

Gridley City Council – Regular City Council Meeting Agenda

Monday, August 16, 2021; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

Notice of Temporary City Council Meeting Procedures

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Act, Governor Gavin Newsom’s Emergency Declaration related to COVID-19, and Governor Newsom’s Executive Order N-29-20 issued March 17, 2020 that allows attendance by City Council, City staff and the public to participate and conduct the meeting by teleconference and to participate in the meeting to the same extent as if they were present. Comments from the public on agenda items will be accepted until 4 pm on August 16, 2021, via email to jmolinari@gridley.ca.us or via the payment/document drop box at Gridley City Hall and will be conveyed to the Council for consideration. The Mayor and Council appreciate the public’s adaptation and patience during this crisis.

You may attend via Zoom:

Join Zoom Meeting

<https://zoom.us/j/93395759154?pwd=dkFVazlMSmdQN0JqbHVhL3B3Z2tUdz09>

Meeting ID: 933 9575 9154

Passcode: 691040

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Meeting ID: 933 9575 9154

Passcode: 691040

Find your local number: <https://zoom.us/u/ag977HYmC>

CALL TO ORDER - Mayor Johnson

ROLL CALL

PLEDGE OF ALLEGIANCE – Council Member Calderon

INVOCATION - None

PROCLAMATIONS – None

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES -None

COMMUNITY PARTICIPATION FORUM - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*

CONSENT AGENDA

1. City Council Minutes dated August 2, 2021
2. Resolution No. 2021-R-017: A Resolution of the Gridley City Council Approving Tentative Subdivision Map No. 1-21 to Subdivide One Parcel Consisting of Approximately a 1.48-Acre Parcel into 19 Single-Family Parcels for a Zero-Lot Line Development Located on the East Side of Haskell Street Across from the Manuel Vierra Park zoned as Multi-Family Residential District (MFR (9-15 DU/Ac)) in the Residential, High Density 1 (9-15 DU/Ac) General Plan Land Use Designation. (APN 010-210-043)

ITEMS FOR COUNCIL CONSIDERATION

3. Vineyard Estates: Resolution No. 2021-R-018: A Resolution of Application of the City of Gridley Initiating Proceedings for the Annexation of Approximately 19.95 Acres from Butte County into the Incorporated Boundary of the City of Gridley (APN 009-290-006)

Resolution No. 2021-R-019: A Resolution of the Gridley City Council to Amend the General Plan Land Use Designations of Approximately 16.4-Acres of the Total 19.95 Acres from Residential, Very Low Density to Residential, Low Density and to Adopt a Mitigated Negative Declaration Pursuant to CEQA Finding There is Less Than Significant Environmental Impact from the Land Use Re-Designations (APN 009-290-006)

Resolution No. 2021-R-020: A Resolution of the Gridley City Council Approving Tentative Subdivision Map No. 1-20 to Subdivide One Parcel Consisting of Approximately 19.95 Acres into Sixty (60) Parcels Located at the West Side of West Biggs-Gridley Road (APN 009-290-006)

Ordinance No. 833-2021: An Ordinance of the City Council of the City of Gridley to Pre-Zone Approximately 19.95-Acres; 3.55 Acres to Residential Suburban (Rs) and 16.4-Acres to Single Family Residential District (R-1) Located on the West Side of West Biggs-Gridley Road (APN 009-290-006)

4. Resolution 2021-R-021: A Resolution of the City Council of the City of Gridley authorizing the city to join the Statewide Community Infrastructure Program (SCIP); authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments and special taxes and to form assessment districts and community facilities districts within the incorporated boundary of the City of Gridley; embodying a joint community facilities agreement setting forth the terms and conditions of community facilities district financings; approving form of acquisition agreement for use when applicable; and authorizing related actions; and to authorize the City Administrator and Finance Director to execute agreements and contracts on behalf of the City Council for applications to the Statewide Community Infrastructure Program (SCIP)
5. Resolution 2021-R-022: A Resolution of the City Council of the City of Gridley to become a Member of the California Municipal Finance Authority (CMFA), to approve, authorize, and direct execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority, and to authorize the City Administrator and Finance Director to execute agreements and contracts on behalf of the City Council for applications to the Bond Opportunities for Land Development (BOLD) program.

Resolution 2021-R-023: A Resolution of the Gridley City Council authorizing the use of the Bond Opportunities for Land Development (BOLD) program; authorizing the California Municipal Finance Authority to Accept Applications from property owner, conduct proceedings and levy special taxes within the incorporated boundary of the City of Gridley pursuant to the Mello-Roos Community Facilities Act of 1982, as amended; and authorizing related actions.

6. Hwy 99 Pedestrian Improvements
7. Resolution No. 2021-R-024: A Resolution of The City Council of The City of Gridley Approving the Authorized Signor for The Agreements Listed Below for Federal or State Transportation Projects
8. Resolution No. 2021-R-025: A Resolution of The City Council of The City of Gridley Approving the Application for The Outdoor Equity Grants Program Grant Funds
9. Review and Approval of Resolution No. 2021-R-026: A Resolution of the City Council of the City of Gridley Authorizing the Issuance of a California Climate Credit to City of Gridley Residential Electric Customers
10. Review and Approval of Resolution No. 2021-R-027: A Resolution of the City Council of the City of Gridley Authorizing Premium Pay for Essential Qualifying Current City Employees in Accordance with H.R. 1319 The American Rescue Plan Act
11. Review and Approval of Resolution No. 2021-R-028: A Resolution of the City Council of the City of Gridley Authorizing a Contribution in Support of Dia De Los Muertos, an Event Promoting COVID-19 Vaccination and Awareness
12. Grow Manufacturing Initiative - Power Point Presentation by Project Coordinator, Liz Pankhurst (Council Member Sanchez)

CITY STAFF AND COUNCIL COMMITTEE REPORTS - *Brief updates from City staff and brief reports on conferences, seminars, and meetings attended by the Mayor and City Council members, if any.*

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

CJIS Radio Compliance Program for Police Dept	9/7/2021
Chandler Park Subdivision GPA/RZ/TSM/MND	9/7/2021
Ordinance to amend Title 15 of the GMC and related fees	9/7/2021
Edler Estates	9/20/2021
Steffen Estates	9/20/2021
Award Contract for Municipal Services Review	9/20/2021

CLOSED SESSION – None

ADJOURNMENT – adjourning to a Regular meeting on September 7, 2021

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m., August 13, 2021. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration Counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

Gridley City Council – DRAFT City Council Meeting Minutes

Monday, August 2, 2021; 6:00 pm
Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

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CALL TO ORDER

Mayor Johnson called the meeting to order at 6 pm.

ROLL CALL

Council Members

Present: Johnson, Farr, Calderon
Absent: Torres, Sanchez
Arriving after roll call: None

Staff present:

Cliff Wagner, City Administrator
Tony Galyean, City Attorney
Elisa Arteaga, Finance Director
Rodney Harr, Police Chief
Ruben Quihuiz, Lieutenant
Ross Pippitt, Public Works Director
Ashley Gallion, Accounting Technician
Patricia Taverner, Accounting Technician

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Johnson

INVOCATION - None

PROCLAMATIONS

Mayor Johnson read the 2021 National Night Out Proclamation and Chief Harr invited all to attend and join the fun.

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES

- Ashley Gallion, Accounting Technician
- Patricia Taverner, Accounting Technician

Finance Director Elisa Arteaga introduced two new Accounting Technicians, Ashley Gallion and Patricia Taverner.

COMMUNITY PARTICIPATION FORUM

Amy Jernigan briefly spoke informing Council that the Butte County Fair will be happening August 26-29. She provided flyers and invited Council to the Director's Reception.

CONSENT AGENDA

1. City Council meeting minutes dated July 19, 2021
2. Review and Approval of Resolution No. 2021-R-015: A Resolution of The City Council of The City of Gridley Approving the Attestation of Veracity for the 2020 Power Source Disclosure Report and Submission of The Report to The California Energy Commission
3. Resolution No. 2021-R-016 (Correction of Duplicated Resolution Number)

Motion to approve the consent agenda by Council Member Calderon, seconded by Vice Mayor Farr.

ROLL CALL VOTE

Ayes: Calderon, Johnson, Farr

Motion passed, 3-0

ITEMS FOR COUNCIL CONSIDERATION

4. Appointment to Fill Planning Commission Vacancies

Motion to appoint Beverly Jamison by Mayor Johnson, seconded by Vice Mayor Farr.

ROLL CALL VOTE

Ayes: Johnson, Calderon, Farr

Motion passed, 3-0

Motion to appoint W. Alan Cornett by Mayor Johnson, seconded by Council Member Calderon.

ROLL CALL VOTE

Ayes: Johnson, Calderon, Farr

Motion passed, 3-0

5. American Recovery Plan Overview – Verbal Update, Cliff Wagner

Administrator Wagner shared a PowerPoint presentation that included the source of funds, the amount received and to be received by the City of Gridley and categorical options for expenditure. The City has three years to appropriate and five years to expend the funds.

There was no action taken; this was an informational item.

CITY STAFF AND COUNCIL COMMITTEE REPORTS

Administrator Wagner spoke briefly regarding the NCPA meeting he attended in Murphy's.

Mayor Johnson reported on the meeting he attended with the Butte County Mosquito and Vector Control District.

POTENTIAL FUTURE CITY COUNCIL ITEMS - (Appearing on the Agenda within 30-90 days):

Resolution to adopt the SCIP/BOLD program	8/16/2021
Parkland Estates	8/16/2021
SR 99 Sidewalk	8/16/2021
Park Planning and Grant Pursuit	8/16/2021
CJIS Radio Compliance Program for Police Dept	8/16/2021
Stenzel Annexation/GPA/RZ/TSM/MND	8/16/2021
Chandler Park Subdivision GPA/RZ/TSM/MND	9/7/2021
Ordinance to amend Title 15 of the GMC and related fees	9/7/2021
Edler Estates	9/20/2021
Steffen Estates	9/20/2021
Award Contract for Municipal Services Review	9/20/2021

CLOSED SESSION

6. Closed session to confer with legal counsel concerning anticipated litigation and liability claims of Jesus Gonzales and Alexandra Tacalo against the City of Gridley and Gridley Police Department pursuant to Government Code 54956.9.

Council went into closed session at 6:44 pm and came out at 7:45 pm with the following action: The City Council having considered the claims presented by Alexandra Tacalo and Jesus Gonzalez hereby rejects each of the individual claims.

ADJOURNMENT

With no items for further discussion, Council adjourned to a Special Meeting on August 11, 2021.

Cliff Wagner, City Clerk

City Council Item #2
Staff Report

Date: August 16, 2021

To: Mayor, City Council Members

From: Donna Decker, Planning Department

X	Regular
	Special
	Closed
	Emergency

Subject: Resolution No. 2021-R-017: A Resolution of the Gridley City Council Approving Tentative Subdivision Map No. 1-21 to Subdivide One Parcel Consisting of Approximately a 1.48-Acre Parcel into 19 Single-Family Parcels for a Zero-Lot Line Development Located on the East Side of Haskell Street Across from the Manuel Vierra Park zoned as Multi-Family Residential District (MFR (9-15 Du/Ac)) in the Residential, High Density 1 (9-15 DU/Ac) General Plan Land Use Designation. (APN 010-210-043)

Recommendation

City staff respectfully recommends the City Council:

1. Determine the project is categorically exempt per the California Environmental Quality Act, California Environmental Quality Act, Section 15332, Class 32, Infill Development; and,
2. Make the required Findings of Fact in accordance with the Subdivision Map Act; and,
3. Adopt Resolution No. 2021-R-017 to approve the Tentative Subdivision Map 1-21 to subdivide a single parcel into nineteen-parcels.

Summary

On July 28, 2021, the Planning Commission considered the application for a tentative subdivision map to develop a 1.48-acre parcel into 19 single-family residential lots in the City of Gridley. The application requires tentative subdivision map approval by the City Council and a determination that the project is categorically exempt as an infill project. The subject site had been approved in 2005. The majority of the infrastructure is constructed and in place. The map details the existing conditions and the storm drain, sewer, and water service that are in place. The applicant had the utilities camera-ed to determine the integrity of the facilities. The proposed subdivision map reflects the same 2005 proposal without amendment. The applicant will construct the same housing units as previously approved by the Planning Commission and City Council. The previous approval is attached for general information.

Discussion

Location and site characteristics

The subject site is an approximately 1.48-acre parcel located on the east side of Haskell Street across from Manuel Vierra Park. The site has remained in an unfinished state since the construction of the improvements.



Figure 1: Location Map

Project Description

The project will complete the required improvements and construct zero lot line homes as previously approved. The project and its architecture are attractive and will provide the city with an additional housing type.



The homes will range from 1,710 square feet to 2,030 square feet.

General Plan

The project is consistent with the General Plan land use designation of Residential, High Density 1 (9-15 du/ac). The site is 1.48 acres and proposes 19 single-family homes resulting in a density of 12.84 du/ac.

Zoning

The zoning designation is R-3, Multi-Family Residential (9-15 du/ac). As noted, the density of the project is 12.84 du/ac consistent with the zoning designation. The zoning designation allows for either attached or detached units.

Tentative Subdivision Map

The proposed map divides the property into nineteen-parcels. The parcels range in size from 2,224 square feet to 2,854 square feet. These lot sized accommodate the proposed zero lot line housing type.

Utilities

The project will be able to be served with the storm drain, sanitary sewer, and power provided by the city. The project has verified the existing facilities that have been constructed to determine that they meet current standards, which they do. The existing facilities are shown on the tentative map and confirmed by camera. The city will receive a copy of the video showing the underground utilities.

Circulation

Access to the site is from Haskell Road and provides a one-way access into the site. Additional parking is provided on the interior for guests as well. This is the same circulation pattern as previously approved.

Drainage

Site drainage is provided with existing storm drain facilities that were constructed previously. The retention of stormwater is provided by four concrete pipes as a manifold with access via manholes.

Findings

In accordance with the Subdivision Map Act, the following findings are required for the adoption of the Tentative Subdivision Map:

1. That the proposed project is consistent with the City of Gridley General Plan and does not exceed density and intensity standards within the Land Use Element. *The Residential, High Density 1 (9-15 du/ac) residential standards of the City's General Plan establish a maximum density of nine to fifteen dwelling units per acre. The proposed project has a gross density of approximately 12.84 dwelling units per acre of residentially developed land.*
2. That the site is physically suitable for the type of development proposed. *The proposed residential uses are consistent with adjacent residential uses. No hazards exist on the site which would make the property inappropriate for people or residential uses.*
3. That the site is physically suited for the density of development. *The proposed Tentative Subdivision Map has a proposed density of 12.84 dwelling units per gross acre which conforms to the requirements of the R-3 multiple family residential zone district. The project site has slopes of less than 2%, it is not within a 100-year flood plain and can accommodate drainage facilities necessary for the proposed density, it has adequate access to public roads which have the capacity to serve the development.*
4. That the designs of the subdivision or the proposed improvements are not likely to cause serious public health problems. *As conditioned, the project will provide adequate sanitary sewer, a public water supply, storm drainage facilities, and roadway and construction conditions and mitigation measures to minimize project related problems. Standard subdivision improvements will include fire hydrants, streetlights and roadways designed for residential traffic.*

5. The design of the project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project. *The project will not impact or conflict with any easements or land acquired by the public.*

6. The Tentative Subdivision Map conforms to the provisions of the Subdivision Map Act and to the provisions of Gridley Municipal Code Title 16 - Subdivisions (GMC Section 16.15). *The tentative subdivision map complies with the required form and content of tentative subdivision maps, as set forth by the City and based upon the provisions of Title 16 of the Gridley Municipal Code.*

7. The tentative subdivision map conforms to the provisions of the City of Gridley General Plan (GMC Section 16.15). *The project conforms to the General Plan land use designation of Residential, High Density 1 (9-15 du/ac).*

8. The tentative parcel map is consistent with good planning and engineering practice (GMC Section 16.15). *The City Engineer has reviewed the tentative subdivision map, and has attached conditions that have been incorporated within the Conditions of Approval. All lots comply with the requirements in the City of Gridley Land Division Standards and Improvement Standards.*

9. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area. *The project applicant proposes to develop the lots for residential uses. This type of development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.*

10. The project will not result in substantial environmental damage. *The project is categorically exempt from CEQA as an infill development site less than 5 acres in size and can be served with all utilities.*

Environmental Review

The project is an infill project and as such is categorically exempt per the California Environmental Quality Act, California Environmental Quality Act, Section 15332, Class 32, Infill Development.

Public Notice

A notice was posted in the Gridley Herald 10 days in advance of the Planning Commission meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review and mailed to adjacent property owners 300 feet from the property boundary. As of the date of the preparation of the staff report, no comments have been received.

Attachments

1. Resolution No 2021-R-017 and Tentative Subdivision Map
2. Resolution No. 2005-R-004

A RESOLUTION OF THE GRIDLEY CITY COUNCIL APPROVING TENTATIVE SUBDIVISION MAP NO. 1-21 TO SUBDIVIDE ONE PARCEL CONSISTING OF APPROXIMATELY A 1.48-ACRE PARCEL INTO 19 SINGLE-FAMILY PARCELS FOR A ZERO-LOT LINE DEVELOPMENT LOCATED ON THE EAST SIDE OF HASKELL STREET ACROSS FROM THE MANUEL VIERRA PARK ZONED AS MULTI-FAMILY RESIDENTIAL DISTRICT (MFR (9-15 DU/AC)) IN THE RESIDENTIAL, HIGH DENSITY 1 (9-15 DU/AC) GENERAL PLAN LAND USE DESIGNATION. (APN 010-210-043)

WHEREAS, the City of Gridley has received an application to consider a Tentative Subdivision Map request for one parcel totaling approximately 1.48 acres in order to create a total of nineteen (19) lots for a single-family residential use on property located on the east side of Haskell Street, in the manner illustrated on a tentative parcel map received by the City (Exhibit "A" attached); and,

WHEREAS, the subject property consists of one parcel designated as Assessor's Parcel Number 010-210-043 and the proposed Tentative Subdivision Map has been assigned the file number Tentative Subdivision Map No. 1-21 (TSM 1-21); and,

WHEREAS, the General Plan designation is Residential High Density 1 (9-15 du/ac) on the Gridley Land Use Map; and,

WHEREAS, the zoning designation for the subject parcel is R-3, Multi-family Residential District; and,

WHEREAS, the City Council finds that Tentative Subdivision Map No. 1-21, including the proposed use and improvements to the property, is consistent with Gridley's General Plan including the policies contained therein as well as the land use diagram, and also finds that based on the conditions of approval, the site is physically suitable for development as proposed; and,

WHEREAS, the City Council considered at a noticed public hearing on August 16, 2021, the comments and concerns of property owners who are potentially affected by approval of Tentative Subdivision Map No. 1-21, and also considered the staff report regarding the proposed tentative map design and required public improvements; and,

WHEREAS, the City Council determined that the described tentative map and its design and improvements are consistent with Gridley's General Plan and zoning ordinance policies regarding the use and division of land; and,

WHEREAS, the City Council, having further considered the proposed project is an infill project and consistent with a categorically exempt per the California Environmental Quality Act, California Environmental Quality Act, Section 15332, Class 32, Infill Development; and,

WHEREAS, the City Council finds that this tentative subdivision map complies with all State and City regulations governing the division of land, and that division and development of the property in the manner set forth on the tentative parcel map as shown on Exhibit A will not unreasonably interfere with the free and complete use of existing public and/or public utility easements or rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRIDLEY, AS FOLLOWS:

SECTION 1: FINDINGS FOR APPROVAL OF THE TENTATIVE SUBDIVISION MAP

The following findings are taken from the Subdivision Map Act regarding subdivisions and are modified to apply to the Tentative Subdivision Map.

1. That the proposed project is consistent with the City of Gridley General Plan and does not exceed density and intensity standards within the Land Use Element.
2. That the site is physically suitable for the type of development proposed.
3. That the site is physically suited for the density of development. The site is physically suitable for the type of development proposed. The project site is flat with slopes less than two percent. The project site within the Gridley urban limits and is not within a flood plain. There is adequate road access to the property. All necessary public utilities and services necessary for development are available to the site.
4. That the designs of the subdivision or the proposed improvements are not likely to cause serious public health problems. As conditioned, the project will provide adequate sanitary sewer, a public water supply, storm drainage facilities, and Standard subdivision road improvements which will include fire hydrants, streetlights and roadways designed for residential traffic.
5. The design of the project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project
6. The Tentative Subdivision Map conforms to the provisions of the Subdivision Map Act and to the provisions of Gridley Municipal Code Title 16 - Subdivisions (GMC Section 16.15
7. The tentative parcel map is consistent with good planning and engineering practice (GMC Section 16.15).
8. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area.
9. The project will not result in substantial environmental damage. The project is categorically exempt from CEQA as an infill development site less than 5 acres in size and can be served with all utilities.

10. The project will have a de minimis effect on fish and wildlife (Fish and Game Code Section 711.4). The project is located in an area designated on the City of Gridley General Plan as being suitable for residential development.

SECTION 2: THE CITY COUNCIL OF THE CITY OF GRIDLEY

Approves Tentative Subdivision Map 1-21 as described subject to the Conditions of Approval:

11. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within 30 days of the City Council approval.

12. The Tentative Subdivision Map 1-21 shall expire after five years. No further extensions are allowed under the Subdivision Map Act unless it is extended by the California State Legislature. A new application to develop the site would be required and all current conditions would need to be met at that time.

13. Development of the site shall comply with all requirements at the time of development.

14. In the event of the discovery or recognition of prehistoric or historic resources in the area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further, if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American heritage Commission within 24 hours. Upon completion of the site examination, the archeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the City, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter.

15. A note shall be placed on the map related to the requirement for the project to pay all applicable impact fees for the development of the project at the currently adopted rates.

16. Minor changes may be approved by the Planning Director upon receipt of a substantiated request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall

require a formal application for amendment.

17. All properties subject to Tentative Subdivision Map shall comply with all applicable requirements of the Gridley Municipal Code.

18. The applicant may enter into a Subdivision Agreement in order to record the Final Map prior to all improvements constructed. The agreement is a document approved by Council resolution.

19. The applicant may request a grading permit and pay all applicable fees as reviewed and approved by the City Engineer.

20. The applicant/developer may develop the subdivision in phases at the review and approval of the city.

21. All costs related for plan review, design, and improvement plan approval by city staff and/or consultants will be the responsibility of the applicant/developer at actual cost.

TAXES:

22. Segregate any assessments against the properties.

23. Pay any delinquent taxes and/or assessments against the properties.

FEES:

24. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of school impact fees, as levied by the Gridley Unified School District in accordance with State legislation at the currently adopted rate per square foot of building area.

25. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of drainage fees levied and must be paid to the City at the time a building permit is issued for development of each parcel.

26. Note on a document to be recorded concurrently with the Final Map the requirement for payment of development impact fees at the time a building permit is issued for development on each lot at the current amount adopted by the City Council, at the time of building permit issuance.

CONVEYANCES AND EASEMENTS:

27. Dedicate and improve the right of way to the satisfaction of the City Engineer. The interior road may be maintained as a private road.

28. Improve the interior access residential street to the satisfaction of the City Engineer.
29. Dedicate a 10-foot-wide public service easement adjacent to all public right-of-way frontages and interior circulation.
30. All right-of-way dedications shall be effected at the time of the Final Map filing.

STREETS:

31. All streets shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The required structural sections for the streets will be established by utilizing in place "R" values as determined by the Developer's engineer and traffic indices shown in the Gridley Public Works Construction Standards. The developer shall submit to the city construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered civil engineer in the State of California. Prior to the start of any proposed new work, construction details, plans and profiles, typical sections and specifications, and cost estimates that have been prepared by a registered engineer shall be submitted to the Department of Public Works for review and approval prior to start of any work. An encroachment permit shall be required for any work within the public right-of-way.
32. Street names shall be approved by the City of Gridley/Butte County street name coordinator.
33. Install street name signs, traffic control signs, pavement markings and barricades in conformance with the Gridley Public Works Construction Standards.

STORM DRAIN FACILITIES:

34. Public and private improvements constructed as a result of approval of this subdivision shall not result in an increase in the rate of peak storm water runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master design and Maintenance Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer of the City of Gridley and by the Engineer for Reclamation District 833, prior to recordation of the Final Map.
35. Prior to approval of the Final Map all of the following requirements shall be completed:
 - a) A registered engineer shall prepare and submit the following information to the city for review and approval:
 - i) Calculations identifying the estimated rate of peak stormwater runoff from the gross area of the undivided site and abutting streets as they exist at the time of approval of the tentative subdivision map during a one hundred (100) year [1% probability] design storm event.

The calculations shall be prepared in a manner consistent with the Gridley Public Works Construction Standards, and with standard engineering practice.

ii) Construction details, plans and profiles, typical sections, specifications, and maintenance plans for any proposed stormwater detention facilities to be constructed to serve the parcels created by this subdivision.

b) A funding mechanism e.g., Assessment District, and shall be established to provide for the on-going maintenance costs associated with utilities, approved stormwater detention facilities constructed pursuant to condition number "I" above. The funding mechanism shall be approved by the City of Gridley.

36. Construct standard drainage improvements along all streets within and adjacent to the site to the satisfaction of the City Engineer prior to issuance of the first Certificate of Occupancy for structures within the project.

37. All drainage improvements shall be constructed in conformance with the Gridley Public Works Construction Standards, the City of Gridley Master Drainage Plan, and the details shown on approved construction plans. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to the recordation of the Final Map.

SANITATION FACILITIES:

38. All homes on the new lots created by this subdivision shall be connected to the city sanitary sewer system prior to issuance of a Certificate of Occupancy.

39. All sanitation facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

40. The developer will relocate the sewer lateral from the manhole to another location and/or as approved by the City Engineer.

WATER FACILITIES:

41. All homes on the new lots created by this subdivision shall be connected to the municipal water system.

42. All water facilities shall be constructed in conformance with the Gridley Public

Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer for review and approval prior to start of any work.

43. The City and the developer shall coordinate with RD 833 for the construction of appropriate decorative fencing to prohibit access to the canal.

FIRE PROTECTION:

44. The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code as interpreted by the local division of the California Division of Forestry, the City of Gridley's contract Fire Department. The number of hydrants installed, as well as the exact location and size of each hydrant and the size of the water main serving each hydrant, shall be as specified in the Code.

45. All residential structures shall provide a fire sprinkler system that meets or exceeds the requirements of the Fire Code.

ELECTRIC FACILITIES:

46. All homes on the new lots created by this subdivision shall be connected to the municipal electric system.

47. All transformers shall be pad mounted above ground.

48. Street lights shall be installed in the locations designated and to the satisfaction of the Planning Department. The street lights shall be City-owned and shall be installed in accordance with City standards. Decorative acorn light standards shall be installed at locations specified by the Planning Department.

49. All electric facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

50. All residential units are required to provide an operable solar system sized to the expected demand. Plans showing the proposed solar design and technical data sheets shall be submitted to the Electric Department for review and approval prior to submitting to Butte County for a building permit.

OTHER PUBLIC FACILITIES:

Telephone, cable television, internet, and natural gas service shall be provided to all parcels in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services.

51. If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocations.

LOT GRADING:

53. Prior to approval of a Final Map and improvement plans, a registered engineer or geologist shall prepare a soils report or geotechnical report. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.

54. The lots shall be graded in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit grading details, plans and specifications prepared by a registered engineer for review and approval prior to the start of any work.

55. Prior to grading and sitework, a Storm Water Permit must be obtained from the Regional Water Quality Control Board.

56. The applicant/developer is responsible for paying all costs for a third-party inspector during the construction of any or all phases of development.

ENGINEERING: (Refer to other sections of the conditions)

57. Existing topo 50 feet beyond boundary and proposed finish grade contour lines both at 1 foot contour intervals shall be provided.

58. Provide Water Distribution Plan, proposed sizes, and tie in locations.

59. Provide proposed fire hydrant locations.

60. Provide Sanitary Sewer Plan, proposed sizes, slopes, sewer manholes and tie in locations.

61. Provide Drainage Plan, sizes and detention facilities.

62. Public utility easements (PUE) shall be shown on plans.

63. Provide Landscape and Irrigation Plans for frontage along West Biggs-Gridley Rd.

64. Show all existing public facilities on West Biggs Gridley Road.

65. Provide a legal description sufficient to define the boundary of the existing parcel and current Title Report.

66. Show standard proposed building setback details for interior lots and corner lots.

OTHER REQUIREMENTS:

67. Fencing of the rear yards for the project shall occur at the time of housing construction and shall be the responsibility of the developer. Fencing throughout the project shall be consistent from lot to lot as reviewed and approved by the Planning Department. A 6-foot split face concrete masonry unit (CMU) wall with cap shall be constructed at the subdivision boundary at commercial properties.

68. Form an assessment district to cover ongoing maintenance costs of facilities within the subdivision including landscaping areas and the drainage detention basin.

69. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to the plaintiff in an action challenging the validity of this tentative subdivision map or any environmental or other documentation related to approval of this tentative subdivision map.

70. Construction practices shall conform to the standards adopted by the Butte County Air Quality Management District, which requires that 1) fugitive dust emissions related to construction of public improvements for the subdivision be controlled at all times, 2) all clearing, grading, earth moving or excavation activities must cease during periods of wind exceeding 15 miles per hour averaged over one hour, and 3) large off-road diesel equipment used for grading at the site must be maintained in good operating conditions.

71. Note on a document to be recorded concurrently with the Final Map that agricultural spraying and keeping of livestock may occur on surrounding properties and that such agricultural uses are permitted by the zoning of those properties and will not be abated unless the zoning changes.

**RESOLUTION NO.
2021-R-017**

I HEREBY CERTIFY that the foregoing resolution was dully passed and adopted by the City Council of the City of Gridley at a regular meeting thereof, held on August 16, 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

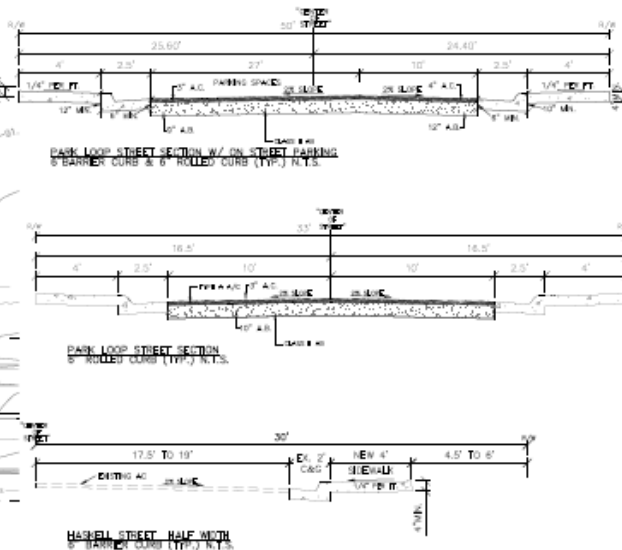
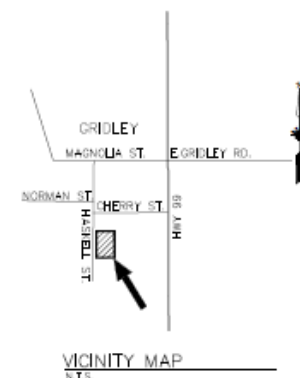
ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor



OWNER:
SATNAM S. NIJAR
1740 MAGNOLIA DRIVE
YUBA CITY, CA 95991
(916) 705-4066

ASSESSOR'S PARCEL NUMBER:
APN: 010-200-043

AREA OF PARCEL
1.48 GROSS ACRES +/-

EXISTING USE:
VACANT

PROPOSED USE
SINGLE FAMILY HOMES

EXISTING ZONING:

R-3

PROPOSED ZONING:

R-3

EXISTING GENERAL PLAN DESIGNATION:

HIGH DENSITY RESIDENTIAL

PROPOSED GENERAL PLAN DESIGNATION:

NO CHANGE

BUILDINGS & STRUCTURES:

UNDERGROUND FACILITIES

WATER, SEWER

CITY OF GRIDLEY

STORM DRAINAGE

CITY OF GRIDLEY-RD 2176

CABLE

COMCAST

UNDERGROUND ALERT SERVICES:

1-800-642-2444

ELECTRIC

CITY OF GRIDLEY

COMMUNICATIONS

AT & T AND COMCAST

NATURAL GAS:

PACIFIC GAS AND ELECTRIC

PARCEL 3 OF THAT CERTAIN PARCEL MAP RECORDED IN
BOOK 36 OF MAPS AT PAGE 23 BUTTE COUNTY RECORDS
CITY OF GRIDLEY CITY, CALIFORNIA
APRIL 2021



FIRST FLOOR 495 SF.

FIRST FLOOR 530 SF.



SECOND FLOOR 506 SF.

SECOND FLOOR 506 SF.

PLAN A: 1,710 SF.

PLAN B: 1,915 S.F.



PLAN 'A'

PLAN 'B'



FIRST FLOOR 595 SF.



SECOND FLOOR 1,175 SF.

PLAN D: 2,030 SF.



PLAN 'D'



FIRST FLOOR 830 SF.



SECOND FLOOR 1,030 SF.

PLAN C : 1,875 S.F.



(Left)

PLAN 'C'

(Right)

PRELIMINARY DESIGN

1/8"=1'-0"

REVISION	BY



BASSAL
Planning
& Design
916.435.0605
4015 SHREVEPORT PL.
DOWNEY, CA 91744



PRELIMINARY

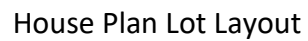
CUMAR PLACE
CITY OF GRIFFIN, CA

DATE:	03-01-2021
SCALE:	1/8"=1'-0"
PROJECT:	
DATE:	03-01-2021

SHEET NO.

A11

OF 00000



A RESOLUTION OF THE GRIDLEY CITY COUNCIL APPROVING A TENTATIVE
PARCEL MAP AND PLANNED DEVELOPMENT (PD) DESIGNATION FOR THE
VACANT PROPERTY HAVING ASSESSOR'S PARCEL NUMBER 010-200-043,
LOCATED ON THE EAST SIDE OF HASKELL STREET,
SOUTH OF CHERRY STREET

WHEREAS, the City of Gridley has received an application to subdivide the vacant 1.48-acre property located on Haskell Street into nineteen (19) single-family dwelling units, in the manner illustrated on a tentative parcel map prepared by Key and Associates and received by the City on January 07, 2005, attached as Exhibit "A"; and

WHEREAS, the property to be so subdivided is presently designated as Assessor's Parcel Number 010-200-043, and this proposed subdivision has been assigned the file number of Tentative Parcel Map No. 7-04; and

WHEREAS, the City has received an application for a Planned Development District (overlay) for the purposes of allowing flexibility in the map design with regards to setback, parcel size, parcel frontage, lot coverage and other R-3 Multiple-family Residential zoning requirements, and the PD Overlay designation has been assigned the file number of PD Overlay No. 2-04; and

WHEREAS, as part of the Planned Development District, the City has received elevations of the residential structures to be built on each parcel as illustrated on , in the manner illustrated by Key and Associates and received by the City on January 07, 2005, attached as Exhibit "B", Exhibit "C" and Exhibit "D"; and

WHEREAS, the Planning Commission and City Council considered at a noticed public hearing the comments and concerns of property owners who are potentially affected by approval of the Tentative Parcel Map No. 7-04 and PD Designation overlay No. 2-04 on January 18, 2005 and February 7, 2005, and also considered City staff's report regarding the proposed subdivision

design and required public improvements; and

WHEREAS, the City Council, having considered previous environmental analysis for the subject site, further considered Tentative Parcel Map No. 7-04 and Planned Development designation No. 2-04 to be Categorically Exempt per section 15332 from the California Environmental Quality Act (CEQA) regarding urban infill development projects; and

WHEREAS, the City Council finds that Tentative Parcel Map No. 7-04 together with Planned Development designation No. 2-04 complies with all State and City regulations governing the division of land; and

WHEREAS, this Council hereby adopts the following findings in support of approval of this map and related PD designation overlay:

1. The proposed design and improvement of the 19 lot subdivision are consistent with the General Plan land use designation of R-3 Multiple Family Residential District for the subject property.
2. The site is physically suitable for the type and proposed density of development because adequate roadway capacity and infrastructure exist or can be provided, and the site has no topographical constraints.
3. The design and improvement of the subdivision are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is not within a sensitive habitat area and all potential impacts are insignificant.

4. The design and improvement of the subdivision are not likely to cause serious public health problems because adequate sewer and water systems will be provided to the project.
5. The tentative subdivision map and PD designation conforms to the provisions of the City of Gridley General Plan (GMC Section 16.15). The project applicant proposes to use the subdivided parcels for residential purposes. This is consistent with the proposed land use designations for the subdivided parcel under the City's General Plan. With the proposed Planned Development Overlay zoning designation, the subdivision conforms to the provisions of the City of Gridley General Plan and zoning ordinance.
7. The tentative parcel map is consistent with good planning and engineering practice (GMC Section 16.15). The City Engineer has reviewed the tentative subdivision map, and has attached terms and conditions hereby incorporated within the Conditions of Approval. All lots comply with the requirements in the City of Gridley Land Division Standards and Improvement Standards.
8. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area. The project applicant proposes to develop the lots for residential uses. This type of development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.
9. The project will not result in substantial environmental damage. With conditions of approval proposed for the project, the tentative subdivision map would not result in any substantial damage to the environment. Development proposed under the subdivision map would be consistent with the type of development in the vicinity, and would not damage the physical

environment of the area.

10. The project will have a de minimis effect on fish and wildlife (Fish and Game Code Section 711.4). The project is located in an area designated on the City of Gridley General Plan as being suitable for residential development and that portion of the site proposed for residential development by the subdivision map has been previously disturbed by past land uses; and
11. City staff for the departments of Public Works, Engineering, Building, Electric and Planning have reviewed the applications and have determined that approval of the project would not be injurious to the health, safe, welfare, peace or comfort of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood.

