



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

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

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

The project site is located directly north of the intersection of Road M½ and Bryant Street. The Project Site is east of Stanton Way and north and west of an irrigation canal known as Lateral 40. The Assessor Parcel Number (APN) for the Project Site is 046-090-018. The property is zoned “R-1” (Residential, One-family) and designated in the General Plan as “Low Density Residential” (R-L).

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

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

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**Summary:**

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

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

### **Public Comment:**

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

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

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

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

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

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

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

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

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

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### **Background/Discussion:**

#### **Project Location and Site Description:**

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

#### **Surrounding Uses:**

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

#### **Residential Subdivision:**

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

**Consistency with General Plan Land Use and Zoning Designations:**

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

**Water and Sewer:**

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

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

**Storm Drainage:**

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

**Neighborhood Park/Retention Basin:**

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



**Lot B:**

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

**Transportation/ Circulation:**

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

**Street Design Standards:**

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

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

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

**Regulatory Framework:**

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

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

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

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

**Environmental determination:**

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

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

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

### **Recommendation:**

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

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

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

### **ATTACHMENTS**

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





LEGEND

- Roads
- ▤ City Limits
- Parcels



RECORD REFERENCES:

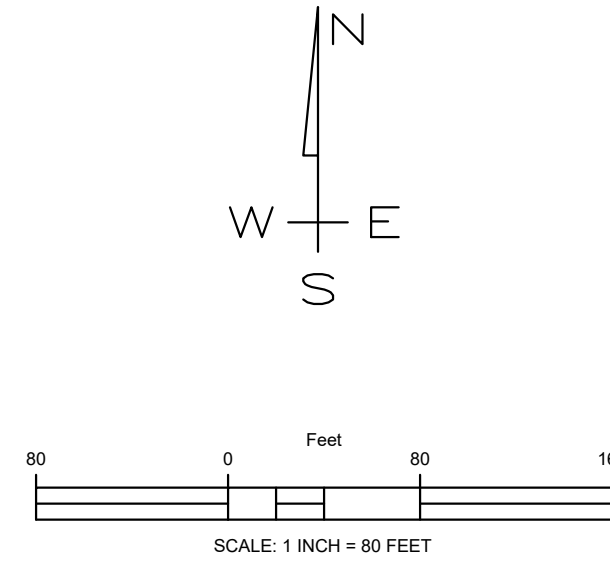
- (R1) - FIELDSTONE SUBDIVISION, BOOK 13 OF MAPS, PAGES 33 AND 34  
(R2) - BLAIR ESTATES SUBDIVISION, BOOK 13 OF MAPS, PAGES 64 AND 65  
(R3) - PARCEL MAP, BOOK 6 OF MAPS, PAGES 52 AND 53  
(R4) - ROAD EASEMENT GRANT DEED 2004-8664  
(R5) - DRAINAGE EASEMENT GRANT DEED BOOK 677, PAGE 27  
(R6) - BLAIR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

SURVEY LEGEND:

