

Meeting was called to order by Mayor Roundy. Meeting opened with the Pledge of Allegiance.

ROLL CALL

Councilmembers present: James Paschall, Reggie Olney, Vice Mayor Paul Barr and Mayor Bruce Roundy

Councilmembers absent: Wade Elliott

Staff present: Bob Pasero, Nancy Sailsbery, Ken Skillman, Angie Crook, Tom Andrews and Paul Poczobut, Jr.

ORAL AND WRITTEN COMMUNICATIONS – Planning

Citizen Business:

None

PUBLIC HEARING – Planning

1. WestHaven Orland Development (Owner/Applicant): Conditional Use Permit

#2005-14, Amendment: to allow the construction and operation of a second licensed residential elder care facility at the existing campus on APN: 041-271-062 (0.64± acres). The project site is adjacent to, and south of, the existing approved elder care facility (WestHaven) and is part of a larger planned senior housing campus. The proposed addition is approximately 10,000 square feet and will include a 16-bed expansion. The applicant is providing 44 on-site parking spaces as required by the Orland Municipal Code. The site plan provides for 30 employee spaces at 9' x 18', six (6) standard spaces at 10' x 20', four (4) compact spaces at 8.5' x 16', and four (4) ADA van accessible spaces. The property is zoned "PD" (Planned Development) with the underlying "R-2" (Residential Two-family) Zoning District Standards and is designated "Medium Density Residential" (RM: 10 units per acre) in the General Plan.

(A) Approval of the project (CUP #2005-14, Amendment)

Environmental Review: On January 11, 2006, the Orland City Council adopted a categorical exemption under CEQA as "In-fill" (Section 15332) for Conditional Use Permit #2005-14 as the proposed use is compatible with applicable General Plan and Zoning Designations, is located on a project site that is less than five acres, is located within the City of Orland, has no value as habitat for endangered species or threatened species, will result in no effects related to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services. Therefore, no environmental review under CEQA is required for this Amendment.

Councilmember Olney advised he would recuse himself from the dais (7:03 p.m.) as he is employed by the company contracted with the applicant.

Community Services Director Sailsbery presented Council with a summary of the applicants request. Councilmember Paschall advised the applicant has complied with the on-site parking requirements. The Public Hearing opened for comments at 7:05 p.m. Byron Denton, 127 Tanner Way, advised he was pleased the applicant has complied with the on-site parking requirements. With no further comments the Public Hearing closed at 7:06 p.m.

Councilmember Paschall moved, seconded by Vice Mayor Barr to adopt the following findings and approve Conditional Use Permit #2005-14, Amendment, subject to the Conditions of Approval listed below:

Findings for approval of the Use Permit:

1. The approval of this Use Permit is necessary to protect a substantial property right of the applicant (OMC 17.80.040).
2. The approval permits a use that will be compatible with other uses in the area, and that will not be detrimental to other uses, rights or properties in the area (OMC 17.80.040).

The project is a residential land use allowed by Conditional Use Permit, which is compatible with the predominantly residential land uses in the vicinity and which is compatible with the existing use on the site.

3. The project is consistent with the General Plan Land use designation for the site and is compatible with the goals and policies of the General Plan.

The General Plan designation for the project site is Medium Density Residential. It is reasonable to assess this facility as each four (4) beds being roughly equal to one equivalent dwelling unit (EDU) (16 beds/4 EDU = 4 dwelling units) according to Sections 13.04.160 B. 14 and 13.04.170 B. 14. (Water and Sewer connections) of the Orland Municipal Code (OMC). Using this calculation conversion, four (4) dwelling unit equivalents / 0.64 acres would result in a density of approximately six (6) dwelling units per acre. As the Medium Density Residential Land Use Designation allows a maximum density of 10 dwelling units per acre, this use is consistent with the General Plan designation for this site.

4. 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 proposed use would have less vehicle trip impacts than the permitted two-family detached housing use for which this site is currently zoned. The trip generation average for residential use is 10 trips per day per residence. The trip generation for attached elderly housing use is 3.84 trips per day per unit. The expansion is proposed to house residents who will not drive due to physical and/or cognitive deficits.

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

The subject parcel is currently developed as an assisted living facility for the elderly and expansion of the existing facility would not result in substantial environmental damage. As a developed urban use, the site has no value as habitat for endangered, rare, or threatened species.

6. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4).

The project is currently an assisted living facility for the elderly and would not have any effect on any fish or wildlife habitat.

General Conditions of Approval:

1. The applicant shall file a Declaration of Acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Division within ten (10) days of City Council approval.
2. Applicant shall comply with the originally approved Conditions of Approval for CUP #2003-16, CUP #2005-14, and the Conditions of Approval required for this Amendment.
3. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of permit constitutes cause for the revocation of said permit. Unless otherwise provided for in a special condition to this Use Permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.
4. The use granted by this permit shall be established within one year of the date of approval or the permit shall become null and void.
5. Neither the applicant, or any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the City of Orland to commence a revocation hearing and constitute grounds to revoke the permit.
6. Minor changes may be approved by the City Planner upon receipt of a substantiated written request by the applicant, or their respected designee. Prior to such approval, verification shall be made by each Department that the modification is consistent with the application, fees paid, and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment by public hearing before the City Council.
7. All outdoor lighting on the project site shall be directed away from the adjacent uses and shall be shielded so that, at a minimum, no light is emitted above a horizontal plane (parallel to the ground) from the base of any fixtures. All exterior lighting shall be configured to prevent glare and light trespass onto neighboring properties.
8. The final Site Plan, to be approved by the City Engineer and City Planner shall designate a reserved, all-weather, enclosed location for a trash dumpster(s) to serve this site.
9. The facility shall comply with any applicable California State Title 24 requirements.
8. The final Site Plan, to be approved by the City Engineer and City Planner shall designate a reserved, all-weather, enclosed location for a trash dumpster(s) to serve this site.

