will be abandoned. With the exception of the existing single-family dwelling, the site is currently vacant and undeveloped and is used as "overflow" parking for activities at the fairgrounds.

In 2004, Tentative Subdivision Map #2004-09 was approved by the Orland City Council for the Penbrook Subdivision. The map, designated Tentative Subdivision Map #2004-09, proposed to subdivide approximately 5.7 acres into 22 lots ranging in size from 7,337 to 9,846 square feet. The map also proposed the construction of frontage improvements for each parcel, improvements to the Papst Avenue and South Street roadway frontages, and the extension of water, sewer and storm drainage services in

accordance with City of Orland standards. In 2007, at the request of the applicant, the subject parcel was reverted from the approved subdivision map back to 1 single parcel (TPM #2007-08). In 2007, a subsequent application (TSM #2007-09) was filed to, again, subdivide the property consistent with the map approved in 2004. At that time an Initial Study/Mitigated Negative Declaration (IS/MND) was completed.

#### **Rezoning – R-1 to P-D:**

As shown in Table 1 below, the current R-1 (Residential One-Family Zone) zoning district for the proposed site has a minimum lot area requirement of 6,000 square feet for interior lots and 7,000 square feet for corner lots (Orland Municipal Code [OMC] Section 17.20.050). The proposed TSM, as currently proposed, is not consistent with the Code as the average lot size at build-out would be 5,441 square feet and the smallest lot would be 4,776 square feet and 6,155 square feet for a corner lot. Additionally, the R-1 zoning district requires a minimum lot width of 60 feet for an interior lot and 70 feet for a corner lot. As shown, the proposed TSM is not consistent with these minimum lot widths. With the approval of a rezoning of the site from R-1 to P-D, the proposed project would no longer have the need to strictly adhere to the regulations of the R-1 zoning requirements.

<b>Table 1: Lot Comparison</b>		
<b>Requirements</b>	<b>R-1</b>	<b>Proposed TSM</b>
Minimum Lot Area	6,000 sq. ft.	4,776 sq. ft.
Minimum Corner Lot Area	7,000 sq. ft.	6,155 sq. ft.
Minimum Lot Width	60 feet	50 feet
Minimum Corner Lot Width	70 feet	60 feet

OMC 17.60.010 provides for planned development projects on undeveloped land involving the careful application of design and which are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which might not be otherwise possible by “strict adherence to the regulation of the title”.

Per Section 17.60.020, a planned development requires the approval of a use permit. TSM applications shall also accompany the zone change request, hence the request to approve the attached TSM for the proposed site. The approval of the planned development requires the plan be consistent with the general plan (i.e., 5.96 dwelling units per acre is under the required 6 du/ac for “Low-Density Residential”) and that any deviations from normal zoning standards are found to not have any negative affect on the neighborhood, while also benefiting future residents.

#### **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 34 lots (see **Attachment B1**). Lot sizes would range from 4,776 to 6,539 square feet in size.

#### **Surrounding Land Uses:**

The project site is surrounded by a variety of land uses that include undeveloped land to the south (TSM application in progress), light industrial land (which is currently not being used but is for sale) to the east; the Glenn County Fairgrounds immediately to the north across E. South Street; a residential subdivision to the west (separated by a partially undeveloped 3.7-acre parcel to the east), with the Fairview Elementary School beyond.

### **Fairgrounds:**

The proposed project is located directly south of the Glenn County Fairgrounds. The Fairgrounds hold a variety of events during the year, some of which draw large crowds and create a significant amount of short-term traffic on local streets. Additionally, impacts such as sound, lighting, dust, security concerns, late night activities, refuse accumulation, and potential offensive odors may impact the residents of the subdivision. While the Fairgrounds have adopted several policies that attempt to curtail noise, dust, traffic, and odor problems, it is important to realize that it is impossible to eliminate all impacts associated with large public venues. It is with this understanding that the IS/MND Addendum prepared for this project requires the implementation of mitigation measures **MM 3.11.1** and **MM 3.11.2** in order to reduce the impacts of noise generated from the fairgrounds. These two measures require a sound wall and improved construction materials, discussed later in this report, and will be included into the design element of the proposed project and as Conditions of Approval.

### **Fairground Racing Events**

The northern edge of the project site adjacent to South Street is located approximately 360 feet from the southern edge of an automobile racetrack, situated on the southeast portion of the Glenn County Fairgrounds. Currently, no races are held at the site but the tract is still present. Past auto-racing events occurred weekly at the fairgrounds on Saturday nights between April and October. Past race events were not allowed to generate noise levels in excess of 95 dB at a 100-foot radius, and the promoter was required to conduct noise monitoring during the events. Occasional noise complaints were received by the City regarding the racing events in the past, but the complaints do not appear to be widespread, and are reportedly handled by providing information about the events to the complainant.

### **Land Use Designations:**

The project site is within the city limits, and as such is regulated by the City's General Plan. Under the Orland General Plan, the project site is designated R-L, Low Density Residential. The same designation applies to land adjacent to the south and west of the project site. Land north of the project site, the Glenn County Fairgrounds, is designated Public Facility (P-F). Land immediately east of the site is designated Light Industrial/Commercial.

### **Water and Sewer:**

Water and sewer lines would be installed on the project site, with services to be provided by the City of Orland. The General Plan and 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 existing well and septic system currently servicing the existing house on the project site would be removed and the dwelling is proposed for demolition. The following utilities are located within the project vicinity:

- Within East South Street:
  - 60" storm drain;
  - Sewer industrial force main;
  - 15" sewer line;
  - Sewer manholes, one at northwestern corner of site and one at E. South Street/Pabst Avenue intersection;
  - Fire hydrants fronting fair grounds 230' from site and northeast corner of E. South Street/Pabst Avenue intersection



- 8" waterline fronting fairgrounds;
- Nearest storm drain manhole exists at northwestern corner of E. South Street/Papst Avenue intersection.

Included in the Conditions of Approval, the applicant shall ensure all underground infrastructure is installed within Papst Avenue (Road M), including water and sewer.

#### **Storm Drainage:**

The project would involve the construction of residential units, along with impervious surfaces such as streets, sidewalks, roofs, and other structures. This increase in the amount of impervious surface on the site would substantially increase the amount and rate of drainage produced during rainfall events. As a result, a storm water drainage system would be installed on the site. Components of this system would include subsurface leach trenches and underground detention vaults as necessary to handle the project-generated runoff. Conditions of Approval have been required to provide the applicant and the City with flexibility in meeting the storm water drainage requirements. In order to address any potential impacts, the Initial Study/ Mitigated Negative Declaration previously prepared for the project required as a mitigation measure (**MM 3.8.1**) that the project applicant submit a comprehensive drainage plan for review and approval by the City Engineer prior to the final project approval. This mitigation measure has been included into the proposed project as a Condition of Approval.

#### **Transportation/ Circulation:**

Access to and from the subdivision would be via two points, one off Papst Avenue (Penbrook Way) and the second off South Street (Alderbrook Lane). The final subdivision map would include a 10-foot public service easement along all street rights-of-way. Streets would be constructed in accordance with the layout depicted in **Attachment B1**. Alderbrook Lane and Penbrook Way would have a 50-foot right-of-way, of which 40 feet would be paved roadway. Curb, gutter, and sidewalk would be installed on both sides of these streets. Improvements to Papst Avenue fronting the project site would include curb and gutter and an upgrade of the western half of the roadway segment to 20 feet from back of curb to roadway centerline.

The Orland General Plan identifies Papst Avenue/Road M from SR 32 to Road 18 as a Major Collector. A previous discussion about direct access from homes along major collector streets was brought before the Planning Commission on May 18th, 2023. General Plan Policy 3.2.B.2 #6 defines access to arterial and major collector streets in Orland. Policy 3.2.B.2 #6 reads as follows:

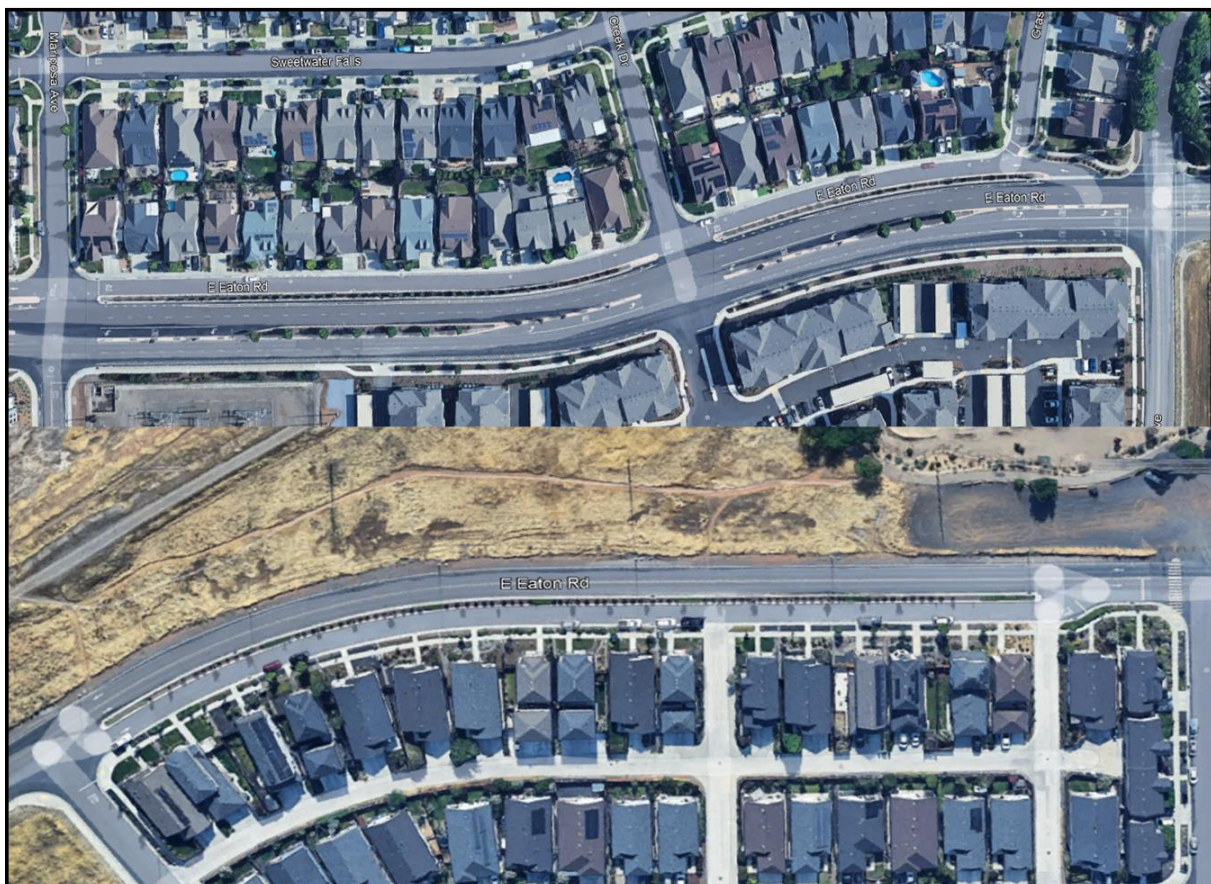
- 6) Residential development shall not have direct access to and shall be oriented away (side-on or rear-on) from Arterial and Major Collector streets, and properly buffered so that the traffic carrying capacity on the street will be preserved and the residential environment protected from the potentially adverse characteristics of the street.

Based on this policy, as well as safety concerns expressed by the Planning Commission at the May 18th, 2023 meeting, it was determined that the project's driveways along Papst Avenue, as originally designed, may result in safety concerns for those future residents backing onto Papst Avenue from their driveways. As such, and at the direction of the Planning Commission, Staff directed the applicant to adjust accordingly, and the proposed subdivision map was redesigned to include a frontage road as shown on **Attachment B1**.

This frontage road would be 24 feet from curb face to curb face and include a curb and gutter on the east side of the road and a curb, gutter, and sidewalk on the west side of the road. This frontage road provides one access point onto Papst Avenue and allows future residents to back out of their driveway without fear of oncoming traffic. However, the inclusion of the frontage road required the reduction of the TSM lot sizes to their current sizes.

Additionally, and as discussed previously, this proposed frontage road does not allow enough room for service vehicles, such as sanitation trucks, to adequately maneuver in a manner that they require (turnaround capabilities). For some service vehicles, such as trash pickup trucks that have their mechanical arm on the righthand side of the vehicle to pick up trash cans, they would have to pull into the frontage road from Papst Ave, then backup to each house to the north, then drive forward to hit the houses to the south of the frontage road entrance, and finally backup to exit back onto Papst Ave.

Alternatively, vehicles attempting to exit either end of this frontage road would have to get out of their vehicles and remove the proposed bollards, exit onto the street, then get out of their vehicles again and replace the bollards. This is not a feasible option that staff is willing to support. However, as staff does support this site having a future residential development, the city engineer drafted alternate options for this current issue (see **Attachment B2**). These options provide for an entry in and an entry out of the frontage road, much like the provided example below.



A terminus is proposed for the western end of Penbrook Way in anticipation of internal roadway connectivity with future development to the west of the proposed project. Important to note, the terminus

is in close alignment with an existing pedestrian footpath going between two houses fronting Pine Street in the residential neighborhood to the east and the vacant lot west of the proposed site. This could allow for pedestrian traffic to and from the elementary school west of the site to remain within the residential neighborhoods in the future.



### **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 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, 4.5-foot sidewalk and 5-foot area from the back of the sidewalk to the end of the ROW reserved for public utilities. The "Penbrook" project's interior streets have a proposed 50-foot ROW. The half street ROW includes a 20-foot travel/parking lane from road centerline to face of curb, which also includes the gutter, a 6-inch curb, and a 4.5-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 uses with the only difference being the area reserved for public utilities.

### **Discussion of Staff Support:**

The City of Orland staff is in support of the General Plan, which identifies that the proposed site is suitable for residential uses. Staff is in support of the previous actions on the project as the City supports residential uses as defined in the General Plan as well as the Zoning Ordinance. However, as the current map addresses one aspect of staff's concerns (direct access from a major street and vehicles backing up onto Pabst Ave) and achieving one goal, it becomes problematic in other areas. For example, trucks being trapped inside of the frontage street and being left with having to remove bollards to exit in a forward fashion. Therefore, staff cannot support the current action to approve the most recent map, as presented.

Because staff supports the City's goals of expanding its residential housing stock and has no opposition to new residential development, staff does support the Rezoning of the site from R-1 to P-D to facilitate flexibility, IF that flexibility translates to smaller lot sizes to achieve design solutions. However, staff does not support the notion of Rezoning to P-D just to create smaller lots with a map that doesn't truly address the full spectrum of the issues that have come to light. Therefore, staff is in support of the resubmittal of a modified version of the current TSM that would include an entry in and an entry out option for vehicles travelling along the proposed frontage road.

### **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 sidewalk along the street frontage. The City Engineer has reviewed the tentative map and has recommended that conditions be attached to the approval of the map to ensure consistency with City requirements. 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 Addendum.

Following a review of the proposed rezoning and 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.

### **CONDITIONAL USE PERMIT:**

Chapter 17.80 of the OMC provides the legal authority and basis for the issuance of a Conditional Use Permit in the City. Section 17.80.010 establishes that:

*"A request for a use permit may be granted, granted subject to conditions, or denied by the planning commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations, is, in the opinion of the planning commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated."*

Section 17.80.040 of the OMC states that, *"Approval of an application for a use permit shall be based upon a written finding that:*

*Establishment, maintenance, or operation of the use of building applied for will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such*



*proposed use or be materially detrimental to property of improvements in the neighborhood or to the general welfare of the City.”*

As established in OMC Section 17.80.010, the Planning Commission may impose conditions of approval on a use permit that it finds necessary to carry out the purpose of this title.

Upon review of the application, staff believes that the establishment, maintenance, or operation of the proposed subdivision project will not, under the circumstances of the particular case, be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be materially detrimental to property or improvements in the neighborhood or to the general welfare of the City.

#### **ENVIRONMENTAL DETERMINATION:**

As previously stated, an IS/MND was completed for a previous rendition of the proposed TSM (TSM #2007-09) which was adopted by the City in 2008. Because of the vast similarity between the current project and TSM #2007-09, it was determined that an IS/MND Addendum would be adequate to satisfy requirements of CEQA for environmental review. The IS/MND Addendum did not result in the identification if any new environmental impacts or the alteration or deletion of any mitigation measures provided in the 2008 IS/MND. Addendums to a previously adopted/certified CEQA environmental review document do not require formal public review as stated in CEQA Guidelines Section 15164. The 2023 IS/MND Addendum is included as **Attachment E**. The Mitigation Monitoring and Reporting Program (MMRP) as required by CEQA is included herein as **Attachment F**.

#### **RECOMMENDATION:**

Based upon the information contained in this report and after consideration of the attributes specific to the proposed site, staff is recommending that the Planning Commission recommend for approval to the City Council, the Amendment(s) to the Orland Municipal Code, as contained herein, through adoption of Planning Commission Resolution #2022-\_\_\_ (**Attachment G**), a rezoning of APN 041-262-028 from R-1 to P-D (Z #2022-01) and the required Conditional Use Permit (CUP #2023-03). Staff also recommends that the Planning Commission recommend for approval to the City Council, adoption of the Addendum to the City of Orland Penbrook Subdivision Project Initial Study/Mitigated Negative Declaration (**Attachment E**) and the Mitigation Monitoring and Reporting Program (**Attachment F**) prepared for the proposed action.

However, staff recommends to the Planning Commission **denial** of the current TSM #2022-01, as presented. Furthermore, Staff does not recommend that the Planning Commission forward the latest TSM for the Penbrook Subdivision Project to the City Council until such time a modified map is able to be submitted to the Planning Commission for review.

However, it is noted, as previously described, that there is no opposition to the idea of residential development on the site; staff has no opposition to the idea of smaller lots; but is concerned about eliminating the Planning Commission from consideration of future design changes.

1. Specifically, staff recommends that the following actions take place:
2. *OMC Amendment(s)*: Move to approve Planning Commission Resolution PC 2022-\_\_\_, recommending for approval to the City Council the rezoning of APN 041-262-028 and associated

Conditional Use Permit (CUP #2023-03) subject to the Findings provided as **Attachment C** and Conditions of Approval provided as **Attachment D**. Additionally, staff recommends the Planning Commission move to **deny** the new Tentative Subdivision Map for APN 041-262-028, otherwise known as the Penbrook Subdivision, as presented.

3. *California Environmental Quality Act (CEQA)*: Staff is recommending that the Planning Commission recommend for adoption to the City Council the Addendum to the City of Orland Penbrook Subdivision Project Initial Study/Mitigated Negative Declaration and the Penbrook Subdivision Project Mitigation Monitoring and Reporting Program.

