

"INTERACTIVE AGENDA" Click on the agenda item in the index to the left for agenda item details.



## OROVILLE CITY COUNCIL

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**APRIL 4, 2017**  
**REGULAR MEETING**  
**CLOSED SESSION 5:30 P.M.**  
**OPEN SESSION 6:30 P.M.**  
**AGENDA**

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### CLOSED SESSION (5:30 P.M.)

#### ROLL CALL

Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier

### CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 5)

### RECONVENE TO OPEN SESSION

### OPEN SESSION (6:30 P.M.)

### PLEDGE OF ALLEGIANCE

### PROCLAMATION / PRESENTATION

Proclamation recognizing *April 2017* as *Child Abuse Prevention Month*

Proclamation recognizing *April 2017* as *Sexual Assault Awareness Month* and *April 26, 2017* as "*Denim Day*"

### CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE MARCH 14, 2017 AND MARCH 28, 2017 SPECIAL MEETINGS AND MARCH 21, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL –**  
minutes attached

## Community Development Department

### 2. LETTER OF SUPPORT FOR THE CONSOLIDATION OF THE MOSQUITO ABATEMENT DISTRICTS IN BUTTE COUNTY – staff report

The Council may consider sending a letter to the Butte Local Agency Formation Commission in support of the consolidation of the mosquito abatement districts in the County of Butte. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Direct staff to send a letter to the Butte Local Agency Formation Commission in support of the consolidation of the mosquito abatement districts in the County of Butte.**

### 3. LETTER OF SUPPORT FOR ASSEMBLY BILL 1147 REGARDING SOLID WASTE DISPOSAL – staff report

The Council may consider sending a letter of support for the State of California Assembly Bill 1147 regarding solid waste disposal. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Direct the Vice Mayor to sign a letter of support for Assembly Bill 1147 to forward to Assemblyman Salas and Recology.**

### 4. OROVILLE SUSTAINABLE CODE UPDATES – staff report *(2<sup>nd</sup> Reading)*

The Council may consider adopting the Oroville Sustainable Code updates and certification of the Final Supplemental Environmental Impact Report. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Waive the second reading, and adopt by title only, Ordinance No. 1819 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM.**

### 5. PURCHASE AND INSTALLATION OF HEATING VENTILATION AIR CONDITIONING UNIT – staff report

The Council may consider ratifying the purchase and installation of a heating ventilation air conditioning unit for the Advanced Technology Center building, from the lowest qualified bidder, Grimes Mechanical, in the amount of \$11,200. **(Gary Layman, Chief Building Official and Donald Rust, Director of Community Development)**

Council Action Requested: **Ratify the purchase and installation of a heating ventilation air conditioning unit for the Advanced Technology Center building, from the lowest qualified bidder, Grimes Mechanical, in the amount of \$11,200.**

## Business Assistance & Housing Development Department

### 6. HOUSING ELEMENT & HOUSING SUCCESSOR AGENCY ANNUAL REPORT – staff report

The Council may receive and file the Housing Element Progress Report for 2016 and the Housing Successor Agency Annual Report for Fiscal Year 2015-2015 that was submitted to the State Department of Housing and Community Development on April 1, 2017. **(Amy Bergstrand, Management Analyst III)**

Council Action Requested: **None.**

**PUBLIC HEARINGS** - None

**REGULAR BUSINESS**

**Community Development Department**

**7. UTILIZATION OF EXECUTIVE COMMITTEE AS A LIAISON BETWEEN THE CITY OF OROVILLE AND BUTTE COUNTY – staff report**

The Council may consider utilizing the Executive Committee as a liaison between the City and Butte County. The Executive Committee, comprising of three Council Members, would meet with two Butte County Supervisors for improving coordination between Butte County and the City of Oroville on matters of mutual interest. **(Donald Rust, Acting City Administrator)**

Council Action Requested:

- 1. Authorize the Executive Committee to serve as the City liaison between Butte County and the City of Oroville, or**
- 2. Provide direction, as needed.**

**8. FORMATION OF COMMUNITY BLIGHT ADVISORY AD HOC COMMITTEE – staff report**

The Council may consider approving the formation of the Community Blight Advisory Ad hoc Committee at the request of Vice Mayor Goodson and Council Member Del Rosario. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Council Action Requested: **Appoint three (3) Council Members to serve on the Community Blight Advisory Ad hoc Committee.**

**9. GRANT AGREEMENT WITH SHYLA COOK RELATING TO THE OROVILLE ARTS & DOWNTOWN BEAUTIFICATION PROJECT – staff report**

The Council may consider a Grant Agreement with Artist, Shyla Cook, for the Ishi Mural proposal relating to the Oroville Arts & Downtown Beautification Project. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8598 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE VICE MAYOR TO EXECUTE A GRANT AGREEMENT WITH SHYLA COOK FOR THE ISHI MURAL PROPOSAL RELATING TO THE OROVILLE ARTS & DOWNTOWN BEAUTIFICATION PROJECT – (Agreement No. 3215).**

**Administration Department**

**10. LEAGUE OF CALIFORNIA CITIES MAYORS & COUNCIL MEMBERS EXECUTIVE FORUM & ADVANCED LEADERSHIP WORKSHOPS – staff report**

The Council may consider allowing interested members of the Council to attend the League of California's Executive Forum and Advanced Leadership Workshops, to be held June 28 – 30, 2017, in Monterey, CA. **(Donald Rust, Acting City Administrator)**

Council Action Requested: **Provide direction, as necessary.**

## Public Safety Department

### 11. **JOB DESCRIPTION FOR PUBLIC INFORMATION/CRIME PREVENTION OFFICER AND AUTHORIZATION TO HIRE FOR POSITION** – staff report

The Council may consider the job description for Public Information / Crime Prevention Officer assigned to the Public Safety Department to be utilized by the entire City. Staff is requesting Council to authorize staff to proceed with hiring for this position. **(Bill LaGrone, Personnel Director and Liz Ehrenstrom, Human Resource Manager)**

Council Action Requested:

1. **Approve this proposed job descriptions for Public Information / Crime Prevention Officer as a member of the Municipal Law Enforcement Program.**
2. **Authorize staff to hire for the Public Information / Crime Prevention Officer, as indicated in April 4, 2017 staff report.**

### 12. **PURCHASE OF NEW POLICE VEHICLES** – staff report

The Council may consider the purchase of two (2) 2016 Ford Police Interceptor Utility vehicles, in the amount of \$83,184, from Oroville Ford. **(Bill LaGrone, Director of Public Safety)**

Council Action Requested:

1. **Authorize the Public Safety Department to purchase the two (2) Police vehicles from Oroville Ford, below State Contract pricing, in the amount of \$\$83,183.98, and authorize the purchase of emergency equipment for vehicles to be installed by City staff.**
2. **Authorize the City Purchasing Officer to dispose of vehicles which may be surpluses following the purchase of said vehicles. Disposal will be in a manner that brings greatest value to the City, which may include auction, as feasible.**
3. **Authorize the Finance Director to adjust affected budgets, as necessary.**

**COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS** (A verbal report may be given regarding any committee meetings attended)

## **CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

## **CORRESPONDENCE**

- Pacific Gas & Electric Company
- Utility Workers Union of America – Local 160D
- California Water Service Company

## **HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.2, The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.



## **CLOSED SESSION**

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.9(d)(4), the Council will meet with the Acting City Administrator and City Attorney regarding potential initiation of litigation – two cases.

## **ADJOURNMENT**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, April 18, 2017, at 4:30 p.m.

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

**CITY COUNCIL MEETING MINUTES  
MARCH 14, 2017 – 4:30 P.M.**

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The agenda for the March 14, 2017, special meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at [www.cityoforoville.org](http://www.cityoforoville.org) on Friday, March 10, 2017, at 10:15 a.m.

The March 14, 2017 special meeting of the Oroville City Council was called to order by Vice Mayor Goodson at 4:31 p.m.

**ROLL CALL**

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson,  
Absent: Mayor Dahlmeier (excused)

**Staff Present:**

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Donald Rust, Assistant City Administrator  
Tyson Pardee, IT Manager  
Jesse Smith, GIS Specialist

Ruth Wright, Director of Finance  
Karolyn Fairbanks, Treasurer  
Dawn Nevers, Assistant Planner

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Hatley.

**SPECIAL BUSINESS**

**1. SURFACE PRO TRAINING**

The Council participated in Microsoft Surface Pro tablets training.

**2. REVIEW OF THE GOALS AND OBJECTIVES FOR PRELIMINARY ANNUAL BUDGET FOR FISCAL YEAR 2017/2018 AND DISCUSSION OF CITY COUNCIL GOALS**

The Council reviewed the goals and objectives for the Preliminary Annual Budget for Fiscal Year 2017/2018 and discussed City Council goals to find ways to resolve the current budget deficit. **(Donald Rust, Assistant City Administrator)**

Ruth Wright, Director of Finance, provided a budget workshop 101 review and a breakdown of the preliminary annual budget for Fiscal Year 2017/2018.

Tosha Levinson posed questions regarding the Fiscal Year 2017/2018 preliminary budget.

Following discussion, no action was taken and no direction was given.

**HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

Trevante Tate spoke in opposition of the homeless population loitering at the Butte County Library.

Bill Bynum provided information regarding community efforts in South Oroville.

Pastor Kevin Thompson commented on twelve (12) blighted properties in South Oroville.

Bill LaGrone, Director of Public Safety, gave a presentation on the Oroville Dam Spillway event.

**ADJOURNMENT**

The meeting was adjourned at 7:07 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, March 21, 2017, at 5:30 p.m.

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Donald Rust, Acting City Clerk

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Linda L. Dahlmeier, Mayor

**CITY COUNCIL MEETING MINUTES  
MARCH 21, 2017 – 5:30 P.M.**

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The agenda for the March 21, 2017, regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at [www.cityoforoville.org](http://www.cityoforoville.org) on Friday, March 17, 2017, at 8:30 a.m.

The March 21, 2017 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:30 p.m.

**ROLL CALL**

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier

Absent: None

**Staff Present:**

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Donald Rust, Assistant City Administrator  
Bill LaGrone, Director of Public Safety  
Scott E. Huber, City Attorney  
Amy Bergstrand, Management Analyst III  
Rick Farley, RDA Coordinator

Ruth Wright, Director of Finance  
Karolyn Fairbanks, Treasurer  
Jamie Hayes, Assistant City Clerk  
Liz Ehrenstrom, Human Resource Manager

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Dahlmeier.

**PROCLAMATION / PRESENTATION** - None

**RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

Cheryl Smith – Item No. 6  
Ethan Phillips – Item No. 12  
Gary Norwood – Item No. 12

August Lincoln – item No. 11  
Todd Jiron – Item No. 13

**CONSENT CALENDAR**

A motion was made by Vice Mayor Goodson, seconded by Council Member Hatley, to approve the following Consent Calendar:

- 1. APPROVAL OF THE MINUTES OF THE MARCH 7, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

**Community Development Department**

**2. FEE WAIVER REQUEST FOR USE OF THE MUNICIPAL AUDITORIUM: BEAUTY ON THE RIVER 2018 QUILT SHOW – staff report**

The Council considered a fee waiver request from the Oroville Piecemakers Quilt Guild for use of the Municipal Auditorium for the Beauty on the River 2018 Quilt Show. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the \$500 waiver request that meets the City’s Facility/Park Fee Waiver policy.**

The motion to approve the Consent Calendar was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**PUBLIC HEARINGS**

**Community Development Department**

**3. ZONING CHANGE 16-01: ENCLOSURES FOR SOLID WASTE AND RECYCLABLE MATERIALS (1<sup>st</sup> Reading) – staff report**

The Council conducted a public hearing to consider approving an amendment to Title 17 of the Oroville Municipal Code (Zoning Ordinance) relating to the provision of areas for collecting and loading recyclable materials and solid waste in development projects. **(Luis Topete, Associate Planner and Donald Rust, Director of Community Development)**

Mayor Dahlmeier opened the Public Hearing for comments and questions from the public. Hearing no comments or questions from the audience, Mayor Dahlmeier closed the Public Hearing.

Following discussion, a motion was made by Council Member Hatley, seconded by Council Member Draper, to:

**Adopt Ordinance No. 1820 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL ADOPTING AMENDMENTS TO TITLE 17 OF THE OROVILLE MUNICIPAL CODE RELATING TO THE PROVISION OF AREAS FOR COLLECTING AND LOADING RECYCLABLE MATERIALS AND SOLID WASTE IN DEVELOPMENT PROJECTS**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None

Abstain: None  
Absent: None

## **REGULAR BUSINESS**

### **Business Assistance & Housing Development**

#### **4. PROFESSIONAL SERVICES AGREEMENT WITH ROY L. HASTINGS & ASSOCIATES, LLC. – staff report**

The Council considered a Professional Services Agreement with Roy L. Hastings & Associates, LLC., in the amount of \$22,500, for administrative subcontractor services and \$2,250 per month for labor standards monitoring for the 2016 HOME Program, Sierra Heights Apartments Rental New Construction Project. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

A motion was made by Council Member Del Rosario, seconded by Vice Mayor Goodson, to:

**Adopt Resolution No. 8592 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROY L. HASTINGS, LLC, TO PROVIDE ADMINISTRATIVE SUBCONTRACTOR SERVICES FOR THE 2016 HOME PROGRAM RENTAL NEW CONSTRUCTION PROJECT– (Agreement No. 3213).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

#### **5. SUBMITTAL OF LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATION IN COLLABORATION WITH BUTTE COUNTY – staff report**

The Council considered authorizing staff to collaborate with Butte County to submit a 2017 Local Household Hazardous Waste Program Grant HD29 application to the California Department of Resources Recycling and Recovery (CalRecycle). **(Rick Farley, Enterprise Zone and Business Assistance Coordinator and Donald Rust, Director of Community Development)**

A motion was made by Vice Mayor Goodson, seconded by Council Member Draper, to:

**Adopt Resolution No. 8593 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2017-18 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor  
Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

### **Community Development Department**

**6. OROVILLE CEMETERY LANDSCAPE PROPOSAL – staff report**

The Council received information regarding the proposed landscape design for the frontage of the Oroville Cemetery. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Cheryl Smith, General Manager, Oroville Cemetery District, spoke to the Council in regards to the Districts involvement in the proposed landscape design and maintenance of the Oroville Cemetery.

**7. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT FUNDS – staff report**

The Council considered an amendment to the Professional Services Agreement with SCS Engineers for the purpose of extending the expiration date of the Agreement and transferring funds between tasks, in the amount of \$16,057. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Council Member Thomson, seconded by Council Member Hatley, to:

**Adopt Resolution No. 8594 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 SITE-SPECIFIC BROWNFIELDS ASSESSMENT GRANT FUNDS – (Agreement No. 3102-2)**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor  
Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**8. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT FUNDS – staff report**

**9.**

The Council considered an amendment to the Professional Services Agreement with BSK Associates for the purpose of extending the expiration date of the Agreement and transferring funds between tasks, in the amount of \$94,142. **(Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Thomson, to:

**Adopt Resolution No. 8595 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES FOR A TIME EXTENSION AND REALLOCATION OF REMAINING U.S. EPA 2014 COMMUNITY-WIDE BROWNFIELDS ASSESSMENT GRANT FUNDS – (Agreement No. 3101-2)**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**10. APPROVE A MEMORANDUM OF UNDERSTANDING TO FORM THE EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS – staff report**

The Council considered approving a Memorandum of Understanding forming the East Butte Sub-Basin Groundwater Sustainability Partners. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Following discussion, a motion was made by Council Member Draper, seconded by Vice Mayor Goodson, to:

**Adopt Resolution No. 8596 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING FORMING THE EAST BUTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS – (Agreement No. 3214).**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**11. APPLICATION AND LETTER ACKNOWLEDGING PARTNERSHIP FOR THE 2017 CALIFORNIA CULTURAL DISTRICTS PILOT PROGRAM – staff report**

The Council may consider a letter acknowledging partnership and subsequent application for the 2017 California Cultural Districts pilot program. **(Dawn Nevers, Assistant Planner, Evan Burt, City Intern and Donald Rust, Director of Community Development)**



Following discussion, a motion was made by Council Member Del Rosario, seconded by Vice Mayor Goodson, to:

**Adopt Resolution No. 8597 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO ACKNOWLEDGE THE PARTNERSHIP WITH THE INTENT TO DEVELOP THE HISTORIC DOWNTOWN OROVILLE ARTS, CULTURAL & ENTERTAINMENT DISTRICT PARTNERSHIP UNDER THE CALIFORNIA CULTURAL DISTRICT.**

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier  
Noes: None  
Abstain: None  
Absent: None

**12. 2017 INTERNATIONAL COUNCIL OF SHOPPING CENTERS EVENT - staff report**

The Council considered allowing two (2) Council Members to attend the International Council of Shopping Centers RECon event, to be held May 21st – 24th, 2017, in Las Vegas, Nevada. **(Donald Rust, Director of Community Development)**

August Lincoln spoke in opposition to the attendance to the International Council of Shopping Centers RECon event.

Following further discussion, this item failed due to lack of a motion, therefore; no action was taken on the following:

**Authorize 2 Council Members to attend the International Council of Shopping Centers International RECon event, to be held May 21st – 24th, 2017, in Las Vegas, Nevada.**

**13. CREATION OF TWO ADDITIONAL PART-TIME MUSEUM STAFF POSITIONS - staff report**

The Council considered creating two additional part-time Museum Staff positions. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Ethan Phillips spoke to the Council regarding the Native Sons of the Golden Wests' offer to retake and operate the Pioneer Museum.

Following discussion, the Council directed staff to return with this item at a future date for further consideration, pending review of the 2017/2018 Fiscal Year budget.

**14. PREMANUFACTURED SPEED HUMPS AT ROUNDABOUT ENTRANCES – staff report**

The Council considered providing staff with direction for the construction of speed humps at the entrances to the two roundabouts within City limits. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

Todd Jiron spoke in opposition to the placement of speed humps at the entrances of the City's roundabouts.

Following further discussion, the Council directed staff to forego the placement of speed humps at the entrances of the City's roundabouts.

### **COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS**

Council Member Draper reported her attendance to the Bird Street School's Arbor Day event, which was held on March 9, 2017.

Mayor Dahlmeier made the following appointments:

- Housing Loan Advisory Committee – Council Member Del Rosario
- Economic Development Loan Advisory Committee – Vice Mayor Goodson
- Executive Committee – Mayor Dahlmeier, Vice Mayor Goodson, Council Member Berry
- Tourism Committee - Council Member Thomson

### **CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

- Memo – International Council of Shopping Centers – 2017 Monterey Idea Exchange

Scott E. Huber, City Attorney, gave the Council a brief update relating to the Public Records Act.

Donald Rust, Acting City Administrator, gave updates of the following:

- Super WalMart opening delayed to June 7, 2017 due to the Oroville Spillway incident
- State Theatre water pipe repairs
- Emergency Administrative Ad hoc Committee & Emergency Operational Ad hoc Committee meeting reports – Discussions were held regarding:
  - Public Informational Officer
  - Emergency Operations Center

**CORRESPONDENCE** - None

### **HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

Cheri Bunker advised that the Oroville Exchange Club would be hosting the 47<sup>th</sup> Annual Search for Talent event on Saturday, March 25, 2017, at the Oroville State Theatre.

Jamie Hayes, Assistant City Clerk, reported that the Butte County Grand Jury would be hosting an informational meeting the functions and history of the Grand Jury, on March 22, 2017, at the Oroville Library.

Council Member Del Rosario, on behalf of the City Council, presented a plaque to Donald Rust, Acting City Administrator, noting his exemplary leadership during the Oroville Dam Spillway incident.

## **CLOSED SESSION**

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NCWA-556721
3. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: WGS Dental, et al., v. City of Oroville, et al., Butte County Superior Court, Case No. 152036, Third District Court of Appeals, Case No. C 077181.
4. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator, and the City Attorney relating to existing litigation: Coryell v. City of Oroville, et al., United States District Court, Eastern District of California, Case No. 15-cv-00476.
5. Pursuant to Government Code section 54956.95, the City Council met with Acting City Administrator and City Attorney regarding potential litigation – two cases.

Mayor Dahlmeier announced that there were no reportable actions taken in Closed Session and direction had been given to staff.

## **ADJOURNMENT**

The meeting was adjourned at 7:55 p.m. A special meeting of the Oroville City Council will be held on Tuesday, March 28, 2017, at 9:00 a.m.

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Donald Rust, Acting City Clerk

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Linda L. Dahlmeier, Mayor

**CITY COUNCIL MEETING MINUTES  
MARCH 28, 2017 – 9:00 A.M.**

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The agenda for the March 28, 2017, special meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at [www.cityoforoville.org](http://www.cityoforoville.org) on Friday, March 24, 2017, at 11:30 a.m.

The March 28, 2017 special meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 9:03 a.m.

**ROLL CALL**

Present: Council Members Berry, Del Rosario, Draper, Hatley, Vice Mayor Goodson, Mayor Dahlmeier  
Absent: Council Member Thomson (excused)

**Staff Present:**

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Donald Rust, Director of Community Development	Ruth Wright, Director of Finance
Bill LaGrone, Director of Public Safety	Jamie Hayes, assistant City Clerk
Liz Ehrenstrom, Human Resource Manager	Scott E. Huber, City Attorney

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**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Dahlmeier.

**SPECIAL BUSINESS**

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.95, the Council met with the Acting City Administrator, Personnel Officer and City Attorney relating to Worker's Compensation Claim No. NCWA-557197.

Mayor Dahlmeier announced that there were no reportable actions taken in Closed Session and direction had been given to staff.

**ADJOURNMENT**

The meeting was adjourned at 10:24 a.m. A regular meeting of the Oroville City Council will be held on Tuesday, April 4, 2017, at 5:30 p.m.

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Donald Rust, Acting City Clerk

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Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: LETTER OF SUPPORT FOR THE CONSOLIDATION OF THE  
MOSQUITO ABATEMENT DISTRICTS IN BUTTE COUNTY**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider sending a letter to the Butte Local Agency Formation Commission (LAFCo) in support of the consolidation of the mosquito abatement districts in the County of Butte.

**DISCUSSION**

The Butte LAFCo is currently conducting a Municipal Service Review (MSR) and Sphere of Influence (SOI) update for all three mosquito abatement districts in Butte County. The three districts in the County are the Butte County Mosquito and Vector Control District (BCMVCDD), Durham Mosquito Abatement District (DMAD) and the Oroville Mosquito Abatement District (OMAD). Based off the contents of the MSR completed by Butte LAFCo in 2004, staff believes the consolidation of the three districts would provide benefits to the residents of Butte County. As identified in the Statement of Written Determinations attached to Resolution No. 28 2003/04 adopted by the Butte LAFCo Commission on May 6, 2004 (**Attachment A**), consolidation will help improve service efficiencies in consideration of financial constraints, provide an opportunity to better manage costs by reorganizing the three districts into one, and improve public access to the DMAD and the OMAD. The determination (#6) that the reorganization of the three districts into one county-wide district would provide numerous advantages with little to no disadvantages is supported by the City of Oroville.

**FISCAL IMPACT**

There will be no impact to the General Fund.

**RECOMMENDATION**

Direct staff to send a letter to the Butte LAFCo in support of the consolidation of the mosquito abatement districts in the County of Butte.

## **ATTACHMENTS**

- A – Butte LAFCo Resolution No. 28 2003/04
- B – Draft Letter

**ADOPTION OF SERVICE REVIEW AND WRITTEN DETERMINATIONS  
PREPARED FOR THE  
BUTTE COUNTY MOSQUITO & VECTOR CONTROL DISTRICT  
DURHAM MOSQUITO ABATEMENT DISTRICT  
OROVILLE MOSQUITO ABATEMENT DISTRICT**

**WHEREAS**, §56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 requires that LAFCOs conduct service reviews prior to or in conjunction with, establishing a Sphere of Influence (SOI) as defined in §56425 or §56426.5; and

**WHEREAS**, as part of such service reviews, LAFCOs must compile and evaluate service-related information and make written determinations regarding infrastructure needs or deficiencies, growth and population projections for the affected area, financing constraints and opportunities, cost avoidance opportunities, opportunities for rate restructuring, opportunities for shared facilities, government structure options, including advantages and disadvantages of consolidation or reorganization of service providers, evaluation of management efficiencies, and local accountability and governance; and

**WHEREAS**, Butte LAFCO initiated a service review of Mosquito Abatement Districts in Butte County and a portion of Glenn County in October 1999, in the area set forth in Exhibit "A"; and

**WHEREAS**, LAFCO consulted with affected and interested agencies, and interested parties; and

**WHEREAS**, LAFCO gathered and compiled the information necessary to conduct the required review and independently evaluated such information; and

**WHEREAS**, LAFCO issued an administrative draft Service Review on December 8, 2003 and a public draft Service Review on February 12, 2004, and provided a 21-day public review of said document; and

**WHEREAS**, LAFCO considered the data, recommendations, and determinations contained in the Draft Service Review at a noticed public hearing held on March 4, 2004, and received all oral and written testimony and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to the review; and

**WHEREAS**, LAFCO prepared a Final Municipal Service Review incorporating comments received where appropriate and presented the Final to the Commission and affected agencies; and

**WHEREAS**, LAFCO considered the data, recommendations and determinations contained in the Final Service Review at a noticed public hearing held on May 6, 2004, and received all oral testimony and evidence, which were made, presented or filed, and all persons present were given the



**RESOLUTION NO. 28 2003/04**

opportunity to hear and be heard in respect to any matter relating to the review, its data, recommendations and determinations; and

**WHEREAS**, LAFCO has considered and is approving this Municipal Service Review as a stand alone document and is therefore not subject to the California Environmental Quality Act.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to powers provided in §56430 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the Local Agency Formation Commission of the County of Butte adopts written determinations as set forth in Exhibit "B," and adopts the Municipal Service Review for mosquito abatement districts in Butte County and a portion of Glenn County.

**ADOPTED** by the Butte Local Agency Formation Commission at a regular meeting of said Commission, held on the 6<sup>th</sup> day of May, 2004 as moved by Commissioner Yamaguchi, and seconded by Commissioner Wentland, by the following vote of the Commission:

**AYES:** Commissioners Beck, Hunter, Kirk, Wentland, Yamaguchi and Chair Leverenz

**NOES:** None

**ABSTENTIONS:** None

**ABSENT:** Commissioner Dolan

**ATTEST:**

Jonna Holder  
Clerk of the Commission

  
Chairman

## Exhibit "B"

### Statement of Written Determinations

1. Regarding infrastructure needs or deficiencies, the Commission determines that the Butte County Mosquito and Vector Control District is well managed and functions well despite the ever increasing financial limitations imposed by the State of California. The Durham Mosquito Abatement District has an adequate maintenance structure and office, but lacks the personnel to provide public office access during work hours and fails to provide public education and training. The Oroville Mosquito Abatement District lacks a public office and therefore has limited access to the public during work hours. Both the Durham and Oroville districts have restricted telephone access that fails to meet what should be a minimum standard for a public agency.
2. Regarding growth and population projections for the affected areas, the Commission determines that growth in Butte County is increasing at approximately 1.6% per year; in Durham about .91% per year and in Oroville about .87% per year. The increasing amount of rice lands and wetlands, which are the primary mosquito breeding habitats, results in increasing populations being exposed to mosquitos and the diseases they carry.
3. Regarding financing constraints and opportunities, the Commission determines that all three of the mosquito abatement districts are financially constrained due to the effects of Proposition 13, ERAF and Proposition 218. The Oroville MAD held a Proposition 218 election in 2002 that failed, resulting in an inadequate staff to effectively run the District. The Durham MAD will hold a Proposition 218 election in 2004. Even with the passage of the proposed measure, staffing will be marginal for effectively managing the District.
4. Regarding cost avoidance opportunities and shared facilities, the Commission determines that no cost avoidance opportunities were specifically identified for the BCMVCD. Costs could be better managed by reorganizing the three districts into one large district by reducing the costs incurred by maintaining separate boards of directors, holding separate public hearings, consolidating physical structures for housing vehicles, office facilities and the hazardous materials used in mosquito abatement. Costs could be reduced through consolidated insurance and health policies. Additionally, in the event of a public health threat, the BCMVCD would have the advantage of being able to utilize aerial spraying and drawing on a large number of employees to canvass impacted areas. The BCMVCD currently provides training to the Oroville and Durham district Managers at no charge.
5. Regarding opportunities for rate restructuring, the Commission determines that only the Butte County Mosquito and Vector Control District charges for a specified service based on district adopted policy. The Butte County District currently provides service outside its district boundaries and charges for the service.

6. Regarding government structure options, including advantages and disadvantages of consolidation or reorganization of service providers, the Commission determines that reorganizing the three districts into one county-wide district would provide numerous advantages and with little to no disadvantages. There may be a slight limit of 'personalized' service in the Durham and Oroville areas, but that disadvantage is greatly outweighed by the advantages of a county-wide district with a large number of employees, regularly scheduled office hours, education and training programs, and aerial capability.
7. Regarding evaluation of management efficiencies, the Commission determines that the Butte County Mosquito and Vector Control District holds regular meetings in compliance with the Brown Act. The District management is highly educated and cognizant of the many changes occurring in state law relative to the use of pesticide and containment of mosquito borne diseases. District management is also trained in public finance process and procedure and personnel management. The Durham and Oroville employees are trained as DHS certified technicians and by their own statement spend the majority of their time in the field rather than managing the voluminous paperwork that is required to effectively manage a governmental agency. A consolidated district could draw on the education and experience of existing BCMVCD management and provide management efficiencies.
8. Regarding local accountability and governance, the Commission determines that the Butte County Mosquito and Vector Control District provides an acceptable level of accountability and governance. Even though the Durham and Oroville districts hold a public meeting generally once a month, they both lack adequate access to the public.



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2401 – FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

April 4, 2017

Steve Lucas, Executive Officer  
Butte County Local Agency Formation Commission  
1453 Downer, Suite C  
Oroville, CA 95965

**RE: LETTER OF SUPPORT FOR THE CONSOLIDATION OF THE MOSQUITO  
ABATEMENT AND VECTOR CONTROL DISTRICTS IN THE COUNTY OF  
BUTTE**

Dear Mr. Lucas,

The City of Oroville would like to express its support for the consolidation of the Butte County Mosquito and Vector Control District (BCMVCD), Durham Mosquito Abatement District (DMAD) and the Oroville Mosquito Abatement District (OMAD). As identified in the Statement of Written Determinations attached to Resolution No. 28 2003/04 adopted by the Butte LAFCO Commission on May 6, 2004, consolidation will help improve service efficiencies in consideration of financial constraints, provide an opportunity to better manage costs by reorganizing the three districts into one, and improve public access to the DMAD and the OMAD. The determination that the reorganization of the three districts into one county-wide district would provide numerous advantages with little to no disadvantages is supported by the City of Oroville.

If you have any questions regarding the information contained in this letter, please contact Donald Rust at (530) 538-2433 or at [drust@cityoforoville.org](mailto:drust@cityoforoville.org).

Sincerely,

Donald L. Rust, Director  
Community Development Department

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: LETTER OF SUPPORT FOR ASSEMBLY BILL 1147 REGARDING  
SOLID WASTE DISPOSAL**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider sending a letter of support for the State of California Assembly Bill (AB) 1147 regarding solid waste disposal.

**DISCUSSION**

On February 17, 2017 Assembly Member Rudy Salas introduced an act to amend Sections 41953 and 41956 of, to amend and renumber Section 41952 of, and to add Section 41952 to, the Public Resources Code, relating to solid waste.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act prohibits a person, other than an authorized recycling agent, from removing specified materials that have been segregated from solid waste materials and placed at a designated recycling collection location for residential curbside collection programs authorized by a city, county, or local agency for the purposes of collection and recycling or at a designated recycling collection location by any commercial or industrial entity. Existing law provides that a violation of the segregated recycling laws may be charged as either a misdemeanor or an infraction, as specified. Existing law authorizes a court, in a civil action by a recycling agent against a person alleged to have violated these laws, to either allow treble damages or award a civil penalty, as specified, against the unauthorized person removing the recyclable material, and to allow treble damages or award a higher civil penalty, as specified, against a person for a second violation and subsequent violations.

This bill would subject an unauthorized person to these same penalties and damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law, as specified. Because a violation of this provision may be charged as a crime, the bill would impose a state-mandated local program. The bill would expand civil enforcement to knowing participation in violations of these laws, and would require a court, if a plaintiff prevails in a civil action brought pursuant to these and related

provisions, to award to the plaintiff reasonable attorney's fees, expert witness fees, and costs incurred in the course of the litigation, except as specified.

### **FISCAL IMPACT**

There will be no impact to the General Fund.

### **RECOMMENDATIONS**

Direct the Vice Mayor to sign a letter of support for AB 1147 to forward to Assemblyman Salas and Recology.

### **ATTACHMENTS**

- A – AB 1147 Fact Sheet
- B – AB 1147 Introduction 02/17/17
- C – Letter of Support



**Assemblymember Rudy Salas, 32<sup>nd</sup> District**  
**ASSEMBLY BILL 1147 – RECYCLABLE MATERIALS**  
FACT SHEET

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**ISSUE**

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The goal of this measure is to ensure local government agencies have the protections in place to have viable recycling programs from being poached by large scale illegal scavenging operations.

**EXISTING LAW**

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The passage of AB 939 in 1989 led local agencies to implement curbside recycling programs as a supplement to regular trash service. More than 600 such programs now operate in the state.

The theft of recyclable materials from curbside residential and commercial containers has plagued recycling programs from its inception. Collection charges are fixed by local governments, and presume a certain amount of revenue coming from the program as a result of the sale of high value commodities. When these high value materials are stripped out of the stream, the rates are insufficient to cover the programs operating cost.

In the most egregious cases, scavenging has become a large scale commercial enterprise with fleets of vehicles monitoring collection routes, openly operating in neighborhoods on designated collection days.

**THIS BILL**

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Local governments and agencies are allowed to go after these scavengers and recuperate their cost, but current code makes no provision for the recovery of reasonable attorneys' fees and costs in any civil action brought to enforce either law. As a result, violations of these laws are often not prosecuted.

AB 1147 would amend the law to proscribe such activity, and to provide for a similar right to recover reasonable attorneys' fees, would go a long way toward curtailing illegal behavior.

*Note:* Nothing in this measure would limit the rights of any person to donate, sell, or otherwise dispose of his or her recyclable materials. It would also have no effect on individuals who collect recyclables from curbside pickups.

**SUPPORT**

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California Refuse Recycling Council (Sponsor)

**OPPOSITION**

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None

**FOR MORE INFORMATION**

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**Jose Alvarado**  
Office of Asm. Rudy Salas  
P: (916) 319-2032  
F: (916) 319-2132  
[Jose.Alvarado@asm.ca.gov](mailto:Jose.Alvarado@asm.ca.gov)

**ASSEMBLY BILL**

**No. 1147**

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**Introduced by Assembly Member Salas**

February 17, 2017

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An act to amend Sections 41953 and 41956 of, to amend and renumber Section 41952 of, and to add Section 41952 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as introduced, Salas. Solid waste: disposal.

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act prohibits a person, other than an authorized recycling agent, from removing specified materials that have been segregated from solid waste materials and placed at a designated recycling collection location for residential curbside collection programs authorized by a city, county, or local agency for the purposes of collection and recycling or at a designated recycling collection location by any commercial or industrial entity. Existing law provides that a violation of the segregated recycling laws may be charged as either a misdemeanor or an infraction, as specified. Existing law authorizes a court, in a civil action by a recycling agent against a person alleged to have violated these laws, to either allow treble damages or award a civil penalty, as specified, against the unauthorized person removing the recyclable material, and to allow treble damages or award a higher civil penalty, as specified, against a person for a second violation and subsequent violations.



This bill would subject an unauthorized person to these same penalties and damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law, as specified. Because a violation of this provision may be charged as a crime, the bill would impose a state-mandated local program. The bill would expand civil enforcement to knowing participation in violations of these laws, and would require a court, if a plaintiff prevails in a civil action brought pursuant to these and related provisions, to award to the plaintiff reasonable attorney’s fees, expert witness fees, and costs incurred in the course of the litigation, except as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41952 of the Public Resources Code is  
 2 amended and renumbered to read:  
 3 ~~41952.~~  
 4 41957. Nothing in this chapter limits the right of any person  
 5 to donate, sell, or otherwise dispose of his or her recyclable  
 6 materials.  
 7 SEC. 2. Section 41952 is added to the Public Resources Code,  
 8 to read:  
 9 41952. No person, other than a solid waste enterprise authorized  
 10 by a city, county, or other local governmental agency to handle  
 11 solid waste, shall collect, remove, or transport solid waste generated  
 12 by another person from residential, commercial, or industrial  
 13 premises, except in compliance with applicable law. For purposes  
 14 of this section, “applicable law” includes, but is not limited to, a  
 15 municipal ordinance regulating the handling of solid waste.  
 16 SEC. 3. Section 41953 of the Public Resources Code is  
 17 amended to read:  
 18 41953. (a) In any civil action by a recycling agent *or a local*  
 19 *governmental agency* against a person alleged to have ~~violated~~

1 *violated, or to have knowingly participated in the violation of,*  
2 *Section 41950 or 41951, or by a local governmental agency or a*  
3 *solid waste enterprise against a person alleged to have violated,*  
4 *or to have knowingly participated in the violation of, Section*  
5 *41952, the court may either allow treble damages, as measured by*  
6 *the market value of the recyclable material removed, or award a*  
7 *civil penalty of not more than two thousand dollars (\$2,000),*  
8 *whichever is greater, for each unauthorized removal, against the*  
9 *unauthorized person removing the recyclable ~~material.~~ material*  
10 *or solid waste.*

11 (b) *In any civil action by a recycling ~~agent~~ agent, solid waste*  
12 *enterprise, or local governmental agency against a person alleged*  
13 *to have ~~violated~~ violated, or to have knowingly participated in the*  
14 *violation of, Section ~~41950 or 41951~~ 41950, 41951, or 41952 for*  
15 *a second, or ~~subsequent time,~~ subsequent, time in any 12-month*  
16 *period, the court may either allow treble damages, as measured by*  
17 *the market value of the recyclable material removed, or award a*  
18 *civil penalty of not more than five thousand dollars (\$5,000),*  
19 *whichever is greater, for each unauthorized removal against the*  
20 *unauthorized person removing the recyclable ~~material.~~ material*  
21 *or solid waste.*

22 (c) *If a plaintiff prevails in a civil action brought pursuant to*  
23 *this chapter, the court shall award to the plaintiff reasonable*  
24 *attorney's fees, expert witness fees, and costs incurred in the course*  
25 *of the litigation. This subdivision shall not apply to a civil action*  
26 *for a violation or knowing participation in a violation of Section*  
27 *41950, 41951, or 41952 in which the value of the stolen recyclable*  
28 *materials is fifty dollars (\$50) or less or no vehicle, as defined in*  
29 *Section 670 of the Vehicle Code, was used in connection with the*  
30 *removal of the materials.*

31 SEC. 4. Section 41956 of the Public Resources Code is  
32 amended to read:

33 41956. ~~The board~~ *department* may award special enforcement  
34 grants to cities or counties to support pilot programs designed to  
35 develop and evaluate enforcement techniques to reduce the theft  
36 of recyclable materials from commercial, industrial, or other  
37 nonresidential establishments.

38 SEC. 5. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

O



# City of Oroville

OFFICE OF THE VICE MAYOR

**Janet Goodson**  
VICE MAYOR

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2401 – FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

April 4, 2017

Honorable Rudy Salas  
State Capitol, Room 4016  
Sacramento, CA 95814

## Re: AB 1147 (Salas) - NOTICE OF SUPPORT

Dear Assemblyman Salas:

For many years, waste recycling services have been offered in our community through our authorized service provider, Recology Butte Colusa Counties. In that time, we have noted an increasing problem with the theft of recyclables that have been placed at the curb for collection. Further, the rates that we authorize our waste collection franchisee to charge presume that a portion of the franchisee's compensation will come to them indirectly, from the sale of the recyclables they have collected.

When these valuable materials are illegally removed from bins or containers prior to collection, several negative consequences result:

- Our contractor is deprived of valuable revenue, which can necessitate higher rates;
- The peace and quiet of residential neighborhoods is disturbed;
- The privacy rights of our citizens are violated;
- The surrounding areas are often strewn with litter.

AB 1147 is a sensible approach to addressing this issue. It will discourage the large-scale theft of recyclable materials by authorizing the recovery of attorneys' fees in appropriate cases. At the same time, it preserves to local governments the ability to determine whether, and to what extent, they wish to regulate such activity. Local governments are still free to determine which recycling activities fall within an exclusive franchise, and which do not, and they remain empowered to adopt whatever form of collection program or system will best suit local conditions and community needs.

AB 1147 sends a message to professional criminals that local laws regarding the handling of solid waste, including recyclable solid waste, must be respected.

We appreciate your interest in this issue and are pleased to offer this letter in support of this worthy effort.

Sincerely,

Janet Goodson, Vice Mayor  
City of Oroville

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: OROVILLE SUSTAINABLE CODE UPDATES (2<sup>nd</sup> Reading)**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider adopting the Oroville Sustainable Code updates and certification of the Final Supplemental Environmental Impact Report (FSEIR). *(All documents were previously approved on March 31, 2015, by Resolution No. 8344.)*

**BACKGROUND**

On March 31, 2015, the City Council held a public hearing and adopted Resolution No. 8344, approving the new/amended documents collectively referred to as the "Oroville Sustainable Code Updates." The action included updates to the City's Zoning Ordinance to bring it into conformance with the 2030 General Plan, changes to the Zoning Map to bring it into conformance with the City's 2030 General Plan land use designations, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, a new Climate Action Plan (CAP), a new Balanced Mode Circulation Plan (BMCP), targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, and other updates to the Oroville Municipal Code, including revisions to the solar energy ordinance, local and healthy food amendments, development incentives for community benefits, inclusion of Crime Prevention Through Environmental Design (CPTED) principles, park provision standards, and a new oak tree loss mitigation ordinance.

The City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. Since that time, the City had been proceeding with several key steps to implement the updated General Plan through various efforts including this sustainable code update.

**DISCUSSION**

At the time Oroville Sustainable Code Updates and certification of the Final Supplemental Environmental Impact Report (FSEIR) were adopted, they were adopted by resolution (Resolution No. 8344). This created complications in the recodification of the City's Municipal Code as amendments to the Municipal Code must take place by the adoption of an ordinance. Thus, the approvals that took place on March 31, 2015 under

resolution have not been reflected in the City's Municipal Code. The proposed action is not asking the Council to adopt or approve any documents or regulatory language not currently being implemented. The re-adoption of the "Oroville Sustainable Code Updates" under ordinance is for the purpose of ensuring that the Oroville Municipal Code is properly formatted to reflect the actions of the Council.

## **ENVIRONMENTAL REVIEW**

The Oroville Sustainable Code Updates were reviewed according to the California Environmental Quality Act (CEQA) statute and guidelines. According to CEQA guideline §15163, a Supplemental Environmental Impact Report (EIR) may be prepared in lieu of a Subsequent EIR if only minor changes would be needed to make the previous EIR adequately apply to the revised project. The changes contained in the Oroville Sustainable Code Updates do not significantly change the analysis of the 2030 General Plan in the 2009 EIR. Therefore, an EIR was prepared as a Supplemental EIR, with no additional impacts to the environment anticipated. The Final Supplemental EIR was previously certified on March 31, 2015. The Notice of Determination was filed with the Butte County Clerk-Recorder on April 2, 2015, and was posted through May 4, 2015. The proposed action is not asking the Council to adopt or approve any documents or regulatory language not currently being implemented. The re-adoption of all documents under ordinance is for the purpose of ensuring that the Oroville Municipal Code is properly formatted to reflect the actions of the Council. The action will not result in a direct or reasonably foreseeable indirect physical change in the environment, and therefore is not defined as a project under CEQA. Thus, this action is not subject to CEQA.

## **FISCAL IMPACT**

The work was funded by The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, or Proposition 84, of which the City was awarded \$390,000 by the state Strategic Growth Council. Grant work is completed and the grant has been closed. There is no fiscal impact associated with the requested action.

An approximate cost of \$2,295 will be incurred to codify the updated zoning code. Planning and Development Services, Outside Services 2201-6360.

## **RECOMMENDATION**

Waive the second reading and adopt by title only, Ordinance No. 1819 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS "OROVILLE SUSTAINABLE CODE UPDATES," CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND

ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM.

**ATTACHMENTS**

A – Ordinance No. 1819

B – Public Notice



**CITY OF OROVILLE  
ORDINANCE NO. 1819**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS THE “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, Section 65300 of the Government Code of the State of California authorizes cities to prepare long-range comprehensive guides known as general plans; and

**WHEREAS**, the current City of Oroville 2030 General Plan was reviewed and adopted in 2009 according to the California Environmental Quality Act (CEQA) statute and guidelines; and

**WHEREAS**, the Final Environmental Impact Report (EIR) for the City’s current General Plan was certified by the City Council on June 2, 2009; and

**WHEREAS**, CEQA guidelines Section 15162 and Section 15163 contain provisions regarding Supplemental EIRs and when they may be used in place of a full EIR or Subsequent EIR; and

**WHEREAS**, according to CEQA guideline Section 15163, a Supplemental EIR may be prepared in lieu of a Subsequent EIR if only minor changes would be needed to make the previous EIR adequately apply to the revised project; and

**WHEREAS**, the changes contained in the project identified as the “Oroville Sustainable Code Updates” do not significantly change the analysis of the 2030 General Plan in the 2009 EIR; and

**WHEREAS**, the City of Oroville, as lead agency under CEQA Section 21067, has prepared a Draft and Final Supplemental EIR for consideration to update the City’s General Plan (the “Approved Project” in the Supplemental EIR), in combination with the Oroville Sustainable Code Updates (the “Modified Project” in the Supplemental EIR); and

**WHEREAS**, the City’s Housing Element of the General Plan was previously adopted by the City Council in 2014 for the 2014-2022 Planning Period and shall remain in full force and effect; and

**WHEREAS**, all proposed amendments (2030 General Plan; Design Guidelines; Municipal Code Updates; Zoning Map) and new documents (Balanced Mode Circulation Plan; Climate Action Plan) collectively referred to as the “Oroville Sustainable Code

Updates” were circulated for a 45-day review period along with the Supplemental EIR from January 30, 2015 to March 15, 2015; and

**WHEREAS**, comments received during the public review period were addressed and responses prepared as required by CEQA and a Final Supplemental EIR was prepared for the project; and

**WHEREAS**, the responses to comments received on the Draft Supplemental EIR were forwarded to the person or agency that made the comments prior to the certification of the Final Supplemental EIR; and

**WHEREAS**, on March 31, 2015, the City Council held a public hearing and adopted Resolution No. 8344, approving the new/amended documents collectively referred to as the “Oroville Sustainable Code Updates” and certifying the Final Supplemental EIR; and

**WHEREAS**, the Notice of Determination was filed with the Butte County Clerk-Recorder on April 2, 2015, and was posted through May 4, 2015; and

**WHEREAS**, the re-adoption of the “Oroville Sustainable Code Updates” under ordinance is for the purpose of ensuring that the Oroville Municipal Code is properly formatted to reflect the actions of the Council.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:**

1. The Oroville City Council has independently reviewed and evaluated the CEQA Findings of Fact and the Statement of Overriding Considerations referenced and attached to this resolution as Exhibit A, and has determined that the Final Supplemental EIR for the Oroville Sustainable Code Updates identifies significant environmental effects associated with this project that will remain significant and unavoidable despite the adoption of all feasible mitigation measures.
2. The information and analysis contained in the Final Supplemental EIR reflects the City's independent judgment as to the environmental consequences of the proposed project.
3. The City Council finds that the Final Supplemental EIR has been completed in compliance with the CEQA statute and guidelines.
4. The City Council, having final approval authority over the project, hereby adopts and certifies as complete and adequate the Final Supplemental EIR, which reflects the City Council's independent judgment and analysis.
5. The City Council hereby adopts the evidence set forth in the amended Findings of Fact and Statement of Overriding Considerations (attached and incorporated



**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on April 4, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott E. Huber, City Attorney

\_\_\_\_\_  
Donald Rust, Acting City Clerk

Exhibits

*A – Findings of Fact and Statement of Overriding Considerations*

*B – Amendments/Additions to the Oroville Municipal Code*

EXHIBIT “A”

FINDINGS OF FACT AND  
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

OROVILLE SUSTAINABILITY UPDATES  
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2014052001

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## **I. INTRODUCTION**

The California Environmental Quality Act (“CEQA”), Public Resources Code Sections 21000 et seq., state that if a project would result in significant environmental impacts it may be approved, if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact or if there are specific economic, social, or other considerations which make it infeasible to substantially lessen or avoid the impacts.

Therefore, when an environmental impact report (“EIR”) has been completed which identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

- 1) Changes or alternatives which avoid or substantially lessen the significant environmental effects as identified in the Final EIR have been required or incorporated into the Project; or
- 2) Such changes or alternatives are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
- 3) Specific economic, social or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR. (Pub. Resources Code, Section 21081).

As “lead agency” under California Code of Regulations, Title 14, Section 15367, the City of Oroville (“City”) hereby adopts the following California Environmental Quality Act findings relating to the Oroville Sustainability Updates certified by the City on March 31, 2015.