9. The facility shall comply with any applicable California State Title 24 requirements.
 10. Project shall obtain permits from the City and pay all appropriate fees for any required utilities modification, construction, and connections. Project shall also obtain all required permits from the City Building Department, and pay all appropriate fees for any construction work to be undertaken as part of the project.
 11. The Use Permit is only for the development and use as indicated on the final approved Site Plan. This use shall not be expanded or modified beyond the approvals detailed in this report. Any expansion or modification beyond the approvals detailed in this report will require an Amendment to the Conditional Use Permit with all applicable fees paid by the applicant.
 12. All signs shall comply with the City of Orland Sign Ordinance (Chapter 17.78 of the Orland Municipal Code).
 13. Maximum height in the "R-2" (Residential Two-family) Zoning District is 35 feet (Section 17.24.080 of the OMC) unless an approved Conditional Use Permit has been granted by the Orland City Council.
 14. No changes shall be made to any approved plan(s), which would alter the character of the building(s) or the use of the property, without prior approval of the City Planner and City Engineer.
 15. If changes are requested to the Site Plan, use of the building, or the Conditions of Approval, a Conditional Use Permit Amendment, shall be required, with all applicable fees, and approved by the Orland City Council, prior to implementing the changes.
 16. No exterior storage of any materials, equipment, or vehicles is permitted as such would constitute a nuisance. Any such storage shall be grounds for revocation of this Use Permit.
 17. Clearance from the Fire Marshall shall be obtained in writing with a copy submitted to the City Building Department prior to the issuance of a Certificate of Occupancy.
 18. The applicant shall be required to submit a copy of the recorded Reciprocal Parking Agreement to the City of Orland prior to the issuance of a Building Permit.
 19. Applicant shall pay Cost Recovery for Staff time spent processing this Amendment if Staff time exceeds the initial application fee (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council), prior to the issuance of a Final Building Permit.
 20. The following Setbacks for this project shall apply (Section 17.24.070 A. of the OMC):
 - Front: Forbes Drive: 20 feet
 - Side: 5 feet/20 feet on Fairview Street side
 - Rear: 20 feet
- No HVAC units are allowed to be located in any required setback area.

21. Applicant shall submit a Landscaping Plan that complies with the Landscaping Standards as outlined in Sections 17.24.060 G. and 17.76.110 of the Orland Municipal Code (OMC). The Landscaping Plan shall be approved by the City Planner prior to the issuance of a Building Permit.

City Engineer Conditions of Approval:

22. All improvements within the City's rights-of-way shall be constructed in accordance with the City of Orland Land Division Standards and Improvement Standards.
23. All conflicting existing utilities shall be relocated at the developer's expense.
24. Developer shall pay all City of Orland Impact Fees with the issuance of building permits.
25. This facility shall comply with the latest Accessibility requirements, including any necessary retrofitting of the existing parking lot to accommodate Accessible parking space(s) adjacent to the main entrance.
26. Developer's engineer shall provide hydrology and hydraulic calculations to demonstrate that the proposed stormwater leach line can handle the incremental increased runoff generated by the development of this site; otherwise this project will be required to pay their fair share toward the existing Fairview Village Maintenance Assessment District.
27. Developer shall pay all actual City Attorney and City Engineer fees incurred in the review of this project.
28. In the event that an elevation difference exceeding 12 inches arises between contiguous and/or perimeter lots during design of the comprehensive grading plan, a masonry or concrete retaining wall shall be utilized.
29. The project shall be required to connect to municipal water and sewer.

Motion carried 3-0; Councilmember Olney abstained and Councilmember Elliott was absent.

2. Stanton Blair and James E. Blair (Owner/Applicants): Tentative

Subdivision Map #2008-03 is a request to create seventeen (17) residential parcels ranging in size from 6,139+ square feet to 10,149+ square feet on a portion of APN: 046-090-016 (35.95+ acres) located on the north side of County Road "13" (Bryant Street), east of Stanton Way, Orland, Glenn County, CA 95963. The parcel is zoned "R-1" (Residential One-family) and is designated in the General Plan as "Low Density Residential" (R-L: 6 dwelling units per acre).