WHEREAS, this Commission, after considering all evidence presented, further finds that approval of the proposed tentative subdivision map and Planned Development designation will promote infill and orderly growth and development of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GRIDLEY CITY COUNCIL, AS FOLLOWS:

1. That the Tentative Parcel Map No. 7-04 and PD Overlay No. 2-04 be classified as Categorically Exempt from the California Environmental Quality Act per sections 15332; and
2. That Tentative Parcel Map No. 7-04 and PD Overlay No. 2-04 should be approved by Gridley City Council, subject to the following conditions:

A. GENERAL REQUIREMENTS:

- 1) Use of the 1.48 acre project site is subject to all zoning regulations described in

Gridley Municipal Code as applicable to "R-3 Residential High Density" residential zoning districts and all applicable requirements of the Gridley Municipal Code except as conditioned herein.

- 2) Physical development of the site shall conform to the site development and design approved for Tentative Subdivision Map No. 7-04, and to all of the conditions of approval of that Tentative Subdivision Map and PD designation No. 2-04 as illustrated on Exhibits A, B, C, and D. Height of the structures shall not exceed 30-feet.
- 3) All building plans for new residential development must be reviewed by the Planning Department.
- 4) The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within 30 days of the Planning Commission recommendation for approval.
- 5) The project shall be required to pay all applicable impact fees for the development of the project.
- 6) Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the Community Development Director to commence a revocation hearing and constitute grounds to revoke the approval of the Planned Development application and Tentative Subdivision Map.

- 7) Minor changes may be approved by the Community Development Director upon receipt of a substantiated request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.
- 8) The approved site development plans for the project include the tentative subdivision map with landscaping and lighting details and residential elevations (Units B-A, B-B and C-C) date-stamped January 07, 2007 by the City of Gridley Planning Department.
- 9) The applicant shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department, and the Department of Public Works. The applicant is responsible for contacting these offices to verify the need for permits.
- 10) The PD District shall expire at the date the associated tentative subdivision map No. 7-04 or, tentative parcel map expires as regulated by the city subdivision ordinance.
- 11) If PD District No. 2-04 expires, the R-3 Multi-Family Residential zoning which existed prior to the adoption of the PD district, or its current equivalent, shall be in full force and effect. A one-year extension may be granted by the planning commission prior to the date of expiration.

B. TAXES:

- 1) Segregate any assessments against the properties.
- 2) Pay any delinquent taxes and/or assessments against the properties.

C. FEES:

- 1) **Note on a document to be recorded concurrently with the Final Map**, the requirement for payment of an in-lieu park fee, in the amount determined in accordance with Gridley Municipal Code Chapter 16.40, at the time a building permit is issued for development on each parcel.
- 2) **Note on a document to be recorded concurrently with the Final Map**, the requirement for payment of school impact fees, as levied by the school districts in accordance with State legislation.
- 3) **Note on a document to be recorded concurrently with the Final Map**, the requirement that if the stormwater detention facilities constructed for this project for purposes of compliance with Section D (1) of this Resolution are such that those facilities could be abandoned if and when equivalent detention facilities are provided on another site, then payment of drainage fees levied in accordance with Gridley Municipal Code Chapter 13.20, must be paid to the City at the time a building permit is issued for development of each parcel.

D. CONVEYANCES AND EASEMENTS:

- 1) Dedicate and improve the interior subdivision street right-of-way. Improvements of the right-of-way shall be to the satisfaction of the City Engineer.
- 2) Dedicate a 10-foot public services easement adjacent to all public right-of-way frontages.

D. STORM DRAIN FACILITIES:

- 1) Public and private improvements constructed as a result of approval of this subdivision site shall not result in an increase in the rate of peak stormwater runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. Design and maintenance plans for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer of the City of Gridley.
- 2) Prior to approval of a Final Map all of the following requirements shall be completed:
 - a) A registered engineer shall prepare and submit the following information to Gridley Department of Public Works for review and approval:
 - i) Calculations identifying the estimated rate of peak stormwater runoff from the gross area of the undivided site and abutting streets - as they exist at the time of approval of the tentative subdivision map - during a one hundred (100) year [1% probability] design storm event. The calculations shall be prepared in a manner consistent with the Gridley Public Works Construction Standards, and with standard engineering practice.
 - ii) Construction details, plans and profiles, typical sections, specifications, and maintenance plans for any proposed stormwater detention facilities to be constructed to serve the parcels created by this subdivision.

- b) A funding mechanism shall be established to provide for the on-going maintenance costs associated with approved stormwater detention facilities constructed pursuant to condition number "1" above. The funding mechanism shall be approved by the City of Gridley.
- 3) Dedication of the area for the detention facilities shall be made to the City of Gridley as a condition of recordation of the Final Map.
- 4) If surface detention facilities are proposed, the design shall minimize use of the facility by mosquitoes for breeding by incorporating some or all of the features recommended by the Butte County Mosquito and Vector Control District.
- 5) Construct standard drainage improvements along all streets within and adjacent to the site to the satisfaction of the City Engineer prior to issuance of the first Certificate of Occupancy for structures within the project.

All drainage improvements shall be constructed in conformance with the Gridley Public Works Construction Standards, the City of Gridley Master Drainage Plan, and the details shown on approved construction plans. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to the recordation of the Final Map.

F. STREETS:

- 1) All street frontage improvements shall be constructed to the satisfaction of the City Engineer. The required structural sections for the streets may vary from that

shown on the tentative subdivision map depending upon the soils report. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

- 2) Install street name signs, traffic control signs and pavement markings in conformance with the Gridley Public Works Construction Standards.

G. SANITATION FACILITIES:

- 1) All homes on the new lots created by this subdivision shall be connected to the City sanitary sewer system prior to issuance of a Certificate of Occupancy.
- 2) All sanitation facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

H. WATER FACILITIES:

- 1) All homes on the new lots created by this subdivision shall be connected to the municipal water system.
- 2) All water facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections,

specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

I. FIRE PROTECTION:

The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code as interpreted by the local division of the California Division of Forestry, the City of Gridley's contract Fire Department. The number of hydrants installed, as well as the exact location and size of each hydrant and the size of the water main serving each hydrant, shall be as specified in the Code.

J. ELECTRIC FACILITIES:

- 1) All homes on the new lots created by this subdivision shall be connected to the municipal electric system.
- 2) All transformers shall be pad mounted above ground.
- 3) Street lights shall be installed in the locations designated and to the satisfaction of the City Engineer. The street lights shall be City-owned and shall be installed in accordance with City standards.
- 4) All electric facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

K. OTHER PUBLIC FACILITIES:

- 1) Telephone, cable television, and gas service shall be provided to all parcels in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services.
- 2) If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocations.

L. LOT GRADING:

- 1) Prior to approval of a Final Map and improvement plans, a registered engineer or geologist shall prepare a soils report or geotechnical report. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
- 2) The lots shall be graded in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit grading details, plans and specifications prepared by a registered engineer to the Department of Public Works for review and approval prior to the start of any work.
- 3) Prior to grading and site work, a Construction Activity Storm Water Permit must be obtained from the Regional Water Quality Control Board.

M. OTHER REQUIREMENTS:

- 1) The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for

any award, damages, costs and fees incurred by the City and/or awarded to the plaintiff in an action challenging the validity of this tentative subdivision map or any environmental or other documentation related to approval of this tentative subdivision map.

- 2) Construction practices shall conform to the standards adopted by the Butte County Air Quality Management District, which requires that 1) fugitive dust emissions related to construction of public improvements for the subdivision be controlled at all times, 2) all clearing, grading, earth moving or excavation activities must cease during periods of wind exceeding 15 miles per hour averaged over one hour, and 3) large off-road diesel equipment used for grading at the site must be maintained in good operating conditions.
- 3) Note on a document to be recorded concurrently with the final Map that, in order to minimize adverse impacts on air quality, all wood burning devices constructed or installed on lots shall be EPA Phase II certified, low NO_x water heaters must be installed, and a minimum 20 amp electrical outlet must be installed on the outside wall of the front and back of all new homes.
- 4) Note on a document to be recorded concurrently with the final Map that states repair and maintenance of the individual half-plexes are the responsibility of the home owners and that exterior façade colors may not be modified without prior approval of the Gridley Community Development Director.
- 5) A note shall be placed on all construction plans which inform the construction contractor that if any bones, pottery fragments or other potential cultural resources

are encountered during construction, all work shall cease within the area of the find pending an examination of the site and materials by a professional archaeologist. This person will assess the significance of the find and prepare appropriate mitigation measures for review by the Community Development Director. All mitigation measures determined by the Planning Director to be appropriate for this project shall be implemented pursuant to the terms of the archaeologist's report. The City Engineer and Public Works Director will verify that the above wording is included in project grading plans. Should cultural resources be encountered, the supervising inspector will be responsible for reporting any such findings to the Planning Division, & a qualified archaeologist will be contacted to conduct meetings with on-site employees & monitor the mitigation measures.

- 5) Prior to occupancy of any residence on the site, a solid six-foot fence constructed of cement or similar material shall be erected between any commercial C-2 zoning land uses. The purpose of the fence shall be to minimize noise impacts of the commercial uses on future residents of the subject property.
- 6) Prior to any site work, a solid six-foot fence constructed of cement or wood shall be erected along the northern and southern property lines. The purpose of the fence shall be to minimize noise, dust and other aesthetic impacts related to residential construction on adjacent residents.
- 7) Lighting on the site, other than from private residences, shall not indirectly illuminate adjacent residences at a level greater than one foot-candle in intensity

when measured from the portion of the residence facing the project site. If indirect illumination at a residence is greater than one-foot candle, the Community Development Director shall ascertain the cause of the indirect illumination and, if necessary, implement appropriate measures to reduce such illumination. In addition, no reflective materials shall be used in the construction of common facilities and fence material.

- 7) Colors for all fencing shall be earth tones that do not reflect sunlight. The roof material shall be tile or 30-year composite shingles of beige, brown and combination of earthy colors. Wall material shall be stucco or foam accent pop-outs of hardy planks of a neutral, white, off-white and/or earth tones to contrast the roof material. The shutters shall be of similar color to the roof tile and walls.
- 8) All residential unit roof-lines and building facades shall show a clear delineation between adjoining roofs and adjoining units in common buildings.
- 9) Permanent signage shall be placed on the on-street (Qumar Circle) parking spaces indicating 48-hour parking limitation and that violators will be towed at the owner's expense per the direction of the Gridley Police Department.
- 10) Boats, trailers and recreational vehicles shall only be stored within the garages of each individual unit and shall not be allowed for storage on-site or within the guest parking area.
- 11) All open areas not covered with buildings or paving shall be well landscaped and maintained. Trees of sufficient size shall be planted throughout the development. A detailed yard landscaping plan shall be submitted with the individual building

permits approved by the Community Development Director.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at the regular meeting of the Gridley City Council held on the 7th day of February, 2005, by the following vote:

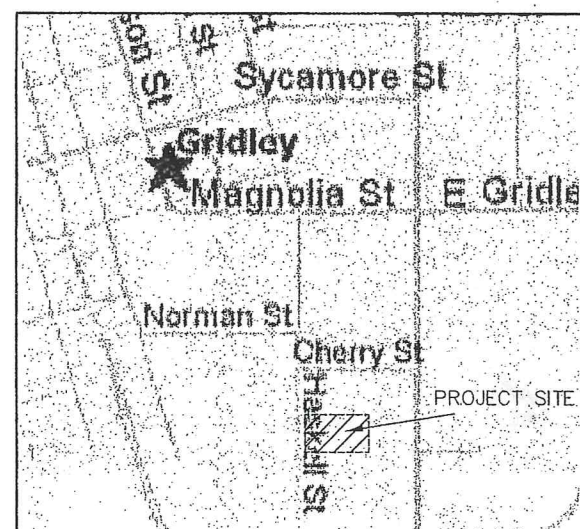
AYES:	COUNCILMEMBERS	_____
NOES:	COUNCILMEMBERS	_____
ABSTAIN:	COUNCILMEMBERS	_____
ABSENT:	COUNCILMEMBERS	_____

ATTEST:

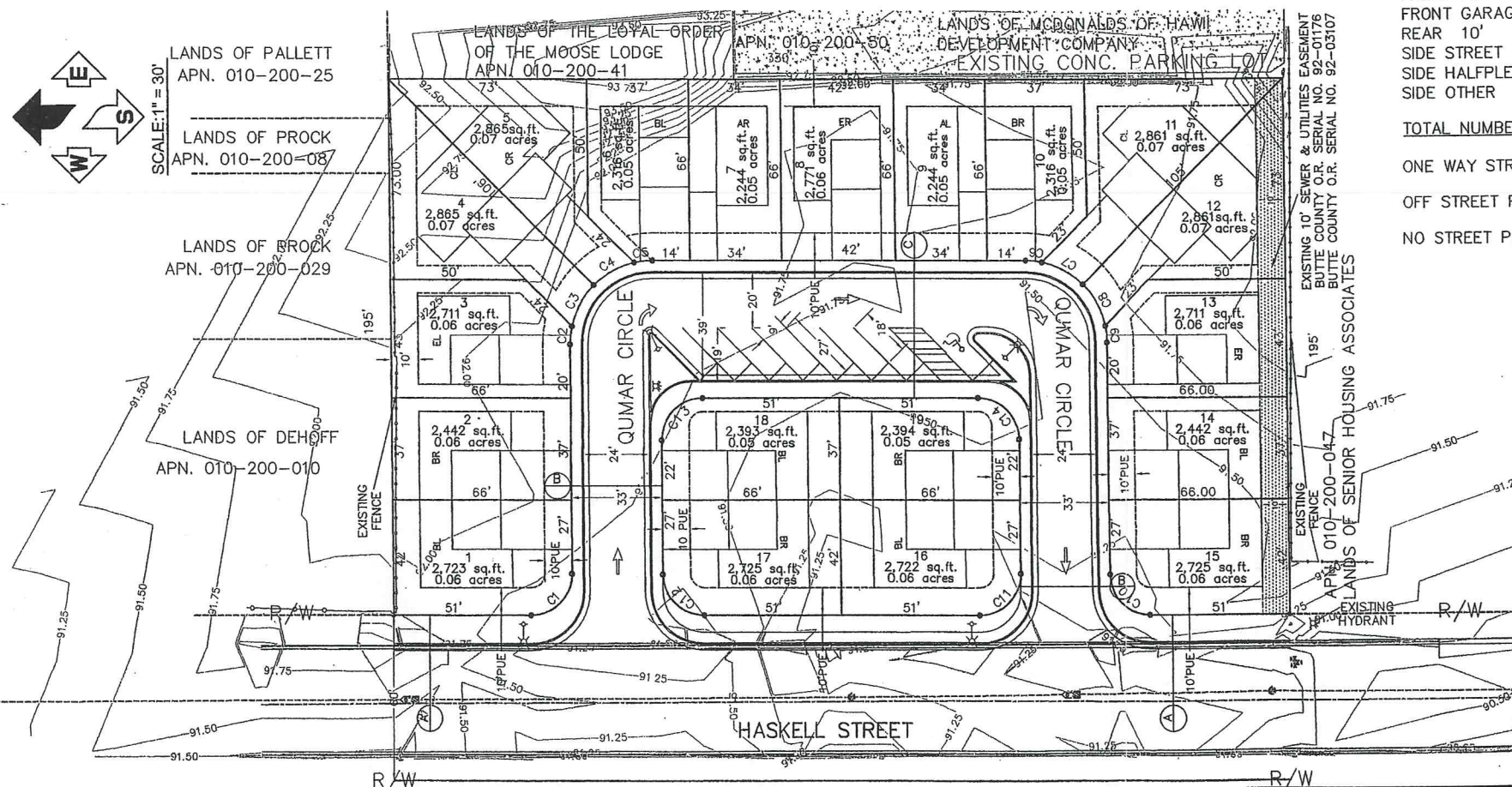
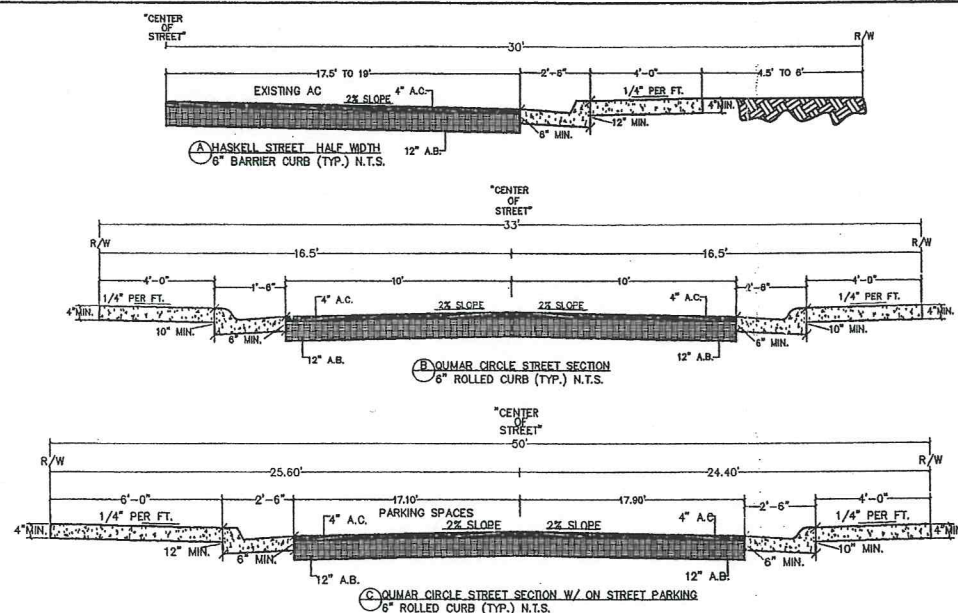
APPROVE:

CITY CLERK, John W. Slota

MAYOR, Frank W. Cook



VICINITY MAP
N.T.S.



APPLICANT
CAL-ONTARIO INC.
9413 SOUTH BUTTE
SUTTER, CA 93982
(530)-755-0457

OWNER
CAL-ONTARIO I
9413 SOUTH BUTTE
SUTTER, CA 93982
(530)-755-0457

ENGINEER
KEY AND ASSOCIATES
1646 POOLE BLVD.
YUBA CITY, CA 95993

APN#
010-200-043

TOTAL ACREAGE
1.48 ACRES

GENERAL NOTES

WATER
SEWER
DRAINAGE
ZONING
ELECTRICITY
GAS
TELEPHONE
CABLE
LIGHTING
TREES

CITY OF GRIDLEY
CITY OF GRIDLEY
ON-SITE UNDERGROUND DETENTION
R-3 (RESIDENTIAL HIGH DENSITY)
CITY OF GRIDLEY
PG & E
SBC
COMCAST
(4) 16' POLE MOUNT
MINIMUM 1 PER 2 UNITS

SETBACKS

FRONT 10'
FRONT GARAGE 20'
REAR 10'
SIDE STREET 10'
SIDE HALFPLEX 0'
SIDE OTHER 5'

TOTAL NUMBER OF UNITS 19

ONE WAY STREET (KUMAR CIRCLE)

OFF STREET PARKING: 2 PER UNIT GARAGE

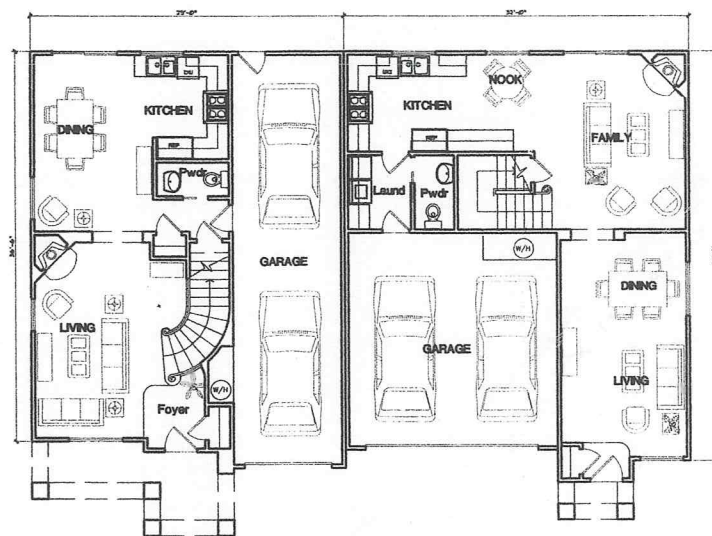
NO STREET PARKING EXCEPT AS DESIGNATED

CURVE	LENGTH	RADIUS
C1	23.72	15.00
C2	1.76	30.00
C3	8.63	30.00
C4	17.09	30.00
C5	17.09	30.00
C6	6.63	30.00
C7	6.11	30.00
C8	17.29	30.00
C9	17.29	30.00
C10	23.41	30.00
C11	23.72	15.00
C12	23.41	15.00
C13	23.72	15.00
C14	23.41	15.00

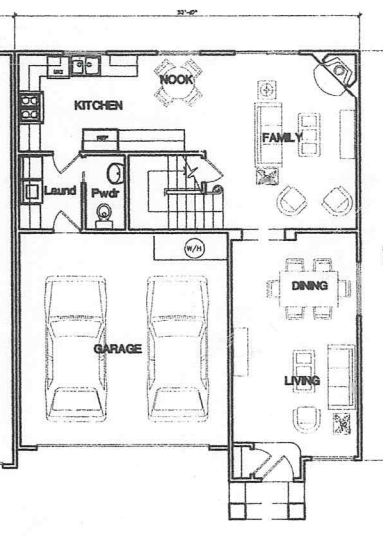
TENTATIVE MAP #

KUMAR PLACE
GRIDLEY, CA OCTOBER 21, 2004

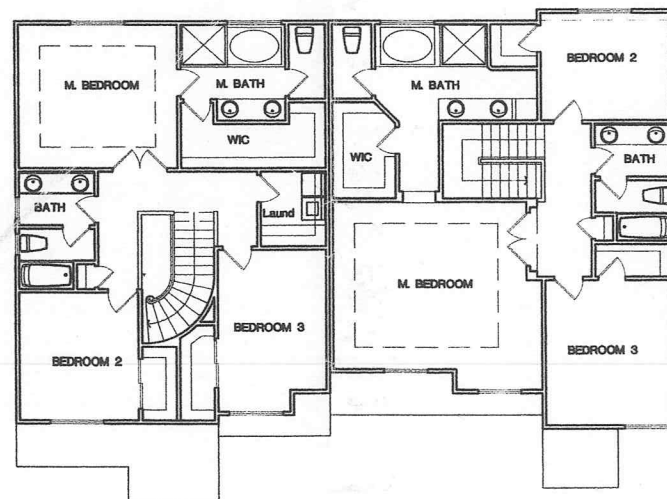
PREPARED BY: KEY AND ASSOCIATES
1646 POOLE BLVD.
YUBA CITY, CA 95993



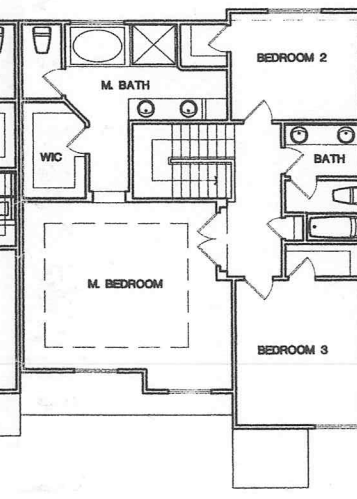
FIRST FLOOR: 695 SF.



FIRST FLOOR: 830 SF.



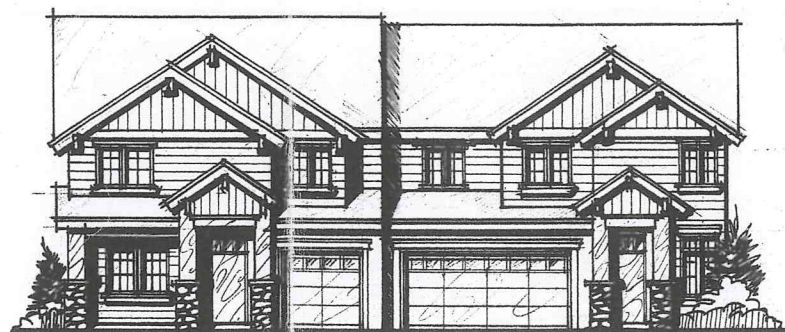
SECOND FLOOR: 1,015 SF.



SECOND FLOOR: 1,085 SF.

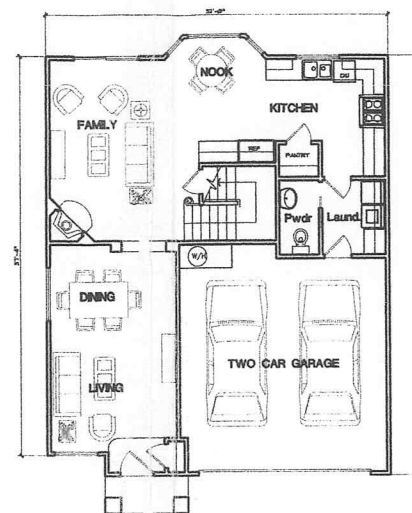
PLAN A: 1,710 SF.

PLAN B: 1,915 S.F.

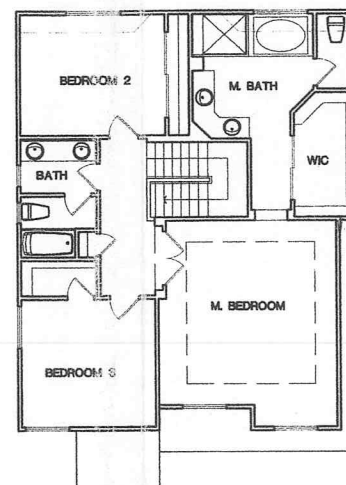


PLAN 'A'

PLAN 'B'



FIRST FLOOR: 855 SF.

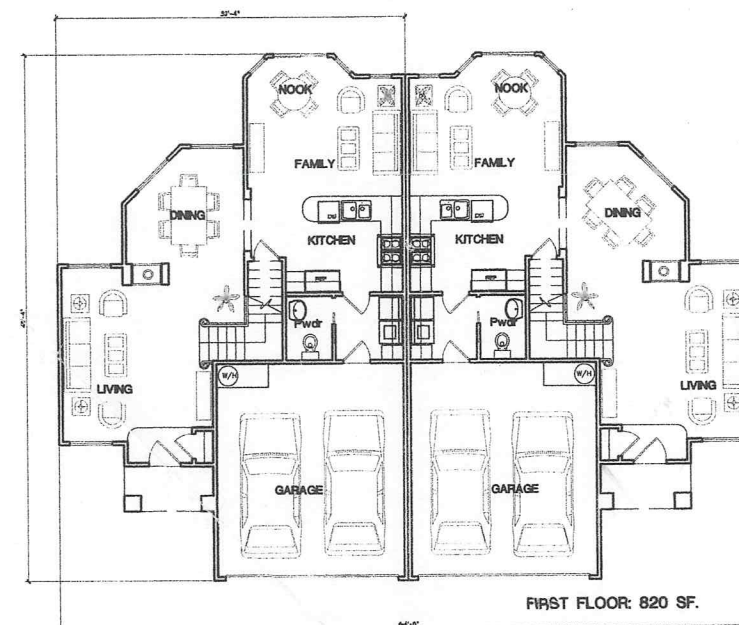


SECOND FLOOR: 1,175 SF.

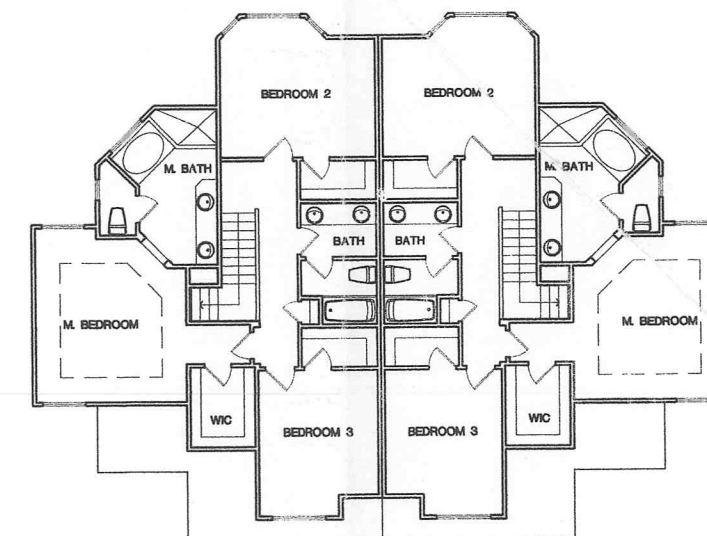
PLAN D: 2,030 SF.



PLAN 'D'



FIRST FLOOR: 820 SF.



SECOND FLOOR: 1,030 SF.

PLAN C : 1,875 S.F.



(Left)

PLAN 'C'

(Right)

PRELIMINARY DESIGN

1/8"=1'-0"

REVISIONS	BY



BASSAL
Planning
& Design
 916.433.0605
 4912 BRADFORD PL.
 ROCKLIN, CA 95765



PRELIMINARY

QUMAR PLACE
CITY OF GRIDLEY, CA

DATE:	03-31-06
SCALE:	
DRAWN:	CB
JOB NO:	06-225
SHEET NO.	A1.1
OF SHEETS	

COPY RIGHT NOTICE: USE OF THESE DRAWINGS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL PROJECT SITE FOR WHICH THEY WERE INTENDED. REUSE OR REPRODUCTION BY ANY METHOD IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO DRAWINGS AND SPECIFICATIONS REMAINS WITH "BASSAL". DESIGN AND INFORMATION REMAINS WITH "BASSAL". DESIGN AND INFORMATION REMAINS WITH "BASSAL". DESIGN AND INFORMATION REMAINS WITH "BASSAL".

City Council Item #3
Staff Report

Date: August 16, 2021

To: Mayor and Council Members

From: Donna Decker, Planning Department

X	Regular
	Special
	Closed
	Emergency

Subject: Resolution No. 2021-R-018: A Resolution of Application of the City of Gridley Initiating Proceedings for the Annexation of Approximately 19.95 Acres from Butte County into the Incorporated Boundary of the City of Gridley (APN 009-290-006)

Resolution No. 2021-R-019: A Resolution of the Gridley City Council to Amend the General Plan Land Use Designations of Approximately 16.4-Acres of the Total 19.95 Acres from Residential, Very Low Density to Residential, Low Density and to Adopt a Mitigated Negative Declaration Pursuant to CEQA Finding There is Less Than Significant Environmental Impact from the Land Use Re-Designations (APN 009-290-006)

Resolution No. 2021-R-020: A Resolution of the Gridley City Council Approving Tentative Subdivision Map No. 1-20 to Subdivide One Parcel Consisting of Approximately 19.95 Acres into Sixty (60) Parcels Located at the West Side of West Biggs-Gridley Road (APN 009-290-006)

Ordinance No. 833-2021: An Ordinance of the City Council of the City of Gridley to Pre-Zone Approximately 19.95-Acres; 3.55 Acres to Residential Suburban (Rs) and 16.4-Acres to Single Family Residential District (R-1) Located on the West Side of West Biggs-Gridley Road (APN 009-290-006)

Recommendation

City staff respectfully recommends the City Council adopt Resolutions No. 2021-R-018, 2021-R-019, 2021-R-020 and adopt Ordinance 833-2021 by reading of title only.

Summary

The applicant has submitted an application to annex approximately 20 acres into the City of Gridley. The application requires a General Plan Amendment, a pre-zone for land use designations, a tentative parcel map and an environmental review with the adoption of a mitigated negative declaration. The proposed project was introduced to the Planning Commission and the public for comment at the regularly scheduled meeting held on August 19, 2020, and September 16, 2020. The Planning Commission reviewed a tentative parcel map to segregate the existing homes into parcels with the remainder for future development. On July 28, 2021 the Planning Commission considered an amended application to develop the site into 60 single family residential parcels.

There were no concerns related to the proposed project nor opposition to the project from the public related to segregating existing homes into parcels nor for the development into an additional 56 lots.

Discussion

Location and site characteristics

The subject site is an approximately 20-acre parcel located on the west side of W Biggs Gridley Road and east of Eagle Meadows.

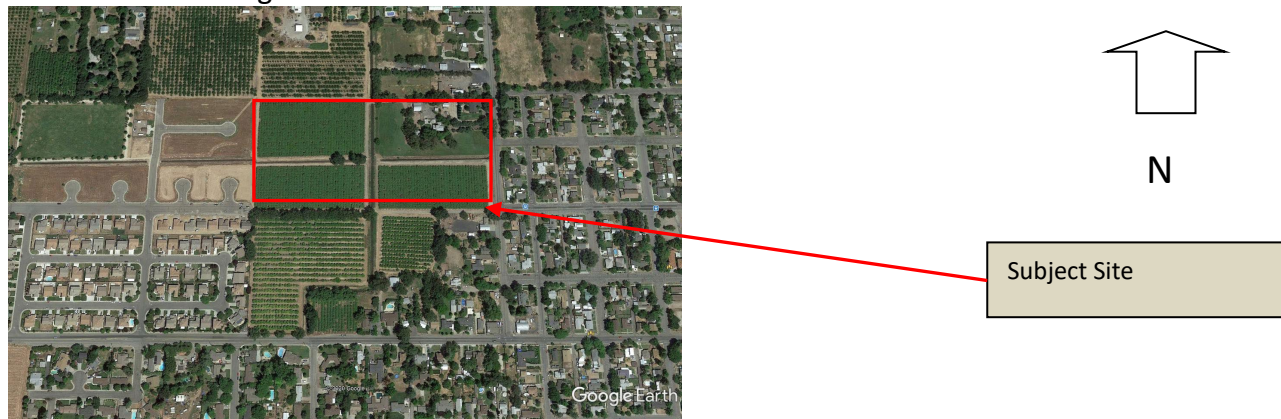


Figure 1: Location Map

The property is contiguous to the existing City boundary and has been within the Sphere of Influence since before the 2030 General Plan Update.

The property is currently developed as an agricultural operation for Kiwi fruit. The Kiwi orchard is developed on the northwest, southwest, and southeast quadrants of the property. The property is bisected into quadrants both north and south by the City of Gridley drainage canal which lies in an east-west direction and RD133 in a north-south direction. The northeast quadrant has been developed with two single family homes where the applicant resides and their daughter.

The property has single family residential to the east and west of its boundary with residential/agriculture at the north and south boundaries.

Project Description

Initially, the applicant approached the Butte County Planning Department to begin the process of a parcel map to subdivide the property into three parcels positioning it to retain the existing home sites and provide for the remainder to be developed in the future for housing. The applicant has indicated the conversations with Butte County Planning encouraged them to consider annexing the property to the City of Gridley because the property is contiguous to the City boundary and it is within the Sphere of Influence; it was recognized the property was in a location where a natural expansion of the City might occur.

The proposed subdivision map will divide the existing homesites for independent ownership to the applicant (1.8 acres) and to their daughter (0.9 acre) respectively, and create two proposed large parcels totaling 3.55 acres for Residential Suburban zoning. The remaining 16.4 acres is

proposed as a single-family residential subdivision consisting of 56 standard lots. In order to annex the property to the City of Gridley the following actions are needed:

- Amend the General Plan of the City of Gridley to reflect the existing and future land uses
- Pre-zone the property to be consistent with the City of Gridley General Plan land use designations
- Approve the Tentative Subdivision Map to create two lots for the existing single-family homes with the remainder providing an additional 58 lots
- Determine what environmental impacts there may be and provide mitigations for any that are significant unless mitigated
- Process an application through Butte County LAFCo to annex the property to the City of Gridley

After the LAFCo determination, the City Council would be able to accept the property to annex to the City.

General Plan

The General Plan amendment would provide land use designations that would reflect the existing and future uses for the site; four parcels are proposed as Residential, Very Low Density for the existing large lot single family homes. The largest parcel of approximately 16.4 acres would have a General Plan designation of Residential, Low Density to accommodate the future Single-Family Residential development comprised of standard lot sizes. The development of this acreage would be complementary to the Eagle Meadows development to the west of the subject site.

Pre-Zoning

The zoning designation would be Residential Suburban for the existing residences plus two additional large lots because the applicant has requested the sizes to reflect existing conditions thus creating one parcel of 1.8 acres and the second parcel as 0.9 acre. The remaining area of 16.4 acres would be Single Family Residential.

Tentative Subdivision Map

The proposed map divides the property into sixty parcels; 3.55 acres of large area parcels for the two existing single family residential units at the northeast corner of the site. Two additional large parcels are proposed for this land use designation. The 16.4 acres is proposed to be subdivided into a single-family residential development that would support from 56 parcels.

Similarly, in 2002, when Eagle Meadows was being developed, tentative site plans depicted the expansion of Eagle Meadows into the Stenzel property. The City was supportive at that time in concept; however, the market changed and it was not affected. The subdivision will be appropriately located adjacent to Eagle Meadows.

Annexation

The subject site is currently within the unincorporated area of Butte County contiguous to the city boundary. For the property to be annexed, an application to LAFCo must be processed and approved before the city can take final action. No additional property needs to be combined with this application to create a logical boundary and inclusion into the City of Gridley.

Utilities

The project will not require service for sewer, water, or power to the existing residential units. The city can provide utilities to the site should they wish to in the future. The existing single-family homes are currently developed with wells and septic systems. Utility services will be available to both existing residences should it be requested and to the additional 58 parcels.

The City recently acquired an east-west easement at the southerly boundary in order to loop its services from W Biggs Gridley Road to Eagle Meadows within the alignment of Spruce Street which will eventually be constructed either at the time the 16.4 acres are developed, or earlier should the City fund the construction. The subdivision map has provided language to dedicate a right-of-way to the City for said road and public utilities.

Circulation

Access to the existing single-family residences will remain the same from W Biggs Gridley Road. Addressing will also remain the same.

Access to the 16.4-acre site will be from the improved Spruce Street which will be constructed connecting W Biggs Gridley Road to Spruce Street at Eagle Meadows. This new alignment has been a part of the long-range planning efforts of the City.

Drainage

Site drainage will remain the same since no development or additional paving is being done at this time. When the 16.4 acres are developed, storm drain water runoff will discharge into the Eagle Meadows detention basin or to the channels bisecting the site.

