

# **Gridley City Council – Special Meeting Agenda**

Monday, January 23, 2023; 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.”*

The Public is encouraged to attend and participate in person. Comments from the public on agenda items will be accepted until 4 pm on January 23<sup>rd</sup>, 2023, via email to [csantana@gridley.ca.us](mailto:csantana@gridley.ca.us) or via the payment/document drop box at Gridley City Hall and will be conveyed to the Council for consideration.

You may view using the following link, ID, and passcode:

<https://us06web.zoom.us/j/83631540912?pwd=OUtNVDFuRFRM2bUjKbIB6YUtwNDZKZz09>

Passcode: 062691

Webinar ID: 836 3154 0912

To make a public comment during the Community Participation Forum or during the public portion of any agenda item, use the ‘raise hand’ feature and you will be called on when it’s your turn to speak.

**CALL TO ORDER** - Mayor Farr

**ROLL CALL**

**PLEDGE OF ALLEGIANCE** – Councilmember Sanchez

**INVOCATION** – None

**PROCLAMATION** – 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 December 19<sup>th</sup>, 2022.
2. Approval of Utility Director Employment Agreement
3. City Council Committee Assignments

## ITEMS FOR CONSIDERATION

4. Gridley 2022 Sports Complex Phase 1 RRT Project (Project# TX-04-002)
5. 2023 City of Gridley Public Works Design and Construction Standards Details and Specifications Update
6. Site Development Plan:

Resolution No. 2023-R-001: A Resolution to amend the General Plan land use designation from Industrial (I) to Commercial (C), and to adopt a Mitigated Negative Declaration. (APN 021-270-043, -044, and -014)

Ordinance No. 843-2023 First Reading by Title Only: An application to rezone three parcels approximately 4.6 acres from Heavy Industrial (M-2) to General Commercial (C-2). (APN 021-270-043, -044, and -014)

SDP 1-22: Application for a site development plan to develop a 5,200 square foot convenience market, a 16-pump fuel canopy for autos, a 4-pump fuel canopy for tractor/trucks/semis, a 1,344 square foot carwash, and an 824-square foot coffee kiosk with 2 driveway accesses at SR 99 and West Liberty Road. (APN 021-270-043 and -044)

LM 1-22: An application to merge two parcels consisting of approximately 3.41-total acres, located on the northwest corner of West Liberty Road and State Route 99. (APN 021-270-043 and -044)

7. Resolution No. 2023-R-002: Application for a tentative subdivision map to subdivide one parcel consisting of approximately 12.34 acres into five (5) parcels for a commercial and multi-family housing development located on the west side of State Route 99. (APN: 021-110-033)
8. Resolution No. 2023-R-003: A Resolution of the City Council of the City of Gridley Authorizing and Designating City Representatives to Vote the City's Interests in Governance Agreements Associated with City's Participation in Programs, Projects, and Services as a Member of the Northern California Power Agency
9. Department of Parks and Recreation Waivers and Release Forms

**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.*

**CITY ADMINISTRATOR REPORTS** - *Brief updates and reports on conferences, seminars, and meetings attended by the City Administrator, if any.*

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

|  |           |
|--|-----------|
| Treasurer's Report FYE 21-22                               | 2/20/2023 |
| Broadband Feasibility Study Proposal                       | 2/20/2023 |
| Orchard View Final Map                                     | 2/6/2023  |
| General Plan Amendment/Pre-zone                            | 2/6/2023  |
| Butte County/City of Gridley Land Development              | 2/6/2023  |
| General Plan, Sphere of Influence Amendment Contract Award | 3/20/2023 |
| Industrial Park Final Map                                  | 3/20/2023 |

**CLOSED SESSION –**

10. "Conference with Legal Counsel Regarding Existing Litigation Pursuant to Government Code 54956.9 (Michael Miller vs City of Gridley; Butte County Superior Court, Case No. 21CV02975"

**ADJOURNMENT** – adjourning to a Regular meeting on February 6<sup>th</sup>, 2023.

**NOTE 1: POSTING OF AGENDA-** This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m., January 20<sup>th</sup>, 2023. This agenda along with all attachments is available for public viewing online at [www.gridley.ca.us](http://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 – Regular Meeting Minutes**

Monday, December 19, 2022; 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 Farr called the meeting to order at 6:00 p.m.**

### **ROLL CALL**

#### **Councilmembers**

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

Staff Present: Cliff Wagner, City Administrator  
Rodney Harr, Chief of Police  
Ross Pippitt, Public Works Director  
Tony Galyean, City Attorney  
Elisa Arteaga, Finance Director

### **PLEDGE OF ALLEGIANCE**

**Vice Mayor Johnson led the Pledge of Allegiance.**

**INVOCATION – None**

**PROCLAMATION – None**

### **INTRODUCTION OF NEW OR PROMOTED EMPLOYEES**

**Police Chief, Rodney Harr, mentioned that Officer Garrett Mauldin was not able to attend and will be formally introduced at the next regular meeting.**

### **COMMUNITY PARTICIPATION FORUM**

**The forum was opened and seeing no one was present to speak, was closed.**

### **CONSENT AGENDA**

1. City Council Minutes Dated December 5<sup>th</sup> and 9<sup>th</sup>, 2022

**Motion to approve consent agenda was made by Vice Mayor Johnson, seconded by Councilmember Sanchez.**

**ROLL CALL VOTE:**

**Ayes: Farr, Johnson, Sanchez, Calderon, Roberts**

**Motion passed, 5-0**

**ITEMS FOR CONSIDERATION**

2. Resolution No. 2022-R-044: Authorization for the Supplemental Appropriation and Funding to Purchase an Additional Four (4) Body Worn Cameras, Licensing and Cloud Storage

**Chief Harr addressed the Council and explained that with the recent addition of Police Officers, the Gridley Police Department was in need of four additional body worn cameras. Also requested was the purchase of more cloud storage to accommodate the extra cameras.**

**Motion to approve Resolution No. 2022-R-044 was made by Councilmember Calderon, seconded by Councilmember Sanchez.**

**ROLL CALL VOTE:**

**Ayes: Farr, Johnson, Sanchez, Calderon, Roberts**

**Motion passed, 5-0**

3. Gridley City Council Committee Assignments

**City Administrator Wagner displayed the proposed Council Committee Assignments that included Councilmember Roberts being assigned those that were previously held by outgoing Councilmember Torres. Motion to approve the assignments as presented was made by Councilmember Roberts, seconded by Vice Mayor Johnson.**

**ROLL CALL VOTE:**

**Ayes: Farr, Johnson, Sanchez, Calderon, Roberts**

**Motion passed, 5-0**

**CITY STAFF AND COUNCIL COMMITTEE REPORTS**

**Councilmember Calderon reported on his attendance at the Butte County Air Quality Management meeting.**

**CITY ADMINISTRATOR REPORTS**

**Administrator Wagner reported on his attendance at the Emergency NCPA Utility Directors meetings regarding the current market disruptions being seen in natural gas and energy prices. He explained that NCPA will continue to meet on an emergency weekly basis until further notice.**

**He also informed Council that the new Police Department hire, Officer Garrett Mauldin, is the recent Police Academy graduate sponsored by the City of Gridley.**

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

|  |           |
|--|-----------|
| Treasurer's Report FYE 21-22                               | 1/16/2023 |
| Broadband Feasibility Study Proposal                       | 1/16/2023 |
| Orchard View Tentative                                     | 1/16/2023 |
| Highway 99 Retail Center – GPA, RZ, Lot Merger, SDP, MND   | 1/16/2023 |
| Orchard View Final Map                                     | 2/6/2023  |
| General Plan Amendment/Pre-zone                            | 2/6/2023  |
| Butte County/City of Gridley Land Development              | 2/6/2023  |
| General Plan, Sphere of Influence Amendment Contract Award | 3/20/2023 |
| Industrial Park Final Map                                  | 3/20/2023 |

**CLOSED SESSION**

4. Closed Session Conference with Legal Counsel to Pursuant to Government Code 54956.9 to Discuss Existing Litigation: Case of Angel Barrera Alvarado vs. City of Gridley, Anthony Lara, Jennifer Silva and Does 1-10, Inclusive, Case No. 2:22cv-01202-TLN-DMC Pending in the United States District Court for the Eastern District of California.”
5. Public Employment (GC: 54957) Position: Utility Director
6. Public Employee Performance Evaluation: City Administrator (GC: 54957)

**Council went into closed session at 6:28 p.m. and came out approximately at 7:10 p.m. with no reportable action.**

**ADJOURNMENT**

**With no further items left to discuss, Mayor Farr adjourned to the next regular meeting on January 16<sup>th</sup>, 2023.**

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**Cliff Wagner, City Administrator**





**City of Gridley**  
**Employment Agreement**  
**Electric Utility Director**

This Employment Agreement (hereinafter called the “Agreement”) made and entered into for reference purposes on December 19, 2022, by and between the City of Gridley, California, a General Law City, (hereinafter called the “City”) and Jake Carter, (hereinafter called the “Employee”) with respect to employment as the Electric Utility Director for the City of Gridley, California with a start date of December 28, 2022.

**1. Appointment of the Electric Utility Director**

The City Council of the City of Gridley seeks to hire the Employee as the City’s Electric Utility Director to serve and perform such duties at such times and places and in such a manner as the City may from time to time direct. Furthermore, the City Council of the City of Gridley is the sole appointing body of the position of Electric Utility Director, as per the adopted City ordinance(s), resolution(s), and City policy manual.

**2. At Will Employment**

Employee is an “at will” employee who shall serve at the pleasure of the City Council. Accordingly, the City Council may terminate Employee’s employment at any time, with or without cause. The provision may not be altered except by a written instrument by Employee, and formally approved by the City Council, which specifically references this Agreement and section.

**3. Term of Agreement**

The Employee acknowledges that he serves in the position of Electric Utility Director at the discretion and pleasure of the Gridley City Council. The parties of this agreement may terminate the Agreement pursuant to the provisions of paragraphs 6 and 7 below.

**4. Duties and Responsibilities**

Employee shall serve as the Electric Utility Director of the City of Gridley and he shall be vested with the powers, duties and responsibilities set forth in the City’s adopted job description for Electric Utility Director and shall be responsible for directing, administering, and coordinating the functions of the City of Gridley Electric Department.

Employee agrees to devote his productive time, ability, and attention to the City business. For the duration of this Agreement, Employee shall not hold secondary employment, unless it is vocational training as it relates to City management and cannot be done to encumber any City time, resources, or facilities. The secondary employment must be so de minimis that it is transparent that it is for the continuing education of the Employee and to benefit the leadership and education of the Employee as the Electric Utility Director. The de minimis secondary employment shall not constitute interference with or a conflict of interest with his responsibilities under the Agreement. The City Council shall be the sole body that authorizes any de minimis

secondary employment.

As an exempt employee and subject to City resolution regarding administrative leave, the Employee shall not receive any overtime or compensation for work performed outside of normal business hours.

#### 5. Hours of Work

It is recognized that the Employee must devote a great deal of time outside the normal office hours on business for the City, and to that end the Employee shall be allowed to establish an appropriate work schedule. The Employee will normally work 80 hours per (two week) pay period.

#### 6. Performance Evaluation

The City shall review the performance of the Employee initially upon the six-month (6) anniversary of start date and then annually thereafter subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the City and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) adopt an appropriate improvement plan and/or goals.

#### 7. Termination of Employment and Severance

Per Section Two (2) of this Agreement – At Will Employment - Employee understands and acknowledges that Employee serves at the pleasure and discretion of the City Council and that Employee may be terminated at any time for any reason (or no reason at all) by the City Council. Except upon the event that the City terminates Employee's employment for being guilty of: a crime, the commission of an act of moral turpitude, the commission of any act constituting an abuse of Employee's public office under the laws of the State of California or the performance of an act of gross negligence (any of which shall be deemed as being reason(s) to terminate Employee's employment under this Agreement as being "for cause"), then, in all such other circumstances of Employee's termination, Employee shall receive three (3) month's severance pay. This severance payment will be made in three (3) monthly installments to the Employee beginning at the date of termination. Employee understands and acknowledges that in the event City terminates Employee's employment with City "for cause" as defined above, Employee will not be eligible to receive said three (3) month severance pay.

In like manner, nothing in this contract shall interfere with the right of the Employee to resign at any time.

Prior to payment by the City of any Severance, and as an express condition to receiving such Severance or Supplemental Severance, Employee shall sign and deliver to the City a waiver in the form of a release that fully releases the City (including employees, officers, and agents) from all claims by Employee.

## 8. Compensation and Benefits

Employee shall be paid a base salary of \$13,355 per month effective as of the adoption date of this Agreement and the start date of Employee's employment with the City. The salary shall be payable in installments at the same time the other Management employees of the City are paid.

Consideration shall be given annually on July 1 to increase compensation consistent with the amounts identified in the current Management, Mid-Management, Confidential and Unrepresented (MMCU) Agreement based upon the evaluative process discussed in Section Six (6) – Performance Evaluation above.

City shall not at any time during the term of this contract reduce the salary, compensation, or other benefits of the Electric Utility Director below the initial offer of compensation, except to the degree of such reduction for all Management employees of the City.

Retirement: Employee shall pay the Employee's Public Employees' Retirement System (PERS) contribution of seven percent (7%) effective the first pay period after the adoption of this agreement.

Sick Leave/Vacation: Sick leave and vacation accruals and their use shall be the same as provided to Management employees of the City as stated in Resolution 2022-R-023. However, as an exception and in recognition of the Employee's long-term professional service, the Employee shall receive sick leave and vacation accruals at the level of 22 years of service.

Health, Dental and Vision: City agrees to pay insurance premiums for health, dental and vision plans Employee participates in, including coverage for his family consistent with the amounts identified in the current Management, Mid-Management, Confidential and Unrepresented (MMCU) Agreement.

Professional Memberships: Subject to approval by the City, the City agrees to provide for membership in any trade appropriate and position appropriate associations and/or organizations. The Employee is also authorized participation in two (2) annual conferences and meetings of organizations, which provide professional information to Employee relative to his performance as Electric Utility Director of the City of Gridley. Attendance and participation in any conference(s) or symposium(s) shall be subject to City Council approval, availability of funds and within the fiscal year's budget.

Administrative Leave: Per current resolution there is available to the Employee one hundred twenty (120) hours of paid administrative leave each fiscal year. All unused administrative leave shall be paid out at the standard hourly rate. There shall be no accrual of administrative leave from one fiscal year to another. For the initial fiscal year of this employment agreement, the Employee shall be provided 60 hours towards fiscal year 2022/2023 after which the full 120 hours shall be available in subsequent fiscal years.

Car Allowance: City agrees to provide the Employee with a vehicle for use.

## 9. Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any claim or demand or other legal action arising out of an alleged act or omission occurring in the performance of Employee's duties as Electric Utility Director or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the alleged acts or omissions include or involve allegations of intentional, willful or wanton conduct which, if established by a preponderance of the evidence, would support Employee's termination for cause. Employee may request and the Employer shall not unreasonably refuse to provide to Employee independent legal representation at Employer's expense of Employer's choosing. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The litigation expense payments and indemnification obligations shall continue beyond Employee's service to the Employer if litigation is pending. Any settlement of any claim must be made with prior approval of the Employer for indemnification, as provided in this Section, to be available.

Employee recognizes that Employer shall have the right to compromise or settle any claim or suit. If the compromise or settlement is of a personal nature to Employee, Employee may request that the settlement include a statement that the Employee denies any wrongdoing. Further, Employer agrees to pay Employee reasonable travel expenses when Employee serves as a witness, advisor, or consultant to Employer regarding pending litigation if the Employee is no longer employed by the Employer.

## 10. Notices

Notices pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

The City: Mayor and City Council  
685 Kentucky Street  
Gridley, CA 95948

Employee: Jake Carter  
154 Lee Street  
St. Helens, OR 97051

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice during transmission in the United States Postal Service.

## 11. Other Terms and Conditions of Employment

The City, only upon agreement with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the Agreement, the Gridley Municipal Code, or any other law.

## 12. General Provisions

This Agreement sets forth and establishes the entire understanding between the City and the Employee relating to the employment of the Employee by the City. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the agreement. Such amendments shall be incorporated and made a part of this agreement.

This agreement shall be binding upon and inure to the benefit of the successors, assigns, heirs at law and personal representative of the Employee.

If any provisions, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the City has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by person named below, and Employee has signed and executed this Agreement, on the day and year written below.

Employee:

Jake Carter      12/23/22  
Jake Carter      Date

For City of Gridley:

\_\_\_\_\_  
Mike Farr, Mayor      Date

Approved as to Form:

\_\_\_\_\_  
Anthony E. Galyean      Date  
City Attorney

Attest:

\_\_\_\_\_  
City Clerk      Date



## City of Gridley City Council Committees

January 16, 2023

| Committee                                     | When / Where   | Representative   |
|---|--|------------------|
| Butte Subbasin Advisory Board                 | Rotates among members  | Farr/Johnson     |
| Sutter Butte Flood Control Agency             | 2nd Wednesday, 1:00 p.m., 1201 Civic Center Drive, YC          | Bruce Johnson    |
| Butte County Assn. of Gov'ts.                 | 4th Thursday, 9:00 a.m., 326 Huss Drive, Suite 100, Chico      | Calderon/Sanchez |
| Butte County Air Quality                      | Following BCAG meeting (listed above)                          | Calderon/Sanchez |
| LAFCo Commission                              | 1st Thursday at 9:00 a.m., 25 County Center Dr., Oroville      | Bruce Johnson    |
| N.C.P.A.                                      | 3rd Thursday, 10:30 a.m., 651 Commerce Dr., Roseville          | Sanchez/Farr     |
| Butte County Solid Waste JPA                  | No regular schedule  | Calderon/Johnson |
| Local Agency Task Force (solid waste)         | No regular schedule  | Calderon/Johnson |
| Mosquito Abatement                            | 2nd Wednesday, 4:00 p.m. alternates Chico/Oroville             | Bruce Johnson    |
| Hospital JPA                                  | As needed (very infrequent)                                    | Calderon/Johnson |
| Loan Committee                                | As needed  | Sanchez          |
| Gridley Chamber of Commerce                   | Second Monday of the Month                                     | James Roberts    |
| Red Suspenders Committee                      | Bi-weekly Meetings 3 Months Prior                              | James Roberts    |
| Winter Festival Committee                     | Bi-weekly Meetings 3 Months Prior                              | James Roberts    |
| Council Human Resources                       | As needed  | Johnson/Farr     |
| Disaster Council                              | As needed  | Calderon/Johnson |
| Butte Co. Continuum of Care                   | 3 <sup>rd</sup> Monday, 1:00 to 3:00 pm, Virtual via Zoom      | Calderon/TBD     |
| Butte County Emergency Medical Advisory Group | 3 <sup>rd</sup> Wednesday every two months at 1:00 pm via Zoom | Calderon/Johnson |





**City Council Agenda Item #4**  
**Staff Report**

**Date:** January 23, 2023

**To:** Mayor and City Council

**From:** Cliff Wagner, City Administrator

**Subject:** Gridley 2022 Sports Complex Phase 1 RRT Project (Proj # TX-04-002)

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|          |           |
|----------|-----------|
| <b>X</b> | Regular   |
|          | Special   |
|          | Closed    |
|          | Emergency |

**Recommendation**

City staff respectfully recommends that the Mayor and City Council approve the Task Order 16-607-402 for Bennett Engineering Services (BEN|EN) to manage, design, prepare construction documents, permit, bid and provide construction management for the Gridley 2022 Sports Complex Phase 1 RRT Project.

