OROVILLE CITY COUNCIL
Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

July 18, 2023
REGULAR MEETING
OPEN SESSION 4:00 PM
AGENDA

PUBLIC ACCESS AND PARTICIPATION

Please review the options below for ways to participate or observe the Council Meetings.

To Observe the Meeting:

1. Live Feed: https://www.youtube.com/channel/UCAoRW34swYl85UBfYqT7IbQ/
2. Zoom Link: https://zoom.us/j/96870319529?pwd=dW9kMGRZSFo5MFFNQk5wVDUzRkRrZz09
3. Zoom Application: Meeting ID: 968 7031 9529 Passcode: 67684553
4. By Phone: Telephone: 1-669-900-6833 Meeting ID: 968 7031 9529 Passcode: 67684553

To Provide Comment to the Council:

1. Attend the meeting in person
2. Send an Email by 2:00 PM the day of the meeting to publiccomment@cityoforoville.org. All comments emailed will be provided to the Council Members for their consideration.

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, *please submit the form prior to the conclusion of the staff presentation for that item.* Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for an item, the time limitation would be reduced to one and a half (1.5) minutes per speaker for that item. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b))**. Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

CALL TO ORDER / ROLL CALL

Council Members: Tracy Johnstone, Krysi Riggs, Scott Thomson, Janet Goodson, Shawn Webber, Vice Mayor Eric Smith, Mayor David Pittman

OPEN SESSION

1. Pledge of Allegiance

2. Adoption of Agenda

PRESENTATIONS AND PROCLAMATIONS

1. Narinder Sufi, Butte County Librarian, will present on the various services and programs being offered through the Butte County Library.

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

REPORTS / DISCUSSIONS

1. Council Announcements and Reports
2. Administration Reports
   i. Police Department Report for May 2023
   ii. Fire Department Report

CONSENT CALENDAR

Consent calendar **items 1 - 10** are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. APPROVAL OF THE MINUTES

The City Council may approve the minutes of the meetings on June 13, 2023 and June 27, 2023.

RECOMMENDATION

Approve the minutes of June 13, 2023 and June 27, 2023

2. CONSIDER AND ADOPT THE ASSISTANT DIRECTOR OF PUBLIC WORKS / CITY ENGINEER JOB DESCRIPTION AND SALARY RANGE

The City Council will consider and adopt the Assistant Director of Public Works/City Engineer job description and salary range; and remove the existing allocation of the Assistant Director of Community Development.

RECOMMENDATION

Approve the attached Assistant Director of Public Works/City Engineer job description and salary range.

3. CONTRACT WITH BUTTE ROOFING COMPANY FOR ROOF REPLACEMENT OF THE CHINESE TEMPLE'S TAPESTRY HALL ROOF

The Council may consider accepting the proposal from Butte Roofing Company and consider approval of project contract for the roof replacement of the Chinese Temple's Tapestry Hall roof budgeted in the 23/24 fiscal year.

RECOMMENDATION

Approve Res. No. 9145 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE ROOFING COMPANY AUTHORIZING BUTTE ROOFING COMPANY TO COMPLETE THE PROPOSED ROOF REPLACEMENT OF THE CHINESE TEMPLE TAPESTRY HALL IN THE AMOUNT OF $99,234.86 AND A 20% CONTINGENCY IN THE AMOUNT OF $19,864.97 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

Authorize and direct to sign and accept the proposal from Butte Roofing Company, authorizing the proposed roof replacement of the Chinese Temple Tapestry Hall, in the amount of $99,324.86 (base bid) and a 20% contingency in the amount of $19,864.97 should any deficiencies be discovered during the project, for a total of $119,099.83.

4. COMMUNITY MEMBER APPOINTMENTS TO VARIOUS COMMITTEES AND COMMISSIONS

City Council may appoint individuals to the Arts Commission, Parks Commission, Planning Commission, and Citizen's Oversight Committee.

RECOMMENDATION

Appoint the following individuals to the Arts Commission with terms expiring June 20, 2027 – David Tamori and Andee Krantz (Representative from the Parks Commission); and

Appoint Chris Hix to the Parks commission with a term that expires on June 30, 2028; and

Appoint Audrey Holt to the Planning Commission with a term that expires on June 30, 2027; and

Appoint the following individuals to the Citizens Oversight Committee with a terms expiring June 30, 2027 – Kay Castro, Mark Grover, JD Holt and Andrea Milam-Richey.

5. FORECLOSURE OF 2950 EL NOBLE AVE

The City Council may consider initiating foreclosure proceedings related to the City of Oroville's interest in the Deed of Trust against the property located at 2950 El Noble Avenue, Oroville (APN 013-225-003).

RECOMMENDATION

Adopt Resolution No. 9146 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, 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 2950 EL NOBLE AVE., OROVILLE (APN 013-225-003)

6. ACCEPT THE COMMUNITY DEVELOPMENT BLOCK GRANT STANDARD AGREEMENT 22-CDBG-NH-00008 AND ESTABLISH BUDGET FOR NEIGHBORHOOD CLEANUP PROJECT

The Council may consider accepting the 2022 Community Development Block Grant (CDBG) allocation, agreement No. 22-CDBG-NH-00008, in the amount of $500,000, and establish a budget for general administration and program activities.

RECOMMENDATION

Accept the 2022 Community Development Block Grant Allocation, Agreement No. 22-CDBG-NH-00008, in the amount of $500,000.00: and

Approve Budget Adjustment indicated in the fiscal impact of this Staff Report, dated July 18, 2023.

7. POLICE DEPARTMENT RECRUITMENT AND DIGITAL MARKETING CAMPAIGN

The Council may consider and approve an agreement with Trespasser Inc to produce recruitment and marketing material for the Oroville Police Department.

RECOMMENDATION

Authorize staff to contract with Trespasser Productions for recruitment and digital marketing content.

8. VACATION OF PUBLIC UTILITY EASEMENT

The Council may consider a resolution vacating a public utility easement.

RECOMMENDATION

Adopt Resolution No. 9149 - A RESOLUTION OF THE OROVILLE CITY COUNCIL VACATING A PUBLIC UTILITY EASEMENT ADJACENT TO OLIVE HIGHWAY AND OVER PROPERTY OWNED BY OROVILLE HOSPITAL (APN 013-260-081) IN OROVILLE, CALIFORNIA

9. CONSIDER AND ADOPT THE SIDE LETTER AGREEMENTS BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEE'S ASSOCIATION, OROVILLE MANAGEMENT ASSOCIATION, OROVILLE POLICE OFFICER'S ASSOCIATION BOTH SWORN AND NON-SWORN TO EXTEND MEMORANDUM OF UNDERSTANDINGS TO DECEMBER 31, 2023

The City Council will consider and adopt the side letter agreements between the City of Oroville and the Oroville City Employee's Association (OCEA), the Oroville Management Association (OMA), the Oroville Police Officer's Association Sworn and Non-Sworn (OPOA-S) (OPOA-NS).

RECOMMENDATION

Adopt Resolution No 9161 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE-LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEES' ASSOCIATION; and

Adopt Resolution No 9162 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE MANAGEMENT ASSOCIATION; and

Adopt Resolution No. 9163 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE POLICE OFFICERS' ASSOCIATION, SWORN AND NON-SWORN

10. FAA GRANT ACCEPTANCE FOR AIRPORT IMPROVEMENT PROGRAM (AIP) PROJECT NO. 3-06-0178-028-2023 AT OROVILLE MUNICIPAL AIRPORT AND STATE DEPARTMENT OF TRANSPORTATION AIP MATCHING GRANT

The Council may consider accepting a $262,800 AIP Grant offer from the Federal Aviation Administration (FAA) for the Oroville Municipal Airport and a State Department of Transportation AIP Matching grant in the amount of $13,140 for the Airport Layout Plan Update.

RECOMMENDATION

Adopt Resolution 9164 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, APPROVING THE ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION GRANT OFFER FOR AIRPORT IMPROVEMENT PROGRAM PROJECT NO. 3-06-0178-028-2023 AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE GRANT AGREEMENT.

Adopt Resolution 9165 – A resolution of the City Council of the City of Oroville, California authorizing the submittal of an application, acceptance of an allocation of funds and execution of a grant agreement with the California Department of Transportation, for an Airport Improvement Program (AIP) Matching grant.

REGULAR BUSINESS

11. DOWNTOWN OROVILLE BUSINESS IMPROVEMENT DISTRICT ANNUAL BUDGET

The Council may receive the 2023-24 annual budget for the Downtown Oroville Business Improvement District (BID).

RECOMMENDATION

Review and approve FY 2023/24 Business Improvement District budget.

12. PRESENTATION TO UPDATE COUNCIL ON THE MISSION ESPERANZA PALLET SHELTER PROJECT

The Council will receive a presentation from Suzi Kochems, City consultant, regarding the status of the Mission Esperanza Project.

RECOMMENDATION

Receive presentation.

13. REQUEST OF LOCAL FISCAL RECOVERY FUNDING TO SUBSIDIZE THE MISSION ESPERANZA PROJECT

The Council may consider allocating up to $750,000 in Local Fiscal Recovery funding to supplement the Mission Esperanza construction costs.

RECOMMENDATION

Authorize the allocation of $750,000 of Local Fiscal Recovery funding to subsidize the Mission Esperanza Project.

14. CONTRACT WITH BUTTE CONSTRUCTION COMPANY FOR MISSION ESPERANZA PALLET SHELTER DEVELOPMENT PROJECT

The Council may consider accepting the proposal from Butte Construction Company and consider approval of a project contract for the Mission Esperanza (Low-barrier Navigation Center and Shelter) Development.

RECOMMENDATION

Approve Res. No. 9147 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE CONSTRUCTION COMPANY, AND AUTHORIZING BUTTE CONSTRUCTION COMPANY TO COMPLETE THE PROPOSED MISSION ESPERANZA PROJECT IN THE AMOUNT OF $2,180,000 AND A 10% CONTINGENCY IN THE AMOUNT OF $218,000 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

Authorize the City Administrator to modify or amend the Butte Construction Company contract to include the alternatives in the amount of $202,125 if funding becomes available at a later date.

15. 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE APPLICATION SELECTION

The Council may receive applications submitted by local non-profits for 2023 Community Development Block Grant (CDBG) Program application and provide direction to staff.

RECOMMENDATION

Provide direction to staff.

16. SANK PARK PERIMETER FENCE AWARD OF AMENDED CONTRACT TO PISOR FENCE DIVISION, INC.

The City Council may review and consider awarding a contract to Pisor Fence Division, Inc. following the June 20, 2023 Council request to consider a change order to reduce the cost to fabricate and install a new fence and gates around the perimeter of Sank Park.

RECOMMENDATION

Approve Res. No. 9144- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH PISOR FENCE DIVISION, INC. AUTHORIZING PISOR FENCE DIVISION, INC TO COMPLETE THE PROPOSED FABRICATION AND INSTALLATION OF A NEW PERIMETER FENCE AROUND SANK PARK IN THE AMOUNT OF $373,982.00 AND A 10% CONTINGENCY IN THE AMOUNT OF $37,398.20 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

Authorize and direct staff to sign and accept the proposal from Pisor Fence Division, Inc., authorizing the proposed fabrication and installation of a new perimeter fence around Sank Park, and a Change Order deleting the concrete curbing in the amount of $75,918.00, for a total amount of $373,982.00 (base bid) and a 10% contingency in the amount of $37,398.20 should any deficiencies be discovered during the project, for a total of $411,380.20.

17. CITY INVESTMENTS

The Council may consider opening an Account in CLASS (California Cooperative Liquid Assets Securities System) Prime and CAMP (California Asset Management Trust) in accordance with the City's Investment Policy.

RECOMMENDATION

Adopt Resolution No. 9148 - A RESOLUTION AUTHORIZING THE CITY TREASURER TO INVEST $5,000,000.00 IN CALIFORNIA CLASS PRIME FUND, AND $5,000,000 CALIFORNIA ASSET MANAGEMENT TRUST, WITH KAROLYN FAIRBANKS, CITY TREASURER; RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR – ADMINISTRATIVE SERVICES; AND BRIAN RING, CITY ADMINISTRATOR AS SIGNATORIES ON THE ACCOUNT.

18. FIRST REGULARLY SCHEDULE MEETING IN AUGUST 2023

Pursuant to the City Code, the Council will meet on the first and third Tuesday of each month. The City Code also provides that the Council may "cancel, amend or alter the date, time and/or location of f any meeting provided sufficient notice of the meeting is given to the public to comply with the Brown Act."

The first Tuesday of the month of August (August 1, 2023) falls on National Night Out. The Council may continue to have the regularly scheduled Council meeting on this day, or move the meeting to Wednesday August 2, 2023.

RECOMMENDATION

Provide staff direction.

19. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 2-3, 5, 7-10, 12, 14-15, 17

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for Fiscal Year 2023/24.

RECOMMENDATION

Adopt Resolution No. 9160 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24.

Authorize any necessary budget adjustments to the Annual Assessment Report.

20. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1, 4, 6, 11, 13, 16, 18

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for Fiscal Year 2023/24.

RECOMMENDATION

Adopt Resolution No. 9154 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24.

Authorize any necessary budget adjustments to the Annual Assessment Report.

21. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 3, 5, 9

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Benefit Assessment District for Fiscal Year 2023/24.

RECOMMENDATION

Adopt Resolution No. 9159- A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

Authorize any necessary budget adjustments to the Annual Assessment Report.

22. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 1-2, 4, 6-8

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Benefit Assessment District for Fiscal Year 2023/24.

RECOMMENDATION

Adopt Resolution No. 9155- A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

Authorize any necessary budget adjustments to the Annual Assessment Report.

23. EMPLOYMENT CONTRACT AMENDMENT WITH AMY BERGSTRAND, DIRECTOR OF BUSINESS AND HOUSING

The Council will consider an amendment to the employment contract with Amy Bergstrand, Director of Business and Housing.

RECOMMENDATION

Adopt Resolution No. 9150 – 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 AMY BERGSTRAND – (Agreement No. 3407).

24. EMPLOYMENT CONTRACT WITH J. PATRICK PIATT FOR POSITION OF DIRECTOR, COMMUNITY DEVELOPMENT

The Council will consider entering an employment contract between the City of Oroville and J. Patrick Piatt for the position of Director, Community Development.

RECOMMENDATION

Adopt Resolution No. 9156 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND J. PATRICK PIATT

25. EMPLOYMENT CONTRACT WITH FREDERICK J. MAYO FOR POSITION OF DIRECTOR, PUBLIC WORKS

The Council will consider entering an employment contract between the City of Oroville and Frederick J. Mayo for the position of Director, Public Works.

RECOMMENDATION

Adopt Resolution No. 9157- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND FREDERICK J. MAYO.

26. AMENDED AND RESTATED LEGAL SERVICES AGREEMENT WITH COLE HUBER, LLP

The Council will consider an Amended and Restated Legal Services Agreement with Cole Huber, LLP for City Attorney Services.

RECOMMENDATION

Adopt Resolution No. 9158 - A RESOLUTION OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH COLE HUBER, LLP FOR CITY ATTORNEY LEGAL SERVICES – (Agreement No. 2004-6).

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing and staff will present the item and answer Council questions.
- The hearing is opened for public comment limited to three (3) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Speakers are requested to provide a speaker card to the City Clerk
- Public comment session is closed and then the Council will debate and take action
- Those wishing to speak at the public hearings below, but unable to attend before 5pm, may request that the council consider holding the public hearing after 5pm by emailing cityclerk@cityoforoville.org or calling 530-538-2535. Please submit request 24 hours before the meeting.
- Individuals may email comments for council consideration to publiccomment@cityoforoville.org

27. FEATHER RANCH SUBDIVISION, INCLUDING EIR CERTIFICATION, GENERAL PLAN AMENDMENT GPA 23-01, ZONING CHANGE ZC 23-01 WITH ORDINANCE 1873, TENTATIVE SUBDIVISION MAP TSM 22-01, AND AN OVERRIDE OF THE BUTTE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION.

The City Council shall conduct a public hearing to consider adopting General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Tentative Subdivision Map TSM 22-01, and an override of the Airport Land Use Commission inconsistency determination for a proposed 172-unit market rate single family subdivision at APN 030-230-098 off 20th Street between Feather Avenue and Biggs Avenue.

RECOMMENDATION

Staff recommends the following actions:

Conduct a Public Hearing on the proposed project.

Adopt Resolution No. 9151 - A RESOLUTION OF THE OROVILLE CITY COUNCIL MAKING CERTAIN FINDINGS, REQUIRING CERTAIN MITIGATION MEASURES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THOSE SIGNIFICANT AND UNAVOIDABLE IMPACTS IDENTIFIED IN THE FEATHER RANCH EIR.

Certify the adequacy of the Final Environmental Impact Report

Adopt Resolution No. 9152 - A RESOLUTION OF THE OROVILLE CITY COUNCIL TO NOTIFY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE PROPOSED FEATHER RANCH SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND TO OVERRULE THE BUTTE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION FOR OROVILLE AIRPORT.

Adopt Resolution No. 9153 -- A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT GPA 23-01 AND TENTATIVE SUBDIVISION MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION AND MAKING CERTAIN FINDINGS TO THAT EFFECT.

Waive First Reading And Approve ORDINANCE 1873 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 23-01 TO REZONE ONE PARCEL OF APPROXIMATELY 45 ACRES OF LAND (APN 030-230-098) FROM AIRPORT BUSINESS PARK- AIRPORT INFLUENCE OVERLAY (APB--AIO) TO SINGLE FAMILY RESIDENTIAL (R-1) ONCE TENTATIVE MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION IS APPROVED.

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

FUTURE AGENDA ITEMS / CORRESPONDENCE

1. Future Agenda Items
2. Correspondence
   i. PG&E Notice of PG&E increase rates.(A.26-06-008)
   ii. Grand Jury Report

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on August 1, 2023 at 4:00 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.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.

Introduction

Narinder Sufi

Library Director, Butte County

Butte County Library

- Six Branches
- Literacy Department
- Mobile Library
- 24/7 online access

Butte County Library

Mission:

The mission of the Butte County Library is to serve the Learning, Cultural, and Community needs of the diverse populations of our County.

Butte County Library

Goals:

- **FACILITATE community engagement and connections throughout Butte County.**
- **ACTIVATE communities to avail opportunities in Butte County.**
- **REJUVENATE community and individual lives through reconnecting, and growing capacity in Butte County**

What does the Library offer?

Public libraries are often referred to as the "third place," following the home and workplace, where individuals gather for various purposes, including social interaction, education, and access to resources.

The libraries play a crucial role in fostering social cohesion and a sense of belonging within communities.

Types of Programs offered?

- Fostering Early Childhood Development
- Helping Children Succeed
- Adult Literacy Skills
- Community Resilience- Health and Wellbeing, Crisis Response
- Support For Job Seekers
- Support for Older Adults
- Technology and Digital Equity

Some Highlights

- Sure Start For Early Years- Playgroup and Wrap around services





Some Highlights

Teens Learn and Create- Teen Scholarships





Some Highlights

Access to Technology (ATT)

HELPING YOU CONNECT
Access to Technology
BUTTE COUNTY LIBRARY





Butte County
CALIFORNIA

Some Highlights

Adult Learning







Some Highlights

- Lunch at the Library and Food Pantry







Butte County
CALIFORNIA

Butte County Library Facts

6 Library Branches	54 Public Computers	195,556 Total Collection Items
105,454 Library Cards	26,653 Uses of Public Computers	501,587 Books Borrowed
18,223 Program Attendees	27,695 Uses of Online Learning Databases	108,269 eBooks Downloaded
9,980 0-5 Children's Program Attendees	Over 1000 Hours of 1-1 tutoring offered by volunteer Tutors	800 Children participated in Summer Reading Program
300 Lunches distributed through Lunch at the Library Program	1300 Children received Homework Help	Average of 5000 Attendees of Family Literacy Coach

Butte County
CALIFORNIA

Thank you!!!!

Website- www.buttecounty.net/bclibrary

Happy to answer any questions?

OROVILLE CITY COUNCIL
MONTHLY REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS
BRIAN RING, CITY ADMINISTRATOR

FROM: BILL LAGRONE, CHIEF OF POLICE

RE: POLICE DEPARTMENT MONTHLY REPORT FOR MAY 2023

DATE: JULY 18, 2023

SUMMARY

The Council will receive a monthly report regarding the activities, and general information for the Police Department.

Staffing:

Positions	Total staffed	Total Authorized	Total Vacant
Police Officer	24	29	5
Dispatcher	7	7	0
Municipal Law Enforcement	8	16	8
Administrative Personnel	4	4	0

Department Activity:

Events Year to Date 2023	Average Response Time for Crimes against persons *Priority 1 crimes	Average Response Time for all types of calls for Service	National Average Response Time
23,426	4:28 minutes	6:56 minutes	8 - 11 minutes

Patrol Checks and Park Patrols:

	Patrol Checks
JUNE 2023	71
Year to Date	1,190

Parking Enforcement Citations Issued:

JUNE 2023	Year to Date 2023	JUNE 2022	Year to date 2022
12	52	16	67

Police Activity:

Arrest	JUNE 2022	JUNE 2023	Year to date 2022	Year to date 2023
Misdemeanor	103	71	585	412
Felony	46	31	246	180

Citations	JUNE 2022	JUNE 2023	Year to date 2022	Year to date 2023
	85	31	429	237

Uniform Crime Reporting: *6/28

Crimes of Violence	JUNE 2023	Year to Date JANUARY – DECEMBER
Homicide	0	2
Rape	2	6
Robbery	3	14
Aggravated Assault	2	13

SPCA Statistics:

Service Calls by Priority:

Priority Level	Number of Calls	Total Minutes per call type	Average response times
Urgent	20	90	4.66
Priority	33	164	4.96
At Officer Convenience	17	100	5.88
After Hours	27	209	7.73

Animal Intake and Outcome Stats:

Total Animals taken in from City	Total Animals outgoing	Cats	Dogs	Other	Bird	Livestock
107	131	64	38	3	1	1

*The remaining difference from intakes to outcome total represents animals that have not yet had an outcome and are still in the facility.

Animal Outcomes:

Outcome Type	Totals	Dogs	Cats	Livestock	Birds	Other
Adoption	6	5	1	0	0	0
Died	3	1	2	0	0	0
Disposal	12	3	6	0	0	3
Euthanasia	90	16	69	0	1	4
RTO	18	15	3	0	0	0
Transfer	1	1	0	0	0	0
Foster	1	0	1	0	0	0

*Others are wild animals such as bats, skunks, snakes, possums, etc

SPCA After-hours call outs:

JUNE 2023
27

Shoes for Kids:

Shoes Provided	Socks Provided
0	0 Pkg

This program provides shoes and socks for children of our community. This program is funded by Department member donations and community donations.

FISCAL IMPACT

No impact to the General Fund.

RECOMMENDATIONS

None

STATION 91 EQUIPIMENT RESPONSES

06/01/2023 to 06/30/2023

STATION 91 EQUIPMENT RESPONSE CITY OF OROVILLE JURISDICTION

Total Number of Incidents: **463**

Total Number of Resources Responding: **551**

		MED	T/C	HAZ-CON	P/A	OTH	VEG	STR	VEH	OTH FIRE	F/A	MEDA	Total
ORO	**AR92**	0	1	0	0	0	0	0	0	0	0	0	1
	B9A	0	2	0	0	0	0	2	0	2	2	0	8
	B9B	0	8	0	0	0	6	0	1	0	7	0	22
	E91	232	8	1	8	3	7	3	3	5	8	57	335
	E92	36	4	1	12	0	5	1	0	4	8	14	85
	E93	47	6	2	13	2	4	2	1	1	8	11	97
	T91	3	0	0	0	0	0	0	0	0	0	0	3
	Total	318	29	4	33	5	22	8	5	12	33	82	551
Total		318	29	4	33	5	22	8	5	12	33	82	551

MED: Medical Aid Response Code-3
T/C: Traffic Collision
HAZ-CON: Hazardous Condition
P/A: Public Assist
OTH: Other Miscellaneous, non-emergency
VEG: Vegetation Fire
STR: Structure Fire
VEH: Vehicle Fire
OTH FIRE: Refuse, improvement, not in above category
F/A: False Alarm
MEDA: Medical Aid Response Code-2

STATION 91 EQUIPIMENT RESPONSES

06/01/2023 to 06/30/2023

STATION 91 EQUIPMENT RESPONSE TO BUTTE COUNTY FIRE DEPARTMENT (LRA)

Total Number of Incidents: **112**

Total Number of Resources Responding: **135**

		MED	T/C	HAZ-CON	P/A	RESCUE	VEG	STR	OTH FIRE	F/A	MEDA	Total
ORO	**B9A**	0	1	0	0	0	1	1	0	0	0	3
	B9B	1	3	0	0	0	3	1	1	3	0	12
	BOAT91	0	0	0	1	3	0	0	0	0	0	4
	E91	42	13	2	2	2	6	3	3	2	4	79
	E92	6	0	0	2	0	4	1	1	2	1	17
	E93	6	3	0	4	0	1	0	0	0	4	18
	U91	0	0	0	0	2	0	0	0	0	0	2
	Total	55	20	2	9	7	15	6	5	7	9	135
Total		55	20	2	9	7	15	6	5	7	9	135

MED: Medical Aid Response Code-3
T/C: Traffic Collision
HAZ-CON: Hazardous Condition
P/A: Public Assist
RESCUE: Rescue (Water or Rope)
OTH: Other Miscellaneous, non-emergency
VEG: Vegetation Fire
STR: Structure Fire
VEH: Vehicle Fire
OTH FIRE: Refuse, improvement, not in above category
F/A: False Alarm
MEDA: Medical Aid Response Code-2

STATION 91 EQUIPMENT RESPONSES

06/01/2023 to 06/30/2023

STATION 91 EQUIPMENT TO CAL FIRE (SRA)

Total Number of Incidents: **11**

Total Number of Resources Responding: **21**

		OTH	VEG	F/A	OAMT1	Total
ORO	**B9A**	1	0	1	2	4
	B9B	1	3	0	2	6
	E91	2	3	0	1	6
	E92	0	1	2	1	4
	E93	0	1	0	0	1
	Total	4	8	3	6	21
Total		4	8	3	6	21

OROVILLE CITY COUNC
Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

June 13, 2023
MINUTES

This agenda was posted on June 12, 2023 at 12pm.

CALL TO ORDER / ROLL CALL

Mayor Pittman opened the meeting at 1pm.

PRESENT: Council Members: Krysi Riggs, Scott Thomson, Janet Goodson, Shawn Webber, Vice Mayor Eric Smith, and Mayor David Pittman

ABSENT: Council Member Tracy Johnstone

STAFF: City Administrator Brian Ring, Assistant City Clerk Jackie Glover

OPEN SESSION

1. Pledge of Allegiance – Led by Council Member Riggs

CLOSED SESSION

1. Pursuant to Government Code Section 54957(b), the Council met with the Personnel Officer and City Attorney related to the following positions: Public Works Director and Community Development Director.

OPEN SESSION

1. Announcement from Closed Session – Mayor Pittman announced that direction was given; no action was taken.

ADJOURNMENT

Mayor Pittman adjourned the meeting at 5:43pm.

APPROVED:

Mayor David Pittman

ATTESTED:

Assistant City Clerk Jackie Glover

OROVILLE CITY COUNC
Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

June 27, 2023
MINUTES

This agenda was posted on June 26, 2023 at 1:30pm.

CALL TO ORDER / ROLL CALL

Mayor Pittman called the meeting to order at 2:00pm

PRESENT: Council Members: Tracy Johnstone, Krysi Riggs, Scott Thomson, Janet Goodson, Shawn Webber, Vice Mayor Eric Smith, and Mayor David Pittman

OPEN SESSION

- Pledge of Allegiance – Led by Council Member Tomson

CLOSED SESSION

1. Pursuant to Government Code Section 54957(b), the Council met with the Personnel Officer and City Attorney related to the following positions: Public Works Director and Community Development Director.

2. 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 Management Association; Oroville City Employees Association; Oroville Police Officers Association

3. Pursuant to Government Code Section 54957(b), the Council met with the Personnel Officer and City Attorney related to the evaluation for following positions: Business Assistance and Housing Director.

OPEN SESSION

- Announcement from Closed Session – Mayor Pittman announced that direction was given; no action was taken.

ADJOURNMENT

Mayor Pittman adjourned the meeting at 2:54pm.

APPROVED:

Mayor David Pittman

ATTESTED:

Assistant City Clerk Jackie Glover

CITY OF OROVILLE
STAFF REPORT

TO: **OROVILLE CITY COUNCIL**

FROM: **LIZ EHRENSTROM, HUMAN RESOURCE/RISK MANAGER**

RE: **CONSIDER AND ADOPT THE ASSISTANT DIRECTOR OF PUBLIC WORKS / CITY ENGINEER JOB DESCRIPTION AND SALARY RANGE**

DATE: **JULY 18, 2023**

SUMMARY

The City Council will consider and adopt the Assistant Director of Public Works/City Engineer job description and salary range; and remove the existing allocation of the Assistant Director of Community Development.

DISCUSSION

At the May 2, 2023 regularly scheduled City Council Meeting, the Council approved revisions to the Community Development Director and Public Works Director job specifications and directed staff to recruit for these two position. With this new structure of having separate Public Works Department overseeing streets, engineering, parks, trees, museums, airport, sewer and fleet; and Community Development overseeing Planning and Building, staff recommend removing the existing Assistant Director of Community Development allocation and replacing it with this new classification, Assistant Director of Public Works / City Engineer. This structure will be more in line with how other jurisdictions are structured as well as provide needed engineering and project management expertise.

The city has been recruiting for a Sr. Civil Engineer for a couple of years without filling the position. By creating this position, the city stands a greater chance of attracting a Civil Engineer to fill the position. The salary range is 10% below the department head salary range.

A	B	C	D	E	F	G	H
$113,128	**$118,784**	**$124,724**	**$130,960**	**$137,508**	**$144,383**	**$151,602**	**$159,182**

FISCAL IMPACT

It isrecommended that the position of Assistant Director Public Works Director will be placed on the “Assistant Director of Public Works / City Engineer” with a salary range of $113,128 - $159,182. There will likely be a slight increase in costs with this change, as the Assistant Director of Community Development had a salary range of $86,901/year to

$122,282/year. The increase will depend on the experience and qualifications of any selected candidate.

RECOMMENDATION

Approve the attached Assistant Director of Public Works/City Engineer job description and salary range.

ATTACHMENTS

Assistant Director of Public Works / City Engineer Job Description

Assistant Director of Public Works / City Engineer

DEFINITION

Under administrative direction, plans, organizes, oversees, coordinates, and manages the staff and operations in the engineering division of the Public Works Department; performs management and oversight of the engineering division's programs; provides administrative oversight of day-to-day activities including the implementation and administration of City-wide policies and programs and the establishment and enforcement of departmental policies and procedures; fosters cooperative working relationships among City departments, and with intergovernmental and regulatory agencies and various public and private groups; provides highly responsible and complex professional assistance to the Director of Public Works relating to Engineering; and performs related duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Public Works and the City Council. Exercises direct supervision over supervisory, professional, technical, and administrative support staff through subordinate levels of supervision.

EXAMPLES OF ESSENTIAL FUNCTIONS - *Essential functions may include, but are not limited to, the following:*

Assumes management responsibility for the Engineering Division of the Public Works Department's programs, services, and activities including oversight of project management and capital projects as assigned by the Director.

Serves in an acting capacity during the absence of the Director of Public Works.

Under the direction of the Director, develops, directs, and coordinates the implementation of goals, objectives, policies, and priorities for the engineering division; recommends, within departmental policy, appropriate service, and staffing levels; recommends and administers policies and procedures.

Assists in developing, managing, and monitoring the departmental budgets; monitors and approves all purchase payment orders for the engineering division; prepares and administers grants for special programs and projects.

Under the direction of the Director, selects, trains, motivates, and evaluates assigned personnel; provides or coordinates staff training; works with employees on performance issues; responds to staff questions and concerns; makes discipline recommendations to the Director of Public Works.

Participates in capital improvement project (CIP) planning activities; provides input into the conceptual design of engineering projects; investigates and resolves problems with scope of work or cost issues of major facility upgrade and replacement projects.

Manages and directs the development of construction and modernization plans for the city; meets with contractors, engineers, developers, architects, a variety of outside agencies, and the general public in acquiring information and coordinating engineering matters; provides information regarding City development requirements.

Represents the department with other City departments, elected officials, and outside agencies; explains and interprets departmental programs, policies, and activities; negotiates and resolves significant and controversial issues.

Conducts a variety of departmental organizational and operational studies and investigations; recommends modifications to programs, policies, and procedures as appropriate.

Participates in and makes presentations to the City Council and a wide variety of committees, boards, and commissions as directed.

Stays abreast of new trends and innovations in the field of engineering and other types of public works' services.

Directs the maintenance of working and official departmental files.

Prepares, reviews, and presents staff reports, various management and information updates, and reports on special projects as assigned by the Director of Public Works.

Responds to difficult and sensitive public inquiries and complaints and assists with resolutions and alternative recommendations.

Serves as a spokesperson for the department at a variety of community events, meetings, and other public relations activities.

Ensures staff observe and comply with City and mandated safety rules, regulations, and protocols.

Assists in directing and reviewing the work of contract consultants and helping the departments; reviews or prepares related requests for proposals and contracts.

Assist in identifying City needs and priorities for specific public works projects; Assists in developing and updating short- and long-range goals and capital improvement plans.

Ensures the availability of adequate equipment, vehicles, materials and supplies for Public Works projects.

Confers with and provides professional and technical assistance to the City Council, City Administrator and other staff on matters related to Public Works engineering functions.

Performs general administrative work as assigned, including but not limited to conducting and attending meetings, assisting customers, researching files, scheduling appointments, reviewing correspondence, etc.

Performs other duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:
Administrative principles and practices, including goal setting, program development, implementation, and evaluation, and supervision of staff, either directly or through subordinate levels of supervision.

Principles and techniques for working with groups and fostering effective team interaction to ensure teamwork is conducted smoothly.

Principles and practices of strategic plan development.

Principles and practices of budget development and administration.

Principles and practices of contract administration and management.

General principles of risk management related to the functions of the assigned area.

Principles and practices of employee supervision, including work planning, assignment, review and evaluation, and the training of staff in work procedures.

Organization and management practices as applied to the development, analysis, and evaluation of programs, policies, and operational needs of the assigned area of responsibility.

Functions, authority, and responsibilities of an elected City Council.

Principles and practices of engineering and administration as applied to the design and construction of public works facilities and technical inspection services.

Methods, materials, and techniques employed in public works construction projects. Federal and state transportation and grant funding policies, procedures, and mechanisms.

Modern and complex principles, practices, methods, equipment, and materials involved in street maintenance, sewer maintenance, street signs, traffic, underground, wastewater treatment, and safety devices.

Characteristics and uses of asphalt, concrete, and other paving materials.

Methods, materials, and techniques used in the construction of public works projects.

Methods and techniques of preparing technical and administrative reports, and general business correspondence.

Techniques for effectively representing the city in contacts with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations.

Federal, state, and local laws, regulatory codes, ordinances, and procedures relevant to assigned areas of responsibility.

City and mandated safety rules, regulations, and protocols.

Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.

Modern equipment and communication tools used for business functions and program, project, and task coordination, including computers and software programs relevant to work performed.

Ability to:

Develop and implement goals, objectives, practices, policies, procedures, strategic plans, and work standards.

Provide administrative, management, and professional leadership for the Department.

Prepare and administer large and complex budgets; allocate limited resources in a cost-effective manner.

Interpret, apply, explain, and ensure compliance with federal, state, and local laws, regulations, policies, procedures, and standards relevant to work performed.

Plan, organize, direct, and coordinate the work of management, supervisory, professional, and technical personnel, delegate authority and responsibility.
Select and supervise staff, provide training and development opportunities, ensure work is performed effectively, and evaluate performance in an objective and positive manner.

Research, analyze, and evaluate new service delivery methods, procedures, and techniques.

Effectively administer special projects with contractual agreements and ensure compliance with contractual obligations.

Coordinate and direct public works projects and programs.

Interpret and explain City programs policies and procedures.

Understand, interpret, and apply all pertinent laws, codes, regulations, policies and procedures, and standards relevant to work performed.

Evaluate and develop improvements in operations, procedures, policies, or methods.

Oversee and participate in the management of comprehensive public works administration.

Read and interpret plans and specifications.

Analyze, interpret, summarize, and present technical information and data in an effective manner.

Effectively represent the city in meetings with governmental agencies, community groups, and various businesses, professional, and regulatory organizations, and in meetings with individuals.

Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.

Conduct complex research projects, evaluate alternatives, make sound recommendations, and prepare effective technical staff reports.

Direct the establishment and maintenance of a variety of filing, record-keeping, and tracking systems.

Independently organize work, set priorities, meet critical deadlines, and follow-up on assignments.
Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.

Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Education:

Equivalent to a bachelor's degree from an accredited college or university with major coursework in business administration, construction management, civil engineering, or a related field.

Experience:

Six (6) years of increasingly responsible professional civil engineering experience or experience managing public works infrastructure maintenance functions, including three (3) years in a management or supervisory capacity.

Licenses and Certifications:

Possession of a valid California Driver's License, to be maintained throughout employment.

Possession of a valid registration as a Professional Engineer (PE) in Civil Engineering issued by the State of California, to be maintained throughout employment.

Physical Demands:
Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to operate a motor vehicle and visit various City sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

Environmental Conditions:
Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **CONTRACT WITH BUTTE ROOFING COMPANY FOR ROOF REPLACEMENT OF THE CHINESE TEMPLE'S TAPESTRY HALL ROOF**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider accepting the proposal from Butte Roofing Company and consider approval of project contract for the roof replacement of the Chinese Temple's Tapestry Hall roof budgeted in the 23/24 fiscal year.

DISCUSSION

For many years, the roof of the Tapestry Hall has seen regular roof leaks that have been minor and managed by maintenance staff until recently. The roof leaks are becoming steadier and threatening the invaluable treasures and artifacts contained within the facility.

In May of 2023, a notice for informal bid was issued to roofing contractors who submitted qualifying applications under California Uniform Public Construction Costs Accounting Act (CUPCCAA), for the replacement of the TPO roofing, vertical asphalt roofing, and exterior paint of the Centennial Cultural Center facility.

Staff received two informal bids for the roof replacement with Butte Roofing Company being the low bidder. Butte Roofing Company is proposing to complete the requested demolition of existing TPO roof for the total estimated amount of $99,324.86. There were no alternatives identified for this project; however, a 20% contingency will be budgeted for unforeseen repairs such as dry rot, etc.

FISCAL IMPACT

The funds in the amount of $119,099.83 (for informal bid $99,324.86, and 20% contingency $19,864.97) will come from Account No. 6110 – Maintenance – Building and Improvements, Fund 302 (Capital Improvement Fund Balance).

RECOMMENDATION

1. Approve Res. No. 9145 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE ROOFING COMPANY AUTHORIZING BUTTE ROOFING

COMPANY TO COMPLETE THE PROPOSED ROOF REPLACEMENT OF THE CHINESE TEMPLE TAPESTRY HALL IN THE AMOUNT OF $99,234.86 AND A 20% CONTINGENCY IN THE AMOUNT OF $19,864.97 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

2. Authorize and direct to sign and accept the proposal from Butte Roofing Company, authorizing the proposed roof replacement of the Chinese Temple Tapestry Hall, in the amount of $99,324.86 (base bid) and a 20% contingency in the amount of $19,864.97 should any deficiencies be discovered during the project, for a total of $119,099.83.

ATTACHMENTS

1. Resolution No. 9145
2. Project Contract No. 3325-2
3. Proposal for roof replacement from Butte Roofing Company

CITY OF OROVILLE
RESOLUTION NO. 9145

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE ROOFING COMPANY AUTHORIZING BUTTE ROOFING COMPANY TO COMPLETE THE PROPOSED ROOF REPLACEMENT OF THE CHINESE TEMPLE TAPESTRY HALL IN THE AMOUNT OF $99,234.86 AND A 20% CONTINGENCY IN THE AMOUNT OF $19,864.97 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to sign and accept the proposal from Butte Roofing Company, authorizing the proposed roof replacement of the Chinese Temple Tapestry Hall, in the amount of $99,324.86 (base bid) and a 20% contingency in the amount of $19,864.97 should any deficiencies be discovered during the project, for a total of $119,099.83.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

1500 Broderick St.

05/19/2023

Butte Roofing Company
8 Seville Ct. Suite #110
Chico, CA 95928
CA 567600
Phone: 530-342-6553

Company Representative
Alfredo Trujillo
Phone: (530) 513-2613
alfredo@butte-roofing.com

Nick Trover
1500 Broderick Street
Oroville, CA 95965
(530) 519-7132

Northern Most Roof

- Remove existing and haul away
- Have HVAC unit move to correctly flash duct work under HVAC
- Install two staggered layers of 1" insulation
- Install 1/4" Dens Deck
- Install 80 mil Duro-Last single ply membrane as per manufacture specifications
- Install all trims and accessories from Duro-Last.
- On south wall install a face mounted counter flash in Colonial Red, over a termination bar
- This includes a 30 yr NDL with Duro-Last. Warranty effective date will be 90 days after material delivery or completion of roof inspection by Duro-Last, which ever is sooner.
- Quote reflects a Fastener Pullout Resistance of 450lb. Resistance determines fastener spacing. Lower pullout values will require additional fasteners

DRY ROT REPAIRS ARE BILLED EXTRA AT TIME AND MATERIAL UPON INSPECTION AFTER TEAR OFF. $70 PER MAN PER HOUR. BUTTE ROOFING IS NOT LIABLE FOR ANY CONSEQUENTIAL DAMAGES CAUSED BY PERSONNEL FALLING THROUGH ROOF DUE TO EXISTING DRY ROT. THIS INCLUDES DAMAGES TO DRYWALL, LIGHT FIXTURES, WATER LINES, ELECTRICAL LINES OR FURNITURE.
IF BID IS ACCEPTED, PLEASE SIGN AND RETURN ONE COPY. THANK YOU

Material

- DL 1" ISO II 20 psi 4x8'
- Georgia Pacific DensDeck Insulation - 1/4"x4'x8'
- DURO-LAST X™ CUSTOM CUT ROLL 80mil 5'x65'
- Duro-Last Solvent-Grip Spray Adhesive
- Freight Charge

Accessories

- DURO-LAST 6" OUTSIDE CORNERS
- Duro-Last 1.5" Stack
- Duro-Last 12" Stack
- Aluminum Code Cap Assembly - 6" - Mill
- Duro-Last Two Way Air Vents
- Duro-Last Drain Boots 4" W/CDR Rings
- Duro-Last #15 SCREWS 4" 1k ct.
- DURO-LAST METAL CLEAT MEMBRANE PLATES 1K COUNT
- PVC Rhino Bond Plate 500CT
- Duro-Last 3" Square Insulation Plates 500ct
- Termination Bar
- Panduit SS Band 14"

Duro-Last 2-piece Compression Metal with 3" face

Duro-Last 5 ¼" Surface Mount Counter Flashing - Item# 6433806

Duro-Last Duro-Caulk Plus Sealant - White

Removal/Install labor

Tear off labor

Single Ply Install Labor

Job Cost

Required Machinery

Disposal fees

$20,982.79

Center Section

- Remove existing and haul away
- Have two HVAC units moved to correctly flash duct work under HVAC
- Install two staggered layers of 1" insulation
- Install 1/4" Dens Deck
- Install 80 mil Duro-Last single ply membrane as per manufacture specifications
- Install all trims and accessories from Duro-Last.
- This includes a 30 yr NDL with Duro-Last. Warranty effective date will be 90 days after material delivery or completion of roof inspection by Duro-Last, which ever is sooner.
- Quote reflects a Fastener Pullout Resistance of 450lb. Resistance determines fastener spacing. Lower pullout values will require additional fasteners

Material

DL 1" ISO II 20 psi 4x8'

Georgia Pacific DensDeck Insulation - 1/4"x4'x8'

DURO-LAST X™ CUSTOM CUT ROLL 80mil 5'x65'

Freight Charge

Duro-Last Solvent-Grip Spray Adhesive

Accessories

DURO-LAST 6" OUTSIDE CORNERS

Duro-Last 1.5" Stack

Duro-Last 12" Stack

Aluminum Code Cap Assembly - 6" - Mill

Duro-Last Two Way Air Vents

Duro-Last Drain Boots 4" W/CDR Rings

Duro-Last #15 SCREWS 4" 1k ct.

DURO-LAST METAL CLEAT MEMBRANE PLATES 1K COUNT

PVC Rhino Bond Plate 500CT

Duro-Last 3" Square Insulation Plates 500ct

Termination Bar

Panduit SS Band 14"

Duro-Last 2-piece Compression Metal with 3" face

Duro-Last Duro-Caulk Plus Sealant - White

Removal/Install labor

Tear off labor

Single Ply Install Labor

Job Cost

Required Machinery

Disposal fees

$36,859.83

Southern Section

- Remove existing and haul away
- Have HVAC unit move to correctly flash duct work under HVAC
- Install two staggered layers of 1" insulation
- Install 1/4" Dens Deck
- Install 80 mil Duro-Last single ply membrane as per manufacture specifications
- Install all trims and accessories from Duro-Last.
- On north wall install a face mounted counter flash in Colonial Red, over a termination bar
- This includes a 30 yr NDL with Duro-Last. Warranty effective date will be 90 days after material delivery or completion of roof inspection by Duro-Last, which ever is sooner.
- Quote reflects a Fastener Pullout Resistance of 450lb. Resistance determines fastener spacing. Lower pullout values will require additional fasteners

Material

DL 1" ISO II 20 psi 4x8'

Georgia Pacific DensDeck Insulation - 1/4"x4'x8'

DURO-LAST X™ CUSTOM CUT ROLL 80mil 5'x65'

Duro-Last Solvent-Grip Spray Adhesive

Freight Charge

Accessories

DURO-LAST 6" OUTSIDE CORNERS

Duro-Last 1.5" Stack

Duro-Last 12" Stack

Aluminum Code Cap Assembly - 6" - Mill

Duro-Last Two Way Air Vents

Duro-Last Drain Boots 4" W/CDR Rings

Duro-Last #15 SCREWS 4" 1k ct.

DURO-LAST METAL CLEAT MEMBRANE PLATES 1K COUNT

PVC Rhino Bond Plate 500CT

Duro-Last 3" Square Insulation Plates 500ct

Termination Bar

Panduit SS Band 14"

Duro-Last 2-piece Compression Metal with 3" face

Duro-Last 5 ¼" Surface Mount Counter Flashing - Item# 6433806

Duro-Last Duro-Caulk Plus Sealant - White

Removal/Install labor

Tear off labor

Single Ply Install Labor

Job Cost

Required Machinery

Disposal fees

$41,482.24

TOTAL	$99,324.86

This includes all Roof Only permits, liability and Workman's Compensation Insurance. Due to material shortages and market fluctuations, this bid is valid for 30 days from the date shown above. Certain material will be billed at pricing at time of delivery. Terms of payment: Monthly invoice for percentage completed and 100% upon completion.

The company further agrees to guarantee the roof work for **5** years upon completion of work. Said guarantee to cover workmanship only.(roof must be properly maintained, maintenance recommendations will be given on request) Warranty will not extend to damage caused by extreme winds, lightning, hailstorms, earthquakes or other unusual causes and shall not cover any liability for damage or injury to interior fixtures, decorations, walls, contents of building or other part of structure. It is mutually understood and agreed that the guarantee shall be made and remain effective only when and if payment is made as agreed in the contract; that interest will be charged if payment becomes delinquent at a rate of 18%; that in the event of an action brought for collections, the Company shall recover all court cost and a reasonable attorney's fee; that the contract is taken subject to final approval of the company after signature by owner. It is also understood that the home owner/client shall have adequate insurance. This agreement represents the entire and integrated agreement between Property Owner and Butte Roofing Company and supersedes all negotiations, representations or agreements, either oral or written. This agreement may be amended only by written instrument offered by Butte Roofing Company and accepted by Property Owner.

Butte Roofing Company assumes the following items are to be completed by others or are not required under our contract and have therefore been excluded, unless specifically listed above: Cementitious or gypsum roof board underlayment; Painting; Fascia metal; Soffit material; Parapet caps; Performance and payment bonds; Design and Engineering of any system; Gutters and downspouts; Anything in optional pricing unless selected; Prevailing wages; Overtime wages; Access to temporary facilities, power, water etc; HVAC; Liquidated damages; Tenant infill of any kind; Waterproofing open-roof beyond checking the weather and appropriately covering exposed sections; Force Majeure; Plumbing; Electrical; Piping system; Demolition; Hazardous material testing or work; Builders risk insurance; Dry rot repairs; Extraordinary dry-in protection; Structural work; Insulation of any kind; Repairs or penetrations to the roof after installation; Wood nailers or cants; Fall protection anchors; Repairs caused by unsuitable roof sheathing/structure; Anything not listed as included above.

Cancellation Policy : If Property Owner desires to cancel this contract within 5 Business Days from signed contract there is a zero dollar fee. If Property Owner desires to cancel this contract after 5 Business Days from signed contract there is a Cancellation Fee of : 10% of the Contract value or work to date completed which may include the cost of materials; which ever is greater.

Disclosure: Please be advised that this firm and our material suppliers may send you various documents related to lien rights; i.e. PRELIMINARY 20-DAY NOTICE. Please contact our main office if you have any questions or concerns.

NOTICE: Contractors are required by law to be licensed and regulated by the Contractors State License Board. Any questions concerning a contractor may be referred to the registrar of the board whose address is: Contractor's State License Board- P.O. BOX 26000 - SACRAMENTO, CA. 95826. We reserve the right to enforce the Mechanic's Lien sec 7018/7019 Bus/Prof code.

CA 567600 DIR#1000056098

Company Authorized Signature _____ Date _____

Customer Signature _____ Date _____

Customer Signature _____ Date _____

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR AND CITY COUNCIL MEMBERS**

FROM: **JACKIE GLOVER, ASSISTANT CITY CLERK**
BRIAN RING, CITY ADMINISTRATOR

RE: **COMMUNITY MEMBER APPOINTMENTS TO VARIOUS COMMITTEES AND COMMISSIONS**

DATE: **JULY 18, 2023**

SUMMARY

City Council may appoint individuals to the Arts Commission, Parks Commission, Planning Commission, and Citizen's Oversight Committee.

DISCUSSION

The Oroville Arts Commission currently has two (2) commissioners whose terms are expiring, and they are both seeking reappointment. The Oroville Parks Commission currently has (1) vacancy. The Planning Commission currently has one (1) vacancy. The Citizens Oversight Committee has four (4) members terms expiring and two (2) vacancies. Two (2) Committee Members on the Citizen's Oversight Committee are seeking reappointment. Staff recruited for all commissions and committees with open positions and received four (4) applications. All applications received meet the criteria for the recommended appointments. The following appointments are recommended:

- Arts Commission – David Tamori (Incumbent) and Andee Krantz (Parks Commission Incumbent)
- Parks Commission – Chris Hix
- Planning Commission – Audrey Holt
- Citizen's Oversight Committee – Kay Castro (Incumbent), Mark Grover (Incumbent), JD Holt and Andrea Milam-Richey

FISCAL IMPACT

None

RECOMMENDATION

1. Appoint the following individuals to the Arts Commission with terms expiring June 20, 2027 – David Tamori and Andee Krantz (Representative from the Parks Commission); and
2. Appoint Chris Hix to the Parks commission with a term that expires on June 30, 2028; and

3. Appoint Audrey Holt to the Planning Commission with a term that expires on June 30, 2027; and
4. Appoint the following individuals to the Citizens Oversight Committee with a terms expiring June 30, 2027 – Kay Castro, Mark Grover, JD Holt and Andrea Milam-Richey.

ATTACHMENTS
Commission Applications

CITY OF OROVILLE

APPLICATION FOR APPOINTMENT TO CITY COMMITTEE OR COMMISSION

(Please Read Instructions)

RETURN TO: CITY CLERK'S OFFICE, 1735 MONTGOMERY STREET, OROVILLE, CA 95965

Completed applications are considered public records per Government Code §6252.

Name of committee/commission you are applying for:

Parks Commission & Planning Commission

Note: If you are applying for more than one committee/commission, number in order of preference.

- [X] Planning Commission
- [ ] Arts Commission
- [ ] Housing Loan Advisory Committee
- [ ] Economic Development Loan Advisory Committee
- [X] Park Commission
- [ ] Southside Community Center Advisory Committee
- [ ] Arts, Cultural Entertainment District Advisory Committee
- [ ] Mosquito Abatement District Committee
- [ ] Other: _____

APPLICANT INFORMATION

Name (print): Chris Hix

Residence Address: [redacted]

Mailing Address (if different): _____

Telephone [redacted] E-Mail Address: [redacted]

Are you a qualified elector** of the City? Yes [X] No [ ]

EMPLOYMENT INFORMATION

Occupation: Superintendent Light Rail Transportation

Current Employer: Sacramento Regional Transit

Current Employer Address: 2700 Academy Way Sacramento

Telephone: 916-556-0232

EXPERIENCE/BACKGROUND

(Additional information/resume may be provided on page 2 of this application)

Education: Masters degree Cybersecurity and leadership

Memberships of Organizations: _____

Have you served on any committee/commission in the past? Yes [X] No [ ]

If yes, list committee/commission and dates served: Election Commitee 2009 & 2012 ATU 757

BASIC SUPPLEMENTAL INFORMATION QUESTIONNAIRE

This supplemental questionnaire is a required part of your application package and must be returned along with your "Application for Appointment" to the City Clerk's Office. If you have any questions, please call the City Clerk's Office at 538-2535.

1. Why would you want to serve on the Committee/Commission?

This is my home town and I would like to help guide it as it is one of the few expanding communities in CA. I posses the skills and vision to be a valuable contributor.

2. What unique qualifications and/or skills would you bring to the Committee/Commission?

Through education and experience I am able to visualize, plan, and execute large scale operations. My education has positioned me to be a key source for technology as well.

3. Do you have any conflicts or potential conflicts that would make you ineligible to vote on any items? How often do you think these conflicts might arise?

NO.

Date: 06/08/2023 Signature: [redacted]

How did you hear about this recruitment? (Optional)

City Website

VERIFICATION

By signing this application, I certify that I am a registered voter in the City of Oroville.

Date: 06/08/2023 Signature: [redacted]

Please use this space for any other additional information that you would like to provide in support of your application.

Having 20 years in transit experience I have a keen eye for transit based development. Born in oroville and spending twenty years in Portland OR has given me a great perspective of whats good / bad and what can be.

Chris Hix

[redacted]

Operations Leader

Detail-oriented tech-savvy professional with extensive experience reviewing procedures and policies, guidelines, tools, methods, and technologies. Instrumental in spearheading multiple projects from conception to completion within given time and resources.

Master-level educated Leadership Professional with a broad set of skills, including comprehensive knowledge of operational management. Skilled in providing leadership during significant events or disruptions and leading the day-to-day. An enthusiastic leader with fine-tuned skills to get results and develop department infostructure, personnel and customer. An interdisciplinary communicator that fosters collaboration across the organization.

Areas of Expertise

- Union contracts
- Project Management
- Information & Quality Assurance
- CPUC General Orders
- Strategic Planning & Execution
- Team Training & Development
- Incident Response Management
- Policy and SOP Development
- Change Management
- KPI Monitoring
- Stakeholder Management
- New initiatives

Accomplishments

- Project completion of AIM2, SCADA upgrade and TOSI (Train orders, Special Instruction)
- Assessed CSRs / CXA queues from ~70% handle rates to over 95% without any degradation in the CSR quality rating.
- Accomplished maximum client satisfaction by formulating robust policies and procedures.
- Designed and built specialty (SP) tools to sustain 750VDC overhead traction power catenary system effectively.
- Implemented Zendesk iteration that increased the number of communication channels from two to four.
- Created real-time in-field notifications by reapplying application of existing resources revenue maintenance and Facilities maintenance that reduced redundancy of work tickets by 66%.

Education & Credentials

Masters Cybersecurity and Leadership | 3.9 GPA
University of Washington, Tacoma WA

Course work: Principles of Cybersecurity, Cybersecurity Management, Network, and Internet Security, Leadership and Team Dynamics, Organizational Change and Strategy, Business Essentials, and Project Management

Bachelor of Science Business Management and Leadership | 3.78 GPA
Concordia University, Portland

Associates Industrial Trades | 3.75 GPA
MT. Hood Community College, Gresham

Basic Incident Command System for Initial Response IS-00200.C
NIMS guidelines and meets the National Incident Management System (NIMS) Baseline Training requirements

Introduction to Incident Command System IS-00100.C
This course describes the history, features and principles, and organizational structure of Incident Command System

Career Experience

Sacramento Regional Transit District, CA — 2021 - Present

Transportation Superintendent (Light Rail)

Deliver supervisory and administrative oversight to daily work activities of operators, supervisors, and transit officers. Define and review employee performance standards and perform evaluations with supervisory staff. Conduct investigation and holding grievance hearings by communicating with personnel and risk management department. Facilitate day-to-day management of department, such as monitoring operations and ensuring effective and consistent operating practices, preparing, and monitoring schedules, controlling departmental budget, and representing department with labor unions, all departments, and outside agencies. Supervise train operations, resolved track issues, and responded to emergency situations.

- Analyzed and addressed passenger services complaints and emergencies to ensure maximum satisfaction.
- Designed and executed departmental policies, procedures, and quality standards to achieve organizational objectives.
- Carried out program, policy, and procedure analysis by executing strategic programs to enhance light rail operations in compliance with CPUC general orders 143B and 172.

TriMet, Portland — 2003 - 2021

Office Supervisor (2011 - 2021)

Led overall activities of fourteen union customer service office staff, while developing PCI-DSS compliance across contact center. Directed service improvement process program (SIP) by acting as system administrator. Supported C-level executives to make informed decisions by examining and extracting data from SIP. Coordinated legal department to release information for public record requests. Provided customer support services by researching and executing innovative solutions for field equipment maintenance. Hired and selected new agents by conducting interviews, while driving customer success to improve service center communication channels.

- Established customer service center successfully for new multiagency electronic fare / Hop Fastpass in coordination with contractors, system engineers, and fare revenue management.
- Deployed skill-based call routing in Cisco VoIP system that utilized agent resources efficiently and improved handle rate for 50% to over 95%
- Improved the skill set of managers on customer service processes by conducting effective training sessions.
- Supported new electronic fare program by increasing staff from 3 CXAs to 11 CXAs.
- Arranged training program for two agents that won the APTA national call center challenged.

Assistant Manager of Operations Command Center (2013 - 2014)

Oversaw operations command center (OCC) to control and direct real-time service delivery for the fixed-route bus system and MAX light rail system. Examined and interpreted real-time data that fostered informed decisions proactively in fast-paced environment. Maintained infrastructure and met employee/customer needs, while assuring proper allocation/utilization of resources. Assured smooth flow of critical functions during major special events/disasters, while serving as OCC Operations Chief. Recovered and maintained customer service by deploying and directing OCC personnel and other resources. Supervised emergency response management, delivered operational orders, and aligned team to manage service disruptions, natural disasters, and special events.

- Interviewed and hired staff, including operators, controllers, dispatchers, and administrative employees in effective manner.
- Analyzed overall performance of thirty-seven union employees including rail controllers/bus dispatchers, while performing vendor management regarding TOSI, AIM, SCADA and INIT rebuilds.
- Improved outside agency notifications from below 75% to over 95%.

Overhead Catenary System Journeyman Maintainer (2003 – 2011)

Maintained OCS, including hoists, lockout tag-out procedures, power removal and restoration, boom truck, megger test of insulated bucket and platform trucks, flagging for train movements, and job planning by using wide range of tools/procedures. Played a key role in driving re-railing operations and managing emergencies.

- Initiated standard maintenance practices to inspect and test TriMet 750v DC Electrification Overhead Catenary System.
- Delivered on-the-job training for Overhead Traction Electrification Apprentices in successful manner.
- Upgraded all formal training material for the Overhead Catenary Traction power apprenticeship program, while training 12 apprentice OCS maintainers.

Additional Experience

Lead Specialist III, Fujitsu GMD, Gresham

Pepsi Sales Merchandiser, Portland, OR

Kentucky Fried Chicken Supervisor, Portland, OR

Projects

AIM2 and TOSI

- Worked with IT to implement the AIM2 SCADA upgrade and overhead graphic redesign
- Engaged with frontline staff to identify key functionality improvements
- Coordinated acquisition of hardware, infrastructure improvements and final installation and launch
- Oversaw training program development and release for controls

Hop FastPass TriMet

- Built customer service center to implement Hop Fastpass.
- Streamlined customer service operation by devising and executing effective procedures/policies.
- Contributed to space planning, oversaw acquisition, and set up of hardware.
- Developed PCI procedures in coordination with finance department, while executing SOPs to align agents with PCI-DSS regulations.

Technical Proficiencies

NMAP, ZENDESK Admin II, Microsoft Office (Excel, Project, PowerPoint, Word), MS Outlook, Database, CRM,; Bayes Theorem.

Conferences and Presentations

1. Introduction and conference overview, Keynote Video (Representative Derek Kilmer, WA), Cybersecurity Panel, Focus Session with SME, CWSSP Scholar Research Presentation, Survey | Colorado-Washington Security Scholar Program (CWSSP) 2021.
2. First annual Pacific Northwest AppSec organized by PNWSEC
3. SMS Principles for Transit , Presented by the Department of Transportation.

CITY OF OROVILLE

APPLICATION FOR APPOINTMENT TO CITY COMMITTEE OR COMMISSION

(Please Read Instructions)

RETURN TO: CITY CLERK'S OFFICE, 1735 MONTGOMERY STREET, OROVILLE, CA 95965

Completed applications are considered public records per Government Code §6252.

Name of committee/commission you are applying for:

#1- Planning Commission, #2-Parks Commission

Note: If you are applying for more than one committee/commission, number in order of preference.

- [x] Planning Commission
- [ ] Arts Commission
- [ ] Housing Loan Advisory Committee
- [ ] Economic Development Loan Advisory Committee
- [x] Park Commission
- [ ] Southside Community Center Advisory Committee
- [ ] Arts, Cultural Entertainment District Advisory Committee
- [ ] Mosquito Abatement District Committee
- [ ] Other: _____

APPLICANT INFORMATION

Name (print): Audrey Holt

Residence Address: [redacted]

Mailing Address (if different): _____

Telephone: [redacted] E-Mail Address: [redacted]

Are you a qualified elector** of the City? Yes [x] No [ ]

EMPLOYMENT INFORMATION

Occupation: Architectural Design and Historic Preservation

Current Employer: none

Current Employer Address: n/a

Telephone: n/a

EXPERIENCE/BACKGROUND

(Additional information/resume may be provided on page 2 of this application)

Education: Bachelor of Science in Architecture, Bachelor of Arts in History

Memberships of Organizations: none

Have you served on any committee/commission in the past? Yes [ ] No [x]

If yes, list committee/commission and dates served: _____

How did you hear about this recruitment? (Optional)

Facebook

VERIFICATION

By signing this application, I certify that I am a registered voter in the City of Oroville.

Date: 5/30/23 Signature: [redacted]

Please use this space for any other additional information that you would like to provide in support of your application.

My professional career has been in the field of design, art, historic preservation, and research. I worked for almost seven years at the state level with the Texas Main Street Program, within the Community Heritage Development Division in the State Historic Preservation Office. The Main Street Program at its core is a downtown revitalization program that utilizes historic preservation under the umbrella of a Four Point Approach: Design, Economic Vitality, Promotion and Organization. My core job was performing design renderings and preservation technical reports to help downtown building/business owners both restore their buildings and market their businesses, through signage, branding and merchandising. Other functions of my position were to promote downtown and towns as a whole by providing them with technical services to create and review design ordinances and preservation guidelines to protect their valuable historic resources, as well as perform historic resource surveys, facilitate town hall meeting type visioning and branding, and orchestrate training opportunities for our towns' Main Street Managers, as well as training for the general public.

In the ten years my family and I have lived in downtown Oroville, I have taken every opportunity to volunteer where needed. Whether it be for downtown events, city branding initiatives, the welcome sign contest, or the kids' schools, sports, theater and dance organizations. Our town has made many strides in the right direction in recent years. I look forward to using my passion and expertise to further bring Oroville to a place people are even more proud to call their home. Thank you for your time and consideration.

BASIC SUPPLEMENTAL INFORMATION QUESTIONNAIRE

This supplemental questionnaire is a required part of your application package and must be returned along with your "Application for Appointment" to the City Clerk's Office. If you have any questions, please call the City Clerk's Office at 538-2535.

1. Why would you want to serve on the Committee/Commission?

My family and I have made our home in downtown Oroville for almost 10 years. I enjoy being part of it all, from attending all of the downtown events and shopping local, to volunteering with community organizations related to our children, and even following the progress of the city. I am passionate about Oroville and its rich history and natural resources and see serving on a committee as a way to contribute my expertise and positively influence the growth and development of our town.

2. What unique qualifications and/or skills would you bring to the Committee/Commission?

My career in design and historic preservation was closely related to the field of planning. I reviewed and created various documents at the state level, including ordinances and guidelines, for cities much like Oroville. I have the technical expertise to understand and closely examine and analyze the specific type of information that this position would necessitate. Having worked in the public sector, I also understand how to work with others and listen to various perspectives, while delivering a well thought out solution to the community I am serving.

3. Do you have any conflicts or potential conflicts that would make you ineligible to vote on any items? How often do you think these conflicts might arise?

I do not believe I have any conflicts or potential conflicts.

Date: 5/30/23 Signature: [redacted]

CITY OF OROVILLE

APPLICATION FOR APPOINTMENT TO CITY COMMITTEE OR COMMISSION

(Please Read Instructions)

RETURN TO: CITY CLERK'S OFFICE, 1735 MONTGOMERY STREET, OROVILLE, CA 95965

Completed applications are considered public records per Government Code §6252.

Name of committee/commission you are applying for:

Citizens Oversight Committee

Note: If you are applying for more than one committee/commission, number in order of preference.

- ☐ Planning Commission
- ☐ Arts Commission
- ☐ Housing Loan Advisory Committee
- ☐ Economic Development Loan Advisory Committee
- ☐ Park Commission
- ☐ Southside Community Center Advisory Committee
- ☐ Arts, Cultural Entertainment District Advisory Committee
- ☐ Mosquito Abatement District Committee
- ☐ Other: _____

APPLICANT INFORMATION

Name (print): Jerry Holt (JD)

Residence Address: [redacted]

Mailing Address (if different): _____

Telephone: [redacted] E-Mail Address: [redacted]

Are you a qualified elector** of the City? Yes ☑ No ☐

EMPLOYMENT INFORMATION

Occupation: Senior Sales Account Manager

Current Employer: YETI

Current Employer Address: 7601 Southwest Parkway Austin, TX 78735

Telephone: 512.394.9384

EXPERIENCE/BACKGROUND

(Additional information/resume may be provided on page 2 of this application)

Education: Bachelors and Master Of Business Administration

Memberships of Organizations: Lake Oroville Little League

Have you served on any committee/commission in the past? Yes ☐ No ☑

If yes, list committee/commission and dates served: _____

How did you hear about this recruitment? (Optional)

Online Post

VERIFICATION

By signing this application, I certify that I am a registered voter in the City of Oroville.

Date: 5/30/2023

Signature: [redacted]

Please use this space for any other additional information that you would like to provide in support of your application.

My career over the last 14 years has been as a sales account manager. With my knowledge, I have been able to help businesses owners merchandize and manage inventory to grow their business with YETI. I have provided them consultations on sales strategies, as well as budgeted product assortments that allows them to maintain inventory control while having healthy cash flow for their business.

For three years I have served on the Executive Board as the Treasurer for Lake Oroville Little League. I am responsible for maintaining the books, which includes writing checks, recording transactions, and making vendor payments, as well as filing the League's taxes. While as Treasurer, I have been able to get us to a healthy surplus that allows the league to purchase new equipment as well as complete several large capital improvement projects each year.

BASIC SUPPLEMENTAL INFORMATION QUESTIONNAIRE

This supplemental questionnaire is a required part of your application package and must be returned along with your "Application for Appointment" to the City Clerk's Office. If you have any questions, please call the City Clerk's Office at 538-2535.

1. Why would you want to serve on the Committee/Commission?

My family and I have been in Oroville for almost 10 years now. We have lived downtown all that time. We have invested our time and energy to continuing to restore our home and volunteer in many ways that help us contribute to the success of the community. We have watched the town grow and make great strides to bring in new business, while expanding support of our current businesses. Oroville is in a great location, and I want to be a continuing part of that growth as we move into the future.

2. What unique qualifications and/or skills would you bring to the Committee/Commission?

I have an MBA with a deep understanding of budgets and fiscal responsibility. As previously mentioned, I am currently the treasurer of Lake Oroville Little League, and I am responsible for making sure that all our books are balanced, and taxes are in good standing each year. I am also a team player. Having advanced to the college level in baseball gave me a great understanding of what it means to be a part of a team and collaborate with others on their opinions and thoughts.

3. Do you have any conflicts or potential conflicts that would make you ineligible to vote on any items? How often do you think these conflicts might arise?

I do not currently have any conflicts that would keep me from voting on any items.

Date: 5/30/2023 Signature: [redacted]

CITY OF OROVILLE

APPLICATION FOR APPOINTMENT TO CITY COMMITTEE OR COMMISSION

(Please Read Instructions)

RETURN TO: CITY CLERK'S OFFICE, 1735 MONTGOMERY STREET, OROVILLE, CA 95965

Completed applications are considered public records per Government Code §6252.

Name of committee/commission you are applying for:

Note: If you are applying for more than one committee/commission, number in order of preference.

- [x] Planning Commission (2nd)
- [x] Housing Loan Advisory Committee (4th)
- [x] Park Commission (1st)
- [ ] Arts, Cultural Entertainment District Advisory Committee
- [ ] Mosquito Abatement District Committee
- [ ] Arts Commission
- [ ] Economic Development Loan Advisory Committee
- [ ] Southside Community Center Advisory Committee
- [x] Other: Citizens Oversight Committee (3rd)

APPLICANT INFORMATION

Name (print): Andrea Milam-Richey

Residence Address: [redacted]

Mailing Address (if different): _____

Telephone: [redacted] E-Mail Address: [redacted]

Are you a qualified elector** of the City? Yes ☐ No ☐

EMPLOYMENT INFORMATION

Occupation: Associate Governmental Program Analyst

Current Employer: California Highway Patrol

Current Employer Address: 3500 Reed Avenue, West Sacramento, CA 95605

Telephone: 916-309-6510

EXPERIENCE/BACKGROUND

(Additional information/resume may be provided on page 2 of this application)

Education: Bachelor Degree in Social Science

Memberships of Organizations: N/A

Have you served on any committee/commission in the past? Yes ☐ No ☑

If yes, list committee/commission and dates served: N/A

How did you hear about this recruitment? (Optional)

Facebook posting

VERIFICATION

By signing this application, I certify that I am a registered voter in the City of Oroville.

Date: 6/14/2023 Signature: [redacted]

Please use this space for any other additional information that you would like to provide in support of your application.

Prior coach for Yuba Sutter Soccer League. Prior Occupational Safety Coordinator, prior lead inspector for internal audits, and current member of the Advisory Committee for Persons with Disabiliites at the California Highway Patrol. Alternate site council member and school volunteer at Stanford Avenue Elementary with Oroville City Elementary School District.

BASIC SUPPLEMENTAL INFORMATION QUESTIONNAIRE

This supplemental questionnaire is a required part of your application package and must be returned along with your "Application for Appointment" to the City Clerk's Office. If you have any questions, please call the City Clerk's Office at 538-2535.

1. Why would you want to serve on the Committee/Commission?

Please see the attached document for response.

2. What unique qualifications and/or skills would you bring to the Committee/Commission?

Please see the attached document for response.

3. Do you have any conflicts or potential conflicts that would make you ineligible to vote on any items? How often do you think these conflicts might arise?

Not aware of any conflicts.

Date: 6/14/23 Signature: [redacted]

BASIC SUPPLEMENTAL INFORMATION QUESTIONNAIRE (Andrea Milam-Richey)

1. Why would you want to serve on the Committee/Commission?

Last July, my family recently moved to Oroville. During the last year we have been taking our time exploring the area and becoming more involved in the community starting with the school system. As such, I'm looking to serve on the Committee/Commission to make a positive impact in our community.

2. What unique qualifications and/or skills would you bring to the Committee/Commission?

For the last ten years, I have worked with individuals within the community to match services and supports relevant to an individual's current situation to set them up for success. My focus has been in training and development during this time for a variety of topics with the focus on leadership and personal growth. During the last four years, I have taken on a more financial role with purchasing and budget management. With this varied background I have worked with many different individuals and agencies, from individuals with intellectual/developmental disabilities to law enforcement personnel which has given me a unique perspective I would like to share as a member of the Committee/Commission.

3. Do you have any conflicts or potential conflicts that would make you ineligible to vote on any items? How often do you think these conflicts might arise?

Not aware of any conflicts.

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND CITY COUNCIL**

FROM: **AMY BERGSTRAND, DIRECTOR**
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT

RE: **FORECLOSURE OF 2950 EL NOBLE AVENUE**

DATE: **JULY 18, 2023**

SUMMARY

The City Council may consider initiating foreclosure proceedings related to the City of Oroville's interest in the Deed of Trust against the property located at 2950 El Noble Avenue, Oroville (APN 013-225-003).

DISCUSSION

Staff is seeking authorization from the Council to initiate foreclosure on the property located at 2950 El Noble Avenue. Staff has attempted to obtain annual Property Status Certification from the homeowner for the years 2022 and 2023. After several unsuccessful attempts at communication by both the City and the City's legal counsel, Cole Huber, LLP, Staff from the City's Housing Development Department and Code Enforcement made an on-site visit to attempt to verify the home was still owner occupied. Contact was made with a resident that claims to be renting the residence from the homeowner and stated that they have been renting for about 1 ½ years. A stipulation of the Deed of Trust requires that the property is the homeowner's primary residence, therefor the homeowner is in default of both Deeds of Trust. At this time, Staff is requesting approval to start foreclosure proceedings at 2950 El Noble Avenue, Oroville CA.

The City holds both the primary mortgage and the secondary mortgage for this property.

Address	Amount of Primary Loan	Amount of Secondary Loan	Total Loans	Value Based on Comparable
2950 El Noble Avenue	$52,446.95 through 07/18/2023	$41,089.77 through 7/18/2023	$93,536.72 (approx.)	$165,038.66

If the City Council authorizes staff to secure the City's interest in this property; staff will work with the City Attorney to determine if the property can be resold on the open market to recoup City's interest in the property or dispose of this property pursuant the Surplus Land Act.

FISCAL IMPACT

There is no general fund impact. Approximately $5,000 will be needed to cure the default, including foreclosure fees from Fund 221, budget unit 7011, account number 6360, project code 1418910. There is a current unencumbered balance is$ $908,815.61

RECOMMENDATION

Adopt Resolution No. 9146 -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, 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 2950 EL NOBLE AVE., OROVILLE (APN 013-225-003)

ATTACHMENTS

Resolution 9146

CITY OF OROVILLE
RESOLUTION NO. 9146

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, 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 2950 EL NOBLE AVE., OROVILLE (APN 013-225-003)

NOW, THEREFORE, BE IT 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 2950 El Noble Ave., Oroville CA, (APN 013-225-003) Oroville, California; and

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND CITY COUNCIL MEMBERS**

FROM: **AMY BERGSTRAND, DIRECTOR,
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT**

RE: **ACCEPT THE COMMUNITY DEVELOPMENT BLOCK GRANT STANDARD AGREEMENT 22-CDBG-NH-00008 AND ESTABLISH BUDGET FOR NEIGHBORHOOD CLEANUP PROJECT**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider accepting the 2022 Community Development Block Grant (CDBG) allocation, agreement no. 22-CDBG-NH-00008, in the amount of $500,000, and establish a budget for general administration and program activities.

DISCUSSION

The City Council adopted Resolution No. 9057 on June 7, 2022, approving the submittal of an application for CDBG funds from the State Department of Housing and Community Development. Additionally, on June 7, 2022, City Council approved a Sub-recipient Agreement in the amount of $600,000 with Oroville Hope Center-City Works to provide oversight and administering the Neighborhood Cleanup project with several participating non-profits to provide labor. Subsequently the City of Oroville was awarded funds and staff is requesting approval to establish a budget for the following activities:

1. Public Service (Neighborhood Cleanup Program):	$465,000.00
2. Public Service City Match (Neighborhood Cleanup Program):	$100,000.00
3. General Administration:	$ 35,000.00
	$600,000.00

FISCAL IMPACT

A budget adjustment will be required to establish a budget as follows:

Fund 223

Revenues:

Account No.	**Account Name**	**$Amount**
4570	Grant Revenue	$500,000
9000	Interfund Transfer	$135,000

Expenses:

Account No.	**Account Name**	**$Amount**
5100-5610	Direct Labor	$35,000
6360	Outside Services	$600,000

RECOMMENDATION

1. Accept the 2022 Community Development Block Grant Allocation, Agreement No. 22-CDBG-NH-00008, in the amount of $500,000.00: and

2. Approve Budget Adjustment indicated in the fiscal impact of this Staff Report, dated Jully 18, 2023.

ATTACHMENTS

Award Announcement

SCO ID:

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER	PURCHASING AUTHORITY NUMBER (If Applicable)
22-CDBG-NH-00008	

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

Department of Housing and Community Development

CONTRACTOR NAME

City of Oroville

2. The term of this Agreement is:

START DATE

Upon HCD Approval

THROUGH END DATE

Thirty-Six (36) Months from the Effective Date

3. The maximum amount of this Agreement is:

500,000.00

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

	Exhibits	Title	Pages
	Exhibit A	Authority, Purpose and Scope of Work	7
	Exhibit B	Budget Detail and Payment Provisions	7
	Exhibit C *	General Terms and Conditions	04/2017
+ -	Exhibit D	CDBG Program Terms and Conditions	25
+ -	Exhibit E	Program Application	11

Items shown with an asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.
These documents can be viewed at https://www.dgs.ca.gov/OLS/Resources

CONTRACTOR

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

City of Oroville

CONTRACTOR BUSINESS ADDRESS	CITY	STATE	ZIP
1735 Montgomery Street	Oroville	CA	95965

PRINTED NAME OF PERSON SIGNING	TITLE
Brian Ring	City Administrator
CONTRACTOR AUTHORIZED SIGNATURE	DATE SIGNED
B R	6/22/23

SCO ID:

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES
STANDARD AGREEMENT
STD 213 (Rev. 04/2020)

AGREEMENT NUMBER	PURCHASING AUTHORITY NUMBER (If
22-CDBG-NH-00008	

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME			
Department of Housing and Community Development (HCD)			
CONTRACTING AGENCY ADDRESS	CITY	STATE	ZIP
2020 W. El Camino Avenue	Sacramento	CA	95833
PRINTED NAME OF PERSON SIGNING	TITLE		
Jenee McClain-Battiste	Section Chief, Contract Services		
CONTRACTING AGENCY AUTHORIZED SIGNATURE	DATE SIGNED		
Jenee McClain-Battiste	06/23/2023		
CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL	EXEMPTION (If Applicable)		
	Exempt per SCM Vol. 1 4.04. A.3 (DGS memo dated 6/12/1981)		

EXHIBIT A

AUTHORITY, PURPOSE AND SCOPE OF WORK

1. Authority & Purpose

This Standard Agreement (hereinafter "Agreement") will provide official notification of the reservation of funds under the State of California's administration of the federal Community Development Block Grant Program for non-entitlement jurisdictions (hereinafter, "CDBG" or the "Program") by the Department of Housing and Community Development (hereinafter the "Department") pursuant to the provisions of 42 U.S. Code (U.S.C.) 5301, et seq., 24 Code of Federal Regulations (CFR) Part 570, Subpart I , California Health and Safety Code Section 50825, et seq., and the California State CDBG Program Guidelines in effect as of October 15, 2019, all as may be amended from time to time. The Program is listed in the federal System of Award Management Assistance Listings (formerly Catalog of Federal Domestic Assistance) as 14.228 - CDBG -Community Development Block Grant Program. In accepting this reservation of funds by executing this Agreement, the Grantee agrees to comply with the terms and conditions of this Agreement, the Notice of Funding Availability (NOFA) under which the Grantee applied, as identified in this document footer, the representations contained in the Grantee's application (the "Application") for this funding allocation, which is incorporated herein by reference and is included as a summary in Exhibit E, and the requirements of the authorities cited above. For activities funded outside of a NOFA, including activities funded through Program Income, and activities funded through Urgent Need, the Grantee agrees to comply with the terms and conditions of this Agreement, the representations contained in the Grantee's Application for activity funding, which is incorporated herein by reference and is included as a summary in Exhibit E, and the requirements of the authorities cited above. Any changes made to the submitted and awarded Application after this Agreement is executed must receive prior written approval from the Department. For purposes of this Agreement, use of the term "Grantee" shall be a reference to "Contractor".

2. Scope of Work

A. The Grantee shall perform the funded activities described in the Scope of Work (Work), including applicable National Objectives as represented in Exhibit E, and the Application which is on file with the Department and which is incorporated herein by reference. All written materials or alterations submitted as addenda to the original Application and which are approved in writing by the Department are hereby incorporated as part of the Application. The Department reserves the right to require the Grantee to modify any or all parts of the Application in order to

EXHIBIT A

comply with CDBG requirements. The Department reserves the right to monitor all Work to be performed by the Grantee, its contractors, and subgrantees in relation to this Agreement. Any proposed revision to the Scope of Work must be submitted in writing for review and approval by the Department and may require an amendment to this Agreement. Approval shall not be presumed unless such approval is made by the Department in writing.

B. For the purposes of performing the Scope of Work, the Department agrees to provide the amount(s) identified in Exhibit B, and as detailed in Exhibit E, Budget Worksheet. Unless amended in writing, the Department shall not be liable for any costs in excess of the total approved budget. The Department shall not, under any conditions, be liable for any unauthorized or ineligible costs or activities.

C. Except for General Program Administration, grant activity(ies) must meet one of the following three CDBG National Objectives:

1) Benefit to Low/Moderate Income Persons or Households,

2) Urgent Need, or

3) Elimination of Slums or Blight as defined in 24 CFR 570.483.

3. <u>Effective Date and Commencement of Work</u>

A. This Agreement is effective upon approval by the Department as evidenced by the Department representative's signature on page one of the fully executed Standard Agreement, STD 213.

B. The CDBG Grantee agrees that no Work toward the implementation of the project activity or program activity, as identified in Exhibit E, shall commence without prior written authorization from the Department prior to the execution of this Agreement by the Department.

4. <u>Term of Agreement and Performance Milestones</u>

A. Term of Agreement: The Grantee shall complete the grant activity and/or activities on or before 36 months (three (3) years) from the Department's execution date identified on the STD 213 of this Standard Agreement ("Contract Expiration Date". Any extensions beyond the 36 months will require the Department's approval and a contract amendment.

EXHIBIT A

B. Expenditure Deadline: All costs to be reimbursed with Program funds shall be incurred no later than 33 months (two (2) years and nine (9) months) from the final Department execution date of this Agreement as identified on the STD 213. Costs incurred after the Expenditure Deadline are not eligible for reimbursement.

1) Reporting Deadlines:

a) All activities except activities in support of new housing construction and activities in support of economic development must report final beneficiaries no later than the Contract Expiration Date.

b) For activities in support of new housing construction and economic development where housing units or jobs are dependent on off-site infrastructure development, the activity shall have an extended reporting term of two years (24 months) from the Contract Expiration Date deadline to complete reporting of units constructed and occupied or jobs created or retained. Activities that do not meet the reporting deadline will be deemed ineligible and the Grantee will be required to repay all grant funds expended on the activity.

C. Milestones: Grantee shall timely adhere to project milestones as established in Exhibit E.

1) Failure to Meet Milestones:

a) Failure to meet the first milestone identified in Exhibit E, is a material breach and will result in a for-cause termination of this Agreement. All funds, including program income, reimbursed for this activity prior to the termination shall be returned to the Department no less than thirty (30) days from the written notification of termination.

2) Failure to meet any given subsequent milestones identified in Exhibit E, may result in loss of program eligibility and will restrict the Grantee from applying for additional CDBG funding until the activity is corrected and put back on schedule, or the activity is completed, or the activity is canceled.

EXHIBIT A

3) Any milestone or deadline except the first milestone, the final activity report milestone, and the expenditure deadline may be revised administratively with the approval of the Department without incurring penalty, provided the revision request is received in advance of the original milestone due date.

D. **Scope of Work Revisions and Amendments**

1) Contract Revisions: Adjustments to the Scope of Work that do not require an increase or reduction of activity scope, a change in National Objective, or a change in the type of beneficiaries assisted may be completed as a Contract Revision. Contract Revisions must be approved by the Department prior to implementation. If approved, contract revisions shall automatically be deemed a part of, and incorporated into, this Agreement. Approval shall be provided either through the online grant management system, or in writing, as appropriate. Contract Revisions shall include but not be limited to:

a) Adjustments that itemize the scope of work, revise milestone deadlines, except for first and last milestones, and change the scope of work in a manner that does not change the overall budget, National Objective, or change type or reduce count of estimated beneficiaries.

b) Adjustments that increase the estimated number of beneficiaries without increasing or decreasing the scope of work and without changing the overall budget.

2) Contract Amendments: Adjustments to the Scope of Work that require an increase or a reduced scope of work, that change the National Objective, or that change the type or reduces the number of beneficiaries assisted shall require a Contract Amendment. Contract Amendments must be fully executed by both the Grantee and the Department prior to implementation. Adjustments may not be implemented prior to execution unless the Department has provided written notice authorizing the Grantee to proceed. Contract Amendments shall include but not be limited to:

EXHIBIT A

a) Adjustments that either add scope beyond what was included in the original application, or that reduce scope such that the activity is materially different from the original application, or that reduce estimated beneficiary counts.

b) Adjustments that change the scope in a manner that requires a change to awarded activity budget, including adding funds from other State CDBG funded activities, adding Program Income, and reducing funds from either State CDBG awarded funds or Program Income.

3) HUD Matrix Codes: If HUD changes an activity matrix code(s) or if there is an error in recording the activity code, the Grantee shall be notified in writing and the correction shall not require an amendment to this Agreement.

E. **State CDBG Program Contract Management**

1) Department Contract Manager: For purposes of this Agreement, the State CDBG Program Contract Manager for the Department is the Program Manager(s) of the State CDBG Program in the Division of Federal Financial Assistance, or such person's designee. Written communication regarding this Agreement shall be directed to the State CDBG Program Contract Manager at the following address*:

State CDBG Program Contract Manager
Division of Financial Assistance
Department of Housing and Community Development
P.O. Box 952054
Sacramento, California 94252-2054
Ph: (916) 890-6819
Email: CDBG@hcd.ca.gov

**Due to the telework policy in place for the State of California communications should be done electronically to ensure timely response.*

2) Contract Management: Day-to-day administration of this Agreement shall take place through the online grant management system, including but not limited to:

EXHIBIT A

a) Financial Reports (Funds Requests);

b) Activity Reports;

c) Semi-Annual Reports;

d) Annual Reports;

e) Submittal of any and all requested supporting documentation;

f) Standard Agreement Revisions (non-material contract changes); and,

g) Standard Agreement Amendments (material contract changes).

3) Grantee Contract Administrator: The Grantee's Contract Administrator (must be a Grantee employee) is identified in Exhibit E, Profile. Unless otherwise informed, any notice, report, or other communication required by this Agreement shall be directed to the Grantee's Contract Administrator at the contact information identified in Exhibit E, Profile. Written communication shall be directed to the Grantee's Contract Administrator as identified in the Grantee Profile as referenced in Exhibit E.

4) **Capacity to Contract**: Contractor has the capacity and authority to fulfill the obligations required of it hereunder and nothing prohibits or restricts the right or ability of Contractor to carry out the terms hereof.

5) **Authority to Execute**: Each person executing this Agreement represents and warrants to the Department that he or she is duly authorized to execute and deliver this Agreement on behalf of the Contractor, and that such authority is evidenced by a binding authorization. The person executing this Agreement, and the Contractor, acknowledge that the Department is materially relying upon the foregoing representation and warranty in agreeing to enter into this Agreement. In the event of a defect in any resolution submitted to the Department in connection herewith, then this provision shall be deemed satisfactory and admissible evidence of the authority of the signer to bind Contractor to this Agreement and Contractor shall remain fully bound to the terms hereof. In the event the Department

EXHIBIT A

determines in its sole discretion that a resolution submitted by the Contractor is deficient in any way, then within thirty (30) days of the Department's request, Contractor shall resubmit a new resolution which is satisfactory to the Department. Failure by the Contractor to timely provide such resolution to the Department shall constitute a default under this Agreement.

EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Budget

A. Budget Detail: The activity shall follow the budget as detailed in Exhibit E.

B. Program Income: All Program Income is state administered CDBG funding and is subject to the same federal requirements for financial administration as open grant awards. Program Income, including both cash-on-hand and future projected receipts, if identified as a funding source for any given activity, must be included in the activity budget and must be substantially expended prior to drawing grant award funds. Program Income must be identified separately from grant funds in the activity budget and must be broken out into activity and general administration funding, as applicable. The Department will not encumber locally administered Program Income against NOFA grant funds in the state's accounting system. Only new grant awards made under a NOFA or in conjunction with an Urgent Need application will be encumbered in the state's accounting system.

Funding in this Agreement may include either or both:

1) the total new grant award from the NOFA to be encumbered by the Department from grant funds,

2) total locally held Program Income to be included in the activity budget but that will **not** be encumbered by the Department. This Agreement is for the sum total of funds to be used in the activity including grant funds and Program Income, as applicable. Program Income receipts must be reported no less than quarterly.

C. Other Non-State CDBG Funding Sources: The Grantee shall report on the value of other contributions included as leverage for each activity via the Financial Reports narrative section required for such activity and provide supporting documentation. The Financial Reports shall be accessed through the online grant management system and are the reports which convey the information needed to complete financial transactions in HUD's Integrated Disbursement and Information System (IDIS).

EXHIBIT B

2. Availability of Funds

The Department's provision of funding to Grantee pursuant to this Agreement is contingent on the continued availability of CDBG funds and continued federal authorization for CDBG activities, as well as the conditions set forth in Exhibit D, Section 33. The Department's provision of funding is subject to amendment or termination due to lack of funds or authorization. This Agreement is subject to written modification or termination as necessary by the Department in accordance with requirements contained in any future state or federal legislation and/or state or federal regulations. All other modifications must be in written form and approved by both parties.

3. Eligible Costs

A. No activity costs may be incurred, or funds reimbursed until the Grantee has documented compliance with the applicable National Environmental Policy Act (NEPA) requirements established in 24 CFR 50, 24 CFR 58, and 42 USC 4321, et seq., and an authorization to incur costs from the Department has been received or the contract has been fully executed.

B. Allowable Costs: Allowable costs shall mean those necessary and proper costs under 2 CFR 200.400 through 475, and as identified in the Grantee's application and as detailed in Exhibit E, and as approved by the Department unless any or all such costs are disallowed by the State of California or HUD. Allowable costs include necessary and proper activity and administration costs incurred prior to the execution of this Agreement. All costs incurred prior to the execution of this Agreement must be eligible to be considered allowable and suitable for reimbursement. Eligible costs must, at a minimum, be costs incurred according to the procurement requirements of 2 CFR 200.317, et seq. and be costs required for the activity in this Agreement to meet a National Objective.

C. Priority of Funds: The Grantee agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available. To the extent available, the Grantee must disburse funds available from locally held funding CDBG grant resources such as, but not limited to Program Income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments from the grant award.

EXHIBIT B

D. Withholding Funds: The Department reserves the right to withhold payments pending timely delivery of program reports or documents as may be required under this Agreement. Payments are contingent upon the Grantee's financial management system meeting the requirements of 2 CFR 200.302, and the internal control requirements of 2 CFR 200.303. Payment may be suspended or terminated, in whole or in part, by the Department in its sole discretion in the event of a default by Grantee.

E. Disencumbering Funds: The Grantee agrees that funds determined by the Department to be surplus upon completion of the activity, the funds that are not able to be spent in their entirety prior to the Expenditure Deadline or that have not been drawn prior to the Contract Expiration Date will be subject to disencumberance by the Department in its sole and absolute discretion.

F. Indirect Costs: If Grantee wishes to charge for indirect costs, the Grantee must develop an indirect cost allocation plan for determining the appropriate CDBG share of such indirect costs and submit such plan to the Department for approval prior to submission of requests for any payments for the indirect cost expenditures.

G. Pre-Agreement Costs: Pre-Agreement Costs are eligible costs incurred prior to the award of funds as defined in Exhibit D, Section 1. Eligible Pre-Agreement costs as identified in Exhibit E, Project Budget, may only be reimbursed upon the full execution of this Agreement and verification that the costs meet all eligibility criteria. Pre-Agreement costs may include both activity delivery and general program administration.

The Grantee agrees that any Pre-Agreement costs **not** previously identified in Exhibit E, Project Budget, will **not** be paid with CDBG funds.

4. Method of Payment

The Department will not authorize payments unless it has determined the costs incurred are in compliance with the terms of this Agreement. Payments will be issued to the agency identified on the Taxpayer Identification Form (TIN) provided by the Grantee to the Department.

EXHIBIT B

A. Reimbursements: The Department will reimburse the Grantee its allowable costs for the services identified in this Agreement in Exhibit E, upon presentation of a financial reporting form, and supporting documentation of the cost eligibility. The Grantee may not request reimbursements under this Agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount documented as having been incurred.

1) To receive reimbursement for grant activities, including reimbursement for eligible Pre-Agreement costs, the Grantee must submit all Department required forms according to the applicable deadlines. Financial Reports and Activity Reports are due no less than quarterly, within 15 days of the end of the quarter. Financial Reports and Activity Reports may be submitted more frequently at the Grantee's discretion. Financial Reports shall include the level of documentation specified by the Department, including proof of expenditure, and proof of cost eligibility. Grantees must submit documentation supporting cost amounts and cost eligibility with each funds request as part of the Financial Report.
2) Grantees shall submit Financial Reports (funds requests) no less than quarterly. If no funds have been expended, the Grantee shall provide a detailed description of work completed during the reporting period, an explanation of why no funds have been expended, and anticipated date when a funds will next be requested

B. Advances: The Grantee must receive prior written approval from the Department before submitting an advance request. All advances are subject to the Department's consent, which may be given or withheld on its sole discretion. No advances will be issued prior to full Agreement execution.

C. Final Payment Requests:

1) Grantees on the Reimbursement Payment System: All requests for final reimbursement must be submitted no later than sixty (60) days after the Expenditure Deadline as defined in Exhibit A, Section 4 (B) of this Agreement.

2) Grantees on the Advance Payment System: The last advance payment must be submitted to the Department no later than sixty (60) days prior to

EXHIBIT B

the Expenditure Deadline of this Agreement.

3) Return of Unexpended Funds: All funds received by the Grantee but not expended by the Expenditure Deadline must be accounted for and returned to the Department within thirty (30) days after the Expenditure Deadline. Funds shall be returned in accordance with the current State procedural guidance for grantees. All returned funds will be disencumbered.

4) All Funds Not Previously Requested: If the final funds disbursement request for costs expended during the term of this Agreement has not been received by the Department within 60 days following the Expenditure Deadline as defined in Exhibit A, Section 4 (B) of this Agreement, the Department may disencumber any funds remaining and grant funds will no longer be available for the Grantee.

5. Budget Revisions and Amendments

Budget line-item adjustments may be made in accordance with the following:

A. Budget Revisions: Adjustments to the Budget that do not require an increase or reduction of total activity budget, a change in National Objective, or a change in the type or a reduction in number of beneficiaries assisted may be completed as a Budget Revision. Budget Revisions shall include but not be limited to:

1) Adjustments that reallocate funds between budget line items, including between General Administration funding, activity funding, and Program Income resources, including both Program Income cash on hand, and Program Income projected receipts, but that otherwise does not change the overall budget total, the scope of work, the National Objective, and type and count of estimated beneficiaries. Reallocations involving General Administration funding are subject to applicable General Administration caps identified in the Notice of Funding Availability.

2) Adjustments that increase or decrease the detail included in the submitted lined item budgets, including adding and removing budget line items, without increasing or decreasing the scope of work and without changing the overall budget.

Budget Revisions must be approved by the Department prior to implementation. Approval shall be provided either through the online grant management system, or in writing, as appropriate. If approved, Budget Revisions shall automatically be deemed a part of, and incorporated into, this Agreement.

EXHIBIT B

B. Budget Amendments: Adjustments to the Budget that result in an increased or a reduced total activity budget shall require a Contract Amendment. Contract Amendments must be fully executed by both the Grantee and the Department prior to implementation. Adjustments may not be implemented prior to execution unless the Department has provided written notice authorizing the Grantee to proceed.

6. Grant Closing Requirements

A. Expenditure Deadline:

1) All costs to be reimbursed with Program funds must be incurred no later than 33 months (two (2) years and nine (9) months) from the final Department execution date of this Agreement as identified on the STD 213.

The Final Financial Report for the activity must be marked final and submitted within sixty (60) days following the Expenditure Deadline as defined in Exhibit A, Section 4 (B). Financial Reports submitted after this date will not be eligible for reimbursement.

B. Closeout Procedure: The Grantee must submit the following at the completion of the activity:

1) A Final Activity Report that includes all required reporting data for the activity;

2) A filed Notice of Completion (if applicable);

3) Evidence, satisfactory to the Department, of compliance with any and all other Special Conditions of this Agreement as set forth in Exhibit E hereto;

4) Proof of publication of public hearing/meeting that shows compliance with public participation requirements to report the closure of the grant and the results of the completed activity;

5) Close out Certification Form signed by the Grantee's authorized signer;

6) Project Completion Report; and

7) Disencumbrance of Funds form (if applicable).

EXHIBIT B

If the Grantee identified an extended reporting period will be required to meet the National Objective for the activity in the Application, the above closeout requirements shall be submitted upon the completion of the activity, or within twenty-four (24) months after the Contract Expiration Date, whichever comes first. If no extended reporting period is required, the above closeout requirements shall be submitted upon the completion of the activity or no later than the Contract Expiration Date. Upon receipt of the above documentation, the Department will close out this Agreement and finalize the activity in IDIS for final reporting to HUD.

C. Ongoing Reporting: Grants that have been closed may, as applicable, have continued reporting requirements, including Program Income reporting, performance reporting, beneficiary reporting, asset reporting, and other federally required reports as identified in Exhibit D, Section 22.

EXHIBIT D

CDBG PROGRAM TERMS AND CONDITIONS

Federal Grant Identification
CFDA Number: 14.228

1. Definitions

A. "Activity" means one of the following HUD eligible activities as per 42 U.S.C. 5305.

1) Acquisition (§ 5305 (a)(1))

2) Public Improvements (§ 5305 (a)(2))

3) Public Facilities (§ 5305 (a)(2) and (5))

4) Code Enforcement (§ 5305 (a)(3))

5) Housing Rehabilitation (§ 5305 (a)(4))

6) Public Services (§ 5305 (a)(8))

7) Planning and Technical Assistance (Section 105(a)(12), (14) and (19)

8) Business Financial Assistance (§ 5305 (a)(17))

9) Microenterprise Assistance (§ 5305 (a)(22))

10) Homeownership (§ 5305 (a)(24))

B. “Activity Budget” means the budget included in Exhibit E, Project Budget, as referenced by Exhibit B, Budget Detail, and Payment Provisions.

C. "Activity Delivery" (AD) means any reasonable and necessary costs that are not directly related to labor and/or direct construction and/or direct activity implementation costs. These costs must be cost reasonable and directly tie to the completion of the activity to meet a National Objective.

D. “Activity Reports” are the activity reports that must be submitted at least quarterly that describe program or project progress and/or beneficiaries served during a given reporting period.

E. “Department” means the California Department of Housing and Community Development.

EXHIBIT D

F. "Funds Request" is also identified as a Financial Report and refers to the forms and processes required to request the drawdown of CDBG funds. Grantees shall submit Financial Reports (funds requests) no less than quarterly. If no funds have been expended, the Grantee shall provide a detailed description of work completed during the reporting period, an explanation of why no funds have been expended, and anticipated date when funds will next be requested.

G. "General Administration" refers to eligible administrative expenses as provided in 42 U.S.C. 5305(a)(13).

H. “Grantee” means the jurisdiction that applied for CDBG funding and has legal authority to sign this Agreement and commit to compliance with all federal requirements regarding the administration of federal funds, as identified in 2 CFR 200.

I. “Pre-Agreement Costs” are pre-award costs as defined at 2 CFR 200.458 and 24 CFR 570.489(p) and are costs that are eligible per 2 CFR 200.400 et.seq. that have been itemized on the approved activity budget as identified in Exhibit E, Project Budget, as referenced by Exhibit B, Budget Detail and Payment Provisions.

J. "Program" means an eligible activity that provides direct assistance to eligible participants within a defined service area. Programs include public services, housing assistance to households, and instances where an eligible person, household, or area is directly assisted with a unit of service.

K. “Program Guidelines” means the CDBG Program Guidelines adopted in October 2019 that replaced the California state regulations regarding the operation of the State CDBG program, as per Health and Safety Code 50826.1(a) that states that the regulations are repealed upon adoption of guidelines.

L. “Program Income”, as defined in 24 CFR 570.489(e), means gross income received by the Grantee that is directly generated from the use of CDBG funds. When such income is generated by an activity that is only partially assisted with CDBG funds, the income shall be prorated to reflect the percentage of CDBG funds used.

EXHIBIT D

M. "Project" means eligible capital improvements to public facilities, infrastructure, assets, and right-of-way. Projects may also include eligible capital improvements to privately owned facilities, infrastructure, and assets that serve the public or that provide a public good, including shelters, community-based facilities, and utilities.

2. Eligible Activities

Grantee will only use funds under this Agreement for the activity identified in Exhibit E. All activities must be eligible CDBG activities as authorized under 42 U.S.C. 5305 and 24 CFR 570.482.

3. National Objectives

Grantee will only use funds in support of the National Objective identified in Exhibit E. All CDBG funded grant activities must meet a National Objective as defined in 42 U.S.C. 5304(b)(3), as amended, and 24 CFR Part 570.483.

Real Property acquired in whole or in part with CDBG funds must be used to meet the same National Objective for which it was purchased for no less than five years from the date of acquisition. The Department may require a Use Restriction Agreement be recorded against real property acquired or improved in whole or in part with CDBG funds.

4. Termination and Remedies for Noncompliance

Awards as secured by this Agreement may be terminated by the Department in whole or in part as per federal regulation at 2 CFR 200.339. All terminations shall include written notification setting forth the reason(s) for such termination, the effective date, and the portion to be terminated in the case of partial terminations and will follow termination notification requirements identified in 2 CFR 200.340.

A. Termination without Cause: Agreements may be terminated without cause in whole or in part by the Department **only** with the consent of the Grantee. In the case of a whole agreement termination, the two parties shall agree upon termination conditions, including the effective date. In the case of partial termination, the two parties shall agree upon termination conditions, including the portion to be terminated and the effective date.

EXHIBIT D

B. Noncompliance and Termination with Cause: The Department may terminate this Agreement for Grantee's failure to comply with the terms and conditions of this Agreement. Terminations for material failure to comply with the Agreement terms and conditions must be reported by the Department to the appropriate federal program integrity and performance system accessible through the System for Award Management (SAM) as per 2 CFR 200.339(b).

1) The Department may initiate remedies for noncompliance as identified in 2 CFR 200.338 at any time it has been determined that the Grantee is no longer meeting the terms and conditions of this Agreement. Remedies for noncompliance may be required in addition to, in lieu of, or prior to termination.

2) Prior to terminating this Agreement for cause or noncompliance, the Department shall submit written notice specifying noncompliance and/or specifying the event or events that if not cured would constitute an event of default. The Department's written notice shall identify remedies for cure. Grantee shall have thirty (30) calendar days from receipt of notice to fully cure. This period may be extended at the Department's discretion for a reasonable period of time if the Grantee is acting in good faith to cure the noncompliance or cause. Any extension of the cure period must be communicated in writing by the Department.

3) The Department's remedies for Grantee's noncompliance with a federal statute or regulation, a state statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere may include, as appropriate:

a) Temporarily withhold cash payments pending correction of the deficiency by the Grantee.

b) Disallow (that is, deny use of funds) all or part of the cost of the activity or action not in compliance.

c) Wholly or partly suspend or terminate the current award for the Grantee's program or project, as applicable.

d) Withhold further and/or future awards of CDBG funds.

e) Request that HUD initiate federal suspension debarment proceedings.

EXHIBIT D

f) Take other remedies that may be legally available, including, but not limited to:

g) In the case of costs incurred without meeting a National Objective, require repayment of all funds reimbursed, including General Administration, Activity Delivery, and any and all Program Income, as appropriate.

4) In taking an action to remedy noncompliance, the Department will provide the Grantee an opportunity for such hearing, appeal, or other administrative proceeding to which the Grantee is entitled under any statute or regulation applicable to the action involved as per 2 CFR 200.341.

C. Effects of Suspension and Termination: Grantee costs resulting from obligations incurred by the Grantee or any of the Grantee's contractors, subrecipients, or subgrantees during a suspension or after termination of an Agreement are not allowable unless otherwise authorized by the Department in written notice or as allowable in 2 CFR 200.342. Termination and remedies for noncompliance identified in this Section do not preclude a Grantee or any of the Grantee's contractors, subrecipients, or subgrantees from being subject to non-procurement debarment and suspension requirements at 2 CFR 2424. CDBG funds may not be provided to excluded or disqualified persons pursuant to 24 CFR 570.489(l).

D. Remedies: All remedies of the Department hereunder are cumulative and not exclusive.

5. <u>Severability</u>

A. If any provision of this Agreement, or an underlying obligation, is held invalid by a court of competent jurisdiction, such invalidity, at the sole discretion of the Department, shall not affect any other provisions of this Agreement and the remainder of this Agreement shall remain in full force and effect. Therefore, the provisions of this Agreement are, and shall be, deemed severable.

B. The Grantee shall notify the Department immediately of any claim or action undertaken by or against it which affects or may affect this Agreement or the Department and shall take such action with respect to the claim or action as is consistent with the terms of this Agreement and the interests of the Department.

EXHIBIT D

6. Waivers

No waiver or any breach of this Agreement shall be held to be a waiver of any prior or subsequent breach. The failure of the Department to enforce, at any time, the provisions of this Agreement or to require, at any time, performance by the Grantee of these provisions shall in no way be construed to be a waiver of such provisions nor to affect the validity of this Agreement or the right of the Department to enforce these provisions.

7. Uniform Administrative Requirements

The Grantee, its agencies or instrumentalities, and Subgrantees shall comply with the policies, guidelines and Administrative Requirements of 2 CFR Part 200 et seq., as applicable, as they relate to the cost principles, audit requirements, acceptance and use of federal funds.

A. Single Audit Compliance: Funds will not be disbursed to any Grantee identified by the State Controller's Office (SCO) as non-compliant with the Federal Single Audit Act, as described in the Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards at 2 CFR 200 Sub-Part F. No funds may be disbursed until compliance with the Uniform Administrative Requirements is demonstrated to the satisfaction of the Department.

B. Accounting Standards: Grantee agrees to comply with, and administer the activity in conformance with, 2 CFR Part 200.300 et seq, and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

C. Suspension and Debarment: By executing this Agreement, Grantee verifies and affirms that it has not been suspended or debarred from participating in or receiving federal government contracts, subcontracts, loans, grants or other assistance programs.

8. Compliance with State and Federal Laws and Regulations

A. Grantee, its agencies or instrumentalities, contractors, sub-grantees, and subrecipients shall comply with all local, state, and federal laws, statutes, and regulations, as well as policies and guidelines established by the Department for the administration of the CDBG program.

EXHIBIT D

B. Grantee shall comply with the requirements of 24 CFR 570.480 et seq., the Housing and Urban Development (HUD) regulations concerning State administered Community Development Block Grants, 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance, as adopted by HUD at 2 CFR 2400, Title II of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. § 12701 et seq.) and all federal regulations and policies issued pursuant to these regulations. The Grantee further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

9. Affirmatively Furthering Fair Housing

Grantee shall affirmatively further fair housing, in accordance with the Civil Rights Act of 1964 (42 U.S.C 2000a, et seq.), and the Fair Housing Act (42 U.S.C. 3601, et seq.), according to 42 U.S.C. 5306, et seq. and in compliance with California statute (Gov. Code sections 65583, et seq.). Grantee shall comply with the Fair Housing Amendment Act of 1988 (Public Law 100-430).

10. Equal Opportunity Requirements and Responsibilities

Grantee agrees that it undertakes hereby the same obligations to the Department that the Department has undertaken to HUD pursuant to the Department's CDBG certifications. The obligations undertaken by Grantee include, but are not limited to, the obligation to comply with all applicable federal laws and regulations described in Subpart K of 24 CFR Part 570 and specifically with each of the following:

A. The Housing and Community Development Act of 1974 (Public Law 93-383) that authorized the CDBG program, as amended, and legislative changes contained in the Housing and Urban-Rural Recovery Act of 1983 that authorized the state administered CDBG program for non-entitlement communities, and the Architectural Barriers Act of 1968 (42 U.S.C. Section 4151) that requires publicly funded facilities be accessible to the public;

B. Title VI of the Civil Rights Act of 1964 (Public Law 88-352) prohibiting discrimination based on protected class, as amended, Title VIII of the Civil Rights Act of 1968 (Public Law 90-284) prohibiting discrimination in housing, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259) requiring expanded compliance with civil rights laws for jurisdictions receiving federal funding; Section 104(d) regarding relocation and displacement and Section 109 of Title 1 of the Housing and Community Development Act of 1974

EXHIBIT D

prohibiting discrimination in CDBG funded programs, as amended; Section 504 of the Rehabilitation Act of 1973 prohibiting recipients of federal funds from discrimination against persons with disability; the Americans With Disabilities Act of 1990 prohibiting all public discrimination against persons with disabilities; the Age Discrimination Act of 1975 prohibiting age-based discrimination in federally funded activities; Executive Order 11063 prohibiting discrimination in disposition of properties owned or financed with federal funds, as amended by Executive Order 12259; and Executive Order 11246 regarding fair employment, as amended by Executive Orders 11375, 11478 and 12086; and HUD regulations heretofore issued or to be issued to implement these authorities relating to civil rights;

C. The Equal Employment Opportunity Act of 1972 that created the Equal Employment Opportunity Commission, Equal Employment Opportunity and Affirmative Action requirement (EEO/AA); Grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the Grantee, state that it is an Equal Opportunity or Affirmative Action employer.

D. Affirmative Outreach:

1) Contractor or its Service Providers must make known that the use of the facilities, assistance, and services are available to all on a Nondiscriminatory basis. If it is unlikely that the procedures the Contractor or its service providers intend to use to make known the availability of its facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability, who may qualify for those facilities and services, the Subrecipient or its service providers must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services.

Contractor subrecipients or its Service Providers must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, Subrecipients and Service Providers are also required to take reasonable steps to ensure meaningful access to programs and activities for Limited English Proficiency (LEP) persons.

EXHIBIT D

E. Equal Access for Disabilities

1) Contractors must provide a language access plan that makes appropriate accommodations for LEP interpretive services and services that support the visually impaired as required by Section 504 of the Rehabilitation Act of 1973, as amended, 29 USC Section 794 (contractors receiving federal financial assistance), in conjunction with section 508 of the Rehabilitation Act of 1973, as amended, 29 USC Section 794d (created the U.S. Access Board to regulate websites, electronic information and communication technology (EICT) accessibility); Section 255, of the Communications Act of 1934, as amended; 24 CFR Part 8, including sections 8.3 and 8.4; and 36 CFR Part 1194, 36 CFR §§ 1194.1. 1194.2, and Appendices B and C to Part 1194 (accessibility standards for disabled to communication technology); see U.S. Access Board website;

2) The California State Department of Rehabilitation maintains an Assistive Technology website with resources for services to achieve compliance with recognized standards for non-discriminatory accessibility.

11. Relocation, Displacement, and Acquisition

Grantee shall comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, in 24 CFR Part 42, 49 CFR Part 24, and 42 U.S. §5304(d) as they apply to the performance of this Agreement. Grantee agrees to comply with 24 CFR 570.606 relating to the acquisition and disposition of all real property utilizing grant funds and to the displacement of persons, businesses, non-profit organizations and farms occurring as a direct result of any acquisition of real property utilizing grant funds.

12. The Training, Employment, and Contracting Opportunities for Business and Lower Income Persons Assurance of Compliance (Section 3):

The Grantee and any of its Subrecipients and/or Contractors shall comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulation at 24 CFR, Part 75. The responsibilities outlined in 24 CFR Part 75.19 include:

EXHIBIT D

A. Implementing procedures designed to notify Section 3 workers about training and employment opportunities generated by Section 3 covered assistance and Section 3 business concerns about contracting opportunities generated by Section 3 covered assistance.

B. Notifying potential Contractors for Section 3 covered projects of the requirements of Part 75, Subpart C and incorporating the Section 3 clause set forth below in all solicitations and contracts in excess of $100,000 as required at 24 CFR 75.27.

Section 3 Clause

The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The parties to this contract agree to comply with HUD's regulations in 24 CFR. Part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 75 regulations.

The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75 and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.

EXHIBIT D

The contractor acknowledges that subrecipients, contractors, and subcontractors are required to meet the employment, training, and contraction requirements of 24 CFR 75.19, regardless of whether Section 3 language is included in recipient or subrecipient agreements, program regulatory agreements, or contracts.

The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 75.

Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

The contractor agrees to submit, and shall require its subcontractors to submit to them, annual reports detailing the total number of labor hours worked on the Section 3 Project, the total number of labor hours worked by Section 3 Workers, and the total number of hours worked by Targeted Section 3 Workers, and any affirmative efforts made during the quarter to direct hiring efforts to low- and very low-income persons, particularly persons who are Section 3 workers and Targeted Section 3 workers.

C. Facilitating the training and employment of Section 3 workers and the award of contracts to Section 3 business concerns by undertaking activities such as described in 24 CFR Part 75.25(b), as appropriate, to reach the goals set forth in 24 CFR Part 75.23 and in Federal Register Vol. 85, No. 189, page 60909, until superseded by HUD in a subsequent publication. As of September 29, 2020, the minimum Section 3 benchmark is twenty-five (25) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers; and five (5) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers.

Documenting actions taken to comply with the foregoing requirements, the results of those actions taken and impediments, if any.

EXHIBIT D

13. Environmental Compliance

A. Grantee shall comply with the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251, *et seq.*, as amended, and 33 U.S.C. § 1318 relating to inspection, monitoring, entry, reports, and information, and all regulations and guidelines issued thereunder.

B. Grantee shall comply with the requirements of the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

C. Grantee shall comply with Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50 regarding air quality protections, as amended.

D. Grantee shall comply with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. §4001). Grantee shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, that flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

E. Grantee shall comply with the requirements of the Residential Lead-Based Paint Hazard Reduction Act of 1992 and Section 401(b) of the Lead-Based Paint Poisoning Prevention Act of 1971. Grantee agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR §570.608, and 24 CFR Part 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be required.

F. Grantee shall comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), the Archaeological and Historical Preservation Act of 1974 (Public Law 93-291), and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they

EXHIBIT D

apply to the performance of this agreement. Grantee shall also comply with federal Executive Order 11593 on the protection and enhancement of the cultural environment. In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a federal, state, or local historic property list.

G. Grantee shall comply with all National Environmental Policy Act (NEPA) requirements as applicable to the performance of this Agreement as found in 24 CFR Part 50, 24 CFR Part 58, as applicable, and 40 CFR Parts 1500 – 1508. The CARES Act provides that CDBG-CDBG funds may be used to cover or reimburse allowable costs of eligible activities to prevent, prepare for, and respond to coronavirus incurred by a Grantee after January 21, 2020. However, Grantee shall not execute this Agreement nor receive reimbursement for pre-agreement eligible activity costs until they have successfully documented compliance with the applicable NEPA requirements, including public noticing and publishing.

This Agreement does not constitute a commitment of funds or site approval, and the commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by the Grantee of an approval of the request for release of funds and certification from the Department under 24 CFR Part 50, 24 CFR Part 58, and 40 CFR 1500 - 1508. The provision of any funds to the project is conditioned on the Grantee's determination to proceed with, modify or cancel the project based on the results of the environmental review. The Grantee will not receive appropriate notice to proceed until they have successfully documented compliance with the applicable NEPA requirements, including public noticing and publishing.

14. Procurement

The Grantee shall comply with the procurement provisions in 2 CFR Part 200.317 – 200.326, Procurement Standards, as well as all other Administrative Requirements for Grants and Cooperative Agreements to state, local and federally recognized Indian tribal governments as set forth in 2 CFR 200, et al, as applicable.

EXHIBIT D

15. Procurement of Recovered Materials

A. Grantee and the Grantee's contractors shall comply with Section 6002 of the Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act. The Contractor shall procure items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, unless the Contractor determines that such items:

1) are not reasonably available in a reasonable period of time;

2) fail to meet reasonable performance standards, which shall be determined on the basis of the guidelines of the National Institute of Standards and Technology, if applicable to the item; or

3) are only available at an unreasonable price.

B. This clause shall apply to items purchased under this Agreement or subsequent contract where:

1) the Contractor purchases in excess of $10,000.00 of the item under this Agreement; or

2) during the preceding federal fiscal year, the Contractor:

a) purchased any amount of the items for use under a contract that was funded with Federal appropriations and was with a Federal agency or a State agency or agency of a political subdivision of a State; and

b) purchased a total of in excess of $10,000.00 of the item both under and outside that contract.

16. Contracting and Labor Standards

A. Grantee shall comply with the Davis-Bacon Act (40 U.S.C. §§ 3141-3148) and 29 CFR Subtitle A, Parts 1, 3 and 5, as applicable, to construction, alteration, and repair contracts over $2,000.00.

EXHIBIT D

B. Grantee shall ensure that all contracts comply with the Anti-Kickback Act of 1986 (41 U.S.C. §§ 51-58) that prohibits attempted as well as completed "kickbacks," which include any money, fees, commission, credit, gift, gratuity, thing of value, or compensation of any kind.

C. Grantee shall ensure all contracts comply with the Contract Work Hours and Safety Standards Act of 1962 (40 U.S.C. § 3702) which requires that workers receive overtime compensation at a rate of one and one-half (1-1/2) times their regular hourly wage after they have worked forty (40) hours in one week.

D. Grantee shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Department for review upon request.

17. Prevailing Wages

A. Where funds provided through this Agreement are used for construction work, or in support of construction work, the Grantee shall ensure that the requirements of California Labor Code, Chapter 1, commencing with Section 1720, Part 7 [California Labor Code Sections 1720-1743] (pertaining to the payment of prevailing wages and administered by the California Department of Industrial Relations) are met.

B. Where funds provided through this Agreement are used for construction work or in support of construction work, the Grantee shall also ensure that the federal requirements of the Davis Bacon Act codified at 40 U.S.C. 3141, et seq. (as amended), pertaining to federal labor standards and compliance, are met and documented. Grantee recognizes that multiple labor standards (both state prevailing wage and federal Davis-Bacon Act) may apply to the project and both standards must be satisfied.

C. For the purposes of this requirement "construction work" includes, but is not limited to, rehabilitation, alteration, demolition, installation or repair done under contract and paid for, in whole or in part, through this Agreement. All construction work shall be done through the use of a written contract with a properly licensed building contractor incorporating these requirements (the "construction contract"). Where the construction contract will be between the Grantee and a licensed building contractor, the Grantee shall serve as the "awarding body" as that term is defined in the California Labor Code. Where the Grantee will provide funds to a third party that will enter into the construction

EXHIBIT D

contract with a licensed building contractor, the third party shall serve as the "awarding body." Prior to any disbursement of funds, including but not limited to release of any final retention payment, the Department may require a certification from the awarding body that prevailing wages have been or will be paid.

D. The applicable wage rate determination on construction work will be the more restrictive of the rate prescribed in the California Labor Code Sections 1770-1784, or the Davis-Bacon Wage Determination.

18. Contractors and Subrecipients

A. Grantee shall comply with 24 CFR Part 2424 and shall not enter into any agreement, written or oral, with any contractor or subrecipient without the prior determination that the contractor or subrecipient is eligible to receive CDBG funds and is not listed on the Federal Consolidated List of Debarred, Suspended, and Ineligible Contractors.

B. Any agreement between the Grantee and any contractor or subrecipient shall include the terms and conditions in Appendix II of 2 CFR 200.

C. Grantee shall ensure that any contract or subrecipient agreement includes clauses requiring the maintenance of workers' compensation insurance, as applicable, as well as general liability insurance. Contract or subrecipient agreements must require that the Grantee is notified in the event that any required insurance is canceled, expired, or otherwise invalidated during the performance period of the contract or subrecipient agreement.

D. Grantee shall require that contractors and subrecipients comply with the Drug-Free Workplace Act of 1988.

19. Requirements for Economic Development Activities

A. Public Benefit Standards for Economic Development Activities: Per 24 CFR 570.482 (e) (f), (g) and 570.483(b)(4), the Grantee must comply with federal underwriting standards and must meet the public benefit standards for all CDBG Economic Development activities under 42 U.S. §5305(a)(17). The use of public benefit standards is mandatory.

EXHIBIT D

B. Anti-Job Pirating Certification: Pursuant to 24 CFR 570.482(h) CDBG funds may not be used to directly assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one labor market area to another labor market area if the relocation is likely to result in a significant loss of jobs in the labor market area from which the relocation occurs. Job loss of more than 500 employees is always considered significant. Job loss of 25 or fewer positions is never considered significant.

20. Rights to Inventions Made Under a Contract or Agreement

Grantee shall comply with and require the following in contracts and subrecipient agreements: If a Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of recipient or subrecipient must comply with requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulation issued by the awarding agency.

21. Prohibition Against Payments of Bonus or Commission

The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of:

A. Obtaining the Department's approval of the Application for such assistance or additional assistance; or,

B. Securing any other approval or concurrence of the Department required under this Agreement, Title I of the Housing and Community Development Act of 1974, or the State regulations or Program Guidelines with respect thereto; provided, however, that reasonable fees for bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

22. Reporting Requirements

A. Requirements: During the term of this Agreement, the Grantee must submit all CDBG program reports required by the Department, including quarterly activity, financial, and Program Income reports, semi-annual labor and compliance reports, annual performance reports, and other reports required by the Department or HUD. The Department reserves the right to request additional

EXHIBIT D

detail and support for any report made. Reports must be made according to the dates identified, unless otherwise specified at the discretion of the Department. The Grantee's performance under this Agreement will be evaluated in part on whether it has submitted the reports on a timely basis.

B. Reporting Period: Grantee shall submit reports quarterly, and as required for semi-annual and annual reports, and shall continue to submit reports until such time that the activity is complete, a National Objective has been met and beneficiaries have been identified. The reporting period for this activity may extend beyond the Contract Expiration Date as defined in Exhibit A.

C. Final Activity and Financial Reporting Deadline: Grantee shall complete by deadlines shown in Exhibit B Section 6 “Grant Closing Requirements”.

D. Asset Reporting: Grantee shall report annually on the status of all assets (real and personal property, equipment, and vehicles) purchased in whole or in part with CDBG funds for no less than five years from the completion of the activity that generated the asset. Reporting shall continue until the property is disposed, fully depreciated, or, in the event of real property, the five-year commitment to a National Objective has been completed.

23. Fiscal Controls

Grantee shall be responsible for the internal control and monitoring of fiscal and programmatic/operational goals and procedures. The Grantee shall establish and maintain such fiscal controls and fund accounting procedures as required by federal regulations, or as may be deemed necessary by the Department to ensure the proper disbursal of, and accounting for, funds paid to the Grantee under this Agreement.

A. Deposit of Funds: Grantee shall maintain separate accounts within established bookkeeping systems for the deposit of CDBG funds. All cash advances must be deposited in an interest-bearing account; any interest earned in excess of $100.00 per year (which may be retained for related administrative expenses) must be returned at least quarterly to HUD via the Department. Deposits in minority banks are encouraged.

B. Fund Management: Grantee shall deposit funds in an account requiring two signatures for disbursement;

C. Fiscal Liability: Grantee shall be liable for all amounts which are determined to be due by the Department including, but not limited to, disallowed costs which are

EXHIBIT D

the result of Grantee's or its contractor's conduct under this Agreement. Grantee shall be notified in writing and shall be permitted to respond regarding any controversy or proceeding between the Department and HUD arising from this Agreement.

D. Fiscal Records: All financial transactions must be supported by complete and verifiable source documents. Records shall provide a clear audit trail and shall be maintained as specified in Section 25 of this Agreement.

E. Program Income: Any and all Program Income received by Grantee during the administration of this Agreement must be receipted and deposited into a separate Program Income account. Program Income funds may not be comingled with CDBG grant funds in a single account.

24. Reversion of Assets

Upon expiration of this Agreement, Grantee shall disencumber any CDBG funds, excluding Program Income, remaining in the contract at the time of expiration. Further, any real property under Grantee's control that was acquired and/or improved in whole or in part with CDBG funds (including CDBG funds provided to the Grantee in the form of a loan and Program Income) in excess of $25,000.00 shall be either:

A. Used to meet one of the National Objectives in 24 CFR Part 570 until five (5) years after expiration or closure of this Agreement, the length of time to be further prescribed by mutual agreement of the parties.

B. Disposed of in such manner that Grantee is reimbursed in the amount of the fair market value of the property at the time of disposition of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition and/or improvement of such property. The proceeds from such disposition is Program Income.

If the Grantee provides funds for the purchase or improvement of real property to a subrecipient that is a private non-profit organization, that subrecipient must further agree to a voluntary lien on above-referenced real property as to any CDBG funds received and that such lien will be notarized and recorded in the Office of the County Recorder where the real property is located.

EXHIBIT D

25. Monitoring Requirements

The Department shall perform a program and/or fiscal monitoring of the CDBG grant no less than once during the thirty-six (36) month expenditure period of this Agreement. The Grantee shall be required to resolve any monitoring findings to the Department's satisfaction by the deadlines set by the Department to maintain program eligibility.

Grantees and applicable subrecipients shall retain all books, records, accounts, documentation, and all other materials relevant to this Agreement for a minimum period of five (5) years after the Department notifies the Grantee that the HCD contract has been closed according to the record retention requirements at 2 CFR 200.333.

Grantees and applicable subrecipients shall permit the State, federal government, the state Bureau of State Audits, the Department, and/or their representatives, upon reasonable notice, unrestricted access to any or all books, records, accounts, documentation, and all other materials relevant to this Agreement for the purpose of monitoring, auditing, or otherwise examining said materials.

26. Inspections of Grant Activity

The Department reserves the right to inspect any grant activity(ies) performed hereunder to verify that the grant activity(ies) is being and/or has been performed in accordance with the applicable federal, state and/or local requirements and this Agreement.

A. The Grantee shall inspect any grant activity performed by contractors and subrecipients hereunder to ensure that the grant activity(ies) is being and has been performed in accordance with the applicable federal, state and/or local requirements and this Agreement.

B. The Grantee agrees to require that all grant activity(ies) found by such inspections not to conform to the applicable requirements be corrected, and to withhold payment to its contractor or subcontractor, respectively, until it is so corrected.

27. Signs

If the Grantee places signs stating that the activity is funded with private or public dollars and the Department is also providing financing, it shall indicate in a typeface and size commensurate with the Department's funding portion of the project that the Department is a source of financing through the CDBG Program.

EXHIBIT D

28. Insurance

A. The Grantee shall have and maintain in full force and effect prior to the start of work, and at all times during the term of this Agreement such forms of insurance, at such levels as may be determined by the Grantee and the Department to be necessary for specific components of the grant activity(ies) described in Exhibit E. Prior to the commencement of any work, Grantee shall provide to the Department acceptable proof(s) of insurance confirming the required insurance coverages are in effect and naming the Department as an additional insured, where applicable. No insurance policy may be cancellable on less than thirty (30) calendar days prior notice to the insured and the Department. Grantees are responsible for requiring sufficient insurance, including but not limited to liability and workers compensation insurance, from all contractors and subrecipients. Grantees are recommended to be listed as an additional insured on policies held by contractors or subrecipients for the implementation of this award. Where a Grantee insurance policy is required to be purchased specifically for the execution or implementation of the activity funded through this award, the Department must be listed as an additional insured on the declarations page of the policy.

B. Additional Coverages. In the event that Grantee, and/or any of its Subrecipients or Contractors,, will be engaging in any Hazardous Activity as part of the Collective Work contemplated by this Agreement, then the party(ies) engaging in any Hazard Activity(ies) shall provide to the Department, prior to commencement of any such activity(ies), such insurance coverages in such forms and in such amounts as the Department may require in its sole discretion. Such coverages are in addition to all other insurance coverages required by this Agreement and shall be imposed on any Subrecipient and/or Contractor pursuant to the Subrecipient Agreement or Contract. For purposes of the provision, the term "Hazardous Activity" includes the following: (a) the removal, storage, and/or transportation of any "hazardous material", as such term is defined under federal, state, or local law, ordinance, regulation, or guideline, (b) the removal, storage, or transportation of lead-based paint, (c) blasting, (d) any activity which by its nature is abnormally dangerous, and (d) any "ultrahazardous activity" as defined in California case law. In addition to providing proof of such required coverages, the party(ies) engaging in the Hazardous Activity(ies) shall procure, at its expense prior to the commencement of any work, all required permits, licenses, consents, and approvals that are required for the lawful conduct of such activities and shall provide adequate written proof thereof to the Department. No

EXHIBIT D

Hazardous Activity work may be commenced, or contracted for, prior to the provision of the required insurance coverages and licensure proof to the Department.

29. Anti-Lobbying Certification

Grantee shall comply with and require that the language of this certification be included in all contracts or subcontracts entered into in connection with this grant activity(ies) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000.00 and no more than $100,000.00 for such failure.

A. No federally appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

30. Conflict of Interest

Pursuant to 24 CFR 570.489(h), no member, officer, or employee of the Grantee, or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, including members and delegates to the Congress of the Unites States may obtain a financial interest or benefit from a CDBG assisted activity, or have a financial interest in any contract, subcontract

EXHIBIT D

or agreement with respect to a CDBG assisted activity or its proceeds, either for themselves or those with whom they have business or immediate family ties, during their tenure, or for one (1) year thereafter. The Grantee shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this section.

31. Obligations of Grantee with Respect to Certain Third-Party Relationships

Grantee shall remain fully obligated under the provisions of this Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the Program with respect to which assistance is being provided under this Agreement to the Grantee. The Grantee shall comply with all lawful requirements of the Department necessary to ensure that the Program, with respect to which assistance is being provided under this Agreement to the Grantee, is carried out in accordance with the Department's Assurance and Certifications, including those with respect to the assumption of environmental responsibilities of the Department under Section 104(g) of the Housing and Community Development Act of 1974 [42 U.S.C. 5304(g)].

32. Energy Policy and Conservation Act

This Agreement is subject to mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

33. State Contract Manual Requirements (Section 3.11, Federally Funded Contracts (Rev. 3/03):

A. All contracts, except for State construction projects that are funded in whole or in part by the Federal government, must contain a thirty (30)-day cancellation clause and the following provisions:

1) It is mutually understood between the parties that this contract may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds to avoid program and fiscal delays that would occur if the contract were executed after that determination was made.

2) This Agreement is valid and enforceable only if sufficient funds are made available to the State by the United States Government for the purpose of this Program. In addition, this contract is subject to any additional

EXHIBIT D

restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this contract in any manner.

3) The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this contract shall be amended to reflect any reduction in funds.

4) The Department has the option to invalidate the contract under the thirty (30) day cancellation clause or to amend the contract to reflect any reduction in funds.

B. Exemptions from provisions A.1 through A.4 above may be granted by the Department of Finance provided that the director of the State agency can certify in writing that Federal funds are available for the term of the contract.

California Government Code § 8546.4(e) provides that State agencies receiving federal funds shall be primarily responsible for arranging for federally required financial and compliance audits, and shall immediately notify the Director of Finance, the State Auditor, and the State Controller when they are required to obtain federally required financial and compliance audits.

34. <u>False, Fictitious or Fraudulent Claims</u>:

Warning: Any person who knowingly makes a false claim or statement to HUD or the Department may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

Detecting, Preventing, and Reporting FRAUD

Fraud is a white-collar crime that has a devastating effect on the CDBG program because the CDBG program beneficiaries are victims of this crime when the CDBG program is abused.

HCD wants to stop any criminal assault on the CDBG program it administers, and in doing so all CDBG funds go to people it was designed to help and improve their living conditions.

Combatting Fraud

EXHIBIT D

The U.S. Department of Housing and Urban Development (HUD) Office of Inspector General (OIG) is committed to protecting HUD's programs, operations, and beneficiaries from dishonest individuals and organizations.

HUD cannot combat fraud alone.

HUD relies on HCD and CDBG NOFA applicants to combat CDBG program fraud. HUD also relies on applicants for, and people receiving, HUD benefits, such as tenants receiving rental assistance, borrowers with HUD insured loans, or citizens having their communities restored using HUD grants.

The HUD OIG Hotline number is 1-800-347-3735, this is the primary means to submit allegations of fraud, waste, abuse, mismanagement or Whistleblower related matters for the CDBG program to the Office of Inspector General.

HUD OIG accepts reports of fraud, waste, abuse, or mismanagement in the CDBG program from HUD employees, anyone administering the CDBG program, anyone working in the CDBG program, contractors, and the public.

You can report mismanagement or violations of law, rules, or regulations by HUD employees or program participants.

Fraud, Waste and Abuse in the CDBG program and its operation may be reported in one of the following four (4) ways:

E-mail to: hotline@hudoig.gov
By Phone: Call toll free: 1-800-347-3735
By Fax: 202-708-4829
By Mail:
Department of Housing & Urban Development.
HUD OIG, Office of Investigation, Room 1200
Field Office
One Sansome Street
San Francisco, CA 94104
(213) 534-2518

HUD OIG, Office of Investigation
Suite 4070
Regional Office
300 North Los Angeles Street
Los Angeles, CA 90012
(213) 534-2518

Exhibit E

Activity: City of Oroville- Neighborhood Cleanup Program

Linked Form Applications
City of Oroville -Neighborhood Cleanups

Linked Form Profile

EXHIBIT E

Award Number
22-CDBG-NH-00008

PO Number

Section I

Choose your Activity Category from the list. Eligible activities are defined by 24 CFR §570.482 et. seq. https://www.law.cornell.edu/cfr/text/24/570.482

Activity Category
Programs

Choose your specific activity from the list based on HUD Matrix Code. Matrix code definitions can be located at: https://files.hudexchange.info/resources/documents/Matrix-Code-Definitions.pdf.

Activity (Programs)
05V Neighborhood Cleanups

Choose the national objective from the list. Criteria for national objectives can be located at 24 CFR §570.483. https://www.law.cornell.edu/cfr/text/24/570.483

National Objective (PS)
(LMA) Low/Mod Area Benefit

Check this box if the activity is in support of housing

Section II

Choose the measure indicator from the list. Detailed information on performance measurements can be located in HUD's Basically CDBG manual, Chapter 13. https://files.hudexchange.info/resources/documents/Basically-CDBG-Chapter-13-Performance-Measurement.pdf

Measure Indicator (PS)
Persons Assisted

Please indicate the proposed number of beneficiaries of this activity. ###### LMA - Number of LMI persons in service area that will benefit.###### LMC - Number of LMI persons that will benefit###### LMH - Number of households that will benefit###### LMJ - Number of jobs created/retained

Number of Beneficiaries
19,501

Please check on all that apply, if applicable. For more information regarding presumed benefit types see 24 CFR §570.483(a)(2). https://www.law.cornell.edu/cfr/text/24/570.483

Presumed Benefit Types

Additional Benefit Types. Check all that apply, if applicable.
Families

Section III

Enter your legal jurisdiction name and activity title. Example: City of Los Angeles Community Food Bank. You MUST follow the required formatting.

Program Title
City of Oroville- Neighborhood Cleanup Program

Enter the legal name of the Applying Non-Entitlement Unit of General Local Government

Organization Name
City of Oroville

Enter the primary address of the Applying Non-Entitlement Unit of General Local Government

Organization Street Address
1735

Organization Street Name
Montgomery St.

Organization Suite #

Organization City
Oroville

Organization State
California

Organization Zip Code
95965

Program Census Location

The Census information in this section will be used for legislative and congressional district tracking. Please use the Census information of your primary facility or the designated address of the responsible organization. If you are doing a LMA activity, you will be asked to provide additional Census information specific to your service area. It is ok if the information is duplicative. ###### Use the HUD LMSI mapping tool located at https://hud.maps.arcgis.com/apps/webappviewer/index.html?id=ffd0597e8af24f88b501b7e7f326bedd to gather the required census tract information as identified by the address below. For instructions on using the mapping tool visit: https://hud.maps.arcgis.com/home/item.html?id=ffd0597e8af24f88b501b7e7f326bedd###### Identify the census location data for the administrative entity of this application (if this is a county use the County Administration building, if this is a city use City Hall or an administrative facility).

Enter your County Code
007

Enter your Census Tract
28

Census Block Group(s)
02

Does this activity occur on more than one Census Tract and Block Group?
Yes

County Code
007

Exhibit E

Census Tract
25

Census Block Group(s)
01, 02, 03, 04

County Code
007

Census Tract
26.02

Census Block Group(s)
01

County Code
007

Census Tract
27

Census Block Group(s)
01, 02, 03, 04, 05, 06

Are you using an income survey?
No

Upload survey findings

Low Mod percentage
55

Please upload the LMA service area map for your activity
Low mod map.pdf

Section IV

Activity Address
City limits of City of Oroville, census tracts 25,27,28,29,30.01, 30.02, 31,33,37.small parts of 32 and 26.02

Activity Street Name
City limits of City of Oroville

Activity City
Oroville

Activity State
California

Activity Zip Code
95965, 95966

Enter a detailed description of your activity which should include at a minimum: what the activity is, why it is needed, who the beneficiaries will be, where will it take place, how it will be done and when it will be complete. This should be a similar description provided for the NEPA. Additionally, please indicate if this will be a new activity, a modification to an existing activity, or if a new type of assistance will be added to an existing activity.###### By completing the narratives below the applicant is demonstrating a knowledge of need for the activity and the steps needed to achieve the desired outcome.

Exhibit E

Activity Description

This new activity of Neighborhood Cleanup will reduce blight in residential areas of the City limits of Oroville. The City of Oroville is primarily low-mod at 55.20 % and this program will focus on the abatement of junk, trash and debris from an abundance of alley ways, and other public properties. The alleyways are used by children to walk to neighborhood schools, and parks and also used by public safety personnel who provide fire, medical and police services. Additionally, this activity will abate graffiti, address hazardous abandoned properties that are utilized by homeless and are frequently set ablaze due to unsafe heating practices. The program will assist by cleaning and manicuring parks used by citizens who live within the City and use the area for large gatherings that build neighborhood comradery and also used for local youth sporting events. The program will be ran by the Director of Code Enforcement, who will contract with a sub-recipient agreement with The Oroville Hope Center-City Works, who will in turn provide for and oversee a group of laborers to assist with the cleanup. Many of these laborers are homeless, in recovery or do not have job skills. The Oroville Hope Center will train, mentor and provide safety equipment to the laborer's. The City has recently expanded it's Code Enforcement Department to employ 6 full-time officers and a Director, funded with CDBG through 07/31/2022 and now CalOES. The city has been unable to fund any type of clean-up, only the enforcement using these funds. There are some residents who lack the financial, mental, or physical ability to maintain their homes to an acceptable standard. Additionally, squatters who inhabit vacant homes that soon become even more inhabitable due to the squalor. The City would like to be able to proactively address these properties using resources other than CDBG funding (volunteers, force-labor, non-profits) By addressing all of these issues, the neighborhoods will not only be safer, the neighborhood will look better and in turn inspire community pride. This project will be on-going until there is no further funding or it is determined that it is not necessary to provide these services any longer. Cleaning up blighted properties is very important to the citizen's of Oroville. Our elected officials state that this is a main issue that their constituents bring up to them regularly. Additionally, its important because it involves the health and safety of our residents.

Provide a detailed narrative describing the steps to be taken to complete the activity. (i.e.: Task 1- create marketing plan; Task 2- hold a town hall meeting; Task 3- analyze feedback... etc.). This task narrative should indicate your knowledge of the steps and actions necessary to complete your activity. Narrative should include all actions taken to reach readiness through actions necessary for closeout.

Detailed Scope of Work - Task Narrative

T1: Prepare and Conduct Public Meeting to determine community need
T2: Prepare NEPA, and all other required documentation
T3: Prepare and Conduct second Public Meeting to apply for CDBG funding, have council approve sub-recipient agreement with non-profit
T4: Prepare and submit application for funding
T5: Receive notification of funding and begin to clear conditions, if applicable
T6: Execute Standard Agreement
T7: Go back to council and ask to accept award contract and set up budget
T8: Notify non-profit that we were awarded and begin program implementation
T9: Either monthly, or at a minimum, quarterly, receive invoice and explanation of work completed from non-profit
T10: Report to CDBG through Ecivis and request reimbursement
T11: Report on program accomplishments as required by standard agreement
T12: Prepare and conduct Closeout public hearing.

Provide a detailed narrative describing the deliverables that will be completed as part of this activity. (i.e.: Deliverable 1- marketing plan; Deliverable 2- town hall meeting minutes; Deliverable 3- labor compliance files... etc.). This deliverable narrative should indicate your knowledge of the documentation necessary to monitor and evaluate activity compliance. These documents should be part of your project file and will be reviewed as part of your onsite monitoring.

Exhibit E

Detailed Scope of Work - Deliverable Narrative
D1: Public Hearing Meeting Minutes, meeting documents
D2: Executed and signed NEPA and required documents be be upload to eCivis
D3: Public Meeting Minute for 2nd public meeting
D4: Receive award notification, request to incur costs prior to the execution of standard agreement. Execute standard agreement.
D5: Receive notice from state to proceed, accept funding and establish budget at council meeting
D6: Set up budget in Financial System
D7: Maintain ERR file
D8: Maintain Procurement file, if applicable
D9: Receive Invoices from non- profit and process payment
D10: Request for reimbursement in eCivis and submit required reports
D11: Maintain Reporting files
D12: Maintain Closeout information

Section V

Will you need more than 30 days after the expenditure deadline to complete your beneficiary reporting, for example; reporting for activities that are in support of housing or economic development where it is likely that there will be a time gap between completion of the activity and reportable beneficiaries.

If you selected YES, please provide each milestone for the program as well as the anticipated completion date. There are spaces for 10 milestones, however only the first and last are mandatory. The first milestone is the proposed activity start date and the last milestone is the proposed notice of completion or completion date of the activity. Additional milestones are optional. Milestones provided in this section will become part of the Standard Agreement.

Will you need more than 30 days after the expenditure deadlines to complete your activity reporting?
No

Do you want to add additional optional milestones?
No

Milestone #1 - Activity Start:
Begin Activity

**Milestone #1 must be completed no later than 60 days after execution of the STD 213

Milestone #2
Expend 25% of activity funds

Milestone #3
Expend 50% of activity funds

Milestone #4
Expend 75% of activity funds

Confirmation of Closeout - Milestone
Complete Activity Expend 100%

_Confirmation of Closeout Milestone must be completed no later than 90 days after the Expenditure Deadline.

Readiness Criteria

Is this a Code Enforcement Program?
No

Provide a narrative establishing there is a need for the service in your community. Narrative should incorporate third party evidence, studies, analysis, assessments, etc. Anecdotal letters of support are not documentation of need.

Exhibit E

Statement of Need for Public Service

Currently there are areas of severe blight in south Oroville and various other areas in the city limits of Oroville. The City has had a successful Code Enforcement program for several years, however, the City has not had any funding to resolve many of the issues. For instance, CDBG Code Enforcement funding only allows for the payment of salaries and wages to enforce codes, not funding to remedy the issues of blight. The Neighborhood Cleanup activity is the missing link that will allow for the City to sub contract with a local non profit to organize laborers to clean up the garbage and debris from identified lots, remove graffiti and any other task that will eliminate the blight. Currently, the City has 61 open residential code enforcement cases open, and in the past year have averaged 350-400 residential cases. Blight is a topic that is often brought from the public to city council to resolve. The Neighborhood Cleanup program will not only help beautify individual neighborhoods but also will spur pride of ownership of the entire Community. Additionally, cleanups will allow children to play without fear of being injured. The intent is to break the cycle of hopelessness and helplessness.

Attached is the South Side Blight Analysis and Report, prepared for the City of Oroville by RSG, Inc. in April 2022. This study aims to identify blighted conditions within the Study Area to help develop a revitalization plan and incentives to improve the the quality of housing supply in this portion of the City. The area was annexed by the City in 2015, at that time their was a visible contract between that area and the City limits. " It was marked by widespread structural deterioration and lower levels of municipal services including those of solid waste disposal, road maintenance, sanitary sewer systems and potable water infrastructure. Additionally the Area was characterized by high volumes of calls for police services when compared to surrounding areas". Since the annexation, there have been efforts to remedy the quality of municipal services, however, other challenges have persisted. Based on the Study description and methodology and assumptions, RSG, Inc. concluded that the Study Area is blighted based on the following conclusions:

*Low Income Population
*High Unemployment Rates
*High Crime Rates
*Deteriorated Commercial or Residential Structures

Of the 1,219 parcels surveyed for this report, 25.9% of the residential parcels and, 20% of the vacant or uninhabited parcels have at least one type of deterioration indicating blight. Pictures are attached for examples of the blight.

Other documentation included are:

*Investigating Neighborhood and Area Effects on Health (Ana V. Diez Roux, MD, PhD)
*Neighborhood Stabilization Strategies for Vacant and Abandoned Properties, Emory University School of Law (Frank S. Alexander and Leslie A. Powell)
*Urban Blight and Public Health: Addressing the Impacts of Substandard Housing, Abandoned Buildings and Vacant Lot (Erwin de Leon and Joseph Schilling)
*Vacant and Abandoned Properties: Turning Liabilities into Assets: Office of Policy Development and Research, U.S. Department of Housing and Urban Development

The common theme in all of these studies is that vacant and abandoned properties are linked to increased rates of crime and declining property values and that the

Evidence of Need for Public Service

Third party studies establishing need, Jurisdiction driven assessments or evaluations of need, Published documentation of need (newspaper, journal, etc.)

Public Service Supporting Documentation

2022 South Oroville Blight Report 042022 (DRAFT).pdf

Public Service Supporting Documentation

pictures.pdf

Public Service Supporting Documentation

Combined Articles.pdf

Public Service Supporting Documentation

Indicate whether there is a lack of service or if existing services do not meet demand. Describe documentation supporting the lack/shortage of services and document there is no reasonable access to the proposed service or program from another service pro

Exhibit E

Provide a narrative indicating there is no reasonable access to the service

The City has been utilizing 2017 CDBG funding for Code Enforcement. This grant funding expired 07/31/2022. Additionally, this funding only allowed for the enforcement of Code Violations, no funding to remediate the violations. Although the 2017 CDBG grant expired, City will be able to continue the Code Enforcement program due to a CalOES grant that will supply additional Code Enforcement officers. However, there still is no funding earmarked for the clean up of these violations. There is a LACK of these services in Oroville and no other funding for these services in Oroville.

Reasonable Access

List of service providers providing a similar service in the area/county with locations

Documentation may include maps indicated location of closest services, lack of routes or insufficient frequency in public transportation to provide access to existing locations, listings and descriptions of active non-profits and public agencies in the area to demonstrate a lack of service providers. Documentation should support that there is a need for the service in the community. Letters of support or anecdotal statements of inaccessibility will NOT be considered adequate documentation.

Reasonable Access Supporting Documentation

social service organizations.pdf

Reasonable Access Supporting Documentation

Reasonable Access Supporting Documentation

Describe the target population for the service. Indicate whether the population is growing or shrinking and if/how that change is related to the need for services. Describe how you intent to reach that population in your community.

Provide a narrative indicating why the population needs this services

This is a program that provides services to all areas of the City of Oroville, not a distinct population. This public services, services mostly areas high segregation and poverty, but can overspill into areas of low resource. The problem of blight in these areas seem to be growing much as the issues of homelessness. The City Code Enforcement Department will provide outreach to these areas and work with community leaders to spur pride in the community. Much like we are doing in South Oroville. According to the City's 2022-2030 Housing Element, most of the Census Block Groups in Tracts 28, 30.01 and 30.02 have the lowest median household income and are also areas in Oroville with high segregation and poverty and where much of our Code Enforcements efforts are focuses. The City's population grew in size by more than 25% in 2019 compared to 2010. Additionally, families experiencing poverty in Oroville is significantly greater than the State of California as a whole: 25.5% compared to 13.4%. The individuals in Oroville experiencing poverty is also greater than California as a whole:17.2% compared to 9.6%. Please see Housing Element at https://www.cityoforoville.org/Home/Components/News/News/2357/26. page 83, 87,88,91,97

Documentation may include growth or changes in specific populations (such as homeless, elderly, youth, large families, individuals living in poverty) that are the targeted beneficiaries of the services. Documentation may also include information that identifies the lack of services as a component to population loss (eg, lack of senior support services means seniors cannot age in place and must move to other areas where there are more services). Documentation should be as specific as possible and use public data sources (US Census, PIT counts, School District Data, Academic studies, Needs Assessments, Newspaper Articles, etc) whenever possible. Letters of support or anecdotal statements of causality will NOT be considered adequate documentation.

Population Documentation

Documentation of population changes

Population Supporting Documentation

City of Oroville Housing Element.docx

Population Supporting Documentation

Population Supporting Documentation

Exhibit E

Indicate the number of grants awarded and managed by the applying Unit of General Local Govenrment in the last 48 months
4 or more grants

List the grants awarded & managed by the Applying Unit of General Local Government in the last 48 months.
17 CDBG-12014 Code Enforcement $500,000 expiring in July 2022
20CDBG12017 Public Service YMCA $500,000
20CDBG12018 Public Service The Axiom $193,500
20CDBG12046 Public Service Catalyst $387,257
20CDBG12066 FTHB $1,000,000
20CDBG12067 Housing Rehab $750,000
20CDBG-CV1-00100 Loan to purchase building $114,870
20CDBG-CV23-00112 Wyandotte Academy Improvements $305,001
20CDBG-CV23-00113 Utility Assistance Program (though we are in the process of canceling this program and moving money to CV00112) $113,000
21CDBG-PI-00009 Purchase Fire Engine $452,000
21CDBG PI-00010 Housing Element Update $113,000
20-DRMHP-21003 Disaster MHP $8,850,089
18-HOME12580 Homeownership Assistance $1,000,000
19-HOME 14971 Homeownership Assistance $1,000,000
20-PLHA-15545 $137,051

Partners and/or collaborators are: committed, engaged, interested and in support of the outcome of the proposed activity.

Provide a narrative listing your partners and collaborators
City is partnering with the Oroville Hope Center-City Works Program, Haven of Hope on Wheels, Jordan's Crossing, African American Family and Culture Center and the Oroville Rescue Mission to implement the Neighborhood Clean-up Program. The intent is that the City will enter into a sub-recipient agreement with Oroville Hope Center-City Works program who will be responsible for the administration of the program They will be the main contact for the City. City will contact City Works and let them know what properties needed abatement, City works would them work with the other non-profits to identify laborers to do the clean-up, City Works would put together a report of each property and invoice the City for the work completed. City and City Works would partner together to obtain dumpsters for the clean up projects and any other supplied need for clean up.

List of collaborators/partners. Select all that apply for your program. Make sure to indicate what partners are included in your narrative and provide documentation of commitment.
Non-Profit service providers

Upload Partners/Collaborators Supporting Documentation
R-9056 Hope Center A-3417.pdf

Please include a narrative describing your staff and/or contractor/subrecipient expertise:
Housing Director has approximately 18 years experience managing all aspects of federal and state funding, such as CDBG, HOME, USDA, CalHOME, PLHA, State Parks, FEMA,, etc. Tasks included all aspects of grant management from grant writing, clearance of conditions, procurement, NEPA, reporting, financial management, public outreach, public meetings, all the way through closeout. Director of Housing will partner with the Director of Code Enforcement who has more than 20 years experience in police work and code enforcement. As a team, they will implement this new program. Director of Code Enforcement will be the liaison with the Hope enter-City Works Program and oversee all of the actual program activities, while the Director of Housing will implement all of the administrative requirements.

The Subrecipient Agreements must meet the requirements of 24 CFR §570.503: https://www.law.cornell.edu/cfr/text/24/570.503 Contracts must be in compliance with 2 CFR §§200.317-200.326:. https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1.4.31&rgn=div7 Contracts should include language required in Appendix 2 of 2 CFR 200: https://www.law.cornell.edu/cfr/text/2/appendix-II*to*part_200

Do you have a draft/signed agreement with a contractor/subrecipient?
Yes

Exhibit E

Upload draft/signed agreement(s)
R-9056 Hope Center A-3417.pdf

View Budget Worksheet

View Application Goals

Original Submission Date (for re-submissions)

Exhibit E

City of Oroville		Neighborhood Clean up											
Duplication of Benefits Tracking						Sources							Budget Gap/
Uses (line item budget)	Total Activity Costs	2022 CDBG	City Funds	[Source 3]	[Source 4]	[Source 5]	[Source 6]	[Source 7]	[Source 8]	[Source 9]	CDBG-CV1	CDBG PI	Duplication of Benefits
Activity Costs													
			$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Outside Services	$ 482,000.00	$ 347,000.00	$ 135,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Dumpter Rental	$ 58,000.00	$ 58,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Supplies	$ 25,000.00	$ 25,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
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[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total	**$ 565,000.00**	**$ 430,000.00**	**$ 135,000.00**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -
[Activity Costs Category 2 (i.e. Activity Delivery, Materials, Labor)]													
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
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[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
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[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
[Line Item]	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -
General Administration													
Salary and Wages	$ 27,500.00	$ 27,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Office Expenses	$ 1,000.00	$ 1,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Telecommunications	$ 1,500.00	$ 1,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Outside Services	$ 5,000.00	$ 5,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total	**$ 35,000.00**	**$ 35,000.00**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -
Activity Total	**$ 600,000.00**	**$ 465,000.00**	**$ 135,000.00**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	$ -

Amy Bergstrand

Instructions: Fill out the above line item budget with you projected activity costs. You may identify the line items by category, such as activity delivery, activity, and admin, or by any other activity categories that apply to your activity. Do keep you administration costs categorized under the General Administration category. Fill in the jurisdiction and activity information at the top of the form, and Identify the spedific resources (funds) that will be used to pay for each line item in each category. If you do not have CDBG-PI, please leave those fields blank. If your budget line item has a budget gap, the "Gap/Duplication of Benefits" column will show a red shaded field and a number indicating your budget gap in parenthesis. If you have a potential duplication of benefits, the column will show a blue shaded field and a number indicating your budget overage. Please make sure to include ALL of you potential resources, including FEMA, HCD, HUD, CARES Act, and other State and Federal funds, as well as local funds from fees, trust funds, and taxes, and any foundation or private donation funding, including insurance payments. If you are unsure if a resource should be included, please contact Jessica Hayes at jessica.hayes@hcd.ca.gov. Please fill in the fields with a bracket [ ] and the funds. Please do not delete or alter formulas. The collored columns have no significance. They are colored only to make it easier to track across funding source.

Exhibit E

Budget Report

Passthrough Agency: California Department of Housing and Community Development
Program: CDBG - Non-Housing Competitive (2022)
Stage: Pre-Award

Report Date: 05/11/2023
Requested By: Amy Bergstrand
abergstrand@cityoforoville.org

Budget Items

Category	Title	Description	Units	Unit Cost	Extended Cost	Direct Cost	Indirect Cost	GL Account	Cost Share	Type
Activity										
	Activity	outside Services	0	$0.00	$0.00	$382,000.00	$0.00		$0.00	Direct Cost
	Activity	Dumpster Rental	0	$0.00	$0.00	$58,000.00	$0.00		$0.00	Direct Cost
	Activity	Supplies	0	$0.00	$0.00	$25,000.00	$0.00		$0.00	Direct Cost
Activity Total			**0**	**$0.00**	**$0.00**	**$465,000.00**	**$0.00**		**$0.00**	
General Administration										
	Gen Admin	Salary and Wages	0	$0.00	$0.00	$27,500.00	$0.00		$0.00	Direct Cost
	Gen Admin	Office Expense	0	$0.00	$0.00	$1,000.00	$0.00		$0.00	Direct Cost
	Gen Admin	Telecommunication	0	$0.00	$0.00	$1,500.00	$0.00		$0.00	Direct Cost
	Gen Admin	Outside Services	0	$0.00	$0.00	$5,000.00	$0.00		$0.00	Direct Cost
General Administration Total			**0**	**$0.00**	**$0.00**	**$35,000.00**	**$0.00**		**$0.00**	
Activity Delivery										
Activity Delivery Total			**0**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**$0.00**	

Other

Category	Title	Description	Units	Unit Cost	Extended Cost	Direct Cost	Indirect Cost	GL Account	Cost Share	Type
Other										
Other Total			**0**	**$0.00**	**$0.00**	**$0.00**	**$0.00**		**$0.00**	
Grant Total			**0**	**$0.00**	**$0.00**	**$500,000.00**	**$0.00**		**$0.00**	

Budget Report, Created by Amy Bergstrand, abergstrand@cityoforoville.org, 05/11/2023
Source: eCivis™ Portal
http://www.ecivis.com/

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR AND CITY COUNCIL MEMBERS**

FROM: **BILL LAGRONE, POLICE CHIEF**

RE: **POLICE DEPARTMENT RECRUITMENT AND DIGITAL MARKETING CAMPAIGN**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider and approve an agreement with Trespasser Inc to produce recruitment and marketing material for the Oroville Police Department.

DISCUSSION

The Police Department and other agencies nationally have been experiencing a shortage of qualified applicants for the sworn police officer position. With the continued increase in population and calls for service within the Oroville City limits, the effects of this shortage have been demanding for the department's current staff.

To recruit new employees, department staff has expanded its recruiting efforts by attending job fairs and recruitment events at community colleges, universities, high schools, and law enforcement academies. In addition, staff has revamped the department's online presence by utilizing social media for various department activities and updates; most importantly, social media has been the biggest driving force in advertising department career opportunities.

To further develop the department's recruitment and digital marketing, the department has identified creative ways to draw in candidates to consider applying for open positions. The department has determined that producing several videos will benefit the department to be utilized on social media, TV commercials, and recruitment events.

After conducting research, staff contacted over ten production and film companies; of the ten companies, five were qualified, open, and interested in producing said content. Staff conducted informal interviews with the companies and received three quotes. Based on experience, equipment, and vision, staff has selected Spencer Davies and co of 'Trespasser Production' for the proposed project.

Trespasser Production has worked with diverse clients, including Adobe, Tesla, Ford, Boot Barn, Carson City Nevada, Porsche, BMW, Nike, Cal Fire, US Forest Service, El Dorado Resource Conservation District, and many other high-end brands and government agencies. Trespasser Productions has developed a clear outline and vision for this campaign and has state-of-the-art equipment needed to create high-quality equipment.

On July 4, 2023, the department utilized Trespasser Productions for a smaller video project. Upon completing that project, staff determined that Trespasser Production is qualified, organized, and reliable to complete this campaign to our expectations.

Trespasser requests the rate of **$28,750.00** to complete this task; the rate is based on the California multiple awards schedule rate scale administered by the Department of General Services, also known as the DGS. This rate includes the Final recruitment video(s), Photography from the video shoot to be used for the website, or any other promotional material. Upon request, Oroville Police Department will have access to all raw materials.

FISCAL IMPACT

The total cost in the amount of $28,750.00 will be reduced from Fund 153 – Police Supplemental Law Enforecment Fund.

RECOMMENDATION

Authorize staff to contract with Trespasser Productions for recruitment and digital marketing content.

ATTACHMENTS

1. Trespasser Production & Oroville Police Recruitment Package


OROVILLE POLICE
POLICE



Our film opens High and wide as we fly over the Oroville bridge. We see a Squad car traveling across it. We hear voiceover of officers talking about the key things needed to be a great officer. Integrity & Honesty, Professionalism,Respect for Others, Community Service,Open Communication, Accountability,Teamwork/Cooperation.

PROFESSIONALISM

Using interviews with current Oroville Officers we will weave the story together showing the things needed to serve the community and highlight the great aspects Of working for Oroville PD as well as of course the cool Hi speed and tech stuff. Our goal is to use the current Oroville officers to Highlight the agency's competitive advantages. Culture? Location? Ability to grow as an officer?

RESPECT

As we hear interviews of Current Oroville Police officers talking about the Job, our films pace speeds up. We start by talking about the benefits of being in Oroville and the lifestyle it brings As well as recreational activities. ..An agency's community reputation is a critical step in modernizing the field of law enforcement. Establishing trust within the community is integral for building bridges and fostering meaningful relationships between police officers and local citizens. To build trust, police agencies must champion transparency and accountability – two essential criteria for solid public confidence and rapport.

TEAMWORK

After Explaining some advantages of the location and community we get into the competitive Advantages of the agency. This Is where the heart pumping action starts. We show off all the Cutting edge technology and training Oroville PD has to offer. DO YOU HAVE WHAT IT TAKES? Showing off the exciting part of the job we follow Oroville pd in some cutting edge training exercises.!



Moving into the future with technology. Oroville Police Department provides its officers with a wide variety of opportunities for advancement through promotion, lateral and secondary positions…

COMMUNITY SERVICE

We strive to find only those candidates who possess a strong work ethic, have high moral character, are resolute in their honesty and integrity, and have a sincere desire to serve their community…



THE GOAL

CONTENT THAT DEMANDS ATTENTION

TRESPASSER™ understands the difficulty of recruiting in the 21st century. To overcome this police recruiting shortage, we will Help Oroville PD develop a police recruiting campaign that focus on reaching your audience with data-driven strategies. Through creative well developed and targeted content. We also Have the ability to provide other marketing materials such as a recruiting website, Social media content and strategy.



HOW

Establish your goals as a department, and what you hope to achieve.Discuss your mission, values, and brand.Develop a film that uniquely communicates you to your specific audience.Help craft content that builds on what we've accomplished so far, and helps build your audience and connection online.