Environmental Review

An Initial Study has been prepared and discusses the impacts identified for the development of the subdivision. Mitigation measures have been provided reducing impacts to a less-than-significant level. The Initial Study is a tiered document relying on the analysis used for the 2030 General Plan Update. The City Council would adopt a resolution for a Mitigated Negative Declaration.

Public Notice

A notice was posted in the Gridley Herald 10 days in advance of the City Council meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review and mailed to adjacent property owners 300 feet from the property boundary.

Attachments –

1. Resolution No. 2021-R-018
2. Resolution No. 2021-R-019
3. Resolution No. 2021-R-020
4. Ordinance 833-2021
5. Public Notice and Initial Study

**A RESOLUTION OF APPLICATION OF THE CITY OF GRIDLEY
INITIATING PROCEEDINGS FOR THE ANNEXATION OF APPROXIMATELY 19.95 ACRES FROM
BUTTE COUNTY INTO THE INCORPORATED
BOUNDARY OF THE CITY OF GRIDLEY (APN 009-290-006)**

WHEREAS, the City of Gridley has received an application to consider a Tentative Subdivision Map request for one parcel totaling approximately 19.95 acres in order to create a total of sixty (60) lots for a single-family residential use and has been assigned the file number Tentative Subdivision Map No. 1-20; and,

WHEREAS, the proposed project lies within the boundaries of the County of Butte; and,

WHEREAS, the applicant requests the proposed project area to be annexed to the City of Gridley; and,

WHEREAS, the City of Gridley desires to initiate a proceeding for the adjustment of boundaries specified herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRIDLEY, AS FOLLOWS:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is an annexation to the City of Gridley.
3. A map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein.
4. It is desired that the proposal be subject to the Conditions of Approval as set forth in Exhibit B.
5. The reasons for the proposal are to expand the land area in the City of Gridley to accomodate additional lands for residential use conforming to the requirements of the State of California Housing and Community Development Department Regional Housing Needs Assessment (RHNA) and to meet the 2020 allocation of an additional three hundred and forty-five housing (345) units as determined by the Butte County Association of Governments.
6. The proposal is consistent with the Sphere of Influence of the annexing of lands to the City of Gridley.

RESOLUTION NO.
2021-R-018

7. Consent is hereby given to proceeding to the Butte County Local Agency Formation Commission (BC LAFCO) proceedings for annexation of lands to be incorporated into the City of Gridley.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at the regular City Council meeting of the City of Gridley held on the 16th day of August, 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

EXHIBIT A

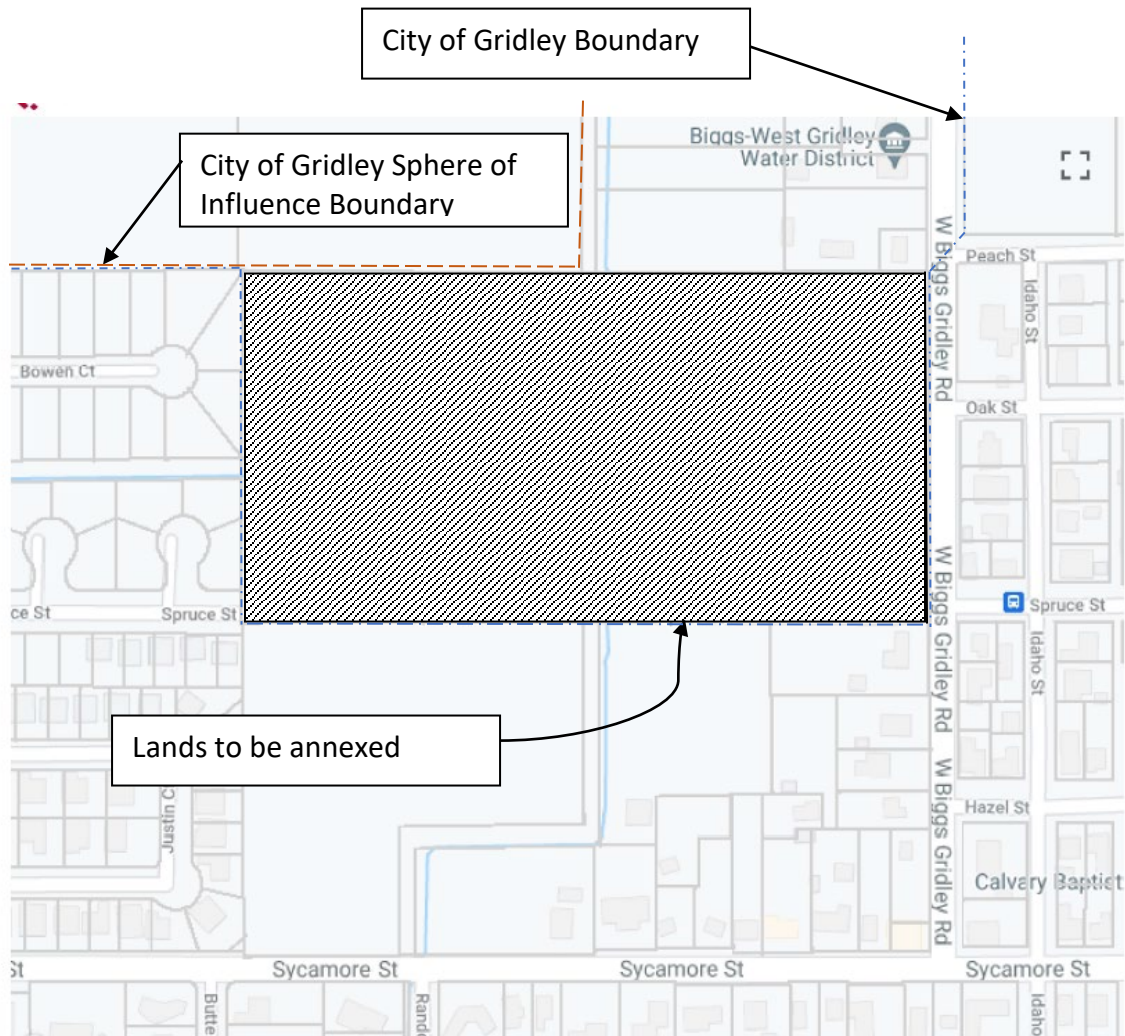


FIGURE 1: PLAT OF PROPOSED LANDS FOR ANNEXATION

**RESOLUTION NO.
2021-R-018**

**Conditions of Approval
APN: 009-290-006**

Project: Kiwi Vineyard Estates; General Plan Amendment GPA 1-20, Pre-zone RZ 1-20, and Tentative Subdivision Map 1-20; Annexation 1-20; Mitigated Negative Declaration 1-20

GENERAL REQUIREMENTS:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within 30 days of the City Council approval.
2. The Tentative Subdivision Map 1-20 shall expire after five years. No further extensions are allowed under the Subdivision Map Act unless it is extended by the California State Legislature. A new application to develop the site would be required and all current conditions would need to be met at that time.
3. Development of the site shall comply with all requirements at the time of development.
4. In the event of the discovery or recognition of prehistoric or historic resources in the area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further, if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American heritage Commission within 24 hours.

Upon completion of the site examination, the archeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the

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archaeologist and approved by the City, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter.

5. A note shall be placed on the map related to the requirement for the project to pay all applicable impact fees for the development of the project at the currently adopted rates.
6. Minor changes may be approved by the Planning Director upon receipt of a substantiated request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved.

Changes deemed to be major or significant in nature shall require a formal application for amendment.

7. All properties subject to Tentative Subdivision Map shall comply with all applicable requirements of the Gridley Municipal Code.
8. The applicant may enter into a Subdivision Agreement in order to record the Final Map prior to all improvements constructed. The agreement is a document approved by Council resolution.
9. The applicant may request a grading permit and pay all applicable fees as reviewed and approved by the City Engineer.
10. The applicant/developer may develop the subdivision in phases at the review and approval of the city.
11. All costs related for plan review, design, and improvement plan approval by city staff and/or consultants will be the responsibility of the applicant/developer at actual cost.

TAXES:

12. Segregate any assessments against the properties.
13. Pay any delinquent taxes and/or assessments against the properties.
14. The applicant, developer, owner shall submit a request for a tax exchange agreement between the City of Gridley and Butte County.

FEES:

15. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of school impact fees,

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2021-R-018**

as levied by the Gridley Unified School District in accordance with State legislation at the currently adopted rate per square foot of building area.

16. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of drainage fees levied and must be paid to the City at the time a building permit is issued for development of each parcel.
17. Note on a document to be recorded concurrently with the Final Map the requirement for payment of development impact fees at the time a building permit is issued for development on each lot at the current amount adopted by the City Council, at the time of building permit issuance.

CONVEYANCES AND EASEMENTS:

18. Dedicate and improve the west one-half of West Biggs Gridley Road including curb, gutter, sidewalk and street reconstruction from the north and south limits of the project entry . Improvements of the right-of-way shall be to the satisfaction of the City Engineer.
19. Dedicate and improve the residential street right-of-ways for all interior subdivision streets to the satisfaction of the CityEngineer.
20. Dedicate a 10-foot wide public service easement adjacent to all public right-of-way frontages.
21. All right-of-way dedications shall be effected at the time of the Final Map filing.
22. Dedicate all required right of way for Spruce Street to extend on the south boundary to Eagle Meadows.

STREETS:

23. All streets of the subdivision shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The required structural sections for the streets will be established by utilizing in place "R" values as determined by the Developer's engineer

and traffic indices shown in the Gridley Public Works Construction Standards. The developer shall submit to the city construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered civil engineer in the State of California. Prior to the start of any proposed new work, construction

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details, plans and profiles, typical sections and specifications, and cost estimates that have been prepared by a registered engineer shall be submitted to the Department of Public Works for review and approval prior to start of any work. An encroachment permit shall be required for any work within the public right-of-way.

24. Street names shall be approved by the City of Gridley/Butte County street name coordinator.
25. Install street name signs, traffic control signs, pavement markings and barricades in conformance with the Gridley Public Works Construction Standards.

STORM DRAIN FACILITIES:

26. Public and private improvements constructed as a result of approval of this subdivision shall not result in an increase in the rate of peak storm water runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master design and Maintenance Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer of the City of Gridley and by the Engineer for Reclamation District 833, prior to recordation of the Final Map.
27. Prior to approval of the Final Map all of the following requirements shall be completed:
 - a) A registered engineer shall prepare and submit the following information to the city for review and approval:
 - i) Calculations identifying the estimated rate of peak stormwater runoff from the gross area of the undivided site and abutting streets as they exist at the time of approval of the tentative subdivision map during a one hundred (100) year [1% probability] design storm event. The calculations shall be prepared in a manner consistent with the Gridley Public Works Construction Standards, and with standard engineering practice.
 - ii) Construction details, plans and profiles, typical sections, specifications, and maintenance plans for any proposed stormwater detention facilities to be constructed to serve the parcels created by this subdivision.
 - b) A funding mechanism, eg. Assessment District and shall be

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established to provide for the on-going maintenance costs associated with utilities, approved stormwater detention facilities constructed pursuant to condition number "I" above. The funding mechanism shall be approved by the City of Gridley.

28. The applicant shall submit plans to Reclamation District No. 833 for review and approval and must pay review fees, if required. All fees must be paid prior to recordation of the Final Map.
29. Dedication of the total area of the detention basin, park, open space, frontage improvements on West Biggs Gridley Road and all pedestrian connection trails, shall be made to the city of Gridley in fee title as a condition of recordation of the Final Map.
30. If surface detention facilities are proposed, the design shall minimize use of the facility by mosquitoes for breeding by incorporating some or all of the features recommended by the Butte County Mosquito and Vector Control District.
31. Construct standard drainage improvements along all streets within and adjacent to the site to the satisfaction of the City Engineer prior to issuance of the first Certificate of Occupancy for structures within the project.
32. All drainage improvements shall be constructed in conformance with the Gridley Public Works Construction Standards, the City of Gridley Master Drainage Plan, and the details shown on approved construction plans. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to the recordation of the Final Map.

SANITATION FACILITIES:

33. All homes on the new lots created by this subdivision shall be connected to the city sanitary sewer system prior to issuance of a Certificate of Occupancy.
34. All sanitation facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

WATER FACILITIES:

35. All homes on the new lots created by this subdivision shall be connected to the municipal water system.
36. All water facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer for review and approval prior to start of any work.
37. The City and the developer shall coordinate with RD 833 for the construction of appropriate decorative fencing to prohibit access to the canal.

FIRE PROTECTION:

38. The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code as interpreted by the local division of the California Division of Forestry, the City of Gridley's contract Fire Department. The number of hydrants installed, as well as the exact location and size of each hydrant and the size of the water main serving each hydrant, shall be as specified in the Code.
39. All residential structures shall provide a fire sprinkler system that meets or exceeds the requirements of the Fire Code.

ELECTRIC FACILITIES:

40. All homes on the new lots created by this subdivision shall be connected to the municipal electric system.
41. All transformers shall be pad mounted above ground.
42. Street lights shall be installed in the locations designated and to the satisfaction of the City Engineer. The street lights shall be City-owned and shall be installed in accordance with City standards.
43. All electric facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

**RESOLUTION NO.
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44. All residential units are required to provide an operable solar system sized to the expected demand. Plans showing the proposed solar design and technical data sheets shall be submitted to the Electric Department for review and approval prior to submitting to Butte County for a building permit.

OTHER PUBLIC FACILITIES:

45. Telephone, cable television, internet, and natural gas service shall be provided to all parcels in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services.
46. If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocations.

LOT GRADING:

47. Prior to approval of a Final Map and improvement plans, a registered engineer or geologist shall prepare a soils report or geotechnical report. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
48. The lots shall be graded in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developers shall submit grading details, plans and specifications prepared by a registered engineer for review and approval prior to the start of any work.
49. Prior to grading and sitework, a Storm Water Permit must be obtained from the Regional Water Quality Control Board.
50. The applicant/developer is responsible for paying all costs for a third party inspector during the construction of any or all phases of development.
51. At the onset of construction, clearing and grubbing, mobilization, the construction access shall be from West Biggs Gridley Road. All equipment, contractors, and material delivery and stockpiling shall be located at the east end of the project. A temporary security gate shall be in place at the east boundary to Eagle Meadows to prohibit access to the site through the neighborhood.
52. Access to building pads for building the residential units shall be from

West Biggs Gridley Road.

ENGINEERING: (Refer to other sections of the conditions)

53. Existing topo 50 feet beyond boundary and proposed finish grade contour lines both at 1 foot contour intervals shall be provided.
54. Provide Water Distribution Plan, proposed sizes, and tie in locations.
55. Provide proposed fire hydrant locations.
56. Provide Sanitary Sewer Plan, proposed sizes, slopes, sewer manholes and tie in locations.
57. Provide Drainage Plan, sizes and detention facilities.
58. Public utility easements (PUE) shall be shown on plans.
59. Provide Landscape and Irrigation Plans for frontage along West Biggs-Gridley Rd.
60. Show all existing public facilities on West Biggs Gridley Road.
61. Show width of Drainage Canal easements and protected access.
62. A sound wall will be required at the frontage of West Biggs Gridley Road at the entry to the subdivision.
63. Entry from West Biggs Gridley Road shall be similar to the Heron Landing entrance, this will include a larger ROW (80') and a median at the entrance or as determined by the City Engineer.
64. Provide a legal description sufficient to define the boundary of the existing parcel and current Title Report.
65. Show standard proposed building setback details for interior lots and corner lots.

OTHER REQUIREMENTS:

66. Fencing of the rear yards for the project shall occur at the time of housing construction and shall be the responsibility of the developer. Fencing throughout the project shall be consistent from lot to lot as reviewed and approved by the Planning Department.
67. Form an assessment district to cover on going maintenance costs of facilities within the subdivision including landscaping areas and the drainage detention basin.
68. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to the plaintiff in an action challenging the validity of this tentative subdivision map or any environmental or other documentation related to approval of this tentative subdivision map.
69. Construction practices shall conform to the standards adopted by the Butte County Air Quality Management District, which requires that 1)

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fugitive dust emissions related to construction of public improvements for the subdivision be controlled at all times, 2) all clearing, grading, earth moving or excavation activities must cease during periods of wind exceeding 15 miles per hour averaged over one hour, and 3) large off-road diesel equipment used for grading at the site must be maintained in good operating conditions.

70. Note on a document to be recorded concurrently with the Final Map that agricultural spraying and keeping of livestock may occur on surrounding properties and that such agricultural uses are permitted by the zoning of those properties and will not be abated unless the zoning changes.
71. The detention basin shall be fenced and provided with a gate Accessible for vehicles to secure the area during wet weather.

A RESOLUTION OF THE GRIDLEY CITY COUNCIL TO AMEND THE GENERAL PLAN LAND USE DESIGNATIONS OF APPROXIMATELY 16.4-ACRES OF THE TOTAL 19.95 ACRES FROM RESIDENTIAL, VERY LOW DENSITY TO RESIDENTIAL, LOW DENSITY AND TO ADOPT A MITIGATED NEGATIVE DECLARATION PURSUANT TO CEQA FINDING THERE IS LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACT FROM THE LAND USE RE-DESIGNATIONS (009-290-006)

WHEREAS, the Planning Commission held a publicly noticed hearing on July 28, 2021, regarding the proposal to amend the General Plan land use designation of 16.4 acres of the total 19.95 acres from Residential, Very Low Density to Residential Low Density located on the west side of West Biggs-Gridley Road; and,

WHEREAS, at the close of the July 28, 2021, public hearing, the Planning Commission recommended that the City Council approve the amendment of the General Plan land use designation of 16.4 acres of the 19.95 acres; and,

WHEREAS, the City Council reviewed the recommendation of the Planning Commission at its August 16, 2021, public hearing also considering the Initial Study, and did find the change in General Plan land use designation and rezoning could not have a significant effect on the environment; and,

WHEREAS, the City Council accepts the Initial Study and the published Mitigated Negative Declaration. A Notice of Intent to adopt a Negative Declaration was published and provided the required 20-day minimum period for public review and comment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRIDLEY, AS FOLLOWS:

1. The City Council of the City of Gridley amends the General Plan land use designation of 16.4 acres of the Assessor Parcel Number 009-290-006 from Residential, Very Low Density to Residential, Low Density as shown on the attached Exhibit A; and,
2. The City Council of the City of Gridley adopts a Mitigated Negative Declaration finding that the project could not have a significant effect on the environment.
3. The General Plan Map of the City of Gridley on file with the City Clerk, designating and dividing the City into land use districts, is hereby amended, in accordance with the herein description and Exhibit A.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on the 16th day of August 2021 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

EXHIBIT A

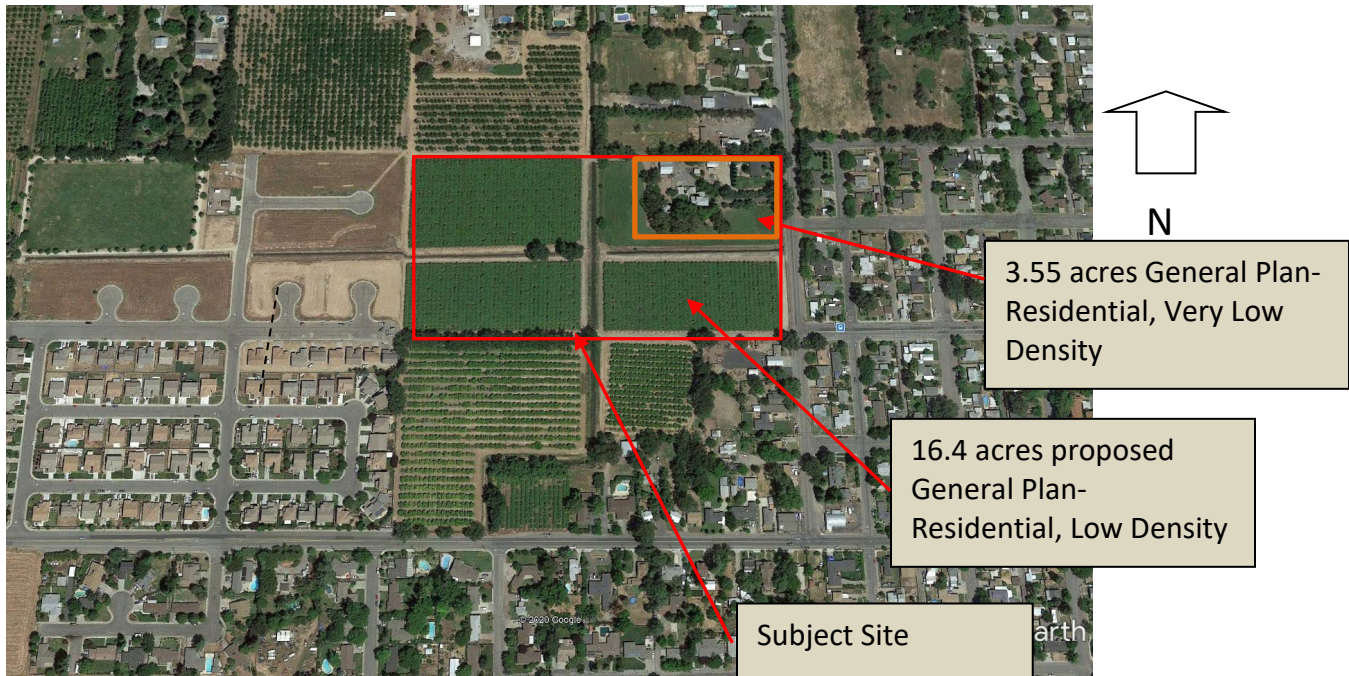


Figure 1: Location Map

*General Plan Land Use
Designation:*

From:

Residential, Very Low Density

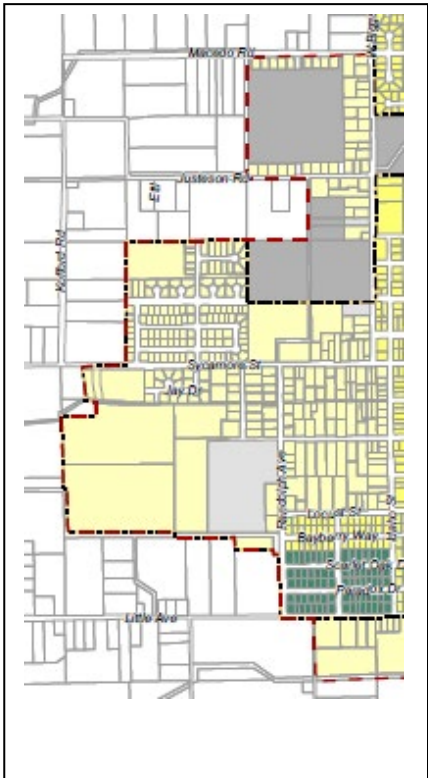
Rezoned to:

3.55 acres Residential. Very
Low Density (to remain)

16.4 acres Residential, Low
Density



**SUBJECT
AREA**



A RESOLUTION OF THE GRIDLEY CITY COUNCIL APPROVING TENTATIVE SUBDIVISION MAP NO. 1-20 TO SUBDIVIDE ONE PARCEL CONSISTING OF APPROXIMATELY 19.95 ACRES INTO SIXTY (60) PARCELS LOCATED AT THE WEST SIDE OF WEST BIGGS-GRIDLEY ROAD (APN: 009-290-006)

WHEREAS, the City of Gridley has received an application to consider a Tentative Subdivision Map request for one parcel totaling approximately 19.95-acres in order to create a total of sixty lots for single-family residential use on property located on the west side of West Biggs-Gridley Road in the manner illustrated on a tentative parcel map received by the City (Exhibit "A" attached); and,

WHEREAS, the subject property consists of one parcel designated as Assessor's Parcel Number 009-290-006 and the proposed Tentative Subdivision Map has been assigned the file number Tentative Subdivision Map No1-20 (TSM 1-20); and,

WHEREAS, the proposed General Plan designation is Residential, Very Low Density and Residential, Low Density; and,

WHEREAS, the proposed pre-zoning designation for the subject parcel is 3.55-acres, Residential Suburban (RS) and 16.4-acres, R-1 Single Family Residential District; and,

WHEREAS, the City Council finds that Tentative Subdivision Map No1-20, including the proposed use and improvements to the property, is consistent with Gridley's General Plan including the policies contained therein as well as the land use diagram, and also finds that based on the conditions of approval, the site is physically suitable for development as proposed; and,

WHEREAS, the City Council considered at a noticed public hearing on August 16, 2021, the comments and concerns of property owners who are potentially affected by approval of Tentative Subdivision Map No. 1-20, and also considered the staff report regarding the proposed tentative map design and required public improvements; and,

WHEREAS, the City Council determined that the described tentative map and its design and improvements are consistent with Gridley's General Plan and zoning ordinance policies regarding the use and division of land; and,

WHEREAS, the City Council, having further considered the Initial Study prepared for the project in order to adopt a Mitigated Negative Declaration; and,

WHEREAS, the City Council finds that this tentative subdivision map complies with all State and City regulations governing the division of land, and that division and

development of the property in the manner set forth on the tentative parcel map as shown on Exhibit A will not unreasonably interfere with the free and complete use of existing public and/or public utility easements or rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRIDLEY, AS FOLLOWS:

SECTION 1: FINDINGS FOR APPROVAL OF THE TENTATIVE SUBDIVISION MAP

1. That the proposed project is consistent with the City of Gridley General Plan and does not exceed density and intensity standards within the Land Use Element. *The Residential, Very Low Density and Residential Low Density residential standards of the City's General Plan establish a maximum density of four units per acre. The proposed project has a gross density of approximately 3.7 dwelling units per acre of residentially developed land.*
2. That the site is physically suitable for the type of development proposed. *The proposed residential uses are consistent with adjacent residential uses. No hazards exist on the site which would make the property inappropriate for people or residential uses.*
3. That the site is physically suited for the density of development. *The proposed RS, Residential Suburban and R-1, Single-Family Residential zoning district allows for the development of single-family residential dwelling units. The proposed Tentative Subdivision Map has a proposed density of 3.7 dwelling units per gross acre which conforms to the requirements of the R-1 zone district and the Residential, Low Density General Plan land use designation. The project site has slopes of less than 2%, it is not within a 100-year flood plain and can accommodate drainage facilities necessary for the proposed density, it has adequate access to public roads which have the capacity to serve the development.*
4. That the designs of the subdivision or the proposed improvements are not likely to cause serious public health problems. *As conditioned, the project will provide adequate sanitary sewer, a public water supply, storm drainage facilities, and roadway and construction conditions and mitigation measures to minimize project related problems. Standard subdivision improvements will include fire hydrants, streetlights and roadways designed for residential traffic.*
5. The design of the project will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project. *The project will not impact or conflict with any easements or land acquired by the public.*
6. The Tentative Subdivision Map conforms to the provisions of the Subdivision Map Act and to the provisions of Gridley Municipal Code Title 16 - Subdivisions (GMC Section 16.15). *The tentative subdivision map complies with the required form and content of tentative subdivision maps, as set forth by the City and based upon the provisions of Title*

16 of the Gridley Municipal Code.

7. The tentative subdivision map conforms to the provisions of the City of Gridley General Plan (GMC Section 16.15). *The project applicant proposes to amend the General Plan to be consistent with the R-1 zoning district density of 4 units/ac. The subdivision is for residential purposes. This is consistent with the proposed land use designations for the subdivided parcel under the City's General Plan (Residential, Very Low and Low Density (2-4 du/ac)).*

8. The tentative parcel map is consistent with good planning and engineering practice (GMC Section 16.15). *The City Engineer has reviewed the tentative subdivision map, and has attached conditions that have been incorporated within the Conditions of Approval. All lots comply with the requirements in the City of Gridley Land Division Standards and Improvement Standards.*

9. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area. *The project applicant proposes to develop the lots for residential uses. This type of development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.*

10. The project will not result in substantial environmental damage. *The tentative subdivision map would not result in any substantial damage to the environment. Development proposed under the subdivision map would be consistent with the type of development in the vicinity, and would not substantially damage the physical environment of the area. The site is located within the Sphere of Influence and has been evaluated for annexation into the city.*

SECTION 2: THE CITY COUNCIL OF THE CITY OF GRIDLEY:

Approves Tentative Subdivision Map 1-20 as described subject to the following conditions of approval:

GENERAL REQUIREMENTS:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within 30 days of the City Council approval.
2. The Tentative Subdivision Map 1-20 shall expire after five years. No further extensions are allowed under the Subdivision Map Act unless it is extended by the California State Legislature. A new application to develop the site would be required and all current conditions would need to be met at that time.

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3. Development of the site shall comply with all requirements at the time of development.
4. In the event of the discovery or recognition of prehistoric or historic resources in the area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted. Further, if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American heritage Commission within 24 hours.

Upon completion of the site examination, the archeologist shall submit a report to the City describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the City, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter.

5. A note shall be placed on the map related to the requirement for the project to pay all applicable impact fees for the development of the project at the currently adopted rates.
6. Minor changes may be approved by the Planning Director upon receipt of a substantiated request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved.

Changes deemed to be major or significant in nature shall require a formal application for amendment.

7. All properties subject to Tentative Subdivision Map shall comply with all applicable requirements of the Gridley Municipal Code.
8. The applicant may enter into a Subdivision Agreement in order to record the Final Map prior to all improvements constructed. The agreement is a

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document approved by Council resolution.

9. The applicant may request a grading permit and pay all applicable fees as reviewed and approved by the City Engineer.
10. The applicant/developer may develop the subdivision in phases at the review and approval of the city.
11. All costs related for plan review, design, and improvement plan approval by city staff and/or consultants will be the responsibility of the applicant/developer at actual cost.

TAXES:

12. Segregate any assessments against the properties.
13. Pay any delinquent taxes and/or assessments against the properties.
14. The applicant, developer, owner shall submit a request for a tax exchange agreement between the City of Gridley and Butte County.

FEES:

15. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of school impact fees, as levied by the Gridley Unified School District in accordance with State legislation at the currently adopted rate per square foot of building area.
16. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of drainage fees levied and must be paid to the City at the time a building permit is issued for development of each parcel.
17. Note on a document to be recorded concurrently with the Final Map the requirement for payment of development impact fees at the time a building permit is issued for development on each lot at the current amount adopted by the City Council, at the time of building permit issuance.

CONVEYANCES AND EASEMENTS:

18. Dedicate and improve the west one-half of West Biggs Gridley Road including curb, gutter, sidewalk and street reconstruction from the north and south limits of the project entry. Improvements of the right-of-way shall be to the satisfaction of the City Engineer.
19. Dedicate and improve the residential street rights-of-way for all interior subdivision streets to the satisfaction of the City Engineer.

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20. Dedicate a 10-foot-wide public service easement adjacent to all public right-of-way frontages.
21. All right-of-way dedications shall be affected at the time of the Final Map filing.
22. Dedicate all required right of way for Spruce Street to extend on the south boundary to Eagle Meadows.

STREETS:

23. All streets of the subdivision shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The required structural sections for the streets will be established by utilizing in place "R" values as determined by the Developer's engineer and traffic indices shown in the Gridley Public Works Construction Standards. The developer shall submit to the city construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered civil engineer in the State of California. Prior to the start of any proposed new work, construction details, plans and profiles, typical sections and specifications, and cost estimates that have been prepared by a registered engineer shall be submitted to the Department of Public Works for review and approval prior to start of any work. An encroachment permit shall be required for any work within the public right-of-way.
24. Street names shall be approved by the City of Gridley/Butte County Street name coordinator.
25. Install street name signs, traffic control signs, pavement markings and barricades in conformance with the Gridley Public Works Construction Standards.

STORM DRAIN FACILITIES:

26. Public and private improvements constructed as a result of approval of this subdivision shall not result in an increase in the rate of peak storm water runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master design and Maintenance Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer of the City of Gridley and by the Engineer for Reclamation District 833, prior to recordation of the Final Map.
27. Prior to approval of the Final Map all of the following requirements shall be completed:
 - a) A registered engineer shall prepare and submit the following

information to the city for review and approval:

- i) Calculations identifying the estimated rate of peak stormwater runoff from the gross area of the undivided site and abutting streets as they exist at the time of approval of the tentative subdivision map during a one hundred (100) year [1% probability] design storm event. The calculations shall be prepared in a manner consistent with the Gridley Public Works Construction Standards, and with standard engineering practice.
 - ii) Construction details, plans and profiles, typical sections, specifications, and maintenance plans for any proposed stormwater detention facilities to be constructed to serve the parcels created by this subdivision.
- b) A funding mechanism, e.g., Assessment District and shall be established to provide for the on-going maintenance costs associated with utilities, approved stormwater detention facilities constructed pursuant to condition number "I" above. The funding mechanism shall be approved by the City of Gridley.
28. The applicant shall submit plans to Reclamation District No. 833 for review and approval and must pay review fees, if required. All ~~fees~~ must be paid prior to recordation of the Final Map.
29. Dedication of the total area of the detention basin, park, open space, frontage improvements on West Biggs Gridley Road and all pedestrian connection trails, shall be made to the city of Gridley in fee title as a condition of recordation of the Final Map.
30. If surface detention facilities are proposed, the design shall minimize use of the facility by mosquitoes for breeding by incorporating some or all of the features recommended by the Butte County Mosquito and Vector Control District.
31. Construct standard drainage improvements along all streets within and adjacent to the site to the satisfaction of the City Engineer prior to issuance of the first Certificate of Occupancy for structures within the project.
32. All drainage improvements shall be constructed in conformance with the Gridley Public Works Construction Standards, the City of Gridley Master Drainage Plan, and the details shown on approved construction plans. The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections,

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specifications, and cost estimates to the Department of Public Works for review and approval prior to the recordation of the Final Map.

SANITATION FACILITIES:

33. All homes on the new lots created by this subdivision shall be connected to the city sanitary sewer system prior to issuance of a Certificate of Occupancy.
34. All sanitation facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

WATER FACILITIES:

35. All homes on the new lots created by this subdivision shall be connected to the municipal water system.
36. All water facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer for review and approval prior to start of any work.
37. The City and the developer shall coordinate with RD 833 for the construction of appropriate decorative fencing to prohibit access to the canal.

FIRE PROTECTION:

38. The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code as interpreted by the local division of the California Division of Forestry, the City of Gridley's contract Fire Department. The number of hydrants installed, as well as the exact location and size of each hydrant and the size of the water main serving each hydrant, shall be as specified in the Code.
39. All residential structures shall provide a fire sprinkler system that meets or exceeds the requirements of the Fire Code.

ELECTRIC FACILITIES:

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- 40. All homes on the new lots created by this subdivision shall be connected to the municipal electric system.
- 41. All transformers shall be pad mounted above ground.
- 42. Street lights shall be installed in the locations designated and to the satisfaction of the City Engineer. The street lights shall be City-owned and shall be installed in accordance with City standards.
- 43. All electric facilities shall be constructed in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.
- 44. All residential units are required to provide an operable solar system sized to the expected demand. Plans showing the proposed solar design and technical data sheets shall be submitted to the Electric Department for review and approval prior to submitting to Butte County for a building permit.

OTHER PUBLIC FACILITIES:

- 45. Telephone, cable television, internet, and natural gas service shall be provided to all parcels in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services.
- 46. If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocations.

LOT GRADING:

- 47. Prior to approval of a Final Map and improvement plans, a registered engineer or geologist shall prepare a soils report or geotechnical report. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
- 48. The lots shall be graded in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. The developer shall submit grading details, plans and specifications prepared by a registered engineer for review and approval prior to

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the start of any work.

- 49. Prior to grading and sitework, a Storm Water Permit must be obtained from the Regional Water Quality Control Board.
- 50. The applicant/developer is responsible for paying all costs for a third-party inspector during the construction of any or all phases of development.
- 51. At the onset of construction, clearing and grubbing, mobilization, the construction access shall be from West Biggs Gridley Road. All equipment, contractors, and material delivery and stockpiling shall be located at the east end of the project. A temporary security gate shall be in place at the east boundary to Eagle Meadows to prohibit access to the site through the neighborhood.
- 52. Access to building pads for building the residential units shall be from West Biggs Gridley Road.

ENGINEERING: (Refer to other sections of the conditions)

- 53. Existing topo 50 feet beyond boundary and proposed finish grade contour lines both at 1 foot contour intervals shall be provided.
- 54. Provide Water Distribution Plan, proposed sizes, and tie in locations.
- 55. Provide proposed fire hydrant locations.
- 56. Provide Sanitary Sewer Plan, proposed sizes, slopes, sewer manholes and tie in locations.
- 57. Provide Drainage Plan, sizes and detention facilities.
- 58. Public utility easements (PUE) shall be shown on plans.
- 59. Provide Landscape and Irrigation Plans for frontage along West Biggs-Gridley Rd.
- 60. Show all existing public facilities on West Biggs Gridley Road.
- 61. Show width of Drainage Canal easements and protected access.
- 62. A sound wall will be required at the frontage of West Biggs Gridley Road at the entry to the subdivision.
- 63. Entry from West Biggs Gridley Road shall be similar to the Heron Landing entrance, this will include a larger ROW (80') and a median at the entrance or as determined by the City Engineer.
- 64. Provide a legal description sufficient to define the boundary of the existing parcel and current Title Report.
- 65. Show standard proposed building setback details for interior lots and corner lots.

OTHER REQUIREMENTS:

- 66. Fencing of the rear yards for the project shall occur at the time of housing construction and shall be the responsibility of the developer. Fencing throughout the project shall be consistent from lot to lot as reviewed and approved by the Planning Department.