**Background**

On August 18, 2022 the city received a letter from the California Department of Parks and Recreation inform the City that they were selected for funding through the Proposition 68 Rural Recreation and Tourism Program (RRT). The City has been awarded a \$3,000,000 grant which will include the design and construction of Phase 1 of the Gridley Sports Complex. Phase 1 will include multi-use sports fields with lighting, shade trees, educational signage, restroom/concession stand, a safe changing space, benches and tables, and a drinking fountain with bottle refill station.

In addition to grant, and project management, BEN|EN will provide design, bid documents, bidding assistance, and construction management, and close out for the project. All pre-construction dollars are eligible for reimbursement of up to \$549,000 starting on August 18, 2022, and until construction begins. The remaining grant dollars will be used toward construction. The grant requires that the park is open to the public by January 2025, and is operated and maintained for public use for 30 years. To meet the deadline of grant it is anticipated that construction will begin in June 2024 and end in December 2024.

**Financial Impact –**

At this time there is no anticipated financial impact, other than the dollars that were spent and paid by the City to pursue the grant funding. The Grant Contract is under review by the State and is anticipated to be received by the City very soon.

**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. This project meets the Open Space Goal 4 of the 2030 General Plan, “To ensure adequate outdoor recreational open space to meet local needs as the City grows.”

**Attachments**

BEN|EN Task Order 16607-402

January 12, 2023

Cliff Wagner, City Administrator  
City of Gridley  
685 Kentucky Street  
Gridley, CA 95948

Re: Task Order No. 16-607-402 – Gridley 2022 Sports Complex Phase 1 RRT Project (Proj # TX-04-002)

This Task Order authorizes Bennett Engineering Services Inc to provide the professional services described below. Services are to be performed in accordance with the Agreement dated October 17, 2016 between the City of Gridley and Bennett Engineering Services, as amended.

**Project Name:** Sports Complex Phase 1 RRT Project (Proj # TX-04-002)

**Scope of Work:** Services to include grant and project management, design, bid documents, bidding assistance, construction management and close out for the project; see Exhibit A: Scope of Services.

**Budget:** Not to exceed \$490,000. To be invoiced at Standard Rates per agreement, as amended, see Exhibit B: Fee Estimate.

Requested by:



Dave Harden, P.E. – City Engineer

## City of Gridley

Approved: \_\_\_\_\_  
Cliff Wagner, City Administrator

Date: \_\_\_\_\_

## Bennett Engineering Services

Approved: \_\_\_\_\_  
Stacey Lynch, Vice President

Date: \_\_\_\_\_

Cc: DH,AH

- *Two (2) project presentations*

### **TASK 3. Construction Documents**

BEN|EN and their subconsultants will prepare construction documents for the RRT Grant Sports Complex Phase 1 project based on input received during the design development phase. It is anticipated that the Plans will include but are not limited to:

- Title Sheet – 1
- General Notes Sheet – 1
- Existing Conditions and Demolition Plan – 1
- Site Plan – 1
- Irrigation Plan – 4
- Planting Plan – 2
- Construction Details – 4
- Grading and Drainage Plan – 4
- Utility Sheets – 3
- Civil Details – 3
- Wall Sheets – 3
- Erosion Control Plan – 2
- Electrical Sheets - 10

#### **Subtask 3.1. 60% Design Documents**

BEN|EN and their subconsultants will prepare 60% Plans, an opinion of probable construction costs and list of technical specifications for review by the City and Butte County.

#### **Subtask 3.2. 90% Design Documents**

BEN|EN and their subconsultants will prepare 90% Plans, an opinion of probable cost and technical specifications for review by the City and Butte County.

#### **Subtask 3.3. Bid Set Construction Documents**

BEN|EN and their subconsultants will prepare Bid Set Plans, an opinion of probable cost and bid set specifications for the City to request bids.

### **DELIVERABLES:**

- *60% Plans, Probable Construction Cost and list of Technical Specifications*
- *90% Plans, Probable Construction Cost and Technical Specifications*
- *Bid Set Plans, Probable Construction Cost and Specifications*

### **TASK 4. Permitting and Compliance**

#### **Subtask 4.1. Stormwater Pollution Prevention Plan**

The Stormwater Pollution Prevention Plan (SWPPP) will be prepared by the City of Gridley Staff (planning). Monitoring and Reporting by the City of Gridley Staff (Planner). BEN|EN will assist the planner in providing Erosion Control Plans, and other documentation that may be required. City planner will bill the City separately for their time.

#### **Subtask 4.2. Permitting**

Upon completion of the Bid Set Documents, BEN|EN will submit to the County for the appropriate permits, such as building permit. Utility service connection application and permitting will also be done as part of this task.

## **DELIVERABLES:**

- *Stormwater Pollution Prevention Plan*
- *Permits*

## **TASK 5. Bidding and Construction Assistance**

### **Subtask 5.1. Bid Assistance**

BEN|EN will assist the City in preparing Addendums, answering questions and attending meetings during the bidding phase. BEN|EN will assist the City by preparing a bid summary.

### **Subtask 5.2. Construction Assistance**

BEN|EN will assist the City to address questions, review change orders, provide design support, review submittals, and make project site visits during the construction phase.

## **ASSUMPTIONS:**

- *One (1) pre-bid meeting*
- *One (1) Addendum package*
- *Five (5) Request for Information's*

## **DELIVERABLES**

- *Pre bid meeting materials*
- *Addendum package*
- *Bid Summary, Bid Recommendation, Notice of Award, Notice to Proceed*
- *Request for Information's (5)*

## **TASK 6. Construction Inspection and Management**

### **Subtask 6.1. Construction Inspection**

BEN|EN will provide an inspector for work related to grading, underground wet utilities, paving, and other work related to the civil sheets. BEN|EN's subconsultant will provide inspection of irrigation and related tree work. The City Planner will provide Stormwater Pollution Prevention inspection as needed and will bill their time separately to the City.

### **Subtask 6.2. Prepare and Process Progress Pay Estimates**

BEN|EN will review contractor pay estimates for consistency with progress of the project. Project billings and retention will be tracked and logged.

### **Subtask 6.3. Site Meeting(s) with Contractor**

BEN|EN will schedule and coordination site meeting with the Contractor, City Staff, and other necessary personnel to discuss issues and schedule. BEN|EN and their subconsultants will attend meetings as necessary.

## **ASSUMPTIONS:**

- *Inspection will be required on average 2 days per week during the construction period. (48 days)*
- *Assumes two (2) site meetings per month during the construction period (12 meetings)*
- *Gridley Biggs Electric will inspect the Electrical Work*

## **DELIVERABLES**

- *Inspection Logs*
- *Compliance Letters*
- *Contractors Pay Log*

Exhibit B: Fee Estimate

Client: City of Gridley

Consultant: Bennett Engineering Services Inc

Project: RRT Grant - Sports Complex Phase 1

Date: January 12, 2023



| Fee Estimate                                      | Project Manager IV<br>210 \$/hr |          | Engineer IV<br>195 \$/hr |          | Engineer II<br>168 \$/hr |           | Labor Compliance Specialist<br>110 \$/hr |         | Project Controls Specialist<br>100 \$/hr |         | BEN EN Subtotal |           | MISC. EXPENSES | WDSLA    | Electrical | Labor Compliance | Construction Management | TOTAL     |
|---|---------------------------------|----------|--------------------------|----------|--------------------------|-----------|--|---------|--|---------|-----------------|-----------|----------------|----------|------------|------------------|-------------------------|-----------|
|   | Qty                             | Cost     | Qty                      | Cost     | Qty                      | Cost      | Qty                                      | Cost    | Qty                                      | Cost    | Qty             | Cost      |                | Contract | Contract   | Contract         | Contract                |           |
|   |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| Task 1 Grant Management                           |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| 1.1. Meeting and Coordination with CA State Parks | 30 hrs                          | \$6,300  | hrs                      | \$0      | 30 hrs                   | \$5,040   | hrs                                      | \$0     | hrs                                      | \$0     | 60 hrs          | \$11,340  | \$570          | \$1,150  | \$0        | \$0              | \$0                     | \$13,060  |
| 1.2. Reimbursement Requests                       | 10 hrs                          | \$2,100  | hrs                      | \$0      | 45 hrs                   | \$7,560   | hrs                                      | \$0     | 20 hrs                                   | \$2,000 | 75 hrs          | \$11,660  | \$580          | \$0      | \$0        | \$0              | \$0                     | \$12,240  |
| 1.3. Labor Compliance                             | hrs                             | \$0      | hrs                      | \$0      | 15 hrs                   | \$2,520   | 40 hrs                                   | \$4,400 | hrs                                      | \$0     | 55 hrs          | \$6,920   | \$350          | \$0      | \$0        | \$9,775          | \$0                     | \$17,045  |
| Subtotal  | 40 hrs                          | \$8,400  | hrs                      | \$0      | 90 hrs                   | \$15,120  | 40 hrs                                   | \$4,400 | 20 hrs                                   | \$2,000 | 190 hrs         | \$29,920  | \$1,500        | \$1,150  | \$0        | \$9,775          | \$0                     | \$42,345  |
| Task 2 Project Management and Quality Control     |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| 2.1. Project Management                           | 60 hrs                          | \$12,600 | hrs                      | \$0      | 40 hrs                   | \$6,720   | 22 hrs                                   | \$2,420 | 22 hrs                                   | \$2,200 | 144 hrs         | \$23,940  | \$1,200        | \$0      | \$0        | \$0              | \$0                     | \$25,140  |
| 2.2. Quality Control                              | 8 hrs                           | \$1,680  | 30 hrs                   | \$5,850  | hrs                      | \$0       | hrs                                      | \$0     | hrs                                      | \$0     | 38 hrs          | \$7,530   | \$400          | \$0      | \$0        | \$0              | \$0                     | \$7,930   |
| Subtotal  | 68 hrs                          | \$14,280 | 30 hrs                   | \$5,850  | 40 hrs                   | \$6,720   | 22 hrs                                   | \$2,420 | 22 hrs                                   | \$2,200 | 182 hrs         | \$31,470  | \$1,600        | \$0      | \$0        | \$0              | \$0                     | \$33,070  |
| Task 3 Construction Documents                     |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| 3.1. 60% Design Documents                         | 40 hrs                          | \$8,400  | 30 hrs                   | \$5,850  | 90 hrs                   | \$15,120  | hrs                                      | \$0     | hrs                                      | \$0     | 160 hrs         | \$29,370  | \$1,467        | \$19,320 | \$12,650   | \$0              | \$0                     | \$62,807  |
| 3.2. 90% Design Documents                         | 30 hrs                          | \$6,300  | 20 hrs                   | \$3,900  | 80 hrs                   | \$13,440  | hrs                                      | \$0     | hrs                                      | \$0     | 130 hrs         | \$23,640  | \$1,100        | \$19,090 | \$12,650   | \$0              | \$0                     | \$56,480  |
| 3.3. Bid Set Construction Documents               | 40 hrs                          | \$8,400  | 10 hrs                   | \$1,950  | 70 hrs                   | \$11,760  | hrs                                      | \$0     | hrs                                      | \$0     | 120 hrs         | \$22,110  | \$1,110        | \$19,090 | \$11,500   | \$0              | \$0                     | \$53,810  |
| Subtotal  | 110 hrs                         | \$23,100 | 60 hrs                   | \$11,700 | 240 hrs                  | \$40,320  | hrs                                      | \$0     | hrs                                      | \$0     | 410 hrs         | \$75,120  | \$3,677        | \$57,500 | \$36,800   | \$0              | \$0                     | \$173,097 |
| Task 4 Permitting and Compliance                  |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| 4.1. Stormwater Pollution Prevention Plan         | 8 hrs                           | \$1,680  | hrs                      | \$0      | 8 hrs                    | \$1,344   | hrs                                      | \$0     | hrs                                      | \$0     | 16 hrs          | \$3,024   | \$150          | \$0      | \$0        | \$0              | \$0                     | \$3,174   |
| 4.2. Permitting                                   | 20 hrs                          | \$4,200  | hrs                      | \$0      | 20 hrs                   | \$3,360   | hrs                                      | \$0     | hrs                                      | \$0     | 40 hrs          | \$7,560   | \$100          | \$1,150  | \$0        | \$0              | \$0                     | \$8,810   |
| Subtotal  | 28 hrs                          | \$5,880  | hrs                      | \$0      | 28 hrs                   | \$4,704   | hrs                                      | \$0     | hrs                                      | \$0     | 56 hrs          | \$10,584  | \$250          | \$1,150  | \$0        | \$0              | \$0                     | \$11,984  |
| Task 5 Bidding and Construction Assistance        |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| 5.1. Bid Assistance                               | 20 hrs                          | \$4,200  | hrs                      | \$0      | 30 hrs                   | \$5,040   | hrs                                      | \$0     | hrs                                      | \$0     | 50 hrs          | \$9,240   | \$460          | \$5,750  | \$2,300    | \$0              | \$0                     | \$17,750  |
| 5.2. Construction Assistance                      | 20 hrs                          | \$4,200  | hrs                      | \$0      | 30 hrs                   | \$5,040   | hrs                                      | \$0     | hrs                                      | \$0     | 50 hrs          | \$9,240   | \$460          | \$5,750  | \$6,900    | \$0              | \$0                     | \$22,350  |
| Subtotal  | 40 hrs                          | \$8,400  | hrs                      | \$0      | 60 hrs                   | \$10,080  | hrs                                      | \$0     | hrs                                      | \$0     | 100 hrs         | \$18,480  | \$920          | \$11,500 | \$9,200    | \$0              | \$0                     | \$40,100  |
| Task 6 Construction Management                    |                                 |          |                          |          |                          |           |  |         |  |         |                 |           |                |          |            |                  |                         |           |
| 6.1. Construction Inspection                      | 20 hrs                          | \$4,200  | hrs                      | \$0      | 80 hrs                   | \$13,440  | hrs                                      | \$0     | hrs                                      | \$0     | 100 hrs         | \$17,640  | \$880          | \$5,750  | \$0        | \$0              | \$0                     | \$24,270  |
| 6.2. Prepare and Process Progress Pay Estimates   | 15 hrs                          | \$3,150  | hrs                      | \$0      | 30 hrs                   | \$5,040   | hrs                                      | \$0     | hrs                                      | \$0     | 45 hrs          | \$8,190   | \$410          | \$0      | \$0        | \$0              | \$0                     | \$8,600   |
| 6.3. Site Meetings(s) with Contractor             | 30 hrs                          | \$6,300  | hrs                      | \$0      | 48 hrs                   | \$8,064   | hrs                                      | \$0     | hrs                                      | \$0     | 78 hrs          | \$14,364  | \$720          | \$9,200  | \$0        | \$0              | \$132,250               | \$156,534 |
| Subtotal  | 65 hrs                          | \$13,650 | hrs                      | \$0      | 158 hrs                  | \$26,544  | hrs                                      | \$0     | hrs                                      | \$0     | 223 hrs         | \$40,194  | \$2,010        | \$14,950 | \$0        | \$0              | \$132,250               | \$189,404 |
| PROJECT TOTAL                                     | 351 hrs                         | \$73,710 | 90 hrs                   | \$17,550 | 616 hrs                  | \$103,488 | 62 hrs                                   | \$6,820 | 42 hrs                                   | \$4,200 | 1161 hrs        | \$205,768 | \$9,957        | \$86,250 | \$46,000   | \$9,775          | \$132,250               | \$490,000 |

- Additional Fee Information**
- This fee estimate is valid for 90 days from the date show above.
  - This fee estimate contains an abbreviated list of staff classifications and does not restrict BEN|EN to those classifications. The Standard Rate Schedule with a full list of staff classifications is available upon request.
  - This fee estimate contains an approximation of the breakdown between labor, expense, and consultants. BEN|EN reserves the rights to distribute funds differently based on project needs.
  - Standard hourly rates do not apply to a demand to perform work during an overtime period. Work required to be performed during an overtime period (as mandated by California law) may be charged at a 50% premium. Work mandated by Prevailing Wage laws may be
  - Hourly rates include all compensation for wages, salary-related benefits, overhead, general office administration, and profit. Direct project administrative hours will be billed at the rate shown above.
  - Classifications may be added or removed as-needed without notice.
  - Changes in the requested scope of work or projected schedule may result in the revision of the proposed fees and amendment to the total contract amount.
  - Rates are subject to change annually effective July 1st.

INITIALS:

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**City Council Agenda Item #5**  
Staff Report

**Date:** January 23, 2023  
**To:** Mayor and City Council  
**From:** Cliff Wagner, City Administrator  
**Subject:** 2023 City of Gridley Public Works Design and Construction Standards Details and Specifications Update

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|          |           |
|----------|-----------|
| <b>X</b> | Regular   |
|          | Special   |
|          | Closed    |
|          | Emergency |

**Recommendation**

City staff respectfully recommends that the Mayor and City Council approve the Task Order 16-607-600 for Bennett Engineering Services (BEN|EN) to update existing Public Works Construction Standard details and specifications and develop new standard details and specifications that may be required or useful to the City to meet industry standards. The Standard Details and Specifications will include general design and construction, water system, drainage system, wastewater system, streets and electrical details and specifications. The update is expected to include redrafting of 77 existing details and drafting of 30 new details for a total of approximately 107 details. The standards will be rewritten to provide current industry standard language, current government codes, and additional requirements.

**Background**

The City of Gridley is experiencing significant growth and development in both residential, commercial, and industrial industries. Standard details and specifications provide the general terms and conditions, requirements of the City that govern planning, design, construction, installation, and maintenance of any improvement within the public right of way and public utility easements. A new and revised set of standard details and specifications will provide clear, concise, and correct direction to future developers and contractors that do work within the City of Gridley.

The City of Gridley amended the Public Works Construction Standards on December 5, 2022, with two updated details for curb, gutter and sidewalk to support new construction technologies. The remainder of the standards are about 30 years old and are not in accordance with most current industry standards.

**Financial Impact**

This effort is estimated to cost \$110,705 for engineering and drafting. The financial impact will be divided across enterprise funds and general funds. A portion of the budget will be added to this year's Capital Improvement Projects supplementing other projects that were not completed, the remainder will be added to the following fiscal year's capital improvement plan.

**Compliance with City Council Strategic Plan or Budget Goals**

This report is consistent with our efforts to comply with the City of Gridley Municipal Code and advance the best standard and practices.

**Attachments**

BEN|EN Task Order 16607-600

January 11, 2023

Cliff Wagner, City Administrator  
City of Gridley  
685 Kentucky Street  
Gridley, CA 95948



Re: Task Order No. 16-607-600 – 2023 City of Gridley Public Works Design and Construction Standard Details and Specifications Update

This Task Order authorizes Bennett Engineering Services Inc to provide the professional services described below. Services are to be performed in accordance with the Agreement dated October 17, 2016 between the City of Gridley and Bennett Engineering Services, as amended.

**Project Name:** 2023 City of Gridley Public Works Design and Construction Standard Details and Specifications Update

**Scope of Work:** Services to include the updating of existing and development of new design and construction standard details and specifications to meet industry standards for water, wastewater, drainage, streets, electrical, and general standards; see Exhibit A: Scope of Services.

**Budget:** Not to exceed \$110,705. To be invoiced at Standard Rates agreement, as amended, see Exhibit B: Fee Estimate.

Requested by:

A handwritten signature in black ink, appearing to read "Dave Harden", is positioned above the name Dave Harden, P.E. – City Engineer.

