



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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www.cityoforoville.org

City of Oroville PLANNING COMMISSION

CHAIR: Damon Robison
VICE-CHAIR: Carl Durling
MEMBERS: Adonna Brand; Randy Chapman; Wyatt Jenkins; Michael Britton

PLANNING COMMISSION MEETING **AGENDA**

Thursday, January 26, 2017 at 7:00 p.m.
MEETING AGENDA

OROVILLE CITY HALL
1735 MONTGOMERY STREET, OROVILLE, CA 95965
ALL MEETINGS ARE RECORDED

*This meeting may be broadcast remotely via audio and/or video conference at the following address:
Cota Cole, LLP, 2261 Lava Ridge Court, Roseville, California 95661.*

ADMINISTRATIVE AGENDA

1. **SPECIAL BUSINESS**

Oath of Office for New Planning Commissioner

Donald Rust, Acting City Administrator, will administer the oath of office for the new Planning Commissioner Justin Shane McDavitt.

2. **CALL TO ORDER**

3. **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

4. **PLEDGE OF ALLEGIANCE**

5. **INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

This is the time the Chairperson will remind persons in the audience who wish to address the Commission on a matter that is on the agenda to fill out one of the cards located in the lobby and hand it to the clerk of the meeting. The Chairperson will also remind persons in the audience that under Government Code Section 54954.3, the time allotted for each presentation may be limited.

6. **PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

7. **CORRESPONDENCE**

None

8. **APPROVAL OF MINUTES**

Approve the minutes of the December 29, 2016 regular Planning Commission meeting.

REGULAR AGENDA

9. **PUBLIC HEARINGS**

9.1 UP 17-01: Quick-Service Drive Thru Restaurant – The Oroville Planning Commission will review and consider approving Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property. The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone..

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2017-01: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 17-01 PERMITTING A QUICK-SERVICE DRIVE THRU RESTAURANT AT 2161 FEATHER RIVER BOULEVARD (APN: 035-240-029)

9.2 UP 17-02: Expansion of Graphic Packaging International, Inc. – The Oroville Planning Commission will review and consider approving Use Permit No. 17-02 for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2017-02: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 17-02, APPROVING THE PHASED CONSTRUCTION OF 350,000 SQUARE FEET OF NEW BUILDING SPACE WHICH WILL REQUIRE APPROXIMATELY 13.6 ACRES OF AIRPORT PROPERTY TO BE LEASED FOR A NON-AERONAUTICAL USE

Adopt Resolution No. P2017-03: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR USE PERMIT NO. 07-02, FOR THE PHASED CONSTRUCTION OF 350,000 SQUARE FEET OF NEW BUILDING SPACE WHICH WILL REQUIRE APPROXIMATELY 13.6 ACRES OF AIRPORT PROPERTY TO BE LEASED FOR A NON-AERONAUTICAL USE

10. REGULAR BUSINESS

10.1 Planning Commission Review of Public Works Projects - The Oroville Planning Commission will review and consider sending a recommendation to the City Council for the Planning Commission to review and comment on certain public works projects.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Provide staff direction.

11. DISCUSSION ITEMS

- Planning Commissioners Academy (Memo)
- APA California Conference (September 23 – 26, 2017)

12. DIRECTOR'S REPORT

A verbal report may be given by the Community Development Director.

13. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public.

14. ADJOURNMENT

Adjourn to Thursday, February 23, 2017 at 7:00 P.M. in the Oroville City Council Chambers.

Respectfully submitted by,



Donald Rust, Director
Community Development Department

***** NOTICE *****

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact Donald Rust, Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact Donald Rust, Director as soon as possible and preferably at least 24 hours prior to the meeting. Donald Rust, Director may be reached at 530-538-2433, or at e-mail rustdl@cityoforoville.org, or at the following address: City of Oroville Planning and Development Services Department, 1735 Montgomery Street, Oroville, CA 95965.

***** NOTICE *****

Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.



**CITY OF OROVILLE
PLANNING COMMISSION MEETING MINUTES
DECEMBER 29, 2016 – 7:00 PM**

These minutes detail the action which was taken related to each particular agenda item and do not reflect any discussion that may have occurred. For information regarding what was discussed related to a particular item, if anything, you can obtain a copy of the audio recording for this meeting by sending an email to cityclerk@cityoforoville.org or by calling the Clerk's office at 530-538-2535.

The agenda for the December 29, 2016 meeting of the Oroville Planning Commission 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, on Thursday, December 22, 2016, at 1:00 p.m.

1. CALL TO ORDER

The December 29, 2016 meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Jenkins, Vice Chairperson Durling,
Chairperson Robison
Absent: Commissioner Chapman

Staff Present:

Bill LaGrone, Director of Public Safety
Jamie Hayes, Assistant City Clerk

Luis Topete, Associate Planner

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS - None

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. APPROVAL OF MINUTES

A motion was made by Commissioner Britton, seconded by Commissioner Brand, to:

Approve the minutes of the December 1, 2016 regular Planning Commission meeting.

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Jenkins, Vice Chairperson Durling,
Chairperson Robison
Noes: None
Abstain: None
Absent: Commissioner Chapman

REGULAR AGENDA

1.1 Purple Line Urban Winery Expansion (UP 12-09 Amendment & GPA 16-01)

The Oroville Planning Commission reviewed and considered approving an amendment to Use Permit No. 12-09, General Plan Amendment No. 16-01, an extension of the Intensive Commercial (C-2) zoning designation onto parcels 012-290-007 and 012-290-008 resulting from the merger of these parcels with APN 012-290-006 to avoid split zoning on a single parcel, and the adoption of a Mitigated Negative Declaration as the appropriate level of environmental review in accordance with the California Environmental Quality Act Statute and Guidelines. These actions have been requested for the purpose of expanding the operations of the Purple Line Urban Winery located at 760 Safford Street (APN: 012-290-006) onto 790 Safford Street (APN: 012-290-007) and an adjacent undeveloped lot (APN: 012-290-008). **(Staff Report: Luis A. Topete, Associate Planner)**

Commissioner Britton excused himself from this item due to a potential conflict of interest. Chairperson Robison opened the Public Hearing.

George Barber, Applicant, spoke in support of the expanded operations for Purple Line Urban Winery.

Hearing no further comments or questions from the audience, the Public Hearing was closed.

A motion was made by Commissioner Durling, seconded by Commissioner Jenkins, to:

1. **Adopt Resolution No. P2016-16: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE AMENDMENT TO USE PERMIT NO. 12-09, GENERAL PLAN AMENDMENT 16-01, AND THE EXTENSION OF THE INTENSIVE COMMERCIAL (C-2) ZONING DESIGNATION ONTO ASSESSOR PARCEL NUMBERS 012-290-007 AND 012-190-008 ASSOCIATED WITH THE EXPANSION OF THE PURPLE LINE URBAN WINERY.**
2. **Adopt Resolution No. P2016-17: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 12-09, APPROVING GENERAL PLAN AMENDMENT 16-01, AND APPROVING THE EXTENSION OF**

THE INTENSIVE COMMERCIAL (C-2) ZONING DESIGNATION ONTO ASSESSOR PARCEL NUMBERS 012-290-007 AND 012-190-008 ASSOCIATED WITH THE EXPANSION OF THE PURPLE LINE URBAN WINERY.

The motion was passed by the following vote:

Ayes: Commissioners Brand, Jenkins, Chairperson Robison
Noes: None
Abstain: Vice Chairperson Durling
Absent: Commissioner Chapman

9. DISCUSSION ITEMS

The Commission requested staff to bring an item to the January, 2017, regular meeting of the Oroville Planning Commission relating to the review of City traffic projects.

Commissioner Durling requested a list of City Public Works Projects for 2016.

10. DIRECTOR'S REPORT - None

11. CHAIRPERSON/COMMISSIONERS REPORTS - None

12. ADJOURNMENT

The meeting was adjourned at 7:46 p.m. A regular meeting of the Oroville Planning Commission will be held on Thursday, January 26, 2017, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
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PLANNING COMMISSION STAFF REPORT

January 26, 2017

UP 17-01: Quick-Service Drive Thru Restaurant - The Oroville Planning Commission will review and consider approving Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property. The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

APPLICANTS: Mark Mendez
2585 Oro Dam Boulevard
Oroville, CA 95966
(408) 396-8442

LOCATION: 2161 Feather River Boulevard
Oroville, CA 95965
APN: 035-240-029

GENERAL PLAN: Mixed Use
ZONING: Corridor Mixed Use (MXC)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures."

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029) as described herein; and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 and Class 3 Categorical Exemption – New Construction or Conversion of Small Structures; CCR, Title 14, §15303 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment C**); and
3. **ADOPT** the recommended Findings for Use Permit No. 17-01 (**Attachment D**); and
4. **APPROVE** the recommended Conditions of Approval for Use Permit No. 17-01 (**Attachment E**); and
5. **ADOPT** Resolution No. P2017-01 (**Attachments F**).

SUMMARY

The Oroville Planning Commission will review and consider approving Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The subject property has a zoning designation of Corridor Mixed Use (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, all drive thru establishments require approval of a conditional use permit in an MXC zone.

DISCUSSION

The applicant has recently purchased the property identified as 2161 Feather River Boulevard (APN: 035-240-029). With a zoning designation of MXC, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone. The applicant intends to develop the property in two phases as follows:

Project Phase 1: Remodel of existing structure to house the quick-service drive thru restaurant with the existing 2 apartment units. Restaurant will be drive thru only. Existing structure is 1,293 square feet in size, with an addition of 134 square feet proposed.

Phase 2: Construction of 11 new apartment units on the east end of the property behind the existing development.

The drawings show a drive thru with an approximate queue of 6 vehicles. Additional site

improvements as part of the drive thru include installation of landscaping, order menu with speaker system, 13 parking spaces including 4 accessible parking stalls, cyclone fencing with privacy slats, 6" concrete curb, and interior remodel for commercial kitchen space. For details, please reference **Attachment B** (Drawings).

ENVIRONMENTAL REVIEW

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures." The existing structure is 1,293 square feet in size, and will increase by 134 square as part of the remodel for the drive thru. The majority of the site is paved, with the eastern unpaved portion of the property not impacted by the proposed quick-service drive thru. The future apartment units are separate of the proposed quick-service drive thru and not dependent on the approval of this use permit.

FISCAL IMPACT

The total fees associated with this use permit request are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit	\$2,889.98	\$173.40	\$3,063.38	Yes
Total	\$2,889.98	\$173.40	\$3,063.38	Yes

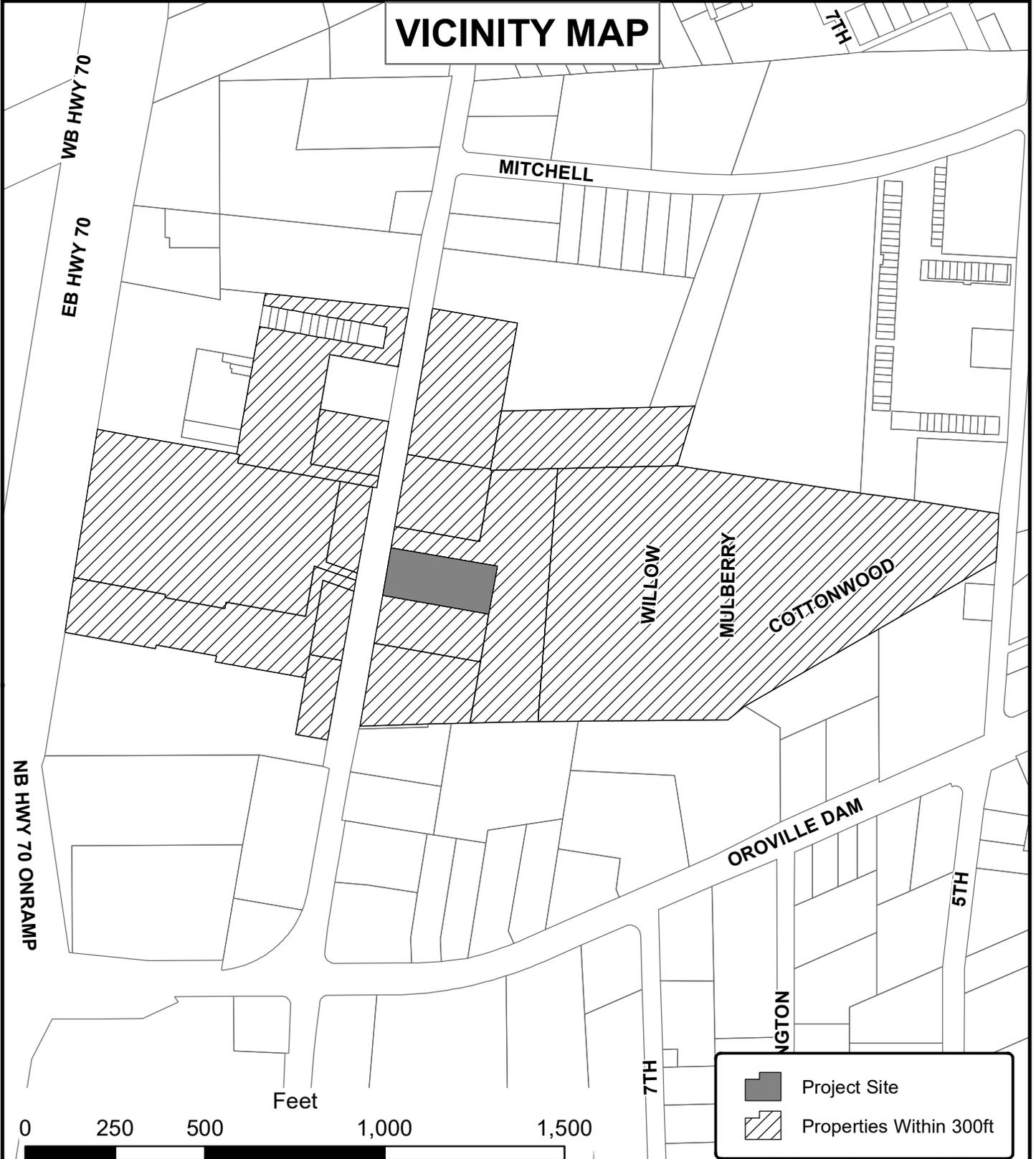
Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property (**Attachment G**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment H**) and posted at City Hall.

ATTACHMENTS

- A – Vicinity Map
- B – Drawings
- C – Notice of Exemption
- D – Findings
- E – Conditions of Approval
- F – Resolution No. P2017-01
- G – Property Owner Notice
- H – Newspaper Notice



CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Mark Mendez		<i>Project Title:</i> Drive Thru Restaurant	
<i>Project Location:</i> 2161 Feather River Boulevard, Oroville, CA 95965			
<i>Hearing Date:</i> January 26, 2017	<i>Zoning Designation</i> Corridor Mixed Use (MXC)	<i>Requested Entitlements:</i> Use Permit No. 17-01	
<i>TRAKiT #</i> Project#: PL1612-005	<i>Assessor's Parcel #:</i> 035-240-029-000		



UP 17-01



David G. Anderson, Architect
 41 Butte Woods Drive, Oroville, CA 95966
 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dgarchitect@sbcglobal.net

drawn by
 DGA
 checked
 date
 12/21/2016

Site Plan

JOB NUMBER
 Feather River Blvd
 SHEET NO.
A1



EXISTING SITE PLAN

SCALE = 1" = 20'
 A.P.N. 035-240-029
 2161 FEATHER RIVER BLVD., OROVILLE, CA 95965
 BUTTE COUNTY, CA

FEATHER RIVER BLVD.

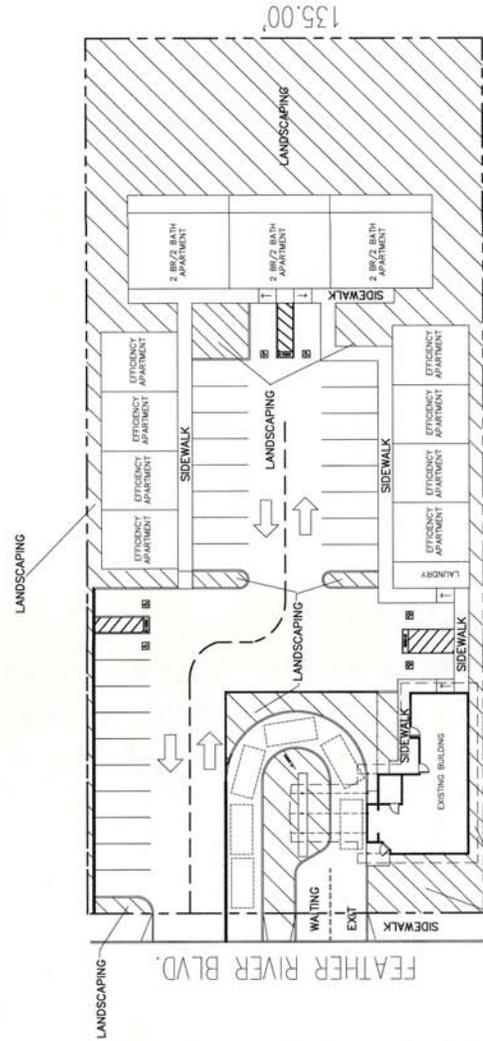


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drawn by
 DGA
 checked
 date
 12/9/2016

Site Plan

JOB NUMBER
 Feather River Blvd.
 SHEET NO.
 A1



PROPOSED SITE PLAN
 Scale: 1" = 10'-0"

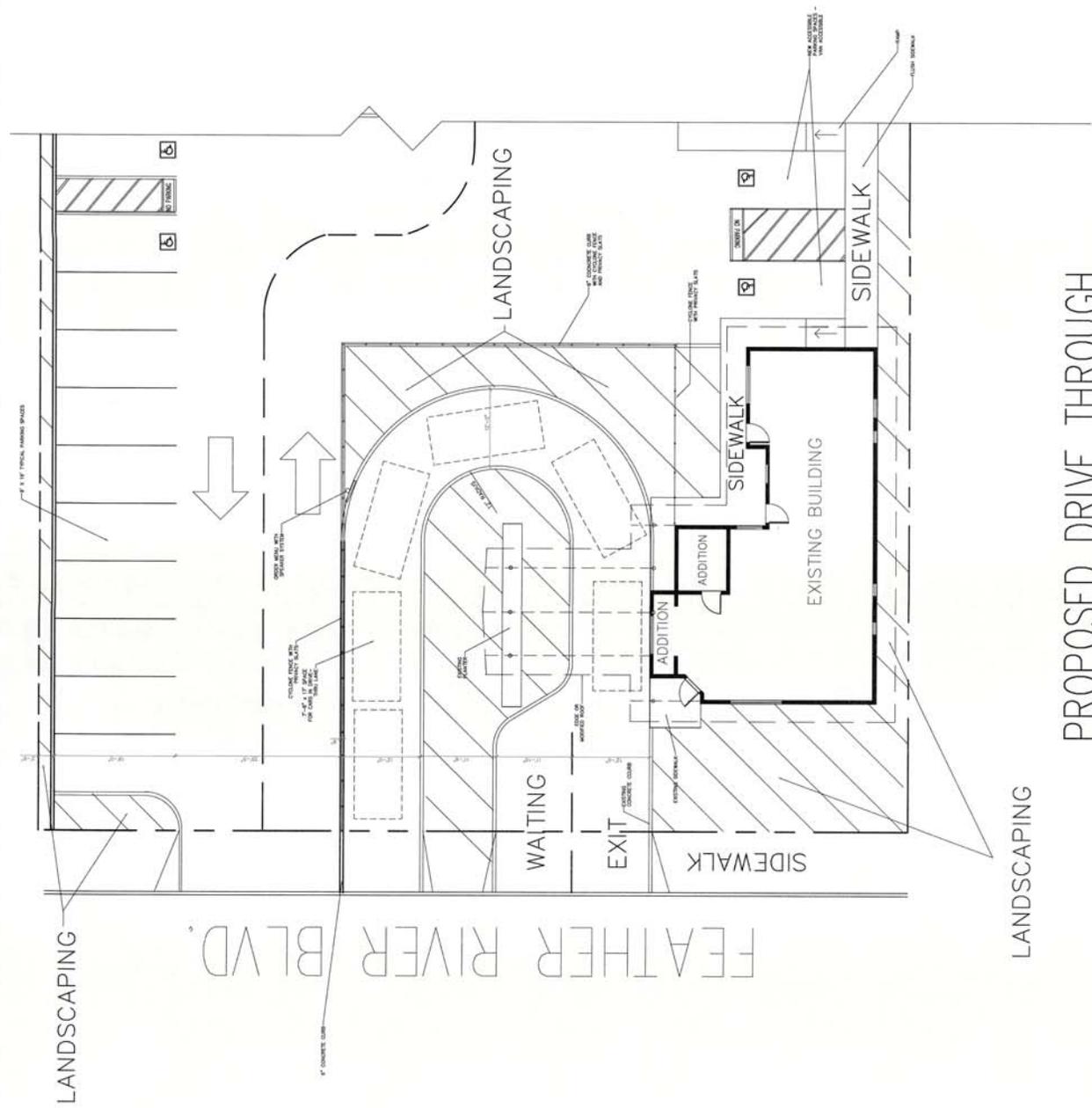


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drawn by DGA
 checked
 date 12/21/2016

Drive Thru Plan

JOB NUMBER Feather River Blvd
 SHEET NO. A1a



PROPOSED DRIVE THROUGH

Scale 1/8" = 1'-0"

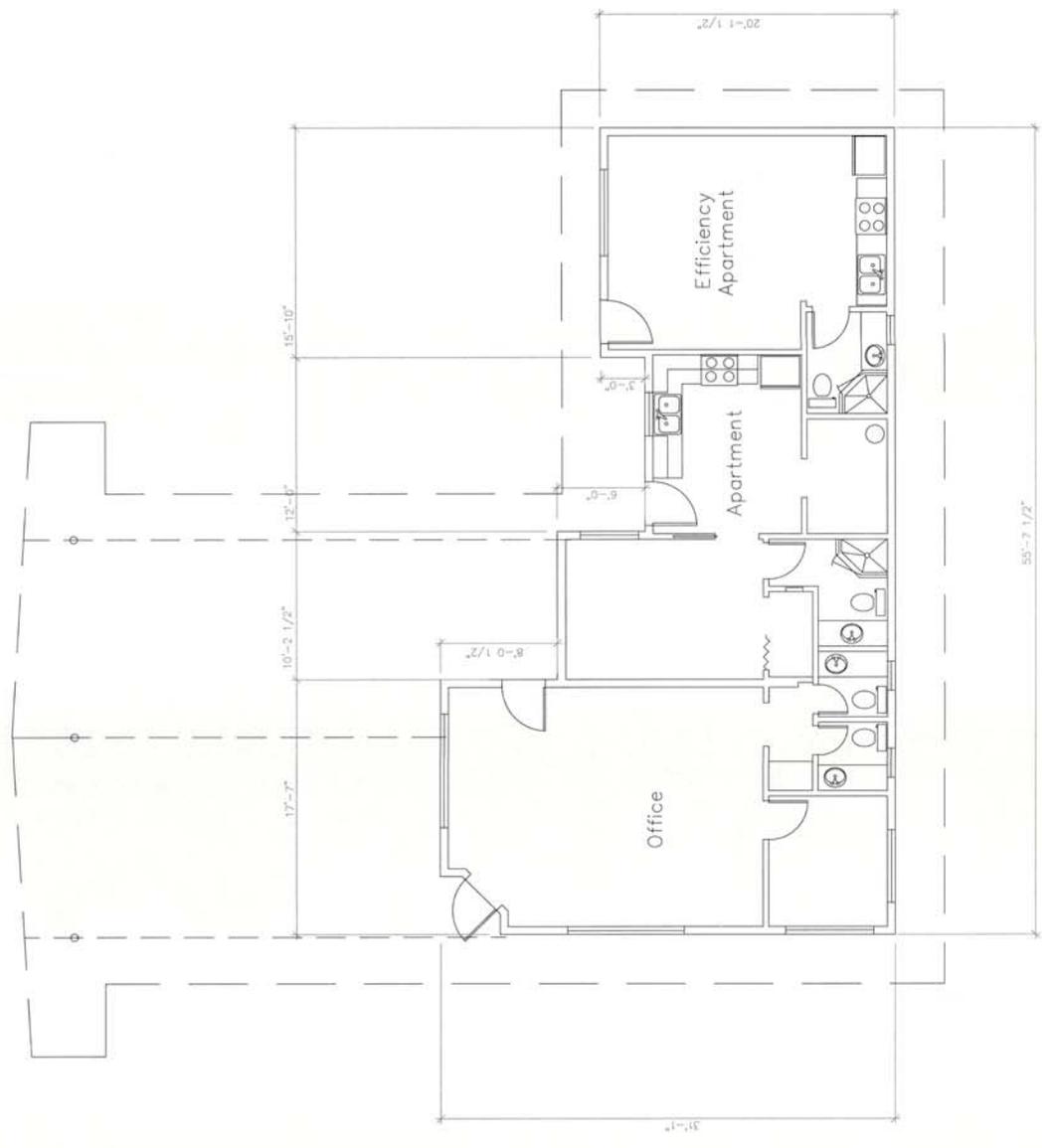


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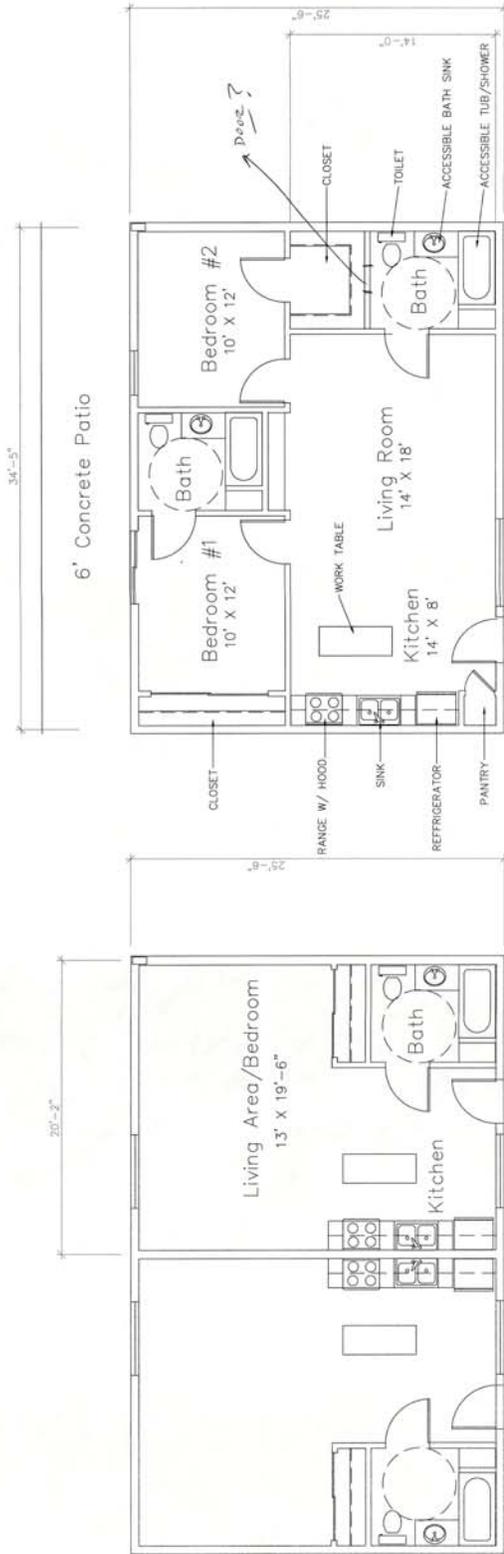
Drawn by
DGA
checked
12/21/2016
date

Existing Floor Plan

JOB NUMBER
Feather River Blvd
SHEET NO.
A2



Existing Floor Plan
Scale 1/4" = 1'-0"



