

CITY COUNCIL

Chris Dobbs, Mayor
Bruce T. Roundy, Vice-Mayor
Jeffrey A. Tolley
John McDermott
Mathew Romano

CITY OFFICIALS

Jennifer Schmitke
City Clerk

Leticia Espinosa
City Treasurer

CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street
ORLAND, CALIFORNIA 95963
Telephone (530) 865-1600
Fax (530) 865-1632



CITY MANAGER
Peter R. Carr

AGENDA

REGULAR MEETING, ORLAND CITY COUNCIL

Tuesday, January 3, 2022 at 6:30 PM

This City Council meeting will be held at Carnegie Center, 912 Third Street, Orland and teleconferenced using Zoom technology. Councilmembers and City staff may choose to be in person or remote.

The public is encouraged to participate in the meeting via Zoom or can participate at Carnegie Center.

ZOOM Link: www.zoom.us

WEBINAR ID# 836 6825 8020

ZOOM Telephone - Please call: 1 (669) 900-9128

1. CALL TO ORDER – 6:30 P.M.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

Public Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor. However, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and place of residence for the record. Please direct your comments to the Mayor or Vice Mayor. **(Oral communications will be limited to three minutes).**

5. CONSENT CALENDAR

- A. Warrant List (payable obligations) (p.1)
- B. Approve City Council Minutes for December 20, 2022 (p.6)
- C. Consultant Selection: Pre-Approved Building Plans – Accessory Dwelling Units (p.15)
- D. Approve and adopt second reading of Ordinance 2022-06 Repealing the 2019 California Building Code in its entirety and replacing it with the 2022 California Building Code and adopting by references including appendices of the 2022 California Building Standards Code (p.41)

6. PUBLIC HEARING

Zoning Ordinance Text Amendment (ZCA 2022-01) – Reasonable Accommodations. (p.59)

The City Council is asked to introduce by the first reading of an Ordinance, and conduct a public hearing, on an Ordinance amending the Orland Municipal Code (OMC) in regard to Reasonable Accommodations for persons

with disabilities, to support the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (The Acts). The proposed amendment would create a new Section 17.18, *Reasonable Accommodation* to the Orland Municipal Code to incorporate provisions of State and Federal law regarding reasonable accommodations for persons with disabilities into the Orland Municipal Code (OMC).

7. PRESENTATIONS

- A. Grand Jury Presentation – Ruth Henderson, Grand Jury Alumna
- B. Fentanyl Presentation – Dr. Jarrod Garrison, Glenn County Health Officer
- C. Recreation Annual Department Presentation – Joe Fenske, Recreation Director
- D. Library Annual Department Presentation – Jody Meza, Library Director

8. ADMINISTRATIVE BUSINESS

Well Construction Contract Bid – Paul Rabo, City Engineer (p.72)

9. CITY COUNCIL COMMUNICATIONS AND REPORTS

10. CLOSED SESSION

- A. Public Comments: The Public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.
- B. Conference with Legal Counsel
Initiation of litigation pursuant to Gov Code section 54956.9(d)(4)
One potential case

11. RECONVENE TO REGULAR SESSION

12. REPORT FROM CLOSED SESSION

13. ADJOURN

CERTIFICATION: Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on December 28, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at www.cityoforland.com where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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**CITY MANAGER**

Peter R. Carr

WARRANT LIST

January 3, 2023

Warrant	12/28/2022	\$	149,357.62
Special Payroll	12/21/2022	\$	3,446.03
Payroll Compensation	12/15/2022	\$	138,564.90
		\$	<u>291,368.55</u>

APPROVED BY

 Mayor, Chris Dobbs

 Vice-Mayor, Bruce T. Roundy

 Councilmember, Jeffrey A. Tolley

 Councilmember, John McDermott

 Councilmember, Mathew Romano

REPORT.: Dec 28 22 Wednesday
 RUN....: Dec 28 22 Time: 16:10
 Run By.: Leticia Espinosa

CITY OF ORLAND
 Cash Disbursement Detail Report
 Check Listing for 12-22 thru 12-22 Bank Account.: 1001

PAGE: 001
 ID #: PY-DP
 CTL.: ORL

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
056448	12/28/22	SWR00	STATE WATER RESOURCES CON	17568.42	12282022H	EVA WELL PAYMENT AGREEMENT #14596
056449	12/28/22	ALT01	Altec Industries Inc.	1125.86	26843	PW/SAFETY EQUIPMENT MAINTENANCE
056450	12/28/22	AMA02	SYNCB/AMAZON	897.48	12102022	LIB/ZIP GRANT BOOKS
056451	12/28/22	AND06	EDGAR ANDRADE	100.00	12242022	MEASURE A UNIFORMS JAN 2023
				24.00	12282022	PD/GYM REIMBERSEMENT JANUARY 2023
			Check Total.....:	124.00		
056452	12/28/22	ATT05	A T & T	153.46	19183708	FD/MEASURE A-PHONES
056453	12/28/22	ATT06	A T & T	24.04	DEC1022	PW/HL LIFT STATION 470
				24.04	12102022	PW/AIRPORT LIFTSTATION 906
				873.80	12132022	MULTI-DEPTS/PHONE
				24.04	DEC122022	PW/WH LIFT STATION 843
			Check Total.....:	945.92		
056454	12/28/22	ATT07	A T & T	33.97	12072022	PW/SHOP
056455	12/28/22	BAL00	Knife River Construction	1938.73	2ND281550	PW/DWR-PATCH
056456	12/28/22	CAP06	CAPITOL PUBLIC FINANCE GR	1267.50	2022-241	PUBLIC SAFETY CENTER
				487.50	2022-256	PUBLIC SAFETY CENTER
			Check Total.....:	1755.00		
056457	12/28/22	CES00	Kyle Cessna	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056458	12/28/22	CHA11	CHAMP'S BOOKKEEPING	15.00	80	NOTARY SERVICE
056459	12/28/22	COR04	CORBIN WILLITS SYSTEMS	508.34	C212151	MULTI-DEPTS/MONTHLY SOFTWARE SUPPORT
056460	12/28/22	CUM00	Cummins Pacific	1409.29	Y579536	PW/EVA WELL SERVICE
056461	12/28/22	DEP21	DEPARTMENT OF FINANCE	1191.00	12162022	PD/CITE ASSESSMENT JUL2017-JUN2021
				832.50	DEC162022	PD/CITE ASSESSMENT JUL2021-NOV2022
			Check Total.....:	2023.50		
056462	12/28/22	DOB01	CHRIS DOBBS	300.00	DEC2022	COUNCILMEMBER STIPEND
056463	12/28/22	FAR00	Farwood Bar and Grill	3000.00	12282022	FACADE IMPROVEMENT-FARWOOD BAR & GRILL
056464	12/28/22	FIR03	LUTHERAN CHURCH	703.24	12252022	FACADE IMPROVEMENT FIRST LUTHERAN CHURCH
056465	12/28/22	FLO03	JOSE FLORES	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056466	12/28/22	FRA00	FRANCOTYP-POSTALIA, INC.	126.07	R01124348	MULTI-DEPTS/POSTAGE METER RENTAL
056467	12/28/22	GCS02	GCS Environmental Equip.S	261.17	26102	PW/FLEET MAINTENANCE SWEEPER
056468	12/28/22	GOL01	GOLDEN STATE RISK	53718.48	121522-12	DENTAL,VISION & HEALTH INSURANCE
056469	12/28/22	GRA02	GRAINGER, INC.	335.98	306,124,1	PW/SHOP SUPPLIES/ MEASURE A/ SUPPLIES
056470	12/28/22	GRO00	Ferguson Enterprises Inc	4777.81	036,654,1	PW/DWR SUPPLIES
056471	12/28/22	GUE03	Jorge Guerrero	220.00	121622	PW/BOOT REIMBURSEMENT
056472	12/28/22	HIN03	Hinderliter deLlamas & As	837.26	SIN023293	SALES TAX AUDIT SERVICE
056473	12/28/22	HOM00	HOME DEPOT CREDIT SERVICE	5670.48	12132022	PW/WATER-SEWER SUPPLIES, PD/EVIDENCE ROOM
056474	12/28/22	JCN00	J.C. NELSON SUPPLY	221.36	773680	REC/BM - SUPPLIES
056475	12/28/22	JOH02	SEAN JOHNSON	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056476	12/28/22	LOW00	Katherine Lowery	100.00	12242022	MEASURE A UNIFORMS JAN 2023
				24.00	DEC282022	PD/GYM REIMBERSEMENT JANURAY 2023
			Check Total.....:	124.00		
056477	12/28/22	MAR17	MARTINDALE, RYAN	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056478	12/28/22	MCD01	John McDermott	300.00	DEC2022	COUNCILMEMBER STIPEND
056479	12/28/22	MCM00	McMaster-Carr	197.43	89293781	PW/SHOP COMPRESSOR PARTS
056480	12/28/22	MIL07	MILLS, DARYL	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056481	12/28/22	MME00	Municipal Maintenance Equ	881.38	3862,3856	PW/SEWER-VACCON PARTS

REPORT.: Dec 28 22 Wednesday
 RUN...: Dec 28 22 Time: 16:10
 Run By.: Leticia Espinosa

CITY OF ORLAND
 Cash Disbursement Detail Report
 Check Listing for 12-22 thru 12-22 Bank Account.: 1001

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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
056482	12/28/22	NOR29	NORTH VALLEY INDUSTRIES I	146.54	3550	REC/1 UNIT ADULT SOCCER 4 DAYS
056483	12/28/22	ORL12	Orland-Laurel Masonic Hal	400.00	DEC2022	AC/RENT JANUARY 2023
056484	12/28/22	PAC07	PACE ANALYTICAL SERVICES,	974.37	134,378	PW/LAB SERVICES
056485	12/28/22	PGE00	PG&E	17742.39	DEC2022	MULTI-DEPTS/UTILITY USAGE
056486	12/28/22	PIN01	EDGAR PINEDO	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056487	12/28/22	QUI02	QUILL CORP.	140.67	166366950	MULTI DEPTS/SUPPLIES
056488	12/28/22	RIV02	ISRAEL RIVERA	100.00	12242022	MEASURE A UNIFORMS JAN 2023
				27.50	DEC282022	PD/GYM REIMBERSEMENT JANUARY 2023
			Check Total.....:	127.50		
056489	12/28/22	ROE02	Thomas Roenspie	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056490	12/28/22	ROM06	Mathew Romano	300.00	DEC2022	COUNCILMEMBER STIPEND
056491	12/28/22	ROU00	BRUCE T. ROUNDY	300.00	DEC2022	COUNCILMEMBER STIPEND
056492	12/28/22	SUT02	SUTTON, BRANDON	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056493	12/28/22	SWE00	SWEET-OLSEN FAMILY	3000.00	12252022	FACADE IMPROVEMENT - SWEET-OLSON FAMILY MORTUARY
056494	12/28/22	SWR00	STATE WATER RESOURCES CON	8495.30	LW1038326	PW/ANNUAL WATER SYS FEES-CITY
				725.00	SM1038321	PW/ANNUAL WATER SYS FEES-HAIGH FIELD
			Check Total.....:	9220.30		
056495	12/28/22	T&S01	T AND S DVBE, INC.	53.57	22-3506	PW/RAIN BIBS - MEASURE A
056496	12/28/22	TIA00	TIAA COMMERCIAL FINANCE,	299.87	9315987	MULTI/COPIER LEASE
056497	12/28/22	TOL04	JEFFREY TOLLEY	300.00	DEC2022	COUNCILMEMBER STIPEND
056498	12/28/22	TRA02	TRANSAMERICA	709.50	DEC2022	SUPPLEMENTAL INSURANCE
056499	12/28/22	VAL02	VALLEY ROCK PRODUCTS	442.46	76369/764	PW/DWR - SUPPLIES
056500	12/28/22	VAN00	VANTAGE POINT TRANSFER AG	1669.66	6856304	457 PLAN/304591
056501	12/28/22	VER03	Verizon Wireless	78.43	923137829	REC/COMMUNICATIONS
056502	12/28/22	VLA00	RAYMOND J. VLACH	100.00	12242022	MEASURE A UNIFORMS JAN 2023
056503	12/28/22	WEL02	Wells Fargo Vendor Fin Se	148.70	12242022	BD-PLAN/COPIER LEASE DEC 27 -JAN 26
056504	12/28/22	WEX00	WEX BANK	1611.68	5886681FD	FD/FUEL
				4777.46	5886681PD	PD/FUEL
				5777.06	5886681PW	PW/FUEL
				63.83	886681REC	REC/FUEL
			Check Total.....:	12230.03		
			Cash Account Total.....:	149357.62		
			Total Disbursements.....:	149357.62		
			Cash Account Total.....:	.00		

REPORT.: 12/15/22
 RUN....: 12/15/22 Time: 16:26
 Run By.: Deysy Guerrero

CITY OF ORLAND
 Warrant Register

Warrant Number	Date	Payroll Date	**Employee** Num Name	Actual Period	Fiscal Period	Gross Amount
14479	12/15/22	12/15/22	CAR03 CARR, PETER R	12-22	06-23	1153.85
14480	12/15/22	12/14/22	COM01 COMBS, DANIEL T	12-22	06-23	120.00
14481	12/15/22	12/15/22	FEN03 FENSKE, JOSEPH H	12-22	06-23	1370.73
14482	12/15/22	12/15/22	MEZ00 MEZA, JODY L	12-22	06-23	1770.23
14483	12/15/22	12/15/22	PEN01 PENDERGRASS, REBECCA A	12-22	06-23	1485.58
14484	12/15/22	12/15/22	VLA00 VLACH, RAYMOND JOSEPH	12-22	06-23	2263.46
14485	12/15/22	12/15/22	VON00 VONASEK, EDWARD J	12-22	06-23	1922.77
14486	12/15/22	12/14/22	VON01 VONBARGEN, BRENT	12-22	06-23	1458.72
205853	12/15/22	12/14/22	ALV01 ALVA, MICHAELA	12-22	06-23	2027.61
205854	12/15/22	12/14/22	AND00 ANDRADE, EDGAR	12-22	06-23	3876.43
205855	12/15/22	12/14/22	BOW00 BOWERS, LINDA	12-22	06-23	518.50
205856	12/15/22	12/14/22	CAR03 CARR, PETER R	12-22	06-23	6153.85
205857	12/15/22	12/14/22	CES00 CESSNA, KYLE A	12-22	06-23	4182.63
205858	12/15/22	12/14/22	CHA01 CHANEY, JUSTIN	12-22	06-23	4633.08
205859	12/15/22	12/14/22	COR00 CORTEZ, JOVANY	12-22	06-23	1661.55
205860	12/15/22	12/14/22	CRA00 CRANDALL, JEREMY	12-22	06-23	2323.44
205861	12/15/22	12/14/22	ESP00 ESPINOSA, LETICIA	12-22	06-23	2047.63
205862	12/15/22	12/14/22	FEN03 FENSKE, JOSEPH H	12-22	06-23	2988.19
205863	12/15/22	12/14/22	FLO00 FLORES, JOSE D	12-22	06-23	3339.97
205864	12/15/22	12/14/22	FUL00 FULLMORE, KRISTOPHER	12-22	06-23	3389.45
205865	12/15/22	12/14/22	GAM00 GAMBOA, YADIRA	12-22	06-23	413.40
205866	12/15/22	12/14/22	GUE01 GUERRERO, DEYSY D	12-22	06-23	2596.16
205867	12/15/22	12/14/22	GUE02 GUERRERO, JORGE	12-22	06-23	2448.91
205868	12/15/22	12/14/22	HAR00 ZOLLERHARRIS, TRAVIS	12-22	06-23	2019.61
205869	12/15/22	12/14/22	HEN00 HENDERSON, OLIVIA	12-22	06-23	136.00
205870	12/15/22	12/14/22	JOH01 JOHNSON, SEAN KARL	12-22	06-23	5139.13
205871	12/15/22	12/14/22	LOP01 LOPEZ, ESAU	12-22	06-23	1636.00
205872	12/15/22	12/14/22	LOP02 LOPEZ, JOEL	12-22	06-23	1697.39
205873	12/15/22	12/14/22	LOW00 LOWERY, KATHERINE	12-22	06-23	3552.01
205874	12/15/22	12/14/22	MAR02 MARTINDALE, RYAN EUGENE	12-22	06-23	2992.44
205875	12/15/22	12/14/22	MAR04 MARTINEZ, IRMA	12-22	06-23	476.00
205876	12/15/22	12/14/22	MEJ00 APARICIO, LILIA MEJIA	12-22	06-23	2780.48
205877	12/15/22	12/14/22	MEZ00 MEZA, JODY L	12-22	06-23	3859.13
205878	12/15/22	12/14/22	MIL00 MILLS, DARYL A	12-22	06-23	3236.52
205879	12/15/22	12/14/22	MON03 MONDRAGON, MEAGAN N	12-22	06-23	1406.19
205880	12/15/22	12/14/22	MYE00 MYERS, KEVIN	12-22	06-23	658.54
205881	12/15/22	12/14/22	OLI00 OLIVER, LINDA	12-22	06-23	518.50
205882	12/15/22	12/14/22	ORO03 OROZCO, ETHAN	12-22	06-23	61.20
205883	12/15/22	12/14/22	PAI01 PAILLON, MICHAEL	12-22	06-23	2293.34
205884	12/15/22	12/14/22	PAN00 PANIAGUA, BLANCA A	12-22	06-23	698.83
205885	12/15/22	12/14/22	PEN01 PENDERGRASS, REBECCA A	12-22	06-23	3090.00
205886	12/15/22	12/14/22	PER00 PEREZ, MARGARITA T	12-22	06-23	2006.14
205887	12/15/22	12/14/22	PIN00 PINEDO, EDGAR ESTEBAN	12-22	06-23	3246.30
205888	12/15/22	12/14/22	POR00 PORRAS, ESTEL	12-22	06-23	1914.97
205889	12/15/22	12/14/22	PUN00 PUNZO, GUILLERMO	12-22	06-23	2068.88
205890	12/15/22	12/14/22	PUR01 PURCHASE, HEATHER	12-22	06-23	1575.44
205891	12/15/22	12/14/22	RIC01 RICE, GERALD W	12-22	06-23	2118.13
205892	12/15/22	12/14/22	RIV00 RIVERA, ISRAEL	12-22	06-23	2045.35
205893	12/15/22	12/14/22	ROD00 RODRIGUES, ANTHONY	12-22	06-23	2434.01
205894	12/15/22	12/14/22	ROE00 ROENSPIE, THOMAS LUKE	12-22	06-23	3854.46
205895	12/15/22	12/14/22	ROM00 ROMERO, ARNULFO	12-22	06-23	2913.04
205896	12/15/22	12/14/22	SAN02 SANDOVAL, LUCILA	12-22	06-23	1901.97
205897	12/15/22	12/14/22	SCH03 SCHMITKE, JENNIFER	12-22	06-23	2400.72
205898	12/15/22	12/14/22	SHA02 SHANNON, KYLE ANTHONY	12-22	06-23	615.00
205899	12/15/22	12/14/22	STE01 STEWART, ROY E	12-22	06-23	2944.75
205900	12/15/22	12/14/22	SUA02 SUAREZ, BRYAN E	12-22	06-23	2399.73
205901	12/15/22	12/14/22	SUT00 SUTTON, BRANDON KIJANA	12-22	06-23	2013.31
205902	12/15/22	12/14/22	SWI00 SWINHART, ROBERT	12-22	06-23	1970.36
205903	12/15/22	12/14/22	VAL00 VALENZUELA, BRENDA	12-22	06-23	299.88
205904	12/15/22	12/14/22	VLA00 VLACH, RAYMOND JOSEPH	12-22	06-23	5061.08
205905	12/15/22	12/14/22	VON00 VONASEK, EDWARD J	12-22	06-23	4383.93

138564.90

REPORT.: 12/21/22
RUN....: 12/21/22 Time: 10:50
Run By.: Detsy Guerrero

CITY OF ORLAND
Warrant Register

Warrant Number	Date	Payroll Date	**Employee** Num	Name	Actual Period	Fiscal Period	Gross Amount
14487	12/21/22	12/21/22	FUL00	FULLMORE, KRISTOPHER	12-22	06-23	1666.22
14488	12/21/22	12/21/22	FUL00	FULLMORE, KRISTOPHER	12-22	06-23	1779.81
							3446.03
							=====1

MINUTES OF THE ORLAND CITY COUNCIL
REGULAR MEETING HELD DECEMBER 20, 2022

CALL TO ORDER

Meeting called to order by Mayor Dobbs at 6:30 p.m.

