
CITY OF ORLAND
ORLAND GENERAL PLAN

MITIGATION, MONITORING, AND REPORTING PROGRAM
(MMRP)

SCH NO. 2008102073

Prepared for:

CITY OF ORLAND
815 FOURTH STREET
ORLAND, CA 95963

Prepared by:

PMC
140 INDEPENDENCE CIRCLE, SUITE C
CHICO, CA 95973

NOVEMBER 2010

1.8 MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program (MMRP) to ensure that the mitigation measures adopted herein are implemented in the implementation of the Orland 2008-2028 General Plan.

The Mitigation Monitoring and Reporting Program must identify the entity responsible for monitoring and implementation and the timing of such activities. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

1.8.1 CEQA Requirement

Section 21081.6 of the Public Resources Code requires a Lead Agency that approves or carries out a project, where a CEQA document has identified significant environmental effects, to adopt a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval in order to mitigate or avoid significant effects on the environment.”

This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the Orland 2008-2028 General Plan (the Project), as set forth in the Final Environmental Impact Report (FEIR). The City of Orland (City) is the Lead Agency that must adopt the MMRP for development and operation of the Project. This report will be kept on file with the City of Orland Community Services Department, 815 Fourth Street, Orland, CA 95963.

The CEQA statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” This discretion will be exercised by implementing agencies at the time they undertake any portion of the Project, as identified in the EIR.

The Orland General Plan contains the seven elements mandated by State law. Together, these Elements represent Orland’s overarching policy and planning document. The General Plan contains the community’s long-range Objectives for conservation and physical development in the City. The General Plan provides decision makers, City staff, property owners, and the public at large with the City’s policy direction for managing land use change. The General Plan is comprehensive in scope, addressing land use, transportation, housing, economic development, public facilities and infrastructure and open space preservation, among many other subjects. The General Plan includes land use designations that represent future development potential. The General Plan also includes narrative policies, many of which would mitigate potential environmental impacts.

Findings of Fact and Statement of Overriding Considerations

There is a detailed description of mitigating policies in each section of the EIR. Although these policies would mitigate or avoid impacts, they are not mitigation measures, but rather are parts of the Project, just as land use designations are part of the Project. Therefore, General Plan policies are not included in the MMRP.

1.8.2 Project Monitoring and Reporting Program

The information presented later in this MMRP includes those mitigation measures for the Project identified in the EIR and the party responsible for verification. The information, which constitutes the monitoring and reporting plan, includes the following:

- A listing of every mitigation measure contained in the EIR.
- Timing of implementation of each mitigation measure.
- Identification of individuals or organizations responsible for monitoring and/or reporting.
- Identification of individuals or organizations responsible for verifying compliance.

1.8.3 Changes to Mitigation Measures

Any substantive change in the MMRP shall be reported in writing. Modifications to the mitigation measures may be made by the City subject to one of the following findings, documented by evidence included in the record:

- The mitigation measure included in the FEIR and the MMRP is no longer required because the significant environmental impact identified in the FEIR has been found not to exist, or to occur at a level which makes the impact less than significant as a result of changes in the Project, changes in conditions of the environment, or other factors.

OR,

- The modified or substitute mitigation measure provides a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the FEIR and the MMRP; and,
- The modified or substitute mitigation measure or measures do not have significant adverse effects on the environment in addition to, or greater than those which were considered by the responsible hearing bodies in their decisions on the FEIR and the Project; and
- The modified or substitute mitigation measures are feasible, and the City, through measures included in the MMRP or other City procedures, can ensure implementation.

1.8.4 Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the Project file with the MMRP and shall be made available to the public upon request.

MITIGATION MONITORING AND REPORTING PROGRAM

Agricultural Resources:

- ❖ **Mitigation Measure 4.2.1:** The following mitigation measure shall be included as a program under General Plan Policy 5.1.1:

The City shall review development projects to mitigate for conversion of Prime Farmland and Farmland of Statewide Importance as defined on the California Department of Conservation Important Farmland Map for Glenn County for parcels of 40 acres or larger in size as of the adoption date of this General Plan to urban uses:

- (1) granting a farmland conservation easement to or for the benefit of the City and/or a qualifying entity approved by the City, at a 1:1 ratio for each acre and quality developed;
- (2) if the City adopts a farmland conservation program, by payment of an in-lieu fee as established by the farmland conservation program, which shall be reviewed and adjusted periodically to ensure that the fee is adequate to offset the cost of purchasing farmland conservation easements at a 1:1 ratio; or
- (3) other form of compensation at a 1:1 ratio, such as improvements to existing agricultural land, that is acceptable to the City and conserves the farmland in perpetuity. The City shall use minimum standard guidelines identifying requirements for conservation easements, including timing of conservation easements, location of land to be preserved, land mitigation ratio and quality, and minimum standards for conservation easements.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Department of Agriculture, State Department of Conservation.

