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# CITY OF ORLAND GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT

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SCH # 2008102073

*Prepared for:*



CITY OF ORLAND  
815 FOURTH STREET  
ORLAND, CA 95963

*Prepared by:*



140 INDEPENDENCE CIRCLE, SUITE C  
CHICO, CA 95973

**OCTOBER 2010**



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1.0

# Introduction

## 1.0 INTRODUCTION

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This Final Environmental Impact Report ("Final EIR"; "FEIR") was prepared in accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines (Section 15132). The City of Orland (City) is the lead agency for the environmental review of the City of Orland General Plan Update ("project", "proposed project", "General Plan Update", "GPU") project and has the principal responsibility for approving the project. This Final EIR assesses the expected environmental impacts resulting from project approval and associated impacts from subsequent implementation of the project, and responds to comments received on the Draft Environmental Impact Report ("Draft EIR").

### 1.1 BACKGROUND AND PURPOSE OF THE EIR

#### OVERVIEW OF CEQA REQUIREMENTS FOR PREPARATION OF AN EIR

The City, acting as the lead agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed project. As set forth in the provisions of CEQA and implementing guidelines, public agencies are charged with the duty to consider the environmental impacts of proposed development and to minimize these impacts where feasible, while carrying out an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

State CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an EIR prior to approving any project, which may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the proposed General Plan Update, the City has determined that the proposed plan is a "project" within the definition of CEQA.

#### BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT

The following is an overview of the environmental review process for the City of Orland General Plan Update project that has led to the preparation of this Final EIR:

##### Notice of Preparation and Initial Study

In accordance with Section 15082 of the State CEQA Guidelines, the City prepared a Notice of Preparation (NOP) of this EIR on October 31, 2008. The City was identified as the lead agency for the proposed project. The NOP was sent to all applicable responsible and trustee agencies and the Office of Planning and Research's State Clearinghouse (SCH, Number 2008102073). The NOP and full text of responses to the NOP were presented in Appendix A of the Draft EIR.

##### Draft EIR

The Draft EIR was released for public and agency review from July 6, 2010 to August 20, 2010. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as

well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR was provided to interested public agencies and the public and was made available for review at the City of Orland City Hall as well as the Orland Library. A Notice of Completion (NOC), along with the required 15 copies of the Draft EIR, was submitted to the State Clearinghouse (SCH) on July 6, 2010.

In accordance with the provisions of State CEQA Guidelines Section 15126.6, the City of Orland as the Lead Agency for the update to the City of Orland General Plan evaluated a range of alternatives. These included three different land use alternatives. The environmental effects of each of these alternatives were identified and compared with the significant environmental impacts resulting from the proposed project that had been identified in the environmental issue areas under Section 4.0 of the Draft EIR.

### **Final EIR**

Following the close of the public review period, the City received 14 comment letters from agencies, interest groups, and the public regarding the Draft EIR. A summary of these written comments are included in Section 2.0 (Comments and Responses to Comments on the DEIR) of this Final EIR. Section 2.0 also contains written responses to the comments received as required by State CEQA Guidelines Section 15088, including textual revisions as necessary to address the comments. Other minor edits to the Draft EIR are included in Section 3.0 (Errata) of this Final EIR.

Edits to the impacts and mitigation measures identified in the Draft EIR as a result of responding to comments on the Draft EIR, as well as staff-initiated edits, are shown in ~~strikeout~~ (for deleted text) and underline (for added text) in Sections 2.0, and 3.0 of this Final EIR. This document and the Draft EIR, as amended herein, constitute the Final EIR.

### **Certification of the Final EIR/Project Consideration**

The City will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete", the City may certify the Final EIR. The rule of adequacy generally holds that the EIR can be certified if: 1) it shows a good faith effort at full disclosure of environmental information; and 2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to approve, revise, or reject the proposed City of Orland General Plan Update. A decision to approve the project would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a mitigation monitoring and reporting program describing measures to be adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.

## **1.2 TYPE OF DOCUMENT**

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. As discussed further below, a Program EIR (State CEQA Guidelines Section 15168) is appropriate for land use decision-making at a broad level that contemplates further project-level review of subsequent individual development proposals. Project EIRs are appropriate for specific proposed projects that will not require additional site-specific environmental review

## **1.0 INTRODUCTION**

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(State CEQA Guidelines Section 15161). Thus, this document has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168.

### **1.3 INTENDED USES OF THE EIR**

This EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible. This EIR should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with projects in the City. Subsequent actions that may be associated with the proposed General Plan Update are identified in Section 3.0 (Project Description) of the Draft EIR.

### **1.4 ORGANIZATION AND SCOPE OF THE FINAL EIR**

This document is organized in the following manner:

#### **SECTION 1.0—INTRODUCTION**

Section 1.0 provides an overview of the EIR process to date and the required contents for the Final EIR.

#### **SECTION 2.0—COMMENTS AND RESPONSES TO COMMENTS ON THE DEIR**

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

#### **SECTION 3.0—ERRATA**

Section 3.0 consists of minor text changes made to the Draft EIR as a result of comments on the Draft EIR and minor staff edits.



2.0

# Comments and Responses to Comments on the Draft EIR

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

### 2.1 INTRODUCTION

This Final Environmental Impact Report ("Final EIR"; "FEIR") was prepared in accordance with the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code Section 21000, et seq.) and State CEQA Guidelines (Cal. Code Regs. Section 15000, et seq.). The City of Orland (City) is the lead agency for the environmental review of the City of Orland General Plan Update project and has the principal responsibility for approving the project.

No new significant environmental impacts or issues, beyond those already covered in the Draft Environmental Impact Report ("Draft EIR") for the proposed project, were raised during the public review period for the Draft EIR. The City, acting as lead agency, directed that responses to the comments on the Draft EIR be prepared. Responses to comments received during the comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

### 2.2 LIST OF COMMENTERS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR:

**TABLE 2.0-1  
COMMENTERS TO THE EIR**

Letter	Individual or Signatory	Affiliation	Date
1	Arturo and Kathleen Barrera	Residents	August 19, 2010
2	Lilibeth Green, Chief, office of Transportation Planning – North	Department of Transportation, District 3	August 19, 2010
3	Dan Otis, Program Manager, Williamson Act Program	Department of Conservation	August 25, 2010
4	Charles Gee	Resident	August 20, 2010
5	Laurie Oberholtzer, City and Environmental Planner	Concerned Orland Residents (CORE)	August 20, 2010
6	Katy Sanchez, Program Analyst	Native American Heritage Commission	July 13, 2010
7	Laurie Oberholtzer, City and Environmental Planner	Concerned Orland Residents (CORE)	N/A
8	N/A	Public Utilities Commission	August 16, 2010
9	Don and Kay Roberts	Residents	August 19, 2010
10	John H. Tompkins	Resident	August 19, 2010
11	Unknown	N/A	August 20, 2010
12	Judie and John Noffsinger	Residents	August 18, 2010



## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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### 2.3 COMMENTS AND RESPONSES

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments.

To assist in referencing comments and responses, the following coding system is used:

- Public agency, individual, and interest group comments are coded by numbers and each issue raised in each comment letter is assigned a number (e.g., Comment Letter 1, comment 1 is referred to as 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strikeout~~ for deleted text). Comment initiated text revisions to the EIR and minor staff initiated changes are also provided and are demarcated with revision marks in **Section 3.0** (Errata) of the Final EIR.

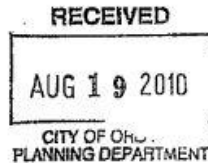
## Letter 1

08/20/2010 11:59 City of Orland Bldg / Planning

(FAX) 530 865 1621

P.004/007

August 19, 2010



Nancy Sailsbury  
City Planner  
Orland California

Dear Mrs. Sailsbury,

We request that the zoning designation of the properties on County Road MM south of County Road 200 remain as they presently are designated. Specifically we request that any properties adjacent to ours or in the proximity of our property, 4241 County Road MM, remain designated residential estate. We believe that changes in designation to low density residential would be incompatible with the area. It is our recollection that city officials have identified problems with inconsistent zoning patterns as they relate to public services.

1-1

We are voicing our opposition to any change of zoning designation in our vicinity.

Respectfully,

Two handwritten signatures in black ink. The first signature appears to be "Arturo" and the second appears to be "Kathleen".

Arturo and Kathleen Barrera  
4241 County Rd. MM  
Orland, CA 95963  
(530) 865-1425

### **LETTER 1 – ARTURO AND KATHLEEN BARRERA, RESIDENTS**

Response 1-1: The commenter's request that any properties adjacent to theirs on County Road MM remain designated Residential Estate as part of the General Plan Update as opposed to Low Density Residential.