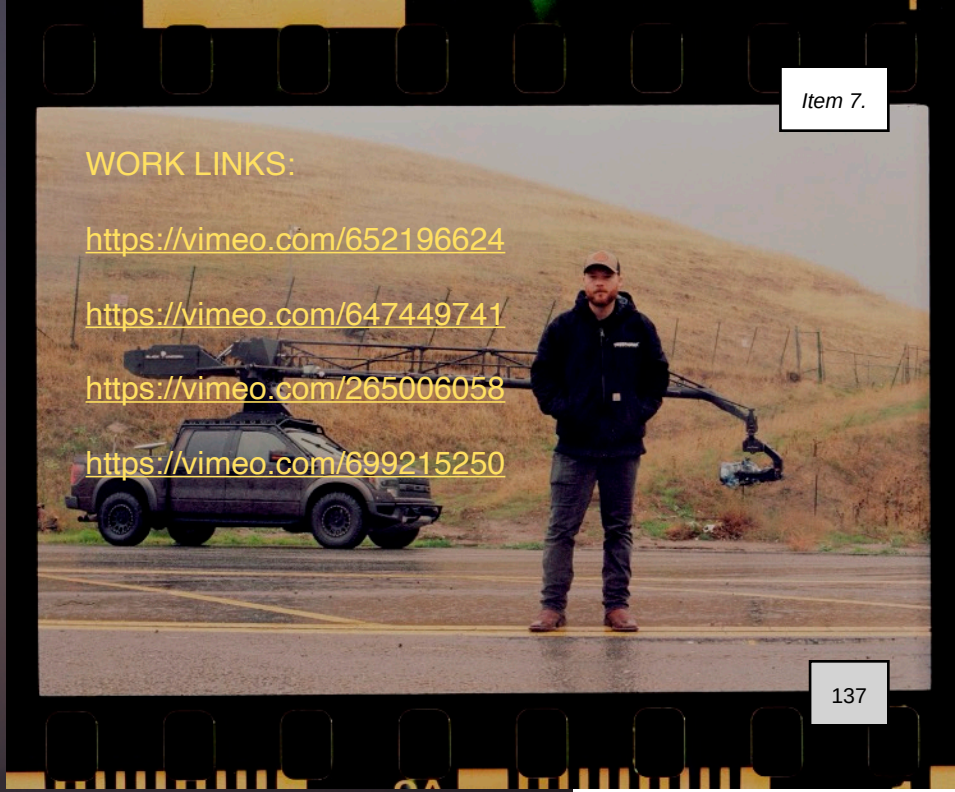
WHAT WE NEED

Trespasser™ will need access to key players at the agency and need to learn about the Oroville PD as a whole. We need to know your goals as an agency more specifically your communication needs. From learning we will work directly with Oroville PD to craft distinguished and enduring original content to **achieve** Oroville's recruiting and **communication goals.**

WHO ARE YOU

The duty of the Oroville Police Department is to safeguard the lives and property of those we serve and to hold perpetrators accountable for their actions. Through community partnership, we promise to work diligently every day to reduce the incidence of crime and improve the quality of life. Our mandate is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain public confidence. This message is crucial and will be at the forefront of everything we do.

We thought you'd never ask! **TRESPASSER™** is a **Cutting Edge** global production partner based out of Sacramento, CA that specializes in crafting distinguished and enduring original **content**. Our goal is to collaborate with the world's leading government agencies, brands and media groups. Using our network of **radiant** emerging **talent,** we create inspiring **visuals.**



A FEW CLIENTS



TRESPASSER™ was founded in 2008 with the goal of helping clients thrive in today's highly competitive marketing environment. While other companies lean on traditional marketing, fearing favor of digital techniques, we've been on the leading edge of creating this new digital and social marketing environment. We have been fortunate enough to work with and continue to work with some of the biggest brands in the world including government agencies!


Ford


amazon


CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION
CAL FIRE
SINCE 1885


EL DORADO & GEORGETOWN DIVIDE
RCD
RESOURCE CONSERVATION DISTRICTS


FOREST SERVICE
US
DEPARTMENT OF AGRICULTURE

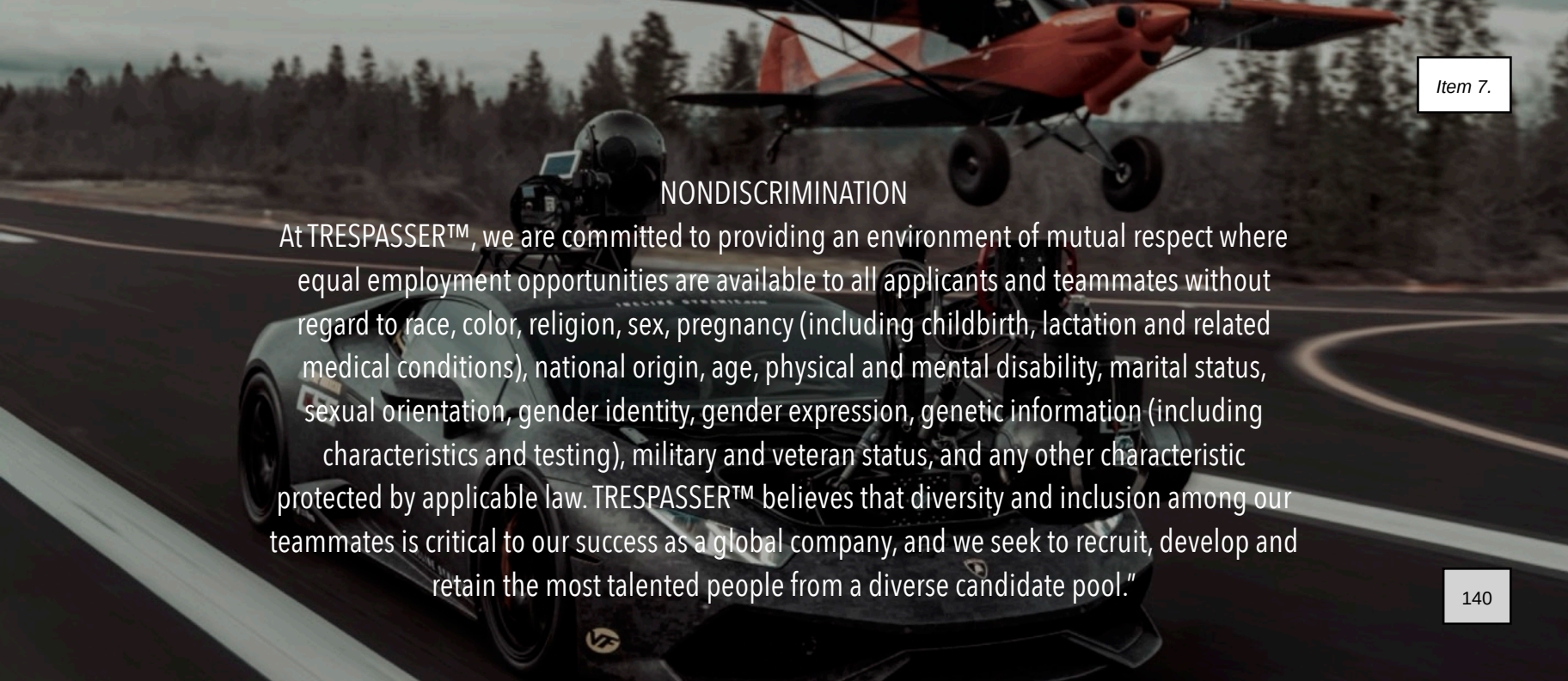

PORSCHE
PORSCHE


NETFLIX


BMW




SIERRA AT TAHOE



NONDISCRIMINATION

At TRESPASSER™, we are committed to providing an environment of mutual respect where equal employment opportunities are available to all applicants and teammates without regard to race, color, religion, sex, pregnancy (including childbirth, lactation and related medical conditions), national origin, age, physical and mental disability, marital status, sexual orientation, gender identity, gender expression, genetic information (including characteristics and testing), military and veteran status, and any other characteristic protected by applicable law. TRESPASSER™ believes that diversity and inclusion among our teammates is critical to our success as a global company, and we seek to recruit, develop and retain the most talented people from a diverse candidate pool."

SCOPE OF SERVICES

There are a lot of pieces involved in developing a compelling video but at TRESPASSER™, our extensive experience has taught us how to be a lean, mean, production machine!

PRE-PRODUCTION

Laying the right groundwork is essential to developing a great video. Pre-production is where we figure out the best game plan for our Accomplishments Documentary Film. We decide on the video concept, the look/feel and style, we plan a script, cast any actors in this case wrangle people for interviews, decide on location, and lock down all the other details involved with how the actual video is going to look, sound, and perform.



PRODUCTION

We're rolling! Now that we have the road map developed in the pre-production stage, it's time to put it all together in front of the cameras. This is where our professional crew of Director, Director of photography, camera operators, sound engineers, and lighting techs do what they do best - Produce a great video!

POST PRODUCTION

If production is putting all the ingredients together to bake the cake from the recipe developed in pre-production, then post-production is putting the icing on that cake and making it look irresistibly delicious. Our editorial post-production team kicks in to shape your story, handle color-correction, record any voice overs, clean up the audio, add music, create graphics and in general make sure your video looks exactly like we planned in pre-production. It's at this stage that you'll see the first cut. With this content we will cut a longer version for showing at potential funding opportunities and also a

FINAL REVISIONS

Once you've seen the first cut, you'll have a chance to share your thoughts with us. There is one round of revisions allowed at this stage, within reasonable expectations and within the scope of the original video concept. We understand how important messaging is for a Department and all channels revisions need to go through.



OUTPUT

With the final cut complete and your approval signed-off, we create high quality files of your video that can be used for a variety of formats, In this case most likely web/Broadcast Delivery. Oroville PD will own exclusive rights to this final delivery content. Trespasser™ does ask to have the ability to use the film for marketing purposes.

CLIENT RESPONSIBILITIES

- MEETING AVAILABILITY FOR KEY STAKEHOLDERS
- INTERNAL PROCESS TO GATHER FEEDBACK AND APPROVALS
- AVAILABLE FOR ANY INTERVIEWS

Concept: W.Spencer Davies TRESPASSER™ Productions

RATE

Trespasser™ understands the scope of work involved in crafting distinguished and enduring video Content. Trespasser™ requests the rate of **$28,750** to complete said task. The rate is based off the California multiple awards schedule rate scale administered by the department of general services also known as DGS. This Includes Final recruitment Video, Photography From the video Shoot to be used for website or any other Promotional materials. Oroville PD also Has access to all raw materials Upon request.



Here at Trespasser™ We are huge fans of law enforcement and are extremely honored to be considered for this Recruitment video Project. We want to help in anyway we can. Please feel free to ask us any questions and let us know anyways we can possibly help out!

TRESPASSER™
Productions

TrespasserProductions.com
spencer@trspsr.com
(530)613-1635

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **MATT THOMPSON, P.E. ACTING CITY ENGINEER**

RE: **VACATION OF PUBLIC UTILITY EASEMENT**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider a resolution vacating a public utility easement.

DISCUSSION

In 1950 the Central View Subdivision Map was recorded, and a public utility easement was dedicated to the City of Oroville. Over time, Oroville Hospital (Hospital) acquired some of the parcels in the tract. The Hospital is currently working on an improvement and expansion project. Part of the project includes frontage improvements along State Route 162 (also known as Olive Highway). The Hospital obtained an encroachment permit from the California Department of Transportation (Caltrans) for the frontage improvements. As a condition of approval for the encroachment permit, Caltrans requested right of way from the Hospital along the entire frontage. A small portion of the that right of way dedication includes a small sliver of the public utility easement granted to the City. Caltrans will not accept the right of way dedication unless it is unencumbered by the easement. All appropriate utility companies have been contacted and none have any current or planned use for the easement.

A description and a depiction of the abandonment are attached to the resolution.

FISCAL IMPACT

The vacation of the easement will have no fiscal impact on the City.

RECOMMENDATION

Adopt Resolution No. 9149 - A RESOLUTION OF THE OROVILLE CITY COUNCIL VACATING A PUBLIC UTILITY EASEMENT ADJACENT TO OLIVE HIGHWAY AND OVER PROPERTY OWNED BY OROVILLE HOSPITAL (APN 013-260-081) IN OROVILLE, CALIFORNIA

ATTACHMENTS

Resolution with a description Exhibit A and a depiction Exhibit B.

CITY OF OROVILLE
RESOLUTION NO. 9149

A RESOLUTION OF THE OROVILLE CITY COUNCIL VACATING A PUBLIC UTILITY EASEMENT ADJACENT TO OLIVE HIGHWAY AND OVER PROPERTY OWNED BY OROVILLE HOSPITAL (APN 013-260-081) IN OROVILLE, CALIFORNIA

WHEREAS, a public utility easement was conveyed to the City of Oroville, by that certain subdivision map entitled, "Central View Subdivision", recorded in the Office of the Recorder of the County of Butte, State of California in Book 18 of Maps at Pages 17 and 18; and

WHEREAS, Oroville Hospital (Hospital) is constructing new and expanded facilities to better serve the community; and

WHEREAS, the California Department of Transportation (Caltrans) has required the dedication of right of way from the Hospital as a condition of the issuance of an encroachment permit to the Hospital for said construction; and

WHEREAS, Caltrans will not accept said right of way if it is encumbered by an easement; and

WHEREAS, the Hospital has demonstrated that no utilities have a desire to retain the easement; and

WHEREAS, the City of Oroville desires to vacate the public utility easement.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

1. The public utility easement described in the attached Exhibit "A," and depicted on Exhibit B is hereby vacated pursuant to Chapter 4, entitled "Summary Vacation," of Part 3, entitled "Public Streets, Highways, and Service Easements Vacation Law," of Division 9, entitled "Change of Grade and Vacation," of the California Streets and Highways Code (commencing with Section 8330).

2. The public utility easement being vacated does not have a name or other designation and is described in the attached exhibit "A."

3. The public utility easement in question is no longer necessary because the property it overlies will be dedicated to Caltrans as right of way, therefore if any utilities were to have need of it they would have access by virtue of their franchise, as governed by the Public Utilities Commission.

4. After the date on which this resolution is recorded, the public utility easement being vacated will no longer have a separate and distinct existence as an easement, but will instead constitute part of Caltrans right of way.

5. There is no possibility the proposed vacation of the public utility easement will have a significant effect on the environment, and it is therefore not subject to the California Environmental Quality Act.

6. That the City Clerk shall cause a certified copy of this Resolution, with the seal of the Oroville City Council to be recorded in the Office of the Recorder of the County of Butte, State of California.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

WHEN RECORDED RETURN TO:
CITY OF OROVILLE
PUBLIC WORKS DEPARTMENT
1735 MONTGOMERY STREET
OROVILLE, CA 95965

Space Above This Line for Recorder's Use Only

CITY OF OROVILLE
RESOLUTION NO. 9149

A RESOLUTION OF THE OROVILLE CITY COUNCIL VACATING A PORTION OF A PUBLIC UTILITY EASEMENT ADJACENT TO OLIVE HIGHWAY AND OVER PROPERTY OWNED BY OROVILLE HOSPITAL (APN 013-260-081) IN OROVILLE, CALIFORNIA

DOCUMENT TITLE

THIS PAGE ADDED TO PROVIDE ADEQUEATE SPACE FOR RECORDING INFORMATION

EXHIBIT "A"

Legal Description for Abandonment

An easement on, over, across and through that real property situate on the City of Oroville, County of Butte, State of California, described as follows:

Being a portion of that certain "Easement for Public Utilities" dedicated to the City of Oroville by that certain subdivision map entitled "Central View Subdivision" filed for record in the office of the Butte County Recorder in Book 18 of Maps, at Pages 17-18, more particularly described as follows:

BEGINNING at the most southerly corner of Lot 1 as shown on said Map;

Thence, along the east line of said Lot 1, North 00°07'00" East, 8.94 feet to a point located 7.00 feet northeasterly of, measured at right angles to the southwesterly line of said Lot 1;

Thence, leaving said east line, parallel to said southwesterly line, North 51°25'00" West, 12.77 feet to the westerly line of that certain "Easement for Public Utilities" as shown on said Map;

Thence, along said westerly line of said "Easement for Public Utilities", South 00°07'00" West, 8.94 feet to the southwesterly line of said Lot 1;

Thence, along said southwesterly line, South 51°25'00" East, 12.77 feet to the point of beginning.

Containing 89 square feet more or less.

Mark R. Herrick

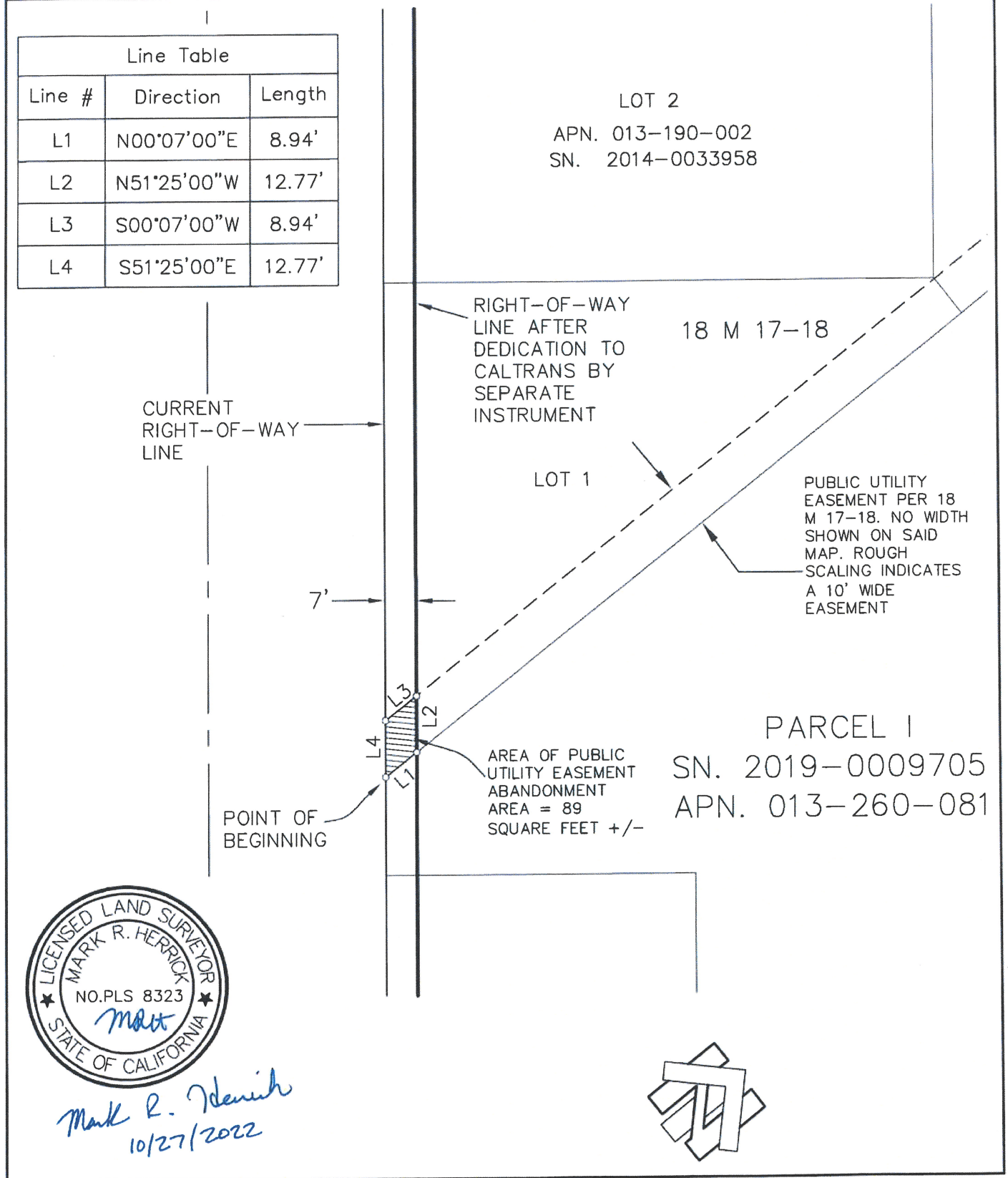
NorthStar
Mark R. Herrick, PLS 8323



10/27/2022

Date

Line Table		
Line #	Direction	Length
L1	N00°07'00"E	8.94'
L2	N51°25'00"W	12.77'
L3	S00°07'00"W	8.94'
L4	S51°25'00"E	12.77'



LICENSED LAND SURVEYOR
MARK R. HERRICK
NO.PLS 8323
STATE OF CALIFORNIA

Mark R. Herrick
10/27/2022

NORTHSTAR
111 MISSION RANCH BLVD SUITE 100, CHICO, CA 95926
PHONE: (530) 893-1600 www.northstareng.com

EXHIBIT B
OROVILLE HOSPITAL
PLAT DEPICTING PUBLIC UTILITY EASEMENT ABANDONMENT AREA

SCALE:	1" = 30'
JOB NO :	16-007
DATE:	10/27/2022
DRAWN BY:	MRH
CHECKED BY:	
SHEET NO :	1 OF 1

CITY OF OROVILLE
STAFF REPORT

TO: **OROVILLE CITY COUNCIL**

FROM: **LIZ EHRENSTROM, HUMAN RESOURCE MANAGER**

RE: **CONSIDER AND ADOPT THE SIDE LETTER AGREEMENTS BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEE'S ASSOCIATION, OROVILLE MANAGEMENT ASSOCIATION, OROVILLE POLICE OFFICER'S ASSOCIATION BOTH SWORN AND NON-SWORN TO EXTEND MEMORANDUM OF UNDERSTANDINGS TO DECEMBER 31, 2023**

DATE: **JULY 18, 2023**

SUMMARY
The City Council will consider and adopt the side letter agreements between the City of Oroville and the Oroville City Employee's Association (OCEA), the Oroville Management Association (OMA), the Oroville Police Officer's Association Sworn and Non-Sworn (OPOA-S) (OPOA-NS).

DISCUSSION

The Oroville City Employee's Association (OCEA), the Oroville Management Association (OMA), the Oroville Police Officer's Association Sworn and Non-Sworn (OPOA-S) (OPOA-NS) have agreed to an extension of their Memorandums of Understanding to December 31, 2023, to allow enough time to complete the citywide compensation study. The extensions include a one-time lump sum payment of $1,500 per employee and the extension of the side letter agreement approved by the city council on July 19, 2022, moving second-tier employees to first-tier salary schedule. Staff is recommending approval.

FISCAL IMPACT

Approximately $145,500

RECOMMENDATION

Adopt Resolution No 9161 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE-LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEES' ASSOCIATION; and

Adopt Resolution No 9162 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE LETTER

AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE MANAGEMENT ASSOCIATION; and

Adopt Resolution No. 9163 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE POLICE OFFICERS' ASSOCIATION, SWORN AND NON-SWORN

ATTACHMENTS

Resolution No. 9161
OCEA Side Letter Agreement

Resolution No. 9162
OMA Side Letter Agreement

Resolution No. 9163
OPOA Sworn and Non-Sworn Side Letter Agreement

CITY OF OROVILLE
RESOLUTION NO. 9161

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE-LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE CITY EMPLOYEES' ASSOCIATION

(Agreement No. 1432-18)

BE IT hereby resolved by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to execute a side-letter agreement between the City of Oroville and the Oroville City Employees' Association. A copy of the Amendment is attached hereto as Exhibit "A".

2. 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 July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Brian Ring, City Clerk

THE CITY OF OROVILLE
AND
THE OROVILLE CITY EMPLOYEES' ASSOCIATION
SIDE LETTER AGREEMENT
TO
JULY 1, 2023 – DECEMBER 31, 2023
MEMORANDUM OF UNDERSTANDING

Pursuant to the Meyers-Milias-Brown Act ("MMBA"), this Side Letter Agreement is entered into on July 18, 2023, between the City of Oroville ("City") and the Oroville City Employees' Association herein referred to as ("OCEA").

It is understood and agreed that the specific provisions contained in this Side Letter Agreement shall supersede any previous agreements, whether oral and written, regarding the matters contained herein. The parties have met and conferred in good faith and the OCEA and the City agree as follows:

The parties have agreed to extend the memorandum of understanding between the Oroville City Employee's Association and the City of Oroville to December 31, 2023, with the following provisions. (See highlighted provisions below):

- Single lump sum of $1,500 to be distributed the first full pay period following ratification.
- Side Letter Agreement dated July 25, 2022, to continue for the following provision: Effective the first full pay period immediately following ratification, the City shall move all employees from the second tier to the first tier at the same step (example: Step C of the second tier will be moved to Step C of the first tier).
- OCEA's MOU and all its terms shall remain in effect until Midnight on December 31, 2023, and these provisions herein shall sunset on this date, unless a successor MOU has been negotiated.

Both parties agree to the above provisions.

OROVILLE CITY EMPLOYEES' ASSOCIATION

Jamie McGuire

Jamie McGuire, OCEA President

Date: 7/13/23

CITY OF OROVILLE

Brian Ring, City Administrator

Date:

CITY OF OROVILLE
RESOLUTION NO. 9162

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE MANAGEMENT ASSOCIATION

(Agreement No. 3083-10)

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

1. The Mayor is hereby authorized and directed to execute a side letter agreement between the City of Oroville and the Oroville Management Association. A copy is attached hereto as Exhibit "A".

2. 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 July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Brian Ring, City Clerk

SIDE LETTER AGREEMENT
TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF OROVILLE
AND
OROVILLE MANAGER'S ASSOCIATION

PERIOD OF COVERAGE
JULY 1, 2023 – DECEMBER 31, 2023

Pursuant to the Meyers-Milias-Brown Act ("MMBA"), this Side Letter Agreement is entered into on July 18, 2023, between the City of Oroville ("City") and the Oroville Manager's Association herein referred to as ("OMA").

It is understood and agreed that the specific provisions contained in this Side Letter Agreement shall supersede any previous agreements, whether oral or written, regarding the matters contained herein. The parties have met and conferred in good faith and the OMA and the City agree as follows:

The parties have agreed to extend the memorandum of understanding between the Oroville Manager's Association and the City of Oroville to December 31, 2023, with the following provisions. (See highlighted provisions below):

- Single lump sum of $1,500 to be distributed the first full pay period following ratification.
- Side Letter Agreement dated July 25, 2022, to continue for the following provision: Effective the first full pay period immediately following ratification, the City shall move all employees from the second tier to the first tier at the same step (example: Step C of the second tier will be moved to Step C of the first tier).
- OMA's MOU and all its terms shall remain in effect until Midnight on December 31, 2023, and these provisions herein shall sunset on this date, unless a successor MOU has been negotiated.

Both parties agree to the above provisions.

OROVILLE MANAGERS' ASSOCIATION

Wade Atteberry, OMA President

Date: 7-11-23

CITY OF OROVILLE

Brian Ring, City Administrator

Date:_____

CITY OF OROVILLE
RESOLUTION NO. 9163

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF OROVILLE AND THE OROVILLE POLICE OFFICERS' ASSOCIATION, SWORN AND NON-SWORN

(Agreement No. 1447-14) (Sworn)
(Agreement No. 1448-13) (Non-Sworn)

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

Section 1. The Mayor is hereby authorized and directed to execute a side-letter agreement between the City of Oroville and the Oroville Police Officers' Association Sworn and Non-Sworn. A copy is attached hereto as Exhibit "A".

Section 2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Brian Ring, City Clerk

SIDE LETTER AGREEMENT
TO THE
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF OROVILLE
AND
OROVILLE POLICE OFFICER'S ASSOCIATION
(SWORN AND NON-SWORN)

PERIOD OF COVERAGE
JULY 1, 2023 – DECEMBER 31, 2023

Pursuant to the Meyers-Milias-Brown Act ("MMBA"), this Side Letter Agreement is entered into on July 18, 2023, between the City of Oroville ("City") and the Oroville Police Officers' Association herein referred to as ("OPOA")(Sworn and Non-Sworn).

It is understood and agreed that the specific provisions contained in this Side Letter Agreement shall supersede any previous agreements, whether oral or written, regarding the matters contained herein. The parties have met and conferred in good faith and the OPOA and the City agree as follows:

The parties have agreed to extend the memorandum of understanding between the Oroville Police Officer's Association, both sworn and non-sworn, and the City of Oroville to December 31, 2023, with the following provisions. (See provisions below):

- Single lump sum of $1,500 to be distributed the first full pay period following ratification.
- Side Letter Agreement dated July 25, 2022, to continue for the following provision: Effective the first full pay period immediately following ratification, the City shall move all employees from the second tier to the first tier at the same step (example: Step C of the second tier will be moved to Step C of the first tier).
- Shall commence with negotiations upon receipt of final report of the compensation study.
- OPOA's MOU and all its terms shall remain in effect until Midnight on December 31, 2023, and these provisions herein shall sunset on this date, unless a successor MOU has been negotiated.

Both parties agree to the above provisions.

OROVILLE POLICE OFFICERS' ASSOCIATION	CITY OF OROVILLE
Robert Olive, OPOA President	**Brian Ring, City Administrator**

Date:_____

Kristina Wicker-Estes

Date: 7/13/2023

Date:_____

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **CODY NISSEN, ACTING AIRPORT MANAGER**

RE: **FAA GRANT ACCEPTANCE FOR AIRPORT IMPROVEMENT PROGRAM (AIP) PROJECT NO. 3-06-0178-028-2023 AT OROVILLE MUNICIPAL AIRPORT AND STATE DEPARTMENT OF TRANSPORTATION AIP MATCHING GRANT**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider accepting a $262,800 AIP Grant offer from the Federal Aviation Administration (FAA) for the Oroville Municipal Airport and a State Department of Transportation AIP Matching grant in the amount of $13,140 for the Airport Layout Plan Update.

DISCUSSION

The City is anticipating receiving an Airport Improvement Plan grant offer from the FAA in the amount of $262,800 for Airport Layout Plan Update. The City receives these grant offers for various updates and maintenance to our airport on a nearly annual basis. As of 7/11/23 the City has received this offer with a deadline for authorized signatures of 7/24/23. It is requested that Council authorize the City Administrator and the City Attorney to sign this these documents accepting this grant offer for the ALP update.

FISCAL IMPACT

There is no impact to the general fund. A 10% grant match is required from the City's Airport Fund as is normally the case with FAA grants. An application will be made to CALTRANS for a 5% grant match that if successful, will result in the Airport Fund only needing to pay 5% which is $13,140. If the Caltrans does not provide a 5%, there are adequate funds in the Airport Fund to pay the 10% grant match of $26,280.

RECOMMENDATION

Adopt Resolution 9164 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, APPROVING THE ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION GRANT OFFER FOR AIRPORT IMPROVEMENT PROGRAM PROJECT NO. 3-06-0178-028-2023 AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE GRANT AGREEMENT.

Adopt Resolution 9165 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AUTHORIZING THE SUBMITTAL OF AN APPLICATION, ACCEPTANCE OF AN ALLOCATION OF FUNDS AND EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, FOR AN AIRPORT IMPROVEMENT PROGRAM (AIP) MATCHING GRANT

ATTACHMENTS

- Resolution No. 9164
- Federal Aviation Administration Grant Offer No. **3-06-0178-028-2023** for the Oroville Municipal Airport
- Resolution No. 9165

CITY OF OROVILLE
RESOLUTION NO. 9164

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, APPROVING THE ACCEPTANCE OF FEDERAL AVIATION ADMINISTRATION GRANT OFFER FOR AIRPORT IMPROVEMENT PROGRAM PROJECT NO. 3-06-0178-028-2023 AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN THE GRANT AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The City Council approves and accepts the Federal aviation administration grant offer for Airport Improvement Program Project 3-06-0178-028-023 and authorizes the City Administrator to sign and execute all documents.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

CITY OF OROVILLE
RESOLUTION NO. 9165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AUTHORIZING THE SUBMITTAL OF AN APPLICATION, ACCEPTANCE OF AN ALLOCATION OF FUNDS AND EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, FOR AN AIRPORT IMPROVEMENT PROGRAM (AIP) MATCHING GRANT

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The City Council authorizes the submittal of an application, acceptance of an allocation of funds and authorizes the City Administrator to sign and execute the grant agreement with the California Department of Transportation, for an Airport Improvement Program (AIP) Matching grant.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

U.S. Department of Transportation Federal Aviation Administration

Airports Division Western-Pacific Region California

San Francisco Airports District Office: 2999 Oak Road, Suite 200 Walnut Creek, CA 94597

July 11, 2023

Ms. Dawn Nevers
Public Works Director
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Dear Ms. Nevers:

The Grant Offer for Airport Improvement Program (AIP) Project No. 3-06-0178-028-2023 at Oroville Municipal Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the grant offer carefully.

You may not make any modification to the text, terms or conditions of the grant offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **July 24, 2023**.
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (Federal Payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date (1,460 days from the grant execution

date). We will be monitoring your progress to ensure proper stewardship of these Federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in "inactive" status if you do not make draws on a regular basis, which will affect your ability to receive future grant offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
    1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
    2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit FAA Form 5100-140, Performance Report within 30 days of the end of the Federal fiscal year.
- For construction projects, you must submit FAA Form 5370-1, Construction Progress and Inspection Report, within 30 days of the end of each Federal fiscal quarter.

Audit Requirements. As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR Part 200. Subpart F requires non-Federal entities that expend $750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Joanne Manson, (925) 546-6439, joanne.manson@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

Laurie J. Suttmeier
Laurie J. Suttmeier (Jul 11, 2023 09:21 PDT)

Laurie J. Suttmeier
Manager

U.S. Department
of Transportation
Federal Aviation
Administration

FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM

FY 2023 Airport Improvement Program (AIP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date	July 11, 2023
Airport/Planning Area	Oroville Municipal Airport
FY2023 AIP Grant Number	3-06-0178-028-2023
Unique Entity Identifier	EX91FLQMXKJ8

TO: City of Oroville
(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated April 7, 2023, for a grant of Federal funds for a project at or associated with the Oroville Municipal Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Oroville Municipal Airport (herein called the "Project") consisting of the following:

Update Airport Layout Plan (ALP) Narrative Report Study including Updated ALP Drawing Set and Aeronautical Survey

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (Public Law Number 115-254); the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L); the Consolidated Appropriations Act, 2022 (Public Law 117-103); Consolidated

Appropriations Act, 2023 (Public Law 117-328); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor's adoption and ratification of the Grant Assurances attached hereto; (b) the Sponsor's acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is $262,800.

   The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):
   $ 262,800 for planning;
   $ 0 airport development or noise program implementation; and,
   $ 0 for land acquisition.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

   a. Period of Performance:

      1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.

      2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods. (2 Code of Federal Regulations (CFR) § 200.1).

   b. Budget Period:

      1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the Period of Performance provided in paragraph (2)(a)(1). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period.

      2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR § 200.308.

c. Close Out and Termination

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the Period of Performance end date with the information available at the end of 120 days. (2 CFR § 200.344).
2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, 49 U.S.C. Chapters 471 and 475, the regulations, and the Secretary's policies and procedures. Per 2 CFR § 200.308, the Sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before July 24, 2023, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request,

all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.

11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**

    a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at http://www.sam.gov).

    b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at https://sam.gov/content/entity-registration.

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by $25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

    The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1, Maximum Obligation.

    The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

    An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this Grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.

17. **Build America, Buy America.** The Sponsor must comply with the requirements under the Build America, Buy America Act (Public Law 117-58).

18. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this Grant Offer:

    a. May not be increased for a planning project;

    b. May be increased by not more than 15 percent for development projects if funds are available;

    c. May be increased by not more than the greater of the following for a land project, if funds are available:

        1. 15 percent; or

        2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

    If the Sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 U.S.C. § 47110, or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

19. **Audits for Sponsors.**

    PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at http://harvester.census.gov/facweb/. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than $750,000 in Federal awards and are exempt from Federal audit requirements must make records available for review or audit by the appropriate Federal agency officials, State, and Government Accountability Office. The FAA and other appropriate Federal agencies may request additional information to meet all Federal audit requirements.

20. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

    a. Verify the non-Federal entity is eligible to participate in this Federal program by:

        1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or

        2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or

3. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.

b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.

c. Immediately disclose in writing to the FAA whenever (1) the Sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the Public Sponsor suspends or debars a contractor, person, or entity.

21. **Ban on Texting While Driving.**

a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.

2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

i. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

ii. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

22. **Trafficking in Persons.**

a. *Posting of contact information*.

1. The Sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.

b. *Provisions applicable to a recipient that is a private entity*.

1. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not:

i. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;

ii. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or

iii. Use forced labor in the performance of the Grant or any subgrants under this Grant.

2. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –

i. Is determined to have violated a prohibition in paragraph (a) of this Grant Condition; or

ii. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph (a) of this Grant Condition through conduct that is either –

a) Associated with performance under this Grant; or

b) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1200.

c. *Provision applicable to a recipient other than a private entity*. We as the Federal awarding agency may unilaterally terminate this Grant, without penalty, if a subrecipient that is a private entity –

1. Is determined to have violated an applicable prohibition in paragraph (a) of this Grant Condition; or

2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated an applicable prohibition in paragraph (a) of this Grant Condition through conduct that is either –

i. Associated with performance under this Grant; or

ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 1200.

d. *Provisions applicable to any recipient*.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a) of this Grant Condition.

2. Our right to terminate unilaterally that is described in paragraph (a) or (b) of this Grant Condition:

i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended [22 U.S.C. § 7104(g)], and

ii. Is in addition to all other remedies for noncompliance that are available to us under this Grant.

3. You must include the requirements of paragraph (a) of this Grant Condition in any subgrant you make to a private entity.

e. *Definitions*. For purposes of this Grant Condition:

1. "Employee" means either:

i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this Grant; or

ii. Another person engaged in the performance of the project or program under this Grant and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. "Force labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":

i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR § 175.25.

ii. Includes:

a) A nonprofit organization, including any nonprofit institute of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR § 175.25(b).

b) A for-profit organization.

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. § 7102).

23. **AIP Funded Work Included in a PFC Application.** Within 90 days of acceptance of this Grant Agreement, the Sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The airport sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.

24. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated 02/19/2014, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.

25. **Employee Protection from Reprisal.**

a. Prohibition of Reprisals

1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (a)(2) below, information that the employee reasonably believes is evidence of:

i. Gross mismanagement of a Federal grant;
ii. Gross waste of Federal funds;
iii. An abuse of authority relating to implementation or use of Federal funds;
iv. A substantial and specific danger to public health or safety; or

v. A violation of law, rule, or regulation related to a Federal grant.

2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:

i. A member of Congress or a representative of a committee of Congress;
ii. An Inspector General;
iii. The Government Accountability Office;
iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
v. A court or grand jury;
vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
vii. An authorized official of the Department of Justice or other law enforcement agency.

b. Investigation of Complaints.

1. Submission of Complaint. A person who believes that they have been subjected to a reprisal prohibited by paragraph (a) of this Condition may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.

2. Time Limitation for Submittal of a Complaint. A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

3. Required Actions of the Inspector General. Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).

c. Remedy and Enforcement Authority.

1. Assumption of Rights to Civil Remedy. Upon receipt of an explanation of a decision not to conduct or continue an investigation by the OIG, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c)(2).

26. **Prohibited Telecommunications and Video Surveillance Services and Equipment.** The Sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [Public Law 115-232 § 889(f)(1)] and 2 CFR § 200.216.

27. **Critical Infrastructure Security and Resilience.** The Sponsor acknowledges that it has considered and addressed physical and cybersecurity and resilience in their project planning, design, and oversight, as determined by the DOT and the Department of Homeland Security (DHS). For airports that do not have specific DOT or DHS cybersecurity requirements, the FAA encourages the voluntary adoption of the cybersecurity requirements from the Transportation Security Administration and Federal Security Director identified for security risk Category X airports.

SPECIAL CONDITIONS

28. **Consultant Contract and Cost Analysis.** The Sponsor understands and agrees that no reimbursement will be made on the consultant contract portion of this Grant until the FAA has

received the consultant contract, the Sponsor's analysis of costs, and the independent fee estimate.

29. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.[1]

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

Laurie J. Suttmeier
Laurie J. Suttmeier (Jul 11, 2023 09:21 PDT)

(Signature)

Laurie J. Suttmeier

(Typed Name)

Manager, SFO-ADO

(Title of FAA Official)

[1] Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.[2]

Dated _____

City of Oroville
(Name of Sponsor)

_____
(Signature of Sponsor's Authorized Official)

By: _____
(Typed Name of Sponsor's Authorized Official)

Title: _____
(Title of Sponsor's Authorized Official)

[2] Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, , acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of California. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (Public Law Number 115-254); the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L); the Consolidated Appropriations Act, 2022 (Public Law 117-103); Consolidated Appropriations Act, 2023 (Public Law 117-328); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.[3]

Dated at _____

By: _____
(Signature of Sponsor's Attorney)

[3] Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES
PLANNING AGENCY SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

a. 49, U.S.C., subtitle VII, as amended.
b. Federal Fair Labor Standards Act - 29 U.S.C. § 201, et seq.
c. Hatch Act – 5 U.S.C. § 1501, et seq.[1]
d. Rehabilitation Act of 1973 – 29 U.S.C. § 794
e. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
f. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
g. Age Discrimination Act of 1975 - 42 U.S.C. § 6101, et seq.
h. Single Audit Act of 1984 - 31 U.S.C. § 7501, et seq.[1]
i. Drug-Free Workplace Act of 1988 - 41 U.S.C. § 8101 through 8105.
j. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Public Law 110-252).
k. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

a. Executive Order 12372 - Intergovernmental Review of Federal Programs

b. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency

c. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

d. Executive Order 13988 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation

e. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America's Workers

f. Executive Order 14008 - Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).

b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.[3, 4]

c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.

d. 14 CFR Part 13 – Investigative and Enforcement Procedures.

e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.

f. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.

g. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.

h. 49 CFR Part 20 – New Restrictions on Lobbying.

i. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.

j. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

k. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.

l. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.

m. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

FOOTNOTES TO ASSURANCE C.1.

[1] These laws do not apply to private sponsors.

[2] 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall

apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

[3] Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

[4] Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

2. Responsibility and Authority of the Sponsor.

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States.

4. Preserving Rights and Powers

It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary

5. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies in the planning area.

6. Accounting System, Audit, and Record Keeping Requirements

a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

7. Planning Projects

In carrying out planning projects:

a. It will execute the project in accordance with the approved program narrative contained in the project application or with modifications similarly approved.

b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.

c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.

d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

f. It will grant the Secretary the right to disapprove the Sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.

g. It will grant the Secretary the right to disapprove the use of the Sponsor's employees to do all or any part of the project.

h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not mean constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

8. Reports and Inspections.

It will submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request.

9. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4; creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this grant.

a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

b. Applicability

1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language.

It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The (**City of Oroville**), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award."

e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.

4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

    a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

    b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

10. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

11. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

12. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary.

13. Disadvantaged Business Enterprises.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR - ADMINISTRATIVE SERVICES**

RE: **DOWNTOWN OROVILLE BUSINESS IMPROVEMENT DISTRICT ANNUAL BUDGET**

DATE: **July 18, 2023**

SUMMARY

The Council may receive the 2023-24 annual budget for the Downtown Oroville Business Improvement District (BID).

DISCUSSION

Pursuant to section 5.06.100 of Ordinance – No. 1839 the Council shall receive the annual budget for the Oroville Downtown Business Association for review and approval.

FISCAL IMPACT

None

RECOMMENDATION

Review and approve FY 2023/24 Business Improvement District budget.

ATTACHMENTS

BID annual budget for 2023/24
Ordinance No. 1839

Oroville Downtown Business Association Annual Budget

ODBA Mission: Downtown Oroville works to promote the prosperity of downtown businesses through an ongoing program of promotional events, digital marketing efforts, and tourism marketing initiatives as a riverfront location, and improvements to the downtown environment.

Annual Budget for 2023/2024 (based on 2022/2023 actuals)

$24,900 Total Membership Income
$14,940 Marketing (60% of Membership Income)
$9,960 Beautification (40% of Membership Income)

Additional Funds Needed:
$51,000 estimated (see below) minus $14,940 (from Marketing 60%) = $30,000 needed (raised through sustainable sponsorships, events, and grants)

Marketing Budget	Annually
Marketing, Admin, Communications	$24,000
Social Media	$21,000
*Event Coordinator	$3,500
*Event Coordinator/Booth	$2,500
	$51,000

*Event Coordinator and Events Administrative/Booth funded for 2023 through Oroville Tourism 2023 Marketing partnership EBC Sponsorship.

Marketing Efforts (Advertising, Promotion, Booth, and Events) 60%: $14,940

- Website: Update member business web pages, events, management, and hosting.
- Social Media shared posts of all BID members, boost posts, and engagement.
- Downtown Oroville Welcome Booth: First Friday Events and Special Events.
- Print Collateral: Posters, Maps, Counter Card Flyers, Banners.
- Press: Press Release and phone interviews with Oroville MR.
- Email Blast: Monthly email with news, meeting info, and events.
- Event Coordinator

Beautification Efforts 40%: $9,960

This year we're focusing on maintenance from previous Beautification projects: flags, banners, new strings and bulbs, light pole paint touch-up, etc.

ORDINANCE NO. 1839

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, ADDING CHAPTER 5.06 TO THE OROVILLE MUNICIPAL CODE ESTABLISHING THE DOWNTOWN OROVILLE BUSINESS IMPROVEMENT DISTRICT.

RECITALS

WHEREAS, on February 19, 2019, the City Council of OROVILLE, on behalf of the City of OROVILLE, (the "City"), adopted a Resolution of Intent (the "Resolution"), declaring its intention to establish a Parking and Business Improvement District (hereinafter referred to as the "District"), to levy a benefit assessment on all businesses, trades, professions, and vendors within said District, the proceeds of which shall be used for the public purposes herein described to benefit the businesses in the District, pursuant to the Parking and Business Improvement Area Law of 1989, Part 6 (commencing with Section 36500) of Division 18 of the California Streets and Highways Code (the "Act"); and,

WHEREAS, pursuant to the Act and the Resolution, City conducted a public hearing, after having given due notice thereof as required by law, on March 19, 2019, at Council Chambers at City Hall, located at 1735 Montgomery Street, Oroville, CA 95965; and,

WHEREAS, said public hearing has been held and the City Council has heard and considered all oral and written protests and other comments regarding such proposed actions; and,

WHEREAS, protests in writing from businesses in the proposed District paying 50% or more of the proposed assessment have not been received by April 9, 2019; and,

WHEREAS, this City Council has now determined to establish the proposed District as a Parking and Business Improvement Area, to provide for the imposition of a benefit assessment and to adopt an ordinance to such effect; and,

WHEREAS, in the opinion of this City Council, the businesses within the District will be benefited by the expenditure of the funds raised by the assessments levied hereby in the manner prescribed herein; and,

WHEREAS, this City Council may, for each of the purposes set forth in Section 36510 & 36513 of the Act, establish one or more separate benefit zones based upon the degree of benefit derived from the formation of the District, and may impose a tiered assessment or charge within each of the benefit zones; and,

WHEREAS, all provisions of the Act applicable to the establishment, modification, or disestablishment of a District shall apply to the establishment, modification, or disestablishment of benefit zones pursuant to the Act, and the establishment or the modification of any benefit zone shall follow the same procedure as provided for under the establishment of a Parking and

Business Improvement District; and the disestablishment of a benefit zone shall follow the same procedure as provide for disestablishment of a District; and,

WHEREAS, upon the request of the District Board of Directors, this City Council shall commence the proceedings required by law to amend the boundaries, assessments or charges established pursuant to this Ordinance subject to approval of the Board of Directors of the District as expressly provided for herein; said modifications being made pursuant to the procedural requirements of the Act, but no assessment or charge shall be modified which would impair the ability of the District to meet the obligations of a contract to construct or operate physical improvements or to market or conduct events in the District; and,

WHEREAS, adjustments may be made in the assessments or charges to businesses in the District, or in the uses to which the revenue shall be put, as specified in this Ordinance and subject to Board approval, provided such changes are approved by the District Board of Directors and are made by a supplemental Ordinance adopted after a hearing before the City Council; and,

WHEREAS, for purposes of the assessments or charges to be imposed pursuant to this Ordinance, this City Council may make a reasonable classification of businesses, giving consideration to various factors, including general benefit to businesses and the degree of benefit received from District programs; and,

WHEREAS, the assessments or charges levied on businesses pursuant to this Ordinance shall, to the maximum extent feasible, be levied on the basis of the estimated benefit to the businesses within the District.

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

SECTION 1. CHAPTER 5.06 is hereby added to the OROVILLE Municipal Code to read as follows:

CHAPTER 5.06 – DOWNTOWN OROVILLE BUSINESS IMPROVEMENT DISTRICT.

Sections:

5.06.010 Definitions
5.06.020 Establishment of Boundaries
5.06.030 Establishment of District Board of Directors
5.06.040 Establishment of Benefit Assessment
5.06.050 Purpose and Use of Benefit Assessments
5.06.060 Exclusions From Benefit Assessment
5.06.070 New Business Assessment Waiver
5.06.080 Collection of Benefit Assessment
5.06.090 Voluntary Contributions To District
5.06.100 Annual Budget Process
5.06.110 Decisions Regarding Expenditure of Funds

5.06.120 District Proceeds Do Not Offset City Services
5.06.130 Disestablishment of the District

5.06.010 Definitions. To distinguish between District businesses and for the purpose of calculating and applying the amount of assessments owed, the following definitions shall apply:

(a) Retail Businesses: "Retail Businesses" include all businesses not covered by other definitions set out in this section, at least fifty percent (50%) of whose gross income is derived from "retail sales" as that term is defined under the California Sales and Use Tax Law. The fact that a substantial part of its business consists of sales other than retail sales does not exclude said business from this classification so long as such other business component does not account for more than fifty percent (50%) of said business' gross income;

(b) Restaurants: "Restaurant" businesses include cafes, eating establishments, sandwich shops, dinner houses, restaurants and fast food services and other similar businesses;

(c) Sales and Service: "Sales and Service" businesses include businesses that combine retail and product services. Examples are appliance stores, most automotive-oriented businesses, repair shops, repairing and servicing businesses and service stations. Other businesses of a general service-type nature such as personal care salons, lodging, general office, news and advertising media, printers, renting and leasing businesses, utilities, vending machine businesses, household finance companies, entertainment businesses and other similar businesses not otherwise included in categories a, b, d, or e are included in this section;

(d) Professional: "Professional" includes attorneys, architects, accountants, engineers, surveyors, physicians, dentists, optometrists, chiropractors and others in a medical / health service field, consultants, real estate brokers, financial advisors, laboratories (including dental and optical), hearing aid services, artists, photographers and designers.

(e) Financial: Banks, savings & loans, credit unions, etc.

(f) Fiscal Year: "Fiscal Year" means July 1st to and including June 30th of the following calendar year.

(g) Billing Period: "Billing Period" shall refer to the fiscal year, commencing July 1 of the initial year and each and every year thereafter unless disestablished per Section 1 paragraph 14.0 of this Ordinance.

5.06.020 Establishment of Boundaries. A Parking and Business Improvement District is hereby established pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the District and the benefit zones within the District shall be as set forth on Exhibit "A", attached hereto and incorporated herein by reference. This District shall be known as the **"Downtown Oroville Business Improvement District," (the "District")**.

5.06.030 Establishment of District Board of Directors. There shall be a Board of Directors ("Board") of the District to administer the affairs of the District. Said Board shall be constituted of businesses within the District. Within the Board there shall be a President, Vice-President, Secretary and Treasurer elected by the membership, and such other officers as deemed necessary by the Board. Such other officers shall be appointed by the Board of Directors at their discretion. All voting within the District regarding election of Board Members and any actions regarding the normal and routine conducting of District Business shall be based on one (1) vote per assessed dollar, and said business must be current in payment of their District assessment(s) to participate in such votes.

5.06.040 Establishment of Benefit Assessment. All businesses, trades, and professionals located within the District shall, commencing July 1, 2019, pay a annual benefit assessment to the District in the following amounts:

Zones of Benefit:		Zone A	Zone B
Retailers and restaurants	(Small)	$250	$150
	(Large)	$350	$150
Service Businesses		$200	$100
Professional Businesses		$200	$100
Financial		$500	$500

A) The average benefit assessment is $196.37 per year

B) Zones of benefit are determined by the Map in Exhibit A of the Resolution of Intent.

C) Size category is determined by number of full-time employees as follows:

- Small is 1-3 full-time employees including Owner
- Large is 4 or more full-time employees including Owner.

D) Business type definitions are as follows:

- **Retail and Restaurant:** Businesses that buy and resell goods, examples are clothing stores, shoe stores, office supplies as well as businesses that sell prepared foods.
- **Service Businesses:** Businesses that sell services. Examples are beauty and barber shops, repair shops, most automotive-oriented businesses, lodging businesses, entertainment businesses such as theaters, etc.
- **Professional Businesses:** Includes Architects, Engineers, Attorneys, Dentists,

Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

• **Financial Institutions:** Includes banking and savings and loan institutions as well as credit unions, etc.

5.06.050 Purpose and Use of Benefit Assessments. The types of improvements and activities proposed to be funded by the levy of assessments on businesses in the District are to be determined by the Board of Directors of the ODBA, but initially 40% to Civic Beautification and Signage Programs and 60% to Commercial Marketing and Special Events, generally as follows:

a. The acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following improvements:

(1) Benches;
(2) Trash receptacles;
(3) Decorations;
(4) Facade improvements;
(5) Permanent landscaping

b. Activities including but not limited to the following:

(1) promotion of public events which benefit businesses in the area and which take place on or in public places within the area;
(2) Furnishing of music in any public place in the area;
(3) Any other activities which benefit businesses located and operating in the area, including but not limited to downtown markets, commercial marketing, advertising and promotional programs.

5.06.060 Exclusions From Benefit Assessment. No person or business within the District shall be required to pay an assessment based on: (a) a residential use of the property within the District, or (b) a non-profit organization as defined by Section 501 (C) (3) or (C) (6) of the Internal Revenue Service Code.

5.06.070 New Business Assessment Waiver. Any new business established within the District shall not be required to pay an assessment for the Billing Period during which said business is initiated. The business will have been considered initiated on the date of issuance of the business license. This waiver shall not apply to an existing business that has changed ownership or location within the District. City agrees to supply the District with timely information regarding new businesses initiated within the District.

5.06.080 Collection of Benefit Assessment. The benefit assessment authorized by Section 5.06.040 for Oroville businesses shall be billed each calendar year on January 1, and collected on July 1. The City will bill and collect the assessments, at no charge to the District and forward all funds collected to the District within 30 days of collection.

5.06.090 Voluntary Contributions To District. Contributions to the District shall be permitted on a voluntary basis. The boundary of the District shall not be modified as a result of the contribution. Said contributing business may be considered a member of the District for voting or other purposes upon approval by the board of directors. However, said business making a voluntary contribution may be entitled to participate in the programs of the District upon a finding by the Board of Directors that the District derives a benefit from said business' participation in the program.

5.06.100 Annual Budget Process. Pursuant to the Act, it shall be necessary for the District Board of Directors to present an annual budget for City Council review and approval prior to the beginning of each Fiscal Year. The purpose of this process is to comply with the Act provisions regarding public notice and hearing prior to establishing the benefit assessments for the following Fiscal Year. City shall not adopt, modify or otherwise amend any Fiscal Year budget of the District that is inconsistent in any way with said Fiscal Year's budget as agreed to and presented by the District Board of Directors except in the case of a written majority protest (regarding elimination or modification of any specific budget item) from business owners which will pay 50% or more of the assessments proposed to be levied as to any specific budget item pursuant to GC Section 36525 (b). In such case the written protest regarding any specific budget item shall be grounds to eliminate or modify said expenditure from the District's proposed budget pursuant to the written protest.

5.06.110 Decisions Regarding Expenditure of Funds. As provided for within the guidelines of Streets and Highways Code Section 36500 et seq. (SB 1424 - Parking & Business Improvement Law of 1989, Chapter 2), decisions of the District Board of Directors regarding expenditure of all funds generated under this program shall be final.

5.06.120 District Proceeds Do Not Offset City Services. City specifically finds and declares that the funds derived from the District shall not be used to offset or diminish current maintenance, capital improvement programs, including but not limited to, public property and sidewalk cleaning, street cleaning and maintenance, tree maintenance, restroom cleaning and maintenance. The City declares its intent to provide at least the same level and standard of maintenance and repair of public property within the District providing City funds are available from year to year.

5.06.130 Disestablishment of the District. Proceeding to disestablish the District shall be initiated by the City Council following the presentation of a petition to the City Council signed by business owners paying 50% or more of the assessments levied in the District. Proceedings to disestablish the District shall follow the procedures set forth in GC Section 36550. The City Council shall disestablish the District if, following the public hearing prescribed in Section 36550 (b), written protests are not withdrawn as to reduce the protests below the 50% level. In the event of disestablishment of the District, remaining revenues of the District shall be refunded to paying business owners in a pro-rata manner calculated in the same manner as was used to establish the most recent assessments applied in the District.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 3. The City Clerk shall attest to the adoption of this Ordinance and cause same to be published in the manner required by the City Charter.

This Ordinance shall take effect on the 30th day after its adoption.

PASSED AND ADOPTED by the Oroville City Council at an regular meeting held on this 7th day of May, 2019, by the following vote:

YES:

NOES:

ABSTAIN:

ABSENT:

_____
Chuck Reynolds, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **AMY BERGSTRAND, BUSINESS ASSISTANCE AND HOUSING DEVELOPMENT DIRECTOR**

RE: **PRESENTATION TO UPDATE COUNCIL ON THE MISSION ESPERANZA PALLET SHELTER PROJECT**

DATE: **JULY 18, 2023**

SUMMARY

The Council will receive a presentation from Suzi Kochems, City consultant, regarding the status of the Mission Esperanza Project.

DISCUSSION

Suzi Kochems, from SiLK Consulting, consultant to the City of Oroville will present information regarding the Mission Esperanza Project. Mrs. Kochems will provide Council with the status of the project, timeline and budget updates, as well as project successes and challenges to date.

FISCAL IMPACT

None currently

RECOMMENDATION

Receive presentation.

ATTACHMENTS

None

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **AMY BERGSTRAND, BUSINESS ASSISTANCE AND HOUSING DEVELOPMENT DIRECTOR**
BRIAN RING, CITY ADMINISTRATOR

RE: **REQUEST OF LOCAL FISCAL RECOVERY FUNDING TO SUBSIDIZE THE MISSION ESPERANZA PROJECT**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider allocating up to $750,000 in Local Fiscal Recovery funding to supplement the Mission Esperanza construction costs.

DISCUSSION

Since the time of the Encampment Resolution Grant application in December 2021 and the construction bid receipt in June 2023, the impacts of the pandemic have been realized and costs for labor, goods, materials, and supplies have significantly increased.

The current project budget is anticipated to be more than $7M. City received an Encampment Resolution Funding (ERF) grant award of $2.7M, the Oroville Rescue Mission is contributing $1.1M of in-kind funding, and the County's American Rescue Plan funding of $500,000. The City has applied for an additional $1.7M in ERF Round 2 funding and if awarded, will leave the project budget short approximately $750K.

Staff is requesting the Council authorize the usage of up to $750K in Local Fiscal Recovery funding to help ensure that the project has adequate funding to support the required capital improvements to make the overall project viable.

FISCAL IMPACT

Reduction of available Local Fiscal Recovery funds of up to $750,000, currently at approximately $3M.

RECOMMENDATION

Authorize the allocation of $750,000 of Local Fiscal Recovery funding to subsidize the Mission Esperanza Project.

ATTACHMENTS

None

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **AMY BERGSTRAND, BUSINESS ASSISTANCE AND HOUSING DEVELOPMENT DIRECTOR**
BRIAN RING, CITY ADMINISTRATOR

RE: **CONTRACT WITH BUTTE CONSTRUCTION COMPANY FOR MISSION ESPERANZA PALLET SHELTER DEVELOPMENT PROJECT**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider accepting the proposal from Butte Construction Company and consider approval of a project contract for the Mission Esperanza (Low-barrier Navigation Center and Shelter) Development.

DISCUSSION

In October 2021, the California Homeless Coordinating and Financing Council released a request for application for Encampment Resolution Funding with applications due in December of 2021. This funding was established to assist local jurisdictions initiate innovative and replicable efforts to resolve encampment concerns and to support individuals in accessing safe and stable housing. In December 2021, the City partnered with the Oroville Rescue Mission to submit an application that would address the needs of a known encampment in the city.

On October 27, 2022, the City of Oroville was awarded $2,733,374.11 in Encampment Resolution Funding (ERF-2-L) Program grant funds from the California Interagency Council on Homelessness (Cal ICH). The project is titled “Mission Esperanza”.

On May 8, 2023, a Request for Proposals (RFP) was published and posted for the preparation of engineered drawings and construction of the site to convert the existing shop building into an intake/navigation center, office space, and congregate shelter, grade and prepare pads to erect (15) non-congregate (pallet shelters) and (5) ADA accessible pallet shelters, (15) pads for phase two pallet shelters, and the installation of utilities and infrastructure to accommodate all upgrades to the facility to accommodate up to 105 persons in non-congregate and congregate interim shelter.

A mandatory walk through of the site was held on May 19, 2023, with four contractors in attendance. The RFP closed on June 5, 2023, at 2:00 pm with two contractors submitting proposals for the requested work.

Butte Construction Company is proposing to complete the requested work for the total estimated amount of $2,180,000.00, plus a 10% contingency will be budgeted for unforeseen issue, additions, etc., bringing the total contract to $2,398,000.

There were two alternatives identified for this project; 1) rehabilitate and repair perimeter fence at $186,762.00, and 2) relocate the women's restroom to the southeast corner of the building for $15,363.00, totaling $202,125.00 in alternatives. Both alternatives are desirable; however, funding is not sufficient to cover the costs at this time. Staff would like council to authorize the City Administrator the authority to modify the contract to include these items if we are funded under the ERF-2-R Standard Agreement.

Since the time of the grant application in December 2021 and the time of bid receipt in June 2023, the impacts of the pandemic have been realized and costs for labor, goods, materials, and supplies have significantly increased. Additionally, the availability and capacity for skilled labor and professional services has diminished, extending the timeline for the project out farther than originally anticipated. This project is an investment in the City's crisis response system that will be able to address the needs of the unsheltered population for many years to come.

FISCAL IMPACT

The funds in the amount of $2,398,000 (for base bid of $2,180,000, and 10% contingency $218,000) will come from Account No. 5213-6360-Outside Services, Fund 152 (Planning Grants) additionally, $500,000 of ARPA funding from Butte County will supplement the budget for construction.

RECOMMENDATION

1. Approve Res. No. 9147 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE CONSTRUCTION COMPANY, AND AUTHORIZING BUTTE CONSTRUCTION COMPANY TO COMPLETE THE PROPOSED MISSION ESPERANZA PROJECT IN THE AMOUNT OF $2,180,000 AND A 10% CONTINGENCY IN THE AMOUNT OF $218,000 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

2. Authorize the City Administrator to modify or amend the Butte Construction Company contract to include the alternatives in the amount of $202,125 if funding becomes available at a later date.

ATTACHMENTS

1. Resolution No. 9147
2. Project Contract No. 3163 with Attachments
3. Bid for Pallet Shelter Construction
4. Bid Opening Summary

CITY OF OROVILLE
RESOLUTION NO. 9147

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE CONSTRUCTION COMPANY AUTHORIZING BUTTE CONSTRUCTION COMPANY TO COMPLETE THE PROPOSED MISSION ESPERANZA PROJECT IN THE AMOUNT OF $2,180,000 AND A 10% CONTINGENCY IN THE AMOUNT OF $218,000 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT FOR A TOTAL PROJECT AMOUNT OF $2,398,000.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to sign and accept the proposal from Butte Construction Company, authorizing Butte Construction Company to compete the proposed Mission Esperanza Project in the amount of $2,180,000 and a 10% contingency in the amount of $218,000 should any deficiencies be discovered during the project for a total amount of $2,398,000.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

PROJECT CONTRACT

THIS PROJECT CONTRACT (the "contract" or "Contract"), is made and entered into this 18th day of July, 2023, by and between City of Oroville (referred to herein as the "Owner" or the "City") and Butte Construction Company (the "Contractor").

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

1) THE CONTRACT DOCUMENTS.

The complete contract is comprised of and may or may not include: Invitation for Bids; Information for Bidders; Bid Schedule; Proposal Form; Bidder's Bond; Contract; General Conditions; Special Provisions; Technical Provisions; Payment Bond; Performance Bond; Notice of Award; Notice to Proceed; Change Orders; Supplemental Drawings Issued; Drawings; Specifications and Contract Documents; All addenda or bulletins issued during the time of bidding or forming a part of the documents loaned to the bidder for preparation of the bid; The complete plans and provisions, regulations, ordinances, codes, and laws incorporated therein or herein by reference or otherwise applicable to the Project.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are hereinafter referred to collectively as the Contract Documents.

2) THE WORK.

Contractor agrees to furnish all tools, apparatus, facilities, equipment, labor and materials (except that specifically mentioned as being furnished by others) necessary to perform and complete the work in a "good and workmanlike manner" as called for, and in the manner designated in, and in strict conformity with the Plans, Detail Specifications, and other Contract Documents which are identified by the signatures of the parties to this Contract and are, collectively, entitled:

MISSION ESPERANZA PALLET SHELTER
DEVELOPMENT PROJECT

3) CONTRACT PRICE.

The City agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the following compensation: $2,180,000. In no event shall Contractor's compensation exceed the amount of $2,180,000, without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects in Consultant's services, even if such defects were known to the City at the time of payment.

For the purpose of fixing the amount of bonds referred to in the Instructions to Bidders, it is estimated by both Parties that the total contract price shall be based on the Contractor's Base Bid amount.

4) DISPUTES PERTAINING TO PAYMENT FOR WORK.

Should any dispute arise respecting the true value of any work done or any work omitted, or of any extra work which the Contractor may be required to do, or respecting the size of any payment to the Contractor during the performance of this Contract, the dispute shall be informally mediated between the parties. Following such mediation, either party may file an action exclusively in the Butte County Superior Court or in the United States District Court, Eastern District of California. Under no condition shall there be a cessation of work by the Contractor during any such dispute. This article does not exclude recovery of damages by either party for delays.

5) PAYMENT.

Not later than the 20th day of each calendar month, the Contractor shall make a partial payment request to the City on the basis of an estimate approved by the Engineer of the work performed since the last partial payment request during the preceding month by the Contractor with five percent (5%) of the amount of each such estimate retained by the City, until completion of the Project and the recordation of a Notice of Completion of all work covered by this Contract. The City shall make any partial payments provided for in this contract to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor. The City shall pay the Contractor interest on the amount of any portion of a partial payment, excluding retention amounts, not made to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor at the legal rate set forth in California Code of Civil Procedure Section 685.010. Upon receipt of a partial payment request from the Contractor, the City shall review the partial payment request for the purpose of determining whether or not the partial payment request is a proper partial payment request. Any partial payment request determined by the City not to be a proper partial payment request suitable for payment shall be returned to the Contractor by the City within 14 days of the City's receipt of such partial payment request. A partial payment request returned to the Contractor by the City under the provisions of this section shall be accompanied by a written document setting forth the reason(s) why the partial payment request is not proper. The number of days for the City to make a certain partial payment provided for in this Contract, without incurring interest pursuant to this section, shall be reduced by the number of days by which the City exceeds the 14 day return period for such partial payment request, if determined to be improper, as set forth in this section. For the purposes of this section, a "partial payment" means all payments due to the Contractor under this contract, exclusive of that portion of the final payment designated as retention earnings. Also, for the purposes of this section, a partial payment request shall be considered properly executed by the City, if funds are available to pay the partial payment request and payment is not delayed due to an audit inquiry by the City's financial officer. The City will release Contractor's retention earnings within 45 days after recordation of Notice of Completion, as defined in California Civil Code Section 3093. Recordation of a Notice of

Completion for the Project by the City shall constitute the City's acceptance of the Project work.

6) TIME FOR COMPLETION.

All work under this contract shall be completed within a period of 130 working days from the date of the Contractor's receipt of a Notice to Proceed from the City.

7) EXTENSION OF TIME.

If the Contractor is delayed by acts of negligence of the City, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts, fire, unavoidable casualties, documentable delays in delivery of materials, review by outside agencies, or any causes beyond the Contractor's control, or by delay authorized by the City, or by any justifiable cause which the Engineer shall authorize, then the Contractor shall make out a written claim addressed to the City setting forth the reason for the delay and the extension of the time requested and forward a copy of the claim to the Engineer for approval. The Engineer will evaluate the claim and if the claim is justifiable, will request the City's approval. No such extension will be allowed unless written claim therefore has been made within 3 days after the delay became apparent.

If the Contractor fails or refuses to complete the work within the time specified, including authorized extensions, there shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages the sum of Five Hundred Dollars ($500.00) for each calendar day subsequent to the time specified for each project and the time the work is actually completed and accepted. Delays caused by adverse weather conditions or conditions for which the Owner is clearly responsible will be added to the contract time.

8) LABOR PROVISIONS.

The project is subject to both federal and state prevailing wages. The Contractor shall pay laborers the higher of either the federal or state prevailing wage rate determination for the trades to be utilized. The contractor and all subcontractors on the project shall complete electronic reporting of prevailing wage rate reports through the Department of Industrial Relations, with copies of such reports to be provided to the City.

9) CONTRACT WORK HOURS AND SAFETY STANDARDS REQUIREMENTS.

As used in the following provision, the term "laborers" and "mechanics" include watchmen and guards.

a. Overtime Requirements. Neither the Contractor nor any subcontractor contracting for any part of the Project which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic

rate of pay for all hours worked in excess of forty hours in such workweek, whichever is greater.

b. Violation; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of the clause set forth in paragraph a. above, the Contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, the Contractor and subcontractor shall be liable to the City for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph a. above, in the sum of $3,000 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a. above.

c. Withholding for Unpaid Wages and Liquidated Damages. The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same Contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph b. above.

d. Working conditions. Neither the Contractor nor any subcontractor may require any laborer or mechanic employed in the performance of any contract to work in surroundings or under working conditions that are unsanitary, hazardous or dangerous to his health or safety as determined under construction safety and health standards (29 CFR Part 1926) issued by the Department of Labor.

e. Subcontracts. The Contractor and any subcontractor shall insert in any subcontracts the clauses set forth in paragraphs a. through d. and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs a. through d.

10) NONDISCRIMINATION.

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

11) DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PROVISIONS.

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The Contractor agrees to pay each subcontractor under this contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the Contractor receives from City. The Contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontractors.

12) CIVIL RIGHTS.

The Contractor assures that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This Provision binds the Contractor from the bid solicitation period through the completion of the contract. This provision shall be inserted in all subcontracts, subleases and other agreements at all tiers.

13) SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENTS OF MATERIALS AND EQUIPMENT.

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

14) INFORMATION AND REPORTS.

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the City and shall set forth what efforts it has made to obtain the information.

15) SANCTIONS FOR NONCOMPLIANCE.

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

16) INSPECTION OF RECORDS.

The Contractor shall maintain an acceptable cost accounting system. The City, the Federal Aviation Administration, the Comptroller General of the United States or any of their duly authorized representatives shall have access to any books, documents, paper, and records of the Contractor which are directly pertinent to this Contract or the Project for the purposes of making an audit, examination, excerpts, and transcriptions. The Contractor shall maintain all required records for 3 years after the City makes final payment and all other pending matters are closed.

17) RIGHTS IN INVENTIONS.

All rights to inventions and materials, if any, generated under this contract are subject to regulations issued by the City. Information regarding these rights is available from the City.

18) BREACH OF CONTRACT TERMS.

Any violation or breach of terms of this Contract on the part of the Contractor or its subcontractors may result in the suspension or termination of this Contract or such other action that may be necessary to enforce the rights of the City under this Contract. The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.

19) TERMINATION OF CONTRACT BY CITY

a. The City may, by written notice, terminate this Contract in whole or in part at any time, either for the City’s convenience or because of the Contractor’s failure to fulfill its contract obligations. Upon receipt of such notice, services shall be immediately discontinued (unless the notice directs otherwise) and all materials as may have been accumulated in performing this Contract, whether completed or in process, delivered to the City.

b. If the termination is for the convenience of the City, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

c. If the termination is due to failure to fulfill the Contractor's obligations, the City may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Contractor shall be liable to the City for any additional cost occasioned to the City thereby.

d. If, after notice of termination for failure to fulfill contract obligations, it is determined that the Contractor had not so failed, the termination shall be deemed to have been affected for the convenience of the City. In such event, adjustment in the contract price shall be made as provided in the second paragraph of this clause.

e. The rights and remedies of the City provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

20) INCORPORATION OF PROVISIONS.

The Contractor shall include the provisions of this contract in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations of directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the City to enter into such litigation to protect the interests of the City and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

21) CONTRACTOR CLAIMS OF $375,000 OR LESS.

Claims by the Contractor relating to the Project for (a) a time extension, (b) money or damages arising from work done by, or on behalf of, the Contractor on the Project for which payment is not expressly provided for or to which the Contractor is not otherwise entitled, or (c) an amount that is disputed by the City, with a value of $375,000 or less, are subject to the claims procedures set forth in California Public Contract Code Sections 20104, et seq., except as otherwise provided in this Contract and the incorporated documents, conditions and specifications.

22) LOBBYING AND INFLUENCING FEDERAL EMPLOYEES.

a. No Federal appropriated funds shall be paid, by or on behalf of the Contractor or its subcontractors, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant or the amendment or modification of any Federal grant.

b. a. If any funds other than Federal appropriated funds have been paid or will be paid by the Contractor or its subcontractors to any person for influencing or attempting to influence an officer or employee of the City, any Federal agency, a Member of Congress, an officer or

employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.

23) ASSIGNMENT OF CERTAIN RIGHTS TO THE CITY.

In entering into this Contract or a subcontract to supply goods, services, or materials pursuant to this Contract, the Contractor and/or subcontractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to this Contract or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Contractor, without further acknowledgement by the parties.

24) ENERGY CONSERVATION REQUIREMENTS

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

25) ATTACHMENTS

1) **Notice Inviting Bids**
2) **Contractor's Bid**

IN WITNESS WHEREOF, the parties have caused this Construction Contract to be executed on the day and year first herein written.

AGENCY: City of Oroville, A Municipal Corporation (First Party)

By: _____
Mayor, Daivid Pittman

CONTRACTOR: Butte Construction Company (Second Party)

By: _____
(Authorized Representative) (Sign, Print Name and Official Title)

APPROVED AS TO FORM:

By: _____
City Attorney, Scott Huber

ATTEST:

By: _____
City Clerk, Brian Ring

CITY OF OROVILLE
BID SUMMARY

PROJECT: **#RM-05-2023 - MISSION ESPERANZA DEVELOPMENT PROJECT - Bid ID 172844**

OPENING DATE: **June 9, 2023** TIME: **11:30 a.m.**

City Hall, Front Lobby (opening & announcement in City Council Chambers)
1735 Montgomery Street
Oroville, CA 95965

ATTENDANCE FOR BID OPENING: Dawn Nevers and Suzi Kockems

Bidder Name/Address and Phone	Base Bid Amount	Additive Alternatives	Total Base Bid + Additive Alternatives
REM 629 Entler Ave Chico, CA 95928 $2,561,614	Phase 1 $2,233,331 Phase 2 $328,283	Included in Phase 1 total	$2,561,614
Butte Construction Co. 8 Seville Court, Suite 100 Chico, CA 95928	$2,180,000	$186,762 Fencing $15,363 Rest. Reloc.	$2,382,125

BID FORM

Bid Opening Date: June 5, 2023

Hour of Bid Opening: 2:00 p . m .

Place of Bid Opening:
City of Oroville
1735 Montgomery Street, Council Chambers
Oroville, California 95965

TO: The City of Oroville, State of California:

Bid of,_

Butte Construction Company

organized and existing under the laws of the State of California, and doing business as:
(X) a Corporation ( ) a Partnership ( ) an Individual to the City of Oroville, 1735 Montgomery Street, Oroville, California 95965. The bidder, in compliance with the Invitations for Bids for:

MISSION ESPERANZA DEVELOPMENT PROJECT

having examined the plans and specifications with related documents of the proposed work and being familiar with all of the conditions surrounding the construction of the proposed project including the availability of materials and labor, hereby proposes to furnish all labor, materials, and supplies, and to construct the project in accordance with the contract documents, within the time set forth therein, and at the prices stated below. These prices are to cover all expenses incurred in performing the work required under the contract documents, of which this proposal is a part.

The bidder is required to carefully examine the work site, the proposal form, plans, Specifications, Supplemental Specifications, special provisions, and contract forms for the work contemplated. It will be assumed that the bidder has investigated and is satisfied as to the conditions to be encountered for performing the work as scheduled, and as to the character, quality and quantities of work to be performed and materials to be furnished, and as to the requirements of the plans, Specifications, Supplemental Specifications, special provisions and contract. The submission of a proposal shall be considered conclusive evidence that the bidder has made such examination and is satisfied as to all the conditions and contingencies.

Bidder hereby agrees to commence work under this contract within ten (10) working days after issuance of the Notice to Proceed by the City and, will fully complete the project within one hundred thirty (130) working days after the issuance of the Notice to Proceed, unless the period of completion is extended thereafter as stipulated in the specifications. Liquidated damages established for this contract are established at $500.00 per day for each working day that all project work is not completed after the 130th working day.

Bidder further agrees that should he/she fail to complete any segment of work in the time specified, he/she will pay liquidated damages to the City as prescribed in these specifications. It is understood that the City reserves the right to increase or decrease the quantities of items bid in the contract with no change in the unit prices bid, provided the change in a major item does not exceed 25 percent and of other items, 30 percent.

All items contained in the project bid schedule, including the additive bid alternatives, must be submitted for the entire work. The award of contract will be based on the lowest responsible bidder for the combination of base bid schedule with the additive alternatives, at the City's discretion. The amount of the bid for comparison purposes will be the total bid of all items for each respective Bid Schedule. The unit prices shall include all labor, materials, tools, equipment, overhead, profit, fees and all other items of expense necessary for and incidental to the finished work.

The bidder understands that the City reserves the right to award or reject any or all bids for each respective Bid Schedule. The bidder agrees that their bids shall be good and may not be withdrawn for a period of sixty (60) calendar days after the actual date of opening thereof.

Upon receipt of written notice of the acceptance of this bid, bidder will execute the formal contract attached within ten (10) calendar days and deliver surety bonds as required by the general conditions. The bid security, attached, is to become the property of the City in the event the contract and bonds are not executed within the time set forth as liquidated damages for the delay and additional expense to the City caused thereby.

Accompanying this bid is Bidder's Bond
(Note: Insert the words "cash," "cashier's check," "certified check," or "bidder's bond" as the case may be in the amount equal to at least ten (10) percent of the total bid.)

The names of all persons interested in the foregoing proposal as principals are as follows:

IMPORTANT NOTICE: If bidder or other interested person is a corporation, state legal name of corporation, also names of the president, secretary, treasurer, and manager thereof; if a co-partnership, state true name of firm, also names of all individual copartners composing firm; if bidder or other interested person is an individual, state first and last names in full.

Nick Starnes, President

Licensed in accordance with an act providing for the registration of Contractors,

License No. & Exp. Date: #1003510 Exp. 09/30/2024 Classification(s) B - General Building

ADDENDA: This proposal is submitted with respect to the changes to the contract including addendums(s) Addendum-01, Addendum-02, Addendum-03, Addendum-04, Addendum-05

(Fill in addendum numbers if addenda have been received and insert, in this Proposal, any Engineer's Estimate sheets that were received as part of the addenda.)

Addendum or addenda issued by the department must be noted above.

By my signature on this proposal I certify, under penalty of perjury under the laws of the State of California, that the foregoing questionnaire and statements of Public Contract Code Sections 10162, 10232 and 10285.1 are true and correct and that the bidder has complied with the requirements of Section 8103 of the Fair Employment and Housing Commission Regulations (Chapter 5, Title 2 of the California Administrative Code). By my signature on this proposal I further certify, under penalty of perjury under the laws of the State of California and the United States of America, that the Non-collusion Affidavit required by Title 23 United States Code are true and correct.

Signature of Bidder _____ Date: 06/09/2023

Name and Title of Bidder: Nick Starnes, President

Name of Business: Butte Construction Company

Business Address: 8 Seville Ct. #100, Chico, CA 95928

Telephone Number: 530-809-1779

Attest: _____

Dated: _____

License No. & Exp. Date: _____

Classification: _____

SEAL: (If bid by corporation)

MISSION ESPERANZA DEVELOPMENT PROJECT

Bidder agrees to perform all of the work described in the contract documents and this bid form for the amounts shown in the "Bid Amount" column.

Butte Construction Company, 8 Seville Ct. #100, Chico, CA, 95928 530-809-1779

Contractor's Company Name, Address and Phone Number

President, 06/09/2023

Contractor's Title, Signature and Date

We hereby propose to furnish all labor, materials, equipment, tools, transportation, and services, and to discharge all duties and obligations necessary and required to perform and complete the Project in strict accordance with the Contract Documents for the TOTAL BID PRICE:

BASE BID SCHEDULE

BID ITEM	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	LINE-ITEM COST
	Phase 1				
1	Engineered Drawings	LS	1	107,000	107,000
2	Construction of congregate shelter dorms/framed walls	LS	2	215,000	430,000
3	Construction of ADA compliant rest/shower rooms	LS	3	113,667	341,000
4	Construction of HVAC and ventilation system	LS	5	31,800	159,000
5	Construction of private offices	LS	1	172,000	172,000
6	Construction of ADA compliant entrance/exits/doors	LS	2 single/1 double	17,000	51,000
7	Construction of laundry room	LS	1	43,000	43,000
8	Installation of appropriate interior lighting	LS	Undefined	67,000	67,000
9	Construction of concrete pad for storage area	LS	1	12,000	12,000
10	Construction of overhang for storage area	LS	1	63,000	63,000
11	Construction of all fire/safety features	LS	Undefined	157,000	157,000
12	Grade, level, prepare drainage and construct shelter pads	LS	15	19,400	291,000
13	Construction of power pedestals for shelter pads	LS	15	2,267	34,000
14	Construction of power box for hospitality tent	LS	1	4,000	4,000
15	Construction of concrete pad for hospitality tent	LS	1	17,000	17,000
16	Construction of sewer and water connections for portable shower trailers	LS	2	6,000	12,000
17	Construction of power pedestals for portable shower trailers	LS	2	4,000	4,000
18	Construct exterior lighting for the storage area	LS	2	2,000	4,000
		Total Bid Items 1-18:			1,908,000
	Phase 2				
19	Grade, level, prepare drainage and construct shelter pads	LS	5	22,400	112,000
20	Construction of power pedestals for shelter pads	LS	5	6,800	34,000
21	Construct exterior lighting around pallet shelter grouping	LS	2	20,000	40,000
22	Construct exterior lighting around hospitality tent and safe parking area	LS	2	6,500	13,000

23	Construct exterior lighting around portable shower trailers	LS	1	13,000	13,000
24	Rehabilitate/repair perimeter fencing	LS	Undefined	ALT 1	ALT 1
		Total Bid Items 19-24:		212,000	

Bidders must provide pricing for every bid item. Base Bid items above reflect in the project plans.
The estimated quantities for unit price items are for the purposes of comparing bids only and the City makes no representation that the actual quantities of work performed will not vary from the estimates.
In case of discrepancy between the unit price and the line-item cost set forth for a unit price item, the line item cost, calculated at the unit price multiplied by the estimated quantity, shall prevail and shall be utilized as the basis for determining the lowest responsive, responsible bidder. However, if the amount set forth as a unit price is ambiguous, unintelligible or uncertain for any cause, or is omitted, or is the same amount as the entry in the "Line-Item Cost" column, then the amount set forth in the "Line Item Cost" column for the item shall prevail and shall be divided by the estimated quantity for the item and the price thus obtained shall be the unit price. If any of the above discrepancies exist, the City may recalculate the bid price on the basis of the unit price and the bidder agrees to be bound by such recalculation. Final payment for unit price items shall be determined by the City from measured quantities of work performed.

The contract shall be awarded to the contractor submitting the lowest responsible Bid Price.

BID PRICE:

$ 2,180,000
Base Bid in Numbers

TWO MILLION ONE HUNDRED EIGHTY THOUSAND DOLLARS
Base Bid in Written Form

BID ALTERNATE FORM

Bidder Name: Butte Construction Company

Alternate Bid Item No. 1: Rehabilitate/Repair Perimeter Fencing

Add to Base Bid Proposal Amount:

$ 186,762

ONE HUNDED EIGHTY-SIX THOUSAND SEVEN HUNDRED SIXTY-TWO Dollars
(in words; printed or typed)

Dated: 06/09/23

By: _____
(signature of Bidder's Authorized Officer or Representative)

NICK STARNES
(Typed or Printed Name)

Title: President

BID ALTERNATE FORM

Bidder Name: Butte Construction Company

Alternate Bid Item No. 2: Relocate Women's Restroom to Southeast Corner of Building per Addendum-02

Add to Base Bid Proposal Amount:

$ 15,363

FIFTEEN THOUSAND THREE HUNDRED SIXTY-THREE Dollars
(in words; printed or typed)

Dated: 06/09/23

By: _____
(signature of Bidder's Authorized Officer or Representative)

NICK STARNES
(Typed or Printed Name)

Title: President

LIST OF SUBCONTRACTORS

Bidder shall list below the name, business address and portion of work of each subcontractor to whom it is proposed to award a subcontract under this contract in excess of one-half of one percent of the total amount shown on the bid proposal. Subcontractors must be licensed under the applicable laws of the State of California for the work they are to perform. (Pages can be added to accommodate more Subcontractors.)

TRADE DESCRIPTION AND PERCENT BID	SUBCONTRACTOR'S NAME, ADDRESS AND LICENSE NUMBER
Grading 11.3 %	Franklin Construction Inc. 217 Flume Street, Suite 200, Chico, Ca, 95928 Lic. # 567469 DIR # 1000004305
Wet Utilities 7.8 %	MJ Shelton General Engineering Inc. 13 Jordans Pl. #100, Chico, Ca 95973 Lic. # 873037 DIR # 1000004956
Concrete 3.2 %	Rock Creek Construction inc. 1916 Cameron Ln., Chico, Ca 95926 Lic. # 883815 DIR # 1000038332
Concrete Sealer 0.8 %	X PAUL M. WOLFF CO. X 460 N. GENEVA RD., LINDON, UT 84042 X LIC. #708409 DIR#1000008964
Insulation 0.9 %	Loerke Insulation Company, Inc. 751 Liberator St., Chico, Ca 95973 Lic. # 499150 DIR # 1000011907
Metal Roofing 0.9 %	Butte Roofing 8 Seville Ct. Suite #110, Chico, Ca, 95928 Lic. # 567600 DIR # 1000056098
Drywall/Metal Stud 3.8 %	Keith Brown Drywall 2090 Oakley Ln., Wheatland, Ca 95692 Lic. # 616543 DIR # 1000013543

LIST OF SUBCONTRACTORS

Bidder shall list below the name, business address and portion of work of each subcontractor to whom it is proposed to award a subcontract under this contract in excess of one-half of one percent of the total amount shown on the bid proposal. Subcontractors must be licensed under the applicable laws of the State of California for the work they are to perform. (Pages can be added to accommodate more Subcontractors.)

TRADE DESCRIPTION AND PERCENT BID	SUBCONTRACTOR'S NAME, ADDRESS AND LICENSE NUMBER
Acoustical Ceiling 0.7 %	Keith Brown Drywall 2090 Oakley Ln., Wheatland, Ca 95692 Lic. # 616543 DIR # 1000013543
Paint 0.7 %	Keith Brown Drywall 2090 Oakley Ln., Wheatland, Ca 95692 Lic. # 616543 DIR # 1000013543
Restroom Accessories 0.9 %	J.W. Prefab Specialties 940 Spruce Dr., Meadow Vista, Ca 95722 Lic. # 1075751 DIR # 1000865299
Fire Sprinklers 2.2 %	Foothill Fire Protection, Inc. 5948 King Rd., Loomis, Ca 95650 Lic. # 783132 DIR # 1000008087
~~HVAC %~~	~~McClelland Air Conditioning, Inc.~~ ~~801 Marauder St., Chico, Ca 95973~~ ~~Lic. # 345121 DIR # 1000003934~~
Plumbing 6.9 %	Imes Plumbing 3567 Bell Rd., Chico, Ca 95973 Lic. # 350051 DIR # 1000752809
Electrical 16.5 %	FIREBOLT ELECTRICAL 14745 WHISPERING OAKS DRIVE, RED BLUFF, CA 96080 Lic. # DIR # 1000 9699819 LIC# 837554

LIST OF SUBCONTRACTORS

Bidder shall list below the name, business address and portion of work of each subcontractor to whom it is proposed to award a subcontract under this contract in excess of one-half of one percent of the total amount shown on the bid proposal. Subcontractors must be licensed under the applicable laws of the State of California for the work they are to perform. (Pages can be added to accommodate more Subcontractors.)

TRADE DESCRIPTION AND PERCENT BID	SUBCONTRACTOR'S NAME, ADDRESS AND LICENSE NUMBER
Fire Alarm 1.2 %	Foothill Fire Protection, Inc. 5948 King Rd., Loomis, Ca 95650 Lic. # 783132 DIR # 1000008087
HVAC 5.8 %	TOP NOTCH MECHANICAL INC. 1337 N. MARKET BLVD. # 200, SACRAMENTO, CA 95834 Lic. # DIR # 1000017371 LIC. # 972009
FENCING 4.9 %	NORTHERN CALIFORNIA FENCE 2485 NOTRE DAME BLVD. STE 370, # 31 Lic. # DIR # 1000014058 CHICO, CA 95928 LIC# 904110
%	Lic. # DIR #
%	Lic. # DIR #
%	Lic. # DIR #
	Lic. # DIR #

LIST OF SUBCONTRACTORS

Bidder shall list below the name, business address and portion of work of each subcontractor to whom it is proposed to award a subcontract under this contract in excess of one-half of one percent of the total amount shown on the bid proposal. Subcontractors must be licensed under the applicable laws of the State of California for the work they are to perform. (Pages can be added to accommodate more Subcontractors.)

TRADE DESCRIPTION AND PERCENT BID	**SUBCONTRACTOR'S NAME, ADDRESS AND LICENSE NUMBER**
_____ %	_____ _____ Lic. # _____ DIR # _____
_____ %	_____ _____ Lic. # _____ DIR # _____
_____ %	_____ _____ Lic. # _____ DIR # _____
_____ %	_____ _____ Lic. # _____ DIR # _____
_____ %	_____ _____ Lic. # _____ DIR # _____
_____ %	_____ _____ Lic. # _____ DIR # _____
_____ %	_____ _____ Lic. # _____ DIR # _____

BIDDER'S BOND

CITY OF OROVILLE

We, Butte Construction Company

as Principal, and

The Ohio Casualty Insurance Company

as Surety are bound unto the City of Oroville, hereafter referred to as "Obligee," in the penal sum of ten percent (10%) of the total amount of the bid of the Principal submitted to the obligee for the work described below, for the payment of which sum we bind ourselves, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH, THAT:

WHEREAS, the Principal is submitting a bid to the Obligee, for the
MISSION ESPERANZA DEVELOPMENT PROJECT
as shown on the Project Plans, for which bids are to be opened at 1735 Montgomery Street, Oroville, California 95965 on **June 5, 2023, at 2:00 P.M.**

NOW, THEREFORE, if the Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to him/her for signature, enters into a written contract, in the prescribed form, in accordance with the bid, and files two bonds with the Obligee, one to guarantee faithful performance of the contract and the other to guarantee payment for labor and materials as provided by law, then this obligation shall be null and void; otherwise, it shall remain in full force.

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

Dated: June 1, 20 23

Butte Construction Company

THIS DOCUMENT MUST BE NOTARIZED

Principal

The Ohio Casualty Insurance Company
Surety

By:
Kathleen Le, Attorney-in-Fact

Note: Correspondence or claims relating to this bond should be sent to the surety at the following address:

c/o Liberty Mutual Surety- 6030 W. Oaks Blvd Suite 200, Rocklin, CA 95765

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sacramento)

On June 1, 2023 before me, S. Smith, Notary Public
(insert name and title of the officer)

personally appeared Kathleen Le,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

S. SMITH
COMM. # 2442257
NOTARY PUBLIC CALIFORNIA
COUNTY OF SACRAMENTO
Comm. Expires APR. 22, 2027
ARS3 ARS3

Signature _____ (Seal)

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8209492- 971829**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Bill Rapp, Brad Espinosa, Breanna Boatright, Claudine Gordon, Deanna Quintero, Dineen Fraser, Elizabeth Collodi, Jason March, Jennifer Lakmann, John Hopkins, John J. Weber, Kathleen Le, Kevin Scofield, Kris Lopes, Kristie Phillips, Matthew Foster, Michael Feeney, Mike Taylor, Mindy Whitehouse, Pam Sey, Paula Senna, Peggy Trusty, Phil Watkins, Renee Ramsey, Samantha Watkins, Sara Walliser, Sharon Smith, Steven L. Williams, Tony Clark

all of the city of Chico state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 24th day of February, 2023.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: _____
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 24th day of February, 2023 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: _____
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1st day of June, 2023.

By: _____
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

EQUAL OPPORTUNITY CERTIFICATION

The bidder and proposed subcontractor(s) hereby certify the he/she has ✓, has not_____participated in a previous contract or subcontract subject to the equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246, and that, where required, he/she has filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filling requirements.

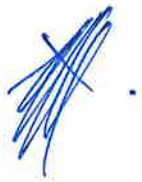
Notes: The bidder must place a checkmark after "has" or "has not" in one of the blank spaces provided above. The above Certification is part of the Bid. Signing this Bid on the signature portion of the Bid Schedule thereof shall also constitute signature of this certification. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

Proposed prime contractors and subcontractors who have participated in a previous contract or subcontract subject to the Executive Orders and have not filed the required reports should note that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such contractor submits a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S. Department of Labor.

NON-COLLUSION AFFIDAVIT

In conformance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Note: The above Statement, Questionnaire, and Non-Collusion Affidavit are a part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this Affidavit. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.



PUBLIC CONTRACT CODE SECTION 10285.1 STATEMENT

In accordance with Public contract Code Section 10285.1 (Chapter 376, Stats. 1985), the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder has , has not ✓ been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "bidder" is understood to include any partner, members, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

Note: The bidder must place a checkmark after "has" or "has not" in one of the blank spaces provided. The above Statement is part of the Bid. Signing this Bid on the signature portion of the bid schedule thereof shall also constitute signature of this Statement. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

PUBLIC CONTRACT CODE SECTION 10162 QUESTIONNAIRE

In accordance with Public Contract Code Section 10162, the Bidder shall complete, under penalty of perjury, the following questionnaire:

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

YES____NO_X___

If the answer is yes, explain the circumstances in the following space.

Note: The bidder must place a checkmark after "YES" or "NO" in one of the blank spaces provided. The above Questionnaire is part of the Bid. Signing this Bid on the signature portion of the bid schedule thereof shall also constitute signature of this Questionnaire. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.



PUBLIC CONTRACT CODE SECTION 10232 STATEMENT

In conformance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final un-appealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two-year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

Note: The above Statement is part of the Bid. Signing this Bid on the signature portion thereof shall also constitute signature of this Statement. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.



DEBARMENT AND SUSPENSION CERTIFICATION

TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29

The bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

- is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any Federal agency.
- has not been suspended, debarred, voluntarily excluded or determined ineligible by any Federal agency within the past 3 years.
- does not have a proposed debarment pending; and
- has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

N/A

Exceptions will not necessarily result in denial of award but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions. The above certification is part of the Bid. Signing this Bid on the signature portion thereof shall also constitute signature of this Certification.

Item 14.

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Bid RFP #RM-05-2023 - MISSION ESPERANZA DEVELOPMENT PROJECT
Addendum #1 - Addendum

Information Deleted: ~~Deleted~~

Information Added: Added

X 06/09/23

Bid Type **RFP**

Bid Number **RM-05-2023**

Title **MISSION ESPERANZA DEVELOPMENT PROJECT**

Start Date **May 8, 2023 5:22:53 PM PDT**

End Date **Jun 5, 2023 2:00:00 PM PDT**

Agency **City of Oroville**

Bid Contact **Dawn Nevers**
(530) 538-2405
dnevers@cityoforoville.org
1735 Montgomery Street
Oroville, CA 95965

Description

Project Description

The PROJECT (Phase 1) consists primarily of:

- ��*Mission Esperanza (Low-barrier Navigation Center and Shelter) Development*
  - Contractor shall prepare/provide all engineering required for the project/permits, based on a draft concept plan (Exhibit A) and the provided site plan (Exhibits ��and C)
-
  - Designs for shared bathrooms, sleeping and other common areas shall incorporate adequate capacity of accessible accommodations
  - Rehabilitate and repair an existing warehouse for use as a congregate homeless shelter by constructing wood framed walls, 2 dormitories for sleeping, ADA compliant showers and restroom facilities (men���s, women���s, non-gender specific), 5 private offices, ADA compliant entrances/exits, HVAC system, appropriate ventilation, windows in offices, insulation, laundry room, lighting, fire extinguishers
  - Construct a storage area that has adequate spacing to accommodate (75) 95-gallon locking storage bins. This area will include an attached overhang and concrete pad, as well as exterior lighting
- Alternative Sheltering Expansion
  - Using the Pallet Shelter Minimum Design Requirements (Exhibits D and E), prepare 15 pallet shelter ���pads��� that have adequate drainage around each unit, have established electrical connections, include walking paths to main facility and are appropriately spaced 10 feet apart from one another
  - Level area, implement drainage and develop water and sewer access/connections for two portable shower trailers
- The project must adhere to the California Building Energy Efficiency Standards-Title 24
- The project shall implement design features that utilize latest best practices in accessible design
- The project must adhere to AB 1197-CEQA Exemption for Supportive Housing and Emergency Shelters

��The PROJECT (Phase 2) consists of: (funding for Phase 2 is contingent upon a grant award in late May)

- Alternative Sheltering Expansion
  - Using the Pallet Shelter Minimum Design Requirements (Exhibits C and D), prepare 5 pallet shelter ���pads��� that have adequate drainage around each unit, have established electrical connections, include walking paths to main facility and are appropriately spaced 10 feet apart from one another
- Site Safety and Security
  - Exterior lighting around pallet shelters, hospitality tent, portable shower, safe parking areas,
  - Rehabilitate/repair/replace perimeter fencing

ADDENDUM #1: Final and Signed Site/Grading/Draiange Plan Added

Pre-Bid Conference

Date: May 19, 2023 10:00:00 AM PDT
Location: 4250 Lincoln Blvd., Oroville, CA
Notes: Bidders must attend a pre-bid walk-through on-site. The scheduled walk-through is:

Friday, May 19, 2023

10:00 AM

Mission Esperanza

4250 Lincoln Blvd., Oroville

* **Vendor attendance is required**

No Attachments No Attachments

Documents

Name	Posting Date	Acceptance
Bid Book Mission Esperanz	May 8, 2023 5:20:49 PM PDT	No
~~Esperanza Rehabilitation I~~	~~May 8, 2023 5:21:02 PM PDT~~	~~No~~
~~Oroville Rescue Mission P~~	May 9, 2023 9:23:19 AM PDT	No
Esperanza Rehabilitation I	May 8, 2023 5:21:~~17~~02 PM PDT	No
Pallet Infrastructure Guide	May 8, 2023 5:21:37 PM PDT	No
Shelter 100 Product Specs	May 8, 2023 5:21:55 PM PDT	No
Site Plan_Exhibit C.pdf	May 8, 2023 5:22:12 PM PDT	No

Return to Bid

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The Public | Group

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE
CHICO, CA
CIVIL ENGINEERING
SURVEYING
PROJECT MANAGEMENT
CONSTRUCTION STAKING

CITY OF OROVILLE

OROVILLE RESCUE MISSION PALLET SHELTER
GRADING AND DRAINAGE PLAN
EXISTING SITE PLAN

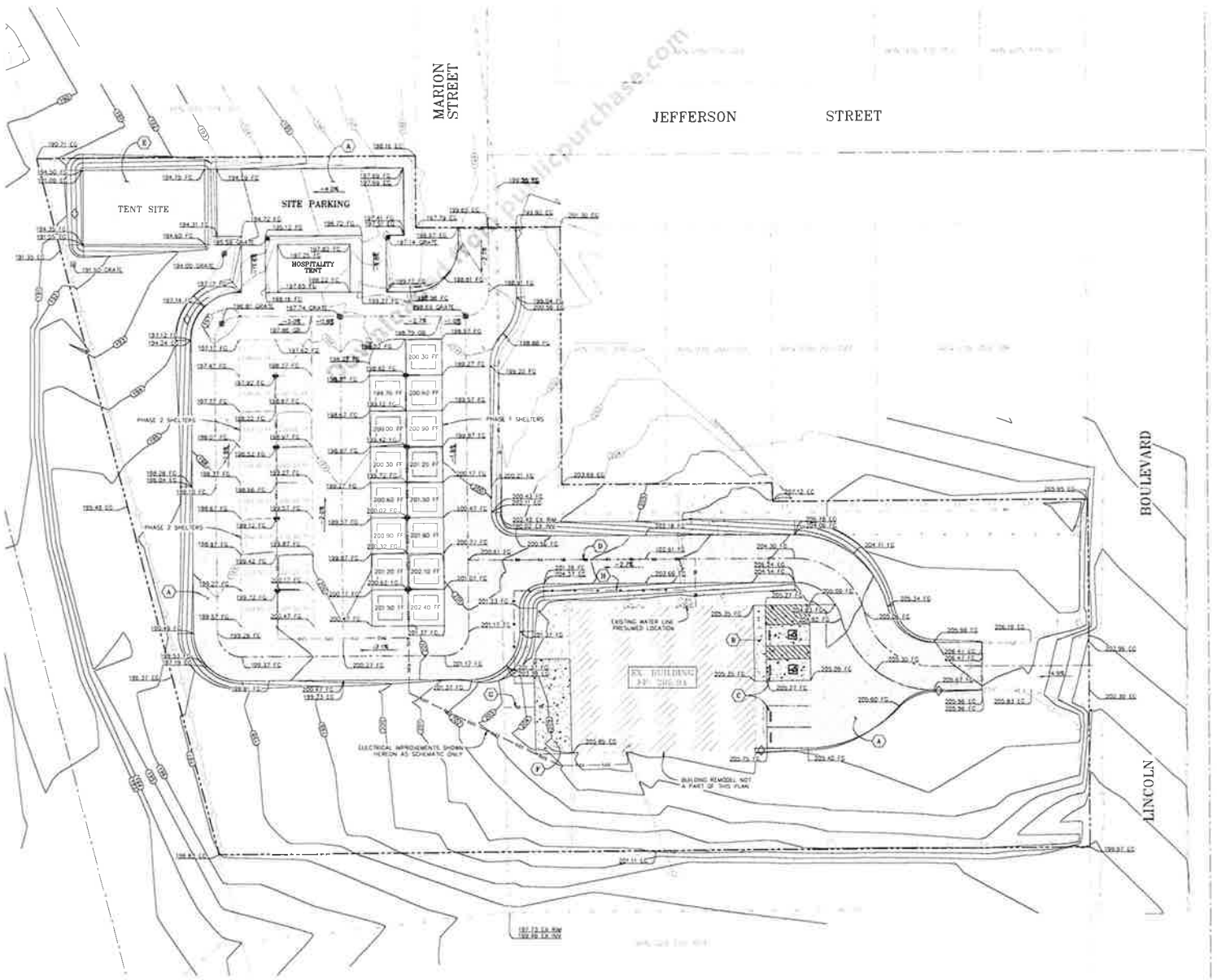
C1

LOCATION MAP
PROJECT LOCATION

LEGEND:
- EXISTING GROUND CONTOUR (NAVD88 DATUM)
- PROPOSED GROUND CONTOUR
- PROPERTY LINE
- NEIGHBORING PROPERTY LINE
- RIGHT OF WAY CENTERLINE
- EXISTING FENCE
- EXISTING EDGE OF PAVEMENT
- EXISTING GRAVEL DRIVEWAY
- EXISTING SANITARY SEWER LINE WITH MANHOLE
- EXISTING UTILITY POLE
- EXISTING GUY WIRE ANCHOR
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING HOSE BIB
- EXISTING ELECTRICAL METER
- EXISTING CONCRETE
- EXISTING BUILDING TO REMAIN
- EXISTING GRADE ELEVATION
- FINISH GRADE ELEVATION
- FINISH FLOOR ELEVATION

BOULEVARD
LINCOLN
STREET
JEFFERSON
MARION STREET
SOUTHERN PACIFIC RAILROAD
(ABANDONED)

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CONSTRUCTION NOTES:

(A) INSTALL 20,828± SF OF DRIVEWAY TYPICAL SECTION, SEE DETAIL ON THIS SHEET

(B) INSTALL 740 SF OF 4" THICK PCC SIDEWALK AND ADA PARKING STALL ON 2" SAND

(C) INSTALL (4) CONCRETE PARKING STOPS

(D) INSTALL 101 LF 4" PVC SS PIPE, S=.0035 '/FT MIN., CONNECT TO EX. MAIN., INV AT TIE 189.96± VERIFY PRIOR TO CONSTRUCTION

(E) COMPACT 1,578± SF NATIVE SOIL TO 95% RELATIVE DENSITY AT TENT SITE

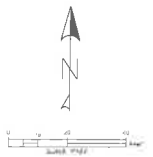
(F) INSTALL 15' X 40' PCC SLAB FOR SHOWER TRAILERS

(G) INSTALL 28 LF 4" PVC SS PIPE, S=.0035 '/FT MIN., CONNECT TO EX. MAIN., INVE AT TIE 189.76± VERIFY PRIOR TO CONSTRUCTION

(H) INSTALL 120 LF X 1" PVC WATER LINE. CONNECT TO EXISTING WATER SERVICE FOR EXISTING BUILDING



DRIVEWAY TYPICAL SECTION N.T.S.



W. GILBERT ENGINEERING
149 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
TEL (530) 894-1115
FAX (530) 517-8020
WEB WGILBERTENGINEERING.COM
CIVIL ENGINEERING
SURVEYING
PROPERTY SURVEYS
CONSTRUCTION STAKING

CITY OF OROVILLE

OROVILLE RESCUE MISSION PALLET SHELTER
GRADING AND DRAINAGE PLAN
GRADING PLAN

COUNTY OF BUTTE

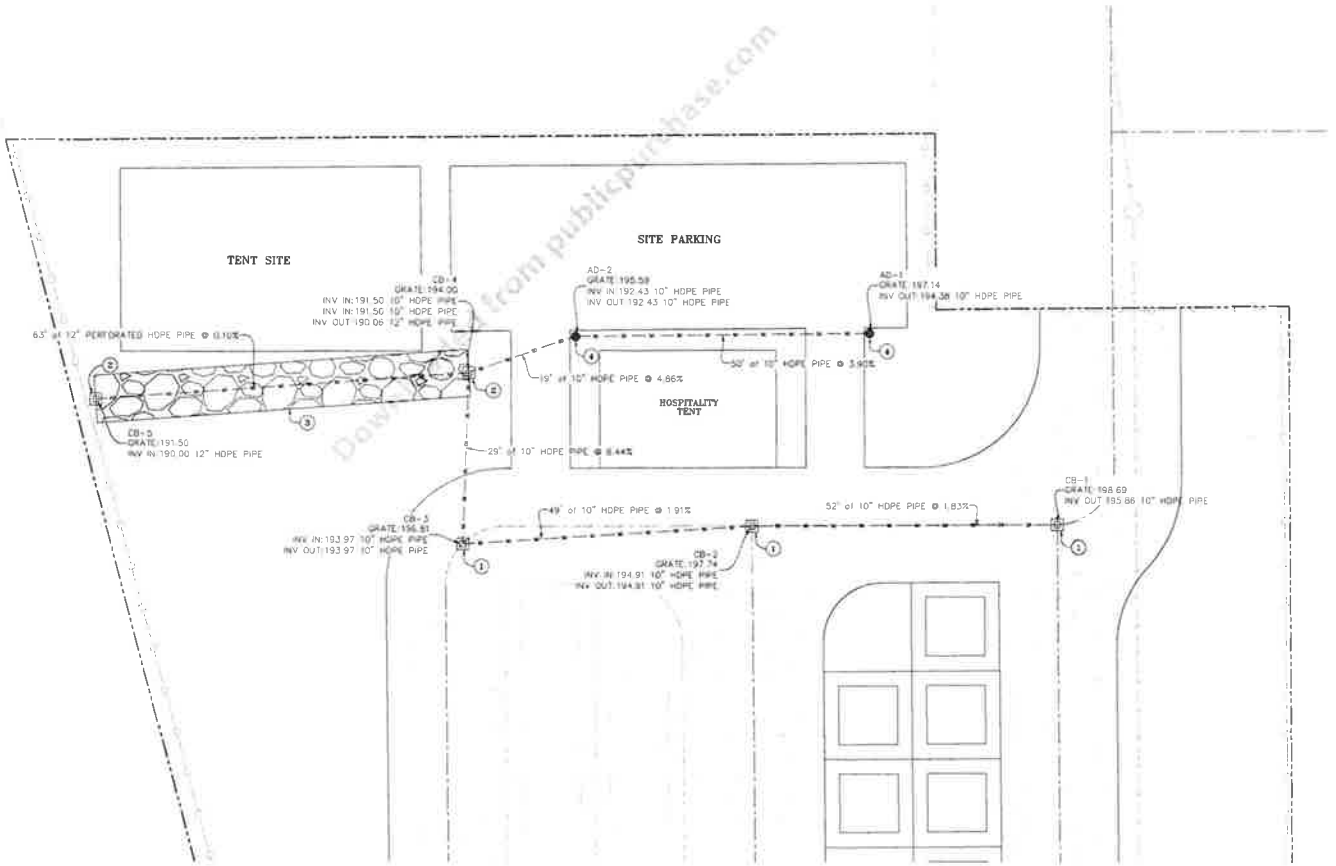
STATE OF CALIFORNIA

CITY OF OROVILLE

NO.	DATE	DESCRIPTION	BY

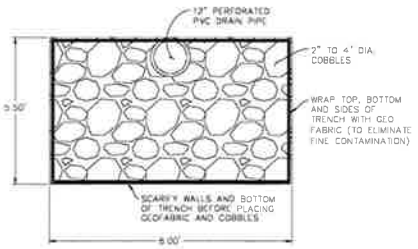
C2

DATE: MARCH 29, 2024
DRAWN BY: MAQ
DESIGNED BY: WEG
CHECKED BY: WEG
JOB NO: 1821

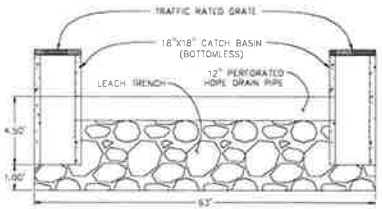


STORM DRAIN CONSTRUCTION NOTES:

1. INSTALL COOKS 18" X 18" DRAINAGE INLET OR APPROVED EQUAL, SEE DETAILS IN PLAN VIEW ON THIS SHEET
2. INSTALL BOTTOMLESS COOKS 18" X 18" DRAINAGE INLET OR APPROVED EQUAL, SEE DETAILS IN PLAN VIEW ON THIS SHEET
3. INSTALL 63 LF STORM DRAIN LEACH TRENCH, SEE DETAILS ON THIS SHEET, S = 0.10%
4. INSTALL 12" X 12" DRAINAGE INLET OR APPROVED EQUAL, SEE DETAILS IN PLAN VIEW ON THIS SHEET



STORM DRAIN TRENCH DETAIL



STORM DRAIN INSPECTION PORT DETAIL
NTS

Cut/Fill Report

Volume Summary

Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
DIRT CALCS	full	1.000	1.500	239198.90	810.81	1737.05*	926.23*

* Value adjusted by cut or fill factor other than 1.0

W. GILBERT ENGINEERING
162 YELLOWSTONE DRIVE, SUITE 119
CHICO, CALIFORNIA 95973
TEL (530) 898-1315
FAX (530) 517-6020
WES@WGILBERTENGINEERING.COM
CIVIL ENGINEERING
SURVEYING
PROPERTY SURVEYS
CONSTRUCTION STAKING

CITY OF OROVILLE

OROVILLE RESCUE MISSION PALLET SHELTER
GRADING AND DRAINAGE PLAN
DRAINAGE PLAN

COUNTY OF BUTTE — STATE OF CALIFORNIA

CITY OF OROVILLE

NO.	DATE	DESCRIPTION	BY

C3

DATE: MARCH 29, 2024
DRAWN BY: WAG
DESIGNED BY: WEG
CHECKED BY: WEG
JOB NO.: 1821

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May 22, 2023

MISSION ESPERANZA DEVELOPMENT PROJECT

PROJECT NO. Bid RFP #RM-05-2023

ADDENDUM NO. 2

The contract plans and specifications for the above noted project are hereby modified as follows:

ITEM	TITLE	DESCRIPTION OF CHANGE/INSTRUCTIONS
1	Mandatory Pre-Bid Conference	Sign-In Sheet uploaded
2	Perimeter Fence	Submit as Alternative Bid Item No. 1
3	Relocate Women's Restroom to southeast corner of building	Submit as Alternative Bid Item No. 2 see attached Exhibit A (floorplan) update

This addendum shall accompany each bid proposal submitted, shall become a part of the contract documents.

Signature of Bidder

06/09/23
Date

NOTE: Attach Addendum to bid proposal

Amy Bergstrand
Director, Business Assistance & Housing Development, City of Oroville

DISTRIBUTION: PublicPurchase.com

SIGN IN SHEET
MANDATORY JOB WALK

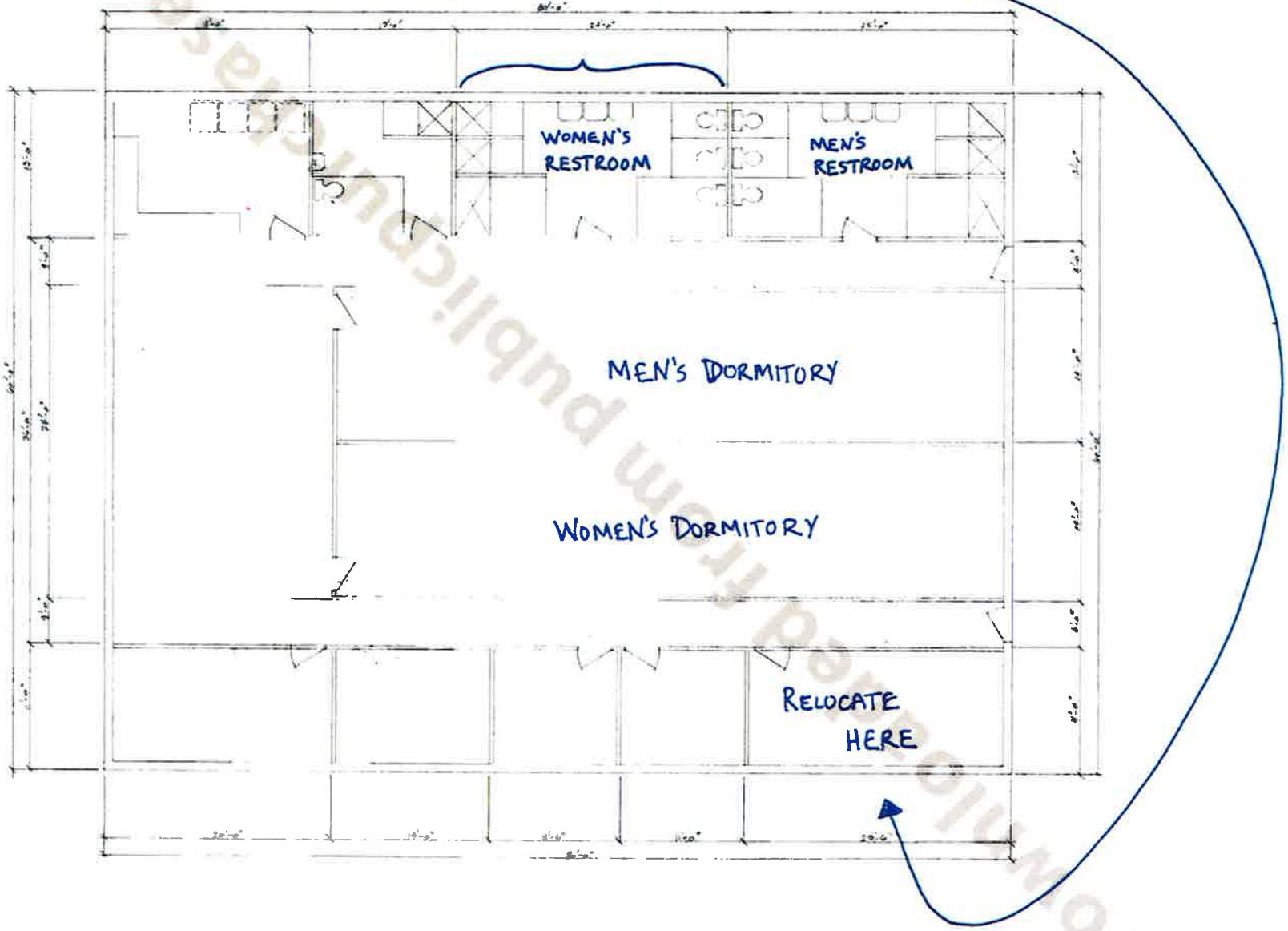
Bid RFP #RM-05-2023 - MISSION ESPERANZA DEVELOPMENT PROJECT - Bid ID 172844
Friday, May 19, 2023, at 10:00AM

Name	Representing	Phone No.	Email
NICK CARNEY	BUTTE CONSTRUCTION COMPANY	530-717-3856	nickc@butteconstructioncompany.com
Jason Carr	Experts In Your Home	530-717-2293	Jcarr@expertsinyourhome.com
Teri Schell	REM	Dave 530 570 2345	tschell55@yahoo.com dave-rem@sbcglobal.net
Joe/Joseph Gotta	Synergybuilders	530-403-9684	office@buildingwithsynergy.com

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Alternative 2 - Relocate Women's Restroom

Exhibit A



Please go to publicpurchase.com to make sure you have the latest information and any addenda/amendments
DOWNLOADED FROM publicpurchase.com

May 26, 2023

MISSION ESPERANZA DEVELOPMENT PROJECT

PROJECT NO. Bid RFP #RM-05-2023

ADDENDUM NO. 3

The contract plans and specifications for the above noted project are hereby modified as follows:

ITEM	TITLE	DESCRIPTION OF CHANGE/INSTRUCTIONS
1	Updated Site Plan	Updated Site Plan has been added to Public Purchase
2		
3		

This addendum shall accompany each bid proposal submitted, shall become a part of the contract documents.

Signature of Bidder

06/09/23
Date

NOTE: Attach Addendum to bid proposal

Amy Bergstrand
Director, Business Assistance & Housing Development, City of Oroville

DISTRIBUTION: PublicPurchase.com

Item 14.

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Bid RFP #RM-05-2023 - MISSION ESPERANZA DEVELOPMENT PROJECT
Addendum #4 - Addendum

Information Deleted: ~~Deleted~~

Information Added: Added

Bid Type **RFP**

Bid Number **RM-05-2023**

Title **MISSION ESPERANZA DEVELOPMENT PROJECT**

Start Date **May 8, 2023 5:22:53 PM PDT**

End Date **Jun 5, 2023 2:00:00 PM PDT**

Agency **City of Oroville**

Bid Contact **Dawn Nevers**
(530) 538-2405
dnevers@cityoforoville.org
1735 Montgomery Street
Oroville, CA 95965

Description

Project Description

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  - Contractor shall prepare/provide all engineering required for the project/permits, based on a draft concept plan (Exhibit A) and the provided site plan (Exhibits ��and C)
-
  - Designs for shared bathrooms, sleeping and other common areas shall incorporate adequate capacity of accessible accommodations
  - Rehabilitate and repair an existing warehouse for use as a congregate homeless shelter by constructing wood framed walls, 2 dormitories for sleeping, ADA compliant showers and restroom facilities (men���s, women���s, non-gender specific), 5 private offices, ADA compliant entrances/exits, HVAC system, appropriate ventilation, windows in offices, insulation, laundry room, lighting, fire extinguishers
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  - Level area, implement drainage and develop water and sewer access/connections for two portable shower trailers
- The project must adhere to the California Building Energy Efficiency Standards-Title 24
- The project shall implement design features that utilize latest best practices in accessible design
- The project must adhere to AB 1197-CEQA Exemption for Supportive Housing and Emergency Shelters

The PROJECT (Phase 2) consists of: (funding for Phase 2 is contingent upon a grant award in late May)

- Alternative Sheltering Expansion
  - Using the Pallet Shelter Minimum Design Requirements (Exhibits C and D), prepare 5 pallet shelter ���pads��� that have adequate drainage around each unit, have established electrical connections, include walking paths to main facility and are appropriately spaced 10 feet apart from one another
- Site Safety and Security
  - Exterior lighting around pallet shelters, hospitality tent, portable shower, safe parking areas,
  - Rehabilitate/repair/replace perimeter fencing

ADDENDUM #1:��Final and Signed Site/Grading/Draiange Plan Added

ADDENDUM #2:��05/22/2023��

1	Mandatory Pre-Bid Conference	Sign-In Sheet uploaded
2	Perimeter Fence	Submit as Alternative Bid Item No. 1
3	Relocate Women���s Restroom to southeast corner of building	Submit as Alternative Bid Item No. 2 see attached Exhibit A (floorplan) update

ADDENDUM #3: Replace outdated version of Site Plane with updated version.

Pre-Bid Conference

Date: May 19, 2023 10:00:00 AM PDT
Location: 4250 Lincoln Blvd., Oroville, CA
Notes: Bidders must attend a pre-bid walk-through on-site. The scheduled walk-through is:

~~��~~

Friday, May 19, 2023

10:00 AM

Mission Esperanza

4250 Lincoln Blvd., Oroville

* **Vendor attendance is required**

No Attachments No Attachments

Documents

Name	Posting Date	Acceptance
Bid Book Mission Esperanz	May 8, 2023 5:20:49 PM PDT	No
~~Oroville_Rescue_Mission_~~	~~May 9, 2023 9:23:19 AM PDT~~	~~No~~
Esperanza Rehabilitation D	May 8, 2023 5:21:02 PM PDT	No
~~Pallet Infrastructure Guide_~~	May 31, 2023 6:10:37 AM PDT	No
Site Plan_Exhibit C.pdf	May 8, 2023 5:~~21~~22:~~37~~12 PM PDT	No
Shelter 100 Product Specs	May 8, 2023 5:21:55 PM PDT	No
~~Site Plan~~ Pallet Infrast	May 8, 2023 5:~~22~~21:~~12~~37 PM PDT	No
Addendum No. 2.pdf	May 22, 2023 5:24:27 PM PDT	No
Sign In Sheet_Mision Espe	May 22, 2023 9:33:32 AM PDT	No
Alternate No. 2_Relocate \	May 22, 2023 5:24:02 PM PDT	No

Name	Posting Date	Acceptan

Return to Bid

Customer Support: vendorsupport@publicpurchase.com | Copyright 1999-2023 © | The Public Group, LLC. All rights reserved.

Public | Group

OROVILLE RESCUE MISSION PALLET SHELTER
STORM DRAIN CALCULATIONS

March 29, 2023

The storm drain system responds to both storm water quality and storm water quantity mitigations as follows:

Runoff Coefficient "C" Estimation:

Pre-Developed Site – Using County Standard No D-5:

Condition	Area	Value
Roof Surfaces	0.107	0.95
Street Paving	0.023	0.90
Curb, Gutter, Sidewalk, Conc. Ramps	0.019	0.90
Yards/Landscaping/Parkways	1.772	0.45

Weighted Permeability Coefficient: $C_{AVG} = [(0.107)*(0.95) + (0.023)*(0.90) + (0.019)*(0.90) + (1.772)*(0.25)]/1.921$

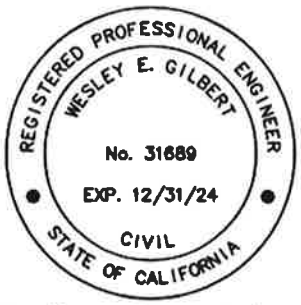
Pre-Developed C_{AVG} = 0.30

Post-Developed Site – Using County Standard No D-5:

Condition	Area	Value
Roof Surfaces	0.176	0.95
Street Paving	0.023	0.90
Curb, Gutter, Sidewalk, Conc. Ramps	0.030	0.90
Yards/Landscaping/Parkways	1.692	0.30

Weighted Permeability Coefficient: $C_{AVG} = [(0.176)*(0.95) + (0.023)*(0.90) + (0.030)*(0.90) + (1.692)*(0.30)]/1.921$

Post-Developed C_{AVG} = 0.38



Applies to Pages 1 thru 5

Runoff Flow:

Pre-Developed Flows:

Tributary Area = 1.921 acres
T_c = 10 min
I_{10} = 2.95 in/hr
I_{100} = 5.50 in/hr

Q_{10} = (0.30)*(2.95)*(1.921) = 1.700 cfs (max. allowable outfall)

Q_{100} = (0.30)*(5.50)*(1.921) = 3.170 cfs

Post-Developed Flows:

Tributary Area = 1.921 acres
T_c = 10 min
I_{10} = 2.95 in/hr
I_{100} = 5.50 in/hr

Q_{10} = (0.51)*(2.95)*(1.921) = 2.890 cfs (max. allowable outfall)

Q_{100} = (0.51)*(5.50)*(1.921) = 5.388 cfs

OROVILLE RESCUE MISSION PALLET SHELTER
10-YEAR STORM DRAIN TRENCH CALCULATIONS
DMA 1 (ENTIRE SITE)

3/27/2023

0.08	= RUNOFF COEFFICIENT
1.921	= AREA DRAINED
30	= PERC. RATE IN MIN./INCH
4.62778E-05	= PERC. RATE IN C.F.S./SQ. FT.
0.15	= C*A
63	= TRENCH LENGTH IN FEET
8	= TRENCH WIDTH IN FEET
5.5	= TRENCH DEPTH IN FEET
1	= NUMBER OF TRENCHES
643	= AREA AVAILABLE FOR PERCOLATION OUT OF THE TRENCH
63	= LENGTH OF STORM DRAINAGE PIPE
12	= DIAMETER OF STORM DRAIN PIPE (INCHES)
49	= STORM WATER STORAGE AVAILABLE IN PIPE
898	= STORM WATER STORAGE AVAILABLE IN TRENCH
948	= TOTAL STORM WATER STORAGE SUPPLIED
470	= STORM WATER STORAGE REQUIRED

Tc	I10	Q IN	Q OUT	Q PRE	Q NET	TIME	STORAGE REQD.
MIN.	IN/HR	C.F.S.	C.F.S.	C.F.S.	C.F.S.	SEC.	CU. FT.
5	4.120	0.6332	0.0297	0.0000	0.6034	300	181
10	2.950	0.4534	0.0297	0.0000	0.4236	600	254
15	2.380	0.3658	0.0297	0.0000	0.3360	900	302
30	1.690	0.2597	0.0297	0.0000	0.2300	1800	414
60	1.020	0.1568	0.0297	0.0000	0.1270	3600	457
120	0.618	0.0950	0.0297	0.0000	0.0652	7200	470
180	0.474	0.0728	0.0297	0.0000	0.0431	10800	466
720	0.162	0.0249	0.0297	0.0000	-0.0048	43200	-209
1440	0.117	0.0180	0.0297	0.0000	-0.0118	86400	-1015

Two Options for Calculating the Design Volume for the Volumetric BMPs

For projects in the Central Valley from Shasta County to Fresno County

Perform the following steps and enter the requested data. Print this page and include with the project's submittal.

Name of the DMA: DMA-1 (ENTIRE SITE)

Step 1: **Enter the size of the Drainage Management Area (DMA):** 83,669 *Square Feet*

Step 2: **Enter the total percentage of impervious area in the DMA:** 12 *% impervious*

I = 0.12 *Per the impervious coefficient curves for the Urban Runoff Quality Management approach*

Enter the number of existing or planned trees in the DMA:

Evergreen: Deciduous:

Total Tree Credit: 0.0 ft^3

Step 3: **Specify the project location:**

Mileage:	Redding to Sacramento	150 miles	
	Sacramento to Fresno	160 miles	
	Is the project north or south of Sacramento?	North	*Select One*
	What is the distance from Sacramento?	80	*Enter miles*
	Percent of distance from Sacramento to Redding	53.3%	

Step 4: **Specify the composite (average) runoff coefficient for the DMA:**

Enter average runoff coefficient for the DMA: 0.38 *Enter decimal coefficient (Refer to the coefficient tab)*

C = 0.123

This is your volumetric design value for the DMA based on the site location and average runoff coefficient

DMA's Unit Basin Storage Volume (inches): **0.31**

P6 = 0.55

Basis for the Calculations (Refer to the attached CASQA Rain Graphs):

Weather Stations	Runoff Coefficients 0.25	0.50	0.75	1.00
Redding	*0.22*	*0.44*	*0.66*	*0.88*
Sacramento	*0.18*	*0.36*	*0.54*	*0.72*
Fresno	*0.12*	*0.24*	*0.37*	*0.49*
Project Location	**0.20**	**0.40**	**0.60**	**0.81**

Unit Basin Storage Volumes (inches) using 80% runoff capture with 48-hour draw down times

Regression constant for 48-hour draw down (a) = 1.963

Step 5: **Select one of the two optional calculations of the required BMP capture volume for the DMA:**

Using the CASQA BMP Handbook Approach:

Required Capture Volume:
2,134 cubic feet
15,960 gallons
0.049 acre-feet

Don't use this one *Specify selection*

Using the Urban Runoff Quality Management Approach:

Required Capture Volume:
927 cubic feet
6,933 gallons
0.021 acre-feet

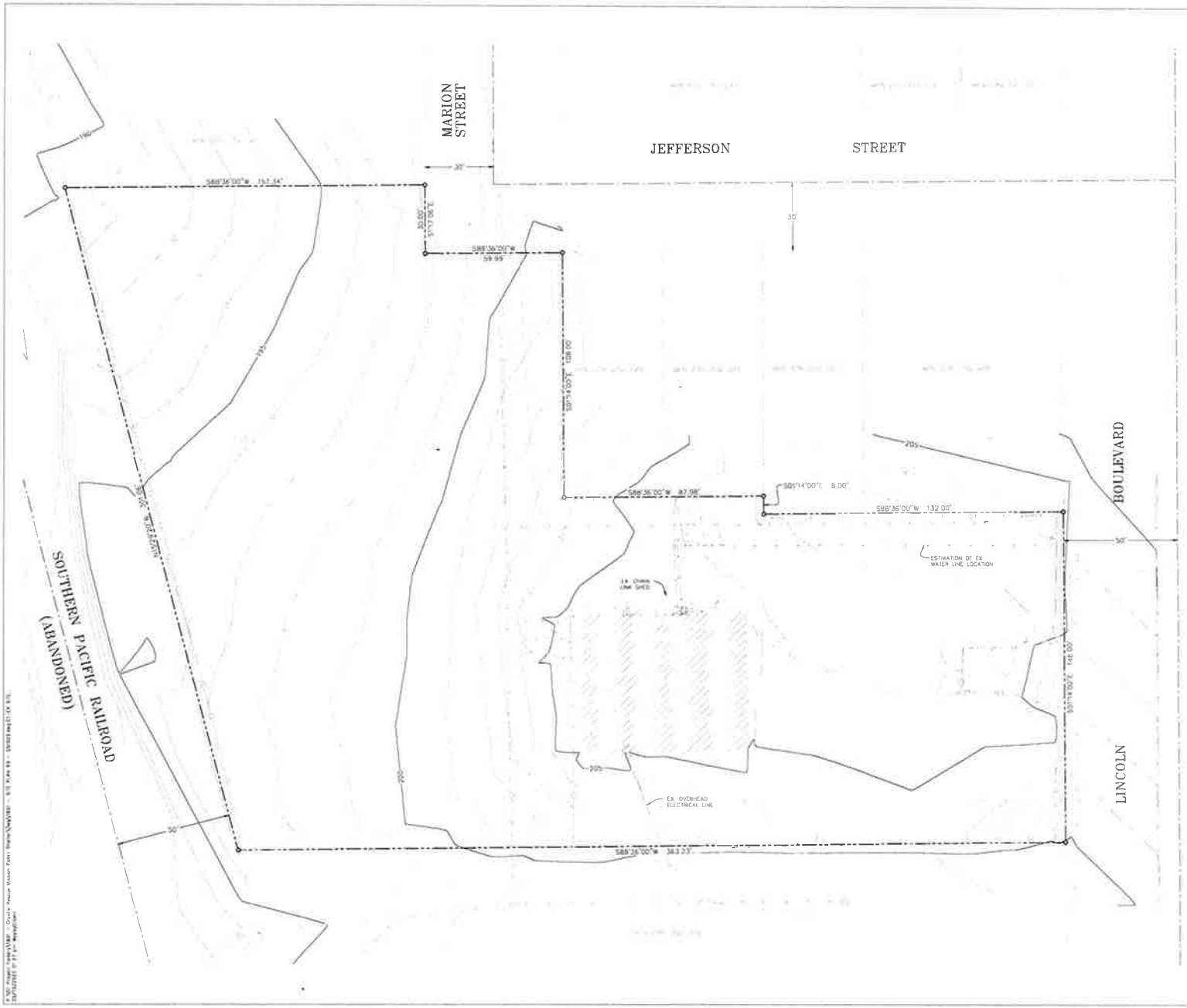
Use this one *Specify selection*

Maximum Detention Volume (Po) = 0.133 inches =(a)(P6)(C)

PCSP Calculator

Infiltration Trench

Site Name:	OROVILLE RESCUE MISSION PALLET SHELTER		
DMA Area, A	83,669	ft^2	**DMA 1**
Impervious Area, A_i	10,040	ft^2	12.00%
SDV	927.0	ft^3	
Infiltration rate, f	2.00	in./hr.	
Max. depth of water infiltrated in 48 hours, d_{max}	8.00	ft	
Volume infiltrated in 48 hours	4,032	ft^3	
Pipe 1 length (ft.)	63.0	ft	
Pipe 1 diameter (ft.)	1.00	ft	
Pipe 1 volume (ft^3)	49.48	ft^3	
Trench length (ft)	63.00	ft	
Trench width (ft)	8.00	ft	
Trench depth (ft)	5.50	ft	
Gravel Layer Porosity, n_{gl}	33%		
Trench volume (ft^3)	898.43	ft^3	
Calculated treatment volume:	947.91	ft^3	
Treatment volume specified in plans:	**1,655**	ft^3	
Treatment Provided:	947.9	ft^3	
Treatment Deficit / Surplus:	20.9	ft^3	



W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE
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CHICO CALIFORNIA 95973
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WES@WGILBERTENGINEERING.COM
CIVIL ENGINEERING
SURVEYING
PROPERTY SURVEYS
CONSTRUCTION STAKING

5/10/2023

CITY OF OROVILLE
COUNTY OF BUTTE
STATE OF CALIFORNIA

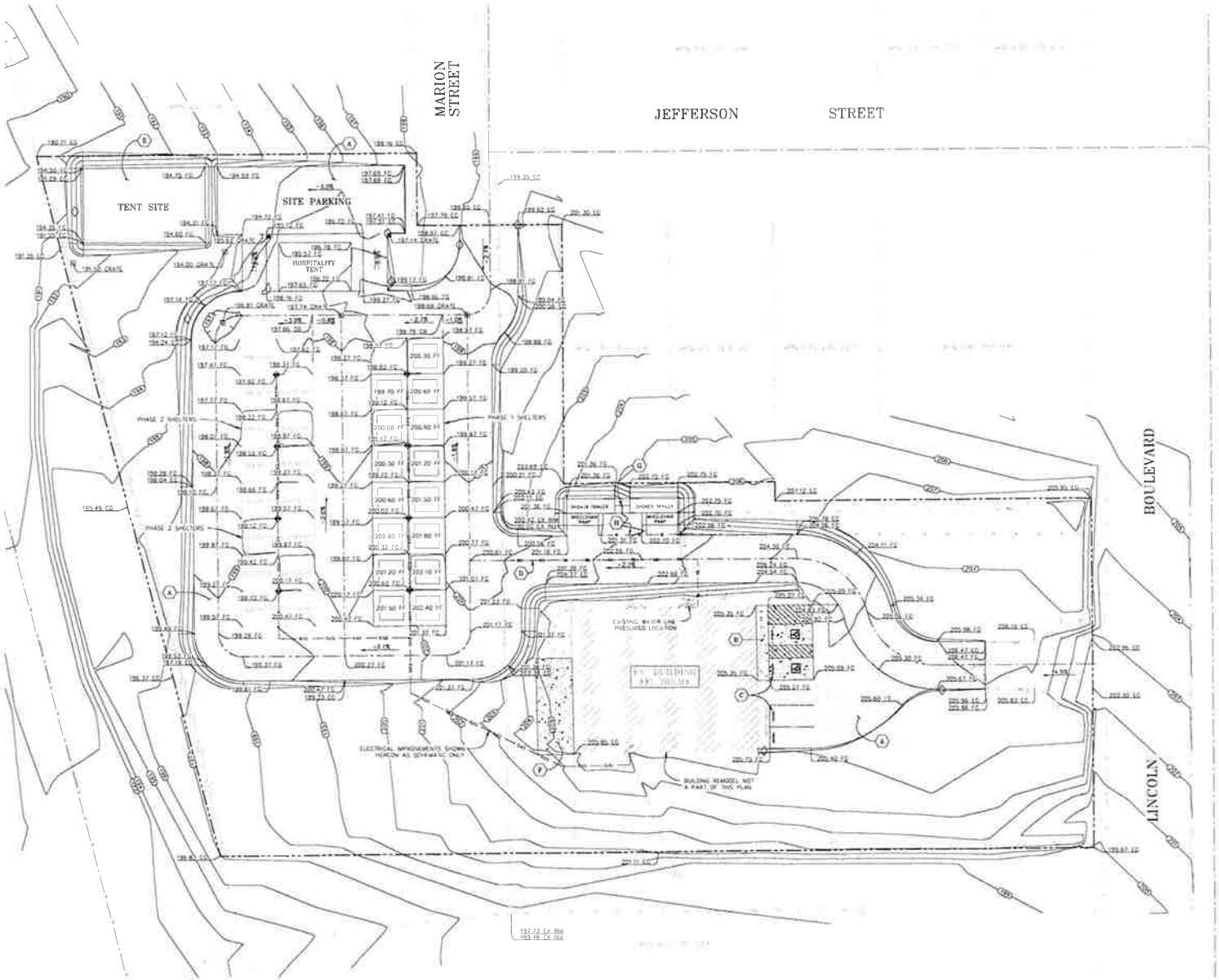
OROVILLE RESCUE MISSION PALLET SHELTER
GRADING AND DRAINAGE PLAN
EXISTING SITE PLAN

CITY OF OROVILLE

REV	DATE	DESCRIPTION	BY

C1

DATE	MAY 10, 2023
DRAWN BY	NAR
DESIGNED BY	WEG
CHECKED BY	WEG
JOB NO.	1821



CONSTRUCTION NOTES:

(A) INSTALL 21,112± SF OF DRIVEWAY TYPICAL SECTION, SEE DETAIL ON THIS SHEET

(B) INSTALL 740 SF OF 4" THICK PCC SIDEWALK AND ADA PARKING STALL ON 2" SAND

(C) INSTALL (4) CONCRETE PARKING STOPS

(D) INSTALL 101 LF 4" PVC SS PIPE, S= 0.035 ft/ft MIN., CONNECT TO EX. MAIN, INV AT TIE 189.95± VERIFY PRIOR TO CONSTRUCTION

(E) COMPACT 1,575± SF NATIVE SOIL TO 95% RELATIVE DENSITY AT TENT SITE

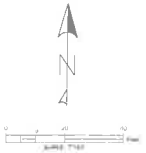
(F) INSTALL 15' X 40' PCC SLAB

(G) INSTALL 12 LF 4" PVC SS PIPE, S= 0.035 ft/ft MIN., CONNECT TO EX. MAIN, VERIFY PRIOR TO CONSTRUCTION

(H) INSTALL 60 LF X 1" PVC WATER LINE. CONNECT TO EXISTING WATER SERVICE FOR EXISTING BUILDING



DRIVEWAY TYPICAL SECTION N.T.S



W. GILBERT ENGINEERING

CIVIL ENGINEERING
SURVEYING
PROPERTY SURVEYS
CONSTRUCTION STAKING

5/10/2023

CITY OF OROVILLE

OROVILLE RESCUE MISSION PALLET SHELTER
GRADING AND DRAINAGE PLAN
GRADING PLAN

STATE OF CALIFORNIA

COUNTY OF BUTTE

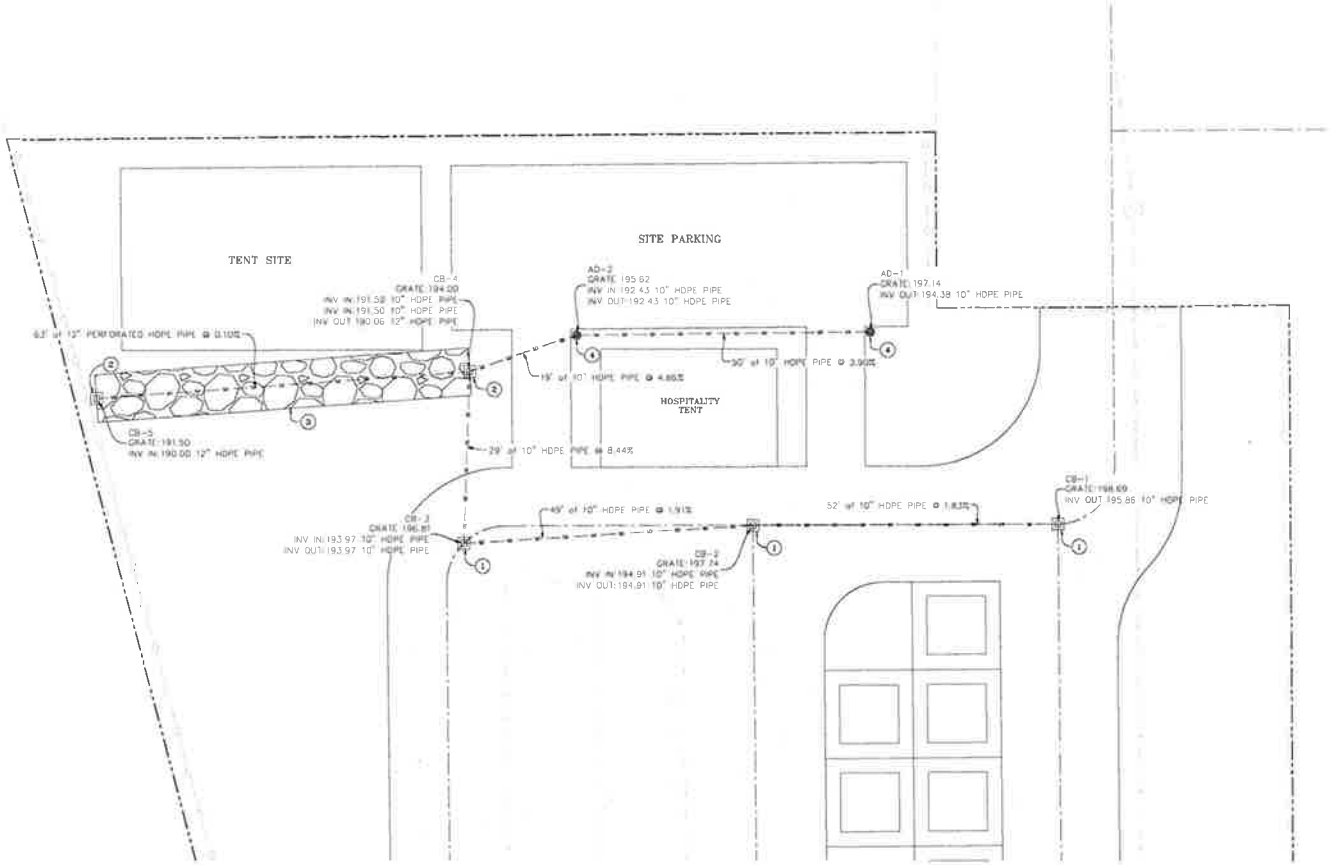
CITY OF OROVILLE

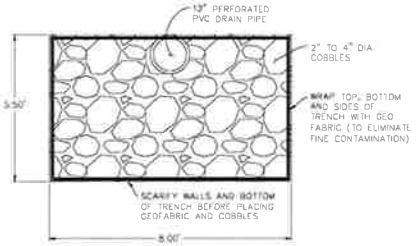
C2

DATE MAY 10, 2023
DRAWN BY MMG
DESIGNED BY WEG
CHECKED BY WEG
JOB NO.

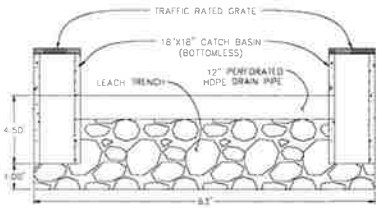
STORM DRAIN CONSTRUCTION NOTES:

1. INSTALL COOKS 18" X 18" DRAINAGE INLET OR APPROVED EQUAL, SEE DETAILS IN PLAN VIEW ON THIS SHEET
2. INSTALL BOTTOMLESS COOKS 18" X 18" DRAINAGE INLET OR APPROVED EQUAL, SEE DETAILS IN PLAN VIEW ON THIS SHEET
3. INSTALL 63 LF STORM DRAIN LEACH TRENCH, SEE DETAILS ON THIS SHEET, S = 0.10%
4. INSTALL 12" X 12" DRAINAGE INLET OR APPROVED EQUAL, SEE DETAILS IN PLAN VIEW ON THIS SHEET





STORM DRAIN TRENCH DETAIL



STORM DRAIN INSPECTION PORT DETAIL
NTS

Cut/Fill Report

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
DIRT CALCS	full	1.000	1.500	239198.90	809.05	1756.78*	947.73*

* Value adjusted by cut or fill factor other than 1.0

W. GILBERT ENGINEERING

5/10/2023

CITY OF OROVILLE
OROVILLE RESCUE MISSION PALLET SHELTER
GRADING AND DRAINAGE PLAN
DRAINAGE PLAN
STATE OF CALIFORNIA
COUNTY OF BUTTE
CITY OF OROVILLE

C3

DATE: MAY 10, 2023
DRAWN BY: MEG
DESIGNED BY: WEG
CHECKED BY: WEG
JOB NO:

June 2, 2023

MISSION ESPERANZA DEVELOPMENT PROJECT

PROJECT NO. Bid RFP #RM-05-2023

ADDENDUM NO. 4

The contract plans and specifications for the above noted project are hereby modified as follows:

ITEM	TITLE	DESCRIPTION OF CHANGE/INSTRUCTIONS
1	Bids Due/Bid opening date change	The Bids due/Bid Opening has been pushed back to Friday, June 9th at 11:30 am.
2		
3		

This addendum shall accompany each bid proposal submitted, shall become a part of the contract documents.

Signature of Bidder

06/09/23
Date

NOTE: Attach Addendum to bid proposal

Amy Bergstrand
Director, Business Assistance & Housing Development, City of Oroville

DISTRIBUTION: PublicPurchase.com

June 7, 2023

MISSION ESPERANZA DEVELOPMENT PROJECT

PROJECT NO. Bid RFP #RM-05-2023

ADDENDUM NO. 5

The contract plans and specifications for the above noted project are hereby modified as follows:

ITEM	TITLE	DESCRIPTION OF CHANGE/INSTRUCTIONS
1	All Questions and Answers	The attached is list of all questions and answers received through Public Purchase.
2		
3		

This addendum shall accompany each bid proposal submitted, shall become a part of the contract documents.

Signature of Bidder

06/09/23
Date

NOTE: Attach Addendum to bid proposal

Amy Bergstrand
Director, Business Assistance & Housing Development, City of Oroville

DISTRIBUTION: PublicPurchase.com

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Questions for Bid RFP #RM-05-2023 - MISSION ESPERANZA DEVELOPMENT PROJECT

Question #1

Please confirm there is no existing natural gas line at the property.

May 19, 2023 3:12:44 PM PDT
By: Butte Construction Company - Bccppw123

Answers

No, the only gas line is at the neighboring Rescue Mission parcel.

May 22, 2023 9:22:53 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #2

Please confirm power will be needed at the hospitality tent.

May 19, 2023 3:13:00 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Yes, power will be needed.

May 22, 2023 9:23:10 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #3

Please confirm Phase 2 price is to include 15 shelter pads in lieu of 5 shelter pads as stated in the Project Description (Specifications and Contract Documents).

May 19, 2023 3:13:25 PM PDT
By: Butte Construction Company - Bccppw123

Answers

The plan is to eventually have 30 pallet shelters. Round 1 funding covers the purchase of 15 shelter units and Round 2 will cover 5 more, if funded. With the potential of other funds, we will purchase the final 10 units. The project scope should include the development of 30 pallet shelter pads complete with electrical connections ready for the placement of shelter units.

May 22, 2023 9:23:30 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #4

Please confirm that electrical and plumbing connections to the shelters are by general contractor after shelters have been constructed.

May 19, 2023 3:13:41 PM PDT
By: Butte Construction Company - Bccppw123

Answers

No plumbing to shelters. Yes, the final electrical connection to the shelters will be by the contractor once the shelters have been constructed.

May 22, 2023 9:23:54 AM PDT
By: DNevers1735

Archive

Answer Reject

Item 14.

Question #5

Please confirm that the hospitality tent is provided and installed by others.

May 19, 2023 3:13:54 PM PDT
By: Butte Construction Company - Bccppw123

Answers

The hospitality tent, for the time being, will be a ready to assemble carport cover. Yes, it will be set up and installed by others.

May 22, 2023 9:24:18 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #6

Please confirm that perimeter fencing upgrades are to be priced as an alternate.

May 19, 2023 3:14:08 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Yes, please price replacement/upgrade as an alternative.

May 22, 2023 9:24:41 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #7

Please confirm any electrical service upgrades are going to be handled by the owner.

May 19, 2023 3:14:23 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Electrical service upgrades will be identified and completed by contractor.

May 22, 2023 9:25:00 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #8

Please provide the size of the existing water service.

May 19, 2023 3:14:36 PM PDT
By: Butte Construction Company - Bccppw123

Answers

The existing water service size is 5/8"

Jun 2, 2023 4:33:54 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #9

Please confirm that any upgrades to the existing water service will be provided and installed by the owner and Cal Water.

May 19, 2023 3:14:50 PM PDT
By: Butte Construction Company - Bccppw123

Answers

The need for a water service upgrade will be identified by contractor and and application will be completed by the Rescue Mission. CalWater will complete the upgrade of the service.

May 22, 2023 9:26:53 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #10

Please confirm that the owner and Cal Water will provide and install a fire water service and bring it to the property line, if needed.

May 19, 2023 3:15:09 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Same answer as Question #9.

Jun 7, 2023 11:27:02 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #11

Please clarify if interior walls may be partial height or if they need to be full height.

May 19, 2023 3:15:23 PM PDT
By: Butte Construction Company - Bccppw123

Answers

This will be determined by the building code if allowable.

May 22, 2023 9:27:30 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #12

Are the walkways between each of the pallet homes and from the pallet homes to the main building compacted rock or concrete?

May 23, 2023 12:20:39 PM PDT
By: Joseph Goitia - SynergyBuilders

Answers

Page C2 of the plan set describes the driveway section as having "Compact Top 6" of subgrade to 95% relative compaction" and " "Place 4" class 2 AB compacted to 95% relative compaction" for the driveway and around the shelters.

May 25, 2023 5:01:31 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #13

Are the windows in the offices to be interior or exterior?

May 25, 2023 2:41:02 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Interior. Only exterior windows are for the dorms. The double doors on the west side of the property that face the pallet shelters should be glass to see through.

Jun 2, 2023 4:34:19 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #14

Based on the site walk, it appeared there was not enough incoming power to support the electrical needs of the proposed development. Please confirm the owner will contract directly with PG&E to design and upgrade the incoming power all the way into the new switchgear which would be provided and installed by contractor.

May 25, 2023 5:34:41 PM PDT
By: Butte Construction Company - Bccppw123

Answers

I'd like the Contractor to provide this level of work with PG&E.

Jun 2, 2023 4:41:29 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #15

For the perimeter fence rehab/replacement - please clarify what is to be done with the existing fence:
a. Leave in place and build new fence up against the existing fence
b. Cut fence posts at ground level (leaving footing in place) and dispose of posts and fence panels
c. Remove and dispose of post and fence post footings, fence panels and fill post holes with dirt

May 25, 2023 5:35:05 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Ideally, the existing fence would be removed and the posts and panels appropriately disposed of and a new chain link fence with privacy slats and a gate would replace it on the west and north west sides of the back lot. If funding is going to be an issue, then the existing fence would need to remain and be stabilized or "shored up".

Jun 2, 2023 4:41:45 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #16

Please clarify if the exterior of the building to be painted?

May 25, 2023 5:35:33 PM PDT
By: Butte Construction Company - Bccppw123

Answers

No, the exterior does not have to be painted

Jun 7, 2023 11:10:39 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #17

Please clarify what is the drywall finish to be?

May 25, 2023 5:35:55 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Knock-down finish

Jun 2, 2023 4:42:01 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #18

Please confirm the washers and dryers will be provided and installed by others.

May 25, 2023 5:36:13 PM PDT
By: Butte Construction Company - Bccppw123

Answers

Yes, the washers/dryers will be provided and installed by Mission staff

Jun 2, 2023 4:42:42 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #19

Please clarify if the "L" shaped figure in the laundry room is casework, a shelf, a counter or if this is something by others.

May 25, 2023 5:36:30 PM PDT
By: Butte Construction Company - Bccppw123

Answers

The L shape is a counter for folding laundry on-does not require an enclosure

Jun 2, 2023 4:43:01 PM PDT
By: DNevers1735

or cabinet below it. This should be included in the bid.

Archive

Answer Reject

Question #20

Please clairfy i existing building is a conditioned space with heating and cooling?

May 25, 2023 7:52:09 PM PDT
By: REM Construction - tschell

Answers

The rehabilitation of this facility should include conditioned space; it is not conditioned as it stands currently.

May 26, 2023 12:24:26 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #21

Please clarify that entire ceiling will be framed in, taped and textured with R-30 insulation in attic.

May 25, 2023 7:53:02 PM PDT
By: REM Construction - tschell

Answers

If not intended to be framed and sheet rocked, it may be requested during plan review to do so.

May 26, 2023 12:24:00 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #22

Please clarify that the owner understands roof is leaking at this time and will need a new roof.

May 25, 2023 7:53:37 PM PDT
By: REM Construction - tschell

Answers

There are a couple minor leaks that will need to be repaired. This will be tackled with future funding that will most likely be received during the construction phase (change order)

May 26, 2023 12:22:56 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #23

Please clarify the three rolling door openings. What is to be done with them?

May 25, 2023 7:54:37 PM PDT
By: REM Construction - tschell

Answers

The rolling door on the east side of the building will need to be framed in and enclosed to create an emergency exit door from the women's dorm.
The rolling door on the north side of the building will need to be framed in and sheet rocked.
The rolling door on the west side of the building should be removed and framed in to include a double-glass door entry which will serve as the main entry doors into the facility. These double doors will open to the concrete pad and overhang area serving as the storage area -the glass on these doors should include reflective material to defray the sun and block UVs

Jun 7, 2023 11:11:10 AM PDT
By: DNevers1735

Archive

Answer Reject

Question #24

Please clarify the occupancy number inside the building as additional design will be required for exiting.

May 25, 2023 7:55:16 PM PDT
By: REM Construction - tschell

Answers

This will be determined by the building code as applied by the architect and reviewed by the building department. There will be no more than 40 persons sleeping inside in a congregate setting.

May 26, 2023 12:21:56 P
By: DNevers1735

Archive

Answer Reject

Question #25

Please clarify storefront door system at new entrance to storage cover.

May 25, 2023 7:56:07 PM PDT
By: REM Construction - tschell

Answers

If I am understanding the question correctly, the rolling door on the west side of the building will be removed and framed in to include a double door that is glass. On the west end of the facility will be concrete pad all the way across the facility that will include an over hang/storage cover that will house storage bins underneath and to the left and right of the double doors

May 26, 2023 12:21:24 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #26

Please clarify once saw cutting to new restroom is complete that there is sufficient fall to existing sewer.

May 25, 2023 7:57:00 PM PDT
By: REM Construction - tschell

Answers

We will leave this to the contractor or sub of the contractor to determine.

May 26, 2023 12:20:48 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #27

Please clarify existing sewer is big enough for this project.

May 25, 2023 7:57:26 PM PDT
By: REM Construction - tschell

Answers

LOAPUD has verified that the existing sewer system can accommodate the number of persons and EDUs at the site. The Mission has started the paperwork process with LOAPUD for off-site improvements and the score study that is required for more than 20 EDUs.

May 26, 2023 12:20:11 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #28

Please clarify that the owner understands that the current schedule is not doable with the current expectations. It will take two months just to get the permit and the new engineered drawings due to the current work load of the design professionals in the area.

May 25, 2023 7:59:19 PM PDT
By: REM Construction - tschell

Answers

It is our expectation that we be able to open the facility by the end of November

May 26, 2023 12:19:38 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #29

Please confirm the existing concrete is the flooring the owner wants. If not what is to be added?

May 25, 2023 8:00:06 PM
By: REM Construction - tschell

Answers

Floor epoxy coating for high traffic facilities would be best

May 26, 2023 12:19:06 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #30

Please confirm that city will not require a new fire hydrant to service this project.

May 25, 2023 8:00:47 PM PDT
By: REM Construction - tschell

Answers

A new hydrant will be required as the nearest is two parcels away.

May 26, 2023 12:18:37 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #31

Please confirm PG&E has been contacted and an application has been submitted.

May 25, 2023 8:01:38 PM PDT
By: REM Construction - tschell

Answers

The Project Manager will work with the contractor to complete the PG&E application process as permits need to be provided to PG&E along with project specific electrical load needs, etc.

May 26, 2023 12:18:08 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #32

Please provide all permits required and provide an estimate for these so everyone is bidding equally.

May 25, 2023 8:02:39 PM PDT
By: REM Construction - tschell

Answers

Permits will be all applicable building permits and grading permit. Permits will be zero dollars as the City is the parenting agency on the project and the parcel lessee.

May 26, 2023 12:17:46 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #33

Please provide the most recent site plan from job walk showing the shower trailer slabs and associated utilities.

May 26, 2023 9:50:44 AM PDT
By: Butte Construction Company - Bccppw123

Answers

This has been added to the Public Purchase Bid page

Jun 2, 2023 4:44:01 PM PDT
By: DNevers1735

Archive

Answer Reject

Question #34

Please confirm the collateral loading capacity of the metal building is sufficient to support the fire sprinkler system.

May 26, 2023 10:55:04 AM PDT
By: Butte Construction Company - Bccppw123

Answers

Yes, this should be ascertained by an architect or engineer

Jun 2, 2023 4:44:29 PM PDT
By: DNevers1735

Archive

Answer Reject

Ask a Question

View Bid

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Item 14.

Public | Purchase™

Bid RFP #RM-05-2023 - MISSION ESPERANZA DEVELOPMENT PROJECT
Addendum #6 - Addendum

Information Deleted: ~~Deleted~~

Information Added: Added

Bid Type **RFP**

Bid Number **RM-05-2023**

Title **MISSION ESPERANZA DEVELOPMENT PROJECT**

Start Date **May 8, 2023 5:22:53 PM PDT**

End Date **Jun 9, 2023 11:30:00 AM PDT**

Agency **City of Oroville**

Bid Contact **Dawn Nevers**
(530) 538-2405
dnevers@cityoforoville.org
1735 Montgomery Street
Oroville, CA 95965

Description

Project Description

The PROJECT (Phase 1) consists primarily of:

- ��*Mission Esperanza (Low-barrier Navigation Center and Shelter) Development*
  - Contractor shall prepare/provide all engineering required for the project/permits, based on a draft concept plan (Exhibit A) and the provided site plan (Exhibits ��and C)
-
  - Designs for shared bathrooms, sleeping and other common areas shall incorporate adequate capacity of accessible accommodations
  - Rehabilitate and repair an existing warehouse for use as a congregate homeless shelter by constructing wood framed walls, 2 dormitories for sleeping, ADA compliant showers and restroom facilities (men���s, women���s, non-gender specific), 5 private offices, ADA compliant entrances/exits, HVAC system, appropriate ventilation, windows in offices, insulation, laundry room, lighting, fire extinguishers
  - Construct a storage area that has adequate spacing to accommodate (75) 95-gallon locking storage bins. This area will include an attached overhang and concrete pad, as well as exterior lighting
- Alternative Sheltering Expansion
  - Using the Pallet Shelter Minimum Design Requirements (Exhibits D and E), prepare 15 pallet shelter ���pads��� that have adequate drainage around each unit, have established electrical connections, include walking paths to main facility and are appropriately spaced 10 feet apart from one another
  - Level area, implement drainage and develop water and sewer access/connections for two portable shower trailers
- The project must adhere to the California Building Energy Efficiency Standards-Title 24
- The project shall implement design features that utilize latest best practices in accessible design
- The project must adhere to AB 1197-CEQA Exemption for Supportive Housing and Emergency Shelters

��The PROJECT (Phase 2) consists of: (funding for Phase 2 is contingent upon a grant award in late May)

- Alternative Sheltering Expansion
  - Using the Pallet Shelter Minimum Design Requirements (Exhibits C and D), prepare 5 pallet shelter ���pads��� that have adequate drainage around each unit, have established electrical connections, include walking paths to main facility and are appropriately spaced 10 feet apart from one another
- Site Safety and Security
  - Exterior lighting around pallet shelters, hospitality tent, portable shower, safe parking areas,
  - Rehabilitate/repair/replace perimeter fencing

ADDENDUM #1:��Final and Signed Site/Grading/Draiange Plan Added

ADDENDUM #2:��05/22/2023��

1	Mandatory Pre-Bid Conference	Sign-In Sheet uploaded
2	Perimeter Fence	Submit as Alternative Bid Item No. 1
3	Relocate Women���s Restroom to southeast corner of building	Submit as Alternative Bid Item No. 2 see attached Exhibit A (floorplan) update

ADDENDUM #3: Replace outdated version of Site Plane with updated version.

ADDENDUM #4: Push Bid End Date back to Friday, June 9th at 11:30am.��

ADDENDUM #5: ~~(To come Monday June 5th)~~ Answers to all questions received. ��

Pre-Bid Conference

Date: May 19, 2023 10:00:00 AM PDT
Location: 4250 Lincoln Blvd., Oroville, CA
Notes: Bidders must attend a pre-bid walk-through on-site. The scheduled walk-through is:

��

Friday, May 19, 2023

10:00 AM

Mission Esperanza

4250 Lincoln Blvd., Oroville

* **Vendor attendance is required**

No Attachments No Attachments

Documents

Name	Posting Date	Acceptance
Bid Book Mission Esperanz	May 8, 2023 5:20:49 PM PDT	No
Esperanza Rehabilitation D	May 8, 2023 5:21:02 PM PDT	No
Oroville Rescue Mission Pa	May 31, 2023 6:10:37 AM PDT	No
Site Plan_Exhibit C.pdf	May 8, 2023 5:22:12 PM PDT	No
Shelter 100 Product Specs	May 8, 2023 5:21:55 PM PDT	No
Pallet Infrastructure Guide	May 8, 2023 5:21:37 PM PDT	No
Addendum No. 2.pdf	May 22, 2023 5:24:27 PM PDT	No
Sign In Sheet_Mision Espe	May 22, 2023 9:33:32 AM PDT	No

Name	Posting Date	Acceptar
Alternate No. 2_Relocate V	May 22, 2023 5:24:02 PM PDT	No
Addendum No. 3.pdf	Jun 2, 2023 5:02:13 PM PDT	No
Addendum No. 4.pdf	Jun 2, 2023 5:02:29 PM PDT	No
Addendum No. 5 with Qs.	Jun 7, 2023 12:31:51 PM PDT	No

Return to Bid

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CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **AMY BERGSTRAND, DIRECTOR**
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT

RE: **2023 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE APPLICATION SELECTION**

DATE: **JULY 18, 2023**

SUMMARY

The Council may receive applications submitted by local non-profits for 2023 Community Development Block Grant (CDBG) Program application and provide direction to staff.