- (A) Adoption of Initial Study/Mitigated Negative Declaration (State Clearinghouse #2009042083) prepared for the project (TSM #2008-03)
- (B) Approval of the project (TSM #2008-03)

Community Services Director Sailsbery presented the Blair Tentative Subdivision Map #2008-03 application. The applicant has asked for a revision of Engineering Condition of Approval No. 15, to

widen or pay for the widening of the bridge at Lateral 40 by entering into a payback agreement with the City. Vice Mayor Barr questioned what requirements will trigger covering the laterals in the future. Vice Mayor Barr stressed concerns of the potential liability to the City. City Engineer advised Lateral 40 is the only lateral, due to its size, the Orland Unit Water Users has allowed to remain uncovered. Mayor Roundy stated it is important to have parks in our subdivisions and the need to clarify future situations where parks are needed. The Public Hearing opened at 7:25 p.m. Medina Branzelle, 322 Byron Way, questioned the means of egress related to the subdivision and whether it was sufficient. City Engineer Skillman noted all traffic studies for that area have sited the amount of traffic to County Road M1/2 should be limited. Byron Denton, 127 Tanner Way, stated he agreed with the Mayor regarding the need for parks. With no further comments the Public Hearing closed at 7:30 p.m.

Councilmember Olney moved, seconded by Councilmember Paschall to adopt the Initial Study/Mitigated Negative Declaration prepared for the Tentative Subdivision Map# 2008-03 with the Findings listed below:

Findings for adoption of the Mitigated Negative Declaration:

1. The City of Orland has considered the Initial Study/Mitigated Negative Declaration prepared for the project and attached herein, and any comments received as part of the public review of the document; and
2. The City of Orland finds that on the basis of the whole record before it that there is no substantial evidence that the project will have a significant effect on the environment; and
3. The City of Orland finds that development of the single family residences will not constitute an actual or potential endangerment of public health; and
4. The City of Orland has independently reviewed, analyzed, and considered the proposed Mitigated Negative Declaration with mitigation measures prior to making a decision on the project, and hereby finds that the said Mitigated Negative Declaration adequately represents impacts associated with this project and mitigates all impacts to a level of no significance; and
5. The City of Orland finds that the Initial Study/Mitigated Negative Declaration reflects the City's independent judgment and analysis; and
6. The City Clerk is designated as custodian of the documents and/or other materials, which constitute the record of proceedings upon which the decision of the City Council is based, and this record shall be maintained at Orland City Hall located at 815 Fourth Street, Orland, CA 95963; and
7. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4).

Motion carried 4-0 with no abstentions and Councilmember Elliott absent.

Councilmember Olney moved, seconded by Councilmember Paschall to approve the application for Tentative Subdivision Map #2008-03 for Stanton Blair and James E. Blair with the following Findings and Conditions of Approval and modification of Condition of Approval #15 listed below:

Findings for the Approval of the Tentative Subdivision Map:

1. That the proposed project is consistent with the City of Orland General Plan and does not exceed density and intensity standards within the Land Use Element. *The single-family residential standards of the City's General Plan establish a maximum density of six units per acre. The proposed project consists of seventeen (17) single family residential lots on a 35.95± acre parcel. There are currently 41 homes located on this parcel and the proposed subdivision would add an additional 17 homes, for a total of 58 residences. As a result, $35.95/58 = 6.1$ homes per acre, which meets the General Plan standard.*
2. That the site is physically suitable for the type of development proposed. *The project site is flat with slopes less than five percent. The project site is vacant and is not within a flood plain.*
3. That the site is physically suited for the density of development. *The project site is within the City of Orland R-1 zone district. The R-1 zone district allows for the development of single-family residential dwelling units on lots greater than or equal to 6,000 square feet. The proposed Tentative Subdivision Map conforms to the requirements of the R-1 zone district.*
4. That the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, or wildlife or their habitat. *The site was reviewed under the requirements of the California Environmental Quality Act and a Mitigated Negative Declaration was prepared to support the project. The Mitigated Negative Declaration included mitigation measures that, when implemented, would mitigate any potential negative impacts to fish, wildlife or the natural or built environment.*
5. That the design of the subdivision or the proposed improvements are not likely to cause serious public health problems. *As conditioned, the project will provide roadway and construction mitigation measures to minimize project related issues. Standard subdivision improvements will include fire hydrants, streetlights and roadways designed for residential traffic.*
6. 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.*
7. The Tentative Subdivision Map conforms to the provisions of the Subdivision Map Act and to the provisions of Orland Municipal Code Title 16 – Subdivisions (OMC Section 16.16.190). *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 Orland Municipal Code.*
8. The Tentative Subdivision Map conforms to the provisions of the City of Orland General Plan (OMC Section 16.16.190). *The project applicant proposes to use the subdivided parcels for residential purposes. This is consistent with the land use designations for the subdivided parcel under the City's General Plan (Low Density Residential).*

9. The Tentative Subdivision Map is consistent with good planning and engineering practice (OMC Section 16.16.190). *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 Orland Land Division Standards and Improvement Standards.*
10. The project will not be harmful to the public health and safety or the general welfare of the persons residing or working in the area. *The project applicant proposes to develop the lots for single family residential use. This type of development is not considered potentially harmful to the public health and safety or to the general welfare of persons residing in the vicinity.*
11. The project will not result in substantial environmental damage. *The Tentative Subdivision Map would not result in any substantial damage to the environment. Development proposed under the Tentative Subdivision Map would be consistent with the type of development in the vicinity, and would not substantially damage the physical environment of the area.*
12. The project will have a *de minimis* effect on fish and wildlife (Fish and Game Code Section 711.4). *The project is located in an area designated in the City of Orland General Plan as being suitable for residential development.*