City policy makers have determined such a request reasonable. The commenter's' property shall remain designated Residential Estate as part of the General Plan Update. No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the proposed project, would occur. The Low Density Residential General Plan designation allows for 6 dwelling units per acre while the Residential Estate designation allows for 2 dwelling units per acre. Therefore, the Residential Estate designation would provide for less residential dwelling units in the Planning Area and thus, less population.

## Letter 2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
P. O. BOX 911  
MARYSVILLE, CA 95901-0911  
PHONE (530) 741-4025  
FAX (530) 741-4825  
TTY (530) 741-4509



*Flex your power!  
Be energy efficient!*

August 19, 2010

032010GLE0012  
City of Orland General Plan  
Draft Environmental Impact Report  
SCH#2008102073

Ms. Nancy Salisbury  
City of Orland  
815 Fourth Street  
Orland, CA 95963

Dear Ms. Salisbury,

We appreciate the opportunity to review and comment on the City of Orland's General Plan 2028 Draft Environmental Impact Report (DEIR). The General Plan update is a priority for Caltrans, as the General Plan will provide direction for the future of the City and the State Highway System (SHS) serving your community. Caltrans has the following comments:

Specific Comments for the Transportation and Circulation Element

- Pg. 4.13-1 State Routes – this section should include a statement of the purpose and intent of State Routes and Interstates – *to serve regional and interregional travel*. The City should ensure adequate parallel roadway networks exist to provide an alternative to the SHS for local trips. 2-1
- Pg. 4.13-48 Increased Traffic Volumes on Local Roadways - *(Impact 4.13.2)* – Circulation Policy 3.2.E states “New development shall be required to mitigate traffic impacts associated with the project.” 2-2
  - Improvements and mitigations from new project development impacts to SHS facilities should be included in this policy statement by adding a reference for State Highway facilities.

*“Caltrans improves mobility across California”*

## Letter 2 Continued

Ms. Nancy Salisbury  
August 19, 2010  
Page 2 of 2

- Pg. 4.13-50 Right of Way Preservation (Impact 4.13.5) - the City should ensure adequate right-of-way is preserved and protected for future and expanded SHS projects and facilities; in addition to ensuring that new development projects do not encroach on future SHS projects. This should be reflected in a policy statement. 2-3
- Pg. 4.13-53 the DEIR includes a recommendation for the addition of MM 4.13.6 which states "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."
  - Fees for cumulative impacts to State Highway facilities should be added to this policy statement to include development impact fees, for local development projects to contribute their fair share for improvements. 2-4
- Pg. 4.13-52 – states "Caltrans is the agency responsible for SR 32."
  - As part of the circulation network, operation and improvements to the SHS are a shared responsibility between the City and Caltrans. This should be reflected in a policy statement. 2-5
- An access management policy should be added to the General Plan to control access to the SHS, to limit conflict and maintain the operational integrity of the SHS. 2-6
- A Nexus study should be prepared for those portions of the City where development is planned, so that a Traffic Impact Mitigation Fees (TIMFs) program can be developed and implemented in the City. This action would set up a fair and equitable mechanism to assess and collect TIMFs from all local projects that require mitigation. Caltrans is available to assist the City through this process. 2-7

If you have questions or need additional information, please contact Rupinder Jawanda, at (530) 740-4989 or [rupinder\\_jawanda@dot.ca.gov](mailto:rupinder_jawanda@dot.ca.gov).

Sincerely,



**LILIBETH GREEN**

Chief, Office of Transportation Planning – North

*"Caltrans improves mobility across California"*

### LETTER 2 – LILIBETH GREEN, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response 2-1: The commenter states that page 4.13-1 of the Draft EIR should include a statement of the purpose of State Routes and Interstate facilities. The commenter further states that the City should ensure adequate parallel roadway networks exist to provide an alternative to the State Highway System for local trips.

Page 4.13-1 of the Draft EIR will be revised as shown in Section 3.0, Errata, of this Final EIR.

As described under Impact 4.13.7 of the Draft EIR, the circulation system in the Orland Planning Area includes several north-south roadways, including 8th Street, 6th Street, East Street, Papst Avenue, and County Road N. East-west roadways are more limited, with State Route (SR) 32 and South Street being the main east-west routes. The proposed General Plan circulation system includes the extension of Stony Creek Drive to both the west and east. The extension of Stony Creek Drive would provide additional east-west capacity through the northern part of the City. Further additions to east-west capacity in the northern part of the City are constrained by existing land use development and the presence of the Stony Creek waterway.

Under Impact 4.13.2 of the Draft EIR, unacceptable levels of service have been identified for three separate road segments of SR 32. Traffic volumes on these three roadway segments would increase substantially from existing conditions to 2028 conditions under the General Plan. The large majority of the increase in traffic volumes would be due to an increase in regional through trips – traffic not related to land use development in Orland. Implementation of intersection mitigation measures described under mitigation measure MM 4.13.1 of the Draft EIR, such as the planned signalization of the intersection of SR 32 and Papst Avenue and the planned signalization of the intersection of SR 32 and County Road N would result in acceptable traffic operating conditions in these portions of SR 32.

Furthermore, according to the Draft EIR the City should reserve right-of-way along the County Road 18 corridor as land use development occurs in the corridor. The right-of-way should be wide enough for a four-lane roadway. In the future, as more is known about the size and nature of development in the corridor, quantitative analysis should be conducted to identify the specific improvements that should be implemented. In addition, mitigation measure MM 4.13.6 of the Draft EIR states that 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 to regional roadway facilities.

Response 2-2: The commenter has provided a copy of Orland General Plan Update Circulation Element Policy 3.2.E and states that this policy, which requires new development to mitigate traffic impacts associated with the project, should be re-worded to include a reference to State Highway Facilities.

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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Policy 3.2.E of the General Plan Update has been amended to include reference to State Highway facilities. The updated Policy 3.2.E shall read as follows: "New development shall be required to mitigation traffic impacts associated with the project including impacts to State Highway facilities."

Response 2-3:

The commenter suggests that the City should ensure adequate right-of-way for future State Highway System projects in addition to ensuring that new development projects under the General Plan do not encroach on future State Highway System projects.

Caltrans is the steward of California's State highways. The use of State highways for other than normal transportation purposes requires written authorization from Caltrans through an encroachment permit. An encroachment is defined in the California Streets and Highways Code as "Any tower, pole, pole line, pipe, pipeline, fence, billboard, stand or building or any structure, object of any kind or character, or special event which is in, under, or over any portion of the highway [emphasis added]." Authority for Caltrans to control encroachments within the State highway rights-of-way is contained in the Caltrans Streets and Highways Code starting with Section 660. Only Caltrans has authority to approve and issue permits for activities on Caltrans' rights-of-way. Caltrans may delegate permit issuing authority to local agencies by agreement but retains sole authority over the rights-of-way even after delegation.

In addition, according to the Draft EIR, no development will be allowed to be constructed which would conflict with future planned streets or setbacks and the City will participate in the design of street alignments in advance of development to ensure consistent and logical design of the circulation system. In addition, General Plan Update Program 3.2.A.3 pursues the reservation of right-of-way and defines specific development standards and requirements through the preparation and adoption of road line plans, which prescribe right-of-way. Program 3.2.D.1 includes the acquisition of right-of-way in its Capital Improvement Program and Program 3.2.D.2 seeks additional right-of-way on the east side of Papst Avenue, 400 feet south of Bryant Street, and at Papst and Highway 32, to be acquired for City standard road widths. According to the Draft EIR, implementation of these programs would result in the preservation of right-of-way for the proposed circulation system in the Orland Planning Area. In addition, mitigation measure MM 4.13.6 of the Draft EIR states that 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 to regional roadway facilities.

Response 2-4:

The commenter recommends that mitigation measure MM 4.13.6 of the Draft EIR be modified to include specific language regarding fees for development-instigated cumulative impacts to State Highway facilities.

While General Plan Update Programs 3.2.E.1 and 3.2.E.2 are intended to identify potential traffic-related impacts resulting from new development, mitigation measure MM 4.13.6 of the Draft EIR and General Plan Update Policy 3.4.B seek to identify possibilities to mitigate such impacts to State

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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facilities. Mitigation measure MM 4.13.6 states that 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 to the State Highway System. In addition, Policy 3.4.B mandates that the City shall work with Caltrans to identify needed improvements to its highway facilities in the City and implement necessary programs to assist in improving State Route interchanges/intersections with local roadways. These measures are intended to support the establishment of reasonable and appropriate traffic mitigation requirements for impacts to State facilities to be imposed upon new development in consultation with Caltrans.

Response 2-5: The commenter states that as part of the circulation network, operation and improvements to the State Highway System are a shared responsibility between the City and Caltrans and that this should be reflected as a policy statement in the proposed General Plan Update. The comment is noted for the consideration of the decision makers. The commenter is referred to Response 2-4.

Response 2-6: The commenter states that a management policy should be added to the General Plan to control access to the State Highway System, to limit conflict, and maintain the operational integrity of the State Highway System. The comment is noted for the consideration of the decision makers. The commenter is referred to Response 2-3.

