



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

MARCH 7, 2017
REGULAR MEETING
CLOSED SESSION 5:30 P.M.
OPEN SESSION 6:30 P.M.
AGENDA

CLOSED SESSION (5:30 P.M.)

ROLL CALL

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

CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 6)

RECONVENE TO OPEN SESSION

OPEN SESSION (6:30 P.M.)

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION

Oaths of Office for newly appointed Volunteers in Police Services Representatives **Tracy Parkinson, Rustin Fox and Joseph R. Fitzer**

Special Recognition of Services for the City of Oroville relating to **Dean Hill, Jr.** and **Steve Hoffman**

Proclamation recognizing **Arbor Day** in the City of Oroville

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE FEBRUARY 21, 2017 REGULAR MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached

Finance Department

2. **MONTHLY FINANCIAL REPORT AND REPORT OF INVESTMENTS FOR JANUARY 2017** – report attached

The Council will receive a copy of the January 2017 Monthly Financial Report and Report of Investments. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Acknowledge receipt of the January 2017 Monthly Financial Report and Report of Investments.**

3. **STAFF VACANCY IN THE FINANCE DEPARTMENT** – staff report

The Council will receive information regarding the filling of a budgeted staff vacancy in the Finance Department. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Informational only.**

Community Development Department

4. **PURCHASE OF A NEW AIR COMPRESSOR** – staff report

The Council will receive information regarding a new air compressor that has been purchased from Bobcat of Chico, in the amount of \$24,658.35, for the City's Sewer Division. **(Donald Rust, Director of Community Development)**

Council Action Requested: **None.**

5. **PURCHASE OF NEW BRUSH CHIPPER** – staff report

The Council may consider the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Authorize staff to utilize the piggyback process through the National Joint Powers Alliance regarding the request purchase of the new Vermeer BC1000XL model.**
2. **Approve the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company.**

6. **DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT** – staff report

The Council may consider declaring decommissioned vehicles and equipment as surplus for their disposal through auction and/or trade-in value. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Declare the vehicles and equipment identified in the March 7, 2017 staff report as surplus and authorize the items to be auctioned off.**
2. **Utilize the \$5,000 trade-in value of the City's old brush chipper towards the purchase of a new brush chipper.**

Business Assistance & Housing Development Department

7. FORECLOSURE OF CITY PROPERTY LOCATED AT 3085 FLORENCE AVENUE – staff report

The Council may consider initiating foreclosure proceedings related to the City of Oroville's security interest in the Deed of Trust against the property located at 3085 Florence Avenue, Oroville. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8587 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 3085 FLORENCE AVENUE, OROVILLE (APN 013-225-023).**

PUBLIC HEARINGS

Business Assistance & Housing Development

8. ISSUANCE OF TAX EXEMPT BONDS FOR THE SIERRA HEIGHTS SENIOR APARTMENTS – staff report

The Council will conduct a public hearing relating to the issuance of tax exempt bonds for the senior housing project, Sierra Heights Senior Apartments, and a resolution approving the issuance of bonds. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8588 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, NOT TO EXCEED \$15,000,000, FOR THE BENEFIT OF WILLOW PARTNERS, TO PROVIDE FINANCING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A 52-UNIT SENIOR MULTIFAMILY RENTAL HOUSING PROJECT, GENERALLY KNOWN AS SIERRA HEIGHTS APARTMENTS.**

Community Development Department

9. OROVILLE SUSTAINABLE CODE UPDATES – staff report (*1st Reading*)

The Council will conduct a public hearing to review and consider adopting the Oroville Sustainable Code updates and certification of the Final Supplemental Environmental Impact Report. **(Donald Rust, Director of Community Development)**

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

REGULAR BUSINESS

Public Safety Department

10. FORMATION OF AD-HOC COMMITTEES TO REVIEW THE SPILLWAY INCIDENT – staff report

The Council may establish ad-hoc committees to review the City's response to the Oroville Dam Spillway

incident and provide recommended actions to improve response and to improve public awareness during emergency situations. **(Bill LaGrone, Director of Public Safety)**

Council Action Requested:

1. **Appoint three (3) council members to serve on the Administrative Ad-hoc committee.**
2. **Appoint (3) council members to serve on the Operational Ad-hoc committee.**

Community Development Department

11. TREE REMOVALS AT 1550 ROBINSON STREET – staff report *(Continued from February 7, 2017)*

The Council may consider the removal of two (2) Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements. **(Wade Atteberry, Public Works Supervisor and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the removal of two Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements.**

12. TREE REMOVAL REQUEST BY BUSINESS OWNERS AT 1440 MYERS STREET – staff report

The Council may consider the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements.**

13. GROUND LEASE AGREEMENT WITH MODERN BUILDING INC. FOR THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL – staff report

The Council may consider Ground Lease Agreement with Modern Building Inc. for the phased construction of 350,000 square feet of new building space for the expansion of Graphic Packaging International (GPI) which will require 13.6 acres of airport property to be leased for a non-aeronautical use. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8589 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GROUND LEASE AGREEMENT WITH MODERN BUILDING, INC. FOR USE OF AIRPORT PROPERTY FOR A NON-AERNAUTICAL USE RELATED TO THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL - (Agreement No. 3211).**

14. PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING – staff report

The Council may consider a Professional Services Agreement with Bennett Engineering, in the amount of \$120,000, annually, for the next five years, for professional engineering services. **(Donald Rust, Acting City Administrator)**

Council Action Requested:

1. **Authorize staff to piggyback on the Request for Proposals process recently undertaken by the cities of Biggs and Gridley for professional engineering services.**
2. **Adopt Resolution No. 8590 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING, IN THE AMOUNT OF \$120,000, ANNUALLY,**

FOR FIVE YEARS, FOR PROFESSIONAL ENGINEERING SERVICES – (Agreement No. 3212).

15. PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC. – staff report

The Council may consider an Amendment to the Professional Services Agreement with Ghirardelli Associates, Inc., in an amount not to exceed \$100,000, to provide qualified professional civil engineering services for the City's Engineering Division. **(Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8591 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$100,000, TO PROVIDE QUALIFIED PROFESSIONAL CIVIL ENGINEERING SERVICES FOR THE CITY'S ENGINEERING DIVISION – (Agreement No. 3191-2).**

**16. AMENDMENTS TO SECTIONS OF THE OROVILLE MUNICIPAL CODE RELATING TO TREE PRESERVATION AND UPDATE OF THE TREE REMOVAL PERMIT APPLICATION – staff report
(Continued from September 6, 2016)**

The Council will review the proposed updates to sections of the Oroville Municipal Code relating to tree preservation and the tree removal permit application. **(Dawn Nevers, Assistant Planner and Donald Rust, Director of Community Development)**

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

17. SPONSORSHIP OF THE OROVILLE CHAMBER OF COMMERCE AND OROVILLE ECONOMIC ALLIANCE ANNUAL DINNER – staff report

The Council may consider a Silver sponsorship of the Oroville Chamber of Commerce and Oroville Economic Alliances' Leading the Way, 2017 annual dinner event. **(Donald Rust, Acting City Administrator)**

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

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

Mayor Appointments

- Housing Loan Advisory Committee (1)
- Economic Development Loan Advisory Committee (1)
- Executive Committee (3)
- Tourism Committee (1)

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Finance Department Report – activity report

CORRESPONDENCE

- Donald Remley, Ed.D. on behalf of ACSA Region 2 Retired Leaders & Managers Charter

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

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

CLOSED SESSION

The Council will hold a Closed Session on the following:

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

ADJOURNMENT

The meeting will be adjourned. A special meeting of the Oroville City Council will be held on Tuesday, March 14, 2017, at 4:30 p.m.

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

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

The agenda for the February 21, 2017, regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Friday, February 10, 2017, at 12:00 p.m.

The February 21, 2017 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:32 p.m.

ROLL CALL

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

Staff Present:

Donald Rust, Director of Community Development
Bill LaGrone, Director of Public Safety
Scott E. Huber, City Attorney
Amy Bergstrand, Management Analyst III
Liz Ehrenstrom, Human Resource Manager
Chris Nicodemus, Police Lieutenant

Ruth Wright, Director of Finance
Jamie Hayes, Assistant City Clerk
Karolyn Fairbanks, Treasurer
Dawn Nevers, Assistant Planner
Allen Byers, Assistant Police Chief
Gil Zarate, Police Lieutenant

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier

PROCLAMATION / PRESENTATION

Sheriff Kory Honea briefed the Council on the recent emergency evacuations relating to the potential failure of the spillway at Oroville Dam Spillway at Lake Oroville.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS - None

CONSENT CALENDAR

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

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

Business Assistance and Housing Development Department

2. COMMERCIAL LEASE AGREEMENT WITH AMANDA LIVERMORE DBA: LIVE WISE BATH & BEAUTY BAR – staff report

The Council considered a Commercial Lease Agreement with Amanda Livermore dba: Live Wise Bath & Beauty Bar, for the rental of a commercial unit located at 1465 Myers Street, Suite 3. **(Rick Farley, Enterprise Zone & Business Assistance Coordinator and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8576 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COMMERCIAL LEASE AGREEMENT WITH AMANDA LIVERMORE, DBA: LIVE WISE BATH & BEAUTY BAR, FOR THE RENTAL OF A COMMERCIAL UNIT LOCATED AT 1465 MYERS STREET, SUITE 3 – (Agreement No. 3205).**

3. COMMERCIAL LEASE AGREEMENT WITH LISA DEERY DBA: OROVILLE HEALING MASSAGE & DETOX – staff report

The Council considered a Commercial Lease Agreement with Lisa Deery dba: Oroville Healing Massage & Detox, for the rental of a commercial unit located at 1461 Myers Street, Suite 2. **(Rick Farley, Enterprise Zone & Business Assistance Coordinator and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8577 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A COMMERCIAL LEASE AGREEMENT WITH LISA DEERY, DBA: OROVILLE HEALING MASSAGE & DETOX, FOR THE RENTAL OF A COMMERCIAL UNIT LOCATED AT 1461 MYERS STREET, SUITE 2 – (Agreement No. 3206).**

4. PROFESSIONAL SERVICES AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC. – staff report

The Council considered a Professional Services Agreement with Rosenow Spevacek Group, Inc., in the amount of \$7,500, to assist the underwriting analysis of the proposed Sierra Heights Senior Affordable Housing Project. **(Amy Bergstrand, Management Analyst III and Donald Rust, Director of Community Development)**

Council Action Requested: **Adopt Resolution No. 8585 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC, IN THE AMOUNT OF \$7,500, TO ASSIST THE UNDERWRITING ANALYSIS OF THE PROPOSED SIERRA HEIGHTS SENIOR AFFORDABLE HOUSING PROJECT – (Agreement No. 3210).**

Community Development Department

5. CALIFORNIA OLD TIME FIDDLERS USE OF MUNICIPAL AUDITORIUM PARKING LOT – staff report

The Council received information regarding the annual use of the Municipal Auditorium parking lot for overnight parking of approximately fifty RVs from March 13 – 20, 2017, for the 51st Annual California State Old Time Fiddle and Picking Championships. **(Donald Rust, Director of Community Development)**

Council Action Requested: **None.**

6. AMENDMENT TO MEMORANDUM OF UNDERSTANDING FOR THE WYANDOTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS – staff report

The Council considered an amendment to the Memorandum of Understanding (MOU) following the retraction of South Feather Water and Power's GSA designation for the Wyandotte Sub-Basin. Additionally, the Council considered a second Memorandum of Understanding between City of Oroville, Butte County, and South Feather Water & Power for the development of the Wyandotte Creek Sub-Basin Groundwater Sustainability Plan. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Adopt Resolution No. 8566-1 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO AMEND THE MEMORANDUM OF UNDERSTANDING FORMING THE WYANDOTTE SUB-BASIN GROUNDWATER SUSTAINABILITY PARTNERS – (Agreement No. 3200-1).**
2. **Adopt Resolution No 8578 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE MEMORANDUM OF UNDERSTANDING BETWEEN PARTIES WITHIN WYANDOTTE CREEK SUB-BASIN TO DEVELOP THE WYANDOTTE CREEK SUB-BASIN GROUNDWATER SUSATINABLE PLAN – (Agreement No. 3207).**

Administration Department

7. INDUSTRIAL DISABILITY RETIREMENT – staff report

The Council considered the approval of an industrial disability retirement for Police Officer, Joshua Woodby. **(Bill LaGrone, Director of Public Safety and Elizabeth Ehrenstrom, Human Resource Manager)**

Council Action Requested: **Adopt Resolution No. 8579 - A RESOLUTION DELEGATING INDUSTRIAL DISABILITY FINDINGS TO THE CITY COUNCIL OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE RESOLUTION UNDER PUBLIC EMPLOYEES' RETIREMENT LAW.**

8. EMPLOYMENT AGREEMENTS WITH DONALD L. RUST AND BILL LA GRONE – staff report

The Council considered Employment Agreements with Donald L. Rust, Assistant City Administrator and Community Development Director, and Bill La Grone, Public Safety Officer and Acting Personnel Officer. **(Scott. E. Huber, City Attorney)**

Council Action Requested:

1. **Adopt Resolution No. 8583 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DONALD L. RUST – (Agreement No. 1974-7).**
2. **Adopt Resolution No. 8584 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND BILL LA GRONE – (Agreement No. 1969-9).**

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

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

PUBLIC HEARINGS - None

REGULAR BUSINESS

Community Development Department

9. **OROVILLE HOSPITAL EXPANSION – FUNDING AGREEMENT WITH LANDMARK HEALTHCARE FACILITIES, LLC – staff report**

The Council considered entering into a Funding Agreement with Landmark Healthcare Facilities, LLC for funding the contract planning and California Environmental Quality Act (CEQA) compliance services of ICF Jones & Stokes, Inc. related to the expansion of the Oroville Hospital. **(Donald Rust, Director of Community Development)**

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

Adopt Resolution No. 8581 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FUNDING AGREEMENT WITH LANDMARK HEALTHCARE FACILITIES, LLC FOR FUNDING THE CONTRACT PLANNING AND CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE SERVICES OF ICF JONES & STOKES, INC. RELATED TO THE EXPANSION OF THE OROVILLE HOSPITAL - (Agreement No. 3209).

The motion was passed by the following vote:

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

Absent: None

10. OROVILLE HOSPITAL EXPANSION – PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES & STOKES, INC. – staff report

The Council considered entering into a Professional Services Agreement with ICF Jones & Stokes, Inc. (ICF) for contract planning and California Environmental Quality Act (CEQA) compliance related to the expansion of the Oroville Hospital. **(Donald Rust, Director of Community Development)**

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

Adopt Resolution No. 8580 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ICF JONES & STOKES, INC. FOR CONTRACT PLANNING AND CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE SERVICES RELATED TO THE EXPANSION OF THE OROVILLE HOSPITAL - (Agreement No. 3208).

The motion was passed by the following vote:

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

Administration Department

***11. DECLARATION OF LOCAL EMERGENCY AND RATIFICATION OF PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY BY THE ACTING DIRECTOR OF EMERGENCY SERVICES – staff report**

This item was considered and discussed during the presentation by Sheriff Kory Honea.

The Council considered adoption of a resolution proclaiming the existence of a local emergency and ratification of the proclamation of the existence of a local emergency by the Acting Director of Emergency Services. **(Scott E. Huber, City Attorney)**

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

- 1. Adopt Resolution No. 8582 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE RATIFYING THE ACTING DIRECTOR OF EMERGENCY SERVICES’ PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY.**
- 2. Adopt Resolution No. 8583 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY.**

The motion was passed by the following vote:

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

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Council Member Draper reported on a proposed request by Don Noble to organize a publication regarding the positive outcomes and events that took place locally during the recent emergency evacuations relating to the potential failure of the spillway at Lake Oroville.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Ruth Wright, Director of Finance, requested that the Council select dates to begin budget discussions relating to the 2017/2017 fiscal year.

The Council selected March 14, 2017 and March 28, 2017, at 4:30 p.m. to hold special budget meeting workshops.

CORRESPONDENCE

- Pacific Gas & Electric Company
- Hmong United Community of Oroville, Inc.
- Pierce Atwood, LLP

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Barbara Fowler made comments relating to the emergency preparedness procedures relating to the evacuation of senior citizens.

August Lincoln made comments relating to the Table Mountain Boulevard/Nelson Avenue Roundabout Project.

CLOSED SESSION

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.95, the City Council met with Acting City Administrator and City Attorney regarding potential litigation – two cases.

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

ADJOURNMENT

The meeting was adjourned at 7:16 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, March 7, 2017, at 5:30 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor



CITY OF OROVILLE

FINANCE DEPARTMENT

JANUARY 2017

SUMMARY OF INVESTMENT REPORT

MONTHLY REVENUE & EXPENSE REPORTS

CITY OF OROVILLE/OROVILLE SUCCESSOR AGENCY

MONTHLY SUMMARY OF INVESTMENTS

JANUARY 2017

CERTIFICATION:

I certify that the information provided above is correct to the best of my knowledge and that (1) all investments are made in accordance with the investment policy and the laws of the State of California and (2) that sufficient funds are available to meet the anticipated expenditures for the next six months.



Ruth Wright, Director of Finance



Date



Don Rust, Assistant City Administrator



Date



Karolyn J. Fairbanks, City Treasurer



Date



March 7, 2017

City of Oroville

January 2017 Investment Report

City of Oroville Investment Portfolio Report				
Summary of Investments				
	Yield	Dec-16	Yield	Jan-17
Local Agency Investment Fund (LAIF)	0.719%	19,563,520	0.751%	24,198,243
Bank of the West Operating Account	0.000%	1,846,161	0.000%	1,429,232
Total Pooled Investments		21,409,681		25,627,475
City Investment Portfolio - Investments Held in Trust				
	Yield to Maturity			Market Value
Bank of the West Certificates of Deposit (BMWG)	1.050%			200,510
Bank of the West Certificates of Deposit (GS)	1.050%			200,140
Bank of the West Certificates of Deposit (GMATBK)	1.050%			200,136
Bank of the West Certificates of Deposit (KEY 1)	1.000%			200,154
Bank of the West Certificates of Deposit (MOCIBK)	1.050%			200,154
Total Investments Held in Trust				1,001,094



City of Oroville January 2017 General Fund Expense

Budget Unit	Annual Budget	January Expense	Year to Date Expenditures	Budget Remaining	% Remaining
ADMINISTRATION	45,522	2,890	15,768	29,754	65%
CITY ATTORNEY	225,019	20	104,993	120,026	53%
CITY CLERK	147,352	8,330	58,897	88,455	60%
CITY HALL	110,346	15,574	56,565	53,781	49%
ECO COMM ENHANCEMENT	47,696	3,434	20,476	27,220	57%
HUMAN RESOURCES	134,947	8,172	70,345	64,602	48%
PERSONNEL OFFICER	38,250	4,184	33,901	4,349	11%
INFORMATION TECHNOLOGY	395,481	17,947	187,902	207,579	52%
RISK MANAGEMENT	338,351	-	296,023	42,328	13%
COUNCIL	148,016	8,788	64,102	83,914	57%
MAYOR	35,463	2,035	18,302	17,161	48%
FINANCE	551,764	41,274	345,334	206,431	37%
TREASURER	34,827	1,995	18,093	16,734	48%
GENERAL GOVERNMENT	114,990	5,685	140,216	-25,226	-
PLANNING & DEVEL SVC	293,172	20,229	142,138	151,034	52%
BLDG CODE ENFORCEMENT	333,085	18,130	143,934	189,151	57%
POLICE	5,012,061	324,476	2,775,796	2,236,264	45%
MUNICIPAL LAW ENFORCEMENT	601,399	38,851	299,994	301,406	50%
ANIMAL CONTROL	326,500	22,990	188,827	137,673	42%
FIRE	2,748,871	173,877	1,592,196	1,156,676	42%
PW ADMIN	122,222	13,201	46,187	76,035	62%
STREETS	619,915	52,161	404,841	215,075	35%
PARKS & TREES	836,284	51,435	383,441	452,843	54%
TOTALS	13,261,533	835,679	7,408,271	5,853,262	44%



City of Oroville
January 2017
General Fund Revenue

Budget Unit	Annual Budget	January Revenue	Year to Date Revenue	Budget Remaining	% Remaining
CITY CLERK	-	3	2,435	(2,435)	-
CITY HALL	-	-	359	(359)	-
FINANCE	-	193	2,101	(2,101)	-
GENERAL GOVERNMENT	10,233,475	1,967,489	5,797,844	4,435,631	43%
PLANNING & DEVEL SVC	167,007	10,085	59,199	107,808	65%
BLDG CODE ENFORCEMENT	617,274	71,958	317,970	299,304	48%
POLICE	470,929	38,097	155,315	315,614	67%
FIRE	124,559	2,078	17,860	106,699	86%
PUBLIC WORKS	300,883	2,489	33,156	267,727	89%
STREETS	512,373	28,409	207,302	305,071	60%
PARKS & TREES	10,971	5,369	39,117	(28,146)	-
Total	12,437,471	2,126,170	6,632,658	5,804,813	47%

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: RUTH WRIGHT, FINANCE DIRECTOR
FINANCE DEPARTMENT**

RE: STAFF VACANCY IN THE FINANCE DEPARTMENT

DATE: MARCH 7, 2017

SUMMARY

The Council will receive information regarding the filling of a budgeted staff vacancy in the Finance Department.

DISCUSSION

At the beginning of the budget year 2016-17, the Council gave direction to freeze all hiring to help alleviate the budget deficit. Since that time many vacant positions remain unfilled. These vacancies have created more work for the remaining staff. All departments are operating with minimum staffing levels. Minimum staff levels often cause overtime issues and issues of coverage for leaves such as vacation or sick leave. In a well-staffed department everyone is cross trained and coverage is provided when a staff member is out on leave. In a minimum staffed department, the work basically stops when someone is out causing negative effects on all departments.

The Finance Department is already operating at a minimum staffing level. Work basically comes to a halt during leave absences and there is no one to pick up the slack and keep things moving along as needed. Another challenge in the Finance Department is occasional overtime, as needed. An example of needed overtime was a point in the beginning of January when all employees needed to be updated for new insurance plans, dental plans, new withholding status requests, export of a file for W-2's, all before the first payroll on January 6th, 2017. The payroll deadline needed to be met in a very short time. In order to meet the payroll deadline overtime was authorized.

The replacement of this position is considered essential to the operations of the City.

POSITION	Step	Salary Base
Current Finance Department position list		
Sr. Accountant Tech	F	51,277.00
Acct. Technician	H	46,509.85
Acct. Technician	E	40,176.95
Acct. Technician	F	42,185.80
Accounting Manager - FROZEN		
Accountant - FROZEN		
Total		<u>180,149.60</u>
Proposed Finance Department position list		
Sr. Accountant Tech	C	44,295.14
Acct. Technician	H	46,509.85
Acct. Technician	G	44,295.10
Acct. Technician - New	C	36,441.30
Accounting Manager - FROZEN		
Accountant - FROZEN		
Total		<u>171,541.39</u>
Budget savings		<u><u>8,608.21</u></u>

FISCAL IMPACT

Annual budget savings of \$8,608.21.

RECOMMENDATION

Informational only.

ATTACHMENTS

None.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

RE: PURCHASE OF A NEW AIR COMPRESSOR

DATE: MARCH 7, 2017

SUMMARY

The Council will receive information regarding a new air compressor that has been purchased from Bobcat of Chico, in the amount of \$24,658.35, for the City's Sewer Division.

DISCUSSION

The Sewer Division was in need of a new air compressor and received four quotes from the following vendors:

Vendor	Amount
Rental Guy's Inc.	\$34,149.04
Bobcat of Eureka	\$28,343.45
Volvo Construction Equipment & Service	\$27,080.63
Bobcat of Chico	\$24,658.35

The quote from Bobcat of Chico was accepted and the air compressor has been ordered. The air compressor is a Doosan Portable Power (Model P185WDO-T4F). For specifications on the equipment, please reference **Attachment E**.

FISCAL IMPACT

Purchase of a new air compressor in the total amount of \$24,658.35 was paid for from the Sewer Fund. There was no impact to the General Fund.

RECOMMENDATIONS

For informational purposes only.

ATTACHMENTS

- A – Quote from Rental Guy’s Inc.
- B – Quote from Bobcat of Eureka
- C – Quote from Volvo Construction Equipment & Service
- D – Quote from Bobcat of Chico
- E – Air Compressor Specifications

Status: Quote

Quote #: q9093-1

Quote To: Fri 1/27/2017 9:00AM

Operator: RIVAS, MARC

Customer #: 56220

CITY OF OROVILLE PUBLIC WORKS

530-538-2490 Phone

1735 MONTGOMERY ST
Oroville, CA 95966

Qty	Key	Items	Part#	Status	Quote Date	Price
1	COMA185-1	COMPRESSOR, AIR 185 CFM		Sold Asset		\$30,167.00
		Model #P185W				
1	MS-1	DB HOSE REEL		Retail		\$1,945.00
1	MS-1	OILER		Retail		\$568.00
1	MS-1	5200 AXEL		Retail		\$262.00
1	FRT-3	SHIPPING & HANDLING	FREIGHT	Retail		\$1,500.00
1	DISCOUNTC-3	SALES DISCOUNT	DISCOUNTCON	Retail		(\$2,500.00)

Quote valid for 30 days.

Quote

Rentals payable in advance. Rental rates do not provide option to purchase and cover; Single shift 8 hours operation, Two shifts at 1.5 times one shift operation, Three shifts at 2 times one shift operation. Customer to pay all transportation charges. Rates subject to change without notice. Customer is responsible for theft of equipment. Keep it locked! Customer is responsible for checking water and oil daily. All damage to tires and tubes caused by blowout, bruises, cuts, road hazards and other causes inherent to use of equipment is the responsibility of the customer. We charge for time out - not time used. The California Vehicle Code requires a second rear view mirror to be located on the right hand side of the motor vehicle if the trailer or load obstructs the drivers view. Equipment that is self-propelled diesel 25 horse power and above that is considered Off-Road cannot idle for more than 5 consecutive minutes.

I have been given and understand written and/or oral operating and safety instructions. []

IF I DO NOT UNDERSTAND, OR FORGET THE SAFETY OR OPERATING INSTRUCTIONS I HAVE BEEN GIVEN, OR IF THE EQUIPMENT FAILS, I WILL NOT ATTEMPT TO OPERATE OR REPAIR IT. I WILL DISCONTINUE USE AND NOTIFY RENTAL CENTER IMMEDIATELY.

CUSTOMER IS RESPONSIBLE FOR RENT ON LOST, STOLEN OR DAMAGED ITEMS, UNTIL ITEMS ARE PAID FOR. THE CONDITIONS ON THE FRONT AND REVERSE OF THIS CONTRACT ARE PART OF SAID CONTRACT.

Signature: _____

CITY OF OROVILLE PUBLIC WORKS

Sales:	\$31,942.00
Subtotal:	\$31,942.00
o/Gridley sales tax 7.25:	\$2,207.04
Total:	\$34,149.04
Paid:	\$0.00
Amount Due:	\$34,149.04



Product Quotation

Quotation Number: Oroville public Works

Date: 2017-01-27 09:30:44

Portable Power

Ship to	Bobcat Dealer	Bill To
City of Oroville- Public Works Attn: Cody Nissen Oroville, CA 95965 Phone: (530) 538-2490 Fax: (530) 538-2512	Bobcat of Eureka, Eureka CA Phone: (707) 798-6096 ----- Contact: Patrick Griffin Phone: 5306246690 E Mail: PGriffin.Bobcat@gmail.com	City of Oroville- Public Works Attn: Cody Nissen Oroville, CA 95965 Phone: (530) 538-2490 Fax: (530) 538-2512

Description	Part No	Qty	Price Ea.	Total
P185WDO-T4F Air compressor - NJPA #98661		1	\$21,446.00	\$21,446.00
100' Double Hose Reel		1	\$1,900.00	\$1,900.00
OSHA Valve + one 2quart oiler mounted		1	\$550.00	\$550.00
100' x 3/4" hose on each reel		1	\$220.00	\$220.00
5200 lbs axle		1	\$250.00	\$250.00
Pre Delivery inspection & assembly		1	\$2,000.00	\$2,000.00
Total of Items Quoted				\$26,366.00
Sales total before Taxes				\$26,366.00
Taxes: sales tax				\$1,977.45
Quote Total - US dollars				\$28,343.45

Notes:

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes. Customer must exercise his purchase option within 30 days from quote date.

Customer Acceptance:

Purchase Order: _____

Authorized Signature:

Print: _____ Sign: _____ Date: _____

Finance Worksheet

QuoteFinance

TERMS AND CONDITIONS – EQUIPMENT SALE

1. General: The Terms and Conditions of Sale outlined herein shall apply to the sale by Volvo Road Machinery, Inc. d/b/a Volvo Construction Equipment Services (hereinafter referred to as Company) of products, equipment and parts relating thereto (hereinafter referred to as Equipment). Unless prior written agreement is reached, it shall be understood that the Company's proceeding with any work shall be in accordance with the terms and conditions outlined herein. The Company hereby gives notice of its objection to any additional or different terms included in any purchase order or other form submitted by the Purchaser. Such additional or different terms shall not be included in this contract.

The Company will comply with applicable laws and regulations as they may apply to the manufacture of the Equipment. Compliance with any local governmental laws or regulations relating to the location, use or operation of the Equipment, or its use in conjunction with other equipment shall be the sole responsibility of the Purchaser.

2. Title and Risk of Loss: Title and risk of loss or damage to the Equipment shall pass to the Purchaser upon tender of delivery F.O.B. manufacturing facility unless otherwise agreed upon by the parties, except that a security interest in the Equipment shall remain in the Company, regardless of mode of attachment to realty or other property, until full payment has been made therefor. Purchaser agrees upon request to all things and acts necessary to perfect and maintain such security interest and shall protect Company's interest by adequately insuring the Equipment against loss or damage from any cause wherein the Company shall be named as an additional insured.

3. Assignment: Neither party shall assign or transfer this contract without the prior written consent of the other party. The Company however shall be permitted to assign or transfer, without the prior written consent of the Purchaser, the Company's right to receive all or any portion of the payment due from the Purchaser under this contract.

4. Delivery and Delays: Delivery dates shall be interpreted as estimated and in no event shall dates be construed as falling within the meaning of "time is of the essence".

The Company shall not be liable for any loss or delay due to war, riots, fire, flood, strikes, or other labor difficulty, acts of civil or military authority including governmental laws, order, priorities or regulations, acts of the Purchaser, embargo, car shortage, damage or delay in transportation, inability to obtain necessary labor or materials from usual sources, faulty forgings or castings, or other causes beyond the reasonable control of the Company. In the event of delay in performance due to any such cause, the date of delivery or time for completion will be adjusted to reflect the actual length of time lost by reason of such delay. The Purchaser's receipt of Equipment shall constitute a waiver of any claims for delay.

5. Taxes: The price does not include any present or future Federal, State, or local property, license, privilege, sale, use, excise, gross receipts or other like taxes or assessments which may be applicable to, measured by, or imposed upon or result from this transaction, or any services performed in connection therewith. Such taxes will be itemized separately to Purchaser, who shall make prompt payment to the Company. The Company will accept a valid exemption certificate from Purchaser, if applicable. If such exemption certificate is not recognized by the government taxing authority involved, Purchaser agrees to promptly reimburse the Company for any taxes covered by such exemption certificate which the Company is required to pay.

6. Set Offs: Neither Purchaser nor any affiliated company or assignee shall have the right to claim compensation or to set off against any amounts which become payable to the Company under this contract or otherwise.

7. Patents: The Company shall defend any suit or proceeding brought against the Purchaser and shall pay any adverse judgment entered therein so far as such suit or proceeding is based upon a claim that the use of the Equipment manufactured by the Company, and furnished under this contract, constitutes infringement of any patent of the United States of America, provided the Company is promptly notified in writing and given the authority, information and assistance by Purchaser for defense of same; and the Company shall, at its option, procure for the Purchaser the right to continue to use such Equipment, modify it so that it becomes non-infringing, replace the same with non-infringing equipment, or remove such Equipment and refund the purchase price. The foregoing shall not be construed to include any agreement by the Company to accept any liability whatsoever with respect to patents for inventions including more than the Equipment furnished hereunder, or patents for methods and processes to be carried out with the aid of the Equipment. The foregoing states the entire liability of the Company with regard to patent infringement.

8. Warranty: The Company warrants that new Equipment manufactured by it and delivered hereunder will be free of defects in material and workmanship for the periods of time specified in the applicable warranties of the Company for such Equipment, which are incorporated herein by reference.

The Purchaser shall be obligated to promptly report any failure to conform to the applicable warranty to the Company in writing within the applicable warranty period, whereupon the Company shall, at its option, correct such nonconformity by suitable repair to such Equipment or furnish a replacement part F.O.B. point of shipment, provided the Purchaser has stored, installed, maintained and operated such Equipment in accordance with good industry practices and has complied with specific recommendations of the Company. The Company shall not be liable for any repairs, replacements, or adjustments to the Equipment or any costs of labor performed by the Purchaser or others without the Company's prior written approval.

The effects of corrosion, erosion and normal wear and tear are specifically excluded from the Company's warranty. Performance warranties, if any, are limited to those specifically stated within the Company's proposal. Unless responsibility for meeting such performance warranties is limited to specified shop or field tests, the Company's obligation shall be to correct in the manner and for the period of time provided in the applicable warranty.

Accessories or equipment furnished by the Company, but manufactured by others, including, but not limited to, engines, tires, batteries, engine electrical equipment, hydraulic transmissions, and carriers, shall carry whatever warranty the manufacturers have conveyed to the Company and which can be passed on to the Purchaser.

THE COMPANY MAKES NO OTHER WARRANTY OR REPRESENTATION OF ANY KIND WHATSOEVER, EXPRESSED OR IMPLIED, EXCEPT THAT OF TITLE, AND ALL IMPLIED WARRANTIES, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE HEREBY DISCLAIMED.

Correction by the Company of nonconformities whether patent or latent, in the manner and for the period of time provided above, shall constitute fulfillment of all liabilities of the Company for such nonconformities, whether based on contract, warranty, negligence, indemnity, strict liability or otherwise with respect to or arising out of such Equipment.

The Purchaser shall not operate Equipment which is considered to be defective, without first notifying the Company in writing of its intention to do so. Any such use of Equipment will be at the Purchaser's sole risk and liability.

USED EQUIPMENT IS SOLD "AS IS, WITH ALL FAULTS."