General Conditions of Approval:

1. The developer shall note that Section 711.4 of the Fish and Game Code requires payment submitted to the City of Orland in the amount of **\$1,993.00 made payable to the Glenn County Recorder's Office** for Fish and Game's review of the environmental document. Payment of this fee is due within five (5) days of project approval and is the responsibility of the developer.
2. Developer shall submit a separate recording fee by check or money order in the amount of **\$50.00 made payable to the Glenn County Recorder's Office** for the filing of the above.
3. Developer shall pay Cost Recovery for Staff time spent processing this Application if Staff time exceeds the initial application fee (Resolution #2008-26, adopted November 16, 2008, by the Orland City Council), prior to the issuance of any building permits.
4. A fair share General Plan Update fee shall be assessed for each lot and paid at the time of Building Permit issuance.

Mitigation Measures/Environmental Conditions of Approval:

1. **Aesthetics: Mitigation Measure 1.1:** Exterior lighting shall be designed to reflect away and be shielded from adjacent properties and public rights-of-way to minimize the effects of light and glare on adjacent properties and users of public streets.
2. **Agricultural Resources: Mitigation Measure 2.1:** A note shall be placed upon the Final Subdivision Map that states:
"A notice of acknowledgement shall be recorded on the Final Map for each resulting parcel, by the developer at the time the Final Map is recorded regarding the existence and location of

USID Lateral 40 in the project vicinity and that the Orland Unit Water Users Association provides operation and maintenance of irrigation canals on a 24 hour basis.”

The notice shall also contain language agreed upon by the City and Orland Unit Water Users Association that discloses practices commonly associated with agricultural production that are often incompatible with an urban residential setting such as noise and dust. Other agricultural practices such as burning and spraying and the provision of agricultural irrigation water may also result in conditions which conflict with residential uses. The notice shall read that complaints about agricultural operations shall be forwarded to the City.

3. *Air Quality: Mitigation Measure 3.1:* The following measures shall be implemented during the construction phase of the project:
 1. Water all active construction sites at least twice daily. Frequency shall be based upon the type of operation, soil, and wind exposure.
 2. Land clearing, grading, earth moving or excavation activities shall be suspended when winds exceed 15 miles per hour, as determined by an anemometer on site or at the direction of the Glenn County Air Pollution Control District (GCAPCD).
 3. Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operation and hydroseed area.
 4. Plant vegetative cover in disturbed areas as soon as possible.
 5. Cover inactive storage piles.
 6. Paved roadway shall be swept or washed at the end of each day as necessary to remove excessive accumulations of silt and/or mud that may have accumulated as the result of construction activities.
 7. Use alternatives to open burning of vegetative material on the project site, such as chipping, mulching or conversion to biomass fuel, unless otherwise deemed infeasible by the GCAPCD.
 8. Post a 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.
 9. Wheel washers (wheel cleaners) shall be used to lessen the track out dirt, mud, and rock from the site.
4. *Air Quality: Mitigation Measure 3.2 (Vehicle Emissions):* To mitigate impacts of diesel equipment emissions during construction, the following mitigation measures shall be implemented:
 1. Visible emissions from the construction phase of the project (internal combustion engines, dust from grading, excavating, etc.) will be monitored by the district using US EPA Method 9. Only District personnel currently certified in Method 9 will monitor the visible emissions.

2. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained.
3. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators when feasible.
4. Minimize idling time to ten (10) minutes.
5. *Air Quality: Mitigation Measure 3.3 (Construction)*: The following standard Mitigation Measures shall be implemented as part of the project:
 1. Use of energy efficient lighting (including controls) and process systems such as water heaters, furnaces and boiler units. Energy-efficient and automated controls for air conditioning shall be used.
 2. Temporary traffic controls shall be established during all phases of construction to improve traffic flow, as deemed appropriate by the City Department of Public Works and the City Engineer.
 3. Schedule construction activities that direct traffic flow to off-peak hours as much as practicable.
 4. Hours of construction activity shall be between 7:00 a.m. and 5:00 p.m., Monday through Saturday in compliance with the City of Orland General Plan Policy 5.1.K.
6. *Biological Resources: Mitigation Measure 4.1 (Biology)*: The following note shall appear on the Final Map: "For lots 1, 2, and 3, a buffer zone of 50-feet shall be established between the north property line and any lawns or other landscaped areas to protect the plants and Valley Elderberry Longhorn Beetle (VELB) from herbicides and pesticides."

All trees greater than 12 inches diameter at breast height (dbh) that are removed, shall be replaced with three (3) seedlings or one (1) sapling (5-gallon minimum) of the identical species prior to the issuance of any Certificates of Occupancy by the City Building Department.
7. *Biological Resources: Mitigation Measure 4.2*: The subdivider shall remove all existing olive trees within the project area. The City shall require subdivision CC&R's to prohibit the use of Olive trees for landscaping.
8. *Cultural Resources: Mitigation Measure 5.1*: Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of prehistoric or historic resources in an area subject to development activity, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie similar resources and a professional archaeologist shall be consulted.

Further, if human remains are discovered, the coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.

