



Agenda Item

Orange City Council

Item #: 9.1.

1/13/2026

File #: 25-0610

TO: Honorable Mayor and Members of the City Council

THRU: Jarad Hildenbrand, City Manager

FROM: Christopher Cash, Public Works Director

1. SUBJECT

Dirt hauling permit for the development of Tract 18163, currently owned by Milan REI X, LLC.

2. SUMMARY

Milan REI X, LLC, holds the rights to the approved Tentative Tract Map 18163, entitling 22 single-family residential lots over former APN# 370-011-21. The final tract map is expected to be recorded in March 2026 and sold to a successor owner. Milan REI X, LLC seeks to obtain various related entitlements, permits, and approvals prior to sale, including the associated dirt hauling permit.

3. RECOMMENDED ACTION

Approve the hauling operation, route, and conditions delineated in the staff report; authorize staff to issue a haul permit and approve minor adjustments, including, but not limited to, extending the duration, if necessary.

4. FISCAL IMPACT

None. Will generate nominal permitting fees to offset staff time.

5. STRATEGIC PLAN GOALS

Goal 5: Improve Infrastructure, Mobility, and Technology

6. DISCUSSION AND BACKGROUND

Background

Milan REI X, LLC (Milan) owns former APN # 370-011-21 and the development rights for 22 single family dwellings associated with approved Tentative Tract Map 18163. Together, this future residential development project is currently referred to as "Mabury 22." The Mabury 22 site is in East Orange, just south of Mabury Avenue and generally bounded by Cannon Street to the west, Orange Park Boulevard to the east, and Santiago Creek to the south. A vicinity map is attached for reference.

Milan anticipates that the Final Tract Map will be recorded in Spring 2026, after selling the project to the prospective merchant builder (D.R. Horton). As a condition of sale, Milan has committed to deliver an entitled project, with all necessary permits secured.

Pursuant to the attached Memorandum of Understanding (MOU) between the City and Milan, Milan has submitted, and will continue to submit, plans and permit applications related to Mabury 22 (referred to within the MOU as the “TTM Project”) for ministerial review and approval. All submittals will be processed in accordance with the City of Orange Municipal Code, Grading Manual, and all applicable engineering and public safety standards.

The infrastructure plans related to Mabury 22, including, but not limited to, grading plans, utility plans, drainage plans, and other improvements, are expected to be approved by staff, as part of the plan check process, no later than mid-January. As a result, staff can administratively process all city-issued permits related to Mabury 22, except for the transportation (haul) permit. Because the volume of dirt that needs to be moved exceeds 30,000 cubic yards (approximately 130,000 cubic yards in this case,) the Tentative Tract Map’s conditions-of-approval, specifically Resolution No. 11268, requires City Council approval of the haul permit.

The approval to haul, if granted, would authorize the operational details described herein, including a haul route for moving dirt, along with conditions of approval that the applicant must adhere to. Moreover, the City Council would authorize staff to approve minor adjustments, including extending permit duration, if necessary. Additionally, the approval would be for a dirt-hauling operation related to the development of Mabury 22 and, assuming a timely application and conformance with all entitlements and related permits, extend to any successor owner and their project contractors.

Haul Route Scenarios and Operational Details

There are two haul route scenarios, identified below in order of preference, that would require a city-issued haul permit.

Scenario 1 (Option 2 on attached TMP): An on-site haul route road would be constructed across the Santiago Creek and clean fill material would be imported from an off-site source via the Scenario 1 Haul Route (attached), onto the Rio Santiago property (generally located south of Mabury 22 and north of Santiago Canyon Road,) and moved across said road to the development site.

This scenario requires approval from the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board.) It also requires the Orange County Health Care Agency, Environmental Health Division acting as the Lead Enforcement Agency (LEA), to determine whether soil from one on-site stockpile can be moved within the site and relocated in a manner as to not conflict with alignment of the proposed land bridge that would connect the Rio Santiago and Mabury 22 sites.

In a letter dated December 23, 2025, The Santa Ana Water Board issued a comment letter to Milan, concurring with its proposed scope of work associated with Scenario 1. Specifically, the Stockpile “H” could be altered to accommodate an on-site haul route road, subject to the commitments and comments delineated in the attached comment letter. And the LEA has also provided their concurrence in an email to the applicant.