Response 2-7: The commenter suggests that the City prepare a Nexus study for the portions of the City where development is planned so that a Traffic Impact Mitigation Fees program can be established. This comment does not address the adequacy of the environmental analysis in the Draft EIR and is noted here for the consideration of the decision makers. It is also noted herein that the City of Orland does currently require the payment of development impacts fees as part of the development process and the City's existing development impact fee program does include a roadway and circulation system development impact fee component.



## Letter 3

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



### DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

#### DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0860 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

August 25, 2010

**VIA EMAIL:** [nsailsbery@cityoforland.com](mailto:nsailsbery@cityoforland.com)

Ms. Nancy Sailsbery  
City of Orland  
815 Fourth Street  
Orland, CA

Subject: DEIR for the City of Orland 2028 General Plan Update –  
SCH# 2008102073

Dear Ms. Sailsbery:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the City of Orland 2028 General Plan Update. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

#### **Project Description:**

The City of Orland proposes a General Plan Update to 2028. The purpose is to review and revise the 2003 General Plan to reflect changing conditions and to provide a direction for future growth of the City for the next 20 years.

#### **Division Comments:**

Mitigation Measure 4.2.1 states that, "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..."*

While the Division supports the mitigations included in the DEIR for the protection of agricultural resources, we would like to make a suggestion with regard to the above measure. The Division routinely recommends that if growth inducing or cumulative

*The Department of Conservation's mission is to balance today's needs with tomorrow's challenges and foster intelligent, sustainable, and efficient use of California's energy, land, and mineral resources.*

3-1

## Letter 3 Continued

Ms. Nancy Sailsbery  
August 25, 2010  
Page 2 of 2

agricultural impacts are involved, the ratio of conservation easements to lost agricultural land should be increased, and that mitigation for the loss of Prime Farmland is suggested at a 2:1 ratio due to its importance in the State of California.


3-1  
(cont.)

Section 66474.4 of the Subdivision Map Act considers the minimum parcel size for Prime Farmland to be 10 acres and Non-Prime to be 40 acres. Therefore, the Division recommends that the agricultural mitigation program (Mitigation Measure 4.2.1) recognize the difference between Prime and Non-Prime Farmland. It should require mitigation for Prime Farmland parcels that are 10 acres or larger in size and Non-Prime that are 40 acres or larger in size.

3-2

Thank you for giving us the opportunity to comment on the DEIR for the City of Orland 2028 General Plan Update. Please provide this Department with a copy of the Final EIR, the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Dan Otis  
Program Manager  
Williamson Act Program

cc: State Clearinghouse

### LETTER 3 – DAN OTIS, CALIFORNIA DEPARTMENT OF CONSERVATION

Response 3-1: The commenter suggests revising mitigation measure MM 4.2.1 of the Draft EIR to increase the ratio of conservation easements to converted Prime Farmland and Farmland of Statewide Importance from 1:1 to 2:1.

Agricultural land is not identified as a use in the General Plan. Implementation of the General Plan is therefore assumed to result in a loss of all Prime Farmland and Farmland of Statewide Importance located within the City's Planning Area since these lands will be designated for other uses. As stated on page 4.2-12 of the Draft EIR, implementation of the proposed General Plan would result in the conversion of farmland and this impact is considered significant.

The General Plan does have a multitude of policies designed to protect agricultural resources outside of the Planning Area. For instance, Goal 2.2 states that the City strives to maintain a compact urban form and preserve agricultural land outside of the City within the Planning Area. Policy 2.2.A requires that adequate buffers shall be maintained between agricultural land and urbanized areas, and Program 2.2.A.1 states that the City will implement the Agricultural Buffer Guidelines where needed to ensure the protection of agricultural operations adjacent to future urban development along the City limits and when reviewing projects within the Sphere of Influence. Policy 2.2.B directs development toward existing neighborhoods by encouraging infill and redevelopment activity and Policy 5.1.B directs urban development to areas where agricultural operations are already constrained by existing non-agricultural uses.

The Draft EIR contains mitigation measure MM 4.2.1, which requires development to grant 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. The City believes that implementation of mitigation measure MM 4.2.1 and its stipulation that development provide for farmland conservation easements at a 1:1 ratio is appropriate and would reduce the impact of the loss of important farmland by compensating for any loss due to development by protecting regional farmlands, in kind, from conversion to non-agricultural uses through the use of farmland conservation easements.

The suggestion to increase this ratio to 2:1 is noted and presented here for the consideration of the decision makers. The commenter is also referred to Response 3-2 regarding other modifications to mitigation measure MM 4.2.1.

Response 3-2: The commenter states that the Subdivision Map Act considers the minimum parcel size for Prime Farmland to be 10 acres and Non-Prime Farmland to be 40. In light of this definition, the commenter suggests that mitigation measure MM 4.2.1 be modified in order to recognize the difference between Prime and Non-Prime Farmland and should require mitigation for Prime Farmland parcels that are 10 acres or larger in size and Non-Prime Farmland that are 40 acres or larger in size.

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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Mitigation measure MM 4.2.1 on pages 4.2-13 and 4.2-14 of the Draft EIR will be revised as shown in Section 3.0, Errata, of this Final EIR.



### LETTER 4 – CHARLES GEE, RESIDENT

Response 4-1: The commenter states that records of the Natural Hazard Disclosure Company conflict with the Draft EIR concerning seismic earthquake faults and asks whether the disclosure of fault locations contained within the Draft EIR could lead to mandatory earthquake insurance coverage obligations.

As stated on page 4.6-5 of the Draft EIR, the California Mining and Geology Board differentiates between active faults and potentially active faults. Active faults as those for which there is evidence of surface displacement within the Holocene epoch, that is, within about the last 11,000 years. Potentially active faults as those for which there is evidence of surface displacement within the Quaternary period (within about the last 1.6 million years). Faults classified as potentially active faults show no evidence of surface displacements within the past 11,000 years, but this period of time is short geologically and thus such faults are considered potentially active.

The Alquist-Priolo Special Studies Zone Act (APSSZ) represents the current state-mandated approach to preventing development in active fault zones. There are no designated APSSZ within the Planning Area, nor are there any known or inferred active faults. Thus, the potential for ground rupture within Orland is considered very low by the California Mining and Geology Board despite the presence of several faults in the Orland vicinity. The disclosure of these faults (identified from the California Mining and Geology Board 1994 Fault Activity Map) in the Draft EIR will not lead to the requirement of mandatory earthquake insurance coverage.

Response 4-2: The commenter suggests a moratorium on further development north of Bryant Street from Woodward Avenue to Road M1/2 until adequate emergency access is provided across the canal south of Bryant Street.

As described in Section 4.13, Transportation and Circulation, compared to existing conditions, implementation of the proposed roadway system under the General Plan would provide for multiple roadway connections that offer more escape routes and emergency access options, as well as new north-south and east-west evacuation/emergency routes throughout the Planning Area. Any new development proposed within the City will be required to be analyzed for safety impacts and emergency access pursuant to the California Environmental Quality Act on a case-by-case basis following submittal of a specific development proposal. The comment is noted for the consideration of the decision makers.

Response 4-3: The commenter asks for information regarding the decision when to use noise reduction measures for new development as described under mitigation measure 4.9.4 of the Draft EIR and when not to. The commenter further asks that while it is realized the Draft EIR is required, why is it necessary.

As stated on page 4.9-23 of the Draft EIR, the noise reduction measures described in mitigation measure MM 4.9.4 can result in a reduction of

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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traffic noise levels at affected sensitive receptor locations. Nonetheless, it is infeasible to ensure that existing residential uses will not be exposed to future traffic noise levels exceeding the City's noise standards or significantly exceeding levels they are exposed to today. For example, it may not be possible to construct a noise barrier at an existing residence due to engineering constraints (utility easements or driveway openings), and building façade sound insulation would only benefit interior spaces, so outdoor activity areas may still be affected. It may also be infeasible to reduce speed limits in areas where speed surveys would not safely support the reduction. In addition, busy streets tend to serve commercial uses, so restricting trucks on the busier streets may be impractical. Although a combination of the listed measures could be highly effective in reducing traffic noise levels on a City-wide basis, it is not possible to state with absolute certainty that it would be possible to mitigate this impact at every noise-sensitive use within the City.

The California Environmental Quality Act requires the preparation of an EIR prior to approving any project, which may have a significant effect on the environment. California Environmental Quality Act Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

## Letter 5

**CORE**  
**Concerned Orland Residents**  
415 First St.  
Orland, CA 95963

August 20, 2010

Nancy Sailsbery  
City Planner  
City of Orland  
835 Fourth St.  
Orland, CA 95963

Dear Nancy:

Thank you for the opportunity to comment of the draft Orland General Plan EIR (DEIR).