DISCUSSION

CDBG funds are provided as grants to non-entitlement jurisdictions. Non-entitlement jurisdictions are cities and counties that do not receive CDBG directly and must compete for funding. The objectives of the CDBG program are to develop viable communities by the provision of decent affordable housing, suitable living environment, and to expand economic opportunities, principally for the benefit of low- and moderate- income (LMI) persons, families, households and neighborhoods. LMI is defined as neighborhoods, families, households and individuals whose income does not exceed 80 percent of the county median income.

During the June 6, 2023, Oroville City Council meeting, the Housing Director was given direction to solicit public service application for the 2023 Competive application component of the 2023 CDBG application. During the Housing and Community Development (HCD) Office Hours session, State CDBG announced their intention to release the CDBG 2023 NOFA at the end of July. During this session, many changes and limitations to the NOFA were outlined.

At that meeting, City Council gave direction to staff to solicit applications from public service entities to submit public service applications for the 2023 CDBG application.

On June 7, 2023, City staff posted the Request for Application on the City's website, Facebook page, and mailed a copy to all of the public service providers on the city's

current mailing list. Applications were due to the City by 3 p.m. on June 29, 2023.

One June 29, 2023, staff received the following proposals for a 3-year period.

Public Service	Activity	Amount of Request	Beneficiaries to be Served
Feather River Gymnastics Booster	Gymnastics Training	$100,000	220
The Axiom	The Axiom's Training and Exploration Program (STEP)-expand current program	$232,500	75
Catalyst Domestic Violence	Oroville Domestic and Sexual Violence Services-expand current program	$232,500	150
YMCA of Superior California	Out-of-School Programming for Youth Services	$232,500	300
Oroville Rescue Mission, Inc.	Comprehensive Case Management with Rapid Rehousing	$232,500	1,647

Complete applications and supporting documentation are available to view in the Department of Business Assistance and Housing Development

FISCAL IMPACT

None

RECOMMENDATION

Provide direction to staff.

ATTACHMENTS

Public Service Applications

2023 CDBG Application for Funding
Public Services

received 6/28/23 7:34Am

PART I: Agency Information

Application due June 29, 2023, 3:00 PM

Agency Name:	Feather River Gymnastics
Address:	1950 Kitrick Ave
Agency Type :	x☐ Nonprofit ☐ For-profit ☐ Public/Quasi Public ☐Government
Faith-based Organization?	☐ Yes x☐ No
Employer Federal ID #:871424777	Sam.gov registered? x☐ Yes ☐ No Must be completed before Standard Agreement is executed. **DUNS #:**
Proposed Activity Name:	Gymnastics training
Have you ever received City of Oroville CDBG funding before:	☐ Yes x☐ No
Amount Requested: (max request $232,500)100,000	**$100,000**
This request is for a:	☐ New Program ☐ Existing Program ☐x Expanded or Modified Program

Contact person regarding the application: President of FRGBC

Name:	Sara McHugh	**Title:**	President/Sole Guarantor
Phone #:	916-960-3750	**E-mail:**	Sdmchugh22@hotmail.com

Contact person throughout administration of the program: General Manager

Name:	Michelle Huffman	**Title:**	General Manager
Phone #:	831-334-4121	**E-mail:**	Coach_m_scgc@yahoo.com

Two officials authorized to sign contracts and expend funds for the organization:

Name:	Sara McHugh	**Title:**	President
Name:	——Saeryon Moreno	**Title:**	Treasurer

I hereby certify that if funds are granted to our organization, they will be used to benefit residents of the City of Oroville. I understand that liability insurance will be required for our program activities and that our formal agreement with the City will define other reporting provisions and federally required assurances. I also understand that submittal requirements must be provided with this application to be considered for funding.

Name:	Sara McHugh	**Title:**	President
Signature:	Sara McHugh	**Date:**	6/27/23

PART II: Proposed Activity Information

1. Briefly describe the *Program's* Title.

Feather River Gymnastics is a non profit that is commited to see the children and athletes in the community, are given a space to create their future through hard work and determination.

2. Is the Site Address the same as the Agency Address?

yes

3. Provide Activity Description. List all the existing services provided by the proposed activity and describe how these services will be enhanced or expanded with the CDBG funding you are requesting.

Feather River Gymnastics has been a team that is soley funded through fundraisiing from the parent group, Feather River Gymnastics Boosers Club. The athletes train up to five days a week, and compete all over the state, regionally and nationally. These funds would directly impact the children in the program by allowing the club to purchase equipment for all ages that are overly used, and aged out, provide scholarhships for those families volunteering to keep their child in the program and training. The funds will also help with the infractructure needed to keep the children safe, and healthy while in training, for example, larger fans for hot days in the facility, smaller toilets and watering fountains for drinking water, new foam blocks, trampoline hardware, security cameras, and basic upkeep of an aging building,

4. Provide Program Scope of Work. (i.e., Tasks to accomplish)

Provide a clean and safe facility for the athletes to train in daily. A safe working environment for the staff, with facility upgrades like toilets, water fountains, fans for cooling needs.
Hire professionals to be able to clean vents, rat infestation to exterior walls, plumbing for ADA bathroom

5. Provide Program Deliverables.

Products such as large coolers, fans, construction materials, equipment

6. Describe the Agency's Statement of Need for Public Service.

The program is in need due to the unforeseen move that has taken all of the funds for the athletes in training. Due to the closer of the district facility, the booster club had to use all allocated funds, and push more community fundraising to keep the athletes training. Multiple architects had to be consulted, HVAC, Electricians, Engineers, Demo/Construction, Plumbing, and equipment removal, has all but depleted all funds for

the program. We are trying to continue providing a safe place for the children of the community to learn skills, and compete if they wanted to.

7. Describe the Agency's history and experience in providing the proposed activity?

The coaching staff is a nationally recognized staff that has dedicated through all of the movement, soley to the athletes and their training. The Club has taken over from previous clubs, to keep costs down, deliver affordability and stability to the training for the athletes. The program is solely funded through parent and community dedication to the children of the Oroville area. The program has been in parades, on the news, in all aspects, showing their talents and offerings to be part of the next generation of the community.

8. Provide Third party studies establishing need, published documentation of need. (newspaper, journal, etc.) *Provide Supporting documentation.*

   Letter from the District notifying the closure of the facility, leaving the team and coaches nowhere to practice or train

9. Provide a narrative indicating there is no reasonable access to the service.
   We are providing the service at almost no profit since the move.

10. Provide documentation showing no reasonable *access (i.e., maps showing service locations, transportation availability, listings, and description of active non-profits in the area to demonstrate a lack of service providers).*
    Our description of the non profit is the boosters club by laws to be able to support the athletes and give parents the opportunity to volunteer to keep costs down

11. Provide a narrative indicating why the population needs this service.

The children of the community have almost no outlets for sports outside of a few private martial arts, and little league options. One being seasonal, and impacted by parent volunteers, our program offers mobility to those who want to train and strengthen their abilities for all sports.

12. Provide documentation of population changes, services to the population ratio. (how many services providers are available by population) *Provide supporting documentation of population.*

Our services provide space from 3 year olds to 18, for all to train at their given ability level

13. Provide Narrative listing your partners and collaborators.

~~13.~~ We have no partners, we are a sole club

14. Provide partners/collaborator supporting documentation.

15. Are you looking to start a new program, modify an ongoing program or add a new type of assistance to an existing program?

    New type of assistance for an existing program that is now a stand alone non profit

16. Provide a narrative describing your staff and/or contractor/subrecipient expertise.
    Our staff ranges from 30 years coaching and judging, to the youngest of the last ten years. All have an expert level training for gymsnatics that is sought out from Sacramento to Redding

17. Can you confirm the funding is "gap" funding?
    We would use these funds to continue our training while we set it up for recreation classes and team, and allow the staff to be able to utilize the facilty to it's best ability

18. Do you have at least one of the documents listed below adopted by your board and can you provide documentation?

    a. Program Guidelines-detailed plan which details the rules and regulations under which the program will operate.
    b. Activity Implementation Plan-a document that you will use to define your implementation strategy. It outlines the activities and decision necessary to turn the strategic goals into reality, and the execution plan is a schedule of concrete actions and activities to achieve goals and drive success.
    c. Strategic Plan-a document that articulates both the decisions made about the organization's goals and the ways in which the organization will achieve those goals.
    d. Operating Plan-An operating Plan can be defined as a plan that clearly defines actions it will take to support the strategic objectives and plans of upper management.

19. Describe Site Control of facility or means to conduct the services. *Provide documentation.*

We operate at 1950 Kitrick Ave in Oroville, our General Manager is the Head Coach, and will be the point person on how the funds will be allocated as it meets the needs of our athletes

20. Provide proof of Sams.gov registration and unique identifying number.

21. Please describe how does/how will the activity verify that clients served are low to moderate-income?
Almost all of the athletes quilfiy for the low to moderate income, as they are volunteer based to cover their expenses to keep down cost.

Note: Check the appropriate population if the activity targets clients representing populations that are presumed low-income. Otherwise, check the appropriate income verification method used in the activity.

☐	Pay Stubs/ Wage Statements
☐	W-2s
☐	Income Tax Returns
☐	Social Security Documentation (SSI/SSA)
x☐	Bank Statements
☐	Support Checks Documentation
☐	Other: _____

PART III: Target Population for Proposed Activity

1. Please check the target population(s) that the program/project will serve.

☐ Domestic Violence Victims
☐ Seniors / Frail Elderly
☐ Families
x☐ Children
☐ Homeless
☐ Substance Abuse
☐ Physically Disabled
☐ Mental Health Issues
☐ Persons with HIV/AIDS
☐ Chronic Public Inebriates
☐ At Risk of Homelessness
☐ Dually Diagnosed
☐ Other: _____
☐ Other: _____
☐ Other: _____
☐ Other: _____

2. Indicate the number of unduplicated clients you have served in the previous calendar year and the number of unduplicated clients you expect to serve in the coming year.

Number of Unduplicated Clients Served	**City of Oroville Residents**	**Oroville Area Residents**
Number of clients served in 2022-23	30	45
Number of **low-income** (<80%Area Median Income) clients served in 2022-23	25	30
Clients expected to be served for 2023-2024	220	250

3. Please describe how the expected number of clients served for fiscal year 2023-24 was determined. (e.g., statistics, needs assessments, etc.)

We have taken over the recreation program since the closure, and the population is for the community of Oroville area

5. Describe the outreach and/or marketing plan to obtain potential clients from the target population.

We use social media, school advertising, parade, or booth options for community events

6. Describe the activities the organization will undertake to reach potential clients from **under-represented** groups, and female head-of-households (e.g., bilingual staff, translation of brochures, etc.)

Offer bi-lingual program brochures, parent information nights, day care options for working parents, scholarships for low imcome for volunteer

7. Briefly describe the experience / expertise of the main program/project staff in working with the target population.

PART IV: Activity Budget

1. Provide a summary of available resources and expenses related to the proposed activity. In the next section, you will be asked to provide a detailed description of these figures. Please round up to the nearest dollar.

Column B must equal columns C through G **Cash Sources other than CDBG**

(A) Expense Category	(B) Total Project Budget	(C) CDBG Requested Amount	(D) Agency's Funds	(E) Other Federal Funds	(F) State/Local Funds	(G) Foundation/Other Public Funds
PERSONNEL SERVICES						
Salaries	$	$	0	0	0	0
Fringe Benefits (Total)	5000	5000	1000	0	0	0
SUPPLIES						
Office Supplies	500	2000	5200	0	0	0
Postage	200	0	200	0	0	0
Program Supplies	200	0	200	0	0	0
Other (Specify)	500	500	500	0	0	0
CLIENT SERVICES						
Direct Client	16000	8000	8000	0	0	0

Services*						
Other (Specify)						
OPERATING						
Telephone	1200	500				
Utilities	7200	5000				
Rent (Facility Use)	108000	50000				
Printing	500					
Liability Insurance*	1500	1500				
Conference & Seminars	500	500				
Travel	10000	10000				
Other (Specify)						
EQUIPMENT PURCHASE						
Computers/Software	500	500				
Office Equipment	500	500				
Other (Specify)	20000	20000				
TOTALS:	**$**	**$** 104,00	**0**	**0**	**0**	**0**

*** Liability insurance is required of all sub-recipients and may be paid from grant funds.**

2. **Personnel Services**

If City of Oroville CDBG funds will be used to support personnel services, please complete the table below.

Personnel Services:								
Position Title	**Is this a current or proposed position?**	**Annual Salary**	**Annual Fringe Benefits**	**Total Annual Salary**	**x**	**% Time Spent On CDBG Project**	**=**	**Total Position Cost Requested from CDBG**
Example: Case Manager	Current	$25,000	$5,000	$30,000	x	40%	=	**$12,000**
General Manager	C	48000	1000	49000	x	100	=	***49000***
Head Coach	C	38400	1000	39400	x	100	=	***39400***
					x		=	
						Line Amount :		***88400***

3. **In-Kind and Leveraging Sources**

List the source and type of funds being leveraged by the proposed activity for the upcoming fiscal year.

Entity/Proposed Source	**Type**	**Annual Project Value**	**In-Kind**	**Cash**

		in $		
Example: School District	Space Rent	$5,000	X	
Fundraiser Fireworks	10000	11000		
tuition		72000		
TOTAL DOLLAR VALUE		**TBD**		

2023 CDBG Application for Funding
Public Services

received 6/29/23 12:56pm

PART I: Agency Information

Application due June 29, 2023, 3:00 PM

Agency Name:	Catalyst Domestic Violence Services		
Address:	P.O Box 4184, Chico, CA 95927		
Agency Type :	☒ Nonprofit ☐ For-profit ☐ Public/Quasi Public ☐Government		
Faith-based Organization?	☐ Yes ☒ No		
Employer Federal ID #: 94-2587378	Sam.gov registered? ☒ Yes ☐ No Must be completed before Standard Agreement is executed.	**DUNS #:**	004200361
Proposed Activity Name:	Oroville Domestic and Sexual Violence Services		
Have you ever received City of Oroville CDBG funding before:	☒ Yes ☐ No		
Amount Requested: (max request $232,500)	**$ 232,500**		
This request is for a:	☐ New Program ☐ Existing Program ☒ Expanded or Modified Program		

Contact person regarding the application:

Name:	Anastacia L. Snyder	**Title:**	Executive Director
Phone #:	530-343-7711	**E-mail:**	als@catalystdvservices.org

Contact person throughout administration of the program:

Name:	Jackie Kent	**Title:**	Associate Director
Phone #:	530-343-7845	**E-mail:**	jackie@catalystdvservices.org

Two officials authorized to sign contracts and expend funds for the organization:

Name:	Anastacia L. Snyder	**Title:**	Executive Director
Name:	Jackie Kent	**Title:**	Associate Director

I hereby certify that if funds are granted to our organization, they will be used to benefit residents of the City of Oroville. I understand that liability insurance will be required for our program activities and that our formal agreement with the City will define other reporting provisions and federally required assurances. I also understand that submittal requirements must be provided with this application to be considered for funding.

Name:	Anastacia L. Snyder	**Title:**	Executive Director
Signature:		**Date:**	6/29/23

PART II: Proposed Activity Information

1. Briefly describe the *Program's* Title.
Catalyst: Oroville Domestic and Sexual Violence Services

2. Is the Site Address the same as the Agency Address?
No. The program address is 1931 Arlin Rhine Drive, Oroville, Ca and at the confidential emergency shelter (when Oroville residents are housed).

3. Provide Activity Description. List all the existing services provided by the proposed activity and describe how these services will be enhanced or expanded with the CDBG funding you are requesting.

Catalyst Domestic Violence Services (Catalyst) will provide a range of direct intervention services at the agency Drop-in Center located in the Oroville community. These services include, but are not limited to, the service needs of domestic and sexual violence victims and their children through a 24-hour, toll-free crisis and referral line, safe housing programs, group and individual counseling, assistance with restraining orders and court accompaniment, drop-in crisis services and support; emergency food, clothing, and transportation, case management, and advocacy.

As the only domestic violence service provider, who will be expanding to serve survivors of sexual assault, in Butte County, the need for services provided in the Oroville area is critical. Also, with our active partnership with local law enforcement and expansion of services, it is anticipated and history has shown that calls for service will rise.

In addition to support received at the Oroville Drop-in Center, Catalyst safe housing programs provide shelter for victims and their children that without such immediate access to services, it is likely that Oroville Police Officers would be called to duty more often on domestic violence assistance calls than they already are and would likely encounter more severe situations. And with the agency's increased housing capacity, we are able to help prevent survivors of abuse from becoming homeless which is critical in that domestic violence is a leading cause of homelessness for females.

4. Provide Program Scope of Work. (i.e., Tasks to accomplish)
Catalyst will maintain a drop-in center to provide the essential tasks of the project. All services, with the exception of safe shelter, will be provided in Oroville. Staffing and systems are in place to deliver the services. We are **expanding our program**, and therefore each activity, to include survivors of sexual assault.

Task 1- Provide TRO/custody Assistance
Our Advocates aid with temporary restraining orders daily by appointment. Advocates receive ongoing training regarding legal assistance through community trainings, webinars, and local family law attorneys. In addition, we refer participants to the self-help clinic (SHARP) and Community Legal Information Center (CLIC), a program of CSU Chico, when appropriate. We also have a relationship with a private attorney who has donated pro bono hours to Participants with complex cases including custody related issues.

Task 2- Provide court and/or mediation Accompaniment
Accompaniment services are provided to participants scheduled to appear in court or mediation. We maintain a weekly presence in Court and the judicial officers recognize and refer to us consistently.

Task 3- Provide therapeutic counseling services
Individual and support group therapy is available at all our sites. Catalyst's counseling program helps victims, and their children, deal with the long-term effects of domestic and sexual violence in their lives. This service is provided by Licensed Marriage and Family Therapists and Master's level Counseling Interns

Task 4- Provide nights of safe shelter
Safe emergency housing is accessed through this crisis line. Catalyst maintains a facility, HAVEN, for the protection and safety of victims of intimate partner violence and their children as well as three transitional housing cottages (aka the Cottages Program). Through the HAVEN and the cottages participants receive food, shelter, clothing, social service and legal advocacy and counseling. In the event that HAVEN and the Cottage Program are full, Catalyst makes hotel arrangements for survivors and their children.

Task 5- Provide emergency transportation
Catalyst staff and volunteers, sometimes with the assistance of law enforcement, provide emergency transportation to HAVEN, our emergency shelter. Our Oroville drop-in site is located on a bus line so participants without transportation are able to access services. Catalyst also maintains an inventory of local and regional bus passes for survivors to access when needed.

Task 6- Provide in-person crisis assistance
In person crisis assistance services and community referrals are provided through our programs at our Oroville drop-in center by trained staff and volunteers. The Oroville site is centrally located on a bus line so Participants without transportation are able to access services. The office is open Monday-Thursday, 9:00am-5:00pm and Fridays 9:00am-1:00pm.

Task 7- Provide phone crisis assistance
The agency provides a twenty-four hour crisis phone line for victims of intimate partner and sexual violence. It is through this crisis line, as well as the phone assistance through the local Oroville Drop-in Center, that community members can seek crisis counseling or other direct services.

5. Provide Program Deliverables.
Catalyst collects demographic and service data on every participant. Catalyst maintains a database of all services provided. We utilize statistics from our database to project numbers of people served annually. Catalyst is well versed in CDBG funding and reporting requirements. In February 2020 we had an onsite audit of CDBG funds by the City of Chico for fiscal year 2018-2019 with no findings. We maintain all data and financial records on site for three years and in storage for seven years.

The projected numbers below represent the number of participants to be served on an annual basis and takes into consideration the expansion into sexual assault service provision.

Deliverable 1- Provide TRO/custody Assistance to 55 individuals

Deliverable 2- Provide court and/or mediation Accompaniment to 30 individuals

Deliverable 3- Provide therapeutic counseling services to 65 individuals

Deliverable 4- Provide nights of safe shelter to 20 individuals

Deliverable 5- Provide emergency transportation to 20 individuals

Deliverable 6- Provide in-person crisis assistance to 110 individuals

Deliverable 7- Provide phone crisis assistance 150 individuals

Deliverable 8- Provide sexual assault crisis support to 25 individuals

6. Describe the Agency's Statement of Need for Public Service.
There is a clear need in Oroville for services for victims of domestic violence. The State of California Department of Justice reports that the Oroville Police Department responded to 149 domestic violence and 23 sexual assault related calls for assistance in 2021. The Butte County Sheriff's Department responded to 309 domestic violence and 36 sexual assault related calls in the same year, a portion of which were for Oroville area residents. While these numbers are significant, victims of domestic and

sexual violence do not report every incident, and some do not ever report, so the rate of interpersonal violence in Oroville is even higher than documentation demonstrates.

In addition to these calls for assistance, the Butte County Homeless Continuum of Care noted in the 2023 Point in Time count, 22% of the homeless in Oroville also identify as victims of domestic violence (attached documentation). This is a significant increase over years past.

Catalyst maintains a database of all services provided to Participants and their families. We utilized statistics from our database to track needs and demands. As documented in the following data, Catalyst provided 320 unique Oroville individuals with a variety of different services in calendar year 2022. This includes 88 Oroville residents identifying as have been sexually assaulted.

Service Type	**Number of Service Units**	**Number of People**
TRO/Custody Assistance	87	52
Court Accompaniment	35	20
Counseling Sessions	326	45
Shelter Bed Nights	434	15
Emergency Transportation	32	16
In Person Crisis Assistance	429	195
Phone Crisis Assistance	553	159
Total (including services not shown)	**3,034**	**232**

Overall, we have seen an increase of services requested and provided in recent years. One additional area of significance is for shelter. We consistently provide emergency shelter to Oroville residents, but because requests happen so often, we have to turn people away. For instance, during this same time frame, we turned Oroville residents and their families away from shelter a total of 26 times.

7. Describe the Agency's history and experience in providing the proposed activity?
Catalyst Domestic Violence Services (Catalyst) has been providing lifesaving services for victims of domestic violence and their children for over 45 years. In the fall of 1977, through the dedicated efforts of its founders, Catalyst was incorporated. The growing demand for shelter was met through the use of "safe houses"- families who were approved through a screening process to provide a room in their own homes for women and their children fleeing violent homes. In 1985 with the assistance of the local United Way and the City of Chico Catalyst opened HAVEN, a 12 bed confidential shelter. In 1990, the shelter was expanded to 17 beds, and in the spring of 1997, Catalyst further expanded HAVEN to include office space for shelter staff.

In 2010 Catalyst moved into and began providing services from our new larger emergency and transitional housing facilities. The HAVEN (Home Away from a Violent Environment Now) a 9,700 square foot facility, was a long time goal for the agency and the expansion to 28 beds and 7 additional toddler/crib beds was the most significant project the organization has completed in its 40-year history. In addition, the CSU Chico Construction Management Department students built an additional four cottages on the same site as part of their "Winter Blitz Build" program adding transitional housing to the portfolio of programs.

Our agency continues to build and maintain our community based partnerships to better meet the needs of victims and build a seamless support system for victims in Butte County. This includes the planned expansion to serve survivors of sexual assault The agency maintains partnerships with all law enforcement agencies, Victim Witness, the District Attorney's office, local schools and various social service organizations and county programs all with the goal of addressing issues of domestic and sexual violence and improving services.

Catalyst provides a range of domestic violence intervention and prevention services. These services include, but are not limited to, assistance through a 24-hour crisis line, a comprehensive housing program that includes emergency safe shelter, transitional and rapid rehousing and housing first support, transportation, food, and clothing. Catalyst also provides group and individual counseling for adults and children, assistance with restraining orders, court and mediation accompaniment, children's' services, social service advocacy and referral, community education, school based dating violence prevention curriculum and programs, and regional training and technical assistance.

8. Provide Third party studies establishing need, published documentation of need. (newspaper, journal, etc.) *Provide Supporting documentation.*

Letter from Oroville Police Department (Attachment 1)
Letter from Butte County Sheriff's Department (Attachment 2)

Jurisdictional data from the Butte County Homeless Continuum of Care Point in Time Count (Attachment 3)
RFP Announcement for Sexual Assault Services for Butte (and Glenn) County (Attachment 4)

9. Provide a narrative indicating there is no reasonable access to the service.
As the only comprehensive domestic and sexual violence service provider in Butte County, with the main service office located nearly 30 miles away in Chico, California, there would be no immediate access to critical support services. The vast majority of our participants live significantly below the poverty level and many do not own a vehicle to easily make the trip to Chico. The primary mode of transportation for our participants is the regional bus line and each one-way trip between the two transit centers is a minimum of 50 minutes (not including walking time to our office 5 blocks from the transit center) and includes 22 stops from start to finish.

10. Provide documentation showing no reasonable *access (i.e., maps showing service locations, transportation availability, listings, and description of active non-profits in the area to demonstrate a lack of service providers).*
Butte County Transit Documentation including transit map and timetable (Attachment 5)
Google Map mapping distance from Chico Main Drop-in Office to Oroville Drop-in Center (Attachment 6)

11. Provide a narrative indicating why the population needs this service.
As outlined in a previous section this is an essential service and need is clearly documented in the data provided. We have far reaching impacts. Advocates provide direct services to community residents and respond to law enforcement and medical providers. If we are not readily accessible to the community then hospitals experience an increase usage of emergency rooms. Additionally, if Catalyst is not present law enforcement experiences more calls for service. By insuring services are available in the city, victims of domestic and sexual violence would get the support and services they need and as a result this would likely reduce the calls for service to the emergency medical and law enforcement services and likely reduce the incidence overall.

Of special note, is the lack of existing services for survivors of sexual assault. As mentioned above, Catalyst supported 88 Oroville residents with a variety of supports services related to sexual assault. This number is 23% more contact with survivors than local law enforcement documents. Without our presence in the community survivors would have not anywhere to turn for support.

12. Provide documentation of population changes, services to the population ratio. (how many services providers are available by population) *Provide supporting documentation of population.*

Based on Butte County population estimates (see table below), the City of Oroville will have little change in population between 2022 and 2023. Population could change if the City Council considers annexing unincorporated areas into the City.

Catalyst Domestic Violence Services is the only domestic and sexual assault provider serving the City of Oroville, thereby maintaining the ratio of services to population. We serve victims/survivors of intimate partner violence and sexual violence (rape and sexual assault). We expect higher quantity of services to meet the additional (SA) need.

Population Estimates - 2023

BUTTE COUNTY 2023 POPULATION ESTIMATES (updated May 2023)

	Total Population 1/1/2022	1/1/2023	Percent Change
BUTTE	206,582	205,592	-0.5
BIGGS	1,966	1,990	1.2
CHICO	105,633	107,394	1.7
GRIDLEY	7,473	7,548	1.0
OROVILLE	19,405	19,409	0.02
PARADISE	7,367	9,142	24.1
UNINCORPORATED	64,738	60,109	-7.2

Source: Department of Finance (www.dof.ca.gov) *E-1 City/County Population Estimates -January 1, 2022 and 2023.*

13. Provide Narrative listing your partners and collaborators.

Catalyst maintains a network of partners both formal and informal to meet the needs of the participants we serve. These partners include local government agencies and other non-profit services and are as follows:

Berry Creek Rancheria of Maidu Indians of California
Butte County Department of Behavioral Health
Butte County Department of Employment and Social Services (including Children's Services)
Butte County District Attorney's office and Victim Assistance Bureau
Butte County Public Health Department

Butte County Sheriff's Office
Catholic Ladies Relief Society
Oroville Police Department
Oroville Rescue Mission

List of Collaborators/Partners
Other Local government agency
Non-Profit Serve providers

14. Provide partners/collaborator supporting documentation.
Operational Agreements with Community Partners (Attachment 7)

15. Are you looking to start a new program, modify an ongoing program or add a new type of assistance to an existing program?

Catalyst is expanding our current program. While we will maintain our existing program services at our Oroville Drop-In Center we will be incorporating support services for survivors of sexual assault and rape. The services will be woven in to existing program structures to minimize start up time and duplication.

16. Provide a narrative describing your staff and/or contractor/subrecipient expertise.

All agency staff are required to successfully complete a Department of Justice (DOJ) background check as well as complete the mandated 40-hour training pursuant to Evidence Code 1037.1. Monthly in-service trainings are required on specific topics related to service delivery. Some examples include: client assessment; cultural humility and working with diverse populations; co-occurring substance abuse or mental health issues. All Catalyst staff completed the mandated training for sexual assault certification in June 2023.

The Drop-In Center Advocates are responsible for staffing and providing services at the Oroville drop-in center and Housing Advocates are responsible for providing safe housing and support services to Oroville residents and their children residing at our emergency shelter. Qualifications for Advocates include but are not limited to: Bachelor's degree in human service discipline or equivalent experience; working knowledge of current legal procedures and issues; demonstrated ability to work independently and as part of a team; excellent communication and organizational skills; demonstrated ability to cope effectively in crisis. The current team of advocates have a combined experience of over 36 years.

Counselors provide individual and peer group-counseling services to victims of domestic and sexual violence and their children at the Oroville drop-in center. Qualifications for the Counselor positions include: completion of practicum requirements of a master's level counseling program, Master's Degree preferred; Intern Number with the Board of Behavioral Health or License; agency counseling experience; malpractice insurance; excellent communication and organizational skills.

Although not charged to grant budget Catalyst's administrative staff have a combined 78 years of non- profit management. The Administrative Team is made up of the Executive

Director, Associate Director, Housing Director, and the Administrative Director. Their duties are as follows: The Executive Director is responsible for the overall operation of the agency including direct supervision of the agency's administrative and counseling program staff, program and grant administration, planning, fiscal management, and public relations; the Associate Director is responsible for staff supervision of all program staff including the Oroville Drop-in Advocates; the Housing Director is responsible for managing the housing programs, including emergency shelter and, the Administrative Director is responsible for post-award grant administration, personnel administration, in-house accounting, and statistical record keeping.

17. Can you confirm the funding is "gap" funding?

As the only services provider for domestic violence services, if we did not have a drop-in service center in Oroville, many survivors would have none or limited access to support. Additionally, CalOES has identified Butte County as having a gap related to sexual assault support services as evidenced by the release of the request for proposal.

18. Do you have at least one of the documents listed below adopted by your board and can you provide documentation?

    a. Program Guidelines-detailed plan which details the rules and regulations under which the program will operate.
    b. Activity Implementation Plan-a document that you will use to define your implementation strategy. It outlines the activities and decision necessary to turn the strategic goals into reality, and the execution plan is a schedule of concrete actions and activities to achieve goals and drive success.
    c. Strategic Plan-a document that articulates both the decisions made about the organization's goals and the ways in which the organization will achieve those goals.
    d. Operating Plan-An operating Plan can be defined as a plan that clearly defines actions it will take to support the strategic objectives and plans of upper management.

Catalyst has adopted program guidelines, activity implementation plan, and operating plan through our approved Domestic Violence Assistance Program (DVAP) application with Cal-OES. As of December 2019, we adopted an updated strategic plan. Catalyst Board of Directors reviews and confirms the DVAP plan annually in April. The 2022-23 and 2023-24 plan and signature authority was captured in the April 2023 Board meeting by resolution (attached). The strategic plan was approved at the March 2020 Board meeting. (minutes attached)

Program Guidelines: As evidenced by our DVAP application (attached), Catalyst meets all rules and regulations outlined as expectations for recipients of state and federal funding. Catalyst has a long history of receiving these funds and a demonstrated ability to remain compliant.

Activity Implementation Plan: Our approved DVAP application clearly defines actions Catalyst takes to fulfill all service area requirements. This includes a list of 14 Direct Services Program Components that must be provided by Catalyst and be fully operational. This is the outline for services in the Oroville Drop-in Center.

Operating Plan: Our approved DVAP application outlines the actions we take to meet all objectives required through this funding. We also maintain operational agreements with the following: local law enforcement, district attorney's office, victim assistance program, child protective services, and medical facilities to support our service objectives.

Strategic Plan: Catalyst Staff worked with a consultant to update and complete a strategic vision from July-December 2019. A copy of this plan is attached. While this document does not appear to be a traditional strategic plan, it outlines longer term goals, daily activities to meet those goals, and a list of bold steps to focus on from an agency-wide perspective. Catalyst has a demonstrated history of implementing strategic plans, and since the completion of our most recent plan, we have been implementing activities to meet our goals. Of note, we are in the process of finalizing our qualifications to become a Rape Crisis Center and anticipate an October 2023 start date.

Attachments:
CalOES Domestic Violence Assistance Program plan document (Attachment 8)
Catalyst Board of Director Resolution April 2023 (Attachment 9)
Catalyst Board of Director Meeting Minutes March 2020 (Attachment 10)
Catalyst Strategic Plan documents (Attachment 11)

19. Describe Site Control of facility or means to conduct the services. *Provide documentation.*
Catalyst maintains a current rental agreement with the City of Oroville for a Drop-In Center where crisis intervention service is provided. Documentation of site control is Attachment 12.

20. Provide proof of Sams.gov registration and unique identifying number.
Documentation of SAM.gov registration and unique identifying number is Attachment 13.

21. Please describe how does/how will the activity verify that clients served are low to moderate-income?
For entry into our program participants access us via our drop-in offices or our 24-hour hotline. Staff members conduct an assessment for eligibility. Data is collected on a stat sheet where participants self-identify income and address. This is cross

referenced with the city address index. All data is entered into Catalyst's HMIS comparable data base for accuracy in reporting. Survivors of domestic and sexual assault that seek services at our agency are presumed very low to low income.

Note: Check the appropriate population if the activity targets clients representing populations that are presumed low-income. Otherwise, check the appropriate income verification method used in the activity.

☐	Pay Stubs/ Wage Statements
☐	W-2s
☐	Income Tax Returns
☐	Social Security Documentation (SSI/SSA)
☐	Bank Statements
☐	Support Checks Documentation
☐	Other: _____

PART III: Target Population for Proposed Activity

1. Please check the target population(s) that the program/project will serve.

☒	Domestic Violence Victims	☐	Persons with HIV/AIDS
☐	Seniors / Frail Elderly	☐	Chronic Public Inebriates
☐	Families	☐	At Risk of Homelessness
☐	Children	☐	Dually Diagnosed
☒	Homeless due to DV	☒	Other: Sexual Assault Victims
☐	Substance Abuse	☐	Other: _____
☐	Physically Disabled	☐	Other: _____
☐	Mental Health Issues	☐	Other: _____

2. Indicate the number of <u>unduplicated</u> clients you have served in the previous calendar year and the number of <u>unduplicated</u> clients you expect to serve in the coming year.

Number of <u>Unduplicated</u> Clients Served	**City of Oroville Residents**	**Oroville Area Residents**
Number of clients served in 2022-23	130*	186*
Number of **low-income** (<80%Area Median Income) clients served in 2022-23	94*	128*
Clients expected to be served for 2023-2024	150	200

**** Please note these numbers are through 10 months of FY 22-23**

3. Please describe how the expected number of clients served for fiscal year 2023-24 was determined. (e.g., statistics, needs assessments, etc.)
Catalyst uses a variety of methods to determine projected numbers of participants to be served in a year. Primarily we use agency data as that gives us the most accurate year over year data. However, we also take into consideration the numbers local law enforcement file with the Department of Justice. The expansion into sexual assault service also was a factor in determining the 2023-24 services numbers.

5. Describe the outreach and/or marketing plan to obtain potential clients from the target population.
Catalyst has a strong, qualified and bilingual community education and outreach program. This program promotes awareness about intimate partner violence and accessibility of Catalyst services in many different settings. We have a strong social media presence, participate in south county tabling events, and are an active part of the social services network.

6. Describe the activities the organization will undertake to reach potential clients from **under-represented** groups, and female head-of-households (e.g., bilingual staff, translation of brochures, etc.)
Catalyst will continue to hire staff members that are reflective of the cultures we serve in our community. To aid in recruitment, staff who have demonstrated language capacity in Hmong and Spanish receive a wage increase upon hire. Having diversity among staff will help us be better prepared to address the needs of a culture that a victim is a part of and of which they are familiar.

   We have a written Language Access Plan that guides how we provide services to limited English proficient speakers. Currently we have 5 native Spanish speakers on staff and several volunteers and we have two native Hmong speaking volunteers. We use the Language Line when necessary. We also recently purchased cameras to assist with participants who are deaf or hard of hearing. In November 2022, we entered a formal partnership with DeafSAFE, to provide space for their staff at our Oroville Drop-in Center to better serve survivors who are deaf and/or hard of hearing.

   We partner with many diverse agencies including: the African American Cultural Center, Stonewall Alliance as well as local tribes. All our locations are ADA compliant.

7. Briefly describe the experience / expertise of the main program/project staff in working with the target population.
Staff has significant expertise in general advocacy, safety planning, and danger assessments in order to address the target population's identified housing and supportive service needs. We are uniquely qualified, as we not only have the history and expertise in the field, we strive to have innovative, progressive, approaches to

the work and training is ongoing. All staff have completed the required 40 hour training as domestic violence counselors and recently received the training for sexual assault certification.

The main program staff have been with the agency a combined 18 of years. The primary Advocate is well versed in client centered care and is the lead liaison for assistance court accompaniment. She is bilingual and bicultural.

Counseling services are provided by a licensed therapist with training in multiple techniques of therapy including but not limited to talk therapy, EMDR, cognitive behavioral therapy and dialectical behavioral therapy- a specific modality useful with trauma survivors.

We will be hiring an Advocate to work with survivors of sexual assault. Qualification for this position include: related work or lived experience or a Bachelor's degree in a human service discipline; working knowledge of current legal procedures and issues and knowledge of trauma informed care.

Also, see question 16 for additional information.

PART IV: Activity Budget

1. Provide a summary of available resources and expenses related to the proposed activity. In the next section, you will be asked to provide a detailed description of these figures. Please round up to the nearest dollar.

Column B must equal columns C through G **Cash Sources other than CDBG**

(A) Expense Category	(B) Total Project Budget	(C) CDBG Requested Amount	(D) Agency's Funds	(E) Other Federal Funds	(F) State/Local Funds	(G) Foundation/Other Public Funds
PERSONNEL SERVICES						
Salaries	$183,877	$ 45,232	0	138,645	0	0
Fringe Benefits (Total)	55,329 239,206	11,943 57,175		43,386 182,031		
SUPPLIES						
Office Supplies	4,500	1,000	500	3,000		
Postage	200	100		100		
Program Supplies	700	250	50	400		
Other (Specify)						
CLIENT SERVICES						
Direct Client Services*	63,000	1,255	245	61,500		
Other (Specify)						
OPERATING						
Telephone	3,500	2,500		1,000		
Utilities	3,500	2,500		1,000		
Rent (Facility Use)	3,720	3,720				
Printing (Copying, Equip Maintenance)	3,000	1,000		2,000		
Liability Insurance*	8,000	3,000	2,000	3,000		
Conference & Seminars						
Travel	4,000	3,000		1,000		
Other(Specify) Audit Accounting	14,000 2,000	1,500 500	7,500	5,000 1,500		
EQUIPMENT PURCHASE						
Computers/Software						
Office Equipment						
Other (Specify)						
TOTALS:	**$349,326**	**$ 77,500**	**10,295**	**261,531**	**0**	**0**

*** Liability insurance is required of all sub-recipients and may be paid from grant funds.**

The requested amount of $77,500 is annual budget. For three years the total request is $232,500

2. **Personnel Services**

If City of Oroville CDBG funds will be used to support personnel services, please complete the table below.

Personnel Services:								
Position Title	**Is this a current or proposed position?**	**Annual Salary**	**Annual Fringe Benefits**	**Total Annual Salary**	**x**	**% Time Spent On CDBG Project**	**=**	**Total Position Cost Requested from CDBG**
Example: Case Manager	Current	$25,000	$5,000	$30,000	x	40%	=	**$12,000**
Advocate	Current	44,366	10,156	54,522	x	50%	=	***27,261***
Advocate (SA)	Proposed	37,440	9,011	46,451	x	20%	=	***9,290***
Counselor	Current	48,532	21,695	70,227	x	10%	=	***7,023***
Counselor	Current	53,539	14,467	68,006	x	20%	=	***13,601***
						Line Amount :		***57,175***

3. **In-Kind and Leveraging Sources**

List the source and type of funds being leveraged by the proposed activity for the upcoming fiscal year.

Entity/Proposed Source	**Type**	**Annual Project Value in $**	**In-Kind**	**Cash**
Example: School District	Space Rent	$5,000	X	
CalOES grants	Personnel, Supplies, Assistance & Operating Costs	261,531		X
Agency Fundraising	Supplies, Assistance & Operating Costs	10,295		X
TOTAL DOLLAR VALUE		**271,826**		X

CITY OF OROVILLE
PUBLIC SAFETY DEPARTMENT

2055 LINCOLN STREET • OROVILLE, CA 95966-5385

530-538-2448
Fax: 530-538-2409

Bill LaGrone, Jr.
Chief of Police
530-538-2451

June 26, 2023

To whom it may concern,

I am writing today on behalf of Catalyst. Since 2020 the Oroville Police Department has responded to 343 calls that involved Domestic Violence. Domestic Violence is a crime that affects the entire family and often is passed from generation to generation. A child that is raised in a home where domestic violence occurs often believes and accepts it as part of an intimate relationship. Domestic Violence is more than just physical violence. it encompasses all aspects of a victim's life.

Catalyst is the only local organization designed to break the cycle of domestic violence. Law Enforcement intervenes and puts an immediate stop to the violence: however, it does not break the cycle or provide education and support to ensure domestic violence does not continue. Catalyst is an organization that guides victims of domestic violence through the legal system. but they also educate victims to break the cycle of domestic violence.

I have personally witnessed the work of Catalyst Victim Advocates in our Community. I have seen the difference their work has made in a victim's life. If this program is not funded the victims will most likely continue the cycle of violence.

I am equally pleased to know that Catalyst is adding support services for survivors of sexual assault. This is a significant gap in our community as there is no agency that provides these specialized services. I am confident that they will continue to provide excellent client care to such a vulnerable population.

Catalyst makes a real difference in lives and is a result driven advocacy program. I fully support this organization and would encourage any funding sources available to strongly consider funding Catalyst.

Bill LaGrone
Chief of Police
City of Oroville

SHERIFF
BUTTE COUNTY
KORY L. HONEA
SHERIFF - CORONER

June 26, 2023

Oroville City Council Members
c/o Oroville City Hall
1735 Montgomery St.
Oroville, CA 95965

Dear Members of the Oroville City Council:

On behalf of the Butte County Sheriff's Office, I am pleased to write this letter in strong support of Catalyst Domestic Violence Services application for continued funding through the City's Community Development Block Grant Program.

Catalyst Domestic Violence Services has a long history of providing critical crisis intervention services to victims of domestic violence and their children who reside in Oroville and the surrounding area. They are a vital piece of our local safety net. To have a place located in our community where victims of domestic violence and their children can access resources (as opposed to traveling to north county) makes a significant difference for individuals whether they have an opportunity to seek immediate help. It is our experience that when individuals have to travel outside of their community for help, they tend not to seek the service, therefore resulting in more calls to law enforcement and increased risk to families.

I am also aware, and pleased to know, that Catalyst is adding support services for survivors of sexual assault to their program. This is a significant gap in our community as there are no agencies that provide these specialized services. I am confident that they will continue to provide excellent client care to such a vulnerable population.

I fully support Catalyst, through the City of Oroville's Community Development Block Grant, in securing funds to sustain this valuable program that leads to improved health and safety of our community.

I encourage the City of Oroville to include Catalyst in their efforts.

Best Regards,

Kory L. Honea
Sheriff - Coroner

2023 CDBG Application for Funding
Public Services

received 6/29/23 12:06pm

PART I: Agency Information

Application due June 29, 2023, 3:00 PM

Agency Name:	The Axiom		
Address:	1420 Myers Street. Oroville, CA 95965		
Agency Type :	x Nonprofit ☐ For-profit ☐ Public/Quasi Public ☐Government		
Faith-based Organization?		x Yes	☐ No
Employer Federal ID #:	Sam.gov registered? ☐ Yes ☐ No Must be completed before Standard Agreement is executed.	**DUNS #:**	
Proposed Activity Name:	Axiom STEP		
Have you ever received City of Oroville CDBG funding before:		x Yes	☐ No
Amount Requested: (max request $232,500)		**$232,500**	
This request is for a:	☐ New Program ☐ Existing Program x Expanded or Modified Program		

Contact person regarding the application: Sarah Amatuccio

Name:	Sarah Amatuccio	**Title:**	**Interim Director**
Phone #:	530-575-7160	**E-mail:**	sarah@theaxiom.org

Contact person throughout administration of the program:

Name:	Sarah Amatuccio	**Title:**	Interim Director
Phone #:	530-575-7160	**E-mail:**	info@theaxiom.org,

Two officials authorized to sign contracts and expend funds for the organization:

Name:	Sarah Amatuccio	**Title:**	Interim Director
Name:	Susie Kruse	**Title:**	Board Chair

I hereby certify that if funds are granted to our organization, they will be used to benefit residents of the City of Oroville. I understand that liability insurance will be required for our program activities and that our formal agreement with the City will define other reporting provisions and federally required assurances. I also understand that submittal requirements must be provided with this application to be considered for funding.

Name:	Sarah Amatuccio	**Title:**	Interim Director
Signature:	Sarah Amatuccio	**Date:**	06/29/23

PART II: Proposed Activity Information

1. Briefly describe the *Program's* Title.

The Axioms Success Training and Exploration Program (STEP) prepares students to enter the workforce successfully. Students gain essential skills for continued education and training for their future. This program is giving students a STEP up in life.

2. Is the Site Address the same as the Agency Address?

Yes. The address is 1420 Myers Street, Oroville, CA 95965

3. Provide Activity Description. List all the existing services provided by the proposed activity and describe how these services will be enhanced or expanded with the CDBG funding you are requesting.

The Axioms volunteer program provides students with job training opportunities within the Axiom cafe and through community partnerships. In addition, students receive character-building and mentorship during a critical development phase of adolescence.

Funding from the CDBG will equip Axiom to broaden this program and develop a comprehensive Career Training and Exploration Program. This program expansion will include opportunities for students to engage in career exploration, deepen their job readiness and provide students with a foundation of life skills to help them successfully navigate the transition to becoming a young adult.

In addition, this program expansion allows Axiom to increase our current staffing and program outreach to provide these necessary services to more of Oroville's youth.

4. Provide Program Scope of Work. (i.e., Tasks to accomplish)

The scope of work includes the following items, many of which occur continuously throughout the year:

- Prepare attendance tracking and program surveys to measure program outcomes
- Schedule the year of desired workshops and experiences, including:
  - Guest speakers for career exploration
  - Round table discussions
  - Volunteer training
  - Schedule and develop life skills workshops
  - Arrange off-site career exploration and college visit opportunities
- Create and disseminate marketing materials
- Implementation, evaluation, and program modification
- Host annual program completion celebration with participating students

5. Provide Program Deliverables.

Strategy	Concept	Objectives & Outcomes
Attractive Environment		
Axiom After School Hours	Axiom is available for students 6-12th grade from 3-6 p.m. each weekday. Axiom is open and available to all students, no matter their income or other eligibility. Attendance and participation in Axiom are entirely free.	Provide a fun, safe, and supervised environment for youth during the most at-risk time of day. Provide opportunities for meaningful, caring relationships with adults and peers. Promote a culture that ensures every student feels known and valued.
Axiom Outreach Activities	Strategically partner with other youth-serving and community service organizations to increase awareness around opportunities for youth at Axiom and broaden our influence in teens' lives	Partner with local schools to provide resources and materials for school staff and parents. Promote Axiom opportunities through community events and service activities. Raise awareness and support students in navigating community resources.
Character and Skill Development		
Essential Skills	Provide regular skill-building workshops that encourage students to build a foundation of skills.	A minimum of 12 annual workshops, including skill building in: -budgeting and financial literacy -mental and emotional well-being, -meal planning and preparation -conflict management -boundaries, and healthy relationships. -personal hygiene and housekeeping -communication -goal setting
Academic Skills	Provide regular opportunities to support student's' academic success.	Provide the following workshops, services, and resources Support during the transition into and out of high school & navigating the education system. Provide free school supplies. Provide access to computers, internet, and printing. Provide tutoring and referrals as needed. Host skill-building sessions on: -active listening -note taking -outlining skill sessions -understanding post-high school options -navigating scholarships and financial aid Host de-stress events during finals and midterms
Mental and Emotional Well-being	Guiding students to develop and practice mental well-being, particularly in positive self-worth, safety, stability, coping and resilience.	Provide referrals to counseling, mental health, and treatment services. Host a minimum of 6 mental health workshops hosted by an MFT. Facilitate one-on-one and group conversations navigating self-esteem, personal boundaries, healthy relationships, and coping mechanisms.

Employment-Based Skills		
Axiom Cafe Volunteer Opportunities	Provide students with volunteer opportunities that closely mirror the expectations of an entry-level service job.	Provide up to 35 students per year with placement within the Axiom cafe as weekly volunteers. Provide up to 35 students with food handlers certification classes. Provide hands-on training in: -utilizing a cash register -proper food handling methods -taking and fulfilling orders -order prioritization -proper food preparation area management. Provide training and experience in inventory management and tracking.
Axiom Special Projects and Event Volunteer Opportunities	Provide students with volunteer opportunities throughout the community through special service projects.	Support up to 6 community special events through special project volunteers. Expand students' knowledge of community events and resources. Offer opportunities to explore volunteer opportunities that mirror a variety of possible employment and career opportunities.
Employment-Based Skills workshops	Provide employment-based skill workshops for students to develop skills and be successful employees.	Provide a minimum of 6 workshops to include: -resume building and applications -professional cleanliness and appearance -professional communication skills -time management -customer service -employment-based conflict management
Career and Future Exploration		
Career Exploration	Expose students to emerging and popular careers.	Host at least 12 round table discussions with professionals from various industries and careers annually.
Strengths and Aptitude	Support students in identifying their unique skills, passions, and aptitudes and explore how that aligns with possible careers.	Mentor 15 students in identifying their strengths and navigating associated career opportunities.
Axiom Career & College Visits	Bring students to unique local and regional employers and colleges to broaden their knowledge of opportunities.	Host at least four college visits for high school students. Arrange at least four career visits to unique local and regional employers.
Axiom Internships	Invest in students' professional skills by coordinating career shadowing and internship opportunities.	Arrange at least ten job shadowing days for high school students. Arrange and facilitate winter break, spring break, and summer break internships for high school students for up to 15 students.

6. Describe the Agency's Statement of Need for Public Service.

We are seeking funding for Axiom's STEP program. This program provides students with skill training, mental health education, job development, and career and higher education exploration. We are helping students take STEP into their future.

The Axiom is advocating for these students, providing opportunities for them to gain employable skills and inspiring hope that helps them break generational cycles of poverty. These opportunities equip students to realize their worth and utilize their strengths to pursue their goals successfully.

Finally, the skills the students are learning in STEP, directly improve entry-level employees' current quality that helps make each restaurant, retailer, and small business successful.

We request funding to expand this program and provide more opportunities for students to gain skills and experience. To increase the impact STEP has on our community, the need for more staffing is essential. By adding staff members, the program will be able to serve more students and expand opportunities.

7. Describe the Agency's history and experience in providing the proposed activity?

The Axiom began in August 2007. Our initial mission was to provide a place where the teens of Oroville could belong and gain meaningful relationships with adults that would mentor and support them. As our program has evolved, we have developed our mission to reflect the work done with students more accurately. Our current mission is to care for and equip Oroville's youth and inspire hope for a better future.

Over the 16 years we have been open, we have primarily relied upon the local support of donors and fundraising events. We have maintained a very modest annual budget of under $150,000 annually. We have received some grant funding to cover the costs of specific programs and opportunities. Our program development and direct client impact increased once we were granted CDBG funding in 2020.

In 2022 we had over 9,500 individual visits to the Axiom Youth Center. Additionally, we provided 50 students with over 2,000 hours of mentoring, skill-building, vocational training, and mental health education. Through this program, students have started small businesses, transitioned to work in the community, and gained essential skills.

Additionally, we have successfully helped start a similar youth center in Lincoln, CA, called the Foundry. In two years, we were able to help train staff and implement programs and move their youth center to become financially stable. Their community had seen several youth centers open and close over a decade leading up to when we stepped in to support them with the Foundry. We are happy to share that the Foundry in Lincoln recently celebrated its eighth anniversary and is as strong as ever. Additionally, we've supported and provided consultation for similar projects in Lynchburg, Virginia, Austin, Texas, Shasta Lake, CA, and Good Year, Arizona.

8. Provide Third party studies establishing need, published documentation of need. (newspaper, journal, etc.) *Provide Supporting documentation.*

Supporting studies can be
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC731 2591/

https://www.connectionsacademy.com/support/resources/article/why -developing-soft-skills-during-high-school-matters/

https://www.youscience.com/soft-skills-for-high-school-students/

https://files.eric.ed.gov/fulltext/ED568080.pdf

9. Provide a narrative indicating there is no reasonable access to the service.

Funding within school districts has shifted from career technical education to college readiness. According to Education World, only about a third of the high schools across the United States offer vocational education programs. The Oroville Union High School District offers some career and technical education programs. However, there is little opportunity for students to explore career opportunities.

Some service programs and opportunities exist for Oroville students to engage with throughout the community. However, access to and engagement with such programs are often limited for lower-income students. Many low-income students are already connected with Axiom and have utilized existing Axiom services to begin this type of personal development; expanding these opportunities will maximize opportunities for low-income students, ensure success and build immediate and future economic development in our community.

Research suggests the benefits of teenage employment and career exploration opportunities may be especially important to youth from lower socioeconomic status (SES) compared to their more advantaged counterparts. Youth from disadvantaged backgrounds are more likely to report that their high school job and employment training opportunities are teaching them useful skills and will lead to a career. Youth from lower SES families are also more likely to disengage from school and have less access to supportive, caring adults to model healthy lifestyles.

10. Provide documentation showing no reasonable *access (i.e., maps showing service locations, transportation availability, listings, and description of active non-profits in the area to demonstrate a lack of service providers).*

See Attachment 1 list of local services and nonprofits within our region.
Some offer similar opportunities; fees, lengthy applications, and strict qualifications for participation limit access for many of Oroville's youth.

11. Provide a narrative indicating why the population needs this service.

STEP is designed to assist the youth of Oroville to be successful in their careers, education, and personal well-being. It is a holistic approach where the students receive help with mental health, empowerment, and training in work-based skills.

According to the 2022 census bureau, Oroville, CA, has a yearly household income of less than $40,000. In comparison, California has a median household income of $85,000 a year. Many citizens of Oroville feel stuck, and the cycle of poverty will likely not end unless issues are addressed proactively.

STEP is designed to help students break generational cycles and to pursue higher forms of independence and growth. One of the most important growth years is during adolescence. During this time, people create their values, deepen their self-worth, and actively pursue their goals. When students are involved with STEP, they gain crucial life skills, are challenged and encouraged, and learn about different career paths that could inspire them to pursue bigger goals. With a 14% higher education rate in Oroville, it is clear that most students do not believe it is possible to afford college or that there is no point in trying due to generational poverty.

It is also likely that many of Oroville's youth will move away due to a perceived lack of job opportunities or housing. STEP connects our students with the community. Having the students become personally involved in events and opportunities that are centered around creating a collaborative community. When someone is invested in a community, they are more likely to stay in that community. It is our goal to enhance Oroville by investing in the youth.

12. Provide documentation of population changes, services to the population ratio. (how many services providers are available by population) *Provide supporting documentation of population.*

According to the 2022 census, the population of Oroville has remained mostly consistent, with around 20,000 residents. The census estimated the revenue/receipts for the City of Oroville in Health Care and Social Assistance to be $351,845. This data is set to be updated in 2023/2024. However, it is likely that COVID-19 reduced access to social assistance and disrupted community connections.

The Health Care and Social Assistance sector comprises establishments providing individuals with health care and social assistance. The sector includes health care and social assistance because it is sometimes difficult to distinguish between the boundaries of these two activities. The industries in this sector are arranged on a continuum, starting with establishments providing medical care exclusively, continuing with those providing health care and social assistance, and finally finishing with those providing only social assistance. Establishments in this sector deliver services by trained professionals. All industries in the sector share this commonality of process, namely, labor inputs of health practitioners or social workers with the requisite expertise. Many industries in the sector are defined based on the educational degree held by the practitioners included in the industry.

Supportive documentation found in Attachment 2: Census Data

13. Provide Narrative listing your partners and collaborators.

The Axiom has been a part of the Oroville community since 2007. Since that time, our partners have grown and strengthened. We believe working together is the most important thing to support our community and our youth.

We are partnered with churches in our community that help support our mission. They are invested in the success of The Axiom as well as the future mission and goals. Some churches are Oroville Church of the Nazarene, Kingdom Community Church, Foothill Community Church, Pursuit, and The Table Church.

We work alongside The YMCA, The Live Spot, and The Boys and Girls Club. We actively promote their work with our students and help them in any way we can.

Many social workers use The Axiom as a safe place to meet and engage their clients in a fun atmosphere. School and independent counselors recommend The Axiom to their clients for our afternoon hours and for getting involved with STEP.

We have partnerships with The Rotary Club, The Optimist Club, 530 Food Rescue Coalition, The North Valley Community Foundation, ODBA, BCOE, and the BCOE CalKidz program. Who all help support our students with volunteer opportunities, job availability for teens, and meeting essential needs.

14. Provide partners/collaborators supporting documentation.

Please see Attachment 4

15. Are you looking to start a new program, modify an ongoing program or add a new type of assistance to an existing program.

We are planning on modifying and expanding an ongoing program. The Axiom has experienced success with the current program STEP and wants to expand to offer more opportunities for growth, learning, and training.

16. Provide a narrative describing your staff and/or contractor/subrecipient expertise.

Interim Director- Bachelors Degree in Social Work. Ten years of experience working with high school students. Three years of experience planning and operating a job training and skill development program.

General Manager- Thirteen years of experience working with students who identify as low-come and at-risk. Connections with local businesses and community members.

The Axiom's board of directors combined has expertise in community development, small business ownership, financial planning, and years of experience serving and investing in Oroville.

Board of Directors:

- Chairperson - Susie Kruse, Butte Co. Office of Education Categorical Programs Coordinator
- Vice Chairperson - John Paul Mitchell, Lead Pastor of Kingdom Community Church
- Treasurer - Shawn Hayse, Business Consultant, Exek Solutions
- Secretary - Krysi Riggs, City of Oroville Council Member and Chico State Director of Annual Giving
- Board Member - Scott Perkins, PG&E Land Agent
- Board Member - Debbie Trew, Butte Co. Public Health (retired)
- Board Member - Christine Harvey, Butte Co. Office of Education Categorical Programs Coordinator, Business Owner- Shakeys Pizza

17. Can you confirm the funding is "gap" funding?
Yes

18. Do you have at least one of the documents listed below adopted by your board and can you provide documentation?

See Attachment 3: Strategic Plan

a. Program Guidelines-detailed plan which details the rules and regulations under which the program will operate.
b. Activity Implementation Plan-a document that you will use to define your implementation strategy. It outlines the activities and decisions necessary to turn the strategic goals into reality, and the execution plan is a schedule of concrete actions and activities to achieve goals and drive success.
c. Strategic Plan-a document that articulates both the decisions made about the organization's goals and the ways in which the organization will achieve those goals. krysi
d. Operating Plan-An operating Plan can be defined as a plan that clearly defines actions it will take to support the strategic objectives and plans of upper management.

19. Describe Site Control of facility or means to conduct the services. *Provide documentation.*

Please see Attachment 5: The Axioms lease at our 1420 Myers location.

20. Provide proof of Sams.gov registration and unique identifying number. Sams.gov

Application is in progress, and will be completed if grant is awarded.

21. Please describe how does/how will the activity verify that clients served are low to moderate-income?

Each student that participates in our program will turn in a registration packet. Within the packet, the student's guardian will indicate income, home address, race, size of household, and contact information. The packet will be used for program qualification.

Note: Check the appropriate population if the activity targets clients representing populations that are presumed low-income. Otherwise, check the appropriate income verification method used in the activity.

☐	Pay Stubs/ Wage Statements
☐	W-2s
☐	Income Tax Returns
☐	Social Security Documentation (SSI/SSA)
☐	Bank Statements
☐	Support Checks Documentation
☐	Other: _____

PART III: Target Population for Proposed Activity

1. Please check the target population(s) that the program/project will serve.

☐	Domestic Violence Victims	☐	Persons with HIV/AIDS
☐	Seniors / Frail Elderly	☐	Chronic Public Inebriates
☐	Families	X	At Risk of Homelessness
X	Children	☐	Dually Diagnosed
☐	Homeless	☐	Other: _____
☐	Substance Abuse	☐	Other: _____
☐	Physically Disabled	☐	Other: _____
☐	Mental Health Issues	☐	Other: _____

2. Indicate the number of unduplicated clients you have served in the previous calendar year and the number of unduplicated clients you expect to serve in the coming year.

Number of Unduplicated Clients Served	City of Oroville Residents	Oroville Area Residents
Number of clients served in 2022-23	75	40
Number of **low-income** (<80%Area Median Income) clients served in 2022-23	43	82
Clients expected to be served for 2023-2024	55	80

3. Please describe how the expected number of clients served for fiscal year 2023-24 was determined. (e.g., statistics, needs assessments, etc.)

The number of clients served for the fiscal year 2023-2024 was determined using The Axiom's currently completed registration packets from 2021-2022 and those who participated in the program. Documentation is kept on registration, participation, and completion of activities.

4. Describe the outreach and/or marketing plan to obtain potential clients from the target population.

Please see Attachment 6: Marketing Plan

5. Describe the activities the organization will undertake to reach potential clients from **under-represented** groups, and female head-of-households (e.g., bilingual staff, translation of brochures, etc.)

The staff will be involved with four school events where our program will be promoted yearly. At each event, there will be a brochure, volunteer opportunities, general information packets, and ways to stay in contact with the organization.

A major way Axiom reaches the intended audience is by word of mouth. The students are encouraged to invite their friends to join our program. It is incentivized with a free soda for each new student. Once a student is at our location, our staff shares the programs offered through The Axiom.

Another way Axiom promotes our program is by communicating with social workers, counselors, and other youth development workers about our programs. With our information, they can communicate with their clients when appropriate.

6. Briefly describe the experience / expertise of the main program/project staff in working with the target population.

The Axiom has been working with the youth of Oroville for over 16 years. Over the years, The Axiom has built a strong volunteer network of business owners, government officials, school employees, and healthcare workers. The wide area of professionals impacts our program by bringing their expertise to our students. Suppose a student is interested in a specific profession. In that case, our staff can partner that student with a professional in the field of interest.

The Interim Director has led STEP for three years and successfully led students through the program. They manage on and off-site training, run and operate the moc interviews and resume workshops, and manage the on-site cafe. They have been working with youth for over 15 years, specifically with high school students for ten years.

The General Manager of The Axiom has decades of experience working with at-promised youth and creating community connections to serve STEP students best. They are skilled in youth empowerment and encouragement. They are helping the students navigate through the program with comfort and enjoyment. Allowing the students to learn and grow as well as have fun.

PART IV: Activity Budget

1. Provide a summary of available resources and expenses related to the proposed activity. In the next section, you will be asked to provide a detailed description of these figures. Please round up to the nearest dollar.

Our current operating budget is approximately $15,000 per month.

Much of that funding concerns overhead expenses such as building, utilities, program supplies, and staffing. We work to keep monthly costs to a minimum; local volunteers are the best way to continue to offer services at such a low monthly cost. However, greater program offerings require expanded staffing.

Individual donors support us through monthly and one-time gifts. These donors are our primary form of support. In addition, Axiom pursues local grants, hosts special events, and facilitates other fundraising activities.

The funding we request for this activity is $77,500 annually for three years totaling $232,500. We are primarily seeking funding to cover additional staffing. Although we have dedicated volunteers that support our mission, additional staff is needed to facilitate the program with fidelity. In addition, we are seeking some funding to support program supplies and materials needed to implement the activities described.

Annual Program Budget

Column B must equal columns C through G **Cash Sources other than CDBG**

(A) Expense Category	(B) Total Project Budget	(C) CDBG Requested Amount	(D) Agency's Funds	(E) Other Federal Funds	(F) State/Local Funds	(G) Foundation/Other Public Funds
PERSONNEL SERVICES						
Salaries	$187,000	$50,250	$136,750			
Fringe Benefits (Total)	$37,400	$10,710	$26,690			
SUPPLIES						
Office Supplies	$10,000		$10,000			
Postage	$500		$500			
Program Supplies	$15,000	$5,000	$10,000			
CLIENT SERVICES						
Other (Specify) Workshop materials and supplies, guest speaker incentives and hospitality, Student incentives, student training and certification	$15,000	$11,540	$3,460			
OPERATING						
Telephone	$2,300		$2,300			
Utilities	$15,000		$15,000			
Rent (Facility Use)	$2,000		$2,000			
Printing	$1,500		$1,500			
Liability Insurance*	$12,000		$12,000			
Conference & Seminars	$5,000		$5,000			
Travel	$5,500		$5,500			
EQUIPMENT PURCHASE						
Computers/Software	$10,000		$10,000			
Office Equipment	$15,000		$15,000			
TOTALS:	**$333,200**	**$77,500**	**$255,700**	**0**	**0**	**0**

*** Liability insurance is required of all sub-recipients and may be paid from grant funds.**

2. **Personnel Services**

If City of Oroville CDBG funds will be used to support personnel services, please complete the table below.

Personnel Services:								
Position Title	**Is this a current or proposed position?**	**Annual Salary**	**Annual Fringe Benefits**	**Total Annual Salary**	**x**	**% Time Spent On CDBG Project**	**=**	**Total Position Cost Requested from CDBG**
Executive Director	Current	$75,000	$15,000	$90,000	x	5%		$4,500
General Manager	Current	$57,000	$11,400	$68,400	x	15%	=	*$10,260*
Opportunities Coordinator	Proposed	$55,000	$11,000	$66,000	x	70%	=	*$46,200*
						Line Amount :		**$60,960**

3. **In-Kind and Leveraging Sources**

List the source and type of funds being leveraged by the proposed activity for the upcoming fiscal year.

Entity/Proposed Source	Type	Annual Project Value in $	In-Kind	Cash
Volunteer time	Time	$42,500	X	
Donation of Goods	For operation and fundraising events	$35,000	X	
TOTAL DOLLAR VALUE		**$75,500**		

2023 CDBG Application for Funding
Public Services

received 6/29/23 2:08 pm

PART I: Agency Information

Application due June 29, 2023, 3:00 PM

Agency Name:	YMCA of Superior California		
Address:	1200 Myers Street, Oroville, CA 95965		
Agency Type :	**X Nonprofit** ☐ For-profit ☐ Public/Quasi Public ☐Government		
Faith-based Organization?		☐ Yes	**X No**
Employer Federal ID #:	Sam.gov registered? **X Yes** ☐ No Must be completed before Standard Agreement is executed.	**DUNS #:**	067919595
Proposed Activity Name:	Out-of-School Programming for Youth Success		
Have you ever received City of Oroville CDBG funding before:		**X Yes**	☐ No
Amount Requested: (max request $232,500)		**$232,500**	
This request is for a:	☐ New Program **X Existing Program** ☐ Expanded or Modified Program		

Contact person regarding the application: Stephani Leigh

Name:	Stephani Leigh	**Title:**	Executive Director
Phone #:	916-300-4895	**E-mail:**	sleigh@ymcasuperiorcal.org

Contact person throughout administration of the program:

Name:	Sarah Pierce	**Title:**	Oroville Branch Manager
Phone #:	530-533-9622 X110	**E-mail:**	spierce@ymcasuperiorcal.org

Two officials authorized to sign contracts and expend funds for the organization:

Name:	Sharna Braucks	**Title:**	CEO
Name:	Stephani Leigh	**Title:**	Executive Director

I hereby certify that if funds are granted to our organization, they will be used to benefit residents of the City of Oroville. I understand that liability insurance will be required for our program activities and that our formal agreement with the City will define other reporting provisions and federally required assurances. I also understand that submittal requirements must be provided with this application to be considered for funding.

Name:	Sharna Braucks	**Title:**	CEO
Signature:	Sharna Braucks	**Date:** 06.29.23	06/29/23

PART II: Proposed Activity Information

1. **Briefly describe the *Program's* Title.**
   Out of School Programming for Youth Success. This program will bolster children and teens' opportunity for success through structured out-of-school time programming.

2. **Is the Site Address the same as the Agency Address?**

   Yes

3. **Provide Activity Description. List all the existing services provided by the proposed activity and describe how these services will be enhanced or expanded with the CDBG funding you are requesting.**

   With CDBG funding the YMCA will provide out-of-school hours programming for children from Oroville. This will include but not be limited to; Youth Basketball, Youth Dodgeball, E-sports, Youth Futsal, Summer at the Y (day camp), Youth Theater Program, Cooking Classes, Art Classes and more. This funding will enable the YMCA to add transportation for children to programming, and will enable the YMCA to increase the number of children served.

   The CDBG funding historically has provided an opportunity for low income children, which make up one third of the Oroville youth population, to have access to our programs. More than half of Oroville school children qualify for free or reduced lunches. After school, and during school breaks, these children do not have access to safe, supervised spaces.

   The YMCA will provide a safe, structured, and enriching environment for children from low income families, in which they can develop healthy lifestyles through physical activity, nutrition, and social emotional learning.

   In 2012 and 2022 the children participating in our afterschool and summer activities, thanks to the grant, made up an average of 40% of our enrollments. Without the continued support of the grant for these families, their access will be challenged and our continuation of our programs will be significantly impacted, possibly resulting in the discontinuation of some of our regular programming.

   The YMCA feels it is important to develop the child first, meaning we use youth sports and group activities as a conduit to teach the YMCA's core values of HONESTY, RESPECT, CARING and RESPONSIBILITY. We know that students trained in character education do better in their academic studies.

4. Provide Program Scope of Work. (i.e., Tasks to accomplish)

The out-of-school-time programs will operate from the end of the school day, until 6:00pm on a daily basis during the school year, on seasonal schedules. During school holidays, breaks, and summer vacation, programs will operate from 7:30 am to 5:30 pm. This full-day care will benefit working parents who need a safe, reliable place for their children to be when they are not in school. By providing this supervised care, the YMCA will support and strengthen families, and will help children develop to their fullest potential.

We will provide healthy meals and snacks through the Butte County Office of Education. Children will also benefit from nutrition education, and the introduction of a variety of fresh fruits and vegetables.

The YMCA will utilize the Heroic Journey curriculum available through the YUSA, which includes a platform for Social Emotional Learning. This curriculum includes mental health and resilience strategies for children.

Activities will be designed to complement the child's school program, rather than simply extend it for additional hours. Samples of activities include:

- Homework support and tutoring
- Creative Arts and Theatrical Arts
- Youth Sports including Basketball, Futsal, and Dodgeball
- Field Trips and Educational Enrichment Programs

With grant funding, the YMCA will provide transportation for registered participants from area schools to the program site during the school year. The YMCA would like to be able to provide expanded field trips and programming, including hiking and rafting, etc. and to do so will need to have their own access to transportation and drivers.

The YMCA program is designed to develop social skills by:

- Providing activities, group discussions and skits that encourage caring, honesty, respectful and responsible behaviors
- Providing activities and group discussions to understand self-worth and individual uniqueness.
- Providing a structure for conflict resolution and positive peer interactions
- Creating an atmosphere to appreciate culture and diversity through activities, snacks, art projects and group discussions.
- Providing an environment of safety, support, and care

5. Provide Program Deliverables.

With CDBG grant funding

- 300 low income children will be registered for out-of-school-time activities annually.
- Children will participate in daily fitness activities.
- Children will demonstrate increased knowledge of nutrition.
- Children will receive sports training.
- Children will report having positive relationships with at least one caring adult outside their family, and will have increased knowledge of how and where to seek help for mental and physical health concerns.

6. Describe the Agency's Statement of Need for Public Service.

Research shows that high-quality out-of-school programs improve students' educational outcomes, school attendance, and social and emotional learning. Consistent participation in afterschool programs has shown lower dropout rates and has helped close achievement gaps for low-income students. For older youth, regular participation in an afterschool program may also reduce risky behaviors and help them gain college and career-needed skills. To fully realize all the positives of afterschool programming, students must have regular access, adequately trained staff, and high-quality programming.

Since 2004, the Afterschool Alliance, a national clearinghouse of information on afterschool programming has provided a comprehensive national and state-specific account of how children and youth spend their after school hours. In their *2020 America After 3PM report*, one of the biggest takeaways is the continued demand for afterschool programs. According to their research, for every child enrolled in afterschool programs in California, three are waiting to get into a program. In 2019, 1,385,680 children (21%) would have been enrolled in a summer program if one were available to them. The barriers to participation are program cost, availability, and transportation or accessibility.

Their research showed that every dollar invested in afterschool programs saves at least three dollars by increasing children's earning potential as adults, reducing crime and juvenile delinquency, and improving children's' performance at school. Parents surveyed as part of this study reported that out-of-school-time programs help children learn life skills, build positive relationships with caring adults and mentors, be physically active, access nutritious foods, build confidence, and stay safe and out of trouble.

The benefits for out-of-school-time programs extend to families as well. 84% of parents in California agreed that these programs help working parents keep their jobs, and that these programs provide working parents with peace of mind.

Despite this demonstrated benefit and need, there are limited options for out-of-school-time care for working families in Oroville.

The Oroville City Elementary School District operates four elementary schools under the auspices of the Butte County Office of Education. Oroville Elementary School District served over 800 students. Their ASP program is able to provide care to 100 per school and has a waiting list for care for others. The Middle School ASP serves up to 80 children at their 2 sites. At this time youth sports are only available from the 6th grade to the 8th grade as they lack the funding to provide sports for the elementary school ages. The sports programs they do have are provided through a partnership with Feather River Recreation and Park District.
By the end of summer 2023 the Feather River Recreation and Parks District will close their Activity Center, and cease to operate the youth recreation programs previously available at the center. This closure will result in even more restricted options for youth in Oroville, and an increased need for out of school activities provided by the YMCA.

Current enrollment in out-of-school-time programs at the YMCA speaks to the demand and need for free or reduced services for Oroville families. In the YMCA's Youth Sports program, 30% to 50% of participants are CDBG funded. In the YMCA's summer programs that number rises to 50 to 60 % of participants who are able to participate through grant support. Without grant funding, these families would be unable to access programs that are important to their children and their families' wellbeing. In addition, these programs would likely be

unsustainable with the limited enrollment of exclusively full-pay families, and this valuable resource would be lost to the community.

The value and benefit of youth fitness, sports, and afterschool programs to individuals and to communities is well established. Time and again, studies have shown that regular physical activity benefits overall health, and reduces the development of chronic diseases like high blood pressure or diabetes. Participation in youth sports enhances children's mental health, overall fitness and wellness. In addition, children who participate in youth sports do better in school. By participating in team sports, they learn valuable soft skills like teamwork, winning and losing graciously, perseverance, dedication, character, and integrity. Physically active children, in short, do better in life.

Research shows that active children and teens are healthier, have higher test scores, are less likely to smoke, use drugs, less likely to become pregnant, or engage in risky behaviors. They are 15% more likely to go to college, have lower levels of depression, and higher levels of self-esteem.

There is an even greater value to our children and our community when mental health is considered. Our YMCA youth programs offer protective factors that help mitigate the mental health challenges our children and teens are experiencing. According to a recent Kaiser Permanente Community Health Needs Assessment, anxiety, depression, and suicide ideation are on the rise due to the COVID-19 pandemic, particularly among Black and Latinx/o/a Americans. Even as the overall suicide rate in California has decreased, suicide rates have increased by about 20% in youth between the ages of 10 and 18. With a mission centered on wellness, the Y encourages good physical and mental health, and fosters connections through fitness, sports, and activity. Physical activity is a known protective factor, as is connectedness, and relationships with caring adults.

The YMCA includes Social Emotional Learning in our curriculum, and we work to ensure that children and teens are cultivating the values, social skills, and relationships that lead to positive behaviors, better health, and educational achievement. In a survey of YMCA youth sports participants last year all survey respondents reported having at least one new supportive adult in their lives. 68% reported having three or more new adults in their lives who believe they can succeed, pay attention to their lives, expect them to do their best, and can be counted on to help. Participants were asked about growth in areas of self-management, positive identity, social skills, contribution, and academic self-efficacy. All respondents reported growth in at least one area. 62% reported growth in all five areas. According to the survey tool, this is more reported growth than typical users of this tool.

7. Describe the Agency's history and experience in providing the proposed activity?

As a nonprofit organization, the Oroville YMCA is a community asset with affordable membership and programs, along with scholarship assistance for moderate to low income families. Since 1914 the YMCA has served the Oroville community with programs including out-of-school-time programs, summer camp, resident camp, youth sports, fitness classes, personal training, pickleball, and wellness programs for senior citizens including arthritis classes and strength and balance classes.

Every day, the Oroville YMCA offers a breadth of programs that keep kids active, and help them lead healthy and lead productive lives.

- 399 area residents are active members in the Oroville YMCA.

- More than 500 youth have participated in Oroville YMCA programs since 2020.
- 463 individuals received YMCA scholarship assistance enabling them to access programs at a reduced or no cost.
- 231 children were served in out-of-school-time and summer activities through CDBG funding. These programs keep children safe and engaged during out-of-school hours, and help working families by providing quality care to their children.

The YMCA is a national leader in promoting Social Emotional Learning in children. We know that students trained in character education do better in their academic studies. The YMCA's Character Development program focuses on four core values found throughout all YMCA programs: honesty, caring, respect and responsibility. This program is used by YMCAs across the country. Coaches are trained on how to effectively integrate Character Education into their site sport's program. Character values are taught actively, through character-oriented lessons and as well as passively through role modeling by program staff and volunteers on a daily basis. In addition, staff members utilize "teachable moments" to connect everyday learning and situations to good character.

8. Provide Third party studies establishing need, published documentation of need. (newspaper, journal, etc.) *Provide Supporting documentation.*

See supporting attachments:

- *2022 Active Kids*
- *CA-Afterschool-Fact-Sheet-2022*
- *AA3PM-National Report*
- *Oroville Activity Center Article*

9. Provide a narrative indicating there is no reasonable access to the service.

The Oroville City Elementary School District operates four elementary schools under the auspices of the Butte County Office of Education. Oroville Elementary School District served over 800 students. Their ASP program is able to provide care to 100 per school and has a waiting list for care for others. The Middle School ASP serves up to 80 children at their 2 sites. At this time youth sports are only available from the 6th grade to the 8th grade as they lack the funding to provide sports for the elementary school ages. The sports programs they do have are provided through a partnership with Feather River Recreation and Park District.

By the end of summer 2023 the Feather River Recreation and Parks District will close their Activity Center, and cease to operate the youth recreation programs previously available at the center. This closure will result in even more restricted options for youth in Oroville, and an increased need for out of school activities provided by the YMCA.

Consistent with the findings of the *2020 America After 3PM report*, the demand for afterschool services in Oroville outpaces the availability of care within schools. According to the study, when compared to higher income families, low-income families were more likely to report that cost and issues related to access, such as the lack of a safe way for their children to get to and from the program, and the lack of an afterschool program in the area, as reasons they did not enroll their child in an afterschool program.

In Oroville, the lack of transportation is a known barrier for access for parents seeking out-of-school care for their children. Only one elementary school is within reasonable walking distance of the YMCA's site, and no efficient transportation system is available to the children who attend school at a further distance.

In the YMCA's Youth Sports program, 30% to 50% of participants are low income families. In the YMCA's summer programs that number rises to 50 to 60 % of participants who are able to participate only through grant support. Without grant funding, these families would be unable to access programs that are important to their children and their families' wellbeing.

CDBG funding will remove barriers to access for low income children in Oroville. It will enable the YMCA to establish a safe and reliable transportation system for clients, and provide the funding that would enable low income families to participate in high quality out-of-school programs.

10. Provide documentation showing no reasonable *access (i.e., maps showing service locations, transportation availability, listings, and description of active non-profits in the area to demonstrate a lack of service providers).*

Information regarding waiting lists and needs at school-based afterschool programs were obtained through conversations with staff at the Oroville School District. In previous years the Oroville YMCA youth programs were able to utilize local transportation sources, such as Cabs for Kids, to bring new experiences to the Oroville Youth. Post-Covid shutdowns, those resources are no longer available. Renting buses from the School Districts in the area is not possible due to the insurance restrictions on the school district transportation systems.

11. Provide a narrative indicating why the population needs this service.

Research shows that high-quality out-of-school programs improve students' educational outcomes, school attendance, and social and emotional learning. Consistent participation in afterschool programs has shown lower dropout rates and has helped close achievement gaps for low-income students. For older youth, regular participation in an afterschool program may also reduce risky behaviors and help them gain college and career-needed skills. To fully realize all the positives of afterschool programming, students must have regular access, adequately trained staff, and high-quality programming.

Despite the demonstrated benefit and need, there are limited options for out-of-school-time care for working families in Oroville.

The CDBG funding currently in place for out-of-school-time programs at the YMCA speaks to the demand and need for free or reduced services for Oroville families. In the YMCA's Youth Sports program, 30% to 50% of participants are grant funded. In the YMCA's summer programs that number rises to 50 to 60 % of participants who are able to participate through grant support. Without grant funding, these families would be unable to access programs that are important to their children and their families' wellbeing. In addition, these programs would likely be unsustainable with the limited enrollment of exclusively full-pay families, and this valuable resource would be lost to the community.

12. Provide documentation of population changes, services to the population ratio. (how many services providers are available by population) *Provide supporting documentation of population.*

Determining the right amount of youth programs per population is based on various factors such as staffing ratios, community needs assessments, and program quality.

Based on scenarios presented by the National Afterschool Association (NAA), we can estimate the need for about 15 programs per 1,000 children. Based on the 2020 Census report for the City of Oroville, Oroville houses 4,331 residents under the age of 18, acting at 28% of the city population. Of these 4,000 plus residents, one third of them are below the poverty line in household economics.

This calculation would place projected need at about 60 programs for residents under 18 in the City of Oroville. All in all, fewer than a dozen program sites are located within the city, and many have a narrow focus of recreation type.

Oroville provides youth based programs through organizations like; 4H, Feather River Parks and Rec District, Live Spot, Axiom, various martial art studios, gymnastics, dancing academies, Upward Basketball, local school sports and the YMCA.

With a depth of experience in the Oroville community, along with training, knowledge, and expertise in delivering youth programming, the YMCA of Oroville is uniquely poised to offer a multitude of program options for varying ages, interests and skill levels.

13. Provide Narrative listing your partners and collaborators.

The YMCA has a formal partnership with the City of Oroville, providing services to the public at the Oroville Convention Center. This will be the location for the Out-of-School Programming.

14. Provide partners/collaborator supporting documentation.

See attached Documentation:

- *Letter of Support*
- *Municipal Auditorium Agreement*

15. Are you looking to start a new program, modify an ongoing program or add a new type of assistance to an existing program?

This funding will support an existing program, and will add a new service (transportation) to that program.

16. Provide a narrative describing your staff and/or contractor/subrecipient expertise.

Tiffany Davidson, Executive Director of Youth Development. served as VP of the YMCA from 2010 to 2016. She spent 6 years with the Natomas School District as an Early Learning Coordinator before returning to the YMCA in 2022. She holds a CTE teaching credential.

Kelly Hutchison, the YMCA sports director has been involved with YMCA sports for more than 35 years. She has facilitated soccer, basketball, flag football leagues, as well as

being an administrator for competition cheerleading and sideline cheerleading. She was also a local high school cross country and track & field coach for 9 years. She is up to date on the latest trends both nationally and statewide through the YMCA.

Sarah Pierce, Branch Manager, has been with the YMCA for over 3 years. She has a degree in Liberal Studies with a specialization in Special Education. She brings the value and knowledge associated with Theater, Youth Sports, and Aquatics along with her experience working with groups of children in camp and classroom settings.

All staff are CPR and first aid certified along with being certified in Concussion Protocol, blood borne pathogens, and child abuse prevention. Staff also have training on sport specific injuries and safety rules.

17. Can you confirm the funding is "gap" funding?

Yes, CDBG funding is gap funding. In the YMCA's Youth Sports program, 30% to 50% of participants are grant funded. In the YMCA's summer programs that number rises to 50 to 60 % of participants who are able to participate through grant support. Without grant funding, these families would be unable to access programs that are important to their children and their families' wellbeing.

18. Do you have at least one of the documents listed below adopted by your board and can you provide documentation?

a. Program Guidelines-detailed plan which details the rules and regulations under which the program will operate. **See Attached:**
   - *Achievement Gap Academics, Enrichment, and Social-Emotional Learning Guide*
   - *Arts Integration Activity Sample-Character Creation*
   - *Basketball Quick Guide 23 Oroville*
   - *Camp for All*
   - *SAFE Activity Worksheet Guide*
   - *School-Age Program Guidelines*
   - *Youth Futsal Rules*
   - *Youth Basketball Drills and Practice Plans*

b. Activity Implementation Plan-a document that you will use to define your implementation strategy. It outlines the activities and decision necessary to turn the strategic goals into reality, and the execution plan is a schedule of concrete actions and activities to achieve goals and drive success.

c. Strategic Plan-a document that articulates both the decisions made about the organization's goals and the ways in which the organization will achieve those goals. **See Attached:**
   - *Strategic Plan Superior Y 2022 and Beyond*
   - *Strategic Plan Programming Intentions*

d. Operating Plan-An Operating Plan can be defined as a plan that clearly defines actions it will take to support the strategic objectives and plans of upper management.

19. Describe Site Control of facility or means to conduct the services. *Provide documentation.*

The YMCA operates its programs at the Oroville Convention Center. The YMCA operates this facility with a fitness center and gymnasium under an exclusive operating agreement and lease with the City of Oroville.

See documentation attached.

- *Municipal Auditorium Agreement*

20. Provide proof of Sams.gov registration and unique identifying number.

Unique Identifying Number: **DZ4ETM6CHCD9**
Proof of SAM Registration attached: *YMCA SAM registration (1)*

21. Please describe how does/how will the activity verify that clients served are low to moderate-income?

Program applicants/participants must fill out a *Self-Certification of Annual Income By Beneficiary* form and are asked to verify their address and show a proof of income. Any of the income verification methods listed below are accepted as proof of income.

Note: Check the appropriate population if the activity targets clients representing populations that are presumed low-income. Otherwise, check the appropriate income verification method used in the activity.

X	Pay Stubs/ Wage Statements
X	W-2s
X	Income Tax Returns
X	Social Security Documentation (SSI/SSA)
X	Bank Statements
X	Support Checks Documentation
☐	Other: _____

PART III: Target Population for Proposed Activity

1. Please check the target population(s) that the program/project will serve.

- ☐ Domestic Violence Victims
- ☐ Seniors / Frail Elderly
- ☐ Families
- X **Children**
- ☐ Homeless
- ☐ Substance Abuse
- ☐ Physically Disabled
- ☐ Mental Health Issues
- ☐ Persons with HIV/AIDS
- ☐ Chronic Public Inebriates
- ☐ At Risk of Homelessness
- ☐ Dually Diagnosed
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

2. Indicate the number of <u>unduplicated</u> clients you have served in the previous calendar year and the number of <u>unduplicated</u> clients you expect to serve in the coming year.

Number of <u>Unduplicated</u> Clients Served	**City of Oroville Residents**	**Oroville Area Residents**
Number of clients served in 2022-23	231	
Number of **low-income** (<80%Area Median Income) clients served in 2022-23	231	
Clients expected to be served for 2023-2024	300	

3. Please describe how the expected number of clients served for fiscal year 2023-24 was determined. (e.g., statistics, needs assessments, etc.)

The expected number of clients was established by projecting growth based on past program participation, and the rate of year over year program growth in the past two years. Since reopening after pandemic closures, the program has seen annual growth which points toward an anticipated increase in clients served in the coming year.

5. Describe the outreach and/or marketing plan to obtain potential clients from the target population.

The YMCA has a robust digital outreach program including email and social media platforms. This digital outreach will be used to highlight services available through this grant funded program, and to reach out to potential clients.

Past program participants who have benefited from Y-Assist program scholarships and CDBG funded opportunities will be a part of our outreach efforts. These clients will be re-engaged in renewed activities, and can be ambassadors to their respective communities.

Outreach events such as Healthy Kids Day and Trunk or Treat, will take place at the YMCA, and YMCA staff will participate in community-based festivals, health fairs, and events.

6. Describe the activities the organization will undertake to reach potential clients from under-represented groups, and female head-of-households (e.g., bilingual staff, translation of brochures, etc.)

The Oroville YMCA has existing bilingual staff (English and Spanish), and will translate outreach materials into Spanish, and other languages as needed.

In addition to our digital marketing, we will enlist existing partnerships and local networks in reaching out to diverse communities. This will include: Oroville Downtown Business Association, Kiwanis Club, Butte County Office of Education, Oroville Y Advisory Committee, Oroville Y Financial Committee, Live Spot, Boys and Girls Club, Axiom, Rotary Club, South Side Community Center, African American Cultural Center, Jordan's Crossing Ministries, Butte Lu Mien, Quota of Oroville, and Youth4Change.

7. Briefly describe the experience / expertise of the main program/project staff in working with the target population.

Since 1914 the YMCA's Oroville Branch has served the Oroville community with programs including out-of-school programs, summer camp, resident camp, and youth sports.

The YMCA is a leader in promoting character development in children. The YMCA's Character Development program focuses on four core values found throughout all YMCA programs: honesty, caring, respect and responsibility. This program is used by YMCAs across the country. As part of the national network of YMCAs, we have access to nationally vetted curricula, training, and assessments that serve to support and strengthen our youth programs.

Sarah Pierce, Branch Manager, has been with the YMCA for over 3 years. She has a degree in Liberal Studies with a specialization in Special Education. She brings the value and knowledge associated with Theater, Youth Sports, and Aquatics along with her experience working with groups of children in camp and classroom settings.

All staff are CPR and first aid certified along with being certified in Concussion Protocol, blood borne pathogens, and child abuse prevention. Staff also have training on sport specific injuries and safety rules.

The Oroville YMCA is part of YUSA - the network of nonprofit YMCA's across the country. Across the Northern California region, we employ over 250 staff and have 4 branches, multiple child care locations, and association offices and resources to help support our membership, youth development programs, and facilities.

PART IV: Activity Budget

Provide a summary of available resources and expenses related to the proposed activity. In the next section, you will be asked to provide a detailed description of these figures. Please round up to the nearest dollar.

Column B must equal columns C through G **Cash Sources other than CDBG**

(A) Expense Category	(B) Total Project Budget	(C) CDBG Requested Amount	(D) Agency's Funds	(E) Other Federal Funds	(F) State/Local Funds	(G) Foundation/Other Public Funds
PERSONNEL SERVICES						
Salaries	$173,257	$	$173,257	0	0	0
Fringe Benefits (Total)	$28,198		$28,198			
SUPPLIES						
Office Supplies	$750		$750			
Postage						
Program Supplies	$10,652		$10,652			
Other (Specify) Contract Services	$8,989		$8,989			
CLIENT SERVICES						
Direct Client Services*	$190,000	$190,000				
Other (Specify) Client Transportation	$22,000	$22,000				
OPERATING						
Telephone	$1,710		$1,710			
Utilities	$60,248		$60,248			
Rent (Facility Use)	$150,000					$150,000
Printing	$900		$900			

Liability Insurance*	$20,500	$20,500				
Conference & Seminars	$2,910		$2,910			
Travel	$18,024		$18,024			
Other (Specify) Admin costs, repairs, internet, marketing, bank processing fees, uniforms	$86,957		$86,957			
EQUIPMENT PURCHASE						
Computers/Software	$15,000		$15,000			
Office Equipment						
Other (Specify)						
TOTALS:	**$790,095**	**$232,500**	**$407,595**	**0**	**0**	**$150,000**

*** Liability insurance is required of all sub-recipients and may be paid from grant funds.**

2. **Personnel Services**

If City of Oroville CDBG funds will be used to support personnel services, please complete the table below.

Personnel Services:								
Position Title	**Is this a current or proposed position?**	**Annual Salary**	**Annual Fringe Benefits**	**Total Annual Salary**	**x**	**% Time Spent On CDBG Project**	**=**	**Total Position Cost Requested from CDBG**
Example: Case Manager	Current	$25,000	$5,000	$30,000	x	40%	=	**$12,000**
					x		=	
					x		=	

					x		=	
						Line Amount :		

3. **In-Kind and Leveraging Sources**

List the source and type of funds being leveraged by the proposed activity for the upcoming fiscal year.

Entity/Proposed Source	Type	Annual Project Value in $	In-Kind	Cash
Example: School District	Space Rent	$5,000	X	
Convention Center/City of Oroville		$150,000	X	
TOTAL DOLLAR VALUE		**TBD**		

YMCA

Quick Guide to Basketball Rules

Item	PreK-K	1st-2nd Grade	3rd-6th Grade	
Players on Court	3	4	5	
Ball Size	26.5 (youth)	27.5 (junior)	28.5 (intermidate)	
Basket Height	6'	7'	8'	
Wristbands	Yes	Yes	Yes	
Double Teaming	No	No	No	
Shot Blocking	No	Yes	Yes	
Keeping Score	No	No	yes	
Game Length	6 min x 4	7 min x 4	8 min x 4	
Violations				
Double Dribble	Gradually	Tighter as season goes on	Tighter after week 1	
Traveling	Gradually	Give 2 warnings then give ball to other team	Tighter after week 1	
In Bounds (5 sec)	Don't Call	Don't Call	Call	
Lane Violations	Don't Call	Don't Call	Don't Call	
Back Court	Don't Call	Don't Call	Don't Call	
Full Court Press	Not Allowed	Not Allowed	Not Allowed	
Zone Defenses	No	No	No	
Strip Ball Handler	No	No	Yes (not on dribble)	
Free Throws	No	No	4th quarter only	

Screening/Setting Picks	No	No	No	

2023 CDBG Application for Funding
Public Services

received 6/29/23 2:25 pm

PART I: Agency Information

Application due June 29, 2023, 3:00 PM

Agency Name:	Oroville Rescue Mission, Inc.		
Address:	2150 Bird St. Oroville, CA 95965		
Agency Type :	☒ Nonprofit ☐ For-profit ☐ Public/Quasi Public ☐ Government		
Faith-based Organization?		☒ Yes	☐ No
Employer Federal ID #:94-2207457	Sam.gov registered? ☒ Yes ☐ No Must be completed before Standard Agreement is executed.	**DUNS #:**	869366773
Proposed Activity Name:	Comprehensive Case Management with Rapid Rehousing		
Have you ever received City of Oroville CDBG funding before:		☐ Yes	☒ No
Amount Requested: (max request $232,500)		**$232,500**	
This request is for a:	☐ New Program ☐ Existing Program ☒ Expanded or Modified Program		

Contact person regarding the application:

Name:	Annie Terry	**Title:**	CFO
Phone #:	530-624-8033	**E-mail:**	annie@orovillerescuemission.org

Contact person throughout administration of the program:

Name:	Annie Terry	**Title:**	CFO
Phone #:	530-624-8033	**E-mail:**	annie@orovillerescuemission.org

Two officials authorized to sign contracts and expend funds for the organization:

Name:	Allan Dikes	**Title:**	CEO
Name:	Annie Terry	**Title:**	CFO

I hereby certify that if funds are granted to our organization, they will be used to benefit residents of the City of Oroville. I understand that liability insurance will be required for our program activities and that our formal agreement with the City will define other reporting provisions and federally required assurances. I also understand that submittal requirements must be provided with this application to be considered for funding.

Name:	Annie Terry	**Title:**	CFO
Signature:	Annie Terry	**Date:**	6-29-2023

PART II: Proposed Activity Information

1. Briefly describe the *Program's* Title.

   Public Services Program-services for homeless persons, including comprehensive case management and rapid rehousing services

2. Is the Site Address the same as the Agency Address?

   No. Site address for services would also include 4250 and 4248 Lincoln Blvd, Oroville.

3. Provide Activity Description. List all the existing services provided by the proposed activity and describe how these services will be enhanced or expanded with the CDBG funding you are requesting.

   The Oroville Rescue Mission is in the process of increasing the number of interim shelter beds through an expansion project entitled Mission Esperanza. Both the existing shelter project and the expansion project will provide comprehensive case management and will connect unsheltered persons to interim long-term housing. The Mission team needs to build their capacity to provide move-in costs and short-term subsidies to program participants that are moving into long-term, sustainable housing from an unsheltered and high barriered situation, while the case manager is facilitating a cadre of supportive services to sustain and stabilize the participant's housing.

   Until October 31, 2023, the Mission will be utilizing Homeless Housing, Incentive and Prevention funding to cover the staffing costs for a case manager who will coordinate housing and service needs with each program participants. The case manager assesses needs and vulnerabilities, analyzes data, coordinates and link resources to avoid duplication and identifies community-wide, collaborative approaches to remove barriers for vulnerable populations.

   Beyond October the Mission will not have the funding to support the specialized skills of a case manager for the homeless population being served at the Mission.

   The Mission has traditionally not supported, financially, a high number of exits out of the shelter to permanent housing; however, with the high needs of the unsheltered population and the requirements imposed by the state and federal government to demonstrate increasing long-term housing for the homeless, the Mission must expand services, and funding, to include financial support to program participants that are ready to make a permanent move to independent housing.

   This CDBG funding request supports a case manager and rapid rehousing services (rent subsidies, security deposits) for the city's unsheltered homeless population-presumed beneficiary under LMI, limited clientele category.

4. Provide Program Scope of Work. (i.e., Tasks to accomplish)

Task 1-Secure contract between City of Oroville and subrecipient, Oroville Rescue Mission
Task 2-Build capacity of affordable housing placements and master lease opportunities by expanding landlord relationships to secure rental that will rent to the target population
Task 3-Conduct intake, assess vulnerability and gather input on client needs and barriers to housing
Task 4- Evaluate each client for housing readiness
Task 5- Evaluate each client to determine need for Rapid Rehousing placement and funding (source of income for sustainability)
Task 6-Place eligibility participants in affordable housing and provide short-term subsidies to stabilize the household
Task 7- Provide ongoing case management to ensure no recidivism
Task 8-Provide invoices to the City for reimbursement as required
Task 9-Complete financial and program reports for the City as required

5. Provide Program Deliverables.

1-Executed contract, services may begin
2-Master lease and individual lease opportunities to place persons in long-term housing
3-Identified list of persons waiting for long-term housing and case management
4-Identified list of persons ready for housing without barriers that hold placement up
5-Appropriate use of CDBG funding
6-Formerly unsheltered persons will be placed in affordable housing with subsidies and support
7-Ensure health and safety or program participants
8-Timely reimbursements to the subrecipient and to the City
9-Programmatic compliance

6. Describe the Agency's Statement of Need for Public Service.

For almost 60 years, the Oroville Rescue Mission has been diligently assisting the unsheltered population with temporary housing, food and other services to meet basic needs. These public services have been funded through the generous donations of Butte County and Oroville residents to support a limited array of services.

In order to expand the capacity to serve and to move program participants out of the shelter and towards a long-term, independent, and healthy life, funding is needed to support the exits out of the shelter and into stabilized and affordable

housing, linked to case management that will ensure participants don't recidivate and return to unsheltered status.

Given the growing numbers of unsheltered homeless on the streets of Oroville, funding from the public sector must be leveraged to support the ongoing needs of people that are highly vulnerable and have significant need for support to change their health and life outcomes.

7. Describe the Agency's history and experience in providing the proposed activity?

   Oroville Rescue Mission has provided food, clothing and shelter to the unsheltered population in the Oroville area since 1964.

   The Mission has been successful at providing these basic needs for decades and has just recently stepped into a more comprehensive approach of coordinating services that have the potential of making a larger impact in reducing the number of unsheltered people living on the street and not connected to services that will improve their outcomes.

   The Mission began coordinating their efforts with the Butte Countywide Continuum of Care (CoC) in 2019 and became active in the data collection system known as the Homeless Management Information System-where all homeless outcomes data are tracked. This system is a requirement for every public funding source for housing and homeless service provision in the country. The Mission staff analyzed data out of the HMIS system and determined that the expansion of housing subsidies, comprehensive case management and housing supports would be necessary to move people swiftly out of homelessness and into safe and stable housing.

   Since 2019, the Mission has expanded their typical array of homeless services to include more rapid rehousing, intensive case management and outreach and will be expanding their level of service provision in early 2024 to include non-congregate shelter, demonstrating the Mission's ability to expand services based on the needs of the community and of the target population.

8. Provide Third party studies establishing need, published documentation of need. (newspaper, journal, etc.) *Provide Supporting documentation.*

   See Appendix A, B

9. Provide a narrative indicating there is no reasonable access to the service.

   The City of Oroville has very limited housing options and service providers to remedy and alleviate the impacts of homelessness on all city residents. The

Oroville Rescue Mission is the only emergency shelter in the city and is the only provider to focus on the unsheltered population's needs and barriers. The Mission's staff has the experience to provide exemplary services, as they have done for over 50 years and is poised to expand capacity to meet the growing needs of the community. CDBG funding is integral to ensure successful exits to long-term housing.

There are no other homeless shelters in Oroville to address the services associated with alleviating the impacts of homelessness. Oroville Rescue Mission is suited to provide case management, interim and long-term housing and support services to clients with whom they have established a relationship within the community.

10. Provide documentation showing no reasonable *access (i.e., maps showing service locations, transportation availability, listings, and description of active non-profits in the area to demonstrate a lack of service providers).*

The two other non-profits serving the homeless in Oroville are Haven of Hope on Wheels and the Hope Center. Their locations are 1.8 and 1.9 miles away from the Mission, respectively. Neither provides shelter at this time, leaving the Oroville Rescue Mission as the sole provider of housing and case management services for the unsheltered population within the City of Oroville. Without the Mission's support and services, there would be no improvement to the numbers of homeless on our streets and much higher incidents of crime, vagrancy and overdose in the community.

11. Provide a narrative indicating why the population needs this service.

Because of their poor health, social vulnerability, and barriers to improved health outcomes, unsheltered homeless people require specific, trauma informed care. Persons who are homeless have comparably poorer mental and physical health than the general populations. The unsheltered have a greater need for access to health services, mainstream resources and general support.

Homeless people if not supported, treated effectively and given appropriate access to health care services are one of the costliest populations (8 x times more than the housed population) creating emergency department and inpatient admissions that are excessively frequent in nature.

In order to assist this population, to decrease their frequent use of public services, providers must institute known evidence-based practices that contribute to housing stability, recovery and improved life and health outcomes. This level of effort takes time, must be delivered with a trauma informed lens and must include options/choices that the individual can make that fits their needs. Staff that provide this level of service, support and care must be trained, highly experienced, excessively patient and perseverant, and uber passionate about providing a level of care that will remove barriers and stabilize the lives of often forgotten individuals.

It is evident that the experienced staff of the Oroville Rescue Mission have been providing such exemplary care for decades and are willing to assume some challenging roles and responsibilities to meet the growing needs of the city and of the unsheltered homeless within the city.

12. Provide documentation of population changes, services to the population ratio. (how many services providers are available by population) *Provide supporting documentation of population.*

    See Appendix C, D

    According to the 2023 PIT count, the homeless population in Oroville increased from 214 to 277, which is a 29.4% increase. There are 3 homeless service providers in Oroville, and Oroville Rescue Mission is the only one providing shelter.

13. Provide Narrative listing your partners and collaborators.

    Oroville Rescue Mission has established partnerships with Butte County CoC, Butte County Adult Protective Services, Butte County Housing/Homeless, Anthem Blue Cross, California Health and Wellness, the City of Oroville and the Emergency Food and Shelter Program for a myriad of services the Oroville Rescue Mission provides to its program participants.

14. Provide partners/collaborator supporting documentation.

    See Appendix E, F, G, H, I, J

15. Are you looking to start a new program, modify an ongoing program or add a new type of assistance to an existing program?

    With the opening of Mission Esperanza, Oroville Rescue Mission, plans to "beef up" their efforts to provide Comprehensive Case Management and Flexible Rapid Rehousing and connect unsheltered homeless to interim long-term housing, and in some cases, provide homeless prevention.

16. Provide a narrative describing your staff and/or contractor/subrecipient expertise.

    For decades, Oroville Rescue Mission had been successful at providing basic needs and has just recently move toward more comprehensively coordinating services with high potential to make a definitive impact in reduction of the number of unsheltered homeless living on the streets without connection to services that will improve their outcomes. The Mission is uniquely qualified in that 8 of its current employees are formerly homeless individuals. The Mission is committed to seeking inclusive partnerships and collaboration and improving outreach efforts to reach the unsheltered.

17. Can you confirm the funding is "gap" funding?

As a community partner, the Oroville Rescue Mission provides a number of services besides Case Management and Rapid Rehousing including emergency shelter, interim long-term shared housing, a soup kitchen and community supportive services. This Flexible Rapid Rehousing Program would add to the Oroville Rescue Mission's capacity to the needs of the unsheltered through providing case management and connect unsheltered persons to interim long-term housing and provide short term subsidies to program participants moving into long-term sustainable housing.
Oroville Rescue Mission is well known as a community partner assisting the unsheltered population with temporary housing, food, clothing and community outreach efforts to support the ongoing needs of people that are highly vulnerable.

18. Do you have at least one of the documents listed below adopted by your board and can you provide documentation?

    a. Program Guidelines-detailed plan which details the rules and regulations under which the program will operate.
    b. Activity Implementation Plan-a document that you will use to define your implementation strategy. It outlines the activities and decision necessary to turn the strategic goals into reality, and the execution plan is a schedule of concrete actions and activities to achieve goals and drive success.
    c. Strategic Plan-a document that articulates both the decisions made about the organization's goals and the ways in which the organization will achieve those goals.
    d. Operating Plan-An operating Plan can be defined as a plan that clearly defines actions it will take to support the strategic objectives and plans of upper management.

    Yes, Oroville Rescue Mission can provide documentation. Our staff has obtained unanimous approval for policy changes and activities/decisions necessary to see Mission Esperanza to fruition, and has conducted a board poll to gain a consensus of this project as well.

19. Describe Site Control of facility or means to conduct the services. *Provide documentation.*

Oroville Rescue Mission owns all proposed sites.

See Appendix K

20. Provide proof of Sams.gov registration and unique identifying number.

See Appendix L

21. Please describe how does/how will the activity verify that clients served are low to moderate-income?

By obtaining proof of benefits/passport to services and wage statements, etc. the Oroville Rescue Mission verifies that clients are low or moderate to low income and are eligible for Rapid Rehousing services.

Note: Check the appropriate population if the activity targets clients representing populations that are presumed low-income. Otherwise, check the appropriate income verification method used in the activity.

☒	Pay Stubs/ Wage Statements
☒	W-2s
☒	Income Tax Returns
☒	Social Security Documentation (SSI/SSA)
☒	Bank Statements
☒	Support Checks Documentation
☒	Other: Passport to Services

PART III: Target Population for Proposed Activity

1. Please check the target population(s) that the program/project will serve.

☐	Domestic Violence Victims	☐	Persons with HIV/AIDS
☐	Seniors / Frail Elderly	☐	Chronic Public Inebriates
☒	Families	☒	At Risk of Homelessness
☐	Children	☐	Dually Diagnosed
☒	Homeless	☐	Other: _____
☒	Substance Abuse	☐	Other: _____
☐	Physically Disabled	☐	Other: _____
☒	Mental Health Issues	☐	Other: _____

2. Indicate the number of unduplicated clients you have served in the previous calendar year and the number of unduplicated clients you expect to serve in the coming year.

Number of Unduplicated Clients Served	**City of Oroville Residents**	**Oroville Area Residents**
Number of clients served in 2022-23	923	193
Number of **low-income** (<80%Area Median Income) clients served in 2022-23	780	17
Clients expected to be served for 2023-2024	1,647	200

3. Please describe how the expected number of clients served for fiscal year 2023-24 was determined. (e.g., statistics, needs assessments, etc.)

   Based on a shelter increase of 70 client beds for Mission Esperanza plus 500 new Resource Center clients, and the 40 designated drop in shelter beds for Esperanza with anticipated turnover rate of 30% monthly based on current trends

5. Describe the outreach and/or marketing plan to obtain potential clients from the target population.

   The Oroville Rescue Mission will conduct on-site bi-weekly group meetings targeted at highlighting benefits of case management and rapid rehousing, as well as offering targeted training, i.e., Obtaining an ID.
   In collaboration with City of Oroville Staff, Oroville Rescue Mission staff will be conducting outreach into the Lower Wyandotte encampment area.
   Also, through Encampment Outreach, Esperanza will provide literature and Open House tours of Esperanza Village upon facilities completion to residents of encampments.

6. Describe the activities the organization will undertake to reach potential clients from **under-represented** groups, and female head-of-households (e.g., bilingual staff, translation of brochures, etc.)

   Through hiring/utilizing bilingual staff and volunteers, and use of available bilingual brochures for referrals, the Mission will be able to meet potential clients. Our Oroville Resource Center has partnered in several community events with the Hmong Cultural Center and the African American Family & Cultural Center and is working to build a plan to translate materials into Hmong and Mien. Through Oroville Resource Center, the Mission participates and hosts numerous public events and invites participation and attendance by cultural diverse service agencies and attendees. Our Oroville Resource Center, in 2022 and again next year will host a Women's Empowerment Day event targeted at female head-of-households.

7. Briefly describe the experience / expertise of the main program/project staff in working with the target population.

Oroville Rescue Mission would be depending on current staffing to fill this position and absorb some of the case management cost. Our Case Management staff has been working with the target population and comes with experience in intakes, case management and administration.

PART IV: Activity Budget

1. Provide a summary of available resources and expenses related to the proposed activity. In the next section, you will be asked to provide a detailed description of these figures. Please round up to the nearest dollar.

The proposed activity would be staffed through a combination of CDBG funds and Agency funds from other sources in facilities owned by the Mission with the majority of CDBG funding providing Flexible Rapid Rehousing.

Column B must equal columns C through G **Cash Sources other than CDBG**

(A) Expense Category	(B) Total Project Budget	(C) CDBG Requested Amount	(D) Agency's Funds	(E) Other Federal Funds	(F) State/Local Funds	(G) Foundation/Other Public Funds
PERSONNEL SERVICES						
Salaries	$124,800.	$62,400.	$62,400.	0	0	0
Fringe Benefits (Total)	$ 5616.	$2,808.	$2808.			
SUPPLIES						
Office Supplies	$1,500.	$1,500.				
Postage						
Program Supplies						
Other (Specify)						
CLIENT SERVICES						
Direct Client Services*						
Other (Flexible Rapid Rehousing)	. $161992.	$161992.				
OPERATING						
Telephone	$3,400.00	$3,400.00				
Utilities						
Rent (Facility Use)						
Printing						
Liability Insurance*						
Conference & Seminars						
Travel						
Other (Specify)						

EQUIPMENT PURCHASE						
Computers/Software	$400.00	$400.00				
Office Equipment						
Other (Specify)						
TOTALS:	**$297,708**	**$232,500**	**$65,208**	**0**	**0**	**0**

*** Liability insurance is required of all sub-recipients and may be paid from grant funds.**

2. **Personnel Services**

If City of Oroville CDBG funds will be used to support personnel services, please complete the table below.

Personnel Services:								
Position Title	**Is this a current or proposed position?**	**Annual Salary**	**Annual Fringe Benefits**	**Total Annual Salary**	**x**	**% Time Spent On CDBG Project**	**=**	**Total Position Cost Requested from CDBG**
Example: Case Manager	Current	$25,000	$5,000	$30,000	x	40%	=	**$12,000**
Case Manager	Yes	$41,600	$1872	$43472.	X	50%	=	***$21,736.***
					x		=	
					x		=	
					x		=	
						Line Amount :		***$65,208***

3. **In-Kind and Leveraging Sources**

List the source and type of funds being leveraged by the proposed activity for the upcoming fiscal year.

Entity/Proposed Source	**Type**	**Annual Project Value in $**	**In-Kind**	**Cash**
Example: School District	Space Rent	$5,000	X	
Private Donations	Cash	$65,208.		X
TOTAL DOLLAR VALUE		**TBD**		$65,208.

2023 CDBG Public Service Applications

Feather River Gymnastics Booster

- New Request (Gymnastics Training)
- $100,000
- Application did not contain enough information to determine if it would be a competitive application for funding, or even eligible as low-mod. Requested additional information, not received.
- Included Budget did not balance.
- Plans to assist 250 youth, last year assisted 30.

The Axiom

- Continuing Program with expansion (LMA)-(Training and Exploration Program)
- $232,500
- Previously funded 20-CDBG-12018, $179,955.
- Remaining grant funds of $69,503 through 04/02/2024.
- Plan to assist 55 youth per year.
- If not funded, could not expand the program opportunities or add staffing, may need to reduce the number of beneficiaries.

Catalyst Domestic Violence

- Continuing Program Domestic Violence Services with expansion to include Sexual Violence Services (LMC)
- $232,500
- Previously funded 20-CBDG-12017, $360,143, also funded in 2009, 2012, 2014($578,660)
- Remaining grant funds of $148,546 through 02/22/2024
- Plan to assist 150 persons per year.
- Only Domestic Violence Service Provider in Butte County
- If not funded, the Oroville Drop-in Center may close.

2023 CDBG Public Service Applications

Oroville Rescue Mission

- New Request (Comprehensive Case Management with Rapid Rehousing)
- $232,500
- Application is eligible Public Service Activity under LMC (Low-Mod, limited clientele)
- Budget is clear
- Plan to assist 12 persons per year.
- Funding would supplement a major component of the ERF grant for Mission Esperanza

YMCA of Superior California

- Continuing Program with expansion (Out of School Youth Services)
- $232,500
- Previously Funded 20-CDBG-12046, $465,000, also fund in 2004, 2009, 2012, 2014, 2017 ($1,041,160)
- Remaining grant funds of $266,910 through 04/02/2024
- Plan to assist 300 youth per year
- If not funded, the program beneficiaries would be reduced some program discontinued , namely at the Y (camp)

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **SANK PARK PERIMETER FENCE AWARD OF AMENDED CONTRACT TO PISOR FENCE DIVISION, INC.**

DATE: **JULY 18, 2023**

SUMMARY

The City Council may review and consider awarding a contract to Pisor Fence Division, Inc. following the June 20, 2023 Council request to consider a change order to reduce the cost to fabricate and install a new fence and gates around the perimeter of Sank Park.

DISCUSSION

Following the City Council's approval on September 7, 2021, an application for Per Capita funding was submitted for fencing to be installed around the perimeter of Sank Park and Rotary Park. Staff sought input from the Park Commission and the Historic Advisory Commission for new fencing design due to the fact that the location is a City park and falls within the Downtown Historic Overlay.

The fencing will replace the deteriorating wood and chain link fence currently surrounding Sank Park with a wrought iron fence. The fence design elements were approved on April 19, 2022 and required the following:

- 5' tall fence
- 6" curb under fence
- Ornate corner posts with finials
- Pickets will be slender with pointed tips
- (2) vehicle gates and (4) man gates
- Man gate at Montgomery Street entrance will be inset for a more pronounced entrance to have a decorative elements
- Dusk to dawn hardware is desired for safety and to secure closure during the evening hours

The intent of the new fence is to prevent further vandalism of the historic home and park grounds during the evening hours and preserve the historic character of the home. On March 21, 2023, the City Council approved up to $627,952.00 towards the project

that includes funds towards the exterior lighting around the park to further prevent vandalism. This is in progress with the Construction Management consultants.

A Request for Proposal (RFP) was published, and a mandatory job walk was held on April 25, 2023. In an attempt to save costs, the city staff will be completing the demolition of the existing fence. Staff received four proposals with the low bidder's proposal being fully responsive and proposing prefabricated fence panels.

Bidder Name	Total Bid Amount	10% Contingency	Project Total
A. **Pisor Fence Division Inc.**	**$449,900.00**	**$44,990.00**	**$494,890.00**
B. Rock Creek Construction	$551,740.00	$55,174.00	$606,914.00
C. Golden Bay Fence	$588,145.00	$58,814.50	$646,959.50
D. CO-T Construction	$596,165.00	$59,616.50	$655,781.50

During the June 20, 2023 City Council meeting, the Council directed staff to discuss change order options with Pisor Fence Division, Inc. for the removal of the continuous concrete curb under the full length of the fence as well as cost difference for the change out of the fencing panels from fully custom to prefabricated. The cost to delete the concrete curb is a savings of $75,918.00 and the cost to change out the custom fencing panels for prefabricated would be approximately $28,000.00.

While there is cost savings to change from custom fencing to prefabricated, amount of savings is not significant enough to justify a change to the aesthetics of the fence panels that was collaboratively approved by the Parks Commission, Historic Advisory Commission, City Council and community members. The $75,918.00 change for the concrete curb, however, is a substantial saving in combination with the State Parks Per Capita allocation of $177,952.00 that will reduce the total Capital Projects Fund expenditure to $196,030.00.

FISCAL IMPACT

A California Department of Parks & Recreation Per Capita allocation of $177,952.00 will be used to cover a portion of the project. A change order to delete the concrete curb reducing the contract amount of $75,918.00 will be applied. The cost of $196,030.00 will be expended from the Capital Projects & Improvements Fund 302-7311-6110 (as opposed to - from Fund Balance)

RECOMMENDATION

1. Approve Res. No. 9144- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH PISOR FENCE DIVISION, INC. AUTHORIZING PISOR FENCE DIVISION, INC TO COMPLETE THE PROPOSED FABRICATION AND INSTALLATION OF A NEW PERIMETER FENCE AROUND SANK PARK IN THE AMOUNT OF $373,982.00 AND A 10% CONTINGENCY IN

THE AMOUNT OF $37,398.20 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

2. Authorize and direct staff to sign and accept the proposal from Pisor Fence Division, Inc., authorizing the proposed fabrication and installation of a new perimeter fence around Sank Park, and a Change Order deleting the concrete curbing in the amount of $75,918.00, for a total amount of $373,982.00 (base bid) and a 10% contingency in the amount of $37,398.20 should any deficiencies be discovered during the project, for a total of $411,380.20.

ATTACHMENTS

- Resolution No. 9144
- Agreement No. 3432
- Sank Park Fence Summary of Proposals Received
- Bid A – Pisor Fence Division, Inc.
- Change Order to Delete the Concrete Curb

CITY OF OROVILLE
AMENDED RESOLUTION NO. 9144

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH PISOR FENCE DIVISION, INC. AUTHORIZING PISOR FENCE DIVISION, INC TO COMPLETE THE PROPOSED FABRICATION AND INSTALLION OF A NEW PERIMETER FENCE AROUND SANK PARK IN THE AMOUNT OF $373,982.00 AND A 10% CONTINGENCY IN THE AMOUNT OF $37,398.20 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The Mayor is hereby authorized and directed to sign and accept the proposal from Pisor Fence Division, Inc., authorizing the proposed fabrication and installation of a new perimeter fence around Sank Park, and a change order deleting the concrete curbing in the amount of $75,918.00, for a total amount of $373,982.00 (base bid) and a 10% contingency in the amount of $37,398.20 should any deficiencies be discovered during the project, for a total of $411,380.20.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

PROJECT CONTRACT

THIS PROJECT CONTRACT (the "contract" or "Contract"), is made and entered into this 27th day of JUNE 2023, by and between City of Oroville (referred to herein as the "Owner" or the "City") and __Pisor Fence Division, Inc._(the "Contractor").

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

1) THE CONTRACT DOCUMENTS.

The complete contract is comprised of and may or may not include: Invitation for Bids; Information for Bidders; Bid Schedule; Proposal Form; Bidder's Bond; Contract; General Conditions; Special Provisions; Technical Provisions; Payment Bond; Performance Bond; Notice of Award; Notice to Proceed; Change Orders; Supplemental Drawings Issued; Drawings; Specifications and Contract Documents; All addenda or bulletins issued during the time of bidding or forming a part of the documents loaned to the bidder for preparation of the bid; The complete plans and provisions, regulations, ordinances, codes, and laws incorporated therein or herein by reference or otherwise applicable to the Project.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are hereinafter referred to collectively as the Contract Documents.

2) THE WORK.

Contractor agrees to furnish all tools, apparatus, facilities, equipment, labor and materials (except that specifically mentioned as being furnished by others) necessary to perform and complete the work in a "good and workmanlike manner" as called for, and in the manner designated in, and in strict conformity with the Plans, Detail Specifications, and other Contract Documents which are identified by the signatures of the parties to this Contract and are, collectively, entitled:

SANK PARK FENCING PROJECT
COMMUNITY DEVELOPMENT DEPARTMENT

3) CONTRACT PRICE.

The City agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the following compensation: $374,705.00. In no event shall Contractor's compensation exceed the amount of $374,705.00 without additional written authorization from the City. Payment by City under this Agreement shall not be deemed a waiver of defects in Consultant's services, even if such defects were known to the City at the time of payment

For the purpose of fixing the amount of bonds referred to in the Instructions to Bidders, it is estimated by both Parties that the total contract price shall be based on the Contractor's Base Bid amount.

4) DISPUTES PERTAINING TO PAYMENT FOR WORK.

Should any dispute arise respecting the true value of any work done or any work omitted, or of any extra work which the Contractor may be required to do, or respecting the size of any payment to the Contractor during the performance of this Contract, the dispute shall be informally mediated between the parties. Following such mediation, either party may file an action exclusively in the Butte County Superior Court or in the United States District Court, Eastern District of California. Under no condition shall there be a cessation of work by the Contractor during any such dispute. This article does not exclude recovery of damages by either party for delays.

5) PAYMENT.

Not later than the 20th day of each calendar month, the Contractor shall make a partial payment request to the City on the basis of an estimate approved by the Engineer of the work performed since the last partial payment request during the preceding month by the Contractor with five percent (5%) of the amount of each such estimate retained by the City, until completion of the Project and the recordation of a Notice of Completion of all work covered by this Contract. The City shall make any partial payments provided for in this contract to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor. The City shall pay the Contractor interest on the amount of any portion of a partial payment, excluding retention amounts, not made to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor at the legal rate set forth in California Code of Civil Procedure Section 685.010. Upon receipt of a partial payment request from the Contractor, the City shall review the partial payment request for the purpose of determining whether or not the partial payment request is a proper partial payment request. Any partial payment request determined by the City not to be a proper partial payment request suitable for payment shall be returned to the Contractor by the City within 14 days of the City's receipt of such partial payment request. A partial payment request returned to the Contractor by the City under the provisions of this section shall be accompanied by a written document setting forth the reason(s) why the partial payment request is not proper. The number of days for the City to make a certain partial payment provided for in this Contract, without incurring interest pursuant to this section, shall be reduced by the number of days by which the City exceeds the 14 day return period for such partial payment request, if determined to be improper, as set forth in this section. For the purposes of this section, a "partial payment" means all payments due to the Contractor under this contract, exclusive of that portion of the final payment designated as retention earnings. Also, for the purposes of this section, a partial payment request shall be considered properly executed by the City, if funds are available to pay the partial payment request and payment is not delayed due to an audit inquiry by the City's financial officer. The City will release Contractor's retention earnings within 45 days after recordation of Notice of Completion, as defined in California Civil Code Section 3093. Recordation of a Notice of

Completion for the Project by the City shall constitute the City's acceptance of the Project work.

6) TIME FOR COMPLETION.

All work under this contract shall be completed within a period of 180 working days from the date of the Contractor's receipt of a Notice to Proceed from the City.

7) EXTENSION OF TIME.

If the Contractor is delayed by acts of negligence of the City, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts, fire, unavoidable casualties, documentable delays in delivery of materials, review by outside agencies, or any causes beyond the Contractor's control, or by delay authorized by the City, or by any justifiable cause which the Engineer shall authorize, then the Contractor shall make out a written claim addressed to the City setting forth the reason for the delay and the extension of the time requested and forward a copy of the claim to the Engineer for approval. The Engineer will evaluate the claim and if the claim is justifiable, will request the City's approval. No such extension will be allowed unless written claim therefore has been made within 3 days after the delay became apparent.

If the Contractor fails or refuses to complete the work within the time specified, including authorized extensions, there shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages the sum of Five Hundred Dollars ($500.00) for each calendar day subsequent to the time specified for each project and the time the work is actually completed and accepted. Delays caused by adverse weather conditions or conditions for which the Owner is clearly responsible will be added to the contract time.

8) LABOR PROVISIONS.

The project is subject to both federal and state prevailing wages. The Contractor shall pay laborers the higher of either the federal or state prevailing wage rate determination for the trades to be utilized. The contractor and all subcontractors on the project shall complete electronic reporting of prevailing wage rate reports through the Department of Industrial Relations, with copies of such reports to be provided to the City.

9) CONTRACT WORK HOURS AND SAFETY STANDARDS REQUIREMENTS.

As used in the following provision, the term "laborers" and "mechanics" include watchmen and guards.

a. Overtime Requirements. Neither the Contractor nor any subcontractor contracting for any part of the Project which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek, whichever is greater.

b. Violation; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of the clause

set forth in paragraph a. above, the Contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, the Contractor and subcontractor shall be liable to the City for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph a. above, in the sum of $3,000 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a. above.

c. Withholding for Unpaid Wages and Liquidated Damages. The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same Contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph b. above.

d. Working conditions. Neither the Contractor nor any subcontractor may require any laborer or mechanic employed in the performance of any contract to work in surroundings or under working conditions that are unsanitary, hazardous or dangerous to his health or safety as determined under construction safety and health standards (29 CFR Part 1926) issued by the Department of Labor.

e. Subcontracts. The Contractor and any subcontractor shall insert in any subcontracts the clauses set forth in paragraphs a. through d. and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs a. through d.

10) NONDISCRIMINATION.

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

11) DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PROVISIONS.

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The Contractor agrees to pay each subcontractor under this contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the Contractor receives from City. The Contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only

for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontractors.

12) CIVIL RIGHTS.

The Contractor assures that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This Provision binds the Contractor from the bid solicitation period through the completion of the contract. This provision shall be inserted in all subcontracts, subleases and other agreements at all tiers.

13) SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENTS OF MATERIALS AND EQUIPMENT.

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

14) INFORMATION AND REPORTS.

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the City and shall set forth what efforts it has made to obtain the information.

15) SANCTIONS FOR NONCOMPLIANCE.

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

16) INSPECTION OF RECORDS.

The Contractor shall maintain an acceptable cost accounting system. The City, the Federal Aviation Administration, the Comptroller General of the United States or any of their duly authorized representatives shall have access to any books, documents, paper, and records of

the Contractor which are directly pertinent to this Contract or the Project for the purposes of making an audit, examination, excerpts, and transcriptions. The Contractor shall maintain all required records for 3 years after the City makes final payment and all other pending matters are closed.

17) RIGHTS IN INVENTIONS.

All rights to inventions and materials, if any, generated under this contract are subject to regulations issued by the City. Information regarding these rights is available from the City.

18) BREACH OF CONTRACT TERMS.

Any violation or breach of terms of this Contract on the part of the Contractor or its subcontractors may result in the suspension or termination of this Contract or such other action that may be necessary to enforce the rights of the City under this Contract. The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.

19) TERMINATION OF CONTRACT BY CITY

a. The City may, by written notice, terminate this Contract in whole or in part at any time, either for the City's convenience or because of the Contractor's failure to fulfill its contract obligations. Upon receipt of such notice, services shall be immediately discontinued (unless the notice directs otherwise) and all materials as may have been accumulated in performing this Contract, whether completed or in process, delivered to the City.

b. If the termination is for the convenience of the City, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

c. If the termination is due to failure to fulfill the Contractor's obligations, the City may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Contractor shall be liable to the City for any additional cost occasioned to the City thereby.

d. If, after notice of termination for failure to fulfill contract obligations, it is determined that the Contractor had not so failed, the termination shall be deemed to have been affected for the convenience of the City. In such event, adjustment in the contract price shall be made as provided in the second paragraph of this clause.

e. The rights and remedies of the City provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

20) INCORPORATION OF PROVISIONS.

The Contractor shall include the provisions of this contract in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations of

directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the City to enter into such litigation to protect the interests of the City and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

21) CONTRACTOR CLAIMS OF $375,000 OR LESS.

Claims by the Contractor relating to the Project for (a) a time extension, (b) money or damages arising from work done by, or on behalf of, the Contractor on the Project for which payment is not expressly provided for or to which the Contractor is not otherwise entitled, or (c) an amount that is disputed by the City, with a value of $375,000 or less, are subject to the claims procedures set forth in California Public Contract Code Sections 20104, et seq., except as otherwise provided in this Contract and the incorporated documents, conditions and specifications.

22) LOBBYING AND INFLUENCING FEDERAL EMPLOYEES.

a. No Federal appropriated funds shall be paid, by or on behalf of the Contractor or its subcontractors, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant or the amendment or modification of any Federal grant.

b. a. If any funds other than Federal appropriated funds have been paid or will be paid by the Contractor or its subcontractors to any person for influencing or attempting to influence an officer or employee of the City, any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.

23) ASSIGNMENT OF CERTAIN RIGHTS TO THE CITY.

In entering into this Contract or a subcontract to supply goods, services, or materials pursuant to this Contract, the Contractor and/or subcontractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to this Contract or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Contractor, without further acknowledgement by the parties.

24) ENERGY CONSERVATION REQUIREMENTS

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

25) ATTACHMENTS

1) **Notice Inviting Bids**
2) **Contractor's Bid**
3) **Bidder's Bond**
4) **Addendum No. 1**
5) **Addendum No. 2**
6) **Addendum No. 3**

IN WITNESS WHEREOF, the parties have caused this Construction Contract to be executed on the day and year first herein written.

AGENCY: City of Oroville, A Municipal Corporation (First Party)

By: _____
Mayor, David Pittman

CONTRACTOR: Pisor Fence Division, Inc. (Second Party)

By: _____
(Authorized Representative) (Sign, Print Name and Official Title)

APPROVED AS TO FORM:

By: _____
City Attorney, Scott Huber

ATTEST:

By: _____
City Clerk, Brian Ring

CITY OF OROVILLE
BID SUMMARY

PROJECT: RFP #2023-0407 - SANK PARK FENCE PROJECT – Bid ID: 171471

OPENING DATE: 05/24/2023 TIME: **4:00 p.m.**

City Hall, Front Lobby (opening & announcement in City Council Chambers)
1735 Montgomery Street
Oroville, CA 95965

ATTENDANCE FOR BID OPENING: Dawn Nevers and Noelle Snow

Bidder Name/Address and Phone	Base Bid Amount	Additive Alternatives	Total Base Bid + Additive Alternatives
Pisor Fence Division Inc.	449,900	Ø	449,900
CO-T construction	596,165	Ø	596,165
Rock Creek Construction	551,740	52,800 Deduct	
Golden Bay Fence	588,145	Ø	588,145

SECTION 00 41 00
BID PROPOSAL

PROJECT: **SANK PARK FENCING PROJECT**

Bidder Name	Pisor Fence Division Inc.
Bidder Representative(s)	Jeremiah Alexander - Senior Estimator Name and Title John Sears - Secretary & Controller Name and Title
Contact Information	Email jalexander@pisorfence.net Phone: (916) 560 - 3835 Email jsears@pisorfence.net Phone: (916) 726 - 1173
Mailing Address	P.O. Box 7213 Address Citrus Heights CA. 95621 City/State/Zip Code
California Contractors License NO.	316128 Number B, C-13, C61/D28, C23, C51 Exp. 12/31/2023 Classification(s) and Expiration Date

1. Bid Proposal

1.1 Bid Proposal Amount. The undersigned Bidder proposes and agrees to furnish and install the Work including, without limitation, providing and furnishing any and all labor, materials, tools, equipment and services necessary to complete, in a workmanlike manner in accordance with the Contract Documents, all of the Work described as: **SANK PARK FENCING PROJECY** for the sum of: $ 449,900.00
Four hundred forty nine thousand nine hundred Dollars + no Cents

$ | | , | 4 | 4 | 9 | , | 9 | 0 | 0 | | . | 0 | 0 |

1.2 Acknowledgement of Bid Addenda. The Bidder confirms that this Bid Proposal incorporates and is inclusive of, all items or other matters contained in Bid Addenda, if any, issued by or on behalf of the Client.

Addenda No: 1 - 4 received, acknowledged and incorporated into this Bid Proposal

JS **(initial)**

1.3 Alternate Bid Items. The Bidder's proposed pricing for each Alternate Bid Item, if any, are set forth in the accompanying form of Alternate Bid Items Proposal. Failure of a Bidder to propose pricing for each Alternate Bid Item set forth in the accompanying Attachment A, Alternate Bid Items Proposal, will result in the Bid Proposal being deemed non-responsive and rejected.

2. Documents Accompanying Bid Proposal. The Bidder has submitted with this Bid Proposal the following:

☑ **Bid Proposal**	☐ **Performance Bond**
☐ **Alternate Bid Items Proposal Form**	☐ **Labor and Material Bond**
☐ **Non-Collusion Affidavit**	☐ **Certificate of Workers Compensation**
☐ **Subcontractors List**	☐ **Drug-Free Workplace Certification**
☐ **Statement of Qualifications**	☐ **Guarantee Form**
☐ **Bid Bond**	☐ **Verification of Certified Payroll.**
☐ **ACKNOWLEDGMENT OF ADDENDA- Submit Addendum acknowledgment page with signature per each addendum distributed by the client.**	

The Bidder acknowledges that if this Bid Proposal and the foregoing documents are not fully in compliance with applicable requirements set forth in the Call for Bids, the Instructions for Bidders and in each of the foregoing documents, the Bid Proposal may be rejected as non-responsive.

3. Award of Contract. If the Bidder submitting this Bid Proposal is awarded the Contract, the undersigned will execute and deliver to the Client the Agreement in the form attached hereto within Fifteen (15) calendar days after notification of award of the Contract. Concurrently with delivery of the executed Agreement to the Client, the Bidder awarded the Contract shall deliver to the Client: (i) Certificates of Insurance evidencing all insurance coverages required under the Contract Documents; (ii) Performance Bond; (iii) Labor and Material Payment Bond; (iv) Certificate of Workers' Compensation Insurance; and (v) Drug-Free Workplace Certificate. Failure of the Bidder awarded the Contract to strictly comply with the preceding may result in the Client's rescinding award of the Contract and/or forfeiture of the Bidder's Bid Security. In such event, the Client may, in its sole and exclusive discretion elect to award the Contract to the responsible Bidder submitting the next lowest priced Bid Proposal or to reject all Bid Proposals.

4. Contractors' License. The Bidder certifies that: (i) it is possesses a valid and in good standing Contractors' License, in the necessary class(es), for performing the Work as set for in the Call for Bids; (ii) that such license shall be in full force and effect throughout the duration of the performance of the Work; and (iii) that all Subcontractors providing or performing any portion of the Work are properly licensed to perform their respective portions of the Work at the time of submitting this Bid Proposal and will remain so properly licensed at all times during their performance of the Work.

5. Agreement to Bidding Requirements and Attorney's Fees. The undersigned Bidder acknowledges and confirms its receipt, review and agreement with, the contractual requirements set forth in this Bid Proposal and the Contract Documents. By executing this Bid Proposal hereinbelow, the Bidder expressly acknowledges and agrees that if the Bidder institutes any legal or equitable proceedings in connection with this Bid Proposal and the Client is named as a party thereto, the prevailing party(ies) shall recover from the other party(ies), as costs, all attorneys' fees and costs incurred in connection with any such proceeding, including any appeal arising therefrom. This provision shall constitute a binding

attorneys' fee agreement in accordance with and pursuant to California Civil Code §1717 which shall be enforceable against the Bidder and the Client. This attorneys' fee provision shall be solely limited to legal or equitable proceedings arising out of a bid protest or the bidding process and shall not extend to or have any force and effect on the Contract for the Work or to modify the terms of the Contract Documents for the Work.

6. Acknowledgment and Confirmation. The undersigned Bidder acknowledges its receipt, review and understanding of the Drawings, the Specifications and other Contract Documents pertaining to the proposed Work. The undersigned Bidder certifies that the Contract Documents are, in its opinion, adequate, feasible and complete for providing, performing and constructing the Work in a sound and suitable manner for the use specified and intended by the Contract Documents. The undersigned Bidder certifies that it has, or has available, all necessary equipment, personnel, materials, facilities and technical and financial ability to complete the Work for the amount bid herein within the Contract Time and in accordance with the Contract Documents

By: _____
(Signature of Bidder's Authorized officer or Representative)

John Sears
(Typed or Printed Name)

Title: Secretary

[END OF SECTION]

SECTION 00 43 23
ALTERNATE BID ITEMS PROPOSAL FORM

Bidder Name: Pisor Fence

Bidders must provide a proposal price for each Alternate Bid Item set forth herein; failure to do so will result in rejection of the Bid Proposal for non-responsiveness. The amount proposed for each Alternate Bid Item by the above-identified Bidder is set forth hereinbelow:

Alternate Bid Item No.1. **N/A** There are no alternate bid items for this project.

☐ Add to Base Bid Proposal Amount

$ ____ , ____ , ____ . ____

_____ Dollars

(in words; printed or typed)

Dated: 5/12/23

By: _____

(Signature of Bidder's Authorized officer or Representative)

John Sears

(Typed or Printed Name)

Title: Secretary

[END OF SECTION]

MERCHANTS BONDING COMPANY™
MERCHANTS BONDING COMPANY (MUTUAL) P.O. BOX 14498, DES MOINES, IOWA 50306-3498
PHONE: (800) 678-8171 FAX: (515) 243-3854

Bid Bond

Bond Number: 439554

CONTRACTOR:
(Name, legal status and address)

Pisor Fence Division, Inc.
7850 Antelope N Rd
Antelope , CA 95843

SURETY:
(Name, legal status and principal place of business)
Merchants Bonding Company (Mutual)
A Corporation
6700 Westown Parkway, West Des Moines, IA 50266

OWNER:
(Name, legal status and address)

City of Oroville
1735 Montgomery Street,
Oroville, CA 95965

BOND AMOUNT: Ten Percent of Bid Amount
10 %

PROJECT:
(Name, location or address, and Project number, if any)
Bid Number: 2023-0407 - FURNISH & INSTALL FENCE & GATES WITH FLATWORK

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 1st day of May, 2023

Pisor Fence Division, Inc.

(Witness) _____ (Principal) _____ (Seal)

(Title) Secretary

Kristin Snelling

(Witness) Kristin Snelling

Merchants Bonding Company (Mutual)

(Surety) _____ (Seal)

(Title) Michael R Snelling Attorney-in-Fact

Printed in cooperation with American Institute of Architects (AIA). The language in this document conforms exactly to the language used in AIA Document A310-Bid Bond-2010

Bond #: 439554

MERCHANTS BONDING COMPANY™

POWER OF ATTORNEY

Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations of the State of Iowa, d/b/a Merchants National Indemnity Company (in California only) (herein collectively called the "Companies") do hereby make, constitute and appoint, individually,

Michael R Snelling

their true and lawful Attorney(s)-in-Fact, to sign its name as surety(ies) and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

This Power-of-Attorney is granted and is signed and sealed by facsimile under and by authority of the following By-Laws adopted by the Board of Directors of Merchants Bonding Company (Mutual) on April 23, 2011 and amended August 14, 2015 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 16, 2015.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof."

"The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and aut hority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner-Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 1st day of May , 2023 .

MERCHANTS NATIONAL BONDING, INC. -o- 2003

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

MERCHANTS BONDING COMPANY (MUTUAL)
MERCHANTS NATIONAL BONDING, INC.
d/b/a MERCHANTS NATIONAL INDEMNITY COMPANY

By Larry Taylor
President

STATE OF IOWA
COUNTY OF DALLAS ss.

On this 1st day of May , 2023 , before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument are the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

NOTARIAL SEAL IOWA
Kim Lee
Commission Number 702737
My Commission Expires
April 14, 2024

Kim Lee
Notary Public

(Expiration of notary's commission does not invalidate this instrument)

I, William Warner, Jr., Secretary of MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 1st day of May , 2023 .

MERCHANTS NATIONAL BONDING, INC. -o- 2003

MERCHANTS BONDING COMPANY (MUTUAL) INCORPORATED -o- 1933

William Warner Jr.
Secretary

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SECTION 00 43 36
SUBCONTRACTORS LIST

Project: **SANK PARK FENCING PROJECT**
Name of Bidder: Pisor Fence
Authorized Signature: _____

(A) Licensed Name of Subcontractor	(B) Subcontractor office, Mill or Shop Address	(C) Subcontractor Trade or Portion of Work	(D) Subcontractor Contractors' License No.	(F) Subcontractor DIR Registration
Rhino Engineering	2633 Morrene Drive Placerville, CA. 95667	Concrete	925075	1000994259
F3 & Associates	701 East H St Benicia, CA. 94510	Survey	LS6608	1000010171
National Construction Rentals	San Leandro	Temp Fencing	687160	1000003956

Attach additional page(s) as required.

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SECTION 00 45 13
STATEMENT OF QUALIFICATIONS

Project: **SANK PARK FENCING PROJECT**

1. Bidder Information Bidder Information.

1.1. Contact Information

Mailing Address	Street PO Box 7213 City, State, Zip Code Citrus Heights CA 95621
Physical Location	Street 7850 Antelope North Rd City, State, Zip Code Antelope CA 95843
Telephone/Fax	Telephone: 916-726-1172 Fax:

1.2. Bidder Contacts.

Name/Title	Jeremiah Alexander
Contact Information	Telephone 916-726-1172 Email jalexander@pisafence.net

1.3. California Contractors License.

License Number(s)	376128
Classification(s)	B, C-13
Managing Employee or Officer	James Dale
Expiration Date(s)	12/31/23

1.4. Bidder Form of Entity.

☒ Corporation ☐ General Partnership ☐ Limited Partnership
☐ Limited Liability Company ☐ Limited Liability Partnership ☐ Joint Venture
☐ Sole Proprietorship

2. Revenue. Complete the following for the Bidder's construction operations; if any portion of the revenue disclosed is generated by non-construction operations or activities, the Bidder must identify the portion of revenue attributed to construction operations and generally describe business activities of the Bidder that generates non-construction operations related revenue.

Calendar Year/ Fiscal Year	Annual Gross Revenue	Annual Net Revenue	Average Dollar Value of all Contracts	Dollar Value of Largest Contract
(2020)2019/2020	14,301,000		85,000	1,642,000
(2021)2020/2021	20,118,000		100,000	2,229,000
(2022)2021/2022	21,244,000		109,000	2,149,000

This information Response - Not Needed Due to Bonding Letter & Equipment List Provided

Email

$ Per

[CONTINUED NEXT PAGE]

3. References.

DSA Project Inspectors			
Firm Name	Address	Telephone No.	Contact Name
Owners (Commercial Projects or Municipality Clients preferred)			
Owner Name	Address	Telephone No.	Contact Name
Architects (Commercial Projects or Municipality Clients preferred)			
Architect Firm Name & Architect Firm Contact Name	Address	Telephone No.	Contact Name

[CONTINUED NEXT PAGE]

4. Insurance.

Commercial General Liability Insurance	Insurer: _____ Policy No. _____ Broker _____
Commercial General Liability Insurance Broker	(Contact Name) _____ _____ (Street Address) _____ (City, State & Zip Code) (_____) _____ (_____) _____ Telephone Fax _____ (Email address)
Bid, Performance and Labor & Materials Payment Bond Surety	Surety: Hub Insurance Services Surety Broker Micheal Shelling _____ 916-480-4135 (Surety Broker Contact Name) _____ (Street Address) _____ (City, State & Zip Code) (_____) _____ (_____) _____ Telephone Fax _____ (Email address)
Workers Compensation Insurance	Insurer: _____ Policy No. _____ Broker _____

Workers Compensation Insurance Broker (cont)	(Contact Name) _____ _____ (Street Address) _____ (City, State & Zip Code) (_____) _____ (_____) _____ Telephone Fax _____ (Email address)

5. Essential Requirements. A Bidder will not be deemed qualified if the answer to any of the following questions results in a "not qualified" response and the Bid Proposal submitted by such a Bidder will be rejected for failure of the Bidder to meet minimum qualifications for the Work.

5.1. Bidder possesses a valid and currently in good standing California Contractors' license for the Classification(s) of Contractors' License required by the Call for Bids.
X Yes __ No (Not Qualified)

5.2. Bidder is currently a DIR Registered Contractor?
X Yes __ No (Not Qualified)

5.3. Bidder has a current commercial general liability insurance policy with coverage limits of at least $1,000,000 per occurrence and $2,000,000 in the aggregate.
X Yes __ No (Not Qualified)

5.4. Bidder has a current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code §3700.
X Yes __ No (Not Qualified)
__ Bidder is exempt from this requirement, because it has no employees

5.5. The Bidder is ineligible or debarred from submitting Bid Proposals for public works projects or public works contracts pursuant Labor Code §1777.1 or Labor Code §1777.7.
__ Yes (Not Qualified) X No

5.6. A public agency, within the past five (5) years, has conducted proceedings that resulted in a finding that the Bidder, or any predecessor to the Bidder, is not a "responsible" bidder for a public works project or a public works contract.
__ Yes (Not Qualified) X No

5.7. During the last five (5) years, the Bidder or any predecessor to the Bidder, or any of the equity owners of the Bidder has been convicted of a federal or state crime involving fraud, theft, or any other act of dishonesty?
__ Yes (Not Qualified) X No

5.8. During the past five (5) years a Surety has completed any project or the Bidder's obligations under a construction contract.
__ Yes (Not Qualified) X No

5.9. During the past five (5) years the Bidder has been declared in default under any construction contract to which the Bidder was a party.
__ Yes (Not Qualified) X No

5.10. The Bidder's Worker's Compensation Insurance current EMR is more than 1.25.
__ Yes (Not Qualified) __ No

5.11. The Bidder's Worker's Compensation Insurance average EMR over the past five (5) years is more than 1.25.
__ Yes (Not Qualified) X No

6. Performance/Experience. A Bidder must receive a minimum of 90 points out of a possible 100 points in this section to be deemed "Qualified." The Bid Proposal of a Bidder who is not deemed "Qualified" will be rejected for non-responsiveness.

6.1. Within the past two (2) years has your organization performed renovations or new construction in line and consistent to the proposed project.
X Yes ___ No
If yes, number of such projects:
41

If yes, was your organization the Prime contractor or a subcontractor?
23 Prime Contractor
10 Subcontractor

Yes 1-5 Projects:	3 points
Yes 6-10 Projects:	5 points
Yes 10 or more Projects	10 points
No	0 points

6.2. Has a complaint ever been filed against your organization's California Contractors' License with the California Contractors' State License Board?
__ Yes X No
Yes: 0 points
No: 10 points

6.3. Has your organization ever been asked to be relieved of or refused to sign a contract for construction services awarded to it?
__ Yes X No
Yes: 0 points
No: 5 points

6.4. Has your organization ever failed to complete a construction contract?
__ Yes X No
Yes: 0 points
No: 10 points

6.5. Has your organization ever been declared in default of a construction contract?
__ Yes X No
Yes: 0 points
No: 10 points

6.6. Has your organization ever failed to complete a public works construction contract within the authorized time?

__ Yes __X__ No
Yes: 0 points
No: 10 points

6.7. Has your organization ever been assessed and paid liquidated damages under a construction contract with either a public or private owner?
__ Yes __X__ No
Yes: 0 points
No: 10 points

6.8. Has your organization ever been denied an award of a public works contract based upon a finding by a public agency that your organization was not a responsible bidder?
__ Yes __X__ No
Yes: 0 points
No: 10 points

6.9. Has your organization or any principal of your organization ever been found guilty of violating any federal, state or local law, rule or regulation regarding a construction contract?
__ Yes __X__ No
Yes: 0 points
No: 5 points

6.10. Has any insurance carrier, for any policy of insurance, refused to renew an insurance policy for your organization?
__ Yes __X__ No
If yes, on how many occasions? _____
No occasions - 10 points
1 occasion - 3 points
More than 1 occasion - 0 points

6.11. During the past five (5) years, has a surety declined to issue a surety bond for your organization in connection with a construction project?
__ Yes __X__ No
If yes, on how many occasions? _____
No occasions 10 points
1 occasion 3 points
More than 1 occasion 0 points

7. Safety. Bidder must receive a minimum of 27 points out of a possible 35 points in this section.

7.1. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five (5) years?
__ Yes __X__ No
1 or less occasion - 5 points
2 occasions - 3 points
More than 2 occasions - 0 points

7.2. Has the Federal Occupational Safety and Health Administration ("OSHA") cited and assessed penalties against your firm in the past five (5) years?
__ Yes __X__ No
1 or less occasion - 5 points
2 occasions - 3 points
More than 2 occasions - 0 points

7.3. Has the EPA, any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor in the past five years?

X Yes ___ No

1 or less occasion -	5 points
2 occasions -	3 points
More than 2 occasions -	0 points

7.4. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

Once a week or more often -	5 points
Any other answer -	0 points

7.5. List your firm's Workers' Compensation Insurance Experience Modification Rate (EMR) for each of the past three (3) premium years: (Note: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier).

Current year: 92
Previous year: 104
Year prior to previous year: 98
3-year Average: 85

Three-year average EMR of .95 or less	5 points
Three-year average EMR or more than .95 but no more than 1.1	3 points
Any other three-year average EMR	0 points

7.6. Has there been more than one occasion during the last five (5) years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with California's prevailing wage laws? (Note: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor to your firm.)

__ Yes X No

2 or less occasions	5 points
3 occasions	3 points
More than 3 occasions	0 points

7.7. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

___ Yes X No

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s): _____

2 or less occasions	5 points
3 occasions	3 points
More than 3 occasions	0 points

8. Legal/Administrative Proceedings and Surety. If the response to any of the following questions is a "yes" complete and accurate details must be attached; failure to attach such details will render the Bid Proposal of the Bidder to be non-responsive and rejected. Responses to the following will be used to evaluate Bidder responsibility.

8.1. Have legal, arbitration or administrative proceedings been brought against the construction project owner Bidder or any of the principals, officers or equity owners of the Bidder within the past ten (10) years which arise out of or are related to any construction project?

__ Yes X No

If "yes," on a separate attachment, include the following details: (i) name of party initiating proceedings against the Bidder; (ii) contact name, address, phone and email address of party initiating proceedings; (iii) circumstances resulting in the initiation of proceedings; (iv) amount or other relief demanded; and (v) outcome of proceedings.

8.2. Has the Bidder brought any legal, arbitration or administrative proceedings against the owner of a construction project within the past ten (10) years which arise out of or are related to the construction project, excluding claims for personal injury?

__ Yes X No

If "yes," on a separate attachment, include the following details: (i) name of owner; (ii) contact name, address, phone and email address of contact person for owner; (iii) circumstances resulting in the initiation of proceedings; (iv) amount or other relief demand; and (v) outcome of proceedings.

8.3. Has the Bidder brought any legal, arbitration or administrative proceedings against the architect or design professional for a construction project within the past ten (10) years which arise out of or are related to the construction project?

__ Yes X No

If "yes," on a separate attachment, include the following details: (i) name of architect; (ii) contact name, address, phone and email address of contact person for architect or design professional; (iii) circumstances resulting in the initiation of proceedings; (iv) amount or other relief demand; and (v) outcome of proceedings.

8.4. Has the Bidder brought any legal, arbitration or administrative proceedings against the construction/project manager for a construction project within the past ten (10) years which arise out of or are related to the construction project?

__ Yes X No

If "yes," on a separate attachment, include the following details: (i) name of construction/project manager; (ii) contact name, address, phone and email address of contact person for construction/project manager; (iii) circumstances resulting in the initiation of proceedings; (iv) amount or other relief demand; and (v) outcome of proceedings.

8.5. At any time during the past five (5) years, has any surety company made any payments on behalf the Bidder to satisfy any claims made against a bid, performance or payment bond issued to the Bidder, in connection with a construction project, either public or private?

__ Yes X No

If "yes," on a separate attachment set forth: (i) the amount of each such claim; (ii) the name and telephone number of the claimant; (iii) the date of the claim; (iv) the grounds for the claim; (v) the present status of the claim; (vi) the date of resolution of such claim if resolved; (vii) the method by which such was resolved if resolved; (viii) the nature of the resolution; and (ix) the amount, if any, at which the claim was resolved.

8.6. During the past five (5) years, has a surety declined to issue a surety bond for your organization in connection with a construction project?

____ Yes X No

If "yes" on a separate attachment provide details of the denial of bond coverage and the name of the company or companies which denied coverage.

8.7. At any time during the past five (5) years, has any surety company made any payments

on behalf the Bidder to satisfy any claims made against a bid, performance or payment bond issued to the Bidder, in connection with a construction project, either public or private?

____ Yes ___X__ No

If "yes," on a separate attachment set forth: (i) the amount of each such claim; (ii) the name and telephone number of the claimant; (iii) the date of the claim; (iv) the grounds for the claim; (v) the present status of the claim; (vi) the date of resolution of such claim if resolved; (vii) the method by which such was resolved if resolved; (viii) the nature of the resolution; and (ix) the amount, if any, at which the claim was resolved.

8.8. In the last five years has any insurance carrier, for any policy of insurance, refused to renew the insurance policy for your firm?

____ Yes ___X__ No

8.9. Within the past five (5) years, has the Bidder been required to pay either back wages or penalties for the Bidder's failure to comply with California prevailing wage laws? This question refers only to the Bidder's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

____Yes ___X__ No

If "yes," on a separate attachment: (i) describe each instance of prevailing wage rate violation; (ii) identify the project on which a prevailing wage rate violation occurred; (iii) the public agency owner of the project; (iv) the number of employees affected by each prevailing wage rate violation; and (v) amount of back wages and penalties the Bidder was required to pay.

8.10. Within the past five (5) years, has there been more than one occasion in which the Bidder was penalized or required to pay back wages for failure to comply with the Federal Davis-Bacon prevailing wage requirements?

____Yes ___X__ No

If "yes," on a separate attachment: (i) describe each instance of prevailing wage rate violation; (ii) identify the project on which a prevailing wage rate violation occurred; ((iii) the number of employees affected by each prevailing wage rate violation; and (iv) amount of back wages and penalties the Bidder was required to pay.

8.11. Within the past five (5) years, has the Bidder been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works projects?

____Yes ___X__ No

If "yes," provide the date(s) of such findings and attach copies of the Apprenticeship Counsel's final decision(s).

[CONTINUED NEXT PAGE]

9. References. Bidder must receive a minimum of 20 points out of a possible 30 points in this section.

9.1. Similar Completed Projects. Provide the three (3) projects the Bidder has completed within the past five (5) years similar in size, scope, function and construction value as the Work. The three (3) projects should be the best representation of similar work completed. Do not submit more than three (3) projects. All information requested shall be provided to receive ten (10) full points for each project.

3 Projects:	30 points
2 Projects:	20 points
1 Project	10 points

Project Name	Multiple Projects
Project Owner; Contact Information	Davis Joint Unified School District
Project Scope	Flatwork & Fencing - See Attached Letter of Recommendation
Original Contract Duration	
Actual Project Completion Duration	Denise Brogan - 530-757-5385 x 103
Original Contract Price	
Final Adjusted Contract Price	
Project Name	Multiple Projects
Project Owner; Contact Information	Twin Rivers Joint Unified School District
Project Scope	PM - Graystone West
Original Contract Duration	Chriz Zunino - 707-483-0965
Actual Project Completion Duration	
Original Contract Price	
Final Adjusted Contract Price	
Project Name	
Project Owner; Contact Information	
Project Scope	
Original Contract Duration	
Actual Project Completion Duration	
Original Contract Price	
Final Adjusted Contract Price	

[CONTINUED NEXT PAGE]

10. Projects in Progress. On a separate attachment, identify all projects the Bidder currently has in progress (Work in Progress). Provide the following information for each project:
    Project Name
    Project Owner
    Project Scope
    Project Completion Duration
    Project Contract Amount

    over 200 Currently - See Attached

11. Accuracy and Authority. The undersigned is duly authorized to execute this Statement of Qualifications under penalty of perjury on behalf of the above-identified Bidder. The undersigned warrants and represents that he/she has personal knowledge of each of the responses to this Statement of Qualifications and/or that he/she has conducted all necessary and appropriate inquiries to determine the truth, completeness and accuracy of responses to this Statement of Qualifications. The undersigned declares and certifies that the responses to this Statement of Qualifications are complete and accurate; there are no omissions of material fact or information that render any response to be false or misleading and there are no misstatements of fact in any of the responses. The above-identified Bidder acknowledges and agrees that if the Client determines that any response herein is false or misleading or contains misstatements of fact so as to be false or misleading, the Bidder's Bid Proposal may be rejected by the Client for non-responsiveness.

Executed this 23rd day of May 2023 at Antelope, California (City and State).

I declare under penalty of perjury under California law that the foregoing is true and correct.

By: _____
(Signature of Bidder's Authorized officer or Representative)

John Sam
(Typed or Printed Name)

Title: Secretary

SECTION 00 45 19
NON-COLLUSION AFFIDAVIT

PROJECT: **SANK PARK FENCING PROJECT**

The undersigned declares:

I am Secretary,

(Insert "Sole Owner", "Partner", "President, "Secretary", or other proper title)

of Pixor Fence

(Insert name of bidder)

As the party submitting a Bid Proposal for the above-identified Project, the undersigned declares, states and certifies that:

1. The Bid Proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization or corporation.
2. The Bid Proposal is genuine and not collusive or sham.
3. The Bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any other bidder or anyone else to put in sham bid, or to refrain from bidding.
4. The Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price, or that of any other bidder, or to fix any overhead, profit or cost element of the bid price or that of any other bidder, or to secure any advantage against the public body awarding the contract or of anyone interested in the proposed contract.
5. All statements contained in the Bid Proposal and related documents are true.
6. The Bidder has not, directly or indirectly, submitted the bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any person, corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Executed this 12th day of May, 2023 at Antelope Sacramento County California

(City, County and State)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signature

John Sears

Name Printed

City of Oroville
RFP Amendment #1
Sank Park Remodel

Bid Due Date: 05/09/2023 – 4:00 p.m.

AMENDMENT NUMBER 1 TO THE REQUEST FOR PROPOSALS ("RFP")
FOR CITY OF OROVILLE SANK PARK FENCING PROJECT ("PROJECT")
Amendment Date: May 1, 2023

A. This Amendment shall be considered part of the REQUEST FOR PROPOSALS ("RFP") for the design and construction of the Community Action Agency of Butte County's Food Bank Remodel ("Project") as though it had been issued at the same time and shall be incorporated integrally therewith. Where provisions of the following supplementary data differ from those of the RFP and related Bridging Documents, this Amendment shall govern and take precedence. RESPONDENTS MUST SIGN THE AMENDMENT AND SUBMIT IT WITH THEIR PROPOSAL.

B. Respondents are hereby notified that they shall make any necessary adjustments in their RFP and Bridging Documents as a result of this Amendment. It will be construed that each Respondent's written response to this RFP "RFP Response" is submitted with full knowledge of all modifications and supplemental data specified herein.

Except as described below, the Request for Proposal for the Community Action Agency of Butte County INC. Project remains unchanged. The RFP is modified and/or clarified, as follows:

See attachments A for sign-in sheets.
A reminder that the City of Oroville is requesting for all questions regarding the project to be submitted via the formal RFI document included in the RFP. The last day for RFI submittals is no latter than **Tuesday May 2nd, 2023**. RFP Submittal will be due **May 09, 2023 BY 4:00PM.**

RFI QUESTION: What are the accepted license types for the project?

RESPONSE: *California License: A/B/C13*

If Respondent's need further directions regarding the Amendment #1 to the Request for Proposals ("RFP") for the City of Oroville Sank Park Fencing Project, please contact Nick Trover at nicktrover@trovercpm.com or Derec Flowers at dmflowers@trovercpm.com

RESPONDENT MUST ACKNOWLEDGE THIS AMENDMENT BY SIGNING BELOW AND ATTACHING THE SIGNED AMENDMENT TO THE PROPOSAL FORM:

Company Name Pisor Fence

Contact Person John Seery

Signature

Date 5/23/23

Nick Trover
Trover Construction Project Management

Dawn Nevers
Assistant Community Development Director-City of Oroville

Pre-Bid Inquiry Form
Section 00 43 24
Include Signed Copy with RFP SUBMISSION

City of Oroville
RFP Amendment #4
Sank Park Remodel

REVISED Bid Due Date: 05/24/2023 – 4:00 p.m.

Company Name Pacific Fence

Contact Person John Sears

Signature

Date 5/23/23

Nick Trover
Trover Construction Project Management

Dawn Nevers
Assistant Community Development Director-City of Oroville

e. **AWATING CLARIFICATION ON DESIGN. THIS QUESTION PROMPTS THE PUSHBACK OF SUBMITTAL DATE TO MONDAY MAY 15, 2023**
f. **Please provide as an alternative. A specification will be provided with forthcoming ADDENDUM 3**

If Respondent's need further directions regarding the Amendment #1 to the Request for Proposals ("RFP") for the City of Oroville Sank Park Fencing Project, please contact Nick Trover at nicktrover@trovercpm.com, Derec Flowers at dmflowers@trovercpm.com, or Dawn Nevers at Dnevers@cityoforoville.org

RESPONDENT MUST ACKNOWLEDGE THIS AMENDMENT BY SIGNING BELOW AND ATTACHING THE SIGNED AMENDMENT TO THE PROPOSAL FORM:

Company Name Pony Fence

Contact Person John Sears

Signature

Date 5/23/23

Nick Trover
Trover Construction Project Management

Dawn Nevers
Assistant Community Development Director-City of Oroville

8. **RFI QUESTION:** City will provide Arborist for monitoring existing trees.-
8. **RESPONSE:** ***Confirmed. City of Oroville will provide arborist for monitoring of existing trees.***

9. **RFI QUESTION:** Sidewalk and parking may be taken out of service while project work is ongoing.
9. **RESPONSE:** ***Confirmed. Sidewalk and parking may be taken out of service while project is underway. On-site residential dwelling will need access maintained. Access can be modified as needed to meet construction needs. Arrangements to be made between Contractor/City of Oroville/and Tennant. Please refer to ATTACHMENT C for locations of acceptable locations for laydown yard.***

If Respondent's need further directions regarding the Amendment #3 to the Request for Proposals ("RFP") for the City of Oroville Sank Park Fencing Project, please contact Nick Trover at nicktrover@trovercpm.com, Derec Flowers at dmflowers@trovercpm.com, or Dawn Nevers at Dnevers@cityoforoville.org

RESPONDENT MUST ACKNOWLEDGE THIS AMENDMENT BY SIGNING BELOW AND ATTACHING THE SIGNED AMENDMENT TO THE PROPOSAL FORM:

Company Name Pixley Fence

Contact Person John Sousa

Signature

Date 5/23/23

Nick Trover
Trover Construction Project Management

Dawn Nevers
Assistant Community Development Director-City of Oroville

DJUSD
DAVIS JOINT UNIFIED
SCHOOL DISTRICT

1919 Fifth Street ◆ Davis, CA 95616 ◆ (530) 757-5385 ◆ www.djusd.net

7/3/2020

To Whom it May Concern:

I am pleased to recommend the services of Pisor Fence Division, Inc. for any fencing projects. I worked with Pisor on a security project that involved installing a temporary fence, immediately. They were able to provide the fencing and had it installed the next day. The coordination and communication provided by Pisor allowed District staff to feel safe once the temporary fence was installed.