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

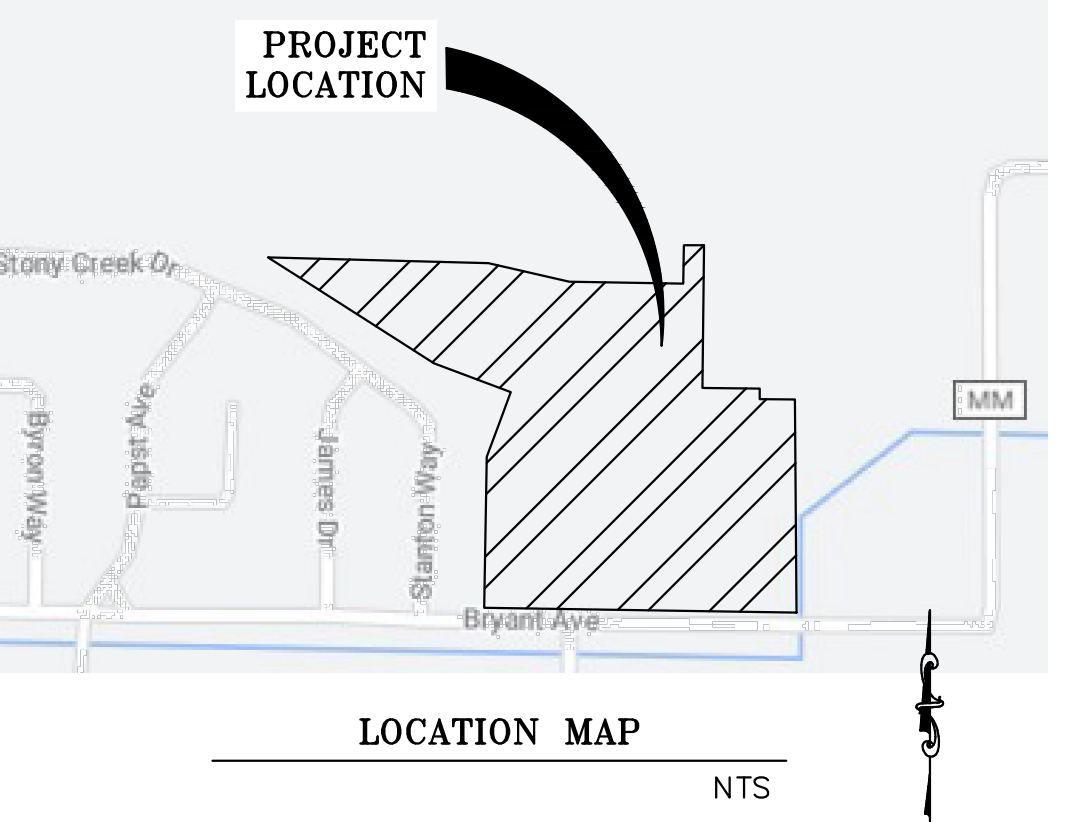
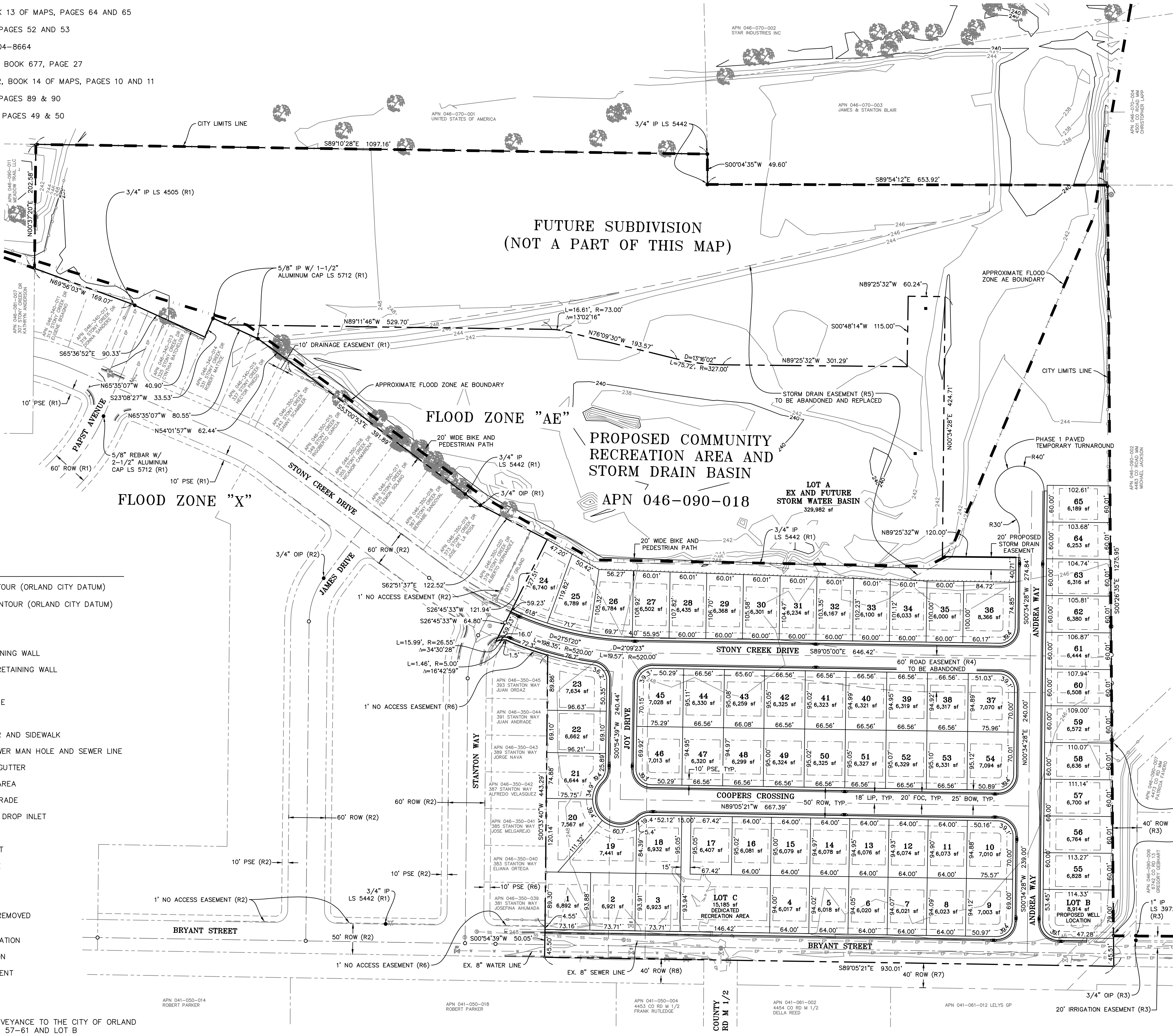
BUILDING SETBACKS

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



LEGEND:

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



SUBDIVISION NOTES:

- 1) SUBDIVISION MAP INFORMATION:
- | SUBDIVISION           | REMAINDER | TOTAL  |
|-----------------------|-----------|--------|
| ACREAGE±:             | 21.984    | 34.764 |
| TOTAL NUMBER OF LOTS: | 65        | 66     |
- UNITS PER ACRE: 4.511  
AVERAGE LOT SIZE: 6,518 sf (0.150 ACRES±)
- 2) THE SUBDIVISION MAP LIES IN FLOOD ZONE "AE" AND "X" AS SHOWN ON FIRM MAP NUMBER 06021C01700 DATED AUGUST 5, 2010
- 3) DATE OF SURVEY: SEPTEMBER 9, 2021
- 4) NO EXISTING WELL'S, SEPTIC TANKS OR LEACH FIELDS
- 5) FENCING WILL BE INSTALLED ALONG THE BACKS AND SIDES OF EACH LOT

LAND USE:

PRESENT: LOW DENSITY RESIDENTIAL  
FUTURE: LOW DENSITY RESIDENTIAL

ZONING:

PRESENT: R1  
FUTURE: R1

ASSESSOR'S PARCEL NUMBER:

046-090-018

DESIGN MODIFICATIONS:

REDUCED ROAD RIGHT OF WAY TO 50'

OWNER:

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

UTILITIES:

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

SUBDIVIDER:

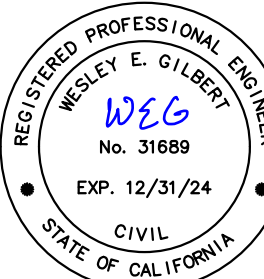
M & D DEVELOPMENTS, LLC  
216 CENTENNIAL AVENUE  
CHICO, CA 95928  
(530) 624-6517

ENGINEER:

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

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

BY: *Wesley E. Gilbert* DATE: 12/21/2023  
WESLEY E. GILBERT  
R.C.E. 31689  
EXPIRES: 12/31/24



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

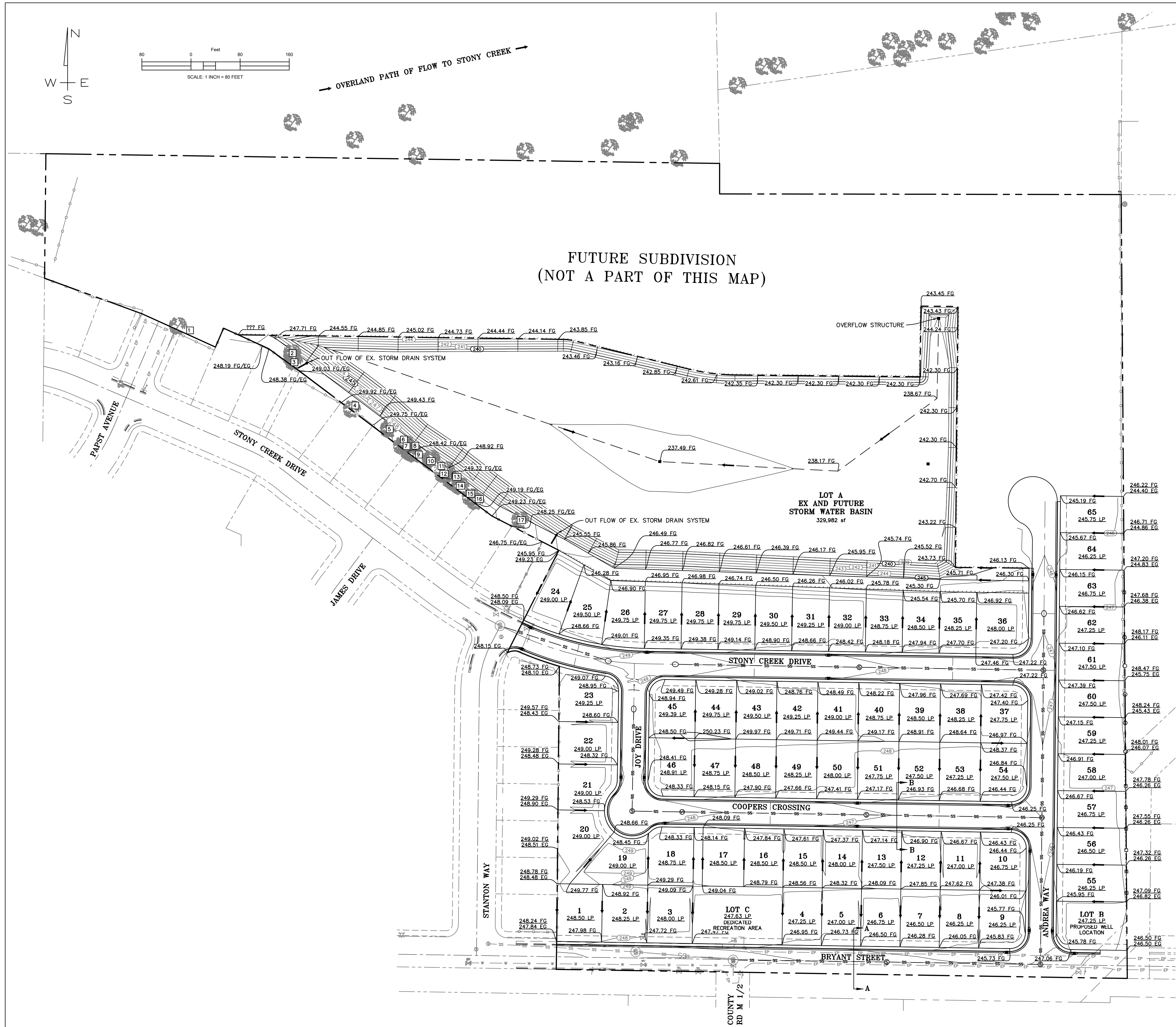
QUIET CREEK VESTING TENTATIVE  
SUBDIVISION MAP  
TSM # 2022-01