Dave Harden, P.E. – City Engineer

**City of Gridley**

Approved: \_\_\_\_\_  
Cliff Wagner, City Administrator

Date: \_\_\_\_\_

**Bennett Engineering Services**

Approved: \_\_\_\_\_  
Stacey Lynch, Vice President

Date: \_\_\_\_\_

Cc: DH



# Exhibit A: Scope of Services



Bennett Engineering Services +  
Y&C Transportation Consultants

1082 Sunrise Avenue, Suite 100  
Roseville, CA 95661  
(916) 783-4100

Sacramento | Fremont | Milpitas

www.ben-en.com

Client: City of Gridley  
Consultant: Bennett Engineering Services Inc  
Project: 2023 City of Gridley Standard Details and Specifications Update (Task Order 16-607-600)  
Date: January 11, 2023

*Consultant's services shall be limited to those expressly set forth below, and Consultant shall have no other obligations or responsibilities for the Project or to the Client except as agreed to in writing or as provided in this Agreement. All of Consultant's services in any way related to the Project or Client shall be subject to the terms of this Agreement.*

## TASK 1. Project Management

### Subtask 1.1. Project Administration and Meetings

Bennett Engineering Services (BEN|EN) will manage the project schedule and integrate deliverables. BEN|EN will submit project invoicing monthly. BEN|EN's Project Manager will coordinate and attend meetings with City staff, provide meeting agendas and minutes as needed, and document project decisions. BEN|EN's Project Manager will attend the City Council Meeting for the approval of the Updated Standard Details and Specifications.

#### DELIVERABLES:

- Monthly invoicing
- Meeting agendas and minutes
- Schedule updates
- Staff Report
- Council Meeting Presentations

## TASK 2. General Standards

### Subtask 2.1. Draft Standard Details and Specifications

BEN|EN will develop updated details and specifications that do not fall under the specific enterprise funds (Water, Wastewater, Electrical) and are general to all design, development, and construction projects within the City. Upon completion of the Draft General Design and Construction Details, the Draft General Specifications will be written to support the Draft General Details, and other code requirements.

### Subtask 2.2. Final Standard Details and Specifications

BEN|EN will compile comments from City Staff during the Draft review process and update the Draft Details and Specifications accordingly. The Final Standard Details and Specifications will be presented to the City Council for adoption.

### Subtask 2.3. Constructability Review

BEN|EN with the assistance of their subconsultant will review the Standard Details and Specifications for constructability. Knowledge from previous construction and development projects will be utilized to update the standards.

#### DELIVERABLES:

- Draft General Standard Details and Specifications (PDF format)

INITIALS:

- *Final General Standard Details and Specifications (Binder of hardcopies, PDF's and CAD format)*

### **TASK 3. Water System Standards**

#### **Subtask 3.1. Draft Standard Details and Specifications**

BEN|EN will update the existing standard details and specifications and assess the current Water System Details and determine if additional details may be required or useful for the City. Upon completion of the Draft Water System Details, the Draft Water System Specifications will be written to act in accordance with the Draft Details, Department of Drinking Water requirements, Department of Water Resources requirements and Butte County requirements.

#### **Subtask 3.2. Final Standard Details and Specifications**

BEN|EN will compile comments from City Staff during the Draft review process and update the Draft Details and Specifications accordingly. The Final Standard Details and Specifications will be presented to the City Council for adoption.

#### **Subtask 3.3. Constructability Review**

BEN|EN with the assistance of their subconsultant will review the Standard Details and Specifications for constructability. Knowledge from previous construction and development projects will be utilized to update the standards.

#### **DELIVERABLES:**

- *Draft Water System Standard Details and Specifications (PDF format)*
- *Final Water System Standard Details and Specifications (Binder of hardcopies, PDF's and CAD format)*

### **TASK 4. Drainage System Standards**

#### **Subtask 4.1. Draft Standard Details and Specifications**

BEN|EN will update the existing standard details and specifications and assess the current list of Drainage System Details and determine if additional details may be required or useful for the City. Upon completion of the Draft Drainage System Details, the Draft Drainage System Specifications will be written to act in accordance with the Draft Details, local Reclamation District requirements, California State Water Resources Control Board requirements and Butte County requirements.

#### **Subtask 4.2. Final Standard Details and Specifications**

BEN|EN will compile comments from City Staff during the Draft review process and update the Draft Details and Specifications accordingly. The Final Standard Details and Specifications will be presented to the City Council for adoption.

#### **Subtask 4.3. Constructability Review**

BEN|EN with the assistance of their subconsultant will review the Standard Details and Specifications for constructability. Knowledge from previous construction and development projects will be utilized to update the standards.

#### **DELIVERABLES:**

- *Draft Drainage System Standard Details and Specifications (PDF format)*
- *Final Drainage System Standard Details and Specifications (Binder of hardcopies, PDF's and CAD format)*

## **TASK 5. Wastewater System Standards**

### **Subtask 5.1. Draft Standard Details and Specifications**

BEN|EN will update the existing standard details and specifications and assess the current list of Wastewater System Details and determine if additional details may be required or useful for the City. Upon completion of the Draft Wastewater System Details, the Draft Wastewater System Specifications will be written to act in accordance with the Draft Details, Gridley's Sanitary Sewer Management Plan requirements and Butte County requirements.

### **Subtask 5.2. Final Standard Details and Specifications**

BEN|EN will compile comments from City Staff during the Draft review process and update the Draft Details and Specifications accordingly. The Final Standard Details and Specifications will be presented to the City Council for adoption.

### **Subtask 5.3. Constructability Review**

BEN|EN with the assistance of their subconsultant will review the Standard Details and Specifications for constructability. Knowledge from previous construction and development projects will be utilized to update the standards.

#### **DELIVERABLES:**

- *Draft Wastewater System Standard Details and Specifications (PDF format)*
- *Final Wastewater System Standard Details and Specifications (Binder of hardcopies, PDF's and CAD format)*

## **TASK 6. Street Standards**

### **Subtask 6.1. Draft Standard Details and Specifications**

BEN|EN will update the existing standard details and specifications and assess the current list of Street Details and determine if additional details may be required or useful for the City. Upon completion of the Draft Street Details, the Draft Street Specifications will be written to act in accordance with the Draft Details, Caltrans Standard Specifications and Butte County requirements. Final Standard Details and Specifications

BEN|EN will compile comments from City Staff during the Draft review process and update the Draft Details and Specifications accordingly. The Final Standard Details and Specifications will be presented to the City Council for adoption.

### **Subtask 6.2. Constructability Review**

BEN|EN with the assistance of their subconsultant will review the Standard Details and Specifications for constructability. Knowledge from previous construction and development projects will be utilized to update the standards.

#### **DELIVERABLES:**

- *Draft Street Standard Details and Specifications (PDF format)*
- *Final Street Standard Details and Specifications (Binder of hardcopies, PDF's and CAD format)*

## **TASK 7. Electrical Standards**

### **Subtask 7.1. Draft Standard Details and Specifications**

BEN|EN will update the existing standard details and specifications and assess the current list of Electrical Details and determine if additional details may be required or useful for the City. Upon completion of the Draft Electrical Details, the Draft Electrical Specifications will be written to act in accordance with the Draft Details, Pacific Gas and Electric Standards (Greenbook) and Butte County requirements.

**Subtask 7.2. Final Standard Details and Specifications**

BEN|EN will compile comments from City Staff during the Draft review process and update the Draft Details and Specifications accordingly. The Final Standard Details and Specifications will be presented to the City Council for adoption.

**Subtask 7.3. Constructability Review**

BEN|EN with the assistance of their subconsultant will review the Standard Details and Specifications for constructability. Knowledge from previous construction and development projects will be utilized to update the standards.

**DELIVERABLES:**

- *Draft Electrical Standard Details and Specifications (PDF format)*
- *Final Electrical Standard Details and Specifications (Binder of hardcopies, PDF's and CAD format)*

## Exhibit B: Fee Estimate

Client: City of Gridley

Consultant: Bennett Engineering Services Inc

Project: 2023 City of Gridley Public Works Design and Construction Standard Details and Specifications Update (Task Order 16-607-600)

Date: January 11, 2023



| Fee Estimate                                   | Project Manager IV<br>210 \$/hr |                 | Engineer II<br>168 \$/hr |                 | Project Controls Specialist<br>100 \$/hr |              | BEN EN Subtotal |                 | MISC. EXPENSES | Civil Engineering Construction Inc.<br>Contract | TOTAL            |
|--|---------------------------------|-----------------|--------------------------|-----------------|--|--------------|-----------------|-----------------|----------------|---|------------------|
|  | Qty                             | Cost            | Qty                      | Cost            | Qty                                      | Cost         | Qty             | Cost            |                |   |                  |
| <b>Task 1 Project Management</b>               |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 1.1. Project Administration and Meetings       | 16 hrs                          | \$3,360         | 4 hrs                    | \$672           | 9 hrs                                    | \$900        | 29 hrs          | \$4,932         | \$450          | \$0   | \$5,382          |
| <b>Subtotal</b>                                | <b>16 hrs</b>                   | <b>\$3,360</b>  | <b>4 hrs</b>             | <b>\$672</b>    | <b>9 hrs</b>                             | <b>\$900</b> | <b>29 hrs</b>   | <b>\$4,932</b>  | <b>\$450</b>   | <b>\$0</b>                                      | <b>\$5,382</b>   |
| <b>Task 2 - General Standards</b>              |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 2.1. Draft Standard Details and Specifications | 8 hrs                           | \$1,680         | 15 hrs                   | \$2,520         | hrs                                      | \$0          | 23 hrs          | \$4,200         | \$50           | \$0   | \$4,250          |
| 2.2. Final Standard Details and Specifications | 8 hrs                           | \$1,680         | 15 hrs                   | \$2,520         | hrs                                      | \$0          | 23 hrs          | \$4,200         | \$100          | \$0   | \$4,300          |
| 2.3. Constructability Review                   | 6 hrs                           | \$1,260         | 6 hrs                    | \$1,008         | hrs                                      | \$0          | 12 hrs          | \$2,268         | \$50           | \$2,013   | \$4,331          |
| <b>Subtotal</b>                                | <b>22 hrs</b>                   | <b>\$4,620</b>  | <b>36 hrs</b>            | <b>\$6,048</b>  | <b>hrs</b>                               | <b>\$0</b>   | <b>58 hrs</b>   | <b>\$10,668</b> | <b>\$200</b>   | <b>\$2,013</b>                                  | <b>\$12,881</b>  |
| <b>Task 3 - Water System Standards</b>         |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 3.1. Draft Standard Details and Specifications | 11 hrs                          | \$2,310         | 22 hrs                   | \$3,696         | hrs                                      | \$0          | 33 hrs          | \$6,006         | \$50           | \$0   | \$6,056          |
| 3.2. Final Standard Details and Specifications | 11 hrs                          | \$2,310         | 22 hrs                   | \$3,696         | hrs                                      | \$0          | 33 hrs          | \$6,006         | \$100          | \$0   | \$6,106          |
| 3.3. Constructability Review                   | 6 hrs                           | \$1,260         | 11 hrs                   | \$1,848         | hrs                                      | \$0          | 17 hrs          | \$3,108         | \$50           | \$4,428   | \$7,586          |
| <b>Subtotal</b>                                | <b>28 hrs</b>                   | <b>\$5,880</b>  | <b>55 hrs</b>            | <b>\$9,240</b>  | <b>hrs</b>                               | <b>\$0</b>   | <b>83 hrs</b>   | <b>\$15,120</b> | <b>\$200</b>   | <b>\$4,428</b>                                  | <b>\$19,748</b>  |
| <b>Task 3 - Drainage System Standards</b>      |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 4.1. Draft Standard Details and Specifications | 11 hrs                          | \$2,310         | 23 hrs                   | \$3,864         | hrs                                      | \$0          | 34 hrs          | \$6,174         | \$50           | \$0   | \$6,224          |
| 4.2. Final Standard Details and Specifications | 11 hrs                          | \$2,310         | 23 hrs                   | \$3,864         | hrs                                      | \$0          | 34 hrs          | \$6,174         | \$100          | \$0   | \$6,274          |
| 4.3. Constructability Review                   | 6 hrs                           | \$1,260         | 11 hrs                   | \$1,848         | hrs                                      | \$0          | 17 hrs          | \$3,108         | \$50           | \$4,629   | \$7,787          |
| <b>Subtotal</b>                                | <b>28 hrs</b>                   | <b>\$5,880</b>  | <b>57 hrs</b>            | <b>\$9,576</b>  | <b>hrs</b>                               | <b>\$0</b>   | <b>85 hrs</b>   | <b>\$15,456</b> | <b>\$200</b>   | <b>\$4,629</b>                                  | <b>\$20,285</b>  |
| <b>Task 4 - Wastewater System Standards</b>    |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 5.1. Draft Standard Details and Specifications | 5 hrs                           | \$1,050         | 10 hrs                   | \$1,680         | hrs                                      | \$0          | 15 hrs          | \$2,730         | \$50           | \$0   | \$2,780          |
| 5.2. Final Standard Details and Specifications | 5 hrs                           | \$1,050         | 10 hrs                   | \$1,680         | hrs                                      | \$0          | 15 hrs          | \$2,730         | \$100          | \$0   | \$2,830          |
| 5.3. Constructability Review                   | 2 hrs                           | \$420           | 5 hrs                    | \$840           | hrs                                      | \$0          | 7 hrs           | \$1,260         | \$50           | \$2,013   | \$3,323          |
| <b>Subtotal</b>                                | <b>12 hrs</b>                   | <b>\$2,520</b>  | <b>25 hrs</b>            | <b>\$4,200</b>  | <b>hrs</b>                               | <b>\$0</b>   | <b>37 hrs</b>   | <b>\$6,720</b>  | <b>\$200</b>   | <b>\$2,013</b>                                  | <b>\$8,933</b>   |
| <b>Task 5 - Street Standards</b>               |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 6.1. Draft Standard Details and Specifications | 21 hrs                          | \$4,410         | 42 hrs                   | \$7,056         | hrs                                      | \$0          | 63 hrs          | \$11,466        | \$50           | \$0   | \$11,516         |
| 6.2. Final Standard Details and Specifications | 21 hrs                          | \$4,410         | 42 hrs                   | \$7,056         | hrs                                      | \$0          | 63 hrs          | \$11,466        | \$100          | \$0   | \$11,566         |
| 6.3. Constructability Review                   | 11 hrs                          | \$2,310         | 21 hrs                   | \$3,528         | hrs                                      | \$0          | 32 hrs          | \$5,838         | \$50           | \$8,050   | \$13,938         |
| <b>Subtotal</b>                                | <b>53 hrs</b>                   | <b>\$11,130</b> | <b>105 hrs</b>           | <b>\$17,640</b> | <b>hrs</b>                               | <b>\$0</b>   | <b>158 hrs</b>  | <b>\$28,770</b> | <b>\$200</b>   | <b>\$8,050</b>                                  | <b>\$37,020</b>  |
| <b>Task 7 - Electrical Standards</b>           |                                 |                 |                          |                 |  |              |                 |                 |                |   |                  |
| 7.1. Draft Standard Details and Specifications | 8 hrs                           | \$1,680         | 8 hrs                    | \$1,344         | hrs                                      | \$0          | 16 hrs          | \$3,024         | \$50           | \$0   | \$3,074          |
| 7.2. Final Standard Details and Specifications | 8 hrs                           | \$1,680         | 2 hrs                    | \$336           | hrs                                      | \$0          | 10 hrs          | \$2,016         | \$100          | \$0   | \$2,116          |
| 7.3. Constructability Review                   | 2 hrs                           | \$420           | 2 hrs                    | \$336           | hrs                                      | \$0          | 4 hrs           | \$756           | \$50           | \$460   | \$1,266          |
| <b>Subtotal</b>                                | <b>18 hrs</b>                   | <b>\$3,780</b>  | <b>12 hrs</b>            | <b>\$2,016</b>  | <b>hrs</b>                               | <b>\$0</b>   | <b>30 hrs</b>   | <b>\$5,796</b>  | <b>\$200</b>   | <b>\$460</b>                                    | <b>\$6,456</b>   |
| <b>PROJECT TOTAL</b>                           | <b>177 hrs</b>                  | <b>\$37,170</b> | <b>294 hrs</b>           | <b>\$49,392</b> | <b>9 hrs</b>                             | <b>\$900</b> | <b>480 hrs</b>  | <b>\$87,462</b> | <b>\$1,650</b> | <b>\$21,593</b>                                 | <b>\$110,705</b> |

### Additional Fee Information

- ▶ This fee estimate is valid for 90 days from the date shown above.
- ▶ This fee estimate contains an abbreviated list of staff classifications and does not restrict BEN|EN to those classifications. The Standard Rate Schedule with a full list of staff classifications is available upon request.
- ▶ This fee estimate contains an approximation of the breakdown between labor, expense, and consultants. BEN|EN reserves the rights to distribute funds differently based on project needs.
- ▶ Standard hourly rates do not apply to a demand to perform work during an overtime period. Work required to be performed during an overtime period (as mandated by California law) may be charged at a 50% premium. Work mandated by Prevailing Wage laws may be charged at a 25% premium.
- ▶ Hourly rates include all compensation for wages, salary-related benefits, overhead, general office administration, and profit. Direct project administrative hours will be billed at the rate shown above.

INITIALS:

\_\_\_\_\_

\_\_\_\_\_



**City Council Item #6**  
Staff Report

**Date:** January 23, 2023

**To:** Mayor, City Council Members

**From:** Donna Decker, Planning Department

**Subject:** **Resolution No. 2023-R-001;** A Resolution to amend the General Plan land use designation from Industrial (I) to Commercial (C), and to adopt a Mitigated Negative Declaration. (APN 021-270-043, -044, and -014)

|          |           |
|----------|-----------|
| <b>X</b> | Regular   |
|          | Special   |
|          | Closed    |
|          | Emergency |

**Ordinance No. 843-2023 First reading by title only;** An application to rezone three parcels approximately 4.6 acres from Heavy Industrial (M-2) to General Commercial (C-2). (APN 021-270-043, -044, and -014)

**SDP 1-22; Application** for a site development plan to develop a 5,200 square foot convenience market, a 16-pump fuel canopy for autos, a 4-pump fuel canopy for tractor/trucks/semis, a 1,344 square foot carwash, and an 824-square foot coffee kiosk with 2 driveway accesses at SR 99 and West Liberty Road. (APN 021-270-043 and -044)

**LM 1-22;** An application to merge two parcels consisting of approximately 3.41-total acres, located on the northwest corner of West Liberty Road and State Route 99. (APN 021-270-043 and -044)

---

**Recommendation**

City staff respectfully recommends the City Council to:

1. Recommend the City Council adopt a resolution to amend the General Plan land use designation from Industrial to Commercial and to adopt a Mitigated Negative Declaration (APN 021-270-043, -044, and -014); and,
2. Recommend the City Council adopt an ordinance to rezone the approximately 4.6-acres consisting of three parcels being merged from Heavy Industrial (M-2) to General Commercial (C-2); and,
3. Approve Site Development Plan Review 1-22 to develop the 3.41-acre site with a fuel station, convenience market, and a coffee kiosk; (APN 021-270-043 and -044); and,
4. Approve the merger of two existing parcels for a combined area of 3.41-acres. (APN 021-270-043 and -044)

The applicant, Julio Tinajero, Milestone Engineering, on behalf of the owner, J & S Hospitality, who owns three parcels submitted applications requesting a General Plan amendment and rezone for all three parcels and to develop two of those parcels into a commercial development located at 1225 Hwy 99.

## Discussion

The subject site is a combined total of 3.41 acres consisting of two parcels being merged into one. The site is located at the northwest corner of SR 99 and West Liberty Road. This location recently had a street light installed at the time FEMA improved the Industrial Park for the Camp Fire emergency housing.