**FISCAL IMPACT OF RECOMMENDATION: None**

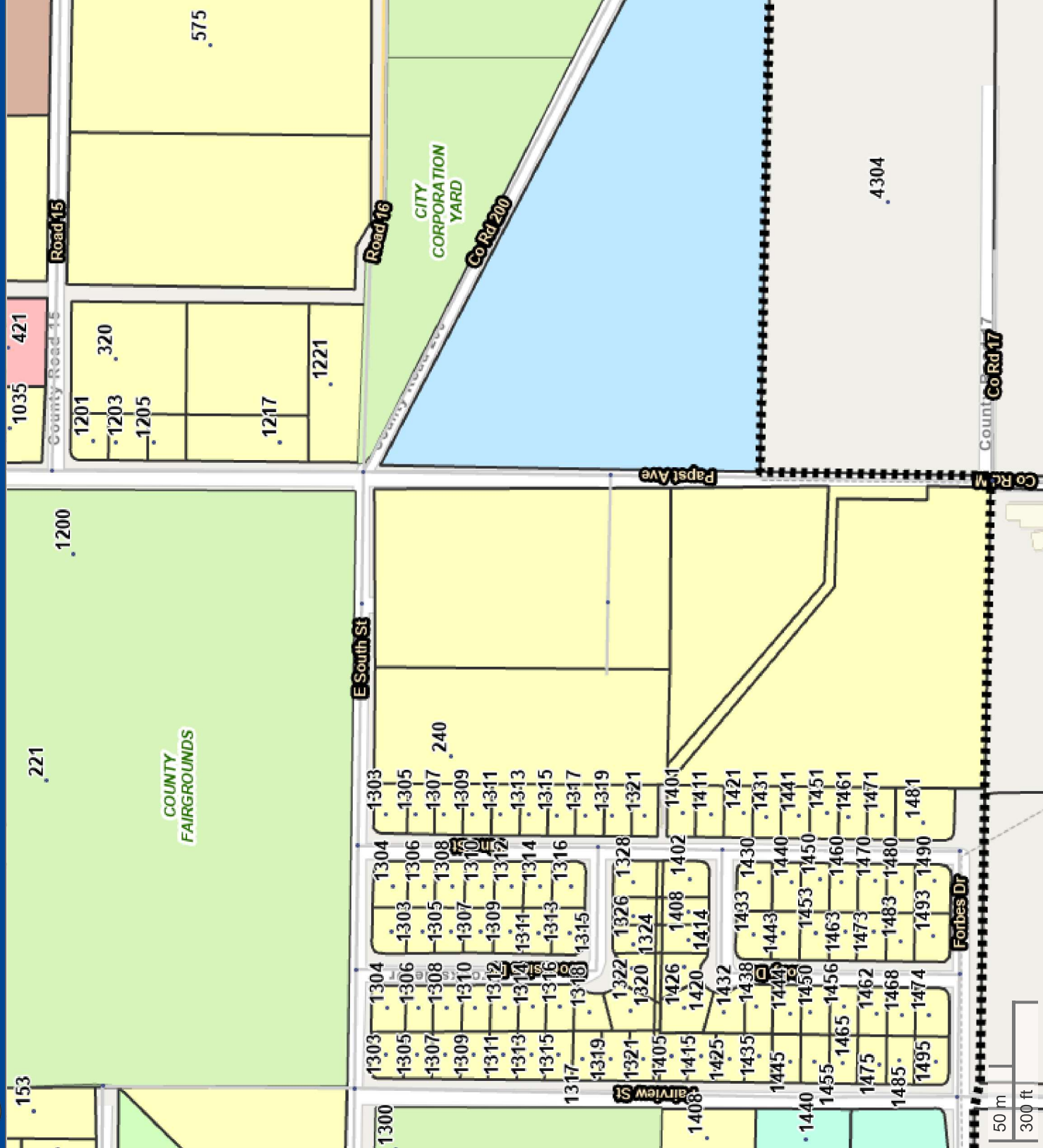
**ATTACHMENTS:**

- **Attachment A1 – Project Location Map**
- **Attachment A2 – Zoning Designations**
- **Attachment A3 – General Plan Designations**
- **Attachment B1 – Project Site Plan (TSM)**
- **Attachment B2 – City Engineer Alternative Options of Project Site Plan**
- **Attachment C1 – Findings for Z #2022-01 & TSM #2022-01**
- **Attachment C2 – Findings for CUP #2023-03**
- **Attachment D1 – Conditions of Approval for Z #2022-01 & TSM #2022-01**
- **Attachment D2 – Conditions of Approval for CUP #2023-03**
- **Attachment E – Addendum to the City of Orland Penbrook Subdivision Project IS/MND**
- **Attachment F – Mitigation Monitoring and Reporting Program**
- **Attachment G – Planning Commission Resolution PC 2023-\_\_**

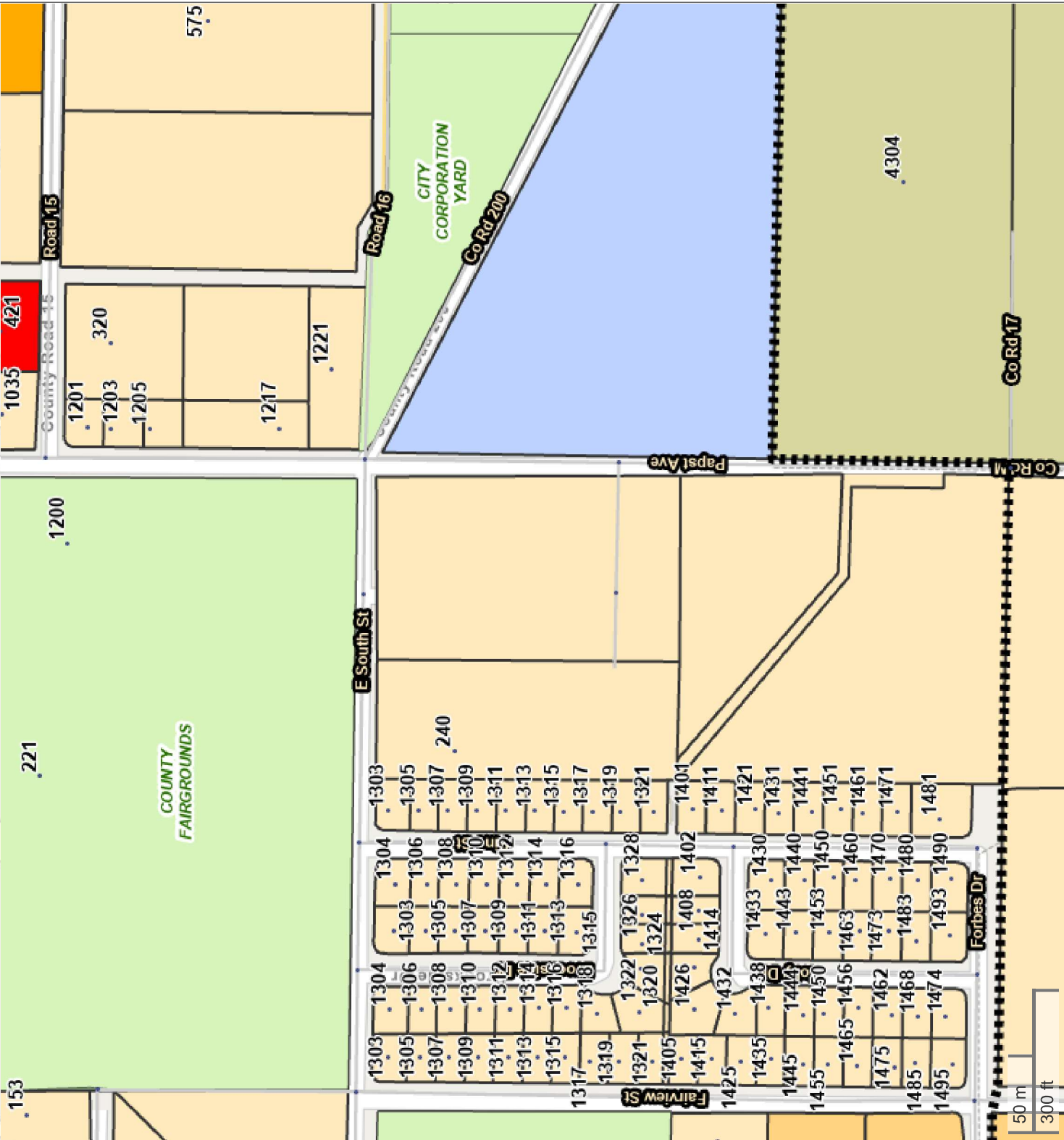


## Penbrook Subdivision Project





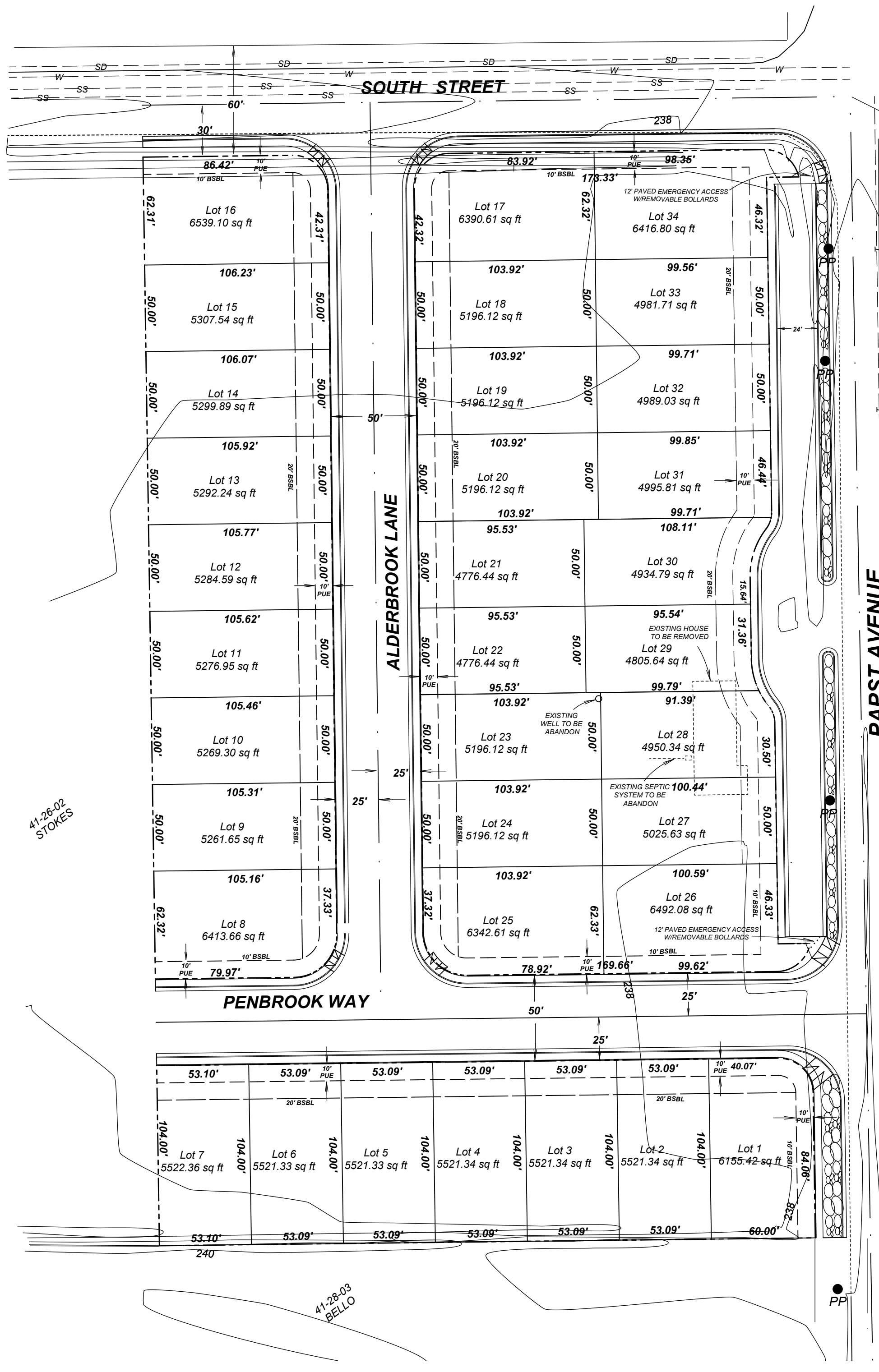




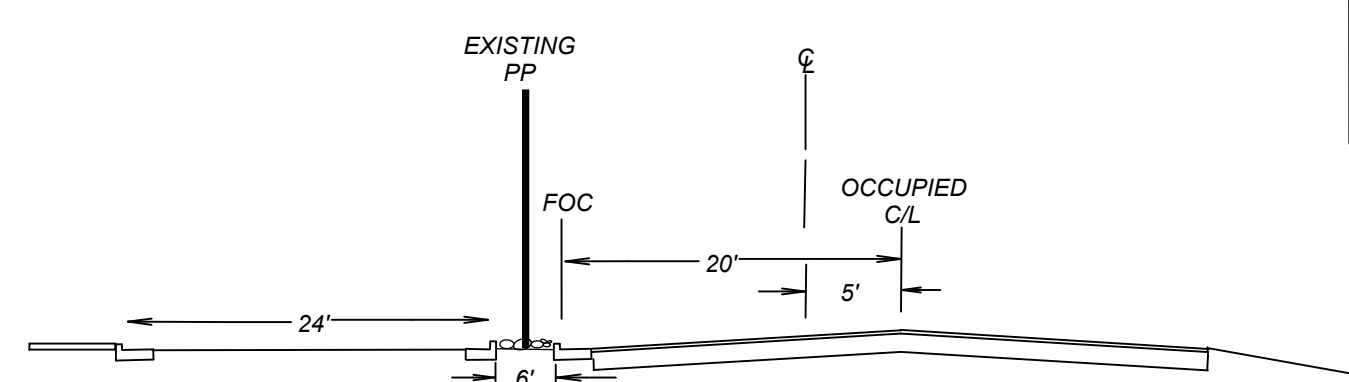
**LEGEND**

- Address
- City Limits
- Downtown Area/Special Parking
- Roads
- Railroad
- Places
- Pavement Survey Data
- Parcels
- Full General Plan Designation**
- C - Commercial
- I-H - Heavy Industrial
- I-L/C - Light Industrial/Commercial
- MU - Mixed Use
- OS/RC - Open Space/Resource Conservation
- P-F - Public Facility
- R-E - Residential Estate
- R-H - High Density Residential
- R-M - Medium Density Residential
- R-L - Low Density Residential

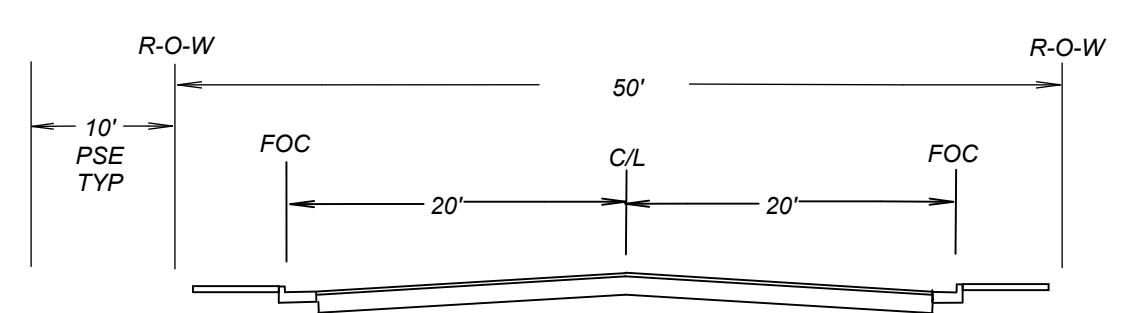




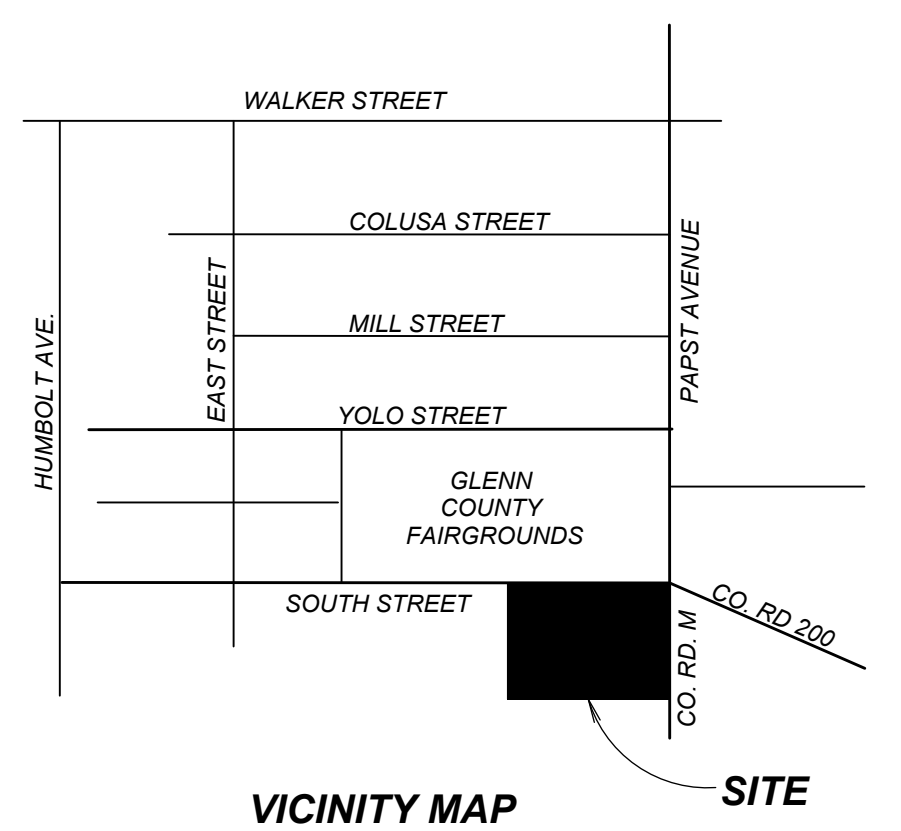
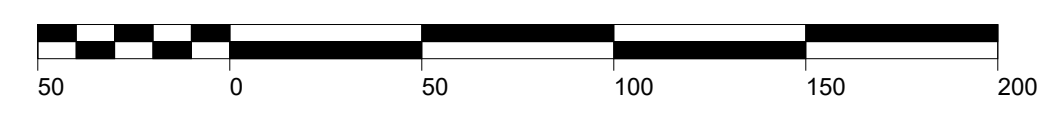
**NOTES**  
NO EASEMENTS AFFECT THE PROPERTY  
PROPERTY LIES WITHIN FLOOD ZONE X  
BUILDING SETBACK LINES NOT SHOWN HEREON  
ARE TO COMPLY WITH CITY OF ORLAND R-1  
ZONING CODE



**PROPOSED PAPST AVENUE**  
LOOKING NORTH



**ALDERBROOK LANE AND PENBROOK WAY**



**OWNER/ SUBDIVIDER**  
LAKEPORT PARKSIDE, LLC.  
A CALIFORNIA LIMITED LIABILITY COMPANY.  
A SCHELLINGER BROTHERS PROJECT  
1270 AIRPORT BLVD.  
SANTA ROSA, CA 95403  
(707) 545-1600

**DOMESTIC WATER**  
CITY OF ORLAND

**SEWAGE DISPOSAL**  
CITY OF ORLAND

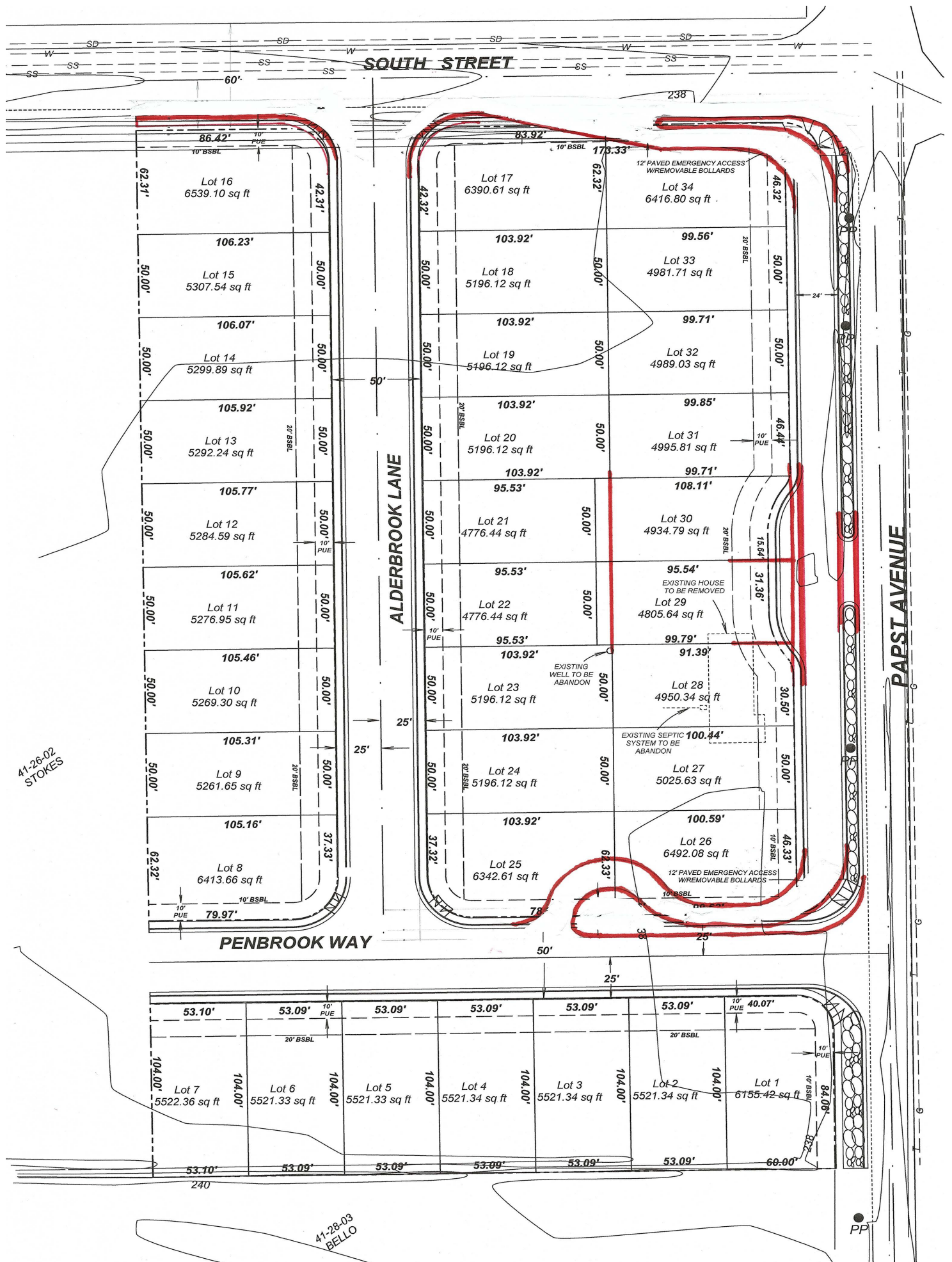
**ASSESSORS PARCEL NO.**  
041-262-028

**PROPOSED USE OF PROPERTY**  
RESIDENTIAL DEVELOPMENT

**TENTATIVE SUBDIVISION MAP 2022-01**  
**PENBROOK ESTATES**  
**A PLANNED DEVELOPMENT SUBDIVISION**  
BEING A PORTION OF LOT 32 OF ORLAND ORANGE PARK NO. 3  
SITUATE IN SECTION 27, T. 22 N., R. 3 W., MDM.  
IN THE INCORPORATED LIMITS OF THE  
CITY OF ORLAND  
GLENN COUNTY, CALIFORNIA