### 1. Alternatives

Our key concern is the fact that the Alternatives section of the DEIR does not discuss a full range of alternatives as required under the California Environmental Quality Act (CEQA). The Alternatives discussed in the DEIR range in population from 35,000 (Alt. 1 – No Project, Existing General Plan) to 42,900 (Alt. 2 – Secondary Sphere) to 46,400 (Alt. 3 (County designations in Sphere) to 46,500 (the proposed plan). This does not constitute much of a range in population. Further, when all of the alternatives other than No Project are compared, there is virtually no difference in population and there is no difference in acreage of planning area (6113 acres). (See DEIR Tables 6.0-1 and -2, 6.0-3 and -4, 6.0-5 and -6 and 3.0-1.) With little range in alternatives to discuss, the City decision makers are represented with little to make their decisions upon.

5-1

CEQA requires agencies to implement feasible alternatives identified in EIRs for projects that will otherwise cause significant, unavoidable environmental impacts such as the proposed General Plan (Public Resources Code, Section 21002, 21081; CEQA Guidelines, Sections 15002 (a) (3), 15021 (a) (2), 15091 (a)). Thus, inclusion of a full range of alternatives which are mitigating in nature and particularly alternatives which have received extensive community support such as the CORE proposal should be evaluated. Without including the CORE alternative a full range of alternatives is not provided.

5-2



## Letter 5 Continued

### The CORE Plan

CORE wants to see the small town nature of Orland and our surrounding farmlands preserved. The current Orland General Plan and zoning maps would allow the City to grow to 21,500 to 35,000 residents (the larger number is a draft General Plan and DEIR estimate which appears to be based on a larger Sphere of Influence area than the lower, previous projection). This population (the No Project Alternative) would have resulted largely from permitting housing developments of 6 to 8 homes per acre in the agricultural area surrounding the city. This would more than triple to quintuple the City's current population, which we are opposed to. The CORE Plan shows the southern outer area (above County Road 18) as a 5 acre firm ag buffer area and the area below Road 18 in (which is part of Alternatives 2, 3, and the proposed Plan) as a continuation of existing county agricultural zoning (not proposed yet not adopted County General Plan designations). Alternatives 2 and 3, (leaving out Alternative 1 – the No Project Alternative) differ only in whether or not the area between Roads 20 and 21 are included. The key differences in type of uses are that Alternative 2 has more Residential Estate than Alternative 3 (562 vs. 1181 acres). Alternative 3 has more high density residential (106 vs. 562 acres) and more medium density residential (324 acres vs. 49 acres) than Alternative 2. Again, buildout population between these two alternatives are almost exactly the same – 42,000 (Alt. 2) and 46,000 (Alt. 3). This has the potential to as much as double the potential buildout of the City (using our original existing General Plan buildout calculation of 21,000) and result in a population 6.5 times the current population. Again, this does not provide a full range of alternatives to evaluate.

CORE supports a land use map which will allow moderate growth, and a small town sized ultimate buildout while preserving a buffer of small farms around the City. We have supplied our proposed land use map to the City which meets these goals. A key feature of our proposed map is to keep the existing adopted County land use designations and zoning around the City. An urban limits line which allows for a somewhat expanded city limits line is shown and the existing sphere of influence line forms the agricultural buffer. The result would be a population of no greater than 13,500 at buildout and the retention of a true agricultural buffer.

5-3

CEQA does allow that an EIR need only examine in detail those alternatives that could most feasibly meet the most basic objectives of the project. Factors in addressing alternative feasibility include "site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to the alternative sites" (CEQA Guidelines Section 15126.6). In this case, there is no indication that the CORE alternative would not be feasible given these parameters. Certainly, an allowance of a near doubling of the population would allow for economic growth and the reduced sprawl and increased agricultural buffer on the CORE map would ensure greater preservation of the agricultural economy of the immediate area.

5-4

## Letter 5 Continued

The CORE Plan would also meet the City's stated objectives: "The purpose of the proposed City of Orland General Plan is to review and revise the 2003 General Plan, to reflect upon changing conditions and issues, and to provide direction for the future growth of the City for the next 20 years." (DEIR page 3.0-5 para. 3.) The DEIR goes on to state that the General Plan authors used the high growth rate projection for preparing the Plan. It is not clear whether or not this is a project objective. Nevertheless, it would result in a City population of 12,286 by the year 2028 which the CORE Plan at approximately 13,500 buildout population could provide for. However, the proposed General Plan provides for a long-term population buildout of 46,513, perhaps by 2096 (DEIR page 3.0-6, para 1). It would not be appropriate to eliminate any alternative solely because it does not have a buildout of approximately 46,000 since this is a post 20 year buildout and since no evidence has been presented which demonstrates that the City would benefit from growing to this size. The large urban area needed to result in this population has the potential to result in sprawl and a patchwork buildout pattern in the interim years.

5-5

Indeed, a number of DEIR concluded significant impacts would be a direct result of the buildout of the proposed land use map (or the DEIR alternatives) which will allow for this 40,000+ population. The CORE Plan, in fact would mitigate a number of these impacts:

**Unavoidable impacts which would be reduced below the significant level by the CORE alternative.**

- Loss of agriculture
- Conversion of ag land
- Cumulative land use conflicts related to agriculture
- Project share of cumulative traffic impacts on E-W roads
- Project share of cumulative traffic impacts on Road HH
- Project share of cumulative traffic impacts to Road 20
- Population and housing

5-6

**Significant, avoidable impacts which would be reduced in impact level by the CORE alternative.**

- Impacts to fire, park, police, water, and sewer services
- Traffic impacts
- Drainage
- Surface water quality
- Groundwater quality degradation
- Greenhouse gases

**Significant, unavoidable impacts which would be reduced in impact level by the CORE alternative though likely not below the significant level.**

- Noise
- Air quality



## Letter 5 Continued

The CORE Plan would clearly be the Environmentally Superior Alternative if included in the DEIR.

We request that the CORE alternative be discussed in parallel fashion to the current DEIR alternatives in a revised DEIR. Without this discussion, the DEIR not be legally adequate.

5-7

### 2. All available mitigation not discussed.

An EIR must explore all available mitigation measures even if they are not selected (CEQA Guidelines Section 15126(c)) and *Stevens v. City of Glendale* (1981). In some cases, the DEIR "drops the ball" and concludes that an impact is unavoidable when, in fact, mitigation measures may be available. It is the responsibility of the City to mitigate these impacts to the maximum degree possible, rather than just concluding: "no measures are available". This is the case relative to loss of agricultural impacts and land use conflicts related to agriculture. Use of a more sensitive land use plan (similar to the CORE Plan) or adjustments to the proposed plan would allow a significantly greater potential to retain agriculture in the area surrounding the city and ensure that ag/urban conflicts are not continually just moved further outside the city as it grows.

5-8

In addition, a number of mitigation measures are proposed relative to community and public services which are not assured to be effective. Additional mitigation measures must be explored. CORE recommends that a very clear policy requiring annual update of development fees to meet 100% of demonstrated budget needs for all community and public services.

For example, it is not adequate to simply require developers to demonstrate that adequate sewer capacity is available (DEIR mitigation measure 4.12.2.1). Adequate fees must be in place. And, some of this capacity should be reserved for existing legal lots; new development should pay for the additional capacity need or the impact is not truly mitigated.

The following proposed General plan policies were assumed in the DEIR to offer adequate mitigation for potentially significant public service impacts. However, the wording of these measures does not assure that development fees will be adopted for 100% of demonstrated capacity need and should be revised to do so. Otherwise, mitigation cannot be assured.

5-9

*Program 4.3.A.1: Develop and adopt standards for fire suppression facilities, including water supply and distribution system standard, and fire hydrant spacing.*

*Program 4.4.A.3: During its annual budget review, the City shall consider the needs of the Orland Police Department 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 they adequately reflect a fair share of funding by development and other*

## Letter 5 Continued

*law enforcement service recipients.*

*Program 5.8.A.2: The City shall develop and implement methods for equitably distributing costs associated with providing wastewater service to new development, including impact mitigation fees where warranted.*

*Program 5.8.A.3: The City shall periodically review the City's Wastewater Master Plan to ensure that adequate capacity exists for future planning.*

*Program 5.8.A.4: The City shall assess development impact fees to new developments that impact the City's wastewater system and update those fees regularly to ensure the City is not subsidizing the cost of wastewater service and infrastructure. User fees shall also be updated regularly to ensure adequate funding for future water system repairs, maintenance, and upgrades.*

*(This policy wording is heading in the right direction and could be used as a model for the other community and public service policies. However, "regularly" should be revised to "annually" for development impact fees to ensure continual mitigation effectiveness. Again, in the case of the sewage treatment plant, some of this capacity should be reserved for existing legal lots; new development should pay for the additional capacity need or the impact is not truly mitigated.)*

**5-9  
(cont.)**

Thank you for the opportunity to comment.