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67. Form an assessment district to cover on-going maintenance costs of facilities within the subdivision including landscaping areas and the drainage detention basin.
68. The Applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to the plaintiff in an action challenging the validity of this tentative subdivision map or any environmental or other documentation related to approval of this tentative subdivision map.
69. Construction practices shall conform to the standards adopted by the Butte County Air Quality Management District, which requires that 1) fugitive dust emissions related to construction of public improvements for the subdivision be controlled at all times, 2) all clearing, grading, earth moving or excavation activities must cease during periods of wind exceeding 15 miles per hour averaged over one hour, and 3) large off-road diesel equipment used for grading at the site must be maintained in good operating conditions.
70. Note on a document to be recorded concurrently with the Final Map that agricultural spraying and keeping of livestock may occur on surrounding properties and that such agricultural uses are permitted by the zoning of those properties and will not be abated unless the zoning changes.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at the regular City Council meeting of the City of Gridley held on the 16th day of August, 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

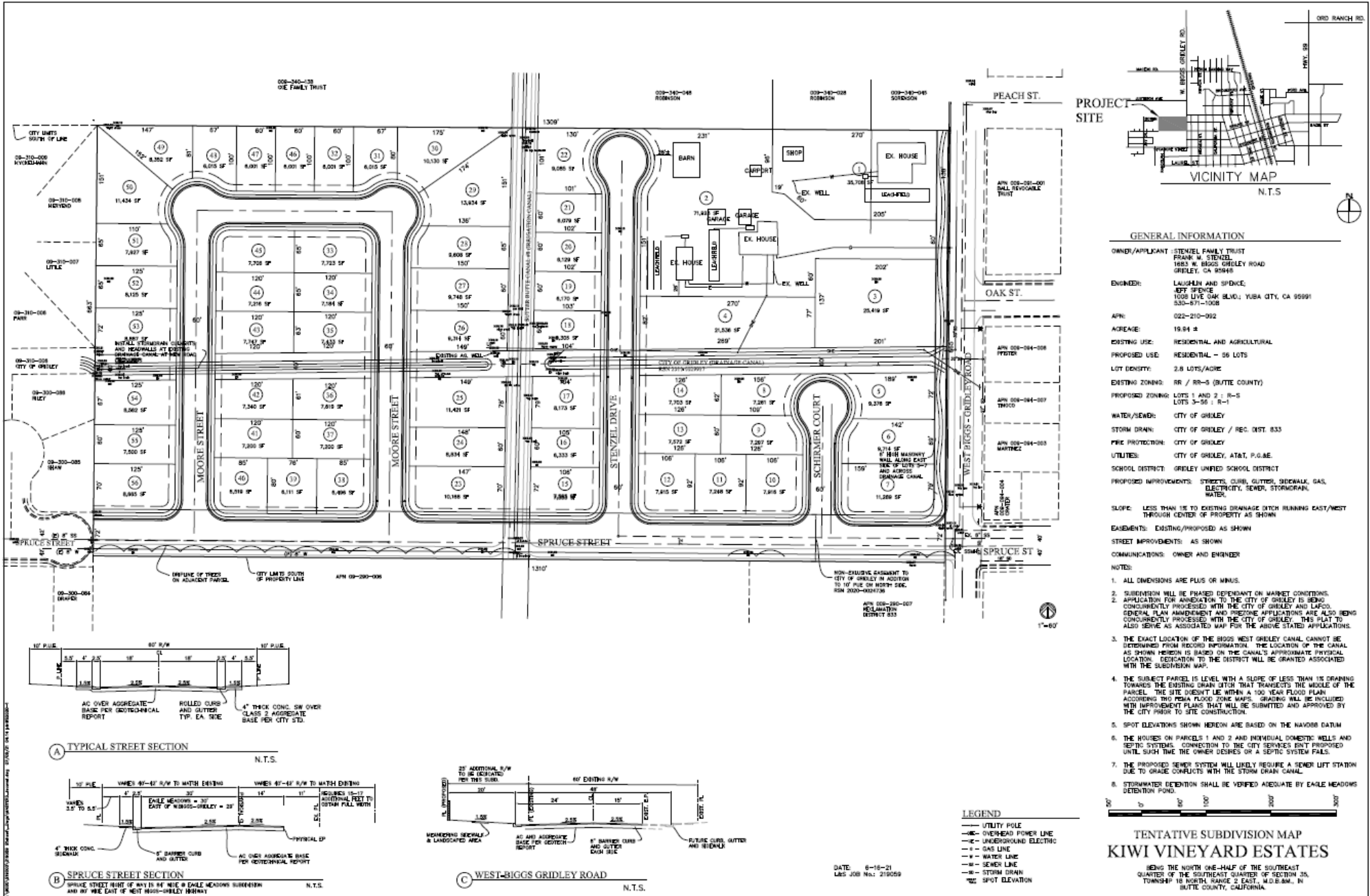
ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

EXHIBIT A 2021-R-020



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY TO PRE-ZONE APPROXIMATELY 19.95-ACRES; 3.55 ACRES TO RESIDENTIAL SUBURBAN (RS) AND 16.4-ACRES TO SINGLE FAMILY RESIDENTIAL DISTRICT (R-1) LOCATED ON THE WEST SIDE OF WEST BIGGS-GRIDLEY ROAD (009-290-006)

WHEREAS, the Planning Commission held publicly noticed hearings on August 19, 2020, September 16, 2020, and July 28, 2021 regarding the proposal to pre-zone approximately 3.55 acres to Residential Suburban (RS) and 16.4 acres will be pre-zoned to Single Family Residential (R-1); and,

WHEREAS, at the close of the July 28, 2021, public hearing the Planning Commission recommended the City Council approve pre-zoning the property; and,

WHEREAS, the City Council reviewed the recommendation of the Planning Commission, considered the Initial Study and Mitigated Negative Declaration, has found that the proposed pre-zone could not have a significant effect on the environment; and,

WHEREAS, the City Council accepted the Initial Study and adopted the Mitigated Negative Declaration by Resolution Number 2021-R-019 on August 16, 2021; and,

WHEREAS, the City Council duly introduced Ordinance 833-2021 by reading of title only at a regular meeting of the City Council held on August 16, 2021; and,

WHEREAS, the City Council of the City of Gridley ordains as follows:

SECTION 1: The City Council finds that the pre-zone of Assessor Parcel Number 009-290-006 is consistent with the 2030 General Plan and the amendment adopted thereto as 2021-R-019.

SECTION 2: The City Council of the City of Gridley approves the pre-zone of Assessor Parcel Number 009-290-006 to 3.55-acres Residential Suburban (RS) and 16.4-acres Single Family Residential District (R-1).

SECTION 3: The Zoning Map of the City of Gridley on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended, in accordance with the herein description and Exhibit A.

SECTION 4: This ordinance shall be effective thirty (30) days from the date of the second reading of the ordinance.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at the regular City Council meeting of the City of Gridley held on the 16th day of August 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

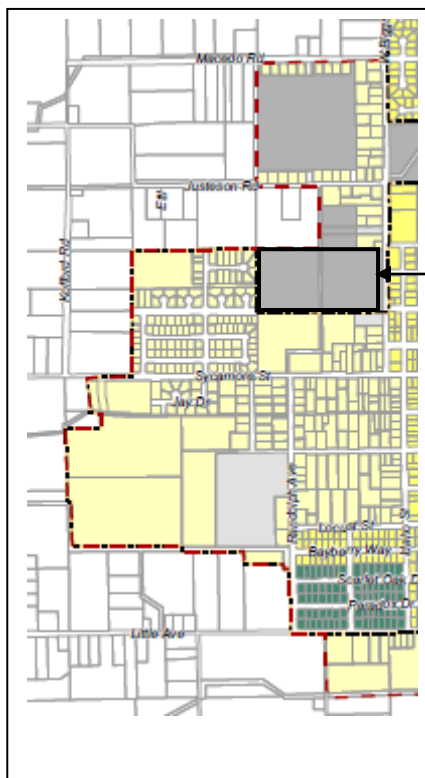
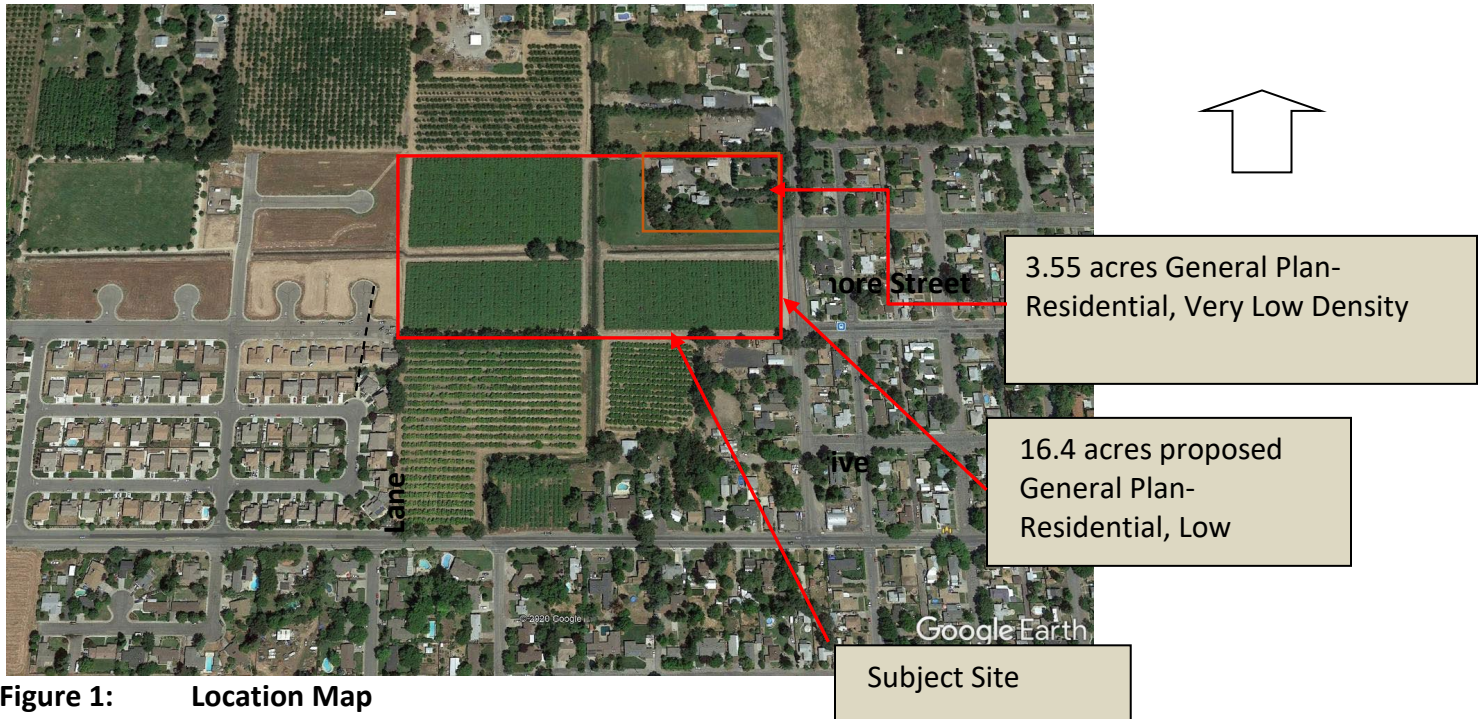
ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

EXHIBIT A



SUBJECT
SITE

Pre-zone

- 3.55 acres Residential Suburban
- 16.4 acres Single-Family Residential (R-1)

**NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION AND
NOTICE OF PUBLIC HEARING FOR A PROPOSED GENERAL PLAN AMENDMENT, PRE-ZONE,
TENTATIVE SUBDIVISION MAP AND ANNEXATION OF
LANDS FROM BUTTE COUNTY TO THE CITY OF GRIDLEY CONSISTING
OF APPROXIMATELY 19.95 ACRES LOCATED ON THE WEST SIDE OF
WEST BIGGS-GRIDLEY ROAD. (APN 009-290-006)**

NOTICE IS HEREBY GIVEN that the City Council of the City of Gridley will hold a public hearing to consider a General Plan Amendment, Pre-zone, Tentative Subdivision Map and Annexation of approximately 19.95 acres on August 16, 2021 at 6:00 p.m. in the City of Gridley Council Chambers located at 685 Kentucky Street, Gridley, California as follows:

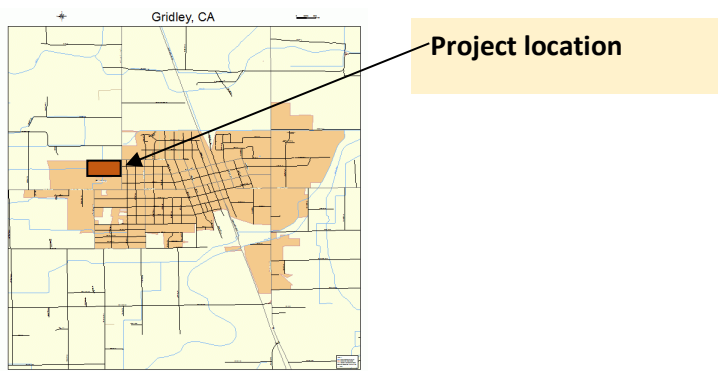
Project Information:

Kiwi Vineyard Estates; General Plan Amendment GPA 1-20, Pre-zone RZ 1-20, and Tentative Subdivision Map 1-20; Annexation 1-20; Mitigated Negative Declaration 1-20; Application for a proposed General Plan Amendment, Pre-zone, Tentative Subdivision Map, Annexation and Mitigated Negative Declaration of approximately 19.95 acres. The applicant proposes to annex the property into the City of Gridley, retain approximately 3.55 acres of General Plan land use designation of Residential, Very Low Density, and amend the General Plan designation of the remaining 16.4 acres from Residential, Very Low Density to Residential, Low Density. The project will pre-zone 3.55 acres to Residential Suburban (RS) and 16.4 acres will be pre-zoned to Single Family Residential (R-1). The project will develop the property into four large homesites and a 56-lot subdivision. The property is located on the west side of West Biggs Gridley Road.

APN: 009-290-006

Project location:

Subject site is located on the west side of West Biggs Gridley Road.



The California Environmental Quality Act (CEQA) requires this notice to disclose whether any environmental impacts may exist as a result of the proposed General Plan Amendment and rezone of the subject site. The City of Gridley has prepared an Initial Study and is considering the adoption of a Negative Declaration pursuant to the requirements of CEQA. The Initial Study for the project is on file for review and comment at City Hall located at 685 Kentucky Street, Gridley, California 95948. All persons are invited to review the documents. Comments regarding the proposal may be submitted in writing to the Planning Department at City Hall at any time prior to the hearing or orally at the meeting date noted above.

If you challenge the above application in court, you may be limited to raising only those issues you or someone else raised at the public hearing or in written correspondence delivered to the Planning Department or to the City Council on the date of the scheduled hearing. For information, please contact the Planning Department at (530) 846-3631 or planningdept@gridley.ca.us.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the hearing, please contact Jodi Molinari at (530) 846-3631. Notification at least 72 hours prior to the hearing will enable staff to make reasonable arrangements.

***Kiwi Vineyard Estates
Gridley, California***

**Initial Study/Mitigated
Negative Declaration**

July, 2021

Prepared by the City of Gridley

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Response letter from Mooretown Rancheria
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A. INTRODUCTION

This document, a CEQA Initial Study, is a review of the potential environmental issues that may exist for a proposed development. The review is a precursor to the determination of the environmental impact leading to the CEQA document: Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report for the purposes of determining mitigations, if needed, for project approval.

The Initial Study process identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the order of the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. Where the analysis provided in this document identifies potentially significant environmental effects of the project, mitigation measures are recommended. Mitigation measures, for the purposes of this environmental review, are recommendations to mitigate an impact to less than significant. These measures can take many forms often through the implementation of policy documents and/or conditions for the entitlement approval for the project. These measures would be incorporated into the project through conditions of approval for the project by the City of Gridley approval body, the City of Gridley City Council. The City may also adopt findings and potentially develop a Mitigation Monitoring/Reporting Program in the project conditions of approval for the project in conjunction with approval of the project.

The City of Gridley adopted its comprehensive General Plan Update (GPU) on December 4, 2009. An EIR was prepared for the GPU. The GPU EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.). The Gridley GPU EIR analyzed full implementation and buildout of the City of Gridley GPU including those areas outside the incorporated boundary. The GPU EIR determined several significant and unavoidable impacts. The General Plan EIR states that impacts those mitigations are provided for, cannot reduce the impact to a less-than-significant level. Implementation of the 2030 General Plan will have significant effects related to land use, air quality, noise, transportation and circulation, hydrology and water resources, agricultural resources, and aesthetic resources; therefore, they remain significant and unavoidable at the programmatic level. Table 2-3 GPU is a summary of impacts and related mitigation measures. Specifically, each element identifies potential impacts, then identifies policies and actions that reduce impacts to less-than-significant if possible. Where elements were identified as significant and unavoidable, the City of Gridley City Council to approved the General Plan update with findings of overriding consideration.

Per Public Resources Code (PRC) Section 21083.3, if a development project is consistent with the local general plan and zoning, the environmental analysis should be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior EIR. Therefore, in accordance with PRC Section 21083.3, the analysis within this environmental review will also rely on analysis included in the General Plan EIR, as applicable, and as noted above.

B. PROJECT INFORMATION

1. Project Title: Kiwi Vineyard Estates
2. Lead Agency: City of Gridley
Planning Department
685 Kentucky Street
Gridley, CA 95948
3. Contact Person: Donna Decker, Planning Director
Planning Department
Phone: (530) 846-3631
Planningdept@gridley.ca.us
4. Project Location: APN 009-290-006
1683 West Biggs Gridley Road
5. Project Sponsor's Name and Address: Frank and Shirley Stenzel
1683 West Biggs Gridley Road
Gridley, CA 95948
6. Existing General Plan Designation: Rural Residential, Butte County
Residential, Very Low Density, City of Gridley
Proposed General Plan amendment for 16.4 acres
of Residential, Low Density
7. Existing Zoning Designation: Rural Residential, 5-ac minimum, Butte County

Proposed pre-zone/rezone R-1 Single Family Residential (2-4 du/ac)
City of Gridley
8. Required Approvals from Public Agencies: City of Gridley Annexation/Pre-zone
LAFCo Annexation
9. Surrounding Land Uses and Setting:

The City of Gridley is located in the southwest portion of Butte County and has an average elevation of 90-95 feet. The area is relatively flat with slopes generally from 1-3% creating some design constraints to provide for positive drainage in new developments. The climate ranges in lows to the mid-20's during the winter season to over 95 degrees over short periods in the summer months. Precipitation in this area of the Sacramento Valley is generally 20-22", annually.



Figure 1: Location of the City of Gridley in Butte County

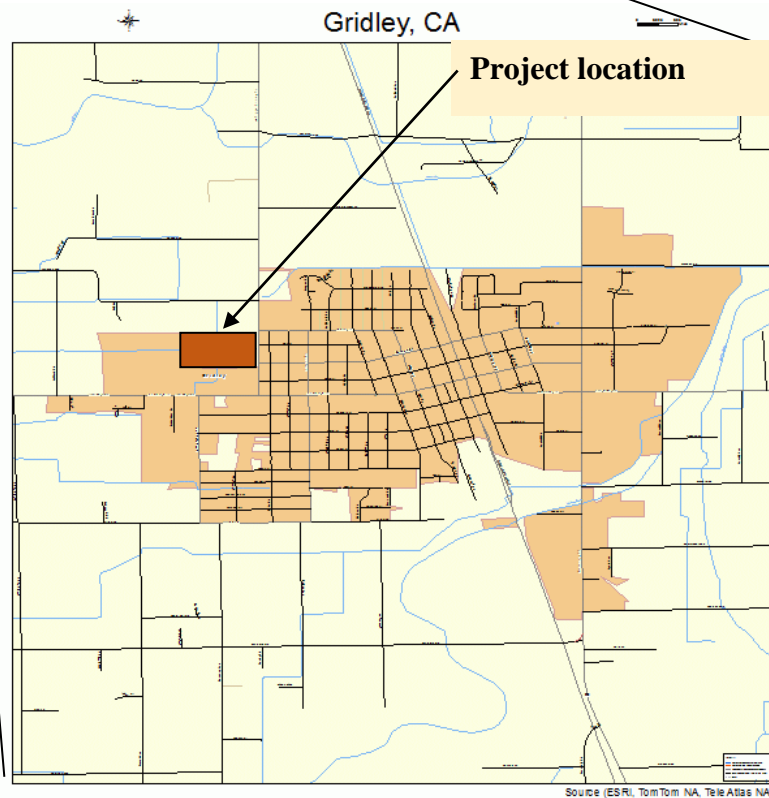


Figure 2: Project location in the City of Gridley

The project site consists of approximately 19.95-acres and is located to the north of the City of Gridley incorporated boundary. The site is bisected east-west with the City of Gridley drain-ageway connecting to the Eagle Meadows subdivision to the west. The Reclamation District 833 channel bisects the site north to south.

The site fronts on West Biggs-Gridley Road on the east side of the property. The southeast corner of the property intersects with Spruce Street which will be extended to the west providing vehicular and pedestrian connectivity.

Rural residential development and agriculture exists on the north and south sides of the subject site. Single-family residential exists on the west and east sides of the property. The site is currently developed with two existing residences, a mobile home, agriculture outbuildings, and kiwi vineyards. The site is in the unincorporated area of Butte County within the City of Gridley Sphere of Influence.

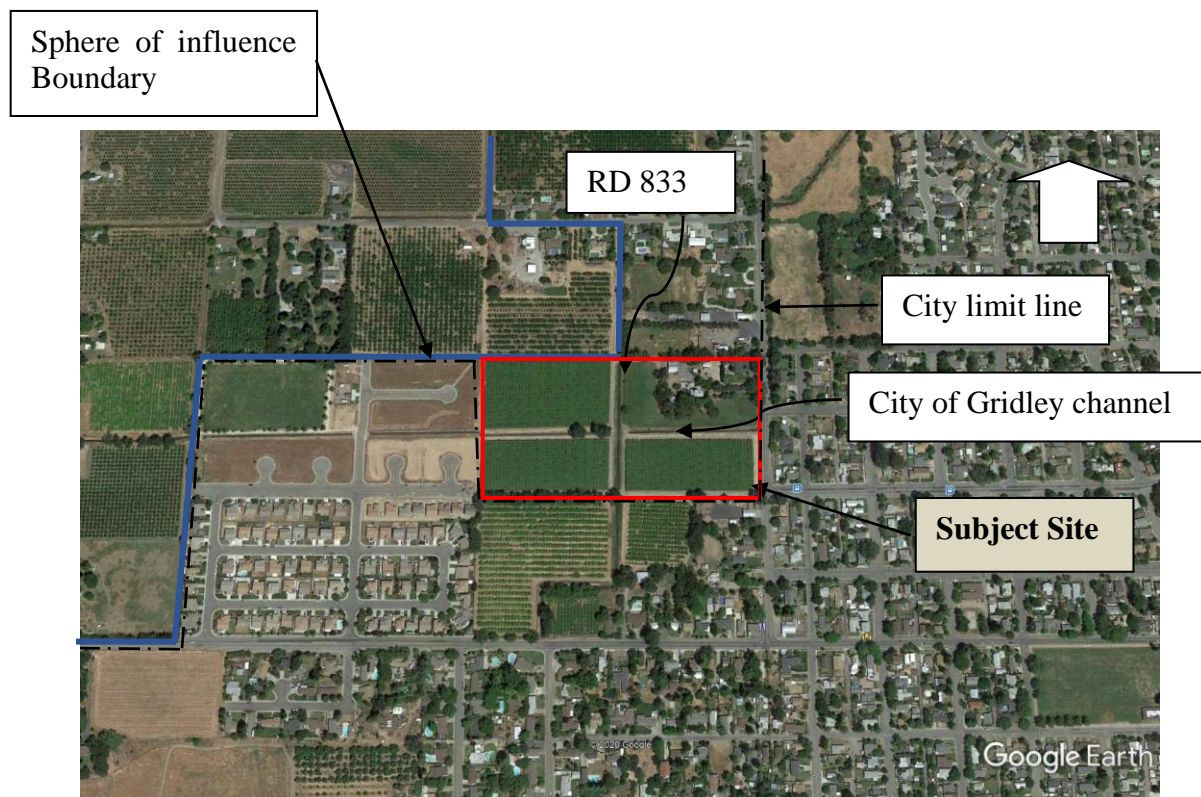


Figure 3: Location Map-Existing Conditions

12. Project Description Summary:

The proposed project consists of the annexation of approximately 19.95-acres in the unincorporated area of Butte County into the City of Gridley, approval of a Tentative Subdivision Map to subdivide the subject site into a 60-lot subdivision. The proposed project would amend the General Plan land use designation to 3.55-acres of Residential, Very Low Density and 16.4-acres of Residential, Low Density. The project proposes to pre-zone the property to R-S Residential Suburban for the 3.55 acres with the remainder rezoned as R-1, Single-Family Residential allowing a density of 2-4 du/acre. Annexation of the proposed project will require approval of the Butte County LAFCo.

Kiwi Vineyard Estates would develop the site with an extension of Spruce Street from West Biggs Gridley Road to the Eagle Meadows subdivision, an internal circulation system, dedication of right-of-way for all streets, and widening West Biggs Gridley Road. The 3.55 acres designated as Residential, Very Low Density (1-2 du/ac) create parcels to separate land area to the two existing residences and to create an additional two parcels that are larger in size. The remaining 16.4 acres are to be developed with 56 lots having a density of 3.4 du/ac.

Improvements will also include landscaping along West Biggs Gridley Road and throughout the development.

13. Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1: In compliance with Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1), a project notification letter was distributed to representatives of the Tsi Akim Maidu, United Auburn Indian Community of the Auburn Rancheria, Mooretown Rancheria of Maidu Indians, Mechoopda Indian Tribe, and the KonKow Valley Band of Maidu. At the time of the writing of this Initial Study, no response or recommendations had been received.

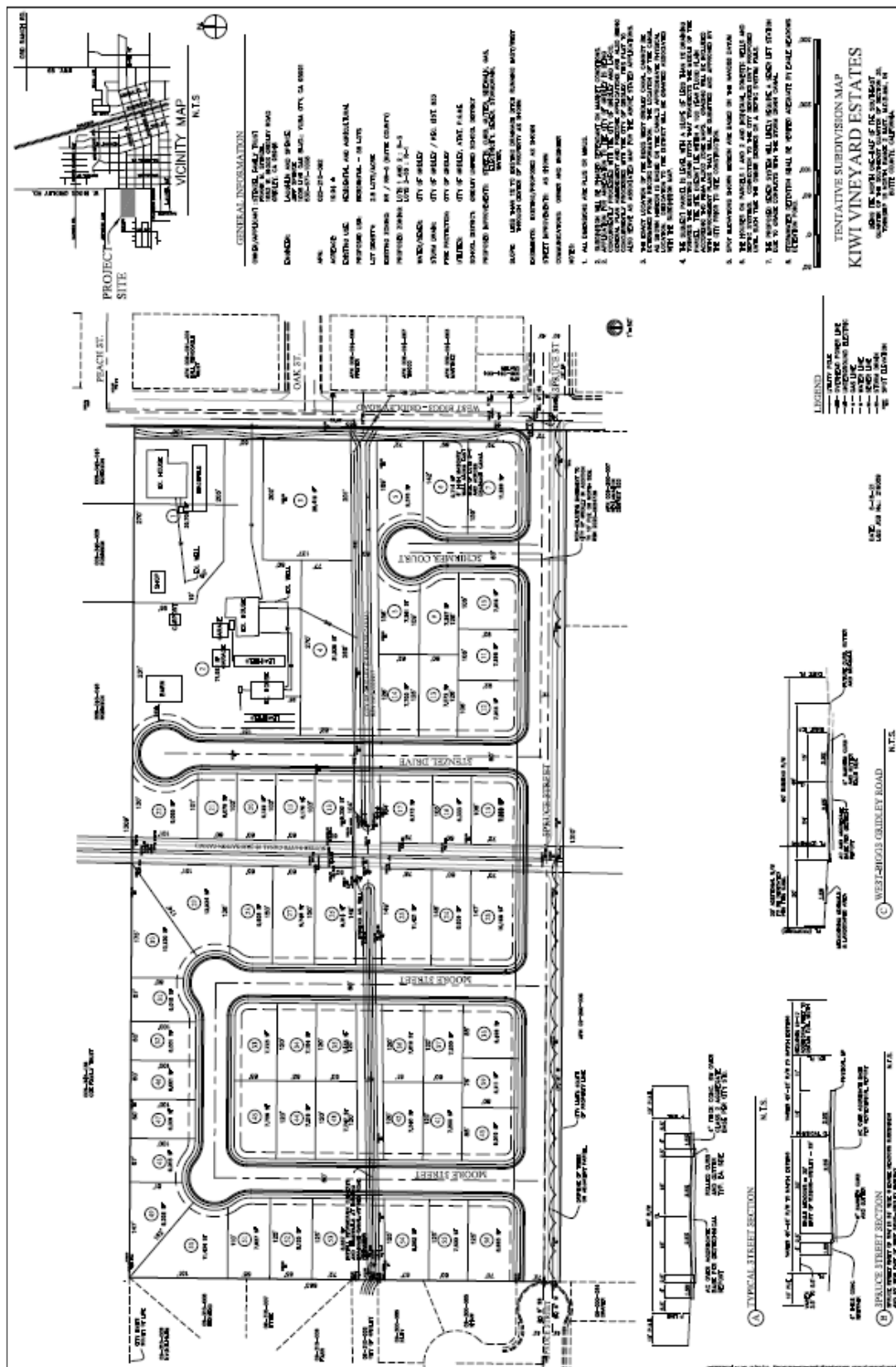


Figure 4: Proposed Tentative Subdivision Map

C. ENVIRONMENTAL FACTORS

This Environmental Review provides an assessment of the California Environmental Quality Act (CEQA) for the proposed project consisting of the annexation to the city of Gridley from Butte County of approximately 19.59-acres and to pre-zone the property low density residential to create a 94-lot single-family residential subdivision, a detention basin/park, and other pedestrian open space amenities.

In accordance with CEQA Section 15070, this environmental review may identify potentially significant effects, but:

1. Revisions in the project plans or proposals made by or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and,
2. There is no substantial evidence, in light of the whole record before the agency, that the project as proposed may have a significant effect on the environment prior to a negative declaration and initial study being released for public review.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Agriculture Resources	<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Energy
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology & Water Quality	<input type="checkbox"/> Land Use & Planning
<input type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Population & Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation
<input type="checkbox"/> Utilities & Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings

D. ANALYSIS/DETERMINATION:

On the basis of this environmental review:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



July 6, 2021

Donna Decker
Planning Director
City of Gridley

Date

E. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the Proposed Project. A discussion follows each environmental issue identified in the checklist.

For this project, the following designations are used:

Potentially Significant Impact:

An impact that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant With Mitigation Incorporated:

An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less Than Significant:

Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact:

Any impact that does not apply to the project.

A discussion of the answers related to the checklist in each section summarizes the level of significance. If an environmental issue exists, then, mitigation will be considered that could be incorporated into the design, or, as a measure through the construction process of the development.

1. AESTHETICS

Environmental Setting

The project site currently has two single-family houses and a mobile home built from the early 1900's for the original home and more recently mid to late 1900's for the second home. The site consists largely of agricultural lands comprised of an established kiwi vineyard. To the west of the site is the Eagle Meadows residential subdivision and to the east, single-family residential homes on standard sized single-family lots. To the north and south exist rural residential and agriculture. The subject site is outside the City boundary, lying within the City Sphere of Influence boundary. The site is bisected by north-south/east-west drainage channels belonging to RD 933 and the City of Gridley. The channels divide the site into four quadrants.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially alter or degrade the existing visual character or quality of the project site;
- Have a substantial adverse effect on a scenic resource; or,
- Substantially increase light or glare in the project site or vicinity which would adversely affect day or night time views.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Aesthetics

Would the project:

- | | | | | |
|--|--|---|---|---|
| a) Have a substantial adverse effect on a scenic vista? | | | X | |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | | | | X |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | | | X | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | | X | | |

Discussion

- a) Examples of typical scenic vistas include mountain ranges, ridgelines, or bodies of water as viewed from a highway, public space, or other area designated for the express purpose of viewing and sightseeing.

Prominent views in the City of Gridley include the Sutter Buttes, expanses of agricultural lands, and views to the Sierra Nevada range as a visual background resource to the east and the Cascades to the west. The proposed project will urbanize an otherwise agricultural area impeding views other residences may enjoy to the Sutter Buttes and distant mountain ranges as described above. The General Plan policies:

Conservation Policy 9.1: The City will consider views of the Sutter buttes in the orientation of new roadways and trails and maintain visual connections where feasible.

Design Policy 8.2: Streets should be located and oriented to define the edges of neighborhoods and oriented so that major views terminate in parks, natural landmarks or civic landmarks to the greatest extent feasible.

The 2030 General Plan EIR states there is no feasible mitigation for this impact (GP EIR Pg. 4.11-3). The impact of development on visual resources and aesthetics is considered significant and unavoidable; therefore, the City Council approved the 2030 General Plan with findings of overriding consideration.

- b) The subject site is located more than a mile from the Golden State Highway 99 corridor. This corridor is not considered a scenic vista; however, the State of California does review projects to ensure they are not detrimental to the view corridor. This project does not impact the State Highway 99 viewshed corridor. The west portion of the property has access from the existing single-family homes to West Biggs-Gridley Road. This road serves as a primary north-south route from Biggs to Gridley. There are no scenic resources related to tree groves, rock outcroppings of importance, nor historic buildings or those registered with the State of California List of Historic Landmarks. Therefore, this is considered **no impact**.
- c) The project site is currently undeveloped with the exception of the two residential homes, a mobile home, and outbuildings on the easterly portion of the subject site fronting West Biggs-Gridley Road. The visual quality of the site is characterized by naturally flat, open lands used in the past for agriculture-specifically a kiwi vineyard. The visual character will be impacted in that it will be changed from agricultural land to developed residential property. Therefore, this is considered as a **less-than-significant impact**.
- d) The proposed project will generate new sources of light and glare where none currently exist. Anticipated new sources of light include outdoor street lighting, residential lighting, glare from windows, and light associated with vehicles entering and exiting the site. The amount of glare depends on the intensity and direction of sunlight, which is more acute at sunrise and sunset because the angle of the sun is lower during these times. A source of glare during the nighttime hours is artificial light. Increased nighttime lighting and illumination could result in adverse effects to adjacent land uses through the spilling over of light into these areas and skyglow conditions. The proposed development would be subject to existing City development and design standards set forth in the City's Municipal Code. The Code requires exterior lighting be functional, architecturally integrated with the site and building design, and, that it be directed onto

the site and away from adjacent properties. Additionally, exterior lighting within or adjacent to residential districts is required to be shielded so as to be direct light onto the site on which the lights are installed. Shielded is defined as no more than 20 percent of the light rays emitted by the fixture being directed outside the boundaries of the site. Adherence to existing City standards and to Municipal Code would reduce the impacts to daytime glare and nighttime lighting by requiring design guidelines and standards to limit lighting leakage and glare. Therefore, this impact is considered **less than significant with mitigation incorporated**.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 1.1 In conjunction with the submittal of improvement plans, the applicant shall submit a lighting plan for the review and approval of the Planning Department. The lighting plan shall indicate the provision of shielding for all street light fixtures to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky conditions. In addition, the lighting plan shall address limiting light trespass and glare through the use of shielding and directional lighting methods including, but not limited to, fixture location, design, and height as required by the Gridley Municipal Code.

2. AGRICULTURAL RESOURCES

Environmental Setting

The California Department of Conservation, Division of Land Resource Protection administers the Farmland Mapping and Monitoring Program (FMMP). The land is rated based on its soil characteristics and irrigation status. Butte County has three Important Farmland types: Prime Farmland, Farmland of Statewide Importance, and Unique Farmland. The FMMP has mapped 231 acres of Important Farmland within the City of Gridley incorporated boundary and 1,155 acres within its Planned Growth Area (GP EIR pg. 4.8-6) The subject property is categorized as Farmland of Statewide Importance. The regional and local plans strive to conserve agricultural lands from urbanization. Butte County and the City of Gridley recognize the likely urbanization and annexation of agricultural land into incorporated city boundaries. There is no action that can mitigate the permanent loss of productive agricultural lands. Butte County has been working on an ordinance for Agriculture mitigation that would: 1) Have a developer pay fees for future purchase of similar lands to be kept in agriculture in perpetuity, and 2) Have a developer purchase property of the same size as the proposed development to maintain agricultural lands kept in perpetuity.

The City of Gridley General Plan conservation policies (GP EIR pg. 4.38-8) identify strategies that would mirror Butte County's efforts to mitigate loss of agricultural resources. To implement, the City of Gridley would need to base fees and mitigations on a Nexus study, develop a conservation program, and develop an in-lieu fee structure for the purpose of agricultural land acquisition as described above. The conservation programs have not been implemented. Recognizing the loss of agricultural resources are difficult to mitigate, the City Council prepared a Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations. Although this is at the programmatic level, it is also applicable to this project.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses;
- Conflict with or result in the cancellation of a Williamson Act contract;
- Adversely affect agricultural production.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Agricultural Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland
- X

Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- | | |
|---|---|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | X |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) in the existing environment. | X |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | X |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | X |

Discussion

- a & e) The soil type on the site is Gridley taxadjunct loam (127) and considered as Farmland of Statewide Importance. The conversion or loss of farmland to urbanization was analyzed during the Gridley General Plan Update and the Butte County General Plan Update.

Butte County General Plan EIR

The Butte County General Plan EIR received significant comment and concern related to the conversion of lands developed in the Agriculture district. The Butte County General Plan identified that approximately 980 acres of farmland surrounding Gridley and Gridley would be designated for residential uses ranging from Rural Residential to Medium High Density Residential (660 acres), as well as Retail and Office (10 acres), Industrial (30 acres), and Public (5 acres). In addition, approximately 280 acres of farmland are designated for Agricultural Services. Policy AG-P2.1 directs the County to work with the Local Agency Formation Commission (LAFCO) to create and maintain a consistent approach to the conservation of agricultural land through the designation of reasonable and logical Sphere of Influence (SOI) boundaries. Additionally, AG-P2.3 provides direction for the conversion of agriculture to an urban/developed designation when it can be demonstrated that:

- a. The lot(s) for which conversion is requested is adjacent to uses other than agriculture or agricultural support uses (e.g., receiving plants, hulling plants).
- b. The conversion will not be detrimental to existing agricultural operations.
- c. The conversion land is adjacent to existing urban infrastructure and conversion will constitute a logical contiguous extension of a designated urban area.
- d. No feasible alternative exists that is less detrimental to agriculture.
- e. Full mitigation of impacts to the extent allowed under the law is provided, including, but not limited to, roads, drainage, schools, fire protection, law enforcement, recreation, sewage and lighting.