**A SCHELLINGER BROTHERS PROJECT**

PRECISION SURVEYING			
1165 HOFF WAY # 204 ORLAND, CALIFORNIA 95963 530-865-4194			
DATE	SCALE	SHEET	
SEPTEMBER, 2023	1" = 50'	1 OF 1	





**FINDINGS**  
**ZONING CODE AMENDMENT (Z #2022-01), TENTATIVE SUBDIVISION MAP (TSM #2022-01),**  
**Schellinger Brothers Penbrook Subdivision**

Assessor's Parcel Numbers: 041-262-028

Project location: 1310 Road M at the southwest corner of Pabst Avenue/E. South Street intersection, Orland, Glenn County, CA 95963

Zoning: "P-D" (Planned Development)

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

Proposed Use: "Residential Subdivision"

**Municipal Code Amendment –Z #2022-01, Schellinger Brothers (Applicant[s]):** A request for approval of a City of Orland Municipal Code Amendment for the Rezoning of APN 041-262-028 from "R-1" (One-Family Residential) to "P-D" (Planned Development).

**Tentative Subdivision Map – TSM #2022-01, Schellinger Brothers (Applicant[s]):** A request for the approval of a TSM for the Penbrook Subdivision Project. The proposed project, along with implementation of the Conditions of Approval, would divide an existing 5.7+/- acre parcel of land identified as Glenn County Assessor's Parcel Number 041-262-028 into thirty-four (34) parcels having an average parcel size of approximately 5,441 square feet and ranging from 4,776 to 6,155 square feet in size and a minimum lot with 50 feet for an interior lot and 60 feet for a corner lot.

**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 (an amendment to the Penbrook Subdivision 2008 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 5.96 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 with the approval of the Municipal Code Amendment Z #2022-01. The rezoning of the proposed site would modify the zoning from R-1 to P-D, thus allowing for the minimum lot size to be below 6,000 square feet for an interior lot and 7,000 square feet for a corner lot and minimum a lot width of less than 60 feet for an interior lot and 70 feet for a corner lot. The proposed Tentative Subdivision Map conforms to the requirements of the P-D zone district.

*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 has been 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.*

4. 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 mitigation measures to minimize project related problems. Standard subdivision improvements will include fire hydrants, streetlights and roadways designed for residential traffic.*
5. 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.*
6. 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.*
7. 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).*
8. 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.*
9. 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 to be potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.*
10. 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.*
11. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4). *The project is located within 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.*

**CITY OF ORLAND**  
**PLANNING COMMISSION FINDINGS OF APPROVAL FOR:**  
**CONDITIONAL USE PERMIT #2020-01**  
**FOR: Schellinger Brothers (Applicant);**  
Assessor's Parcel Numbers: 041-262-028:  
1310 Road M, Orland, CA 95963

**Findings for adoption of the Conditional Use Permit:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use;
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use;
3. The proposed use will not be detrimental or injurious to the general welfare of the City of Orland; and
4. The proposed use will be consistent with the policies, standards and intent of any use designations of the general plan, any applicable specific plan and the applicable section of Title 17 of the Orland Municipal Code as applicable ("P-D", Planned Development Zone and OMC 17.60.010, Purpose and applicability).
5. The project will not have a significant or unmitigable impact on the physical environment.

**Staff Analysis of Consistency with Required Findings:**

1. The proposal will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of the proposed use: *The proposed use is permitted with an approved Conditional Use Permit as established by the Orland Municipal Code and the request has been processed consistent with the provisions of Sections 17.60.030 and 17.80.010 of the OMC. The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as the approval of this request would allow for specific zoning to be assigned to one parcel: 041-262-028. The use would not result in any impacts to the existing environment, as the use will not create significant new noise, and there are no scenic vista points or designated scenic roadways in the area that would be affected. As conditioned, potential impacts associated with the approved use would be addressed. Subject to the issuance of a Conditional Use Permit by the Planning Commission, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*
2. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood of the proposed use: *The proposed use would be compatible with the surrounding land uses and would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as permit*

*approval would allow for the development of structures on site in a manner permitted by the City Municipal Code. The use would not result in any impacts to the existing environment, will not create significant new noise, and there are no scenic vista points or designated scenic roadways in the area that would be affected. As conditioned, potential impacts associated with the approved use would be addressed. Subject to the issuance of a Conditional Use Permit by the Planning Commission, and subject to the Conditions of Approval for the project, uses of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of the project area.*

3. The proposed use will not be detrimental or injurious to the general welfare of the city: *The proposed use is permitted with an approved Conditional Use Permit as established by the Orland Municipal Code and the request has been processed consistent with the provisions of Sections 17.60.020 and 17.80.010 of the OMC. The proposed use would not jeopardize or be detrimental to the health, safety or general welfare of person residing or working in the neighborhood as the approval of this request would allow for specific zoning to be assigned to one parcel: 041-262-028. The proposed Residential use is compatible with the surrounding environment as the project site is located in an area of predominantly residential uses). As conditioned, the use would not result in any adverse impacts to the existing environment, as the use will not create new noise, and there are no scenic vista points or designated scenic roadways in the area that would be affected. The proposed use would not result in the use of hazardous substances or create a hazardous condition on the site. As such, the project will not be detrimental to the health, safety or general welfare of the city.*
4. The proposed use will be consistent with the policies, standards and land use designations of the general plan and any applicable specific plan: *The City of Orland Municipal Code allows for specific zoning to be applied to a property zoned P-D upon the approval of a Conditional Use Permit by the Planning Commission. With the issuance of a Conditional Use Permit, the project would be consistent with the City's codes and standards.*
5. The project will not have a significant or unmitigable impact on the physical environment. *The proposed project's potential impacts have been analyzed pursuant to the State CEQA guidelines and will not have a significant impact on the physical environment.*

**CONDITIONS OF APPROVAL**  
**ZONING CODE AMENDMENT (Z #2022-01), TENTATIVE SUBDIVISION MAP (TSM #2022-01),**  
**Schellinger Brothers Penbrook Subdivision**

Assessor's Parcel Numbers: 041-262-028

Project location: 1310 Road M at the southwest corner of Pabst Avenue/E. South Street intersection, Orland, Glenn County, CA 95963

Zoning: "P-D" (Planned Development)

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

Proposed Use: "Residential Subdivision"

**Municipal Code Amendment – Z #2022-01, Schellinger Brothers (Applicant[s]):** A request for approval of a City of Orland Municipal Code Amendment for the Rezoning of APN 041-262-028 from "R-1" (One-Family Residential) to "P-D" (Planned Development).

**Tentative Subdivision Map – TSM #2022-01, Schellinger Brothers (Applicant[s]):** A request for the approval of a TSM for the Penbrook Subdivision Project. The proposed project, along with implementation of the Conditions of Approval below, would divide an existing 5.7+/- acre parcel of land identified as Glenn County Assessor's Parcel Number 041-262-028 into thirty-four (34) parcels having an average parcel size of approximately 5,441 square feet and ranging from 4,776 to 6,155 square feet in size and a minimum lot with 50 feet for an interior lot and 60 feet for a corner lot.

**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 February 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.

**Cost Recovery:**

3. 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:**

4. Developer shall dedicate additional right-of-way width along Pabst Avenue (Road M) such that the resulting half width right-of-way shall be 20 feet when measured from the east line of Section 27.
5. Developer shall dedicate additional right-of-way width along South Street such that the resulting half width of right-of-way shall be 30 feet when measured from the north line of Section 27.
6. Developer shall dedicate the right-of-way for all internal 50-foot wide streets.
7. Developer shall provide 10-foot wide public service easements contiguous to all street frontages.
8. Developer shall dedicate a one-foot wide "no access strip" or relinquish all abutter's rights along the South Street frontage of Lots 16, 17 and 34.



9. Abandon any and all septic tanks on the site in accordance with the requirements of the Glenn County Environmental Health Department. All homes on the lots created by this subdivision shall be connected to the City sanitary sewer system prior to issuance of a Certificate of Occupancy.
10. Abandon any and all existing wells on the site in accordance with the requirements of the Glenn County Environmental Health Department. All homes on the lots created by this subdivision shall be connected to the City water system.
11. All infrastructure improvements shall comply with the City of Orland "Land Division Standards and Improvement Standards." Design drawings and construction cost estimate shall be prepared by a Registered Civil Engineer, licensed in the State of California, and must be submitted to the City Engineer for review prior to commencement of construction.
12. Prior to approval of the Improvement Plans, a Registered Engineer or Geologist shall prepare a soils report or geotechnical report for this project. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
13. The water system shall be looped and sized to meet or exceed City Standards and provide a minimum of 1,000 gallons per minute at 20 pounds per square inch residual pressure. The new mains shall be extended to the south property line along Papst Avenue (Road M) and to the western extent of Street B to facilitate future connections/extensions. Final fire hydrant locations shall be approved by the Fire Chief.
14. Public and private improvements constructed as a result of approval of this subdivision shall not result in the increase in the rate of peak storm water runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A master design and maintenance plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer prior to the recordation of the Final Map. It is anticipated that this requirement will necessitate utilization of a detention basin and the dedication of one or more lots to the City of Orland for this basin.
15. Developer shall agree to be part of a Maintenance Assessment District to provide for operation and maintenance of all storm drain facilities that benefit this property. The formation of the District funding mechanism shall be approved by the City prior to recordation of the Final Map.
16. The Developer shall provide a copy of their Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP) and Waste Discharge Identification (WDID) number from the State Water Resources Control Board prior to commencement of grading this site.
17. Street names shall be approved by the City prior to recordation of the Final Map.
18. Install street name signs, barricades, traffic control signs and pavement markings as required by the City Engineer.
19. The design of the subdivision (with two design exceptions: lot size and width) is consistent with the development standards of the City of Orland. The property shall be subdivided in substantial compliance with the conditionally approved Tentative Map. Any changes prior to recordation of the Final Map shall require the changes to be reviewed and adopted by the City Council.
20. Developer shall pay all actual attorney and engineering cost incurred in the review of this project.
21. Developer agrees to pay all City impact fees in effect at the time of issuance of building permits.
22. Any conflicting existing utilities shall be relocated at the developer's expense.
23. The applicant shall record a disclosure on each individual lot created by the subdivision disclosing to prospective owners the following: "Some agricultural uses currently occur on lands to the west and south of this site. Practices commonly associated with agricultural operations are considered by some to be incompatible with urban residential settings with regard to dust and noise. Other agricultural practices such as burning and spraying may also result in conditions which conflict with residential land uses." This disclosure shall be based on the Glenn County Right to Farm Ordinance model.

24. The developer of this project shall record on each newly created residential lot a disclosure statement to prospective purchasers of these properties stating the existence of the Glenn County Fairgrounds immediately north of the site, the race track and the typical times and number of events which occur. The disclosure shall also state the existence of the potential for industrial operations adjacent to the east side of the site. This disclosure will state that noises and periodic exterior nighttime lighting emanating from these two facilities may be considered by some persons to be a nuisance.

**PG&E:**

25. 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:**

26. 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.
27. 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:**

28. The applicant shall submit a landscape plan with all building plans that illustrates conformity with landscaping requirements of OMC Section 17.20.060(H).
29. 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.

**Fencing:**

30. No fencing has been approved with this approval. If fencing is desired in the future, all fencing shall comply with OMC Section 17.76.190.

**Parking**

31. Parking on the frontage road to Papst Avenue along lots 26 through 34 shall only be allowed on the western side of the street. Parking is prohibited on the eastern side of the frontage road as well as along Papst Avenue adjacent to the subdivision. The curb on the eastern side of the frontage road shall be painted red and marked with "no parking" in order to identify this areas as a no parking zone.

**CEQA Required Mitigation Measures**

32. The project shall comply with all mitigation measures provided in the Penbrook Subdivision Project 2008 Initial Study/Mitigated Negative Declaration, which are as follows:

**Air Quality**

**MM 3.3.1:** The following mitigation measures shall be implemented during the construction phase of the project:

- Water all active construction sites at least twice daily. Frequency should be based upon the type of operation, soil, and wind exposure.

- Land clearing, grading, earth moving or excavation activities suspended when winds exceed 15 miles per hour, as determined by an anemometer on site or at the direction of the Glenn County Air Pollution Control District (GCAPCD).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed area.
- Plant vegetative cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Paved roadways should be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud which may have accumulated as the result of construction activities.
- Use alternatives to open burning of vegetative material on the project site, such as chipping, mulching or conversion to biomass fuel, unless otherwise deemed infeasible by the GCAPCD.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.

**MM 3.3.2:** To mitigate impacts of diesel equipment emissions during construction, the following mitigation measures shall be implemented:

- The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.
- Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators when feasible.
- Minimize idling time to 10 minutes.

**MM 3.3.3:** The following Standard Mitigation Measures shall be implemented as part of the project:

- Use of energy-efficient lighting (including controls) and process systems such as water heaters, furnaces and boiler units. Use of energy-efficient and automated controls for air conditioning.
- Use of EPA Phase II certified wood burning devices, if any such devices are installed as part of the project.
- Temporary traffic controls shall be established during all phases of construction to improve traffic flow, as deemed appropriate by the City Department of Public Works.
- Schedule construction activities that direct traffic flow to off-peak hours as much as practicable.

**MM 3.3.4:** The following Best Available Mitigation Measures shall be implemented as part of the project:

- The project shall orient building structures to maximize the potential for natural cooling and passive solar design principles (which may include the use of appropriate landscaping).

**MM 3.3.5:** a) A Health Risk Assessment shall be performed to the standards of the Glenn County Air Pollution Control District standards for the worst case scenario to determine potential acute and chronic health risks to additional residential population in the area. Specifically, the Health Risk Assessment must reference the Baldwin Minkler Farms fumigation practices.

b) If the Health Risk Assessment results trigger a public safety hazard, the project applicant shall implement mitigation necessary to protect public health, future residents, and uphold public agency standards.

### **Cultural Resources:**

**MM 3.5.1:** Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of prehistoric or historic resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American heritage Commission within 24 hours.

Upon completion of the site examination, the archeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this

section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter.

#### **Hazards and Hazardous Materials**

**MM 3.7.1:** All storage drums, unknown contents, and soils stained from the unknown contents should be removed from the project site in conformance with, and as required by, current laws and regulations.

#### **Hydrology and Water Quality**

**MM 3.8.1:** Prior to final site plan approval, the project applicant shall submit a comprehensive storm drainage plan for the project for review and approval by the City Engineer. In accordance with Orland General Plan Program 3.2.A.2, the storm drainage plan shall demonstrate how the drainage system will achieve no net increase in peak storm runoff levels.

**MM 3.8.2:** The project proponent shall be required to abandon the existing wells on the site, per the standards established by the Glenn County Department of Health.

#### **Noise:**

**MM 3.11.1:** Prior to the issuance of the first building permit final clearance approval, the project applicant shall construct a seven-foot (7') sound wall of eight inch (8") thick masonry block wall along the South Street frontage of Lots 16, 17, and 34 that would reduce noise in accordance with the requirements set forth in Table 5-2 of the Noise Element of the City's General Plan, unless the project applicant submits an acoustical analysis demonstrating that a sound wall would not be necessary to comply with these requirements. Seven-foot (7') sound wall of eight-inch (8") thick masonry block "wing" walls shall be provided along the thirty-foot (30') sight triangles at the northeast corners of Lots 16 and 34, and the northwest sight triangle of Lot 17. A similar wing wall shall extend from the northwest corner of Lot 16 along thirty feet (30') of the west property line of that lot. A masonry capstone shall be installed on all walls that extends a minimum of one and one-half inches (1 ½"). The walls shall have a rough exterior (example: split-face CMU) and be planted with vines supplied with automatic irrigation system on the exterior sides to reduce aesthetic impacts and potential graffiti. Anti-graffiti paint is recommended when walls are first constructed.

**MM 3.11.2:** Improvement to all residential construction shall include: 3-coat stucco exterior walls for homes on all lots within this development, central air conditioning to allow occupants to close doors and windows as desired, STC 32 windows on all bedrooms which will have north, east or west facing exposure.

#### **Other Agency Permits and Approvals:**

33. 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**

34. 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 Z #2022-01 and TSM #2022-01 and acknowledge and consent to the Conditions as presented.

Signed,

\_\_\_\_\_  
Schellinger Brothers, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lakeport Parkside, LLC, Landowner

\_\_\_\_\_  
Date

**CONDITIONS OF APPROVAL**  
**CONDITIONAL USE PERMIT #2023-03, Schellinger Brothers Penbrook Subdivision**

Assessor's Parcel Numbers: 041-262-028

Project location: 1310 Road M at the southwest corner of Pabst Avenue/E. South Street intersection, Orland, Glenn County, CA 95963

Zoning: "P-D" (Planned Development)

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

Proposed Use: "Residential Subdivision"

**Conditional Use Permit #2023-03, Schellinger Brothers (Applicant[s]):** A request for approval of a Conditional Use Permit for the development of a parcel of land, identified as Glenn County Assessor's parcel number 041-262-028, in the P-D zoning district as required by Orland Municipal Code (OMC) Section 17.60.030. The parcel is designated Low-Density Residential (R-L) on the General Plan land use map and located in the P-D (Planned Development) zoning district.

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of Planning Commission approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
3. The use granted by this permit shall be established within one (1) year of the date of approval or the permit shall become null and void.
4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** to cover costs associated with the preparation and filing of the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
7. Minor changes to the approved project may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
8. The project applicant and/or contractor shall obtain all necessary business licenses and permits from the City and pay all appropriate fees for any required utilities modification, construction, and connection work associated with the project. Project shall also obtain permits all necessary and required building permits from the City of Orland Building Department and pay all appropriate fees for construction work to be undertaken as a result of this approval.

