

REDEVELOPMENT PLAN
FOR THE
OROVILLE
REDEVELOPMENT PROJECT NO. 1

OROVILLE REDEVELOPMENT AGENCY

Approved and Adopted by Ordinance No. 1353
of the City of Oroville on July 6, 1981

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I. INTRODUCTION

The Redevelopment Plan for the Oroville Redevelopment Project No. 1 consists of Part I (Text) and Part II (Map). This Redevelopment Plan has been prepared by the Oroville Redevelopment Agency pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable local laws and ordinances.

II. GENERAL DEFINITIONS

The following references will be used in this Redevelopment Plan unless the context otherwise requires:

- A. "Agency" means the Oroville Redevelopment Agency.
- B. "Bonds" means bonds, notes, interim certificates, debentures or other obligations.
- C. "City" means the City of Oroville, California.
- D. "City Council" means the City Council of the City of Oroville, California.
- E. "County" means the County of Butte, California.
- F. "Map" means the Redevelopment Plan Map for the Oroville Redevelopment Project No. 1 (Part II herein).
- G. "Owner" means any individual or entity owning "real property" as defined herein.
- H. "Person" means any individual, or public or private entity.
- I. "Plan" or "Redevelopment Plan" means the Redevelopment Plan for the Oroville Redevelopment Project No. 1.
- J. "Planning Commission" means the Planning Commission of the City of Oroville, California.
- K. "Project" means the Oroville Redevelopment Project No. 1.
- L. "Project Area" means the area contained within the boundaries of the Oroville Redevelopment Project No. 1.

M. "Real Property" means land, including land under water and waterfront property, buildings, structures, fixtures, and improvements on the land; property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

N. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code Sections 33000, et seq.).

O. "Redevelopment Project" means the Oroville Redevelopment Project No. 1.

P. "State" means the State of California.

III. PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated on the Map. The legal description of the boundaries of the Project Area is as follows:

(Insert)

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IV. PROPOSED REDEVELOPMENT ACTIONS

The Agency proposes to eliminate and prevent blight and deterioration and the spread thereof in the Project Area by:

- (a) Acquisition of certain real property;
- (b) Demolition or removal of certain buildings and improvements;
- (c) Relocation assistance to displaced residential and nonresidential occupants;
- (d) Installation, construction, or reconstruction of streets, utilities, landscaping, and other on-site and off-site improvements;
- (e) Disposition of property for uses in accordance with this Plan;
- (f) Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.

Redevelopment by the Agency pursuant to this Plan may include, but is not limited to, the following:

- (a) The alteration, improvement, modernization, reconstruction, or rehabilitation, or any combination of these, of existing structures in the Project Area.
- (b) Provision for open-space types of use, such as streets and other public grounds and space around buildings, and public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.
- (c) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist:
 - (1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.
 - (2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.
 - (3) The areas require land assembly for the purpose of the development of a "new community" within the meaning of the Federal New Communities Act of 1968.

A. Property Acquisition

1. Acquisition of Real Property

The Agency may acquire all or part of the real property located in the Project Area by gift, grant, bequest, devise, purchase, lease, exchange, eminent domain or any other lawful method. Payment for property acquired shall be as provided by law.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to implement this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area.

Commencement of eminent domain proceedings to acquire property within the Project Area shall be within twelve (12) years from the effective date of the ordinance which approves and adopts this Redevelopment Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property, if it is transferred to private ownership before the Agency completes land disposition within the entire Project Area, unless the Agency and the private owner enter into an owner participation agreement.

The Agency shall not acquire real property to be retained by an owner either as a conforming owner or pursuant to an owner participation agreement if the owner fully performs under the agreement. The Agency may acquire structures without acquiring the land upon which those structures are located. The Agency may acquire any other interest in real property less than a fee.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless:

- (a) such building requires structural alteration, improvement, modernization, or rehabilitation; or

- (b) the site or lot on which the building is situated requires modification in size, shape or use; or
- (c) it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan and the owner fails or refuses to participate in this Project by executing an owner participation agreement.

The Agency at the request of the City Council may accept a conveyance of real property (located either within or outside a survey area) owned by a public entity and declared surplus by the public entity, or owned by a private entity. The Agency may dispose of such property to private persons or to public or private entities, by sale or long-term lease for development. All or any part of the funds derived from the sale or lease of such property may at the discretion of the City Council be paid to the City, or to the public entity from which any such property was acquired.

2. Acquisition of Personal Property

The Agency may acquire personal property in the Project Area by any lawful means.

B. Conforming Owners and Participation by Owners and Business Tenants

1. Opportunities for Owners and Business Tenants

The requirements and procedures, as set forth in Sections VG and VH, and VI hereof, shall be applicable only in respect to owner participation agreements and disposition and development agreements whereby the Agency is requested to provide redevelopment assistance.