City of Gridley General Plan EIR

The City of Gridley General Plan EIR recognized that if the city is to grow, it will need to convert lands that provide agricultural resources. The City's desire is to retain a compact urban form and proposed annexations be contiguous to existing urban areas. The city is surrounded by agricultural land, and any annexation and development consistent with the General Plan would convert areas currently in agricultural production at this date to urban uses. This conversion of agricultural lands would include Prime Farmland, Farmland of Statewide Importance, as found at the subject site. The proposed City of Gridley General Plan policies and actions do not completely offset the loss of important farmland, and no feasible mitigation measures are available to avoid this impact. The impact was considered significant and unavoidable; the City of Gridley City Council approved the General Plan update with Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations.

Conversion of agricultural lands to urban uses is an issue of concern in both Butte County and the City of Gridley, although the amount of lands converted adjacent to the City of Gridley is very small relative to the region or other valley areas. The proposed project will contribute to the conversion of agricultural lands in Butte County to urban uses. The City of Gridley GPU EIR found the loss of agricultural resources due to urbanization as significant and unavoidable; Loss and Conversion of Agricultural Land and Cumulative Impacts to Agricultural Resources. The loss of agricultural resources is a significant impact that cannot be fully mitigated nor are programs in place at either the regional or local level to replace the loss of agricultural lands, if that could be attained.

The City of Gridley adopted the General Plan Update and accepted the Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations. The City Council determined that for the health and growth of the city, a loss of agricultural resources would occur. Therefore, the project is consistent with the General Plan.

- b-d) There is no Williamson Act contract established for the property and will not conflict with agricultural zoning in that the request is to prezone the property for low density residential use. It will not result in the loss or conversion of forest lands to non-forest use; thus, no impact would occur. The project will not cause other changes for loss of agricultural resources in addition to those noted in the discussion (a).

Mitigation Measures

No mitigation is required for the loss of agricultural use. The impact was considered significant and unavoidable in the city of Gridley GPU EIR and approved the General Plan update with Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations.

3. AIR QUALITY

Environmental Setting

The California Air Resources Board (CARB) divides the state into air basins that share similar meteorological and topographical features. The City of Gridley is located in the 11-county Sacramento Valley Air Basin (SVAB). Prevailing winds are moderate in strength and vary from dry land flows from the north to moist ocean breezes from the south. The mountains surrounding the SVAB create a barrier to airflow which, under certain meteorological conditions, trap pollutants in the valley. The entire air basin is currently designated as non-attainment for the State 24-hour, and PM10 standards. Butte County is designated as non-attainment for 8-hour ozone. The data used by the City of Gridley General Plan was the most available 2009 data. In that, it is described that additional growth may be a significant impact to non-attainment. In 2017, Butte County, and the City of Chico, requested consideration for the re-designation of the status of non-attainment to attainment. The California Air Resources Board (CARB) staff report recommended the same to the Federal EPA in that levels had continued to decrease with the exception of 8-hour ozone. Most recently, CARB and US EPA identified that as of October, 2020, Butte County has a designation of non-attainment for 8-hour ozone, as marginal, with the remainder as conforming to its air quality maintenance plan and attainment for other air quality pollutants of concern. A designation of marginal for Ozone nonattainment is the lowest level of classification and means ozone concentrations are less than 10 parts per billion (ppb) above the standard.

Standards of Significance.

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in pollution emission levels above those established by BCAQMD in either short term (construction related) or long term (traffic).

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant No Impact	No Impact
		With Mitigation Incorporated		

Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | |
|--|---|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality | X |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing | X |

emissions which exceed quantitative thresholds for ozone precursors)?

- d) Expose sensitive receptors to substantial pollutant concentrations? X
- e) Create objectionable odors affecting a substantial number of people? X

Discussion

- a) The proposed project will not conflict with or obstruct implementation of the current air quality plan. The subject site was designated in the Butte County General Plan as Rural Residential. The Gridley General Plan and Sphere of Influence update provided a land use designation of Residential, Very Low Density. The General Plan amendment will re-designate 16.4 acres to Residential, Low Density. Impacts were considered at the time of the development of future growth and a part of the plan. The development of the site during construction would be required to meet the mitigation measures of the Butte County Air Quality Management District. Development of the site will be consistent with the current plan and its implementation thereof. This impact is considered less than significant.
- b) The proposed project may unintentionally violate the current air quality plan in that short-term impacts related to the construction of the site will be mitigated by measures (MM 3.1 and 3.2, below) implemented at that time; therefore, this would be less than significant with mitigation incorporated.
- c) The project may contribute to a minor increase in Ozone levels because of additional traffic and small engine use; however, the site has been designated to be developed with single family residential since the 2030 City of Gridley General Plan was adopted. The General Plan outlined the possibility that the Plan would violate the 2009 Air Quality Attainment Plan for the Sacramento Valley. The Council made Findings of Fact and adopted the 2030 General Plan with a Statement of Overriding Considerations.
- d) As noted above, in 2017 both Butte County, and the City of Chico, requested consideration for the re-designation of the status of non-attainment to attainment. The evaluation found a continued decrease in all areas except for the 8-hour Ozone levels which remain as non-attainment (October, 2020).

A single project is not sufficient in size to, by itself, result in nonattainment of Ozone levels. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BCAQMD has considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the existing air quality conditions. Due to the proposed size of the project, it would result in emissions below the applicable thresholds of significance and would not result in a cumulatively considerable contribution to the region's existing air quality conditions.

- e) The project has two existing single-family homes on the east side of the property. It is unknown if there are specific sensitive receptors living at those locations. Similarly, it is unknown if sensitive receptors are in the adjacent residential development to the surrounding area. The project would not create substantial pollutant concentrations. Air pollution created during construction will be mitigated effectively; therefore, this would be less than significant with mitigation incorporated. (MM 3.2).

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 3.1 The project shall implement the following measures during construction:

- 1) Use adequate fugitive dust control measures for all construction activities during all phases of construction.
- 2) Provide energy-efficient lighting and process systems.
- 3) No open burning of vegetative material on the project site.
- 4) Use temporary traffic control as appropriate at all stages of construction.
- 5) Design streets to maximize pedestrian access to transit stops, where feasible.

MM 3.2 Construction dust and equipment exhaust emission measures shall be implemented:

- 1) Water all active construction sites at least twice daily.
- 2) Use chemical stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- 3) On-site vehicle limited to a speed of 15 mph on unpaved roads.
- 4) Construction equipment exhaust emissions shall not exceed BCAQMD Rule 201, Visible Emission limitations.
- 5) The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.
- 6) Utilize existing power sources (e.g., power poles) or clean fuel generator rather than temporary power generators.
- 7) Minimize equipment idling time to 10 minutes.
- 8) Land clearing, grading, earthmoving or excavation activities suspended when winds exceed 20 miles per hour.
- 9) Non-toxic binders (e. g. latex acrylic copolymer) should be applied to exposed areas after cut and fill operations.
- 10) Plant vegetation ground cover in disturbed areas as soon as possible.
- 11) Cover inactive storage piles.
- 12) Paved streets adjacent to the development site should be swept or washed at the end of the day as necessary to remove excessive accumulations of silt and/or mud which may have accumulated as a result of activities on the development site.
- 13) Post publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rule 201 and 207 (Nuisance and Fugitive Dust Emissions).
- 14) Prior to final occupancy, the applicant demonstrates that all ground surfaces are covered or treated sufficiently to minimize fugitive dust emissions.

4. BIOLOGICAL RESOURCES

Environmental Setting

The site has been developed as rural residential with land disturbance associated with pasture and established kiwi vineyards. There are two single family homes that will remain to become a part of the development. The site is bisected north, south, east, and west with drainage channels considered as fresh emergent wetlands. The site is a result of an area highly disturbed to create a mono-culture of kiwi vineyards and the construction of single-family homes and outbuildings used for agricultural operations.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Adversely affect, either directly or through habitat modification, any endangered, threatened or rare species, as listed in Title 14 of the California Code of Regulations (Sections 670.5) or in Title 50, Code of Regulations (Sections 17.11 or 17.12 or their habitats (including but not limited to plants, fish, insects, animals, and birds);
- Have a substantial adverse impact, either directly or through habitat modification, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations or by the CDFG or USFWS;
- Have a substantial adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFG or USFWS;
- Adversely affect federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites; or,
- Conflict with any local or regional policies or ordinances designed to protect or enhance biological resources, such as a tree preservation policy or ordinance.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant	No Impact
		With Mitiga- tion Incorporated		

Biological Resources

Would the project:

- | | |
|--|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | X |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified | X |

in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

- | | |
|--|---|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | X |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | X |
| e) Conflict with any local policies or ordinances Protecting biological resources, such as a tree preservation policy or ordinance? | X |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | X |

Discussion

- a) The Butte County General Plan EIR, dated April 8, 2010, identified the project area located in the Sacramento Valley in the western portion of Butte County as a geographic subregion. Most of the biological communities in the Sacramento Valley portion of the county have been substantially altered since the mid-1800s, when the area was first hydraulically mined, then dredged for gold, and then developed for agriculture. (BCGP EIR, pg. 4.4-8). The quality of habitat for wildlife is greatly diminished when the land is converted to agricultural uses and intensively managed. Many species of rodents and birds have adapted to agricultural lands, but they are often controlled by fencing, trapping, and poisoning to prevent excessive crop losses. (BCGP EIR pg.4.4-25).

The Gridley GP EIR, noted that due to the high degree of disturbance, agricultural area generally has a low habitat value for wildlife, though some species can adapt to disturbed conditions (GPU pg. 4.6-9). The open water canals provide habitat for birds and other small mammals. The canals create a habitat that meets the breeding and aestivation (summer sleep to conserve the body during high heat) requirements for the giant garter snake. The canals also provide connectivity for movement of the species through the area.

The Gridley GP EIR determined that although policies could be put into place to alleviate project impacts, development would have cumulative biological resource impacts and implementation of the General Plan would have considerable and unavoidable impacts. The City of Gridley City Council approved the General Plan update with Findings of Fact and adopted a Statement of Overriding Consideration that included the impacts found for biological resources that would di-

rectly or indirectly impact habitats. Mitigation Measures 4.1 and 4.2 are added requiring preconstruction surveys, and if species are found, the necessary approvals will be obtained for Incidental Take from the CDFW.

- a) The site is divided into quadrants by Reclamation District 833 channel in a north-south direction and by the City of Gridley channel in an east-west direction. The project may disturb those areas for the construction of both vehicular and pedestrian crossings and possible culvert construction within the canal. Mitigation measures 4.1 and 4.2 will help reduce the impact by identifying evidence of the listed species prior to the onset of construction. The City of Gridley City Council approved the General Plan update with Findings of Fact and adopted a Statement of Overriding Consideration that included the impacts found for biological resources that would directly or indirectly impact habitats. Mitigation Measures 4.1 and 4.2 are added requiring preconstruction surveys, and if species are found, \ the necessary approvals will be obtained for Incidental Take from the CDFW.
- b) The abandoned canal noted in (b) above will be graded and filled. It is no longer being used to provide water or to accept drainage. The area has been substantially graded to where it no longer represents an open water or wetland; however, these ephemeral sites may harbor some species. Mitigation Measures 4.1 and 4.2 are added requiring preconstruction surveys, and if species are found, the necessary approvals will be obtained for Incidental Take from the CDFW.
- c) The General Plan studied the biological resources for plants, invertebrates, fish, amphibians, reptiles, birds, and mammals. There was suitable habitat within the Gridley Planning Area. The list below indicates a high potential of successful habitat:
 - Sanford's arrowhead Potential habitat within drainages
 - Brazilian Watermeal Potential habitat within drainages
 - Brown Fox sedge Potential habitat within drainages
 - Woolly Rose Mallow Potential habitat within drainages
 - Giant garter snake The site is suitable habitat for travel within or between the connected canals, and for habitat during dormant times of the year, November to mid-March.
 - Northern harrier Available habitat
 - Swainson's hawk Available habitat
 - Silver-haired bat Available habitat
 - Burrowing Owl Available habitat

Refer to additional information below in the Mitigation Measures for detailed information on the species noted above. Although the site may be conducive to habitat, there is no record indicating these species have been identified on the site (BCGP EIR 2010, and 2030 Gridley GP EIR) Mitigation will include a species review and evaluation prior to the onset of construction. Therefore, this is considered less than significant with mitigation incorporated.

- d) A key goal of the General Plan policies is to accommodate anticipated growth in a compact urban form. This strategy is intended to reduce the amount of undeveloped land needed to meet the city's future housing and jobs needs when compared to a more "business-as-usual" sprawling growth pattern. The proposed project is consistent with the Gridley General Plan for a residential development with single-family homes. Growth accommodated under the General Plan seeks to avoid the growth effects of sprawl development patterns, such as the loss of biological re-

sources. In addition, future development allowed under the proposed General Plan would be required to comply with Gridley Municipal Code. Therefore, the project seeks to implement the General Plan and its policies and development direction, thus considering this as no impact.

- e) Land uses and development consistent with the proposed General Plan would not conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved conservation plan. Currently, no such conservation plans have been adopted encompassing all or portions of Gridley; however, the Planning Area is located within the Butte Regional Conservation Plan/Natural Community Conservation Plan planning area. This plan is currently under preparation by various local agencies. The geographic area that will be addressed in the conservation plan covers approximately 560,000 acres of the lowland portion of Butte County up to and including the foothill oak woodlands. Therefore, this is considered as no impact.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 4.1 The project applicant shall conduct preconstruction surveys to determine if Sanford's arrowhead, Giant garter snake, Northern harrier, Swainson's hawk, Greater sandhill crane, Burrowing owl, and Silver-haired bat exist on the site. Should any of the listed be discovered, the applicant shall obtain the necessary approvals for Incidental Take from the CDFW.

Burrowing Owl

Within 14 days prior to any ground disturbing activities for each phase of construction, the project applicant shall retain a qualified biologist to conduct a preconstruction survey of the site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections CDFW Staff Report on Burrowing Owl Mitigation. The qualified biologist shall be familiar with burrowing owl identification, behavior, and biology, and shall meet the minimum qualifications for such preconstruction survey. If the survey does not identify any nesting burrowing owls on the site, further mitigation is not required for that phase unless activity ceases for a period in excess of 14 days in which case the survey requirements and obligations shall be repeated. If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures as determined by the qualified biologist.

During the breeding season (February 1 through August 31), the following measures will be implemented:

Disturbance-free buffers will be established around the active burrow. During the peak of the breeding season, between April 1 and August 15, a minimum of a 500-foot buffer will be maintained. Between August 16 and March 31, a minimum of a 150-foot buffer will be maintained. The qualified biologist will determine, in consultation with the City of Gridley Planning Division and CDFW, if the buffer should be increased or decreased based on site conditions, breeding status, and non-project-related disturbance at the time of construction. Monitoring of the active burrow will be conducted by the qualified biologist during construction on a weekly basis to verify that no disturbance is occurring. After the qualified biologist determines that the young have fledged and are foraging independently, or that breeding attempts were not successful, the owls may be excluded in accordance with the non-breeding season measures below. Daily monitoring will be conducted for one week prior to exclusion to verify the status of owls at the burrow.

During the non-breeding season (September 1 to January 31), owls occupying burrows that cannot be avoided will be passively excluded consistent with Appendix E of the 2012 CDFW Staff Report:

- Within 24 hours prior to installation of one-way doors, a survey will be conducted to verify the status of burrowing owls on the site.
- Passive exclusion will be conducted using one-way doors on all burrows suitable for burrowing owl occupation.
- One-way doors shall be left in place a minimum of 48 hours to ensure burrowing owls have left the burrow before excavation.

While the one-way doors are in place, the qualified biologist will visit the site twice daily to monitor for evidence that owls are inside and are unable to escape. If owls are trapped, the device shall be reset and another 48-hour period shall begin. After a minimum of 48 hours, the one-way doors will be removed and the burrows will be excavated using hand tools to prevent reoccupation. The use of a pipe is recommended to stabilize the burrow to prevent collapsing until the entire burrow has been excavated and it can be determined that no owls reside inside the burrow. After the owls have been excluded, the excavated burrow locations will be surveyed a minimum of three times over two weeks to detect burrowing owls if they return. The site will be managed to prevent reoccupation of burrowing owls (e.g., disking, grading, manually collapsing burrows) until development is complete. If burrowing owls are found outside the project site during preconstruction surveys, the qualified biologist shall evaluate the potential for disturbance. Passive exclusion of burrowing owls shall be avoided to the maximum extent feasible where no ground disturbance will occur. In cases where ground disturbance occurs within the no-disturbance buffer of an occupied burrow, the qualified biologist shall determine in consultation with the City of Gridley Planning Division and CDFW whether reduced buffers, additional monitoring, or passive exclusion is appropriate.

Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall provide compensatory mitigation in accordance with the requirements of the CDFW. Such mitigation shall include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. In determining the location and amount of acreage required for permanent protection, the project applicant, in conjunction with the City of Gridley Planning Division, shall seek lands that include the same types of vegetation communities and fossorial mammal populations found in the lost foraging habitat.

Swainson's Hawk

If project construction plans require ground disturbance that represents potential nesting habitat for migratory birds or other raptors including Swainson's hawk, the project contractor shall initiate such activity between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for ground-nesting birds. The survey shall be conducted 14 days prior to the commencement of construction and include all potential ground-nesting sites and trees and shrubs within 75 feet of the entire project site. The findings of the survey shall be submitted to the City of Gridley Planning Department. If nesting passerines or raptors are identified during the survey within 75 feet of the project site, a 75-foot buffer around the ground nest or nest tree shall

be fenced with orange construction fencing. If the ground nest or nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting birds. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st.

Prior to the issuance of a grading permit, the dedication of land suitable for replacement Swainson's hawk foraging habitat shall be dedicated by the project applicant at a ratio of 1:1 for all existing unpaved areas within the project site. The location of the replacement foraging habitat shall be coordinated with, and approved by, the CDFW, and shall be acquired prior to development of the project site. Proof of CDFW approval shall be submitted to the City of Gridley Planning Department.

Giant Garter Snake

During the pre-construction survey, the biologist shall investigate the site for habitat or evidence of the Giant Garter Snake on or proximate to the subject site. Protective fencing shall be erected on the north, east, and south property lines to mitigate migration into the site during construction.

MM 4.2 The biologist shall submit a report documenting the site investigation and findings prior to the onset of construction activities. This includes any installation of bmps required by the General Construction Permit, clearing or grubbing, demolition of existing structures and/or rough grading. The report shall be submitted to the City of Gridley Planning Department for review and acceptance of the findings of the biologic site review.

5. CULTURAL RESOURCES

Environmental Setting

Since the time of its founding in 1870 to its incorporation as a city in 1905 and extending to the present time, Gridley has undergone a slow but steady growth. The city has evolved from a regional agriculture community supporting dry-land crops, orchards, and livestock to a more urbanized area while continuing to support its farming community.

The project site is located near the boundary of three ethnographic groups-the Konkow, the Patwin, and the Nisenan. They all spoke Maiduan languages, with various dialects within the groups. The areas these groups generally inhabited were along the lower part of the Feather River Canyon, the Middle and South Fork Feather Rivers, the lower foothill stream courses, and the Sacramento Valley Floor¹. Villages were generally nomadic as required with hunter-gatherer characteristics.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Cause a substantial change in the significance of a historical or archeological resource as defined in the CEQA Guidelines Section 15064.5; or,
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact
Issues				

Cultural Resources

Would the project:

- | | | |
|---|---|---|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | X | |
| c) Directly or indirectly destroy a unique Paleontological resource or site or unique geologic feature? | X | |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | X | |

Discussion

- a) CEQA Guidelines §15064.5 (b) states that if there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared.

The 2030 General Plan identifies previous cultural resource investigations conducted in the Plan Area. Little evidence has been found in research and surveys; however, the area is known as a location of potential for archaeological resources.

There are no known sites that have been determined within the boundaries of the proposed project. The General Plan did not determine resources existed within the Planning Area. The existing structures are not considered significant as an historical resource.

- b-d) The site has been disturbed with the lands cultivated up to 1.5 feet in depth which may have disturbed any archaeological resource. The site has been farmed for many years and not located in a known area of high archeological potential based upon the archaeological resource record searches through the Chico State Northeast Center of the California Historical Resources Information System.

The water canals are man-made and do not follow historic drainage or river patterns, rather are a diversion of those waters of the Feather River. Settlements would have been adjacent to historic river locations² greatly changed from that time by levees, dikes, and channeling of the river. The territory (See figure below) of the Valley Maidu (Mechoopda or Mechoopda) includes 23 named villages and is believed to have extended along the Sacramento Valley floor from Rock Creek on the north to the old town site of Jacinto some 18 miles to the south (Merriam 1967:314). The western boundary is formed by the Sacramento River, although which tribal group, Maidu or Wintun, held which bank of the river has long been disputed (see K. Johnson 1990:121-124). On the east, Valley Maidu land reached the base of the Sierra Nevada foothills and probably intruded a little further into the hills along some of the creeks but certainly ended somewhere west of the present town of Paradise. Estimated area held by the Mechoopda groups is 90 square miles.³

¹ Johnson, Michael G. (2014). *Encyclopedia of Native Tribes of North America*. Buffalo, New York: Firefly Books. p. 198. [ISBN 978-1-77085-461-1](#).

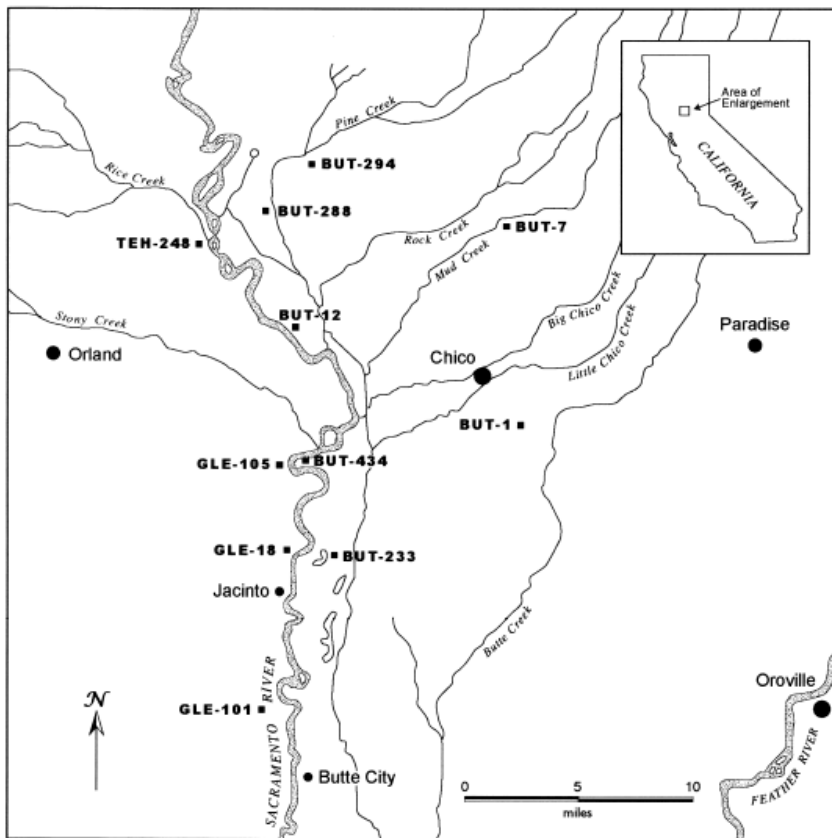


Figure 7.1 Maaidu/Wintun territory in the Sacramento Valley of California.

To comply with the Gridley General Plan Conservation Implementation Strategy 4.1, additional cultural resource analysis is required. A request for record search was submitted to the Northeast Center of the California Historical Resources Information System, Chico State University, Chico. No record of archaeological resources was determined. A recommendation to have an archaeologist review and research the site was recommended. During construction resources may be encountered; Mitigation Measures 5.1 and 5.2 are included and the impact would be considered less than significant with mitigation incorporated. Mitigation will include an archaeological investigation.

² Ibid.

³ Johnson, Keith L. Archaeological Identification of the Valley Maaidu in Northern California, January, 2005, California State University, Chico, CA

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 5.1 Prior to the commencement of construction, an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate shall be retained to conduct a survey of the site and a thorough records search. The archaeologist shall be required to submit to the Planning Department for review and approval a report of the findings and method of curation or protection of the resources.

During construction, the developer shall submit plans to the Planning Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet and the developer shall immediately notify the Planning Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist

MM 5.2 If human remains, or remains that are potentially human, are found during construction, a professional archeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance. The archaeologist shall notify the Butte County Coroner (per §7050.5 of the State Health and Safety Code). The provisions of §7050.5 of the California Health and Safety Code, §5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the coroner will notify the Native American Heritage Commission (NAHC), which then will designate a Native American Most Likely Descendant (MLD) for the project (§5097.98 of the Public Resources Code). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the applicant does not agree with the recommendations of the MLD, the NAHC can mediate (§5097.91 of the Public Resources Code). If an agreement is not reached, the qualified archaeologist or most likely descendent must rebury the remains where they will not be further disturbed (§5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center, using an open space or conservation zoning designation or easement, or recording a reinternment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the City of Gridley, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

6. TRIBAL CULTURAL RESOURCES

Environmental Setting

As noted in Section 5, Cultural Resources, the site is located near the boundary of three ethnographic groups-the Konkow, the Patwin, and the Nisenan. They all spoke Maiduan languages, with various dialects within the groups. The areas these groups generally inhabited were along the lower part of the Feather River Canyon, the Middle and South Fork Feather Rivers, the lower foothill stream courses, and the Sacramento Valley Floor. Refer to Section 5, b-d for a discussion of the villages located on the Sacramento Valley Floor and their locations close to water sources such as the Feather River, Sacramento River and the tributaries upstream.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Tribal Cultural Resources

Would the project:

- | | |
|---|---|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC §5020.1(k). | X |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC §5024.1. In applying the criteria set forth in subdivision (c) of PRC §5024.1, the lead agency shall consider the significant of the resource to a California Native American Tribe. | X |

Discussion

- a-b) As noted in Section 5, Cultural Resources, above, there are no known sites as reflected in the previously discussed archaeological resource record searches for the previous Gridley General Plan (prior to the 2010 update), Butte County 2010 General Plan EIR, and the Gridley General Plan EIR, 2010 that have been determined within the boundaries of the proposed project. The Butte County General Plan EIR, 2010 states:

The county included the territories of four groups of Native American peoples: the Maidu (mountain Maidu), the Nisenan (southern Maidu), the Konkow (northwestern Maidu), and the

Yana. Many Native Americans continue to reside in the area. The northern county was Maidu territory. They inhabited the mountain valleys from Honey Lake to Lassen Peak, generally at altitudes higher than 4,000 feet. The Nisenan territory was generally bounded by the Sacramento River to the west, the lower Feather River to the south, and the crest of the Sierra Nevada mountains to the east. The Konkow people inhabited the Feather River area, from west of Richbar almost to the Sutter Buttes, and the Sacramento River area from Butte City in the south to Butte Meadows in the north. The Yana people occupied a wide range of the county, from the edge of the Sacramento Valley to the crests of the Cascade and Sierra Nevada mountains. The last member of the Yana tribe was a man called Ishi. Ishi was also the last Native American in northern California to live the majority of his life outside of European American influence. Ishi and his ancestors occupied the foothill region near Mount Lassen, which is modern-day Butte County. Previous studies in the general region provide reasonable expectations for the range of archaeological property types likely to occur in Butte County. Pre historic site types include habitation sites, limited occupation sites, hunting/processing camps, lithic reduction stations, milling stations, quarries... The most common prehistoric sites found in the Butte County area are temporary occupation sites. Habitation sites are locations of long-term occupation. These sites were typically located near streams and springs... (BC GP EIR pgs. 4.5-6, 4.5-7)

The Gridley General Plan EIR did not determine resources existed within the extent of the Planning Area for the City of Gridley. In compliance with AB52, a project notification was sent to five Native American Indian Tribe representatives: Konkow Indian Tribe, Mechoopda Indian Tribe, Mooretown Rancheria of Maidu Indians, Tsi Akin Maidu, and the United Auburn Indian Community. As of the date of this Initial Study, no response has been received.

The potential exists for previously unknown tribal cultural resources to be encountered during ground-disturbing activities associated with development for such impacts to resources to occur. Although resources have not been found, the possibility exists that during construction tribal cultural resources may be uncovered, thus an impact to resources could exist. Therefore, this is mitigated and considered less than significant with mitigation incorporated.

Mitigation Measures

Implementation of **MM 5.1** and **MM 5.2** would reduce the above potential impact to a less-than-significant level.

7. GEOLOGY AND SOILS

Environmental Setting

The City of Gridley is located on two geologic formations – Riverbank and Modesto, both of the Pleistocene era. The terrace deposits generally consist of sand and silt over alluvial gravels and clay. The Gridley area are part of the Great Valley Fan deposits with a favorable capacity for agricultural production. As noted in Section 2, Agricultural Resources, the site consists of soils that are of Farmland of Statewide Importance. The site is flat with slopes of 1-2 percent.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in a project being built that will either introduce geologic, soils, or seismic hazard by allowing the construction of the project on such a site without protection against those hazards.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Geology and Soils

Would the project:

- | | | | | |
|--|--|--|---|---|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | X | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | | | X | |
| ii) Strong seismic ground shaking? | | | X | |
| iii) Seismic-related ground failure, including liquefaction? | | | X | |
| iv) Landslides? | | | | X |
| b) Result in substantial soil erosion or the loss of topsoil? | | | X | |
| c) Be located on a geologic unit or soil that is | | | | X |

unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? X
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? X

Discussion

- a-i- iv) The subject site is located outside the Alquist-Priolo Earthquake Fault Zone as delineated by the California Division of Mines and Geology. The project would not be subject to potential damage from earthquake ground shaking as a greater than the maximum MMI VII of the Modified Mercalli Scale.

The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations (CCR), Title 24). The California Uniform Building Code is based on the UBC and has been modified for California conditions with numerous more detailed and/or stringent regulations. The State earthquake protection law requires that buildings be designed to resist stresses produced by lateral forces caused by earthquakes. The city implements the requirements of the California Code through its building permit process. There are no known geologic features that would place this site at greater risk than otherwise can be mitigated by compliance with the California Building Code. The site is flat therefore it would not be subject to landslides. Compliance with the currently adopted building code will protect structures from damage, therefore these are considered less than significant and no impact related to landslides.

- b) Natural erosion is frequently accelerated by human activities such as site preparation for construction and alteration of topographic features. The State of California adopted the General Construction permit which provides measures to reduce the loss of soils during wind and storm events by requiring best management practices be deployed prior to the onset of construction, thus this impact is less than significant.
- c) Gridley is located in the Butte Basin area and not susceptible to subsidence based on current and historical levels of groundwater. There is concern in that, the State of California has experienced several years of drought. In combination with drought and the high number of wells drilled historically for agriculture, it may be found that the draw down becomes greater in the future with minor subsidence experienced. The site will be using the City of Gridley water distribution system for potable water. Subsidence is unlikely based on historical record; therefore, this is considered less than significant.
- d) The soil types on the subject site may exhibit expansive shrink swell characteristics. Prior to obtaining building permits, the project will be required to provide a soils report identifying the geotechnical criteria for construction. The combination of this investigation, engineering, and

the permitting process will mitigate risk to the development; therefore, this is considered less than significant.

- e) The project will connect to the City of Gridley underground sewerage collection system of which there is capacity. Any septic systems on site will be abandoned and not used for this project; therefore, this is considered no impact.

Mitigation Measures

The project does not have impacts related to geology and soils resources that need to be mitigated, therefore, no mitigation measures are required.

8. GREENHOUSE GAS EMISSIONS

Environmental Setting

Greenhouse gases are gases that cause and contribute to climate change. “Greenhouse gas” is a term that refers to all of the following types of gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Greenhouse gases vary in their potency (or potential to cause climate change) and are often measured in tons or million metric tons of carbon dioxide equivalents. Transportation is the largest source of California’s greenhouse gas emissions, followed by electricity generation and natural gas used in buildings.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in a project being built that will cause and contribute to climate change and a local increase of greenhouse gas emission.

	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact
Issues				

Greenhouse Gas Emissions

Would the project:

- | | |
|--|---|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | X |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | X |

Discussion

- a-b) Implementation of the project could be considered as attributing more GHG emissions associated with increases of carbon dioxide (CO₂) and, to a lesser extent, other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O) associated with area sources, mobile sources or vehicles, and utilities (electricity and natural gas). The primary source of GHG emissions for the project would be mobile source emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO₂ equivalents (MTCO_{2e}/yr.). The General Plan describes the GHG in conjunction to the effects of climate change and global warming. While the terms are thought of interchangeably, they are not; however, additional residential development will increase vehicular travel that is anticipated in the General Plan. The project will be required to adhere to the California Green Building Code, the State legislated requirement for each home to have a functioning solar system and to provide charging stations for electric vehicles. The provision of street trees and subdivision planting implements the General Plan policies. The project is minor to such environmental impacts therefore, considered less than significant with mitigation incorporated; however, the City Council of the City of Gridley determined that the build-out of the General Plan related to Greenhouse Gas and Climate Change was cumulatively considerable, significant and unavoidable. The City Council approved the General Plan update with Findings of Fact and Statement of Overriding Consideration related to Greenhouse Gases and Climate Change.

Mitigation Measures

Implementation of the following mitigation measure would reduce the above potential impact to a less-than-significant level.

MM 8.1 Prior to the start of construction activities, the project applicant shall submit a construction equipment inventory list to the City Engineer demonstrating compliance with U.S. EPA CARB, and BCAQD requirements. The list shall be updated if additional equipment will be used to ensure the compliance. The use of alternatively fueled construction equipment, such as hybrid electric or natural gas-powered equipment, would also be acceptable, given that such technologies are implemented to a level sufficient to achieve similar emission reductions.

MM 8.2 Prior to the issuance of building permits, the project applicant/developer shall submit a Landscaping Plan for review and approval by the Planning Department. The Landscaping Plan shall be prepared to reflect the design for the linear park, detention basin park, and play area. The design shall also provide a subdivision tree planting plan.

9. **ENERGY**

Environmental Setting

The City of Gridley partners with the City of Biggs to fund the Gridley Electric Department, which is responsible for the operation and maintenance of its system. This provides a reliable distribution of electricity to residential and commercial customers from the City's interconnection with PG&E's 60-thousand-volt (60kv) transmission line. Gridley has a substation at Fairview Drive serving the community.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in a project being built that will cause and contribute to wasteful and inefficient energy use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Issues				

Energy

Would the project:

- | | |
|---|---|
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | X |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | X |

Discussion

a-b) The development will not result in wasteful, inefficient consumption of energy. The 2019 California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11), is a portion of the CBSC, which became effective with the rest of the CBSC on January 1, 2020. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The CALGreen standards regulate the method of use, properties, performance, types of materials used in construction, alteration repair, improvement and rehabilitation of a structure or improvement to property. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy

of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills; and
- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

The 2019 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy efficiency measures from the 2016 Building Energy Efficiency Standards, resulting in a seven percent reduction in energy consumption from the 2016 standards for residential structures. Energy reductions relative to the 2016 Building Energy Efficiency Standards would be achieved through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls.

One of the improvements included within the 2019 Building Energy Efficiency Standards is the requirement that new residential developments include functioning on-site solar energy systems. The developments are still subject to all other applicable portions of the 2019 Building Energy Efficiency Standards. Once rooftop solar electricity generation is factored in, homes will use approximately 53 percent less energy.

Construction activities associated with development would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, gas/diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the sites where energy supply cannot be met via a hookup to the existing electricity grid.

Even during the most intense period of construction, due to the different types of construction activities (e.g., site preparation, grading, building construction), only portions of the project site would be disturbed at a time, with operation of construction equipment occurring at different locations on the project site. All construction equipment and operation thereof are regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design

changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB has recently prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan), which builds upon previous efforts to reduce GHG emissions and is designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The CARB Diesel Vehicle Regulation described above, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. Construction activities would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand. Furthermore, development of the project site with residential uses would be consistent with the General Plan land use designation; thus, development of the site and associated energy demands have been previously anticipated by the city and evaluated in the General Plan EIR.

Energy use associated with operation of residential uses involves electricity and natural gas for interior and exterior building lighting, heating, ventilation, and air conditioning (HVAC), electronic equipment, refrigeration, appliances, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, would result in transportation energy use associated with vehicle trips generated by the proposed single-family homes.

In addition, the proposed residential project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structures would consume energy efficiently through the incorporation of such features as efficient water heating systems, high performance attics and walls, and high efficacy lighting. Required compliance with the CBSC would ensure that the building ng energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to the project site would comply with the State's Renewable Portfolio Standard (RPS), which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during operation would originate from renewable sources.

As discussed above, the proposed development would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Thus, a less than significant impact would occur.

Mitigation Measures

The project does not have impacts that need to be mitigated, therefore, no mitigation measures are required.

10. HAZARDS AND HAZARDOUS MATERIALS

Environmental Setting

The project consists of a parcel map to create four Residential Suburban parcels and fifty-six single-family standard residential lots corresponding land use designations for the annexation into the City of Gridley.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in exposing people to existing contaminated soil during construction activities;
- Result in exposing people to asbestos containing materials;
- Result in exposing people to contaminated groundwater if dewatering activities take place.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Hazards And Hazardous Materials

Would the project:

- | | |
|--|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | X |
| b) Create a significant hazard to the public or the Environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | X |
| e) For a project located within an airport land use Plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, | X |

would the project result in a safety hazard for people residing or working in the project area?