**Figure 1: Location Map**

The development is bounded by UPRR to the west, industrial uses to the north, State Route 99 to the east and West Liberty Road and vacant land to the south. Further east the uses consist of vacant land, residential housing and orchards.

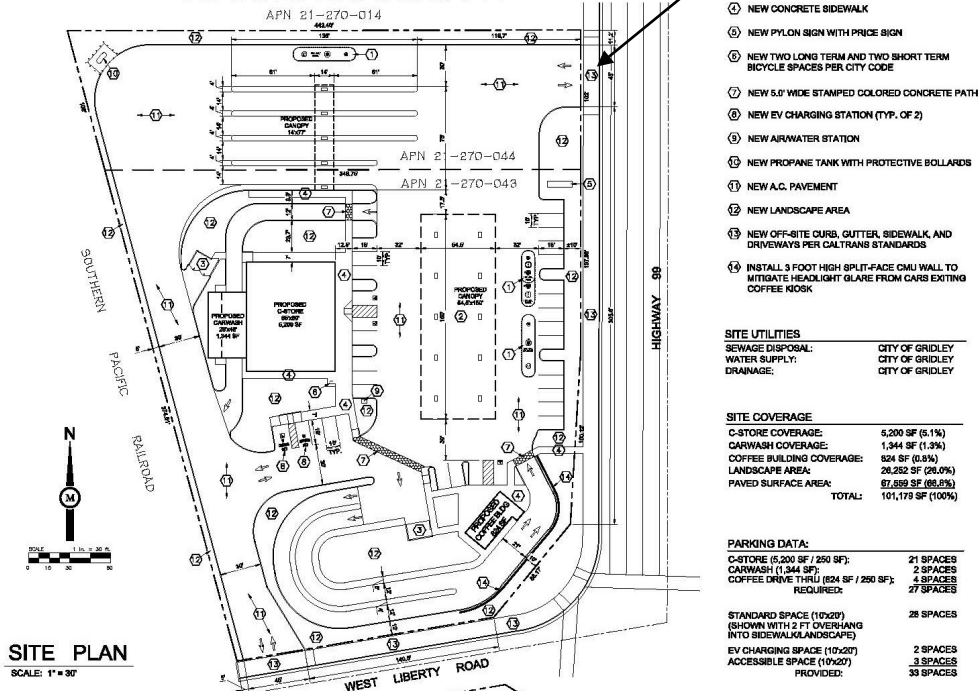
### General Plan and Zoning

The existing General Plan land use designation for the parcels is Industrial. The existing zoning designation is Limited Industrial (M-1). The proposed use for a fuel station, convenience market, and drive-thru coffee kiosk are not allowed uses in the zoning and general plan land use designations. The applicant is requesting an amendment to the General Plan from Industrial to Commercial and a rezone from Limited Industrial to General Commercial. The change in land use would allow the development to move forward. Generally, the properties contiguous to State Route 99 are considered to be in the Gridley Highway 99 Commercial Corridor and the city has supported new commercial growth on the north-south state route. The existing land use designation of Industrial was considered when the Industrial Park was created with the Redevelopment Agency. At the time, the city believed that a connection across the UPRR right-of-way was feasible. As potential developments were proposed to city planning over time, it became apparent that UPRR would not allow an additional crossing to occur to join the two industrial areas resulting in the separation of the industrial uses. Commercial uses on the SR 99 corridor are consistent with the direction of city growth and to maximize the city's commercial development.

### Site Design

## HIGHWAY 99 RETAIL CENTER

1225 HIGHWAY 99, GRIDLEY, CA 95948  
A.P.N. 21-270-043 & 044



Driveway entry  
-nb/sb

## Figure 2: Site Plan

### *Development*

The site is configured with the following constructed elements:

|   |                 |       |
|---|-----------------|-------|
| • Building Footprint-Convenience Market | 5,200 Sq. Ft.   | 3.5%  |
| • Car Wash                              | 1,344 Sq. Ft.   | 0.9%  |
| • Fuel Canopy Area (Trucks)             | 1,078 Sq. Ft.   | 0.7%  |
| • Fuel Canopy Area (Autos)              | 8,175 Sq. Ft.   | 5.5%  |
| • Coffee Kiosk                          | 824 Sq. Ft.     | 0.6%  |
| • Landscaping                           | 26,252 Sq. Ft.  | 18%   |
| • Other paving                          | 148,540 Sq. Ft. | 70.8% |

The areas described above may vary when actual construction drawings are prepared for submittal and does not include the paving for curb, gutter, and sidewalk.

### *Access*

The site is entered at the Highway 99 driveway entry close to the north property line when traveling either northbound or southbound.

The proposed development will construct curb, gutter, and sidewalk on the SR 99 frontage and West Liberty Road. The project was routed to Caltrans for preliminary comment. Originally, the site was designed on the south 2.41 acres. Caltrans requested that a driveway for joint access to both parcels be designed in order to limit the number of access points along SR99. In response to this comment, the applicant revised the plans to incorporate the north 1-acre parcel and place the driveway in its most northerly position. This design locates the SR 99 entry drive at the furthest distance from the intersection of SR 99 and West Liberty Road which was a concern of Caltrans as well. Staff believes the driveway will need to be increased in size to accommodate the truck turning radius into the site from SR 99,

An access drive has also been designed at the south property with ingress and egress from West Liberty Road. The traffic study evaluated both points of entry. The West Liberty Road driveway could currently accommodate autos and trucks that are not STAA trucks. West Liberty Road is not currently rated as an STAA roadway; however, the applicant is looking into what the requirements are to facilitate internal circulation. It would be optimum to have it designated as such to prevent conflicts of auto and truck traffic at the SR 99 entry. In the event that STAA trucks were to use the south driveway as access for entering or leaving the site, the driveway would need to be increased from its current 45-foot width to 84-foot width.

Widening the driveway would allow better right turn into the site with the larger trucks.

New curb, gutter, and sidewalk will be constructed along the frontage of both SR 99 and West Liberty Road. The traffic study considered the impacts of the end of pedestrian connections at these points and suggested that a pedestrian connection should be considered in the future between the terminus of the sidewalk on West Liberty Road to the Industrial Sports Complex at Independence Place. This is somewhat problematic in that the terminus is at the UPRR right of way and track crossing. The entire crossing would need to be reconstructed to accommodate a

pedestrian crossing. This may be possible in the future; however, the costs currently outweigh the feasibility of constructing the pedestrian crossing. The city is considering its options and may incorporate traffic mitigation fees for projects to accomplish the improvements needed such as the UPRR rail crossing for bicyclists and pedestrians.

### Parking

The site has multiple uses as a fuel station, retail market, coffee drive-thru, and a car wash. In accordance with Chapter 17.76, the applicant has determined the minimum required number of spaces and is providing 33 spaces on-site. Of these spaces, two electric charging spaces are being provided; one regular space and one ADA space. Additionally, four spaces are located adjacent to the coffee drive-thru with one space reserved for ADA parking for walk-up service.

### Building Design

The building design offers a contemporary design that reflects current designs of convenience market architecture. The design provides for a stucco finish, detailing at the parapet, and screened roof mount equipment. The fuel canopy is typical of current designs and is attractive. The trash enclosure is designed to meet the requirements of Section 17.72.100 of the Gridley Municipal Code.

### Landscaping

The landscaping plan provides color, texture and the required landscape documentation package needed in accordance with Title 13 of the Gridley Municipal Code. The project will be conditioned to provide, a water audit at the completion of the project.

### Signage

The project will need to submit plans for planning review for signage. This should also include the “pylon” sign referenced in the plans. The sign code allows for monument signs to be up to 12 feet in height along the SR 99 corridor. Building signage shall be reviewed with a future application.

### **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. At the time this report was prepared no comments had been received.

### **Environmental Review**

The proposed project requires a Mitigated Negative Declaration. At the time of this report, no significant impacts had been identified.

### **Attachments –**

1. SDP 1-22 Conditions of Approval
2. Resolution No 2023-R-001 General Plan Amendment and Mitigated Negative Declaration
3. Ordinance No. 843-2023
4. Site Plans (due to the size of this document, it will be available for review at City Hall)
5. Initial Study



Attachment 1

**CONDITIONS OF APPROVAL**

Site Development Plan Review No. 1-22

1225 Highway 99

APN 021-270-014, 021-270-043 and 021-270-044

**Approved Use:**

**Site Development Plan Review No. 1-22(GPA 1-22, RZ 1-22, LM 1-22);** Application for a site development plan to develop a 5,200 square foot convenience market, a 16-pump fuel canopy for autos, a 4-pump fuel canopy for tractor/trucks/semis, a 1,344 square foot carwash, and an 824-square foot coffee kiosk with 2 drive access.

**Conditions of Approval:**

**General**

1. The approved use for SDP 1-22 shall be substantially as described within this staff report, submitted site plans, narratives, and applications on file in City Hall except as modified by the following conditions. Minor changes to the use, areas, and etc. shall be subject to the review and approval by the Planning Department.
2. The applicant shall submit for review samples of colors and material to the Planning Department for review and approval at the time of building permit submittal.
3. The applicant/property owner shall file a Declaration of Acceptance of the Final Conditions of Approval within 30 days of Planning Commission/City Council approval. The application shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date. If no permit has been secured, the applicant/owner or his/her successor may apply for an extension of the Site Development Plan review. The proposed extension will meet all current requirements at the time of the request and shall be reviewed and approved by the Planning Commission.
4. All construction shall be in accordance with all of the City of Gridley and the County of Butte currently adopted Building Codes; including but not limited to the Plumbing Code, Mechanical Code, Electrical Code, and the California Green Building Standards Code. The applicant shall submit an electronic file for review by city staff to obtain the authorization to proceed for application to Butte County for a building permit.
5. The applicant shall apply separately for a grading permit to the city of Gridley. The deposit application fee is \$2,500 and the applicant shall be responsible for the payment of all plan check review costs.
6. The applicant/owner shall pay permit fees to the County to obtain all building permits. The applicant/owner shall pay fees directly to the City of Gridley for: Development Impact Fees, Electrical Fees, Grading Permit fees, Drainage Fees, and site inspection fees. The applicant/owner is responsible to reimburse the City of Gridley for plan check costs and inspection costs that accrue for the project.

**Caltrans**

7. The applicant shall provide the necessary permit application materials and bear all costs to apply to Caltrans to request West Liberty Road be designated as a STAA truck route for ingress and egress of STAA trucks into the site. All signage required shall be installed at the cost of the project applicant/owner.
8. Provide a turning radius analysis for all movements from street frontage through the project site and exiting back out to the streets. A site plan shall be provided that provides STAA truck/truck turning movements into and out of the site and on-site circulation. The turning movements shall show that there is no conflict with the truck circulation with other auto fueling and parking on the site.
9. Prior to construction, the applicant shall have all required approvals and an encroachment permit from Caltrans prior to performing any work within the state right-of-way.
10. A Landscape Maintenance Agreement shall be recorded between the City of Gridley and the property owner for the installation and maintenance of landscaping and other off-site improvements in a form suitable for recordation with the Butte County Recorder binding upon the property owner and his/her successor(s) in interest. All plants shall be maintained in a healthy, disease-free condition. Water and fertilizer shall be applied as necessary to maintain their normal color and growth rate. Weak or broken branches shall be removed by pruning. Dropped or faded flowers, seed pods, dead foliage and leaves shall not be allowed to accumulate. Dead plant materials shall be replaced with healthy plants promptly throughout the life of the project development. Annual and perennial planting beds shall be weed and litter free.
11. The site design has been reviewed and comments provided by Caltrans related to turning movement into the site. Caltrans has noted that there are no restrictions of turning movement into the site entry on State Route 99 northbound or southbound.

**City of Gridley/County of Butte**

12. Plans for submittal shall incorporate all required 2016 California Green Building Standards Code or the most recently adopted code by the State of California and its revisions and requirements.
13. All site and building signage shall be submitted for review and approval by the Planning Department prior to placement on any structure or site location. A sign permit application will be submitted prior to any review and approval by the city.
14. Complete off-site improvements shall be designed, reviewed and approved by the City Engineer and Caltrans prior to permit issuance. Off-site improvements shall be submitted for review and approval by the City of Gridley and Caltrans and shall include the construction of curb, gutter, sidewalk, plan and profile of in right-of-way utilities being tied into (sewer, water, and storm drain, manholes as required), landscaping buffer, irrigation components, fire hydrants, and all electrical connections. Relocation of

any utilities or lighting or signalization shall also be shown on the plan and shall show existing location and the proposed new location.

The applicant shall provide a Title report and confirm boundaries are accurate.

15. The property owner shall enter into a written agreement for the maintenance of the on-site building, site, and site amenities, paving, and walkways in a form suitable for recordation with the Butte County Recorder binding upon the property owner and his/her successor(s) in interest. This agreement, at a minimum, shall state that all facilities and related equipment, including lighting, fences building facades, and materials shall be maintained in good repair, free from trash, debris, litter and graffiti, and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible to minimize occurrences of dangerous conditions or visual blight. All pavement markings shall be maintained so as to be clearly visible throughout the life of the development. Trash, debris, litter or graffiti shall be removed from the site and any facility or equipment as soon as practicable and in no instance more than forty-eight hours from the time of notification by the City. The agreement shall acknowledge that any costs incurred by City staff due to non-responsiveness by the owner or manager of the site will be the responsibility of the property owner not taken care of, the costs of any cleanup by City staff will be a fee born by the owner and his/her successor(s) in interest.
16. The applicant/owner shall receive approval and filing of the Lot Merger/Certificate of Compliance recorded with Butte County prior to the Certificate of Occupancy.
17. Prior to construction, the applicant shall obtain an encroachment permit or other instrument to work on City utilities within the state right-of-way. All work on utilities shall be coordinated with the City Engineer and the Public Works Department. Electrical service is provided by PG & E.
18. Decorative lighting in conformance to the Highway 99 corridor lighting requirements shall be provided and installed as determined by the Planning Department and the City of Gridley Electrical Superintendent. The applicant shall provide a minimum of two decorative style 16-foot LED lights per driveway and on the site perimeter.
19. A separate water meter shall be provided to serve the landscape irrigation supply. All site metering shall be located as reviewed and approved by the Gridley Municipal Utility Department.
20. Abandon the existing 2" water service on the Highway 99 frontage. This will require exposing the existing 10" water main, remove the corp stop, and place a repair band around the tap. The applicant/owner is responsible for all required permits from the City and Caltrans and provide all required traffic control in accordance with the Standard Specifications (Caltrans).

## **Site Design**

21. An exterior lighting plan shall be submitted for review and approval prior to permit issuance. The plan shall ensure that lighting is shielded or recessed to prevent direct glare and reflection is confined to the maximum extent possible to the site and does not go beyond the property boundaries. Exterior lighting shall be considerate of "Dark Sky" design and direct all lighting downward. Light foot-candles shall be at the lowest levels allowed and shall be placed on photovoltaic cells and sensor switches in conformance to the Green Building Code.
22. Outdoor refuse collection area location and design shall comply with 17.72.100. A cover shall be provided the design of which shall be reviewed and approved by the Planning Department.
23. Bicycle racks and an enclosed bicycle storage area for employees shall be provided on the site.
24. The driveways shall be reviewed for consistency with the required ADA standards thus requiring removal and replacement. The contractor shall protect all Caltrans and City infrastructure, signaling and all utilities from damage. If damage occurs, the cost to repair and/or replace is born by the applicant/owner/contractor. No reimbursements of costs are available from the City, State, or County.
25. All infrastructure demolished/removed shall be off-hauled and not stored on site. The site shall be cleaned and all debris, vegetation, and weeds shall be removed resulting in a clean site prepared for construction.
26. A SWPPP shall be required and all BMPS installed prior to the commencement of work. Weekly site inspections are required per the GCP to ensure BMPs are correctly placed. Should there be measureable rain forecasted 24 hours in advance of such event, a REAP shall be prepared in accordance with the requirements of the State of California Water Resources Dept. ([waterboards.ca.gov](http://waterboards.ca.gov))

## **Engineering**

27. Provide adequate fuel delivery vehicle turning area.
28. Provide a Geotechnical Report for the project site. (2 sets required upon submittal)
29. Civil Improvement Plans shall be prepared by a Civil Engineer licensed in the State of California.
30. Improvement plans shall include: Title Sheet, Existing Topographic Plan, Demolition Plan, Calculated Site Plan, Grading Plan, Drainage Plan, Utility Plan, Water Pollution Control Plan (Erosion Control Plan), appropriate details and Construction Notes. (5 sets requires upon submittal)
31. The topographic survey shall include streets to the opposite side of the project site and include 100 feet outside the boundary on the west and north sides.



32. Provide all right of way widths including UPRR, SR 99 and West Liberty Road.
33. Provide a hydrology report in accordance with the City's current Public Works Construction Manual. Request the template from the city prior to beginning work. Coordinate with Reclamation District RD 2056. (2 sets required upon submittal)
34. The grading plan shall show the location or locations that provide 100-year overland release to natural drainage in the event any onsite drop inlet is plugged.
35. Vehicle overhang shall not infringe into any walkway limiting pedestrian access per Title 24. This may require parking bumpers.
36. Up to 30% of the site parking stalls may be designed as compact. Standard stall size is 10 ft x 20 ft.
37. All water connections will require back flow preventer devices. Provide a conceptual on-site water distribution plan.
38. An on-site hydrant may be required. Confirm the requirements with the Fire Department.
39. Provide City Engineer signature block on Title Sheet. Use "Accepted by" instead of "Approved by".

Provide an Engineer of Work Certificate:

ENGINEER OF WORK'S CERTIFICATE

I, \_\_\_\_\_, hereby declare that I am the Engineer of Work for this project, that I have exercised responsible charge over the design of the project as defined in Section 6703 of the Business and Professions Code, and the design is consistent with current standards of the City of Gridley and Special Districts having jurisdiction within the city. I understand that the check of project drawings and specifications by the city of Gridley and/or its contract City Engineer or their representative is confined to a review only and does not relieve me of responsibilities for project design.

Signed:

Date:

RCE No.:

Firm:

Address:

Telephone No.:

40. Provide signature block for Jeff Spence, Reclamation 2056.
41. Gridley is not a "Small MS4" as defined by the State Water Board. A SWPPP number will need to be provided and on the plans prior to the completion of the review by the city. However, the project may be subject to the post construction stormwater quality requirements (section XIII) of the State General Construction Permit (Order 2009-0009). The post construction water balance calculator is provided in SMARTS. An excel spreadsheet based on the SMARTS calculations can be found at [https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml) (see Appendix 2). If a general permit is required provide 2 sets of calculations.

42. Include Landscape Documentation Package and plans with the Civil Improvement Plans.
43. No work or commencement of construction shall be allowed until the plans have been accepted as complete by the city of Gridley, Reclamation District 2056, and Caltrans.
44. All drainage and sewer lines shall be designed in accordance with the state water main separation requirements of Chapter 22, Section 64572 of the California Code of Regulations. If separation is not attainable, the applicant shall submit an application to the state for variances as required. The application package shall be submitted to the city for review and for forwarding to the State for approval. All costs shall be the responsibility of the developer.

#### **Building**

45. The project shall ensure that all interior noise levels are met by construction practices.
46. Plans shall reflect the placement of all gutters and downspouts.
47. Provide required Title 24 Energy Calculations. All measures in the calculations shall be reflected on the plans.
48. Provide a Mechanical Plan for duct layout, system equipment requirements that conform to ACCA Manual J, S, and D analysis and calculations for heat loss and gain as required by the Building Code.
49. During construction, all Butte County Air Quality mitigation measures shall be complied with.
50. Prior to construction, BMP for storm water pollution control shall be in place. The applicant shall provide verification of all General Construction Permit requirements are met and in place.