FOR  
M & D DEVELOPMENTS, LLC

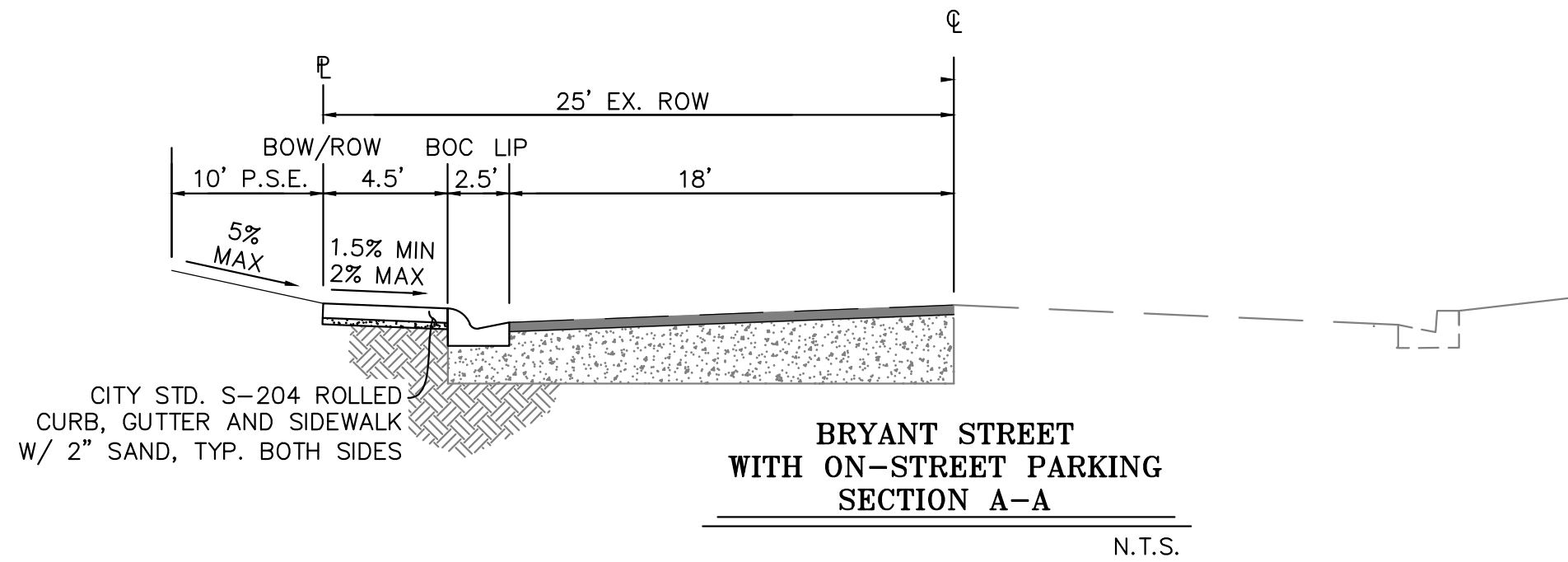
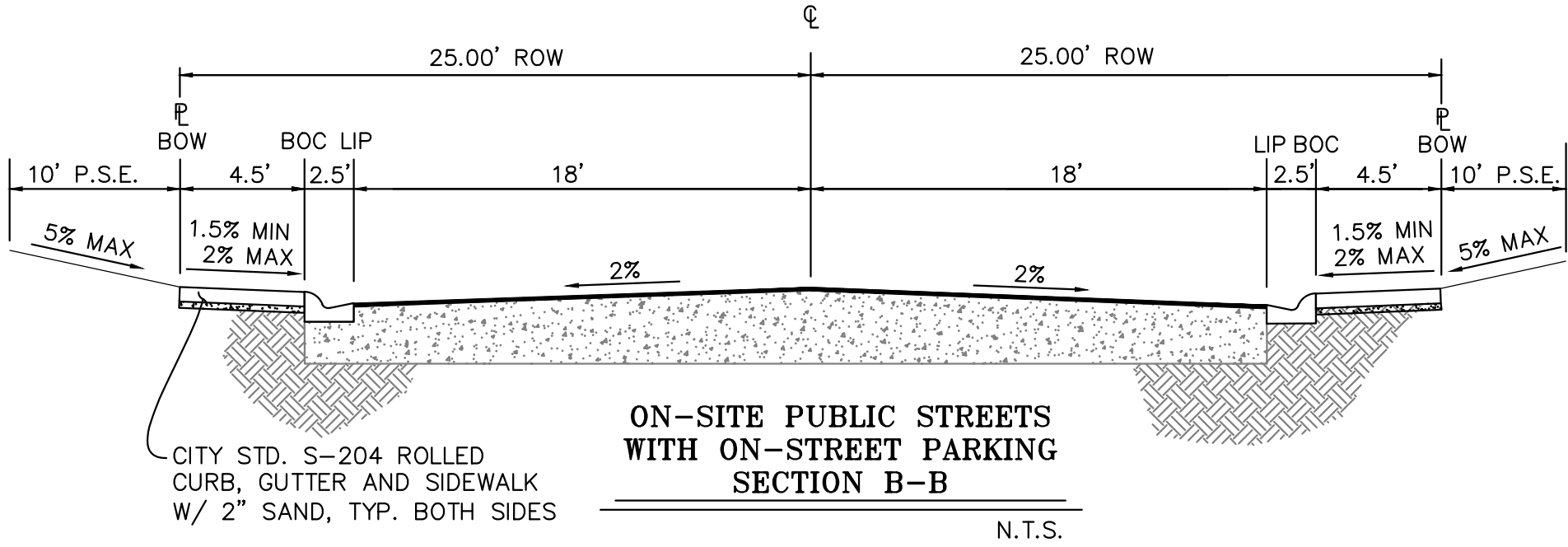
BEING A PORTION OF THE NORTH HALF OF THE NORTH HALF  
OF SECTION 23, T.22N.R.3W, M.D.B. AND M., AND ALSO BEING A  
PORTION OF LOTS 8 & 9 OF THE UNITED STATES IRRIGATION  
DISTRICT OF ORLAND, SUBDIVISION NO. 16, AS SAID LOTS ARE  
SHOWN ON THAT CERTAIN MAP FILED IN BOOK 1 OF MAPS AND  
SURVEYS, AT PAGE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