Upon completion of the site examination, the archaeologist shall submit a report to the City describing the significance of the find(s) and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply.

Under this Section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98.

Mitigation Measures, as recommended by the archaeologist and approved by the City in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to commencement of construction activity within a 50-foot perimeter.

9. Geology and Soils: Mitigation Measure 6.1 (Erosion): Prior to grading and site work, a Construction Activity Stormwater Permit must be obtained from the Regional Water Quality Control Board (RWQCB). A copy of this project's "Receipt of Your Notice of Intent" bearing the Waste Discharge Identification (WDID) number shall be forwarded to the City Engineer along with a copy of the Stormwater Pollution Prevention Plan (SWPPP). In addition, the developer's engineer shall determine whether a construction de-watering permit shall also be required from the RWQCB, and if so, provide a copy of same to the City Engineer prior to trenching and excavation operations.
10. Geology and Soils: Mitigation Measure 6.2 (Geology): Prior to approval of a Final Map and Improvement Plans, a registered engineer or geologist shall prepare a soils report or geotechnical report for this project. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.
11. Geology and Soils: Mitigation Measure 6.3 (Septic Tanks): Abandon any and all septic tanks on the site in accordance with the requirements of the Glenn County Environmental Health Department. All homes on the lots created by this subdivision shall be connected to the City Sanitary Sewer System prior to issuance of a Certificate of Occupancy.
12. Hazards and Hazardous Materials: Mitigation Measure 7.1 (Hazardous Materials Safety): If equipment maintenance, refueling or the maintenance requiring the use of hazardous materials is conducted within the project area, the contractor shall prepare a Spill Prevention Control and Containment Plan to establish spill prevention practices, and to prepare for spill mitigation in the event of a hazardous material spill. This plan shall be submitted to the Director of Public Works. The Director of Public Works shall review and approve the plan prior to commencement of construction or grading work. No equipment refueling shall occur within 200 feet of Hambright Creek or Stony Creek.
13. Hazards and Hazardous Materials: Mitigation Measure 7.2 (Wildland fires): The developer shall implement the following fire safety measures at the project site:
 1. Construction equipment shall be equipped with spark arresters.
 2. Brush is to be cleared away from all work areas prior to start of any grading and construction activities.

14. Hydrology and Water Quality: Mitigation Measure 8.1 (Groundwater supplies): The water system shall be looped and connected to the existing City of Orland distribution system. Looping of the system shall occur by extending a main southward from Bryant Street to the point of connection on Road "M ½" and northward from Bryant Street along the new Road "M ½" alignment to Stony Creek Drive and then westerly to the project boundary. The developer shall enter into a payback agreement with the City of Orland for this work.
15. Hydrology and Water Quality: Mitigation Measure 8.2 (Impede or redirect flood flows): Prior to grading and site work, a Construction Activity Stormwater Permit must be obtained from the Regional Water Quality Control Board (RWQCB). A copy of this project's "Receipt of Your Notice of Intent" bearing the Waste Discharge Identification Number (WDID) shall be forwarded to the City Engineer along with a copy of the Stormwater Pollution Prevention Plan (SWPPP). In addition, the developer's engineer shall determine whether a construction de-watering permit shall also be required from the RWQCB, and if so, provide a copy of same to City Engineer prior to trenching and excavation operations.
- Applicant shall utilize carbon-filter drainage inlets, as approved by the City Engineer, at all storm water drainage infiltration locations.
- In the event that an elevation difference exceeding 12 inches arises between contiguous and/or perimeter lots during design of the comprehensive grading plan, a masonry or concrete retaining wall shall be used.
16. Land Use and Planning: Mitigation Measure 9.1: A fair share General Plan Update Fee of \$89.00 per lot shall be assessed for each lot and paid at the time of Building Permit issuance.
- Special building setback lines shall be required for lots with less than 60 feet of street frontage at a point within the lot where the minimum lot width of 60 feet can be obtained. This information shall be recorded on the Final Map for this subdivision in accordance with the Subdivision Map Act.
17. Public Services: Mitigation Measure 13.1: Fire hydrant locations shall be approved by the Orland Fire Department and the City Engineer.
18. Public Services: Mitigation Measure 13.3 (Transit):
1. The project shall include transit improvement at sites deemed appropriate and necessary by the City of Orland and the Glenn County Transportation Commission and consistent with the Glenn County Regional Transportation Plan.
 2. The project shall install on-site road and off-site bus turnouts, covered passenger benches and shelters as demand and service routes warrant, subject to review and approval by the City of Orland and the Glenn County Transportation Commission.
 3. The project shall contribute a proportionate share to the development and/or continuation of the regional transit system in Glenn County. Contributions may consist of, but are not limited to, dedicated rights-of-way, capital improvements and easements.