9. Limitations of Liability: THE REMEDIES OF THE PURCHASER SET FORTH HEREIN ARE EXCLUSIVE, AND THE TOTAL LIABILITY OF THE COMPANY WITH RESPECT TO THIS CONTRACT OR THE EQUIPMENT AND SERVICES FURNISHED HEREUNDER, IN CONNECTION WITH THE PERFORMANCE OR BREACH THEREOF, OR FROM THE MANUFACTURE, SALE, DELIVERY, INSTALLATION, REPAIR OR TECHNICAL DIRECTION COVERED BY OR FURNISHED UNDER THIS CONTRACT, WHETHER BASED ON CONTRACT, WARRANTY, NEGLIGENCE, INDEMNITY, STRICT LIABILITY OR OTHERWISE SHALL NOT EXCEED THE PURCHASE PRICE OF THE UNIT OF EQUIPMENT UPON WHICH SUCH LIABILITY IS BASED.

THE COMPANY AND ITS SUPPLIERS SHALL IN NO EVENT BE LIABLE TO THE PURCHASER, ANY SUCCESSORS IN INTEREST OR ANY BENEFICIARY OR ASSIGNEE OF THIS CONTRACT, FOR ANY CONSEQUENTIAL, INCIDENTAL, INDIRECT, SPECIAL OR PUNITIVE DAMAGES ARISING OUT OF THIS CONTRACT OR ANY BREACH THEREOF, OR ANY DEFECT IN, OR FAILURE OF, OR MALFUNCTION OF THE EQUIPMENT HEREUNDER, WHETHER BASED UPON LOSS OF USE, LOST PROFITS OR REVENUE, INTEREST, LOST GOODWILL, WORK STOPPAGE, IMPAIRMENT OF OTHER GOODS, LOSS BY REASON OF SHUTDOWN OR NON-OPERATION, INCREASED EXPENSES OF OPERATION, COST OF PURCHASE OF REPLACEMENT POWER OR CLAIMS OF PURCHASER OR CUSTOMERS OF PURCHASER FOR SERVICE INTERRUPTION, WHETHER OR NOT SUCH LOSS OR DAMAGE IS BASED ON CONTRACT, WARRANTY, NEGLIGENCE, INDEMNITY, STRICT LIABILITY OR OTHERWISE.

10. Nuclear Liability: In the event that the Equipment sold hereunder is to be used in a nuclear facility, the Purchaser hereby releases and agrees to indemnify the Company and its suppliers for any nuclear damage, including loss of use, in any manner arising out of a nuclear incident, whether alleged to be due in whole or in part to the negligence or otherwise of the Company or its suppliers.

11. Governing Law: The rights and obligations of the parties shall be governed by the laws of the State of North Carolina excluding its conflicts of law principles. The United Nations Convention on Contracts for the International Sale of Goods shall not apply to this contract.

12. Execution: The Company shall not be bound by any contract or any modification thereto until approved in writing by an officer of the Company. The contract, when so approved, shall supersede all previous communications, either oral or written, with respect to the subject matter thereof.

TERMS AND CONDITIONS – EQUIPMENT RENTAL

1. Lessee agrees to rent the Equipment for the term and at the stipulated rental rates and to pay such rental when due irrespective of any claims, demands, set-offs, actions, suits or proceedings, that it may have or assert against Lessor.

2. From the time the Equipment is shipped from Lessor's facility, until it is returned to Lessor's designated facility, Lessee shall: (i) use the Equipment solely in the conduct of its business; (ii) use and preserve the Equipment in a careful, proper and lawful manner; (iii) at its own expense keep the Equipment in good repair, condition and working order and pay the cost of any and all parts and labor required for that purpose, using only parts manufactured or furnished by the manufacturer of the Equipment; (iv) not make any material alterations to the Equipment; (v) promptly notify Lessor of any loss of or damage to the Equipment; and (vi) assume the entire risk of loss of and damage to the Equipment, and injury or death to persons, from any cause whatsoever arising under this agreement.

3. Lessor may inspect the Equipment at all reasonable times.

4. Lessee shall report and pay to the appropriate authority any and all license fees, registration fees, assessments, charges and taxes, including penalty and interest, assessed against the Equipment due to rental or use thereof and reimburse Lessor upon request for any such amounts assessed against Lessor by reason of the rental or use of the Equipment, except for taxes payable in respect to Lessor's income.

5. Lessee shall keep the Equipment at the address specified in this agreement, and not remove it therefrom without the Lessor's prior written consent. Lessee shall not assign, sublet, or pledge any part of the Equipment or any interest in this agreement, and any attempt to do so shall constitute an act of default hereunder.

6. The Equipment shall at all times remain personal property of Lessor regardless of the degree of its annexation to any real property and shall not by reason of any annexation become a part thereof. Lessor shall retain a security interest in the Equipment in the event that the rental of the Equipment is held by a court to constitute a lease intended for security and Lessee agrees upon request to do all things and acts necessary to perfect and maintain such security interest.

7. Lessee, at its own expense, will maintain all risk insurance coverage on the Equipment for its full replacement value, and also such other insurance as Lessor may require, in amounts and under policies acceptable to Lessor, with loss payable to Lessee and Lessor as their respective interests may appear. Upon request of Lessor, Lessee shall furnish certificates of insurance evidencing such coverage. Each policy shall provide for thirty (30) days written notice to Lessor of the cancellation or material modification thereof.

8. Lessee shall promptly notify Lessor of each accident involving any Equipment, including time, place, nature of the accident or damage, and such other information as may be known; advise Lessor of all correspondence, papers, notices, or documents received; aid in the investigation and defense of all such claims; and assist in the recovery of damages, from third parties liable therefor.

9. In the event of damage to or loss, destruction or theft of the Equipment or any part thereof, Lessee shall pay to Lessor the full value of the Equipment at the time of such occurrence except to the extent that Lessor obtains proceeds of insurance covering such Equipment. Such payment may, at Lessor's option, be applied (i) to repair such Equipment, or (ii) to afford Lessee a pro rata reduction in the rental payments attributable to the lost or damaged Equipment, or (iii) to replace the Equipment with equipment of the same make and the same or later model.

10. LESSEE UNDERSTANDS THAT LESSOR MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND WHATSOEVER, EXPRESS OR IMPLIED, WITH RESPECT TO THE EQUIPMENT AND ALL IMPLIED WARRANTIES, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE HEREBY DISCLAIMED.

11. LESSOR SHALL NOT BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES OR LOSS (RESULTING FROM THE NON-DELIVERY, DELIVERY, MANUFACTURE, INSTALLATION, USE OR OPERATION OF THE EQUIPMENT, OR FROM ANY DEFECTS IN, FAILURES, MALFUNCTIONS, REPAIRS, REPLACEMENTS OR ALTERATIONS THEREOF, OR (II) WITHOUT LIMITATION, ANY OTHER LIABILITY OF ANY NATURE WITH RESPECT TO THE EQUIPMENT, OR THIS AGREEMENT OR ANY BREACH THEREOF OR ARISING OUT OF NEGLIGENCE. FURTHERMORE, LESSEE SHALL INDEMNIFY AND HOLD HARMLESS LESSOR, ITS DIRECTORS, OFFICERS, EMPLOYEES, AGENTS AND REPRESENTATIVES, FROM ANY AND ALL CLAIMS, ACTIONS, SUITS, PROCEEDINGS, COSTS, EXPENSES, DAMAGES, AND LIABILITIES, INCLUDING ATTORNEYS' FEES, ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM, THIS AGREEMENT OR THE BREACH THEREOF.

12. Upon termination of this agreement, Lessee will, at its own cost and expense, promptly return the Equipment to Lessor in the same condition as received, reasonable wear and tear and normal depreciation excepted.

13. If Lessee breaches its obligation to pay rentals when due or any of the other terms of this agreement, or if Lessee becomes insolvent or ceases to do business as a going concern, or if the Equipment or any part of it is abused, illegally used or misused, or if Lessee makes an assignment for the benefit of creditors, or if a petition in bankruptcy or for arrangement or reorganization is filed by or against Lessee, or if property of Lessee is attached or a receiver is appointed for Lessee or any of Lessee's property, or if Lessee is in default pursuant to the provisions of any other agreement by and between Lessor and Lessee, or whenever Lessor may deem the rentals or Equipment insecure, the Lessee hereby authorizes Lessor to enter, with or without legal process, any premises where the Equipment may be and take possession thereof, or at the request of Lessor, Lessee will assemble the Equipment and make the Equipment available to the Lessor, in whole or in part as requested, at such place or places designated by the Lessor. All remedies herein are cumulative and any or all such remedies may be exercised in lieu of or in addition to any remedies at law, in equity or under statute. If after default this agreement is placed with an attorney for collection of unpaid rentals or enforcement of any other right or remedy of Lessor, Lessee shall pay reasonable attorney's fees. Waiver of any default shall not be a waiver of any other or subsequent default.

14. All notices required to be given hereunder shall be in writing and shall be deemed adequately given if sent by registered or certified mail to the other party at the registered address of such other party, or at such other place as either party may designate in writing to the other party.

15. The rights and obligations of the parties shall be governed by the laws of the State of North Carolina excluding its conflicts of law principles.

16. This document and any attachments hereto constitute the entire agreement of the parties with respect to the subject matter hereof. No variation or modification of this document and no waiver of any of its provisions or conditions shall be valid unless in writing and signed by both parties.

Reference Sales Order No: _____

Customer's Initials: _____



Product Quotation

Quotation Number: 26213D026486

Date: 2017-01-27 09:30:44

Ship to	Bobcat Dealer	Bill To
City of Oroville- Public Works Attn: Cody Nissen Oroville, CA 95965 Phone: (530) 538-2490 Fax: (530) 538-2512	Bobcat of Chico,Chico,CA 1343 WEST 8TH AVENUE CHICO CA 95926 Phone: (530) 342-0118 Fax: (530) 342-8043 ----- Contact: Marc Rivas Phone: 530-624-5507 Fax: 5303432272 Cellular: 5306245507 E Mail: rentalguysales@gmail.com	City of Oroville- Public Works Attn: Cody Nissen Oroville, CA 95965 Phone: (530) 538-2490 Fax: (530) 538-2512

Description	Part No	Qty	Price Ea.	Total
P185WDO-T4F Air compressor - NJPA #98661		1	\$21,446.00	\$21,446.00
100' Double Hose Reel		1	\$0.00	\$0.00
OSHA Valve + one 2quart oiler mounted		1	\$0.00	\$0.00
100' x 3/4" hose on each reel		1	\$0.00	\$0.00
5200 lbs axle		1	\$0.00	\$0.00
Pre Delivery inspection & assembly		1	\$1,492.00	\$1,492.00
Total of Items Quoted				\$22,938.00
Sales total before Taxes				\$22,938.00
Taxes: sales tax				\$1,720.35
Quote Total - US dollars				\$24,658.35

Notes:

All prices subject to change without prior notice or obligation. This price quote supersedes all preceding price quotes. Customer must exercise his purchase option within 30 days from quote date.

Customer Acceptance: _____ **Purchase Order:** _____

Authorized Signature:

Print: _____ **Sign:** _____ **Date:** _____

Finance Worksheet

QuoteFinance



Model	P185WDO-T4F
COMPRESSOR ROTARY SCREW/SINGLE-STAGE	
Free-Air Delivery – cfm (m3/min)	185 (5.2)
Rated Operating Pressure – psig (bar)	100 (6.9)
Pressure Range – psig (bar)	80 – 125 (5.5 – 8.6)
Air Discharge Outlet Size – in (mm)	0.75 (19)
Air Discharge Outlet Quantity	2
Fuel Tank Capacity – gal (L)	27 (102)
ENGINE	
Make/Model	Doosan D24
Emissions Tier Level	Tier 4 Final (T4F)
Number of Cylinders	4
Displacement – cu in (L)	147 (2.4)
Rated Speed – rpm	2600
Idle Speed – rpm	1700
Bhp @ Rated Speed (kW)	49 (36.4)
Electrical - volts	12
Hours of Operation @ Full Load	10
DIMENSIONS WITH RUNNING GEAR	
Length – in (mm)	137.6 (3494)
Width – in (mm)	68.5 (1740)
Height – in (mm)	66 (1676)
Track Width – in (mm)	59 (1499)
Tire Size – in	15
Shipping Weight – w/o fuel – lb (kg)	2260 (1025)
Working Weight – w fuel – lb (kg)	2447 (1110)
DIMENSIONS WITHOUT RUNNING GEAR	
Length – in (mm)	88 (2235)
Width – in (mm)	49.3 (1252)
Height – in (mm)	58 (1473)
Shipping Weight – w/o fuel – lb (kg)	2035 (923)
Working Weight – w fuel – lb (kg)	2222 (1008)

Key Features

- Legendary package design offers multiple option configurations to meet your specific needs.
- Spin-on oil separation system allows for the easiest and quickest maintenance in the industry.
- Premium and intuitive control interface for ease of use.
- Fuel efficient Doosan D24 engine extends run time to over 10 hours.
- The industry’s largest and deepest, full-length toolbox provides over 8,700 cubic inches for tool and accessory storage.



**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

RE: PURCHASE OF NEW BRUSH CHIPPER

DATE: MARCH 7, 2017

SUMMARY

The Council may consider the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company.

DISCUSSION

The City's Parks & Trees Department is in need of a new brush chipper. As of the first of this year, the City is no longer able to use the existing chipper due to air quality requirements. The current chipper is a 1997 VERMEER BC1250A. Staff has received a quote from RDO Equipment Co. (partners with National Joint Powers Alliance) for the trade-in of the existing chipper and purchase of a new 2017 VERMEER BC1000XL chipper. The cost breakdown of the proposed purchase is as follows:

Description	Amount
New 2017 VERMEER BC1000XL	\$31,877.00
Freight In	\$1,500.00
Trade In Value of 1997 VERMEER BC1250A	(\$5,000.00)
Sales Tax	\$2,503.28
CA Tire TAX	\$3.50
PrePaid Tax License	\$35.00
Total:	\$30,918.78

Staff recommends that we purchase the new brush chipper through the piggyback process utilizing the NJPA. The NJPA as sold the numerous Vermeer BC1000XL models throughout the State of California within the past twelve (12) months, see attachment (Attachment C) for a list of the various local governmental agencies that purchased the specific model.

FISCAL IMPACT

Expenditure of \$30,918.78 to be paid from the Park Development Impact Fees Fund. The balance in this fund is \$130,556. Park Development Impact Fees Fund 5131-8020.

RECOMMENDATIONS

1. Authorize staff to utilize the piggyback process through the National Joint Powers Alliance regarding the request purchase of the new Vermeer BC1000XL model.
2. Approve the purchase of a new brush chipper, utilizing funds from the Park Development Impact Fees Fund, in the amount of \$30,918.78, from RDO Equipment Company.

ATTACHMENTS

- A – Quote from RDO Equipment Co.
- B – BC1000XL Brush Chipper Specifications
- C – NJPA listing of California agencies



Investment Proposal (Quote)

RDO Equipment Co.
 3980 Research Drive
 Sacramento (VM) CA, 95838
 Phone: (916) 643-0999 - Fax: (916) 643-0998

Proposal for:
 CITY OF OROVILLE
 1735 MONTGOMERY ST
 OROVILLE, CA, 959654897
 (530) 538-2410

Investment Proposal Date: 11/15/2016
Pricing Valid Until: 12/15/2016
Deal Number: 892773
Customer Account#: 2415006
Account Manager: Christopher Hugen
Phone: (916) 643-0999
Fax: (866) 306-5036
Email: CHugen@rdoequipment.com

Equipment Information

Quantity	Serial Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	1VRY11193H1024060	1	New 2017 VERMEER BC1000XL Freight In	\$31,877.00 \$1,500.00
Equipment Subtotal:				\$33,377.00

Trade Information

Serial Number	Year / Make / Model	Payoff Information	Trade In Hours	Trade In Value
1VRK15154V1001408	1997 VERMEER BC1250A	\$0.00	2251	(\$5,000.00)
Trade Subtotal:				\$5,000.00

Purchase Order Totals

Balance:	\$28,377.00
Total Taxable Amount:	\$33,377.00
Tax Rate 3: (CABU 7.5%)	\$2,503.28
Sales Tax Total:	\$2,503.28
CA Tire TAX:	\$3.50
PrePaid Tax License:	\$35.00
Sub Total:	\$30,918.78
Cash with Order:	\$0.00
Balance Due:	\$30,918.78

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	1VRY11193H1024060	2017 VERMEER BC1000XL	None

BC1000XL Brush Chipper

Overview	Specs	Images/Video	Download literature	More info
General Dimensions and Weights				
Length - Feed Table Up, Tongue In	150 "	381 cm		
Length - Table Down, Tongue Extended	198 "	502.9 cm		
Width	66.5 "	168.9 cm		
Height	101 "	256.5 cm		
Weight - Engine Option One	4680 lbs	2122.8 kg		
Tongue Weight - Engine Option One	520 lbs	235.9 kg		
Sound Power	119 dB			
Engine Option One				
Make and Model	PSI 3.0L EFI			
Number of Cylinders	4			
Gross Horsepower (Maximum)	89 hp	66.4 kw		
Torque (Max)	142 ft-lb	192.5 Nm		
Fuel Tank Capacity	20 gal	75.7 L		
Max Fuel Consumption	7.8 gph	29.5 lph		
Fuel Type	Unleaded and E10 gasoline			
Air Cleaner	2-stage dry with safety element			

Oil Filter	Spin-on	
Recommended Oil	SAE 10W30	
Oil Volume with Filter	4.5 qt	4.3 L
Maximum Angle of Continuous Operation	20 deg	
Cooling Medium	Liquid	
Coolant Capacity (Engine and Radiator)	3.6 gal	13.6 L
Alternator	70	
Fan	16.5" (41.9 cm) pusher	
Clutch Type	Clutchless PTO	
Clutch Drive Engagement	Belt tensioner	

Feed System

Feed Roller Orientation	Horizontal	
Number of Feed Rollers	1	
Feed Roller Clamp Load	350 lbs	158.8 kg
Feed Roller Minimum Distance to Drum	1 "	2.5 cm
Feed Roller Dimension	20 " x 17 " (50.8 cm x 43.2 cm)	
Number of Knives	2	
Weight of Feed Roller	400 lbs	181.4 kg
Number of Feed Roller Motors	1	
Motor Displacement	28.3	
Motor Manufacturer	White	
Feed Speed	118 ft/min	
Infeed Table Width	52 "	132.1 cm
Infeed Table Length	32 "	81.3 cm

Infeed Hopper Height	12 "	30.5 cm
Infeed Throat Capacity	12 " x 17 " (30.5 cm x 43.2 cm)	
Pinch Point - Distance to End of Feed Table	66.5 "	168.9 cm
Distance from Feed Table to Ground	26 "	66 cm
Infeed Table Material Thickness	.2 "	.5 cm

Safety System

Bottom Feed Stop Bar	Standard	
Bottom Feed Stop Bar Diameter	2 "	5.1 cm
Bottom Feed Stop Bar Material Thickness	11 GA	
Actuation Force (BFSB)	34 lbs	15.4 kg
Normal Sensitivity	22 deg	
Reduced Sensitivity	12 deg	
Reset Method	Green hold-to-run button	
Four Position Feed Control Bar	Standard	
Positions	4: E-stop, forward, neutral, and reverse	
Actuation Force	34 lbs	15.4 kg
Green Hold to Run Button	Standard	

Drum/Disc Cutting System

Material Capacity	12 "	30.5 cm
Thickness	20 "	50.8 cm
Diameter	20 "	50.8 cm
Speed	2220 rpm	
Weight With Shaft	460 lbs	208.7 kg

Safety Lock - Number of Positions	2	
Number of Knives	2	
Knife Thickness	.6 "	1.6 cm
Material	A8 chipper steel	
Useable Edges	2	
Knife Size	0.63 " x 4.5 " x 9 " (1.6 cm x 11.4 cm x 22.9 cm)	
Number of Bolts/Knife	4	
Replaceable Threaded Knife Block	Yes	
Number of Paddles	5	
Fixture Method	Weld-on	
Air Flow	580 cfm	
Bedknife Size	3.5 " x 17.3 " (8.9 cm x 43.8 cm)	
Bedknife Thickness	1 "	2.5 cm
Bedknife Material	1018	
Bedknife - Number of Useable Edges	4	

Cutter Drive Components - Engine Option One

Number of Bearings	2	
Bore	2.4 "	6.1 cm
Type	Spherical rollers	
Manufacturer	Linkbelt	
Dynamic Capacity	31400 lbs	14242.8 kg
Static Capacity	53500 lbs	24267.2 kg
Belt Idler/Tensioner	Yes	

Belt Type	5V	
Discharge System		
Chute Height	101 "	256.5 cm
Chute Rotation Angle	270 deg	
Rotation Type	Manual rotate with pin lock	
Rotational Lock	Yes	
Hydraulic System		
Tank capacity	7 gal	26.5 L
Recommended Oil Type	Vermeer VMF	
System Type	Open center	
Filtration Method	10 micron return; 100 micron suction	
Pump Flow at Maximum RPM	3 gpm	11.4 L/min
System relief pressure	2500 psi	172.4 bar
Flow Control	No	
Directional Control	Yes	
Oil Cooler	No	
Electrical System		
System Voltage	12 volt	
Battery	Group 24; 580 CCA	
Standard Gauges	Fuel and MFD	
Deluxe Gauges	Standard	
Switches	Droop, Ecolde, and Sensitivity	
Controller	Vermeer ACS	

Display	In countries that drive on the left side of the road versus the right side of the road, moving these controls over to the left side moves the operator off of the traffic side of the road.
Shutdown System	High temp, low pressure
Radio Remote Control	No

Chassis

Frame Description	7" (17.8 cm) Z channel; .25" (0.6 cm) thickness
Tongue Description	2.5" x 4.5" x .25" (6.4 cm x 11.4 cm x .6 cm)
Tongue Extension	Extendable 24" (61 cm) at 12" (30.5 cm) increments
Hitch Type	Pintle
Fender Description	Bolt-on steel
Axle/Suspension	Torsion
Type - Option One	Rubber torsional
Manufacturer - Option One	Dexter
Capacity - Option One	5200 lb (2358.7 kg)
Tires - Option One	ST235/80/R16 Load Range E
Wheels - Option One	16 " x 6 " (40.6 cm x 15.2 cm)
Axle/Suspension - Option Two	Torsion
Type - Option Two	Rubber torsional
Manufacturer - Option Two	Dexter

Capacity - Option Two	7000 lb (3175.2 kg)
Tires - Option Two	ST235/80R16 Load Range E
Wheels - Option Two	16 " x 6 " (40.6 cm x 15.2 cm)
Brake Type	Standard electric or optional hydraulic
Trailer Light Type	LED
Other Options	
Special Paint	Optional
Extended Warranty	Optional
Preventive Maintenance	Optional

Find my Vermeer dealer

Select your industry

Industry	▼
Country	▼

Find your local Vermeer dealer

- | | | |
|--|--|--|
| Home (/EM/en/N) | News (/EM/en/N/newscenter) | Careers (/EM/en/N/careers) |
| Equipment (/EM/en/N/equipment) | Support (/EM/en/N/support) | Contact us (/EM/en/N/support/contact_us) |
| Parts and service (/EM/en/N/parts_and_service) | About us (/EM/en/N/about_us) | Video library (/EM/en/N/video_library) |

Find your local Vermeer dealer (/EM/en/N/dealer_locator)



(https://www.facebook.com/vermeercompany/4784
 (https://www.facebook.com/vermeercompany/4784
 fref=ts) hl=en) trk=tyah&trkInfo=clickedVertical%
 3Acompany%
 2CclickedEntityId%
 3A47843%
 2Cidx%
 3A2-2-
 10%
 2CtarId%
 3A1474319070765%
 2Ctas%
 3Avermeer)



Vermeerused.com (<http://vermeerused.com>) | Vermeerstore.com (<http://vermeerstore.com>)
 | Borestore.com (<http://borestore.com>) | Makin hay.com (<http://makin hay.com>) | Vermeergear.com
 (<http://www.vermeergear.com>)

Copyright © 2016. Vermeer Corporation. All Rights Reserved. | [Privacy policy \(/EM/en/N/privacy\)](#) | [Conditions of use \(/EM/en/N/terms_conditions\)](#) | [Patents \(/EM/en/N/patents\)](#) | [Dealer login \(https://www2.vermeer.com\)](https://www2.vermeer.com)

Associated Vendor	Status Re	Total Amount	Customer	Accounting Date	Description	Member Entity (Custo
Vermeer Corporation	New	20,985.00	Mountain View School Dist	5/31/2015	BC900XL #502	Public K-12
Vermeer Corporation	New	46,492.00	City of Downey	5/31/2015	SC802 #1320	City
Vermeer Corporation	New	64,760.46	County of Butte - Public W	5/31/2016	BC1500 #8099	County
Vermeer Corporation	New	36,854.00	California State University	5/31/2016	BC1000XL #23082	Higher Education
Vermeer Corporation	New	33,377.00	City of Pismo Beach	5/31/2016	BC1000XL #23062	City
Vermeer Corporation	New	36,405.00	City of Baldwin Park	8/31/2016		City
Vermeer Corporation	New	22,560.00	City of Dinuba	8/31/2016		City
Vermeer Corporation	New	31,877.00	City of Pismo Beach	8/31/2016		City
Vermeer Corporation	New	33,377.00	County of Santa Barbara	8/31/2016		County
Vermeer Corporation	New	34,440.00	County of Santa Barbara	8/31/2016		County
Vermeer Corporation	New	31,877.00	California State University	8/31/2016		Higher Education
Vermeer Corporation	New	16,395.00	City of Clovis - Police Depa	11/30/2016	SC292 #762 W/TRL	City
Vermeer Corporation	New	22,560.00	South Bay School District	11/30/2016	BC900XL #2209	Public K-12
Vermeer Corporation	New	67,138.00	City of Merced	7/31/2015	VX50-500LT #2842	City
Vermeer Corporation	New	31,804.00	Kern High School District	7/31/2015	SC372 #952	Public K-12
Vermeer Corporation	New	31,877.00	City of La Mesa	10/31/2015	BC1000XL #22532	City
Vermeer Corporation	New	58,041.00	City of Lemoore	10/31/2015	BC1500 #6301	City
Vermeer Corporation	New	14,346.00	City of Paso Robles	10/31/2015	BC700XL #761	City
Vermeer Corporation	New	39,162.00	City of Saint Helena	10/31/2015	BC1000XL #22257	City
Vermeer Corporation	New	57,015.00	County of Orange - Public	10/31/2015	BC1500 #6631	County
Vermeer Corporation	New	57,015.00	County of Orange - Public	10/31/2015	BC1500 #6655	County
Vermeer Corporation	New	52,641.00	Mariposa County Fire Safe	10/31/2015	BC1500 #6233	Not for Profit
Vermeer Corporation	New	38,194.48	Nevada Irrigation District	10/31/2015	BC1000XL #22559	Special District
Vermeer Corporation	New	50,834.00	Reedley Community Colled	10/31/2015	BC1500 #6311	Higher Education
Vermeer Corporation	New	35,335.00	City of Atherton - Utility Bill	11/30/2015	BC1000XL #22553	City
Vermeer Corporation	New	443,168.00	County of Calaveras - Pub	2/29/2016	TG5000 #1002	County
Vermeer Corporation	New	60,251.00	City of Vallejo	2/29/2016	BC1500 #8006	City
Vermeer Corporation	New	33,377.00	County of Tulare	2/29/2016	BC1000xl #23060	County
Vermeer Corporation	New	37,971.24	County of Sonoma	2/29/2016	BC1000XL #22291	County
Vermeer Corporation	New	22,141.00	Vista Unified School Distric	2/29/2016	BC900XL #2089	Public K-12

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

RE: DISPOSAL OF SURPLUS VEHICLES AND EQUIPMENT

DATE: MARCH 7, 2017

SUMMARY

The Council will consider declaring decommissioned vehicles and equipment as surplus for their disposal through auction and/or trade-in value.

DISCUSSION

The City's mechanic shop has several vehicles and equipment that are currently decommissioned. The shop would like to surplus the following vehicles and equipment:

Asset #	Department	Item
38	Parks	Ford Pickup
49	Parks	Brush Chipper
96	Streets	Ingersoll-Rand Air Compressor Trailer
215	Police	Patrol Car
216	Police	Patrol Car
223	Police	Patrol Car
229	Police	Patrol Car (totaled)

All vehicles and equipment listed above have been decommissioned and are parked in the corporation yard. In the past the City has used www.bidcal.com located in Chico to auction surplus vehicles and equipment. The City's mechanic has concerns that the longer the vehicles and equipment sit the less likely they are to run which will mean lower values at auction. The brush chipper has a \$5,000 trade-in allowance towards purchase of a new chipper. Being that the chipper is not legal to operate in California, it is unlikely that it would sell for more at auction.

FISCAL IMPACT

The City will receive revenues from the public auction of the surplus vehicles and equipment, and \$5,000 trade-in value of the brush chipper towards the purchase of a new chipper.

RECOMMENDATIONS

1. Declare the vehicles and equipment identified in the March 7, 2017 staff report as surplus and authorize the items to be auctioned off.
2. Utilize the \$5,000 trade-in value of the City's old brush chipper towards the purchase of a new brush chipper.

ATTACHMENTS

- A – #38: Parks Dept. Ford Pickup
- B – #49: Parks Dept. Brush Chipper
- C – #96: Streets Dept. Air Compressor
- D – #215 Police Dept. Patrol Car
- E – #216 Police Dept. Patrol Car
- F – #223 Police Dept. Patrol Car
- G – #229 Police Dept. Patrol Car (totaled)



**#38 PARK'S
1990 FORD F250**



**#49 PARK'S
1998 VERMEER CHIPPER**



#96 STREET

1982 INGERSOLL RAND AIR COMPRESOR



**#215 POLICE
2001 FORD CROWN VICTORIA**



**#216 POLICE
2001 FORD CROWN VICTORIA**



**#223 POLICE DEPT.
2003 FORD CROWN VICTORIA
V.I.N.#2FAHP71W23X171306
LIC.#1178192**



K-9

CITY OF BROOKVILLE

229

KEEP BACK

AIR

POLICE

**STAFF REPORT
OROVILLE CITY COUNCIL**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III
BUSINESS ASSISTANCE & HOUSING DEV. DEPARTMENT
DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: FORECLOSURE OF CITY PROPERTY LOCATED AT 3085
FLORENCE AVE.**

DATE: MARCH 7, 2017

SUMMARY

The Council may consider initiating foreclosure proceedings related to the City of Oroville's security interest in the Deed of Trust against the property located at 3085 Florence Avenue, Oroville.

DISCUSSION

Staff is seeking authorization from the Council to take action by initiating foreclosure on the property located at 3085 Florence Avenue. The current property owner obtained loans through the City's First Time Home Buyer Program.

The City is currently in 1st lien position and is the only lienholder for 3085 Florence Avenue. In 2006, the City-owned home was purchased from the City for \$210,000. The property owners received two loans from the City of Oroville; \$115,500 from the Oroville Redevelopment Agency (RDA) and \$94,500 from Community Development Block Grant (CDBG Program Income Funds).

The homeowners have not made a payment since June 17, 2016. As of February 1, 2017, the current delinquent amount owed is \$4,867.82. Additionally, in December, 2016, the City was notified by AAA that the homeowners insurance policy had been canceled due to none payment. There are also unpaid property taxes in the amount of \$2,824.81 and an unpaid garbage bill for \$308.00. The City has made several attempts to contact the property owners, as of March 3, 2017, staff has been unable to resolve the delinquencies.

If the Council authorizes staff to secure the City's interest in this property; staff is proposing that the property be used to promote home ownership opportunities in the City of Oroville.

FISCAL IMPACT

There are funds available in the 2016/17 Fiscal Year budget for the Housing Program Fund. (7011-7040-1418910) Approximate costs associated with the foreclosure are as follows:

Foreclosure fees, title and escrow:	\$4,000
Delinquent property taxes:	\$2,826 plus fees and penalties
<u>Property Clean-up:</u>	<u>\$1,500</u>
Approximate Total	\$8,326

RECOMMENDATION

Adopt Resolution No. 8587 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 3085 FLORENCE AVENUE, OROVILLE (APN 013-225-023).

ATTACHMENTS

A - Resolution No. 8587

**CITY OF OROVILLE
RESOLUTION NO. 8587**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 3085 FLORENCE AVENUE, OROVILLE (APN 013-225-023)

NOW THEREFORE, be it hereby resolved by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute all documents and any amendments thereto necessary to initiate and complete foreclosure proceedings on 3085 Florence Avenue, Oroville, California; and
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 7, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III (530) 538-2584
BUSINESS ASSISTANCE & HOUSING DEVELOPMENT DEPARTMENT
DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: ISSUANCE OF TAX EXEMPT BONDS FOR THE SIERRA HEIGHTS
APARTMENTS**

DATE: MARCH 7, 2017

SUMMARY

The Council will conduct a public hearing relating to the issuance of tax exempt bonds for the senior housing project, Sierra Heights Apartments, and a resolution approving the issuance of bonds.

DISCUSSION

Willow Partners (the “Borrower”) has requested that the California Statewide Communities Development Authority (“CSCDA”) serve as the municipal issuer of tax-exempt senior multi-family housing revenue bonds in an aggregate principal amount not to exceed \$15,000,000 (the “Bonds”). The proceeds of the Bonds will be used for the purpose of making a loan to the Borrower, to enable the Borrower to finance the acquisition, construction and equipping of a 52-unit affordable senior multifamily housing rental project located at the corner of Executive Parkway, and Hillview Ridge Lane, Oroville, California (the “Project”), which will be owned and operated by the Borrower.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Oroville (“City”) must conduct a public hearing, the Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing, providing the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Adoption of the resolution is solely for the purposes of satisfying the requirements of the TEFRA, the Internal Revenue Code and the California Government Code Section 6500 (and following). Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an “applicable elected representative” of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project. A public notice was published on February 21, 2017 (Exhibit A).

CSCDA is a joint powers authority sponsored by the League of California Cities ("League") and the California State Association of Counties ("CSAC"). CSCDA was created by the League and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. CSCDA is comprised of more than 530 members, including the City of Oroville. CSCDA has issued more than \$60 billion through 1,400 plus financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

FISCAL IMPACT

There is no fiscal impact to the City. The Bonds will be issued as limited obligations of CSCDA, payable solely from revenues and receipts derived from a loan to be made by CSCDA to the Borrower with the Bond proceeds. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance and is not named in any of the disclosure documents describing the Bonds or the proposed financing.

RECOMMENDATION

Adopt Resolution No. 8588 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, NOT TO EXCEED \$15,000,000, FOR THE BENEFIT OF WILLOW PARTNERS, TO PROVIDE FINANCING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A 52-UNIT SENIOR MULTIFAMILY RENTAL HOUSING PROJECT, GENERALLY KNOWN AS SIERRA HEIGHTS APARTMENTS.