#### **Fire Department**

51. Plans for submittal shall comply with all Fire Department requirements. The applicant shall contact the City of Gridley Fire Department/CalFire for review and approval of site development plans and fire sprinkler systems. Clearly show the fire riser location on the plans for review and approval. Verify the number and location for fire hydrants that may be required.
52. The site shall provide all special equipment as required to mitigate fuel fires. Any areas related to fire safety or access shall provide keys to the Gridley Fire Department.

**A RESOLUTION OF THE GRIDLEY CITY COUNCIL TO AMEND THE  
GENERAL PLAN LAND USE DESIGNATION OF APPROXIMATELY ±4.6 ACRES  
FROM INDUSTRIAL (I) TO COMMERCIAL (C) AND TO ADOPT A MITIGATED  
NEGATIVE DECLARATION PURSUANT TO CEQA FINDING THERE IS A  
LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACT  
(APN 021-270-014, -043, AND -044))**

**WHEREAS**, the Planning Commission held a publicly noticed hearing on November 16, 2022 regarding the proposal to amend the General Plan land use designation from Industrial (I) to Commercial (C) for ±4.6-total acres for three parcels located on the west side of Highway 99; and,

**WHEREAS**, at the close of the November 16, 2022 public hearing, the Planning Commission recommended that the City Council approve the amendment of the General Plan land use designation for the ±4.6-acre parcels; and,

**WHEREAS**, the City Council reviewed the recommendation of the Planning Commission at its January 23, 2023 public hearing also considering the Initial Study, and did find the change in General Plan land use designation, rezone, site development plan and lot merger 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:**

1. The City Council of the City of Gridley amends the General Plan land use designation of the Assessor Parcel Numbers 021-270-014, 021-270-043, 021-270-044 from Industrial to Commercial; 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 23rd day of January, 2023 by the following vote:

AYES:            COUNCIL MEMBERS \_\_\_\_\_

NOES:            COUNCIL MEMBERS \_\_\_\_\_

ABSTAIN:        COUNCIL MEMBERS \_\_\_\_\_

ABSENT:         COUNCIL MEMBERS \_\_\_\_\_

The undersigned City Clerk and Mayor of the City of Gridley do hereby attest and certify that the forgoing is a true and full copy of a resolution of the City of Gridley adopted at a duly convened meeting on the date above-mentioned, which has not been altered, amended or repealed.

ATTEST:

APPROVE:

\_\_\_\_\_  
Cliff Wagner, City Clerk

\_\_\_\_\_  
Michael Farr, Mayor

EXHIBIT A

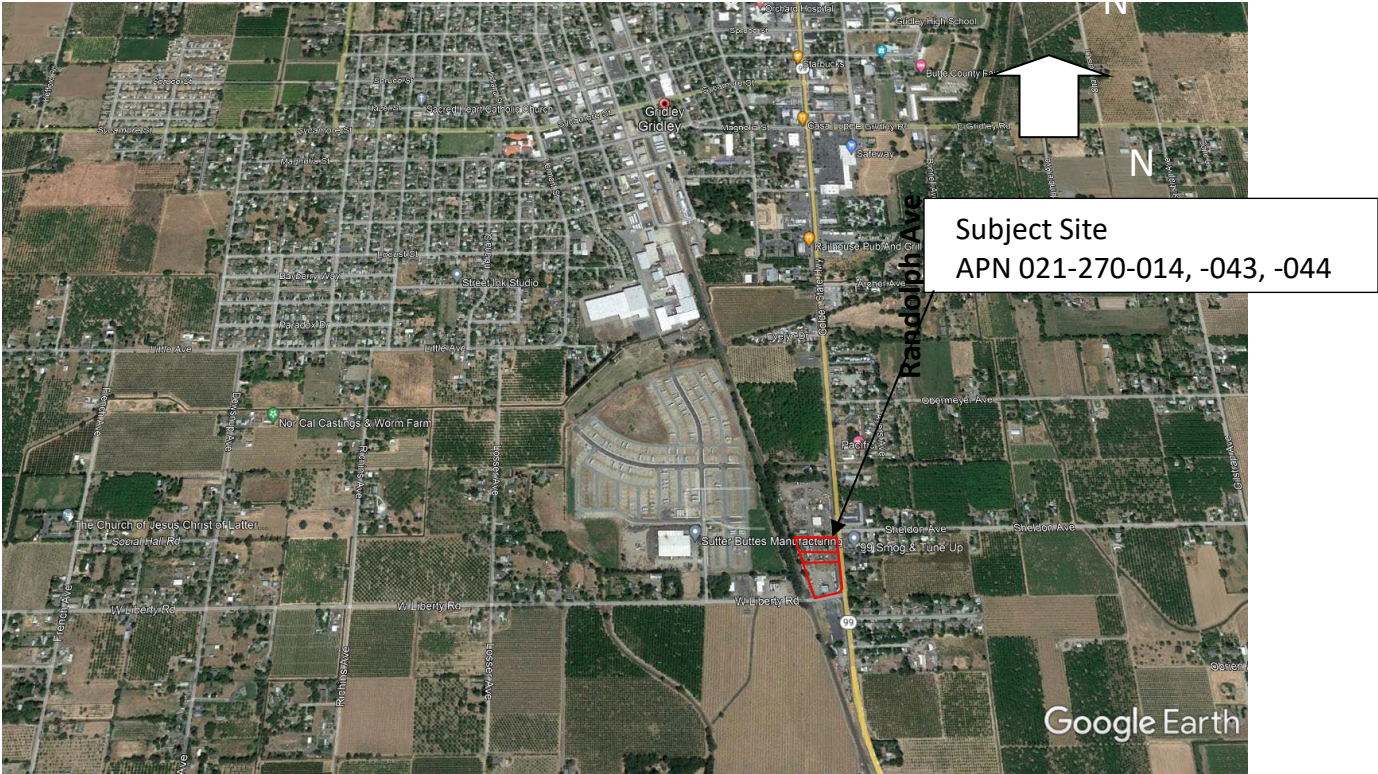
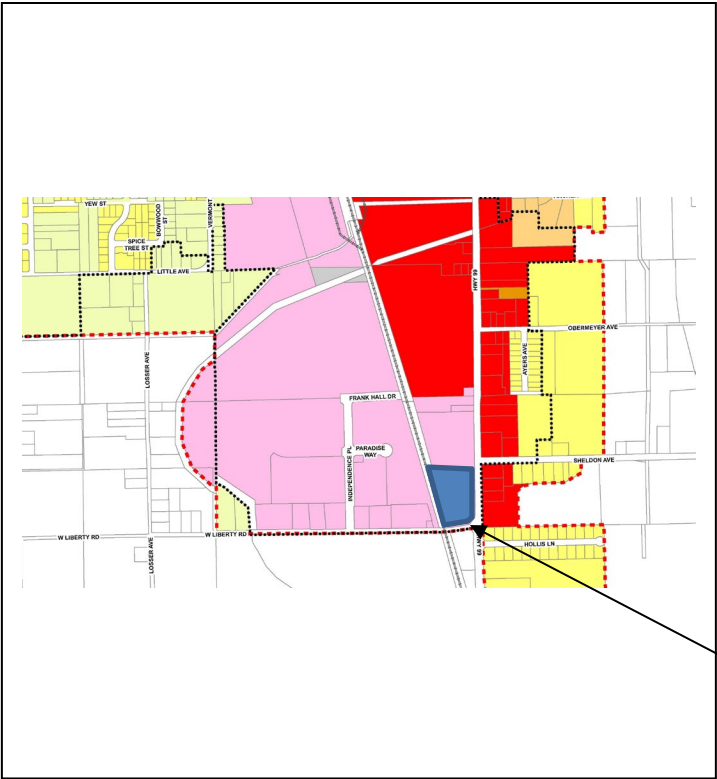


Figure 1: Location Map



*General Plan Land Use Designation:*

**From existing:**

Industrial

**To proposed:**

Commercial

**SUBJECT  
AREA**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY TO REZONE AN APPROXIMATELY 4.6-ACRES FROM HEAVY INDUSTRIAL (M-2) TO COMMERCIAL (C-2), LOCATED ON THE WEST SIDE OF HWY 99. (APN 021-270-014, -043, & -044)**

**WHEREAS,** the Planning Commission held a publicly noticed hearing on November 16, 2022 regarding the proposal to rezone approximately 4.6-acres from Heavy Industrial (M-2) to General Commercial (C-2); and,

**WHEREAS,** at the close of the November 16, 2022 public hearing the Planning Commission recommended the City Council approve rezoning the property; and,

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

**WHEREAS,** the City Council accepted the Mitigated Negative Declaration by adopting Resolution Number 2023-R-001 on January 23, 2023; and,

**WHEREAS,** the City Council duly introduced Ordinance 843-2023 by reading of title only at a regular meeting of the City Council held on January 23, 2023; and,

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

**SECTION 1:** The City Council finds that the rezone of Assessor Parcel Number 021-270-014, 021-270-43 and 021-270-044 is consistent with the 2030 General Plan and the amendment adopted thereto as 2023-R-001 in addition to adopting the Mitigated Negative Declaration.

**SECTION 2:** The City Council of the City of Gridley approves the rezone of Assessor Parcel Number 021-270-014, 021-270-43 and 021-270-044 of 4.60-acres from Heavy Industrial (M-2) to General Commercial (C-2).

**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 for the property rezone of APN 021-270-014, 021-270-43 and 021-270-044 as noted in Sections 1-4 and as shown on Exhibit A was duly introduced by reading of title only at the regular City Council meeting of the City of Gridley held on the 23<sup>rd</sup> day of January, 2023, by the following vote:

AYES: COUNCIL MEMBERS \_\_\_\_\_

NOES: COUNCIL MEMBERS \_\_\_\_\_

ABSTAIN: COUNCIL MEMBERS \_\_\_\_\_

ABSENT: COUNCIL MEMBERS \_\_\_\_\_

ATTEST:

APPROVE:

\_\_\_\_\_  
Cliff Wagner, City Clerk

\_\_\_\_\_  
Michael Farr, Mayor

APPROVED AS TO FORM:

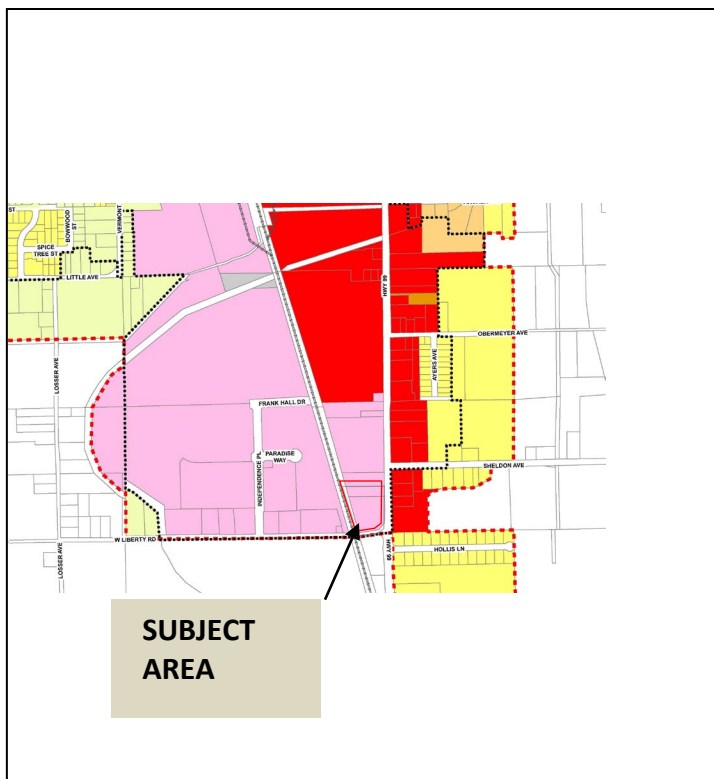
\_\_\_\_\_  
Anthony Galyean, City Attorney



EXHIBIT A



Figure 1: Location Map



**Zoning:**

**From existing:**

Heavy Industrial (M-2)

**To proposed:**

General Commercial (C-2)



***Highway 99 Retail Center  
Gridley, California***

**Initial Study/Mitigated  
Negative Declaration**

**October, 2022**

*Prepared by the City of Gridley*

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### APPENDICES:

Appendix A – Cultural resources outreach  
Northeastern Information Center Response

Appendix B – Biologic resource reference

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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 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.

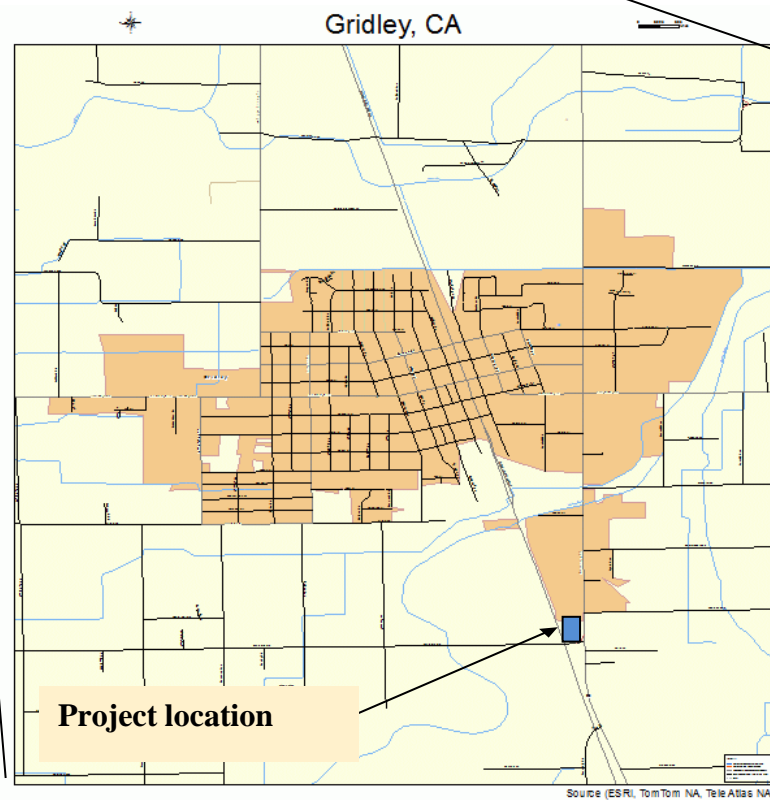
## **B. PROJECT INFORMATION**

1. Project Title: Highway 99  
Retail Center
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 021-270-14, -043 & -044  
1225 Hwy 99
5. Project Sponsor's Name and Address: J & S Hospitality Group  
1490 Hwy 99  
Gridley, CA 95948
6. Existing General Plan Designation: Industrial  
Proposed General Plan amendment: Commercial
7. Existing Zoning Designation: Heavy Industrial (M-2)  
Proposed rezone: General Commercial (C-2)
8. Required Approvals from Public Agencies: City of Gridley  
General Plan Amendment  
Rezone  
Lot Merger  
Site Development Plan Review
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 three parcels approximately 4.6 combined acres and is located on the northwest corner of State Route 99 and West Liberty Road on the west side of State Route 99.

The site is bounded by UPRR right-of-way on the west side, industrial uses to the north, SR 99 on the east side and West Liberty Road on the south boundary. Further east across SR 99 are rural residential development and orchard uses. Further south across West Liberty are vacant properties blending into orchards at the south city boundary and west of the UPRR right-of-way.



**Figure 3: Location Map-Existing Conditions**

10. Project Description Summary:

The applicant proposes to merge two existing parcels consisting of 2.41-acres (APN 021-270-043) and 1.0-acre (APN 021-270-044) to create the development. One additional parcel is added to the General Plan Amendment and rezone. To facilitate the development to move forward, the applicant has applied to:

- Amend the General Plan of the City of Gridley;
- Rezone the property from industrial use to commercial use consistent with the Gridley commercial corridor;
- Adopt a Mitigated Negative Declaration;
- Merge two lots into one; and,
- Process a Site Development Plan Review.



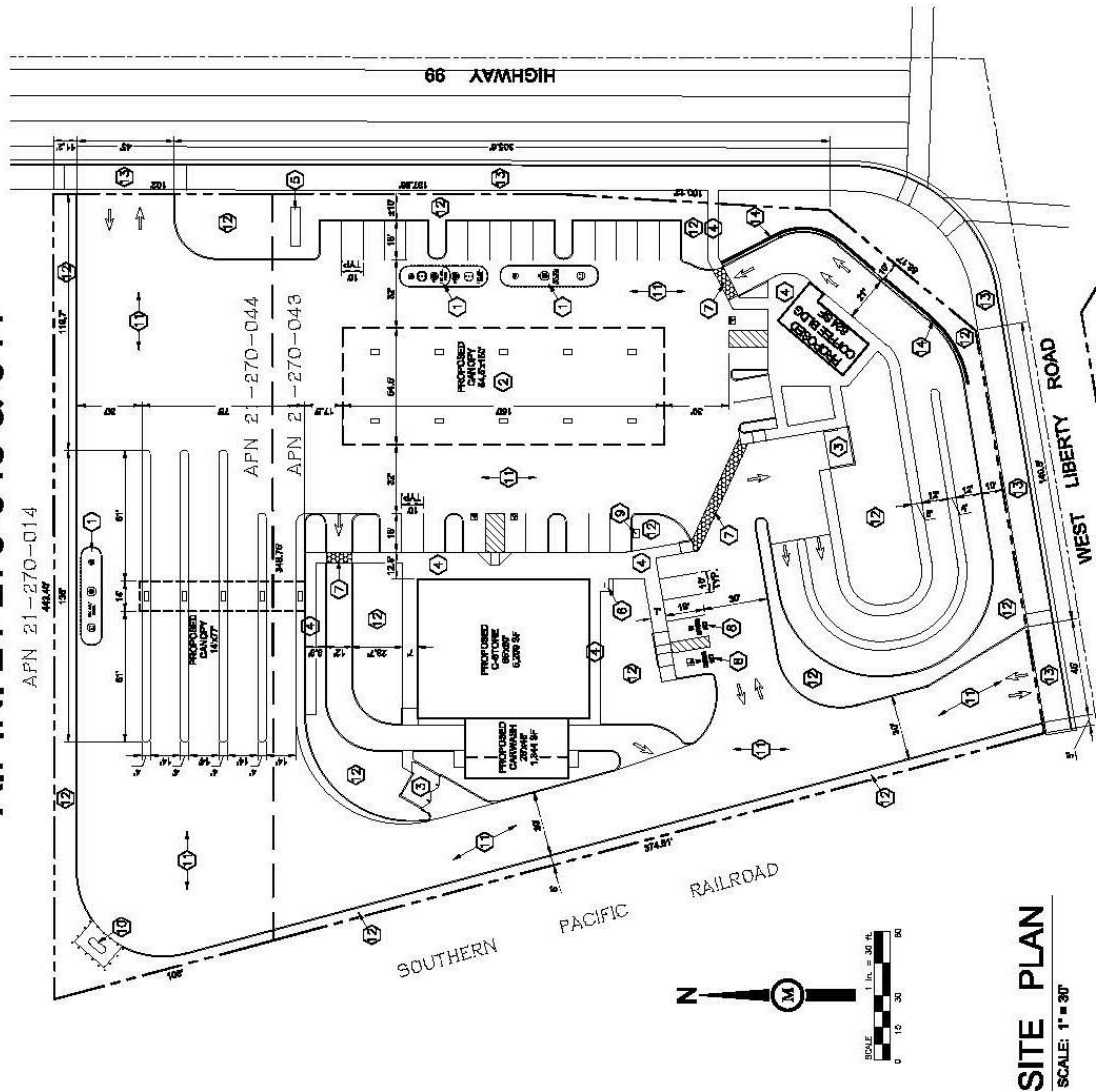
The development of the site will construct a 5,200 square foot convenience market, a 1,344 square foot car wash, an 824 square foot coffee drive thru kiosk, a 16-pump auto fueling canopy and a 4-pump truck fueling canopy. There is parking for all uses along with EV charging stations for both disabled parking and standard parking in front of the convenience market and the coffee kiosk. Improvements will also include landscaping along both frontages 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.