9. The Use Permit is only approving the assignment of parcel specific zoning to one (1) parcel of land identified as Glenn County Assessor's parcel number 041-262-028, as requested on CUP application #2023-03. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner and City Engineer.
12. If changes are requested to the site plan, use of the building/space, or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council, prior to implementing the changes.
13. No exterior storage of any materials, equipment, or vehicles is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

**Use/Site Specific Conditions of Approval:**

14. Should a sensitive use be established on the parcel, a noise barrier must be constructed on the north property line to protect the sensitive use from excessive noise and would reduce noise in accordance with the requirements set forth in Table 5-2 of the Noise Element of the City's General Plan.
15. The applicant shall submit a landscape plan with all building plans that illustrates conformity with landscaping requirements of OMC Section 17.20.060(H).
16. Zoning Specific Amendments:
  - a. § 17.76.100 - Parking and loading facilities. In all zones, each standard parking space shall not be less than nine (9) feet wide, by eighteen (18) feet long, and seven feet high, and each loading space shall not be less than ten (10) feet wide, twenty-five (25) feet long and fourteen (14) feet high.
  - b. § 17.76.110 - Parking lot landscaping. Landscaping shall be provided in new parking lots whenever seventeen (17) or more spaces are required. If parking is required as an addition to an existing use, landscaping as required herein shall only be required for the new parking spaces.
  - c. No further amendments to the zoning shall be made.
17. Any proposed development must be completed by the date (if any) specified by the Planning Commission at the time of approval of this use permit and/or otherwise be inconsistent with the conditions of this use permit, or the parcel may be subject to reversion to its prior zoning classification as noted under OMC Section 17.60.060.

**Statement of Acknowledgement:**

I have reviewed the Conditions of Approval associated with the approval of CUP#2023-03 and acknowledge and consent to the Conditions as presented.

Signed,

\_\_\_\_\_  
Schellinger Brothers, Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lakeport Parkside, LLC, Landowner

\_\_\_\_\_  
Date

**Addendum to the City of Orland**  
**Penbrook Subdivision Project IS/MND**  
**City of Orland, California**

**Prepared For:**



City of Orland  
815 Fourth Street  
Orland, California 95963

Prepared by:



**ECORP Consulting, Inc.**  
ENVIRONMENTAL CONSULTANTS

55 Hanover Lane, Suite A  
Chico, California 95973

**January 2023**





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ADDENDUM TO THE IS/MND  
FOR THE  
CITY OF ORLAND PENBROOK SUBDIVISION PROJECT  
REZONE AND TSM APPROVAL OF APN 041-262-028

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## 1 INTRODUCTION

### 1.1 INTRODUCTION

This Addendum assesses the potential environmental impacts of the proposed revisions to the 'Penbrook' project and was prepared in accordance with the California Environmental Quality Act (CEQA)(California Public Resources Code 21000 et. seq.) and the CEQA Guidelines (14 CCR 15000 et. seq.; and Article 11, PRC Section 15164). This Addendum analyzes the proposed modifications to the approved Penbrook project and incorporates all modifications and additions made to the CEQA Appendix G Checklist approved and incorporated after the time of the original project approval and demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts already evaluated in the approved IS/MND for the project.

The City of Orland approved the Penbrook Subdivision project and approved the environmental analysis of the project via an Initial Study/Mitigated Negative Declaration (IS/MND) in the summer of 2008. Since the time of its original approval in 2008, the Project Applicant has modified the project multiple times and has now presented a new Tentative Subdivision Map (TSM) for consideration by the City of Orland. The originally approved project included a total of 23 single-family lots (21 new lots and one existing dwelling on a newly proposed lot) ranging in size from 7,337 sqft to 8,895 sqft (TPM #2007-09). The currently proposed project includes an additional 11 lots/parcels bringing the total number of proposed parcels to 34. As currently proposed, the parcels would range in size from 5,012-6,199 sqft, with an overall average lot size of approximately 5,399 sqft. As proposed, the total acreage for the Proposed Project remains consistent (5.7 acres) with the approved TSM analyzed in the 2008 IS/MND and the physical ground disturbance analyzed in the 2008 IS/MND does not change.

As indicated in Table 1.0-1 below, the average housing density of the TSM analyzed in the 2008 IS/MND was approximately 4.03 dwelling units per gross acre (du/ac), which met the City's General Plan land use density standard for the "R-L" (Low-Density Residential) land use designation on the site as well resulted in parcels meeting the minimum size and dimensional requirements of the City of Orland Municipal Code for the "R-1" (One-Family Residential) zoning district. The proposed Project, inclusive of the additional 11 lots on the same acreage, would result in a new housing density of 5.96 dwelling units per acre and an average lot size of 5,399 sqft. While the housing density complies with the City of Orland General Plan for the R-L land use designation (0-6.0 du/ac), the proposed average lot size does not meet the Orland Municipal Code (OMC) minimum lot size requirement for a "R-1" zone. In order to comply with City of Orland Municipal Code (OMC) requirements for the minimum lot size for the subdivision, a rezoning of the property from the "R-1" (one-family residential) zoning to the "P-D" (Planned Development) zoning designation is required.

<b>Table 1.0-1 Housing Densities and Lot Size Standards</b>				
<b>Action</b>	<b>"R-L" Zone (6.0 du/ac max)</b>	<b>"R-1" Zoning District (6,000 sqft minimum lot size)</b>	<b>Meets Standards?</b>	<b>Rezoning Required</b>
TSM 2007-09	4.03 du/ac	6,770 sqft	Yes	No
TSM 2022-01	5.96 du/ac	5,399 sqft	No	Yes

OMC 17.60.010 provides for Planned Development projects on undeveloped land involving the careful application of design and which are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the City which might not be otherwise possible by "strict adherence to the regulation of the title".

Per Section 17.60.020, a Planned Development Master Plan requires a Use Permit to be approved by the Planning Commission following its favorable consideration of the project. Any action taken by the Planning Commission to approve a Planned Development zoning change requires consistency with the adopted City of Orland General Plan. As proposed, the project would be consistent with the 'R-L', *Residential Low Density* land use designation of the City's General Plan.

The addition of the 11 new lots/parcels was not analyzed in the approved 2008 Penbrook Subdivision IS/MND. As such, the approval of the request to rezone the property (from R-1 to P-D) and approval of a new subdivision map (TSM #2022-01) on APN 041-262-028 is the subject of this Addendum.

The analysis provided in this Addendum (see Section 3.0 for the technical analysis) provides substantial evidence supporting the City's determination that the proposed Addendum and the approval of the request to rezone property and approve a new land division map (TSM 2022-01) does not meet the criteria for preparing a subsequent or supplemental IS/MND under CEQA Guidelines Section 15164.

## **1.2 ORGANIZATION AND SCOPE**

### **Section 1.0 – Introduction**

Section 1.0 provides an introduction and overview describing the intended use of the IS/MND Addendum.

### **Section 2.0 – Project Description**

This section provides a detailed description of the Proposed Project.

### **Section 3.0 – Environmental Analysis**

Section 3.0 provides substantial evidence to support that none of the circumstances set forth in CEQA Guidelines Section 15162 would result from either the rezoning of the Proposed Project Site from R-1 to P-D or the approval of TSM #2022-01. CEQA Guidelines Section 15162 and the Addendum's consistency with these guidelines are addressed.

## **2.0 PROJECT DESCRIPTION**

### **2.1 PROPOSED REZONING AND APPROVAL OF TSM #2022-01**

As stated previously, the subject of this IS/MND Addendum is the rezoning and approval of the Proposed Project's TSM with the addition of 11 parcels, known as the Penbrook Subdivision Project located at the southwest corner of the East South Street and Papst Avenue intersection.

### **2.2 PROJECT LOCATION**

The City of Orland is located in Glenn County in northern California, within the Sacramento Valley. It is located approximately 16 miles north of Willows, the County seat of Glenn County, and approximately 22 miles west of the City of Chico (refer to Figure 1-2 in Section 2.0 of the IS/MND, *Project Information*). Interstate 5 (I-5) passes through the western side of the City while State Route 32 (SR 32) traverses east-west through the center of the City on its way towards Chico in Butte County.

The Project Site is located near the southern edge of the Orland City Limits in the eastern portion of the City. The Site is bounded on the north by East South Street, and on the east by Papst Avenue (County Road M). A vacant, undeveloped open pasture abuts the Project to the south (which has an application in with the City for a proposed General Plan Amendment, rezoning and site plan approval). To the north of the site across East South Street is the Glenn County Fairgrounds and Racetrack. The Project Site consists of one 5.7-acre parcel, identified as Assessor's Parcel Number (APN) 041-262-028. On the U.S. Geological Survey map of the Orland quadrangle, the Project Site is located in Section 27, T. 22 N., R. 3 W., MDM. The Project Site's latitude and longitude is 39°44' N and 122°10' W.

### **2.3 EXISTING CONDITIONS**

The Project Site is a 5.7-acre parcel within the limits of the City of Orland. The parcel is developed with one single-family residential structure. The site is located on the southeastern edge of the Orland urbanized area, at the southwest corner of the intersection of Papst Avenue (County Road M) and East South Street.

To the west, separated from the Project Site by a single-family residence on a 3.7-acre parcel, is a single-family residential subdivision approved in the 1980's. The land to the south of the Site is undeveloped land, currently used as a seasonal pasture and has an application in with the City for a proposed multi-family development. To the east, across Papst Avenue (County Road M) is a 16-acre parcel, zoned "L-I" (Limited Industrial), on which was historically the Baldwin Minkler agricultural processing plant (believed to be transitioning to an alternative use). The Glenn County Fairgrounds is located immediately north of the Site, across South Street. One existing 1,387 +/- square foot single-family residence is located on the east-central portion of the Project Site, which would be demolished as part of the Proposed Project. Domestic well and septic systems for this residence will be abandoned. This residence is currently surrounded on the north, west, and south by vacant land. The City of Orland contains various types of urban development, including residential, commercial, industrial and public land uses. Outside of the City



## PROJECT DESCRIPTION

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limits, most of the land is privately owned and primarily in agricultural or rural residential uses. In 2012, the City of Orland adopted an update to its General Plan. California State law requires that every city and county adopt a General Plan to guide the physical development of land within the jurisdictional boundaries of the local government, and any land outside its boundaries that bears relation to its planning (California Government Code Section 65300). The City's General Plan designates the Project Site as Residential Low Density - R-L (0-6 du. /ac.).

### 2.4 PROJECT OBJECTIVES

The objectives of the Project are as follows:

- Rezone property from the R-1 (Residential One-Family Zone) zoning district to the P-D (Planned Development Zone) zoning district;
- Subdivision of the property into 34 single-family residential lots.
- Division of property to lots having a lot size of less than six thousand square feet per lot.

### 2.5 PROJECT BACKGROUND

In 2003, the Project Applicant submitted an application proposing a 23-lot single-family residential subdivision on the same Project Site. The 2003 project layout was similar in nature to the proposed project map however, the lot design was slightly different, requesting a total of 23 lots (22 lots vacant lots) ranging in size from 6,770 sqft to 10,431 sqft, with the existing single-family residence on the Site constituting the 23rd lot at 14,618 sqft. The Planning Commission adopted the Mitigated Negative Declaration for the project and the City Council approved TSM #2004-01, subject to the Conditions of Approval listed in the staff report.

In 2004, Tentative Subdivision Map #2004-01 and the CEQA document were approved by the Orland City Council for the Penbrook Subdivision. The map included standard subdivision requirements to include the construction of frontage improvements for each parcel, improvements to the Papst Avenue and South Street roadway frontages, and the extension of water, sewer and storm drainage services in accordance with City of Orland standards.

In 2007, at the request of the applicant, the subject parcel was reverted from the approved TSM (#2004-09) with 22 lots back to one single parcel (TPM #2007-08). In 2017, a subsequent application was filed to again subdivide the property consistent with the map approved in 2004. In 2020, the 2017 tentative subdivision map (TSM# 2017-01) was granted a one-year extension. However, that TSM expired as well.

Since the Site's initial TSM in 2004, the housing market landscape has undergone shifts that have resulted in the State declaring that there is an increased need for more affordable housing throughout the State. In response to both changing market demand and the State's determination of need, the Project Applicant has made adjustments to the Site's lot configuration, resulting in a further refinement of the previously approved map and a refiling of an application for a new TSM (the Proposed Project). The updated TSM

(TSM #2022-01) has increased the number of parcels in the subdivision from 23 to 34 lots to coincide with the need for more affordable housing, along with similar Conditions of Approval of which include the mitigation measures outlined in the Mitigation Monitoring Plan from the 2004 TSM as part of the Proposed Project. This increase in the number of lots has resulted in smaller lot sizes, which requires a rezoning of the parcel from R-1 to P-D. The following describes the previously proposed TSM (#2007-09) and the Proposed TSM (#2022-01).

## 2.6 RESIDENTIAL SUBDIVISION

In 2003, the Project Applicant proposed to develop the property exclusively for single-family residential use. With the approved map, the property would have been subdivided into a total of 23 lots. At buildout, the project would have constructed single-family residences on 22 lots with the existing single-family residence establishing the remaining lot (see Figures 1-3 of the 2008 IS/MND). The average housing density would have been approximately 4.3 dwelling units per gross acre, which meets the maximum density standard of 6 units per acre for the R-L (Low Density Residential) designation under the City's General Plan. The 2008 IS/MND approved by the City analyzed potential environmental impacts associated with the 2003 TSM.

The Proposed Project seeks to subdivide the subject parcel into 34 total lots. The existing single-family residence on Site would be demolished. At buildout, the Project would construct 34 single-family residences, with lot sizes varying from 5,012-6,199 sqft in size, with the average lot size of approximately 5,399 sqft. The proposed TSM would have a density of 5.96 dwelling units per acre, making it consistent with the General Plan designation. The Orland Municipal Code (OMC) "R-1" zoning designation, of which the Property is currently designated, requires a minimum average lot size to be 6,000 sqft in size. The Project proposes a zoning amendment to rezone the subject parcel from the "R-1" designation to the "P-D" designation.

As discussed previously, OMC Section 17.20.050 *Lot Requirements* designates a minimum lot size of 6,000 sqft for lots in the R-1 zone. With an underlying goal of creating a development that can accommodate the increasing need of affordable housing in the State, OMC Section 17.60.040(A) *Deviation from Regulations Allowed When*, of the Planned Development Chapter, allows for deviations from regulations normally required for such uses "[where the overall development will be improved by a deviation from such regulations.]" Therefore, deviating from the R-1 designated zoning requirements for minimum lot size in the development would improve the development's ability to meet the purpose of the P-D zone, as outlined in Section 17.60.010 *Purpose and Applicability*.

OMC 17.60.010 provides for Planned Development projects on undeveloped land "[involving the careful application of design and which are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which might not be otherwise possible by strict adherence to the regulation of the title]". Per Section 17.60.020, a planned development master plan requires a use permit when submitting to the Planning Commission. TSM applications shall also accompany the zone change request, hence the request to approve the attached TSM for the Project (Attachment B1).

## PROJECT DESCRIPTION

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The approval of the P-D rezoning designation requires the plan be consistent with the City's General Plan (i.e., 5.96 dwelling units per acre is under the required 6 du/ac for "Low-Density Residential") and that any deviations from normal zoning standards are found to not have any negative affect on the neighborhood, while also benefiting future residents.

### 2.7 PROJECT INFRASTRUCTURE

#### **Transportation and Circulation**

The proposed subdivision map would include a 10-foot public service easement along all street rights-of-way. Streets would be constructed in accordance with the layout depicted in Attachment B1. The streets would have a 64-foot right-of-way, of which 40 feet would be paved roadway. Curb, gutter and sidewalk would be installed on both sides of the streets within the subdivision. Improvements to Papst Avenue/Road M fronting the Project Site would include curb, gutter and sidewalk and an upgrade of the western half of the roadway segment to City standards. Access to and from the subdivision would be via two points, one off Papst Avenue/County Road M (Penbrook Way) and the second off South Street (Alderbrook Lane). The General Plan Circulation Element identifies Papst Avenue as a "major collector" street. Existing right-of-way limitations posed by large high tension electric power transmission lines have led the city to make a determination that the street right-of-way should remain at 64' in width however the street would be developed utilizing the street section standard of a local street having a 60' overall width. South Street (to the north) is designated as a "Major Collector" street. Papst Avenue/Road M is designated a "Minor Collector" street. Past Avenue from Highway 32 south to South Street, and Road 200 from Papst Avenue continuing southeast are both designated "truck routes".

A terminus is proposed for the western end of Penbrook Way in anticipation of internal roadway connectivity with future development to the west of the Proposed Project (see image below). Important to note, the terminus is in close alignment with an existing pedestrian footpath going between two houses fronting Pine Street in the residential neighborhood to the east and the vacant lot west of the proposed Site. This could allow for pedestrian traffic to and from the elementary school west of the Site to remain within the residential neighborhoods.



### Water and Sewer

Water and sewer lines would be installed on the Project Site, with services to be provided by the City of Orland. The General Plan and 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 existing well and septic system currently servicing the existing house on the Project Site would be abandoned per County standards, with the dwelling proposed for demolition. The following utilities are located within the Project vicinity:

Within E. South Street:

- 60" storm drain;
- Sewer industrial force main;
- 15" sewer line;
- Sewer manholes: one at northwestern corner of site and one at E. South Street/Pabst Avenue intersection;
- Fire hydrants fronting fair grounds 230' from Site and northeast corner of E. South Street/Pabst Avenue intersection;
- 8" waterline fronting fairgrounds;

The nearest storm drain manhole exists at northwestern corner of E. South Street/Pabst Avenue intersection.

### Storm Drainage

The Project would involve the construction of residential units, along with impervious surfaces such as streets, sidewalks, roofs, and other structures. 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 would be installed on Site. Components of this system would include subsurface leach trenches and underground detention vaults as necessary to handle the Project-generated runoff. The Project has been conditioned to provide the applicant and the City with flexibility in meeting the storm water drainage requirements. In order to address any potential impacts, the 2008 Initial Study/ Mitigated Negative Declaration previously prepared for the Project required as a mitigation measure (MM 3.8.1) that the Project applicant submit a comprehensive drainage plan for review and approval by the City Engineer prior to the final site plan approval. This mitigation measure has been included into the Proposed Project. Grading would consist of the construction of roadways and building pads. Final grading of the Site would generally maintain the existing grades around the perimeter of the Project Site.

### 2.8 PROJECT APPROVALS

TSMs are approved by the City Planning Commission in accordance with the provisions of the Subdivision Map Act and Orland Municipal Code Chapter 16. Prior to any action to approve the Project, the City staff and Planning Commission will review the tentative map and any environmental documentation. As the development is in excess of one acre, a General Construction Nonpoint Discharge Elimination System (NPDES) permit would be necessary, per the requirements of the Regional Water Quality Control Board (RWQCB).

### 3.0 ENVIRONMENTAL ANALYSIS

#### 3.1 BASIS FOR DECISION TO PREPARE ADDENDUM

When a Mitigated Negative Declaration (MND) has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation should be prepared in support of further agency action on the project. In determining whether an addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states, “[t]he lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” Under the CEQA Guidelines, a subsequent EIR or negative declaration must be prepared if any of the following criteria are met. Text in italics is from the CEQA Guidelines, while underlined text provides the substantial evidence supporting the City’s decision to prepare an addendum.

*(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

The rezoning and approval of the new TSM of the proposed parcel would not result in any substantial changes to the Penbrook Subdivision Project IS/MND. The only changes to the project would be the addition of (11) lots on the same acreage of land. The rezoning and approval of the proposed TSM would not substantially increase any environmental impacts or result in a different impact determination identified in the adopted IS/MND.

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

As stated in the project description, the Project Site was previously analyzed and the IS/MND was adopted for the previously proposed subdivision with no significant impacts to the environment in the findings. The rezoning and approval of the new TSM involving the addition of (11) lots within the same acreage of land within the subject parcel would not result in major revisions to the Penbrook Subdivision Project or the adopted MND.

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

As discussed in this Addendum, the Proposed Project does not increase the level of any environmental impact identified in the previously adopted IS/MND. The Proposed Project is the rezoning of the parcel of land in which the Project Site resides, and the approval of the new TSM which includes (11) additional parcels of land within the same acreage of the previously adopted IS/MND. This rezoning and TSM approval would not introduce one or more significant effects not discussed in a previous EIR or negative declaration.

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

The Proposed Project does not increase the severity of any of the environmental impacts identified in the Penbrook Subdivision Project IS/MND because the rezoning and TSM approval do not make changes to the proposed land uses not already considered in these environmental analyses.

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

No new mitigation measures are proposed as a result of the Proposed Project. Furthermore, the mitigation measures addressed in the previously adopted IS/MND for the Site have been included in the project design or are addressed as Conditions of Approval, thus reducing or eliminating them from necessary mitigation measures. As a result, no mitigation measures were required with this analysis. Therefore, the Proposed Project would not result in mitigation measures or alternatives previously found not to be feasible that could now be feasible.