ATTACHMENTS

- A – Resolution No. 8588
- B – Public Hearing Notice

**CITY OF OROVILLE
RESOLUTION NO. 8588**

A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, NOT TO EXCEED \$15,000,000, FOR THE BENEFIT OF WILLOW PARTNERS, TO PROVIDE FINANCING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A 52-UNIT SENIOR MULTIFAMILY RENTAL HOUSING PROJECT, GENERALLY KNOWN AS SIERRA HEIGHTS APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the “Agreement”), among certain local agencies throughout the State of California, including the City of Oroville (the “City”), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, WP Sierra Heights Apartments, LP or a partnership created by Willow Partners, LLC (the “Developer”), consisting at least of the Developer or a related person to the Developer and one or more limited partners, has requested that the Authority adopt a plan of financing providing for the issuance of multifamily housing revenue bonds (the “Bonds”) in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$15,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 52-unit senior multifamily rental housing project located at the corner of Executive Parkway and Hillview Ridge Road (APN: 013-290-048), Oroville, California, generally known as Sierra Heights Apartments (the “Project”) and operated by Buckingham Property Management; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the “applicable elected representative” of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this “City Council”) are the applicable elected representatives of the City of Oroville (the “City”); and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

IT IS NOW THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF OROVILLE AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitutes approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. This resolution shall take effect immediately upon its passage.

Section 5. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on March 7, 2017, by the following vote:

/

/

/

/

/

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

ATTACHMENT "B"

these resources, if any, you may call

**NOTICE OF PUBLIC HEARING
REGARDING ISSUANCE OF
MULTIFAMILY HOUSING REVENUE BONDS FOR
SIERRA HEIGHTS APARTMENTS**

NOTICE IS HEREBY GIVEN that, at 6:00 p.m., or as soon thereafter as the matter can be heard, on Tuesday, March 7, 2017, at the Council Chambers, 1735 Montgomery Street, Oroville, California, the City Council of the City of Oroville (the "City") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$15,000,000 in outstanding aggregate principal amount, to finance the acquisition, construction and development of a 60-unit senior multifamily rental housing project located at the corner of Executive Parkway and Hillview Ridge Road (APN: 013-290-048), Oroville, California. The facilities are to be owned by WP Sierra Heights Apartments, LP (the "Borrower") or a partnership created by Willow Partners, LLC (the "Developer"), consisting at least of the Developer or a related person to the Developer and one or more limited partners, operated by Buckingham Property Management, and are generally known as Sierra Heights Apartments (the "Project").

Those wishing to comment on the proposed financing and the nature and location of the Project may either appear in person at the public hearing or submit written comments, which must be received by the City prior to the hearing. Written comments should be sent to City of Oroville at 1735 Montgomery Street, Oroville, California 95965, Attention: City Clerk.

**CITY CLERK
CITY OF OROVILLE**

Dated: February 21, 2017
Publish: Feb. 21, 2017

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

RE: OROVILLE SUSTAINABLE CODE UPDATES (1st READING)

DATE: MARCH 7, 2017

SUMMARY

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

BACKGROUND

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

The City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. Since that time, the City had been proceeding with several key steps to implement the updated General Plan through various efforts including this sustainable code update. Please see **Attachment A** for additional details regarding the Sustainable Code Updates and the planning process.

DISCUSSION

At the time Oroville Sustainable Code Updates and certification of the Final Supplemental Environmental Impact Report (FSEIR) were adopted, they were adopted

by resolution (Resolution No. 8344). This created complications in the recodification of the City's Municipal Code as amendments to the Municipal Code must take place by the adoption of an ordinance. Thus, the approvals that took place on March 31, 2015 under resolution have not been reflected in the City's Municipal Code. The proposed action is not asking the Council to adopt or approve any documents or regulatory language not currently being implemented. The re-adoption of the "Oroville Sustainable Code Updates" under ordinance is for the purpose of ensuring that the Oroville Municipal Code is properly formatted to reflect the actions of the Council.

ENVIRONMENTAL REVIEW

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

FISCAL IMPACT

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

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

RECOMMENDATION

Waive the first reading, and introduce by title only, Ordinance No. 1819 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS "OROVILLE SUSTAINABLE CODE UPDATES," CERTIFYING THE FINAL

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS AND ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM.

ATTACHMENTS

- A – March 31, 2015 Council Staff Report & Attachments
- B – Resolution No. 8344
- C – Ordinance No. 1819
- D – Newspaper Notice

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
LUIS A. TOPETE, ASSOCIATE PLANNER (530) 538-2408
COMMUNITY DEVELOPMENT DEPARTMENT**

RE: OROVILLE SUSTAINABLE CODE UPDATES

DATE: MARCH 31, 2015

SUMMARY

The Council will conduct a public hearing to review and consider the proposed Oroville Sustainable Code Updates and certification of the Final Supplemental Environmental Impact Report (FSEIR).

The new/amended documents collectively referred to as the "Oroville Sustainable Code Updates," includes updates to the City's Zoning Ordinance to bring it into conformance with the 2030 General Plan, changes to the Zoning Map to bring it into conformance with the City's 2030 General Plan land use designations, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, a new Climate Action Plan (CAP), a new Balanced Mode Circulation Plan (BMCP), targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, and other updates to the Oroville Municipal Code, including revisions to the solar energy ordinance, local and healthy food amendments, development incentives for community benefits, inclusion of Crime Prevention Through Environmental Design (CPTED) principles, park provision standards, and a new oak tree loss mitigation ordinance.

BACKGROUND

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

On January 3, 2012, the Council authorized City staff to apply for the Strategic Growth Council's (SGC) 2nd round of Planning Grants. The grant is being funded by The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (or Proposition 84). Round 2 appropriated \$90 million for State Planning Grants. On February 15, 2012, the City successfully submitted its grant application. On July 1, 2012, the City was notified that its grant application was awarded \$390,000 by the State Strategic Growth Council.

CC-1

On October 3, 2012, the Request for Proposal (RFP) was made public for the grant work that was awarded. On November 26, 2012, the City received five proposals from the following planning consultant firms: Atkins, PMC, AECOM, The Planning Institute, and The Planning Center DC&E. Of the five consultants, three were interviewed on February 7, 2013. On March 5, 2013, the Oroville City Council adopted Resolution No. 8044 authorizing the City Administrator to execute an agreement on behalf of the City with PlaceWorks (formerly the Planning Center DC&E) for contract planning services for the work associated with the City awarded SGC Planning Grant.

COMMUNITY OUTREACH

In an effort to make this an inclusive process, the following community outreach efforts have taken place:

Date	Time	Location	Audience
09/25/2013	6:00pm to 8:00pm	Centennial Cultural Center at 1931 Arlin Rhine Memorial Dr	Community-Wide Meeting
10/16/2013	8:00am to 9:00am	Bird Street Café International Room at 1435 Myers St	Oroville Downtown Business Association
12/10/2013	10:00am to 11:00am	Lake Oroville Visitors Center at 917 Kelly Ridge Rd	Tourism Committee
03/18/2014	9:00am to 12:00pm	Tahoe Room at 202 Mira Loma Dr	Mobile 4 Health Work Group of the Greater Oroville Area
04/16/2014	8:00am to 9:00am	Bird Street Café International Room at 1435 Myers St	Oroville Downtown Business Association
05/22/2014	4:00pm to 8:30pm	Centennial Cultural Center at 1931 Arlin Rhine Memorial Dr	1 st Community-Wide Public Scoping Meeting for the SEIR
06/19/2014	4:00pm to 7:00pm	Centennial Cultural Center at 1931 Arlin Rhine Memorial Dr	2 nd Community-Wide Public Scoping Meeting for the SEIR

On February 27, 2015, the City held a joint City Council / Planning Commission workshop to review the draft documents that were out for public review as part of the Oroville Sustainable Code Update. The consultant and City staff presented an overview of the information contained in all the proposed documents and answered questions. A summary of the edits to each document suggested by the Councilmembers and/or Commissioners at this meeting are identified in **(Attachment J)**.

Press releases have been sent out regarding community-wide meetings and availability of draft documents. The draft documents have been placed on the City’s website and several reviewing agencies have received notice of the completion of the environmental document with a copy of the Draft SEIR transmitted for review and comments **(Attachment L)**.

COMMENTS RECEIVED

The public drafts of all documents have been prepared and were made public on Friday, January 30, 2015 on which the Draft SEIR forty five (45) day public review period began, ending on Monday, March 16, 2015. During the 45 day public review period the City received two (2) separate comments from:

- (1) Central Valley Regional Water Quality Control Board; and
- (2) California Department of Transportation (Caltrans) District #3.

The comment letters and City responses are found in Final SEIR which has been provided to the two commenting agencies (**Attachment I**).

ENVIRONMENTAL REVIEW

The adopted Oroville 2030 General Plan was reviewed according to the California Environmental Quality Act (CEQA) statute and guidelines. A programmatic Draft Environmental Impact Report (2008 Draft EIR) was completed on March 31, 2008, sent to the State Clearinghouse, and reviewed by local, State, and federal agencies and the general public during the review period. A Final EIR including responses to comments was published on March 31, 2009. The Final EIR was certified by the Oroville City Council on June 2, 2009 (2009 EIR).

The Oroville Sustainable Code Updates must also be reviewed according to the CEQA statute and guidelines. CEQA guidelines §15162 and §15163 contain provisions regarding Supplemental EIRs, and when they may be used in place of a full EIR or Subsequent EIR. According to CEQA guideline §15162, a Subsequent EIR shall be prepared if changes are made to a project following certification of an EIR. According to CEQA guideline §15163, a Supplemental EIR may be prepared in lieu of a Subsequent EIR if only minor changes would be needed to make the previous EIR adequately apply to the revised project. The changes contained in the Oroville Sustainable Code Updates do not significantly change the analysis of the 2030 General Plan in the 2009 EIR. Therefore, an EIR has been prepared as a Supplemental EIR (SEIR).

The purpose of the SEIR is to inform the general public and decision makers of any changes to the environmental impacts of the 2030 General Plan caused by the 2030 General Plan (the "Approved Project" in this SEIR), in combination with the Oroville Sustainable Code Updates ("Modified Project" in this SEIR). The SEIR looks at the differences between the Modified Project and the Approved Project and evaluates whether the impacts would be increased or reduced, and how they would differ. Baseline conditions and regulatory information that were reported in the 2008 Draft EIR are updated as appropriate in the SEIR; the baseline also now includes the adopted 2030 General Plan. Where new impacts and mitigation measures are listed, they are numbered sequentially to the numbering in the 2009 EIR.

Some environmental regulations and guidelines have changed since the original EIR was prepared. In May 2010, new CEQA guidelines were adopted, including more specific questions for analysis of greenhouse gas (GHG) emissions and a new question regarding forestland conversion, among others. Therefore, the SEIR updates the thresholds to reflect the current CEQA guidelines, although only the changes between the Approved and Modified Project are evaluated against these thresholds, as discussed above.

As a Program EIR, the SEIR is not project-specific. It does not evaluate the impacts of specific projects that may be proposed under the 2030 General Plan and Oroville Sustainable Code Updates. Such projects will require separate environmental review to secure the necessary discretionary development permits. While future environmental review may be tiered off the SEIR, the SEIR is not intended to address impacts of individual projects.

FISCAL IMPACT

The work is primarily being funded by The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, or Proposition 84, of which the City was awarded \$390,000 by the state Strategic Growth Council. The consultant's agreement with the City for the completion of the work is in an amount not to exceed \$329,321, of which \$318,004 is being paid for by the grant. The remaining \$11,317 has been approved by the City Council for payment through the General Fund (Resolution No. 8250 and 8324) for additional services requested by the City outside the original scope of work.

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, \$3,119.75 (\$3,069.75 Filing Fees + \$50 County Clerk Process Fee) are payable by the project applicant (City of Oroville) to file the Notice of Determination with Butte County within five working days of approval of this project by the City Council. This will be a \$3,119.75 impact to the General Fund.

RECOMMENDATION

Adopt Resolution No. 8344 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS THE “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZING THE EXPENDITURE FOR THE FILING OF THE NOTICE OF DETERMINATION.

ATTACHMENTS

- A – Resolution No. 8344
- B – Oroville 2030 General Plan
- C – Climate Action Plan
- D – Balanced Mode Circulation Plan
- E – Design Guidelines
- F – Municipal Code Updates
- G – Zoning Map Updates
- H – Draft Supplemental Environmental Impact Report
- I – Final Supplemental Environmental Impact Report
- J – City Council and Planning Commission Comments from 2/27/15 Workshop
- K – Planning Commission Recommended Changes 03/23/15
- L – Notice of Completion & Environmental Document Transmittal
- M – Newspaper Notice

**CITY OF OROVILLE
RESOLUTION NO. 8344**

A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS THE “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZING THE EXPENDITURE FOR THE FILING OF THE NOTICE OF DETERMINATION

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

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

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

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

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

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

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

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

WHEREAS, all proposed amendments (2030 General Plan; Design Guidelines; Municipal Code Updates; Zoning Map) and new documents (Balanced Mode Circulation

Plan; Climate Action Plan) collectively referred to as the "Oroville Sustainable Code Updates" were circulated for a 45-day review period along with the Supplemental EIR from January 30, 2015 to March 15, 2015; and

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

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

WHEREAS, at a noticed public hearing, the City Council 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 the City's staff report regarding the project.

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Oroville City Council has independently reviewed and evaluated the CEQA Findings of Fact and the Statement of Overriding Considerations referenced and attached to this resolution as Exhibit A, and has determined that the Final Supplemental EIR for the Oroville Sustainable Code Updates identifies significant environmental effects associated with this project that will remain significant and unavoidable despite the adoption of all feasible mitigation measures.
2. The information and analysis contained in the Final Supplemental EIR reflects the City's independent judgment as to the environmental consequences of the proposed project.
3. The City Council finds that the Final Supplemental EIR has been completed in compliance with the CEQA statute and guidelines.
4. The City Council, having final approval authority over the project, hereby adopts and certifies as complete and adequate the Final Supplemental EIR, which reflects the City Council's independent judgment and analysis.
5. The City Council hereby adopts the evidence set forth in the amended Findings of Fact and Statement of Overriding Considerations (attached and incorporated as Exhibit A), the staff reports, the Final Supplemental EIR, the evidence and testimony presented, and other information in the record, and has determined that specific economic, social, technical or other considerations render significant effects acceptable, as permitted by CEQA Section 21081 and CEQA Guideline Section 15093.
6. The City Council hereby adopts the amended Mitigation Monitoring and Reporting Plan as specified in the Supplemental EIR. The Council finds that

these mitigation measures are fully enforceable conditions.

7. The City Council hereby authorizes the expenditure of \$3,119.75 from the General Fund to file the Notice of Determination with Butte County within five working days of approval of this project by the Council.
8. The City Council hereby adopts all proposed amendments (2030 General Plan; Design Guidelines; Municipal Code Updates; Zoning Map) and new documents (Balanced Mode Circulation Plan; Climate Action Plan) collectively referred to as the "Oroville Sustainable Code Updates," with all recommended changes made by the Planning Commission and City Council at the February 27, 2015 public meeting and all recommended changes made by the Planning Commission at their March 23, 2015 public meeting.

.....
PASSED AND ADOPTED by the Oroville City Council at a special meeting held on March 31, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

Exhibits

A – Findings of Fact and Statement of Overriding Considerations

EXHIBIT "A"

***"FINDINGS OF FACT &
STATEMENT OF
OVERRIDING
CONSIDERATIONS"***

**WILL BE RECEIVED
UNDER SEPARATE
COVER**

Oroville 2030 General Plan



for the City of Oroville

Public Review Draft | January 30, 2015

City of Oroville Community Climate Action Plan

Public Draft

January 2015



Prepared by:

ICF International
with assistance from PlaceWorks and Fehr & Peers





OROVILLE

BALANCED MODE CIRCULATION PLAN



PLACEWORKS

JANUARY 30, 2015

CITY OF OROVILLE DESIGN GUIDELINES

Public Review Draft
January 2015

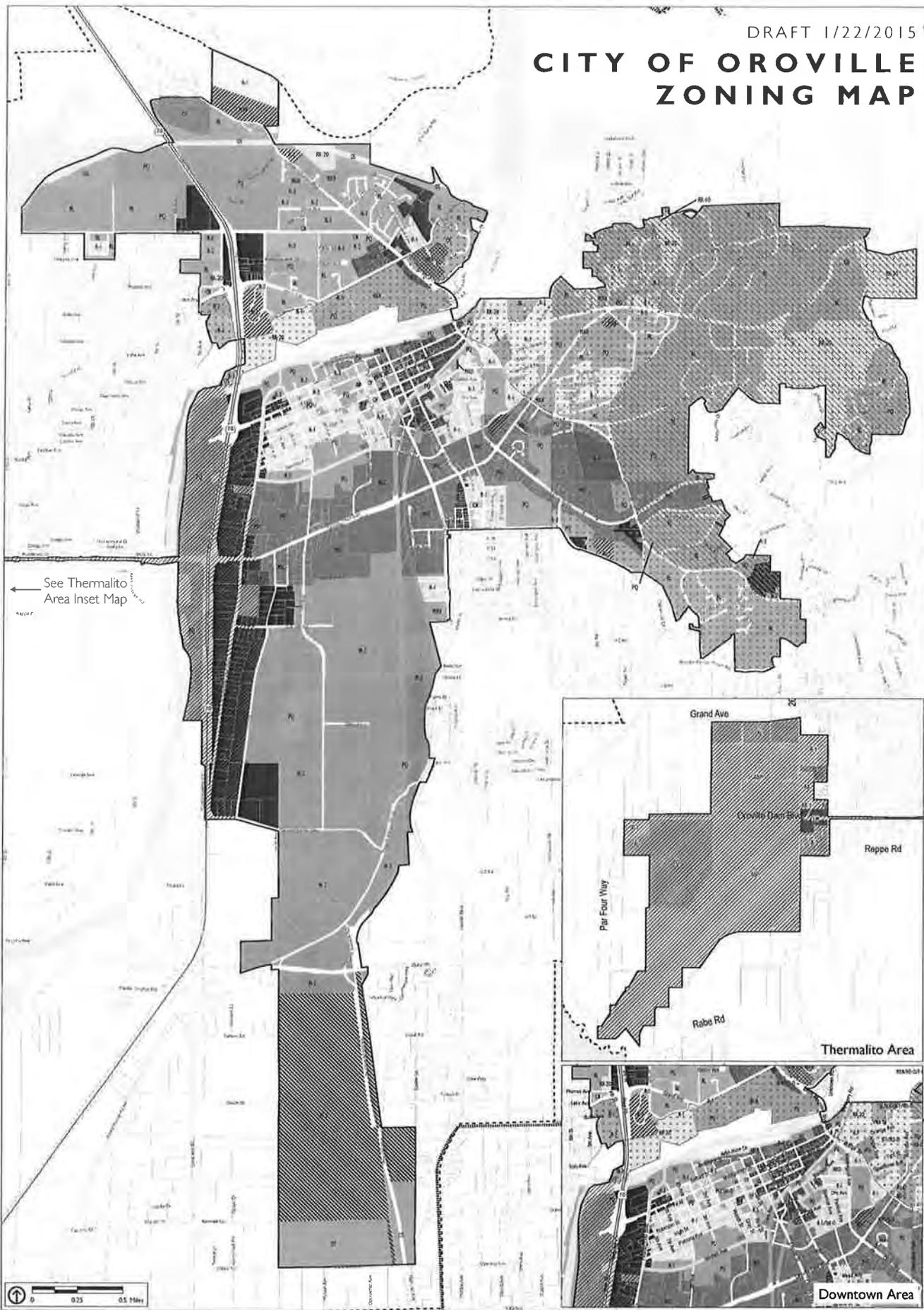
Oroville Municipal Code Updates



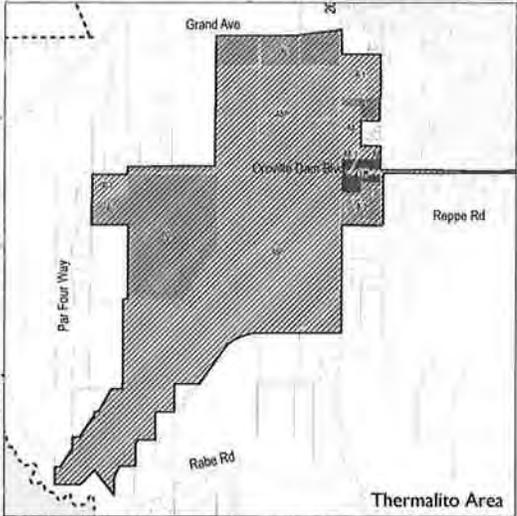
for the City of Oroville

Public Review Draft | January 30, 2015

CITY OF OROVILLE ZONING MAP



← See Thermalito Area Inset Map



Thermalito Area



Downtown Area

Residential Districts

- Agricultural Residential (RA)
- Rural Residential 1 Acre (RR-1)
- Rural Residential 20,000 Square Feet (RR-20)
- Rural Residential 10,000 Square Feet (RR-10)
- Large-Lot Residential (RL)
- Single-Family Residential (R-1)

Medium-Density Residential (R-2)

- High Density Residential (R-3)
- Urban Density Residential (R-4)
- High Density Residential/Professional (RP)

Commercial and Mixed Use Districts

- Neighborhood Commercial (CN)
- Limited Commercial (C-1)
- Intensive Commercial (C-2)
- Highway Commercial (CH)
- Commercial Light Manufacturing (CLM)
- Office (OF)
- Downtown Fixed Use (FDX)
- Neighborhood Mixed Use (NDX)
- Corridor Mixed Use (CDX)

Industrial Districts

- Airport Business Park (ABP)
- Intensive Industrial (I-1)

Special Purpose Districts

- Public or Quasi-Public Facilities (PQ)
- Open Space (OS)

Overlay Districts

- Historic Development Overlay (HDO)
- Planned Development Overlay (PDO)
- Downtown Historic Overlay (DHO)
- Airport Influence Area Overlay (AIA)
- Mini-Storage Overlay (MSO)
- Conditional Overlay (CO)
- Foothill Overlay (FO)
- Professional Office Overlay (POO)
- Specific Plan Area Overlay (SPA)

January 30, 2015



Oroville Sustainability Updates Draft Supplemental EIR

for the City of Oroville

State Clearinghouse #2014052001

March 20, 2015



Oroville Sustainability Updates Final Supplemental EIR

for the City of Oroville

State Clearinghouse #2014052001

March 20, 2015

Oroville Sustainability Updates Final Supplemental EIR

for the City of Oroville

State Clearinghouse #2014052001

Prepared By:

PlaceWorks

1625 Shattuck Avenue, Suite 300

Berkeley, California 94709

510.848.3815

510.848.4315 (f)

In Association With:

Fehr & Peers Associates

ICF International



TABLE OF CONTENTS

1. INTRODUCTION	1-1
2. REPORT SUMMARY	2-1
3. LIST OF COMMENTERS	3-1
4. COMMENTS AND RESPONSES	4-1

CITY OF OROVILLE
OROVILLE SUSTAINABILITY UPDATES
FINAL SEIR
TABLE OF CONTENTS

List of Tables

Table 2-1 Summary of Impacts and Mitigation Measures 2-4

I INTRODUCTION

A. Purpose of the Environmental Impact Report

This document provides responses to comments received on the Draft Supplemental Environmental Impact Report (SEIR) for the proposed Oroville Sustainability Updates. The Draft SEIR identified significant impacts associated with the proposed Plan, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft SEIR, will constitute the Final EIR if the Oroville City Council certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

B. Environmental Review Process

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft SEIR. This Final EIR has been prepared to respond to comments received on the Draft SEIR. A Notice of Preparation of the SEIR was issued by the City on May 6, 2014. The Draft SEIR was made available for public review from Friday, January 30, 2015 through Monday, March 16, 2015. The Draft SEIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft SEIR. Copies of the Draft SEIR were made available for review to interested parties at the Oroville City Hall and on the City's website at: <http://www.cityoforoville.org/index.aspx?page=457>. The public comment period ended on Monday, March 16, 2015. Copies of all written comments received on the Draft SEIR are contained in this document. These comments and responses to these comments are laid out in Chapter 4, Comments and Responses, of this Final SEIR.

This Final SEIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the SEIR as a full disclosure of potential impacts, mitigation measures, and alternatives.

However, the Planning Commission will not take final action on the SEIR or the proposed Oroville Sustainability Updates. Instead, the City Council will consider the Planning Commission's recommendations on the Final SEIR and the proposed Oroville Sustainability Updates during a noticed public hearing, and will make the

final action with regard to certification of the Final SEIR. The City Council is currently scheduled to certify the Final SEIR at a public hearing on March 31, 2015.

C. Document Organization

This document is organized into the following chapters:

- ◆ **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final SEIR.
- ◆ **Chapter 2: Report Summary.** This chapter is a summary of the findings of the Draft and the Final SEIR. It has been reprinted from the Draft SEIR with necessary changes made in this Final SEIR shown in double underline and ~~striketrough~~.
- ◆ **Chapter 3: List of Commenters.** Names of agencies who commented on the Draft SEIR are included in this chapter.
- ◆ **Chapter 4: Comments and Responses.** This chapter lists the comments received on the Draft SEIR, and provides responses to those comments.

2 REPORT SUMMARY

This chapter presents a summary of the findings of the Draft and Final SEIRs. This chapter has been reprinted from the Draft SEIR with necessary changes made in this Final SEIR shown in double underline and ~~striketrough~~.

This summary presents an overview of the analysis contained in Chapter 4, Environmental Evaluation, of ~~this the Draft~~ SEIR. CEQA requires that this chapter summarize the following: 1) areas of controversy; 2) significant impacts; 3) unavoidable significant impacts; 4) implementation of mitigation measures; and 5) alternatives to the project. As described in Chapter 1, Introduction, of the Draft SEIR, this SEIR only considers the differences between the Modified Project and the Approved Project, evaluates whether the impacts would be increased or reduced, and how they would differ. Therefore, this chapter summarizes only the new or changed impacts that would be caused by the Modified Project.

A. Project Under Review

This SEIR provides an assessment of the potential environmental consequences of adoption of the proposed Oroville Sustainability Updates. The proposed project is described in a greater level of detail in Chapter 3, Project Description, of ~~this the~~ Draft SEIR.

B. Areas of Controversy

The City issued an official Notice of Preparation (NOP) for the proposed Oroville Sustainability Updates on May 6, 2014 and held a scoping meeting on May 22, 2014. A follow-up scoping meeting was also held on June 19, 2014, due to low attendance at the May meeting. The official NOP for this Program EIR was issued to the Governor's Office of Planning and Research, and forwarded to federal, State, and local agencies, and interested parties. The only comments received on the NOP were at the June 19, 2014 scoping meeting, and addressed:

- ◆ Pedestrian safety
- ◆ Promoting alternative modes of transportation
- ◆ The review and adoption process for the Oroville Sustainability Updates

All of these issues are addressed in this SEIR.

C. Significant Impacts

Under CEQA, a significant impact on the environment is defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance.

As explained in Chapter 4 of ~~this~~ the Draft SEIR, implementation of the proposed Oroville Sustainability Updates would not generate any new or worsen any existing significant environmental impacts beyond what was identified in the 2009 EIR for the Approved Project, with the exception of a new impact identified for both the Approved and Modified Projects due to the identification of a new special-status wildlife species, the California black rail, in the Project Area. Chapter 4.3, Biological Resources, of ~~this~~ the Draft SEIR proposes mitigation measures that would mitigate the impact to a less-than-significant level. This new impact and the proposed mitigation measures are summarized in Table 2-1.

In addition, as described in Chapter 4.13, Transportation and Circulation, in ~~this~~ the Draft SEIR, the Modified Project would reduce the traffic impact from the Approved Project from a significant to a less-than-significant level. Therefore, Impact CIR-1 from the 2009 EIR for the Approved Project is shown as struck out in Table 2-1.

D. Mitigation Measures

This SEIR suggests specific mitigation measures to reduce the new significant impact (Impact BIO-2) of the Modified Project, in addition to those included in the 2009 EIR for the Approved Project. The mitigation measures in this SEIR will form the basis of a Mitigation Monitoring and Reporting Program to be implemented in accordance with State law.

E. Unavoidable Significant Impacts

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of ~~this~~ the Draft SEIR and shown

in Table 2-1, no new significant unavoidable impacts were identified as a result of the Modified Project.

F. Alternatives to the Project

This SEIR analyzes alternatives to the proposed project. Three alternatives to the proposed project are considered and described in detail in Chapter 5 of ~~this~~ the Draft SEIR:

- ◆ No Project Alternative
- ◆ Existing General Plan Land Use Map Alternative
- ◆ Open Space Alternative

As shown in the alternatives analysis in Chapter 5 of ~~this~~ the Draft SEIR, the Open Space Alternative has the least environmental impact and is therefore the environmentally superior alternative. By reducing the amount of land available for development, while also adding the Modified Project components that provide beneficial impacts, the Open Space Alternative would be an improvement over the Modified Project in all topic areas except air quality, land use, noise, and transportation and circulation.

G. Summary Table

Table 2-1 presents a summary of impacts and mitigation measures identified in this report. It is organized to correspond with the environmental issues discussed in Chapter 4 of ~~this~~ the Draft SEIR.

The table is arranged in four columns: 1) environmental impacts; 2) significance prior to mitigation; 3) mitigation measures; and 4) significance after mitigation. For a complete description of potential impacts, please refer to the specific discussions in Chapter 4 of ~~this~~ the Draft SEIR.

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
<i>The Modified Project would not create any new significant impacts related to aesthetics.</i>			
AIR QUALITY			
<i>The Modified Project would not create any new significant impacts related to air quality.</i>			
BIOLOGICAL RESOURCES			
<p>BIO-2: Development associated with the Approved Project and the Modified Project could impact California black rail and its habitat as discussed above. Impacts on California black rail and its habitat could be offset through the City’s participation in the BRCP. The Draft BRCP identifies a goal for maintaining and increasing the population of California black rail in the BRCP Plan Area, which includes the protection of five patches of California black rail habitat and an objective to avoid the removal of occupied California black rail habitat. In addition, the large scale conservation of grasslands and avoidance and protection of wetlands within the BRCP Plan Area would also likely benefit the species.</p>	S	<p>BIO-2A: Surveys for California Black Rail If a proposed project would result in the loss of or occurs adjacent to freshwater marsh habitat, surveys shall be conducted to determine whether the marsh is occupied by California black rail. Two to three rounds of surveys shall be conducted between March 15 and May 31, with at least ten days between surveys. Survey methodology will generally follow the Wetlands Regional Monitoring Program protocol for black rail or another methodology as determined in coordination with CDFW. The surveyor(s) shall possess the required permits from CDFW for conducting the surveys. Project construction shall not be initiated until the surveys are completed and results reviewed by CDFW.</p> <p>BIO-2B: Avoid and Minimize Impacts on California Black Rail Development projects within the Project Area shall avoid and minimize impacts on freshwater marsh habitat and/or occupied California black rail habitat to the maximum extent practicable. Where direct impacts can be avoided, buffers shall be established around the occupied California black rail habitat to avoid and minimize disturbance of the species during construction. Buffers shall be developed in coordination with CDFW and be based on site-specific conditions and the nature of the construction activities. Buffer areas shall be delineated with a combination of bright orange construction fencing (the bottom 18 inches should be above grade to avoid entangling terrestrial wildlife) and silt fencing (with the bottom 6 inches buried) to clearly identify the area to be avoided and to keep sedi-</p>	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>ments from entering the wetland, respectively.</p> <p>In addition, a biological monitor who is experienced with California black rails shall monitor construction activities to ensure that activities do not inadvertently impact the species or its habitat. The biological monitor shall also provide worker awareness training to construction personnel on the status and general biology of California black rail, inform them of the conservation measures that have been developed to avoid and minimize impacts on the species, and inform them of the consequences of non-compliance. Activities that require monitoring shall be decided based on site-specific conditions and the nature of the activity, and shall be developed in coordination with CDFW. Generally, those activities in close proximity to occupied habitat that require night work and associated lighting and/or that generate loud noises shall not be allowed during the nesting season, or they shall require monitoring.</p>	
		<p><u>BIO-2C: Compensate for Loss of California Black Rail Habitat</u> California black rail habitat that would be lost as a result of site-specific development projects allowed by the Approved or Modified Project shall be mitigated at a minimum of 1:1. Compensation shall consist of either preservation or restoration, or both, depending on the availability of equivalent habitat in the Project Area and pending consultation with CDFW. Compensation shall be achieved at either a mitigation bank or within an approved conservation area that is protected and managed in perpetuity.</p>	
CULTURAL RESOURCES			
<i>The Modified Project would not create any new significant impacts related to cultural resources.</i>			
GEOLOGY, SOILS, AND MINERAL RESOURCES			
<i>The Modified Project would not create any new significant impacts related to geology, soils, and mineral resources.</i>			

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GREENHOUSE GAS EMISSIONS			
<i>The Modified Project would not create any new significant impacts related to greenhouse gas emissions.</i>			
HAZARDS AND HAZARDOUS MATERIALS			
<i>The Modified Project would not create any new significant impacts related to hazards and hazardous materials.</i>			
HYDROLOGY AND WATER QUALITY			
<i>The Modified Project would not create any new significant impacts related to hydrology and water quality.</i>			
LAND USE			
<i>The Modified Project would not create any new significant impacts related to land use.</i>			
NOISE			
<i>The Modified Project would not create any new significant impacts related to noise.</i>			
POPULATION AND HOUSING			
<i>The Modified Project would not create any new significant impacts related to population and housing.</i>			
PUBLIC SERVICES AND RECREATION			
<i>The Modified Project would not create any new significant impacts related to public services and recreation.</i>			
TRANSPORTATION AND CIRCULATION			
CIR-1 Under the 25-year horizon buildout of the Draft 2030 General Plan, the segments of Olive Highway between Oroville Dam Boulevard and Foothill Boulevard and the segment of Highway 70 between Oroville Dam Boulevard and Ophir Road	S	Funding for these improvements is outside of the City's control, and no additional mitigation is available.	SU

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

TABLE 2-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES (CONTINUED)

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>would operate at LOS F. In addition, the segment of Olive Highway between Foothill Boulevard and Oakvale Avenue; the segment of Oroville Dam Boulevard between Highway 70 and Larkin Road; and the segment of Highway 70 between Ophir Road and Palermo Road would operate at LOS E. Although the Draft 2030 General Plan identifies roadway improvements needed to provide acceptable traffic operations on these segments, delivery of these roadway improvements is not certain due to funding constraints.</p>			
UTILITIES AND INFRASTRUCTURE			
<i>The Modified Project would not create any new significant impacts related to utilities and infrastructure.</i>			

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

CITY OF OROVILLE
OROVILLE SUSTAINABILITY UPDATES
FINAL SEIR
REPORT SUMMARY

3 LIST OF COMMENTERS

Comments on the Draft SEIR were received from the following agencies. Letters are arranged by the date received. Each comment letter has been assigned a number, as indicated below.