895 SF 2 Bedroom/2 Bath Apartment



525 SF Efficiency Apartment

Preliminary Floor Plans

Scale 1/4" = 1'-0"



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 41 Butte Woods Drive, Oroville, CA 95966
 Phone (530) 693-4546, Cell (530) 520-0211, E-mail dgaarchitect@ksgholnet

Drawn by DGA
 Checked
 Date 12/9/2016

Apartment Floor Plans

JOB NUMBER Feather River Blvd.
 SHEET NO. A3

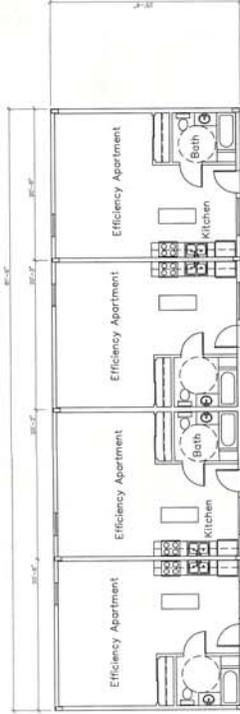


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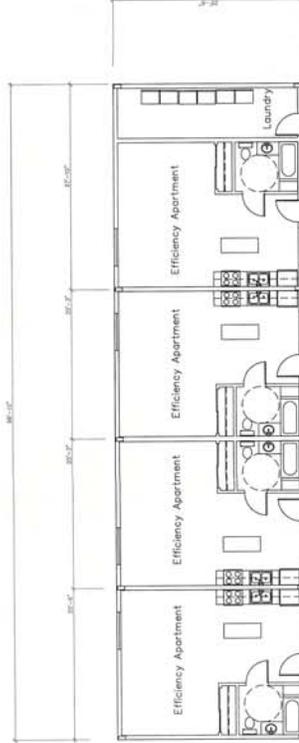
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 Date 6/25/2016

Apartment Study

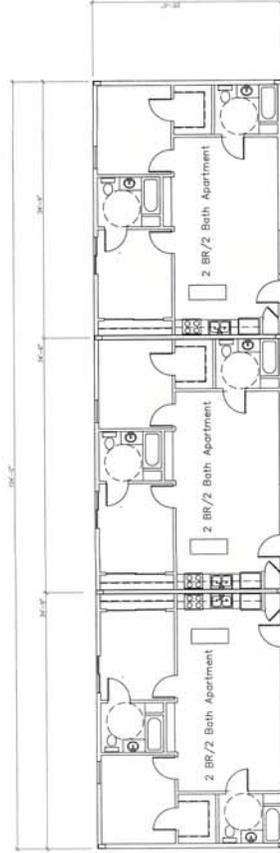
JOB NUMBER Feather River Blvd.
 SHEET NO. **A3**



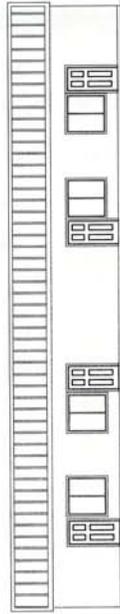
Building One



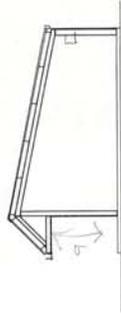
Building Two



Building Three



Preliminary Front Elevation



Preliminary Side Elevation



Metal Building Section

NEW BUILDING AREAS
 Building One - 25.5 X 81.5 = 2,078.25
 Building Two - 25.5 X 88.83 = 2,265.17
 Building Three - 25.5 X 104.0 = 2,652.00
TOTAL 6,995.42

REQUIRED PARKING
 Existing Efficiency Apartments 2
 New Efficiency Apartments 8
TOTAL 10 X 1.5 = 15
 Two Bedroom Apartments 3 X 2 = 6
 Guest Spaces 5
 Restaurant Employees 3
Total Required Spaces 29
 Total Spaces Provided 31

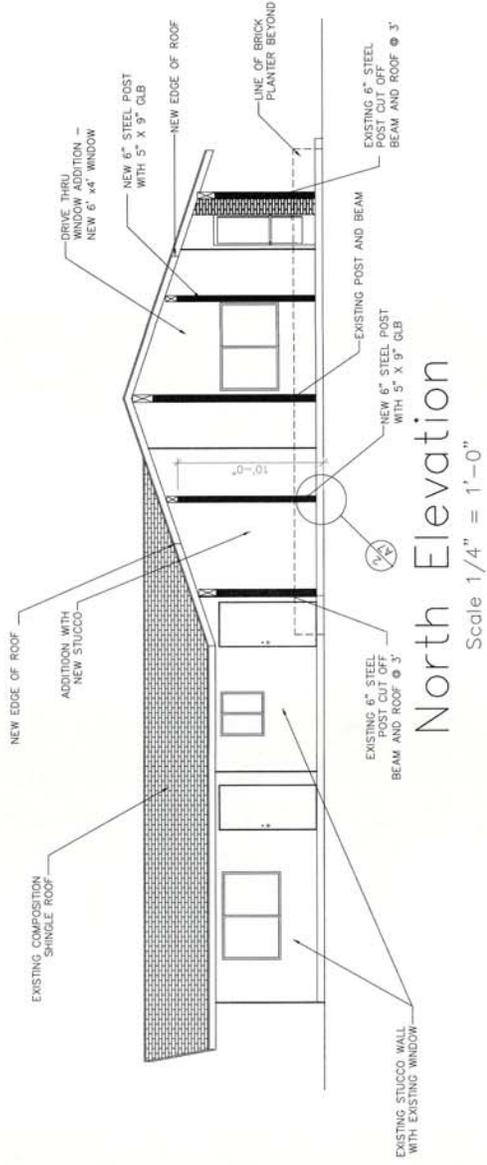


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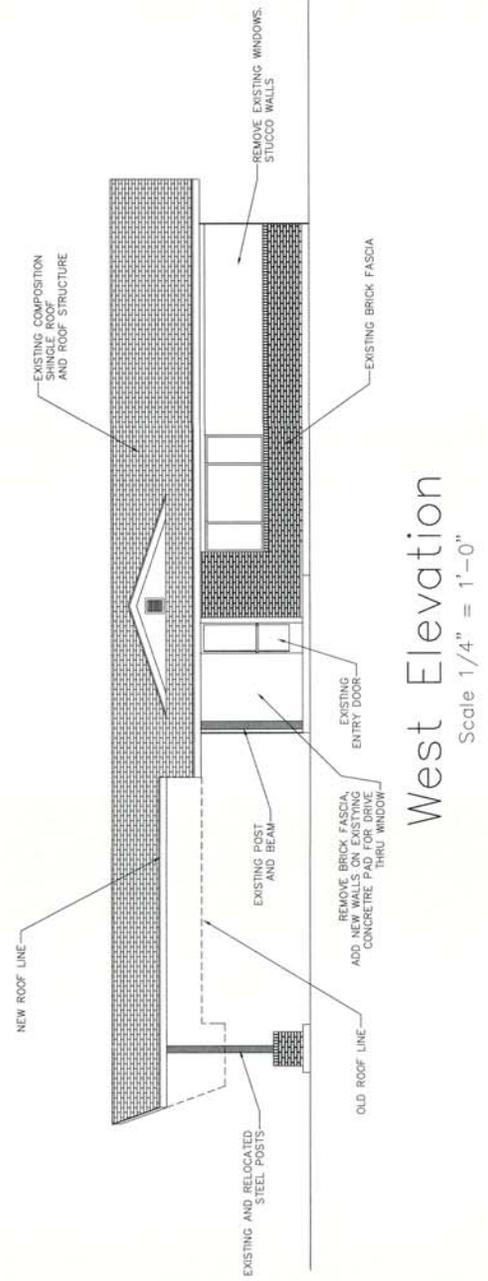
drawn by DGA
 checked
 date 12/21/2016

Exterior Elevations

JOB NUMBER Feather River Blvd
 SHEET NO. A4



North Elevation
 Scale 1/4" = 1'-0"



West Elevation
 Scale 1/4" = 1'-0"

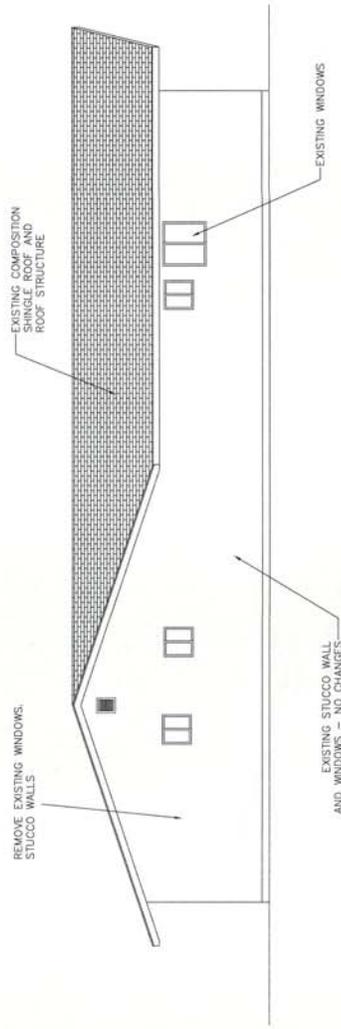


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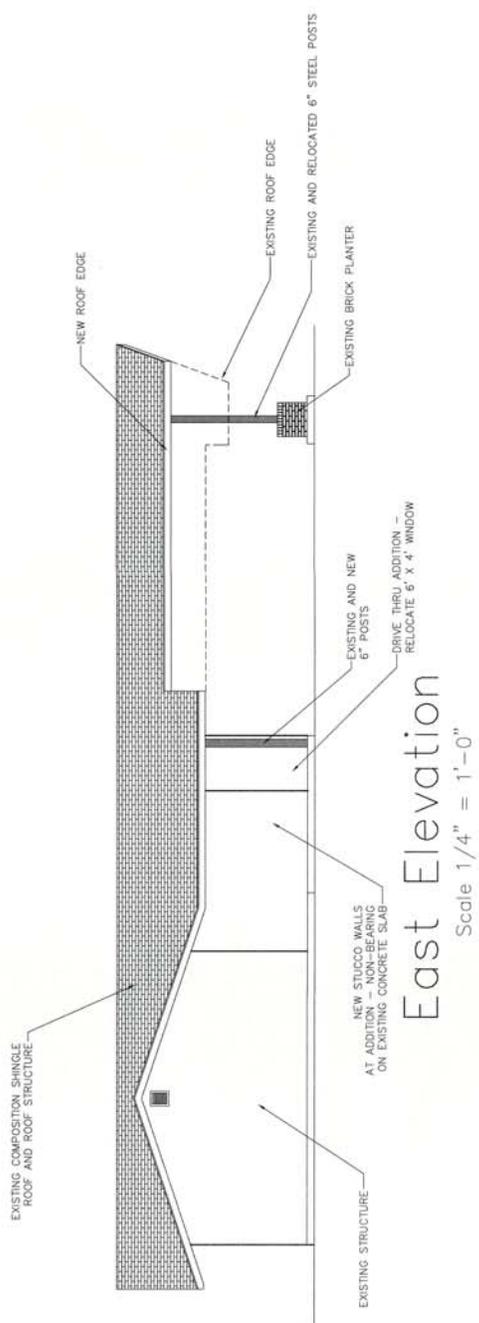
drawn by DGA
 checked
 date 1/21/2016

Exterior Elevations

JOB NUMBER Feather River Blvd
 SHEET NO. A5



South Elevation
 Scale 1/4" = 1'-0"



East Elevation
 Scale 1/4" = 1'-0"



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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NOTICE OF EXEMPTION

TO:	Butte County Clerk 25 County Center Drive Oroville CA, 95965	FROM:	City of Oroville 1735 Montgomery Street Oroville, CA, 95965
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Project Title: UP 17-01: Quick-Service Drive Thru Restaurant

Project Location – Specific: 2161 Feather River Boulevard (APN: 035-240-029)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Mark Mendez, has applied for a use permit (UP 17-01) for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property. The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone

Name of Public Agency Approving Project: City of Oroville – Community Development Department

Name of Person or Agency Carrying out Project: Mark Mendez

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
 - Existing Facilities; Title 14, CCR, §15301
 - New Construction or Conversion of Small Structures; Title 14, CCR, §15303
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures." The existing structure is 1,293 square feet in size, and will increase by 134 square as part of the remodel for the drive thru. The majority of the site is paved, with the eastern unpaved portion of the property not impacted by the proposed quick-service drive thru. The future apartment units are separate of the proposed quick-service drive thru and not dependent on the approval of this use permit.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? Yes No

Lead Agency Contact Person: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

FINDINGS

Use Permit No. 17-01: Quick-Service Drive Thru Restaurant

A. INTRODUCTION

The project applicant, Mark Mendez, has applied for a use permit (UP 17-01) for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property. The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone.

B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures." The existing structure is 1,293 square feet in size, and will increase by 134 square as part of the remodel for the drive thru. The majority of the site is paved, with the eastern unpaved portion of the property not impacted by the proposed quick-service drive thru. The future apartment units are separate of the proposed quick-service drive thru and not dependent on the approval of this use permit.

C. USE PERMIT FINDINGS

Pursuant to Section 17.48.010(E)(4) of the Oroville Municipal Code, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Conditions of approval include, but are not limited to, compliance with all Butte County Environmental Health for the permitting and inspection of retail food facilities. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

The proposed project is located on the east side of Feather River Boulevard, north of Oro Dam Boulevard and South of Mitchell Avenue. This roadway is identified as a Commercial Core Focus Area for regional serving and other destination retail commercial uses. Feather River Boulevard corridor is the second busiest commercial corridor in Oroville, containing retail frontage and redevelopment potential. The Feather River Boulevard North Corridor where this project is located, between Montgomery Street and Oroville Dam Boulevard, parallels Highway 70 and is generally more intensely developed than other parts of Feather River Boulevard with a number of vacant or underutilized storefronts and buildings. This proposed drive thru supports the development/redevelopment of underutilized properties and structures along this main commercial corridor in support of economic development efforts to further create this commercial corridor into a retail destination.

Additionally, the proposed project supports Goal CD-2, Action 2.1 of the City's 2030 General Plan which is to "install appropriate landscaping along major arterials throughout the City; specifically, Oroville Dam Boulevard, Feather River Boulevard, Lincoln Boulevard, Grand Avenue, and Nelson Avenue." Landscaping will be required as part of this project, including a landscape installation and maintenance agreement to ensure the appropriate installation and long-term maintenance of that landscaping.

Thus, the proposed drive thru follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

- c. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable (e.g. grading permits and encroachment permits). If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.

Additionally, as specified above, proposed project is located on the east side of Feather River Boulevard, north of Oro Dam Boulevard and South of Mitchell Avenue. This roadway is classified in the City's 2030 General Plan as an arterial operated a Level of Services (LOS) A-C. Thus, public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

- d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

The proposed project, as specified in Findings b) and c) above, supports the Goals of the City's 2030 General Plan and is located along Feather River Boulevard which is identified as one of the City's main commercial corridors operating at a LOS A-C, and is surrounded by a mix of existing urban properties with either an identical zoning designation of MXC or Intensive Commercial (C-2) zoning designation. The City requires a use permit for all drive thru establishments on properties with an MXC zoning designation. However, the restaurant and apartment units are uses permitted by right in all MXC zones. Thus, the requirement of the use permit is prompted due to the inclusion of the drive thru as part of the project design. All surrounding properties are zoned to permit a restaurant by right, with the exception of the drive thru which would require a conditional use permit on all properties within the project vicinity.

Surrounding land uses includes the Waffle Shop to the north, Applebee's, Tractor Supply Co, Staples, and other office space/commercial units to the west and northwest, Cotton Wood Estates to the east, and vacant/underutilized properties to the south and southwest. In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the

Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.

Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

The applicant has submitted a draft set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

The Economic Development Element of the City's 2030 General Plan identifies Feather River Boulevard as a Commercial Core Focus Area, and a Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors. Goal CD-2, Action 2.1 is to install appropriate landscaping along major arterials throughout the City; specifically, Oroville Dam Boulevard, Feather River Boulevard, Lincoln Boulevard, Grand Avenue, and Nelson Avenue. Landscaping will be required as part of this project, including a landscape installation and maintenance agreement to ensure the appropriate installation and long-term maintenance of that landscaping.

Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will improve an underutilized lot along one the City's main commercial corridors, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more restaurant options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size,

intensity, and location of the proposed use will provide retail food options that are desirable for the neighborhood and community as a whole.

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Butte County Environmental Health for the permitting and inspection of retail food facilities. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.

CONDITIONS OF APPROVAL

UP 17-01: Quick-Service Drive Thru Restaurant

Approved project: The project applicant, Mark Mendez, has applied for a use permit (UP 17-01) for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property. The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone. The Planning Commission hereby approves UP 17-01, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal
6. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health.
7. A grease trap or interceptor shall be installed as required by the City. The trap or interceptor shall be cleaned weekly or more frequently as needed. A grease trap or

interceptor maintenance log shall be kept to record cleanings and maintenance. The date, time, type of service, and the name of the person (and business if performed by an outside contractor) performing the service shall be recorded. The trap or interceptor and maintenance log shall be made available for inspection as requested.

8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Under no circumstance shall vehicle queueing on the project site spillback onto Feather River Boulevard.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

--- End of Conditions ---

RESOLUTION NO. P2017-01

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 17-01 PERMITTING A QUICK-SERVICE DRIVE THRU RESTAURANT AT 2161 FEATHER RIVER BOULEVARD (APN: 035-240-029)

WHEREAS, the City of Oroville has received a use permit application for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029); and

WHEREAS, the drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property; and

WHEREAS, the subject property has a zoning designation of Corridor Mixed-Use (MXC) and General Plan land use designation of Mixed Use; and

WHEREAS, per the City of Oroville Municipal Code, the proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone; and

WHEREAS, pursuant to Section 17.48.010(E)(4) of the Oroville Municipal Code, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Conditions of approval

include, but are not limited to, compliance with all Butte County Environmental Health for the permitting and inspection of retail food facilities. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

The proposed project is located on the east side of Feather River Boulevard, north of Oro Dam Boulevard and South of Mitchell Avenue. This roadway is identified as a Commercial Core Focus Area for regional serving and other destination retail commercial uses. Feather River Boulevard corridor is the second busiest commercial corridor in Oroville, containing retail frontage and redevelopment potential. The Feather River Boulevard North Corridor where this project is located, between Montgomery Street and Oroville Dam Boulevard, parallels Highway 70 and is generally more intensely developed than other parts of Feather River Boulevard with a number of vacant or underutilized storefronts and buildings. This proposed drive thru supports the development/redevelopment of underutilized properties and structures along this main commercial corridor in support of economic development efforts to further create this commercial corridor into a retail destination.

Additionally, the proposed project supports Goal CD-2, Action 2.1 of the City's 2030 General Plan which is to "install appropriate landscaping along major arterials throughout the City; specifically, Oroville Dam Boulevard, Feather River Boulevard, Lincoln Boulevard, Grand Avenue, and Nelson Avenue." Landscaping will be required as part of this project, including a landscape installation and maintenance agreement to ensure the appropriate installation and long-term maintenance of that landscaping.

Thus, the proposed drive thru follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

- c. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering,

development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable (e.g. grading permits and encroachment permits). If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.

Additionally, as specified above, proposed project is located on the east side of Feather River Boulevard, north of Oro Dam Boulevard and South of Mitchell Avenue. This roadway is classified in the City's 2030 General Plan as an arterial operated a Level of Services (LOS) A-C. Thus, public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

- d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

The proposed project, as specified in Findings b) and c) above, supports the Goals of the City's 2030 General Plan and is located along Feather River Boulevard which is identified as one of the City's main commercial corridors operating at a LOS A-C, and is surrounded by a mix of existing urban properties with either an identical zoning designation of MXC or Intensive Commercial (C-2) zoning designation. The City requires a use permit for all drive thru establishments on properties with an MXC zoning designation. However, the restaurant and apartment units are uses permitted by right in all MXC zones. Thus, the requirement of the use permit is prompted due to the inclusion of the drive thru as part of the project design. All surrounding properties are zoned to permit a restaurant by right, with the exception of the drive thru which would require a conditional use permit on all proprieties within the project vicinity.

Surrounding land uses includes the Waffle Shop to the north, Applebee's, Tractor Supply Co, Staples, and other office space/commercial units to the west and northwest, Cotton Wood Estates to the east, and vacant/underutilized properties to the south and southwest. In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.

Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

The applicant has submitted a draft set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

The Economic Development Element of the City's 2030 General Plan identifies Feather River Boulevard as a Commercial Core Focus Area, and a Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Goal LU-4 of the General Plan is to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees, and visitors. Goal CD-2, Action 2.1 is to install appropriate landscaping along major arterials throughout the City; specifically, Oroville Dam Boulevard, Feather River Boulevard, Lincoln Boulevard, Grand Avenue, and Nelson Avenue. Landscaping will be required as part of this project, including a landscape installation and maintenance agreement to ensure the appropriate installation and long-term maintenance of that landscaping.

Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will improve an underutilized lot along one the City's main commercial corridors, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more restaurant options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed use will provide retail food options that are desirable for the neighborhood and community as a whole.

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Butte County Environmental Health for the permitting and inspection of retail food facilities. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered the City's staff report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. The Planning Commission finds that this action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" and Section 15303 "New Construction or Conversion of Small Structures."
2. The Planning Commission adopts the findings required by Section 17.48.010(E)(4) of the Oroville City Code, as those findings are described in this Resolution.
3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

CONDITIONS OF APPROVAL

Approved project: The project applicant, Mark Mendez, has applied for a use permit (UP 17-01) for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The drive thru is part of a two phased project that also includes the development of apartment units on the east side of the property. The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the

proposed apartment units and restaurant are uses that are permitted by right, subject to a zoning clearance. However, all drive thru establishments require approval of a conditional use permit in an MXC zone. The Planning Commission hereby approves UP 17-01, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal
6. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health.
7. A grease trap or interceptor shall be installed as required by the City. The trap or interceptor shall be cleaned weekly or more frequently as needed. A grease trap or interceptor maintenance log shall be kept to record cleanings and maintenance. The date, time, type of service, and the name of the person (and business if performed by an outside contractor) performing the service shall be recorded. The trap or interceptor and maintenance log shall be made available for inspection as requested.
8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.

9. Under no circumstance shall vehicle queueing on the project site spillback onto Feather River Boulevard.
10. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26th of January 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Thursday, January 26, 2017** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

ASSESSOR
PARCEL 035-240-029
NUMBER:

FILE Use Permit No. 17-01
NUMBER:

APPLICANT: Mark Mendez

ZONING: Corridor Mixed Use (MXC)

LOCATION: 2161 Feather River Boulevard

CONTACT Luis A. Topete,
PERSON: Associate Planner
530 538-2408
530 538-2426 Fax
ltopete@cityoforoville.org

VICINITY MAP



PROJECT DESCRIPTION:

UP 17-01: Quick-Service Drive Thru Restaurant - The Oroville Planning Commission will review and consider approving Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, all drive thru establishments require approval of a conditional use permit in an MXC zone.

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Thursday, January 26, 2017** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, January 26, 2017** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 17-01: Quick-Service Drive Thru Restaurant** – The Oroville Planning Commission will review and consider approving Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, all drive thru establishments require approval of a conditional use permit in an MXC zone.
2. **UP 17-02: Expansion of Graphic Packaging International, Inc.** – The Oroville Planning Commission will review and consider approving Use Permit No. 17-02 for the construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use to Graphic Packaging International, Inc. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects 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 Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, January 16, 2017**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

January 26, 2017

UP 17-02: Expansion of Graphic Packaging International, Inc. - The Oroville Planning Commission will review and consider approving Use Permit No. 17-02 for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

APPLICANTS: Modern Building, Inc.
3083 Southgate Lane
P.O. Box 772
Chico, CA 95927-0772
(530) 891-4533

LOCATION: Located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039)

GENERAL PLAN: Airport Business Park (ABP)

ZONING: Airport Business Park

FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

ENVIRONMENTAL DETERMINATION:

An Environmental Checklist and Initial Study were prepared to examine potential areas of impact resulting from this project. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be any significant environmental impacts resulting from this project because all applicable regulations in addition to the proposed mitigation measures will reduce any potentially significant impacts to a less than significant level. As a result, an Environmental Impact Report was determined not to be required and a Mitigated Negative Declaration was prepared.

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **HOLD** a public hearing and receive testimony for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use, and the adoption of a Mitigated Negative Declaration as the appropriate level of environmental review in accordance with the CEQA Statute and Guidelines; and
2. **ADOPT** the recommended Findings (**Attachment M**); and
3. **APPROVE** the recommended Conditions of Approval (**Attachment N**); and
4. **ADOPT** Resolution No. P2017-02 (**Attachments O**).
5. **ADOPT** Resolution No. P2017-03 (**Attachments P**).

SUMMARY

The Oroville Planning Commission will review and consider approving Use Permit No. 17-02 for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use. This 13.6-acre property surrounds a 6.5-acre property currently supporting an existing Graphic Packaging International (GPI) facility and was part of a Land Release Request (LRR) submitted by the City to the Federal Aviation Administration (FAA) which has been conditionally approved. The 13.6 acres has conditionally received a non-aeronautical land use designation by the FAA which permits the 13.6 acres of property to be leased at fair market value to facilitate the planned 350,000 square foot plant expansion, 282,325 square feet of which is on the 13.6-acre lease parcel (**Attachments A & B**). The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

DISCUSSION

In May 2010, the City of Oroville submitted the first formal LRR to the FAA for the release of property associated with Sierra Pacific Packing, Inc. which was later acquired by GPI.

The City's LRR goals were to:

- Goal #1 - Obtain approval from the FAA for the release of the 6.5 acres of land currently being leased by GPI. This land houses the existing manufacturing plant. This action is referred to as Release #1.

- Goal #2 - Obtain approval from the FAA for the release (or provide a long term lease agreement) of the 13.6 acres of ground surrounding the 6.5 acre leased site so that GPI can complete a plant expansion.

Initially, the FAA wrote a denial letter dated August 16, 2010, indicating that there were concerns with the City engaging in ground leases that were less than fair market value (FMV). Since 2010, the following actions have taken place to further advance the City's goals and address the FAA's concerns:

- Prepared a Corrective Action Plan (CAP) dated December 2011 to address the FAA's FMV concerns.
- Prepared a revised CAP dated February 2012 to address additional FAA concerns regarding FMV.
- Met with the FAA in December 2012 to outline all of the City's LRR goals. The City was instructed to resubmit a new LRR that would address Goals #1 and #2.
- The City submitted a new LRR in February 2013 that included all content requested by the FAA.
- On April 19, 2013, the City submitted a draft set of Airport Layout Plan (ALP) Update sheets to the FAA which reflected the Goals #1 and #2.
- On August 23, 2013 the City received the first written comments on the draft ALP plan sheets.
- Due to the nature of the ALP comments from FAA, on September 5, 2013, the City sent the FAA a letter outlining proposed ALP revisions to address FAA comments.
- On September 6, 2013, the City received concurrence via e-mail from the FAA regarding the final ALP plan sheet revisions.
- On September 17, 2013, the City submitted 11 sets of revised final ALP plan sheets to the FAA.
- On February 19, 2014 the Airport Layout Plan was conditionally approved by the FAA with the project included (**Attachment C**).
- On May 19, 2014 the U.S. Army Corps of Engineers submitted its conditional approval of a Clean Water Act (CWA) Section 404 Nationwide Permit (NWP #39: Commercial and Institutional Developments), valid until March 18, 2017 when the existing NWPs are scheduled to be modified, reissued, or revoked. The permit may be extended an additional twelve (12) months to complete work if activities commence or are under contract to commence (**Attachment G**).