Meeting opened with Pledge of Allegiance

ROLL CALL

Councilmembers present:

Councilmembers Jeffrey Tolley, Matt Romano, John McDermott, Vice Mayor Bruce Roundy and Mayor Chris Dobbs

Councilmembers absent:

None

Staff present:

City Manager Pete Carr; Assistant City Manager/Director of Administrative Services Rebecca Pendergrass; City Attorney Greg Einhorn; Public Works Director Ed Vonasek; Police Chief Joe Vlach; City Engineer Paul Rabo; City Planner Scott Friend; City Clerk Jennifer Schmitke

Staff present online:

Library Director Jody Meza and Recreation Director Joe Fenske

ORAL AND WRITTEN COMMUNICATIONS

PUBLIC COMMENTS:

Vice Mayor Roundy reminded Councilmembers, Staff, and the public to speak loudly toward the camera in the center of the table because that is where the microphone is.

CONSENT CALENDAR

- A.** Warrant List (payable obligations)
- B.** Approve City Council Minutes for December 6, 2022

Councilmember Tolley asked to pull Item B but was notified that the correction to the minutes has already been noted internally. City Clerk Jennifer Schmitke stated she would correct where Councilmember Irvin was listed as absent on the December 6th minutes and add him to the present section as he was at the beginning of the meeting.

Action: Vice Mayor Roundy moved, seconded by Councilmember McDermott, to approve the consent calendar. The motion carried by a voice vote 5-0.

REAPPOINTMENTS/APPOINTMENTS TO COMMISSIONS

City Clerk Jennifer Schmitke presented the following community members for confirmation by City Council:

Public Works and Safety Commission – Four (4) vacancies with new terms expiring December 31, 2024
Applicants: Emil Cavagnolo, Byron Denton, and James Paschall (Consider Reappointment), David Kelly (new – recommended by interview committee)

Action: Councilmember McDermott moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the Public Works and Safety Commission. Upon voice vote, the motion carried 5-0.

Recreation Commission – Three (3) vacancies with new terms expiring December 31, 2024
Applicants: Shannon Ovard, Joser Rosales and Larry Carmona (Consider Reappointment)

Action: Vice Mayor Roundy moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the recreation Commission. Upon voice vote, the motion carried 5-0.

Arts Commission – Three (3) vacancies with new terms expiring December 31, 2026
Applicants: Mary Rose Kennedy, Jill Elliott, and Jim Scribner (Consider Reappointment)

Action: Vice Mayor Roundy moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2026, for the Arts Commission. Upon voice vote, the motion carried 5-0.

Planning Commission - Three (3) vacancies with new terms expiring December 31, 2026
Applicants: Sharon Lazorko, and Michelle Romano (Consider Reappointment); Vern Montague (New)

Action: Vice Mayor Roundy moved, seconded by Councilmember McDermott to approve reappointment and appointments of the above listed with terms expiring December 31, 2026, for the Planning Commission. Upon voice vote, the motion carried 5-0.

Economic Development Commission – Three (3) vacancies with new terms expiring December 31, 2024
Applicant: David Allee (Consider Reappointment); Dennis Hoffman and DeeDee Jackson (New recommended by interview committee)

Councilmember Romano asked about the interview committee and process and City Manager Carr explained who was on the committee and answered other inquiries about the interview that was held.

Action: Councilmember Tolley moved, seconded by Councilmember Romano to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the Planning Commission. Upon voice vote, the motion carried 5-0.

Library Commission – Two (2) vacancies with new terms expiring December 31, 2024
Applicant: Sherry Romano (Consider Reappointment); Jose Lopez (New)

Action: Vice Mayor Roundy moved, seconded by Councilmember Tolley to approve reappointment and appointments of the above listed with terms expiring December 31, 2024, for the Library Commission. Upon voice vote, the motion carried 5-0.

CITY COUNCIL APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Dobbs presented the following City Council Appointments to Boards and Commissions for 2023:

City Selection Committee

Mayor

COUNTY COMMITTEES

Joint City/County EDC

Romano
Tolley

LAFCo

Meets 2nd Monday, 9 am, monthly
County pays \$25 monthly stipend

Bruce Roundy (member) appt. until May 2025
(No alternate seat till 2024 for Orland)
(Alternate switches between Orland & Willows;
2023 appointment is from Willows)

Transit Committee

Meets with Local Transportation Comm.
County pays \$50 monthly stipend

Roundy
Romano (alternate)

Transportation Commission

3rd Thurs, monthly, 10 am,
County pays \$50 monthly stipend

Roundy
Romano (alternate)

Waste Management Regional Agency

Romano
Tolley (alternate)

Air Pollution Control District Board (Council minute order if City asked to serve on board)

Mayor
Vice Mayor, alternate

Airport Land Use Commission No meetings scheduled

Dobbs
No alternates on this commission

Fire Department Liaison

2nd Mon, monthly, dinner 7 pm,
meeting 8pm

Dobbs
McDermott (alternate)

Glenn County Groundwater Sustainability Agency

Roundy
Pete Carr (alternate)
Ed Vonasek (alternate)

Golden State Risk Management

2nd Wed every other month, 6 pm
GSRMA pays \$100 per meeting stipend

(Orland does not have representation
at this time).

Cal Cities (a.k.a League of California Cities)	Roundy Romano (alternate)
Orland Area Chamber of Commerce Board -3 rd Wed, monthly, noon	Romano Tolley (alternate)
Orland Unit Water Users' Assoc	Dobbs
Code Enforcement Hearing Officer	Tolley Romano (alternate)

ADVISORY TO CITY COMMISSIONS

Arts 3 rd Wed, monthly, 7 pm	Roundy Romano (alternate)
Economic Development (EDC) 2 nd Tues, every odd month, 6 pm	Tolley Romano (alternate)
Library 2 nd Mon, every other month, 5:00 pm	Dobbs McDermott (alternate)
Parks & Recreation 4 th Wed, meets when called, 6:30 pm	Roundy Tolley (alternate)
Planning 3 rd Thurs, monthly, 5:30 pm	Tolley McDermott (alternate)
Public Works/Safety (PWSC) 2 nd Tues, every even month, 4 pm	Roundy McDermott (alternate)

Action: Councilmember McDermott moved, seconded by Vice Mayor Roundy to approve appointments to boards and commissions as presented. Upon voice vote, the motion carried 5-0.

PRESENTATION – PLANNING & BUILDING DEPARTMENT, CITY PLANNER SCOTT FRIEND

Mr. Friend presented an overview of Planning, Building and Code Enforcement for 2022. Mr. Friend reviewed a few special projects from 2022 including the 6th Cycle Housing Element, which has not been certified by the state yet, the Department of Water Resources (DWR) Project and the Orland Volunteer Fire Department/Orland Rural Fire Department Fire Break Project.

Mr. Friend shared that in 2022 many projects were approved including the Quezada Apartments, Habitat for Humanity-Purpose Village, Schnoebelen CUP for a new metal fabrication business, Amaris Banquet Hall, Hidden Treasures Cat Rescue/Clinic and pole sign CUP's for both Maverik and McDonalds.

Mr. Friend announced there were two annexations that were approved, Westside Annexation and Kraemer Annexation. Projects to continue into 2023 include Ambrosia, Liberty Bell and Woodward Family Apartments, Maverik fuel center and McDonald's.

Mr. Friend stated that in 2022 California Legislature signed 997 bills and vetoed 169 bills and that only about 4 will impact the City of Orland.

Future residential projects for 2023 could include Orland Park Apartments, Penbrook subdivision, Quiet Creek – Phase I and Orland Park – Phase II.

Mr. Friend is hopeful that 2023 will see construction on Orland Park – Phase I and Chevron CNG Fueling Facility to begin construction. Mr. Friend shared La Corona Restaurant has applied for an expansion and parking lot variance and spoke about an accessory dwelling unit pre-approved plans project.

Mr. Friend stated the Building Department has seen many changes in 2022. The Building Department now consists of a Certified Building official Wyatt Paxton (Owner of Paxton Scott Enterprises), Building Inspector Ken Schuman, and a building technician (Deysy Simpson). The Building Department is still using 4Leaf to review complex building plans that the City receives.

Mr. Friend shared that in 2022 the Building Department issued 311 permits (31 commercial and 281 residential), permits in 2021 were 284 and Permits in 2020 were 260, showing a nice trend that Orland is growing. Total permit Valuation for 2022 was \$34,421,918.87 and a total of \$354,784.97 was collected in fees for the department.

The total number of plan reviews in 2022 were 125, in 2021 there were 74. The total number of inspections in 2022 was about 400, in 2021 there were around 200. The total number of code enforcement cases for 2022 was 137. Most of the cases were for overgrown yards, unpermitted structures, vehicle related issues, debris, and trash.

Councilmembers asked about Planning Department hours, about new and continuing projects and stated concerns about builders backing out. Council thanked Mr. Friend for his presentation.

PUBLIC HEARING

A. CONDUCT A PUBLIC HEARING ON ZONING ORDINANCE TEXT AMENDMENT (ZCA 2022-01) – REASONABLE ACCOMMODATIONS

Mayor Dobbs stated this item will continue to next meeting scheduled for January 3, 2023.

B. CONDUCT A PUBLIC HEARING TO INTRODUCE AND CONSIDER BY FIRST READING OF TITLE ONLY ORDINANCE 2022-06 REPEALING AND REPLACING THE 2019 CALIFORNIA BUILDING CODE IN ITS ENTIRETY AND REPLACING IT WITH THE 2022 CALIFORNIA BUILDING CODE AND ADOPTING BY REFERENCE INCLUDING APPENDICES FROM THE 2022 CALIFORNIA BUILDING STANDARD CODES

Mr. Carr shared that every three years the state formally updates its building code. Jurisdictions such as Cities and Counties can create their own codes which are equal or stricter than the State's codes, but the City has routinely chosen the State's Building Codes. Mr. Carr shared that the Ordinance being

introduced for approval repeals 2019 California Building Code in its entirety. The Ordinance 2022-06 will adopt 2022 California Building Code standards and will go into effect January 1, 2023.

Councilmember Romano asked if the City must adopt the 2022 California Building Code. Mr. Carr explained that if the City does not formally adopt the 2022 California Building Codes, then the City would default to the State codes. City Attorney Greg Einhorn stated that the City can adopt any code that is equal to or more restrictive than the 2022 California Building Code. Mr. Einhorn shared that the action of adopting Ordinance 2022-06 provides a measure of local control within the City.

Councilmember McDermott stated his concerns about swimming pool fence regulations while there are open laterals and ditches around town and asked if there is something the City can do. Mr. Einhorn stated that is a jurisdictional issue as the canals are owned by the federal government.

Mayor Dobbs opened the Public Hearing at 7:26 pm. No comments were received, and the Public Hearing closed at 7:26 pm.

Action: Vice Mayor Roundy moved, seconded Councilmember Tolley by to approve the Public Hearing as presented. Upon roll call vote, the motion carried 4-1.

AYES: Councilmembers Tolley, Councilmember McDermott, Vice Mayor Roundy and Mayor Dobbs

NOES: None

ABSENT: None

ABSTAIN: Councilmember Romano (no reason stated)

ADMINISTRATIVE BUSINESS

A. AWARD OF CONTRACT FOR ORLAND GROUNDWATER SUPPLY PROJECT PHASE 3A

City Engineer Paul Rabo reminded Council that the City of Orland is working with the State of California Department of Water Resources (DWR) to construct improvements to the City's water system to benefit residents inside and outside City limits. Mr. Rabo stated that the improvements to the system will include a new groundwater well, storage tank and water mains and would be located inside and out of the City.

Mr. Rabo shared that the first part of the project to be advertised is the first phase of a new groundwater well located on Walker Street near Interstate 5. The project was advertised in November and bids were opened on December 6, 2022, with a total of three bids received. Mr. Rabo provided the bid summary and briefly went over each bid the lowest bid coming in at \$345,395.00 and the highest bid came in at \$650,650. Mr. Rabo stated that the engineer's formal estimated construction costs of this project was \$600,000, although the engineer felt the job could possibly be done for \$350,000.

Mr. Rabo stated that the low bid came in at \$187,449 lower than the second lowest bid and \$254,605 less than the engineer's estimate which was provided by DWR's consultants. Mr. Rabo stated that the second low bidder (Nor-Cal Pump & Well Drilling) has submitted a letter of protest and cited two reasons why the bid should not be awarded to the lowest bidder. The low bidder (Well Industries, Inc.) provided their responses to the protest in writing.

Mr. Rabo explained to Council the two irregularities the lowest bidder had with their bid. Mr. Rabo shared that due to the protest of the lowest bid the Council would need to waive two irregularities, as provided in the letter of protest, to accept and award the project to the lowest bidder.

Councilmember Romano asked about bid line 4, specifically how the lowest bidder could do the work for 25% of the cost of the other two bidders. Mr. Rabo shared that the State's consultants estimated the job to come in at around \$350,000 and he stated he didn't feel \$345,000 was an unreasonable amount. Mr. Rabo stated he hadn't asked specifically how the vendors could come up with the amount or how they could afford to bid the job so low but stated he could come back to Council at the next meeting with more information.

Gene Barngrover, Nor-Cal Pump & Well Drilling representative, came forward to speak about the bid process and stated he feels the low bidder is non-responsive by not having the bid complete and that the \$350,000 estimate is too low for this project, stating costs have gone up almost 300% over the last few years.

Nar Heer of Nor-Cal Pump & Well Drilling shared his expertise and experience with the bid process. Mr. Heer stated he hoped Council would consider that the lowest bidder is non-responsive.

Councilmember Tolley asked if Council could push their decision to the next meeting, due to only getting the staff report a half hour before the meeting. Mr. Carr stated that the City is trying to avoid any delays for the 180 County residents waiting to connect to City water, but the decision could be brought back at the January 3rd meeting.

Vice Mayor Roundy asked the City Attorney about potential exposure to liability. Vice Mayor Roundy also asked what the lowest bidder has done to rectify the situation. City Attorney Einhorn stated that City Council has the discretion to waive clerical errors and other minor irregularities in the bid. Mr. Einhorn shared that the missing items were the addendum (which was acknowledged on the signature page but not attached), that from staff perspective is a minor clerical error, non-substantive. The issue with the mobilization/demobilization was stated to be a clerical error and the low bidder stated that they will honor the 10% of the total bid amount which is \$34,500.

Councilmember Romano stated his concerns for the lowest bid being so much lower than the other two bidders.

Steve Nordbye, Orland resident stated he believes the Council has the right to take a few more weeks in making a decision, giving the City engineer some time to get a few questions answered before the final decision is made.

Vice Mayor Roundy said he did not need any more information to make his decision.

Arjan Heer, Nor-Cal Pump & Well Drilling representative, wanted to clarify that on the bid documents the engineer's estimate on page 1 section 2 the general work description states that the estimate total is \$ 600,000 not including bid items 23 and 24.

Action: Councilmember Tolley moved, seconded by Councilmember Romano to postpone the decision of the bid award until the January 3, 2023 meeting to get more information from the City engineer about the low bidder. Upon voice vote, the motion carried 3-2.

B. WESTSIDE DEVELOPMENT CONSIDERATIONS

City Manager Carr briefly spoke about the three stages in westside development over the last 25 years. Mr. Carr stated that at Councilmember Romano's request and Council's concurrence this item was agendaized as an opportunity for Council to discuss with staff any ideas they may have for this project and to receive any public input into the City's desired next steps for the westside. Mr. Carr shared that the City has some American Rescue Plan Act (ARPA) money set aside for westside annexation (\$200,000 for westside development and \$100,000 for the Newville Road widening).

Councilmember Romano stated that the west side is a corridor for I5 and would like to the City to get the maximum revenue and minimize the impacts. Councilmember Romano stated it's prime land for the City and would like the City to be the one in control of development in that area.

Councilmember Tolley stated he appreciates all Councilmember Romano's effort and encouragement to help the City grow.

Councilmember Romano stated being new to City Council and Annexation he was curious what steps the City would take next. Mr. Carr suggested asking City Staff the advantages or disadvantages to moving forward with annexation and maybe an idea of what the cost could be.

City Planner Scott Friend explained two different scenarios, one of the City annexing while keeping zoning the same (inexpensive route) and the other annexing and changing zoning (expensive route). Mr. Friend stated the inexpensive way to do this would be around \$400,000 and the expensive way would be around \$1,000,000.

Mr. Carr suggested to Council that annexing the area into the City does not mean the City can control the development, the only way to control the development is to own the property. Mr. Carr shared that just because the property is annexed into the City doesn't mean commercial development will go in. It depends on the willing property owner and developers.

Vice Mayor Roundy shared that when Pilot came to Orland the area was annexed and then zoning was determined. Vice Mayor Roundy stated he is against using taxpayer money to change zoning and annex parcels.

Mr. Friend mentioned that it is not uncommon for cities to proactively annex to proactively try to nudge the market in the way they want it to go. A "specific plan" can also guide development.

Councilmembers had a discussion with staff about cost estimates and differences between City and County zoning as well as sphere of influence.

Mr. Carr stated that staff will formulate proposals for the \$200,000 that is set aside for development on the westside and staff will come back to Council with more actionable proposals.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Vice Mayor Roundy:

- Attended the celebration for Orland High School Football team after they won State Championships. The Mayor and Vice Mayor presented a Proclamation officially announcing December 12 as Orland Trojan Day.
- Glenn County Water Authority will have a meeting December 12th.
- Would like to see City employees get more help with the DWR project, allowing the City Public Works Department to continue day to day without the pressure of the big project.

Mayor Dobbs:

- Attended the celebration for the Orland High School Football team after they won State Championships.
- Attended Wreaths Across America December 17th and got to give a speech.