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

No new mitigation measures are proposed as a result of the Proposed Project. Furthermore, the mitigation measures addressed in the previously adopted IS/MND for the Site would be included in the project as COA, thus reducing them from mitigation measures to COA. No resulting mitigation measures were required with this analysis. Therefore, the Proposed Project would not result in mitigation measures or alternatives previously found not to be feasible that could now be feasible.

- (b) *If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.*

As summarized above and further discussed in this Addendum, the Proposed Project does not make significant changes to the proposed Penbrook Subdivision Project that would require substantial revision to the previously adopted Penbrook Subdivision Project IS/MND, nor have circumstances changed significantly since adoption of the IS/MND that would require revision to the IS/MND.

### **3.2 DISCUSSION OF FINDINGS**

As demonstrated in this Addendum, the rezoning and TSM approval of the Proposed Project does not meet the criteria for preparing a supplemental or subsequent IS/MND. First, the rezoning and TSM #2022-01 approval of the parcel do not propose significant changes to the project analyzed in the 2008 Penbrook Subdivision Project IS/MND. The rezoning and TSM #2022-01 approval do not result in significant physical changes to the environment beyond those analyzed in the 2008 IS/MND and therefore do not affect the impact analysis contained within the 2008 IS/MND. Implementation of the rezoning and TSM #2022-01 approval is not anticipated to result in an increase in severity of any previously identified significant impact from the Penbrook Subdivision Project IS/MND (CEQA Guidelines Section 15162[a][1]) that would require major revisions to the Penbrook Subdivision Project IS/MND.

In addition to the General Plan policies, all land development in the City is governed by engineering standards, the California Building Code, and State and Federal permitting associated with wetlands, cultural resources, and water quality. These requirements apply to both nondiscretionary (by right) and discretionary development permits. Discretionary permits have the added protection of both Conditions of Approval and additional CEQA analysis. The 2008 Penbrook Subdivision Project IS/MND analyzed the Subdivision Project partially based on the requirements listed above. The completion of the rezoning, TSM #2022-01 approval, and inclusion of updated CEQA Checklist sections does not change the approval process for this Project.

Third, as documented in this Addendum, there is no new information of substantial importance (which was not known or could not have been known at the time of Penbrook Subdivision Project IS/MND adoption by the City of Orland) that identifies a new significant impact (condition "A" in CEQA Guidelines Section 15162[a][3]); there would not be a substantial increase in the severity of a previously identified significant impact (condition "B" in CEQA Guidelines Section 15162[a][3]); and there are no mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the Penbrook Subdivision Project, or mitigation measures or alternatives that are considerably different from those analyzed in the Penbrook Subdivision Project IS/MND which would substantially reduce one or more significant effects on the environment (conditions "C" and "D" in CEQA Guidelines Section 15162[a][3]). The proposed rezoning and TSM #2022-01 approval of the subject parcel does not include any major changes to development designs or proposals not already



discussed in the Penbrook Subdivision Project IS/MND that would have a significant impact on the environment beyond those identified in the previously adopted IS/MND. None of the “new information” conditions listed in CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a subsequent or supplemental EIR.

### 3.3 PROPOSED PROJECT IMPACTS

#### Summary

**Table 3.0-1** lists the Penbrook Subdivision Project’s environmental impacts based on the analysis included in the 2008 Penbrook Subdivision Project IS/MND. This table also describes any potential environmental impacts associated with the rezoning of the parcel from R-1 to P-D and approval of the TSM #2022-01, which includes the addition of eleven single-family residences on the same acreage of land as that discussed in the 2008 IS/MND. As shown, implementation of the rezoning and the TSM #2022-01 approval would not result in any new or significant increases in physical impacts to the environment.

The rezoning of the parcel from R-1 to P-D and approval of the TSM #2022-01 of the proposed parcels do not result in any revisions to the Penbrook Subdivision Project IS/MND. These processes are merely a requirement to show impacts associated with the updates to the CEQA Guidelines that have been included since the adoption of the IS/MND and the addition of eleven (11) single-family residences on the same acreage of land within the Penbrook Subdivision.

Additionally, the purpose of this addendum is to include any potential impacts associated with the increase in the number of parcels (smaller parcel sizes on the same acreage footprint) and the updates to the CEQA guidelines that were not included in the initial IS/MND but have since become a requirement of the environmental review process for projects in the State of California. The additions to the CEQA Checklist include potential impacts associated with the Energy use of the Project, Greenhouse Gas Emissions, the switch from Level of Service (LOS) to Vehicle Miles Traveled (VMT) thresholds in the Transportation section, impacts associated with Tribal Resources, and impacts associated with Wildfire. For all impacts in Section 3.4 below, only the addition of the 11 new single-family lots will be analyzed as the remaining 23 lots were already analyzed in the previously adopted 2008 Penbrook IS/MND. The impacts that were not included in the adopted IS/MND will be addressed in Section 3.4 below. No additional or increase in environmental impact would result with the implementation of the Proposed Project that would be significantly different than those analyzed in the adopted 2008 IS/MND.

TABLE 3.0-1  
PENBROOK SUBDIVISION PROJECT IMPACTS/REZONE FROM R-1 TO P-D AND TSM APPROVAL IMPACT DETERMINATION

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b><i>Aesthetics</i></b>		
<b>Impact 3.1.a</b> Implementation of the Proposed Project would have a less than significant adverse effect on a scenic vista.	Less than Significant	Less than Significant
<b>Impact 3.1.b</b> Implementation of the Proposed Project would result in less than significant damage to any scenic resource, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	Less than Significant	Less than Significant
<b>Impact 3.1.c</b> Implementation of the Proposed Project would not result in a less than significant degradation to the existing visual character or quality of the site and its surroundings.	Less than Significant	Less than Significant
<b>Impact 3.1.d</b> Implementation of the Proposed Project would create a less than significant new source of light or glare that would adversely affect day or nighttime views in the area.	Less than Significant	Less than Significant
<i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with Aesthetics in the Project vicinity</i>		
<b><i>Agricultural Resources</i></b>		
<b>Impact 3.2.a</b> Implementation of the Proposed Project would result in a less than significant conversion of important farmlands (Prime Farmland), as designated by the Farmland Mapping and Monitoring Program, to nonagricultural use. Based on existing and planned residential land uses surrounding the Project Site as well as the residential land uses designated for the proposed subdivision in the Orland General Plan, conversion of agricultural land is considered a less than significant impact.	Less than Significant	Less than Significant
<b>Impact 3.2.b</b> Implementation of the Proposed Project would result in a less than significant conflict with existing zoning for agricultural use, or a Williamson Act contract.	Less than Significant	Less than Significant

### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Impact 3.2.c</b> Implementation of the Proposed Project would involve less than significant other changes in the existing environment which, due to their location or nature could result in conversion of Farmland to non-agricultural use.	Less than Significant	Less than Significant
<i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with Agriculture in the Project vicinity</i>		
<b>Air Quality</b>		
<b>Impact 3.3.a</b> Implementation of the Proposed Project would result in a less than significant conflict with or obstruct implementation of the applicable air quality plan.	Less than Significant	Less than Significant
<b>Impact 3.3.b</b> Implementation of the Proposed Project would potentially violate air quality standards or contribute substantially to an existing or projected air quality violation unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.3.c</b> Implementation of the Proposed Project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors) unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.3.d</b> Implementation of the Proposed Project would expose sensitive receptors to substantial pollutant concentrations unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.3.e</b> Implementation of the Proposed Project would create less than significant objectionable odors affecting a substantial number of people.	Less than Significant	Less than Significant
<i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with Air Quality in the Project vicinity. As indicated in the 2008 IS/MND, the initial 23 lots would have had a potential significant impact on Air Quality, unless mitigation was incorporated into the Project. As the previous 2008 mitigation measures involved applying best management practices (BMPs) promulgated from the Glenn</i>		

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<p><i>County Air Quality Management District and using construction equipment with a higher Tier of fuel combustion engines that at the time of the IS/MND were becoming the norm for construction projects. Applying those same BMPs are still required for the Proposed Project, as well as the use of higher tiered construction equipment is not only the current norm, but the tiers have increased in efficiency over the past 15 years for lower emission ratings. Therefore, with the minor addition of 11 lots, on the same acreage footprint – emissions from soil moving activities would remain similar – to the 2008 IS/MND analysis, the potential for significant impacts associated with air quality remains the same or would have a negligible increase.</i></p>		
<b>Biological Resources</b>		
<b>Impact 3.4.a</b> Implementation of Proposed Project would have a less than significant adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Less than Significant	Less than Significant
<b>Impact 3.4.b</b> Implementation of Proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	No Impact	No Impact
<b>Impact 3.4.c</b> Implementation of Proposed Project would not have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption or other means.	No Impact	No Impact
<b>Impact 3.4.d</b> Implementation of the Proposed Project would less than significantly interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.	Less than Significant	Less than Significant
<b>Impact 3.4.e</b> Implementation of Proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	No Impact	No Impact

### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Impact 3.4.f</b> Implementation of Proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.	No Impact	No Impact
<i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with Biological Resources in the Project vicinity. As the area of disturbance remains the same, the Project characteristics remain similar (i.e. the subdivision remains an infill project away from sensitive habitats) and the risk of potential impacts to the biological environment remains the same or negligible.</i>		
<b>Cultural Resources</b>		
<b>Impact 3.5.a</b> Implementation of the Proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.	No Impact	No Impact
<b>Impact 3.5.b</b> Implementation of the Proposed Project would potentially cause a substantial adverse change in the significance of an archeological resource as defined in Section 15064.5 unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.5.c</b> Implementation of the Proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.	No Impact	No Impact
<b>Impact 3.5.d</b> Implementation of the Proposed Project would less than significantly disturb any human remains, including those interred outside of formal cemeteries	Less than Significant	Less than Significant
<i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with Cultural Resources in the Project vicinity. As the area of disturbance remains the same, the Project characteristics remain similar (i.e. the subdivision remains an infill project disturbing the same amount of ground area and depth), and thus the risk of potential impacts to Cultural Resources remains the same or negligible.</i>		

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Geology and Soils</b>		
<b>Impact 3.6.a</b> Implementation of the Proposed Project would not, or would less than significantly, expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death, involving: <ul style="list-style-type: none"> <li>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42;</li> <li>ii) Strong seismic ground shaking;</li> <li>iii) Seismic-related ground failure, including liquefaction;</li> <li>iv) Landslides</li> </ul>	No Impact	No Impact
	Less than Significant	Less than Significant
	Less than Significant	Less than Significant
	No Impact	No Impact
<b>Impact 3.6.b</b> Implementation of the Proposed Project would result in a less than significant substantial amount of soil erosion or the loss of topsoil.	Less than Significant	Less than Significant
<b>Impact 3.6.c</b> The Proposed Project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and would result in a less than significant amount of on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	Less than Significant	Less than Significant
<b>Impact 3.6.d</b> The Proposed Project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating less than significant risks to life or property.	Less than Significant	Less than Significant
<b>Impact 3.6.e</b> The Proposed Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	No Impact	No Impact

### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with the Site's Geology and Soils. As the area of disturbance remains the same, the Project characteristics remain similar (i.e. the subdivision remains an infill project disturbing the same amount of ground area and depth), and thus the risk of potential impacts to Cultural Resources remains the same or negligible.</i></p>		
<b>Hazards and Hazardous Material</b>		
<p><b>Impact 3.7.a</b> Implementation of the Proposed Project would create a less than significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.</p>	Less than Significant	Less than Significant
<p><b>Impact 3.7.b</b> Implementation of the Proposed Project would create a less than significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	Less than Significant	Less than Significant
<p><b>Impact 3.7.c</b> Implementation of the Proposed Project would emit a less than significant level of hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.</p>	Less than Significant	Less than Significant
<p><b>Impact 3.7.d</b> The Proposed Project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would potentially create a less than significant hazard to the public or the environment unless mitigation is incorporated.</p>	Less than Significant	Less than Significant
<p><b>Impact 3.7.e</b> The Proposed Project would be located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport but would not result in a safety hazard for people residing or working in the project area.</p>	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<p><b>Impact 3.7.f</b> The Proposed Project would be located within the vicinity of a private airstrip but would not result in a safety hazard for people residing or working in the project area.</p>	No Impact	No Impact

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Impact 3.7.g</b> Implementation of the Proposed Project would have a less than significant impact on impairing implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	Less than Significant	Less than Significant
<b>Impact 3.7.h</b> Implementation of the Proposed Project would expose people or structures to a less than significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	Less than Significant	Less than Significant
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with Hazards and Hazardous material generated during the construction and operations of the Proposed Project. With the increase in number of residences onsite once construction ceases would result in a greater number of residents generating hazardous materials, the increase over the initial amount of hazards and hazardous materials analyzed in the 2008 IS/MND would be negligible and the he routine transport, use or disposal of these additional hazardous materials are still subject to compliance with all local, State, and Federal regulations regarding the transportation and disposal of such materials.</i></p>		
<b>Hydrology and Water Quality</b>		
<b>Impact 3.8.a</b> The Proposed Project would not violate any water quality standards or waste discharge requirements.	No Impact	No Impact
<b>Impact 3.8.b</b> Implementation of the Proposed Project would less than significant impact on the depletion of groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).	Less than Significant	Less than Significant
<b>Impact 3.8.c</b> Implementation of the Proposed Project would less than significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.	Less than Significant	Less than Significant



### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Impact 3.8.d</b> Implementation of the Proposed Project has the potential to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site, unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.8.e</b> Implementation of the Proposed Project would potentially create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.8.f</b> Implementation of the Proposed Project has the potential to substantially degrade water quality unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated
<b>Impact 3.8.g</b> Implementation of the Proposed Project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	No Impact	No Impact
<b>Impact 3.8.h</b> Implementation of the Proposed Project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows.	No Impact	No Impact
<b>Impact 3.8.i</b> Implementation of the Proposed Project would expose people or structures to a less than significant risk of loss, injury or death involving flooding, including flooding as a result of a failure of a levee or dam.	Less than Significant	Less than Significant
<b>Impact 3.8.j</b> Implementation of the Proposed Project would not cause inundation by seiche, tsunami or mudflow.	No Impact	No Impact
The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with the Site's hydrology and water quality. With the increase in dwellings onsite increasing the amount of impervious surfaces throughout the Project Site, the Site's planned water		

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
conveyance system would remain the same as that analyzed in the 2008 IS/MND and therefore the potential impacts associated with hydrology and water quality remains the same or negligible.		
<b>Land Use and Planning</b>		
<b>Impact 3.9.a</b> Implementation of the Proposed Project would not physically divide an established community.	No Impact	No Impact
<b>Impact 3.9.b</b> Implementation of the Proposed Project would not conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.	No Impact	No Impact
<b>Impact 3.9.c</b> Implementation of the Proposed Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.	No Impact	No Impact
<b>Mineral Resources</b>		
<b>Impact 3.10.a</b> Implementation of the Proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.	No Impact	No Impact
<b>Impact 3.10.b</b> Implementation of the Proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.	No Impact	No Impact
<b>Noise</b>		
<b>Impact 3.11.a</b> Implementation of the Proposed Project would result in potential exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or of applicable standards of other agencies unless mitigation is incorporated.	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Unless Mitigation Incorporated

### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Impact 3.11.b</b> Implementation of the Proposed Project would result in a less than significant level of exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	Less than Significant	Less than Significant
<b>Impact 3.11.c</b> Implementation of the Proposed Project would result in a less than significant permanent increase in ambient noise levels in the project vicinity above levels existing without the project.	Less than Significant	Less than Significant
<b>Impact 3.11.d</b> Implementation of the Proposed Project would result in a less than significant temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	Less than Significant	Less than Significant
<b>Impact 3.11.e</b> Implementation of the Proposed Project would result in a less than significant level of exposure to people residing or working in the project area to excessive noise levels as the project is located within an airport land use plan area or, where such a plan has not been adopted, within two miles of a public airport or a public use airport.	Less than Significant	Less than Significant
<b>Impact 3.11.f</b> Implementation of the Proposed Project would not result in exposure to people residing or working in the project area, within the vicinity of a private airstrip, to excessive noise levels.	No Impact	No Impact
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with the noise generated onsite. As the construction equipment being used to construct the number of lots/residences as analyzed in the 2008 IS/MND remains the same, the only noticeable difference one could experience is the duration at which the equipment would be used, as well as the slight increase in future residents residing onsite that generate noise with daily routine activities that would conform to the general surrounding land uses. Thus the risk of potential impacts to Noise remains the same or negligible.</i></p>		

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Population and Housing</b>		
<b>Impact 3.12.c</b> Implementation of the Proposed Project would induce a less than significant level of population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure).	Less than Significant	Less than Significant
<b>Impact 3.12.c</b> Implementation of the Proposed Project would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.	No Impact	No Impact
<b>Impact 3.12.c</b> Implementation of the Proposed Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	No Impact	No Impact
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with population and housing. According to the Department of Finance (DOF), in 2020 the average number of persons per household was 2.81, which correlates to an additional 31 residents onsite occupying the additional 11 residences. This increase in residents, even when combined with the initial number of residents from the project analyzed in the 2008 IS/MND, would be a miniscule increase in the City's population and thus the risk of potential impacts to Population and Housing remains the same or negligible.</i></p>		
<b>Public Services</b>		
<p><b>Impact 3.13.c</b> Implementation of the Proposed Project would result in less than significant adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:</p> <ul style="list-style-type: none"> <li>a) Fire protection?</li> <li>b) Police protection?</li> <li>c) Schools?</li> </ul>	Less than Significant	Less than Significant

### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
d) Parks? e) Other public facilities		
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with population and housing. As mentioned previously, according to the Department of Finance (DOF), in 2020 the average number of persons per household was 2.81, which correlates to an additional 31 residents onsite occupying the additional 11 residences. This increase in residents, even when combined with the initial number of residents from the project analyzed in the 2008 IS/MND, would be a miniscule increase in the City's population and would create less than significant impacts associated with the increased requirement of public services. Additionally, the developer and future residents would be required to pay development impact fees and taxes that would go towards any new public services required. Therefore, the risk of potential impacts to Public Services remains the same or negligible.</i></p>		
<b>Recreation</b>		
<b>Impact 3.14.c</b> Implementation of the Proposed Project would less than significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.	Less than Significant	Less than Significant
<b>Impact 3.14.c</b> Implementation of the Proposed Project would not include recreational facilities, or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.	No Impact	No Impact
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with recreation. As stated above in the Population and Housing impact section, the Proposed Project is expected to bring an additional 31 residents onsite occupying the additional 11 residences. This increase in residents, even when combined with the initial number of residents from the project analyzed in the 2008 IS/MND, would be a miniscule increase in the City's population and would not require additional recreation facilities be built, nor would they cause existing facilities to undergo substantial physical deterioration. Additionally, the increase in residents would contribute to local taxes that portions would be going to funding improvements to these facilities. Therefore, the risk of potential impacts to recreation facilities remains the same or negligible compared to those analyzed in the 2008 IS/MND.</i></p>		

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b>Transportation</b>		
<b>Impact 3.15.a</b> Implementation of the Proposed Project would cause a less than significant increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections).	Less than Significant	Less than Significant
<b>Impact 3.15.b</b> Implementation of the Proposed Project has a less than significant potential to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.	Less than Significant	Less than Significant
<b>Impact 3.15.c</b> Implementation of the Proposed Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	No Impact	No Impact
<b>Impact 3.15.d</b> Implementation of the Proposed Project would less than significantly increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	Less than Significant	Less than Significant
<b>Impact 3.15.e</b> Implementation of the Proposed Project would result in a less than significant level of inadequate emergency access.	Less than Significant	Less than Significant
<b>Impact 3.15.f</b> Implementation of the Proposed Project would not result in inadequate parking capacity.	No Impact	No Impact
<b>Impact 3.15.g</b> Implementation of the Proposed Project would result in a less than significant confliction with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).	Less than Significant	Less than Significant
<i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with transportation. As the increase in lots is strictly to increase the number of residences onsite and does not impact any internal or external roadways in the Project Vicinity, the risk of potential impacts to Transportation remains the same or negligible.</i>		

### 3.0 ENVIRONMENTAL ANALYSIS

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<b><i>Utilities and Service Systems</i></b>		
<b>Impact 3.16.a</b> Implementation of the Proposed Project would have a less than significant impact on exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.	Less than Significant	Less than Significant
<b>Impact 3.16.b</b> Implementation of the Proposed Project would have a less than significant impact on requiring or resulting in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less than Significant	Less than Significant
<b>Impact 3.16.c</b> Implementation of the Proposed Project would have a less than significant impact on requiring or resulting in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	Less than Significant	Less than Significant
<b>Impact 3.16.d</b> Implementation of the Proposed Project would have a less than significant impact on having sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.	Less than Significant	Less than Significant
<b>Impact 3.16.e</b> Implementation of the Proposed Project would have a less than significant potential to result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments.	Less than Significant	Less than Significant
<b>Impact 3.16.f</b> Implementation of the Proposed Project would have a less than significant potential of not being served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	Less than Significant	Less than Significant
<b>Impact 3.16.g</b> Implementation of the Proposed Project would have a less than significant impact on comply with federal, state and local statutes and regulations related to solid waste.	Less than Significant	Less than Significant

Penbrook Subdivision Project Impacts	Penbrook Subdivision Project 2008 IS/MND Determination	Rezone (R-1 – P-D) and TSM Approval Impact Determination
<p><i>The increase of 11 lots on the same acreage as analyzed in the 2008 IS/MND will have a negligible increase in impacts associated with utilities and service systems. With the increase of roughly 31 residents onsite occupying the additional 11 residences, the potential impacts to the Project's utility services and other services will have a less than significant effect, beyond those experienced by the increase of residences associated with the initial 23 residences proposed in the 2004 TSM that was analyzed in the 2008 IS/MND. All utility infrastructure would undergo review by the City's engineer prior to approving the Final Map, and the capacity of the solid waste stream end locations would experience a negligible increase in waste streams beyond the original 23 residences. Therefore, the risk of potential impacts to Utilities and Service Systems remains the same or negligible.</i></p>		
<p><b>Sections not previously analyzed due to updates in regulations, following adoption of the IS/MND. See impact analyses below in Section 3.4</b></p>		



### 3.4 UPDATED CEQA CHECKLIST SECTIONS NOT INCLUDED IN THE PREVIOUSLY ADOPTED IS/MND

Since the approval of the 2008 Penbrook Subdivision IS/MND, the Appendix G of the CEQA Guidelines has gone through changes, including the addition of several checklist categories. The additions to the CEQA Checklist include potential impacts associated with Energy use, Greenhouse Gas emissions (SB 97), the switch from LOS to VMT in the Transportation section (SB 743), impacts associated with Tribal Resources (AB 52), and impacts associated with Wildfires.