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area, to continue or reenter in business within the redeveloped area if they meet the requirements prescribed by the Agency consistent with this Plan. For that purpose the Agency has adopted rules for reentry.

It is the intention of the Agency that many owners of parcels of industrial, commercial and other types of real property within the Project Area be allowed to participate in the redevelopment of the Project Area. Owners of all or part of the property in the Project Area may participate in its redevelopment in conformity with this Plan.

In the event a participant fails or refuses to rehabilitate or develop his real property pursuant to this Plan and/or the owner participation agreement, as an alternate thereto, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

The Agency may determine that certain real property within the Project Area presently meets the requirements of this Plan and the owners of such properties may be permitted to remain as conforming owners without an owner participation agreement with the Agency, provided such owners continue to operate and use the real property within the requirements of this Plan.

The Agency may also determine that certain real property within the Project Area is substantially in conformance with the requirements of this Plan and the owners of such properties shall be allowed to remain as conforming owners of such property provided said owners shall adequately screen from public view all outdoor storage of materials or equipment and shall adequately landscape such property.

In the event any of the conforming owners desire to: (i) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (ii) acquire additional real property within the Project Area, then such conforming owners shall be required to enter into an owner participation agreement with the Agency in the same manner as required for other owners.

Any real property owned by conforming owners outside of the designated conforming parcels and within the Project Area shall be considered and treated in the same manner as real property owned by other owners, and may be subject to an owner participation agreement with the Agency.

2. Rules for Participation Opportunities, Priorities and Preferences

Owners of property and business tenants may participate in the redevelopment of property in the Project Area in accordance with the Rules Governing Participation by Owners and Business Tenants and the Rules Governing Preference for Reentry in Business adopted by the Agency. In general, these rules provide: (i) that existing business owners and business tenants within the Project Area be given preference for reentry into business within the redeveloped Project Area; and (ii) that certain nonconforming buildings in the Project Area be retained; provided such owners enter into agreements with the Agency, whereby the owners agree to rehabilitate their properties to conform with the standards of the Project at their own expense.

In both instances owners shall be required to submit proof to the Agency of their qualifications and financial ability to carry out their agreement with the Agency. The Rules Governing Participation by Owners and Business Tenants adopted by the Agency are set out in Exhibit A and the Rules Governing Preference for Reentry in Business adopted by the Agency and made available for inspection are on file with the City Clerk of the City of Oroville.

3. Owner Participation Agreements

Each participant not a conforming owner shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate,

develop, or use the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

C. Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency may make and execute contracts and other instruments with public bodies and other persons necessary or convenient to the exercise of its powers and to carry out the purposes of this Plan, including, without limitation, participation in the establishment of joint powers authorities.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency shall, however, seek the cooperation of all public bodies which own or intend to acquire property in the Project Area.

The Agency may in any year during which it owns property in the Project Area pay directly to the City, County, and district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by the Agency to the City and County pursuant to this section shall be disbursed by the City and County to any school district with territory located within the Project Area in the City and County. "Proportionate share", as used in the preceding sentence, means the ratio of the school district tax rate, which is included in the total tax rate of the City and County, to the total tax rate of the City and County.

The Agency may also pay to any taxing agency with territory located within the Project Area, any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to any such taxing agency by the Project.

D. Property Management

During such time as property in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. The Agency may rent or lease, maintain, manage, operate, repair and clear real property of the Agency.

The Agency may insure or provide for the insurance of any real or personal property owned by the Agency against risks or hazards.

E. Relocation of Persons Displaced

1. Assistance in Finding Other Locations

The Agency shall assist all persons (including families, business concerns, and others) displaced by the Project in finding other locations and facilities. There are or will be provided in areas other than the Project Area, areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonable convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing outside the Project Area for displaced persons.

No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement.

Permanent housing facilities shall be made available within three (3) years from the time occupants are displaced, and pending development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

2. Relocation Payments

The Agency shall pay reasonable moving expenses to residents (including individuals and families) displaced by the Project, in accordance with the provisions below. This provision is not intended to provide incentives for commercial and industrial businesses to move out of the Project Area. However, the Agency may make relocation payments to such business concerns for moving expenses where the Agency determines it is in the best interest of the Project, and the Agency may make such other payments as may be in the best interest of the Project and for which funds are available.

The Agency shall provide relocation assistance and shall make all payments required by the California Relocation Assistance Law, Government Code Section 7260, et seq., and such guidelines as may be adopted by the Department of Housing and Community Development pursuant to Health and Safety Code Section 50460.