## **II. PURPOSE AND BACKGROUND**

### **A. The Project**

The City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. Since that time, the City has been proceeding with several key steps to implement the updated General Plan, including updating the Zoning Ordinance to implement policies and actions of the 2030 General Plan, preparing other updates to the Municipal Code, adding a chapter on low-impact development and resource-efficient design to the City’s Design Guidelines, preparing a Climate Action Plan (CAP), and preparing a Balanced Mode Circulation Plan. In addition, the City is preparing targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville. Collectively, these project components are referred to as the Oroville Sustainability Updates.

These findings relate to the Oroville Sustainability Updates. The Project Area evaluated in the Supplemental EIR (SEIR) includes the Oroville city limits and Sphere of Influence (SOI). The city limits cover approximately 13 square miles in an irregular shape. The SOI is considered to be the ultimate service area of the City and the area that the City anticipates it will annex at some point in the future. The City of Oroville can propose the area that it would like its SOI to include. However, the SOI is ultimately defined by the Butte County Local Agency Formation Commission (LAFCO). Establishment of this boundary is necessary to determine which governmental agencies can provide services in the most efficient way to the people and property in the area. The SOI is a 50-square-mile area, which includes two of the three State Water Project (SWP) Thermalito bays, the Oroville Wildlife Refuge and Thermalito to the west; South Oroville to Kelly Ridge to the east and northeast; and the Las Plumas area and a portion of Palermo to the south. All of these unincorporated areas are developed to some extent.

The Oroville Sustainability Updates include the following components:

- Updates to the 2030 General Plan, including changes to the land use map and designations, related updates to expected 2030 development levels, revisions to the Circulation and Transportation Element to reflect the land use map changes and to support complete streets and walkability, addition of a new Economic Development Element, updates to reflect changes in State statutes, and various policy revisions that address the City's park standards, access to local and healthy food, and other topics.
- Updates to the Municipal Code, including changes to the zoning map and districts, revisions to the Solar Energy Ordinance, amendments to support access to local and healthy food, and new sections that address incentives for community benefits, Crime Prevention Through Environmental Design (CPTED), park provision standards, and oak tree loss mitigation. With the exception of the park provision and oak tree loss mitigation standards, all edits are to Chapter 26 (Zoning) of the Municipal Code.
- In order to implement the City's sustainability-related goals outlined in the 2030 General Plan Open Space, Natural Resources, and Conservation Element, the Oroville Sustainability Updates project adds a new chapter to the Oroville Design Guidelines that addresses low-impact development and resource-efficient design. Specific guidelines address green standards, habitat-fostering landscapes, water use, resource-efficient materials, and stormwater management.
- The CAP, which implements Action A13.4 of the existing 2030 General Plan Open Space, Natural Resources, and Conservation Element, is a stand-alone document containing analysis and strategies to reduce greenhouse gas (GHG) emissions in Oroville. The CAP identifies baseline GHG emissions and includes actions and strategies to help reduce future emissions related to energy efficiency and renewable energy, land use and transportation, waste reduction, water conservation, and land conservation. The CAP establishes a



target to reduce GHG emissions from community activities to 11 percent below 2010 levels by 2020, a goal that is consistent with larger statewide initiatives adopted through AB 32, the California Global Warming Solutions Act. The CAP also outlines a detailed implementation program and an adaptation plan to guide the community in dealing with climate change impacts.

- The Balanced Mode Circulation Plan is a stand-alone document to guide the development of pedestrian and bicycle facilities in Oroville. It includes design guidelines and best practices for pedestrian and bicycle facilities, recreational trails, and public transit infrastructure, as well as specific recommendations for the City's roadways that will enhance pedestrian and bicycle environments and improve safety and accessibility. The Balanced Mode Circulation Plan also includes recommendations for supporting programs, implementation strategies, and funding sources.

The objectives of the 2030 General Plan, as enumerated in the 2030 General Plan EIR certified in 2009 are to:

- Define a realistic vision of what the City desires to be in 15 years.
- Express the City's policy direction in regard to its physical, social, economic, cultural, and environmental character.
- Serve as a comprehensive guide for making decisions about land use, community character, circulation, open space, the environment, and public health and safety.
- Serve as the City's "constitution" for land use and community development. That is, it is to provide the legal foundation for all zoning, subdivision and public facilities ordinances, decisions and projects, all of which must be consistent with the 2030 General Plan.
- Provide information in a clear and easy to understand format that encourages public debate and understanding.

The Oroville Sustainability Updates aim to achieve the following additional objectives:

- Strengthen the environmental, community, and economic sustainability of Oroville.
- Bring the Zoning Ordinance into conformance with the 2030 General Plan, as required by State law (Government Code Section 65860).
- Support and encourage mixed-use development.
- Improve circulation and access for all modes of travel, including walking, biking, and using public transit.
- Improve access to physical activity and healthy food.

- Reduce GHG emissions.
- Support the development of renewable energy supplies in Oroville.
- Reduce crime through environmental design.

## **B. Purpose of the SEIR**

Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq., and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq., (collectively, “CEQA”), a SEIR was prepared for the Oroville Sustainability Updates to analyze their environmental effects. The Draft SEIR was circulated from January 30, 2015 to March 16, 2015 for public review and comment in accordance with CEQA. Responses to comments, together with other information, were prepared and are contained in the Final SEIR. The City of Oroville is the CEQA Lead Agency for the Oroville Sustainability Updates. The SEIR was prepared by PlaceWorks for the City of Oroville.

## **C. Procedural Background**

The following is an overview of the environmental review process for the Oroville Sustainability Updates.

- 1) The City of Oroville adopted the Oroville 2030 General Plan and certified its EIR on June 2, 2009.
- 2) In accordance with Section 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (“NOP”) of a SEIR and filed it with the State Office of Planning and Research (“OPR”) on May 6, 2014. The NOP was circulated to the public, local and State agencies, and other interested parties to solicit comments on the proposed Project. Environmental issues and alternatives raised by comments received on the NOP during the subsequent 30-day public review period were considered for inclusion in the SEIR. Public and agency comments received on the NOP were reviewed, and incorporated into the Draft SEIR.
- 3) Upon completion of the Draft SEIR, the City filed a Notice of Completion (“NOC”) with OPR to begin the public review period. (Pub. Resources Code, Section 21161.) Copies of the Draft SEIR were available and circulated for public review.
- 4) The comment period for the Draft SEIR was from January 30, 2015 to March 16, 2015. During that time, two letters were received.
- 5) In response to the comments received concerning the Draft SEIR, the Final SEIR was issued on March 20, 2015. The Final SEIR contains copies of all comments received on the Draft SEIR and responses to those comments.

- 6) Copies of the Final SEIR were sent to responsible agencies that commented on the Draft SEIR and notice was sent to interested parties.
- 7) Pursuant to Public Resources Code Section 21092.5, the lead agency provided a written response in the form of the Final SEIR to all public agencies commenting on the Draft SEIR, 10 days prior to certifying the Final SEIR.

### **III. THE USE OF A PROGRAM EIR**

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This SEIR has been prepared as a Program EIR pursuant to CEQA Guidelines Section 15168 to accommodate a complete analysis of all of the components of the Oroville Sustainability Updates.

A Program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related in one of the following ways:

- a) Geographically;
- b) As logical parts in the chain of contemplated actions;
- c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
- d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in a similar way.

A Program EIR enables the lead agency to consider broad environmental implications of development at an early stage in the process, sometimes when the project is still at a conceptual level, recognizing that a series of actions will occur prior to development. Because they are prepared relatively early on, Program EIRs allow greater flexibility in dealing with overall development options, basic environmental issues, and cumulative impacts.

The Program EIR identifies and mitigates the effects of the overall program of development to the extent that they are known at this time. The lead agency incorporates feasible mitigation measures developed in the Program EIR into subsequent actions to implement the program. Requests for approval of subsequent entitlements in the program must be examined in light of the Program EIR to determine whether additional environmental review must be conducted. If the agency finds that pursuant to CEQA Guidelines Section 15162, no new effects could occur and no new mitigation is required, the agency can approve the activity as being within the scope of the Program EIR. However, if a later activity would have effects that were not examined in the Program

EIR, additional environmental review would need to be conducted and additional opportunities for public review provided as appropriate under CEQA. Additional environmental review is required for subsequent discretionary approvals requested of the lead agency to implement the program, if, pursuant to Section 15162 of the CEQA Guidelines, the following circumstances occur:

- a) Substantial changes are proposed to the project description;
- b) Substantial changes occur with respect to the circumstances under which the project is undertaken (such as new regulatory requirements are adopted relevant to the project); or
- c) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, identifies new or more severe impacts from those identified in the program EIR or if new mitigation measures can be identified to offset impacts of the project.

#### **IV. DESCRIPTION OF THE RECORD**

For purposes of CEQA and these findings, the record before the City includes, without limitation, the following:

- 1) The EIR for the Oroville 2030 General Plan, which was certified on June 2, 2009.
- 2) The NOP for the SEIR;
- 3) The Draft SEIR;
- 4) The Final SEIR;
- 5) All notices required by CEQA, staff reports, and presentation materials related to the Oroville Sustainability Updates;
- 6) All studies conducted for the Oroville Sustainability Updates and contained in, or referenced by, staff reports, the Draft SEIR, or the Final SEIR;
- 7) All public reports and documents related to the Oroville Sustainability Updates prepared for the City and other agencies;
- 8) All documentary and oral evidence received and reviewed at public hearings and workshops and all transcripts and minutes of those hearings related to the Oroville Sustainability Updates, the Draft SEIR and the Final SEIR;

- 9) For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area; and
- 10) Any additional items not included above if they are required by law.

## **V. DISCRETIONARY ACTIONS**

The discretionary actions for the proposed Project involve the following approvals by the City Council:

- 1) Adoption of the 2030 General Plan Updates;
- 2) Adoption of the Municipal Code Updates;
- 3) Adoption of the Design Guidelines Updates;
- 4) Adoption of the Climate Action Plan; and
- 5) Adoption of the Balanced Mode Circulation Plan.

These findings are made by the City pursuant to Section 15091 of the CEQA Guidelines. The City is also adopting a “Statement of Overriding Considerations” pursuant to Section 15093 of the CEQA Guidelines.

## **VI. GENERAL FINDINGS**

### **A. Terminology of Findings**

Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” The second potential finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” The third permissible conclusion is that “[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR.”

For purposes of these findings, the term “mitigation measures” shall constitute the “changes or alterations” discussed above. The term “avoid or substantially lessen” will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level. Although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the SEIR for the proposed Project. When an impact remains significant or potentially significant with mitigation, the findings will generally find that the impact is still “significant.”

In the process of adopting mitigation, the City will also be making decisions on whether each mitigation measure proposed in the Draft SEIR is feasible or infeasible. Pursuant to the CEQA Guidelines, “feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.” (CEQA Guidelines, Section 15364.) When the City finds a measure is not feasible, evidence for its decision will be provided.

#### **B. Certification of Final SEIR**

In adopting these findings in accordance with CEQA, the City has considered the environmental effects as shown in the Final SEIR prior to approving the Oroville Sustainability Updates. These findings represent the independent judgment and analysis of the City.

#### **C. Changes to the Draft SEIR**

No changes to the Draft SEIR were identified in the Final SEIR.

#### **D. Evidentiary Basis for Findings**

These findings are based upon substantial evidence in the entire record before the City as described in Section IV.

The references to the Draft SEIR and to the Final SEIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

#### **E. Location and Custodian of Records**

Pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, Title 14, Section 15091, the City of Oroville is the custodian of the documents and other material that constitute the record of proceedings upon which the City’s decision is based, and such documents and other material are located at: City of Oroville, Community Development/Public Works, 1735 Montgomery Street, Oroville, California, 95965.

## **VII. FINDINGS REGARDING MONITORING OF MITIGATION MEASURES**

The Oroville 2030 General Plan and the Oroville Sustainability Updates are largely self-mitigating documents because the goals, policies, actions, regulations, strategies, and guidelines set forth in these documents reduce potential impacts to a less-than-significant level. The significant impacts identified in the 2009 EIR for the adopted 2030 General Plan were found to be significant and unavoidable, and no mitigation measures were identified. The SEIR for the Oroville Sustainability Updates finds one new significant impact (Impact BIO-2) but identifies three mitigation measures (Mitigation Measures BIO 2A, 2B, and 2C) that would reduce Impact BIO-2 to a less-than-significant level. A Mitigation Monitoring and Reporting Plan (“MMRP”) is provided in Attachment A. The City Council adopts the MMRP and finds that the MMRP will enable the City to enforce and ensure achievement of these mitigations.

## **VIII. FINDINGS REGARDING ALTERNATIVES**

CEQA Guidelines Section 15126.6 requires a discussion of a reasonable range of alternatives to the project or to the location of the project. However, an EIR need not consider an alternative whose implementation is remote or speculative. An EIR is required to describe and comparatively evaluate a range of reasonable alternatives to a project, or location of the project, that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. Thus, the range of alternatives evaluated in the Draft SEIR was dictated by the range of significant impacts identified in the Draft SEIR and evaluated alternatives were limited to those that theoretically could reduce or eliminate identified environmental impacts.

As discussed in the Draft SEIR, the Modified Project (i.e. the Oroville Sustainability Updates, which modifies the Approved Project, which is the 2030 General Plan), would create a new significant impact in the topic of biological resources. This impact is related to the identification of a new special-status wildlife species that was not identified as such in the 2009 EIR for the Approved Project. The impact on this species could be caused by construction activity allowed by both the Approved and Modified Projects, and no feasible alternatives were identified to avoid this impact. The significant and unavoidable impacts from the Approved Project related to air quality, biological resources, hydrology and water quality, land use, noise, population and housing, and transportation and circulation would remain under the Modified Project. Accordingly, two alternatives, in addition to the required No Project Alternative, were considered and evaluated in the Draft SEIR in Chapter 5 and a summary of their potential advantages and disadvantages is provided in Draft SEIR Table 5-2.

The Draft SEIR discussed the following alternatives in detail:

- A. No Project Alternative;
- B. Existing General Plan Land Use Map Alternative; and

### C. Open Space Alternative.

Each of these alternatives was evaluated under the same environmental categories as presented for the proposed Project and as identified in Chapter 5 of the Draft SEIR.

Based on the comparison of the relative merits of each alternative compared to the Oroville Sustainability Updates, each of the alternatives was found to be deficient in meeting the City's goals and objectives.

The objectives of the Oroville Sustainability Updates are to:

- Define a realistic vision of what the City desires to be in 15 years.
- Express the City's policy direction in regard to its physical, social, economic, cultural, and environmental character.
- Serve as a comprehensive guide for making decisions about land use, community character, circulation, open space, the environment, and public health and safety.
- Serve as the City's "constitution" for land use and community development. That is, it is to provide the legal foundation for all zoning, subdivision and public facilities ordinances, decisions and projects, all of which must be consistent with the 2030 General Plan.
- Provide information in a clear and easy to understand format that encourages public debate and understanding.
- Strengthen the environmental, community, and economic sustainability of Oroville.
- Bring the Zoning Ordinance into conformance with the 2030 General Plan, as required by State law (Government Code Section 65860).
- Support and encourage mixed-use development.
- Improve circulation and access for all modes of travel, including walking, biking, and using public transit.
- Improve access to physical activity and healthy food.
- Reduce GHG emissions.
- Support the development of renewable energy supplies in Oroville.
- Reduce crime through environmental design.

Based on the comparative evaluation contained in the Draft SEIR, the Open Space Alternative would reduce the magnitude of the most impacts and would be the environmentally superior alternative.



## **A. No Project Alternative**

Under the No Project Alternative, the Oroville Sustainability Updates would not be adopted; the existing Oroville 2030 General Plan, Zoning Ordinance and map, Municipal Code, and Design Guidelines would remain unchanged, and the CAP and Balanced Mode Circulation Plan would not be adopted. Thus, new development would occur according to the existing 2030 General Plan land use designations.

The No Project Alternative differs from the Modified Project in terms of the amount of anticipated development by the General Plan horizon year of 2030. The No Project Alternative would allow slightly more commercial development and slightly less residential and industrial development by 2030 than the Modified Project. The expected 2030 development under the No Project Alternative, which is based on the 2030 General Plan, is equivalent to that of the Approved Project, which is approximately:

- 27,600 dwelling units
- 21.2 million square feet of retail/office space
- 8.7 million square feet of industrial space

### **Rejection of the No Project Alternative**

The City Council finds that there are specific technological, social, legal, economic or other considerations that make the No Project Alternative infeasible. Each reason set forth below operates as an independent basis upon which to reject the infeasibility of the Alternative.

Government Code Section 65860 requires that the Zoning Ordinance be consistent with the adopted General Plan. Because the existing zoning map is not consistent with the adopted General Plan, this alternative is infeasible and does not meet the project objective to bring the Zoning Ordinance into conformance with the 2030 General Plan.

In addition, Section 5.C of the Draft SEIR contains detailed information comparing the potential impacts of the Oroville Sustainability Updates to the No Project Alternative. The No Project Alternative would represent a substantial deterioration in comparison to the Oroville Sustainability Updates because it would exacerbate impacts on air quality, GHG emissions, land use, and transportation and circulation, as described in detail below.

The No Project Alternative would lack the policies and actions to reduce air pollutant emissions through the Modified Project's proposed changes to the Open Space, Natural Resources, and Conservation Element, CAP, Design Guidelines Updates, and Balanced Mode Circulation Plan, mainly by electrifying heavy-duty construction equipment, encouraging public transit over personal vehicle use, concentrating new mixed-use development near Downtown, and promoting energy efficiency upgrades. Furthermore, the No Project Alternative would maintain the Mixed Use designation along Ophir Road, which could expose new residential sensitive receptors to existing industrial sources of toxic air contaminants (TACs) in this area, and it would lack the Modified Project's policies that would reduce ambient human health risks throughout the community, such

as CAP strategy LUT-9, *Idling Ordinance*, which limits heavy-duty vehicle idling to 3 minutes, and strategies in the CAP and Balanced Mode Circulation Plan that encourage alternative transportation and reduce vehicle miles traveled (VMT) and corresponding on-road fuel combustion, TACs, and smog. Therefore, the No Project Alternative would cause an insubstantial deterioration compared to the Modified Project under the topic of air quality.

The No Project Alternative would lack the proposed CAP, which sets a GHG emissions reduction target that is consistent with Assembly Bill (AB) 32 and the AB 32 Scoping Plan, and establishes strategies and actions to reduce GHG emissions to a level that meets that target. The proposed CAP also directs the City to establish a GHG emissions reduction target for years beyond 2020, so the No Project Alternative would lack appropriate GHG emissions reduction planning for both 2020, the target year for AB 32, and 2030, the General Plan horizon year. Furthermore, the Modified Project includes policies, strategies, and actions in the Open Space and Conservation Element revisions, CAP, Design Guidelines Updates, and Balanced Mode Circulation Plan to increase the city's resiliency and ability to adapt to changing climatic conditions. In particular, the CAP includes energy efficiency and renewable energy measures that will reduce fossil fuel consumption and potentially partially buffer the city from future spikes in energy prices and demand. Water conservation measures included in the CAP will also reduce the city's reliance on diminishing water supplies influenced by changing precipitation levels and temperature. Land use and transportation measures, including the Balanced Mode Circulation Plan, that promote alternative vehicles and non-motorized forms of travel may improve local air quality. Likewise, urban forestry practices may help reduce urban heat island effects and ambient temperatures within the heavily urbanized portions of the city. In addition, the CAP includes adaptation strategies and frameworks that will make new development and the city more resilient to climate change effects and avoid additional physical harm to persons and property that results from climate change. Without these components of the Modified Project, the No Project Alternative would place people and structures at risk of harm due to climate change effects. Therefore, the No Project Alternative would cause a substantial deterioration compared to the Modified Project under the topic of GHG emissions. This aspect of the No Project Alternative also conflicts with the Project objective to reduce GHG emissions.

The No Project Alternative would maintain the existing 2030 General Plan land use map and the existing zoning map, which are not consistent, creating a conflict between these two important planning documents. In addition, the No Project Alternative would maintain the Mixed Use designation in the Ophir Road area, which could increase potential land use conflicts between new residential uses and existing industrial uses. The No Project Alternative would also lack the proposed Oak Tree Loss Mitigation Ordinance, which would establish mitigation options for the removal of oak trees, including on-site replacement, in-lieu fees, or off-site replacement, as well as replacement standards and maintenance and monitoring requirements for replacement trees, thus reducing forest land impacts. Therefore, the No Project Alternative would cause a substantial deterioration compared to the Modified Project under the topic of land use.

This aspect of the No Project Alternative also conflicts with the Project objective to bring the Zoning Ordinance into conformance with the 2030 General Plan.

The No Project Alternative would maintain the City's existing traffic level of service (LOS) policy, under which the existing 2030 General Plan would cause a significant and unavoidable traffic impact, as described on pages 4.12-49 to 4.12-50 of the 2008 Draft EIR for the Approved Project. The Modified Project would avoid this impact by allowing exceptions to the LOS policy to balance the needs of all transportation system users and community values, as described in the Draft SEIR. In addition, the No Project Alternative would not include the proposed Balanced Mode Circulation Plan and other Modified Project components that promote consistency with adopted policies, plans, and programs supporting alternative transportation, including the City's Bicycle Transportation Plan. Therefore, the No Project Alternative would cause a substantial deterioration compared to the Modified Project under the topic of transportation and circulation. This aspect of the No Project Alternative also conflicts with the Project objective to improve circulation and access for all modes of travel, including walking, biking, and using public transit.

Furthermore, the No Project Alternative would lack the provisions in the Municipal Code Updates that support the Project objective to reduce crime through environmental design.

Consequently, the City rejects the No Project Alternative because it is inconsistent with State law, does not meet the Project objectives, and would represent a substantial increase in environmental impacts in comparison to the Oroville Sustainability Updates.

### **B. Existing General Plan Land Use Map Alternative**

Under the Existing General Plan Land Use Map Alternative, the Oroville Sustainability Updates would be adopted, with the exception of the proposed changes to the General Plan Land Use Map. The rest of the proposed 2030 General Plan changes would be adopted, including the Circulation and Transportation Element revisions, the new Economic Development Element, updates to reflect State statutes, and other policy revisions. The zoning map would be updated to reflect the current adopted 2030 General Plan land use map. Therefore, similar to the No Project Alternative, new development would occur according to the existing 2030 General Plan land use designations, but, different from the No Project Alternative, the zoning map would be consistent with the General Plan land use map. The remaining Sustainability Updates would occur, including the Municipal Code Updates, Design Guidelines Updates, CAP, and Balanced Mode Circulation Plan.

The Existing General Plan Land Use Map Alternative would allow the same amount of anticipated development as the No Project Alternative because they would both include the same General Plan land use map. As with the No Project Alternative, the Existing General Plan Land Use Map Alternative would allow slightly more commercial development and slightly less residential and industrial development by 2030 than the Modified Project. The expected 2030 development under the Existing General Plan Land

Use Map Alternative, which is based on the 2030 General Plan, is equivalent to that of the Approved Project, which is approximately:

- 27,600 dwelling units
- 21.2 million square feet of retail/office space
- 8.7 million square feet of industrial space

### **Rejection of the Existing General Plan Land Use Map Alternative**

The City Council finds that there are specific technological, social, legal, economic or other considerations that make the Existing General Plan Land Use Map Alternative infeasible. Each reason set forth below operates as an independent basis upon which to reject the infeasibility of the Alternative.

Section 5.D of the Draft SEIR contains detailed information comparing the potential impacts of the Oroville Sustainability Updates to the Existing General Plan Land Use Map Alternative. Because the Existing General Plan Land Use Map Alternative would include many of the policies, regulations, and strategies in the Oroville Sustainability Updates that reduce impacts while slightly reducing the development potential, it would expose fewer people to risks from geologic and seismic hazards, improve water quality, and reduce soil erosion, use of septic tanks, mineral resource impacts, GHG emissions, groundwater demands, groundwater recharge impacts, drainage pattern impacts, surface runoff, population growth, demands on public services and recreation, and demands on utilities and infrastructure. In addition, the Existing General Plan Land Use Map Alternative would not increase the density and intensity of development in the Downtown and mixed use areas, which would maintain visual character and scenic vistas.

However, the Existing General Plan Land Use Map Alternative would not support the following objectives of the Oroville Sustainability Updates, as described below:

- Strengthen the environmental, community, and economic sustainability of Oroville.
- Support and encourage mixed-use development.
- Improve circulation and access for all modes of travel, including walking, biking, and using public transit.

The changes to the land use map proposed in the 2030 General Plan Updates increase the allowed density and intensity of mixed-use development in the Downtown and change the designations within the City's Arts, Culture, and Entertainment District to reflect its land use concept. These changes support a vibrant Downtown area that will bolster its role as the community core, which will, in turn, strengthen Oroville's economy. A vibrant Downtown will also improve the environmental sustainability of Oroville because compact, dense, and mixed-use development generates fewer VMT on a per capita basis compared to less dense and traditional development. In addition, these changes will improve circulation and access for all modes of travel because it will bring more people

into the Downtown and mixed-use areas where alternative modes of travel are readily available and trip lengths are short.

The changes to the land use map proposed in the 2030 General Plan Updates also support and encourage mixed-use development by allowing development densities and intensities that are more conducive to mixed-use development than allowed under the existing General Plan. In addition, by eliminating the Mixed Use designation in areas that are already developed with single uses, the 2030 General Plan Updates focuses mixed-use development to areas where it can be successful.

Because the Existing General Plan Land Use Map Alternative would not make the land use map changes proposed in the Oroville Sustainability Updates, it does not meet the project objectives described above and is considered infeasible.

### **C. Open Space Alternative**

Under the Open Space Alternative, the General Plan land use map would be revised as proposed by the Oroville Sustainability Updates, except that the two Mixed Use areas would change to an open space designation instead of the proposed Medium Density Residential and Industrial designations. To allow economic use of the property, the open space designation would still allow a single family home on each existing parcel, but overall the area of land that could be developed would be reduced. In addition, given that this would be applied in an existing industrial area, a 300-foot buffer would be required between a new home and an existing adjacent industrial use. All other proposed General Plan land use map and designation changes would be adopted, and all other proposed 2030 General Plan Updates would be adopted, including the Circulation and Transportation Element revisions, the new Economic Development Element, updates to reflect State statutes, and other policy revisions. The zoning map would be updated to reflect this revised General Plan land use map. All other components of the Oroville Sustainability Updates would be adopted, including the Municipal Code Updates, Design Guidelines Updates, CAP, and Balanced Mode Circulation Plan.

The Open Space Alternative would allow slightly less residential development than the Modified Project, but slightly more than the No Project Alternative. It would allow the least amount of non-residential development among all the alternatives, including the same level of commercial development as the Modified Project and the same level of industrial development as the No Project Alternative. The expected 2030 development under the Open Space Alternative is approximately:

- 27,940 dwelling units
- 21.17 million square feet of retail/office space
- 8.7 million square feet of industrial space

### **Rejection of the Open Space Alternative**

The City Council finds that there are specific technological, social, legal, economic or other considerations that make the Open Space Alternative infeasible. Each reason set

forth below operates as an independent basis upon which to reject the infeasibility of the Alternative.

Section 5.E of the Draft SEIR contains detailed information comparing the potential impacts of the Oroville Sustainability Updates to the Open Space Alternative. The Draft SEIR finds the Open Space Alternative to be the Environmentally Superior Alternative. By reducing the amount of land available for development, while also adding the Modified Project components that provide beneficial impacts, the Open Space Alternative would be an improvement over the Modified Project in all topic areas except air quality, land use, noise, and transportation and circulation.

However, by changing the designation of existing industrial areas to an open space designation that allows residential development, the Open Space Alternative would conflict with the Project objectives. In particular, new residents would be discouraged from exercising and planting gardens outside their homes due to nearby toxins in the air and soil, which would reduce access to physical activity and healthy food. Similarly, residents would be discouraged from walking and biking as a form of transportation due to potential air contaminants. Therefore, the Open Space Alternative does not meet the Project objectives and is considered infeasible.

## **IX. GROWTH INDUCING IMPACTS**

Section 6.A of the Draft SEIR presents the growth-inducing impacts that can be anticipated from adoption and implementation of the Oroville Sustainability Updates. Section 15126(d) of the CEQA Guidelines requires that an EIR address the growth-inducing impacts of the proposed action. Not all growth inducement is necessarily negative. Negative impacts associated with growth inducement occur only where the projected growth would cause adverse environmental impacts.

According to the CEQA Guidelines, the SEIR should discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment, including projects which would remove obstacles to population growth. Direct growth-inducing impacts are generally associated with providing urban services to an undeveloped area. Providing urban services to a site, and the subsequent development, can serve to induce other landowners in the vicinity to convert their property to urban uses. Indirect, or secondary growth-inducing impacts consist of growth induced in the region by additional demands for housing, goods and services associated with the population increase caused by, or attracted to, a new project.

### ***Direct Impacts***

The Oroville Sustainability Updates would slightly increase the development potential in the city, which could increase the potential for direct population, employment, and economic growth. However, the Modified Project would help to focus development in

existing urbanized areas by increasing the allowed development intensity in the Downtown area. In addition, the Modified Project would maintain the 2030 General Plan goals and policies that minimize direct growth-inducement impacts, including the following:

- The 2030 General Plan includes policies to control how growth occurs within Oroville and the SOI in order to ensure that it is well-managed; development within existing urbanized areas is encouraged. This is achieved through the particular designations applied on the land use map, as well as through the Guiding Principles and Goals of the General Plan. For example, Goal LU-1 is to provide for orderly, well-planned and balanced growth consistent with the limits imposed by the City's infrastructure and the City's ability to assimilate new growth. Supporting policies, such as P1.5 and P1.6, call for phased growth over the time frame of the General Plan, which should occur in an orderly fashion and in pace with the ability of the City and special districts to provide public facilities and services.
- The 2030 General Plan also includes numerous goals and policies in the Community Design Element and the Natural Resources, Open Space, and Conservation Elements that would maintain and enhance the character of Oroville and minimize environmental impacts associated with new growth. Proposed policies are intended to be obtainable, and discourage undesirable amounts, locations and patterns of development in areas that are visually sensitive, contain important natural and biological resources, or would be prone to natural and human-made hazards.
- The 2030 General Plan encourages patterns of development in the Project Area that would reduce significant traffic impacts (Policy P1.4), minimize harm to natural ecosystems and scenic resources (Goal OPS-5 and Policies P8.1-P8.6), and provide adequate housing for its workforce (Goal LU-3).
- The General Plan land use map designates a mixture of housing, shopping and employment opportunities so that, as the number of new residents increases, they do not pressure adjacent communities to provide new housing or commercial opportunities.

### ***Indirect Impacts***

As described above, indirect growth-inducing impacts would be growth induced in the region by additional demands for housing, goods, and services associated with the population increase caused by a new project. Although the Modified Project would increase the development potential in the Project Area, as described above under *Direct Impacts*, it would promote development in existing urbanized areas and maintain the 2030 General Plan goals and policies that control how growth occurs within Oroville and the SOI in order to ensure that it is well-managed, focus new development within the existing city limits, and encourage patterns of development that minimize environmental impacts.

## **Finding Concerning Growth Inducing Impacts**

### ***Direct Impacts***

While implementation of the Oroville Sustainability Updates, in combination with the 2030 General Plan, would allow for increased growth and development within the Project Area, goals and policies included in the General Plan would reduce the potential for direct impacts associated with induced growth to a less-than-significant level.

### ***Indirect Impacts***

While implementation of the Oroville Sustainability Updates, in combination with the 2030 General Plan, would result in increased growth and development within the Project Area, goals and policies included in the Plan would reduce the potential for impacts associated with induced growth to a less-than-significant level.

## **X. FINDINGS REGARDING LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS**

The SEIR identifies the thresholds of significance utilized to determine the impacts in the various resource categories discussed below. The SEIR finds that there are only less-than-significant environmental impacts in the following subject areas:

- Aesthetics
- Cultural Resources
- Geology, Soils and Mineral Resources
- Hazards and Hazardous Materials
- Public Services and Recreation
- Utilities and Infrastructure

The City is not required to adopt mitigation measures or adopt policies as part of the Oroville Sustainability Updates for impacts that are less than significant.

## **XI. FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS**

The 2009 EIR for the Approved Project and the SEIR for the Oroville Sustainability Updates set forth environmental effects of the General Plan and Oroville Sustainability Updates that would be significant and unavoidable. These impacts cannot be avoided or reduced to a less-than-significant level even with the adoption of all feasible mitigation measures proposed in the EIR and SEIR. In adopting these findings, the City also adopts a Statement of Overriding Considerations setting forth the economic, social and other benefits of the proposed Project that will render these significant effects acceptable.

All significant and unavoidable impacts identified in this section are a result of the adopted 2030 General Plan; the Oroville Sustainability Updates would not change or exacerbate these impacts.



## A. Air Quality

**Impact AQ-1:** Buildout of the Draft 2030 General Plan would involve construction activities that would temporarily generate ROG, NO<sub>x</sub>, CO, particulate matter (PM), and CO<sub>2</sub> emissions that could result in short-term impacts on ambient air quality in the area.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Implementation of a goal and policies from the Draft 2030 General Plan would help minimize construction emissions. OPS Policy P12.3 requires that the City ensure implementation of control measures required by the BCAQMD on all construction sites to reduce construction-related fugitive dust emissions. In addition, Goal OPS-13 specifies that the City shall require implementation of additional control measures to minimize exhaust emissions from construction equipment and activities. In support of this goal, Policy P13.9 states that control measures shall be implemented at all construction sites, such as alternative fuels, after-market add-ons, and other measures to further minimize exhaust emissions from construction equipment. While the goal and policies identified above would effectively reduce construction emissions, they may not be sufficient to mitigate emissions to a less-than-significant level. Consequently, this impact is considered significant and unavoidable.

**Impact AQ-2:** Buildout of the Draft 2030 General Plan would result in an increase of greenhouse gas emissions above current levels.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** In the absence of more detailed thresholds of significance from federal or State agencies, any increase in GHG emissions over current levels is considered a significant impact. Because some increase in GHG emissions would inevitably occur with any amount of increased development or traffic, this impact is considered significant and unavoidable.

## B. Biological Resources

**Impact BIO-1:** Development associated with implementation of the 2030 General Plan would contribute to the ongoing loss of natural lands in the Oroville area, which currently provides habitat for common species, and possibly for a number of special-status species. The cumulative loss of habitat for common and possible special-status species would contribute to a general decline for the region, and would result in the

loss or displacement of wildlife that would have to compete for suitable habitats with existing adjacent populations.

Since this change would occur as an intrinsic part of land use changes, and since development outside Oroville would be beyond the City's ability to regulate or control, the cumulative change would create a *significant and unavoidable* impact.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Development associated with implementation of the General Plan would contribute to the ongoing loss of natural lands in the Oroville area, which currently provides habitat for common species, and possibly for a number of special-status species. The cumulative loss of habitat for common and possible special-status species would contribute to a general decline for the region, and would result in the loss or displacement of wildlife that would have to compete for suitable habitats with existing adjacent populations.

Proposed development under the General Plan, and elsewhere in the region, would result in the conversion of existing natural habitat to urban and suburban use. Despite the General Plan's extensive goals and policies that would minimize effects of development on biological resources, implementation of the General Plan would nonetheless contribute to a more general reduction in habitat values for existing resident and migratory species. Since this change would occur as an intrinsic part of land use changes, and since development outside Oroville would be beyond the City's ability to regulate or control, the cumulative change would create a significant and unavoidable impact.

### C. Hydrology and Water Quality

**Impact HYDRO-1:** Despite General Plan policies to address risks associated with dam failure, due to the location of Oroville Dam and the dam inundation zone, impacts related to dam failure are considered *significant and unavoidable*.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Implementation of the General Plan Safety Element Policy P2.1 would reduce potential impacts related to flooding as a result of dam failure. In addition, Policy P2.10 requires the City to encourage the Department of Water Resources to manage the Oroville Dam water regime to reduce risk related to dam failure and inundation if studies establish a conclusive relationship between reservoir drawdown, refilling, and seismic

activity. However, due to the location of Oroville Dam and dam inundation zone, impacts related to dam failure are considered significant and unavoidable.

**Impact HYDRO-2:** Due to the location of the Thermalito Forebays and Afterbay, as well as other water bodies within the Project Area, impacts related to a potential seiche are considered *significant and unavoidable*.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Implementation of the Draft 2030 General Plan Safety Element Policies P7.1 and P7.3 and Action A7.2 would reduce potential impacts resulting from a seiche. Policy P7.1 encourages the City to employ a high degree of self-sufficiency in emergency response but to also coordinate with surrounding jurisdictions. Policy P7.3 requires the City to support the efforts of the Department of Homeland Security, Oroville Fire Department, Butte County Office of Emergency Services and other agencies to educate the public about emergency preparedness and response. Action A7.2 establishes programs to train volunteers to assist police, fire, and civil defense personnel during and after a major disaster. However, due to the location of the Thermalito Forebays and Afterbay, as well as other water bodies within the Project Area, impacts related to seiche are considered significant and unavoidable.

#### **D. Land Use**

**Impact LU-1:** The Draft 2030 General Plan would result in the conversion of Farmland of Statewide Importance and Unique Farmland to non-agricultural uses. Additionally, the conversion of agricultural lands to non-agricultural uses would result in loss of agricultural lands in Butte County.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Under the General Plan, a number of isolated parcels that are currently identified as Farmland of Statewide Importance or Unique Farmland are designated for either residential use or mixed use. Placing a Resource Management designation on these isolated parcels would not effectively prevent them from being converted to non-agricultural use, since the parcels are surrounded by other lands already developed with or designated for non-agricultural uses, which limits their viability as agricultural lands. Moreover, the City does not have an established farmland mitigation program, which could enable the City to mitigate impacts to the Farmland of Statewide Importance and the Unique Farmland within the SOI by collecting an impact fee and using those funds to help protect other farmland elsewhere. Since no mitigation program is adopted and in place, and since a mitigation measure

calling for the future creation of such a program would not be considered adequate mitigation, no feasible mitigation is available, this impact is significant and unavoidable.

#### **E. Noise**

**Impact NOI-1:** Due to traffic-noise associated with the General Plan, noise levels that currently exceed 60 L<sub>dn</sub> on several roadway segments would increase further. On several other roadway segments, noise levels that are currently below 60 L<sub>dn</sub> would exceed 60 L<sub>dn</sub>. In both cases, implementation of the Draft 2030 General Plan is considered to contribute to a *significant* cumulative traffic noise impact.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Although implementation of General Plan Noise Element policies are anticipated to reduce direct impacts of the proposed general to a less-than-significant level, it is not anticipated that implementation of General Plan policies will eliminate the General Plan's contribution to significant traffic noise impacts in all cases. The proposed general plan is therefore considered to result in significant and unavoidable cumulative traffic noise impacts.

#### **F. Population and Housing**

**Impact POP-1:** The Draft 2030 General Plan would induce substantial population growth within the Project Area.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** In order to reduce the population growth anticipated under the General Plan over the next 30 years to an "insubstantial" level, the City would have to limit housing development and job growth so severely that it would not be possible to accommodate its fair share of the regional housing need, nor to provide adequate job opportunities for Oroville residents. Since it is not feasible to mitigate population growth over the next 30 years to a level that is less than "substantial," this impact is considered significant and unavoidable.

#### **G. Transportation and Circulation**

**Impact CIR-2:** Increased traffic resulting from development in Oroville would exacerbate existing deficiencies along Highways 70, 99, 162 and 65.

No funding is guaranteed to construct improvements that would mitigate this impact to a less-than-significant level. Therefore, this impact is *significant and unavoidable*.

**Mitigation Adopted by the City:** The Draft 2030 General Plan policies work to reduce this impact to the extent feasible, and no additional mitigation is available.

**Facts and Reasoning that Support Finding.** Within the horizon of the General Plan, the number of Oroville residents commuting to jobs in Yuba City, Marysville, Lincoln, and Roseville could increase as the number of job-generating uses in these communities increases. Segments of Highways 70, 99, 162 and 65 are already experiencing severe peak hour congestion. Although some improvements are planned, full funding for these improvements is not guaranteed. Increased traffic resulting from development in Oroville would exacerbate existing deficiencies along Highways 70, 99, 162 and 65. Because mitigation for these deficiencies is not identified, and because funding and construction of these improvements is outside the control of the City, the cumulative impact to regional roadways is considered significant and unavoidable.

## **XII. FINDINGS RELATED TO CUMULATIVE IMPACTS**

CEQA Guidelines require consideration of the potential cumulative impacts that could result from a proposed project in conjunction with other projects in the vicinity. Such impacts can occur when two or more individual effects create a considerable environmental impact or compound other environmental consequences. In the case of a citywide planning document such as the Oroville Sustainability Updates, cumulative effects are effects that combine impacts from implementation of the Sustainability Updates in the city with effects of development in other portions of the region.

The cumulative impacts of the Oroville Sustainability Updates take into account potential impacts or growth projections, in combination with impacts from projected growth in other cities or counties in the region. The cumulative impact analysis examines cumulative effects of the proposed Oroville Sustainability Updates, in combination with development in counties adjacent to Butte County. Several jurisdictions and agencies were consulted as part of this analysis to identify current growth, where most intensive growth was occurring within respective jurisdictions, and whether a substantial increase in the amount of growth was expected in the foreseeable future. The jurisdictions consulted include the following:

- Colusa County
- Glenn County
- Tehama County
- Plumas County
- Yuba County
- Sutter County

- City of Colusa
- City of Marysville
- Sacramento Area Council of Governments (SACOG)

Significant cumulative impacts are disclosed in Section XI. No other significant cumulative impacts were found in the EIR for the Approved Project or the SEIR for the Oroville Sustainability Updates.

### **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

#### **A. Introduction**

In determining whether to adopt the Oroville Sustainability Updates, CEQA requires a public agency to balance the benefits of a project against its unavoidable environmental risks. (CEQA Guidelines, §15093). In accordance with Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City Council has, in determining whether or not to adopt the Oroville Sustainability Updates, balanced the economic, social, technological, academic, and other benefits of the Sustainability Updates against its unavoidable environmental effects, and has found that the benefits of the Sustainability Updates outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. This statement of overriding considerations is based on the City Council's review of the Draft SEIR and Final SEIR and other information in the administrative record. The City Council finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the Oroville Sustainability Updates notwithstanding its significant unavoidable impacts.

The Oroville General Plan and Sustainability Updates are largely self-mitigating, and therefore all but seven project specific significant impacts and eight cumulative significant impacts would be less than significant without mitigation. One project specific significant impact can be mitigated to a less-than-significant level. The Project's six project specific significant and unavoidable impacts are Impacts AQ-1, AQ-2, HYDRO-1, HYDRO-2, LU-1, and POP-1. The Project's eight significant and unavoidable cumulative impacts are Impacts AQ-2, BIO-1, HYDRO-1, HYDRO-2, LU-1, NOI-1, POP-1 and CIR-2.

The City recognizes that the Oroville General Plan and Sustainability Updates will cause the 14 significant and unavoidable impacts as listed above. The City has carefully balanced the benefits of the Oroville General Plan and Sustainability Updates against the unavoidable adverse impacts identified in the 2009 EIR for the Approved Project, Draft SEIR, Final SEIR and the City's Findings of Fact. Notwithstanding the disclosure of impacts identified as significant and which have not been eliminated to a level of insignificance, the City, acting pursuant to Section 15093 of the CEQA Guidelines, hereby determines that the benefits of the Oroville General Plan and Sustainability Updates outweigh the significant unmitigated adverse impacts.

## **B. Specific Findings**

### **Project Benefits Outweigh Unavoidable Impacts**

The remaining significant and unavoidable impacts of the Oroville General Plan and Sustainability Updates are acceptable in light of the economic, fiscal, social, planning, land use and other considerations set forth herein because the benefits of the Oroville Sustainability Updates outweigh the significant and unavoidable adverse environmental impacts of the proposed Project.

### **Balance of Competing Goals**

The City finds it imperative to balance competing goals in adopting the Oroville Sustainability Updates and the environmental documentation for the Oroville Sustainability Updates. Not every policy or environmental concern has been fully satisfied because of the need to satisfy competing concerns to a certain extent. Accordingly, in some instances the City has chosen to accept certain environmental impacts because to eliminate them would unduly compromise important economic, social or other goals. The City finds and determines that the text of the Oroville Sustainability Updates and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, social, planning, land use and other benefits to be obtained by the Oroville Sustainability Updates outweigh the environmental and related potential impacts of the Sustainability Updates.

## **C. Overriding Considerations**

Substantial evidence is included in the record of these proceedings and in documents relating to the Oroville Sustainability Updates demonstrating the benefits which the City would derive from the implementation of the Sustainability Updates. The City has balanced the economic considerations of the Sustainability Updates against the unavoidable environmental impacts identified in the Draft SEIR and Final SEIR and concludes that the economic benefits that will be derived from the implementation of the Sustainability Updates outweigh those environmental impacts. These are addressed in City's Findings of Fact. In particular, the City considered whether there would be any impacts related to: aesthetics; air quality; biological resources; cultural resources; geology, soils and mineral resources; greenhouse gases; hazards and hazardous materials; hydrology and water quality; land use; noise; population and housing; public services and recreation; transportation and circulation; and utilities and infrastructure. Upon balancing the environmental risks and countervailing benefits, the City concludes that the benefits which the City will derive from the implementation of the Oroville Sustainability Updates outweigh those environmental risks.

Particularly, adoption of the Municipal Code Updates would bring the City's Zoning Ordinance into compliance with General Plan 2030, which is required by Government Code Section 65860.

Furthermore, the Oroville Sustainability Updates would not create any new or exacerbate any existing significant and unavoidable impacts from the adopted 2030 General Plan. Therefore, the overriding considerations from the 2030 General Plan would apply. Specifically, the General Plan will provide for the orderly build-out of new development of residential units of varying densities; mixed use development; retail, office and industrial uses; public lands; and parks, open space and recreational facilities. The City anticipates continued pressure for urbanization in the city of Oroville and the lands within the Project Area. The proposed General Plan defines a vision of what the City desires to be in 15 years, and serves as a comprehensive guide for decisions about land use, community character, circulation, open space, the environment and public health and safety. The city finds that this level of comprehensive planning is desirable and beneficial to the city and provides a more environmentally sustainable vision and development plan for the City than the previously adopted General Plan. For example, the proposed General Plan contains policies to reduce greenhouse gas emissions, establishes a new Mixed Use land use designation, and contains various policies to conserve energy and fuel resources and promote environmental sustainability. The General Plan also contains a Community Design Element, which was not included in the 1995 General Plan. The primary goal of the General Plan is to allow the city to grow and develop according to following guiding principles:

- Livability
- Enhanced Mobility
- A Vibrant Local Economy
- Natural Resources and the Environment
- Recreation Support
- Community Infrastructure
- Health and Safety
- An Involved Citizenry

The adoption of the General Plan would provide Oroville with a “constitution” for land use and community development that would guide the city’s growth over the next 15 years in a manner that aligns with the goals of the City of Oroville and its residents. The General Plan would also create a variety of housing types that would allow the City to meet its fair share housing allocation without dividing established communities. This furthers the City’s General Plan Housing Element Goal 1, which states that “It is the goal of the City of Oroville to concentrate its efforts to increase housing for all community residents.”

The City finds that the above described benefits which will be derived from adopting the Oroville Sustainability Updates, in combination with the 2030 General Plan, when weighed against the absence of these documents, override the significant and unavoidable environmental impacts of the General Plan and Sustainability Updates.



#### **XIV. INCORPORATION BY REFERENCE**

The SEIR is hereby incorporated into these findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant unavoidable adverse impacts.

#### **XV. RECORD OF PROCEEDINGS**

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein. The record of proceedings is located at City of Oroville, Community Development/Public Works, 1735 Montgomery Street, Oroville, California, 95965. The custodian for the record of proceedings is the City of Oroville. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines, Section 15091(e).

#### **XVI. SUMMARY**

Based on the foregoing findings and the information contained in the Record, the City Council has made one or more of the following findings with respect to each of the significant environmental effects of the Oroville Sustainability Updates:

- 1) Changes or alterations have been required in, or incorporated into, the Oroville Sustainability Updates which mitigate or avoid the significant effects on the environment.
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Based on the foregoing findings and the information contained in the record, it is determined that:

- 1) All significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible.
- 2) Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding

Considerations in subsection C., above, and the City finds that the proposed Oroville Sustainability Updates should be approved.