The haul route would consist of trucks entering the City through the 55 Freeway via eastbound Katella Ave/Villa Park Rd/Santiago Cyn Rd, then turning left into the Rio Santiago property.

Scenario 2 (Option 3 on attached TMP):

Scenario 2 may only be permitted if Scenario 1 is determined to be infeasible. Confirming infeasibility requires a complete written submittal to the Public Works Director (or designee) with documentation showing that Scenario 1 cannot reasonably be implemented due to regulatory constraints or physical site conditions (e.g., written agency denial, written agency conditions that materially prevent construction or operation of the land bridge/haul route within the approved footprint, or temporary high-water conditions or other site conditions affecting safe land bridge operations). The Public Works Director (or designee) will issue an infeasibility determination within five (5) business days of receiving a complete request package. Any agency concurrence related to Stockpile H is limited to alteration/relocation consistent with agency requirements and does not authorize use of Stockpile H material for grading or fill at the Mabury 22 site. Scenario 2 may also be used for necessary haul of land bridge soil and other project related soil in de minimis quantities that may need to be imported or exported after the Land Bridge is removed.

Clean fill material is imported from an off-site source via the Scenario 2 Haul Route (attached), through the residential streets of the Mabury Ranch neighborhood.

Similar to Scenario 1, this haul route would consist of trucks entering the city through the 55 Freeway via eastbound Katella Avenue/Villa Park Rd/Santiago Cyn Rd. However, Scenario 2 involves turning northbound on Cannon Street (upstream of the Rio Santiago property,) then eastbound on Serrano Avenue, before heading south on Yellowstone Boulevard through the Mabury Ranch community, across/via Mabury Avenue, and into the project site.

The Haul Route Traffic Management Plan prepared by LLG is attached for reference, and includes Scenarios 1 and 2, respectively, as Options 2 and 3, respectively.

In granting approval for this item, the City Council would authorize staff to issue a haul permit for either Scenario 1 or, if the applicant adequately demonstrates necessity as described above, Scenario 2.

The hauling company is expected to be Windrow Earth Transport, Inc. Hauling will begin on or after January 19, 2026, with the duration of the operation expected to be 6 months. The volume of soil needed as fill on the Mabury 22 site is approximately 130,000 cubic yards. The vehicles used to haul the soil will be 2-Axle Tractor - Double Bottom Dump Trailers, approximately 60 feet long. Each truck can carry up to 14 cubic yards. There will be approximately 240 truck trips per day to the site.

Haul Permit Conditions of Approval

The following conditions will be required as part of the haul permit approval. These conditions have been provided to Milan for review, and accepted.

1. Provide import plans for the city to review including the following:
 - a. site preparation and import/excavation
 - b. equipment to be used

- c. Construction activity cycle
- d. Haul route
- e. Truck queuing
- f. Power source
- g. Construction worker parking
- h. Construction trailer (if any) during grading
- i. Work hours
- j. General construction timing

2. Obtain all County Flood and all other agencies permits
3. The initial number of trucks to be involved in hauling operations shall not exceed 30, with increases subject to approval of the City Traffic Engineer.
4. A cash bond may be required to insure against loss of pavement life along primary haul routes.
5. No storage or queuing of haul trucks will occur on city streets or on the freeways outside of the lane closure area along the project frontage. Any additional hauling trucks will be retained at the grading contractor's site(s) and released via telecommunications.
6. The haul route shall be the following (for Scenario 1):

Inbound: Eastbound Katella (Santiago Canyon Road) via 55 Freeway to job site

Outbound: Job site to westbound Santiago Canyon Road (Katella), to 55 Freeway.

OR (for Scenario 2):

Inbound: Eastbound Katella via 55 Freeway to northbound Cannon to eastbound Serrano to southbound Yellowstone across/via Mabury to job site.

Outbound: Job site/Mabury to northbound Yellowstone to westbound Serrano to southbound Cannon to westbound Santigo Cyn/Villa Park/Katella to 55 Freeway.