Air Quality:

- ❖ **Mitigation Measure 4.3.2:** The following mitigation measure shall be added as a new program under Policy 5.4.B of the General Plan:

The City shall require that individual development projects are analyzed as part of project review in accordance with the Glenn County Air Pollution Control District – recommended methodologies, and significance threshold and shall require that all recommended mitigation measures are incorporated to reduce short-term construction emissions attributable to individual development projects.

Findings of Fact and Statement of Overriding Considerations

Party Responsible for Implementing: Community Services Department, Glenn County Air Pollution Control District.

Timeframe for Implementation: Prior to (planning phase) and during project construction as required.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Air Pollution Control District.

- ❖ **Mitigation Measure 4.3.3a:** The following mitigation measure shall be added as a new policy under Goal 5.4 of the General Plan:

All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with Glenn County Air Pollution Control District air quality improvement programs to reduce emissions.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning process, project design, and construction.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Air Pollution Control District.

- ❖ **Mitigation Measure 4.3.3b:** The following mitigation measure shall be added as a new policy under Goal 5.4 of the General Plan:

The City shall prohibit wood-burning open masonry fireplaces in all new development. Fireplaces with EPA-approved inserts, EPA-approved stoves, and fireplaces burning natural gas will be allowed.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During project design and construction.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Air Pollution Control District.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.3.4:** The following mitigation measure shall be added as a new Policy under Goal 5.4 of the General Plan:

The City shall strive to minimize the exposure of sensitive uses, such as residences, schools, day care, group homes, or medical facilities to industrial uses, transportation facilities, or other sources of state-regulated air toxics through the planning review process.

Party Responsible for Implementing: Community Services Department, Glenn County Air Pollution Control District

Timeframe for Implementation: During the planning and design processes.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Air Pollution Control District.

Biological Resources:

- ❖ **Mitigation Measure 4.4.1a:** The following mitigation measure shall be implemented as a program under Policy 5.3.A of the General Plan:

Continue to require environmental review of development applications pursuant to CEQA to assess the impact of proposed development on species and habitat diversity, particularly special-status species, sensitive natural communities, wetlands, and habitat connectivity. Require adequate mitigation measures for ensuring the protection of sensitive resources.

Party Responsible for Implementing: Community Services Department.

Timeframe for Implementation: During the planning and design processes.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, other State and Federal Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.4.1b**: The following mitigation measure shall be implemented as a program under Policy 5.3.A of the General Plan:

Cooperate and work with all trustee agencies and agencies with review authority pursuant to CEQA to ensure that development within the City does not substantially affect areas identified to contain or possibly support special-status species. Areas that may support special-status species include annual grassland communities, jurisdictional and isolated wetland features, agricultural communities that contain wetlands, riparian communities including oak woodlands, and drainages including rivers, streams, and creeks.

Party Responsible for Implementing: Community Services Department.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, CA Dept. of Fish and Game, other State and Federal Agencies as applicable.

- ❖ **Mitigation Measure 4.4.1c**: The following mitigation measure shall be implemented as a program under Policy 5.3.A of the General Plan:

For landscape plans, the City shall prepare lists of appropriate native landscape species and inappropriate invasive exotic species for use by property owners in developing landscape plans or enhancing existing landscaping, and include in the Design Guidelines. List shall be prepared with input from the California Department of Fish and Game, Agricultural Commissioner, University of California Cooperative Extension, California Native Plant Society, and other appropriate sources to verify suitability.

Party Responsible for Implementing: Community Services Department, Public Works Department, other State and Federal Agencies as applicable.

Timeframe for Implementation: During the design phase.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, Glenn County Department of Agriculture, and other State and Federal Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.4.1d**: The following mitigation measure shall be implemented as a program under Policy 5.3.A of the General Plan:

As part of the discretionary review of proposed development, prohibit the use of highly invasive species in landscaping. Encourage use of native or compatible non-native plant species indigenous to the site vicinity as part of the discretionary review of project landscaping. Additionally, require that landscaping improvements for community parks, trails, and other public areas include the use of native plant materials or compatible non-native plant species that recognize and enhance the natural resource setting of the City.