Attachments

A - Mitigation Monitoring and Reporting Program

## AMENDMENTS/ADDITIONS TO TITLE 17 AND 16 OF THE OROVILLE MUNICIPAL CODE

**SECTION 1.** The following definitions of Section 17.04.060 are hereby amended/added to read as follows:

### Definitions Removed

~~*Agriculture.* The tilling of soil, the raising of crops, horticulture, livestock farming, dairying or animal husbandry, including accessory supply, service, storage and processing areas and facilities to accommodate agricultural products produced on the premises; provided, however, that the accessory uses shall not include slaughter houses, feed yards, hog farms, fertilizer works, bone yards, plants for the rendering of animal matter or similar commercial or industrial uses.~~

- ~~1. *Commercial agriculture.* Large-scale agricultural production intended for widespread distribution to wholesalers or retail outlets.~~
- ~~2. *Residential agriculture.* Small-scale agricultural production intended for self-consumption with the potential for small scale, local distribution, such as sales at local farmer markets.~~

~~Large solar energy system. See "Solar energy system, large."~~

~~Medium-sized solar energy system. See "Solar energy system, medium-sized."~~

~~Small solar energy system. See "Solar energy system, small."~~

~~Solar energy system, large. A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, which have a rated capacity of over 5.0 and less than 20.0 megawatts (MW), occupying no more than 120 acres of land, and that will be used to produce utility power to off-site customers.~~

~~Solar energy system, medium-sized. A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows or roof-panels, and associated control or conversion electronics, which have a rated capacity of over 0.5 and up to 5.0 megawatts (MW), occupying no more than 30 acres of land, and that will be used to produce utility power to on-site uses and off-site customers.~~

~~Solar energy system, small. A single residential or small business-scale solar energy conversion system consisting of roof panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics, which have a rated capacity of up to 0.5 megawatts (MW), occupying no more than 2.5 acres of land, and that will be used to produce utility power primarily to on-site users or customers.~~

~~Solar energy system, very large. A utility-scale solar energy conversion system consisting of many ground-mounted solar arrays in rows, and associated control or conversion electronics, which have a rated capacity of 20.0 megawatts (MW) or greater, occupying more than 120 acres of land, and that will be used to produce utility power to off-site customers.~~

~~Very large solar energy system. See “Solar energy system, very large.”~~

## **New Definitions**

Agriculture. The tilling of soil, the raising of crops, horticulture, livestock farming, dairying or animal husbandry, including accessory supply, service, storage and processing areas and facilities to accommodate agricultural products produced on the premises; provided, however, that the accessory uses shall not include slaughter houses, feed yards, hog farms, fertilizer works, bone yards, plants for the rendering of animal matter or similar commercial or industrial uses.

Agriculture, unique. Producing specialty agricultural products such as fruits and nuts, meats, flowers, wine, oils, jams, gourmet items, and handmade gift baskets. Establishments producing unique agricultural products are typically family owned and operated facilities. Unique agricultural producers often offer consumer education opportunities such as product labels that tell the history of the farm and tasting rooms where customers can visit and experience the farm property, learn about farming practices, and purchase goods directly from farmers.

Agriculture, urban. Growing, harvesting, and raising agricultural products in an urban setting for personal, institutional, or commercial use. Includes growing of food crops and ornamental crops (e.g. flowers), and raising of livestock, as well as uses that are complementary and accessory to agricultural pursuits, including retail sales, education, small-scale processing, and events.

Types of urban agriculture include the following:

1. *Home garden.* The property of a single-family or multi-family residence used for the cultivation of fruits, vegetables, plants, flowers, herbs, or the raising of animals, by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.
2. *Community garden.* Privately or publicly owned land, less than 1 acre in size, used by multiple households for the cultivation of fruits, vegetables, plants, flowers, herbs, or the raising of animals.
3. *Urban farm.* Privately or publicly owned land, more than 1 acre in size, used for the cultivation of fruits, vegetables, plants, flowers, herbs, or the raising of animals, by an individual, organization, or business with the primary purpose of growing food for sale.

Heritage Tree. A tree with a 24-inch diameter at breast height (dbh) or greater.

Neighborhood Food and Beverage Sales. A retail establishment under 10,000 square feet in which the majority of the floor area open to the public is occupied by food products or non-alcoholic beverages that are packaged for consumption away from the store. A food and beverage sales establishment may also sell alcoholic beverages or non-food items, provided that this is not the establishment's primary business purpose.

Solar energy system, tier 1. A system only used to power on-site uses. Tier 1 systems include roof-mounted and ground-mounted systems and photovoltaic systems integrated into building materials used in the construction of a structure.

Solar energy system, tier 2. A ground-mounted system used to power on-site and off-site uses, with less than 50 percent of the power generated used off-site.

Solar energy system, tier 3. A ground-mounted system used to power on-site and off-site uses, with 50 percent or more of the power generated used off-site.

Tier 1 solar energy system. See "Solar energy system, tier 1."

Tier 2 solar energy system. See "Solar energy system, tier 2."

Tier 3 solar energy system. See "Solar energy system, tier 3."

**SECTION 2.** The following sections of Chapter 17.08 are hereby amended to read as follows:

**17.08.010 Districts Established**

.....

**Commercial Districts.**

CN Neighborhood Commercial  
C-1 Limited Commercial  
C-2 Intensive Commercial  
CH Highway Commercial  
CLM Commercial/Light Manufacturing  
OF Office

**Mixed-Use Districts.**

MXD Downtown Mixed-Use  
MXN Neighborhood Mixed-Use  
MXC Corridor Mixed-Use

.....

**Mixed-Use Districts.**

HD-O Hillside Development Overlay

- PD-O Planned Development Overlay
- DH-O Downtown Historic Overlay
- AIA-O Airport Influence Area Overlay
- MS-O Mini-Storage Overlay
- C-O Conditional Overlay
- F-O Foothill Overlay
- UA-O Unique Agriculture Overlay
- PO-O Professional Office Overlay
- ACE-O Arts, Culture, and Entertainment Overlay

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**SECTION 3.** The following sections of Chapter 17.12 are hereby amended to read as follows:

**17.12.010 Performance Standards**

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C. **Outdoor Lighting – General.** All outdoor lighting on private property shall conform to the following requirements:

1. Light fixtures, excluding illuminated signs, shall have a maximum height of 25 feet above grade, or the height of the nearest main building on the site, whichever is less. Additional height shall be allowed where necessary to provide adequate clearance for vehicular circulation, provided that the light fixture’s height is no greater than necessary to provide this clearance.

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D. **Outdoor Lighting – Crime Prevention.** The following lighting standards apply to all new structures, except for single-family homes, accessory structures on single-family lots, and accessory structures that do not require a building permit.

1. Table 26-13-010-1 shows minimum lighting intensities for certain locations on a site and within a building.

*Table 26-13-010-1: Minimum Lighting Intensity*

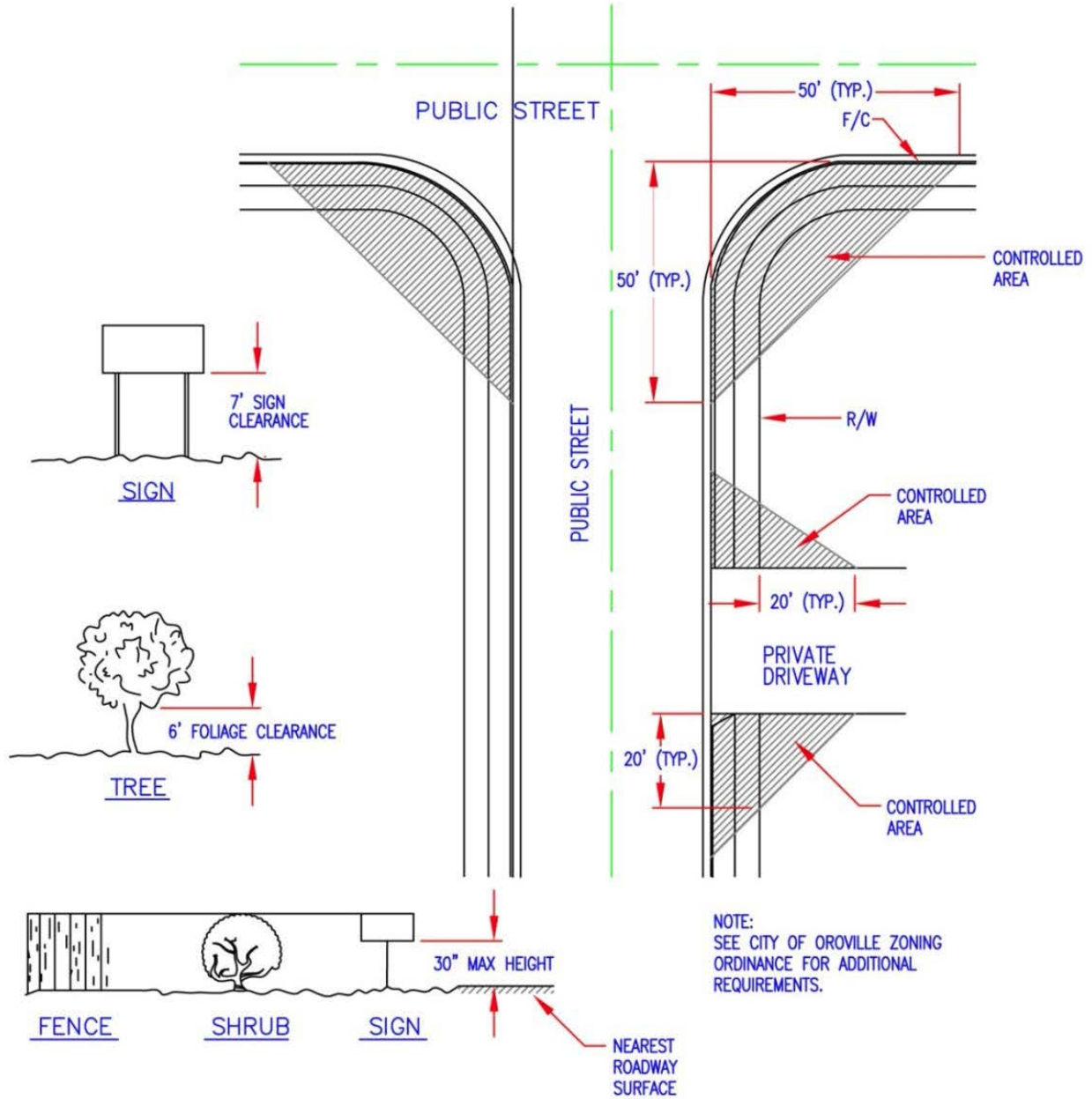
<u>Location</u>	<u>Minimum Intensity</u>
<u>Exterior building entrances</u>	<u>4 foot candles</u>
<u>Parking areas and pedestrian walkways</u>	<u>1 foot candle</u>
<u>Elevators, stairwells, and corridors</u>	<u>0.5 foot candle</u>

2. Details of exterior lighting shall be provided on all plans submitted for City review and approval. Photometric calculations shall be based on the "mean" light output per the manufacturer’s values of the specified lamp and luminaire photometry data. The details provided for exterior lighting shall include point-to-point photometric calculations at intervals of not more than 10 feet at ground level.

3. Transitional lighting shall be incorporated in exterior areas going to and from buildings or uses within a site. Transitional lighting shall be provided for building entrances, recreation/office buildings, swimming pool areas, laundry and mail rooms, covered breezeways, and similar areas as determined by the Director of Development Services.
4. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.

#### **17.12.020 Fences, Walls, and Screening**

- A. **Applicability.** No fence shall hereafter be erected, constructed, altered or maintained except as provided by this section. The requirements of this section shall apply to all fences and walls in all districts, excluding the walls of any building, and shall apply regardless of the construction material used.
- B. **Sight Distance Area.** No fence shall obstruct the required sight distance area for an intersection as shown in Figure 17.12.020-1.



*Figure 17.12.020-1: Sight Distance Areas*

### C. Fence Height.

1. The height of a fence at any point shall be measured from the base of the fence directly below that point. If a fence is constructed atop a retaining wall, the fence's height shall be measured from the adjacent grade on the high side of wall, as shown in Figure 26-13.020-1.
2. Walls at least 8 feet high are required to provide access control for the following areas:



- a. Non-residential storage areas
- b. Mini-storages
- c. Preschools, nurseries, and other similar playgrounds
- d. Along rear property lines of residential lots which border public streets.

**17.12.050 Landscape Standards**

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C. **Approval Required.** For land uses other than single-family dwellings and duplexes, the following approvals shall be required:

- 1. When landscaping is required by this chapter or as a condition of approval for a development permit or other entitlement, landscaping and automatic irrigation plans shall be submitted in a form and manner approved by the Community Development Director, and accompanied by any fee established by resolution of the City Council, prior to the issuance of any building permit. The landscaping plans shall be approved or disapproved by the Community Development Director following review of the plans for compliance with the requirements of this section.

.....

E. **Crime Prevention Standards.** The following landscaping standards apply to all new structures, except for single-family homes, accessory structures on single-family lots, and accessory structures that do not require a building permit.

- 1. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the Community Development Director shall not exceed 3 feet in height at maturity.
- 2. Trees shall be pruned up to 6 feet above ground.
- 3. Trees and shrubs shall be pruned back from windows, doors and walkways.
- 4. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.
- 5. Property lines shall be defined with landscaping or decorative fencing.
- 6. Entrances to the site and parking lots shall be defined with landscaping, architectural design, or symbolic gateways.

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G. **Landscaping in Commercial and Mixed-Use Districts.**

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H. **Landscaping in Industrial Districts.**

2. For any part of the site adjacent to a street right-of-way, if a fence is located along the property line, a planting area with a width of at least 6 feet shall be provided between the street and the fence.

.....

## **17.12.065 Oak Tree Loss Mitigation**

### **A. Purpose**

Oroville's native oak trees provide wildlife habitat, control erosion, maintain water flow and quality, moderate temperatures, improve air quality, and contribute to the aesthetic character of the area. The purpose of this chapter is to preserve Oroville's valuable native oak trees by protecting them during grading and construction, minimizing their removal, replacing them when removal is approved, and monitoring them to ensure that they are maintained.

### **B. Applicability**

The requirements of this chapter apply to any native oak tree on public or private land with the following minimum diameter at breast height (dbh) (i.e. 4.5 feet from the ground):

- Single main trunk: 6 inches
- Multiple trunks (in aggregate): 10 inches

"Native oak tree" means an oak tree that is native to Butte County's natural oak communities, including valley oak, black oak, blue oak, interior live oak, and canyon oak.

### **C. Permits Required**

1. **Tree Removal.** The City requires a Tree Removal Permit to remove any oak tree that meets the applicability criteria in Section 17.12.065(A) (Applicability). The property owner must file a tree survey and an Oak Tree Preservation Plan with the Community Development Department before the City will issue a permit. The Plan shall describe all efforts to preserve trees to the extent feasible, replace trees that are removed, and maintain replacement trees. In addition, the Plan shall address replacing any replacement trees that do not survive.
2. **Grading.** Grading projects shall retain oak trees wherever possible. To receive a Grading Permit, applicants must address oak tree preservation in their grading plan by identifying methods to:
  - a. Identify trees to be retained, through flagging or other obvious marking methods, prior to any grading.

- b. Avoid compaction of the root zone and mechanical damage to trunks and limbs by installing temporary fencing along the outermost edge of the dripline of each retained tree or group of trees.
- c. Avoid trenching within driplines of retained trees. Any required utility line poles within the dripline should be installed by boring or drilling through the soil.

### 3. Heritage Trees

- a. Grading, filling, trenching, paving, irrigation, and landscaping plans shall avoid the removal of or damage to the health of a Heritage Tree.
- b. A Heritage Tree may only be removed when approved as appropriate by a certified arborist, and upon receiving a Tree Removal Permit in accordance with Section 17.12.065(B).

D. **Mitigation Options.** An applicant who has received a Tree Removal Permit shall mitigate the removal by completing one or a combination of the following options, as well as paying a monitoring fee per tree as set by the City Council.

1. **On-Site Replacement.** Where physically feasible, a tree removed under a Tree Removal Permit shall be replaced on the same property, in accordance with the standards in Section 17.12.065(E) (Replacement Standards).
2. **In-Lieu Fee.** When replacing a tree on site is not feasible, an applicant granted a Tree Removal Permit may pay an in-lieu fee as set by the City Council.
3. **Off-Site Replacement.** When replacing a tree on site is not feasible, an applicant granted a Tree Removal Permit may plant replacement trees off site if:
  - a. The off-site location is permanently protected under a conservation easement that includes a maintenance plan that meets the requirements in Section 17.12.065(E) (Replacement Standards).
  - b. The off-site location is appropriate for oak tree plantings, as determined by the Director of Parks and Trees or his/her designee.
  - c. The off-site location is sufficient to plant and maintain replacement trees in accordance with the standards in Section 17.12.065(E) (Replacement Standards).

E. **Exceptions to Mitigation Requirements.** Mitigation is not required for trees removed due to poor tree health or because removal furthers urban forestry or land management practices that support the health of native plant communities, as determined by the Director of Parks and Trees or his/her designee.

F. **Replacement Standards.** Replacement trees must meet the following standards.

1. **Replacement Ratio.** Each inch in dbh of oak removed shall be replaced by 2 inches of native oaks, using trees planted at a minimum size of 1 gallon. For

example, a 6-inch dbh tree may be replaced by four 3-inch trees or twelve 1-inch trees.

2. **Timeframe.** A replacement tree shall be planted within 90 days of the removal of the original tree.
  3. **Maintenance.** The applicant is responsible for protecting the health of a replacement tree. Replacement trees shall be irrigated in accordance with Oroville Municipal Code Chapter 17.12.050 (Landscaping Standards). A replacement tree that dies within five years shall be replaced on a one-to-one basis.
  4. **Monitoring.** The applicant shall monitor the replacement tree and report its health status to the Community Development Department annually, or upon request, for five years following planting.
  5. **Damage.** Purposeful damaging or neglect of a replacement tree will invalidate the Tree Removal Permit.
- G. **Oak Tree Maintenance Fund.** The City shall place in-lieu tree-removal fees in an Oak Tree Maintenance Fund to be expended only for the following:
1. **Planting New Trees.** Planting oak trees on public and private property within Oroville. These expenditures may include purchasing and planting trees, preparing the land for planting, and installing irrigation improvements. Private property owners may apply to have an oak tree planted on their property at public expense, provided the expense does not exceed the in-lieu fee amount.
  2. **Maintaining Existing Trees.** Caring for and preserving existing oak trees on public property or easements.
- H. **Monitoring.** The Community Development Department shall prepare an annual report that addresses the following topics:
1. **Tree Inventory.** The report shall inventory all replacement trees, including their type and health status, as reported by an applicant.
  2. **Fund Accounting.** The report shall account for the balance in the Oak Tree Mitigation Fund and summarize the use to which the fund was put during the preceding year.
- I. **Fines.** The City may issue a fine for the destruction of an oak tree in violation of this chapter. Fines may be as high as the cost to replace and maintain up to three times the number of trees required by this chapter. The City shall deposit funds received from fines in the Oak Tree Mitigation Fund.

## 17.12.070 Parking

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### M. Multi-Family Housing.

1. Parking spaces serving multi-family housing shall be assigned to residents. Spaces shall be located as near to the resident's unit as possible, but not marked with their unit number.
2. Visitor parking areas shall be clearly designated and labeled.
3. Parking areas shall be visible from building windows and doors.

### N. Minimum Bicycle Parking Requirements.

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## 17.12.100 Crime Prevention through Environmental Design (CPTED)

A. **Purpose.** This section contains development regulations to reduce the perception and incidence of crime in Oroville. These regulations are based upon the principles of Crime Prevention through Environmental Design (CPTED). Development that incorporates CPTED principles help prevent crime by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance. CPTED principles work in combination with other crime prevention strategies, including "target hardening" and police activity.

### B. Design Standards for New Structures.

1. **When Required.** The CPTED design standards below apply to all new structures, except for the following:
  - a. Single-family homes and accessory structures on single-family lots.
  - b. Accessory structures that do not require a building permit.
2. **General Standards.** All new structures subject to the requirements of this section shall comply with the CPTED standards located in the following Development Code sections:
  - a. Section 17.12.010(C) (Performance Standards, Lighting).
  - b. Section 17.12.050 (Landscaping Standards).
  - c. Section 17.12.020 (Fences, Walls, and Screening).
  - d. Section 17.12.070 (Parking).
3. **Multi-Family Residential Standards.** All new multi-family residential structures shall comply with the following standards:
  - a. Building Entrances and Windows.
    - (1) Common building entrances shall automatically lock upon closing.
    - (2) No more than four apartments may share a single entrance.

- (3) No more than two points of entrance may be provided to common areas within a building.
- (4) Building entrances shall be visible from adjacent streets or buildings.
- (5) Windows shall be provided on all sides of a building.
- (6) Buildings shall be oriented so that the windows and doors of one unit are visible from another.

b. **Property Identification.**

- (1) All buildings and residential units shall be clearly identified using building numbers that comply with the standards in Section 17.20.050(A) (Required Signs, Building Numbers).
- (2) Where possible, individually locking mailboxes shall be located next to the unit which they serve.

c. **Other Standards.**

- (1) Balcony railings and patio enclosures shall be kept as low as possible using opaque materials. Railing heights and construction features shall comply with California Building Code.
- (2) Recreation areas (playgrounds, pools, tennis courts, club houses) shall be positioned to be visible from units' windows and doors.
- (3) Elevators and stairwells shall be in locations that are clearly visible from windows and outside doors.

**C. Incentives for New and Existing Development.** Development projects that incorporate CPTED features that exceed the minimum requirements in this section are eligible for an incentive. See Section 17.26.010 (Incentives for Community Benefits).

**D. Design Review.** To approve Design Review for a proposed project, the City must find that the project complies with the requirements in this section and incorporates crime prevention design principles to the satisfaction of the Chief of Police.

**E. Security Plans.**

1. Applicants shall submit to the City a security plan for the following uses:
  - a. Alcoholic beverage sales.
  - b. Bars, nightclubs, and lounges.
  - c. Firearms and related items.
  - d. Smoke shops.
2. The City may issue an occupancy permit for these uses only after the Chief of Police approves the security plan. For projects that require a Use Permit, Design Review, or other discretionary permit, the City may approve the permit only after the Chief of Police approves the Security Plan.

**SECTION 4.** The following section of Chapter 17.16 is hereby added to read as follows:

### 17.16.120 Animal Keeping

D. **Animal Keeping—Residential Districts.** The type and number of animals that may be kept in residential districts shall be limited as follows:

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5. Future Farmers of America (FFA) and 4-H activities are exempt from the limitations in this section.

E. **Animal Keeping—Nonresidential Districts.**

.....

4. Future Farmers of America (FFA) and 4-H activities are exempt from the limitations in this section.

### 17.16.150 Mobile Food Vending

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B. **Permit Required.** Mobile food vendors shall be required to obtain an administrative permit as provided in this chapter. The permit application shall include the authorization of each property owner where the mobile food vendor intends to vend.

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### 17.16.180 Solar Energy Systems

A. **Purpose.** This section establishes standards for systems that convert solar energy into electricity. These standards allow for an efficient permit process while minimizing potential impacts on neighboring properties.

B. **Types of Systems.**

1. A “Tier 1” solar energy system means a system only used to power on-site uses. Tier 1 systems include roof-mounted and ground-mounted systems and photovoltaic systems integrated into building materials used in the construction of a structure.
2. A “Tier 2” solar energy system means a ground-mounted system used to power on-site and off-site uses, with less than 50 percent of the power generated used off-site.
3. A “Tier 3” solar energy system means a ground-mounted system used to power on-site and off-site uses, with 50 percent or more of the power generated used off-site.

- C. **Permitted Locations; Permits Required.** Table 17.16.180-1 identifies permits required to establish solar energy systems, and the districts where each type of system is permitted.

TABLE 17.16.180-1: PERMITS REQUIRED FOR SOLAR ENERGY SYSTEMS

System Type	Permits Required	
	Residential Districts	All Other Districts
Tier 1	Zoning Clearance	
Tier 2	Not Allowed	Administrative Permit
Tier 3	Not Allowed	Use Permit

D. **Maximum Size.**

1. The maximum area that may be occupied by a ground-mounted solar energy system is as follows:
  - a. Tier 1 Systems: One-half acre.
  - b. Tier 2 Systems: 15 percent of the parcel size or 5 acres, whichever is less.
  - c. Tier 3 Systems: 30 percent of a parcel size or 20 acres, whichever is less.
2. An applicant may request administrative approval to exceed these maximums on parcels otherwise unfit for conservation or development, as determined by the Community Development Director, e.g., a contaminated property that could most appropriately be used for solar energy generation.

E. **Development and Operation Standards.**

1. Photovoltaic panel systems shall meet all applicable performance standards of the National Electrical Code, the Institute of Electrical and Electronics Engineers, and the Public Utilities Commission regarding safety and reliability.
2. Ground-mounted photovoltaic panel systems shall comply with the height and setback standards in Table 17.16.180-2.

TABLE 17.16.180-2: GROUND-MOUNTED SYSTEMS, HEIGHT, AND SETBACK STANDARDS

Parcel Size	Maximum Height	Minimum Setback
Less than 2 acres	8 feet	As required by district
2 to 10 acres	10 feet	As required by district plus 10 additional feet in or adjacent to residential district
Greater than 10 acres	15 feet	As required by district plus 15 additional feet in or adjacent to residential district



3. Photovoltaic panel systems attached to a roof may not project more than 3 feet above the roof at its highest point. Projections greater than 3 feet but no more than 12 feet are permitted with the approval of a Use Permit.
4. If the City determines that a Tier 2 or Tier 3 system is abandoned, the property owner must remove all equipment and facilities from the site and return the site to its original condition. The City will consider a Tier 2 or Tier 3 system abandoned if the system stops producing electricity for 24 months, unless the property owner demonstrates to the City's satisfaction that there is no intent to abandon the facility.

#### **17.16.185 Solar Energy Requirements**

- A. **Purpose.** This section establishes requirements that certain development projects incorporate systems to convert solar energy into electricity for on-site use.
- B. **Applicability.**
  1. **Residential.** This section applies to new residential projects of six units or more.
  2. **Nonresidential.** This section applies to new nonresidential projects larger than or equal to 25,000 square feet.
- C. **Systems Required.**
  1. **Residential.** Solar photovoltaic panels must be installed on at least 50 percent of new homes in the development.
  2. **Nonresidential.** A solar energy generation system must be installed that provides a minimum of 25 percent of the project's energy needs.

#### **17.16.220 Neighborhood Food and Beverage Sales**

- A. **Purpose.** The purpose of this section is to allow residential neighborhoods convenient access to healthy, fresh, and staple foods.
- B. **Permit Required.** Where permitted, Neighborhood Food and Beverage Sales stores require an Administrative Permit. In addition to the materials required by Section 17.48.020 (Administrative Permits), the permit application shall include the following information:
  1. A floor plan demonstrating:

- a. 30 percent of sales area dedicated to perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods intended for home preparation.
  - b. 50 percent of sales area dedicated to nonperishable food products intended for home preparation.
2. Evidence of application or intent to apply to accept Supplemental Nutrition Assistance Program (SNAP or CalFresh) and Supplemental Nutrition for Women, Infants and Children (WIC) benefits.

**C. Operating Standards.**

1. **Health and Access.** The store must follow operating standards to support access for all residents to healthy foods, as follows:
  - a. Dedicate 30 percent of sales area to perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods intended for home preparation.
  - b. Dedicate 50 percent of sales area to nonperishable food products intended for home preparation.
  - c. Accept CalFresh benefits.
  - d. Apply to be a certified WIC vendor.
2. **Ready-to-Eat Foods.** The store may sell ready-to-eat foods only if they are prepared on-site and are not the establishment's primary business purpose.
3. **Alcoholic Beverages.** The store may sell alcoholic beverages only if they are not the store's primary business purpose. The store shall obtain alcohol permits in accordance with the California Department of Alcoholic Beverage Control.
4. **Hours.** Sales may only occur between the hours of 7:00am and 7:00pm.
5. **Site Conditions.** The proprietor shall maintain the exterior and interior of the store to provide adequate lighting, prevent loitering, provide trash and recycling receptacles, remove graffiti, and maintain cleanliness, as determined by the Code Enforcement Division.

**17.16.230 Neighborhood Food and Beverage Sales**

- A. **Purpose.** The purpose of this section is to allow local food to be produced, sold, and available for community development and education in areas close to where people live and work.
- B. **Permit Requirements.**
  1. **Administrative Permit.** An administrative permit shall be required for an Urban Farm use.

2. **Use Permit.** A use permit is required for uses and activities that create noise in violation of Chapter 9.20 (Noise) of the Municipal Code or that create flies, strong odors (as addressed in Section 17.12.010(F), Performance Standards, Air Emissions), frequent dust, or other significant impacts or hazards to surrounding properties.
  3. **Uses Permitted By Right.** All other Urban Agriculture uses that are not covered by Section B.1 (Administrative Permit) and B.2 (Use Permit) are permitted by right.
- C. **Animals and Livestock.** Livestock-keeping and other animal-related agricultural uses are subject to the provisions of Section 17.16.120 (Animal Keeping).
- D. **Chemicals.** Agricultural chemicals or pesticides shall not impact abutting properties or the surrounding neighborhood.
- E. **Sales.** Sales on-site are limited to the following:
1. **Hours.** Sales may only occur between the hours of 7:00 am and 7:00 pm.
  2. **Local Food.** At least 50 percent of the products sold on site must be produced on-site, and 75 percent produced within Butte County.
- F. **Events.** Events and educational activities at a Community Garden or Urban Farm use are limited to between the hours of 7:00 am and 7:00 pm.

**SECTION 5.** The following section of Chapter 17.26 is hereby added to read as follows:

**17.26.010 Incentives for Community Benefits**

This section establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community.

- A. **Incentives Restricted to Added Benefits.** The City may grant additional incentives when the community benefits or amenities offered are not otherwise required by the Zoning Code or any other provision of local, state, or federal law. The City is not required to grant incentives; the City will decide if a project should receive an incentive on a case-by-case basis.
- B. **Allowable Benefits – All Districts.** A proposed project in any district that provides one or more of the following benefits is eligible for an incentive:
  1. Building and site design features that help to reduce the fear and incidence of crime. To be eligible for an incentive, these features must be in addition to any

standards required by Section 17.12.100 (Crime Prevention through Environmental Design).

2. Development of a blighted property, or a vacant property in a blighted area, as determined by the Planning Commission.
3. Sustainable development features, including on-site renewable energy generation and green roofs.
4. Design improvements to increase transit accessibility, including installing additional transit stops or facilities around proposed development.
5. Commuter trip reduction measures, such as providing transit passes to employees, for office or employment center development proposals.
6. Features that increase the community's ability to access healthy, fresh foods, such as providing space for community gardens, farmers' markets, or grocery stores.
7. Meeting healthy, local food retail standards, including:
  - a. Buying fresh produce from local producers (5 percent from the Oroville Sphere of Influence, 10 percent from Butte County, and/or 25 percent from California).
  - b. Dedicating 30 percent of sales area to perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods intended for home preparation.
  - c. Dedicating 50 percent of sales area to nonperishable food products intended for home preparation.
  - d. Agreeing to have at least one "family-friendly" junk-food free checkout line.

C. **Allowable Benefits – Mixed Use Districts.** A proposed project in a Mixed Use district that provides one or more of the following benefits is eligible for an incentive:

1. Improved bicycle and pedestrian facilities, including wider sidewalks, street furniture, and direct pedestrian or bike connections to destinations.
2. Public outdoor gathering places, including parks and plazas.
3. Measures to expand arts and entertainment facilities in the Downtown Mixed Use district.
4. Installation of informational kiosk to improve way finding for residents and visitors in the Downtown Mixed Use district.

- D. **Available Incentives – All Districts.** A proposed project in any district providing benefits is eligible for the following incentives:
1. A reduction in the minimum required number of off-street parking spaces up to 25 percent.
  2. Incentives described in Section 17.24.060 (Development Incentives).
- E. **Available Incentives – Downtown Mixed Use District.** A proposed project in the Downtown Mixed Use district providing benefits is eligible for an increase in the maximum permitted floor area ratio (FAR) of up to 3.5. This incentive is in addition to the incentives for all districts listed in section (D) above.
- F. **Relationship to State Density Bonus Law.** The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code or Section 17.24 (Residential Density Bonus) of Oroville’s Zoning Code.
- G. **Permits Required.**
1. A Conditional Use Permit is required for an applicant to receive incentives in exchange for benefits. The City recommends that an applicant requests a pre-application hearing with the Development Review Committee to receive non-binding input as to whether the request for incentives is worthy of consideration.
  2. Applicants requesting incentives shall submit the following information as part of the Conditional Use Permit application:
    - a. A description of the proposed amenities and how they will benefit the community.
    - b. All information needed by the Planning Commission to make the required findings described in Section H (Findings) below, including a pro forma analysis demonstrating that the economic value of the proposed amenities is equal to or greater than the economic value of the requested incentives.
    - c. A description of the incentives being requested.
- H. **Findings.** The Planning Commission may approve the requested incentives only if the following findings can be made in addition to the findings required by Section 17.48.010 (Use Permits):
1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the General Plan.
  2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.

3. The economic value to the community of the proposed amenities is equal to or greater than the economic value of the requested incentive.

**SECTION 6.** The following section of Chapter 17.28 is hereby amended to read as follows:

**TABLE 17.28.010-1: ALLOWED USES IN RESIDENTIAL DISTRICTS**

Land Use	Key												Use-Specific Regulations
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed												
	Zoning Districts												
	UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP	
<b>Local Food Uses</b>													
<u>Agriculture</u>	P	P	P	-	-	-	-	-	-	-	-	-	17.16.100 (Agricultural Uses)
<u>Neighborhood food and beverage sales</u>	AP	-	-	-	-	-	AP	AP	AP	AP	AP	AP	17.16.200 (Cottage Food Operations)
<u>Urban agriculture</u>	S	S	S	S	S	S	S	S	S	S	S	S	17.16.230 (Urban Agriculture)
<b>Transportation and Infrastructure</b>													
Public safety facility	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-
<u>Solar energy system, Tier 1</u>	P	P	P	P	P	P	P	P	P	P	P	P	17.16.180 (Solar Energy Systems)
<u>Solar energy system, Tier 2</u>	-	-	-	-	-	-	-	-	-	UP	UP	UP	17.16.180 (Solar Energy Systems)
<u>Solar energy system, Tier 3</u>	-	-	-	-	-	-	-	-	-	-	-	-	17.16.180 (Solar Energy Systems)
Utility building or substation	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-

**SECTION 7.** The following sections of Chapter 17.32 are hereby amended to read as follows:

**17.32.010 Allowed Uses in Commercial Districts**

The uses allowed in commercial district shall be as shown in Table 17.32.010-1. These uses include:

- A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section 17.48.030 (Zoning

Clearances) of this chapter, as well as any building permits or other permits required by this Code.

- B. **Administrative Permit Required (AP).** Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section 17.48.020 (Administrative Permits) of this chapter.
- C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section 17.48.010 (Use Permits) of this chapter.
- D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (-).** Uses that are shown with a “-”, or that are not listed, shall not be allowed, except as provided in Sections 17.08.090 (Interpretation Regarding Allowable Uses of Land) and 17.48.090 (Nonconforming Uses and Structures) of this chapter.

TABLE 17.32.010-1: ALLOWED USES IN COMMERCIAL DISTRICTS

Land Use	Key							Use-Specific Regulations
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed							
	Zoning Districts							
	CN	C-1	C-2	CH	CLM	OF		
<b>Local Food Uses</b>								
Neighborhood Food and Beverage Sales	AP	AP	AP	AP	AP	AP	17.16.200 (Cottage Food Operations)	
Urban Agriculture	S	S	S	S	S	S	17.16.200 (Cottage Food Operations)	
<b>Public Assembly</b>								
Carnival, circus or fair	AP	AP	AP	AP	AP	UP	17.16.060 (Temporary Uses and Buildings)	
Commercial recreational facility-indoor, 10,000 square feet or less of gross floor area	UP	P	P	P	UP	-	-	
Commercial recreational facility-indoor, more than 10,000 square feet of gross floor area	-	UP	P	UP	UP	-	-	
Commercial recreational facility-outdoor	-	UP	P	-	UP	-	-	
Concert or performance	AP	AP	AP	AP	AP	-	17.16.060 (Temporary Uses and Buildings)	
Library or museum	-	UP	UP	UP	UP	UP	-	
Meeting facility-10,000 square feet or less of gross floor area	P	P	P	UP	UP	P	-	

Land Use	Key						
	P	Permitted use, subject to zoning clearance					
	AP	Administrative permit required					
	UP	Use permit required					
	S	See use-specific regulations for permit requirement					
	-	Use not allowed					
	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Meeting facility-more than 10,000 square feet of gross floor area	-	UP	P	-	UP	UP	-
Park or playground	UP	UP	UP	UP	UP	UP	-
School, public	-	P	P	UP	UP	UP	-
School, private	-	P	P	-	-	UP	-
Training facility	-	UP	UP	-	-	UP	-
<b>Residential</b>							
Caretaker residence	UP	UP	UP	UP	UP	-	-
Family day care, large	S	S	S	S	S	-	17.16.050 (Family Day Care Homes)
Family day care, small	P	P	P	P	P	-	17.16.050 (Family Day Care Homes)
Home occupation, low-impact	P	P	P	-	-	-	17.16.040 (Home Occupations)
Home occupation, moderate-impact	AP	AP	AP	-	-	-	17.16.040 (Home Occupations)
Residential care facility – 6 units or fewer	P	P	P	P	P	-	-
Residential care facility – 7 units or more	-	-	-	-	-	-	-
<b>Retail</b>							
Alcoholic beverage sales	UP	UP	UP	-	-	-	-
Building supply	-	-	P	-	P	-	-
Equipment and machinery sales or rental	-	-	P	-	P	-	-
Drive-through establishment-pharmacy	P	P	P	P	P	-	17.16.080 (Drive-Through Establishments)
Drive-through establishment-all other uses	UP	UP	UP	UP	UP	-	17.16.080 (Drive-Through Establishments)
Farmers' market	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary Uses and Buildings)
Food and beverage sales – 10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
Food and beverage sales – 10,001 to 40,000 feet of gross floor area	UP	P	P	UP	-	-	-
Food and beverage sales – more than 40,000 square feet of gross floor area	-	P	P	UP	-	-	-
Funeral merchandise sales	-	UP	UP	-	-	UP	-
Gas station	-	UP	P	P	P	-	17.16.070 (Gas Stations)



Land Use	Key						
	P	Permitted use, subject to zoning clearance					
	AP	Administrative permit required					
	UP	Use permit required					
	S	See use-specific regulations for permit requirement					
	-	Use not allowed					
	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
General retail-10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
General retail-10,001 to 40,000 feet of gross floor area	UP	P	P	UP	P	-	-
General retail-more than 40,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Marijuana dispensary	-	-	-	-	-	-	-
Mobile food vendor	AP	AP	AP	AP	AP	AP	17.16.150 (Mobile Food Vending)
Pet store	UP	UP	UP	-	-	-	17.16.120 (Animal Keeping)
Plant nursery or garden supply store	UP	P	P	P	-	-	-
Restaurant or café	P	P	P	P	P	-	-
Seasonal holiday agricultural sales	AP	AP	AP	AP	AP	-	17.16.060 (Temporary Uses and Buildings)
Shopping center	UP	UP	P	UP	UP	-	-
Smoke Shop	UP	UP	UP	UP	UP	UP	17.16.190 (Smoke Shops)
Vehicle sales-automobile, new	-	UP	P	UP	P	-	-
Vehicle sales-all other	-	-	UP	UP	UP	-	-
<b>Services</b>							
Animal grooming	UP	UP	UP	-	-	-	17.16.120 (Animal Keeping)
Animal keeping, noncommercial	P	P	P	P	P	-	17.16.120 (Animal Keeping)
Bank or financial service	P	P	P	-	P	P	-
Bed and breakfast	UP	P	P	P	-	-	-
Business support service	P	P	P	P	P	P	-
Car wash	-	UP	P	P	P	-	17.16.090 (Car and Vehicle Washes)
Catering service	-	P	P	-	P	-	-
Child day care center	P	P	P	UP	UP	-	-
Gym	P	P	P	-	P	-	-
Hospital	-	UP	UP	-	-	-	-
Hotel or motel	-	UP	P	UP	UP	-	-
Instructional or production studio	P	P	P	-	P	P	-
Kennel	-	-	UP	-	UP	-	17.16.120 (Animal Keeping)

Land Use	Key							Use-Specific Regulations
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed							
	Zoning Districts							
	CN	C-1	C-2	CH	CLM	OF		
Mortuary	-	UP	UP	UP	P	UP	-	
Office – professional	P	P	P	-	P	P	-	
Office – all other	P	P	P	-	P	P	-	
Outpatient services	UP	P	P	-	-	-	-	
Personal services – low-impact	P	P	P	P	P	-	-	
Personal services – moderate-impact	UP	UP	UP	UP	UP	-	-	
Recreational vehicle (RV) park	-	-	UP	P	UP	-	-	
Substance abuse counseling	-	-	P	-	P	-	-	
Temporary real estate office	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary Uses and Buildings)	
Temporary uses not listed here	S	S	S	S	S	S	17.16.060 (Temporary Uses and Buildings)	
Veterinarian	UP	UP	P	-	P	-	17.16.120 (Animal Keeping)	
<b>Manufacturing, Wholesale, Repair and Storage</b>								
Food or beverage production	-	UP	UP	-	UP	-	-	
Landscape material sales	-	UP	UP	-	P	-	-	
Manufacturing – 20,000 square feet or less of gross floor area	-	UP	P	-	P	P	-	
Manufacturing – more than 20,000 square feet of gross floor area	-	-	UP	-	UP	UP	-	
Metalwork – 20,000 square feet or less of gross floor area	-	UP	UP	P	P	UP	-	
Metalwork – more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	UP	-	
Mini-storage facility	S	S	S	-	S	-	17.16.060 (Temporary Uses and Buildings)	
Outdoor storage – 250 square feet or less	P	P	P	P	P	P	17.16.140 (Outdoor Storage)	
Outdoor storage – more than 250 square feet	UP	UP	P	UP	P	UP	17.16.140 (Outdoor Storage)	
Recycling facility or center	-	UP	P	-	P	-	-	
Repair service, large equipment-20,000 square feet or less of gross floor area	UP	UP	P	P	P	-	-	
Repair service, large equipment-more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	-	-	
Repair service, small appliances	P	P	P	-	P	-	-	
Research laboratories	-	-	UP	-	UP	UP	-	

Land Use	Key							Use-Specific Regulations
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed							
	Zoning Districts							
	CN	C-1	C-2	CH	CLM	OF		
Scrap or dismantling yard	-	-	-	-	UP	-	-	
Vehicle service or repair	-	UP	P	P	P	-	-	
Warehousing	-	-	-	-	P	-	-	
<b>Transportation and Infrastructure</b>								
Parking garage or lot as primary use	UP	UP	P	-	UP	UP	-	
Public safety facility	UP	UP	UP	UP	UP	UP	-	
Solar energy system, Tier 1	P	P	P	P	P	P	17.16.180 (Solar Energy Systems)	
Solar energy system, Tier 2	AP	AP	AP	AP	AP	AP	17.16.180 (Solar Energy Systems)	
Solar energy system, Tier 3	UP	UP	UP	UP	UP	UP	17.16.180 (Solar Energy Systems)	
Utility building or substation	P	P	P	P	P	P	-	
Vehicle depot	-	-	UP	-	UP	-	-	

### 17.32.020 Development Standards for Commercial Districts

Development standards for commercial districts shall be as shown in Table 17.32.020-1.

TABLE 17.32.020-1: DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

Development Standard	Zoning Districts					
	CN	C-1	C-2	CH	CLM	OF
<b>Lot Area, Minimum</b>						
Interior lot	6,000 sq.ft.	None	None	6,000 sq.ft.	None	None
Corner lot	7,000 sq.ft.	None	None	7,000 sq.ft.	None	None
<b>Residential Density, Minimum and Maximum</b>	-	-	-	-	-	-
<b>Lot Width, Minimum</b>						
Interior lot	50 feet	None	None	60 feet	None	None
Corner lot	60 feet	None	None	70 feet	None	None
<b>Height, Maximum [1]</b>	40 feet	60 feet	60 feet	40 feet	60 feet	60 feet

TABLE 17.32.020-1: DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

Development Standard	Zoning Districts					
	CN	C-1	C-2	CH	CLM	OF
<b>Setbacks, Minimum, for All Other Development [2]</b>						
Front	None, except as required in [3] and [4]					
Side, interior lot	None, except as required in [5] and [6]					
Side, corner lot	None, except 10 feet along any street frontage and as required in [5] and [6]	None, except as required in [5] and [6]				
Rear	10 feet, except as required in [7]	None, except as required in [7]				
<b>Floor Area Ratio, Maximum</b>	0.4	0.4	0.4	0.4	0.4	

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 17.12.090 (Accessory Buildings and Swimming Pool). Exceptions to height standards are in Section 17.12.030 (Height Limit).

[2] See Section 17.12.040 (Setback Requirements) for additional provisions regarding setbacks.

[3] For sites that abut a residential district on any side, the front setback shall be as required in that residential district. This requirement shall not apply where a street separates the site from the residential district.

[4] The required minimum front setback along Oroville Dam Boulevard, Olive Highway, and Feather River Boulevard shall be 12 feet.

[5] Where the side of a site abuts a residential district, the required minimum setback shall be 10 feet on the side abutting the residential district.

[6] Where a side setback area provides access to a dwelling group, the required minimum side setback shall be 12 feet.

[7] The required minimum rear setback shall be 20 feet if the rear of the site abuts a residential district.

### 17.32.030 CN: Neighborhood Commercial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 17.12 (Development Standards) and the development review requirements in Section 17.52 (Development Review), the following provisions shall apply in a CN district:

- A. **Intent.** To provide convenient locations for the basic, everyday shopping and service needs of residential neighborhoods, but to avoid the development of commercial centers of such scope and variety as to attract substantial volumes of traffic from outside the neighborhood.
- B. **Use Regulations.** The allowed uses in CN districts shall be as specified in Table 17.32.010-1 of this chapter.
- C. **Development Standards.** The development standards in CN districts shall be as specified in Table 17.32.020-1 of this chapter.

### 17.32.040 C-1: Limited Commercial

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 17.12 (Development Standards) and the development review requirements in Section 17.52 (Development Review), the following provisions shall apply in a C-1 district:

- A. **Intent.** To provide commercial areas within the City where less-intensive retail sales and service activities may be accommodated.
- B. **Use Regulations.** The allowed uses in C-1 districts shall be as specified in Table 17.32.010-1 of this chapter.
- C. **Development Standards.** The development standards in C-1 districts shall be as specified in Table 17.32.020-1 of this chapter.

#### **17.32.050 C-2: Intensive Commercial**

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 17.12 and the development review requirements in Section 17.52, the following provisions shall apply in a C-2 district:

- A. **Intent.** To provide for more intensive commercial establishments, including those that deal in large, low-volume items and major repair services, or that require large, outdoor display and storage areas.
- B. **Use Regulations.** The allowed uses in C-2 districts shall be as specified in Table 17.32.010-1 of this chapter.
- C. **Development Standards.** The development standards in C-2 districts shall be as specified in Table 17.32.020-1 of this chapter.

#### **17.32.060 CH: Highway Commercial Corridor**

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 17.12 (Development Standards) and the development review requirements in Section 17.52 (Development Review), the following provisions shall apply in a CH district:

- A. **Intent.** To provide commercial areas along major highway entrances to the City that offer personal services and conveniences to the highway's travelers.
- B. **Use Regulations.** The allowed uses in CH districts shall be as specified in Table 17.32.010-1 of this chapter.
- C. **Development Standards.** The development standards in CH districts shall be as specified in Table 17.32.020-1 of this chapter.

### **17.32.070 CLM: Commercial/Light Manufacturing**

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 17.12 (Development Standards) and the development review requirements in Section 17.52 (Development Review), the following provisions shall apply in a CLM district:

- A. **Intent.** To provide areas within the City for the manufacture, assembly, fabrication, storage and processing of materials that for the most part are already in a processed form and do not create objectionable influences upon surrounding uses. This district is intended to incorporate intensive commercial uses, as well as the light industrial uses that are necessary for the overall welfare of the community.
- B. **Use Regulations.** The allowed uses in CLM districts shall be as specified in Table 17.32.010-1 of this chapter.
- C. **Development Standards.** The development standards in CLM districts shall be as specified in Table 17.32.020-1 of this chapter.

### **17.32.080 OF: Office**

In addition to all other provisions of this chapter, including but not limited to the development standards in Section 17.12 (Development Standards) and the development review requirements in Section 17.52 (Development Review):

- A. **Intent.** To accommodate employment-generating uses that have minimal adverse impacts upon the residential character of immediately adjacent neighborhoods.
- B. **Use Regulations.** The allowed uses in OF districts shall be as specified in Table 17.32.010-1 of this chapter.
- C. **Development Standards.** The development standards in OF districts shall be as specified in Table 17.32.020-1 of this chapter.

**SECTION 8.** The following section of Chapter 17.34 is hereby added to read as follows:

### **17.34.010 Intent of Mixed-Use Districts**

The intent of the mixed-use districts is to be developed with live-work places for individuals to establish a business with associated residential unit(s). A mixed-use development may include vertical mixed use, with residential units located above non-residential uses, as well as horizontal mixed use, with residential units located behind non-residential uses. The mixed-use districts are as follows:

- A. **MXD: Downtown Mixed-Use.** To strengthen Downtown Oroville as a pedestrian-oriented activity center with a diversity of commercial, employment, and residential uses.
- B. **MXN: Neighborhood Mixed-Use.** To allow for a mixture of retail, personal service, and residential uses that serve neighborhood residents and strengthen community connections.
- C. **MXC: Corridor Mixed-Use.** To support an integrated and attractive network of commercial, employment, and residential uses along Oroville’s major thoroughfares.