1. Scott A. Zaitz, Environmental Scientist, Storm Water & Water Quality Certification Unit. Central Valley Regional Water Quality Control Board. February 12, 2015.
2. Susan Zanchi, Chief, Office of Transportation Planning – North. State of California, Department of Transportation, District 3. March 16, 2015.

CITY OF OROVILLE
OROVILLE SUSTAINABILITY UPDATES
FINAL SEIR
LIST OF COMMENTERS

4 COMMENTS AND RESPONSES

This chapter includes a reproduction of, and responses to, each letter received during the public review period. Each letter is reproduced in its entirety, and is immediately followed by responses to the comments in it. Letters follow the same order as listed in Chapter 3 of this Final SEIR.

Each comment and response is labeled with a reference number in the margin.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

12 February 2015

Mr. Luis Topete
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

COMMENTS ON THE SUPPLEMENT EIR FOR PROPOSED OROVILLE SUSTAINABILITY UPDATE PROJECT, OROVILLE, BUTTE COUNTY

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is a responsible agency for this project, as defined by the California Environmental Quality Act (CEQA). On 2 February 2015, we received your request for comments on the Supplement Environmental Impact Report for the Oroville Sustainability Update Project.

The City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. Since that time, the City has been proceeding with several key steps to implement the updated General Plan, including updating the Zoning Ordinance to bring it into conformance with the 2030 General Plan, preparing other updates to the Municipal Code, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, preparing a Climate Action Plan, and preparing a Balanced Mode Circulation Plan.

Based on our review of the information submitted for the proposed project, we have the following comments:

Studies have found the amount of impervious surface in a community is strongly correlated with the impacts on community's water quality. New development and redevelopment result in increased impervious surfaces in a community. Post-construction programs and design standards are most efficient when they involve (i) low impact design; (ii) source controls; and (iii) treatment controls. To comply with Phase II Municipal Storm Water Permit requirements the City of Oroville must ensure that new developments comply with specific design strategies and standards to provide source and treatment controls to minimize the short and long-term impacts on receiving water quality. The design standards include minimum sizing criteria for treatment controls and establish maintenance requirements. The proposed project must be conditioned to comply with post construction standards adopted by the City of Oroville in compliance with their Phase II Municipal Storm Water Permit.

1-1

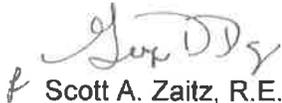
1-2

Luis Topete
City of Oroville
Oroville Stainability Update Project

- 2 -

12 February 2015

If you have any questions or comments regarding this matter please contact me at
(530) 224-4784 or by email at szaitz@waterboards.ca.gov.



f Scott A. Zaitz, R.E.H.S.
Environmental Scientist
Storm Water & Water Quality Certification Unit

SAZ: wrb

cc w/o

enclosures: Ms. Leah Fisher, U.S. Army Corp of Engineers, Sacramento
Department of Fish and Wildlife, Region 2, Rancho Cordova
State Clearing House Number (2014052001)

R:\RB5\RB5RSection\N Central Valley\laCross Section\Clerical\Storm_water\SZaitz\2015\CEQA Comment Oroville Sustainability
Update Project.doc

CITY OF OROVILLE
OROVILLE SUSTAINABILITY UPDATES
FINAL SEIR
COMMENTS AND RESPONSES

Letter 1: Scott A. Zaitz, Environmental Scientist, Storm Water & Water Quality Certification Unit, Central Valley Regional Water Quality Control Board, February 12, 2015.

1-1: This comment serves as an opening remark and summarizes the proposed Oroville Sustainability Updates. It is not a comment on the adequacy of the Draft SEIR, and no response is required.

1-2: The comment summarizes the relationship between impervious surfaces and water quality, and discusses post-construction and design standards that address water quality. The comment states that projects must comply with the post-construction standards adopted by the City in compliance with their Phase II Municipal Storm Water Permit.

The proposed Oroville Sustainability Updates do not constitute a development project; rather, the Updates include plans, regulations, and guidelines that the City would employ when making decisions and regulating activities over which it has authority. The proposed Oroville Sustainability Updates include plans and guidelines that support low-impact design, reduce impervious surfaces, and improve water quality. In particular, as described on page 3-23 of the Draft SEIR, the proposed project includes a new chapter in the City's Design Guidelines that addresses low-impact development and resource-efficient design, including specific guidelines regarding green standards, habitat-fostering landscapes, water use, resource-efficient materials, and stormwater management. Future private development would be evaluated against these guidelines. In addition, future development projects will be required to comply with the standards adopted by the City in compliance with their Phase II Municipal Storm Water Permit.

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4199
FAX (530) 741-5346
TTY 711



*Flex your power!
Be energy efficient!*

March 16, 2015

FMP# 032015BUT0012
03-BUT-Var/PM Var
SCH# 2014052001

Mr. Luis Topete
Community Development Department
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Dear Mr. Topete:

Thank you for the opportunity to review and comment on the Oroville Sustainability Updates (SCH# 2014052001) project. This project consists of a targeted update of the 2030 General Plan adopted in 2009. It includes updates to the City's Zoning Ordinance, Municipal Code, Design Guidelines and the preparation of a Climate Action Plan and Balanced Mode Circulation Plan. The project area includes the 13-square-mile incorporated area for which the City of Oroville has jurisdiction as well as the City's defined Sphere of Influence. The following comments are based on the draft Supplemental Environmental Impact Report (Draft SEIR):

2-1

We commend the City's goal of accommodating bicyclists, children and seniors, persons with disabilities, motorists, pedestrians, and users of public transportation. We are encouraged by the increased emphasis on active transportation and we look forward to the results of partnering with the City, Butte County Association of Governments (BCAG), and the consultant selected to study mobility alternatives on State Route (SR) 162 from SR 70 interchange to Foothill Boulevard.

However, we have substantial concern with this targeted update in that it proposes to allow SR 162 (Olive Highway) from Oroville Dam Boulevard to Lower Wyandotte Road to remain at Level of Service (LOS) F with no plans for improvement. In addition, we note it identifies three additional segments of SR 162 that will degrade to LOS F within the planning horizon (2030) with no plans for improvement. This is unacceptable and does not meet the State's LOS standards.

2-2

State facility LOS is determined by Caltrans. The urban area standard is identified as LOS E. All public transit in Oroville, now and in the foreseeable future, is provided via transit bus which traverses roadways including SR 162. A road system that includes critical segments operating at LOS F could mean poor public transportation performance. Permitting the system to operate at LOS F while allowing other segments to degrade to LOS F appears to be contradictory to the goal of reducing greenhouse gas emissions.

2-3

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

With regard to *Emergency Access* on page 4.13-31, the proposed degradation of major roadways to LOS F will likely have a significant impact on emergency services. This is particularly true for SR 162 (Olive Highway) between Oroville Dam Boulevard and Lower Wyandotte Road, as this segment provides access to Oroville Hospital. Roadways that are congested and operate at LOS F can create significant and unpredictable delays for emergency response times.

2-4

Concerning *Impacts and Mitigation Measures* on page 4.13-33, the proposed cumulative impacts appear much more significant than the previously approved environmental document.

2-5

Any local development that impacts the State Highway System (SHS) and further degrades the LOS below LOS E must be mitigated to an acceptable level. Based on the type of development proposed, fair share fees or ad hoc improvements that mitigate impacts to the SHS, taking into consideration nexus and rough proportionality, should be collected and coordinated through consultation with Caltrans.

2-6

We recommend the City consider re-incorporating SR 162 into the existing traffic impact mitigation fee program or consider creating an overlay zone for the SR 162 corridor that allows tailored regulations, specific to the corridor, in order to meet specific goals. We believe either or both of these recommendations will benefit the City and Caltrans while providing a better understanding of the requirements and necessary infrastructure as the General Plan approaches full build-out. As an alternative, relinquishment of SR 162 east of SR 70 could also be explored through consultation with Caltrans.

2-7

Please provide our office with copies of any further actions regarding this project.

If you have questions regarding these comments, please contact Shannon Culbertson, Intergovernmental Review Coordinator for Butte County, by phone at (530) 741-5435 or by e-mail to shannon.culbertson@dot.ca.gov.

Sincerely,



SUSAN ZANCHI, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse

**Letter 2: Susan Zanchi, Chief, Office of Transportation Planning – North,
State of California, Department of Transportation, District 3. March 16, 2015.**

2-1: The comment serves as an opening remark, summarizes the proposed Oroville Sustainability Updates, and commends aspects of the project that accommodate all transportation modes and users. It is not a comment on the adequacy of the Draft SEIR, and no response is required.

2-2: The comment expresses concern that portions of Highway 162 would operate at level of service (LOS) F with no plans for improvement, stating that this LOS is unacceptable and does not meet the State's LOS standards. The City has the authority to establish its own thresholds for roadway facilities and the City not required to adopt thresholds based on concept LOS in Caltrans Transportation Concept Reports (TCRs). As discussed on pages 4.13-21 to 4.13-22 of the Draft SEIR, the City considers a range of policy considerations when establishing LOS thresholds, including economic development, roadway infrastructure costs, system maintenance, and consideration of bicycle, pedestrian, and public transit users. A higher LOS can result in higher expenditures of infrastructure dollars for wider roadways that do not necessarily best serve all users of the system and results in less than optimum utilization of the roadway. Because the City's General Plan LOS policy exempts these sections of Highway 162 from the LOS D standard, LOS F operations on these roadway sections under the proposed Oroville Sustainability Updates would not constitute a significant impact and no mitigation is required.

2-3: The comment states that the Caltrans standard is LOS E, and that LOS F operations on Highway 162 would impair the performance of the bus transit service in Oroville. See the response to Comment 2-2 regarding the Caltrans concept LOS. Consistency with adopted policies, plans, or programs supporting alternative transportation is discussed on pages 4.13-32 to 4.13-33 of the Draft SEIR. As discussed in that section, the proposed Oroville Sustainability Updates maintain General Plan goals and policies that support alternative travel modes, while also adding a new policy and two new actions that would further support all modes of travel, including transit. In addition, the proposed Balanced Mode Circulation Plan would establish design guidelines and solutions for public transit, including bus stop zones and amenities.

Rather than focusing primarily on roadway operations, the Oroville Sustainability Updates take a holistic approach to establishing a transportation network that achieves the project objectives to strengthen the environmental, community, and

economic sustainability of Oroville; improve circulation and access for all modes of travel; and reduce greenhouse gas (GHG) emissions. As discussed on pages 4.13-21 to 4.13-22 of the Draft SEIR, the proposed change to the City's LOS policy that would accept lower levels of service on certain roadways reflects a change in policy that balances the needs of all transportation system users and community values. Widening the roadway to meet a better LOS can degrade the pedestrian and bicycle environment, including for those people who walk or bike to the bus stops along Highway 162. Instead, the project would establish the policies and guidelines that support alternative modes of transportation referenced above, along with a range of other strategies to reduce vehicle miles traveled (VMT), including increasing the density of Downtown development, establishing zoning incentives for development types that reduce VMT, and various Climate Action Plan (CAP) strategies that reduce VMT.

Finally, the Butte County Association of Governments (BCAG), which oversees transit service in Butte County, has not adopted any policies, plans, or programs that establish roadway LOS thresholds to support transit. The 2012 Metropolitan Transportation Plan (MTP)/Sustainable Communities Strategy (SCS) addresses transit in Chapter 7, but includes no LOS or congestion policies or strategies for transit service. Rather, its "recommended goals, objectives, and suggested strategies" in Table 7-3 address regional coordination, transit quality and quantity, and outreach, as well as physical infrastructure, including improvements to pedestrian access and transit stop amenities (see Strategies 1.5.1 and 1.5.2),¹ which are directly supported by the proposed Balanced Mode Circulation Plan.

Therefore, the proposed Oroville Sustainability Updates are found to be consistent with adopted policies, plans, and programs supporting alternative transportation. The Updates also achieve the project objective to reduce GHG emissions through the holistic approach discussed above for transportation and through the other strategies outlined in the proposed CAP that achieve the City's GHG reduction target.

2-4: The comment states that LOS F operations on Highway 162 will impact emergency services, particularly on the section of Highway 162 that provides access to the Oroville Hospital. The analysis regarding emergency access is provided on page 4.13-31 of the Draft SEIR. As explained in that section, the proposed

¹ BCAG, 2012, *Metropolitan Transportation Plan & Sustainable Communities Strategy 2012-2035*, pages 7-23 to 7-27.

CITY OF OROVILLE
OROVILLE SUSTAINABILITY UPDATES
FINAL SEIR
COMMENTS AND RESPONSES

Oroville Sustainability Updates would not change the emergency access impact from the Approved Project.

Roadway LOS near the hospital was not specifically discussed in the Draft SEIR analysis. The section of Highway 162 between Oro Dam Boulevard and Lower Wyandotte Road on which the Oroville Hospital is located would operate under LOS F conditions under both the Approved and Modified Projects, so the Oroville Sustainability Updates would not change the condition from what was evaluated in the 2009 EIR for the Approved Project. Note that peak hour congestion lasts for only a very short duration of the work week; for the majority of each day, traffic would be free-flowing along Highway 162.

Furthermore, emergency vehicles do not operate like ordinary vehicles. For example, the California Vehicle Code requires drivers to pull to the right when an emergency vehicle is using its lights and sirens, and emergency vehicles can use the opposite direction of travel to overtake vehicles if necessary. This is particularly relevant for Highway 162, on which peak hour traffic congestion is only in one direction, so emergency vehicles can use the opposite direction of travel. Therefore, traffic congestion along Highway 162 would not result in inadequate emergency access.

2-5: The comment states that cumulative impacts are more significant than what was evaluated in the 2009 EIR for the Approved Project. As discussed on page 4.13-33 of the Draft SEIR, the 2009 EIR for the Approved Project found a significant and unavoidable cumulative traffic impact because the General Plan would exacerbate existing deficiencies on regional roadways, including Highways 70, 99, and 162. While the proposed Oroville Sustainability Updates would contribute to traffic on regional roadways, it would only represent a nominal increase in population and employment (i.e. less than 5 percent) compared to the Approved Project, and it would establish new strategies to reduce VMT and promote alternative modes of transportation. Given the small population and employment increase and the strategies that would counteract that increase by reducing VMT, the proposed Oroville Sustainability Updates would not change the severity of the impact identified for the Approved Project.

2-6: The comment states that any future development that degrades the State Highway System to below LOS E must be mitigated to an acceptable level, such as through fair share fees or ad hoc improvements. See the response to Comment 2-2. The City has the authority to establish the LOS threshold for Highway 162, including the proposed exception outlined in Circulation Element Policy P2.1. Because

CITY OF OROVILLE
OROVILLE SUSTAINABILITY UPDATES
FINAL SEIR
COMMENTS AND RESPONSES

this roadway is excepted from the LOS D threshold, the impact is less than significant, and no mitigation is required.

2-7: The comment suggests that the City re-incorporate Highway 162 into its traffic impact mitigation fee program, create an overlay zone for the Highway 162 corridor that allows tailored regulations, or consider relinquishing Highway 162 east of Highway 70. See the responses to Comments 2-2 and 2-6.

MEMORANDUM

DATE March 3, 2015
TO Don Rust and Luis Topete
City of Oroville, Community Development Department
FROM Tanya Sundberg
SUBJECT City Council and Planning Commission Comments from 2/27/15 Workshop

On February 27, 2015, the City Council and Planning Commission held a joint workshop to review the draft documents out for public review as part of the Oroville Sustainable Code Update. This memorandum summarizes the edits to each document suggested by Councilmembers and Commissioners at this meeting. Comments below were made by a single Councilmember or Commissioner except as noted below.

Draft 2030 General Plan Updates

Suggested edits to the Draft 2030 General Plan Updates were as follows:

- » Land Use Element: Add policy/s regarding coordination with the County on land use planning in the unincorporated areas within the City's SOI.
- » Circulation and Transportation Element:
 - Page 6-10: Update the location of the Greyhound bus stop.
 - Figure CIR-7, Bicycle Facilities – Future 2035 Conditions:
 - Add Table Mountain Boulevard north of Montgomery Street. *Note: Upon further review after the meeting, staff confirmed that this section is included as a planned bikeway in Figure CIR-7, so no edit is needed. Also, it is included as a "First Priority Bikeway" in the 2010 Oroville Bike Plan.*
 - Add an extension to the existing Orange Avenue bikeway that would continue northeast to connect to the lake.
 - Page 6-38: Revise Policy CIR-P3.1 to ensure that street widths are adequate for emergency vehicles, garbage trucks, and similarly large vehicles. *Note: This comment was supported by multiple Commissioners/Councilmembers.*
 - Add policy/s to promote connectivity between residential/employment and recreation areas via bikeways.
 - Add policy/s to coordinate with BCAG on bus stop locations. *Note: This comment was supported by multiple Commissioners/Councilmembers.*

- » Open Space, Natural Resources, and Conservation Element, Figure OPS-1, Parks, Recreational Facilities, and Open Space: Add the City-owned retention basin on the east side of the city as a proposed/future park location.

In addition, in response to a question that was raised at the meeting, the City's current parkland service ratio is 17 acres of parkland per 1,000 residents. This is based on an existing 2014 population of 16,000 (CA DOF) and the 279 acres of parkland within the city, as reported on page 7-4 of the Open Space, Natural Resources, and Conservation Element.

Draft Municipal Code Updates

Suggested edits to the Draft Municipal Code Updates were as follows:

- » Change the photos shown on the cover page so that it is easier to distinguish this document from the General Plan.
- » Section 26-16.120, Animal Keeping: Add an exemption to subsections D and E for 4-H and Future Farmers of America (FFA) activities.

Climate Action Plan

Suggested edits to the Climate Action Plan were as follows:

- » Change the *Land Conservation* Action Area name to clarify that it does not conserve land, but rather covers activities that affect the landscape.
- » Add an action to Strategy BE-7 (Local Renewable Energy Development) to support PG&E's new *Green Option* program that provides opportunities for customers to buy into a pool of locally-produced solar energy to meet electricity needs.
- » Add a discussion about the role of the City to model energy efficiency and sustainability through an energy audit of City facilities and associated energy conservation improvements.
- » Add a discussion about the Sustainable Groundwater Management Act to the regulatory section and other sections as appropriate.

Balanced Mode Circulation Plan

Suggested edits to the Balanced Mode Circulation Plan were as follows:

- » Page 3-3, Curb Extensions: Address issues with how curb extensions affect large truck turning.
Note: This comment was supported by multiple Commissioners/Councilmembers.

Design Guidelines Updates

Suggested edits to the Design Guidelines Updates were as follows:



- » Page 170: Add a new design guideline in the Water Use section that promotes the reuse of graywater in individual buildings for non-potable purposes. *Note: This comment was supported by multiple Commissioners/Councilmembers.*

PLANNING COMMISSION

APN	Address	Description	Existing Zoning	Existing GP	Draft Zoning Map	Draft GP Map	Proposed Zoning	Proposed GP
031-172-081	434 Plumas Ave	Collins & Denny Market	C-2	LDR (1-3 du/acres)	RR-20	Same	C-2	RBS
030-260-026	N/A	Linkside Subdivision Phase II	R-1	MLDR (3-6 du/acres)	RL	Same	R-1	Same
068-040-050	4551 E Oro Dam Blvd	Racquet Club	C-2 / R-1	MLDR (3-6 du/acres)	RL	Same	C-2	RBS
068-040-049	N/A	Vacant	CN / R-1	RBS	CN	Same	RL	MLDR (3-6 du/acres)
031-150-122	N/A	New County Hall of Records	R-2	MDR (6-14 du/acre)	R-2	Same	PQ	Public

- Include the appropriate portion of the plans a statement that bike trails should be provided on Table Mountain Boulevard north of the diversion canal bridge to Garden Drive

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2014052001

Project Title: Oroville Sustainability Updates

Lead Agency: City of Oroville Community Development Department Contact Person: Luis Topete
Mailing Address: 1735 Montgomery Street Phone: (530) 538-2408
City: Oroville Zip: 95965 County: Butte

Project Location: County: Butte City/Nearest Community: Oroville
Cross Streets: n/a - citywide Zip Code: 95965/95966

Longitude/Latitude (degrees, minutes and seconds): n/a ° ' " N / ° ' " W Total Acres: n/a
Assessor's Parcel No.: n/a Section: n/a Twp.: Range: Base:
Within 2 Miles: State Hwy #: 70, 162 Waterways: Numerous
Airports: Oroville Municipal Airport Railways: Western Pacific Schools: Numerous

Document Type:

- | | | | |
|--------------------------------------|---|------------------------------------|--|
| CEQA: <input type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons | <input checked="" type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA | <input type="checkbox"/> Final Document |
| <input type="checkbox"/> Neg Dec | (Prior SCH No.) 2008022024 | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Mit Neg Dec | Other: _____ | <input type="checkbox"/> FONSI | |

Local Action Type:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> General Plan Update | <input type="checkbox"/> Specific Plan | <input checked="" type="checkbox"/> Rezone | <input type="checkbox"/> Annexation |
| <input checked="" type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan | <input type="checkbox"/> Prezone | <input type="checkbox"/> Redevelopment |
| <input type="checkbox"/> General Plan Element | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit | <input type="checkbox"/> Coastal Permit |
| <input type="checkbox"/> Community Plan | <input type="checkbox"/> Site Plan | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input checked="" type="checkbox"/> Other: See attached |

Development Type:

- | | |
|---|--|
| <input type="checkbox"/> Residential: Units _____ Acres _____ | <input type="checkbox"/> Transportation: Type _____ |
| <input type="checkbox"/> Office: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Mining: Mineral _____ |
| <input type="checkbox"/> Commercial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Power: Type _____ MW _____ |
| <input type="checkbox"/> Industrial: Sq.ft. _____ Acres _____ Employees _____ | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____ |
| <input type="checkbox"/> Educational: _____ | <input type="checkbox"/> Hazardous Waste: Type _____ |
| <input type="checkbox"/> Recreational: _____ | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Water Facilities: Type _____ MGD _____ | |

Project Issues Discussed in Document:

- | | | | |
|--|--|---|--|
| <input checked="" type="checkbox"/> Aesthetic/Visual | <input type="checkbox"/> Fiscal | <input checked="" type="checkbox"/> Recreation/Parks | <input checked="" type="checkbox"/> Vegetation |
| <input checked="" type="checkbox"/> Agricultural Land | <input checked="" type="checkbox"/> Flood Plain/Flooding | <input checked="" type="checkbox"/> Schools/Universities | <input checked="" type="checkbox"/> Water Quality |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Forest Land/Fire Hazard | <input checked="" type="checkbox"/> Septic Systems | <input checked="" type="checkbox"/> Water Supply/Groundwater |
| <input checked="" type="checkbox"/> Archeological/Historical | <input checked="" type="checkbox"/> Geologic/Seismic | <input checked="" type="checkbox"/> Sewer Capacity | <input checked="" type="checkbox"/> Wetland/Riparian |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Minerals | <input checked="" type="checkbox"/> Soil Erosion/Compaction/Grading | <input checked="" type="checkbox"/> Growth Inducement |
| <input type="checkbox"/> Coastal Zone | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Land Use |
| <input checked="" type="checkbox"/> Drainage/Absorption | <input checked="" type="checkbox"/> Population/Housing Balance | <input checked="" type="checkbox"/> Toxic/Hazardous | <input checked="" type="checkbox"/> Cumulative Effects |
| <input checked="" type="checkbox"/> Economic/Jobs | <input checked="" type="checkbox"/> Public Services/Facilities | <input checked="" type="checkbox"/> Traffic/Circulation | <input type="checkbox"/> Other: _____ |

Present Land Use/Zoning/General Plan Designation:

Numerous

Project Description: (please use a separate page if necessary)

After a multi-year effort involving extensive community input, the City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. Since that time, the City has been proceeding with several key steps to implement the updated General Plan, including updating the Zoning Ordinance to bring it into conformance with the 2030 General Plan, preparing other updates to the Municipal Code, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, preparing a Climate Action Plan (CAP), and preparing a Balanced Mode Circulation Plan. In addition, the City is preparing targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, as discussed in more detail in Chapter 3 of the attached Draft Supplemental EIR.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

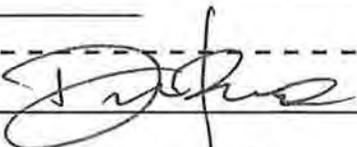
- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input checked="" type="checkbox"/> Parks & Recreation, Department of |
| <input checked="" type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans District #3 | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input checked="" type="checkbox"/> Caltrans Division of Aeronautics | <input checked="" type="checkbox"/> Regional WQCB #5 |
| <input checked="" type="checkbox"/> Caltrans Planning | <input checked="" type="checkbox"/> Resources Agency |
| <input checked="" type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input checked="" type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region #2 | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Other: <u>Butte County Air Quality Management District</u> |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date January 30, 2015 Ending Date March 16, 2015

Lead Agency (Complete if applicable):

Consulting Firm: <u>PlaceWorks</u>	Applicant: <u>City of Oroville</u>
Address: <u>1625 Shattuck Ave., Suite 300</u>	Address: <u>1735 Montgomery Street</u>
City/State/Zip: <u>Berkeley, CA 94709</u>	City/State/Zip: <u>Oroville, CA 95965</u>
Contact: <u>Tanya Sundberg</u>	Phone: <u>(530) 538-2408</u>
Phone: <u>510-848-3815</u>	

Signature of Lead Agency Representative:  Date: 01.28.15

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

**Attachment to Notice of Completion
Oroville Sustainability Updates
SCH#2014052001**

Local Action Type: Other
Municipal Code Update
Design Guidelines Update
Climate Action Plan
Circulation Plan



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 CITY COUNCIL

NOTICE IS HEREBY GIVEN that the City Council of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **5:30 p.m. on Tuesday, March 31, 2015** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **Oroville Sustainable Code Updates** – The City Council of the City of Oroville will conduct a public hearing to review and consider sending a recommendation to the Oroville City Council for the approval of updates to the City's Zoning Ordinance to bring it into conformance with the 2030 General Plan, changes to the Zoning Map to bring it into conformance with the City's 2030 General Plan land use designations, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, new Climate Action Plan, new Balanced Mode Circulation Plan, targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, and other updates to the Oroville Municipal Code, including solar energy ordinance revisions, local and healthy food amendments, development incentives for community benefits, Crime Prevention Through Environmental Design, park provision standards, and a new oak tree loss mitigation ordinance.

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 City Council at, or prior to, the public meetings.

Posted/Published: **Saturday, March 21, 2015**

**CITY OF OROVILLE
RESOLUTION NO. 8344**

A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING ALL PROPOSED NEW AND AMENDED DOCUMENTS, COLLECTIVELY KNOWN AS THE “OROVILLE SUSTAINABLE CODE UPDATES,” CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE AMENDED FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS, ADOPTING THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZING THE EXPENDITURE FOR THE FILING OF THE NOTICE OF DETERMINATION

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

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

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

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

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

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

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

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

WHEREAS, all proposed amendments (2030 General Plan; Design Guidelines; Municipal Code Updates; Zoning Map) and new documents (Balanced Mode Circulation

Plan; Climate Action Plan) collectively referred to as the “Oroville Sustainable Code Updates” were circulated for a 45-day review period along with the Supplemental EIR from January 30, 2015 to March 15, 2015; and

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

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

WHEREAS, at a noticed public hearing, the City Council 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 the City’s staff report regarding the project.

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Oroville City Council has independently reviewed and evaluated the CEQA Findings of Fact and the Statement of Overriding Considerations referenced and attached to this resolution as Exhibit A, and has determined that the Final Supplemental EIR for the Oroville Sustainable Code Updates identifies significant environmental effects associated with this project that will remain significant and unavoidable despite the adoption of all feasible mitigation measures.
2. The information and analysis contained in the Final Supplemental EIR reflects the City’s independent judgment as to the environmental consequences of the proposed project.
3. The City Council finds that the Final Supplemental EIR has been completed in compliance with the CEQA statute and guidelines.
4. The City Council, having final approval authority over the project, hereby adopts and certifies as complete and adequate the Final Supplemental EIR, which reflects the City Council’s independent judgment and analysis.
5. The City Council hereby adopts the evidence set forth in the amended Findings of Fact and Statement of Overriding Considerations (attached and incorporated as Exhibit A), the staff reports, the Final Supplemental EIR, the evidence and testimony presented, and other information in the record, and has determined that specific economic, social, technical or other considerations render significant effects acceptable, as permitted by CEQA Section 21081 and CEQA Guideline Section 15093.
6. The City Council hereby adopts the amended Mitigation Monitoring and Reporting Plan as specified in the Supplemental EIR. The Council finds that

these mitigation measures are fully enforceable conditions.

7. The City Council hereby authorizes the expenditure of \$3,119.75 from the General Fund to file the Notice of Determination with Butte County within five working days of approval of this project by the Council.
8. The City Council hereby adopts all proposed amendments (2030 General Plan; Design Guidelines; Municipal Code Updates; Zoning Map) and new documents (Balanced Mode Circulation Plan; Climate Action Plan) collectively referred to as the "Oroville Sustainable Code Updates," with all recommended changes made by the Planning Commission and City Council at the February 27, 2015 public meeting and all recommended changes made by the Planning Commission at their March 23, 2015 public meeting.

.....
PASSED AND ADOPTED by the Oroville City Council at a special meeting held on March 31, 2015, by the following vote:

AYES: Council Members Berry, Del Rosario, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

NOES: None

ABSTAIN: None

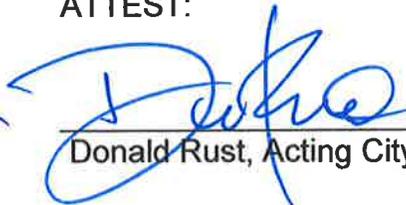
ABSENT: Council Members Hatley, Pittman


Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:


Scott E. Huber, City Attorney

ATTEST:


Donald Rust, Acting City Clerk

Exhibits

A – Findings of Fact and Statement of Overriding Considerations

EXHIBIT “A”

FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

OROVILLE SUSTAINABILITY UPDATES
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2014052001

TABLE OF CONTENTS

I.	Introduction.....	3
II.	Purpose and Background	3
III.	The Use of A Program EIR.....	7
IV.	Description of the Record	8
V.	Discretionary Actions	9
VI.	General Findings.....	9
VII.	Findings Regarding Monitoring of Mitigation Measures	11
VIII.	Findings Regarding Alternatives	11
IX.	Growth Inducing Impacts	18
X.	Findings Regarding Less than Significant Environmental Impacts.....	20
XI.	Findings Regarding Significant Unavoidable Impacts	20
XII.	Findings Related to Cumulative Impacts.....	25
XIII.	Statement of Overriding Considerations.....	26
XIV.	Incorporation by Reference.....	29
XV.	Record of Proceedings	29
XVI.	Summary	29

I. INTRODUCTION

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

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

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

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

II. PURPOSE AND BACKGROUND

A. The Project

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

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

The Oroville Sustainability Updates include the following components:

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

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

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

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

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

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

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

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

B. Purpose of the SEIR

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

C. Procedural Background

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

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

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

III. THE USE OF A PROGRAM EIR

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

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

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

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

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

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

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

IV. DESCRIPTION OF THE RECORD

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

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

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

V. DISCRETIONARY ACTIONS

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

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

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

VI. GENERAL FINDINGS

A. Terminology of Findings

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

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

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

B. Certification of Final SEIR

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

C. Changes to the Draft SEIR

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

D. Evidentiary Basis for Findings

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

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

E. Location and Custodian of Records

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

VII. FINDINGS REGARDING MONITORING OF MITIGATION MEASURES

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

VIII. FINDINGS REGARDING ALTERNATIVES

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

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

The Draft SEIR discussed the following alternatives in detail:

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

C. Open Space Alternative.

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

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

The objectives of the Oroville Sustainability Updates are to:

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

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

A. No Project Alternative

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

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

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

Rejection of the No Project Alternative

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

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

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

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

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

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

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

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

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

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

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

B. Existing General Plan Land Use Map Alternative

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

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

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

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

Rejection of the Existing General Plan Land Use Map Alternative

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

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

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

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

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

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

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

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

C. Open Space Alternative

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

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

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

Rejection of the Open Space Alternative

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

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

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

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

IX. GROWTH INDUCING IMPACTS

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

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

Direct Impacts

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

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

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

Indirect Impacts

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

Finding Concerning Growth Inducing Impacts

Direct Impacts

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

Indirect Impacts

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

X. FINDINGS REGARDING LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS

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

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

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

XI. FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS

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

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

A. Air Quality

Impact AQ-1: Buildout of the Draft 2030 General Plan would involve construction activities that would temporarily generate ROG, NO_x, CO, particulate matter (PM), and CO₂ emissions that could result in short-term impacts on ambient air quality in the area.