Party Responsible for Implementing: Community Services Department, Public Works Department.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, other State and Federal Agencies as applicable.

- ❖ **Mitigation Measure 4.4.1e**: The following mitigation measure shall be implemented as a program under Policy 5.3.A of the General Plan:

The City shall seek to preserve wetlands, habitat corridors, sensitive natural communities, and other essential habitat areas that may be adversely affected by public or private development projects where special-status plant and animal species are known to be present or potentially occurring based on City biological resource mapping or other technical material. When identified development impacts to these habitats cannot be feasibly avoided, developers shall be responsible for mitigation. Such mitigation measures may include providing and permanently maintaining similar quality and quantity of replacement habitat, enhancing existing habitat areas, or paying fees toward an approved habitat mitigation bank. Replacement habitat may occur either on-site or at approved off-site locations.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During planning and design phases; prior to construction.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, other State and Federal Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.4.1f**: The following mitigation measure shall be implemented as a program under Policy 5.3.D of the General Plan:

As part of the discretionary review process, a biological resources assessment may be required to consider the impacts of proposed development projects on special-status species and/or the habitats that support these species. If proposed development is located outside of ecologically sensitive areas, no site-specific assessment of biological resources may be necessary.

As part of the discretionary review process, biological resource assessments shall be required prior to the approval of a development within 300 feet of any river, stream, creek, wetland, or area identified to contain or possibly contain special-status plant and animal species, as determined by the City, City biological resource mapping and data provided in the General Plan DEIR, or other technical material. The biological resources assessment shall determine the presence/absence of these special-status plant and animal species on the site. The surveys associated with the assessment shall be conducted during the appropriate seasons for proper identification of the species. The assessment will consider the potential for significant impacts on special-status plant and animal species and will identify feasible mitigation measures to mitigate such impacts to the satisfaction of the City and appropriate governmental agencies (e.g., US Fish and Wildlife Service and California Department of Fish and Game). These required mitigation measures of impacts will ensure that projects do not contribute to the decline of the affected species such that their decline would impact the viability of the species.

Mitigation measures on a project-by-project basis may include the following:

- For special-status plant species: preservation of existing populations from direct and indirect impacts, and seed and soil collection that ensures that the plant population is maintained.
- For special-status animal species: avoidance of the species and its habitat as well as the potential provision of habitat buffers, avoidance of the species during nesting or breeding seasons, replacement or restoration of habitat on- or off-site, relocation of the species to another suitable habitat area presently uninhabited by the species, or payment of mitigation credit fees.
- Participation in a habitat conservation plan.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases; during pre- and post-construction.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, other State and Federal Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.4.1g** : The following mitigation measure shall be implemented as a policy under Goal 5.3 of the General Plan:

Protect sensitive biological resources and habitat corridors through environmental review of development applications in compliance with CEQA provisions, participation in comprehensive habitat management programs with other local and resource agencies, and continued acquisition and management of open space lands that provide for permanent protection of important natural habitats.

Party Responsible for Implementing: Community Services Department.

Timeframe for Implementation: During the planning and design processes; on-going.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, other State and Federal Agencies as applicable.

- ❖ **Mitigation Measure 4.4.2a**: The following mitigation measure shall be implemented as a program under Policy 5.3.A of the General Plan:

The City of Orland should encourage the retention of large or otherwise significant trees both in residential, non-residential, and open space areas by:

- Encouraging or revising development plans to retain trees.
- Revising development plans that would remove significant trees so that those trees are saved.
- Minimizing development impact on trees with standards to minimize damage during construction and provisions to assure that building foundations, utilities, walkways, irrigation, or use patterns will not damage root structures or trunks.
- In instances when the retention of large or otherwise significant trees (i.e., native oak trees) in residential, non-residential, and open space areas is infeasible and their removal is unavoidable, project developers shall be responsible for mitigation. All required tree mitigation shall conform to the following guidelines:
 - On-site mitigation through tree replacement is the preferred mitigation method.
 - The location and condition under which replacement trees are planted must be carefully selected to allow for practicable and feasible future development to minimize the likelihood that future tree removal is not required, and to maximize the likelihood that the replacement trees will survive and thrive.
 - Provide appropriate replacement of lost large or otherwise significant trees (native oak trees) or preservation at a 2:1 ratio for habitat loss.