**17.34.020 Allowed Uses in Mixed-Use Districts**

Table 17.34.020-1 shows the uses allowed in the mixed-use districts. These uses include:

- A. **Permitted Use (P).** Uses shown with a “P” are permitted by-right with zoning clearance approval. See Section 17.48.030 (Zoning Clearances).
- B. **Administrative Permit Required (AP).** Uses shown with an “AP” require an administrative permit. See Section 17.48.020 (Administrative Permits).
- C. **Use Permit Required (UP).** Uses shown with a “UP” require a use permit. See Section 17.48.010 (Use Permits).
- D. **Use-Specific Regulations (S).** Uses shown with an “S” must comply with specific regulations for that use. The table identifies the section number for the use-specific regulations.
- E. **Use Not Allowed (—).** Uses shown with a “—” or that are not listed, are not allowed.

TABLE 17.34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
<b>Local Food Uses</b>				
Neighborhood Food and Beverage Sales	AP	AP	AP	17.16.200 (Cottage Food Operations)
Urban Agriculture	S	S	S	17.16.230 (Urban Agriculture)
<b>Public Assembly</b>				
Carnival, circus or fair	AP	AP	AP	17.16.060 (Temporary Uses and Buildings)
Commercial recreational facility – indoor, 10,000 square feet or less of gross floor area	UP	UP	P	-
Commercial recreational facility – indoor, more than 10,000 square feet of gross floor area	UP	UP	UP	-
Commercial recreational facility – outdoor	-	-	UP	-
Concert or performance	AP	AP	AP	17.16.060 (Temporary Uses and Buildings)
Library or museum	UP	UP	UP	-
Meeting facility – 10,000 square feet or less of gross floor area	P	P	P	-
Meeting facility – more than 10,000 square feet of gross floor area	UP	UP	P	-
Park or playground	UP	UP	UP	-
School, public	UP	UP	UP	-
School, private	UP	UP	UP	-
Training facility	UP	UP	UP	-
<b>Residential [1]</b>				
Caretaker residence	UP	UP	-	-
Family day care, large	S	S	S	17.16.050 (Family Day Care Homes)
Family day care, small	P	P	P	17.16.050 (Family Day Care Homes)
Home occupation, low-impact	S	S	S	17.16.040 (Home Occupation)
Home occupation, moderate-impact	S	S	S	17.16.040 (Home Occupation)
Mixed-use development	P	P	P	17.16.030 (Mixed-Use Development)
Multiple-family dwellings [1]	-	P	P	-
Residential care facility – 6 units or fewer	P	P	P	-
Residential care facility – 7 units or more	UP	UP	-	-



TABLE 17.34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
<b>Retail</b>				
Alcoholic beverage sales	UP	UP	UP	-
Building supply	-	-	-	-
Equipment and machinery sales or rental	-	-	-	-
Drive-through establishment – pharmacy	-	-	UP	17.16.080 (Drive-Through Establishments)
Drive-through establishment – all other uses	-	-	UP	17.16.080 (Drive-Through Establishments)
Farmers' market	AP	AP	AP	
Food and beverage sales – 10,000 square feet or less of gross floor area	P	P	P	-
Food and beverage sales – 10,001 to 40,000 feet of gross floor area	UP	P	P	-
Food and beverage sales – more than 40,000 square feet of gross floor area	UP	UP	P	-
Funeral merchandise sales	UP	UP	UP	-
Gas station	-	-	UP	17.16.070 (Gas Stations)
General retail – 10,000 square feet or less of gross floor area	P	P	P	-
General retail – 10,001 to 40,000 feet of gross floor area	UP	P	P	-
General retail – more than 40,000 square feet of gross floor area	-	UP	UP	-
Marijuana Dispensary	-	-	-	-
Mobile food vendor	AP	AP	AP	17.16.150 (Mobile Food Vending)
Pet store	UP	UP	UP	17.16.120 (Animal Keeping)
Plant nursery or garden supply store	UP	UP	P	-
Restaurant or café	P	P	P	-
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060 (Temporary Uses and Buildings)
Shopping center, 1,000 square feet or less of gross floor area	P	P	P	-
Shopping center, 1,000 square feet or greater of gross floor area	P	UP	P	
Smoke Shop	UP	UP	UP	17.36.010 (Allowed Uses in Industrial Districts)
Vehicle sales – automobile, new	-	-	P	-
Vehicle sales – all other	-	-	UP	-
<b>Services</b>				
Animal grooming	UP	UP	UP	17.16.120 (Animal Keeping)

TABLE 17.34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Animal keeping, noncommercial	P	P	P	17.16.120 (Animal Keeping)
Bank or financial service	P	P	P	-
Bed and breakfast	P	P	P	-
Business support service	P	P	P	-
Car wash	-	UP	UP	17.16.090 (Car and Vehicle Washes)
Catering service	P	P	P	-
Child day care center	P	P	P	-
Gym	P	P	P	-
Hospital	-	-	-	-
Hotel or motel	UP	-	UP	-
Instructional or production studio	P	-	P	-
Kennel	-	-	UP	17.16.120 (Animal Keeping)
Mortuary	UP	-	UP	-
Office – professional	P	P	P	-
Office – all other	P	P	P	-
Outpatient Services	UP	UP	UP	-
Personal services – low-impact	P	P	P	-
Personal services – moderate-impact	UP	UP	UP	-
Temporary real estate office	AP	AP	AP	17.16.060 (Temporary Uses and Buildings)
Temporary uses not listed here	S	S	S	17.16.060 (Temporary Uses and Buildings)
Veterinarian	UP	UP	P	17.16.120 (Animal Keeping)
<b>Manufacturing, Wholesale, Repair, and Storage</b>				
Food or beverage production	UP	-	UP	-
Landscape material sales	-	-	UP	-
Manufacturing – 20,000 square feet or less of gross floor area	UP	-	UP	-
Metalwork – 10,000 square feet or less of gross floor area	UP	-	UP	-
Mini-storage facility	-	-	-	17.44.060 (MS-O: Mini-Storage Overlay)
Outdoor storage – 250 square feet or less	-	-	P	17.16.140 (Outdoor Storage)
Outdoor storage – more than 250 square feet	UP	UP	UP	17.16.140 (Outdoor Storage)

TABLE 17.34.020-1: ALLOWED USES IN MIXED-USE DISTRICTS

Land Use	Key:			Use-Specific Regulations
	P	Permitted use, subject to zoning clearance		
	AP	Administrative permit required		
	UP	Use permit required		
	S	See use-specific regulations for permit requirement		
	-	Use not allowed		
	Zoning Districts			
	MXD	MXN	MXC	
Repair service, large equipment – 20,000 square feet or less of gross floor area	-	-	UP	-
Repair service, small appliances	P	P	P	-
<b>Transportation and Infrastructure</b>				
Parking garage or lot as primary use	UP	UP	UP	-
Public safety facility	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar Energy Systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar Energy Systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar Energy Systems)
Utility building or substation	P	P	P	-

[1] Residential uses in the Downtown Mixed-Use district are permitted only on upper stories above ground floor commercial uses.

### 17.34.030 Downtown Mixed-Use Development Standards

The standards below apply to all primary buildings in the Downtown Mixed-Use zoning district. Figure 17.34.030-1 (following page) shows the location of Primary Streets and Secondary Streets as referenced in these standards.

A. **Building Form and Placement.** All new buildings shall comply with the building form and placement standards in Table 17.34.030-1 and Figure 17.34.030-2.

Figure 17.34.030-2 Development Standards in the Downtown Mixed-Use District

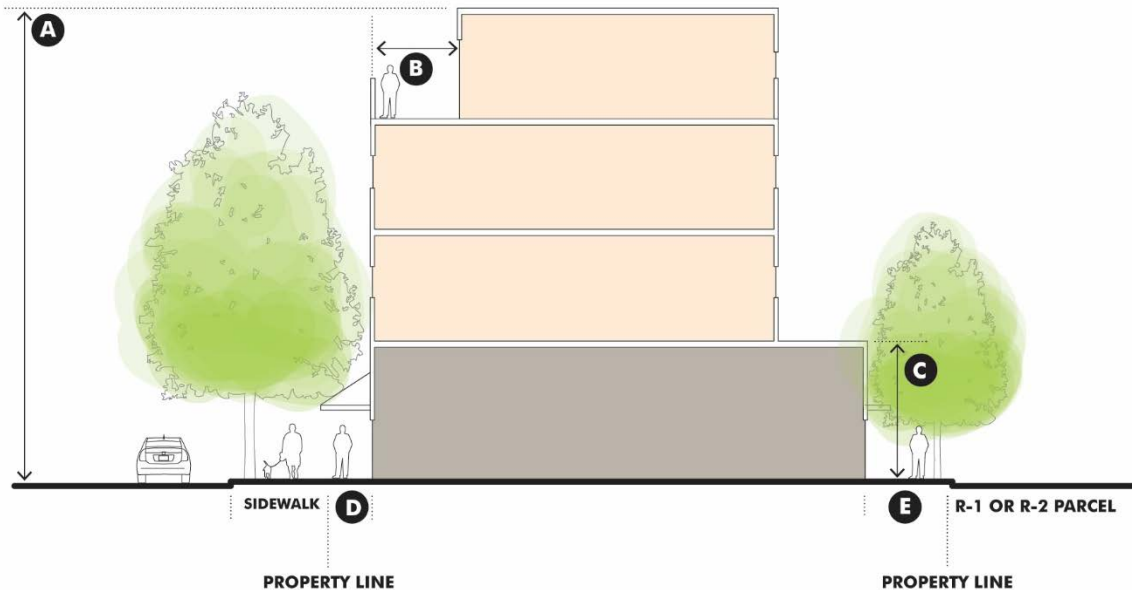
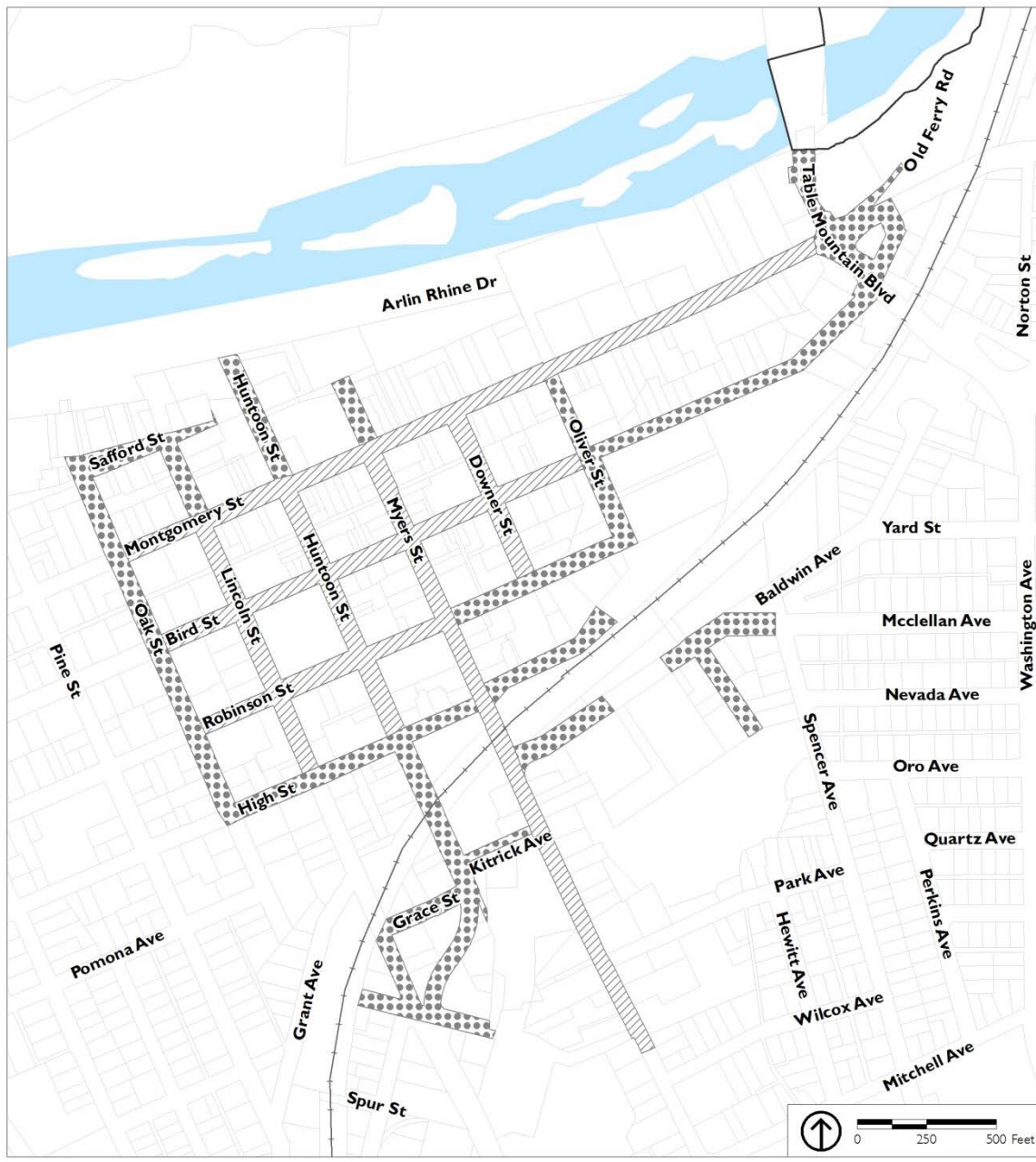


TABLE 17.34.030-1: DEVELOPMENT STANDARDS IN THE DOWNTOWN MIXED-USE DISTRICT

Building Height	<b>A</b>	55 ft. and four stories maximum
Upper Floor Stepbacks	<b>B</b>	10 ft. min. above the third floor
Ground floor Ceiling Height, Minimum	<b>C</b>	15 ft.
Floor Area Ratio		2.0 maximum [1]
Residential Density		70 du/acre maximum
Setbacks		
Front and Street Side	<b>D</b>	Buildings shall be setback from the front property line so that the combined width of the sidewalk and setback is a minimum of 10 ft. If the width of the adjacent front sidewalk is 10 ft. or greater, no front setback is required. In no case shall a building be setback more than 5 ft. from the back of the adjacent sidewalk.
Interior Side		10 ft. minimum for parcels adjacent to a residential zone; no required interior side rear setback for all other parcels
Rear	<b>E</b>	10 ft. minimum for parcels backing into a residential zone; no required rear setback for all other parcels

[1] A maximum FAR of 3.5 is permitted for projects that provide community benefits. See Section 17.26.010 (Incentives for Community Benefits).

Figure 17.34.030-1 Primary and Secondary Streets

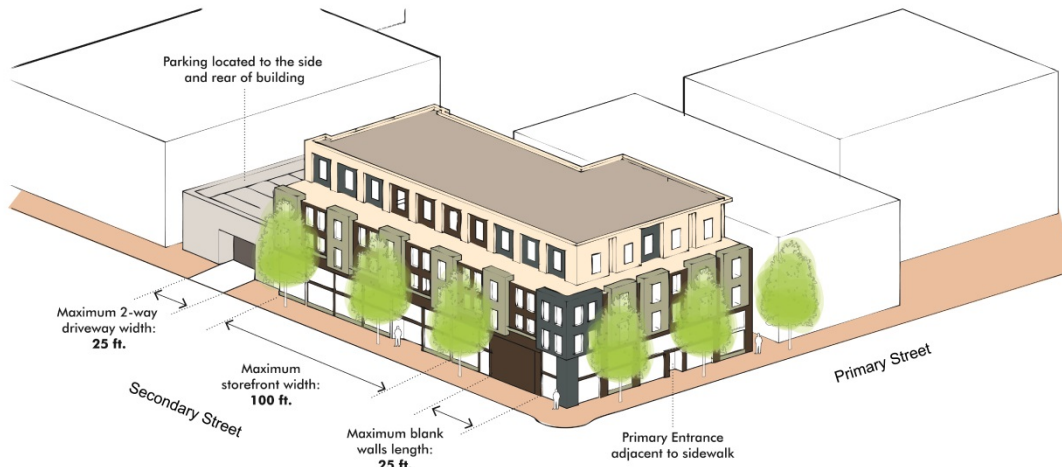


Source: City of Oroville, 2013; The Planning Center | DC&E, 2014.

- |                    |                       |
|--------------------|-----------------------|
| <b>Street Type</b> | □ Oroville City Limit |
| ▨ Primary Street   | —+— Railroad          |
| ⋯ Secondary Street |                       |

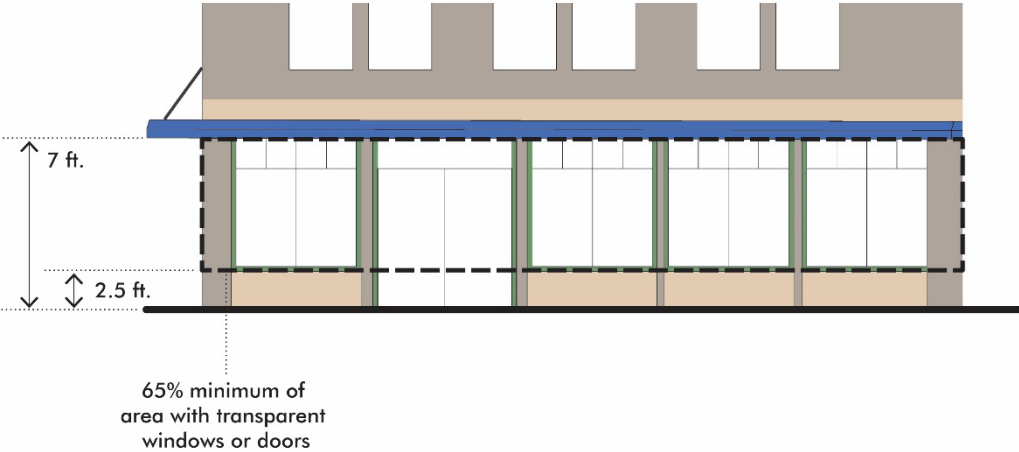
B. **Public Realm.** The following standards support an active and inviting public realm in the Downtown Mixed-Use zoning district. These standards are illustrated in Figure 17.34.030-3.

Figure 17.34.030-3 Downtown Mixed Public Realm Standards



1. **Building Entrances.** For buildings on a parcel abutting a Primary Street, the primary building entrance must face either:
  - a. The Primary Street sidewalk; or
  - b. A pedestrian-oriented outdoor space such as a public square, plaza, or courtyard.
2. **Building Width.** A building must occupy at least 50 percent of its parcel width.
3. **Storefront Width.** The maximum building/storefront width is 50 feet on a Primary Street and 100 feet on a Secondary Street. Larger buildings shall be divided into a pedestrian-scale rhythm with individual building bay widths.
4. **Ground-Floor Building Transparency.**
  - a. The ground-floor building walls of a non-residential use facing a Primary Street shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage between 2½ and 7 feet above the sidewalk (see Figure 17.34.030-4). Ninety percent of the transparent windows or doors area shall remain clear to allow views into the building.
  - b. Exceptions to this transparency requirement may be allowed with a Use Permit if the Planning Commission finds that:
    - (1) The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; and
    - (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 17.34.030-4 Ground-Floor Building Transparency



5. **Blank Walls.** The maximum length of an unarticulated/blank building wall is 10 feet on a Primary Street and 25 feet on a Secondary Street. Building articulation may be provided by:
  - a. Doors, windows, and other building openings.
  - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
  - c. Varying wall planes, heights or contrasting materials and colors.
  - d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.
  
6. **Parking Location and Buffers.**
  - a. Surface parking is prohibited between a building and a Primary Street property line. Surface parking shall be located to the rear or side of buildings.
  - b. Parking completely or partially underground may match the setbacks of the primary structure. The maximum height of a parking podium visible from a street is 5 feet from finished grade.
  
7. **Parking Buffers.**
  - a. Surface parking adjacent to a Primary Street Frontage property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, or landscaping at least 3 feet in height.
  - b. A landscaped buffer at least 3 feet in width and 6 feet in height is required for a parking lot next to a residential zoning district.
  - c. Service loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way by a 6-foot high solid wall or row of densely planted evergreen trees or similar landscaping.
  
8. **Parking Structures.** Parking structures facing a Primary Street shall incorporate commercial uses on the ground floor that front the sidewalk.

Commercial uses shall comply with the Public Realm standards in Section B above.

**9. Driveways and Curb Cuts.**

- a. New driveways shall comply with the dimension standards shown in Table 17.34.030-2. The Community Development Director may approve exceptions to these standards if necessary to accommodate shared or joint use of driveways and parking lots.

TABLE 17.34.030-2: DRIVEWAY DIMENSION STANDARDS

Driveway Type	Driveway Width	
	Minimum	Maximum
1-way	8 ft.	12 ft.
2-way	20 ft.	25 ft.

- b. New driveways may not cross an existing public sidewalk along a Primary Street Frontage.

**17.34.040 Neighborhood and Corridor Mixed-Use Development Standards**

- A. **Building Form and Placement.** All new buildings in the Neighborhood and Corridor Mixed-Use districts shall comply with the building form and placement standards in Table 17.34.040-1.

TABLE 17.34.040-1: DEVELOPMENT STANDARDS FOR NEIGHBORHOOD AND CORRIDOR MIXED USE DISTRICTS

Development Standard	Zoning Districts	
	MXN	MXC
Residential Density	30 du/ac maximum	
Height, Maximum [1]	40 feet	60 feet
Setbacks, Minimum [2]		
Front	None, except as required in [3] and [4]	
Side, interior lot	None, except as required in [5] and [6]	
Side, corner lot	None, except as required in [5] and [6]	
Rear	None, except as required in [7]	
Floor Area Ratio, Maximum [8]	1.0	

[1] Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 17.12.090 (Accessory Buildings and Swimming Pools). Exceptions to height standards are in Section 17.12.030 (Height Limits).

[2] See Section 17.12.040 (Setback Requirements) for additional setbacks requirements.

[3] For sites next to a residential district, the front setback is the same as in that residential district. This requirement does not apply where a street separates the site from the residential district.

[4] The required minimum front setback along Oroville Dam Boulevard, Olive Highway, and Feather River Boulevard is 12 feet.



[5] For sites next to a residential district, the required minimum setback is 10 feet on the side next to the residential district.

[6] Where a side setback area provides access to a dwelling group, the required minimum side setback is 12 feet.

[7] The required minimum rear setback is 20 feet if the rear of the site abuts a residential district.

[8] See Section 17.44.040 (DH-O: Downtown Historic Overlay) regarding the maximum floor area ratio in downtown historic overlay (DH-O) district.

**B. Pedestrian Environment.** The following standards support a pedestrian-friendly environment in the Neighborhood and Corridor Mixed-Use zoning districts.

**1. Building Siting and Orientation.**

- a. The maximum length of an unarticulated/blank building wall visible from a public street is 50 feet. Building articulation may be provided by windows, doors, and other architectural elements that support an active building frontage.

**2. Pedestrian Orientation.**

- a. Pedestrian connections shall be provided between parking areas and building entrances. Where walkways cross driveways, the project shall include design features for pedestrian safety, such as elevated crosswalks and textured pavement.
- b. A pedestrian connection is required between an adjacent sidewalk and the building entrance.

**3. Parking.**

- a. One row of parking is permitted between buildings and the front street. The maximum width of this front parking area is 40 feet. All additional parking must be located to the side or rear of buildings.
- b. For horizontal mixed-use development, parking areas may not separate adjacent land uses on a site. Uninterrupted pedestrian connections between land uses are required.
- c. For parking areas adjacent to a public street, a 10-foot landscaped buffer is required between the parking area and the street. Landscaping shall be designed and maintained to allow for public views into the site.

**SECTION 9.** The following section of Chapter 17.36 is hereby amended to read as follows:

TABLE 17.36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

Land Use	Key			
	P Permitted use, subject to zoning clearance			
	AP Administrative permit required			
UP Use permit required				
S See use-specific regulations for permit requirement				
- Use not allowed				
Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	

TABLE 17.36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

Land Use	Key			
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed			
	Zoning Districts			Use-Specific Regulations
ABP	M-1	M-2		
<b>Transportation and Infrastructure</b>				
Parking garage or lot as primary use	-	UP	UP	-
Public safety facility	P	P	P	-
<u>Solar Energy System, Tier 1</u>	P	P	P	17.16.180 (Solar Energy Systems)
<u>Solar Energy System, Tier 2</u>	AP	AP	AP	17.16.180 (Solar Energy Systems)
<u>Solar Energy System, Tier 3</u>	UP	UP	UP	17.16.180 (Solar Energy Systems)
Utility building or substation	P	P	P	-
Vehicle depot	-	P	P	-

**SECTION 10.** The following section of Chapter 17.40 is hereby amended to read as follows:

TABLE 17.40.010-1: ALLOWED USES IN SPECIAL PURPOSE DISTRICTS

Land Use	Key		
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed		
	Zoning Districts		Use-Specific Regulations
PQ	OS		
<b>Public Assembly</b>			
.....			
Hospital	UP	-	-
.....			
<b>Agriculture, <u>Local Food</u>, and Resource-Based Uses</b>			
<u>Agriculture</u>	P	P	17.16.100 (Agricultural Uses)
<u>Neighborhood food and beverage sales</u>	AP	-	17.16.200 (Cottage Food Operations)
Surface mining	-	S	Chapter 15.92 (Surface Mining and Reclamation)
<u>Urban agriculture</u>	S	S	17.16.230 (Urban Agriculture)

**TABLE 17.40.010-1: ALLOWED USES IN SPECIAL PURPOSE DISTRICTS**

Land Use	Key		
	P Permitted use, subject to zoning clearance AP Administrative permit required UP Use permit required S See use-specific regulations for permit requirement - Use not allowed		
	Zoning Districts		Use-Specific Regulations
PQ	OS		
<b>Transportation and Infrastructure</b>			
Airport	UP	UP	-
Public safety facility	UP	UP	-
<u>Solar Energy System, Tier 1</u>	P	P	17.16.180 (Solar Energy Systems)
<u>Solar Energy System, Tier 2</u>	AP	AP	17.16.180 (Solar Energy Systems)
<u>Solar Energy System, Tier 3</u>	UP	UP	17.16.180 (Solar Energy Systems)
Utility building or substation	P	P	-
Vehicle depot	UP	-	-

**SECTION 11.** The following sections of Chapter 17.44 are hereby amended to read as follows:

**17.44.020 HD-O: Hillside Development Overlay**

.....

F. **Cluster Development.** To encourage the maximization of open space and the preservation of the visual and natural character of hillsides, cluster development shall be allowed in HD-O districts as follows:

1. Where this section requires the reduction of density on a portion of a site, the reduced density may be applied as a credit to a portion of the site that has an average slope of 10 percent or less.

.....

**17.44.040 DH-O: Downtown Historic Overlay**

In addition to the requirements for the underlying zoning district, the following provisions shall apply in a DH-O district:

A. **Purpose.** The purpose of this section is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of historic resources within Downtown Oroville that reflect

special elements of the City's architectural, artistic, cultural, political and social heritage, for the following reasons:

1. To safeguard the City's heritage by encouraging the protection of significant elements of its history.
2. To foster civic pride and a sense of identity based on an appreciation of the City's past and the recognition and use of historic resources.
3. To enhance the visual character of the City by preserving diverse architectural styles reflecting various phases of the City's history, and by encouraging complementary design and construction for contemporary buildings.
4. To allow for a diversity of housing types that reflect the traditional scale and character of residential neighborhoods in Downtown Oroville.
5. To strengthen the economy of the City by protecting and enhancing the City's historic attractions for residents and visitors.
6. To stabilize and improve property values within the City by protecting areas of historic buildings from encroachment by incompatible designs.
7. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City.
8. To integrate the preservation of historic resources, and the consideration of relevant information about these resources, into public and private land management and development processes.
9. To conserve valuable building materials and energy resources by ongoing use and maintenance of the existing built environment.

**B. Maximum Floor Area Ratio (FAR).** When a DH-O district is combined with a commercial or mixed-use district, the maximum floor area ratio (FAR) in the DH-O district shall be 2.0, provided that any required off-street parking spaces are supplied off-site.

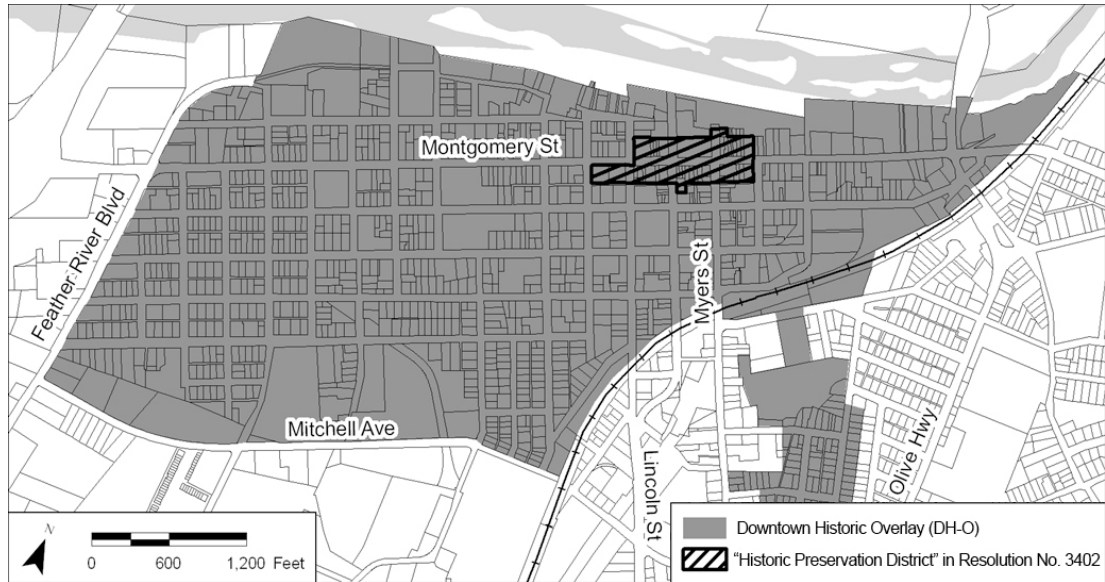
**C. Development Standards in Residential Districts.**

1. In order to accommodate historic development patterns and provide for new development that is compatible with these patterns, the following alternative standards may be applied, subject to development review, in residential zoning districts that are combined with the DH-O district:
  - a. The maximum height may be increased to 45 feet or two stories, whichever is less. A raised basement may be included and shall not be counted as a story.

- b. The maximum site coverage may be increased to 70 percent.
  2. In order to apply these alternative standards, the review authority for development review shall determine that the alternative standards are necessary in order to preserve or enhance the historic character of the district.
- D. **Development Review.** Development review shall be required in DH-O districts as provided in Section 17.52.020 (Review Required) of this chapter.
- E. **Landmark Modification and Landmark Demolition Permits.** If a building or structure is listed in a City of Oroville historic survey for a DH-O district, then the following requirements shall apply:
  1. A landmark modification permit shall be obtained before modifying the structure, when required by Section 17.48.050 (Landmark Modification Permits) of this chapter.
  2. A landmark demolition permit shall be obtained before demolishing the structure, when required by Section 17.48.060 (Landmark Demolition Permits) of this chapter.
- F. **Identification of Contributing Features.**
  1. Whenever this chapter requires the evaluation of a building, structure, site or improvement in a DH-O district to determine whether it is a contributing feature of the district, the Historic Advisory Commission shall be responsible for making this determination.
  2. The Historic Advisory Commission shall make its determination based upon whether the subject building, structure, site or improvement meets the criteria for designation as a landmark, as specified in Section 17.48.040 (Landmarks) of this chapter. If the criteria for landmark designation are met, the subject building, structure, site or improvement shall be deemed a contributing feature of the DH-O district.
  3. A Historic Advisory Commission determination regarding a contributing feature may be appealed, as provided in Section 17.56.100 (Appeals) of this chapter. (Ord. 1756)

- G. **“Historic Preservation District” in Downtown Oroville.** This section does not repeal, modify or amend the provisions of Resolution No. 3402 adopted January 1, 1979, which designates the “historic preservation district” shown in Figure 17.44.040-1. This “historic preservation district” is not a separate overlay district; it encompasses a small portion of the DH-O district. Should there be any conflict between the provisions contained in Resolution No. 3402 and this section, the provisions of Resolution No. 3402 shall prevail. Resolution No. 3402 reads as follows:

Figure 17.44.040-1: “Historic Preservation District” and Downtown Historic Overlay (DH-O)



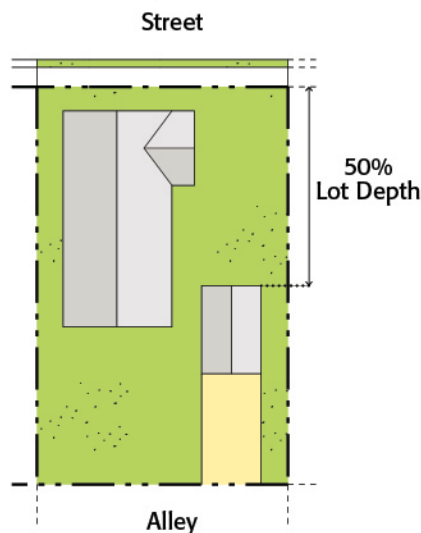
1. A portion of downtown Oroville is designated as an "historic preservation district" as noted on the attached map.
2. All structures built, remodeled, rehabilitated, or altered in this designated area shall conform to a “Turn of the 20<sup>th</sup> Century” theme; the facade of each building in the area, when altered, shall conform to this theme.
3. The Historic Advisory Commission is hereby charged with the responsibility to oversee and monitor the development of this theme.

H. **Residential Building Types.**

1. **Purpose.** This section identifies residential building types permitted in the DH-O district. These building types are permitted in addition to development allowed by the underlying base district.
2. **Building Type Defined.** A building type is a particular kind of structure with its own recognizable identity. Building types are defined primarily by their form (mass, scale and design) with building function being of secondary importance.

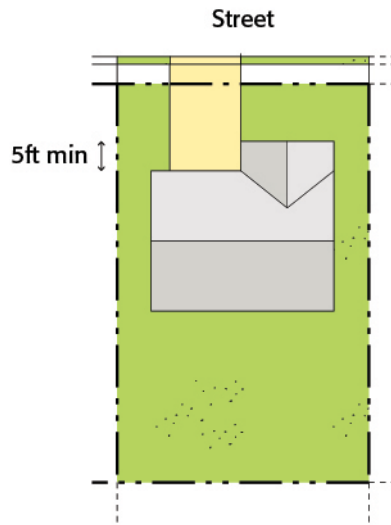
3. **Permitted Building Types.** The following building types, which are described in Figures 17.44.040-4 through 17.44.040-12, are permitted in the DH-O district:
  - a. Small Lot Single-Family Homes
  - b. Carriage Homes
  - c. Side Yard Homes
  - d. Duplexes, Triplexes, and Quadplexes (“Mansion Apartments”)
  - e. Rosewalk
  - f. Bungalow Court
  - g. Townhomes
  - h. Side Yard Apartments
  - i. Courtyard Apartments
  
4. **Where Allowed.** The residential building types described in this section are permitted where the DH-O is applied to a residential base district.
  
5. **Permit Required.** Development Review is required for a permitted residential building type that complies with the standards in this chapter but conflicts with the standards of the underlying base district. A Variance is not required.
  
6. **Development Standards for All Building Types.** The following standards apply to all residential building types in the DH-O district:
  - a. *Orientation.* Front entrances to buildings shall face onto or be clearly visible from a public street.
  - b. *Corner Lots.* Buildings on corner lots shall feature well-articulated facades for each street frontage.
  - c. *Pathways.* A pathway shall connect the adjacent public sidewalk to a building’s front entry.
  - d. *Parking and Access – Alley-Loaded Buildings.* For buildings served by an alley, vehicle access to the lot is allowed only through the alley. When an alley is present, vehicle parking areas, including garages, carports and surface parking spaces, shall be set back from the front lot line a minimum of 50 percent of the total lot depth (See Figure 17.44.040-2). Utilities, above ground equipment, trash containers and other services shall be accessed only through the alley.

Figure 17.44.040-2: Parking and Access – Alley-Loaded Buildings



- e. *Parking and Access – Front-Loaded Buildings.* For front-loaded buildings without an alley, vehicle parking area, including garages, carports or surface parking spaces, shall be set back a minimum of 5 feet from the front façade of the building (see Figure 17.44.040-3). Garages shall comprise no more than 50 percent of front building façade.

*Figure 17.44.040-3: Parking and Access – Front Loaded-Loaded Buildings*

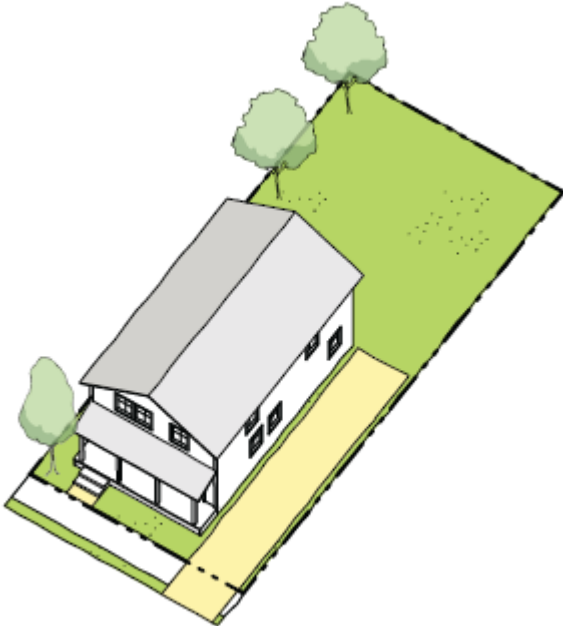


7. **Standards for Individual Residential Building Types.** Individual building types within the DH-O district shall comply with standards described in Figures 17.44.040-4 through Figure 17.44.040-12. Diagrams of building types are for illustrative purposes only; they do not establish or imply any requirements not specified in the text or tables.



**FIGURE 17.44.040-4 SMALL LOT SINGLE-FAMILY HOMES**

**Building Type Definition:** A detached single-family residential structure on a small lot.



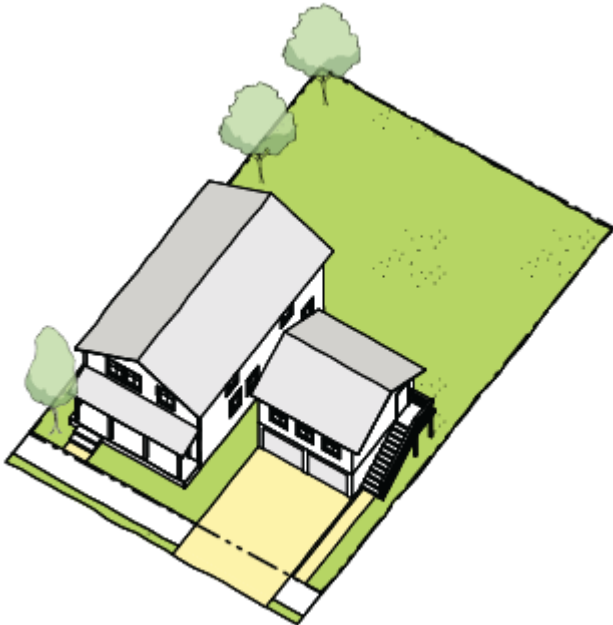
**Development Standards for Small Lot Single-Family Homes**

	Minimum	Maximum
<b>Lot Standards</b>		
Width	30 ft.	100 ft.
Length	75 ft.	150 ft.
<b>Building Standards</b>		
Setbacks		
Front	15 ft. [1]	25 ft.
Side	5 ft.	-
Rear	25 ft. [2]	-
Height	-	30 ft. and 2 stories

[1] Front porches may be setback 10 feet from the property line.  
 [2] The minimum rear setback is 5 feet when abutting an alley.

**FIGURE 17.44.040-5 CARRIAGE HOMES**

**Building Type Definition:** An accessory dwelling unit located above a detached or semi-detached garage structure.

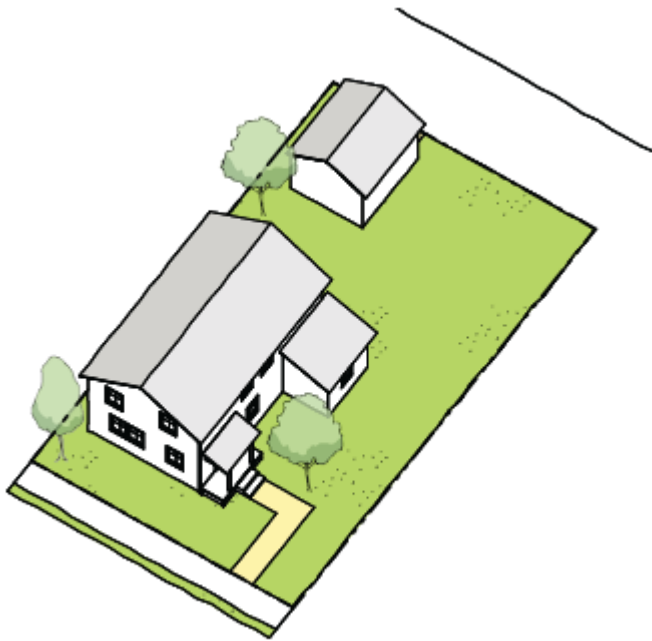


**Development Standards for Carriage Homes**

	Minimum	Maximum
<b>Lot Standards</b>		
Width	40 ft.	100 ft.
Length	50 ft.	150 ft.
<b>Building Standards</b>		
Setbacks		
Front	10 ft.	15 ft.
Side, Street	10 ft.	-
Side, Interior	10 ft.	-
Rear	5 ft.	-
Height	-	30 ft. and 2 stories

**FIGURE 17.44.040-6 SIDE YARD HOMES**

**Building Type Definition:** An alley-loaded single dwelling unit with one active side yard.



**Development Standards for Side Yard Homes**

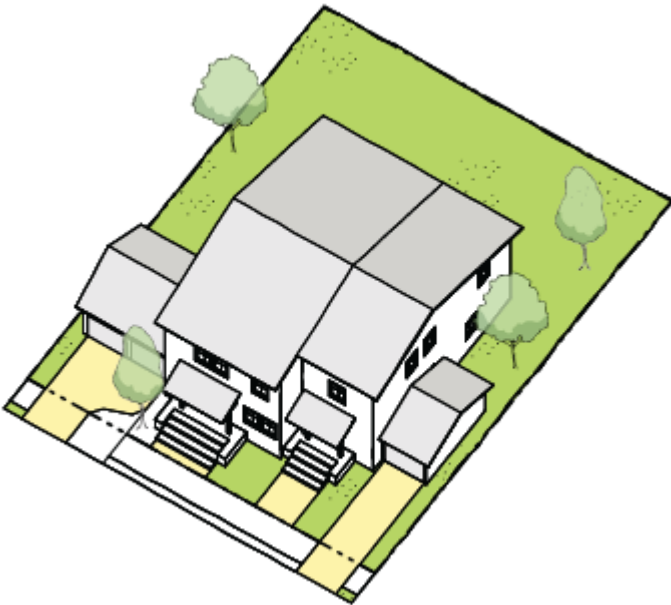
	Minimum	Maximum
<b>Lot Standards</b>		
Width	40 ft.	100 ft.
Length	50 ft.	150 ft.
<b>Building Standards</b>		
Setbacks		
Front	10 ft.	15 ft.
Side, Active Yard	10 ft.	-
Side, Inactive Yard	10 ft.	-
Rear	5 ft.	-
Height	-	30 ft. and 2 stories

**Additional Side Yard Home Standards**

- **Pedestrian Access.** The main entry to a side yard homes shall be through either the building facade facing the active side yard or the front street-facing facade.
- **Frontage.** The building facade fronting the active side yard shall feature a porch; and the active side yard shall front the street on a corner lot.

**FIGURE 17.44.040-7 DUPLEXES, TRIPLEXES, AND QUADPLEXES**

**Building Type Definition:** A residential structure that contains 2 to 4 dwelling units that are either stacked or placed side-by-side and appear as a large single-family home.



**Development Standards for Duplexes, Triplexes, and Quadplexes**

	Minimum	Maximum
<b>Lot Standards</b>		
Width	50 ft.	120 ft.
Length	75 ft.	150 ft.
<b>Building Standards</b>		
Setbacks		
Front	10 ft. [1]	15 ft.
Side, Street	10 ft.	-
Side, Interior	5 ft.	-
Rear	15 ft. [2]	-
Height	-	35 ft. and 2 stories

[1] Porches and stoops may be setback 5 feet from the front property line.

[2] The minimum rear setback shall be 5 feet when abutting an alley.

**FIGURE 17.44.040-8 ROSEWALK**

**Building Type Definition:** A grouping of detached dwelling units arranged in two rows on either side of a common green.



**Development Standards for Rosewalk**

	<b>Minimum</b>	<b>Maximum</b>
<b>Lot Standards</b>		
Width	100 ft.	150 ft.
Length	100 ft.	150 ft.
Density	-	6 units/acre
<b>Building Standards</b>		
Setbacks		
Exterior, Front	15 ft.	25 ft.
Exterior, Side Street	5 ft.	-
Interior, Side	8 ft.	-
Interior, Rear	15 ft.	30 ft.
Height	-	30 ft. and 2 stories

**FIGURE 17.44.040-9 BUNGALOW COURT**

**Building Type Definition:** A grouping of detached single-family homes arranged around a shared courtyard that is typically perpendicular to the street.



**Development Standards for Bungalow Court**

	Minimum	Maximum
<b>Lot Standards</b>		
Width	100 ft.	200 ft.
Length	100 ft.	300 ft.
Density	-	6 units/acres
<b>Building Standards</b>		
Setbacks		
Front	10 ft.	25 ft.
Side, Street	10 ft.	25 ft.
Side, Interior	10 ft.	-
Rear	15 ft. [1]	-
Between Structures on Lot	8 ft.	-
Height	-	30 ft. and 2 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

**Additional Bungalow Court Standards**

- **Pedestrian Access.** The primary pedestrian entry to a bungalow court shall be provided from a public sidewalk adjacent to the central courtyard. The main entry to each unit shall face either the central courtyard or a public street.
- **Central Courtyard.**
  - The central courtyard shall be a shared space accessible to all building residents. The central courtyard shall be visible from the primary street frontage. The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area. The central courtyard shall be at least 30 feet in width.
  - Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.

**FIGURE 17.44.040-10 TOWNHOMES**

**Building Type Definition:** A single-family home attached to one or more other single-family homes in a linear arrangement.



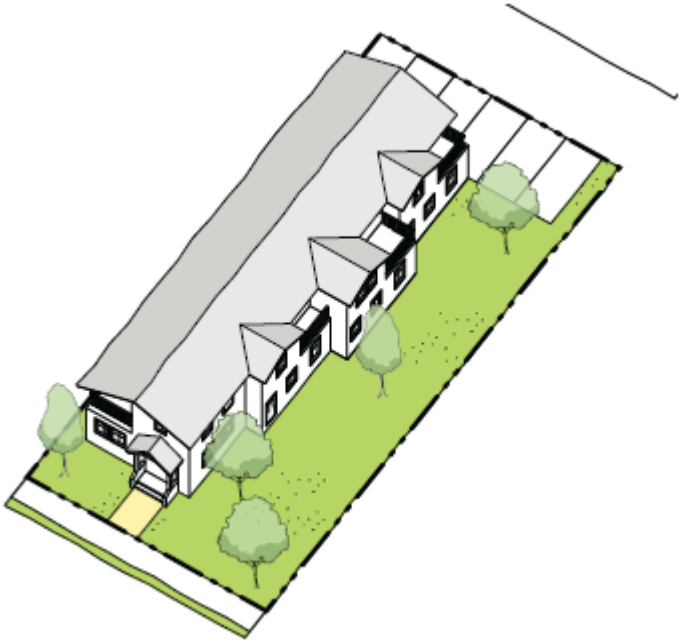
**Development Standards for Townhomes**

	Minimum	Maximum
<b>Lot Standards</b>		
Width	100 ft.	150 ft.
Length	100 ft.	150 ft.
Density	-	6 units/acre
<b>Building Standards</b>		
Setbacks		
Exterior	-	15 ft.
Interior, Side	8 ft.	0 ft.
Interior, Rear	5 ft. [1]	30 ft.
Height	-	35 ft. and 3 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

**FIGURE 17.44.040-11 SIDE COURT APARTMENTS**

**Building Type Definition:** A 2-story structure that contains multiple dwelling units with most of its dwelling units facing an active side yard.



**Development Standards for Side Court Apartments**

	Minimum	Maximum
<b>Lot Standards</b>		
Density	-	6 units/acre
<b>Building Standards</b>		
Setbacks		
Exterior, Front	10 ft.	20 ft.
Interior, Rear	15 ft. [1]	-
Side, Inactive	5 ft.	-
Side, Active	20 ft.	-
Height	-	35 ft. and 2 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.