- On June 3, 2014 the City received a letter from the FAA indicating they have completed their review of the request for release from federal obligations for the 6.5 acres currently being leased by GPI and consented to its release of airport obligations. Instrument of Release can be seen in **Attachment D**.
- On August 15, 2014 the Central Valley Regional Water Quality Control Board conditionally approved a CWA Section 401 Water Quality Certification for the discharge of dredged and/or fill materials for the project (**Attachment H**).
- On October 30, 2014 the Land-Use Change Authorization for the Oroville Municipal Airport was executed granting the City an authorization to use this airport property at Oroville Municipal Airport for revenue-producing purposes from other than aviation uses and authorizing land-use change for the portion of land at the Airport containing approximately 13.6 acres, so it may be leased or rented for other than airport purposes. Authorization was granted subject to certain conditions and restrictions (**Attachment E**).
- Once the City enters into a lease agreement for use of the 13.6 acres for non-aeronautical use, subject to all FAA requirements, including but not limited to lease rates at FMV, an executed copy will be provided to the FAA.

ENVIRONMENTAL REVIEW

California Environmental Quality Act (CEQA) Review

An Environmental Checklist and Initial Study were prepared to examine potential areas of impact resulting from this project. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be any significant environmental impacts resulting from this project because all applicable regulations in addition to the proposed mitigation measures will reduce any potentially significant impacts to a less than significant level. As a result, an Environmental Impact Report was determined not to be required and a Mitigated Negative Declaration was prepared. The Initial Study / Mitigated Negative Declaration commenced its 30-day public review period on 12/23/2013 that closed on 01/21/2014 (SCH #2013122061). The State Clearinghouse Submitted the Mitigated Negative Declaration to selected state agencies for review and one agency submitted comments, Caltrans (District 3) (**Attachment J & K**).

CEQA Guidelines specify that a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. A "substantial revision" is defined to mean: 1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or 2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. As neither apply, recirculation of the Initial Study / Mitigated Negative Declaration is not required.

The Mitigated Negative Declaration is in full compliance with the California Environmental Quality Act (CEQA) and Guidelines, Article 6 Section 15070 "Decision to Prepare a Negative or Mitigated Negative Declaration." Decision to Prepare a Mitigated Negative Declaration is the appropriate environmental documentation in accordance with the CEQA Statute and Guidelines.

National Environmental Policy Act (NEPA) Review

The FAA Order 1050.1E, CHG 1 updates the FAA agency-wide policies and procedures for compliance with the National Environmental Policy Act (NEPA) and implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500-1508). The provisions of this order and the CEQ regulations apply to actions directly undertaken by the FAA and where the FAA has sufficient control and responsibility to condition the license or project approval of a non-Federal entity. Paragraph 307 provides the list of categorical exclusions for FAA actions that are administrative or general in nature. The proposed project conforms to FAA Order 1050.1E, paragraph 307b, which specifies as follows:

"Release of an airport sponsor from Federal obligations incurred when the sponsor accepted: (1) an Airport Improvement Grant; or (2) Federal surplus property for airport purposes. FAA consent to long term leases (i.e., those exceeding 20 years) converting airport-dedicated property to non-aeronautical, revenue-producing purposes (e.g., convenience concessions such as food or personal services) has the same effect as a release and is part of this categorical exclusion provided that the proposed any reasonably foreseeable uses of the property do not trigger extraordinary circumstances as described in paragraph 304."

The City of Oroville submitted an Extraordinary Circumstances Evaluation Informational Submittal for Categorical Exclusion of Airport Projects dated April 9, 2013 (**Attachment F**). The City subsequently received letter from the FAA dated September 11, 2014 indicating their determination that the proposed action is Categorically Excluded pursuant to FAA Order 1050.1E as it relates to the National Environmental Policy Act of 1969, as amended (NEPA) (**Attachment I**). Therefore, no further federal environmental disclosure documentation for this action is necessary for NEPA purposes.

FISCAL IMPACT

The total fees associated with this request are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit	\$2,889.98	\$173.40	\$3,063.38	No
1) NEPA Review	\$9,230.60	-	-	N/A
2) 404 and 401 Permits & CEQA Compliance	\$8,214.77	-	-	N/A
Total	\$20,335.35	\$173.40	\$3,063.38	No

1) On June 4, 2013 the City Council adopted Resolution No. 8074 (Agreement No. 3021) to execute a professional services agreement with Wallace Environmental Consulting, Inc. in the amount of \$11,300 for the appropriate environmental review in compliance with NEPA.

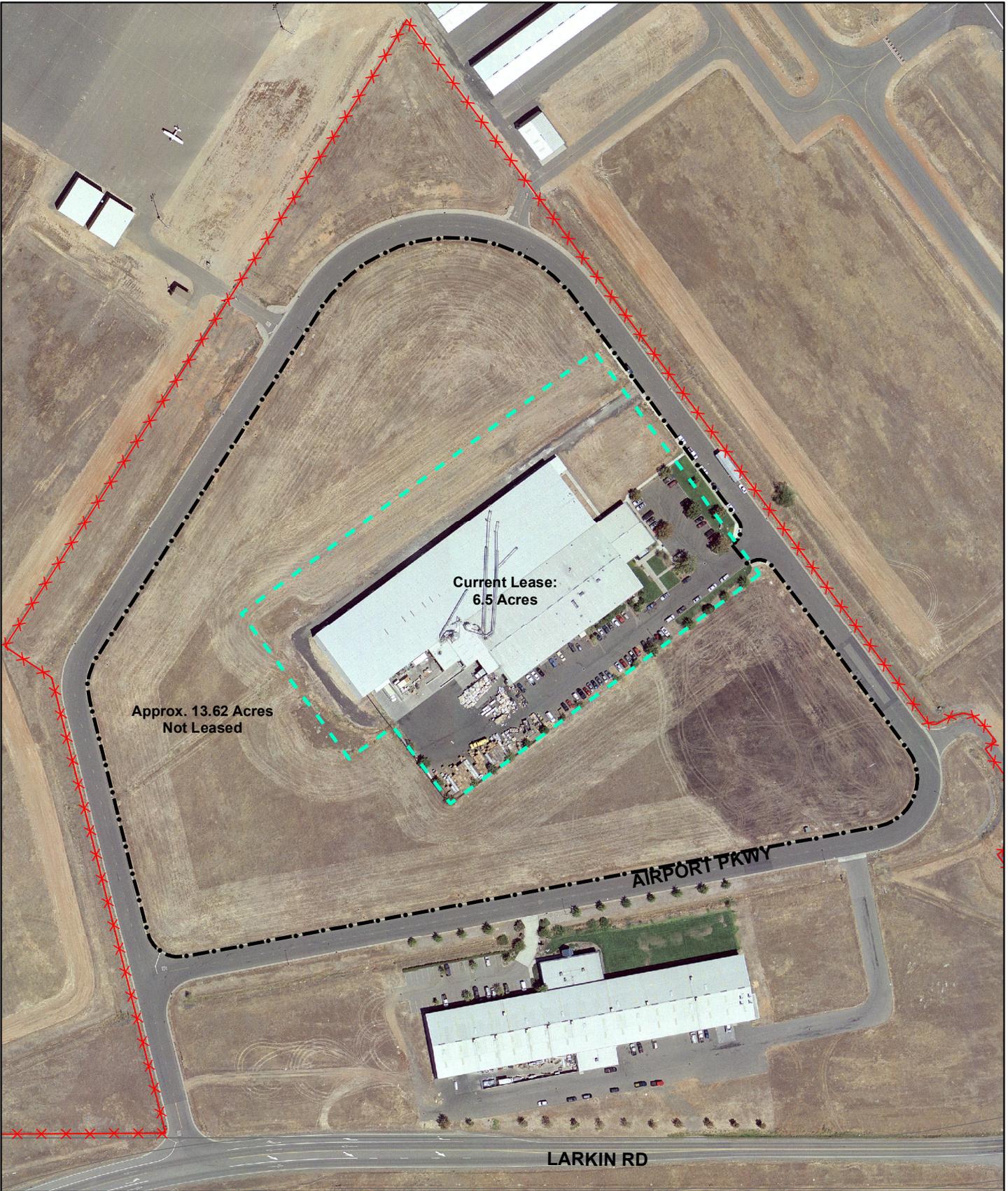
- 2) On November 19, 2013 the City Council adopted Resolution No. 8148 (Agreement No. 3046) to execute a professional services agreement with Wallace Environmental Consulting, Inc. in the amount of \$16,000 to prepare U.S. Clean Water Act Sections 404 and 401 Permits and appropriate environmental review in compliance with CEQA.

The California Department of Fish and Wildlife imposes and collects a filing fee to defray the costs of managing and protecting California's vast fish and wildlife resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees are payable by the project applicant to file the Notice of Determination with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project. Total filing fees are as follows:

Item	Price	Paid
Mitigated Negative Declaration (MND)	\$2,216.25	No
County Clerk Processing Fee	\$50.00	No
Total	\$2,266.25	No

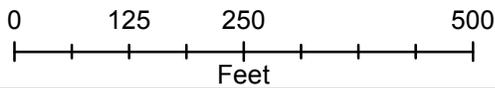
ATTACHMENTS

- A – Map of Lease Areas
- B – Site Plan
- C – Airport Layout Plan with Project Included
- D – Instrument of Release – 6.5 acres
- E – Land Use Change Authorization – 13.6 acres
- F – Extraordinary Circumstances Evaluation Informational Submittal for Categorical Exclusion of Airport Projects
- G – Section 404 Nationwide Permit 39: Commercial and Institutional Developments
- H – Section 401 Water Quality Certification
- I – FAA Approval of Categorical Exclusion
- J – Initial Study / Mitigated Negative Declaration
- K – Comments Letters - CEQA Review
- L – Mitigation Monitoring and Reporting Program
- M – Findings
- N – Conditions of Approval
- O – Resolution No. P2017-02
- P – Resolution No. P2017-03
- Q – Newspaper Notice



GPI Appraisal Map

Portion of APN 030-260-039



- ✕✕✕ Airport Fenceline
- ▭ Current GPI Lease Boundary
- ▭ Appraisal Boundary





U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

P. O. Box 92007
Los Angeles, CA 90009-2007

D

June 3, 2014

Rick Walls, P.E.
Airport Manager
City of Oroville
Public Works Department
1735 Montgomery Street
Oroville, CA 95965-4897

Dear Mr. Walls:

**Oroville Municipal Airport (OVE)
Oroville, CA
Instrument of Release**

The Federal Aviation Administration (FAA) has completed its review of the request for a release from federal obligations for a portion of airport land at Oroville Municipal Airport (OVE). The release will allow the City of Oroville (City) to convey the land in return for its fair market value, thereby providing a benefit for the airport and the interests of civil aviation.

The FAA consents to the release of airport obligations for that portion of airport land at OVE measuring approximately 6.5 acres. The attached Instrument of Release and Exhibits represent the FAA's approval of the release of the subject property from the obligations contained in the Quitclaim Deed and Agreement and Grant Agreements between the FAA and the City.

By accepting this Instrument of Release, the City, in accordance with Title 49 United States Code (USC) 47107(h), 49 USC 47153, and 49 USC 47107(a)(9, 10, and 16), (b), and (c)(2)(B), agrees to:

- Ensure that OVE is fully compensated for the fair market value of the released land.
- Ensure the proceeds from the conveyance of the land are used for airport purposes.
- Retain sufficient rights and interests over future land use to ensure that the released property will only be used for purposes that are compatible with and do not interfere with airport operations and aircraft using the airport, which is contained as a condition in the Instrument of Release.
- Ensure that an airspace evaluation is obtained from the FAA in accordance with Title 14 Code of Federal Regulations Part 77 for any construction proposed on the released land by making sure that FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, is

prepared and submitted to the FAA before any construction commences or equipment is placed on the released land.

- Update the Airport Layout Plan and Exhibit A Property Map to reflect the new airport boundary.

Before taking this federal action, the FAA reviewed the environmental aspects of the proposed release of the approximately 6.5 acre area at OVE in accordance with the requirements of the National Environmental Policy Act (NEPA). The FAA has determined that the proposed project is Categorical Excluded pursuant to Section 307b of FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*. Therefore, no further federal environmental disclosure documentation for this project is necessary for NEPA purposes.

Follow-up Action

Enclosed are two copies of the FAA approved Instrument of Release, which have been signed by the FAA approving official. Please return one copy of the Instrument of Release after the two enclosed copies are executed, showing the original signature of the City official authorizing acceptance of the release for the City.

Please return the one fully executed Instrument of Release to:

Tony Garcia
FAA Airports Division
P.O. Box 92007
Los Angeles, CA 90009-2007

Sincerely,



Mark A. McClardy
Manager, Airports Division

INSTRUMENT OF RELEASE

This Instrument of Release (Release) issued by the Federal Aviation Administration (FAA), pursuant to the provisions contained in Title 49 United States Code Sections §47107(h) and §47153, does grant to the City of Oroville (City), California, a release from certain airport obligations held in favor of the FAA, affecting certain land that is located at Oroville Municipal Airport (Airport), Oroville, California.

WITNESSETH:

WHEREAS, the City is the owner and operator of the Airport; and

WHEREAS, the United States of America, acting by and through the War Assets Administration (WAA), pursuant to Executive Order 9689, dated January 31, 1946, and the powers and authority contained in the provisions of the Surplus Property Act of 1944, as amended, and applicable rules, regulations and orders, by instrument entitled "Quitclaim Deed and Agreement," dated March 21, 1947, did remise, release, and forever quitclaim to the City, its successors and assigns, all rights, title and interest of the United States of America in and to Oroville Municipal Airport, which remains subject to certain conditions, reservations, exceptions and restrictions; and

WHEREAS, the City has requested that the FAA approve a release of a portion of land at the Airport, which is subject to the specific airport use conditions and assurances contained in the Quitclaim Deed and Agreement and Airport Improvement Program Grant Agreements since the subject land is no longer needed for airport purposes or for the safety and operation of the Airport; and

WHEREAS, the FAA, pursuant to the powers and authority contained in Public Law 311 (63 Stat. 700), codified as U.S. Code §47153, is authorized to grant a release from any of the terms, conditions, reservations and restrictions, as well as any right or interest reserved to the United States of America, contained in any instrument of disposal under which surplus airport property was conveyed to the City of Oroville pursuant to the Surplus Property Act of 1944, as amended; and

WHEREAS, the FAA has determined that the land subject to this release is no longer needed for the purpose for which it was conveyed, and based on this determination, the subject land may be released from the terms, conditions, reservations and restrictions contained in the Quitclaim Deed and Agreement, as well as the Grant Agreements, without adversely affecting the aeronautical use of the airport; and

WHEREAS, the City has satisfactorily established the fair market value of the land described in Exhibit A at \$180,000 which serves to benefit the Airport; and

WHEREAS, the released land will be transferred to the City in exchange for the land's fair market value; and

WHEREAS, the FAA has determined that the land subject to this release, and described in Exhibit A, is no longer needed for an airport purpose:

WHEREAS, the City agrees and covenants to dedicate and expend the conveyance proceeds exclusively for airport purposes;

NOW THEREFORE, in consideration of the benefits to accrue to the United States of America and to civil aviation, the FAA does release the rights and interests reserved to the FAA in the release land, containing a total area of 6.50 acres, more or less, and more particularly described in Exhibit A, from the airport use conditions and assurances contained in the Quitclaim Deed and Agreement and the Grant Agreements between the City and the FAA.

This Release is granted subject to the following conditions:

1. Covenants and Conditions The instrument used by the City to transfer the real property described in this Release shall include the following covenants, conditions, restrictions and reservations.

a) Right of Flight There is hereby reserved to the Oroville Municipal Airport and the City, its successors and assignees, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises herein conveyed, together with the right to cause in said airspace such noise and emissions as may be inherent in the operation of aircraft, now known or hereafter used for navigation of or flight in the air, using said airspace, or landing at, taking off from, or operating at the Oroville Municipal Airport.

b) No Obstructions The recipient of the conveyed land, by accepting this conveyance, expressly agrees for itself, its successors and assignees that it will not erect nor permit the erection of any structure, objects of natural growth or other obstructions, on the conveyed land, above a height that is not in accord with the requirements of Title 14 Code of Federal Regulations Part 77. In the event this condition is breached, Oroville Municipal Airport and the City, its successors and assigns, reserve the right to enter on the land conveyed hereunder and to remove the offending structure or object, and to cut the offending natural growth, all of which shall be at the expense of said transferee, recipient, or grantee.

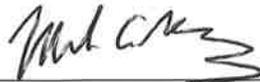
c) No Interference The recipient of the conveyed land, by accepting this conveyance from the City expressly agrees for itself, its successors, and assignees that it will not make use nor permit the use of the conveyed land in any manner that might interfere with the landing and taking off of aircraft from the Airport or which might otherwise constitute an airport hazard, including wildlife hazards. In the event this condition is breached, Oroville Municipal Airport and the City, its successors and assigns, reserve the right to enter on the conveyed land and cause the abatement of such interference at the expense of the transferee, recipient, or grantee.

2. Compatible Land Use The City pledges to ensure that reuse and development of the released property remains compatible with the airport and aircraft operations so the Airport's utility to civil aviation is not impaired or restricted.

(Approval signatures follow on the next page)

IN WITNESS WHEREOF, for the Federal Aviation Administration, this Instrument of Release is executed on June 3, 2014.

Acting by and through the Administrator of the
Federal Aviation Administration

By: 
Mark A. McClardy
Manager, Airports Division
Western-Pacific Region
Federal Aviation Administration

CITY OF OROVILLE

On behalf of the City of Oroville, the undersigned hereby acknowledges the acceptance of the terms and conditions of the Instrument of Release by the governing body of the City.

By:  Date 6-17-2014
Linda L. Dahlmeier 06.17.2014
Print Name and Title

Exhibit A

Legal Description of Released Land to be sold to the City of Oroville

The released portion of land is approximately 6.50 acres.

Description, diagrams, maps follow on next page.

EXHIBIT "A"

Oroville Municipal Airport Land Release Request

All that real property, situate in the City of Oroville, County of Butte, State of California, being a portion of the Oroville Municipal Airport located in Section 22, Township 19 North, Range 3 East, Mount Diablo Meridian and more particularly described as follows:

Commencing at the Southeast corner of Block 157, as shown on the Map of South Thermalito filed in the Butte County Recorder's Office May 11, 1889, in Volume 2 of Maps at Page 176, and as shown on the Record of Survey filed in Book 96 of Maps at Pages 78 through 82, Butte County Recorder's Office;

Thence North 63° 00' 37" West, 1923.60 feet to a ½ inch rebar with 1 ½ inch aluminum cap marked P.L.S. 4085 and the True Point of Beginning for the herein described parcel of land;

Thence south 53° 39' 00" West 600.00 feet to a ½ inch rebar with 1 ½ inch aluminum cap marked P.L.S. 4085;

Thence North 36° 21' 00" West 150.00 feet;

Thence South 53° 39' 00" West 85.00 feet;

Thence North 36° 21' 00" West 282.00 feet;

Thence North 53° 39' 00" East 685.00 feet;

Thence South 36° 21' 00" East 432.00 feet to the point of beginning and the end of this description.

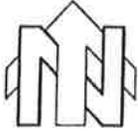
Containing 6.50 acres, more or less.

The Basis of Bearings for this description is the same as shown on said Record of Survey filed in Book 96 of Maps at Pages 78 – 82.


Michael L. Mays, LS 6967
NorthStar Engineering



Date: 1/23/13



OROVILLE MUNICIPAL AIRPORT

OROVILLE MUNICIPAL AIRPORT

VACANT



LAND RELEASE
6.50± ACRES
EXISTING
GROUND LEASE

VACANT

EXISTING
GROUND LEASE
(NOT A PART)

AIRPORT DRIVE

LARKIN ROAD

SE CORNER
BLOCK 157
POINT OF COMMENCEMENT

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THAT RECORD OF SURVEY FILED IN THE OFFICE OF THE BUTTE COUNTY RECORDER IN BOOK 96 OF MAPS AT PAGE 78



**NorthStar
ENGINEERING**

111 Mission Ranch Blvd, Ste 100
Chico, California 95926
Phone (530) 893-1600 Fax (530) 893-2113
www.northstareng.com

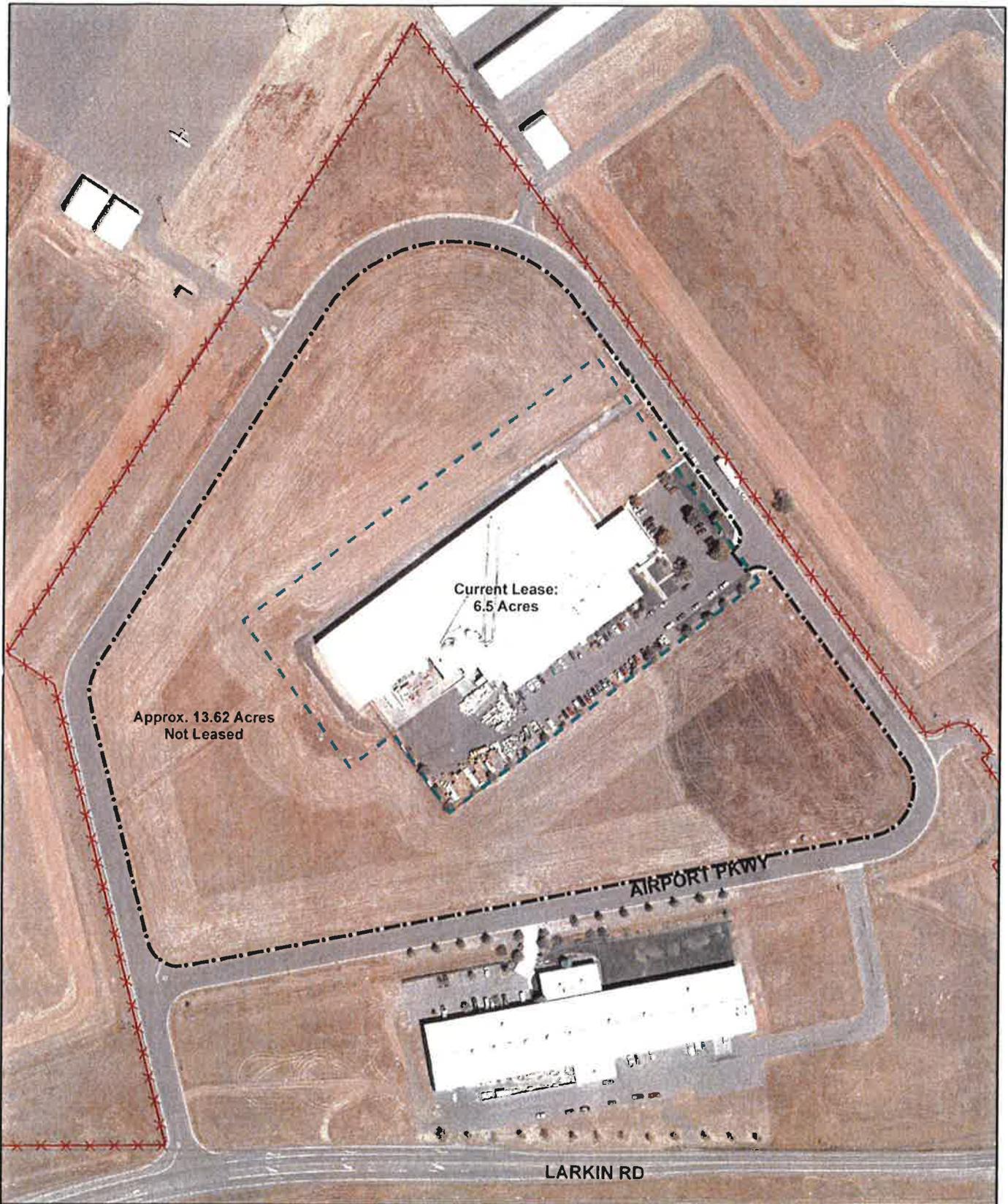
PREPARED FOR:

CITY OF OROVILLE
1735 MONTGOMERY STREET
OROVILLE, CA 95965

JOB TITLE

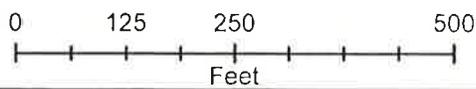
**OROVILLE MUNICIPAL AIRPORT
LAND RELEASE REQUEST
6.50 ACRES**

SCALE:	1" = 300'
JOB NO.	12-078
DATE	1-23-2013
DRAWN BY:	MLM
CHECKED BY:	
SHEET NO.	1 OF 1



GPI Appraisal Map

Portion of APN 030-260-039



- ✕✕✕ Airport Fenceline
- ▭ Current GPI Lease Boundary
- ▭ Appraisal Boundary





U.S Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
San Francisco Airports District Office

1000 Marina Boulevard, Suite 220
Brisbane, CA 94005-1835

Land-Use Change Authorization Oroville Municipal Airport

The City of Oroville (City), the owner and operator of Oroville Municipal Airport (Airport), requested authorization from the Federal Aviation Administration (FAA) for a land-use change for a portion of land, as more particularly described in Exhibit A, that is subject to the conditions and restrictions set forth in a Quitclaim Deed and Grant Agreements, since the portion of land is not presently needed for aviation purposes.

The land-use change will allow the City to lease or rent the land for revenue producing purposes that will serve to make the airport as self-sustaining as possible. The lease revenue, that will be based on the land's fair market value, is obligated to be used for the capital and operating costs of the airport in accordance with Title 49 United States Code (USC) §47107(b) and §47133.

The FAA has determined that the portion of land herein described in Exhibit A is not presently needed for an aeronautical purpose and may be used to earn revenue from other compatible non-aeronautical uses. The land-use change does not release the land from its airport obligations. It remains part of the airport and subject to terms and conditions of the Quitclaim Deed and Grant Agreements.

This authorization made by the FAA, pursuant to the provisions contained in Title 49 USC §47107(h) and §47153 and the criteria in FAA Order 5190.6B, Chapter 22, hereby grants the City an authorization to use airport property at Oroville Municipal Airport for revenue-producing purposes from other than aviation uses. Notwithstanding, this authorization does not prevent the land's reuse for an aviation purpose or the restoration of the property to an aeronautical use.

In consideration of the benefits to accrue to the Airport and to civil aviation, the FAA hereby authorizes a land-use change for the portion of land at the Airport containing approximately 13.65 acres, more or less, and more particularly described in Exhibit A, so it may be leased or rented for other than airport purposes. This authorization is granted without waiver of any other rights and interests reserved to the FAA at the Airport. Furthermore, this authorization is granted subject to the conditions and restrictions contained in Exhibit B, attached hereto, which contains provisions to be included in the agreement for use of the land subject to this authorization.

Exhibit A

**Legal Description for Portion of Airport Land
Bounded by Airport Drive**

The affected portion of land is approximately 13.65 acres.