Sincerely,

Laurie Oberholtzer  
City and Environmental Planner  
for  
CORE

### LETTER 5 – LAURIE OBERHOLTZER, CONCERNED ORLAND RESIDENTS

Response 5-1: The commenter expresses concern that the Alternatives Section of the Draft EIR may not discuss a full range of alternatives. The commenter cites that each of the proposed Alternatives would be able to accommodate similar population numbers and that each of the Alternatives offers the same amount of Planning Area acreage.

According to the State CEQA Guidelines, an EIR need only examine in detail those alternatives that could feasibly meet most of the basic objectives of the project. When addressing feasibility, the State CEQA Guidelines Section 15126.6 states that “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, jurisdictional boundaries, and whether the applicant can reasonably acquire, control or otherwise have access to alternative sites,” not just population and Planning Area acreage.

State CEQA Guidelines Section 15126.6 further states that “There is no ironclad rule governing the nature or scope of the alternative to be discussed other than the rule of reason (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376).”

“The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effect of the project. Of those alternatives, the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project.”

Response 5-2: The commenter states that since the Draft EIR did not include an Alternative proposed by CORE, a full range of alternative is not provided. The commenter is referred to Response 5-1.

Response 5-3: The commenter has submitted a copy of the CORE proposed Alternative, “The CORE Plan”. The CORE Plan states that the No Project Alternative (Alternative 1) in the Draft EIR would triple to quadruple the City’s current population compared with the current Orland General Plan and compares and contrasts the residential designations of Draft EIR Alternatives 2 and 3 before asserting that these Alternatives do not provide a full range of Alternatives to evaluate. The CORE Plan proposes to keep the existing adopted Glenn County land use designation and zoning around the City.

Under Alternative 1, the No Project Alternative, the proposed City of Orland General Plan and its associated Land Use Diagram would not be adopted. The existing Orland General Plan policy document and Land Use Diagram would remain in effect. The City would utilize its existing zoning and other regulations regarding development within the City’s jurisdiction. Infrastructure would be installed under existing plans, if

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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applicable. Existing General Plan policies and programs would continue to be in effect. More specifically, CEQA Guidelines Section 15126.6(e)(3)(A) states that, when the project under evaluation is the revision of an existing land use or regulatory plan, the No Project Alternative will be the continuation of the existing plan.

Under Alternative 2, the General Plan Planning Area would be reduced to be more consistent with the Secondary Sphere of Influence boundary. This change would move the southern Planning Area boundary to Road 20, effectively removing approximately 500 acres of the Residential Estate designation from the Planning Area (a potential of 1,000 residential units and 3,000 people). These 500 acres south of Road 20 would maintain Glenn County land use designations (Rural Residential, Service Commercial, and Multi-Family Residential) and remain under County jurisdiction. Potential development that could result on this acreage under the County land use designations include 78 rural residential units, 1,230 multi-family residential units, and 21 acres (914,760 square feet) of developable commercial space.

Alternative 3 will reflect land uses identified by the Glenn County Draft Preferred Land Use scenario of the ongoing Glenn County General Plan Update effort (not the current County plan) for the unincorporated lands outside the City of Orland City limits yet within the City Planning Area.

These Alternatives provide a full range of options to evaluate. For instance, while Alternative 1 would allow for a potential of approximately 333 acres of industrial uses (includes Light and Heavy Industrial), Alternative 2 would allow for a potential of 904 acres of industrial uses and Alternative 3 would allow for 1,269 acres of industrial land uses (see Tables 6.0-1, 6.0-3 and 6.0-5 of the Draft EIR). Furthermore, Alternative 2 would provide for 50 acres of lands designated Medium Density Residential while Alternative 3 would provide for 325 acres of this land use.

It is also important to note that the buildout calculations in the Draft EIR do not take into account site-specific constraints, economic factors, market forces, or regulatory requirements imposed by local, state, or federal agencies. While the theoretical maximum buildout potential is identified for each Alternative, it is highly likely that this number of units will not be built within the planning horizon of any of the Alternatives if they were adopted. As stated on page 4.0-2 of the Draft EIR, utilizing the City's current 2.2 percent average annual growth rate since 1970, the maximum buildout population would not occur until the year 2096.

Response 5-4:

The commenter states that the CORE Alternative proposal should be analyzed in the Draft EIR since its content falls within the parameters of CEQA Guidelines Section 15126.6.

State CEQA Guidelines Section 15126.6 also states that "There is no ironclad rule governing the nature or scope of the alternative to be discussed other than the rule of reason (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d553 and Laurel Heights Improvement Association v. Regents of the University of California (1988) 47 Cal.3d 376)."

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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"The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effect of the project. Of those alternatives, the EIR need examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project."

Response 5-5: The commenter argues that the CORE Alternative proposal is superior to the proposed General Plan because it would accommodate a smaller buildout population. The commenter further expresses some confusion at the use of the 'high growth rate' scenario in the Draft EIR analysis.

The comment is noted for the consideration of the decision makers. As a point of clarification, the General Plan Draft EIR employed the 'High' growth scenario in its analysis as it represents the largest level of growth anticipated for the City during the General Plan planning period. While it is just as possible that future reality evolves to the manifestation of the 'low' or 'medium' growth scenarios, a Draft EIR analysis of the 'High' growth scenario represents the most liberal level of analysis regarding potential impacts.

Response 5-6: The commenter states that the CORE Alternative proposal would mitigate impacts resulting from the General Plan Update.

The commenter is referred to Response 5-4. It is also important to note that the term, "buildout" is defined as the development of land to its theoretical maximum capacity, as permitted under the land use designation. Buildout assumes theoretical optimum conditions by multiplying the number of acres by the maximum number of housing units allowed per acre, per land use designation. Buildout calculations do not take into account site-specific constraints, economic factors, market forces, or regulatory requirements imposed by local, state, or federal agencies. Therefore, while the theoretical maximum buildout potential may produce 16,419 dwelling units with a resultant population of 46,513, the reality is that this number of units will most likely not be built within the planning horizon of the General Plan.

Response 5-7: The commenter states that the CORE Alternative proposal is superior to the General Plan. The commenter also requests that the CORE Alternative proposal be discussed in a Revised Draft EIR and to not do so would be illegal.

The commenter is referred to Response 5-4.

Response 5-8: The commenter states that in certain instances the Draft EIR fails to explore all available mitigation measures specifically in the case of loss agricultural lands and wastewater services. The commenter elaborates by suggesting a land use plan similar to the CORE Plan as well as a policy requiring annual updates of development fees to meet 100 percent of

## 2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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demonstrated budget needs for all community and public services, which would mitigate such impacts.

Implementation of the proposed General Plan would result in the loss of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as designated under the Farmland Mapping and Monitoring Program. Implementation of mitigation measure MM 4.2.1 would reduce the impact of the loss of important farmland by compensating for any loss due to development by protecting regional farmlands, in kind, from conversion to non-agricultural uses through the use of farmland conservation easements. In addition, as stated under Impact 4.2.1 of the Draft EIR, Policy 2.2.A of the General Plan Update requires that adequate buffers shall be maintained between agricultural land and urbanized areas, and Program 2.2.A.1 states that the City will implement the Agricultural Buffer Guidelines where needed to ensure the protection of agricultural operations adjacent to future urban development along the city limits and when reviewing projects within the Sphere of Influence. Policy 2.2.B directs development toward existing neighborhoods by encouraging infill and redevelopment activity and Policy 5.1.B directs urban development to areas where agricultural operations are already constrained by existing non-agricultural uses.

The General Plan Update contains several policy and program provisions which address development impact fees. Program 4.4.A.3 requires that the City annually consider the needs of the Orland Police Department and will support those needs with budget revenues, grants, and impact fees. As part of this budget review process, the City will review impact fee rates to ensure that they adequately reflect a fair share of funding by development and other law enforcement service recipients. Mitigation measure MM 4.11.4.1 institutes a program that requires a City review of impact fee rates to ensure that the cost of park facility improvements is equitably distributed. Program 5.7.B.2 requires new development to fund its fair share portion of its impacts to all water supply-related services and facilities. Policy 5.8.A would ensure that adequate wastewater collection and treatment would be maintained for both existing and new development. Programs 5.8.A.2 and 5.8.A.4 would establish development impact fees as one source of funding capital improvements. Program 5.8.A.3 would provide periodic review of the Wastewater Master Plan that identifies necessary improvements and their scheduling as well as development impact fees to provide funding. Program 5.9.A.3 ensures that the City will complete its Storm Water Master Plan that identifies necessary improvements and their scheduling as well as development impact fees to provide funding.

Response 5-9:

The commenter presents 5 program provisions from the Draft EIR and suggests that the wording of these programs does not assure that development fees will be adopted for 100 percent of demonstrated capacity as the commenter would like.