Additional route(s) may be necessary, based on availability and location of source sites for the fill material. Any such route shall be authorized only when approved by the City Traffic Engineer, and when an appropriate Rider to the Transportation Permit is obtained.

7. The contractor shall temporarily fix any potholes that may occur along the approved truck routes, using a hot-patch method; cold patch will not be acceptable.
8. Hours of hauling operations shall be from 8:30 A.M. to 3:30 P.M., Monday through Friday, (excluding Holidays).
9. Duration of the haul permit shall be 6 months from date of issuance which may be extended by the Public Works Director or designee to account for unforeseen events.
10. Contractor shall submit a traffic management plan including vehicular and pedestrian temporary traffic control plan for review and approval of the City prior to commencement of

hauling operations. This shall include, but not be limited to, any uncontrol turning movements, truck turn templates, and flagmen to assist with trucks merging into the traffic stream.

11. The Contractor shall provide street sweeping of streets utilized in the haul route, as directed by the City. A vacuum truck may be required for clean-up and compliance with the Storm Drain Act, at the discretion of the City. Additional sweeping by City forces, if necessary, will be billed to the Contractor and the haul permit shall be suspended until resolution of any sweeping problems. Construction site must be swept and washed clean at the end of each workday as noted in Section 7-10, "Public Convenience and Safety" of the City of Orange Standard Specifications.
12. The Contractor will post a \$5,000.00 clean-up deposit to guarantee that the street shall remain clean.
13. Haul route streets shall be swept every working day, at the discretion of the City. Contractor shall provide a gravel bed and shaker bar and shall wash off wheels and undercarriage of exiting vehicles prior to entering city streets to avoid tracking dirt and mud onto city roadways. A water truck may be required for dust control on the jobsite at the sole discretion of the City Inspectors. Water Quality Management Plan (WQMP) will be required and all requirements of same shall be adhered to.
14. As a result of the BIT Legislation (Bi-Annual Inspection of Commercial Vehicles, Drivers and Facilities) the vehicle safety inspections formerly required are not necessary. The Orange Police Department will, however, perform spot checks during the entire duration of this permit.
15. Violation of any condition of the haul permit or applicable sections of the State of California Vehicle Code by the Contractor or his subcontractors shall be cause, upon notification to the Contractor, for immediate suspension or revocation of the haul permit.
16. A responsible agent of the Contractor be identified and will be available to respond to Police and Public Works officials concerns, or inquiries at any time.
17. That the OPD Commercial Enforcement Detail, or the City Engineer will determine when wind conditions are of a magnitude requiring cessation of hauling activities for that day. To accommodate vehicles en-route, hauling will cease one (1) hour after the decision to cease has been made.
18. All loads of earth material shall be filled below the top of the sideboard, as outlined in the California Vehicle Code, or the loads shall be covered by a tarpaulin, as provided in the City Municipal Code, Ordinance 10.67, Section 10.67.030, Paragraph A.2, which states as follows:

"Trailers carrying loads of earth material shall, in a manner adequate to prevent the earth material from blowing or bouncing out of or otherwise leaving the truck and/or trailer while traveling or standing upon any public roadway, either wet down the loads or cover the load of earth material with a tarpaulin prior to entering upon any public roadway in the City of Orange."
19. Permit is VOID if these conditions are not attached. A copy of this permit, with conditions, must be maintained in the cab of the truck at all times it is operating on city streets. It shall be the Contractor's responsibility to obtain necessary permits, distribute to sub-contractors and Contractor shall not be relieved of any fees associated with said permits. It shall be the Contractor's responsibility to maintain control of his sub-contractors and advise them of the

conditions of the haul permit.

20. City may modify or revoke permit at any time in the interest of public safety.

7. ATTACHMENTS

- Attachment 1 Vicinity Map
- Attachment 2 Memorandum of Understanding between City and Milan
- Attachment 3 Scenario 1 Haul Route
- Attachment 4 Scenario 2 Haul Route
- Attachment 5 Haul Route Traffic Management Plan (TMP) for Tract 18163
- Attachment 6 Santa Ana Water Board Comment Letter