- f) For a project within the vicinity of a private airstrip would the project result in a safety hazard for people residing or working in the project area? X
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? X
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? X

Discussion

- a-h) The project, a single-family residential development will not create a hazardous environment by the continued transport of hazardous materials. The construction of the site from agricultural lands to residential will create dust and odors associated with road construction. This is a short-term impact and not a function of the determination of long-term hazardous material transport and handling within the subdivision. Adjacent existing agricultural uses exist adjacent to the site which use pesticide and herbicides that must be consistent with the Butte County Agricultural Commissioner and the State of California. These activities are independent of the development of residential uses at the project site. The project itself will not create a hazardous environment. The site is not known to harbor hazardous materials and not on a list of hazardous material sites. It is not located within an airport land use plan, nor within the vicinity of a private air strip. The project will not interfere with an emergency response plan nor expose people to hazardous risk due to the implementation of the development. The project is consistent with the General Plan and the locational criteria for the growth expansion of the City of Gridley; therefore, this is considered no impact.

Mitigation Measures

The project does not have related hazard impacts that need to be mitigated, therefore, no mitigation measures are required.

11. HYDROLOGY AND WATER QUALITY

Environmental Setting

The National Pollutant Discharge Elimination System (NPDES) was established in the Clean Water Act to regulate municipal and industrial discharges to surface waters of the U.S. Non-point sourced diffuse and originate over a wide area rather than from a definable point. Two types of non-point source discharges are controlled by the NPDES program; discharges caused by general construction activities and general quality of storm water in municipal stormwater systems.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in substantially degrading water quality or violate any water quality objectives set by the State Water Resources Control Board due to increased sediments or other contaminants generated by consumption and/or operation activities;
- Result in exposing people or property to the risk of injury and damage in the event of a 100-year flood.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Hydrology and Water Quality

Would the project:

- | | |
|---|---|
| a) Violate any water quality standards or waste discharge requirements? | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | X |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | X |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of | X |

the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

- | | |
|---|---|
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | X |
| f) Otherwise substantially degrade water quality? | X |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | X |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | X |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | X |
| j) Inundation by seiche, tsunami, or mudflow? | X |

Discussion

- a-f) The development of the project will not violate any water quality standards or waste discharge requirements. For the duration of the construction of the development, until the last structure is completed, the Construction General Permit requires best management practices and inspections during good and inclement weather to ensure the construction practices are adhered to. If these are not implemented, the developer may suffer significant fines and in having the project halted. These requirements have been in place for a long time such that no contractor cannot claim to have no knowledge of such. Prior to construction, developments are required to obtain a WDID number and ensure that measures are complied with. Therefore, no additional mitigation is required above the existing laws and regulations in place.

The existing drainage patterns will not change substantially in that, the site has an overall sheet flow of 1-2% overland. The development of the site will accept storm water into the City of Gridley storm drain system identified to have capacity for discharge from the system. The project will not alter a natural water course nor result in erosion to such existing systems that accept the flows into the Feather River or Sacramento River in an indirect manner; therefor considered a less than significant impact.

- g-h) The site is located in the FEMA mapping and analysis as Zone X. The development will not independently cause a flood hazard. Localized flooding may occur during first storm flush events or periods of intense storms; however, these conditions are short-lived and systems are in place to reduce the likelihood of continued site flooding. The project will be detaining storm

water in the detention basin and metered outfall consistent with existing conditions into the RD 833 canal. A fully detailed design of the stormwater cfs flows during storm events will be submitted at the time improvement plans are developed for review and approval. This is considered a less than significant impact.

- i) The development of the project site will not create significant risk. There is a concern that the failure of the Oroville Dam may have significant flooding from Oroville through the low-lying areas of Gridley and Gridley. It has been estimated that should such a failure occur, flood waters of up to 2 feet may be experienced. Though it may take time to recede, such flooding is not believed to cost loss of life. In 2017, the Dam experienced excessive water infiltration that created excessive releases over the spillways which sustained damages. Repairs have been underway, both temporary and permanent to mitigate the same event. It is not anticipated the Dam will fail; however, this is considered a less than significant impact.
- j) Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir. The project site is not located in proximity to a coastline and would not be affected by flooding risks associated with tsunamis. Seiches do not pose a risk in that the site is not proximate to a large closed body of water, albeit the Thermalito Afterbay is approximately 6-8 miles north of the project site. Based on the above, the proposed project would not pose a risk related to the release of pollutants due to project inundation from flooding, tsunami, or seiche, and this is then considered no impact.

Mitigation Measures

The project does not have hydrology or water quality impacts that need to be mitigated, therefore, no mitigation measures are required.

12. LAND USE AND PLANNING

Environmental Setting

The subject sites have Butte County General Plan land use designations of Rural Residential. The City of Gridley designation is Residential, Very Low Density. The proposed project will maintain approximately 3.5 acres as Residential, Very Low Density and amend the General Plan to Residential, Low Density for the portion of the project having 56 lots of single-family residential.

The project proposes to pre-zone the subject site with Residential Suburban and single-family residential (R-1), respective to the General Plan land use designations to develop a residential subdivision.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Substantially alter an approved land use plan that would result in physical change to the environment.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant	No
		With Mitiga- tion Incorporated	Significant Impact	Impact

Land Use and Planning

Would the project:

- | | |
|--|---|
| a) Physically divide an established community? | X |
| b) Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | X |

Discussion

- a) A project risks dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. Implementation project would develop approximately 19.95 acres creating 60 single-family residences. Surrounding land uses include rural residential to the north, undeveloped land to the south, and single-family residential to the east and west. The proposed project would be consistent with the plans for expansion of the City of Gridley as reflected in the General Plan concentrating annexations contiguous to urbanized residential areas. The development would be a logical extension of City of Gridley and

would not physically divide an established community. As such, impacts associated with buildout related to land use and planning have been previously analyzed in the General Plan EIR, and would not be more severe than what was previously anticipated. As such, the proposed project would not physically divide an established community and a *less-than- significant* impact would occur.

- b) The project does not conflict with the General Plan land use policies. In addition, the proposed project would be required to comply with all development standards established by the City's Municipal Code; standards regarding maximum lot coverage, building heights, and building setback requirements. The City of Gridley is required to provide adequate lands that support housing as determined by the State of California. In conjunction with forecasting regional growth, BCAG, evaluates the State's figures and determines the fair share for RHNA. The City of Gridley was recently determined to need an additional land area to support 345 housing units. The existing demand that is met by available lands to develop housing is 879 units. The project will provide additional land area to meet the requirement to provide available land for housing. The project would be consistent with all land use designations and policies, therefore considered less than significant impact.

Furthermore, the proposed project would not conflict with any LAFCo standards or policies regarding annexations. In order for LAFCo to make determinations required under Section 56668 of the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH) (Government Code Section 56000 et seq.), further analysis and discussion regarding the extent to which the proposed annexation would contribute to environmental justice, is provided below although it is not an environmental impact as such.

Environmental justice is not a CEQA issue and is not required to be analyzed. Nonetheless, a brief summary of the topic related to the proposed project is provided for informational purposes. Government Code Section 56668(o) that "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. With approval of the proposed annexation into the City of Gridley, all future public services would be provided by the City. Therefore, the proposed project would not result in environmental injustice issues with respect to the provision of public services. In addition, as discussed in the Public Services, Recreation, and Utilities and Services sections, any impacts related to public services and utilities would be less-than-significant.

- c) Butte County is in the process of developing a Habitat Conservation Plan. It is currently under review; there is no active or in place Habitat Conservation Plan at this time, therefore, this would be no impact.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

13. MINERAL RESOURCES

Environmental Setting

The subject site has not been identified to have mineral resource deposits; the project is an amendment of land use designations, for the creation of three parcels to annex the property into the City of Gridley.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the depletion of a mineral resource.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Mineral Resources

Would the project:

- | | |
|---|---|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | X |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | X |

Discussion

- a-b) The proposed project site is not included or delineated as a Mineral Resource Zone. The subject site would not be considered sizable enough to bear the tremendous costs of the initial investment and operations to create a commercial commodity through mining. Therefore, the subject site would not result in the loss of availability of any known mineral resources or resource recovery sites and no impact would occur.

Mitigation Measures

The project does not have mineral resource impacts that need to be mitigated, therefore, no mitigation measures are required.

14. NOISE

Environmental Setting

The subject site is located in the southwesterly area of Butte County and to the most northerly boundary of the City of Gridley. The site currently experiences short term noise from new construction of single-family residences on the site established for multi-family development in the North Gridley Estates subdivision. Additional noise may come from seasonal agricultural work on the west, north, and east locations. The site is located approximately 1,000 feet to the east; some rail noise is experienced.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in exterior noise levels above the acceptable level of 60 dBA, (70 dBA daytime);
- Result in interior noise levels exceeding 45dBA.;
- Result in construction noise levels that do not meet the City of Gridley Noise Ordinance.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant	No Impact
		With Mitiga- tion Incorporated	Impact	

Noise

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private				X

airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Discussion

- a-b) The purpose of the initial study is to determine impacts on the environment the proposed project may create. Noise generated from the project to the surrounding area will generally be related to daily living activities such as vehicle traffic and/or deliveries of goods to the subdivision. Noise would also include general play by children, music, and outdoor maintenance equipment such as lawn mowers and blowers. Noise that may be experienced to the new residents of the subdivision would include general ambient similar sound from the subdivision to the south and equipment used in agricultural processing. None of the sounds are an exposure considered as extended noise intervals in excess of the noise ordinance. Construction standards and insulation mitigate the majority of exterior noise that the proposed project or nearby residents may experience; therefore, this is considered less than significant.
- c) The project would generate an increase in existing traffic noise levels on West Biggs Gridley Road and Spruce Street. Generally, traffic for single-family trips (per unit): 10 trips per day, 1 per peak hour. The increased traffic may create additional increases in ambient noise to the rural residential to the north and east of the project site. The increase of traffic creating the additional noise has been considered in the General Plan and the amended Sphere of Influence to support the expansion of the city. Planning for the expansion of the City would implement the General Plan noise policies which would reduce the potential traffic noise impacts. Additionally, noise levels would be similar to surrounding residential uses and less than other agricultural processing uses in the area; therefore, this is considered less than significant.
- d) Construction noise levels at and near locations on the project site would fluctuate depending on the particular type, number, and duration of use of construction equipment. The effect of construction noise would also depend on the distance between construction activities, and the nearest noise receptors in relationship to the construction. Temporary construction and its short-term noise would take place between working hours generally between 7:00 am and 5:00 pm. Therefore, this would be considered less than significant.
- e-f) The project is not located near a municipal or private airstrip; therefore, this is considered no impact.

Mitigation Measures

Implementation of the following mitigation measures would reduce the above potential impact to a less-than-significant level.

MM 14.1 Project noise-generating construction activities shall occur within the hours identified in Gridley Municipal Code.

MM 14.2 All noise-producing project equipment and vehicles using internal- combustion engines shall be equipped with manufacturers- recommended mufflers and be maintained in good working condition.

MM 14.3 All mobile or fixed noise-producing equipment used on the project site that are regulated for noise by Title 7 of the Gridley Municipal Code, §17.74.030 and shall comply with such regulations while in the course of project activity.

MM 14.4 Electrically powered equipment shall be used, where feasible, instead of pneumatic or internal-combustion-powered equipment.

MM 14.5 Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.

MM 14.6 Project area and site access road speed limits shall be established by conditions of approval to the project and enforced during the construction period in conjunction with MM 14.8 below.

MM 14.7 Nearby residences shall be notified of construction schedules by posting a minimum of 48 hours in advance, so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.

MM 14.8 The engineer shall coordinate with the City of Gridley to potentially employ the design of traffic calming measures on W Biggs-Gridley Road in order to ensure speed reductions due to the excessively long, straight alignment that will be conducive to greater speeds and potentially an increase in general traffic ambient noise. No design shall be constructed until approved by the City of Gridley.

15. **POPULATION AND HOUSING**

Environmental Setting

The 2020 U.S. Census determined the population of the City of Gridley to be 7,421. The population in 2010 was 6,584. The 10-year increase represents an average 12.7% increase over a ten year period; 1.2% annual increase in the city.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Induce substantial growth that is inconsistent with the approved land use plans in place;
- Displace affordable housing.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Population and Housing

Would the project:

- | | |
|---|---|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | X |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | X |

Discussion

- a) The proposed project is not growth inducing. The site is within the Sphere of Influence the General Plan land use was designated as residential from the time of the 1999 General Plan land use map. The growth inducing impacts are considered when extensions of public service utilities create a greater opportunity for urban sprawl. The General Plan and Sphere of Influence amendment critically considered the impacts of the development and found it compatible with its direction to enable it to provide additional housing stock meeting future required RHNA numbers. This project implements the General Plan goals and policies for growth in a measured manner.
- b) The project will not displace existing housing. Therefore, replacement housing will not need to be constructed and the impact is no impact.

Mitigation Measures

The project does not have population and housing related impacts that need to be mitigated, therefore, no mitigation measures are required.

16. PUBLIC SERVICES

Environmental Setting

The City of Gridley has public services and infrastructure in place for the proposed project. The City contracts much of its public services consisting of fire, electric, and police protection. While these services are contracted, it does not diminish the high level of service provided for its residents. The city provides overall administrative services, recreation and park services and coordination, and partners with the Gridley Unified School District.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Create an increase in demand for police protection services which could substantially interfere with the ability of the Police Department to provide adequate response time to the project site;
- Create an increased demand for fire protection services that would substantially interfere with the ability of the Fire Department to provide adequate response time to the project site;
- Create an increased demand for schools that would exceed existing school capacity; or,
- Create an increased demand for parks and other public facilities that would exceed existing capacity.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Public Services

Would the project:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	X
i. Fire protection?	X
ii. Police protection?	X
iii. Schools?	X
iv. Parks?	X
v. Other public facilities?	X

Discussion

- a) The City of Gridley partners with Cal Fire to provide fire protection services to the community as well as emergency medical services. The addition of 60 single-family residential units could increase the population by 194 persons (3.34 (ratio of persons per household x 58 units (two homes are currently occupied))). The provision of fire protection is based upon community need and the City will continue to maintain its high level of service through its partnership with Cal Fire. A less than significant impact is considered.
- i. The City of Gridley provides the community with police protection and has enjoyed a safe community. The ratio of sworn officers to population may increase slightly but it is not anticipated to diminish service or compromise it by the addition of the development; therefore, this is considered less than significant.
 - ii. The development is anticipated to be families that would have children. Most of the school age children would be attending schools in the Gridley Unified School District. There would be an increase demand for school facilities and services. Development impact fees are collected at the time new homes are constructed to offset these demands and to add to the District's reserves to construct additional facilities as needed. At the time the General Plan studied impacts to growth by the City to its school facility enrollment capability, it was found there has been a general decline in enrollment; therefore, adequate capacity exists. This is considered less than significant.
 - iii. The city owns and maintains parks near Downtown, including: Vierra Community Park (12.5 acres); Daddow Plaza, Rotary Park, and Quota Park (totaling 4.4 acres); and the skateboard/water park (1.01 acres). Parks are also provided in residential areas, including: August Boeger Park (1.9 acres) and Eagle Meadows Park (6.01 acres of private parkland). There was a total of 19.8 acres of City-owned parkland, or 3.1 acres per thousand residents, as of the writing of the 2030 General Plan. This total does not include Eagle Meadows Park (private) or the city-owned boat launch area on the Feather River. The General Plan established a goal of 5 acres per 1,000 residents. An increase in demand for parks will occur; park in-lieu fees are collected in order to add park amenities to the city.
 - iv. Other public facilities for roads, sewer, water, and storm drain will have additional demands. The project will be required to design systems that will provide such services. Additionally, development impact fees are collected in order to offset additional maintenance costs for these services; therefore, this is considered less than significant.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

17. RECREATION

Environmental Setting

The city owns and maintains parks near Downtown, including: Vierra Community Park (12.5 acres); Daddow Plaza, Rotary Park, and Quota Park (totaling 4.4 acres); and the skateboard/water park (1.01 acres). Parks are also provided in residential areas, including: August Boeger Park (1.9 acres) and Eagle Meadows Park (6.01 acres of private parkland). There was a total of 19.8 acres of City-owned parkland, or 3.1 acres per thousand residents, as of the writing of the 2030 General Plan. This total does not include Eagle Meadows Park (private) or the city-owned boat launch area on the Feather River. The General Plan established a goal of 5 acres per 1,000 residents. An increase in demand for parks will occur; park in-lieu fees are collected in order to add park amenities to the city.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the failure to meet city standards for the provision of parkland.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant	No
		With Mitiga- tion Incorporated	Impact	Impact

Recreation

Would the project:

- | | |
|--|---|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | X |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | X |

Discussion

- a-b) The current park ratio is approximately 3.1 acres of parkland not including open space to 1,000 residents. This ratio will fall somewhat with the addition of approximately 194 persons to the city population. The additional population will not result in the deterioration of the physical facility. No new parks are proposed with this project.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

18. TRANSPORTATION AND TRAFFIC

Environmental Setting

The City of Gridley street circulation is a grid pattern layout. The City of Gridley enjoys public transportation by Butte County Transit with daily bus trips to Gridley. The development proposes a primary access point at West Biggs Gridley Road and Spruce Street to enter the subdivision. The development will also be connected to the Eagle Meadows subdivision to the west.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Conflict with a program, plan, ordinance, or policy for transportation, conflict with CEQA, increase hazard, or create inadequate emergency access.

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant Impact	No Impact
		With Mitiga- tion Incorporated		

Transportation and Traffic

Would the project:

- | | |
|--|---|
| a) Conflict with a program, plan, ordinance, or policy addressing, the circulation system, including transit, roadway, bicycle, and pedestrian facilities? | X |
| b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)? | X |
| c) Substantially increase hazards due to geometric design features or incompatible uses? | X |
| d) Result in inadequate emergency access? | X |

Discussion

- a-d) The CEQA Statute and Guidelines were revised in 2018 to change how transportation impacts are addressed. As stated above, environmental impacts from the development project are no longer to include vehicle delay, roadway capacity, or intersection levels of services. These effects may be considered for planning purposes, but are not considered environmental impacts.

Level of Service and Vehicle Miles Traveled

Level of service has been used in the past in CEQA documents to identify the significance of a project's impact on traffic operating conditions. As noted in the California Governor's Office of Planning and Research (OPR) document *Technical Advi-*

sory on Evaluating Transportation Impacts in CEQA (California Governor's Office of Planning and Research 2018),

“Senate Bill 743 (Steinberg, 2013), which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. . . OPR has proposed, and the California Natural Resources Agency (Agency) has certified and adopted, changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by “level of service” and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).)”

Vehicle Miles Traveled Significance Threshold

The OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* provides recommended thresholds for determining the significance of VMT impacts associated with land use development projects. Specific thresholds are provided for residential, office, and retail commercial types of development. For residential projects, the technical advisory generally recommends establishing a 15 percent reduction in VMT, compared to a baseline, as a significance threshold. That is, if a project would result in a reduction of at least 15 percent in VMT, compared to a baseline, the project can be considered to have a less than significant impact. The significance threshold may be thought of as 85 percent of baseline conditions (100 percent less 15 percent equals 85 percent). A project that would not result in a reduction of at least 15 percent is considered to have a significant impact. The technical advisory notes,

“A proposed project exceeding a level of 15 percent below existing VMT per capita may indicate a significant transportation impact. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita.”

Impacts on Vehicle Miles Traveled

As noted previously in the *Vehicle Miles Traveled Significance Threshold* section the percent change in vehicle miles traveled is determined by comparing the amount of travel associated with the project as proposed to travel associated with development potential of the project site without approval of the proposed project using a city VMT rate.⁴ BCAG provides a TAZ trip multiplier which is used on the number of units proposed to the number of units at its greatest capacity.

The project proposes 60 single family units on approximately 19.95 acres. The density of the proposed project is 3.7 du/ac. The R-1 zoning allows 2-4 du/ac. The development could result in 76 dwelling units a density of 4 du/ac. The proposed project is being developed at 79% of its capacity, less than the maximum of a 15% reduction as described above; this is a less than significant impact.

The project will construct interior local streets that will connect to Spruce Street and West Biggs Gridley Road. The road designs will not create a hazard and will be consistent with the requirements of the City of Gridley development standards. The proposed layout and road design will not delay emergency response to the development; therefore, a less than significant impact.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

⁴ KD Anderson, 2021

19. UTILITIES AND SERVICE SYSTEMS

Environmental Setting

The city has public services and infrastructure planned to meet the build out of the General Plan; this project does not impact the public service planning goals.

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the construction of new water facilities or expansion of existing facilities;
- Result in exceeding the wastewater treatment requirements of the Regional Water Quality Control Board;
- Result in or require the construction or expansion of existing wastewater treatment facilities;
- Be served by a land fill that has inadequate permitted capacity.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Utilities and Service Systems

Would the project:

- | | |
|--|---|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | X |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | X |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | X |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | X |

Discussion

- a-d) The proposed project would require new connections to water lines, wastewater lines, and other utilities; however, these facilities are not anticipated to result in significant environmental effects.

The City of Gridley provides water via wells. The City has had an ongoing review of water availability and has found that there is capacity for the build out of the General Plan including the areas that were added when the Sphere of Influence was amended to increase the

boundary. Although the area has experienced long periods of drought, it appears that through normal, dry and multiple dry years, adequate water reserves are available to serve the existing community in addition to the proposed development.

Therefore, there is less than significant and no impact to the current or projects service levels.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

20. **WILDFIRE**

Standards of Significance

For purposes of this environmental document, an impact is considered significant if the proposed project would:

- Result in the failure to meet standards that not in place could exacerbate loss from wildfire.

Issues	Potentially Significant Impact	Less Than Significant With Mitiga- tion Incorporated	Less Than Significant Impact	No Impact

Wildfire

Would the project:

- | | | | | |
|---|--|--|--|---|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | | | | X |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | | | | X |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | | | | X |
| d) Expose people or structures to significant risks including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes? | | | | X |

Discussion

- a-b) The proposed development will not alter any emergency response plan or evacuation plan and will not impact the deployment of the plans. The City of Gridley participated in the development of the Butte County Hazard Mitigation Plan and adopted the Butte County Hazard Mitigation Plan. The plan is used to help develop emergency response and preparedness plans.

The location of the site will not exacerbate exposure of air pollutants due to prevailing winds, wildfire, or other. The site will experience the impact of such in that it is located in the Sacramento Valley basin and smoke and, etc. sink into the valley from other areas as well as pushed by delta breezes northward.

The project will not require the installation of firebreaks or additional roads for emergency use and will not expose people to significant risks. New homes are required to have sprinklers installed as a requirement of the California Building Code. The project site is not located within or near a state responsibility area or lands classified as a Very High Fire Hazard Severity Zone (VHFHSZ).

Therefore, the proposed project would not be subject to substantial risks related to wildfires, and a less than significant and no impact would occur.

Mitigation Measures

The project does not create related impacts that need to be mitigated, therefore, no mitigation measures are required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less Than Significant	Less Than Significant	No
		With Mitiga- tion Incorporated	Impact	Impact

Mandatory Findings of Significance

Would the project:

- | | |
|--|---|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | X |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | X |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | X |

Discussion

As described within the Initial Study, with appropriate mitigation measures, the proposed residential development does not have the potential to significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten or eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project site is located within the City of Gridley Sphere of Influence and is adjacent to existing residential developments to the east and west. There are potential impacts to aesthetics, air quality, biological resources, cultural resources, tribal cultural resources, and noise. These are reduced to less than significant levels by mitigation measures identified within each section.

Accordingly, the City of Gridley has determined that, with mitigation measures incorporated, the proposed project would not substantially degrade the quality of the environment.

There is no indication that this project could result in substantial adverse effects on human beings. While there would be a variety of effects during construction on the project site related to traffic, noise, air quality and greenhouse gases, these impacts would be less than significant based on compliance with applicable regulatory requirements and established impact thresholds, as well as the prescribed mitigation measures. Potential long-term effects would include emission of air pollutants and greenhouse gases and impacts to public utility capacity, but these impacts are expected to be below applicable significance thresholds.

Altogether, the project would not cause environmental effects that cause substantial direct or indirect adverse effects on human beings with the adoption and implementation of the mitigation measures, as well as with compliance with applicable federal, state and local policies, and regulations described throughout this document.

City Council Agenda Item #4

Staff Report

Date: August 16, 2021

To: Mayor and City Council

From: Donna Decker, Planning Director

X	Regular
	Special
	Closed
	Emergency

Subject: Resolution 2021-R-021; Resolution of the City Council of the City of Gridley authorizing the city to join the Statewide Community Infrastructure Program (SCIP); authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct special assessment proceedings and levy assessments and special taxes and to form assessment districts and community facilities districts within the incorporated boundary of the City of Gridley; embodying a joint community facilities agreement setting forth the terms and conditions of community facilities district financings; approving form of acquisition agreement for use when applicable; and authorizing related actions; and to authorize the City Administrator and Finance Director to execute agreements and contracts on behalf of the City Council for applications to the Statewide Community Infrastructure Program (SCIP).

Recommendation

Staff recommends the City Council adopt Resolution 2021-R-021.

Background

The California Statewide Communities Development Authority ("CSCDA") and participation in the Statewide Community Infrastructure Program ("SCIP"), which is sponsored by CSCDA, provides the oversight and formation of assessment or community services districts to finance the construction of development project infrastructure and associated development impact fees by lending construction funds to the developer by issuing bonds.

Discussion

The California Statewide Communities Development Authority ("CSCDA") is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties. There are five hundred and thirty (530) cities, counties and special districts throughout California that are members of CSCDA, including the City of Gridley (the "City"). SCIP was instituted by CSCDA in 2002 to allow owners of property in participating cities, counties and special districts to finance the development impact fees that would be payable by property owners upon receiving development entitlements or building permits through pooled special assessment districts program. SCIP was expanded to include financing of public capital improvements directly in addition to just fees, and has now been further expanded to include community facilities districts ("CFDs"), as provided for in the proposed SCIP resolution. Since its inception, SCIP has issued over \$800 million in land secured special assessment and CFD bonds for development projects in California.

If a property owner chooses to participate, and the City approves the application, the selected public capital improvements, facilities and/or development impact fees owed to the City will be financed by the issuance of tax-exempt bonds by CSCDA. CSCDA will form the district and impose an assessment or special tax, as applicable, on the owner's property to repay the portion of the bonds issued to finance the fees paid with respect to the property (no one developer within the SCIP pool is responsible for the payment related to any other project). With respect to impact fees, the property owner will either pay the impact fees at the time of permit issuance, and will be reimbursed from the SCIP bond proceeds when the SCIP bonds are issued; or the fees will be funded directly from the proceeds of the SCIP bonds. In both cases, the fees are subject to requisition by the City at any time to make authorized fee expenditures, and the City is never at risk for payment of its fees. If improvements or facilities are contemplated, the proposed SCIP resolution includes a form of acquisition agreement, which outlines how a developer will be reimbursed for improvements as they are certified complete by the City.

The benefits to the property owner include:

- Only property owners who choose to participate in the program will have assessments or special taxes imposed on their property.
- Instead of paying cash for public capital improvements and/or development impact fees, the property owner receives low-cost, long-term tax-exempt financing of those fees, freeing up capital for other purposes.
- The property owner can choose to pay off the assessments or special taxes at any time.
- For home buyers, paying for the costs of public infrastructure through an assessment or special tax is superior to having those costs "rolled" into the cost of the home. Although the tax bill is higher, the amount of the mortgage is smaller, making it easier to qualify. Moreover, because the assessment/special tax financing is at tax-exempt rates, it typically comes at lower cost than mortgage rates.
- Owners of smaller projects, both residential and commercial, can have access to tax-exempt financing of infrastructure. Before the inception of SCIP, only projects large enough to justify the formation of an assessment or community facilities district had access to tax-exempt financing. SCIP can finance projects as low as \$500,000, which would not be economical on a stand-alone basis.

The benefits to the City include:

- As in conventional assessment district and CFD financing, the City is not liable to repay the bonds issued by CSCDA or the assessments or special taxes, as applicable, imposed on the participating properties.
- CSCDA handles all district formation, district administration, bond issuance and bond administration functions. A participating city, county or special district can provide tax-exempt financing to property owners through SCIP while committing virtually no staff time to administer the program.
- Providing tax-exempt financing helps participating cities and counties cushion the impact of rising public capital improvements costs and development impact fees on new development. Many developers rely on assessment district or CFD financing through SCIP in making the decision to purchase land, thereby improving a City's competitive advantage in attracting new development.

- The availability of financing will encourage developers to pull permits and pay fees in larger blocks, giving the participating city, county or special district immediate access to revenues for public infrastructure, rather than receiving a trickle of revenues stretched out over time. As part of the entitlement negotiation process, the possibility of tax-exempt financing of fees can be used to encourage a developer to pay fees up front.
- In some cases, the assessments or special taxes on successful projects can be refinanced through refunding bonds. Savings achieved through refinancing may be directed back to the participating city, county or special district for use on public infrastructure, or lower property taxes, subject to applicable federal tax limitations.

The proposed SCIP resolution authorizes CSCDA to accept applications from owners of property within our planning jurisdiction to apply for tax-exempt financing of public capital improvements and development impact fees through SCIP. It also authorizes CSCDA to form assessment districts and community facilities districts within our City's boundaries, conduct assessment and special tax proceedings and levy assessments and special taxes against the property of participating owners. It approves the form of an acquisition agreement, attached to the SCIP resolution as Exhibit B, to be entered into between the City and the participating property owner/developer, if applicable, to provide the terms and conditions under which financing for public capital improvements will be provided and to establish the procedure for disbursement of bond proceeds to pay for completed facilities. It also authorizes miscellaneous related actions and makes certain findings and determinations required by law.

Fiscal Impact

The fiscal impact would be the cost of the time staff would consider the acceptance of applications to the SCIP program.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to provide the best possible financial practices, the highest possible transparency regarding all financial transactions, and attracting and retaining the most effective, customer focused workforce possible.

Attachment

1. Resolution 2021-R-021

Exhibit A: Resolution to be adopted by the joint powers authority (CSCDA) in connection with any assessment district, which will include any assessment districts formed within the jurisdiction of the City. It is attached for legal and informational purposes.

Exhibit B: Form of Acquisition Agreement for approval as to form only

Exhibit C: Form of improvements and fees eligible for financing from any community facilities district formed within the City's boundaries.

Exhibit D: Form of increased demands certificate to be executed by the City when CSCDA SCIP receives an application for the formation of a community facilities district within the City's boundaries, to specify the actual fees and improvements to be funded for that community facilities district.

Exhibit E: List of City staff designated as contacts for SCIP.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING THE CITY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS AND SPECIAL TAXES AND TO FORM ASSESSMENT DISTRICTS AND COMMUNITY FACILITIES DISTRICTS WITHIN THE INCORPORATED BOUNDARY OF THE CITY OF GRIDLEY; EMBODYING A JOINT COMMUNITY FACILITIES AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF COMMUNITY FACILITIES DISTRICT FINANCINGS; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS; AND TO AUTHORIZE THE CITY ADMINISTRATOR AND FINANCE DIRECTOR TO EXECUTE AGREEMENTS AND CONTRACTS ON BEHALF OF THE CITY COUNCIL FOR APPLICATIONS TO THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP)

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is a joint exercise of powers authority, lawfully formed and operating within the State pursuant to an agreement (the “Joint Powers Agreement”) entered into as of June 1, 1988 under the authority of Title 1, Division 7, Chapter 5 (commencing with Section 6500) of the California Government Code (the “JPA Law”), the members of which include numerous cities, counties and local agencies in the State of California, including the City of Gridley (the “City”); and,

WHEREAS, the Joint Powers Agreement authorizes the Authority to undertake financing programs under any applicable provisions of State law to promote economic development, the stimulation of economic activity, and the increase of the tax base within the jurisdictional boundaries of its members (such members, the “Program Participants”); and,

WHEREAS, as one of the Programs under the Joint Powers Agreement, the Authority has established the Statewide Community Infrastructure Program (“SCIP”) to allow the financing of certain public capital improvements to be constructed by or on behalf of property owners for acquisition by the City or another public agency (the “Improvements”) and improvements eligible for funding from certain development impact fees (the “Fees”) levied in accordance with the Mitigation Fee Act (California Government Code Sections 66000 and following) and other authority providing for the levy of fees on new development to pay for public capital improvements (collectively, the “Fee Act”) through the levy of special assessments pursuant to the Municipal Improvement Act of 1913 (Streets and Highways Code Sections 10000 and following) (the “1913 Act”) and the issuance of improvement bonds (the “Local Obligations”) under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the “1915 Act”) upon the security of the unpaid special assessments; and,

WHEREAS, the “Mello-Roos Community Facilities Act of 1982,” being Chapter 2.5, Part 1, Division 2, Title 5 (beginning with Section 53311) of the Government Code of the State (the “Mello-Roos Act”) is an applicable provision of State law available to, among other things,

finance public improvements necessary to meet increased demands placed upon local agencies as a result of development; and,

WHEREAS, the Authority also uses SCIP to allow the financing of Fees and Improvements through the levy of special taxes and the issuance of Local Obligations under the Mello-Roos Act upon the security of the special taxes; and,

WHEREAS, the City desires to allow the owners of property being developed within its jurisdiction ("Participating Developers") to participate in SCIP and to allow the Authority to conduct proceedings and to form community facilities districts ("CFDs") and to issue Local Obligations under the Mello-Roos Act, as well as to conduct assessment proceedings to form assessment districts ("Assessment Districts") under the 1913 Act and to issue Local Obligations under the 1915 Act, to finance Fees levied on such properties and Improvements, provided that such Participating Developers voluntarily agree to participate and consent to the levy of such assessments or special taxes, as applicable; and,

WHEREAS, from time to time when eligible property owners within the jurisdiction of the City elect to be Participating Developers, the Authority will conduct proceedings under the 1913 Act and the Mello-Roos Act and issue Local Obligations under the 1915 Act and the Mello-Roos Act to finance Fees payable by such property owners and Improvements and, at the conclusion of such proceedings, will levy assessments or special taxes, as applicable on such property within the territory of the City; and,

WHEREAS, both the Authority and the City are "local agencies" under the Mello-Roos Act; and,

WHEREAS, the Mello-Roos Act permits two or more local agencies to enter into a joint community facilities agreement to exercise any power authorized by the Mello-Roos Act; and,

WHEREAS, the City desires to enter into such an agreement with the Authority to authorize the Authority to form CFDs from time to time within the territorial limits of the City to finance Fees payable by such property owners and Improvements; and,

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by the Authority in connection with assessment proceedings (the "ROI"), a copy of which is attached hereto as Exhibit A, and the territory within which assessments may be levied for SCIP (provided that each Participating Developer consents to such assessment) shall be coterminous with the City's official boundaries of record at the time of adoption of such ROI (the "Proposed Boundaries"), and reference is hereby made to such boundaries for the plat or map required to be included in this Resolution pursuant to Section 10104 of the Streets and Highways Code; and,

WHEREAS, there has also been presented to this meeting a proposed form of Acquisition Agreement (the "Acquisition Agreement"), a copy of which is attached hereto as Exhibit B, to be approved as to form for use with respect to any Improvements to be constructed and installed by a Participating Developer and for which the Participating Developer requests acquisition financing as part of its SCIP application; and,

WHEREAS, the City will not be responsible for the conduct of any proceedings; the levy or collection of assessments or special taxes or any required remedial action in the case of delinquencies in such assessment or special tax payments; or the issuance, sale or administration of the Local Obligations or any other bonds issued in connection with SCIP; and,

WHEREAS, the Authority will issue revenue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (the "Marks-Roos Act") to acquire the Local Obligations and thereby provide the proceeds to finance the Fees and Improvements; and,

WHEREAS, pursuant to Government Code Section 6586.5, notice was published at least five days prior to the adoption of this resolution at a public hearing, which was duly conducted by this City Council concerning the significant public benefits of SCIP and the financing of the Improvements and the public capital improvements to be paid for with the proceeds of the Fees;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gridley as follows:

Section 1. This resolution shall constitute full "local approval," under Section 9 of the Joint Powers Agreement, and under the Authority's Local Goals and Policies (defined below), for the Authority to undertake and conduct proceedings in accordance herewith and under the Mello Roos Act to form CFDs with boundaries that shall be coterminous with the City's official boundaries of record at the time of such proceedings or any portion thereof (the "Proposed Boundaries"), and to authorize a special tax and to issue bonds with respect thereto; provided that the Participating Developers, who shall be the legal owners of such property at the time of formation of the CFD, execute a written consent to the levy of special tax in connection with SCIP by the Authority and execute a ballot in favor of the formation of such CFD and the Mello-Roos Act.

Section 2. The City hereby consents to the conduct of special assessment proceedings by the Authority in connection with SCIP pursuant to the 1913 Act and the issuance of Local Obligations under the 1915 Act on any property within the Proposed Boundaries; provided, that:

(1) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI; and

(2) The Participating Developers, who shall be the legal owners of such property at the time of the formation of the Assessment District, execute a written consent to the levy of assessments in connection with SCIP by the Authority and execute an assessment ballot in favor

of such assessment in compliance with the requirements of Section 4 of Article XIID of the State Constitution.

Section 3. The Joint Powers Agreement, together with the terms and provisions of this resolution, shall together constitute a separate joint community facilities agreement between the City and the Authority under the Mello-Roos Act for each CFD formed. As, without this resolution, the Authority has no power to finance City Fees and/or City Improvements (as such terms are defined herein) in proceedings under the Act to form the CFD, adoption by the Commission of the Authority of each Resolution of Intention to form a CFD under the Mello-Roos Act to finance City Fees and City Improvements shall constitute acceptance of the terms hereof by the Authority with respect to such CFD.

Section 4. This resolution and the agreement it embodies are determined to be beneficial to the residents/customers of the City and are in the best interests of the residents of the City, and of the future residents of the area within the proposed CFDs and Assessment Districts. The City hereby finds and declares that the issuance of revenue bonds by the Authority to purchase Local Obligations in connection with SCIP will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs, and the more efficient delivery of local agency services to residential and commercial development within the City.

Section 5. The Authority has adopted Local Goals and Policies as required by Section 53312.7 of the Mello-Roos Act. The City approves the use of those Local Goals and Policies in connection with the formation of CFDs. The City hereby agrees that the Authority may act in lieu of the City under those Local Goals and Policies in forming and administering the CFDs.

Section 6. The Authority has prepared and will update from time to time the “SCIP Manual of Procedures” (the “Manual”), and the City will handle Fee revenues and funds for Improvements for properties participating in SCIP in accordance with the procedures set forth in the Manual.