19. Public Services: Mitigation Measure 13.4 (PG&E):

1. Dedicate all access road/easements for Public Utilities, along with a 10-foot wide Public Utilities Easement (PUE) along all street front lot footages behind sidewalk.
2. When PG&E's Electric or Gas Service Facilities are located on private property and such private property is subsequently subdivided into separate premises with ownership divested to other than Applicant or customer, the subdivider is required to provide PG&E with adequate rights-of-way satisfactory to PG&E for its existing facilities and to notify property owners of the subdivided premises of the existence of the rights-of-way.
3. When adequate rights-of-way are not granted as a result of the property subdivision, PG&E shall have the right, upon written notice to Applicant, to discontinue service without obligation or liability. The existing owner, Applicant, or customer shall pay to PG&E the total estimated cost of any required relocation or removal of PG&E's facilities. A new service will be re-established in accordance with the provisions for new service and the provisions of any other applicable PG&E rules.
4. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense.
5. There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any PG&E easements that exist which infringe on PG&E's easement rights.

20. Recreation: Mitigation Measure 14.1 Communication Systems (Utilities): All utilities serving this subdivision shall be installed underground and meet the design standards of each purveyor.

All conflicting existing utilities shall be relocated at the developer's expense.

21. Utilities and Service Systems: Mitigation Measure 16.1 (Storm Drains): Public and private improvements constructed as a result of approval of this subdivision shall not result in the increase in the rate of peak stormwater runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master Design and Maintenance Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer prior to recordation of the Final Map.

The developer shall establish a funding mechanism for maintenance costs associated with the approved stormwater facilities, street lighting, parklands, walls, and common landscape areas. The funding mechanism shall include, within its area of responsibility, all project common areas, street lights, landscape areas and any common area improvements to include project entry locations.

22. Mitigation Measure added in Response to Comments (California Regional Water Quality Control Board): As required by the California Regional Water Quality Control Board (RWQCB), Central Valley Region, the project proponent and/or representative shall file a Notice of Intent (NOI), a vicinity map, a Storm Water Pollution Prevention Plan (SWPPP), and appropriate fees to

the State Water Resources Control Board (SWRCB) prior to the commencement of activities on the site.

City Engineer Conditions of Approval (and Mitigation Measure 13.2):

1. Dedicate and improve the 60-foot wide residential street rights-of-way for all internal streets.
2. Dedicate a 10-foot wide Public Service Easement (PSE) adjacent to all public right-of-way frontages.
3. Since the developer has assumed that the City will abandon the previously offered right-of-way along the Road "M ½" alignment northerly of Bryant Street, the City will require the dedication of a 60-foot wide right-of-way approximately 120 feet easterly of its current alignment for looping of the water system and construction of an emergency vehicle access to this project.
4. Dedicate a 1-foot wide "no access strip" or relinquish all abutter's rights to the City of Orland along:
 - a. the north side of Lots 4 and 13; and
 - b. the westerly side of Lot 1.

A 6-foot high solid wall or fence shall be installed along these frontages.

5. Stony Creek Drive shall be constructed easterly to the east extent of Lot 13 as part of this project.
6. Abandon any and all existing wells on the site in accordance with the requirements of the Glenn County Environmental Health Department. All homes on the lots created by the subdivision shall be connected to the municipal water system.
7. All infrastructure improvements shall be designed and constructed in conformance with the City of Orland "Land Division Standards and Improvement Standards". The developer shall have a registered engineer prepare and submit construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to recordation of the Final Map.
8. Install street name signs, traffic control signs and pavement markings as required by the City Engineer.
9. Street lights shall be installed at the locations designated or approved by the City Engineer and constructed per PG&E standards.
10. Prior to approval of a Final Map and Improvement Plans, a registered engineer or geologist shall prepare a soils report or geotechnical report for this project. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City Engineer.

11. Prior to grading and site work, a Construction Activity Stormwater Permit must be obtained from the Regional Water Quality Control Board (RWQCB). A copy of this project's "Receipt of Your Notice of Intent" bearing the Waste Discharge Identification (WDID) number shall be forwarded to the City Engineer along with a copy of the Stormwater Pollution Prevention Plan (SWPPP). In addition, the developer's engineer shall determine whether a construction de-watering permit shall also be required from the RWQCB, and if so, provide a copy of same to the City Engineer prior to trenching and excavation operations.
12. All utilities serving this subdivision shall be installed underground and meet the design standards of each purveyor.
13. Public and private improvements constructed as a result of approval of this subdivision shall not result in the increase in the rate of peak stormwater runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master Design and Maintenance Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City Engineer prior to recordation of the Final Map.
14. Establish a funding mechanism for maintenance costs associated with the approved stormwater facilities, street lighting, parklands, walls, and common landscape areas. The funding mechanism shall include, within its area of responsibility, all project common areas, street lights, landscape areas and any common area improvements to include project entry locations.
15. Developer shall widen, or pay for the widening of, Road "M ½" at the Lateral 40 crossing. Widening shall be 50 foot side street section, forty feet (40') from face of curb to face of curb with five foot (5') wide sidewalks on both sides. Developer shall enter into a payback agreement with the City of Orland for this work. ~~The bridge over Lateral 40 at Road "M ½" shall be widened to incorporate a 50-foot wide street section (40 feet from face of curb to face of curb with 5-foot wide sidewalks on both sides).~~
16. The property shall be subdivided in substantial compliance with the conditionally approved Tentative Map. Developer induced modifications to the Tentative Map layout, as determined by the City Engineer, may need to be reviewed and adopted by the City Council prior to filing a Final Map.
17. Developer shall pay all City of Orland Impact Fees with the issuance of building permits.
18. Developer shall pay all actual City Attorney and City Engineer fees incurred in the review of this project.
19. All conflicting utilities shall be relocated at the developer's expense.
20. Developer shall underground or pay their fair share portion of same for the Bureau of Reclamation's Lateral 40 as determined by the City Engineer. Developer shall enter into a payback agreement with the City of Orland for this work.