# HIGHWAY 99 RETAIL CENTER

1225 HIGHWAY 99, GRIDLEY, CA 95948  
A.P.N. 21-270-043 &-044

APN 21-270-014



**SITE PLAN**  
SCALE: 1" = 30'

## CONSTRUCTION NOTES

- ① NEW UNDERGROUND FUEL TANKS
- ② NEW FUEL DISPENSER (20 FUELING SPACES)
- ③ NEW COVERED C.M.U. TRASH ENCLOSURE WITH METAL ACCESS GATES
- ④ NEW CONCRETE SIDEWALK
- ⑤ NEW PYLON SIGN WITH PRICE SIGN
- ⑥ NEW TWO LONG TERM AND TWO SHORT TERM BICYCLE SPACES PER CITY CODE
- ⑦ NEW 5.0' WIDE STAMPED COLORED CONCRETE PATH
- ⑧ NEW EV CHARGING STATION (TYP. OF 2)
- ⑨ NEW AIR/WATER STATION
- ⑩ NEW PROPANE TANK WITH PROTECTIVE BOLLARDS
- ⑪ NEW A.C. PAVEMENT
- ⑫ NEW LANDSCAPE AREA
- ⑬ NEW OFF-SITE CURB, GUTTER, SIDEWALK, AND DRIVEWAYS PER CALTRANS STANDARDS
- ⑭ INSTALL 3 FOOT HIGH SPLIT-FACE CMU WALL TO MITIGATE HEADLIGHT GLARE FROM CARS EXITING COFFEE KIOSK

## SITE UTILITIES

SEWAGE DISPOSAL: CITY OF GRIDLEY  
WATER SUPPLY: CITY OF GRIDLEY  
DRAINAGE: CITY OF GRIDLEY

## SITE COVERAGE

|                           |                          |
|---------------------------|--------------------------|
| C-STORE COVERAGE:         | 5,200 SF (5.1%)          |
| CARWASH COVERAGE:         | 1,344 SF (1.3%)          |
| COFFEE BUILDING COVERAGE: | 824 SF (0.8%)            |
| LANDSCAPE AREA:           | 20,252 SF (20.0%)        |
| PAVED SURFACE AREA:       | 87,659 SF (86.8%)        |
| <b>TOTAL:</b>             | <b>101,179 SF (100%)</b> |

## PARKING DATA:

|  |                                     |
|--|-------------------------------------|
| C-STORE (5,200 SF / 250 SF):   | 21 SPACES                           |
| CARWASH (1,344 SF):  | 2 SPACES                            |
| COFFEE DRIVE THRU (824 SF / 250 SF):   | 4 SPACES                            |
| <b>REQUIRED:</b>   | <b>27 SPACES</b>                    |
| <b>STANDARD SPACE (10'x20')</b><br>(SHOWN WITH 2 FT OVERHANG<br>INTO SIDEWALK/LANDSCAPE) | 28 SPACES                           |
| <b>EV CHARGING SPACE (10'x20')</b>   | 2 SPACES                            |
| <b>ACCESSIBLE SPACE (10'x20')</b><br><b>PROVIDED:</b>                                    | <b>3 SPACES</b><br><b>33 SPACES</b> |

Figure 4: Site Development Plan



## C. ENVIRONMENTAL FACTORS

This Environmental Review provides an assessment of the California Environmental Quality Act (CEQA) for the proposed project consisting of the development of 3.41-acres into commercial uses consisting of a convenience market, carwash, and a drive-thru coffee kiosk.

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 type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources               | <input checked="" type="checkbox"/> Air Quality               |
| <input 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.



October 26, 2022

---

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 is currently vacant and has been a storage yard in the recent past for containers, equipment, and etc. The site is bounded by UPRR right-of-way on the west side, Industrial uses to the north, SR 99 on the east side and West Liberty Road on the south boundary. Further east across SR 99 are rural residential development and orchard uses. Further south across West Liberty are vacant properties blending into orchards at the south city boundary and west of the UPRR right-of-way. The subject site is inside the city boundary, lying within the city Sphere of Influence boundary.

### **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<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>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 industrial use area impeding views drivers on State Route 99 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. That said, this project did not have viewsheds by its industrial yard storage use and the development of a retail commercial use will not impact any viewsheds, therefore, this is considered **no impact**.

- b) 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. There are no scenic resources related to tree groves, rock out-cropping 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 site being used as an industrial storage site. The visual quality of the site is characterized by naturally flat, open lands. The visual character will not be impacted in that it will be developed into a commercial use 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, on-site lighting, 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, the site is not adjacent to residential districts; however, it 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 the Municipal Code would reduce the impacts to daytime glare and nighttime lighting by requiring design guidelines and standards to limit lighting leakage and glare. The street lighting will need to adhere to the Highway 99 corridor street lighting plan for decorative acorn light standards. 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<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant | No     |
|--------|--------------------------------------|--------------------------------------|--------------------------|--------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated | Impact                   | Impact |

---

### **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. The site has not been used as agricultural orchard or cropland for several years; it has been paved and gravel surface for industrial storage uses.

#### 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 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 not contribute to the conversion of agricultural lands because it has been in use as industrial storage prior to the application for development to a retail/fuel facility. 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 subject site was converted years ago for an industrial storage use.

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. 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 rezone the property for general commercial use from industrial 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<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>No<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|--|--------------|
|        |                                      | With Mitiga-<br>tion<br>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 Gridley General Plan and Sphere of Influence update provided a land use designation of Industrial. The General Plan amendment will re-designate 4.6 acres to Commercial and rezone the property to General Commercial (C-2). 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 developed as industrial storage with truck traffic delivery of various vehicles and industrial components. 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 non-attainment of Ozone levels. A project's individual emissions may 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) It is unknown if there are specific sensitive receptors living within or surrounding the subject site. 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 an industrial storage site. The equipment has been removed anticipating the construction of a retail/fuel facility with a drive-thru coffee kiosk.

##### **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.

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|        | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With Mitiga-<br>tion<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--|------------------------------------|--------------|
| Issues |                                      |  |                                    |              |

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##### **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 in local or regional plans, policies, and regulations or  | X |

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 land is urbanized. (BCGP EIR pg.4.4-25).

The Gridley GP EIR, noted that due to the high degree of disturbance, urbanized areas have a low habitat value for wildlife, though some species can adapt to disturbed conditions (GPU pg. 4.6-9).

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 directly or indirectly impact habitats. Mitigation Measures 4.1 and 4.2 are added requiring

Pre-construction surveys, and if species are found, the necessary approvals will be obtained for Incidental Take from the CDFW.

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) 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:
  - a. Sanford's arrowhead                      Potential habitat within drainages
  - b. Brazilian Watermeal                      Potential habitat within drainages
  - c. Brown Fox sedge                          Potential habitat within drainages
  - d. Woolly Rose Mallow                      Potential habitat within drainages
  - e. 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.
  - f. Northern harrier                          Available habitat
  - g. Swainson's hawk                          Available habitat
  - h. Silver-haired bat                          Available habitat
  - i. 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. Growth accommodated under the General Plan seeks to avoid the growth effects of sprawl development patterns, such as the loss of biological resources. 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 amendment 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 San- ford's arrowhead, Giant garter snake, Northern harrier, Swainson's hawk, Greater sandill 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 require by the General Construction Permit, clearing or grubbing, demolition of existing structures and/or roughgrading. 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 Floor<sup>1</sup>. 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.

| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

### **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.

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

The RD 833 canals and water district irrigation canals in the vicinity 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 locations<sup>2</sup> 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.<sup>3</sup>

<sup>1</sup> Johnson, Michael G. (2014). *Encyclopedia of Native Tribes of North America*. Buffalo, New York: Firefly Books. p. 198. [ISBN 978-1-77085-461-1](https://www.fireflybooks.com/isbn/978-1-77085-461-1).

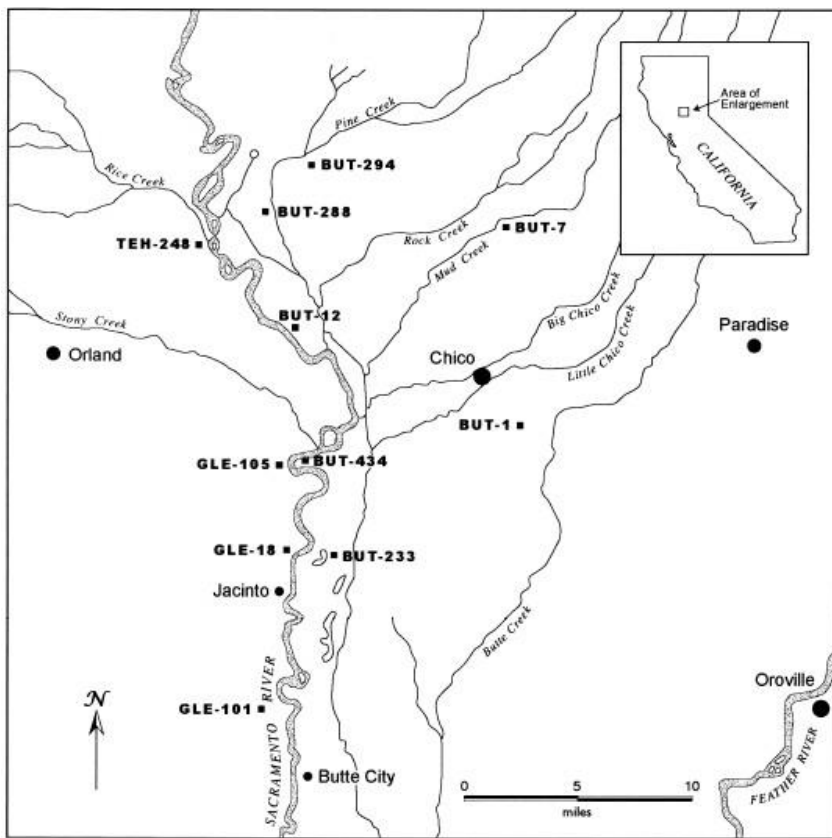


Figure 7.1 Maidu/Wintun territory in the Sacramento Valley of California.

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. 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.

<sup>2</sup> Ibid.

<sup>3</sup> Johnson, Keith L. Archaeological Identification of the Valley Maidu 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        | Less Than Significant Impact | No Impact |
|--------|--------------------------------|------------------------------|------------------------------|-----------|
|        |                                | With Mitigation Incorporated |                              |           |

### **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 is 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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With Mitiga-<br>tion<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--|------------------------------------|--------------|
|        |                                      |  |                                    |              |

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### **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 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? | X |
| 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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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### **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 (CO<sub>2</sub>) and, to a lesser extent, other GHG pollutants, such as methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) 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 CO<sub>2</sub> equivalents (MTCO<sub>2e</sub>/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, the proposed commercial development will increase vehicular travel. The project provides charging stations for electric vehicles. The provision of street improvements and landscaping will offset some of the GHG effects. 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.

## 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.

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

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### **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 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 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. The development will be subject to all other applicable portions of the 2019 Building Energy Efficiency Standards. 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 temporary power.

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, zon-

ing 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 may include 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 project. In addition, the proposed 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 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. The project will connect to PG & E for electrical and gas service.

### **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 site development plan review requiring a General Plan Amendment, Rezone and lot merger to construct a retail/fuel station.

### **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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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### **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, would the project result in a safety hazard for people        | X |

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 retail/fuel station development will have fuel trucks deliver fuel to underground storage tanks. The construction of the site from industrial storage will create dust and odors associated with general site 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. 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 after its amendment and the locational criteria for the development of the highway commercial corridor 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 discharges 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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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### **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  | X |

of the site or area, including through the alteration of 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 discharge 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.  
This is considered a no 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. 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 storm water and snow melts 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 no 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 land use designation is Industrial (I) and zoned Heavy Industrial (M-2). The application includes an amendment to the General Plan to Commercial and complementary zoning of General Commercial (C-2).

### **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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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### **Land Use and Planning**

*Would the project:*

- |   |   |
|---|---|
| a) Physically divide an established community?  | X |
| b) Conflict with any applicable land use plan,<br>policy or regulation of an agency with jurisdiction over<br>the project (including, but not limited to the general<br>plan, specific plan, local coastal program, or zoning<br>ordinance) adopted for the purpose of avoiding or<br>mitigating an environmental effect? | X |
| c) Conflict with any applicable habitat conservation<br>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 3.4 of the 4.6 acres to construct a retail/fuel facility. The proposed project would be consistent with the plans for the continued development of the commercial corridor of the City of Gridley as reflected in the General Plan. The development would not physically divide an established community. As such, the proposed project would not physically divide an established community and no impact would occur.

- b) The project does not conflict with the General Plan land use policies, in that the amendment to the General Plan and rezoning are consistent with the proposed retail development. 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 for the amended land use designations; therefore this is considered no impact.
- 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 development of a retail/fuel facility.

#### **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.

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|        | Potentially<br>Significant<br>Impact | Less Than<br>Significant<br>With Mitiga-<br>tion<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--|------------------------------------|--------------|
| Issues |                                      |  |                                    |              |

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#### **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 south area of the City of Gridley. The surrounding area of the site will experience short term noise from new construction of a retail development. Additional long-term noise may come from existing agricultural work on the west, south, and east locations; some existing 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<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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

## **Discussion**

- a-b) The purpose of the initial study is to determine impacts on the environment the proposed project may create. After the completion of the project, 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 and retail patrons. Noise would also include outdoor maintenance equipment such as lawn mowers and blowers. 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 SR 99 and West Liberty Road. The increased traffic may create additional increases in ambient noise to the rural residential areas. 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.

## 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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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### **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. Growth inducing impacts are considered when extensions of public service utilities create a greater opportunity for urban sprawl. The site will draw travelers along the corridor into the site for fuel and retail goods; it will not be extending roads. The project will extend water and sewer infrastructure to the site.
- 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 in place for the proposed project. The City's public services consisting of fire, electric, and police protection are in place. The city has a high level of service provided for its residents as well as its commercial and industrial sites. 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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>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 |

**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 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 a commercial/retail which will not impact the school district. This is considered no impact.
  - 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 not likely occur due to a commercial development; 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. The commercial development will not likely increase the use of the city parks.

### **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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated |                                    |              |

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### **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; the commercial retail development is unlikely to impact the existing facilities.

### **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 project will have access to SR 99, a four-lane conventional highway that links the site with the balance of Gridley to the north and Sutter County to the south. Local access is also available via W. Liberty Road, which extends westerly along the southern Gridley boundary. Site access will occur at new full access driveways on SR 99 and W. Liberty Road.

### **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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant<br>Impact | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|------------------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>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 sig-

nificance of a project's impact on traffic operating conditions. As noted in the California Governor's Office of Planning and Research (OPR) document *Technical Advisory 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.”*

Current peak hour traffic operations were evaluated in the morning and evening peak hours at key intersections. Today the SR 99 / W. Liberty Road intersection and the SR 99 / Sheldon Avenue intersection operate with Levels of Service that satisfy minimum City of Gridley General Plan requirements. Peak hour traffic signal warrants are not met at the Sheldon Avenue intersection.

**Trip Generation.** The proposed project is expected to generate 7,386 external daily trips of which more than half would be “pass-by” trips diverted from traffic already on SR 99. 3,058 daily primary trips would be made by persons specifically to visit the project.

**CEQA VMT Impacts.** SB 743 requires the Governor’s Office of Planning and Research (OPR) to identify new metrics for identifying and mitigating transportation impacts within CEQA. Because the City of Gridley and Butte County have not yet adopted guidelines for evaluating the significance of VMT impacts, potential significance criteria contained in the OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor’s Office of Planning and Research 2018) have been used. The projects VMT impacts can be presumed to be less than significant under the “Locally Serving Retail” screening criteria suggested by OPR.

**CEQA Pedestrian / Bicycle Impacts.** The site plan indicates that sidewalks will be installed along the project’s SR 99 and W. Liberty Road frontage, and a pedestrian path of travel is illustrated from the convenience store to a location near the SR 99 / W. Liberty Road intersection. Beyond the project limits, however, there are no paved shoulders or sidewalks on W. Liberty Road, and automobiles and pedestrians may need to mix in those areas where the existing unimproved and/or gravel shoulder is not suitable. To the east the existing signalized crossing at the SR 99 / W. Liberty Road intersection provides a safe highway crossing.

The project could result in a small increase in the number of pedestrians and bicyclists on W. Liberty Road, a facility that does not have adequate pedestrian or bicycle facilities, such that conflicts between pedestrians and motor vehicles may increase. The project’s impact to Pedestrians and Bicyclists is significant.

The project includes a commercial fueling area that can accommodate full size trucks. Because SR 99 is an STAA truck route, the site’s 45 foot wide SR 99 access will need to accommodate STAA trucks within Caltrans requirements. Because W. Liberty Road is not an STAA route, Caltrans approval for an STAA route designation on a portion of that facility will be required if such trucks are intended to be on W. Liberty Road.

**Safety Mitigation:** The Project proponent shall confirm the adequacy of site access on SR 99 for the applicable design vehicle to the satisfaction of Caltrans as part of the encroachment permit review for SR 99 improvements.

**Safety Mitigation:** The Project proponent shall provide on-site signing and markings indicating that STAA trucks are not permitted to use the W. Liberty Road driveway, or

The project proponents shall provide the City of Gridley with evidence of the adequacy of W. Liberty Road from SR 99 to the site access for STAA trucks to support a City application for STAA designation on that roadway section.

## **Mitigation Measures**

**MM 18.1** Construct pedestrian / bicycle facilities as part of frontage improvements as proposed and as normally required by the City of Gridley to provide access to the project limits.

**MM 18.2** Construct an all-weather surface for pedestrians and bicyclists along W. Liberty Road within the constraints of available rights of way and UPRR / CPUC requirements, ideally from Independence Place to the project. The mitigation could take the form of improved shoulders, sidewalks or multi-purpose path.

**MM 18.3 *Safety Mitigation:*** The Project proponent shall confirm the adequacy of site access on SR 99 for the applicable design vehicle to the satisfaction of Caltrans as part of the encroachment permit review for SR 99 improvements.

**MM 18.4 *Safety Mitigation:*** The Project proponent shall provide on-site signing and markings indicating that STAA trucks are not permitted to use the W. Liberty Road driveway, or

The project proponents shall provide the City of Gridley with evidence of the adequacy of W. Liberty Road from SR 99 to the site access for STAA trucks to support a City application for STAA designation on that roadway section.