Findings of Fact and Statement of Overriding Considerations

- Transplanted trees, whether from on-site or off-site, may be accepted as replacement trees, but shall be given a discounted value, based on anticipated survival rates, as compared with nursery stock. The discounted value specified in the guidelines shall be reviewed from time to time.
- Any replacement tree, including a transplanted tree, which dies within five years of being planted, must be replaced on a one to one basis.
- Where mitigation formulas use percentages, results will always be rounded up to the next whole number percentage.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases; On-going.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, and other State and Federal Agencies as applicable.

❖ **Mitigation Measure 4.4.2b:** The following mitigation measure shall be implemented as a policy under Goal 5.3 of the General Plan:

- Maintain and expand the tree canopy through consideration of tree protection standards.

The following mitigation measure shall be implemented as a program under the preceding policy:

- Encourage and cooperate with other responsible agencies to plan and implement an integrated management plan for the long-term conservation and restoration of riparian corridors within the City's Planning Area.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning process; On-going.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, and other State and Federal Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

❖ **Mitigation Measure 4.4.2c**: The following mitigation measure shall be implemented as a policy under Goal 5.3 of the General Plan:

- The City shall make every effort to protect remaining riparian vegetation along Stony Creek, Hambright Creek, and their tributaries within the Planning Area. To this end, projects with discretionary approval shall provide a minimum 100-foot buffer from Stony Creek and Hambright Creek, and a 50-foot buffer from their primary tributaries. The buffer shall be measured outward from the top of each bank. Constructed canals and ditches are excluded from this buffer requirement.

The City may provide for variances to these standards in existing developed areas and other areas where the provision of such buffers is not feasible. Development shall not occur within these buffers, except as part of greenway enhancement to include trails and bikeways. Impacts associated with these potential variances and/or greenway enhancements shall be mitigated by developers. Such mitigation measures may include providing and permanently maintaining similar quality replacement habitat at a 1:1 ratio for habitat loss.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Public Works Department, and other State and Federal Agencies as applicable.

❖ **Mitigation Measure 4.4.2d**: The following mitigation measure shall be implemented as a policy under Goal 5.3 of the General Plan:

- Design public access to avoid or minimize disturbance to sensitive resources, including necessary buffer areas, while facilitating public use, enjoyment, and appreciation of wetlands.

Party Responsible for Implementing: Community Services Department, City Engineer, Public Works Department.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Engineer, City Public Works Department, and other State and Federal Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.4.2e:** The following mitigation measure shall be implemented as a policy under Goal 5.3 of the General Plan:

- Protect wetlands through careful environmental review of proposed development application. Recognize the U.S. Army Corps of Engineers as the designated permitting agency that regulates wetlands.

The following mitigation measure shall be implemented as a program under the preceding policy:

- Require development proponents to submit detailed assessments of sites with wetlands pursuant to CEQA and to demonstrate compliance with state and federal regulations.

Assessments shall be conducted by a qualified professional to determine wetland boundaries and the presence of sensitive resources including endangered and special-status species and their habitat, to assess the potential impacts, and to identify measures for protecting the resource and surrounding buffer habitat.

Assessments will delineate and map waters of the United States, including wetlands and open water habitats, and will make recommendations for avoidance. Wetlands and waters of the United States shall be identified in delineations approved by the U.S. Army Corps of Engineers.

The following mitigation measure shall be implemented as a program under the preceding policy:

- Restrict or modify proposed development in areas that contain wetlands, as defined by U.S. Army Corps of Engineers delineations, as necessary to ensure the continued health and survival of special-status species and sensitive areas. Development projects shall preferably be modified to avoid impacts on sensitive resources or to adequately mitigate impacts by providing on-site replacement or (as a lowest priority) off-site replacement at a higher ratio.

The following mitigation measure shall be implemented as a program under the preceding policy:

- The City shall require the project proponent to obtain all necessary permits pertaining to affected waters of the United States, including wetland habitat, stream channels, and open water habitats regulated by the California Department of Fish and Game and/or the Central Valley Regional Water Quality Control Board prior to construction. Grading or other construction activities within streambeds or open waters may require streambed alteration agreements from the California Department of Fish and Game.