The metes and bounds legal description and plot plan
follow on the next page

EXHIBIT "A"

Oroville Municipal Airport

All that real property, situate in the City of Oroville, County of Butte, State of California, being a portion of the Oroville Municipal Airport located in Section 22, Township 19 North, Range 3 East, Mount Diablo Meridian and more particularly described as follows:

Commencing at the Southeast corner of Block 157 as shown on the Map of South Thermalito, filed in the Butte County Recorder's Office, May 11, 1889 in Volume 2 of Maps at Page 176, and as shown on the Record of Survey filed in Book 96 of Maps at Pages 78 through 82, Butte County Recorder's Office;

Thence North $89^{\circ}59'37''$ West, 1460.70 feet, to a point on the north line of Larkin road, said point being the easterly terminus of that course shown as South $89^{\circ}59'37''$ East, 1676.05 feet according to said Record of Survey;

Thence along the said north line, North $89^{\circ}59'37''$ West, 1126.07 feet;

Thence North $13^{\circ}42'10''$ West, 701.66 feet to the TRUE POINT OF BEGINNING, said point being the beginning of a curve to the right, concave easterly, having a radius of 72.00 feet;

Thence northerly, along said curve, through a central angle of $46^{\circ}38'46''$, for an arc distance of 58.62 feet;

Thence North $32^{\circ}56'36''$ East, 648.71 feet to the beginning of a curve to the right, concave southerly having a radius of 234.00 feet;

Thence easterly, along said curve, through a central angle of $110^{\circ}47'10''$, for an arc distance of 452.46 feet;

Thence South $36^{\circ}16'14''$ East, 871.02 feet to the beginning of a curve to the right, concave westerly, having a radius of 68.50 feet;

Thence southerly, along said curve, through a central angle of $115^{\circ}49'56''$, for an arc distance of 138.48 feet;

Thence South $79^{\circ}33'42''$ West, 1097.46 feet, to the beginning of a curve to the right, concave northeasterly, having a radius of 45.00 feet;

Thence northerly, along said curve, through a central angle of $86^{\circ}44'08''$, for an arc distance of 68.12 feet, to the end of said curve;

Thence North $13^{\circ}42'10''$ West, 374.22 feet, to said true point of beginning.

EXCEPTING THEREFROM a portion of Block 156 as shown on the Map of South Thermalito filed in the Butte County Recorder's Office, May 11, 1889 in Volume 2 of Maps at Page 176, being more particularly described as follows:

APN: 030-260-039 (portion)

EXHIBIT "A"
Page 1 of 2

Commencing at the Southeast corner of Block 157 as shown on said map, and as shown on the Record of Survey filed in Book 96 of Maps at Pages 78 through 82, Butte County Recorder's Office;

Thence North 63° 00' 37" West, 1923.60 feet to a ½ inch rebar with 1 ½ inch aluminum cap marked P.L.S. 4085 and the True Point of Beginning for the herein described parcel of land;

Thence south 53° 39' 00" West 600.00 feet to a ½ inch rebar with 1 ½ inch aluminum cap marked P.L.S. 4085;

Thence North 36° 21' 00" West 150.00 feet;

Thence South 53° 39' 00" West 85.00 feet;

Thence North 36° 21' 00" West 282.00 feet;

Thence North 53° 39' 00" East 685.00 feet;

Thence South 36° 21' 00" East 432.00 feet to the point of beginning and the end of this description.

Said real property contains 13.65 acres more or less.

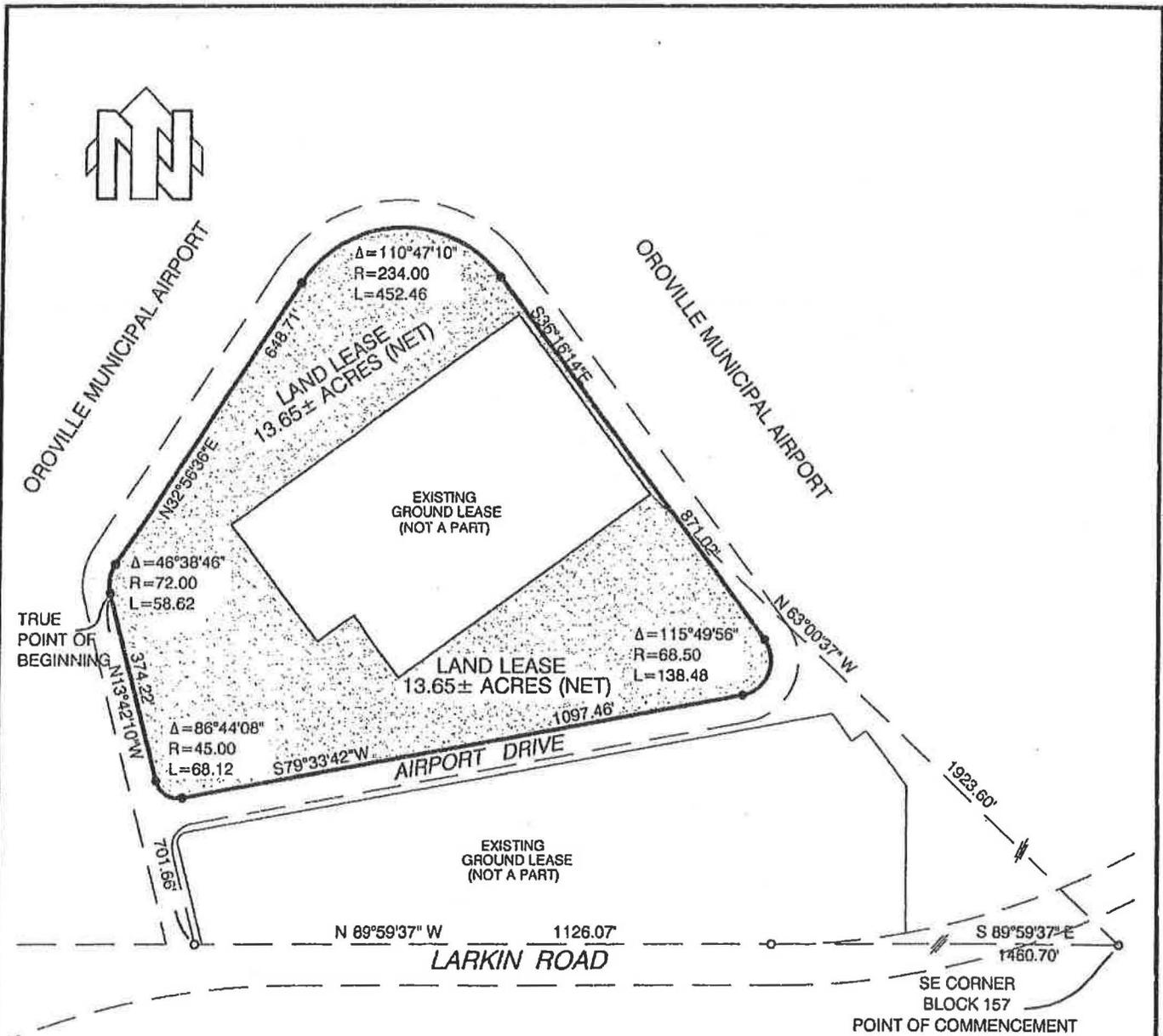
The Basis of Bearings for this description is the same as shown on said Record of Survey filed in Book 96 of Maps at Pages 78 – 82.


Michael L. Mays, LS 6967
NorthStar.Engineering



Date: 1/23/13

EXHIBIT A



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THAT RECORD OF SURVEY FILED IN THE OFFICE OF THE BUTTE COUNTY RECORDER IN BOOK 96 OF MAPS AT PAGE 78.



NorthStar ENGINEERING
 111 Mission Ranch Blvd, S1E 100
 Chico, California 95926
 Phone: (530) 893-1600 Fax: (530) 893-2113
 www.northstareng.com

PREPARED FOR:
CITY OF OROVILLE
 1735 MONTGOMERY STREET
 OROVILLE, CA 95965

JOB TITLE:
OROVILLE MUNICIPAL AIRPORT
LAND LEASE REQUEST
13.65 ACRES

SCALE: 1" = 300'
 JOB NO.: 12-078
 DATE: 12-18-2012
 DRAWN BY: MLM
 CHECKED BY: CHECKED
 SHEET NO.: 1 OF 1

Exhibit B

Lease and Use Agreement Provisions

The instrument used by the City of Oroville to lease or rent real property described in the land-use change authorization shall include the following provisions.

Lease and Use Agreement Provisions follow on the next page

Exhibit B

Lease and Use Agreement

1. The (lessee, Licensee, permittee) for himself, his personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby covenant and agree that: (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (licensee, lessee, permittee) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49 Code of Federal Regulations Part 21, *Nondiscrimination in Federally Assisted Programs of the Department of Transportation*, and as said regulations may be amended.

(The airport sponsor shall insert the paragraph above in airport contracts, leases, subcontracts, subleases and other agreements at all tiers.)

(Additional information regarding civil rights and Disadvantaged Business Enterprise obligations can be obtained from the FAA Civil Rights Office.)

2. The airport owner/sponsor reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or views of the (lessee, licensee, permittee) and without interference or hindrance.

3. The airport owner/sponsor reserves the right, but shall not be obligated to the (lessee, licensee, permittee), to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport, together with the right to direct and control all activities of the (lessee, licensee, permittee) in this regard.

4. This (lease, license, permit, etc.) shall be subordinate to the provisions and requirements of any existing or future agreement between the airport owner/sponsor and the United States, relative to the development, operation, or maintenance of the airport. Failure of the (lessee, licensee, permittee) or any occupant to reconcile a conflict with the requirements of any existing or future agreement between the lessor and the United States, which failure shall continue after reasonable notice to make appropriate corrections, shall be cause for the termination of (lessee's, licensee's, permittee's) rights that are in conflict with the federal agreement. Furthermore, a right of first refusal shall be subordinate to the sponsor's agreements with the United States requiring that the airport serve an airport purpose and such right shall not prevent airport land from being used for an airport purpose or its use by an aeronautical user. Furthermore, a right of first refusal to convert airport land to a non-aeronautical use shall not be exercised without the written approval of the Federal Aviation Administration.

5. There is reserved to the airport owner/sponsor, its successors and assignees, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the (leased, licensed, permitted) premises. This public right of flight shall include the right to cause in said airspace any noise and emissions inherent in the operation of any aircraft used for

navigation or flight through said airspace or landing at, taking off from, or operating on the airport premises.

6. The (lessee, licensee, permittee) agrees to comply with the notification and review requirements covered in Title 14 Code of Federal Regulations Part 77 in the event construction of a building or facility is planned for the (leased, licensed, permitted) premises or in the event of any planned modification or alteration of any present or future building or structure situated on the (leased, licensed, permitted) premises.

7. The (lessee, licensee, permittee) by accepting this (lease, license, permit) agreement expressly agrees for itself, its successors and assignees that it will not erect nor permit the erection of any structure or building nor permit any natural growth or other obstruction on the land leased hereunder above a height as determined by the application of the requirements of Title 14 CFR Part 77. In the event the aforesaid covenants are breached, the owner reserves the right to enter upon the land hereunder and to remove the offending structure or object or cut the offending natural growth, all of which shall be at the expense of the (lessee, licensee, permittee).

8. The (lessee, licensee, permittee) by accepting this (lease, license, permit) agrees for itself, its successors and assignees that it will not make use of the (leased, licensed, permitted) premises in any manner which might interfere with the landing and taking off of aircraft or otherwise constitute a hazard. In the event the aforesaid covenant is breached, the owner reserves the right to enter upon the premises hereby (leased, licensed, permitted) and cause the abatement of such interference at the expense of the (lessee, licensee, permittee).

9. With specific regard to aeronautical activities, it is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of U.S. Code 40103 (e) and 47107(a)(4).

10. This (lease, license, permit) and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of the airfield and other nonexclusive use areas of the airport or the exclusive or nonexclusive use of the airfield and other nonexclusive use areas of the airport by the United States during a time of war or national emergency.

11. The (lessee, licensee, permittee) will conform to airport and Federal Aviation Administration safety and security rules and regulations regarding use of the airport and the airfield operations area including runways, taxiways, aircraft aprons by vehicles, employees, customers, visitors, etc. in order to prevent security breaches and avoid aircraft incursions and vehicle/pedestrian deviations; will complete and pass an airfield safe driving instruction program when offered or required by the airport; and will be subject to penalties as prescribed by the airport for violations of the airport safety and security requirements.

**EXTRAORDINARY CIRCUMSTANCES EVALUATION INFORMATION SUBMITTAL
FOR CATEGORICAL EXCLUSION OF AIRPORT PROJECTS**

F

V. PROJECT INFORMATION AND EXTRAORDINARY CIRCUMSTANCE INFORMATION SUBMITTAL

A. Airport/Sponsor/Address/Contact Information:

1A. Project Location

Airport Name: Oroville Municipal Airport
Airport Address: 225 Chuck Yeager Way
Oroville, California 95966

2A. Airport Sponsor Information:

Sponsor: City of Oroville
Point of Contact: Rick Walls, Airport Manager
Address: 1735 Montgomery Street
Oroville, California, 95965
Telephone: (530) 538-2507
Email: wallsr@cityoforoville.org

3A. Evaluation Form Date:

Point of Contact: Rick Walls, Airport Manager

4A. Date of Preparation: April 9, 2013

B. Proposed Project Description/Purpose & Need for Project:

This project consists of a formal request for release of a portion of the Oroville Municipal Airport property from all federal obligations so that the land will be available for non-aeronautical purposes. The action involves the City of Oroville requesting the release of 6.5 acres of property for eventual sale and a request to lease 13.6 acres of property for non-aeronautical commercial purposes. An instrument of release for the 6.5 acres will be issued by the FAA at the successful conclusion of the process. An authorization to lease the 13.6 acres for non-aeronautical use for a planned private plant expansion will also be part of the outcome. The plant expansion does not involve any FAA funds, however, will be subject to all applicable City regulations, and any applicable FAA regulations regarding Airport property (i.e. building height, air emissions, etc.).

Regarding whether or not reasonably foreseeable future uses of the subject property will trigger extraordinary circumstances described in Chapter 3, Section 304 of FFA Order 1050.1E (specifically, Sections 304A – 304K), a review of the extraordinary circumstances as they may apply to this project is presented in Section E below.

More specifically, regarding the 6.5 acres of property requested for release of federal obligations, the property in its current physical condition houses an existing approximate 100,000 square foot manufacturing plant and parking lot operated by Graphic Packaging International (GPI). The plant has been in operation since 1995. With this project, and a release of federal obligations for the 6.5 acres, GPI would be allowed to purchase the property from the City which would generate Airport income, as described in more detail the City's February 2013 Land Release Request (LRR) to the FAA. After the release of this property, the plant and the associated improvements will continue indefinitely in their current condition. Given this scenario, there are no future uses of this property that will trigger extraordinary circumstances. This statement and conclusion is applicable to each of Sections 304A – 304K as discussed below in Section E.

More specifically, regarding the 13.6 acres of property requested for lease for a non-aeronautical use, this property surrounds the 6.5 acre property requested for release, and is part of the LRR submitted by the City. Once the 13.6 acres receives a non-aeronautical land use designation, with FAA approval, the 13.6 acres of property will be leased to GPI at fair market value to facilitate a planned 350,000 square foot plant expansion. Entitlements for the planned plant expansion project will be subject to the City's review process, which will include the applicable environmental review, and will include any applicable City land development regulations. For example, the plant expansion will involve a certain amount of land grading. Since the project is over 1 acre, the grading operation will be subject to the City's grading regulations and the State of California Storm Water Pollution Prevention Plan

EXTRAORDINARY CIRCUMSTANCES EVALUATION INFORMATION SUBMITTAL FOR CATEGORICAL EXCLUSION OF AIRPORT PROJECTS

General Order. Section E below addresses whether or not the future use of the 13.6 acres, and the plant expansion will trigger extraordinary circumstances.

C. Identify the appropriate category for the proposed project: (1) Approval of a project on an airport layout plan (ALP); (2) Approval of federal funding for airport development; (3) Requests for conveyance of government land; (4) Approval of release of airport land; (5) Approval of the use of passenger facility charges (PFC); (6) Approval of development or construction on a federally obligated airport.

The proposed project conforms to the requirements of **(3) Requests for conveyance of government land.**

D. Identify the applicable Categorical Exclusion: The proposed project must be specifically identified in Order 1050.1E paragraphs 307 through 312 "Categorical Exclusions" and cannot involve any conditions identified in paragraph 501 (projects normally requiring an EIS); paragraph 401 (projects normally requiring an EA). If the proposal involves extraordinary circumstances, identified in Paragraph 304, explain.

The proposed project conforms to **FAA Order 1050.1E, paragraph 307b:**

307b. Release of an airport sponsor from Federal obligations incurred when the sponsor accepted: (1) an Airport Improvement Grant; or (2) Federal surplus property for airport purposes.

The proposed project does not involve any conditions (projects) identified in Order 1050.1E paragraph 501 (projects normally requiring an EIS) or paragraph 401 (projects normally requiring an EA).

E. Review of Extraordinary Circumstances (FAA Order 1050.1E paragraph 304): Include a description of the project site as it relates to each of the following resource categories:

1. AIR QUALITY – Paragraph 304g. Is the proposed project in an air quality attainment, nonattainment or maintenance area for a specific criteria pollutant? Would the project worsen the air quality? See the EPA Green Book at www.epa.gov/oar/oagps/greenbk for current nonattainment areas for each criteria pollutant.

Yes and No: Butte County, where the project is located, is designated as a nonattainment area for the federal and state 8-hour ozone standard and PM2.5 standard. The County is also designated a nonattainment area for the state PM10 standard. For the CO standards, the county has been designated as an attainment area. The proposed 6.5 acre LRR will have no effect on existing air quality at the Airport. Similarly, the planned plant expansion will also have no effect on existing air quality because there will be no air discharges associated with the expanded plant.

2. COASTAL RESOURCES – Paragraph 304c (For Airports in California, Hawaii and Pacific Islands only). Is the proposed project in a coastal zone, as defined by a state's Coastal Zone Management Plan (CZMP)? If "yes," Describe how the project is consistent with the State's CZMP.

No. The Oroville Municipal Airport is located near the northern end of the Sacramento Valley, California approximately 140 miles east of the Pacific Ocean and therefore, is not within the California Coastal Zone Management Zone.

3. DEPARTMENT OF TRANSPORTATION SECTION 4(f) – Paragraph 304b. Would the proposed project directly or indirectly use any land from a public park, recreation area, or wildlife or waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance? If "yes," describe the proximity of park to project site and explain how much of the park would be affected & why the land is needed.

No. The proposed project is within the existing property boundaries of the Oroville Municipal Airport, there are no publicly owned lands as defined by DOT Sections 4(f) and 303/(c) within close proximity to the property affected by the proposed project.

4. NATURAL RESOURCES AND ENERGY SUPPLY – Paragraph 304c. Would the proposed project affect energy or other natural resource consumption where demand exceeds the capacity of the supplier? Explain how the sponsor intends to resolve natural resource consumption issues where demand exceeds capacity of the supplier. If the sponsor states demand does not exceed the supply, briefly indicate how this was determined.

EXTRAORDINARY CIRCUMSTANCES EVALUATION INFORMATION SUBMITTAL FOR CATEGORICAL EXCLUSION OF AIRPORT PROJECTS

No. The proposed project does not increase energy or natural resource consumption where demand will exceed the capacity of a supplier. The action does not impact energy supplies or other natural resources or create increases in demand. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

5. FARMLANDS – Paragraph 304c. Would the proposed project convert any farmland to non-agricultural uses? If yes, identify the current approved zoning classification for the project area.

No. The proposed project is within the existing property boundaries of the Oroville Municipal Airport and does not convert any farm or agricultural land to non-agricultural use. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

6. FISH, WILDLIFE, AND PLANTS – Paragraph 304c. Does the proposed project area contain any federally-listed endangered or threatened species of flora and fauna, or designated critical habitat? Describe the site and specific species or habitat designation, if any, and results of any consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, if available.

No. No federally listed endangered or threatened species of flora and fauna or naturally occurring habitat will be affected by the proposed actions. No areas on the airport are designated as critical habitat. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

7. FLOODPLAINS – Paragraph 304c. Would the proposed project be located in, or would it encroach upon, any designated 100-year floodplains? Floodplain maps can be viewed at <http://www.hazardmaps.gov/atlas.php>.

No. The Oroville Municipal Airport is west of the Feather River, the major watercourse in the vicinity. The airport is not located in the Feather River 100-year flood plain.

8. HAZARDOUS MATERIALS, POLLUTION PREVENTION, AND SOLID WASTE -- Paragraph 304k. Would the proposed project require the use of land that may contain hazardous substances or may be contaminated? Identify any documented hazardous materials issues on the project site. (Agencies such as the U.S. Environmental Protection Agency and/or the applicable state environmental agency have publicly available information on their websites that may be of assistance.)

No. The proposed project is within airport property. No evidence exists that any hazardous materials or unauthorized releases have occurred within the proposed action areas. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

9. HISTORIC, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES – Paragraph 304a and 304j. Does the proposed project affect any documented properties that are prehistoric, historic, archeological, or cultural resources? Provide copy of any prior consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) for the proposed project area. If project is in a previously undeveloped site, provide cultural resources survey.

No. The proposed project does not affect any property that is documented as prehistoric, historic, archeological, or cultural resources. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

10. NOISE – Paragraph 304f. Would the proposed project increase airport noise over noise sensitive land uses. (e.g. residences, schools, churches, and hospitals)? See Table 1 of 14 CFR Part 150 for descriptions of various noise sensitive land uses.

No. The proposed project do not increase aircraft operations or alter the noise contour patterns. The proposed action does not expand or extend aircraft operations within the airport boundaries. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

11. SECONDARY (INDUCED) IMPACTS – Paragraphs 304d & e. Does the proposed project require relocation of any homes or businesses, or increase off-airport surface traffic congestion? Describe the number of relocations needed for the proposed project.

EXTRAORDINARY CIRCUMSTANCES EVALUATION INFORMATION SUBMITTAL FOR CATEGORICAL EXCLUSION OF AIRPORT PROJECTS

No. The proposed actions are within the existing property boundaries of the Oroville Municipal Airport; therefore, there are no off-site physical effects to homes, businesses or traffic. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.

12. WATER QUALITY – Paragraph 304h. Would the proposed project degrade water quality, including ground water, surface water bodies, or any public water supply systems? Does the sponsor have an airport wide Storm Water Pollution Prevention Plan (SWPPP), project specific SWPPP? If yes, give date of Plan.

No. The 6.5 acre LRR does not include any actions that could degrade water quality, ground water surface water bodies or public water supply systems. The 13.6 acre plant expansion project will be subject to City environmental review relative to the protection of surface water during plan construction. More specifically, since the project is over 1 acre, the grading operation will be subject to the City's grading regulations and the State of California Storm Water Pollution Prevention Plan General Order. These protections will ensure that the plant expansion portion of the project will not degrade water quality. Therefore, water quality is not an applicable extraordinary circumstance.

SWPPP: Airport wide – The City of Oroville does have an approved SWPPP for the Oroville Municipal Airport: WDID# 5A045002639.

13. WETLANDS - Paragraph 304c. Would the proposed project be built in or near any previously identified jurisdictional wetlands? Briefly indicate how this was determined. If yes, provide any documentation to indicate that the U.S. Army Corps of Engineers has determined if the wetlands are jurisdictional or not.

No. A field survey of the Oroville Municipal Airport did identify potential jurisdictional wetlands or waters of the U.S. That report, prepared in December 2007 (Galloway 2007) identified wetlands on the airport. The proposed 6.5 acre project does not affect the wetlands because the project is administrative in nature and does not involve any construction or ground disturbances. This also applies to the 13.6 acre plant expansion.

14. WILD AND SCENIC RIVERS – Paragraph 304c. (AZ, CA & NV only) Would the proposed project be built near or affect a designated Wild and Scenic River? If yes, identify the wild and scenic river segment and distance to the proposed project. See <http://www.nps.gov/rivers/wildriverslist.html> for additional information.

No. The Feather River is the only waterway in the vicinity of the Oroville Municipal Airport. East of the Oroville Dam, the Middle Fork of the Feather River is designated as a wild and scenic river. However, the Feather River in the vicinity of the airport is not designated within the Wild and Scenic Rivers System Act.

15. OTHER CONSIDERATIONS – Paragraphs 304d, 304i, 304j, and 304k. Is the proposed project likely to be highly controversial on environmental grounds? Is there organized opposition to the project on environmental grounds? Is the proposed project reasonably consistent with plans, goals, and policies adopted by the community in which the project is located? Is the project likely to directly, indirectly, or cumulatively create a significant impact on the human environment?

No. The Oroville Municipal Airport is an important transportation component for the City of Oroville and Butte County. The City is not aware of any organized group opposed to the project. The City and Butte County enforce planning and zoning requirements to ensure compatible land use in the airport vicinity. The proposed project is consistent with federal, state and local laws and administrative determinations. This applies to both the 6.5 acre LRR and the 13.6 acre plant expansion.



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

May 19, 2014

Regulatory Division (SPK-2013-01135)

City of Oroville
Attn: Mr. Richard Walls
1735 Montgomery Street
Oroville, California 95965

Dear Mr. Walls:

We are responding to your consultant's December 4, 2013 request for a Department of the Army NWP (NWP) 39 verification for the Oroville Airport South Parcel project. This approximately 13-acre project involves activities, including discharges of dredged or fill material, in waters of the United States to expand an existing commercial manufacturing facility. The project is located at the Oroville Municipal Airport, in Section 22, Township 19 North, Range 3 East, Mount Diablo Meridian, Latitude 39.48730438°, Longitude -121.6170393°, City of Oroville, Butte County, California.

Furthermore, we understand the Federal Aviation Administration (FAA) is the National Environmental Policy Act (NEPA) lead Federal agency for this project, and as such, will ensure the authorized work complies with the NEPA, the Endangered Species Act, the National Historical Preservation Act, and any other applicable federal laws. As the applicant, you shall include this office in any future consultations involving compliance with the Endangered Species Act, the National Historic Preservation Act, and any other applicable federal laws, as they pertain to the activities authorized herein, so that we may consult as appropriate or designate FAA to consult on our behalf.

Based on the information you provided, the proposed activity, resulting in the permanent loss of approximately 0.20 acres of waters of the U.S., including wetlands is authorized by NWP Number 39, Commercial and Institutional Developments. However, until Section 401 Water Quality Certification for the activity has been issued or waived, our authorization is denied without prejudice. Once you have provided us evidence of water quality certification, the activity is authorized and the work may proceed subject to the conditions of certification and the NWP. Your work must comply with the general terms and conditions listed on the enclosed NWP 39 information sheets, our Final Sacramento District NWP Regional Conditions for California, and the following Special Conditions:

Special Conditions

1. To mitigate for the loss of 0.20 acres of waters of the United States, you shall purchase 0.20 credits of vernal pool establishment at Meridian Ranch Mitigation Bank. Evidence of this purchase shall be provided to this office prior to initiation of construction activities within waters of the U.S.

2. This permit is contingent upon the permittee applying for and being issued a Section 401 Water Quality Certification. Evidence of a water quality certification must be submitted to this office, prior to commencing work in Waters of the U.S. All terms and conditions of the Section 401 Water Quality Certification are expressly incorporated as conditions of this permit.

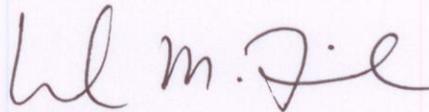
You must sign the enclosed Compliance Certification and return it to this office within 30 days after completion of the authorized work.

This verification is valid until March 18, 2017, when the existing NWP's are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the NWP to complete the activity under the present terms and conditions. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific Special Conditions of this authorization, may result in the suspension or revocation of your authorization.

We would appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2013-01135 in any correspondence concerning this project. If you have any questions, please contact me at our California North Branch Office, Regulatory Division, U.S. Army Corps of Engineers, 1325 J Street, Room 1350, Sacramento, California 95814-2922, by email at Leah.M.Fisher@usace.army.mil, or telephone at 916-557-6639. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Leah M. Fisher
Sr. Project Manager, CA North Branch
Regulatory Division

Enclosures

cc: (w/o encls)

Mr. Scott Zaitz, CA Regional Water Quality Control Board, szaitz@waterboards.ca.gov
Mr. Jeff Glazner, Salix Consulting Inc., jglazner@salixinc.com
Mr. Douglas Pomeroy, Federal Aviation Administration, douglas.pomeroy@faa.gov
Ms. Tina Bartlett, CA Department of Fish and Wildlife, tina.bartlett@wildlife.ca.gov

Central Valley Regional Water Quality Control Board

15 August 2014

Mr. Richard Walls
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

**CLEAN WATER ACT §401 TECHNICALLY CONDITIONED WATER QUALITY
CERTIFICATION FOR DISCHARGE OF DREDGED AND/OR FILL MATERIALS FOR THE
GRAPHIC PACKAGE INTERNATIONAL EXPANSION-OROVILLE MUNICIPAL AIRPORT
SOUTH PARCEL PROJECT (WDID#5A04CR00236), OROVILLE, BUTTE COUNTY**

ACTION:

1. Order for Standard Certification
2. Order for Technically-conditioned Certification
3. Order for Denial of Certification

WATER QUALITY CERTIFICATION STANDARD CONDITIONS:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and §3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action shall be conditioned upon total payment of the full fee required under 23 CCR §3833, unless otherwise stated in writing by the certifying agency.
4. Certification is valid for the duration of the described project. City of Oroville shall notify the Central Valley Water Board in writing within 7 days of project completion.