Councilmember Romano:

- Attended Wreaths Across America December 17th.

Councilmember Tolley:

- Nothing to report.

Councilmember McDermott:

- Nothing to report.

Mayor Dobbs stated he looks forward to working with Councilmembers Romano and McDermott within the next few years.

MEETING ADJOURNED AT 8:39 P.M.

Jennifer Schmitke, City Clerk

Chris Dobbs, Mayor



CITY OF ORLAND
CITY COUNCIL AGENDA ITEM #:5.C.
MEETING DATE: January 3, 2023

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP, City Planner

SUBJECT: **Consultant Selection: Pre-Approved Building Plans - Accessory Dwelling Units**

Staff is requesting Council selection and approval of a consultant / firm to prepare Pre-Approved Building Plans for Accessory Dwelling Units.

BACKGROUND

On Friday, October 14, 2022 the City of Orland issued a Request for Proposals (RFP) seeking proposals from qualified consultants to prepare complete building plans for Accessory Dwelling Units (ADUs). The open solicitation period closed on Monday, November 14, 2022. This RFP was placed on the City's website under Public Notices/RFPs as well as sent directly to multiple architecture and engineering firms within the general area. The City received one (1) proposal as a result of the solicitation, from Jackson and Sands Engineering, Inc. With this report, staff is requesting that the City Council select this firm for the task, direct staff to engage in a contract with the selected firm and authorize the City Manager to enter into a contract for the services outlined in the RFP on behalf of the City.

DISCUSSION

On Friday October 14th, the City of Orland issued a Request for Proposals (RFP) seeking proposals from qualified consultants to develop complete building plans for Accessory Dwelling Units (ADUs). These plans were to include plans for three different sized units: 450 sq. ft.; 600 sq. ft.; and 750 sq. ft.; as well as three different architectural styles. As a result of the solicitation, the City received one (1) proposal which was from Jackson and Sands Engineering Inc.

Following a review of this proposal, staff has determined that the proposal met the requirements outlined in the RFP, the respondent has a demonstrated track-record with the preparation of building plans for ADUs within the square footage ranges identified in the RFP and staff has determined that the proposal would appear to meet the City's needs for the task. As identified in the RFP, the budget identified for the project will not exceed \$30,000.

In addition to the above noted cost criteria, staff offers the following additional information to the Council:

Consultant:	Jackson and Sands
Cost:	\$30,000
Timeline:	Plans ready for review within 8 weeks of Notice to Proceed
Location of Work Origin:	Chico
Experience Identified for ADU Plans:	City of Chico City of Citrus Heights Placer County
References:	City of Chico, Bruce Ambo City of Citrus Heights, Alison Bermudez Placer County, Meghan Schwartz
Final Plans to Include	Floor plans, foundation plans, structural plans, building elevations, electrical, mechanical and plumbing plan, supporting documentation for three different building square footages and architectural styles.

CEQA ACTION(S) REQUESTED or REQUIRED

None

FINANCIAL / BUDGET IMPACT

The City of Orland identified and allocated a total of \$36k, including \$30k assigned for the ADU building plans, of the grant money assigned to the City under the SB2 grant program for this purpose. As such, no money is being requested from the City's General Fund for this project and all estimated project direct expenses (staff time costs, reimbursable expenses, City costs, etc.) will be charged to and payable by the City's SB2 grant. The State Housing and Community Development Department (HCD) has approved of the expenditure of a portion of the city's SB 2 allocated funds for this purpose.

No supplemental funds are being requested and none are believed to be necessary for the successful completion of the project.

RECOMMENDATION

Staff requests that the City Council direct the City Manager to enter into contract negotiations with Jackson and Sands Engineering, Inc. for the completion of the ADU building plans as outlined in the City's RFP and the Jackson and Sands proposal.

ATTACHMENT(S):

- 1) Text of City of Orland's Published Request for Proposal
- 2) RFP Response Document – Jackson and Sands Engineering, Inc.
- 3) RFP Response Document – Jackson and Sands Engineering, Inc. Supplement

**Request for Proposals
for the
Pre-Approved Building Plans
Accessory Dwelling Units**

The City of Orland, California



Request for Proposal Released: Friday, October 14, 2022

Responses Due: Monday, November 14, 2022

Project / RFP Summary:

The City of Orland invites proposals from qualified architecture and design firms with experience and technical qualifications to respond to a Request for Proposal (RFP) for professional services to prepare complete building plans for Accessory Dwelling Units (ADUs). The ADU Program has been funded by an awarded Senate Bill 2 Grant. The grant, administered by the State of California's Housing and Community Development (HCD), provides funding to local governments in California that would implement programs to streamline and accelerate housing production. The City of Orland ADU Program will increase production by decreasing the total cost of an ADU which will in-turn allow for swifter construction of more ADUs in the City.

Interested consultants should submit a proposal to perform the services described in this Request for Proposal (RFP). The total contract for all selected consultants and services will not exceed \$30,000. A consultant may submit more than one building plan set and should include options for multiple unit types and sizes as listed in the Scope of Services.

Project Description

The City of Orland (City) desires to develop a collection of pre-approved detached ADU building plans for the ADU Program, which offers downloadable building plans free-of-charge to the public.

The City is inviting interested qualified residential design and design/build firms ("Consultant") to submit a proposal to perform the design services described in this Request for Proposal (RFP). The Consultant shall enter into an agreement that creates a nonexclusive and perpetual right or license for City to copy, use, modify, reuse, and sublicense any and all copyrights, design, and other intellectual property embodied in the writings prepared by Consultant, and Consultant's subcontractors, under the Agreement.

The detached ADUs developed and pre-approved through the ADU Program would benefit from an expedited permitting process with the submittal of a Site Plan (and other documents depending on the property location). It is the City's intent to encourage property owners to seek assistance from the designers of their selected ADU building plans should they need professional assistance to prepare a Site Plan. It is also the City's intent to encourage property owners to seek the assistance of the building plan designer for any desired plan customization.

The City's Role

The selected consultant will work under the direction of the City Planning. The Planning Department currently consists of a part-time, contract part-time city planner and associated planning staff.

Due to the relatively small number of employees in the City, dedicated staff time to lend direct assistance on the project will be limited. As such, the selected consultants schedule and budget should include appropriate time for work sessions with City staff as staff is most familiar with the day-to-day issues faced by the City and will need to work with and implement the Plan after its adoption. It is anticipated that staff will be involved in the review of all draft materials and that all City files will be accessible to the selected consultant.

The City anticipates that questions will arise as consultants research and write their proposals. The following procedure to respond to questions will be used to ensure that all consultants have access to the same information:

1. All questions must be presented via e-mail and directed to the City Planner at cityplanner@cityoforland.com.
2. All questions will be responded to by e-mail and shall be copied to all persons requesting to be added to the list of contacts for the project.

3. All questions shall be received on or before Monday, October 31st.

Proposal Requirements and Format

If interested in this RFP, please notify Scott Friend by email at cityplanner@cityoforland.com so you may be added to the notification list for responses to questions, additional information and/or future addendums concerning the project.

All submittals must follow the format described in this proposal. Respondents are encouraged to submit clear and concise responses to the RFP. The City of Orland reserves the right to include or exclude any part of the submittal in the final agreement with the selected consultant.

Submittal Requirement(s):

Two (2) bound copies of the full submittal package along with and one electronic copy (e.g. USB flash drive or other digital medium) containing a PDF copy must be submitted. Submittals shall contain no more than 25 double-sided 8½" x 11" pages (not counting dividers, exhibits, and any relevant appendices). Resumes do not count against the overall submittal page limit. Font size shall be no less than 10 pt for any informational text. All pages shall be numbered. Drawings provided with the submittal shall not exceed 11" x 17".

To be considered for selection, submittals must arrive at the location shown below by the date and time specified. Proposers who mail packages should allow ample delivery time to ensure timely arrival.

Submittals shall be placed in a clearly marked envelope, titled City of Orland General Plan Update Project and hand-delivered or mailed to:

City of Orland
Planning Department
Attention: Mr. Scott Friend
815 Fourth Street
Orland, CA 95963

All submittals shall be received no later than Monday, November 14, 2022 by 5:00pm PST.

It is the sole responsibility of the Proposer to ensure timely delivery. Late proposals shall not be considered. Proposals will not be accepted at any other location other than the address specified above. Faxed or emailed proposals will not be accepted.

III. Scope of Services:

Proposals should be specific and concise, and should conform to the following outline to enable the City to provide consistent review of all proposals:

A. Scope of Work

Proposals should follow the format outlined below. The proposal shall consider all of the requested information as follows:

1. Include a schedule for preparation and preliminary City Council approval of the Pre-Approved Accessory Dwelling Units (ADU).
2. Structural drawings, floor plans and architecture for three (3) different floor plans with up to three architectural styles for each based on the following:
 - a. Detached ADUs of no more than but approximately 450 sf. as a studio unit;

- b. Detached ADUs of no more than, but approximately 600 sf. with only one bedroom;
- c. Detached ADUs of no more than, but approximately 750 sf. with more than one bedroom.
- d. All the above shall be 1) single story homes of no more than 16 feet in height from adjacent grade at the highest peak, 2) include the use of pitched roofs, 3) be designed to have the ability to have body and trim painted to match or be modified to compliment the main home and architectural style, as well as support a variety of roofing materials to match the main home.

3. Architectural Styles

The Consultant shall prepare architectural elevations with three different architectural styles for all unit sizes specified above. Exterior materials as well as door and window fenestration of each unit type shall be customized to reflect three (3) predominant exterior architectural variations found in the community.

4. Design Criteria for ADUs

- a. All unit elevations shall be customizable to allow for variations in exterior materials as well as door and window fenestration to express individual owner's tastes and respect community character.
- b. All designs shall fully comply with all of the City's applicable construction codes as defined in Orland Municipal Code title 15: Buildings and Construction, including the California Building Code, California Residential Code, California Code of Regulations, California Mechanical Code, California Electrical Code, California Plumbing Code, California Energy Code, California Green Building Code, and California Fire Code.

5. The selected consultant(s) shall perform the following tasks:

- Include one (1) "kick-off" meeting with the City Staff; and at least one (1) City Council meeting.
- Provide regular progress reports to Staff, and as necessary to communicate updates.
- Prepare draft plans for review by staff;
- Revise plans based upon staff comments;
- Meet with staff prior to finalizing plans;
- Prepare plans for production;
- Provide images of the final plans to be part of publication materials for the ADU Program.

B. Content of Proposal and Statement of Qualifications:

1. Please include a detailed estimate and description of each appropriate component of the project and how each task will be completed.

2. Please include a description of the company profile, including the range of the firm's capabilities and services. In addition, please provide the names of the Project Manager as well as all other personnel who will be specifically assigned to this project, including their qualifications, education, previous relevant experience, and their problem solving capabilities. All contemplated sub-consultants to be used during this assignment are required to provide the above requirements as well. 3. Please provide references for similar projects. Please include the telephone number and the name of each reference.

4. Please provide a schedule showing the time required for completion.

5. The City anticipates a total budget not to exceed \$30,000 to complete the scope of work described herein. If the consultant proposes a fee in excess of this estimate, tasks should be identified that can be undertaken by City Staff to reduce the fee to within the City's anticipated budget.

C. Deliverables and Timeline

Deliverables include the draft(s) and final plans and guide listed in the "Scope of Work" section. In addition to the electronic and original copies of all draft and final documents, the consultant shall provide the following: one (1) digital file of the administrative draft and draft structural plans and architectural drawings plans. The City anticipates a 4-6 months schedule from the Notice to Proceed to the City Council Public Hearing.

IV. Selection Process:

Written proposals with qualification statements will be evaluated by the City of Orland and may include an interview. Staff will make a recommendation on a Consultant to the Orland City Council for approval and authorization to negotiate and execute an Agreement to provide the requested services. The City reserves the right to reject any and all proposals and to negotiate final contract terms with any selected consultant.

Proposal Terms and Conditions

Examination of proposal materials

The submission of a proposal shall be deemed a representation and warranty by the proponent that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. No request for modification of the provisions of the proposal shall be considered after its submission on the grounds the proponent was not fully informed as to any fact or condition.

Addenda interpretations

If it becomes necessary to revise any part of this RFP, a written addendum will be provided to each firm that requested to be added to the notification list and said addenda will be uploaded to the City website. The City of Orland is not bound by any oral representations, clarifications, or changes made in the RFP by the City or its agents, unless such clarifications or change is provided in written addendum from the City of Orland.

Designated contact

For the purposes of this RFP, the City's designated Project Manager is Scott Friend, City Planner. Any questions concerning the scope of work and the selection process shall be directed to Mr. Friend, at cityplanner@cityoforland.com. Any and all questions and responses concerning this RFP will only be accepted in writing, via email. All questions must be received by October 31st, 2022 by 5:00PM.

Responses to questions will be posted on the City's website, <https://www.cityoforland.com>, and will become part of the RFP. It is the consultant's responsibility to check the website for updates.

Public records

This RFP document and all submittals in response thereto are public records. Prospective consultants are cautioned not to include any material into the proposal that is strictly proprietary in nature.

Proposal costs

All costs associated with the preparation of RFP submittals shall be borne by the respondent. This RFP does not constitute any form of offer to contract.

Reservation of rights

The City reserves the right, for any reason, to accept or reject any one or more proposals; to negotiate the terms and specifications of the proposal; to modify any part of the RFP; or issue a new RFP.

Product ownership

Any documents, building plans and architectural drawings resulting from the contract will be the property of the City and made available to the public free of charge for the construction of ADUs.

Causes for disqualification

Any of the following may be considered cause to disqualify a proponent without further consideration:

- Evidence of collusion among proponents;
- Any attempt to improperly influence any member of the evaluation panel;
- A proponent's default in any operation of a professional services agreement which resulted in termination of that agreement; and/or
- Existence of any lawsuit, unresolved contractual claim, or dispute between proponent and the City.

BUSINESS LICENSE – The professional services provider, and any subcontractor(s), shall obtain a valid, current City of Orland Business License on or before their commencement of work.

PROFESSIONAL LICENSING – The professional services provider, and any subcontractor(s), shall possess any necessary professional certification(s) and/or license(s) relative to the work to be performed required by an appropriate licensing authority of the State of California and must provide evidence of such to the City with their proposal or prior to commencement of the work in such form as the City shall require.

INDEMNIFICATION – The provider to whom a contract is awarded will be required to indemnify and hold the City harmless from any and all liabilities arising from the provider's performance of the work. Indemnification provisions to this effect will be incorporated in the Professional Services Agreement which will be executed between the provider selected for the project and the City.

INSURANCE - The provider to whom a contract is awarded will be required to furnish to the City evidence of insurance coverage(s) including, but not limited to, general liability, professional liability, and workers compensation insurance, as appropriate.

PAYMENT RETENTION - The City will allow progressive billing based on tasks completed each month but will retain and hold 10% of the Total cost until the service is received and accepted/approved by the Planning Department.

DISCLOSURE – CONFLICTS OF INTEREST – The professional services provider selected may be required to disclose potential conflicts of interest pursuant to the provisions of the City's Conflict of Interest Code. A determination regarding disclosure will be made by the City Manager following selection.



November 14, 2022

City of Orland
Planning Department
Attention: Mr. Scott Friend
815 Fourth Street
Orland, CA 95963

Re: City of Orland RPF for Pre-Approved Building Plans- ADUs

Attn: Mr. Friend,

I am pleased to provide the City of Orland with my firm's response to the above-named RFP. I believe my firm's experience with providing ADU plans for jurisdictions and drive to create housing solutions will provide the City with the flexibility in designs that is needed to make this program a success.

In the proposed documents, you will find our proposed team of professionals has a blended experience of structural engineering on residential homes, architectural designs, and hands on experience with building residential homes. These experiences allow us to create economic designs that flow smoothly and make the best use of the space provided.

If there are any questions, please feel free to contact me at the number below.

Thank You,

Frank Sands

Frank Sands, P.E.
Principle: Jackson and Sands Engineering, Inc.
frank@jacksonandsandsengineering.com
(530) 715 7184



Description of Firm

Jackson & Sands Engineering, Inc. (JAS) is a small engineering firm located in Chico, CA and Grass Valley, CA. Our area of focus has been in residential design and engineering. Highlighted in our resumes, our firm consists of individuals with years of experience in structural design of residential homes, home designs and layouts, and hands on experience with constructing homes. Combined, these experiences allow us to create practical designs that are efficient uses of the floor space and cost considerate. Our designs also focus on the tradeoffs of various home components that affect the overall energy efficiency of the home.

JAS was formed in 2018 and incorporated in 2019. We have 7 employees in our Chico office and 2 in our Grass Valley Office, for a total of 9 employees.

JAS has successfully completed ADU designs for jurisdictions such as Placer County, City of Winters, Citrus Heights, City of Tehama, and City of Chico. JAS is currently working on designs for Nevada County.

Beyond ADU designs for local Jurisdictions, JAS has completed numerous ADU designs and small home designs for individuals by tailoring plans to meet site specific needs and desires.

In order to successfully manage this project, JAS will provide one point of contact for the City to communicate with. This point of contact will be Sean Jackson. Mr. Jackson will keep the City informed of progress on the plans as well as coordinate efforts for plan reviews and submittals with the City. Mr. Jackson will maintain a schedule of activities for these designs to ensure JAS does not fall behind schedule. At JAS we complete weekly meetings to outline the work for the week and check in throughout the week to ensure progress is made. We will continue this method to also ensure the proper resources are given to this project.

JAS will utilize Crystal Ramey and Eric Lembke for in house drafting, plan development, and completing energy calculations. JAS will utilize Alondra Rubio-Cruz, Chris Rasmussen, and Jeffrey Ford to complete the structural analysis of the units. Frank Sands will be the engineer in charge and oversee the plan development process.

JAS does not intend to utilize sub-consultants on this project. All work will be completed in house and organized through Mr. Jackson.



Scope of Work

JAS will provide 3 distinct floor plans with 1 architectural style each. JAS will provide 1 exterior rendering for each floor plan. Renderings, floor plans, and exterior elevations will be combined on 1 sheet to be used by the City for marketing purposes.