Throughout the project to install the permanent fence, several options were offered during the walk-through to ensure special safety measures were followed. Although a District decision was made for a 40ft rolling gate, it was later found to be too heavy for some staff to have to close-up in the evening. Pisor's estimator, Jeremiah Alexander suggested an alternative to replace it with a 20ft rolling gate and the other half of the gate would be a swing gate. Once approved, this was put into action and the gate is now much more manageable.

Pisor Fence Division, Inc. also installed security fencing at certain elementary schools throughout Davis Joint USD. The fencing has been well received by staff and the general public.

Please feel free to contact me at any time to discuss the attributes of Pisor Fence Division, Inc. I feel confident in their ability to meet and exceed your expectations.

Sincerely,

Denise Brogan

Denise Brogan | Director of Maintenance & Operations
Davis Joint Unified School District
1919 5th Street | Davis, CA 95616

JOB #	DATE	CONTRACTOR	JOB NAME
6915	11/02/17	CLARK/SULLIVAN/BROWARD BLDRS	CRESENT CITY CHP
6986	04/24/18	GRANITE	NORTH FREMONT BIKE AND PEDESTRIAN ACCESS
7057	08/17/18	GHILOTTI	FACEBOOK BRIDGE MPK-22 PARK PHASE 3 (BRIDGE)
7140	04/02/19	NORDIC INDUSTRIES	REACH H
7181	06/27/19	MARTIN GENERAL ENGINEERING	MARIPOSA AVENUE SAFE ROUTES TO SCHOOL PS 3
7185	06/27/19	LATHROP CONST	JOHN MUIR ES INC 1&2
7197	07/17/19	AI-US PRESS	4122
7245	10/16/19	MARK III CONST	ALLISON PARKWAY
7262	11/22/19	AI	AI
7273	01/08/20	W.M. LYLES CO	PLEASANT GROVE WWTP EXPANSION PROJECT
7274	01/07/20	W.M. LYLES CO	PLEASANT GROVE WWTP ENERGY RECOVERY PROJECT
7325	12/03/20	CARTER KELLY, INC.	MARSHALL MEDICAL-FOOD SERVICE-FILL-UP
7337		B&M BUILDERS AT THE STRAND	TEMP GATE AT CONSTRUCTION YARD
7338	06/30/20	AUBURN CONSRUCTORS	WEST SIDE TANKS & PUMP STATION
7343	05/28/20	HUNT CONST GROUP	UC DAVIS STUDENT ATHLETE PERFORMANCE CENTER
7355		CARTER KELLY	UC DAVIS MED CTR H WING
7361	11/12/20	CLARK/SULLIVAN/BROWARD A JV	TRI-COUNTY JUVENILE REHABILITATION FACILITY
7406	11/10/20	STRONGHOLD ENGINEERING INC	SIERRA COLLEGE ROCKLIN CAMPUS
7431	12/07/20	MARQUES PIPELINE, INC	MONTELENA PHASE 1 PUBLIC IMPROVEMENTS
7434	12/14/20	GRANITE CONSTRUCTION COMPANY	SAC COSUMNES CMGC MAIN CONT CDOT# 03-0F2804
7435	12/14/20	OVERAA	BAY POINT FIRE STATION #86
7438	12/15/20	GOODFELLOW BROS	WHITE ROCK ROAD CAPITAL SOUTHEAST CONNECTOR SEGMENT D3(A)
7442	04/06/21	NORDIC INDUSTRIES	AMERICAN RIVER COMMON FEATURES SAC RIVER EAST LEVEE
7443	12/13/21	DAVIS JUSD	HOLMES JUNIOR HIGH
7444	03/24/21	GSE CONSTRUCTION CO.,INC.	SASD SAILOR BAR PUMP STATION REHABILITATION PROJECT
7447	01/18/21	DESILVA GATES-WALERGA ROAD PFE - VOID	GREENBRIAR LAKES PUMP STATION - VOID
7454	03/09/21	TURNER CONSTRUCTION	UHS MADERA BEHAVIORAL HEALTH
7460	02/08/21	DESILVA GATES - VOID	GREENBRIAR AG WELL PUMP STATION - VOID
7466	05/04/21	ABIDE BLDRS	NP3 ELEMENTARY SITE WORK
7471	09/02/21	ARDENT GENERAL	FIREBAUGH FIRE STATION
7474	03/16/21	AECOM/ W.G. YATES A JOINT VENTURE	WILTON RANCHERIA RESORT CASINO & SITE WORK
7480	06/22/21	SYBLON REID	SRD CAW COTTAGE WAY PH 2
7482	07/02/21	LANDMARK CONSTRUCTION	WILLETT ES GATE
7483	07/02/21	LANDMARK CONSTRUCTION	DJUSD NEW MPR @ CESAR CHAVEZ ES
7490	08/03/21	DESILVA GATES CONST, LP	CANYON ESTATES
7491	04/16/21	GHILOTTI CONSTRUCTION	LAGOON VALLEY OFFSITE IMPROVEMENTS
7499	04/28/21	T&S CONSTRUCTION	USDA FUNDED WATER SYSTEM IMP PROJECT (CLOCWD)
7504	05/06/21	AUBURN CONSTRUCTORS, LLC	SSWD WELL 79, VERNER/PANORAMA PUMP STATION EQUIPPING
7509	05/18/21	T&S CONSTRUCTION	KONOCTI WATER SYSTEM IMP
7515	10/15/21	KOCH & KOCH	LA VISTA TANK & BOOSTER PUMP STATION
7517	05/31/21	DESILVA GATES CONST, LP	CALTRANS RTE 99 LIVE OAK
7519	06/25/21	CITY OF WEST SACRAMENTO	RODEWAY INN
7521	07/27/21	WESTERN WATER FEATURES, INC.	MONTE VISTA HIGH SCHOOL
7523	10/26/21	SUFFOLK CONSTRUCTION COMPANY INC	SFO 060 AMAZON
7524	12/16/21	SUFFOLK CONSTRUCTION COMPANY INC	SFO 061 AMAZON
7535	07/02/21	REM CONSTRUCTION, INC.	CORPORATION YARD ADMIN BUILDING PROJECT
7536	01/04/21	SKANSKA	AWS AFO 069 AMAZON DATA SERVICES
7543		[illegible]	[illegible]
7544	10/21/21	OLTMANS CONSTRUCTION CO	BRIDGE POINT OAKLAND
7545	09/01/21	CITY OF RICHMOND	601 CANAL BLVD-PROPERTY ENCLOSURE FENCING WTP VEOLIA
7549	10/19/21	GRANITE CONSTRUCTION COMPANY	SAC SIERRA VISTA PH 2 BASELINE
7550	08/02/21	RE SMITH	AUBURN 2020 SLUDGE DEWATERING UPGRADES
7551	08/03/21	BROWARD BUILDERS	BRISTOW & ADAMS MIDDLE SCHOOLS
7555	08/11/21	XL CONSTRUCTION	UCDH HAS TENANT IMPROVEMENT
7557	08/18/21	ABIDE BLDRS,INC.	621 ORCHARD AVE SITEWORK
7558	08/24/21	PACIFIC INFRASTRUCTURE	LARKSPUR PUMP STATION IMPROVEMENTS PROJECT 14, 24 & 25
7559	09/29/21	MARINA LANDSCAPE INC	APOLINAR SANGALAND PARK
7561	09/01/21	OTTO CONSTRUCTION - VOID VOID	SOLANO TRANSPORTATION AUTHORITY OFFICE BUILDING
7563	11/23/21	DESILVA GATES CONSTRUCTION LP	RTE 162 PLACE RUBBERIZED HMA & ROADWAY
7565	11/02/21	XL CONSTRUCTION	NORTHPOINT ELEMENTARY SCHOOL
7566	09/14/21	MARINA LANDSCAPE INC	SIERRA COLLEGE TENNIS COURTS AND PARKING GARAGE LANDSCAPE IMP
7567	03/28/22	CLARK/SULLIVAN CONSTRUCTION	REX FORTUNE ELEMENTARY SCHOOL
7568		AI-PERLO	SAC 5 SORTATION
7569		[illegible]	[illegible]
7576	10/13/21	TEICHERT - VOID VOID	ARISTA DEL SOL PHASE 1 - VOID VOID
7580	10/08/21	DESILVA GATES	VINEYARD SPRINGS BASIN AT LAGUNA CREEK
7582		[illegible]	[illegible]
7583	10/28/21	BROWARD BUILDERS INC	MUTUAL HOUSING AT THE BOULEVARD
7585	10/22/21	LES SCHWAB TIRES	SONORA STORE 680
7586	10/22/21	CLYDE G STEAGALL	FRUITRIDGE VISTA WELL 14
7589		[illegible]	[illegible]
7590	01/27/22	ALTEN CONSTRUCTION, INC.	NVTA BUS MAINTENANCE FACILITY
7594	12/06/21	S&B ELECTRIC (STUDEBAKER BROWN ELECTRIC)	WESTMORE ES BUS CHARGING STATION
7600	12/30/21	LANDMARK CONSTRUCTION	SPRING LAKE ES
7602	01/06/22	TWIN RIVERS USD	RIO LINDA HIGH SCHOOL
7605	12/28/21	MARTIN GENERAL ENGINEERING, INC.	POWER INN RD IMPROVEMENT PROJECT CONTRACT NO. 4366
7606	12/29/21	SIERRA NATIONAL CONSTRUCTION	FOLSOM BLVD COMPLETE STREETS PHASE 1
7608		[illegible]	[illegible]
7609	01/07/22	F&H CONSTRUCTION	KIPP STOCKTON CHARTER SCHOOL PHASE II
7610	01/11/22	SAGSAL CORPORATION	SAN RAMON FIRE STATION #34 REMODEL
7618		[illegible]	[illegible]
7619	01/24/22	THE WHITING-TURNER CONTRACTING CO	AGGIE SQUARE PH 1 CORE & SHELL
7621	02/00/22	RANGER PIPELINES, INC	GROUNDWATER FLUSH TO WASTE
7625		[illegible]	VALENCIA
7627	03/11/22	MARQUES GENERAL ENGINEERING	RUSSELL RANCH SSPS
7628	04/00/22	BROWARD BUILDERS	RESIDENTIAL CENTER UKIAH
7629	03/01/22	SIGNATURE HOMES,INC	THE PLAZA AT BLUE OAKS
7630	03/10/22	ABIDE BUILDERS, INC.	WESTSIDE ELEMENTARY SCHOOL MISSION POSSIBLE PROJECT
7631	03/10/22	MIDSTATE CONSTRUCTION CORPORATION	TWIN RIVERS BLOCK C
7634	04/19/22	ARGONAUT CONSTRUCTORS	SANTA ROSA BUS & AUTO PARKING
7636		[illegible]	[illegible]
7637	04/01/22	TEICHERT CONSTRUCTION	POPPY KEYS SOUTHWEST PH 1-3 SOUZA DAIRY UNIT 5 & 6
7638	04/06/22	OC JONES & SONS	META BUS PARKING LOT REDWOOD CITY (FACEBOOK)
7640	04/07/22	RANGER PIPELINES, INC	WELL 122 REPAIR
7641	04/20/22	TURNER CONSTRUCTION	PLACER HHS BUILDING
7649	04/18/22	TEICHERT CONSTRUCTION	RIVERFRONT STREET EXTENSION

JOB #	DATE	CONTRACTOR	JOB NAME
6915	11/03/17	CLARK/SULLIVAN/BROWARD BLDRS	CRESENT CITY CHP
6986	04/24/18	GRANITE	NORTH FREMONT BIKE AND PEDESTRIAN ACCESS
7057	08/17/18	GHILOTTI	FACEBOOK-BRIDGE MPK-22 PARK PHASE 3 (BRIDGE)
7140	04/02/19	NORDIC INDUSTRIES	REACH H
7181	06/27/19	MARTIN GENERAL ENGINEERING	MARIPOSA AVENUE SAFE ROUTES TO SCHOOL PS 3
7185	06/27/19	LATHROP CONST	JOHN MUIR ES INC 1&2
7197	07/15/19	ANUS PRESS	4122
7245	10/16/19	MARK III CONST	ALLISON PARKWAY
7262	11/22/19	AI	AI
7273	01/08/20	W.M. LYLES CO	PLEASANT GROVE WWTP EXPANSION PROJECT
7274	01/07/20	W.M. LYLES CO	PLEASANT GROVE WWTP ENERGY RECOVERY PROJECT
7325	12/03/20	CARTER KELLY, INC.	MARSHALL MEDICAL-FOOD SERVICE-FILL-UP
7337		B&M BUILDERS AT THE STRAND	TEMP GATE AT CONSTRUCTION YARD
7338	06/30/20	AUBURN CONSTRUCTORS	WEST SIDE TANKS & PUMP STATION
7343	05/29/20	HUNT CONST GROUP	UC DAVIS STUDENT ATHLETE PERFORMANCE CENTER
7355		CARTER KELLY	UC DAVIS MED CTR H WING
7361	11/23/20	CLARK/SULLIVAN/BROWARD A JV	TRI-COUNTY JUVENILE REHABILITATION FACILITY
7406	11/10/20	STRONGHOLD ENGINEERING INC	SIERRA COLLEGE ROCKLIN CAMPUS
7431	12/07/20	MARQUES PIPELINE, INC	MONTELENA PHASE 1 PUBLIC IMPROVEMENTS
7434	12/14/20	GRANITE CONSTRUCTION COMPANY	SAC COSUMNES CMGC MAIN CONT CDOT# 03-0F2804
7435	12/14/20	OVERAA	BAY POINT FIRE STATION #86
7438	12/15/20	GOODFELLOW BROS	WHITE ROCK ROAD CAPITAL SOUTHEAST CONNECTOR SEGMENT D3(A)
7442	04/06/21	NORDIC INDUSTRIES	AMERICAN RIVER COMMON FEATURES SAC RIVER EAST LEVEE
7443	12/13/21	DAVIS JUSD	HOLMES JUNIOR HIGH
7444	03/24/21	GSE CONSTRUCTION CO, INC.	SASD SAILOR BAR PUMP STATION REHABILITATION PROJECT
7447	01/18/21	DESILVA GATES-WALERGA ROAD PFE - VOID	GREENBRIAR LAKES PUMP STATION - VOID
7454	03/09/21	TURNER CONSTRUCTION	UHS MADERA BEHAVIORAL HEALTH
7460	02/09/21	DESILVA GATES - VOID	GREENBRIAR AG WELL PUMP STATION - VOID
7466	05/04/21	ABIDE BLDRS	NP3 ELEMENTARY SITE WORK
7471	20/05/21	ARDENT GENERAL	FIREBAUGH FIRE STATION
7474	03/16/21	RECOM/W.G. YATES A JOINT VENTURE	WILTON RANCHERIA RESORT CASINO & SITE WORK
7480	05/22/21	TSAKOPOULOS/REID	SRD CAW COTTAGE WAY PH 2
7482	27/05/21	LANDMARK CONSTRUCTION	WILLETT ES GATE
7483	07/05/21	LANDMARK CONSTRUCTION	DJUSD NEW MPR @ CESAR CHAVEZ ES
7490	08/03/21	DESILVA GATES CONST, LP	CANYON ESTATES
7491	04/09/21	GHILOTTI CONSTRUCTION	LAGOON VALLEY OFFSITE IMPROVEMENTS
7499	04/20/21	T&S CONSTRUCTION	USDA FUNDED WATER SYSTEM IMP PROJECT (CLOCWD)
7504	05/06/21	AUBURN CONSTRUCTORS, LLC	SSWD WELL 79, VERNER/PANORAMA PUMP STATION EQUIPPING
7509	05/04/21	T&S CONSTRUCTION	KONOCTI WATER SYSTEM IMP
7515	10/[illegible]/21	KOCH & KOCH	LA VISTA TANK & BOOSTER PUMP STATION
7517	3/3 /21	DESILVA GATES CONST, LP	CALTRANS RTE 99 LIVE OAK
7519	26/2/21	CITY OF WEST SACRAMENTO	RODEWAY INN
7521	07/2/21	WESTERN WATER FEATURES, INC	MONTE VISTA HIGH SCHOOL
7523	10/2/21	SUNFOLK CONSTRUCTION COMPANY INC	SFO 060 AMAZON
7524	12/1/21	SUNFOLK CONSTRUCTION COMPANY INC	SFO 061 AMAZON
7535	07/05/21	REM CONSTRUCTION, INC.	CORPORATION YARD ADMIN BUILDING PROJECT
7536	01/04/21	SKANSKA	AWS AFO 069 AMAZON DATA SERVICES
7543		[illegible]	[illegible]
7544	10/2 /21	OLIVANS CONSTRUCTION CO	BRIDGE POINT OAKLAND
7545	20/0 /21	CITY OF RICHMOND	601 CANAL BLVD-PROPERTY ENCLOSURE FENCING WTP VEOLIA
7549	10/0/21	GRANITE CONSTRUCTION COMPANY	SAC SIERRA VISTA PH 2 BASELINE
7550	30/0/21	RE SMITH	AUBURN 2020 SLUDGE DEWATERING UPGRADES
7551	08/03/21	BROWARD BUILDERS	BRISTOW & ADAMS MIDDLE SCHOOLS
7555	08/ /21	XL CONSTRUCTION	UCDH HAS TENANT IMPROVEMENT
7557	08/ /21	ABIDE BLDRS,INC.	621 ORCHARD AVE SITEWORK
7558	08/25/21	PACIFIC INFRASTRUCTURE	LARKSPUR PUMP STATION IMPROVEMENTS PROJECT 14, 24 & 25
7559	29/29/21	MARINA LANDSCAPE INC	APOLINAR SANGALAND PARK
7561	29/0 /21	OTTO CONSTRUCTION - VOID VOID	SOLANO TRANSPORTATION AUTHORITY OFFICE BUILDING
7563	11/23/21	DESILVA GATES CONSTRUCTION LP	RTE 162 PLACE RUBBERIZED HMA & ROADWAY
7565	11/02/21	[illegible] CONSTRUCTION	NORTHPOINT ELEMENTARY SCHOOL
7566	09/ /21	MARINA LANDSCAPE INC	SIERRA COLLEGE TENNIS COURTS AND PARKING GARAGE LANDSCAPE IMP
7567	03/28/22	CLARK/SULLIVAN CONSTRUCTION	REX FORTUNE ELEMENTARY SCHOOL
7568		APPEALD	SAC 5 SORTATION
7569		[illegible]	[illegible]
7576	10/ /21	TEICHER - VOID VOID	ARISTA DEL SOL PHASE 1 - VOID VOID
7580	10/08/21	DESILVA GATES	VINEYARD SPRINGS BASIN AT LAGUNA CREEK
7582		[illegible]	[illegible]
7583	10/28/21	BROWARD BUILDERS INC	MUTUAL HOUSING AT THE BOULEVARD
7585	10/29/21	LEE SCHWAB TIRES	SONORA STORE 680
7586	10/29/21	CLYDE G STEAGALL	FRUITRIDGE VISTA WELL 14
7589		[illegible]	[illegible]
7590	01/27/22	FLATIN CONSTRUCTION, INC.	NVTA BUS MAINTENANCE FACILITY
7594	12/06/21	S&B ELECTRIC (STUDEBAKER BROWN ELECTRIC)	WESTMORE ES BUS CHARGING STATION
7600	12/30/21	LANDMARK CONSTRUCTION	SPRING LAKE ES
7602	31/01/22	TWIN RIVERS USD	RIO LINDA HIGH SCHOOL
7605	12/29/21	MARTIN GENERAL ENGINEERING, INC.	POWER INN RD IMPROVEMENT PROJECT CONTRACT NO. 4366
7609	12/29/21	SIERRA NATIONAL CONSTRUCTION	FOLSOM BLVD COMPLETE STREETS PHASE 1
7606		[illegible]	[illegible]
7609	21/0/22	P&H CONSTRUCTION	KIPP STOCKTON CHARTER SCHOOL PHASE II
7610	01/ /22	[illegible] CONSTRUCTION	SAN RAMON FIRE STATION #34 REMODEL
7616		[illegible]	[illegible]
7619	21/01/22	THE WHITING-TURNER CONTRACTING CO	AGGIE SQUARE PH 1 CORE & SHELL
7621	22/01/22	PIONEER PIPELINES, INC	GROUNDWATER FLUSH TO WASTE
7625		[illegible]	VALENCIA
7627	25/ /22	MARTIN GENERAL ENGINEERING	RUSSELL RANCH SSPS
7628	24/06/22	BROWARD BUILDERS	RESIDENTIAL CENTER UKIAH
7629	03/0 /22	SIGNATURE HOMES,INC	THE PLAZA AT BLUE OAKS
7630	03/ 0/22	ABIDE BUILDERS, INC.	WESTSIDE ELEMENTARY SCHOOL MISSION POSSIBLE PROJECT
7631	03/ /22	ALL STATE CONSTRUCTION CORPORATION	TWIN RIVERS BLOCK C
7634	04/ /22	ARGONAUT CONSTRUCTORS	SANTA ROSA BUS & AUTO PARKING
7636		[illegible]	[illegible]
7637	04/ /22	TEICHER CONSTRUCTION	POPPY KEYS SOUTHWEST PH 1-3 SOUZA DAIRY UNIT 5 & 6
7638	04/06/22	DC ENTIES & SONS	META BUS PARKING LOT REDWOOD CITY (FACEBOOK)
7640	04/ /22	[illegible] CONSTRUCTION, INC.	WELL 122 REPAIR
7641	29/20/22	TURNER CONSTRUCTION	PLACER HHS BUILDING
7649	04/ /22	TEICHER CONSTRUCTION	RIVERFRONT STREET EXTENSION

7651	06/20/22	GEORGE REED INC	THE VILLAGE SIERRA VISTA PHASE 4 BACKBONE INFRASTRUCTURE
7652	09/0*/22	ROBERT A BOTHMAN CONSTRUCTION	MESA VERDE HS
7655	05/0*/22	T&S CONSTRUCTION	WASTEWATER RIVER CROSSING REPLACEMENT
7658	05/*0/22	VALLEY PRECISION GRADING, INC.	EVELYN HANSHAW MIDDLE SCHOOL
7659	06/*4/22	VALLEY PRECISION GRADING INC	LA LOMA JR JIGH SCHOOL
7660	06/0*/22	VALLEY PRECISION GRADING INC	MARK TWAIN JR HIGH SCHOOL
7661	09/2*/22	VALLEY PRECISION GRADING INC	ROOSEVELT JUNIOR HIGH SCHOOL
7662	05/24/22	[illegible]	CENTER HIGHSCHOOL NEW COMPUTER TECH & CONSTRUCTION TRADES BLDG
7663	05/*/22	OC JONES & SONS	ELKHORN BLVD EXTENSION-SAC COUNTY CONTRACT NO. 4528
7664	06/03/22	GABE MENDEZ INC	HELICOPETER PARKING AREA
7665	05/26/22	ERCO CONSTRUCTORS, INC	MIRA LOMA HS TENNIS COURT REPLACEMENT
7666			
7667	05/*/22	ERCO CONSTRUCTORS, INC	CASA ROBLE HS TENNIS COURT REPLACEMENT
7672	02/*/22	[illegible]	REPAIR @3240 ARDEN WAY
7673	07/0*/22	CLARK SULLIVAN CONSTRUCTION	WEST PARK HIGH SCHOOL TENNIS COURTS
7674	06/*/22	[illegible]	BLUE DIAMOND GROWERS-DISPOSAL SITE COVER
7676	06/*/22	GABE MENDEZ INC	SCOTT ROAD RELIGNMENT PROJECT
7677	06/0*/22	MARTIN BROTHERS CONST	HUTCHISON DRIE SR113 INTERCHANGE IMPROVEMENTS
7679	06/07/22	WHITING TURNER	PS6 PARKING STRUCTURE
7681	05/*/23	STEVE P RADOS, INC	HINKLE RESERVOIR PROJECT # 191280
7682	07/*/22	FM STEPHENS CONSTRUCTION CO INC	CALEB GREENWOOD PAVING & SHADE STRUCTURE
7683	06/30/22	[illegible]	RANCHO ES HVAC SYSTEM UPGRADE
7685	06/*/22	[illegible]	CARUTHERS WELL #7
7686	06/27/22	[illegible]	KAISER VACAVILLE MRI CONSTRUCTION DEMOLITION
7687	06/*6/22	ROGAN BUILDERS INC	ORINDA MECHANICAL & ELECTRICAL UPGRADES (ORINDA, DEL REY & GLORIETTA)
7688	07/0*/22	MIDSTATE CONSTRUCTION CORPORATION	VALLE VERDE
7689	10/*/22	KAISER FOUNDATION HEALTH PLAN	NEBA 2020 OAK HOSP SANIPAK
7690	07/0*/22	MIDSTATE CONSTRUCTION CORPORATION	HERITAGE HOUSE
7691	08/02/22	GEORGE REED INC	MEASURE L SIDEWALK
7692	06/20/22	GEORGE REED INC	ARTERIAL RD
7695	07/05/22	MERCER-FRASER COMPANY	TRUCKEE RIVER LEGACY TRAIL PHASE 4
7696	08/*9/22	ABOITIZ BUILDERS, INC.	CASTORI ES KINDERGARTEN PLAY AREA & SHADE STRUCTURES
7697	06/29/22	VANGUARD CONSTRUCTION	ROUTE 51 AT WATT AVENUE OVERCROSSING
7698	07/*/22	ROBERT A BOTHMAN, INC	ELDER CREEK ELEMENTARY PLAYFIELD
7699	08/04/22	[illegible]	HIRAM JOHNSON HS STADIUM
7701	07/08/22	[illegible]	IOWA CITY ROAD BRIDGE REPLACEMENT
7702	08/02/22	THE CITY OF RANCHO CORDOVA	STORMWATER FENCING REPLACEMENT PROGRAM PH2 BEAR HOLLOW BASIN
7704	07/*/22	FLATIRON CONSTRUCTION, INC	LAKE ES CAMPUS REPLACEMENT
7705	08/*9/22	VARELA CONSTRUCTION CO, INC	PARKWAY ES PLAY STRUCTURE & PAVING REPAIRS
7706	08/*/22	GOAL CONSTRUCTION, INC	SCUSD SHADE STRUCTURES-GROUP 1A THREE LOCATIONS
7704			
7708	07/29/22	GRISCO CONSTRUCTION INC	MEADOW LANE ELEMENTARY SCHOOL
7709	09/20/22	GRANITE CONSTRUCTION COMPANY	LAGUNA SECA RACEWAY BRIDGE
7713	08/04/22	GEORGE REED INC	CRC EGC PARKING LOT EXPANSION (LOS RIOS COMMUNITY COLLEGE DIST)
7714	08/03/22	A.F. THOMAS CONSTRUCTION INC	ACCO TENANT IMPROVEMENT
7716	09/08/22	MCGUIRE & HESTER	BELL AVE COMPLETE STREETS REHAB
7717	08/04/22	TE SPER CONSTRUCT CA	SIERRA VISTA VILLAGES TORRENTE ONSITE IMPS
7720	08/*/22	[illegible]	CIRBY CREEK BANK STABILIZATION PROJECT
7721	09/06/22	MARTIN BROTHERS CONST	WASHINGTON BLVD ROUNDABOUT
7722	09/*/22	ASCENT/FISHMAN/YATES	ELK GROVE LLC BOYD GAMING TEMP PARKING LOT (SKY RIVER CASINO)
7723	08/*/22	[illegible]	RIO LINDA HS BASEBALL COMPLEX LLB
7724			
7725	08/*/22	TWIN RIVERS USD	SMYTHE 7-8 SCHOOL FENCING (SMYTHE ACADEMY OF ARTS AND SCIENCES MS)
7726		[illegible]	
7727	09/0*/22	TWIN RIVERS USD	MOREY ES PO#232439
7728	12/0*/23	GRANITE	DM CENTENNIAL BRIDGE IMPROVEMENTS
7729	08/25/22	RUDOLPH AND SLETTEN	BETA HEALTH ALAMO
7730	04/*/23	DEACON CONSTRUCTION, LLC	MAP(METRO AIR PARK CENTER II) LOT 33
7731		[illegible]	LABOR 1&2/22
7732	08/*/22	T&S CONSTRUCTION	WELL 17 EQUIPPING
7733	09/29/22	MCCARTHY BUILDING COMPANIES	THUNDER VALLEY CASINO NEW CONCERT VENUE
7734	09/*/22	CENTRAL VALLEY ENGINEERING & ASPHALT	ARCADE-CRIPPLE CREEK TRAIL PROJECT #20-18-002
7735			
7739	02/24/22	LAMON CONSTRUCTION CO, INC	BLACKSTONE VILLAGE PARK
7740	09/29/22	[illegible]	HIGHLANDS HS BASEBALL & SOFTBALL COMPLEX
7741	08/29/22	MYERS & SONS	RESERVOIR B REPLACEMENT PROJECT
7742	09/*/22	DL CONSTRUCTION	META CCTP NEWARK CAMPUS
7743	12/*/22	TEAM COMMERCIAL CONSTRUCTION, INC.	150R FENCING PROJECT
7744	08/*/22	DILGERE INC	NORDIC OFFICE REMODEL/ EXPANSION
7745	09/29/22	UPRITE CONSTRUCTION CORP	RANCHO CORDOVA LOGISTICS CENTER BUILDINGS 1&2
7746	09/02/22	LAMON CONSTRUCTION CO, INC	MCCOWAN PARKWAY BICYCLE LANE AND PEDESTRIAN IMPROVEMENTS
7748	09/07/22	[illegible]	NORTH AUBURN FENCE
7750	10/03/22	GARCIA CONSTRUCTION CO, INC	ROUTE 49 CALTRANS 03-1H2404
7751	09/*9/22	DELVALLE GRADING CONSTRUCTION LLC	TELOS GREENS MASS GRADING
7752	09/*5/22	RUDOLPH AND SLETTEN	UCD UC CENTER SACRAMENTO
7753		[illegible]	REPAIR MORSE PARKING (MATERIALS)
7755	09/29/22	FORD CONSTRUCTION INC	LTCC EQUIPMENT STORAGE FACILITY
7757	09/30/22	[illegible]	NORTH RIVER WALK TRAIL EXTENSION
7758	10/24/22	GATEWAY PACIFIC CONTRACTORS INC	WELL 17 TREATMENT PLANT & STORAGE TANK PH I & II
7759	09/29/22	UNITED BUILDING CONTRACTORS, INC	THERMALITO ESUD MAINTENANCE & OPERATIONS BUILDING
7762	09/29/22	RSM CONSTRUCTION, INC.	SHELDON HS FIRE DAMAGE AT BUILDING L PROJECT
7763	10/0*/22	GAVILAN GRADING INC	SMUD 1&2 SEWER LIFT STATION IMPROVEMENTS (CANCELLED)

7651	05/26/22	GEORGE REED INC	THE VILLAGE SIERRA VISTA PHASE 4 BACKBONE INFRASTRUCTURE
7652	05/07/22	ROBERT A BOTHMAN CONSTRUCTION	MESA VERDE HS
[redacted]			
7655	05/07/22	T&S CONSTRUCTION	WASTEWATER RIVER CROSSING REPLACEMENT
7658	05/10/22	VALLEY PRECISION GRADING, INC.	EVELYN HANSHAW MIDDLE SCHOOL
7659	05/04/22	VALLEY PRECISION GRADING INC	LA LOMA JR JIGH SCHOOL
7660	05/04/22	VALLEY PRECISION GRADING INC	MARK TWAIN JR HIGH SCHOOL
7661	05/02/22	VALLEY PRECISION GRADING INC	ROOSEVELT JUNIOR HIGH SCHOOL
7662	05/24/22	[redacted]	CENTER HIGHSCHOOL NEW COMPUTER TECH & CONSTRUCTION TRADES BLDG
7663	05/17/22	OC JONES & SONS	ELKHORN BLVD EXTENSION-SAC COUNTY CONTRACT NO. 4528
7664	06/03/22	GABE MENDEZ INC	HELICOPETER PARKING AREA
7665	05/26/22	BRCO CONSTRUCTORS, INC	MIRA LOMA HS TENNIS COURT REPLACEMENT
7666		[redacted]	
7667	05/02/22	BRCO CONSTRUCTORS, INC	CASA ROBLE HS TENNIS COURT REPLACEMENT
7672	05/03/22	KAISER PERMANENTE	REPAIR @3240 ARDEN WAY
7673	07/01/22	CLARK/SULLIVAN CONSTRUCTION	WEST PARK HIGH SCHOOL TENNIS COURTS
7674	05/25/22	[redacted]	BLUE DIAMOND GROWERS-DISPOSAL SITE COVER
7676	06/02/22	GABE MENDEZ INC	SCOTT ROAD RELIGNMENT PROJECT
7677	06/01/22	MARTIN BROTHERS CONST	HUTCHISON DRIE SR113 INTERCHANGE IMPROVEMENTS
7679	06/07/22	WHITING TURNER	PS6 PARKING STRUCTURE
7681	05/05/22	[redacted]	HINKLE RESERVOIR PROJECT # 191280
7682	07/05/22	AM STEPHENS CONSTRUCTION CO INC	CALEB GREENWOOD PAVING & SHADE STRUCTURE
7683	06/30/22	[redacted]	RANCHO ES HVAC SYSTEM UPGRADE
7685	06/07/22	[redacted]	CARUTHERS WELL #7
7686	06/27/22	[redacted]	KAISER VACAVILLE MRI CONSTRUCTION DEMOLITION
7687	06/16/22	ROSAN BUILDERS INC	ORINDA MECHANICAL & ELECTRICAL UPGRADES (ORINDA, DEL REY & GLORIETTA)
7688	07/01/22	MIDSTATE CONSTRUCTION CORPORATION	VALLE VERDE
7689	10/13/22	KAISER FOUNDATION HEALTH PLAN	NEBA 2020 OAK HOSP SANIPAK
7690	07/01/22	MIDSTATE CONSTRUCTION CORPORATION	HERITAGE HOUSE
7691	08/02/22	GEORGE REED INC	MEASURE L SIDEWALK
7692	05/26/22	GEORGE REED INC	ARTERIAL RD
7695	07/05/22	MEYERS-FRASER COMPANY	TRUCKEE RIVER LEGACY TRAIL PHASE 4
7696	06/09/22	[redacted]	CASTORI ES KINDERGARTEN PLAY AREA & SHADE STRUCTURES
7697	06/03/22	[redacted]	ROUTE 51 AT WATT AVENUE OVERCROSSING
7698	07/19/22	ROBERT A BOTHMAN INC	ELDER CREEK ELEMENTARY PLAYFIELD
7699	08/04/22	[redacted]	HIRAM JOHNSON HS STADIUM
7701	07/06/22	[redacted]	IOWA CITY ROAD BRIDGE REPLACEMENT
7702	08/02/22	THE CITY OF RANCHO CORDOVA	STORMWATER FENCING REPLACEMENT PROGRAM PH2 BEAR HOLLOW BASIN
7704	07/25/22	ALTEN CONSTRUCTION, INC	LAKE ES CAMPUS REPLACEMENT
7705	08/10/22	CAMAS CONSTRUCTION CO, INC	PARKWAY ES PLAY STRUCTURE & PAVING REPAIRS
7706	08/16/22	[redacted]	SCUSD SHADE STRUCTURES-GROUP 1A THREE LOCATIONS
[redacted]			
7708	07/29/22	GEPFORD CONSTRUCTION INC	MEADOW LANE ELEMENTARY SCHOOL
7709	09/30/22	GRANITE CONSTRUCTION COMPANY	LAGUNA SECA RACEWAY BRIDGE
7713	08/04/22	GEORGE REED INC	CRC EGC PARKING LOT EXPANSION (LOS RIOS COMMUNITY COLLEGE DIST)
7714	08/02/22	E.P. THOMAS CONSTRUCTION INC	ACCO TENANT IMPROVEMENT
7716	08/08/22	MCCAFFREY & HESTER	BELL AVE COMPLETE STREETS REHAB
7717	08/04/22	[redacted]	SIERRA VISTA VILLAGES TORRENTE ONSITE IMPS
7720	08/10/22	[redacted]	CIRBY CREEK BANK STABILIZATION PROJECT
7721	09/09/22	MARTIN BROTHERS CONST	WASHINGTON BLVD ROUNDABOUT
7722	09/27/22	[redacted]	ELK GROVE LLC BOYD GAMING TEMP PARKING LOT (SKY RIVER CASINO)
7723	08/[illegible]/22	[redacted]	RIO LINDA HS BASEBALL COMPLEX LLB
7724			
7725	08/03/22	TWIN RIVERS USD	SMYTHE 7-8 SCHOOL FENCING (SMYTHE ACADEMY OF ARTS AND SCIENCES MS)
7726	[redacted]		
7727	09/07/22	TWIN RIVERS USD	MOREY ES PO#232439
7728	02/07/23	GRANITE	DM CENTENNIAL BRIDGE IMPROVEMENTS
7730	08/29/22	RUD OLPH AND SLETTEN	BETA HEALTH ALAMO
7750	08/[illegible]/22	[redacted]	MAP(METRO AIR PARK CENTER II) LOT 33
7731			LABOR 1/6/22
7732	08/[illegible]/22	[redacted]	WELL 17 EQUIPPING
7735	09/29/22	[redacted]	THUNDER VALLEY CASINO NEW CONCERT VENUE
7734	09/[illegible]/22	GENERAL VALLEY ENGINEERING & ASPHALT	ARCADE-CRIPPLE CREEK TRAIL PROJECT #20-18-002
7735			
7750	12/26/22	LANDMARK CONSTRUCTION CO, INC	BLACKSTONE VILLAGE PARK
7760	09/29/22	[redacted]	HIGHLANDS HS BASEBALL & SOFTBALL COMPLEX
7741	08/29/22	[redacted]	RESERVOIR B REPLACEMENT PROJECT
7742	09/14/22	[redacted]	MFTA CCTP NEWARK CAMPUS
7743	12/[illegible]/22	TEAM COMMERCIAL CONSTRUCTION, INC.	150R FENCING PROJECT
7764	08/[illegible]/22	[redacted]	NORDIC OFFICE REMODEL/ EXPANSION
7765	08/29/22	CAPITOL CONSTRUCTION CORP	RANCHO CORDOVA LOGISTICS CENTER BUILDINGS 1&2
7766	09/02/22	LANDMARK CONSTRUCTION CO, INC	MCCOWAN PARKWAY BICYCLE LANE AND PEDESTRIAN IMPROVEMENTS
7768	09/[illegible]/22	[redacted]	NORTH AUBURN FENCE
7760	10/03/22	LANDMARK CONSTRUCTION CO, INC	ROUTE 49 CALTRANS 03-1H2404
7761	09/[illegible]/22	DELTA GATES CONSTRUCTION LLC	TELOS GREENS MASS GRADING
7762	09/[illegible]/22	RUD OLPH AND SLETTEN	UCD UC CENTER SACRAMENTO
7763	[illegible]	[redacted]	REPAIR MORSE PARKING (MATERIALS)
7766	09/21/22	FORD CONSTRUCTION, INC	LTCC EQUIPMENT STORAGE FACILITY
7767	09/20/22	[redacted]	NORTH RIVER WALK TRAIL EXTENSION
7769	10/25/22	GATEWAY PACIFIC CONTRACTORS INC	WELL 17 TREATMENT PLANT & STORAGE TANK PH I & II
7770	09/29/22	UNITED BUILDERS CONTRACTORS, INC	THERMALITO ESUD MAINTENANCE & OPERATIONS BUILDING
7782	09/23/22	[redacted]	SHELDON HS FIRE DAMAGE AT BUILDING L PROJECT
7781	10/03/22	[redacted]	SMUD 1&2 SEWER LIFT STATION IMPROVEMENTS (CANCELLED)

7764	10/25/22	FROWARD BUILDERS INC	NAPA COUNTY REPLACEMENT FACILITY
7765	09/30/22	TEICHERT CONSTRUCTION	C-0607 BOLSA RD FISH PASSAGE IMPROVEMENTS PROJECT
7766	01/09/23	UC DAVIS FACILITIES MANAGAEMNT	YARD FENCE UPGRADES
7767	10/06/22	TIEDE CONSTRUCTION	DIXON USD CA JACOBS MODERNIZATION
7768	04/25/23	WOOLPERT MILLHOUSE INC	DEL RIO TRAIL PROJECT
7769	10/10/22	AUBURN CONSTRUCTORS LLC	AQUIFER STORAGE & RECOVERY WELLS PROJECT
7770	10/25/22	STAFFEL CONSTRUCTION CO., INC.	FLORIN ROAD HOMELESS SHELTER
7771	11/9/22	INC ADIC INDUSTRIES	RAILYARDS ROUGH GRADING
7772			
7773	11/23/22	RODAN BUILDERS INC	DEL CAMPO HS OUTDOOR
7774	02/06/23	COX CONSTRUCTION CO	SQUADRON OPERATIONS AND AIRCRAFT MAINTENANCE AT BEALE AFB
7776	11/04/22	GRANITE CONSTRUCTION COMPANY	VISTRA MOSS LANDING 350 BESS
7777	11/17/22	WESTON CONSTRUCTION CORPORATION	REGENCY AT FOLSOM RANCH
7778			
7779	02/28/23	E.W. CONSTRUCTION, INC.	TREEVIEW ES LLB
7780	01/17/23	SAGE CONSTRUCTION, INC C/O CORE WEST INC.	KIT CARSON INT'L ACADEMY RE-ROOFING & HVAC REPLACEMENT
7781	11/28/22	CREATIVE BUILDERS INC	MOTCO PIER 2 GENERATOR SITE WORK
7783	02/28/23	TEAM CONSTRUCTION INC	NORTHLAKE TK-8 ES LLB
7785	01/09/23	DPR CONSTRUCTION	SIERRA COLLEGE STUDENT HOUSING BUILDING
7786	12/02/22	VALLEY PRECISION GRADING INC	THOMAS DOWNEY HS TRACK
7787	12/28/22	MCGEE PENNEY CONSTRUCTION CO INC	HIRAM JOHNSON HS STADIUM BASEBALL, SOFTBALL & GOLF FACILITY
7788			
7791			
7792	12/09/22	GRANITE CONSTRUCTION COMPANY	AMERICAN RIVER BRIDGE MATERIALS
7793	01/09/23	CLARK & SULLIVAN CONSTRUCTION	ARCADE MS
7795	12/15/22	LABORERS LOCAL 185	UNION HALL
7797			
7798	06/26/23	SHAPELL CONSTRUCTION LLC	VA MATHER HOSPITAL
7799	03/09/23	ROBERT A BOR INC	NATOMAS HIGH SCHOOL ATHLETICS PHASE 2
7800	03/09/23	KAISER FOUNDATION HEALTH PLAN	NSAC 2022 PMR MOB ADD EXTERIOR SITE IMP & SAFETY UPGRADES PROJECT
7802	01/09/23	SDI GENERAL ENGINEERING	PARADISE MAINTENEANCE YARD JOC 2022/23 BUTTE CO PW-RCI
7803	01/09/23	GRANITE CONSTRUCTION COMPANY	ALL SAINTS DAY SCHOOL
7806	03/24/23	STAFFEL CONSTRUCTION CO., INC.	VRE SMALL CAGE EXPANSION
7807	01/09/23	ERGO CONSTRUCTORS INC	WOODRIDGE ES UTK CLASSROOM BLDG SITE WORK
7808		ERGO CONSTRUCTORS, INC	CASTORI ES UTK CLASSROOM BLDG SITE WORK
7811	03/09/23	CITY OF LATHROP	CIP PS 23-15 ROAD & LEVEE ACCESS GATES
7813	04/27/23	ROYAL FLEX-O-G COMPANY	MATHER AIRPORT
7814		RAMOS OIL COMPANY	GATE WORK SHOP
7815	03/09/23	TURNER CONSTRUCTION	CSU CHICO BUTTE HALL REPLACEMENT
7817	05/09/23	TEICHERT CONSTRUCTION	GIBSON PARK
7818	03/24/23	DEVCO CONSTRUCTION	REDHAWK CASINO HOTEL
7819	05/02/23	SPECIALTY PAVING	100 EA CAPS
7822			
7823	04/27/23	VIKING COATED PRODUCTS COMPANY	SR 70 SLOPE PAVING #03-2J004
7824	03/09/23	KYOCERA INC	SHADE STRUCTURES @ HIGHLANDS HS
7825	05/10/23	MT. DIABLO UNIFIED SCHOOL DISTRICT	LEROY GREENE ACADEMY
7828	04/06/23	GHILOTTI CONSTRUCTION INC	MCCOURTNEY ROAD TRANSFER STATION
7829			
7830	06/23/23	DPR CONSTRUCTION	KAISER PERMANENTE-HOME IV PHARMACY RELOCATION
7831			
7832	05/09/23	VALLEY PRECISION GRADING INC	AMADOR HS
7833	03/09/23	GORMAN & POSTON DEPT OF CORRECTIONS	HYSECURITY PARTS
7834	04/27/23	HARRIS REBAR SACRAMENTO INC DBA VIKING STEEL	SANTA ROSA CRIMINAL COURTHOUSE
7835	04/27/23	JMB CONSTRUCTION	UPGRADE SIDE GATE SYSTEM
7836	03/23/23	CITY OF SACRAMENTO	BLANKET PO FOR FUTURE MATERIAL ORDERS TO JUNE 30,2023
7837	03/09/23	GOLDEN BELL INC	FIRE STATION #8
7839			
7840			
7841	03/29/23	INSITUFORM CONSTRUCTION AND ENGINEERING INC	EAST PARKWAY SITE FENCING PROJECT
7842	03/28/23	PACIFIC COAST WELL DRILLING	FENCE WORK
7843	04/27/23	CENTER JOINT UNION SCHOOL	VARIOUS SITE REPAIRS
7844	05/09/23	EMA CONSTRUCTION, INC	SAN JOSE MS & SINALOA MS
7845	04/06/23	KAISER FOUNDATION HEALTH PLAN	NROS 2021 CTP FOL ASC LOW TEMPERATURE STERILZER LIFECYCLE EP901202
7846	04/27/23	TRUESDALE INC	YUBA SUTTER FOOD BANK REMODEL
7847	05/08/23	TAC OLYMPIC GRADING	REPLACE GATE SYSTEM
7848			
7849			
7850			
7851	05/09/23	MOUNTAIN CASCADE INC	BICKFORD RANCH PH 1A
7852	04/27/23	JIMMICK CONSTRUCTION CO., INC	RIVERSIDE PUMPING PLANT REPLACEMENT
7853	04/06/23	TAYLOR MORRISON SERVICES, INC	WILDHAWK GOLF COURSE
7854			
7855			
7856	04/26/23	RATHROP CONSTRUCTION ASSOCIATES INC	SIERRA COMMUNITY COLLEGE GYMNASIUM MOD
7857	04/25/23	RODAN BUILDERS INC	INDERKUM HIGH SCHOOL SECURITY FENCING
7858			
7859	05/08/23	GENER JOINT UNIFIED SCHOOL DISTRICT	PIE REPAIR GATE
7860			
7861	05/10/23	[illegible] TRADING INC	ALDER CREEK ES
7862			
7863	04/10/23	GRADY-WHITE CONSTRUCTORS INC	THE RIVERS TANK AND PUMP STATION
7864	05/03/23	WILSON CONSTRUCTION	UCD PHARMACY WAREHOUSE
7865	05/09/23	OCHS CONSTRUCTION INC	WINTERS HS PHYSICAL EDUCATION & MUSIC BLDG
7866	04/14/23	SYSCON REC	3RD CAW ROSEVILLE RD IMPROVEMENTS (ROSEVILLE RD WELL ABOVE GROUND IMP)
7867			
7868	04/26/23	WESTERN ENGINEERING CONTRACTORS, INC	RIO AMERICANO HS PARKING LOT UPGRADES
7869	05/08/23	SOUTO CONSTRUCTION INC	LINESS RESTROOM BLDG SITE WORK AND ADA UPGRADES
7870	05/09/23	JENSEN CONSTRUCTION	TASK ORDER 1 MAISTER LONETREE SUBSTATION (SMUD)
7871			
7872			
7874	05/09/23	HOWARD CONSTRUCTION	DWR UTILITY CROSSING
7874			
7875	05/09/23	MEASURE 5 INC. DBA	H STREET SEWER REAHB
7876	05/09/23	[illegible] CONSTRUCTION	AUSTIN CREEK TRASH CAPTURE PROJECT

7764	10/25/22	GROWARD BUILDERS INC	NAPA COUNTY REPLACEMENT FACILITY
7765	09/30/22	TEICHERT CONSTRUCTION	C-0607 BOLSA RD FISH PASSAGE IMPROVEMENTS PROJECT
7766	01/09/23	UC DAVIS FACILITIES MANAGAEMNT	YARD FENCE UPGRADES
7767	10/04/22	DEDE CONSTRUCTION	DIXON USD CA JACOBS MODERNIZATION
7768	04/21/23	MOUNTAIN METHODS INC	DEL RIO TRAIL PROJECT
7769	10/19/22	AUBURN CONSTRUCTORS LLC	ACUIFER STORAGE & RECOVERY WELLS PROJECT
7770	10/27/22	STABLES CONSTRUCTION CO., INC.	FLORIN ROAD HOMELESS SHELTER
7771	11/04/22	NORDIC INDUSTRIES	RAILYARDS ROUGH GRADING
7772			
7773	11/29/22	RODAN BUILDERS INC	DEL CAMPO HS OUTDOOR
7774	02/06/23	CO-I CONSTRUCTION CO	SQUADRON OPERATIONS AND AIRCRAFT MAINTENANCE AT BEALE AFB
7776	11/09/22	GRANITE CONSTRUCTION COMPANY	VISTRA MOSS LANDING 350 BESS
7777	11/__/22	WESTON CONSTRUCTION CORPORATION	REGENCY AT FOLSOM RANCH
7778			
7779	02/28/23	BHM CONSTRUCTION, INC.	TREEVIEW ES LLB
7780	02/27/23	CORE CONSTRUCTION, INC C/O CORE WEST INC.	KIT CARSON INT'L ACADEMY RE-ROOFING & HVAC REPLACEMENT
7781	11/28/22	CREATIVE BUILDS INC	MOTCO PIER 2 GENERATOR SITE WORK
7783	02/28/23	BHM CONSTRUCTION, INC.	NORTHLAKE TK-8 ES LLB
7785	01/09/23	DPR CONSTRUCTION	SIERRA COLLEGE STUDENT HOUSING BUILDING
7786	12/02/22	VALLEY PRECISION GRADING INC	THOMAS DOWNEY HS TRACK
7787	12/29/22	AM STEPHENS CONSTRUCTION CO INC	HIRAM JOHNSON HS STADIUM BASEBALL, SOFTBALL & GOLF FACILITY
7788			
7791			
7792	12/06/22	GRANITE CONSTRUCTION COMPANY	AMERICAN RIVER BRIDGE MATERIALS
7793	01/09/23	GUNN & SULLIVAN CONSTRUCTION	ARCADE MS
7795	12/21/22	TEAMSTERS LOCAL 150	UNION HALL
7797			
7798	02/__/23	PSOSHARED CONSTRUCTION LLC	VA MATHER HOSPITAL
7799	03/__/23	ROBERT A BOSMAN	NATOMAS HIGH SCHOOL ATHLETICS PHASE 2
7800	03/__/23	KAISER FOUNDATION HEALTH PLAN	NSAC 2022 PMR MOB ADD EXTERIOR SITE IMP & SAFETY UPGRADES PROJECT
7802	01/__/23	RCI GENERAL ENGINEERING	PARADISE MAINTENEANCE YARD JOC 2022/23 BUTTE CO PW-RCI
7803	01/__/23	GRANITE CONSTRUCTION COMPANY	ALL SAINTS DAY SCHOOL
7805	01/__/23	STABLES CONSTRUCTION CO., INC.	VRE SMALL CAGE EXPANSION
7807	01/__/23	BROC CONSTRUCTORS INC	WOODRIDGE ES UTK CLASSROOM BLDG SITE WORK
7808		BROC CONSTRUCTORS INC	CASTORI ES UTK CLASSROOM BLDG SITE WORK
7811	03/__/23	CITY OF LATHROP	CIP PS 23-15 ROAD & LEVEE ACCESS GATES
7813	01/__/23	RCI PACIFIC ELECTRIC COMPANY	MATHER AIRPORT
7814		PAVOS CA COMPANY	GATE WORK SHOP
7815	03/__/23	TURNER CONSTRUCTION	CSU CHICO BUTTE HALL REPLACEMENT
7817	03/__/23	FS DE BUILDERS INC	GIBSON PARK
7818	02/__/23	LEVEL 10 CONSTRUCTION	REDHAWK CASINO HOTEL
7820	03/__/23	EXCEL VALLEY DTECH	100 EA CAPS
7823			
7824	03/__/23	MP NATIONAL CONSTRUCTION COMPANY	SR 70 SLOPE PAVING #03-2J904
7824	02/__/23	PAVEMENTERS LLC	SHADE STRUCTURES @ HIGHLANDS HS
7825	02/__/23	NATOMAS UNIFIED SCHOOL DISTRICT	LEROY GREENE ACADEMY
7828	03/__/23	DEBEST CONSTRUCTION INC	MCCCURTNEY ROAD TRANSFER STATION
7829			
7830	03/__/23	TURNER CONSTRUCTION	KAISER PERMANENTE-HOME IV PHARMACY RELOCATION
7831			
7832	03/__/23	VALLEY PRECISION GRADING INC	AMADOR HS
7833	03/__/23	STATE OF CALIFORNIA, DEPT. OF CORRECTIONS	HYSECURITY PARTS
7834	02/__/23	UNIVERSAL INDUSTRIES INC DBA VIKING STEEL	SANTA ROSA CRIMINAL COURTHOUSE
7835	03/__/23	UNGER CONST CO	UPGRADE SIDE GATE SYSTEM
7836	03/__/23	CITY OF SACRAMENTO	BLANKET PO FOR FUTURE MATERIAL ORDERS TO JUNE 30,2023
7837	03/__/23	CARTER-WELLS INC	FIRE STATION #8
7839			
7840			
7841	03/__/23	WESTERN STAR CONSTRUCTION AND ENGINEERING INC	EAST PARKWAY SITE FENCING PROJECT
7842	03/__/23	PACIFIC COAST WELDING INC	FENCE WORK
7843	04/__/23	CONSTRUCTION	VARIOUS SITE REPAIRS
7844	03/__/23	BHM CONSTRUCTION, INC.	SAN JOSE MS & SINALOA MS
7845	04/__/23	KAISER FOUNDATION HEALTH PLAN	NROS 2021 CTP FOL ASC LOW TEMPERATURE STERILZER LIFECYCLE EP901202
7846	04/__/23	HERSHEY	YUBA SUTTER FOOD BANK REMODEL
7847	03/__/23	TAYLOR HEAVY HAULING	REPLACE GATE SYSTEM
7848			
7849			
7850			
7851	03/__/23	MCMILLAN CASCADE INC	BICKFORD RANCH PH 1A
7852	04/__/23	SHIMMICK CONSTRUCTION CO., INC	RIVERSIDE PUMPING PLANT REPLACEMENT
7854	03/__/23	TAYLOR MORRISON SERVICES, INC.	WILDHAWK GOLF COURSE
7856			
7858			
7859	04/25/23	CATALYST CONSTRUCTION ASSOCIATES INC	SIERRA COMMUNITY COLLEGE GYMNASIUM MOD
7857	04/25/23	RODAN BUILDERS INC	INDERKUM HIGH SCHOOL SECURITY FENCING
7864			
7860	05/05/23	CENTER JOINT UNIFIED SCHOOL DISTRICT	PFE REPAIR GATE
7866			
7861	05/10/23	TOPSELECT CONTRACTING INC	ALDER CREEK ES
7862			
7863	04/19/23	GATEWAY PACIFIC CONTRACTORS INC	THE RIVERS TANK AND PUMP STATION
7864	05/01/23	INDUSTRION CONSTRUCTION	UCD PHARMACY WAREHOUSE
7865	05/08/23	EDGE CONSTRUCTION INC	WINTERS HS PHYSICAL EDUCATION & MUSIC BLDG
7866	05/__/23	CITY OF ROSEVILLE	SSD CAW ROSEVILLE RD IMPROVEMENTS (ROSEVILLE RD WELL ABOVE GROUND IMP)
7867			
7868	04/26/23	WESTERN ENGINEERING CONTRACTORS, INC.	RIO AMERICANO HS PARKING LOT UPGRADES
7869	05/05/23	BROC CONSTRUCTION INC	JNHS RESTROOM BLDG SITE WORK AND ADA UPGRADES
7870	05/03/23	HPH WCONSTRUCTION	TASK ORDER 1 MAISTER LONETREE SUBSTATION (SMUD)
7871			
7872			
7873	05/01/23	DPR CONSTRUCTION	DWR UTILITY CROSSING
7874			
7875	05/01/23	MCCARRA & HESTER	11 STREET SEWER REAHB
7876	05/03/23	DEBEST CONSTRUCTION	AUSTIN CREEK TRASH CAPTURE PROJECT

Home CONTRACTORS STATE LICENSE BOARD

Contractor's License Detail for License # 316128

DISCLAIMER: A license status check provides information taken from the CSLB license database. Before relying on this information, you should be aware of the following limitations.

- CSLB complaint disclosure is restricted by law (B&P 7124.6) If this entity is subject to public complaint disclosure click on link that will appear below for more information. Click here for a definition of disclosable actions.
- Only construction related civil judgments reported to CSLB are disclosed (B&P 7071.17).
- Arbitrations are not listed unless the contractor fails to comply with the terms.
- Due to workload, there may be relevant information that has not yet been entered into the board's license database.

Data current as of 6/12/2023 10:34:23 AM

Business Information

PISOR FENCE DIVISION INC
P O BOX 7213
CITRUS HEIGHTS, CA 95621
Business Phone Number:(916) 726-1173

Entity Corporation
Issue Date 02/17/1976
Expire Date **12/31/2023**

License Status

This license is current and active.

All information below should be reviewed.

Classifications

- C13 - FENCING
- C-61 / D28 - DOORS, GATES AND ACTIVATING DEVICES
- C23 - ORNAMENTAL METALS
- C51 - STEEL, STRUCTURAL
- B - GENERAL BUILDING

Bonding Information

Contractor's Bond

This license filed a Contractor's Bond with WESTERN SURETY COMPANY.
Bond Number: 929539291
Bond Amount: $25,000
Effective Date: 01/01/2023
Contractor's Bond History

Bond of Qualifying Individual

The qualifying individual JAMES HENRY DALE certified that he/she owns 10 percent or more of the voting stock/membership interest of this company; therefore, the Bond of Qualifying Individual is not required.
Effective Date: 01/30/2006
BQI's Bond History

Workers' Compensation

This license has workers compensation insurance with the WCF NATIONAL INSURANCE COMPANY
Policy Number:4032141
Effective Date: 01/01/2022
Expire Date: 01/01/2024
Workers' Compensation History

Other

- Personnel listed on this license (current or disassociated) are listed on other licenses.

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ANTELOPE IRON INC.

P.O. BOX 7213
CITRUS HEIGHTS, CA 95621-7213
P-(916) 726-1173 F-(916)726-1198

CHANGE ORDER

Number **1**

Phone:	Date: **06/24/23**

Job Name / Location:
SANK PARK- OROVILLE

Job Number
TBD

TO: **Dawn Nevers- City of Oroville**

RE:

We hereby agree to make the change(s) specified below:

Change order to Deduct concrete curb under fence - $75,918.00 Lump sum

NOTE: This Change Order becomes part of and in conformance with the existing contract.
Material prices good for 45 days, thereafter subject to change at any time.

WE AGREE hereby to make the change(s) specified above at this price —▶		**See above**
Date 06/24/23		
Authorized Signature (Contractor) Digitally signed jja 6/24/2023 Jeremiah Alexander		

ACCEPTED -- The above prices and specifications of this Change Order are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise stipulated.	Date of acceptance _____ Signature _____ (owner)

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **KAROLYN FAIRBANKS, CITY TREASURER**
RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR-ADMINISTRATIVE SERVICES

RE: **CITY INVESTMENTS**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider opening an Account in CLASS (California Cooperative Liquid Assets Securities System) Prime and CAMP (California Asset Management Trust) in accordance with the City's Investment Policy.

DISCUSSION

The opportunity exists to receive additional income while maintaining safety and liquidity by investing funds in California CLASS, a joint powers authority. The joint powers authority provides a managed pooled investment program which provides a safe, convenient, and daily liquid investment option for public agencies. The investment objectives of the Prime Fund are to preserve principal, provide daily liquidity, earn a competitive rate of return, and maintain a stable Net Asset Value of $1.00.

On April 5, 2022, the City Council approved staff to move forward with an agreement for investment management services in the amount of $11,000,000. Staff has never opened this account due to the turbulence the market was experiencing. Staff recommends that we abandon the investment management services and instead invest $5,000,000 each (10,000,000 total) in these two pooled funds that are very similar to our Local Agency Investment Fund (LAIF). Similar in the type of fund but they are surpassing our LAIF fund in their yields.

California Class has a current yield of 5.24%, and CAMP has a current yield of 5.26% while LAIF's current yield is 2.96 %.

The City currently has approximate cash balances as follows:

Operating Account	$ 6 million
Local Agency Investment Fund (LAIF)	$ 52 million
LPL Financial, CD's	$ 10 million

These investments will come from LAIF and be readily accessible for cash flow purposes anytime.

FISCAL IMPACT

$5,000,000 transfer from LAIF to California CLASS. And a $5,000,000 transfer to CAMP Trust - $10,000,000 total.

RECOMMENDATION

Adopt Resolution No. - A RESOLUTION AUTHORIZING THE CITY TREASURER TO INVEST $5,000,000.00 IN CALIFORNIA CLASS PRIME FUND, AND $5,000,000 CALIFORNIA ASSET MANAGEMENT TRUST, WITH KAROLYN FAIRBANKS, CITY TREASURER; RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR – ADMINISTRATIVE SERVICES; AND BRIAN RING, CITY ADMINISTRATOR AS SIGNATORIES ON THE ACCOUNT.

ATTACHMENTS

Resolution No. 9148

CITY OF OROVILLE
RESOLUTION NO. 9148

A RESOLUTION AUTHORIZING THE CITY TREASURER TO INVEST $5,000,000.00 IN CALIFORNIA CLASS PRIME FUND, AND $5,000,000 CALIFORNIA ASSET MANAGEMENT TRUST, WITH KAROLYN FAIRBANKS, CITY TREASURER; RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR – ADMINISTRATIVE SERVICES; AND BRIAN RING, CITY ADMINISTRATOR AS SIGNATORIES ON THE ACCOUNT.

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The City Treasurer is hereby authorized and directed invest $5,000,000 in California Class Prime Fund and $5,000,000 in California Asset Management Trust, and the Council authorizes City Treasurer Karolyn Fairbanks, Assistant City Administrator – Administrative Services Ruth Duncan, and City Administrator Brian Ring to be signatories on the account.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **FIRST REGULARLY SCHEDULED MEETING IN AUGUST 2023**

DATE: **JULY 18, 2023**

SUMMARY

Pursuant to the City Code, the Council will meet on the first and third Tuesday of each month. The City Code also provides that the Council may "cancel, amend or alter the date, time and/or location of f any meeting provided sufficient notice of the meeting is given to the public to comply with the Brown Act."

The first Tuesday of the month of August (August 1, 2023) falls on National Night Out. The Council may continue to have the regularly scheduled Council meeting on this day, or move the meeting to Wednesday August 2, 2023.

DISCUSSION

The Council may consider changing the date of the first regularly scheduled Council meeting in August.

FISCAL IMPACT

None.

RECOMMENDATION

Provide staff direction.

ATTACHMENTS:

None.

OROVILLE CITY COUNCIL
STAFF REPORT

TO: **MAYOR PITMANN AND COUNCIL MEMBERS**

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR-ADMINISTRATIVE SERVICES**

RE: **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 2-3, 5, 7-10, 12, 14-15, 17**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for Fiscal Year 2023/24.

DISCUSSION

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a landscape and lighting maintenance assessment district. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the landscaped areas dedicated to the City and for the cost of maintaining the City owned street lights within the subdivision. The particular Zones within the City's Consolidated Landscape and Lighting Maintenance Assessment District ("CLLMAD") are identified below:

ZONE	ZONE
Zone 2 – The Buttes	Zone 10 – Foothill Estates
Zone 3 – Deer Creek Estates, Phase 1	Zone 12 – Vista Del Oro
Zone 5 – Cherokee Estates, Phase 1	Zone 14 – Martin Ranch
Zone 7 – Grayhawk	Zone 15 – Jake Richter Estates
Zone 8 – Cherokee Estates, Phase 2	Zone 17 – Feather River Bluffs
Zone 9 – Linkside	

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual administration of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to tonight's meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CLLMAD.

The City Council will consider the following items for all eighteen Zones within the CLLMAD:

1. Preliminarily approve the Annual Assessment Report and the proposed levy and collection of assessments for the CLLMAD for Fiscal Year 2023/24.

2. Direct Staff to make any changes or amendments to the report as necessary.

3. Approve the Resolution of Intent which sets the date for a public hearing for the August 1, 2023 City Council Meeting. At that time, the City Council will conduct a public hearing on these matters and may confirm the Annual Levy Report and Assessments.

FISCAL IMPACT

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the landscape and lighting improvements within the CLLMAD.

RECOMMENDATION(S)

1. Adopt Resolution No. 9160 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24.

2. Authorize any necessary budget adjustments to the Annual Assessment Report.

ATTACHMENT(S)

Resolution No. 9160
2023/24 Assessment Summary from the CLLMAD Annual Assessment Report.

NOTE: *In order to reduce copying costs, only the Assessment Summary of the Annual Assessment Report is attached to this staff report. The full Annual Assessment Report for the CLLMAD is available for review in the City Clerk's office.*

CITY OF OROVILLE
RESOLUTION NO. 9160

A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

WHEREAS, the Oroville City Council has, by previous resolutions, formed and levied annual assessments for a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the 1972 Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California (commencing with Section 22500). Said special maintenance district is known and designated as "The Oroville Consolidated Landscape and Lighting Maintenance Assessment District" (the "District"). The District is comprised of several Zones which are identified below:

ZONE	ZONE
Zone 2 – The Buttes	Zone 10 – Foothill Estates
Zone 3 – Deer Creek Estates, Phase 1	Zone 12 – Vista Del Oro
Zone 5 – Cherokee Estates, Phase 1	Zone 14 – Martin Ranch
Zone 7 – Grayhawk	Zone 15 – Jake Richter Estates
Zone 8 – Cherokee Estates, Phase 2	Zone 17 – Feather River Bluffs
Zone 9 – Linkside	

WHEREAS, the City Council has retained Harris & Associates for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, an Annual Assessment Report (the "Report") for the District in accordance with the 1972 Act; and,

WHEREAS, the City Council hereby orders Harris & Associates to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July, 1, 2023 and ending June 30, 2024 in accordance with *Chapter 3, Section 22622* of the 1972 Act. The Report details the improvements, any substantial changes to the improvements, the annual budgets for each Zone and the proposed assessment amounts for each parcel.

WHEREAS, there has now been presented to this City Council the Report as required by the 1972 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents therein, and is satisfied that the assessment amounts, on a preliminary basis, have been spread to the assessable parcels in accordance with the special benefit received from the improvements and services provided.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

Section 1 That the above recitals are true and correct.

Section 2 Proposed Improvements: The improvements within the District may include, but are not limited to: turf, shrubs, plants and trees, landscaping, street lighting, irrigation and drainage systems, graffiti removal, pedestrian walkways, landscape lighting, masonry walls, and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and/or satisfactory operating condition. The specific improvements within each Zone are detailed in the Report.

Section 3 Intention: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the 1972 Act, in order to pay for the costs of maintaining and servicing the above referenced improvements. The City Council finds that the public's best interests will be served by such levy and collection.

Section 4 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with Chapter 3, Section 22626 of the 1972 Act.

Section 5 Notice: The City Council shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. All interested persons shall be afforded the opportunity to hear and be heard.

Section 6 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday August 1, 2023 at 5:00 p.m**. at the City Council Chambers, located at 1735 Montgomery Street, Oroville.

Section 7 The City Clerk shall certify to the adoption of this Resolution by the City Council and is hereby authorized and directed to give notice of said Public Hearing as provided by the 1972 Act.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittmann, Mayor

APPROVED AS TO FORM:

Scott Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

CLLMAD FISCAL YEAR 2023-24 ASSESSMENT SUMMARY

Zone Name	Total Assessable Parcels/Units	Total Assessment	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 1 – Grandview Estates	21	$2,801.40	$196.89	$133.40
Zone 2 – The Buttes	58	$7,131.68	$122.96	$122.96
Zone 3 – Deer Creek Estates, Phase 1	72	$2,168.64	$30.12	$30.12
Zone 4 – Calle Vista Estates, Phase 1	70	$5,327.00	$76.11	$76.10
Zone 5 – Cherokee Estates, Phase 1	12	$948.96	$79.08	$79.08
Zone 6 – Sherwood Estates, 1 & 2	49	$2,058.00	$42.00	$42.00
Zone 7 – Grayhawk	30	$5,928.60	$197.63	$197.62
Zone 8 – Cherokee Estates, Phase 2	20	$3,800.40	$515.71	$190.02
Zone 9 – Linkside Place, Phase 1	65	$4,225.00	$536.62	$65.00
Zone 10 – Foothill Estates	25	$2,750.00	$794.86	$110.00
Zone 11 – Mission Olive Ranch	19	$7,715.90	$596.37	$406.10
Zone 12 – Vista Del Oro	92	$2,760.00	$234.16	$30.00
Zone 13 – Calle Vista Estates, Unit 2	44	$4,847.04	$326.02	$110.16
Zone 14 – Martin Ranch	0	$0.00	$0.00	$0.00
Zone 15 – Jake Richter	8	$2,934.88	$348.23	$366.86
Zone 16 – Feather River Bluffs	121	$0.00	$59.40	$0.00
Zone 17 – Acacia Estates	20	$0.00	$112.33	$0.00
Zone 18 – Ruddy Creek	97	$0.00	$150.00	$0.00
TOTALS:	**823**	**$55,397.50**		

OROVILLE CITY COUNCIL
STAFF REPORT

TO: **MAYOR PITMANN AND COUNCIL MEMBERS**

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR-ADMINISTRATIVE SERVICES**

RE: **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1, 4, 6, 11, 13, 16, 18**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for Fiscal Year 2023/24.

DISCUSSION

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a landscape and lighting maintenance assessment district. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the landscaped areas dedicated to the City and for the cost of maintaining the City owned street lights within the subdivision. The particular Zones within the City's Consolidated Landscape and Lighting Maintenance Assessment District ("CLLMAD") are identified below:

ZONE	ZONE
Zone 1 – Grandview Estates	Zone 13 – Calle Vista 2
Zone 4 – Calle Vista 1	Zone 16 – Acacia Estates
Zone 6 – Sherwood	Zone 18 – Ruddy Creek
Zone 11 – Mission Olive Ranch	

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual administration of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to tonight's meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CLLMAD.

The City Council will consider the following items for all eighteen Zones within the CLLMAD:

1. Preliminarily approve the Annual Assessment Report and the proposed levy and collection of assessments for the CLLMAD for Fiscal Year 2023/24.

2. Direct Staff to make any changes or amendments to the report as necessary.

3. Approve the Resolution of Intent which sets the date for a public hearing for the August 1, 2023 City Council Meeting. At that time, the City Council will conduct a public hearing on these matters and may confirm the Annual Levy Report and Assessments.

FISCAL IMPACT

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the landscape and lighting improvements within the CLLMAD.

RECOMMENDATION(S)

1. Adopt Resolution No. 9154 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24.

2. Authorize any necessary budget adjustments to the Annual Assessment Report.

ATTACHMENT(S)

Resolution No. 9154
2023/24 Assessment Summary from the CLLMAD Annual Assessment Report.

NOTE: *In order to reduce copying costs, only the Assessment Summary of the Annual Assessment Report is attached to this staff report. The full Annual Assessment Report for the CLLMAD is available for review in the City Clerk's office.*

CITY OF OROVILLE
RESOLUTION NO. 9154

A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

WHEREAS, the Oroville City Council has, by previous resolutions, formed and levied annual assessments for a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the 1972 Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California (commencing with Section 22500). Said special maintenance district is known and designated as "The Oroville Consolidated Landscape and Lighting Maintenance Assessment District" (the "District"). The District is comprised of several Zones which are identified below:

ZONE	ZONE
Zone 1 – Grandview Estates	Zone 13 – Calle Vista 2
Zone 4 – Calle Vista 1	Zone 16 – Acacia Estates
Zone 6 – Sherwood	Zone 18 – Ruddy Creek
Zone 11 – Mission Olive Ranch	

WHEREAS, the City Council has retained Harris & Associates for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, an Annual Assessment Report (the "Report") for the District in accordance with the 1972 Act; and,

WHEREAS, the City Council hereby orders Harris & Associates to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July, 1, 2023 and ending June 30, 2024 in accordance with *Chapter 3, Section 22622* of the 1972 Act. The Report details the improvements, any substantial changes to the improvements, the annual budgets for each Zone and the proposed assessment amounts for each parcel.

WHEREAS, there has now been presented to this City Council the Report as required by the 1972 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents therein, and is satisfied that the assessment amounts, on a preliminary basis, have been spread to the assessable parcels in accordance with the special benefit received from the improvements and services provided.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

Section 1 That the above recitals are true and correct.

Section 2 Proposed Improvements: The improvements within the District may include, but are not limited to: turf, shrubs, plants and trees, landscaping, street lighting, irrigation and drainage systems, graffiti removal, pedestrian walkways, landscape lighting, masonry walls, and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and/or satisfactory operating condition. The specific improvements within each Zone are detailed in the Report.

Section 3 Intention: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the 1972 Act, in order to pay for the costs of maintaining and servicing the above referenced improvements. The City Council finds that the public's best interests will be served by such levy and collection.

Section 4 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with Chapter 3, Section 22626 of the 1972 Act.

Section 5 Notice: The City Council shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. All interested persons shall be afforded the opportunity to hear and be heard.

Section 6 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday August 1, 2023 at 5:00 p.m**. at the City Council Chambers, located at 1735 Montgomery Street, Oroville.

Section 7 The City Clerk shall certify to the adoption of this Resolution by the City Council and is hereby authorized and directed to give notice of said Public Hearing as provided by the 1972 Act.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittmann, Mayor

APPROVED AS TO FORM:

Scott Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

CLLMAD FISCAL YEAR 2023-24 ASSESSMENT SUMMARY

Zone Name	Total Assessable Parcels/Units	Total Assessment	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 1 – Grandview Estates	21	$2,801.40	$196.89	$133.40
Zone 2 – The Buttes	58	$7,131.68	$122.96	$122.96
Zone 3 – Deer Creek Estates, Phase 1	72	$2,168.64	$30.12	$30.12
Zone 4 – Calle Vista Estates, Phase 1	70	$5,327.00	$76.11	$76.10
Zone 5 – Cherokee Estates, Phase 1	12	$948.96	$79.08	$79.08
Zone 6 – Sherwood Estates, 1 & 2	49	$2,058.00	$42.00	$42.00
Zone 7 – Grayhawk	30	$5,928.60	$197.63	$197.62
Zone 8 – Cherokee Estates, Phase 2	20	$3,800.40	$515.71	$190.02
Zone 9 – Linkside Place, Phase 1	65	$4,225.00	$536.62	$65.00
Zone 10 – Foothill Estates	25	$2,750.00	$794.86	$110.00
Zone 11 – Mission Olive Ranch	19	$7,715.90	$596.37	$406.10
Zone 12 – Vista Del Oro	92	$2,760.00	$234.16	$30.00
Zone 13 – Calle Vista Estates, Unit 2	44	$4,847.04	$326.02	$110.16
Zone 14 – Martin Ranch	0	$0.00	$0.00	$0.00
Zone 15 – Jake Richter	8	$2,934.88	$348.23	$366.86
Zone 16 – Feather River Bluffs	121	$0.00	$59.40	$0.00
Zone 17 – Acacia Estates	20	$0.00	$112.33	$0.00
Zone 18 – Ruddy Creek	97	$0.00	$150.00	$0.00
TOTALS:	**823**	**$55,397.50**		

OROVILLE CITY COUNCIL
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR-ADMINISTRATIVE SERVICES**

RE: **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 3, 5, 9**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Benefit Assessment District for Fiscal Year 2023/24.

DISCUSSION

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a Benefit Assessment District. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the storm water infrastructure (manholes, drain pipes, etc.), including storm water retention facilities within the subdivision. The particular Zones within the City's Consolidated Benefit Assessment District ("CBAD") are identified below:

ZONE NUMBER AND NAME
Zone 3 – Mission Olive Ranch
Zone 5 – Calle Vista Estates, Unit 2
Zone 9 – Ruddy Creek

Pursuant to the Benefit Assessment Act of 1982, which authorizes the formation and annual administration of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to tonight's meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments, to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CBAD.
The City Council will consider the following items for all nine Zones within the CBAD:

1. Preliminarily approve the Annual Assessment Report and the proposed levy and collection of assessments for the CBAD for Fiscal Year 2023/24.

2. Direct Staff to make any changes or amendments to the Annual Assessment Report as necessary.

3. Approve the Resolution of Intent which sets the date for a public hearing for the August 1, 2023 City Council Meeting. At that time, the City Council will conduct a public hearing on these matters and may confirm the Annual Levy Report and Assessments.

FISCAL IMPACT

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the storm water infrastructure within the CBAD.

RECOMMENDATION(S)

1. Adopt Resolution No. 9159- A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

2. Authorize any necessary budget adjustments to the Annual Assessment Report.

ATTACHMENT(S)

Resolution No. 9159
2023/24 Assessment Summary from the CBAD Annual Assessment Report.

NOTE: *In order to reduce copying costs, only the Assessment Summary of the Annual Assessment Report is attached to this staff report. The complete Annual Assessment Report for the CBAD is available for review in the City Clerk's office.*

CITY OF OROVILLE
RESOLUTION NO. 9159

A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

WHEREAS, the Oroville City Council has, by previous resolutions, formed and levied annual assessments for a special maintenance district pursuant to the terms of the "Benefit Assessment Act of 1982" (the "1982 Act"), Part 1, Division 2, Title 5 of the California Government Code (commencing with Section 54703). Said special maintenance district is known and designated as "The Oroville Consolidated Benefit Assessment District" (the "District"). The District is comprised of several Zones which are identified below:

ZONE NUMBER AND NAME
Zone 3 – Mission Olive Ranch
Zone 5 – Calle Vista
Zone 9 – Ruddy Creek

WHEREAS, the City Council has retained Harris & Associates for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, an Annual Assessment Report (the "Report") for the District in accordance with the 1982 Act; and,

WHEREAS, the City Council hereby orders Harris & Associates to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July, 1, 2023 and ending June 30, 2024 in accordance with *Section 54716* of the 1982 Act. The Report details the improvements, any substantial changes to the improvements, the annual budgets for each Zone and the proposed assessment amounts for each parcel.

WHEREAS, there has now been presented to this City Council the Report as required by the 1982 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents therein, and is satisfied that the assessment amounts, on a preliminary basis, have been spread to the assessable parcels in accordance with the special benefit received from the improvements and services provided.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

Section 1 That the above recitals are true and correct.

Section 2 Proposed Improvements: The improvements within the District may include, but are not limited to: drainage control, flood control and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a satisfactory operating condition. The specific improvements within each Zone are detailed in the Report.

Section 3 Intention: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the 1982 Act, in order to pay for the costs of maintaining and servicing the above referenced improvements. The City Council finds that the public's best interests will be served by such levy and collection.

Section 4 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with Article 4, Section 54718 of the 1982 Act.

Section 5 Notice: The City Council shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. All interested persons shall be afforded the opportunity to hear and be heard.

Section 6 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday August 1, 2023 at 5:00 p.m.** at the City Council Chambers, located at 1735 Montgomery Street, Oroville.

Section 7 The City Clerk shall certify to the adoption of this Resolution by the City Council and is hereby authorized and directed to give notice of said Public Hearing.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSTENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

CBAD 2023/24 ASSESSMENT SUMMARY

Zone Name	Total Assessable Unit	Total Assessable Cost	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 1 – Linkside Place, Phase 1	65	$3,196.70	$428.99	$49.18
Zone 2 – Foothill Estates	25	$3,231.00	$499.01	$129.24
Zone 3 – Mission Olive Ranch	19	$5,300.24	$434.81	$278.96
Zone 4 – Vista Del Oro	92	$5,777.60	$350.21	$62.80
Zone 5 – Calle Vista Estates, Unit 2	44	$6,166.16	$259.13	$140.14
Zone 6 – Martin Ranch	0	$0.00	$0.00	$0.00
Zone 7 – Jake Richter	8	$1,500.64	$370.85	$187.58
Zone 8 – Acacia Estates	20	$0.00	$258.71	$0.00
Zone 9 – Ruddy Creek	97	$0.00	$125.31	$0.00
TOTALS:	**370**	**$25,172.34**		

OROVILLE CITY COUNCIL
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR-ADMINISTRATIVE SERVICES**

RE: **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 1, 2, 4, 6-8**

DATE: **JULY 18, 2023**

SUMMARY

The Council may consider initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Benefit Assessment District for Fiscal Year 2023/24.

DISCUSSION

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a Benefit Assessment District. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the storm water infrastructure (manholes, drain pipes, etc.), including storm water retention facilities within the subdivision. The particular Zones within the City's Consolidated Benefit Assessment District ("CBAD") are identified below:

ZONE NUMBER AND NAME
Zone 1 – Linkside Place, Phase 1
Zone 2 – Foothill Estates
Zone 4 – Vista Del Oro
Zone 6 – Martin Ranch
Zone 7 – Jake Richter Estates
Zone 8 – Acacia Estates

Pursuant to the Benefit Assessment Act of 1982, which authorizes the formation and annual administration of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to tonight's meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments, to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CBAD.
The City Council will consider the following items for all nine Zones within the CBAD:

1. Preliminarily approve the Annual Assessment Report and the proposed levy and collection of assessments for the CBAD for Fiscal Year 2023/24.

2. Direct Staff to make any changes or amendments to the Annual Assessment Report as necessary.

3. Approve the Resolution of Intent which sets the date for a public hearing for the August 1, 2023 City Council Meeting. At that time, the City Council will conduct a public hearing on these matters and may confirm the Annual Levy Report and Assessments.

FISCAL IMPACT

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the storm water infrastructure within the CBAD.

RECOMMENDATION(S)

1. Adopt Resolution No. 9155- A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

2. Authorize any necessary budget adjustments to the Annual Assessment Report.

ATTACHMENT(S)

Resolution No. 9155
2023/24 Assessment Summary from the CBAD Annual Assessment Report.

NOTE: *In order to reduce copying costs, only the Assessment Summary of the Annual Assessment Report is attached to this staff report. The complete Annual Assessment Report for the CBAD is available for review in the City Clerk's office.*

CITY OF OROVILLE
RESOLUTION NO. 9155

A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2023/24

WHEREAS, the Oroville City Council has, by previous resolutions, formed and levied annual assessments for a special maintenance district pursuant to the terms of the "Benefit Assessment Act of 1982" (the "1982 Act"), Part 1, Division 2, Title 5 of the California Government Code (commencing with Section 54703). Said special maintenance district is known and designated as "The Oroville Consolidated Benefit Assessment District" (the "District"). The District is comprised of several Zones which are identified below:

ZONE NUMBER AND NAME
Zone 1 – Linkside Place
Zone 2 – Foothill Estates
Zone 4 – Vista Del Oro
Zone 6 – Martin Ranch
Zone 7 – Jake Richter Estates
Zone 8 – Acacia Estates

WHEREAS, the City Council has retained Harris & Associates for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, an Annual Assessment Report (the "Report") for the District in accordance with the 1982 Act; and,

WHEREAS, the City Council hereby orders Harris & Associates to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July, 1, 2023 and ending June 30, 2024 in accordance with *Section 54716* of the 1982 Act. The Report details the improvements, any substantial changes to the improvements, the annual budgets for each Zone and the proposed assessment amounts for each parcel.

WHEREAS, there has now been presented to this City Council the Report as required by the 1982 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents therein, and is satisfied that the assessment amounts, on a preliminary basis, have been spread to the assessable parcels in accordance with the special benefit received from the improvements and services provided.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

Section 1 That the above recitals are true and correct.

Section 2 Proposed Improvements: The improvements within the District may include, but are not limited to: drainage control, flood control and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a satisfactory operating condition. The specific improvements within each Zone are detailed in the Report.

Section 3 Intention: The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the 1982 Act, in order to pay for the costs of maintaining and servicing the above referenced improvements. The City Council finds that the public's best interests will be served by such levy and collection.

Section 4 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with Article 4, Section 54718 of the 1982 Act.

Section 5 Notice: The City Council shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. All interested persons shall be afforded the opportunity to hear and be heard.

Section 6 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday August 1, 2023 at 5:00 p.m.** at the City Council Chambers, located at 1735 Montgomery Street, Oroville.

Section 7 The City Clerk shall certify to the adoption of this Resolution by the City Council and is hereby authorized and directed to give notice of said Public Hearing.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 18, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSTENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

CBAD 2023/24 ASSESSMENT SUMMARY

Zone Name	Total Assessable Unit	Total Assessable Cost	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 1 – Linkside Place, Phase 1	65	$3,196.70	$428.99	$49.18
Zone 2 – Foothill Estates	25	$3,231.00	$499.01	$129.24
Zone 3 – Mission Olive Ranch	19	$5,300.24	$434.81	$278.96
Zone 4 – Vista Del Oro	92	$5,777.60	$350.21	$62.80
Zone 5 – Calle Vista Estates, Unit 2	44	$6,166.16	$259.13	$140.14
Zone 6 – Martin Ranch	0	$0.00	$0.00	$0.00
Zone 7 – Jake Richter	8	$1,500.64	$370.85	$187.58
Zone 8 – Acacia Estates	20	$0.00	$258.71	$0.00
Zone 9 – Ruddy Creek	97	$0.00	$125.31	$0.00
TOTALS:	**370**	**$25,172.34**		

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **EMPLOYMENT CONTRACT AMENDMENT WITH AMY BERGSTRAND, DIRECTOR OF BUSINESS AND HOUSING**

DATE: **JULY 18, 2023**

SUMMARY

The Council will consider an amendment to the employment contract with Amy Bergstrand, Director of Business and Housing.

DISCUSSION

Amy Bergstrand entered into a three-year employment contract with the City on March 16, 2022, at a starting salary of $118,720/year (step A), for a term of three years.

Staff recommend amending this contract with the following changes:

- Extend current contract through March 15, 2026; and include an option for a two-year contract extension if mutually agreeable; and
- A salary advancement to Step C on the Department Head salary schedule, with an annual salary of $135,486, with an effective date July 17, 2023.

FISCAL IMPACT

This will represent an annual salary increase of $13,204 and will be absorbed in the existing budget.

RECOMMENDATION

Adopt Resolution No. 9150 – 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 AMY BERGSTRAND – (Agreement No. 3407).

ATTACHMENTS:

Contract Amendment.

OROVILLE CITY COUNCIL
RESOLUTION NO. 9150

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 AMY BERGSTRAND

(Amended Agreement No. 3407)
Amendment 1

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 employment agreement, Amendment 1 between the City of Oroville and Amy Bergstrand. A copy is attached hereto as Exhibit "A".

2. 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 July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND AMY BERGSTRAND

This Amendment, dated July 18, 2023, is to the Employment Agreement ("Agreement") effective March 16, 2022, between the City of Oroville ("City") and Amy Bergstrand. ("Bergstrand").

In consideration of the terms and conditions herein, the City and Bergstrand agree that the Agreement shall be amended as follows:

1. SECTION 2 IS REPLACED WITH THE FOLLOWING:

Section 2. Term: Termination: Severance and Compensation

A. The term of this Agreement shall be effective March 16, 2022, and shall continue until March 16, 2026. Bergstrand may exercise a (2) two-year extension of this agreement if it is mutually agreeable. On or before October 16, 2025, Bergstrand shall give written notice to City if she wishes to extend the agreement on the same terms and conditions. Thereafter the Council shall determine, within 30 days, whether or not it wishes to continue and/or extend the agreement and shall give written notice to Bergstrand of its decision. If the Council approves the continuation and/or extension, the parties shall meet in an effort to agree upon the terms of a new or extended agreement. If the Council disapproves the continuation and/or extension, or if the parties fail to agree upon the terms of a new or extended agreement, this Agreement shall terminate as outlined above, and thereafter Bergstrand shall not be entitled to any compensation except for any accrued vested benefits as listed above.

B. If Bergstrand resigns her position as Director of Business and Housing Department before the expiration date of the initial or any extended term of this Agreement; Bergstrand shall give City a sixty (60) day written notice in advance to City. In such event, Bergstrand shall not be entitled to the severance compensation provided for in Section 2.C of this Agreement. The City Administrator, in concurrence with the Council, may reduce the required notice to not less than thirty (30) days without penalty should Bergstrand make such request.

C. As an at-will employee, City may terminate this Agreement at any time with or without cause. If the City discharges Bergstrand from her position, without cause, as Director of Business and Housing, the City shall pay Bergstrand a lump-sum cash payment equal to six (6) month's salary. In addition, Bergstrand shall also be compensated for all accumulated and unused vacation time, and any administrative time not to exceed 20 hours, unless 20 hours has already been cashed out for the current fiscal year. No other leave balances or benefits under the agreement may be cashed out upon termination of the agreement. However, in the event Bergstrand is discharged for cause or for conviction of a crime, City shall have no obligation to pay any severance compensation except for any vested benefits. In any event, if the City chooses to terminate the agreement, Bergstrand shall have the opportunity to retire from City employment through PERS, in lieu of termination.

2. SECTION 5 IS REPLACED WITH THE FOLLOWING:

City agrees to place Bergstrand at Step C of the Department Heads salary schedule, an annual base salary of $135,486, effective July 17, 2023 and payable at the same time and manner as other Council Appointed Employees of the City are paid.

3. Conflicts between this Amended Agreement and the Agreement shall be controlled by this Amendment. All other provisions within the Agreement not modified by this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF OROVILLE

David Pittman, Mayor

Amy Bergstrand
Director of Business and Housing

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND AMY BERGSTRAND

The employment agreement ("Agreement") is made and entered into on March 15, 2022**,** by and between the City of Oroville ("City") and Amy Berstrand ("Bergstrand") to be effective March 16, 2022, both of whom understand as follows:

WHEREAS, City desires to employ the services of Bergstrand as its Director of Business and Housing Department; and

WHEREAS, it is the desire of the City Council ("Council") of the City to provide certain benefits, to establish certain conditions of employment and to set working conditions for Bergstrand; and

WHEREAS, Bergstrand desires to be employed as the Director of Business and Housing Department of City.

NOW THISEFORE, in consideration of the mutual covenants herein contained, the parties agree that the Agreement supersedes in total any prior employment agreements or Memorandum of Understandings between the parties, and further agree as follows:

Section 1. Duties:

City hereby agrees to employ Bergstrand as the Director of Business and Housing Department of City to perform the functions and duties specified for the position in the City Charter, Municipal Code of the City and such other legally permissible and proper duties and functions as the Council shall from time to time assign her.

Section 2. Term; Termination: Severance Compensation:

A. The term of this Agreement shall be effective March 16, 2022, and shall continue until March 16, 2025. On or before October 16, 2024, Bergstrand shall give written notice to City if she wishes to extend the agreement on the same terms and conditions. Thereafter the Council shall determine, within 30 days, whether or not it wishes to continue and/or extend the agreement and shall give written notice to Bergstrand of its decision. If the Council approves the continuation and/or extension, the parties shall meet in an effort to agree upon the terms of a new or extended agreement. If the Council disapproves the continuation and/or extension, or if the parties fail to agree upon the terms of a new or extended agreement, this Agreement shall terminate as outlined above, and thereafter Bergstrand shall not be entitled to any compensation except for any accrued vested benefits as listed above.

B. If Bergstrand resigns her position as Director of Business and Housing Department before the expiration date of the initial or any extended term of this Agreement; Bergstrand shall give City a sixty (60) day written notice in advance to City. In such event, Bergstrand shall not be entitled to the severance compensation provided for in Section 2.C of this Agreement. The City Administrator, in concurrence with the Council, may reduce the required notice to not less than thirty (30) days without penalty should Bergstrand make such request.

C. City may terminate this Agreement at any time with or without cause. If the City discharges Bergstrand from her position, without cause, as Director of Business and Housing, the City shall pay Bergstrand a lump-sum cash payment equal to six (6) month's salary. In addition, Bergstrand shall also be compensated for all vested accrued leave time, which is currently defined as all accumulated and unused vacation. However, in the event Bergstrand is discharged for cause or for conviction of a crime, City shall have no obligation to pay any severance compensation except for any vested benefits. In any event, if the City chooses to terminate the agreement, Bergstrand shall have the opportunity to retire from City employment through PERS, in lieu of termination.

Section 3. Random Drug Testing Policy:

Bergstrand agrees to comply with the City of Oroville's Substance Abuse Policy Statement, as outlined in the City of Oroville's Policy and Procedures.

Section 4. Non-Industrial Injury/ Illness:

If Bergstrand becomes permanently disabled or is otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued leave, City shall have the option to terminate the Agreement, subject to the severance pay provisions of Section 2. C.: provided, however City shall be required to comply with the provisions of the Americans with Disabilities Act and the Californian Fair Employment and Housing Act.

Section 5. Salary:

City agrees to place Bergstrand at Step A of the Assistant City Administrator salary schedule, an annual base salary of $118,720, upon the effective date noted above and payable at the same time and manner as other Council Appointed Employees of the City are paid.

Section 6. Performance Evaluation:

The Council shall direct the City Administrator to complete a performance evaluation of Bergstrand by December 31st of each year of the contract and during any extension period of the contract and upon the Council's concurrence with the satisfactory review, Bergstrand may receive a salary adjustment of up to one step of the salary schedule for her base salary, for an overall evaluation of 'M' or better. Such review and evaluation shall be in accordance with specific criteria developed jointly by the City Administrator and Bergstrand. Such criteria may be added to or deleted from, as the City Administrator may determine from time to time, in consultation with Bergstrand. The City Administrator's evaluation of Bergstrand will be shared with the Mayor and Council. The Mayor and Council may add additional comments to Bergstrand's final evaluation.

Section 7. Hours of Work; Administrative Leave:

Bergstrand shall be employed on a full-time basis, and for optimal customer service should perform such work, during normal business hours. However, it is recognized that Bergstrand shall be required to devote a great deal of time outside of normal office hours on business of City, and

to that end she shall be allowed to take 85 hours per calendar year of Administrative Leave, unless City and Bergstrand agree upon an alternate amount of leave (which shall be documented in writing). Such leave may be taken only upon approval of the City Administrator. Bergstrand shall have the option to cash out up to twenty (20) hours of administrative leave per calendar year.

Section 8. Bereavement Leave:

When compelled to be absent from work by reason of death of an immediate family member, or where death appears imminent, Bergstrand shall be entitled to receive up to five (5) days Bereavement Leave, which shall not be charged against her sick leave. Before taking such leave, Bergstrand shall notify, in writing, the City Administrator of the time of absence needed and the expected date of return to work.

The immediate family is defined as spouse; natural, step or legal child; parent; brother; sister; grandparent; grandchild; mother-in-law or father-in-law.

Section 9. Automobile Allowance:

City shall provide an automobile to Bergstrand suitable for her use while performing her duties as the Director of Business and Housing or compensate her if no vehicle is available at the rate of $300.00 per month in compliance with Internal Revenue Regulation Section 1.274.5T(k)(6).

Section 10. Vacation and Sick Leave:

Bergstrand shall continue to accumulate sick leave at the rate of one (1) workday for each month of employment. Bergstrand shall be permitted to accumulate an unlimited amount of sick leave.

Bergstrand shall accumulate vacation leave at the rate of twenty-one (21) working days of vacation per year. Bergstrand shall be permitted to accumulate an unlimited amount of vacation leave.

Section 11. Medical, Vision, Life, Disability and Dental Insurance:

The City shall pay one hundred percent (100%) of the premiums for Medical, Dental, Vision, Long-Term Disability and Life Insurance for Bergstrand and her eligible dependents.

Section 12. Holidays: Bergstrand is authorized to celebrate the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Lincoln's Birthday
4. President's Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. The Day After Thanksgiving Day
11. Last Workday Before Christmas Day
12. Christmas Day

Bergstrand shall be compensated for each holiday at the straight time compensation rate.

Section 13. Technology Fee:

City shall provide a technology allowance to Bergstrand in the amount of $100/month to compensate her for the use of her private cell phone and laptop/tablet for City business.

Section 14. Retirement:

Bergstrand will pay 12% of the employee share of her CalPERS retirement contribution upon commencement of this agreement. In the event that any legislation mandates that the employee share increase above 12% during the term of this agreement or any extensions, Bergstrand and City agree to negotiate terms for the implementation of any increase.

The City will continue to provide the single highest year benefit calculation and the 1959 Survivor Benefit at the 4th level for Bergstrand.

Sick Leave Conversion at the Time of Retirement:

Upon regular retirement from the City of Oroville, Bergstrand shall have the option to convert her unused sick leave balance to CalPERS service credit. In the alternative, Bergstrand may convert her unused sick leave balance to a dollar value account at the rate of one month premium for each three (3) days of accrued but unused sick leave remaining on the books at the date of retirement to pay premiums for medical, dental and vision insurance. Bergstrand may also elect to split her unused sick leave between the CalPERS service credit and dollar value account for insurance, subject to CalPERS requirements.

If Bergstrand elects to convert her unused sick leave to a dollar value account to pay for medical, dental and vision insurance and it becomes exhausted, Bergstrand shall have the option of continuing medical, dental and vision insurance coverage at her own expense, consistent with current City policy and Federal law. If, after her retirement, Bergstrand becomes deceased before her dollar value account has been completely utilized, the remaining benefits shall be available to the surviving eligible family members.

Section 15. Deferred Compensation Plan:

The City shall provide a Deferred Compensation Plan for Bergstrand. The City shall contribute 3% of Bergstrand's base salary to Bergstrand's Deferred Compensation Plan. In addition, the City shall match the first 2% that Bergstrand contributes to Bergstrand's Deferred Compensation Plan.

Section 16. Outside Employment:

During the term of the Agreement, and any extensions thereof, Bergstrand shall only accept outside employment that involves teaching or training related to her profession and any existing agreements. Any outside employment shall not interfere with Bergstrand's duties as while employed by the City and no other outside employment of any kind or character is permitted without having first obtained the prior approval of the Council.

Section 17. Dues and Subscriptions:

City agrees to budget for and to pay for professional dues and subscriptions of Bergstrand necessary for her continuation and full participation in national, regional, state and local associations and organizations as are desirable for her continued professional participation,

growth and advancement, and for the good of the City; provided, however, the amount of such dues and subscriptions shall not exceed the amount appropriated therefore in the annual budget.

Section 19. Professional Development:

A. City agrees to budget for and to pay for travel and subsistence expenses of Bergstrand for professional and official travel, meetings, and occasions to continue the professional development of Bergstrand, and to adequately pursue necessary official functions for City and such other national, regional, state and local governmental groups and committees thereof which Bergstrand serves as a member; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated therefore in the annual budget.

B. City also agrees to budget for and to pay for travel and subsistence expenses of Bergstrand for short courses, institutes and seminars that are necessary for her professional development, and for the good of the City; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated therefore in the annual budget.

Section 19. General Expenses:

City recognizes that certain expenses of a non-personal and generally job-affiliated nature shall be incurred by Bergstrand, and hereby agrees to reimburse or to pay such general expenses up to an amount not to exceed the amount provided for such purposes in the Business and Housing Department's portion of the annual City budget. The Finance Department is hereby authorized to disburse such monies in accordance with adopted City expense reimbursement policies.

Section 20. Civic Club Membership:

City recognizes the desirability of representation in and before local civic and other organizations, and Bergstrand is authorized to become a member of such civic clubs or organizations. During the term of the agreement, City, at its sole discretion, may elect to pay some or all Bergstrand's civic club membership expenses.

Section 21. Indemnification:

In addition to the requirements of state and local law, City shall defend, save harmless, and indemnify Bergstrand against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Bergstrand's duties as Business and Housing Director, except for any civil action or proceeding brought against Bergstrand for actual fraud, corruption or actual malice. City, at its sole discretion, shall compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 22. Bonding:

City shall bear the full cost of any fidelity or other bonds required of Bergstrand under any law or ordinance.

Section 23. Other Terms and Conditions of Employment:

It is understood and agreed by City and Bergstrand that Bergstrand is an "at will" employee of the City appointed by the Council under the provisions of the City Charter. As such, Bergstrand serves at the pleasure of City and is not subject to the provisions of the City of Oroville Personnel Rules and Regulations.

Section 24. Notices:

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

A. TO CITY: Mayor, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965

B. TO BERGSTRAND: Amy Bergstrand at her permanent residence address on record with the City of Oroville

Alternatively, notices required pursuant to this Agreement may be personally served to the same persons as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the United States Postal Service.

Section 25. General Provisions:

A. The text herein shall constitute the entire agreement between the parties.

B. Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Bergstrand.

C. This Agreement shall not be assigned by Bergstrand or City.

D. This Agreement shall not be modified without the written consent of Bergstrand and City.

E. If any provision, or any portion thereof, contained in this Agreement is held un-constitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Approved by the City Council of the City of Oroville at a meeting held March 16, 2022.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF OROVILLE

Charles Reynolds, Mayor

Amy Bergstrand,
Director of Business and Housing

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **EMPLOYMENT CONTRACT WITH J. PATRICK PIATT FOR POSITION OF DIRECTOR, COMMUNITY DEVELOPMENT**

DATE: **JULY 18, 2023**

SUMMARY

The Council will consider entering an employment contract between the City of Oroville and J. Patrick Piatt for the position of Director, Community Development.

DISCUSSION

A recruitment for the position of Director, Community Development was recently conducted and J. Patrick Piatt was selected for this position.

Staff have prepared an employment contract with Mr. Piatt with a starting salary of $135,486 (Step C of the Department Heads salary schedule) for a term of three years, from August 7, 2023 until August 7, 2026.

FISCAL IMPACT

There are sufficient appropriations in the Fiscal Year 2023-24 budget.

RECOMMENDATION

Adopt Resolution No. 9156 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND J. PATRICK PIATT

ATTACHMENTS:

A-3464 Employment Contract.

OROVILLE CITY COUNCIL
RESOLUTION NO. 9156

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND J. PATRICK PIATT

(Amended Agreement No. 3464)

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

1. The Mayor is hereby authorized and directed to execute an employment agreement, between the City of Oroville and J. Patrick Piatt. A copy is attached hereto as Exhibit “A”.

2. 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 July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

EMPLOYMENT AGREEMENT FOR DIRECTOR OF COMMUNITY DEVELOPMENT BETWEEN THE CITY OF OROVILLE AND J. PATRICK PIATT

This agreement is made and entered into on July 18, 2023, by and between the City of Oroville, hereinafter called "City," and J. Patrick Piatt, hereinafter called "Piatt," to be effective August 7, 2023, both of whom understand as follows:

Witnesseth:

WHEREAS, City desires to employ the services of Piatt as its Director of Community Development; and

WHEREAS, it is the desire of the City Council ("Council") of the City of Oroville, to provide certain benefits, to establish certain conditions of employment and set working conditions for Piatt; and

WHEREAS, Piatt desires to be employed as the Director of Community Development of the City.

Now, therefore, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties:

City hereby agrees to employ Piatt as Director of Community Development of City to perform the functions and duties specified for the position in the City Charter, Municipal Code of the City, and such other legally permissible and proper duties and functions as the Council shall from time-to-time assign to him.

Section 2. Term; Termination; Severance Compensation:

A. The term of this Agreement shall be effective August 7, 2023, and shall continue until August 7, 2026, at which time Piatt may request a (2) two-year extension of this contract, on or before February 7, 2025. Piatt shall give written notice to City if he wishes to extend the agreement on the same terms and conditions for an additional (2) two years. Thereafter the Council shall determine, within 30 days, whether it wishes to continue and/or extend the agreement and shall give written notice to Piatt of its decision. If the Council approves the continuation and/or extension, the parties shall meet to agree upon the terms of a new or extended agreement. If the Council disapproves the continuation and/or extension, or if the parties fail to agree upon the terms of a new or extended agreement, this agreement shall terminate as outlined above, and thereafter Piatt shall not be entitled to any compensation except for any accrued vested benefits as listed below.

B. If Piatt resigns his position as the Director of Community Development before the expiration date of the initial or any extended term of the agreement, Piatt shall give the City a 60-day written notice in advance. In such an event Piatt shall not be entitled to the severance compensation provided for in Section 2.C. The Director of Community Development, in concurrence with the Council, may reduce the required notice to not less than 30 days without penalty should Piatt make such a request.

C. As an at will employee, the City may terminate this agreement at any time with or without cause. If the City discharges Piatt from his position, without cause, as Director of Community Development, the City shall pay Piatt a lump-sum cash payment equal to six-months' salary. In addition, Piatt shall also be compensated for all vested accrued leave time, which is currently defined as all accumulated and unused vacation. The City shall not contribute any payment towards continued health insurance (i.e., COBRA) or any other benefits contained in this Agreement, including but not limited to vehicle allowance and technology allowance. However, in the event Piatt is discharged for cause or for conviction of a crime, the City shall have no obligation to pay any severance compensation except for any vested benefits. In any event, if the City chooses to terminate the agreement, Piatt shall have the opportunity to retire from City employment through PERS, in lieu of termination.

Section 3. Random Drug Testing Policy:

Piatt agrees to comply with the City of Oroville's Substance Abuse Policy Statement, as outlined in the City of Oroville's Policy and Procedures.

Section 4. Non-Industrial Injury/ Illness:

If Piatt is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period of four successive weeks beyond any accrued leave, City shall have the option to terminate the agreement, subject to the severance pay provisions of Section 2. C.: provided, however City shall be required to comply with the provisions of the Americans with Disabilities Act and the Californian Fair Employment and Housing Act.

Section 5. Salary:

The city agrees to place Piatt at Step C of the department head salary range, an annual base salary of $135,486.00 upon the effective date noted above and payable at the same time and manner as other Council Appointed Employees of the City are paid.

Section 6. Performance Evaluation:

The Council shall direct the City Administrator to complete a performance evaluation of Piatt by February 7, 2024, and then August 7th of each year of the contract and during any extension period of the contract and upon the Council's concurrence with the satisfactory review, Piatt may receive a salary adjustment of up to one step of the salary schedule for his base salary, for an overall evaluation of 'M' or better. Such review and evaluation shall be in accordance with specific criteria developed jointly by the City Administrator and Piatt. Such criteria may be added to or deleted from, as the City Administrator may determine from time to time, in consultation with Piatt. The City Administrator's evaluation of Piatt will be shared with the Mayor and Council. The Mayor and Council may add additional comments to Piatt's final evaluation.

Section 7. Hours of Work; Administrative Leave:

Employed on a full-time basis, and for optimal customer service, Piatt should perform such work during normal business hours. However, it is recognized that it shall be required to devote a great deal of time outside of normal office hours on business of the City, and to that end he shall be allowed to take 85 hours per fiscal year of Administrative Leave, unless City and Piatt

agree upon an alternate amount of leave. Piatt shall have the option to cash out up to 20 hours of administrative leave per fiscal year.

Section 8. Bereavement Leave:

When compelled to be absent from work by reason of death of an immediate family member, or when death appears imminent, Piatt shall be entitled to receive up to five (5) days Bereavement Leave, which shall not be charged against his sick leave. Before taking such leave, Piatt shall notify, in writing, the City Administrator of the time of absence needed and the expected date of return to work. The immediate family is defined as spouse; natural, step or legal child; parent; brother; sister; grandparent; grandchild; mother-in-law or father-in-law.

Section 9. Automobile Allowance:

The city shall provide an automobile to Piatt suitable for his use while performing his duties or compensate him if no vehicle is available at $300.00 per month in compliance with Internal Revenue Regulation Section 1.274.5 T(k)(6).

Section 10. Vacation and Sick Leave:

Piatt shall accumulate sick leave at the rate of one (1) workday for each month of employment. Piatt shall be permitted to accumulate an unlimited amount of sick leave.

Piatt shall accumulate vacation leave at the rate of 15 working days of vacation per year. Piatt shall be permitted to accumulate an unlimited amount of vacation.

The city recognizes Piatt is leaving an organization with substantial accruals that will be lost. The city will allow Piatt to bring 20 hours of sick leave as a one-time transfer to accommodate Piatt's transition to the City of Oroville. In addition, Piatt will be credited with a starting balance of 40 hours of vacation.

Section 11. Medical, Vision, Life, Disability and Dental Insurance:

The City shall pay one hundred percent (100%) of the premiums for Medical, Dental, Vision, Long-Term Disability and Life Insurance for Piatt and his eligible dependents.

Section 12. Holidays: Piatt is authorized to celebrate the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Lincoln's Birthday
4. President's Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Veteran's Day
9. Thanksgiving Day
10. The Day After Thanksgiving Day
11. Last Workday Before Christmas Day
12. Christmas Day

Section 13. Technology Fee:

The City shall provide a technology allowance to Piatt in the amount of $100/month to compensate him for the use of his private cell phone and laptop/tablet for City business.

Section 14. Retirement:

Piatt will pay 7% of the employee share of his CalPERS retirement contribution upon the effective date of this agreement. If any legislation mandates that the employee share increase above 7% during the term of this agreement or any extensions, Piatt and City agree to negotiate terms for the implementation of any increase.

The city will continue to provide the single highest year benefit calculation for classic CalPERS members and the 1959 Survivor Benefit at the 4th level for Piatt.

Sick Leave Conversion at the Time of Retirement:

Upon regular retirement from the City of Oroville, Piatt shall have the option to convert his unused sick leave balance to CalPERS service credit or he may convert it to a dollar value to pay premiums for medical, dental and vision insurance. Piatt may also elect to split his unused sick leave between the CalPERS service credit and dollar value account for insurance, subject to CalPERS requirements.

If Piatt elects to convert his unused sick leave to a dollar value account to pay for medical, dental and vision insurance and it becomes exhausted, Piatt shall have the option of continuing medical, dental and vision insurance coverage at his own expense, consistent with current City policy and Federal law. If, after his retirement, Piatt becomes deceased before his dollar value account has been completely utilized, the remaining benefits shall be available to the surviving eligible family members.

Section 15. Deferred Compensation Plan:

The City shall provide a Deferred Compensation Plan for Piatt. The City shall contribute 3% of Piatt's base salary to his Deferred Compensation Plan. In addition, the City shall match the first 2% that Piatt contributes to his Deferred Compensation Plan.

Section 16. Outside Employment:

During the term of the agreement, and any extensions thereof, Piatt shall only accept outside employment that involves teaching or training related to his profession and any existing agreements. Any outside employment shall not interfere with Piatt's duties while employed by the City and no other outside employment of any kind or character is permitted without having first obtained the prior approval of the Council.

Section 17. Dues and Subscriptions:

City agrees to budget for and to pay for professional dues and subscriptions of Piatt necessary for his continuation and full participation in national, regional, state, and local associations and organizations as are desirable for his continued professional participation, growth, and advancement, and for the good of the City; provided, however, the amount of such dues and subscriptions shall not exceed the amount appropriated in the annual budget.

Section 18. Professional Development:

A. City agrees to budget for and to pay for travel and subsistence expenses of Piatt for professional and official travel, meetings, and occasions adequate to continue the professional development of Piatt, and to adequately pursue necessary official functions for City and such other national, regional, state and local governmental groups and committees thereof which Piatt serves as a member; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated in the annual budget.

B. City also agrees to budget for and to pay for travel and subsistence expenses of Piatt for short courses, institutes and seminars that are necessary for his professional development, and for the good of the City; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated in the annual budget.

Section 19. General Expenses:

City recognizes that certain expenses of a non-personal and generally job-affiliated nature shall be incurred by Piatt, and hereby agrees to reimburse or to pay such general expenses up to an amount not to exceed the amount provided for such purposes in the Director Community Development's portion of the annual City budget. The Finance Department is hereby authorized to disburse such monies in accordance with adopted City expense reimbursement policies.

Section 20. Civic Club Membership:

City recognizes the desirability of representation in and before local civic and other organizations, and Piatt is authorized to become a member of such civic clubs or organizations. During the term of the agreement, City, at its sole discretion, may elect to pay some or all of Piatt's civic club membership expenses.

Section 21. Indemnification:

In addition to the requirements of state and local law, City shall defend, save harmless, and indemnify Piatt against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Piatt's duties as Director of Community Development, except for any civil action or proceeding brought against Piatt for actual fraud, corruption or actual malice. The city, at its sole discretion, shall compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 22. Bonding:

The city shall bear the full cost of any fidelity or other bonds required of Piatt under any law or ordinance.

Section 23. Other Terms and Conditions of Employment:

It is understood and agreed by City and Piatt that Piatt' is an "at will" employee of the City appointed by the Council under the provisions of the City Charter. As such, Piatt serves at the pleasure of the City Council and is not subject to the provisions of the City of Oroville Personnel Rules and Regulations.

Section 24. Notices:

Notices pursuant to the agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

A. TO CITY: Mayor, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965

B. TO PIATT: Piatt, at his permanent residence address on record with the City of Oroville

Alternatively, notices required pursuant to the agreement may be personally served to the same persons as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the United States Postal Service.

Section 25. General Provisions:

A. The text herein shall constitute the entire agreement between the parties.

B. The agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Piatt.

C. The agreement shall not be assigned by Piatt or City.

D. The agreement shall not be modified without the written consent of Piatt and City.

E. This agreement shall become effective August 7, 2023.

F. If any provision, or any portion thereof contained in the agreement is held unconstitutional, invalid, or unenforceable, the remainder of the agreement or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Approved by the City Council of the City of Oroville at a meeting held July 18, 2023.

CITY OF OROVILLE

David Pittman, Mayor

J. PATRICK PIATT

J. Patrick Piatt

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **EMPLOYMENT CONTRACT WITH FREDERICK J. MAYO FOR POSITION OF DIRECTOR, PUBLIC WORKS**

DATE: **JULY 18, 2023**

SUMMARY

The Council will consider entering an employment contract between the City of Oroville and Frederick J. Mayo for the position of Director, Public Works.

DISCUSSION

A recruitment for the position of Director, Community Development was recently conducted and J. Patrick Piatt was selected for this position.

Staff have prepared an employment contract with Mr. Mayo with a starting salary of $158,028 (Step E of the Department Heads salary schedule) for a term of three years, from July 31, 2023 until July 31, 2026.

FISCAL IMPACT

There are sufficient appropriations in the Fiscal Year 2023-24 budget.

RECOMMENDATION

Adopt Resolution No. 9157- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND FREDERICK J. MAYO.

ATTACHMENTS:

A-3465 Employment Contract.

OROVILLE CITY COUNCIL
RESOLUTION NO. 9157

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND FREDERICK J. MAYO

(Amended Agreement No. 3465)

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

1. The Mayor is hereby authorized and directed to execute an employment agreement, between the City of Oroville and Frederick J. Mayo. A copy is attached hereto as Exhibit “A”.

2. 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 July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

Agreement No. 3465

EMPLOYMENT AGREEMENT FOR DIRECTOR OF PUBLIC WORKS BETWEEN THE CITY OF OROVILLE AND FREDERICK J. MAYO

This agreement is made and entered into on July 18, 2023, by and between the City of Oroville, hereinafter called "City," and Frederick J. Mayo, hereinafter called "Mayo," to be effective July 31, 2023, both of whom understand as follows:

Witnesseth:

WHEREAS, City desires to employ the services of Mayo as its Director of Public Works; and

WHEREAS, it is the desire of the City Council ("Council") of the City of Oroville, to provide certain benefits, to establish certain conditions of employment and set working conditions for Mayo; and

WHEREAS, Mayo desires to be employed as the Director of Public Works of the City.

Now, therefore, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties:

City hereby agrees to employ Mayo as Director of Public Works of City to perform the functions and duties specified for the position in the City Charter, Municipal Code of the City, and such other legally permissible and proper duties and functions as the Council shall from time-to-time assign to him.

Section 2. Term; Termination; Severance Compensation:

A. The term of this Agreement shall be effective July 31, 2023, and shall continue until July 31, 2026, at which time Mayo may request a (2) two-year extension of this contract, on or before January 31, 2026. Mayo shall give written notice to City if he wishes to extend the agreement on the same terms and conditions for an additional (2) two years. Thereafter the Council shall determine, within 30 days, whether it wishes to continue and/or extend the agreement and shall give written notice to Mayo of its decision. If the Council approves the continuation and/or extension, the parties shall meet to agree upon the terms of a new or extended agreement. If the Council disapproves the continuation and/or extension, or if the parties fail to agree upon the terms of a new or extended agreement, this agreement shall terminate as outlined above, and thereafter Mayo shall not be entitled to any compensation except for any accrued vested benefits as listed below.

B. If Mayo resigns his position as the Director of Public works before the expiration date of the initial or any extended term of the agreement, Mayo shall give the City 60 days written notice in advance. In such an event Mayo shall not be entitled to the severance compensation provided for in Section 2.C. The Director of Public Works, in concurrence with the Council, may reduce the required notice to not less than 30 days without penalty should Mayo make such a request.

C. As an at will employee, City may terminate this agreement at any time with or without cause. If the City discharges Mayo from his position, without cause, as Director of Public Works, the City shall pay Mayo a lump-sum cash payment equal to six-months' salary. In addition, Mayo shall also be compensated for all vested accrued leave time, which is currently

defined as all accumulated and unused vacation. The City shall not contribute any payment towards continued health insurance (i.e., COBRA) or any other benefits contained in this Agreement, including but not limited to vehicle allowance and technology allowance. However, in the event Mayo is discharged for cause or for conviction of a crime, the City shall have no obligation to pay any severance compensation except for any vested benefits. In any event, if the City chooses to terminate the agreement, Mayo shall have the opportunity to retire from City employment through PERS, in lieu of termination.

Section 3. Random Drug Testing Policy:

Mayo agrees to comply with the City of Oroville's Substance Abuse Policy Statement, as outlined in the City of Oroville's Policy and Procedures.

Section 4. Non-Industrial Injury/ Illness:

If Mayo is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity, or health for a period of four successive weeks beyond any accrued leave, City shall have the option to terminate the agreement, subject to the severance pay provisions of Section 2. C.: provided, however City shall be required to comply with the provisions of the Americans with Disabilities Act and the Californian Fair Employment and Housing Act.

Section 5. Salary:

The city agrees to place Mayo at Step F of the department head salary range, an annual base salary of $158,028.00 upon the effective date noted above and payable at the same time and manner as other Council Appointed Employees of the City are paid.

Section 6. Performance Evaluation:

The Council shall direct the City Administrator to complete a performance evaluation of Mayo by July 31st of each year of the contract and during any extension period of the contract and upon the Council's concurrence with the satisfactory review, Mayo may receive a salary adjustment of up to one step of the salary schedule for his base salary, for an overall evaluation of 'M' or better. Such review and evaluation shall be in accordance with specific criteria developed jointly by the City Administrator and Mayo. Such criteria may be added to or deleted from, as the City Administrator may determine from time to time, in consultation with Mayo. The City Administrator's evaluation of Mayo will be shared with the Mayor and Council. The Mayor and Council may add additional comments to Mayo's final evaluation.

Section 7. Hours of Work; Administrative Leave:

Employed on a full-time basis, and for optimal customer service, Mayo should perform such work during normal business hours. However, it is recognized that it shall be required to devote a great deal of time outside of normal office hours on business of the City, and to that end he shall be allowed to take 85 hours per fiscal year of Administrative Leave, unless City and Mayo agree upon an alternate amount of leave. Mayo shall have the option to cash out up to 20 hours of administrative leave per fiscal year.

Section 8. Bereavement Leave:

When compelled to be absent from work by reason of death of an immediate family member, or when death appears imminent, Mayo shall be entitled to receive up to five (5) days Bereavement Leave, which shall not be charged against his sick leave. Before taking such leave, Mayo shall notify, in writing, the City Administrator of the time of absence needed and the expected date of return to work. The immediate family is defined as spouse; natural, step or legal child; parent; brother; sister; grandparent; grandchild; mother-in-law or father-in-law.

Section 9. Automobile Allowance:

The city shall provide an automobile to Mayo suitable for his use while performing his duties or compensate him if no vehicle is available at $300.00 per month in compliance with Internal Revenue Regulation Section 1.274.5 T(k)(6).

Section 10. Vacation and Sick Leave:

Mayo shall accumulate sick leave at the rate of one (1) workday for each month of employment. Mayo shall be permitted to accumulate an unlimited amount of sick leave.

Mayo shall accumulate vacation leave at the rate of 15 working days of vacation per year. Mayo shall be permitted to accumulate an unlimited amount of vacation.

The city recognizes Mayo is leaving an organization with sick leave accruals that will be lost. The city will allow Mayo to bring 20 hours of sick leave as a one-time transfer to accommodate Mayo's transition to the City of Oroville. In addition, Mayo will be credited with a starting balance of 40 hours of vacation.

Section 11. Medical, Vision, Life, Disability and Dental Insurance:

The City shall pay one hundred percent (100%) of the premiums for Medical, Dental, Vision, Long-Term Disability and Life Insurance for Mayo and his eligible dependents.

Section 12. Holidays: Mayo is authorized to celebrate the following holidays:

1. New Year's Day
2. Martin Luther King Day
3. Lincoln's Birthday
4. President's Day
5. Memorial Day
6. Independence Day
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8. Veteran's Day
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11. Last Workday Before Christmas Day
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The City shall provide a technology allowance to Mayo in the amount of $100/month to compensate him for the use of his private cell phone and laptop/tablet for City business.

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Mayo will pay 7% of the employee share of his CalPERS retirement contribution upon the effective date of this agreement. If any legislation mandates that the employee share increase above 7% during the term of this agreement or any extensions, Mayo and City agree to negotiate terms for the implementation of any increase.

The city will continue to provide the single highest year benefit calculation for classic CalPERS members and the 1959 Survivor Benefit at the 4th level for Mayo.

Sick Leave Conversion at the Time of Retirement:

Upon regular retirement from the City of Oroville, Mayo shall have the option to convert his unused sick leave balance to CalPERS service credit or he may convert it to a dollar value to pay premiums for medical, dental and vision insurance. Mayo may also elect to split his unused sick leave between the CalPERS service credit and dollar value account for insurance, subject to CalPERS requirements.

If Mayo elects to convert his unused sick leave to a dollar value account to pay for medical, dental and vision insurance and it becomes exhausted, Mayo shall have the option of continuing medical, dental and vision insurance coverage at his own expense, consistent with current City policy and Federal law. If, after his retirement, Mayo becomes deceased before his dollar value account has been completely utilized, the remaining benefits shall be available to the surviving eligible family members.

Section 15. Deferred Compensation Plan:

The City shall provide a Deferred Compensation Plan for Mayo. The City shall contribute 3% of Mayo's base salary to his Deferred Compensation Plan. In addition, the City shall match the first 2% that Mayo contributes to his Deferred Compensation Plan.

Section 16. Outside Employment:

During the term of the agreement, and any extensions thereof, Mayo shall only accept outside employment that involves teaching or training related to his profession and any existing agreements. Any outside employment shall not interfere with Mayo's duties while employed by the City and no other outside employment of any kind or character is permitted without having first obtained the prior approval of the Council.

Section 17. Dues and Subscriptions:

City agrees to budget for and to pay for professional dues and subscriptions of Mayo necessary for his continuation and full participation in national, regional, state, and local associations and organizations as are desirable for his continued professional participation, growth, and advancement, and for the good of the City; provided, however, the amount of such dues and subscriptions shall not exceed the amount appropriated in the annual budget.

Section 18. Professional Development:

A. City agrees to budget for and to pay for travel and subsistence expenses of Mayo for professional and official travel, meetings, and occasions adequate to continue the professional development of Mayo, and to adequately pursue necessary official functions for City and such other national, regional, state and local governmental groups and committees thereof which Mayo serves as a member; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated in the annual budget.

B. City also agrees to budget for and to pay for travel and subsistence expenses of Mayo for short courses, institutes and seminars that are necessary for his professional development, and for the good of the City; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated in the annual budget.

Section 19. General Expenses:

City recognizes that certain expenses of a non-personal and generally job-affiliated nature shall be incurred by Mayo, and hereby agrees to reimburse or to pay such general expenses up to an amount not to exceed the amount provided for such purposes in the Director Public Works' portion of the annual City budget. The Finance Department is hereby authorized to disburse such monies in accordance with adopted City expense reimbursement policies.

Section 20. Civic Club Membership:

City recognizes the desirability of representation in and before local civic and other organizations, and Mayo is authorized to become a member of such civic clubs or organizations. During the term of the agreement, City, at its sole discretion, may elect to pay some or all of Mayo's civic club membership expenses.

Section 21. Indemnification:

In addition to the requirements of state and local law, City shall defend, save harmless, and indemnify Mayo against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Mayo's duties as Director of Public Works, except for any civil action or proceeding brought against Mayo for actual fraud, corruption or actual malice. The city, at its sole discretion, shall compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 22. Bonding:

The city shall bear the full cost of any fidelity or other bonds required of Mayo under any law or ordinance.

Section 23. Other Terms and Conditions of Employment:

It is understood and agreed by City and Mayo that Mayo' is an "at will" employee of the City appointed by the Council under the provisions of the City Charter. As such, Mayo serves at the pleasure of the City Council and is not subject to the provisions of the City of Oroville Personnel Rules and Regulations.

Section 24. Notices:

Notices pursuant to the agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

A. TO CITY: Mayor, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965

B. TO MAYO: Mayo, at his permanent residence address on record with the City of Oroville

Alternatively, notices required pursuant to the agreement may be personally served to the same persons as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the United States Postal Service.

Section 25. General Provisions:

A. The text herein shall constitute the entire agreement between the parties.

B. The agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Mayo.

C. The agreement shall not be assigned by Mayo or City.

D. The agreement shall not be modified without the written consent of Mayo and City.

E. This agreement shall become effective July 31, 2023.

F. If any provision, or any portion thereof contained in the agreement is held unconstitutional, invalid, or unenforceable, the remainder of the agreement or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Approved by the City Council of the City of Oroville at a meeting held July 18, 2023.

CITY OF OROVILLE

David Pittman, Mayor

FREDERICK J. MAYO

Frederick J. Mayo

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR AND COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **AMENDED AND RESTATED LEGAL SERVICES AGREEMENT WITH COLE HUBER, LLP**

DATE: **JULY 18, 2023**

SUMMARY

The Council will consider an Amended and Restated Legal Services Agreement with Cole Huber, LLP for City Attorney Services.

DISCUSSION

Cole Huber, LLP, currently provides City Attorney services to the City of Oroville, and it has since 2010. The current Agreement expires on July 31, 2023. Cole Huber, LLP has proposed an Amended and Restated Agreement for City Attorney Services, which is substantially the same as the current agreement.

Currently, general legal services are billed at $200 per hour and litigation is billed at $225 per hour. The hourly fees are substantially below market rate for City Attorney and litigation services, which have been in place for two years. Cole Huber, LLP will keep the current hourly fees for another year. Cole Huber LLP is grateful for the relationship with the City and would like it to continue. The Agreement has been independently reviewed and approved by outside counsel, Mark Habib, an attorney who represents the City on some specialized matters.

If approved, the Amendment to the Agreement would be effective upon approval. The agreement would allow for an annual review of the billing rate. The City of Oroville has the right to terminate the Agreement at any time without penalty.

FISCAL IMPACT

The Amended and Restated Legal Services Agreement is in compliance with the approved budget for 2023/24 fiscal year.

RECOMMENDATION

Adopt Resolution No. 9158 - A RESOLUTION OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH COLE HUBER, LLP FOR CITY ATTORNEY LEGAL SERVICES – (Agreement No. 2004-6).

ATTACHMENTS

Resolution No. 9158
Amendment to Agreement No. 2004-6

CITY OF OROVILLE
RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED AGREEMENT WITH COLE HUBER, LLP FOR CITY ATTORNEY LEGAL SERVICES – (Agreement No. 2004-6).

NOW, THEREFORE, BE IT RESOLVED by the Oroville City Council as follows:

1. The Mayor is authorized and directed to sign and execute an amended and restated agreement with Cole Huber, LLP for City Attorney legal services.

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

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

AMENDED AND RESTATED LEGAL SERVICES AGREEMENT BETWEEN CITY OF OROVILLE AND COLE HUBER LLP

THIS AGREEMENT for legal services is entered into by and between the City of Oroville (hereinafter referred to as "City") and Cole Huber LLP (hereinafter referred to as "Law Firm"), as of July 18, 2023 (the "Effective Date").

SECTION 1. SERVICES. Subject to the terms and conditions set forth in this Agreement, Law Firm shall provide to City the services described in the Scope of Work attached hereto and incorporated herein as Exhibit A at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 Term of Services. This Agreement shall begin on the Effective Date and shall continue unless the Agreement is otherwise terminated as provided for in Section 7.

1.2 Standard of Performance. Law Firm shall perform all services required pursuant to this Agreement in the manner and according to the standards observed by a competent practitioner of the profession in which Law Firm is engaged in the geographical area in which Law Firm practices its profession. Law Firm shall prepare all work products required by this Agreement in a substantial, first-class manner and shall conform to the standards of quality normally observed by a person practicing in Law Firm's profession.

1.3 Assignment of Personnel. Law Firm shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons for any reason other than a characteristic protected under state employment laws and the California Rules of Professional Conduct, Law Firm shall, immediately upon receiving notice from City of such desire, reassign such person or persons.

1.4 Time. Law Firm shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to meet the standard of performance provided in Section 1.2 above and to satisfy Law Firm's obligations hereunder.

SECTION 2. COMPENSATION. City agrees to pay Law Firm in accordance with the Compensation Schedule provided in Exhibit B for services to be performed and reimbursable costs incurred under this Agreement. The rates and charges outlined in the Compensation Schedule shall be valid through at least June 30, 2024, and shall be reviewed annually. City shall pay Law Firm for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from City to Law Firm for services rendered pursuant to this Agreement. Law Firm shall submit all invoices to City in the manner specified herein. Except as specifically authorized by the City, Law Firm shall not bill City for duplicate services performed by more than one person.

Law Firm and City acknowledge and agree that compensation paid by City to Law Firm under this Agreement is based upon Law Firm's invoices only, and City has no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Law Firm shall submit invoices not more often than once a month during the term of this Agreement (unless requested otherwise by City), based on the cost for services performed and reimbursable costs incurred prior to the invoice date. Invoices shall contain the following information:

- The beginning and ending dates of the billing period;
- A Task Summary containing the amount of any prior billings, the total due for the period being billed for, and any outstanding sums remaining unpaid; and
- The applicable time entries showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense.

2.2 Monthly Payment. City shall make monthly payments, based on invoices received, for services satisfactorily performed and for authorized reimbursable costs incurred. City shall have thirty (30) days from receipt of an invoice to pay Law Firm.

2.3 Reimbursable Expenses. Reimbursable expenses are specified in Exhibit B, and expenses not listed in Exhibit B are not chargeable to City.

2.4 Payment of Taxes. Law Firm is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.5 Payment upon Termination. In the event that City or Law Firm terminates this Agreement pursuant to Section 7 of this Agreement, the City shall compensate the Law Firm for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Law Firm shall maintain adequate logs and timesheets in order to verify costs incurred to that date.

2.6 Authorization to Perform Services. Law Firm is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization (written or verbal) from City.

SECTION 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Law Firm shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the services required by this Agreement. City shall make available to Law Firm only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

City shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Law Firm's use while consulting with City employees and reviewing records and the information in possession of the City. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of City. In no event shall the City be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

SECTION 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Law Firm, at its own cost and expense, shall procure and maintain

professional malpractice insurance in the amount of not less than $2 million per occurrence throughout the term of this Agreement. Law Firm shall provide proof satisfactory to City of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects to the City, and that such insurance is in effect prior to commencing work under this Agreement. Law Firm shall maintain the insurance policy required by this section throughout the term of this Agreement. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

4.1 Variation. City may approve a variation in the insurance requirements upon a determination that the coverage, scope, limit, and form of such insurance is either not commercially available, or that the City's interests are otherwise fully protected.

4.2 Notice of Reduction in Coverage. In the event that any coverage required by this section is reduced, limited, or materially affected in any other manner, Law Firm shall provide written notice to City at Law Firm's earliest possible opportunity, and in no case later than five (5) days after Law Firm is notified of the change in coverage.

4.3 Remedies. In addition to any other remedies City may have if Law Firm fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option, exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Law Firm's breach:

4.3.1. Order Law Firm to stop work under this Agreement or withhold any payment that becomes due to Law Firm hereunder, or both stop work and withhold any payment, until Law Firm demonstrates compliance with the requirements hereof; and/or

4.3.2 Terminate this Agreement.

SECTION 5. STATUS OF LAW FIRM.

5.1 Independent Contractor. At all times during the term of this Agreement, Law Firm shall be an independent contractor and shall not be an employee of the City. City shall have the right to control Law Firm only insofar as the results of Law Firm's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, City shall otherwise not have the right to control the means by which Law Firm accomplishes services rendered pursuant to this Agreement. Notwithstanding any other city, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Law Firm and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of City, and entitlement to any contribution to be paid by City for employer contributions and/or employee contributions for PERS benefits.

5.2 Law Firm Not Agent. Except as City may specify in writing or as provided by law, Law Firm shall have no authority, express or implied, to act on behalf of the City

in any capacity whatsoever as an agent. Law Firm shall have no authority, express or implied, pursuant to this Agreement to bind the City to any obligation whatsoever.

SECTION 6. LEGAL REQUIREMENTS.

6.1 Governing Law. The laws of the State of California shall govern this Agreement.

6.2 Compliance with Applicable Laws. Law Firm and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

6.3 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Law Firm and any subcontractors shall comply with all applicable rules and regulations to which City is bound by the terms of such fiscal assistance program.

6.4 Licenses and Permits. Law Firm represents and warrants to the City that Law Firm and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature legally required to practice their respective professions. Law Firm represents and warrants to City that Law Firm and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals legally required to practice their respective professions. In addition to the foregoing, Law Firm and any subcontractors shall obtain and maintain during the term of this Agreement any required business licenses from City.

6.5 Nondiscrimination and Equal Opportunity. Law Firm shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Law Firm under this Agreement. Law Firm shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement.

Law Firm shall include the provisions of this subsection in any subcontract approved by the City.

SECTION 7. TERMINATION AND MODIFICATION.

7.1 Termination. City may cancel this Agreement at any time and without cause upon written notification to Law Firm. Such written notification must provide an effective date of cancellation.

Law Firm may cancel this Agreement upon sixty (60) days' written notice to City and shall include in such notice the reasons for cancellation.

In the event of termination, Law Firm shall be entitled to compensation for services performed to the effective date of termination; City, however, may condition payment of such compensation upon Law Firm delivering to City copies of any or all

reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Law Firm prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder. Originals of attorney work product shall remain the property of Law Firm.

7.2 Amendments. The parties may amend this Agreement only by a writing signed by all the parties.

7.3 Assignment. City and Law Firm recognize and agree that this Agreement contemplates personal performance by Law Firm and is based upon a determination of Law Firm's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to City for entering into this Agreement was and is the professional reputation and competence of Law Firm. Law Firm may not assign this Agreement or any interest therein without the prior written approval of the City Administrator.

7.4 Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between City and Law Firm shall survive the termination of this Agreement.

7.5 Options Upon Breach by Law Firm. If Law Firm materially breaches any of the terms of this Agreement, City's remedies shall include but not be limited to the following:

7.5.1 Immediate termination of the Agreement;

7.5.2 Retention of the plans, reports, documents, and any other work product prepared by Law Firm pursuant to this Agreement; and/or

7.5.3 Retention of a different law firm to complete any work described in Exhibit A remaining unfinished by Law Firm.

SECTION 8. KEEPING AND STATUS OF RECORDS.

8.1 Records Created as Part of Law Firm's Performance. Law Firm hereby agrees to deliver copies of all reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Law Firm prepares or obtains pursuant to this Agreement to the City upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the City and are not necessarily suitable for any future or other use. City and Law Firm agree that, until final approval by City, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of both parties.

8.2 Law Firm's Books and Records. Law Firm shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the City under this Agreement for a minimum of three (3) years,

or for any longer period required by law, from the date of final payment to the Law Firm pursuant to this Agreement.

SECTION 9. MISCELLANEOUS PROVISIONS.

9.1 Attorneys' Fees. If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees (including reasonable costs and disbursements) in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

9.2 Venue. In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the Superior Court for the County of Butte.

9.3 Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

9.4 No Implied Waiver of Breach. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

9.5 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

9.6 Conflict of Interest. Law Firm may serve other clients, but none whose activities within the corporate limits of City or whose business, regardless of location, would place Law Firm in a "conflict of interest," as that term is defined in the rules of professional responsibility governing Law Firm's profession, unless such conflict may be waived by City and City chooses to waive such conflict in writing.

Law Firm shall not employ any City official in the work performed pursuant to this Agreement. No officer or employee of City shall have any financial interest in this Agreement that would violate California Government Code section 1090 *et seq.*

Law Firm hereby warrants that although it has previously performed, and is currently performing, legal services for the City as an independent contractor, it is not now, nor has it been in the previous twelve (12) months, an employee, agent, appointee, or official of the City. If Law Firm were an employee, agent, appointee, or official of the City in the previous 12 months, Law Firm warrants that it did not participate in any manner in the forming of this Agreement. Law Firm understands that, if this Agreement is made in violation of Government Code section 1090 *et seq.*, the entire Agreement is void and Law Firm will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Law Firm will be required to reimburse the City for any sums paid to the Law Firm. Law Firm understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code section 1090 and, if applicable, will be disqualified from holding public office in the State of California.

9.8 Solicitation. Law Firm agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

9.9 Notices.

Any written notice to Law Firm shall be sent to:

Cole Huber LLP
Attn: Scott Huber
2281 Lava Ridge Court, Suite 300
Roseville, CA 95661

Any written notice to City shall be sent to:

City of Oroville
Attn: City Administrator
1735 Montgomery St.
Oroville, CA 95965

9.10 Integration. This Agreement, including attachments, represents the entire and integrated agreement between City and Law Firm and supersedes all prior negotiations, representations, or agreements, either written or oral.

9.11 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

9.12 Authorized Signature. Each person and party signing this Agreement warrants that he/she has the authority to execute this Agreement on behalf of the principal and that the party will be bound by such signature.

The parties have executed this Agreement as of the Effective Date.

CITY

CITY OF OROVILLE

By: _____
David Pittman, Mayor

LAW FIRM

COLE HUBER LLP

By_____
Derek Cole, Managing Partner

APPROVED AS TO FORM:

By_____
Mark Habib, Special Counsel

EXHIBIT A – SCOPE OF WORK

The following services shall be provided under this Agreement:

CITY ATTORNEY SERVICES

Law Firm shall provide all general counsel services customarily provided to public agencies such as the City, which include the following:

Advise the City Council, Commissions, other City officials, and staff on legal matters pertaining to municipal government, including the Brown Act and parliamentary procedures for running meetings;

Attend all City Council and other meetings as requested by the City Council and City Administrator;

Provide legal advice, consultations and opinions to the City Council, City Administrator, and staff;

Prepare and/or review all ordinances, resolutions, municipal contracts, and other contracts and agreements entered into by the City;

Alert the City in a timely manner on new State or Federal legislation or judicial decisions that may impact the City and propose appropriate action(s) to assure compliance;

Inform the City Council and recommend changes to City ordinances and policies as needed;

Research and submit legal opinions on municipal or other legal matters as requested by the City Council or City Administrator;

Review memorandums of understanding and provide guidance on personnel matters, labor relations and policies and procedures affecting employees, including employee discipline or procedures to assure compliance;

Provide legal work pertaining to land use issues including, but not limited to, property acquisitions, property disposals, public improvements, easements, dedications, the California Environmental Quality Act and public utilities;

Enforce City codes, zoning regulations, and building standards through administrative and judicial actions;

Initiate and prosecute any necessary criminal actions required to enforce municipal ordinances;

Review documents, policies, and forms to ensure compliance with current laws;

Coordinate and monitor the work and cost of special legal counsel;

Promptly respond to calls, e-mails, and correspondence from the City Council, City Officials and staff; and

Perform other non-litigation or non-specialized legal duties as requested by the City Council or City Administrator.

LITIGATION SERVICES

Upon authorization by the City, Law Firm shall represent the City in any judicial action or any administrative proceeding. Representation of the City shall include:

Preparation for and attendance at court hearings (except for hearings relating to work performed on behalf of the City to prosecute code violations and perform enforcement code functions);

Drafting of pleadings, motions, memoranda, court forms, and other litigation documents;

Research and analysis of claims, defenses, and remedies;

Drafting and responding to discovery;

Coordinating, reviewing, and summarizing discovery and document productions;

Preparing for, attending and summarizing depositions, including witness preparation and preparation of post-deposition summaries or reports;

Preparation of administrative records;

Meetings with client representatives, opposing counsel, and others concerning the litigation;

Trial and trial preparation; and

Other tasks as may be necessary to the successful completion of the litigation.

EXHIBIT B

COMPENSATION SCHEDULE AND REIMBURSABLE EXPENSES

CITY ATTORNEY SERVICES: RATES	
Attorneys (Blended):	$200.00/hour
Paralegals/Law Clerks:	$135.00/hour

Any land use, environmental, or other work that the City is being reimbursed for by a third-party shall not be subject to the retainer and will be invoiced to the City at the Firm's market rates set by Law Firm. Such work will be tracked on a per-project basis and the City shall only be responsible for payment of funds reimbursed to the City by the third-party.

Labor and personnel issues will be billed at the City Attorney Services rates, including: reviewing memorandums of understanding, labor relations and policies and procedures affecting employees, including employee discipline or procedures to assure compliance.

Litigation Services shall be provided at the following rates:

LITIGATION SERVICES: RATES	
Attorneys (Blended):	$225.00/hour
Paralegals/Law Clerks:	$135.00/hour

Costs shall be paid as follows:

COSTS	
Duplication/reproduction fees (50 pages or more)	Actual cost if performed by outside service; $0.15 if performed in-house
Vehicle travel originating from Firm's Roseville office (Litigation Only)	Applicable IRS rate per mile x number of miles
Extraordinary postage or overnight delivery costs	Actual Cost

Costs incurred in the course of investigation, research, negotiation or litigation will also be invoiced monthly. The following list of charges is included by way of example:

Parking and toll fees	Actual Cost
Extraordinary postage or overnight delivery costs	Actual Cost
Court filing fees	Actual Cost
Attorney services (includes service of process fees, arbitrators, and mediators)	Actual Cost

Messenger services	Actual Cost
Witness fees	Actual Cost
Expert fees	Actual Cost
Westlaw research	Prorated so the City would pay its proportionate share
Accurint or other database research fees	Actual Cost
Data conversion costs and forensic IT work	Actual Costs
FedEx, OnTrac Overnight, or other one-day delivery services	Actual Cost
Duplication/reproduction fees (50 pages or more)	Actual cost if performed by outside service; $.15/copy if in-house
Any other expense not listed above that becomes necessary for the successful resolution of a client matter	Actual Cost

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND CITY COUNCIL MEMBERS**

FROM: **BRIAN RING, CITY ADMINISTRATOR,**
WES ERVIN, PRINCIPAL PLANNER

RE: **FEATHER RANCH SUBDIVISION, INCLUDING EIR CERTIFICATION, GENERAL PLAN AMENDMENT GPA 23-01, ZONING CHANGE ZC 23-01 WITH ORDINANCE 1873, TENTATIVE SUBDIVISION MAP TSM 22-01, AND AN OVERRIDE OF THE BUTTE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION.**

DATE: **JULY 18, 2023**

SUMMARY

The City Council shall conduct a public hearing to consider adopting General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Tentative Subdivision Map TSM 22-01, and an override of the Airport Land Use Commission inconsistency determination for a proposed 172-unit market rate single family subdivision at APN 030-230-098 off 20th Street between Feather Avenue and Biggs Avenue.

DISCUSSION

The Council may consider approval of a Tentative Subdivision Map that would create 172 new market-rate housing units. MD3 Investments has applied to subdivide a 45-acre parcel currently zoned Airport Business Park – Airport Influence Overlay (ABP-AIO) into 172 single family lots to be zoned R-1 and averaging 7,450 square feet in size.

This project decision requires the City Council to balance the objectives of safety and noise, effective airport operations, and economic prosperity including the need for more market rate housing – all important considerations for Oroville's citizenry.

Because the project is discretionary and may create significant impacts, an Environmental Impact Report (EIR) was prepared and circulated in accordance with the California Environmental Quality Act (CEQA). Due to the significant and unavoidable environmental effects identified in the EIR, CEQA requires the City Council to approve a Statement of Overriding Considerations and certify the EIR if it ultimately approves the project.

The project's location in the Oroville Airport B1 and B2 overflight zones also requires an override of the inconsistency determination by the Butte County Airport Land Use

Commission (ALUC) for density. The density requirements in each zone are based on safety considerations supported by national crash statistics and noise contours. An override is a significant decision, so the state-mandated process for an override is lengthy and requires two 2/3 votes of the City Council at least 45 days apart.

It should also be noted that the Butte County Planning Commission at its June 22 meeting denied subdividing a nearby 22-acre parcel at Biggs and 18th Street into 110-unit single family lots solely because some of the housing was under the B2 overflight zone.

The current General Plan and zoning designation of ABP was created long ago when the city envisioned a modern industrial and research park surrounding the Airport. That vision started in the 1980's with the attraction of Spectra Physics[1] and several government office users. Now, due to the statewide housing shortage compounded locally by the nearby wildfires and spillway peril, there is much more pressure to build housing and very little demand for industrial or research space. This project would only use 45 of the 270 acres zoned ABP and would not threaten that original vision.

The Planning Commission reviewed the project at its June 22, 2023 meeting, and voted 6-0 to recommend an override of the ALUC's inconsistency determination and approval of the project. The Planning Commission also approved Variance VAR 23-01, subject to the Council's approval of the project.

Pages 3-17 of the attached June 22 Planning Commission staff report discuss in detail:

1. The required approvals:
    a. EIR Certification with Findings and a Statement of Overriding Considerations.
    b. General Plan Amendment GPA 23-01.
    c. Zone Change ZC 23-01.
    d. An Override of the Butte County Airport Land Use Commission's September 21, 2022, inconsistency determination.
    e. Variance VAR23-01 (by the Planning Commission)
    f. Tentative Subdivision Map TSM 22-01
2. The project's *three significant and unavoidable environmental impacts*:

    a. *Residential density in the Airport's area of influence*. The proposed project with a density of 3.8 homes per acre is more than the allowed 1 home per 10 acres in the B1 Zone and 1 home per 5 acres in the B2 Zone.

    b. *Noise increase from ground activity*. The project would increase ambient noise levels by more than 5 decibels -- the city's CEQA noise significance threshold. However, ambient noise levels would still be under 48 decibels and classified as "Quiet Urban Daytime". Ambient noise will need to exceed 65 decibels to be of concern.
    c. *Greenhouse gas emissions from Vehicle Miles Traveled*. The project will generate 26.7 home based trips per resident, which is 140% of Oroville's average of 19.1 trips per day per resident. State law has determined that

[1] Spectra Physics was a high tech firm based in the Bay Area, which built the facility now occupied by the Northwest Lineman College.

any project exceeding 85% of the average must be considered significant under CEQA. 85% of 19.1 is 16.2 trips per day per resident.

3. *The need for market rate housing.* The recently certified Housing Element concludes that Oroville needs at least 375 new market rate units before 2030. This project would supply almost half that need.
4. *The Airport* -- it's importance to the city and the region, and what safety and operational effects the project may have. Staff have concluded that there will not likely be any significant effect on airport safety, operations, or its ability to expand. Nor will the public be exposed to excessive noise and safety hazards.

FISCAL IMPACT

None. The project is subject to all customary fees.

RECOMMENDATION

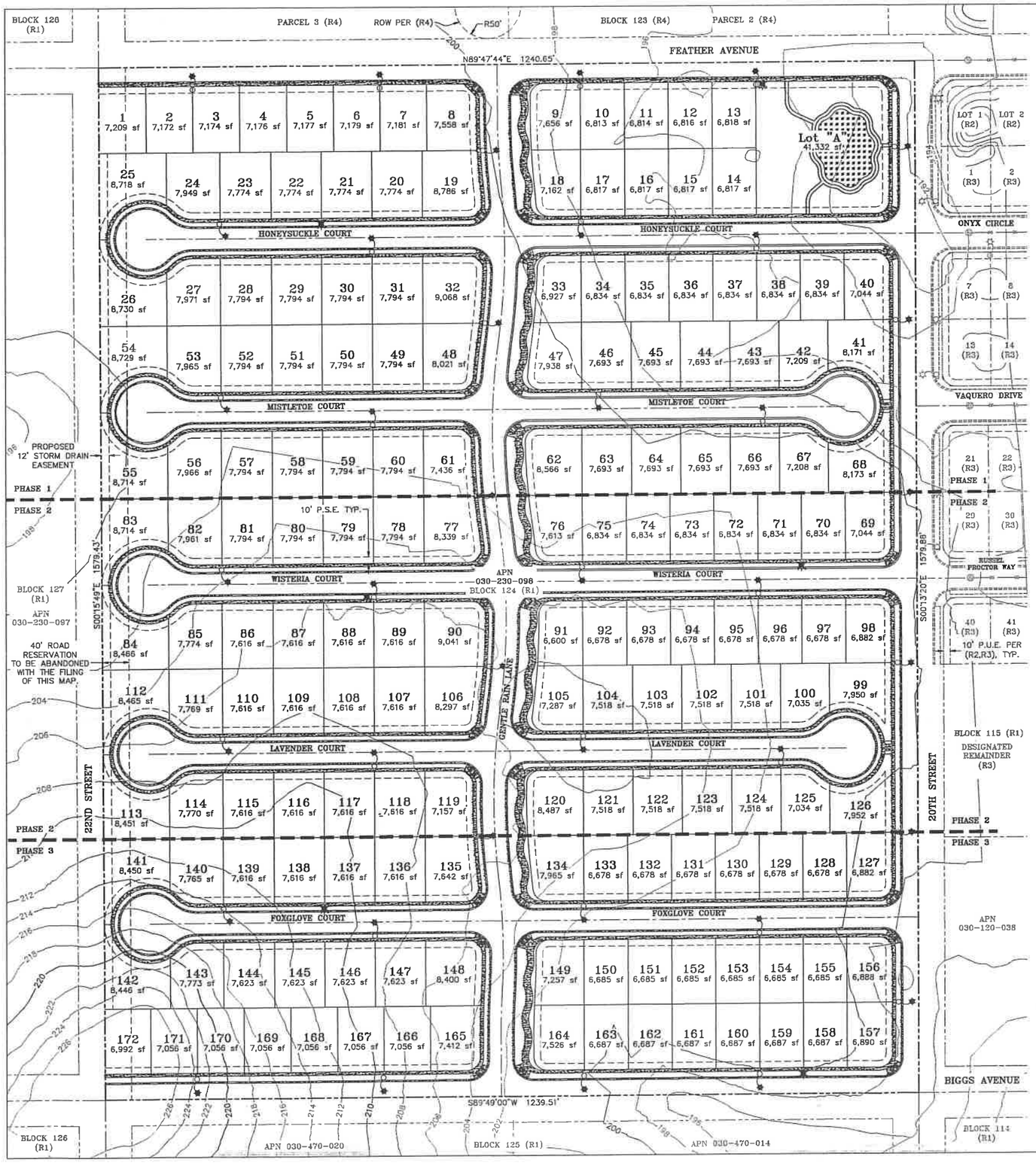
Staff recommends the following actions:

1. **Conduct a Public Hearing** on the proposed project.
2. **Adopt Resolution No. 9151 - A RESOLUTION OF THE OROVILLE CITY COUNCIL MAKING CERTAIN FINDINGS, REQUIRING CERTAIN MITIGATION MEASURES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THOSE SIGNIFICANT AND UNAVOIDABLE IMPACTS IDENTIFIED IN THE FEATHER RANCH EIR.**
3. **Certify the adequacy of the Final Environmental Impact Report**
4. **Adopt Resolution No. 9152 - A RESOLUTION OF THE OROVILLE CITY COUNCIL TO NOTIFY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE PROPOSED FEATHER RANCH SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND TO OVERRULE THE BUTTE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION FOR OROVILLE AIRPORT.**
5. **Adopt Resolution No. 9153 -- A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT GPA 23-01 AND TENTATIVE SUBDIVISION MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION AND MAKING CERTAIN FINDINGS TO THAT EFFECT.**
6. **Waive First Reading And Approve ORDINANCE 1873 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 23-01 TO REZONE ONE PARCEL OF APPROXIMATELY 45 ACRES OF LAND (APN 030-230-098) FROM AIRPORT BUSINESS PARK-AIRPORT INFLUENCE OVERLAY (APB--AIO) TO SINGLE FAMILY RESIDENTIAL (R-1) ONCE TENTATIVE MAP TSM 22-01 FOR THE**

PROPOSED FEATHER RANCH SUBDIVISION IS APPROVED.

ATTACHMENTS

1. Tentative Map TSM 22-01
2. Planning Commission June 22 staff report with:
    a. Resolution P2023-16 for Variance approval
    b. Engineers Report for TSM 22-01
    c. Draft Project Approval with conditions for TSM 22-01
    d. DEIR
    e. FEIR
    f. Mitigation, Monitoring and Reporting Program
3. Resolution 9151 with findings, Statement of overriding considerations and Mitigation Monitoring Reporting Plan;
4. Resolution 9152 for ALUCP override.
5. Resolution 9153 for GPA23-01 & TSM 22-01 approvals
6. Draft Ordinance 1873 for Zoning Change ZC 23-01—First Reading



LEGEND:

196	EXISTING GROUND CONTOUR (BUTTE COUNTY DATUM)
	SUBDIVISION BOUNDARY
	PROPOSED LOT LINE
	CENTER LINE
	EASEMENT
	PROPOSED CURB AND GUTTER
	PROPOSED CONCRETE AREA
SS 48	PROPOSED SANITARY SEWER
	PROPOSED DRAINAGE INLET
SD	PROPOSED STORM DRAIN PIPE
125.02 EG 124.75 FG	EXISTING AND FINISH GRADE
EG	EXISTING GROUND ELEVATION
FG	FINISH GRADE ELEVATION
PUE	PUBLIC UTILITY EASEMENT
PSE	PUBLIC SERVICE EASEMENT
ROW	RIGHT OF WAY
BOC	BACK OF CURB
BOW	BACK OF WALK
	EXISTING FENCE
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
W	EXISTING WATER VALVE
	EXISTING STREET LIGHT
	PROPOSED STREET LIGHT
	PROPOSED STORM DRAIN LEACH TRENCH (7) – 7' X 15' X 48' TRENCHES, 336' TOTAL, SEE DETAIL ON SHEET 5



LOCATION MAP
NTS

SUBDIVISION NOTES:

1) PARCEL MAP INFORMATION:
TOTAL ACREAGE (TO CL): 44.970
NET ACREAGE: 40.197
TOTAL NUMBER OF LOTS: 172
UNITS PER GROSS ACRE: 3.82
AVERAGE LOT SIZE: 7,450 SF

2) GRADING WILL CONSIST OF THE CONSTRUCTION OF ROADWAYS AND BUILDINGS PADS. PRELIMINARY FINISH GRADES AND TYPICAL SECTIONS ARE SHOWN ON SHEETS 2–5.

3) THE FINAL MAP WILL INCLUDE A 10' WIDE P.S.E. ALONG ALL LOT FRONTAGES AND AS SHOWN HEREON.

4) THE PARCEL LIES IN FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0788E DATED JANUARY 6, 2011.

5) STORM WATER QUANTITY AND QUALITY WILL BE PROVIDED BY DETENTION FACILITIES WITHIN THE PUBLIC RIGHT OF WAY LOCATED UNDER THE SIDEWALK. THE STORM DRAIN SYSTEM WILL BE DESIGNED TO CAPTURE TO ADDITIONAL RUNOFF DUE TO THE DEVELOPMENT OF THE PROPERTY. THE EXISTING RUNOFF WILL DRAIN INTO THE EXISTING 54" STORM DRAIN PIPE IN 20TH STREET.

6) NO WELLS OR SEPTIC SYSTEMS ARE KNOWN TO EXIST ON THE PROPERTY.

7) NO EXISTING STRUCTURES EXIST ON THE PROJECT SITE.

8) NO WATER COURSES OR AREA SUBJECT TO INUNDATION EXIST ON THE SITE. SEE NUMBER 4 ABOVE.

9) THERE ARE NO EXISTING OR PROPOSED EASEMENTS ON THE PROJECT SITE.

10) THERE ARE NO EXISTING SANITARY SEWERS, STORM DRAINS OR FIRE HYDRANTS ON THE PROJECT SITE. PROPOSED SANITARY SEWER MAINS, STORM DRAINS AND FIRE HYDRANTS TO BE SHOWN ON THE SUBDIVISION IMPROVEMENT PLANS.

11) PROPOSED LOT GRADING AND BUILDING PAD ELEVATIONS ARE SHOWN ON SHEETS 2, 3 AND 4.

12) ENGINEERING CALCULATIONS TO BE SUBMITTED WITH THE SUBDIVISION IMPROVEMENT PLANS.

13) STORM DRAINS SHOWN ON THIS MAP ARE PRELIMINARY. SIZING AND ALIGNMENT OF THE STORM DRAIN PIPES WILL BE SHOWN ON THE SUBDIVISION IMPROVEMENT PLANS.

14) PHASE 1 – LOT 1 THRU 68, PHASE 2 – LOT 69 THRU 126, PHASE 3 – LOT 127 THRU 172

N

SCALE: 1"=80'

THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION.

BY: Wesley E. Gilbert DATE: 7/25/2022

WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/22

REGISTERED PROFESSIONAL ENGINEER WESLEY E. GILBERT No. 31689 EXP. 12/31/22 CIVIL STATE OF CALIFORNIA

OWNER
ALAN HARLAN
7614 N. FRESNO STREET, #102
FRESNO, CA 93720

SUBDIVIDER:
MD3 INVESTMENTS
893 MARSH STREET
SAN LUIS OBISPO, CA 93401

ENGINEER:
W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

ASSESSOR'S PARCEL NUMBER:
030-230-098

LAND USE:
PRESENT: VACANT
FUTURE: SINGLE FAMILY RESIDENTIAL

ZONING:
PRESENT: ABP (AIRPORT BUSINESS PARK)
FUTURE: R-1

UTILITIES:
SANITARY SEWER: THERMALITO WATER AND SEWER DISTRICT
WATER: THERMALITO WATER AND SEWER DISTRICT
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
CABLE TV: COMCAST
STORM DRAIN: CITY OF OROVILLE

RECORD REFERENCES:
(R1) – RECORD OF SURVEY, BOOK 54 OF MAPS, PAGE 23
(R2) – "CALLE VISTA ESTATES, UNIT NO. 1", BOOK 126 OF MAPS, PAGES 82–85
(R3) – "CALLE VISTA ESTATES, UNIT NO. 2, PHASE 1", BOOK 174 OF MAPS, PAGES 38–42
(R4) – PARCEL MAP, BOOK 75 OF MAPS, PAGE 82

DESIGN MODIFICATIONS:
NO DESIGN MODIFICATIONS ARE REQUESTED.

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___-__
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

BEING A DIVISION OF LOTS 1–8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JULY 25, 2022

SHEET 1 OF 5

FEATHER AVENUE

HONEYSUCKLE COURT

MISTLETOE COURT

GENTLE RAIN LANE

20TH STREET

PEDESTRIAN PATH SEE DETAIL ON THIS SHEET

Lot "A" 41,332 sf 193.00 FG

STORM DRAIN BASIN (NO EXCAVATION)

STORM DRAIN OVERFLOW

10' P.S.E. TYP.

PROPOSED 12" STORM DRAIN EASEMENT

PROPOSED STORM DRAIN LEACH TRENCH, TYP.

N

SCALE: 1"=40'

SECTION A–A
REAR YARD STEP

SD BASIN LIMITS

6" DECOMPOSED GRANITE ON SELECTED NATIVE MATERIAL WITH APPROVED WEED CONTROL TREATMENT COMPACTED TO 95% RELATIVE DENSITY

PEDESTRIAN PATH
TYPICAL SECTION
N.T.S.

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___–___
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

BEING A DIVISION OF LOTS 1–8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

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JULY 25, 2022

WISTERIA COURT

WISTERIA COURT

LAVENDER COURT

LAVENDER COURT

GENTLE RAIN LANE

20TH STREET

10' P.S.E. TYP.

10' P.S.E. TYP.

PROPOSED STORM DRAIN LEACH TRENCH, TYP.

PROPOSED 12' STORM DRAIN EASEMENT

SECTION A–A
REAR YARD SECTION

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
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JULY 25, 2022

PROPOSED 12' STORM DRAIN EASEMENT

FOXGLOVE COURT

10' P.S.E. TYP.

GENTLE RAIN LANE

20TH STREET

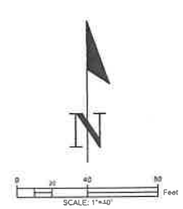
130' RETAINING WALL

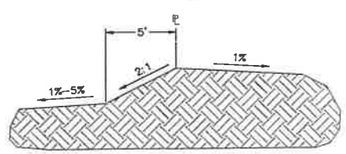
282' RETAINING WALL

BIGGS AVENUE

S89°49'00"W 1239.51'

PROPOSED STORM DRAIN LEACH TRENCH, TYP.