**FIGURE 17.44.040-12 COURTYARD APARTMENTS**

**Building Type Definition:** A grouping of attached dwelling units arranged to share one or more central courtyard.



**Development Standards for Courtyard Apartments**

	Minimum	Maximum
<b>Building Standards</b>		
Setbacks		
Exterior, Front	10 ft.	20 ft.
Interior, Rear	10 ft.	-
Side, Inactive	5 ft.	-
Side, Active	15 ft. [1]	-
Height	-	35 ft. and 2 stories

[1] The minimum rear setback shall be 5 feet when abutting an alley.

**Additional Courtyard Apartments Standards**

- **Pedestrian Access.** The primary entry to individual units or the interior lobby of a courtyard apartment building shall be through the central courtyard.
- **Central Courtyard.**
  - The central courtyard shall be a shared space accessible to all building residents. The central courtyard shall be visible from the primary street frontage. The amount of impervious surface in central courtyard shall not exceed 50 percent of the total courtyard area. The central courtyard shall be at least 30 feet in width.
  - Pathways shall be provided from each unit to the central courtyard and from the central courtyard to a public sidewalk adjacent to the site.
- **Frontage.** The active side yard shall front the street on a corner lot.

#### 17.44.080 F-O: Foothill Overlay

- A. **Purpose.** The purpose of the F-O district is to preserve and enhance the special character of foothill areas in Oroville. Properties within the F-O district are subject to land use and infrastructure standards that reflect the low-density and rural character of these areas.
- B. **Land Use and Infrastructure Standards.** The following land use and infrastructure standards apply in the F-O district:
1. The sale and use of fireworks is prohibited. See Chapter 15.60 (Fire Code).
  2. The City Engineer may approve exceptions to roadway and sidewalk standards, based on site-specific conditions. See Article III of Chapter 12.12 (Installation of Curbs, Gutters, Sidewalks, and Streets).
  3. The City requires street frontage improvements only for development valued at \$52,000 or more. See Section 12.12.010 (Installation Required when Improvements Valued at Fifty-Two Thousand Dollars are Made).
  4. The City may allow postponed street frontage improvements when surrounding development that lacks sidewalks. See Section 12.12.030 (Postponement of Requirement to Install Frontage Improvements).

#### 17.44.090 UA-O: Unique Agriculture Overlay

- A. **Purpose.** The purpose of the UA-O district is to protect and promote small-scale agriculture, family farms, unique crops and historic ways of farming by allowing agricultural support and specialty agriculture uses in areas where the underlying designation may not allow them. The UA-O district accommodates uses that are complementary and accessory to unique agricultural pursuits, including education and tourism. The district also includes provisions to protect adjacent residential and agricultural uses.
- B. **Applicability.** The UA-O district may be combined with the Urban Reserve (UR), Agricultural Residential (RA), Public/Quasi-Public (PQ) and Rural Residential (RR) zones.
- C. **Use Regulations.** Permitted and conditionally permitted uses in the UA-O district are the same as the base district, except as specified below.
1. **Permitted Uses.** The following uses are permitted as-of-right in the UA-O district:
    - a. Agriculture-related museums.

- b. Bed and breakfasts (maximum one per parcel).
- c. Cooking demonstrations and pairing food and wine not sold for consumption.
- d. Farm tours.
- e. Farmstays.
- f. Growing and harvesting unique agricultural products.
- g. Interactive animal displays (e.g., petting farms).
- h. On-site picking of unique agricultural products.
- i. Picnic areas.
- j. Processing, bottling or packaging unique agricultural products produced within the UA-O district.
- k. Public tasting rooms for unique agricultural products produced within the UA-O district.
- l. Selling food catered by licensed vendors.
- m. Selling pre-packaged foods, including by vending machines.
- n. Selling unique agricultural products or merchandise related to the region.
- o. Special events, such as farm trail events, weddings, concerts, parties, educational classes, corporate events and other similar activities.
- p. Trails.

2. **Conditionally Permitted Uses.** A Use Permit is required for small restaurants or cafes (16 seats or less) showcasing locally grown foods.

#### **D. Development and Operational Standards.**

1. **Limitation on Processing Activities.** Permitted agricultural processing activities are limited to products grown, cultivated, or produced within the UA-O district.
2. **Parking.** Minimum on-site parking spots required for uses with the UA-O district are specified in Section 17.12.070 (Parking). Required parking for uses not listed in Section 17.12 (Development Standards) is as determined by the Planning Division.
3. **Hours of Operation.** Retail sales and similar commercial activities may be conducted only between the hours of 7:00 am and 7:00 pm unless otherwise approved as part of a Use Permit.
4. **Tour Buses and Vans.** Tour buses and vans shall not idle more than 10 minutes per hour on-site within the UA-O district, so as to minimize noise and air quality impacts to the area. Buses and tour vans shall be provided with adequate off-street parking and turn-around areas.
5. **Special Events.**

- a. *Number of Attendees.* Attendees allowed at special events in the UA-O district are limited to the number shown in Table 17.44.090-1.

TABLE 17.44.090-1: ATTENDEES AT SPECIAL EVENTS

<b>Total Parcel Size (Acres)</b>	<b>Maximum Number of Attendees (Peak)</b>
1.0 – 2.5	50 people
2.51 – 5.0	100 people
5.01 – 10.0	200 people
10.01 – 20.0	300 people
Over 20 acres	350 people

- b. *Hours of Operation.* Retail sales and similar commercial activities may be conducted only between the hours of 7 am and 7 pm unless otherwise approved as part of a Use Permit.
- c. *Noise.* All special events are subject to the noise standards found in Chapter 9.20 of the Oroville Municipal Code.

**17.44.100 PO-O: Professional Office Overlay**

- A. **Purpose.** The purpose of the PO-O district is to allow professional office uses in addition to the uses allowed by the underlying district to support a vibrant downtown with a diversity of commercial, residential, and office uses.
- B. **Use Regulations.** Permitted and conditionally permitted uses in the PO-O district are the same as the base district, except as specified below.
  - 1. **Permitted Uses.** The following uses are permitted as-of-right in the PO-O district:
    - a. Professional offices
    - b. Commercial art and design studios
    - c. News and journalism offices
    - d. Instructional and production studios
  - 2. **Conditionally Permitted Uses.** Low Impact Personal Services are allowed in the PO-O district with approval of a Use Permit.
- C. **Development Standards.** Development standards in the PO-O district are the same as in the base district.
- D. **Development Review.** Pursuant to Section 17.52.020 (Review Required), development review requirements shall be the same as those of the underlying

base district, including development review requirements for properties within the Downtown Historic Overlay.

#### **17.44.110 ACE-O: Arts, Culture and Entertainment Overlay**

- A. **Purpose.** The purpose of the ACE-O district is to revitalize the historic Downtown as a recreational, community and tourist destination by establishing an Arts, Culture, and Entertainment District (AC&E District) that will capitalize upon existing cultural, historic, and natural resources of the area.
- B. **Use Regulations.** Permitted, conditionally permitted, and uses not allowed in the ACE-O district are the same as the base district, except as specified below.
  - 1. **Permitted Uses.** The following uses are permitted as-of-right in the ACE-O district:
    - a. Museums, art galleries and other uses for the display of visual arts.
    - b. Theatres, concert halls, and uses whose primary business purpose is to perform music, dance, plays and other methods of the performing arts.
    - c. Instructional or production studios for the instruction or production of art, including dance, painting, photography, music, sculpture and related arts, gymnastics, martial arts, yoga or similar activities. There is no specified limitation on instructional spaces or number of artists.
  - 2. **Uses Not Allowed.** The following uses are not allowed in the ACE-O district.
    - a. Vehicle Service or Repair
    - b. Recycling Facility or Center
    - c. Mini-storage facility
    - d. Landscape material sales
- C. **Development Standards.** Development standards in the ACE-O district are the same as in the base district.
- D. **Development Review.** Pursuant to Section 17.52.020 (Review Required), development review requirements shall be the same as those of the underlying base district, including development review requirements for properties within the Downtown Historic Overlay.

**SECTION 13.** The following section is hereby added to Chapter 16.16 to read as follows:

#### **16.16.185 Dedication of Land for Park and Recreation Purposes**

- A. **Purpose.** Pursuant to the authority granted by the Government Code Section 66477, California Quimby Act, this section establishes requirements for dedicating

lands for parks and recreational purposes for the future residents of newly created subdivisions.

**B. Applicability.**

1. **Dedication.** As conditions of approval of a Final Map or Parcel Map, the subdivider shall dedicate land, pay in-lieu fees, or both, at the option of the City.
2. **Exemption.** The provisions of this Section shall apply to all subdivisions except for the following:
  - a. A condominium project or stock cooperative which consists of the subdivision of air space in an existing apartment structure that is more than five years old and has no new residential units proposed.
  - b. A commercial or industrial subdivision.
  - c. A parcel map with no residential uses, containing less than five parcels, unless a building permit for a residential structure is requested for one of the parcels within four years.
3. **Payment of Fee.**
  - a. A subdivision containing 50 or fewer parcels may be required to pay in-lieu fees, but is not required to dedicate land.
  - b. A condominium project, stock cooperative or community apartment project of 50 or fewer parcels may be required to dedicate land if the project exceeds 50 dwelling units.
  - c. A Parcel Map with a residential zoning designation is required to pay an in-lieu fee.

**C. Requirements.**

1. **Dedication Amount.** The subdivider shall provide proportionate land in the amount necessary to have 5 acres per 1,000 residents within the subdivision.
2. **In-Lieu Fees.**
  - a. Where a fee is required to be paid in lieu of parkland dedication, the amount of the fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated.
  - b. The fair market value shall be determined at the time of filing of the Final Map.
  - c. The subdivider, at his or her own expense, shall obtain the appraisal of the property by a qualified and City-approved real estate appraiser, which may be accepted by the Council if found reasonable.
  - d. The City and subdivider shall agree to the fair market value.
3. **Credit for Private Open Space.**

- a. Private open space proposed in a subdivision shall be credited against the requirement of dedication, or in-lieu fee payment, for park and recreation purposes if:
    - i. The private open space proposed will be privately owned and maintained by the future residents of the subdivision.
    - ii. The City Council acknowledges the public's interest to own and maintain private open space.
  - b. Proposed private open spaces shall meet all of the following standards:
    - i. The court areas, setbacks, yards, and other open areas required to be maintained by Title 10 or applicable building regulations shall not be included in the computation of the private open space.
    - ii. The private ownership and maintenance of the open space is adequately provided for by written agreement.
    - iii. The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of the property within the subdivision and which cannot be defeated or eliminated without the consent of the City Council.
    - iv. The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration factors such as access, geology, shape, size, topography, and location of the private open space land.
    - v. The facilities proposed for the open space are in substantial compliance with the provisions of the General Plan, and are approved by the City Council.
4. **Development Schedule.** At the time the Final Map is approved, the City Council shall designate the time when development of the park and recreational facilities shall be commenced.

**D. Determination of Parkland Dedication or In-lieu Fee Payment.**

1. At the time of filing of a Tentative Map for approval, the subdivider shall indicate a preference to dedicate parkland or submit an in-lieu fee payment.
2. A subdivider who prefers to dedicate lands for park and recreational purposes shall designate on the Tentative Map the area to be dedicated.
3. At the time of the Tentative Map approval, the Planning Commission shall determine whether to require parkland dedication, in-lieu fee payment, or the combination of both, with considerations of all of the following:
  - a. The policies and standards for parks and recreation facilities in the General Plan.
  - b. The access, geology, location, and topography of the land in the subdivision available for dedication.

- c. The shape and size of the subdivision and the land available for dedication.

E. **Conditions of Approval.** The Planning Commission may attach conditions to the approval of a Final Map as needed to ensure:

1. Its compliance with Government Code Section 66477, where dedication is required.
2. The fees are deposited with the City before the approval of the Final Map.
3. Submission of open space covenants for private park or recreational facilities before approval of the Final Map and concurrent recordance with the Final Map.

F. **Limitations on the Use of Land and Fees.**

1. The land and fees received in compliance with this Section shall be used only for the purpose of providing park and recreational facilities to serve the subdivision for which received.
2. The location of the land and amount of fees shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.





# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

**Donald Rust**  
DIRECTOR

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2402 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

**PUBLIC NOTICE  
CITY OF OROVILLE  
ORDINANCE NO. 1819  
OROVILLE SUSTAINABLE CODE UPDATES ORDINANCE**

Pursuant to Article VII of the Oroville City Charter, a summary of the proposed action related to the proposed Ordinance has been prepared, as follows:

1. **Oroville Sustainable Code Updates Ordinance:** The Council may consider adopting the Oroville Sustainable Code updates and certification of the Final Supplemental Environmental Impact Report. *(All documents were previously approved on March 31, 2015, by Resolution No. 8344.)* This re-adoption of the "Oroville Sustainable Code Updates" under ordinance is for the purpose of ensuring that the Oroville Municipal Code is properly formatted to reflect the actions of the Council.

Said consideration will be held at a 6:30 p.m. regular City Council meeting on Tuesday, April 4, 2017, in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

Additional information regarding the proposal described in this notice can be obtained from the Oroville City Clerk at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the City Clerk prior to the hearing. In accordance with Government Code Section 65009, if you challenge a decision on this action in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Posted/Published: **Friday, March 24, 2017**

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: GARY LAYMAN, CHIEF BUILDING OFFICIAL (530) 538-2428  
DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: PURCHASE AND INSTALLATION OF HEATING VENTILATION AIR  
CONDITIONING UNIT**

**DATE: MARCH 4, 2017**

**SUMMARY**

The Council may consider ratifying purchase and installation of a heating ventilation air conditioning (HVAC) unit for the Advanced Technology Center (ATC) building from the lowest qualified bidder, Grimes Mechanical, in the amount of \$11,200.

**BACKGROUND**

The existing HVAC unit for the ATC building has been failing for the past three (3) to four (4) years. Staff has been able to provide maintenance to keep them operating in the past, but now the system is beyond repair and damage to evidence is occurring.

Staff requested estimates from three contractors as shown below:

<b>BID SUMMARY</b>	
<b>BIDDER NAME</b>	<b>TOTAL BASE BID</b>
Grimes Mechanical	\$11,200.00
Feather River Air	\$11,850.00
Thresher Heating and A/C	\$8,720.00 Not a Complete Project

Grimes Mechanical was the lowest responding bidder for a complete removal and installation and was fully responsive in a timely manner.

The installation of the HVAC was performed on March 28, 2017.

**FISCAL IMPACT**

The Airport Fund – Maintenance, Buildings & Equipment (4201-6110) will be utilized to fund the project. Available appropriations, \$25,000.

## **RECOMMENDATION**

Ratify the purchase and installation of a heating ventilation air conditioning unit for the Advanced Technology Center building from the lowest qualified bidder, Grimes Mechanical, in the amount of \$11,200.

## **ATTACHMENTS**

A – Qualified Proposals

B – Invoice No. 0328201701 – Grimes Mechanical

Proposal for: Oroville City Evidence room  
Job Address: Chandler St Oroville CA 95965  
Client & Phone:

**Evidence room air conditioning unit change out bid:** **June 23, 2016**

**Found** split system in evidence room needing changed out had a history of needing re-charged. Gaining access to the air conditioner is limited to one or two days a week (when the proper staff is there).

**Upon attic investigation** I found the attic unit was hard to access and there is an abandoned roof top unit curb with the duct work still connected, feeding the space. The abandoned unit has duct work feeding a portion of this area, with of course no air blowing.

**I recommend installing a roof top unit (RTU), using the abandoned roof top curb. This eliminates the limited access and scheduling issues that exist. Service and maintenance can be done on the roof (without entering the building). The RTU replacement and should be up sized from a 2 ton to a 3 ton unit. We should connect the abandoned duct work into the new system in order to get air to all rooms.**

*\*\* I would not recommend a mini split system (such as a MITSUBUCHI) due to access and scheduling restraints in the event of service or maintenance needs.*

- |   |
|---|
| • Provide and install new roof top gas/electric     |
| • Demo old system, crane off old and crane up new   |
| • Land all line voltage, run gas line and stat wire |
| • Re rout all duct work so that it is one system    |
| • Start up  |

<b>TOTAL:</b>	<b>\$11,200</b>
---------------	-----------------

<b>EXCLUDES: Anything not spelled out above.</b>
--

6/23/2016

*Scott Grimes*

grimesmechanical@gmail.com

(530)870-6620

grimesmechanical.com

6210 Miners Ranch Rd. Oroville, CA 95966

(530)589-1272 Office

# Proposal

## Feather River Aire

1650 Feather River Blvd.

Oroville, CA 95965

(530) 589-2260

Lic. #906742

featherriveraire.com

July 22, 2016

Reference #: 2084-102

Due Date: 8/21/2016

B.I.N.T.F Storage Facility  
City of Oroville  
Oroville, CA

### Job Name:

Jim G.  
Off of Challenger  
Oroville, CA 95965

693-0086

### We Hereby Submit Specifications And Estimates For:

Installation of a 3 ton package unit

Make: Bryant Mdl: 577CNWB036070 R-410A, 14 S.E.E.R 208-230V

Proposal includes:

Removal & disposal of existing unit, installation of new unit with gas connections, new curb, plenums, duct connection, electrical disconnect, programable T-stat, materials and labor to complete described work.

- Relocate 220 Electrical 40amp circuit programmable
- Permits/HERS (Title 24 testing)
- Roofing repair around new unit
- Labor for installation to meet local prevailing wage scale

Material	Subtotal	Total
11850.00	11850.00	\$11,850.00

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon delays beyond our control. Purchaser agrees to pay all costs of collection, including attorney's fees. This proposal may be withdrawn by us if not accepted by the above due date .

Authorized  
Signature \_\_\_\_\_

Acceptance  
Signature \_\_\_\_\_

Date \_\_\_\_\_

INVOICE #: 0328201701

Oroville City Evidence room

Job Address: Chandler St Oroville CA 95965

Date: March 28,2017

**Evidence room air conditioning unit change out bid:**

(Bid date, June 23, 2016)

**Found** split system in evidence room needing changed out had a history of needing re-charged. Gaining access to the air conditioner is limited to one or two days a week (when the proper staff is there).

**I recommend installing a roof top unit (RTU), using the abandoned roof top curb. This eliminates the limited access and scheduling issues that exist. Service and maintenance can be done on the roof (without entering the building). The RTU replacement and should be up sized from a 2 ton to a 3 ton unit. We should connect the abandoned duct work into the new system in order to get air to all rooms.**

- Work performed 3-28-17
- Provide and install new **BRYANT 3ton** roof top gas/electric
- Demo old system, crane off old and crane up new
- Land all line voltage, run gas line and stat wire
- Re rout all duct work so that it is one system
- Start up

**TOTAL DUE:****\$11,200****Thank you for the work!***Scott Grimes*

grimesmechanical@gmail.com

(530)870-6620

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III  
DONALD RUST, DIRECTOR COMMUNITY DEVELOPMENT**

**RE: HOUSING SUCCESSOR AGENCY ANNUAL REPORT (2016)**

**DATE: APRIL 4, 2017**

**SUMMARY**

The City Council will receive and file the Housing Element Annual Progress Report for 2016 and the Housing Successor Agency Annual Report (APR) for fiscal year 2015-16 that was submitted to the State Department of Housing and Community Development (“HCD”) on April 1, 2017.

**DISCUSSION**

*Housing Element Annual Progress Report for 2016*

State law requires that general law cities prepare an annual progress report to monitor fulfillment of regional housing needs as set forth in a local housing element. Though charter cities are not subject to this requirement, completion of these progress reports are not only an effective way to track activities during housing element cycles, but are often required to be submitted as part of several grant programs, even if the local agency is a charter city. For this reason, the City has typically prepared and filed an APR annually.

The 2016 APR summarizes actives for the calendar year and the duration of the 2014-2022 planning cycle. During the year, only 3 new market-rate units were permitted, thereby bringing the total production for the planning period to 74 units, as summarized below:

<b>Building Permits by Income Level</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Period Total</b>	<b>2014-2022 RHNA Allocation</b>
Very Low	0	0	0	0	419
Low	50	0	0	50	284
Moderate	0	0	0	0	306
Above Moderate	20	1	3	24	784
Totals	70	1	3	74	1,793

Based on this production, the City saw 3 of the 1,793 Regional Housing Needs Assessment (“RHNA”) allocation met during the period. The 2016 report also incorporates information on housing programs from the 2014 and 2015 Housing Element Updates.

### Housing Successor Annual Report for FY 2015-16

The City of Oroville (“City”) is the Housing Successor entity of the former Oroville Redevelopment Agency (“Agency”), which was dissolved on February 1, 2012. This is the third annual report of the City with respect to the inherited affordable housing obligations from the former Agency. The Report summarizes housing successor duties under Senate Bill 341, Assembly Bill 1793, and Senate Bill 107. The Report outlines total cash flow and balance of the Housing Asset Fund, the inventory of properties held in the Asset Fund, as well as the how the City is performing thus far in meeting the project expenditure requirements towards very low and extremely low-income housing.

### **Land Transactions and Development**

The Agency transferred 19 real properties and 59 loan agreements to the City in 2012. Through the Lease to Purchase Program during Fiscal Year 2015-16, the City sold one single-family home. Two additional homes are in contract to be sold. Out of the original 59 loan agreements, 23 have been paid off. In Fiscal Year 2015-16, loan repayments totaled \$181,516.

### **Debt Obligations**

The City has not issued any bonds or entered into any loans or financing agreements related to multi-family rental housing projects since it was activated on April 5, 2011.

### **Rents and Operations**

The City does not collect any rents.

### **Low and Moderate Income Housing Asset Fund**

The Housing Asset Fund includes all assets that were transferred from the former Agency to the City. The assets include:

- Real properties
- Affordable housing covenants
- Personal property (a staff vehicle)
- Loans receivable
- Residual receipts



The City deposited \$532,501 into the Housing Asset Fund during Fiscal Year 2015-16 (primarily loan repayments); Housing Asset Fund expenditures were \$281,165 (primarily administrative costs, foreclosure purchase, and a Lease to Purchase loan). At the close of the fiscal year, the ending balance in the Housing Asset Fund was \$1,054,777.

### **Outstanding Inclusionary and Replacement Housing Obligations**

The City does not have any outstanding unit production obligations to fulfill leftover from the former Agency.

### **Expenditure Proportionality**

The City expended funds on administrative costs within the annual limits. Within the five-year compliance period, the City has spent \$160,000 on Lease to Purchase Program loans for low income households. Presently, the \$160,000 spent on low income housing projects is approximately 70% of the total project expenditures. In order to avoid a temporary moratorium on spending more Housing Asset Funds on low income housing projects, the City will need to first spend at least \$640,000 on very low and extremely low income housing projects. Of the \$640,000 that should be expended on very low or extremely low income housing projects, at least \$240,000 must be spent on rental housing affordable to extremely low income households. The City has made a preliminary commitment of \$660,000 towards the development of Sierra Heights project which may have as many as 6 extremely low income units if developed as anticipated during the next few years.

### **Excess Surplus**

This calculation cannot be performed until four years of deposits have been made into the Housing Asset Fund. The purpose of this requirement is to ensure that Housing Asset Fund monies are spent on low income housing. The City should plan to encumber or expend funds to meet excess surplus requirements.

### **Inventory of Homeownership Units**

An inventory of homeownership units assisted by the former Agency subject to affordable housing covenants or restrictions are attached to the report as Appendix B.

### **Deposits from City to Agency Loan Repayments**

There were no loan repayments made to the City in FY 2015-16, so no monies were deposited in to the Low and Moderate Income Housing Asset Fund based on this provision of the law.

**FISCAL IMPACT**

There is no Fiscal Impact associated with this action.

**RECOMMENDATION**

None.

**ATTACHMENTS**

- A - 2016 Housing Element APR
- B - 2015-16 Housing Successor Annual Report

## ANNUAL ELEMENT PROGRESS REPORT *Housing Element Implementation* (CCR Title 25 §6202 )

Jurisdiction City of Oroville  
Reporting Period 1/1/2016 - 12/31/2016

**Table A**

### Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions		
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development  See Instructions	Deed Restricted Units  See Instructions	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income					
(9) Total of <b>Moderate and Above Moderate</b> from Table A3 ▶▶			0	0	0	0					
(10) Total by income Table A/A3 ▶▶											
(11) Total <b>Extremely Low-Income</b> Units*											

\* Note: These fields are voluntary

## ANNUAL ELEMENT PROGRESS REPORT

### *Housing Element Implementation*

(CCR Title 25 §6202 )

**Jurisdiction** City of Oroville  
**Reporting Period** 1/1/2016 - 12/31/2016

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity				0	
(2) Preservation of Units At-Risk				0	
(3) Acquisition of Units				0	
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for <b>Moderate</b>						0	
No. of Units Permitted for <b>Above Moderate</b>	3					3	

\* Note: This field is voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

**Jurisdiction**      City of Oroville  
**Reporting Period**      1/1/2016 - 12/31/2016

**Table B**

**Regional Housing Needs Allocation Progress**

**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2014	2015	2016	2017	2018	2019	2020	2021	2022	Total Units to Date (all years)	Total Remaining RHNA by Income Level
<b>Income Level</b>		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	419										419
	Non-deed restricted											
Low	Deed Restricted	284	50								50	234
	Non-deed restricted											
Moderate	Deed Restricted	306										306
	Non-deed restricted											
Above Moderate		784	20	1	3						24	760
Total RHNA by COG. Enter allocation number:		1,793										
Total Units ▶ ▶ ▶			70	1	3						74	1,719
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

**Jurisdiction**      City of Oroville  
**Reporting Period**      1/1/2016 - 12/31/2016

**General Comments:**

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## HOUSING SUCCESSOR AGENCY ANNUAL REPORT

City of Oroville  
(Housing Successor to the former  
Oroville Redevelopment Agency)

FY 2015-16

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## INTRODUCTION

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The City of Oroville (“City”) is the Housing Successor entity of the former Oroville Redevelopment Agency (“Agency”). The Agency was dissolved by California State law on February 1, 2012. The former Agency’s affordable housing rights, powers, assets, liabilities, duties, and obligations, excluding any amounts in the Agency’s Low and Moderate Income Housing Fund, were transferred to the City. Housing assets and liabilities were transferred to the City through a Housing Asset Transfer Form approved by the Department of Finance (“DOF”) on September 7, 2012. Unlike the former Agency, the City does not collect a recurring stream of funds to fulfill affordable housing obligations and needs.

This annual report contains information regarding expenditures and program activity to comply with legal requirements imposed by Senate Bill (“SB”) 341 (effective January 1, 2014), Assembly Bill (“AB”) 1793 (effective January 1, 2015), and SB 107 (effective September 22, 2015).

## DEFINITION OF HOUSING ASSETS

According to Health and Safety Code (“HSC”) Section 34176(e), housing assets may include the following.

- Real property
- Restrictions on the use of property
- Personal property in a residence
- Housing-related files
- Office supplies and software programs acquired for low-and moderate-income purposes
- Funds encumbered by an enforceable obligation
- Loan or grand receivable funded from the former LMIHF
- Funds derived from rents or operation of properties acquired for low-and moderate-income housing purposes
- Rents or payments from housing tenants or operators of low-and moderate-income housing
- Repayment of Supplemental Educational Revenue Augmentation Fund loans

Most assets transferred from the former Agency to the City include real properties, affordable housing covenants, and loans receivable.

## REPORTING REQUIREMENTS FOR HOUSING SUCCESSOR AGENCIES

SB 341 and related legislation clarified that all former redevelopment agency housing assets, regardless of their originating redevelopment agency, must be maintained in a separate fund called the Low and Moderate Income Housing Asset Fund (“Housing Asset Fund”). In accordance with HSC Section 34176.1(f), the following data must now be reported annually for the Housing Asset Fund. Please note that while annual reporting is required, compliance periods may be longer, as described below. Not all items are applicable to all housing successors.

1. Total amount deposited in the Housing Asset Fund for the Fiscal Year.
2. Statement of balance at the close of the Fiscal Year.
3. Description of expenditures for Fiscal Year broken out as follows:
  - a. Rapid rehousing or homelessness prevention (maximum of \$250,000 per year)
  - b. Administrative expenses (greater of \$200,000 or 5% of “portfolio”)
  - c. Monitoring expenses (included as an administrative expense)
  - d. All other expenditures must be reported as spent for each income group (extremely low-, very low-, and low income)
4. Sum of other “Portfolio” balances
  - a. Statutory value of real property either transferred from the former Agency or purchased by the Housing Asset Fund.
  - b. Value of loans and grants receivable.
5. Descriptions of any transfers to another housing successor for a joint project.
6. Description of any project still funded through the Recognized Obligation Payment Schedule (“ROPS”).
7. Update on property disposition for any property owned more than five years or plans for property owned less than five years.
8. Description of any outstanding production obligations of the former redevelopment agency that are inherited by the Housing Successor.
9. Compliance with proportionality requirements (income group targets). Compliance must be upheld on a five-year cycle.
10. Percentage of deed-restricted rental housing restricted to seniors and assisted by the entity assuming housing functions, the former Agency, or the City within the past 10 years compared to the total number of units assisted by any of those three agencies.

11. Amount of excess surplus, and if any, the plan for eliminating the surplus.
12. An inventory of homeownership units assisted by the former Agency or its housing successor subject to covenants or restrictions.
13. The amount the City receives from the repayment of City loans to the former Agency pursuant to HSC 34191.4(b)(3)(C) (if any).

## **LOW AND MODERATE INCOME HOUSING ASSET FUND**

The Housing Asset Fund includes all assets that were transferred from the Agency to the City via the Housing Asset Transfer form, which included:

1. Real properties,
2. Affordable housing covenants,
3. Personal property (a staff vehicle),
4. Loans receivable, and
5. Residual receipts.

A copy of Oroville's Housing Asset Transfer Form listing all transferred assets is included as Appendix A.

## **HOUSING ASSET FUND DEPOSITS AND ENDING BALANCE**

The City deposited \$532,501 into the Housing Asset Fund during Fiscal Year 2015-16. The source of the deposits was from interest earnings, fees, loan repayments, and other miscellaneous sources. No deposits were held for items on the Oroville Successor Agency's ROPS.

Fiscal year 2015-16 Housing Asset Fund expenditures totaled \$281,165. Expenses included costs for general administration, monitoring of affordability covenants, property maintenance and operations, outside service fees such as appraisals and credit checks, and program expenditures. Expenses include a \$181,735 foreclosure purchase, however that is not designated as a program-related expense because the cash used for the purchase was converted to real property value. If foreclosure properties are sold or repurposed for affordable housing, the acquisition expense may be applied as a program-related expense based on the income category of the household that is eventually assisted. Program-related expenditures are discussed in greater detail later in this report.

**Fiscal Year 2015-16 Housing Asset Fund Activity** **Table 1**

**City of Oroville**

Beginning Balance	\$	828,218
Revenues	\$	532,501
Expenditures <sup>1</sup>	\$	(281,165)
Transfers In	\$	-
Transfers Out <sup>2</sup>	\$	(24,777)
Ending Balance <sup>3</sup>	\$	1,054,777

<sup>1</sup> Includes a \$181,735 foreclosure purchase that was converted from cash to real property value. This is not considered a program expense in Table 2.

<sup>2</sup> Transfer out for labor allocation. Considered an administrative expense in Table 2.

<sup>3</sup> These are draft figures that may change after the 2015-16 CAFR is finalized.

Source: City of Oroville Fund 141 Trial Balance

At the close of fiscal year 2015-16, the ending balance in the Housing Asset Fund was \$1,054,777. No amounts are held for enforceable obligations on the ROPS.

**EXPENDITURE LIMITATIONS**

The HSC provides the following guidelines for expenditures from the Housing Asset Fund:

1. Administrative costs, which include housing monitoring, are capped at \$200,000 or 5% of the statutory value of any land owned by the housing successor and of loans and grants receivable. Oroville’s administrative cost cap for Fiscal Year 2015-16 was \$368,927 based on this formula.
2. A housing successor is authorized to spend up to \$250,000 per year on homeless prevention and rapid rehousing services if the former Agency did not have any outstanding housing production requirements. The former Agency had a surplus of affordable housing production units; therefore, the City can spend money on this category if it chooses and funding is available.
3. Remaining allowable expenditures must be spent on the development of housing affordable to households earning 80% or less of the area median income (“AMI”). This means that no funding may be spent on moderate-income households, as was previously authorized by redevelopment law. Of the money expended, a minimum of 30% must go towards the development of rental housing affordable to households earning 30% or less

of the AMI, and a maximum of 20% may go towards the development of housing affordable to households earning between 60% and 80% of the AMI.

“Development” in this context means new construction, acquisition and rehabilitation, substantial rehabilitation, the acquisition of long-term affordability covenants on multifamily units, or the preservation of an assisted housing development (i.e. extending the term of affordability restrictions).

Note that housing successors must report expenditures by category each year, but compliance is measured every five years. For example, a housing successor could spend all of its funds in a single year on households earning between 60% and 80% AMI, as long as it was 20% or less of the total expenditures during the five-year compliance period. The first five-year compliance period began on January 1, 2014 and ends on June 30, 2019. Compliance will be evaluated in the annual report for Fiscal Year 2018-19.

Table 2 summarizes Housing Asset Fund expenditures on administrative costs and rapid rehousing solutions in Fiscal Year 2015-16, and affordable housing activities by income level made in the first five-year compliance period thus far.

**Compliance Period Housing Asset Fund Expenditures**

**Table 2**

**City of Oroville**

	Admin/ Monitoring	Rapid Rehousing/ Homeless Prev	Ext. Low Rental <30% AMI	Very Low 30-60% AMI	Low 60-80% AMI	Total Project Related
<b>Fiscal Year 2015-16 Expenditures</b>						
Administration	56,358					-
Project Related <sup>1</sup>		-	-	-	65,000	65,000
<b>FY 2015-16 Total</b>	<b>\$ 56,358</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 65,000</b>	<b>\$ 65,000</b>
<b>Compliance Period Expenditures</b>						
	Annual Limit		Five-Year Limits (1/1/14 to 2018-19)			
FY 2013-14	119,707	-	-	-	95,000	95,000
FY 2014-15	71,179	-	-	-	-	-
FY 2015-16	56,358	-	-	-	65,000	65,000
FY 2016-17		TBD			TBD	
FY 2017-18		TBD			TBD	
FY 2018-19		TBD			TBD	
<b>Total Expenditures<sup>1</sup></b>	<b>N/A</b>	<b>N/A</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 160,000</b>	<b>\$ 160,000</b>
<b>Percent of Total</b>			<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
<i>SB 341 Limitation<sup>2</sup></i>	<i>\$ 374,418</i>	<i>\$ 250,000</i>	<i>&gt;30%</i>	<i>N/A</i>	<i>&lt;20%</i>	
<b>Compliant (Yes/No)</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>		<b>No</b>	
<i>Minimum Ext. Low Rental &amp; Very Low Expenditures</i>			<i>\$ 240,000</i>	<i>\$ 400,000</i>	<i>\$ 160,000</i>	<i>\$ 800,000</i>
<i>Required for Future Compliance</i>			<i>30%</i>	<i>50%</i>	<i>20%</i>	<i>100%</i>

<sup>1</sup> Consists of Lease to Purchase Program paper loans that are recorded as an expense and revenue.

<sup>2</sup> Displays 2015-16 Annual Limits for Admin/Monitoring. The Annual Limit changes each year based on the value of real properties and loans receivable.

Source: City of Oroville, Fund 141 Accounting Records

From January 1, 2014 through June 30, 2016, the City spent \$160,000 on Lease to Purchase paper loans for a low income households from the Housing Asset Fund. The City may exceed the 20% maximum limit on expenditures for low income housing, unless it can substantially increase expenditures towards both extremely low and very low income housing within the next few years. Presently, the \$160,000 spent on low income housing projects is approximately 70% of the total project expenditures. In order to avoid a temporary moratorium on spending more Housing Asset Funds on low income housing projects, the City will need to first spend at least

\$640,000 on very low and extremely low income housing projects. Of the \$640,000 that should be expended on very low or extremely low income housing projects, at least \$240,000 must be spent on rental housing affordable to extremely low income households. The City has made a preliminary commitment of \$660,000 towards the development of Sierra Heights project which may have as many as 6 extremely low income units if developed as anticipated during the next few years.

## STATUTORY VALUE OF REAL PROPERTIES AND LOAN RECEIVABLES

The City must report the statutory value of real properties formerly owned by the Agency or purchased by the City with Housing Asset Funds, and the value of loans and/or grants receivable transferred on the Housing Asset Transfer Form. The City inherited 19 real properties and 59 loan agreements from the former Agency. Table 3 shows the total value of real properties and loans receivable. The Housing Asset Transfer Form in Appendix A shows more detailed information about each property and loan receivable.

<b>Fiscal Year 2015-16 Real Properties and Receivables</b>	<b>Table 3</b>
<b>City of Oroville</b>	
Value of Real Properties	\$ 1,140,296
Value of Loans Receivable	\$ 6,348,062
<b>Total Value<sup>1</sup></b>	<b>\$ 7,488,358</b>

<sup>1</sup> These are draft figures that may change after the 2015-16 CAFR is finalized.

Source: City of Oroville

Since the Housing Asset Transfer form was adopted, the City sold nine single-family homes through the Lease to Purchase Program, and is in contract to sell two more homes. Lease to Purchase Program sales totaled \$810,000 (\$65,000 in Fiscal Year 2015-16); however these are paper loan transfers documenting loans made to assist homebuyers and not cash revenues. The City also sold a plot of land at 1511 Robinson Street to develop a senior housing project in Fiscal Year 2013-14. Additionally, 23 loans have been paid off since they were transferred to the City. This includes 11 Rehabilitation Program loans, 10 Front Yard Landscape Improvement Program loans, one First-Time Homebuyer Loan, and one loan for a senior affordable housing development. Total Fiscal Year 2015-16 loan repayments totaled \$181,516.



## **PROPERTY AND PROJECT DESCRIPTIONS**

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The Agency transferred 19 real properties to the City on the Housing Asset Transfer Form. Table 4 describes each property and their current development or disposition status. Ten properties have sold and two are in contract to be sold since assets were transferred to the City. One property was sold in FY 2015-16 and two were sold in FY 2016-17; the remaining properties were sold in prior years. The City is developing a strategy for the disposition or development of remaining seven properties (see the first seven properties listed on Table 4).

It is taking several factors into consideration, including whether it is more beneficial to develop properties to provide housing, or to receive sales proceeds to spend on affordable housing activities within the expenditure limitations set by SB 341.

**Properties Transferred from the Former Redevelopment Agency**

**Table 4**

**City of Oroville**

HAT Item	Address	Property Type	Status / Desired Action	Notes
2	1550 & 1560 Veatch St.	Vacant land	Considering sale	Former mobile home lots
5	3265 Glen Avenue	Single-family	Considering sale	Foreclosure purchase
17	APN 033-232-021 (Oroville Dam Blvd)	Vacant land	Considering sale	
18	APN 033-232-001 (Oroville Dam Blvd & Highlands)	Vacant land	Considering sale	
1	1130 Pomona Avenue	Vacant land	Considering sale or developing single-family home	
6	1289 Robinson St.	Single-family	Demolish (unsafe), then retain or sell	Foreclosure purchase
3	1729 Boynton Avenue	Single-family	Hold as relocation house for rehabilitation program	Foreclosure purchase
8	33 Canyon Highlands	Single-family	In contract for LPP	
11	115 Worthy Avenue	Single-family	In contract for LPP	
9	2712 Spencer Avenue	Single-family	Sold through LPP	
10	3027 Florence Avenue	Single-family	Sold through LPP	
12	218 Windward Way	Single-family	Sold through LPP	
13	1800 Pine Street	Single-family	Sold through LPP	
14	2178 Bridge St.	Single-family	Sold through LPP	
15	2950 El Noble Ave.	Single-family	Sold through LPP	
16	1930 Grant Ave.	Single-family	Sold through LPP	
4	3054 Spencer Avenue	Single-family	Sold on 12/28/16	Revenues will be reported in FY 2016-17 Report
7	770 Robinson St.	Single-family	Sold on 7/21/16	Revenues will be reported in FY 2016-17 Report
19	1511 Robinson St.	Vacant land	Sold to PEP housing to develop Orange Tree Senior Housing	

## PROPERTY DISPOSITION COMPLIANCE

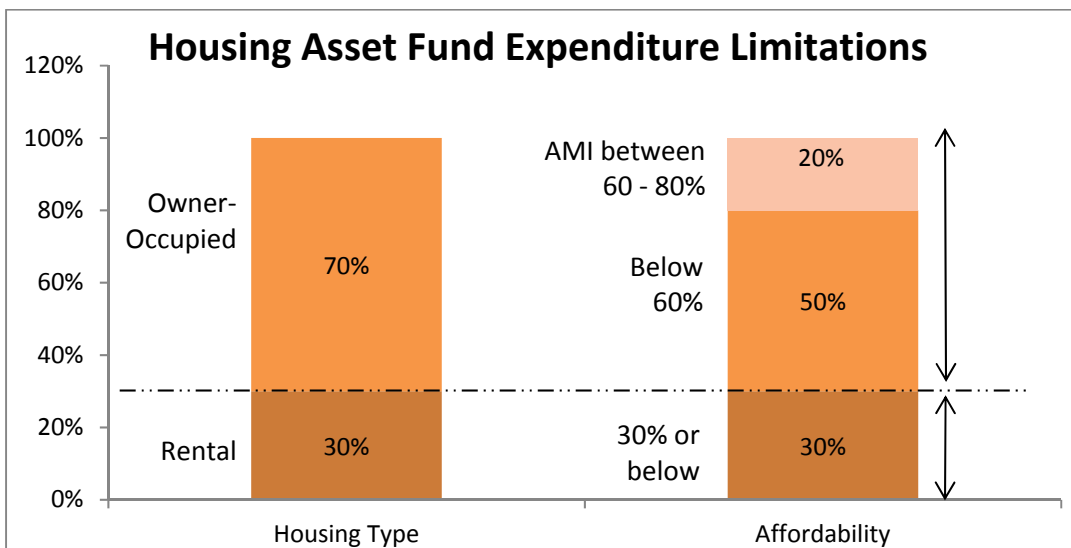
HSC Code Section 34176(e) requires that all real properties acquired by the Agency prior to February 1, 2012 and transferred to the City be developed for affordable housing purposes or sold within five years from the date DOF approved the Housing Asset Transfer Form. Oroville’s original Housing Asset Transfer Form was approved by DOF on September 7, 2012, setting a five-year deadline of September 7, 2017. If the City is unable to develop these properties within the five-year period, the law allows for a five-year extension via adoption of a resolution. The City plans on extending the deadline as permitted by law and is developing a strategy that will comply with disposition requirements.

## OUTSTANDING INCLUSIONARY AND REPLACEMENT HOUSING OBLIGATIONS

The former Agency had a surplus of over 200 affordable housing units as of February 1, 2012. There are no outstanding inclusionary or replacement housing obligations to be fulfilled by the City.

## INCOME EXPENDITURE PROPORTIONALITY

Expenditures from the Housing Asset Fund shall be limited to the development of housing affordable to and occupied by lower income households earning 80% or less of the AMI. At least 30% of expenditures must be on the development of rental housing for households earning 30% or less of the AMI. Not more than 20% of expenditures may be spent on the development of housing for households earning between 60% and 80% of the AMI.



Failure to comply with the extremely low income requirement in any five-year compliance period will result in the City having to ensure that 50% of remaining funds be spent on extremely low income rental units until in compliance. Exceeding the expenditure limit for households earning between 60% and 80% of the AMI in any five-year compliance period will result in the City not being to expend any funds on these income categories until in compliance.

As depicted in Table 2, the City has expended funds on low income households. Staff will ensure that the City meets expenditures proportionality requirements by the end of the first five-year compliance period in Fiscal Year 2018-19.

### **SENIOR HOUSING EXPENDITURE PROPORTIONALITY**

This report must include an accounting of deed-restricted senior rental units that were produced over the last 10 years. The City must expend no more than 50% of the aggregate total number of senior housing units produced by either the City or former Agency during the past 10 years. Exceeding this limitation will prohibit the use of Housing Asset Funds to subsidize any senior rental units.

Multi-family projects that had affordability agreements executed within the last 10 years are listed in Table 5. These projects had a total aggregate number of 179 deed-restricted units, of which 50 (28%) are restricted to seniors. The City may spend more money subsidizing senior rental units in the future; however, it must ensure that no more than 50% of the total aggregate number of rental units produced within the preceding 10 years are restricted to seniors.

**Deed-Restricted Rental Units Assisted in 2006-07 through 2015-16** **Table 5**

**City of Oroville**

Property	Year Assisted	Senior Units	%	Non-Senior Units	%	Total Units
Orange Tree Senior Apartments	2012	50	100%		0%	50
Hillview Ridge Apartments	2008		0%	72	100%	72
Hillview Ridge Apartments II	2011		0%	57	100%	57
<b>Total</b>		<b>50</b>		<b>129</b>		<b>179</b>

**Total Deed-Restricted Senior Units: 28%**

## **EXCESS SURPLUS**

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Excess surplus calculations were once performed by redevelopment agencies on an annual basis, and are intended to ensure that funds are expended to benefit low-income households in an expeditious manner. Generally speaking, funds should be encumbered within four years of receipt. SB 341 reinstated this calculation for housing successors. Excess surplus is defined by HSC Section 34176.1(d) as “an unencumbered amount in the account that exceeds the greater of one million dollars, or the aggregate amount deposited into the account during the housing successor’s preceding four fiscal years, whichever is greater.”

The first meaningful calculation of this total cannot be performed until the close of the fifth fiscal year. After four years of deposits have been established, the City must perform a true excess surplus calculation at the close of the fifth year, comparing the unencumbered fund balance to the prior four years of deposits. As the general purpose of the excess surplus calculation is to ensure that money is expended for low-income purposes, the best action for the City is to encumber or expend money currently on deposit.

## **INVENTORY OF HOMEOWNERSHIP UNITS**

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AB 1793 requires this report to include an inventory of homeownership units assisted by the former Agency or the housing successor that are subject to covenants or restrictions or to an adopted program that protects the former Agency’s investment of moneys from the LMIHF. This inventory is attached as Appendix B.

## **DEPOSITS FROM CITY TO AGENCY LOAN REPAYMENTS**

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HSC Section 34191.4(b)(3)(C) requires that twenty percent of any loan repayment made from a successor agency to a City for a loan to the former redevelopment agency be deducted from the loan repayment amount and transferred to the Housing Asset Fund. There were no loan repayments made to the City in FY 2015-16, so no monies were deposited in to the Housing Asset Fund based on this provision of the law.