The final plans will include:

- Floor Plans
 - Room Dimensions with use of each room
 - Window Sizes and Types (note if tempered)
 - Door Sizes and locations
- Foundation Plan
 - Footing Size/dimensions
 - Footing Reinforcement
 - Anchor Bolt and Hold-down Placement
 - Slab Details
 - Soil Restraints
- Structural Plans
 - Roof Framing with details
 - Building Sections
 - Shear Wall requirements
 - Roof Diaphragm Requirements
 - Structural Details and Notes
 - Framing Sections
 - Special Inspection Requirements
- Building Elevations
 - Roof Slope
 - Roof Covering Material
 - Wall Covering Material
 - Building Height
- Electrical, Mechanical, and Plumbing Plan
 - Outlet, Switches, Lights, Smoke/CO Detector locations
 - Water Heater Location, Size, Model
 - Mini Split head and thermostat locations
 - IAQ Fan requirements
- Supporting Documentation
 - Structural Calculations
 - General Notes
 - Green Building Code Requirements
 - Energy Calculations

Final plans will state the following (or similar):

YOU ASSUME ALL RESPONSIBILITY AND RISK FOR YOUR USE OF THE PLANS. THE PLANS ARE PROVIDED "AS IS" WITHOUT REPRESENTATIONS OR WARRANTIES OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING WARRANTIES OF TITLE, NONINFRINGEMENT, OR IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. WITHOUT LIMITATION OF THE FOREGOING, YOU AGREE THAT IT IS YOUR RESPONSIBILITY TO ENSURE, PRIOR TO USE OF ANY PLANS, THAT SUCH PLANS ARE ACCURATE, SUITABLE FOR YOUR PURPOSES AND COMPLIANT



WITH ALL APPLICABLE LAWS. BY USING THESE PLANS YOU AGREE TO DEFEND (WITH COUNSEL OF CITY'S CHOOSING), IDENTIFY AND HOLD CITY, EMPLOYEES, VOLUNTEERS, AGENTS, AND THE DESIGN PROFESSIONAL WHO PREPARED THESE CONSTRUCTION DOCUMENTS, FREE AND HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, COSTS, EXPENSES, LIABILITY, LOSS, DAMAGE OR INJURY OF ANY KIND, IN LAW OR EQUITY, TO PROPERTY OR PERSONS, INCLUDING WRONGFUL DEATH, IN ANY MANNER ARISING OUT OF, PERTAINING TO, RELATED TO, OR INCIDENT TO ACCEPTANCE OF OR USE OF THE CONSTRUCTION DOCUMENTS.

PLANS VALID ONLY WITHIN THE CITY OF ORLAND.

Additionally, our proposal assumes the following design parameters:

- Climate Zone 11;
- 0 PSF Ground Snow Load;
- 95 MPH Basic Wind Speed;
- 0.67 Sds;
- Slab on grade floors;
- 1500 max soil bearing pressure, units will not be placed on substandard soils;
- Foundations will not be built on or adjacent to steep slopes (greater than 3H:1V)
- Cut roof;
- Minimum distances will be met to negate fire separation requirements;
- No HVAC or Plumbing plans will be completed;
- No garages, carports, or large covered porches;
- Solar Designs, Fire Sprinkler Designs, and Site Plans will be deferred submittals, completed by others;
- Units will be all electric with tanked hot water heaters placed outside, HVAC systems will be heat pump mini splits; and
- All submittals will be done electronically, via email or Dropbox;

Engineering for the plans will be completed utilizing the requirements set forth within the California Building Code and California Residential Code. Developmental standards will be in line with applicable State and City requirements. Codes for this project will be the 2022 version, updates to future code cycles are not included within this scope.

Energy calculations will be performed to ensure energy compliance can be achieved; however, each unit will require the homeowner to complete energy calculations for their specific address. The certification of each unit is not included in this scope, but can be completed on an individually contracted basis.



The nature of the scope of this work does not allow for site specific soil reporting, therefore the foundations will be assumed on Class D soils. Any building sites determined by the City to not meet these minimum requirements shall require revised engineering by JAS, revisions are not included in this scope.

Construction observation, construction cost estimating, and responding to construction RFIs are not within the scope of this proposal.

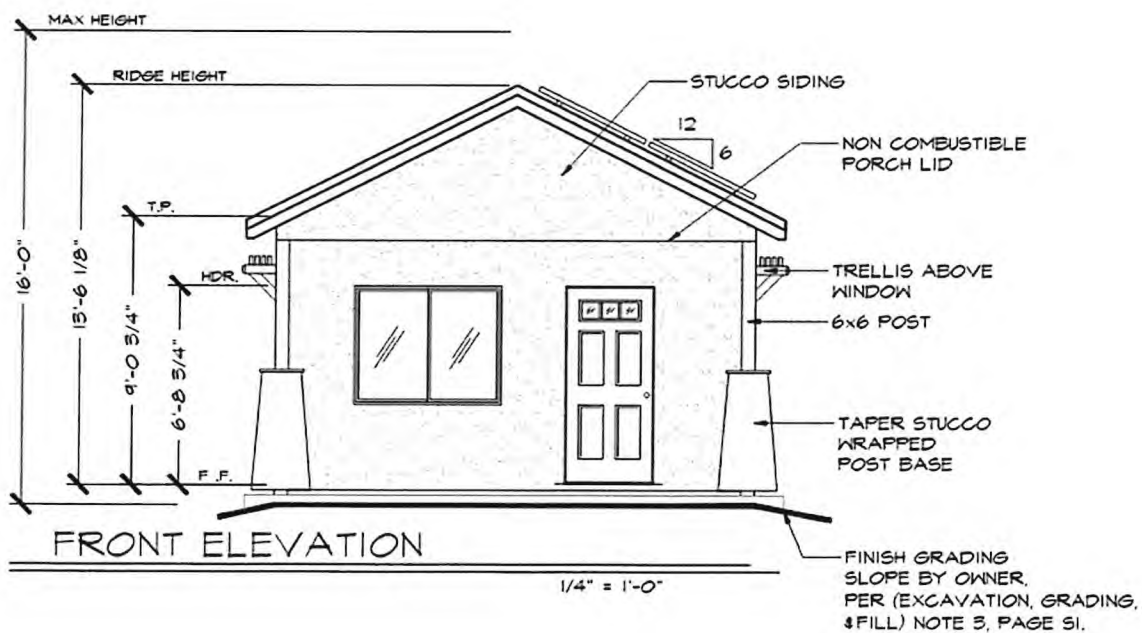
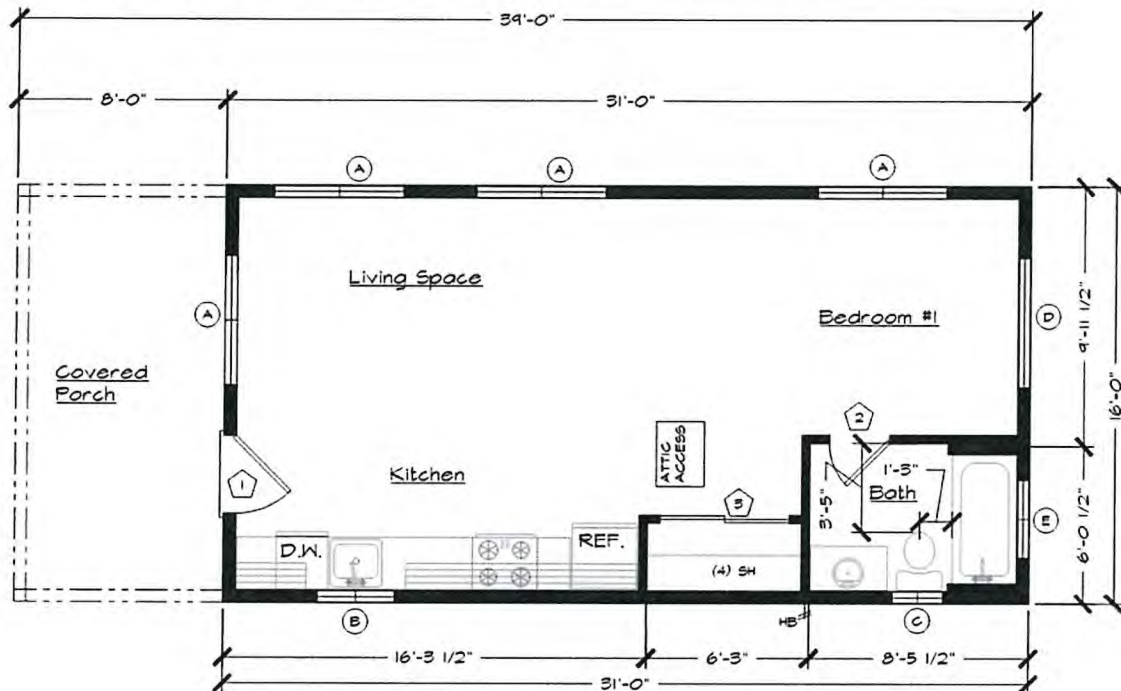
JAS proposes utilizing stock plans with minimal changes. This will streamline the process and reduce the demand on the City Staff in completing design reviews. This is also being proposed in order to keep plan costs within the City's budget. Additional fees will be incurred should the City require additional design changes.

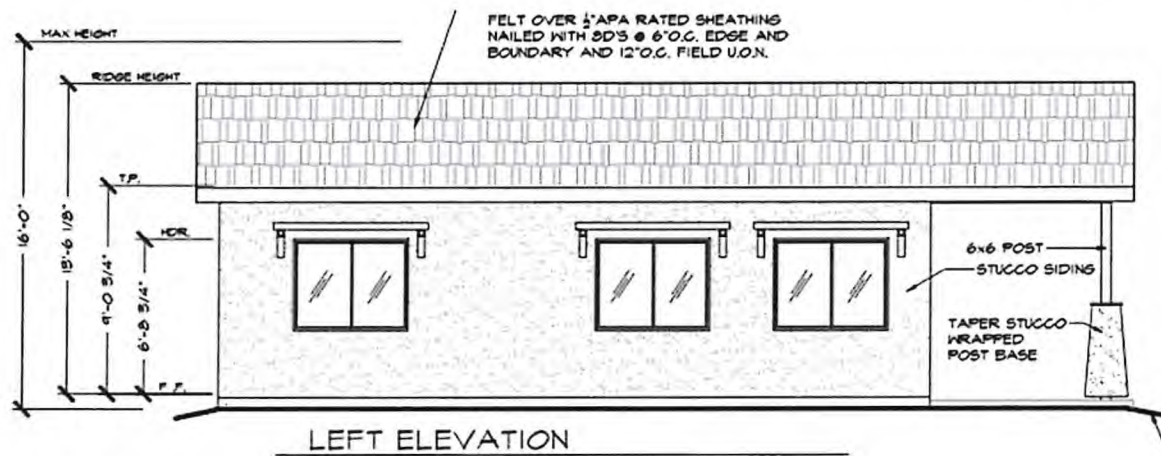
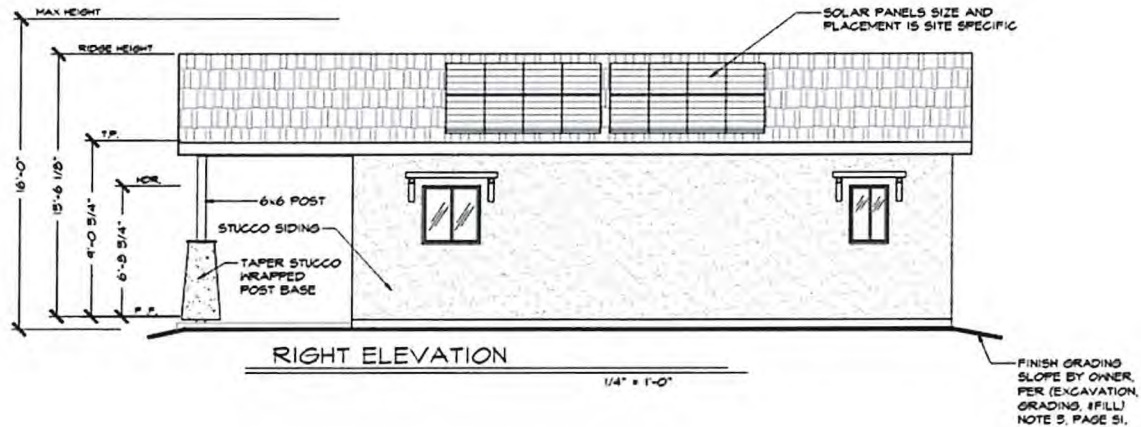
Additionally, by utilizing stock plans, JAS can produce final plans much sooner than compared to custom plans. JAS anticipates having final plans ready for City building review within 8 weeks of receiving the Notice to Proceed. The duration for plan review by the City is unknown at this time. JAS will work diligently to address plan check comments and anticipates clearing of comments within 2-4 weeks of receiving those comments.

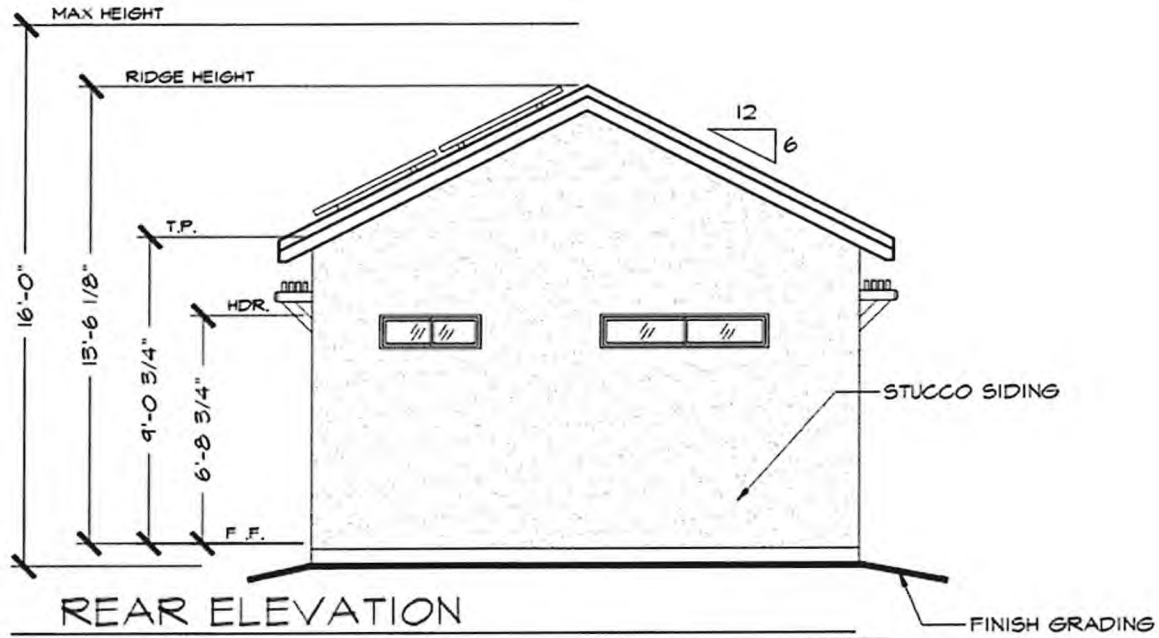
JAS will provide 3 distinct plans with a mirrored version of each plan. Each plan will have 1 architectural style with options in siding and roofing material as well as optional window treatments. JAS proposes utilizing the following floor plans and elevations:

Studio Unit not to exceed 450 SF.

Below is a 496 SF studio unit. This unit will be trimmed down to 16'x28' to total 448 SF.