SECTION A-A
REAR YARD SECTION

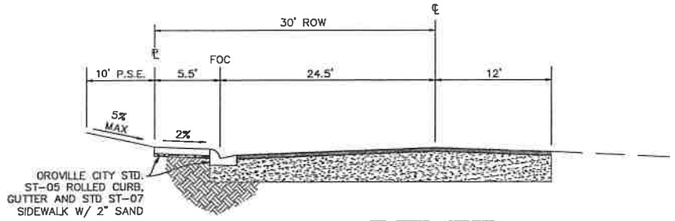
FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S __-__
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

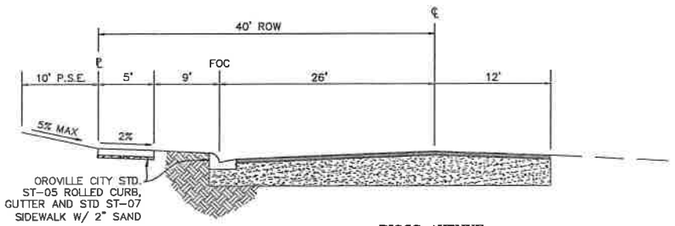
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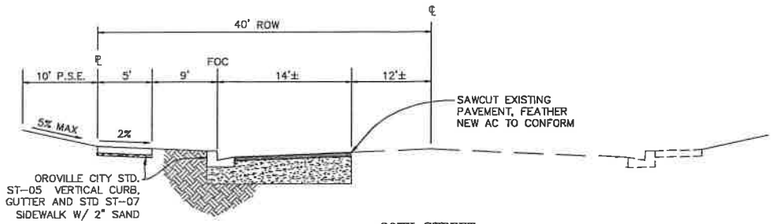
JULY 25, 2022



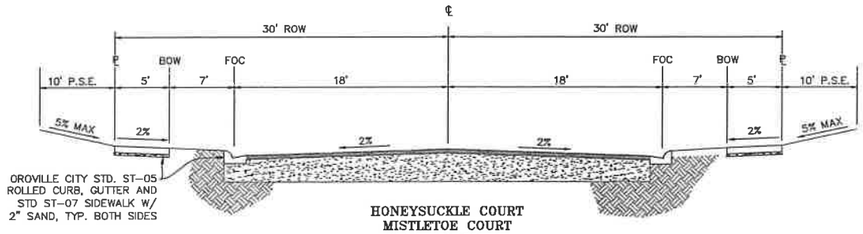
FEATHER AVENUE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



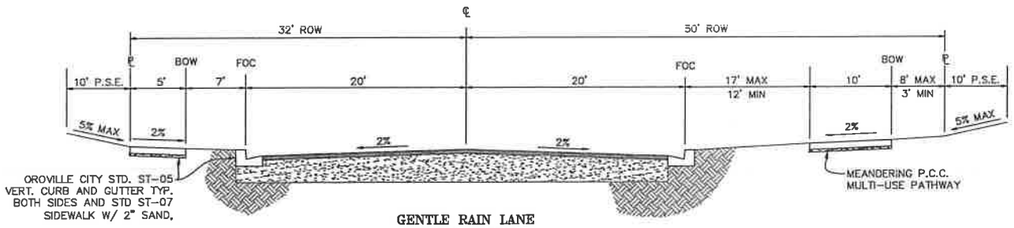
BIGGS AVENUE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



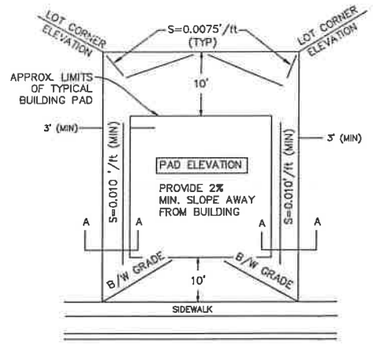
20TH STREET
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



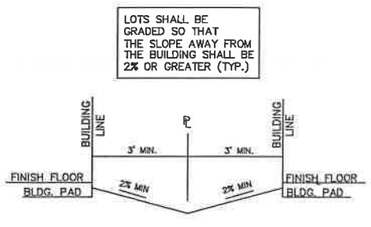
HONEYSUCKLE COURT
MISTLETOE COURT
WISTERIA COURT
LAVENDER COURT
FOXGLOVE COURT
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



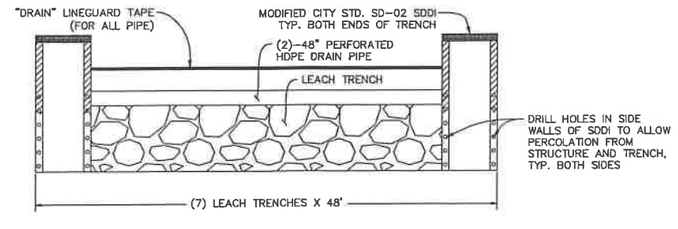
GENTLE RAIN LANE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



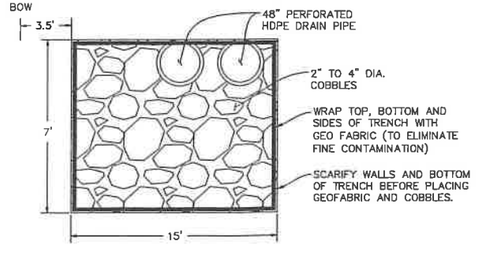
TYPICAL LOT GRADING PLAN
N.T.S.



SECTION A-A
TYPICAL SWALE DETAIL
N.T.S.



STORM DRAIN LEACH TRENCH DETAIL



STORM DRAIN TRENCH SECTION DETAIL

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___-___
(A PUBLIC STREET SUBDIVISION)

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JULY 25, 2022

City of Oroville

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

PLANNING COMMISSION STAFF REPORT **Thursday, June 22, 2023**

RE: Feather Ranch Subdivision, including a General Plan Amendment (GPA 23-01), Zoning Change (ZC 23-01), Variance VAR23-01, Tentative Subdivision Map (TSM 22-01), and an Override of the Airport Land Use Commission Inconsistency Determination.

SUMMARY: The Oroville Planning Commission will review and consider recommending that the City Council approve General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Tentative Subdivision Map TSM 22-01, and the override of the Airport Land Use Commission inconsistency determination at a +-45 Acre parcel identified as APN 030-230-098 off 20th Street between Feather Avenue and Biggs Avenue.

RECOMMENDATION: Staff recommends the following actions:

1. **Conduct a Public Hearing** on the proposed project.
2. **Adopt Resolution No. P2023-14** recommending that the City Council certify the adequacy of the Final EIR, make certain findings regarding environmental effects and mitigation measures, adopt a Statement of Overriding Considerations, and adopt the Mitigation Monitoring and Reporting Program.
3. **Adopt Resolution No. P2023-15** recommending that the City Council approve General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, approve the Tentative Subdivision Map TSM 22-01, and make certain findings to that effect.
4. **Adopt Resolution P2303-16** to approve Variance VAR23-01 to allow development at a density greater than that allowed in OMC 17.44.050 (AIA-O), subject to the relevant Council approvals, and make certain findings to that effect.
5. **Adopt Resolution No. P2023-13** recommending that the City Council override the Airport Land Use Commission's determination of "not consistent" with the ALUCP and make certain findings to that effect.

APPLICANT:	MD3 Investments
LOCATION: APN 030-230-098, west of 20th Street between Feather Avenue and Biggs Avenue	**GENERAL PLAN:** ABP (Airport Business Park) **ZONING:** ABP (Airport Business Park) **FLOOD ZONE:** Zone X

ENVIRONMENTAL DETERMINATION: An Environment Impact Report was prepared pursuant to Section 15120 of Title 14, California Code of Regulations.

REPORT PREPARED BY:	REVIEWED BY:
Wes Ervin, Principal Planner Community Development Department	Dawn Nevers, Assistant Director Community Development Department

SUMMARY

The Planning Commission may consider approval of a Tentative Subdivision Map that would create 172 new market-rate housing units, a much-needed housing type for the City. MD3 Investments has applied to convert 45 acres that are currently zoned Airport Business Park (ABP) into 172 single family lots averaging 7,450 square feet in size.

This project decision requires the Planning Commission and City Council to balance the objectives of safety and noise, airport operations, and economic prosperity including the need for more housing – all important considerations for Oroville's citizenry.

Approval requires a General Plan Amendment, a Zoning Change, and a Zoning Code Variance. Because the project is discretionary and may create significant impacts, an Environmental Impact Report (EIR) was prepared in accordance with the California Environmental Quality Act (CEQA). Due to the significant and unavoidable environmental effects identified in the EIR, CEQA requires the City Council to approve a Statement of Overriding Considerations if it ultimately approves the project.

The project's location in the B1 and B2 overflight zones also requires an override of the inconsistency determination by the Butte County Airport Land Use Commission (ALUC) for density. The density requirements in each zone are based on safety considerations supported by national crash statistics and noise. An override is a significant event, so the state-mandated process for an override is lengthy and requires two 2/3 votes of the City Council at least 45 days apart.

The current General Plan and zoning designation of ABP was created long ago when the city envisioned a modern industrial and research park surrounding the Airport. That vision started in the 1980's with the attraction of Spectra Physics[1] and several government office users. Now, due to the statewide housing shortage compounded locally by the nearby wildfires and spillway peril, there is much more pressure to build housing and very little demand for industrial or research space. This project would likely not threaten that original vision.

[1] Spectra Physics was a high tech firm based in the Bay Area, which built the facility now occupied by the Northwest Lineman College.

DETAILED DISCUSSION

MD3 Investments is proposing to subdivide and develop a 44.97-acre vacant and undeveloped parcel (APN 030-230-098) into 172 single-family detached residential lots immediately west of 20th Street with access points off Feather Avenue, Biggs Avenue, and 20th Street. The homes and streets would be developed on approximately 40.197 acres, with a 0.95-acre (41,332 s.f.) passive open space at the southwest corner of Feather Avenue and 20th Street, and a meandering multi-use path along the central roadway (Gentle Rain Lane) of the subdivision.

Improvements to 20th Street and abutting roadways include curbs, gutters and sidewalks adjacent to the project site. Sidewalks would front 20th Street, Biggs Avenue, and Feather Avenue as well as along all internal proposed roadways. Greenway space will be provided along internal sidewalks, around the proposed 0.95-acre combined storm drainage retention basin and open space at the northeastern corner of the site, and fronting 20th Street and Biggs Avenue. Storm drainage facilities are proposed throughout the project site, with connections tying in together internally, prior to tying into storm drainage facilities located within 20th street.

Required Approvals

Required approvals include a General Plan Amendment, a Zone Change, a Variance, a Tentative Subdivision Map, and an overrule of the Airport Land Use Commission's determination of Inconsistency with the Airport Land Use Compatibility Plan.

General Plan Amendment GPA 23-01

The current General Plan Land Use Designation for the site is Airport Business Park (ABP). The purpose of this land use designation is to allow for "light manufacturing, limited industrial, food processing, wholesale trade and offices" with limited retail and public assembly users to "provide for business and commercial opportunities that will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the city…."

To allow for single-family residential construction, the Council must amend the General Plan to change the Land Use Designation from ABP to Medium Low Density Residential (MLDR). This designation would allow between 3 to 6 units per acre. This designation is identical to the neighboring Calle Vista subdivision to the east, and the parcels to the north across Feather Avenue. The tentative subdivision map proposes 172 parcels on an approximately 45 acres parcel for a project density of 3.82 units per acre, within the allowed density for the MLDR land use designation.

Over 172 acres of ABP land within city limits remain vacant or underutilized with no foreseeable buildout of these parcels. Staff continues to support the location and development of compatible industrial and office users within the ABP. However, with low industrial land absorption, much of the ABP will likely remain vacant through the rest of the 2030 General Plan planning horizon and beyond. A General Plan Amendment and Zoning Change to facilitate residential development on this 45-acre parcel should not adversely affect future industrial or office development opportunities within the ABP. Staff does not recommend allowing housing any closer to the airport than this.

Zoning Change ZC 23-01

The current zoning of the site is Airport Business Park (ABP). A zoning change from ABP to single-family residential (R-1) is needed to permit single-family residential development and correspond with the underlying General Plan Amendment to MLDR. This zoning change would match the zoning of the neighboring Calle Vista subdivision and the approved Village at Ruddy Creek subdivision further to the east. The minimum lot size for R-1 zoning is 5,000 s.f. for interior lots and 6,000 s.f. for corner lots. As proposed, the average lot size of the parcels within the subdivision will be 7,450 s.f.

Zoning Code Variance for Project Density

Once the Zoning Change is approved, Oroville's Airport Influence Overlay Code 17.44.050, including Table 17.44.050, has several density restrictions for Overflight Zones B1 and B2 [2]: the restrictions are identical to the ALUCP's restrictions. Therefore, if the Council overrides the ALUC consistency determination, they should also grant a corresponding variance to the project.

Residential density: This residential project is proposed at a gross density of 3.82 units per acre, which exceeds the maximum allowable 0.1 and 0.2 units per acre in the B1 & B2 Overflight zones respectively.

Open land requirements: The 30% and 20% open land requirements in Table 17.44.050 are not met. Open land is about 3.5 acres[3] including Gentle Rain Lane and the 0.95-acre Lot A set-aside, or about 8% of the entire property. The other streets do not qualify for size because of their widths.

Population density: Regarding population density, the project equates to an average gross population density of 430 people[4] at 9.56 persons per acre, and an average single-acre density of 10.3 persons per acre. These residential concentrations are lower than would be allowed under the current ABP Zone for non-residential uses

The required findings for a variance can be found later in this staff report.

Tentative Subdivision Map TSM 22-01

The proposed map will subdivide the existing single parcel into 172 single-family detached residential lots. Lots would range in size from 6,600 s.f. up to 8,700 s.f.. The proposed subdivision is currently planned for development in three phases, with Phase 1 consisting of 68 lots, Phase 2 with 58 lots, and Phase 3 with the remaining 46 lots.

Among the project conditions is the requirement for Parkland dedication per OMC 16.16.185. The 172-unit project, with an estimated 500 residents @ 2.3 residents per

[2] The densities in the Airport Influence Area Overlay Ordinance are identical to the adopted Butte County Airport Land Use Compatibility Plan.

[3] Average lot size in the Tentative map is 7,450 square feet, equating to 29.4 acres of residential land, or 65.3% of the total acreage. Most streets are under 75' wide, too narrow to qualify as open land in the Overlay Zone, but Gentle Rain Lane is wide enough as long as future streetlights and street trees provide at least a 75-foot width without any obstructions over 4 feet high. Gentle Rain Lane consists of about 2.5 acres of land.

[4] Oroville has an average of 2.5 persons per household in 2021, per the recently Certified Oroville 2022-2030 Housing Element, Page 172.

household, will be required to dedicate 2.5 acres of parkland or pay an in-lieu fee. Discussions are ongoing between applicant, the city, and Feather River Recreation and Park District.

ALUCP Override

If the Council approves the proposed project, it must also override the ALUC's determination of inconsistency with the ALUCP. See below for a detailed discussion of that decision.

Draft Environmental Impact Report (DEIR)

The project's discretionary approvals triggered CEQA, which requires an EIR to be prepared if a project may have significant environmental impacts. ECORP Consulting of Chico completed the Initial Study in October 2022, which identified 15 potentially significant impacts[5]. The City circulated a notice of Preparation (NOP) for 30 days between November 1, 2022 and December 2, 2022, which gave agencies, citizens, and Native Tribes an opportunity to comment on the impacts which the EIR should study.

ECORP completed the DEIR, which was circulated for public review beginning on April 15, 2023 with comment ending on May 30, 2023. The DEIR concludes that all impacts would be less than significant by avoidance or mitigation measures, except:

- Hazards related to airport safety. The project could result in a safety hazard or excessive noise to people residing or working in the project area. This significant and unavoidable impact is due to the project's location under the B1 and B2 overflight zones north of Oroville Airport. The project's location and density exceeds those allowed by the Butte County Airport Land Use Compatibility Plan, is not consistent with Safety Policy 5.1 of the General Plan, and does not comply with Oroville Municipal Code 17.44.050 (AIA-O). These impacts are discussed in detail below.
- Noise related to traffic—not aircraft. The noise generated by traffic from the project's operations will increase ambient noise levels by more than 5 decibels in two segments of 20th Street and one of Feather Avenue[6]. This is a technical violation of Oroville's CEQA significance threshold. The ambient decibel level in these locations after the project is built will remain at or below 48 decibels. In spite of the technical threshold exceedance, these locations will continue as they are, an area of "Quiet Urban Daytime"[7]. Noise related to aircraft is discussed below.
- Traffic related to Vehicle Miles Traveled (VMT). The project would generate 120

[5] The potential significant effects in the Initial Study included air quality, biological resources, cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, land use and planning, noise, paleontological resources, population and housing, public services, transportation, tribal cultural resources, utilities and service systems, and mandatory findings of significance.

[6] Page 3.9-21 of the DEIR

[7] Page 3.9-2 of the DEIR.

trips distributed among 20th, 18th, Feather, and Biggs during the A.M peak hour, and 162 trips during the P.M. peak hour. This equates 26.7 home-based trips per resident, or 140 percent of the current Oroville baseline average of 19.1 trips per resident. Since this trip generation exceeds the state mandated CEQA significance threshold of 85% of baseline (or 16.2 trips per resident), the impact is significant by definition. Oroville cannot mitigate this impact with enough transit, bike and walking paths in this rural location, so it remains significant[8].

One of the key Mitigation measures in the DEIR is a recommendation to add a right turn lane on southbound 20th street at SR 162 to limit stacking by the 31 or so peak A.M. vehicles which would turn left onto SR162 from 20th street. The applicant has agreed to do so.

DEIR Comments Received by May 30

As of May 30, 2023, three comments were received, including:

- Caltrans Division of Aeronautics. The letter recommends Alternative 3 in the DEIR, which is within the density limits of the ALUCP. Otherwise recommends not approving the override or the General Plan Amendment. Notes that the need for housing does not
- A phone call from Patrick Waller of the California Pilot's Association. Mr. Waller wanted to know more about the project and stated that the Association had no position on the project, but that some local pilots may. He stated that he knew of several airports with housing closer to the runway than this proposed subdivision.
- Ted Runge, a neighbor, asked if his land could also be included in the General Plan amendment. He says he owns two 5-acre parcels immediately south of the project. Staff would oppose housing any closer to the airport than the project area.

These comments have been incorporated into the Final EIR.

Final Environmental Impact Report (FEIR)

The FEIR includes any changes to the DEIR as a result of comments received. No changes to the DEIR are considered necessary. An EIR can be certified if (1) it shows a good faith effort at full disclosure of environmental information, and (2) it provide sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Mitigation Monitoring and Reporting Plan (MMRP)

Table ES-1 of the FEIR contains a summary of proposed mitigation measures to render effects insignificant that would otherwise have been significant. All mitigation measures will be included in the final MMRRP required as conditions of approval.

Statement of Overriding Considerations

As noted above, three environmental effects are considered significant, unavoidable and potentially adverse project-specific effects that cannot be mitigated to levels of

[8] Oroville is currently in the process of establishing its own CEQA VMT thresholds that is more suited to our rural/semi-rural environment.

insignificance by the adoption of mitigation measures. If the City Council approves the project, the Council must also find that these impacts will be mitigated to the maximum extent feasible but would remain significant and unavoidable. The Council would need to make findings and prepare a statement of overriding considerations that specific economic, social, or other benefits support the approval of the proposed project.

The Importance of the Project Towards Housing Needs

For the 6th Cycle Housing Element for the 2022-2030 Planning Period, the City's Regional Housing Needs Allocation (RHNA) for above-moderate income is 375 housing units. This proposed development will assist the city in facilitating the production of housing as our region and state experience a critical housing shortage. Assuming all homes are built at an above-moderate income level, this proposed development would provide 46% of the units needed out of the allocated 375 units. For comparison, during the 5th Cycle Housing Element for the 2014-2022 Planning Period, 250 units of above-moderate income housing were produced within the city out of an allocated 784 units, only 31.9% of the need.

The Vision Statement of the General Plan states that "Oroville residents will have a choice of housing to best suit their individual lifestyles," with the goals, actions, and policies of the Land Use Element and Open Space, Natural Resources and Conservation Element further affirming the need to provide a jobs-to-housing balance within the City. According to the Butte County Association of Governments 6th Cycle RHNA Plan published December 2020, Oroville has a jobs-to-housing balance of 1.74. A typical target relationship between jobs and housing is between 1.3 and 1.6 jobs for every one housing unit, meaning that Oroville has an excess of jobs and not enough housing. Given the immense local need for housing, this project as designed with the number of units proposed is a desirable product for the city, which will help ensure the sustainable growth of the city and will provide a critical housing option within the community.

Lastly, Butte County and the vicinity have experienced several recent fires, which eliminated thousands of homes in Paradise and several unincorporated towns. The housing loss created an instant and urgent need for housing in Oroville and nearby. Paradise is being rebuilt but will not recover its former housing inventory for decades. This project should help soften some of the strong regional demand, find some permanent housing for displaced residents, and encourage some to return to the area after expatriating. Anticipated employment gains from the Oroville Hospital expansion and new industrial and commercial development will need more local housing options.

Economic Importance of the Airport to the city

Business activity, employment, sales and investment at the airport are considerable and make up a significant portion of local employment, property and sales tax revenues. It is therefore in the best interest of the city to keep the airport and its vicinity active and unimpeded. This includes the airport itself within the fence, and the industrial surroundings which employ hundreds of local workers. Many of these establishments use the airport for flights in and out during regular business operations. In addition, about 30 aircraft are permanently based there, with the attendant property tax and fuel

sales. A new helicopter and fixed wing repair facility (Fixed Base Operator) is an indication that the airport is getting more attention from the flying community.

Safety and Noise – Possible Override of the Airport Land Use Commission's Determination of Inconsistency

The property falls within the Airport Land Use Compatibility Plan (ALUCP) compatibility zone B1 and B2, adopted by the ALUC on November 15, 2017. The purpose of this plan is to promote compatibility with the airport and surrounding land uses. Compatibility zone B1 is generally set to encompass the airport's projected 55 decibel (dB) Community Noise Equivalent Level (CNEL). Compatibility zone B2 encompasses the close-in, low altitude portions of traffic patterns. Much of the neighboring Calle Vista Estates subdivision also falls within these same compatibility zone classifications.

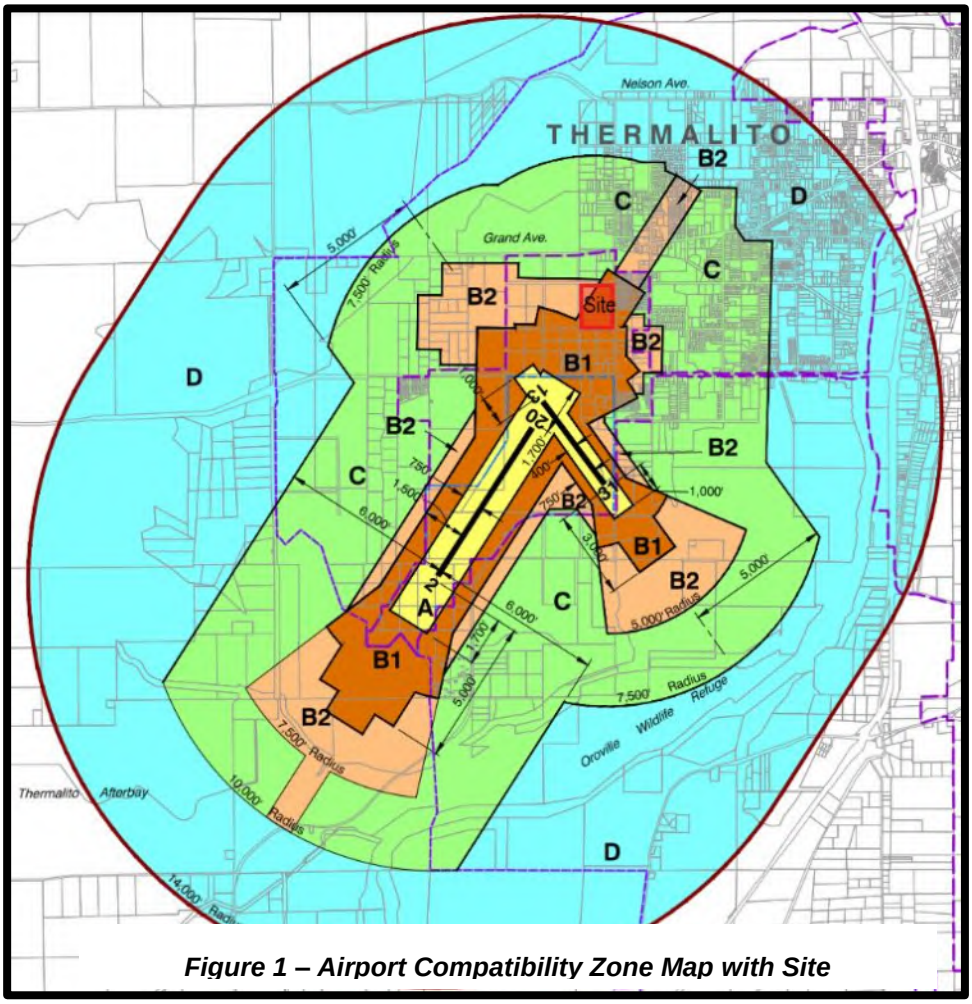


Figure 1 – Airport Compatibility Zone Map with Site

As required by the ALUCP and Section 21676(b) of the Public Utilities Code the project

applicant submitted the project to the ALUC for a consistency determination with the ALUCP. The ALUC conducted a hearing on the matter on September 21, 2022, and voted 7-0 -1[9] to find the project inconsistent with the ALUCP based on the project density.

Pursuant to Public Utilities Code Section 21676, the City Council may choose to override the ALUC's determination of inconsistency by following a two-step process. The first step is to conduct a public hearing to adopt a resolution of intent to override, a copy of which would be sent to the ALUC and State Division of Aeronautics to provide formal notification of the City's intent.

The second step in the process is that at least 45-days after notification has been sent to the ALUC and State Division of Aeronautics, the City Council may conduct a second public hearing to consider adopting a resolution to override the ALUC. At this second public hearing the City Council may also consider the project entitlement and take final action on the application.

The following points are important to consider:

- The override must be adopted by two-thirds (2/3) of the City Council.
- Specific findings supported by substantial evidence must be adopted finding that the proposed project will not:
    - Impair the orderly, planned expansion of the airport.
    - Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
    - Expose the public to excessive noise and safety hazards.

Public Utilities Code Section 21678 and the ALUCP statutes states that if the city overrules the ALUC, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the City's decision to overrule the ALUC's compatibility determination or recommendation.

Airport Land use Compatibility Plan Density

Compatibility zone B1 has a maximum density of 0.1 dwelling units per acre and compatibility zone B2 has maximum density of 0.2 dwelling units per acre. The General Plan Amendment to MLDR has an allowable density range of 3 to 6 units per acre and the project is proposing 172 parcels on approximately 45 acres for a project density of 3.82 units per acre. The ALUCP Section 3.4.5 establishes criteria for determining the density of sites split by two or more compatibility zones. The portions of the property that fall within compatibility zone B1 are considered to be a separate site from the portions of the property that fall within compatibility zone B2.

According to the ALUC staff report, approximately 35.82 acres and a proposed 134 dwelling units fall within compatibility zone B1, for a density of 3.74 units per acre.

[9] The vote was unanimous with one Commissioner recused himself since he lives very near the project area.

Approximately 9.15 acres and a proposed 38 dwelling units fall within compatibility zone B2, for a density of 4.15 units per acre. The ALUC consistency review listed five inconsistency findings for the project:

1. The MLDR General Plan Land Use Designation of up to 6 dwelling units (lots) per acre is inconsistent with the B1 maximum density of 0.1 dwelling units per acre and B2 maximum density of 0.2 dwelling units per acre.
2. The R-1 zoning allows up 6 dwelling units (lots) per acre is inconsistent with the B1 maximum density of 0.1 dwelling units per acre and B2 maximum density of 0.2 dwelling units per acre.
3. The project's proposed density of 3.74 dwelling units per acre is inconsistent with the B1 Compatibility Zone density (0.1 or more dwelling units per acre).
4. The project's proposed density of 4.15 dwelling units per acre is inconsistent with the B2 Compatibility Zone density (0.2 dwelling units per acre).
5. Most of the parcel (approximately 80%) is in the B1 Compatibility Zone. The B2 Compatibility Zone portion does not have 65% of the project site within B2 Compatibility Zone with equal to, or greater than, the proposed project. The project does not meet the criteria for infill.

The City's 2030 General Plan Safety Element Goal SAF-5, Policy P5.2 states "*Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in "large concentrations" of people shall be prohibited.*" The development proposal complies with the goals and policies of the General Plan for residential densities.

The project site is adjacent to an existing residential development to the east (Calle Vista Estates), which has a General Plan Land Use Designation of MLDR and zoning designation of R-1, identical to what is being proposed for this subdivision. In addition, the Calle Vista subdivision also falls within compatibility zones B1 and B2 and is located within the extended runway centerline zone. The ALUCP states that 30% of the land within the B1 compatibility zone, and 20% of the land within the B2 compatibility zone, should remain as open land. Approximately 240 acres of open undeveloped space is provided in the B1 compatibility zone north of the airport along runways 2-20 and 13-31. The project site has 35.82 acres within compatibility zone B1 that is proposed for development. Not counting the open space, parkland, and roads proposed for development within the subdivision, approximately 78% of the overall B1 zone would remain as undeveloped open space. Much of that land area is closest to the runways along SR 162.

Approximately 433 acres of land fall within the B2 compatibility zone north of the airport along runways 2-20 and 13-31. The project site has 9.15 acres within compatibility zone B2 that is proposed for development. Not counting open space, parkland, and roads proposed for development within the subdivision, approximately 70% of the overall B2 zone would remain as undeveloped open space.

Since the neighboring Calle Vista Estates subdivision was approved in 2005/2006, the ALUC adopted a new ALUCP in 2017 which significantly increased the footprint of the B1

and B2 compatibility zones to now include the Calle Vista Subdivision. However, no corresponding increases to airport operations have occurred and air traffic is still below projected figures.

Aircraft Operations[10] at the Airport:

The City's Airport Master Plan prepared in 1990 showed about 55,000 annual aircraft operations in 1988 and projected a steady increase in operations from 61,050 in 1989 to 72,200 in 2010. Many of the historic aircraft operations were a result of the Louisiana Pacific Company Fleet, which is no longer operating in Oroville. As such, an increase in operations has not occurred as projected, and recent data in fact shows significantly fewer actual operations. In January 2016, the airport reported approximately 36,500 annual operations, a decrease from historic levels. According to AirNav, aircraft operations averaged 99/day for a 12-month period ending November 30, 2021. This is the same as reported in 2016[11].

Oroville Airport is fortunate to have very recent 2022 Annual flight data, collected by sensors/cameras at the airport. This information does not include all flights, only those who activate their transponders. However, a 2019 study estimated that 44 percent of pilots nationwide do not yet have the mandatory transponders installed in their planes[12].

[10] An operation is either a takeoff or landing. For instance, if a pilot performs a "touch and go", that counts as two operations.

[11] AirNav uses data provided by airports, which in Oroville had not been updated since 2016. Since there is an expense involved in gathering actual flight data, it is common for small general aviation airports to have older data which tends to over-report actual operations.

[12] https://generalaviationnews.com/2019/09/19/only-44-of-ga-aircraft-equipped-with-ads-b/

OROVILLE AIRPORT OPERATIONS IN 2022						
Date range	1-1-22 thru 12-30/22					
Number of operations counted in cy 2022		4,665	tansponder flights			
Aircraft type	single prop	3,782	81.1%			
	multi prop	404	8.7%			
	jet	70	1.5%			
	helicopter	386	8.3%			
	UAV	2	0.0%			
	unknown	21	0.5%			
		4,665	**100.0%**			
				arrivals	departures	
Runway	**2 going north @ 6020'**	**343**	7.4%	239	104	
	20 going south @ 6020'	1,151	24.7%	553	598	
	13 going north@ 3540'	918	19.7%	554	364	
	31 going south @ 3540'	629	13.5%	385	244	
	subtotal	3,041	65.2%			
	unspecified	1,624	34.8%	563	1,061	
		4,665	**100%**	49%	51%	
add 44% non-transponder flights		2,053	single engine, older planes, pioneers			
Estimated Total operations per year		6,718	estimated annual operations at KOVE			
	Max annual flights northbound over Feather Ranch	**614**				
Estimated flights straight out		**307**	50% or less			
max flights per day over subdivisions		**2**	arrivals and departures			

Table 1

It should be noted that during emergency conditions, such as fires, evacuations, and other crises, airport operations increase significantly for selected periods of time. This was true during the fires in 2018 and after. The airport was actively used as a helicopter staging area for emergency operations.

Flight pattern on Runway 2-20: As the above data show, most flights to and from Runway 2-20 occur to the South, with only 7%, or no more than ~615 per year on Runway 2. Only some of these are straight out departures or straight in approaches over the proposed Feather Ranch Subdivision and the existing Calle Vista Subdivision. At a Cessna 172's climb rate of 721 feet per minute, any departing small single engine plane under average temperature and wind conditions would be about 400 feet above ground by the time it reached the first house[13]. Furthermore, any pilot who encounters engine trouble or other adverse conditions should have ample time to veer leftward to avoid flying over either subdivision.

The Airport Master Plan also identified improvements – since completed -- to extend the south end of runway 2-20 to allow southerly departures to "be over City-owned property or the publicly owned Afterbay property, with aircraft approaching from the north higher

[13] https://aviation.stackexchange.com/questions/43394/is-it-possible-to-calculate-the-distance-to-climb-to-1000-ft-in-cessna-172s

above private property north of State Route 162," which will minimize constraints to development of the land to the north.

Prevailing winds are from the SSE, which is another reason most flights land and take off southward, into the wind.[14]

Aircraft Accident Occurrence:

The Caltrans Airport Land Use Planning Handbook, which was created by the State of California, Department of Transportation, Division of Aeronautics to serve as the primary tool for use by ALUC's for airport and use planning indicates that accidents in which aircraft are under control are bunched relatively close to the runway ends—mostly within about 3,000 feet—both for arrivals and departures. Aircraft overflight of the site for both approaching or departing the airport will likely result from air traffic coming from Runway 2-20. The project site is located more than 4,000 feet from the nearest point of the airport runway. The areas within these 3,000 feet proximity to the north of the airport are largely undeveloped lands zoned ABP closest to SR162, and to the south of the airport is perpetual open space provided by the Thermalito Afterbay and Oroville Wildlife Refuge.

The RNAV[15] for the airport lists a restriction not authorizing circling northeast of Runway 13-31[16]. In addition, takeoff minimums and departing procedures for the airport require air traffic to turn away from the more developed areas northeast of the airport with climbing left turns from Runways 2 and 31 and climbing right turns from Runways 13 and 20.

Aircraft Noise

While noise was not found to be inconsistent with the ALUCP, the city's General Plan, zoning code, and the ALUCP establish regulations and criteria for noise within compatibility zones that is relevant to this project. As previously mentioned, within compatibility zone B1, the airport's projected Community Noise Equivalent Level (CNEL) is 55 decibels (dBA). This CNEL system evaluates the degree to which lands around the airport are exposed to airport-related noise depicted by a set of contours. Generally, the maximum CNEL normally acceptable for residential uses in the vicinity of an airport is 60 dBA.

New structures located within compatibility zones B1 and B2 are required to incorporate sound attenuation design features sufficient to meet the interior noise level criteria of no greater than CNEL 45 dBA. As depicted in Figure 6-4 of the ALCUP, the subject property falls just outside of the 55 dBA CNEL contour based on 72,000 future annual aircraft operations. In addition, because the subject property falls within compatibility zones B1 and B2, all dwelling units constructed will be required to be designed to provide an interior ambient noise level that does not exceed 45 dBA. City Code Section 17.44.050 requires a minimum interior ambient noise level reduction of 20 dBA (ex. *65 dB exterior – 20 dB sound attenuation = 45 dB interior ambient noise level*). Furthermore, OMC 17.44.050 requires a deed notice of airport proximity and the potential for aircraft overflights and

[14] Oroville Airport Airport Layout Plan Sheet 3 of 9 dated April 16, 2013.

[15] http://www.airnav.com/airport/kove and https://aeronav.faa.gov/d-tpp/2305/SW2TO.PDF

[16] To turn right (northeast) from that runway is in direct conflict with the established traffic pattern.

noise for each property.

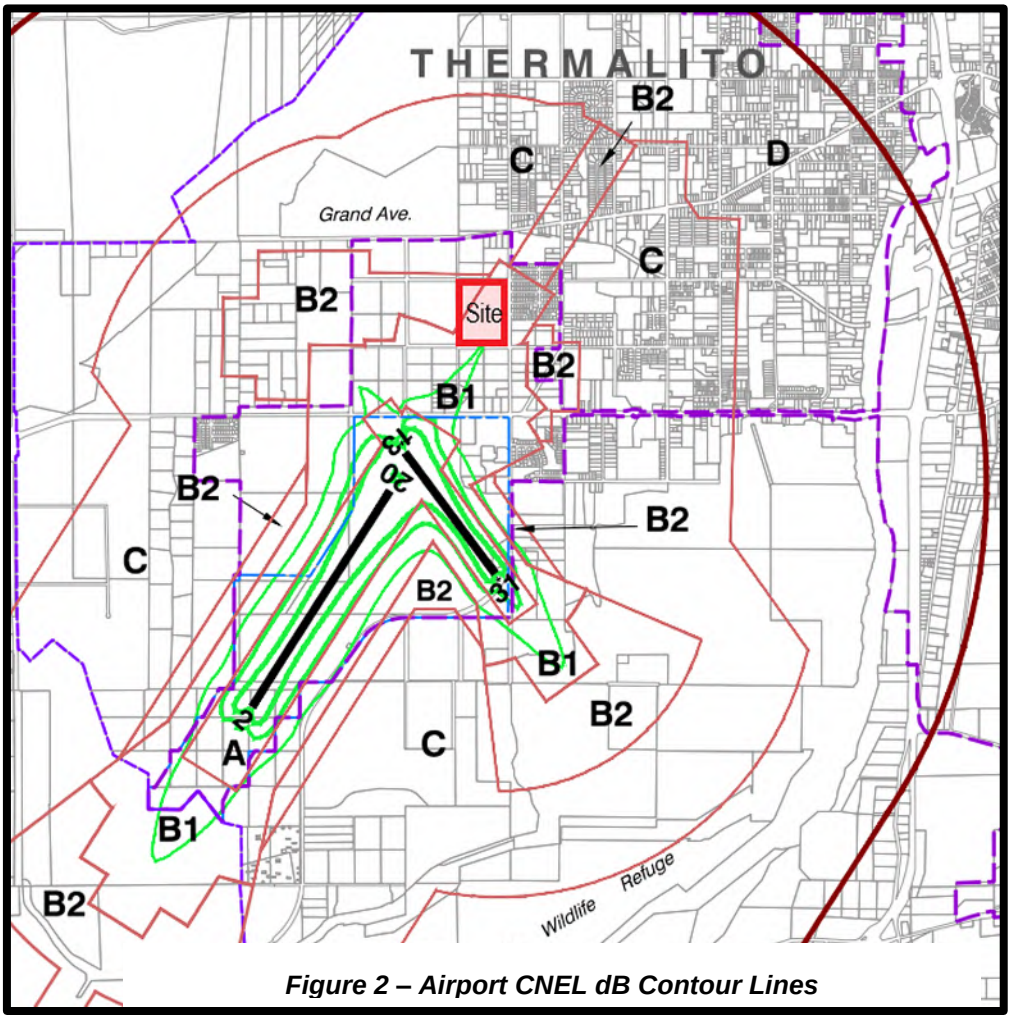


Figure 2 – Airport CNEL dB Contour Lines

ALUC Override Conclusion

The project is consistent with the ALUCP for noise and for height restrictions, but not density. Because most aircraft accidents occur on landing and takeoff and relatively few during climbing or descent[17], and because pilots are advised in Oroville's AirNav posting to veer away from housing north of the airport, staff do not consider the risk of aircraft accidents over either the existing or proposed subdivisions to be considerable enough to warrant denial of the project. Additionally, noise attenuation for homes to an internal noise level of 45dBa will be a project condition.

Given the analysis above, the project does not appear to impair the orderly, planned expansion of the airport, adversely affect the utility or capacity of the airport (such as by

[17] https://www.cliffordlaw.com/aviation-accidents-and-incidents/

reducing instrument approach procedure minimums), or expose the public to excessive noise and safety hazards based on the aforementioned information and the proposed conditions of approval on the project.

General Plan Consistency

As previously mentioned, the project is inconsistent with the following General Plan policy:

- Safety Element Policy 5.1, which requires consistency with the ALUCP. This exception will be addressed if the Council approves the proposed ALUCP Override, the proposed Statement of Overriding Considerations, and the Variance.

However, the project will further implement the following goals, policies, and actions of the General Plan:

From the Vision Statement:

- New residential growth, whatever the size or location, will be carefully regulated by the City and will be required to meet high standards for quality, appearance and integration with existing neighborhoods.

From the Guiding Principles:

- Ensure that future development enhances the existing character of our city as a whole, as well as its individual neighborhoods, and has a positive effect on our surroundings and quality of life.
- Enhance recreational opportunities and facilities in Oroville for local residents and visitors.

From the Community Design Element (Principles):

- Block, Street, and Building. At this scale, the details of the built environment—defined both by architectural and landscaping details—are proportioned to the scale of a pedestrian. Block dimensions and building designs place equal emphasis on pedestrian and vehicular uses. These more detailed design principles are addressed in Oroville's Development Code and Design Guidelines.
- High-Quality Development. All types of development that follows smart growth principles can enhance the character of a neighborhood. In a smart growth neighborhood, retail buildings are located adjacent to sidewalks, framing the street's public space and encouraging people to walk from shop to shop. They include architectural details that make the buildings more attractive and more compatible with the surrounding development. Single-family houses emphasize the front door frontage to the street rather than garages, and apartment buildings use varied building forms to give a sense of the individual dwelling units they contain. In addition, all types of development incorporate the

principles of Crime Prevention through Environmental Design (CPTED) by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance.

From the Community Design Element (Goals, Policies, and Actions):

- Require compliance with the City of Oroville Design Guidelines as part of any project approval process.
- Encourage livable street design standards for new roadway development and for improvements or rehabilitation of existing roadways. Livable Street Design Standards for Arterials, Commercial Collectors, Residential Collectors and Local Streets are illustrated in Figure CD-2 and Figure CD-3.
- New residential development shall reflect the human scale and pedestrian-oriented character of existing neighborhoods in Oroville.

From the Circulation and Transportation Element (Goals, Policies, and Actions):

- New development shall ensure that safe and efficient emergency vehicle access is provided.
- Ensure the safe and convenient movement of pedestrians throughout the City and within neighborhoods.
- Design public and private facilities to aid and encourage pedestrian activity.
- Require installation of sidewalks and/or walking paths along all city streets in newly developing areas.
- New development in Oroville will encourage pedestrian accessibility and facilitate the use of non-automobile forms of transportation.
- New development shall meet the requirements of the Americans with Disabilities Act (ADA).
- Acquire and/or require dedication of an aviation easement within the Overflight and Extended Runway Centerline (ERC) zone, as a condition of subdivision approval.

From the Safety Element, Airport Operations (Goals, Policies, and Actions):

- Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in “large concentrations” of people shall be prohibited.

From the Noise Element (Goals, Policies, and Actions):

- Include noise considerations in land use planning, transportation planning and project design decisions.
- When considering development proposals in the environs of the Oroville Municipal Airport, enforce the noise compatibility criteria and policies set forth in the adopted Butte County Airport Land Use Compatibility Plan. This includes restricting the development of residential or other noise sensitive receptor uses

within the 55 dB CNEL noise contour around the Oroville Municipal Airport.

From the Housing Element:

- Goal 1: Increase the availability of permanent housing for all community residents.
    - Policy 1.1: Encourage home ownership.
- Goal 3: Support and encourage the construction of new housing at a range of costs, types, and tenures and in quantities to meet the needs of all income groups, including the very low-, low and moderate-income groups.

Required Findings for TSM, Variance, and ALUCP Override

Required Findings for the Tentative Subdivision Map:

Pursuant to OMC Section 16.12.020(D), the City Engineer has reviewed TSM 22-01 and has deemed the map complete. The required Engineer's Report is attached.

Per OMC Section 16.12.020(F), the Planning Commission shall disapprove a tentative map if it determines that any of the following conditions apply:

1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.

   Assuming GPA 23-01 and ZC 23-01 are approved by the City Council, the subdivision will be consistent with the General Plan. There are no applicable specific plans encompassing this parcel.

2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.

   The site is immediately adjacent to single-family residential development. The current land use designation and zoning of ABP anticipates higher intensity and density for manufacturing, processing, office, or other industrial user. Infrastructure is available and adequately serving the similar residential development nearby and this project will be required to expand and/or improve the existing infrastructure to adequately serve the project.

3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   Pursuant to CEQA, an EIR was prepared for the project. The EIR confirms that there are three significant and unavoidable effects, including inconsistency with the Butte County Airport Land Use Compatibility Plan, added traffic noise, and greenhouse gas effects from vehicle miles traveled. These impacts primarily relate to the human environment and not the natural environment. None of the project's other effects will cause environmental damage to fish or wildlife or their habitat, being either not significant or mitigated to insignificance.

4. The design of the subdivision or the type of improvement is likely to cause

serious public health problems.

The subdivision was designed in accordance with Oroville Municipal Code requirements and consultation of the Oroville Design Guidelines for site design to preserve view sheds and natural features, provide development with outdoor activity options, and connectivity to surrounding neighborhoods. The design of the subdivision is similar to neighboring development that has not been shown to cause public health problems. The three significant impacts in the EIR are likely to cause serious public health problems. The development in the Airport overflight zone is about 4,000 feet from Runway 2 and the development would be less dense than is allowed under the current zoning. The traffic noise impact is technically significant and still generally in the "quiet urban daytime" range below dBA. The State-mandated VMT impacts are not mitigatable in this rural environment, but denying the project on urban VMT greenhouse gas emissions thresholds is not reasonable. The project-generated emissions would not be concentrated enough to cause serious public health problems.

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

   The site has been shown to be safe to develop in the site's soil types, and the City Engineer is satisfied with the findings of said report.

6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

   There are no conflicting public easements. The subdivision will create new public and utility easements and improve to city standards three existing roadways (20th Street, Feather Ave and Biggs Ave) along the length of the project site.

7. The proposed subdivision violates the provisions of this Chapter and no exception has been granted.

   The Engineer's Report confirms that the proposed subdivision does not violate the provisions of this chapter and no exception has been granted.

8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.

   Should the City Council approve GPA 23-01 and ZC 23-01 and the proposed variance, the proposed subdivision will not violate any provisions of zoning code OMC 17.44.050 for density and open land requirements.

9. The proposed subdivision would violate any other city ordinance or any city code provision.

The proposed subdivision will not violate any other city ordinance or city code provision. Should the City Council adopt the override of the ALUCP determination and the variance, the proposed subdivision will comply with all applicable regulations and codes.

10. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

    The Thermalito Sewer and Water (TWSD) Agency, which serves water and collects sewer discharges, is not operating under any corrective action or compliance orders.

Findings for the Variance:

As noted, the variance is a corresponding action by the City Council, which would be needed only if the Council approves the ALUC override. The planning commission shall grant a variance only upon finding all of the following, based on substantial evidence:

a. The granting of the variance is not inconsistent with the general plan or any applicable specific plan.

As noted above, the granting of the variance is inconsistent with Safety Element Policy 5.1. However, if the City Council overrides the ALUC's determination of inconsistency with the ALUCP, that inconsistency will be moot.

b. There are exceptional and extraordinary circumstances or conditions applying to the land, building or use referred to in the application that do not generally apply to other land, buildings or uses in the same district.

This subdivision project would be reviewed the same as other nearby uses with the exceptional circumstance of being in the B1 and B2 overflight zones, which other nearby properties were not at the time of approval. If the City Council overrides the ALUC's determination of inconsistency with the ALUCP, the Council should also grant the corresponding variance from OMC 17.44.050, whose text is identical to the ALUCP's with regard to allowable densities.

c. The granting of the variance will not grant a special privilege to the property.

The granting of the variance will not grant a special privilege. If granted, all subsequent development will be reviewed and conditioned exactly as all other subdivisions throughout the city of Oroville.

d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district, and that would otherwise be denied to the property in question.

The variance would convey the same property rights – i.e. a subdivision entitlement -- as those previously enjoyed by adjacent and nearby properties including the Calle Vista and Ruddy Creek subdivisions, and including the proposed Grand Acres subdivision immediately to the north of this project. Without the variance, the project would not be viable, and would be denied similar property rights already enjoyed by the neighboring properties.

e. The granting of the variance will not be materially detrimental to the public welfare.

If the City Council grants the ALUC override, there are no detrimental safety or public welfare issues to consider.

f. The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements.

The project area is adjacent to and nearby several existing similar subdivisions, and would thus be compatible with many land uses in the surrounding area.

Findings for the ALUCP override

For an override of an inconsistency determination by the ALUC, specific findings supported by substantial evidence must be adopted finding that the proposed project will not:

- Impair the orderly, planned expansion of the airport,

  The one-story homes and their distance at over 4,000 feet from the end of Runway 2 will not impair the orderly, planned expansion of the airport, all of which will occur on airport property and South of SR 162. The ABP zoning of the lands north of SR162 and closer to the airport than this subdivision are already anticipated for future industrial development in the General Plan, and are thus assumed to also not affect any future airport expansion plans.

- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums) or affecting flight patterns.

  Due to the distance from Runway 2, flight patterns, aircraft operational safety, or instrument approach procedures will not be affected. The subdivision is at the outer edge of the left traffic pattern for planes landing or taking off, so most of the estimated 780 flights per year will turn left before reaching any homes. Planes taking off to the north are advised to veer left away from existing development, which is not a difficult maneuver. Any plane flying straight north will likely be at

least 400 feet above ground level by the time it reaches either the existing Calle Vista or proposed Feather Ranch subdivisions.

- Expose the public to excessive noise and safety hazards.

  Regarding exposing the public to excessive noise and safety hazards, because of the distance from Runway 2, the project is outside the airport's 55 decibel noise contour. All new residential structures will be conditioned to be constructed to limit interior noise levels to a maximum of 45 decibels. All new homeowners will be required to acknowledge they are buying property within 2 miles of an airport, and to sign an avigation easement or other appropriate instrument authorizing plane flights over their properties.

FISCAL IMPACT

None. The project is subject to all customary fees.

PUBLIC NOTICE

Several notices about this project were distributed:

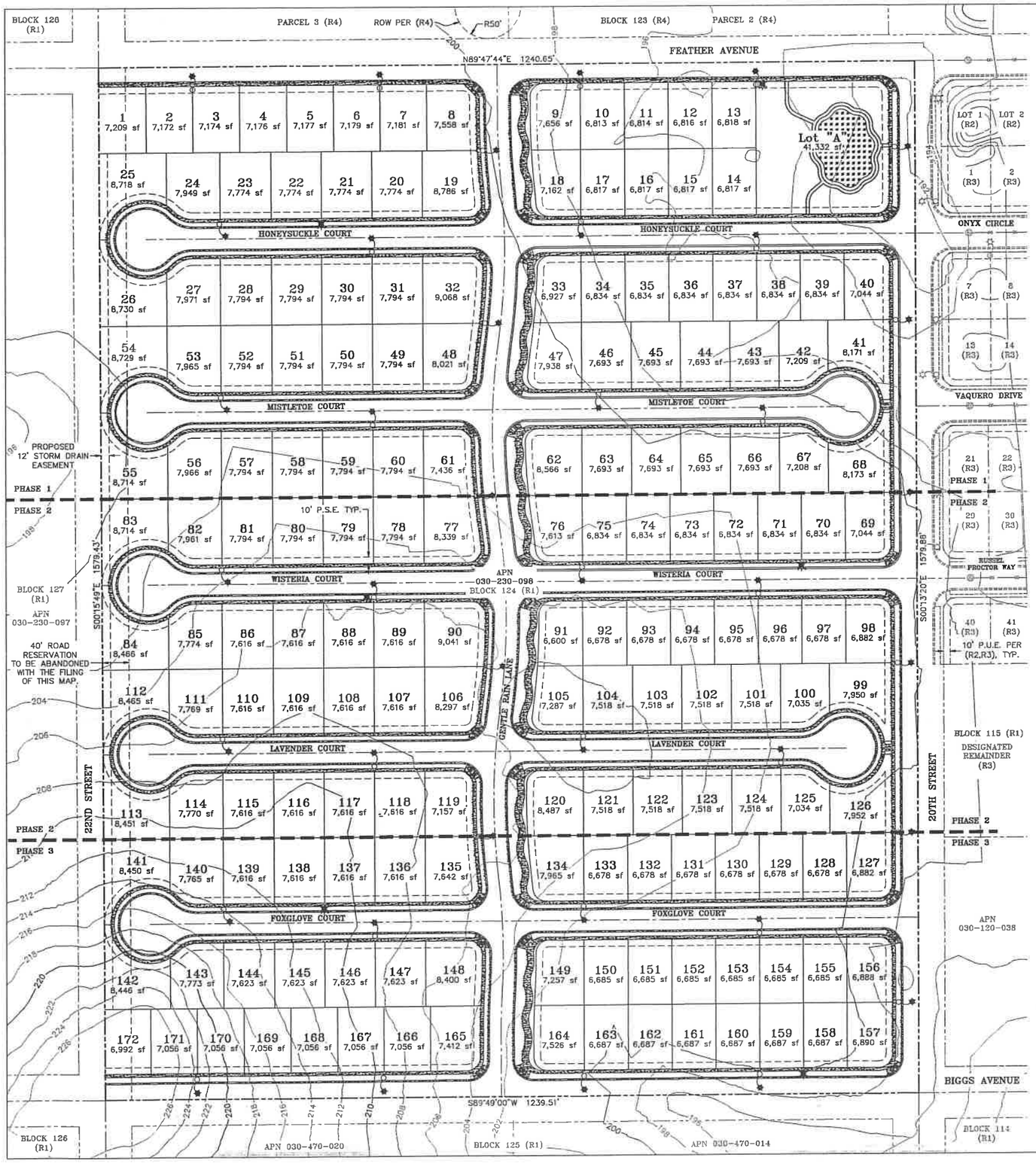
- A Notice of Preparation for the DEIR was sent on November 1, 2022, to the State Clearinghouse, and to all agencies and tribes and nearby property owners that may have an interest in the project and its environmental effects. The posting included posting at City Hall and on the city's Web Site. Comments received are detailed in Table 1-3 on Page 1-5 of the DEIR.
- A public scoping meeting about the project and DEIR was conducted on November 17, 2022, in person and by Zoom.
- The DEIR was published for 45 days on April 15, 2023 with comment period ending May 30, 2023. The posting included the State Clearinghouse, to agencies who commented on the NOP, and to local property owners within 300 feet of the property. Comments received were detailed earlier in this staff report:
- A request for comments prior to the Planning Commission meeting was prepared and circulated to local and state agencies and surrounding property owners within 300 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

ATTACHMENTS

1. Tentative Map and application materials

2. Resolution P2023-14 recommending EIR certification and Findings for Environmental effects with Statement of overriding considerations and Mitigation Monitoring Reporting Plan;

3. CEQA Findings
4. Resolution P2023-15 for GPA23-01 & ZC 23-01 & TSM 22-01 approvals
5. Resolution P2023-13 for ALUCP override recommendation.
6. Resolution P2023-16 for Variance approval
7. Engineers Report for TSM 22-01
8. Draft Conditional Project Approval for TSM 22-01
9. DEIR
10. FEIR with MMRP as Table ES-1
11. Draft Ordinance for Zoning Change ZC 23-01



LEGEND:

196	EXISTING GROUND CONTOUR (BUTTE COUNTY DATUM)
	SUBDIVISION BOUNDARY
	PROPOSED LOT LINE
	CENTER LINE
	EASEMENT
	PROPOSED CURB AND GUTTER
	PROPOSED CONCRETE AREA
SS	PROPOSED SANITARY SEWER
	PROPOSED DRAINAGE INLET
SD	PROPOSED STORM DRAIN PIPE
125.02 EG 124.75 FG	EXISTING AND FINISH GRADE
EG	EXISTING GROUND ELEVATION
FG	FINISH GRADE ELEVATION
PUE	PUBLIC UTILITY EASEMENT
PSE	PUBLIC SERVICE EASEMENT
ROW	RIGHT OF WAY
BOC	BACK OF CURB
BOW	BACK OF WALK
	EXISTING FENCE
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	EXISTING WATER VALVE
	EXISTING STREET LIGHT
	PROPOSED STREET LIGHT
	PROPOSED STORM DRAIN LEACH TRENCH (7) – 7' X 15' X 48' TRENCHES, 336' TOTAL, SEE DETAIL ON SHEET 5



LOCATION MAP
NTS

SUBDIVISION NOTES:

1) PARCEL MAP INFORMATION:
TOTAL ACREAGE (TO CL): 44.970
NET ACREAGE: 40.197
TOTAL NUMBER OF LOTS: 172
UNITS PER GROSS ACRE: 3.82
AVERAGE LOT SIZE: 7,450 SF

2) GRADING WILL CONSIST OF THE CONSTRUCTION OF ROADWAYS AND BUILDINGS PADS. PRELIMINARY FINISH GRADES AND TYPICAL SECTIONS ARE SHOWN ON SHEETS 2–5.

3) THE FINAL MAP WILL INCLUDE A 10' WIDE P.S.E. ALONG ALL LOT FRONTAGES AND AS SHOWN HEREON.

4) THE PARCEL LIES IN FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0788E DATED JANUARY 6, 2011.

5) STORM WATER QUANTITY AND QUALITY WILL BE PROVIDED BY DETENTION FACILITIES WITHIN THE PUBLIC RIGHT OF WAY LOCATED UNDER THE SIDEWALK. THE STORM DRAIN SYSTEM WILL BE DESIGNED TO CAPTURE TO ADDITIONAL RUNOFF DUE TO THE DEVELOPMENT OF THE PROPERTY. THE EXISTING RUNOFF WILL DRAIN INTO THE EXISTING 54" STORM DRAIN PIPE IN 20TH STREET.

6) NO WELLS OR SEPTIC SYSTEMS ARE KNOWN TO EXIST ON THE PROPERTY.

7) NO EXISTING STRUCTURES EXIST ON THE PROJECT SITE.

8) NO WATER COURSES OR AREA SUBJECT TO INUNDATION EXIST ON THE SITE. SEE NUMBER 4 ABOVE.

9) THERE ARE NO EXISTING OR PROPOSED EASEMENTS ON THE PROJECT SITE.

10) THERE ARE NO EXISTING SANITARY SEWERS, STORM DRAINS OR FIRE HYDRANTS ON THE PROJECT SITE. PROPOSED SANITARY SEWER MAINS, STORM DRAINS AND FIRE HYDRANTS TO BE SHOWN ON THE SUBDIVISION IMPROVEMENT PLANS.

11) PROPOSED LOT GRADING AND BUILDING PAD ELEVATIONS ARE SHOWN ON SHEETS 2, 3 AND 4.

12) ENGINEERING CALCULATIONS TO BE SUBMITTED WITH THE SUBDIVISION IMPROVEMENT PLANS.

13) STORM DRAINS SHOWN ON THIS MAP ARE PRELIMINARY. SIZING AND ALIGNMENT OF THE STORM DRAIN PIPES WILL BE SHOWN ON THE SUBDIVISION IMPROVEMENT PLANS.

14) PHASE 1 – LOT 1 THRU 68, PHASE 2 – LOT 69 THRU 126, PHASE 3 – LOT 127 THRU 172

SCALE: 1"=80'

THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME, OR UNDER MY DIRECTION.

BY: Wesley E. Gilbert DATE: 7/25/2022

WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/22

REGISTERED PROFESSIONAL ENGINEER WESLEY E. GILBERT No. 31689 EXP. 12/31/22 CIVIL STATE OF CALIFORNIA

OWNER
ALAN HARLAN
7614 N. FRESNO STREET, #102
FRESNO, CA 93720

SUBDIVIDER:
MD3 INVESTMENTS
893 MARSH STREET
SAN LUIS OBISPO, CA 93401

ENGINEER:
W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

ASSESSOR'S PARCEL NUMBER:
030-230-098

LAND USE:
PRESENT: VACANT
FUTURE: SINGLE FAMILY RESIDENTIAL

ZONING:
PRESENT: ABP (AIRPORT BUSINESS PARK)
FUTURE: R-1

UTILITIES:
SANITARY SEWER: THERMALITO WATER AND SEWER DISTRICT
WATER: THERMALITO WATER AND SEWER DISTRICT
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
CABLE TV: COMCAST
STORM DRAIN: CITY OF OROVILLE

RECORD REFERENCES:
(R1) – RECORD OF SURVEY, BOOK 54 OF MAPS, PAGE 23
(R2) – "CALLE VISTA ESTATES, UNIT NO. 1", BOOK 126 OF MAPS, PAGES 82–85
(R3) – "CALLE VISTA ESTATES, UNIT NO. 2, PHASE 1", BOOK 174 OF MAPS, PAGES 38–42
(R4) – PARCEL MAP, BOOK 75 OF MAPS, PAGE 82

DESIGN MODIFICATIONS:
NO DESIGN MODIFICATIONS ARE REQUESTED.

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___-__
(A PUBLIC STREET SUBDIVISION)

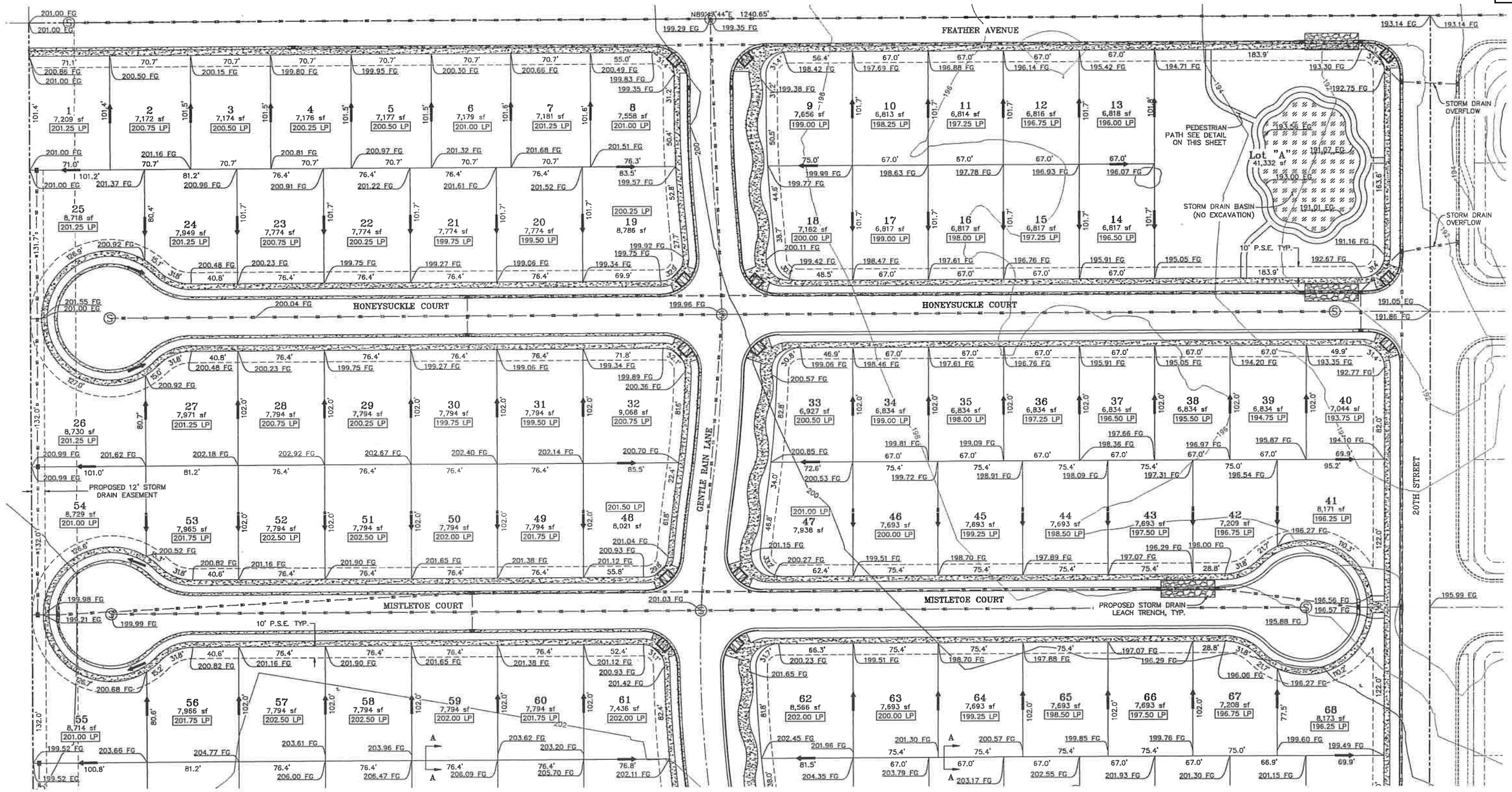
FOR
MD3 INVESTMENTS

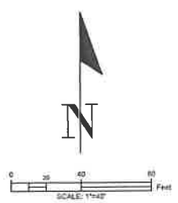
BEING A DIVISION OF LOTS 1–8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

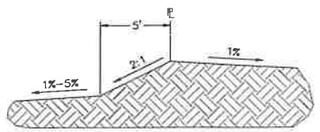
W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JULY 25, 2022

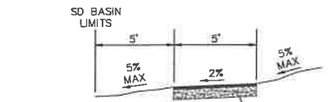
SHEET 1 OF 5







SECTION A–A
REAR YARD STEP



6" DECOMPOSED GRANITE ON SELECTED NATIVE MATERIAL WITH APPROVED WEED CONTROL TREATMENT COMPACTED TO 95% RELATIVE DENSITY

PEDESTRIAN PATH
TYPICAL SECTION
N.T.S.

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___-___
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

BEING A DIVISION OF LOTS 1–8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

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(530) 809–1315

JULY 25, 2022

WISTERIA COURT

WISTERIA COURT

LAVENDER COURT

LAVENDER COURT

GENTLE RAIN LANE

20TH STREET

10' P.S.E. TYP.

10' P.S.E. TYP.

PROPOSED STORM DRAIN LEACH TRENCH, TYP.

PROPOSED 12' STORM DRAIN EASEMENT

N

SCALE: 1"=40'

SECTION A–A
REAR YARD SECTION

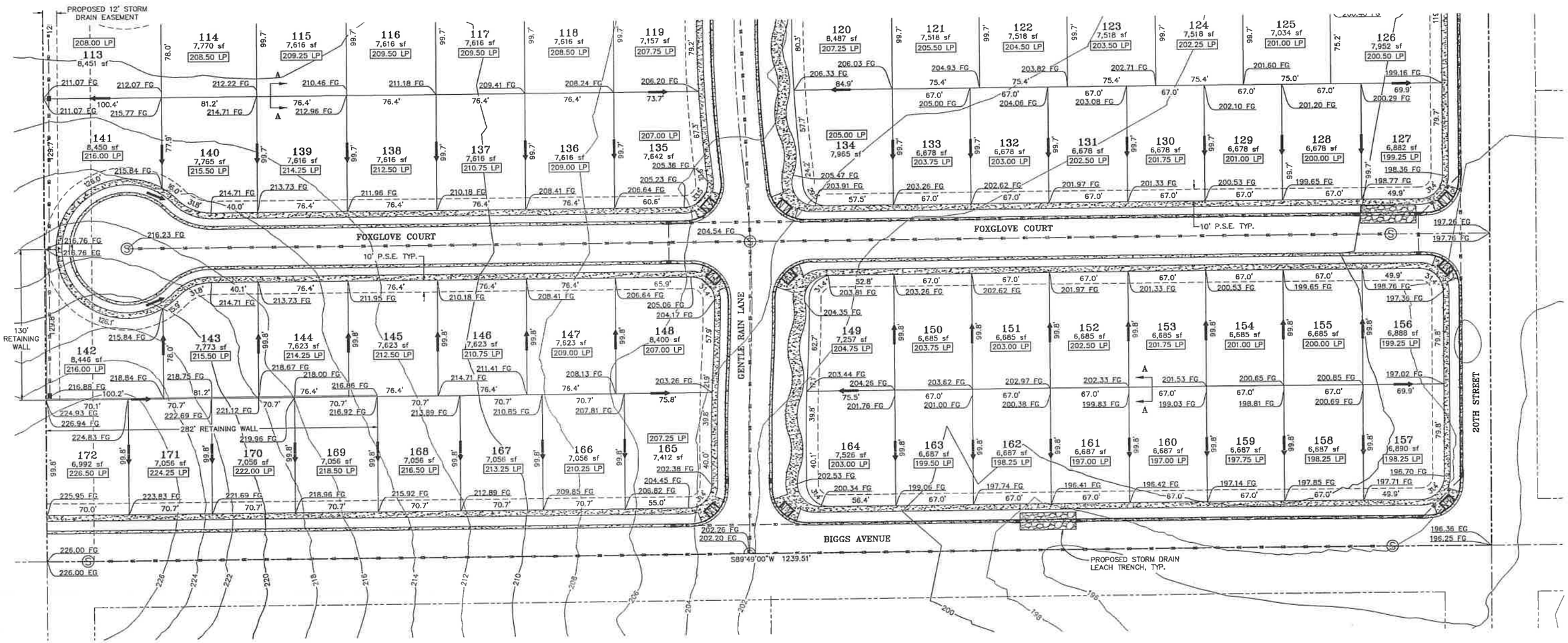
FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___–___
(A PUBLIC STREET SUBDIVISION)

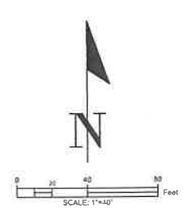
FOR
MD3 INVESTMENTS

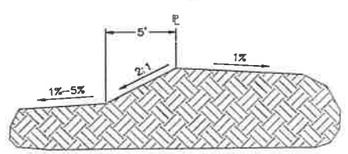
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(530) 809–1315

JULY 25, 2022







SECTION A–A
REAR YARD SECTION

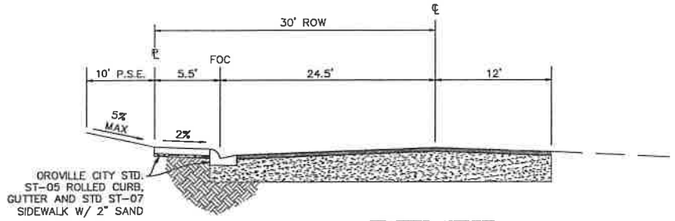
FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S __-__
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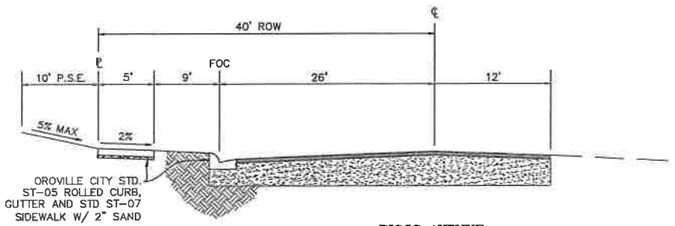
W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JULY 25, 2022



FEATHER AVENUE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING

N.T.S.

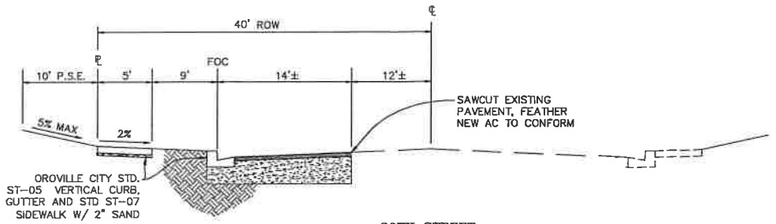


BIGGS AVENUE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING

N.T.S.

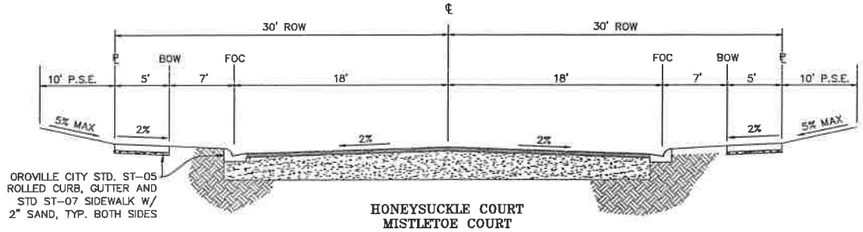
GENTLE RAIN LANE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING

N.T.S.



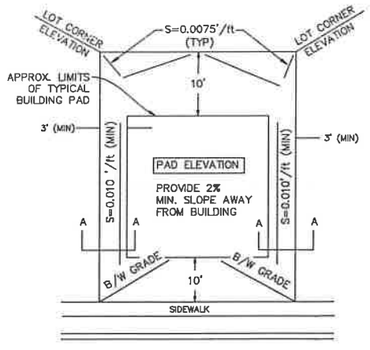
20TH STREET
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING

N.T.S.



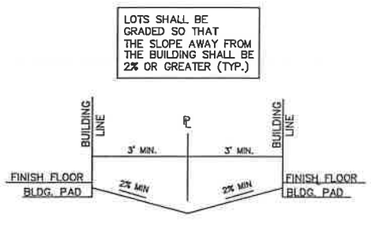
HONEYSUCKLE COURT
MISTLETOE COURT
WISTERIA COURT
LAVENDER COURT
FOXGLOVE COURT
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING

N.T.S.



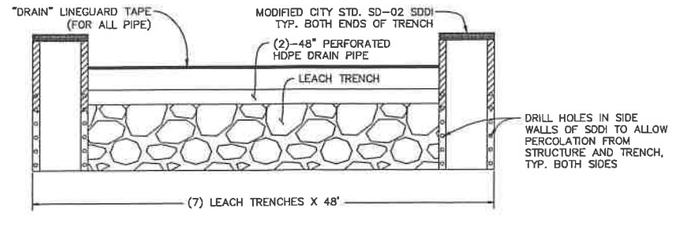
TYPICAL LOT GRADING PLAN

N.T.S.

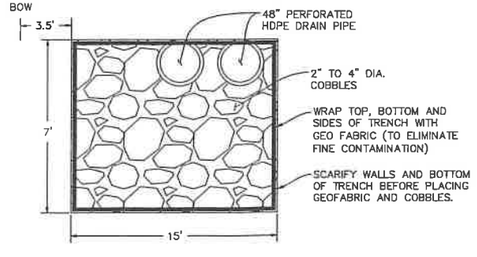


SECTION A-A
TYPICAL SWALE DETAIL

N.T.S.



STORM DRAIN LEACH TRENCH DETAIL



STORM DRAIN TRENCH SECTION DETAIL

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___-___
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

BEING A DIVISION OF LOTS 1-8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JULY 25, 2022

W. GILBERT ENGINEERING
Civil Engineering / Land Surveying

140 Yellowstone Drive, Suite 110 • Chico, CA 95973
Phone: (530) 809-1315 • Fax: (530) 588-9030
www.wgilbertengineering.com

July 26, 2022

City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Attn: Wes Irvin

Subject: Feather Ranch Vesting Tentative Subdivision Map
(APN 030-230-098)

Dear Wes:

The following items are enclosed for use in determining the completeness of an application for The Feather Ranch Vesting Tentative Subdivision Map:

- Completed and signed Planning Division General Application
- Completed and signed Tentative Map Application
- Completed and signed Zone Change/General Plan Amendment
- Preliminary title report dated June 15, 2021
- Letter requesting waiver of preliminary soils investigation dated July 26, 2022
- Four (4) full-size copies and one (1) 11" by 17" copy of the Tentative Subdivision Map
- Check made out in the amount of $16,212.37 for application fees.

Please review the attached information and return any comments to this office for processing. Thank you for your assistance.

Sincerely,

W. Gilbert Engineering

Wesley E. Gilbert, P.E.
President, W.G. Civil Engineers, Inc.
dba W. Gilbert Engineering

Enclosures

Cc: MD3 Investments

DocuSign Envelope ID: D090697S-FTFF-4E1D-8EEB-E152A95AF9FA

City of Oroville

Planning Division - Community Development Department

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

TRAKIT#:

PLANNING DIVISION GENERAL APPLICATION

(Please print clearly and fill in all that apply)

APPLICANT'S INFORMATION		Project's:	Engineer
Name:	Alan Harlan	Name:	Wesley E. Gilbert
Address:	7614 N Fresno St. #102, Fresno CA 93720	Company:	W. Gilbert Engineering
Phone:	5593072148	Address:	140 Yellowstone Drive, Chico, CA 95973
Email:	AlHarlan@gmail.com	Phone:	(530) 809-1315
Is the applicant the Owner? ☑	If applicant is **Not** the owner, please provide owner /agent authorization on the reverse side.	Email:	wes@wgilbertengineering.com

DEVELOPMENT PROJECTS & OTHER APPLICATIONS (Please check all that apply)

☐	Annexation	☐	Landmark /Modification/Demolition	☐	Tentative Parcel Map
☐	Appeal	☐	Mining and Reclamation Plan	☑	Tentative Subdivision Map
☐	Development Review	☐	Pre-Application	☐	Use Permit
☐	Final Map	☐	Residential Density Bonus	☐	Variance
☑	General Plan Amendment/Rezone	☐	Temporary Use	☐	Wireless Communication Facilities
☐	Landmark Designation	☐	Tentative Map Extension	☐	Zoning Clearance
☐	Other: (Please Specify)				

ADMINISTRATIVE PERMITS (Please check all that apply)

☐	Adult Oriented Business	☐	Outdoor Storage	☐	Special Event
☐	Home Occupation	☐	Outdoor Display & Sales	☐	Street Closure
☐	Large Family Day Care	☐	Second Dwelling Unit	☐	Tree Removal
☐	Mobile Food Vendor	☐	Sign/Temporary Sign Permit		
☐	Other: (Please Specify)				

*Please provide a letter addressed to the Planning Division with a detailed description for the proposed project. Please include any site plans, maps, aerials, photos, and other relevant information that will help us in processing your application.
** Any time a set of plans is required, three (3) sets of drawings shall be submitted, unless otherwise directed.

PROJECT INFORMATION

Project Name: Feather Ranch Subdivision	Proposed Structure(s) (Sq Ft.): TBD
Address: Feather Avenue	Existing Structure(s) (Sq Ft.): None
Nearest Cross Street: Feather Avenue and 20th Street	Water Provider: Thermalito Water and Sewer
Assessor Parcel Number: 030-230-098	School District: Oroville Unified School District
Lot Size (Acres): 44.97	Number of Dwelling Units: 172

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: DocuSigned by: 1EA07AA4581641A6 Date: 7/21/2022

OFFICE USE ONLY

General Plan:		Zoning:		Zoning Conformity:		APN:					
File#		Overlay Zoning:		Minimum Setbacks:	FY		RY		SY		

DocuSign Envelope ID: D090B979-F1FF-4E1D-8EEB-E152A95AF9FA

AGENT AUTHORIZATION

To the City of Oroville, Department of Community Development

NAME OF AGENT:	Michael Stoltey	PHONE NUMBER:	(805) 710-7866
COMPANY NAME:	MD3 Investments	EMAIL:	md3investments@gmail.com
ADDRESS:	893 Marsh Street	CITY/ST/ZIP:	San Luis Obispo, CA 93401

AGENT SIGNATURE: DocuSigned by: Michael Stoltey

Is hereby authorized to process this application on my/our property, identified as Butte County Assessor Parcel Number (s):

030-230-098

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, but not including document (s) relating to record title interest.

Owner(s) of Record (sign and print name)

1)	Alan Harlan	DocuSigned by:	7/21/2022
	Print Name of Owner	Signature of Owner	Date
2)			
	Print Name of Owner	Signature of Owner	Date
3)			
	Print Name of Owner	Signature of Owner	Date
4)			
	Print Name of Owner	Signature of Owner	Date
	Alan Harlan	alharlan@gmail.com	7-21-22
	Owner's Mailing Address	Owner's Email	Owner's Phone #

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable

DocuSign Envelope ID: D090697S-FTFF-4E1D-8EEB-E152A95AF9FA

City of Oroville
Planning Division - Community Development Department
1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530)
538-2426 www.cityoforoville.org

TRAKIT#:

TENTATIVE MAP APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		TYPE OF MAP - Please select all that apply:	
☐	Completed and signed Application Forms	☐	**Tentative Parcel Map:** $3,500.34 (Deposit) + $210.02 (6% Tech Fee) = $3,710.36
☐	Application Fee(s) Paid	☑	**Tentative Subdivision Map:** $4,041.06 (Deposit) + $242.46 (6% Tech Fee) = $4,283.52
*Additional fees from the Fire Department and Public Works Division may apply for their review.		☐	**Vesting Tentative Map:** Same as Tentative Subdivision Map

MAP REQUIREMENTS

The tentative map shall be prepared in a manner acceptable to the city and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall be clearly and legibly drawn and shall contain not less than the following unless requested and specifically waived by the department director:

Four (4) 24" x 36' copies, folded to 8 ½" x 11", and one (1) 8 ½" x 11" copies of the tentative map and grading plan prepared by a Registered civil engineer, drawn to scale and containing the following:

a. Name and address of property owner of record, subdivider and engineer.
b. Project name, date prepared, north arrow, scale, and list of utility purveyors.
c. Vicinity map.
d. Existing zoning and land use.
e. Existing topography, note contour interval of site to 100%, with 2 or 5 foot intervals for slopes greater than 10%.
f. Type, location, and drip line of existing trees over 8 inches in diameter at breast height (DBH).
g. Location of existing structures, including wells and septic system, with notation "to remain" or "to be abandoned / removed."
h. Location, width, and direction of flow of each water course and any area subject to water inundation.
i. Location, width and name of existing streets, right-of-way or pavement.
j. Widths, location and identity of all existing and proposed easements.
k. Proposed street location, grade, centerline and radius of curves, pavement, right-of-way width and street names. Show typical sections of all streets.
l. Location and size of existing and proposed sanitary sewer mains, storm drains and fire hydrants.
m. Lot layout and dimensions including parcel size.
n. Proposed lot grading, building pad elevation, top and toe of cut and fill slopes, and approximate location of street grades. Include a separate grading plan for subdivisions.
o. Proposed trails, parks, school sites, and common areas for public or private use.
p. Phasing sequence, if any.
q. The subdivider, or subdivider's designated agent, shall file a tentative parcel map application with the Zoning Administrator. The submitted material shall conform to the requirements of the Zoning Administrator as to form and content. Rules governing form and content shall conform to the requirements of Section 66445 of the Government Code and shall require enough information to ensure adequate consideration.
r. The subdivider shall specify any deviation from city standards and the justification for such deviation.
s. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

Upon the written request of the subdivider, the department may waive any of the above tentative map requirements if the department determines that the type of subdivision does not justify compliance with these requirements, or if the department determines that other circumstances justify a waiver. The department may require other drawings, data, or information as deemed necessary by the department to accomplish the purposes of the Subdivision Map Act.

Vesting Tentative Maps are processed in the same manner as regular tentative maps with the exception that all discretionary approvals required prior to issuance of the construction permits must be obtained prior to action of the tentative map. Vesting maps must comply with City requirements and Subdivision Map Act requirements. A Vesting Map protects the right to develop and obtain building permit(s) even if land use regulations change between the time when approvals are obtained and building permit(s) are issued.

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REQUIRED DATA / REPORTS	
The tentative map shall be accompanied by the following data and reports:	
☒	1. **Street Names.** A list of proposed street names for any unnamed street or alley for review by the city engineer.
☐	2. **Soils Report.** A preliminary soils report prepared in accordance with the provisions of chapter 70 (Excavation and Grading) of the Uniform Building Code shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision. Waiver of Preliminary Soils report
☒	3. **Title Report.** Current Title Report, less than 6 months old.
☐	4. **Environmental Review.** Information shall be submitted as required by the department to allow a determination on environmental review to be made in accordance with CEQA. The subdivider shall deposit and pay all fees as may be required for the preparation and processing of environmental review documents. EIR to be Prepared
☒	5. **Preliminary Engineering Calculations.** Information shall be submitted as required by the standard engineering specifications to demonstrate the adequacy of the design of the proposed improvements. Such information shall include design parameters and engineering calculations.
☒	6. **Phasing.** If the subdivider plans to file multiple final maps on the tentative map, he shall submit a written notice to this effect to the community development director.
☐	7. **Arborist Report.** If oak trees exist on the property, 3 copies of an Arborist Report. N/A No on-site trees
☐	8. **Other Reports.** Any other data or reports deemed necessary by the department.
An application will not be considered as complete until all of the information has been submitted to the Planning Department. Information required will vary by type of map (parcel / subdivision). Incomplete applications will not be processed.	

REQUIRED DATA / REPORTS	
By initialing below, I acknowledge and agree to the following:	
☒	1. The applicant shall defend, indemnify, and hold harmless the City, and each of its officers, employees and agents, from and against any and all claims, actions and proceedings, within the time period set forth in Government Code section 66499.37, to attack, set aside, void or annul any of the decisions or determinations which the City makes in connection with the approval of the tentative parcel map or with the adoption of any environmental document relating thereto under the California Environmental Quality Act (CEQA). The applicant shall reimburse the City and each of its officers, employees and agents for any costs, including but not limited to court costs, awards to plaintiff/ petitioner for costs and attorneys' fees and any other litigation expenses that the City may be required to pay to plaintiff/petitioner because of such approval or adoption. The City shall reasonably cooperate in the defense of any such litigation, which duty to cooperate shall include the following
☒	a. The City shall notify the applicant promptly of any claim, action or proceeding of which it becomes aware.
☒	b. The City shall have the right to retain legal counsel of its choice, at the sole cost and expense of the City, to defend the City in litigation, but such defense shall not relieve the applicant of any obligation imposed by this indemnity.
☒	c. The applicant shall have the right to approve any settlement.

APPLICANT'S SIGNATURE			
I hereby certify that the information provided in this application is, to my knowledge, true and correct.			
Signature:	DocuSigned by:	Date:	7/21/2022

OFFICE USE ONLY			
Approved By:		Date:	
Payment:		Number:	

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.
Technology cost recovery fees are non-refundable

City of Oroville

Planning Division - Community Development Department

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

TRAKIT#:

ZONE CHANGE / GENERAL PLAN AMENDMENT

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		TYPE OF PERMIT	
☐	Completed and signed Application Forms	☑	General Plan Amendment: $3,946.84 (Deposit) + $236.81 (6% Tech Fee) = $4,183.65
☐	Application Fee Paid	☑	Zone Change: $3,104.02 (Deposit) + $186.24 (6% Tech Fee) = $3,290.26
		☐	Prezone: $3,104.02 (Deposit) + $186.24 (6% Tech Fee) = $3,290.26

**** Provide a copy of recorded documents showing current ownership and legal description of affected parcels. If the rezone involves more than 1 parcel, a petition must be submitted, signed by a minimum of 60% of the owners of the affected parcels.**

PROJECT INFORMATION

Assessor Parcel Number (APN)	Zoning		General Plan Land Use Designation	
	Existing	Proposed	Existing	Proposed
1) 030-230-098	1) ABP	1) R-1	1) ABP	1) MLDR
2)	2)	2)	2)	2)
3)	3)	3)	3)	3)
4)	4)	4)	4)	4)
5)	5)	5)	5)	5)
6)	6)	6)	6)	6)
7)	7)	7)	7)	7)
8)	8)	8)	8)	8)
9)	9)	9)	9)	9)

REASONS FOR PROPOSED CHANGE

To develop a 172 lot single-family residential subdivision and neighborhood park. The average lot size is 7,450 square feet. The subdivision improvements and amenities include streets improved with curb, gutter and sidewalk, a pedestrian/bike path along the major north-south street and a neighborhood park containing walking paths and storm water detention basin.

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: _____ Date: 7-26-22

OFFICE USE ONLY

Approved By:		Date:	
Payment:		Number:	

ADDITIONAL INFORMATION

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable

W. GILBERT ENGINEERING
Civil Engineering / Land Surveying

140 Yellowstone Drive, Suite 110 • Chico, CA 95973
Phone: (530) 809-1315 • Fax: (530) 588-9030
www.wgilbertengineering.com

July 26, 2022

City of Oroville
Public Works Department
1735 Montgomery Street
Oroville, CA 95965

Attn: Matt Thompson, City Engineer

Subject: Feather Ranch Vesting Tentative Subdivision Map
(APN 030-230-098)

Dear Matt:

The purpose of this letter is to request a waiver of the preliminary soils report and geologic reconnaissance report for the Feather Ranch Vesting Tentative Subdivision Map. A soils report and geologic reconnaissance will be prepared for the subdivision map before starting the subdivision improvement plans.

Thank you for your consideration. Please call this office if you have any questions or need additional information.

Sincerely,

W. Gilbert Engineering

Wesley E. Gilbert, P.E.
President, W.G. Civil Engineers, Inc.
dba W. Gilbert Engineering

Cc: MD3 Investments

RESOLUTION NO. P2023-14

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR TENTATIVE SUBDIVISION MAP TSM 22-01 – THE PROPOSED FEATHER RANCH SUBDIVISION -- AND MAKE CERTAIN FINDINGS, REQUIRE CERTAIN MITIGATION MEASURES, AND ADOPT OF STATEMENT OF OVERRIDING CONSIDERATIONS FOR THOSE SIGNIFICANT AN UNAVOIDABLE IMPACTS IDENTIFIED IN THE EIR

.

WHEREAS, the application was filed by MD3 Investments for Tentative Subdivision Map TSM 22-01 to convert 45-acre APN 030-230-098 now zoned Airport Business Park (ABP) into 172 single family housing lots zoned Single Family Residential (R1); and

WHEREAS, the property is designated APB- AIO (Airport Influence Overlay) by the Oroville General Plan and Zoning Code, which limits development to a maximum density of 0.1 and 0.2 dwelling units per acre; and

WHEREAS, the proposed project has a density of 3.8 dwelling units per acre, which exceeds the limits in the Butte County Airport Land Use Plan (ALUCP); and

WHEREAS, an initial study was prepared, which identified several potentially significant effects, which triggered an Environmental Impact Report (EIR); and

WHEREAS, while the Environmental Impact Report concluded that most effects were less than significant or less than significant with mitigation, the document nevertheless identified three significant and unavoidable effects; and

WHEREAS, the EIR was circulated for the requisite 45-day comment period, three comments were received, and a Final Environmental Impact Report (FEIR) was duly prepared; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings and a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of Tentative Subdivision Map TSM 22-01 described herein, and also considered the City's staff report regarding the change.

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

1. The Planning Commission recommends that the City Council:
    a. Certify the Final Environmental Impact Report.
    b. Adopt the attached Environmental findings, mitigation measures, and Statement of Overriding Considerations.
    c. Approve General Plan Amendment GPA 23-01.
    d. Approve Zoning Change ZC 23-01 with certain required findings.
    e. Conduct a two-thirds vote to Intend to Override the ALUC's inconsistency determination.
    f. Notify the Bute County ALUC and California Division of Aeronautics of the Council's intent to override the ALUC's inconstancy determination.
    g. After the required 45-day waiting period for comments from the ALUC and Division of Aeronautics, Override the ALUC's inconsistency determination.
    h. Approve Tentative Parcel Map TSM 22-01

2. Subject to approval of TSM 22-01 by the City Council, the Planning Commission approves Variance VAR 23-01 with the findings required by Section 17.44.050 of the Oroville City Code, as those findings are described in this Resolution.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 22nd of June, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

_____ _____

JACKIE GLOVER, ASSISTANT CITY CLERK CARL DURLING, CHAIRPERSON

CEQA FINDINGS
PROPOSED PROJECT
FEATHER RANCE SUBDIVISION, INCLUDING GENERAL PLAN AMENDMENT GPA 23-01, ZONE CHANGE ZC23-01, TENTATIVE SUBDIVISION MAP TSM 22-01, VARIANCE VAR 23-01, AND AN OVERRIDE OF AN INCONSISTENCY DETERMINATION OF THE BUTTE COUNTY AIRPORT LAND USE COMMISSION

The City of Oroville (City), serving as the lead agency under the California Environmental Quality Act (CEQA), has prepared a project EIR (EIR) for the proposed Feather Ranch Subdivision, which is provided as part of the project documentation. The Tentative Subdivision Map would create 172 new market-rate housing units. MD3 Investments has applied to convert 45 acres currently zoned Airport Business Park (ABP) into 172 single family lots Zoned Single-family residential (R-1) and averaging 7,450 square feet in size.

Approval requires a General Plan Amendment, a Zoning Change, and a Zoning Code Variance. Due to the significant and unavoidable environmental effects identified in the Project EIR, CEQA requires the City Council to approve a Statement of Overriding Considerations if it ultimately approves the project.

1. **Findings with regard to effects not found to be significant**. The EIR discussed several environmental effects that were determined to result in less than significant impacts, and certain other effects that result in less than significant effects after implementation of mitigation measures. Those specific effects are described in Section ES.4 of the FEIR, with the final Summary of Impacts and Mitigation Measures located in the FEIR as Table ES-1.
2. **Findings with regard to effects found to be significant and unavoidable**.

   Section 15126.2(c) of the State CEQA Guidelines require that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a less than significant level. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications, and the reasons why the project is being proposed, notwithstanding their effect, should also be described.

   A significant and unavoidable impact is one that would cause a substantial adverse effect on the environment and for which no mitigation is available to reduce the impact to a less than significant level. Most of the impacts of the Proposed Project would be less than significant or would be mitigated to a less than significant level. The impacts summarized below are those that would remain significant and unavoidable after mitigation.

   a. **Impacts HAZ-1 and HAZ-2:** The Project would result in a significant and unavoidable safety hazard impact and a cumulatively considerable and significant and unavoidable safety hazard impact for people residing or working in the Project Area because the Project is located within the OMA B1 and B2 Compatibility

Zones. The only mitigation possible would be to either eliminate the use of the airport or move the Project to a location outside of the B1 and B2 Compatibility Zones. Neither of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

Finding. The City finds that there are no feasible mitigation measures that the City could adopt at this time that would reduce the impacts to less than significant. Tot the extent that this adverse impact till not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed project.

Facts and Reasoning that support the finding:

The property falls within the Airport Land Use Compatibility Plan (ALUCP) compatibility zone B1 and B2, adopted by the ALUC on November 15, 2017. The purpose of this plan is to promote compatibility with the airport and surrounding land uses. Compatibility zone B1 is generally set to encompass the airport's projected 55 decibel (dB) Community Noise Equivalent Level (CNEL). Compatibility zone B2 encompasses the close-in, low altitude portions of traffic patterns. Much of the neighboring Calle Vista Estates subdivision also falls within these same compatibility zone classifications.

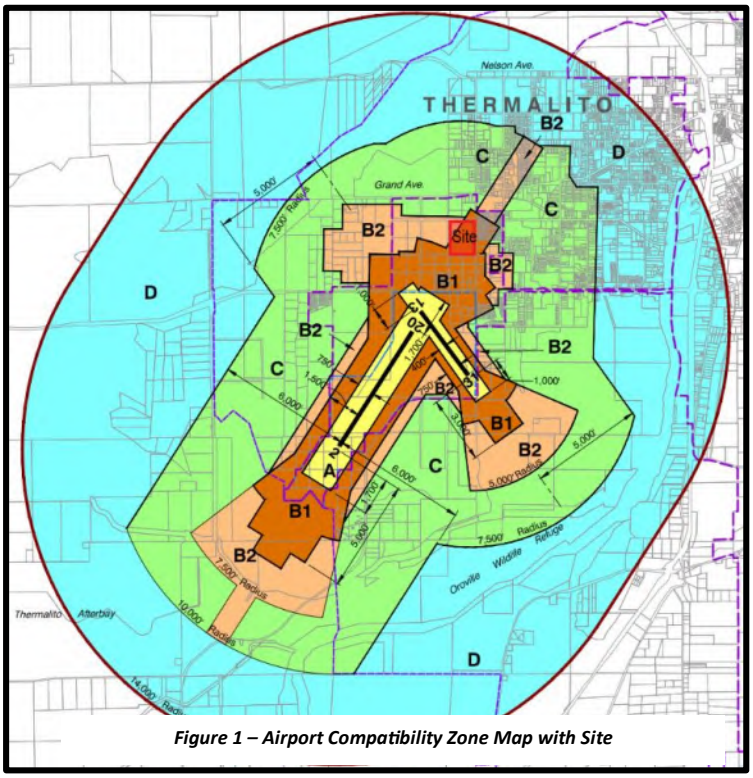


Figure 1 – Airport Compatibility Zone Map with Site

As required by the ALUCP and Section 21676(b) of the Public Utilities Code the project applicant submitted the project to the ALUC for a consistency determination with the ALUCP. The ALUC conducted a hearing on the matter on September 21, 2022, and voted 7-0 -1[1] to find the project inconsistent with the ALUCP based on the project density.

Pursuant to Public Utilities Code Section 21676, the City Council may choose to override the ALUC's determination of inconsistency by following a two-step process. The first step is to conduct a public hearing to adopt a resolution of intent to override, a copy of which would be sent to the ALUC and State Division of Aeronautics to provide formal notification of the City's intent.

The second step in the process is that at least 45-days after notification has been sent

[1] The vote was unanimous with one Commissioner recused himself since he lives very near the project area.

to the ALUC and State Division of Aeronautics, the City Council may conduct a second public hearing to consider adopting a resolution to override the ALUC. At this second public hearing the City Council may also consider the project entitlement and take final action on the application.

The following points are important to consider:

- The override must be adopted by two-thirds (2/3) of the City Council.
- Specific findings supported by substantial evidence must be adopted finding that the proposed project will not:
    - Impair the orderly, planned expansion of the airport.
    - Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
    - Expose the public to excessive noise and safety hazards.

Public Utilities Code Section 21678 and the ALUCP statutes states that if the city overrules the ALUC, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the City's decision to overrule the ALUC's compatibility determination or recommendation.

Airport Land use Compatibility Plan Density

Compatibility zone B1 has a maximum density of 0.1 dwelling units per acre and compatibility zone B2 has maximum density of 0.2 dwelling units per acre. The General Plan Amendment to MLDR has an allowable density range of 3 to 6 units per acre and the project is proposing 172 parcels on approximately 45 acres for a project density of 3.82 units per acre. The ALUCP Section 3.4.5 establishes criteria for determining the density of sites split by two or more compatibility zones. The portions of the property that fall within compatibility zone B1 are considered to be a separate site from the portions of the property that fall within compatibility zone B2.

According to the ALUC staff report, approximately 35.82 acres and a proposed 134 dwelling units fall within compatibility zone B1, for a density of 3.74 units per acre. Approximately 9.15 acres and a proposed 38 dwelling units fall within compatibility zone B2, for a density of 4.15 units per acre. The ALUC consistency review listed five inconsistency findings for the project:

1. The MLDR General Plan Land Use Designation of up to 6 dwelling units (lots) per acre is inconsistent with the B1 maximum density of 0.1 dwelling units per acre and B2 maximum density of 0.2 dwelling units per acre.
2. The R-1 zoning allows up 6 dwelling units (lots) per acre is inconsistent with the B1 maximum density of 0.1 dwelling units per acre and B2 maximum density of 0.2 dwelling units per acre.
3. The project's proposed density of 3.74 dwelling units per acre is inconsistent with the B1 Compatibility Zone density (0.1 or more dwelling units per acre).
4. The project's proposed density of 4.15 dwelling units per acre is inconsistent with

the B2 Compatibility Zone density (0.2 dwelling units per acre).

5. Most of the parcel (approximately 80%) is in the B1 Compatibility Zone. The B2 Compatibility Zone portion does not have 65% of the project site within B2 Compatibility Zone with equal to, or greater than, the proposed project. The project does not meet the criteria for infill.

The City's 2030 General Plan Safety Element Goal SAF-5, Policy P5.2 states "*Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in "large concentrations" of people shall be prohibited.*" The development proposal complies with the goals and policies of the General Plan for residential densities.

The project site is adjacent to an existing residential development to the east (Calle Vista Estates), which has a General Plan Land Use Designation of MLDR and zoning designation of R-1, identical to what is being proposed for this subdivision. In addition, the Calle Vista subdivision also falls within compatibility zones B1 and B2 and is located within the extended runway centerline zone. The ALUCP states that 30% of the land within the B1 compatibility zone, and 20% of the land within the B2 compatibility zone, should remain as open land. Approximately 240 acres of open undeveloped space is provided in the B1 compatibility zone north of the airport along runways 2-20 and 13-31. The project site has 35.82 acres within compatibility zone B1 that is proposed for development. Not counting the open space, parkland, and roads proposed for development within the subdivision, approximately 78% of the overall B1 zone would remain as undeveloped open space. Much of that land area is closest to the runways along SR 162.

Approximately 433 acres of land fall within the B2 compatibility zone north of the airport along runways 2-20 and 13-31. The project site has 9.15 acres within compatibility zone B2 that is proposed for development. Not counting open space, parkland, and roads proposed for development within the subdivision, approximately 70% of the overall B2 zone would remain as undeveloped open space.

Since the neighboring Calle Vista Estates subdivision was approved in 2005/2006, the ALUC adopted a new ALUCP in 2017 which significantly increased the footprint of the B1 and B2 compatibility zones to now include the Calle Vista Subdivision. However, no corresponding increases to airport operations have occurred and air traffic is still below projected figures.

Aircraft Operations[2] at the Airport:

The City's Airport Master Plan prepared in 1990 showed about 55,000 annual aircraft operations in 1988 and projected a steady increase in operations from 61,050 in 1989 to 72,200 in 2010. Many of the historic aircraft operations were a result of the Louisiana Pacific Company Fleet, which is no longer operating in Oroville. As such, an increase in operations has not occurred as projected, and recent data in fact shows significantly fewer

[2] An operation is either a takeoff or landing. For instance, if a pilot performs a "touch and go", that counts as two operations.

actual operations. In January 2016, the airport reported approximately 36,500 annual operations, a decrease from historic levels. According to AirNav, aircraft operations averaged 99/day for a 12-month period ending November 30, 2021. This is the same as reported in 2016[3].

Oroville Airport is fortunate to have very recent 2022 Annual flight data, collected by sensors/cameras at the airport. This information does not include all flights, only those who activate their transponders. However, a 2019 study estimated that 44 percent of pilots nationwide do not yet have the mandatory transponders installed in their planes[4].

OROVILLE AIRPORT OPERATIONS IN 2022						
Date range	1-1-22 thru 12-30/22					
Number of operations counted in cy 2022		4,665	tansponder flights			
Aircraft type	single prop	3,782	81.1%			
	multi prop	404	8.7%			
	jet	70	1.5%			
	helicopter	386	8.3%			
	UAV	2	0.0%			
	unknown	21	0.5%			
		4,665	**100.0%**			
				arrivals	departures	
Runway	**2 going north @ 6020'**	**343**	7.4%	239	104	
	20 going south @ 6020'	1,151	24.7%	553	598	
	13 going north@ 3540'	918	19.7%	554	364	
	31 going south @ 3540'	629	13.5%	385	244	
	subtotal	3,041	65.2%			
	unspecified	1,624	34.8%	563	1,061	
		4,665	**100%**	49%	51%	
add 44% non-transponder flights		2,053	single engine, older planes, pioneers			
Estimated Total operations per year		6,718	estimated annual operations at KOVE			
	Max annual flights northbound over Feather Ranch	**614**				
Estimated flights straight out		**307**	50% or less			
max flights per day over subdivisions		**2**	arrivals and departures			

Table 1

It should be noted that during emergency conditions, such as fires, evacuations, and other crises, airport operations increase significantly for selected periods of time. This was true during the fires in 2018 and after. The airport was actively used as a helicopter staging area for emergency operations.

[3] AirNav uses data provided by airports, which in Oroville had not been updated since 2016. Since there is an expense involved in gathering actual flight data, it is common for small general aviation airports to have older data which tends to over-report actual operations.

[4] https://generalaviationnews.com/2019/09/19/only-44-of-ga-aircraft-equipped-with-ads-b/

Flight pattern on Runway 2-20: As the above data show, most flights to and from Runway 2-20 occur to the South, with only 7%, or no more than ~615 per year on Runway 2. Only some of these are straight out departures or straight in approaches over the proposed Feather Ranch Subdivision and the existing Calle Vista Subdivision. At a Cessna 172's climb rate of 721 feet per minute, any departing small single engine plane under average temperature and wind conditions would be about 400 feet above ground by the time it reached the first house[5]. Furthermore, any pilot who encounters engine trouble or other adverse conditions should have ample time to veer leftward to avoid flying over either subdivision.

The Airport Master Plan also identified improvements – since completed -- to extend the south end of runway 2-20 to allow southerly departures to "be over City-owned property or the publicly owned Afterbay property, with aircraft approaching from the north higher above private property north of State Route 162," which will minimize constraints to development of the land to the north.

Commented [CM1]: These improvements have already been completed and should be noted in the staff report as having been done

Prevailing winds are from the SSE, which is another reason most flights land and take off southward, into the wind.[6]

Aircraft Accident Occurrence:

The Caltrans Airport Land Use Planning Handbook, which was created by the State of California, Department of Transportation, Division of Aeronautics to serve as the primary tool for use by ALUC's for airport and use planning indicates that accidents in which aircraft are under control are bunched relatively close to the runway ends—mostly within about 3,000 feet—both for arrivals and departures. Aircraft overflight of the site for both approaching or departing the airport will likely result from air traffic coming from Runway 2-20. The project site is located more than 4,000 feet from the nearest point of the airport runway. The areas within these 3,000 feet proximity to the north of the airport are largely undeveloped lands zoned ABP closest to SR162, and to the south of the airport is perpetual open space provided by the Thermalito Afterbay and Oroville Wildlife Refuge.

The RNAV[7] for the airport lists a restriction not authorizing circling northeast of Runway 13-31[8]. In addition, takeoff minimums and departing procedures for the airport require air traffic to turn away from the more developed areas northeast of the airport with climbing left turns from Runways 2 and 31 and climbing right turns from Runways 13 and 20.

Commented [CM2]: Double check this with someone who knows airports and planes. Just took it from the AirNav site

Aircraft Noise

While noise was not found to be inconsistent with the ALUCP, the city's General Plan, zoning code, and the ALUCP establish regulations and criteria for noise within compatibility zones that is relevant to this project. As previously mentioned, within compatibility zone B1, the airport's projected Community Noise Equivalent Level (CNEL) is 55 decibels (dBA). This CNEL system evaluates the degree to which lands around the

[5] https://aviation.stackexchange.com/questions/43394/is-it-possible-to-calculate-the-distance-to-climb-to-1000-ft-in-cessna-172s

[6] Oroville Airport Airport Layout Plan Sheet 3 of 9 dated April 16, 2013.

[7] http://www.airnav.com/airport/kove and https://aeronav.faa.gov/d-tpp/2305/SW2TO.PDF

[8] To turn right (northeast) from that runway is in direct conflict with the established traffic pattern.

airport are exposed to airport-related noise depicted by a set of contours. Generally, the maximum CNEL normally acceptable for residential uses in the vicinity of an airport is 60 dBA.

New structures located within compatibility zones B1 and B2 are required to incorporate sound attenuation design features sufficient to meet the interior noise level criteria of no greater than CNEL 45 dBA. As depicted in Figure 6-4 of the ALCUP, the subject property falls just outside of the 55 dBA CNEL contour based on 72,000 future annual aircraft operations. In addition, because the subject property falls within compatibility zones B1 and B2, all dwelling units constructed will be required to be designed to provide an interior ambient noise level that does not exceed 45 dBA. City Code Section 17.44.050 requires a minimum interior ambient noise level reduction of 20 dBA (ex. *65 dB exterior – 20 dB sound attenuation = 45 dB interior ambient noise level*). Furthermore, OMC 17.44.050 requires a deed notice of airport proximity and the potential for aircraft overflights and noise for each property.

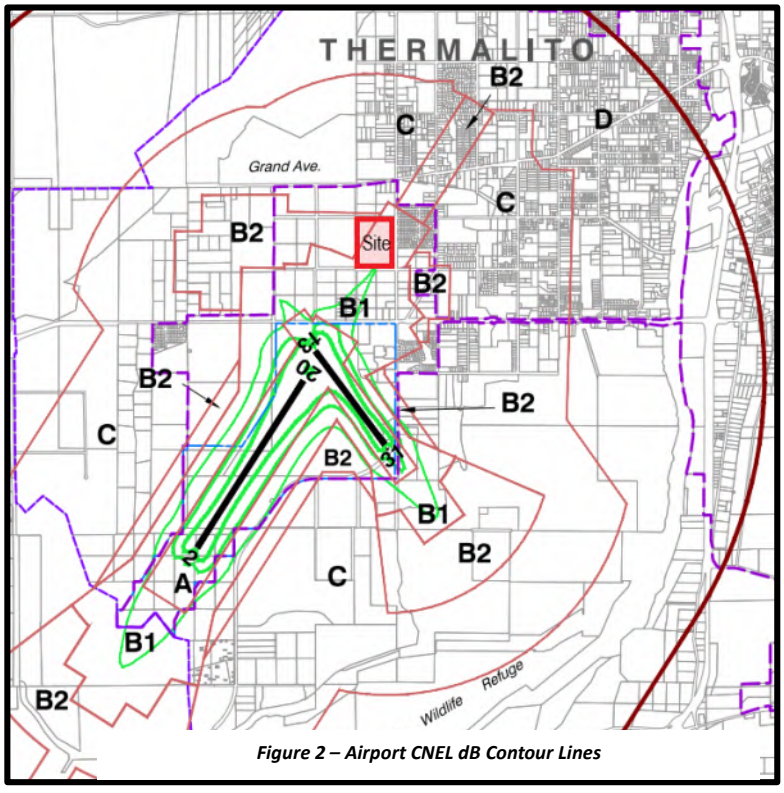


Figure 2 – Airport CNEL dB Contour Lines

ALUC Override Conclusion

The project is consistent with the ALUCP for noise and for height restrictions, but not density. Because most aircraft accidents occur on landing and takeoff and relatively few during climbing or descent[9], and because pilots are advised in Oroville's AirNav posting to veer away from housing north of the airport, staff do not consider the risk of aircraft accidents over either the existing or proposed subdivisions to be considerable enough to warrant denial of the project. Additionally, noise attenuation for homes to an internal noise level of 45dBa will be a project condition.

Given the analysis above, the project does not appear to impair the orderly, planned expansion of the airport, adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums), or expose the public to excessive noise and safety hazards based on the aforementioned information and the proposed conditions of approval on the project.

b. **Impacts NOI-1 and NOI-4**: The Project would result in a significant and unavoidable safety hazard impact and a cumulatively considerable and significant and unavoidable traffic noise impact. The roadway segment of 20th Street between Biggs Avenue and Feather Avenue would experience an increase of more than 5.0 dBA CNEL over existing conditions, which is beyond the City of Oroville noise standard. Similarly, the segment of Feather Avenue east of 20th Street would also experience an increase of more than 5.0dBA CNEL over existing conditions. There is no feasible mitigation available to reduce these impacts toles than significant. Lead agencies have limited remedies at their disposal to effectively reduce traffic related noise. Addressing traffic noise at the receiver rather than the source usually takes the form of noise barriers (i.e., sound walls). While constructing noise barriers along streets would reduce noise, the placement of sound walls between existing residences/businesses and local roadways would not be desirable as it would conflict with the community's aesthetic, design and character and is therefore deemed infeasible. Furthermore, such barriers would likely require property owner approval, which cannot be ensured. While measures such as encouraging ridesharing, carpooling, and alternative modes of transportation could reduce vehicle volumes, such measures can neither be mandated of residents nor have been shown to reduce vehicle trips to the extent needed to reduce vehicle noise levels below established thresholds. Therefore, no feasible mitigation measures exist to reduce the identified significant impact.

   Finding. The City finds that there are no feasible mitigation measures that the City could adopt at this time that would reduce the impacts to less than significant. Tot the extent that this adverse impact till not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed project.

[9] https://www.cliffordlaw.com/aviation-accidents-and-incidents/

Facts and Reasoning that support the finding: The noise generated by traffic from the project's operations will increase ambient noise levels by more than 5 decibels in two segments of 20th Street and one of Feather Avenue[10]. This is a technical violation of Oroville's CEQA significance threshold. The ambient decibel level in these locations after the project is built will remain at or below 48 decibels. In spite of the technical threshold exceedance, these locations will continue as they are, an area of "Quiet Urban Daytime"[11].

c. **Impacts TR-2 and TR-3**: The Project would also result in a significant and unavoidable impact related to VMT. Project would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level which would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1–[0.85÷1.45]=0.414). While the mitigation measures available to Oroville would reduce the impact of the Project on VMT, implementation of measures needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of mitigation measuresTR-1 through TR-4, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

   Finding. The City finds that there are no feasible mitigation measures that the City could adopt at this time that would reduce the impacts to less than significant. Tot the extent that this adverse impact till not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed project.

   Facts and Reasoning that support the finding: The project would generate 120 trips distributed among 20th, 18th, Feather, and Biggs during the A.M peak hour, and 162 trips during the P.M. peak hour. This equates 26.7 home-based trips per resident, or 140 percent of the current Oroville baseline average of 19.1 trips per resident. Since this trip generation exceeds the state mandated CEQA significance threshold of 85% of baseline (or 16.2 trips per resident), the impact is significant by definition.

   The CEQA threshold is potentially possible in an urban setting with plenty of transit, bicycle, and walking options available as project mitigation. However, Oroville is in a rural setting. Neither the: Project proponent nor the City can mitigate this impact with enough transit, bike, and walking paths in this rural location. This is confirmed by the Butte County Association of Governments' April 2021 study entitled "BCAG SB 743 Implementation—Mitigation Strategies—Assessing Feasibility".

[10] Page 3.9-21 of the DEIR

[11] Page 3.9-2 of the DEIR.

OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City of Oroville adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City of Ceres finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) The City of Ceres's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, and the considerations set forth below related to this project, City of Oroville chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in City of Oroville's judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City of Oroville finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

- The project would provide 172 market-rate housing units to serve the needs of households seeking housing that is of significantly limited availability in this medium low density housing category. The Oroville Housing Element, certified in April 2023, indicates the need for 450 housing units to serve moderate and above-moderate income levels. This project will provide a significant portion of that need.
- The Project will create short-term construction jobs that would provide income to local residents. The additional 400 permanent residents generated by the project will

spur an increase in demand for goods and services in the surrounding area, thereby expanding the local revenue base, and expanding the local labor force.

- The Project will result in additional paving of a number of designated city streets in the vicinity, including 20th, Biggs, and Feather Avenue. In addition, 20th street at SR 162 will be improved with a right turn lane, improving traffic circulation in the area.
- The Project would adopt energy conservation strategies in new development that would result in new development being more efficient than existing buildings in the region.

RESOLUTION NO. P2023-15

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT GPA 23-01, ZONING CHANGE ZC 23-01, AND TENTATIVE SUBDIVISION MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION.

WHEREAS, the City has received an application from MD3 Investments (Subdivider) to subdivide portions of a +-45-acre parcel identified as APN 030-230-098 (Property) into 172 lots for single-family homes; and

WHEREAS, the proposed map will also create a 0.95-acre Lot A for purposes of passive recreation with pedestrian pathways and wetland feature conservation and a meandering bicycle/pedestrian pathway along Gentle Rain Lane; and

WHEREAS, the design of the proposed subdivision is illustrated on the tentative subdivision map received by the City on August 8, 2022, which map has been assigned the file number TSM 22-01, and a copy of which is attached to this resolution as Exhibit "A"; and

WHEREAS, the Property is designated by Oroville's General Plan Diagram as *Airport Business Park* and the Zoning Map designation of this area is similarly *Airport Business Park; and*

WHEREAS, the Subdivider has also applied for a General Plan Amendment to amend the General Plan Land Use Designation from *Airport Business Park* to *Medium Low Density Residential (MLDR)* and a Zoning Change to change the zoning designation from *Airport Business Park* to *Single-Family Residential (R-1)* to allow residential development at a density not less than four and not more than six homes per acre; and

WHEREAS, the Subdivider is proposing 172 lots on 45 acres for a resulting density of 3.8 units per acre and an average lot size of 7,400 square feet; and

WHEREAS, Tentative Subdivision Map TSM 22-01 has been reviewed by the City Engineer, who has provided a set of conditions to meet prior to final map approval ; and

WHEREAS, the City Council may, after a public hearing, proposed to override the ALUC's determination by a two-thirds vote of the City Council if it makes specific findings that the project is consistent with California Public Utilities Code Section 20167 for the purpose of protecting public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings and a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of Tentative Subdivision Map TSM 22-01 described herein, and also considered the City's staff report regarding the change.

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

1. The Planning Commission recommends that the City Council:
    a. Certify the Final Environmental Impact Report.
    b. Adopt appropriate Environmental findings, mitigation measures, and Statement of Overriding Considerations.
    c. Approve General Plan Amendment GPA 23-01.
    d. Approve Zoning Change ZC 23-01 with certain required findings and Ordinance XXXX.
    e. Conduct a two-thirds vote to Intend to Override the ALUC's inconsistency determination.
    f. Notify the Bute County ALUC and California Division of Aeronautics of the Council's intent to override the ALUC's inconstancy determination.
    g. After the required 45-day waiting period for comments from the ALUC and Division of Aeronautics, Override the ALUC's inconsistency determination.
    h. Approve Tentative Parcel Map TSM 22-01

2. Subject to approval of TSM 22-01 by the City Council, the Planning Commission approves Variance VAR 23-01 with the findings required by Section 17.44.050 of the Oroville City Code, as those findings are described in this Resolution.

RECOMMENDED FINDINGS

Required Findings for the Tentative Subdivision Map:

Pursuant to OMC Section 16.12.020(D), the City Engineer has reviewed TSM 22-01 and has deemed the map complete. The required Engineer's Report is attached.

Per OMC Section 16.12.020(F), the Planning Commission shall disapprove a tentative map if it determines that any of the following conditions apply:

1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.

   Assuming GPA 23-01 and ZC 23-01 are approved by the City Council, the subdivision will be consistent with the General Plan. There are no applicable specific plans encompassing this parcel.

2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.

   The site is immediately adjacent to single-family residential development. The current land use designation and zoning of ABP anticipates higher intensity and density for manufacturing, processing, office, or other industrial user. Infrastructure is available and adequately serving the similar residential development nearby and this project will be required to expand and/or improve the existing infrastructure to adequately serve the project.

3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   Pursuant to CEQA, an EIR was prepared for the project. The EIR confirms that there are three significant and unavoidable effects, including inconsistency with the Butte County Airport Land Use Compatibility Plan, added traffic noise, and greenhouse gas effects from vehicle miles traveled. These impacts primarily relate to the human environment and not the natural environment. None of the project's other effects will cause environmental damage to fish or wildlife or their habitat, being either not significant or mitigated to insignificance.

4. The design of the subdivision or the type of improvement is likely to cause serious public health problems.

   The subdivision was designed in accordance with Oroville Municipal Code requirements and consultation of the Oroville Design Guidelines for site design to preserve view sheds and natural features, provide development with outdoor activity options, and connectivity to surrounding neighborhoods. The design of the subdivision is similar to neighboring development that has not been shown to cause public health problems. The three significant impacts in the EIR are likely to cause serious public health problems. The development in the Airport overflight zone is about 4,000 feet from Runway 2 and the development would be less dense than is allowed under the current zoning. The traffic noise impact is technically significant and still generally in the "quiet urban daytime" range below dBA. The State-mandated VMT impacts are not mitigatable in this rural environment, but denying the project on urban VMT greenhouse gas emissions thresholds is not reasonable. The project-generated emissions would not be concentrated enough to cause serious public health problems.

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can

be corrected.

The site has been shown to be safe to develop in the site's soil types, and the City Engineer is satisfied with the findings of said report.

6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

   There are no conflicting public easements. The subdivision will create new public and utility easements and improve to city standards three existing roadways (20th Street, Feather Ave and Biggs Ave) along the length of the project site.

7. The proposed subdivision violates the provisions of this Chapter and no exception has been granted.

   The Engineer's Report confirms that the proposed subdivision does not violate the provisions of this chapter and no exception has been granted.

8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.

   Should the City Council approve GPA 23-01 and ZC 23-01 and the proposed variance, the proposed subdivision will not violate any provisions of zoning code OMC 17.44.050 for density and open land requirements.

9. The proposed subdivision would violate any other city ordinance or any city code provision.

   The proposed subdivision will not violate any other city ordinance or city code provision. Should the City Council adopt the override of the ALUCP determination and the variance, the proposed subdivision will comply with all applicable regulations and codes.

10. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

    The Thermalito Sewer and Water (TWSD) Agency, which serves water and collects sewer discharges, is not operating under any corrective action or compliance orders.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 22nd of June 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

_____ _____

JACKIE GLOVER, ASSISTANT CITY CLERK CARL DURLING, CHAIRPERSON

RESOLUTION NO. P2023-13

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE OROVILLE CITY COUNCIL NOTIFY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE PROPOSED FEATHER RANCH SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND TO OVERRULE THE BUTTE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION FOR OROVILLE AIRPORT.

WHEREAS, the application was filed by MD3 Investments for Tentative Subdivision Map TSM 22-01 to convert 45-acre APN 030-230-098 now zoned Airport Business Park (ABP) into 172 single family housing lots zoned Single Family Residential (R1); and

WHEREAS, the property is designated APB- AIO (Airport Influence Overlay) by the Oroville General Plan and Zoning Code, which limits development to a maximum density of 0.1 and 0.2 dwelling units per acre; and

WHEREAS, the proposed project has a density of 3.8 dwelling units per acre, which exceeds the limits in the Butte County Airport Land Use Plan (ALUCP); and

WHEREAS, Oroville's Zoning Code Section 17.44.050 and California Public Utilities Code Section 21676(b) require the city to refer the Project to the Butte County Airport Land Use Commission (ALUC) for a determination of the project's consistency with the ALUCP; and

WHEREAS, on September 21, 2022, the Butte County Airport Land Use Commission determined that the proposed project would be inconsistent with the ALUCP on the basis of density; and

WHEREAS, the City Council may, after a public hearing, can propose to override the ALUC's determination by a two-thirds vote of the City Council if it makes specific findings that the project is consistent with California Public Utilities Code Section 20167 for the purpose of protecting public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings and a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of Tentative Subdivision Map TSM 22-01 described herein, and also considered the City's staff report regarding the change.

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

1. The Planning Commission recommends that the City Council:
   a. Conduct a two-thirds vote to Intend to Override the ALUC's inconsistency determination.
   b. Notify the Bute County ALUC and California Division of Aeronautics of the Council's intent to override the ALUC's inconstancy determination.
   c. After the required 45-day waiting period for comments from the ALUC and Division of Aeronautics, Override the ALUC's inconsistency determination.
   d. After the Override decision, approve GPA 23-01, ZC 23-01, and TSM 22-01.

RECOMMENDED FINDINGS

For an override of an inconsistency determination by the ALUC, specific findings supported by substantial evidence must be adopted finding that the proposed project will not:

- Impair the orderly, planned expansion of the airport,
  The new homes and their distance at over 4,000 feet from the end of Runway 2 will not impair the orderly, planned expansion of the airport, all of which will occur on airport property and South of SR 162. The ABP zoning of the lands north of SR162 and closer to the airport than this subdivision are already anticipated for future industrial development in the General Plan, and are thus assumed to also not affect any future airport expansion plans. The remaining vacant land areas will all be developed with densities consistent with the ALUCP.
- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums) or affecting flight patterns.
  Due to the distance from Runway 2, flight patterns, aircraft operational safety, or instrument approach procedures will not be affected. The subdivision is at the outer edge of the left traffic pattern for planes landing or taking off, so most of the estimated 780 flights per year will turn left before reaching any homes and will not likely fly over either subdivision. Planes taking off to the north are advised in AIRNAV to veer left away from existing development, which is not a difficult maneuver. In addition, any plane flying straight north will likely be at least 400 feet above ground level by the time it reaches either the existing Calle Vista or proposed Feather Ranch subdivisions.
- Expose the public to excessive noise and safety hazards.

Regarding exposing the public to excessive noise and safety hazards, first, because of the distance from Runway 2, the project is outside the airport's 55 decibel noise contour. Second, all new residential structures will be conditioned to be constructed to limit interior noise levels to a maximum of 45 decibels. Finally, all new homeowners will be required to acknowledge they are buying property within 2 miles of an airport, and to sign an avigation easement or other appropriate instrument authorizing plane flights over their properties. The safety hazard from aircraft accidents is always present, but is not considered excessive due to the distance of the proposed project from the Airport property and Runway 2.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 22nd of June 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

_____ _____

JACKIE GLOVER, ASSISTANT CITY CLERK CARL DURLING, CHAIRPERSON

RESOLUTION NO. P2023-16

A RESOLUTION OF THE OROVILE PLANNING COMMISSION APPROVING VARIANCE VAR 23-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION, SUBJECT TO THE CITY COUNCIL'S APPROVAL OF TSM 22-01.

WHEREAS, the application was filed by MD3 Investments for Tentative Subdivision Map TSM 22-01 to convert 45-acre APN 030-230-098 now zoned Airport Business Park (ABP) into 172 single family housing lots zoned Single Family Residential (R1); and

WHEREAS, the property is designated APB- AIO (Airport Influence Overlay) by the Oroville General Plan and Zoning Code, which limits development to a maximum density of 0.1 and 0.2 dwelling units per acre; and

WHEREAS, the proposed project has a density of 3.8 dwelling units per acre, which exceeds the limits in the Butte County Airport Land Use Plan (ALUCP); and

WHEREAS, Oroville's Zoning Code Section 17.44.050 and California Public Utilities Code Section 21676(b) require the city to refer the Project to the Butte County Airport Land Use Commission (ALUC) for a determination of the project's consistency with the ALUCP; and

WHEREAS, on September 21, 2022, the Butte County Airport Land Use Commission determined that the proposed project would be inconsistent with the ALUCP on the basis of density; and

WHEREAS, the City Council may, after a public hearing, proposed to override the ALUC's determination by a two-thirds vote of the City Council if it makes specific findings that the project is consistent with California Public Utilities Code Section 20167 for the purpose of protecting public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings and a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of Tentative

Subdivision Map TSM 22-01 described herein, and also considered the City's staff report regarding the change.

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

1. Subject to approval by the City Council of TSM 22-01, GPA 23-01, ZC 23-01 and the override, the Planning Commission approves Variance VAR 23-01 with the findings required by Section 17.44.050 of the Oroville City Code, as those findings are described in this Resolution.

FINDINGS

Findings for the Variance:

As noted, the variance is a corresponding action by the City Council, which would be needed only if the Council approves the ALUC override. The planning commission shall grant a variance only upon finding all of the following, based on substantial evidence:

a. The granting of the variance is not inconsistent with the general plan or any applicable specific plan.

As noted above, the granting of the variance is inconsistent with Safety Element Policy 5.1. However, if the City Council overrides the ALUC's determination of inconsistency with the ALUCP, that inconsistency will be moot.

b. There are exceptional and extraordinary circumstances or conditions applying to the land, building or use referred to in the application that do not generally apply to other land, buildings or uses in the same district.

This subdivision project would be reviewed the same as other nearby uses with the exceptional circumstance of being in the B1 and B2 overflight zones, which other nearby properties were not at the time of approval. If the City Council overrides the ALUC's determination of inconsistency with the ALUCP, the Council should also grant the corresponding variance from OMC 17.44.050, whose text is identical to the ALUCP's with regard to allowable densities.

c. The granting of the variance will not grant a special privilege to the property.

The granting of the variance will not grant a special privilege. If granted, all subsequent development will be reviewed and conditioned exactly as all other subdivisions throughout the city of Oroville.

d. The variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zoning district, and that would otherwise be denied to the property in question.

The variance would convey the same property rights – i.e. a subdivision entitlement -- as those previously enjoyed by adjacent and nearby properties including the Calle Vista and Ruddy Creek subdivisions, and including the proposed Grand Acres subdivision immediately to the north of this project. Without the variance, the project would not be viable, and would be denied similar property rights already enjoyed by the neighboring properties.

e. The granting of the variance will not be materially detrimental to the public welfare.

If the City Council grants the ALUC override, there are no detrimental safety or public welfare issues to consider.

f. The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements.

The project area is adjacent to and nearby several existing similar subdivisions, and would thus be compatible with many land uses in the surrounding area.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 22nd of June 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: APPROVE:

_____ _____

JACKIE GLOVER, ASSISTANT CITY CLERK CARL DURLING, CHAIRPERSON

CITY OF OROVILLE
ENGINEERING
1735 MONTGOMERY STREET, OROVILLE, CA 95965-4897
(530) 538-2507 FAX (530) 538-2426
WWW.CITYOFOROVILLE.ORG

DATE: JUNE 7, 2023

TO: **PLANNING COMMISSION**

FROM: Matt Thompson, Acting City Engineer, 538-2507
Community Development Department

RE: **Engineer's Report**
Feather Ranch Vesting Tentative Subdivision Map 22-01

This office has reviewed the Feather Ranch Vesting Tentative Subdivision Map 22-01 and herewith submits the following findings and recommendations.

A. TIMING AND NATURE OF PUBLIC IMPROVEMENTS

The City Engineer will determine the nature, extent, timing and limits of required road/street public improvements to be constructed as part of any development (including phased development) versus payment of an in-lieu fee as well as reimbursements for construction of future Nexus/CIP facilities.

B. PUBLIC FACILITY CONSTRUCTION

1. Streets

a) The Subdivider shall construct City standard streets and appurtenant facilities at the following locations in conformance with the typical sections. Street structural sections to be determined based upon findings from the Soils Report:

1) Interior to subdivision – Full urban improvements.
2) Adjacent to subdivision– Full urban improvements.

b) All corner lots shall be subject to intersection sight distance criteria as established by the City Engineer. Appropriate easements shall be dedicated as needed on the Final Map.

c) Street names shall be approved concurrent with the improvement plans and prior to recordation of the Final Map.

2. Storm Drainage

a) Facility Construction - The Subdivider shall design and install the following City standard storm drain facilities:

1) Interior to Subdivision - Curb, gutter, and an underground storm drain system with all appurtenances.

i. Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built within this subdivision. Said improvements shall be constructed by the Subdivider.

ii. Any publicly owned storm drain facilities shall have full vehicle access.

2) Adjacent to Subdivision - Curb, gutter and an underground storm drain system with all appurtenances along the subdivision frontage.

i. Future storm drainage needs outside of the project shall be examined to the extent that improvements to serve such areas need to be built adjacent to this subdivision. Said improvements shall be constructed by the Subdivider.

b) NPDES Requirements

1) The subdivision shall comply with all of the requirements of "State Water Resources Control Board (Board) Water Quality Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004, Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit) or successor General Permits.

2) The development shall conform with section "E.12 Post Construction Water Management Program" of the General Permit.

3) Prior to construction a Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented in accordance with the Board's "National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ NPDES No. CAS000002"

c) Storm Drainage Detention Facilities

Surface storm drainage detention facilities shall be landscaped with turf (or an approved alternate) and shall be provided with an irrigation system. Any surface water quality treatment facility shall be vegetated in accordance with a landscape plan approved by the City and shall also be suitably provided with adequate irrigation.

d) Storm Drainage Analysis

The storm drain analysis shall comply with Section B.2.b.2 of this report and shall establish tributary area, size, grade, depth, and location for all the following storm drain facilities:

- Underground pipes.
- Open, natural swales.
- Improved channels.
- Storm water runoff management facilities.
- Outfall facilities discharging to natural channels.
- Both ultimate and interim facilities serving streets exterior to the subdivision that are required to be constructed herein.

e) The Subdivider shall pay a storm drain fee calculated in accordance with the current fee schedule under the requirements of the Oroville Municipal Code, prior to filing the final map.

3. Sanitary Sewer

a) Facility Construction

The Subdivider shall design and install the following sanitary sewer facilities:

1) Interior to Subdivision - An underground sanitary sewer system, with all appurtenances, serving all lots.
2) Adjacent to Subdivision - An underground sanitary sewer system, with all appurtenances, along the subdivision frontage.

4. Street Signs and Striping

The Subdivider shall install City standard street signs, regulatory signs, pavement striping and pavement markings on all streets, and bicycle facilities that they are required herein to construct.

5. Street Lights

The Subdivider shall install City standard streetlights with shielding on steel poles with concrete bases on all streets that they are required herein to construct.

6. Street Trees

Street trees shall be planted in accordance with the recommendation of the Community Development Department. The number, type, and sizes shall be as directed by the Community Development Department.

7. Landscaping

a) The Subdivider shall install landscaping and an irrigation system at the following locations between the back of curb and property line on the following streets:
1) Feather Avenue
2) 20th Street
3) Biggs Avenue
4) Gentle Rain Lane

C. MAINTENANCE

1. Prior to filing the Final Map, the Subdivider shall be required to make provisions to fund the maintenance of certain public improvements. The improvements to be covered shall be:
a) Landscaped areas of Section B.7 noted above,
b) The detention pond (or alternatively underground storage galleries) and the balance of Lot A,
c)
The district or alternate funding mechanism shall be complete and formed prior to recordation of the Final Map.

D. SUBDIVISION GRADING

1. Soils Report

The Subdivider shall submit a Geological and/or Soils Report, prepared by a registered engineer, that includes, but is not limited to, the following:

a) An investigation of the nature, distribution and strength of existing soils.
b) A description of site geology.
c) Conclusions and recommendations covering the adequacy of the site for the proposed development, storm drainage disposal, grading procedures and corrective measures.
d) Verification that the site is suited to proposed BMPs.

2. Grading Standards

All subdivision grading shall be in conformance with Chapter 15.88 “Grading, Excavation, and Sediment Control” et al, of the Oroville Municipal Code.

3. Grading Plan

The Subdivider's engineer shall submit a subdivision grading plan that includes, but is not limited to, the following:

a) The subdivision limits, contours and details of existing terrain and drainage.
b) Existing structures or other topographic features that are to remain undisturbed.

c) The proposed subdivision lots and streets, together with a schematic layout of the proposed storm drain system.
d) Existing ground elevations at all corners of proposed lots.
e) Proposed finished lot corner grades and finished pad grades.
f) Proposed lot grades indicating lot drainage.
g) Pertinent recommendations from the above required Geological and/or Soils Report.
h) Pertinent construction details to assure compliance with City of Oroville Grading Standards.
i) All lots shall be graded to drain overland from back to front as depicted on the details shown on the map.
   1) Where overland flow can not be achieved, yard drains shall be provided. Yard drains shall connect directly to the storm drain, or discharge to the gutter via curb-face outlets. Discharge across the sidewalk will not be allowed.
   2) Cross-lot drainage easements, whether public or private, will not be permitted unless they are the only physical solution available.

4. Final Grading Report

Upon completion of the subdivision grading and prior to final inspection by the City, the Subdivider's engineer shall submit a Final Grading Report that certifies the following:

a) That final grading complies with the approved grading plan or any approved revisions.
b) That the subdivision grading complies with the recommendations included in the Geological and/or Soils Report. Any changes made during grading that affected these recommendations shall be assessed.
c) That the subdivision soils are adequately compacted for their intended use, in conformance with City of Oroville Grading Standards. The results of all field density tests and all other substantiating data shall be included in the Final Grading Report.

The subdivision grading plan shall be submitted to the City Engineer for review and approval prior to the start of any work and shall be considered as part of the construction plans.

E. PROPERTY CONVEYANCES

1. Dedications

In conjunction with recordation of the Final Map for this subdivision, the Subdivider shall:

a) Dedicate, acquire or bear the cost of acquisition of public rights of way or easements as necessary to construct the public improvements required.
b) Convey to the City all abutter's rights of access from the abutting lots of the subdivision to the following streets: Feather Avenue, Biggs Avenue, and 18th Street.

c) Unless otherwise found to be unnecessary, dedicate an Avigation Easement to the City over the existing lots within the subdivision boundary as required by the Community Services Director.
d) Dedicate a 10-foot-wide public service easement adjacent to public rights of way.
e) Dedicate a 3-foot-wide public utility easement adjacent to all side lot lines.
f) Dedicate at least 1.2-acres for parklands including any required improvements thereon or pay an equivalent in-lieu fee.

F. LOT RESTRICTIONS

No restrictions are applicable currently. The Planning Commission has the discretion to impose restrictions.

G. OTHER PUBLIC SERVICES

1. Public Utilities

a) Underground Requirements - The Subdivider shall install the following utilities underground:

1) All new utilities serving this subdivision.
2) All existing utilities in public rights-of-way that are within or adjacent to this subdivision.

b) Easement Obstructions - All public utility and/or public service easements shall be kept free and clear of any and all obstructions, including but not limited to, structures, longitudinal fencing and/or sound walls, which may impede the construction, operation and maintenance of public utility facilities within such easements.

2. Fire Protection

The Subdivider shall pay for the installation of fire hydrants within the subdivision in conformance with the recommendations of the Fire Department, City of Oroville, or their successor.

3. United States Postal Service

The Subdivider shall install concrete pads for NDCBU delivery to the lots of this subdivision. The pads shall be depicted on the subdivision improvement plans and are subject to approval by both the local office of the United States Postal Service and the Planning Services Department.

H. PERMITS FROM OUTSIDE AGENCIES

The Subdivider shall obtain all required permits from outside agencies having pertinent jurisdiction prior to recordation of the Final Map for this subdivision.

I. Other Permits

The Subdivided shall submit a completed "Application Requesting Permission to Plant, Remove, Alter, or Disturb Public Trees" from to the Public Works Department. The Subdivider shall comply with any and all recommendations/requirements prior to commencing any construction activities on the site.

J. DESIGN CRITERIA AND IMPROVEMENT STANDARDS

All public and joint-use private improvements shall be designed in accordance with the Oroville Municipal Code, except as modified by the conditions of approval for this subdivision.

The Subdivider shall submit improvement plans, profiles, typical sections, details and specifications to the Public Works Department for review and approval prior to the start of any construction of public and joint-use private improvements.

All public and joint-use private improvements shall be constructed in conformance with the Oroville Municipal Code and in conformance with the details shown on the approved improvement plans.

When standard plans and specifications for any aspect of the project are not available, the Subdivider and the City Engineer may agree on the use of another agency's standard plans and specifications.

K. ENVIRONMENTAL CLEARANCE

The developer shall work with the Planning Department to obtain the appropriate environmental clearance.

L. ADMINISTRATIVE REQUIREMENTS

1. Revised Tentative Map

The Subdivider shall prepare a Project Map, consisting of a copy of the Tentative Map modified to depict all requirements of this subdivision report or the resolution of approval that alter the street layout, the lot configuration, or any other substantive item depicted on the Tentative Map as originally submitted.

The revised tentative map shall be submitted, reviewed, and approved by the Community Development Department Director and the City Engineer prior to initial submittal of the improvement plans or Final Map for this subdivision.

2. Subdivision Improvement Agreement

Subdivider shall complete all public and joint-use private improvements prior to recordation of the Final Map. If Subdivider wishes to record prior to the completion of said improvements, Subdivider shall enter into a subdivision improvement agreement in conformance with Chapter 16.16.210 "Completion of Improvements" of the Oroville Municipal Code.

3. Subdivision Fees

a) Plan Checking Fee

The Subdivider shall pay to the City of Oroville a subdivision plan checking fee upon filing the Final Map and/or improvement plans and specifications for checking in the following amount:

An initial deposit of 1½% of the estimated cost of all public and/or joint use private improvements exclusive of private utility facilities ($162.95 minimum). A final fee equal to actual City costs.

b) Inspection Fee

The Subdivider shall pay to the City of Oroville an inspection fee prior to commencing construction in the following amount:

An initial deposit of 3% of estimated cost of all public and/or joint use private improvements exclusive of private utility facilities ($162.95 minimum). A final fee equal to actual City costs.

Matt Thompson, P.E.
Acting City Engineer

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

Approval Date To Be determined.

*** DRAFT***LETTER OF APPROVAL

RE: The Feather Ranch Subdivision Tentative Subdivision Map TSM 22-01

Dear Mr. Stoltey,

On _____, the Oroville City Council completed its last necessary action to approve Feather Ranch Subdivision Tentative Map TSM 22-01.

DRAFT CONDITIONS OF APPROVAL

To be refined as project review progresses. Applicant and planning commissioners please comment.

Approved project: MD3 Investments plans to subdivide and develop a 44.97-acre vacant and undeveloped parcel (APN 030-230-098) into 172 single-family detached residential lots immediately west of 20th Street with access points off Feather Avenue, Biggs Avenue, and 20th Street. The homes and streets would be developed on approximately 40.197 acres, with a 0.95-acre (41,332 s.f.) passive open space at the southwest corner of Feather Avenue and 20th Street, and a meandering multi-use path along the central roadway (Gentle Rain Lane) of the subdivision.

Improvements to 20th Street and abutting roadways include curbs, gutters and sidewalks adjacent to the project site. Sidewalks would front 20th Street, Biggs Avenue, and Feather Avenue as well as along all internal proposed roadways. Greenway space will be provided along internal sidewalks, around the proposed 0.95-acre combined storm drainage retention basin and open space at the northeastern corner of the site, and fronting 20th Street and Biggs Avenue. Storm drainage facilities are proposed throughout the project site, with connections tying in together internally, prior to tying into storm drainage facilities located within 20th street.

Necessary discretionary approvals prior to approval of TSM 22-01:

- General Plan Amendment GPA 23-01, to change the Land Use Designation to Medium Low Density Residential.
- Zoning Change ZC 23-01, to change the Zoning to R-1.
- A Variance VAR 23-01 to allow the project to exceed airport overlay density requirements.
- An Override of the ALUC's inconsistency determination for density in the Airport Area of Influence.

TSM 22-01 and Engineer's Report

The Tentative Subdivision Map of August 8, 2022, has been approved subject to the conditions in the accompanying Engineer's Report dated June 7, 2023. All conditions must be met prior to approval of the Final Map.

The following specific conditions apply:

1. Applicant shall obtain a will-serve letter from the Thermalito Water and Sewer District prior to approval of the Tentative Subdivision Map and conduct a capacity study with SC-OR.
2. The applicant shall provide a parkland dedication of 2.5 acres either to the Feather River Recreation and Park District and/or an in-lieu fee. Details to be worked out prior to project approval by the City Council.
3. Applicant shall assist as needed the process of annexation of the subdivision into Community Facilities Districts CFO2006-1 and CFO2006-2.
4. Fencing around the perimeter of the subdivision shall be wood at a minimum of 6-feet high.
5. A deed notice is required to be included in any parcel transfer document, which puts the buyer on notice that the house is within the airport area of influence and may therefore encounter discomfort, inconvenience or annoyance from the noise generated by operations at the airport.
6. Each lot shall be developed with a detached single-family residence designed in accordance with the City's residential development, parking, and design standards in OMC 17.28.020, 17.12.070, and the City of Oroville Design Guidelines of 2015. Additional requirements are as follows:
   a. No more than 172 lots for development with single family dwellings shall be created in this subdivision.
   b. All conditions of approval of Tentative Subdivision Map 22-01 including access to and street improvements for 20th Street, Feather Avenue, Biggs Street, and all interior roads to the subdivision, shall be implemented.
   c. Required lot development standards shall conform to the normal R-1 development standards and as follows:
      1) All homes shall include a 2-car garage.
      2) A minimum of 4 different floor plans shall be utilized throughout the subdivision.

3) All homes constructed on lots in this subdivision shall conform as practicable to the goals, site planning, building design, landscape design, accessory structure and lighting guidelines of the City's adopted Residential Design Guidelines.

4) Home models shall vary within the subdivision with no two same floor plans being adjacent to each other unless the floor plan is "flipped" and the exterior façade treatment is different. The same floor plans shouldn't be built directly across from each other.

5) Structures shall have the mass of the front elevation broken into a minimum of two planes (increasing setbacks from front property line).

6) Colors: Hue variations in adjacent homes shall be provided to create diversity. No adjacent home shall have the same color scheme. The front elevation shall have a minimum of a four-color paint scheme.

7) On corner lots, roof, window, and wall finish features shall be wrapped around to the street-side wall to continue the articulation of the front elevation and provide interest from the street.

8) Fencing: Typical side yard fencing shall be solid and continuous wood fencing or equivalent, not greater than 6' in height. Fencing along the boundaries of the property shall be solid and continuous wood fencing not more than 6' in height, and subject to approval of the Planning Manager prior to installation.

9) All fencing shall be installed by the contractor/developer prior to issuance of occupancy permits, weather permitting. In cases where weather may delay fencing and landscaping installation, occupancy may be permitted with approval of the City and the buyer. In such cases, fencing and landscaping shall be installed at the earliest possible time.

7. All site, building and landscaping plans shall be submitted to the Development Review Committee for review and approval prior to building plan submittal, and shall comply with the conditions in the ordinance approving Zoning Code ZC 20-02.

Environmental Mitigation Monitoring Plan

Applicant shall comply with the air quality, species survey, construction staging, and other requirements of the adopted Mitigation Monitoring Matrix found in the Final Environmental Impact Report

General Conditions

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.

2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted and described above. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission or City Council, whichever is applicable.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their business operations.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and impact fees shall be paid at time of submittal.
5. All applicable development impact fees shall be paid prior to issuance of a building permit.
6. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
7. All grading, paving, excavation and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
8. The project shall comply with the City's noise ordinance as found in the OMC Chapter 9.20.
9. All construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbance of exposed top-soils, such as watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site. See the Mitigation Monitoring Matrix for specific mitigation requirements.
10. All grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines, in order to prevent degradation of ambient air quality. This includes using electrically powered construction equipment whenever possible.
11. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

Additional Draft Subdivision Construction and Occupancy Conditions –Civil Design Standards are in the Engineer's Report

Prior to site grading.

1. All grading, paving, excavation, and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state, and federal requirements.

2. A site grading, drainage and improvement plan shall be prepared by a Registered Civil Engineer, in conformance with City standards, and shall be submitted to and approved by the Public Works Department prior to any work on the site. This plan shall also show:

    I. The design of the sanitary sewer service system including the type and size of the sanitary sewer line lateral, and the proposed point of connection the sewer main.
    II. Existing and proposed easements.
    III. Proposed elevations of finished improvements (parking area, onsite curbs, planters, etc.) within the project at an adequate level of detail to demonstrate drainage flow directions within the project boundaries.
    IV. A drainage and detention/retention facility sufficient that there is no increase in pre-project peak stormwater discharge from the site for a 2-year, 10-year and 100-year storm event. On-site storm drainage shall be collected and retained/detained on-site and then transported via underground conduit to an approved drainage facility.
    V. Drainage calculations to support the size of the detention or retention facility, and orifice calculations to support the design size of the stormwater flow control device.
    VI. Frontage improvements to include curb, gutters and sidewalk constructed to ADA standards; asphaltic concrete pave out (1-foot minimum, or wider if necessary) along new curb, gutters and sidewalk adequate to provide proper street drainage along the project frontage.
    VII. Location of streetlights to be constructed to City standards.

3. All construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbances of exposed top-soils, such as watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site.

4. All grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines in order to prevent degradation of ambient air quality.

5. The applicant shall comply with the mitigation monitoring program as approved for TSM 22-01

Prior to the issuance of building permits.

6. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities

requiring a building permit. All applicable plan review and impact fees shall be paid at time of submittal.

7. Landscape plans shall be approved by the Parks and Trees Department.

    I. Planting shall be provided in as much of the front setback as is practical, excluding any areas with paved driveways or pedestrian paths. In no case shall more than 75% of the front setback be paved.
    II. Where a side or rear property line is adjacent to a street, the site shall include a planting area along the property line with a width of at least 5 feet. Any fence around the property shall be located behind the planting area.
    III. Plantings shall be drought tolerant and MWELO standards will apply.
    IV. Landscaping shall be installed around the detention basin where visible from the street and adjacent residences.

8. The building plans shall include an architecturally compatible method of screening any roof mounted HVAC system, or if the units are placed on the ground, the unit shall be screened by landscaping or a decorative fence.

9. Applicant shall annex into a Landscape and Lighting Maintenance Assessment District (LLMAD) and Benefit Assessment District (BAD) prior to issuance of building permits.

Prior to construction.

10. Obtain an encroachment permit from the City for any work in the public right-of-way.

11. All utilities shall be placed underground.

12. Developer will be responsible for the cost of all water improvements (meters, boxes, valves, lines, backflow devices, etc.), which are required to meet TWSD improvement standards. The cost of all fire lines and hydrants shall also be the developer's responsibility.

13. A Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling and grading) of one or more acres. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. The Permit must be obtained from the State Water Resources Control Board prior to construction.

Prior to occupancy.

14. All required landscaping and irrigation improvements shall be installed prior to issuance of a certificate of occupancy.

15. Buildings shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).

16. Curb, gutter and sidewalk shall be constructed to City standards.

Other.

17. Street lighting shall be provided in accordance with City of Oroville requirements and accepted design criteria. A street lighting plan shall be submitted to the Public Works

Department. Streetlight poles shall be spun aluminum or other material as approved by the Public Works Department.

18. Home models shall vary within the subdivision with no two same floor plans being adjacent to each other unless the floor plan is “flipped” and the exterior façade treatment is different. The same floor plans shouldn’t be built directly across from each other.

19. Hue variations in adjacent homes shall be provided to create diversity. No adjacent home shall have the same color scheme.

20. Minor changes may be approved administratively by the Community Development Director or designee upon receipt of a written request by the applicant or designee. Changes deemed to be major or significant in nature shall require a formal application for amendment.

21. Pursuant to Section 17.12.010, the buildings shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the buildings, structures, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.

22. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.

23. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide defense for the City in any such acti.

--- End of Conditions ---

If you have questions about the information in this letter, please contact me by e-mail at wervin@cityoforoville.org or by phone at (530) 538-2408.

Sincerely,

Wes Ervin
Planner

Draft
Environmental Impact Report

FEATHER RANCH PROJECT

City of Oroville, California

CEQA Lead Agency:

City of Oroville
1735 Montgomery Street
Oroville, California 95965

Prepared by:

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

ECORP Consulting, Inc.
55 Hanover Lane
Chico, California 95973

April 2023

EXECUTIVE SUMMARY

ES-1 Introduction

This Draft Environmental Impact Report (DEIR, Draft EIR) evaluates the potential environmental effects of the proposed construction and operation of the Feather Ranch Project (Proposed Project) in the City of Oroville, Butte County, California. The City of Oroville is the Lead Agency responsible for preparation of this DEIR. This DEIR was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code [PRC] Section 21000 et. seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Sections 15000 et seq). CEQA requires that the Lead Agency, in this case City of Oroville, consider the information contained in the DEIR prior to taking any discretionary action on the Project. The Lead Agency is the agency with primary responsibility for approval of a project. Other public agencies may also use this EIR to inform discretionary actions related to the Proposed Project.

This Summary has been prepared in accordance with the CEQA Guidelines Section 15123, which states that an EIR should contain a brief summary of the Proposed Project and its consequences, and should identify:

1. each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect,
2. areas of public controversy known to the lead agency, including issues raised by the agencies and the public, and
3. issues to be resolved, including the choice among alternatives and how to mitigate the significant effects.

ES-2 Project Location and Setting

The Project is located directly southwest of the Feather Avenue/20th Street intersection in City of Oroville, California. Assessor's Parcel Number (APN) 030-230-098 (Figures 2.0-1 and 2.0-2). The Project is 44.97 acres in size. The Surrounding uses include single-family homes and vacant land to the east of the Project Site. Rural residential uses and vacant land lie to the north of the Project Site; vacant land lies to the west of the Site, with rural residential uses and vacant land to the south. The Oroville Municipal Airport (OMA) is approximately 0.75 mile to the south of the Project Site and the Thermalito Forebay is 0.5 mile to the north (Figure 2.0-3).

As shown in Figure 3, surrounding land uses include a mixture of vacant land, single-family residential neighborhoods, OMA, a school, and light industrial and commercial uses near the Project Site as described below.

North. The Project Site's northern boundary is generally bounded by a dirt access road with vacant land and a scattering of single-family residences fronting 21st Street off Grand Avenue.

East. The Project Site's eastern boundary is generally bounded by 20th Street off Grand Avenue with a single-family residential neighborhood beyond the northern half of the eastern boundary, with vacant land beyond 20th Street on the southern half of the eastern boundary.

South. The Project Site's southern boundary is generally bounded by a dirt access road with vacant land and a scattering of single-family residences fronting 20th Street beyond. CA State Route (SR) 162 is located approximately 1,570 feet from the Project Site's southern boundary where 20th Street intersects. Beyond SR 162 (Oro Dam Boulevard West), and in the northeastern corner and abutting the OMA area, there is an industrial storage yard with commercial uses on either side and the Northwest Lineman College.

West. The Project's western boundary is generally bounded by a dirt access road with vacant land beyond and a scattering of single-family residences fronting Gold Country Lane and Chardonnay Way.

ES-3 Description of Proposed Project

The Proposed Project is the subdivision of a 44.97-acre site into 172 single-family lots located at the southwest corner of the Feather Avenue/20th Street intersection in the City of Oroville, California. Figure 2.0-4 shows the Project Site Plan. Lots will range in size from 6,600 to 9,410 square feet (sf), and the average lot size is 7,450 sf. The subdivision is proposed as a phased map. Phase 1 proposes 68 lots, Phase 2 proposes 58 lots, and Phase 3 proposes 46 lots (Figure 2.0-4). Section 2.0 of this DEIR contains a detailed description of the Proposed Project.

ES-4 Project Objectives

The Feather Ranch Project includes the following objectives that encompass a variety of goals that aim to provide solutions to some of the state and city's housing needs, while also considering the needs of future residents. The Project objectives area as follows:

- Develop an economically feasible housing plan that is compatible with the surrounding community in a low fire risk zone to provide permanent housing relief for the 50,000 displaced Paradise fire survivors.
- Fulfill the housing needs of the state, City of Oroville, and County of Butte by rezoning un-used isolated airport business park land to medium density residential homes to help address the current Regional Housing Needs Assessment (RHNA). The housing units will be market-rate for-sale units.
- Create a vibrant residential community by providing a like-kind residential project that further adds to western Oroville's current and future neighborhoods. The Project will include lots of 6,000 sf or larger, setback and landscaping buffers.
- Provide a well-connected open space network that includes the addition of a neighborhood park, bicycle paths and pedestrian sidewalks, open space buffers, and a space for recreational activities.
- Incorporate the Building Code requirements for energy efficiencies and water savings.

ES-5 Project Alternatives

The CEQA Guidelines Section 15126.6 specifies that an EIR must describe and evaluate a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects of the project. Chapter 5 of this DEIR describes the alternatives to the Proposed Project. These alternatives include:

- Alternative 1: No Project;
- Alternative 2: Reduced Project; and
- Alternative 3: Residential Densities Consistent with the Airport land Use Plan B1 Compatibility Zone.

ES-5.1 Alternative 1: No Project

Under CEQA, an EIR must include a comparative analysis of a No Project Alternative (CEQA Guidelines Section 15126.6(e)). This requirement encourages a lead agency to compare the environmental effects of approving a proposed project with the effects of not approving it. The No Project Alternative generally assumes that the land area affected by Project construction would remain in its existing state, while taking into account what would be reasonably expected to occur in the foreseeable future if the Project were not approved. No other development is proposed in the area or the Project Site. As such, Alternative 1 assumes that the Project Site would remain vacant for the foreseeable future.

ES-5.2 Alternative 2: Reduce Project

Alternative 2 would require a General Plan amendment and rezoning approval similar to the Proposed Project as the proposed uses under Alternative 2 are not allowed under the current General Plan land use designation and zoning district. As such, Alternative 2 would be a discretionary project pursuant to CEQA and require CEQA environmental review. Alternative 2 would be the development of the Project with the same proposed uses of the Project but on a reduced scale of approximately 75 percent of the Proposed Project's size. This reduction would result in 129 single family units on the same 44.97-acre parcel. Assuming that the average parcel size of 7,450 sf for the Proposed Project would also be used in Alternative 2, Alternative 2 would result in 7.3 more acres of open space than the Proposed Project[1].

ES-5.3 Alternative 3: Smaller Project

Alternative 3 would allow for residential densities consistent with the Oroville Airport B1 Compatibility Zone of 0.1 dwelling unit per acre (1 unit per 10 acres). Those portions of the Project that are within the B2 Compatibility Zone would be developed at residential densities proposed by the Project. According to information provided by the Butte County Department of Development Services, Planning Division,

[1] Proposed Project = 172 lots x 7,450 sf = 1,281,400 sf (29.4 acres). Alternative 2 = 129 lots x 7,450 s . = 961,050 sf (22.1 acres). 29.4 acres - 22.1 acres = 7.3 acres.

Airport Land Use Commission (2022), approximately 35.82 acres of the Project Site is within the B1 Compatibility Zone and 9.15 acres of the Site is within the B2 Compatibility Zone. Based on this information, 41 single family dwellings would be developed in Alternative 3 at the acreage and densities shown in Table 5.0-1. Three single family homes would have an average lot size of 11.94 acres and 38 homes with an average lot size of 10,488 square feet. However, note that these average lot sizes do not account for streets or any open space and are only rough estimates used for this alternative.

ES-6 Areas of Controversy/Issues to be Resolved by Lead Agency

CEQA Guidelines Section 15123(b)(2) requires an EIR to identify areas of controversy or public interest. Prior to the preparation of this EIR, ECORP prepared an Initial Study (IS) and Notice of Preparation (NOP) for the Project (Appendix 1.0). The City of Oroville distributed the IS and NOP for review and comment to the State Clearinghouse (SCH, #2022110054) and interested parties for a 33-day comment period from November 3 to December 5, 2022. Additionally, the City held a scoping meeting which was advertised with the publication of the NOP on November 3, 2022 and scheduled for November 17, 2022 in order to allow early public/agency input and comments about the Project, the IS and future environmental review. No members of the public and agencies attended this meeting. The City received six NOP comment letters, which are summarized in Table 1.0-3 of Section 1.0 of this DEIR.

ES-7 Summary of Impacts and Mitigation Measures

Table S.7-1 presents a summary of Project-specific environmental impacts analyzed and identified in this DEIR, the mitigation measures proposed for those impacts, and the level of significance after mitigation.

The analysis in this DEIR concludes that, although certain impacts are considered significant or potentially significant, the majority of these impacts could be avoided or reduced to less than significant with implementation of mitigation measures. All impacts would be less than significant after the implementation of mitigation measures, with the exception of hazards related to airport safety, noise related to traffic, and traffic related to Vehicle Mile Traveled (VMT), which would remain significant even as no feasible mitigation is possible. Therefore, the Proposed Project would result in significant and unavoidable impacts to hazards and hazardous materials, noise, and transportation.