**APPENDIX A - HOUSING ASSET TRANSFER FORM**

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**DEPARTMENT OF FINANCE  
 OROVILLE HOUSING ASSETS LIST  
 ASSEMBLY BILL X1 26 AND ASSEMBLY BILL 1484  
 (Health and Safety Code Section 34176)**

Former Redevelopment Agency: Oroville Redevelopment Agency

Successor Agency to the Former Redevelopment Agency: City of Oroville

Entity Assuming the Housing Functions of the former Redevelopment Agency: City of Oroville

Entity Assuming the Housing Functions Contact Name: Pat Clark-Griffin Title Interim City Manager Phone (530) 538-2403 E-Mail Address clarkpi@cityoforoville.org

Entity Assuming the Housing Functions Contact Name: \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_ E-Mail Address \_\_\_\_\_

All assets transferred to the entity assuming the housing functions between February 1, 2012 and the date the exhibits were created are included in this housing assets list. The following Exhibits noted with an X in the box are included as part of this inventory of housing assets:

Exhibit A - Real Property	<b>X</b>
Exhibit B- Personal Property	<b>X</b>
Exhibit C - Low-Mod Encumbrances	
Exhibit D - Loans/Grants Receivables	<b>X</b>
Exhibit E - Rents/Operations	<b>X</b>
Exhibit F- Rents	<b>X</b>
Exhibit G - Deferrals	

Prepared By: Pat Clark-Griffin

Date Prepared: 8/1/2012

**City of Oroville  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of Asset a/	Legal Title and Description	Carrying Value of Asset b/	Total square footage	Square footage reserved for low-mod housing	Is the property encumbered by a low-mod housing covenant? c/	Source of low-mod housing covenant d/	Date of transfer to Housing Successor Agency e/	Construction or acquisition cost funded with Low-Mod Housing Fund monies f/	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition by the former RDA	Interest in real property (option to purchase, easement, etc.)
1	Land Held for Development for Low-Mod Housing	1130 Pomona Avenue	\$20,000	N/A	N/A	N/A	N/A	02/01/12	See footnote /f	N/A	N/A	04/06/04	Ownership
2	Land Held for Development for Low-Mod Housing	1550 & 1560 Veatch St.	\$87,037	N/A	N/A	N/A	N/A	02/01/12	See footnote /f	N/A	N/A	02/18/05	Ownership
3	Low-Mod Housing	1729 Boynton Avenue	\$92,000	1,329	1,329	no	N/A	02/01/12	See footnote /f	N/A	N/A	01/11/11	Ownership
4	Low-Mod Housing	3054 Spencer Avenue	\$83,400	704	704	no	N/A	02/01/12	See footnote /f	N/A	N/A	02/27/08	Ownership
5	Low-Mod Housing	3265 Glen Avenue	\$105,000	1,544	1,544	no	N/A	02/01/12	See footnote /f	N/A	N/A	08/15/08	Ownership
6	Low-Mod Housing	1289 Robinson St.	\$160,000	2,377	2,377	no	N/A	02/01/12	See footnote /f	N/A	N/A	06/22/10	Ownership
7	Low-Mod Housing	770 Robinson St.	\$93,000	1,060	1,060	no	N/A	02/01/12	See footnote /f	N/A	N/A	08/22/08	Ownership
8	Low-Mod Housing	33 Canyon Highlands	\$110,000	912	912	no	N/A	02/01/12	See footnote /f	N/A	N/A	04/12/10	Ownership
9	Low-Mod Housing	2712 Spencer Avenue	\$95,000	1,144	1,144	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	10/08/03	Ownership
10	Low-Mod Housing	3027 Florence Avenue	\$102,000	1,152	1,152	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	01/25/06	Ownership
11	Low-Mod Housing	115 Worthy Avenue	\$122,000	1,057	1,057	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	04/17/08	Ownership
12	Low-Mod Housing	218 Windward Way	\$125,000	1,144	1,144	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	01/25/08	Ownership
13	Low-Mod Housing	1800 Pine Street	\$85,000	736	736	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	05/11/06	Ownership
14	Low-Mod Housing	2178 Bridge St.	\$80,000	1,320	1,320	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	06/11/11	Ownership
15	Low-Mod Housing	2950 El Noble Ave.	\$90,000	960	960	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	09/28/04	Ownership
16	Low-Mod Housing	1930 Grant Ave.	\$135,000	1,458	1,458	yes	Lease/Purchase Agreement	02/01/12	See footnote /f	N/A	N/A	04/29/08	Ownership
17	Land Held for Development for Low-Mod Housing	033-232-021	\$23,500	N/A	N/A	N/A	N/A	02/01/12	See footnote /f	N/A	N/A	05/25/06	Ownership
18	Land Held for Development for Low-Mod Housing	033-232-001	\$23,500	N/A	N/A	N/A	N/A	02/01/12	See footnote /f	N/A	N/A	05/25/06	Ownership
19	Land Held for Development for Low-Mod Housing	1511 Robinson St.	unknown	N/A	N/A	N/A	N/A	02/01/12	See footnote /f	N/A	N/A	02/18/05	Ownership
20	Low-Mod Housing	719 High Street	unknown	1,214	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	05/16/12	Restricted Covenant
21	Low-Mod Housing	194 Canyon Highlands	unknown	1,737	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	10/25/2011	Restricted Covenant
22	Low-Mod Housing	3462 Argonaut Ave.	unknown	1,029	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	9/28/2011	Restricted Covenant
23	Low-Mod Housing	244 Grand Avenue	unknown	996	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
24	Low-Mod Housing	2966 Florence Ave.	unknown	1,046	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
25	Low-Mod Housing	2786 El Noble Ave.	unknown	1,021	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant



26	Low-Mod Housing	2 Highlands Blvd.	unknown	1,307	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
27	Low-Mod Housing	134 Morningstar Ave.	unknown	1,057	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
28	Low-Mod Housing	22 Butte Woods Dr.	unknown		N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
29	Low-Mod Housing	3630 Argonaut Ave.	unknown	1,272	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
30	Low-Mod Housing	134 Nelson Ave.	unknown		N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
31	Low-Mod Housing	3495 Argonaut Ave.	unknown	912	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
32	Low-Mod Housing	860 Gardella Ave.	unknown	936	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
33	Low-Mod Housing	1645 High St.	unknown	1,570	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
34	Low-Mod Housing	1845 Bridge St.	unknown	909	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
35	Low-Mod Housing	127 Flying Cloud Dr.	unknown	1,175	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
36	Low-Mod Housing	2620 Yard St.	unknown	1,255	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
37	Low-Mod Housing	2170 Mitchell Ave.	unknown	788	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
38	Low-Mod Housing	1217 Bird St.	unknown	1,053	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
39	Low-Mod Housing	2031 Campbell Ave.	unknown	900	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
40	Low-Mod Housing	2955 Orange Ave.	unknown	1,215	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
41	Low-Mod Housing	2 La Cresenta Dr.	unknown	1,125	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
42	Low-Mod Housing	2015 Corto St.	unknown	1,344	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
43	Low-Mod Housing	2236 Del Oro Ave.	unknown	774	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
44	Low-Mod Housing	2078 Campbell Ave.	unknown	900	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
45	Low-Mod Housing	35 La Cresenta Dr.	unknown	1,085	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
46	Low-Mod Housing	757 Gardella Ave.	unknown	1,152	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
47	Low-Mod Housing	3344 Argonaut Ave.	unknown	900	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
48	Low-Mod Housing	32 Acacia Ave.	unknown	937	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
49	Low-Mod Housing	3463 Morningside Dr.	unknown	1,441	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
50	Low-Mod Housing	55 La Cresenta Dr.	unknown	1,624	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
51	Low-Mod Housing	2721 El Noble Ave.	unknown	1,191	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
52	Low-Mod Housing	58 La Cresenta Dr.	unknown	1,270	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
53	Low-Mod Housing	941 18th St.	unknown	1,675	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
54	Low-Mod Housing	57 Jasmine Ct.	unknown	1,138	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
55	Low-Mod Housing	34 Acacia Ave.	unknown	1,137	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
56	Low-Mod Housing	90 Plata Ct.	unknown	1,402	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
57	Low-Mod Housing	1110 Pomona Ave.	unknown	1,157	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
58	Low-Mod Housing	2132 Wyandotte Ave.	unknown	1,204	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
59	Low-Mod Housing	1949 Spencer Ave.	unknown	1,438	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
60	Low-Mod Housing	61 Gaylor Ave.	unknown	1,641	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
61	Low-Mod Housing	1015 Robinson St.	unknown	1,928	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
62	Low-Mod Housing	2428 Oro Quincy	unknown	1,777	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
63	Low-Mod Housing	2145 Spencer Ave.	unknown	924	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
64	Low-Mod Housing	1776 Boynton Ave.	unknown	2,374	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
65	Low-Mod Housing	2940 Grand View Ave.	unknown	1,260	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
66	Low-Mod Housing	3450 Ashley Ave.	unknown	1,998	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
67	Low-Mod Housing	540 Pomona Ave.	unknown	848	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
68	Low-Mod Housing	555 Pomona Ave.	unknown	1,103	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
69	Low-Mod Housing	247 Canyon Highlands	unknown	1,822	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
70	Low-Mod Housing	1445 Bridge St.	unknown	1,940	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
71	Low-Mod Housing	2485 Nevada Ave.	unknown	1,000	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
72	Low-Mod Housing	2455 Nevada Ave.	unknown	1,324	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
73	Low-Mod Housing	1715/1765 High St.	unknown	unknown	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
74	Low-Mod Housing	11 Acacia Ave.	unknown	1,307	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
75	Low-Mod Housing	1900 Veatch St.	unknown	1,144	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
76	Low-Mod Housing	2991 Lower Wyandotte	unknown	1,040	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant

77	Low-Mod Housing	41 Coarse Gold Rd.	unknown	1,140	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
78	Low-Mod Housing	1218 Bird St.	unknown	1,899	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
79	Low-Mod Housing	3 Sutters Mill Rd.	unknown	1,252	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
80	Low-Mod Housing	25 Oak Park Way	unknown	1,971	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
81	Low-Mod Housing	1255 Washington Ave.	unknown	2,426	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
82	Low-Mod Housing	119 Morningstar Ave.	unknown	1,092	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
83	Low-Mod Housing	1640 Hammon Ave.	unknown	1,091	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
84	Low-Mod Housing	3475 Charlene Ave.	unknown	1,998	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
85	Low-Mod Housing	42 Coarse Gold Rd.	unknown	1,140	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
86	Low-Mod Housing	2701 Spencer Ave.	unknown	858	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
87	Low-Mod Housing	2815 Montgomery St.	unknown	520	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
88	Low-Mod Housing	17 Midway Dr.	unknown	1,200	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
89	Low-Mod Housing	650 High St.	unknown	1,826	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
90	Low-Mod Housing	72 Pine Oaks Rd.	unknown	1,965	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
91	Low-Mod Housing	1044 Pomona Ave.	unknown	1,356	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
92	Low-Mod Housing	30 Acacia Ave.	unknown	1,272	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
93	Low-Mod Housing	105 Brookdale Ave.	unknown	1,188	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
94	Low-Mod Housing	27 Acacia Ave.	unknown	944	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
95	Low-Mod Housing	3085 Florence Ave.	unknown	1,144	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant
96	Low-Mod Housing	2056 Spencer Ave.	unknown	1,296	N/A	Yes	N/A	02/01/12	See footnote /f	N/A	N/A	Prior 08/01/10	Restricted Covenant

a/ Asset types may include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

b/ The entries for "Carrying Value of Asset" are preliminary and tentative and will be verified when the Successor Agency causes to be prepared the "Due Diligence Review" required by AB 1484.

c/ For properties without covenants there will be future covenants

d/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

e/ Transfer date is based on Resolution No. 06-12 and ABX1 26 "by operation of law" upon the effective date of the dissolution of the former RDA.

f/ Due to staffing constraints and the short window of time for preparation of this form upon release of the format by DOF, additional time is necessary to confirm construction/acquisition costs funded with Low-Mod Housing Fund monies.

Exhibit B - Personal Property

**City of Oroville**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of Asset a/	Description	Carrying Value of Asset	Date of transfer to Housing Successor Agency	Acquisition cost funded with Low-Mod Housing Fund monies	Acquisition costs funded with other RDA funds	Acquisition costs funded with non-RDA funds	Date of acquisition by the former RDA
1	Vehicle	2012 Ford Flex	\$22,000	04/30/12	\$28,475	N/A	N/A	7/19/11
2								
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19								
20								

a/ Asset types any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low and moderate income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

**City of Oroville**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of housing built or acquired with enforceably obligated funds a/	Date contract for Enforceable Obligation was executed	Contractual counterparty	Total amount currently owed for the Enforceable Obligation	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant b/	Current owner of the property	Construction or acquisition cost funded with Low-Mod Housing Fund monies	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition of the property
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											

a/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

b/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

**City of Oroville**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Was the Low-Mod Housing Fund amount issued for a loan or a grant?	Amount of the loan or grant	Date the loan or grant was issued	Person or entity to whom the loan or grant was issued	Purpose for which the funds were loaned or granted	Are there contractual requirements specifying the purposes for which the funds may be used?	Repayment date, if the funds are for a loan	Interest rate of loan a/	Current outstanding loan balance
1	Loan	\$80,000	5/16/2012	Please contact Successor Agency staff for information about individuals.	First Time Homebuyer	Yes	05/16/42	3.90%	\$80,000
2	Loan #683	\$165,000	10/25/2011	Please contact Successor Agency	First Time Homebuyer	Yes	10/25/41	4.18%	\$164,836
3	Loan #677	\$99,000	9/28/2011	Please contact Successor Agency	First Time Homebuyer	Yes	09/28/41	4.42%	\$99,000
4	Loan #1	\$30,100	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown	3%	\$23,480
5	Loan #33	\$30,250	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	unknown		\$25,876
6	Loan #554	\$43,985	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown	3%	\$36,480
7	Loan #581	\$35,279	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown	3%	\$28,619
8	Loan #649	\$6,000	Prior to 08/01/10	Please contact Successor Agency	Minor Home Repair	Yes	unknown	3%	\$5,672
9	Loan #16	\$10,886	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$10,886
10	Loan #23	\$138,230	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown	3%	\$138,230
11	Loan #30	\$6,900	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$6,900
12	Loan #39	\$26,510	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$26,510
13	Loan #54	\$50,709	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown	3%	\$31,580
14	Loan #104	\$49,786	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$49,786
15	Loan #106	\$16,778	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$16,778

16	Loan #289	\$13,500	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$13,500
17	Loan #298	\$17,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$17,000
18	Loan #368	\$26,782	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$26,782
19	Loan #389	\$5,289	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	unknown		\$5,289
20	Loan #395	\$1,250	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	unknown		\$1,250
21	Loan #396	\$3,355	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	unknown	0%	\$3,355
22	Loan #537	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	unknown	Equity Share	\$50,000
23	Loan #172	\$21,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	07/01/33	5%	\$21,000
24	Loan #209	\$7,500	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	08/01/34	5%	\$7,500
25	Loan #306	\$25,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	12/29/24	5%	\$25,000
26	Loan #328	\$25,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	08/01/35	5%	\$25,000
27	Loan #387	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	03/17/36	Equity Share	\$50,000
28	Loan #388	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	03/17/36	Equity Share	\$50,000
29	Loan #400	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	05/03/36	Equity Share	\$50,000
30	Loan #401	\$42,400	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	02/26/36	5%	\$42,400
31	Loan #404	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	06/05/36	Equity Share	\$50,000
32	Loan #410	\$25,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	03/15/35	5%	\$25,000
33	Loan #412	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	11/02/35	Equity Share	\$50,000
34	Loan #445	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	09/29/36	Equity Share	\$50,000
35	Loan #446	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	09/29/36	Equity Share	\$50,000

36	Loan #448	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	10/02/36	Equity Share	\$50,000
37	Loan #454	\$10,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	07/18/35	3%	\$10,000
38	Loan #464	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	12/12/36	Equity Share	\$50,000
39	Loan #474	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	01/19/37	Equity Share	\$50,000
40	Loan #477	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	02/15/37	Equity Share	\$50,000
41	Loan #488	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	04/01/37	Equity Share	\$50,000
42	Loan #503	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	06/01/37	Equity Share	\$50,000
43	Loan #509	\$7,103	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	08/01/37	Equity Share	\$7,103
44	Loan #518	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	10/01/47	Equity Share	\$50,000
45	Loan #525	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	11/01/37	Equity Share	\$50,000
46	Loan #527	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	11/01/37	Equity Share	\$50,000
47	Loan #528	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	11/01/37	Equity Share	\$50,000
48	Loan #531	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	12/01/37	Equity Share	\$50,000
49	Loan #534	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	02/06/38	Equity Share	\$50,000
50	Loan #538	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	02/01/38	Equity Share	\$50,000
51	Loan #542	\$96,750	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	05/01/38	Equity Share	\$96,112
52	Loan #551	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	04/01/38	Equity Share	\$50,000
53	Loan #557	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	08/01/38	Equity Share	\$50,000
54	Loan #625	\$25,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	07/01/40	Equity Share	\$25,000
55	Loan #635	\$25,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	08/01/40	Equity Share	\$25,000

56	Loan #637	\$25,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	12/01/39	Equity Share	\$25,000
57	Loan #18	\$30,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	08/01/14	3%	\$26,808
58	Loan #99	\$21,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	04/12/16	3%	\$21,000
59	Loan #299	\$22,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	11/01/34	3%	\$21,884
60	Loan #309	\$59,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	01/26/15	3%	\$55,135
61	Loan #311	\$45,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	04/01/35	3%	\$45,000
62	Loan #314	\$14,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	05/01/15	3%	\$12,884
63	Loan #325	\$3,078	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	07/08/20	0%	\$3,078
64	Loan #329	\$4,500	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	07/18/20	0%	\$4,500
65	Loan #330	\$5,500	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	07/18/20	0%	\$5,500
66	Loan #333	\$4,500	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	08/18/20	0%	\$4,500
67	Loan #334	\$14,000	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	08/24/35	3%	\$14,000
68	Loan #350	\$4,589	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	09/21/20	0%	\$4,589
69	Loan #352	\$4,589	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	09/28/20	0%	\$4,589
70	Loan #363	\$128,572	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	11/13/15	3%	\$128,572
71	Loan #381	\$2,864	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	03/20/21	0%	\$2,864
72	Loan #382	\$4,589	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	03/22/21	0%	\$4,589
73	Loan #385	\$2,239	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	03/23/21	0%	\$2,239
74	Loan #386	\$4,589	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	03/22/21	0%	\$4,589
75	Loan #391	\$4,664	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	08/27/25	0%	\$4,414



76	Loan #408	\$169,494	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	06/14/36	3%	\$164,994
77	Loan #419	\$5,689	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	06/27/21	0%	\$5,689
78	Loan #424	\$5,989	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	07/18/21	0%	\$5,989
79	Loan #436	\$104,238	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	08/28/16	3%	\$108,500
80	Loan #460	\$26,782	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	05/04/17	3%	\$26,782
81	Loan #507	\$5,973	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	06/27/22	0%	\$5,973
82	Loan #510	\$4,529	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	04/14/37	0%	\$54,669
83	Loan #532	\$5,000	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	12/03/22	0%	\$5,000
84	Loan #540	\$29,300	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	02/05/14	3%	\$21,214
85	Loan #549	\$5,973	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	11/16/22	0%	\$5,972
86	Loan #550	\$3,934	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	11/21/22	0%	\$3,934
87	Loan #556	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	06/01/38	Equity Share	\$50,000
88	Loan #563	\$5,489	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	10/21/23	0%	\$10,978
89	Loan #564	\$5,439	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	10/17/23	0%	\$5,439
90	Loan #569	\$4,839	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	11/13/23	0%	\$4,839
91	Loan #592	\$4,440	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	05/15/24	0%	\$4,364
92	Loan #599	\$5,580	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	05/20/24	0%	\$5,580
93	Loan #602	\$4,989	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	08/17/24	0%	\$4,964
94	Loan #613	\$70,875	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	02/15/25	0%	\$5,316
95	Loan #629	\$5,775	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	08/27/25	0%	\$5,705

96	Loan #632	\$22,950	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	12/19/19	3%	\$22,950
97	Loan #639	\$5,901	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	09/21/25	0%	\$5,901
98	Loan #645	\$5,714	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	10/15/25	0%	\$5,712
99	Loan #646	\$5,843	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	11/17/25	0%	\$5,843
100	Loan #471	\$115,500	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	12/20/36	6.5%	\$111,328
101	Loan	\$26,450	Prior to 08/01/10	Please contact Successor Agency	Rehabilitation	Yes	8/24/2023	3%	\$26,450
102	Loan #164	\$23,400	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	5/1/2030	5%	\$23,400
103	Loan	\$3,526	Prior to 08/01/10	Please contact Successor Agency	Landscape	Yes	7/12/2020	0%	\$3,526
104	Loan #504	\$50,000	Prior to 08/01/10	Please contact Successor Agency	First Time Homebuyer	Yes	8/1/1937	Equity Share	\$50,000
105	Loan	\$150,000	6/1/2008	Please contact Successor Agency	Multifamily Low-Mod Housing Development	Yes	55 years	3%	\$150,000
106	Loan	\$1,000,000	8/12/2012	Please contact Successor Agency	Multifamily Low-Mod Housing Development	Yes	55 years	3%	\$1,000,000
107	Loan	\$250,000	8/30/2004	Please contact Successor Agency	Senior/Disabled Affordable Housing	Yes	55 years	3%	\$143,607
108	Loan	\$1,075,000	4/5/2011	Please contact Successor Agency	Senior Affordable Housing Development	Yes	55 years	3%	\$1,075,000

**City of Oroville**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of payment a/	Type of property with which they payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent/operation is associated with (if applicable)	
1	Residual Receipt	Multi Family Low-Mod Housing	Oroville Pacific Associates	City of Oroville as Successor Agency to the Former RDA	City of Oroville as Successor Agency to the Former RDA	Affordable Housing Related Activities	Yes	Regulatory Agreement	105	Hillview Ridge I
2	Residual Receipt	Multi Family Low-Mod Housing	Oroville Pacific Associates	City of Oroville as Successor Agency to the Former RDA	City of Oroville as Successor Agency to the Former RDA	Affordable Housing Related Activities	Yes	Regulatory Agreement	106	Hillview Ridge II
3	Residual Receipt	Senior Disabled Low-Mod Housing	HPD Oroville Manor L.P.	City of Oroville as Successor Agency to the Former RDA	City of Oroville as Successor Agency to the Former RDA	Affordable Housing Related Activities	Yes	Regulatory Agreement	107	Oroville Manor
4										
5										
6										
7										

a/ May include revenues from rents, operation of properties, residual receipt payments from developers, conditional grant repayments, costs savings and proceeds from refinancing, and principal and interest payments from homebuyers subject to enforceable income limits.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

**City of Oroville**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of payment a/	Type of property with which the payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent is associated with (if applicable)
1	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	9
2	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	10
3	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	11
4	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	13
5	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	15
6	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	16
7	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	12
8	Rent	Low Mod Housing	Former RDA	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	14
9	P&I	Low Mod Housing	Please contact Successor Agency staff	City	Former RDA	Enforce affordability covenant	Yes	Lease to Purchase Agreement	n/a
10	P&I	Low Mod Housing	Please contact Successor Agency staff	City	Former RDA	Enforce affordability covenant	Yes	Housing Rehabilitation Loan	n/a

11	P&I	Low Mod Housing	Please contact Successor Agency staff	City	Former RDA	Enforce affordability covenant	Yes	Housing Rehabilitation Loan	n/a
12	P&I	Low Mod Housing	Please contact Successor Agency staff	City	Former RDA	Enforce affordability covenant	Yes	Home Repair Loan	n/a
13	P&I	Low Mod Housing	Please contact Successor Agency staff	Note Servicing	Former RDA	Enforce affordability covenant	Yes	Home Buyer Loan	n/a
14	P&I	Low Mod Housing	Please contact Successor Agency staff	Note Servicing	Former RDA	Enforce affordability covenant	Yes	Home Buyer Loan	n/a
15	P&I	Low Mod Housing	Please contact Successor Agency staff	Note Servicing	Former RDA	Enforce affordability covenant	Yes	Home Buyer Loan	n/a
16	P&I	Low Mod Housing	Please contact Successor Agency staff	City	Former RDA	Enforce affordability covenant	Yes	Housing Rehabilitation Loan	n/a
17	P&I	Low Mod Housing	Please contact Successor Agency staff	City	Former RDA	Enforce affordability covenant	Yes	Home Buyer Loan	n/a
18									
19									
20									

a/ May include rents or home loan payments.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

City of Oroville

Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Purpose for which funds were deferred	Fiscal year in which funds were deferred	Amount deferred	Interest rate at which funds were to be repaid	Current amount owed	Date upon which funds were to be repaid
1						
2						
3						
4						
5						
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8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

## APPENDIX B – HOMEOWNERSHIP UNIT INVENTORY

### Inventory of Homeownership Units w/ Affordability Restrictions

#### City of Oroville

Program	Address	Restriction Start Date	Restriction End Date
First Time Home Buyer Program	10 Ruxton	12/30/2008	12/29/2028
First Time Home Buyer Program	Various	11/22/2008	11/21/2038
First Time Home Buyer Program	Various	11/23/2008	11/22/2038
First Time Home Buyer Program	Various	11/24/2008	11/23/2038
In-Fill Construction FTHB	Gray Street	11/25/2008	11/24/2038
In-Fill Construction FTHB	Florence Ave.	11/26/2008	11/25/2038
In-Fill Construction FTHB	Pine St	11/27/2008	11/26/2038
Landscape Improvement Program	Various	11/28/2008	11/27/2038
Landscape Improvement Program	Various	11/29/2008	11/28/2038
Landscape Improvement Program	Various	11/30/2008	11/29/2038
Landscape Improvement Program	Various	12/1/2008	11/30/2038
Landscape Improvement Program	Various	12/2/2008	12/1/2038
Landscape Improvement Program	Various	12/3/2008	12/2/2038
Landscape Improvement Program	Various	12/4/2008	12/3/2038
Landscape Improvement Program	Various	12/5/2008	12/4/2038
Landscape Improvement Program	Various	12/6/2008	12/5/2038
Landscape Improvement Program	Various	12/7/2008	12/6/2038
Landscape Improvement Program	Various	12/8/2008	12/7/2038
Landscape Improvement Program	Various	12/9/2008	12/8/2038
Landscape Improvement Program	Various	12/10/2008	12/9/2038
Landscape Improvement Program	Various	12/11/2008	12/10/2038
Landscape Improvement Program	Various	12/12/2008	12/11/2038
Landscape Improvement Program	Various	12/13/2008	12/12/2038
Landscape Improvement Program	Various	12/14/2008	12/13/2038
Landscape Improvement Program	Various	12/15/2008	12/14/2038
Landscape Improvement Program	Various	12/16/2008	12/15/2038
Landscape Improvement Program	Various	12/17/2008	12/16/2038
RDA Housing Rehabilitation Program	Grand View Dr., Boynton Ave., Bird St.	12/18/2008	12/17/2038
First Time Home Buyer Program	Various	12/19/2008	12/18/2038
First Time Home Buyer Program	Various	12/20/2008	12/19/2038
First Time Home Buyer Program	Various	12/21/2008	12/20/2038
First Time Home Buyer Program	Various	12/22/2008	12/21/2038
First Time Home Buyer Program	Various	12/23/2008	12/22/2038
First Time Home Buyer Program	Various	12/24/2008	12/23/2038
First Time Home Buyer Program	Various	12/25/2008	12/24/2038
First Time Home Buyer Program	Various	12/26/2008	12/25/2038
First Time Home Buyer Program	Various	12/27/2008	12/26/2038

## Inventory of Homeownership Units w/ Affordability Restrictions

### City of Oroville

Program	Address	Restriction Start Date	Restriction End Date
First Time Home Buyer Program	Various	12/28/2008	12/27/2038
First Time Home Buyer Program	Various	12/29/2008	12/28/2038
In-Fill Construction FTHB	Various	12/30/2008	12/29/2038
In-Fill Construction FTHB	Various	12/31/2008	12/30/2038
In-Fill Construction FTHB	Various	1/1/2009	12/31/2038
Landscape Improvement Program	Various	1/2/2009	1/1/2039
Landscape Improvement Program	Various	1/3/2009	1/2/2039
Landscape Improvement Program	Various	1/4/2009	1/3/2039
Landscape Improvement Program	Various	1/5/2009	1/4/2039
Landscape Improvement Program	Various	1/6/2009	1/5/2039
Landscape Improvement Program	Various	1/7/2009	1/6/2039
Landscape Improvement Program	Various	1/8/2009	1/7/2039
Landscape Improvement Program	Various	1/9/2009	1/8/2039
Landscape Improvement Program	Various	1/10/2009	1/9/2039
Landscape Improvement Program	Various	1/11/2009	1/10/2039
Landscape Improvement Program	Various	1/12/2009	1/11/2039
Landscape Improvement Program	Various	1/13/2009	1/12/2039
Landscape Improvement Program	Various	1/14/2009	1/13/2039
Landscape Improvement Program	Various	1/15/2009	1/14/2039
Landscape Improvement Program	Various	1/16/2009	1/15/2039
Landscape Improvement Program	Various	1/17/2009	1/16/2039
Landscape Improvement Program	Various	1/18/2009	1/17/2039
Landscape Improvement Program	Various	1/19/2009	1/18/2039
Landscape Improvement Program	Various	1/20/2009	1/19/2039
Landscape Improvement Program	Various	1/21/2009	1/20/2039
RDA Housing Rehabilitation Program	Grand View Dr	1/22/2009	1/21/2039
RDA Housing Rehabilitation Program	Boynton Ave.	1/23/2009	1/22/2039
RDA Housing Rehabilitation Program	Bird St	1/24/2009	1/23/2039
RDA Housing Rehabilitation Program	Various	1/25/2009	1/24/2039
RDA Housing Rehabilitation Program	Various	1/26/2009	1/25/2039
RDA Housing Rehabilitation Program	Various	1/27/2009	1/26/2039
RDA Housing Rehabilitation Program	Various	1/28/2009	1/27/2039
First Time Home Buyer Program	Various	1/29/2009	1/28/2039
First Time Home Buyer Program	Various	1/30/2009	1/29/2039
First Time Home Buyer Program	Various	1/31/2009	1/30/2039
First Time Home Buyer Program	Various	2/1/2009	1/31/2039
First Time Home Buyer Program	Various	2/2/2009	2/1/2039
First Time Home Buyer Program	Various	2/3/2009	2/2/2039
First Time Home Buyer Program	Various	2/4/2009	2/3/2039
First Time Home Buyer Program	Various	2/5/2009	2/4/2039
First Time Home Buyer Program	Various	2/6/2009	2/5/2039



**Inventory of Homeownership Units w/ Affordability Restrictions**

**City of Oroville**

Program	Address	Restriction Start Date	Restriction End Date
First Time Home Buyer Program	Various	2/7/2009	2/6/2039
First Time Home Buyer Program	Various	2/8/2009	2/7/2039
First Time Home Buyer Program	Various	2/9/2009	2/8/2039
First Time Home Buyer Program	Various	2/10/2009	2/9/2039
First Time Home Buyer Program	Various	2/11/2009	2/10/2039
First Time Home Buyer Program	Various	2/12/2009	2/11/2039
First Time Home Buyer Program	Various	2/13/2009	2/12/2039
First Time Home Buyer Program	Various	2/14/2009	2/13/2039
First Time Home Buyer Program	Various	2/15/2009	2/14/2039
First Time Home Buyer Program	Various	2/16/2009	2/15/2039
First Time Home Buyer Program	Various	2/17/2009	2/16/2039
First Time Home Buyer Program	Various	2/18/2009	2/17/2039
CALHOME Fund Rehabilitation Program	Various		2/18/2039
CALHOME Fund Rehabilitation Program	Various		2/19/2039
CALHOME Fund Rehabilitation Program	Various		2/20/2039
First Time Home Buyer Program	1 Bremer	1/1/2007	1/1/2057
Housing Rehabilitation Project	Various	10/23/2008	10/22/2058
Housing Rehabilitation Project	Various	10/24/2008	10/23/2058
Housing Rehabilitation Project	Various	10/25/2008	10/24/2058
Housing Rehabilitation Project	Various	10/26/2008	10/25/2058
Housing Rehabilitation Project	Various	10/27/2008	10/26/2058
Housing Rehabilitation Project	Various	10/28/2008	10/27/2058
Housing Rehabilitation Project	Various	10/29/2008	10/28/2058
Housing Rehabilitation Project	Various	10/30/2008	10/29/2058
Housing Rehabilitation Project	Various	10/31/2008	10/30/2058
Housing Rehabilitation Project	Various	11/1/2008	10/31/2058
Housing Rehabilitation Project	Various	11/2/2008	11/1/2058
Housing Rehabilitation Project	Various	11/3/2008	11/2/2058
Housing Rehabilitation Project	Various	11/4/2008	11/3/2058
Housing Rehabilitation Project	Various	11/5/2008	11/4/2058
City Housing Construction	Various	11/6/2008	11/5/2058
City Housing Construction	Various	11/7/2008	11/6/2058
City Housing Construction	Various	11/8/2008	11/7/2058
City Housing Construction	Various	11/9/2008	11/8/2058
City Housing Construction	Various	11/10/2008	11/9/2058
City Housing Construction	Various	11/11/2008	11/10/2058
City Housing Construction	Various	11/12/2008	11/11/2058
City Housing Construction	Various	11/13/2008	11/12/2058
First Time Home Buyer Program	Various	11/14/2008	11/13/2058
First Time Home Buyer Program	Various	11/15/2008	11/14/2058
First Time Home Buyer Program	Various	11/16/2008	11/15/2058

**Inventory of Homeownership Units w/ Affordability Restrictions**

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**City of Oroville**

Program	Address	Restriction Start Date	Restriction End Date
First Time Home Buyer Program	Various	11/17/2008	11/16/2058
First Time Home Buyer Program	Various	11/18/2008	11/17/2058
First Time Home Buyer Program	Various	11/19/2008	11/18/2058
First Time Home Buyer Program	Various	11/20/2008	11/19/2058
First Time Home Buyer Program	Various	11/21/2008	11/20/2058

*Note: Inventory does not include units assisted prior to 2003-04 due to limited records*

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433  
ACTING CITY ADMINISTRATOR**

**RE: UTILIZATION OF EXECUTIVE COMMITTEE AS A LIAISON BETWEEN  
THE CITY OF OROVILLE AND BUTTE COUNTY**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider utilizing the Executive Committee as a liaison between the City and Butte County. The Executive Committee, comprising of three Council Members, would meet with two Butte County Supervisors for improving coordination between Butte County and the City of Oroville on matters of mutual interest.

**DISCUSSION**

At the March 21, 2017 Council meeting, the Council was informed of conversations that took place during the budget meeting regarding the potential to have a committee of Council Members meet with a committee of Butte County Supervisors. Paul Hahn, the Chief Administrative Officer for Butte County, has spoken with the County Supervisors and they have agreed to participate. The purpose for the meetings would be to better coordinate with the County on matters of both County/City interest. The City of Chico currently has a similar body, known as their Local Government Committee, which is comprised of two (2) County Supervisors and three (3) City of Chico Council Members that meet on a quarterly basis.

**FISCAL IMPACT**

Staff time associated with writing staff reports, clerking the meeting, publishing/printing agendas, and use of City Council Chambers or conference room.

**RECOMMENDATIONS**

1. Authorize the Executive Committee to serve as the City liaison between Butte County and the City of Oroville.

OR

2. Provide direction, as needed.

**ATTACHMENTS**

None

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DAWN NEVERS, ASSISTANT PLANNER (530) 538-2429  
DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: FORMATION OF COMMUNITY BLIGHT ADVISORY AD HOC  
COMMITTEE**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider the formation of a Community Blight Advisory Ad hoc Committee, at the request on Vice Mayor Goodson and Council Member Del Rosario.

**DISCUSSION**

On March 23, 2017, City staff met with Vice Mayor Goodson, Council Member Del Rosario, Chief Bill LaGrone, Municipal Law Enforcement Supervisor, Ron Belser, and citizens (Bill Bynum, Pastor Kevin Thompson, and Don Phelps), to discuss 12 blighted properties in South Oroville. Following discussions, it was recommended that an advisory committee be formed and comprised of three Council Members, two staff members, and three citizens. The committee will develop a pilot program to work with property owners of severely blighted properties in a collaborative and cooperative manner that will produce successful results.

Chief Bill LaGrone and the City Attorney have researched various options related to code enforcement actions to remedy the blighted properties. There are a number of legal options that may be available depending on the ownership and lien status of each property.

City staff will meet with the ad hoc committee to outline the various options for each nuisance property and obtain input as to the best code enforcement option for each property.

**FISCAL IMPACT**

No impact to the General Fund.

## **RECOMMENDATIONS**

Appoint three (3) Council Members to serve on the Community Blight Advisory Ad hoc Committee.

## **ATTACHMENTS**

None

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DAWN NEVERS, ASSISTANT PLANNER (530) 538-2429  
DONALD RUST, DIRECTOR (530) 538-2433  
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: GRANT AGREEMENT WITH SHYLA COOK RELATING TO THE  
OROVILLE ARTS & DOWNTOWN BEAUTIFICATION PROJECT**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider a Grant Agreement with Artist, Shyla Cook, for the Ishi Mural proposal relating to the Oroville Arts & Downtown Beautification Project.

**BACKGROUND**

On August 20, 2013, the Council approved, Ordinance No. 1798, Section II, Chapter 26, §17.08.135, authorizing the City to establish an Art in Public Places / Oroville Beautification policy. The Art in Public Places / Oroville Beautification account has received some in-lieu funding with the recent development of projects. The Arts Commission (Commission) developed a Notice of Funding Available (NOFA) application that was released to the public on September 1, 2016, and closed September 30, 2016. A total of four applications were received.

On November 12, 2016, the Commission reviewed and discussed the applications. Discovering that all applications fell short of the requirements, the Commission requested that all applicants be provided two weeks to submit requested information by Tuesday, November 29, 2017, at 4:00 p.m. Following the deadline to submit requested items, only partial updates were received from one applicant, no updates from two of the applicants, and the fourth applicant sent confirmation as to her withdrawal from the process.

On January 9, 2017, the Commission reviewed the received updates and unanimously decided to move forward with the Ishi proposal on the condition that the artist, Shyla Cook, would make updates to the artwork to more appropriately fit the location. The Artist's updates were received by staff on February 21, 2017.

On March 13, 2017, the Commission reviewed the requested updates and unanimously approved to send a recommendation to Council for final approval.

## **FISCAL IMPACT**

The grant amount of \$7,437.00 is available in the Art in Public Places Fund 600-2520 deposit account.

Balance \$179,344.39

## **RECOMMENDATIONS**

Adopt Resolution No. 8598 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GRANT AGREEMENT WITH SHYLA COOK FOR THE ISHI MURAL PROPOSAL RELATING TO THE OROVILLE ARTS & DOWNTOWN BEAUTIFICATION PROJECT – (Agreement No. 3215).

## **ATTACHMENTS**

A – Resolution No. 8598

B – Agreement No. 3215

**CITY OF OROVILLE  
RESOLUTION NO. 8598**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING  
THE VICE MAYOR TO EXECUTE A GRANT AGREEMENT WITH SHYLA COOK FOR  
THE ISHI MURAL PROPOSAL RELATING TO THE OROVILLE ARTS & DOWNTOWN  
BEAUTIFICATION PROJECT**

**(Agreement No. 3215)**

**BE IT HEREBY RESOLVED** by the Oroville City Council as follows:

1. The Vice Mayor is hereby authorized and directed to execute a Grant Agreement with Shyla Cook for the Ishi Mural Proposal relating to the Oroville Arts & Downtown Beautification Project.
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on April 4, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott E. Huber, City Attorney

\_\_\_\_\_  
Donald Rust, Acting City Clerk



## GRANT AGREEMENT

This Agreement for art project ("Agreement") is made and entered into this **13** day of **March, 2017**, by and between City of Oroville, 1735 Montgomery Street, Oroville, California and **Shyla Cook** ("Artist"), **287 Fernwood Avenue, Oroville, California**.

### 1.00. General Provisions

1.01. Purpose of Agreement. City or Property Owner, owns land and the building(s) commonly known as **1859 Bird Street** Oroville, California AP **012-091-001** ("Property"). City is providing funds from the City's Art in Public Places/Oroville Beautification Fund for the cost associated with projects that result in the creation, purchase, installation, security or maintenance of art in public spaces.

1.02. Agreement Price. Artist shall be paid the amount of **SEVEN THOUSAND FOUR-HUNDRED THIRTY-SEVEN** dollars (**\$7,437.00**) ("Agreement Price") for the performance of the work required by the Agreement. The Agreement Price is based on a sealed proposal made by the Artist dated **September 28, 2016**, and accepted by Arts Commission on **January 9, 2017**, ("Artist's Bid").

1.03. Statement of Work. Artist shall furnish all labor, material, supplies, machinery, equipment, permits and services and shall perform and complete in a satisfactory and workmanlike manner the artwork on the Property as described in the Agreement Documents.

### 1.04. Time of Commencement and Completion.

- (a) Artist shall commence the project within ten (10) days from the execution of this Agreement and shall satisfactorily complete the work no later than **June 26, 2017**.
- (b) In making the agreement to complete the work no later than **June 26, 2017**, Artist has taken into consideration and made allowance for ordinary delays and hindrances incidental to such work, whether growing out of delays of common carriers, delays in securing materials or workers, changes omissions, alterations, or otherwise.
- (c) Excusable delays shall consist of: fire, unavoidable casualties, unusual delays in transportation, national emergency, extraordinary weather conditions, labor and material shortages which are beyond the reasonable control of Artist, or by any other cause beyond the reasonable control of Artist; provided that Artist shall notify the City/Arts Commission in writing no later than one (1) day after the initial occurrence of any excusable cause of delay.
- (d) If the Artist is unable to complete any portion of the work due to excusable delay, the completion date shall be extended by the number of days of the excusable delay.
- (e) Time is of the essence of this Agreement.

1.05. Agreement Documents. This Agreement shall consist of the general terms, conditions and references contained herein and the following documents:

- Artist's Proposal (work Write-Up): Attached as Exhibit "A"
- Property Owner Installation & Maintenance Agreement: Attached as Exhibit "B"
- Ordinance No. 1798 Public Art / Oroville Beautification: Attached as Exhibit "C"
- Mural Policy: Attached as Exhibit "D"

1.06. Method of Payment. The City of Oroville will provide reimbursement for costs of an approved Grant Agreement as stipulated.

- (a) All payments are paid on a reimbursable basis. Artist's will submit an invoice with appropriate proof of payment (canceled checks, etc.) The Fund Administrator will verify submittals. Once funds are received by the Fund Administrator the Artist will be issued a check.

1.07. Accounting Requirements. The Artist must maintain an accounting system that:

- Accurately reflects fiscal transactions, with the necessary controls and safeguards.
- Provides a good audit trail, including original source documents such as purchase orders, receipts, progress payments, invoices, time cards, canceled checks, etc.
- Provides accounting data so the total cost of each individual project can be readily determined.

1.08 Records Retention

Project records must be retained for a period of three (3) years after final payment is made by the Fund Administrator. All project records must be retained by the Artist at least one (1) year following an audit. Artists are required to keep source documents for all expenditures related to each grant for at least three (3) years following project completion and one (1) year following an audit. A Project is considered complete upon receipt of final grant payment from the Fund Administrator.

1.09. Changes: No changes, additions, or deletions to the specifications for the work to be completed under this Agreement shall be made without the prior written consent of the City/Arts Commission.

1.10. Indemnification. Artist expressly agrees to defend, indemnify and hold harmless City/Arts Commission from any and all claims, suits, damages and actions of any kind or description resulting from any act or omission of Artist (or any agent, employee, or servant thereof) in performance of this Agreement, except where caused by the active negligence, sole negligence or willful misconduct of the City/Arts Commission. Artist waives any and all right to any type of express or implied indemnity against the City/Arts Commission and its officers and employees.

1.11. Conflict of Interest. Artist states that no present or former member or officer of the City/Arts Commission staff, and no employee of the City who formulates policy or influences decisions with respect to the Art in Public Places / Oroville Beautification program, had or will have any direct or indirect interest, during his or her tenure or for

one year thereafter, in this Agreement or in any proceeds or benefits arising from this Agreement.

1.12. Site Visits. The Fund Administrator, or designee, will make periodic visits to the Project site, including a final inspection of the site. The Fund Administrator, or designee, will determine if the work is consistent with the approved Public Art / Downtown Beautification Project Scope and ensure compliance with signage requirements that identify the project as a Public Art / Beautification Grant.

1.13. Termination.

(a) City/Arts Commission may, because of breach of the Agreement by Artist, terminate this Agreement at any time by a notice in writing to Artist. Such termination shall be effective in the manner and upon the date specified in said notice and shall be with out prejudice to any claims. Upon receipt of such notice, Artist shall, unless the notice directs otherwise, immediately discontinue all work and the placing of all orders for materials, facilities, and supplies in connection with the performance of this Agreement.

(b) Upon termination of this Agreement for its breach by Artist, the Agreement Price shall be reduced by the amount of any and all claims which City/Arts Commission may have against the Artist for damages incurred by the City/Arts Commission as a result of the breach, including the cost to City to have the work remaining under the Agreement completed by another Artist. Such damage shall also include any reasonable attorney's fees and other costs incurred by City/Arts Commission in effecting the termination of the work. Any Agreement funds remaining, including amount retained from progress payments, or other amount otherwise earned by the Artist but not yet paid by the City on the date of the termination, may be applied by City/Arts Commission to the damages which were incurred as a result of the Artist's breach. The balance remaining, if any payable to the Artist. If Agreement funds as indicated above are insufficient, the Artist shall be liable for any unpaid balance.

1.14. Written Notice. Written notice shall be deemed to have been duly served if delivered in person or sent by registered or certified mail to:

(a) Artist at the following address:

Shyla Cook  
287 Fernwood Avenue  
Oroville, CA 95966

(b) The City at the following address:

City of Oroville  
Community Development Department  
1735 Montgomery Street  
Oroville, CA 95965

2.00. **ARTIST'S GENERAL OBLIGATIONS.**

Artist shall provide the following:

2.01. Insurance: Prior to commencing any construction, furnish certificates of insurance to City/Arts Commission evidencing insurance coverage as shown in Exhibit "B".

2.02. Bond: Prior to Commencing any construction, Artist must furnish a payment bond to City/Arts Commission for one-hundred percent (100%) of the work under this Agreement in a form acceptable to the City Attorney.

2.03. Permits and Taxes: Obtain all permits and licenses and pay all fees, taxes and other charges (with the exception of permit fees that will be paid for by the RDA) necessary for the completion and execution of the work to be performed.

2.04. Government Requirements: Perform all work in conformity with applicable state, federal, and local laws and regulation and local building codes whether or not covered by the Agreement Documents.

2.05. Maintenance of the Property:

(a) At all times keep the Property free from accumulation of waste material or rubbish caused by Artist's operation. At the completion of the work, remove all construction activity related waste materials, rubbish, tools, construction equipment, and machinery and leave Property in a neat and clean condition.

(b) Protect City's property, including trees, shrubs, lawns, walks, pavements, roadways, structures, and utilities not designated for removal, relocation, or replacement in the course of the Agreement.

(c) Replace glass damaged or broken by Artist's operation. Upon replacement, remove all labels and wash and polish glass on both sides.

2.06. LOSS OF FUNDING. The following are examples of actions (some or all may apply) that may result in the Artist's loss of funding.

- Artist fails to sign the Grant Contract within the thirty-day time period as specified in the Grant Contract.
- Artist withdraws from the grant program.
- Artist fails to complete the funded Project within the agreed upon time frame.
- Artist fails to submit all documentation within the time periods specified in the Grant Agreement.
- Artist is unable to acquire any required permits.
- Artist changes Project Scope, without prior approval from the Arts Commission.

If loss of funding occurs the Artist must return any advanced funds, plus accrued interest (at the current saving rate offered by banks) to the City of Oroville.

3.00. **GENERAL OBLIGATIONS**

3.01. There shall be no changes, additions, or deletions to this Agreement or the Agreement Documents without prior written approval of the Artist and City/Arts Commission. Any

change orders must be signed by the Artist and the City/Arts Commission.

3.02. City/Arts Commission shall cooperate with the Artist to facilitate the performance of work.

4.00. **ACCEPTANCE/PROJECT CLOSEOUT**

4.01. Joint Inspection: Upon receipt of a written notice from Artist that the work is ready for final inspection and acceptance, Artist and representatives of the City/Arts Commission shall meet at the Property. If deficiencies are noted, Artist shall be responsible for correcting the items identified prior to filing a Notice of Completion or receiving final payment.

4.02. Notice of Completion: When the work has been completed in conformity with the Agreement Documents and any Change Orders, and deficiencies have been corrected to the satisfaction of the City/Arts Commission, the City/Arts Commission shall accept the work by signing a Notice of Completion. This Notice of Completion shall be recorded by the City/Arts Commission in the office of the county recorder of the county in which the Property is located.

4.03. Final Payment:

(a) When the Artist submits notice to the City/Arts Commission that the work is ready for final inspection, Artist shall also submit a request for final payment containing all of the information required by Section 1.06 (c) of this Agreement.

5.00. **DISPUTE RESOLUTION**

Any dispute which arises under this Agreement, and which remains unresolved for fifteen (15) working days after the City/Arts Commission has been informed in writing of the dispute by either party, shall be subject to Public Agreement Section 20104. etseq.

6.00. **MISCELLANEOUS PROVISIONS**

6.01. Entire Agreement: The Agreement Documents contain the entire agreement between the parties. No variation, modifications, or changes hereto shall be binding upon any party hereto unless set forth in a written document duly executed by or on behalf of such party.

6.02. Waiver: No consent or waiver, express or implied, by either party to or of any breach or default by the other shall be deemed default. Failure on the part of either party to complain of any act of the other party or to declare the other party in default shall not constitute a waiver by such party of its rights hereunder.

6.03. Governing Law: This Agreement and obligations of the parties hereunder shall be interpreted, construed and enforced in accordance with the laws of the State of California.

6.04. Royalties:

(A) Artist retains all statutory and common law authorship rights pursuant to the United States Copyright Act (17 United States Code (U.S.C)), relevant California

intellectual property and civil laws, and all other rights in and to the Work, except ownership and possession which shall be transferred to **Butte County Office of Education (BCOE)** upon Artist's completion of the Work and except as such rights are limited by this paragraph. Upon acceptance of the Work by **BCOE**, Artist grants to **BCOE**, City and their assignees an irrevocable right and license to make two-dimensional reproductions of the Work for both commercial and non-commercial purposes including, but not limited to: (i) use in advertising, brochures, media publicity and catalogs or other similar publications; (ii) use in promotional materials; and (iii) reproductions for use in non-profit, **BCOE** or City fundraising activities.

- (B) The Artist acknowledges that the Work is a work for hire as defined in 17 U.S.C. §101 and the California Civil Code §987(b) (2,7) that the **BCOE** and the City are using for commercial advertising, educational purposes, and promotional purposes.
- (C) The **BCOE** and the City will use reasonable efforts to maintain the Work on the Site, but the parties acknowledge that the Work may be subject to vandalism, graffiti tagging, fading, wear and other damage that may result in the **BCOE** needing to remove the Work.

IN WITNESS WHEREOF, the City/Arts Commission and Artist have executed this Agreement.