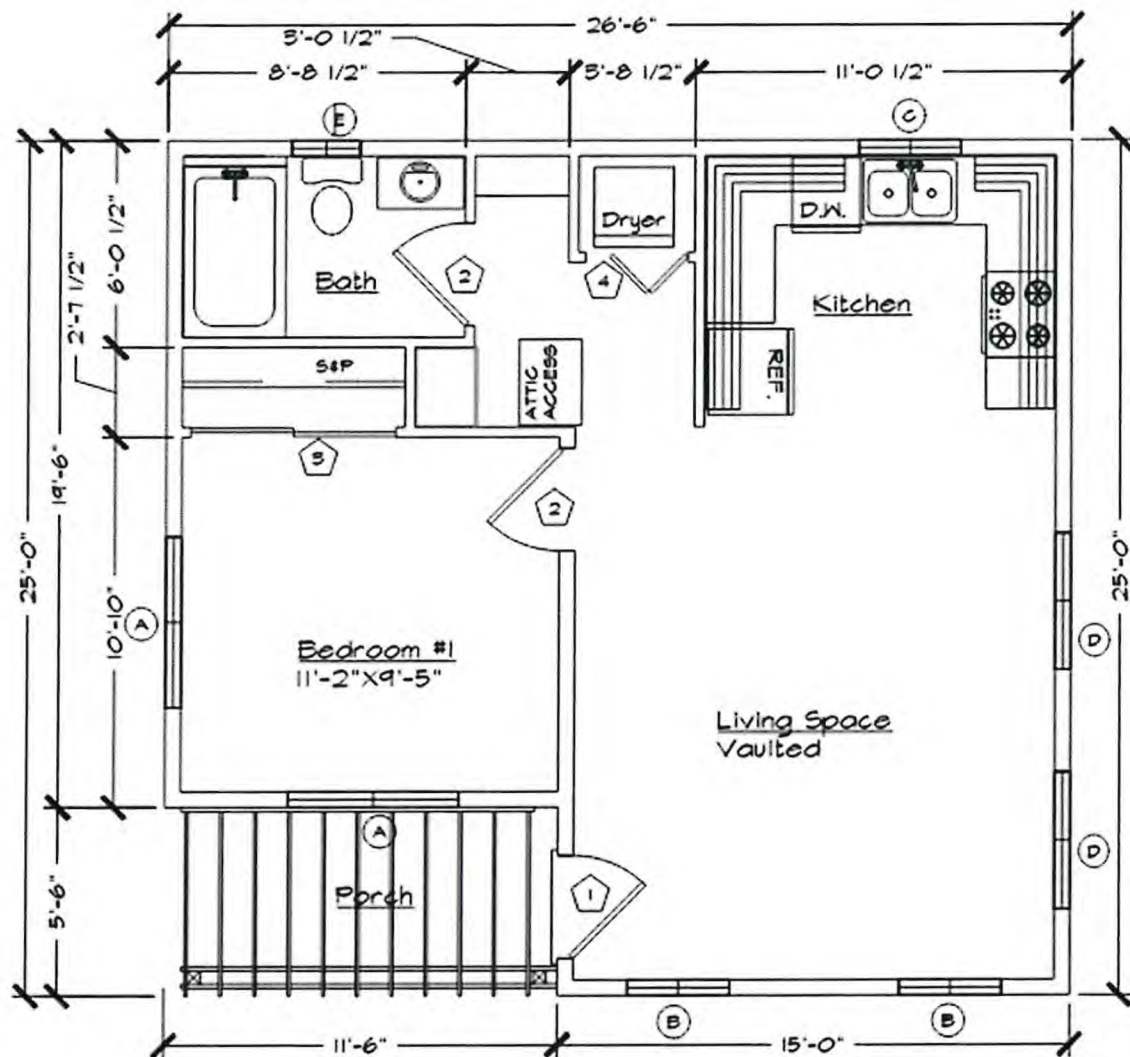


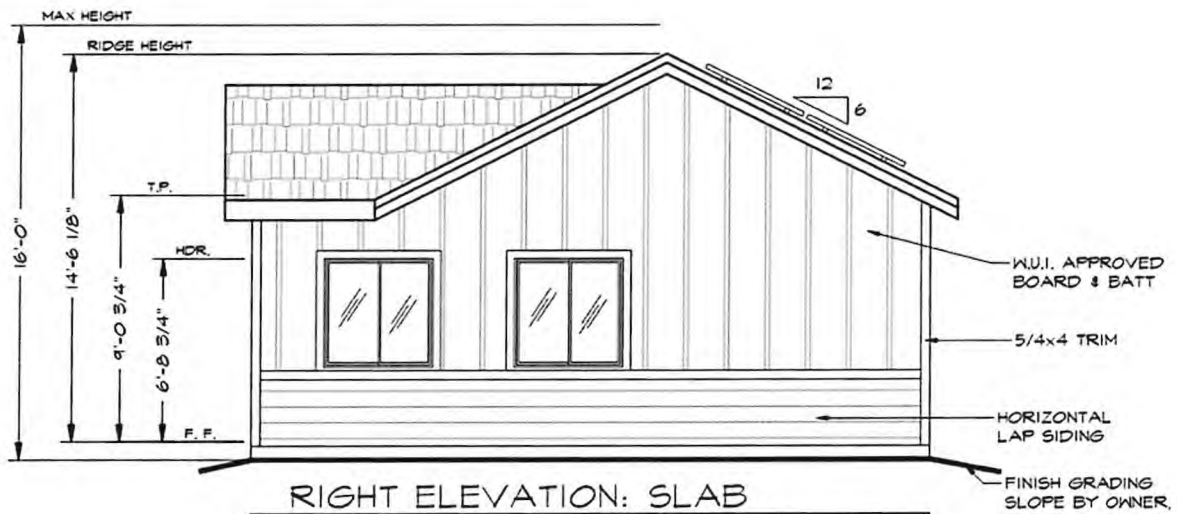
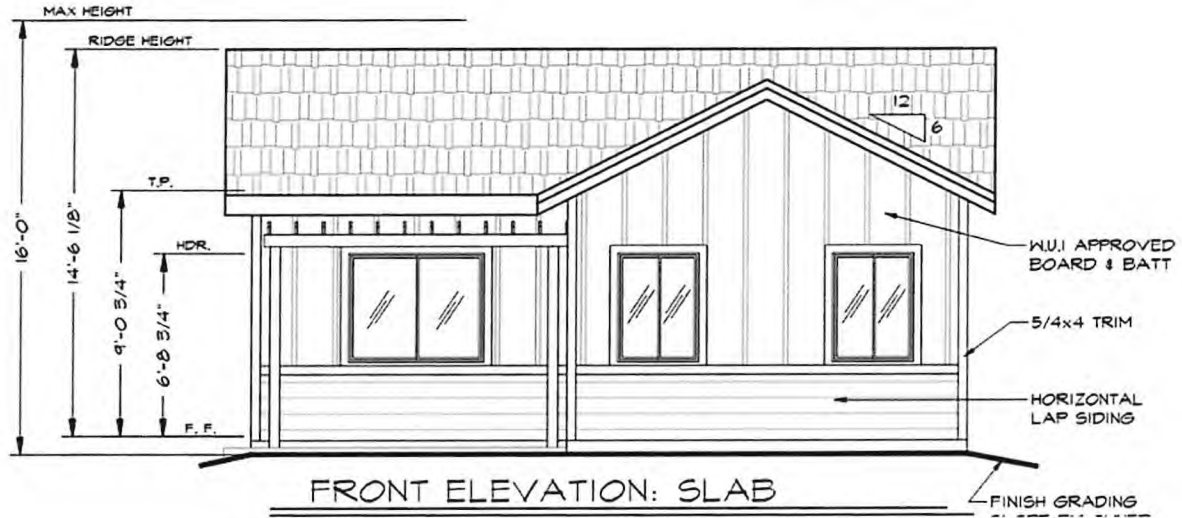


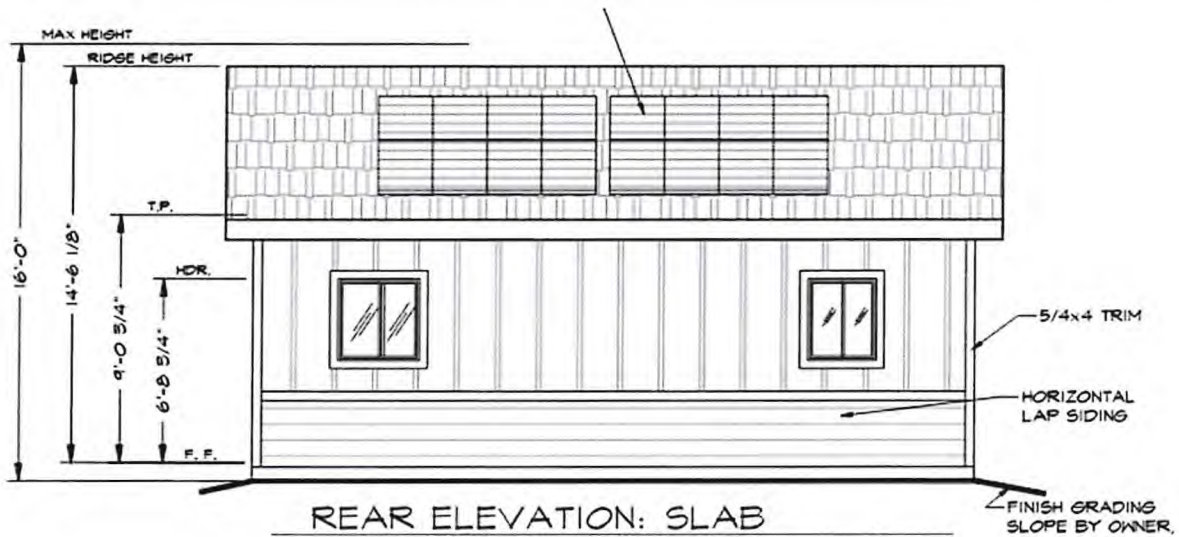
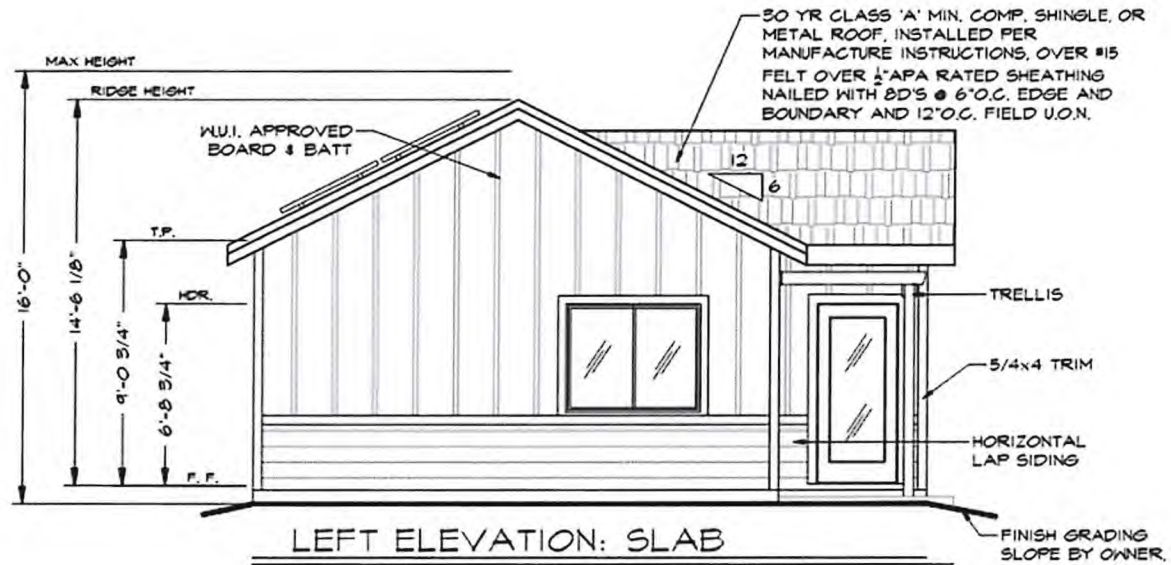


1-Bedroom Unit not to exceed 600 SF.

Below is a 598 SF studio unit. JAS is proposing utilizing this unit this no changes to the layout.

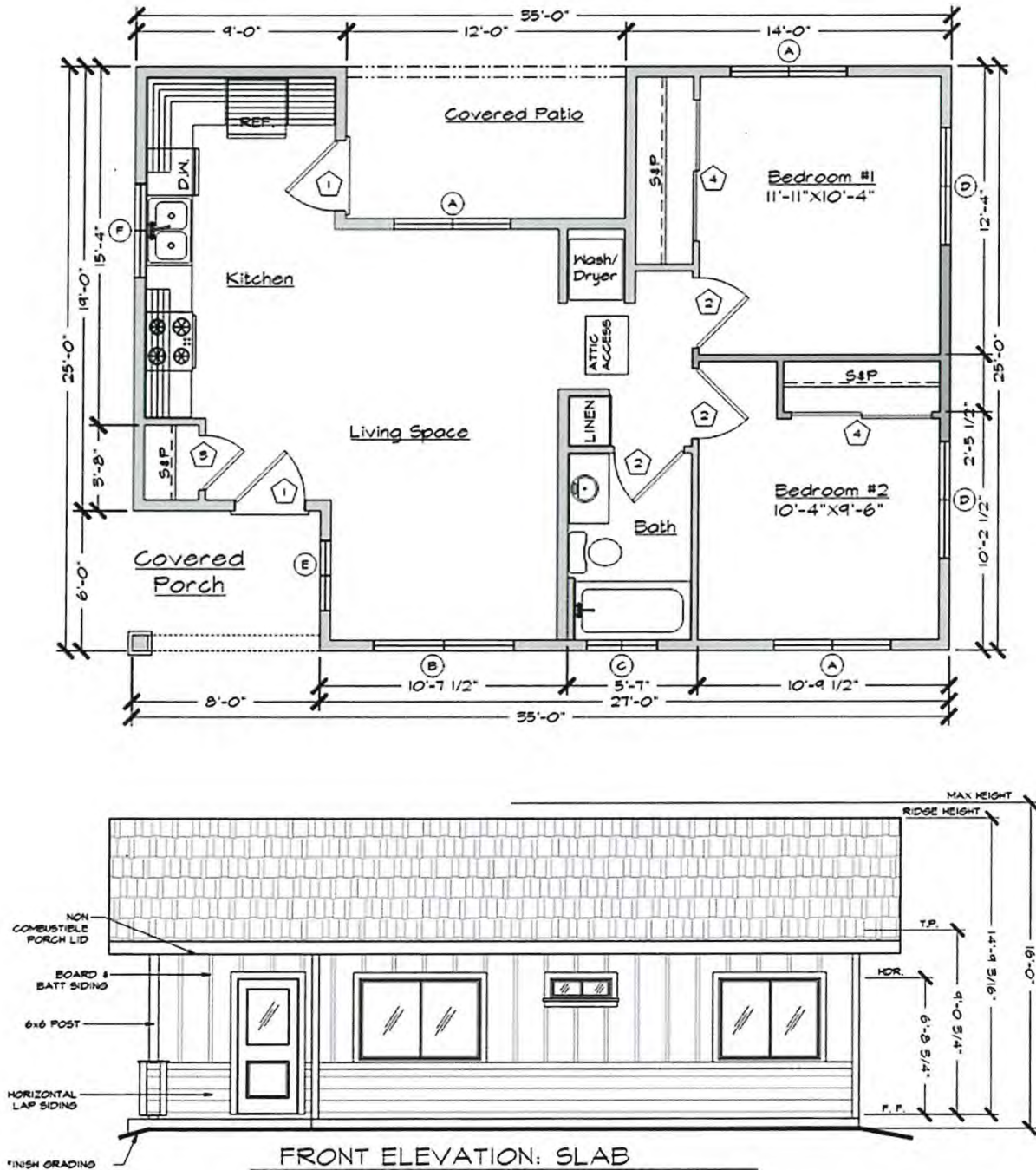


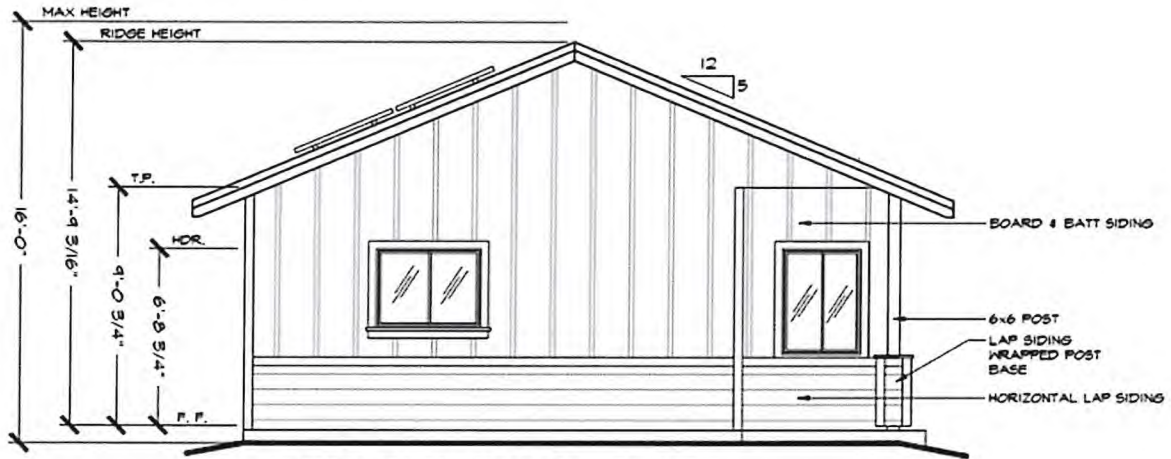




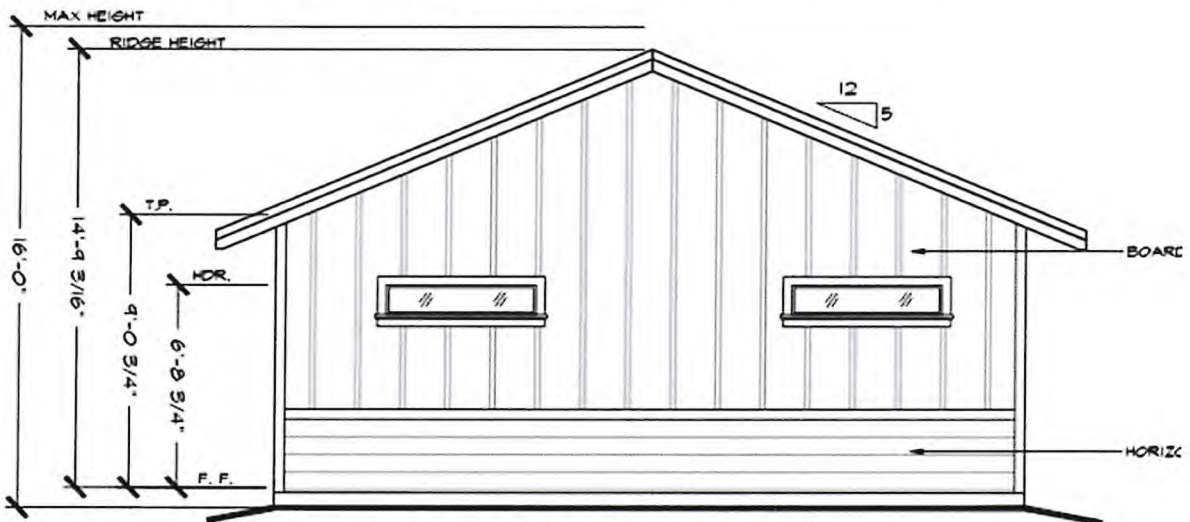
2-Bedroom Unit not to exceed 749 SF.

Below is a 749 SF studio unit. JAS is proposing utilizing this unit with no changes to the layout.

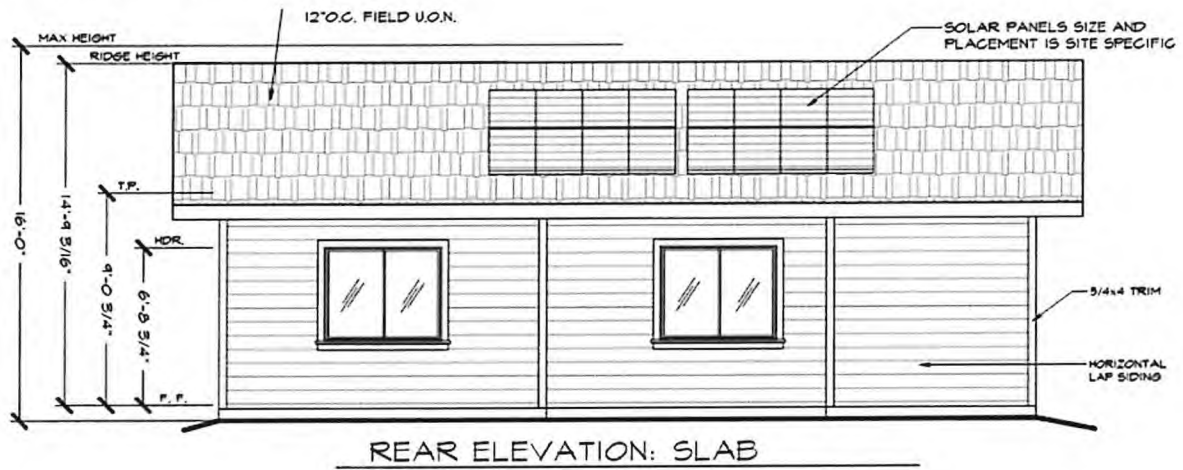




LEFT ELEVATION: SLAB



RIGHT ELEVATION: SLAB





References

Project Name: **Preapproved ADU Plans**

Public Agency: **City of Chico**

Reference: Bruce Ambo, Principal Planner, (530) 879-6801, bruce.ambo@chicoca.gov

JAS has recently completed a similar project with the City of Chico. We developed 3 basic floor plans for ADUs with various exterior elevations. The plans consisted of base conditioned square feet (sqft) of 496, 599, and 749. These plans are now available for use for residents of Chico to construct ADUs and can be viewed on the City of Chico's website at: https://chico.ca.us/sites/main/files/file-attachments/pre-approved_adu_design_catalog.pdf?1595619245

The project with the City of Chico was contracted in March 2020 and final plans were delivered in July 2020. This project was successful because of the open communication between JAS and the City of Chico as well as open internal communication within JAS. JAS was able to produce floor plans and elevations that matched the architectural styles found within Chico with limited changes requested by the City.

Project Name: **Preapproved ADU Plans**

Public Agency: **Placer County**

Reference: Meghan Schwartz, CDRA Technician, (530) 745-3075, Mschwartz@placer.ca.gov

JAS developed plans for Placer County. This project was contracted in November 2020 and was completed in April 2021. The plans for this project are based on the plans utilized for the City of Chico, with updates made in regards to local engineering and energy requirements. These plans and further information can be found at <https://www.placer.ca.gov/6650/Free-Plans>

Project Name: **Preapproved ADU Plans**

Public Agency: **Citrus Heights**

Reference: Alison Bermudez, Associate Planner, (916) 727-4741, abermudez@citrusheights.net

JAS developed plans for Citrus Heights. This project was contracted in February 2021 and was completed in May 2021. The plans for this project are based on the plans utilized for the City of Chico and Placer County, with updates made in regards to local engineering and energy requirements. These plans and further information can be found at <https://www.citrusheights.net/1108/Permit-Ready-ADU-Program>



Summary of Proposal

JAS will provide 3 floor plans with 1 architectural style each. Plans will be based on stock plans with limited changes to the studio unit. Plans will allow customization through siding type, roofing material type, and the addition of window treatments.