## 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. Electric will be provided by PG & E.

### **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.

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| Issues | Potentially<br>Significant<br>Impact | Less Than<br>Significant             | Less Than<br>Significant | No<br>Impact |
|--------|--------------------------------------|--------------------------------------|--------------------------|--------------|
|        |                                      | With Mitiga-<br>tion<br>Incorporated | Impact                   |              |

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### **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 includ-

ing 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<br>Significant<br>Impact | Less Than<br>Significant<br>With Mitiga-<br>tion | Less Than<br>Significant | No     |
|--------|--------------------------------------|--|--------------------------|--------|
|        |                                      | Incorporated                                     | Impact                   | 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. 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<br>Significant<br>Impact | Less Than<br>Significant<br>With Mitiga-<br>tion<br>Incorporated | Less Than<br>Significant<br>Impact | No<br>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 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 industrial, commercial, agriculture, and rural residential developments. There are potential impacts to air quality, greenhouse gas emissions, 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 Item #7**  
Staff Report

**Date:** January 23, 2023  
**To:** Mayor and Councilmembers  
**From:** Donna Decker, Planning Department

|          |           |
|----------|-----------|
| <b>X</b> | Regular   |
|          | Special   |
|          | Closed    |
|          | Emergency |

**Subject:** **Resolution No. 2023-R-002:** Application for a tentative subdivision map to subdivide one parcel consisting of approximately 12.34 acres into five (5) parcels for a commercial and multi-family housing development located on the west side of State Route 99. (APN: 021-110-033)

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**Recommendation**

City staff respectfully recommends the City Council:

1. Approve Resolution No. 2023-R-002, Tentative Subdivision Map 1-23.

**Summary**

The applicant submitted a tentative subdivision map to develop a 12.34-acre parcel into five parcels for a commercial and affordable multi-family housing development.

**Discussion**

Location and site characteristics

The subject site is located on the west side of State Route 99 between Archer Avenue and Evelyn Drive. The existing site has an orchard and a single-family home with a shop. This home will remain until such time a commercial development is considered.

The site is fairly flat having slopes of 1-2% generally across the site. The soils on the site are known as Live Oak Sandy Loam. The soil is classified as Prime Farmland if Irrigated.

Project Description

The project will subdivide one parcel into five parcels. Two parcels adjacent to State Route 99 will be developed as commercial developments at a future date. Access into the site is from State Route 99 with a future extension of Washington Street on the west boundary. The intent is to create parcels to meet the General Plan land use designations along the highway commercial corridor and provide a mixed-use development having multi-family housing. The applicant has submitted two projects; Orchard View I and Orchard View II to construct affordable housing units from 30-60% of the Butte County AMI (Adjusted Median Income) level.



**Figure 1: Project Location**

Orchard View I was approved on June 14, 2022 as a staff level review in accordance with AB 430. This legislation streamlines approval for affordable housing when the General Plan and zoning are consistent with the proposed development. Orchard View I, Phase I, will encompass Parcel 1 of the map consisting of approximately 5.43 acres. This development will provide 48-unit multi-family affordable housing development consisting of five-residential two-story structures, one- 2,735 square-foot single story community building, and 98 parking spaces. Orchard View II, Phase II, is under review for approval. This portion of the development will encompass Parcel 4. This parcel is contiguous to the future Washington Street extension from Manuel Vierra Park. Phase III of the development has not been submitted to the city. The developments rely on CDBG funding and anticipate tax credit approval.

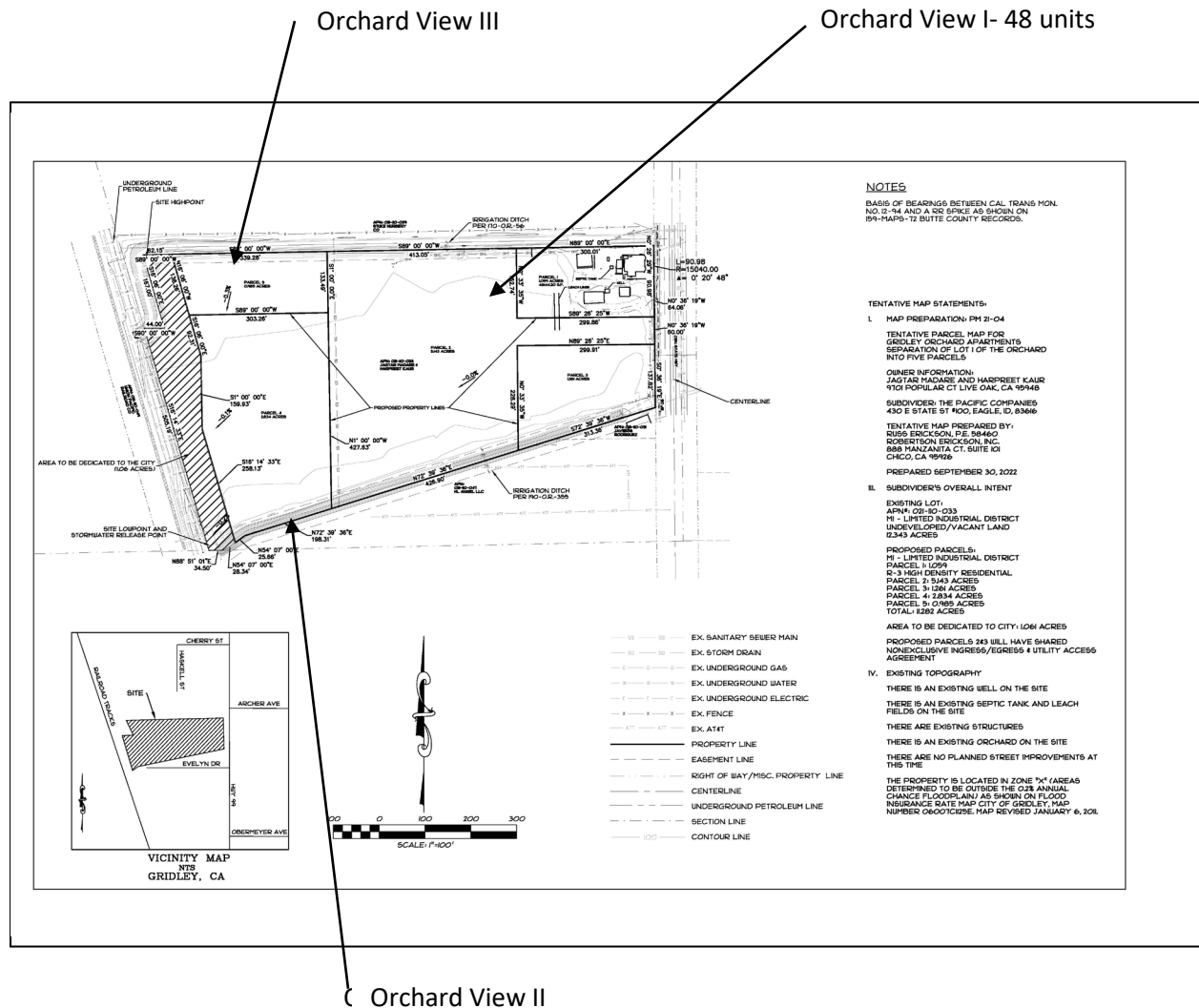
The project will deed to the city a strip of land on its west boundary adjacent to the UPRR right of way which will be the future extension of Washington Street. It is anticipated to reflect a neighborhood street and will have parking for the Phase II development.

#### General Plan & Zoning Designation

The General Plan land use designation is Commercial. The zoning for the site is HCC/MUCZ allowing mixed use developments along the State Route Corridor. The General Plan amendment and rezone of the property occurred in 2017 in an effort to streamline the highway corridor developments by allowing mixed uses.

## Tentative Subdivision Map

The proposed map will subdivide the existing single parcel into five parcels.



**Figure 2:** Proposed Tentative Subdivision Map for Orchard View II

When all of the phases are complete, it is anticipated the number of multi-family affordable housing units would be approximately 100 units supporting incomes of 30-60% of the AMI. This will help the city to meet its RHNA housing requirements.

The proposed map provides an additional 5 parcels from the Housing Element analysis. The Housing Element Policy HP-2.4 also supports this development:

*"The City will encourage infill development in meeting the housing needs required by expanding populations."*

The city is also encouraged by an increase in units on the site, in that, it will also provide additional housing stock for both our local and regional needs due to the losses suffered by the Camp Fire, Bear Fire of 2018 as well as others lost since those events due to fires each year in northern California.

## Utilities

The city can provide utilities to the development; storm water, sanitary sewer, and electric. Existing utilities will be extended as required to support the development.

#### Circulation

Access to the development initially be from SR 99. The Washington Street extension will eventually provide connectivity to the downtown area and Manuel Vierra Park.

#### Drainage

Site drainage will be provided into a city storm drainage system. The system will be calibrated to discharge into Reclamation District 2056 system to the south.

#### Approval process

The approval process for subdivision maps is not discretionary in that the City Council determines that the map meets the requirements of the Subdivision Map Act.

#### Planning Commission

The Planning Commission met on January 11, 2023 to review and provide a recommendation to the City Council. The Planning Commission was provided site plans of the approved Orchard View I and II which are staff level approvals under the AB 430 legislation as the proposal is consistent with the General Plan and Zoning and no entitlements were required to proceed. These projects are funded by State of California HCD CDBG funds and have been granted tax credit funding as well. The conditions of approval had various duplications; the project was approved per staff recommendations and added that staff will need to modify the conditions to remove such duplications. The project was passed 3-1 with Commissioner Jamison voting no. She desired the project return to the Planning Commission depicting the removal of the duplicate conditions.

#### Conditions of Approval

Two changes of the conditions of approval were made between the time of the public review at the Planning Commission and the City Council. Duplications and language clarifications were implemented. Additionally, conditions of approval for environmental, noise, biologic, and air quality outlined in the General Plan have been added for clarity where there was a reference only. This will help the developer at the time of construction.

#### **Public Notice**

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

#### **Environmental Review**

The proposed project relies on the City Council adopted Negative Declaration for the General Plan Amendment and the Rezone for the site. Additionally, conditions of approval were incorporated per the General Plan Environmental Impact Report for clarity.

#### **Attachments –**

1. Resolution No. 2023-R-002

**ATTACHMENT 1**  
**RESOLUTION NO. 2023-R-002**

**A RESOLUTION OF THE GRIDLEY CITY COUNCIL APPROVING TENTATIVE SUBDIVISION MAP  
NO. 1-23 TO SUBDIVIDE ONE PARCEL CONSISTING OF APPROXIMATELY  
12.34 ACRES INTO FIVE (5) PARCELS LOCATED AT ON THE WEST SIDE OF  
STATE ROUTE 99 (APN: 021-110-033)**

**WHEREAS**, the City of Gridley has received an application to consider a Tentative Subdivision Map to subdivide an approximately 12.34-acre parcel into five (5) parcels for the development of two commercial sites contiguous to State Route 99 and three parcels for multi-family affordable housing on property located on the west side of State Route 99 in the manner illustrated on a Tentative Subdivision Map received by the City (Exhibit "A" attached); and,

**WHEREAS**, the subject property consists of one parcel designated as Assessor's Parcel Number 021-110-033 and the proposed Tentative Subdivision Map has been assigned the file number Tentative Subdivision Map No. 1-23 (TSM 1-23); and,

**WHEREAS**, the Planning Commission considered the Tentative Subdivision Map No. 1-23 at a regular, noticed public hearing on January 11, 2023, considered the staff report regarding the proposed tentative map design and required public improvements, and recommends the City Council approve the Tentative Map 1-23; and,

**WHEREAS**, the City Council determined that the described Tentative Subdivision Map and its design and improvements are consistent with the General Plan and Zoning Ordinance of the Gridley Municipal Code, Chapter 17, regulations and policies regarding the use and division of land; and,

**WHEREAS**, the City Council finds that the proposed 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 Subdivision 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, as amended.

*The Commercial standards of the City's General Plan establishes the intent of the development of commercial property. The land use is further defined by the Zoning Ordinance; the project is zoned Highway Commercial Corridor Mixed Use Combining District.*



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2. That the site is physically suitable for the type of development proposed.

*The site is physically suitable for development.*

3. That the site is physically suited for the density of development.

*The proposed project is for a Tentative Subdivision Map. The development planned for the site is commercial uses contiguous to SR 99 and multi-family residential housing on the remainder. The zoning for the site is designed for mixed uses. The multi-family housing will have a density of approximately 11 du/acre consistent with R-3, MFR zoning having a density range of 9-15 du/ac.*

4. That the designs of the subdivision or the proposed improvements are not likely to cause serious public health problems.

*The project will provide adequate all services for a complete project with utilities, on-site and off-site improvements; therefore, the project will not cause public health problems.*

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 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.*

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 development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.*



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9. The project will not result in substantial environmental damage.

*The tentative subdivision map would not result in 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.*

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

Approves Tentative Subdivision Map 1-23 as described subject to the following conditions of approval:

1. The applicant/property owner shall file a Declaration of Acceptance of the Conditions of Approval within 30 days of approval for the Tentative Subdivision Map 1-23.
2. The Tentative Subdivision Map 1-23 shall expire after a three (3) year period. The applicant may apply for an extension 30 days prior to the expiration of the map as allowed by Title 16 and 17 of the Gridley Municipal Code of up to an additional 2 years.
3. Use of the site is subject to all zoning regulations described in Gridley Municipal Code as applicable to "HCC/MUCZ" zoning districts, the General Plan requirements, and all applicable requirements of the Gridley Municipal Code.
4. Physical development of the site shall conform to the design approved for Tentative Subdivision Map No. 1-23 and to all of the conditions of approval of that Tentative Subdivision Map.
5. The project shall be required to pay all applicable impact fees for the development of the project.
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 approved application. Changes deemed to be major or significant in nature shall require a formal application for amendment.
7. Prior to any site work, the project applicant shall submit a geotechnical report to the City, prepared by a certified engineering geologist. The project applicant shall incorporate any recommended measures into the final design.
8. Construction of the project shall comply with the requirements of the National Pollution Discharge Elimination (NPDES) Permit and obtain a WDID from the State of California in conformance with the General Construction Storm Water Permit; Storm

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Water Pollution Prevention Plan (SWPPP) shall be prepared prior to construction activities.

9. Upon commencement of grading and construction activities, the applicant shall implement measures to offset particulate matter and emissions from construction equipment as specified by Butte County Air Quality Management District.
10. The developer shall dedicate additional right of way, if required, to the State of California and improve the west frontage on SR 99 to the satisfaction of the city engineer and Caltrans with curb, gutter, sidewalk and landscaping.

The developer shall offer for dedication an area as depicted on the Tentative Subdivision Map a minimum of a 60-foot wide local residential street right-of-way for the interior extension of Washington Street to the satisfaction of the City Engineer. The developer shall work with city staff for the design section of the street extension.

Prior to recordation of a Final Map, the applicant shall submit for review and approval improvement plans that shall include, not limited to, details related to above and underground infrastructure; piping and service laterals, meters, drop inlets, manholes, curb, gutter, and sidewalk, roadway, pavement markings, lighting, hydrants, street signs, electrical, transformer pedestals, and any and all components as required by the City of Gridley, the City Engineer, the Utility Supervisor, and Public Works Manager. Plans shall meet all required state and local ordinances, regulations, and Public Works Development Standards. Omissions on the plans does not constitute approval for the omission. Plans shall be reviewed and approved by the City Engineer and the Gridley Municipal Services Division.

11. Dedicate a 10-foot non-exclusive public services easement/public utility easement adjacent to all public right-of-way frontages; SR 99 and Washington Street extension.
12. Prior to recordation of the final map, the applicant shall coordinate with the Butte County Assessor's Office and Tax Collector to segregate any assessments against the properties and pay any delinquent, current, and future taxes and/or assessments against the properties as required.
13. Prior to approval of a Final Map all of the following requirements shall be completed:

A registered engineer shall prepare and submit the following information to Gridley Department of Public Works for review and approval:

- a. Calculations identifying the estimated rate of peak stormwater runoff from the cross area of the undivided site and abutting streets - as they exist at the time of approval of the tentative subdivision map- during currently adopted design storm event. The calculations shall be prepared in a manner consistent with

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the Gridley Public Works Construction Standards, and with standard engineering practice.

- b. 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.
  - c. An assessment against the development and individual parcels shall be established to fund the on-going maintenance costs associated with any approved stormwater detention facilities, lighting, landscape, and drainage components as determined by the City Engineer.
  - d. Dedication of the area for the detention facilities, if required shall be made to the City of Gridley as a condition of recordation of the Final Map.
  - e. The design of surface detention facilities, if required, 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.
  - f. 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 City Engineer for review and approval prior to the recordation of the Final Map.
14. Telephone, cable television, and gas service shall be provided to all parcels and all units in the development in accordance with the Gridley Public Works Construction Standards, the Gridley Municipal Code, and the requirements of the agencies providing these services.
15. 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.
16. The lots shall be graded in conformance with the Gridley Public Works Construction Standards and the Gridley Municipal Code. Provide existing topo 100 feet beyond boundary and proposed finish grade contour lines both at 1 foot contour intervals. Show all existing public facilities within the 100-foot beyond the site boundary. 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. Prior to any site work, grading, or underground work on site, a grading permit shall be applied for and granted by the city of Gridley.

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17. 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.
18. In order to mitigate noise impacts from on the residential development, the applicant shall erect a minimum 6'-high solid cmusplit face capped sound wall adjacent to the UPRR right of way to the acceptance of the improvements for the project.
19. Landscaping and irrigation shall be constructed throughout the development to the satisfaction of the Planning Director. A water audit is required prior to issuance of a certificate of occupancy. Provide Landscape Plan for frontage along SR 99 and throughout the development.
20. Provide utility plans for underground infrastructure including water distribution plan depicting proposed sizes and tie in locations; conceptual sewer plan, proposed sizes, slopes, sewer manholes and tie in locations; storm drain pipe locations. The developer shall identify if variances for underground crossings will require variances and be responsible for preparing all necessary forms and plats as required by the Department of Water Resources.
21. Electrical and Water to be looped into existing infrastructure, if required. The electrical service shall be extended for service to the development from Washington Street. The applicant shall coordinate with Gridley Electric specific to the design needs. All overhead utilities shall be underground within subdivision.
22. The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code. 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.
23. Show proposed building setbacks for each building with the site development plans.
24. Street lighting shall be provided within the interior of the development. The lighting layout will be approved by the city and will have decorative acorn lighting. Decorative acorn lighting shall be located on both sides of the entry from SR 99 to the development.
25. Meet requirements of Reclamation District 2056 related to the rate of discharge into the existing facilities. The proposed development shall mitigate the increased stormwater runoff such that RD2056 facilities and properties served by the district aren't impacted due to the increased stormwater.

Reclamation District 2056 may review the drainage plan and analysis and reimbursed by the applicant for any costs associated with their review to the district.

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26. 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.
27. The applicant/developer may develop the subdivision in phases at the review and approval of the city.
28. 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.
29. 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.
30. Note on a separate document to be recorded simultaneously with the Subdivision Map, the requirement for payment of drainage fees levied, if any, and must be paid to the City at the time a building permit is issued for development of each parcel.
31. Install street name signs, traffic control signs, pavement markings and barricades as required in conformance with the Gridley Public Works Construction Standards, as required.
32. Dedication of the total area of the detention basin, park, open space, frontage improvements 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.
33. All fencing shall be reviewed and approved by the city of Gridley including fencing/wall design adjacent to the UPRR corridor, Butte Water District Canal, and RD 2056 as well as the property contiguous to the commercial sites. The City and the developer shall coordinate for the design of decorative fencing.
34. All residential structures shall provide a fire sprinkler system that meets or exceeds the requirements of the Fire Code.
35. The development shall 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. The solar array is preferred to be on the covered parking structures.

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36. The applicant/developer is responsible for paying all costs for a third-party inspector during the construction of any or all phases of development, as determined by the City Engineer.
37. Construction practices shall conform to the standards adopted by the ButteCounty 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.
38. 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.
39. 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

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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.

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*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.