ADDITIONAL TECHNICALLY CONDITIONED CERTIFICATION CONDITIONS:

In addition to the four standard conditions, City of Oroville shall satisfy the following:

1. City of Oroville shall notify the Central Valley Water Board in writing 7 days in advance of the start of any in-water activities.
2. Except for activities permitted by the U.S. Army Corps under §404 of the Clean Water Act, soil, silt, or other organic materials shall not be placed where such materials could pass into surface water or surface water drainage courses.
3. All areas disturbed by project activities shall be protected from washout or erosion.
4. City of Oroville shall maintain a copy of this Certification and supporting documentation (Project Information Sheet) at the Project site during construction for review by site personnel and agencies. All personnel (employees, contractors, and subcontractors) performing work on the proposed project shall be adequately informed and trained regarding the conditions of this Certification.
5. An effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working during all phases of construction.
6. All temporarily affected areas will be restored to pre-construction contours and conditions upon completion of construction activities.
7. City of Oroville shall perform surface water sampling: 1) When performing any in-water work; 2) In the event that project activities result in any materials reaching surface waters or; 3) When any activities result in the creation of a visible plume in surface waters. The following monitoring shall be conducted immediately upstream out of the influence of the project and 300 feet downstream of the active work area. Sampling results shall be submitted to this office within two weeks of initiation of sampling and every two weeks thereafter. The sampling frequency may be modified for certain projects with written permission from the Central Valley Water Board.

Parameter	Unit	Type of Sample	Frequency of Sample
Turbidity	NTU	Grab	Every 4 hours during in water work
Settleable Material	ml/l	Grab	Same as above.
Visible construction related pollutants	Observations	Visible Inspections	Continuous throughout the construction period

8. Activities shall not cause turbidity increases in surface water to exceed:
- (a) where natural turbidity is less than 1 Nephelometric Turbidity Units (NTUs), controllable factors shall not cause downstream turbidity to exceed 2 NTU;
 - (b) where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU;
 - (c) where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent;
 - (d) where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs;
 - (e) where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.

Except that these limits will be eased during in-water working periods to allow a turbidity increase of 15 NTU over background turbidity as measured in surface waters 300 feet downstream from the working area. In determining compliance with the above limits, appropriate averaging periods may be applied provided that beneficial uses will be fully protected. Averaging periods may only be assessed by prior permission of the Central Valley Water Board.

9. Activities shall not cause settleable matter to exceed 0.1 ml/l in surface waters as measured in surface waters 300 feet downstream from the project.
10. The discharge of petroleum products or other excavated materials to surface water is prohibited. Activities shall not cause visible oil, grease, or foam in the work area or downstream. City of Oroville shall notify the Central Valley Water Board immediately of any spill of petroleum products or other organic or earthen materials.
11. City of Oroville shall notify the Central Valley Water Board immediately if the above criteria for turbidity, settleable matter, oil/grease, or foam are exceeded.
12. City of Oroville shall comply with all Department of Fish and Wildlife 1600 requirements for the project.
13. City of Oroville must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Water Resources Control Board for any project disturbing an area of 1 acre or greater.
14. The Conditions in this water quality certification are based on the information in the attached "Project Information." If the information in the attached Project Information is modified or the project changes, this water quality certification is no longer valid until amended by the Central Valley Water Board.
15. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process, or sanctions as provided for under State law and section 401 (d) of the federal Clean Water Act. The applicability of any State law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance into this Order.

- a. If City of Oroville or a duly authorized representative of the project fails or refuses to furnish technical or monitoring reports, as required under this Order, or falsifies any information provided in the monitoring reports, the applicant is subject to civil monetary liabilities, for each day of violation, or criminal liability.
- b. In response to a suspected violation of any condition of this Order, the Central Valley Water Board may require City of Oroville to furnish, under penalty of perjury, any technical or monitoring reports the Central Valley Water Board deems appropriate, provided that the burden, including cost of the reports, shall be in reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- c. City of Oroville shall allow the staff(s) of the Central Valley Water Board, or an authorized representative(s), upon the presentation of credentials and other documents, as may be required by law, to enter the project premises for inspection, including taking photographs and securing copies of project-related records, for the purpose of assuring compliance with this certification and determining the ecological success of the project.

ADDITIONAL STORM WATER QUALITY CONDITIONS:

City of Oroville shall also satisfy the following additional storm water quality conditions:

1. During the construction phase, City of Oroville must employ strategies to minimize erosion and the introduction of pollutants into storm water runoff. These strategies must include the following:
 - (a) the Storm Water Pollution Prevention Plan (SWPPP) must be prepared during the project planning and design phases and before construction;
 - (b) an effective combination of erosion and sediment control Best Management Practices (BMPs) must be implemented and adequately working prior to the rainy season and during all phases of construction.
2. City of Oroville must minimize the short and long-term impacts on receiving water quality from the GPI Expansion-Oroville Municipal Airport, South Parcel Project by implementing the following post-construction storm water management practices:
 - (a) minimize the amount of impervious surface;
 - (b) reduce peak runoff flows;
 - (c) provide treatment BMPs to reduce pollutants in runoff;
 - (d) ensure existing waters of the State (e.g., wetlands, vernal pools, or creeks) are not used as pollutant source controls and/or treatment controls;
 - (e) preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones;
 - (f) limit disturbances of natural water bodies and natural drainage systems caused by development (including development of roads, highways, and bridges);
 - (g) use existing drainage master plans or studies to estimate increases in pollutant loads and flows resulting from projected future development and require incorporation of structural and non-structural BMPs to mitigate the projected pollutant load increases in surface water runoff;

GPI Expansion-Oroville Municipal Airport, South Parcel Project

- (h) identify and avoid development in areas that are particularly susceptible to erosion and sediment loss, or establish development guidance that protects areas from erosion/ sediment loss;
 - (i) control post-development peak storm water run-off discharge rates and velocities to prevent or reduce downstream erosion, and to protect stream habitat.
3. City of Oroville must ensure that all development within the project provides verification of maintenance provisions for post-construction structural and treatment control BMPs. Verification shall include one or more of the following, as applicable:
- (a) the developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; or
 - (b) written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; or
 - (c) written text in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a home owner's association, or other appropriate group, for maintenance of structural and treatment control BMPs; or
 - (d) any other legally enforceable agreement that assigns responsibility for storm water BMP maintenance.
4. Staff of the Central Valley Water Board has prepared total maximum daily load (TMDL) allocations that, once approved, would limit methylmercury in storm water discharges to the Sacramento-San Joaquin Delta. The Central Valley Water Board has scheduled these proposed allocations to be considered for adoption. When the Central Valley Water Board adopts the TMDL and once approved by the Environmental Protection Agency, the discharge of methylmercury may be limited from the proposed project. The purpose of this condition is to provide notice to City of Oroville that methylmercury discharge limitations and monitoring requirements may apply to this project in the future and also to provide notice of the Central Valley Water Board's TMDL process and that elements of the planned construction may be subject to a TMDL allocation.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

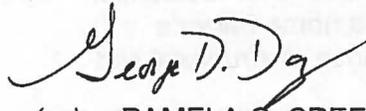
Scott A. Zaitz, R.E.H.S., Redding Branch Office, 364 Knollcrest Drive, Suite 205, Redding, California 96002, szaitz@waterboards.ca.gov, (530) 224-4784

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that any discharge from City of Oroville, GPI Expansion-Oroville Municipal Airport, South Parcel Project (WDID# 5A04CR00236) will comply with the applicable provisions of §301 ("Effluent Limitations"), §302 ("Water Quality Related Effluent Limitations"), §303 ("Water Quality Standards and Implementation Plans"), §306 ("National Standards of Performance"), and §307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Resources Control Board Water Quality Order No. 2003-0017 DWQ "Statewide General Waste Discharge Requirements For Dredged Or Fill Discharges That Have Received State Water Quality Certification (General WDRs)."

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with City of Oroville's project description and the attached Project Information Sheet, and (b) compliance with all applicable requirements of the Water Quality Control Plan for the Sacramento River and San Joaquin River, Fourth Edition, revised October 2011 (Basin Plan).

Any person aggrieved by this action may petition the State Water Quality Control Board to review the action in accordance with California Water Code § 13320 and California Code of Regulations, title 23, § 2050 and following. The State Water Quality Control Board must receive the petition by 5:00 p.m., 30 days after the date of this action, except that if the thirtieth day following the date of this action falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Quality Control Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.



(for) PAMELA C. CREEDON
Executive Officer

SAZ:lmw

Enclosure: Water Quality Order No. 2003-0017 DWQ

cc w/o Ms. Leah Fisher, U.S. Army Corp of Engineers, Sacramento
enclosures: Department of Fish and Wildlife, Region 2, Rancho Cordova
U.S. Fish and Wildlife Service, Sacramento
Mr. Bill Jennings, CALSPA, Stockton
Mr. Jeff Glazner, Salix Consulting, Auburn

cc w/o U.S. EPA, Region 9, San Francisco
enclosures Mr. Bill Orme, SWRCB, Certification Unit, Sacramento
by email:

PROJECT INFORMATION

Application Date: 10 July 2014

Application Complete Date: 15 August 2014

Applicant: City of Oroville, Attn: Mr. Richard Walls

Applicant Representatives: Salix Consulting, Inc., Attn: Mr. Jeff Glazner

Project Name: GPI Expansion-Oroville Municipal Airport, South Parcel Project

Application Number: WDID No. 5A04CR00236

U.S. Army Corps File Number: SPK-2013-01135

Type of Project: Construction of an approximately 300,000 square-foot manufacturing plant for cardboard products.

Project Location: Section 22, Township 19 North, Range 3 East, MDB&M.
Latitude: 39°29'15" and Longitude: -121°37'01"

County: Butte County

Receiving Water(s) (hydrologic unit): Feather River. Marysville Hydrologic Unit-Lower Feather River Hydrologic Area No. 515.40

Water Body Type: Wetlands

Designated Beneficial Uses: The Basin Plan for the Central Valley Water Board has designated beneficial uses for surface and ground waters within the region. Beneficial uses that could be impacted by the project include: Municipal and Domestic Water Supply (MUN); Agricultural Supply (AGR); Industrial Supply (IND), Hydropower Generation (POW); Groundwater Recharge, Water Contact Recreation (REC-1); Non-Contact Water Recreation (REC-2); Cold Freshwater Habitat (COLD); Cold Spawning, Reproduction, and /or Early Development (SPWN); and Wildlife Habitat (WILD).

Project Description (purpose/goal): The GPI Expansion-Oroville Municipal Airport, South Parcel Project consists of constructing 350,000 feet of new industrial buildings of which 13.6 acres of airport property will be leased for a non-aeronautical use to Graphic Packaging International. This 13.6 acre property surrounds a 6.5 acre property currently supporting an existing GPI facility and is part of the Land Release Request submitted by the City to the Federal Aviation Administration (FAA). Once the 13.6 acres received a non-aeronautical land use designation, with FAA approval, the 13.6 acres of property will be leased to GPI at fair market value to facilitate a planned 350,000 square foot plant expansion, 282,325 square feet of which is on the 13.6 acre lease parcel. Entitlements for the planned plant expansion project will be subject to the City review process, which will include the applicable environmental review, and will include any applicable City land development regulations. The project includes filling a 0.06-acre seasonal wetland swale.

Preliminary Water Quality Concerns: Construction activities may impact surface waters with increased turbidity and settleable matter.

Proposed Mitigation to Address Concerns: City of Oroville will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. City of Oroville will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.

Fill/Excavation Area: Project implementation will permanently impact 0.21 acre (510 linear feet) of jurisdictional wetlands.

Dredge Volume: Not Applicable

U.S. Army Corps of Engineers Permit Number: Nationwide Permit #39 (Commercial and Institutional Developments)

Department of Fish and Wildlife Streambed Alteration Agreement: The City of Oroville sent out a Notice of Completion & Environmental Document Transmittal SCH# 2013122060 on 23 December 2013 and received no comment from the Department of Fish and Wildlife indicating that the Department is not claiming jurisdiction for the issuance of a Lake and Streambed Alteration Agreement and therefore it will not be required for this project.

Possible Listed Species: Not Applicable

Status of CEQA Compliance: The City of Oroville issued a final Notice of Determination approving a Mitigated Negative Declaration on 23 December 2013 stating the project will not have a significant effect on the environment. Mitigation measures were made a condition of approval. (State Clearinghouse Number 2013122061).

Compensatory Mitigation: The City of Oroville will purchase wetland mitigation credits from the Meridian Mitigation Bank, for the unavoidable impacts to 0.21 acre of jurisdictional waters.

Application Fee Provided: On 10 July 2014 a certification application fee of \$2,286.00 was submitted as required by 23 CCR §3833b(3)(A) and by 23 CCR §2200(e).



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Airports Division

San Francisco Airports District Office
1000 Marina Boulevard, Suite 220
Brisbane, CA 94005-1835

September 11, 2014

Mr. Rick Walls, P.E.
City of Oroville
City Engineer/Airport Manager
1735 Montgomery Street
Oroville, California 95965

Subject: Environmental Evaluation of Oroville Municipal Airport Request for Lease of 13.6 Acres of Airport Land for Non-Aeronautical Use for Expansion of Graphic Packaging International Plant

Dear Mr. Walls:

This letter replaces my letter to you of September 9, 2014, which inadvertently used a project description that was inconsistent with the project description submitted on your *Extraordinary Circumstances Evaluation Information Submittal* for the lease of 13.6 acres of airport land for non-aeronautical use for expansion of the Graphic Packaging International Plant.

The Federal Aviation Administration (FAA) has reviewed the environmental information submitted on behalf of the Oroville Municipal Airport to lease 13.6 acres of airport land to Graphic Packaging International to complete a 350,000 square foot plant expansion. The FAA has determined the proposed action is Categorically Excluded pursuant to FAA Order 1050.1E as it relates to the National Environmental Policy Act of 1969, as amended (NEPA). Therefore, no further federal environmental disclosure documentation for this action is necessary for NEPA purposes.

This letter notifies you that the proposed action has complied with NEPA only. This is not a final approval of your proposal.

If you have any questions regarding this matter I am available at 650-827-7612, or email me at Douglas.Pomeroy@faa.gov.

Sincerely,

Original signed by

Douglas R. Pomeroy
Environmental Protection Specialist

Chron 629 site 2 file via 612

Draft

Initial Study/Mitigated Negative Declaration
for
Graphic Packaging International
Oroville Municipal Airport

CEQA Lead Agency
City of Oroville
Public Works Department

1735 Montgomery Street
Oroville, CA 95965

December 2013

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Figure 2-1: Project Location

Figure 2-2: Proposed Project

1.0 INTRODUCTION

This document is an Initial Study and Mitigated Negative Declaration (MND) for the proposed construction of a commercial facility on the Oroville Municipal Airport. This MND has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 *et seq.*, and the CEQA Guidelines.

An initial study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines, Section 15064, an environmental impact report (EIR) must be prepared if the initial study indicates that the proposed project under review may have a potentially significant impact on the environment.

A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment, and, therefore, why it does not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

- a) The initial study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or
- b) The initial study identified potentially significant effects, but:
 - (1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
 - (2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

If revisions are adopted into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a mitigated negative declaration is prepared.

1.1 PREVIOUS ENVIRONMENTAL REVIEW

The proposed project was evaluated by the Federal Aviation Administration (FAA) in a Environmental Assessment (September 2013) in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (Title 40, Code of Federal Regulations Parts 1500-1508), FAA Order 1050.1E (*Policies and Procedures for Considering Environmental Impacts*), and FAA Order 5050.4B.

1.2 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project.

Where two or more public agencies will be involved with a project, CEQA Guidelines Section 15051 provides criteria for identifying the lead agency. In accordance with CEQA Guidelines Section 15051(b)(1), "the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." Based on these criteria, the City of Oroville, Public Works Department serves as lead agency for the proposed project.

1.3 PURPOSE AND DOCUMENT ORGANIZATION

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed construction of a new commercial facility proposed by Graphic Packaging International (GPI) at the Oroville Municipal Airport, Butte County, California.

This document is divided into the following sections:

- 1.0 **Introduction** - Provides an introduction and describes the purpose and organization of this document;
- 2.0 **Project Description** - Provides a detailed description of the proposed project;
- 3.0 **Environmental Setting, Impacts and Mitigation Measures** - Describes the environmental setting for each of the environmental subject areas, evaluates a range of impacts classified as "no impact," "less than

significant,” “less than significant with mitigation incorporated,” or “potentially significant” in response to the environmental checklist;

- 4.0 **Sources** - Identifies references used;

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The project area (Figure 2-1) is located on a portion of the Oroville Municipal Airport. The project is located within the boundaries of the airport at 250 Airport Parkway; APN 030-260-039-000. The project is a compatible land use within the Airport Land Use Compatibility Planning zone designated B-2.

2.2 PROJECT DESCRIPTION

Construct 350,000 Square Feet of New Commercial Buildings: 13.6 acres of airport property will be leased for a non-aeronautical use to Graphic Packaging International (GPI). This 13.6 acre property surrounds a 6.5 acre property currently supporting an existing GPI facility and is part of the Land Release Request submitted by the City to the Federal Aviation Administration (FAA). Once the 13.6 acres receives a non-aeronautical land use designation, with FAA approval, the 13.6 acres of property will be leased to GPI at fair market value to facilitate a planned 350,000 square foot plant expansion, 282,325 square feet of which is on the 13.6 acre lease parcel (Figure 2-2). Entitlements for the planned plant expansion project will be subject to the City’s review process, which will include the applicable environmental review, and will include any applicable City land development regulations. For example, the plant expansion will involve a grading permit. Since the project is over one acre in size, the grading operation will be subject to a grading permit pursuant to the City of Oroville’s grading ordinance and a State of California Storm Water Pollution Prevention Plan.

The project includes filling a 0.06-acre seasonal wetland swale. Filling the swale requires a Nationwide 29 Permit issued by the U.S. Army Corps of Engineers under Section 404 of the U.S. Clean Water Act and Section 401 Certification issued by the California Regional Water Quality Board.

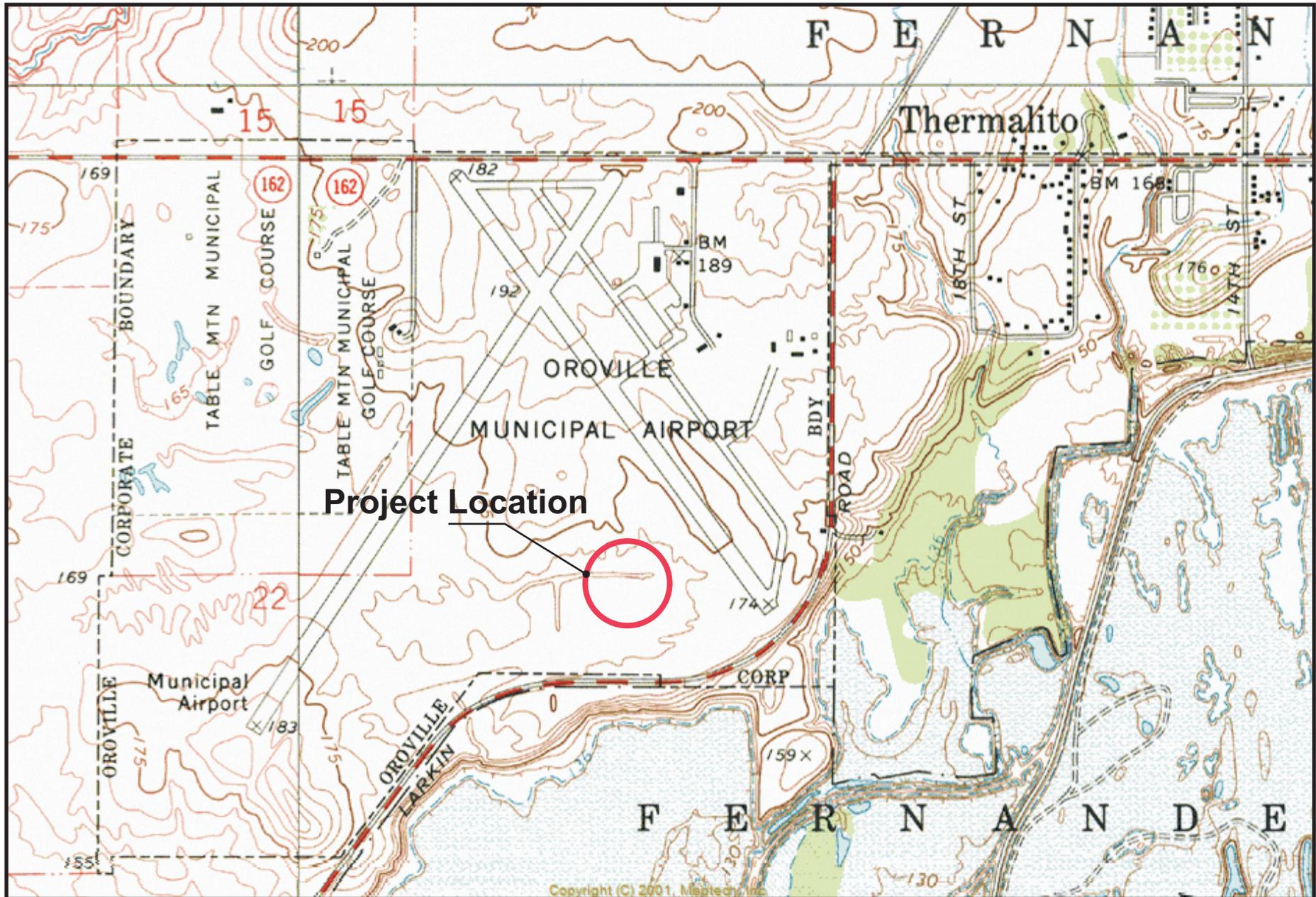
2.3 PROJECT CONSTRUCTION

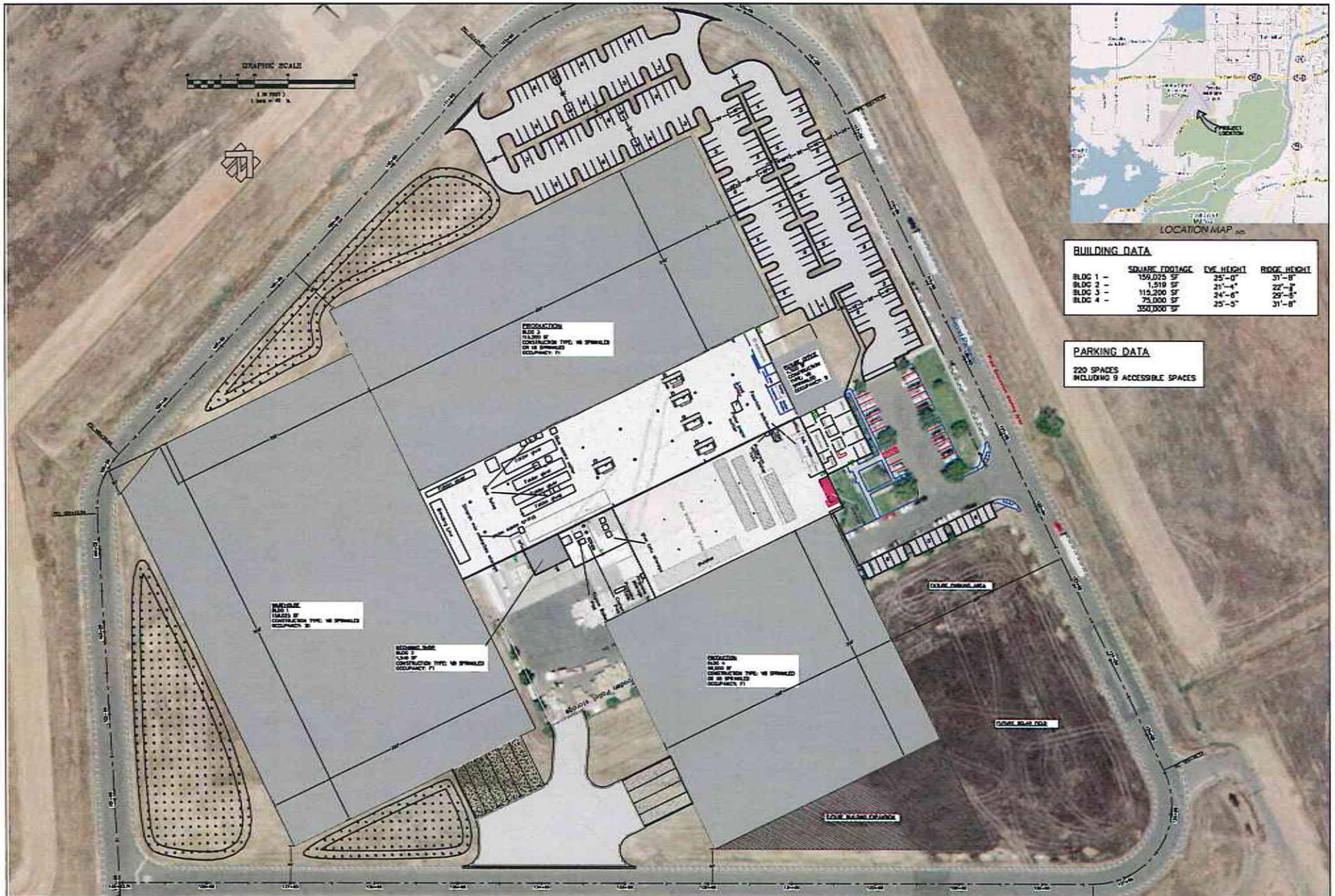
The project would be constructed in accordance with the Public Contracts Code of the State of California, the State of California Department of Transportation Standard Plans and Standard Specifications, and the Contract, Project Plans.

Construction would include excavation, loading, truck transport and grading, using both heavy duty and light-duty construction equipment. Specific equipment to be utilized may include, but is not limited to, track-mounted excavators, dump trucks, backhoes, graders, compactors and dozers.

The project is required to provide mitigation of project effects:

- Construction water quality control measures (including BMPs);
- Provision of fugitive dust plan mitigation plan;
- Protection measures for discovered paleontological and cultural resources during construction activities;
- Temporary fencing may be installed around some of the staging areas in order to avoid disturbance of adjoining areas and/or contain construction equipment after-hours;
- If deemed necessary by the FAA, construction traffic controls and signage may be placed to notify aircraft.