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

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

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

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

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

B. Biological Resources

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

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

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

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

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

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

C. Hydrology and Water Quality

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

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

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

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

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

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

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

D. Land Use

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

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

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

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

E. Noise

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

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

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

F. Population and Housing

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

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

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

G. Transportation and Circulation

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

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

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

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

XII. FINDINGS RELATED TO CUMULATIVE IMPACTS

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

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

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

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

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

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Introduction

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

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

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

B. Specific Findings

Project Benefits Outweigh Unavoidable Impacts

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

Balance of Competing Goals

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

C. Overriding Considerations

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

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

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

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

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

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

XIV. INCORPORATION BY REFERENCE

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

XV. RECORD OF PROCEEDINGS

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

XVI. SUMMARY

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

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

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

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

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

Attachments

A - Mitigation Monitoring and Reporting Program

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
Biological Resources					
<p><u>BIO-2A</u>: Surveys for California Black Rail If a proposed project would result in the loss of or occurs adjacent to freshwater marsh habitat, surveys shall be conducted to determine whether the marsh is occupied by California black rail. Two to three rounds of surveys shall be conducted between March 15 and May 31, with at least ten days between surveys. Survey methodology will generally follow the Wetlands Regional Monitoring Program protocol for black rail or another methodology as determined in coordination with CDFW. The surveyor(s) shall possess the required permits from CDFW for conducting the surveys. Project construction shall not be initiated until the surveys are completed and results reviewed by CDFW.</p>	Project Applicants	Prior to project construction	Community Development Department and California Department of Fish and Wildlife (CDFW)	Require surveys when applicable and review results of surveys	During seasonal timeframes outlined in the mitigation measure
<p><u>BIO-2B</u>: Avoid and Minimize Impacts on California Black Rail Development projects within the Project Area shall avoid and minimize impacts on freshwater marsh habitat and/or occupied California black rail habitat to the maximum extent practicable. Where direct impacts can be avoided, buffers shall be established around the occupied California black rail habitat to avoid and minimize disturbance of the species during construction. Buffers shall be developed in coordination with CDFW and be based on site-specific conditions and the nature of the construction activities. Buffer areas shall be delineated with a combination of bright orange construction fencing (the bottom 18 inches should be above grade to avoid entangling terrestrial wildlife) and silt fencing (with the bottom 6 inches buried) to clearly identify the area to be avoided and to keep sediments from entering the wetland, respectively.</p>	Project Applicants	Prior to and during project construction	Community Development Department, CDFW, and biological monitor	Plan review and approval, construction monitoring, site inspections	Once during plan review and approval and periodically during regularly scheduled site inspections

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p>In addition, a biological monitor who is experienced with California black rails shall monitor construction activities to ensure that activities do not inadvertently impact the species or its habitat. The biological monitor shall also provide worker awareness training to construction personnel on the status and general biology of California black rail, inform them of the conservation measures that have been developed to avoid and minimize impacts on the species, and inform them of the consequences of non-compliance. Activities that require monitoring shall be decided based on site-specific conditions and the nature of the activity, and shall be developed in coordination with CDFW. Generally, those activities in close proximity to occupied habitat that require night work and associated lighting and/or that generate loud noises shall not be allowed during the nesting season, or they shall require monitoring.</p>					
<p><u>BIO-2C</u>: Compensate for Loss of California Black Rail Habitat California black rail habitat that would be lost as a result of site-specific development projects allowed by the Approved or Modified Project shall be mitigated at a minimum of 1:1. Compensation shall consist of either preservation or restoration, or both, depending on the availability of equivalent habitat in the Project Area and pending consultation with CDFW. Compensation shall be achieved at either a mitigation bank or within an approved conservation area that is protected and managed in perpetuity.</p>	Project Applicants	Prior to project construction	Community Development Department and CDFW	Confirmation of compensation	Once during plan review and approval

**CITY OF OROVILLE
ORDINANCE NO. 1819**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on March 7, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

Exhibits

A – Findings of Fact and Statement of Overriding Considerations

B – Amendments/Additions to the Oroville Municipal Code

EXHIBIT “A”

FINDINGS OF FACT AND
STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

OROVILLE SUSTAINABILITY UPDATES
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE #2014052001

TABLE OF CONTENTS

I.	Introduction.....	3
II.	Purpose and Background	3
III.	The Use of A Program EIR.....	7
IV.	Description of the Record	8
V.	Discretionary Actions	9
VI.	General Findings.....	9
VII.	Findings Regarding Monitoring of Mitigation Measures	11
VIII.	Findings Regarding Alternatives	11
IX.	Growth Inducing Impacts	18
X.	Findings Regarding Less than Significant Environmental Impacts.....	20
XI.	Findings Regarding Significant Unavoidable Impacts	20
XII.	Findings Related to Cumulative Impacts.....	25
XIII.	Statement of Overriding Considerations.....	26
XIV.	Incorporation by Reference.....	29
XV.	Record of Proceedings	29
XVI.	Summary	29

I. INTRODUCTION

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

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

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

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

II. PURPOSE AND BACKGROUND

A. The Project

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

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

The Oroville Sustainability Updates include the following components:

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

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

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

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

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

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

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

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

B. Purpose of the SEIR

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

C. Procedural Background

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

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

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

III. THE USE OF A PROGRAM EIR

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

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

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

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

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

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

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

IV. DESCRIPTION OF THE RECORD

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

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

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

V. DISCRETIONARY ACTIONS

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

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

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

VI. GENERAL FINDINGS

A. Terminology of Findings

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

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

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

B. Certification of Final SEIR

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

C. Changes to the Draft SEIR

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

D. Evidentiary Basis for Findings

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

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

E. Location and Custodian of Records

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

VII. FINDINGS REGARDING MONITORING OF MITIGATION MEASURES

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

VIII. FINDINGS REGARDING ALTERNATIVES

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

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

The Draft SEIR discussed the following alternatives in detail:

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

C. Open Space Alternative.

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

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

The objectives of the Oroville Sustainability Updates are to:

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

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

A. No Project Alternative

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

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

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

Rejection of the No Project Alternative

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

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

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

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

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

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

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

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

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

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

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

B. Existing General Plan Land Use Map Alternative

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

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

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

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

Rejection of the Existing General Plan Land Use Map Alternative

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

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

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

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

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

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

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

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

C. Open Space Alternative

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

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

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

Rejection of the Open Space Alternative

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

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

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

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

IX. GROWTH INDUCING IMPACTS

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

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

Direct Impacts

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

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

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

Indirect Impacts

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

Finding Concerning Growth Inducing Impacts

Direct Impacts

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

Indirect Impacts

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

X. FINDINGS REGARDING LESS THAN SIGNIFICANT ENVIRONMENTAL IMPACTS

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

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

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

XI. FINDINGS REGARDING SIGNIFICANT UNAVOIDABLE IMPACTS

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

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

A. Air Quality

Impact AQ-1: Buildout of the Draft 2030 General Plan would involve construction activities that would temporarily generate ROG, NO_x, CO, particulate matter (PM), and CO₂ emissions that could result in short-term impacts on ambient air quality in the area.

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

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

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

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

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

B. Biological Resources

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

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

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

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

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

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

C. Hydrology and Water Quality

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

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

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

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

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

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

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

D. Land Use

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

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

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

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

E. Noise

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

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

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

F. Population and Housing

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

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

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

G. Transportation and Circulation

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

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

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

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

XII. FINDINGS RELATED TO CUMULATIVE IMPACTS

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

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

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

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

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

XIII. STATEMENT OF OVERRIDING CONSIDERATIONS

A. Introduction

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

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

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

B. Specific Findings

Project Benefits Outweigh Unavoidable Impacts

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

Balance of Competing Goals

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

C. Overriding Considerations

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

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

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

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

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

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

XIV. INCORPORATION BY REFERENCE

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

XV. RECORD OF PROCEEDINGS

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

XVI. SUMMARY

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

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

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

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

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

Attachments

A - Mitigation Monitoring and Reporting Program

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

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

Definitions Removed

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

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

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

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

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

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

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

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

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

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

New Definitions

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

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

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

Types of urban agriculture include the following:

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

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

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

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

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

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

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

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

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

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

17.08.010 Districts Established

.....

Commercial Districts.

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

Mixed-Use Districts.

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

.....

Mixed-Use Districts.

HD-O	Hillside Development Overlay
------	------------------------------

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

.....

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

17.12.010 Performance Standards

.....

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

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

.....

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

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

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

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

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

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

17.12.020 Fences, Walls, and Screening

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

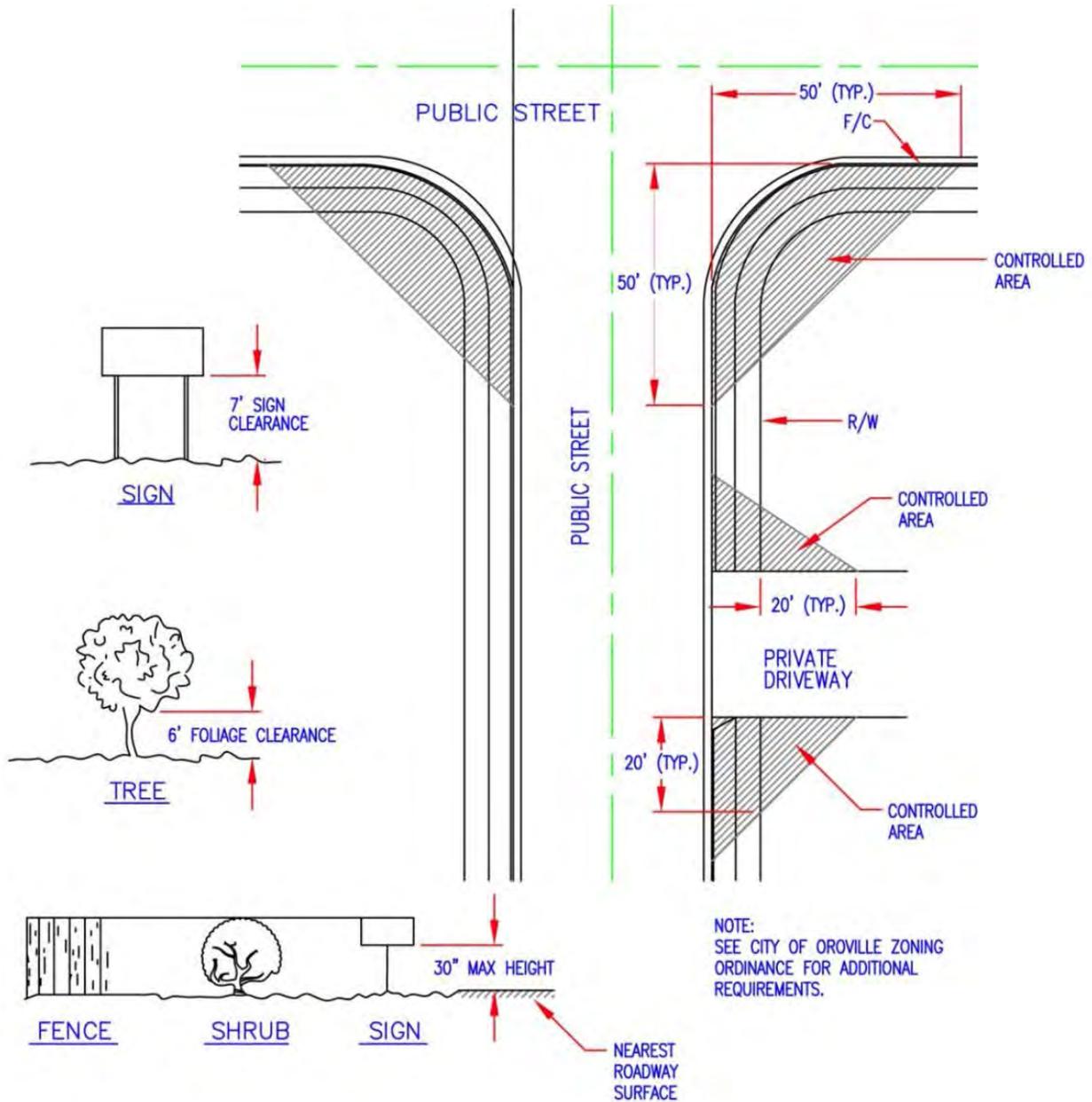


Figure 17.12.020-1: Sight Distance Areas

C. Fence Height.

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

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

17.12.050 Landscape Standards

.....

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

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

.....

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

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

.....

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

.....

H. **Landscaping in Industrial Districts.**

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

.....

17.12.065 Oak Tree Loss Mitigation

A. Purpose

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

B. Applicability

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

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

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

C. Permits Required

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

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

3. Heritage Trees

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

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

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

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

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

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

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

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

17.12.070 Parking

.....

M. Multi-Family Housing.

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

N. Minimum Bicycle Parking Requirements.

.....

17.12.100 Crime Prevention through Environmental Design (CPTED)

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

B. Design Standards for New Structures.

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

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

b. Property Identification.

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

c. Other Standards.

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

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

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

E. **Security Plans.**

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

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

17.16.120 Animal Keeping

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

.....

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

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

.....

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

17.16.150 Mobile Food Vending

.....

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

.....

17.16.180 Solar Energy Systems

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

B. **Types of Systems.**

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

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

TABLE 17.16.180-1: PERMITS REQUIRED FOR SOLAR ENERGY SYSTEMS

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

D. **Maximum Size.**

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

E. **Development and Operation Standards.**

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

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

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

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

17.16.185 Solar Energy Requirements

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

17.16.220 Neighborhood Food and Beverage Sales

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

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

C. Operating Standards.

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

17.16.230 Neighborhood Food and Beverage Sales

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

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

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

17.26.010 Incentives for Community Benefits

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

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

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

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

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

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

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

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

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

TABLE 17.28.010-1: ALLOWED USES IN RESIDENTIAL DISTRICTS

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

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

17.32.010 Allowed Uses in Commercial Districts

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

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

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

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

TABLE 17.32.010-1: ALLOWED USES IN COMMERCIAL DISTRICTS

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

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

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

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

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

17.32.020 Development Standards for Commercial Districts

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

TABLE 17.32.020-1: DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

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

TABLE 17.32.020-1: DEVELOPMENT STANDARDS FOR COMMERCIAL DISTRICT

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

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

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

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

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

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

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

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

17.32.030 CN: Neighborhood Commercial

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

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

17.32.040 C-1: Limited Commercial

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

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

17.32.050 C-2: Intensive Commercial

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

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

17.32.060 CH: Highway Commercial Corridor

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

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

17.32.070 CLM: Commercial/Light Manufacturing

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

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

17.32.080 OF: Office

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

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

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

17.34.010 Intent of Mixed-Use Districts

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

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

17.34.020 Allowed Uses in Mixed-Use Districts

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

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

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

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

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

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

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

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

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

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Repair service, large equipment – 20,000 square feet or less of gross floor area	-	-	UP	-
Repair service, small appliances	P	P	P	-
Transportation and Infrastructure				
Parking garage or lot as primary use	UP	UP	UP	-
Public safety facility	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar Energy Systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar Energy Systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar Energy Systems)
Utility building or substation	P	P	P	-

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

17.34.030 Downtown Mixed-Use Development Standards

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

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

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

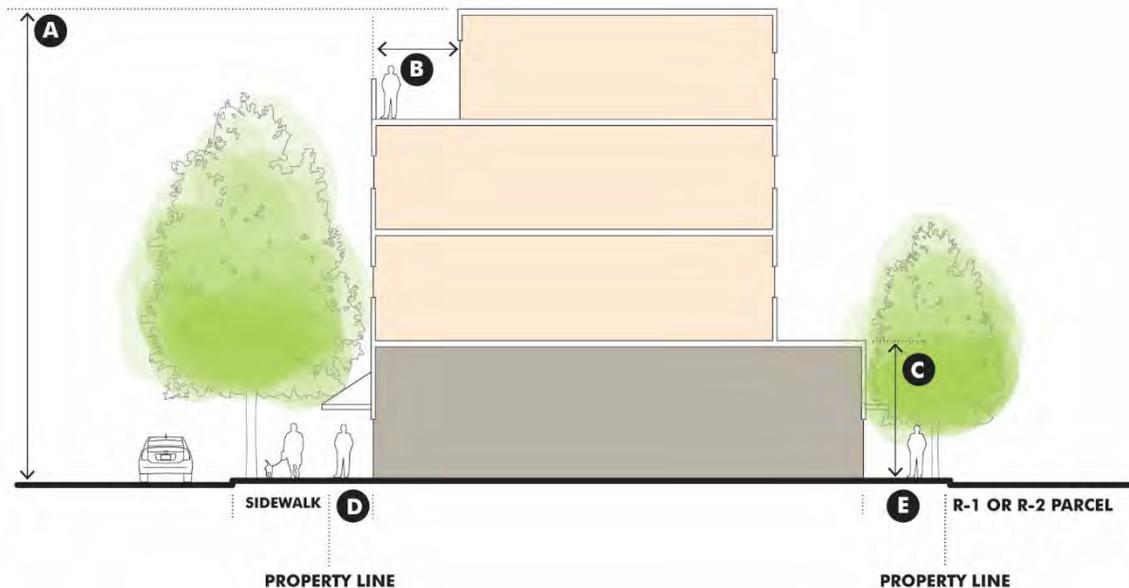
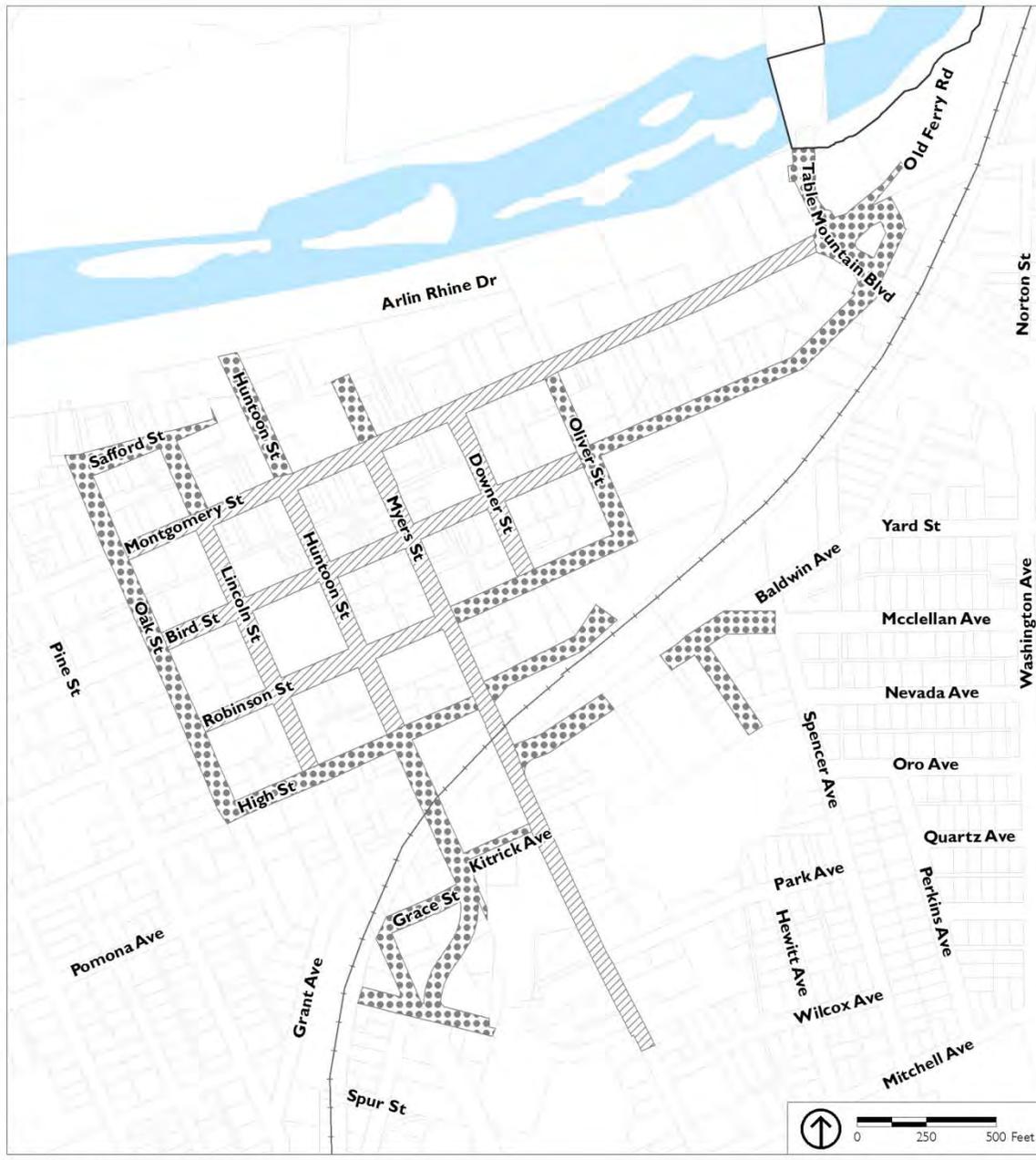


TABLE 17.34.030-1: DEVELOPMENT STANDARDS IN THE DOWNTOWN MIXED-USE DISTRICT

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

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

Figure 17.34.030-1 Primary and Secondary Streets



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

- | | |
|--------------------|-----------------------|
| Street Type | □ Oroville City Limit |
| ▨ Primary Street | —+— Railroad |
| ⋯ Secondary Street | |

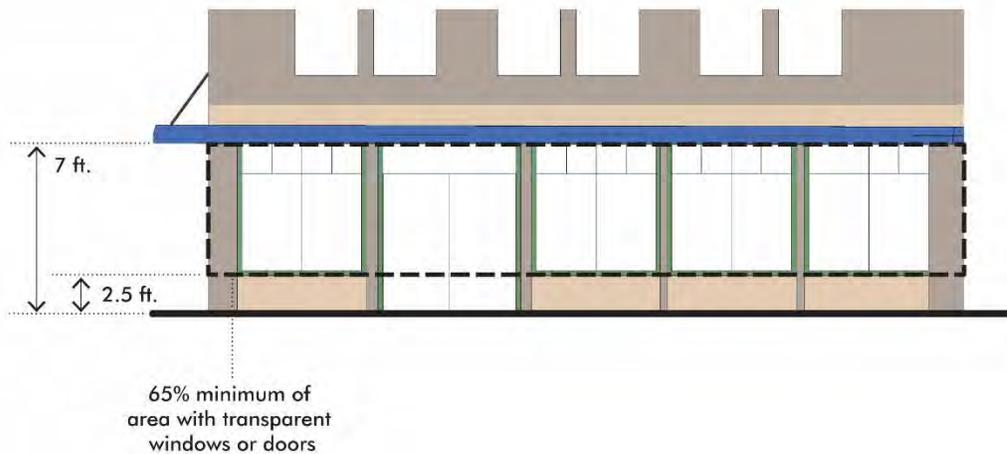
- B. **Public Realm.** The following standards support an active and inviting public realm in the Downtown Mixed-Use zoning district. These standards are illustrated in Figure 17.34.030-3.

Figure 17.34.030-3 *Downtown Mixed Public Realm Standards*



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

Figure 17.34.030-4 Ground-Floor Building Transparency



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

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

9. Driveways and Curb Cuts.

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

TABLE 17.34.030-2: DRIVEWAY DIMENSION STANDARDS

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

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

17.34.040 Neighborhood and Corridor Mixed-Use Development Standards

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

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

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

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

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

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

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

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

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

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

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

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

1. Building Siting and Orientation.

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

2. Pedestrian Orientation.

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

3. Parking.

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

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

TABLE 17.36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

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

TABLE 17.36.010-1: ALLOWED USES IN INDUSTRIAL DISTRICTS

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

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

TABLE 17.40.010-1: ALLOWED USES IN SPECIAL PURPOSE DISTRICTS

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

TABLE 17.40.010-1: ALLOWED USES IN SPECIAL PURPOSE DISTRICTS

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

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

17.44.020 HD-O: Hillside Development Overlay

.....

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

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

.....

17.44.040 DH-O: Downtown Historic Overlay

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

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

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

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

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

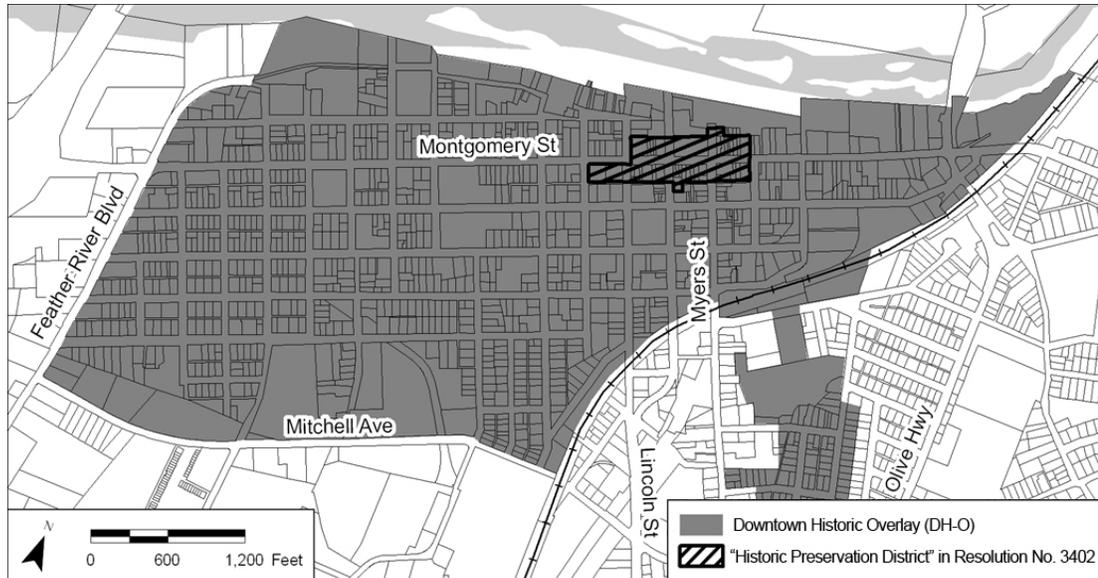
C. Development Standards in Residential Districts.

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

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

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

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



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

H. **Residential Building Types.**

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

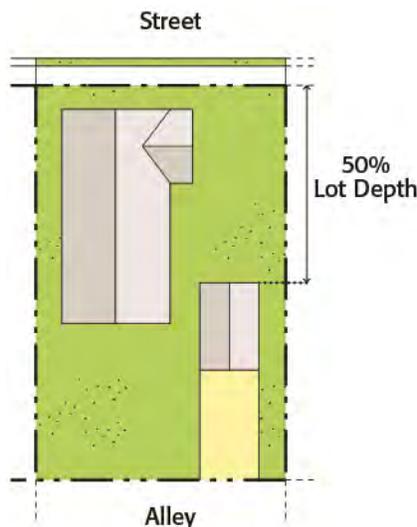
3. **Permitted Building Types.** The following building types, which are described in Figures 17.44.040-4 through 17.44.040-12, are permitted in the DH-O district:
 - a. Small Lot Single-Family Homes
 - b. Carriage Homes
 - c. Side Yard Homes
 - d. Duplexes, Triplexes, and Quadplexes (“Mansion Apartments”)
 - e. Rosewalk
 - f. Bungalow Court
 - g. Townhomes
 - h. Side Yard Apartments
 - i. Courtyard Apartments

4. **Where Allowed.** The residential building types described in this section are permitted where the DH-O is applied to a residential base district.

5. **Permit Required.** Development Review is required for a permitted residential building type that complies with the standards in this chapter but conflicts with the standards of the underlying base district. A Variance is not required.

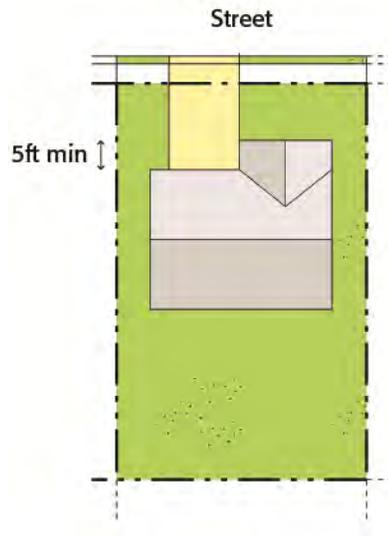
6. **Development Standards for All Building Types.** The following standards apply to all residential building types in the DH-O district:
 - a. *Orientation.* Front entrances to buildings shall face onto or be clearly visible from a public street.
 - b. *Corner Lots.* Buildings on corner lots shall feature well-articulated facades for each street frontage.
 - c. *Pathways.* A pathway shall connect the adjacent public sidewalk to a building’s front entry.
 - d. *Parking and Access – Alley-Loaded Buildings.* For buildings served by an alley, vehicle access to the lot is allowed only through the alley. When an alley is present, vehicle parking areas, including garages, carports and surface parking spaces, shall be set back from the front lot line a minimum of 50 percent of the total lot depth (See Figure 17.44.040-2). Utilities, above ground equipment, trash containers and other services shall be accessed only through the alley.

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



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

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



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

FIGURE 17.44.040-4 SMALL LOT SINGLE-FAMILY HOMES

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



Development Standards for Small Lot Single-Family Homes

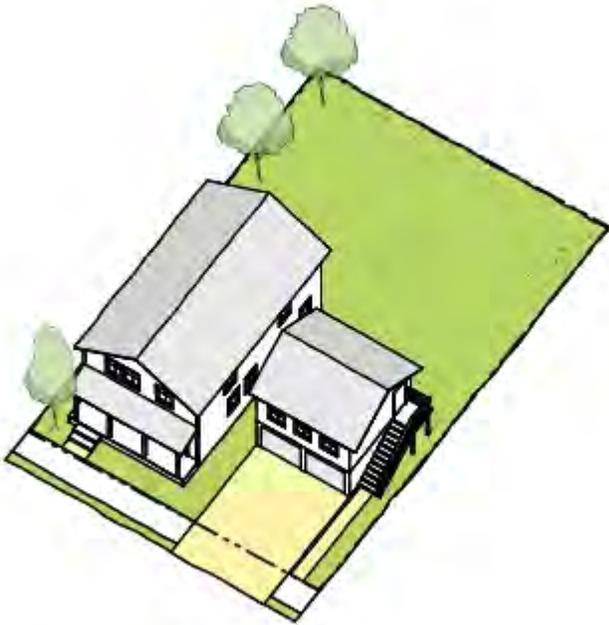
	Minimum	Maximum
Lot Standards		
Width	30 ft.	100 ft.
Length	75 ft.	150 ft.
Building Standards		
Setbacks		
Front	15 ft. [1]	25 ft.
Side	5 ft.	-
Rear	25 ft. [2]	-
Height	-	30 ft. and 2 stories

[1] Front porches may be setback 10 feet from the property line.

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

FIGURE 17.44.040-5 CARRIAGE HOMES

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

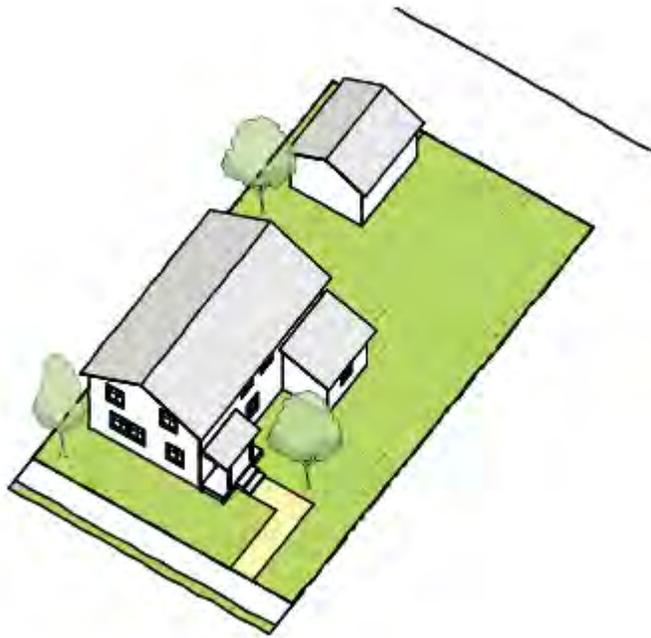


Development Standards for Carriage Homes

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

FIGURE 17.44.040-6 SIDE YARD HOMES

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



Development Standards for Side Yard Homes

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

Additional Side Yard Home Standards

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

FIGURE 17.44.040-7 DUPLEXES, TRIPLEXES, AND QUADPLEXES

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



Development Standards for Duplexes, Triplexes, and Quadplexes

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

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

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

FIGURE 17.44.040-8 ROSEWALK

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



Development Standards for Rosewalk

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

FIGURE 17.44.040-9 BUNGALOW COURT

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



Development Standards for Bungalow Court

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

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

Additional Bungalow Court Standards

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

FIGURE 17.44.040-10 TOWNHOMES

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



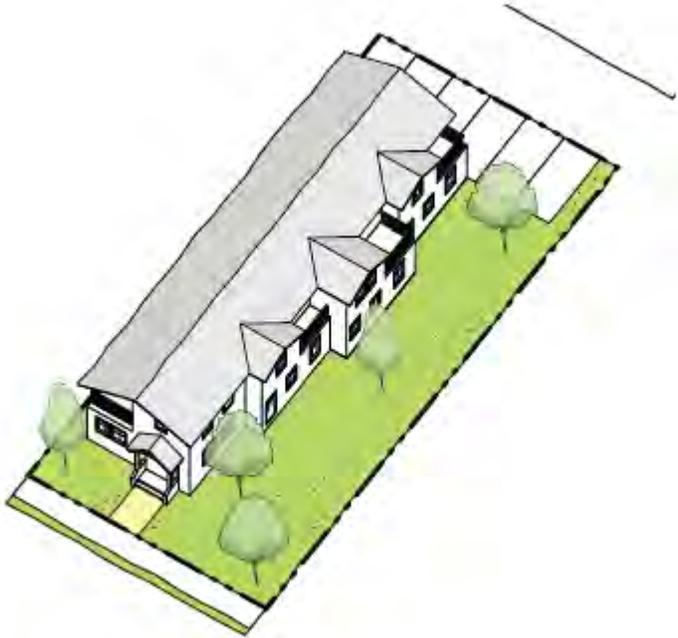
Development Standards for Townhomes

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

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

FIGURE 17.44.040-11 SIDE COURT APARTMENTS

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



Development Standards for Side Court Apartments

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

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

FIGURE 17.44.040-12 COURTYARD APARTMENTS

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



Development Standards for Courtyard Apartments

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

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

Additional Courtyard Apartments Standards

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

17.44.080 F-O: Foothill Overlay

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

17.44.090 UA-O: Unique Agriculture Overlay

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

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

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

D. Development and Operational Standards.

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

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

TABLE 17.44.090-1: ATTENDEES AT SPECIAL EVENTS

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

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

17.44.100 PO-O: Professional Office Overlay

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

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

17.44.110 ACE-O: Arts, Culture and Entertainment Overlay

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

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

16.16.185 Dedication of Land for Park and Recreation Purposes

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

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

B. Applicability.

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

C. Requirements.

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

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

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

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

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

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

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

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

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



City of Oroville

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 CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Oroville City Council will hold a public hearing on the projects described below. Said hearing will be held at **6:30 p.m. on Tuesday, March 7, 2017** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

- 1. OROVILLE SUSTAINABLE CODE UPDATES – READOPTION AS AN ORDINANCE (1st READING)** – The Oroville City Council will conduct a public hearing to review and consider re-approving the Oroville Sustainable Code Updates and certification of the Final Supplemental Environmental Impact Report under ordinance. All documents were previously approved on March 31, 2015 by resolution (Resolution No. 8344). The action included updates to the City's Zoning Ordinance to bring it into conformance with the 2030 General Plan, changes to the Zoning Map to bring it into conformance with the City's 2030 General Plan land use designations, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, a new Climate Action Plan, a new Balanced Mode Circulation Plan, targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, and other updates to the Oroville Municipal Code, including revisions to the solar energy ordinance, local and healthy food amendments, development incentives for community benefits, inclusion of Crime Prevention Through Environmental Design principles, park provision standards, and a new oak tree loss mitigation ordinance. The re-adoption of the Oroville Sustainable Code Updates under ordinance is for the purpose of ensuring that the Oroville Municipal Code is properly formatted to reflect the actions of the Council.

