



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

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

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

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

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

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

Summary:

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

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

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

- 1) Right-to-Farm Notice / Presence of Active Farmland Cultivation: Inclusion of / modification of the draft Condition of Approval addressing the City's Right-to-Farm Ordinance and presenting the idea of the recordation of a Right-to-Farm notice on the deeds of lots 55-65 (along the eastern boarder of the project)
Result: Staff supports the request. Condition of Approval #73 has been modified to reflect that the property owner / subdivider shall record a notice to be placed on the deeds of the affected lots notifying buyers that the lots are within an area of active farmland use. (Lely)
- 2) Right-to-Farm Notice / Presence of Active Farmland Cultivation: A request was made to add a condition of approval requiring the recordation of a Right-to-Farm notice on the deeds of lots 4-9 due to the presence of an actively cultivated orchard located south of Bryant Street and east of Road M 1/2.
Result: staff is not supportive of this request. Staff acknowledges the presence of the orchard and acknowledges the potential impacts to the operation of the orchard due to the proposed subdivision. However, due to the location of the orchard inside of the City Limits, the designation of the property with the Low Density Residential (LDR) land use designation, and due to the zoning of the parcel being R-1, One-Family Residential zoning designation, staff does not support the recordation of deed notices on these parcels as they have been previously designated for residential development by the City. However, it is noted that the application of a deed notice on the proposed lots is identified as a possible action by the City Council within the City's Agricultural Buffer Guidelines policy document. (Lely)
- 3) Signage: A request was made to add a Condition of Approval requesting that signage be required at the end of Andrea Way (proposed) and adjacent to the existing stormwater detention basin pathway notifying persons to stay on developed walkways/paths and to respect private property.
Result: Staff supports the request. A new Condition of Approval has been added (new #74) directing that signage shall be installed at the cul-de-sac terminus of Andrea Way (proposed) and at a minimum at the terminus of the proposed multi-modal pathway to be constructed around the existing stormwater detention basin requesting that facility users stay on improved trails. Note: Specific signage language to be determined. (Lely)
- 4) Water Quality: A request was made for the City to affirmatively state that there will be no degradation of the water quality in adjacent domestic wells as a result of the project.
Result: Staff is not supportive of the request. The City of Orland cannot make an affirmative statement as requested. It was noted to the commenter that Conditions of Approval requiring conformance with Regional Water Quality Control Board (RWQCB) standards are already proposed (COA #'s 24, 25, 38, and 39). (Lapp)

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

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

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

Modification of proposed Condition of Approval #73:

Originally Proposed Condition of Approval language:

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

Modified Conditions of Approval language:

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

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

Real Estate Transfer

Disclosure Statement

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

I. Seller's Information

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

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

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

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

Seller _____ Date _____

Seller _____ Date _____

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

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

Seller _____ Date _____

Seller _____ Date _____

Buyer _____ Date _____

Buyer _____ Date _____

Agent (Broker Representing Seller):

(Broker) By _____
(Signature)

Date _____

Agent (Broker Obtaining Offer):

(Broker) By _____
(Signature)

Date _____