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
BIOLOGICAL RESOURCES		
BIO-1: Project implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impact Determination: *Less than Significant with Mitigation*	**BIO-1:** Implement Erosion Control Measures and BMPs. The Project proponent shall implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project site. Examples of appropriate measures are included below. • Avoided aquatic resources should be clearly demarcated prior to construction. Avoidance buffers should be consistent with the City of Oroville requirements and/or requirements of regulatory permits. Erosion control measures should be placed between avoided aquatic resources and the outer edge of the impact limits prior to commencement of construction activities. Such identification and erosion control measures should be properly maintained until construction is completed and the soils have been stabilized. • Any fueling in the Study Area should use appropriate secondary containment techniques to prevent spills. **BIO-2:** **Worker Environmental Awareness Program.** The Project proponent shall require a mandatory Worker Environmental Awareness Program provided by qualified biologist for all contractors, work crews, and any onsite personnel to aid workers in recognizing special status species and sensitive	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	biological resources that may occur on-site prior to any construction or grading of the site. The program shall include identification of the special status species and their habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. **BIO-3:** **Special-Status Species – Plants.** There is potential or low potential for 23 special-status plants to occur within the Study Area. The following mitigation measures are required to minimize potential impacts to special-status plants. • Perform floristic plant surveys according to USFWS, CDFW, and CNPS protocols prior to construction. Surveys shall be conducted by a qualified biologist and timed according to the appropriate phenological stage for identifying target species. Known reference populations shall be visited and/or local herbaria records shall be reviewed, if available, prior to surveys to confirm the phenological stage of the target species. If no special-status plants are found within the Project site, no further measures pertaining to special-status plants are necessary. • If special-status plants are identified within 25-feet of the Project impact area, implement the following measures:	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	• If avoidance of special-status plants is feasible, establish and clearly demarcate avoidance zones for special-status plant occurrences prior to construction. Avoidance zones shall include the extent of the special-status plants plus a 25-foot buffer, unless otherwise determined by a qualified biologist, and shall be maintained until the completion of construction. A qualified biologist/biological monitor shall be present must occur within the avoidance buffer to ensure special-status plants are not impacted by the work. • If avoidance of special-status plants is not feasible, mitigate for significant impacts to special-status plants. Mitigation measures shall be developed in consultation with CDFW. Mitigation measures may include permanent preservation of onsite or offsite habitat for special-status plants and/or translocation of plants or seeds from impacted areas to unaffected habitats. **BIO-4: Special-Status Species – Invertebrates.** There is potential for three federally listed special-status invertebrates to occur within the Study Area. The following mitigation measure is required to minimize potential impacts to special-status invertebrates. • No Project construction shall proceed in areas supporting potential habitat for federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until incidental take authorization has been issued by USFWS under Section 7 (Biological Opinion) or Section 10 (HCP) of the ESA and the Project proponent has abided by conditions in the BO or HCP, including all conservation and minimization measures. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction and compensatory mitigation for loss of suitable habitat. **BIO-5:** **Western Spadefoot.** Western spadefoot have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to western spadefoot. • A qualified biologist shall conduct surveys for western spadefoot in areas of potential habitat that would be eliminated by the Project. The surveys shall be conducted at the appropriate time of year to detect western spadefoot, generally the breeding season, according to methods approved by CDFW. If western spadefoot is found in habitat that will be eliminated or made unsuitable for western spadefoot, a plan to collect and	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	relocate adult and larval western spadefoot and egg masses to suitable habitat that will be preserved in perpetuity as required according to the BO in Mitigation Measure BIO-4. **BIO-6:** **Blainville's Horned Lizard.** Blainville's horned lizard have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to Blainville's horned lizard. • A qualified biologist shall conduct a preconstruction Blainville's horned lizard survey in Project impact areas within 48 hours prior to construction activities. Any Blainville's horned lizard individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, consult with CDFW to develop avoidance and minimization measures, which may include, but not limited to, fencing avoidance areas, development of a relocation plan, and/or onsite monitoring during site construction. **BIO-7:** **Special-Status Species – Birds.** Three special-status birds and various other protected birds have the potential to nest within	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	the Study Area. The following mitigation is required to minimize potential impacts to nesting birds: • If construction is to occur during the nesting season (generally February 1 through August 31), conduct a preconstruction nesting bird survey of all suitable nesting habitat on the Project within 14 days of the commencement of construction. The survey shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Preconstruction nesting surveys are not required for construction activity outside the nesting season. **BIO-8: Swainson's Hawk and Tricolored Blackbird.** The Study Area supports potential foraging habitat for two state-listed birds: Swainson's hawk and tricolored blackbird. The following mitigation is recommended to minimize potential impacts to foraging habitat: • Mitigate for the loss of Swainson's hawk according to the 1994 CDFG's Staff Report Regarding Mitigation for	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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	Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California. The required measures to address Swainson's hawk foraging habitat impact and mitigation measure BIO-9 will be sufficient to mitigate impacts to tricolored blackbird foraging habitat.	
BIO-2: Project implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Impact Determination: *Less than Significant with Mitigation*	Implement Mitigation Measures BIO-1, BIO-2, and BIO-9.	LTS
BIO-3: Project implementation could cause a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impact Determination: *Less than Significant with Mitigation*	**BIO-9: Sensitive Natural Communities.** The Project site supports potential Waters of the U.S. and State. In addition to Mitigation Measures BIO-1 and BIO-2, the following mitigation measures are required for the protection of aquatic resources: • Submit an aquatic resources delineation for the Project to the USACE and obtain a verification or Preliminary Jurisdictional Determination. • File a request for authorization to fill Waters of the U.S. under the Section 404 of the federal CWA (Section 404 Permit) prior to discharging any dredged or fill materials into any Waters of the U.S. Mitigation measures will be	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	developed as part of the Section 404 Permit process to ensure no net loss of wetland function and values. To facilitate such authorization, an application for a Section 404 Nationwide Permit (0.5 acre or less of impacts for Nationwide Permit 29-Residential Developments) or an Individual Permit for the Project should be prepared and submitted to USACE. Mitigation for impacts to Waters of the U.S. typically consists of a minimum of a 1:1 ratio for direct impacts; however final mitigation requirements will be developed in consultation with USACE. • If necessary, file a request for a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained from the RWQCB for Section 404 permit actions. • Pursuant to the Porter-Cologne Water Quality Act, a permit authorization from the RWQCB is required prior to the discharge of material in an area that could affect Waters of the State. Mitigation requirements for discharge to Waters of the State within the Project Site will be developed in consultation with the RWQCB.	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
CULTURAL RESOURCES		
CUL-1: Project implementation could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5. Impact Determination: *Less than Significant with Mitigation*	**CUL-1: Cultural or Archaeological Resource Discovery.** All subdivision improvement plans and grading plans shall include the following: • If subsurface deposits believed to be cultural or human in origin are discovered during any roadway or future construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner. If the find is determined to be eligible for inclusion in the NRHP or CRHR, the City shall consult	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	on a finding of eligibility and implement appropriate treatment measures. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction. • If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Butte County Coroner (in accordance with Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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	not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.	
CUL-2: Project implementation could cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section15064.5. Impact Determination: *Less than Significant with Mitigation*	Implement CUL-1	LTS
CUL-3: Project implementation could disturb any human remains, including those interred outside of formal cemeteries. Impact Determination: *Less than Significant with Mitigation*	Implement CUL-1	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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GEOLOGY, SOILS AND PALEONTOLOGICAL RESOURCES		
GEO-1: Project implementation could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. Impact Determination: *Less than Significant with Mitigation*	**PALEO-1: Discovery of Unknown Paleontological Resources.** If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City. The Project proponent shall retain a qualified paleontologist to evaluate the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	LTS
HAZARDS AND HAZARDOUS MATERIALS		
HAZ-1: If the Proposed Project is located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the Proposed Project could result	No feasible mitigation possible.	SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
in a safety hazard or excessive noise for people residing or working in the Project Area.		
HAZ-2: Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative impacts regarding safety hazard or excessive noise for people residing or working in the Project area. Impact Determination: *Cumulatively Considerable and Significant and Unavoidable*	No feasible mitigation possible.	CC and SU
NOISE		
NOI-1: Project implementation could result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impact Determination: *Significant and Unavoidable*	No feasible mitigation possible.	SU
NOI-4: Would implementation of the Proposed Project, in combination with existing, approved, proposed, and reasonably	No feasible mitigation possible.	CC and SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
foreseeable development in Butte County, result in a cumulatively considerable noise impact? Impact Determination: *Cumulative Considerable and Significant and Unavoidable*		
PUBLIC SERVICES		
PUB-1: Project implementation could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire, police, schools, and/or other public facilities. Impact Determination: *Less than Significant with Mitigation*	**PUB-1: Annexation into CFD 2006-01 and CFD 2006-02.** Prior to recordation of the Final Map, the Project shall annex into both CFD 2006-01 and CFD 2006-02.	LTS
TRANSPORTATION		
TR-2: Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impact Determination: *Significant and Unavoidable*	**TR-1: Provide Pedestrian Network Improvements.** Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT.	SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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	The Project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site. The Project will minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, landscaping, and slopes that impede pedestrian circulation will be eliminated. Some aspects of this measure are already included in the Proposed Project. Increasing the use of pedestrian improvements would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0.5 percent to 5.7 percent. **TR-2:** **Provide Traffic Calming Measures.** Providing traffic calming measures encourages people to walk or use bicycles instead of using a vehicle. This mode shift will result in a decrease in VMT. Project design will include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways will be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

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	with street trees, chicanes/chokers, and others. Some aspects of this measure are already included in the Proposed Project. Increasing the use of traffic calming measures would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0 to 1.7 percent. **TR-3:** **Contribute to a 20th Street Bicycle Facility.** Providing bicycle facilities reduces VMT by encouraging use of non-vehicular forms of transportation. Connecting to existing bicycle facilities would provide access to Project site residents to a larger network of facilities. The Project applicant shall contribute a fair share portion of the cost toward construction of the bikeway. Because the Bicycle Transportation Plan does not specify whether the 20th Street bikeway would be a Class I or Class II facility, it is not known whether the bikeway would be on 20th Street or separate from the roadway. For the same reason, it is not known what the cost of the bikeway would be. As such, the Project's fair share portion shall be negotiated between the applicant and the City of Oroville.	
TR-4: Would the project, when considered with existing, proposed, planned, and approved development in the region, implementation of the proposed project would contribute to cumulative traffic	Implement TR-1, TR-2, and TR-3	CC and SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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volumes on local roadways that result in significant impacts to level of service and operations? Impact Determination: *Cumulative Considerable and Significant and Unavoidable*		
TRIBAL CULTURAL RESOURCES		
TCR-1: Project implementation could cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074. Impact Determination: *Less than Significant with Mitigation*	Implement CUL-1	LTS

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TABLE OF CONTENTS

EXECUTIVE SUMMARY ES-1

ES-1 Introduction ES-1
ES-2 Project Location and Setting ES-1
ES-3 Description of Proposed Project ES-2
ES-4 Project Objectives ES-2
ES-5 Project Alternatives ES-3
ES-6 Areas of Controversy/Issues to be Resolved by Lead Agency ES-4
ES-7 Summary of Impacts and Mitigation Measures ES-4

1.0 INTRODUCTION 1-1

1.1 Purpose of the Draft EIR 1-1
1.2 Known Trustee and Responsible Agencies 1-2
1.3 Type of Document 1-2
1.4 Intended Use of the EIR 1-3
1.5 Draft EIR Organization 1-3
1.6 Environmental Review Process 1-4

2.0 PROJECT DESCRIPTION 2-1

2.1 Project Location and Setting 2-1
2.2 Project Objectives 2-1
2.3 Project Description 2-1

3.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION 3-1

3.1 Air Quality 3.1-1
3.2 Biological Resources 3.2-1
3.3 Cultural Resources 3.3-1
3.4 Energy 3.4-1
3.5 Geology, Soils, and Paleontological Resources 3.5-1
3.6 Greenhouse Gas Emissions 3.6-1
3.7 Hazards And Hazardous Materials 3.7-1
3.8 Land Use And Planning 3.8-1
3.9 Noise 3.9-1
3.10 Population and Housing 3.10-1
3.11 Public Services 3.11-1
3.12 Transportation 3.12-1
3.13 Tribal Cultural Resources 3.13-1

3.14 Utilities and Service Systems 3.14-1
4.0 OTHER REQUIRED CEQA ANALYSIS 4-1
4.1 Growth-Inducing Impacts 4-1
4.2 Significant and Unavoidable Impacts 4-1
5.0 ALTERNATIVES TO THE PROPOSED PROJECT 5-1
5.1 Introduction 5-1
5.2 Considerations for Selection of Alternatives 5-2
5.3 Alternatives Considered and Eliminated from Further Evaluation 5-4
5.4 Alternatives Considered for Detailed Evaluation 5-5
5.5 Environmentally Superior Alternative 5-20
6.0 REFERENCES 6-1
7.0 LIST OF PREPARERS 7-1
7.1 City of Oroville (Lead Agency) 7-1
7.2 ECORP Consulting, Inc. (EIR Preparation) 7-1

APPENDICES

Appendix 1.0 – Notice of Preparation And Public/Agency Comment Letters
Appendix 3.1 - Air Quality & Greenhouse Gas Emissions Assessment for the Feather Ranch Project
Appendix 3.2 – Biological Resources Assessment and Wetland Delineation
Appendix 3.4 – Energy Consumption Assessment
Appendix 3.9 – Noise Impact Assessment
Appendix 3.12 – Traffic Impact Study

LIST OF TABLES

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures ES-5
Table 1.1. Anticipated Agency Approvals and Reviews 1-1
Table 1.2. Potential Trustee and Responsible Agency Approvals and Reviews 1-2
Table 1-3. NOP Comments 1-5
Table 3-1. 2008 General Plan EIR - Expected 2030 Development Under the 2030 General Plan 3-7
Table 3-2. 2015 General Plan SEIR – Expected 2030 Development Under the 2030 General Plan 3-7
Table 3.1-1. BCAQMD Regional Significance Thresholds 3.1-6
Table 3.1-2. Construction-Related Emissions 3.1-10
Table 3.1-3. Operational-Related Emissions 3.1-11

Table 3.2-1. RWQCB Jurisdictional Area 3.2-3
Table 3.2-2. Potentially Occurring Special-Status Species 3.2-6
Table 3.5-1. Residential Electricity Consumption in Butte County 2017-2021 ..... 3.4-3
Table 3.5-2. Residential Natural Gas Consumption in Butte County 2017-2021 ..... 3.4-3
Table 3.5-3. Automotive Fuel Consumption in Butte County 2018-2022 ..... 3.4-4
Table 3.5-4. Proposed Project Energy and Fuel Consumption 3.4-7
Table 3.6-1. Construction-Related Greenhouse Gas Emissions 3.6-6
Table 3.6-2. Operational-Related Greenhouse Gas Emissions 3.6-7
Table 3.9-1. Common Acoustical Descriptors 3.9-4
Table 3.9-2. Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibration Levels 3.9-8
Table 3.9-3. Existing (Baseline) Noise Measurements 3.9-9
Table 3.9-4. Existing Roadway Noise Levels 3.9-10
Table 3.9-5. Significant Increase in Transportation Noise 3.9-12
Table 3.9-6. Maximum Allowable Noise Exposure to Transportation Noise Sources 3.9-13
Table 3.9-7. Maximum Allowable Noise Exposure to Non-Transportation Noise Sources 3.9-13
Table 3.9-8. Construction Average (dBA) Noise Levels at Nearest Receptor 3.9-18
Table 3.9-9. Proposed Project Predicted Traffic Noise Levels 3.9-21
Table 3.9-10. Representative Vibration Source Levels for Construction Equipment 3.9-23
Table 3.9-11. Construction Vibration Levels at 60 Feet 3.9-24
Table 3.9-12. Cumulative Traffic Scenario 3.9-26
Table 3.11-1. Oroville Fire Department Apparatus 3.11-2
Table 3.12-1. Level of Service – Existing Conditions 3.12-9
Table 3.12-2. Trips Per Unit 3.12-17
Trips Per Unit 3.12-17
Table 3.12-3. Project Trip Generation Estimates 3.12-17
Table 3.12-4. Proposed Project Trip Distribution Percentages 3.12-17
Table 3.12-5. Level of Service – Existing Plus Project Conditions 3.12-22
Table 3.12-6. Level of Service – Existing Plus Project Conditions With Mitigation 3.12-24
Table 3.12-7. Level of Service – Existing Conditions 3.12-31
Table 3.12-8. Level of Service – Existing Plus Project Conditions 3.12-36
Table 3.12-9. Level of Service – Cumulative Plus Project Conditions With Mitigation 3.12-38

Table 5-1. Alternative 3 Residential Development 5-6

Table 5-2. Comparison of the Environmental Impacts of the Alternatives in Relation to the Proposed Project 5-21

Table 5-3. Comparison of Alternatives by Project Objectives 5-22

LIST OF FIGURES

Figure 2-1. Regional Location 2-3

Figure 2-2. Site Location 2-4

Figure 2-3. Surrounding Uses 2-5

Figure 2-4. Site Plan 2-7

Figure 2-5. Street Sections and Storm Drain Leach Trench Detail 2-9

Figure 2-6. Storm Drain Inlets and Leach Trench Locations 2-11

Figure 3.2-1. Aquatic Resources Delineation Map 3.2-5

Figure 3.9-1. Common Noise Levels 3.9-2

Figure 3.12-1. Roadway Network and Intersections 3.12-3

Figure 3.12-2. Existing Traffic Volumes and Land Configurations 3.12-8

Figure 3.12-3. Project Only Traffic Volumes Existing Background Conditions 3.12-20

Figure 3.12-4. Existing Plus Project Traffic Volumes and Lane Configurations 3.12-21

Figure 3.12-5. Cumulative No Project Traffic Volumes and Lane Configurations 3.12-30

Figure 3.12-6. Project Only Traffic Volumes Cumulative Background Conditions 3.12-34

Figure 3.12-7. Cumulative Plus Project Traffic Volumes and Lane Configurations 3.12-35

ACRONYMS AND ABBREVIATIONS

Term	Description
°C	Degrees Celsius
°F	Degrees Fahrenheit
AB	Assembly Bill
ABP	Airport Business Park
AF	acre feet
AFY	Acre-Feet Per Year
AIA-O	Airport Influence Area Overlay
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AMSL	Above Mean Sea Level
APE	Area of Potential Effects

Term	Description
APN	Assessor's Parcel Number
AWSC	All-Way Stop-Control
BA	Biological Assessment
BCAG	Butte County Association of Governments
BCAQMD	Butte County Air Quality Management District
BCC	Bird of Conservation Concern
BCFD	Butte County Fire Department
BLM	Bureau of Land Management
BO	Biological Opinion
BP	Before Present
BRA	Biological Resources Assessment
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAISO	California Independent System Operator
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CalGreen	California Green Building Standards Code
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CH_4	Methane
CHRIS	California Historical Resources Information System
City	City of Oroville
CNEL	Community Noise Equivalent Level
CNDDB	California Natural Diversity Database
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalent
CPUC	California Public Utilities Commission
CRHR	California Register of Historic Resources
CRPR	California Rare Plant Rank
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted decibels
DEIR, Draft EIR	Draft Environmental Impact Report
DOF	Department of Finance

Term	Description
DPM	Diesel Particulate Matter
Draft SEIR	Draft Supplemental EIR
DWR	Department of Water Resources
EIR	Environmental Impact Report
Element	Open Space, Natural Resources, and Conservation Element
EO	Executive Order
EPS	Emissions Performance Standard
ESA	Endangered Species Act
FEIR	Final Environmental Impact Report
FHWA	Federal Highway Administration
FLPMA	Federal Land Policy and Management Act (
FTA	Federal Transit Administration
FY	Fiscal Year
GHG	Greenhouse Gas
GLO	General Land Office
gpd	gallons per day
Handbook	*California Airport Land Use Planning Handbook*
HCP	Habitat conservation Plan
HMMH	Harris, Miller, Miller & Hanson, Inc.
hp	Horsepower
Hz	Hertz
I-5	Interstate 5
IEPR	Integrated Energy Policy Report
IS	Initial Study
ITE	Institute of Transportation Engineers
ITP	Incidental Take Permit
KDA	KD Anderson & Associates, Inc.
kV	Kilovolt
KWh	Kilowatt-Hours
L_{dn}	Day-Night Average
L_{eq}	Equivalent Noise Level
L_{max}	Maximum Noise Level
L_{min}	Minimum Noise Level
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
Mgd	Million Gallons Per Day
MLD	Native American Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Plan
Mwh	Megawatt hour
MTP	Metropolitan Transportation Plan
N_2O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NCCP	Natural Community Conservation Plan
NCHRP	National Cooperative Highway Research Program

Term	Description
NEIC	Northeastern Information Center
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NIOSH	National Institute for Occupational Safety and Health
NMFS	National Marine Fisheries Service
NO_2	Nitrogen Dioxide
NOAA	National Oceanic and Atmospheric Administration
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
NPPA	Native Plant Protection Act
NPS	National Park Service
NRHP	National Register of Historic Places
NSVAB	Northern Sacramento Valley Air Basin
NWPR	National Wetlands Protection Rule
O_3	Ozone
OFD	Oroville Fire Department
OMA	Oroville Municipal Airport
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PG&E	Pacific Gas and Electric Company
PM_{10}	Particulate Matter Less than 10 Microns in Diameter, Coarse Particulate Matter
$PM_{2.5}$	Particulate Matter Less than 2.5 Microns in Diameter
ppm	Parts Per Million
PPV	Peak Particle Velocity
Proposed Project	Feather Ranch Project
PRC	Public Resources Code
PRPA	Paleontological Resources Preservation Act
RHNA	Regional Housing Needs Assessment
RMS	Root Mean Square
ROG	Reactive Organic Gas
RPS	Renewables Portfolio Standard
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFER	Staffing for Adequate Fire and Emergency Response
SB	Senate Bill
SC-OR	Sewerage Commission – Oroville Region's
SCAQMD	South Coast Air Quality Management District
SCH	State Clearinghouse
SCS	Sustainable Communities Strategy
sf	Square Foot/Feet
SIP	State Implementation Plan
SLF	Sacred Lands File
SO_2	Sulfur Dioxide

Term	Description
SOI	Sphere of Influence
SR	State Route
SSC	Species of Special Concern
STC	Sound Transmission Class
SVAQEEP	Sacramento Valley Air Quality Engineering and Enforcement Professionals
SWPPP	Stormwater Pollution Prevention Plan
TAC	Toxic Air Contaminant
TAZ	Traffic Analysis Zone
TCRs	Tribal Cultural Resources
TIS	Traffic Impact Study
TMDP	2007 Thermalito Master Drainage Plan
TWSD	Thermalito Water and Sewer District
UCMP	University of California Museum of Paleontology
USACE	United States Army Corp of Engineers
USC	U.S. Code
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VMT	Vehicle Miles Traveled
WEAL	Western Electro-Acoustic Laboratory, Inc.
WTF	Wastewater Treatment Facility

1.0 INTRODUCTION

1.1 Purpose of the Draft EIR

This Draft EIR identifies and evaluates the potential environmental impacts associated with the implementation of the Proposed Project. The Project entails the subdivision of a 44.97-acre site into 172 single-family lots in Oroville California.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that informs agency decision makers and the general public of the potentially significant environmental impacts of a project, identifies ways to minimize the significant impacts, and describes a reasonable range of alternatives to the project. CEQA requires that an EIR be prepared by the agency with primary responsibility over the approval of a project (referred to as the Lead Agency). The City of Oroville (City) as the Lead Agency has prepared this DEIR in accordance with the CEQA (PRC Sections 21000 et. seq.) and the Guidelines for the Implementation of CEQA (CCR Title 14, Sections 15000 et seq.).

This DEIR is intended to provide information to public agencies and the general public regarding the potential direct, indirect, and cumulative environmental impacts associated with the Proposed Project. Public agencies are charged with the duty to consider and minimize environmental impacts of proposed development, where feasible, and are obligated to balance a variety of public objectives including economic, environmental, and social factors in their decision making. The City has determined that an EIR is the appropriate CEQA documentation due to the potential for significant environmental impacts that could result from approval of the requested actions and development of the Proposed Project. This Draft EIR evaluates the existing environmental conditions in the area, analyzes potential environmental impacts due to the implementation of the Project, and identifies feasible mitigation measures that could avoid or reduce the magnitude of those impacts. CEQA requires a Lead Agency neither approve nor implement a project unless significant environmental impacts have been reduced, or, if a Lead Agency approves the project even though significant impacts identified in the DEIR cannot be fully mitigated, the Lead Agency must state in writing the reasons for its action by adopting Findings and a Statement of Overriding Considerations (CEQA Guidelines Section 15091).

Table 1.1. Anticipated Agency Approvals and Reviews

Agency	Permit or Approval
City of Oroville City Council	• Certification of the EIR, • Approval of a General Plan Amendment to change the land use designation for the site from Airport Business Park to Residential -Single Family, • Approval of a Rezoning from Airport Business Park (ABP)and Airport Influence Area Overlay (AIA-O) to Single Family Residential (R-1), and • Approval of the Tentative Subdivision map

1.2 Known Trustee and Responsible Agencies

Other public agencies may use this DEIR to issue approvals and permits related to the Proposed Project. For the purpose of CEQA, the term *trustee agency* means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of California. In CEQA, the term *responsible agency* includes all public agencies other than the lead agency that may have approval authority in some regard associated with the Proposed Project. A list of agency approvals that may be required to implement the Proposed Project is provided in Table 1.2. The types of actions that these agencies, as well as other agencies not included on this list, may take in connection with the Proposed Project include, but may not be limited to the following:

- Approve, adopt, or amend applicable plans, policies, or programs,
- Make findings of consistency,
- Approve and issue permits,
- Approve agreements,
- Provide authorization and approval of funding, and
- Provide service.

Table 1.2. Potential Trustee and Responsible Agency Approvals and Reviews

Agency	Review
Butte County Air Quality Management District (BCAQMD)	Dust control plan
Central Valley Regional Water Quality Control Board	Construction General Permit
Butte County Airport Land Use Commission	Review of the Feather Ranch Project for compliance with the Oroville Municipal Airport Land Use Plan

1.3 Type of Document

CEQA and the CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR is for a specific development project with defined parameters. As such, this EIR is a *project* EIR. Project EIRs are defined by CEQA Guidelines (Section 15161) as:

> "The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation."

1.4 Intended Use of the EIR

This Draft EIR is intended to evaluate the environmental impacts of the Project based on an equal level analysis of the three proposed alternatives. This EIR in its final form will be used by the City in considering approval of the Proposed Project. In accordance with CEQA Guidelines Section 15126, the EIR will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the Project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

1.5 Draft EIR Organization

This DEIR is organized as follows:

- The Summary provides summary information on the Project location and setting, Project characteristics, areas of controversy and issues to be resolved, Project alternatives, and a summary of impacts and mitigation measures.
- Section 1.0 of the DEIR provides an introduction to the Proposed Project, the purpose of the DEIR, a description of the organization of the DEIR, the intended uses of the DEIR, and a description of the public review process.
- Section 2.0 provides a description of the Project location, Project objectives, and the elements of the Proposed Project.
- Section 3.0 provides the environmental analysis of the Proposed Project. This includes the description of the regulatory background, environmental setting (existing conditions), the analysis of environmental impacts, and a discussion of mitigation measures to reduce or eliminate any significant environmental impacts.
- Section 4.0 addresses other aspects of compliance with CEQA including a description of significant and unavoidable adverse impacts, effects found not to be significant, significant irreversible environmental changes, and growth-inducing impacts.
- Section 5.0 discusses the alternatives considered and rejected, alternatives considered and analyzed, and potential environmental impacts of implementing alternatives to the Proposed Project, including the No Project Alternative. This chapter also identifies the Environmentally Superior Alternative in accordance with CEQA Guidelines Section 15126.6(e)(2).
- Section 6.0 provides the references used to prepare the EIR.
- Section 7.0 provides a list of the DEIR preparers.
- Appendices contain information that supplements or supports the DEIR.

1.6 Environmental Review Process

1.6.1 Notice of Preparation and Initial Study

In accordance with the CEQA Guidelines, the City of Oroville, as Lead Agency, prepared an IS and NOP for an EIR on the Proposed Project. A copy of the IS and NOP are provided in Appendix 1.0-A1. The City of Oroville distributed the IS and NOP for review and comment to the SCH (#2022110054) and interested parties for a 33-day comment period from November 3 to December 5, 2022.

CEQA Guidelines Section 15063 (c) provides the purpose and use of an IS. Section 15063(c) is as follows:

(c) Purposes. The purposes of an Initial Study are to:

(1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.
(2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.
(3) Assist in the preparation of an EIR, if one is required, by:

(A) Focusing the EIR on the effects determined to be significant,
(B) Identifying the effects determined not to be significant,
(C) Explaining the reasons for determining that potentially significant effects would not be significant, and
(D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

(4) Facilitate environmental assessment early in the design of a project;
(5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
(6) Eliminate unnecessary EIRs;
(7) Determine whether a previously prepared EIR could be used with the project.

The IS determined that the Proposed Project would have a less than significant impact or no impacts in the following IS analysis areas:

Aesthetics,
Agriculture and Forest Resources,
Geology and Soils,
Hazards and Hazardous Materials (except for airport hazards),
Hydrology and Water Quality,
Mineral Resources,
Public Services (except for fire protection),
Recreation,
Wildfires
Utilities (except for wastewater services).

1.6.2 Scoping Meeting

The scoping meeting was advertised with the publication of the NOP on November 3, 2022 and scheduled for November 17, 2022 in order to allow early public/agency input and comments about the Project, the

IS and future environmental review. No members of the public and agencies attended this meeting. The City received six NOP comment letters, summarized in Table 1-3. The comment letters are included in Appendix 1.0-A2. These comments were considered as a part of the EIR analysis.

Table 1-3. NOP Comments

Name of Commenter/ Agency	Comment Summary
California Department of Fish and Wildlife	The comment letter provides CDFW's role in the protection of fish and wildlife in the state identifying CDFW as a trustee and responsible agency under CEQA. The letter also provides guidance for the assessment of biological resources including the information that should be provided in a Biological Assessment (BA). The comment letter continues and states that the EIR should provide a thorough discussion of the Project's potential direct, indirect, and cumulative impacts on biological resources and provides information that should be discussed in an EIR. The letter states that the EIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the construction and long-term operation and maintenance of the Project. The letter provides information on special-status species levels and the requirement for mitigation of impacts to these species. The letter also discusses the California Endangered Species Act (ESA), the Native Plant Protection Act (NPPA), the Lake and Streambed Alteration Program, and required filing fees.
Native American Heritage Commission	The comment letter provides the requirements for Native American consultation pursuant to Assembly Bill (AB) 52. The letter also provides information regarding mitigation for impacts to Tribal Cultural Resources (TCRs) and recommendations for cultural resources assessments.
Butte County Air Quality Management District	The comment letter provides information on air pollutant screening threshold for the air district and recommends using the latest version of California Emissions Estimator Model (CalEEMod) to perform modeling and quantification of pollutants created by construction and operational activities to estimate impacts of criteria air pollutants as well as greenhouse gases.
Washoe Tribe of Nevada and California	The response to the NOP states "At this time we have no interest in the project."
Butte County Public Works	The comment letter expresses concern about roadway improvements necessary to meet the transportation and safety demands associated with the project and that impact studies be performed, referencing the Butte County 2007 Thermalito Master Drainage Plans (updated in 2009), which provides drainage information in the area and provides a consistent area-wide analysis.
Jeanette Morton	The comment letter expresses opposition to the project unless the City does something to address the lack of adequate response in regard to fire in the area.

1.6.3 Draft EIR

As a result of the IS analysis, comments received during the NOP scoping meeting and public review period, the City determined that the Proposed Project could have significant environmental impacts to certain environmental resources and that an EIR should be prepared. These environmental resources

include air quality, biological resources, cultural resources, energy, greenhouse gas and climate change, hazards and hazardous materials (airport hazards only), noise, paleontological resources, population and housing, public services (fire protection only) , transportation, tribal cultural resources and utilities (wastewater services only). This Draft EIR provides this analysis.

This document constitutes the Draft EIR. The Draft EIR contains a description of the Project, a description of the environmental setting, identification of Project impacts, alternatives, and feasible mitigation measures for impacts found to be significant. Upon completion of the Draft EIR, the City will file the Notice of Completion (NOC) with the California Office of Planning and Research (OPR) to begin the public review period (PRC Section 21161).

1.6.4 Public Notice/Public Review

Concurrent with the NOC, the City will provide public notice of the availability of the Draft EIR for public review and invite comment from the general public, agencies, organizations, and other interested parties. The public review and comment period is 45 days. Notice of the time and location of any public meetings and hearings will be published prior to the meeting/hearing in accordance with applicable law. All comments or questions regarding the Draft EIR should be addressed to:

Wes Ervin, Principal Planner
City of Oroville
1735 Montgomery Street
Oroville, California 95965

Comments may also be sent to Mr. Ervin via e-mail at: wervin@cityoforoville.org

1.6.5 Response to Comments/Final EIR

Following the public review period, a Final EIR (FEIR) will be prepared. The FEIR will respond to all comments received during the public review period that raise significant environmental concerns and may contain any necessary revisions to the Draft EIR. The Draft EIR, as revised and combined with responses to comments, will constitute the Final EIR.

1.6.6 Certification of the EIR/Project Consideration

The City Council will review and consider the FEIR. If the City Council finds that the FEIR is *adequate and complete*, the City Council may certify the FEIR. Additionally, upon review and consideration of the FEIR, the Council may take action to approve, revise, or reject the Proposed Project. Any decision to approve the Project would be accompanied by written findings in accordance with CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program (MMRP), as described below, must also be adopted for mitigation measures that have been incorporated into or imposed on the Project to reduce or avoid significant effects on the environment. The MMRP will be designed to ensure that these measures are enforceable and carried out during Project implementation.

1.6.7 Mitigation Monitoring and Reporting Program

CEQA Section 21081.6(a) requires lead agencies to adopt an MMRP to describe measures that will be adopted and made a condition of Project approval in order to mitigate or avoid significant effects on the environment. The specific reporting or monitoring program required by CEQA is not required to be included in the EIR; however, it must be presented to the City Council for adoption.

Throughout the EIR, mitigation measures for potentially-significant environmental impacts have been clearly identified and presented in language that will facilitate establishment of an MMRP. Any mitigation measures adopted by the City Council as conditions for approval of the Project will be included in an MMRP to ensure enforceability and verify compliance.

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2.0 PROJECT DESCRIPTION

2.1 Project Location and Setting

The Project is located directly southwest of the Feather Avenue/20th Street intersection in City of Oroville, California. Assessor's Parcel Number (APN) 030-230-098 (Figures 2-1 and 2-2). The Project is 44.97 acres in size. The Surrounding uses include single-family homes and vacant land to the east of the Project Site. Rural residential uses and vacant land lie to the north of the Project Site; vacant land lies to the west of the Site, with rural residential uses and vacant land to the south. The Oroville Municipal Airport (OMA) is approximately 0.75 mile to the south of the Project Site and the Thermalito Forebay is 0.5 mile to the north (Figure 2-3).

2.2 Project Objectives

Project objectives are required to be provided in an EIR. CEQA Guidelines Section 15124(b) states that:

> "[a] clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the Project and may discuss the Project benefits."

The Project objectives area as follows:

- Develop an economically feasible housing plan that is compatible with the surrounding community in a low fire risk zone to provide permanent housing relief for the 50,000 displaced Paradise fire survivors.
- Fulfill the housing needs of the state, City of Oroville, and County of Butte by rezoning un-used isolated airport business park land to medium density residential homes to help address the current RHNA. The housing units will be market-rate for-sale units.
- Create a vibrant residential community by providing a like-kind residential project that further adds to eastern Oroville's current and future neighborhoods. The Project will include lots of 6,000 sf or larger, setback and landscaping buffers.
- Provide a well-connected open space network that includes the addition of a neighborhood park, bicycle paths and pedestrian sidewalks, open space buffers, and a space for recreational activities.
- Incorporate the Building Code requirements for energy efficiencies and water savings.

2.3 Project Description

The Proposed Project is the subdivision of a 44.97-acre site into 172 single-family lots located at the southwest corner of the Feather Avenue/20th Street intersection in the City of Oroville, California. Figure 2-4 provides the Project Site Plan. Lots will range in size from 6,600 to 9,410 sf, average lot size is 7,450 sf. The

subdivision is proposed as a phased map. Phase 1 proposes 68 lots, Phase 2 proposes 58 lots, and Phase 3 proposes 46 lots (Figure 2-4).

Lots within the Project will be served by a grid of internal cul-de-sac streets, including curbs, gutters and sidewalks. The Project's north/south running street (Street *A*) will be the connecting street for all of the cul-de-sac streets. The Project will also construct an extension of Feather Avenue on the north Project boundary and Biggs Avenue on the south Project boundary. These two streets, along with the existing 20th Street, will provide Project access. All streets will be built to City of Oroville roadway standards (Figure 2-5). Improvements to 20th Street include curbs, gutters and sidewalks adjacent to the Project Site.

The Project includes amenities such as a passive park on Lot A with pedestrian pathways and a storm drainage basin. The Project also includes the development of a bicycle/pedestrian meandering pathway along the east side of Street A separated from the street by greenway space and bicycle/pedestrian pathway connections from the east end of Project streets to 20th Street.

Storm drainage improvements will include the installation of underground storm drain pipes and storm water leach trenches beneath the curb, gutter and sidewalk to detain and percolate additional runoff generated by the Project improvements. Figures 2-5 through 2-8 show storm drain trench locations and detail. The Project storm drain system will connect to the existing City of Oroville storm drain facilities in 20th Street.

The Project Site is currently within the City of Oroville General Plan land use designation of Airport Business Park (ABP) and zoning district of ABP with an Airport Influence Area Overlay (AIA-O). None of these designations allow the development of residential uses at the density of 3.82 units per acre requested for the Proposed Project. As a part of the Project, a General Plan amendment changing the Project Site to Medium Low Density Residential (3 to 6 units per acre) and a rezoning to Single Family Residential (R-1) has been requested.

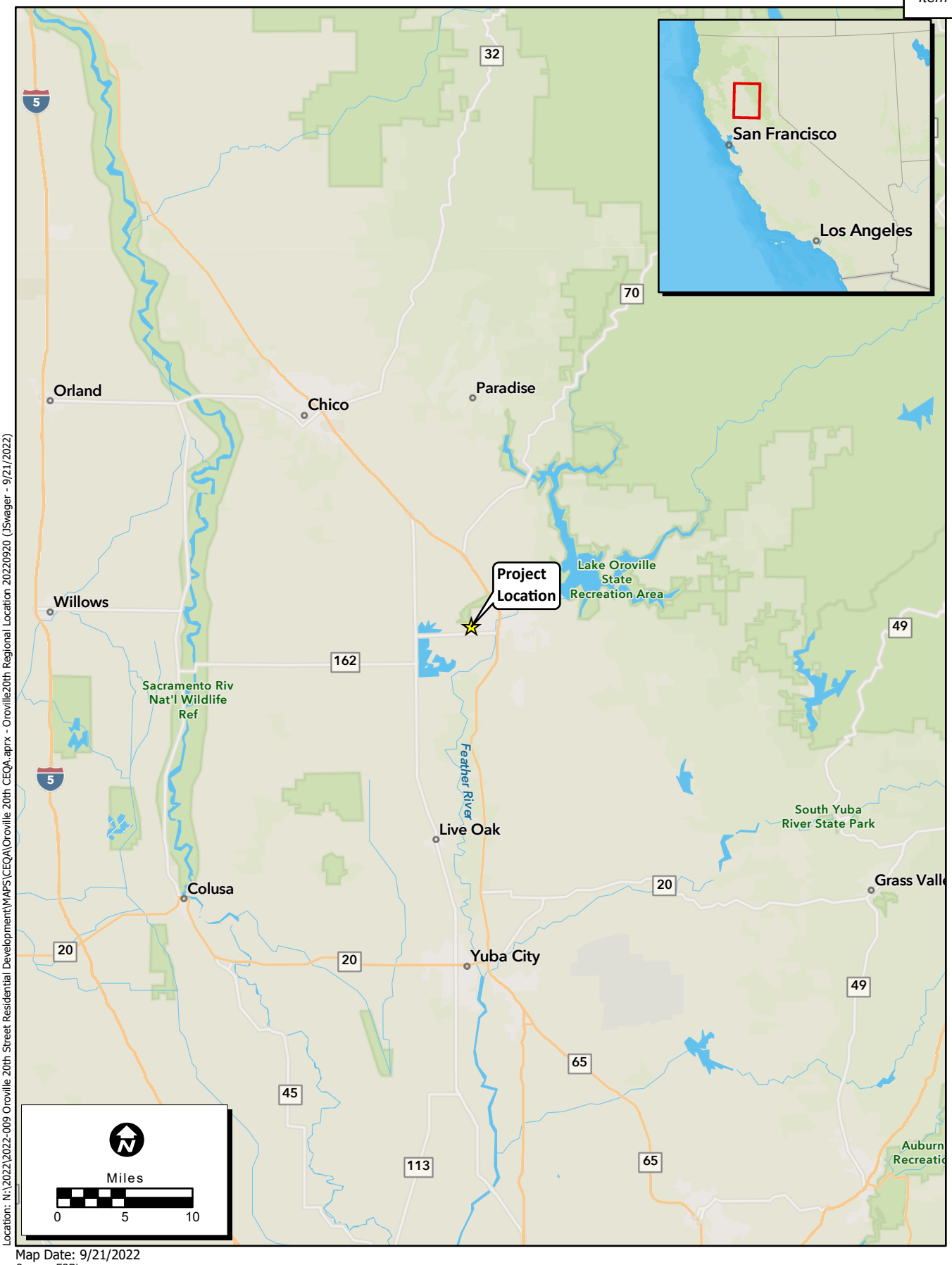
The Project Site is also within the B1 and B2 Compatibility Zones for the Oroville Municipal Airport Compatibility Land Use Plan. The B1 zone allows residential development of 0.1 units per acre and the B2 zone residential development of 0.5 units per acre. As such, these Compatibility Zones do not allow residential development at the density proposed for the Project. The consequence of the Project Site being within the B1 and B2 zones is explained further in Section 3.8 of this Draft EIR.

The Project Site is currently vacant undeveloped land. Elevations range from 230 feet Above Mean Sea Level (AMSL) at the southwest corner of the Project Site to 190 feet AMSL at the northeast corner, generally sloping from west to east.

City-required approvals include a General Plan amendment, rezone, and a tentative subdivision map.

2.3.1 Construction Timing

Construction is anticipated to start in 2024 and last through 2026. The construction will be phased as follows: Phase 1 (Lots 1-68) to occur in 2024, Phase 2 (Lots 69-126) in 2025, and Phase 3 (Lots 141-172) in 2026.



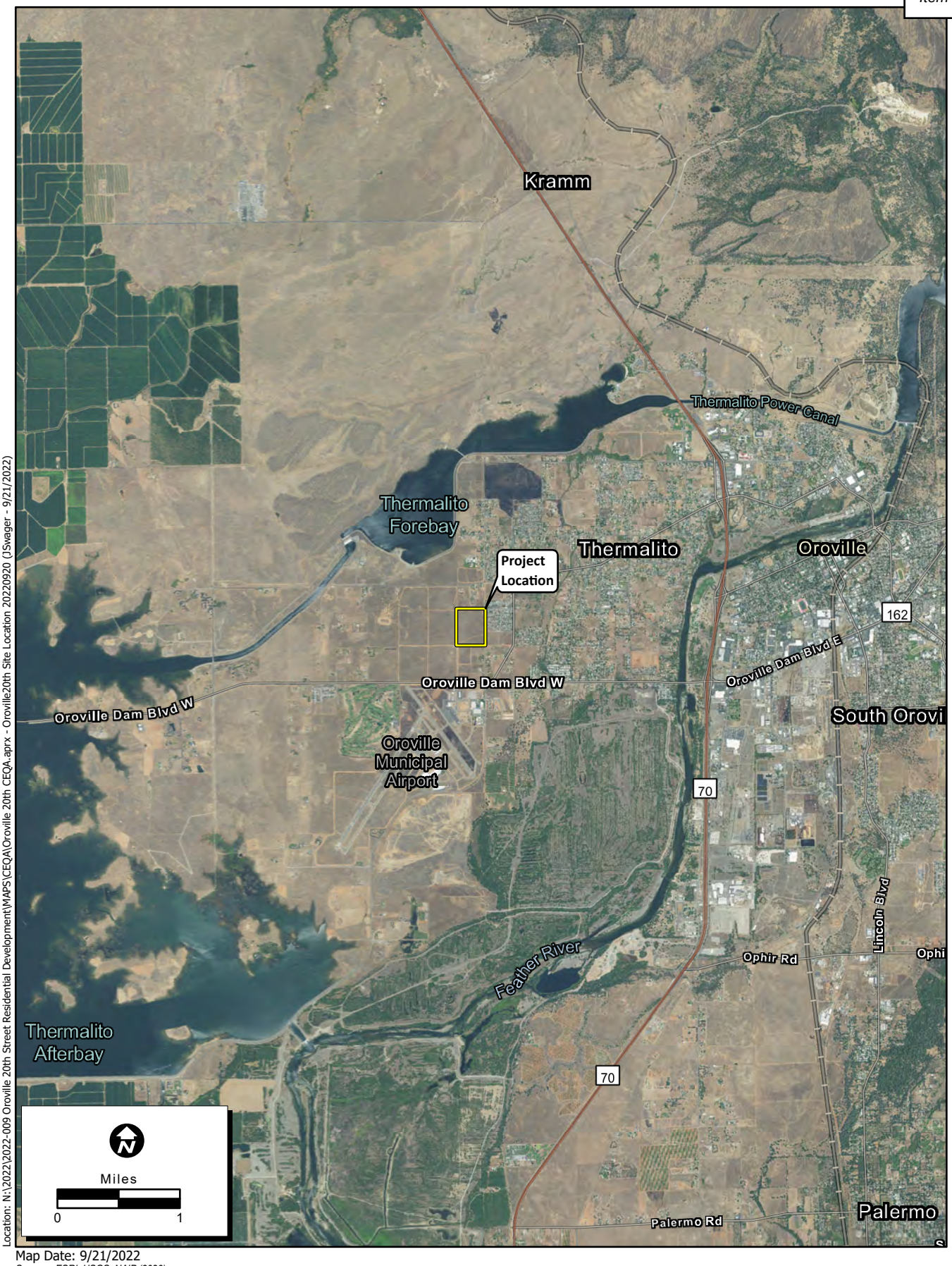
Location: N:\2022\2022-009 Oroville 20th Street Residential Development\MAPS\CEQA\Oroville 20th CEQA.aprx - Oroville20th Regional Location 20220920 (JSwager - 9/21/2022)

Map Date: 9/21/2022
Sources: ESRI

Figure 2-1. Regional Location

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

2022-009/Feather Ranch Project



Location: N:\2022\2022-009 Oroville 20th Street Residential Development\MAPS\CEQA\Oroville 20th CEQA.aprx - Oroville20th Site Location 20220920 (JSwager - 9/21/2022)

Map Date: 9/21/2022
Sources: ESRI, USGS, NAIP (2020)

Figure 2.2. Site Location

2022-009/Feather Ranch Project

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS



Location: N:\2022\2022-009 Oroville 20th Street Residential Development\MAPS\CEQA\Oroville 20th CEQA.aprx - Oroville20th Surrounding LandUse 202209201 (JSwager - 9/21/2022)

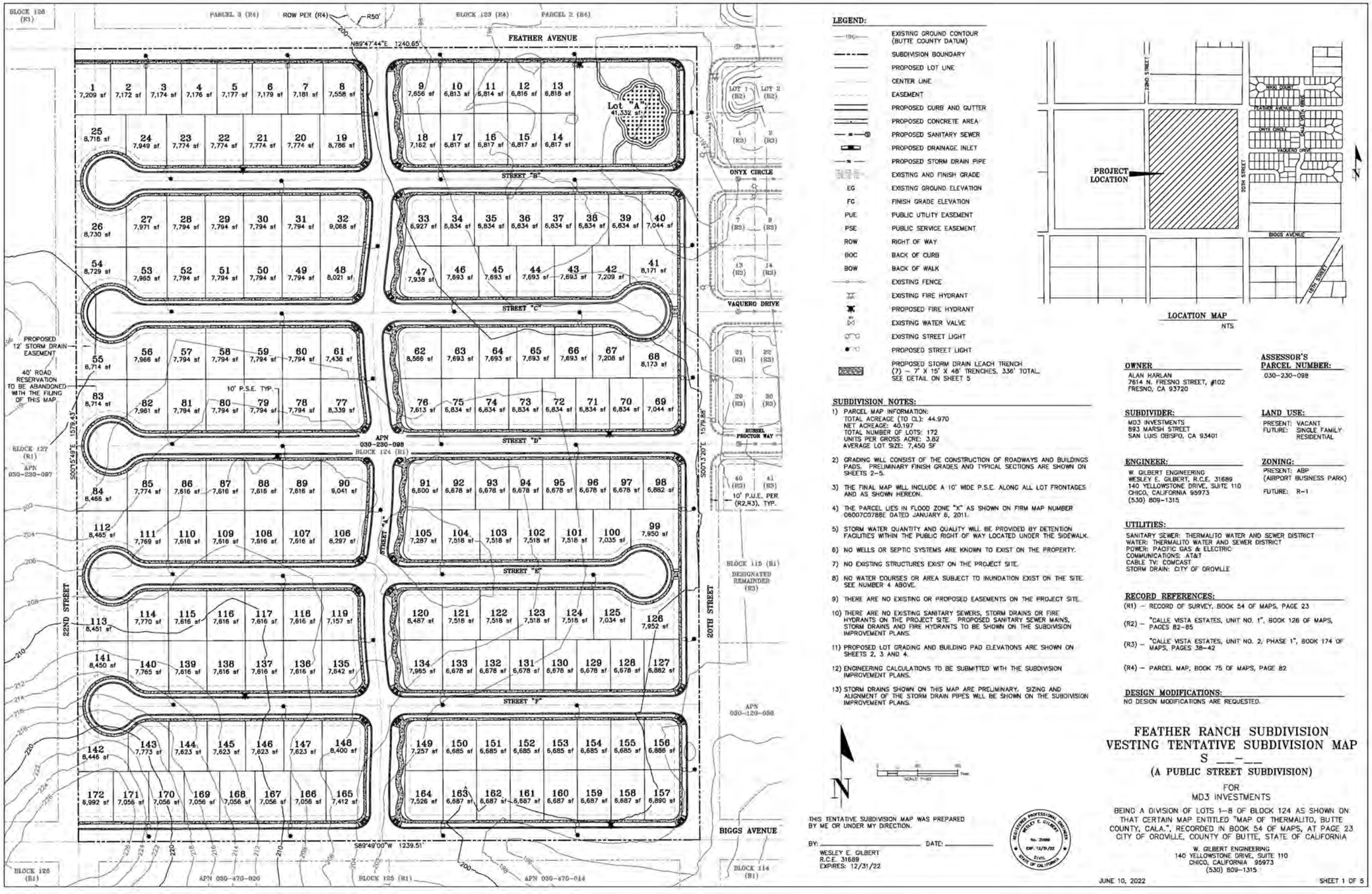
Map Date: 9/21/2022
Sources: ESRI, USGS, NAIP (2020)

Figure 2-3. Surrounding Uses

2022-009/Feather Ranch Project

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

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LEGEND:

- EXISTING GROUND CONTOUR (BUTTE COUNTY DATUM)
- SUBDIVISION BOUNDARY
- PROPOSED LOT LINE
- CENTER LINE
- EASEMENT
- PROPOSED CURB AND GUTTER
- PROPOSED CONCRETE AREA
- PROPOSED SANITARY SEWER
- PROPOSED DRAINAGE INLET
- PROPOSED STORM DRAIN PIPE
- EXISTING AND FINISH GRADE
- EG — EXISTING GROUND ELEVATION
- FG — FINISH GRADE ELEVATION
- PUE — PUBLIC UTILITY EASEMENT
- PSE — PUBLIC SERVICE EASEMENT
- ROW — RIGHT OF WAY
- BOC — BACK OF CURB
- BOW — BACK OF WALK
- EXISTING FENCE
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING STREET LIGHT
- PROPOSED STREET LIGHT
- PROPOSED STORM DRAIN LEACH TRENCH (7) – 7' X 15' X 48' TRENCHES, 336' TOTAL. SEE DETAIL ON SHEET 5

LOCATION MAP
NTS

SUBDIVISION NOTES:

1) PARCEL MAP INFORMATION:
TOTAL ACREAGE (TO CL): 44.970
NET ACREAGE: 40.197
TOTAL NUMBER OF LOTS: 172
UNITS PER GROSS ACRE: 3.82
AVERAGE LOT SIZE: 7,450 SF

2) GRADING WILL CONSIST OF THE CONSTRUCTION OF ROADWAYS AND BUILDINGS PADS. PRELIMINARY FINISH GRADES AND TYPICAL SECTIONS ARE SHOWN ON SHEETS 2–5.

3) THE FINAL MAP WILL INCLUDE A 10' WIDE P.S.E. ALONG ALL LOT FRONTAGES AND AS SHOWN HEREON.

4) THE PARCEL LIES IN FLOOD ZONE "X" AS SHOWN ON FIRM MAP NUMBER 06007C0788E DATED JANUARY 6, 2011.

5) STORM WATER QUANTITY AND QUALITY WILL BE PROVIDED BY DETENTION FACILITIES WITHIN THE PUBLIC RIGHT OF WAY LOCATED UNDER THE SIDEWALK.

6) NO WELLS OR SEPTIC SYSTEMS ARE KNOWN TO EXIST ON THE PROPERTY.

7) NO EXISTING STRUCTURES EXIST ON THE PROJECT SITE.

8) NO WATER COURSES OR AREA SUBJECT TO INUNDATION EXIST ON THE SITE. SEE NUMBER 4 ABOVE.

9) THERE ARE NO EXISTING OR PROPOSED EASEMENTS ON THE PROJECT SITE.

10) THERE ARE NO EXISTING SANITARY SEWERS, STORM DRAINS OR FIRE HYDRANTS ON THE PROJECT SITE. PROPOSED SANITARY SEWER MAINS, STORM DRAINS AND FIRE HYDRANTS TO BE SHOWN ON THE SUBDIVISION IMPROVEMENT PLANS.

11) PROPOSED LOT GRADING AND BUILDING PAD ELEVATIONS ARE SHOWN ON SHEETS 2, 3 AND 4.

12) ENGINEERING CALCULATIONS TO BE SUBMITTED WITH THE SUBDIVISION IMPROVEMENT PLANS.

13) STORM DRAINS SHOWN ON THIS MAP ARE PRELIMINARY. SIZING AND ALIGNMENT OF THE STORM DRAIN PIPES WILL BE SHOWN ON THE SUBDIVISION IMPROVEMENT PLANS.

N

SCALE: 1"=60'

THIS TENTATIVE SUBDIVISION MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

BY: _____ DATE: _____

WESLEY E. GILBERT
R.C.E. 31689
EXPIRES: 12/31/22

REGISTERED PROFESSIONAL ENGINEER WESLEY E. GILBERT No. 31689 EXP. 12/31/22 CIVIL STATE OF CALIFORNIA

OWNER
ALAN HARLAN
7614 N. FRESNO STREET, #102
FRESNO, CA 93720

SUBDIVIDER:
MD3 INVESTMENTS
893 MARSH STREET
SAN LUIS OBISPO, CA 93401

ENGINEER:
W. GILBERT ENGINEERING
WESLEY E. GILBERT, R.C.E. 31689
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

ASSESSOR'S PARCEL NUMBER:
030-230-098

LAND USE:
PRESENT: VACANT
FUTURE: SINGLE FAMILY RESIDENTIAL

ZONING:
PRESENT: ABP (AIRPORT BUSINESS PARK)
FUTURE: R-1

UTILITIES:
SANITARY SEWER: THERMALITO WATER AND SEWER DISTRICT
WATER: THERMALITO WATER AND SEWER DISTRICT
POWER: PACIFIC GAS & ELECTRIC
COMMUNICATIONS: AT&T
CABLE TV: COMCAST
STORM DRAIN: CITY OF OROVILLE

RECORD REFERENCES:
(R1) – RECORD OF SURVEY, BOOK 54 OF MAPS, PAGE 23
(R2) – "CALLE VISTA ESTATES, UNIT NO. 1", BOOK 126 OF MAPS, PAGES 82–85
(R3) – "CALLE VISTA ESTATES, UNIT NO. 2, PHASE 1", BOOK 174 OF MAPS, PAGES 38–42
(R4) – PARCEL MAP, BOOK 75 OF MAPS, PAGE 82

DESIGN MODIFICATIONS:
NO DESIGN MODIFICATIONS ARE REQUESTED.

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ___-___
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

BEING A DIVISION OF LOTS 1–8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

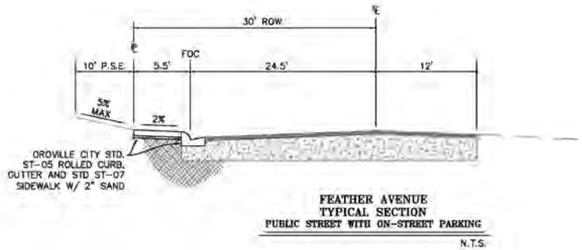
W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JUNE 10, 2022 SHEET 1 OF 5

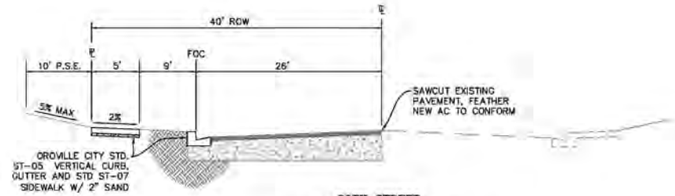
Source: W. Gilbert Engineering

Figure 2-4. Site Plan

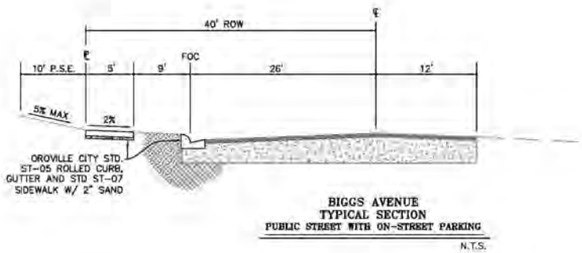
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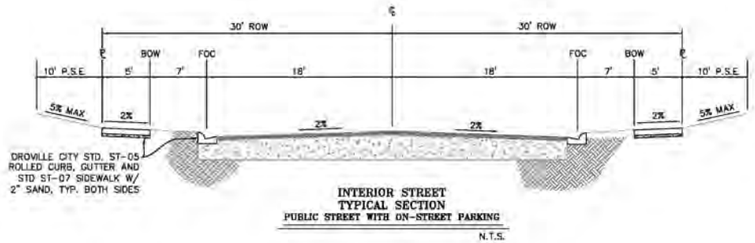
FEATHER AVENUE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



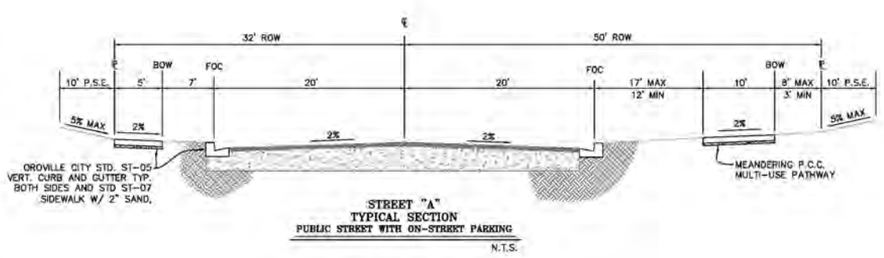
20TH STREET
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



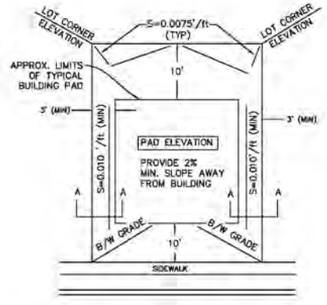
BIGGS AVENUE
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



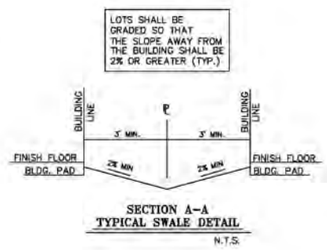
INTERIOR STREET
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



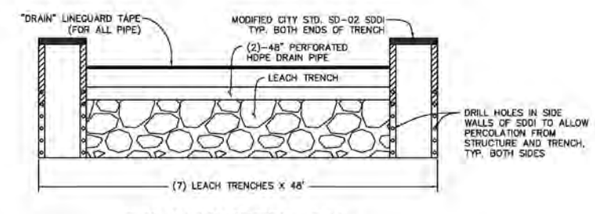
STREET "A"
TYPICAL SECTION
PUBLIC STREET WITH ON-STREET PARKING
N.T.S.



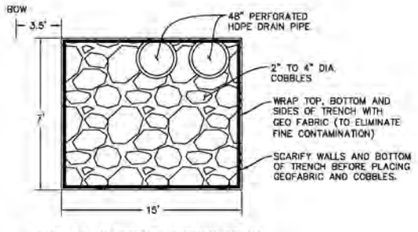
TYPICAL LOT GRADING PLAN
N.T.S.



SECTION A-A
TYPICAL SWALE DETAIL
N.T.S.



STORM DRAIN LEACH TRENCH DETAIL



STORM DRAIN TRENCH SECTION DETAIL

FEATHER RANCH SUBDIVISION
VESTING TENTATIVE SUBDIVISION MAP
S ---
(A PUBLIC STREET SUBDIVISION)

FOR
MD3 INVESTMENTS

BEING A DIVISION OF LOTS 1-8 OF BLOCK 124 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THERMALITO, BUTTE COUNTY, CALA.", RECORDED IN BOOK 54 OF MAPS, AT PAGE 23 CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA

W. GILBERT ENGINEERING
140 YELLOWSTONE DRIVE, SUITE 110
CHICO, CALIFORNIA 95973
(530) 809-1315

JUNE 10, 2022

SHEET 5 OF 5

Source: W. Gilbert Engineering

Figure 2-5. Street Sections and Storm Drain Leach Trench Detail

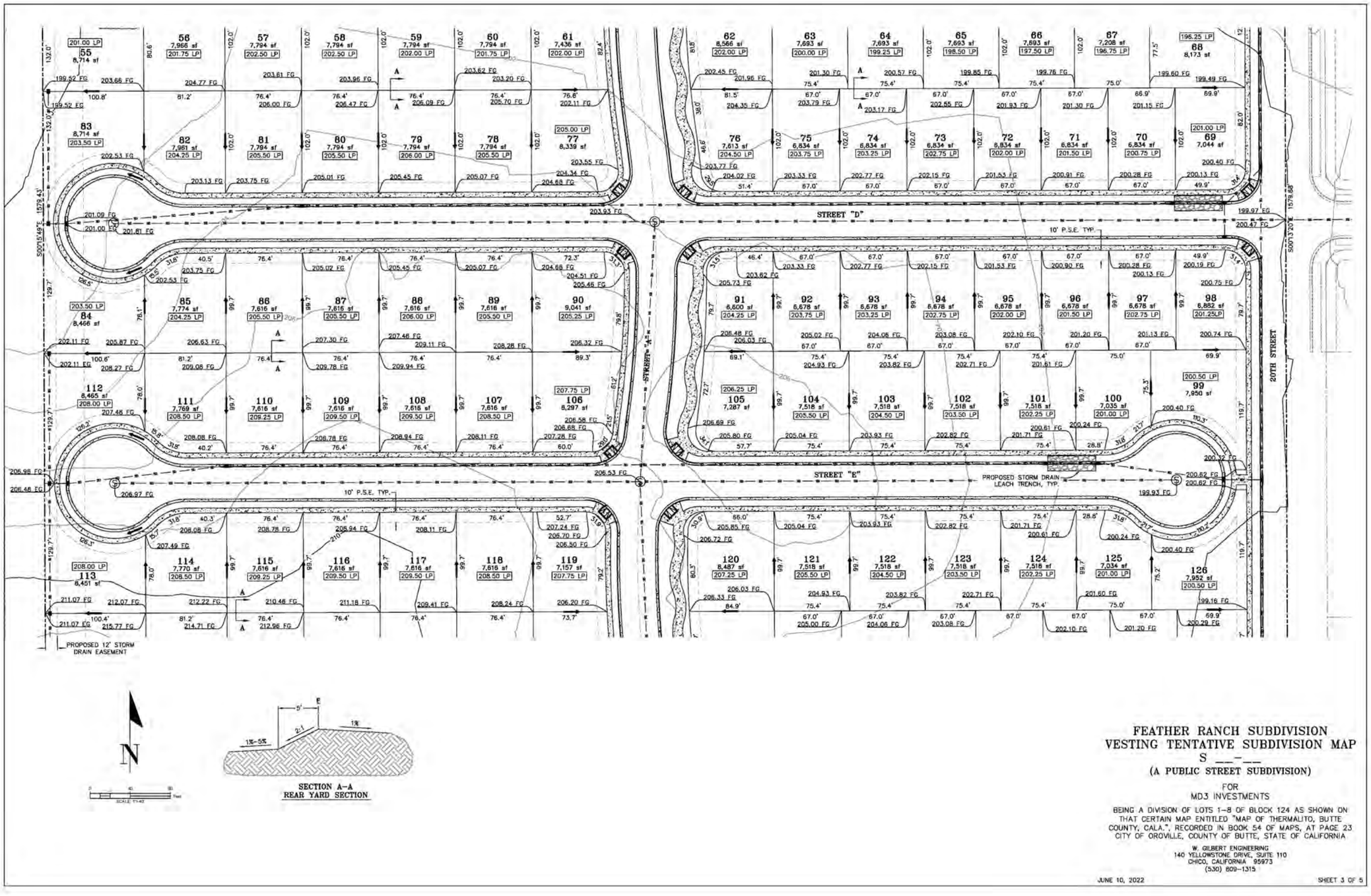
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Source: W. Gilbert Engineering

Figure 2.6. Storm Drain Inlets and Leach Trench Locations

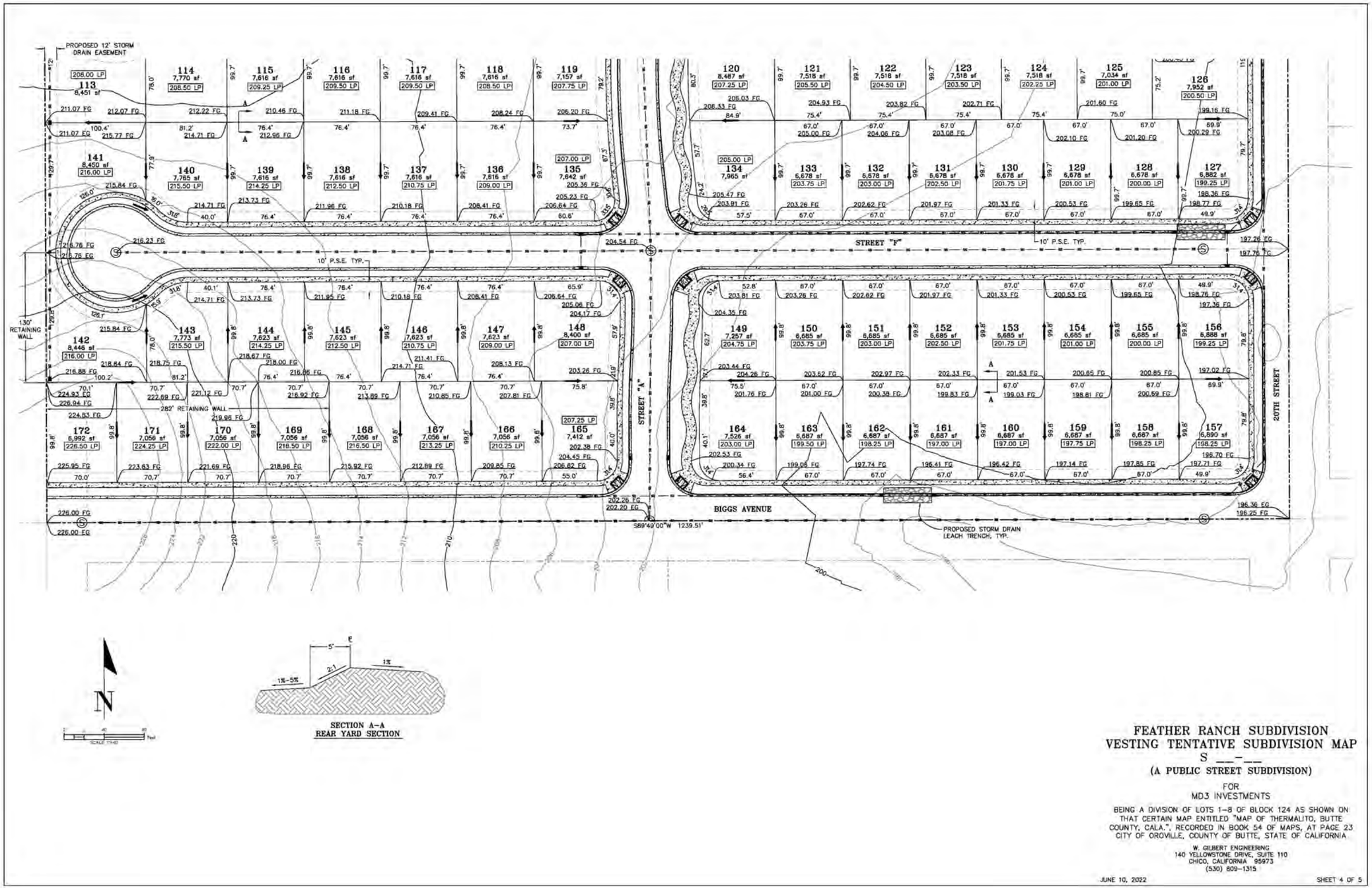
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Source: W. Gilbert Engineering

Figure 2-6b. Storm Drain Inlets and Leach Trench Locations (continued)

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Source: W. Gilbert Engineering

Figure 2-6c. Storm Drain Inlets and Leach Trench Locations (continued)

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3.0 ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

3.0.1 Introduction

Chapter 3.0 of this DEIR provides separate sections for each environmental topic. Each section describes the environmental setting (existing conditions) and regulatory setting; direct, indirect, and cumulative impacts from the Proposed Project; and mitigation measures to reduce or avoid significant impacts.

As part of the scoping process described in Section 1.6, the City of Oroville prepared an IS and NOP for an EIR on the Proposed Project and received comments on the scope of the EIR from interested agencies, organizations and individuals (Appendix 1.0). As a result of the scoping process, the City determined that the environmental issue areas to be evaluated in the DEIR are:

- 3.1 Air Quality
- 3.2 Biological Resources
- 3.3 Cultural Resources
- 3.4 Energy
- 3.5 Geology, Soils and Paleontological Resources (paleontological resources only)
- 3.6 Greenhouse Gas and Climate Change
- 3.7 Hazards and Hazardous Materials (airport hazards only)
- 3.8 Land Use
- 3.9 Noise
- 3.10 Population and Housing
- 3.11 Public Services (fire protection only)
- 3.12 Transportation
- 3.13 Tribal cultural Resources
- 3.14 Utilities (wastewater and storm drainage services only)

Issues Not Included for Further Review in this DEIR

In addition to the resource subjects listed in Section 3.1, the City considered other resource subject areas in determining the potential of the Project to result in significant effects. CEQA Guidelines Section 15060(d) enables the lead agency to focus the EIR on the issue areas on which the Project could have significant effect, but the lead agency must provide a brief explanation of the reasons for determining that other effects would not be significant or potentially significant.

Specifically, CEQA contemplates using an IS to identify a project's insignificant and potentially significant effects, and then focuses the project EIR analysis on the areas where potentially significant effects have been identified:

> "Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed." (CEQA Guidelines, § 15143.)

> "An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study" [CEQA Guidelines Section 15128. See also: PRC Sections 21002.1(e), 21100(c); CEQA Guidelines, Sections 15006(d), and 15063(c)(3)].

As discussed in Section1.0, the City prepared and circulated the NOP and IS for this DEIR in November 2022. The NOP and IS are included with this DEIR as Appendix 1.0. The discussion below describes the resource subjects that were previously analyzed in the IS and determined to not require further analysis in this DEIR. For each of the issues listed, the 2022 IS found the Project to have no impact or a less-than-significant impact. Mitigation measures to reduce the level of impact were neither recommended nor required to avoid potentially significant impacts in each of these issue areas.

The decision not to pursue further evaluation in this DEIR considered all six comment letters on the NOP/IS.

Aesthetics

The City's General Plan identifies that views of the Feather River and Table Mountain are considered important scenic views in the City. However, as discussed in the IS, the construction of the Project would not result in any degradation of views of Table Mountain or the Feather River. Additionally, the Proposed Project is not located within the vicinity of an officially designated scenic highway. Further, the City's 2030 General Plan policies and the Design Guidelines would be effective in reducing the visual prominence and aesthetic impact of new development. Therefore, the Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Finally, adherence to the Design Guidelines and Municipal Code would reduce the impacts of daytime glare and nighttime lighting by requiring the design to limit lighting leakage and glare.

Agriculture and Forestry Resources

The Department of Conservation identifies the Project Site as Grazing Land. According to the California Important Farmland Finder, there is currently no designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the Project Site, nor within the Project vicinity. Additionally, none of the land within the Project Site or vicinity is under a Williamson Act contract. Finally, no identified forest lands exist on the Project Site or within the vicinity of the Project. As such, the Project would not have the potential to convert agricultural land or forest resources.

Geology and Soils

The Proposed Project Site is not located within an Alquist-Priolo Earthquake Zone. The Site is not within a currently established State of California Earthquake Fault Zone for surface fault rupture hazards. No active or potentially active faults are known to pass directly beneath the Project Site. Compliance with National Pollutant Discharge Elimination System (NPDES) and Stormwater Pollution Prevention Plan (SWPPP) requirements, as well as implementation of the General Plan Policies P1.2 and the California Building Code

(CBC), would ensure that soil erosion and related impacts would be less than significant. Finally, according to General Plan Figure SAF-2, the Project Site is located in an area that has a high potential for expansion. However, standard procedures used in the construction of concrete footings as required by the CBC and adherence General Plan Policy P1.2 requiring a site-specific geotechnical report, will reduce this potential impact to less than significant despite the shrink-swell potential identified for Project Site soils.

Hazards and Hazardous Materials

Project construction would involve the use of hazardous materials such as diesel fuel. The transport, storage, use, and disposal of such materials would be done in compliance with local, state, and federal regulation and in compliance with fuels and materials Best Management Practices to be established in the construction SWPPP that would be prepared for the Project and implemented during construction. Potential risks associated with the handling of fuels and other potentially hazardous materials during construction would be sufficiently addressed through such compliance and management and would not pose a substantial risk of exposure or significant environmental effects.

Hydrology and Water Quality

Oroville Municipal Code Section 15.88.060 *Standards for Grading, Excavation And Site Clearance* requires sedimentation and erosion control for all grading and site preparation activities. The Proposed Project would be required to prepare and comply with an approved SWPPP and Municipal Code Section 15.88.060. The Project would not use groundwater as a domestic water source. There are no creeks, streams or rivers on or near the Project Site. As such, siltation of on- or offsite waterways would not occur. Project compliance with General Plan policies and Section 16.16.130 of the Municipal Code would require stormwater facilities that would restrict stormwater flows from the Project Site. Federal Emergency Flood Management Agency flood hazard map 06007C0788E indicates that the entire Project Site is in unshaded Zone X. The Project Site is not located within a flood zone. According to Figure SAF-3 of the 2030 General Plan, the Project Site is within the inundation area of Lake Oroville and failure of the Oroville Dam could result in release of water held behind the dam, and inundation of much of the city and surrounding area. However, the California Department of Water Resources (DWR) is continually assessing Oroville Dam; the Oroville Dam is formally inspected multiple times each year by various entities. The dam is inspected twice a year by the California DWR's Division of Safety of Dams and annually by the Federal Energy Relicensing Commission Dam Safety Program. Therefore, an event such as the failure of Lake Oroville Dam has a low probability of occurring and is not considered to be a reasonably foreseeable event.

Land Use and Planning

The Project Site is located in the western area of the City. The only established residential community near the Project is a small subdivision located on the eastern boundary of the Project Site. The Project would be accommodated by existing roadways and would not require construction of new roadways that would preclude access to the surrounding area. As such, the Proposed Project would not physically divide an established community,

Mineral Resources

The Project site is not within a designated Mineral Resource Zone and would not have the potential to result in the loss of availability of valuable mineral resources.

Public Services

The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered police, schools, and parks facilities.

Recreation

The Project would be subject to Conservation Element Policy P3.1 requiring the dedication of land, the payment of in-lieu fees, or both for parks and recreational facilities . Therefore, Project impacts relating to parks and recreational facilities would be less than significant.

Utilities and Service Systems

Water

The Project includes the future development of 172 single-family homes and is anticipated to have an average water demand of 402 gallons per day (gpd) per housing unit or 69,066 gpd for the Project as a whole. The 69,066 gpd for the Project calculates to approximately 25.2 million gallons per year or 77.34 Acre-Feet (AF) Per Year (AFY) of water use. According to the Reginal Water Quality Control Board (RWQCB), the Thermalito Water and Sewer District (TWSD) had a total demand of 2,295.75 AF of water in 2021. The addition of 77.34 AF from the Proposed Project would not result in an exceedance of the TWSD surface water supply of 8,200 AF. As such, there would be sufficient water supply available to adequately offset future water demands projected for the Proposed Project.

Storm Drainage

The Project's storm drain system is designed to control all site storm waters and not allow an increase of offsite storm water flow. As such, the Project would have a less than significant impact to storm drainage facilities. However, comments received during the public review of the IS provided further information regarding storm drainage in the vicinity of the Project. As such, this impact area is further discussed in this EIR.

Electric Power

Electricity is provided to the Project Site by Pacific Gas & Electric Company (PG&E). The electricity provider's ability to provide its services concurrently for each project is evaluated during the development review process. No new electric facilities will be required to provide electricity to the Project.

Wildfire

The Project Site is not in an area designated by the California Department of Forestry and Fire Protection (CAL FIRE) as a Fire Hazard Severity Zone. Furthermore, no Very High FHSZs are located nearby. Also, the

Project Site is not located in a State Responsibility Area (CAL FIRE 2022). The Project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. No construction activities would impede the use of surrounding roadways in an emergency evacuation. The Project would have no impact in this area.

3.0.2 Environmental Baseline

Pursuant to the State CEQA Guidelines (Section 15125(a)), the environmental setting used to determine the impacts associated with the Project normally is based on the environmental conditions that existed in the Project Area at the time the NOP was published. However, the CEQA Guidelines (Section 15125(a)) also says that where existing conditions change or fluctuate over time, a lead agency may define existing conditions by referencing historic conditions, conditions expected when a project becomes operational, or projected future conditions beyond the date of initial project operations, if doing so would meet CEQA's objective of giving the public and decisionmakers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.

For purposes of this EIR, *environmental baseline* is generally defined as conditions that existed within the Project Study Area at the time of NOP circulation, or November 3, 2022. This provides the basis for the determination of the majority of Project impacts, i.e., the changes to those conditions brought about by Project construction and operation either directly or indirectly. When the environmental baseline is substantially different than described above, the specific conditions and assumptions relied on for the issue area are described.

3.0.3 Impact and Mitigation Measure Terminology

This DEIR analyzes the potential direct, indirect, and cumulative environmental impacts of the Proposed Project. The determination of whether an impact is considered significant is based on specific significance criteria. Under CEQA, these criteria (also called Thresholds of Significance) are used to make a determination of significance for each environmental impact evaluated. An adverse impact that exceeds the significance criteria is considered *significant*, and an impact that does not exceed the criteria is considered *less than significant*. The CEQA significance criteria used in this DEIR are based on CEQA's mandatory findings of significance (as summarized in State CEQA Guidelines Section 15065); the checklist presented in Appendix G of the State CEQA Guidelines in effect when the Draft EIR was prepared; and where appropriate, factual or scientific data and regulatory standards of federal, state, and local agencies. For CEQA purposes, impacts in this DEIR are classified as:

- *No Impact* – There would not be any change to the environment as a result of the project.
- *Less than Significant Impact* - A project impact is considered less than significant if it would not exceed the threshold of significance and therefore would not cause a substantial adverse change in the environment. No mitigation is required for a less than significant impact.
- *Less than Significant Impact with Mitigation* - A project impact is considered significant if it results in a substantial adverse change in the physical conditions of the environment. Significant impacts are identified by the comparison of the project's effects to the established thresholds of

significance. Mitigation measures are identified, where feasible, to avoid, minimize, rectify, reduce, or compensate for significant impacts of the project, in accordance with the State CEQA Guidelines (Section 15126.4). If project impacts would be reduced to a less than significant level after the implementation of mitigation, the impact is classified as less than significant with mitigation.

- *Significant and Unavoidable Impact* - A project impact is considered significant and unavoidable if it would result in a substantial adverse change in the environment and if that impact would remain significant even after the implementation of mitigation. A lead agency can approve a project with significant unavoidable impacts if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse effects. In this case, the lead agency must adopt a statement of overriding considerations describing the specific reasons to support its action (State CEQA Guidelines Section 15093(b)).

3.0.4 Cumulative Impact Scenario

Section 15130(a) of the CEQA Guidelines requires a discussion of cumulative impacts of a project "when the project's incremental effect is cumulatively considerable." The CEQA Guidelines, Section 15355, defines a cumulative impact as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Cumulatively considerable impacts are defined in Section 15065(a)(3) of the CEQA Guidelines as the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Section 15130(b) of the CEQA Guidelines states:

> "[t]he discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other project contribute rather than the attributes of other projects which do not contribute to the cumulative impact."

To analyze the cumulative impacts of the Project in combination with other expected projects, the amount and location of development expected to occur must be predicted. Section 15130(b) of the CEQA Guidelines allows two methods of prediction:

"Either:

(A) A list of relevant past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or

(B) A summary of projections contained in adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect…"

Other than the Proposed Project, no other development is pending or proposed in the City or the surrounding area. Therefore, for the purpose of this DEIR, the Oroville 2030 General Plan (2015a) growth projections are the basis of the cumulative analysis.

The City of Oroville adopted the Oroville 2030 General Plan on June 2, 2009. As a part of the 2009 update process, an EIR was certified by the City (SCH #2008022024). Within this EIR were development projections to the year 2030. These projections are provided in Table 3-1.

Table 3-1. 2008 General Plan EIR - Expected 2030 Development Under the 2030 General Plan

Location	Residential (dwelling units)	Industrial (square feet)	Commercial (square feet)
City Limit (only)	9,300	6,800,000	12,200,000
Sphere of Influence (only)	18,300	1,900,000	9,000,000
Total:	**27,600**	**8,700,000**	**21,200,000**

Source: City of Oroville 2015b

In 2015, the City again updated the General Plan, in part to include some land use changes within the city limits. As a part of this process, the *Oroville Sustainability Update Draft Supplemental EIR* (SCH# 2014052001) was written and certified by the City in 2015. The Draft Supplemental EIR (Draft SEIR) also updated the expected growth in the City using the same methodology to estimate future development as used in the 2009 EIR. The 2015 Draft SEIR included changes to the 2030 development projections which resulted in increase to residential, industrial, and commercial development within the City limits as shown in Table 3-2. The 2030 development projections provide the basis for cumulative analysis in this DEIR.

Table 3-2. 2015 General Plan SEIR – Expected 2030 Development Under the 2030 General Plan

Location		Residential (dwelling units)	Industrial (square feet)	Commercial (square feet)
City Limit (only)	Change	+385	+226,000	-32,000
	New Total	9,685	7,026,000	12,168,000
Sphere of Influence (only)		18,300	1,900,000	9,000,000
Total:		**27,985**	**8,926,000**	**21,168,000**

Source: City of Oroville 2015b

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3.1 Air Quality

This section evaluates the Project-related effects to air quality. This section is based on the *Air Quality and Greenhouse Gas Emissions Assessment* prepared for the Project (ECORP 2023, Appendix 3.2). The information provided below is an abridged version of this report. This analysis was prepared using methodologies and assumptions recommended by the BCAQMD. Regional and local existing conditions are presented, along with pertinent standards and regulations. The purpose of this assessment is to estimate Project-generated criteria air pollutant emissions attributable to the Project and to determine the level of impact the Project would have on the environment and to provide feasible mitigation measures for these impacts.

3.1.1 Environmental Setting

The City of Oroville and the Project Site are within the Northern Sacramento Valley Air Basin (NSVAB). The NSVAB consists of seven counties: Sutter, Yuba, Colusa, Butte, Glenn, Tehama, and Shasta. The NSVAB is bounded on the north and west by the Coastal Mountain Range and on the east by the southern end of the Cascade Mountain Range and the northern end of the Sierra Nevada. These mountain ranges reach heights in excess of 6,000 feet AMSL, with individual peaks rising much higher. The mountains form a substantial physical barrier to locally created pollution as well as to pollution transported northward on prevailing winds from the Sacramento metropolitan area (Sacramento Valley Air Quality Engineering and Enforcement Professionals [SVAQEEP] 2021).

The environmental conditions of Butte County are conducive to potentially adverse air quality conditions. The basin area traps pollutants between two mountain ranges to the east and west. This problem is exacerbated by a temperature inversion layer that traps air at lower levels below an overlying layer of warmer air. Prevailing winds in the area are generally from the south and southwest. Sea breezes flow over the San Francisco Bay Area and into the Sacramento Valley, transporting pollutants from the large urban areas. Growth and urbanization in Butte County have also contributed to an increase in emissions.

3.1.2 Ambient Air Quality Standards

Air quality standards are set at both the federal and state levels of government. The federal Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (USEPA) to establish ambient air quality standards for six criteria air pollutants: ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead, coarse particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$). The California CAA also sets ambient air quality standards. The state standards are more stringent than the federal standards, and they include other pollutants in addition to those regulated by the federal standards. An area is considered to be in attainment of the standards when the concentrations of pollutants are below the maximum allowed standards in that area,. The Butte County portion of the NSVAB is designated as a nonattainment area for the federal O_3 standard and is also a nonattainment area for the state standards for O_3, PM_{10} and $PM_{2.5}$ and (California Air Resources Board [CARB] 2018, 2020).

3.1.3 Toxic Air Contaminants

In addition to the criteria pollutants discussed above, Toxic Air Contaminants (TAC) are another group of pollutants of concern. TACs are considered either carcinogenic or noncarcinogenic based on the nature of the health effects associated with exposure to the pollutant. For regulatory purposes, carcinogenic TACs are assumed to have no safe threshold below which health impacts would not occur, and cancer risk is expressed as excess cancer cases per one million exposed individuals. Noncarcinogenic TACs differ in that there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels are determined on a pollutant-by-pollutant basis.

There are many types of TACs, with varying degrees of toxicity. Sources of TACs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, and motor vehicle exhaust. Public exposure to TACs can result from emissions from normal operations, as well as from accidental releases of hazardous materials during upset conditions. The health effects of TACs include cancer, birth defects, neurological damage, and death.

Most recently, CARB identified Diesel Particulate Matter (DPM) as a TAC. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (i.e., heavy-duty, light-duty), engine operating conditions (i.e., idle, accelerate, decelerate), fuel formulations (i.e., high/low sulfur fuel), and the year of the engine (USEPA 2002). Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs; due to their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

3.1.4 Sensitive Receptors

Sensitive receptors are defined as facilities or land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptors to the Project Site include residences directly adjacent to the northeast corner of the Project Site boundary, fronting 20th Street, approximately 75 feet distant.

3.1.5 Regulatory Framework

3.1.5.1 Federal

Clean Air Act

The CAA of 1970 and the CAA Amendments of 1971 required the USEPA to establish the National Ambient Air Quality Standards (NAAQS), with states retaining the option to adopt more stringent standards or to include other specific pollutants.

These standards are the levels of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those sensitive receptors most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

The USEPA has classified air basins (or portions thereof) as being in attainment, nonattainment, or unclassified for each criteria air pollutant, based on whether or not the NAAQS have been achieved. If an area is designated unclassified, it is because inadequate air quality data were available as a basis for a nonattainment or attainment designation. Table 2-3 in Appendix 3.1 lists the federal attainment status of the SVAB for the criteria pollutants.

3.1.5.2 State

California Clean Air Act

The California Clean Air Act (CCAA) allows the State to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. CARB, a part of the California Environmental Protection Agency (CalEPA), is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the California Ambient Air Quality Standards (CAAQS). CARB also conducts research, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products (e.g., hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's State Implementation Plan (SIP), for which it works closely with the federal government and the local air districts.

California State Implementation Plan

The CCAA allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. CARB, a part of the CalEPA, is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the CAAQS. CARB also conducts research, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions

standards for motor vehicles sold in California, consumer products (e.g., hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's SIP, for which it works closely with the federal government and the local air districts. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The CAA Amendments dictate that states containing areas violating the NAAQS revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS by deadlines established by the CAA. The USEPA has the responsibility to review all SIPs to determine if they conform to the requirements of the CAA.

State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. \CARB then forwards SIP revisions to the USEPA for approval and publication in the Federal Register. The *2021 Triennial Air Quality Attainment Plan* constitutes the current SIP for the Butte County portion of the NSVAB. The plan is updated on a triennial basis and was last updated in 2021. It presents comprehensive strategies to reduce the O3 precursor pollutants (Reactive Organic Gas [ROG] and Oxides of Nitrogen [NO_x]) from stationary, area, mobile, and indirect sources.

Tanner Air Toxics Act & Air Toxics "Hot Spots" Information and Assessment Act

CARB's statewide comprehensive air toxics program was established in 1983 with AB 1807, the Toxic Air Contaminant Identification and Control Act (Tanner Air Toxics Act of 1983). AB 1807 created California's program to reduce exposure to air toxics and sets forth a formal procedure for CARB to designate substances as TACs. Once a TAC is identified, CARB adopts an Airborne Toxics Control Measure for sources that emit designated TACs. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure to below that threshold. If there is no safe threshold, the measure must incorporate toxics best available control technology to minimize emissions.

CARB also administers the State's mobile source emissions control program and oversees air quality programs established by state statute, such as AB 2588, the Air Toxics "Hot Spots" Information and Assessment Act of 1987. Under AB 2588, TAC emissions from individual facilities are quantified and prioritized by the air quality management district or air pollution control district. High priority facilities are required to perform a Health Risk Assessment and, if specific thresholds are exceeded, required to communicate the results to the public in the form of notices and public meetings. In September 1992, the "Hot Spots" Act was amended by SB 1731, which required facilities that pose a significant health risk to the community to reduce their risk through a risk management plan.

3.1.5.3 Local

Butte County Air Quality Management District

The BCAQMD is the air pollution control agency for Butte County, including the Project Site. The agency's primary responsibility is ensuring that the federal and state ambient air quality standards are attained and maintained in the Butte County portion of the NSVAB. The BCAQMD, along with other air districts in the

NSVAB, has committed to jointly prepare and implement the NSVAB Air Quality Attainment Plan for the purpose of achieving and maintaining healthful air quality throughout the air basin. The BCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, and conducting public education campaigns, as well as many other activities.

The BCAQMD has adopted a number of rules and regulations to implement its air quality plans, including permitting, prohibitions and limits to emissions from a variety of stationary resources, regulation of open burning, regulation of toxic air contaminants, and implementation of CAA requirements. The following is a list of noteworthy rules that are required of construction activities associated with the Proposed Project:

- *Rule 400: Permit Requirements*. The purpose of this rule is to require any person constructing, altering, or operating a source that emits or may emit air contaminants to request an Authority to Construct or Permit to Operate from the Air Pollution Control Officer and to provide an orderly procedure for application, review, and authorization of new sources and of the modification and operation of existing sources of air pollution. Stationary sources that are subject to Rule 1101-Title V-Federal Operating Permits of these Rules and Regulations shall also comply with the procedures specified in this Rule.
- *Rule 402: Nuisance*. No person shall discharge from any non-vehicular source such quantities of air contaminants or other material which causes injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.
- *Rule 205: Fugitive Dust*. The purpose of this RULE is to reduce ambient concentrations and limit fugitive emissions of fine particulate matter (PM_{10}) from construction activities, bulk material handling and storage, carryout and track-out, and similar activities, weed abatement activities, unpaved parking lots, unpaved staging areas, unpaved roads, inactive disturbed land, disturbed open areas, and windblown dust.
- *Rule 230: Architectural Coatings*. The purpose of this rule is to limit the emissions of volatile organic compounds from the use of architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the district.

3.1.6 Environmental Impacts

3.1.6.1 Thresholds of Significance

The impact analysis provided below is based on the following CEQA Guidelines Appendix G thresholds of significance. The Project would result in a significant impact to air quality if it would do any of the following:

1) Conflict with or obstruct implementation of any applicable air quality plan.

2) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

3) Expose sensitive receptors to substantial pollutant concentrations.

4) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

Butte County Air Quality Management District Thresholds

The significance criteria established by the applicable air quality management or air pollution control district (BCAQMD) may be relied upon to make the above determinations. According to the BCAQMD, an air quality impact is considered significant if the proposed Project contributes substantially to an existing or projected air quality violation or exposes sensitive receptors to substantial pollutant concentrations. The BCAQMD has established thresholds of significance for air quality for construction and operational activities of land use development projects such as that proposed, as shown in Table 3.1-1.

Table 3.1-1. BCAQMD Regional Significance Thresholds

Air Pollutant	Construction Activities		Operations
	Pounds per Day	Tons per Year	Pounds per day
Reactive Organic Gas	137	4.5	25
Carbon Monoxide	-	-	-
Nitrogen Oxide	137	4.5	25
Sulfur Oxide	-	-	-
Coarse Particulate Matter (PM_{10})	80	-	80
Fine Particulate Matter ($PM_{2.5}$)	-	-	-

Source: BCAQMD 2014

By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's individual emissions exceed its identified significance thresholds, the project would be cumulatively considerable. Projects that do not exceed significance thresholds would not be considered cumulative considerable.

3.1.6.2 Methods of Analysis

Air quality impacts were assessed in accordance with methodologies recommended by the BCAQMD. Where criteria air pollutant quantification was required, emissions were modeled using CalEEMod, version 2022.1. CalEEMod is a statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. Project construction-generated air pollutant emissions were calculated using CalEEMod model defaults for Butte County. Operational air pollutant emissions were based on the Project Site Plans and traffic trip generation rates from KD Anderson & Associates, Inc. (2023).

3.1.6.3 Project Impacts and Mitigation Measures

Impact AIR-1:	Air pollutant emissions associated with the Proposed Project could conflict with or obstruct the applicable air quality plan.
Impact Determination	No impact.
Threshold	*Conflict with or obstruct implementation of the applicable air quality plan.*

Impact Discussion

As part of its enforcement responsibilities, the USEPA requires each state with nonattainment areas to prepare and submit a SIP that demonstrates the means to attain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under state law, the CCAA requires an air quality attainment plan to be prepared for areas designated as nonattainment with regard to the NAAQS and CAAQS. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

The *2021 Triennial Air Quality Attainment Plan* constitutes the current SIP for the Butte County portion of the NSVAB and is the most recent air quality planning document covering Butte County. Air quality attainment plans are a compilation of new and previously submitted plans, programs (e.g., monitoring, modeling, permitting), district rules, state regulations, and federal controls describing how the state will attain ambient air quality standards. State law makes CARB the lead agency for all purposes related to the Air Quality Attainment Plan. Local air districts prepare air quality attainment plans and submit them to CARB for review and approval. The 2021 Triennial Air Quality Attainment Plan includes forecast ROG and NO_X emissions (O_3 precursors) for the entire NSVAB through the year 2020. The plan also includes control strategies necessary to attain the California O_3 standard at the earliest practicable date, as well as

developed emissions inventories and associated emissions projections for the region showing a downtrend for both ROG and NO_X.

The consistency of the Project with the *2021 Triennial Air Quality Attainment Plan* is determined by Project-induced development's consistency with air pollutant emission projections in the plan. However, although the *2021 Triennial Air Quality Attainment Plan* provides estimated ROG and NO_x emissions for the entire NSVAB, they are not apportioned by local air district, county or municipality. The *2021 Triennial Air Quality Attainment Plan* is based on information derived from projected growth in Butte County in order to project future emissions and then determine strategies and regulatory controls for the reduction of emissions. Therefore, until such time as Butte County's applicable air quality plan provides the locally appropriate data necessary to evaluate the consistency of a project's potential air quality impacts (due to non-stationary sources) with the attainment plan's emission projections, the BCAQMD recommends that lead agencies and applicants evaluate a project's contribution to changes in population growth in relation to those projections made by the Butte County Association of Governments (BCAG, BCAQMD 2014).

BCAG has prepared the Butte County population and housing forecasts using professionally accepted methodologies for long-range forecasting. Utilizing a *top down* approach, long-term projections prepared by the California Department of Finance (DOF) were consulted for Butte County and used by BCAG to re-establish control totals for the region. Additionally, a variety of data sources, including input from local jurisdictions, were reviewed and inserted at the local jurisdiction level, therefore incorporating a *bottom up* approach. Adjustments were made to compensate for the redistribution and repopulation of the Camp Fire burn area (BCAG 2018). As such, projects that propose development consistent with the growth anticipated by BCAG would be consistent with the *2021 Triennial Air Quality Attainment Plan*.

According to the California DOF, the City currently contains a population of 18,863 people and a housing inventory of 7,783 houses (DOF 2022). Accounting for a home vacancy rate of 7.1 percent in Oroville, the DOF (2022) estimates an average of 2.49 people living within an occupied residence. The Proposed Project would create an additional 172 single-family lots, which could be expected to accommodate 428 people (2.49 x 172 = 428), thereby increasing the City of Oroville population to 19,291 (this estimate conservatively assumes that all future residents at the Project would be new to Oroville) and housing stock to 7,955 units. BCAG projects the population of Oroville to range from 20,757 to 22,283 people in the year 2025, and the housing inventory to range from 7,841 to 8,301 units. Thus, the expected growth in population and housing as a result of the Proposed Project would not surpass BCAG's projections and therefore would not result in a conflict with the *2021 Triennial Air Quality Attainment Plan*. Additionally, as shown in Tables 2-5 and 2-6 of the *2021 Triennial Air Quality Attainment Plan*, all Project emissions would be under the BCAQMD significance thresholds, which were established to for reducing air pollution and related health effects, a primary goal of the *2021 Triennial Air Quality Attainment Plan*. It is further noted that according to Chapter Five of the Oroville Housing Element, Goal 3: Facilitate Development of New Housing to Meet the Needs of the Community, the City will maintain a goal to facilitate development of a range of housing that varies sufficiently in terms of cost, design, size, location, and tenure to meet the housing needs of all economic segments of the community at a level which can be supported by the utility, water, and street infrastructure. Thus, the Project complies with the anticipated housing needs in

Oroville and supports the goals of the General Plan. For these reasons, the Project would be consistent with the goals of local air quality planning.

Mitigation Measures

No mitigation measures are required.

Impact AIR-2:	Project implementation could result in a cumulatively considerable net increase of any criteria air pollutant for which the project region is non-attainment under an applicable federal or state ambient are quality standard.
Impact Determination:	Less Than Significant
Threshold:	*Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).*

Impact Discussion

Project Construction-Generated Criteria Air Quality Emissions

Construction-generated emissions are temporary and short-term but have the potential to represent a significant air quality impact. Three basic sources of short-term emissions will be generated through construction of the Proposed Project: operation of the construction vehicles (i.e., excavators, trenchers, dump trucks), the creation of fugitive dust during clearing and grading, and the use of asphalt or other oil-based substances during paving activities. Construction activities such as excavation and grading operations, construction vehicle traffic, and wind blowing over exposed soils would generate exhaust emissions and fugitive PM emissions that affect local air quality at various times during construction. Effects would be variable depending on the weather, soil conditions, the amount of activity taking place, and the nature of dust control efforts. The dry climate of the area during the summer months creates a high potential for dust generation.

Construction-generated emissions associated with the Proposed Project were calculated using the CARB-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Attachment A provides more information regarding the construction assumptions, including construction equipment and duration, used in this analysis.

Predicted maximum daily construction-generated emissions for the Proposed Project are summarized in Table 3.1-2 Construction-generated emissions are short-term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BCAQMD's thresholds of significance.

Table 3.1-2. Construction-Related Emissions

Construction Year	Pollutant					
	ROG	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Daily (pounds per day)						
Construction Year One	3.75	36.0	34.2	0.1	9.4	5.4
Construction Year Two	5.40	19.7	30.2	0.0	1.6	0.9
Construction Year Three	5.28	18.7	29.7	0.0	1.5	0.9
Construction Year Four	5.20	17.9	29.3	0.0	1.4	0.8
BCAQMD Significance Threshold	*137 pounds/day*	*137 pounds/day*	-	-	*80 pounds/day*	-
Exceed BCAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**
Annual (tons per year)						
Construction Year One	0.2	2.3	2.1	0.0	0.3	0.2
Construction Year Two	0.7	2.6	3.8	0.0	0.2	0.1
Construction Year Three	0.7	2.4	3.7	0.0	0.2	0.1
Construction Year Four	0.6	2.1	3.2	0.0	0.2	0.1
BCAQMD Significance Threshold	*4.5*	*4.5*	-	-	-	-
Exceed BCAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: CalEEMod version 2022.1. Refer to Attachment A for Model Data Outputs.
Notes: Emission reduction/credits for construction emissions are applied based on the required implementation of BCAQMD Rule 205. The specific Rule 205 measures applied in CalEEMod include sweeping/cleaning adjacent roadway access areas daily, water exposed surfaces twice daily. Emissions taken of the season, summer or winter, with the highest outputs. Building construction, paving, and painting assumed to occur simultaneously.

As shown in Table 3.1-2, emissions generated during Project construction would not exceed the BCAQMD's daily or annual thresholds of significance.

Project Operations Criteria Air Quality Emissions

Implementation of the Project would result in long-term operational emissions of criteria air pollutants such as PM_{10} and O_3 precursors such as ROG and NO_X. Operational-generated emissions associated with the Proposed Project were calculated using CalEEMod. Predicted maximum annual operational-generated emissions of criteria air pollutants for the Proposed Project are summarized in Table 3.1-3.

Table 3.1-3. Operational-Related Emissions						
Emission Source	**Pollutant (pounds per day)**					
	ROG	**NO_X**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Summer Emissions						
Area	8.6	0.1	9.8	0.0	0.0	0.0
Energy	0.0	0.7	0.3	0.0	0.1	0.1
Mobile	6.7	1.5	10.1	0.0	0.0	0.0
Total:	**15.3**	**2.3**	**20.2**	**0.0**	**3.8**	**0.1**
BCAQMD Significance Threshold	*25 pounds/day*	*25 pounds/day*	-	-	*80 pounds/day*	-
Exceed BCAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**
Winter Emissions						
Area	7.8	-	-	-	-	-
Energy	0.0	0.7	0.3	0.0	0.1	0.1
Mobile	5.5	1.7	15.1	0.0	0.0	0.1
Total:	**13.3**	**2.4**	**15.4**	**0.0**	**0.1**	**0.2**
BCAQMD Significance Threshold	*25 pounds/day*	*25 pounds/day*	-	-	*80 pounds/day*	-
Exceed BCAQMD Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Notes: Emission projections predominately based on CalEEMod model defaults for Butte County. Average daily vehicle trips provided by KD Anderson & Associates, Inc. (2023).
Source: CalEEMod version 2022.1. Refer to Attachment A for Model Data Outputs.

As shown in Table 3.1-3, daily emissions associated with Project operations would not exceed the BCAQMD significance thresholds.

Mitigation Measures

No mitigation measures are required.

Impact AIR-3:	Construction and/or operation of the Proposed Project could expose sensitive receptors to substantial pollutant concentrations.
Impact Determination:	Less than Significant.
Threshold:	*Exposure of sensitive receptors to substantial pollutant concentrations.*

Impact Discussion

As previously described, sensitive receptors are defined as facilities or land uses that include members of the population who are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. CARB has identified the following groups of individuals as the most likely to be affected by air pollution: the elderly over 65, children under 14, athletes, and persons with cardiovascular and chronic respiratory diseases such as asthma, emphysema, and bronchitis. The nearest sensitive receptors to the Project Site include residences directly adjacent to the northeast corner of the Project Site boundary, fronting 20th Street, approximately 75 feet distant.

Construction-Generated Air Contaminants

Construction-related activities would result in temporary, short-term Proposed Project-generated emissions of DPM, ROG, NO_x, CO, and PM_{10} from the exhaust of off-road, heavy-duty diesel equipment for site preparation (e.g., clearing, grading); soil hauling truck traffic; paving; and other miscellaneous activities. The Butte County portion of the NSVAB is listed as a nonattainment area for the federal O_3 standard and is also a nonattainment area for the state standards for O_3, PM_{10}, and $PM_{2.5}$. Thus, existing O_3, PM_{10} and $PM_{2.5}$ levels in the NSVAB are at unhealthy levels during certain periods. However, as shown in Table 3.1-2 the Project would not exceed the BCAQMD significance thresholds for construction emissions.

The health effects associated with O_3 are generally associated with reduced lung function. Because the Project would not involve construction activities that would result in O_3 precursor emissions (ROG or NO_x) in excess of the BCAQMD thresholds, the Project is not anticipated to substantially contribute to regional O_3 concentrations and the associated health impacts.

CO tends to be a localized impact associated with congested intersections. In terms of adverse health effects, CO competes with oxygen, often replacing it in the blood, reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can include dizziness, fatigue, and impairment of central nervous system functions. The Project would not involve construction activities that would result in CO emissions in excess of the BCAQMD thresholds. Thus, the Project's CO emissions would not contribute to the health effects associated with this pollutant.

Particulate matter (PM_{10} and $PM_{2.5}$) contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Particulate matter exposure has been linked to a variety of problems, including premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms such as irritation of the airways, coughing, or difficulty breathing. For construction activity, DPM is the primary TAC of concern. PM_{10} exhaust is considered a surrogate for DPM as all diesel exhaust is considered to be DPM. As with O_3 and NOx, the Project would not generate emissions of PM_{10} or $PM_{2.5}$ that would exceed the BCAQMD's thresholds. Accordingly, the Project's PM_{10} and $PM_{2.5}$ emissions are not expected to cause any increase in related regional health effects for these pollutants.

Operational Air Contaminants

Operation of the Proposed Project would not result in the development of any substantial sources of air toxins. There are no stationary sources associated with the operations of the Project; nor would the Project attract additional mobile sources that spend long periods queuing and idling at the site. Onsite Project emissions would not result in significant concentrations of pollutants at nearby sensitive receptors. The Project would not have a high carcinogenic or non-carcinogenic risk during operation

Carbon Monoxide Hot Spots

It has long been recognized that CO exceedances are caused by vehicular emissions, primarily when idling at intersections. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Under certain meteorological conditions, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Given the high traffic volume potential, areas of high CO concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. However, transport of this criteria pollutant is extremely limited, and CO disperses rapidly with distance from the source under normal meteorological conditions. Furthermore, vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the allowable CO emissions standard in California is a maximum of 3.1 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the Sacramento County portion of the SVAB is designated as in attainment. Detailed modeling of Project-specific CO "hot spots" is not necessary and thus this potential impact is addressed qualitatively.

A CO "hot spot" would occur if an exceedance of the state one-hour standard of 20 Parts Per Million (ppm) or the 8-hour standard of 9 ppm were to occur. The analysis prepared for CO attainment in the South Coast Air Quality Management District's (SCAQMD) *1992 Federal Attainment Plan for Carbon Monoxide* in Los Angeles County and a Modeling and Attainment Demonstration prepared by the SCAQMD as part of the 2003 Air Quality Management Plan can be used to demonstrate the potential for CO exceedances of these standards. The SCAQMD is the air pollution control officer for much of Southern

California. The SCAQMD conducted a CO hot spot analysis as part of the *1992 CO Federal Attainment Plan* at four busy intersections in Los Angeles County during the peak morning and afternoon time periods. The intersections evaluated included Long Beach Boulevard and Imperial Highway (Lynwood), Wilshire Boulevard and Veteran Avenue (Westwood), Sunset Boulevard and Highland Avenue (Hollywood), and La Cienega Boulevard and Century Boulevard (Inglewood). The busiest intersection evaluated was at Wilshire Boulevard and Veteran Avenue, which has a traffic volume of approximately 100,000 vehicles per day. Despite this level of traffic, the CO analysis concluded that there was no violation of CO standards (SCAQMD 1992). In order to establish a more accurate record of baseline CO concentrations affecting the Los Angeles, a CO "hot spot" analysis was conducted in 2003 at the same four busy intersections in Los Angeles at the peak morning and afternoon time periods. This "hot spot" analysis did not predict any violation of CO standards. The highest 1-hour concentration was measured at 4.6 ppm at Wilshire Boulevard and Veteran Avenue and the highest 8-hour concentration was measured at 8.4 ppm at Long Beach Boulevard and Imperial Highway. Thus, there was no violation of CO standards.

Similar considerations are also employed by other air districts when evaluating potential CO concentration impacts. More specifically, the Bay Area Air Quality Management District, the air pollution control officer for the San Francisco Bay Area, concludes that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal air does not mix in order to generate a significant CO impact.

The Proposed Project is anticipated to result in 1,622 daily traffic trips (KD Anderson & Associates, Inc. 2023). Thus, the Proposed Project would not generate traffic volumes at any intersection of more than 100,000 vehicles per day (or 44,000 vehicles per day) and there is no likelihood of the Project traffic exceeding CO values.

In summary, Project construction would not result in a potentially significant contribution to regional concentrations of nonattainment pollutants and would not result in a significant contribution to the adverse health impacts associated with those pollutants.

Mitigation Measures

No mitigation measures are required.

Impact AIR-4:	Project implementation could result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.
Impact Determination:	Less than Significant.
Threshold	*Result in the release of other emissions (such as those leading to odors) adversely affecting a substantial number of people).*

Impact Discussion

Typically, odors are regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache).

With respect to odors, the human nose is the sole sensing device. The ability to detect odors varies considerably among the population and overall is quite subjective. Some individuals have the ability to smell minute quantities of specific substances; others may not have the same sensitivity but may have sensitivities to odors of other substances. In addition, people may have different reactions to the same odor; in fact, an odor that is offensive to one person (e.g., from a fast-food restaurant) may be perfectly acceptable to another. It is also important to note that an unfamiliar odor is more easily detected and is more likely to cause complaints than a familiar one. This is because of the phenomenon known as odor fatigue, in which a person can become desensitized to almost any odor and recognition only occurs with an alteration in the intensity.

Quality and intensity are two properties present in any odor. The quality of an odor indicates the nature of the smell experience. For instance, if a person describes an odor as flowery or sweet, then the person is describing the quality of the odor. Intensity refers to the strength of the odor. For example, a person may use the word *strong* to describe the intensity of an odor. Odor intensity depends on the odorant concentration in the air. When an odorous sample is progressively diluted, the odorant concentration decreases. As this occurs, the odor intensity weakens and eventually becomes so low that the detection or recognition of the odor is quite difficult. At some point during dilution, the concentration of the odorant reaches a detection threshold. An odorant concentration below the detection threshold means that the concentration in the air is not detectable by the average human.

During construction, the Proposed Project presents the potential for generation of objectionable odors in the form of diesel exhaust in the immediate vicinity of the site. However, these emissions are short-term in nature and will rapidly dissipate and be diluted by the atmosphere downwind of the emission sources. Additionally, odors would be localized and generally confined to the construction area. Therefore, construction odors would not adversely affect a substantial number of people to odor emissions.

According to the BCAQMD, land uses commonly considered to be potential sources of obnoxious odorous emissions include wastewater treatment plants, sanitary landfills, composting/green waste facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting/coating operations, rendering plants, and food packaging plants. The Proposed Project does not include any uses identified by the BCAQMD as being associated with odors.

Mitigation Measures

No mitigation measures are required.

3.1.7 Cumulative Impacts

Impact AIR-5:	Would implementation of the Proposed Project, in combination with existing, approved, proposed, and reasonably foreseeable development in Butte County, result in a cumulatively considerable air quality impact?
Impact Determination:	Less Than Cumulatively Considerable
Threshold	*Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative impacts to air quality?*

Impact Discussion

By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's individual emissions exceed its identified significance thresholds, the project would be cumulatively considerable. Projects that do not exceed significance thresholds would not be considered cumulatively considerable. As identified in the analysis above, the Project would not exceed significance thresholds or otherwise result in any project-level impact. Thus, the Project is considered less than cumulatively considerable in terms of air quality-related impacts.

Mitigation Measures

No mitigation measures are required.

3.2 Biological Resources

This section presents an evaluation of potential biological resources impacts associated with the Project. The section assesses whether construction and operation of the Project would result in significant impacts on terrestrial and aquatic biological resources. The City received one letter concerning biological resources as a part of the NOP for this DEIR. However, this letter, from the California Department of Fish and Wildlife (CDFW), did not include any specific comments about the Project Site, Proposed Project, or the biological analysis provided in the IS. This letter is included in Appendix 1.0-A.2.

This section includes a description of the existing environmental conditions, regulatory setting, an overview of the methods used for assessing impact, impact significance thresholds, and the impacts associated with constructing and operating each of the three Project Alternatives. Where significant impacts are identified, feasible and effective mitigation measures are presented to reduce those impacts to levels considered less than significant.

Resource information presented herein is based on the following technical studies:

- *Biological Resources Assessment for the Feather Ranch Project* (BRA) (ECORP 2023, Appendix 3.2-A);
- *The 20th Street Residential Development Jurisdictional Waters and Wetlands Delineation* (Rincon Consultants, Inc. 2021, Appendix 3.2-B).

Note the Project is located within APN 030-230-098-000. For the BRA, the Study Area was defined as the limits of this APN. The Study Area and Project Site represent the same area and are interchangeable in this section of the DEIR.

3.2.1 Environmental Setting

3.2.1.1 Site Characteristics and Land Use

The Study Area is located within gently rolling terrain situated at an elevational range of approximately 190 to 230 feet AMSL in the Sacramento Valley District of the California floristic province. The average winter low temperature in the vicinity of the Study Area is 39.4 degrees Fahrenheit (˚F) and the average summer high temperature is 92.2˚F; average annual precipitation is approximately 31.52 inches (National Oceanic and Atmospheric Administration [NOAA] 2022a).

The Study Area is currently undeveloped and idle rangeland. The vegetation community is a mixture of native and nonnative herbaceous plants. There are no trees or shrubs present. There are no perimeter fences, so this site is not used for livestock grazing but may have been in the past. Undeveloped dirt roads and a disced fire-break path surround the Study Area.

The surrounding lands include residential development to the east, rural residences to the north and south, and undeveloped rangeland to the west.

3.2.2 Biological Setting

3.2.2.1 Soils

According to the National Resources Conservation Soil Service Web Soil Survey (2022), one soil unit, or type, has been mapped within the Study Area, (603) Oroville-Thermalito-Fernandez-Thompsonflat complex, 0 to 9 percent slopes This soil unit is composed of Oroville, gravelly fine sandy loam, and similar soils (30 percent), Thermalito, sandy loam, and similar soils (25 percent), Fernandez, sandy loam, and similar soils (15 percent), Thompsonflat, fine sandy loam, and similar soils (15 percent), and minor components (15 percent). The Oroville series consists of moderately deep, poorly drained soils that formed in alluvium derived from metamorphic and igneous rocks. These soils are in swales on intermediate terraces. The Thermalito series consists of moderately deep, somewhat poorly drained soils that formed in alluvium derived from metamorphic and igneous rocks. These soils are on mounds on intermediate terraces. The Thompsonflat series consists of very deep, moderately well drained soils that formed in alluvium derived from metamorphic and igneous rocks. These soils are on intermediate and high terraces. The Fernandez series consists of very deep, moderately well drained soils that formed in alluvium derived from metamorphic and igneous rocks. These soils are on intermediate terraces. This soil unit is not derived from serpentinite or other ultramafic parent materials.

Vegetation Communities and Land Cover Types

The entire Study Area is comprised of nonnative annual grassland with scattered isolated seasonal wetland/vernal pool basin. The developed-disturbed land cover type found onsite consists of dirt roads and areas of repeated off-road vehicle use. These areas are largely denuded of any vegetation.

Nonnative Annual Grassland

The majority of the Study Area is comprised of nonnative annual grassland. This community is dominated by a variety of nonnative species such as medusahead grass (*Elymus caput-medusae*), wild oats (*Avena fatua*), Italian ryegrass (*Festuca perennis*), and filaree (*Erodium* sp.). This vegetation community onsite is not specifically classified in *A Manual of California Vegetation* (Sawyer et al. 2009) but is similar to some *Herbaceous Semi-Natural* alliances.

Seasonal Wetland/Vernal Pool

The seasonal wetlands/vernal pools are scattered throughout the Study Area in topographic depressions in the rolling terrain. These depressions collect seasonal runoff and direct rainfall during the wet season and remain inundated or saturated long enough during the growing season to support wetland vegetation, hydric soil, and wetland hydrology. Dominant plant species found in these wetland depressions include slender popcorn flower (*Plagiobothrys stipitatus*), toad rush (*Juncus bufonius*), smooth goldfields (*Lasthenia glaberrima*), and water-starwort (*Callitriche marginata*). This vegetation community onsite is not specifically classified in *A Manual of California Vegetation*. These wetlands are discussed in further detail in the Aquatic Resources section.

3.2.2.2 Aquatic Resources

Rincon Consultants, Inc. prepared the Jurisdictional Waters and Wetlands Delineation for the Study Area dated March 2021. As shown in Figure 3.2-1, Rincon delineated 78 depressional seasonal wetlands totaling 2.62 acres, as listed in Table 3.2-1.

Table 3.2-1. RWQCB Jurisdictional Area

Feature	RWQCB Jurisdiction Wetland Acres	Feature	RWQCB Jurisdiction Wetland Acres	Feature	RWQCB Jurisdiction Wetland Acres
SW1	0.371	SW 27	0.011	SW 53	0.021
SW 2	0.014	SW 28	0.017	SW 54	0.022
SW 3	0.020	SW 29	0.084	SW 55	0.035
SW 4	0.020	SW 30	0.067	SW 56	0.015
SW 5	0.033	SW 31	0.021	SW 57	0.029
SW 6	0.013	SW 32	0.012	SW 58	0.007
SW 7	0.009	SW 33	0.039	SW 59	0.018
SW 8	0.010	SW 34	0.011	SW 60	0.048
SW 9	0.015	SW 35	0.015	SW 61	0.014
SW 10	0.003	SW 36	0.015	SW 62	0.006
SW 11	0.014	SW 37	0.019	SW 63	0.017
SW 12	0.020	SW 38	0.005	SW 64	0.006
SW 13	0.020	SW 39	0.006	SW 65	0.089
SW 14	0.134	SW 40	0.019	SW 66	0.030
SW 15	0.371	SW 41	0.016	SW 67	0.011
SW 16	0.021	SW 42	0.015	SW 68	0.010
SW 17	0.013	SW 43	0.011	SW 69	0.029
SW 18	0.011	SW 44	0.031	SW 70	0.012
SW 19	0.134	SW 45	0.009	SW 71	0.015

Table 3.2-1. RWQCB Jurisdictional Area

Feature	RWQCB Jurisdiction Wetland Acres	Feature	RWQCB Jurisdiction Wetland Acres	Feature	RWQCB Jurisdiction Wetland Acres
SW 20	0.090	SW 46	0.016	SW 72	0.043
SW 21	0.034	SW 47	0.015	SW 73	0.020
SW 22	0.014	SW 48	0.018	SW 74	0.029
SW 23	0.004	SW 49	0.008	SW 75	0.035
SW 24	0.030	SW 50	0.010	SW 76	0.013
SW 25	0.062	SW 51	0.013	SW 77	0.010
SW 26	0.031	SW 52	0.016	SW 78	0.002
			Seasonal Wetlands Total	**2.62 acres**	

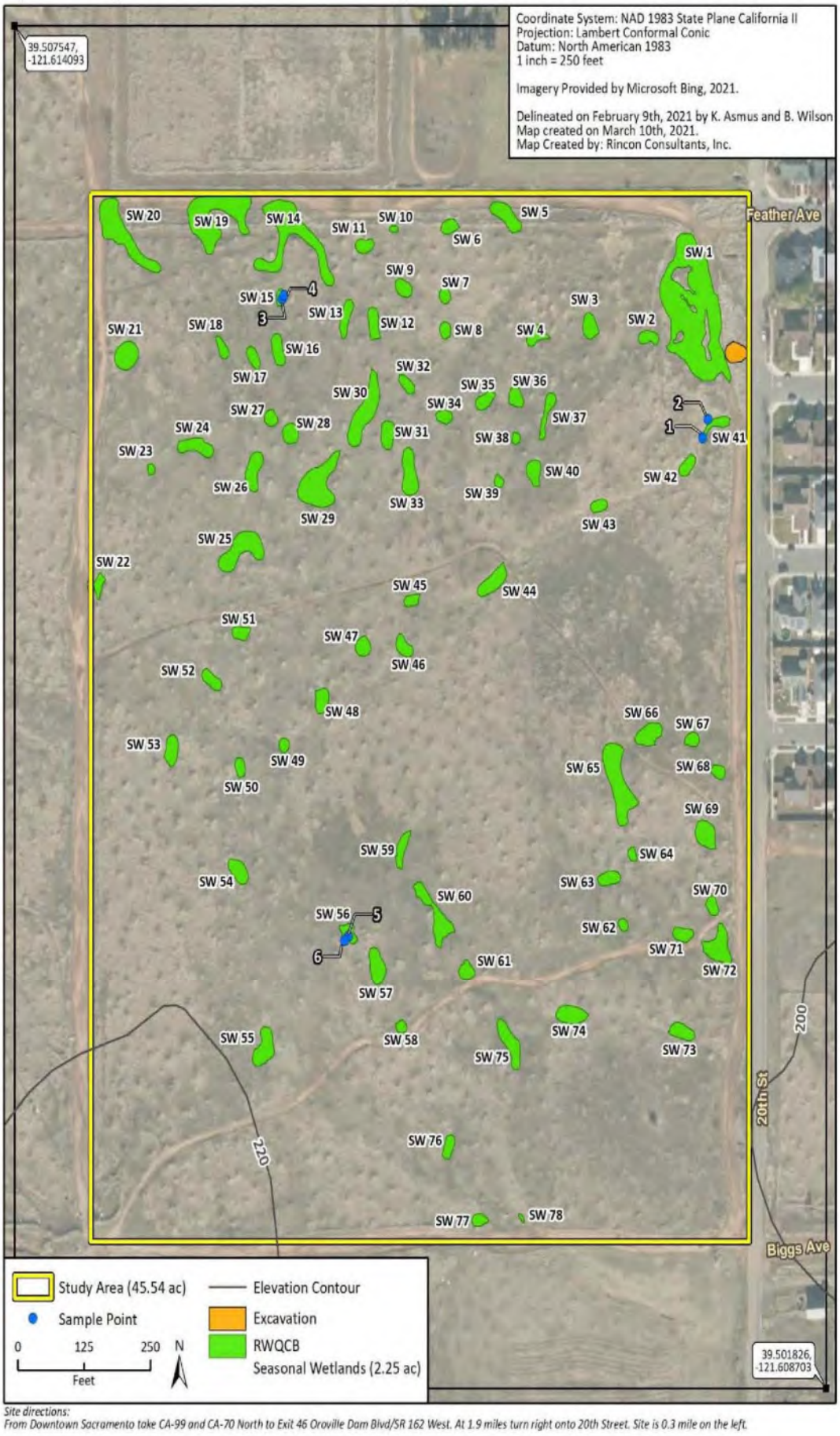
Source: Rincon Consultants, Inc. 2021

These wetlands were categorized as seasonal wetlands by Rincon but some could be considered vernal pools by other wetland delineators. The USEPA defines vernal pools as "seasonal depressional wetlands that occur under Mediterranean climate conditions of the West Coast and in glaciated areas of the northeastern and midwestern states. They are covered by shallow water for variable periods from winter to spring but may be completely dry for most of the summer and fall" (USEPA 2022).

At present, there has been no verification or jurisdictional determination of these aquatic resources conducted by the United States Army Corps of Engineers (USACE).

When Rincon prepared the delineation report, the definition of Waters of the U.S. was based on the National Wetlands Protection Rule (NWPR). Under the NWPR, the wetlands onsite would probably not have been considered Waters of the U.S. as stated in the Rincon report. However, the NWPR was vacated and remanded in August 2021. In the current definition of Waters of the U.S. according to the pre-2015 regulatory regime, include the *Rapanos* Guidance, wetlands adjacent to nonnavigable tributaries that are not relatively permanent would require a significant nexus evaluation to establish federal jurisdiction. The wetlands onsite would require a significant nexus evaluation by the USACE in order to determine jurisdiction.

Regardless of federal jurisdiction, the wetlands delineated onsite would likely be considered Waters of the State under the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Resources Control Board 2019).



Site directions:
From Downtown Sacramento take CA-99 and CA-70 North to Exit 46 Oroville Dam Blvd/SR 162 West. At 1.9 miles turn right onto 20th Street. Site is 0.3 mile on the left.

Source: Rincon Consultants, Inc.

Figure 3.2-1. Aquatic Resources Delineation M

3.2.2.3 Wildlife Observations

ECORP biologist Keith Kwan conducted a reconnaissance-level field survey for the Study Area on March 1, 2022. Wildlife observed within or flying over the Study Area by during the site reconnaissance includes mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), savannah sparrow (*Passerculus sandwichensis*), Brewer's blackbird (*Euphagus cyanocephalus*), and western meadowlark (*Sturnella neglecta*).

3.2.3 Evaluation of Special-Status Species Identified in the Literature Search

The BRA competed for the Project listed all the special-status plant and wildlife species identified in the literature review as potentially occurring within the vicinity of the Study Area. Included in this table are the listing status for each species, a brief habitat description, and an evaluation on the potential for each species to occur within the Study Area. Of these special-status species, 23 plants, three invertebrates, one amphibian, one reptile, and five birds have potential habitat in the Study Area. A list of special-status species potentially affected by the Proposed Project, their general habitat requirements, and an assessment of their potential to occur within the Study Area is provided in Table 3.2-2. A complete list of special-status species known to exist in the region and the results of the database queries are included in Appendix 3.2-A.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
Plants						
Henderson's bent grass *(Agrostis hendersonii)*	–	–	3.2	Vernal pools and mesic areas in valley and foothill grasslands (230'–1,000').	April–June	Potential – there is suitable habitat onsite.
Depauperate milk-vetch (*Astragalus pauperculus*)	-	-	4.3	Occurs within vernally mesic and volcanic soils in chaparral, cismontane woodland, and valley and foothill grasslands (195'-3,985')	March-June	Low Potential – There is marginally suitable habitat onsite.
Big-scale balsamroot *(Balsamorhiza macrolepis)*	–	–	1B.2	Chaparral, cismontane woodland, and valley and foothill grassland, sometimes on serpentinite soils (150'–5,100').	March–June	Potential – there is suitable habitat onsite.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
Valley brodiaea (*Brodiaea rosea* ssp. *vallicola*)	–	–	4.2	Occurs in old alluvial terraces and silt, qsandy, or gravelly soils in vernal pools and swales within valley and foothill grassland (35'–1,100').	April–May	Potential – there is suitable habitat onsite.
Butte County calycadenia *Calycadenia oppositifolia*)	-	-	4.2	Occurs on volcanic, granitic, and serpentinite areas of chaparral, cismontane woodland, lower montane coniferous forest, meadows, seeps and valley and foothill grassland. (295'-3,100')	April - July	Low Potential – There is marginally suitable habitat onsite.
Pink creamsacs *(Castilleja rubicundula* var. *rubicundula)*	–	–	1B.2	Serpentinite substrates in chaparral openings, cismontane woodland, meadows and seeps, and valley and foothill grassland (65'–2,985').	April–June	Low Potential – There is marginally suitable habitat onsite.
Recurved larkspur *(Delphinium recurvatum)*	–	–	1B.2	Chenopod scrub, cismontane woodland, and valley and foothill grasslands (10'–2,592').	March–June	Potential – there is suitable habitat onsite.
Hoover's spurge (*Euphorbia hooveri*)	FT	–	1B.2	Vernal pools (80'–820').	July–September	Potential – there is suitable habitat onsite.
Hogwallow starfish *(Hesperevax caulescens)*	–	–	4.2	Sometimes alkaline in mesic areas with clay soil within valley and foothill grassland and shallow vernal pools (0'–1,655').	March–June	Potential – there is suitable habitat onsite.
Ahart's dwarf rush *(Juncus leiospermus* var. *ahartii)*	–	–	1B.2	Mesic areas in valley and foothill grassland. Species has an affinity for slight disturbance such as farmed fields (U.S. Fish and Wildlife	March–May	Potential – there is suitable habitat onsite.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
				Service [USFWS] 2005) (98'–751').		
Red Bluff dwarf rush *(Juncus leiospermus* var. *leiospermus)*	–	–	1B.1	Vernally mesic areas in chaparral, cismontane woodland, meadows and seeps, valley and foothill grassland, and vernal pools (115'–4,101').	March–June	Potential – there is suitable habitat onsite.
Colusa layia *(Layia septentrionalis)*	–	–	1B.2	Sandy or serpentinite soils in chaparral, cismontane woodland, and valley and foothill grasslands (328'–3,593').	April–May	Potential – there is suitable habitat onsite.
Bristly leptosiphon (*Leptosiphon acicularis*)	–	–	4.2	Chaparral, cismontane woodland, coastal prairie, valley and foothill grassland (180'–4,920').	April–July	Potential – there is suitable habitat onsite.
Serpentine leptosiphon (*Leptosiphon ambiguus*)	–	–	4.2	Usually serpentinite soils of Cismontane woodland, coastal scrub, and valley and foothill grassland (395'–3710').	March–June	Low Potential – There is marginally suitable habitat onsite.
Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*)	FE	CE	1B.1	Mesic valley and foothill grassland and vernal pools (150'–3,052').	March–May	Potential – there is suitable habitat onsite.
Woolly meadowfoam *(Limnanthes floccosa* ssp. *floccosa)*	–	–	4.2	Vernally mesic chaparral, cismontane woodland, valley and foothill grassland, and vernal pools(197'–4,380').	March–May	Potential – there is suitable habitat onsite.
Sylvan microseris *(Microseris sylvatica)*	–	–	4.2	Chaparral, cismontane woodland, Great Basin scrub, pinyon and juniper woodland, valley and foothill	March-June	Potential – there is suitable habitat onsite.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
				grassland; serpentinite (rarely) (150'-4,920')		
Veiny monardella *(Monardella venosa)*	–	–	1B.1	Heavy clay soils in cismontane woodland and valley and foothill grasslands (197'–1,345').	May–July	Low Potential – there is marginally suitable habitat onsite.
Tehama navarretia (*Navarretia heterandra*)	–	–	4.3	Mesic areas in valley and foothill grassland and vernal pools(98'–3,314').	April–June	Potential – there is suitable habitat onsite.
Slender Orcutt grass *(Orcuttia tenuis)*	FT	CE	1B.1	Vernal pools, often gravelly (115'–5,774').	May–September	Potential – there is suitable habitat onsite.
Ahart's paronychia (*Paronychia ahartii*)	–	–	1B.1	Well-drained rocky outcrops, often vernal pool edges, and volcanic upland (Hartman and Rabeler 2012) of cismontane woodland, valley and foothill grassland, and vernal pools (98'–1673').	February–June	Potential – there is suitable habitat onsite.
Butte County golden clover (*Trifolium jokerstii*)	-	-	1B.2	Mesic valley and foothill grassland and vernal pools (164'-1,575')	March–May	Potential – there is suitable habitat onsite.
Greene's tuctoria *(Tuctoria greenei)*	FE	CR	1B.1	Vernal pools (98'–3,510').	May–July	Potential – there is suitable habitat onsite.
Invertebrates						
Conservancy fairy shrimp (*Branchinecta conservatio)*	FE	-	-	Vernal pools/wetlands.	November-April	Potential-Suitable habitat present onsite.
Vernal pool fairy shrimp (*Branchinecta lynchi*)	FT	-	-	Vernal pools/wetlands.	November-April	Potential-Suitable habitat present onsite.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
Vernal pool tadpole shrimp (*Lepidurus packardi*)	FE	-	-	Vernal pools/wetlands.	November-April	Potential-Suitable habitat present onsite.
Amphibians						
Western spadefoot (*Spea hammondii*)	-	-	SSC	California endemic species of vernal pools, swales, wetlands and adjacent grasslands throughout the Central Valley.	March-May	Potential-Suitable habitat is present onsite.
Reptiles						
Blainville's ("Coast") horned lizard (*Phrynosoma blainvillii*)	-	-	SSC	Formerly a wide-spread horned lizard found in a wide variety of habitats, often in lower elevation areas with sandy washes and scattered low bushes. Also occurs in Sierra Nevada foothills. Requires open areas for basking, but with bushes or grass clumps for cover, patches of loamy soil or sand for burrowing and an abundance of ants (Stebbins and McGinnis 2012).	Apr-Oct	Potential-There is suitable habitat onsite.
Birds						
Northern harrier (*Circus hudsonius*)	-	-	BCC, SSC	Nests on the ground in open wetlands, marshy meadows, wet/lightly grazed pastures, (rarely) freshwater/brackish marshes, tundra, grasslands, prairies, croplands, desert, shrub-steppe, and (rarely) riparian	April-September	Low Potential-There is marginal nesting habitat onsite.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
				woodland communities.		
Swainson's hawk (*Buteo swainsoni*)	-	CT	BCC	Nesting occurs in trees in agricultural, riparian, oak woodland, scrub, and urban landscapes. Forages over grassland, agricultural lands, particularly during disking/harvesting, irrigated pastures	March-August	Potential-There is suitable foraging habitat, but no nesting habitat onsite.
Burrowing owl *(Athene cunicularia)*	-	-	BCC, SSC	Nests in burrows or burrow surrogates in open, treeless, areas within grassland, steppe, and desert biomes. Often with other burrowing mammals (e.g. prairie dogs, California ground squirrels). May also use human-made habitat such as agricultural fields, golf courses, cemeteries, roadside, airports, vacant urban lots, and fairgrounds.	February-August	Potential-There is suitable habitat.
Loggerhead shrike (*Lanius ludovicianus*)	-	-	SSC	Found throughout California in open country with short vegetation, pastures, old orchards, grasslands, agricultural areas, open woodlands. Not found in heavily forested habitats.	March-July	Potential-There is suitable habitat.
Tricolored blackbird (*Agelaius tricolor*)	-	CT	BCC, SSC	Breeds locally west of Cascade-Sierra Nevada and southeastern deserts from Humboldt and Shasta	March-August	Potential-There is suitable foraging habitat, but no nesting habitat onsite.

Table 3.2-2. Potentially Occurring Special-Status Species

Common Name (Scientific Name)	Status			Habitat Description	Survey Period	Potential To Occur Onsite
	FESA	CESA/ NPPA	Other			
				counties south to San Bernardino, Riverside and San Diego counties. Central California, Sierra Nevada foothills and Central Valley, Siskiyou, Modoc and Lassen counties. Nests colonially in freshwater marsh, blackberry bramble, milk thistle, triticale fields, weedy (mustard, mallow) fields, giant cane, safflower, stinging nettles, tamarisk, riparian scrublands and forests, fiddleneck, and fava bean fields.		

Source: ECORP 2022

Status Codes:

FESA	Federal Endangered Species Act
CESA	California Endangered Species Act
FE	FESA listed, Endangered.
FT	FESA listed, Threatened.
FC	Candidate for FESA listing as Threatened or Endangered.
BCC	USFWS Bird of Conservation Concern
CR	CESA- or NPPA-listed, Rare.
CE	CESA or NPPA listed, Endangered.
CT	CESA- or NPPA-listed, Threatened.
CFP	California Fish and Game Code Fully Protected Species (§ 3511-birds, § 4700-mammals, §5 050-reptiles/amphibians).
CDFW WL	CDFW Watch List
SSC	CDFW Species of Special Concern (CDFW, updated July 2017).
1B	CRPR/Rare or Endangered in California and elsewhere.
2B	Plants rare, threatened, or endangered in California but more common elsewhere.
3	CRPR/Plants About Which More Information is Needed – A Review List.
4	CRPR/Plants of Limited Distribution – A Watch List.
0.1	Threat Rank/Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2	Threat Rank/Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3	Threat Rank/Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)
Delisted	Formally Delisted (delisted species are monitored for 5 years).

3.2.4 Plants

A total of 60 special-status plant species were identified as having the potential to occur in the vicinity of the Study Area based on the literature review (Table 1 of Appendix 3.2-A). Of those, 37 species were determined to be absent from the Study Area due to the lack of suitable habitat or due to the Study Area being outside of the known elevational range for the species. No further discussion of those species is provided in this assessment. A brief description of the remaining 23 species that have the potential or low potential to occur within the Study Area is presented below.

3.2.4.1 Henderson's Bent Grass

Henderson's bent grass (*Agrostis hendersonii*) is not listed pursuant to either the federal or California ESAs but is designated as a California Rare Plant Rank (CRPR) 3.2 species. This species is an herbaceous annual that occurs in vernal pools and in mesic areas in valley and foothill grasslands. Henderson's bent grass blooms from April through June and is known to occur at elevations between 230 to 1,000 feet AMSL. The current range of this species in California includes Butte, Calaveras, Merced, Napa, Shasta, Tehama, and Tuolumne counties; occurrence in Butte County confirmed, but possible extirpated.

There are no California Natural Diversity Database (CNDDB) occurrences of Henderson's bent grass within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Henderson's bent grass has potential to occur within the Study Area.

3.2.4.2 Depauperate Milk-Vetch

Depauperate milk-vetch (*Astragalus pauperculus*) is not listed pursuant to either the federal or California ESAs but is designated as a CRPR 4.3 species. This species is an herbaceous annual that occurs within vernally mesic and volcanic soils in chaparral, cismontane woodland, and valley and foothill grasslands. The blooming period for this species is from March through June and is known to occur at elevations 195 to 3,985 feet AMSL. Depauperate milk-vetch is endemic to California; its current range includes Butte, Shasta, and Tehama counties.

There are no CNDDB occurrences of depauperate milk-vetch. The nonnative annual grassland within the Study Area may provide marginally suitable habitat for this species. Depauperate milk-vetch has low potential to occur within the Study Area.

3.2.4.3 Big-Scale Balsamroot

Big-scale balsamroot (*Balsamorhiza macrolepis*) is not listed pursuant to either the federal or California ESAs but is designated as a CRPR 1B.2 species. This species is an herbaceous perennial that occurs in chaparral, cismontane woodlands, valley and foothill grassland, and sometimes on serpentinite soils. Big-scale balsamroot blooms from March through June and is known to occur at elevations ranging from 150 to 5,100 feet AMSL. Big-scale balsamroot is endemic to California; the current range of this species includes Alameda, Amador, Butte, Colusa, El Dorado, Lake, Mariposa, Napa, Placer, Santa Clara, Shasta, Solano, Sonoma, Tehama, and Tuolumne counties.

There are no CNDDB occurrences of big-scale balsamroot within 5 miles of the Study Area. The nonnative annual grassland within the Study Area may provide suitable habitat for this species. Big-scale balsamroot has potential to occur within the Study Area.

3.2.4.4 Valley Brodiaea

Valley brodiaea (*Brodiaea rosea* ssp. *vallicola*) is not listed pursuant to either the federal or California ESAs but is designated as a CRPR 4.2 species. This species is a bulbiferous perennial herb that occurs in old alluvial terraces and silty, sandy, or gravelly soils in vernal pools, swales, and valley and foothill grassland. Valley brodiaea blooms from April through May (sometimes June) and is known to occur at elevations ranging from 35 to 1,100 feet AMSL. Valley brodiaea is endemic to California; the current range of this species includes Butte, Calaveras, Nevada, Placer, Sacramento, San Joaquin, Sutter, and Yuba counties.

There are no CNDDB occurrences of Valley brodiaea. However, the seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Valley brodiaea has potential to occur within the Study Area.

3.2.4.5 Butte County Calycadenia

Butte County calycadenia (*Calycadenia oppositifolia*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.2 species. This species is an herbaceous annual that occurs on volcanic, granitic, and serpentinite areas of chaparral, cismontane woodland, lower montane coniferous forest, meadows, seeps, and valley and foothill grassland. Butte County calycadenia blooms from April through July and is known to occur at elevations ranging from 295 to 3,100 feet AMSL. This species is endemic to California; the current range includes Butte County.

There are no CNDDB occurrences of Butte County calycadenia. However, the nonnative annual grassland within the Study Area may provide marginally suitable habitat for this species. Butte County calycadenia has low potential to occur within the Study Area.

3.2.4.6 Pink Creamsacs

Pink creamsacs (*Castilleja rubicundula* var. *rubicundula*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 1B.2 species. This species is a hemiparasitic herbaceous annual that occurs in serpentinite substrates in chaparral (openings), cismontane woodland, meadows and seeps, and valley and foothill grassland. Pink creamsacs blooms from April through June and is known to occur at elevations ranging from 65 to 2,985 feet AMSL. Pink creamsacs is endemic to California; its current range includes Butte, Colusa, Glenn, Lake, Napa, Santa Clara, Shasta, and Yolo counties.

There is one CNDDB occurrence of pink creamsacs within 5 miles of the Study Area. The nonnative annual grassland within the Study Area may provide marginally suitable habitat for this species. Pink creamsacs has low potential to occur within the Study Area.

3.2.4.7 Recurved Larkspur

Recurved larkspur (*Delphinium recurvatum*) is not listed pursuant to either the federal or California ESAs, but is designated a CRPR 1B.2 species. This species is an herbaceous perennial that occurs in alkaline substrates in chenopod scrub, cismontane woodland, and valley and foothill grasslands. Recurved larkspur blooms from March through June and is known to occur at elevations ranging from 10 to 2,592 feet AMSL. Recurved larkspur is endemic to California; the current range of this species includes Alameda, Butte, Contra Costa, Colusa, Fresno, Glenn, Kings, Kern, Madera, Merced, Monterey, San Joaquin, San Luis Obispo, Solano, Sutter, and Tulare counties. The species is presumed extirpated from Butte and Colusa counties.

There are no CNDDB occurrences of recurved larkspur within 5 miles of the Study Area. The nonnative annual grassland within the Study Area may provide suitable habitat for this species. Recurved larkspur has potential to occur within the Study Area.

3.2.4.8 Hoover's Spurge

Hoover's spurge (*Euphorbia hooveri)* is listed as threatened pursuant to the federal ESA, not listed as rare pursuant to the California ESA, and is also designated as a CRPR 1B.2 species. This species is an herbaceous annual that occurs in vernal pools. Hoover's spurge blooms from July through September and is known to occur at elevations ranging from 80 to 820 feet AMSL. Hoover's spurge is endemic to California; its current range includes Butte, Colusa, Glenn, Merced, Stanislaus, Tehama, and Tulare counties.

There are no CNDDB occurrences of Hoover's spurge within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Hoover's spurge has potential to occur within the Study Area.

3.2.4.9 Hogwallow Starfish

Hogwallow starfish (*Hesperevax caulescens*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.2 species. This species is an herbaceous annual that occurs in mesic, clay areas within valley and foothill grassland and shallow vernal pools, sometimes in alkaline areas. Hogwallow starfish blooms from March through June and is known to occur from 0 to 1,655 feet AMSL. Hogwallow starfish is endemic to California; the current range of this species includes Alameda, Amador, Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Mariposa, Merced, Monterey, Sacramento, San Diego, San Joaquin, San Luis Obispo, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, and Yuba counties; however, it is presumed extirpated in San Diego County.

There are no CNDDB occurrences of hogwallow starfish within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Hogwallow starfish has potential to occur within the Study Area.

3.2.4.10 Ahart's Dwarf Rush

Ahart's dwarf rush (*Juncus leiospermus* var. *ahartii*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 1B.2 species. This species is an herbaceous annual that occurs in mesic areas in valley and foothill grasslands. This species also appears to have an affinity for slight disturbance since it has been found on farmed fields and gopher turnings (USFWS 2005). Ahart's dwarf rush blooms from March through May and is known to occur at elevations ranging from 98 to 751 feet AMSL (USFWS 2005). Ahart's dwarf rush is endemic to California; the current range of this species includes Butte, Calaveras, Placer, Sacramento, Tehama, and Yuba counties.

There are two CNDDB occurrences of Ahart's dwarf rush within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Ahart's dwarf rush has potential to occur within the Study Area.

3.2.4.11 Red Bluff Dwarf Rush

Red Bluff dwarf rush (*Juncus leiospermus* var. *leiospermus*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 1B.1 species. This species is an herbaceous annual that occurs in vernally mesic areas in chaparral, cismontane woodland, meadows, seeps, valley and foothill grasslands, and vernal pools. Red Bluff dwarf rush blooms from March through June and is known to occur at elevations ranging from 115 to 4,101 feet AMSL. Red Bluff dwarf rush is endemic to California; the current range of this species includes Butte, Placer, Shasta, and Tehama counties.

There is one CNDDB occurrence of Red Bluff dwarf rush within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Red Bluff dwarf rush has potential to occur within the Study Area.

3.2.4.12 Colusa Layia

Colusa layia (*Layia septentrionalis*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 1B.2 species. This species is an herbaceous annual that occurs in sandy or serpentinite soils in chaparral, cismontane woodland, and valley and foothill grasslands. Colusa layia blooms from April through May and is known to occur at elevations ranging from 328 to 3,593 feet AMSL. Colusa layia is endemic to California; the current range of this species includes Butte, Colusa, Glenn, Lake, Mendocino, Napa, Sonoma, Sutter, Tehama, and Yolo counties.

There are no CNDDB occurrences of Colusa layia within 5 miles of the Study Area. The nonnative annual grassland within the Study Area may provide suitable habitat for this species. Colusa layia has potential to occur within the Study Area.

3.2.4.13 Bristly Leptosiphon

Bristly leptosiphon (*Leptosiphon acicularis*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.2 species. This species is an annual herb that occurs in chaparral, cismontane woodland, coastal prairie, and valley and foothill grassland. Bristly leptosiphon blooms from

April through July and is known to occur at elevations ranging from 180 to 4,920 feet AMSL. Bristly leptosiphon is endemic to California; the current range of this species includes Alameda, Butte, Colusa, Humboldt, Kern, Lake, Marin, Mendocino, Napa, Placer, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, and Yuba counties.

There are no CNDDB occurrences of bristly leptosiphon within 5 miles of the Study Area. However, the nonnative annual grassland within the Study Area may provide suitable habitat for this species. Bristly leptosiphon has potential to occur within the Study Area.

3.2.4.14 Serpentine Leptosiphon

Serpentine leptosiphon (*Leptosiphon ambiguus*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.2 species. This species is an herbaceous annual that occurs usually in serpentinite soil within cismontane woodland, coastal scrub, valley and foothill grassland. Serpentine leptosiphon blooms from March through June and is known to occur at elevations ranging from 395 to 3,710 feet AMSL. Serpentine bird's-beak is endemic to California; its current range includes Alameda, Contra Costa, Merced, San Benito, Santa Clara, Santa Cruz, San Joaquin, San Mateo, and Stanislaus counties.

There are no CNDDB occurrences of serpentine leptosiphon within 5 miles of the Study Area. The nonnative annual grassland within the Study Area may provide marginally suitable habitat for this species. Serpentine leptosiphon has low potential to occur within the Study Area.

3.2.4.15 Butte County Meadowfoam

Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*) is listed as endangered pursuant to both the federal and California ESAs, and is designated as a CRPR 1B.1 species. Butte County meadowfoam is an herbaceous annual that occurs in vernal pools and mesic areas of valley and foothill grasslands. Butte County meadowfoam blooms from March through May and is known to occur at elevations between 150 to 3,050 feet AMSL. Butte County meadowfoam is endemic to California; the current known range for this species includes Butte County.

There are two CNDDB occurrences of Butte County meadowfoam within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Butte County meadowfoam has potential to occur within the Study Area.

3.2.4.16 Woolly Meadowfoam

Woolly meadowfoam (*Limnanthes floccosa* ssp. *floccosa*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.2 species. This species is an herbaceous annual that occurs in vernally mesic chaparral, cismontane woodland, valley and foothill grassland, and vernal pools. Woolly meadowfoam blooms from March through May and is known to occur at elevations ranging from 197 to 4,380 feet AMSL. The current known range for this species in California includes Butte, Lake, Lassen, Napa, Shasta, Siskiyou, Tehama, and Trinity counties.

There are no CNDDB occurrences of woolly meadowfoam within 5 miles of the Study Area. However, the seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Woolly meadowfoam has potential to occur within the Study Area.

3.2.4.17 Sylvan Microseris

Sylvan microseris (*Microseris sylvatica*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.2 species. This species is an herbaceous perennial that occurs in chaparral, cismontane woodland, Great Basin scrub, pinyon juniper woodland, and valley and foothill grasslands; serpentinite (rarely). Sylvan microseris blooms from March through June and is known to occur at elevations ranging from 150 to 4,920 feet AMSL. Sylvan microseris is endemic to California; its current range includes Alameda, Butte, Contra Costa, Fresno, Kern, Los Angeles, Napa, San Benito, Tulare, and Yolo counties. Occurrence confirmed but possibly extirpated in Los Angeles County.

There are no CNDDB occurrences of Sylvan microseris within 5 miles of the Study Area. However, the nonnative annual grassland within the Study Area may provide suitable habitat for this species. Sylvan microseris has potential to occur within the Study Area.

3.2.4.18 Veiny Monardella

Veiny monardella (*Monardella venosa*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 1B.1 species. This species is an herbaceous annual that occurs on heavy clay soils in cismontane woodland and valley and foothill grasslands. Veiny monardella blooms from May through July and is known to occur at elevations ranging from 197 to 1,345 feet AMSL. Veiny monardella is endemic to California; the current range of this species includes Butte, Sutter, Tuolumne, and Yuba counties, but is believed to be extirpated from Sutter County.

There are no CNDDB occurrences of veiny monardella within 5 miles of the Study Area. However, the nonnative annual grassland within the Study Area may provide marginally suitable habitat for this species. Veiny monardella has low potential to occur within the Study Area.

3.2.4.19 Tehama Navarretia

Tehama navarretia (*Navarretia heterandra*) is not listed pursuant to either the federal or California ESAs, but is designated as a CRPR 4.3 species. This species is an herbaceous annual that occurs in mesic areas in valley and foothill grassland and vernal pools. Tehama navarretia blooms between April and June and is known to occur at elevations ranging from 98 to 3,314 feet AMSL. The current range for Tehama navarretia in California includes Butte, Colusa, Lake, Napa, Shasta, Tehama, Trinity, and Yuba counties.

There are no CNDDB occurrences of Tehama navarretia within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Tehama navarretia has potential to occur within the Study Area.

3.2.4.20 Slender Orcutt Grass

Slender Orcutt grass (*Orcuttia tenuis*) is listed as threatened pursuant to the federal ESA, is listed as endangered pursuant to the California ESA, and is designated as a CRPR 1B.1 species. This species is an herbaceous annual that occurs in often gravelly soils in vernal pools primarily on substrates of volcanic origin. This species is known to occur in the same type of vernal pool complexes as Sacramento Orcutt grass in Sacramento County; however, these species have not been observed coexisting in the same vernal pool. The median area of pools occupied by populations studied by Stone et al. (1988, as cited in USFWS 2005) was 1.6 acres and ranged from 0.2 to 111.0 acres. Slender Orcutt grass blooms from May through September and is known to occur at elevations ranging from 115 to 5,774 feet AMSL. Slender Orcutt grass is endemic to California; the current range for this species includes Butte, Lake, Lassen, Modoc, Plumas, Sacramento, Shasta, Siskiyou, and Tehama counties.

There are two CNDDB occurrences of slender Orcutt grass within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Slender Orcutt grass has potential to occur within the Study Area.

3.2.4.21 Ahart's Paronychia

Ahart's Paronychia (*Paronychia ahartii*) is not listed as pursuant to either the federal or California ESAs, but is designated as a CRPR 1B.1 species. Ahart's paronychia is an annual herb that occurs in cismontane woodland, valley foothill and grassland and vernal pools. Ahart's paronychia blooms at elevations ranging from 98 to 1,673 feet AMSL. Ahart's paronychia is endemic to California; the current range of this species includes Butte, Shasta, and Tehama counties.

There are two CNDDB occurrences of Ahart's paronychia within 5 miles of the Study Area. The seasonal wetlands/vernal pools and the nonnative annual grassland within the Study Area may provide suitable habitat for this species. Ahart's paronychia has potential to occur within the Study Area.

3.2.4.22 Butte County Golden Clover

Butte County golden clover (*Trifolium jokerstii*) is not listed pursuant to the federal and California ESAs, but is designated as a CRPR 1B.2 species. This species is an herbaceous annual that occurs in vernal pools and mesic areas in valley and foothill grassland. Butte County golden clover blooms between March and May and is known to occur at elevations ranging from 164 to 1,575 feet AMSL. Butte County golden clover is endemic to California; its current range includes Butte County.

There are five CNDDB occurrences of Butte County golden clover within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Butte County golden clover has potential to occur within the Study Area.

3.2.4.23 Greene's Tuctoria

Greene's tuctoria (*Tuctoria greenei*) is listed endangered pursuant to the ESA, is listed as rare pursuant to the California ESA, and is designated as a CRPR 1B.1 species. This species is an herbaceous annual that

occurs in vernal pools. Greene's tuctoria blooms from May through July and is known to occur at elevations ranging from 98 to 3,510 feet AMSL. Greene's tuctoria is endemic to California; the current range of this species includes Butte, Fresno, Glenn, Madera, Merced, Modoc, Shasta, San Joaquin, Stanislaus, Tehama, and Tulare counties. It is considered extirpated from Fresno, Madera, San Joaquin, Stanislaus, and Tulare counties.

There are two CNDDB occurrences of Greene's tuctoria within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Greene's tuctoria has potential to occur within the Study Area.

3.2.5 Invertebrates

A total of five special-status invertebrate species were identified as having the potential to occur in the vicinity of the Study Area based on the literature review (Table 1 of Appendix 3.2-A). Of those, two species were determined to be absent from the Study Area due to the lack of suitable habitat or due to the Study Area being outside of the known elevational range for the species. No further discussion of those species is provided in this assessment. A brief description of the remaining three special-status invertebrates that have the potential to occur within the Study Area is presented below.

3.2.5.1 Conservancy Fairy Shrimp

The conservancy fairy shrimp (*Branchinecta conservatio*) is listed as endangered pursuant to the federal Endangered Species Act. This fairy shrimp is endemic to California and is found in grasslands in the northern two thirds of the Central Valley (Eriksen and Belk 1999). The historic distribution of conservancy fairy shrimp is not known, but it likely occurred throughout a large portion of the Central Valley and Southern Coastal regions of California. Until recently, this species has only been known from a few disjunct populations in California, including four clustered populations in the Vina Plains area in Tehama and Butte Counties, Jepson Prairie Preserve in Solano County, the Sacramento National Wildlife Refuge in Glenn County, the Tule Ranch Unit of CDFW's Yolo Basin Wildlife Area in Yolo County, the Grasslands Ecological Area in Merced County, one location in Stanislaus County, three locations in the Southern Sierra Foothills Vernal Pool Region, and two locations near the Santa Barbara Vernal Pool Region (USFWS 2003, 2006). In April 2007, USFWS reported that a single conservancy fairy shrimp was documented in one vernal pool within the Mariner Conservation Bank in Placer County, near the town of Lincoln, California. The life cycle of conservancy fairy shrimp is reliant on the ephemeral conditions of its vernal habitat. It inhabits a variety of different landforms and soil types, and is often found in large, turbid pools with low conductivity, total dissolved solids, and alkalinity.

There are no CNDDB occurrences of conservancy fairy shrimp within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Conservancy fairy shrimp has potential to occur within the Study Area.

3.2.5.2 Vernal Pool Fairy Shrimp

The vernal pool fairy shrimp (*Branchinecta lynchi*) is listed as threatened pursuant to the federal ESA. Vernal pool fairy shrimp may occur in seasonal ponds, vernal pools, and swales during the wet season,

which generally occurs from December through May. This species can be found in a variety of pool sizes, ranging from less than 0.001 acre to more than 24.5 acres. The shrimp hatch from cysts when colder water (10°Celsius [°C] [50°F] or less) fills the pool and mature in as few as 18 days, under optimal conditions (Eriksen and Belk 1999). At maturity, mating takes place and cysts are dropped. Vernal pool fairy shrimp occur in disjunct patches dispersed across California's Central Valley from Shasta to Tulare counties, the central and southern Coast Ranges from northern Solano to Ventura counties, and three areas in Riverside County (USFWS 2003).

There are 12 CNDDB occurrences of vernal pool fairy shrimp within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Vernal pool fairy shrimp has potential to occur within the Study Area.

3.2.5.3 Vernal Pool Tadpole Shrimp

The vernal pool tadpole shrimp (*Lepidurus packardi*) is listed as endangered pursuant to the federal ESA. This species inhabits vernal pools containing clear to highly turbid water, ranging in size from 0.001 to 89.0 acres. Vernal pool tadpole shrimp are distinguished from other vernal pool branchiopods discussed in this document by a large, shield-like carapace that covers the anterior half of their body. Cysts hatch during the wet season and the shrimp reach maturity in a few weeks. This species matures slowly and is long-lived, relative to other species. Vernal pool tadpole shrimp will continue to grow as long as the pools they occur in remain inundated, and in some instances can survive for 6 months or longer. The geographic range of vernal pool tadpole shrimp extends from Shasta County to northern Tulare County in California's Central Valley, and in the central coast range from Solano County to Alameda County.

There are four CNDDB occurrences of vernal pool tadpole shrimp within 5 miles of the Study Area. The seasonal wetlands/vernal pools within the Study Area may provide suitable habitat for this species. Vernal pool tadpole shrimp has potential to occur within the Study Area.

3.2.6 Fish

Four special-status fish species were identified as having potential to occur in the vicinity of the Study Area based on the literature review (Table 1 of Appendix 3.2-A). However, upon further analysis and after the site visit, all four species were considered to be absent from the Study Area due to the lack of suitable habitat and/or because the Study Area is outside of the known geographic range for these species. No further discussion of these species is provided within this assessment.

3.2.7 Amphibians

A total of three special-status amphibians were identified as having the potential to occur in the vicinity of the Study Area based on the literature review (Table 1 of Appendix 3.2-A). Of those, two species were determined to be absent from the Study Area due to the lack of suitable habitat or due to the Study Area being outside of the known elevational range for the species. No further discussion of those species is provided in this assessment. A brief description of the remaining special-status amphibian that has the potential to occur within the Study Area is presented below.

3.2.7.1 Western Spadefoot

The western spadefoot (*Spea hammondii*) is not listed pursuant to either the California or federal ESAs; however, it is designated as a CDFW Species of Special Concern (SSC). Necessary habitat components of the western spadefoot include loose friable soils in which to burrow in upland habitats and breeding ponds. Breeding sites include temporary rain pools, such as vernal pools and seasonal wetlands, or pools within portions of intermittent drainages (Jennings and Hayes 1994). Spadefoots spend most of their adult life within underground burrows or other suitable refugia, such as rodent burrows. In California, western spadefoot toads are known to occur from the Redding area, Shasta County southward to northwestern Baja California, at elevations below 4,475 feet AMSL.

There is one CNDDB occurrence of western spadefoot within 5 miles of the Study Area. The seasonal wetlands/vernal pools and nonnative annual grassland within the Study Area supports potentially suitable habitat for this species. Western spadefoots have potential to occur in the Study Area.

3.2.8 Reptiles

A total of three special-status reptiles were identified as having the potential to occur in the vicinity of the Study Area based on the literature review (Table 1 of Appendix 3.2-A). Of those, two species were determined to be absent from the Study Area due to the lack of suitable habitat or due to the Study Area being outside of the known elevational range for the species. No further discussion of those species is provided in this assessment. A brief description of the remaining special-status reptile that has the potential to occur within the Study Area is presented below.

3.2.8.1 Blainville's Horned Lizard

Blainville's horned lizard (*Phrynosoma blainvillii*) is considered a CDFW SSC and is a relatively large (to 105 millimeters in snout-vent length), dorsoventrally flattened, rounded lizard found historically from Redding, California, to Baja, Mexico (Jennings and Hayes 1994). This diurnal species can occur within a variety of habitats including scrubland, annual grassland, valley-foothill woodlands and coniferous forests, though it is most common along lowland desert sandy washes and chaparral (Stebbins 2003). In the Central Valley, the species ranges from southern Tehama County southward. In the Sierra Nevada it occurs from Butte County south to Tulare County, and in the Coast Ranges it occurs from Sonoma County south into Baja California (California Department of fish and Game [CDFG] 1988). It occurs from sea level to 8,000 feet AMSL and an isolated population occurs in Siskiyou County.

There are no CNDDB occurrences of Blainville's horned lizard within 5 miles of the Study Area (CDFW 2022a). However, the nonnative annual grassland within the Study Area may provide suitable habitat for this species. Blainville's horned lizard has potential to occur onsite.

3.2.9 Birds

A total of 21 special-status bird species were identified as having the potential to occur within the Study Area based on the literature review (Table 1 of Appendix 3.2-A). Of those, 16 species were determined to be absent from the Study Area due to the lack of suitable habitat and/or due to the Study Area being

outside of the known geographic range of the species. No further discussion of those species is provided in this assessment. A brief description of the remaining five species that have the potential to occur within the Study Area is presented below.

3.2.9.1 Northern Harrier

The northern harrier (*Circus hudsonius*) is not listed pursuant to either the California or federal ESAs; however, it is considered to be a USFWS Bird of Conservation Concern (BCC) and a CDFW SSC. This species is known to nest within the Central Valley, along the Pacific Coast, and in northeastern California. The northern harrier is a ground-nesting species, and typically nests in emergent wetland/marsh, open grasslands, or savannah communities usually in areas with dense vegetation. Foraging occurs within a variety of open environments such as marshes, agricultural fields, and grasslands. Nesting occurs during April through September.

There is one CNDDB occurrence of northern harrier within 5 miles of the Study Area. The nonnative annual grassland represents marginally suitable nesting habitat for this species. Northern harrier have low potential to occur onsite.

3.2.9.2 Swainson's Hawk

The Swainson's hawk (*Buteo swainsoni*) is listed as a threatened species and are protected pursuant to the California ESA. This species nests in North America (Canada, western U.S., and Mexico) and typically winters from South America north to Mexico. However, a small population has been observed wintering in the Sacramento-San Joaquin River Delta. In California, the nesting season for Swainson's hawk ranges from mid-March to late August.

Swainson's hawk nest within tall trees in a variety of wooded communities including riparian, oak woodland, roadside landscape corridors, urban areas, and agricultural areas, among others. Foraging habitat includes open grassland, savannah, low-cover row crop fields, and livestock pastures. In the Central Valley, Swainson's hawks typically feed on a combination of California vole (*Microtus californicus*), California ground squirrel (*Otospermophilus beecheyi*), ring-necked pheasant (*Phasianus colchicus*), many passerine birds, and grasshoppers (*Melanopulus* species). Swainson's hawks are opportunistic foragers and will readily forage in association with agricultural mowing, harvesting, discing, and irrigating (Estep 1989). The removal of vegetative cover by such farming activities results in more readily available prey items for this species.

The nearest CNDDB occurrence of Swainson's hawk is located between 5 and 6 miles south of the Study Area. There is no potentially suitable nesting habitat onsite. However, the nonnative annual grassland within the Study Area may provide suitable foraging habitat for this species. Swainson's hawk has potential to forage onsite.

3.2.9.3 Burrowing Owl

The burrowing owl (*Athene cunicularia*) is not listed pursuant to either the California or federal ESAs; however, it is designated as a BCC by the USFWS and an SSC by the CDFW. Burrowing owls inhabit dry

open rolling hills, grasslands, desert floors, and open bare ground with gullies and arroyos. They can also inhabit developed areas such as golf courses, cemeteries, roadsides within cities, airports, vacant lots in residential areas, school campuses, and fairgrounds. This species typically uses burrows created by fossorial mammals, most notably the California ground squirrel, but may also use manufactured structures such as concrete culverts or pipes; concrete, asphalt, or wood debris piles; or openings beneath concrete or asphalt pavement. The breeding season typically occurs between February 1 and August 31.

There is one CNDDB occurrence of burrowing owl within 5 miles of the Study Area but none were observed during the site reconnaissance. The nonnative annual grassland within the Study Area may provide suitable habitat for this species. Burrowing owl has potential to occur within the Study Area.

3.2.9.4 Loggerhead Shrike

The loggerhead shrike (*Lanius ludovicianus*) is not listed pursuant to either the California or federal ESAs; but is considered an SSC by the CDFW. The loggerhead shrike nests throughout California except the northwestern corner, montane forests, and high deserts (Small 1994). The loggerhead shrike nest in small trees and shrubs in open country with short vegetation such as pastures, old orchards, mowed roadsides, cemeteries, golf courses, agricultural fields, riparian areas, and open woodlands (Yosef 2020). The nesting season extends from March through July.

There are no CNDDB occurrences of loggerhead shrike within 5 miles of the Study Area. However, a small shrub along the northern boundary could provide suitable nesting habitat for this species. Loggerhead shrike have potential to occur onsite.

3.2.9.5 Tricolored Blackbird

The tricolored blackbird (*Agelaius tricolor*) was granted emergency listing for protection under the California ESA in December 2014 but the listing status was not renewed in June 2015. After an extensive status review, the California Fish and Game Commission listed tricolored blackbirds as a threatened species in 2018. In addition, it is currently considered a USFWS BCC and a CDFW SSC. This colonial nesting species is distributed widely throughout the Central Valley, Coast Range, and into Oregon, Washington, Nevada, and Baja California. Tricolored blackbirds nest in colonies that can range from several pairs to several thousand pairs, depending on prey availability, the presence of predators, or level of human disturbance. Tricolored blackbird nesting habitat includes emergent marsh, riparian woodland/scrub, blackberry thickets, densely vegetated agricultural and idle fields (e.g., wheat, triticale, safflower, fava bean fields, thistle, mustard, cane, and fiddleneck), usually with some nearby standing water or ground saturation. They feed mainly on grasshoppers during the breeding season but may also forage upon a variety of other insects, grains, and seeds in open grasslands, wetlands, feedlots, dairies, and agricultural fields. The nesting season is generally from March through August.

There are four CNDDB occurrences of tricolored blackbird within 5 miles of the Study Area but there is no potentially suitable nesting habitat onsite. However, the nonnative annual grassland within the Study Area may provide suitable foraging habitat for this species. Tricolored blackbirds have potential to forage onsite.

3.2.9.6 Other Protected Birds

In addition to the above-listed special-status birds, all native or naturally occurring birds and their occupied nests/eggs are protected under the California Fish and Game Code and the federal Migratory Bird Treaty Act (MBTA). The Study Area supports potential nesting habitat for a variety of common birds protected under these regulations.

3.2.10 Mammals

Three special-status mammals were identified as having potential to occur in the vicinity of the Study Area based on the literature review (Table 1 of Appendix 3.2-A). However, upon further analysis and after the site visit, all three species are considered to be absent from the Study Area due to the lack of suitable habitat and/or because the Study Area is outside of the known geographic range for these species. No further discussion of these species is provided within this assessment.

3.2.11 Critical Habitat and Essential Fish Habitat

There are no Critical Habitats mapped within the Study Area. The Study Area is not Essential Fish Habitat.