3. Other Relocation Assistance

Upon request from and at the expense of any public body, the Agency may, outside the survey area, with the approval of the City Council, provide (1) relocation assistance to persons displaced by governmental action, and (2) aid and assistance to property owners in connection with rehabilitation loans and grants.

Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of the Project, the Agency shall, within four (4) years of such destruction or removal, rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency, in accordance with the provisions of Sections 33413 and 33413.5 of the California Health and Safety Code.

The Agency may, in order to facilitate the rehousing of families and single persons who are displaced from their homes in the Project Area, utilize the aids made available through federal urban renewal, redevelopment and housing legislation and may use funds derived from any public or private source to carry out such rehousing.

F. Demolition, Clearance, Public Improvements, Building and Site Preparation

1. Demolition and Clearance

The Agency may clear or move buildings, structures, or other improvements from any real property acquired.

2. Public Improvements

The Agency shall not incur any debt for the financing of those public improvements as permitted herein unless at the time the Agency decides to so finance such public improvements it can be found and determined that the City will not be adversely impacted thereby and that the City has or will have the ability to maintain such facilities and other public improvements.

The Agency may acquire, install and construct or cause to be installed and constructed public improvements and public utilities (within or outside the Project Area). Such public improvements include, but are not limited to, overpasses or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights,

sewers, storm drains, traffic signals, electrical distribution systems, flood control facilities, natural gas distribution systems, water supply and distribution systems, buildings, parks, off-street parking, plazas, playgrounds, landscaped areas, and any other public building, facility, structure or improvement.

The Agency presently contemplates paying all or part of the cost of and the acquisition, installation or construction of the following publicly owned improvements within the territory of the Project Area:

a. The acquisition of land and the construction of all necessary or required public improvements relating to the acquisition and construction of a sewer treatment plan, or the construction and upgrading of the present facility to the extent necessary.

b. Acquisition, design and construction of a new Police/Fire Facility to be located on property presently owned by the City, including all appurtenances relative thereto.

c. Acquisition of land and construction of roads, undergrounding of utilities in the Industrial Park Area, including water, sewage, drainage, construction of water storage tank, property acquisition for rights-of-way and public improvements, as necessary, installation of lighting, landscaping and other public improvements.

d. Downtown Oroville Business District - installation of street lighting, construction of restroom facilities, reconstruction of Miners Alley, construction of second level to Montgomery Street parking lot, rebuilding, installation and construction of sidewalks, curbs, gutters and levy reconstruction, as necessary.

e. Acquisition, construction and extension of sewer mains eastward along Oroville-Dam Boulevard to Glen Drive.

f. Acquisition and construction of public improvements for industrial property located in the Airport Area, including, but not limited to, water lines, sewer lines, drainage, roads, utilities, water source development, and acquisition of land for and installation of water storage tank.

g. Acquisition, design, construction of land for and the construction of new City Hall to be located on land acquired or to be acquired by the City.

h. Acquisition and construction of improvements and all appurtenances thereto for the Dry Creek Drainage Basin.

i. Acquisition, construction and installation of all drainage improvements for the Thermalito Area of the City of Oroville, pursuant to the Thermalito Drainage Study and as set forth therein.

j. Participation, as required, in the replacement and reconstruction of the lower Thermalito Bridge with a four lane structure, including all appurtenances relating thereto.

k. Participation, as required, in the acquisition, construction and expansion of Highway 162 to four lanes from the lower Thermalito Bridge to Highway 99.

l. Participation, as required, in the acquisition and construction of approaches to the upper Thermalito Bridge and related Bridge Street railroad overpass and Washington-Bridge Street intersection realignment.

m. Participation, as required, in the acquisition of rights-of-way, construction and widening of Highway 162 at existing railroad overpass locations within the City.

n. Construction of, and acquisition of land for, a fire substation to be located at the Municipal Airport.

o. Acquisition of land for and construction or rehabilitation of housing for low- and moderate-income residents and senior citizens.

p. Assist in the acquisition, construction and design of the Oroville Community Center.

q. Acquisition, engineering and development of the East Area Park.

r. Installation of irrigation system, landscaping, construction of restroom facilities, installation of fencing, lighting, construction of foot and traffic paths, installation of all appurtenances relating thereto with regard to picnic facilities at Hammon Park.

s. Installation and engineering work with regard to the electrical, irrigation and fencing, and installation of tables and pads, parking lot renovation, playground apparatus and all appurtenances thereto at Hewitt Park.

t. Complete installation of playground apparatus at Rotary Park.

u. Landscaping and installation of playground apparatus at Bedrock Park.

v. Acquisition of property, construction of buildings and auxillary buildings, installation of landscaping and providing architectural and engineering design for the Oroville Convention Center.