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 City Council at, or prior to, the public meetings.

Posted/Published: **Saturday, February 25, 2017**

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: BILL LAGRONE, DIRECTOR OF PUBLIC SAFETY

RE: FORMATION OF AD-HOC COMMITTEES TO REVIEW SPILLWAY INCIDENT

DATE: MARCH 7, 2017

SUMMARY

The Council may establish ad-hoc committees to review the City's response to the Oroville Dam Spillway incident and provide recommended actions to improve response and to improve public awareness during emergency situations.

DISCUSSION

On February 12, 2017, the citizens of Oroville were evacuated, due to a potential failure of the Emergency Spillway at the Oroville Dam. This event was traumatic to our community. This event displaced well over 80% of our community members. Since this action has occurred it is our responsibility to review the evacuation process and procedures to ensure all was done in the best interest of our Community. It is also our responsibility to note areas of improvement and make those improvements.

This is of such a concern that Council Persons Del Rosario, Draper and Hatley contacted staff and requested a meeting. Staff met with the Council persons and prepared a list of priorities.

The Chart below contains some of the priorities:

Immediate	Non-Immediate	Financial	Non-Financial
Emergency Operation Center	Far Northern (social service)	Updated Emergency Action Plan	Roles and Responsibilities
Incident Plans	Senior Facilities	Public Education	NIMS Training
Reverse 911	Animal Evacuation		Notice of Absence
Civil Alert Siren Approximately \$35K	Ground Transport		Public Notification Partnerships
Emergency Broadcast	Partnership Review		Hospital Plan

Public Information Officer	SNAP		School Plans
MAPS with Evacuation Routes	SCOR		
	Employee List		

This is not a complete list of all potential areas of improvement. This list is just a representation of the work that is needed.

Staff is requesting the formation of two committees. The first committee made up of (3) Council persons, will work with the Director of Public Safety on an Operational Committee. The second committee, made up of (3) Council Persons will work with the Assistant City Administrator on an Administrative Committee.

FISCAL IMPACT

None at this time, Staff time only. All proposal must be brought back to the full Council.

RECOMMENDATIONS

1. Appoint three (3) council members to serve on the Administrative Ad-hoc committee.
2. Appoint (3) council members to serve on the Operational Ad-hoc committee.

ATTACHMENTS

None.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: WADE G. ATTEBERRY, PARKS AND TREES SUPERVISOR
DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

RE: TREE REMOVALS AT 1550 ROBINSON STREET

DATE: MARCH 7, 2017 (*Continued from February 7, 2017*)

SUMMARY

The Council may consider the removal of two (2) Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements.

DISCUSSION

There are two Chinese Pistache trees at 1550 Robinson Street that are doing significant damage to the existing sidewalk and starting to damage the curb and gutter. Chinese Pistache trees have been identified to do significant damage to hardscape when planted in inappropriate locations and have been identified in the Urban Forest Management Plan as trees needing to be removed where they have been planted in inappropriate locations. Staff believes the two herein identified trees should come out now before they do significantly more damage to the sidewalk, curb, and gutter. As they are planted very close to two drive approaches, their removal will also prevent the inevitable impact to these drive approaches in the near future.

FISCAL IMPACT

Labor to remove the Chinese Pistache trees. Tree replacements will be purchased with funding from the settlement with PG&E. Estimated cost is \$1,100.

RECOMMENDATIONS

Authorize the removal of two Chinese Pistache trees, located at 1550 Robinson Street, and the planting of suitable replacements.

ATTACHMENTS

A - Pictures of Current Damage



01/19/2017



01/19/2017



01/19/2017

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: TREE REMOVAL REQUEST BY BUSINESS OWNER AT 1440 MYERS
STREET**

DATE: MARCH 7, 2017

SUMMARY

The Council may consider the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements.

DISCUSSION

There are three Grecian Laurel trees at 1440 Myers Street that are causing problems to the property business owner. The trees produce berries that fall from the tree and decay, causing flies to become a nuisance and moss to grow on the sidewalks. The berries also draw birds that provide an excessive amount of bird droppings onto the sidewalk and customer vehicles. The property owner has submitted a letter requesting the removal of the trees (**Attachment A**).

The City's Parks and Trees supervisor has indicated the following pros and cons with the existing trees:

Pros

- All three are mature trees and are not causing sidewalk damage
- The trees are not on the City's do not plant list

Cons

- The City treats the trees every year with an insecticide to keep down the bug infestations
- Trucks and other large vehicles have hit some of the limbs because they are too low over the parking areas

FISCAL IMPACT

Labor to remove the Grecian Laurel trees and plant suitable replacements. Tree replacements will be purchased with funding from the settlement with PG&E. Estimated cost is \$1,500.

RECOMMENDATIONS

Authorize the removal of three (3) Grecian Laurel trees, located at 1440 Myers Street, and the planting of suitable replacements.

ATTACHMENTS

A – Letter from Tracy Reality Company

B – Photographs



February 8, 2016

Mr. Don Rust
City Administrator
1735 Montgomery Street
Oroville, CA 95965

Re: Tree removal request
1440 Myers Street
Prospectors Alley

Dear Don:

We spoke recently regarding the damage to the sidewalks, the sewer lines, roof drains and utility lines (including gas lines) being caused by the three trees in the sidewalk in front of PROSPECTORS ALLEY Mini Mall. They are truly a menace to the properties there.

In addition to the extensive root damage, they are evergreen trees with berries that are a constant mess, including causing moss to form on the sidewalks. The berries draw birds by the thousands, their excrement is dropped on cars parked there, and the whole mess constantly draws those little flies that never land. Several people in the Mini Mall have lost customers over the excrement on their cars and the flies.

You indicated that I could request removal of those trees by sending you a request, and that City crews would remove the trees down to a level with the sidewalk if you get Council approval. I am hereby making that request.

I am fairly sure that, after their removal, our awning will need to be replaced and will cost several thousand dollars. I am preparing to address that, along with a new roof for the building. It would be great if we could also somehow cause the Masonic Lodge and the City of Paris to paint their awnings – I will speak with the Lodge and see if I can set that up for them with volunteers. You can contact the City of Paris.

Thank you for addressing this as soon as possible.

Respectfully submitted,

Orville E. Tracy, Jr.
Managing Member
Prospectors Alley LLC



02/28/2017



02/28/2017

LING
TOX

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

**RE: GROUND LEASE AGREEMENT WITH MODERN BUILDING INC. FOR
THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL**

DATE: MARCH 7, 2017

SUMMARY

The Council will review and consider approving a ground lease agreement with Modern Building Inc. for the phased construction of 350,000 square feet of new building space for the expansion of Graphic Packaging International (GPI) which will require 13.6 acres of airport property to be leased for a non-aeronautical use.

DISCUSSION

On January 17, 2017, the Oroville Planning Commission reviewed and approved 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 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 expansion (**Attachment A**). The project is located within the boundaries of the Oroville Municipal Airport at 525 Airport Parkway (APN: 030-260-039). 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.

The proposed ground lease would be between the City of Oroville and Modern Building, Inc., who will construct and own the proposed building that would be leased to GPI. The term of the ground lease, as proposed, would be for 30 years. Rent would be \$2,083.33 per month, and be payable in three month installments with the rental due on the third day of the month and every three months thereafter. The rent will be subject to a 3% annual inflation factor increase. The primary use of the land will be for the construction and operation of the packaging plant expansion. Other additional uses of the land shall not be allowed without prior approval by the City. Under the terms of the proposed agreement, lessee shall not assign this lease or any portion of said real property or

rights without first obtaining written consent from the City. Additionally, lessee will be responsible for all utility services, such as gas, water, electricity and sewer, as well as garbage removal services at no cost to the City.

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 and adopted by the Planning Commission on January 17, 2017.

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. The City subsequently received a 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.

FISCAL IMPACT

The term of the ground lease would be for 30 years and a monthly rent of \$2,083.33. The rent will be subject to a 3% annual inflation factor increase.

RECOMMENDATION

Adopt Resolution No. 8589 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A GROUND LEASE AGREEMENT WITH MODERN BUILDING, INC. FOR USE OF AIRPORT PROPERTY FOR A NON-AERNAUTICAL USE RELATED TO THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL - (Agreement No. 3211).

ATTACHMENTS

- A – Land Use Change Authorization
- B – Map of Lease Area
- C – Site Plan
- D – Resolution No. 8589
- E – Agreement No. 3211



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.

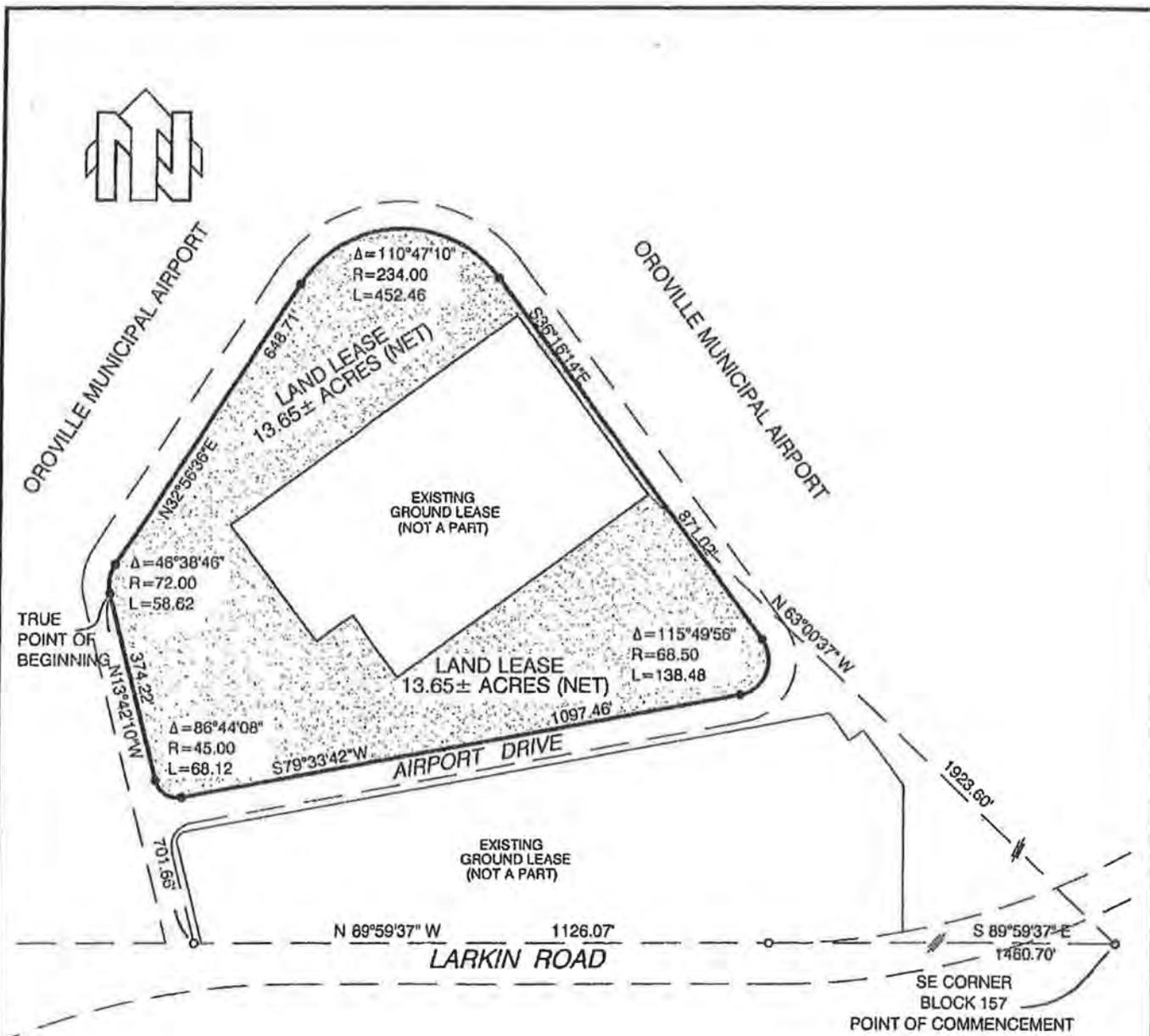
The Basis of Bearings for this description is the same as shown on said Record of Survey filed in Book 96 of Maps at Pages 78 – 82.


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.



<p>NorthStar ENGINEERING</p> <p>111 Mission Ranch Blvd, Ste 100 Chico, California 95926 Phone: (530) 893-1600 Fax: (530) 893-2113 www.northstareng.com</p>	<p>PREPARED FOR:</p> <p>CITY OF OROVILLE 1735 MONTGOMERY STREET OROVILLE, CA 95965</p>	<p>JOB TITLE:</p> <p>OROVILLE MUNICIPAL AIRPORT LAND LEASE REQUEST 13.65 ACRES</p>	<p>SCALE: 1" = 300'</p> <p>JOB NO.: 12-078</p> <p>DATE: 12-18-2012</p> <p>DRAWN BY: MLM</p> <p>CHECKED BY: CHECKED</p> <p>SHEET NO.: 1 OF 1</p>
	<p>1/23/13</p>		

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).

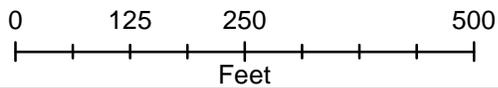
10. This (lease, license, permit) and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of the airfield and other nonexclusive use areas of the airport or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



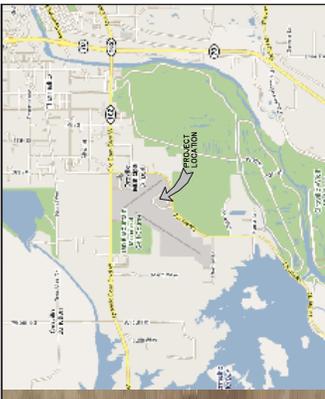
GPI Appraisal Map

Portion of APN 030-260-039



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





LOCATION MAP INT.

BUILDING DATA	SQUARE FOOTAGE	EYE HEIGHT	ROOF HEIGHT
BLDG 1	159,025 SF	25'-0"	31'-8"
BLDG 2	1,519 SF	21'-4"	22'-4"
BLDG 3	15,200 SF	24'-6"	29'-6"
BLDG 4	353,000 SF	25'-5"	31'-8"

PARKING DATA
220 SPACES INCLUDING 9 ACCESSIBLE SPACES



SIERRA PACIFIC PACKAGING, INC AIRPORT PARKWAY OROVILLE, CALIFORNIA	SCHEMATIC DESIGN NEW OFFICE AND STORAGE FACILITIES																																					
	Job Number: _____ Scale: _____ Date: _____	Sheet 1 OF 1																																				
111 Mission Ranch Blvd., Ste. 100 Chico, California 95926 Ph: (530) 893-1600 Fax: (530) 893-2113 www.northstareng.com	NorthStar Civil Engineers, Surveyors Chico, California																																					
<table border="1"> <thead> <tr> <th>Revisions</th> <th>Date</th> <th>By</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Revisions	Date	By													<table border="1"> <thead> <tr> <th>Designed</th> <th>Drawn</th> <th>Checked</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Designed	Drawn	Checked										<table border="1"> <thead> <tr> <th>Approved</th> <th>Date</th> <th>Contractor</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Approved	Date	Contractor						
Revisions	Date	By																																				
Designed	Drawn	Checked																																				
Approved	Date	Contractor																																				

**CITY OF OROVILLE
RESOLUTION NO. 8589**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING
THE MAYOR TO EXECUTE A GROUND LEASE AGREEMENT WITH MODERN
BUILDING, INC. FOR USE OF AIRPORT PROPERTY FOR A NON-AERNAUTICAL USE
RELATED TO THE EXPANSION OF GRAPHIC PACKAGING INTERNATIONAL**

(Agreement No. 3211)

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute a ground lease agreement with Modern Building, Inc. for the lease of 13.65 acres of airport property for a non-aeronautical use.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 7, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

OROVILLE AIRPORT GROUND LEASE

IT IS HEREBY AGREED by and between the City of Oroville, a Municipal Corporation (LESSOR), and Modern Building, Inc. (LESSEE) as follows:

1. Description of Property.

LESSOR hereby leases to LESSEE and LESSEE hereby hires from LESSOR all that certain real property (Premises) located at the Oroville Municipal Airport, (Airport) as more particularly described as being a portion of Assessors Parcel Number 030-260-039, totaling 13.65 acres, as depicted in Exhibit "A" attached hereto, which exhibit is by this reference incorporated herein.

2. Term of Lease.

The term of this lease shall be for a 30-year period commencing April 1, 2017, and ending March 31, 2047.

3. Rental.

Upon the effective date of this Agreement, LESSEE covenants and agrees to pay to LESSOR a rental of \$2,083.33 Dollars per month, which rental shall be payable in three month installments with the rental due on the third day of the month and every three months thereafter. Effective April 1, 2018, the rent shall be subject to a 3% annual inflation factor increase.

4. Use of Premises.

The primary use of the Premises by LESSEE shall be for the construction and operation of a manufacturing plant expansion. Other additional uses of the Premises by LESSEE shall not be allowed without prior approval by the LESSOR.

5. Construction, Financing and Improvements.

(A) LESSEE shall not construct, alter, remove or replace any building, improvement or facility without first submitting to LESSOR all plans, designs and descriptions of same and obtaining from LESSOR its approval in writing as to all the terms, conditions, locations, utility, use, effect and architectural design of same. The aforesaid approval shall not be withheld unreasonably. LESSOR shall have thirty (30) days from the date of submission to indicate its approval or disapproval thereof and the reasons therefore, and, in the event LESSOR does not so indicate its disapproval, the aforesaid lack of approval shall constitute approval of said plans, designs and descriptions so submitted.

(B) LESSOR's right to develop or improve any part of the Airport shall not be limited in any way by this Paragraph 5, provided that LESSEE's use, enjoyment and free access to the Premises shall not be impaired. However, nothing in this Lease notwithstanding, should the LESSOR in its sole and absolute discretion determine at any time during the existence of this Lease that LESSOR has a need for the Premises, LESSOR, in its sole and absolute discretion, may relocate LESSEE's hangar building to another location on the Oroville Municipal Airport of equal size, (the "substituted property"), at LESSOR's sole cost and expense. In such event, this Lease shall terminate as to the Premises described herein on Exhibit "A" and this Lease and the balance of the term of this Lease shall apply to the substituted property.

(C) All improvements previously or hereafter constructed by LESSEE shall be and remain the property of LESSEE during the term of this Lease and shall automatically transfer to LESSOR upon expiration of this Lease. In the event that LESSOR wants the improvements removed upon expiration of the Lease, LESSOR shall inform LESSEE in writing and LESSEE shall remove the improvements at LESSEE's sole cost and expense.

Except as set forth in hereinabove, LESSEE shall not make, or suffer to be made, any alterations of the said premises or any part thereof, without the written consent of LESSOR first had and obtained. LESSEE shall keep the leased premises free from any liens arising out of any work performed, material furnished, or obligations incurred by LESSEE, and shall indemnify and hold LESSOR harmless therefrom.

6. Assignment.

LESSEE shall not assign this Lease or any portion of said real property or rights hereunder without the express written consent of LESSOR first obtained, which consent shall not be unreasonably withheld.

7. Insurance and Indemnity.

(A) LESSEE shall defend, indemnify and hold LESSOR and the property of LESSOR including the Premises and any buildings or improvements now or hereafter on said premises, free and harmless from any and all liability, claims, loss, damages, or expenses resulting from LESSEE's construction activities, occupation and use of the Premises, specifically including without limitation, any liability, claim, loss, damage or expense arising by reason of:

(1) The death or injury of any person, including LESSEE or any person

who is an employee or agent of LESSEE, or by reason of the damage to or destruction of any property, including property owned by LESSEE or by any person who is an employee or agent of LESSEE, from any cause whatever while such person or property is in, or on, the premises, or in any way connected with the Premises or with any of the improvements or personal property on the Premises;

- (2) The death or injury of any person, including LESSEE or any person who is an employee or agent of LESSEE, or by reason of the damage to or destruction of any property including property owned by LESSEE or any person who is an employee or agent of LESSEE, caused or allegedly caused by either (a) the condition of the Premises or some building or improvement on the Premises, or (b) some act or omission on the Premises of LESSEE or any person in, on, or about said premises with the permission and consent of LESSEE;
- (3) Any work performed on the Premises or materials furnished to the Premises at the instance or request of LESSEE or any person or entity acting for or on behalf of LESSEE; or
- (4) LESSEE's failure to perform any provision of this Lease or to comply with any requirement of law or any requirement imposed on LESSEE or the Premises by any duly authorized governmental agency or political subdivision.

(B) LESSEE shall, at LESSEE'S own cost and expense, secure promptly after execution of this Lease and maintain during the entire term of this Lease – insurance coverage as shown in Exhibit "A".

8. Obligations of LESSEE:

(A) The use and occupancy of the Premises by LESSEE shall be without cost or expense to LESSOR. It is understood and agreed that LESSOR is not obligated to furnish any utility services, such as gas, water, electricity and sewers, to LESSEE during the period of occupancy. LESSEE shall assume and pay for all utility services and for any necessary fire extinguisher for building interior and meters for measuring service of lights, water, sewer and gas.

(B) LESSEE agrees at LESSEE'S own expense to cause the Premises and any improvements and appurtenances thereon to be maintained in a presentable condition, consistent with good business practice and equal in appearance and character to other similar improvements at the Airport. The maintenance responsibilities in this Paragraph include the landscaped

areas immediately surrounding the buildings to be constructed by LESSEE.

- (C) LESSEE agrees at his own expense to cause to be removed from the Premises all waste, garbage and rubbish, and agrees not to deposit the same on any part of the Airport.
- (D) LESSEE shall save the LESSOR harmless of and from any and all costs or charges for utility services furnished to or required by LESSEE during the term of this Lease; provided, however, that LESSEE is hereby given the right to connect to any and all storm and sanitary sewers, water and electricity utility outlets, at its own cost and expense, and shall pay for any and all services charges incurred or used on the Premises.
- (E) After approval by the LESSOR, the LESSEE shall operate any business in a first class manner, in accordance with the highest standard for this type of operation. The service shall at all times be prompt, courteous and efficient. The LESSEE specifically agrees:
 - (1) That in its operation and the operation of all its facilities on the Airport, neither it nor any person or organization occupying space or facilities thereon, will discriminate against any person or class of persons by reason of race, color, age, religion, creed, sex, handicap, marital status or national origin in the use of any facilities provided for the public on the Airport.
 - (2) That in rendering to the public any service, it will furnish said service on a fair, equal and not unjustly discriminatory basis to all users thereof, and will charge fair, reasonable and not unjustly discriminatory prices for each unit or service; provided that LESSEE may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reduction to volume purchasers.
- (F) LESSEE will comply with all requirements of the Oroville Municipal Code and will obey the Rules and Regulations set forth in Ordinance No. 1067 with amendments as may from time to time be promulgated by LESSOR or its authorized agents in charge of the Airport to ensure the safe and orderly conduct of the Airport, and LESSEE shall obey such rules and regulations as may from time to time be promulgated by the United States or any department or agency thereof and by the State of California for like purposes.
- (G) LESSEE accepts the Premises in their present condition and LESSEE, without expense to LESSOR, will make all the necessary improvements.

- (H) In the event LESSEE does not maintain the Premises in a satisfactory condition in accordance with the terms of this Lease, LESSOR shall have the right to perform necessary maintenance thereon at LESSEE's expense.

9. Fees and Taxes.

LESSEE shall pay and discharge promptly all lawful taxes and assessments, including but not limited to possessory interest taxes, which may be levied by the state, county or other tax levying body on any taxable interest of LESSEE, as well as all taxes and assessments on taxable personal property of whatever nature owned by LESSEE and located on the Premises. LESSEE shall promptly pay all excise, licenses and permit fees of whatever nature applicable to the operation of LESSEE's business.

10. Worker Compensation.

Upon request of LESSOR, LESSEE shall provide to LESSOR evidence of its compliance with the Workers' Compensation and Unemployment Compensation laws of the State of California if employing any workers.

11. Breach/Default.

- (A) Should LESSEE breach this Lease and abandon the Premises prior to the natural expiration of this Lease, LESSOR may continue this Lease in effect by not terminating LESSEE'S right to possession of the Premises, in which event LESSOR shall be entitled to recover the rent specified in this Lease as it becomes due under this Lease.

- (B) All covenants and agreements contained in this Lease are declared to be conditions to this Lease. Should LESSEE default in the performance of any covenant, condition or agreement contained in this Lease and the default not be cured within sixty (60) days after written notice of the default is served on LESSEE by LESSOR, then LESSOR may terminate this Lease, and

- (1) Bring an action to recover from LESSEE:

- (a) The worth at the time of award of the unpaid rent which had been earned at the time of termination of the Lease;
- (b) The worth at the time of award of the amount by which the unpaid rent which would have been earned after termination of the Lease until the time of award exceeds the amount of rental loss that LESSEE proves could have been reasonably

avoided;

- (c) The worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of rental loss that LESSEE proves could be reasonably avoided; and
 - (d) Any other amount necessary to compensate LESSOR for all detriment proximately caused by LESSEE'S failure to perform his obligations under this Lease; and
 - (2) Bring an action in addition to or in lieu of the action described in subparagraph (1) of this section, to re-enter and regain possession of said premises in the manner provided by the laws of unlawful detainer of the State of California then in effect.
- (C) Should LESSEE become insolvent as defined in this section, LESSOR may, by giving sixty (60) days written notice to LESSEE or to the person appointed to manage LESSEE'S affairs at the address for such person appearing in the official records of the Court that appointed him, terminate this Lease and forfeit LESSEE'S interest in the Premises and in any improvements or facilities in, on, or pertaining to the Premises. For purposes of this section, LESSEE shall be conclusively presumed to have become insolvent if any of the following occur:
- (1) A receiver is appointed to take possession of all or substantially all of LESSEE'S property because of insolvency, except that LESSEE shall have sixty (60) days in which to have the receiver removed; or
 - (2) LESSEE makes a general assignment for the benefit of creditors; or
 - (3) The filing by LESSEE for reorganization or arrangement under any law relating to bankruptcy or insolvency.
- (D) The remedies given to LESSOR in this paragraph 11, shall not be exclusive but shall be cumulative with and in addition to all remedies now or hereafter allowed by law and elsewhere provided in this Lease.
- (E) The waiver by LESSOR of any breach by LESSEE of any of the provisions of this Lease shall not constitute a continuing waiver or a waiver of any subsequent breach by LESSEE either of the same or a different provision of this Lease.
- (F) On expiration or sooner termination of this Lease, LESSEE shall surrender said premises to LESSOR in as good, safe and clean condition as

practicable.

12. Compliance with Law.

LESSEE shall, at his sole cost and expense, comply with all the requirements of all City, County, State and Federal authorities now in force, or which may hereafter be in force pertaining to the Premises, and shall faithfully observe in the use of the Premises all City and County ordinances, and State and Federal Statutes, now in force or which may hereafter be in force. If any Federal Agency determines that any of the uses hereunder violate any deed restrictions set forth in the grant to LESSOR, LESSOR may terminate this Lease.

13. Attorney's Fees.

In any action or proceeding between LESSOR and LESSEE to enforce any provision of this Lease, the prevailing party shall be awarded attorneys' fees and costs.

14. Notice.

For the purpose of giving notice under any of the foregoing provisions by one party herein to the other, it is agreed the notice may be sent to the following respective addresses and that the notice shall be conclusively deemed received at the expiration of forty-eight (48) hours after the mailing thereof:

LESSOR: **City Administrator
City of Oroville
1735 Montgomery Street
Oroville, CA 95965**

LESSEE: **Modern Building, Inc.
Attn: Gage Chrysler
3083 Southgate Lane
P.O. Box 772
Chico, CA 95927-0772
(530) 891-4533**

15. Time of Essence.

Time is of the essence of each and every term and provision of this Lease.

16. Airport Appropriated by Federal Government.

If the airport or any part thereof is appropriated by the Federal Government in a

national emergency and, as a result thereof, LESSEE is prohibited by Federal law, rule or regulation from using or occupying the Premises, and LESSEE for such reason does not use or occupy the Premises and is not otherwise compensated for loss of use caused thereby, then, during the period in which all these conditions exist, LESSEE shall not be entitled to recover from LESSOR. Each and every provision, term and condition of this Lease shall remain in force and effect, unless by reason of the Federal Government's having appropriated the airport or any part thereof, LESSEE shall be physically or legally prevented from carrying out such provisions, terms and conditions; LESSEE's obligation in this regard shall be suspended only during the period of time LESSEE is prevented from carrying out such obligations by reason of such appropriation by the Federal Government. The term of this Lease shall not be extended because of the occurrence of the above conditions.

17. Non-discrimination.

The LESSEE, in the operation and use of the lands and buildings at the Airport will not on the grounds of race, age, religion, color, sex, handicap, marital status or national origin discriminate or commence discrimination against any person, or group of persons, in any manner prohibited by Part 15 of the Federal Aviation Regulations. Non-compliance with the above assurances shall constitute a material breach and, in the event of such non-compliance, LESSOR may take appropriate action to enforce compliance, may terminate the Lease agreement to which this covenant relates, or seek judicial enforcement.

18. Agreement with the United States.

This Lease shall be subordinate to the provisions of any existing or future agreement between LESSOR and the United States of America relative to the use, operation or maintenance of the Airport, the execution of which agreement had been or may now or hereafter be required as a condition precedent to the expenditure of Federal Funds for the development of the Airport; provided, that if, in the consequence of the subordination of this Lease to such agreement, LESSEE is required to give up any part or all of these leased premises or to alter, remove and/or relocate any part or all of its improvements, adjustment of rent shall be made by mutual agreement between LESSOR and LESSEE.

19. Rights to Amend.

In the event the Federal Aviation Agency requires modifications or changes in this Lease as a condition precedent to the granting of funds for the improvement of the air terminal or lands and improvement covered by its laws, rules or regulations, LESSEE agrees to consent to such amendments, modifications or requirements of this Lease as may be reasonably required to obtain such funds; provided, however, that in no event will LESSEE be required, pursuant to this paragraph, to agree to an increase in the rent provided for hereunder or to a

change in the use (provided it is an authorized use hereunder) to which LESSEE has put the Premises.

20. Compliance with Federal Regulation.

LESSEE, for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained or otherwise operated on said property described in this Lease for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964.

21. Compliance with Department of Transportation Regulations.

LESSEE, for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that: (1) no person on the grounds of race, age, religion, color, sex, handicap, marital status 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 furnishings of services thereon, no person on the grounds of race, age, religion, color, sex, handicap, marital status or national origin shall be excluded from participation in, denied benefits of, or otherwise be subject to discrimination, (3) that LESSEE shall use the Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

22. Breach of Non-discrimination Covenants.

In the event of breach of any of the above nondiscrimination covenants, LESSOR shall have the right to terminate the Lease and to render and repossess said land and the facilities thereon, and hold the same as if the Lease had never been made or issued. This provision does not become effective until the procedures of 49 CFR are followed and completed including expiration of appeal rights.

23. Non-Discriminatory Prices.

LESSEE shall furnish its accommodations and/or services on a fair, equal and

not unjustly discriminatory basis to all users thereof, and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; PROVIDED, that LESSEE may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar type of price reductions to volume purchasers.

24. Remedy for Noncompliance.

Noncompliance with Paragraph 20 above shall constitute a material breach hereof, and, in the event of such noncompliance, LESSOR shall have the right to terminate this Lease and the estate hereby created without liability therefore or, at the election of the LESSOR or the United States, either or both said Governments shall have the right to judicially enforce provisions.

25. Insertion in Agreements.

LESSEE agrees that it shall insert the above six (6) provisions in any Lease agreement, contract, etc., by which LESSEE grants a right or privilege to any person, firm or corporation to render accommodations and/or services to the public on the premises herein leased.

26. Affirmative Action.

LESSEE assures it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to ensure that no person shall on the grounds of race, creed, color, sex, handicap, marital status or national origin, be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. LESSEE assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. LESSEE assures it will require that its covered suborganizations provide assurances to LESSEE that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 14 CFR Part 152, Subpart E, to the same effect.

27. Further Development.

LESSOR reserves the right to further develop or improve the other areas, including but not limited to the landing area, of the Airport as it sees fit, regardless of the desires or view of LESSEE and without hindrance or interference by LESSEE.

28. Lease Subordinate to Agreements with United States.

This Lease may be subordinate to provisions and requirements of any existing or future agreement between LESSOR and the United States, relative to the

development, operation or maintenance of the Airport.

29. Compliance with Notification and Review Requirements.

LESSEE agrees to comply with the notification and review requirements covered in Part 77 of the Federal Aviation Regulations in the event future construction of a building is planned for the Premises, or in the event of any planned modification or alteration of any present or future building or structure situated on the premises.

30. Non-Exclusive Right under Federal Aviation Act.

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).

31. Property Interest Subject to Taxation.

The property interest which is the subject of this Lease may be subject to property taxation. In such event LESSEE shall be solely required to pay the property taxes on such interest.

32. Further documents.

At any time, and from time to time, within twenty-one (21) days after notice of request by either party, the other party shall execute, acknowledge, and deliver to the requesting party, or to such other recipient as the notice shall direct, a statement certifying that this Lease is unmodified and in full force and effect, or, if there have been modifications, that it is in full force and effect as modified in the manner specified in the statement. The statement shall also state the dates to which the rent has been paid in advance. The statement shall be such that it can be relied on by any other auditor, creditor, commercial banker, and investment banker of either party, and by any prospective purchaser or encumbrancer of the premises or improvements, or both, or of all or any parts of LESSEE's or LESSOR's interests under this Lease.

A failure to execute, acknowledge, and deliver on request the statement described above, within the specified time, shall constitute acknowledgement to all persons entitled to rely on the statement that this Lease is unmodified and in full force and effect and that the rent has been duly and fully paid to and including the respective due date immediately preceding the date of the notice of request, and shall constitute a waiver with respect to all persons entitled to rely on the statement of any defaults that may exist before the notice, and shall be an event of default.

33. Definitions.

Person means person or persons or other entity or entities, or any combination of persons or entities.

LESSOR means the person who is the owner at the time in question of the Premises, whether singular or plural in number and whether named in this Lease as LESSOR or having become the successor in interest of the named LESSOR, or the successor of a successor whether by assignment, foreclosure or other transfer, and whether intentional or inadvertent or by operation of law.

LESSEE means the person named as LESSEE in the Lease, whether singular or plural in number, or the person who at the time in question is the successor in interest of LESSEE, or the successor of a successor whether by assignment, foreclosure or other transfer, and whether intentional or inadvertent or by operation of law. It does not, however, include any person claiming under any assignment or other transfer prohibited by this Lease, and this definition does not alter the provisions of this Lease relating to assignment or sub-letting.