Section 7. Pursuant to the Mello-Roos Act and this resolution, the Authority may conduct proceedings under the Mello-Roos Act to form the CFDs and to have such CFDs authorize the financing of any or all of the facilities and Fees set forth on Exhibit C, attached hereto. All of the facilities, whether to be financed directly or through Fees, shall be facilities that have an expected useful life of five years or longer and are facilities that the City or other local public agencies, as the case may be, are authorized by law to construct, own or operate, or to which they may contribute revenue. Exhibit C may be modified from time to time by written agreement

between an authorized representative of the Authority and of the City. The facilities are referred to herein as the “Improvements,” and the Improvements to be owned by the City are

referred to as the "City Improvements." The Fees paid or to be paid to the City are referred to as the "City Fees."

Section 8. For Fees paid or to be paid to another agency by any particular CFD (an "Other Local Agency"), the Authority will obtain the written consent of that Other Local Agency before issuing Local Obligations to fund such Fees, as required by the Mello-Roos Act. For the Improvements to be owned by an Other Local Agency, the Authority will separately identify them in its proceedings, and will enter into a joint community facilities agreement with such Other Local Agency prior to issuing Local Obligations to finance such Improvements, as required by the Mello-Roos Act. Each joint community facilities agreement with each Other Local Agency will contain a provision that the Other Local Agency will provide indemnification to the City to the same extent that the City provides indemnification to the Other Local Agency under the terms of this resolution.

Section 9. At the time of formation of each CFD, the City will certify to the Commission of the Authority that all of the City Improvements including the improvements to be constructed or acquired with the proceeds of City Fees to be funded by such CFD are necessary to meet increased demands placed upon the City as a result of development occurring or expected to occur within the proposed CFDs in the form attached hereto as Exhibit D. Any appropriate officer or staff of the City is authorized to execute and deliver such certificate in substantially the form attached hereto as Exhibit D, with such changes as such signatory shall approve. Joint community facilities agreements with other local agencies will each contain a requirement that each Other Local Agency will make identical certification in connection with respect to the Improvements to be owned by, and Fees paid or to be paid to, such Other Local Agency equivalent to that made by the City in this paragraph.

Section 10. The Authority will apply the special tax collections initially as required by the documents under which any Local Obligations are issued; and thereafter, to the extent not provided in the Local Obligations documents, may pay its own reasonable administrative costs incurred in the administration of the CFDs. The Authority will remit any special tax revenues from any particular CFD remaining after the final retirement of all related Local Obligations to the City and to the other local agencies in the proportions specified in the Authority's proceedings. The City will apply any such special tax revenues it receives for authorized City Improvements or City Fees and its own administrative costs only as permitted by the Mello-Roos Act. The joint community facilities agreements with each Other Local Agency must require the Other Local Agency to apply the special tax revenues they receive for their authorized Improvements and Fees under the CFDs and for their own related administrative costs only as permitted by the Mello-Roos Act.

Section 11. The Authority will administer the CFDs, including employing and paying all consultants, annually levying the special tax and all aspects of paying and administering the Local Obligations, and complying with all State and Federal requirements appertaining to the proceedings, including the requirements of the United States Internal Revenue Code. The City will cooperate fully with the Authority in respect of the requirements of the Internal Revenue Code and to the extent information is required of the City to enable the Authority to perform its disclosure and continuing disclosure obligations with respect to the Local Obligations and any revenue bonds, although the City will not participate in nor be considered to be a participant in the proceedings respecting the CFDs (other than as a party to the agreement embodied by this resolution) nor will the City be or be considered to be an issuer of the Local Obligations nor any revenue bonds. The Authority is required to obtain a provision equivalent to this paragraph in all joint community facilities agreements with each Other Local Agency.

Section 12. In the event the Authority completes issuance and sale of Local Obligations, and Local Obligation proceeds become available to finance the Improvements, the Authority shall establish and maintain a special fund for each development project (the "Acquisition and Construction Fund"). The portion of Local Obligation proceeds which is intended to be utilized to finance the Improvements and Fees shall be deposited in the Acquisition and Construction Fund. The Acquisition and Construction Fund will be available both for City Improvements and City Fees and for the Improvements and Fees pertaining to each Other Local Agency. Subaccounts shall be created as necessary.

Section 13. As respects the Authority and each Other Local Agency, the City agrees to fully administer, and to take full governmental responsibility for, the construction or acquisition of the City Improvements and for the administration and expenditure of the City Fees including but not limited to environmental review, approval of plans and specifications, bid requirements, performance and payment bond requirements, insurance requirements, contract and construction administration, staking, inspection, acquisition of necessary property interests in real or personal property, the holding back and administration of retention payments, punch list administration, and the Authority and each Other Local Agency shall have no responsibility in that regard. The City reserves the right, as respects each Participating Developer, to require the Participating Developer to contract with the City to assume any portion or all of this responsibility. The Authority is required to obtain provisions equivalent to this paragraph in the joint community facilities agreement with each Other Local Agency.

Section 14. The City agrees to indemnify and to hold the Authority, its other members, and its other members' officers, agents and employees, and each Other Local Agency and their officers, agents and employees (collectively, the "Indemnified Parties") harmless from any and all claims, suits and damages (including costs and reasonable attorneys' fees) arising out of the design, engineering, construction and installation of the City Improvements and the improvements to be financed or acquired with the City Fees. The City reserves the right, as respects each Participating Developer, to require the Participating Developer to assume by

contract with the City any portion or all of this responsibility. The Authority is required to obtain a provision equivalent to this paragraph in all joint community facilities agreements with each Other Local Agency naming the City and its officers, agents and employees as Indemnified Parties with respect to each Other Local Agency's respective Improvements and the improvements to be constructed or acquired with each Other Local Agency's Fees.

Section 15. As respects the Authority and each Other Local Agency, the City agrees – once the City Improvements are constructed according to the approved plans and specifications, and the City and the Participating Developer have put in place their agreed arrangements for the funding of maintenance of the City Improvements – to accept ownership of the City Improvements, to take maintenance responsibility for the City Improvements, and to indemnify and hold harmless the Indemnified Parties to the extent provided in the preceding paragraph from any and all claims, etc., arising out of the use and maintenance of the City Improvements. The City reserves the right, as respects the Participating Developer, to require the Participating Developer by contract with the City to assume any portion or all of this responsibility. The Authority is required to obtain a provision equivalent to this paragraph in all joint community facilities agreements with each Other Local Agency naming the City and its officers, agents and employees as Indemnified Parties.

Section 16. The City acknowledges the requirement of the Mello-Roos Act that if the City Improvements are not completed prior to the adoption by the Commission of the Authority of the Resolution of Formation of the CFD for each respective development project, the City Improvements must be constructed as if they had been constructed under the direction and supervision, or under the authority of, the City. The City acknowledges that this means all City Improvements must be constructed under contracts that require the payment of prevailing wages as required by Section 1720 and following of the Labor Code of the State of California. The Authority makes no representation that this requirement is the only applicable legal requirement in this regard. The City reserves the right, as respects the Participating Developer, to assign appropriate responsibility for compliance with this paragraph to the Participating Developer.

Section 17. The form of the Acquisition Agreement attached hereto as Exhibit B is hereby approved, and the City Administrator and Finance Director or such officer's designee (the "Authorized Officer") is authorized to execute, and deliver to the Participating Developer, the Acquisition Agreement on behalf of the City in substantially that form, with such changes as shall be approved by the Authorized Officer after consultation with the City Attorney and the Authority's bond counsel, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 18. After completion of the City Improvements and appropriate arrangements for the maintenance of the City Improvements, or any discrete portion thereof as provided in Section 53313.51 of the Mello-Roos Act and in the Acquisition Agreement, to the satisfaction of the City, and in conjunction with the City's acceptance thereof, acquisition of the City Improvements shall be undertaken as provided in the Acquisition Agreement.

Section 19. The City hereby consents to the formation of the CFDs in accordance with this resolution and consents to the assumption of jurisdiction by the Authority for the proceedings respecting the CFDs with the understanding that the Authority will hereafter take each and every step required for or suitable for consummation of the proceedings, the levy, collection and enforcement of the special tax, and the issuance, sale, delivery and administration of the Local Obligations, all at no cost to the City and without binding or obligating the City's general fund or taxing authority.

Section 20. The terms of the Agreement embodied by this resolution may be amended by a writing duly authorized, executed and delivered by the City and the Authority, except that no amendment may be made after the issuance of the Local Obligations by the Authority that would be detrimental to the interests of the bondholders without complying with all of the bondholder consent provisions for the amendment of the bond resolutions, bond indentures or like instruments governing the issuance, delivery and administration of all outstanding Local Obligations.

Section 21. Except to the extent of the indemnifications extended to each Other Local Agency in the Agreement embodied by this resolution, and the City's agreement to take responsibility for and ownership of the City Improvements, no person or entity, including the Participating Developer, shall be deemed to be a third party beneficiary of this resolution, and nothing in this resolution (either express or implied) is intended to confer upon any person or entity other than the Authority and the City (and their respective successors and assigns) any rights, remedies, obligations or liabilities under or by reason of this resolution.

Section 22. The City shall be identified as a third-party beneficiary of all joint community facilities agreements between the Authority and each Other Local Agency to the extent of the indemnification provisions and the provisions whereby each Other Local Agency agrees to take responsibility for and ownership of their Improvements.

Section 23. The City Administrator and Finance Director, as Authorized Officers, are hereby authorized and directed to make SCIP applications available to all property owners who are subject to Fees for new development within the City and/or who are conditioned to install Improvements and to inform such owners of their option to participate in SCIP; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The staff persons listed on the attached Exhibit E, together with any other staff persons chosen by the Authorized Officers from time to time, are hereby designated as the contact persons for the Authority in connection with SCIP.

Section 24. The City Administrator and Finance Director, as Authorized Officers, are hereby authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents, including but not limited to such documents as may be required by bond counsel in connection with the participation in SCIP of any districts, authorities or other third-party entities entitled to own Improvements and/or to levy and collect fees on new development to pay for public capital improvements within the jurisdiction of the City, as are reasonably required by the Authority in accordance with the Manual to

implement SCIP and to evidence compliance with the requirements of federal and state law in connection with the issuance by the Authority of the Local Obligations and any other bonds for SCIP. To that end, and pursuant to Treasury Regulations Section 1.150-2, the staff persons listed on Exhibit E, or other staff person acting in the same capacity for the City with respect to SCIP, are hereby authorized and designated to declare the official intent of the City with respect to the public capital improvements to be paid or reimbursed through participation in SCIP.

Section 25. This Resolution shall take effect immediately upon its adoption. The City Clerk of the City of Gridley is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority. This resolution shall remain in force with respect to any Assessment District and CFD formed until all Local Obligations have been retired and the authority to levy the special tax conferred by any CFD proceedings and to levy the assessment conferred by any assessment proceedings has ended or is otherwise terminated.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on the 16th day of August, 2021 by the following vote:

AYES: COUNCIL MEMBERS

NOES: AGENCY MEMBERS

ABSTAIN: AGENCY MEMBERS

ABSENT: AGENCY MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

EXHIBIT A TO THE RESOLUTION

FORM OF RESOLUTION OF INTENTION
TO BE ADOPTED BY CSCDA

RESOLUTION NO. __ SCIP-

**RESOLUTION OF INTENTION OF THE CALIFORNIA STATEWIDE COMMUNITIES
DEVELOPMENT AUTHORITY TO FINANCE CAPITAL IMPROVEMENTS AND/OR THE
PAYMENT OF DEVELOPMENT IMPACT FEES FOR PUBLIC CAPITAL
IMPROVEMENTS IN THE PROPOSED STATEWIDE COMMUNITY INFRASTRUCTURE
PROGRAM ASSESSMENT DISTRICT NO. __ ([NAME OF PROJECT]) [CITY OF
____], [COUNTY OF ____], APPROVING A PROPOSED BOUNDARY
MAP, MAKING CERTAIN DECLARATIONS, FINDINGS AND DETERMINATIONS
CONCERNING RELATED MATTERS, AND AUTHORIZING RELATED ACTIONS IN
CONNECTION THEREWITH**

WHEREAS, under the authority of the Municipal Improvement Act of 1913 (the “1913 Act”), being Division 12 (commencing with Sections 10000 and following) of the California Streets and Highways Code (the “Code”), the Commission (the “Commission”) of the California Statewide Communities Development Authority (the “Authority”) intends to finance, through its Statewide Community Infrastructure Program, the payment of certain development impact fees for public improvements (the “Improvement Fees”) and/or to finance certain public capital improvements to be constructed by or on behalf of the property owner(s) and to be acquired by the [City/County of __] or another local agency (the “Improvements”) as described in Exhibit A attached hereto and by this reference incorporated herein, all of which are of benefit to the property within the proposed Statewide Community Infrastructure Program Assessment District No. __ (*[name of project]*) [City of _____], [County of _____] (the “Assessment District”);

WHEREAS, the Commission finds that the land specially benefited by the Improvements and/or the Improvement Fees is shown within the boundaries of the map entitled “Proposed Boundaries of California Statewide Communities Development Authority Statewide Community Infrastructure Program Assessment District No. __ (*[name of project]*) [City of _____], [County of _____], State of California,” a copy of which map is on file with the Secretary and presented to this Commission meeting, and determines that the land within the exterior boundaries shown on the map shall be designated “Statewide Community Infrastructure Program Assessment District No. __ (*[name of project]*) [City of _____], [County of _____], State of California”;

WHEREAS, the [City/County of __] is a member of the Authority and has approved the adoption on its behalf of this Resolution of Intention and has consented to the levy of the assessments in the Assessment District;

NOW, THEREFORE, BE IT RESOLVED that the Commission of the California Statewide Communities Development Authority hereby finds, determines and resolves as follows:

Section 1. The above recitals are true and correct.

Section 2. Pursuant to Section 2961 of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (the "1931 Act"), being Division 4 (commencing with Section 2800) of the Code, the Commission hereby declares its intent to comply with the requirements of the 1931 Act by complying with Part 7.5 thereof.

Section 3. The Commission has designated a registered, professional engineer as Engineer of Work for this project, and hereby directs said firm to prepare the report containing the matters required by Sections 2961(b) and 10204 of the Code, as supplemented by Section 4 of Article XIID of the California Constitution.

Section 4. The proposed boundary map of the Assessment District is hereby approved and adopted. Pursuant to Section 3111 of the Code, the Secretary of the Authority is directed to file a copy of the map in the office of the County Recorder of the [County of _____] within fifteen (15) days of the adoption of this resolution.

Section 5. The Commission determines that the cost of financing the Improvements and/or the payment of the Improvement Fees shall be specially assessed against the lots, pieces or parcels of land within the Assessment District benefiting from the financing of the Improvements and/or the payment of the Improvement Fees. The Commission intends to levy a special assessment upon such lots, pieces or parcels in accordance with the special benefit to be received by each such lot, piece or parcel of land, respectively, from the financing of the Improvements and/or the payment of the Improvement Fees.

Section 6. The Commission intends, pursuant to subparagraph (f) of Section 10204 of the Code, to provide for an annual assessment upon each of the parcels of land in the proposed Assessment District to pay various costs and expenses incurred from time to time by the Authority and not otherwise reimbursed to the Authority which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

Section 7. Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10 of the Code), and the last installment of the bonds shall mature not to exceed twenty-nine (29) years from the second day of September next succeeding twelve (12) months from their date.

Section 8. The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1 thereof.

Section 9. Neither the Authority nor any member agency thereof will obligate itself to advance available funds from its or their own funds or otherwise to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the Authority or any such member agency from, in its sole discretion, so advancing funds.

Section 10. The amount of any surplus remaining in the improvement fund after acquisition of the Improvements and/or payment of Improvement Fees and all other claims shall be distributed in accordance with the provisions of Section 10427.1 of the Code.

Section 11. To the extent any Improvement Fees are paid to the Authority in cash with respect to property within the proposed Assessment District prior to the date of issuance of the bonds, the amounts so paid shall be reimbursed from the proceeds of the bonds to the property owner or developer that made the payment.

PASSED AND ADOPTED by the California Statewide Communities Development Authority this ____ day of _____, 20__.

I, the undersigned, an Authorized Signatory of the California Statewide Communities Development Authority, DO HEREBY CERTIFY that the foregoing resolution was duly adopted by the Commission of the Authority at a duly called meeting of the Commission of the Authority held in accordance with law on _____, 20__.

By _____
Authorized Signatory
California Statewide Communities
Development Authority

EXHIBIT A TO THE RESOLUTION OF INTENTION

DESCRIPTION OF WORK

The payment of development impact fees levied within the Assessment District and/or public capital improvements to be acquired and owned by the City of [_____] or another local agency upon or for the benefit of parcels within the Assessment District, for the project known as [Project Name], which are authorized to be financed pursuant to the Municipal Improvement Act of 1913 and as to which the owners of the applicable parcels within the Assessment District have applied for participation in SCIP, as more particularly described below.

PAYMENT OF IMPACT FEES

CAPITAL IMPROVEMENTS*

**Capital improvements includes funding for incidental costs associated with the capital improvements, including but not limited to, contingency, design, engineering, and construction management*

[End of Form of Resolution of Intention]

EXHIBIT B TO THE RESOLUTION

FORM OF ACQUISITION AGREEMENT

CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY
STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM

ACQUISITION AGREEMENT

BY AND BETWEEN

CITY OF GRIDLEY

AND

[DEVELOPER]

Dated as of _____, 20__

ACQUISITION AGREEMENT

Recitals

A. The parties to this Acquisition Agreement (the "Agreement") are the CITY OF GRIDLEY, (the "Local Agency"), and [DEVELOPER], a [*indicate type of legal entity*] (the "Developer").

B. The effective date of this Agreement is _____, 20__.

C. The Developer has applied for the financing of, among other things, certain public capital improvements to be owned by the Local Agency (collectively, the "Acquisition Improvements") through the California Statewide Communities Development Authority (the "Authority") and its Statewide Community Infrastructure Program ("SCIP"). [*For CFDS:*][The Acquisition Improvements are to be owned and operated by the Local Agency, and the financing is to be accomplished through a community facilities district which will be administered by the Authority under and pursuant to the Mello-Roos Community Facilities Act of 1982 – California Government Code Sections 53311 and following (the "Act"). On [____], 20[___], the Local Agency entered into a Joint Community Facilities Agreement authorizing the Authority to form a community facilities district (the "District") within the territorial limits of the Local Agency to finance, among other things, the Acquisition Improvements. On [____], 20[___], the Authority formed the District and, on the same date, a landowner election was conducted in which all of the votes were cast unanimously in favor of conferring the District authority on the Authority Commission.] [*For Assessment Districts:*][The Acquisition Improvements are to be owned and operated by the Local Agency, and the financing is to be accomplished through an assessment district (the "District") which will be administered by the Authority under and pursuant to Municipal Improvement Act of 1913 (Streets and Highways Code Sections 10000 and following) (the "1913 Act") and the issuance of improvement bonds (the "Local Obligations") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the "1915 Act" and, together with the "1913 Act" the "Act").]

D. The administration, payment and reimbursement of the capital facilities fees is agreed to be governed by the provisions of the SCIP Manual of Procedures as it may be amended from time to time. The administration, payment and reimbursement of the Acquisition Improvements shall be as provided herein.

E. Under SCIP, the Authority intends to levy [assessments] [special taxes] and issue bonds, in one or more series, to fund, among other things, all or a portion of the costs of the Acquisition Improvements. The portion of the proceeds of the [special taxes and] bonds allocable to the cost of the Acquisition Improvements, together with interest earned thereon, is referred to herein as the "Available Amount".

F. The Authority will provide financing for the acquisition by the Local Agency of the Acquisition Improvements and the payment of the Acquisition Price (as defined herein) of the Acquisition Improvements from the Available Amount. Attached hereto as Exhibit A is a

description of the Acquisition Improvements, which includes authorized discrete and usable portions, if any, of the public capital improvements, pursuant to Section 53313.51 of the Act, to be acquired from the Developer.

G. The parties anticipate that, upon completion of the Acquisition Improvements and subject to the terms and conditions of this Agreement, the Local Agency will acquire such completed Acquisition Improvements with the Available Amount.

H. Any and all monetary obligations of the Local Agency arising out of this Agreement are the special and limited obligations of the Local Agency payable only from the Available Amount, and no other funds whatsoever of the Local Agency shall be obligated therefor.

I. Attached to this Agreement are Exhibit A (*Acquisition Improvements and the Eligible Portions thereof*), Exhibit B (*Form of Requisition*), and Exhibit C (*Bidding, Contracting and Construction Requirements for Acquisition Improvements*), all of which are incorporated into this Agreement for all purposes.

In consideration of Recitals A through I, inclusive, and the mutual covenants, undertakings and obligations set forth below, the Local Agency and the Developer agree as stated below.

Agreement

ARTICLE I

DEFINITIONS; DISTRICT FORMATION AND FINANCING PLAN

Section 1.01. Definitions. As used herein, the following capitalized terms shall have the meanings ascribed to them below:

“Acceptable Title” means free and clear of all monetary liens, encumbrances, assessments, whether any such item is recorded or unrecorded, and taxes, except those items which are reasonably determined by the Local Agency Engineer not to interfere with the intended use and therefore are not required to be cleared from the title.

“Acquisition and Construction Fund” means the “[Local Agency] Acquisition and Construction Fund” established by the Authority pursuant to Section 1.03 hereof for the purpose of paying the Acquisition Price of the Acquisition Improvements and which fund may be held as a subaccount within a fund established under the Authority Trust Agreement and may be commingled with acquisition and construction fund monies available for other public capital improvements.

“Acquisition Improvement” shall have the meaning assigned to such term in the recitals and are further described in Exhibit A.

“Acquisition Price” means the total amount eligible to be paid to the Developer upon acquisition of an Acquisition Improvement as provided in Section 2.03 not to exceed the Actual Cost of the Acquisition Improvement.

“Act” has the meaning ascribed thereto in Recital C.

“Actual Cost” means the total cost of an Acquisition Improvement, as documented by the Developer to the satisfaction of the Local Agency and as certified by the Local Agency Engineer in an Actual Cost Certificate including, without limitation, (a) the Developer’s cost of constructing such Acquisition Improvement including grading, labor, material and equipment costs, (b) the Developer’s cost of designing and engineering the Acquisition Improvement, preparing the plans and specifications and bid documents for such Acquisition Improvement, and the costs of inspection, materials testing and construction staking for such Acquisition Improvement, (c) the Developer’s cost of any performance, payment and maintenance bonds and insurance, including title insurance, required hereby for such Acquisition Improvement, (d) the Developer’s cost of any real property or interest therein that is either necessary for the construction of such Acquisition Improvement (e.g., temporary construction easements, haul roads, etc.), or is required to be conveyed with such Acquisition Improvement in order to convey Acceptable Title thereto to the Local Agency or its designee, (e) the Developer’s cost of environmental evaluation or mitigation required for such Acquisition Improvement, (f) the amount of any fees actually paid by the Developer to governmental agencies in order to obtain permits, licenses or other necessary governmental approvals and reviews for such Acquisition Improvement, (g) the Developer’s cost for construction and project management, administration and supervision services for such Acquisition Improvement, (h) the Developer’s cost for professional services related to such Acquisition Improvement, including engineering, accounting, legal, financial, appraisal and similar professional services, and (i) the costs of construction financing incurred by the Developer with respect to such Acquisition Improvement.

“Actual Cost Certificate” means a certificate prepared by the Developer detailing the Actual Cost of an Acquisition Improvement, or an Eligible Portion thereof, to be acquired hereunder, as may be revised by the Local Agency Engineer pursuant to Section 2.03.

“Agreement” means this Acquisition Agreement, dated as of [_____], 20[___].

“Authority” means the California Statewide Communities Development Authority.

“Authority Trust Agreement” means a Trust Agreement entered into by the Authority and an Authority Trustee in connection with the issuance of bonds.

“Authority Trustee” means the financial institution identified as trustee in an Authority Trust Agreement.

“Available Amount” shall have the meaning assigned to the term in Recital E.

“Bonds” means bonds or other indebtedness issued by the Authority as tax-exempt or

taxable bonds or other indebtedness, in one or more series, that is to be repaid by the District.

“Code” means the Streets and Highways Code or the Government Code of the State of California, as applicable.

“Developer” means [*Developer*], its successors and assigns.

“Disbursement Request Form” means a requisition for payment of funds from the Acquisition and Construction Fund for an Acquisition Improvement, or an Eligible Portion thereof in substantially the form contained in Exhibit B hereto.

“District” shall have the meaning assigned to the term in Recital C.

“Eligible Portion” shall have the meaning ascribed to it in Section 2.03 below.

“Installment Payment” means an amount equal to ninety percent (90%) of the Actual Cost of an Eligible Portion.

“Local Agency” means the City of Gridley.

“Local Agency Engineer” means the Engineer of the Local Agency or his/her designee who will be responsible for administering the acquisition of the Acquisition Improvements hereunder.

“Project” means the Developer’s development of the property in the District, including the design and construction of the Acquisition Improvements and the other public and private improvements to be constructed by the Developer within the District.

[“Special Taxes” means annual special taxes, and prepayments thereof, authorized by the District to be levied by the Commission of the Authority.]

“Title Documents” means, for each Acquisition Improvement acquired hereunder, a grant deed or similar instrument necessary to transfer title to any real property or interests therein (including easements), or an irrevocable offer of dedication of such real property with interests therein necessary to the operation, maintenance, rehabilitation and improvement by the Local Agency of the Acquisition Improvement (including, if necessary, easements for ingress and egress) and a bill of sale or similar instrument evidencing transfer of title to the Acquisition Improvement (other than said real property interests) to the Local Agency, where applicable.

Section 1.02. Participation in SCIP. [*For CFDs:*][The Local Agency has entered into a Joint Community Facilities Agreement with the Authority for the purpose of accepting applications from time to time of developers within the Local Agency’s jurisdictional boundaries.] Developer has applied for financing through SCIP of the Acquisition Improvements, and such application has been approved by the Local Agency. Developer and Local Agency agree that until and unless such financing is completed by the Authority and the Available Amount is deposited in the Acquisition Account (as defined in Section 1.03 below), neither the Developer nor the Local Agency shall have any obligations under this agreement. Developer agrees to cooperate with the

Local Agency and the Authority in the completion of SCIP financing for the Acquisition Improvements.

Section 1.03. Deposit and Use of Available Amount.

(a) Upon completion of the SCIP financing, the Available Amount will be deposited by the Authority in the Acquisition Account.

(b) The Authority will cause the SCIP Trustee to establish and maintain an account (the "Acquisition Account") for the purpose of holding all funds for the Acquisition Improvements. All earnings on amounts in the Acquisition and Construction Fund shall remain in the Acquisition and Construction Fund for use as provided herein and pursuant to the Authority Trust Agreement. Money in the Acquisition and Construction Fund shall be available to respond to delivery of a Disbursement Request Form and to be paid to the Developer or its designee to pay the Acquisition Price of the Acquisition Improvements, as specified in Article II hereof. Upon completion of all of the Acquisition Improvements and the payment of all costs thereof, any remaining funds in the Acquisition and Construction Fund (less any amount determined by the Local Agency as necessary to reserve for claims against the account) (i) shall be applied to pay the costs of any additional Acquisition Improvements eligible for acquisition with respect to the Project as approved by the Authority and, to the extent not so used, (ii) shall be applied by the Authority [to call Bonds or to reduce Special Taxes as the Authority shall determine][as provided in Section 10427.1 of the Code to pay a portion of the assessments levied on the Project property in the District].

Section 1.04. No Local Agency Liability; Local Agency Discretion; No Effect on Other Agreements. In no event shall any actual or alleged act by the Local Agency or any actual or alleged omission or failure to act by the Local Agency with respect to SCIP subject the Local Agency to monetary liability therefor. Further, nothing in this Agreement shall be construed as affecting the Developer's or the Local Agency's duty to perform their respective obligations under any other agreements, public improvement standards, land use regulations or subdivision requirements related to the Project, which obligations are and shall remain independent of the Developer's and the Local Agency's rights and obligations under this Agreement.

ARTICLE II

DESIGN, CONSTRUCTION AND ACQUISITION OF ACQUISITION IMPROVEMENTS

Section 2.01. Letting and Administering Design Contracts. The parties presently anticipate that the Developer has awarded and administered or will award and administer engineering design contracts for the Acquisition Improvements to be acquired from Developer. All eligible expenditures of the Developer for design engineering and related costs in connection with the Acquisition Improvements (whether as an advance to the Local Agency or directly to the design consultant) shall be reimbursed at the time of acquisition of such Acquisition Improvements. The Developer shall be entitled to reimbursement for any design costs of the

Acquisition Improvements only out of the Acquisition Price as provided in Section 2.03 and shall not be entitled to any payment for design costs independent of or prior to the acquisition of Acquisition Improvements.

Section 2.02. Letting and Administration of Construction Contracts; Indemnification. State law requires that all Acquisition Improvements not completed prior to the formation of the District shall be constructed as if they were constructed under the direction and supervision, or under the authority, of the [Local Agency]. In order to assure compliance with those provisions, except for any contracts entered into prior to the date hereof, Developer agrees to comply with the requirements set forth in Exhibit C hereto with respect to the bidding and contracting for the construction of the Acquisition Improvements. The Developer agrees that all the contracts shall call for payment of prevailing wages as required by the Labor Code of the State of California. The Developer's indemnification obligation set forth in Section 3.01 of this Agreement shall also apply to any alleged failure to comply with the requirements of this Section, and/or applicable State laws regarding public contracting and prevailing wages.

Section 2.03. Sale of Acquisition Improvements. The Developer agrees to sell to the [Local Agency] each Acquisition Improvement to be constructed by Developer (including any rights-of-way or other easements necessary for the Acquisition Improvements, to the extent not already publicly owned), when the Acquisition Improvement is has been constructed and is complete to the satisfaction of the Local Agency for an amount not to exceed the lesser of (i) the Available Amount or (ii) the Actual Cost of the Acquisition Improvement. Exhibit A, attached hereto and incorporated herein, contains a list of the Acquisition Improvements. Portions of an Acquisition Improvement eligible for Installment Payments prior to completion of the entire Acquisition Improvement are described as eligible, discrete and usable portions in Exhibit A (each, an "Eligible Portion"). At the time of completion of each Acquisition Improvement, or Eligible Portion thereof, the Developer shall deliver to the Local Agency Engineer a written request for acquisition, accompanied by an Actual Cost Certificate, and by executed Title Documents for the transfer of the Acquisition Improvement where necessary. In the event that the Local Agency Engineer finds that the supporting paperwork submitted by the Developer fails to demonstrate the required relationship between the subject Actual Cost and eligible work, the Local Agency Engineer shall advise the Developer that the determination of the Actual Cost (or the ineligible portion thereof) has been disallowed and shall request further documentation from the Developer. If the further documentation is still not adequate, the Local Agency Engineer may revise the Actual Cost Certificate to delete any disallowed items and the determination shall be final and conclusive.

Certain soft costs for the Acquisition Improvements, such as civil engineering, may have been incurred pursuant to single contracts that include work relating also to the private portions of the Project. In those instances, the total costs under such contracts will be allocated to each Acquisition Improvement as approved by the Local Agency Engineer. Where a specific contract has been awarded for design or engineering work relating solely to an Acquisition Improvement, one hundred percent (100%) of the costs under the contract will be allocated to that Acquisition Improvement. Amounts allocated to an Acquisition Improvement will be further allocated

among the Eligible Portions of that Acquisition Improvement, if any, in the same proportion as the amount to be reimbursed for hard costs for each Eligible Portion bears to the amount to be reimbursed for hard costs for the entire Acquisition Improvement. Costs will be allocated to each Acquisition Improvement as approved by the Local Agency Engineer. The costs of certain environmental mitigation required to mitigate impacts of the public and private portions of the Project will be allocated to each Acquisition Improvement as approved by the Local Agency Engineer.

In the event that the Actual Cost is in excess of the Available Amount, the Local Agency shall withdraw the Available Amount from the Acquisition Account and transfer said amount to the Developer. In the event that the Actual Cost is less than the Available Amount, the Local Agency shall withdraw an amount from the Acquisition Account equal to the Actual Cost, and shall transfer said amount to the Developer. Any amounts then remaining in the Acquisition Account shall be applied as provided in Section 1.03.

In no event shall the Local Agency be required to pay the Developer more than the amount on deposit in the Acquisition Account at the time such payment is requested.

Section 2.04. Conditions Precedent to Payment of Acquisition Price. Payment to the Developer or its designee of the Acquisition Price for an Acquisition Improvement from the Acquisition and Construction Fund shall in every case be conditioned first upon the determination of the Local Agency Engineer, pursuant to Section 2.03, that the Acquisition Improvement satisfies all Local Agency regulations and ordinances and is otherwise complete and ready for acceptance by the Local Agency, and shall be further conditioned upon satisfaction of the following additional conditions precedent:

(a) The Developer shall have provided the Local Agency with lien releases or other similar documentation satisfactory to the Local Agency Engineer as evidence that none of the property (including any rights-of-way or other easements necessary for the operation and maintenance of the Acquisition Improvement, to the extent not already publicly owned) comprising the Acquisition Improvement, and the property which is subject to the [assessments/Special Taxes] of the District, is not subject to any prospective mechanics lien claim respecting the Acquisition Improvements.

(b) All due and payable property taxes, and installments of [assessments/Special Taxes] shall be current on property owned by the Developer or under option to the Developer that is subject to the lien of the District.

(c) The Developer shall certify that it is not in default with respect to any loan secured by any interest in the Project.

(d) The Developer shall have provided the Local Agency with Title Documents needed to provide the Local Agency with title to the site, right-of-way, or easement upon which the subject Acquisition Improvements are situated. All such Title Documents shall be in a form acceptable to the Local Agency (or applicable governmental agency) and shall convey Acceptable

Title. The Developer shall provide a policy of title insurance as of the date of transfer in a form acceptable to the Local Agency Engineer insuring the Local Agency as to the interests acquired in connection with the acquisition of any interest for which such a policy of title insurance is not required by another agreement between the Local Agency and the Developer. Each title insurance policy required hereunder shall be in the amount equal to or greater than the Acquisition Price.

Section 2.05. SCIP Requisition. Upon a determination by the Local Agency Engineer to pay the Acquisition Price of the Acquisition Improvements pursuant to Section 2.04, the Local Agency Engineer shall cause a SCIP Requisition to be submitted to the Program Administrator. The Program Administrator will review the SCIP Requisition and forward it with instructions to the SCIP Trustee and the SCIP Trustee shall make payment directly to the Developer of such amount pursuant to the SCIP Trust Agreement. The Local Agency and the Developer acknowledge and agree that the SCIP Trustee shall make payment strictly in accordance with the SCIP Requisition and shall not be required to determine whether or not the Acquisition Improvements have been completed or what the Actual Costs may be with respect to such Acquisition Improvements. The SCIP Trustee shall be entitled to rely on the SCIP Requisition on its face without any further duty of investigation.

ARTICLE III

MISCELLANEOUS

Section 3.01. Indemnification and Hold Harmless. The Developer hereby assumes the defense of, and indemnifies and saves harmless the Local Agency, the Authority, and each of its respective officers, directors, employees and agents, from and against all actions, damages, claims, losses or expenses of every type and description to which they may be subjected or put, by reason of, or resulting from or alleged to have resulted from the acts or omissions of the Developer or its agents and employees in the performance of this Agreement, or arising out of any contract for the design, engineering and construction of the Acquisition Improvements or arising out of any alleged misstatements of fact or alleged omission of a material fact made by the Developer, its officers, directors, employees or agents to the Authority's underwriter, financial advisor, appraiser, district engineer or bond counsel or regarding the Developer, its proposed developments, its property ownership and its contractual arrangements contained in the official statement relating to the SCIP financing (provided that the Developer shall have been furnished a copy of such official statement and shall not have objected thereto); and provided, further, that nothing in this Section 3.01 shall limit in any manner the Local Agency's rights against any of the Developer's architects, engineers, contractors or other consultants. Except as set forth in this Section 3.01, no provision of this Agreement shall in any way limit the extent of the responsibility of the Developer for payment of damages resulting from the operations of the Developer, its agents and employees. Nothing in this Section 3.01 shall be understood or construed to mean that the Developer agrees to indemnify the Local Agency, the Authority or any of its respective officers, directors, employees or agents, for any negligent or

wrongful acts or omissions to act of the Local Agency, Authority its officers, employees, agents or any consultants or contractors.

Section 3.02. Audit. The Local Agency shall have the right, during normal business hours and upon the giving of ten days' written notice to the Developer, to review all books and records of the Developer pertaining to costs and expenses incurred by the Developer (for which the Developer seeks reimbursement) in constructing the Acquisition Improvements.

Section 3.03. Cooperation. The Local Agency and the Developer agree to cooperate with respect to the completion of the SCIP financing for the Acquisition Improvements. The Local Agency and the Developer agree to meet in good faith to resolve any differences on future matters which are not specifically covered by this Agreement.

Section 3.04. General Standard of Reasonableness. Any provision of this Agreement which requires the consent, approval or acceptance of either party hereto or any of their respective employees, officers or agents shall be deemed to require that such consent, approval or acceptance not be unreasonably withheld or delayed, unless such provision expressly incorporates a different standard. The foregoing provision shall not apply to provisions in the Agreement which provide for decisions to be in the sole discretion of the party making the decision.

Section 3.05. Third Party Beneficiaries. The Authority and its officers, employees, agents or any consultants or contractors are expressly deemed third party beneficiaries of this Agreement with respect to the provisions of Section 3.01. It is expressly agreed that, except for the Authority with respect to the provisions of Section 3.01, there are no third party beneficiaries of this Agreement, including without limitation any owners of bonds, any of the Local Agency's or the Developer's contractors for the Acquisition Improvements and any of the Local Agency's, the Authority's or the Developer's agents and employees.

Section 3.06. Conflict with Other Agreements. Nothing contained herein shall be construed as releasing the Developer or the Local Agency from any condition of development or requirement imposed by any other agreement between the Local Agency and the Developer, and, in the event of a conflicting provision, such other agreement shall prevail unless such conflicting provision is specifically waived or modified in writing by the Local Agency and the Developer.