BUILDING DATA

BLDG #	SQ. FT.	CEILING HEIGHT	ROOF HEIGHT
BLDG 1	158,025 SF	25'-0"	31'-8"
BLDG 2	1,519 SF	21'-4"	22'-8"
BLDG 3	115,200 SF	24'-6"	29'-8"
BLDG 4	75,000 SF	25'-0"	31'-8"

PARKING DATA
 220 SPACES
 INCLUDING 9 ACCESSIBLE SPACES

Design	Date	By
Drawn By		
Approved		
Date		

NorthStar
 Civil Engineers, Surveyors
 Chico, California

111 Mission Ranch Blvd., Ste. 100
 Chico, California 95925
 Ph: (530) 893-1600 Fax: (530) 893-2113
 www.northstareng.com

SIERRA PACIFIC PACKAGING, INC
 AIRPORT PARKWAY
 ORVILLE, CALIFORNIA

SCHEMATIC DESIGN
NEW OFFICE AND STORAGE FACILITIES

Job Number: _____ Scale: _____ Hgt. Vert.: _____ Sheet: 1 of 1

Figure 2-2

3.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION MEASURES

Environmental Checklist Initial Study

1. Project title: Graphic Packaging International at the Oroville Municipal Airport
2. Lead agency name and address: City of Oroville, Public Works Department, 1735 Montgomery Street, Oroville, CA 95965
3. Contact person and phone number: Rick Walls, 530-538-2507
4. Project location: 250 Airport Parkway; APN 030-260-039-000, Oroville Municipal Airport
5. Project sponsor's name and address: Airport Manager, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965
6. General Plan designation: Airport Business Park: ALUC Designation – B-2.
7. Zoning: Airport Business Park
8. **Construct 350,000 Square Feet of New Commercial Buildings:** 13.6 acres of property will be leased for a non-aeronautical use. This property surrounds the 6.5 acre property requested for release, and is part of the Land Release Request (LRR) submitted by the City. Once the 13.6 acres receives a non-aeronautical land use designation, with FAA approval, the 13.6 acres of property will be leased to GPI at fair market value to facilitate a planned 350,000 square foot plant expansion, 282,325 square feet of which is on the 13.6 acre lease parcel. Entitlements for the planned plant expansion project will be subject to the City's review process, which will include the applicable environmental review, and will include any applicable City land development regulations. For example, the plant expansion will involve a grading permit. Since the project is over one acre in size, the grading operation will be subject to the City's grading ordinance and a State of California Storm Water Pollution Prevention Plan.
9. Surrounding land uses and setting. The project is located on the Oroville Municipal Airport, an approximately 800-acre parcel west of the City of Oroville. The airport is surrounded by airport related uses, a municipal golf course, rural residential housing and undeveloped land.
10. Other agencies whose approval is required: U.S. Department of Transportation, Federal Aviation Administration (FAA), U.S. Army Corps of Engineers and California Regional Water Quality Control Board.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
X	Biological Resources		Cultural Resources		Geology/Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology/Water Quality
	Land Use/Planning		Mineral Resources		Noise
	Population/Housing		Public Services		Recreation
	Transportation/Traffic		Utilities/Service Systems		Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

R Walls
Signature

12/23/13
Date

Rick Walls
Printed Name

City of Oroville
For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

I. AESTHETICS. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (Source 1 and 1.4.1)				X
b) Substantially damage scenic resources, including, but no limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source 1 and 1.4.1)				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Source 1 and 1.4.1)				X
d) Create a new source of substantial light or glare which would adversely affect day or night views in the area? (Source 1 and 1.4.1)				X

Discussion

A substantial adverse effect to Visual Resources would result in the introduction of physical features that are not characteristic of the surrounding development, substantially change the natural landscape, or obstruct an identified public scenic vista.

a.-d. The proposed construction of the GPI facility will not impact any scenic vista. It is not located adjacent to a state scenic highway. The project will not introduce physical features that are not out of character with the existing airport. Project lighting will conform with FAA guidelines for light and glare for buildings located on an airport. There would be no impact.

Finding

The thresholds of significance have not been exceeded for the “Aesthetics” category and no impacts are expected.

II. AGRICULTURAL AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source 1.4.8 and 2.3)				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source 1.4.8 and 2.3)				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion

A substantial adverse effect to Agricultural Resources would occur if:

- There is a conversion of choice agricultural land to nonagricultural use, or impairment of the agricultural productivity of agricultural land;
- The amount of agricultural land or forest land in the County is substantially reduced; or
- Agricultural uses or forest land are subjected to impacts from adjacent incompatible land uses.

a-e). There is no existing agricultural use, zoning, active Williamson Act Contract or forest land in the project vicinity and no existing agricultural land will be converted to non-agricultural use as a result of the proposed

project. No forest land will be converted to non-forest use. The project site is within the property boundaries for the Oroville Municipal Airport and is not zoned for agricultural operations or forest land.

Finding

The thresholds of significance have not been exceeded for the “Agricultural Resources” category and no impacts are expected.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source 1 and 1.4.2)				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source 1 and 1.4.2)				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under and applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source 1 and 1.4.2)				X
d) Expose sensitive receptors to substantial pollutant concentrations? (Source 1 and 1.4.2)				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion

A substantial adverse effect on Air Quality would occur if:

- Emissions of PM₁₀, CO, SO₂ and No_x, as a result of construction or operation emissions, will result in ambient pollutant concentrations in excess of the applicable National or State Ambient Air Quality Standard (AAQS); or
- Emissions of toxic air contaminants cause cancer risk greater than 1 in 1 million (10 in 1 million if best available control technology for toxics is used) or a non-cancer Hazard Index greater than 1. In addition, the project must demonstrate compliance with all applicable District, State and U.S. EPA regulations governing toxic and hazardous emissions.

a-e) Butte County, where the project is located, is designated as a nonattainment area for the federal and state 8-hour ozone standard and PM_{2.5} standard. The County is also designated a nonattainment area for the state PM₁₀ standard. For the CO standards, the county has been designated as an attainment area. The proposed project will have no effect on existing air quality at the Airport. Similarly, the planned plant expansion will also have no effect on existing air quality because there will be no air discharges associated with the expanded plant.

Finding

The thresholds of significance have not been exceeded for the “Air Quality” category and no impacts are expected.

IV. BIOLOGICAL RESOURCES. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source 3)				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source 3)				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? (Source 3)		X		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source 3)				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source 1.4.3)				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan? (Source 1.4.3 and 2.6 and 5)				X

Discussion

A substantial adverse effect on Biological Resources would occur if the implementation of the project would:

- Substantially reduce or diminish habitat for native fish, wildlife or plants;
- Cause a fish or wildlife population to drop below self-sustaining levels;
- Threaten to eliminate a native plant or animal community;
- Reduce the number or restrict the range of a rare or endangered plant or animal;

- Substantially affect a rare or endangered species of animal or plant or the habitat of the species; or
- Interfere substantially with the movement of any resident or migratory fish or wildlife species.

a-b) There are no listed species or sensitive habitats within the project area.

c) Construction of 282,325 square feet of new facilities will necessitate filling 0.06-acres of a wetland swale.

Because the project will result in a permanent loss of jurisdictional wetlands, the following mitigation measure will be implemented to reduce the impact to less than significant.

Mitigation Measure Biological Resources 1:

A mitigation wetland twice the size of the wetland to be filled shall be created or purchased at an approved mitigation facility. By securing and abiding by the general conditions of Nationwide Permit 29 pursuant to Section 404 of the Clean Water Act, providing compensatory mitigation and obtaining Section 401 Water Quality Certification from the RWQCB, impacts to jurisdictional Waters of the U.S. and wetlands would be offset so that no net loss will result.

d-e) The proposed project does not impact wildlife corridors or migratory routes; conflict with local policies or conflict with an adopted HCP or NCCP.

Finding

The thresholds of significance have not been exceeded for the “Biological Resources” category and implementation of the mitigation measure will reduce any potential impacts to a less than significant level.

V. CULTURAL RESOURCES. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Source 1.4.4 and 5)				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source 5)				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source 5)		X		
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source 1.4.4 and 5)		X		

Discussion

In general, significant impacts are those that diminish the integrity, research potential, or other characteristics that make a historical or cultural resource significant or important. A substantial adverse effect on Cultural Resources would occur if the implementation of the project would:

- Disrupt, alter, or adversely affect a prehistoric or historic archaeological site or a property or historic or cultural significant to a community or ethnic or social group; or a paleontological site except as a part of a scientific study;
- Affect a landmark of cultural/historical importance;
- Conflict with established recreational, educational, religious or scientific uses of the area; or
- Conflict with adopted environmental plans and goals of the community where it is located.

a-d) The airport is a developed property. No buildings or other structures will be affected. It is highly unlikely that historic, archaeological or cultural resources will be affected by the proposed actions. Excavation associated with the proposed project could encounter as yet unidentified cultural materials. Implementation of the following mitigation measures would result in a less than significant impact.

Mitigation Measure Cultural Resources 1:

If subsurface cultural materials are encountered, all construction in that area shall be halted until a qualified archaeologist can examine the materials and determine their significance. Further mitigation and/or construction shall be consistent with recommendations from the archaeologist.

Mitigation Measure Cultural Resources 2:

If human remains are discovered during project construction, work shall stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains (Public Resources Code, Section 7050.5). The county coroner shall be contacted to determine if the cause of death must be investigated.

If the coroner determined that the remains are of Native American origin, it shall be necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Pub. Res. Code, Section 5097). The coroner shall contact the NAHC. The descendants or most likely descendants of the deceased shall be contacted. Work shall not resume until

descendants have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant, or a descendant fails to make a recommendation.

Finding

The thresholds of significance have not been exceeded for the “Cultural Resources” category and implementation of mitigation measures will reduce any potential impacts to a less than significant level.

VI. GEOLOGY AND SOILS. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (Source 2.8 and 1.4.5 and 1.4.6)				
I) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
II) Strong seismic ground shaking?				X
III) Seismic-related ground failure, including liquefaction? (Source 2.8 and 1.4.5 and 1.4.6)				X
IV) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil? (Source 2.8 and 1.4.5 and 1.4.6)				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source 2.8 and 1.4.5 and 1.4.6)				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source 2.8 and 1.4.5 and 1.4.6)				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

Discussion

A substantial adverse effect on Geologic Resources would occur if the implementation of the project would:

- Allow substantial development of structures or features in areas susceptible to seismically induced hazards such as groundshaking, liquefaction, seiche, and/or slope failure where the risk to people and property resulting from earthquakes could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards;

- Allow substantial development in areas subject to landslides, slope failure, erosion, subsidence, settlement, and/or expansive soils where the risk to people and property resulting from such geologic hazards could not be reduced through engineering and construction measures in accordance with regulations, codes, and professional standards; or
- Allow substantial grading and construction activities in areas of known soil instability, steep slopes, or shallow depth to bedrock where such activities could result in accelerated erosion and sedimentation or exposure of people, property, and/or wildlife to hazardous conditions (e.g., blasting) that could not be mitigated through engineering and construction measures in accordance with regulations, codes, and professional standards.

a-e) Based on published sources, the proposed project will not impact, or be impacted, by geologic resources or processes.

Finding

The thresholds of significance have not been exceeded for the “Geology and Soils” category and no impacts are expected.

VII. GREENHOUSE GAS EMISSIONS. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Discussion

A substantial adverse effect on Greenhouse Gas Emissions would occur if the implementation of the project would:

- Result in a substantial increase or cumulatively considerable net increase in GHG emissions (e.g., CO2)

a – b. Global climate change is a subject of scientific and public concern as well as of government action. Global climate change is understood to be the result of atmospheric concentrations of greenhouse gases (GHGs) that trap heat in the earth’s atmosphere. GHGs are both naturally occurring and are emitted by human activity. GHGs include carbon dioxide (CO2), the most abundant GHG, as well as methane, nitrous oxide and other gases.

GHG emissions are associated with the combustion of carbon-based fuels. Major GHG sources in Butte County include agriculture (43%), transportation (29%), residential energy (17%), and non residential energy (7%). GHG emissions in Butte County in 2006 were estimated at 911,630 MT CO2e.

The State of California is identifying strategies and implementing GHG emission reduction programs through AB 32, the Global Warming Solutions Act of 2006. AB 32 identifies global climate change as a “serious threat to the economic well-being, public health, natural resources and the environment of California.” The State adopted its Global Climate Change Scoping Plan in December 2008. The Scoping Plan proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020, which is assumed to achieve the 2020 goal of reducing GHG emissions to 1990 levels. Primary strategies addressed in the Scoping Plan include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage.

Butte County has drafted a Climate Action Plan (CAP) to reduce Green House Gases and the City of Oroville is currently in the process of developing a CAP for the City. According to the Butte County CAP, major GHG sources in Butte County include agriculture (43%), transportation (29%), residential energy (17%), and non residential energy (7%). GHG emissions in Butte County in 2006 were estimated at 911,630 MT CO2e (Source 8). The City of Oroville Draft 2030 General Plan includes policies designed specifically to reduce emissions of GHG (Source 1.4.2).

GHG emissions are associated with the combustion of carbon-based fuels. Transportation and construction activity associated with project implementation would generate GHG emissions from diesel and gasoline powered vehicles and equipment. Butte County Air Quality Management District has established greenhouse gas emission permitting standards. Any emissions from the construction of the GPI facility will be short term and temporary. The impact would be less than significant. Operation of the plant would not significantly increase GHG emissions.

Finding

The thresholds of significance have not been exceeded for the “Greenhouse Gas Emissions” category and no significant impacts are expected.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source 1.4.6)				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source 1.4.6)				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source 1.4.8)			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source 7)			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source 1.4.8)				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source 1.4.8)				X

Discussion

A substantial adverse effect due to Hazards or Hazardous Materials would occur if implementation of the project would:

- Expose people and property to hazards associated with the use, storage, transport, and disposal of hazardous materials where the risk of such exposure could not be reduced through implementation of Federal, State, and local laws and regulations;
- Expose people and property to risks associated with wildland fires where such risks could not be reduced through implementation of proper fuel management techniques, buffers and landscape setbacks, structural design features, and emergency access; or
- Expose people to safety hazards as a result of former on-site mining operations.

a-c) The proposed project does not represent a risk to public health or safety.

d) Several underground storage tanks were located on the airport, but have been removed. The airport is designated as a State Response site, which identifies a confirmed release site where DTSC is involved in remediation, either in a lead or oversight capacity. Since 1997, the Central Valley Regional Water Quality Control Board has been in charge of the remediation for the site. The proposed project is not within the vicinity of former underground storage tanks and will not be impacted by any unauthorized release.

e) The proposed project is located at the Oroville Municipal Airport within the B-2 land use area as designated by the Airport Land Use Compatibility Plan. The B-2 land use designation allows commercial and industrial uses, therefore the impact is less than significant.

f-h) Does not apply to this project.

Finding

The thresholds of significance have not been exceeded for the "Hazards and Hazardous Materials" category and no impacts are expected.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source 1.4.7)				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source 1.4.7)				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off site? (Source 1.4.7)				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source 1.4.7)				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Source 1.4.7)			X	
f) Otherwise substantially degrade water quality? (Source 1.4.7)				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source 1.4.7)				X
h) Place within 100-year flood hazard area structures which would impede or redirect flood flows? (Source 1.4.7)				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source 1.4.8)				X
j) Inundation by seiche, tsunami, or mudflow?				X

Discussion

A substantial adverse effect on Hydrology and Water Quality would occur if the implementation of the project would:

- Expose residents to flood hazards by being located within the 100-year floodplain as defined by the Federal Emergency Management Agency;
- Cause substantial change in the rate and amount of surface runoff leaving the project site ultimately causing a substantial change in the amount of water in a stream, river or other waterway;
- Substantially interfere with groundwater recharge;
- Cause degradation of water quality (temperature, dissolved oxygen, turbidity and/or other typical stormwater pollutants) in the project area; or
- Cause degradation of groundwater quality in the vicinity of the project site.

a-d) The proposed project does not significantly alter drainage patterns or impact groundwater resources, and any grading must comply with the regulations contained within the Grading Ordinance of City of Oroville, diminishing impacts to water quality. The project site is not within a 100-year Flood Zone.

e) The project creates over 400,000 square feet of new impermeable surfaces. The runoff from these surfaces will be directed into existing drainage systems on the airport which are capable of carrying increased flows.

f-j) The proposed project does not significantly alter drainage patterns or impact groundwater resources, and any grading must comply with the regulations contained within the Grading Ordinance of City of Oroville, diminishing impacts to water quality. The project site is not within a 100-year Flood Zone.

Finding

The thresholds of significance have not been exceeded for the “Hydrology and Water Quality” category and no impacts are expected.

X. LAND USE AND PLANNING. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source 1.4.8 and 2.3 and 6)				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source 7)				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source 5)				X

Discussion

A substantial adverse effect on Land Use would occur if the implementation of the project would:

- Result in the conversion of Prime Farmland as defined by the State Department of Conservation;
- Result in conversion of land that either contains choice soils or which the County Agricultural Commission has identified as suitable for sustained grazing, provided that such lands were not assigned urban or other nonagricultural use in the Land Use Map;
- Result in conversion of undeveloped open space to more intensive land uses;
- Result in a use substantially incompatible with the existing surrounding land uses; or
- Conflict with adopted environmental plans, policies, and goals of the community.

a-c The proposed project will not result in the physical division of an established community. The project is entirely within the property boundaries of the Oroville Municipal Airport; the project does not conflict with any land use plans and is not within a designated habitat conservation plan boundary. There would be no impact.

Finding

The thresholds of significance have not been exceeded for the “Land Use Planning” category and no impacts are expected.

XI. MINERAL RESOURCES. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source 1.4.5)				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source 1.4.5)				X

Discussion

A substantial adverse effect on Mineral Resources would occur if the implementation of the project would:

- Result in obstruction of access to, and extraction of mineral resources classified MRZ-2x, or result in land use compatibility conflicts with mineral extraction operations.

a-b. The project site is not mapped as a known Mineral Resource Zone. Additionally, the project is within the boundaries of an airport, where mining is not allowed.

Finding

The thresholds of significance have not been exceeded for the “Mineral Resources” category and no impacts are expected, nor are mitigations required.

XII. NOISE. Would the project result in:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source 1.4.9 and 6)				X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Source 6)				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source 6)				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source 1.4.9 and 2.9)			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source 6)				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion

A substantial adverse effect due to noise would occur if the implementation of the project would:

- Result in short-term construction noise that creates noise exposures to surrounding noise sensitive land uses in excess of 60 dBA CNEL;
- Result in long-term operational noise that creates noise exposures in excess of 60 dBA CNEL at the adjoining property line of a noise sensitive land use and the background noise level is increased by 3 dBA, or more; or
- Results in noise levels inconsistent with the performance standards contained in the City of Oroville General Plan 2030.

a.-d. Construction activity associated with the implementation of the proposed action would include the operation of heavy equipment used for excavation, grading and hauling. Construction equipment typically generates noise levels of 80-90 dBA at a distance of 50 feet while operating (U.S. Environmental Protection Agency, 1971), and equipment operations can vary from intermittent to fairly continuous. Similarly, one or multiple pieces of equipment may operate concurrently and may generate near-surface ground vibrations.

Assuming that a bulldozer (87 dBA), backhoe (90 dBA), and a front-end loader (82dBA) are operating concurrently in the same area, construction activities could result in noise levels of as much as 94 dBA at a distance of 50 feet from the activity. Noise levels typically decrease by about 6 dBA with each doubling distance beyond 50 feet. Therefore, a person within about 2,000 feet of a construction site would experience occasional noise levels greater than 60 dBA. Areas within about 700 feet of a construction site would experience episodes with noise levels greater than 70 dBA. Such episodes of higher noise levels would not be continuous throughout the day and generally would be restricted to daytime hours. There are no sensitive receptors located within the vicinity of the Airport.

e.-f. Oroville Municipal Airport is a public use airport and has an adopted land use compatibility plan.

Finding

The thresholds of significance have not been exceeded for the "Noise" category and no significant impacts are expected.

XIII. POPULATION AND HOUSING. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source 1.4.10)				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source 1.4.10)				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source 1.4.10)				X

Discussion

A substantial adverse effect on Population and Housing would occur if the implementation of the project would:

- Create substantial growth or concentration in population;
- Create a more substantial imbalance in the County’s current jobs to housing ratio; or
- Conflict with adopted goals and policies set forth in applicable planning documents.

- a. The proposed project will create new jobs, but will not significantly increase the need for additional housing.
- b. No existing housing will be displaced as a result of the proposed project.
- c. No people will be displaced as a result of the proposed project.

Finding

The thresholds of significance have not been exceeded for the “Population and Housing” category and no significant impacts are expected.

XIV. PUBLIC SERVICES				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (Source 5)				
I) Fire Protection?				X
II) Police Protection?				X
III) Schools?				X
IV) Parks?				X
V) Other public facilities?				X

Discussion

A substantial adverse effect on Public Services would occur if the implementation of the project would:

- Substantially increase or expand the demand for fire protection and emergency medical services without increasing staffing and equipment;
- Substantially increase or expand the demand for public law enforcement protection without increasing staffing and equipment;
- Substantially increase the public school student population exceeding current school capacity without also including provisions to adequately accommodate the increased demand in services;
- Place a demand for library services in excess of available resources, or;
- Be inconsistent with City adopted goals, objectives or policies.

a. The proposed project is within the property boundaries of the Oroville Municipal Airport and would not affect off-site communities. The project would not significantly increase the presence of people in the area so there would not be an increased demand for fire protection, police protection, schools, parks or other public facilities.

Finding

The thresholds of significance have not been exceeded for the “Public Services” category and no significant impacts are expected.

XV. RECREATION				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source 5)				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source 5)				X

Discussion

A substantial adverse effect on Recreational Resources would occur if the implementation of the project would:

- Substantially increase the local population without dedicating a minimum of 3 acres of developed parklands for every 1,000 residents; or
- Substantially increase the use of neighborhood or regional parks in the area such that substantial physical deterioration of the facility would occur.

a.-b. The proposed project will have no impact on existing recreational facilities, nor does the project require the construction or expansion of such facilities.

Finding

The thresholds of significance have not been exceeded for the “Recreation” category and no significant impacts to recreational services or facilities are expected.

XVI. TRANSPORTATION/TRAFFIC. Would the project:				
Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source 1.4.12 and 2.5)			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source 1.4.12 and 2.5)				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source 6)				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source 1.4.12)				X
e) Result in inadequate emergency access? (Source 1.4.12)				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Discussion

A substantial adverse effect on Traffic would occur if the implementation of the project would:

- Result in an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system;
- Generate traffic volumes which cause violations of adopted level of service standards (project and cumulative); or
- Result in, or worsen, Level of Service “F” traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county as a result of a residential development project of 5 or more units.

a-b) The anticipated increase in employee traffic will increase to about 100 round trips per day. This is not considered a significant trip increase for ingress and egress routes to the airport. The proposed project is within the existing property boundaries of the Oroville Municipal Airport and no significant growth inducing or trip-generating land uses are associated with the proposed project, the project would not result in substantial

increases of traffic near the project area and the project would not exceed level of service standards established by the City.

c-d) The project would not result in changes in air traffic patterns. .

e-f) The proposed project is within airport property boundaries and would not result in inadequate emergency access, inadequate parking capacity or conflict with adopted policies, plans or programs supporting alternative transportation.

Finding

The thresholds of significance have not been exceeded for the "Transportation/Traffic" category and no significant impacts are expected.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source 2.7)				X
b) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source 2.7)				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlements needed? (Source 2.7)				X
e) Result in determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source 2.7)				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source 2.7)				X
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source 2.7)				X

Discussion

A substantial adverse effect on Utilities and Service Systems would occur if the implementation of the project would:

- Breach published national, state, or local standards relating to solid waste or litter control;
- Substantially increase the demand for potable water in excess of available supplies or distribution capacity without also including provisions to adequately accommodate the increased demand, or is unable to provide an adequate on-site water supply, including treatment, storage and distribution;
- Substantially increase the demand for the public collection, treatment, and disposal of wastewater without also including provisions to adequately accommodate the increased demand, or is unable to provide for adequate on-site wastewater system; or

- Result in demand for expansion of power or telecommunications service facilities without also including provisions to adequately accommodate the increased or expanded demand.

a-g. The proposed project will have no impact on existing wastewater, water supply, or solid waste disposal services, nor does the project require the construction or expansion of such facilities.

Finding

The thresholds of significance have not been exceeded for the “Utilities and Service Systems” category and no significant impacts are expected.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Less Than Significant with Mitigations Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Discussion

a. There is no substantial evidence that the project will have the potential to significantly degrade the quality of the environment, including effects on animals or plants. Both short-term and long-term environmental effects associated with this project will be less than significant. Any potentially significant impacts can be mitigated through the incorporation of mitigation measures and existing standards and requirements.

b. Cumulative impacts are defined in Section 15355 of the CEQA Guidelines as “two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts.” Based on the analysis in this Initial Study it has been determined that the project will not result in cumulative impacts.

c. Based upon the discussion contained in this document it has been determined that the project will not have any environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly (no impacts identified, or mitigation have been included in the project design to reduce the impact).

4.0 SOURCES

1. *Environmental Impact Report, General Plan 2030, City of Oroville, 2013*

Sources as cited in this Mitigated Negative Declaration

- 1.4.1 Aesthetics
- 1.4.2 Air Quality
- 1.4.3 Biological Resources
- 1.4.4 Cultural Resources
- 1.4.5 Geology-Soils
- 1.4.6 Hazards and Hazardous Waste
- 1.4.7 Hydrology and Water Quality
- 1.4.8 Land Use
- 1.4.9 Noise
- 1.4.10 Population and Housing
- 1.4.11 Public Services
- 1.4.12 Transportation and Circulation
- 1.4.13 Utilities and Infrastructure

2. *General Plan 2030, City of Oroville*

Sources as cited in this Mitigated Negative Declaration

- 2.3 Land Use
- 2.4 Community Design
- 2.5 Circulation and Transportation
- 2.6 Open Space
- 2.7 Public Facilities
- 2.8 Safety
- 2.9 Noise

3. *Wetland Delineation for the 20.5-Acre Oroville South Parcel Study Area, City of Oroville, Butte County, California, Salix Consulting, Inc, July 2013.*

4. *Cultural Resources Inventory and Effects Assessment for Land Release and Commercial Construction on the Oroville Municipal Airport, City of Oroville, Butte County, CA, Parus Consulting, Inc., July 2013.*

5. *Preliminary Public Draft, Butte County Regional Conservation Plan, November 2012*

6. *Butte County Airport Land Use Compatibility Plan, December 2000*

7. *Oroville Municipal Airport Master Plan, 1990*

8. *Butte County Climate Action Plan, Public Review Draft, PMC, October 14, 2013.*



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

January 23, 2014

Rick walls
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Subject: Graphic Packaging International at the Oroville Municipal Airport
SCH#: 2013122061

Dear Rick walls:

The enclosed comment (s) on your Mitigated Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on January 21, 2014. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2013122061) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-5452
FAX (530) 741-5346
TTY 711



*Flex your power!
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RECEIVED

JAN 21 2014

STATE CLEARING HOUSE

FMP # 032013-BUT-0050
03-BUT-162/PM 14.03
SCH# 2013122061

January 21, 2014

Mr. Rick Walls
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Graphic Packaging International – IS/MND

Dear Mr. Walls:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Graphic Packaging International project. The proposed project involves the construction of 350,000 square feet of new industrial buildings on a 13.6-acre parcel. The project is located at the Oroville Municipal Airport, immediately adjacent to State Route (SR) 162 in Oroville. The following comments are based on the Initial Study and Mitigated Negative Declaration (IS/MND).

Transportation/Traffic

This project will have potentially significant traffic impacts, with mitigation likely necessary.

The SR 162/Larkin Road/20th Street intersection is a rural, high-speed intersection with stop control on Larkin Road and 20th Street. Most vehicles involved in the daily operations of the expanded Graphic Packing International facility will use this intersection. The addition of 350,000 square feet of industrial buildings seems very unlikely to generate only 100 round trips per day as identified in the Initial Study Checklist, Section XVI-Transportation/Traffic, Discussion Item (a-b) on page 31. Using the ITE Trip Generation Manual, 9th Edition (2012), our analysis reveals the trip generation rate for this expansion project could generate an additional 340 peak hour trips using the light industrial (general) land use category.