21. In the event that an elevation difference exceeding 12 inches arises between contiguous and/or perimeter lots during design of the comprehensive grading plan, a masonry or concrete retaining wall shall be utilized.
22. Applicant shall utilize carbon-filter drainage inlets, as approved by the City Engineer, at all storm water drainage infiltration locations.
23. The water system shall be looped and connected to the existing City distribution system. Looping of the system shall occur by extending a main southward from Bryant Street to the point of connection on Road "M ½" and northward from Bryant Street along the new Road "M ½" alignment to Stony Creek Drive and then westerly to the project boundary. The developer shall enter into a payback agreement with the City of Orland for this work.
24. Special building setback lines shall be required for lots with less than 60 feet of street frontage at a point within the lot where the minimum lot width of 60 feet can be obtained. This information shall be recorded with the Final Map for this subdivision on an additional information sheet in accordance with the Subdivision Map Act.
25. Bryant Street (County Road "13") shall be constructed at a minimum width of 32 feet from north face of curb to south edge of pavement. Sidewalk shall be installed along the project (north) side of the street from Road "M ½" to Stanton Way. Sidewalk shall be required along the south side of Bryant Street, too, unless, waived by City Council. The developer is requesting the following design exception to be approved by City Council:
 - A) Eliminate the Bryant Street sidewalk to be consistent with the construction along Fieldstone Subdivision and Blair Subdivision.

Caltrans Conditions of Approval:

Traffic Operations and Circulation:

1. There is little to no direct impact to State highway system. The collection of traffic impact fees for cumulative impacts is appropriate.

Hydraulics:

1. No net increase to the surface water (storm water) peak runoff discharge (100 year storm event) within the State's right-of-way and drainage facilities may be realized as a result of the completion of the project.

It is the developer's responsibility to ensure that stormwater runoff discharge from the project site that will enter the State's right-of-way and/or Caltrans drainage facilities, whether discharged directly or indirectly, does no increase peak flows within the State's highway right-of-way or the Caltrans drainage facility. This may be accomplished through the implementation of stormwater management BMPs (i.e., detention/retention ponds or basins, sub-surface galleries, on-site storage and/or infiltration ditches, etc.) as applicable. Once installed, these systems must be properly maintained by the property owner.

The proponent/developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development/project to the satisfaction of the State of California and Caltrans. This includes, but is not limited to, altering stormwater pathways and storage areas, whether engineered or naturally occurring. Altering existing drainage patterns and/or facilities without proper mitigation may lead to adverse drainage impacts to State highway facilities or to other local public or private properties. The proponent/developer may be held liable for future damages caused by diverted or increased drainage flows determined to be the result of the proposed development for which adequate mitigation was not undertaken or sustained.

Detailed drainage plans, drawings and calculations should be received with the IGR-CEQA project package. In order to adequately evaluate project impacts upon the State's right-of-way and Caltrans drainage facilities, the aforementioned documents are required.

Plans submitted with the IGR-CEQA package should show the "pre-construction" coverage quantities for building streets, parking, etc., and "post-construction" coverage quantities should be provided.

PG&E Conditions of Approval:

1. Developer shall dedicate all access road/easements for Public Utilities, along with a 10-foot wide Public Utilities Easement (PSE) along all street front lot footages behind sidewalk.
2. When PG&E's Electric or Gas Service Facilities are located on private property and such private property is subsequently subdivided into separate Premises with ownership divested to other than Applicant or customer, the subdivider is required to provide PG&E with adequate rights-of-way satisfactory to PG&E for its existing facilities and to notify property owners of the subdivided Premises of the existence of the rights-of-way.

When adequate rights-of-way are not granted as a result of the property subdivision, PG&E shall have the right, upon written notice to Applicant, to discontinue service without obligation or liability. The existing owner, Applicant, or customer shall pay to PG&E the total estimated cost of any required relocation or removal of PG&E's facilities. A new service will be re-established in accordance with the provisions for new service and the provisions of any other applicable PG&E rules.

3. Any relocation or rearrangement of any existing PG&E facilities to accommodate this project will be at the developers/applicants expense.
4. There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any PG&E easements that exist which infringe on PG&E's easement rights.

Glenn County Environmental Health Department Conditions of Approval:

1. This project may increase the quantity of solid waste generated in Glenn County. The Glenn County landfill frequently exceeds the tonnage limit imposed by the current solid waste facility permit. The Department has ordered the operator of the landfill to cease accepting waste when

the daily tonnage limits are reached. The unlined cell where waste is currently being deposited at the landfill is very close to capacity. The landfill is operating with an outdated 1992 permit. That permit must be revised before the tonnage limits can be raised or new disposal areas are opened, however, the operator of the landfill has informally indicated that they will not be ready to apply for a revised permit until 2009, at the earliest. At this point, the operator has not determined how the county will meet future solid waste needs.