#### Energy Impacts

The CEQA Guidelines amendments incorporate a new subdivision (b) of Section 15126.2, Consideration and Discussion of Significant Environmental Impacts. While the existing Appendix F (revised in 2009) clarifies that analysis of energy impacts is mandatory, the Agency added subdivision (b) to section 15126.2 to remove any question about whether such an analysis is required. Of particular note here, the revision emphasizes that compliance with building codes alone is likely not going to be sufficient. The Agency's Statement of Reasons also clarifies that a "full 'lifecycle' analysis that would account for energy used in building materials and consumer products will generally not be required." The new subdivision (b) reads:

*(b) Energy Impacts. If analysis of the project's energy use reveals that the project may result in significant environmental effects due to wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources, the EIR shall mitigate that energy use. This analysis should include the project's energy use for all project phases and components, including transportation-related energy, during construction and operation. In addition to building code compliance, other relevant considerations may include, among others, the project's size, location, orientation, equipment use and any renewable energy features that could be incorporated into the project. (Guidance on information that may be included in such an analysis is presented in Appendix F.) This analysis is subject to the rule of reason and shall focus on energy use that is caused by the project. This analysis may be included in related analyses of air quality, greenhouse gas emissions, transportation or utilities in the discretion of the lead agency.*

The revised CEQA Guidelines also add a new impact category – "Energy" – to Appendix G, incorporating the changes to Section 15126.2(b) discussed above (CEQA Chronicles 2019).

#### GHG Impacts and Draft CEQA and Climate Change Advisory

By enacting Senate Bill 97 in 2007, California's lawmakers expressly recognized the need to analyze greenhouse gas emissions as a part of the CEQA process. SB 97 required OPR to develop, and the California Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions. Those amendments became effective on March 18, 2010.

In late 2018, the Agency finalized amendments to the CEQA Guidelines, including changes to CEQA Guidelines section 15064.4, which addresses the analysis of greenhouse gas emissions. The amendments became effective on December 28, 2018.

The amendments to the CEQA Guidelines are designed to improve the analysis of impacts from GHG emissions in CEQA documents. These amendments clarify the manner in which the significance of a project's GHG emissions is determined and give the lead agency discretion to select a model or methodology to estimate GHG emissions. Several of these amendments were made to ensure consistency with recent appellate case law dealing with GHG emissions, cumulative impacts, and significance determinations, including *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204 and *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497.

Section 15064.4 *Determining the Significance of Impacts from Greenhouse Gas Emissions*, has been amended in the following manner:

Subsection (a) has been revised to replace the word "should" with "shall" with regard to a lead agency's duty to make a good faith effort to estimate or describe a project's greenhouse gas emissions. The Natural Resources Agency ("Agency") made this change to clarify that lead agencies must not just provide information regarding climate change but make a determination of whether a project's GHG emissions are significant.

Subsection (b) has been revised to add four new sentences (shown below). The first sentence clarifies that the focus of analysis must be on the project's *effect on* climate change, not simply a quantification of emissions and/or comparison of how a project's emissions compare to statewide or global emissions. The Agency also clarified that only a project's "reasonably foreseeable incremental contribution" to the effects of climate change need be evaluated, and that lead agencies need not and should not speculate. The second sentence clarifies that a project's incremental contribution may be cumulatively considerable *even if it appears relatively small* compared to statewide, national or global emissions. The third sentence requires lead agencies to consider a timeframe for the analysis that is appropriate for the project, perhaps driven by a project's intended life or by the length of time over which it will be implemented. The fourth sentence clarifies that a lead agency's analysis must reasonably reflect evolving scientific knowledge and state regulatory schemes so as to "stay in step with evolving scientific knowledge and state regulatory schemes." (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 504.)

*(b) In determining the significance of a project's greenhouse gas emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. A lead agency should consider the following factors, among others, when determining the significance of impacts from greenhouse gas emissions on the environment:*

Subsection (b)(3) was amended to clarify that in determining the significance of a project's impacts, the lead agency may consider a project's consistency with the State's long-term climate

goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is consistent with those plans, goals, or strategies. As the Court stated in *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 227, lead agencies must establish through substantial evidence "a quantitative equivalence" between a given statewide plan's comparison and the EIR's project-level comparison.

Subsection (c) mainly reflects language previously located in subsection (a)(1) regarding a lead agency's discretion to select a model or methodology to quantify emissions. By moving this language, the Agency meant to clarify that models play a role not only in estimating a project's greenhouse gas emissions, but also in determining baseline emissions and applying thresholds. As noted in the Agency's Statement of Reasons, when a single quantitative method is used, the lead agency must research and document the quantitative parameters essential to that method. (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204, 228 [invalidating EIR because the lead agency did not provide sufficient evidence that "the Scoping Plan's statewide measure of emissions reduction can also serve as the criterion for an individual land use project"].)

In December of 2018, OPR issued a draft CEQA and Climate Change Advisory seeking input from the public on issues and topics that arise in greenhouse gas emissions analyses under CEQA. This advisory updates a 2008 advisory to reflect recent legislative mandates to reduce greenhouse gas emissions and establish emission reduction targets, as well as a growing body of case law and CEQA amendments that address climate change and greenhouse gas emissions. The draft CEQA and Climate Change Advisory recommends that agencies adopt significance thresholds based on efficiency, compliance with state goals, consistency with relevant regulations or quantitative thresholds; and provides guidance on adopting mitigation measures. The draft Advisory restates the legislative mandate for lead agencies to tier or streamline their environmental documents wherever feasible and suggests the preparation of a greenhouse gas emission reduction plan that later environmental documents may tier from or incorporate by reference (OPR 2018a).

#### **Transportation Impacts (SB743)**

SB 743 updates the way transportation impacts are measured in California for new development projects, making sure they are built in a way that allows Californians more options to drive less. This change will help us achieve our climate commitments, preserve our environment, improve our health and safety--particularly for our most vulnerable residents--and boost our economy by prioritizing co-located jobs, services, and housing. It will also reduce the time we need to spend in our cars to get places and provide more choices for how we travel, which will help to promote business, provide access to opportunity, and improve the quality of life across our state.

SB 743, which took effect July 1, 2020, helps reduce transportation's impacts on the environment. Before July 1, 2020, traffic congestion levels (known as level of service, or LOS) were the main measurement to determine the negative environmental impacts of development and transportation projects. Under SB

743, these effects are now measured according to the overall amount that people drive (known as vehicle-miles traveled, or VMT [MTC 2023]).

#### *VMT and Greenhouse Gas Emissions Reduction - Senate Bill 32*

SB 32 requires California to reduce greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030, and Executive Order B-16-12 provides a target of 80 percent below 1990 emissions levels for the transportation sector by 2050. The transportation sector has three major means of reducing GHG emissions: increasing vehicle efficiency, reducing fuel carbon content, and reducing the amount of vehicle travel. The California Air Resources Board (CARB) has provided a path forward for achieving these emissions reductions from the transportation sector in its 2016 Mobile Source Strategy. CARB determined that it will not be possible to achieve the State's 2030 and post-2030 emissions goals without reducing VMT growth. Further, in its 2018 Progress Report on California's Sustainable Communities and Climate Protection Act, CARB found that despite the State meeting its 2020 climate goals, "emissions from statewide passenger vehicle travel per capita [have been] increasing and going in the wrong direction," and "California cannot meet its [long-term] climate goals without curbing growth in single-occupancy vehicle activity." CARB also found that "[w]ith emissions from the transportation sector continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, California will not achieve the necessary greenhouse gas emissions reductions to meet mandates for 2030 and beyond without significant changes to how communities and transportation systems are planned, funded, and built."

Thus, to achieve the State's long-term climate goals, California needs to reduce per capita VMT. This can occur under CEQA through VMT mitigation. Half of California's GHG emissions come from the transportation sector, therefore, reducing VMT is an effective climate strategy, which can also result in co-benefits. Furthermore, without early VMT mitigation, the state may follow a path that meets GHG targets in the early years but finds itself poorly positioned to meet more stringent targets later. For example, in absence of VMT analysis and mitigation in CEQA, lead agencies might rely upon verifiable offsets for GHG mitigation, ignoring the longer-term climate change impacts resulting from land use development and infrastructure investment decisions. As stated in CARB's 2017 Scoping Plan:

*"California's future climate strategy will require increased focus on integrated land use planning to support livable, transit-connected communities, and conservation of agricultural and other lands. Accommodating population and economic growth through travel- and energy-efficient land use provides GHG-efficient growth, reducing GHGs from both transportation and building energy use. GHGs can be further reduced at the project level through implementing energy-efficient construction and travel demand management approaches." (OPR 2018b)*

#### **Tribal Impacts (AB 52)**

Assembly Bill 52 (Chapter 532, Statutes 2014) required an update to Appendix G (Initial Study Checklist) of the CEQA Guidelines to include questions related to impacts to tribal cultural resources. Section XVII "Tribal Cultural Resources" contains the added questions, which follow:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is

geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe?

AB 52 requires public agencies to consult with tribes during the CEQA process. The following resources provide more information on how to conduct a tribal consultation in compliance with CEQA. Note, AB 1561 (Garcia, 2020) extended by 30 days tribes' time for response for any housing development project application completed between March 4, 2020, and December 31, 2021. Tribal consultation was also added as a requirement for housing projects using SB 35 streamlining.

### **Wildfire Impacts**

Given the extreme and devastating fire seasons in California during the past several years, it is no surprise that new requirements have been added to CEQA to address a project's impacts on wildfire hazards. A new Section (Section XX) has been added to Appendix G to address the need to evaluate wildfire impacts. This section focuses on whether projects located in or near state responsibility areas (where the state has financial responsibility of preventing and suppressing fires), or lands classified as very high fire severity zones by local agencies, would:

"Substantially impair an adopted emergency response plan or emergency evacuation plan";

"Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire";

"Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment"; or

"Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes."

CalFire publishes Fire Hazard Severity Zone Maps for all regions in California, which can be viewed [here](#). The fire hazard measurement used as the basis for these maps includes the speed at which a wildfire moves, the amount of heat the fire produces, and most importantly, the burning fire brands that the fire sends ahead of the flaming front. Lead agencies and project proponents can review the CalFire maps to determine whether a given project site will be subject to the new CEQA wildfire impacts analysis (CEQA Chronicles 2019).

### **3.4.1 Energy**

#### **Environmental Setting**

Energy relates directly to environmental quality. Energy use can adversely affect air quality and other natural resources. The vast majority of California's air pollution is caused by burning fossil fuels. Consumption of fossil fuels is linked to changes in global climate and depletion of stratospheric ozone. Transportation energy use is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes (auto, carpool, and public transit); vehicle speeds; and miles traveled by these

modes. Construction and routine operation and maintenance of transportation infrastructure also consume energy. In addition, residential, commercial, and industrial land uses consume energy, typically through the usage of natural gas and electricity.

### Energy Types and Sources

California relies on a regional power system comprised of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. Natural gas provides California with a majority of its electricity followed by renewables, large hydroelectric and nuclear (California Energy Commission [CEC] 2022). PG&E provides power to Glenn County, using a diverse portfolio of energy sources, including natural gas, hydropower, geo-thermal, nuclear, wind, and solar energies. The PG&E service area spans over 70,000 square miles in the Northern California areas and provides about 5.2 million people with electricity and natural gas.

Potential energy-related impacts associated with this Project include the depletion of nonrenewable resources (e.g., oil, natural gas, coal) and emissions of pollutants during the construction and operational components of the Proposed Project. Since the Proposed Project is the rezoning and TSM approval for a single-family residential subdivision development, the impact analysis focuses on the four sources of energy that are relevant to the Proposed Project: electricity, natural gas, the equipment fuel necessary for Project construction, and the automotive fuel necessary for Project operations.

### Energy Consumption

Electricity use is measured in kilowatt-hours (kWh). Natural gas is measured in therms. Vehicle fuel use is typically measured in gallons (e.g. of gasoline or diesel fuel), although energy use for electric vehicles is measured in kWh.

The electricity consumption and natural gas consumption associated with all land uses in the County of Glenn from 2017 to 2021 is shown in Table 3.4.1-1. As indicated, the demand for electricity has gone up and up since 2017, slightly increasing over the years. In general, demand for natural gas has remained consistent since 2017.

<b>TABLE 3.4.1-1. ELECTRICITY AND NATURAL GAS CONSUMPTION IN GLENN COUNTY 2017-2021</b>		
<b>Year</b>	<b>Electricity Consumption (kilowatt hours)</b>	<b>Natural Gas Consumption (therms)</b>
2021	107,584,103	2,307,343
2020	105,432,658	2,368,116
2019	95,902,808	2,509,179
2018	92,741,180	2,235,269
2017	96,281,376	2,475,166

Source: CEC 2022b

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Total automotive fuel consumption in Glenn County from 2017 to 2021 is shown in Table 4.6-2. As shown, automotive fuel consumption decreased since 2017.

TABLE 3.4.1-2. AUTOMOTIVE FUEL CONSUMPTION IN GLENN COUNTY 2017-2021	
Year	Fuel Consumption (gallons)
2021	36,973,328
2020	33,512,122
2019	37,526,674
2018	37,483,351
2017	37,634,410

Source: CARB 2022

#### Energy (VI) Environmental Checklist and Discussion

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Less than significant impact.

As discussed, the impact analysis focuses on the four sources of energy that are relevant to the Proposed Project: electricity, natural gas, the equipment-fuel necessary for Project construction, and the automotive fuel necessary for Project operations. Addressing energy impacts requires an agency to make a determination as to what constitutes a 'significant impact'. There are no established thresholds of significance, statewide or locally, for what constitutes a wasteful, inefficient, and unnecessary consumption of energy for a proposed land use project. For the purpose of this analysis, the amount of electricity and natural gas estimated to be consumed by the Project is quantified and compared to that consumed by all residential land uses in Glenn County. Similarly, the amount of fuel necessary for Project construction and operations is calculated and compared to that consumed in Glenn County annually.

The analysis of electricity and gas usage is based on California Emissions Estimator Model (CalEEMod) modeling conducted by ECORP Consulting (see Appendix C), which quantifies energy use for Project operations. The amount of operational automotive fuel use was estimated using the CARB's EMFAC2021 computer program, which provides projections for typical daily fuel usage in Glenn County. The amount of total construction-related fuel use was estimated using ratios provided in the Climate Registry's General Reporting Protocol for the Voluntary Reporting Program, Version 2.1. Energy consumption associated with the Proposed Project is summarized in Table 3.4.1-3.

**TABLE 3.4.1-3. PROPOSED PROJECT ENERGY AND FUEL CONSUMPTION**

Energy Type	Annual Energy Consumption	Percentage Increase Countywide
Electricity Consumption <sup>1</sup>	87,714 kWh	0.082 percent
Natural Gas Consumption <sup>1</sup>	2,644 therms	0.115 percent
Automotive Fuel Consumption		
• Project Construction Year One <sup>2</sup>	438 gallons	0.001 percent
• Project Construction Year Two <sup>2</sup>	5,815 gallons	0.016 percent
• Project Operations <sup>3</sup>	19,811 gallons	0.054 percent

Source: <sup>1</sup>CalEEMod; <sup>2</sup>Climate Registry 2016; <sup>3</sup>EMFAC2021 (CARB 2022)

Notes: The Project increases in electricity and natural gas consumption are compared with all of the residential buildings in the respective service provider's service area in 2021, the latest data available. The Project increases in automotive fuel consumption are compared with the countywide fuel consumption in 2021, the most recent full year of data.

As shown in Table 3.4.1-3, the increase in electricity usage as a result of the Project would constitute an approximate 0.082 percent increase in the typical annual electricity consumption attributable to residential uses in Glenn County. However, this is a conservative estimate. In May of 2018 the California Energy Commission (CEC) adopted the 2019 California Energy Code that applies to all project construction after January 1, 2020. The 2019 Code is designed to move the state closer to its zero-net energy goals for new residential development. It does so by requiring all new residences to install solar photovoltaic panels sized to offset all the electricity needs of each residential unit (CCR, Title 24, Part 6, Section 150.1(c)4). The Code is enforced through local plan check and building permit processes. Additionally, in September 2018 Governor Jerry Brown Signed EO B-55-18, which established a new statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." Carbon neutrality refers to achieving a net zero CO<sub>2</sub> emissions. This can be achieved by reducing or eliminating carbon emissions, balancing carbon emissions with carbon removal, or a combination of the two. This goal is in addition to existing statewide targets for GHG emission reduction. EO B-55-18 requires CARB to "work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." Furthermore, the Project increases in natural gas usage, 0.115 percent, across the County would also be negligible. For these reasons, the Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy.

As further indicated in Table 3.4.1-3, the Project's gasoline fuel consumption during the construction period is estimated to be 438 gallons of fuel during the first year of construction and 5,815 gallons during the second year of construction. Which would increase the annual gasoline fuel use in the county by 0.001 percent and 0.016 percent, respectively. As such, Project construction would have a nominal effect on



### 3.0 ENVIRONMENTAL ANALYSIS

local and regional energy supplies. No unusual Project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the state. Construction contractors would purchase their own gasoline and diesel fuel from local suppliers and would conserve the use of their supplies to minimize costs to their profits. Additionally, construction equipment fleet turnover and increasingly stringent State and federal regulations on engine efficiency combined with State regulations limiting engine idling times and require recycling of construction debris, would further reduce the amount of transportation fuel demand during Project construction. For these reasons, it is expected that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

Lastly, as indicated in Table 3.4.1-3, Project operations is estimated to consume approximately 13,811 gallons of automotive fuel per year, which would increase the annual countywide automotive fuel consumption by 0.054 percent. The amount of operational fuel use was estimated using CARB's EMFAC2021 computer program, which provides projections for typical daily fuel usage in Glenn County. This analysis conservatively assumes that all of the automobile trips projected to arrive at the Project during operations would be new to Glenn County. The Project would not result in any unusual characteristics that would result in excessive long-term operational automotive fuel consumption. Fuel consumption associated with vehicle trips generated by the Project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region.