w. Sanitary sewer main replacement and enlargement at upper Thermalito Bridge between Bridge Street and Table Mountain Boulevard.

x. Modification of Bridge approaches to the upper Thermalito Bridge at Table Mountain Boulevard bridge approach and at Bridge Street bridge approach.

y. Modification or replacement of existing Bridge Street grade crossing at Bridge Street at the Western Pacific Railroad undercrossing.

z. The widening, rebuilding and realigning of Bridge Street from the Western Pacific Railroad Overcrossing to Washington Avenue and Washington Avenue from Bridge Street to Mitchell Avenue.

aa. Construction of Oroville-Dam Boulevard Railroad Grade separation replacement located at Oroville-Dam Boulevard at Western Pacific and Southern Pacific Railroad overcrossings which include the widening of Oroville-Dam Boulevard to four lanes.

bb. Signalization at the following intersections: Mitchell Avenue and Washington Avenue, Lincoln Street and Mitchell Avenue, 5th Avenue and Mitchell Avenue, Table Mountain Boulevard and Grand Avenue, Feather River Boulevard and Montgomery Street, Feather River Boulevard and Mitchell Avenue Intersection.

cc. Widening and the reconstruction of Mitchell Avenue and acquisition of necessary additional right-of-way on Mitchell Avenue between Veatch and Lincoln Street and also the acquisition of right-of-way and reconstruction and widening on Mitchell Avenue between Bridge Street and La Villa Apartments.

dd. Installation and construction of landscaping and related appurtenances thereto for the City parking lot located at Montgomery/Myers Street.

3. Preparation of Building and Development Sites

The Agency may prepare or cause to be prepared as building and development sites any real property acquired.

The Agency may develop as a building site any real property owned or acquired by it (except that it may not develop, without the prior consent of the City Council, a site for industrial or commercial use so as to provide streets,

sidewalks, utilities, or other improvements which an owner or operator of the site would otherwise be obligated to provide). In connection with such development, the Agency may cause, provide or undertake or make provision with other agencies for the installation, or construction of streets, utilities, parks, playgrounds and other public improvements necessary for carrying out this Plan in the Project Area.

The Agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings.

G. Rehabilitation and Moving of Structures by the Agency

1. Rehabilitation

The Agency may rehabilitate or cause to be rehabilitated any building or structure in the Project Area acquired by the Agency. The Agency may also advise, encourage, and assist, including financial assistance pursuant to the Community Redevelopment Law or any other applicable law or laws, in the rehabilitation of property in the Project Area not acquired by the Agency.

2. Moving of Structures

As necessary in carrying out this Plan, the Agency may move or cause to be moved any building or other structure to a location within or outside the Project Area.

H. Property Disposition and Development

1. Real Property Disposition and Development

a. General

Within the survey area or for purposes of redevelopment, the Agency may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

To the extent permitted by law, the Agency may dispose of real property by negotiated leases or sales without public bidding.

All real property acquired by the Agency in the Project Area, except real property conveyed by the Agency to the City, shall be sold or leased for development for the uses permitted in the Plan, subject to restrictions contained in the Redevelopment Law. With respect to land sold or leased for private use, the Agency may retain such controls and establish such restrictions or covenants running with the land for such periods of time and under such conditions as the City Council deems necessary to effectuate the purposes of the Redevelopment Law. Real property may be conveyed by the Agency to the City or to any other public body without charge. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. Purchase and Development by Participants

Pursuant to the provisions of this Plan and the rules adopted by the Agency, the Agency shall offer real property in the Project Area for purchase and development by owner and business-tenant participants prior to the time that real property is made available for purchase and development by persons who are not owners or business-tenants in the Project Area.

c. Purchase and Development Documents

To provide adequate safeguards to insure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to owner participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinances of the City, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such a nondiscrimination clause.

d. Development

To the extent and in the manner now or hereafter permitted by law, the Agency may pay for all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside the Project Area with the consent of the City Council.

During the period of development in the Project Area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

The Agency shall require that development plans be submitted to it for approval and architectural review. All development must conform to this Plan and all applicable State and local laws and must receive the approval of the appropriate public agencies.

To the greatest extent feasible, contracts for work to be performed in connection with the Project shall be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the Project Area. To the greatest extent feasible, opportunities for training and employment arising from any contract for work to be performed in connection with the Project shall be given to the lower-income residents of the Project Area.

2. Personal Property Disposition

For the purpose of this Plan the Agency may sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

V. USES PERMITTED IN THE PROJECT AREA

A. Map

The Map illustrates the location of the Project Area, the immediately adjacent streets and the principal public rights-of-way and public easements.

B. Governmental, Commercial and Industrial

Governmental uses in the Project Area may include, without limitation, City, County, State and Federal offices, activities and other related and compatible uses.