SHYLA COOK

By: \_\_\_\_\_  
Shyla Cook

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

OROVILLE ARTS COMMISSION

By: \_\_\_\_\_  
Machelle Conn, Chairperson

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

OROVILLE CITY COUNCIL

By: \_\_\_\_\_  
Janet Goodson, Vice Mayor

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

Cost Breakdowns

First payments

**Nielson Builders** ----\$300 deposit/ \$2950 due on completion ----- **(total) \$3250**

Water blast peeled surface, prep surface

Repaint wall/ trim –double coat (see bid sheet copy)

**Del-Mar Equipment rentals** -----**\$737**

Boom lift rental for 1 week (max.)

(Rental fee must be paid up-front) ( see price sheet copy)

1. **Shyla Cook**, artist-----progress payment-----**\$1,000**

second progress payment -----**\$1,000**

(Includes art and prep materials)

Second Payments

**Shyla Cook**-----final payment -----**\$1,200**

Final payment (total of \$3200)

**Raul Morales**-----**\$250**

Pick up, placement, set-up, break-down, and secure overnight

storage of rented boom lift daily. (one week)

**TOTAL**                       
**\$7437.00**

Time- wise the wall preparation depends on the contractor’s schedule and most important, drying of ground so equipment can be brought in accordance with BCOE wishes. During that time, I will be reserving lift, gathering supplies, cartooning lshi photo to correct size, preparing patterns, and doing prep work. My part hopefully will take 1 week maximum on the wall itself.

Nielsen Building Company  
Lic # 333597 · 30 Yrs. Building Your Trust  
2788 Oak Knoll Way  
Oroville, CA 95966  
Office 530-534-1319, Cell 530-370-3080

1025

PROPOSAL SUBMITTED TO <i>Shyla Cook</i>		PHONE <i>534-6737</i>	DATE
STREET		JOB NAME	
CITY, STATE and ZIP CODE		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE <i>532 5271</i>	

We hereby submit specifications and estimates for:

*Prep, Prime & Paint 1shi WALL*

*Water blast to remove loose dirt, scrape loose or peeling paint. Holes to be filled, any cracking done, windows masked, area to be primed and two coats of finish*

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

*THREE THOUSAND Two Hundred Fifty & <sup>NO</sup> 100 dollars (\$ 3250<sup>00</sup> )*

Payment to be made as follows:

*~~\$~~ 300<sup>00</sup> at start & balance due on completion ~~\$~~ 2950<sup>00</sup>*

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

*Stan Shek*

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature *Shyla Cook*

Date of Acceptance: 1/23/17

Signature



**Air Compressors**

-3.8 CFM (Pancake)	\$25
-6.7 CFM Quincy	\$40
-13.5 CFM Twin Tank	\$48
-70 CFM Skidmount	\$85
-185 CFM Towable	\$120

**Air Nailers**

-1/2" Crown Stapler	\$25
-1" Crown Stapler	\$28
-Coll Roofing Nailer	\$25
-Finish Nailer	\$25
-Framing Nailer	\$25

**Air Tools**

-45 lb. T-Post Driver	\$35
-90/60 lb. Hammer	\$40
-3/4"x50' Air Hose	\$10

**Augers**

-773 Bobcat w/ Auger Attachment	\$310
+8", 9", 12" Bit	\$20
+16" Bit	\$25
+24" Bit	\$30
-Self-propelled	\$85
-Towable Auger	\$72

**Chippers**

-6" Vermeer	\$165
w/Auto feed	"

**Compactors**

-Asphalt Plate	\$75
-Dirt/rock Plate	\$75
-Jumping Jack	\$75
-Ride-on Roller (36")	\$185

**Cutter/Benders**

-Siding/Flooring Cutter	\$38
-Rebar Cutter/Bender	\$35

**Concrete Tools**

-Bull Float	\$8
-Clancy (Liner)	\$7
-Concrete Mixer	\$25
-EDCO floor grinder	\$70
-Finish Broom (24")	\$7
-Fresno Float	\$8
-Hand Rake	\$7
-Jitterbug	\$7
-Mag. Screeds (8/10/12')	\$10
-Mortar Mixer (7ft <sup>3</sup> )	\$65
-Roller Tamper	\$20
-Plaster Mixer (12ft <sup>3</sup> )	\$85
-Power Trowel (46")	\$60
-Vibrator (3 1/2' x 1 1/2')	\$20
-Vibrator (3 1/2' x 2")	\$22
-Vibrator (8' x 2")	\$25
-Walking Edger	\$5
-Wheelbarrow	\$10

**Floor Care**

-12x18 Sander	\$35
-12x18 Sander w/bag	\$43
-7" Floor Edger	\$28
-Carpet Cleaner (Sm)	\$20
-Carpet Cleaner (Lg)	\$42
-Carpet Iron	\$15
-Floor Stripper	\$45
-Knee Kicker	\$10
-Linoleum Roller	\$14
-Magnetic Sweeper	\$15
-Power Stretcher	\$24

**Generators**

-4 KW Generac	\$45
-5 KW Honda	\$52
-5 KW (Quiet)	\$60
-6 KW Gen/Light	\$90
-10 KW Generator	\$75

**Heaters/Fans**

-48" Fan	\$30
-52K BTU Radiant	\$34
-111K BTU Radiant	\$55
-Heater-150K BTU	\$30
-Radiant Heaters	
-1 Element:	\$11
-2 Element:	\$14
-3 Element:	\$22

**Jack Hammers**

-90lb. (Pneumatic)	\$40
-60lb. (Pneumatic)	\$40
-60 lb. (Gas)	\$110
-60 lb. Hilti (Electric)	\$83
-60 lb. Wacker (Electric)	\$68
-30 lb. Hilti (Electric)	\$55
-23 lb. Bosch (Electric)	\$46
-20 lb. Makita (Electric)	\$40
-17 lb. Hilti (Electric)	\$38
-14 lb. Hilti (Electric)	\$36
-13A Rotohammer	\$62
-7/8" Rotohammer	\$50

**Lawn / Garden**

-1324TK Track Trencher	\$230
-2x4 Wheel Trencher	\$155
-50 Gal. Sprayer	\$60
-Backpack Blower	\$50
-Billygoat mower	\$90
-Chipper (6" Vermeer)	\$165
-Cultivator (4HP)	\$40
-Hedge Trimmer	\$39
-Lawn Aerator	\$75
-Lawn Dethatcher	\$55
-Lawn Roller	\$10
-Log Splitter	\$65
-Rototiller (13HP)	\$95
-Rototiller (9HP)	\$70
-Stihl Weed-eater fs90	\$45
-Stihl Weed-eater fs80	\$40
-13HP Stump Grinder	\$135
-20HP Stump Grinder	\$195

**Jacks / Lift**

-3 Ton Pallet Jack	\$38
-5 Ton Screw Jack	\$4
-10 Ton Screw Jack	\$5
-20 Ton Bottle	\$19
-800lb Appliance	\$10
-1200lb Appliance	\$14
-Genie lift	\$75
-Sheetrock Lift (std)	\$20
-Sheetrock Lift (ext)	\$24
-Stair Climbing Dollie	\$60

**Lights**

-6KW Light Tower/Generator	\$90
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**Paint Sprayers**

-Airless Sprayer	\$85
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**Plumbing**

-100' Snake (5/8")	\$70
-75' Snake (1/2")	\$48
-50' Snake (1/2")	\$37
-25' Snake (1/4")	\$35
-3' Toilet Snake	\$8

**Pumps**

-1 1/2" Submersible	\$20
-2" Submersible	\$30
-2" Trash	\$40
-3" Trash	\$50

**Saws**

-7" Tile	\$40
-10" Tile	\$55
-12" Pole Saw	\$60
-14" Climbing saw	\$56
-16" Stihl Chain saw	\$45
-20" Stihl Chain saw	\$55
-24" Stihl Chain saw	\$60
-14" Masonry	\$70
-14" Hilti Cutoff	\$70
-16" Hilti Cutoff	\$80
-14" Walkbehind Saw	\$70
-16" Walkbehind Saw	\$95
-Metal Chop Saw	\$65

**Scaffolding**

-4' Tower	\$38
-5' Tower	\$40
-6' Tower	\$42
-10' Tower	\$75
-15' Tower	\$112
-20' Tower	\$150
-25' Tower	\$185

**Scissor/Man Lifts**

-[19'] MX-19	\$95
-[20'] JLG-20	\$100
-[40'] Simon Lift	\$165

1 WK = TOTAL = \$737

**Surveying**

-Outdoor Auto Laser	\$75
-Indoor Laser Level	\$50
-Builder's Level	\$25
-Transit Level	\$45

LESS

**Tractors**

-L-48 Kubota Backhoe	
(12"/24" Buckets)	\$250
-L-3130 Kubota Front Loader/Box Scraper	\$175
-E35 Bobcat Excavator (12"/18"/24"/36" Buckets)	\$285
-324 Bobcat Excavator (12"/18"/36" Buckets)	\$230
-773 Bobcat Skidsteer Auger	\$215
+8", 9", 12" Bit	+\$95
+16" Bit	+\$20
+24" Bit	+\$25
+30" Bit	+\$30
-4-in-1 Bucket	+\$45
-Tooth Bucket	+\$10

**Trailers**

-4'x7' Utility	\$18
-4'x8' Utility(10")	\$20
-4'x8' Utility(30")	\$22
-4'x8' Dump	\$50
-5'x8' Furniture	\$30
-6'x14' Furniture	\$48
-12' Tilt Deck	\$45
-7'x15' Car Trailer	\$68
-14'/16' Equipment	\$65
-Water Tank 500gal	\$95

**Trenchers**

-1324TK Track	\$230
-2x4 Wheel	\$155

**Washers & Blasters**

-3300 PSI Washer (sm)	\$65
-3000 PSI Washer (lg)	\$80
-1 Bag Blaster	\$45
-3 Bag Blaster	\$85

**Welders / Accessories**

-270 Amp Welder (gas)	\$75
-Oxy-Acetylene Brazing/Cutting	\$60



**Tim Taylor**

Superintendent  
ttaylor@bcoe.org

**Tad Alexander**

Asst. Superintendent of  
Business and  
Development  
talexander@bcoe.org  
(530) 532-5720

**Board of Education**

*Amy Christianson  
Howard M. Ferguson  
Ryne Johnson  
Jeannine MacKay  
Brenda J. McLaughlin  
Roger Steel  
Mike Walsh*

**Statewide & Local  
Support Services  
Services**

1859 Bird Street  
Oroville, CA 95965  
(530) 532-5720  
Fax (530) 532-5682  
<http://www.bcoe.org>

An Equal Opportunity  
Employer

Date February 21, 2017

To: Shyla Cook

Subject: Approval of Proposed Ishi Wall Mural

Dear Shyla:

Butte County Office of Education approves the February 9, 2017 revised proposed image of Ishi to be painted on the wall of "old jail" building as part of the City of Oroville Art Commission grant program.

Sincerely,

Tim Taylor  
Superintendent  
Butte County Office of Education

cc: Tad Alexander  
Jim Simone

js

Hello Tad,

2/9/17

I recently spoke with Jim from maintenance concerning future installation of an elevator in the area that I had chosen to use as part of the mural. Here are the new rough drafts for the area that he requested, which is the same area as the present mural.

I hope this will work for everyone. Again, I appreciate your help. Please let me know when you want me to pick up the packet with the OK signature.

Hopefully, we will have sun again someday.

Thanks, Stay Safe,

A handwritten signature in black ink, appearing to read 'Steve', with a long, sweeping horizontal flourish extending to the right.

Tad Alexander  
1500 Lincoln St.  
Oroville, CA

2/1/17

Hi Tad,

Here are the changes to our grant application the Arts Commission has requested.

1. New art roughs
2. New budget figures
3. \*\*A note with the signature of the superintendent approving the changes is what I will need from you. (After which I will be glad to pick up completed request and deliver to Dawn Nevers at the city.)

The process is much simpler this time.

Water blast and repaint the wall

Bring in a boom lift to be able to freely move across the wall for painting mural.

I will be using mural acrylic paints with a water-clear varnish over-lay.

It appears we are going to be successful in our project, and I am looking forward to seeing a fresh piece of art in that great spot.

It will be high enough to make graffiti difficult without a very, very tall ladder and a way to get over the thick hedge. It will be higher than the present mural. Hopefully, our timing will be such that it can be done by Feather Fiesta. It all depends on the timing as usual!

Thanks again for all your help, Tad!

Blessings ~

A handwritten signature in black ink, appearing to read "Shyft", written in a cursive style.



REVISED 2/9/17 JALON/TT



















"No Fee Required"  
(Govt. Code Sec 6103 & 27383)  
Recorded for the benefit of  
City of Oroville

Authorized Representation

**AFTER RECORDING RETURN TO:**

**CITY OF OROVILLE  
CITY CLERK'S OFFICE  
1735 MONTGOMERY STREET  
OROVILLE, CA 95965-4897**

(SPACE ABOVE FOR RECORDER'S USE)

APN: **012-091-001**

Address: 1859 Bird Street, Oroville, CA 95965

**CITY OF OROVILLE  
OROVILLE ARTS & DOWNTOWN BEAUTIFICATION  
INSTALLATION AND MAINTENANCE AGREEMENT**

**THIS AGREEMENT** is made this 4<sup>th</sup> day of April 2017, between Butte County Office of Education hereinafter referred to as PROPERTY OWNER, and the CITY OF OROVILLE, a Municipal Corporation, hereinafter referred to as CITY, for property, located at 1859 Bird Street, Oroville, CA 95965.

**RECITALS**

THIS AGREEMENT is based upon the following facts:

1. PROPERTY OWNER is the owner of real property located at 1859 BIRD STREET, in the City of Oroville described in Exhibit "A" attached to this AGREEMENT and made a part of it by this reference.
2. Per CITY Code §17.08.135(G), for any works of art installed on private property, the PROPERTY OWNER shall be required to enter into a written AGREEMENT for the installation and maintenance of the artwork. The AGREEMENT shall be in a form approved by the CITY Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The AGREEMENT shall be binding upon the PROPERTY OWNER and any successors in interest.
3. On March 13, 2017, the City of Oroville Arts Commission reviewed the proposed artwork and forwarded a recommendation to the Oroville City Council for approval.
4. On April 4, 2017, the Oroville City Council reviewed and approved the proposed artwork.

**NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES AS FOLLOWS:**

1. PURPOSE. The purpose of this AGREEMENT is to assure that the PROPERTY OWNER completes the placement of the art in accordance with the approval of the City Council, as specified in Exhibit "B", and thereafter continues to maintain and care for the artwork.

2. PROPERTY SUBJECT TO AGREEMENT. The property subject to this AGREEMENT is described in Exhibit "A" attached to this AGREEMENT and incorporated in it by this reference: APN: **(012-091-001)**.
3. DUTY TO INSTALL AND MAINTAIN ARTWORK. PROPERTY OWNER agrees to complete the installation of the CITY approved artwork. The PROPERTY OWNER shall diligently maintain and care for the artwork which they install under this AGREEMENT, using generally accepted methods of placement and care. PROPERTY OWNER shall maintain that standard of care necessary to prevent the artwork from deteriorating to the extent that its value as artwork is destroyed.
4. CITY MAY MAINTAIN ARTWORK. PROPERTY OWNER agrees that if they fail to meet the standard of maintenance necessary to keep the artwork in a properly maintained condition, CITY will give written notice of the deficiency to the PROPERTY OWNER, who shall have twenty (20) days to make the necessary correction and, if the correction is not made within twenty (20) days, CITY may elect to take the steps necessary to assure that the artwork is maintained and cared for. To do this, CITY shall serve a notice to the PROPERTY OWNER of its intent to enter the premises for this purpose. CITY shall either personally serve the notice to PROPERTY OWNER, or mail a copy of it by certified mail to the PROPERTY OWNER'S address, as shown in paragraph 7 below, at least fifteen (15) days in advance of the date CITY intends to enter the premises.
5. CITY'S COST OF MAINTAINING A LIEN. If the CITY incurs costs in restoring or maintaining the artwork after following the procedure set forth in Paragraph 4 above, CITY shall make demand upon PROPERTY OWNER for payment. If PROPERTY OWNER fails to pay the costs incurred by CITY within thirty (30) days of the date demand was made, CITY may impose a lien upon the real property described in Exhibit "A" by recording a notice that CITY has incurred expenses under the terms of this AGREEMENT with the County Recorder of Butte County. Such notice shall state the fact that CITY has incurred costs under the terms of this AGREEMENT and shall state the amount, together with the fact that it is unpaid and draws interest at the rate of 7% (percent) a year until paid.
6. ADDITIONAL REMEDIES. CITY may, as an alternative to the lien procedure, set forth in Paragraph 5 above, bring legal action to collect the sums due as the result of making expenditures for restoration and maintenance of artwork. PROPERTY OWNER agrees to pay CITY a reasonable sum of attorney fees and court costs, together with interest from the date which is thirty (30) days after CITY has given its notice under Paragraph 5 above.
7. NOTICES. Notice given by each party to this AGREEMENT shall be given to the other party at the addresses shown below:

CITY: City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965-4897

PROPERTY OWNER: Butte County Office of Education

1859 Bird Street  
Oroville, CA 95965

8. ADDITIONAL REQUIREMENTS.

The PROPERTY OWNER hereby agrees to the following:

- a. Warrants that the artwork created and installed is a faithful rendition of the artwork as approved by the CITY.
- b. Shall ensure that any artwork approved by the CITY is provided with adequate scheduled routine maintenance necessary to maintain a neat and attractive appearance.
- c. To expeditiously maintain, replace, or repair any artwork that has become unsafe or unsightly, or within 20 days when notified in writing that maintenance, replacement, or repair is required.
- d. To allow random inspection of artwork by a CITY representative.
- e. To keep all artwork policed and free of litter and deleterious material.
- f. All work by or on behalf of PROPERTY OWNER will be done at no cost to the CITY.
- g. The artwork shall remain in substantial conformance as approved by the Oroville City Council. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to the review and approval of the Oroville Arts Commission. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to the review and approval by the Oroville City Council.
- h. Removal of artwork under this agreement shall be removed as specified under §17.08.135(l) of the Oroville Municipal Code.

9. MISCELLANEOUS TERMS AND PROVISIONS.

- a. If any provision of this AGREEMENT is adjudged invalid, the remaining provisions are not affected.
- b. Notice to PROPERTY OWNER will be considered to have been given to them when sent to their address stated above (Paragraph 7).
- c. This writing contains a full, final, and exclusive statement of the AGREEMENT between the parties.
- d. If there is more than one signer of this AGREEMENT as PROPERTY OWNER(S), their obligations are joint and several.
- e. The obligations upon the PROPERTY OWNER(S) signing this AGREEMENT

terminate personally as to them when they convey their interest in the property and files for record with the County Recorder a copy of assignment to this AGREEMENT. In this case, the new PROPERTY OWNER(S) takes title subject to the requirements of this AGREEMENT.

f. If the installation of the work of art is delayed by adverse weather conditions, or any other cause beyond the PROPERTY OWNER’S reasonable control, then the installation date shall be extended for such reasonable time as agreed upon by all parties to this AGREEMENT.

g. PROPERTY OWNER agrees to comply with all federal and state laws, and local ordinances that pertain to the creation and installation of the artwork.

h. In the event of litigation relating to this AGREEMENT, the prevailing party shall be entitled to receive attorney’s fees from the losing party.

10. AGREEMENT ATTACHED TO THE LAND. This AGREEMENT pertains to and runs with the real property described in Exhibit “A”. This AGREEMENT binds the successors in interest of each of the parties to such real property.

CITY OF OROVILLE: BY: /s/ \_\_\_\_\_  
Donald Rust, Acting City Administrator

DATE: \_\_\_\_\_

BUTTE COUNTY OFFICE OF EDUCATION:

BY: /s/ \_\_\_\_\_

PRINTED NAME: Tim Taylor, Superintendent

DATE: \_\_\_\_\_

**CITY OF OROVILLE  
ORDINANCE NO. 1798**

**AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF OROVILLE BY ADDING SECTION 26-10.135 RELATING TO A PUBLIC ART / OROVILLE BEAUTIFICATION REQUIREMENT OR IN LIEU FEE EQUIVALENT FOR ALL NEW NON-RESIDENTIAL DEVELOPMENT PROJECTS**

**WHEREAS**, the City of Oroville has determined that public art is a critical element of providing a diverse and culturally rich environment to residents and visitors to Oroville that promotes the general public welfare; and

**WHEREAS**, research has shown that the arts foster economic development, revitalizes urban areas and improves the overall business climate. Additionally, a well-conceived work of art can increase the value of a development project, help to lease space more quickly, enhance the corporate image of the community, promote cultural tourism and provide a visible and lasting contribution to the community in return for the ability to build; and

**WHEREAS**, in order to ensure that public art is present throughout the community it is necessary to require that all new non-residential development in the City of Oroville include an element of public art or, where appropriate, contribute to a City fund for public art, in an amount to be determined by the City Council, in lieu of providing said art; and

**WHEREAS**, the Planning Commission takes legislative notice of court cases holding that regulations imposing aesthetic requirements through zoning enactments are valid exercises of the police power and do not constitute impermissible takings merely because they may restrict uses or impose costs in conjunction with the development of property (see, e.g., Ehrlich v. City of Culver City, 12 Cal. 4th 854, 885-886; Metromedia Inc. v. San Diego (1980) 453 U.S. 490, 508 fn. 13; Penn Central Transp. Co. v. New York City (1978) 438 U.S. 104, 124; Agins v. Tiburon, (1980) 447 U.S. 255); and

**WHEREAS**, the requirement that applicants for development projects provide either public art or an in lieu equivalent is a legitimate and valid land use regulation that has been compared by the California courts as akin to traditional land use regulations imposing minimal setbacks, parking and lighting conditions, landscaping requirements and other design conditions; and

**WHEREAS**, the City Council hereby finds that the public art contribution is thus neither a "development fee" subject to the requirements of the California Mitigation Fee Act, California Government Code 66000 *et seq*, nor a development exaction subject to the heightened scrutiny of relevant rules set forth in Nollan v. California Coastal Commission 483 U.S. 825 (1987) and Dolan v. City of Tigard 512 U.S. 374 (1994), but rather, that the public art contribution is a zoning requirement that furthers aesthetic objectives under the authority of the City's general police power; and

**WHEREAS**, at their October 24, 2011 meeting, the Oroville Arts Commission discussed the establishment of an “Art in Public Places” program for the City of Oroville and recommended that the Oroville City Council, direct staff to establish an “Arts in Public Places” program, in conjunction with the Oroville Arts Commission, for the City of Oroville; and

**WHEREAS**, on January 17, 2012, the Oroville City Council directed staff to develop an Art in Public Places / Oroville Beautification ordinance through the coordination of the Arts Commission; and

**WHEREAS**, at their January 14, 2013 meeting, the Oroville Arts Commission discussed the need for maintenance and the issue of vandalism and theft of public art and directed staff to address both topics in the proposed Art in Public Places / Oroville Beautification ordinance; and

**WHEREAS**, at their July 8, 2013 meeting, the Oroville Arts Commission reviewed the draft version of the Art in Public Places / Oroville Beautification ordinance and forwarded a recommendation to the Oroville City Council to adopt the proposed ordinance; and

**WHEREAS**, pursuant to Section 26-56.090 of the Oroville Municipal Code, the Planning Commission shall hold a public hearing on any proposed amendment to the Zoning Code; and

**WHEREAS**, at their July 22, 2013 meeting, the Oroville Planning Commission reviewed the draft version of the Art in Public Places / Oroville Beautification ordinance and forwarded a recommendation to the Oroville City Council to adopt the proposed ordinance with their modifications included.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:**

**SECTION I.** Chapter 26, Section 26-10 of the Oroville Municipal Code shall be amended to include the following:

26-10.135 Art in Public Places / Oroville Beautification

**SECTION II.** Chapter 26 of the Oroville Municipal Code is hereby amended to include Section 26-10.135 as follows:

**26-10.135 Art in Public Places / Oroville Beautification**

**A. Purpose**

The purpose of this section is to expand the opportunities for citizens of the City of Oroville to experience public art and other projects resulting from the creative expression of its visual artists in public places throughout the City. A policy is hereby established to direct the inclusion of works of art in new non-residential development projects and establishing a fund used solely for the creation, purchase, installation, security and maintenance of art in public spaces throughout the City.

## **B. Applicability**

This section shall apply to the estimated construction costs (labor and materials) of all new non-residential development projects.

## **C. Public Art Contribution**

All new non-residential development projects subject to the requirements of this section shall install public art on the project site in a public place as approved by the City Council. The cost of the public art must be equal to at least one percent (1%) of the estimated construction costs. The creator of public art shall be an artist, defined as a person who has a reputation among peers as a person of artistic excellence, through a record of exhibitions, public commissions, sale of works, or educational attainment as judged by the Arts Commission. Public art shall be displayed in a manner that will enhance its enjoyment by the general public. The developer has the option to opt out of this requirement and instead pay the equivalent in lieu fee which shall be a one percent (1%) fee of the estimated construction costs.

## **D. Execution of Installation / Time of Payment**

If the developer chooses to pay the in lieu fee, payment in full shall be required at the time all fees are due on any project processed through the City or upon completion of the project, whichever occurs first. The payment of all outstanding fees shall be required prior to the issuance of a Certificate of Occupancy.

For developers choosing to provide art as part of their project, the developer shall provide the City with proof of installation of the required public art on the development site prior to the issuance of a Certificate of Occupancy.

## **E. Beautification Fund**

The City Administrator is hereby directed to create a special interest-bearing fund entitled Art in Public Places / Oroville Beautification Fund (Beautification Fund) or other appropriate accounting mechanism. The City Administrator or his/her designee shall administer the Beautification Fund.

## **F. Use of Funds**

All amounts collected from the in lieu fee shall be placed in said Beautification Fund and expended by the City Administrator or his/her designee solely for the costs associated with projects that result in the creation, purchase, installation, security or maintenance of art in public spaces that include but are not limited to paintings, mural decorations, inscriptions, stained glass, statues, reliefs or other sculptures, monuments, fountains, arches, or other structures intended for ornament or commemoration, carvings, frescoes, mosaics, or drawings. Furnishing or fixtures affixed to the building or its grounds, including architectural features of the building or landscaping that have been uniquely enhanced to be visually appealing, may qualify as art. Works of art may be temporary as well as permanent.



## **G. Ownership & Maintenance of Art**

Title to all public art required by and installed pursuant to this section on private property shall be vested in the owner and pass to the successive owners of the development project. Each successive owner shall be responsible for the custody, protection and maintenance of such works of art. Public art installed on public property is owned by the City of Oroville and maintenance, removal or protection is the responsibility of the City.

For any works of art installed on private property, the owner(s) of the property shall be required to enter into a written agreement for the maintenance of the artwork. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner(s) and any successors in interest.

## **H. Review Process / Standards**

The developer shall submit a narrative proposal and artistic rendering of the public art in satisfaction of the requirements imposed by this section, including any additional information, plans or maps prescribed by the Director of Planning and Development Services at the time of submission of their development application, or indicate an intention to pay the in lieu fees. The proposal for the public art shall be considered as an element of the design review.

The approval of all public art to be created, purchased, installed, secured and maintained under this section shall require a review of the City of Oroville Arts Commission which shall make a recommendation to the City Council for final approval or denial. The decision of the City Council shall be final. Review of all proposed artwork shall be considered based on the following criteria:

1. Conceptual compatibility of the design with the immediate environment of the site;
2. Appropriateness of the design to the function of the site;
3. Compatibility of the design and location within a unified design character or historical character of the site;
4. Creation of an internal sense of order and a desirable environment for the general community by the design and location of the work of art;
5. Preservation and integration of natural features with the project;
6. Appropriateness of the materials, textures, colors, and design to the expression of the design concept;
7. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art in public places to insure a variety of style, design, and media throughout the community that will be representative of the eclectic tastes of the community;

## **I. Removal of Public Art**

If, for any reason, the current owner or successor in interest shall choose to replace any public art installed pursuant to this section, the following requirements shall be met before the art is replaced:

1. The replacement of public art must go through the review process established above, unless the replacement will be identical to the existing art work and in the same location.
2. The cost of the replacement shall be equal to, or greater than, the initial cost of the existing public art to be removed adjusted for time.
3. The location of the replacement public art shall meet the requirement for public visibility in effect at the time of the replacement.
4. The replacement of public art shall conform, in every respect, to all standards in effect at the time of the replacement.
5. The replacement public art, location and installation shall violate no other ordinance.
6. The replacement public art shall be installed within 180 days of the removal of the existing public art piece, unless the period is extended by the Director of Planning and Development Services.
7. The owner may choose to pay an in lieu fee equivalent to the cost of the replacement of the existing public art.

## **J. Annual Report**

The City Administrator or his/her designee shall annually prepare and present a report to the Oroville City Council indicating the amount of revenues accumulated in the Beautification Fund and the expenditures made by the City in the preceding fiscal year.

## **K. Authority for Additional Mitigation**

Fees collected pursuant to this section do not replace existing development fees or other charges or limit requirements or conditions to provide additional mitigation of impacts imposed upon development projects as part of the normal development review process.

## **L. WAIVER**

The City Administrator may request that the City Council exclude certain capital improvement projects from the provisions of this ordinance by the passage of a resolution authorizing such a waiver.

\*\*\*\*\*


**PASSED AND ADOPTED** by the City Council of the City of Oroville at a regular meeting held on August 20, 2013, by the following vote:

AYES: Council Members Andoe, Pittman, Vice Mayor Wilcox, Mayor Dahlmeier


NOES: Council Members Berry, Bunker, Simpson

ABSTAIN: None

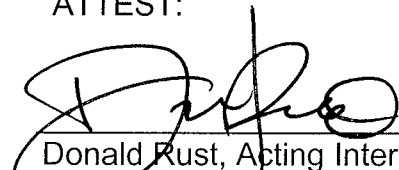
ABSENT: None

  
\_\_\_\_\_  
Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott E. Huber, City Attorney

ATTEST:

  
\_\_\_\_\_  
Donald Rust, Acting Interim City  
Clerk

**CITY OF OROVILLE  
RESOLUTION NO. 8458**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING A MURAL POLICY  
FOR THE PLACEMENT OF MURALS WITHIN THE OROVILLE CITY LIMITS**

**WHEREAS**, the City of Oroville Arts Commission has showed interest in supporting and encouraging the placement of artwork throughout the City of Oroville; and

**WHEREAS**, upon review of the existing murals within the City, it was determined that many murals have deteriorated to a substandard condition as a result of poor maintenance, improper surface preparation before the artworks were installed, and other preventable causes; and

**WHEREAS**, to help ensure the longevity and proper maintenance of public artwork, the Arts Commission directed staff to draft this mural policy which has been reviewed by the Arts Commission and forwarded to the City Council with a recommendation for final adoption.

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

**PURPOSE**

The purpose of regulating murals is to protect the aesthetics of the community by allowing for compatible artistic and creative expression through murals in appropriate locations with appropriate designs. The intent is to protect public health, safety, and welfare with minimal intrusion into artistic expression and expressive content of the artwork. Murals may include, but are not limited to sculptures, mosaics, paintings, prints, motifs, photography, etc.

**APPLICATION REQUIREMENTS**

Property Owner Authorization: Property address with written authorization from property owner

Surface Preparation: Detailed description of the applicant's method of surface preparation, including products to be used, to ensure the proper placement of artwork for its future longevity

Drawings: Colored renderings of the artwork being proposed with the exact location of the mural placement clearly identified, including measurements of the wall and dimensions/height of the proposed artwork with all windows, doors, and other significant building features clearly identified

Materials List: Detailed description of all products to be used to help inform appropriate paint/coatings/etc. to be applied for future maintenance if needed

Artist Qualifications: Artist shall provide a description of their artistic background/qualifications with work samples, if available

Work Schedule: Applicant shall provide a detailed work schedule, including start date, completion date of major milestones, and expected completion date

- If, due to extraordinary circumstances, artwork cannot be completed by the date specified in the schedule, applicant may apply for an extension in writing detailing the reasons why an extension should be granted. Extensions shall be approved/denied administratively by City staff.
- Unfinished works of art, without approved extensions, may be deemed a public nuisance and enforced accordingly

## **REVIEW PROCESS**

Required Review: All proposed artwork will require a review by the Oroville Arts Commission which will send a recommendation to the City Council for denial, approval, or approval with modifications

- Arts Commission meetings (2<sup>nd</sup> Monday of each month at 3:30 p.m.)
- City Council meetings (1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month at 6:00 p.m.)

Voluntary Review: In addition to the required review process specified above, the Arts Commission also offers voluntary early reviews of artwork for feedback/comment before submittal of final artwork proposal

Final Inspection: Applicant shall notify City when artwork is completed for a final City inspection to ensure artwork was placed as approved by the City Council

## **DESIGN GUIDELINES**

- Mural should be an original design
- Artist names may be incorporated but should be discreetly placed
- Murals shall not contain any form of advertising (business/product name, address, etc.)
- Murals shall be solely artistic in nature
- The "Your Voice for the Arts" logo shall be placed on all mural designs
- Any minor changes in the artwork design, as determined by the Director of Community Development, shall require the Director's review and approval. Any substantial changes in the artwork design, as determined by the Director of Community Development, shall require Art Commission approval.

## **MATERIAL GUIDELINES**

- Paint utilized should be of superior quality and intended for exterior use

- Murals shall have a weather-proof/UV protective and graffiti-resistant coating

## **LOCATION GUIDELINES**

- The installation of a mural should complement and enhance the building
- Murals should enhance and complement the character of the surrounding neighborhood
- Neighborhood support or opposition should be taken into consideration

## **MAINTENANCE**

- Property owner shall enter into a Maintenance Agreement for the artwork installed which shall be recorded against the property and binding upon the property owner and any successors in interest
- If City has noticed property owner of need to cure existing vandalism/graffiti, property owner shall have 72 hours to comply
- The maintenance of the mural shall be the responsibility of the property owner
- Murals shall be properly maintained to ensure that material failure (peeling paint) is corrected and vandalism/graffiti removed promptly
- The City shall not be responsible for any costs associated with artwork placement or maintenance
- Any unmaintained work of art that degrades to a level where its value as artwork is lost may be viewed as a public nuisance and enforced accordingly

## **UNAUTHORIZED MURALS**

The placement of any mural without approval or the placement of other unsanctioned drawings, paintings, etc. on private or public property may be considered a public nuisance and enforced accordingly

## **REMOVAL OF MURALS**

City shall be notified 30 days in advance prior to the removal of any City approved mural

\*\*\*\*\*

**PASSED AND ADOPTED** by the City Council of the City of Oroville at a regular meeting held on February 2, 2016, by the following vote:

**AYES:** Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

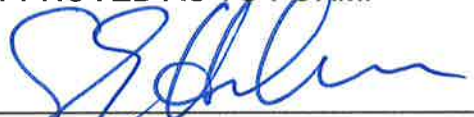
**NOES:** None

**ABSTAIN:** None

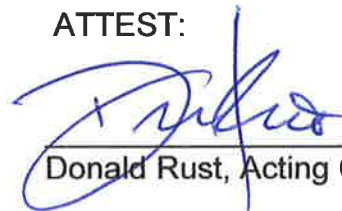
**ABSENT:** None

  
Linda L. Dahlmeier, Mayor

**APPROVED AS TO FORM:**

  
Scott E. Huber, City Attorney

**ATTEST:**

  
Donald Rust, Acting City Clerk

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DONALD RUST, ACTING CITY ADMINISTRATOR  
ADMINISTRATION DEPARTMENT**

**RE: LEAGUE OF CALIFORNIA CITIES MAYORS & COUNCIL MEMBERS  
EXECUTIVE FORUM & ADVANCED LEADERSHIP WORKSHOPS**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider allowing interested members of the Council to attend the League of California's Executive Forum and Advanced Leadership Workshops, to be held June 28 – 30, 2017, in Monterey, CA.

**DISCUSSION**

Mayor & Council Members Executive Forum

This two-day event, held on June 28 – 29, 2017, is designed for elected officials and staff who are interested in cutting-edge approaches to challenges facing cities. Forum Topics include: Making Housing (More) Affordable – Strategies from Cities, Successfully Bringing Broadband Technology to Your Community, How to Set Goals for City Manager Performance Evaluations, Online Advocacy – How Social Media Influences Public Policy, Cities and The Big One – How Cities Can Change the Outcome of the Next Earthquake, Understanding the Angry Voter – What Happened in 2016 and What Does it Mean Going Forward, Voter Outreach and California Voting Rights Act Reforms – What Elected Officials Need to Know, Student Success Provides the Building Blocks for Thriving Communities, Your TechCity – Using Technology for Good Governance and Economic Development, City Manager & City Council Relations – Working with an “Outlier” City Council Member and Successful Strategic Planning for Councils.

The estimated cost for the conference, per attendee, includes registration, in the amount of \$375, hotel room for 1 night in the amount of \$225, public parking for 2 days in the amount of \$14 and per diem in the amount of \$94.50. In addition, if a City vehicle is not utilized for travel to and from this event, mileage in the amount of \$268 would also be incurred. See chart below:



<b>Mayor &amp; Council Members Executive Forum</b>	
<b>ITEM</b>	<b>COST</b>
Registration	\$375.00
Lodging	\$225.00
Parking	\$14.00
Per Diem	\$94.50
Mileage (Optional)	\$268.00
<b>Total (per attendee)</b>	<b>\$976.50</b>

Mayors & Council Members Advanced Leadership Workshops

This one-day forum, to be held on June 30, 2017, offers one attendees to choose between two informative workshops: City Finances – What You Need to Know or Exceptional Council for Exceptional Times – Creating a Governing Culture of Civility and Purpose.

The estimated cost for the workshop, per attendee, includes registration, in the amount of \$195, hotel room for 1 night in the amount of \$225, public parking for 1 days in the amount of \$7 and per diem in the amount of \$39.00. See chart below:

<b>Mayors &amp; Council Members Advanced Leadership Workshops</b>	
<b>ITEM</b>	<b>COST</b>
Registration	\$195.00
Lodging	\$225.00
Parking	\$7.00
Per Diem	\$39.00
<b>Total (per attendee)</b>	<b>\$466.00</b>

**FISCAL IMPACT**

The Council’s budget (1801-6480) has \$4,000 available for training and travel expenses.

**RECOMMENDATION**

Direct staff, as necessary.

**ATTACHMENTS**

- A - League of CA Cities – Executive Forum Brochure
- B – League of CA Cities – Advanced Leadership Workshop Brochure



1400 K Street, Suite 400  
Sacramento, CA 95814

**Join us for the 2017 Mayors  
& Council Members Executive Forum**

For speaker information, go to [www.cacities.org/MCMXFed](http://www.cacities.org/MCMXFed)

# Mayors & Council Members

EXECUTIVE FORUM

# 2017

**REGISTER EARLY! Space is limited.**

**June 28 – 29, 2017  
Monterey Marriott**

Registration and Housing Deadline:  
Tuesday, June 6, 2017  
[www.cacities.org/events](http://www.cacities.org/events)

[facebook.com/leagueofcaliforniacities](https://facebook.com/leagueofcaliforniacities) @CaCitiesLearn  
 Download the League's Mobile App!



The Mayors & Council Members Executive Forum taking place on Wednesday, 06/28 – Thursday, 06/29 is completely separate from the Advanced Leadership Workshops taking place on Friday, 06/30. If you plan to attend both conferences, you must register for each conference separately.

## Wednesday, June 28

### REGISTRATION OPEN

10:00 a.m. – 5:30 p.m.

### OPENING GENERAL SESSION

1:00 – 2:30 p.m.

#### Cities and the Big One: How Cities Can Change the Outcome of the Next Earthquake



World-renowned seismologist Dr. Lucy Jones has led efforts in Los Angeles and across California to help leaders plan to avoid the impact of earthquake hazards. The combination of her scientific expertise and communication abilities recently led to a partnership in 2014 with the city of Los Angeles to create solutions to four of the most significant seismic vulnerabilities in the city. She spent a year at City Hall, meeting

with city stakeholders, technical experts and elected officials. The result was the most comprehensive plan ever undertaken to reduce seismic vulnerabilities. The five legislative proposals in the plan were all passed unanimously by the City Council in 2015. Dr. Jones will present information on her recent effort with the city of Los Angeles and the creation of their Resilience By Design initiative, which addressed building retrofits, water reliability, and communication systems. She will share her insight and process to help city leaders work towards a more resilient future.

**SPEAKER:** Dr. Lucy Jones, Founder, Dr. Lucy Jones Center for Science and Society

For speaker information, go to [www.cacities.org/MCMXFed](http://www.cacities.org/MCMXFed)

### CONCURRENT SESSIONS

2:45 – 4:00 p.m.

#### Making Housing (More) Affordable: Strategies from Cities

In many cities, rental prices are rising rapidly, and workers are being priced out of the market. Cities are responding with a range of strategies, from rent control and rent rollbacks to speeding up housing development and eviction prevention. In this session, representatives from three cities that have struggled with housing affordability share their lessons. The session will look at both the policy discussions that led to different initiatives and the specific details of implementing the strategies.

#### Successfully Bringing Broadband Technology to your Community

Learn the specific steps, options and costs to bring broadband FTTP to your city. Understand why your ISP's data throughput will likely increase 1,600% in the next 5 years just to do what you do today, and why some of them will not be able to adapt. Bringing affordable gigabit service to your city can be done without waiting for State or Federal help. We will discuss the current FTTP program rolling out in Santa Cruz, and how Weed, Mount Shasta and Dunsuir have banded together to bring gigabit FTTP to their communities.

### CONCURRENT SESSIONS

4:15 – 5:30 p.m.

#### How to Set Goals for City Manager Performance Evaluations

Establishing a set of meaningful performance goals that are mutually agreed-upon by the city manager and city council is the best way to ensure everyone is on the same page when it comes to an evaluation. In this session, attendees will learn how to approach setting reasonable, specific performance goals for their city manager, as well as some high-level examples of performance goals.

#### Online Advocacy: How Social Media Influences Public Policy

During this session, panelists will discuss current trends in using social media for public policy. Of note, panelists will highlight best practices in using social media to support or oppose policy, build online and offline coalitions, and get people to take action. In addition, the panel will discuss legal constraints local elected officials must consider when using social media.

#### Networking Reception

5:30 – 7:00 p.m.

Take this opportunity to network with your peers from throughout the state after a full afternoon of educational sessions.

## Thursday, June 29

### REGISTRATION OPEN

7:00 a.m. – 4:00 p.m.

### NETWORKING BREAKFAST

7:00 – 8:15 a.m.

### GENERAL SESSION

#### Understanding the Angry Voter: What Happened in 2016 and What Does it Mean Going Forward?

8:30 – 10:00 a.m.



As a political strategist and professor at USC's Annenberg School for Communications, Dan Schnur knows a thing or two about angry voters. The 2016 election was one for the history books in many ways, and in some communities, left citizens feeling more divided than ever in their political views. In this session, Dan will discuss some of the lessons learned from the 2016 campaign, and how you, as local government and political leaders, can work to bring your communities together. We will discuss approaches to achieve consensus for your policy goals on this new landscape. Even while Washington is divided, you can lead your community forward.

**SPEAKER:** Dan Schnur, Professor, USC Annenberg School for Communication and Journalism

### CONCURRENT SESSIONS

10:15 – 11:30 a.m.

#### Voter Outreach and California Voting Rights Act (CVRA) Reforms: What Elected Officials Need to Know

In recent years, cities across California have seen a surge of California Voting Rights Act (CVRA) lawsuits. In some instances, these lawsuits have cost local agencies millions of dollars. In 2016, the League was successful in leading a bi-partisan package of reforms to enable local governments to be proactive, and retain a level of local control while also capping legal costs to a minimal amount. Voter outreach 'best practices' is a key component to ensure local agencies are insulated from costly litigation. Participants will learn if their city is potentially at risk for a CVRA lawsuit, the various ways to comply with the reforms—including best practices to reach out to your communities—and learn tools to be proactive which could potentially save local tax payers millions in legal fees.

4 \*\*Sessions are subject to change\*\*

#### Student Success Provides the Building Blocks for Thriving Communities

A healthy, thriving community depends in part on the well-being of its youngest members. As the income gap widens, collaboration between cities, counties, schools, and other partners is imperative to effectively address critical needs of low-income children that influence community prosperity like healthy food access, literacy, affordable housing, and school attendance. City leaders are poised to provide out-of-school time supports that contribute to in-school success and a healthy, engaged community. Attendees will learn about key interconnected issues affecting low-income youth and their impact on the communities, opportunities to leverage existing resources to develop solutions, and cities' successes and struggles.

### GENERAL LUNCHEON

12:00 – 1:30 p.m.

### CONCURRENT SESSIONS

1:45 – 3:00 p.m.

#### Your TechCity: Using Technology for Good Governance and Economic Development

New technology is not solely for "selfies" and social networking. It is being used by city officials to connect residents to services and accelerate solutions to problems. This session provides a "big picture" view and real world examples of technologies that are assisting city officials in tackling community issues and encouraging economic development. These innovative instruments can improve business climate, quicken service response times, unclog traffic, and improve public engagement. Cities are taking the next step by utilizing the widely accessible technology that is at their fingertips, such as computers and smart phones, to spur economic development, streamline services, reduce paperwork, and connect citizens to various levels of government through innovative web platforms. You will hear from the practitioners who are bringing these platforms to life, and the practical steps they took toward bringing their cities into the 21st century.

#### City Manager & City Council Relations: Working With an "Outlier" City Council Member

Many city councils have one or more members that some may consider "outliers." In some cases these council members may simply have a different perspective or policy view from the rest of the council, and in more extreme cases they can be antagonistic and/or disruptive. Outliers can impact the effectiveness of the city council, city manager and the organization as a whole. The purpose of this session is to review the impacts of different types of outlier conduct, and to offer strategies for working with these individuals to achieve your city's goals.

\*\*Sessions are subject to change\*\* 5

## Thursday, June 29, Continued

### CONCURRENT SESSIONS

3:15 – 4:30 p.m.

#### Legislative Update

Learn about the top issues that are trending in the legislature this year from the League's experts.

#### Successful Strategic Planning for Councils

Setting priorities and goals for cities is often a difficult and complex process. From the perspective of elected officials, complicating factors can include part-time councils, term limits, political differences, the Brown Act, and public meetings that are jam packed with agenda items. But staff also face their own set of difficulties. While they are trying to implement best practices, they are often hampered by their own departmental needs, so often there is no larger integrated strategic city vision. Working together with an outside facilitator, the city of Culver City wanted to determine if council and city staff could reach an agreement on what the city should become over the next five years. Along the way, they also wanted to identify topical issues that warranted greater community input and involvement. The result was the development of six priorities that will guide council, staff and residents into the future. Hear about what lessons were learned through this process, and how your city might be able to benefit from this form of strategic planning.

*Save the Date!*

**League of California Cities Annual Conference & Expo**

**September 13-15, 2017 | Sacramento Convention Center**

## General Information

All attendees must register for the conference prior to reserving a hotel room. Registration is not complete until full payment is received. The League is unable to accept purchase orders. Once registration is complete, you will be directed to the housing reservations page.

- For online registration, go to [www.cacities.org/events](http://www.cacities.org/events) and select "Mayors & Council Members Executive Forum".
- To request a mail-in registration form, contact [mdunn@cacities.org](mailto:mdunn@cacities.org).
- Registration must be received by Tuesday, June 6. After this date, please register onsite if available.**

### COSTS/FEES


Registration includes electronic access to all program materials, admission to Wednesday & Thursday sessions only, Wednesday evening's networking reception, breakfast and a general luncheon on Thursday.

Elected Officials and Staff .....	\$375
Company/Consultant/League Partner / All Others .....	\$575
Non-Member City Elected Officials and City Staff .....	\$1,375
Spouse Reception Only Registration (Wednesday) .....	\$35

*The spouse fee is restricted to persons who are not city or public officials, are not related to any League Partner or sponsor, and would have no professional reason to attend the conference. It includes admission to Wednesday's reception only. There is no refund for the cancellation of a spouse registration. It is not advisable to use city funds to register a spouse.*

### CANCELLATIONS

**Refunds of rate paid, minus \$75 processing charge**, will be made for cancellations submitted in writing to [mdunn@cacities.org](mailto:mdunn@cacities.org) and received by **Tuesday, June 6**. There are no refunds for cancellations after this date. Substitutions can be made onsite.

 If you require special accommodations related to facility access, transportation, communication and/or diet, please contact our Conference Registrar by Tuesday, June 6, at [mdunn@cacities.org](mailto:mdunn@cacities.org).

### HOTEL INFORMATION & RESERVATIONS

Hotel reservation changes, date modifications, early check-out, or cancellations made prior to **Tuesday, June 6**, must be done through the online reservation link you received when registering for the conference. Use your confirmation/acknowledgement number to access your reservation to make changes. Once the June 6 deadline has passed, please contact the hotel directly with any changes or cancellations. Please note that hotel cancellations after the housing deadline has passed may incur a financial penalty of a minimum one-night room charge or attrition fees.

#### Monterey Marriott

350 Calle Principal, Monterey, CA 93940

Hotel Rate (per night): \$179 - Single/Double Occupancy (plus tax and fees)

Valet Parking (per day): \$25 (subject to availability)

Public Parking (per day): \$7 (subject to change)

*\*Please DO NOT book outside of the League hotel block. This will cause an increase in event costs, liabilities and higher registration rates.*

**PLEASE NOTE:** The information you provide to the League when registering for a League conference or meeting may be shared with the conference or meeting hotel(s). The hotel(s) will also share with the League the information you provide to the hotel(s) when you make your hotel reservation for the conference or meeting. The information shared between the League and the hotel(s) will be limited to your length of stay in the hotel.