The comment is noted for the consideration of the decision makers. The general plan provides basic goals, policies, and programs to guide land development in the planning area of the jurisdiction, as well as a land use



## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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diagram designating future land uses. Following adoption of the General Plan and certification of the Draft EIR by the City Council, all subsequent activities and development within the City will be guided by the goals and policies set forth in the new General Plan. As stated on page 3.0-6 of the Draft EIR, the General Plan considers goals, policies, and programs that will impact the City for at least the next 20 years. Policies and programs for the General Plan Update were reviewed in the Draft EIR for their environmental effects by consultants with technical expertise as well as by environmental professionals. After identification of General Plan policies and programs that mitigate the environmental impact being discussed, any need for additional feasible mitigation measures that could minimize significant adverse impacts are discussed. The impact discussion then notes whether the impact has been mitigated to a less than significant level or remains significant and unavoidable. The Draft EIR identified all potential impacts to both community and public services to be less than significant.

The commenter is also referred to Response 5-8.

## Letter 6

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

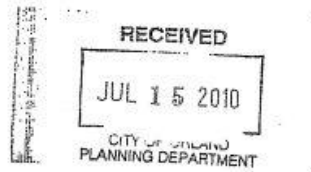
### NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
(916) 657-5390 - Fax



July 13, 2010

Ms. Nancy Sallsbery  
City of Orland  
8715 Fourth St.  
Orland, CA 95963



RE: SCH#2008102073 City of Orland 2028 General Plan; Glenn County.

Dear Ms. Sallsbery:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

6-1

6-2

6-3

6-4

Sincerely,  
*Katy Sanchez*  
Katy Sanchez  
Program Analyst  
(916) 653-4040

CC: State Clearinghouse

### LETTER 6 – KATY SANCHEZ, NATIVE AMERICAN HERITAGE COMMISSION

- Response 6-1: The commenter requests that the appropriate regional archaeological Information Center be contacted for a record search.
- As shown on Draft EIR page 4.5-10, a records search was conducted at the Northeast Information Center at California State University, Chico.
- Response 6-2: The commenter states that if an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- As shown on page 4.5-11 of the Draft EIR, mitigation measure MM 4.5.1b requires 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 at the expense of the developer. 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 avoidance or capping of the cultural resource site, etc.).
- Response 6-3: The commenter requests the Native American Heritage Commission be contacted for a Sacred Lands File Check and a list of appropriated Native American contacts for consultation concerning the Planning Area.
- As stated on page 4.5-10 of the Draft EIR, PMC requested a sacred lands search and a list of Native American contacts from the Native American Heritage Commission. The results of sacred lands search were received on November 8, 2007, and did not identify any Native American cultural resources either within or near the Planning Area. PMC contacted all groups and/or individuals on the list provided by the Native American Heritage Commission. PMC, to date, has not received any comments regarding the Draft EIR.
- Response 6-4: The commenter states that the City should include provisions for the identification of accidentally identified archaeological resources as well as provisions for the disposition of recovered artifacts. The commenter further requests that the City include provision for discovery for Native American human remains.
- Mitigation measure MM 4.5.1b on pages 4.5-11 and 4.5-12 of the Draft EIR identifies provisions to be made in the event of the discovery of archaeological and/or historical resources. In addition, mitigation measure MM 4.5.1c imposes the following conditions on all discretionary projects: "If human remains are discovered, all work must stop in the

## **2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR**

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immediate vicinity of the find, the City of Orland Planning Department 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."

Letter 7

04/01/2000 15:00 15382558868

LAURIE\_OBERHOLTZER

PAGE 01

To: Nancy Salisbury 865-1632  
From: Laurie Oberholzer, CORE  
265-5433

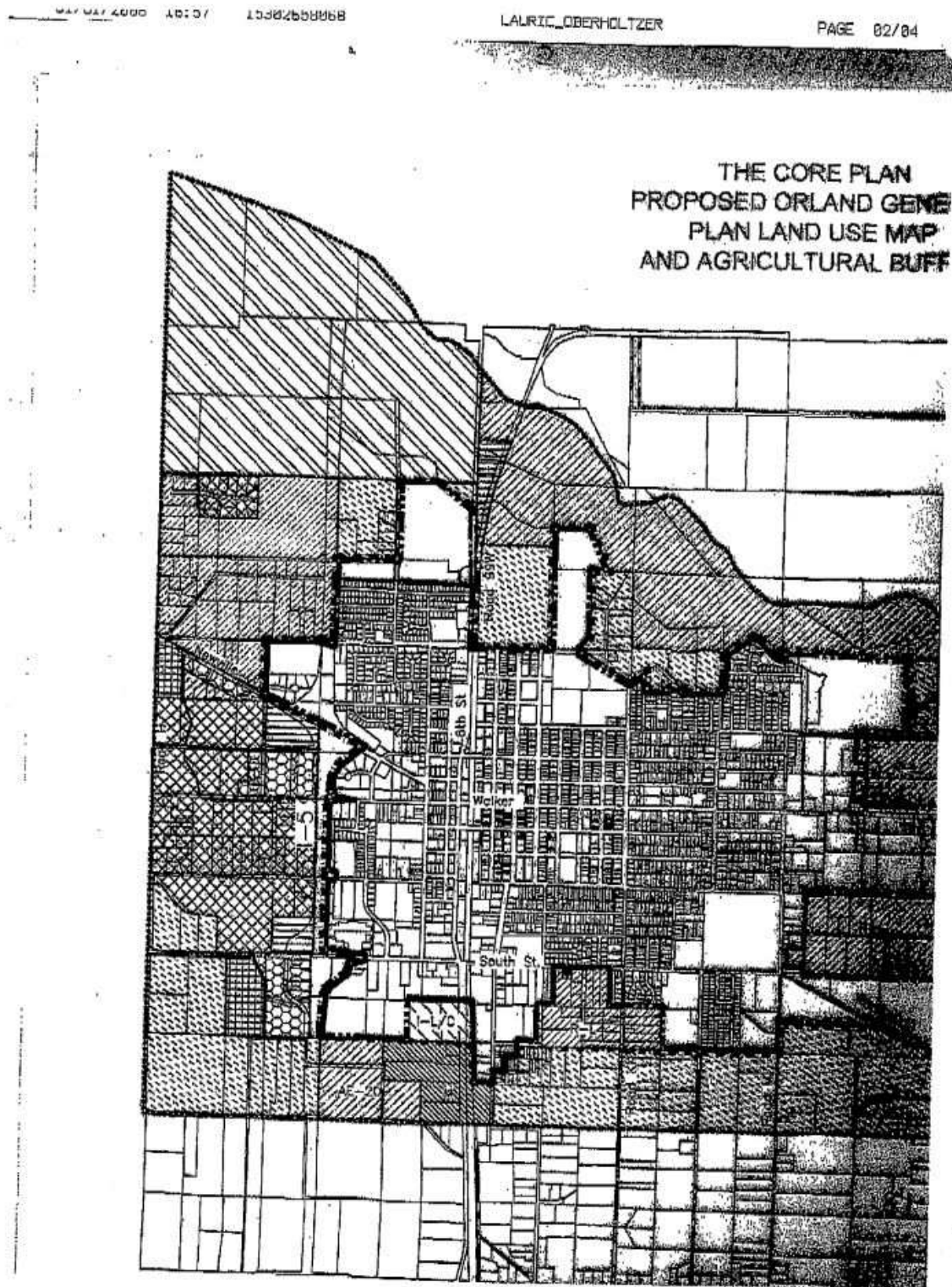
Nancy -  
For the record, here is a fax of our  
map. (You should have a  
color copy in your files.)  
Please attach to our GPDEIR  
comments.  
Let me know if you  
need a good copy:

Thanks!  
Laurie

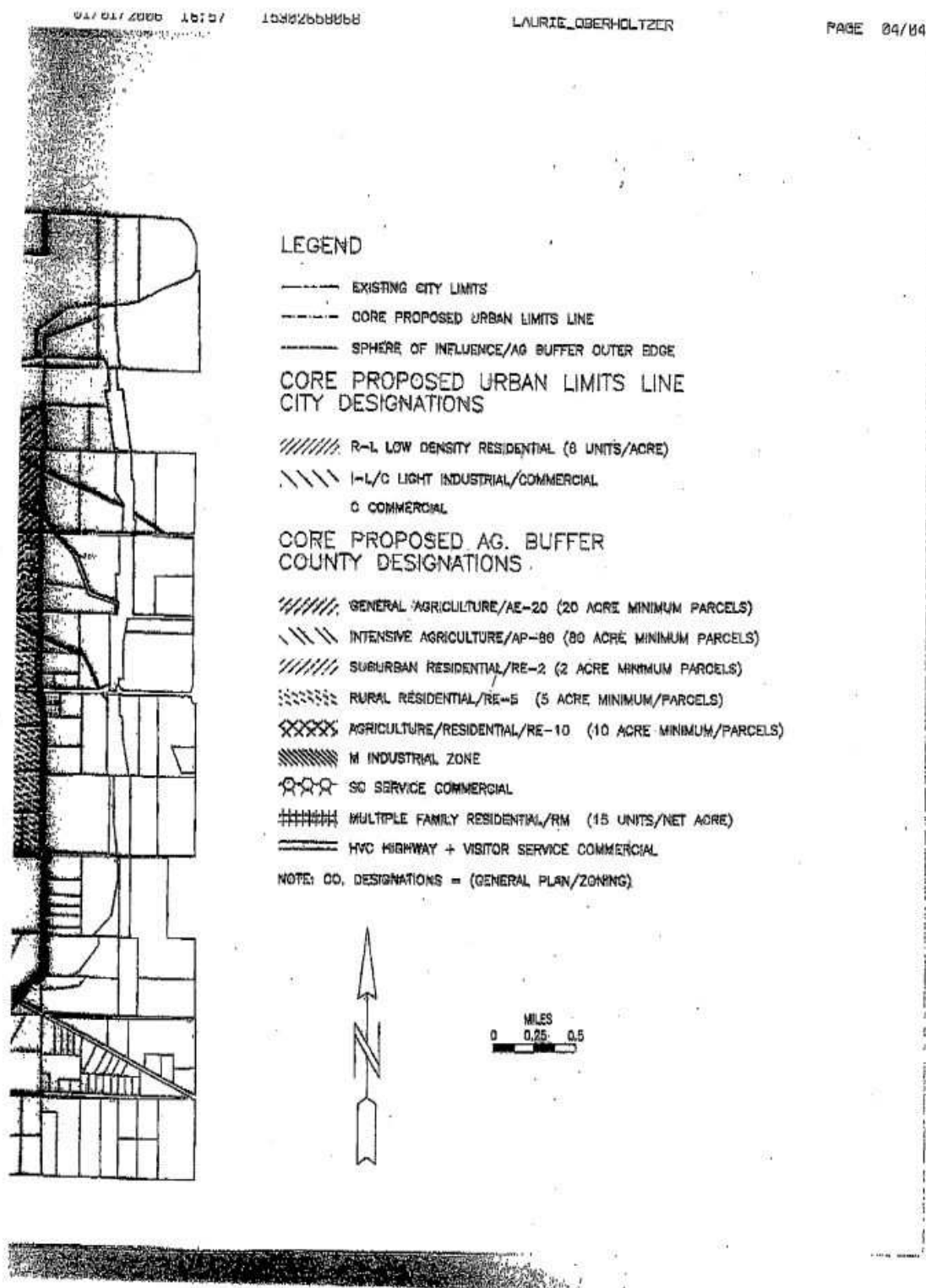
3 pages follow

7-1

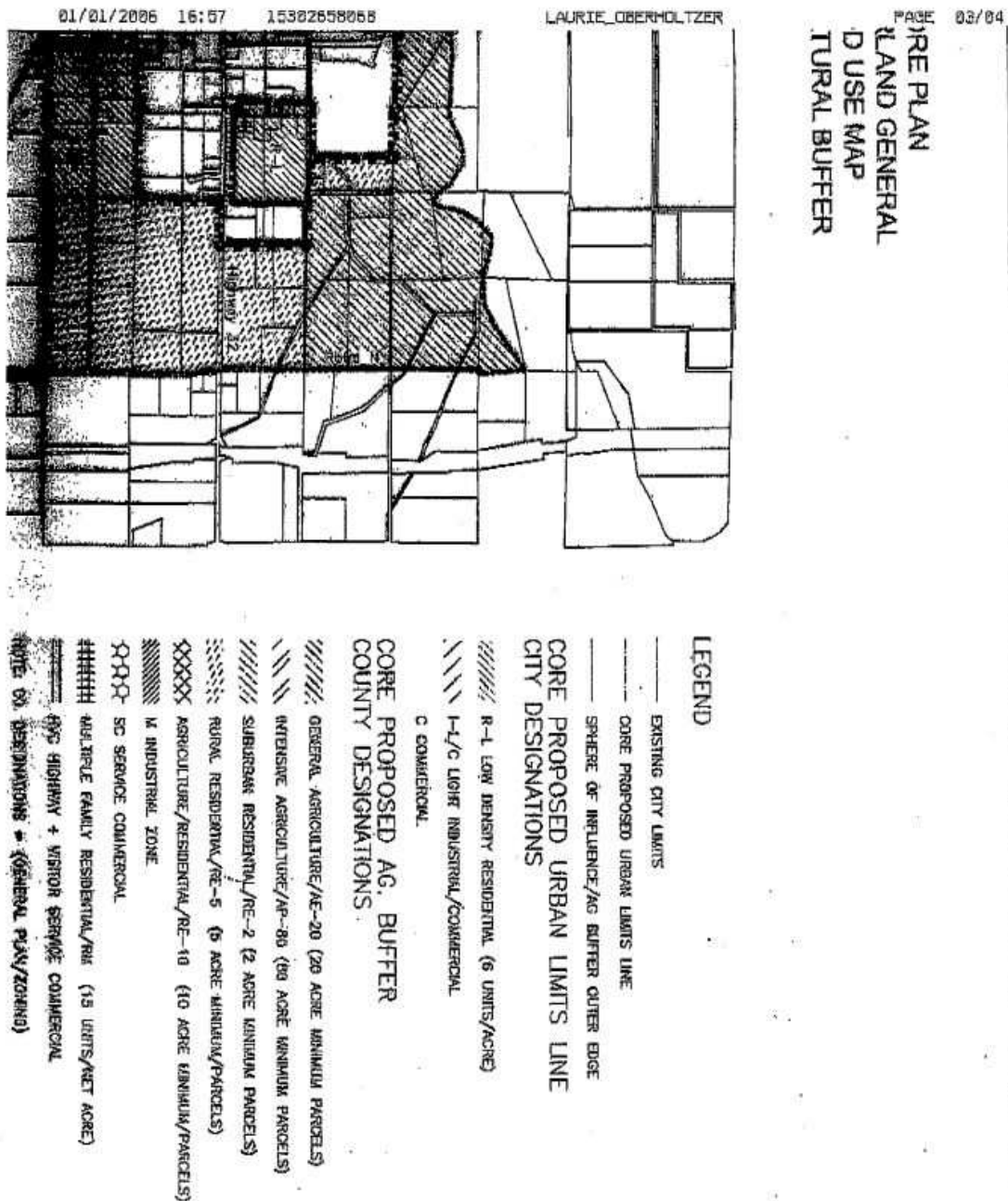
## Letter 7 Continued



## Letter 7 Continued



## Letter 7 Continued





### **LETTER 7 – LAURIE OBERHOLTZER, CONCERNED ORLAND RESIDENTS**

Response 7-1:           The commenter submitted the CORE proposed Alternative, (The CORE Plan) land use map. The map is noted for the consideration of the decision makers.

## Letter 8

08/20/2010 11:58 City of Orland Blding / Planning

(FAX) 530 865 1621

P.002/007

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

## PUBLIC UTILITIES COMMISSION

608 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

August 16, 2010

Nancy Sailsbery  
City of Orland  
815 Fourth Street  
Orland, CA 95963

Re: Notice of Preparation, Draft Environmental Impact Report (DEIR)  
City of Orland 2030 County General Plan  
SCH# 2010062054

Dear Ms. Sailsbery:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

8-1

The traffic impact study within the transportation/circulation section of the DEIR needs to specifically consider traffic safety issues to the at-grade railroad crossings. In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians.

8-2

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains

8-3

### LETTER 8 – PUBLIC UTILITIES COMMISSION

- Response 8-1: The commenter recommends that development projects proposed near rail corridors be planned with consideration of the safety of these corridors. Upon review of the Draft EIR in relation to this comment, the following policy provisions shall be incorporated in the General Plan Update as a policy and two programs under Goal 4.8:
- “Policy 4.8.B: Enhance the safety of railroad crossing in the City.
- Program 4.8.B.1: Request Union Pacific Railroad to verify that relevant safety measures for at-grade crossings are implemented and maintained, and assess the feasibility of improving safety features, including enhanced crossing gate practices and warning devices.
- Program 4.8.B.2: For improved emergency response and traffic circulation, support interagency studies to identify the best possible locations and feasibility for funding and developing grade-separated crossings within the City.”
- Response 8-2: The commenter states that the Draft EIR needs to specifically consider traffic safety issues to the at-grade railroad crossings. The commenter is referred to Response 8-1.
- Response 8-3: The commenter states that measures to reduce adverse impacts to rail safety need to be considered in the Draft EIR and provides specific recommendations.