Commercial uses in the Project Area may include, without limitation, business offices, professional offices, retail stores and shops and other office functions as may be directly related to industry and commerce as well as to the general public.

Industrial uses in the Project Area may include, without limitation, industrial and industrial park developments which may include manufacturing, fabrication, production and assembly, wholesale and resale distribution uses, technical service businesses, research and development and other related compatible uses.

The City zoning ordinance, as it now exists or is hereafter amended, shall apply to development hereunder. In such development, the limitation on the type, size, height, number and proposed use of buildings shall be in accordance with such zoning and the building and safety laws and regulations applicable from time to time in the City, and the provisions of this Plan. Reference should be made to the attached Exhibit E.

C. Housing Uses

Residential dwelling units shall be permitted in the Project Area to be used for residential uses, provided such dwellings are of sound condition, are compatible with the surrounding land use under this Plan, and are permitted by the

policies and ordinances of the City, as amended from time to time. The Agency shall comply with the provisions of Section 33334.5 of the Redevelopment Law should housing uses for persons and families of low or moderate income as specified in said section be applicable to the Project Area or any Subarea thereof. Reference should be made to the attached Exhibit D.

D. Open Space

Open space shall be in accordance with the General Plan of the City and with the zoning ordinance of the City, as they may be amended from time to time. Reference should be made to the attached Exhibit C.

E. Public Uses

1. Rights-of-Way and Easements

The principal existing public streets in the Project Area are listed on Exhibit B and illustrated on the Map. Principal streets which are included within or form the boundaries of the various subareas of the Project Area are as follows:

Subarea A: State Highway 70, Grand Avenue, Cherokee Road, Riverview Drive and Nelson Avenue

Subarea B: Oroville-Dam Boulevard, Orange Avenue, Mitchell Avenue, Oroville-Quincy Road, Spencer Avenue and Montgomery Street

Subarea C: Montgomery Street, Robinson Street, Bridge Street, Oliver Street, Lincoln Street and Myers Street

Subarea D: Montgomery Street, Veatch Street, Mitchell Street, Grant Avenue, Pomona Avenue and Robinson Avenue

Subarea E: Feather River Boulevard, Oroville-Dam Boulevard, Lincoln Street, Spencer Avenue, Myers Street and Olive Highway

Subarea F: Foothill Boulevard and Brookdale Drive

Subarea G: Feather River Boulevard, Fifth Street and Richter Avenue

Subarea H: Oroville-Dam Boulevard

Other public streets in the street layout are also shown on the Map.

Such streets (and any other street within or outside the Project Area) may be widened, altered, abandoned, or closed, and additional public streets, alleys and easements may be created as needed for circulation and access to developed and to redeveloped properties and as otherwise needed. Overpasses, underpasses and bridges may be constructed as necessary.

The public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

2. Other Public Property

Other public buildings and structures may remain in their present locations and may expand as necessary. If any part of such public property is not used for public, semi-public, institutional or nonprofit facilities, then the alternative use shall be as permitted by the zoning ordinance of the City, as amended from time to time. Reference should be made to attached Exhibit C.

F. Other Semi-Public, Institutional and Nonprofit Uses

The Agency may permit the establishment or enlargement of public, semi-public, institutional, or nonprofit uses, including, without limitation, parks, recreational facilities, transportation facilities, parking facilities, libraries, hospital and medical facilities, landscaped public ways, flood control protection, educational, fraternal, employee, philanthropic and charitable institutions and facilities of other similar associations or organizations. To the extent any of the foregoing uses are public in nature, the Agency may acquire, install and construct or cause the same to be installed and constructed by itself or in cooperation with

any public body or other person, as permitted by law. All such uses shall conform so far as possible to the provisions of this Plan and to the zoning ordinance of the City, as amended from time to time. The Agency shall impose such other reasonable restrictions as are necessary to protect the development and use in the Project Area.

G. General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan.

No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Plan except in conformance with the provisions of this Plan.

1. New Construction

All new construction shall comply with all applicable State and local laws, codes and ordinances in effect from time to time.

Parking facilities for the joint use of two or more parcels of a size sufficient to meet the combined requirements of such parcels may be constructed with prior written approval of the Agency.

Rights-of-way, public or private, for streets, pedestrian paths, malls, vehicular access to parking and loading areas, service roads, and for easements for utilities may be established by the Agency or by others upon approval of the Agency.

The Agency may establish setback requirements for all new development within the Project Area which may exceed the requirements of the City zoning ordinance as it now exists or may be hereafter amended.

The Agency may require that adequate landscaping and screening be provided to create a buffer between industrial, commercial and other use areas. All outdoor storage of materials or equipment shall be enclosed or screened by

walls, landscaping or other enclosure to the extent and in the manner required by the Agency.