JAS will provide plans ready for plan check within 8 weeks of being issued a Notice to Proceed. The duration for plan review by the City is unknown at this time. JAS will work diligently to address plan check comments and anticipates clearing of comments within 2-4 weeks of receiving those comments.

JAS proposed cost for these services is \$30,000, or \$10,000 per plan.

Deviation to Proposal Terms and Conditions

JAS requests ownership of documents to remain with JAS as many pieces of the plans are instruments of service and JAS will utilize the plans outside of the City of Orland. The City will be granted a license to distribute the plans freely for purposes of constructing ADUs from the plans within the City of Orland.



December 22, 2022

City of Orland
Planning Department
Attention: Mr. Scott Friend
815 Fourth Street
Orland, CA 95963

Re: Amended ADU Proposal

Attn: Mr. Friend,

On December 21, 2022 we received an emailed request to modify our previous proposal to accommodate the following changes:

- Façade Styles (addition of two exterior, non-roofline altering options for a total of three architectural “styles”); and
- Addition of interior a “preferred” interior unit plumbing plan in the plan set.

In a subsequent email on the same day, it was further requested we “make a definitive statement that the totality of the project will not exceed the City’s grant-funding limit of \$30,000, as stated in the RFP”.

Jackson & Sands Engineering, Inc. (JAS) amends our previous proposal to indicate a total of three elevations will be provided for each plan. These elevations will not change the structure of the ADU, but will show different styles of siding and window treatments as we discussed over the phone a couple weeks ago. This amendment does not result in a change to the proposed fee of \$30,000.

A plumbing plan is not a required plan for residential plan sets with the City of Orland. We understand the City’s position that having a plumbing plan will help DIY builders successfully construct these ADU units. JAS can create an interior plumbing plan for each of the units as an additional service. The plumbing plan will show freshwater lines, waste water lines, and plumbing vents within the unit. The plan will also include general notes to indicate code requirements for piping materials, pipe diameters, slopes, bends, traps, etc. This amendment will result in a fee increase of \$6,000, with a total proposed fee of \$36,000. This will result in a total fee paid to JAS in excess of \$30,000. Per Subsection B.5 of the RFP, JAS has identified the plumbing plan as a task the City can complete and provide as a supplemental sheet when issuing plans. This supplemental sheet would not be reviewed by JAS. The total fee paid to JAS will remain at \$30,000 if the City were to complete the plumbing plan as requested.

Unfortunately, JAS cannot give a definitive statement in regards to the total costs to the City for this



project as we do not have control of the total project. JAS has proposed a total fee paid to JAS of \$30,000 for the scope of services identified in our previous proposal. If the City chooses to complete the plumbing plan internally, as suggested in this letter, the total fee paid to JAS will remain at \$30,000. I believe our proposed fee meets the RFP intention in allowing up to \$30,000 to be contracted. Additional costs associated with this project that are outside the RFP requirements and JAS' scope and control. These may include costs to issue the RFP, issue a contract, conduct plan reviews, market the final plans, issue permits, fire sprinkler plans development (if required on an individual basis), solar design development, permitting and impact fees, and construction costs. Additionally, each ADU will require energy calculations certified for each address. This cost is assumed to be passed onto the plan taker, however would be consider part of the project cost. These items add to the totality of the project's total cost.

If there are any questions, please feel free to contact me at the number below.

Thank You,

A handwritten signature in black ink, appearing to read "Sean Jackson", is written over the printed name and title.

Sean Jackson, P.E.
Principle: Jackson and Sands Engineering, Inc.
sean@jacksonandsandsengineering.com
(530) 648 4232

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ORLAND**

CITY COUNCIL ORDINANCE 2022-06

AN ORDINANCE OF THE CITY COUNCIL OF ORLAND, CALIFORNIA, REPEALING THE 2019 CALIFORNIA BUILDING CODE IN ITS ENTIRETY PREVIOUSLY ADOPTED BY ORDINANCE NO. 2020-01 ALONG WITH ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND ADOPTING BY REFERENCE INCLUDING APPENDICIES THE 2022 CALIFORNIA BUILDING STANDARDS CODES; 2022 CALIFORNIA ADMINISTRATIVE CODE TITLE 24 PART 1; 2022 CALIFORNIA BUILDING CODE TITLE 24 PART 2 VOLUMES 1 AND 2; 2022 CALIFORNIA RESIDENTIAL CODE TITLE 24 PART 2.5; 2022 CALIFORNIA ELECTRICAL CODE TITLE 24 PART 3; 2022 CALIFORNIA MECHANICAL CODE TITLE 24 PART 4; 2022 CALIFORNIA PLUMBING CODE TITLE 24 PART 5; 2022 CALIFORNIA ENERGY CODE TITLE 24 PART 6; 2022 CALIFORNIA HISTORICAL BUILDING CODE TITLE 24 PART 8; 2022 CALIFORNIA FIRE CODE TITLE 24 PART 9; 2019 CALIFORNIA EXISTING BUILDINGS CODE TITLE 24 PART 10; 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE TITLE 24 PART 11; 1997 UNIFORM HOUSING CODE; 1997 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS; AND PROVIDING AN OPERATIVE DATE OF JANUARY 1, 2023.

WHEREAS, the California Building Standards Code is published every three years by the California Building Standards Commission; and,

WHEREAS, the California Building Standards Commission has published the 2022 California Building Standards Code by amending Title 24 of the California Code of Regulations, effective January 1, 2023;

WHEREAS, pursuant to Government Code Section 500221 et seq., the City of Orland ("City") may adopt by reference the California Building Standards Code, 2022 Edition, as provided in Title 24 of the California Code of Regulations and other codes, including, without limitation, 1997 Uniform Housing Code, and the 1997 Uniform Code for the Abatement of Dangerous Buildings (collectively, the "Uniform Codes");

WHEREAS, the California Building Standards Code may be adopted by cities by incorporation by reference;

WHEREAS, the City Council determined the proposed amendments to Title 15, Buildings and Construction are exempt from the California Environmental Quality Act (CEQA) per Section 15061 General Exemption Rule of the CEQA Guidelines.

WHEREAS, the City duly published a notice of the public hearing on December 7, 2022; and

WHEREAS, the 2022 California Building Standards Code will automatically become effective without amendment in the City of Orland 180 days after January 1, 2023, unless the City affirmatively amends the Codes otherwise.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ORLAND:

Section 1 Purpose.

The purpose of this Ordinance is to repeal and replace the following Chapters of the Orland Municipal Code and replace those Chapters as set forth herein: 15.02--Administrative Code; 15.04--Building Code; 15.06--Residential Code; 15.08--Mechanical Code; 15.10--Abatement of Dangerous Buildings Code; 15.12--Housing Code; 15.14--Green Building Code; 15.16--Electrical Code; 15.18 Energy Code; 15.20--Plumbing Code; 15.22 Historical Code; 15.24--Swimming Pool Code; 15.26 Existing Code and 15.32-- Fire Code, in order to adopt by reference and enact the 2022 California Building Standards Codes by adopting the Chapters as set forth herein.

This Ordinance also enacts procedures for the administration and enforcement of the provisions of the City of Orland Building Codes and adopts and enforces rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

The 2022 California Building Standards Codes parts and appendices are hereby declared to be the building code for the City of Orland and shall apply to and govern all building construction in the incorporated area of the City of Orland as hereinafter provided subject to the definitions, clarifications, deletions, and amendments set forth herein.

Section 2. California Building Code.

That a certain document, one (1) copy of which is on file in the Building Division Office of the City of Orland, being marked and designated as the California Building Code, 2022 edition, as published by the International Code Council, be and is hereby adopted as the Building Codes of the City of Orland, in the State of California for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provision, penalties, conditions, and terms of said Building Codes on file in the office of the City of Orland are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance.

Section 3, Repeal of 2019 Code Previously Adopted by Ordinance No. 2020-01.

The 2019 Building Code, adopted by Ordinance No. 2020-01 is hereby repealed and replaced by the 2022 California Building Standards Code, and other building code provisions, all as set forth herein, and, further, to enact procedures for the administration and enforcement of the provisions of the City of Orland Building Codes and adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code as follows:

Title 15 BUILDINGS AND CONSTRUCTION

Chapters:

15.02	Administrative Code
15.04	Building Code
15.06	Residential Code
15.08	Mechanical Code
15.10	Abatement of Dangerous Buildings Code

15.12	Housing Code
15.14	Green Building Standards Code
15.16	Electrical Code
15.18	Energy Code
15.20	Plumbing Code
15.22	Historical Building Code
15.24	Swimming Pool Code
15.26	Existing Building Code
15.32	Fire Code

Chapter 15.02

ADMINISTRATIVE CODE

Sections:

15.02.010	Title.
15.02.020	Definitions.
15.02.030	Authority having jurisdiction.
15.02.040	Purpose.
15.02.050	Adoption by reference.
15.02.060	Right of entry.
15.02.070	Additions, amendments, or deletions to Uniform Administrative Code.
15.02.080	Violation--Nuisance.
15.02.090	Enforcement.
15.02.100	Penalties.
15.02.110	Enforcement procedures.
15.02.120	Conflicts.

15.02.010 Title.

This chapter shall be known and cited as the "City of Orland Administrative Code."

15-02.020 Definitions.

For purposes of this chapter, the following terms shall have the meaning set forth in this section:

"Building codes" means the City of Orland building codes and each and every ordinance codified therein as adopted by the city council of the city of Orland by ordinance, including, but not limited to, the 2022 California Building Standards Code published by the International Code Council and contained in Title 24 of the California Code of Regulations; 2022 California Building Code published by the International Code Council and contained in Title 24, Part 2, Volumes 1 and 2 of the California Code of Regulations; 2022 California Residential Code published by the International Code Council and contained in Title 24, Part 2.5 of the California Code of Regulations; 2022 California Electrical Code published by the NEC National Electric Code and contained in Title 24, Part 3 of the California Code of Regulations; 2022 California Mechanical Code published by the International Association of Plumbing and Mechanical Officials and contained in Title 24, Part 4 of the California Code of Regulations; 2022 California Plumbing Code published by the International Association of Plumbing and Mechanical Officials and contained in Title 24, Part 5 of the California Code of Regulations; 2022 California Energy Code published by International Code Council and contained in Title 24, Part 6 of the California Code of Regulations; 2022 California Historical Building Code published by International Code Council and contained in Title 24, Part 8 of the California Code of Regulations; 2022 California Fire Code published by International Code Council and contained in Title 24, Part 9 of the California Code of Regulations; 2022 California Existing Buildings Code published by International Code Council and contained in Title 24, Part 10 of the California Code of Regulations; 2022 California Green Building Standards Code published by International Code Council and contained in Title 24, Part 11 of the California Code of Regulations; 1997 Uniform Housing Code published by the International Conference of Building Officials; and 1997 Uniform Code for Abatement of Dangerous Buildings published by the International Conference of Building Officials.

"Building official" means the City Manager/ building-division-manager of the City of Orland or his/her designated representative.

"Limited agricultural building" means a building meeting the definition of "agricultural building" in Part 2, California Building Code, Volume 1, Section 202 and also found on the list set forth in Part 2, California Building Code, Volume 2, Appendix C, Section C101.1

15.02.030 Authority having jurisdiction.

The City Manager or his/her designee building-official designee is designated to be the authority having jurisdiction of the City of Orland building codes. The building official shall administer, enforce, and render interpretations of all the provisions of this code and the referenced technical codes.

15.02.040 Purpose.

The purpose of this code is to provide procedures for administration and enforcement of the provisions of the city of Orland building codes and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

15.02.050 Adoption by reference.

The Orland Municipal Code, the 2022 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations, 1997 Uniform Housing Code, 1997 Uniform Code for Abatement of Dangerous Buildings as listed above in Section 15.02.020 by reference without further publication, published by the International Code Council, the International Association of Plumbing and Mechanical Officials, the NEC National Electric Code, and the International Conference of Building Officials, is hereby adopted and made part of this title as though fully set forth herein to provide the procedures for administration and enforcement of the provisions of the city of Orland building codes. One copy of the codes shall be kept on file in the building department and shall be available for use and examination by the public.

15.02.060 Right of entry.

The code enforcement officer, the fire chief, the City Manager/building official and/or their designees shall be authorized to enter upon private property or public property as provided for in Section 14.01.020 of the city of Orland Municipal Code to enforce the provisions of this title, or for the purpose of making any inspection, re-inspection, or test of any work performed pursuant to this title.

15.02.080 Violation--Nuisance.

Any violation of any code and/or uniform code as adopted and amended by ordinance shall be, and the same is declared to be, unlawful and a public nuisance.

15.02.090 Enforcement.

Unless otherwise set forth in this title, the City Manager/building-official or his/her designated representative shall enforce the provisions of this title pursuant to the provisions of Chapters 1.08 to 1.10, inclusive of, the city of Orland Municipal Code.

15.02.100 Penalties.

The following penalties shall apply to any violation of a provision of this title, unless a different penalty is otherwise established by the city council and specifically set forth by ordinance:

A. Violation of any provision of this title shall be an administrative violation per the city of Orland Municipal Code. In addition to enforcement by any procedure set forth inclusive, any violation of this title shall be punishable as a misdemeanor, which shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

B. Each of the sanctions for administrative violations identified per the city of Orland Municipal Code shall be available for enforcement of the provisions of this chapter.

C. In addition to the criminal penalty set and, based upon the standards for the imposition of administrative sanctions set forth in the city of Orland Municipal Code, a violation of any provision of this title shall be deemed a violation, as that term is described in the city of Orland Municipal Code.

15.02.110 Enforcement procedures.

A. Prior to the suspension, revocation, or denial of any license or permit, or the assessment of any fee, penalty, or charge, or the commencement of any other enforcement action pursuant to this title, the City Manager/ building official and/or his/her designated representative shall follow the procedures as set forth in the city of Orland Municipal Code. The rights to judicial review set forth in the city of Orland Municipal Code shall apply.

B. A notice to correct or stop order shall be served in accordance with the provisions of the city of Orland Municipal Code.

- 1 Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns the failure to apply for and/or obtain a valid permit, the time allowed for application for a permit shall be no less than seven calendar days and no more than thirty (30) calendar days. A stop order shall accompany the notice to correct and shall remain in effect pending the review of and decision on any permit application.
- 2 Unless otherwise set forth in this title, if the violation that is the subject of the notice to correct concerns (a) the failure to comply with conditions placed on a permit or other entitlement issued by the city or (b) a violation of any provision of this title, the time allowed to correct the violation shall be a minimum of twenty-four (24) hours and a maximum of ninety (90) calendar days, depending upon the type of action that will be necessary to correct the violation. If the violation creates a potential risk of harm to persons or property, a stop order may accompany the notice to correct, and shall remain in effect until the violation has been remedied to the satisfaction of the building official or his/her designated representative.

3. If the City manager/building official or his/her designated representative determines that there has been a good faith effort to correct the violation(s) set forth in a notice to correct, the building official or his/her designated representative may extend the deadline for compliance for a reasonable period of time. Any such extension shall be memorialized in writing and copy shall be sent by first class mail to all responsible persons c. A notice of administrative violation may be issued pursuant to the procedures established in the Orland Municipal Code.

15.02,120 Conflicts.

In the event of any conflict between this code and any law, rule, or regulation of the federal or state government, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this code.

Chapter 15.04

BUILDING CODE

Sections:

15.04.010 California Building Code, 2022 Edition adopted.

15.04.015 Post Disaster Safety Assessment Program.

15.04.020 Violation--Penalty.

15.04.010 California Building Code, 2022 Edition adopted.

The 2022 California Building Code with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the building code of the city; and the provisions thereof shall be controlling within the city limits.

The following sections of the 2022 California Building Code are hereby amended and adopted to read as follows:

A. Section 101.4.4 "Property Maintenance" is amended to read as follows: The provisions of the Uniform Housing Code and Uniform Code for the Abatement of Dangerous Buildings shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

B. Section 107.3.1 "Approval of construction documents" is amended to read as follows:

When the Building Official or his/her designated representative issues a permit, the construction documents shall be approved, in writing or by stamp, as 'Reviewed for Code Compliance.'

One set of construction documents so reviewed shall be retained by the Building Department. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

C. Section 109.3 "Building permit valuations" is deleted and replaced to read as follows: Permit, plan checking, filing, and reinspection fees and refunds shall be as specified and adopted by the City Council in Title 3, "Revenue and Finance" of the Orland Municipal Code.

D. Section 111.1 'Use and Occupancy' is amended to read as follows: A building or structure shall not be used or occupied in whole or in part, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official or his/her designated representative has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

E. Section 112.3 Authority to disconnect service utilities is amended to read as follows: The Building Official or his/her designated representative shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes in case of an emergency, where necessary to eliminate an immediate hazard to life or property. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced when any building service equipment is maintained in violation of the 2022 California Building Code, or of the codes adopted in Section 15020.050, or in violation of a notice issued pursuant to the provisions of Section 1 14 of Chapter 1, of the 2022 California Building Code. The Building Official or his/her designated representative shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

15.04.015 Post-Disaster Safety Assessment Program

A. Post-Disaster Safety Assessment Placards and Standard for Repair of Damaged Structures.

1. Purpose and Intent. These provisions establish standard placards to be used to indicate the condition of a structure for continued occupancy after any natural or manmade disaster. These provisions further authorize the Building Official or his/her designated representative to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment. These provisions also provide a defined level of repair for buildings damaged by a natural or manmade disaster where a formal state of emergency has been proclaimed by the City Council.
2. Application of Provisions. The provisions are applicable, following each natural or manmade disaster, to all buildings and structures of all occupancies regulated by the City of Orland.
3. Definitions.

- i. **Damage Ratio.** Damage Ratio is the estimated value of repairs required to restore the structural members to the estimated replacement value of the building or structure.
 - ii. **Safety Assessment.** Safety assessment is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy following a natural or manmade disaster.
4. **Placards.** The following are descriptions of the official placards to be used to designate the condition for continued occupancy of buildings or structures:
- i. **INSPECTED--Lawful Occupancy Permitted (Green)** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 - ii. **RESTRICTED USE--(Yellow)** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - iii. **UNSAFE--Do Not Enter or Occupy - (Red)** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered except as authorized in writing by the Building Division. Safety assessment teams shall be authorized to enter these buildings. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.
5. The Section number of the Orland Municipal Code (15.04.010 V. 1.), the name of the Department, its address, and phone number shall be listed on each placard.
6. Once it has been attached to a building or structure, a placard is not be removed, altered or covered until done so by an authorized representative of the building department or upon written notification from the department.

15.04.020 Violation--Penalty.

Any person violating any of the provisions of this chapter of the California Building Code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor, shall be punishable as set forth in Section 15.02.100 of this code by a fine not to exceed one thousand dollars (\$1 ,000.00) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

Chapter 15.06

RESIDENTIAL CODE

Sections:

15.06.010 California Residential Code adopted.

15.06.020 Installation of residential fire suppression systems.

15.06.030 Violation--Penalty.

15.06.010 California Residential Code adopted.

The California Residential Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the residential code of the city, and the provisions thereof shall be controlling within the city limits.