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





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



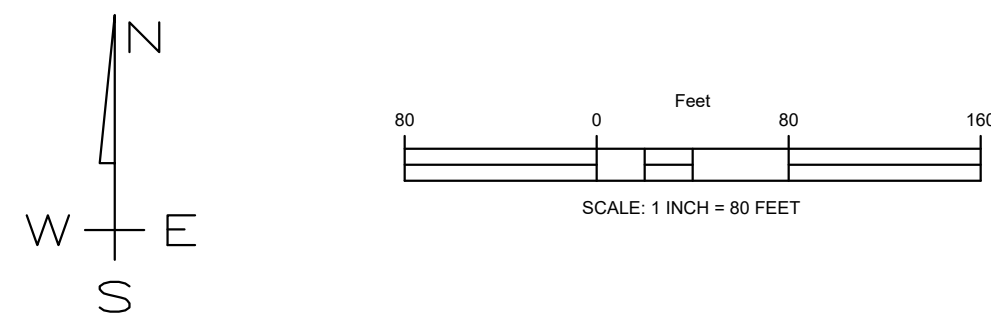
QUIET CREEK VESTING TENTATIVE  
SUBDIVISION MAP  
TSM # 2022-01

FOR  
M & D DEVELOPMENTS, LLC

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

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





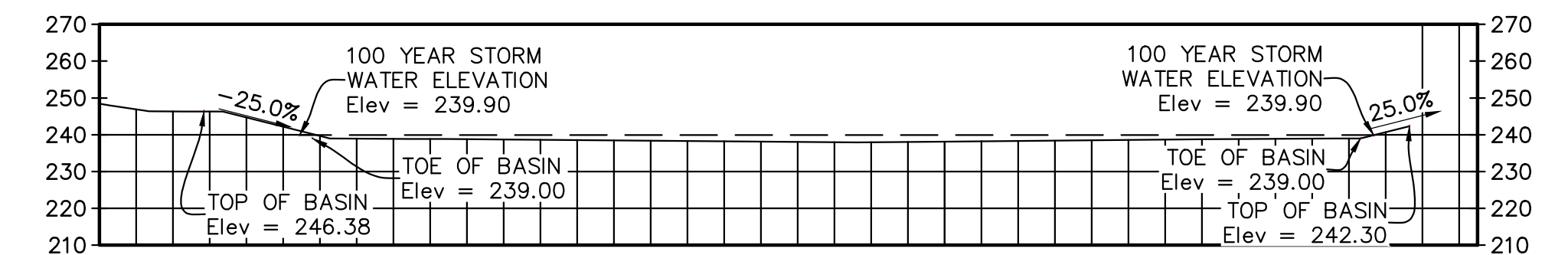
→ OVERLAND PATH OF FLOW TO STONY CREEK →

FUTURE SUBDIVISION  
(NOT A PART OF THIS MAP)