Improvements means all buildings, structures, and improvements, and all additions to or improvements of or in, now or at any time hereafter, located on the Premises and including, but not limited to, all the foundations and footings therefore, all fixtures, appliances, furnaces, boilers, machinery, engines, motors, compressors, dynamos, fittings, pipings, connections, conduits, ducts, partitions, and equipment and apparatus of every kind and description now or hereafter affixed or attached to or incorporated in any such building, structure or improvements, including all machinery and equipment used or procured for use in connection with or for the heating, cooling, lighting, plumbing, ventilation, air-conditioning, refrigeration, cleaning, or general operation of any such building, structure, or any improvement, but shall not include property which may be removed by a sub-tenant pursuant to a sub-lease.

Sub-lease means a Lease by LESSEE of the premises or improvements, whether such Lease is a Lease subordinate to this Lease or a direct Lease of improvements reserved by LESSEE. The term also includes licenses, concessions, or other agreements relating to the use or occupancy of the Premises granted by LESSEE resulting in income payable to LESSEE.

Sub-tenant means the tenant under a sub-lease.

Gender. The neuter gender includes the feminine and masculine, the masculine includes the feminine and neuter, and the feminine includes the masculine and neuter, and each includes corporation, partnership, or other legal entity when the context so requires.

Plural. The singular number includes the plural, and vice versa, whenever the context so requires.

Exhibits. All exhibits to which the reference is made in this Lease are incorporated in this Lease by the respective references to them, whether or not they are actually attached. Reference to "this Lease" includes matters incorporated by reference.

Force Majeure means a cause beyond an obligated party's reasonable control, including, but not limited to, strikes, lockouts or labor disputes, riots, wars, fires, floods, earthquakes, accidents, embargoes, governmental restrictions, regulations or controls, or acts of God.

Environmental Laws means all federal, state, local, or municipal laws, rules, orders, regulations, statutes, ordinances, codes, decrees, or requirements of any government authority regulating, relating to, or imposing liability or standards of conduct concerning any Hazardous Substance (as later defined), or pertaining to occupational health or industrial hygiene (and only to the extent that the occupational health or industrial hygiene laws, ordinances, or regulations relate to Hazardous Substances on, under, or about the Property), occupational or environmental conditions on, under, or about the Property, as now or may at any later time be in effect, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) [42 USCS §§ 9601 et seq.]; the Resource Conservation and Recovery Act of 1976 (RCRA) [42 USCS §§ 6901 et seq.]; the Clean Water Act, also known as the Federal Water Pollution Control Act (FWPCA) [33 USCS §§ 1251 et seq.]; the Toxic Substances Control Act (TSCA) [15 USCS §§ 2601 et seq.]; the Hazardous Materials Transportation Act (HMTA) [49 USCS §§ 1801 et seq.]; the Insecticide, Fungicide, Rodenticide Act [7 USCS §§ 136 et seq.]; the Superfund Amendments and Reauthorization Act [42 USCS §§ 6901 et seq.]; the Clean Air Act [42 USCS §§ 7401 et seq.]; the Safe Drinking Water Act [42 USCS §§ 300f et seq.]; the Solid Waste Disposal Act [42 USCS §§ 6901 et seq.]; the Surface Mining Control and Reclamation Act [30 USCS §§ 1201 et seq.]; the Emergency Planning and Community Right to Know Act [42 USCS §§ 11001 et seq.]; the Occupational Safety and Health Act [29 USCS §§ 655 and 657]; the California Underground Storage of Hazardous Substances Act [H & S C §§ 25280 et seq.]; the California Hazardous Substances Account Act [H & S C §§ 25300 et seq.]; the California Hazardous Waste Control Act [H & S C §§ 25100 et seq.]; the California Safe Drinking Water and Toxic Enforcement Act [H & S C §§ 24249.5 et seq.]; the Porter-Cologne Water Quality Act [Wat C §§ 13000 et seq.] together with any amendments of or regulations promulgated under the statutes cited above and any other federal, state, or local law, statute, ordinance, or regulation now in effect or later enacted that pertains to occupational health or industrial hygiene, and only to the extent that the occupational health or industrial hygiene laws, ordinances, or regulations relate to Hazardous Substances on, under, or about the Property, or the regulation or protection of the environment, including ambient

air, soil, soil vapor, groundwater, surface water, or land use.

Hazardous Substances includes without limitation:

(a) Those substances included within the definitions of hazardous substance, hazardous waste, hazardous material, toxic substance, solid waste, or pollutant or contaminant in CERCLA, RCRA, TSCA, HMTA, or under any other Environmental Law;

(b) Those substances listed in the United States Department of Transportation (DOT) Table [49 CFR 172.101], or by the Environmental Protection Agency (EPA), or any successor agency, as hazardous substances [40 CFR Part 302];

(c) Other substances, materials, and wastes that are or become regulated or classified as hazardous or toxic under federal, state, or local laws or regulations; and

(d) Any material, waste, or substance that is

(i) a petroleum or refined petroleum product,

(ii) asbestos,

(iii) polychlorinated biphenyl,

(iv) designated as a hazardous substance pursuant to 33 USCS § 1321 or listed pursuant to 33 USCS § 1317,

(v) a flammable explosive, or

(vi) a radioactive material.

34. Environmental laws/hazardous substances.

LESSEE will obey all environmental laws and will not permit any hazardous substances on the premises without the express written permission of LESSOR.

IN WITNESS WHEREOF, we have hereunto set our hands on March 7, 2017 at Oroville, California.

/
/
/
/
/

CITY OF OROVILLE

MODERN BUILDING, INC.

By: _____
Linda Dahlmeier, Mayor

By: _____
Gage Chrysler, Principal

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott E. Huber, City Attorney

By: _____
Donald Rust, Acting City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, ACTING CITY ADMINISTRATOR
ADMINISTRATION DEPARTMENT**

**RE: PROFESSIONAL SERVICES AGREEMENT WITH BENNETT
ENGINEERING**

DATE: MARCH 7, 2017

SUMMARY

The Council may consider a Professional Services Agreement with Bennett Engineering, in the amount of \$120,000, annually, for the next five years, for professional engineering services.

DISCUSSION

On September 17, 2016, the Interim City Engineer (Project Manager/Senior Civil Engineer) retired and created a vacancy for the City Engineer position. The City Charter requires the City to have a City Engineer. Currently, the City is utilizing Ghirardelli Associates consulting firm to provide those services under contract approved on September 20, 2016. The contract with Ghirardelli is mainly to oversee the construct of the Table Mountain Boulevard Roundabout, however they are also providing additional plan view and inspection services.

At their February 7, 2017 meeting, the City Council directed staff to develop a professional service contract with an engineering consulting firm to provide professional engineering services and act as the City Engineer, as needed.

In 2016, the Cities of Biggs and Gridley both issued requests for proposals (RFPs) to hire an engineering consultant firm to provide a professional engineering services, including a licensed civil engineer to act as the City Engineer.

On September 23, 2016, the City of Biggs entered into a contracted agreement with Bennett Engineering out of Roseville, changing from CEC Engineering out of Yuba City. The City Administrator of Biggs has indicated that he believes that Bennett Engineering was a good choice for their current needs.

On October 17, 2016, the City of Gridley also entered into a contracted agreement with Bennett Engineering changing from Rolls Anderson and Rolls out of Chico that had been the City's professional engineering service for many years. The Cities of Biggs and Gridley chose Bennett Engineering to provide professional engineering services and act as their City Engineer on as needed basis.

As the City continues to struggle financially and requests other employees to take cuts to salary and benefits to close budgetary gaps, it does not make sense to request an increase in the salary and benefit package for the City Engineer / Director of Public Works at this time.

Staff recommends that the Council contract with Bennett Engineering to provide professional engineering services for at least the next five (5) years similar to the Cities of Biggs and Gridley. The Contract will be funding utilizing the current annual budget allocated for the Interim City Engineer (Project Manager/Senior Civil Engineer) and Associate Civil Engineer in the amount of \$264,277 for salaries and benefits.

FISCAL IMPACT

Salaries and benefits budgeted for the Interim City Engineer and the Associate Civil Engineer were a total of \$264,277.05 included in the current Fiscal Year (FY) 2016/2017 budget. Of this amount approximately \$117,465.90 was used leaving a balance of \$146,811.15 available budget remaining. The contract with Bennett Engineering will be in the amount not to exceed \$120,000 per year, with \$30,000 from the remaining balance of \$146,811.15 available FY 2016/2017 budget remaining.

RECOMMENDATIONS

1. Authorize staff to piggyback on the Request for Proposals process recently undertaken by the cities of Biggs and Gridley for professional engineering services.
2. Adopt Resolution No. 8590 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING, IN THE AMOUNT OF \$120,000, ANNUALLY, FOR FIVE YEARS, FOR PROFESSIONAL ENGINEERING SERVICES – (Agreement No. 3212).

ATTACHMENTS

- A – Resolution No. 8590
- B – Agreement No. 3212

**CITY OF OROVILLE
RESOLUTION NO. 8590**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BENNETT ENGINEERING, IN THE AMOUNT OF \$120,000, ANNUALLY, FOR FIVE YEARS, FOR PROFESSIONAL ENGINEERING SERVICES

(Agreement No. 3212)

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute a Professional Services Agreement with Bennett Engineering for professional engineering services.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 7, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

**CITY OF OROVILLE PROFESSIONAL SERVICES AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES**

This Agreement is entered into this _____ day of February, 2017, by and between the City of Oroville, a California municipal corporation ("City"), and Bennett Engineering Services, a California "S" corporation ("Consultant").

RECITALS

A. Consultant desires to perform and assume responsibility for the provision of professional city engineering consultant services required by the City on the terms and conditions set forth in this Agreement.

B. Consultant has presented a proposal for such services to the City, the scope of work of which is attached hereto and incorporated herein as Exhibit "A," and is duly licensed, qualified and experienced to perform those services.

C. Consultant agrees it has satisfied itself by its own investigation and research regarding the conditions affecting the work to be done and labor and materials needed, and that its decision to execute this Agreement is based on such independent investigation and research.

D. City desires to engage Consultant to render such services as set forth in this Agreement.

AGREEMENT

1. SCOPE AND TERM OF SERVICES.

1.1 General Scope of Services. Consultant promises and agrees to furnish to the City all labor, materials, tools, equipment, services and incidental and customary work necessary to fully and adequately supply the necessary professional city engineering consultant services ("Services"). The Services are more particularly described in Exhibit "A."

1.2 Term of Services. This Agreement shall be effective as of February _____, 2017 and shall end on February _____, 2022, unless terminated pursuant to Section 9 of this Agreement or unless extended by written amendment.

2. FEES AND PAYMENTS.

2.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under this Agreement at the rates set forth in Exhibit "B."

2.2 Payment of Compensation. Consultant shall submit to City a monthly itemized statement which indicates work completed and hours of Services rendered by Consultant. City shall, within forty-five (45) days of receiving such statement, review the statement and pay all approved charges thereon.

3.1 The Parties may, from time to time, request changes in the Scope of the Services of Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of Consultant's compensation and/or changes in the schedule must be authorized in advance by the City in writing. Mutually agreed changes shall be incorporated in written amendments to the Agreement.

4.1 Independent Contractor; Control and Payment of Subordinates. Consultant enters into this Agreement as an independent contractor and not as an employee of the City. Consultant shall have no power or authority by this Agreement to bind the City in any respect. Nothing in this Agreement shall be construed to be inconsistent with this relationship or status. All employees, agents, contractors or subcontractors hired or retained by the Consultant are employees, agents, contractors or subcontractors of the Consultant and not of the City. The City shall not be obligated in any way to pay any wage claims or other claims made against Consultant by any such employees, agents, contractors or subcontractors, or any other person resulting from performance of this Agreement.

4.2 Conformance to Applicable Requirements. All work prepared by Consultant shall be subject to the approval of City.

4.3 Project Manager. The Consultant shall designate a project manager who at all times shall represent the Consultant before the City on all matters relating to this Agreement. The project manager shall continue in such capacity unless and until he or she is removed at the request of the City, is no longer employed by Consultant or replaced with the written approval of the City which shall not be unreasonably withheld.

4.4 Coordination of Services. Consultant agrees to work closely with City staff in the performance of Services and shall be available to City staff, consultants and other staff at all reasonable times. City agrees to work closely with Consultant's staff in the performance of Services and shall be available to Consultant's staff at all reasonable times.

4.5 Warranty. Consultant agrees and represents that it is qualified to properly provide the Services set forth in Exhibit "A" in a manner which is consistent with the generally accepted standards of Consultant's profession. Consultant further represents and agrees that it will perform said Services in a legally adequate manner in conformance with applicable federal, state and local laws and guidelines.

4.6 Interest in Contract. Consultant covenants that neither it, nor any of its employees, agents, contractors, subcontractors has any interest, nor shall they acquire

any interest, direct or indirect, in the subject of the Contract, nor any other interest which would conflict in any manner or degree with the performance of its services hereunder.

Consultant shall make all disclosures required by the City's conflict of interest code in accordance with the category designated by the City, unless the City Manager determines in writing that Consultant's duties are more limited in scope than is warranted by the category designated by the City code and that a narrower disclosure category should apply. Consultant also agrees to make disclosure in compliance with the City conflict of interest code if, at any time after the execution of this agreement, City determines and notifies Consultant in writing that Consultant's duties under this agreement warrant greater disclosure by Consultant than was originally contemplated. Consultant shall make disclosures in the time, place and manner set forth in the conflict of interest code and as directed by the City.

5. **INSURANCE.**

5.1 Time for Compliance. Consultant shall not commence Services under this Agreement until it has provided evidence satisfactory to the City that it has secured all insurance required under this section. In addition, Consultant shall not allow any subconsultant to commence work on any subcontract until it has provided evidence satisfactory to the City that the subconsultant has secured all insurance required under this section.

5.2 Types of Required Coverages. As a condition precedent to the effectiveness of this Agreement for work to be performed hereunder and without limiting the indemnity provisions of the Agreement, the Consultant in partial performance of its obligations under such Agreement, shall procure and maintain in full force and effect during the term of the Agreement, the following policies of insurance.

5.2.1 Commercial General Liability: Commercial General Liability Insurance which affords coverage at least as broad as Insurance Services Office "occurrence" form CG 0001, with minimum limits of at least \$1,000,000 per occurrence. Defense costs shall be paid in addition to the limits.

The policy shall contain no endorsements or provisions limiting coverage for

(1) products and completed operations; (2) contractual liability; (3) third party action over claims; or (4) cross liability exclusion for claims or suits by one insured against another.

5.2.2 Automobile Liability: Automobile Liability Insurance with coverage at least as broad as Insurance Services Office Form CA 0001 covering "Any Auto" (Symbol I) with minimum limits of \$1,000,000 each accident.

5.2.3 Workers' Compensation: Workers' Compensation Insurance, as required by the State of California and Employer's Liability Insurance with a limit of not less than \$1,000,000 per accident for bodily injury and disease.

5.2.4 Professional Liability: Professional Liability insurance for errors and omissions with minimum limits of \$1,000,000. Covered Professional Services shall specifically include all work to be performed under the Agreement.

If coverage is written on a claims-made basis, the retroactive date shall precede the effective date of the initial Agreement and continuous coverage will be maintained or an extended reporting period will be exercised for a period of at least three (3) years from termination or expiration of this Agreement.

5.3 Endorsements.

5.3.1 The policy or policies of insurance required by Sections 5.2.1 Commercial General Liability and 5.2.2 Automobile Liability shall be endorsed to provide the following:

5.3.1.1 Additional Insured: The indemnified parties shall be additional insureds with regard to liability and defense of suits or claims arising out of the performance of the Agreement. Additional Insured Endorsements shall not (1) be restricted to "ongoing operations"; (2) exclude "contractual liability"; (3) restrict coverage to "sole" liability of Consultant; or (4) contain any other exclusions contrary to the Agreement.

5.3.1.2 Primary Insurance and Non-Contributing Insurance: This insurance shall be primary and any other insurance, deductible, or self-insurance maintained by the indemnified parties shall not contribute with this primary insurance.

5.3.1.3 Severability: In the event of one insured, whether named or additional, incurs liability to any other of the insureds, whether named or additional, the policy shall cover the insured against whom claim is or may be made in the same manner as if separate policies had been issued to each insured, except that the limits of insurance shall not be increased thereby.

5.3.1.4 Cancellation: The policy shall not be canceled or the coverage suspended, voided, reduced or allowed to expire until a thirty (30) day prior written notice of cancellation has been served upon the City except ten (10) days prior written notice shall be allowed for non-payment of premium.

5.3.1.5 Duties: Any failure by the named insured to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the indemnified parties.

5.3.1.6 Applicability: That the coverage provided therein shall apply to the obligations assumed by the Consultant under the indemnity provisions of the Agreement, unless the policy or policies contain a blanket form of contractual liability coverage.

5.3.2 The policy or policies of insurance required by Section 5.2.3

Workers' Compensation shall be endorsed, as follows:

5.3.2.1 Waiver of Subrogation: A waiver of subrogation stating that the insurer waives all rights of subrogation against the indemnified parties.

5.3.2.2 Cancellation: The policy shall not be canceled or the coverage suspended, voided, reduced or allowed to expire until a thirty (30) day prior written notice of cancellation has been served upon the City except ten (10) days prior written notice shall be allowed for non-payment of premium.

5.3.3 The policy or policies of insurance required by Section 5.2.4 Professional Liability shall be endorsed, as follows:

5.3.3.1 Cancellation: The policy shall not be canceled or the coverage suspended, voided, reduced or allowed to expire until a thirty (30) day prior written notice of cancellation has been served upon the City except ten (10) days prior written notice shall be allowed for non-payment of premium.

5.4 Deductible. Any deductible or self-insured retention must be approved in writing by the City and shall protect the indemnified parties in the same manner and to the same extent as they would have been protected had the policy or policies not contained a deductible or self-insured retention.

5.5 Evidence of Insurance. The Consultant, concurrently with the execution of the Agreement, and as a condition precedent to the effectiveness thereof, shall deliver either certified copies of the required policies, or original certificates and endorsements on forms approved by the City. The certificates and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf. At least fifteen (15) days prior to the expiration of any such policy, evidence of insurance showing that such insurance coverage has been renewed or extended shall be filed with the City. If such coverage is cancelled or reduced, Consultant shall, within ten (10) days after receipt of written notice of such cancellation or reduction of coverage, file with the City evidence of insurance showing that the required insurance has been reinstated or has been provided through another insurance company or companies.

5.6 Failure to Maintain Coverage. Consultant agrees to suspend and cease all operations hereunder during such period of time if the required insurance coverage is not in effect and evidence of insurance has not been furnished to the City. The City shall have the right to withhold any payment due Consultant until Consultant has fully complied with the insurance provisions of this Agreement.

In the event that the Consultant's operations are suspended for failure to maintain required insurance coverage, the Consultant shall not be entitled to an extension of time for completion of the Work because of production lost during suspension.

5.7 Acceptability of Insurers. Each such policy shall be from a company or

companies with a current A.M. Best's rating of no less than A:VII and authorized to do business in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

5.8 Insurance for Subconsultants. All subconsultants shall be included as additional insureds under the Consultant's policies, or the Consultant shall be responsible for causing subconsultants to purchase the appropriate insurance in compliance with the terms of this Agreement, including adding the City as an Additional Insured to the subconsultant's policies.

6. OWNERSHIP OF MATERIALS AND CONFIDENTIALITY.

6.1 Documents & Data; Licensing of Intellectual Property. This Agreement creates a non-exclusive and perpetual license for City to copy, use, modify, reuse or sublicense any and all copyrights, designs and other intellectual property embodied in plans, specifications, studies, drawings, estimates and other documents or works of authorship fixed in any tangible medium of expression, including but not limited to, physical drawings or data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents & Data").

Consultant shall require all subconsultants to agree in writing that City is granted a non-exclusive and perpetual license for any Documents & Data the subconsultant prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents & Data. Consultant makes no such representation and warranty in regard to Documents & Data which were prepared by design professionals other than Consultant or provided to Consultant by the City.

City shall not be limited in any way in its use or modification of the Documents and Data at any time, provided that any such use or modification not within the purposes intended by this Agreement shall be at City's sole risk.

6.2 Confidentiality. All Documents & Data are confidential and Consultant agrees that they shall not be made available to any individual or organization without the prior written approval of the City, except by court order.

7. ACCOUNTING RECORDS.

7.1 Maintenance and Inspection. Consultant shall maintain and make available for inspection by the City and its auditor's accurate records of all its costs, disbursements and receipts with respect to any work under this Agreement. Such inspections may be made during regular office hours at any time until one (1) year after the final payments under this Agreement are made to the Consultant.

8. SUBCONTRACTING.

8.1 Prior Approval Required. Consultant shall not subcontract any portion of the work required by this Agreement, except as expressly stated herein, without prior written approval of City. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement.

9. TERMINATION OF AGREEMENT.

9.1 Grounds for Termination. City may, by written notice to Consultant, terminate all or any part of this Agreement at any time and without cause by giving written notice to Consultant of such termination, and specifying the effective date thereof, at least seven (7) days before the effective date of such termination. Upon termination, Consultant shall be compensated only for those Services which have been adequately rendered to City, and Consultant shall be entitled to no further compensation. Consultant may not terminate this Agreement except for cause.

9.2 Effect of Termination. If this Agreement is terminated as provided herein, City may require Consultant to provide all finished or unfinished Documents and Data and other information of any kind prepared by Consultant in connection with the performance of Services under this Agreement. Consultant shall be required to provide such document and other information within fifteen (15) days of the request.

9.3 Additional Services. In the event this Agreement is terminated in whole or in part as provided herein, City may procure, upon such terms and in such manner as it may determine appropriate, services similar to those terminated.

10. GENERAL PROVISIONS.

10.1 Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective parties at the following address, or at such other address as the respective parties may provide in writing for this purpose:

**City: City of Oroville
1735 Montgomery Street
Oroville, CA
Attn: City Administrator**

**Consultant: Bennett Engineering Services
1082 Sunrise Avenue, Suite 100
Roseville, CA 95661
Attn: Leo Rubio, PE, President**

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

10.2 Indemnification. To the fullest extent permitted by law, Consultant shall indemnify and hold the City, its elected officials, officers, employees, agents and volunteers free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner to the extent caused by the sole negligence, recklessness or willful misconduct of Consultant, its officials, officers, employees, agents, subcontractors and subconsultants, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses, except such loss or damage which was caused by the active negligence, sole negligence, or willful misconduct of the City.

Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its elected officials, officers, employees, agents or volunteers.

10.3 Laws and Regulations. Consultant shall keep itself fully informed of and in compliance with all local, state and federal laws, rules, regulations and ordinances in any manner affecting the performance of the Project or the Services, including without limitation City business license requirements and all Cal/OSHA requirements, and shall give all notices required by law.

10.4 Prohibited Interests. Consultant covenants that neither it, nor any of its employees, agents, contractors or subcontractors has any interest, nor shall they acquire any interest, direct or indirect, in the subject of the Agreement, nor any other interest which would conflict in any manner or degree with the performance of the Services hereunder.

10.5 Prevailing Wages. Consultant is aware of the requirements of California Labor Code section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "public works" and "maintenance" projects. If the Services are subject to the Prevailing Wage Laws, Consultant agrees to fully comply with such Prevailing Wage Laws.

10.6 Equal Opportunity Employment. Consultant shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation.

10.7 Labor Certification. By its signature hereunder, Consultant certifies that it is aware of the provisions of Section 3700 of the California Labor Code which require

every employer to be insured against liability for Worker's Compensation or to undertake self- insurance in accordance with the provisions of that Code, and agrees to comply with such provisions before commencing the performance of the Services.

10.8 Attorneys' Fees. If either party commences an action against the other party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing party in such litigation shall be entitled to reasonable attorneys' fees and all other costs of such action.

10.9 Assignment or Transfer. Consultant shall not assign or transfer any interest in this Agreement whether by assignment or novation, without the prior written consent of the City, which will not be unreasonably withheld. Provided, however, that claims for money due or to become due Consultant from the City under this Agreement may be assigned to a financial institution or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer, whether voluntary or involuntary, shall be furnished promptly to the City.

10.10 Successors and Assigns. This Agreement shall be binding on the successors and assigns of the Parties.

10.11 Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

10.12 Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

10.13 Entire Agreement. This Agreement constitutes the entire agreement between the Parties relative to the Services specified herein. There are no understandings, agreements, conditions, representations, warranties or promises with respect to this Agreement, except those contained in or referred to in the writing.

10.14 Governing Law. This Agreement shall be governed by the laws of the State of California. Venue shall be in Butte County.

10.15 Time of Essence. Time is of the essence for each and every provision of this Agreement.

10.16 Interpretation. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party.

10.17 No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

10.18 Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right and authority to make this Agreement and bind each respective Party.

10.19 Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

10.20 Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF OROVILLE

BENNETT ENGINEERING SERVICES

By: _____
Linda L. Dahlmeier, Mayor

By: _____
Leo Rubio, PE, President

ATTEST:

By: _____
Donald Rust, Acting City Clerk

APPROVED AS TO FORM:

By: _____
Scott E. Huber, City Attorney

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

**RE: PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI
ASSOCIATES, INC.**

DATE: MARCH 7, 2017

SUMMARY

The Council may consider an Amendment to the Professional Services Agreement with Ghirardelli Associates, Inc. (Consultant), in an amount not to exceed \$100,000, to provide qualified professional civil engineering services for the City's Engineering Division.

BACKGROUND

The City's Engineering Division experienced a reduction in personnel. In order to provide the residents of Oroville with the proper services expected of the City's Engineering Division, staff is requesting the Council to amend Agreement No. 3191 with the Consultant to provide construction administration, inspection and management of public works improvement projects and qualified professional civil engineer services. On September 20, 2016, the City Council approved the Agreement with the Consultant in an amount not to exceed \$60,000, and an Amendment on December 6, 2016, for \$75,000.

DISCUSSION

Staff is requesting the Council to amend the Agreement with the Consultant to continue providing construction administration, inspection and management of public works improvement projects and qualified professional civil engineer services. The Consultant is specially trained, experienced and competent to provide services relating to public works construction administration, inspection and management of public works improvement projects and the review and approval of other engineering reports, documents, and studies typically prepared for encroachment permit issuances previously performed by the City's Interim City Engineer. The Agreement shall be in effect until the new Engineering Consultant has been hired by the Council.

FISCAL IMPACT

In no event shall the Consultant's compensation for the proposed amendment exceed the amount of \$100,000 without additional written authorization from the City's governing body.

The vacant position was allocated in the current budget among the following Funds:

Streets, General Fund	001-6360-3101
Public Works, General Fund	001-6360-2901

The total fiscal impact will be an additional \$100,000 and charged to the appropriate fund where the service is provided, utilizing appropriations from the budgeted position that is currently vacant. The majority of the \$135,000 of the original funding for the contract will be reimbursed as part of the grant funding in the amount of \$114,000.

RECOMMENDATION

Adopt Resolution No. 8591 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$100,000, TO PROVIDE QUALIFIED PROFESSIONAL CIVIL ENGINEERING SERVICES FOR THE CITY'S ENGINEERING DIVISION – (Agreement No. 3191-2).

ATTACHMENTS

A - Resolution No. 8591
B - Agreement No. 3191-2

**CITY OF OROVILLE
RESOLUTION NO. 8591**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$100,000, TO PROVIDE QUALIFIED PROFESSIONAL CIVIL ENGINEERING SERVICES FOR THE CITY'S ENGINEERING DIVISION

(Agreement No. 3191-2)

NOW THEREFORE, BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute an Amendment to the Professional Services Agreement with Ghirardelli Associates, Inc., in an amount not to exceed \$100,000. to provide qualified professional civil engineering services for the City's Engineering Division.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 7, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

**SECOND AMENDMENT TO AGREEMENT NO. 3191 BETWEEN
GHIRARDELLI ASSOCIATES, INC. AND THE CITY OF OROVILLE FOR
QUALIFIED PROFESSIONAL CIVIL ENGINEER SERVICES**

(Agreement No. 3191-2)

This Second Amendment (Amendment) dated, March 7, 2017, is to Agreement No. 3191 between the City of Oroville ("City") and Ghirardelli Associates, Inc. ("Contractor").

In consideration of the terms and conditions herein, the City and the Consultant agree that Agreement No. 3191 shall be amended as follows:

1. The City shall pay a maximum of an additional \$100,000 to provide qualified professional civil engineering services for the City's Engineering Division.
2. Conflicts between the Agreement and this Second Amendment shall be controlled by this Amendment. All other provisions within Agreement No. 3191 shall remain in full force and effect.

CITY OF OROVILLE

GHIRARDELLI ASSOCIATES, INC.

By: _____
Linda L. Dahlmeier, Mayor

By: _____

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott E. Huber, City Attorney

By: _____
Donald Rust, Acting City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DAWN NEVERS, ASSISTANT PLANNER (530) 538-2429
DONALD RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: AMENDMENTS TO SECTIONS OF THE OROVILLE MUNICIPAL CODE
RELATING TO TREE PRESERVATION AND UPDATE OF THE TREE
REMOVAL PERMIT APPLICATION (*CONTINUED FROM 09.06.2016*)**

DATE: MARCH 7, 2017

SUMMARY

The Council will review the proposed updates to sections of the Oroville Municipal Code relating to tree preservation and the tree removal permit application.

DISCUSSION

On November 3, 2015, the Council approved the appointment of an ad-hoc sub-committee to oversee, provide input, and to help assist in amending the existing Tree Ordinance and other relevant Oroville Municipal Code sections, and complete a Vegetation Management Plan for the areas along the Feather River. Additionally, the sub-committee aided in the updating of the Tree Removal Permit application, with the addition of a Fee Schedule, and a Tree Removal Mitigation Rate Table. The sub-committee, comprised of four citizens, one City Council member, two Park Commissioners, and three City staff, has completed the proposed updates. The sub-committee met on a bi-monthly basis to provide input and suggestions to update the Municipal Code 12.20.020 through 12.20.160 Trees and Plantings, 17.12.060 Tree Preservation, 17.48.070 Tree Removal Permits, Oak Tree Loss Mitigation, Chapter 8C, and the Tree Removal Permit Application.

On August 8, 2016, the Park Commission reviewed the amendments to the existing tree preservation ordinances and other relevant Oroville Municipal Code sections, and the updated Tree Removal Permit application, with the addition of a Fee Schedule, a Tree Removal Mitigation Rate Table, and approved recommendation to the Council.

On September 6, 2016, upon receipt of the proposed updates to the sections of the Oroville Municipal Code relating to tree preservation, and an update of the tree removal permit application, the Council made recommendations to reduce the permit fee to \$50 for the removal of a dead tree that is 12" or greater. Additionally, clarification to the definition *Zoning Administrator* has been made in Municipal Code Section 12.20.020

Definitions as follows:

Director. The Director of Community Development and Public Works /Zoning Administrator, or his/her designee.

Should the updates to the City of Oroville's existing tree ordinances, Oroville Municipal Code sections, and Tree Removal Permit Application be approved by Council, staff will begin working with the Tree & Vegetation ad-hoc sub-committee to complete the Administrative Draft Urban Forest and Vegetation Management Plan (based on the work completed by the PlaceWorks team and city staff).

FISCAL IMPACT

The proposed updates and amendments are intended to be full cost recovery for all work required of City staff as a part of these changes.

RECOMMENDATIONS

Provide direction, as necessary.

ATTACHMENTS

- A - Oroville Municipal Code 12.20 Trees and Plantings
- B – Oroville Municipal Code 17.12.060 Tree Preservation & 17.48.070 Tree Removal Permits
- C – Tree Removal Permit Application
- D – Transcription of September 6, 2016 City Council meeting

22-4212.20.010 Title.

This article shall be known as and may be cited and referred to as the “Tree Ordinance of the City of Oroville.” (Ord. 1174 § 1)

22-4312.20.020 Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

City Arborist. Is the individual responsible for the long-term care and management of city trees. Duties include the application of a management plan including planting, pruning, protecting, and removal programs for public trees and associated vegetation; budget preparation. ISA Certified Arborist® credentials.

Director. The-Director of Community Development and Public Works / Zoning Administrator, or his/her agent.

Formatted: Not Highlight

Habitat Tree. Must comply with wildlife rules & regulations, and nesting season of protected species.

Heritage Tree. Over 100 years old in age, and/or a diameter greater than 4’ (and non-invasive).

Historic tree. A tree existing in planter strips and public streets and which has been found by the park commission of the city to be a tree of notable historic interest because of its age, type or historic associations, and has been designated by resolution of such commission as an historic tree.

Invasive Species. Please refer to <http://www.cal-ipc.org/> for a list of invasive species.

Formatted: Font: Italic

Memorial Tree. A tree donated in the memory of someone, accepted by the Park Commission with recommendation sent to the City Council for final acceptance. (to be the responsibility of the City).

Maintain or maintenance. Pruning, spraying, fertilizing, propping, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of trees, except watering unless specifically so stated.

Mixed pattern. All proper spaces filled with a variety of approved species of trees.

Official tree (Street Tree). A tree planted or existing in planter strips and public streets in accordance with the plan.

Plan. The adopted ~~master street tree~~ Urban Forest Management Plan ~~plan~~ for the planting and maintenance of street trees within the city.

Planting strip. The area between the curb, or the place where the curb should be, and the adjacent property line.

Specimen tree. A tree existing within planting strips and public streets which has been found by the park commission of the city to be of high value because of its type and/or age, and has been designated by resolution of such commission to be a specimen tree.

Street. Any public street, avenue, boulevard, land, walk, road, parkway, alley, right-of-way, easement or other public way, and any median planting strip located within the street.

Tree. A tree, plant, shrub or other similar form of natural growth. (Ord. 1174 § 2)

Zoning Administrator. The Director of Community Development and Public Works, or his or her authorized representative.

Formatted: Font: Italic

12.20.030 Master street tree plan Urban Forest Management Plan.

Formatted: Highlight

It is in the best interest of the city that the guidelines set forth by the master street tree plan Urban Forest Management Plan be followed for the planting and maintenance of trees along its streets. (Ord. 1174 § 3)

~~22-45~~12.20.040 List of approved ground covers, etc.—Prohibited acts.