The following section(s) of the 2022 California Residential Code is hereby amended and adopted to read as follows:

A. R506.2.4 Reinforcement support. Slabs-on-ground supporting residential conditioned space and attached garages shall include reinforcement consisting of deformed #3 rebar at 18" on center each way or deformed #4 rebar at 24" on center each way. Where provided in slabs-on ground, reinforcement shall be supported to remain in place from the center to upper one-third of the slab for the duration of the concrete placement

15.06.020 Installation of residential fire suppression systems.

Residential fire suppression systems as referenced in the 2022 California Residential Code published by the International Code Council, shall be regulated under that authority of the City of Orland's building official and within the authority of the city of Orland building department.

15.06.030 Violation--Penalty.

Any person violating any of the provisions of this chapter or of the California Residential Code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor, shall be punishable as set forth in Section 15.02.100 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.08

MECHANICAL CODE

Sections:

15.08.010 California Mechanical Code adopted.

15.08.020 Violation-Penalty.

15.08.010 California Mechanical Code adopted.

The California Mechanical Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council and the International Association of Plumbing and Mechanical Officials, is adopted, incorporated, and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the mechanical code of the city; and the provisions thereof shall be controlling within the city limits.

15.08.020 Violation--Penalty.

Any person violating any of the provisions of this chapter or of the California Mechanical Code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as

set forth in Section 15.02.100 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.10

ABATEMENT OF DANGEROUS BUILDINGS CODE

Sections:

- 15.10.010 California Code for the Abatement of Dangerous Buildings adopted.
15.10.020 Violation--Penalty.

15.10.010 California Code for the Abatement of Dangerous Buildings adopted.

The California Code for Abatement of Dangerous Buildings, 1997 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Conference of Building Officials, is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the abatement of dangerous buildings code of the city; and the provisions thereof shall be controlling within the city limits. The provisions contained therein are enacted in order to provide a just, equitable and practicable method of enforcement and shall be considered to be cumulative with and in addition to any other remedies provided by law including, but not limited to, those remedies provided by the California Building Standards Code, Uniform Housing Code and any other applicable laws and regulations pertaining to the abatement of conditions in buildings or structures, conditions which from any cause endanger the life, limb health, morals, property, safety or welfare of the general public or occupants of such buildings or structures.

15.10.020 Violation--Penalty.

Any person violating any of the provisions of this chapter or of the California Code for the Abatement of Dangerous Buildings as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 1.12.010 of this code by a fine not to exceed one thousand dollars (\$1 ,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.12

HOUSING CODE

Sections:

- 15.12.010 Uniform Housing Code adopted.
15.12.020 Violation-Penalty.

15.12.010 Uniform Housing Code adopted,

The Uniform Housing Code, 1997 Edition, with appendices thereto, and all subsequent editions thereto, prepared and published by the International Conference of Building Officials, is adopted, incorporated, and made a part of

this code by reference without further publication as though fully set forth in this chapter and is declared to be the housing code of the city; and the provisions thereof shall be controlling within the city limits.

15.12.020 Violation--penalty.

Any person violating any of the provisions of this chapter or of the Uniform Housing Code as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 15.02.100 of this code by a fine not to exceed one thousand dollars (\$1 ,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.14

GREEN BUILDING STANDARDS CODE

Sections:

15.14.010 California Green Building Standards Code adopted.

15.14.020 Violation--Penalty.

15.14.010 California Green Building Standards Code adopted.

The 2022 California Green Building Standards Code, with appendices thereto, and all subsequent editions thereto, as adopted by the State of California's Building Standards Commission, is adopted, incorporated, and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the green building standards code of the city; and the provisions thereof shall be controlling within the city limits.

15.14.020 Violation--Penalty.

Any person violating any of the provisions of this chapter or of the green building standards code enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor, shall be punishable as set forth in Section 15.02.100 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.16

ELECTRICAL CODE

Sections:

15.16.010 California Electrical Code adopted.

15.16.020 Violation--Penalty.

15.16.010 California Electrical Code adopted.

The California Electrical Code, 2022 Edition, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated, and made a part of this code by reference without further publication as

though fully set forth in this chapter and is declared to be the electrical code for the city; and the provisions thereof shall be controlling within the city limits.

15.16.020 Violation--Penalty.

Any person violating any of the provisions of this chapter or of the California Electrical Code as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 15.02.100 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.18

CALIFORNIA ENERGY CODE

Section:

15.18.010 California Energy Code adopted

15.18.010 California Energy Code adopted

The California Energy Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated, and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the Energy code of the city; and the provisions thereof shall be controlling within the city limits.

Chapter 15.20

PLUMBING CODE

Sections:

15.20.010 California Plumbing Code adopted.

15.20.020 Use of CPVC plastic piping authorized when--installation requirements.

15.20.030 Violation--Penalty.

15.20.010 California Plumbing Code adopted.

The California Plumbing Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Conference of Plumbing and Mechanical Officials, is adopted, incorporated, and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the plumbing code of the city; and the provisions thereof shall be controlling within the city limits.

15.20.020 Use of CPVC plastic piping authorized when--installation requirements.

Chlorinated polyvinyl chloride (CPVC) plastic piping is an approved alternate material for use in plumbing systems to which the California Plumbing Code applies, including all potable water systems, when the building official has personal knowledge or is furnished adequate information by or on behalf of the owner of a building site that corrosive conditions exist in the water supply for the site or in the soil through which water supply piping for the site will pass and that such conditions may destroy conventional metal piping that would otherwise be used for the water supply. The following requirements apply to all potable water systems in which CPVC plastic piping is used:

A. The piping shall be listed as an approved material in, and installed in accordance with, the 2022 Edition of the California Plumbing Code.

B. All installations of CPVC shall strictly comply with 2022 CPC Section 604.1.1, the interim flushing procedures and worker safety measures set forth in subdivisions (1) and (2) of this subsection.

Special Requirements for CPVC Installation within Residential Structures. In addition to the other requirements in the California Plumbing Code, all installations of CPVC pipe within residential structures shall meet the following:

1. **Flushing Procedures.** All installations of CPVC pipe within residential structures shall be flushed twice over a period of at least one (1) week. The pipe system shall be first flushed for at least 10 minutes and then filled and allowed to stand for no less than 1 week, after which all the branches of the pipe system must be flushed long enough to fully empty the contained volume. At the time of the fill, each fixture shall have a removable tag applied stating:

"This new plumbing system was first filled on (date) by (name). The California Department of Housing and Community Development requires that the system be flushed after standing at least one week after the fill date specified above. If the system is used earlier than one week after the fill date, the water must be allowed to run for at least two minutes prior to use for human consumption. This tag may not be removed prior to flushing, except by the homeowner."

1. The following safe work practices shall be adhered to when installing both CPVC and copper plumbing pipe:

Worker Safety. Any contractor applying for a building permit that includes the use of CPVC plumbing materials authorized pursuant to this section shall include in the permit application a signed written certification stating that:

2. They are aware of the health and safety hazards associated with CPVC plumbing installations;
3. They have included in their Injury and Illness Prevention Plan the hazards associated with CPVC plumbing pipe installations; and
4. The worker safety training elements of their Injury and Illness Prevention Plan meet the Department of Industrial Relation's guidelines.

Worker Safety Measures. Mechanical ventilation sufficient to maintain exposures below the relevant exposure limits established by state regulation shall be provided in enclosed spaces. This ventilation shall be directed at the breathing zone of the worker installing the pipe. Where mechanical ventilation is not practical, respirators, suitable for organic vapors, shall be used. For the purpose of this subdivision, an enclosed space is defined as:

1. A space less than 100 square feet of floor area under a ceiling with a height of 10 feet or less, and which does not have openings (consisting of doors, windows, or unfinished walls) on at least two sides.
2. Crawl spaces having a height of less than three feet.
3. Enclosed attics that have a roof and ceiling; or
4. Trenches having a depth greater than 24 inches.

Installers of CPVC pipe within residential structures shall use non-latex thin gauge (4 millimeters) nitrile gloves, or other gloves providing an equivalent or better degree of protection during the installation of the CPVC plumbing system. Gloves shall be provided to all workers by the contractor, or plumbing subcontractor, and shall be replaced upon contamination by cements.

~~5. Employers shall provide education and training to inform plumbers of risks, provide equipment and techniques to help reduce exposures from plumbing pipe installation, foster safety work habits, and post signs to warn against the drinking of preoccupancy water.~~

~~For purposes of this subdivision "training" shall include training in ladder safety, safe use of chain saws and woodboring tools, hazards associated with other construction trades, hazards from molten solder and flux, and the potential hazards and safe use of soldering tools and materials.~~

~~Cleaners shall be renamed as primers, include strong warnings on the hazards of using primers as cleaners, and shall include dyes to discourage use as cleaners.~~

~~c. Applicators and daubers shall be limited to small sizes.~~

~~d. Enclosed spaces shall be ventilated with portable fans when installing CPVC pipe.~~

~~e. Protective impermeable gloves shall be utilized when installing CPVC pipe.~~

~~Employees shall provide on-site portable eye wash stations for all employees to allow for immediate flushing of eyes in the event of splashing of hot flux.~~

~~Employers using acetylene torches shall ensure that the acetylene tanks are regularly maintained and inspected in accordance with applicable regulatory requirements. Fire extinguishers shall be kept in close proximity to the workplace.~~

~~2. All of the following flushing procedures shall be adhered to when installing CPVC pipe:~~

~~When plumbing is completed and ready for pressure testing, each cold water and hot water tap shall be flushed starting with the fixture (basin, sink, tub or shower) closest to the water meter and continuing with each successive fixture, moving toward the end of the system. Flushing shall be continued for at least one minute or longer until water appears clear at each fixture. This step may be omitted if a jurisdiction requires the building inspector to test each water system.~~

~~The system shall be kept filled with water for at least one week and then flushed in accordance with the procedures set forth in subdivision (b) of this subsection. The system shall be kept filled with water and not drained.~~

~~Before the premises are occupied, the hot water heater shall be turned on and the system shall be flushed once more. Commencing with the fixture closest to the hot water heater, the hot water tap shall be permitted to run until hot water is obtained. The time required for hot water to flow from a specified tap shall be determined, and the cold water tap at the same location shall then be turned on for the same period of time. This procedure shall be repeated for each fixture in succession through the rest of the system.~~

15.20.030 Violation—Penalty.

Any person violating any of the provisions of this chapter or of the California Plumbing Code as enacted in this chapter shall be guilty of a misdemeanor and upon conviction for any such misdemeanor shall be punishable as set forth in Section 12.02.100 of this code by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not to exceed six months, or by both such fine and imprisonment.

Chapter 15.22

CALIFORNIA HISTORICAL BUILDING CODE

Section:

15.18.010 California Historical Building Code adopted

15.18.010 California Historical Building Code adopted

The California Historical Building Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated, and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the Historical Building Code of the city; and the provisions thereof shall be controlling within the city limits.

Chapter 15.24

SWIMMING POOLS

Sections:

15.24.010 Fencing required.

15.24.010 Fencing required.

All swimming pools within the city shall be fenced with an approved fence as provided in this section and the 2022 CRC Appendix AX and the CBC Chapter 31, Section 3109. The provisions contained in the appendix are Mandatory to reflect the Swimming Pool safety Act found in the Health and Safety Code Sections 115920 through 115929.

A. Every person in possession of land within the city, either as an owner, purchaser under contract, lessee, tenant, licensee, or otherwise upon which land is situated a swimming pool or other out-of-doors body of water, designed, constructed and used for swimming, dipping or immersion purposes by men, women, or children, having a depth in excess of eighteen (18) inches, or with a surface area exceeding two hundred fifty (250) square feet, shall maintain on the lot or premises upon which such pool or body is located, and completely surrounding such pool or body of water, a fence or wall not less than five feet high (measured outside the enclosure), with openings, holes or gaps therein no larger than four inches measured horizontally, except for doors or gates; provided, however, a single-family dwelling house or accessory building may be used as part of such enclosure.

B. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such door or gate securely closed at all times when not in actual use; provided, however, the door of any dwelling occupied by human beings and forming a part of the enclosure hereinabove required need not be so equipped, with the exception of breezeways, back doors or garages, and similar structures affording access to the pool, which shall be self-closing and self-latching, with such latching device placed at least four feet above ground level or otherwise made inaccessible from the outside to small children.

C. The building inspector may grant an exception to the requirements of fencing a swimming pool when he feels there is a barrier existing on the premises by reason of vegetation, landscaping, or topography suitable to prevent children from straying into the pool.

Chapter 15.22

CALIFORNIA EXISTING BUILDING CODE

Section:

15.18.010 California Existing Building Code adopted

15.18.010 California Existing Building Code adopted

The California Existing Building Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council, is adopted, incorporated, and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the Existing Building Code of the city; and the provisions thereof shall be controlling within the city limits.

Chapter 15.32

FIRE CODE

Sections:

- 15.32.010 California Fire Code adopted.
- 15.32.020 Modifications to the California Fire Code.
- 15.32.030 Storage of gasoline and petroleum products.
- 15.32.040 Exceptions to Section 15.32.030.
- 15.32.050 Temporary storage of gasoline and petroleum products.
- 15.32.060 Installation of metal tanks.
- 15.32.070 Installation of residential fire suppression systems.
- 15.32.010 California Fire Code adopted.

The California Fire Code, 2022 Edition, with appendices thereto, and all subsequent editions thereto, published by the International Code Council is adopted, incorporated and made a part of this code by reference without further publication as though fully set forth in this chapter and is declared to be the fire code of the city; and the provisions thereof shall be controlling within the city limits.

15.32.020 Modifications to the California Fire Code.

Whenever the word "Chief" appears in the California Fire Code, the following words shall be deemed inserted in lieu thereof: "Chief and/or Building Inspector, and/or Fire Marshall, and or Building Official."

15.32.030 Storage of gasoline and petroleum products.

The storage of gasoline or any other petroleum products which will emit a flammable vapor, at less than one hundred (100) degrees Fahrenheit, shall be permitted under the following circumstances:

- A. Storage shall be in a sound and non-leaking nonflammable container.
- B. Such container shall be housed within a structure of such a size, character and nature, so as to accommodate eighty (80) percent of the contents of the tank/container, when such container is full.
- C. Such housing shall be adequate to contain any spillage and facilitate effort.
- D. No gasoline or other petroleum product as provided for in this section shall be allowed to escape to the ground strata.
- E. Any electrical wiring or other fittings shall be approved by the appropriate agency, as being explosion proof.

- F. The city may adopt other reasonable requirements as may be necessary to protect the public safety and welfare and may do so by resolution or adoption of any state building standards adopted, either by the California Fire Code or the State Fire Marshal.
- G. Appeals of all decisions shall be made in accordance with Section 16.36.070 of this code, et seq to the city council.

15.32.040 Exceptions to Section 15.32.030.

The provisions of Section 15.32.030 of this code shall not apply to:

A. A gasoline or petroleum product tank affixed to, and which is part of a motor vehicle licensed by the state of California.

15.32.050 Temporary storage of gasoline and petroleum products.

- A. Any person may apply, in writing, to the city council for permission to temporarily store gasoline or petroleum products which emit an inflammable vapor at less than one hundred (100) degrees Fahrenheit.
- B. When received by the city clerk, such application shall be placed on the agenda of the next regular meeting of the city council.
- C. At such regular meeting the city council shall consider any evidence presented by any interested person, no formal rules of evidence need be followed and such hearing may be continued for a period not to exceed sixty five (65) days.
- D. The city council after hearing such evidence, may, in its sole discretion grant or deny such application.
- E.

If an application is granted, the city council may impose conditions or restrictions that, in its discretion, are necessary to protect the public health, safety, and welfare.

15.32-060 Installation of metal tanks.

The metal tanks referred to in Section 15.32.030 of this chapter shall be installed in accordance with the appropriate provisions of this code.

15.32.070 Installation of residential fire suppression systems.

Residential fire suppression systems referred to in the 2022 Residential Code shall be regulated under that authority of the city of Orland Building Official and within the authority of the city of Orland building department
Section 4. Severability.

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Liability.

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section II of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. Publishing of Ordinance.

That the City Clerk is hereby ordered and directed to cause this ordinance to be published.

Section 7. Effective Date.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect on and after January 17, 2023, or its effective date if the effective date is later. This ordinance was introduced at the regular meeting of the City Council for a Public Hearing of the first reading on January 3, 2022.

PASSED AND ADOPTED by the Orland City Council on this 3rd day of January 2023, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Chris Dobbs, MAYOR - CITY OF ORLAND

ATTEST:

APPROVED AS TO FORM:

Jennifer Schmitke, City Clerk

Greg Einhorn, Esq. City Attorney

CODIFY_____

UNCODIFY_____



CITY OF ORLAND

Staff Report

TO: City of Orland City Council

FROM: Scott Friend, AICP, Contract Planner

MEETING DATE: January 3rd, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland,

SUBJECT: Orland Municipal Code (OMC) Amendment:

- Title 17 Zoning to incorporate State and Federal law requirements regarding Reasonable Accommodations for persons with disabilities; to support the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (the Acts).

Summary:

The Planning Commission has prepared an amendment to the City of Orland Municipal Code (OMC) to incorporate changes to State and Federal law regarding reasonable accommodations for persons with disabilities or medical conditions necessitating the granting of a reasonable accommodation request. The proposed revisions are included as **Attachment A – Municipal Code Revisions** in a DRAFT version. A “clean” version of the Code revisions is included as **Attachment B – Municipal Code Revisions**.

Discussion/Analysis:

Reasonable Accommodations:

The Planning Commission is requesting that the Zoning Ordinance be amended to incorporate State and Federal statutes regarding Reasonable Accommodations for persons with disabilities seeking equal access to housing. Currently, the City of Orland does not have an easily identifiable section of the OMC that gives guidance in identifying and implementing the necessary measures to process a request a Reasonable Accommodation request.

Adoption of this amendment would allow the City Manager or his/her appointed designee (Reviewing Authority) the ability to do the following:

- Review the relative information of each individual's Reasonable Accommodation Request (RAR);
- Decide the RAR's relation to "The Acts" and their defined parameters;
- Decide if approval of the RAR is necessary to make specific housing available for the individual with a disability;
- Locate any potential undue financial or administrative burdens imposed on the City;
- Decide if approval of the RAR would require alterations to a City program/law;
- Designate any necessary timeframes that are required for conditions of approval.

These amendments additionally define the specific deadlines in which the Reviewing Authority must respond to the RAR's applicant identifying the procedures considered in granting approval or denial of the application, including any potential necessities for public opinion.

The Planning Commission recommends the insertion of Chapter 17.18 – REASONABLE ACCOMMODATIONS into the OMC between Chapters 17.16 MARIJUANA CULTIVATION and 17.20 R-1 RESIDENTIAL ONE-FAMILY ZONE as there is available space that would not require any renumbering of other code sections. Additionally, locating this measure towards the beginning of Title 17 would help to inform users of its applicability to all OMC zoning districts.