3.2.12 Riparian Habitats and Sensitive Natural Communities

There are no riparian habitats present within the Study Area. Five other sensitive natural communities were identified as having potential to occur within the vicinity of the Study Area based on the literature review. These include Northern Hardpan Vernal Pool, Northern Basalt Flow Vernal Pool, Northern Volcanic Mud Flow Vernal Pool, Great Valley Cottonwood Riparian Forest, and Great Valley Willow Scrub. Upon further analysis and site reconnaissance, the seasonal wetlands delineated by Rincon onsite could be categorized as Northern Hardpan Vernal Pool. The seasonal wetlands onsite fit the general description of Northern Hardpan Vernal Pools.

3.2.13 Wildlife Movement/Corridors and Nursery Sites

The Study Area is located in close proximity to residential development and subject to some disturbances from offroad vehicle use. The Study Area does not fall within an Essential Habitat Connectivity area mapped by the CDFW and is not identified as a critical and noncritical winter and summer range, fall holding areas, fawning grounds, or migration corridors for mule deer (*Odocoileus hemionus*, CDFW 2022b). Therefore, the Study Area is not expected to support critical wildlife movement corridors or potential nursery sites. However, a variety of common bird species were observed within the Study Area during the site reconnaissance and other wildlife species also likely move through the Study Area.

For the purposes of this analysis, nursery sites include but are not limited to concentrations of nest or den sites such as heron rookeries or bat maternity roosts. This data is available through CDFW's Biogeographic Information and Observation System database or as occurrence records in the CNDDB and is supplemented with the results of the site reconnaissance (CDFW 2022b). No nursery sites have been documented within the Study Area and none were observed during the site reconnaissance.

3.2.14 Regulatory Setting

3.2.14.1 Federal

Federal Endangered Species Act

The federal ESA protects plants and animals that are listed as endangered or threatened by the USFWS and the National Marine Fisheries Service (NMFS). Section 9 of the ESA prohibits the taking of listed wildlife, where take is defined as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct" (50 Code of Federal Regulations [CFR] 17.3). For plants, this statute governs removing, possessing, maliciously damaging, or destroying any listed plant on federal land and removing, cutting, digging up, damaging, or destroying any listed plant on non-federal land in knowing violation of state law (16 U.S. Code [USC] 1538). Under Section 7 of the ESA, federal agencies are required to consult with the USFWS if their actions, including permit approvals or funding, could adversely affect a listed (or proposed) species (including plants) or its critical habitat. Section 10 of the ESA provides for issuance of incidental take permits where no other federal actions are necessary provided a habitat conservation plan (HCP) is developed.

Section 7

Section 7 of the ESA mandates that all federal agencies consult with USFWS and/or NMFS to ensure that federal agencies' actions do not jeopardize the continued existence of a listed species or adversely modify Critical Habitat for listed species. If adverse effects to a species or its Critical Habitat are likely, the applicant must conduct a BA for the purpose of analyzing the potential effects of the project on listed species and critical habitat to establish and justify an *effect determination*. The federal agency reviews the BA; if it concludes that the project may adversely affect a listed species or its habitat, it prepares a Biological Opinion (BO). Through consultation and the issuance of a BO, the USFWS may issue an incidental take statement allowing take of the species that is incidental to an otherwise authorized activity provided the activity will not jeopardize the continued existence of the species. The BO may recommend *reasonable and prudent alternatives* to the project to avoid jeopardizing or adversely modifying habitat. If direct and/or indirect effects will occur to Critical Habitat that appreciably diminish the value of Critical Habitat for both the survival and recovery of a species, the adverse modifications will require formal consultation with USFWS or NMFS.

Section 10

When no discretionary action is being taken by a federal agency but a project may result in the take of listed species, an incidental take permit (ITP) under Section 10 of the ESA is necessary. The purpose of the ITP is to authorize the take of federally listed species that may result from an otherwise lawful activity, not to authorize the activities themselves. In order to obtain an ITP under Section 10, an application must be submitted that includes an HCP. In some instances, applicants, USFWS, and/or NMFS may determine that an HCP is necessary or prudent, even if a discretionary federal action will occur. The purpose of the HCP planning process associated with the permit application is to ensure that adequate minimization and mitigation for impacts to listed species and/or their habitat will occur.

Critical Habitat

Critical Habitat is defined in Section 3 of the ESA as:

1. the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection; and

2. specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

For inclusion in a Critical Habitat designation, habitat within the geographical area occupied by the species at the time it was listed must first have features that are essential to the conservation of the species. Critical Habitat designations identify, to the extent known and using the best scientific data available, the physical or biological features needed for life processes. Physical and biological features that are essential to the conservation of the species may require special management considerations or protection. These include but are not limited to:

- space for individual and population growth and for normal behavior;
- food, water, air, light, minerals, or other nutritional or physiological requirements;
- cover or shelter;
- sites for breeding, reproduction, or rearing (or development) of offspring; or
- habitats that are protected from disturbance or are representative of the historic, geographical, and ecological distributions of a species.

Migratory Bird Treaty Act

The MBTA implements international treaties between the U.S. and other nations devised to protect migratory birds, any of their parts, eggs, and nests from activities such as hunting, pursuing, capturing, killing, selling, and shipping, unless expressly authorized in the regulations or by permit. As authorized by the MBTA, the USFWS issues permits to qualified applicants for the following types of activities: falconry, raptor propagation, scientific collecting, special purposes (e.g., rehabilitation, education, migratory game bird propagation, and salvage), take of depredating birds, taxidermy, and waterfowl sale and disposal. The regulations governing migratory bird permits can be found in 50 CFR part 13 General Permit Procedures and 50 CFR part 21 Migratory Bird Permits. The State of California has incorporated the protection of birds of prey in Sections 3800, 3513, and 3503.5 of the California Fish and Game Code.

Federal Clean Water Act

The purpose of the federal Clean Water Act (CWA) is to "…restore and maintain the chemical, physical, and biological integrity of the nation's waters." Section 404 of the CWA prohibits the discharge of dredged or fill material into Waters of the U.S. without a permit from the USACE. *Discharges of fill material* is defined as the addition of fill material into Waters of the U.S., including, but not limited to the following:

placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; and fill for intake and outfall pipes, and subaqueous utility lines [33 CFR Section 328.2(f)]. In addition, Section 401 of the CWA (33 USC 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into Waters of the U.S. to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Substantial impacts to Waters of the U.S. (more than 0.5 acre of impact) may require an individual permit. Projects that only minimally affect Waters of the U.S. (less than 0.5 acre of impact) may meet the conditions of one of the existing Nationwide Permits. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions; this certification or waiver is issued by the RWQCB.

Rivers and Harbors Act

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the Secretary of the Army, acting through the USACE, for the construction of any structure in or over any navigable Waters of the U.S. Structures or work outside the limits defined for navigable Waters of the U.S. require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, re-channelization, or any other modification of a navigable Water of the U.S., and applies to all structures, from the smallest floating dock to the largest commercial undertaking. It further includes, without limitation, any wharf, dolphin, weir, boom breakwater, jetty, groin, bank protection (e.g., riprap, revetment, bulkhead), mooring structures such as pilings, aerial or subaqueous power transmission lines, intake or outfall pipes, permanently moored floating vessel, tunnel, artificial canal, boat ramp, aids to navigation, and any other permanent, or semi-permanent obstacle or obstruction. The alteration of a USACE-federally authorized civil works project requires a permit pursuant to Section 14 of the Act, as amended and codified in 33 USC 408. Projects with minimal impacts require approval by the USACE Sacramento District Construction Operations Group; however, projects with more substantial impacts may require USACE Headquarters review. Coordination with the Central Valley Flood Protection Board, who serve as the Non-Federal Sponsor, is required as a part of the process of obtaining a Section 408 permit.

3.2.14.2 State

California Endangered Species Act

The California ESA (California Fish and Game Code Sections 2050-2116) protects species of fish, wildlife, and plants listed by the State as endangered or threatened. Species identified as candidates for listing may also receive protection. Section 2080 of the California ESA prohibits the taking, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit. Take is defined in Section 86 of the California Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." The California ESA allows for take incidental to otherwise lawful projects under permits issued by CDFW.

Fully Protected Species

The State of California first began to designate species as *fully protected* prior to the creation of the federal and California ESAs. Lists of fully protected species were initially developed to provide protection to those animals that were rare or faced possible extinction and included fish, amphibians and reptiles, birds, and mammals. Most fully protected species have since been listed as threatened or endangered under the federal and/or California ESAs. Fully protected species are identified in the California Fish and Game Code Sections 4700 for mammals, 3511 for birds, 5050 for reptiles and amphibians, and 5515 for fish.

These sections of the California Fish and Game Code provide that fully protected species may not be taken or possessed at any time, including prohibition of CDFW from issuing incidental take permits for fully protected species under the California ESA. CDFW will issue licenses or permits for take of these species for necessary scientific research or live capture and relocation pursuant to the permit and may allow incidental take for lawful activities carried out under an approved Natural Community Conservation Plan (NCCP) within which such species are covered.

Native Plant Protection Act

The NPPA of 1977 (California Fish and Game Code Sections 1900-1913) was established with the intent to "preserve, protect and enhance rare and endangered plants in this state." The NPPA is administered by CDFW. The Fish and Game Commission has the authority to designate native plants as *endangered* or *rare*. The NPPA prohibits the take of plants listed under the NPPA, though the NPPA contains exemptions to this prohibition that have not been clarified by regulation or judicial rule. In 1984, the California ESA brought under its protection all plants previously listed as endangered under NPPA. Plants listed as rare under NPPA are not protected under the California ESA but are still protected under the provisions of NPPA. The Fish and Game Commission no longer lists plants under NPPA, reserving all listings to the California ESA.

California Fish and Game Code Special Protections for Birds

In addition to protections contained within the California ESA and California Fish and Game Code Section 3511 described above, the California Fish and Game Code includes a several sections that specifically protect certain birds:

- Section 3800 states that it is unlawful to take nongame birds, such as those occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds, except when in accordance with regulations of the California Fish and Game Commission or a mitigation plan approved by CDFW for mining operations.
- Section 3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird.
- Section 3503.5 protects birds of prey (which includes eagles, hawks, falcons, kites, ospreys, and owls) and prohibits the take, possession, or destruction of any birds and their nests.

- Section 3505 makes it unlawful to take, sell, or purchase egrets, ospreys, and several exotic nonnative species, or any part of these birds.
- Section 3513 specifically prohibits the take or possession of any migratory nongame bird as designated in the MBTA.

Porter-Cologne Water Quality Act

The RWQCB implements water quality regulations under the federal CWA and the State Porter-Cologne Water Quality Act. These regulations require compliance with the NPDES, including compliance with the California Storm Water NPDES General Construction Permit for discharges of storm water runoff associated with construction activities. General Construction Permits for projects that disturb one or more acres of land require development and implementation of a SWPPP. Under the Porter-Cologne Water Quality Act, the RWQCB regulates actions that would involve "discharging waste, or proposing to discharge waste, with any region that could affect the water of the state" (Water Code 13260(a)). Waters of the State are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (Water Code 13050 (e)). The RWQCB regulates all such activities, as well as dredging, filling, or discharging materials into Waters of the State that are not regulated by the USACE due to a lack of connectivity with a navigable water body. The RWQCB may require issuance of Waste Discharge Requirements for these activities.

California Environmental Quality Act

In accordance with CEQA Guidelines Section 15380, a species or subspecies not specifically protected under the federal or California ESAs or NPPA may be considered endangered, rare, or threatened for CEQA review purposes if the species meets certain criteria specified in the Guidelines. These criteria parallel the definitions used in the ESA, California ESA, and NPPA. Section 15380 was included in the CEQA Guidelines primarily to address situations in which a project under review may have a significant effect on a species that has not been listed under the ESA, California ESA, or NPPA, but that may meet the definition of endangered, rare, or threatened. Animal species identified as SSC by CDFW, birds identified as BCC by USFWS, and plants identified by the CNPS as rare, threatened, or endangered may meet the CEQA definition of rare or endangered.

Species of Special Concern

The CDFW defines SSC as a species, subspecies, or distinct population of an animal native to California that are not legally protected under the federal ESA, California ESA, or California Fish and Game Code, but currently satisfies one or more of the following criteria:

- The species has been completely extirpated from the state or, as in the case of birds, it has been extirpated from its primary seasonal or breeding role.
- The species is listed as federally (but not state) threatened or endangered or meets the state definition of threatened or endangered but has not formally been listed.

- The species has or is experiencing serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status.
- The species has naturally small populations that exhibit high susceptibility to risk from any factor that if realized, could lead to declines that would qualify it for state threatened or endangered status.
- SSC are typically associated with habitats that are threatened.

Depending on the policy of the lead agency, projects that result in substantial impacts to SSC may be considered significant under CEQA.

U.S. Fish and Wildlife Birds of Conservation Concern

The 1988 amendment to the Fish and Wildlife Conservation Act mandates USFWS "identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under ESA." To meet this requirement, USFWS published a list of BCC for the U.S. (USFWS 2021). The list identifies the migratory and nonmigratory bird species (beyond those already designated as federally threatened or endangered) that represent USFWS' highest conservation priorities. Depending on the policy of the lead agency, projects that result in substantial impacts to BCC may be considered significant under CEQA.

Sensitive Natural Communities

The CDFW maintains the California Natural Community List (CDFW 2021), which provides a list of vegetation alliances, associations, and special stands as defined in *A Manual of California Vegetation* (Sawyer et al. 2009), along with their respective state and global rarity ranks. Natural communities with a state rarity rank of S1, S2, or S3 are considered sensitive natural communities. Impacts to sensitive natural communities may be considered significant under CEQA depending on the policy of the lead agency.

California Rare Plant Ranks

The CNPS maintains the Inventory of Rare and Endangered Plants of California (CNPS 2022), which provides a list of plant species native to California that are threatened with extinction, have limited distributions, and/or low populations. Plant species meeting one of these criteria are assigned to one of six CRPRs. The rank system was developed in collaboration with government, academia, nongovernmental organizations, and private-sector botanists, and is jointly managed by CDFW and the CNPS. The CRPRs are currently recognized in the CNDDB. The following are definitions of the CNPS CRPRs:

- Rare Plant Rank 1A – presumed extirpated in California and either rare or extinct elsewhere.
- Rare Plant Rank 1B – rare, threatened, or endangered in California and elsewhere.
- Rare Plant Rank 2A – presumed extirpated in California, but more common elsewhere.
- Rare Plant Rank 2B – rare, threatened, or endangered in California but more common elsewhere.

- Rare Plant Rank 3 – a review list of plants about which more information is needed.
- Rare Plant Rank 4 – a watch list of plants of limited distribution.

Additionally, CNPS has defined Threat Ranks that are added to the CRPR as an extension. Threat Ranks designate the level of threat on a scale of 1 through 3, with 1 being the most threatened and 3 being the least threatened. Threat Ranks are generally present for all plants ranked 1B, 2B, or 4, and for the majority of plants ranked 3. Plant species ranked 1A and 2A (presumed extirpated in California), and some species ranked 3, which lack threat information, do not typically have a Threat Rank extension. The following are definitions of the CNPS Threat Ranks:

- Threat Rank 0.1 – Seriously threatened in California (more than 80 percent of occurrences threatened/high degree and immediacy of threat).
- Threat Rank 0.2 – Moderately threatened in California (20 to 80 percent occurrences threatened/moderate degree and immediacy of threat).
- Threat Rank 0.3 – Not very threatened in California (less than 20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known).

Factors such as habitat vulnerability and specificity, distribution, and condition of occurrences are considered in setting the threat rank; and differences in threat ranks do not constitute additional or different protection (CNPS 2022).

Depending on the policy of the lead agency, substantial impacts to plants ranked 1A, 1B, 2, and 3 are typically considered significant under CEQA Guidelines Section 15380. Significance under CEQA is typically evaluated on a case-by-case basis for plants ranked 4 and at the discretion of the CEQA lead agency.

California Environmental Quality Act Significance Criteria

Sections 15063-15065 of the CEQA Guidelines address how an impact is identified as significant. Generally, impacts to listed (e.g., rare, threatened, or endangered) species are considered significant. Assessment of *impact significance* to populations of non-listed species (e.g., SSC) usually considers the proportion of the species' range that will be affected by a project, impacts to habitat, and the regional and population level effects.

Specifically, Section 15064.7 of the CEQA Guidelines encourages local agencies to develop and publish the thresholds that the agency uses in determining the significance of environmental effects caused by projects under its review. However, agencies may also rely upon the guidance provided by the expanded Initial Study checklist contained in Appendix G of the CEQA Guidelines, which provides examples of impacts that would normally be considered significant.

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that would diminish, or result in the loss of, an important biological resource, or those that would obviously conflict with local, State, or federal resource conservation plans, goals, or regulations. Impacts are sometimes locally important but not significant under CEQA because although the impacts would

result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population-wide or region-wide basis.

3.2.14.3 Local

Oroville 2030 General Plan

The Open Space, Natural Resources, and Conservation Element of the Oroville General Plan, adopted in 2015, is dedicated to preserving and improving the quantity, quality, and character of open space in Oroville. The Element includes Section E which addresses biological resources in the City. The following goals and policies from the Biological Resources section of the Element pertain to Project development:

Goal OPS-8: Preserve and protect all special-status species, species that are candidates for federal or state listing. State species of special concern, and CNPS listed plant species.

Policies:

P8.:1 Require a biological assessment of any proposed project site where federally-, or State-listed species or critical habitat may be present.

P8.2: Require a habitat-based site assessment during the project design phase to determine the potential for special-status species to occur within a proposed project area. If potential habitat for special-status plant or animal species is identified, additional focused surveys may need to be conducted during the appropriate season.

P8.3: Require agency consultation for proposed projects for which there is the potential to impact federal or State-listed species, or other appropriate agency assistance for non-listed special-status species.

P8.6: If special-status plant or animal species are found to be located within a development site, the developer shall mitigate project impacts in accordance with State and federal law. Examples of mitigation may include:

- *Redesign the proposed project to avoid and minimize impacts.*
- *Restrict construction to specific seasons based on project specific special-status species issues (e.g. minimizing impacts to special-status nesting birds by constructing outside of the nesting season).*
- *Confine construction disturbance to the minimum area necessary to complete the work. Mitigate for the loss of special-status species by purchasing credits at an approved conservation bank (if a bank exists for the species in question), funding restoration or habitat improvement projects at existing preserves in Butte County, or purchasing or donating mitigation lands.*
- *Maintain a minimum 100-foot buffer on each side of all riparian corridors, creeks and streams for special-status and common wildlife. Ruddy Creek would be an example of where this applies.*

- *Establish setbacks from the outer edge of special-status species habitat areas.*
- *Prohibit livestock grazing or drainage into the setback of special-status species habitat areas.*
- *Construction of barriers*

Goal OPS-9: Protect areas of significant wildlife habitat and sensitive biological resources to maintain biodiversity among plant and animal species in the City of Oroville and the surrounding area.

Policies:

P9.2: Minimize loss of wetland value or acreage consistent with the needs of wildlife and humans, to the extent practicable and as regulated by State and federal law.

P9.5: Require the preparation of a site-specific tree management and preservation report by a certified arborist or urban forester for development proposals on sites that contain significant oak woodlands and related habitat. This report shall include recommendations for the retention of healthy mature trees wherever feasible and promote the concept of oak regeneration corridors within project design.

P9.6: Protect sensitive plant and wildlife habitat from destruction and intrusion by incompatible land uses where appropriate. All efforts to protect sensitive habitats should consider:

- *Sensitive habitat and movement corridors in the areas adjacent to development sites, as well as on the development site itself.*
- *Prevention of habitat fragmentation and loss of habitat connectivity.*
- *Use of appropriate protection measures for sensitive habitat areas such as non-disturbance easements and open space zoning.*
- *On-site or off-site habitat restoration as a potential mitigation, with a no net loss of habitat policy.*
- *Potential mitigation or elimination of impacts through mandatory clustering of development, and/or project redesign.*

P9.7: Protect native plant species in undisturbed portions of a development site and use native species for replanting in disturbed portions of the project site.

P9.10: Encourage the coordinated design of large projects to preserve on-site open space, cluster development (where feasible) and conserve natural communities and/or habitat for special-status species that have been identified in proposed project areas.

3.2.15 Environmental Impacts

3.2.15.1 Thresholds of Significance

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of this EIR, implementation of the project would be considered to have a significant adverse impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS.
- Have a substantial adverse effect on state or federally protected wetlands, as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.), either individually or cumulatively, through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors or impede the use of wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

3.2.15.2 Methods of Analysis

Literature Review

The following resources were reviewed to determine the special-status species that have been documented within or in the vicinity of the Study Area.

- CDFW CNDDB data for the "Oroville, California" 7.5-minute USGS quadrangle and the nine surrounding USGS quadrangles (CDFW 2022a).
- USFWS Information, Planning, and Consultation System Resource Report List for the Study Area (USFWS 2022).
- CNPS' electronic Inventory of Rare and Endangered Plants of California was queried for the "Oroville, California" 7.5-minute USGS quadrangles and the nine surrounding quadrangles (CNPS 2022).
- NMFS Resources data for the "Oroville, California" 7.5-minute USGS quadrangle (National Oceanic and Atmospheric Administration [NOAA] 2022b).

The results of the database queries are included in Appendix 3.2-A.

Aerial imagery and site or species-specific background information, as cited throughout this document, were reviewed to determine the potential for occurrence of sensitive biological resources within or in the vicinity of the Study Area.

Field Surveys Conducted

ECORP biologist Keith Kwan conducted a reconnaissance-level field survey for the Study Area on March 1, 2022. The reconnaissance survey entailed visual observation and documentation of onsite biological resources. Special attention was given to identifying those portions of the Study Area with the potential to support special-status species and sensitive habitats. During the field survey, biological communities occurring onsite were characterized and the following biological resource information was collected:

- Potential aquatic resources
- Vegetation communities
- Plant and animal species directly observed
- Animal evidence (e.g., scat, tracks)
- Existing active raptor nest locations
- Special habitat features
- Representative photographs

Special-Status Species Considered for the Study Area

Based on database queries, a list of special-status species that are considered to have the potential to occur within the vicinity of the Study Area was generated (Table 1). Each of the species was evaluated for its potential to occur within the Study Area through the literature review and field observations, and categorized based on the following criteria:

- **Present** - Species was observed during the site visit or is known to occur within the Study Area based on documented occurrences within the CNDDB or other literature.
- **Potential to Occur** - Habitat (including soils and elevation requirements) for the species occurs within the Study Area.
- **Low Potential to Occur** - Marginal or limited amounts of habitat occurs and/or the species is not known to occur within the vicinity of the Study Area based on CNDDB records and other available documentation.
- **Absent** - No suitable habitat (including soils and elevation requirements) and/or the species is not known to occur within the vicinity of the Study Area based on CNDDB records and other documentation.

3.2.15.3 Project Impacts and Mitigation Measures

Impact BIO-1:	Project implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.
Impact Determination:	Less than Significant with Mitigation
Threshold:	*Substantial adverse impact, either directly or through habitat modifications, on any plant fish or wildlife species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.*

Impact Discussion

The Study Area supports potential habitat for special-status species within the impact area. Potential effects to special-status species are summarized in the following sections by taxonomic group or species.

Special-Status Plants

There is potential habitat for four federally or state-listed plant species in the Study Area, and there is potential or low potential for 19 other non-listed special-status plant species to occur. Project development would permanently remove or alter marginally suitable or suitable potential habitat for special-status plants, and in the chance that special-status plant populations occur onsite they may be directly or indirectly impacted by development.

Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3 would reduce potential impacts to special-status plants to a less than significant level.

Special-Status Aquatic Invertebrates

There is potential habitat for three federally listed invertebrate species within the Study Area. The seasonal wetlands present onsite represent potential habitat for listed aquatic invertebrates. Project development would permanently remove or alter suitable potential habitat for special-status aquatic invertebrates, and in the chance that special-status aquatic invertebrates occur onsite they may be directly or indirectly impacted by development. As such, mitigation of these potential impacts is required. Implementation of Mitigation Measures BIO-2 and BIO-4 would reduce potential impacts to special-status *aquatic invertebrates* to a less than significant level.

Special-Status Amphibians

There is no potential habitat for federally or state-listed amphibian species in the Study Area, but there is potential for one other non-listed special-status amphibian species to occur. Project development would permanently remove or alter suitable potential habitat for special-status amphibians, and in the chance that special-status amphibians occur onsite they may be directly or indirectly impacted by development. As such, mitigation of these potential impacts is required. Implementation of Mitigation Measures BIO-1, BIO-2, and BIO-5 would reduce potential impacts to special-status amphibians to a less than significant level.

Special-Status Reptiles

There is no potential habitat for federally or state-listed reptile species in the Study Area, but there is potential for one other non-listed special-status reptile species to occur, the Blainville's horned lizard. Project development would permanently remove or alter suitable potential habitat for special-status reptiles, and in the chance that special-status reptiles occur onsite they may be directly or indirectly impacted by development. As such, mitigation of these potential impacts is required. Implementation of Mitigation Measures BIO-1, BIO-2 and BIO-6 would reduce potential impacts to special-status reptiles to a less than significant level.

Special-Status and Other Protected Birds

There is potential foraging habitat for two state-listed bird species (Swainson's hawk and tricolored blackbird) in the Study Area, and there is low potential or potential for three non-listed special-status bird species and a variety of other birds that are protected under the MBTA and the California Fish and Game Code. Project development would permanently remove or alter potential foraging habitat for two state-listed birds (Swainson's hawk and tricolored blackbird) and a minimal amount of nesting habitat for other non-listed protected birds in the development area. As such, mitigation of these potential impacts is required. Implementation of Mitigation Measures BIO-2, BIO-7, and BIO-8 would reduce potential impacts to special-status birds and other protected birds to a less than significant level.

Mitigation Measures

The following mitigation measures shall apply to the Proposed Project.

BIO-1: **Implement Erosion Control Measures and BMPs.** The Project proponent shall implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project site. Examples of appropriate measures are included below.

- Avoided aquatic resources should be clearly demarcated prior to construction. Avoidance buffers should be consistent with the City of Oroville requirements and/or requirements of regulatory permits. Erosion control measures should be placed between avoided aquatic resources and the outer edge of the impact limits prior to commencement of construction activities. Such identification and erosion control measures should be properly maintained until construction is completed and the soils have been stabilized.

- Any fueling in the Study Area should use appropriate secondary containment techniques to prevent spills.

Timing/Implementation: *Prior to and during grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-2: **Worker Environmental Awareness Program.** The Project proponent shall require a mandatory Worker Environmental Awareness Program provided by qualified biologist for all contractors, work crews, and any onsite personnel to aid workers in recognizing special status species and sensitive biological resources that may occur on-site prior to any construction or grading of the site. The program shall include identification of the special status species and their habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-3: **Special-Status Species – Plants.** There is potential or low potential for 23 special-status plants to occur within the Study Area. The following mitigation measures are required to minimize potential impacts to special-status plants.

- Perform floristic plant surveys according to USFWS, CDFW, and CNPS protocols prior to construction. Surveys shall be conducted by a qualified biologist and timed according to the appropriate phenological stage for identifying target species. Known reference populations shall be visited and/or local herbaria records shall be reviewed, if available, prior to surveys to confirm the phenological stage of the target species. If no special-status plants are found within the Project site, no further measures pertaining to special-status plants are necessary.
- If special-status plants are identified within 25-feet of the Project impact area, implement the following measures:
- If avoidance of special-status plants is feasible, establish and clearly demarcate avoidance zones for special-status plant occurrences prior to construction. Avoidance zones shall include the extent of the special-status plants plus a 25-foot buffer, unless otherwise determined by a qualified biologist, and shall be maintained until the completion of construction. A qualified biologist/biological monitor shall be present must occur within the avoidance buffer to ensure special-status plants are not impacted by the work.
- If avoidance of special-status plants is not feasible, mitigate for significant impacts to special-status plants. Mitigation measures shall be developed in consultation with CDFW. Mitigation measures may include permanent preservation of onsite or offsite

habitat for special-status plants and/or translocation of plants or seeds from impacted areas to unaffected habitats.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-4: **Special-Status Species – Invertebrates.** There is potential for three federally listed special-status invertebrates to occur within the Study Area. The following mitigation measure is required to minimize potential impacts to special-status invertebrates.

- No Project construction shall proceed in areas supporting potential habitat for federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until incidental take authorization has been issued by USFWS under Section 7 (Biological Opinion) or Section 10 (HCP) of the ESA and the Project proponent has abided by conditions in the BO or HCP, including all conservation and minimization measures. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction and compensatory mitigation for loss of suitable habitat.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-5: **Western Spadefoot.** Western spadefoot have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to western spadefoot.

- A qualified biologist shall conduct surveys for western spadefoot in areas of potential habitat that would be eliminated by the Project. The surveys shall be conducted at the appropriate time of year to detect western spadefoot, generally the breeding season, according to methods approved by CDFW. If western spadefoot is found in habitat that will be eliminated or made unsuitable for western spadefoot, a plan to collect and relocate adult and larval western spadefoot and egg masses to suitable habitat that will be preserved in perpetuity as required according to the BO in Mitigation Measure BIO-4.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-6: **Blainville's Horned Lizard.** Blainville's horned lizard have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to Blainville's horned lizard.

- A qualified biologist shall conduct a preconstruction Blainville's horned lizard survey in Project impact areas within 48 hours prior to construction activities. Any Blainville's horned lizard individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, consult with CDFW to develop avoidance and minimization measures, which may include, but not limited to, fencing avoidance areas, development of a relocation plan, and/or onsite monitoring during site construction.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-7: **Special-Status Species – Birds.** Three special-status birds and various other protected birds have the potential to nest within the Study Area. The following mitigation is required to minimize potential impacts to nesting birds:

- If construction is to occur during the nesting season (generally February 1 through August 31), conduct a preconstruction nesting bird survey of all suitable nesting habitat on the Project within 14 days of the commencement of construction. The survey shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Preconstruction nesting surveys are not required for construction activity outside the nesting season.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

BIO-8: **Swainson's Hawk and Tricolored Blackbird.** The Study Area supports potential foraging habitat for two state-listed birds: Swainson's hawk and tricolored blackbird. The following mitigation is recommended to minimize potential impacts to foraging habitat:

- Mitigate for the loss of Swainson's hawk according to the 1994 CDFG's *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. The required measures to address Swainson's hawk

foraging habitat impact and mitigation measure BIO-9 will be sufficient to mitigate impacts to tricolored blackbird foraging habitat.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

Impact BIO-2:	Project implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.
Impact Determination:	Less than Significant with Mitigation
Threshold:	*Substantial adverse impact on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS.*

Impact Discussion

There are no riparian habitats present within the Study Area. Five other sensitive natural communities were identified as having potential to occur within the vicinity of the Study Area based on the literature review (ECORP 2023). These include Northern Hardpan Vernal Pool, Northern Basalt Flow Vernal Pool, Northern Volcanic Mud Flow Vernal Pool, Great Valley Cottonwood Riparian Forest, and Great Valley Willow Scrub. Upon further analysis and site reconnaissance, the seasonal wetlands delineated by Rincon onsite could be categorized as Northern Hardpan Vernal Pool. The seasonal wetlands onsite fit the general description of Northern Hardpan Vernal Pools, which is a sensitive natural community. In addition to Mitigation Measures BIO-1 and BIO-2, implementation of Mitigation Measure BIO-9 would minimize potential impacts to Northern Hardpan Vernal Pools.

Mitigation Measures

Implement Mitigation Measures BIO-1, BIO-2, and BIO-9.

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

Impact BIO-3:	Project implementation could cause a substantial adverse effect on state or federally protected wetlands (i.e., including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means.
Impact Determination:	Less than Significant with Mitigation
Threshold:	*Substantial adverse effect on state or federally protected wetlands.*

Impact Discussion

Rincon Consultants, Inc. prepared the Jurisdictional Waters and Wetlands Delineation, dated March 2021, for the Study Area. As shown in Figure 3.2-1, Rincon delineated 78 depressional seasonal wetlands totaling 2.62 acres, as listed in Table 3.2-1.

These wetlands were categorized as seasonal wetlands by Rincon but some could be considered vernal pools by other wetland delineators. The USEPA defines vernal pools as:

> "seasonal depressional wetlands that occur under Mediterranean climate conditions of the West Coast and in glaciated areas of the northeastern and midwestern states. They are covered by shallow water for variable periods from winter to spring but may be completely dry for most of the summer and fall" (USEPA 2022).

At present, there has been no verification or jurisdictional determination of these aquatic resources conducted by the USACE.

When Rincon prepared the delineation report, the definition of Waters of the U.S. was based on the NWPR. Under the NWPR, the wetlands onsite would probably not have been considered Waters of the U.S. as stated in the Rincon report. However, the NWPR was vacated and remanded in August 2021. In the current definition of Waters of the U.S. according to the pre-2015 regulatory regime, include the *Rapanos* Guidance, wetlands adjacent to nonnavigable tributaries that are not relatively permanent would require a significant nexus evaluation to establish federal jurisdiction. The wetlands onsite would require a significant nexus evaluation by the USACE in order to determine jurisdiction.

Regardless of federal jurisdiction, the wetlands delineated onsite would likely be considered Waters of the State under the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Resources Control Board 2019). As such, Mitigation Measures BIO-1, BIO-2, and BIO-9 are required to reduce this potential impact to less than significant.

Mitigation Measures

The following mitigation measures shall apply to the Proposed Project.

BIO-9: **Sensitive Natural Communities.** The Project site supports potential Waters of the U.S. and State. In addition to Mitigation Measures BIO-1 and BIO-2, the following mitigation measures are required for the protection of aquatic resources:

- Submit an aquatic resources delineation for the Project to the USACE and obtain a verification or Preliminary Jurisdictional Determination.
- File a request for authorization to fill Waters of the U.S. under the Section 404 of the federal CWA (Section 404 Permit) prior to discharging any dredged or fill materials into any Waters of the U.S. Mitigation measures will be developed as part of the Section 404 Permit process to ensure no net loss of wetland function and values. To facilitate such authorization, an application for a Section 404 Nationwide Permit (0.5 acre or less of impacts for Nationwide Permit 29-Residential Developments) or an Individual Permit for the Project should be prepared and submitted to USACE. Mitigation for impacts to Waters of the U.S. typically consists of a minimum of a 1:1 ratio for direct impacts; however final mitigation requirements will be developed in consultation with USACE.
- If necessary, file a request for a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained from the RWQCB for Section 404 permit actions.
- Pursuant to the Porter-Cologne Water Quality Act, a permit authorization from the RWQCB is required prior to the discharge of material in an area that could affect Waters of the State. Mitigation requirements for discharge to Waters of the State within the Project Site will be developed in consultation with the RWQCB.

Timing/Implementation: *Prior to grading and construction*

Monitoring/Enforcement: *Project proponent/City of Oroville Planning Division*

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

Impact BIO-4:	Project implementation could interfere substantially with the movement of any native resident or migratory fish or wildlife species with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
Impact Determination:	No Impact
Threshold:	*Substantial interference with the movement of any native resident or migratory fish or wildlife species with established native resident or migratory wildlife corridors or substantially impede the use of wildlife nursery sites.*

Impact Discussion

The Project Site does not have any creeks, rivers or lakes that would support migrating fish. The Project Site is surrounded by urban development on three sides, SR 3 to the north and I-5 to the west. There are no trees or shrubs present. Undeveloped dirt roads and a disced fire-break path surround the Study Area. The BRA completed for the Project Site determined that the Project would have no impacts to wildlife movement, corridors, or nursery sites. Therefore, the Project would result in no impact in this area.

Mitigation Measures

No mitigation measures are required.

Impact BIO-5:	Project implementation could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
Impact Determination:	No Impact
Threshold:	*Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

Impact Discussion

The Project Site does not have any trees. While the City does have policies protecting biological resources, the above analysis provides consistency with these policies and therefore, the Project would not conflict with these policies. The Project would have no impact in this area.

Mitigation Measures

No mitigation measures are required.

Impact BIO-6:	Project implementation could conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plans.
Impact Determination:	No Impact
Threshold:	*Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plans.*

Impact Discussion

There is no adopted HCP or other approved local, regional, or state habitat conservation plans at or near the Project Site. The Project would have no impact in this area.

Mitigation Measures

No mitigation measures are required.

3.2.16 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. While this is helpful for biological resources cumulative impacts, it does not necessarily provide a specific cumulative impact setting for these resources as the impacts to these resources are generally more site-specific. Therefore, the cumulative setting for biological resources includes the Project Site as well as the remaining undeveloped areas surrounding the Project Site where the impacts of urbanization and threats to biological diversity and sensitive biological resources are considered most serious. Cumulative impacts on biological resources are primarily the result of the area's urbanization, habitat fragmentation, water pollution, and conversion of natural land to residential, commercial, and recreational use.

3.2.16.1 Cumulative Impacts and Mitigation Measures

Impact BIO-7:	Would implementation of the proposed project, in combination with existing, approved, proposed, and reasonably foreseeable development in the immediate area of the Proposed Project, result in the conversion of habitat and impact biological resources.
Impact Determination:	Less than cumulatively considerable
Threshold:	*Cumulatively result in the conversion of habitat and impact biological resources.*

Impact Discussion

Implementation of Mitigation Measures BIO-1 through BIO-8 will ensure impacts to special-status plant species are avoided. Mitigation Measure BIO-9 will reduce potential impacts to wetlands and sensitive natural communities though the development of the Proposed Project will act as a continuation of the existing commercialization and urbanization of the area. As discussed previously, the Project itself would cause few to no impacts to special-status species, riparian habitat or other sensitive natural communities, wetlands, or migratory wildlife. Implementation of Mitigation Measures BIO-1 through BIO-9 would reduce the only potential impacts to biological resources to a less than significant level. These factors have effectively reduced the Project's contribution to cumulative impacts. As a result, the Proposed Project would have a less than cumulatively considerable impact.

Mitigation Measures

No mitigation measures are required.

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3.3 Cultural Resources

This section evaluates the potential impacts of the Proposed Project on cultural resources. Cultural resources are defined as pre-contact (prehistoric) and historic sites, buildings, objects, structures, and districts or any other physical evidence associated with human activity considered important to a culture, or a community for scientific, traditional, or religious reasons. This section is based on the *Cultural Resources Inventory Report for the Feather Ranch Project* prepared by ECORP Consulting, Inc. (2022). The information provided below summarizes this report.

Due to the sensitive nature of cultural resources, which is restricted from public distribution by state and federal law, the cultural resources report is not included in the EIR appendices. Specific locations are not identified in the following analysis; however, all pertinent information necessary for impact determinations is included in this section.

While this section includes Native American pre-contact and historic information, TCRs (Section 3.14 of this Draft EIR) includes further analysis of the ethnography of the Project Site and potential Project impacts to TCRs.

3.3.1 Environmental Setting

The Project Site is located at the northeastern end of the Sacramento Valley at the foot of the Sierra Nevadas. The Feather River is 1.6 miles east of the Project Site. Thermalito Afterbay is 2.25 miles west. Thermalito Forebay is 0.6 mile north, at the foot of the Campbell Hills. The Oroville Wildlife Area, an open space wildlife preserve, is 1.5 miles southeast. Lake Oroville is 7 miles northeast. Elevations range from 190 to 230 feet AMSL.

The Project Site is an undeveloped lot on the western outskirts of the City of Oroville, with residential development to the north and east, undeveloped land to the west, and Oroville Municipal Airport to the south.

3.3.1.1 Regional Pre-Contact History

It is generally believed that human occupation of California began at least 10,000 years before present (BP). The archaeological record indicates that between approximately 10,000 and 8,000 BP, a predominantly hunting economy existed, characterized by archaeological sites containing numerous projectile points and butchered large animal bones. Animals that were hunted probably consisted mostly of large species still alive today. Bones of extinct species have been found but cannot definitively be associated with human artifacts. Although small animal bones and plant grinding tools are rarely found within archaeological sites of this period, small game and floral foods were probably exploited on a limited basis. A lack of deep cultural deposits from this period suggests that groups included only small numbers of individuals who did not often stay in one place for extended periods (ECORP 2022).

Around 8,000 BP, there was a shift in focus from hunting toward a greater reliance on plant resources. Archaeological evidence of this trend consists of a much greater number of milling tools (e.g., metates and manos) for processing seeds and other vegetable matter. This period, which extended until around

5,000 BP, is sometimes referred to as the Millingstone Horizon. Projectile points are found in archaeological sites from this period, but they are far fewer in number than from sites dating to 8,000 BP. An increase in the size of groups and the stability of settlements is indicated by deep, extensive middens at some sites from this period (ECORP 2022).

Archaeological evidence indicates that reliance on both plant gathering and hunting continued as in the previous period, with more specialized adaptation to particular environments in sites dating to after about 5,000 BP. Mortars and pestles were added to metates and manos for grinding seeds and other vegetable material. Flaked-stone tools became more refined and specialized, and bone tools were more common. New peoples from the Great Basin began entering Southern California during this period. These immigrants, who spoke a language of the Uto-Aztecan linguistic stock, seem to have displaced or absorbed the earlier population of Hokan-speaking peoples. During this period, known as the Late Horizon, population densities were higher than before, and settlement became concentrated in villages and communities along the coast and interior valleys. Regional subcultures also started to develop, each with its own geographical territory and language or dialect. These were most likely the basis for the groups that the first Europeans encountered during the 18th century. Despite the regional differences, many material culture traits were shared among groups, indicating a great deal of interaction. The presence of small projectile points indicates the introduction of the bow and arrow into the region sometime around 2,000 BP (ECORP 2022).

3.3.1.2 Local Pre-Contact History

This section provides a regional overview with contextual elements drawn from California's Central Valley Region, the Western Foothills Region, and from the transition zone where the Project lies. There has been more extensive research and study of Central Valley pre-contact history than that of the Sierra Nevada foothill zone, but a fair amount of cultural overlap exists within these regions. This section includes the most recent and readily available research of both regions and includes some reference to the climactic changes that swept the Sierra Nevada and being a catalyst for population movement that led to cultural change in the foothills.

California's Great Central Valley has long held the attention of archaeologists and was a focus of early research in California. While archaeologists have used different definitions of cultural chronology over the years, the most recent sequence was redefined by J. Rosenthal, G. White, and Mark Sutton in their 2007 study, The Central Valley: A View from the Catbird's Seat, In *California Prehistory: Colonization, Culture, and Complexity*. This study's recalibrated sequence is divided into three broad periods: The Paleoindian Period (11,550 cal. BC to 8550 cal. BC); the three-staged Archaic period, consisting of the Lower Archaic (8550 cal. BC to 5550 cal. BC), Middle Archaic (5550 cal. BC to 550 cal. BC), and Upper Archaic (550 cal. BC to cal. AD 1100); and the Emergent Period (cal. AD 1100 to Historic). The three divisions of the Archaic Period correspond to climate changes. This is the most recently developed sequence and is now commonly used to interpret Central California prehistory. The aforementioned periods are characterized by the following:

Paleoindian Period

This period began when the first people began to inhabit what is now known as the California culture area. It was commonly believed these first people (i.e., hunters and gatherers) subsisted on big game and minimally processed foods, presumably with no trade networks. More recent research indicates these people may have been more sedentary, relied on some processed foods, and traded (Rosenthal et al. 2007). Populations consisted of small groups traveling frequently to exploit plant and animal resources.

Archaic Period

This period was characterized by an increase in plant exploitation for subsistence, more elaborate burial accoutrements, and increase in trade network complexity (ECORP 2022). The three divisions that correspond to pre-contact climate change are characterized by the following aspects (Rosenthal et al. 2007):

Lower Archaic Period—This period is characterized by cycles of widespread floodplain and alluvial fan deposition. Artifact assemblages from this period include chipped-stone crescents and early wide-stemmed points, marine shell beads, eastern Nevada obsidian, and obsidian from the north Coast Ranges. These types of artifacts found on the sites dating to this period indicate trade was occurring in multiple directions. A variety of plant and animal species were also utilized, including acorns, wild cucumber, and manzanita berries.

Middle Archaic Period—This period is characterized by a drier climate period. Rosenthal et al. (2007:153) identified two distinct settlement/subsistence patterns in this period: the Foothill Tradition and the Valley Tradition. Functional artifact assemblages consisting primarily of locally sourced flaked-stone and groundstone cobbles characterize the foothills tradition, while the Valley Tradition was generally characterized by diverse subsistence practices and extended periods of sedentism.

Upper Archaic Period—This period is characterized by abrupt change to wetter and cooler environmental climate conditions. Much greater cultural diversity is evident from this period. More specialized artifacts, such as bone tools, ceremonial blades, polished and groundstone plummets, saucer and saddle *Olivella* shell beads, *Haliotis* shell ornaments, and a variety of groundstone implements are characteristic of this period.

Emergent Period

This period is most notably marked by the introduction of the bow and arrow, the emergence of social stratification linked to wealth, and more expansive trade networks signified by the presence of clam disk beads that were used as currency. The Augustine pattern (the distinct cultural pattern of the Emergent Period) is characterized by the appearance of small projectile points (largely obsidian), rimmed display mortars, flanged steatite pipes, flanged pestles, and chevron-designed bird-bone tubes. Large mammals and small seeded resources appear to have made up a larger part of the diet during this period (ECORP 2022).

The following discussion summarizes the cultural patterns and the different local developments represented in archaeological deposits in the region surrounding the Project Site.

The Windmiller Pattern of the Early Horizon dates to the Middle Archaic (as defined by Rosenthal et al. 2007) and may be the most extensively studied of all the cultural patterns defined for the Central Valley. The temporal span for Windmiller has been updated and reanalyzed several times in the archaeological literature. Multiple authors over time have presented the characteristics to identify the Windmiller pattern (ECORP 2022). Most notable characteristics are:

- large, heavy stemmed and leaf-shaped projectile points commonly made of a variety of materials other than obsidian;
- perforate charmstones;
- *Haliotis* and *Olivella* shell beads and ornaments;
- trident fish spears;
- baked clay balls (presumably for cooking in baskets);
- flat slab milling stones;
- small numbers of mortars; and
- ventrally extended burials oriented toward the west.

The subsistence pattern of Windmiller groups probably emphasized hunting and fishing, supplementing it with collection of seeds (possibly including acorns) (ECORP 2022).

Windmiller groups acquired obsidian from at least two Coast Ranges and three trans-Sierran sources, *Haliotis* and *Olivella* shells and ornaments from the coast, and quartz crystals from the Sierra Nevada foothills. It is widely hypothesized that the bulk of these materials were acquired through trade; however, some may have been acquired as part of seasonal movements between the Central Valley and the Sierra Nevada foothills.

There is evidence for seasonal transhumance in the distribution of Windmiller artifacts, sites, and burial patterns. Archeological work along the edge of the Sierra Nevada foothills suggests a link between Windmiller groups of the Central Valley and the Sierra Nevada mortuary caves. In addition, analysis of Windmiller burial orientation and skeletal analyses suggest a high percentage of winter death among Windmiller groups. Incorporating all of this data, postulates that Windmiller groups were exploiting the foothills of the Sierra Nevada during the summer and returning in the winter to villages in the Central Valley as early as 4,000 BP.

The succeeding Middle Horizon, namely the Cosumnes Culture, which has much less-published material, discusses the patterns defined for this era than does Windmiller; nonetheless, some of the most notable characteristics are:

- tightly flexed burials with variable orientation;
- red ochre stains in burials;

- distinctive *Olivella* and *Haliotis* beads and ornaments;
- distinctive charmstones;
- cobble mortars and evidence of wooden mortars;
- numerous bone tools and ornaments;
- large, heavy foliate and lanceolate concave base projectile points made of materials other than obsidian; and
- objects of baked clay.

Further classification of the Middle Archaic into the Foothill Tradition and Valley Tradition helped to clarify the different types of cultural sequences, which occurred during these time periods. Functional artifact assemblages consisting primarily of locally sourced flaked-stone and groundstone cobbles characterize the Foothills Tradition, with very few trade goods. Sites that represent the Valley Tradition are much fewer in number and are generally characterized by much more diverse subsistence practices and extended periods of sedentism. Specialized tools, trade goods, and faunal refuse that indicate year-round occupation are evident on sites of the Valley Tradition. Distinct artifacts attributed to this tradition include one of the oldest dated shell bead lots in Central California and a particular type of pestle used with a wooden mortar.

The Sierra Nevada experienced significant climactic shifts and concomitant vegetation change throughout the Holocene, but pollen analysis and climactic records indicate that the current climate pattern and primary constituents of vegetation communities were in place by the Middle Archaic around 1,000 BC. Seasonal transhumance practiced by Indigenous populations of the Sierra may have become more consistent during this period of relative environmental stasis.

Paleobotanical analysis from sites of the Foothills Tradition confirm that acorns and pine nuts were preferred for subsistence. Sites near the Project Site associated with the Valley Tradition are rare in the early Middle Archaic (ca. 5,550 to 2,050 cal. BC). Sites associated with later portions of the Middle Archaic (post-2050 cal. BC) near the Project Site include elaborate material culture and diverse dietary and technological assemblages.

The next era in the region is identified as the Late Horizon, the Hotchkiss Culture, and the Augustine Pattern. The culture was formed by populations during the later Upper Archaic and Emergent periods and ranges in age from around 550 cal. BC to contact (dates vary between the different models of prehistory developed for the region). The Upper Archaic, as discussed above, corresponds with the late Holocene change in environmental conditions to a wetter and cooler climate. The Emergent Period and Late Horizon are markedly represented by the introduction of bow-and-arrow technology, as well as more pronounced cultural diversity as reflected in diversity of burial posturing, artifact styles, and material culture.

This era primarily represents both local innovation and the blending of new cultural traits introduced into the Central Valley. The Emergent Occupation (as defined by Rosenthal et al. 2007) coincides with the Augustine Pattern in the lower Sacramento Valley/Delta region, and with the Sweetwater and Shasta

complexes in the northern Sacramento Valley. The emergence of the Augustine Pattern appears to have been associated with the expansion of Wintun populations from the north, which appears to have led to an increase in settlements in the area after 550 BP.

During this period in the Sierra Nevada, paleoenvironmental data suggests severe droughts occurred from around AD 892 to 1112 and AD 1210 to 1350. These drier conditions surely affected the seasonal resource procurement rounds of the native populations during this time, and likely led to an influx of population movement and cultural blending into the foothills zone and Central Valley by Sierra Nevada groups.

Despite the varying designations, this emergent era is distinguished in the archaeological record by intensive fishing, extensive use of acorns, elaborate ceremonialism, social stratification, and cremation of the dead. Artifacts associated with the defined patterns (Augustine, Emergent, Hotchkiss) include bow-and-arrow technology (evidenced by small projectile points), mortars and pestles, and fish harpoons with unilaterally or bilaterally placed barbs in opposed or staggered positions. Mortuary patterns include flexed burials and cremations, with elaborate material goods found in association with prestigious individuals. A local form of pottery, Cosumnes brown ware, emerged in the lower Sacramento Valley. Human animal effigies are also a marker of this emergent era around the Project Site.

Regional History

The first European to visit California was Spanish maritime explorer Juan Rodriguez Cabrillo in 1542. The Viceroy of New Spain (Mexico) sent Cabrillo north to look for the Northwest Passage. Cabrillo visited San Diego Bay, Catalina Island, San Pedro Bay, and the northern Channel Islands. The English adventurer Francis Drake visited the Miwok Native American group at Drake's Bay or Bodega Bay in 1579. Sebastian Vizcaíno explored the coast as far north as Monterey in 1602. He reported that Monterey was an excellent location for a port.

Colonization of California began with the Spanish Portolá land expedition. The expedition, led by Captain Gaspar de Portolá of the Spanish army and Father Junipero Serra, a Franciscan missionary, explored the California coast from San Diego to the Monterey Bay Area in 1769. As a result of this expedition, Spanish missions to convert the native population, presidios (forts), and pueblos (towns) were established. The Franciscan missionary friars established 21 missions in Alta California (the area north of Baja California) beginning with Mission San Diego in 1769 and ending with the mission in Sonoma established in 1823. The purpose of the missions and presidios was to establish Spanish economic, military, political, and religious control over the Alta California territory. No missions were established in the Central Valley. The nearest missions were in the vicinity of San Francisco Bay and included Mission San Francisco de Asis (Dolores) established in 1776 on the San Francisco Peninsula, Mission Santa Clara de Asis at the south end of San Francisco Bay in 1777, Mission San Jose in 1797, Mission San Rafael, established as an *asistencia* in 1817 and a full mission in 1823, and Mission San Francisco Solano in Sonoma in 1823. Presidios were established at San Francisco and Monterey. The Spanish took little interest in the area and did not establish any missions or settlements in the Central Valley.

After Mexico became independent from Spain in 1821, what is now California became the Mexican province of Alta California with its capital at Monterey. In 1827, American trapper Jedediah Smith traveled

along the Sacramento River and into the San Joaquin Valley to meet other trappers of his company who were camped there, but no permanent settlements were established by the fur trappers.

The Mexican government closed the missions in the 1830s and former mission lands, as well as previously unoccupied areas, were granted to retired soldiers and other Mexican citizens for use as cattle ranches. Much of the land along the coast and in the interior valleys became part of Mexican land grants or ranchos. During the Mexican Period there were small towns at San Francisco (then known as Yerba Buena) and Monterey. The rancho owners lived in one of the towns or in an adobe house on the rancho. The Mexican Period includes the years 1821 to 1848.

John Sutter, a European immigrant, built a fort at the confluence of the Sacramento and American rivers in 1839 and petitioned the Mexican governor of Alta California for a land grant, which he received in 1841. Sutter built a flour mill and grew wheat near the fort. Gold was discovered in the flume of Sutter's lumber mill at Coloma on the South Fork of the American River in January 1848. The discovery of gold initiated the 1849 California Gold Rush, which brought thousands of miners and settlers to the Sierra foothills east and southeast of Sacramento.

The American Period began when the Treaty of Guadalupe Hidalgo was signed between Mexico and the U.S. in 1848. As a result of the treaty, Alta California became part of the U.S. as the territory of California. Rapid population increase occasioned by the Gold Rush of 1849 allowed California to become a state in 1850. Most Mexican land grants were confirmed to the grantees by U.S. courts, but usually with more restricted boundaries, which were surveyed by the U.S. Surveyor General's office. Land outside the land grants became federal public land, which was surveyed into sections, quarter-sections, and quarter-quarter sections. The federal public land could be purchased at a low fixed price per acre or could be obtained through homesteading (after 1862).

Project Area History

The Project Site is situated in Butte County. Butte County was one of the original 27 counties in California and originally encompassed a much larger area than it does today. It was named for the landform now known as the Sutter Buttes, located in present-day Sutter County to the south. In the latter part of the 19th century, the County land was primarily agricultural, with timber and mineral lands encompassing less than half of the County area. Captain Luis A. Argüello led an expedition to the region in 1820 and was likely the earliest nonnative to explore the area. Fur trappers of the Hudson Bay Company followed and traversed the region as early as 1828. Other hunters and settlers in the Sacramento Valley began to travel on the Hudson Bay Trail to Oregon and then south to California. John Bidwell came to Sutter's Fort in California using this route. He mapped the upper reaches of the Sacramento Valley. People used Bidwell's maps to identify land when applying for land grants from the Mexican Government.

In 1844, Edward A. Farwell and Thomas Fallon settled on the Farwell Grant, which was to be the first settlement in Butte County. John Bidwell discovered gold on the Feather River two months after James Marshall's first gold discovery at Sutter's Mill in Coloma. This led to an influx of gold seekers to the area, and the river was lined with countless mining camps. Some of these camps grew to prosper into towns; others were short-lived.

The County of Butte was organized after California gained statehood and counties were established under the Act of February 18, 1850. Butte County originally included the majority of lands in what is now Lassen, Plumas, Tehama, Colusa, and Sutter counties, including the Sutter Buttes. The boundaries were reconfigured within the next few months.

The Project Site land is part of the 17,806-acre Rancho Fernandez Land Grant granted to Dionisio Zenon Fernandez and Máximo Zenon Fernandez by Mexican Governor Pio Pico in 1846. The land grant was located along the western bank of the Feather River and encompassed the area of today's Oroville and Thermalito.

The Project Site is located within the City of Oroville, which began as a mining camp in 1849 called Ophir City. John Bidwell discovered gold in the Feather River in 1848 and the town gained importance and population. By 1856, its name was changed to Oroville and became the county seat over Bidwell's Bar by popular election. It burgeoned into a trading hub for mining towns in the surrounding areas north and south along the Feather River. Mining operations were the main industry in Oroville and on the Feather River in the 1850s; the river was rerouted to mine the gravel bed.

By 1850, a sizable population had arrived along the banks of the Feather River to pan for gold and engage in traditional forms of placer mining. Later, hydraulic mining and dredging were used to mine less-accessible deposits. Dredge operators targeted heavy gold particles that had been washed down to the valley floor by annual precipitation events in the Sierra and deposited in sediments on the riverside flats near Oroville. Hydraulic mining continued to be the chief mining activity in the Oroville area until the 1880s, when it was outlawed due to the deleterious effect it had on the landscape and environment. The gold dredging industry replaced the hydraulic mining almost immediately. Dredge operators targeted heavy gold particles that had been washed down to the valley floor by annual precipitation events in the Sierras and deposited in sediments on the riverside flats near Oroville.

Dredging in the Oroville Wildlife Area began with Wendell Hammon, who had developed the first successful bucket-line dredge operation in California by 1898. This set off a chain of events that resulted in the operation of 35 dredges south of Oroville by 1908. The apogee of dredge mining operations in the Oroville Wildlife Area occurred between 1903 and 1916. Dredging activities waxed and waned over subsequent decades, eventually coming to a close in 1952. The DWR constructed the Oroville-Thermalito Complex in the 1960s, which involved the creation of the interior channels within the Oroville Wildlife Area and the perimeter berm along the southeast bank of the Feather River in the immediate area. The area was primarily used for aggregate (sand and gravel) extraction from 1952 to 1968, and construction of the Thermalito Afterbay was completed in 1968. In the 1960s, the construction of Oroville dam used tailings from the Oroville dredge fields as fill.

3.3.2 Regulatory Setting

3.3.2.1 Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) requires that the federal government list significant historic resources on the National Register of Historic Places (NRHP), which is the nation's master inventory of known historic resources. The NRHP is administered by the National Park Service (NPS) and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a historic district can also be included in the NRHP. The criteria for listing in the NRHP include resources that:

a) are associated with events that have made a significant contribution to the broad patterns of history;
b) are associated with the lives of persons significant in our past;
c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
d) have yielded or may likely yield information important in prehistory or history.

3.3.2.2 State

California Register of Historical Resources

The State Historical Resources Commission designed the California Register of Historic Resources (CRHR) for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archaeological resources. This program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords certain protections under CEQA.

California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both historical resources and unique archaeological resources. Pursuant to PRC Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

Historical resource is a term with a defined statutory meaning (PRC Section 21084.1; determining significant impacts to historical and archaeological resources is described in CEQA Guidelines Section 15064.5[a], [b]). Under CEQA Guidelines Section 15064.5(a), historical resources include the following:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (PRC Section 5024.1).
- A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be *historically significant* if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1), including the following:

  a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  b) Is associated with the lives of persons important in our past;
  c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  d) Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

Historic resources are usually 45 years old or older and must meet at least one of the criteria for listing in the CRHR, described above (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC § 5024.1 and California Code of Regulations (CCR), Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial

integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

For historic structures, CEQA Guidelines Section 15064.5(b)(3) indicates that a project that follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (1995) is considered as mitigating impacts to a less than significant level.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC § 21083.2(g) states:

> "Unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
>
> – Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
>
> – Has a special and particular quality such as being the oldest of its type or the best available example of its type.
>
> – Is directly associated with a scientifically recognized important prehistoric or historic event or person."

Treatment options under PRC Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered, as follows:

> In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

CEQA Guidelines Section 15064.5(e) requires that excavation activities stop whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner

determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the NAHC. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

In addition to the mitigation provisions pertaining to accidental discovery of human remains, the CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5(f), these provisions should include:

> "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

3.3.2.3 Local

Oroville 2030 General Plan

The Open Space, Natural Resources, and Conservation Element of the Oroville 2030 General Plan is dedicated to preserving and improving the quantity, quality, and character of open space in Oroville. The Element includes Section H, which addresses cultural resources in the City. Cultural resources in Oroville include both prehistoric and historic resources in the realms of archaeology, paleontology and historic structures, sites and areas that played important roles in local history. The following goals and policies from the Cultural Resources section of the Element pertain to Project development:

Goal OPS-14: Preserve Oroville's cultural resources, including archaeological, historic and paleontological resources, for their aesthetic, scientific, educational and cultural values.

Policies

P14.1: Require consultation with the Northeast Information Center of the California Historical Resources Information System and completion of a records search as part of review of proposed development projects to determine whether the project site contains known prehistoric or historic cultural resources and/or to determine the potential for discovery of additional cultural resources and the necessity of further investigation.

P14.2: Require applicants for projects identified by the Northeast Information Center as potentially affecting cultural resource sites or in need of further investigation to hire a consulting archaeologist or historian (as applicable) to conduct inventory and evaluation studies and develop a cultural resources mitigation plan and monitor the project to ensure that mitigation measures are implemented, as necessary.

P14.3: Require that areas found during construction to contain significant historic or prehistoric archaeologic artifacts be examined by a qualified consulting

archaeologist or historian for appropriate protection and preservation. Require that historic or prehistoric artifacts found during construction be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures as necessary.

P14.7: If cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

P14.8: If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.

P14.9: Encourage development to avoid impacts to burial sites including:

- *Designing or clustering development to avoid archaeological deposits that typically contain human remains and to avoid any known cemeteries or other concentrations of human remains.*
- *Dedicating permanent conservation easements if subdivisions and other developments can be planned to provide for such protective easements.*

3.3.3 Environmental Impacts

3.3.3.1 Thresholds of Significance

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of this EIR, implementation of the Proposed Project would have a significant adverse impact on historical resources if it would result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

CEQA Guidelines Section 15064.5 defines *substantial adverse change* as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource is materially impaired.

CEQA Guidelines Section 15064.5(b)(2) defines *materially impaired* for purposes of the definition of substantial adverse change as follows:

> The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a Historical Resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA requires that alternative plans or mitigation measures must be considered if a project would result in an effect that may cause a substantial adverse change in the significance of a historical resource or would cause significant effects on a unique archaeological resource. Therefore, prior to assessing effects or developing mitigation measures, the Lead Agency must determine if a historical resource or unique archaeological resource is present that may be affected by the Project. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

- Identify potential historical resources and unique archaeological resources;
- Evaluate the significance of the potential historical resources; and
- Evaluate the effects of the project on eligible (significant) historical resources and unique archaeological resources.

3.3.3.2 Methods of Analysis

As a part of the Cultural Resources Inventory Report, ECORP requested a records search for the property at the Northeastern Information Center (NEIC) of the California Historical Resources Information System (CHRIS) at California State University, Chico on February 15, 2022. The purpose of the records search was to determine the extent of previous surveys within a 0.5-mile (800- meter) radius of the Proposed Project location, and whether previously documented pre-contact or historic archaeological sites, architectural resources, or traditional cultural properties exist within this area. The records search was completed by NEIC staff and returned to ECORP on March 10, 2022. In addition to the official records and maps for archaeological sites and surveys in Butte County, the following historic references were also reviewed: Built Environment Resource Directory; Historic Property Data File for Butte County; The National Register Information System (NPS), California Historical Landmarks, California Historical Landmarks, California Points of Historical Interest, Directory of Properties in the Historical Resources Inventory, California Department of Transportation (Caltrans) Local Bridge Survey, Caltrans State Bridge Survey, and Historic Spots in California. (ECORP 2022)

Other references examined include a RealQuest Property Search and historic General Land Office (GLO) land patent records. Historic maps reviewed include:

- 1856 BLM GLO Plat map for Township 19 North Range 3 East;
- 1891 U.S. Geological Survey (USGS) Chico, California topographic quadrangle map (1:250,000 scale);
- 1912 USGS Oroville, California topographic quadrangle map (1:31,680 scale);
- 1944 USGS Oroville, California topographic quadrangle map (1:62,500 scale);
- 1949 USGS Oroville, California topographic quadrangle map (1:62,500 scale); and
- 1970 (1973 edition) USGS Oroville, California topographic quadrangle map (1:24,000 scale).

ECORP reviewed historic aerial photos taken in 1952 and 1969 and more recent aerials from 1984, 1998, 2005, 2009, 2010, 2021, 2014, 2016, and 2018 for any indications of property usage and built environment. ECORP attempted a search within a local historical registry, but no such registry was available for Oroville.

Sacred Lands File Coordination Methods

In addition to the records search, ECORP contacted the California NAHC on February 16, 2022 to request a search of the Sacred Lands File for the Project Area. This search determines if the California Native American tribes within the Project Area have recorded Sacred Lands, because the Sacred Lands File is populated by members of the Native American community with knowledge about the locations of Tribal resources. In requesting a search of the Sacred Lands File, ECORP solicited information from the Native American community regarding TCRs, but the responsibility to formally consult with the Native American community lies exclusively with the federal and local agencies under applicable state and federal laws. The lead agencies have not delegated authority to ECORP to conduct Tribal consultation.

Other Interested Party Consultation Methods

ECORP mailed letters to the Butte County Historical Society on February 16, 2022 to solicit comments or obtain historical information that the repository might have regarding events, people, or resources of historical significance in the area.

Field Methods

ECORP subjected the Project Area to an intensive pedestrian survey on March 18, 2022 under the guidance of the *Secretary of the Interior's Standards for the Identification of Historic Properties*using 15-meter transects. ECORP spent one person-day in the field. During the survey, ECORP archaeologists examined the ground surface for indications of surface or subsurface cultural resources. The archaeologists inspected the general morphological characteristics of the ground surface for indications of subsurface deposits that may be manifested on the surface, such as circular depressions or ditches. Whenever possible, the archaeologists examined the locations of subsurface exposures caused by factors such as rodent activity, water or soil erosion, or vegetation disturbances for artifacts or for indications of buried deposits. No subsurface investigations or artifact collections were undertaken during the pedestrian survey.

3.3.3.3 Project Impacts and Mitigation Measures

Impact CUL-1:	**Project implementation would cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5.**
Impact Determination:	**Less than Significant with Mitigation**
Threshold:	*Substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?*

Impact Discussion

There were 17 previous cultural resource investigations conducted in or within a 0.5-mile radius of the property, covering approximately 80 percent of the total area surrounding the property within the records search radius. Of the 17 studies, four were conducted within the Project Area and the other 13 were within the 0.5-mile radius. The previous studies within the Project Area were conducted between 1979 and 2004 and vary in size from 27 to 118 acres.

The results of the records search indicate that 95 percent of the property has been previously surveyed for cultural resources; however, these studies were conducted in larger and smaller segments, at different times, by different consultants, between 18 and 43 years ago, and under obsolete standards. Therefore, ECORP conducted a pedestrian survey of the Area of Potential Effects (APE) for the Project under current protocols. Two of the past studies were conducted on the properties directly east and west of the Project Area and included a small portion of the Project Area. The four past studies did not result in the recording of cultural resources within the Project Area.

The records search also determined that seven previously recorded historic-era cultural resources are located within 0.5 mile of the Project Area. There are no previously recorded pre-contact resources within 0.5 mile of the Project Area. The previously historic-era resources included 1920s to 1940s structures, railroad and road grades, and the Oroville Division of the State Water Project facilities (Oroville Dam and Thermalito Forebay and Forebay Dam facilities). There are no previously recorded cultural resources within or adjacent to the Project Area.

ECORP's *Cultural Resources Inventory Report for the Feather Ranch Project* concluded that no historical resources were identified on the property as a result of the records search and field survey. Therefore, no known historical resources under CEQA will be affected by the Proposed Project. However, there always remains the potential for ground-disturbing activities to expose previously unrecorded cultural resources. CEQA requires the lead agency to address any unanticipated historical resource discoveries during Project construction. Therefore, Mitigation Measure CUL-1 has been included to reduce the potential impact to historical resources to be less than significant with mitigation incorporated.

Mitigation Measures

The following mitigation measures shall apply to the Proposed Project.

CUL-1: Cultural or Archaeological Resource Discovery. All subdivision improvement plans and grading plans shall include the following:

- If subsurface deposits believed to be cultural or human in origin are discovered during any roadway or future construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:
- If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.
- If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner. If the find is determined to be eligible for inclusion in the NRHP or CRHR, the City shall consult on a finding of eligibility and implement appropriate treatment measures. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction.
- If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Butte County Coroner (in accordance with Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the

property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

Timing/Implementation: *During construction*

Monitoring/Enforcement: *The City of Oroville Planning Department and Project Construction Manager*

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

Impact CUL-2:	**Project implementation could cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section15064.5.**
Impact Determination:	**Less than Significant with Mitigation**
Threshold:	*Substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?*

Impact Discussion

The *Cultural Resources Inventory Report for the Feather Ranch Project* concluded that archaeological resources were identified on the property as a result of the records search and field survey. Therefore, no known archaeological resources under CEQA will be affected by the Proposed Project. However, there always remains the potential for ground-disturbing activities to expose previously unrecorded archaeological resources. Therefore, Mitigation Measure CUL-1 has been included to reduce the potential impact to archaeological resources to be less than significant with mitigation incorporated.

Mitigation Measures

Implement Mitigation Measure CUL-1.

Residual Impact After Mitigation (note this section not needed if there are no mitigation measures)

Impacts would be less than significant after mitigation.

Impact CUL-3:	**Project implementation could disturb any human remains, including those interred outside of formal cemeteries.**
Impact Determination:	**Less than Significant with Mitigation**
Threshold:	*Disturbance of any human remains, including those interred outside of formal cemeteries.*

Impact Discussion

The *Cultural Resources Inventory Report for the Feather Ranch Project* indicates that there is little likelihood for burial sites to be present in the area. Regardless, there is a possibility of the unanticipated and accidental discovery of human remains during ground-disturbing Project-related activities. As such, Implementation of Mitigation Measure CUL-1 would assure that any discovery of human remains within the Project Area would be subject to these procedural requirements. Implementation of this mitigation measure would reduce impacts associated with the discovery/disturbance of human remains to be less than significant with mitigation incorporated.

Mitigation Measures

Implement Mitigation Measure CUL-1.

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

3.3.4 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. While this is helpful for cultural resources cumulative impacts, it does not necessarily provide a specific cumulative impact setting for these resources as the impacts to these resources are generally more site-specific. Therefore, the cumulative setting for cultural resources includes the Project Site as well as the remaining undeveloped areas surrounding the Project Site where the impacts of urbanization and potential for impacts to cultural resources are considered most serious. Cumulative impacts on cultural resources are primarily the result of the area's urbanization and conversion of undisturbed land to urban use. Developments and planned land uses, including the Proposed Project, would cumulatively contribute to impacts to known and unknown cultural resources in the area. As previously discussed, Section 3.3.1 Environmental Setting provides an overview of cultural resources and the history of the region.

3.3.4.1 Cumulative Impacts and Mitigation Measures

Impact CUL-4:	**Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative impacts to cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features)?**
Impact Determination:	**Less than Cumulatively Considerable**
Threshold:	*Result in cumulative impacts to cultural resources.*

Impact Discussion

As mitigated, the direct impacts associated with the Project will be reduced to a less than significant level. While it is possible that grading and development will result in the discovery of cultural resources, mitigation measures and state and federal laws already in place will set in motion actions designed to mitigate these potential impacts. The Project is adjacent to existing residential developments and vacant land. Future development of the area may also affect cultural resources. However, mitigation proposed in this section, and existing federal and state laws would reduce the Project's potential cultural resources impacts to a less than significant level. Therefore, the Project's impact is considered less than cumulatively considerable.

3.3.4.2 Cumulative Mitigation Measures

None required.

3.4 Energy

This section describes the environmental setting for energy, including the existing site conditions and regulatory setting, impacts that would result from the Proposed Project, and, if significant impacts are identified, the mitigation measures that would reduce these impacts. This section is a summary of the *Energy Consumption Assessment*, provided as an Appendix 3.4 to this DEIR.

3.4.1 Environmental Setting

Energy relates directly to environmental quality. Energy use can adversely affect air quality and other natural resources. The vast majority of California's air pollution is caused by burning fossil fuels. Consumption of fossil fuels is linked to changes in global climate and depletion of stratospheric ozone. Transportation energy use is related to the fuel efficiency of cars, trucks, and public transportation; choice of different travel modes (i.e., auto, carpool, and public transit); vehicle speeds; and miles traveled by these modes. Construction and routine operation and maintenance of transportation infrastructure also consume energy. In addition, residential, commercial, and industrial land uses consume energy, typically through the usage of natural gas and electricity. This analysis focuses on the four sources of energy that are relevant to the Proposed Project: electricity, natural gas, the equipment fuel necessary for Project construction, and the automotive fuel necessary for Project operations.

3.4.2 Energy Types and Resources

California relies on a regional power system comprised of a diverse mix of natural gas, renewable, hydroelectric, and nuclear generation resources. Natural gas provides California with a majority of its electricity, followed by renewables, large hydroelectric and nuclear (California Energy Commissions [CEC] 2022a). Pacific Gas & Electric Company (PG&E) provides electricity and natural gas to the City of Oroville. It generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. PG&E provides natural gas and electricity to most of the northern two-thirds of California, from Bakersfield and Barstow to near the Oregon, Nevada and Arizona state lines. It provides 5.2 million people with electricity and natural gas across 70,000 square miles. PG&E announced in 2019 that 100 percent of the company's delivered electricity comes from Greenhouse Gas (GHG) emission-free sources, including renewables, nuclear, and hydropower (PG&E 2019).

3.4.3 Existing Transmission and Distribution Facilities

The components of transmission and distribution systems include the generating facility, switching yards and stations, primary substation, distribution substations, distribution transformers, various sized transmission lines, and the customers. The United States contains over a quarter million miles of transmission lines, most of them capable of handling voltages between 115 and 345 kilovolts (kV), and a handful of systems of up to 500- and 765-kv capacity. Transmission lines are rated according to the amount of power they can carry, the product of the current (rate of flow), and the voltage (electrical pressure). Generally, transmission is more efficient at higher voltages. Generating facilities, hydro-electric dams, and power plants usually produce electrical energy at fairly low voltages, which is increased by transformers in substations. From there, the energy proceeds through switching facilities to the

transmission lines. At various points in the system, the energy is *stepped down* to lower voltages for distribution to customers. Power lines are either high voltage (115, 230, 500, and 765 kV) transmission lines or low voltage (12, 24, and 60 kV) distribution lines. Overhead transmission lines consist of the wires carrying the electrical energy (conductors), insulators, support towers, and grounded wires to protect the lines from lightening (called shield wires). Towers must meet the structural requirements of the system in several ways. They must be able to support both the electrical wires, the conductors, and the shield wires under varying weather conditions, including wind and ice loading, as well as a possible unbalanced pull caused by one or two wires breaking on one side of a tower. Every mile or so, a *dead-end* tower must be able to take the strain resulting if all the wires on one side of a tower break. Every change in direction requires a special tower design. In addition, the number of towers required per mile varies depending on the electrical standards, weather conditions, and the terrain. All towers must have appropriate foundations and be available at a fairly regular spacing along a continuous route accessible for both construction and maintenance. A right-of-way is a fundamental requirement for all transmission lines. A right-of-way must be kept clear of vegetation that could obstruct the lines or towers by falling limbs or interfering with the sag or wind sway of the overhead lines. If necessary, land acquisition and maintenance requirements can be substantial. The dimensions of a right-of-way depends on the voltage and number of circuits carried and the tower design. Typically, transmission line rights-of-way range from 100 to 300 feet in width. The electric power supply grid within Butte County is part of a larger supply network operated and maintained by PG&E that encompasses the entire Northern California region. This system ties into yet a larger grid known as the California Power Pool, which connects with the San Diego Gas and Electric and Southern California Edison companies. These companies coordinate the development and operation, as well as purchase, sale, and exchange of power throughout the State of California. Within Butte County, PG&E owns most of the transmission and distribution facilities.

The California Independent System Operator (CAISO) manages the flow of electricity across the high-voltage, long-distance power lines (high-voltage transmissions system) that make up 80 percent of California's and a small part of Nevada's grid. This nonprofit public benefit corporation keeps power moving to and throughout California by operating a competitive wholesale electricity market, designed to promote a broad range of resources at lower prices, and managing the reliability of the electrical transmission grid. In managing the grid, CAISO centrally dispatches generation and coordinates the movement of wholesale electricity in California. As the only independent grid operator in the western U.S., CAISO grants equal access to 26,000 circuit miles of transmission lines and coordinates competing and diverse energy resources into the grid where it is distributed to consumers. Every 5 minutes, CAISO forecasts electrical demand and dispatches the lowest cost generator to meet demand while ensuring enough transmission capacity for delivery of power.

CAISO conducts an annual transmission planning process that uses engineering tools to identify any grid expansions necessary to maintain reliability, lower costs or meet future infrastructure needs based on public policies. CAISO engineers design, run, and analyze complex formulas and models that simulate grid use under wide-ranging scenarios, such as high-demand days coupled with wildfires. This process includes evaluating power plant proposals submitted for study into the interconnection queue to determine viability and impact to the grid. The long-term comprehensive transmission plan, completed every 15 months, maps future growth in electricity demand and the need to meet state energy and

environmental goals that require the CAISO grid to connect to renewable-rich, but remote areas of the Western landscape. CAISO promotes energy efficiency through resource sharing. CAISO electricity distribution management strategy is designed so that an area with surplus electricity can benefit by sharing megawatts with another region via the open market. This allows the dispatch of electricity as efficiently as possible. By maximizing megawatts as the demand for electricity increases, CAISO helps keep electricity flowing during peak periods.

3.4.4 Energy Consumption

Electricity use is measured in kilowatt-hours (kWh), and natural gas use is measured in therms. Vehicle fuel use is typically measured in gallons (e.g. of gasoline or diesel fuel), although energy use for electric vehicles is measured in kWh.

The electricity consumption associated with all residential uses in Butte County from 2017 to 2021 is shown in Table 3.5-1. As indicated, the demand has decreased since 2017.

Table 3.5-1. Residential Electricity Consumption in Butte County 2017-2021

Year	Electricity Consumption (kilowatt hours)
2021	757,195,036
2020	736,395,940
2019	662,643,253
2018	721,603,925
2017	764,450,593

Source: CEC 2022b

The natural gas consumption associated with all nonresidential uses in Butte County from 2017 to 2021 is shown in Table 3.5-2. As indicated, the demand has decreased since 2017.

Table 3.5-2. Residential Natural Gas Consumption in Butte County 2017-2021

Year	Natural Gas Consumption (therms)
2021	21,822,501
2020	21,816,990
2019	22,698,185
2018	24,989,481
2017	27,189,926

Source: CEC 2022b

Automotive fuel consumption in Butte County from 2017 to 2021 is shown in Table 3.5-3. Fuel consumption has decreased between 2018 and 2022.

Table 3.5-3. Automotive Fuel Consumption in Butte County 2018-2022

Year	Total Fuel Consumption (gallons)
2022	118,261,744
2021	118,122,078
2020	106,642,798
2019	121,842,862
2018	126,146,889

Source: CARB 2022

3.4.5 Regulatory Setting

3.4.5.1 State

Senate Bill 1389 Integrated Energy Policy Report

Senate Bill (SB) 1389 (Bowen, Chapter 568, Statutes of 2002) requires the CEC to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public health and safety (PRC Section 25301a). The CEC prepares these assessments and associated policy recommendations every 2 years, with updates on alternate years, as part of the Integrated Energy Policy Report (IEPR).

The 2017 IEPR focuses on next steps for transforming transportation energy use in California. The 2017 IEPR addresses the role of transportation in meeting state climate, air quality, and energy goals; the transportation fuel supply; the Alternative and Renewable Fuel and Vehicle Technology Program; current and potential funding mechanisms to advance transportation policy; transportation energy demand forecasts; the status of statewide plug-in electric vehicle infrastructure; challenges and opportunities for electric vehicle infrastructure.

Executive Order B-55-18

In September 2018 Governor Edmund (Jerry) Brown Signed Executive Order (EO) B-55-18, which establishing a new statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." Carbon neutrality refers to achieving a net-zero carbon dioxide emissions. This can be achieved by reducing or eliminating carbon emissions, balancing carbon emissions with carbon removal, or a combination of the two. This goal is in addition to existing statewide targets for greenhouse gas emission reduction. EO B-55-18 requires CARB to "work

with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal."

Senate Bill 1368

On September 29, 2006, Governor Arnold Schwarzenegger signed into law SB 1368 (Perata, Chapter 598, Statutes of 2006). The law limits long-term investments in baseload generation by the state's utilities to those power plants that meet an emissions performance standard jointly established by the CEC and the California Public Utilities Commission (CPUC).

The CEC has designed regulations that:

- establish a standard for baseload generation owned by, or under long-term contract to, publicly owned utilities, of 1,100 pounds carbon dioxide per megawatt hour (Mwh). This would encourage the development of power plants that meet California's growing energy needs while minimizing their emissions of GHG.
- Require posting of notices of public deliberations by publicly owned utilities on long-term investments on the CEC website. This would facilitate public awareness of utility efforts to meet customer needs for energy over the long term while meeting the State's standards for environmental impact.
- Establish a public process for determining the compliance of proposed investments with the Emissions Performance Standard (EPS) (Perata, Chapter 598, Statutes of 2006).

Renewable Energy Sources (Renewable Portfolio Standards)

Established in 2002 under SB 1078 and accelerated by SB 107 (2006) and SB 2 (2011), California's Renewables Portfolio Standard (RPS) obligates investor-owned utilities, energy service providers, and community choice aggregators to procure 33 percent of their electricity from renewable energy sources by 2020. Eligible renewable resources are defined in the 2013 RPS to include biodiesel; biomass; hydroelectric and small hydro (30 megawatts or less); Los Angeles Aqueduct hydro power plants; digester gas; fuel cells; geothermal; landfill gas; municipal solid waste; ocean thermal, ocean wave, and tidal current technologies; renewable derived biogas; multi-fuel facilities using renewable fuels; solar photovoltaic; solar thermal electric; wind; and other renewables that may be defined later. Governor Jerry Brown signed SB 350 on October 7, 2015, which expands the RPS by establishing a goal of 60 percent of the total electricity sold to retail customers in California per year by December 31, 2030. In addition, SB 350 includes the goal to double the energy efficiency savings in electricity and natural gas final end uses (e.g., heating, cooling, lighting, or class of energy uses upon which an energy efficiency program is focused) of retail customers through energy conservation and efficiency. The bill also requires the CPUC, in consultation with the CEC, establish efficiency targets for electrical and gas corporations consistent with this goal. SB 350 also provides for the transformation of the CAISO into a regional organization to promote the development of regional electricity transmission markets in the western states and to improve the access of consumers served by the CAISO to those markets, pursuant to a specified process. In 2018, SB 100 was signed by Governor Brown, codifying a goal of 60 percent renewable procurement by 2030 and 100 percent by the 2045 RPS.

3.4.6 Environmental Impacts

3.4.6.1 Thresholds of Significance

CEQA Guidelines Appendix G states that a project may have a significant effect on the environment if implementation would result in any of the following:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency
- The impact analysis focuses on the four sources of energy that are relevant to the Proposed Project: electricity, natural gas, the equipment fuel necessary for Project construction, and the automotive fuel necessary for Project operations. Addressing energy impacts requires an agency to make a determination as to what constitutes a significant impact. There are no established thresholds of significance, statewide or locally, for what constitutes a wasteful, inefficient, and unnecessary consumption of energy for a proposed land use. For the purpose of this analysis, the amount of electricity estimated to be consumed by the Project is quantified and compared to that consumed by all residential land uses in Butte County. Similarly, the amount of fuel necessary for Project construction and operations is calculated and compared to that consumed in Butte County.

3.4.6.2 Methods of Analysis

Construction- and operational-related energy consumption estimated to be consumed by the Project include the number of kWh of electricity and gallons of gasoline. Modeling was based on Project-specific information. The amount of total construction-related fuel used was estimated using ratios provided in the *Climate Registry's General Reporting Protocol for the Voluntary Reporting Program, Version 2.1*. Electricity consumption estimates were calculated using the *California Emissions Estimator Model (CalEEMod*), version 2022.1 (Attachment A of Appendix 3.4, ECORP 2023). CalEEMod is a statewide land use computer model designed to quantify resources associated with both construction and operations from a variety of land use projects. Operational automotive fuel consumption has been calculated with EMFAC 2021, a mathematical model that was developed to calculate emission rates and rates of gasoline consumption from motor vehicles that operate on California's highways, freeways, and local roads.

3.4.6.3 Project Impacts and Mitigation Measures

Impact ENERGY-1:	Project implementation could result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction of operation.
Impact Determination:	Less than Significant.
Threshold:	*Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.*

Impact Discussion

The impact analysis focuses on the four energy sources relevant to the proposed Project: electricity natural gas, the equipment-fuel necessary for Project construction, and the automotive fuel necessary for Project operations. Addressing energy impacts requires an agency to make a determination as to what constitutes a significant impact. There are no established thresholds of significance, statewide or locally, for what constitutes a wasteful, inefficient, and unnecessary consumption of energy for a proposed land use project. For the purpose of this analysis, the amount of electricity estimated to be consumed by the Project is quantified and compared to that consumed by all residential land uses in Butte County. Similarly, the amount of fuel necessary for Project construction and long-term operations is calculated and compared to that consumed in Butte County.

Table 3.5-4 summarizes energy consumption associated with the Proposed Project.

Table 3.5-4. Proposed Project Energy and Fuel Consumption

Energy Type	Annual Energy Consumption	Percentage Increase Countywide
Building Energy Consumption		
Electricity Consumption[1]	1,509,195 kilowatt-hours	0.1993
Natural Gas Consumption[1]	29,077 therms	0.1332
Automotive Fuel Consumption (Gallons)		
Project Construction Year 1	34,778	0.0294
Project Construction Year 2	61,084	0.0516
Project Construction Year 3	60,000	0.0507
Project Construction Year 4	52,808	0.0447

Table 3.5-4. Proposed Project Energy and Fuel Consumption		
Energy Type	**Annual Energy Consumption**	**Percentage Increase Countywide**
Project Operations[3]	437,514	0.3699

Source: [1]CalEEMod; [2]Climate Registry 2016; [3]EMFAC2021 (CARB 2022)
Notes: The Project increases in electricity consumption are compared with all of the residential buildings in Butte County in 2021, the latest data available. The Project increases in construction and operations automotive fuel consumption are compared with the countywide fuel consumption in 2021, the most recent full year of data.

As shown in Table 3.5-4, the annual electricity consumption due to operations would be 1,509,195 kwH, resulting in a negligible increase (0.1993 percent) in the typical annual electricity consumption attributable to all residential uses in Butte County. This is potentially a conservative estimate since in September 2018 Governor Brown Signed EO B-55-18, which established a new statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." Carbon neutrality refers to achieving a net-zero carbon dioxide emissions. This can be achieved by reducing or eliminating carbon emissions, balancing carbon emissions with carbon removal, or a combination of the two. This goal is in addition to existing statewide targets for GHG emission reduction. Governor's EO B-55-18 requires CARB to "work with relevant state agencies to ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." For these reasons, the Project would not result in the inefficient, wasteful, or unnecessary consumption of building energy.

Fuel necessary for Project construction would be required for the operation and maintenance of construction equipment and the transportation of materials to the Project Site. The fuel expenditure necessary to construct the physical building and infrastructure would be temporary, lasting only as long as Project construction. As further indicated in Table 3.5-4, the Project's gasoline fuel consumption during the one-time construction period is estimated to be 34,778 gallons over the course of the first year of construction, 61,084 gallons in the second year of construction, 60,000 gallons in the third year of construction, and 52,808 in the fourth year of construction. This would increase the annual construction related fuel use in the county by 0.0294 percent, 0.0516 percent, 0.0507, and 0.0447 percent, respectively. As such, Project construction would have a nominal effect on local and regional energy supplies. No unusual Project characteristics would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or the state. Construction contractors would purchase their own gasoline and diesel fuel from local suppliers and would judiciously use fuel supplies to minimize costs due to waste and subsequently maximize profits. Additionally, construction equipment fleet turnover and increasingly stringent state and federal regulations on engine efficiency combined with state regulations limiting engine idling times and requiring recycling of construction debris, would further reduce the amount of transportation fuel demand during Project construction. For these reasons, it is expected that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

The Project is estimated to generate approximately 1,622 daily trips (KD Anderson & Associates, Inc. [KDA] 2023). As indicated in Table 3.5-4, this would result in the consumption of approximately 437,514 gallons

of automotive fuel per year, which would increase the annual countywide automotive fuel consumption by 0.3699 percent. This analysis conservatively assumes that all of the automobile trips projected to arrive at the Project during operations would be new to Butte County. Fuel consumption associated with the vehicle trips generated by the Project during operations would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. For these reasons, this impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

Impact ENERGY-2:	Project implementation could conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
Impact Determination:	Less than Significant.
Threshold:	*Conflict with or obstruction of a state or local plan for renewable energy or energy efficiency.*

Impact Discussion

The Project would be designed in a manner that is consistent with relevant energy conservation plans designed to encourage development that results in the efficient use of energy resources. The Project will be built to the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the CCR (Title 24). Title 24 was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every 3 years; the 2019 Title 24 updates went into effect on January 1, 2020. The 2022 standards went into effect on January 1, 2023. The 2022 Energy Standards improve upon the 2019 Energy Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The 2022 update to the Energy Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings, encouraging better energy efficiency, strengthening ventilation standards, and more. The 2022 Energy Standards are a major step toward meeting Zero Net Energy. Buildings permitted on or after January 1, 2023 must comply with the 2022 Standards. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments. Additionally, in January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that establishes mandatory green building standards for all buildings in California. The code was subsequently updated in 2013. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. With these building standards in place, the Project would not obstruct any state or local plan for renewable energy or energy efficiency. By building to be in compliance with Title 24 as well as the Green Building Standards Code, the Project achieves Goal OPS-17 of the City's Open Space, Natural

Resources, and Conservation Element of their General Plan, encouraging the conservation of energy resources and promoting green building. For these reasons, this impact would be less than significant.

Mitigation Measures

No mitigation measures are required.

3.4.7 Cumulative Impacts

The cumulative setting associated with the Proposed Project includes approved, proposed, planned, and other reasonably foreseeable projects and development in the City of Oroville and Butte County. Developments and planned land uses, including the Proposed Project, would cumulatively contribute to impacts resulting in energy consumption. However, no other projects of this type are approved, proposed, planned, and other reasonably foreseeable at this time.

3.4.7.1 Cumulative Impacts and Mitigation Measures

Impact ENERGY-3:	Implementation of the proposed project, along with any foreseeable development in the project vicinity, could result in cumulative impacts to energy consumption.
Impact Determination:	Less than Significant.
Threshold:	*Cumulatively result in cumulative impacts to energy consumption?*

Impact Discussion

As previously described, the impact analysis contained herein focuses on the fuel consumption needed for Project implementation. As shown, Project fuel consumption would be negligible and would not be considered inefficient, wasteful, or unnecessary with regard to energy. Thus, the Proposed Project's impacts are considered less than considerable contribution to cumulative impacts regarding energy consumption.

Mitigation Measures

No mitigation measures are required.

3.5 Geology, Soils, and Paleontological Resources

The purpose of this section is to disclose and analyze the potential impacts associated with the paleontological resources of the Project Site.

The IS completed for the Proposed Project determined that there were no impact or a less than significant impact to the majority of subjects listed in the Geology and Soil impact areas. These include the following:

- Directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving: the rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and landslides;
- Result in substantial soil erosion or the loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; and
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

As such, these subjects will not be discussed further in this section.

3.5.1 Environmental Setting

3.5.1.1 Paleontological Resources

A paleontological records search was completed using the University of California Museum of Paleontology (UCMP) Locality Search website on January 27, 2022. The search included a review of the institution's paleontology specimen collection records for Butte County, including the Project Site and vicinity. The purpose of the assessment was to determine the sensitivity of the Project Site, whether or not known occurrences of paleontological resources are present within or immediately adjacent to the Project Site, and whether or not implementation of the Project could result in significant impacts to paleontological resources. Paleontological resources include mineralized (fossilized) or unmineralized bones, teeth, soft tissues, shells, wood, leaf impressions, footprints, burrows, and microscopic remains.

The results of the search of the UCMP indicated that 406 paleontological specimens were recorded from 318 identified localities and 88 unidentified localities in Butte County indicating that there is a potential for paleontological discoveries in the City. The vast majority of the fossilized remains are invertebrates, however, some plant fossilized remains are recorded for Butte County (UCMP 2022).

3.5.2 Regulatory Setting

3.5.2.1 Federal

Federal Land Policy and Management Act (43 USC 1701).

Federal law, including the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701), includes objectives such as the evaluation, management, protection, and location of fossils on Bureau of Land Management- (BLM) managed lands, defines fossils, and lays out penalties for the destruction of significant fossils. Also, National Environmental Policy Act (NEPA) requires the preservation of "historic, cultural, and natural aspects of our national heritage." Most recently, the Omnibus Public Lands Act refines NEPA and FLPMA guidelines and outlines minimum punishments for removal or destruction of fossils from federal and public lands.

Paleontological Resources Preservation Act.

The Paleontological Resources Preservation Act (PRPA, Title VI, Subtitle D in the Omnibus Public Lands Act of 2009, Public Law 111-011 directs the Secretaries of Interior and Agriculture to manage and protect paleontological resources on federal land using scientific principles and expertise. With the passage of the PRPA, Congress officially recognized the importance of paleontological resources on federal lands by declaring that fossils from federal lands are federal property that must be preserved and protected using scientific principles and expertise.

Code of Federal Regulations, Title 43.

Under Title 43, CFR Section 8365.1-5, the collection of scientific and paleontological resources, including vertebrate fossils, on federal land is prohibited. The collection of a *reasonable amount* of common invertebrate or plant fossils for non-commercial purposes is permissible (43 CFR 8365.1-5).

3.5.2.2 Local

City of Oroville 2030 General Plan

The Open Space, Natural Resources, and Conservation Element (Element) of the Oroville General Plan, adopted in 2015, is dedicated to preserving and improving the quantity, quality, and character of open space in Oroville. The Element includes Section H, which addresses cultural resources in the City. Cultural resources in Oroville include both prehistoric and historic resources in the realms of archaeology, paleontology and historic structures, sites and areas that played important roles in local history. The following goals and policies from the Cultural Resources section of the Element pertain to paleontological resources and Project development:

Goal OPS-14: Preserve Oroville's cultural resources, including archaeological, historic and paleontological resources, for their aesthetic, scientific, educational and cultural values.

Policies

P14.5: Consult with qualified paleontologists to identify and protect Oroville's significant paleontological resources.

P14.7: If cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

3.5.3 Environmental Impacts

3.5.3.1 Thresholds of Significance

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. For purposes of this DEIR, implementation of the proposed project may have a significant adverse impact on paleontological resources if it would do any of the following:

- Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

3.5.3.2 Methods of Analysis

For the purposes of this DEIR, information provided by the UCMP Locality Search website was analyzed to determine the potential for paleontological resources within the area of the Proposed Project. the search included a review of the institution's paleontology specimen collection records for Siskiyou County, including the Project Area and vicinity. In addition, a query of the UCMP catalog records, ECORP completed a review of regional geologic maps from the California Geological Survey, a review of local soils data, and a review of existing literature on paleontological resources of Butte County

3.5.3.3 Project Impacts and Mitigation Measures

Impact GEO-1	Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
Impact Determination	Less than Significant with Mitigation
Threshold	*Direct or indirect destruction of a unique paleontological resource.*

Impact Discussion

As described above, a search of the UCMP failed to indicate the presence of paleontological resources in the areas potentially affected by construction activities for the Proposed Project. Although paleontological resource sites were not identified in the areas affected by the Project, there is a possibility that unanticipated paleontological resources will be encountered during ground-disturbing Project

construction activities. As such, this is considered a potentially significant impact requiring mitigation. Implementation of Mitigation Measure PALEO-1, addresses the potential discovery of previously unknown unique paleontological resources and implements actions to avoid impact to those resources. For this reason, the impact is considered less than significant with mitigation incorporated.

Mitigation Measures

The following mitigation measures shall apply to the Proposed Project.

PALEO-1: **Discovery of Unknown Paleontological Resources.** If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City. The Project proponent shall retain a qualified paleontologist to evaluate the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.

Timing/Implementation: *During construction*

Monitoring/Enforcement: *The City of Oroville Planning Department and Project Construction Manager*

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

3.5.4 Cumulative Impacts

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. While this is helpful for paleontological resources cumulative impacts, it does not necessarily provide a specific cumulative impact setting for these resources as the impacts to these resources are generally more site specific. Therefore, the cumulative setting for paleontological resources includes the Project Site as well as the remaining undeveloped areas surrounding the Project Site where the impacts of urbanization and potential for impacts to cultural resources are considered most serious. Cumulative impacts on cultural resources are primarily the result of the area's urbanization and conversion of undisturbed land to urban use. Developments and planned land uses, including the Proposed Project, would cumulatively contribute to impacts to known and unknown paleontological resources in the area. As previously discussed, Section 3.5.1 Environmental Setting provides an overview of paleontological resources of the region.

3.5.4.1 Cumulative Impacts and Mitigation Measures

Impact GEO-2	Would Implementation of the Proposed Project, along with any foreseeable development in the project vicinity, could result in cumulative impacts to paleontological resources?
Impact Determination	Less than Cumulatively Considerable
Threshold	*Result in cumulative impacts to cultural resources.*

Impact Discussion

The geologic area considered for the analysis of cumulative impacts related to paleontological resources is within the immediate Project vicinity. Temporary construction activities associated with the Proposed Project would involve construction activities such as trenching, excavation, and backfilling.

Cumulative impacts would only occur if other current or future projects in the area have the potential to cause, directly or indirectly, the impacts discussed above. The potential for impacts paleontological resources to occur during construction activities is less than significant with implementation of Mitigation Measure PALEO-1. Implementation of this mitigation measure would ensure that any potential impact on any previously unknown paleontological resources would be avoided. Therefore, the Proposed Project would have a less than considerable contribution to cumulative paleontological resources impacts.

Cumulative Mitigation Measures

None required.

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3.7 Hazards And Hazardous Materials

The purpose of this section is to disclose and analyze the potential impacts associated safety hazards related to a project located within an Airport Land Compatibility Use Plan (ALUCP).

The IS completed for the Proposed Project determined that there were no impact or a less than significant impact to the majority of subjects listed in the Hazards and Hazardous Materials impact areas. These include:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

As such, these subjects will not be discussed further in this section.

3.7.1 Environmental Setting

According to information provided by the Butte County Department of Development Services, Planning Division, Airport Land Use Commission (2022), approximately 35.82 acres of the Project Site is within the B1 Compatibility Zone and 9.15 acres of the Site is within the B2 Compatibility Zone.

The Butte County ALUCP uses compatibility policies to determine, in part, the various land uses surrounding the airport and the compatibility of these land uses with airport operations. These Compatibility Zones are listed as A, B1, B2, C, and D, with A being the most restrictive, identifying that all urban development is incompatible with airport operations, and zone D, the least restrictive, identifying that most urban development is compatible with airport operations. Section 3.2.2 of the ALUCP defines land use compatibility as follows:

> "3.2.2. *Land Use Compatibility Criteria:* The compatibility evaluations presented in Table 3A, *Basic Compatibility Criteria*, serve as the primary tool for determining whether a proposed *Land Use Action* is to be judged consistent with the Butte County ALUCP.

(a) Table 3A lists general land use categories and indicates each use as being either "Normally Compatible," "Conditional," or "Incompatible" depending upon the *Compatibility Zone* or *Zones* in which it is located. The individual evaluations in the cells of the table are based upon the *Density, Intensity* and *Open Land* criteria shown in the table header, and the ability of a typical *Land Use Action* in a particular category to meet all criteria. The evaluation terms are defined to mean the following:

(1) "Normally Compatible" means that normal examples of the use are presumed to comply with the noise, safety, airspace protection, and overflight criteria set forth in this Chapter. Atypical examples of a use may require review to ensure compliance with usage *Intensity*, lot coverage, and height limit criteria.

(2) "Conditional" means that the proposed land use is compatible if the indicated usage *Intensity*, open land, and other listed conditions are met. Complex projects with this determination may require more detailed evaluation using the specific noise, safety, airspace protection, and overflight compatibility policies set forth in Sections 3.3 through 3.6 and criteria for special circumstances outlined in Section 3.3 of this Chapter. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.

(3) "Incompatible" means that the use should not be permitted under any normal circumstances. Limited exceptions are possible for site-specific special circumstances."

Criteria for identifying Compatibility Zones is based on a number of factors, two of which are safety and noise.

The Butte County ALUCP identifies the safety compatibility policies background information in formulating the safety compatibility criteria for the various Compatibility Zones in the ALUCP. According to the ALUCP, the intent of land use safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events should they occur. Risks both to people and property in the vicinity of an airport and to people on board the aircraft are considered (Butte County Airport Land Use Commission [ALUC] 2017),

According to the ALUCP, the ALUCP evaluates the risk that potential aircraft accidents pose to lands and people around the airport in terms of two parameters: where aircraft accidents are most likely to occur near the airport and the potential consequences if an accident occurs in one of those locations.

- The accident likelihood is measured in terms of the geographic distribution of where accidents have historically occurred around other airports having similar types of activity. Because aircraft accidents are infrequent occurrences, the pattern of accidents at any one airport cannot be used to predict where future accidents are most likely to happen around that airport. Reliance must be placed on data about aircraft accident locations at comparable airports nationally, refined with respect to information about the characteristics of aircraft use at the individual airport.

- The consequences component of the risk considers the number of people in harm's way and their ability to escape harm. For most nonresidential development, potential consequences are measured in terms of the usage *Intensity*—the number of people per acre on the site. Local development standards (e.g., floor area ratios, parking requirements) and building code occupancies can be used to calculate nonresidential usage *Intensities*. For residential development, *Density*—the number of dwelling units per acre—is substituted for *Intensity*. Additional criteria are applicable to specific types of uses (Butte County ALUC 2017).

Additionally, the following factors are considered in setting safety compatibility policies in the ALUCP:

- The runway length, approach categories, normal flight patterns, and aircraft fleet mix at the airports. These factors are reflected in the Compatibility Zones shapes and sizes.
- The locations, delineated with respect to the *airport* runway, where aircraft accidents typically occur near airports and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook* (Handbook, Caltrans 2011). The Handbook guidance regarding safety compatibility forms the basis for the safety component of the composite *Compatibility Zones* established for the *Airports* and the maximum usage intensities (people per acre) criteria indicated in Table 3A, *Basic Compatibility Criteria*.
- Handbook guidance regarding residential densities in rural and suburban areas. Residential *Density* limitations cannot be equated to the usage *Intensity* limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of *Risk-Sensitive Land Uses*—uses having characteristics that represent safety concerns regardless of the number of people present; specifically: vulnerable occupants (children, elderly, disabled), hazardous materials, and critical community infrastructure.
- The extent to which development covers the ground and thus limits the options of where an aircraft in distress can attempt an emergency landing.
- The extent to which the occupied parts of a *Project* site are concentrated in a small area. Concentrated high *Intensities* heighten the risk to occupants if an aircraft should strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area of a large Project site are appropriate.

3.7.2 Regulatory Setting

3.7.2.1 State

State Aeronautics Act

Protection of the public and public interests in aeronautics and aeronautical progress was first established under the California State Aeronautics Act in 1967. which was codified under the Public Utilities Code Section 21001-21709. The purpose of this Act was, in part, to foster and promote safety in aeronautics, assure that persons residing in the vicinity of airports are protected to the greatest possible extent against intrusions by unreasonable levels of aircraft noise, and develop, in cooperation with the private sector, airport management, local jurisdictions, federal authorities, and the general public, informational programs to increase the understanding of current air transportation issues. This includes, but is not limited to, aviation safety, planning, airport noise, airport development and management, and the role of aviation in the economic development of the state, as an integral part of the state's transportation system.

Although the law has been amended numerous times since, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

> "...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses (Butte County ALUC 2017).

The statutes give ALUCs two principal powers by which to accomplish this objective.

- To prepare and adopt an airport land use plan; and
- Review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

3.7.2.2 Local

Butte County Airport Land Use Compatibility Plan

The basic function of the Butte County ALUCP is to promote compatibility between the airports in Butte County and the surrounding land uses. As adopted by the ALUC, the ALUCP serves as a tool for use by the ALUC in fulfilling its duty under the California Public Utilities Code to review airport and adjacent land use development proposals. Additionally, the ALUCP sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances, as well as to land owners in new development design. The Oroville Municipal Airport is included in this plan.

Oroville 2030 General Plan

The Safety Element of the Oroville General Plan, adopted in 2015, provides information about risks in Oroville due to natural and human-made hazards and contains goals, policies, and actions designed to

protect the community and its property as much as possible from seismic hazards, flooding, fire, hazardous materials and electromagnetic fields. Section E of the Safety Element discusses airport operations and provides goals and policies regarding airport safety which pertain to Project development. Additionally, the General Plan Noise Element provides goals and polices related to airport noise. The Safety and Noise Elements goals and polices pertaining to the Project are as follows:

Safety Element

Goal SAF-5: Minimize risks associated with operations at the Oroville Municipal Airport.

Policies

P5.1: Maintain land use and development patterns in the vicinity of the Oroville Municipal Airport that are consistent with the adopted Airport Land Use Compatibility Plan, including setbacks and height requirements.

P5.2: Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in "large concentrations" of people shall be prohibited.

Noise Element

Goal NOI-1: Minimize community exposure to excessive noise by ensuring compatible land uses relative to noise sources.

Policies

P1.10: When considering development proposals in the environs of the Oroville Municipal Airport, enforce the noise compatibility criteria and policies set forth in the adopted Butte County Airport Land Use Compatibility Plan. This includes restricting the development of residential or other noise sensitive receptor uses within the 55 dB CNEL noise contour around the Oroville Municipal Airport.

3.7.3 Environmental Impacts

3.7.3.1 Thresholds of Significance

The following airport-related thresholds of significance are based on Appendix G of the CEQA Guidelines. For the purposes of this EIR, implementation of the Proposed Project may result in a potentially significant impact associated with hazards and hazardous materials if it would do any of the following:

- For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people reading or working in the Project Area.

3.7.3.2 Methods of Analysis

This impact analysis examines the potential for the construction and/or operation of the Proposed Project to result in release of hazardous materials into the environment. Implementation of the Project will comply with all applicable laws, permits, and legal requirements pertaining to hazards and hazardous materials, as discussed above.

3.7.3.3 Project Impacts and Mitigation Measures

Impact HAZ-1	If the Proposed Project is located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the Proposed Project could result in a safety hazard or excessive noise for people residing or working in the Project Area.
Impact Determination	Significant and Unavoidable
Thresholds	*Location within an airport land use plan or within two miles of a public airport or public use airport for which an airport land use plan has not been adopted, and presence of significant safety hazard or excessive noise for people residing or working in the Project area.*

Impact Discussion

The Project Site is within the B1 and B2 Compatibility Zones for the Oroville Municipal ALUCP. Residential uses in the B1 and B2 Compatibility Zones are categorized as conditional in the ALUCP. These Compatibility Zones allow residential development at densities of a maximum 0.1 unit per acre in the B1 zone and a maximum 0.2 unit per acre in the B2 zone (Butte County ALUC 2017). As such, residential densities of 0.1 unit per acre equates to 1 unit per 10 acres while 0.2 unit per acre equates to 1 unit per 5 acres. For those areas of the Project within the B1 zone, the Project's proposed density of 3.74 dwelling units per acre is inconsistent with the B1 compatibility zone density. For those areas of the Project within the B2 zone, the Project's proposed density of 4.15 dwelling units per acre is inconsistent with the B2 Compatibility Zone density.

The Butte County ALUCP illustrates the noise contours caused by airport operations surrounding the Oroville Municipal Airport in *Exhibit 6-4 Comparability Factors Map: Noise*. As shown, the Project is outside of the 55-, 60- and 65-dB CNEL noise contours. As such, airport operations would not result in excessive noise for people residing or working in the Project Area.

Based on the compatibility zone safety criteria discussed above and the location of the Proposed Project within the B1 and B2 zones, the Project would result in a potential safety hazard for people residing within the Proposed Project as the Project does not meet the density restrictions for the B1 and B2 Compatibility

Zones and the Compatibility Zones are based, in part, on safety factors considered in formulating Compatibility Zones.

Mitigation Measures

The only possible mitigation would be to either eliminate the use of the airport or move the Project to a location outside of the B1 and B2 Compatibility Zones. Neither of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

Residual Impact After Mitigation

Impacts would be significant and unavoidable.

3.7.4 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. While this is helpful for cumulative impacts regarding safety and airport operations, it does not necessarily provide a specific cumulative impact setting for these resources as the impacts to these resources are generally more site-specific. Therefore, the cumulative setting for hazards related to airport operations are projects located within the Compatibility Zones listed in the Oroville Municipal Airport ALUCP. This includes the Project Site as well as the remaining undeveloped areas surrounding the Project Site where the impacts of urbanization and potential for impacts to hazards from airport operations are considered most serious. Cumulative impacts on airport safety are primarily the result of the area surrounding the airport becoming more urbanized to the extent that the land use is considered incompatible with airport operations. As previously discussed, Section 3.7.1 Environmental Setting provides an overview of the existing airport land use Compatibility Zones of the Oroville Municipal Airport.

3.7.4.1 Cumulative Impacts and Mitigation Measures

Impact HAZ-2:	Would Implementation of the Proposed Project, along with any foreseeable development in the Project vicinity, result in cumulative impacts regarding safety hazard or excessive noise for people residing or working in the Project Area.
Impact Determination:	Cumulatively Considerable and Significant and Unavoidable
Threshold	*Result in cumulative impacts regarding airport safety hazards and/or excessive noise for persons residing or working in the project.*

Impact Discussion

As discussed previously, the Oroville Municipal Airport ALUCP identifies the acceptable land uses surrounding the airport by Compatibility Zones. The area considered for the analysis of cumulative impacts related to airport operations and safety are those areas within these airport Compatibility Zones.

The permitting of land uses that are not consistent with the Oroville ALUCP in these areas would increase the potential for cumulative impacts.

No other development projects that are inconsistent with the ALUCP have been proposed at this time. With the exception of the Proposed Project, which is requesting a General Plan land use designation change and rezoning, the current City of Oroville General Plan land use designations and zoning districts are consistent with the requirements of the Oroville ALUCP Compatibility Zones. Cumulative impacts would only occur if future projects would also request a land use designation and rezoning that is incompatible with the ALUCP. While this may never occur, the approval of the Proposed Project could set a precedent for future land use changes that may not be consistent with the ALUCP. However, while CEQA requires the mitigation of impacts, if possible, the only feasible mitigation would be to require that all future land development within the ALUCP area to be consistent with the ALUCP land uses. Neither the Project nor this Draft EIR has the authority to require the City of Oroville to implement and enforce this type of mitigation; therefore this mitigation would be infeasible. As such, the Project would have a cumulatively considerable and significant and unavoidable impact in this area.

Cumulative Mitigation Measures

No feasible mitigation possible.

Residual Impact After Mitigation

Impacts would be cumulatively considerable and significant and unavoidable.

3.8 Land Use And Planning

This section describes existing land uses on and near the Project Site. This section also describes plans and regulations pertaining to land use management in the Project Area and evaluates Project consistency with relevant land use plans, goals, and policies.

The IS completed for the Proposed Project determined that there were no impact to one of the two subjects listed in the Land Use impact areas. This includes:

- Physically divide an established community.

As such, this subject will not be discussed further in this section.

3.8.1 Environmental Setting

3.8.1.1 City of Oroville

Most households in Oroville reside in single-family dwelling units in the City. Within the city limits, single-family units are found mostly in the Historic Downtown, the Table Mountain Boulevard area, the Hammon Road area, and the Canyon Highlands area off of Oroville Dam Boulevard. Single-family parcels comprise approximately 1,338 acres in the City proper and approximately 5,600 acres in the City's Sphere of Influence (SOI). Multi-family units are scattered throughout the same areas as single-family neighborhoods, with a particular concentration of higher-density, multi-family buildings along the Table Mountain Boulevard corridor and the Oroville Dam Boulevard corridor. Multi-family parcels occupy 265 acres within the City limits. There are an additional 535 acres within the SOI. With few exceptions, multi-family residential buildings in the SOI consist of smaller projects that generally have less than five units. Mobile homes account for roughly 400 units within the Oroville City limits. Most are located in the City's 32 acres of mobile home parks. An additional 962 mobile home units are located within the 62 acres of mobile home parks in the SOI. Concentrations of mobile homes are located in Kelly Ridge and Thermalito.

Commercial uses in this category of existing land use include retail, office and service uses. There are 630 acres of land within the City limits in commercial use, with an additional 513 acres in Oroville's unincorporated SOI. Commercial and office uses are concentrated in four main areas: The Historic Downtown District, The Table Mountain Boulevard Corridor, The Feather River Boulevard Corridor, and the Oroville Dam Boulevard and Olive Highway area. Prevalent industrial uses include light manufacturing, heavy industrial, service and repair, processing and warehousing. There are currently approximately 416 acres in industrial use within the City limits, and approximate 336 acres in the SOI. Industrial uses are confined to two areas in the City of Oroville. The primary industrial zone in the City is located on the Southside, bounded by the Oroville Dam Boulevard on the north, the Western Pacific railroad tracks on the east, Ophir Road on the south, and Highway 70 on the west. Major uses include manufacturing, wood processing, and warehousing. The Airport Business Park is adjacent to OMA on the north and east. Uses include some light manufacturing/assembly operations as well as limited research and design

The Public/Quasi-Public category encompasses several types of uses, including all publicly owned parcels that are not parks or open space, and privately owned parcels that accommodate civic and institutional

uses such as churches and hospitals. Public and quasi-public uses account for approximately 1,122 acres within the City limits and 220 acres in the SOI. These include the OMA, City of Oroville government, Butte County Government Complex and institutional uses such as schools, hospitals, churches, cemeteries, and a fish hatchery. Parks and recreational facilities, such as playing fields and neighborhood parks, are fairly well distributed around the City, comprising 513 acres within the City limits. A few of the largest parks include River Bend Park (on Feather River), Mitchell Park (south of downtown), and Nelson Park and Recreational Center (north of Thermalito). Parks in Oroville provide a number of recreational opportunities for local residents, ranging from fishing, hiking, and river-rafting to sports fields and a new skate park near the Historic Downtown.

In addition to parks, Oroville has many open space resources that are protected by state agencies or conservation trusts. The 12,000-acre Oroville Wildlife Refuge is a riparian forest bordered by 12 miles of river channels and is important habitat for beavers, egrets, and river otters. Approximately 2,750 acres of the Oroville Wildlife Refuge are within the Planning Area. In addition to the Wildlife Area, the State of California manages a vast amount of land in the Lake Oroville State Recreation Area, including recreation areas and lands associated with the State Water Project, which begins at Oroville Dam and the Lake Oroville reservoir. South and North Thermalito Forebay comprise approximately 610 acres and Thermalito Afterbay is approximately 3,900 acres. Additionally, vacant land is defined as land with no structure or building improvement and that is not used for active agricultural production. Conversely, underutilized land is defined as land with the ability to accommodate additional density. Vacant land is interspersed throughout the City and comprises a significant portion of the Oroville area. Vacant land comprises 3,117 acres within the City limits and 5,805 acres of the land within the SOI. The average vacant parcel size is 2.83 acres. In addition to vacant land, underutilized land is also scattered throughout the City.

Agriculture is limited within the City limits of Oroville, accounting for only 17 acres. However, agriculture occupies approximately 1,563 acres of land within the SOI. Agricultural lands are typically used for field crops, orchards, and grazing. Grazing and pasture land account for most of the agriculture in the Oroville area, with much of the remainder is citrus and olive orchards. Small parcels of agricultural land can be found in Thermalito, as well as around Wyman Ravine in the southeast part of the SOI.

There are no Tribal lands within the City limits of Oroville, but one reserve is located in the SOI and another is located in the Planning Area. Both are anchored by casinos. Gold Country Casino occupies 92 acres in the SOI located off Olive Highway and is operated by the Tyme Maidu of Berry-Creek Rancheria. The Feather Falls Casino operated by the Concow Maidu of Mooretown Rancheria is located off Ophir Road, outside of the SOI but within the Planning Area (City of Oroville 2015).

3.8.1.2 Project Site

The 44.87-acre Site is within the City of Oroville 2030 General Plan land use designation of Airport Business Park and is zoned ABP with a zoning overlay of AIA-O. The 2030 General Plan identifies the Airport Business Park as follows:

> "This designation allows for light manufacturing, limited industrial, food processing, wholesale trade and offices. Retail businesses and public services are permitted to a lesser

> extent and would generally be allowed as an accessory use. Outdoor storage is only permitted in limited amounts if heavily screened. Projects must maintain architectural and landscape standards normally associated with the term "business park" rather than "industrial area." FAR range in this designation ranges from 0.20 to 0.35. Maximum FAR is 0.30 in the area bounded by Feather Avenue on the north, Oroville Dam Boulevard West on the south, 20th Street on the east and 24th Street on the west. Maximum FAR is 0.35 in all other areas (City of Oroville 2015)."

The Oroville Municipal Code Title 17 Zoning Section 17.36.030 ABP—Airport Business Park, describes the purpose APB zone as:

> "To provide for business and commercial opportunities near the Oroville Airport that will neither be detrimental to the airport's growth, efficiency and safety nor create substantial conflict with the development of other industrial lands in the city, and that will be consistent with the general plan land use designation of Airport Business Park (City of Oroville 2022a)".

Section 17.44.050 AIA-O—Airport influence area overlay, describes the intent of the AIA-O district as:

> "This section identifies limitations on the density, intensity, height, and other aspects of the use of property within the Oroville Municipal Airport (OMA) overflight area that are necessary to protect persons on the ground and in the air from adverse impacts that may result from operation of an airport, in the manner described in the 1990 Master Plan for the OMA. The limitations established in this section are consistent with Airport Compatibility Criteria described in the Butte County Airport Land Use Commission's 2000 Airport Land Use Compatibility Plan." (City of Oroville 2022a)

The Project Site is within B1 and B2 Compatibility Zones of the Butte County ALUCP for the Oroville Municipal Airport. Public Utilities Code Section 21676 requires the Oroville 2030 General Plan land use designations to be consistence with the land use plans and policies of the adopted ALUCP (City of Oroville 2015).

Existing Land Use

The Project is located at the southwest corner of 20th Street and Feather Avenue in the City of Oroville, California (Figures 1-1 and 1-2). The Proposed Project is located on approximately 44.89-acres of land identified as APN 030-230-098. The Project proposes to subdivide the 44.89-acre Project Site into 199 single-family lots. Current General Plan land use designation is Airport Business Park (ABP) and zoning district is Airport Business Park (ABP) with an Airport Influence Area Overlay (AIA-O). None of these designations allow the development of residential uses at the densities requested of 3.82 units/acre for the Proposed Project. Therefore, a General Plan amendment and rezone will be required to approve the Project. The Proposed Project includes a request to change the General Plan land use designation to Medium Low Density Residential and a rezoning to R-1. The Oroville Municipal Airport is approximately 0.75 mile to the south of the Project Site and a 0.5 mile to the north is the Thermalito Forebay. The Project

Site is within the B1 and B2 Compatibility Zones for the OMA ALUCP. These Compatibility Zones do not allow residential development at the densities proposed for the Project.

Surrounding Land Use

The Project is located directly southwest of the Feather Avenue/20th Street intersection in City of Oroville, California. (Figures 2-1 and 2-2). Figure 2-3 shows surrounding land uses as described below:

- *North*. The Site's northern boundary is generally bound by a dirt access road with vacant land and a scattering of single-family residences fronting 21st Street off Grand Avenue.
- *East.* The Site's eastern boundary is generally bound by 20th Street off Grand Avenue with a single-family residential neighborhood beyond the northern half of the eastern boundary; with vacant land beyond 20th Street on the southern half of the eastern boundary.
- *South.* The Site's southern boundary is generally bound by a dirt access road with vacant land and a scattering of single-family residences fronting 20th Street beyond. CA 162 is located approximately 1,570 feet from the Site's southern boundary where 20th Street Intersects. Beyond CA 162 (Oro Dam Boulevard West), and in the northeastern corner and abutting the OMA area, lies an industrial storage yard with commercial uses on either side and the Northwest Lineman College.
- *West*. The Project's western boundary is generally bound by a dirt access road with vacant land beyond and a scattering of single-family residences fronting Gold Country Lane and Chardonnay Way.

3.8.2 Regulatory Setting

3.8.2.1 State

California Planning and Zoning Law

The legal framework in which California cities and counties exercise local planning and land use functions is set forth in the California Planning and Zoning Law, Sections 65000 through 66499.58. Under State of California planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. These requirements include the inclusion of eight mandatory elements described in the Government Code: land use, circulation, housing, conservation, open space, noise, safety, and environmental justice (applicable to General Plans adopted or updated after January 1, 2018). Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals; diagrams and maps that incorporate data and analysis; and mitigation measures.

To assist local governments in meeting this responsibility, the Governor's OPR is required to periodically revise guidelines for the preparation and content of local general plans pursuant to Government Code Section 65040.2. The General Plan Guidelines is advisory, not mandatory (ibid.). Nevertheless, it is the State's only official document explaining California's legal requirements for general plans. Planners,

decision-making bodies, and the public depend upon the General Plan Guidelines for help when preparing local general plans. The courts have periodically referred to the General Plan Guidelines for assistance in determining compliance with planning law. For this reason, the General Plan Guidelines closely adhere to statute and case law. It also relies upon commonly accepted principles of contemporary planning practice.

3.8.2.2 Local

Applicable land use plans, major policies and regulations that pertain to the Proposed Project are presented below.

Butte County Airport Land Use Compatibility Plan

The basic function of the Butte County ALUCP is to promote compatibility between the airports in Butte County and the surrounding land uses. As adopted by the ALUC, the ALUCP serves as a tool for use by the ALUC in fulfilling its duty under the California Public Utilities Code to review airport and adjacent land use development proposals. Additionally, the ALUCP sets compatibility criteria applicable to local agencies in the preparation or amendment of land use plans and ordinances and to land owners in their design of new development. This plan includes the OMA.

Oroville 2030 General Plan

The Land Use Element of the Oroville General Plan provides information about the future physical development of Oroville and is provided to preserve, protect and enhance the current livability and quality of life for Oroville's residents. The Land Use Element focuses on development that could potentially occur in both the existing City limits and the City's SOI.

The Safety Element of the Oroville General Plan provides information about risks in Oroville due to natural and manufactured hazards and contains goals, policies, and actions designed to protect the community and its property as much as possible from seismic hazards, flooding, fire, hazardous materials and electromagnetic fields. Section E of the Safety Element discusses airport operations and provides goals and policies regarding airport safety which pertain to Project development.

The General Plan goals and polices pertaining to land use and the Project are as follows:

Land Use Element

Goal LU-1: *Provide for orderly, well-planned, and balanced growth consistent with the limits imposed by infrastructure and the City's ability to assimilate new growth.*

Policies

P1.6: *Ensure all new development conforms to current land use and zoning designations.*

Goal LU-3: *Provide housing in a range of residential densities and types to address the housing needs of all segments of the community, including all income groups expected to reside in Oroville.*

Policies

P3.2: Promote the development of cohesive neighborhoods with distinct characters and with adequate park land and other neighborhood serving public facilities. For areas over 100 acres, the City may require the preparation of a Specific Plan.

P3.3: Discourage large residential development that has the look and feel of a single project; do not have variation in terms of densities, building typology and design, or lacks the distinct character of the surrounding neighborhood.

Safety Element

Goal SAF-5: Minimize risks associated with operations at the Oroville Municipal Airport.

Policies

P5.1: Maintain land use and development patterns in the vicinity of the Oroville Municipal Airport that are consistent with the adopted Airport Land Use Compatibility Plan, including setbacks and height requirements.

P5.2: Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in "large concentrations" of people shall be prohibited.

3.8.3 Environmental Impacts

3.8.3.1 Thresholds of Significance

The following threshold of significance is based on Appendix G of the CEQA Guidelines. For purposes of this Draft EIR, implementation of the Proposed Project may have a significant adverse impact on land use and planning if it would:

- cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

3.8.3.2 Methods of Analysis

Review of all applicable land use plans, policies and/or regulations adopted by agencies with jurisdiction over the Project for the purpose of avoiding or mitigating an environmental effect were reviewed to determine if Project consistency would ensure impact avoidance. Mitigation is recommended to reduce the impact to less than significant if a significant environmental effect could occur due to Project inconsistency.

3.8.3.3 Project Impacts and Mitigation Measures

Impact LU-1	Project implementation could cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
Impact Determination	Less than Significant
Threshold	*Conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

Impact Discussion

As stated previously, The Project Site is within the City of Oroville 2030 General Plan land use designation of Airport Business Park and is zoned ABP with a zoning overlay of AIA-O. The Project proposes the development of 172 single-family lots. Single-family residential units are neither allowed in the APB zoning district nor are they a prescribed use in the General Plan land use designation of Airport Business Park, thus a General Plan amendment and rezone to a residential land use is required. Additionally, the Oroville Airport ALUCP of B1 and B2 Compatibility Zones only allows residential uses at one unit per ten acres for B1 and one unit per five acres for B2. The Proposed Project is inconsistent with the density requirements of both of these Compatibility Zones. However, the ALUCP Compatibility Zones, the General Plan land use designation, the City's zoning of ABP and overlay of AIA-O, and the General Plan Land Use and Safety Element goals and polices do not establish that these designations, goals, and policies were adopted for the purpose of avoiding or mitigating an environmental effect. The development of a residential project that is inconsistent with land use designations or policies does not establish that the Project would also be inconsistent with land use designations or policy unless it can be shown that these land use designations or policies were adopted for the purpose of avoiding or mitigating an environmental effect. That is not the case in this instance. Therefore, the Proposed Project would have a less than significant impacts in this area.

Mitigation Measures

No mitigation measures are required.

3.8.4 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. These General Plan projections are developed, in part, from the existing land use designations identified in the General Plan. As shown in Table 3-2, the anticipated growth in the City is expected to result in 9,685 new housing units, 7,026,000 sf of new industrial uses, and 12,168,000 sf of new commercial uses within the existing city limits by 2030.

3.8.4.1 Cumulative Impacts and Mitigation Measures

Impact LU-2-2	Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative significant environmental impact due to a conflicts with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
Impact Determination	*Less than Cumulatively Considerable*
Threshold	*Result in cumulative impacts to a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

Impact Discussion

The Proposed Project is the only pending, proposed or foreseeable project to request a land use designation change or rezoning within the Oroville Airport Compatibility Zones. As discussed previously, the Oroville 2030 General Plan identifies land use and safety goals and policies related to the OMA. However, none of these goals and policies were adopted for the purpose of avoiding or mitigating an environmental effect. Additionally, while the Proposed Project would result in a land use change to a higher density that what is consistent the B1 and B2 Compatibility Zones of the Oroville ALUCP, neither of these zones were adopted to avoid or mitigate an environmental effect. Therefore, the Proposed Project would result in a less than cumulatively considerable impact in this issue area.

Cumulative Mitigation Measures

No mitigation required.

3.9 Noise

This section describes the environmental setting for noise, including the existing site conditions, and presents a noise evaluation as a comparison of the Project's predicted noise levels and compares them to the noise standards promulgated by the City of Oroville General Plan Noise Element. More information can be found in the *Noise Impact Assessment for the Feather Ranch Project* (ECORP 2023, Appendix 3.9).

3.9.1 Environmental Noise and Groundborne Vibration Analysis

3.9.1.1 Fundamentals of Noise and Environmental Sound

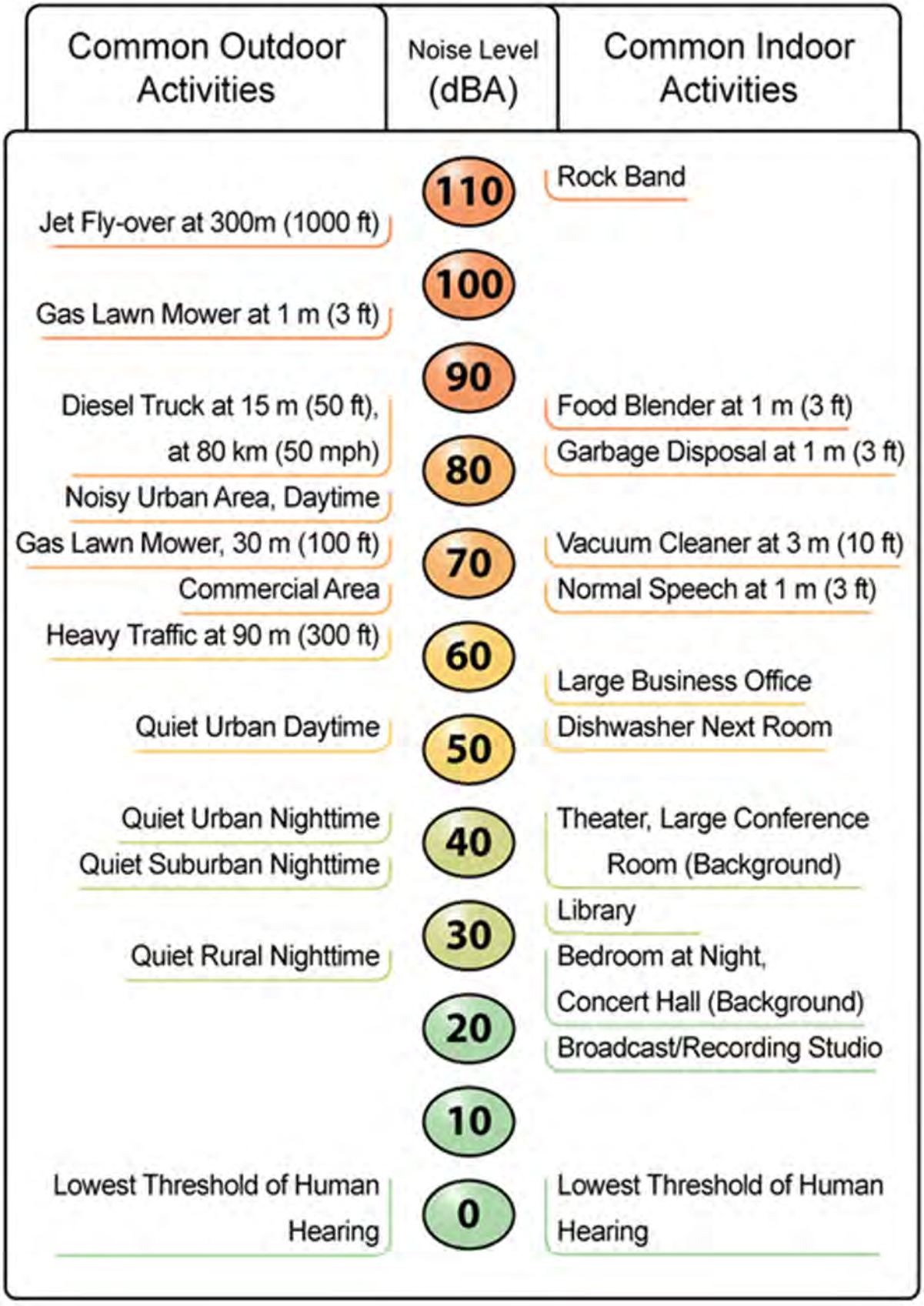
Addition of Decibels

The decibel (dB) scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted (dBA), an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be three dB higher than one source under the same conditions (Federal Transit Administration [FTA] 2018). For example, a 65-dB source of sound, such as a truck, when joined by another 65-dB source results in a sound amplitude of 68 dB, not 130 dB (i.e., doubling the source strength increases the sound pressure by 3 dB). Under the decibel scale, three sources of equal loudness together would produce an increase of 5 dB.

Typical noise levels associated with common noise sources are depicted in Figure 3.9-1.

Sound Propagation and Attenuation

Noise can be generated by a number of sources, including mobile sources such as automobiles, trucks and airplanes, and stationary sources such as construction sites, machinery, and industrial operations. Sound spreads (propagates) uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB (dBA) for each doubling of distance from a stationary or point source (Federal Highway Administration [FHWA] 2017). Sound from a line source, such as a highway, propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of approximately 3 dBA for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics (FHWA 2017). No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dBA per doubling of distance is normally assumed. For line sources, an overall attenuation rate of three dB per doubling of distance is assumed (FHWA 2011).



Source: California Department of Transportation (Caltrans) 2020a

Figure 3.9-1. Common Noise Levels

Noise levels may also be reduced by intervening structures; generally, a single row of detached buildings between the receptor and the noise source reduces the noise level by about five dBA (FHWA 2006), while a solid wall or berm generally reduces noise levels by 10 to 20 dBA (FHWA 2011). However, noise barriers or enclosures specifically designed to reduce site-specific construction noise can provide a sound reduction of 35 dBA or greater (Western Electro-Acoustic Laboratory, Inc. [WEAL] 2000). To achieve the most potent noise-reducing effect, a noise enclosure/barrier must physically fit in the available space, must completely break the *line of sight* between the noise source and the receptors, must be free of degrading holes or gaps, and must not be flanked by nearby reflective surfaces. Noise barriers must be sizable enough to cover the entire noise source and extend lengthwise and vertically as far as feasibly possible to be most effective. The limiting factor for a noise barrier is not the component of noise transmitted through the material, but rather the amount of noise flanking around and over the barrier. In general, barriers contribute to decreasing noise levels only when the structure breaks the *line of sight* between the source and the receiver.

The manner in which older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows (Caltrans 2002). The exterior-to-interior reduction of newer residential units is generally 30 dBA or more (Harris Miller, Miller & Hanson Inc. [HMMH] 2006). Generally, in exterior noise environments ranging from 60 dBA Community Noise Equivalent Level (CNEL) to 65 dBA CNEL, interior noise levels can typically be maintained below 45 dBA, a typical residential interior noise standard, with the incorporation of an adequate forced air mechanical ventilation system in each residential building, and standard thermal-pane residential windows/doors with a minimum rating of Sound Transmission Class (STC) 28. The STC is an integer rating of how well a building partition attenuates airborne sound. In the U.S., it is widely used to rate interior partitions, ceilings, floors, doors, windows, and exterior wall configurations. In exterior noise environments of 65 dBA CNEL or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods is often required to meet the interior noise level limit. Attaining the necessary noise reduction from exterior to interior spaces is readily achievable in noise environments less than 75 dBA CNEL with proper wall construction techniques following CBC methods, the selections of proper windows and doors, and the incorporation of forced-air mechanical ventilation systems.

Noise Descriptors

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The noise descriptors most often encountered when dealing with traffic, community, and environmental noise include the average hourly noise level (in L_{eq}) and the average daily noise levels/community noise equivalent level (in L_{dn}/CNEL). The L_{eq} is a measure of ambient noise, while the L_{dn} and CNEL are measures of community noise. Each is applicable to this analysis and defined as follows:

- **Equivalent Noise Level (L_{eq})** is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they

deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.

- **Day-Night Average (L_{dn})** is a 24-hour average L_{eq} with a 10-dBA *weighting* added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA L_{dn}.
- **Community Noise Equivalent Level (CNEL)** is a 24-hour average L_{eq} with a 5-dBA weighting during the hours of 7:00 p.m. to 10:00 p.m. and a 10-dBA weighting added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Table 3.9-1 provides a list of other common acoustical descriptors.

Table 3.9-1. Common Acoustical Descriptors

Descriptor	Definition
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micropascals (or 20 micronewtons per square meter), where 1 pascal is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 micropascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hertz (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sounds are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high-frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, Leq	The average acoustic energy content of noise for a stated period of time. Thus, the Leq of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Lmax, Lmin	The maximum and minimum A-weighted noise level during the measurement period.
L01, L10, L50, L90	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, Ldn or DNL	A 24-hour average Leq with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour Leq would result in a measurement of 66.4 dBA Ldn.

Table 3.9-1. Common Acoustical Descriptors

Descriptor	Definition
Community Noise Equivalent Level, CNEL	A 24-hour average Leq with a 5 dBA "weighting" during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24-hour Leq would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content, as well as the prevailing ambient noise level.
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.

The dBA sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about ±1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source. Close to the noise source, the models are accurate to within about ±1 to 2 dBA.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL or L_{dn} is below 60 dBA, moderate in the 60- to 70-dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-

commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in A-weighted noise levels (dBA), the following relationships should be noted in understanding this analysis:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A change in level of at least 5 dBA is required before any noticeable change in community response would be expected. An increase of 5 dBA is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss

While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise.

The Occupational Safety and Health Administration (OSHA) has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these various sources.

3.9.1.2 Fundamentals of Noise and Environmental Sound

Vibration Sources and Characteristics

Sources of earthborne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or manufactured causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions).

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the Peak Particle Velocity (PPV); another is the Root Mean Square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

PPV is generally accepted as the most appropriate descriptor for evaluating the potential for building damage. For human response, however, an average vibration amplitude is more appropriate because it takes time for the human body to respond to the excitation (the human body responds to an average vibration amplitude, not a peak amplitude). Because the average particle velocity over time is zero, the RMS amplitude is typically used to assess human response. The RMS value is the average of the amplitude squared over time, typically a 1-second period (FTA 2018).

Table 3.9-2 displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is little risk of actual structural damage. In high-noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. For instance, heavy-duty trucks generally generate groundborne vibration velocity levels of 0.006 PPV at 50 feet under typical circumstances, which as identified in Table 3.9-2 is considered very unlikely to cause damage to buildings of any type. Common sources for groundborne vibration are planes, trains, and construction activities such as earthmoving which requires the use of heavy-duty earth moving equipment.

Table 3.9-2. Human Reaction and Damage to Buildings for Continuous or Frequent Intermittent Vibration Levels

Peak Particle Velocity (inches/second)	Approximate Vibration Velocity Level (VdB)	Human Reaction	Effect on Buildings
0.006–0.019	64–74	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	87	Vibrations readily perceptible	Threshold at which there is a risk of architectural damage to extremely fragile historic buildings, ruins, ancient monuments
0.1	92	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Threshold at which there is a risk of architectural damage to fragile buildings. Virtually no risk of architectural damage to normal buildings
0.25	94	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to historic and some old buildings
0.3	96	Vibrations may begin to feel severe to people in buildings	Threshold at which there is a risk of architectural damage to older residential structures
0.5	103	Vibrations considered unpleasant by people subjected to continuous vibrations	Threshold at which there is a risk of architectural damage to new residential structures and Modern industrial/commercial buildings

Source: Caltrans 2020b

3.9.2 Existing Environmental Noise Setting

3.9.2.1 Noise Sensitive Land Uses

Noise-sensitive land uses are generally considered to include those uses where noise exposure could result in health-related risks to individuals, as well as places where quiet is an essential element of their intended purpose. Residential dwellings are of primary concern because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Additional land uses such as hospitals, historic sites, cemeteries, and certain recreation areas are considered sensitive to increases in exterior noise levels. Schools, churches, hotels, libraries, and other places where low interior noise levels are essential are also considered noise-sensitive land uses. The nearest noise sensitive receptors to the Project Site include residences directly adjacent to the northeast corner of the Project Site boundary, fronting 20th Street, approximately 75 feet distant.

3.9.2.2 Existing Ambient Noise Environment

Existing Ambient Noise Measurements

The Project Site is bound by a combination of vacant lands and large lot residences to the north, vacant land to the west, vacant lands and large lot residences to the south with Oroville Dam Boulevard and the OMA beyond, and a combination of vacant land and residences to the east. In order to quantify existing ambient noise levels in the Project Area, ECORP Consulting, Inc. conducted three short-term noise measurements as well as one long-term measurement on the morning of December 19th, 2022; the long-term measurement lasted from December 19 to 20, 2022 (Attachment A). The 15-minute measurements were taken between 1:18 p.m. and 2:17 p.m. The average noise levels of noise measured at each location are listed in Table 3.9-3.

Table 3.9-3. Existing (Baseline) Noise Measurements

Location Number	Location	CNEL dBA	L_{eq}	L_{min}	L_{max} dBA	Time
Long-Term Measurement						
Long Term 1	On Project Site	**43.1**	41.1	22.3	74.2	2:57 p.m. (12/19/22) – 2:57 p.m. (12/20/22)
Short-Term Measurements						
1	Adjacent to the residences southeast of the Project Site	N/A	**48.6**	27.6	76.8	1:18 p.m. – 1:33 p.m.
2	At the corner of 20th Street and Feather Avenue	N/A	**47.3**	26.1	72.8	1:41 p.m. – 1:56 p.m.
3	Adjacent to 1450 21st Street, north of the Project Site	N/A	**36.2**	26.8	53.2	2:02 p.m. – 2:17 p.m.

Source: Measurements were taken by ECORP Consulting, Inc. with a Larson Davis SoundExpert LxT precision sound level meter, which satisfies the American National Standards Institute for general environmental noise measurement instrumentation. Prior to the measurements, the SoundExpert LxT sound level meter was calibrated according to manufacturer specifications with a Larson Davis CAL200 Class I Calibrator. See Attachment A for noise measurement outputs.

Notes: L_{eq} is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. L_{min} is the minimum noise level during the measurement period and L_{max} is the maximum noise level during the measurement period.

As shown, the existing noise level within the Project-vicinity currently ranges from 36.2 to 48.6 dBA L_{eq} over the course the three short-term noise measurements were taken in the Project vicinity, and the 43.1 dBA CNEL for the long-term measurement. The most common noise in the Project vicinity is produced by automotive vehicles (e.g., cars, trucks, buses, motorcycles) on area roadways.

Existing Roadway Noise Levels

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108) (Attachment B) and traffic volumes from the Project's Traffic Impact Study (TIS) for the Feather Ranch

Project (KDA 2023). The model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data shows that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along these roadway segments are presented in Table 3.9-4.

Table 3.9-4. Existing Roadway Noise Levels

Roadway Segment	Surrounding Uses	CNEL at 100 feet from Centerline of Roadway (dBA)
18th Street		
North of Grand Avenue	Residential	42.0
Between Grand Avenue & Feather Avenue	Residential	52.4
Grand Avenue		
East of 18th Street	Residential	54.5
West of 18th Street	Residential	52.1
Oroville Dam Boulevard		
West of 20th Street/Larkin Road	Vacant & Agricultural	58.9
East of 20th Street/Larkin Road	Residential	62.9
Larkin Road		
South of Oroville Dam Boulevard	Vacant	53.1
20th Street		
Between Oroville Dam Boulevard & Biggs Avenue	Vacant & Agricultural	41.0
Between Biggs Avenue & Feather Avenue	Vacant & Residential	38.7
Feather Avenue		
East of 20th Street	Residential	36.3
Onyx Circle		
East of 20th Street	Vacant & Residential	34.5
Russel Proctor Way		
East of 20th Street	Vacant & Residential	35.7

Source: Traffic noise levels were calculated by ECORP using the FHWA roadway noise prediction model in conjunction with the trip generation rate identified by KDA (2023). Refer to Attachment 3.9 for traffic noise modeling assumptions and results.

As shown, the existing traffic-generated noise level on Project-vicinity roadways currently ranges from 34.5 to 62.9 dBA L_{dn} at a distance of 100 feet from the centerline. As previously described, L_{dn} is a 24-hour average L_{eq} with a 10-dBA *weighting* added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the nighttime. It should be noted that the modeled noise levels depicted in Table 3.9-4 may differ from measured levels in Table 3.9-3 because the measurements represent noise levels at various locations around the Project Site. The short-term measurements are also reported in a

different noise metric (e.g., short-term noise measurements are the L_{eq} values and traffic noise levels are reported in L_{dn}).

3.9.3 Regulatory Framework

3.9.3.1 Federal

Occupational Safety and Health Act of 1970

OSHA regulates onsite noise levels and protects workers from occupational noise exposure. To protect hearing, worker noise exposure is limited to 90 dBA over an 8-hour work shift (29 CFR 1910.95). Employers are required to develop a hearing conservation program when employees are exposed to noise levels exceeding 85 dBA. These programs include provision of hearing protection devices and testing employees for hearing loss on a periodic basis.

National Institute of Occupational Safety and Health

A division of the US Department of Health and Human Services, the National Institute for Occupational Safety and Health (NIOSH) has established a construction-related noise level threshold as identified in the Criteria for a Recommended Standard: Occupational Noise Exposure prepared in 1998. NIOSH identifies a noise level threshold based on the duration of exposure to the source. The NIOSH construction-related noise level threshold starts at 85 dBA for more than 8 hours per day; for every 3-dBA increase, the exposure time is cut in half. This reduction results in noise level thresholds of 88 dBA for more than 4 hours per day, 92 dBA for more than 1 hour per day, 96 dBA for more than 30 minutes per day, and up to 100 dBA for more than 15 minutes per day. The intention of these thresholds is to protect people from hearing losses resulting from occupational noise exposure.

3.9.3.2 State

State of California General Plan Guidelines

The State of California regulates vehicular and freeway noise affecting classrooms, sets standards for sound transmission and occupational noise control, and identifies noise insulation standards and airport noise/land-use compatibility criteria. The State of California General Plan Guidelines (State of California 2003), published by the OPR, also provides guidance for the acceptability of projects within specific CNEL/L_{dn} contours. The guidelines also present adjustment factors that may be used in order to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

State Office of Planning and Research Noise Element Guidelines

The State OPR *Noise Element Guidelines* include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a Land Use Compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL.

California Department of Transportation

In 2020, Caltrans published the *Transportation and Construction Vibration Manual* (Caltrans 2020b). The manual provides general guidance on vibration issues associated with the construction and operation of projects concerning human perception and structural damage. Table 3.9-2 presents recommendations for levels of vibration that could result in damage to structures exposed to continuous vibration.

3.9.3.3 Local

City of Oroville General Plan Noise Element

The Noise Element of the City of Oroville General Plan provides policy direction for minimizing noise impacts on the community. By identifying noise-sensitive land uses and establishing compatibility guidelines for land use and noises, noise considerations will influence the general distribution, location, and intensity of future land uses. The result is that effective land use planning and mitigation can alleviate the majority of noise problems.

The Noise Element sets various goals and policies that would apply to projects within Oroville. The following policy provisions are applicable to the Proposed Project:

Goal NOI-1: Minimize community exposure to excessive noise by ensuring compatible land uses relative to noise sources.

Policy P1.1: Include noise considerations in land use planning, transportation planning and project design decisions.

Policy P1.6: For transportation noise sources in the City of Oroville the increases in noise specified in Table 3.9-5 represents a significant increase in ambient noise.

Table 3.9-5. Significant Increase in Transportation Noise

Ambient Noise Level Without Project (L_{eq} or CNEL)	Significant Increase (dB)
< 60 dB	+5.0 or more
60 to 65 dB	+3.0 or more
> 65 dB	+1.5 or more

Source: City of Oroville 2015

Policy P1.7: Only allow land uses to exceed the noise exposure standards in Table 3.9-6 and Table 3.9-7 if the proposed use can be shown to serve the greater public interests of the citizens of Oroville.

Table 3.9-6. Maximum Allowable Noise Exposure to Transportation Noise Sources

Land Use	Exterior Noise Level Standard for Outdoor Activity Areas[1]	Interior Spaces	
	L_{dn}/CNEL (dB)	L_{dn}/CNEL (dB)	Leq (dB[2])
Residential	603	45	--
Transient Lodging	603	45	--
Hospitals, Nursing Homes	603	45	--
Theaters, Auditoriums, Music Halls	--	--	35
Churches, Meeting Halls	603	--	40
Office Buildings	--	--	45
Schools, Libraries, Museums	--	--	45
Playgrounds, Neighborhood Parks	70	--	--

Source: City of Oroville 2015
Note: -- = not applicable.
[1]Where the location of outdoor activity areas is unknown, the exterior noise-level standard shall be applied to the property line of the receiving land use.
[2]As determined for a typical worst-case hour during periods of use.
[3]Where it is not possible to reduce noise in outdoor activity areas to 60 dB L_{dn}/CNEL or less using a practical application of the best-available noise reduction measures, an exterior noise level of up to 65 dB L_{dn}/CNEL may be allowed, provided that available exterior noise-level reduction measures have been implemented and interior noise levels are in compliance with this table.

Table 3.9-7. Maximum Allowable Noise Exposure to Non-Transportation Noise Sources

Land Use	Noise Level Descriptor	Exterior Noise Level Standard (Applicable at Property Line)		Interior Noise Level Standard	
		Daytime (7:00 a.m. – 10 p.m.)	Nighttime (10:00 p.m. – 7:00 a.m.)	Daytime (7:00 a.m. – 10 p.m.)	Nighttime (10:00 p.m. – 7:00 a.m.)
Residential	L_{eq}	50	45	40	35
	L_{max}	70	65	60	55
Transient Lodging, hospitals, nursing homes	L_{eq}	--	--	40	35
	L_{max}	--	--	60	35
Theaters, Auditoriums, Music Halls	L_{eq}	--	--	35	35

Table 3.9-6. Maximum Allowable Noise Exposure to Transportation Noise Sources

Land Use		Exterior Noise Level Standard for Outdoor Activity Areas[1]	Interior Spaces		
		L_{dn}/CNEL (dB)	L_{dn}/CNEL (dB)	Leq (dB^2)	
Churches, Meeting Halls	L_{eq}	--	--	40	40
Office Buildings	L_{eq}	--	--	45	--
Schools, Libraries	L_{eq}	--	--	45	--
Playgrounds, Parks	L_{eq}	65	--	--	--

Source: City of Oroville 2015
Note: Each of the noise levels specified above shall be lowered by 5dB for simple tone noises, which are noises consisting primarily of speech, music or recurring impulsive noises. These noise-level standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwelling).

Policy P1.10: When considering development proposals in the environs of the Oroville Municipal Airport, enforce the noise compatibility criteria and policies set forth in the adopted Butte County Airport Land Use Compatibility Plan. This includes restricting the development of residential or other noise sensitive receptor uses within the 55 dB CNEL contour around the Oroville Municipal Airport.

Goal NOI-2: Reduce noise levels from sources such as domestic uses, construction, and mobile sources including motor vehicles and traffic.

Policy P2.2: Enforce provisions of the Community Noise Ordinance, which limits maximum permitted noise levels that cross property lines and impact adjacent land uses.

Policy P2.3: Limit noise generating construction activities located within 1,000 feet of residential uses to daytime hours between 7:00 a.m. and 6:00 p.m. on weekdays and non-holidays.

Policy P2.4: Require the following standard construction noise control measures to be included as requirements at construction sites in order to minimize construction noise impacts:

- *Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.*
- *Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.*
- *Utilize "quiet" air compressors and other stationary noise-generating equipment where appropriate technology exists and is feasible.*

- *The project sponsor shall designate a "noise coordinator" who would be responsible for responding to any local complaints about construction noise. The noise coordinator will determine the cause of the noise complaint (e.g. starting too early, bad muffler) and will require that reasonable measures warranted to correct the problem be implemented. The project sponsor shall also post a telephone number for excessive noise complaints in conspicuous locations in the vicinity of the project site. Additionally, the project sponsor shall send a notice to neighbors in the project vicinity with information on the construction schedule and the telephone number for noise complaints.*

Policy P2.6: Support efforts to reduce vehicle and equipment noise, e.g. through fleet and equipment modernization or retrofits, use of alternative fuel vehicles and installation of mufflers or other noise reducing equipment.

3.9.3.4 City of Oroville Municipal Code

Chapter 9.20 of the City of Oroville Municipal Code (City of Oroville 2022a) contains the Noise Ordinance which places limits on noise levels as well as hours of construction. Regulations relevant to the Project are described below.

Chapter 9.20.060, Exceptions – Designated

- *Daytime Exceptions. Any noise source which does not produce a noise level exceeding 70 dBA at a distance of 25 feet from the source under its most noisy condition of use shall be exempt from the provisions of Sections 9.20.030, 9.20.040 and 9.20.050 between the hours of 7:00 a.m. and 9:00 p.m. daily except Saturdays, Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m.*
- *Safety Devices. Aural warning devices, which are required by law to protect the health, safety, and welfare of the community shall not produce a noise level more than 3 dB above the standard or minimum level as provided by state law.*
- *Construction and Alteration of Structures. Notwithstanding any other provisions of this chapter, between the hours of 7:00 a.m. and 9:00 p.m. daily except Saturdays, Sundays and holidays, when the exemption herein shall apply between 10:00 a.m. and 6:00 p.m., construction, alteration or repair of structures shall be allowed if it meets at least one of the following noise limitations:*

  1. *No individual piece of equipment shall produce a noise level exceeding 83 dBA at a distance of 25 feet from the source. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to 25 feet from the equipment as possible;*
  2. *The noise level at any point outside of the property plane of the project shall not exceed 86 dBA;*
  3. *The provisions of paragraphs 1 and 2 of this subsection shall not be applicable to impact tools and equipment, provided that on and after a date 6 months after the effective date of*

this chapter, such impact tools and equipment shall have intake and exhaust mufflers recommended by the manufacturers thereof and approved by the city's director of public works as best accomplishing maximum noise attenuation, and that pavement breakers and jackhammers shall also be equipped with acoustically attenuating shields or shrouds recommended by the manufacturers thereof and approved by the city's director of public works as best accomplishing maximum noise attenuation. In the absence of manufacturer's recommendations, the director of public works may prescribe such means of accomplishing maximum noise attenuation as he or she may determine to be in the public interest.

3.9.4 Environmental Impacts

3.9.4.1 Thresholds of Significance

The impact analysis provided below is based on the following CEQA Guidelines Appendix G thresholds of significance. The Project would result in a significant noise-related impact if it would produce the following:

1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
2) Generation of excessive groundborne vibration or groundborne noise levels.
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

For purposes of this analysis and where applicable, the City's noise standards established in the General Plan Noise Element and the Municipal Code were used for evaluation of Project-related noise impacts for construction and operations.

3.9.4.2 Methods of Analysis

This analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. In order to estimate the worst-case construction noise levels that may occur at the nearest noise-sensitive receptors in the Project vicinity, predicted construction noise levels were calculated utilizing the FHWA's Roadway Construction Model (2006). Stationary noise sources are addressed qualitatively based on reference measurements taken by ECORP Consulting, Inc. The Project's contribution of traffic noise has been calculated with the FHWA Highway Traffic Noise Prediction Model (FHWA-RD-77-108) coupled with traffic data provided by KDA (2023). Groundborne vibration levels associated with construction-related activities were evaluated utilizing typical groundborne vibration levels associated with construction equipment based on the Caltrans guidelines set forth above. Potential groundborne vibration impacts related to structural damage and human annoyance are evaluated, taking into account the distance from construction activities to nearby land uses.

An assessment of the noise/land use compatibility to locate sensitive noise receptors within the existing noise environment, was completed by conducting existing ambient baseline noise measurements around and adjacent to the Project Site with the use of a Larson Davis SoundExpert LxT precision sound level meter, which satisfies the American National Standards Institute standard for general environmental noise measurement instrumentation. Prior to the measurements, the SoundExpert LxT sound level meter was calibrated according to manufacturer specifications with a Larson Davis CAL200 Class I Calibrator.

3.9.4.3 Project Impacts and Mitigation Measures

Impact NOI-1	Project implementation could result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
Impact Determination	Significant and Unavoidable
Threshold	*Substantial increase in ambient noise levels in the project vicinity above levels existing without the project.*

Impact Discussion

Project Construction Noise

Onsite Construction Noise

Construction noise associated with the Proposed Project would be temporary and would vary depending on the nature of the activities being performed. Noise generated would primarily be associated with the operation of off-road equipment for onsite construction activities as well as construction vehicle traffic on area roadways. Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., building construction, paving). Noise generated by construction equipment, including earthmovers, material handlers, and portable generators, can reach high levels. Typical operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). During construction, exterior noise levels could negatively affect sensitive receptors in the vicinity of the construction site.

The nearest sensitive receptors to the Project Site include residences directly adjacent to the northeast corner of the Project Site boundary, fronting 20th Street, approximately 75 feet distant. As previously described, Section 9.20.60 of the City Municipal Code prohibits construction between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and between 6:00 p.m. and 10:00 a.m. on Saturdays, Sundays and holidays. The City exempts construction noise from City noise standards so long as it does not exceed the

threshold of 86 dBA. Construction noise is temporary, short term, intermittent in nature, and would cease on completion of the Project. Additionally, construction would occur throughout the 44.97-acre Project site and would not be concentrated at one point. For the purposes of this analysis, the City's threshold of 86 dBA L_{eq} is used as an acceptable threshold for construction noise at the nearby sensitive receptors.

The anticipated short-term construction noise levels generated for the necessary equipment were calculated using the Roadway Noise Construction Model for the site preparation, grading, building construction, paving and architectural coating phases. It is acknowledged that the majority of construction equipment is not situated at any one location during construction activities, but rather spread throughout the Project Site and at various distances from sensitive receptors. Therefore, this analysis employs the FTA guidance for calculating construction noise, which recommends measuring construction noise produced by all construction equipment operating simultaneously from the center of the Project Site (FTA 2018). In this case, the center of the Project Site is approximately 950 feet from the nearest sensitive receptor, the residences north of the Project Site.

The anticipated short-term construction noise levels generated for the necessary equipment is presented in Table 3.9-8.

Table 3.9-8. Construction Average (dBA) Noise Levels at Nearest Receptor

Equipment	Estimated Exterior Construction Noise Level @950 feet (dBA)	Construction Noise Standards (dBA L_{eq})	Exceeds Standard at Nearest Receptor?
Site Preparation			
Rubber Tired Dozer (3)	52.1 (each)	*86*	No
Tractors/Loaders/Backhoes (4)	54.4 (each)	*86*	No
Combined Site Preparation Equipment:	**62.0**	*86*	No
Grading			
Excavator (2)	51.2(each)	*86*	No
Grader	55.4 dBA	*86*	No
Rubber Tired Dozer	52.1 dBA	*86*	No
Scraper (2)	54.0(each)	*86*	No
Tractors/Loaders/Backhoes (2)	54.4(each)	*86*	No
Combined Grading Equipment:	**62.6**	*86*	No
Building Construction, Paving, Architectural Coating			
Crane	47.0	*86*	No
Forklifts (3)	53.8(each)	*86*	No
Generator Set	52.0	*86*	No

Table 3.9-8. Construction Average (dBA) Noise Levels at Nearest Receptor

Equipment	Estimated Exterior Construction Noise Level @950 feet (dBA)	Construction Noise Standards (dBA L_{eq})	Exceeds Standard at Nearest Receptor?
Tractors/Loaders/Backhoes (3)	54.4(each)	*86*	No
Welders	44.4	*86*	No
Paver (2)	48.6 (each)	*86*	No
Pavement Scarifier (2)	56.9 (each)	*86*	No
Roller (2)	47.4 (each)	*86*	No
Air Compressor	48.1	*86*	No
Combined Building Construction Equipment:	**64.9**	*86*	No

Source: Construction noise levels were calculated by ECORP Consulting, Inc. using the FHWA Roadway Noise Construction Model (FHWA 2006). Refer to Attachment C of Appendix 3.9 for Model Data Outputs.

Notes: Construction equipment used during construction derived from California Emissions Estimator Model (CalEEMod 2022.1). CalEEMod is designed to calculate air pollutant emissions from construction activity and contains default construction equipment and usage parameters for typical construction projects based on several construction surveys conducted in order to identify such parameters. The distance to the nearest sensitive receptor was calculated from the center of the Project Site (approximately 950 feet).

As shown in Table 3.9-8, no individual or cumulative pieces of construction equipment would exceed the 86 dBA construction noise threshold during any phase of construction at the nearby noise-sensitive receptors.

Offsite Construction Traffic Noise

Project construction would result in additional traffic on adjacent roadways over the period that construction occurs. According to the CalEEMod, which is used to predict air pollutant emissions associated with Project construction based on several construction surveys conducted in order to identify such parameters, including those generated by worker commute trips and vendor trips, the maximum number of construction workers and vendors traveling to and from the Project Site on a single day would be 80 (62 worker trips and 18 vendor trips). According to the California Department of Transportation (Caltrans) *Technical Noise Supplement to the Traffic Noise Analysis Protocol* (2013), doubling of traffic on a roadway is required to result in an increase of 3 dB (outside of the laboratory, a 3-dBA change is considered a just-perceivable difference). The Project construction would not result in a doubling of traffic on the local transportation network, and therefore its contribution to existing traffic noise would not be perceptible.

3.9.4.4 Project Operational Noise

As previously described, noise-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals,

guest lodging, libraries, and some passive recreation areas would each be considered noise sensitive and may warrant unique measures for protection from intruding noise. As previously described, the nearest noise sensitive receptors are the residences located across from the Project Site.

Project Land Use Compatibility

The City of Oroville uses the land use compatibility table presented in the General Plan Noise Element which provides the City with a tool to gauge the compatibility of new land users relative to existing noise levels. This table, presented as Table 3.9-6, identifies acceptable exterior and interior noise levels for various land uses, including residential land uses such as those proposed by the Project. In the case that the noise levels identified at the Proposed Project Site fall within levels presented in the General Plan, the Project is considered compatible with the existing noise environment. As previously stated, the Project is proposing the construction of 172 single-family dwelling units.

The long-term noise measurement taken on the Project Site from December 19th to December 20, 2022, shown in Table 3-10.3, identifies an ambient noise level of 43.1 dBA CNEL. According to noise/land use compatibility table, presented in Table 3.9-6, this falls within the acceptable exterior noise level standard (≤60 dBA) and interior noise level standard (≤45 dBA) for residential land uses.

Additionally, a separate data point of ambient noise at the Project Site, as provided by the FHWA Highway Traffic Noise Prediction Model coupled with trip generation rates provided by KDA (2023), identifies existing traffic noise levels on the roadway directly adjacent to the Project Site (20th Street) as potentially reaching 39.2 – 46.6 dBA CNEL at 100 feet from the centerline.

As all of the measured and modeled noise levels fall below the acceptable noise standards, the Project Site is considered an appropriate noise environment to locate the proposed land use.

Project Operational Offsite Traffic Noise

Future traffic noise levels throughout the Project vicinity for the Proposed Project were modeled based on the traffic volumes identified by KDA (2023) to determine the noise levels along Project vicinity roadways. Table 3.9-9 shows the calculated offsite roadway noise levels under existing traffic levels compared to future buildout of the Project. The calculated noise levels as a result of the Project at affected land uses are compared to the appropriate City of Oroville numeric noise thresholds.

The City has identified a substantial increase for transportation noise exposure as follows:

- If the existing ambient noise levels at existing and future noise-sensitive land uses (e.g. residential, etc.) are less than 60 dBA and the project creates a readily perceptible 5 dBA or greater noise level increase; or
- If the existing noise levels range from 60 to 65 dBA and the project creates a barely perceptible 3 dBA or greater noise level increase; or
- If the existing noise levels already exceed 65 dBA, and the project creates a community noise level increase of greater than 1.5 dBA.