Traffic Impact Study (TIS)

Due to the number of trips anticipated as a result of this development, a Traffic Impact Study (TIS) is required to analyze the traffic impacts to the State Highway System and adjacent road network, with specific attention to SR 162. Mitigation may be proposed to eliminate or reduce these traffic impacts.

We recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies (TIS Guide)* for determining which scenarios and methodologies to use in the analysis. The *TIS Guide* is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is warranted.

Mr. Rick Walls/City of Oroville
January 21, 2014
Page 2

The TIS Guide is available at the following website address:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

If the proposed project will not generate the amount of trips needed to meet Caltrans trip generation thresholds, an explanation of how this conclusion was reached must be provided. We would like to be included in the development of the scope of work of the TIS.

Small developments such as this can have a cumulative impact on the transportation system as a whole. If there is no mechanism to assess or collect fees for direct or cumulative impacts to the SHS, funding for related improvements will not be collected and improvements will not be made ultimately degrading the overall condition of the facility.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Butte County, at (530) 741-5435 or by email at shannon.culbertson@dot.ca.gov.

Sincerely,



DAVID R. VAN DYKEN, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

January 22, 2014

Rick walls
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Subject: Graphic Packaging International at the Oroville Municipal Airport
SCH#: 2013122061

Dear Rick walls:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on January 21, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013122061
Project Title Graphic Packaging International at the Oroville Municipal Airport
Lead Agency Oroville, City of

Type MND Mitigated Negative Declaration

Description The project involves the construction of 350,000 sf of new industrial buildings of which 13.6 acres of airport property will be leased for a non-aeronautical use to Graphic Packaging International. This 13.6 acre property surrounds a 6.5 acre property currently supporting an existing GPI facility and is part of the Land Release Request submitted by the City to the Federal Aviation administration. Once the 13.6 acres receives a non-aeronautical land use designation, with FAA approval, the 13.6 acres of property will be leased to GPI at fair market value to facilitate a planned 350,000 sf plant expansion, 282,325 sf of which is on the 13.6 acre lease parcel. Entitlements for the planned plant expansion project will be subject to the City's review process, which will include the applicable environmental review, and will include any applicable City land development regulations. The project includes filling a .06 acre seasonal wetland swale. Filling the swale requires a Nationwide 29 Permit issued by the U.S. Army Corps of Engineers under Section 404 of the U.S. Clean Water Act and Section 401 Certification issued by the CA RWQB.

Lead Agency Contact

Name Rick walls
Agency City of Oroville
Phone 530 538 2507 **Fax**
email
Address 1735 Montgomery Street
City Oroville **State** CA **Zip** 95965

Project Location

County Butte
City Oroville
Region
Lat / Long 39° 29' 14.69" N / 121° 37' 1.14" W
Cross Streets Northeast of Larkin Road and Airport Parkway
Parcel No. 030-260-039-000
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 162
Airports Oroville Municipal
Railways
Waterways Thermalito Afterbay, Thermalito Forebay, Feather River
Schools NW Lineman College
Land Use Airport Business Park Zoning and General Plan Land Use Designation

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3 N; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Redding); Department of Toxic Substances Control; Native American Heritage Commission

**Document Details Report
State Clearinghouse Data Base**

Date Received 12/23/2013

Start of Review 12/23/2013

End of Review 01/21/2014

Luis A.Topete

From: Culbertson, Shannon@DOT <shannon.culbertson@dot.ca.gov>
Sent: Friday, March 21, 2014 11:37 AM
To: Rick Walls; Don Rust
Cc: Earles, Marty B@DOT; Zanchi, Susan E@DOT; Luis A.Topete
Subject: RE: Traffic Evaluation Letter Report for GPI Project

Hi Rick/Don:

Thank you for providing the traffic evaluation memo and associated documentation for the Graphic Packing International project located at the Oroville Municipal Airport, immediately adjacent to State Route 162 in Oroville (SCH# 2013122061).

After consultation with City staff and careful review of the documentation provided, we've determined the proposed 390,000 SF expansion of light industrial space is not likely to generate the number of trips anticipated per the ITE Trip Generation Manual , 9th Edition (2012).

Having said that, it is important to note that expansion of this magnitude ordinarily spurs Caltrans to request a TIS in order to evaluate the impacts to the State Highway System (SHS) and to propose mitigations based on the anticipated number of peak hour trips generated by the project. Based on the information provided in this case, we believe this project to be unique in its trip generation and distribution. For this reason, we request the opportunity to evaluate future proposals for this site should this site be used for other purposes at a later date. The primary reason for this request is that we believe trips generated by a different type of business could significantly impact our adjacent SHS facility.

We sincerely appreciate the City's willingness to consult with us regularly on projects and look forward to continuing this partnership in the future. If you should have any questions or require additional information, please do not hesitate to contact me.

Thank you,

Shannon Culbertson

Associate Transportation Planner

Caltrans - District 3
Division of Planning & Local Assistance
703 B Street
Marysville, CA 95901

Phone: (530) 741-5435
Email: shannon.culbertson@dot.ca.gov

From: Rick Walls [<mailto:wallsr@cityoforoville.org>]
Sent: Wednesday, March 05, 2014 4:47 PM
To: Culbertson, Shannon@DOT
Subject: Traffic Evaluation Letter Report for GPI Project

Shannon:

Attached is a TE letter report for the GPI project that we discussed by conference a few weeks ago. This addresses your CEQA traffic comments for the project. Let me know what you think about the conclusions. Thanks

Rick Walls, P.E.
City of Oroville
City Engineer/Airport Manager
1735 Montgomery Street, Oroville, CA 95965
P: (530) 538-2507
wallsr@cityoforoville.org

Expansion of Graphic Packaging International, Inc. (UP 17-02) Mitigation Monitoring and Reporting Program

1. Introduction

This Mitigation Monitoring and Reporting Program is a CEQA-required component of the Mitigated Negative Declaration (MND) process for the project.

In order to ensure that the mitigation measures and project revisions identified in the MND are implemented, the City shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.

The results of the environmental analyses, including proposed mitigation measures, are documented in the Final MND. CEQA requires that agencies adopting MNDs take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a monitoring or reporting program to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt a program for monitoring or reporting of mitigation measures incorporated into the project or proposed as conditions of approval. The program must be designed to ensure compliance during project implementation. As stated in Section 21081.6(a)(1): "The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program." The Mitigation Monitoring and Reporting Program has been organized in a matrix format.

Measure #	Environmental Issue	Mitigation Measure	Responsible Party	Timing	Monitoring/ Enforcement Party
#1	Biological Resources	A mitigation wetland twice the size of the wetland to be filled shall be created or purchased at an approved mitigation facility. By securing and abiding by the general conditions of Nationwide Permit 39 pursuant to Section 404 of the Clean Water Act, providing compensatory mitigation and obtaining Section 401 Water Quality Certification from the Regional Water Quality Control Board, impacts to jurisdictional Waters of the U.S. and wetlands would be offset so that no net loss will result.	Project Applicant	Prior to the issuance of a grading, demolition, or building permit.	City of Oroville / Regional Water Quality Control Board / Army Corps of Engineers
#1	Cultural Resources	If subsurface cultural materials are encountered, all construction in that area shall be halted until a qualified archaeologist can examine the materials and determine their significance. Further mitigation and/or construction shall be consistent with recommendations from the archaeologist.	Project Applicant	During any earth-disturbing activities.	City of Oroville
#2	Cultural Resources	If human remains are discovered during project construction, work shall stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains (Public Resources Code, Section 7050.5). The county coroner shall be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it shall be necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Pub. Res. Code, Section 5097). The coroner shall contact the NAHC. The descendants or most likely descendants of the deceased shall be contacted. Work shall not resume until descendants have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant, or a descendant fails to make a recommendation.	Project Applicant	During any earth-disturbing activities.	City of Oroville / Butte County Coroner / Native American Heritage Commission

FINDINGS

Use Permit No. 17-02: Expansion of Graphic Packaging International, Inc.

A. INTRODUCTION

The project applicant, Modern Building, Inc., has applied for a use permit (UP 17-02) for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

An Environmental Checklist and Initial Study were prepared to examine potential areas of impact resulting from this project. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be any significant environmental impacts resulting from this project because all applicable regulations in addition to the proposed mitigation measures will reduce any potentially significant impacts to a less than significant level. As a result, an Environmental Impact Report was determined not to be required and a Mitigated Negative Declaration was prepared. The Initial Study / Mitigated Negative Declaration commenced its 30-day public review period on 12/23/2013 that closed on 01/21/2014 (SCH #2013122061). The State Clearinghouse Submitted the Mitigated Negative Declaration to selected state agencies for review and one agency submitted comments, Caltrans (District 3).

CEQA Guidelines specify that a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. A "substantial revision" is defined to mean: 1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance; or 2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required. As neither apply, recirculation of the Initial Study / Mitigated Negative Declaration is not required.

The Mitigated Negative Declaration is in full compliance with the California Environmental Quality Act (CEQA) and Guidelines, Article 6 Section 15070 "Decision to Prepare a Negative or Mitigated Negative Declaration." Decision to Prepare a Mitigated Negative Declaration is the appropriate environmental documentation in accordance with the CEQA Statute and Guidelines.

C. NEPA

The FAA Order 1050.1E, CHG 1 updates the FAA agency-wide policies and procedures for compliance with the National Environmental Policy Act (NEPA) and implementing regulations issued by the Council on Environmental Quality (40 CFR parts 1500-1508). The provisions of this order and the CEQ regulations apply to actions directly undertaken by the FAA and where the FAA has sufficient control and responsibility to condition the license or project approval of a non-Federal entity. Paragraph 307 provides the list of categorical exclusions for FAA actions that are administrative or general in nature. The proposed project conforms to FAA Order 1050.1E, paragraph 307b, which specifies as follows:

“Release of an airport sponsor from Federal obligations incurred when the sponsor accepted: (1) an Airport Improvement Grant; or (2) Federal surplus property for airport purposes. FAA consent to long term leases (i.e., those exceeding 20 years) converting airport-dedicated property to non-aeronautical, revenue-producing purposes (e.g., convenience concessions such as food or personal services) has the same effect as a release and is part of this categorical exclusion provided that the proposed any reasonably foreseeable uses of the property do not trigger extraordinary circumstances as described in paragraph 304.”

The City of Oroville submitted an Extraordinary Circumstances Evaluation Informational Submittal for Categorical Exclusion of Airport Projects dated April 9, 2013. The City subsequently received letter from the FAA dated September 11, 2014 indicating their determination that the proposed action is Categorically Excluded pursuant to FAA Order 1050.1E as it relates to the National Environmental Policy Act of 1969, as amended (NEPA). Therefore, no further federal environmental disclosure documentation for this action is necessary for NEPA purposes.

D. USE PERMIT FINDINGS

Pursuant to Section 17.48.010(E)(4) of the Oroville Municipal Code, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the

general health, safety, and public welfare of the City.

This project has been reviewed for potential environmental impacts in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). It was determined that there is no substantial evidence that the project will have the potential to significantly degrade the quality of the environment, including effects on animals or plants. Both short-term and long-term environmental effects associated with this project will be less than significant. Any potentially significant impacts can be mitigated through the incorporation of mitigation measures and existing standards and requirements. Based on the analysis in the initial study / mitigated negative declaration it has been determined that the project will not result in cumulative impacts as defined in Section 15355 of the CEQA Guidelines. Based upon the discussion contained in the initial study / mitigated negative declaration, it has also been determined that the project will not have any environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Additionally, the Federal Aviation Administration (FAA), as lead agency for the NEPA review, has reviewed the environmental information submitted for this project and determined that the proposed action is Categorical Excluded pursuant to FAA Order 1050.1E as it relates to NEPA. Therefore, no further federal environmental disclosure documentation for this action is necessary for NEPA purposes.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

The project is located on a relatively small portion of a larger 366-acre parcel (APN: 030-260-039) that is one of several parcels that encompass the Oroville Municipal Airport. The airport is surrounded by airport related uses, a municipal golf course, rural residential housing and undeveloped land. The project site is surrounded by other ABP zoned land. The proposed project is an expansion of the existing Graphic Packing International (GPI) facility, and therefore the location is desirable and suitable as there is plenty of undeveloped that surrounding the existing facility to accommodate the proposed expansion.

A request to amend the Airport Layout Plan has been submitted by the City to the FAA and conditionally approved by the FAA to include the proposed project. Additionally, the project lies within the Airport Land Use Compatibility Plan (ALUCP) zone B-2 which allows commercial and industrial uses, subject to certain restrictions for the purpose of protecting persons on the ground and in the air from adverse impacts that may result from operations of the airport. In compliance with Goal SAF-5, Policy 5.1 of the Safety Element of the General Plan to maintain land use and development patterns in the vicinity of the Oroville Municipal Airport that are consistent with the adopted ALUCP, including setbacks and height requirements, this project has been found to be in compliance with applicable ALUCP requirements and will be conditioned to ensure continued compliance.

The City's transportation network, and State Route 162, are existing and adequate to serve the proposed project. The anticipated increase in employee traffic will increase to about 100 round trips per day. This is not considered a significant trip increase for ingress and egress routes to the airport. No significant growth inducing or trip-generating land uses are associated with the proposed project. As a result, the project would not result in substantial increases of traffic near the project area and the project would not exceed Level of Service (LOS) standards established by the City.

Thus, it has been determined that the proposed project follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

- c. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the Thermalito Water and Sewer District. The proposed development will be required to pay all applicable development impact fees, unless otherwise waived by City Council, and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits, as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.

Additionally, the project is located off of Larkin Road, classified in the City's 2030 General as a 2 lane arterial, operating at a LOS A-C, that connects to Oroville Dam Boulevard to the north, classified Plan as a 2 lane arterial east of Larkin Road and 2 lane collector when traveling west of Larkin Road. The portion of Oroville Dam Boulevard west of Larkin Road is operating at an existing LOS A-C, and LOS D when travelling east toward Highway 70. As identified above, the anticipated increase in employee traffic will increase to about 100 round trips per day. This is not considered a significant trip increase for ingress and egress routes to the airport. No significant growth inducing or trip-generating land uses are associated with the proposed project. As a result, the project would not result in substantial increases of traffic near the project area and the project would not exceed LOS standards established by the City. This project will comply with Goal CIR-2, Policy 2.1 of the General Plan which is to maintain a LOS D or better for roadways and intersections, unless otherwise specified in this policy.

Thus, public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

- d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

This project complies with several goals of the City's General Plan, as specified in these findings, including Goal ED-5, Policy 5.1 of the Economic Development Element which calls for promoting the Airport Business Park area as an appropriate location for industrial and office development. As identified above, the project is located on a relatively small portion of a larger 366-acre parcel (APN: 030-260-039) that is one of several parcels that encompass the Oroville Municipal Airport. The airport is surrounded by airport related uses, a municipal golf course, rural residential housing and undeveloped land. The project site is surrounded by other ABP zoned land. A request to amend the Airport Layout Plan has been submitted by the City and conditionally approved by the FAA to include the proposed project. Additionally, the project lies within the ALUCP zone B-2, which this project has been found to be in compliance with. This project has been found to comply with the City's General Plan, zoning designation of ABP, ALUCP and Airport Layout Plan. As all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit, this project is undergoing the appropriate City review.

In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any

requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.

Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

The applicant has submitted a draft set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed, also reflected in the FAA conditionally approved Airport Layout Plan.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

A Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Part of the City's General Plan Vision Statement states as follows: "... The Airport Business Park will be a nexus of innovative light industrial and manufacturing uses, filling the need for 21st century jobs in Butte County ..." Additionally, the Economic Development Element of the General Plan recognizes that a portion of the Airport Business Park Focus Area is available to leasehold interests only, as required by the FAA, and that this area represents some of Oroville's largest and most suitable land for light industrial and office uses.

In 2010 a study was conducted by Applied Economics to determine the economic impacts of Sierra Pacific Packing, Inc. which was later acquired by GPI. The study determined that GPI is an important basic industry in the region, serving a customer base that extends throughout North American. Retaining this company in Oroville and supporting their expansion would not only create new quality jobs in the community, but also support a significant amount of additional economic activity, jobs and payroll at related local supplier and consumer businesses in Oroville and throughout the county. The operations of GPI detailed in this analysis demonstrates sizeable economic benefits to the City.

The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed project are desirable for the neighborhood and community as a whole.

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal

Code.

The permit application has been reviewed by staff and the proposed project has been found, as conditioned, to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, Airport Land Use Compatibility Plan, Airport Layout Plan and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Federal Aviation Administration, California Department of Transportation, U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, and the California Department of Fish and Wildlife. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.

CONDITIONS OF APPROVAL

Approved project: The Oroville Planning Commission has reviewed and considered approving Use Permit No. 17-02 for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code (OMC), all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

The Planning Commission hereby conditionally approves the project described herein, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. Pursuant to Section 17.12.010, the proposed project shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the project could have on its surroundings, and to promote compatibility with surrounding uses and areas.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
5. Pursuant to Section 17.12.050(L), the property owner shall enter into a written agreement for the installation and maintenance of landscaping. 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.

6. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Game Code Section 711.4, fees (\$2,216.25 State Filing Fee + \$50 Butte County Clerk's Fee) are payable by the project applicant to file the Mitigated Negative Declaration with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project.
7. The project shall comply, at all times, with applicable requirements of the Airport Land Use Compatibility Plan and requirements of the Airport Influence Area Overlay as specified in Section 17.44.050 of the OMC.
8. The project shall comply, at all times, with applicable requirements of the Federal Aviation Administration (FAA), including, but not limited to the following:
 - a. All conditions associated with the Airport Layout Plan approved by the FAA on February 19, 2014.
 - b. All requirements associated with the Instrument of Release for the approximately 6.5 acres of land where the existing Graphic Packaging International facility is located, executed by the FAA on June 3, 2014.
 - c. All terms and conditions associated with the Land-Use Change Authorization, executed by the FAA on October 30, 2014, for the approximately 13.65 acres where the expansion is proposed. City officially acknowledged the acceptance of the terms and conditions of this Authorization on December 2, 2014.
 - d. Enter into a long term lease agreement for the use of the 13.65 acres to construct additional phases for the new building space expansion.
9. The applicant shall ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Federal Aviation Administration, California Department of Transportation, U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, Butte County Air Quality Management District, Sewerage Commission - Oroville Region and the California Department of Fish and Wildlife.
10. Applicant shall comply with the Clean Water Act, including all requirements of the Army Corps of Engineers (Section 404) and Regional Water Quality Control Board (Section 401).
 - On May 19, 2014 the U.S. Army Corps of Engineers submitted its conditional approval of a Clean Water Act (CWA) Section 404 Nationwide Permit (NWP #39: Commercial and Institutional Developments), valid until March 18, 2017 when the existing NWPs are scheduled to be modified, reissued, or revoked. The permit may be extended an additional twelve (12)

months to complete work if activities commence or are under contract to commence.

11. The California Department of Transportation shall be granted the opportunity to evaluate future proposals for this site should this site be used for other purposes at a later date not reviewed as part of this project proposal.
12. All construction activities shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004.
13. The City of Oroville maintains an approved stormwater pollution prevention plan (SWPPP) for the Oroville Municipal Airport: WDID# 5A045002639. As part of this permit, standard erosion control measures and Best Management Practices (BMPs) will be implemented during construction to reduce sedimentation of waterways and loss of topsoil. These BMPs include, but are not limited to:
 - a. Watering active construction areas to control dust generation during earthmoving activities and using water sweepers to sweep streets and haul routes;
 - b. Installing erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, and sandbag dykes) to prevent silt runoff to public roadways, storm drains or waterways;
 - c. Reseeding unpaved areas with native grasses;
 - d. Grading to eliminate flow paths that could concentrate water and result in rilling and gulying;
 - e. No disturbed surfaces will be left without erosion control measures in place during the rainy season, which generally occurs between October 15 and April 15.
14. All Mitigation Measures from the Mitigated Negative Declaration are hereby incorporated as conditions of approval:
 - a. Mitigation Measure Biological Resources 1:

A mitigation wetland twice the size of the wetland to be filled shall be created or purchased at an approved mitigation facility. By securing and abiding by the general conditions of Nationwide Permit 39 pursuant to Section 404 of the Clean Water Act, providing compensatory mitigation and obtaining Section 401 Water Quality Certification from the Regional Water Quality Control Board, impacts to jurisdictional Waters of the U.S. and wetlands would be offset so that no net loss will result.

b. Mitigation Measure Cultural Resources 1:

If subsurface cultural materials are encountered, all construction in that area shall be halted until a qualified archaeologist can examine the materials and determine their significance. Further mitigation and/or construction shall be consistent with recommendations from the archaeologist.

c. Mitigation Measure Cultural Resources 2:

If human remains are discovered during project construction, work shall stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains (Public Resources Code, Section 7050.5). The county coroner shall be contacted to determine if the cause of death must be investigated.

If the coroner determines that the remains are of Native American origin, it shall be necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Pub. Res. Code, Section 5097). The coroner shall contact the NAHC. The descendants or most likely descendants of the deceased shall be contacted. Work shall not resume until descendants have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant, or a descendant fails to make a recommendation.

15. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for the revocation of this permit.
16. Pursuant to Section 17.48.010(F) of the OMC, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
- a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

RESOLUTION NO. P2017-02

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 17-02, APPROVING THE PHASED CONSTRUCTION OF 350,000 SQUARE FEET OF NEW BUILDING SPACE WHICH WILL REQUIRE APPROXIMATELY 13.6 ACRES OF AIRPORT PROPERTY TO BE LEASED FOR A NON-AERONAUTICAL USE

WHEREAS, the City has received an application from Modern Building, Inc., requesting approval of a use permit (UP 17-02) for the phased construction of 350,000 square feet of new building space which will require approximately 13.6 acres of airport property to be leased for a non-aeronautical use; and

WHEREAS, the project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park; and

WHEREAS, per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit; and

WHEREAS, at a noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the project described herein, and also considered City staff's report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. Environmental Checklist and Initial Study were prepared to examine potential areas of impact resulting from this project. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be any significant environmental impacts resulting from this project because all applicable regulations in addition to the proposed mitigation measures will reduce any potentially significant impacts to a less than significant level. As a result, an Environmental Impact Report was determined not to be required and a Mitigated Negative Declaration was prepared.
2. The Planning Commission finds that the proposed Mitigated Negative Declaration is in full compliance with the California Environmental Quality Act (CEQA) and Guidelines, Article 6 Section 15070 "Decision to Prepare a Negative or Mitigated Negative Declaration." Decision to Prepare a Mitigated Negative Declaration is the appropriate environmental documentation in accordance with the California Environmental Quality Act (CEQA) and Guidelines.

3. Pursuant to Section 17.48.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:
 - a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.

This project has been reviewed for potential environmental impacts in accordance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). It was determined that there is no substantial evidence that the project will have the potential to significantly degrade the quality of the environment, including effects on animals or plants. Both short-term and long-term environmental effects associated with this project will be less than significant. Any potentially significant impacts can be mitigated through the incorporation of mitigation measures and existing standards and requirements. Based on the analysis in the initial study / mitigated negative declaration it has been determined that the project will not result in cumulative impacts as defined in Section 15355 of the CEQA Guidelines. Based upon the discussion contained in the initial study / mitigated negative declaration, it has also been determined that the project will not have any environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Additionally, the Federal Aviation Administration (FAA), as lead agency for the NEPA review, has reviewed the environmental information submitted for this project and determined that the proposed action is Categorical Excluded pursuant to FAA Order 1050.1E as it relates to NEPA. Therefore, no further federal environmental disclosure documentation for this action is necessary for NEPA purposes.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Additionally,

this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

The project is located on a relatively small portion of a larger 366-acre parcel (APN: 030-260-039) that is one of several parcels that encompass the Oroville Municipal Airport. The airport is surrounded by airport related uses, a municipal golf course, rural residential housing and undeveloped land. The project site is surrounded by other ABP zoned land. The proposed project is an expansion of the existing Graphic Packaging International (GPI) facility, and therefore the location is desirable and suitable as there is plenty of undeveloped that surrounding the existing facility to accommodate the proposed expansion.

A request to amend the Airport Layout Plan has been submitted by the City to the FAA and conditionally approved by the FAA to include the proposed project. Additionally, the project lies within the Airport Land Use Compatibility Plan (ALUCP) zone B-2 which allows commercial and industrial uses, subject to certain restrictions for the purpose of protecting persons on the ground and in the air from adverse impacts that may result from operations of the airport. In compliance with Goal SAF-5, Policy 5.1 of the Safety Element of the General Plan to maintain land use and development patterns in the vicinity of the Oroville Municipal Airport that are consistent with the adopted ALUCP, including setbacks and height requirements, this project has been found to be in compliance with applicable ALUCP requirements and will be conditioned to ensure continued compliance.

The City's transportation network, and State Route 162, are existing and adequate to serve the proposed project. The anticipated increase in employee traffic will increase to about 100 round trips per day. This is not considered a significant trip increase for ingress and egress routes to the airport. No significant growth inducing or trip-generating land uses are associated with the proposed project. As a result, the project would not result in substantial increases of traffic near the project area and the project would not exceed Level of Service (LOS) standards established by the City.

Thus, it has been determined that the proposed project follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

- c. Public utilities and facilities, including streets and highways, water and

sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the Thermalito Water and Sewer District. The proposed development will be required to pay all applicable development impact fees, unless otherwise waived by City Council, and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits, as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.

Additionally, the project is located off of Larkin Road, classified in the City's 2030 General as a 2 lane arterial, operating at a LOS A-C, that connects to Oroville Dam Boulevard to the north, classified Plan as a 2 lane arterial east of Larkin Road and 2 lane collector when traveling west of Larkin Road. The portion of Oroville Dam Boulevard west of Larkin Road is operating at an existing LOS A-C, and LOS D when travelling east toward Highway 70. As identified above, the anticipated increase in employee traffic will increase to about 100 round trips per day. This is not considered a significant trip increase for ingress and egress routes to the airport. No significant growth inducing or trip-generating land uses are associated with the proposed project. As a result, the project would not result in substantial increases of traffic near the project area and the project would not exceed LOS standards established by the City. This project will comply with Goal CIR-2, Policy 2.1 of the General Plan which is to maintain a LOS D or better for roadways and intersections, unless otherwise specified in this policy.

Thus, public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

- d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

This project complies with several goals of the City's General Plan, as specified in these findings, including Goal ED-5, Policy 5.1 of the Economic Development Element which calls for promoting the Airport Business Park

area as an appropriate location for industrial and office development. As identified above, the project is located on a relatively small portion of a larger 366-acre parcel (APN: 030-260-039) that is one of several parcels that encompass the Oroville Municipal Airport. The airport is surrounded by airport related uses, a municipal golf course, rural residential housing and undeveloped land. The project site is surrounded by other ABP zoned land. A request to amend the Airport Layout Plan has been submitted by the City and conditionally approved by the FAA to include the proposed project. Additionally, the project lies within the ALUCP zone B-2, which this project has been found to be in compliance with. This project has been found to comply with the City's General Plan, zoning designation of ABP, ALUCP and Airport Layout Plan. As all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit, this project is undergoing the appropriate City review.

In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.

Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

The applicant has submitted a draft set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed, also reflected in the FAA conditionally approved Airport Layout Plan.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

A Guiding Principle of the City's 2030 General Plan is to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base. Part of the City's General Plan Vision Statement states as follows: "... The Airport Business Park will be a nexus of innovative light industrial and manufacturing uses, filling the need for 21st

century jobs in Butte County ...” Additionally, the Economic Development Element of the General Plan recognizes that a portion of the Airport Business Park Focus Area is available to leasehold interests only, as required by the FAA, and that this area represents some of Oroville’s largest and most suitable land for light industrial and office uses.