(a) *The park department shall maintain a current list of approved ground covers and plantings for planting strips. Use of plant materials other than those listed shall be by prior approval of the director. No plantings, construction or excavating which endanger pedestrians or vehicular traffic shall be permitted in planting strips. No surfacing materials, such as asphalt, gravel, etc., may be used without prior approval of the director. No vines or other plant materials shall be allowed to grow on any street tree. The placing of temporary protection for new lawns or trees or the provision of watering basins shall not be considered a violation of this section.* Figure 1: Per Wade Atteberry: list needs updating

(b) *All new and replacement planting shall be confined to shade and ornamental trees from the current official approved list. It is unlawful for any person to plant or place shrubs, low growing trees, flowers, vines, fences, rocks, gravel, signs, stakes or any other substance or objects, except watering basins for young trees and temporary protection for newly planted lawns, or to cause or create conditions of uneven ground, holes or other hazards, in planting strips within the streets of the city.* (Ord. 1174 § 3) Figure 2: Per Wade Atteberry: Needs updating

~~22-46~~12.20.050 Notification of specimen or historic trees.

All persons owning property adjacent to planting strips in which specimen or historic trees exist, shall be informed as to the status of these trees and the restrictions related to their care and removal. (Ord. 1174 § 3)

~~22-47~~12.20.060 Planting and maintenance by builders and owners.

(a) The park department may require that the planting of street trees be included in all building plans that appear before the architectural board of review for approval; and all related costs shall be borne by the owner. The selection of and the specifications for planting shall be in accordance with the ~~master street tree~~ Urban Forest Management Plan ~~-plan~~. The maintenance of these trees shall be the responsibility of the owner until the occupancy certificate is issued. No tree which has been designated as an historical or specimen tree shall be removed from the site without the prior approval of the park commission.

(b) The park department may require the planting of street trees within the planting strips of any new subdivision in conformity with the plan covering the area involved. No tree designated as an historical or specimen tree shall be removed from the site of a proposed subdivision without the prior approval of the park commission.

(c) The ~~planting and~~ first two years of maintenance costs, including irrigation, for all street trees planted in a new subdivision shall be borne by the subdivider by completion of a Lighting and Landscape Maintenance Agreement. The director shall determine the cost involved for each subdivision, which cost shall be paid to the city prior to approval of the final map of the subdivision by the city council. The ~~Parks Department shall~~ ~~director shall plant~~, maintain and irrigate such trees at such times and places as the development of the subdivision, its occupancy and other conditions make feasible.

(d) In the event a subdivider desires to plant, irrigate and maintain trees within the planting strip area of a new subdivision, he or she may apply to the director for a permit. The director may issue such a permit, but only after the subdivider has posted a performance bond guaranteeing the faithful performance of all irrigation and maintenance for a ~~two~~-year period. Such bond shall be of an amount equal to the cost of planting, irrigation and maintenance as determined by the director. All such planting shall be done in accordance with the planting specifications governing the planting of trees in planting strips and adopted as such by resolution of the council of the city.

(e) Any proposed change in a public street right-of-way direction or width, or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of improvements and it shall be the duty of the ~~city engineer~~ City Arborist¹ to coordinate the design of such improvements with the park and planning departments prior to completion of final overall plans. When the planting strip is situated between the inside edge of the sidewalk and the property line, an easement of six feet behind the sidewalk shall be retained or obtained where possible. Where easements are granted in this pattern, trees may be planted therein.

(f) It shall be the responsibility of the property owner to properly maintain all planting strips fronting on his or her property regardless of whether such property is developed. This maintenance shall include keeping such strips free from weeds or any obstructions deemed contrary to public safety and in conformance with the official plan. The placing of tar paper,

¹ City of Oroville Parks and Trees Department has three (3) certified arborist on staff.

plastic or other material over the ground, or the use of materials or chemicals intended to permanently sterilize the soil in these strips is prohibited. (Ord. 1174 § 4)

22-4812.20.070 Maintenance and removal by city.

(a) The city shall, at its own cost and expense, inspect, maintain and, when necessary, remove and replace trees in public areas and planting strips, except for the two-year period in new subdivisions covered in Section 22-47(b) and (c).

(b) The director is hereby made responsible (with assessment from the City Arborist) for the inspection, maintenance, removal and replacement of all official, specimen, heritage, habitat, and historic, memorial, and invesive trees within planting strips as defined herein.

(c) Under the guidance of the City Arborist, ~~the~~ director may cause the roots of young trees in the process of development to be cut to prevent future sidewalk lifting. Roots on older trees that have lifted sidewalks may be cut. Overhead limbs may be pruned or cut back to compensate for loss of root area. If it is a private tree, the property owner bears full cost recovery.

(d) The director may remove overhead limbs from any tree, regardless of the location of such tree, if in his or her opinion such removals are necessary in the interest of public safety. In the event such trees are on private property, the director shall notify the property owner, of such intent to remove limbs, by written notice at least ten days prior to such removals, except in the case of manifest public danger and immediate necessity. If it is a private tree, the property owner bears full cost recovery.

(e) The director shall have full authority to remove or replace, as needed, any tree or other existing improvements within the planting strip which does not conform to any section of the adopted ~~master street tree plan~~ Urban Forest Management Plan for planting and maintenance of trees. (Ord. 1174 §§ 3, 5). Property owners shall not plant a tree within a planting strip or public right of way without the ParksCommunity Development Directors permission.

22-4912.20.080 Liability of city and responsibility of owner.

Nothing in this article shall be deemed to impose any liability upon any member of the city council or the city, or any of its officers or employees, nor to relieve the owner and occupant of any private property from the duty to keep his or her private property, sidewalks and planting strip in front of such private property in a safe condition, and so as not to be hazardous to public travel. (Ord. 1174 § 5)

22-5012.20.090 Removal, pruning, etc.—Generally.

(a) Whenever a property owner desires to have a tree removed from a planting strip he or she or his/her agent shall apply to the park department for a permit for such removal at a cost detailed in the Master Fee Schedule. If the tree is found to be in good condition and the permit is granted solely for the convenience of the applicant, then the full cost of such removal

(i.e. the loss of the tree and a fee to plant three (3) new trees (cost of tree plus 1 crew hour per tree) to be planted in locations designated by the City) shall be borne by the applicant.

(b) No person shall, without an encroachment-written permit from the director remove, trim, prune or cut any tree planted or maintained by the city in public areas or planting strips. Upon permission being granted to any person for the purpose of trimming, pruning, cutting or removing any tree, all such work shall be done within a sixty day period and under the general supervision of and in accordance with standards outlined in the city master street tree plan Urban Forest Management Plan. Where trees are removed, all stumps, including underground portions to a depth specified by the director, shall be removed during such operations. (Ord. 1174 §§ 5, 6)

22-5412.20.100 Liability insurance and bond on tree removers.

Any person engaged in the business of removing city-Official Trees (Street Tree); a certified arborist shall be on site, shall carry public liability and property damage insurance in an amount to be determined by the city council Risk Management, and policies or certificates thereof shall be filed with the city clerk. Where deemed advisable, the park department may require recommend the posting of a performance bond in an amount equal to the cost of the proposed job to be determined by the City Council, which bond shall guarantee the completion of the job in accordance with rules established by the director. (Ord. 1174 § 6)

Formatted: Highlight

22-5212.20.110 Interference with work.

No person shall interfere or cause any person to interfere with any work being done under the provisions of this article by any employee of the city or any person or firm doing work for the city on bid, hire or assignment. (Ord. 1174 § 6)

22-5312.20.120 Injuring, destroying, etc.

It is unlawful for any person to injure or destroy any tree planted or maintained by the city in public streets or planting strips by any means, including but not limited to the following:

(a) Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to shut off air, light or water from its roots.

(b) Piling building equipment, material or other substance around any tree so as to cause injury.

(c) Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk.

(d) Posting any sign, poster, notice or otherwise on any tree, tree stake or guard, or by fastening any guy wire, cable, rope, nails, screws or other device to any tree, tree stake or guard.

(e) Cause or permit any wire charged with electricity to come in contact with any tree without having first obtained a written permit from the park-Community Development & Director.

(f) Cause or encourage any fire or burning near or around any tree. (Ord. 1174 § 6)

22-5412.20.130 Cooperation among departments and agencies.

(a) In order to provide for coordinating the multiple use of all street improvements, plans and specifications for street planting proposed by the park department shall be submitted to the city engineer, traffic engineer and planning director for their recommendations, and such recommendations shall be made within thirty days after receipt of such plans and specifications.

(b) To facilitate the planting and maintenance of trees in new subdivisions, the planning director shall advise and cooperate with the director in carrying out the provisions of this article. (Ord. 1174 § 7)

22-5512.20.140 Appeals.

An appeal to the city council from any action of the director may be made by filing a written notice thereof with the city clerk within ten days after such action is taken. The appeal shall clearly specify the reasons for which a hearing by the city council is requested. The city clerk shall thereupon place such appeal on the agenda of the city council for its next regular meeting, at which time the applicant and the director may present evidence. (Ord. 1174 § 8)

22-5612.20.150 Authority of park department and director.

This article is intended to give, and does hereby give, full and complete authority to the park department and the ~~park director~~ **Community Development Director, in concurrence with the City Arborist²**, over any and all official, specimen and historic trees now planted and growing, or hereafter to be planted and grown upon any and all parks, -streets and planting strips in the city. (Ord. 1174 § 9)

22-5712.20.160 Fees

Tree Removal Permit Fee: \$125.00 (\$50.00 for a dead tree 12" or greater)

Encroachment Permit Fee: To be determined (TBD)\$

Tree Removal Mitigation Rates Table:

<u>DBH Size of Trees</u>	<u># of Trees Removed</u>	<u>#15 Mitigation</u>	<u>#24 Box Mitigation</u>	<u>In-Lieu Fee</u>
<u>12" - 24"</u>		<u>X 2 =</u>	<u>X 1 =</u>	<u>X \$240.00</u>
<u>24"-32"</u>		<u>X 4 =</u>	<u>X 2 =</u>	<u>X \$480.00</u>
<u>>32"</u>		<u>X 6 =</u>	<u>X 3 =</u>	<u>X \$720.00</u>

² City of Oroville Parks and Trees Department has three (3) certified arborist on staff: Wade Atteberry, Laurie Mahoney, and David McElhanev.

Formatted: Centered

Formatted Table

Formatted: Centered

Formatted: Font: Arial Narrow, 11 pt

Formatted: Centered

Formatted Table

Formatted: Font: Arial Narrow

Formatted: Centered

Formatted: Centered

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

Formatted: Centered

Formatted: Centered

26-13.06017.12.060 Tree preservation.

A. Applicability.

1. The requirements of this section shall apply to any protected tree.
2. A protected tree is defined as:
 - a. Any tree on public property; or

b. Any tree on private property that has a trunk diameter of at least **1224 inches at 54** (refer to chart on reverse of application for size and amount) -inches above grade, of native species or non-invasive species, or of significant historic value.

- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight

B. Permit Required. The removal of any protected tree requires approval of a tree removal permit, as provided in Section 26-50.070 of this chapter.

C. Removal Without a Permit. If personal injury or property damage is imminently threatened, the Fire Chief, the Chief of Police or the Zoning Administrator, with the assessment from the City Arborist¹, may authorize the removal of a protected tree without obtaining the required permit. The removal shall be reported to the Zoning Administrator within 5 business days. (Ord. 1749 § 4). Should a tree be removed without the appropriate permit, inspection or authorization from a City of Oroville Arborist, a fine will be issued at double the amount of the Tree Removal Permit (permit fee \$125.00 x 2 = \$250.00) with the addition of the appropriate tree removal mitigation fee, and encroachment permit fee as necessary.

- Formatted: Font: (Default) Times New Roman, Font color: Black
- Formatted: Font: (Default) Times New Roman, Font color: Black
- Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black
- Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black
- Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

26-50.07017.48.070 Tree removal permits.

A. Purpose. The purpose of requiring tree removal permits is to preserve the City's mature trees tree canopy by placing appropriate restrictions on their Tree removal, while also allowing the removal of trees when necessary to protect the health, safety and welfare of the public.

B. Application.

1. Application for a tree removal permit shall be made in a form prescribed by the Zoning Administrator and accompanied by a fee established by resolution of the City Council removal permit (A permit will cover the number of trees being requested for removal, not one tree per permit), inspection from City Arborist, and a valuation of the tree to be removed. Fees may be obtained in the Master Fee Schedule (upon approval by the City Council). If the tree proposed for removal is 12" or larger at a height of 54" and is deemed in good condition, the homeowner may be required to pay an in-lieu fee to plant three (3) new trees (cost of tree plus 1 crew hour per tree) to be planted in locations designated by the City. Should the homeowner remove the tree without obtaining the required permit, there will be a fine imposed that is double the amount of the permit, with the addition of the appropriate tree removal mitigation fee, and

- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Highlight
- Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

¹ City of Oroville Parks and Trees Department has three (3) certified arborist on staff.

encroachment permit fee as necessary. Only the owner of the site may apply for a tree removal permit.

Formatted: Font: (Default) Times New Roman, 12 pt, Font color: Black

2. The application for a tree removal permit shall include a map depicting the location, size and type of all trees within or immediately adjacent to the subject property. The map shall also depict any permanent buildings or structures on the subject property.

3. The review authority for a tree removal permit shall be determined as follows:

a. For trees on public property, unless the removal is associated with a proposed development that requires Planning Commission approval, the Director of Parks and Trees shall be responsible for issuing tree removal permits with a prior inspection from a City Arborist.

b. For trees on private property, unless the removal is associated with a proposed development that requires Planning Commission approval, the Zoning Administrator shall be responsible for issuing tree removal permits with a prior inspection from the City Arborist.

c. For any proposed development that requires Planning Commission approval, the Planning Commission shall review the trees being removed, and approval of the project shall also be approval to remove or preserve all specified trees.

4. Public Agencies may apply for an Annual (reoccurring) Tree Removal Permit.

Formatted: Highlight

C. Required Findings.

1. A tree removal permit shall not be issued unless the review authority finds Zoning Administrator, with an inspection from a City Arborist, based on substantial evidence, that the owner has demonstrated that the removal is necessary in order to accomplish any one of the following objectives:

Formatted: Highlight

a. To ensure public safety as it relates to the health or structure of the tree, potential hazard to life or property, and proximity to existing or proposed structures, and interference with utilities or sewers, after reasonable alternatives have been considered.

b. To allow reasonable enjoyment of the property, including sunlight access and the right to develop the property.

c. To pursue good, professional practices of forestry or landscape design.

2. Any action regarding the issuance of a tree removal permit may be appealed, as provided in Section 26-56.100 of this chapter. Subject trees shall not be removed prior to the completion of the required appeal period. (Ord. 1749 § 4; Ord. 1762 § 12)



Tree Removal Permit Application

City of Oroville
 Parks & trees Department
 1735 Montgomery Street, Oroville, CA 95965
 Phone: (530) 538-2415

Tree Removal Permit Fee:	\$125.00 (12" or greater)
In-Lieu Fee:	See Table on Reverse
Encroachment Permit Fee:	TBD
Tree Removal Permit Fee:	\$50.00 (dead tree 12" or greater)

Date Received: _____	
Check List:	
<input type="checkbox"/>	Application Received
<input type="checkbox"/>	Permit Fee Paid
<input type="checkbox"/>	Inspection Scheduled
<input type="checkbox"/>	In-Lieu Fee Paid
<input type="checkbox"/>	Encroachment Fee Paid
<input type="checkbox"/>	Permit Sign-Off

Applicant Information

Property Owner _____ Phone No. _____

Owner Address _____

Property / Site Address _____ Phone No. _____

Description/Quantity of trees to be removed _____

Fee Schedule

Permit Fee	In-Lieu Fee	Encroachment Permit Fee	Description
✓	✓		Proper Variety and Size located on Private Property
✓			Tree of proper size but deemed invasive or noxious or deemed in poor health or dead
✓	✓	✓	Any tree in good shape and not on the invasive roots list in the public right-of-way

EXAMPLES

- Homeowner has a 36" dead redwood they want removed. They would only be charged the Tree Removal Permit Fee
- Homeowner has a 25" silver maple in good health in their backyard. They would be charged Tree Removal Permit Fee, plus be required to plant (4) #15 container trees or pay the in-lieu fee.
- Homeowner wants to put in a driveway and would like to remove the existing 13" dbh White Ash because it is in the way. They would be charged Tree Removal Permit Fee, plus required to plant (2) #15 container trees or pay the in-lieu fee, plus pay the encroachment permit.

Tree Removal Mitigation Rate Table

Property / Site Address: _____

Notes: _____

DBH Size of Trees	# of trees removed	#15 Mitigation	24" box mitigation	In-Lieu Fee
12"-24"		X 2=	X 1=	X \$240.00
24"-32"		x 4=	X 2=	X \$480.00
>32"		X 6=	X 3=	X \$720.00

Number of #15 Container Mitigation Trees	Number of 24"box Mitigation Trees	In-Lieu Fee
		\$

Tree Permit Fee \$ _____

Total Due= \$ _____

Removal Without a Permit

Note: Should a tree be removed without the appropriate permit, inspection, or authorization from a City of Oroville Arborist¹, a fine will be issued at double the amount of the Tree Removal Permit (permit fee \$125.00 x 2 = \$250.00) with the addition of the appropriate tree removal mitigation fee, and encroachment permit fee as necessary.

¹ City of Oroville Parks and Trees Department has three (3) certified arborist on staff.



Order

Client	Bob Marciniak
Ref #	CC 09.06.2016 #10
Order #	TC0305025322

How did we do?



If you rate this transcript 3 or below, this agent will not work on your future orders

Need Help? <mailto:support@rev.com>

[Get this transcript](#) in a non-paragraph format

Mayor Dahlmeier: Forward

Don Rust: Thank you we will.

Mayor Dahlmeier: Item number 10 amendments to sections of the Orville municipal code relating to the tree preservation: an update of the tree removal permit process, staff report, Mr. Rust.

Don Rust: Sorry, again this staff report here is asking for the council to provide direction as necessary. There are amendments that we are proposing here to bring back changes to the tree removal and preservation. This all in a result of the issue that we had a few years ago with pging. So these are the changes that are here. Would like the council if they want any modifications to this we can bring that back.

The other thing, the very last exhibit D is a tree removal permit. This is a suggested, there are some suggested fees here. One that the tree removal permit would be \$125 and again there are so many circumstances where it wouldn't apply or it does apply. Again, um on the back of that sheet shows where you can do some mitigation depending on the type of tree, whether it's a live tree or dead tree. Again um, one of the things ... the committee talked about that, I believe Mr. Barry was on the committee. There were a couple of park commission members that were on the committee, and then there were four members of Save Orville's Trees, and private citizens that were on there.

So these are the suggestions. What we would like to do is bring this back for approval, this is really just a heads up for you. If there are any changes that you would like to see and the font, because when you are doing editing the font is very small. If you would like to see this in larger print we can send this to you. I see you nodding heads so we will do that and we would like to bring this back to the future or in a future meeting to actually process the amendments.

So with that I am open for any questions.

Mayor Dahlmeier: So I have a question. What is the current permit fee now to remove?

Don Rust: Zero

Mayor Dahlmeier: So ... if somebody has a dead tree in their yard, why should they have to pay to have it removed number one, when they already have to pay to have it removed?

Don Rust: Right, well again, I want to like to see where we talked about ... think that it was dead. The point of the \$125 is that Mr. Atterberry, as a full cost recovery, would go out and look at it. And again it's for you guys to tell me if you want to do this or not. Mr. Atterberry currently, or one of the other arborist, go out to look at, they have to make a field trip out and look at the tree, and there is no other

mitigation because it's a dead tree or something like that. If it were a live tree and they wanted to take it out, there could possibly be mitigation for that. And that again is in the back, on the back page.

What I mean by that is say you were building a single family home and you were to take out a couple of trees, whether they are oak trees or whatever kind of native trees they are. Non-invasive trees would be considered non-invasive and we would want those removed anyways. So if you are removing that non-invasive or invasive tree basically, you would not, you would pay just the \$125 for the staff's time. That's really what this is about, the staff's time. And then if you were doing mitigation, depending on if it was a number 15 gallon or 24 inch box, depending on the number of trees that you brought out, you would have to pay mitigation.

We took this example from another community though we chose to use fees about a third of what they are doing. Where the community is Folsom. Folsom has a very similar process right here.

And so the conversation is if we want to stop having people just remove trees, then have a permit spend some money to remove it. Again if you guys would like us not to charge for dead trees, we can do that. But again Mr. Atterberry, or an arborist, will be spending time out there.

Mayor Dahlmeier: See I'm just thinking if you hire an arborist, if you hire a tree removal company ... which I had a dead tree in my yard just recently and I called up the tree people and they came and gave me an estimate, I said come back in a couple of weeks, and my tree was gone. But it was a dead tree, I mean it was a dead tree. Sometimes people actually get cited for having dead trees that they don't take care of ... and so now you are either. I'm confused by this. I get the mitigation for trees that people are just removing but I'm confused about charging somebody twice.

Don Rust: Yes ma'am I understand. Again we debated this quite a bit, went through the process. The conversation went back and forth a bit and again, this is what the committee brought out. So we are more than happy to make any adjustments, that's why we're here instead of bringing amendments to you right now. We want to make sure that you guys want to move forward with this, so that's why it's here tonight. All we are looking for is direction on this, so if you would like us to pull something out like that.

Mayor Dahlmeier: Is there anything in there that you would were to actually call, I mean I think, like I didn't think to call the city to ask them to come see if my tree's dead. I called the tree company and so I can see this might be confusing for ... I did the right thing

Don Rust: Sure so you're fine. I think the question here is really how big do we want to worry about the tree canopy? Again the city operates or maintains 11,000 trees

in their right away and then there's the remaining canopy. So if we want the canopy to remain healthy and vibrant the way it is then this is a way to try to keep that. People won't cut trees down just because they want to cut a tree down. You will have to get a permit.

Mayor Dahlmeier: So we would have our ordinance thing go to maybe the tree people that are around, I mean could they take on absorbing the fee if it's a live tree, if it's a dead tree, its not, so that they could work in conjunction with. So that ... we have a city arborist, we happen to have one. So the ability to call a public tree service and have them do the same thing.

Don Rust: Well one of the good examples I gave in the, when we were doing this, was right over here on the corner of Oak and Bird. Where a private tree company came in, working in the street, cut a tree down. Didn't have a permit, didn't come to talk to the city, they just did it. Their tree was actually in the roadway as I came out of the driveway right there. I called Mr. Atterberry asked him to come over and look at that. He looked at it and finally issued the tree removal permit for that but reminded them that they should have come to us first and at least talk to us. Certainly this was a city tree, different from a private tree.

Mayor Dahlmeier: Council member Pittman and then Council member Hatley

David Pittman: I'm kind of struggling with the idea of a ... because if a person has a dead tree in their front yard, we'd like to see it gone.

Don Rust: That's right.

David Pittman: Let me ask a question of what is does it cost to get a demolition permit for a building?

Don Rust: About a hundred bucks.

David Pittman: Hundred bucks.

See I'm looking at it the same way if someone's got a dead tree and they're saying just to start to get a permit is \$125 they are going to leave that dead tree there until it falls down. I'm more inclined to, some how or other, allow a person to have a less minimum on a dead tree removal and or if they, like the mayor suggest, hires a private arborist to deal or make a suggestion on it. If a private arborist comes in and asks for a dead tree removal permit, I'm more inclined to the \$50 range or something like that. If it's live and it's large, as your index indicates, you know a 12 inch, 12 to 24 inch, it's a more of a fee. If it's a bigger tree it makes sense.

I just want to see dead trees that are a hazard, that person that owns it shouldn't really feel penalized to remove something that's dead because they are going to have the cost to remove it anyways. I'm more inclined to say a dead tree be a

minimum of \$50 fee because we want to entice them to remove it versus, I'm just saying the word because that's the perception out there, that I'm the owner and I'm being penalized for having a dead tree. So I got no problem with anything larger, 12 up to 32 inches that's fine, because those are bigger problems and those are going to develop into somebody else's problem. I mean I do not want to see a 32 inch tree cut down improperly. That's obviously a safety hazard but it worries me that the dead tree, at that amount of money, is probably going to stay there until it falls down. Before someone will spend the \$125 to get it removed, or at least the permit to have it removed.

I'm more inclined to move that dead tree permit down to say \$50 so, it's just my personal opinion but I've seen a lot of folks with dead trees do nothing about them because they did not want to pay the \$125 permit to get it and then go down that path to remove it.

That's my thoughts. Thank you.

Mayor Dahlmeier: Council member Hatley then Council member DelRosario

Art Hatley: Well, I, here's my problem. When I buy a piece of property and I pay extra if there's trees on it or whatever and then I decide that I am going to build in a certain spot on it. I've already paid once for those trees, those belong to me. And government needs to keep their nose out of my business as much as much as they can because that's the problem we have right now. Everybody wants to tell somebody else how to live their life and I'm a little fed up with it. Um I don't need to come ask you "mother may I" if I want to cut a tree down and I own it. If it's my tree and if I screw something up, I guarantee you my insurance company is going to be talking to me about it. So to say I've got to call and say please will you come look at my tree so you can tell me, so if they say no, hmm I own that tree. It's like you telling me I can't drive my car to the store. You're not going to do it.

So I just have a problem with government sticking their nose in and wanting money every time I turn around they've got their hand in my pocket. And I'm tired of it and I know a lot of people are tired of it. And so to me, to say that you know you've got to come in and get a \$125 permit to cut down one of your own trees or have it cut down doesn't make a lot of sense to me. It just doesn't. And then if you don't get a permit and you have somebody cut it down, or you cut it down or whatever, then what's the next step? Or now are we going to be out there with the tree police and so we're going to be out there and writing you a ticket and your going to end up in court. I mean where does it stop?

And to me if its dangerous situation or its going to fall out into a city roadway or whatever, by all means I get that. But if you have somebody, and there are lots in this town that are huge, I mean there are acres, and if some guy wants to cut a tree down in the middle of his property, I just I just have a real issue with that. To

come in and have to get, pay \$125 to cut down something I own. So that's what I'm ...

Mayor Dahlmeier: Councilmember Del Rosario

Marlene DelRosario: The purpose of the, um of this ah, document is to preserve our canopy. We had several trees cut down by the cemetery because we didn't have a tree ordinance. We need something to stop people from just indiscriminately cutting our trees. We are a tree city. And we are a tree city because we have an arborist. And it's his job to determine whether or not a tree should be cut. And we have to pay him for that. And to me it's not just government sticking its nose in my business. I have a tree in my front yard. If I want to cut it, I certainly would want the arborist to look at it and give me a permit to do it. And I would be willing to pay for it. Um that's it.

Don Rust: So again this did not come as an action for you, it came as to receive direction. What I receive is that this is quite not soup yet. I think I we take it back and let it simmer a little bit more. We'll take this back to the tree committee and discuss this with the tree committee and then bring this back to the council.

Mayor Dahlmeier: Council member Simpson then Council member Pittman

Council Simpson: You have a report findings here. Number one I do not know what a zoning administrator ...

Mayor Dahlmeier: Put you mike, your mike's not on

Council Simpson: Oh yes it is.

Mayor Dahlmeier: Put it in your mouth. [laughs]

Council Simpson: A zoning administrator with the inspection of the arborist, based on the substantial evidence that the owner has demonstrated as the removal is necessary, they will not require a permit. And they list three or four items there that takes care 'bout everything if you are going to remove a tree from your property. So I don't know, it's just the idea of taking the time to get the zoning administrator cause you got to find him, I don't know who he is. But [chuckles from council] oh you're the zoning administrator. But uh, and go through the required steps. I mean there's no big deal. To me. I'm not going to cut a tree down but if I do, city sure in the heck ain't going to find out, I mean. But there's a procedure and I think it would work out real good.

David Pittman: [crosstalk 00:15:37] Let me add clarification from my point is. I'm more, if you could write the ordinance to entice that individual that has a dead tree to get it removed and not feel penalized, then I don't care if you bring that dead tree down to \$25 or something like that. Just because I know of dead trees that nobody is going to do anything about and the first thing they are going to have to

do is get a \$125 permit, well then they are just going to keep that dead tree there til it falls down. So I'm in favor of some enticement for the dead tree, the rest of it is fine. It's troublesome to deal with trees on your own property when we are tight properties, I wouldn't want to see a tree taken down that disturbed another property owner adjacent, that kind of thing. So that's my issue is just entice the dead tree owner to get rid of it.

Don Rust: So absolutely this was a conversation about again what we need to go, where we need to go and this item will come back so we will take down, I made some notes here on what the council has said. We will take it back to the tree committee and then bring it back. When I bring it back, we will bring it back to actually amend the sections. If that is okay with the council. So again I believe the staff report requires direction, I have received direction.

Marlene
DelRosario I think Mr. Pittman's suggestion is a good one. I really do.

Mayor Dahlmeier: It still needs to be thought out. [crosstalk 00:17:04]

Ok thank you very much, that was item number ten.

Moving on to item number ...

How did we do?



If you rate this transcript 3 or below, this agent will not work on your future orders

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: DONALD RUST, ACTING CITY ADMINISTRATOR
ADMINISTRATION DEPARTMENT**

**RE: SPONSORSHIP OF THE OROVILLE CHAMBER OF COMMERCE AND
OROVILLE ECONOMIC ALLIANCE ANNUAL DINNER**

DATE: MARCH 7, 2017

SUMMARY

The Council may consider a Silver sponsorship of the Oroville Chamber of Commerce and Oroville Economic Alliances', "Leading the Way", 2017 annual dinner event.

DISCUSSION

Annually, the Oroville Chamber of Commerce (Chamber), in partnership with Oroville Economic Alliance (OEA), holds an annual dinner to celebrate current business relationships, develop new relationships, and report the accomplishments between the newly developed partnership. Additionally, the dinner will feature an unveiling of the future of the Chamber and OEA.

The City of Oroville received an invitation for the annual "Leading the Way" dinner to be held on Thursday, March 23rd, 2017. With the invitation is sponsorship opportunities, detailed in Attachment A.

A Silver sponsorship, for \$1,000, would deliver four event tickets, name on all promotional materials, ¼ page event program advertisement, name on weekly e-bulletin acknowledgment, "Thank You" ad, and recognition during the events announcements.

FISCAL IMPACT

Expenditure of \$1,000 to be paid from the Economic Community Enhancement Fund. Budget Unit 1401 and Expense Code 6430. The balance in this fund is \$13,000.

RECOMMENDATIONS

Provide direction, as necessary.

ATTACHMENTS

A – Sponsorship Opportunities

Leading the Way

Oroville Chamber of Commerce &
Oroville Economic Alliance

2017 Annual Dinner

SPONSORSHIP OPPORTUNITIES

DELIVERABLES

	TITLE SPONSOR (Limit One) \$10,000	PLATINUM \$5,000	GOLD \$2,000	SILVER \$1,000	BRONZE \$750
Podium Time during Welcome Address	●				
Logo on Event Signage	●	●			
Reserved Table	●	●			
Logo on all advertising	●	●	●		
Name on all promotional materials	●	●	●	●	
Tickets to Event	8	8	6	4	2
Event Program Advertisements	● Cover	● Full Page	● 1/2 Page	● 1/4 Page	● Listing
Weekly E-Bulletin Acknowledgment (8 weeks, 1,300+ Subscribers)	● Logo	● Logo	● Name	● Name	● Name
"Thank You" Ad	● Logo	● Logo	● Name	● Name	● Name
Recognition during event announcements	●	●	●	●	●

BECOME A SPONSOR

Please Contact Sandy Linville, President & CEO
Oroville Area Chamber of Commerce
1789 Montgomery Street • Oroville, CA 95965
slinville@orovillechamber.com
(530) 538-2542 extension 202

Leading the Way

Oroville Chamber of Commerce &
Oroville Economic Alliance

2017 Annual Dinner

SPONSORSHIP APPLICATION

LOCATION

Gold Country Casino
4020 Olive Hwy | Oroville CA 95966

ANNUAL DINNER

Thursday, March 23, 2017

CONTACT INFORMATION

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

TITLE SPONSOR

\$10,000
(Limit One)

PLATINUM SPONSOR

\$5,000

GOLD SPONSOR

\$2,000

SILVER SPONSOR

\$1,000

BRONZE SPONSOR

\$750

HOW WOULD YOU LIKE TO BE LISTED ON MATERIALS AND SIGNAGE?

PAYMENT INFORMATION

Payment Amount: \$ _____

Payment Method: (circle one)

Card Cash Check (Check # _____)

Please make checks payable to Oroville Area Chamber of Commerce.

orovillechamber.com



OROVILLE
AREA
CHAMBER of
COMMERCE



OROVILLE
ECONOMIC ALLIANCE



CITY OF OROVILLE
FINANCE DEPARTMENT
1735 MONTGOMERY STREET
OROVILLE, CA 95965-4897

530-538-2410

OROVILLE CITY COUNCIL
FINANCE REPORT

TO: MAYOR AND COUNCIL MEMBERS

FROM: RUTH WRIGHT, FINANCE DIRECTOR

RE: FINANCE DEPARTMENT REPORT

DATE: MARCH 7, 2017

ANNUAL AUDIT

Our annual audit has been delayed again due to flooding in San Jose where our auditor's main office is located. New target date is for the next Council meeting in March.

BUDGET TIMELINE

The budget has been updated with the following dates:

March 14th at 4:30 pm, first budget workshop

March 28th at 4:30 pm, second budget workshop

Other important dates mandated by Charter:

May 16th, Present preliminary Budget to Council

June 6th, Public hearings and Council preliminary approval

July 4th, Final Budget adoption by Council

July 28th, Final Budget production and printing (**not mandated**)

FINANCE STAFF VACANCY

After almost 11 years of service to the City of Oroville, Diane Howard has accepted another position in the Bay Area. We wish her the best in her new endeavors and will be sorely missed! We appreciate all she did during her tenure.

Donald Remley, Ed.D.
Post Office Box 2162
Oroville, California 95965-2162



February 21, 2017

Mrs. Linda Dahlmeier, Mayor
and City Council
City of Oroville
1735 Montgomery Street
Oroville, California 95965

City of Oroville
FEB 27 2017
Administration

Docents of Oroville Chinese Temple Museum

Dear Mayor Dahlmeier, City Councilors and Docents,

On Thursday, February 9, 2017, a group of approximately twenty-five retired school administrators from the North State, represented by the Association of California School Administrators, Region 2, held our quarterly meeting in Oroville. After the meeting, the group toured the Oroville Chinese Temple Museum, with Mrs. Thil Wilcox as the tour guide. Mrs. Wilcox not only provided a wonderful historical perspective on the exhibits, but added a special personal touch to her comments and presentation as she spoke about her family's history in Oroville.

The retired administrators were impressed with the treasure housed within the walls of the Chinese Temple Museum! Although individually many in our group made donations while on tour, the officers have approved an additional donation to the Museum of \$100.00. We trust that it will be used to preserve the Chinese heritage for future generations.

Sincerely,

Donald Remley, Ed.D.

Cc: Mrs. Thil Wilcox