**STORM DRAIN BASIN DETAILS:**

- 1) RUNOFF COEFFICIENT (C) FROM EVERGREEN SUBDIVISION DATA: 0.51
- 2) STORM INTENSITY USED: 100 YEAR EVENT
- 3) TOTAL TRIBUTARY AREA: 2,951,441 SF (67.756 ACRES)
- 4) AREA AT THE TOE OF BASIN: 245,995 SF (5.647 ACRES)
- 5) ELEVATION AT TOE OF BASIN: 239.00
- 6) LOWEST ELEVATION AT TOP OF BASIN: 241.30
- 7) AVAILABLE DEPTH WITH 1 FOOT OF FREE BOARD  
 $240.30 - 239.00 = 2.30$  FEET
- 8) PERCOLATION RATE FROM EVERGREEN SUBDIVISION DATA: 8.24 MIN/INCH  
PERCOLATION RATE USED IN BASIN CALCULATIONS: 20 MIN/INCH  
(2.43 FACTOR OF SAFETY FOR SUSTAINED FLOW)
- 9) REQUIRED STORAGE FOR 100 YEAR EVENT WITHOUT PERCOLATION: 612,048 CF
- 10) REQUIRED STORAGE FOR 100 YEAR EVENT WITH PERCOLATION: 72,878 CF
- 11) STORAGE PROVIDED: 594,682 CF  
 $(245,995 \text{ SF} \times 2.30 \text{ FT} + (0.5 \times 2.3 \text{ FT} \times 9.2 \text{ FT}) \times 2,731 \text{ FT})$   
(TOE AREA X WATER HEIGHT + (SLOPE AREA) X MID LENGTH OF BASIN)
- 12) WATER ELEVATION AT 100 YEAR EVENT WITH PERCOLATION: 239.30  
(72,878 CF / 245,995 SF = 0.30 FT)
- 13) WATER ELEVATION WITH 3.0 FACTOR OF SAFETY: 239.90  
(0.30 FT X 3 = 0.90)



STORM DRAIN BASIN  
SECTION C-C

NTS

QUIET CREEK VESTING TENTATIVE  
SUBDIVISION MAP  
TSM # 2022-01

FOR  
M & D DEVELOPMENTS, LLC

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

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

DECEMBER 21, 2023

SHEET 3 OF 3



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

Assessor's Parcel Numbers: 046-090-018

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

Zoning: "R-1" (Residential, One-family)

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

Proposed Use: "Residential Subdivision"

**Tentative Subdivision Map – TSM #2022-02, Quiet Creek, Inc. (Applicant[s]):** A request for the approval of a TSM for the Quiet Creek Subdivision Project. The proposed project, along with implementation of the Conditions of Approval, would divide an existing 34.76+/- acre parcel of land identified as Glenn County Assessor's Parcel Number 046-090-018 into sixty-seven (67) parcels. Sixty-five (65) lots will be approximately 7,313 sq. ft. in size on average and will be used for the development of single-family homes. Of the two remaining lots, Lot A will include an area for a 319,041 square foot (7.323 acres) stormwater drainage basin and open space area. Lot B will be dedicated to the City of Orland for a future groundwater well location. The average lot size for the 65 single family lots will be 6,751 square feet (0.155 acres). These lot sizes will range from 6,259 to 10,059 square feet.

**Findings for adoption of the Mitigated Negative Declaration:**

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

**Findings for the Approval of the Tentative Subdivision Map:**

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



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

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

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

Assessor's Parcel Numbers: 046-090-018

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

Zoning: "R-1" (Residential, One-family)

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

Proposed Use: "Residential Subdivision"

**Tentative Subdivision Map – TSM #2022-02, Quiet Creek, Inc. (Applicant[s]):** A request for the approval of a TSM for the Quiet Creek Subdivision Project. The proposed project, along with implementation of the Conditions of Approval, would divide an existing 34.76+/- acre parcel of land identified as Glenn County Assessor's Parcel Number 046-090-018 into sixty-seven (67) parcels. Sixty-five (65) lots will be approximately 7,313 sq. ft. in size on average and will be used for the development of single-family homes. Of the two remaining lots, Lot A will include an area for a 319,041 square foot (7.323 acres) stormwater drainage basin and open space area. Lot B will be dedicated to the City of Orland for a future groundwater well location. The average lot size for the 65 single family lots will be 6,751 square feet (0.155 acres). These lot sizes will range from 6,259 to 10,059 square feet.

**General Conditions of Approval:**

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

**Cost Recovery:**

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

**Engineering/Public Works:**

*Design Criteria and Improvement Standards*

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

*Streets*

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

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

#### *Bicycle Facilities*

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

#### *Access*

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

#### *Storm Drainage*

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

#### *Storm Water Pollution Prevention Plan*

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

#### *Post Construction Standards*

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

#### *Well and Septic Abandonment*

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

#### *Sanitary Sewer*

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

#### *Water*

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

#### *Neighborhood Park*

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

#### *Other Public Services*

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

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

#### *Public Facilities Maintenance*

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

#### *Subdivision Grading*

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

#### *Fencing*

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

#### *Public Property Conveyances*

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

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

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

#### *Final Map*

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

#### *Administrative Requirement*

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

### **PG&E:**

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

### **Project Site Lighting:**

69. No exterior lighting has been proposed or approved with this permit. A lighting plan shall be submitted to the city and approved by the city prior to issuance of a building permit and subsequent commencement of construction. All new exterior light sources shall be shielded to prevent any glare or direct illumination on public streets, adjacent properties, or highways. All on-site pedestrian and automobile traffic areas shall be well lit for safety and security. Incorporate placement of light fixtures into the landscape scheme of the project. Show location and type of all exterior lights on the landscape plans.
70. All project-installed outdoor lighting (wall lights and street lighting) shall be directed away from adjacent uses and properties and shall be shielded so that no light is emitted above a horizontal plane (parallel to the ground) from the base of the fixture-head and/or so that no exterior lighting is un-shielded to the public view.