In 2010 a study was conducted by Applied Economics to determine the economic impacts of Sierra Pacific Packing, Inc. which was later acquired by GPI. The study determined that GPI is an important basic industry in the region, serving a customer base that extends throughout North American. Retaining this company in Oroville and supporting their expansion would not only create new quality jobs in the community, but also support a significant amount of additional economic activity, jobs and payroll at related local supplier and consumer businesses in Oroville and throughout the county. The operations of GPI detailed in this analysis demonstrates sizeable economic benefits to the City.

The location and local economic benefits of the proposed project support the goals of the City’s General Plan and the size, intensity, and location of the proposed project are desirable for the neighborhood and community as a whole.

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City’s Municipal Code.

The permit application has been reviewed by staff and the proposed project has been found, as conditioned, to comply with all applicable laws and regulations, including the applicable requirements of the City’s 2030 General Plan, Zoning Code, Airport Land Use Compatibility Plan, Airport Layout Plan and other applicable portions of the City’s Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Federal Aviation Administration, California Department of Transportation, U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, and the California Department of Fish and Wildlife. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.

CONDITIONS OF APPROVAL

Approved project: The Oroville Planning Commission has reviewed and considered approving Use Permit No. 17-02 for the phased construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code (OMC), all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

The Planning Commission hereby conditionally approves the project described herein, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. Pursuant to Section 17.12.010, the proposed project shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the project could have on its surroundings, and to promote compatibility with surrounding uses and areas.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
5. Pursuant to Section 17.12.050(L), the property owner shall enter into a written agreement for the installation and maintenance of landscaping. 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.

6. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Game Code Section 711.4, fees (\$2,216.25 State Filing Fee + \$50 Butte County Clerk's Fee) are payable by the project applicant to file the Mitigated Negative Declaration with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project.
7. The project shall comply, at all times, with applicable requirements of the Airport Land Use Compatibility Plan and requirements of the Airport Influence Area Overlay as specified in Section 17.44.050 of the OMC.
8. The project shall comply, at all times, with applicable requirements of the Federal Aviation Administration (FAA), including, but not limited to the following:
 - a. All conditions associated with the Airport Layout Plan approved by the FAA on February 19, 2014.
 - b. All requirements associated with the Instrument of Release for the approximately 6.5 acres of land where the existing Graphic Packaging International facility is located, executed by the FAA on June 3, 2014.
 - c. All terms and conditions associated with the Land-Use Change Authorization, executed by the FAA on October 30, 2014, for the approximately 13.65 acres where the expansion is proposed. City officially acknowledged the acceptance of the terms and conditions of this Authorization on December 2, 2014.
 - d. Enter into a long term lease agreement for the use of the 13.65 acres to construct additional phases for the new building space expansion.
9. The applicant shall ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Federal Aviation Administration, California Department of Transportation, U.S. Army Corps of Engineers, Central Valley Regional Water Quality Control Board, Butte County Air Quality Management District, Sewerage Commission - Oroville Region and the California Department of Fish and Wildlife.
10. Applicant shall comply with the Clean Water Act, including all requirements of the Army Corps of Engineers (Section 404) and Regional Water Quality Control Board (Section 401).
 - On May 19, 2014 the U.S. Army Corps of Engineers submitted its conditional approval of a Clean Water Act (CWA) Section 404 Nationwide Permit (NWP #39: Commercial and Institutional Developments), valid until March 18, 2017 when the existing NWPs are scheduled to be modified, reissued, or revoked. The permit may be extended an additional twelve (12)

months to complete work if activities commence or are under contract to commence.

11. The California Department of Transportation shall be granted the opportunity to evaluate future proposals for this site should this site be used for other purposes at a later date not reviewed as part of this project proposal.
12. All construction activities shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004.
13. The City of Oroville maintains an approved stormwater pollution prevention plan (SWPPP) for the Oroville Municipal Airport: WDID# 5A045002639. As part of this permit, standard erosion control measures and Best Management Practices (BMPs) will be implemented during construction to reduce sedimentation of waterways and loss of topsoil. These BMPs include, but are not limited to:
 - a. Watering active construction areas to control dust generation during earthmoving activities and using water sweepers to sweep streets and haul routes;
 - b. Installing erosion control measures (such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, and sandbag dykes) to prevent silt runoff to public roadways, storm drains or waterways;
 - c. Reseeding unpaved areas with native grasses;
 - d. Grading to eliminate flow paths that could concentrate water and result in rilling and gulying;
 - e. No disturbed surfaces will be left without erosion control measures in place during the rainy season, which generally occurs between October 15 and April 15.
14. All Mitigation Measures from the Mitigated Negative Declaration are hereby incorporated as conditions of approval:
 - a. Mitigation Measure Biological Resources 1:
A mitigation wetland twice the size of the wetland to be filled shall be created or purchased at an approved mitigation facility. By securing and abiding by the general conditions of Nationwide Permit 39 pursuant to Section 404 of the Clean Water Act, providing compensatory mitigation and obtaining Section 401 Water Quality Certification from the Regional Water Quality Control Board, impacts to jurisdictional Waters of the U.S. and wetlands would be offset so that no net loss will result.

b. Mitigation Measure Cultural Resources 1:

If subsurface cultural materials are encountered, all construction in that area shall be halted until a qualified archaeologist can examine the materials and determine their significance. Further mitigation and/or construction shall be consistent with recommendations from the archaeologist.

c. Mitigation Measure Cultural Resources 2:

If human remains are discovered during project construction, work shall stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains (Public Resources Code, Section 7050.5). The county coroner shall be contacted to determine if the cause of death must be investigated.

If the coroner determines that the remains are of Native American origin, it shall be necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Pub. Res. Code, Section 5097). The coroner shall contact the NAHC. The descendants or most likely descendants of the deceased shall be contacted. Work shall not resume until descendants have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant, or a descendant fails to make a recommendation.

15. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for the revocation of this permit.
16. Pursuant to Section 17.48.010(F) of the OMC, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
- a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

.....
I **HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26th of January, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

RESOLUTION NO. P2017-03

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION ADOPTING AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR USE PERMIT NO. 07-02, FOR THE PHASED CONSTRUCTION OF 350,000 SQUARE FEET OF NEW BUILDING SPACE WHICH WILL REQUIRE APPROXIMATELY 13.6 ACRES OF AIRPORT PROPERTY TO BE LEASED FOR A NON-AERONAUTICAL USE

WHEREAS, environmental impacts related to this project have already been analyzed, and an Initial Study/Mitigated Negative Declaration was prepared and circulated for a 30-day public review period pursuant to the California Environmental Quality Act (CEQA) and Guidelines, Article 6 section 15073 and Article 8 section 15105; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that implementation of the project could result in significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and

WHEREAS, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation and such a Mitigation Monitoring and Reporting Program has been prepared for the project for consideration by the decision-making body; and

WHEREAS, the City of Oroville is the lead agency on the project, and the Planning Commission is the decision-making body for the proposed project; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the project and intends to take actions on the project in compliance with CEQA and state and local guidelines implementing CEQA; and

WHEREAS, the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project are, by this reference, incorporated into this Resolution as if fully set forth herein; and

WHEREAS, at a duly noticed public hearing, the Planning Commission reviewed and considered the information and recommendations of the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

THAT THE PLANNING COMMISSION does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the project; (2) the Initial Study/Mitigated Negative Declaration prepared for the project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the project; and (4) based on the Initial Study/Mitigated Negative Declaration, public and agency comments, and all other information that has been reviewed, any environmental impacts associated with this project will be less than significant with the required mitigation. Therefore, the Planning Commission hereby adopts the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project identified herein. The Zoning Administrator is designated as custodian of the documents and records of proceedings upon which the decision of the Planning Commission is based, and this record shall be maintained at Oroville City Hall, 1735 Montgomery Street, Oroville, California 95965.

.....

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 26th of January, 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, January 26, 2017** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 17-01: Quick-Service Drive Thru Restaurant** – The Oroville Planning Commission will review and consider approving Use Permit No. 17-01 for the operation of a quick-service drive thru restaurant at 2161 Feather River Boulevard (APN: 035-240-029). The subject property has a zoning designation of Corridor Mixed Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, all drive thru establishments require approval of a conditional use permit in an MXC zone.
2. **UP 17-02: Expansion of Graphic Packaging International, Inc.** – The Oroville Planning Commission will review and consider approving Use Permit No. 17-02 for the construction of 350,000 square feet of new building space which will require 13.6 acres of airport property to be leased for a non-aeronautical use to Graphic Packaging International, Inc. The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039) and has a zoning designation of Airport Business Park (ABP) and a General Plan land use designation of Airport Business Park. Per the City of Oroville Municipal Code, all manufacturing facilities greater than 40,000 square feet in an ABP zone require the approval of a conditional use permit.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects 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 Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, January 16, 2017**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
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(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

January 26, 2017

Planning Commission Review of Public Works Projects - The Oroville Planning Commission will review and consider sending a recommendation to the City Council for the Planning Commission to review and comment on certain public works projects.

APPLICANT: Oroville Planning Commission
1735 Montgomery Street
Oroville, CA 95965

LOCATION: N/A

GENERAL PLAN: N/A
ZONING: N/A
FLOOD ZONE: N/A

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

Provide staff direction.

DISCUSSION

At the December 29, 2016 Planning Commission meeting, the Commissioners discussed the potential for the Planning Commission to review and make recommendations on certain Public Works projects. The Commission agreed that the priority was new projects that were traffic related and for the review to be done by the full body of the Planning Commission. The consensus for when the Planning Commission would review and comment would be during the review/adoption of the City's Capital Improvement Program

and during the drafting of a project's scope.

Commissioners had requested staff provide a list of Public Works projects from last fiscal year, excluding maintenance projects. There were two traffic related projects, one which is completed and the other which is currently under construction.

- New signal lights at Oro Dam Boulevard East, Orange Avenue and Acacia Avenue (completed)
- New roundabout at Table Mountain Boulevard, Cherokee Road and Nelson Avenue (ongoing)

Additionally, a list of needed improvements to the City's transportation network, based on existing deficiencies and the City's General Plan growth projections as identified in the 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report, are attached.

FISCAL IMPACT

Staff time to bring certain public works projects to the Planning Commission for review/comments.

ATTACHMENTS

A – TCIP Improvements Project Map

B – TCIP Intersection, Roadway and Bicycle Facility Improvements



omni-means
ENGINEERS · PLANNERS



R1495.TCIP_Map.pdf

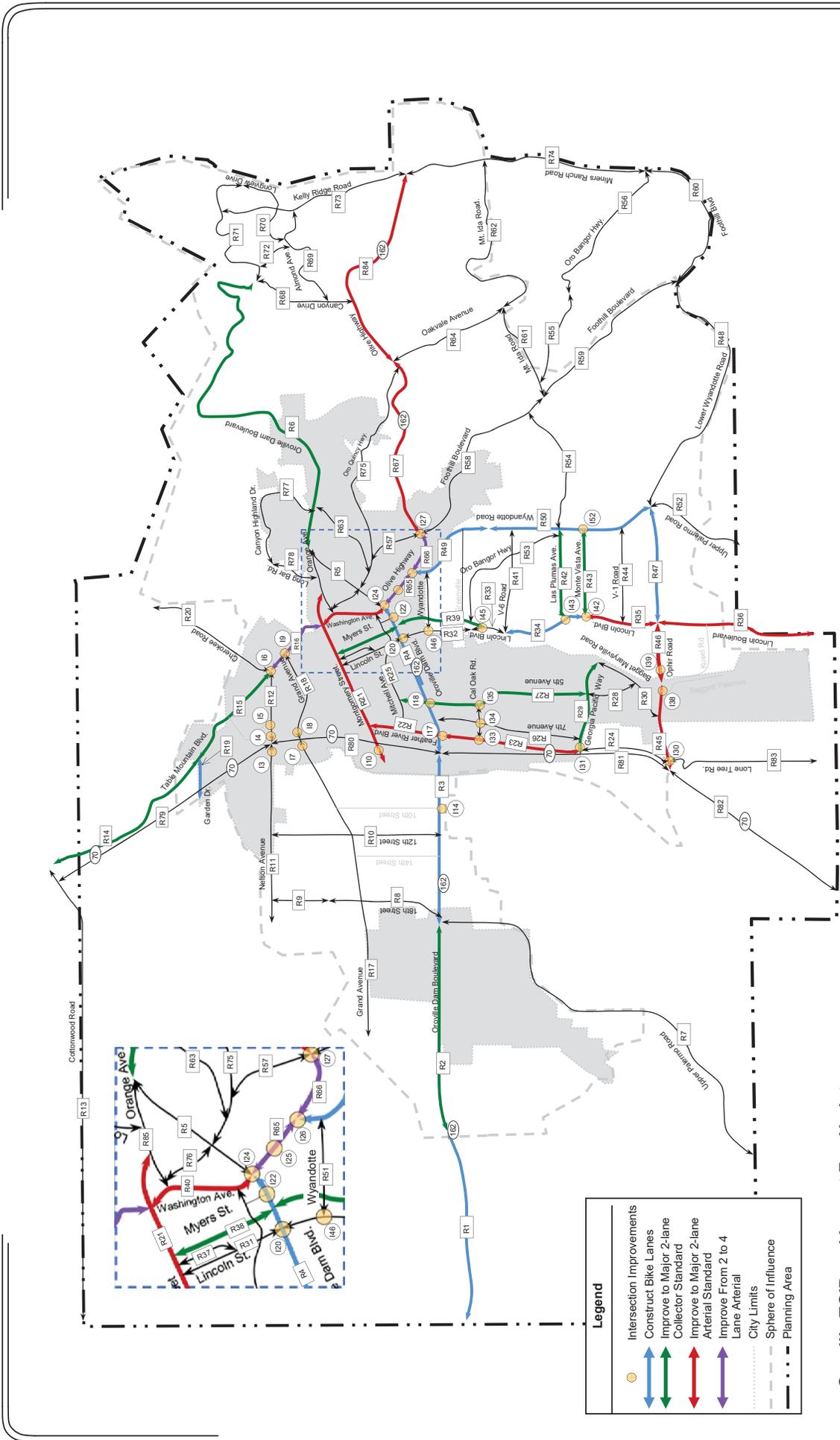


Figure 10

Oroville TCIP and Impact Fee Update

TCIP Improvement Projects Map

Legend	
	Intersection Improvements
	Construct Bike Lanes
	Improve to Major 2-lane Collector Standard
	Improve to Major 2-lane Arterial Standard
	Improve From 2 to 4 Lane Arterial
	City Limits
	Sphere of Influence
	Planning Area

TABLE 22:
TCIP INTERSECTION IMPROVEMENTS

ID	Intersection Name (1)	Improvement Description	Developer		Non-TCIP		Total Cost
			Cost	Cost	Fee Cost	Cost	
13	Nelson Avenue / SR 70 SB Ramps	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$1,300,000	\$0	\$0	\$1,300,000
14	Nelson Avenue / SR 70 NB Ramps	Install Roundabout or Install Signal	\$0	\$1,300,000	\$0	\$0	\$1,300,000
15	Nelson Avenue / Country Center Drive	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
16	Nelson Avenue / Table Mountain Blvd./Cherokee Rd. (2)	Install Roundabout or Install Signal & Add Eastbound & Westbound Left Turn Pockets	\$0	\$1,300,000	\$0	\$0	\$1,300,000
17	Grand Avenue / SR 70 SB Ramps	Install Roundabout or Install Signal	\$0	\$1,300,000	\$0	\$0	\$1,300,000
18	Grand Avenue / SR 70 NB Ramps	Install Roundabout or Install Signal & Add Left Turn Pockets & a Northbound Right Turn Pocket	\$0	\$1,300,000	\$0	\$0	\$1,300,000
110	Montgomery Street / SR 70 SB Ramps	Install All-Way Stop Sign	\$0	\$60,000	\$0	\$0	\$60,000
114	Oroville Dam Boulevard / 10th Street	Install Roundabout or Install Signal	\$0	\$660,000	\$0	\$0	\$660,000
117	Oroville Dam Boulevard / Feather River Boulevard	Add Eastbound Right Turn Pocket, Second Northbound Left Turn Pocket, Southbound Right Turn Pocket, and Restripe Southbound Left-Right as a Left-Through. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,100,000	\$0	\$0	\$1,100,000
118	Oroville Dam Boulevard / 5th Avenue	Add Dual Northbound Right Turn Pockets and Dedicated Southbound Right Turn Pocket. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,040,000	\$0	\$0	\$1,040,000
120	Lincoln Boulevard / Oro Dam Boulevard	Add Second Northbound Through Lane and Second Southbound Left Turn Pocket. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,040,000	\$0	\$0	\$1,040,000
122	Oroville Dam Boulevard / Spencer	Add Dedicated Northbound and Southbound Right Turn Pockets. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$970,000	\$0	\$0	\$970,000
124	Oroville Dam Boulevard / Olive Highway	Add Second Eastbound Right Turn Pocket and Second Southbound Through Lane. Modify Signal to Accommodate Reconfiguration & Restripe Intersection.	\$0	\$1,040,000	\$0	\$0	\$1,040,000
125	Olive Highway / Hospital Access	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$0	\$200,000
126	Lower Wyandotte Road / Olive Highway	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$0	\$200,000
127	Foothill Boulevard / Olive Highway	Modify Traffic Signal to Accommodate Roadway Widening on Olive Highway	\$0	\$200,000	\$0	\$0	\$200,000
130	Ophir Road / Feather River Boulevard	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$0	\$1,300,000	\$0	\$1,300,000
131	Feather River Boulevard / Georgia Pacific Way	Install Roundabout or Install Signal & Left Turn Pockets in All Directions and a Westbound Right Turn Pocket	\$0	\$0	\$1,300,000	\$0	\$1,300,000
133	Feather River Boulevard / Cal Oak Road (3)	Install Roundabout or Install Signal & Northbound & Westbound Right Turn Pockets & Southbound Left Turn Pocket	\$0	\$660,000	\$0	\$0	\$660,000
134	7th Avenue / Cal Oak Road	Install All-Way Stop Sign & Add Eastbound & Westbound Left Turn Pockets	\$0	\$0	\$200,000	\$0	\$200,000
135	5th Avenue / Cal Oak Road	Install Roundabout or Install Signal & Add Left Turn Pockets in All Directions	\$0	\$0	\$660,000	\$0	\$660,000
138	Ophir Road / Baggett Palermo Road	Install Roundabout or Install Signal	\$0	\$0	\$1,300,000	\$0	\$1,300,000
139	Ophir Road / Kusel Road	Install Roundabout or Install Signal	\$0	\$0	\$1,300,000	\$0	\$1,300,000
142	Lincoln Boulevard / Monte Vista Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
143	Lincoln Boulevard / Walmer Road	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
145	Lincoln Boulevard / Greenville	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
146	Lincoln Boulevard / Wyandotte Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
152	Lower Wyandotte Road / Monte Vista Avenue	Install Roundabout or Install Signal	\$0	\$0	\$660,000	\$0	\$660,000
			TOTAL:	\$0	\$13,670,000	\$10,020,000	\$23,690,000

Notes: (1) Improvements to intersections 28 and 29 have not been identified in this report and are not included in the updated TCIP or fee program. These locations are at-grade intersections with State Route 70. Long-term planning of the SR 70 corridor at this stage is subject to Caltrans planning and may include grade separated interchanges one or both of these locations. (2) Improvements to intersection 6 will also not be included in the TCIP as it will be constructed with outside funding sources. (3) Improvements to intersection 33 will be constructed as mitigations to the approved Walmart project and will not be included in the fee program.

TABLE 23:
TCIP ROADWAY IMPROVEMENTS

ID	Roadway Name	From	To	Improvement Description	Developer		Non-TCIP		Total Cost
					Cost	Cost	Fee Cost	Cost	
R2	Oroville Dam Boulevard	Wilbur Road/Larkin Avenue	Feather Avenue/Larkin Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$12,310,000	\$0	\$0	\$12,310,000
R6	Oroville Dam Boulevard	Orange Avenue/Acacia Avenue	Canyon Drive	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$17,389,167	\$0	\$12,420,833	\$0	\$29,810,000
R15	Table Mountain Boulevard	Garden Drive	Nelson Avenue/Cherokee Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$3,816,296	\$0	\$3,543,704	\$0	\$7,360,000
R16	Table Mountain Boulevard	Nelson Avenue/Cherokee Road	Montgomery Street	Widen to 4-Lane Arterial Standard by Adding Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$0	\$4,440,000	\$0	\$4,440,000
R21	Montgomery Street	Park Entrance	Orange Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$5,320,000	\$0	\$5,320,000
R22	Feather River Boulevard	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$1,580,000	\$0	\$1,580,000
R23	Feather River Boulevard	Oroville Dam Boulevard	Georgia Pacific Way	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$4,625,185	\$0	\$4,294,815	\$0	\$8,920,000
R27	5th Avenue	Mitchell Avenue	Georgia Pacific Way	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$5,568,889	\$0	\$5,171,111	\$0	\$10,740,000
R29	Georgia Pacific Way	SR 70	Baggett Marysville Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$3,142,222	\$0	\$2,917,778	\$0	\$6,060,000
R35	Lincoln Boulevard	Monte Vista Avenue	Ophir Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$2,538,261	\$0	\$1,631,739	\$0	\$4,170,000
R36	Lincoln Boulevard	Ophir Road	Messina Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$5,533,043	\$0	\$3,556,957	\$0	\$9,090,000
R38	Meyers Street	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$1,930,000	\$0	\$1,930,000
R39	Meyers Street	Oroville Dam Boulevard	Lincoln Boulevard	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$0	\$3,250,000	\$0	\$3,250,000
R40	Washington Avenue	Montgomery Street	Oroville Dam Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$0	\$1,860,000	\$0	\$1,860,000
R42	Las Plumas Avenue	Walmer Road	Lower Wyandotte Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$3,603,704	\$0	\$3,346,296	\$0	\$6,950,000
R43	Monte Vista Avenue	Lincoln Road	Lower Wyandotte Road	Improve to Major 2-Lane Collector Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$3,251,111	\$0	\$3,018,889	\$0	\$6,270,000
R45	Ophir Road	SR 70	Baggett Palermo Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$5,910,435	\$0	\$3,799,565	\$0	\$9,710,000
R46	Ophir Road	Baggett Palermo Road	Lincoln Boulevard	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$10,700,870	\$0	\$6,879,130	\$0	\$17,580,000
R65	Olive Highway	Oro Dam Boulevard	Lower Wyandotte Road	Widen to 4-Lane Arterial Standard by Adding Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$2,010,000	\$0	\$0	\$2,010,000
R66	Olive Highway	Lower Wyandotte Road	Foothill Boulevard	Widen to 4-Lane Arterial Standard by Adding Center Turn Lane, Additional Travel Lanes, Bike Lanes, Sidewalk & Landscaping	\$0	\$3,000,000	\$0	\$0	\$3,000,000
R67	Olive Highway	Foothill Boulevard	Oakvale Avenue	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Bike Lanes, Sidewalk & Landscaping	\$0	\$10,740,000	\$0	\$0	\$10,740,000
R84	Olive Highway	Oakvale Avenue	Miners Ranch Road	Improve to Major 2-Lane Arterial Standard by Adding Center Turn Lane, Shoulder, Sidewalk & Landscaping	\$0	\$10,970,000	\$0	\$0	\$10,970,000
					TOTAL:	\$66,079,183	\$39,030,000	\$68,960,817	\$174,070,000

TABLE 24:
TCIP BICYCLE FACILITY IMPROVEMENTS

ID	Roadway Name	From	To	Improvement Description	Developer		Non-TCIP		Total Cost
					Cost	Cost	Fee Cost	Cost	
R19	Garden Drive	Park Entrance	Table Mountain Boulevard	Construct Bike Lanes	\$0	\$0	\$630,000	\$0	\$630,000
R34	Lincoln Boulevard	Baggett Marysville Road	Monte Vista Avenue	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R49	Lower Wyandotte Road	Olive Highway	V-7 Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R50	Lower Wyandotte Road	V-7	Ophir Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R47	Ophir Road	Lincoln Boulevard	Lower Wyandotte Road	Add Bike Lanes (Striping)	\$0	\$0	\$60,000	\$0	\$60,000
R1	Oroville Dam Boulevard	SR 99	Wilbur Road/Larkin Avenue	Add Bike Lanes (Striping)	\$0	\$60,000	\$0	\$0	\$60,000
R3	Oroville Dam Boulevard	Feather Avenue/Larkin Road	SR 70	Add Bike Lanes (Striping)	\$0	\$60,000	\$0	\$0	\$60,000
R4	Oroville Dam Boulevard	SR 70	Olive Highway	Add Bike Lanes (Striping)	\$0	\$140,000	\$0	\$0	\$140,000
					TOTAL:	\$0	\$260,000	\$870,000	\$1,130,000



MEMO

OFFICE OF THE CITY ADMINISTRATOR

TO: Oroville Planning Commission
From: Don Rust, Acting City Administrator
Subject: Planning Commissioners Academy
Date: January 12, 2017

Planning Commissioners Academy

When: March 1st - 3rd, 2017 **Where:** Los Angeles Airport Marriott
Must Register by February 7, 2017

Below is the estimated budget for the Planning Commission Academy for (3) City Planning Commissioners

<http://www.cacities.org/Education-Events/Planning-Commissioners-Academy>

If Driving

- **Full Conference Registration** (if League Members) \$575 x 3 = **\$1,725.00**
 - (Non-League Member Registration \$1,575 x 3 = \$4,725.00)
 - **Hotel Rate** (Los Angeles Airport Marriott)... \$169/night (3 nights ea.) = \$507.00 x 3 = **\$1,521.00**
 - **Parking Per Day** (self-parking)\$30.00 x 3 = **\$90**
 - **Fuel Reimbursement** (for Planning Commissioner to drive 3 attendees to conference).....**TBD**
- Total Miles to Los Angeles Airport Marriott** (5855 W. Century Blvd., Los Angeles, CA 90045) **456 miles** (each direction).

TOTAL: \$3,336.00 (3 Planning Commissioners)+ Fuel Reimbursement

If Flying

- **American Airlines:** (Departure (Wednesday) 6am – 7:38am, Return (Friday) 1:55pm – 3:28 pm)
\$221 ea x 3 = **\$661.20**
https://www.aa.com/reservation/enterPassengerDetailsAccess.do?fromMetaSearch=true&bookingPathStateId=1484245582523-104&ischangedfare=false&ischangedservice=false&locale=en_US
- **Airport Shuttle** (complimentary, if they choose to fly)

TOTAL: \$3,907.20 for 3 Planning Commissioners

***((For cancellations and refunds a \$75 processing charge will be applied (before 2/7/17)
Please note that any hotel cancellations after the housing deadline has passed may incur a financial penalty or a minimum one-night room charge or attrition fees.)

Thank you,

Donald L. Rust
Acting City Administrator

CALENDAR OF EVENTS

No Current Events

[Complete Calendar \(http://www.memberleap.com/members/calendar4.php?org_id=APAC\)](http://www.memberleap.com/members/calendar4.php?org_id=APAC)

SPONSORS

[All Sponsors \(http://www.apacalifornia-conference.org/docs/SE_Thank_You_30.pdf\)](http://www.apacalifornia-conference.org/docs/SE_Thank_You_30.pdf)

QUICK LINKS

[2017 Conference Call for Presentations \(http://www.apacalifornia-conference.org/call_for_presentations.php\)](http://www.apacalifornia-conference.org/call_for_presentations.php)

[Submit or Edit Proposals \(https://www.memberleap.com/members/proposals/propselect.php?orgcode=APAC&prid=175647\)](https://www.memberleap.com/members/proposals/propselect.php?orgcode=APAC&prid=175647)

CONFERENCE ANNOUNCEMENTS

MARK YOUR CALENDARS!



APA CALIFORNIA 2017 CONFERENCE

SACRAMENTO CONVENTION CENTER

SEPTEMBER 23 - 26, 2017

American Planning Association, California Chapter | PO Box 1733, Elk Grove, CA 95759

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