Findings of Fact and Statement of Overriding Considerations

Discharge of fill into waters of the United States will require a Clean Water act Section 404 permit from the U.S. Army Corps of Engineers and Clean Water Act Section 401 certification from the Central Valley Regional Water Quality Control Board. The permitting process will also require compensation for construction impacts.

The following mitigation measure shall be implemented as a program under the preceding policy:

- Where complete avoidance of wetlands is not possible, require provision of on-site replacement habitat through restoration and/or habitat creation at an appropriate ratio determined through consultation with the U.S. Army Corps of Engineers, provided that no net loss of wetland acreage, function, and habitat values occurs. Allow restoration of wetlands off-site only when an applicant has demonstrated that no net loss of wetlands would occur and that on-site restoration is not practical or would result in isolated wetlands of extremely limited value. Off-site wetland mitigation preferably would consist of the same habitat type as the wetland area that would be lost.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Engineer, City Public Works Department, and other State and Federal Agencies as applicable.

Cultural Resources:

- ❖ **Mitigation Measure 4.5.1a:** The following mitigation measure shall be added as a new goal within the City of Orland General Plan Land Use Element:
 - Promote the preservation of the historic, archaeological, and paleontological resources of the City for their scientific, educational, and cultural values.

Party Responsible for Implementing: Community Services Department.

Timeframe for Implementation: During the planning and design phases.

Party Responsible for Verifying Compliance: City of Orland Community Services Department and State Agencies as applicable.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.5.1b**: The following mitigation measure shall be incorporated as a policy under the preceding Goal in **Mitigation Measure 4.5.1a**:
 - The City shall require the appropriate surveys and site investigations when needed as part of the initial environmental assessment for development projects in accordance with the California Environmental Quality Act (CEQA). Surveys and investigations shall be performed under the supervision of a professional archaeologist or other person qualified in the appropriate field and shall be approved by the City.
 - If it is determined that a proposed project would impact a known historical or cultural resource, then each resource must be recorded and evaluated for eligibility for inclusion in the California Register of Historic Resources. All investigations shall be conducted by a professional archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in historic archaeology.
 - Where prehistoric or historic resources are discovered that are determined to be eligible for the California Register of Historic Resources, development shall be required to implement measures for the protection of the identified archaeological resources consistent with the provisions of Public Resources Code Section 21083.2 (i.e., excavation of the archaeological resource by qualified archaeologists leading to the curation of recovered materials and publication of resulting information and analysis, and analysis, and avoidance or capping of the cultural resource site, etc.). The results of archival research and/or pre-construction investigations shall be provided to the City for review, along with recommendations regarding construction measures (e.g., excavation and recovery or avoidance) prior to the commencement of construction.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases; during construction if resources are discovered.

Party Responsible for Verifying Compliance: City of Orland Community Services Department and State Agencies as applicable.

- ❖ **Mitigation Measure 4.5.1c**: The following mitigation measure shall be incorporated as a policy under the preceding Goal in **Mitigation Measure 4.5.1a**:
 - The City shall impose the following conditions on all discretionary projects in areas which do not have a significant potential for containing archaeological or paleontological resources: “If human remains are discovered, all work must stop in the immediate vicinity of the find, the City of Orland Planning Division shall be notified immediately, and the County Coroner must be notified according to Section 7050.5 of California’s Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.”

Findings of Fact and Statement of Overriding Considerations

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases; during construction if resources are discovered.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Sheriff's Department (County Coroner), and State Agencies as applicable.

❖ **Mitigation Measure 4.5.2:** The following mitigation measure shall be incorporated as a policy under the Goal in **Mitigation Measure 4.5.1a:**

- The City shall impose the following conditions on all discretionary projects in areas which do not have a significant potential for containing archaeological or paleontological resources: "If any paleontological resources (fossils) are discovered during ground disturbing project activity, all work in the immediate vicinity must stop and the City of Orland Planning Department shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources.
- "The City of Orland and the project applicant shall consider the mitigation measures recommended by the qualified paleontologist for any unanticipated discoveries. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation measures deemed necessary by the City of Orland and the qualified paleontologist for the protection of the paleontological resources."

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases; during construction if resources are discovered.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, Glenn County Sheriff's Department (County Coroner), and State Agencies as applicable.