### **Landscaping:**

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

### **Right-to-Farm Disclosure:**

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

### **CEQA Required Mitigation Measures**

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

#### **Air Quality**

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

#### **Biological Resources:**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

#### **Cultural Resources:**

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

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

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

### **Geology Soils and Paleontology**

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

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

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

### **Central Valley Regional Water Quality Control Board**

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



**Statement of Acknowledgement:**

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

Signed,

\_\_\_\_\_  
Mike Visinoni, Quiet Creek, Inc., Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mike Visinoni, Quiet Creek, Inc., Landowner

\_\_\_\_\_  
Date

# **FINAL**

## **Initial Study for the Quiet Creek Subdivision Project**

---

**Glenn County, California**  
State Clearinghouse Number 2023080044

### **CEQA Lead Agency:**



City of Orland  
815 Fourth Street  
Orland, California 95963

### **Prepared by:**



55 Hanover Lane, Suite A  
Chico, California 95973

**September 2023**

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### LIST OF APPENDICES

Appendix 4.3 – Air Quality & Greenhouse Gas Emissions Assessment. ECORP Consulting, Inc. April 2023

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

Appendix 4.6 – Energy Use Tables. ECORP Consulting, Inc. April 2023

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

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## **SECTION 1.0 INTRODUCTION**

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

### **1.1 Background of Environmental Review Process for the Project**

#### **1.1.1 INITIAL STUDY**

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

#### **1.1.2 RESPONSE TO COMMENTS**

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

#### **1.1.3 REVISIONS TO THE INITIAL STUDY**

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

### **1.2 Intended Uses of the IS/MND**

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

#### **1.2.1 CONSIDERATION OF COMMENTS**

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

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

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

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

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

### **1.3 Organization and Scope of this Document**

This document is organized in the following manner:

#### **SECTION 1.0 – INTRODUCTION**

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

#### **SECTION 2.0 – COMMENTS AND RESPONSES TO COMMENTS**

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

#### **SECTION 3.0 – REVISIONS TO THE DRAFT INITIAL STUDY**

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

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## SECTION 2.0 RESPONSE TO COMMENTS

### 2.1 List of Commenters

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

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

### 2.2 Comments and Responses

#### 2.2.1 RESPONSES TO COMMENT LETTERS

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

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

**Letter A – State Water Resources Control Board**

**Letter A**



**State Water Resources Control Board**

September 5, 2023

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



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

Dear Mr. Scott Friend:

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

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

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

A-1

A-2

A-3

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

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

Mr. Scott Friend

- 2 -

September 5, 2023

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

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

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

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

Mr. Scott Friend

- 3 -

September 5, 2023

Sincerely,

Lori  
Schmitz



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

Water Boards

Lori Schmitz

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

Cc:

Office of Planning and Research, State Clearinghouse

Rebecca Tabor  
District Engineer  
Valley District

Renan Jauregui  
Water Resource Control Engineer  
State Water Board, DWQ

David Durette  
Senior Water Resource Control Engineer  
CVRWQCB, Redding District



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

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

Comment A-4: The comment request the location of the well discharge pipeline and what state, regional, individual permits or waiver will be obtained.

Response A-4: As discussed previously in Response A-1, the Project does not include the development of a well nor is this well needed to serve the Project. There will be no well discharge pipeline for the project.

Comment A-5: The comment request a discussion of whether the Project will have sufficient water available during normal, dry, and multiple dry years. Also, discuss how the Project will compensate for the additional water that would be required for this Project and any General Plan actions that may apply to the Project to help conserve and recharge the groundwater aquifer.

Response A-5: Information regarding water supply during normal, dry, and multiple dry years is generally determined as a part of an Urban Water Management Plan. However, the City of Orland, whom is the water supplier in the city, is not required to complete an Urban Water Management Plan as it does not meet the threshold requirements for such a plan of either directly or indirectly supplying water to more than 3,000 customers or supplying more than 3,000 acre-feet annually (California Water Code §10617). As such, the information regarding water supply during normal, dry, and multiple dry years is not available and therefore was not included in the IS/MND.

It is unclear from the comment of why the Project should compensate for the use of water supplied by the city. The project would be required to comply with all city water conservation measures such as the use of low flow toilets, faucets, and Orland Municipal Code Chapter 13.06 – Water Conservation Program which provides water conservation requirements for landscaping and lawn care. The city's wastewater system is not, at this time, equipped to provide recycled water for lawn care or other uses. Additionally, the Project includes 7.32 acres of area which has an existing water detention basin. This basin will be re-sized, as necessary, to handle all stormwater runoff from the Project as well as the surrounding neighborhood. The water drainage basin will continue to assist in groundwater recharge as it currently does.