2. Existing Non-Conforming Uses

The Agency may permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan. As soon as feasible such uses shall be brought into accordance with this Plan and be generally compatible with the developments and uses in the Project Area. As a condition to the issuance of a building permit the Agency may require the owner of such a property to enter into an owner participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

3. Rehabilitation

Any existing structure within the Project Area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such manner that it shall meet the following requirements: (i) be safe and sound in all physical respects in terms of size, location, use and occupancy, and (ii) be attractive in appearance and not detrimental to the surrounding areas.

4. Open Spaces and Landscaping

The approximate amount of open space to be provided in the Project Area includes, but is not limited to, the total of all areas which will be in the public rights-of-way, parks, and recreational areas, the space around buildings and all other outdoor areas not permitted to be covered by buildings. Reference should be made to the attached Exhibit C.

Landscaping plans shall be submitted to the Agency for review and approval to ensure optimum use of living plant material.

The Agency may delegate to the appropriate agency, commission or board within the City, the above described review and approval in this subsection 4.

5. Signs

Exterior signs necessary for identification of buildings, premises and uses of particular parcels shall be permitted within the Project Area, provided the design and specifications for such designs shall be approved by the Agency prior to their erection or installation. When reviewing said designs and specifications, the Agency shall determine before approval that said signs will not create hazards because of their characteristics, such as protruding, overhanging, blinking, flashing or animation. All signs shall be compatible with the aesthetic standards of the Project Area.

6. Utilities

The Agency shall require that all utilities be placed underground whenever so required by the ordinance of the City.

7. Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, sex, marital status, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

8. Variations

Under exceptional circumstances the Agency is authorized to permit variations from the limits, restrictions, and controls established by the Plan. In order to permit such a variation the Agency must determine that:

(1) The application of one or more of the provisions of this Plan would result in unnecessary hardship; and

(2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls; and

(3) That permitting a variation from the limits, restrictions or controls of this Plan will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and

(4) That permitting a variation will not be contrary to the objectives of this Plan.

No such variation shall be granted which changes a basic land use pursuant to this Plan or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the objectives of the Plan.

H. Standards for Development

The Agency may establish heights of buildings, land coverage, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency or pursuant to the procedures of the following subsection I. One objective of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to proper design, open space, and other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any such plans that do not comply with this Plan.

It is the intent of this Plan that all development in the Project Area comply with all applicable State and local laws, codes and ordinances in effect from time to time, and, in addition thereto, any requirements of the Agency imposed pursuant to this Plan.

The Agency may delegate to the appropriate agency, commission or board within the City, one or more of the above described establishments, approvals and requirements in this subsection H.

I. Building Permits

1. Review of Applications for Issuance of Permits

Upon the adoption of this Plan no permit shall be issued for the construction of any new building or any addition to an existing building in the Project Area until the application for such permit has been processed in the manner herein provided. Any permit that is issued hereunder must be for construction which conforms to the provisions of this Plan.

Upon receipt of an application for a building permit the Building Department of the City shall request the Executive Director of the Agency (or such other person or persons, or agency, commission or board within the City, as may be designated by the Agency) to review the application to determine if the proposed improvements will conform to this Plan. Within thirty (30) days thereafter the Executive Director of the Agency shall file with the Building Department of the City a written report setting forth his findings of fact, including, but not limited to, the following:

a. Whether the proposed improvements would be compatible with the standards and other requirements set forth in this Plan in terms of design proposed by the Agency; and

b. What modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of this Plan and the proposed design of the Agency; and

c. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and submitted architectural, landscape and site plans to the Agency.

After receipt of said report or after said thirty (30) day period, whichever occurs first, the Building Department of the City may issue the permit with conditions, if any, required by the Executive Director and approved by the Agency; or, it shall withhold the issuance of the permit, if the Executive Director has found that the proposed improvement does not meet the requirements of this Plan and the design requirements of the Agency. Within fifteen (15) days after allowing or withholding issuance of the permit, the Building Department shall notify the applicant and the Agency by certified mail of its decision.

2. Appeal

The applicant or the Agency may appeal the decision of the Building Department of the City, withholding, conditionally allowing or allowing the issuance of such permit, to the City Council. Within thirty (30) days from the mailing of the notice of decision of the Building Department, the appellant shall file his notice of appeal in duplicate with the City Clerk of the City, who shall immediately forward one of such duplicates to the Building Department of the City. The notice of appeal shall set forth the ground relied upon by the appellant. Within fifteen (15) days following the filing of the appeal, the City Council shall set the matter for hearing and shall give notice of the time and place for said hearing to the applicant and to the Agency.