The California Fair Employment and Housing Act (California Government Code Section 12900-12951 & 12927-12928 & 12955 - 12956.1 & 12960-12976) provides protection from discrimination, retaliation and harassment in all terms and conditions of employment based on all the following protected categories:

Race, Color, Religion, Sex/Gender (or gender identity/sexual orientation), marital status, medical condition, veteran status, national origin/ancestry, disability (mental and physical), genetic information, request for family care/health condition/pregnancy leave, retaliation for reporting patient abuse, or age

Generally, Title VIII (42 U.S.C. §§ 3601-19) of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex (including gender identity and sexual orientation), familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

The Americans with Disabilities Act of 1990 (ADA Title I and II) is one of several disability-related laws and probably the one with which many Americans are most familiar. The purpose of the law is to ensure that people with disabilities have the same rights and opportunities as everyone else. The ADA guarantees this for people with disabilities in all aspects of everyday life – from employment opportunities, to being able to purchase goods and services, to participating in state and local governments' programs and services. Additionally, the Rehabilitation Act of 1973 (Rehabilitation Act Sections 501, 501, 504, and 508) is another law that prohibits disability discrimination.

Current Municipal Code Regulations:

Presently, regulations pertaining to reasonable accommodations for persons with disabilities are not easily discernible within the Orland Municipal Code (OMC) *Title 17 – Zoning*; or any other portion of the OMC.

Proposed Code Amendments:

- a) Add separate code sections outlining the purpose and applicability of this municipal code;
- b) Add a description of the public authority responsible for the review of Reasonable Accommodation applications;
- c) Add text outlining the process of submitting an application requesting Reasonable Accommodations and the necessary information to include in said application;
- d) Add a description of factors to be considered by the City Manager, or his/her designee, to support the decision to approve or deny a Reasonable Accommodations request;
- e) Add text addressing the addition of any conditions of approval that the Reviewing Authority may impose to ensure the Reasonable Accommodation complies with the findings presented during the application review process;
- f) Added text regarding the process and descriptions to appeal, extend, or revise Reasonable Accommodations and expiration of said Accommodations.

Summary:

The Planning Commission conducted a noticed Public Hearing at its regular meeting held on November 17, 2022, to consider the proposed matter. Following the conduct of the public hearing, the Commission voted 4-0 (unanimously) to approve the proposed action, as presented. No public comment was offered at the hearing and none was received prior to or following the Planning Commission meeting date. With that vote, the Planning Commission is requesting the City Council consider the proposed revisions to the City Municipal Code to provide an easier option for users of the OMC to identify the details associated with requests for Reasonable Accommodations.

Environmental Analysis and Determination:

The Planning Commission recommends that the City Council determine that the proposed Municipal Code Amendment(s) to be categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment, and therefore the proposed revision is not subject to CEQA. A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment C – Notice of Exemption**.

Recommendation:

The Planning Commission recommends that the City Council consider the proposed revisions to the Municipal Code and recommend changes, if necessary. If no changes are considered necessary, the Planning Commission recommends that the City Council approve the Amendment(s) to the Orland Municipal Code, as contained herein, through adoption of City Council Ordinance #2022-__ (**Attachment D**). The Planning Commission also recommends that the City Council approve the adoption of the Notice of Exemption (**Attachment C**) prepared for the proposed action.

If the City Council determines that it intends to approve the Municipal Code Amendment, staff presents the following motions for consideration:

- 1. I move that the City Council of the City of Orland adopt City Council Ordinance #2022-__, an amendment to the City of Orland Municipal Code establishing a new Code section identified as Section 17.18 and titled Reasonable Accommodation, and, make a determination that the proposed project is exempt from further review pursuant to the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) of the Government Code.*

Attachments:

Attachment A – Municipal Code Amendment - DRAFT version (strike/add format)

Attachment B – Municipal Code Amendment – clean version

Attachment C – CEQA Notice of Exemption

Attachment D – City Council Ordinance CC 2022-__

[Staff recommends the insertion of the Reasonable Accommodations code into Title 17, as Chapter 17.18. The proposed amendment applies to all zoning districts of the City].

17.18 - REASONABLE ACCOMMODATION

17.18.010 - Purpose

This Chapter establishes the procedures to request a Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

17.18.020 - Applicability

- A. A request for a Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
- B. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

17.18.030 - Review Authority

The City Manager, or his/her designee, shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Chapter. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

17.18.040 - Application

An application for a Reasonable Accommodation shall be prepared, filed, and processed

in with the City of Orland. No noticing or public hearing is required for a Reasonable Accommodation request. In addition to any other information required under the City of Orland Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

- A. Description of the accommodation request;
- B. The applicant's name, address, and telephone number;
- C. Location of the subject property, including address and assessor's parcel numbers;
- D. Name and address of the property owner and the owner's written consent to the application;
- E. The current actual use of the subject property;
- F. Verifiable documentation of the individual's disability status;
- G. The regulation(s), policy, or procedure for which accommodation is sought;
- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
- I. The anticipated timeframe in which the Reasonable Accommodation is valid and evidence to support the projected timeframe (i.e. would the Reasonable Accommodation have short- or long-term impacts to a land use or other concerned parties, including but not limited to the City of Orland and residents thereof); and
- J. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

17.18.050 - Procedures

The City Manager, or his/her designee, shall make a written determination within 7 days of the application submittal date on whether to determine completeness of the Reasonable Accommodations Request application, and to identify the specific approval process including any conditions of approval required of the applicant. Following the determination above, the City Manager, or his/her designee, shall make a written determination within 10 days of the final decision to either approve, modify, or deny a request for Reasonable Accommodation in compliance with Section 17.18.040, unless the City in its Required Findings determines that further public opinion on the matter is required, in which the City shall make a written determination within 10 days of any required public hearing on the matter.

17.18.060 - Required Findings

The Director must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

17.18.070 - Conditions of Approval

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

17.18.080 - Appeals, Expiration, Extensions, and Revisions

- A. **Appeals** - Reasonable Accommodation decisions may be appealed as provided for in Section 17.18.060.
- B. **Expiration, Extensions, and Revisions** - Reasonable Accommodations may only be expired, extended or revised as provided for in Section 17.18.070. A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

[Staff recommends the insertion of the Reasonable Accommodations code into Title 17, as Chapter 17.18. The proposed amendment applies to all zoning districts of the City].

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- G. The regulation(s), policy, or procedure for which accommodation is sought;
- H. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling;
- I. The anticipated timeframe in which the Reasonable Accommodation is valid and evidence to support the projected timeframe (i.e. would the Reasonable Accommodation have short- or long-term impacts to a land use or other concerned parties, including but not limited to the City of Orland and residents thereof); and
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Notice of Exemption**Attachment C**

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Orland
815 Fourth Street
Orland, CA 95963
(Address)

■ County Clerk
County of Glenn
526 West Sycamore Street
Willows, CA 95988

Project Title: Amendment to Municipal Code to include regulations and procedures regarding Reasonable Accommodation requests for persons with disabilities.

Project Location - Specific:

City of Orland – Citywide.

Project Location – City: Orland **Project Location – County:** Glenn

Description of Nature, Purpose, and Beneficiaries of Project: Amendment to Municipal Code to include State and Federal law requirements regarding Reasonable Accommodation requests for persons with disabilities; to support the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (The Acts).

Name of Public Agency Approving Project:

City of Orland

Name of Person or Agency Carrying Out Project:

City of Orland

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: §15061(b)(3) Common Sense Exemption
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The City of Orland City Council has determined that this project is exempt from CEQA as it can be seen with certainty that there is no possibility that the proposed revisions to the City of Orland Municipal Code would have a significant effect on the environment. Therefore, the project is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

Lead Agency

Contact Person: Scott Friend, AICP **Area Code/Telephone/Extension:** (530) 865-1608

Signature: _____ **Date:** _____ **Title:** City Planner

■ Signed by Lead Agency

Date received for filing at OPR: _____

CITY OF ORLAND

CITY COUNCIL ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLAND APPROVING AN AMENDMENT TO TITLE 17- ZONING OF THE ORLAND MUNICIPAL CODE BY ADDING SECTION 17.18 – REASONABLE ACCOMMODATIONS, TO INCORPORATE ELEMENTS OF STATE AND FEDERAL LAW REGARDING REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES; TO SUPPORT THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, THE FEDERAL FAIR HOUSING ACT, AND THE AMERICANS WITH DISABILITIES ACT

WHEREAS, at its regular meeting held on November 17, 2022, the Planning Commission of the City of Orland conducted a noticed public hearing to consider and discuss a proposed amendment to the Orland Municipal Code consolidating and addressing the subject matter of Reasonable Accommodations;

WHEREAS, the Planning Commission of the City of Orland, after the conduct of the noticed public hearing and following the consideration and discussion of the matter, recommended language be incorporated into the proposed amendment and voted unanimously 4-0 to forward the draft Ordinance to the City Council; and

WHEREAS, on January 3, 2023 at a regularly scheduled meeting of the City Council, the draft Ordinance was presented for its first reading and introduction to the City Council, and, after discussion of the matter, the City Council directed staff to return the matter to the City Council for a duly noticed public hearing; and

WHEREAS, at the regularly scheduled City Council meeting of January 17, 2023, the City Council conducted a noticed public hearing to consider an amendment to Title 17 - *Zoning* of the Orland Municipal Code making changes to the City Code to incorporate elements of State and Federal laws regarding reasonable accommodations for persons with disabilities and consolidating reasonable accommodation request information into a single, more convenient location in the Code; and

WHEREAS, The Planning Commission has made a recommendation to the City Council that the proposed action is *exempt* from further environmental review pursuant to California Government Code Section 15061(b)(3), known as the "General Rule" or "Common Sense Exemption" as it has been determined that it can be seen with certainty that there is no possibility that the proposed Municipal Code Amendment would have a significant effect on the environment; and

WHEREAS, after the conduct of the public hearing the City Council voted __-__ to approve the proposed amendment to the Orland Municipal Code Amendment adding a new Section 17.18- *Reasonable Accommodation* as presented (staff report attachment A).

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Orland does hereby approve Orland Municipal Code Amendment ZCA 2022-XX and making the determination that the action is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Government Code Section 15061(b)(3).

The foregoing Ordinance was adopted by the City Council on the 17th day of January 2023 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: APPROVED AS TO FORM

Jennifer T Schmitke, City Clerk

Gregory Einhorn, City Attorney

CITY COUNCIL AGENDA ITEM

Item No.: 8
Meeting Date: January 3, 2022
From: Paul W. Rabo, City Engineer
Subject: City Council discussion and possible action to award a construction contract for the City of Orland Walker Street Well Project

Background:

The City of Orland is working with the State of California Department of Water Resources (DWR) to construct improvements to the City's water system to benefit residents inside and outside City Limits. Improvements to the system include a new groundwater well, storage tank and water mains. The proposed improvements would be located inside and outside of the City and the primary purpose of the project is to supply residents outside of City Limits with a safe and reliable source of drinking water.

The first part of the project to be advertised is the first phase of a new groundwater well located on Walker Street near Interstate 5. The project was advertised in November and bids were opened on December 6, 2022, with a total of three bids received. The Bid Summary is attached. The low bid was \$345,395.00 and the high bid was \$650,605. The estimated construction cost of the project was \$600,000.00

Analysis:

The low bid is \$187,449.00 lower than the second lowest bid and \$254,605.00 less than the engineer's estimate provided by DWR's consultant. The second low bidder (Nor-Cal Pump & Well Drilling) has submitted a letter of protest and sites two reasons why the bid should not be awarded to the lowest bidder (see attached). The low bidder (Well Industries, Inc.) has provided their responses to the protest (see attached).

Staff has reviewed the protest and has determined City Council would need to waive two irregularities, as provided in the letter of protest, to accept and award the project to the lowest bidder. Per Section 9.00 of the Notice to Bidders:

The Contract, if awarded, will be awarded within 30 days after the opening of Bids, to the lowest responsible bidder as determined by the City of Orland. The City reserves the right, in its sole discretion, to reject any and all bids for any reason whatsoever, or to waive minor irregularities in any bid, and to accept any bid.

Recommendation:

Staff recommends the City Council waive the irregularities in the low bid and award a construction contract for the City of Orland Walker Street Well project to Well Industries Inc. and authorize the City Manager to execute the contract and all other documents necessary to complete the project.

Fiscal Impact:

None. The project costs for construction, construction engineering, inspection and administration is being funded by DWR.

City of Orland
Walker Street Well Bid Results

Bid Opening: 12/06/2022

Item	Description	Quantity	Unit	Well Industries, Inc.		Nor-Cal Pump & Well Drilling		Maggiora Bros. Drilling, Inc.	
				Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1.	Mobilization/demobilization of equipment and site cleanup, complete (maximum 10% of total bid)	1	LS	\$ 55,000.00	\$ 55,000.00	\$ 49,263.00	\$ 49,263.00	\$ 65,000.00	\$ 65,000.00
2.	Temporary security fencing	1	LS	5,000.00	5,000.00	4,274.00	4,274.00	6,000.00	6,000.00
3.	Conductor casing and sanitary seal	50	LF	400.00	20,000.00	865.00	43,250.00	900.00	45,000.00
4.	18-inch Diameter Pilot Borehole Drilling, complete	450	LF	60.00	27,000.00	260.00	117,000.00	200.00	90,000.00
5.	Gyro/direction borehole survey	1	LS	5,000.00	5,000.00	4,495.00	4,495.00	5,000.00	5,000.00
6.	Geophysical surveys	1	LS	2,500.00	2,500.00	3,950.00	3,950.00	5,000.00	5,000.00
7.	30-inch diameter reaming, complete	450	LF	60.00	27,000.00	100.00	45,000.00	221.00	99,450.00
8.	Caliper Survey	1	LS	2,000.00	2,000.00	3,950.00	3,950.00	4,500.00	4,500.00
9.	Furnish and install 16-inch diameter 0.2% copper bearing steel casing, complete in place	423	LF	140.00	59,220.00	129.00	54,567.00	135.00	57,105.00
10.	Furnish and install 16-inch diameter 0.2% copper bearing steel louvered well screen, complete in place	30	LF	235.00	7,050.00	326.00	9,780.00	375.00	11,250.00
11.	Furnish and install 3-inch diameter gravel pack fill pipe, complete	165	LF	25.00	4,125.00	32.00	5,280.00	40.00	6,600.00
12.	Furnish and install gravel pack, complete in place	300	LF	70.00	21,000.00	120.00	36,000.00	135.00	40,500.00
13.	Furnish and install cement grout annular and transition seals, complete in place	160	LF	110.00	17,600.00	120.00	19,200.00	135.00	21,600.00
14.	Well development with drill rig	10	HOURS	550.00	5,500.00	950.00	9,500.00	650.00	6,500.00
15.	Furnish, install and remove test pump, complete	200	LF	50.00	10,000.00	100.00	20,000.00	55.00	11,000.00
16.	Pump development	48	HOURS	450.00	21,600.00	450.00	21,600.00	450.00	21,600.00
17.	Aquifer testing, complete	36	HOURS	450.00	16,200.00	550.00	19,800.00	450.00	16,200.00
18.	Plumbness and alignment tests, complete	1	LS	2,000.00	2,000.00	4,550.00	4,550.00	3,800.00	3,800.00
19.	Video Survey	1	LS	1,500.00	1,500.00	1,495.00	1,495.00	3,800.00	3,800.00
20.	Well disinfection	1	LS	1,500.00	1,500.00	2,450.00	2,450.00	4,200.00	4,200.00
21.	Disposal of drilling fluids	1	LS	8,500.00	8,500.00	26,300.00	26,300.00	50,000.00	50,000.00
22.	Disposal of drill cuttings	1	LS	5,000.00	5,000.00	27,840.00	27,840.00	50,000.00	50,000.00
23.	Borehole or well abandonment	500	LF	35.00	17,500.00	5.00	2,500.00	45.00	22,500.00
24.	Standby time	8	HOURS	450.00	3,600.00	100.00	800.00	500.00	4,000.00
	Total				\$ 345,395.00		\$ 532,844.00		\$ 650,605.00



Nor-Cal Pump & Well Drilling, Inc
Main Office
1325 Barry Road
Yuba City, CA 95993
530-674-5861 Office
www.norcalpump.com

December 19, 2022

City of Orland – City Engineer
Yellowstone Drive
Chico, CA 95973

Attention: Paul Rabo – City Engineer (Rolls Anderson & Rolls)

Subject: Walker Street Well Bid Protest

Dear Paul,

This letter serves as our Bid Protest for the Walker Street Well project. Our protest is based on the following:

1. The apparent low bidder failed adhere to the requirements of the specifications, Section 01025-1.03 – *“The maximum amount shall be no greater than 10 percent of the total bid.”* (Bid Item 1)
This requirement is clearly labeled in both the technical specifications and bid schedule itself.
The apparent low bidder’s cost for Bid Item 1 is 15.9 percent of the total based bid, exceeding the 10 percent maximum. How will this be mitigated? Are there any other errors in the bid schedule?
2. The apparent low bidder failed to include a copy of the signed addendum with the bid package as mandated, with bold print, in bid Addendum No. 1 – ***“THIS ADDENDUM SHALL BE SIGNED BY THE BIDDER, DATED AND SUBMITTED WITH THE PROPOSAL FOR THE PROJECT.”***

Adhering to the requirements of the bid plans and specifications ensure that all bidders have an equal opportunity to bid on projects. It is clear the apparent low bidder did not adhere to the same requirements as did the other two bidders and should not be deemed responsible, resulting in the rejection of the apparent low bidder’s bid.

Sincerely,

Hari Heer

Hari Heer
Vice President

Madera Office
17378 Baldwin Street
Madera, CA 93638

Bakersfield Office
3600 Ethyl Street
Bakersfield, CA 93308

SALES

PUMPS
TANKS
MOTORS
WELLS

**NORTH STATE
DRILLING**
LIC. #B12678



SERVICE
DOMESTIC
AGRICULTURAL
COMMERCIAL

Paul W. Rabo
City Engineer - City of Orland
115 Yellowstone Drive
Chico, CA 95973

December 20, 2022

Re: Walker Street Well Bid Protest

Mr. Rabo,

Regarding the protest to our Walker Street Well bid *Well Industries, Inc.* would like to offer the following explanation:

1. Exceeding the 10 percent maximum of Bid Item No. 1

This was a simply a clerical error. Mobilization / Demobilization should have been listed at 10 percent of the total bid amount.

Well Industries, Inc. will honor the corrected amount of \$34,500.00

2. Failure to include a copy of the signed addendum.

The addendum was acknowledged but not included in the bid package. This was an oversight.

The addendum was provided and subsequently included in the bid package.

Well Industries, Inc. accepts responsibility for the lapses in compliance with the bidding process but also recognizes that these items would in no way affect our ability to perform the duties as prescribed by the conditions set forth in the contract documents.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cody Stilwell".

Cody Stilwell, Manager
Well Industries, Inc. dba North State Drilling

COMMITTED
TO
QUALITY

3282 HIGHWAY 32 ; CHICO, CA 95973 | 530-891-5545 | FAX 530-891-0793
WELLINDUSTRIESINC.COM