❖ **Mitigation Measure 4.6.1:** The following mitigation measure shall be implemented as a program under Policy 4.6.A of the General Plan:

- The City shall require that all construction comply with the California Building Code, including the requirements for seismic design. The City shall incorporate updated and revised versions of the California Building Code, and public buildings designed for assembly such as schools and police stations shall be constructed to meet state seismic safety and building standards.

Party Responsible for Implementing: Community Services Department, City Engineer, City Public Works Department.

Timeframe for Implementation: During the planning and design phases of specific projects.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Engineer, City Public Works Department.

❖ **Mitigation Measure 4.6.6:** The following mitigation measure shall be incorporated as a program under Policy 4.7.A of the General Plan:

- As part of its Development Review process, the City shall require project applicants to submit a Phase I Environmental Site Assessment for their project site if the City determines the project may be on or near a potentially contaminated site.

The Phase I Environmental Site Assessment shall identify the potential for asbestos, lead, and PCBs to occur on the project site. The City may require a more detailed site assessment (i.e., Phase II Environmental Site Assessment) if it concludes that site conditions warrant further analysis. If contamination of a project site is identified, the City shall require actions that eliminate the hazard posed by the contamination or reduce it to a level that is less than significant. Actions may include, but are not limited to, removal of the contamination or avoidance of use of contaminated groundwater.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During the planning and design phases; prior to any construction.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Engineer, Glenn County Air Pollution Control District, Glenn County Environmental Health Department, other State Agencies as applicable.

- ❖ **Mitigation Measure 4.9.4:** The following mitigation measure shall be added as a new policy under Goal 6.1 of the General Plan:
- The City shall adopt a citywide noise reduction program to reduce traffic and other noise levels Citywide. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible.
 - Noise barrier retrofits
 - Truck usage restrictions
 - Reduction of speed limits
 - Use of quieter paving materials
 - Building façade sound insulation
 - Traffic calming
 - Additional enforcement of speed limits and exhaust noise laws
 - Signal timing

Party Responsible for Implementing: Community Services Department, City Engineer, City Public Works Department.

Timeframe for Implementation: Following General Plan adoption: target 2012.

Party Responsible for Verifying Compliance: City of Orland Community Services Department, City Engineer, City Public Works Department, Caltrans.

- ❖ **Mitigation Measure 4.11.4.1:** The following mitigation measure shall be incorporated as a program under Policy 5.10.D in the Open Space, Conservation, and Public Facilities Element:
 - During its annual budget review, the City shall consider the needs of park facilities and will support those needs with budget revenues, grants, and impact fees. As part of the budget review process, the City shall review impact fee rates to ensure that the cost of improvements is equitably distributed.

Party Responsible for Implementing: City Recreation Department, City Public Works Department.

Timeframe for Implementation: Annually.

Party Responsible for Verifying Compliance: City Manager, City Engineer, City Recreation Department, City Council.

Public Services:

- ❖ **Mitigation Measure 4.12.1.1a:** The following mitigation measure shall be added as a policy in the Land Use Element under Goal 2.1 of the General Plan:

The City shall ensure the development of public infrastructure to meet the long-term needs of residents and ensure infrastructure is available at the time such facilities are needed.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: At the time improvements are needed.

Party Responsible for Verifying Compliance: Community Services Department, City Engineer, City Public Works Department.

- ❖ **Mitigation Measure 4.12.1.1b:** The following mitigation measures shall be added as programs under the preceding Policy:
 - Require sufficient capacity in all public facilities to maintain desired service levels and avoid capacity shortages or other negative effects on safety and quality of life.
 - Continue to implement the City's adopted sewer, stormwater, and water master plans to ensure the development of roadways, water, and sewer, and other public facilities.

Findings of Fact and Statement of Overriding Considerations

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During project planning and design phases.

Party Responsible for Verifying Compliance: Community Services Department, City Engineer, City Public Works Department.

- ❖ **Mitigation Measure 4.12.1c:** The following mitigation measure shall be added as a policy in the Open Space, Conservation, and Public Facilities Element under Goal 5.7 of the General Plan:
 - The City shall ensure that water supply and delivery systems are available to meet the demand created by new development.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During project planning and design phases.

Party Responsible for Verifying Compliance: Community Services Department, City Engineer, City Public Works Department.