2. All existing domestic and agricultural water wells and/or sewage disposal systems located on this property shall be destroyed under Glenn County Environmental Health permit.
3. All public water wells shall be permitted and approved by Glenn County Environmental Health and the Department of Public Health, Office of Drinking Water.

State of California Central Valley Flood Protection Board Conditions of Approval:

1. A Board Permit is required prior to starting the work within the Board's jurisdiction for the following:
 - 1) The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
 - 2) Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6).

The developer will be required to secure a Board Permit prior to the start of any work within the Central Valley Flood Protection Board's jurisdiction.

Motion carried 4-0 with no abstentions and councilmember Elliott absent.

ORAL AND WRITTEN COMMUNICATIONS – City Council

Citizen Business:

Medina Branzelle, 322 Byron Way, stressed concerns regarding the approval of the above mentioned subdivision map. Ms. Branzelle stated law enforcement is already stretched to the maximum and there is a safety issue regarding the fire danger which is relevant to that area.

CONSENT CALENDAR

- A. Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code §36934.
- B. Resolution 2009-18 approving negotiated property tax exchange between City, County of Glenn and Orland Fire Protection District.
- C. Approve Warrant List.

Vice Mayor Barr moved, seconded by Councilmember Olney to approve the consent calendar as presented. Motion carried with no abstentions and Councilmember Elliott absent.

PUBLIC HEARING

California Development Block Grant Application – Economic Development Strategic Plan; request adoption of Resolution No. 2009-19 and hold public hearing for comments.

City Manager Poczobut advised Tri-County Economic Development Corporation has prepared an application for funding the economic development strategic plan that will assist in retaining and attracting commercial businesses and create/retain jobs in the Orland area. Funds in the amount of \$35,000 are being requested and a commitment of \$4,900 from the water and sewer accounts as a cash match. City Manager Poczobut would like to expedite the process because of the interest in applications Tri County EDC has received. The Public Hearing opened for comments at 7:40 p.m. Byron Denton, 127 Tanner Way, stated he agreed with the City Manager. With no further comments the Public Hearing closed at 7:41 p.m. Vice Mayor Barr stated this would be another tool in our tool chest. City Manager Poczobut advised he will continue to move forward with the strategic plan.

Councilmember Barr moved, seconded by Councilmember Paschall to adopt Resolution No. 2009-19 and authorize the City Manager, or his designee, to sign all documents and submit an application for funding for an economic development strategic plan to the State. Motion carried with no abstentions and Councilmember Elliott absent.

ADMINISTRATIVE COMMUNICATIONS

Finance Director:

Finance Director Brock request Council to adopt Adjustment Factors for the Appropriations Limitations. Vice Mayor Barr moved, seconded by Councilmember Olney to approve City Finance Director Brocks recommendation to select the “Local non-residential assessed valuation income factor” and the “City of Orland’s population growth factor” for the computation of the 2009-2010 appropriations limitation. Motion carried with no abstentions and Councilmember Olney absent.

Finance Director Brock gave an update on the year end unadjusted General Fund Budget. The City should conclude the current fiscal year with approximately \$237,000 in the Un appropriated General Fund Reserve. Sales taxes have continued to decline and are \$96,000 less than had budgeted for. The State of California may take 8% of the City’s property taxes which can have a significant impact of approximately \$140,000 - \$150,000 to the City. Finance Director Brock advised the City will need to look at alternatives in handling the deficit.

City Manager Poczobut advised he will not be available to attend the next regularly scheduled Council meeting on August 3, 2009 due to personal business.

CITY COUNCIL COMMUNICATIONS AND REPORTS

Councilmember Olney gave a report from the Golden State Risk Management Authority meeting that the City has been continuing to move forward with online safety training for all City employees.

Mayor Roundy advised City Librarian Meza has been working on getting new computers for the library, rearranging library shelving units, and the children's area. A new part-time Children's Librarian has been hired.

Mayor Roundy advised the Arts Commission has funded a new drinking fountain for Library Park.

Mayor Roundy reported the Glenn County Transportation Commission has increased the bus fare by twenty-five cents. A local bus line will be established in Orland.

Mayor Roundy stated the Resource Conservation District (RCD) discussed the water issue in the City and County. The agricultural community felt it was important to move forward with that issue.

National Night Out will be taking place August 4th from 6 -9 p.m. in Library Park. It will be hosted by the Volunteers in Police.

Council adjourned to Closed Session at 7:55 p.m.

CLOSED SESSION

Closed Session was held regarding Public Employee Appointment, Employment, Evaluation of Performance, Dismissal or Release; pursuant to Government Code Section: 54957; position; Assistant City Librarian

Closed Session was held regarding Conference – Review with Labor Negotiator; pursuant to Government Code Section: 54957.6; City Manager: Paul H. Poczobut Jr.; Agency Negotiator: Rick Haeg, Nickolaus & Haeg; Employee Organization(s): United Public Employees of California and Orland Police Officers Association.

Meeting reconvened to open session at 8:54 p.m.

REPORT FROM CLOSED SESSION

Direction was given to City Manager regarding Assistant City Librarian.

Direction was given to Labor Negotiator Rick Haeg.

ADJOURN

Meeting adjourned at 8:55 p.m.

Clerk

Mayor