The City Council may reverse or affirm wholly or partly, or may modify any decision or determination or may impose such conditions as the facts warrant, and its decision or determination shall be final. Any hearing may be continued from time to time.

VI. METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency may finance the redevelopment of the Project Area with financial assistance from the City, the County, the State of California, the Federal Government, and any other public or private source and also with property tax increments, interest income, Agency notes and bonds, or other evidences of indebtedness, or any other available source.

The Agency may issue such types of bonds as it may determine including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of the project;

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds;

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the Agency pursuant to the provisions of subsection B, below;

(d) From its revenues generally;

(e) From any contributions or other financial assistance from the State or Federal Government; and

(f) By any combination of the above methods.

Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of the Project or other property of the Agency or by a pledge of the taxes referred to in subparagraph (c) of the preceding paragraph, or by any combination thereof.

The advances for survey and planning and the operating capital for administration of this Project may come through loans from the City, County, State, Federal Government or any other public or private source. The City, County, State, Federal Government, or other public body may also supply additional assistance through loans and grants for various public facilities.

As available, gas tax funds from the County and the State of California may be used toward the cost of the street improvements. There may also be some revenue accruing to the Project from interest earned on investments of Agency funds.

The Agency may obtain advances, borrow funds and create indebtedness and other obligations and exercise any and all powers conferred upon a redevelopment agency by the Redevelopment Law or any other laws in carrying out this Plan. The principal and interest on such advances, funds, indebtedness and other obligations, when due and payable, may be paid from tax increments or any other funds available to the Agency.

The Agency may borrow money, by the issuance of bonds or otherwise, or accept financial or other assistance from any private lending institution for any redevelopment project for any of the purposes of the Redevelopment Law, and may execute trust deeds or mortgages on any real or personal property owned or acquired.

B. Tax Increments

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Butte, City of Oroville, any district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the Redevelopment Plan for the Oroville Redevelopment Project No. 1, and in the case of amendment adding territory thereto, after the effective date of the ordinance approving such amendment, shall be divided as follows:

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon

the total sum of the assessed value of the taxable property in the Redevelopment Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, except, with respect to the Feather River Recreation and Park District which shall have taxes allocated based upon a seven and one-half percent (7-1/2%) annual increase in the assessed valuation as initially calculated with respect to the 1980-81 base assessment year, but not to exceed the actual increase in assessed valuation for any given year, and determined each year thereafter on the basis of said seven and one-half percent (7-1/2%) increase for the previous year but not to exceed the actual increase in assessed valuation, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in the Redevelopment Project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of Butte last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on the effective date); and

(2) That portion of the levied taxes each year in excess of such amount, except those taxes that are payable to (i) Thompson Flat Cemetary, (ii) Oroville Cemetary, (iii) Butte Mosquito Abatement, (iv) Oroville Mosquito Abatement, and (v) 9.05% of the levied taxes payable to the County of Butte within the territory of the Project Area for the benefit of the County of Butte in excess of such amount specified in (1) above shall be payable to the County of Butte, which provision shall be reviewed at least once every three (3) years and the Agency and the County may adopt a different distribution if mutually agreed upon by the Agency and the County, which shall continue to be payable to and shall be retained by said taxing agencies, shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Redevelopment Project. Unless and until the total assessed valuation of the taxable property in the Redevelopment Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph (1) hereof, all of the taxes levied and collected upon the

taxable property in the Redevelopment Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Redevelopment Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in paragraph (2) above excluding therefrom the exceptions noted therein and allowing the base year adjustments as permitted in paragraph (1) above may be irrevocably pledged by the Agency for the payment of the principal of and interest on the advances of moneys, loans, or any indebtedness (whether funded, refunded, assumed, or otherwise) of the Agency to finance or refinance in whole or in part the Redevelopment Project.

The Agency is authorized to make such pledges as to specific advances, loans, indebtedness and other obligations as appropriate in carrying out the redevelopment of the Project Area.

C. Other Loans and Grants

Any other loans, grants, or financial assistance from the United States, the State of California, or any other public or private source may be utilized if available.

D. Limitations

1. The dollar amount of taxes which may be divided and allocated to the Agency ("tax allocations") pursuant to subsection B of this Section VI in any fiscal year shall be a figure derived by multiplying the maximum annual debt service on all indebtedness (see paragraph 3 below) payable from the tax increment revenues attributable to the Oroville Redevelopment Project No. 1 by a factor of 1.50 ("coverage"). As used herein, maximum annual debt service means the largest of the sums obtained for any fiscal year after the computation is made, by totaling the following for each such fiscal year: (1) the principal amount of all serial Bonds and serial parity Bonds payable in such fiscal year; and (2) the amount of minimum sinking fund payments for term Bonds and term parity Bonds to be made in such fiscal year in accordance with the applicable schedule or schedules of minimum

sinking fund payments; and (3) the interest which would be due during such fiscal year on the aggregate principal amount of Bonds and parity Bonds which would be outstanding in such fiscal year if the Bonds and parity Bonds outstanding on the date of such computation were to mature or be redeemed in accordance with the maturity schedule or schedules for the serial Bonds and serial parity Bonds and the schedule or schedules of minimum sinking fund payments for term Bonds and term parity Bonds. At the time and for the purpose of making such computation, the amount of term Bonds and term parity Bonds already retired in advance of the above mentioned schedule or schedules shall be deducted pro rata from the remaining amounts thereon.