1400 K Street, Suite 400  
Sacramento, CA 95814

**2017 Mayors & Council Members  
Advanced Leadership Workshops**

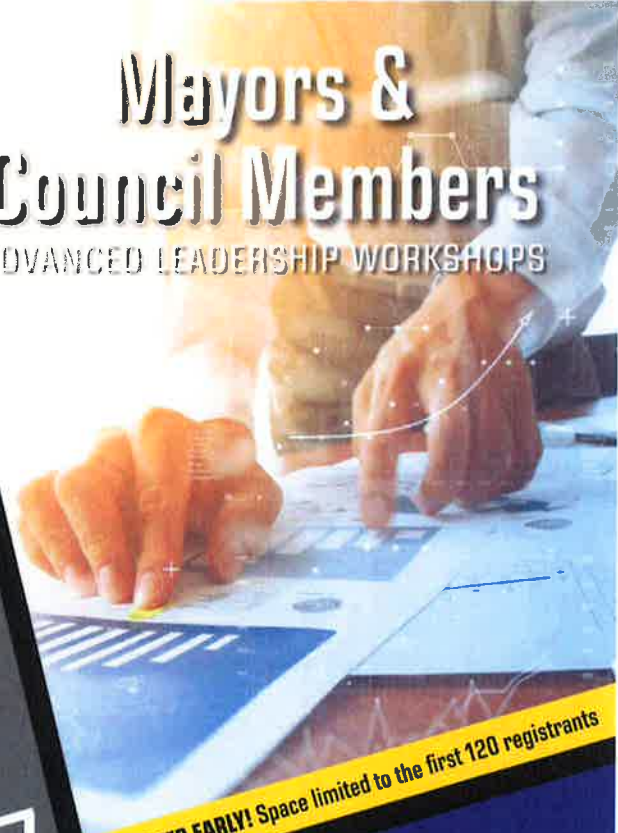
For speaker information, go to [www.cacities.org/MCMALWed](http://www.cacities.org/MCMALWed)

**2017**



# Mayors & Council Members

ADVANCED LEADERSHIP WORKSHOPS



**REGISTER EARLY! Space limited to the first 120 registrants**

**Friday, June 30, 2017  
Monterey Marriott**

Registration and Housing Deadline:  
Tuesday, June 6, 2017  
[www.cacities.org/events](http://www.cacities.org/events)

[facebook.com/leagueofcities](https://facebook.com/leagueofcities)

[@CaCitiesLearn](https://twitter.com/CaCitiesLearn)

Download the League's Mobile App!

The Mayors & Council Members Advanced Leadership Workshops taking place on Friday, 06/30 are completely separate from the Executive Forum conference that is taking place Wednesday, 06/28 – Thursday, 06/29. If you plan to attend both conferences, you must register for each conference separately. Additionally, you will need to select which Advanced Leadership workshop you are going to attend at the time of registration, as space is limited.

## Friday, June 30

### REGISTRATION OPEN

8:30 – 10:00 a.m.

### CONTINENTAL BREAKFAST

8:30 a.m.

### CONCURRENT WORKSHOPS

9:00 a.m. – 3:00 p.m. (Includes working lunch)

#### City Finances — What You Need to Know

As trustees of the city, elected officials have important obligations to safeguard the fiscal assets of the public. The panel of experts will start with an overarching financial picture of state and local government finance in California and delve into essential aspects of municipal finance that every city council member should know. Learn how cities have gotten into financial trouble and the right questions to ask to know if yours is healthy. Gain insight into major trends, challenges ahead, and possible reforms. Obtain essential skills to keep your city budget strong through tough economic times. Determine best practices in financial reporting and identify important questions to ask when carrying forward the city budget. Get your questions answered from peers and panelists.

#### Exceptional Council for Exceptional Times: Creating a Governance Culture of Civility and Purpose

Exceptional councils are high-performing, civil and unified in service to their communities. This interactive workshop will help leaders gain insight into exceptional councils and examine dynamic governing boards and leadership styles that make for more effective governance. Leaders will hear from experts, engage in discussion, and learn approaches to address challenges, create a culture of trust and collaboration, and operate with decorum to best serve the public.

For speaker information, go to [www.cacities.org/MCMALWed](http://www.cacities.org/MCMALWed)

## General Information

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- To request a mail-in registration form, contact [mdunn@cacities.org](mailto:mdunn@cacities.org).
- Registration must be received by Tuesday, June 6. After this date, please register onsite if available.**


### COSTS/FEES

Registration includes electronic access to all workshop materials, admission to chosen workshop, breakfast and a working lunch on Friday.

Elected Officials and Staff .....	\$195
Non-Member City Elected Officials and City Staff .....	\$1,195

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*Save the Date!*

League of California Cities Annual Conference & Expo

September 13-15, 2017 | Sacramento Convention Center

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: BILL LA GRONE, PERSONNEL DIRECTOR  
LIZ EHERNSTROM, HUMAN RESOURCE MANAGER  
ADMINISTRATION DEPARTMENT**

**RE: JOB DESCRIPTION FOR PUBLIC INFORMATION/CRIME  
PREVENTION OFFICER AND AUTHORIZATION TO HIRE FOR  
POSITION**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider the job description for Public Information / Crime Prevention Officer assigned to the Public Safety Department to be utilized by the entire City. Staff is requesting Council to authorize staff to proceed with hiring for this position.

**DISCUSSION**

Staff has created a job description for the position of Public Information / Crime Prevention Officer for the City of Oroville.

The purpose of this position is to better manage the dissemination of information to the public, via the media. It is important that a unified message is sent to the community. During difficult times mistrust is bred when messages vary. To remain consistent, it is important to have one person unifying the message. This position will allow the City to better inform the public during times of emergency. The position will empower our community members to better help themselves by being informed with accurate information during times of crisis.

This new position will be the media liaison for all City departments. This position will enable local reports to have a regular contact for information. Currently, local news outlets must call multiple staff members to find out who they should interview regarding an issue. This position will allow the media to have a regular contact and better assist them with informing the public and increasing the transparency of our City government.

This position will also be responsible for organizing and attending neighborhood watch meetings, community education events and will help coordinate the volunteer program of the Public Safety Department.



The Officer position will be managed by the Public Safety Department Director to perform the essential duties of the proposed job description. The annual salary range would be from \$34,588.87 to \$46,352.39, plus benefits. The total cost of this position including benefits is approximately \$60,000.00. This position is a full-time position. Council will consider adoption of the job description and authorize staff to hire for this position.

**FISCAL IMPACT**

The funding for this position will be shared by the following funds:

1. Public Safety General Fund	65%	\$39,000.00
2. Public Works General Fund	5%	\$3,000.00
3. Planning General Fund	10%	\$6,000.00
4. Business and Housing	10%	\$6,000.00
5. Recycle Fund	5%	\$3,000.00
6. Supplemental Benefit Fund	5%	<u>\$3,000.00</u>

**TOTAL** **\$60,000.00**

If filled immediately this position would have a 3-month fiscal impact of \$15,000, with 80% on the General Fund of \$12,000. This position would then be included in the 2017-18 budget.

**RECOMMENDATIONS**

1. Approve this proposed job descriptions for Public Information / Crime Prevention Officer as a member of the Municipal Law Enforcement Program.
2. Authorize staff to hire for the Public Information / Crime Prevention Officer, as indicated in this staff report.

**ATTACHMENT (S)**

A - Public Information / Crime Prevention Job Description

# PUBLIC INFORMATION / CRIME PREVENTION OFFICER

## **SUMMARY:**

Under close supervision, performs a variety of support functions in the planning, developing and coordinating of public relations activities for the all departments for the City of Oroville; assists in coordinating crime prevention and community outreach programs, and responds to citizen inquiries.

**FLSA: Non-Exempt**

## **DISTINGUISHING CHARACTERISTIC:**

This is an entry-level position; reports to the Director of Public Safety or designee.

## **ESSENTIAL JOB FUNCTIONS:**

**Essential Job Functions:** *Essential functions, as defined under the Americans with Disabilities Act, may include any of the following tasks, knowledge, skills and other characteristics. The list that follows is not intended as a comprehensive list; it is intended to provide a representative summary of the major duties and responsibilities. Incumbent(s) may not be required to perform all duties listed, and may be required to perform additional, position-specific tasks.*

- Assist in the planning and acts as public relations liaison for community outreach programs including neighborhood watch and school programs.
- Works with the public and members of specific community groups on projects that enhance the image of the City of Oroville and advances their objectives.
- Teaches crime prevention techniques.
- Assists in organizing fundraisers for programs.
- Develops flyers and wanted posters for media and law enforcement when assigned
- Collects and compiles data and information; develops documents and prepares and presents press releases, news articles, newsletters, and reports for the public, as assigned.
- Assist in the planning and coordinates community public relations programs for dissemination of information to present positive City of Oroville developments, special events and promotional programs.
- May provide and explain Public Safety Department's information to external agencies, communications media, citizens, advocates and City staff.
- Responds to public inquiries and requests for information.
- Develops rapport with news media; responds to press inquiries as assigned and establishes mutual understanding of rights to confidentiality.
- Organizes and maintains a filing system.
- Performs other related duties as assigned.

**REQUIRED KNOWLEDGE AND SKILLS:**

- Knowledge of Public Safety Department's policies and procedures.
- Knowledge of City organization, operations, policies and procedures.
- Knowledge of crime prevention practices and programs.
- Knowledge of public relations principles and practices, including mass media, publicity, community relations, and community outreach programs.
- Knowledge of business and personal computer hardware and software applications.
- Knowledge of business English usage, spelling, grammar and punctuation.
- Skill in working under pressure of deadlines, and maintaining cooperative working relationships with citizens, media and community representatives, department staff and other City employees.
- Skill in interacting with people of different social, economic, and ethnic backgrounds.
- Skill in handling confidential information appropriately.
- Skill in producing written documents using proper style, format, sentence structure, grammar and punctuation.
- Skill in evaluating and editing the content, structure, and format of a range of written material.
- Skill in comfortably and effectively speaking to large groups of people.
- Skill in following and effectively communicating verbal and written instructions.
- Skill in assessing and prioritizing multiple tasks, projects and demands.

**MINIMUM REQUIREMENTS-EDUCATION, CERTIFICATIONS AND LICENSES:**

- High school diploma or equivalent GED certificate.
- One (1) year of experience in the area of media relations or working as a member of the media, involving frequent public contact and interpretation of complex rules and regulations.
- Valid State of California driver's license and pass a thorough background investigation is required.
- Must possess, or obtain during the probationary period, valid first aid and CPR certificates.

**ENVIRONMENTAL FACTORS AND CONDITIONS/PHYSICAL REQUIREMENTS:**

- Work is performed in an office environment and various community and school facilities; some non-standard hours are required.

**EQUIPMENT AND TOOLS UTILIZED:**

Equipment utilized includes personal computer, motor vehicle and standard office

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: BILL LA GRONE, DIRECTOR OF PUBLIC SAFETY**

**RE: PURCHASE OF NEW POLICE VEHICLES**

**DATE: APRIL 4, 2017**

**SUMMARY**

The Council may consider the purchase of two (2) 2016 Ford Police Interceptor Utility vehicles, in the amount of \$83,184, from Oroville Ford.

**DISCUSSION**

These Police vehicles will be used to replace our old and aged Canine vehicles. These vehicles have been well used and require regular significant maintenance and repair to keep them on the road. Our Canine fleet is also looking its age, both have significant paint chipping and peeling.

The Council may not know that Ford has stopped producing the traditional Ford Crown Victoria Police Interceptor. Ford now offers two Police packages: The Ford Interceptor (Ford Taurus); and, the Ford Police Interceptor Utility (Ford Explorer). The Police Department (Department) has previously looked at both vehicles. It is the opinion of the Department that the Ford Utility will best suit our needs. The Department's fleet is primarily made up of this type of vehicle. This vehicle is working well and our desire is to continue utilizing this vehicle. The Department will use any specialty equipment that is possible from the old vehicles.

These vehicles will be purchased from the local Ford dealership, Oroville Ford. Oroville Ford has offered these vehicles to the City at a price below the State Contract bid pricing. This offer is available due to another agency ordering the vehicles and then not following through on the purchase. State Contract pricing for this vehicle is \$27,641.44 each plus tax and license. Oroville Ford is offering the City this vehicle for \$26,544.00 each plus tax and license. The total cost of the vehicle to include tax, license and fees from Oroville Ford is \$28,591.99 each. Since the price of these vehicle is less than what is available through the State Contract the bidding requirement has been satisfied.

This purchase from Oroville Ford will not only keep the City's sales tax dollars local, it will help support a local business. (See Attachment A for additional details.)

Staff has spoken with the Lead Mechanic for the City of Oroville. The Lead Mechanic has indicated he will be able to build these cars in house. The Oroville Public Safety Department is requesting permission to purchase the necessary equipment as listed in the attached exhibit. These vehicles will be used for transportation of Canines and do require some specialized equipment. The Department will utilize as much equipment as possible from the current Canine Officer vehicles. The estimated cost for the necessary equipment is \$13,000 each. This includes \$2,000 for each vehicle for repainting of panels and striping of vehicle. Since this is an in-house build, no bidding is required. See Attachment 2 for additional details related to the emergency equipment.

The total cost for this project, including all vehicles and emergency equipment, painting and striping, is \$83,183.98, which includes sales tax of \$3,860.48.

### **FISCAL IMPACT**

50%- Available Fund Balance in the Department Drug Asset Forfeiture Account (Fund 106) is \$157,162.54. The Department is proposing to pay 50% of the total cost of this project from this account due to the fact Canines are drug detection certified. Total amount of funding from this account would be \$41,591.99, leaving a balance of \$115,570.55.

50%- Available Fund Balance in the Capital Asset Replacement (Fund 300) is \$188,606.88. The Department is proposing to pay 50% of the total cost of this project from this account. Total amount of funding from this account would be \$41,591.99, leaving a balance of \$147,014.89.

### **RECOMMENDATIONS**

1. Authorize the Public Safety Department to purchase the two (2) Police vehicles from Oroville Ford, below State Contract pricing, in the amount of \$83,183.98, and authorize the purchase of emergency equipment for vehicles to be installed by City staff.
2. Authorize the City Purchasing Officer to dispose of vehicles which may be surpluses following the purchase of said vehicles. Disposal will be in a manner that brings greatest value to the City, which may include auction, as feasible.
3. Authorize the Finance Director to adjust affected budgets, as necessary.

### **ATTACHMENTS**

- A - Oroville Ford Sales bid, and specification sheet for vehicles.
- B - Emergency Equipment Specification Sheet

Current Deal #28825

Opp @ \_\_\_\_\_

FORD NEW CAR SALES

Type Q 1 Retail

Customer A \_\_\_\_\_

Stock Z \_\_\_\_\_

Date W 03/30/2017

CashSalePrice S	26544.00	Cash Deposit F	0.00	Slsmn1 U	_____
Tx Accessory X	0.00	Mnfg Rebate V	0.00	Slsmn2 #	_____
Document Fees E	80.00	Pck1 0 days G	0.00	Closer #	_____
Taxable Smog \$	0.00	Pck2 0 days \$	0.00		
State Tax \$	1930.24	TOTAL DOWN \$	0.00		
Luxury Tax \$	0.00				
VEHICLE TOTAL \$	28554.24	Trade1 Gross B	0.00	LenderM 98 CASH	
		Payoff Y	0.00	Method: 1 Normal	
L A & H TypD 0 \$	0.00	ACV H 0.00		TermI 1	
Serv Contract C	0.00	Trade2 Gross \$	0.00	RateK 0.00% APR, 0.00%	
Vehc Insurance \$	0.00	Payoff \$	0.00		
NonTx Accessry \$	0.00	ACV \$ 0.00		1stPymtDate: 03/31/2017	
		TOTAL TRADE \$	0.00	Days to 1st PymtO 1	
State DMV Fee *R	29.00				
State Smog Fee \$	0.00	TOTAL SALE \$	28591.99		
State Tire Fee \$	8.75	TOTAL CREDIT \$	0.00	MNTHLY PYMT P	28591.99
DMV R/S NumberJ	_____	AMT FINANCED N	28591.99	TOTAL PYMTS \$	28591.99

FastDeal: \_\_\_\_\_

Customer: Unknown

Unknown

0/26544/26094

*2016 Exploren Police units*

*\$ 28,591.99*

	Suggested Retail Price	Invoice Amount
K8AT POLICE INTER UTILITY AWD	31175.00	29539.00
SPECIAL DEALER ACCOUNT ADJUSTM		
SPECIAL FLEET ACCOUNT CREDIT		
1014-316G06/23/15CA		
2016 MODEL YEAR		
YZ OXFORD WHITE		
9W EBONY CLOTH FRT/VINYL REAR		
INCLUDED ON THIS VEHICLE		
EQUIPMENT GROUP 500A		
OPTIONAL EQUIPMENT/OTHER		
.PREMIUM SINGLE CD W/ MP3		
99R .3.7L V6 TIVCT ENGINE	NC	NC
44C .6-SPEED AUTO TRANSMISSION	NC	NC
53M SYNC VOICE ACTIVATED SYSTEM	295.00	276.00
153 FRONT LICENSE PLATE BRACKET	NC	NC
18W REAR DOOR POWER WINDOW DELETE	25.00	23.00
422 CALIFORNIA EMISSIONS SYSTEM	NC	NC
43D COURTESY LAMP DISABLE	20.00	19.00
51Y DRIVER SIDE SPOT LAMP	215.00	200.00
59E KEYED ALIKE -KEY CODE E	50.00	48.00
60R NOISE SUPPRESSION BOND STRAPS	100.00	93.00
61S CONFIG AUDIO CTRLS WITH VOICE	155.00	145.00
66A FRONT HEADLAMP LIGHT SOLUTION	850.00	794.00
.WIRING GRILL/LAMP/SIREN/SPKRS		
68G REAR DR HNDL AND LOCKS INOPR	35.00	32.00
SPCL. DLR. ACCT. ADJ. CR.		72.00
TOTAL OPTIONS/OTHER	1745.00	1558.00
TOTAL VEHICLE & OPTIONS/OTHER	32920.00	25238.00
DESTINATION & DELIVERY	945.00	945.00
TOTAL FOR VEHICLE	33865.00	
FUEL CHARGE		
CA NEW MTR VEHICLE BOARD FEES		4.18
NET INVOICE FLEET OPTION (B4A)		.65
SHIPPING WEIGHT 4548 LBS.		7.00
TOTAL	33865.00	



4707 Northgate Blvd.  
 Sacramento, CA. 95834  
 Parts Dept. 916-646-6626  
 Service Dept 916-646-6636  
 Fax 916-646-6656  
 GROUND

\*\* QUOTATION \*\*  
 \*\*\* DUPLICATE \*\*\*  
 Ord # 01 20334  
 P/O # UTILITY

NET 30 DAYS

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 IRENE SHAW  
 OROVILLE CITY OF  
 1735 MONTGOMERY ST  
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 1735 MONTGOMERY ST  
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 Expires  
 9/03/2014

Lin	Qty	Part Number	S	Description	Wt.Each	Net	Value
001	1	WH SW8RRBB	F	LIBERTY EXT 48.		1649.0000	1649.00
002	1	WH STPKT83		STRAP KIT			
003	1	WH CCSRNTA3	F	CENCOM SAFFIRE		595.0000	595.00
004	1	WH SA315P	F	SIREN SPEAKER		195.0000	195.00
005	1	WH SAK44	F	SPEAKER BRACKET		25.2000	25.20
006	1	GJ 7160-0411		UTILITY CONSOLE		432.0000	432.00
007	1	GJ 7160-0321	F	3" FACE PLATE		19.2000	19.20
008	1	GJ 7160-0339	F	4.5" FACE PLATE		16.8000	16.80
009	1	GJ 3130-0361		2" FACE PLATE			
010	1	GJ 3130-0152	F	1/2 BLANK FILLE			
011	1	GJ 7160-0431		2" USB AUDIO		63.2000	63.20
012	1	SE GK10301S1U	F	DUAL WEAPON MT		319.2000	319.20
013	1	SE PK1134ITU12SCA		8XL PARTITION		599.2000	599.20
014	1	AD SUVIC1311	F	SEAT/SCREEN		889.6100	889.61
015	1	SE WK0514ITU12		WINDOW GUARDS		167.2000	167.20
016	1	SE DK0598ITU12	F	ALUM DOOR PANL		127.2000	127.20
017	2	WH IONGROM	F	ION GROMMET MNT		4.9000	9.80
018	1	WH IONA	F	ION LED AMBER		120.4000	120.40
019	1	WH IONB	F	ION LED BLUE		120.4000	120.40
020	1	PP 03-0212	F	UTIL HRNS REAR		595.0000	595.00
021	1	LE WH1		WIRE HARNESS		45.0000	45.00
022	1	RD NMO-K-DS	F	COAX CABLE		18.9900	18.99
023	1	RD QWFT120	F	ANTENNA WHIP		19.0000	19.00
024	1	WH VTX609R	F	VERTEX RED		90.3000	90.30
025	1	WH VTX609B	F	VERTEX BLUE		90.3000	90.30
026	1	SE BK0534ITU12	F	PB400 UTILITY A		263.2000	263.20
027	1	WH PAR28E		WHELEN ENG.		131.6000	131.60
028	1	WH PAR28D		WHELEN ENG.		131.6000	131.60
029	2	WH P28FX11	F	EXPL FOG MOUNT		5.6000	11.20
030	1	LA I		INSTALLATION		2575.0000	2575.00

2015 Ford Utility

32	9319.60		175.00			698.97
TOTAL UNITS	PART TOTAL	CORE TOTAL	FREIGHT	HANDLING	OTHER	TAX
					PAY THIS AMOUNT	\$ 10193.57

RCVD. BY: \_\_\_\_\_



March 15, 2017

TO: STATE, CITY AND LOCAL OFFICIALS

**NOTIFICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION REQUESTING TO INCREASE RATES FOR COSTS RELATING TO DIABLO CANYON SEISMIC STUDIES AND RPS PROGRAM COSTS (A.17-02-005)**

**Summary**

On February 28, 2017, Pacific Gas and Electric Company (PG&E) filed its 2016 Energy Resource Recovery Account (ERRA) Compliance application with the California Public Utilities Commission (CPUC) requesting approval to increase rates to recover costs related to the following programs:

- Seismic (earthquake) studies performed at Diablo Canyon Power Plant; and
- California's Renewable Portfolio Standard, which includes clean energy, clean air and greenhouse gas reduction goals for 2030 and beyond.

Related to the programs above, PG&E is requesting a total of \$5.69 million to be collected in rates from customers. If approved, this application would increase electric rates effective January 1, 2018. This application also includes a review of the recorded costs to the ERRA Balancing Account from the prior year.

**Background**

The ERRA is used to record fuel and purchased power costs which can be recovered in rates. PG&E recovers these costs with no mark up for return or profit. The purpose of this ERRA Compliance proceeding is to review PG&E's costs associated with obtaining energy for customers and approve rate increases for other program costs noted above. The CPUC will review PG&E's costs to ensure compliance with the previously approved forecast and energy purchasing plans as well as compliance with the goal of minimizing costs for our customers.

**How will PG&E's application affect me?**

Most customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. Based on rates currently in effect, the bill for a typical residential Non-CARE customer using 500 kWh per month would increase from \$110.77 to \$110.82 or 0.04%. Actual bill impacts will vary depending on electricity usage.

**How will PG&E's application affect non-bundled customers?**

Direct Access and Community Choice Aggregation customers only receive electric transmission and distribution services from PG&E. PG&E's application will minimally impact these customers with a 0.003% average increase to rates.

Another category of non-bundled customers is Departing Load customers that do not receive electric generation, transmission or distribution services from PG&E. However, these customers are required to pay certain charges by law or CPUC decision. PG&E's application will not impact departing load charges.

**How do I find out more about PG&E's proposals?**

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TDD/TTY (speech-hearing impaired), call **1-800-652-4712**. Para más detalles llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**. If you would like a copy of PG&E's filing and exhibits, please write to PG&E at the address below:

Pacific Gas and Electric Company  
2016 ERRA Compliance Application (A.17-02-005)  
P.O. Box 7442  
San Francisco, CA 94120

A copy of PG&E's filing and exhibits is also available for review at the CPUC's Central Files Office by appointment only. For more information, contact [aljcentralfilesid@cpuc.ca.gov](mailto:aljcentralfilesid@cpuc.ca.gov) or **1-415-703-2045**. PG&E's application (without exhibits) is available on the CPUC's website at [www.cpuc.ca.gov](http://www.cpuc.ca.gov).

**CPUC process**

This application will be assigned to an Administrative Law Judge (Judge) who will determine how to receive evidence and other related documents necessary for the CPUC to establish a record upon which to base its decision. Evidentiary hearings may be held where parties will present their testimony and may be subject to cross-examination by other parties. These evidentiary hearing are open to the public, but only those who are formal parties in the case can participate.

After considering all proposals and evidence presented during the hearings, the assigned Judge will issue a proposed decision which may adopt PG&E's proposal, modify it or deny it. Any of the five CPUC Commissioners may sponsor an alternate decision. The proposed decision, and any alternate decisions, will be discussed and voted upon at a scheduled CPUC Voting Meeting.

The Office of Ratepayer Advocates (ORA) may review this application. ORA is the independent consumer advocate within the CPUC with a legislative mandate to represent investor-owned utility customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. ORA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. For more information about ORA, please call **1-415-703-1584**, email [ora@cpuc.ca.gov](mailto:ora@cpuc.ca.gov) or visit ORA's website at [www.ora.ca.gov](http://www.ora.ca.gov).

### **Stay informed**

If you would like to follow this proceeding, or any other issue before the CPUC, you may use the CPUC's free subscription service. Sign up at: <http://subscribecpuc.cpuc.ca.gov/>. If you would like to learn how you can participate in the proceeding, have informal comments about the application, or have questions about the CPUC processes, you may access the CPUC's Public Advisor Office (PAO) webpage at <http://consumers.cpuc.ca.gov/paof/>.

You may also contact the PAO as follows:

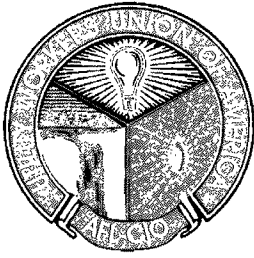
**Email:** [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

**Mail:** CPUC  
Public Advisor's Office  
505 Van Ness Avenue  
San Francisco, CA 94102

**Call:** **1-866-849-8390** (toll-free) or **1-415-703-2074**

**TTY:** **1-866-836-7825** (toll-free) or **1-415-703-5282**

If you are writing or emailing the PAO, please include the proceeding number (2016 ERRA Compliance Application, A.17-02-005). All comments will be circulated to the Commissioners, the assigned Judge and appropriate CPUC staff, and will become public record.



# Utility Workers Union of America

*Affiliated with AFL-CIO*

## Local 160D

March 21, 2017

The Honorable Members  
Oroville City Council  
1735 Montgomery Street  
Oroville, CA 95965

The Honorable Commissioners  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, CA 95965

**Re: California Water Service (Cal Water)**

Dear Mayor Dahlmeier, Council Members, Chair Leverenz, & LAFCo Commissioners:

We, the undersigned, are all members of the Utility Workers Union of America, AFL-CIO Local 160D, which is part of the California Water Utility Council (CWUC) - a labor organization comprised of six local unions, representing approximately 665 operations, construction, maintenance, and clerical employees of California Water Service (Cal Water). We are a group of highly trained, qualified, competent, and state-certified water service professionals who are responsible for ensuring the safety, quality, and reliability of the drinking water we help deliver to Cal Water's customers. We are the proverbial boots on the ground.

As you know, Cal Water has served the residents of Oroville since 1927. What you may not know, however, is that, since the early 1940s, Cal Water's employees - union and non-union alike - have worked to develop a "one-team approach" to the company's operations. For us, there is no difference between "the company" and "its local employees." We are all members of one Cal Water family. We work 24 hours a day 365 days a year to provide quality, service, and value to our customers.

It is for this reason that we've become increasingly concerned with how Cal Water and our operations in Oroville are being portrayed by some. What amount to unfounded attacks on "the company" are really attacks on everyone that is part of the Cal Water team; from our President all the way to a newly-hired, part-time laborer.

As hard-working men and woman with families to support, we appreciate the concerns the City Council, Butte County LAFCo, and members of the community have expressed about the cost of water service in Oroville. We too are concerned with how increased costs for everything from electricity to cell phone service will impact our families. However, these concerns do not justify the unfounded attacks that have been leveled by some against Cal Water.

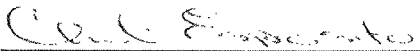
To call Cal Water the "epitome of a greedy corporation" is to overlook the steps we have personally taken to help control the cost of water service, such as taking on a significantly higher percentage of our healthcare costs. It is to overlook tens of thousands of dollars Cal Water contributes to local organizations - from the Boys & Club to the Oroville Rescue Mission - that provide immense benefit to the community. It is to overlook the time we spend volunteering in this community we call home.

To say that Cal Water "neglects" our infrastructure is to ignore the tens of millions of dollars the company has invested to ensure the residents of Oroville have a water system they can depend on for decades to come. Likewise, it marginalizes the countless hours we spend maintaining the water system to ensure our customers have safe and reliable drinking water. It is an attack that simply is not supported by facts.

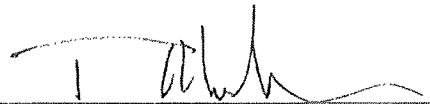
And to say that Oroville should "get off Cal Water" or "divest itself of Cal Water" is a direct affront to our careers, lives, and families. Cal Water's employees regularly receive unsolicited job offers from other utilities, but we stay with Cal Water because it is our home away from home, and our coworkers are our second family. We are long-standing members of this great community. We grew up here. We shop at local businesses. Our children and grandchildren go to school here. And we work tirelessly every single day to make sure that each of our customers has safe, reliable, and high-quality water service because it is what we love to do.

We understand that you have questions about Cal Water, our operations and rates, and why they differ from other water suppliers. We have no qualms about the City and LAFCo seeking answers to these questions, and actually encourage you to learn everything you can about Cal Water and the high standards we hold ourselves to. Further, we appreciate that the cost of water service is a sensitive and oftentimes emotionally charged topic. All that we ask is that you recognize that attacks on Cal Water are not simply attacks on a faceless company. Rather, they are attacks on us, the individual members of the Cal Water team; the boots on the ground.

Sincerely,



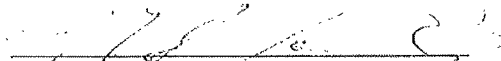
Christina Esposito  
Customer Service Representative



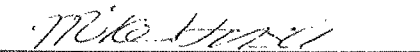
Timothy Miller  
Utility Worker / Relief Certified Pump Operator



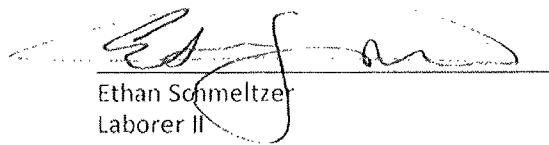
Matt Gipson  
Utility Worker / Relief Certified Pump Operator



Michael Padula  
Meter Reader



Michael Hanson  
Treatment Plant Operator



Ethan Schmeltzer  
Laborer II



Daniel Jarratt  
Foreman -- Operation & Maintenance



## CALIFORNIA WATER SERVICE

1720 North First Street  
San Jose, CA 95112-4598 Tel: (408) 367-8200

March 29, 2017

Mr. Stephen Lucas  
Executive Officer  
Butte County Local Agency Formation Commission  
1453 Downer Street, Suite C  
Oroville, CA 95965

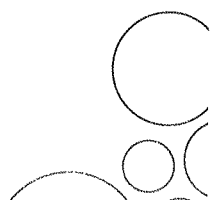
Re: Regional Water Service Review of the Greater Oroville Area

Dear Mr. Lucas:

During the Butte County Local Agency Formation Commission's (LAFCo) deliberations at its meeting on March 2, 2017 regarding the City of Oroville's request for a water service review of the greater Oroville area, several speakers discussed the possibility of California Water Service (Cal Water) purchasing finished, treated water from South Feather Water & Power Agency (SFWPA). The speakers explained that water utility rates paid by Cal Water's customers in Oroville could potentially be reduced if Cal Water were to supplant its existing water supply sources with water provided by SFWPA. Cal Water appreciates these types of efforts to look for innovative ways to reduce the cost of water service in Oroville and recently completed a study on the financial impact of purchasing treated water from SFWPA. Unfortunately, the study concludes that this change would actually cause the water utility rates paid by our customers to increase, not decrease. This is due to the cost of infrastructure needed to connect the two water systems.

As explained in our March 1, 2017 letter, Cal Water supports evaluating whether there are other ways to reduce the cost of water service for our customers in Oroville. The vast majority of the costs we incur to operate our water system are reflected in water utility rates on a dollar-for-dollar basis; there is no mark-up on these costs. In particular, our purchased water costs – be it from existing sources or from a new source, such as treated water from SFWPA – are simply pass-through costs. As a result, there is no reason – financial or otherwise – for Cal Water to object to looking at these costs to see if they could be reduced. Rather, we strive to be efficient in our operations and provide water utility service at affordable and reasonable rates.

For this reason, Cal Water had already engaged a water management consultant, Jeff Yarne of Yarne & Associates, to investigate the matter in more detail. Because there is not currently a means to convey sufficient finished, treated water from SFWPA's system to Cal Water's, Mr. Yarne determined that tens of million dollars of new infrastructure would have to be





## CALIFORNIA WATER SERVICE

constructed. This required infrastructure would include new water transmission mains, booster pump stations, storage tanks, and an expansion of SFWPA's Miners Ranch Treatment Plant. Because of this, Mr. Yarne concludes that "purchasing treated water from SFWPA would significantly increase costs for Oroville District customers."

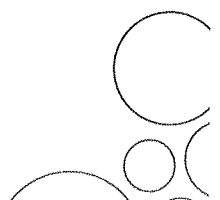
It is important to remember that any cost-saving initiatives may not result in a significant change in water rates. As is the case with most utilities, Cal Water's rates are comprised of two primary components: a monthly service charge based on the size of a customer's water meter and quantity charges based on the amount of water a customer uses. These rates are set to reflect the actual full cost of operating, maintaining, and upgrading the water system. In other words, our quantity rates, for example, are what they are because they reflect a significant portion of the total cost of service, not a single component of those costs, such as purchased water.

Our hope is that this information adds clarity to the discussion about water utility rates in Oroville. For your reference, I have enclosed a copy of Mr. Yarne's memo that details his findings. Please feel free to share this information with the consultant that LAFCo ultimately selects to complete the regional water service review of the greater Oroville area. As always, please do not hesitate to get in touch with us if you have any questions.

Sincerely,

Shannon Dean  
Vice President, Corporate Communications  
& Community Affairs

Cc: The Honorable Members of the Butte County LAFCo (distributed by Mr. Stephen Lucas)  
The Honorable Linda Dahlmeier, Mayor, City of Oroville  
The Honorable Janet Goodson, Vice Mayor, City of Oroville  
The Honorable Members of the Oroville City Council  
Mr. Don Rust, City Administrator, City of Oroville  
Mr. Toni Ruggle, District Manager, Cal Water  
Ms. Lynne McGhee, V.P. & General Counsel, Cal Water  
Mr. George Soneff, Manatt, Phelps, & Phillips  
Ms. Amber Maltbie, Nossaman



# MEMO

Date: March 27, 2017  
To: Rob Kuta, Vice President Engineering  
From: Jeffery Yarne

Subject: Comparison of California Water Service’s Water Supply Costs in its Oroville Service Area with Those of South Feather Water & Power Agency

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On October 25, 2016, California Water Service (Cal Water) engaged Yarne & Associates, Inc. (YAI) to provide an independent analysis and comparison of its treated surface water supply costs for its Oroville service area with those it would probably incur were it to purchase treated surface water from the South Feather Water & Power Agency (SFWPA). Cal Water undertook this analysis in order to determine if its water supply costs and consequently its customer water rates could be reduced by replacing Cal Water’s existing treated surface water supply with purchased treated water from SFWPA.

Based on this analysis and comparison, Cal Water would not achieve any cost savings by switching from producing treated surface water to purchasing treated water from SFWPA. Based on the data and assumptions used in this analysis, the opposite would likely occur – Cal Water’s supply costs would increase.

## Cal Water’s Supply, Treatment, and Transmission Costs

As described in Cal Water’s 2015 Urban Water Management Plan<sup>1</sup>, Cal Water has two sources of water supply for its Oroville service area: groundwater and South Feather River water, which it treats at its Oroville water treatment plant. Groundwater is pumped from the aquifers that underlie the service area through several active wells. South Feather River water is purchased from Butte County and Pacific Gas & Electric (PG&E).

Cal Water’s 2014 annual cost to acquire and treat surface water for its Oroville customers was \$748,750.<sup>2</sup> For the purposes of this analysis, there are two key<sup>3</sup> components of Cal Water’s purchased water costs:<sup>4</sup>

1. Purchase of raw water:	\$285,350
Maintenance of Lower Miocene Canal:	\$90,920
<b>Total raw water costs:</b>	<b>\$376,270</b>

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<sup>1</sup> California Water Service, “2015 Urban Water Management Plan,” June 2016, available at:

[https://www.calwater.com/docs/uwmp2015/oro/2015\\_Urban\\_Water\\_Management\\_Plan\\_Final\\_\(ORO\).pdf](https://www.calwater.com/docs/uwmp2015/oro/2015_Urban_Water_Management_Plan_Final_(ORO).pdf).

<sup>2</sup> Because of four years of continuous drought and significant reductions in availability of Feather River water for treatment, Cal Water’s 2015 water treatment cost data are not representative of “normal” year costs – they are lower. Data for 2014 data appear more representative and are used here.

<sup>3</sup> The Oroville District’s annual capital cost recovery charge for capital expenditures for the Lower Miocene Canal (raw water conveyance system) and water treatment plant facilities is not included as a cost since it has to be recovered irrespective of whether conveyance and treatment facilities are operating or shut down.

<sup>4</sup> Data provided by Cal Water.

2. Treatment Plant maintenance:	\$14,300
Treatment Plant labor:	\$193,000
Treatment plant power <sup>5</sup> :	\$92,480
<u>Treatment plant chemicals, lab, misc.:</u>	<u>\$72,700</u>
<b>Total Treatment Plant O&amp;M:</b>	<b>\$373,480</b>

Cal Water delivers approximately 2,322 acre feet (AF) of water per year, or 2.1 million gallons per day (MGD), resulting in a unit cost of \$322 per AF.

### **SFWPA's Supply, Treatment, & Transmission Costs**

SFWPA's water supply costs for its customers are approximately \$1,152,485.<sup>6</sup> Those costs are based on \$13,213 for raw water supply and \$1,139,272 for surface water treatment. SFWPA delivers approximately 4,950 AF of treated water per year,<sup>7</sup> or 4.42 MGD, resulting in a unit cost of about \$233 per AF.

### **SFWPA & Cal Water Transmission System Capital Costs**

In order for Cal Water to replace its existing treated surface supply with purchased treated water provided by SFWPA, both Cal Water and SFWPA would need to make significant improvements to their respective treated water transmission systems.

#### **SFWPA**

It was assumed that additional separate storage, pumping, and pipeline conveyance facilities would have to be planned, designed, constructed and commissioned to deliver treated water from SFWPA's Miners Ranch Water Treatment Plant (MRWTP) to the boundary of Cal Water's service area. With respect to these additional facilities, the following assumptions were made:

1. A new 3 million gallon (MG) storage tank (reinforced concrete) is to be constructed at the MRWTP.
2. A booster pump station with a 2035 peak day pumping rate of 7 MGD is to be provided. The assumption is that the pump station would be designed and constructed for 7 MGD, but initially equipped with pumps and motors for 2026 peak day demand.
3. Approximately 5 miles of 20" diameter pipe are to be constructed for conveying year 2035 average day flow of 3.16 MGD (3,545 AF) of treated water, sized to accommodate peak day flow.
4. The estimated unit cost for the new transmission facilities is to cover: planning, preliminary design, California Environmental Impact Report (EIR), detailed design, equipment, materials, construction, permitting and approvals, land purchase and easements and right of ways, and commissioning.

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<sup>5</sup> Based on 50% of \$184,950 – total cost of purchased power.

<sup>6</sup> Data derived from SFWPA's 2015 Audited Financial Statement.

<sup>7</sup> Based upon estimates found in SFWPA's 2010 Urban Water Management Plan.



5. SFWPA prepared an EIR for the MRWTP in 2013, which is posted on its website. The EIR indicates that the firm maximum day production capacity of the MRWTP is to be increased from 11 MGD to 18 MGD with one filter unit out of service. Projected SFWPA 2035 average day demand is 5.98 MGD and projected Cal Water Oroville District average day demand is 3.16 MGD for a total of 9.16 MGD. In Cal Water’s June 2009 Water Supply and Facilities Master Plan (WSFMP) for the Oroville District, the peak day to average day water demand factor is 2.2. Here it is assumed that 2.0 is the peak day demand factor for the combined Cal Water and SFPWA service areas. Therefore, the 2035 combined peak day demand would be 18.3 MGD. With all MRWTP filters in service, maximum day production would be 21 MGD. It is assumed that costs for expansion of the MRWTP would be proportionately allocated between SFWPA and Cal Water. An estimate of that cost is not made here.

The improvements described in Items 1, 2 and 3 above could cost between approximately \$16,030,000 and 18,090,000. Total cost will largely depend on the unit cost of new transmission pipes.

The lower unit cost estimate is \$380 per linear foot of pipe:

Finished water storage tank (3 MG):	\$4,000,000 <sup>8</sup>
Booster pump station (7 MGD):	\$2,000,000 <sup>9</sup>
<u>5 miles (26,500 feet) of 20-inch transmission pipe:</u>	<u>\$10,030,000<sup>10</sup></u>
<b>Total:</b>	<b>\$16,030,000</b>

The higher unit cost estimate is \$420 per linear foot of pipe:

Finished water storage tank (3 MG):	\$4,000,000
Booster pump station (7 MGD):	\$2,000,000
<u>5 miles (26,500 feet) of 20-inch transmission pipe:</u>	<u>\$11,090,000</u>
<b>Total:</b>	<b>\$18,090,000</b>

Assuming a 20-year amortization schedule at 3.5% interest, the total capital cost of these improvements would be approximately \$1,116,000 per year for the lower unit cost and approximately \$1,259,000 per year for the higher unit cost of transmission pipe.

**Cal Water**

It was assumed that Cal Water would have to provide a booster pump station and additional conveyance pipe to connect to its distribution system. With respect to these additional facilities, the following assumptions are made:

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<sup>8</sup> Cost estimates are calculated based on information provided in Appendix G: Cost Estimating Assumptions of the City of Tracy’s Citywide Water System Master Plan, which was completed by West Yost Associates in 2012. Appendix G of the Plan is available at: [http://www.ci.tracy.ca.us/documents/Appendix\\_G\\_Cost\\_Estimating.pdf](http://www.ci.tracy.ca.us/documents/Appendix_G_Cost_Estimating.pdf). The complete Citywide Water System Master Plan is available at: <http://www.ci.tracy.ca.us/?navid=2101>.

<sup>9</sup> *Ibid.*

<sup>10</sup> For transmission pipeline costs, lower (\$380/foot) and higher (\$420/foot) unit costs were estimated because of the lack of any specific information on routes and associated conditions and constraints. These estimates are lower than two actual pipeline installation unit costs in the Oroville District. For 535 feet of 6 inch diameter PVC pipe in Acacia Ave, the unit cost was \$464/ft. For 700 feet of 12 inch diameter ductile iron pipe in Bridge St, the unit cost was \$642/ft. One other installation had a lower unit cost – 1,096 feet of 8 inch diameter PVC pipe for \$257/ft.

**Yarne & Associates, Inc.**  
Water Management Consulting Services

1. A booster pump station at the connection point with the SFWPA transmission line will be required with a 2035 peak day pumping rate of 7 MGD. The assumption is that the pump station would be designed and constructed for 7 MGD, but initially equipped with pumps and motors for the 2026 peak day demand.
2. Approximately 1.3 miles of 20" diameter pipe are to be constructed for conveying 2035 average day flow of 3.16 MCD (3,545 AF) of treated water, sized to accommodate peak day flow.

These improvements could cost between approximately \$4,607,000 and 4,881,000. Cost will largely depend on the unit cost of new transmission pipes.

The lower estimate is based on \$380 per linear foot of pipe:

Booster pump station (7 MGD):	\$2,000,000 <sup>11</sup>
<u>1.3 miles (6,860 feet) of 20-inch transmission pipe:</u>	<u>\$2,607,000<sup>12</sup></u>
<b>Total:</b>	<b>\$4,607,000</b>

The higher estimate is based on \$420 per linear foot of pipe:

Booster pump station (7 MGD):	\$2,000,000
<u>1.3 miles (6,860 feet) of 20-inch transmission pipe:</u>	<u>\$2,881,000</u>
<b>Total:</b>	<b>\$4,881,000</b>

Assuming a 20-year estimated average annualized capital recovery at 12%, the total capital cost of these improvements would be approximately \$552,840 per year for the lower estimate and approximately \$585,720 per year for the higher estimate.

### **Estimated SFWPA Treated Water Costs**

To determine whether it would be cost-effective for Cal Water to replace its existing treated surface water supply with purchased treated water provided by SFWPA, it is necessary to estimate the cost of treated water that SFWPA would likely charge Cal Water.

At the time of this analysis, SFWPA charges its customers \$0.42 per 100 cubic feet (ccf), or approximately \$183 per AF for treated water. This amount includes a significant subsidy from its power and raw water sales. It is assumed that SFWPA would not extend these same subsidies to Cal Water as doing so would increase the cost of service for its existing customers. It is also assumed that O&M costs at the MRWTP would increase, and that SFWPA would recover part of its treatment plant capital

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<sup>11</sup> Cost estimates are based on information provided in Appendix G: Cost Estimating Assumptions of the City of Tracy's Citywide Water System Master Plan, which was completed by West Yost Associates in 2012. Appendix G of the Plan is available at: [http://www.ci.tracy.ca.us/documents/Appendix\\_G\\_Cost\\_Estimating.pdf](http://www.ci.tracy.ca.us/documents/Appendix_G_Cost_Estimating.pdf). The complete Citywide Water System Master Plan is available at: <http://www.ci.tracy.ca.us/?navid=2101>.

<sup>12</sup> For transmission pipeline costs, lower (\$380/foot) and higher (\$420/foot) unit costs were estimated because of the lack of any specific information on routes and associated conditions and constraints. These estimates are lower than two actual pipeline installation unit costs in the Oroville District. For 535 feet of 6 inch diameter PVC pipe in Acacia Ave, the unit cost was \$464/ft. For 700 feet of 12 inch diameter ductile iron pipe in Bridge St, the unit cost was \$642/ft. One other installation had a lower unit cost – 1,096 feet of 8 inch diameter PVC pipe for \$257/ft.

investment from Cal Water based on proportionate flow rates. Given this background, it is more realistic to assume that Cal Water customers would likely pay a unit cost approximately twice what SFWPA customers pay or \$366 per AF. Over 20 years, it is assumed that there will be an annual cost increase of 2% per year, resulting in a unit cost of \$403 per AF for treated water in 2020.

In addition, SFWPA would likely charge Cal Water's customers for the improvements that had to be made to its system to facilitate the new source of supply. Cal Water estimates in its 2015 Urban Water Management Plan that its customers will use approximately 3,200 AF of water in 2020. It was previously estimated that SFWPA's new capital costs would be between \$1,116,000 and \$1,259,000 per year. Therefore, Cal Water's customers would likely pay an additional \$349 per AF to \$393 per AF in 2020 to pay for the costs of SFWPA's capital improvements.

Finally, Cal Water's customers would be responsible for the cost of the improvements required for its transmission system to convey treated water from SFWPA. It was previously estimated that these new capital costs would be between \$552,000 and \$585,720 per year. Therefore, Cal Water's customers would likely pay an additional \$172 per AF to \$183 per AF in 2020 for transmission capital improvements.

In total, Cal Water's customers would likely pay between approximately \$924 per AF and \$979 per AF in 2020 if Cal Water replaced its existing treated surface water supply source with purchased treated water provided by SFWPA. In comparison, assuming an annual cost increase of 2%, Cal Water's customers will pay about \$363 per AF in 2020 for its existing source of treated surface water.

In summary, changing treated surface water supplies would result in an estimated increase in cost of water between 254% and 270%.

### **Conclusions**

Based on the assumptions made here and cost estimates for 2020, purchasing treated water from SFWPA would significantly increase costs for Cal Water's customers in Oroville. While the cost estimates presented here are at a very preliminary planning level, the magnitude of difference between Cal Water's costs of treated surface water and those estimated for purchasing treated surface water from SFWPA are so significant that it is doubtful that in-depth planning, engineering and cost analyses to develop more accurate and detailed cost estimates would alter the findings. This very preliminary comparison indicates that there is not a reasonable basis for further evaluation of a treated water source switch.