## Letter 9


19 August 2010

City Of Orland, CA  
Orland City Council  
Nancy Sailsbery

Regarding the first item discussed during the public comment portion of the City Council Meeting on Monday, 16 Aug 2010, concerning the proposed zoning of the parcels along County Road MM south of County Road 200 (East South Street), it was refreshing to learn that the Draft Environmental Impact Report map in question (Figure 3.0-3) was an old map that had been mistakenly included. It is interesting how an old map would show the land use zoning as Low Density Residential when, for the longest time, the zoning has been the current Residential Estate. Thank you to Nancy Sailsbery for placing on the record that the map will be replaced or changed to reflect and retain the current zoning of Residential Estate.

9-1

Best regards,

  
Kay Roberts

Don and Kay Roberts  
4266 County Road MM  
Orland, CA 95963  
530-865-8121  
[stwtorpedo@snowcrest.net](mailto:stwtorpedo@snowcrest.net)

### **LETTER 9 – DON AND KAY ROBERTS, RESIDENTS**

Response 9-1:           The commenter's express gratitude to Nancy Sailsbery for the decision to maintain the designation of Residential Estate of parcels along County Road MM south of County Road 200 as opposed to implementation of the Low Density Residential designation. The comment is noted.

## Letter 10

08/20/2010 12:02 City of Orland Blding / Planning

(FAX)530 865 1621

P.002/002

August 19, 2010



SUBJECT: GENERAL PLAN UPDATE CITY OF ORLAND ZONING

As per instructed by Nancy Sailsbury on August 16, 2010, I am putting in writing my request to restore the original designation of R-E (Residential Estate) for my immediate neighborhood. My neighborhood is within the Sphere of Influence of the City of Orland. This neighborhood is bounded to the North by Road 200, to the East by the Tehama-Colusa Canal, to the South by Road 21 and to the West by Road M.

10-1

This a promise that was made on several occasions in 2009 by Nancy Sailsbury, Orland City Planner and again at the Orland City Council Meeting of August 16, 2010.

Thank you

A handwritten signature in dark ink, appearing to read "John H. Tompkins".

John H. Tompkins

4259 Road MM

Orland, CA

865-8366

### **LETTER 10 – JOHN H. TOMPKINS, RESIDENT**

Response 10-1: The commenter requests that the neighborhood bound to the north by Road 200, to the east by the Tehama-Colusa Canal, to the south by Road 21 and to the west by Road M remain designated Residential Estate as part of the General Plan Update as opposed to Low Density Residential.

City policy makers have determined such a request reasonable. The neighborhood in question shall remain designated Residential Estate as part of the General Plan Update. No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the project, would occur. The Low Density Residential General Plan designation allows for 6 dwelling units per acre while the Residential Estate designation allows for 2 dwelling units per acre. Therefore, the Residential Estates designation would provide for less residential dwelling units in the Planning Area and thus, less population.

## Letter 11

08/20/2010 11:59 City of Orland Blding / Planning

(FAX)530 865 1621

P.005/007

Housing element needs further revision to meet state standards

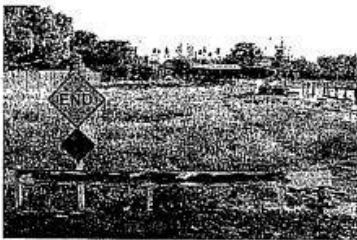
Page 1 of 3

**Housing element needs further revision to meet state standards**by Kendall Wright | Patterson Irrigator  
08.19.10 - 10:32 am[print](#)

The city of Patterson still has some work to do to meet the needs of low-income residents and receive a seal of approval that would bring its latest housing guidelines into compliance with the state's planning standards, a recent notice from California housing officials reads.

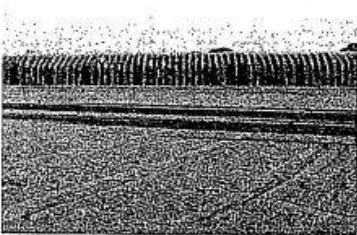
*This is why the housing element General Plan Update, and EIR are very important.*

11-1



In the second letter to the city recommending changes since the most recent housing element was submitted in late April, the state Department of Housing and Community Development on July 21 said the city's plan, despite changes, still isn't up to snuff.

The housing element lays out a five-year outline for residential growth.



"The adopted element addresses most of the statutory requirements described in the department's July 16, 2009, review," wrote Cathy Creswell, deputy director with the state's housing department. "However, further revision is still necessary to comply with the state housing element law."

*Nancy, I gave a copy of ~~the~~ this to each council member*



A key flaw in the plan, the housing department found, was the city's failure to identify how many affordable homes could be built for low- to moderate-income residents in five years.

RECEIVED

AUG 19 2010

CITY OF ORLAND  
PLANNING DEPARTMENT

The housing element — which is a required part of the general plan and must be updated every five years — is used to spell out the city's existing and expected housing needs for all income

levels, as well as any goals for future housing and plans to accomplish those goals.

[http://www.pattersonirrigator.com/printer\\_friendly/9205252](http://www.pattersonirrigator.com/printer_friendly/9205252)

8/19/2010



### **LETTER 11 – UNKNOWN**

Response 11-1: The commenter has submitted an article published by the Patterson Irrigator dated August 19, 2010 concerning shortcomings associated with the City of Patterson's most recent Housing Element.

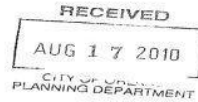
The article submitted by the commenter is noted. No specific comments were received that reference the project or address the adequacy of the General Plan Update Draft EIR; therefore, no further response is required.

## Letter 12

August 17, 2010

SUBJECT:

CITY OF ORLAND ZONING



AS PER INSTRUCTED BY NANCY SALISBURY ON AUGUST 16, 2010, WE ARE PUTTING IN WRITING OUR REQUEST TO HAVE OUR NEIGHBORHOOD ZONING PUT BACK TO THE ORIGINAL ZONING DESIGNATION OF R-E ( RESIDENTIAL ESTATE ). OUR NEIGHBORHOOD IS NOT IN THE CITY LIMITS, BUT IN THE SPHERE OF INFLUENCE. THIS NEIGHBORHOOD IN QUESTION IS BOUNDED BY ROAD 200 TO THE NORTH TO THE TEHAMA-COLUSA CANAL TO THE EAST TO ROAD 21 TO THE SOUTH TO ROAD M TO THE WEST.

12-1

THIS WAS PROMISED TO US ON SEVERAL OCCASIONS IN 2009 BY NANCY SALISBURY, ORLAND CITY PLANNER AND AGAIN AT THE ORLAND CITY COUNCIL MEETING AUGUST 16, 2010.

THANK YOU,

JUDIE NOFFSINGER

JOHN NOFFSINGER

4261 ROAD MM

ORLAND

865-2779

Two handwritten signatures in cursive script, one above the other, corresponding to the typed names of Judie Noffsinger and John Noffsinger.

### **LETTER 12 – JUDIE AND JOHN NOFFSINGER, RESIDENTS**

Response 12-1: The commenter's request that the neighborhood bound to the north by Road 200, to the east by the Tehama-Colusa Canal, to the south by Road 21 and to the west by Road M remain designated Residential Estate as part of the General Plan Update as opposed to Low Density Residential.

City policy makers have determined such a request reasonable. The neighborhood in question shall remain designated Residential Estates as part of the General Plan Update. No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the proposed project, would occur. The Low Density Residential General Plan designation allows for 6 dwelling units per acre while the Residential Estates designation allows for 2 dwelling units per acre. Therefore, the Residential Estates designation would provide for less residential dwelling units in the Planning Area and thus, less population.



# 3.0 Errata

## 3.0 ERRATA

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### 3.1 INTRODUCTION

This section includes minor edits to the Draft Environmental Impact Report (“Draft EIR”). These modifications resulted from responses to comments received during the Draft EIR public review period as well as City staff initiated edits to clarify language and implementation of mitigation measures.

Revisions herein do not result in new significant environmental impacts, do not constitute significant new information, nor do they alter the conclusions of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5. Changes are provided in revision marks with underline for new text and ~~strike out~~ for deleted text.

### 3.2 CHANGES AND EDITS TO THE DRAFT EIR

#### 4.2 AGRICULTURAL RESOURCES

Mitigation measure MM 4.2.1 on pages 4.2-13 and 4.2-14 of the Draft EIR will be revised as follows:

##### “Mitigation Measures

**MM 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~~ 10 acres or larger in size, as well as other agricultural lands not labeled as Prime Farmland or Farmland of Statewide Importance 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.”

**ERRATA**

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**4.13 TRANSPORTATION AND CIRCULATION**

Page 4.13-1 of the Draft EIR will be revised as follows:

**"State Routes**

The following is a description of state routes in the City Planning Area. The intent of State Routes and interstates is to serve regional and interregional travel."



# **Appendix A - Land Use Diagram (modified)**

Figure 3.0-3  
Land Use Diagram