The General Plan policy and programs designed to conserve water are as follows:

Policy 5.7.B: Avoid the wasteful use of water within the Planning Area.

*Program 5.7.B.1: The City shall promote the use of water-conserving devices and practices in both new construction and major alterations and additions to existing buildings.*

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

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

Comment A-6: The comment states that the IS/MND failed to include the appendices.

Response A-6: Comment noted. The exclusion of the appendix was an inadvertent error and is included in this Final Initial Study. All pertinent information provided in the appendices has been reiterated in the Draft Initial Study is accurate. The inadvertent exclusion of the appendix does not change, in any way, the determinations made in the Initial Study. No other comments were made by agencies or the public on the failure to include the appendix.

Comment A-7: The comment requests that listed items be included with the permit to the State Water Board.

Response A-7: As discussed previously, the Project does not include the construction of a well. Therefore, no well permits or other permits related to water use are required for this Project.

**Comment Letter B – Gary Arnald, California Department of Transportation**

**Letter B**

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

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



September 6, 2023

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

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

**Quiet Creek Subdivision Project**

Dear Mr. Friend,

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

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

**Highway Operations**

- |  |            |
|--|------------|
| <ul style="list-style-type: none"><li>• There will be more future growth east of Orland, in Glenn County. The County should collect Fair Share Fees for future roadway improvements on SR32.</li></ul> | <b>B-1</b> |
| <ul style="list-style-type: none"><li>• Please include a directional map showing the percentage of where traffic will be coming and going from the development.</li></ul>                              | <b>B-2</b> |

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

Scott Friend, City Planner  
September 6, 2023  
Page 2

- Please provide a Traffic Impact Study Memo showing LOS, delay, and mitigations needed along SR32 that the proposed development will impact, including the I-5 on/off ramps at SR32. **B-2 cont**
- Any work done on the State Right of Way will require an encroachment permit. **B-3**

### Traffic Safety

Caltrans traffic safety looks forward to reviewing your draft EIR. We believe a Traffic Study is warranted and that this project may require improvements at MM1/2, such as a traffic signal, and/or Pabst Way, such as a left turn pocket, dependent on traffic generated. Please ensure that your DEIR incorporates the principals of Vision Zero, Caltrans goal of zero fatalities on the State highway system by 2050. **B-4**

### Encroachment Permit

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

Hikmat Bsaibess  
California Department of Transportation  
District 3, Office of Permits  
703 B Street  
Marysville, CA 95901 **B-5**

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

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

Sincerely,



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

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

**Comment Letter B – Gary Arnald, California Department of Transportation**

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

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

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

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

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## SECTION 3.0 REVISIONS TO THE INITIAL STUDY

### 3.1 Introduction

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

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

### 3.2 Revisions to the Initial Study

***Summary, page 1, is hereby revised to read:***

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

***1.0 Background, Section 1.1 Summary, page 1-1, is hereby revised to read:***

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

***Section 2.3.1, page 2-6, is hereby revised to read:***

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

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

**Mitigation Monitoring and Reporting Program**

**Quiet Creek Subdivision Project**

**State Clearinghouse Number  
2023080044**

**September 2023**

**Lead Agency:**



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

**Prepared by:**



**55 Hanover Lane  
Chico, CA 95973**

## SECTION 1.0 INTRODUCTION

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

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

### 1.1 PURPOSE OF THE MITIGATION MONITORING AND REPORTING PROGRAM

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

### 1.2 ROLES AND RESPONSIBILITIES

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

### 1.3 MITIGATION MONITORING AND REPORTING PLAN

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

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

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

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

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

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

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



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

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

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

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

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

To be signed when all mitigation measures have been completed:

**City of Orland**

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

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

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

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

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

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

**WHEREAS**, the City Council deliberated on the proposed request and has determined that, subject to approval of the Municipal Code Amendment and TSM and the project Conditions of Approval, the request is consistent with the Orland General Plan and the requirements of Orland Zoning Code; and

**WHEREAS**, the City Council, in a staff report dated December 19<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 R-1, Residential, One Family zoning district upon the issuance of the Permit.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Orland does hereby approve TSM #2022-02, subject to the Conditions of Approval identified in the staff report, and including the following Condition:

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

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

AYES: City Council Members:

NOES: City Council Members:

ABSENT: City Council Members:

ABSTAIN: City Council Members:

---

Chris Dobbs, Mayor

ATTEST:

---

Jennifer T. Schmitke, City Clerk

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

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

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

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

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

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

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

**WHEREAS**, the Planning Commission, in a staff report dated October 19<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 R-1, Residential, One Family zoning district upon the issuance of the Permit.



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

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

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

NOES: Commissioner Michelle Romano

ABSENT: None

ABSTAIN:None

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Stephen Nordbye, Chairman

ATTEST:

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