- ❖ **Mitigation Measure 4.12.1d:** The following mitigation measures shall be added as programs under the preceding Policy:
 - Require all development projects, excluding subdivisions, to adhere to the following provisions:
 - ✘ An assured water supply and delivery system shall be available at the time of project approval. The Orland Public Water Service may provide several alternative methods of supply and/or delivery, provided that each is capable individually of providing water to the project.
 - ✘ All required water infrastructure for the project shall be in place prior to project or unit occupancy, or shall be assured through the use of bonds or other financial sureties to the City's satisfaction. Water infrastructure may be phased to coincide with the phased development of large-scale projects.
 - Require all subdivision developments to adhere to the following provisions:
 - ✘ Proposed water supply and delivery systems shall be identified at the time of tentative map approval, to the satisfaction of the City. The Orland Public Water System may provide several alternative methods of supply and/or delivery, provided that each is capable individually of providing water to the project.

Findings of Fact and Statement of Overriding Considerations

- ✘ All new development shall demonstrate prior to the approval of the Final Map that sufficient capacity will be available to accommodate the subdivision plus existing developments, other approved projects in the same service area, and other projects which have received commitments for water service.

- ✘ Off-site and on-site water infrastructure sufficient to provide adequate water to the subdivision shall be in place prior to the approval of the Final Map or infrastructure financing shall be assured to the satisfaction of the City, consistent with the requirements of the Subdivision Map Act.

- ✘ Off-site and on-site water distribution systems required to serve the subdivision shall be in place and shall contain water at sufficient quality, quantity, and pressure, prior to the issuance of any building permits. Model homes may be exempted from this policy as determined appropriate by, and subject to approval of, the City.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During project planning and design phases.

Party Responsible for Verifying Compliance: Community Services Department, City Engineer, City Public Works Department.

- ❖ **Mitigation Measure 4.12.2.1:** The following mitigation measure shall be added as a program under Policy 5.8.A of the General Plan:

Require all subdivision developments to adhere to the following provisions, to the extent permitted by state law:

- All future development shall demonstrate prior to the approval of the Final Map by the City that sufficient treatment capacity if or will be available to accommodate the subdivision.

- On-site and off-site sewage conveyance systems required to serve all future development shall be in place prior to the approval of occupancy permits, or their financing shall be assured to the satisfaction of the City, consistent with the requirements of the Subdivision Map Act.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During project planning and design phases.

Party Responsible for Verifying Compliance: Community Services Department, City Engineer, City Public Works Department.

Findings of Fact and Statement of Overriding Considerations

- ❖ **Mitigation Measure 4.12.4.1a:** The following mitigation measure shall be incorporated as a Goal in the City of Orland General Plan Safety Element under Goal 4.7:

The City shall provide for solid waste collection, disposal services, and recycling in a cost-efficient manner.

Party Responsible for Implementing: City Public Works Department, County of Glenn Public Works/Landfill, Waste Management.

Timeframe for Implementation: During project planning and design phases; during construction and post-construction – on-going.

Party Responsible for Verifying Compliance: City Public Works Department, County of Glenn Public Works/Landfill, Waste Management.

- ❖ **Mitigation Measure 4.12.4.1b:** The following mitigation measures shall be incorporated as policies under the preceding Goal:
 - Continue contracting for garbage and recycling collection services.
 - Develop guidelines and standards for mandatory recycling (AB 939) and organize solid waste disposal in new large-scale developments.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: During project planning and design phases; during construction and post-construction – on-going.

Party Responsible for Verifying Compliance: City Public Works Department, County of Glenn Public Works/Landfill, Waste Management.

- ❖ **Mitigation Measure 4.12.4.1c:** The following mitigation measure shall be incorporated as a goal in the City of Orland General Plan Safety Element under Goal 4.7:

Solid waste collection, handling, recycling, composting, recovery, transfer and disposal fees shall recover all capital, operating, and maintenance costs associated with the City solid waste program.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation.

Timeframe for Implementation: Post-construction and on-going.

Party Responsible for Verifying Compliance: City Public Works Department, County of Glenn Public Works/Landfill, Waste Management.

Findings of Fact and Statement of Overriding Considerations

❖ **Mitigation Measure 4.12.4.1d**: The following measures shall be incorporated as policies under the preceding Goal:

- Develop and continually monitor a solid waste disposal fee system based on the quantity of waste set out for disposal and provide incentives for recovery.
- Explore available alternatives for the establishment of a fiscally-viable citywide household recycling program.