40. 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 roughgrading. The report shall be submitted to the City of Gridley Planning Department for review and acceptance of the findings of the biologic site review.



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41. 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.
42. If human remains, or remains that are potentially human, are found during construction, a professional archaeologist 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 descendant 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.
43. 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.

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44. Project noise-generating construction activities shall occur within the hours identified in Gridley Municipal Code.
45. 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.
46. 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.
47. Electrically powered equipment shall be used, where feasible, instead of pneumatic or internal-combustion-powered equipment.
48. Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
49. 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.

**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 23<sup>rd</sup> day of January, 2023, by the following vote:

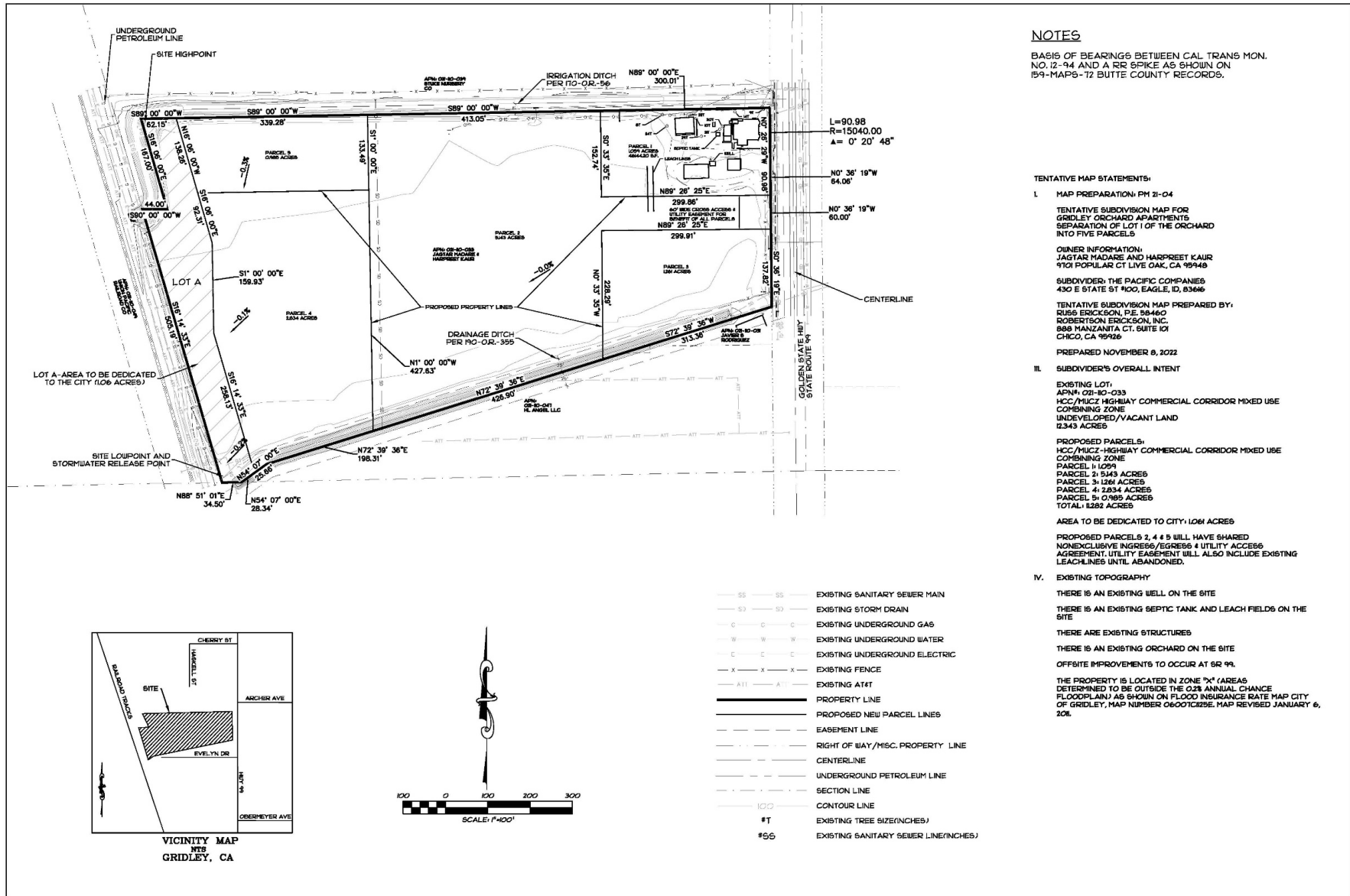
|          |                 |       |
|----------|-----------------|-------|
| AYES:    | COUNCIL MEMBERS | _____ |
| NOES:    | COUNCIL MEMBERS | _____ |
| ABSTAIN: | COUNCIL MEMBERS | _____ |
| ABSENT:  | COUNCIL MEMBERS | _____ |

ATTEST:

APPROVE:

\_\_\_\_\_  
Cliff Wagner, City Clerk

\_\_\_\_\_  
Michael Farr, Mayor





**City Council Agenda Item #8**  
Staff Report

**Date:** January 23, 2023

**To:** Mayor and City Council

**From:** Cliff Wagner, City Administrator

|          |           |
|----------|-----------|
| <b>X</b> | Regular   |
|          | Special   |
|          | Closed    |
|          | Emergency |

**Subject:** Adoption of Resolution No. 2023-R-003: A Resolution of the City Council of the City of Gridley Authorizing and Designating City Representatives to Vote the City's Interests in Governance Agreements Associated with City's Participation in Programs, Projects, and Services as a Member of the Northern California Power Agency

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**Recommendation**

Staff respectfully requests the City Council approve the attached resolution effective January 23, 2023, that appoints both Jake Carter and Catalina Sanchez as representatives to NCPA Committees and Mike Farr as the Alternate Representative to the NCPA Commission and other various NCPA committees. The City Administrator will also assume several NCPA Committee duties.

**Background**

The purpose of this recommendation is to ensure that the City of Gridley meet its long-term obligations as a member of the NCPA. This recommended action will not result in authority being granted to Councilmembers or the City staff to make decisions or take action binding the City to individual actions apart from the broader efforts of the NCPA, such as the individual purchase of new power at the Lodi Energy Center.

**Financial Impact**

There are no direct costs associated with this effort.

**Compliance with the City Council Strategic Plan or Budget Goals**

This recommendation is consistent with our ongoing efforts to provide cost effective electrical services that are fully transparent and compliant with all legal standards.

**Attachment:**

Resolution No. 2023-R-003 Appointing Representatives to the NCPA

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING AND DESIGNATING CITY REPRESENTATIVES TO VOTE THE CITY'S INTERESTS IN GOVERNANCE AGREEMENTS ASSOCIATED WITH CITY'S PARTICIPATION IN PROGRAMS, PROJECTS AND SERVICES AS A MEMBER OF THE NORTHERN CALIFORNIA POWER AGENCY**

**WHEREAS**, (1) the City joined the Northern California Power Agency, hereinafter referred to as NCPA, in order to facilitate the City's acquisition of electrical power that is required to meet the electrical needs of residents and businesses within the City of Gridley; and

**WHEREAS**, (2) the City became a member of the NCPA by executing the NCPA Joint Powers Agreement on July 19, 1968, and has subsequently executed the Amended and Restated Northern California Power Agency Joint Powers Agreement, hereinafter referred to as the JPA, with an effective date of January 1, 2008, as supplemented from time-to-time; and

**WHEREAS**, (3) the JPA provides that each party to the JPA shall be a "Member" of NCPA and appoint its designated representative to the Commission; and

**WHEREAS**, (4) NCPA Bylaws, as authorized pursuant to JPA Article II, specify that:

- a) NCPA is governed by a Commission, composed of one (1) voting representative of each of the Members. Each Member of the Agency may also appoint one or more alternate Commissioners to act in the absence of that Member's Commissioner.
- b) The clerk or secretary of the board of each Member shall be responsible for advising the Secretary, in writing, of:
  - a. The identity of the Member's appointee to the Commission
  - b. The identity of any alternate Commissioner
  - c. The priority of such alternate Commissioner if more than one such alternate is appointed; and

**WHEREAS**, (5) the City has entered into a number of programs, project and service agreements through its Membership at NCPA to further facilitate the acquisition and delivery of electric power to support the provision municipal services to its residents and businesses, including:

- a) Lodi Energy Center Power Sales Agreement
- b) Lodi Energy Center Project Management and Operations Agreement
- c) Power Management and Administrative Services Agreement
- d) Amended and Restated Schedule Coordination Program Agreement
- e) Amended and Restated Facilities Agreement
- f) Second Amended and Restated Pooling Agreement
- g) Single Member Service Agreement
- h) Natural Gas Program Agreement
- i) Amended and Restated Market Purchase Program Agreement
- j) Legislative and Regulatory Affairs Program Agreement; and

**WHEREAS**, (6), each of the program and project agreements described above require the City to designate a representative that is authorized to direct NCPA to take actions on the City's behalf and obligate the City to pay for any actions taken by NCPA on the City's behalf; and

**WHEREAS**, (7) the Lodi Power Sales Agreement and Lodi Energy Center Project Management and Operations Agreement provide for the establishment of a Participants Committee, hereinafter referred to as the PPC, consisting of one member from each of the project participants, who are entitled to cast one vote on matters to which a majority of Participants is used to determine approval of matters relating to the Lodi Energy Center; and

**WHEREAS**, (8) Participants on the PPC are required to promptly give notice in writing to the other Participants and NCPA of any changes in the designation of its representative(s), including any change in its voting representative, on any committee or subcommittee; and

**WHEREAS**, (9) Signatories to the Power Management and Administrative Services agreement and Amended and Restated Schedule Coordination Agreement, hereinafter referred to as the PMASA and SCPA respectively, are entitled to cast one vote on matters pertaining to these Agreements, where such votes will be taken at meetings of the NCPA Commission through duly appointed Commissioners or Alternate Commissioners of each Member; and

**WHEREAS**, (10) the City has executed the Amended and Restated Facilities Agreement, herein after referred to as the FA, where the FA provides for the creation of a technical working group, known as the Facilities Committee that provides advisory recommendations to the NCPA Commission on matters associated with NCPA project operations, maintenance and budgets, including matters associated with the PMASA and SCPA; and

**WHEREAS**, (11) Each signatory to the FA is entitled to identify a Primary Representative and Alternate Representatives by written notice from a Participant's Commissioner, or their designee who will vote on matters pertaining to the FA at meetings held in accordance with the Ralph M. Brown Act; and

**WHEREAS**, (12) the City has executed the Second Amended and Restated Pooling Agreement, herein after referred to as the PA, where the PA provides the means and methods for joint resource planning, load forecasting, power pool purchases and centralized scheduling, dispatch and settlement activities; and

**WHEREAS**, (13) No formal designation is needed to participate on the Pooling Committee, but may be helpful to ensure notice is provided to the proper City representatives; and

**WHEREAS**, (14) the City has executed the Single Member Service Agreement, hereinafter referred to as the SMSA, which enables NCPA to enter into Power, Gas, and Financial transactions on behalf of the City, along with advisory, agency and pooled subscription services; and

**WHEREAS**, (15) the SMSA specifies that the Member by resolution or Member's manager with written delegated authority will delegate to NCPA all of the Member's governing

body's authority to enter into a Transaction with the delegation to NCPA confirming an Agency Service or Power Procurement Service for such Transaction; and

**WHEREAS**, (16) the City has executed the Amended and Restated Market Purchase Program Agreement, and the Natural Gas Program Agreement, hereinafter referred to as the MPP, and NGP respectively, which enables NCPA, on behalf of the Participants to engage in Contract Transactions to purchase and sell Energy, Resource Adequacy Capacity, Renewable Energy Credits, Greenhouse Gas Compliance Instruments, and Physical Option Products for the benefit of the Participant's customers; and

**WHEREAS**, (17) all transactions executed under the MPP and/or the NGP by NCPA on a Participant's behalf require a pre-authorization form executed by a duly authorized Participant Designated Representative, where the MPP and NGP provide that the Designated Representative of each Participant is the Participants Utility Director, and that an employee other than the Utility Director may be designated by resolution of the Participant's governing body; and

**WHEREAS**, (18) participate in activities of and entitled to cast one vote on matters related to a project, activity, budget, or initiative under the Legislative and Regulatory Affairs Program Agreement; and

**WHEREAS**, (19) the City desires to update its authorized and designated representatives to reflect updates to the City's staffing and organizational structure; and

**WHEREAS**, (20) the City wishes to appoint a representative(s) to act as the City's Commissioner on the NCPA Commission; to identify City representatives to participate on various NCPA committee's established to support the delivery of project and program services to members, and to authorize transactions that NCPA may enter into on the City's behalf that are necessary to deliver electric power to support the provision of municipal services to its residents and businesses; and

**WHEREAS**, (21) this resolution supersedes and replaces Resolution No. 2022-R-006 approved by Gridley City Council on March 15, 2022.

**NOW, THEREFORE BE IT RESOLVED** that the Gridley City Council hereby takes the following actions:

**RESOLVED**, (a) the City Council of the City of Gridley (CITY) confirms the following individuals as Commissioner and Alternate Commissioner on the NCPA Commission effective January 23, 2023:

Commissioner – Catalina Sanchez

First Alternate Commissioner – Mike Farr

**RESOLVED**, (b) the CITY confirms the following individuals as the voting representatives on the LEC Project Participant Committee:

Voting Representative – Jake Carter



First Alternate – Mike Farr

**RESOLVED**, (c) the CITY confirms the following individuals as the voting representative on the Legislative and Regulatory Affairs Committee:

Voting Representative – Catalina Sanchez

Alternate Voting Representative – Mike Farr

**RESOLVED**, (d) the CITY confirms the following individuals as the voting representative on the NCPA Facilities Committee:

Voting Representative – Jake Carter

**RESOLVED**, (e) the CITY confirms the following individuals to receive notice regarding City's participation on the Pooling Committee:

Representative – Jake Carter

**RESOLVED**, (f) the CITY delegates CITY Authority to enter into Transactions through delegations to NCPA confirming an Agency Service or Power Procurement service, pursuant to section 11.2 of the SMSA to:

Authorized Representative(s) – City Administrator

**RESOLVED**, (g) the City delegates Board Authority to execute Participant Authorizations directing NCPA to engage in Contract Transactions to purchase and sell Energy, Natural Gas, Resource Adequacy Capacity, Renewable Energy Credits, Greenhouse Gas Compliance Instruments, and Physical Option Products for the benefit of the Participant's customers, in accordance with the provisions of the MPP and NGP and appoints the following individual(s) as its Designated Representative(s) pursuant to section 1.1.2.6 of the MPP and 1.1.15 of the NGP:

Designated Representative(s) – City Administrator

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Gridley at a regular meeting held on January 23, 2023, by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

ABSTAIN: COUNCILMEMBERS

ATTEST

APPROVE

\_\_\_\_\_  
Cliff Wagner, City Administrator

\_\_\_\_\_  
Mike Farr, Mayor



**City Council Agenda Item #9**  
Staff Report

**Date:** January 23, 2023  
**To:** Mayor and City Council  
**From:** Tony Galyean, City Attorney

|          |           |
|----------|-----------|
| <b>X</b> | Regular   |
|          | Special   |
|          | Closed    |
|          | Emergency |

**Subject:** Dept. of Parks & Recreation Waivers and Release Forms

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**Recommendation**

Approve the use of new Group User/Renter Adult Participant and Minor Participant Waiver and Release Forms

**Background**

A review of current policies and practices has evidenced a need to implement Waiver and Release forms which participant groups and individuals should sign prior to the use or rental of city facilities and property or prior to participation in City sponsored recreation programs in order to further mitigate the City's exposure to tort liability.

**Financial Impact**

No direct economic cost. Likely potential savings in the form of reduced exposure to claims for damages by participants and users of City parks, facilities, athletic fields and athletic courts.

**Compliance with City Council Strategic Plan or Budget Goals**

N/A

**Attachments:**

1. Proposed Group User/Renter Waiver and Release
2. Proposed Adult and Minor Participant Waiver and Release form.

## City of Gridley Department of Parks and Recreation

### Group User/Renter Waiver and Release

In exchange for the use and access to parks, facilities, sports complexes, athletic courts and fields, \_\_\_\_\_ (hereinafter "User" or "Renter") hereby agrees to indemnify, defend and hold harmless the City of Gridley ("City"), its officers, employees and agents from any and all losses, costs, expenses, claims, liabilities, actions, lawsuits, judgments and/or damages, attorneys' fees, legal costs, injuries to any person or persons and damages to any real or personal property arising at any time out of or in any way related to User's/Renter's use or occupancy of a facility or property owned, maintained or controlled by the City unless solely caused by the gross negligence or willful misconduct of the City, its officers, agents and employees. User's/Renter's obligation to indemnify, defend and hold harmless the City, its officers, agents and employees includes claims arising out of injuries or damages caused by either passive or active negligence of the City, its officers, agents and employees or arising out of a dangerous or allegedly dangerous condition of the City's property.

User/Renter agrees to procure and maintain for the duration of the period of User's/Renter's use of the City's parks, facilities, sports complexes, athletic courts and fields a policy of commercial general liability insurance with coverage in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 general aggregate, for bodily injury, personal injuries, wrongful death and property damages. User/Renter agrees to name the City of Gridley, its officers, employees, agents and volunteers as additional insureds and to provide evidence of such insurance for the benefit of the City to the City prior to User's/Renter's use of City property or facilities.

Date: \_\_\_\_\_

By: \_\_\_\_\_

User/Renter

## City of Gridley Department of Parks and Recreation

### Adult Participant Waiver and Release

In exchange for the use and access to parks, facilities, sports complexes, athletic courts and fields, \_\_\_\_\_ (hereinafter "Participant") hereby agrees to indemnify, defend and hold harmless the City of Gridley ("City"), its officers, employees and agents from any and all losses, costs, expenses, claims, liabilities, actions, lawsuits, judgments and/or damages, attorneys' fees, legal costs, injuries to any person or persons and damages to any real or personal property arising at any time out of or in any way related to Participant's use or occupancy of a facility or property owned, maintained or controlled by the City unless solely caused by the gross negligence or willful misconduct of the City, its officers, agents and employees. Participant's obligation to indemnify, defend and hold harmless the City, its officers, agents and employees includes claims arising out of injuries or damages caused by either passive or active negligence of the City, its officers, agents and employees or arising out of a dangerous or allegedly dangerous condition of the City's property.

Date: \_\_\_\_\_

Participant: \_\_\_\_\_ (print)  
\_\_\_\_\_ (signed)

### Minor Participant Waiver and Release

In exchange for the use and access to parks, facilities, sports complexes, athletic courts and fields, I, \_\_\_\_\_ (Parent/Legal Guardian) on behalf of the Minor \_\_\_\_\_ (hereinafter "Minor Participant"), hereby agrees to indemnify, defend and hold harmless the City of Gridley ("City"), its officers, employees and agents from any and all losses, costs, expenses, claims, liabilities, actions, lawsuits, judgments and/or damages, attorneys' fees, legal costs, injuries to any person or persons and damages to any real or personal property arising at any time out of or in any way related to Minor Participant's use or occupancy of a facility or property owned, maintained or controlled by the City unless solely caused by the gross negligence or willful misconduct of the City, its officers, agents and employees. Minor Participant's obligation to indemnify, defend and hold harmless the City, its officers, agents and employees includes claims arising out of injuries or damages caused by either passive or active negligence of the City, its officers, agents and employees or arising out of a dangerous or allegedly dangerous condition of the City's property.

Date: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ (print)  
\_\_\_\_\_ (signature)