2. No loan, advance or indebtedness to finance in whole or in part the Project and payable in whole or in part from tax increment revenues shall be established after a date fifteen (15) years from the effective date of the Ordinance approving and adopting the last amendment to this Plan.

3. The amount of bonded indebtedness which can be outstanding at one time and payable in whole or in part from tax allocations attributable to the Oroville Redevelopment Project No. 1 shall be limited to \$20,000,000 if the same is serviceable solely from tax allocations, applying to such allocations the 1.50 coverage test above; provided, however, that if other sources of payment are lawfully combined with tax allocations, there shall be no limit as to the amount of bonded indebtedness serviceable from such other source of funds, except that proportion of the total bonded indebtedness which is attributable to being serviced from tax allocations shall not exceed such figure of \$20,000,000 above set forth, applying the same coverage test.

VII. ACTIONS BY THE CITY

The City may aid and cooperate with the Agency in carrying out this Plan and may take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the Project Area of conditions causing blight. The City may also expend money in cooperation with the Agency. Actions by the City may include, but are not limited to, the following:

A. Initiation and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such actions by the City may include proceedings for the abandonment and relocation of public utilities in the public rights-of-way as appropriate to carry out this Plan.

B. Initiation and completion of proceedings necessary for changes and improvements in publicly-owned or to be publicly-owned public utilities within or affecting the Project Area.

C. Initiation of proceedings for revision of zoning, where necessary within the Project Area, to permit the land uses and development authorized by this Plan.

D. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls, within the limits of this Plan, upon parcels in the Project Area to ensure their proper development and use.

E. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

F. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

G. The undertaking and completing of any other proceedings necessary to carry out the Project.

The Agency may delegate to the City any of its powers or functions with respect to the planning or undertaking of the Project.

VIII. ENFORCEMENT

After development, the administrative enforcement of this Plan or other documents implementing this Plan shall be performed by the Agency or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but not be limited to, specific performance, damages, reentry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

IX. DURATION OF THIS PLAN

Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for forty-five (45) years from the date of adoption of the last amendment to this Plan by the City Council.

X. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the Community Redevelopment Law, as the same now exists or is hereafter amended, or by any other procedure hereafter established by law.

XI. INTERPRETATION OF THIS PLAN

This Plan is to be liberally construed and not interpreted as a limitation on the powers of the Agency. Notwithstanding any provision in this Plan to the contrary, the Agency may hereby utilize all powers of a redevelopment agency pursuant to the Community Redevelopment Law and all other applicable laws, as the same now exists or may hereafter be amended or adopted.

Exhibit A

Rules Governing Participation by Owner and
Business Tenants

Reference should be made to Resolution No. 1981-5 of the Agency which adopted such Rules on March 2, 1981, and are on file with the Agency.

Exhibit D

Housing in the Project Area

It is presently anticipated that the Oroville Redevelopment Project No. 1 will encompass substantial existing and proposed housing elements. Other uses within the Project Area will be consistent with the General Plan and applicable Zoning Ordinance and will include, industrial, commercial, public facilities and open space. Should the Project Area be enlarged at a later date, it is probable that the percentage mixture between the various uses will be altered in a manner not presently known which may alter the existing percentages as between the various uses.

The above statement is not to be interpreted, nor is anything in the Redevelopment Plan to be interpreted or construed to prevent the Agency from utilizing the provisions of law previously enacted or which may be hereafter enacted relating to the financing of residential, commercial or industrial uses within the Project Area, including but not limited to, Chapter 8 of the Law (commencing with Health and Safety Code Section 33750), for the purpose of providing financing of new construction or rehabilitation or financing through any other lawful method. The Agency is authorized to use said provisions of law and to take any and all other actions relating to the financing of rehabilitation and construction of housing, commercial and industrial uses which are now or may hereafter be authorized by law.

Exhibit E
Restrictions as to Type, Size, Height, Number
and Proposed Uses of Buildings

Reference should be made to Ordinance No. 1167 of the City with regard to the applicable zoning classifications and restrictions applicable to the various areas of the City.