Section 3.07. Notices. All invoices for payment, reports, other communication and notices relating to this Agreement shall be mailed to:

If to the Local Agency:

City of Gridley
[Address to come]

If to the Developer:

[Developer]
[Address to come]

Either party may change its address by giving notice in writing to the other party.

Section 3.08. Severability. If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

Section 3.09. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California.

Section 3.10. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement.

Section 3.11. Singular and Plural; Gender. As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine.

Section 3.12. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 3.13. Successors and Assigns. This Agreement is binding upon the heirs, assigns and successors-in-interest of the parties hereto. The Developer may not assign its rights or obligations hereunder, except to successors-in-interest to the property within the District, without the prior written consent of the Local Agency.

Section 3.14. Remedies in General. It is acknowledged by the parties that the Local Agency would not have entered into this Agreement if it were to be liable in damages under or with respect to this Agreement or the application thereof, other than for the payment to the Developer of any (i) moneys owing to the Developer hereunder, or (ii) moneys paid by the Developer pursuant to the provisions hereof which are misappropriated or improperly obtained, withheld or applied by the Local Agency.

In general, each of the parties hereto may pursue any remedy at law or equity available for the breach of any provision of this Agreement, except that the Local Agency shall not be liable in damages to the Developer, or to any assignee or transferee of the Developer other than for the payments to the Developer specified in the preceding paragraph. Subject to the foregoing,

the Developer covenants not to sue for or claim any damages for any alleged breach of, or dispute which arises out of, this Agreement.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year written above.

CITY OF GRIDLEY

By: _____
City Administrator

ATTEST:
City Clerk of the City of Gridley

By: _____

[DEVELOPER],
a *[indicate type of legal entity]*

By: _____
(Signature)

(Print Name)

Exhibit A to the Acquisition Agreement

DESCRIPTION OF ACQUISITION IMPROVEMENTS AND BUDGETED AMOUNTS

[To be completed based on Final Engineer's Report]

Funding includes amounts for incidental costs associated with the capital improvements, including, but not limited to, contingency, design, engineering, and construction management.

ACQUISITION IMPROVEMENTS	TOTAL AMOUNT*
[]	\$[]
[]	\$[]

* Estimated. Acquisition Price will be determined based on Actual Cost as further described in this Acquisition Agreement.

Exhibit B to the Acquisition Agreement

FORM OF SCIP REQUISITION

To: BLX Group LLC
SCIP Program Administrator
777 S. Figueroa St., Suite 3200
Los Angeles, California 90017
Attention: Vo Nguyen
Fax: 213-612-2499

Re: Statewide Community Infrastructure Program

The undersigned, a duly authorized officer of the CITY OF GRIDLEY hereby requests a withdrawal from the [DEVELOPER] ACQUISITION ACCOUNT, as follows:

Request Date: [Insert Date of Request]

Name of Developer: [Developer]

Withdrawal Amount: [Insert Acquisition Price]

Acquisition Improvements: [Insert Description of Acquisition Improvement(s) from Ex. A]

Payment Instructions: [Insert Wire Instructions or Payment Address for Developer]

The undersigned hereby certifies as follows:

1. The Withdrawal is being made in accordance with a permitted use of such monies pursuant to the Acquisition Agreement, and the Withdrawal is not being made for the purpose of reinvestment.
2. None of the items for which payment is requested have been reimbursed previously from other sources of funds.
3. If the Withdrawal Amount is greater than the funds held in the Acquisition Account, the SCIP Program Administrator is authorized to amend the amount requested to be equal to the amount of such funds.
4. To the extent the Withdrawal is being made prior to the date bonds have been issued on behalf of SCIP, this withdrawal form serves as the declaration of official intent of the CITY OF GRIDLEY, pursuant to Treasury Regulations 1.150-2, to reimburse with respect expenditures made from the Acquisition Account listed above in the amount listed above.

CITY OF GRIDLEY

By: _____

Title: _____

EXHIBIT C TO THE RESOLUTION

ELIGIBLE FACILITIES AND FEES

Eligible facilities and fees that may be financed by a CFD formed by CSCDA through SCIP include all improvements and fees authorized under the Mello-Roos Act, including but not limited to the following:

Transportation Improvements

Eligible roadway improvements include, but are not limited to: acquisition of land and easements; roadway design; project management; bridge crossings and culverts; clearing, grubbing, and demolition; grading, soil import/export, paving (including slurry seal), and decorative/enhanced pavement concrete and/or pavers; joint trenches, underground utilities and undergrounding of existing utilities; dry utilities and appurtenances; curbs, gutters, sidewalks, bike trails (including onsite and off-site), enhanced fencing, and access ramps; street lights, signalization, and traffic signal control systems; bus turnouts; signs and striping; erosion control; median and parkway landscaping and irrigation; entry monumentation; bus shelters, bus and transit improvements including transfer stations and regional public transit improvements; masonry walls; traffic control and agency fees; and other improvements related thereto. Eligible improvements for the roads listed herein also include any and all necessary underground potable and recycled water, sanitary sewer, and storm drainage system improvements.

Water System Improvements

Authorized facilities include any and all water facilities designed to meet the needs of development within the CFD. These facilities include, but may not be limited to: water storage, treatment and distribution facilities including waterlines and appurtenances, gate valves, pressure reducing stations, flow meters, fire hydrants, and other improvements related thereto such as site clearing, grading and paving; curbs and gutters; booster pump stations & power; stand-by generators; site lighting, drainage, sanitary sewer, and water service; landscaping and irrigation; access gates, and fencing; and striping and signage.

Recycled Water System Improvements

Authorized facilities include any and all recycled water system facilities designed to meet the needs of development within the CFD. These facilities include, but may not be limited to: treatment and distribution facilities including pipelines and appurtenances, gate valves, flow meters, booster pump pressurization system, and other improvements related thereto - such as site clearing, grading and paving; curbs and gutters; booster pump stations; stand-by generators; site lighting, drainage, sanitary sewer, and water service; landscaping and irrigation; access gates, and fencing; and striping and signage.

Drainage System Improvements

Authorized facilities include any and all drainage and storm drain improvements designed to meet the needs of development within the CFD. These facilities include, but may not be limited to: excavation and grading, pipelines and appurtenances, outfalls and water quality measures, detention/retention basins, drainage pretreatment facilities, drainage ways/channels, pump stations, landscaping and irrigation; access roads, gates, and fencing; and striping and signage

and other improvements related thereto.

Wastewater System Improvements

Authorized facilities include any and all wastewater facilities designed to meet the needs of development within the CFD. These facilities include, but may not be limited to, pipelines and all appurtenances thereto; manholes; tie-in to existing main lines; force mains; lift stations; upgrades to existing lift stations; odor-control facilities; and permitting related thereto; and related sewer system improvements.

Park, Parkway and Open Space Improvements

Authorized facilities include any and all improvements to parks, parkways and open space required for development within the CFD. These facilities include, but may not be limited to: grading, turf, shrubs and trees, landscaping irrigation, site lighting, drainage, sanitary sewer and water service, pedestrian and bicycle trails, protective fencing (including soundwalls), pedestrian/bicycle bridges, storm drain crossings, wetland mitigation, hawk mitigation for authorized facilities herein, access gates and fencing and related open space improvements. Authorized facilities include acquisition of any and all parkland as well as open space/bike trail/public access easements required for development within the CFD.

School and Educational Facilities

Authorized facilities include classroom renovation, updates to school safety and security systems, technology improvements, energy efficiency improvements, school modernization and retrofitting, and new classroom and school construction as required for development within the CFD.

Development Impact Fees

Authorized facilities include the direct funding of any of the above referenced facility types for which the Local Agency collects a development impact fee.

Other Incidental Expenses and Bond Issuance Costs

In addition to the above facilities, other incidental expenses as authorized by the Mello-Roos Community Facilities Act of 1982, including, but not limited to, the cost of planning and designing the facilities (including the cost of environmental evaluation, remediation and mitigation); engineering and surveying; construction staking; utility relocation and demolition costs incidental to the construction of the public facilities; costs of project/construction management; costs (including the costs of legal services) associated with the formation of the CFD; issuance of bonds (if any); determination of the amount of taxes; collection of taxes; payment of taxes; costs of calculating and providing reimbursements from one-time special tax payments; or costs otherwise incurred in order to carry out the authorized purposes of the CFD; and any other expenses incidental to the formation and implementation of the CFD and to the construction, completion, inspection and acquisition of the authorized facilities.

EXHIBIT D TO THE RESOLUTION

FORM OF INCREASED DEMANDS CERTIFICATE

To: California Statewide Communities Development Authority

Re: Statewide Community Infrastructure Program – Community Facilities District for
[Project]

The undersigned, a duly authorized officer of the CITY OF GRIDLEY (the “Local Agency”) hereby certifies that the public capital improvements and development impact fees identified below are necessary to meet increased demands placed upon the Local Agency as a result of development within the proposed community facilities district for the [Project]:

[List improvements/fees here]

CITY OF GRIDLEY

By: _____

Title: _____

EXHIBIT E TO THE RESOLUTION

CITY OF GRIDLEY CONTACTS FOR SCIP PROGRAM

Primary Contact

Name: Cliff Wagner
Title: City Administrator
Mailing Address: 685 Kentucky Street, Gridley, CA 95948
Delivery Address (if different):
E-mail: cwagner@gridley.ca.us
Telephone: (530) 846-3631
Fax: (530) 846-3229

Secondary Contact

Name: Elisa Arteaga
Title: Finance Director
Mailing Address: 685 Kentucky Street, Gridley, CA 95948
Delivery Address (if different):
E-mail: earteaga@gridley.ca.us
Telephone: (530) 846-5695
Fax: (530) 846-3229

CERTIFICATION OF RESOLUTION

I, the undersigned, the duly appointed and qualified City Clerk of the City of Gridley, do hereby certify that the foregoing Resolution No. 2021-R-0XX was duly adopted at a regular meeting of the City Council of the City of Gridley duly and regularly held at the regular meeting place thereof on the 16 day of August, 2021, of which meeting all of the members of said City Council had due notice and at which a majority thereof were present.

An agenda of said meeting was posted at least 72 hours before said meeting at 685 Kentucky Street, Gridley, California, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

Notice of public was published in The Gridley Herald at least 5 days prior to the hearing.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: _____, 2021



Cliff Wagner
City Clerk of the City of Gridley

By: _____

City Council Agenda Item #5

Staff Report

Date: August 16, 2021

To: Mayor and City Council

From: Donna Decker, Planning Director

X	Regular
	Special
	Closed
	Emergency

Subject: Resolution 2021-R-022: A Resolution of the City Council of the City of Gridley to Become a Member of the California Municipal Finance Authority (CMFA), to approve, authorize, and direct execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority, and to authorize the City Administrator and Finance Director to execute agreements and contracts on behalf of the City Council for applications to the Bond Opportunities for Land Development (BOLD) program

Resolution 2021-R-023: A Resolution of the Gridley City Council Authorizing the use of the Bond Opportunities for Land Development (BOLD) program; authorizing the California Municipal Finance Authority to Accept Applications from property owner, conduct proceedings and levy special taxes within the incorporated boundary of the City of Gridley pursuant to the Mello-Roos Community Facilities Act of 1982, as amended; and authorizing related actions

Recommendation

Staff recommends the City Council adopt Resolutions 2021-R-022 and 2021-R-023.

Summary

The California Municipal Finance Authority (CMFA) exists to serve needs of its members and provides the opportunity for construction projects to take advantage of the Bond Opportunities for Land Development (BOLD). This program is a financial tool for the developer to apply for the construction of public facilities. The costs will transfer to the future subdivision property owner as an assessment on the property. These costs, which are normally paid for at the time of purchase of a new home moves the expense paid over time. The BOLD Program is another tool that can be utilized for funding infrastructure costs. This resolution will provide the opportunity for developers in the City of Gridley to participate.

Discussion

The “BOLD” program (Bond Opportunities for Land Development) is a program offered by the California Municipal Finance Authority (“CMFA”) to provide its members a means to accommodate community facilities district (“CFD”) formation and bonding within their jurisdiction. By participating in the program, formation of the CFD, administration and bonding is handled by CMFA and the City’s involvement can be minimized.

The Mello-Roos Community Facilities Act offers financing flexibility commonly used by cities, schools and other local agencies throughout the State to generate funds for the payment of

public facilities, including development fees for facilities. Although CFDs formed through the BOLD Program would be located within the City's jurisdiction, involvement of the city is flexible and can be minimal. The Program offers developers the opportunity to finance public infrastructure, as well as impact fees associated with new development through tax-exempt bonds payable from special taxes levied by the CFD on property within the CFD, a typical financing method for new home developments in California.

CMFA is a State-wide joint powers authority ("JPA") whose members are numerous public entities throughout California. CMFA can issue municipal bonds on behalf of a member after the member jurisdiction holds a public hearing on the proposed issuance. Participation is at no cost to members. In addition, typically lower borrowing and administration costs and providing an alternate means for bond issuances, CMFA shares a portion of its bond issuance fee directly with the member(s) it issues on behalf of.

The program is facilitated through bond professionals chosen by CMFA with specialized expertise in CFD bond issuance and sales – bond counsel, underwriter and other advisors provided as needed. As such, the City doesn't designate the financing team, however, should the City desire to use its own financial advisor to review the BOLD Program application and/or other program documents may do so, with all related costs payable from bond proceeds.

Bonds are issued through CMFA, with no involvement of the City needed other than approving the use of the program and, prior to actual issuance of bonds, entering into an agreement to acquire the public facilities or fees to be paid for with the bond proceeds. CMFA authorizes and issues the bonds in their name and awards their sale to the bond underwriter per the underwriter's credit requirements; CMFA's financing team provides the bond documentation and the Official Statement through its bond counsel.

Upon issuance of the bonds, proceeds are a funding source for direct payment of impact or mitigation fees or to otherwise reimburse developer costs for public facilities associated with new development. Once the bond issuance occurs, bond proceeds are available to be disbursed. The proceeds are held by a bond trustee and are not directly paid to the developer but are available as directed by the city and to be set forth in an acquisition agreement, or joint community facilities agreement applicable to the bond sale.

Fiscal Impact

There is no fiscal impact. The cost to review program applications and documents would be payable and reimbursed to the city through bond proceeds.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to provide the best possible financial practices, the highest possible transparency regarding all financial transactions, and attracting and retaining the most effective, customer focused workforce possible.

Attachments

1. Resolution 2021-R-022
2. Resolution 2021-R-023

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY
TO BECOME A MEMBER OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA), TO
APPROVE, AUTHORIZE, AND DIRECT EXECUTION OF A JOINT EXERCISE OF POWERS
AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY, AND TO
AUTHORIZE THE CITY ADMINISTRATOR AND FINANCE DIRECTOR TO EXECUTE AGREEMENTS
AND CONTRACTS ON BEHALF OF THE CITY COUNCIL FOR APPLICATIONS TO THE BOND
OPPORTUNITIES FOR LAND DEVELOPMENT (BOLD) PROGRAM.**

WHEREAS, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") in order to form the California Municipal Finance Authority (the "Authority"), for the purpose of promoting economic, cultural and community development and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

WHEREAS, the City of Gridley (the "City"), has determined that it is in the public interest and for the public benefit that the City become a Member of the Authority in order to facilitate the promotion of economic, cultural and community development activities in the City, including the financing of projects therefor by the Authority; and

WHEREAS, there is now before this City Council the form of the Agreement; and

WHEREAS, the Agreement has been filed with the City, and the members of the City Council, with the assistance of its staff, have reviewed said document;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gridley:

Section 1. The Agreement is hereby approved for the City of Gridley to become a member of the California Municipal Finance Authority (CMFA), a Joint Powers Authority, ("JPA");

Section 2. The Agreement will approve, authorize, and direct execution of a Joint Exercise of Powers Agreement related to the California Municipal Finance Authority (CMFA);

Section 3. Authorizes and directs the City Administrator and the City Finance Director to execute said Agreement or other documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized and required thereof, and that the City Clerk or such Clerk's designee to attest thereto;

Section 4. The Clerk shall forward a certified copy of this Resolution and an originally executed Agreement to the Authority in care of its counsel:

Ronald E. Lee, Esq.
Jones Hall, APLC
475 Sansome Street, Suite 1700
San Francisco, CA 94111

Section 5. This Resolution shall take effect immediately upon its passage.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on the 16th day of August, 2021 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

**A RESOLUTION OF THE GRIDLEY CITY COUNCIL AUTHORIZING USE OF THE
BOND OPPORTUNITIES FOR LAND DEVELOPMENT (BOLD) PROGRAM;
AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT
APPLICATIONS FROM PROPERTY OWNERS, CONDUCT PROCEEDINGS AND LEVY
SPECIAL TAXES WITHIN THE INCORPORATED BOUNDARY OF THE CITY OF
GRIDLEY PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF
1982, AS AMENDED; AND AUTHORIZING RELATED ACTIONS**

WHEREAS, the California Municipal Finance Authority (the “CMFA”) is a joint exercise of powers authority the members of which include numerous cities, counties and other local agencies in the State of California (the “State”); and,

WHEREAS, the CMFA provides financing services to its members and the City of Gridley (the “City”) is, on the date hereof, adopting a resolution to become a member of CMFA; and,

WHEREAS, the CMFA has established the Bond Opportunities for Land Development Program (the “BOLD Program”) to allow the financing through the levy of special taxes under the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”) of certain public facilities and development impact fees that finance public facilities (together, the “Improvements”) to be owned by local agencies in the State; and,

WHEREAS, the BOLD Program creates an opportunity for new developments to utilize Mello-Roos financing of Improvements for construction and/or acquisition by the City without the necessity of the City creating and administering the community facilities district; and,

WHEREAS, the City desires to allow the owners of property being developed within its jurisdiction (“Participating Developers”) to participate in the BOLD Program and to allow the CMFA to conduct proceedings under the Act to form community facilities districts (“CFDs”) under the Act, to levy special taxes within such CFDs, and to issue bonds secured by such special taxes under the Act to finance Improvements, provided that such Participating Developers voluntarily agree to participate and consent to the levy of such special taxes and the issuance of such bonds; and,

WHEREAS, eligible property owners within the jurisdiction of the City may in the future elect to be Participating Developers, and the CMFA may conduct proceedings under the Act to form a CFD, levy special taxes within such CFD and issue bonds secured by such special taxes to finance Improvements; and,

WHEREAS, the City will not be responsible for the conduct of any proceedings under the Act for the formation of any CFD; the levy or collection of special taxes for any CFD or any required remedial action in the case of delinquencies in any special tax payments; or the issuance, sale or administration of any bonds issued in connection with the BOLD Program; and,

WHEREAS, pursuant to Government Code Section 6586.5, notice was published at least five days prior to the adoption of this resolution at a public hearing, which was duly conducted by this City Council concerning the significant public benefits of the BOLD Program and the financing of the Improvements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gridley:

Section 1. The use of the BOLD Program in connection with the financing of improvements is hereby authorized and approved. The appropriate officials and staff are hereby authorized and directed to allow BOLD Program participation to be available to property owners who are subject to the payment of fees for new development and/or who are conditioned to install public improvements in connection with new development.

Section 2. The City Council hereby finds and declares that the issuance of bonds by the CMFA in connection with the BOLD Program will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and the more efficient delivery of local agency services to residential and commercial development within the City.

Section 3. In connection with the issuance of bonds by the CMFA for the BOLD Program, acquisition agreements, joint community facilities agreements or similar agreements will be required to be entered into, and the City Administrator and Finance Director, (each, an "Authorized Officer") are hereby delegated authority to enter into each such acquisition agreement, joint community facilities agreement, or similar agreement for and on behalf of the City, as determined necessary or desirable by the Authorized Officer executing the same. The City Council hereby finds and declares that entrance into such agreements shall be beneficial to the residents of the City.

Section 4. The Authorized Officers are hereby authorized and directed to allow and approve BOLD Program participation available for property owners who are subject to the payment of fees for new development and/or who are conditioned to install public improvements in connection with new development, including signing developer applications or other documents evidencing the official intent of the City to reimburse itself in connection with each project from the proceeds of tax-exempt obligations issued by CMFA as part of the BOLD Program, and to advise such owners requesting participation in the BOLD Program that the City has approved the BOLD Program; provided, that the CMFA shall be responsible for providing applications and processing of documentation and related materials at its own expense.

Section 5. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the CMFA.

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on the 16th day of August, 2021 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

City Council Agenda Item #6
Staff Report

Date: August 16, 2021
To: Mayor and City Council
From: Dave Harden, City Engineer
Subject: Hwy 99 Pedestrian Improvements

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends that the City Council authorize the City Administrator to commit up to \$500,000 in pursuit of the City's preferred Improvements to the Bicycle and Pedestrian facility improvements along state Route 99 within the City Limits. Most of the expenditure will be allocated in 2024, when Caltrans is in construction.

Background

Caltrans is in the design phase of a pavement rehabilitation project on State Route 99 within the Gridley City limits, including pedestrian improvements. Gridley has an opportunity to partner with Caltrans and the Butte County Association of Governments (BCAG) to develop improved facilities along the Hwy 99 corridor. The objectives of Gridley are in alignment with other local, state, and federal indicatives that will address climate change, safety, and equal access.

Details for the improvements are still in development by Caltrans. The concepts for the improvements were described in the Special Council meeting on 8/11/2021. The preferred concept includes the following:

- Continuous 8-foot separated sidewalk from W. Liberty to the canal crossing at the north end of town. (North of the canal to Stapleton's will be 6-foot attached sidewalk due to right of way constraints).
- Landscape areas with irrigation between back of curb and sidewalk (3 to 4 feet wide as available with site constraints).
- Uniform lighting throughout town.

Staff will coordinate design efforts with Caltrans and work with BCAG and other agencies to develop a financial plan for the improvements.

Financial Impact

Up to \$500,000 by 2024.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to providing effective leadership while providing quality cost effective local government services.

Attachments – None

City Council Agenda Item #7
Staff Report

Date: August 16, 2021
To: Mayor and City Council
From: City Engineer, Dave Harden
Subject: Resolution No. 2021-R-024: A Resolution of The City Council of The City of Gridley Approving the Authorized Signor for The Agreements Listed Below for Federal or State Transportation Projects

X	Regular
	Special
	Closed
	Emergency

Recommendation

City Staff that respectfully recommends the Mayor and City Council authorize to the City Administrator to sign and execute agreements with the California Department of Transportation for federal or state transportation projects. The Master agreements may be periodically updated and re-executed to account for changes in laws and policies.

Background

The California Department of Transportation approved the Local Road Safety Plan (LRSP) grant as a requirement to apply for the Highway Safety Improvements Program (HSIP) grant Cycle 11, due in April 2022. The LRSP will provide the City an opportunity to create a plan to identify and analyze any safety issues and will address needed changes for improvements. This Local Road Safety Plan is required if the City pursues any funding under the HSIP program.

The signed agreement will facilitate the development of local Federal-Aid and State-funded projects in the City of Gridley. This funding is designed to provide safe, sustainable, integrated and efficient transportation systems to enhance the livability in the City.

Financial Impact

The City was awarded the Local Road Safety Plan (LRSP) grant of \$36,000 that will be reimbursable to the City.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to providing effective leadership while providing quality cost effective local government services.

Attachments

- Resolution No. 2021-R-024

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY APPROVING THE AUTHORIZED
SIGNOR FOR THE AGREEMENTS LISTED BELOW FOR FEDERAL OR STATE
TRANSPORTATION PROJECTS**

WHEREAS, the City of Gridley is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation; and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation before such funds could be claimed; and

WHEREAS, the City of Gridley City Council wishes to delegate authorization to execute these agreements and any amendments thereto to the City Administrator be authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto with California Department of Transportation.

BE IT RESOLVED by the City Council of the City of Gridley that said Council does hereby approve this Resolution and Certifies that the grantee has reviewed, understands, and agrees to the agreements noted above and will not make any changes without first requesting approval from the California Department of Transportation.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Gridley at a regular meeting thereof, held on the 16th day of August 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

City Council Agenda Item #8
Staff Report

Date: August 16, 2021

To: Mayor and City Council

From: Trina Leishman and Lucy Cardenas

Subject: Resolution No. 2021-R-025: A Resolution of The City Council of The City of Gridley Approving the Application for The Outdoor Equity Grants Program Grant Funds

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully recommends that Council approve and adopt Resolution No. 2021-R-025 to submit application to the Outdoor Equity Program and authorize the City Administrator to sign the grant application for submittal to the California Parks and Recreation and enter into agreements on behalf of the City, if awarded the grant.

Background

The Outdoor Equity Grant Program (OEP) Assembly Bill 209 (AB209) was enacted on July 1, 2020, by Governor Gavin Newsom. This grant encourages healthy communities by connecting people to parks and it also provides opportunities for Leadership and park education to low-income communities.

The OEP will increase opportunities for low-income residents with an emphasis on students who are eligible for free or reduced-price meals, foster care youth, and students of limited English proficiency by providing access to state parks, outdoor recreation, leadership, and educational projects. The grant will improve health and wellness because of connecting underserved communities to natural areas in California. This program will provide experiences that youth may not experience otherwise and learn about all the great things California Parks and Recreation has to offer. This grant will be a great way to expand services through the Parks and Recreation Department which will be collaborating with the school districts, foster care, and low-income housing to provide services to the community.

- The grant funds are reimbursable, and each project application can be funded for a minimum of \$20,000 to a maximum of \$700,000.00 per application. The City can submit more than one application.
- Pre-Award Planning Costs are eligible for reimbursement commencing 7/1/2021.
- The grant program must be completed by or before Spring of 2026.

Financial Impact

There is no match for this grant and costs for preplanning, including resources for public outreach and coordination with Gridley Unified School District are reimbursable. The cost grant writing process will require City Funds, expended to Fiscal Year 2021/2022 Capital Improvement Program for Parks.

Attachments

- Resolution No. 2021-R-025

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY APPROVING THE APPLICATION
FOR THE OUTDOOR EQUITY GRANTS PROGRAM GRANT FUNDS**

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Outdoor Equity Grants Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope program;

NOW, therefore, be it resolved that the City Council hereby approves the filing of an application for the Outdoor Equity Grants Program; and

1. Certifies that said Applicant has or will have available, prior to commencement of any work on the program(s) included in this application, the sufficient funds to complete the program(s); and
2. Certifies that if the grant is awarded, the Applicant has or will have sufficient funds to operate the program(s) as described in the Grant Selection Criterion response, and
3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide; and
4. Delegates the authority to the City Administrator to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Grant Scope; and
5. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.
6. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

I HEREBY CERTIFY that the foregoing resolution was introduced, passed, and adopted by the City Council of the City of Gridley at a regular meeting held on August 16, 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

City Council Agenda Item #9
Staff Report

Date: August 16, 2021

To: Mayor and City Council

From: Cliff Wagner, City Administrator

Subject: Review and Approval of Resolution No. 2021-R-026: A Resolution of the City Council of the City of Gridley Authorizing the Issuance of a California Climate Credit to City of Gridley Residential Electric Customers

<input checked="" type="checkbox"/>	Regular
<input type="checkbox"/>	Special
<input type="checkbox"/>	Closed
<input type="checkbox"/>	Emergency

Recommendation

City staff respectfully recommends that the City Council adopt a Resolution approving the City Administrator to issue a "Climate Change Credit" of \$200 to each residential electric customer account consistent with the intent and provisions of AB 32, "The Global Warming Solutions Act of 2006."

Background

In 2006, the California Legislature adopted AB 32, "The Global Warming Solutions Act of 2006," which requires statewide emissions of greenhouse gases (GHG) be reduced to 1990 levels by 2020, and was amended in 2016 by SB 32 to further reduce GHG emissions to 40% below 1990 levels by 2030. Under State law, the California Air Resources Board (CARB) has published regulations to implement AB 32 and SB 32, including the Cap-and-Trade Program Regulations (CA Cap-and-Trade Program).

California Public Owned Utilities like the City of Gridley are subject to the rules and conditions established under the CA Cap-and-Trade Program and incur compliance costs associated with electric utility operations, and consequently receive a number of GHG pollution permits, or "Allowances," from the State at no cost to be applied to advancing the policy goals of AB 32 and, help protect its electric ratepayers from the cost impacts of the CA Cap-and-Trade Program.

The City of Gridley is required under the CA Cap-and-Trade Program to consign all allocated Allowances to the Cap-and-Trade Auctions and use the auction proceeds to advance the policy objectives under AB 32, reduce GHG emissions, and benefit its electric ratepayers.

Fiscal Impact

Total costs of \$486,000 from Cap-and-Trade Funding. Auction proceeds are not General Fund dollars and must be applied to specific program purposes in accordance with AB 32.

Table 1. Overview of Climate Change Credit Costs

Residential Utility Customers	2430
Proposed Rebate	\$200
Total	\$486,000

Program costs to be paid from Cap-and-Trade Allowance auction proceeds – not a general fund expenditure.

Compliance with City Council Strategic Plan or Budget Goals

This course of action is consistent with our efforts to comply with state requirements and ensure that our community members benefit from the remediation of CA Cap-and-Trade Program costs impacts.

Attachment

1. Resolution No. 2021-R-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING THE ISSUANCE OF A CALIFORNIA CLIMATE CREDIT TO CITY OF GRIDLEY RESIDENTIAL ELECTRIC CUSTOMERS

WHEREAS, in 2006, the State of California adopted AB 32, “The Global Warming Solutions Act of 2006,” which requires statewide emissions of greenhouse gases (GHG) be reduced to 1990 levels by 2020, and was amended in 2016 by SB 32 to further reduce GHG emissions to 40% below 1990 levels by 2030; and

WHEREAS, the California Air Resources Board (CARB) has published regulations to implement AB 32 and SB 32, including the Cap-and-Trade Program Regulations (CA Cap-and-Trade Program); and

WHEREAS, the City of Gridley is subject to the rules and conditions established under the CA Cap-and-Trade Program incurs compliance costs associated with its electric utility operations, and receives a number of GHG pollution permits, or “Allowances,” from the State at no cost to help protect its electric ratepayers from the cost impacts of the CA Cap-and-Trade Program; and

WHEREAS, the City of Gridley is required under the CA Cap-and-Trade Program to consign all allocated Allowances to the Cap-and-Trade Auctions, and to use the auction proceeds to advance the policy objectives under AB 32 and to benefit its electric ratepayers; and

WHEREAS, one such approved use of Allowance value auction proceeds is to provide a direct rebate to electric ratepayers in a non-volumetric manner; and

WHEREAS, the City of Gridley desires to issue a credit to residential electric ratepayers to help keep the community cost-neutral to the effects of AB 32 and to provide additional benefit as originally envisioned under State law; and

WHEREAS, the City of Gridley desires to issue a bill credit of \$200 to each active residential electric customer account in September 2021; and

BE IT RESOLVED by the City Council of the City of Gridley that said Council does hereby authorize the City Administrator to issue a “Climate Change Credit” of \$200 to each residential electric customer account that is active, to be applied to account charges incurred from July 1, 2021, to present. This Climate Change Credit is to be applied in September 2021.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Gridley at a regular meeting thereof, held on the 16th day of August 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

City Council Agenda Item #10
Staff Report

Date: August 16, 2021

To: Mayor and City Council

From: Cliff Wagner, City Administrator

Subject: Review and Approval of Resolution No. 2021-R-027: A Resolution of the City Council of the City of Gridley Authorizing Premium Pay for Essential Qualifying Current City Employees in Accordance with H.R. 1319 The American Rescue Plan Act

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends that the City Council adopt a Resolution authorizing Premium Pay for Essential City Workers who were required to continue to work during the COVID-19 emergency. Administrator proposes a one-time payment of \$1,500 for each qualifying current employee who worked during the period of 03/11/2020 to 06/15/2021.

Background

H.R. 1319, the American Rescue Plan Act, known as the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), was signed into law on March 11, 2021, delivering \$65 billion of direct and flexible aid to cities and towns across the nation, including \$8 billion for California cities and towns. Specific guidance and reporting requirements regarding the Coronavirus State and Local Fiscal Recovery Funds have been published by the U.S. Department of the Treasury website.

CSLFRF provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Recipients may use these funds to Support public health expenditures; Address negative economic impacts caused by the public health emergency; Replace lost public sector revenue; Provide Premium pay for essential workers; Invest in water, sewer, and broadband infrastructure.

The City of Gridley has received an allocation of \$1,733,397 Coronavirus State and Local Fiscal Recovery Funds to be invested in the categories outlined above. The first half of \$866,698.50 has been received by the City. The second half of the City's allocation will be received in June 2022.

Participating municipalities have three years to appropriate CSLFRF funding and a maximum of five years to execute investments.

Fiscal Impact

Because CSLFRF funds are not general fund dollars and must be applied to specific program purposes, there is no adverse fiscal impact to the City General Fund related to the recommended action.

Table 1. Overview of Premium Pay Proposal

Qualifying Employees	64
Proposed Payment	\$1,500
Total Expenditure	\$96,000

Compliance with City Council Strategic Plan or Budget Goals

This course of action is consistent with our efforts to comply with Federal requirements and ensure that CSLFRF investments are made in a transparent, strategic manner pursuant to the guidelines set forth by the U.S. Department of the Treasury.

Attachment

1. Resolution No. 2021-R-027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING PREMIUM PAY FOR
ESSENTIAL QUALIFYING CURRENT CITY EMPLOYEES IN ACCORDANCE WITH H.R. 1319 THE AMERICAN
RESCUE PLAN ACT**

WHEREAS, on March 11, 2021, the American Rescue Plan Act, known as the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), was signed into law by the President of the United States; and

WHEREAS, this relief measure delivered \$65 billion of direct and flexible aid to cities and towns across the nation, including \$8 billion for California cities and towns; and

WHEREAS, CSLFRF provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers; and

WHEREAS, one of the five specific categories of allowable uses allows recipients to provide premium pay for essential workers; and

WHEREAS, the City of Gridley desires to make policy decisions consistent with the legislative intent of H.R. 1319 by considering investments in each of the five categories of allowable uses as outlined by the U.S. Department of the Treasury; and

WHEREAS, the City of Gridley desires to extend premium pay for essential, qualifying City of Gridley employees and to provide additional benefit, on a one-time basis, as originally envisioned under Federal law; and

BE IT RESOLVED by the City Council of the City of Gridley that said Council does hereby authorize the City Administrator and Finance Director to extend a one-time, premium pay payment for essential, qualifying City of Gridley in the amount of \$1,500 per employee from the CSLFRF funds.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Gridley at a regular meeting thereof, held on the 16th day of August 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor

City Council Agenda Item #11
Staff Report

Date: August 16, 2021

To: Mayor and City Council

From: Cliff Wagner, City Administrator

Subject: Review and Approval of Resolution No. 2021-R-028: A Resolution of the City Council of the City of Gridley Authorizing a Contribution in Support of Dia De Los Muertos, an Event Promoting COVID-19 Vaccination and Awareness

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends that the City Council adopt a Resolution approving a City of Gridley appropriation of \$1,000 to the Gridley Museum, a 501 C3 not-for-profit organization, in support of “Día de los Muertos”, an event promoting COVID-19 vaccination and awareness.

Background

H.R. 1319, the American Rescue Plan Act, known as the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), was signed into law on March 11, 2021, delivering \$65 billion of direct and flexible aid to cities and towns across the nation, including \$8 billion for California cities and towns. Specific guidance and reporting requirements regarding the Coronavirus State and Local Fiscal Recovery Funds have been published by the U.S. Department of the Treasury website.

CSLFRF provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Recipients may use these funds to Support public health expenditures; Address negative economic impacts caused by the public health emergency; Replace lost public sector revenue; Provide Premium pay for essential workers; Invest in water, sewer, and broadband infrastructure.

The City of Gridley has received an allocation of \$1,733,397 Coronavirus State and Local Fiscal Recovery Funds to be invested in the categories outlined above. The first half of \$866,698.50 has been received by the City. The second half of the City’s allocation will be received in June 2022.

Participating municipalities have three years to appropriate CSLFRF funding and a maximum of five years to execute investments.

The Interim Final Rule published by the U.S. Department of the Treasury, has recognized the disproportionate negative impacts of COVID-19 on certain communities and populations and specifically authorize use of funds for COVID-19 public communication efforts such the proposed event.

Fiscal Impact

Because CSLFRF funds are not General Fund dollars and must be applied to specific program purposes, there is no adverse fiscal impact to the City related to the recommended action.

Compliance with City Council Strategic Plan or Budget Goals

This course of action is consistent with our efforts to comply with Federal requirements and ensure that CSLFRF investments are made in a transparent, strategic manner pursuant to the guidelines set forth by the U.S. Department of the Treasury.

Attachment

1. Resolution No. 2021-R-028

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING A CONTRIBUTION IN
SUPPORT OF DIA DE LOS MUERTOS, AN EVENT PROMOTING COVID-19 VACCINATION
AND AWARENESS**

WHEREAS, on March 11, 2021, the American Rescue Plan Act, known as the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF), was signed into law by the President of the United States; and

WHEREAS, this relief measure delivered \$65 billion of direct and flexible aid to cities and towns across the nation, including \$8 billion for California cities and towns; and

WHEREAS, CSLFRF provides eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers; and

WHEREAS, one of the five specific categories of allowable uses allows recipients to provide in support of public health expenditures; and

WHEREAS, the Interim Final Rule published by the U.S. Department of the Treasury, has recognized the disproportionate negative impacts of COVID-19 on certain communities and populations and specifically authorize use of funds for COVID-19 public communication efforts such the proposed event; and

WHEREAS, the City of Gridley desires to make policy decisions consistent with the legislative intent of H.R. 1319 by considering investments in each of the five categories of allowable uses as outlined by the U.S. Department of the Treasury.

BE IT RESOLVED by the City Council of the City of Gridley that said Council does hereby authorize the City Administrator and Finance Director to extend a contribution from the CSLFRF funds, payable to the sponsoring agency, the Gridley Museum in the amount of \$1,000.

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Gridley at a regular meeting thereof, held on the 16th day of August 2021, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVE:

Cliff Wagner, City Clerk

Bruce Johnson, Mayor