For these reasons, this impact would be less than significant.

Would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### Less than significant impact.

The Project would be designed in a manner that is consistent with relevant energy conservation plans designed to encourage development that results in the efficient use of energy resources. The Project will be built to the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the CCR (Title 24). Title 24 was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years; the 2016 standards became effective January 1, 2017. The 2019 Title 24 updates went into effect on January 1, 2020. The 2019 Energy Standards improve upon the 2016 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2019 update to the Energy Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The 2019 Energy Standards are a major step toward meeting Zero Net Energy. Buildings permitted on or after January 1, 2020, must comply with the 2019 Standards. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments. Additionally, in January 2010, the State of California adopted the California Green

Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. Furthermore, the Project would also be consistent with the City's General Plan, which strives to promote development that is sustainable in its use of land and limits impacts on natural resources, energy, air and water.

For these reasons, this impact would be less than significant.

### **Mitigation Measures**

No significant impacts were identified, and no mitigation measures are required.

## **3.4.2 Greenhouse Gas Emissions**

### ***Environmental Setting***

GHG emissions are released as byproducts of fossil fuel combustion, waste disposal, energy use, land use changes, and other human activities. This release of gases, such as carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons, creates a blanket around the earth that allows light to pass through but traps heat at the surface, preventing its escape into space. While this is a naturally occurring process known as the "greenhouse effect", human activities have accelerated the generation of GHGs beyond naturally-occurring levels. The overabundance of GHGs in the atmosphere has led to an unexpected warming of the earth and has the potential to negatively impact the earth's climate system.

Each GHG differs in its ability to absorb heat in the atmosphere based on the lifetime, or persistence, of the gas molecule in the atmosphere. CH<sub>4</sub> traps over 25 times more heat per molecule than CO<sub>2</sub>, and N<sub>2</sub>O absorbs 298 times more heat per molecule than CO<sub>2</sub>. Estimates of GHG emissions are often presented in carbon dioxide equivalents (CO<sub>2</sub>e). Expressing GHG emissions in CO<sub>2</sub>e takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO<sub>2</sub> were being emitted.

The significance of the Project's GHG emissions is evaluated consistent with CEQA Guidelines § 15064.4(b)(2) by considering whether the Project complies with applicable plans, policies, regulations and requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. The GCQMD has not adopted a GHG significance threshold. As previously described, Section 15064.7(c) of the CEQA Guidelines specifies that "[w]hen adopting or using thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence" (14 CCR 15064.7(c)). Thus, in the absence of any GHG emissions significance thresholds the projected emissions are compared to the GHG thresholds recommended by the Sacramento Metropolitan Air Quality Management District (SMAQMD), the air pollution control officer for Sacramento County. The SMAQMD thresholds of 1,100 metric tons of CO<sub>2</sub>e annually for construction and 1,100 metric tons of CO<sub>2</sub>e annually during operations are considered

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appropriate for the purposes of this analysis due to the proximities of Sacramento and Sutter counties and the similarities between both geomorphic and urban patterns of the two neighboring air district jurisdictions. Therefore, the threshold used to analyze the Project is specific to the analysis herein and the lead agency retains the ability to develop and/or use different thresholds of significance for other projects in its capacity as lead agency and recognizing the need for the individual threshold to be tailored and specific to individual projects.

In *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal. 4th 2014, 213, 221, 227, following its review of various potential GHG thresholds proposed in an academic study [Crockett, Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory Certainty in an Uncertain World (July 2011), 4 Golden Gate U. Envtl. L. J. 203], the California Supreme Court identified the use of numeric bright-line thresholds as a potential pathway for compliance with CEQA GHG requirements. The study found numeric bright line thresholds designed to determine when small projects were so small as to not cause a cumulatively considerable impact on global climate change was consistent with CEQA. Specifically, Public Resources Code section 21003(f) provides it is a policy of the state that "[a]ll persons and public agencies involved in the environmental review process be responsible for carrying out the process in the most efficient, expeditious manner in order to conserve the available financial, governmental, physical and social resources with the objective that those resources may be better applied toward the mitigation of actual significant effects on the environment." The Supreme Court-reviewed study noted, "[s]ubjecting the smallest projects to the full panoply of CEQA requirements, even though the public benefit would be minimal, would not be consistent with implementing the statute in the most efficient, expeditious manner. Nor would it be consistent with applying lead agencies' scarce resources toward mitigating actual significant climate change impacts." (Crockett, Addressing the Significance of Greenhouse Gas Emissions: California's Search for Regulatory Certainty in an Uncertain World (July 2011), 4 Golden Gate U. Envtl. L. J. 203, 221, 227.)

#### **Greenhouse Gas Emissions (VIII) Environmental Checklist and Discussion**

<b>Would the Project:</b>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **Less than significant impact.**

Construction-related activities that would generate GHG emissions include worker commute trips, haul trucks carrying supplies and materials to and from the Project Site, and off-road construction equipment (e.g., backhoes, pavers, forklifts). Table 3.4.2-1 illustrates the specific construction generated GHG emissions that would result from construction of the Project.

<b>Table 3.4.2-1. Construction Related Greenhouse Gas Emissions</b>	
<b>Description</b>	<b>CO<sub>2</sub>e Emissions (Metric Tons/Year)</b>
Construction Total	63
<i>Potentially Significant Impact Threshold</i>	<i>1,100</i>
<b>Exceed Significance Impact Threshold?</b>	<b>No</b>

Sources: CalEEMod 2020.0.4.0

As shown in Table 3.4.2-1, Project construction would result in the generation of approximately 63 metric tons of CO<sub>2</sub>e over the course of construction, which is below the significance threshold of 1,100 metric tons of CO<sub>2</sub>e. Once construction is complete, the generation of these GHG emissions would cease. Furthermore, GHG emissions generated by the construction sector have been declining in recent years. For instance, construction equipment engine efficiency has continued to improve year after year. The first federal standards (Tier 1) for new off-road diesel engines were adopted in 1994 for engines over 50 horsepower (hp) and were phased in from 1996 to 2000. In 1996, a Statement of Principles pertaining to off-road diesel engines was signed between the USEPA, CARB, and engine makers (including Caterpillar, Cummins, Deere, Detroit Diesel, Deutz, Isuzu, Komatsu, Kubota, Mitsubishi, Navistar, New Holland, Wisconsin, and Yanmar). On August 27, 1998, the USEPA signed the final rule reflecting the provisions of the Statement of Principles. The 1998 regulation introduced Tier 1 standards for equipment under 50 hp and increasingly more stringent Tier 2 and Tier 3 standards for all equipment with phase-in schedules from 2000 to 2008. As a result, all off-road, diesel-fueled construction equipment manufactured in 2006 or later has been manufactured to Tier 3 standards. Tier 3 engine standards reduce precursor and subset GHG emissions such as nitrogen oxide by as much as 60 percent. On May 11, 2004, the USEPA signed the final rule introducing Tier 4 emission standards, which were phased in over the period of 2008-2015. The Tier 4 standards require that emissions of nitrogen oxide be further reduced by about 90 percent. All off-road, diesel-fueled construction equipment manufactured in 2015 or later must be manufactured to Tier 4 standards.

In addition, the CEC recently released the 2019 Building Energy Efficiency Standards contained in the California Code of Regulations, Title 24, Part 6 (also known as the California Energy Code). The 2019 updates to the Building Energy Efficiency Standards focus on several key areas to improve the energy efficiency of newly constructed buildings and additions, and alterations to existing buildings. For instance, effective January 1, 2017, owners/builders of construction projects have been required to divert (recycle) 65 percent of construction waste materials generated during the project construction phase. This requirement greatly reduces the generation of GHG emissions by reducing decomposition at landfills, which is a source of CH<sub>4</sub>, and reducing demand for natural resources.

Long-term operational GHG emissions attributable to the Project are identified in Table 3.4.2-2.

<b>Table 3.4.2-2. Operational-Related Greenhouse Gas Emissions</b>	
<b>Description</b>	<b>CO<sub>2</sub>e Emissions (Metric Tons/Year)</b>
Area Source Emissions	7
Energy Emissions	22
Mobile Source Emissions	105
Waste Emissions	6
Water Emissions	1
<b>Project Operations Total</b>	<b>142</b>
<i>Potentially Significant Impact Threshold</i>	<i>1,100</i>
<b>Exceed Significance Impact Threshold?</b>	<b>No</b>

Sources: CalEEMod 2020.0.4.0

Notes: Emission projections are predominantly based on CalEEMod model defaults for Glenn County.

As shown in Table 3.4.2-2 Project operations would result in the generation of 142 metric tons of CO<sub>2</sub>e annually. A large majority of these emissions would be generated by mobile sources, which is an emission source that cannot be regulated by the City. Additionally, GHG are global pollutants. They can be carried miles away from the original source and have long atmospheric lifetimes compared to that of local pollutants. GHG Emissions do not directly pose a threat to human health but can have numerous indirect effects. As previously stated, GHG emissions have been directly correlate to climate change. This can lead to events such as droughts, heat waves, increased intensity in storm events and rising sea levels. These can result in decrease precipitation, increased wildfires, saltwater infiltration of groundwater tables and decreased crop yields. A reduction of vehicle trips to and from the Proposed Project Site would reduce the amount of mobile emissions. Methods of reducing vehicle trips include carpooling, transit, cycling, and pedestrian connections. Because this Project proposes a residential subdivision, many of these trips have the potential to be reduced by residences utilizing the transit system. Glenn Ride provides for public transportation in the City of Orland, with 4 stops within one-half mile of the Project Site. Additionally, because Orland's overall terrain is generally flat with 0-1% slopes throughout, cycling is a common practice and would help in further reducing the vehicle trips associated with the proposed subdivision.

<b>Would the Project:</b>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Less than significant.**

The State of California promulgates several mandates and goals to reduce statewide GHG emissions, including the goals to reduce statewide GHG emissions to 40 percent below 1990 levels by the year 2030

(Senate Bill 32) and 80 percent below 1990 levels by 2050 (Executive Order S-03-05). The SMAQMD supports state policies to reduce levels of GHG emissions through its significance thresholds, and the Proposed Project would comply with the SMAQMD's numeric, bright-line GHG threshold of 1,100 metric tons of CO<sub>2</sub>e per year, which was developed in consideration of statewide GHG reduction goals. Furthermore, the Project would not include new permanent sources of GHG emissions and would not generate new or unplanned permanent GHG emissions. Therefore, the Project would not interfere with the state's goals of reducing GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, as established in Senate Bill 32 and Executive Order S-03-05.

Furthermore, the Proposed Project would comply with the State Building Code provisions designed to reduce GHG emissions during construction. During construction, the Project would utilize equipment in compliance with CARB requirements. Mobile sources during construction would be subject to the requirements of California Assembly Bill 1493 (Pavley Standards), the Advanced Clean Cars Program, and the Low Carbon Fuel Standard Regulation. Additionally, the Project would be designed and constructed consistent with California Title 24 and CALGreen (2019). These regulations require projects to comply with specific standards related to energy efficiency construction practices.

For these reasons, the Project would not conflict with any applicable plan, policy or regulation related to the reduction in GHG emissions.

### ***Mitigation Measures***

No significant impacts were identified; no mitigation measures are required.

## **3.4.3 Transportation**

### ***Environmental Setting***

The Project is located south of State Route 32, the nearest east-west arterial roadway in the vicinity of the Project Site. State Route 32 begins at Interstate 5 (I-5) in Orland and connects the City with Hamilton City and Chico to the east. Within the Orland city limits, State Route 32 becomes Walker Street, east of Sixth Street. The City's circulation system consists of a grid pattern street layout with north-south and east-west oriented facilities. The Great Northern Railroad tracks, approximately one mile west of the Project Site, are a north-south route for minor agriculture-related train traffic. There is no passenger rail service on these tracks. Public transportation is provided by Glenn Ride, a fixed-route bus system with round trips from Willows to Chico. Glenn Ride also serves Orland, Artois and Hamilton City.

The Project Site is bounded on two sides by City streets (South St. and Papst Avenue) which are designated by the Orland General Plan Circulation Element as "major collector" streets. Major collector streets provide circulation between arterial streets and major activity centers. Within residential areas, traffic is funneled from local streets onto major collectors and then to connecting arterials. The Orland General Plan Circulation Element advises that, "small scale retail or commercial establishments may have direct access to major collectors, but direct access to individual residential lots should be avoided to improve traffic safety and efficiency." These major collector streets have a total right-of way width of 84

feet, with a curb-to-curb roadway width of 64'. The eastern terminus of South Street forms the northern boundary of the Project Site. South Street continues west and connects to Interstate 5. From the intersection of South Street and Papst Avenue (at the northeast corner of the Project Site) South Street continues to the southeast as Road 200. South Street provides access from I-5 to the southeastern commercial and residential areas in Orland, and to agricultural areas in the County. Papst Avenue (continuing south as County Road M) is the eastern boundary of the Project Site. It connects the Site, and rural communities to the south, with State Route 32, the major east-west arterial road in Orland.

The City Engineer, in his letter of October 16, 2003 to the Project Applicant, made a determination, that based on existing right-of way limitations caused by existing power poles, the City would support a reclassification of Papst Avenue/ Road M south of South Street from a "major" to a "minor" collector street. Although the street might be technically reclassified, it is the intent of the City to maintain the widest possible right-of-way within the constraints posed by the power poles. Portions of the resulting public right-of-way of this segment of Papst Avenue/County Road M may therefore have variations in width between 60' and 84'.

Level of Service (LOS) is a qualitative measure of traffic movement (congestion) based upon a rating system from A to F, with A being the best. Policy 2.3.A of the City's General Plan states that street and highway improvements shall maintain an overall minimum roadway LOS of C. A daily traffic volume count, conducted as part of a traffic analysis for the Orland General Plan Update, by KD Anderson in November 2001 indicates that both of Papst Avenue and South Street in the project area are currently operating at Level of Service "A", the highest rating of operating efficiency. This determination has been substantiated by traffic counts from the Glenn County Transportation Commission and are consistent with the volumes experienced by roadway users in the area.

#### ***City of Orland 2010 General Plan Update***

The Proposed Project will be served by several major roadways. Regional access is provided by I-5 and SR 32, which link the Project Site with the other Northern California communities to the north and south and with the City of Orland to the east. Local access to the Project Site is provided via Newville Road and County Road HH. The City of Orland General Plan contains the following transportation goals and policies related to construction and operation of commercial development, which may result from the Proposed Project:

*Goal 3.2. Establish a system of safe and efficient local, collector, and arterial roads to reduce travel time and improve traffic safety that is consistent with the land use patterns of the City.*

- Policy 3.2.E: New development shall be required to mitigate traffic impacts associated with the project.

*Program 3.2.E.1: Traffic studies of affected streets may be required as part of the environmental assessment of proposed projects to assure citywide traffic service levels are maintained.*

*Program 3.2.E.2: Traffic studies shall include level-of-service forecasts to account for individual and cumulative major land use changes in the City. Level-of-service forecasts shall be used to identify deficient roadways and update street improvement plans and priorities.*

- Policy 3.2.F: The City shall promote an active policy of consolidating driveways, access points and curb cuts along existing developed Arterial streets when a zone change to a greater density or intensity, division of property, or new development or a major remodeling occurs. The use of common driveways may be required as a condition for obtaining an encroachment onto a City dedicated road.
- Policy 3.2.J: The City shall work with commercial and industrial uses to improve access to road and rail service to facilitate economic development activities.

*Goal 3.2: Formulate and adopt circulation design and improvement standards that require a level of service consistent with the demands generated by proposed development, public safety, and the efficient use of public and private resources and which are uniformly applied in the Orland Planning Area.*

- Policy 3.3.A: The City shall construct street and highway improvements to maintain an overall daily roadway level of service of "C" with an a.m. and p.m. peak-hour roadway and intersection level of service of "D" or better, unless other public health, safety, or welfare factors determine otherwise.

*Goal 3.4: Achieve a coordinated regional and local transportation system that minimizes traffic congestion and efficiently serves users.*

*Program CI.4.F: New development shall provide improvements as needed to avoid creating significant traffic impacts on streets surrounding the proposed project.*

Traffic impacts are considered significant if they result in traffic that exceeds the Level of Service (LOS) thresholds (LOS C) for roadway segments based on maximum daily traffic volume, as defined below:

- Local: Greater than 3,600 ADT;
- Minor Collector: Greater than 6,400 ADT
- Major Collector: Greater than 10,160 (15,240 with the inclusion of future second eastbound lane promulgated from Flying J DEIR or by adding a second southbound lane on Commerce Street)
- Arterial: Greater than 12,000 ADT for two lanes; greater than 18,000 for two lanes (with the inclusion of future second eastbound lane promulgated from Flying J DEIR or by adding a second southbound lane on Commerce Street; and greater than 24,000 for four lanes.



<b>Would the Project:</b>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Less than significant.**

SB 743 was signed into law in 2013, with the intent to better align CEQA practices with statewide sustainability goals related to efficient land use, greater multimodal choices, and greenhouse gas reductions. The provisions of SB 743 became effective statewide on July 1, 2020. Under SB 743, impacts will be determined by changes to VMT. VMT measures the number and length of vehicle trips made on a daily basis. VMT is a useful indicator of overall land use and transportation efficiency, where the most efficient system is one that minimizes VMT by encouraging shorter vehicle trip lengths, more walking and biking, or increased carpooling and transit.

Because of SB 743, for a CEQA analysis, determining the potential for exceeding a city's LOS thresholds transportation/traffic impacts is no longer valid and VMT thresholds are used instead. However, the City of Orland has not yet established VMT thresholds. In order to assist in this type of circumstance, in December 2018, the California Governor's Office of Planning and Research (OPR) released its final Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018c). Generally, the OPR recommends that a reduction of 15 percent or more in existing VMT should be the target. Following is a summary of OPR's recommended VMT impact thresholds and methodologies for land use projects:

***Screening Threshold for Small Projects***

Many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or General Plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact (OPR 2018c).

Trips associated with the future residents of the additional eleven (11) single-family homes associated with the Proposed Project were calculated using the CARB-approved California Emissions Estimator Model (CalEEMod) computer program, which is designed to model emissions for land use development projects, based on typical construction and operational requirements. See Attachment XX for more information regarding the parameters used in this analysis. According to CalEEMod, the Proposed Project is expected to generate 105 average daily trips. As this is below the 110-trip screening threshold for small land use projects, the project's impact on regional VMT can be presumed to be less than significant under the OPR Small Projects criteria.

### 3.4.4 Tribal Cultural Resources

#### ***Environmental Setting***

Ethnographically, the Project area is located in a region known to have been occupied by the Nomlaki, who spoke a Wintuan language which was part of the Penutian language family and was closely related to Wintu and Patwin. Nomlaki territory encompassed portions of present-day Tehama and Glenn counties. The territory is bounded on the north by Cottonwood Creek and occupied the foothill land extending from the Coast Range in western Glenn and Tehama counties. There are two distinct Nomlaki Indian groups: Hill Nomlaki and River Nomlaki. The Nomlaki hunted deer, grizzly bears, fish, quails, rabbits, rats, squirrels and birds. family units would collect acorns, roots, wild seeds, and fruit.

Little evidence is provided in the archaeological record for the Nomlaki; however, studies on neighboring tribes to the south suggest that the Nomlaki may have been part of the latter end of a developmental sequence characterized with flexed burials containing offerings of clamshell disk beds, bird-bone whistles, stone pipes, and other funerary gifts signifying wealth.

Village structures included headman houses, dance houses, and menstrual huts. Houses were built near water sources, with the Chief houses facing toward the stream. Men would plunge into the stream after participating in sweating ceremonials. Dance houses were a post-contact addition to the village structure and were placed away from the village. Menstrual huts were built at the opposite end of the village, away from the water supply.

The Nomlaki population prior to contact with Europeans is estimated to have been more than 2,000. A malaria epidemic swept through the Central and Upper Sacramento Valley from 1830-1833, killing 75 percent of the indigenous population and severely hampering the ability of the Nomlaki to resist settlers' incursions into their territory. As settlers moved into the region, the Nomlaki faced the destruction of vital resources by livestock, the pollution of fishing areas by gold miners, and violent conflict with settlers. These factors further diminished the Nomlaki population and, by 1910, the Wintu population is estimated to have been 1,000.