Party Responsible for Implementing: Specific projects proposed under the General Plan are responsible for implementing mitigation; Glenn County Public Works/Landfill, Waste Management.

Timeframe for Implementation: In place through Glenn County and Waste Management; Ongoing.

Party Responsible for Verifying Compliance: City Public Works Department, County of Glenn Public Works/Landfill, Waste Management.

Transportation and Circulation:

❖ **Mitigation Measure 4.13.1**: The following intersections shall be added to the City's Capital Improvement Program as part of implementation of General Plan Policy 3.3.A:

- **#1 – Newville Road and County Road HH**:
 - Signalize the intersection.
 - No additional lanes are necessary. However, the intersection should be improved to modern design standards (e.g., curbs, gutter, and sidewalks). With implementation of these measures, this intersection would operate at LOS B with 11.4 seconds of delay during the a.m. peak hour and LOS B with 16.9 seconds of delay during the p.m. peak hour. These LOS are considered acceptable.
- **#2 – Newville Road and I-5 Southbound Ramps**:
 - Signalize the intersection.
 - No additional lanes are necessary. However, the intersection should be improved to modern design standards (e.g., curbs, gutter, and sidewalks). With implementation of these measures, this intersection would operate at LOS B with 17.1 seconds of delay during the a.m. peak hour and LOS C with 20.0 seconds of delay during the p.m. peak hour. These LOS are considered acceptable.

Findings of Fact and Statement of Overriding Considerations

- **#3 – Newville Road and I-5 Northbound Ramps:**
 - Signalize the intersection.
 - No additional lanes are necessary. However, the intersection should be improved to modern design standards (e.g., curbs, gutter, and sidewalks). With implementation of these measures, this intersection would operate at LOS B with 15.8 seconds of delay during the a.m. peak hour and LOS C with 24.3 seconds of delay during the p.m. peak hour. These LOS are considered acceptable.

- **#5 – Walker Street (SR 32) and Sixth Street:**
 - Split the northbound combined through/right turn lane into an exclusive northbound through lane, and an exclusive northbound-to-eastbound right-turn lane. With implementation of this measure, this intersection would operate at LOS C with 27.1 seconds of delay during the a.m. peak hour and LOS D with 48.1 seconds of delay during the p.m. peak hour. These LOS are considered acceptable.

- **#9: SR 32 and County Road N:**
 - Signalize the intersection.
 - No additional lanes are necessary. However, the intersection should be improved to modern design standards (e.g., curbs, gutter, and sidewalks). With implementation of these measures, this intersection would operate at LOS A with 9.9 seconds of delay during the a.m. peak hour and LOS B with 18.8 seconds of delay during the p.m. peak hour. These LOS are considered acceptable.

Party Responsible for Implementing: Community Services Department, City Engineering, City Public Works Department.

Timeframe for Implementation: Following General Plan Adoption – On-going.

Party Responsible for Verifying Compliance: Community Services Department, City Engineering, City Public Works Department, Caltrans as applicable (I-5 and SR 32).

- ❖ **Mitigation Measure 4.13.6:** The following mitigation measure shall be added as a new policy under Goal 3.4 of the General Plan:
 - The City shall participate in regional roadway facility improvement programs established by Glenn County and/or Caltrans in order to address its fair-share of traffic impacts.

Party Responsible for Implementing: Community Services Department, City Engineering, City Public Works Department.

Timeframe for Implementation: Following General Plan Adoption – On-going.

Party Responsible for Verifying Compliance: Community Services Department, City Engineering, City Public Works Department, Caltrans as applicable (I-5 and SR 32).

- ❖ **Mitigation Measure 5.0.1:** The following mitigation measure shall be implemented as a policy under Goal 5.5 of the General Plan:
 - The City shall instigate the development of a Climate Action Plan in order to document how the City plans to reduce its greenhouse emissions to the eventual goal of achieving carbon neutrality. This Climate Action Plan shall be updated periodically in order to examine progress of the Plan and shall contain the following:
 - × A City greenhouse gas emission inventory baseline.
 - × City greenhouse gas emission forecasts.
 - × Greenhouse gas emissions reduction targets.
 - × Proposed measures and policies to meet reduction targets.

Party Responsible for Implementing: Community Services Department.

Timeframe for Implementation: Following General Plan Adoption; target date – as funding is available.

Party Responsible for Verifying Compliance: Community Services Department.