#### ***Tribal Consultation***

Assembly Bill (AB) 52 requires that prior to the release of a CEQA document for a project, an agency begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the Proposed Project if:

1. the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe and
2. the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The City of Orland has not received any formal notification requests by any California Native American tribes.

### 3.0 ENVIRONMENTAL ANALYSIS

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As of March 1, 2005, SB 18 (Government Code Sections 65352.3 and 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. This Project does not require an adoption or amendment to the Orland General Plan.

In May of 2018, ECORP contacted the California Native American Heritage Commission (NAHC) to request a search of the Sacred Lands File for the Simplot Growers Facility located 0.8-mile west of the Proposed Project Site. This search can determine whether Sacred Lands have been recorded by California Native American tribes within the Area, because the Sacred Lands File is populated by members of the Native American community who have knowledge about the locations of tribal resources. In requesting a search of the Sacred Lands File, ECORP solicited information from the Native American community regarding tribal cultural resources. The search of the Sacred Lands File by the NAHC failed to indicate the presence of Native American cultural resources in the Project Area (ECORP 2018a).

A similar Cultural Resources Inventory Report was prepared by ECORP (2021b) for the Maverik Fueling Center Project, located approximately 1.7 miles northwest of the Proposed Project Site, to determine if cultural resources, including tribal cultural resources, were present in or adjacent to the fueling center project area and assess the sensitivity of the project area for undiscovered or buried cultural resources.

The analysis of cultural resources was based on a records and literature search conducted at the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) at California State University-Chico on August 27, 2021, a literature review, historical maps and photographs review, and a field survey on September 15, 2021. The literature search included the results of previous surveys of the Maverik Fueling Center Project location. In addition to the record search, ECORP contacted the NAHC on August 27, 2021, to request a search of the Sacred Lands File for the Area of Potential Effects (APE). A search of the Sacred Lands File by the NAHC on October 11, 2021, failed to indicate the presence of Native American cultural resources in the project area.

No California Native American tribes traditionally and culturally affiliated with the Project area have submitted written requests to receive notification of the City of Orland's projects pursuant to Public Resources Code section 21080.3.1. Further information on potential Tribal Cultural Resources in the Project area is provided below.

***Tribal Cultural Resources (XVIII) Environmental Checklist and Discussion***

<b>Would the Project:</b>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Less than significant with mitigation incorporated.**

No known tribal cultural resources have been identified within the Project Site. The Project Site has not been identified as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe. However, unanticipated, and accidental discovery of California Native American tribal cultural resources are possible during Project implementation, especially during excavation, and have the potential to impact unique cultural resources. As such, mitigation measure **MM 3.5.1** has been included in the previous IS/MND conducted for the Site to reduce the potential for impacts to tribal cultural resources to a less than significant level.

***Mitigation Measures***

Implement mitigation measure **MM 3.5.1** (Section 3.5 of *Attachment B5*).

### 3.4.5 Wildfire

#### *Environmental Setting*

The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents), and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area-to-mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area-to-mass ratio and require more heat to reach the ignition point.

The Project Site is not in an area designated by CAL FIRE (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Finally, the location of the Project Site makes it readily accessible by emergency personnel and vehicles in the event of a wildland fire.

#### *Wildfire (XX) Environmental Checklist and Discussion*

<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:</b>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **No impact.**

The Project Site is not in an area designated by CAL FIRE (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Also, the Project Site is not located in a state responsibility area. The Project would have no impact in this area.

<b>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:</b>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **No impact.**

The Project Site is not in an area designated by CAL FIRE (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Also, the Project Site is not located in a state responsibility area. The Project would have no impact in this area.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No impact.**

The Project Site is not in an area designated by CAL FIRE (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Also, the Project Site is not located in a state responsibility area. The Project would have no impact in this area.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**No impact.**

The Project Site is not in an area designated by CAL FIRE (2007) as a Fire Hazard Severity Zone. Furthermore, no Very High Fire Hazard Severity Zones are located nearby. Also, the Project Site is not located in a state responsibility area. The Project would have no impact in this area.

**Mitigation Measures**

No significant impacts were identified; no mitigation measures are required.



## **SECTION 4.0 LIST OF PREPARERS**

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### **4.1 Lead Agency - City of Orland**

Lead Agency

Peter Carr, City Manager

Scott Friend, City Planner

### **4.2 ECORP Consulting, Inc.**

CEQA Documentation/Air Quality/Biological Resources/Cultural Resources/Greenhouse Gas/Noise

Mike Martin, Project Manager, Senior Environmental Planner

Collin Crawford-Martin, Assistant Environmental Planner



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**Mitigation Monitoring and Reporting Program  
Penbrook Subdivision Project**

**February 2023**

**Lead Agency:**



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

**Prepared by:**



**55 Hanover Lane  
Chico, CA 95973**

**Attachment F**



## SECTION 1.0 INTRODUCTION

In accordance with CEQA, an MND that identifies adverse impacts related to the construction activity for the Penbrook 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
<b>Air Quality Mitigation Measures</b>					
<b>MM 3.3.1:</b> The following mitigation measures shall be implemented during the construction phase of the project: <ul style="list-style-type: none"> <li>Water all active construction sites at least twice daily. Frequency should be based upon the type of operation, soil, and wind exposure.</li> <li>Land clearing, grading, earth moving or excavation activities suspended when winds exceed 15 miles per hour, as determined by an anemometer on site or at the direction of GCAPCD.</li> <li>Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed area.</li> <li>Plant vegetative cover in disturbed areas as soon as possible.</li> <li>Cover inactive storage piles.</li> <li>Paved roadway should be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud which may have accumulated as the result of construction activities.</li> <li>Use alternatives to open burning of vegetative material on the project site, such as chipping, mulching or conversion to biomass fuel, unless otherwise deemed infeasible by the GCAPCD.</li> <li>Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.</li> </ul>	<b>Activity:</b> Control of PM 2.5 and PM 10  <b>Timing:</b> Upon commencement of grading and construction activities.  <b>Frequency:</b> Ongoing during construction.	<b>Contractor</b>  <hr/> Initials  <hr/> Date	<b>The City of Orland Planning Department</b>  <hr/> Initials  <hr/> Date	Possible coordination with Glenn County Air Pollution Control District	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>MM 3.3.2:</b> To mitigate impacts of diesel equipment emissions during construction, the following mitigation measures shall be implemented: <ul style="list-style-type: none"> <li>The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.</li> <li>Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators when feasible.</li> <li>Minimize idling time to 10 minutes.</li> </ul>	<b>Activity:</b> Reduce air quality impacts  <b>Timing:</b> Upon commencement of grading and construction activities.  <b>Frequency:</b> Ongoing during construction.	<b>Contractor</b>  Initials  Date	<b>The City of Orland Planning Department</b>  Initials  Date	Possible coordination with Glenn County Air Pollution Control District	
<b>MM 3.3.3:</b> The following Standard Mitigation Measures shall be implemented as part of the project: <ul style="list-style-type: none"> <li>Use of energy-efficient lighting (including controls) and process systems such as water heaters, furnaces and boiler units. Use of energy-efficient and automated controls for air conditioning.</li> <li>Use of EPA Phase II certified wood burning devices, if any such devices are installed as part of the project.</li> <li>Temporary traffic controls shall be established during all phases of construction to improve traffic flow, as deemed appropriate by the City Department of Public Works.</li> <li>Schedule construction activities that direct traffic flow to off-peak hours as much as practicable.</li> </ul>	<b>Activity:</b> Reduce air quality impacts  <b>Timing:</b> Upon commencement of grading and construction activities.  <b>Frequency:</b> Ongoing during construction.	<b>Contractor</b>  Initials  Date	<b>The City of Orland Planning Department</b>  Initials  Date	Possible coordination with Glenn County Air Pollution Control District	
<b>MM 3.3.4:</b> The following Best Available Mitigation Measures shall be implemented as part of the project: <ul style="list-style-type: none"> <li>The project shall orient building structures to maximize the potential for natural cooling and passive solar design principles (which may include the use of appropriate landscaping).</li> </ul>	<b>Activity:</b> Reduction of energy use  <b>Timing:</b> Upon commencement of grading and construction activities.  <b>Frequency:</b>	<b>Contractor</b>  Initials	<b>The City of Orland Planning Department</b>  Initials		



Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
	As needed	Date	Date		
<b>MM 3.3.5:</b> a) A Health Risk Assessment shall be performed to the standards of the Glenn County Air Pollution Control District standards for the worst case scenario to determine potential acute and chronic health risks to additional residential population in the area. Specifically, the Health Risk Assessment must reference the Baldwin Minkler Farms fumigation practices.  b) If the Health Risk Assessment results trigger a public safety hazard, the project applicant shall implement mitigation necessary to protect public health, future residents, and uphold public agency standards.	<b>Activity:</b> Health Risk Assessment  <b>Timing:</b> Prior to final map approval  <b>Frequency:</b> Once prior to final map approval	<b>Contractor</b>  Initials  Date	<b>The City of Orland Planning Department</b>  Initials  Date		A Health Risk Assessment was completed in 2008. This mitigation measure is no longer required.
<b>Cultural Resources Mitigation Measures</b>					
<b>MM 3.5.1:</b> Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of prehistoric or historic resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American heritage Commission within 24 hours.  Upon completion of the site examination, the archeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section	<b>Activity:</b> If cultural resources or human remains are found then ground disturbing activities must be suspended and appropriate steps as shown must be taken  <b>Timing:</b> During construction.  <b>Frequency:</b> As required.	<b>Contractor</b>  Initials  Date	<b>City of Orland Planning Department and construction lead</b>  Initials  Date	Potential coordination with Glenn County Coroner	

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter.					
<b>Hazards and Hazardous Materials Mitigation Measures</b>					
<b>MM 3.7.1:</b> All storage drums, unknown contents, and soils stained from the unknown contents should be removed from the project site in conformance with, and as required by, current laws and regulations.	<b>Activity:</b> Removal of found storage drums and contaminated soils  <b>Timing:</b> During construction.  <b>Frequency:</b> As required.	<b>Contractor</b>  <hr/> Initials  <hr/> Date	<b>City of Orland Planning Department and City Engineer</b>  <hr/> Initials  <hr/> Date		
<b>Hydrology and Water Quality Mitigation Measures</b>					
<b>MM 3.8.1:</b> Prior to final site plan approval, the project applicant shall submit a comprehensive storm drainage plan for the project for review and approval by the City Engineer. In accordance with Orland General Plan Program 3.2.A.2, the storm drainage plan shall demonstrate how the drainage system will achieve no net increase in peak storm runoff levels.	<b>Activity:</b> Submittal of a storm drainage plan  <b>Timing:</b> Prior to approval of final site plan  <b>Frequency:</b> Once	<b>Contractor</b>  <hr/> Initials  <hr/> Date	<b>City of Orland Planning Department and City Engineer</b>  <hr/> Initials  <hr/> Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>MM 3.8.2:</b> The project proponent shall be required to abandon the existing wells on the site, per the standards established by the Glenn County Department of Health.	<b>Activity:</b> Abandonment of existing wells  <b>Timing:</b> Prior to commencement of project construction activities, including the issuance of grading permits or recordation of the final map.  <b>Frequency:</b> As required.	<b>Contractor</b>  <hr/> Initials  <hr/> Date	<b>City of Orland Planning Department</b>  <hr/> Initials  <hr/> Date	Possible coordination with Glenn County Department of Health	
<b>Noise Mitigation Measures</b>					
<b>MM 3.11.1:</b> Prior to the issuance of the first building permit final clearance approval, the project applicant shall construct a seven-foot (7') sound wall of eight inch (8") thick masonry block wall along the South Street frontage of Lots 16, 17, and 34 that would reduce noise in accordance with the requirements set forth in Table 5-2 of the Noise Element of the City's General Plan, unless the project applicant submits an acoustical analysis demonstrating that a sound wall would not be necessary to comply with these requirements. Seven-foot (7') sound wall of eight-inch (8") thick masonry block "wing" walls shall be provided along the thirty-foot (30') sight triangles at the northeast corners of Lots 16 and 34, and the northwest sight triangle of Lot 17. A similar wing wall shall extend from the northwest corner of Lot 16 along thirty feet (30') of the west property line of that lot. A masonry capstone shall be installed on all walls that extends a minimum of one and one-half inches (1 ½"). The walls shall have a rough exterior (example: split-face CMU) and be planted with vines supplied with automatic irrigation system on the exterior sides to reduce aesthetic impacts and potential graffiti. Anti-graffiti paint is recommended when walls are first constructed.	<b>Activity:</b> Construction of sound barriers  <b>Timing:</b> Prior to the issuance of the first building permit final clearance approval  <b>Frequency:</b> As required	<b>Contractor</b>  <hr/> Initials  <hr/> Date	<b>City of Orland Planning Department</b>  <hr/> Initials  <hr/> Date		

Mitigation Measure	Monitoring Activity/Timing/ Frequency/ Schedule	Implementation Responsibility/ Verification	Responsibility for Oversight of Compliance/ Verification	Outside Agency Coordination	Comments
<b>MM 3.11.2:</b> Improvement to all residential construction shall include: 3-coat stucco exterior walls for homes on all lots within this development, central air conditioning to allow occupants to close doors and windows as desired, STC 32 windows on all bedrooms which will have north, east or west facing exposure.	<b>Activity:</b> Construction of sound mitigations  <b>Timing:</b> During building permit plan check and construction inspections  <b>Frequency:</b> As required	<b>Contractor</b>  <hr/> Initials  <hr/> Date	<b>City of Orland Planning Department</b>  <hr/> Initials  <hr/> Date		

To be signed when all mitigation measures have been completed:

**City of Orland**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Printed Name Title

**CITY OF ORLAND  
PLANNING COMMISSION RESOLUTION PC 2023-\_\_**

**RECOMMENDATION FOR APPROVAL TO THE CITY OF ORLAND CITY COUNCIL  
OF MUNICIPAL CODE AMENDMENT (ZONING) #2022-01 &  
TENTATIVE SUBDIVISION MAP #2022-01**

**Location: An existing parcel identified as APN: 041-262-028 and located south of South  
Street and west of Papst Avenue  
APPLICATION: Rezone #2022-01 & TSM 2022-01**

**WHEREAS**, Mr. Schellinger, on behalf of Lakeport Parkside, LLC, (Applicant/Land-owner) have requested a Municipal Code Amendment (Zoning) and Tentative Subdivision Map (TSM) to allow for the approval of the rezoning of the subject property from R-1 to P-D pursuant to OMC 17.60, and 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 16<sup>th</sup>, 2023; and

**WHEREAS**, Tentative Subdivision Map #2022-01 is substantially similar in scope and intensity to the previously approved Tentative Subdivision Map #2007-01 which underwent CEQA environmental review via the City of Orland Penbrook Subdivision Project 2008 Initial Study/Mitigated Negative Declaration which was adopted by the City Council; and

**WHEREAS**, an Addendum to the City of Orland Penbrook Subdivision Project 2008 Initial Study/Mitigated Negative Declaration was completed for the Project and which determined that no increase or change in environmental impact would result with the minor changes to the revised Penbrook Subdivision Map and therefore, the addendum was an adequate and proper environmental review of the Project to comply with CEQA; and

**WHEREAS**, a Mitigation Monitoring and Reporting Program was completed for the Project based on mitigations provided in the Penbrook Subdivision Project 2008 Initial Study/Mitigated Negative Declaration, and

**WHEREAS**, pursuant to CEQA Guidelines Section 15164, CEQA does not require public review of an addendum to a previously adopted Initial Study/Mitigated Negative Declaration; 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 November 16<sup>th</sup>, 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 P-D, Planned Development 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 Z #2022-01 and TSM #2022-01, Conditions of Approval identified in the staff report.

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

AYES:            Commission Members:

NOES:           Commission Members:

ABSENT:        Commission Members:

ABSTAIN:       Commission Members:

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Stephen Nordbye, Chairman

ATTEST:

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

**CITY OF ORLAND  
PLANNING COMMISSION RESOLUTION PC 2023-\_\_**

**APPROVAL OF CONDITIONAL USE PERMIT #2023-03**

**Location: An existing parcel identified as APN: 041-262-028 and located south of South Street and west of Papst Avenue**

**APPLICATION: Conditional Use Permit #2023-03**

**WHEREAS**, Mr. Schellinger, on behalf of Lakeport Parkside, LLC, (Applicant/Landowner), has requested a Conditional Use Permit to allow for the assignment of parcel specific zoning to an existing parcel of land identified as Glenn County Assessor's parcel numbers 041-262-028 pursuant to OMC Section 17.60.060; and,

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

**WHEREAS**, the Planning Commission deliberated on the proposed request and has determined that, subject to approval of the Conditional Use Permit and the project Conditions of Approval, the request is consistent with the Orland General Plan and the requirements of Orland Zoning Code; and

**WHEREAS**, the Planning Commission has determined the project has been adequately reviewed under the California Environmental Quality Act (CEQA) State Guidelines and an Addendum to a previously-adopted Initial Study/Mitigated Negative Declaration has been recommended for approval to the City Council by the Planning Commission at their meeting held on November 16, 2023; and

**WHEREAS**, the Planning Commission, in a staff report dated November 16, 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 P-D, Planned Development zoning district upon the issuance of the Permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Orland does hereby approve Conditional Use Permit #2023-03, subject to the following conditions:

**General Conditions of Approval:**

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within ten (10) days of Planning Commission approval.
2. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.

3. The use granted by this permit shall be established within one (1) year of the date of approval or the permit shall become null and void.
4. The applicant shall submit a check or money order in the amount of **\$100.00 made payable to the City of Orland** to cover costs associated with the preparation and filing of the Notice of Exemption from CEQA within five (5) days of the date of approval.
5. The applicant shall submit a check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the fee to record the Notice of Exemption from CEQA within five (5) days of the date of approval.
6. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
7. Minor changes to the approved project may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
8. The project applicant and/or contractor shall obtain all necessary business licenses and permits from the City and pay all appropriate fees for any required utilities modification, construction, and connection work associated with the project. Project shall also obtain permits all necessary and required building permits from the City of Orland Building Department and pay all appropriate fees for construction work to be undertaken as a result of this approval.
9. The Use Permit is only approving the assignment of parcel specific zoning to one (1) parcel of land identified as Glenn County Assessor's parcel number 041-262-028, as requested on CUP application #2023-03. The approved use shall not be expanded or modified beyond the approvals detailed in this document.
10. If changes are requested to the plan or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the Planning Commission prior to implementing the changes.
11. No changes shall be made to any approved plan(s), which would alter the character of the site plan or the use of the property, without prior approval of the City Planner and City Engineer.
12. If changes are requested to the site plan, use of the building/space, or the Conditions of Approval, a Conditional Use Permit Amendment shall be required, with all applicable fees, and approved by the City Council, prior to implementing the changes.
13. No exterior storage of any materials, equipment, or vehicles is permitted in such a manner as to constitute a nuisance violation of the Orland Municipal Code.

**Use/Site Specific Conditions of Approval:**

14. Should a sensitive use be established on the parcel, a noise barrier must be constructed on the north property line to protect the sensitive use from excessive noise and would reduce noise in accordance with the requirements set forth in Table 5-2 of the Noise Element of the City's General Plan.



15. The applicant shall submit a landscape plan with all building plans that illustrates conformity with landscaping requirements of OMC Section 17.20.060(H).

16. Zoning Specific Amendments:

- a. § 17.76.100 - Parking and loading facilities. In all zones, each standard parking space shall not be less than nine (9) feet wide, by eighteen (18) feet long, and seven feet high, and each loading space shall not be less than ten (10) feet wide, twenty-five (25) feet long and fourteen (14) feet high.
  - b. § 17.76.110 - Parking lot landscaping. Landscaping shall be provided in new parking lots whenever seventeen (17) or more spaces are required. If parking is required as an addition to an existing use, landscaping as required herein shall only be required for the new parking spaces.
  - c. No further amendments to the zoning shall be made.
17. Any proposed development must be completed by the date (if any) specified by the Planning Commission at the time of approval of this use permit and/or otherwise be inconsistent with the conditions of this use permit, or the parcel may be subject to reversion to its prior zoning classification as noted under OMC Section 17.60.060.

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

AYES: Commission Members:

NOES: Commission Members:

ABSENT: Commission Members:

ABSTAIN: Commission Members:

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Stephen Nordbye, Chairman

ATTEST:

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