Table 3.9-9. Proposed Project Predicted Traffic Noise Levels

Roadway Segment	Surrounding Uses	CNEL at 100 feet from Centerline of Roadway (dBA)		City Noise Standard (dBA CNEL)	Exceed Standards?
		Existing Conditions	Existing + Project Conditions		
18th Street					
North of Grand Avenue	Residential	42.0	42.0	>5	No
Between Grand Avenue & Feather Avenue	Residential	52.4	53.7	>5	No
Grand Avenue					
East of 18th Street	Residential	54.5	55.7	>5	No
West of 18th Street	Residential	52.1	52.1	>5	No
Oroville Dam Boulevard					
West of 20th Street/Larkin Road	Vacant & Agricultural	58.9	59.1	>5	No
East of 20th Street/Larkin Road	Residential	62.9	63.9	>3	No
Larkin Road					
South of Oroville Dam Boulevard	Vacant	53.7	53.9	>5	No
20th Street					
Between Oroville Dam Boulevard & Biggs Avenue	Vacant & Agricultural	41.0	47.6	>5	**Yes**
Between Biggs Avenue & Feather Avenue	Vacant & Residential	38.7	46.7	>5	**Yes**
Feather Avenue					
East of 20th Street	Residential	36.3	45.3	>5	**Yes**
Onyx Circle					
East of 20th Street	Vacant & Residential	34.5	34.5	>5	No
Russel Proctor Way					
East of 20th Street	Vacant & Residential	31.5	31.5	>5	No

Source: Traffic noise levels were calculated by ECORP using the FHWA roadway noise prediction model in conjunction with the trip generation rate identified by KDA (2023). Refer to Appendix 3.9 for traffic noise modeling assumptions and results.

As shown in Table 3.9-9, the roadway segments of 20th Street between Biggs Avenue and Feather Avenue and between Biggs Avenue and Oroville Dam Boulevard would experience an increase of more than 5.0 dBA CNEL over existing conditions, which is beyond the City of Oroville noise standard. Similarly, the segment of Feather Avenue east of 20th Street would also experience an increase of more than 5.0 dBA CNEL over existing conditions. There is no feasible mitigation available to reduce these impacts to less than significant. Lead agencies have limited remedies at their disposal to effectively reduce traffic-related noise. Addressing traffic noise at the receiver rather than the source usually takes the form of noise barriers (i.e., sound walls). While constructing noise barriers along streets would reduce noise, the placement of sound walls between existing residences/businesses and local roadways would not be desirable as it would conflict with the community's aesthetic, design and character and is therefore deemed infeasible. Furthermore, such barriers would likely require property owner approval, which cannot be ensured. While measures such as encouraging ridesharing, carpooling, and alternative modes of transportation could reduce vehicle volumes, such measures can neither be mandated of residents nor have been shown to reduce vehicle trips to the extent needed to reduce vehicle noise levels below established thresholds. Therefore, no feasible mitigation measures exist to reduce the identified significant impact.

Operational Stationary Noise

As previously described, the Project is proposing the construction of 172 single-family dwelling units. Therefore, the main onsite stationary noise sources related to long-term operation on the Project Site would be from the proposed residences. ECORP staff regularly conduct noise measurements within various land uses, at specific noise-generating events, and at individual pieces of noise-generating equipment in order to develop a wide sampling of potential noise levels associated with such. The main noise source generated from the residences on the Project Site would include mechanical equipment and other typical sources specific to residential neighborhoods such as barking dogs, internal traffic circulation, radios, and people talking. According to previous field noise measurements conducted by ECORP, mechanical heating, ventilation, and air conditioning equipment generates noise levels less than 45 dBA at 20 feet. This noise level is less than the City's daytime and nighttime noise standards for residential properties.

The Project proposes to place residential uses adjacent to existing residential uses. The most basic planning strategy to minimize adverse impacts on new land uses due to noise is to avoid designating certain land uses at locations within the community that would negatively affect noise sensitive land uses. The Project is consistent with the types, intensity, and patterns of land use envisioned for the Project Area, and as previously described, the Project is considered compatible with the existing noise environment. Operation of the Project would not result in a significant noise-related impact associated with onsite sources.

Mitigation Measures

Impacts are significant and unavoidable as a result of traffic noise related to the Project. As discussed previously, there is no feasible mitigation available to reduce these impacts to less than significant.

Residual Impact After Mitigation

Impacts would be significant and unavoidable.

Impact NOI-2:	Project implementation could generate excessive groundborne vibrations and groundborne noise during construction.
Impact Determination:	Less than Significant
Threshold:	*Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.*

Impact Discussion

Construction-Generated Vibration

Excessive groundborne vibration impacts result from continuously occurring vibration levels. Increases in groundborne vibration levels attributable to the proposed Project would be primarily associated with short-term construction-related activities. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

Construction-related ground vibration is normally associated with impact equipment such as pile drivers, jackhammers, and the operation of some heavy-duty construction equipment, such as dozers and trucks. It is not anticipated that pile drivers would be necessary during Project construction. Vibration decreases rapidly with distance and it is acknowledged that construction activities would occur throughout the Project site and would not be concentrated at the point closest to sensitive receptors. Groundborne vibration levels associated with construction equipment are summarized in Table 3.9-10.

Table 3.9-10. Representative Vibration Source Levels for Construction Equipment

Equipment Type	PPV at 25 Feet (inches per second)
Large Bulldozer	0.089
Pile Driver	0.170
Caisson Drilling	0.089
Loaded Trucks	0.076
Rock Breaker	0.089

Table 3.9-10. Representative Vibration Source Levels for Construction Equipment	
Equipment Type	**PPV at 25 Feet (inches per second)**
Jackhammer	0.035
Small Bulldozer/Tractor	0.003
Vibratory Roller	0.210

Source: Caltrans 2020b; FTA 2018

The City of Oroville does not regulate vibrations associated with construction. However, a discussion of construction vibration is included for full disclosure purposes. For comparison purposes, the Caltrans (2020b) recommended standard of 0.3 inch per second PPV with respect to the prevention of structural damage for older residential buildings is used as a threshold. This is also the level at which vibrations may begin to annoy people in buildings. Consistent with FTA recommendations for calculating construction vibration, construction vibration was measured from the center of the Project Site (FTA 2018). The nearest structure of concern to the construction site is a portable office located east of the Project Site.

Based on the representative vibration levels presented for various construction equipment types in Table 3.9-10 and the construction vibration assessment methodology published by the FTA (2018), it is possible to estimate the potential Project construction vibration levels. The FTA provides the following equation:

$$PPVequip = PPVref \times (25/D)^{1.5}$$

Table 3.9-11 presents the expected Project related vibration levels at a distance of 60 feet.

Table 3.9-11. Construction Vibration Levels at 60 Feet									
Receiver PPV Levels (inches/second)[1]							Peak Vibration	Threshold	Exceed Threshold
Large Dozer	**Pile Driver**	**Drilling & Rock Breaker**	**Loaded Trucks**	**Roller**	**Jack-hammer**	**Small Dozer**			
0.024	0.046	0.024	0.020	0.057	0.009	0.001	0.057	*0.3*	**No**

As shown, groundborne vibrations attenuate rapidly from the source due to geometric spreading and material damping. Geometric spreading occurs because the energy is radiated from the source and spreads over an increasingly large distance while material damping is a property of the friction loss which occurs during the passage of a vibration wave. As shown in Table 3.9-11, the nearest structure 60 feet from the construction site would not experience groundborne levels in exceedance of standards.

Operational Groundborne Vibration

Project operations would not include the use of any stationary equipment that would result in excessive groundborne vibration levels.

Mitigation Measures

No mitigation measures are required.

Impact NOI-3:	If the Proposed Project is located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the Proposed Project could expose people residing or working in the project area to excessive noise levels.
Impact Determination:	Less than Significant
Threshold:	*Exposure of excessive noise levels to people residing or working in the Project area due to proximity to an airport.*

Impact Discussion

The OMA is the closest airport to the Project Site and is located approximately 0.5 mile away. The Project is in compliance with Policy P1.10 of the City's Noise Element, as the Project Site is located outside of the 55 dBA CNEL contour around the OMA. Thus, implementation of the Proposed Project would not affect airport operations nor result in increased exposure of people working at or visiting the Project Site to aircraft noise.

Mitigation Measures

No mitigation measures are required.

3.9.5 Cumulative Impacts and Mitigation Measures

Impact NOI-4:	Would implementation of the Proposed Project, in combination with existing, approved, proposed, and reasonably foreseeable development in Butte County, result in a cumulatively considerable noise impact?
Impact Determination:	Cumulatively considerable
Threshold:	*Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative impacts related to noise?*

Cumulative Construction Noise

Construction activities associated with the Proposed Project and other construction projects in the area may overlap, resulting in construction noise in the area. However, construction noise impacts primarily

affect the areas immediately adjacent to the construction site. Construction noise for the Proposed Project was determined to be less than significant following compliance with the City's construction noise threshold. Cumulative development in the vicinity of the Project Site could result in elevated construction noise levels at sensitive receptors in the Project Area. However, each project would be required to comply with the applicable noise limitations on construction. Therefore, the Project would not contribute to cumulative impacts during construction.

Cumulative Onsite Operational Noise

Cumulative long-term noise sources associated with development at the Project, combined with other cumulative projects, could cause local noise level increases. Noise levels associated with the Proposed Project and related cumulative projects together could result in higher noise levels than considered separately. Considering the Proposed Project is located across from existing residential uses, the Project would not result in any substantial changes in the noise environment due to onsite sources. Noise increase as a result of the Project would not exceed City standards. Therefore, the Project would not contribute to cumulative impacts during operations.

Cumulative Traffic Noise

Cumulative traffic noise levels throughout the Project vicinity (i.e., vicinity roadway segments that traverse noise-sensitive land uses) were modeled based on the traffic volumes identified by KDA (2023) to determine the noise levels along Project vicinity roadways. Table 3.9-12 shows the calculated offsite roadway noise levels under cumulative conditions without the Project (Cumulative No Project) compared to cumulative conditions plus future buildout of the Project (Cumulative Plus Project).

The calculated noise levels as a result of the Project at affected land uses are compared to the appropriate City numeric noise thresholds for evaluating the impact of increased traffic noise. The City's measure of substantial increase for transportation noise exposure is as follows:

- If the existing ambient noise levels at existing and future noise-sensitive land uses (e.g. residential, etc.) are less than 60 dBA CNEL and the project creates a readily perceptible 5 dBA CNEL or greater noise level increase; or
- If the existing noise levels range from 60 to 65 dBA CNEL and the project creates a barely perceptible 3 dBA CNEL or greater noise level increase; or

If the existing noise levels already exceed 65 dBA CNEL, and the project creates a community noise level increase of greater than 1.5 dBA CNEL.

Table 3.9-12. Cumulative Traffic Scenario

Roadway Segment	Surrounding Uses	CNEL at 100 feet from Centerline of Roadway(dBA)		City Noise Standard (dBA CNEL)	Exceed Standards?
		Cumulative No Project	Cumulative + Project		
18th Street					

Table 3.9-12. Cumulative Traffic Scenario					
North of Grand Avenue	Residential	42.7	42.7	>5	**No**
Between Grand Avenue & Feather Avenue	Residential	53.9	54.8	>5	**No**
Grand Avenue					
East of 18th Street	Residential	56.4	57.1	>5	**No**
West of 18th Street	Residential	54.1	54.2	>5	**No**
Oroville Dam Boulevard					
West of 20th Street/Larkin Road	Vacant & Agricultural	59.4	59.5	>5	**No**
East of 20th Street/Larkin Road	Residential	65.9	66.0	>3	**No**
Larkin Road					
South of Oroville Dam Boulevard	Vacant	57.4	57.4	>5	**No**
20th Street					
Between Oroville Dam Boulevard & Biggs Avenue	Vacant & Agricultural	44.0	48.4	>5	**No**
Between Biggs Avenue & Feather Avenue	Vacant & Residential	41.3	47.1	>5	**Yes**
Feather Avenue					
East of 20th Street	Residential	39.3	45.5	>5	**Yes**
Onyx Circle					
East of 20th Street	Vacant & Residential	36.3	36.3	>5	**No**
Russel Proctor Way					
East of 20th Street	Vacant & Residential	32.7	32.7	>5	**No**

Source: Traffic noise levels were calculated by ECORP using the FHWA roadway noise prediction model in conjunction with the trip generation rate identified by KDA (2023). Refer to Attachment B for traffic noise modeling assumptions and results.

As shown in Table 3.9-12, the roadway segment of 20th Street between Biggs Avenue and Feather Avenue would experience an increase of more than 5.0 dBA CNEL over existing conditions, which is beyond the City of Oroville noise standard. Additionally, the segment of Feather Avenue east of 20th Street would also experience an increase of more than 5.0 dBA CNEL over existing conditions. As previously described, there is no feasible mitigation available to reduce these impacts to less than significant. Lead agencies have

limited remedies at their disposal to effectively reduce traffic-related noise. Addressing traffic noise at the receiver rather than the source usually takes the form of noise barriers (i.e., sound walls). While constructing noise barriers along streets would reduce noise, the placement of sound walls between existing residences/businesses and local roadways would not be desirable as it would conflict with the community's aesthetic, design and character and is therefore deemed infeasible. Furthermore, such barriers would likely require property owner approval, which cannot be ensured. While measures such as encouraging ridesharing, carpooling, and alternative modes of transportation could reduce vehicle volumes, such measures can neither be mandated of residents nor have been shown to reduce vehicle trips to the extent needed to reduce vehicle noise levels below established thresholds. Therefore, no feasible mitigation measures exist to reduce the identified significant impact.

Cumulative Mitigation Measures

No feasible mitigation possible.

Residual Impact After Mitigation

Impacts would be cumulatively considerable and significant and unavoidable.

3.10 Population and Housing

This section describes the environmental setting for population and housing, including the existing Site conditions and regulatory setting, impacts that would result from the Proposed Project, and, if significant impacts are identified, the mitigation measures that would reduce these impacts.

The IS completed for the Proposed Project determined that there were no impact to one of the two subjects listed in the Population and Housing impact areas. This includes:

- Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere.

As such, this subject will not be discussed further in this section.

3.10.1 Environmental Setting

According to the DOF, which provides estimated population and housing unit demographics by year throughout the state, the City's population increased 21.3 percent between 2010 and 2022, from 15,546 to 18,863. DOF estimates that there were 7,783 total housing units in the City in 2022, up from 6,194 in 2010 (DOF 2020). As of January 1, 2022, the City had a 7.1 percent vacancy rate (DOF 2022). As shown in Table 3-2, there are anticipated to be 9,685 residential dwelling units within City boundaries by 2030.

Currently, the Project Site is vacant land. No current housing exists on the Site.

3.10.2 Regulatory Setting

3.10.2.1 State

California General Plan Law

California General Plan Law California Housing Element law (Government Code Sections 65580 to 65589.8) includes provisions related to the requirements for housing elements of local government General Plans. Among these requirements are an assessment of housing needs and an inventory of resources and constraints relevant to meeting these needs. Additionally, to ensure that counties and cities recognize their responsibilities in contributing to the attainment of the State housing goals, the California Government Code calls for local jurisdictions to plan for, and facilitate the construction of, their fair share of the region's projected housing needs, known as the RHNA.

3.10.2.2 Local

City of Oroville General Plan

The City's General Plan was updated in 2015 and serves as the overall guiding policy document for land use, development, and environmental quality in the City. The Housing Element of the General Plan was updated in 2014 and includes an analysis of the City's demographic and housing characteristics and trends; an evaluation of land, financial, and administrative resources available to address the City's housing goals; a review of potential constraints, both governmental and non-governmental, to meeting

Oroville's identified housing needs; and the Housing Action Plan for addressing the City's identified housing needs, including housing goals, policies and programs. It also contains measures necessary to mitigate and alleviate problems for all economic segments of the community. While many of these policies and actions require the City to take certain actions, they are not related to development of a particular project. Those policies that pertain to the Proposed Project are listed below.

Goal 1: Expand Housing Opportunities and Accessibility

Policy 1.3: Continue to facilitate the provision of housing for persons with disabilities and for persons with limited or restricted mobility to enhance accessibility and mobility.

Goal 3: Facilitate Development of New Housing to Meet the Needs of the Community.

Policy 3.2: Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in seeking federal and state financing for affordable housing, including units affordable to extremely-low-income households and supportive housing for persons with developmental disabilities.

Goal 6: Encourage Residential Energy Conservation.

Policy 6.1: Encourage residential energy conservation through required compliance with current building codes and incentives for voluntary conservation efforts.

3.10.3 Environmental Impacts

3.10.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project may have a significant impact on the environment if it would:

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

3.10.3.2 Project Impacts and Mitigation Measures

Impact POP-1	Project implementation could induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
Impact Determination	Less than Significant
Threshold	*Substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).*

Impact Discussion

The Project poses both direct and indirect potential to increase population within the City. As discussed previously, the 44.97-acre site would potentially result in the construction of 172 single-family homes. Based on the 2022 DOF average number of persons per household of 2.49 for the City of Oroville in 2022, the projected population increase from the Proposed Project would be approximately 428 residents. With the addition of 428 new residents, the Proposed Project could increase the population by 2.3 percent when compared to the 2022 estimated population for the City. The additional 172 residential units represent a 1.8 percent increase over the 2030 projected residential dwelling units of 9,685.

The Project Site's current General Plan land use designation and zoning district of ABP do not allow the construction of residential units, with the exception of a caretaker's home in the ABP zone. Additionally, the site is within the OMA B1 and B2 Compatibility Zones. For those areas of the Project within the B1 zone, the Project's proposed density of 3.74 dwelling units per acre is inconsistent with the B1 Compatibility Zone density (0.1 or more dwelling units per acre). Additionally, for those areas of the Project that are within the B2 zone, the project's proposed density of 4.15 dwelling units per acre is inconsistent with the B2 Compatibility Zone density (0.2 dwelling units per acre). Finally, the City's AIA-O zone only allows residential uses at one unit per 5 acres.

The Proposed Project is inconsistent with the existing land use plans and therefore would result in unplanned population growth. However, while this population growth has not been considered in the City's General Plan, the estimated population from the Project represents only a 2.3 percent increase in the City's 2022 population and a 2.2 percent increase in housing units over the existing 2022 housing units in the city. Additionally, the 172 units represent a 1.8 percent increase over the projected 2030 number of housing units provided in the General Plan Draft EIR. The Oroville ALUCP does not provide population growth estimates; therefore the Proposed Project is not inconsistent with growth scenarios for this plan. Based on these factors, the Project would not result in a substantial unplanned growth. Therefore, the Proposed Project would have a less than significant impact in this area.

Mitigation Measures

No mitigation measures are required.

3.10.4 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. These General Plan projections are developed, in part, from the existing land use designations identified in the General Plan. As shown in Table 3-2, the anticipated growth in the City is expected to result in 9,685 new housing units, 7,026,000 sf of new industrial uses, and 12,168,000 sf of new commercial uses within the existing city limits by 2030 (City of Oroville 2015).

The BCAG is the official comprehensive planning agency for the Butte County region. BCAG produces long-term growth forecasts every 4 years for the region, which are used in preparation of BCAG's Metropolitan Transportation Plan (MTP), SCS, Air Quality Conformity Determination, and Regional Housing Needs Plan. The current growth projections cover the period from 2018 to 2040, and were prepared in 2019 for the 2020 MTP/SCS. The 2040 growth forecast indicates that the population in the BCAG region is expected to grow by approximately 38,000 people between 2018 and 2040, for a 2040 population of 265,964. The updated forecasts show the need to accommodate approximately 16,000 new housing units, an increase of 16 percent, and 9,280 new employees, an increase of 11 percent, between 2018 and 2040 (BCAG 2020).

3.10.4.1 Cumulative Impacts and Mitigation Measures

Impact LU-2-2	Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative significant environmental impact by inducing substantial unplanned population growth in an area.
Impact Determination	Less than Cumulatively Considerable
Threshold	*Result in cumulative impacts by inducing substantial unplanned population growth in an area.*

Impact Discussion

The Proposed Project is the only pending, proposed or foreseeable project which would result in development of an area at an increase of population over what has been planned for that area. The 44.87-acre Site is within the City of Oroville 2030 General Plan land use designation of Airport Business Park and is zoned ABP. With the exception of caretaker cottages, residential use is not an identified use allowed in Airport Business Park or ABP zoning district and as such, any increase in residential population to this area may be considered unplanned population growth. However, as stated above, the Project's increase in population represents only a 2.3 percent increase in the City's 2022 population and a 2.2 percent increase in housing units over the existing 2022 housing units in the city. Additionally, the 172 units represent a 1.8

percent increase over the projected 2030 number of housing units provided in the General Plan Draft EIR. Further, the Project's population represents only 0.16 percent of the BCAG 2040 population. None of this increase is considered substantial. Therefore, the Proposed Project would result in a less than cumulatively considerable impact in this issue area.

Cumulative Mitigation Measures

No mitigation required.

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3.11 Public Services

This section describes the environmental setting for public services, including the existing Project Site conditions and regulatory setting, impacts that would result from the Proposed Project, and the mitigation measures that would reduce identified significant impacts. The following section describes existing public services and evaluates the operation and capacity of these services with the development of the Proposed Project. Public services include fire protection, police protection, parks and recreation, and schools. Generally, impacts in these areas are related to an increase in population from a residential development. Levels of service are generally based on a service-to-population ratio, except for fire protection, which is usually based on response time.

The IS completed for the Proposed Project determined that there were less than significant impacts to four of the five public services listed in the Public Services impact areas. These public services include:

- police protection,
- schools,
- parks, and
- other public facilities.

Only fire protection was considered to be potentially impacted by the Project in the IS. As such, the above-listed public services will not be discussed further in this section.

3.11.1 Environmental Setting

3.11.1.1 Fire Services

The greater Oroville area receives fire protection and emergency services from two separate fire departments; the City of Oroville Fire Department (OFD) and CAL FIRE/Butte County Fire Department (BCFD). CAL FIRE/BCFD is the primary service provider for the unincorporated area surrounding the City. OFD is the primary service provider within the Oroville incorporated area including the Project Site (City of Oroville 2021). OFD operates out of Station 1 located at 2055 Lincoln Street, approximately 3 miles west of the Project site.

The OFD serves the approximate 12 square miles (7,680 acres) of the incorporated City of Oroville. Staffing for the OFD during Fiscal Year (FY) 2019-2020 consisted of 18 personnel, which included seven firefighters and six fire engineers. This number of personnel is slightly less than in previous years. As of FY20-21, the City budgeted for 21 OFD personnel in funded positions, including five fire engineers, four Staffing for Adequate Fire and Emergency Response (SAFER) fire fighters, three fire captains, and three fire lieutenants. Two OFD engines are staffed out of Station 1. OFD has five pieces of apparatus, shown in Table 3.11-1.

Table 3.11-1. Oroville Fire Department Apparatus	
Engine #	**Description**
1	2009 Smeal Type I firetruck
2	2009 Smeal Type I firetruck
5	2002 E-ONE Type I firetruck
10	2017 HME HXR Type III wildland firetruck
1	2001 American LaFrance 105-foot aerial ladder truck

Source: City of Oroville 2021

CAL FIRE/BCFD Station 63, located at 176 Nelson Avenue, currently serves emergency requests for the area north of the Feather River within the Thermalito area. This fire reporting district has historically had the third highest call responses for structure fires in the Oroville Planning area. The nearest staffed fire station, Station #63 at Nelson Avenue/County Center Drive, is located approximately 2.5 miles from the Project site (City of Oroville 2020).

The City and County maintain a mutual aid agreement in place, which would have both station crews respond to any emergency fire service call. Annexation of the property will change the primary fire respondent from Butte County to the City of Oroville. This change will not, however, have a significant effect or change the way fire protection services are delivered due to the existing cooperative agreement between City and County fire departments

Based on the General Plan, OFD is committed to meeting the needs of Oroville citizens by maintaining the service levels listed below. The times referenced are OFD's Standards of Cover Guidelines that were adopted by the City Council and placed into the Safety Element of the General Plan.

- Placing a first-due unit at a scene within 5 minutes of travel time for 90 percent of City's population.
- Locating and staffing department units so that an effective response of four units with, at minimum, eight personnel is available to all areas of the City within a maximum travel time of 10 minutes for 90 percent of all structure fires.

3.11.2 Regulatory Setting

3.11.2.1 Local

Oroville 2015 General Plan

The Public Facilities and Services Element addresses the changing public services and infrastructure needs in Oroville and presents information and policy guidance to ensure adequate provision and maintenance

of facilities and services in the City of Oroville. The Public Facilities and Services Element's goals and polices pertaining to the Project are as follows:

Goal PUB-2: Provide adequate fire protection and emergency response services.

Policies

P2.1 Maintain and enhance strategies to ensure adequate first response travel time of three to five minutes to incidents and travel time of ten minutes or less for additional resources within 90 percent of the call volume.

P2.3 Enforce all relevant fire codes and ordinances.

P2.4 Require all new development to use fire-safe building materials and early warning systems, and install sufficient water supply systems for fire suppression, consistent with State Building Code.

P2.6 Ensure that new development incorporates adequate emergency water flow, fire resistant design and materials, and evacuation routes; is accessible to emergency vehicles; and does not affect the ability of service providers to provide adequate emergency response.

P2.7 No new development or redevelopment will be occupied until the water flow capacity and pressure systems conform to current standards.

P2.11 Ensure that new development incorporates adequate emergency water flow.

3.11.3 Environmental Impacts

3.11.3.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, public services impacts are considered significant if implementation of the Proposed Project would:

1. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

    - Fire Protection

3.11.3.2 Methods of Analysis

Public service impacts related to Project construction and operational increases in population and land use intensity were evaluated based on information provided by the City fire department, planning department, General Plan and documentation of needed community service districts. This information addressed service capabilities, service ratios, response times, and performance objectives.

3.11.3.3 Project Impacts and Mitigation Measures

Impact PUB-1:	Project implementation could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire, police, schools, and/or other public facilities.
Impact Determination:	Less than Significant with Mitigation
Threshold:	*Substantial adverse physical impacts associated with new or physically altered government facilities that are required as a result of Project implementation.*

Impact Discussion

3.11.3.4 Fire Protection

Development of the Project Site would result in a need for fire protection services to respond to any potential incidents that may occur at the site. The Project site is located in a somewhat sparsely developed part of the City, but it still receives fire service. However, according to the 2020 City of Oroville Municipal Services Review:

> "In evaluating the efficiency and effectiveness of present operations for future growth, the most pressing need is that of a second fire station at the Airport Business Park (also referred to as the west side safety facility), based on continued development throughout the City and within the SOI. This station will alleviate growing and unevenly distributed service demands and potential occupancy risk through an increased concentration of personnel in this area. In 2008, the City approved a number of small to moderately sized subdivisions and the Oro Bay Specific Plan, which will include up to 2,400 dwellings, just west of the airport. This westernmost portion of the City is outside the OFD five-minute response contour. Currently, the low call volume for this area does not affect the goal of responding to 90 percent of its calls within 5 minutes but as the population increases this will become an issue (City of Oroville 2021).

The Oroville City Council adopted *Fire Department Standards of Coverage Guidelines* in order to guide future growth as outlined in the City's General Plan. The goal statements include:

- Fire Department travel times should place a first-due unit at scene within five minutes travel time, for 90 percent of fire and medical incidents.

- Fire Department units shall be located and staffed such that an effective response force of four units with eight personnel minimum shall be available to all areas of the City within a maximum of ten minutes travel time, for 90 percent of all structure fires (City of Oroville 2015).

Additionally, Public Facilities and Services Element Policy P2.1 requires maintaining adequate first response travel time of 3 to 5 minutes to incidents and travel time of 10 minutes or less for additional resources within 90 percent of the call volume.

The Project is currently outside of a 5 minute response contour, and much of the west side of Oroville is not within the desired response time. The City of Oroville, formed two community facilities districts in September 2006: CFD No. 2006-1 Westside Public Safety Facilities; and CFD 2006-2 Public Safety Services. CFD 2006-1 was formed to provide a funding mechanism to mitigate the increased need for new public safety facilities, primarily a new fire station to be located in the vicinity of the OMA, which will include within it a small police substation. CFD 2006-2 was formed to fund ongoing fire, police, and code enforcement services that are needed as a result of additional development. To mitigate the impacts on fire and police services, all new development in the area that is essentially west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services. Therefore, upon implementation of Mitigation Measure PUB-1, the Project is not expected result in substantial adverse impacts associated with the provision of new or existing fire facilities; the need for new or physically altered fire facilities; or the ability to maintain acceptable service ratios or response times.

Mitigation Measures

The following mitigation measure shall apply to the Proposed Project.

PUB-1: **Annexation into CFD 2006-01 and CFD 2006-02.** Prior to recordation of the Final Map, the Project shall annex into both CFD 2006-01 and CFD 2006-02.

Timing/Implementation: *Prior to approval of Final Map*

Enforcement/Monitoring: *City of Oroville Planning Department*

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

3.11.4 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. These General Plan projections are developed, in part, from the existing land use designations identified in the General Plan. As shown in Table 3-2, the anticipated growth in the City is expected to result in 9,685 new housing units, 7,026,000 sf of new industrial uses, and 12,168,000 sf of new commercial uses within the existing City limits by 2030 (Oroville 2015).

3.11.4.1 Cumulative Impacts and Mitigation Measures

Impact PUB-2:	Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative significant environmental impact from the development of new or physically altered governmental facilities, need for new or physically altered governmental facilities?
Impact Determination:	Less than Cumulatively Considerable
Threshold:	*Result in cumulative impacts from the construction of new or physically altered governmental facilities, which could cause significant environmental impacts*

Impact Discussion

As stated previously, much of the west side of Oroville is not located within the desired fire response time. Additional, cumulative development in this area would result in the need for fire facilities. However, the City of Oroville anticipated this need resulting in the forming of CFDs 2006-1 and 2006-2. CFD 2006-1 was formed to provide a funding mechanism to mitigate the increased need for new public safety facilities, primarily a new fire station to be located in the vicinity of the OMA, which will include within it a small police substation. CFD 2006-2 was formed to fund ongoing fire, police, and code enforcement services needed as a result of additional development. To mitigate the cumulative impacts on fire and police services, all new development in the area that is essentially west of Highway 70 will be required to annex into both of these districts and will be subject to the collection of fees and revenues to fund additional public safety facilities and services. Within implementation of Mitigation Measure PUB-1, the Proposed Project would meet the City's goal for providing additional fire protection on the west side of Highway 70. Therefore, the Project would have a less than cumulatively considerable impact in this area.

Cumulative Mitigation Measures

No mitigation required.

3.12 Transportation

This section describes the environmental setting for transportation, including the existing site conditions and regulatory setting, impacts that would result from the Proposed Project, and, if significant impacts are identified, the mitigation measures that would reduce these impacts. KDA completed a TIS for the Feather Ranch Project in January 2023. This TIS is used extensively in this transportation section for analysis of the Proposed Project's potential transportation impacts. The TIS is included in Appendix 3.12.

The IS completed for the Proposed Project determined that there was a less than significant impact to one of the four subjects listed in the Transportation impact areas:

- Result in inadequate emergency access.

As such, this subject will not be discussed further in this section.

3.12.1 Environmental Setting

3.12.1.1 Existing Street and Highway System

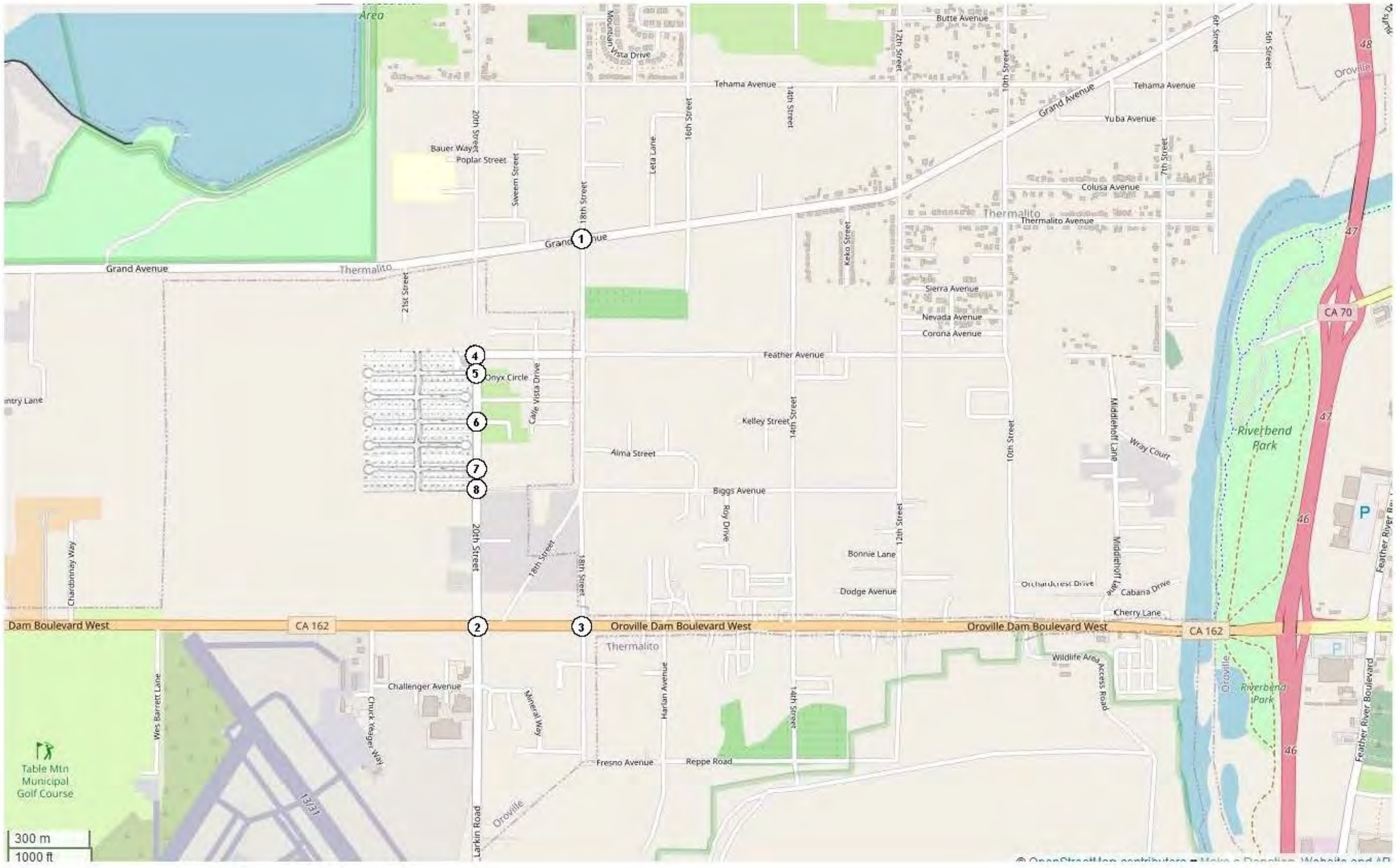
Access to the Proposed Project will be provided by Feather Avenue and 20th Street. Feather Avenue terminates at the eastern boundary of the Project Site where it connects to 20th Street. Regional access is provided by SR 70 and SR 163 (Oro Dam Boulevard), which links the site with the other communities to the north and south of the City of Oroville.

The Project Site is located southwest of the intersection of 20th Street and Feather Avenue. Figure 3.12-1 shows the location of the Project Site relative to the adjacent roadway network and those intersections analyzed in the TIS. The roadway network is described below.

20th Street

20th Street is a two-lane north-south local roadway adjacent to the eastern boundary of the Project Site. The portion of 20th Street adjacent to the Project Site has a northern terminus approximately 350 feet north of Feather Avenue and does not intersect with Grand Avenue. This portion of 20th Street provides access to single-family residential development east of 20th Street. There is also a discontinuous portion of 20th Street north of the Project Site between Grand and Nelson avenues. 20th Street intersects with Oroville Dam Boulevard and extends south of Oroville Dam Boulevard as Larkin Road. Larkin Road extends to the south and southwest to the City of Live Oak. The *Oroville Sustainability Updates – Draft Supplemental EIR for the City of Oroville* (City of Oroville 2015a) 2035 roadway classification for Larkin Road is a two-lane minor arterial.

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Source: KD Anderson and Associates, Inc.

Figure 3.12-1. Roadway Network and Intersections

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Feather Avenue

Feather Avenue is a two-lane east-west local roadway. The western terminus of Feather Avenue is at 20th Street, at the northeastern corner of the Project Site. The eastern terminus of this portion of Feather Avenue is at 10th Street. There are also short discontinuous portions of Feather Avenue between 10th Street and the Feather River.

Onyx Circle (Avery Court) and Russell Proctor Way

Onyx Circle (Avery Court) and Russell Proctor Way are short two-lane east-west local roadways that provide direct access to single-family residential development east of 20th Street. The western terminus of both roadways is at 20th Street. The eastern terminus of Onyx Circle is approximately 1,000 feet east of 20th Street. Russell Proctor Way includes a right angle turn to the south, and has an eastern terminus approximately 400 feet east of 20th Street.

Oroville Dam Boulevard

Oroville Dam Boulevard is a two-lane east-west roadway approximately one third mile south of the Project site. It is designated SR 162 and has an interchange with SR 70 approximately 1.8 miles east of the Project Site. East of SR 70, the roadway generally has a northeast-southwest alignment and continues to Lake Oroville. SR 162 continues approximately 100 miles west of the Oroville area, intersects with SR 99, and has interchanges with Interstate 5 and U.S. Highway 101. The *Oroville Sustainability Updates – Draft Supplemental EIR for the City of Oroville* 2035 roadway classification for Oroville Dam Boulevard is a two-lane minor collector west of 20th Street and a two-lane major arterial east of east of 20th Street. There is a bicycle lane along the north side of Oroville Dam Boulevard from the Feather River to just west of 20th Street.

18th Street

18th Street is a two-lane local roadway with a generally north-south orientation approximately 0.25 mile east of the Project site. The southern terminus of 18th Street is at an intersection with Oroville Dam Boulevard. 18th Street has a northeast-southwest orientation immediately north of Oroville Dam Boulevard. There is also a discontinuous portion of 18th Street south of Oroville Dam Boulevard. 18th Street intersects with Grand Avenue, and the northern terminus of 18th Street is approximately 0.5 mile north of Grand Avenue.

The intersection of Oroville Dam Boulevard and 20th Street has exclusive left-turn lanes for both the eastbound-to-northbound and the westbound-to-southbound movements. The intersection of Oroville Dam Boulevard and 18th Street has an exclusive left-turn lane for the eastbound-to-northbound movement. There is a center-two-way left-turn lane along Oroville Dam Boulevard east of 18th Street. The intersection of Oroville Dam Boulevard and 18th Street is approximately 275 feet east of the intersection of Oroville Dam Boulevard and 20th Street (measured as centerline-to-centerline).

The limited distance between these two intersections constrains the lengths of both the westbound-to-southbound left-turn lane at the intersection of Oroville Dam Boulevard and 20th Street, and the eastbound-to-northbound left-turn lane at the intersection of Oroville Dam Boulevard and 18th Street.

3.12.1.2 Alternative Transportation Modes

Sidewalks

There are concrete and asphalt sidewalks at various locations along most City of Orland streets, but they become less prevalent in sparsely developed areas such as the Project Site. There are sidewalks on both sides of Feather Avenue and on the eastern side of 20th Street adjacent to the Project Site. There are no sidewalks on the site.

Bicycle Facilities

The City of Oroville Bicycle Transportation Plan was adopted by the City on August 3, 2010. This Plan identifies numerous existing and proposed bike trails and on-street lanes throughout the City. There are currently no bike lanes on the streets surrounding the site. However, 20th Street from Oro Dam Boulevard to Nelson Street is identified as a *second priority bikeway*. According to the Bicycle Transportation Plan, paths listed as first priority are considered necessary to facilitate bicycle transportation in the City limits. Second priority bikeways will be added to create connectivity in the regional area. All proposed bikeways are Class I or Class II, unless noted otherwise (City of Oroville 2010).

Public Transit

Public transportation in Oroville is provided through the area's public bus service, commercial bus services, shuttle service, taxi service and park-and-ride facilities. The BCAG operates the B-Line of the Butte Regional Transit system, which serves the residents of Oroville and provides intercity/regional and local fixed-route services. Oroville's B-Line service includes four local fixed transit routes within Oroville and three intercity/regional routes that provide commuter route service to Biggs, Chico, and Paradise. Greyhound provides commercial bus service; specifically, a limited service bus stop in Oroville at the ARCO gas station located at 410 Oroville Dam Boulevard with connections from Oroville to full-service stations located in the San Francisco Bay Area and the greater Sacramento area. Amtrak also provides commercial bus service. Amtrak offers daily bus service between Medford (Oregon), Redding, Sacramento and Stockton. Commercial shuttle service is provided by North Valley Shuttle with service to Sacramento International Airport. Taxi services are provided by Yellow Cab Company of Oroville and are available on demand or by reservation. Park-and-ride lots provide a place for commuters in single-occupant vehicles to transfer to public transit or carpools. Oroville has one park-and-ride facility, owned by Butte County, on Highway 70 at Grand Avenue (City of Oroville 2015a).

3.12.2 Study Area Intersections

The traffic-related effects of the Proposed Project were assessed for this TIS by analyzing traffic operations at intersections that would serve Project-related travel. The following study facilities were selected for analysis in consultation with City of Oroville staff. Figure 3.12-1 provides intersection locations. The numbers listed below correspond to the intersection numbers on this figure.

KDA analyzed 5he following six existing study intersections in the TIS:

1. Grand Avenue and 18th Street
2. Oroville Dam Boulevard and 20th Street/Larkin Road
3. Oroville Dam Boulevard and 18th Street
4. 20th Street and Feather Avenue
5. 20th Street and Onyx Circle/Street B
6. 20th Street and Russell Proctor Way/Street D

The following two intersections would only be present with construction of the Feather Ranch Project. As a result, these intersections were only analyzed under development conditions that included the Proposed Project:

7. 20th Street and Street F
8. 20th Street and Biggs Avenue

3.12.3 Existing Intersection Traffic Volumes And Levels Of Service

The following is a description of existing traffic operating conditions at the study intersections.

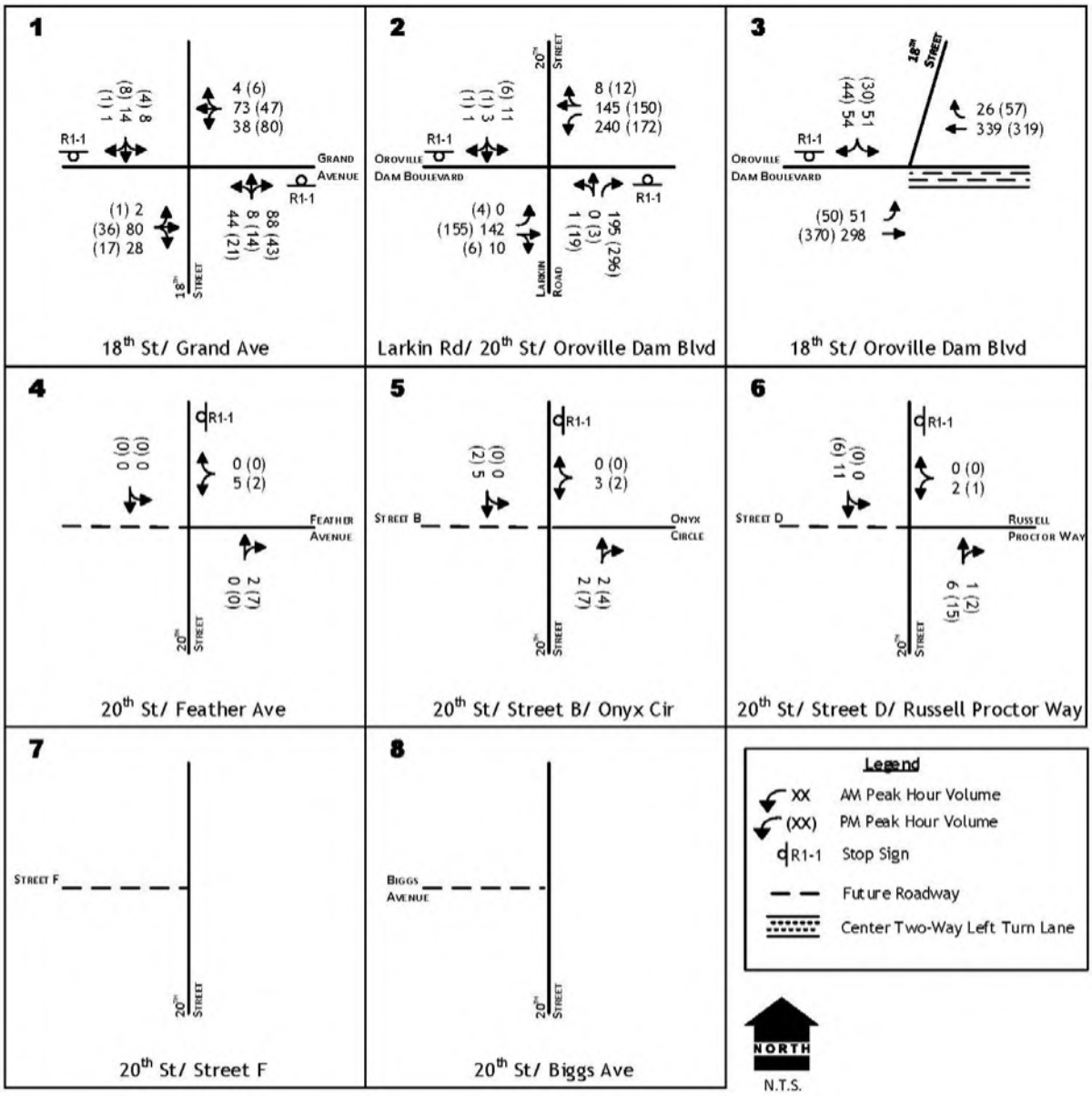
3.12.3.1 Traffic Volumes

Intersection turning movement count data at the study intersections were collected for this TIS on Tuesday March 1, 2022. Traffic count data collected for this TIS are presented in the technical appendix of the TIS. The peak period intersection turning movement count data were collected between 7:00 a.m. and 9:00 a.m. and from 4:00 p.m. to 6:00 p.m.. Volumes during the highest 1-hour periods were used for this TIS. Figure 3.12-2 presents the existing lane configurations and existing a.m. peak hour and p.m. peak hour traffic volumes at the existing study intersections.

3.12.3.2 Intersection Levels of Service

Table 3.12-1 presents existing a.m. peak hour and p.m. peak hour Level of Service (LOS) at the six existing study intersections. The worksheets presenting the calculation of LOS are included in the technical appendix of the TIS.

All six existing study intersections operate at acceptable LOS D or better during both the a.m. and the p.m. peak hours. No improvements are needed at these intersections to achieve acceptable LOS.



KD Anderson & Associates, Inc.
Transportation Engineers
2610-28 RA 1/2/2023

EXISTING TRAFFIC VOLUMES AND LANE CONFIGURATIONS

Source: KD Anderson and Associates, Inc.

Table 3.12-1. Level of Service – Existing Conditions

Study Intersections and Approaches	Intersection Control	Signal Warrant Met?	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
1. Grand Ave & 18th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	5.3	A	5.6
EB Left-Turn			A	7.4	A	7.3
WB Left-Turn			A	7.5	A	7.5
NB Approach			B	10.7	B	10.3
SB Approach			B	11.6	B	11.3
2. Oroville Dam Blvd & 20th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	5.9	A	6.7
EB Left-Turn			A	0.0	A	7.6
WB Left-Turn			A	8.2	A	8.0
NB Approach			B	10.6	B	12.3
SB Approach			D	29.6	D	28.5
3. Oroville Dam Blvd & 18th St	Unsignalized SB Stop Sign	No				
Overall Intersection			A	2.3	A	1.6
EB Left-Turn			A	8.3	A	8.3
SB Approach			B	13.6	B	12.7
4. 20th St &Feather Ave	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	5.3	A	1.7
WB Approach			A	8.5	A	8.5
SB Approach			A	0.0	A	0.0
5. 20th St & Onyx Cr/St B	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	2.2	A	1.1
WB Approach			A	8.6	A	8.6
SB Approach			A	0.0	A	0.0
6. 20th St & Russell Proctor Way/St D	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	0.9	A	0.4
WB Approach			A	8.6	A	8.6
SB Approach			A	0.0	A	0.0

Source: KDA 2023
Notes: LOS = Level of Service. Delay is measured in seconds per vehicle
NB = northbound, WB = westbound, SB = southbound, EB = eastbound
St = Street, Blvd = Boulevard

3.12.4 Regulatory Setting

3.12.4.1 State

Department of Transportation

Caltrans is responsible for the design, construction, maintenance, and operation of the California State Highway System, as well as that portion of the Interstate Highway System within the state's boundaries. Alone and in partnership with Amtrak, Caltrans is also involved in the support of intercity passenger rail service in California and is a leader in promoting the use of alternative modes of transportation.

Transportation facilities under the jurisdiction of Caltrans within the vicinity of the Project Site include Interstate 5 (I-5) (including on- and off-ramps) and Montague Road (SR-3).

Caltrans' Guide for the Preparation of Traffic Impact Studies contains the following policy pertaining to the LOS standards within Caltrans jurisdiction:

> Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities, however, Caltrans acknowledges that this may not be always feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS.

Consistent with Caltrans practice, the TIS considered LOS "D" as the standard threshold acceptable operations for any intersection under Caltrans jurisdiction

3.12.4.2 Local

Oroville 2030 General Plan

The Circulation and Transportation Element of the Oroville General Plan (2015b) is concerned with the safe and efficient movement of people and goods in and around the City of Oroville by means of a wide range of transportation modes. The Element accounts for the critical link between land use patterns and transportation. This Element provides a number of goals and policies related to transportation within the Circulation and Transportation Element. The General Plan goals and polices pertaining to transportation and the Project are as follows:

Goal CIR-2: *Create and maintain a roadway network that provides for the safe and efficient movement of people and goods throughout the City while maintaining the quality of life for residents.*

Policies

P2.1: *Maintain a Level of Service (LOS) D or better as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for roadways and intersections, except as specified below:*

City/County Roadways:

- *Lincoln Boulevard – Baggett Marysville Road to Ophir Road (LOS E)*

- *Ophir Road – Highway 70 to Lincoln Boulevard (LOS E)*
- *Ophir Road – Lincoln Boulevard to Lower Wyandotte Road (LOS F)*
- *Table Mountain Boulevard – Cottonwood Road to Garden Drive (LOS E)*

State Facilities:

- *Olive Highway – Oroville Dam Boulevard to Lower Wyandotte Road (LOS F)*
- *Olive Highway – Lower Wyandotte Road to Foothill Boulevard (LOS F)*
- *Olive Highway – Foothill Boulevard to Oakvale Avenue (LOS F)*
- *Olive Highway – Oakvale Avenue to Kelley Ridge Road (LOS E)*
- *Oroville Dam Boulevard – Feather River Boulevard to Olive Highway (LOS F)*

Additional exceptions to this policy may be allowed by the City Council on a case-by-case basis, where reducing the level of service would result in a clear public benefit. Such circumstances may include, but are not limited to, the following:

- *Preserving open space land*
- *Preserving scenic roadways/highways*
- *Avoiding adverse impacts to alternative transportation modes*
- *Right-of-way constraints would make improvements infeasible*

P2.5: Reduce the total vehicle miles traveled through designation of land uses that support multi-modal travel and provision of more direct routes to high activity locations.

Goal CIR-3: Promote the strategic development of new roadways that benefit and enhance the existing roadway network and improve access and mobility for all modes.

Policies

P3.1: Widths for new streets shall be limited to the minimum width necessary to adequately carry the volume of anticipated traffic and meet the City's LOS Policy of D, while allowing for adequate bicycle and pedestrian facilities, emergency access, and large vehicle access.

P3.2: Prohibit development of private streets in new residential projects, unless emergency access standards, maintenance agreements, and design standards are met to the satisfaction of the City Engineer and there are compelling circumstances that prohibit the streets from being designed to meet public standards.

P3.3: New development shall ensure that safe and efficient emergency vehicle access is provided.

P3.4: Ensure, through a combination of traffic impact fees and other funding mechanisms, that new development pays its fair share of the costs of circulation improvements.

P3.5: Provide transportation facilities based on a "Complete Streets" set of criteria that facilitates the balanced use of all travel modes (pedestrians, bicyclists, motorists, and transit users) meeting the transportation needs of all ages and abilities and providing mobility for a variety of trip purposes.

Goal CIR-6: Provide a bicycle network to encourage bicycling for both transportation and recreation.

Policies

P6.9: Coordinate the construction and improvement of the bicycle system with development projects adjacent to bikeways, and with park and recreational facilities, schools and residential subdivisions.

P6.10: Ensure that developments located along existing and future bikeways provide for bicycle use within and adjacent to project boundaries.

Goal CIR-7: Provide a pedestrian network that encourages walking for transportation and recreation.

Policies

P7.5: Require installation of sidewalks and/or walking paths along all city streets in newly developing areas.

P7.7: New development in Oroville will encourage pedestrian accessibility and facilitate the use of non-automobile forms of transportation.

Goal CIR-8: Facilitate the mobility of persons with accessibility needs.

Policies

P8.1: New development shall meet the requirements of the Americans with Disabilities Act (ADA).

3.12.5 Environmental Impacts

3.12.5.1 Thresholds of Significance

The impact analysis provided below is based on the following CEQA Guidelines Appendix G thresholds of significance. Transportation impacts are considered significant when the project would:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.
- Conflict or be inconsistent with CEQA Guidelines Section 1564.3, subdivision (b).

- Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

3.12.5.2 Methods of Analysis

The following section outlines the analysis parameters and methodologies that were used in the TIS to quantify potential project impacts for the analysis scenarios.

Level of Service Analysis Procedures

The LOS analysis provides a basis for describing existing traffic conditions and for evaluating Project-related traffic effects. LOS measures the quality of traffic flow and is represented by letter designations from A to F, with a grade of A referring to the best conditions, and F representing the worst conditions. The characteristics associated with the various LOS for intersections are presented in Table 1 of the TIS.

The LOS was analyzed using methods presented in the *Highway Capacity Manual 6th Edition* (Transportation Research Board 2016). Methods described in the *Highway Capacity Manual 6th Edition* were used to provide a basis for describing traffic conditions and for evaluating project traffic effects. The Highway Capacity Manual 6th Edition methods, as implemented in the Synchro software package (Trafficware 2022), was used to analyze the study network (KDA 2023).

For two-way stop sign-controlled unsignalized intersections (or one-way stop-sign controlled "T" intersections), the *Highway Capacity Manual 6th Edition* method considers gap acceptance and average delay of motorists on minor streets and in turn lanes to establish LOS, which is based on the length of the delay experienced by motorists on the worst single approach, rather than the intersection as a whole. It should be noted that overall intersection average LOS at unsignalized intersections is better, often much better, than LOS on the worst single approach.

Worksheets and output reports for the calculation of LOS and vehicle queues for all scenarios analyzed for the TIS are presented in the technical appendix of the TIS (included as Appendix 3.12 of this Draft EIR).

Signal Warrants Procedures

Traffic signal warrants are a series of standards that provide guidelines for determining if a traffic signal is appropriate. Signal warrant analyses are typically conducted at intersections of uncontrolled major streets and stop sign-controlled minor streets. If one or more signal warrants are met, signalization of the intersection may be appropriate. However, a signal should not be installed if none of the warrants are met, because installation of signals would increase delays on the previously uncontrolled major street, resulting in an undesirable increase in overall vehicle delay at the intersection. Signalization may also increase the occurrence of certain types of accidents. Therefore, the detriment of increased accidents and overall delay may be greater than the benefit in traffic operating conditions on the single worst movement at the intersection if signals are installed where signal warrants are not met. Signal warrants, then, provide an industry-standard basis for identifying when the adverse effect on the worst movement is substantial enough to warrant signalization.

For the analysis conducted for this TIS, available data at unsignalized intersections are limited to a.m. and p.m. peak hour volumes. Thus, unsignalized intersections were evaluated using the Peak Hour Warrant (Warrant Number 3) from the Caltrans document *California Manual on Uniform Traffic Control Devices* (Caltrans 2021). This warrant was applied where the minor street experiences long delays in entering or crossing the major street for at least one hour of the day. The Peak Hour Warrant itself includes several components. Some of the components involve comparison of traffic volumes and vehicle delay to a series of standards. Another component involves comparison of traffic volumes to a nomograph.

Even if the peak hour warrant is met, a more detailed signal warrant study is recommended before a signal is installed. The more detailed study should consider volumes during the eight highest hours of the day, volumes during the four highest hours of the day, pedestrian traffic, and accident histories.

Signal warrant analysis worksheets for all stop sign-controlled intersections for all development conditions are presented in the technical appendix of the TIS.

Travel Forecasting

As noted earlier in the *Overall Analysis Approach* section of this TIS, future year cumulative conditions were analyzed for this study. Future year traffic volumes used in the analysis of cumulative conditions are based on the BCAG Regional Travel Demand Model (KDA 2023).

The BCAG Regional Travel Demand Model estimates both base year traffic volumes and forecasts of future year traffic volumes. Traffic volumes from the travel model were used to generate growth factors. These growth factors were applied to existing peak hour intersection turning movement traffic volumes. The development of future year intersection turning movement traffic volumes requires that the turning movements at each intersection *balance*. To achieve the balance, inbound traffic volumes must equal the outbound traffic volumes, and the volumes must be distributed among the various left-turn, through, and right-turn movements at each intersection. The *balancing* of future year intersection turning movement traffic volumes was conducted using methods described in the Transportation Research Board's National Cooperative Highway Research Program (NCHRP) Report 255, *Highway Traffic Data for Urbanized Area Project Planning and Design* (Transportation Research Board 1982). The NCHRP 255 method applies the desired peak hour directional volumes to the intersection turning movement volumes, using an iterative process to balance and adjust the resulting forecasts to match the desired peak hour directional volumes.

Vehicle Miles Traveled Significance Threshold

The OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* provides recommended thresholds for determining the significance of VMT impacts associated with land use development projects. Specific thresholds are provided for residential, office, and retail commercial types of development. The technical advisory generally recommends establishing a 15 percent reduction in VMT as a significance threshold, compared to a baseline. That is, if a project would result in a reduction of at least 15 percent in VMT, compared to a baseline, the project can be considered to have a less than significant impact. The significance threshold may be thought of as 85 percent of baseline conditions (100 percent less 15 percent equals 85 percent). A project that would not result in a reduction of at least 15 percent is considered to have a significant impact. The technical advisory notes,

> "In summary, achieving 15 percent lower per capita (residential) or per employee (office) VMT than existing development is both generally achievable and is supported by evidence that connects this level of reduction to the State's emissions goals."

The 2030 General Plan supports the reduction of VMT. Policy P2.5 of the General Plan Circulation Element states:

> "Reduce the total vehicle miles traveled through designation of land uses that support multi-modal travel and provision of more direct routes to high activity locations."

The General Plan does not currently present quantitative significance thresholds or methods for assessing VMT.

The BCAG has prepared a series of documents to assist local member jurisdictions in the implementation of SB 743. One of the documents, *BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices* (KDA 2023), provides a method for conducting qualitative screening-level assessments of project-related VMT. The document and method include maps showing whether VMT generated by land use development in geographic areas would be above or below 85 percent of baseline conditions. The maps show data for both residential land use development and employment-generating land use development. For residential land use development, the maps show home-based VMT per resident compared to regional average VMT.

BCAG prepared an update to the Regional Travel Demand Model for the purpose of developing Traffic Analysis Zone (TAZ) level VMT estimates appropriate for SB 743 analysis (KDA 2023). Data from the Regional Travel Demand Model updated for VMT estimates were used to:

- estimate average baseline VMT generated by land use development in each city in Butte County and by development in the unincorporated Butte County area, and
- quantitatively assess VMT generated by land use development in each TAZ.

The Regional Travel Demand Model updated for VMT estimates was used to generate both jurisdiction average baseline VMT data, and for the TAZ-level VMT data for both residential land use development and employment-generating land use development. For residential land use development, the model was used to calculate:

- home-based production VMT per resident, and
- home-based production VMT per household.

For the TIS, guidance from the OPR *Technical Advisory on Evaluating Transportation Impacts in CEQA* was used as the significance threshold for project-related impacts on VMT. If a project would generate VMT at a level equal to or lower than 15 percent below baseline conditions (i.e., equal to or less than 85 percent of baseline conditions), the project will be considered to have a less-than-significant impact on VMT. If a project would generate VMT at a level above 15 percent below baseline conditions (i.e., greater than 85 percent of baseline conditions), the project will be considered to have a significant impact on VMT. KDA used the BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency

Choices and the data from the Regional Travel Demand Model updated for VMT estimates to determine whether VMT generated by the Feather Ranch Project would exceed a level 15 percent below baseline conditions.

3.12.5.3 Project Impacts and Mitigation Measures

Impact TR-1	Project implementation could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.
Impact Determination	Less than Significant
Threshold	*Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities.*

Impact Discussion

Trip Generation

Development of the Feather Ranch Project would generate new vehicle trips and potentially affect traffic operations on study facilities. The number of vehicle trips expected to be generated by the Proposed Project has been estimated using typical trip generation rates that have been developed based on the nature and size of Project land uses. Data compiled by the Institute of Transportation Engineers (ITE) and presented in the publication *Trip Generation Manual, 11th Edition* (ITE 2021) is the source of trip generation rates.

The trip generation rates used in this TIS are presented in Table 3.12-2. The trip generation rates are applied to the amount of Project-related land uses. The resulting trip generation estimates are presented in Table 3.12-3.

As shown in Table 3.12-3, the Proposed Project would generate 120 trips during the a.m. peak hour and 162 trips during the p.m. peak hour.

Table 3.12-2. Trips Per Unit							
Land Use and ITE Land Use Code	Units	Trips Per Unit					
		AM Peak Hour			PM Peak Hour		
Single Family Detached Housing (ITE Code 210)	Dwelling Units	0.18	0.52	0.70	0.59	0.35	0.94

Note: Trip generation rates are based on average rates.
Source: KDA 2023

Table 3.12-3. Project Trip Generation Estimates							
Land Use and ITE Land Use Code	Quantity	Trips Generated					
		AM Peak Hour			PM Peak Hour		
Single Family Detached Housing (ITE Code 210)	172 Dwelling Units	31	89	120	101	60	162

Note: Total may not equal the sum of components due to rounding.
Source: KDA 2023

Trip Distribution

Project-related trips were geographically distributed over the study area roadway network. The geographical distribution of trips is based on the relative attractiveness or utility of possible destinations. Trip distribution percentages applied in this TIS are presented in Table 3.12-4.

Table 3.12-4. Proposed Project Trip Distribution Percentages		
Direction of Travel	Near-Term Background	Long-Term Cumulative Background
West on Grand Avenue	0.2	1.0
East on Grand Avenue	39.9	34.5
East on Feather Avenue	0.1	0.3
West on Oroville Dam Boulevard	9.1	7.8
South on Larkin Road	16.2	19.7
East on Oroville Dam Boulevard	34.5	36.7
Total:	**100.0**	**100.0**

Source: KDA 2023

The BCAG Regional Travel Demand Model was used to estimate trip distribution percentages. The travel demand model is considered to be a valid source for the trip distribution percentages because it directly addresses:

- the location of destinations of project-related trips,
- the magnitude of land uses that would attract project-related trips, and
- the quality of access to the destinations via the roadway network.

The TIS included an analysis of scenarios based on existing and cumulative background development conditions.

The travel demand model was used to estimate trip distribution percentages for each of these two background conditions. Background (non-Project) land uses are different in each of the two background conditions. The different land uses result in different geographic distributions of travel. As a result, the trip distribution percentages differ for each of the two background development conditions. Table 3.12-4 presents the trip distribution percentages for each of the two background development scenarios.

A *select link* analysis was conducted using the travel demand model to determine the geographic distribution of Project-related travel. The select link analysis identifies vehicle trips associated with the proposed Project Site, and identifies the direction of travel to and from the Project Site. Raw, pre-adjustment, traffic model results used in the development of trip distribution percentages are presented in the technical appendix of the TIS.

Trip Assignment

Traffic that would be generated by the Proposed Project was added to existing volumes. Figure 3.12-3 displays the Project-related-only traffic volumes for each study intersection in the a.m. and p.m. peak hours. Figure 3.12-4 displays the resulting Existing Plus Project traffic volumes anticipated for each study intersection in the peak hours.

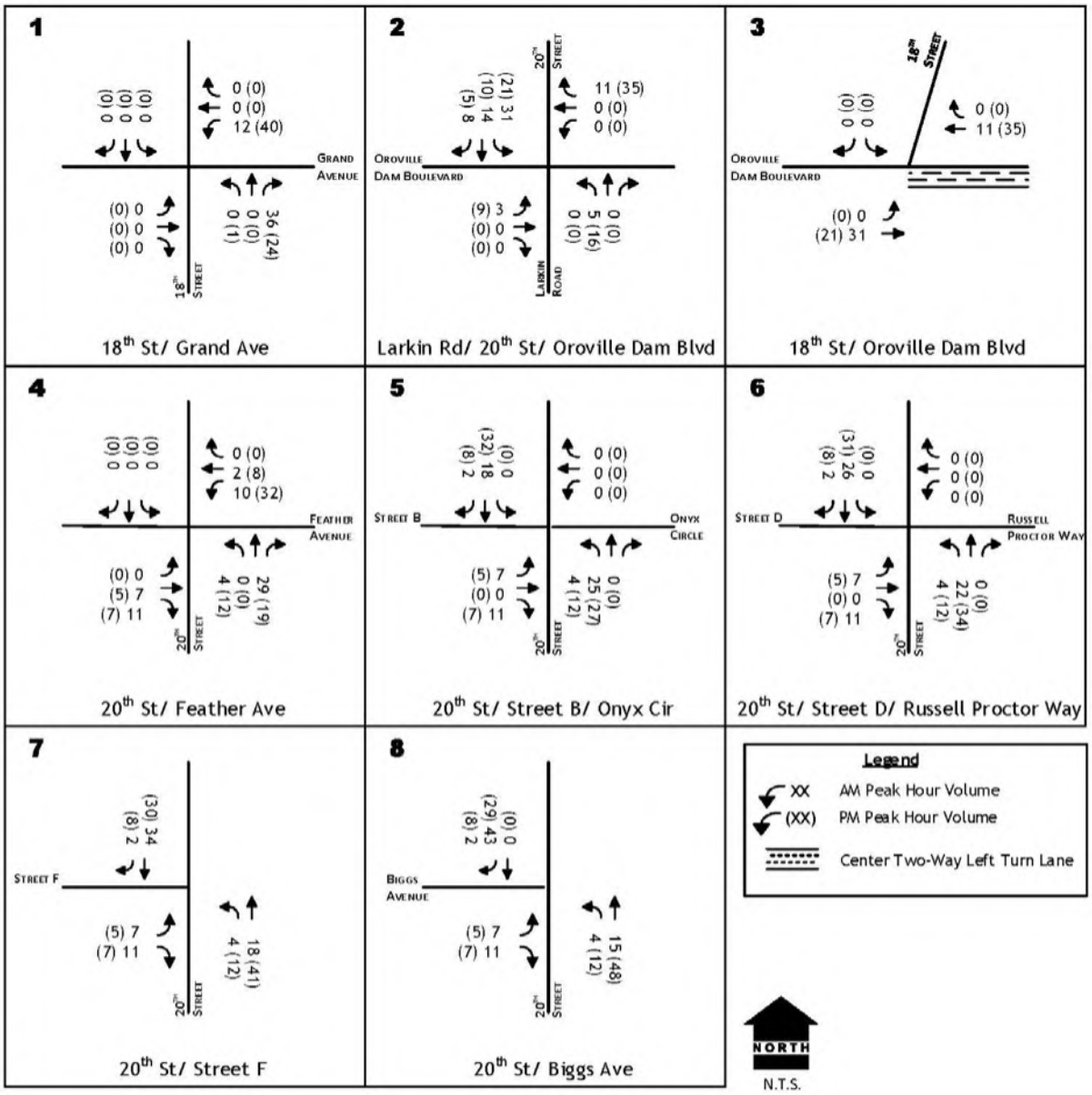
Intersection Levels Of Service

Table 3.12-5 presents the a.m. and p.m. peak hour LOS at each study intersection under Existing Plus Project conditions. The worksheets presenting the calculation of LOS are included in the technical appendix of the TIS.

Traffic volumes under Existing Plus Project conditions would be generally higher than under Existing conditions and, as a result, vehicle delay at study intersections under Existing Plus Project conditions would be higher than under Existing conditions.

Under Existing Plus Project conditions, LOS at seven of the eight study intersections would be at acceptable LOS B or better during both the a.m. and the p.m. peak hours. With the Feather Ranch Project, traffic operations at these intersections would be consistent with General Plan policies on LOS and no improvements are required.

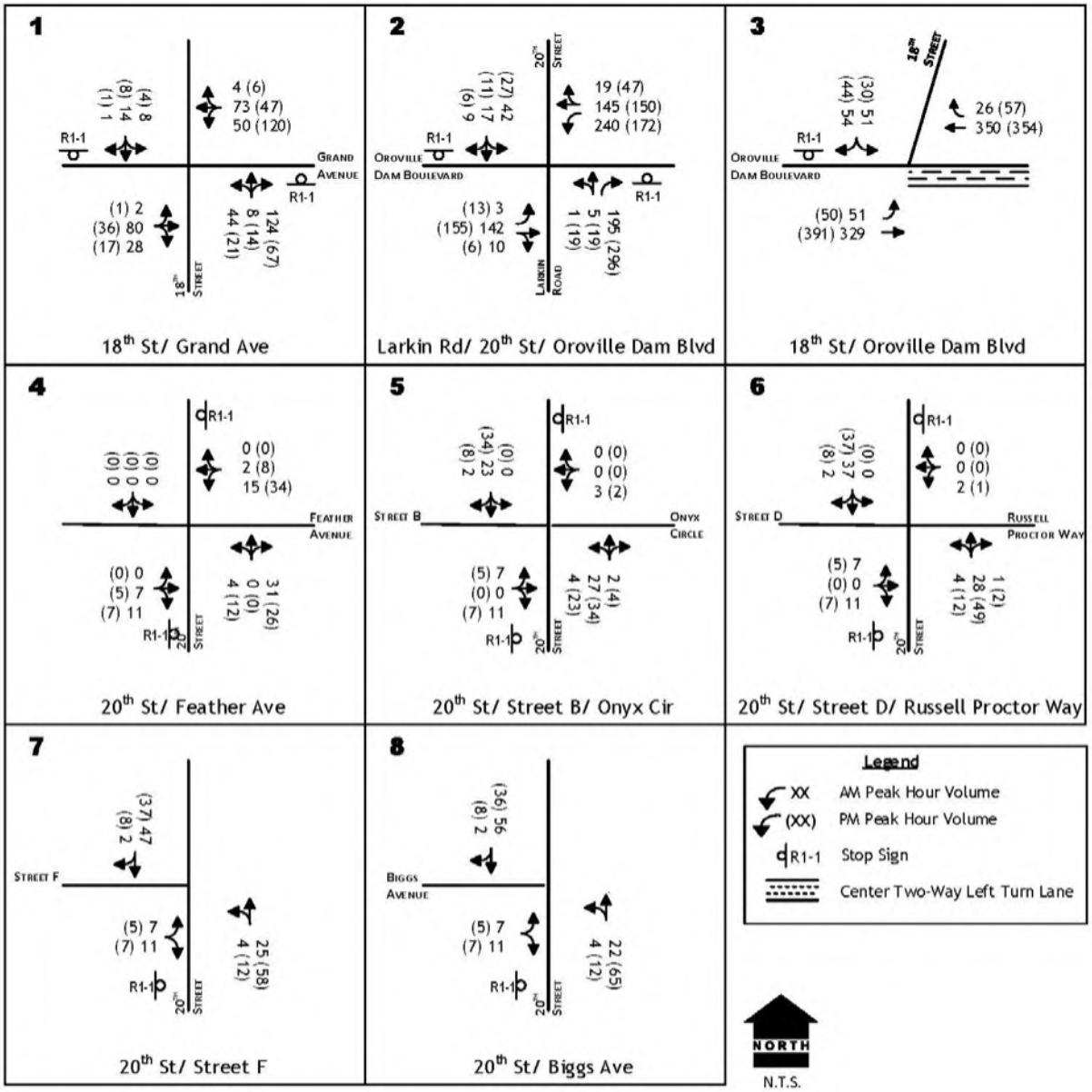
Under Existing Plus Project conditions, the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road would operate at unacceptable LOS E, which is considered to be inconsistent with the General Plan policy on LOS. Oroville Dam Boulevard is a Caltrans state highway (SR 162) at this location. Any improvements to this intersection would require approval by the City of Oroville and Caltrans. The southbound approach to this intersection would operate at LOS E with 42.0 seconds of delay during the a.m. peak hour, and LOS E with 38.0 seconds of delay during the p.m. peak hour.



PROJECT ONLY TRAFFIC VOLUMES
EXISTING BACKGROUND CONDITIONS

KD Anderson & Associates, Inc.
Transportation Engineers
2610-28 RA 1/2/2023

Source: KD Anderson and Associates, Inc.



KD Anderson & Associates, Inc.
Transportation Engineers
2610-28 RA 1/2/2023

EXISTING PLUS PROJECT TRAFFIC VOLUMES AND LANE CONFIGURATIONS

Source: KD Anderson and Associates, Inc.

Figure 3.12-4. Existing Plus Project Traffic Volumes and Lane Configuratio

Table 3.12-5. Level of Service – Existing Plus Project Conditions

Study Intersections and Approaches	Intersection Control	Signal Warrant Met?	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
1. Grand Ave & 18th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	6.0	A	6.3
EB Left-Turn			A	7.4	A	7.3
WB Left-Turn			A	7.6	A	7.6
NB Approach			B	11.0	B	10.6
SB Approach			B	12.1	B	12.5
2. Oroville Dam Blvd & 20th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	8.5	A	8.1
EB Left-Turn			A	7.6	A	7.7
WB Left-Turn			A	8.2	A	8.0
NB Approach			B	10.8	B	12.9
SB Approach			E	42.0	E	38.0
3. Oroville Dam Blvd & 18th Street	Unsignalized SB Stop Sign	No				
Overall Intersection			A	2.2	A	1.5
EB Left-Turn			A	8.3	A	8.5
SB Approach			B	13.9	B	13.2
4. 20th St & Feather Avenue	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	4.8	A	6.2
EB Approach			A	8.8	A	8.8
WB Approach			A	8.9	A	9.1
NB Approach			A	7.2	A	7.2
SB Approach			A	0.0	A	0.0
5. 20th St & Onyx Cr/St B	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	2.7	A	2.0
EB Approach			A	8.7	A	8.8
WB Approach			A	9.0	A	9.2
NB Approach			A	7.3	A	7.3
SB Approach			A	0.0	A	0.0
6. 20th St & Russell Proctor Way/St D	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	2.2	A	1.7
EB Approach			A	8.8	A	8.9
WB Approach			A	9.1	A	9.3
NB Approach			A	7.3	A	7.3
SB Approach			A	0.0	A	0.0

Table 3.12-5. Level of Service – Existing Plus Project Conditions

Study Intersections and Approaches	Intersection Control	Signal Warrant Met?	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
7. 20th St & St F						
Overall Intersection	Unsignalized EB Stop Sign	No	A	2.0	A	1.6
EB Approach			A	8.8	A	8.9
NB Approach			A	7.3	A	7.3
8. 20th St & Biggs Ave						
Overall Intersection	Unsignalized EB Stop Sign	No	A	1.8	A	1.4
EB Approach			A	8.8	A	8.9
NB Approach			A	7.3	A	7.3

Source: KDA 2023
Notes: LOS = Level of Service. Delay is measured in seconds per vehicle.
NB = northbound, WB = westbound, SB = southbound, EB = eastbound
Ave = Avenue, St = Street, Blvd = Boulevard

While LOS E is inconsistent with General Plan Policy P2.1 and would conflict with a program, plan, ordinance or policy addressing the circulation system, as of July 1, 2020, LOS is no longer to be considered a significant impact under CEQA. Pursuant to CEQA Guidelines, Section 15064.3, VMT is the most appropriate measure of transportation impacts. VMT refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel. Except as provided in subdivision 15064.3(b)(2) of the CEQA Guidelines, regarding roadway capacity, a project's effect on automobile delay cannot constitute a significant environmental impact. As such, mitigation for the improvement of LOS is not required. However, the TIS does provide recommendations for improving the LOS at the Oroville Dam Boulevard & 20th Street/Larkin Road intersection as follows:

Recommended Improvement TRAF-1 – Widen the Southbound Approach at the Intersection of Oroville Dam Boulevard and 20th Street/Larkin Road, widening the southbound approach at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road would improve LOS to an acceptable level under Existing Plus Project conditions. The existing single-lane southbound approach should be replaced with an exclusive southbound-to- eastbound left-turn and a southbound combined through/right-turn lane.

Table 3.12-6 shows this intersection would operate at acceptable LOS D under Existing Plus Project conditions with implementation of this recommended improvement. The southbound approach to this intersection would operate at LOS D with 34.9 seconds of delay during the a.m. peak hour, and LOS D with 34.5 seconds of delay during the p.m. peak hour. LOS D is considered consistent with the General Plan policy on LOS. Impacts would be less than significant after mitigation.

Table 3.12-6. Level of Service – Existing Plus Project Conditions With Mitigation						
Study Intersections and Approaches	**Intersection Control**	**Signal Warrant Met?**	**AM Peak Hour**		**PM Peak Hour**	
			LOS	**Delay**	**LOS**	**Delay**
2. Oroville Dam Blvd & 20th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	7.9	A	7.9
EB Left-Turn			A	7.6	A	7.7
WB Left-Turn			A	8.2	A	8.0
NB Approach			B	10.8	B	12.9
SB Approach			D	34.9	D	34.5

Impact on Public Transit Service

As noted earlier under Public Transportation, the public transit stop closest to the Project Site is approximately 1 mile away. Because of the distance, implementation of the Feather Ranch Project is not expected to adversely affect existing public transit service. As a result, the Project would have a less than significant impact on public transit service. No mitigation measures would be required.

Land use development in the immediate vicinity of the Project Site is currently sparse. As a result, it is considered unlikely fixed route public transit service would be extended to the area in the near-term. Possible extension of public transit service to the area could be considered if future land use projects in the vicinity of the Project Site result in greater development density.

Impact on Bicycle and Pedestrian Facilities

Implementation of the Proposed Project would result in an increase in demand for bicycle and pedestrian facilities. Currently, there are sidewalks on both sides of Feather Avenue and on the eastern side of 20th Street adjacent to the Project Site. Project-related improvements to 20th Street and abutting Project vicinity roadways include curbs, gutters and sidewalks adjacent to the Project Site. Sidewalks would front 20th Street, Biggs Avenue, and Feather Avenue as well as along all internal proposed roadways.

Greenway space would be provided along internal sidewalks, around the proposed storm drainage retention basin at the northeastern corner of the Project site, and fronting 20th Street and Biggs Avenue. These facilities would provide bicycles and pedestrians with an option to avoid traveling adjacent to vehicle traffic. Because of these project-related improvements that would facilitate bicycle and pedestrian travel, the Feather Ranch Project is considered to have a less than significant impact on bicycle and pedestrian facilities. No mitigation measures are required. Mitigation measures to reduce the impact of the Feather Ranch Project on VMT would also encourage bicycle and pedestrian travel. While not required to reduce the impact of the Project on bicycle and pedestrian facilities, implementation of Mitigation Measures TR-1, TR-2 and TR-3 under Impact TR-2 would result in improvements to bicycle and pedestrian facilities.

Mitigation Measures

No mitigation measures are required.

Impact TR-2:	Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).
Impact Determination:	Significant and Unavoidable
Threshold:	*Conflict or inconsistency with CEQA Guidelines Section 15064.3, subdivision (b).*

Impact Discussion

CEQA Guidelines Section 15064.3, subdivision (b) provides criteria for analyzing transportation impacts based on a VMT methodology instead of the now superseded (as of January 1, 2019) LOS methodology. Pertinent to the Proposed Project are those criteria identified in Section 15064.3(b)(1) Land Use Projects. According to this section:

> "Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor[1] should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact."

The impacts of the Proposed Project on VMT were evaluated in the TIS. As described earlier under the VMT Significance Threshold, the evaluation of the impacts of the Feather Ranch Project on VMT was conducted using:

- the BCAG document BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices (BCAG 2021a), and
- an update of the Regional Travel Demand Model prepared by BCAG for the purpose of developing TAZ-level VMT estimates appropriate for SB 743 analysis.

Figure 4-A of the *BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices* document shows the Project Site is located in an area where home-based VMT per

[1] *High-quality transit corridor* means an existing corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. For the purposes of this Appendix, an "existing stop along a high-quality transit corridor" may include a planned and funded stop that is included in an adopted regional transportation improvement program.

resident would be greater than a level 15 below the baseline condition. That is, the method presented in this document indicates residential development in the Project site would result in the generation of VMT that is not below 85 percent of baseline conditions. The assessment presented in the BCAG SB 743 Implementation document is quantified in greater detail in data from the updated Regional Travel Demand Model. The Project Site is located in TAZ 911 of the travel demand model. This TAZ is bounded by Grand Avenue on the north, 20th Street on the east, Oroville Dam Boulevard on the south, and the northerly extension of Wes Barrett Lane on the west.

On a per-resident level, data from the travel demand model shows residential land use development in TAZ 911 would generate 26.7 home-base VMT per resident, while the average for the City of Oroville would be 19.1 home-based VMT per resident. Therefore, the Project Site would be expected to generate VMT at 140 percent of the baseline City of Oroville average (26.7÷19.1=1.40).

On a per-household level, data from the travel demand model shows residential land use development in TAZ 911 would generate 63.3 home-based VMT per household, while the average for the City of Oroville would be 43.6 home-based VMT per household. Therefore, the Project site would be expected to generate VMT at 145 percent of the baseline City of Oroville average (63.3÷43.6=1.45).

As shown in the *BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices* and in the updated travel demand model data, development of the Feather Ranch Project would generate VMT greater than 85 percent of baseline conditions. As a result, the impact of the Feather Ranch Project on VMT is considered significant and mitigation is required.

The *BCAG SB 743 Implementation – Mitigation Strategies* document (BCAG 2021b) is one of the documents in a series BCAG has prepared to assist local member jurisdictions in the implementation of SB 743. The document presents potential mitigation measures which reduce the impact of projects on VMT. The document presents a wide range of measures for:

- different types of land uses (e.g., residential versus employment-generating);
- different sizes of project; and
- different settings (e.g., urban core versus suburban).

A substantial portion of the measures presented in *BCAG SB 743 Implementation – Mitigation Strategies* apply only to employment-generating land use development projects and are, therefore, not applicable to the Proposed Project.

BCAG SB 743 Implementation – Mitigation Strategies also provides information on the feasibility of measures and whether sufficient evidence is available for use of the measure as a mitigation measure in CEQA documents. KDA reviewed the applicability, feasibility, and sufficiency of evidence for measures listed in *BCAG SB 743 Implementation – Mitigation Strategies* in the TIS to identify potential mitigation measures for the Project.

The VMT reducing descriptions provided in Mitigation Measures TR-2 and TR-3 include estimated ranges of effectiveness for each measure published *in BCAG SB 743 Implementation – Mitigation Strategies*. It should be noted the ranges of estimated effectiveness are not project-specific and would require

additional analysis and interpretation to be applied to specific projects, including the Proposed Project. In some cases, the high end of the ranges of effectiveness applies to large projects, projects in highly urban settings, and projects with substantial alternative transportation infrastructure, for example commuter rail facilities.

Mitigation Measures

TR-1: **Provide Pedestrian Network Improvements.** Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT.

The Project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site. The Project will minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, landscaping, and slopes that impede pedestrian circulation will be eliminated. Some aspects of this measure are already included in the Proposed Project.

Increasing the use of pedestrian improvements would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0.5 percent to 5.7 percent.

Timing/Implementation: *Prior to approval of the Project.*

Enforcement/Monitoring: *City of Oroville*

TR-2: **Provide Traffic Calming Measures.** Providing traffic calming measures encourages people to walk or use bicycles instead of using a vehicle. This mode shift will result in a decrease in VMT.

Project design will include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways will be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others. Some aspects of this measure are already included in the Proposed Project.

Increasing the use of traffic calming measures would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0 to 1.7 percent.

Timing/Implementation: *Prior to approval of the Project.*

Enforcement/Monitoring: *City of Oroville*

TR-3: **Contribute to a 20th Street Bicycle Facility.** Providing bicycle facilities reduces VMT by encouraging use of non-vehicular forms of transportation. Connecting to existing bicycle facilities would provide access to Project site residents to a larger network of facilities.

The Project applicant shall contribute a fair share portion of the cost toward construction of the bikeway. Because the Bicycle Transportation Plan does not specify whether the 20th Street bikeway would be a Class I or Class II facility, it is not known whether the bikeway would be on 20th Street or separate from the roadway. For the same reason, it is not known what the cost of the bikeway would be. As such, the Project's fair share portion shall be negotiated between the applicant and the City of Oroville.

Timing/Implementation: *Prior to approval of the Project.*

Enforcement/Monitoring: *City of Oroville*

Residual Impact After Mitigation

As noted above, development of the Project Site would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level which would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1–[0.85÷1.45]=0.414). While the following measures would reduce the impact of the Project on VMT, implementation of mitigations needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of Mitigation Measures TR-1, TR-2, and TR-3, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

Impact TR-3	Project implementation could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment).
Impact Determination	Less than Significant
Threshold	*Substantial increase in hazards due to geometric design feature or incompatible uses.*

Impact Discussion

As shown in Figure 2-2, the Project would be accessed via the existing 20th Street. Future access roadways to be developed as a part of the Project would include Feather Avenue and Biggs Avenue. The Project would also develop a number of internal streets. All new roadways would be required to be constructed according to the City of Oroville roadway standards. As such, the Project would not result in a substantial increase in hazards due to geometric design features or incompatible uses.

Mitigation Measures

No mitigation measures are required.

3.12.6 Cumulative Setting, Impacts, and Mitigation Measures

Cumulative conditions refer to the analysis scenarios that reflect future conditions represented by local and regional growth in approximately 20 years in the future. The Cumulative No Project condition represents a long-term future background condition. Future development of approved and planned land uses throughout the City of Oroville and County of Butte are assumed in this condition. The Cumulative No Project condition, therefore, serves as the baseline condition used to assess long-term Project-related traffic effects.

3.12.6.1 Traffic Volume Forecasts

As described in the Travel Forecasting section of the TIS, the BCAG Regional Travel Demand Model was used to develop forecasts of background increases in traffic volumes under Cumulative No Project conditions. The increases in traffic volumes reflect development of long-term future land use development.

Application of the methods described in the Travel Forecasting section results in the a.m. and p.m. peak hour traffic intersection volumes presented in Figure 3.12-5.

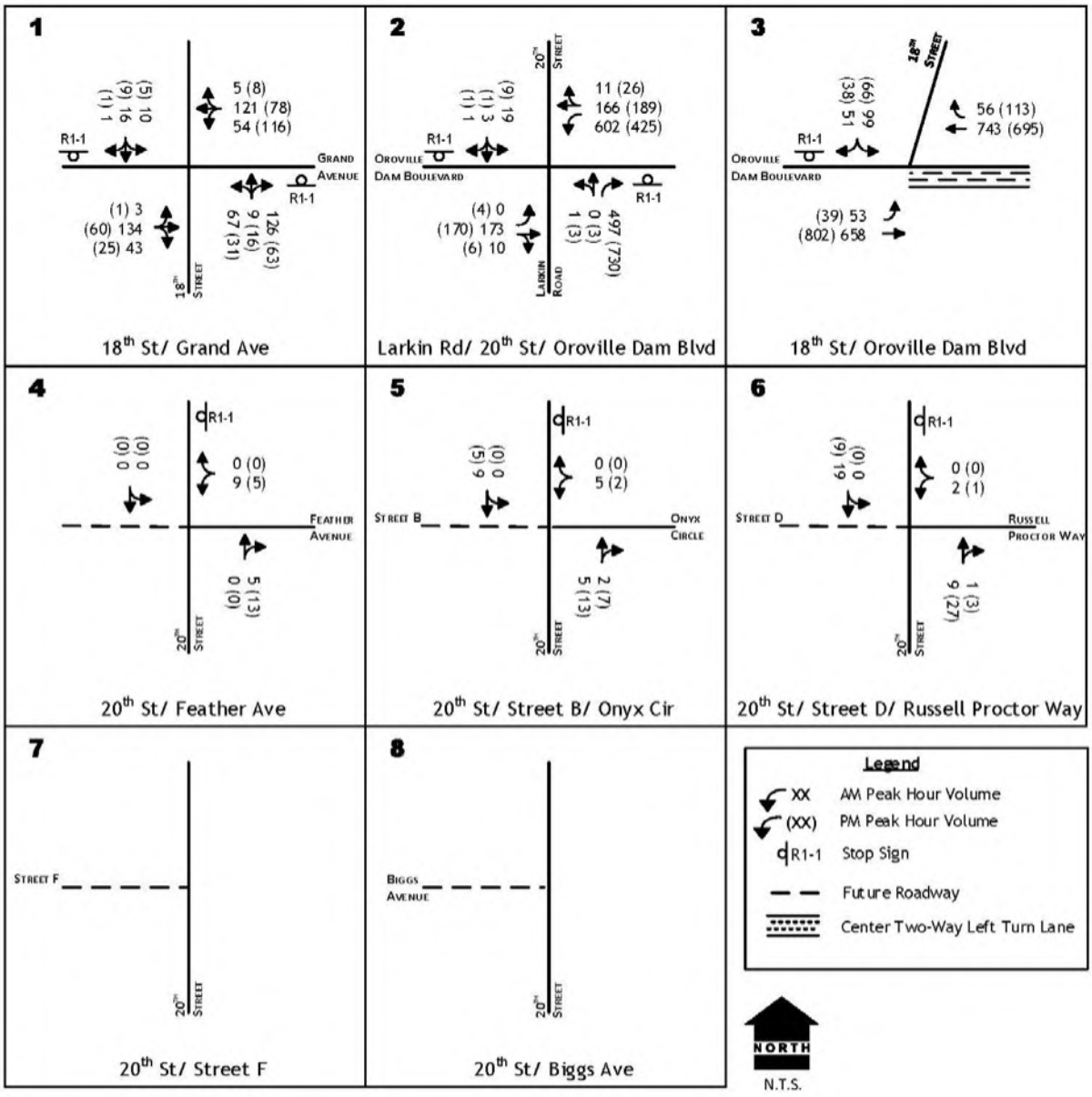
3.12.6.2 Intersection Levels Of Service

Table 3.12-7 provides the a.m. and p.m. peak hour LOS at each study intersection under Cumulative No Project conditions. The worksheets presenting the calculation of LOS are included in the technical appendix of the TIS.

Traffic volumes under Cumulative No Project conditions would be generally higher than under Existing conditions and, as a result, vehicle delay at study intersections under Cumulative No Project conditions would be higher than under Existing conditions.

Under Cumulative No Project conditions, four of the six study intersections would operate at acceptable LOS B or better during both the a.m. and p.m. peak hours and would be consistent with General Plan policy on LOS. No improvements are needed at these intersections to achieve acceptable LOS. Under Cumulative No Project conditions, two study intersections would operate at unacceptable LOS.

- At the intersection of Oroville Dam Boulevard and 20th Street, overall intersection LOS would be E during the a.m. peak hour and F during the p.m. peak hour. The northbound approach to this intersection would operate at LOS E with 49.0 seconds of delay during the p.m. peak hour. The southbound approach would operate at LOS F with 1,673.8 seconds of delay during the a.m. peak hour, and LOS F with 11,383.4 seconds of delay during the p.m. peak hour.



CUMULATIVE NO PROJECT TRAFFIC VOLUMES AND LANE CONFIGURATIONS

KD Anderson & Associates, Inc.
Transportation Engineers
2610-28 RA 1/2/2023

Source: KD Anderson and Associates, Inc.

- At the intersection of Oroville Dam Boulevard and 18th Street, the southbound approach would operate at LOS E with 40.9 seconds of delay during the a.m. peak hour.

Table 3.12-7. Level of Service – Existing Conditions

Study Intersections and Approaches	Intersection Control	Signal Warrant Met?	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
1. Grand Ave & 18th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	6.0	A	5.8
EB Left-Turn			A	7.5	A	7.4
WB Left-Turn			A	7.8	A	7.6
NB Approach			B	13.4	B	11.7
SB Approach			B	14.1	B	13.3
2. Oroville Dam Blvd & 20th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			E	36.1	F	105.4
EB Left-Turn			A	0.0	A	7.7
WB Left-Turn			B	10.3	A	9.0
NB Approach			C	17.9	E	49.0
SB Approach			F	1,673.8	F	11,383.4
3. Oroville Dam Blvd & 18th St	Unsignalized SB Stop Sign	No				
Overall Intersection			A	4.0	A	2.0
EB Left-Turn			B	10.2	B	10.1
SB Approach			E	40.9	D	29.7
4. 20th St &Feather Ave	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	5.2	A	2.3
WB Approach			A	8.6	A	8.6
SB Approach			A	0.0	A	0.0
5. 20th St & Onyx Cr/St B	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	2.0	A	0.6
WB Approach			A	8.6	A	8.6
SB Approach			A	0.0	A	0.0
6. 20th St & Russell Proctor Way/St D	Unsignalized EB & WB Stop Sign	No				
Overall Intersection			A	0.6	A	0.2
WB Approach			A	8.7	A	8.7
SB Approach			A	0.0	A	0.0

Source: KDA 2023
Notes: LOS = Level of Service. Delay is measured in seconds per vehicle.
NB = northbound, WB = westbound, SB = southbound, EB = eastbound
St = Street, Ave = Avenue, Blvd = Boulevard

As shown in Table 3.12-7, both the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street would meet signal warrants under Cumulative No Project conditions. Signalization was considered to improve LOS at these intersections. However, signalization is considered to be infeasible because of:

- the relatively high traffic volumes on the westbound-to-southbound left-turn movement at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road, and
- the short space between the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street.

The relatively high traffic volumes on the left-turn movement would require substantial vehicle storage for the queuing. The short spacing between the two intersections would prevent construction of adequate vehicle storage. The lack of adequate vehicle storage would result in queuing from the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road interfering with the operation of the intersection of Oroville Dam Boulevard and 18th Street.

Installation of All-Way Stop-Control (AWSC) at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street was also considered. As described above for signalization, the problem of relatively high traffic volumes on the westbound-to-southbound left-turn movement at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road, and the short spacing between the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street also would be present with AWSC. Construction of adequate vehicle storage for the queuing from the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road would not be possible. As a result, installation of AWSC is also considered to be infeasible.

The TIS recommended the installation of a paired roundabout at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street. LOS at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street would be acceptable under Cumulative No Project conditions with implementation of the paired roundabout. This roadway improvement is considered necessary regardless of whether the Proposed Project were to be developed.

3.12.6.3 Cumulative Impacts and Mitigation Measures

Impact TR-4	Would the project, when considered with existing, proposed, planned, and approved development in the region, implementation of the proposed project would contribute to cumulative traffic volumes on local roadways that result in significant impacts to level of service and operations?
Impact Determination	Cumulatively Considerable and Significant and Unavoidable
Threshold	*Cumulatively contribute to cumulative traffic volumes on local roadways that result in significant impacts to level of service and operations.*

Impact Discussion

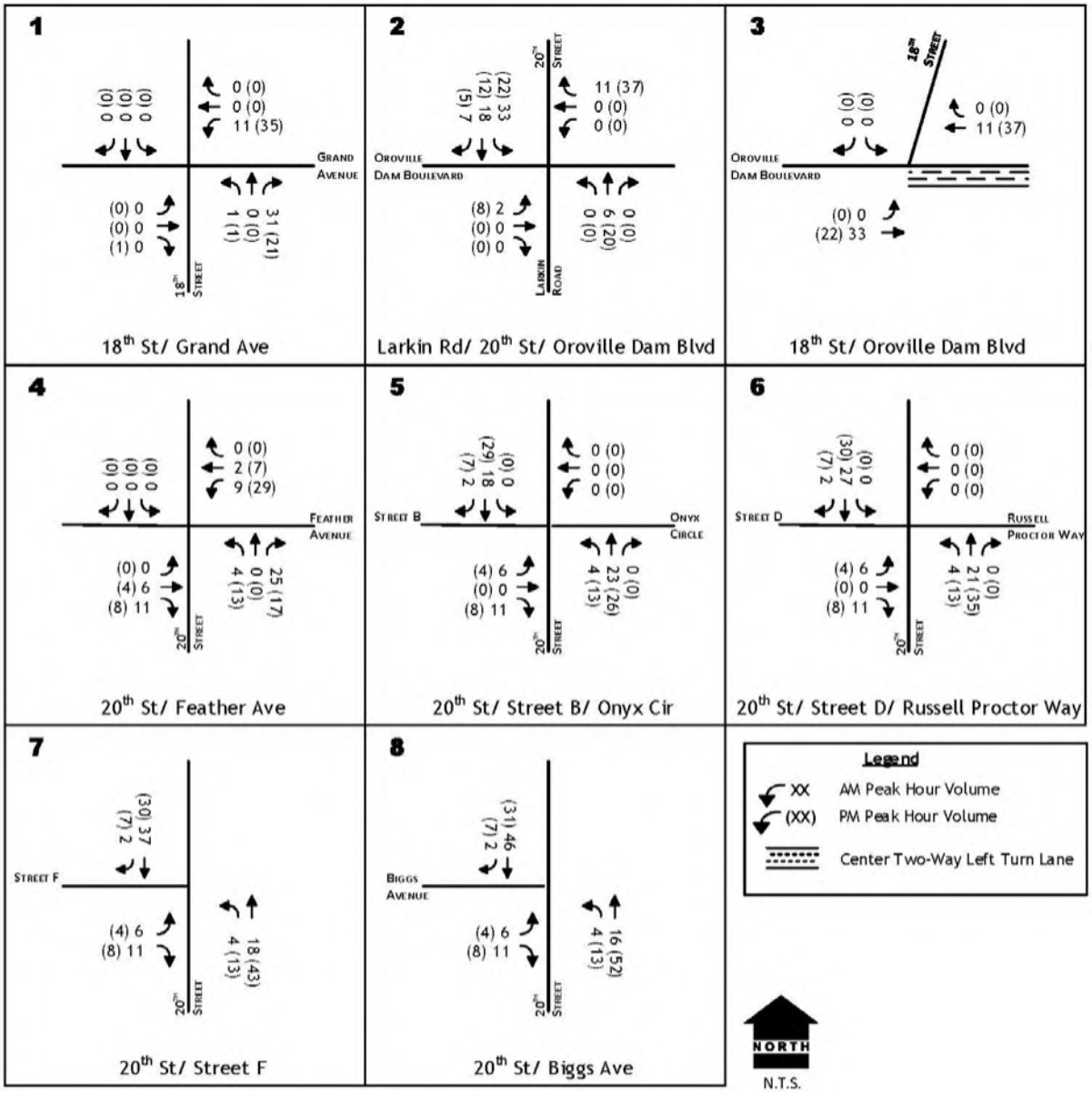
The analysis of Cumulative Plus Project conditions describes long-term future traffic operations assuming future development of planned land uses throughout the City of Oroville and Butte County, and also development of the Feather Ranch Project. Comparing traffic operations under Cumulative Plus Project conditions to traffic operations under Cumulative No Project conditions allows an identification of the long-term Project-related effects of the Proposed Project.

The development of the Feather Ranch Project would result in vehicle traffic to and from the Project Site. Methods used to estimate Project-related travel have been previously described in the Existing Plus Project Conditions section. Figure 3.12-6 displays the Project-related only traffic volumes for each study intersection in the a.m. and p.m. peak hours under long-term future Cumulative background conditions. Development of forecasts of future year background traffic volumes has been previously described in the Cumulative No Project Conditions. Cumulative Plus Project traffic volumes were calculated by adding Project-related-only traffic volumes under long-term future Cumulative conditions to Cumulative No Project background traffic volumes. Figure 3.12-7 displays the resulting Cumulative Plus Project traffic volumes anticipated for each study intersection in the peak hours.

Intersection Levels Of Service

Table 3.12-8 presents the a.m. and p.m. peak hour LOS' at each study intersection under Cumulative Plus Project conditions. The worksheets presenting the calculation of LOS are included in the technical appendix of the TIS.

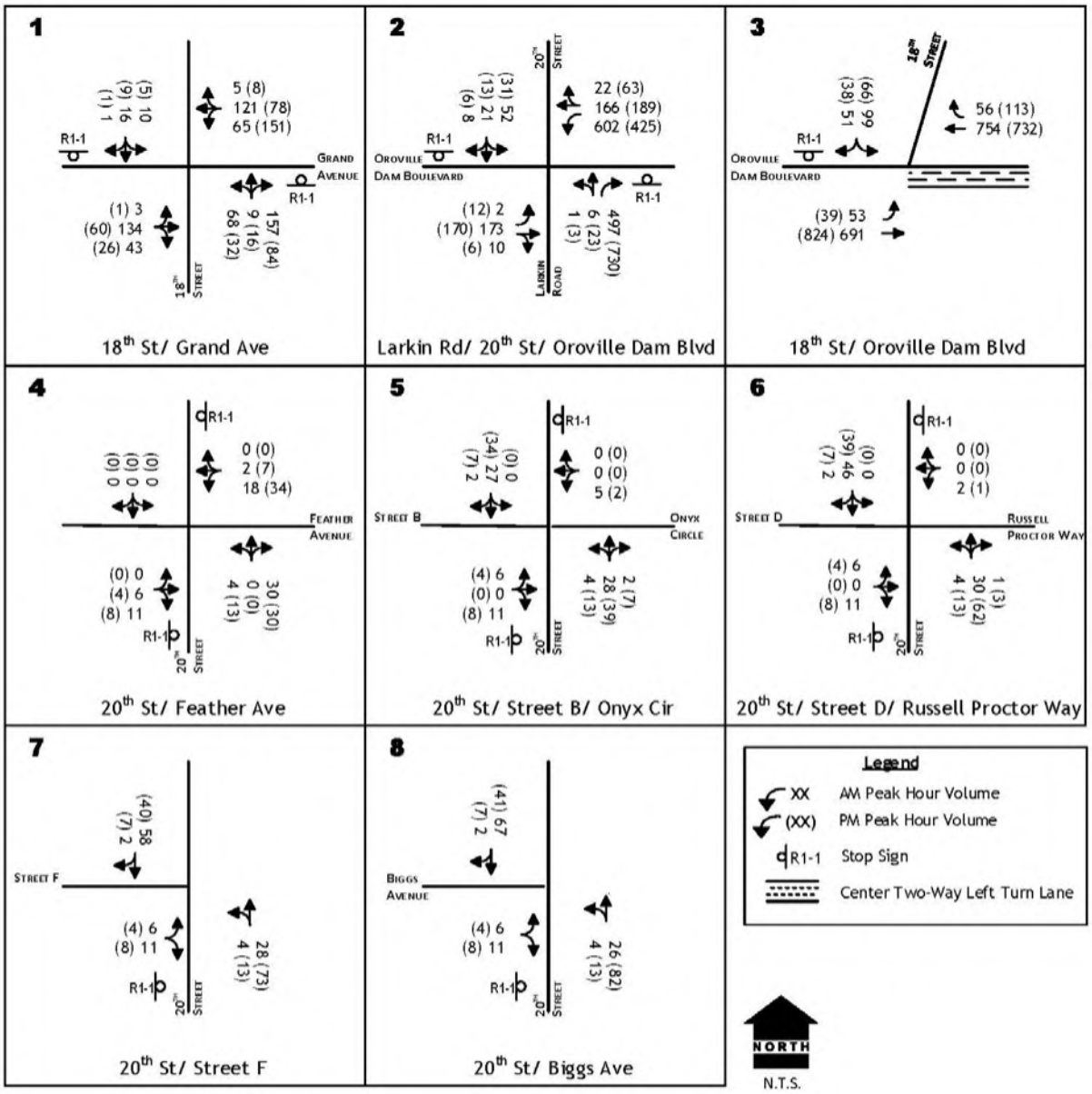
Traffic volumes under Cumulative Plus Project conditions would be generally higher than under Cumulative No Project conditions and, as a result, vehicle delay under Cumulative Plus Project conditions would be higher than under Cumulative No Project conditions.



Source: KD Anderson and Associates, Inc.

ECORP Consulting, Inc.
ENVIRONMENTAL CONSULTANTS

Figure 3.12-6. Project Only Traffic Volumes Cumulative Background Conditio



CUMULATIVE PLUS PROJECT TRAFFIC VOLUMES AND LANE CONFIGURATIONS

KD Anderson & Associates, Inc.
Transportation Engineers
2610-28 RA 1/2/2023

Source: KD Anderson and Associates, Inc.

Under Cumulative Plus Project conditions, six of the eight study intersections would operate at acceptable LOS B or better during both the a.m. and the p.m. peak hours and would be consistent with General Plan policy on LOS. No improvements are needed at these intersections to achieve acceptable LOS.

Under Cumulative Plus Project conditions, two study intersections would operate at unacceptable LOS, which is considered to be inconsistent with the General Plan policy on LOS.

- At the intersection of Oroville Dam Boulevard and 20th Street, overall intersection LOS would be F during the a.m. peak hour. The northbound approach to this intersection would operate at LOS E with 49.9 seconds of delay during the p.m. peak hour. The southbound approach would operate at LOS F with 4,424.4 seconds of delay during the a.m. peak hour, and LOS F with 61.0 seconds of delay during the p.m. peak hour.
- At the intersection of Oroville Dam Boulevard & 18th Street, the southbound approach would operate at LOS E with 43.7 seconds of delay during the a.m. peak hour.

As shown in Table 3.12-8, both the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street would meet signal warrants under Cumulative Plus Project conditions. To improve LOS at these intersections, both signalization and AWSC were considered. However, both signalization and AWSC are considered to be infeasible. A description of the reasons signalization and AWSC are considered infeasible is presented previously under Cumulative No Project Conditions.

Table 3.12-8. Level of Service – Existing Plus Project Conditions

Study Intersections and Approaches	Intersection Control	Signal Warrant Met?	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
1. Grand Ave & 18th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			A	6.6	A	6.4
EB Left-Turn			A	7.5	A	7.4
WB Left-Turn			A	7.8	A	7.7
NB Approach			B	14.0	B	12.3
SB Approach			B	14.9	B	14.8
2. Oroville Dam Blvd & 20th St	Unsignalized NB & SB Stop Sign	No				
Overall Intersection			F	239.9	D	26.8
EB Left-Turn			A	7.7	A	7.9
WB Left-Turn			B	10.3	A	9.0
NB Approach			C	19.3	E	49.9
SB Approach			F	4,424.4	F	61.0
3. Oroville Dam Blvd & 18th St	Unsignalized SB Stop Sign	No				
Overall Intersection			A	4.2	A	2.1
EB Left-Turn			B	10.2	B	10.3

Table 3.12-8. Level of Service – Existing Plus Project Conditions

Study Intersections and Approaches	Intersection Control	Signal Warrant Met?	AM Peak Hour		PM Peak Hour	
			LOS	Delay	LOS	Delay
SB Approach			E	43.7	D	32.0
4. 20th St & Feather Ave						
Overall Intersection	Unsignalized EB & WB Stop Sign	No	A	4.9	A	5.9
EB Approach			A	8.7	A	8.7
WB Approach			A	8.9	A	9.2
NB Approach			A	7.2	A	7.2
SB Approach			A	0.0	A	0.0
5. 20th St & Onyx Cr/St B						
Overall Intersection	Unsignalized EB & WB Stop Sign	No	A	2.6	A	1.9
EB Approach			A	8.7	A	8.8
WB Approach			A	9.0	A	9.3
NB Approach			A	7.3	A	7.3
SB Approach			A	0.0	A	0.0
6. 20th St & Russell Proctor Way/St D						
Overall Intersection	Unsignalized EB & WB Stop Sign	No	A	1.9	A	1.5
EB Approach			A	8.8	A	8.9
WB Approach			A	9.1	A	9.5
NB Approach			A	7.3	A	7.3
SB Approach			A	0.0	A	0.0
7. 20th St & St F						
Overall Intersection	Unsignalized EB Stop Sign		A	1.6	A	1.4
EB Approach			A	8.8	A	8.8
NB Approach			A	7.3	A	7.3
8. 20th St & Biggs Ave						
Overall Intersection	Unsignalized EB Stop Sign		A	1.6	A	1.3
EB Approach			A	8.9	A	8.9
NB Approach			A	7.4	A	7.3

Source: KDA 2023
Notes: LOS = Level of Service. Delay is measured in seconds per vehicle.
NB = northbound, WB = westbound, SB = southbound, EB = eastbound
St = Street, Ave = Avenue, Blvd = Boulevard

LOS at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street would be acceptable under Cumulative Plus Project conditions with implementation of the TIS-recommended improvement to these intersections of a paired roundabout. Since the Project would add additional traffic to the area and affect these intersections,

substantially resulting in an LOS that is inconsistent and in conflict with the 2030 General Plan Policy P2.1, mitigation for the Project's impact is required under cumulative conditions. However, as discussed previously, as of July 1, 2020, LOS cannot be used as a determining factor in traffic impacts. As such, inconsistency with LOS policies is not an environmental impact and mitigation for this inconsistency is not required. However, the TIS provides recommendations for improving the LOS at the Oroville Dam Boulevard and 20th Street/Larkin Road intersection and the Oroville Dam Road/18th Street intersection as follows:

Recommended Improvement Traf-5: Install a Paired Roundabout at the Intersection of Oroville Dam Boulevard & 20th Street / Larkin Road and the Intersection of Oroville Dam Boulevard & 18th Street.

Under Cumulative Plus Project conditions, a paired roundabout should be installed at the intersection of Oroville Dam Boulevard and 20th Street/Larkin Road and the intersection of Oroville Dam Boulevard and 18th Street. This is the same improvement recommended for these two intersections under Cumulative No Project conditions.

Table 3.12- 9 shows that the Oroville Dam Boulevard and 20th Street and the intersection and the Oroville Dam Boulevard and 18th Street intersection would operate at acceptable LOS B with the TIS-recommended improvement.

Table 3.12-9. Level of Service – Cumulative Plus Project Conditions With Mitigation

Study Intersections (Overall Intersection)	Intersection Control	AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
2. Oroville Dam Blvd & 20th St	Roundabout	B	11.5	B	15.5
3. Oroville Dam Blvd & 18th St	Roundabout	B	10.5	B	12.2

Source: KDA 2023

Mitigation Measures

Implement Mitigation Measures TR-1, TR-2, and TR-3.

Residual Impact After Mitigation

As noted previously, development of the Project Site would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level that would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1–[0.85÷1.45]=0.414). While mitigation measures TR-1, TR-2, and TR-3 would reduce the impact of the Project on VMT, implementation of mitigation measures needed to achieve a 40 percent reduction is not considered feasible. As a result, under cumulative conditions, even with implementation of Mitigation Measures TR-1, TR-2, and TR-3, the impact of the Feather Ranch Project on VMT would be cumulatively considerable and significant and unavoidable.

3.13 Tribal Cultural Resources

This section describes the affected environment and regulatory setting for TCRs in the Project Area. The following analysis of the potential environmental impacts related to TCRs is derived primarily from the *Cultural Resources Inventory Report for the Feather Ranch Project* prepared by ECORP Consulting, Inc. (2022). The information provided below summarizes this report. The reader is also referred to Section 3.4 Cultural Resources, which provides additional information on Native American pre-contact and historic information.

3.13.1 Environmental Setting

3.13.1.1 Ethnography

When European-Americans first arrived in the region, Indigenous groups speaking more than 100 different languages and occupying a variety of ecological settings inhabited California. Archaeologists recognized the uniqueness of California's Indigenous groups and classified them as belonging to the California culture area. California was subdivided by these archaeologists into four subculture areas: Northwestern, Northeastern, Southern, and Central. The Central area encompasses the current Project Area and includes the Maidu and Konkow.

The current Project Area falls within the ethnographic tribal territory of the Maidu, located in the lower foothills of the western slopes of the Sierra Nevada and in the periphery of the Northern Sacramento Valley. The Maidu, on the basis of cultural and linguistic differences, have been differentiated into three major related divisions (ECORP 2022): the Northeastern (Mountain Maidu), Northwestern (Konkow), and Southern (Nisenan). Because many believe the Mountain Maidu and Konkow to be so closely related, ethnographers tended to group them as one.

The Konkow occupied territory located immediately adjacent and to the southwest of the Mountain Maidu, along the Feather and Sacramento rivers, to their southern boundary at the Sutter Buttes. The Konkow were primarily located in the lower elevations of the Sierra Nevada and along the valley floor. Tribal territories adjacent to the Maidu and Konkow included the Atsugewi and Yana to the north, the Nomlaki and Patwin to the west, Paiute and Washoe to the east, and the Nisenan to the south.

The Maidu and Konkow languages and associated dialects are members of the Maiduan language family of the California Penutian Linguistic Stock. Unlike the Maidu, whose dialects were unique to each of the four major regions of occupation, the Konkow spoke a large number of dialects, with each settlement area supporting more than one dialect (Shipley 1978). The Konkow called themselves ko'yo-mkawi, or *meadowland* (ECORP 2022).

Settlement patterns of the Maidu and Konkow were seasonal in nature. The Konkow inhabited a savanna-like habitat on the valley floor and in the lower elevations of the Sierra Nevada foothills. Resources exploited in this environment include wild rye, pine nuts, acorns, fish, and invertebrates (ECORP 2022). Summer hunting trips into the mountains provided deer meat, skins, and other items for food, clothing, and shelter for the winter months.

The village community was the primary settlement type among the Maidu and consisted of three to five small villages, each composed of about 35 members. Among the Mountain Maidu, village communities were well-defined and based on geography. In contrast, the Konkow were dispersed throughout the valley floor along river canyons and, as a result, village communities were less concentrated or definable. In terms of permanent occupation sites, both groups preferred slightly elevated locations that provided visibility of the surrounding area and were away from the water-laden marshes and meadows (ECORP 2022). The Mechoopda Village, formerly located near downtown Chico, was home to many Maidu well into historical times.

Among the villages, the male occupant of the largest kum, or semi-subterranean earth-covered lodge, governed the community. Two other types of ethnographically documented structures in use included the winter-occupied conical bark structure and the summer shade shelter (ECORP 2022).

Clothing, accessories, and other personal items were manufactured using elaborate basket-weaving techniques, shell and bone ornamenting, and by incorporating feathers, game skins, plant roots, and stems into objects. Shell, in the form of beads for currency or as valuable jewelry, was very desirable and was exchanged for food, obsidian, tobacco, and pigments. Contact between the Maidu and Western culture was initiated as early as 1808 by Spanish explorers and fur trappers. The effects of the introduction of new diseases notwithstanding, native cultures remained essentially unchanged until after the discovery of gold at Coloma in 1848. An outbreak of malaria in 1833, the 1848 Gold Rush, and subsequent massacre of Native Americans resulted in an upset of the ecological and social balance of local Native societies. As a direct result, aboriginal populations plummeted from 8,000 in 1846 to only 900 in 1910 (ECORP 2022).

In 1855, the U.S. Congress authorized treaties to set aside reservation lands for Native Americans, after which some Konkow were relocated to the Nome Lackee reservation in present-day Tehama County. Descendants of the Maidu and Konkow have revitalized their ancestral heritage and have dissociated into the Enterprise, Berry Creek, and Mooretown rancherias in Oroville; the Mechoopda Indian Tribe in Chico; the United Maidu Nation and Susanville Rancheria in Susanville; and the Greenville Rancheria in Plumas County.

3.13.2 Known Tribal Cultural Resources in the Project Area

Existing NEIC records document that all of the Project Site has been subjected to prior archeological investigation. Per the NEIC records, no prehistoric or historic era sites have neem documented in the Project site (ECORP 2022). Additionally, The City of Oroville notified the 14 Tribes of the Proposed Project on August 18, 2022. One of these Tribes, Mooretown Rancheria, replied and has indicated that there were known TCRs on the Project Site.

3.13.3 Regulatory Framework

3.13.3.1 Federal

National Historic Preservation Act

The NHPA) requires that the federal government list significant historic resources on the NRHP, which is the nation's master inventory of known historic resources. The NRHP is administered by the NPS and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a historic district can also be included in the NRHP.[1] The criteria for listing in the NRHP include resources that:

a) are associated with events that have made a significant contribution to the broad patterns of history;
b) are associated with the lives of persons significant in our past;
c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
d) have yielded or may likely yield information important in prehistory or history.

Additionally, the NRHP guidelines describe a type of cultural significance for which properties may be eligible for inclusion in the NRHP. A property with traditional cultural significance will be found eligible for the NRHP because it is associated with cultural practices or beliefs of a living community that:

a) are rooted in that community's history, and
b) are important in maintaining the continuity of the cultural identity of the community.

This type of significance is grounded in the cultural patterns of thought and behavior of a living community and refers specifically to the association between their cultural traditions and a historic property.

3.13.3.2 State

Assembly Bill 52

Effective July 1, 2015, AB 52 amended CEQA to require that:

[1] A [historic] district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development (ECORP 2022).

1. a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and

2. for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe.

Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and Project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as "a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

   a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
   b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
   c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria a and b also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

In accordance with Section 21082.3(c)(1) of the PRC,

> "… information, including, but not limited to, the location, description, and use of the tribal cultural resources, that is submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public,

consistent with subdivision (r) of Section 6254 of, and Section 6254.10 of, the Government Code, and subdivision (d) of Section 15120 of Title 14 of the CCR, without the prior consent of the tribe that provided the information."

Therefore, the details of Tribal consultation summarized herein are provided in a confidential administrative record and not available for public disclosure without written permission from the tribes.

3.13.3.3 Local

Oroville 2015 General Plan

The Open Space, Natural Resources, and Conservation Element of the Oroville General Plan, adopted in 2015, is dedicated to preserving and improving the quantity, quality, and character of open space in Oroville. The Element includes Section H, which addresses cultural resources in the City. Cultural resources in Oroville include both prehistoric and historic resources in the realms of archaeology, paleontology and historic structures, sites and areas that played important roles in local history. The following goals and policies from the Cultural Resources section of the Element pertain to Project development:

Goal OPS-14: Preserve Oroville's cultural resources, including archaeological, historic and paleontological resources, for their aesthetic, scientific, educational and cultural values.

Policies

P14.1: Require consultation with the Northeast Information Center of the California Historical Resources Information System and completion of a records search as part of review of proposed development projects to determine whether the project site contains known prehistoric or historic cultural resources and/or to determine the potential for discovery of additional cultural resources and the necessity of further investigation.

P14.2: Require applicants for projects identified by the Northeast Information Center as potentially affecting cultural resource sites or in need of further investigation to hire a consulting archaeologist or historian (as applicable) to conduct inventory and evaluation studies and develop a cultural resources mitigation plan and monitor the project to ensure that mitigation measures are implemented, as necessary.

P14.3: Require that areas found during construction to contain significant historic or prehistoric archaeologic artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Require that historic or prehistoric artifacts found during construction be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures as necessary.

P14.7: If cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

P14.8: If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains

are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.

P14.9: Encourage development to avoid impacts to burial sites including:

- *Designing or clustering development to avoid archaeological deposits that typically contain human remains and to avoid any known cemeteries or other concentrations of human remains.*
- *Dedicating permanent conservation easements if subdivisions and other developments can be planned to provide for such protective easements.*

3.13.4 Environmental Impacts

3.13.4.1 Thresholds of Significance

Following Appendix G of the CEQA Guidelines, TCR impacts are considered to be significant if the Project would result in any of the following:

1. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

    a. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC § 5020.1(k), or
    b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC § 5024.1. In applying the criteria set forth in subdivision (c) of PRC § 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?

3.13.4.2 Methods of Analysis

As a part of the Cultural Resources Inventory Report, ECORP requested a records search for the property at the NEIC of the CHRIS at California State University, Chico on February 15, 2022. The purpose of the records search was to determine the extent of previous surveys within a 0.5-mile (800-meter) radius of the Proposed Project location, and whether previously documented pre-contact or historic archaeological sites, architectural resources, or traditional cultural properties exist within this area. The records search was completed by NEIC staff and returned to ECORP on March 10, 2022. In addition to the official records and maps for archaeological sites and surveys in Butte County, the following historic references were also reviewed: Built Environment Resource Directory; Historic Property Data File for Butte County; The National Register Information System; California Historical Landmarks; California Historical Landmarks; California Points of Historical Interest; Directory of Properties in the Historical Resources Inventory; Caltrans Local Bridge Survey; Caltrans State Bridge Survey; and Historic Spots in California.

Other references examined include a RealQuest Property Search and historic GLO land patent records. Historic maps reviewed include the following:

- 1856 BLM GLO Plat map for Township 19 North Range 3 East;
- 1891 USGS Chico, California topographic quadrangle map (1:250,000 scale);
- 1912 USGS Oroville, California topographic quadrangle map (1:31,680 scale);
- 1944 USGS Oroville, California topographic quadrangle map (1:62,500 scale);
- 1949 USGS Oroville, California topographic quadrangle map (1:62,500 scale); and
- 1970 (1973 edition) USGS Oroville, California topographic quadrangle map (1:24,000 scale).

ECORP reviewed historic aerial photos taken in 1952 and 1969 and more recent aerials from 1984, 1998, 2005, 2009, 2010, 2021, 2014, 2016, and 2018 for any indications of property usage and built environment. ECORP attempted a search within a local historical registry, but no such registry was available for Oroville.

Sacred Lands File Coordination Methods

In addition to the records search, ECORP contacted the California NAHC on February 16, 2022 to request a search of the Sacred Lands File for the Project Area. This search determines whether the California Native American tribes within the Project Area have recorded Sacred Lands, because the Sacred Lands File is populated by members of the Native American community with knowledge about the locations of Tribal resources. In requesting a search of the Sacred Lands File (SLF), ECORP solicited information from the Native American community regarding TCRs, but the responsibility to formally consult with the Native American community lies exclusively with the federal and local agencies under applicable state and federal laws. The results from the NAHC SLF search indicated a *positive* result for cultural resources on the Project Site. The response letter recommended the City contact the local tribes in the Project Vicinity to seek Tribal consultation. The City of Oroville has requested Tribal consultation from 14 local tribes in the area, with one response received. On August 25, 2022, the Mooretown Rancheria responded to the City's request for consultation indicating they were unaware of any known TCR's on the Project Site.

Other Interested Party Consultation Methods

ECORP mailed letters to the Butte County Historical Society on February 16, 2022 to solicit comments or obtain historical information that the repository might have regarding events, people, or resources of historical significance in the area.

Field Methods

ECORP subjected the Project Area to an intensive pedestrian survey on March 18, 2022 under the guidance of the *Secretary of the Interior's Standards for the Identification of Historic Properties* (ECORP 2022) using 15-meter transects. ECORP spent one person-day in the field. During the survey, ECORP archaeologists examined the ground surface for indications of surface or subsurface cultural resources. The archaeologists inspected the general morphological characteristics of the ground surface for indications of subsurface deposits that may be manifested on the surface, such as circular depressions or

ditches. Whenever possible, the archaeologists examined the locations of subsurface exposures caused by factors such as rodent activity, water or soil erosion, or vegetation disturbances for artifacts or for indications of buried deposits. No subsurface investigations or artifact collections were undertaken during the pedestrian survey.

3.13.5 Project Impacts and Mitigation Measures

Impact TCR-1	Project implementation would cause a substantial adverse change in the significance of a Tribal Cultural Resource
Impact Determination	Less than Significant with Mitigation
Threshold	*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:* • *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or* • *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?*

Impact Discussion

Based on the results of the records search and literature review, all of the property has been surveyed for cultural resources and according to the NAHC response letter dating May 4, 2022, the SLF search was *positive* for cultural resources in the Project Area. The City of Oroville contacted the 14 tribes on the list supplied by the NAHC. On August 25, 2022, the City received a response from one of the 14 tribes, the Mooretown Rancheria, indicating that the were unaware of any known TCRs on the Project Site. There exists a low to moderate potential for buried pre-contact archaeological sites in the Project Area due to its proximity to the Feather River, which is 1.6 miles to the east. Pre-contact archaeological sites are likely to be located along such perennial waterways. There was an unnamed creek or ephemeral drainage adjacent to the Project Area, depicted on 1890s maps; therefore, there is a low to moderate potential for encountering intact buried deposits within the Project Area. In addition, the Thermalito Forebay and

Oroville Dam was constructed north of the Project Area in the 1960s and changed the hydrology of the local waterways.

ECORP conducted the pedestrian survey on March 17, 2022 and observed that the land within the Project Area has been lightly utilized throughout the years. The Project Area contained gently rolling terrain west of 20th Street with overgrown grasses and weeds ranging from 1 to 2 feet tall. Overall, the surface visibility throughout the APE was poor to fair due primarily to the overgrown grasses and some exposed soil. The average surface visibility was 10 to 30 percent in most areas. Modern dirt access roads and fire breaks are present along the peripheries of the Project Area.

ECORP inspected rodent burrows and back dirt piles throughout the APE; however, they did not identify cultural materials or evidence of habitation from the exposed soil. As a result of the field survey and Tribal consultation, no resources were identified within the Project Area. Therefore, no known Historic Properties under Section 106 of the NHPA or Historical Resources under CEQA will be affected by the Proposed Project. However, until the lead agencies concur with the identification and evaluation of eligibility of cultural resources, no Project activity should occur.

There always remains the potential for ground-disturbing activities to expose previously unrecorded cultural resources. Both CEQA and Section 106 of the NHPA require the lead agency to address any unanticipated cultural resource discoveries during Project construction. Therefore, Mitigation Measure CUL-1 has been included to reduce the potential impact to historical resources to be less than significant with mitigation incorporated.

Mitigation Measures

Implementation of Mitigation Measure CUL-1.

Residual Impact After Mitigation

Impacts would be less than significant after mitigation.

3.13.6 Cumulative Setting, Impacts, and Mitigation Measures

3.13.6.1 Cumulative Setting

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. While this is helpful for cultural resources cumulative impacts, it does not necessarily provide a specific cumulative impact setting for these resources as the impacts to these resources are generally more site-specific. Therefore, the cumulative setting for TCRs includes the Project Site as well as the remaining undeveloped areas surrounding the Project Site where the impacts of urbanization and potential for impacts to cultural resources are considered most serious. Cumulative impacts on TCRs are primarily the result of the area's urbanization and conversion of undisturbed land to urban use. Developments and planned land uses, including the Proposed Project, would cumulatively contribute to impacts to known and unknown TCRs in the area. As previously discussed, Section 3.13.1 Environmental Setting provides an overview of TCRs and the history of the region.

3.13.6.2 Cumulative Impacts and Mitigation Measures

Impact TCR-2	Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, could result in cumulative impacts to tribal cultural resources?
Impact Determination	Less than Cumulatively Considerable
Threshold	*Result in cumulative impacts to tribal cultural resources.*

Impact Discussion

As mitigated, TCRs impacts associated with the Project will be reduced to a less than significant level. While it is possible that grading and development will result in the discovery of unknown resources, mitigation measures and state and federal laws already in place will set in motion actions designed to mitigate these potential impacts. The Project is adjacent to existing relatively sparse residential and commercial developments. Future development of the area may also affect TCRs. However, mitigation proposed in this section, and existing federal and state laws would reduce the Project's potential cultural resources impacts to a less than significant level. Additionally, The City of Oroville notified 14 local tribes in the area of the Proposed Project on February 15, 2022. None of these tribes has indicated that there were known TCRs on the Project Site. Therefore, the Project's impact is considered less than cumulatively considerable.

Cumulative Mitigation Measures

None required.

3.14 Utilities and Service Systems

This section describes the environmental setting for utilities and service systems, including the existing site conditions, regulatory setting, the impacts on utilities and service systems that would result from the Proposed Project, and the mitigation measures that would reduce these impacts. This section does not further address impacts found to be less than significant in the IS prepared for this Project (Appendix 1.0). These impact areas include the following:

- Require or result in the relocation or construction of new or expanded water, or storm water drainage, electric power, natural gas, or telecommunications facilities Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Through the IS analysis, it was determined that the Project may have an impact to wastewater treatment capacity and collection facilities. Additionally, comments received during the public review period for the IS resulted in the need to reexamine the Project's impact on storm water drainage facilities. As such, both of these areas are discussed in the following analysis. Refer to Appendix 1.0 and Section 3.0 of this DEIR for additional details on issues eliminated from further review in this DEIR.

3.14.1 Environmental Setting

3.14.1.1 Wastewater Services

The City of Oroville and the Planning Area are served by three wastewater collection agencies: the City of Oroville, TWSD, and the Lake Oroville Area Public Utility District. These three agencies have a Joint Powers Agreement with the Sewerage Commission-Oroville Region (SC-OR) to handle wastewater treatment and disposal (City of Oroville 2015a).

The Project Site is within the TWSD service area for wastewater collection. Developers are required to either upgrade existing infrastructure or install new infrastructure for new development within TWSD's SOI. TWSD provides wastewater collection services to approximately 1,985 customers or approximately 2,650 Equivalent Dwelling Units. Wastewater dry weather flows average 0.41 million gallons per day (mgd) presently and are expected to grow to 0.67 mgd within the next 20 years. Monthly instantaneous Peak Wet Weather Flows are 4 mgd. TWSD's collection system consists of 40 miles of sanitary sewer line with approximately 560 utility access holes and is generally in adequate condition. TWSD's collection system discharges into the SC-OR west interceptor pipe for treatment at their plant. On average, dry weather flows are at approximately 30 percent capacity and wet weather flows are at approximately 70 to 80 percent capacity. The system experiences the highest level of inflow and infiltration impact at the east

trunk line DURING extreme wet weather events. The east trunk line has almost overflowed during rainy days during major storm events. (City of Oroville 2015a).

SC-OR is responsible for the operation and maintenance of the wastewater treatment plant and three interceptor lines (or trunk lines) that collect wastewater discharges from the three member entities. Additionally, SC-OR is responsible for meeting the pollution discharge and water quality standard defined by the federal NPDES permit and State Regional Water Quality Waste Discharge Requirements.

SC-OR provides sewerage service for the City of Oroville, Lake Oroville Area Public Utility District, and TWSD, serving a population of approximately 40,855. The permitted average dry weather flow capacity of the SC-OR Wastewater Treatment Facility (WTF) is 6.5 mgd (RWQCB 2021). Based on the SC-OR Monthly Flows Report, the average daily wastewater flow at the treatment facility was 2.77 mgd in 2021. TWSD accounted for approximately, 0.507 mgd of this amount (SC-OR 2022). The highest daily wastewater flows during 2021 was 4.417 mgd, in December, leaving a surplus capacity of approximately 2.08 mgd under average dry weather flow (SC-OR 2021).

To plan for future growth, SC-OR recently completed a master plan, which provides for growth in Oroville over the next 20+ years. The plan calls for a $45,000,000 modification to be completed as growth occurs and as new environmental regulations are imposed. New users will pay for plant expansions via connection fees, while plant modifications required by new regulations will be paid for by existing ratepayers using State Revolving Fund loans or bonds (SC-OR 2022).

The Proposed Project Site is currently vacant with no wastewater service infrastructure. The Project would construct internal sewage infrastructure to accommodate the increase in sewage associated with the residential units proposed. Each building onsite would consist of an underground sewer lateral, all connecting to a site-specific sewer main, prior to connecting to the existing sanitary sewer main within 20th Street, immediately east of the Project Site.

3.14.1.2 Storm Drainage

The City of Oroville currently maintains approximately 60 miles of storm water drainage pipes and trenches, thousands of utility access holes and drop inlets, plus six regional detention basins. Storm water drainage infrastructure is essential to the safety of Oroville's citizens and their property. The City's storm water infrastructure is designed and engineered to protect residents in the occurrence of an extreme hydrologic event or more commonly known as a 100-year storm event (City of Oroville 2022b).

Information provided by the Butte County Department of Public Works in response to the IS public review indicate that the Project is located within the 2007 Thermalito Master Drainage Plan (TMDP, Butte County 2009). The TMDP provides drainage information in the Project Area including a consistent area-wide analysis. According to the TMDP, the Project Site is located in area FA-06 of the Fresno Avenue Fork watershed, which is next to the Ruddy Creek watershed. Area FA-06 covers approximately 63.5 acres. The Fresno Avenue Fork, Ruddy Creek (A-4) drainage basin is generally west of 18th Street and mainly south of Grand Avenue. Drainage from this 420-acre basin joins the other forks of Ruddy Creek south of Fresno Avenue near 18th Street. The basin has newer high-density residential development (Butte County 2009). The TMDP includes areas of deficiencies within the exiting drainage system of the Fresno Avenue Fork,

Ruddy Creek (A-4) drainage basin and projects and estimated costs to remove these deficiencies. Projects in the Fresno Avenue Fork include improvements to the culvert under 18th Street near the intersection of 18th Street and Oro Dam Boulevard, and increasing conveyance in channels north and east of the intersection of Grand Avenue and 21st Street (Butte County 2009).

3.14.2 Regulatory Setting

3.14.2.1 Local

City of Oroville 2030 General Plan

The Oroville 2030 General Plan contains numerous policies regarding wastewater collection and treatment. All new development would be required to comply with the General Plan Public Facilities and Services Element policies. Goals and policies related to wastewater and stormwater drainage and applicable to the proposed residential development are as follows:

Goal PUB-7: Collect, treat and dispose of wastewater in ways that are safe, sanitary, environmentally acceptable, and financially sound.

P6.10: Encourage the use of drought-resistant landscaping and the use of reclaimed wastewater for agriculture and landscape irrigation supply water. Ensure that all reclaimed wastewater complies with State wastewater treatment and reclamation regulations and standards.

P7.3: Require all development that is in areas that are currently served or could be feasibly served by sewers to be connected to a sewer conveying wastewater to the Sewerage Commission – Oroville Region's (SC-OR) treatment plant.

P7.4: The approval of new urban development shall be conditioned on the availability of adequate long-term capacity for wastewater conveyance, treatment and disposal sufficient to service the proposed development. The agencies that provide services to new development will be primarily responsible for making determinations regarding adequate availability.

P7.5: If downstream lines are determined by the City to be inadequate, the developer shall provide facilities to convey the additional sewage expected to be generated by the development. New development shall not be permitted until adequate facilities are available to convey the additional sewage associated with the development. The developer must demonstrate that adequate facilities will be available at the time of Final Map approval.

P7.10: Ensure that all new and repaired sewer collection and transmission systems are designed and constructed in such a manner as to minimize potential inflow and infiltration.

P7.11: Installation of sewer lines should occur concurrently with construction of new roadways to maximize efficiency and minimize disturbance from construction activity.

Goal PUB-8: Collect, store, and dispose of stormwater in ways that are safe, sanitary, environmentally acceptable, and financially sound.

P8.1: Use a site-specific stormwater drainage plan or the stormwater drainage master plan to be prepared under A8.1 to determine whether to require storm drainage analysis for projects within the Planning Area, and, if necessary, make storm drainage improvements a condition of development approval.

P8.3: Encourage the utilization of Best Engineering Practices for stormwater collection and disposal.

P8.4: Require local storm drainage improvements be built to carry appropriate design-year flows resulting from buildout of the General Plan. Design storm drainage facilities for 2-, 10-, and 100-year discharges.

P8.5: Require that developers pay their fair share for construction of off-site drainage improvements, as determined by a site-specific stormwater drainage plan or the stormwater drainage master plan to be prepared under A8.1.

P8.8: Offer site-specific drainage plans prepared by applicants for peer review prior to review and approval by City Council.

P8.9: Require installation of temporary drainage facilities as necessary during construction activities in order to adequately mitigate stormwater impacts.

P8.10: Require the installation of stormwater collection systems concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity.

3.14.3 Environmental Impacts

3.14.3.1 Thresholds of Significance

The following thresholds of significance are based on Appendix G to the CEQA Guidelines. For purposes of this EIR, implementation of the Proposed Project would be considered to have a significant adverse impact on wastewater utilities if it would result in any of the following:

Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

3.14.3.2 Methods of Analysis

3.14.3.3 Project Impacts and Mitigation Measures

Impact UTIL-1:	Project implementation could require or result in the relocation or construction of new or expanded wastewater treatment or storm drainage facilities, the construction or relocation of which could cause significant environmental effects.
Impact Determination:	Less than Significant
Thresholds:	*Significant adverse environmental effect caused by the requirement or resulting from the relocation or construction of new or expanded wastewater treatment or storm drainage facilities.*

Impact Discussion

Wastewater

The average wastewater per person per day for a typical home is estimated to be between 45 and 90 gpd with an average of 70 gpd based on U.S. standards for water usage and sewage strength (Pollution Control Systems, Inc. 2022). Using this information and the projected population of 430 residents for the Project, the average wastewater flow would be between 19,350 and 38,700 gpd with an average of 30,100 gpd (0.0301 mgd) from the Project. While this is an estimate, it does provide an indication of how much wastewater would be produced by the Project and if this wastewater can be accommodated by the SC-OR WTF.

The Proposed Project Site is currently vacant with no wastewater service infrastructure. The Project would construct internal wastewater infrastructure to accommodate the increase in sewage associated with the residential units. All future uses would connect to onsite underground sewer infrastructure, prior to connecting to the existing TWSD wastewater collection system within 20th Street, immediately east of the Project Site. TWSD confirmed in their letter to the Project, dated July 12, 2022, that TWSD is able to serve the Project (TWSD 2022).

TWSD provides sewer collection services to Project Site which is then treated at the SC-OR WTF. The permitted average dry weather flow capacity of the SC-OR WTF is 6.5 mgd (RWQCB 2021). Based on the SC-OR Monthly Flows Report, the average daily wastewater flow at the treatment facility was 2.77 mgd in 2021. TWSD accounted for approximately, 0.507 mgd of this amount (SC-OR 2022). The highest daily wastewater flows at the SC-OR facility during 2021 was 4.417 mgd in December, leaving a surplus capacity of approximately 2.08 mgd under average dry weather flow (SC-OR 2021). The Proposed Project is anticipated to increase wastewater flows and may affect the local collection and treatment system

facilities. However, the Project's estimated wastewater between 19,350 and 38,700 gpd would not exceed the surplus capacity of 2.08 mgd at the SC-OR WTF.

Consistent with 2030 General Plan policies P7.3, P7.4 and P7.5, the Project is required to contribute to the implementation of system improvements to ensure wastewater collection and treatment facilities have sufficient capacity to serve the Project.

TWSD has determined that sewer collection service can be provided by TWSD. While it appears that SC-OR has adequate capacity at the WTF to serve the Project, because SC-OR requires a Capacity Impact Study as a part of a service agreement for a new project, this WTF capacity will be assured. These conditions, as well as 2030 General Plan policies P7.3, P7.4, and P7.5, will ensure that the Project can be served. As such, the Project would have a less than significant impact in this area.

Storm Drainage Facilities

Storm drainage improvements for the Project will include the installation of underground storm drain pipes and storm water leach trenches beneath the curb, gutter and sidewalk to detain and percolate additional runoff generated by the Project improvements. See Figures 2-5 through 2-8 for storm drain trench locations and detail. The storm drain trenches are approximately 15 feet wide and extend 7 feet below ground surface. The design includes perforated piping to direct storm water into the trenches. The trenches include a thickness of 7 feet of 2- to 4-inch cobbles, and a trench perimeter wrapping (top, sides and bottom) of geo fabric to eliminate fine particles. The Project storm drain system will connect to the existing City of Oroville storm drain facilities in 20th Street. The trenches are designed to capture Project-Site stormwater to allow the metering of storm water to not exceed the pre-development stormwater runoff level. As such, the Project would have a less than significant impact in this area.

Mitigation Measures

No mitigation measures are required.

Impact UTIL-2:	Project implementation could result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
Impact Determination:	Less than Significant
Threshold:	*Inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*

Impact Discussion

As discussed previously, TWSD provides sewer collection services to Project Site which is then treated at the SC-OR WTF.

As a part of a new project seeking service, SC-OR requires, a site-specific Capacity Impact Study. SC-OR has determined that this is necessary to provide for the orderly planning and construction of additional collection system capacity needed to serve a proposed development. If the Capacity Impact Study determines that facility capacity must be increased to accommodate the development, the developer will be required to negotiate a Mitigation Agreement with SC-OR that will describe tasks for the developer to complete to receive sewer service to the Project.

Consistent with 2030 General Plan policies P7.3, P7.4, and P7.5, the Project is required to contribute to the implementation of system improvements to ensure wastewater collection and treatment facilities have sufficient capacity to serve the Project.

TWSD has determined that sewer collection service can be provided by TWSD for the Project. While it appears that SC-OR has adequate capacity at the WTF to serve the Project, because SC-OR requires a Capacity Impact Study as a part of a service agreement for a new project, this WTF capacity will be assured. These conditions as well as 2030 General Plan policies P7.3, P7.4 and P7.5 will ensure that the wastewater treatment capacity is available. As such, the Project would have a less than significant impact in this area.

Mitigation Measures

No mitigation measures are required.

3.14.4 Cumulative Setting, Impacts, and Mitigation Measures

Section 3.0 provides the baseline for cumulative setting and is based on General Plan projections. These General Plan projections are developed, in part, from the existing land use designations identified in the General Plan. As shown in Table 3.2, the anticipated growth in the City is expected to result in 9,685 new housing units, 7,026,000 sf of new industrial uses, and 12,168,000 sf of new commercial uses within the existing City limits by 2030 (City of Oroville 2015a).

3.14.4.1 Cumulative Impacts and Mitigation Measures

Impact UTIL-3:	Would Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative impacts to wastewater collection and treatment or storm drainage facilities or providers?
Impact Determination:	Less than Cumulatively Considerable
Threshold:	*Result in cumulative impacts to wastewater collection and treatment facilities or providers.*

Impact Discussion

As discussed in Impacts UTIL-1 and 2, the wastewater collection and treatment impacts associated with the Project would result in a less than significant impact. Because SC-OR requires a Capacity Impact Study

as a part of new project development, existing and future capabilities of the SC-OR WTF to treat wastewater can be determined prior to exceeding the WTF capacity. This, as well as 2030 General Plan policies P7.3, P7.4, and P7.5, will ensure that the wastewater collection and treatment capacity is available for any projects in the vicinity in the foreseeable future. Therefore, the Project's impact is considered less than cumulatively considerable.

3.14.4.2 Cumulative Mitigation Measures

None required.

4.0 OTHER REQUIRED CEQA ANALYSIS

This section discusses additional topics statutorily required by CEQA, including growth-inducing impacts, significant environmental effects that cannot be avoided if the Proposed Project is implemented, and, significant irreversible environmental changes.

4.1 Growth-Inducing Impacts

According to CEQA Guidelines Section 15126.2(e), a project may induce economic or population growth, or additional housing, either directly or indirectly, in a geographic area if it would foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects that would remove obstacles to population growth, such as extensions or expansion of infrastructure. CEQA does not automatically consider growth inducement to be a significant, adverse impact. Typically, the growth-inducing potential of a project is considered to be significant if it fosters growth in excess of what is assumed in adopted planning document. In December 2019, the California OPR updated the growth inducement question in the CEQA IS (CEQA Guidelines Appendix G) to clarify that effects from substantial growth inducement would be significant if the impacts were *unplanned* (emphasis added).

The State CEQA Guidelines do not provide specific methods for evaluating growth inducement and state that growth in any area is not "necessarily beneficial, detrimental, or of little significance to the environment" (State CEQA Guidelines Section 15126.2[e]). CEQA does not require separate mitigation for growth inducement as it is assumed that these impacts are already captured in the analysis of environmental impacts (see Chapter 3.0). According to the State CEQA Guidelines, a project would have potential to induce growth if it would result in either of the following.

- Remove obstacles to unplanned population growth (e.g., through the expansion of public services into an area that does not currently receive these services), or through the provision of new access to an area, or a change in a restrictive zoning or general plan land use designation.
- Result in economic expansion and population growth through employment opportunities and/or construction of new housing.

4.2 Significant and Unavoidable Impacts

Section 15126.2(c) of the State CEQA Guidelines require that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a less than significant level. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should also be described.

A significant and unavoidable impact is one that would cause a substantial adverse effect on the environment and for which no mitigation is available to reduce the impact to a less than significant level. Most of the impacts of the Proposed Project would be less than significant or would be mitigated to a less than significant level. The impacts summarized below are those that would remain significant and unavoidable after mitigation.

The Project would result in a significant and unavoidable safety hazard impact and a cumulatively considerable and significant and unavoidable safety hazard impact for people residing or working in the Project Area because the Project is located within the OMA B1 and B2 Compatibility Zones. The only mitigation possible would be to either eliminate the use of the airport or move the Project to a location outside of the B1 and B2 Compatibility Zones. Neither of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

The Project would result in a significant and unavoidable safety hazard impact and a cumulatively considerable and significant and unavoidable traffic noise impact. As shown in Table 3.9-9, the roadway segment of 20th Street between Biggs Avenue and Feather Avenue would experience an increase of more than 5.0 dBA CNEL over existing conditions, which is beyond the City of Oroville noise standard. Similarly, the segment of Feather Avenue east of 20th Street would also experience an increase of more than 5.0 dBA CNEL over existing conditions. There is no feasible mitigation available to reduce these impacts to less than significant. Lead agencies have limited remedies at their disposal to effectively reduce traffic-related noise. Addressing traffic noise at the receiver rather than the source usually takes the form of noise barriers (i.e., sound walls). While constructing noise barriers along streets would reduce noise, the placement of sound walls between existing residences/businesses and local roadways would not be desirable as it would conflict with the community's aesthetic, design and character and is therefore deemed infeasible. Furthermore, such barriers would likely require property owner approval, which cannot be ensured. While measures such as encouraging ridesharing, carpooling, and alternative modes of transportation could reduce vehicle volumes, such measures can neither be mandated of residents nor have been shown to reduce vehicle trips to the extent needed to reduce vehicle noise levels below established thresholds. Therefore, no feasible mitigation measures exist to reduce the identified significant impact.

The Project would also result in a significant and unavoidable impact related to VMT. Project would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level which would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1–[0.85÷1.45]=0.414). While the following measures would reduce the impact of the Project on VMT, implementation of measures needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of mitigation measures TR-1 through TR-4, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

4.2.1 Significant and Irreversible Environmental Effects

Section 15126.2(d) of the State CEQA Guidelines requires that an EIR address any significant irreversible changes that would result from a Proposed Project. The State CEQA Guidelines describe three distinct categories of significant irreversible changes, including changes in land use that would commit future generations to specific uses; irreversible changes from environmental accidents; and consumption of nonrenewable resources.

Implementation of the Proposed Project would result in an irretrievable commitment of renewable and nonrenewable resources including land, water, energy resources, and construction materials.

Nonrenewable and limited resources that would likely be consumed as part of Project construction and operation would include, but are not limited to, oil, gasoline and diesel fuel, lumber, sand and gravel, steel, and other materials use in the construction of improvements necessary for implementation of the Project. Operation of the Project includes, but is not limited to, possible natural gas (if natural gas will be available at the site), gasoline and diesel fuel, and energy consumption. However, the quantity of resources to be committed is not considered to be significant and are comparable to other developments of this type. No special construction materials or resources are anticipated to be needed as part of the Project.

While the Project will result in the construction of single-family homes, the Project does not change the site to the extent that redevelopment of the site to another use is not possible, such as a new reservoir or highway. As such, the Project would not commit future generations to specific use.

The Project is for the development of single-family residential uses. These types of uses are not known to result in significant environmental accidents or shown to irreversible changes from environmental accidents.

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5.0 ALTERNATIVES TO THE PROPOSED PROJECT

The alternatives analysis consists of the following components: An overview of CEQA requirements for alternatives analysis, descriptions of the alternatives evaluated, a comparison between the anticipated environmental effects of the alternatives and those of the Proposed Project, and identification of an environmentally superior alternative.

5.1 Introduction

The CCR Section 15126.6(a) (State CEQA Guidelines) requires EIRs to describe:

> "a range of reasonable alternatives to the project, or to the location of the project, which 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation. An EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

This section of the State CEQA Guidelines also provides guidance regarding what the alternatives analysis should consider. Subsection (b) further states:

> "[b]ecause an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code [PRC] Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the Proposed Project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but in less detail than the significant effects of the project as proposed (CCR Section 15126.6[d]).

The State CEQA Guidelines further require that the No Project Alternative be considered (CCR Section 15126.6[e]). The purpose of describing and analyzing the No Project Alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. If the No Project Alternative is the environmentally superior alternative, CEQA requires

that the EIR "…shall also identify an environmentally superior alternative among the other alternatives." (CCR Section 15126[e][2]).

In defining *feasibility* (e.g., "… feasibly attain most of the basic objectives of the project …"), CCR Section 15126.6(f) (1) states, in part that:

> "[a]mong the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives."

In determining what alternatives should be considered in the EIR, it is important to consider the objectives of the project, the project's significant effects, and unique project considerations. These factors are crucial to the development of alternatives that meet the criteria specified in Section 15126.6(a). Although, as noted above, EIRs must contain a discussion of potentially feasible alternatives, the ultimate determination as to whether an alternative is feasible or infeasible is made by the lead agency's decision-making body, in this case the City of Oroville. (See PRC Sections 21081.5, 21081[a] [3].)

5.2 Considerations for Selection of Alternatives

The purpose of the alternatives analysis is to determine if a variation of Proposed Project would reduce or eliminate significant Project impacts while attaining most of the Project's basic objectives.

5.2.1 Project Objectives

One of the key factors in considering project alternatives under CEQA is if they can feasibly attain most of the basic objectives of the project. As discussed previously in Section 2.0, the Proposed Project's objectives are as follows:

- Develop an economically feasible housing plan that is compatible with the surrounding community in a low fire risk zone to provide permanent housing relief for the 50,000 displaced Paradise fire survivors.
- Fulfill the housing needs of the State, City of Oroville, and County of Butte by rezoning unused isolated airport business park land to medium density residential homes to help address the current RHNA. The housing units will be market-rate for-sale units.
- Create a vibrant residential community by providing a like-kind residential project that further adds to the current and future neighborhoods of eastern Oroville. The Project will include lots of 6,000 sf or larger, setback and landscaping buffers.
- Provision a well-connected open space network that includes the addition of a neighborhood park, bicycle paths and pedestrian sidewalks, open space buffers, and a space for recreational activities.

- Incorporate the Building Code requirements for energy efficiencies and water savings.

5.2.2 Significant Effects of the Proposed Project

Impacts associated with implementation of the Proposed Project are evaluated in Chapters 3 and 4 of this EIR. The Proposed Project would have the potential to cause the following significant but mitigable environmental impacts:

Impact BIO-1: Project implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Impact BIO-2: Project implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.

Impact BIO-3: Project implementation could cause a substantial adverse effect on state or federally protected wetlands (i.e., including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means.

Impact CUL-1: Project implementation would cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5.

Impact CUL-2: Project implementation could cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section15064.5.

Impact CUL-3: Project implementation could disturb any human remains, including those interred outside of formal cemeteries.

Impact GEO-1: Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Impact PUB-1: Project implementation could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire, police, schools, and/or other public facilities.

Impact TCR-1: Project implementation would cause a substantial adverse change in the significance of a Tribal Cultural Resource

As discussed in the technical sections of this EIR, all but five potentially significant impacts would be reduced to a less than significant level with mitigation under the Proposed Project. Three of those impact areas would remain significant and unavoidable and two would remain cumulatively considerable and significant and unavoidable as listed below:

Impact HAZ-1: If the Proposed Project is located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the Proposed Project could result in a safety hazard or excessive noise for people residing or working in the Project Area.

Impact HAZ-2: Implementation of the Proposed Project, along with any foreseeable development in the Project vicinity, result in cumulative impacts regarding safety hazard or excessive noise for people residing or working in the Project Area.

Impact NOI-1 Project implementation could result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Impact NOI-4: Implementation of the Proposed Project, in combination with existing, approved, proposed, and reasonably foreseeable development in Butte County, result in a cumulatively considerable noise impact.

Impact TR-2: Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

5.3 Alternatives Considered and Eliminated from Further Evaluation

The State CEQA Guidelines Section 15126.6(a) state that an EIR should identify alternatives that were initially considered by the lead agency but were rejected as infeasible. Section 15126.6(a) of the CEQA Guidelines states:

> "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which 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 and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason."

CEQA Guidelines Section 15126.6(f)(2)(A) states:

> "[o]nly locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." Further, CEQA Guidelines Section 15126.6(f)(2)(B) states in part, "[i]f the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion, and should include the reasons in the EIR..."

In preparing this DEIR, ECORP considered alternatives for review but eliminated them from further analysis because it was determined they did not meet the guidelines set forth in Section 15126.6(a). Alternatives considered but eliminated from further analysis in this DEIR are discussed below.

5.3.1 Alternate Site Alternative

The proposed uses for the Project could be accommodated under the R-1 zoning district in the City. There are a number of parcels within the City boundaries that are vacant and zoned for R-1 able to accommodate this type of development. However, while these parcels are zoned correctly for the type of use proposed for the Proposed Project, these parcels were considered but rejected for a number of reasons including the fact that purchasing and assembling properties in another location that are of the necessary acreage for the Project would be cost prohibitive and infeasible, lack of existing infrastructure, and the Project developer has no control over these parcels at this time. As such, this alternative is eliminated from further evaluation.

5.3.2 Development of Site Consistent with General Plan Land Use Designations Alternative

The Project Site is within the 2030 General Plan land use designation of ABP and zoning district of APB with an AIA-O. For this alternative, the Project Site would be developed consistent with the General Plan land use designation and zoning. According to the 2030 General Plan, Airport Business Park allows for light manufacturing, limited industrial, food processing, wholesale trade and offices. Retail businesses and public services are permitted to a lesser extent and would generally be allowed as an accessory use. Outdoor storage is only permitted in limited amounts if heavily screened. The APB zoning district allows for a variety of uses such as a carnival, circus or fair, caretaker dwelling, food and beverage sales, general retail, office, manufacturing, and solar energy system. Other than a caretakers cottage, residential uses are not allowed in this zoning district. As such, this alternative does not meet the objectives of the Proposed Project and therefore is eliminated from further evaluation.

5.4 Alternatives Considered for Detailed Evaluation

5.4.1 Description of Alternatives

5.4.1.1 Alternative 1: No Project

Under CEQA, an EIR must include a comparative analysis of a No Project Alternative (CEQA Guidelines Section 15126.6(e)). This requirement encourages a Lead Agency to compare the environmental effects of

approving a proposed project with the effects of not approving it. The No Project Alternative generally assumes that the land area affected by Project construction would remain in its existing state, while taking into account what would be reasonably expected to occur in the foreseeable future if the Project were not approved. No other development is proposed in the area or the Project Site. As such, Alternative 1 assumes that the Project Site would remain vacant for the foreseeable future.

5.4.1.2 Alternative 2: Reduced Project

Alternative 2 would require a General Plan amendment and rezoning approval similar to the Proposed Project as the proposed uses under Alternative 2 are not allowed under the current General Plan land use designation and zoning district. As such, Alternative 2 would be a discretionary project pursuant to CEQA and require CEQA environmental review. Alternative 2 would be the development of the Project with the same proposed uses of the Project but on a reduced scale of approximately 75 percent of the Proposed Project's size. This reduction would result in 129 single-family units on the same 44.97-acre parcel. Assuming that the average parcel size of 7,450 sf for the Proposed Project would also be used in Alternative 2, Alternative 2 would result in 7.3 more acres of open space than the Proposed Project[1].

5.4.1.3 Alternative 3: Residential Densities Consistent with the B1 Compatibility Zone

Alternative 3 would allow for residential densities consistent with the Oroville Airport B1 Compatibility Zone of 0.1 dwelling unit per acre (1 unit per 10 acres). Those portions of the Project that are within the B2 Compatibility Zone would be developed at residential densities proposed by the Project. According to information provided by the Butte County Department of Development Services, Planning Division, Airport Land Use Commission (2022), approximately 35.82 acres of the Project Site is within the B1 Compatibility Zone and 9.15 acres of the Site is within the B2 Compatibility Zone. Based on this information, 41 single-family dwellings would be developed in Alternative 3 at the acreage and densities shown in Table 5-1. Three single family homes would have an average lot size of 11.94 acres and 38 homes with an average lot size of 10,488 sf. However, note that these average lot sizes do not account for streets or any open space and are only rough estimates used for this alternative.

Table 5-1. Alternative 3 Residential Development

Compatibility Zone	Acres (approximate)	Dwelling Units	Density
B1	35.82	3	0.08/acre
B2	9.15	38	4.15/acre

5.4.2 Analysis of Alternatives

Because the IS determined that only certain impact analysis areas were to be analyzed in this EIR, each alternative is compared to the Proposed Project using the analysis presented in this DEIR. The Project

[1] Proposed Project = 172 lots x 7,450 sf = 1,281,400 sf (29.4 acres). Alternative 2 = 129 lots x 7,450 sf = 961,050 sf (22.1 acres). 29.4 acres - 22.1 acres = 7.3 acres.

alternatives are evaluated in less detail than those of the Proposed Project, and the impacts are described in terms of difference in outcome compared with implementing the Proposed Project. Table 5-2 at the end of this section provides an at-a-glance comparison of the environmental impacts of each alternative. Table 5-3 compares how the alternatives meet the Project Objectives as compared to the Proposed Project.

5.4.2.1 Alternative 1: No Project

The No Project Alterative assumes that the Project Site would remain as undeveloped land for the foreseeable future. No construction on the site would occur.

Air Quality

The analysis provided in Section 3.1 determined that the Proposed Project would not result in substantial impacts to air quality; therefore no mitigation is necessary.

Alternative 1 would not exceed any air quality thresholds as the Project Site would remain in its existing condition and therefore no impact to air quality would occur. As such, the impacts to air quality under this alternative are less than the Proposed Project.

Biological Resources

As discussed in Section 3.3, the Proposed Project would result in potential impacts to special-status species, sensitive natural communities, and wetlands. However, Mitigation Measures BIO-1 through BIO-9 would reduce these potential impacts to a less than significant level.

As no new construction or other uses are proposed with Alternative 1, this alternative would not result in impacts to biological resources beyond those currently existing. As such, Alternative 1 is considered superior to the Proposed Project with regard to impacts to biological resources as the impacts to these resources would be greater with the Proposed Project than with Alternative 1.

Cultural Resources

As discussed in Section 3.4, the Proposed Project would result in potential impacts to unknown/undiscovered historical, and archaeological cultural resources. However, Mitigation Measure CUL-1 would reduce these potential impacts to a less than significant level.

As no new construction is proposed with Alternative 1, this alternative would not result in impacts to cultural resources. As such, the impacts to cultural resources under this alternative are less than the Proposed Project and Alternative 1 is considered superior to the Proposed Project with regard to impacts to cultural resources.

Energy

As discussed in Section 3.5, it was determined that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

However, as Alternative 1 would not result in any change to existing conditions, it would not increase energy use beyond what is currently being used. As such, Alternative 1 is considered superior to the Proposed Project with regard to impacts to energy.

Geology, Soils, and Paleontology

The Proposed Project would result in potential impacts to unknown paleontological resources. However, as defined in the Section 3.6, Mitigation Measure GEO-1 would reduce this potential impact to a less than significant level.

Because no new infrastructure or other ground disturbing construction is proposed with Alternative 1, this alternative would not result in the potential for paleontological impacts. As such, the potential impacts to paleontological resources under this alternative are less than the Proposed Project and Alternative 1 Alternative 1 is considered superior to the Proposed Project with regard to impacts to paleontological resources.

Greenhouse Gases

Project construction and operations would result in the generation of 620 metric tons of CO_2e annually during construction and 3,792 metric tons of CO_2e during operation annually, However, as discussed in Section 3.7, the Proposed Project's GHG emissions were determined to be less than significant because, while the Project results in GHG emissions the Project, expected growth in population and housing as a result of the Proposed Project would not surpass BCAG's growth projections and therefore would not result in a conflict with the 2020 RTP/SCS.

Alternative 1 would have no change in existing conditions and therefore no increase of GHG emissions would occur. As such, Alternative 1 is considered superior to the Proposed Project with regard to impacts from GHG and climate change.

Hazards and Hazardous Materials

The Proposed Project would result in a significant and unavoidable and cumulatively considerable airport safety hazard for people residing within the Proposed Project as the Project does not meet the density restrictions for the B1 and B2 Compatibility Zones. The only mitigation possible would be to either eliminate the use of the airport or move the Project to a location outside of the B1 and B2 Compatibility Zones. Neither of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

Alternative 1 would have no change in existing conditions; therefore no airport safety hazards would occur. As such, Alternative 1 is considered superior to the Proposed Project with regard to airport safety hazard impacts.

Land Use and Planning

The Proposed Project would not have an impact to land use and planning because it can be shown that no General Plan land use designations or policies were adopted for the purpose of avoiding or mitigating

an environmental effect. Therefore, the Proposed Project would have a less than significant impact in this area.

Alternative 1 would have no change in existing conditions; therefore no impacts to land use or planning would occur. As such, Alternative 1 is considered superior to the Proposed Project with regard to land use and planning impacts.

Noise

The Proposed Project would result in a significant and unavoidable and cumulatively considerable impacts as a result of traffic noise related to the Project. As discussed in Impacts NOI-1 and NOI-4, there is no feasible mitigation available to reduce these impacts to less than significant.

Alternative 1 would have no change in existing conditions; therefore no increase of noise levels would occur. As such, Alternative 1 is considered superior to the Proposed Project with regard to impacts from noise.

Population and Housing

The Proposed Project is inconsistent with the existing land use plans and therefore would result in unplanned population growth. However, while this population growth has not been considered in the City's General Plan, the estimated population from the Project represents only a 2.3 percent increase in the City's 2022 population and a 2.2 percent increase in housing units over the existing 2022 housing units in the city. Additionally, the 172 units represent a 1.8 percent increase over the projected 2030 number of housing units provided in the General Plan Draft EIR. The Oroville ALUCP does not provide population growth estimates and as such, the Proposed Project is not inconsistent with growth scenarios for this plan. Based on these factors, the Project would not result in a substantial unplanned growth. Therefore, the Proposed Project would have a less than significant impact in this area.

Alternative 1 would have no change in existing conditions; therefore no impacts to population and housing would occur. As such, Alternative 1 is considered superior to the Proposed Project with regard to population and housing impacts.

Public Services

The City determined that future fire and police department facilities will be needed for those areas west of Highway 70 and formed two community facilities districts to provide funding for future facilities. Because the location of the Project Site is west of Highway 70, annexation into these community facilities districts is necessary. Mitigation Measure PUB-1 requires this annexation and implementation would result in a less than significant impact to public services.

Alternative 1 would have no change in existing conditions; therefore no impacts to public services would occur. As such, Alternative 1 is considered superior to the Proposed Project in this area.

Transportation and Circulation

Development of the Project Site would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level that would be less than 85 percent of the

baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1-[0.85÷1.45]=0.414). While Mitigation Measures TR-1, TR-2, and TR-3 would reduce the impact of the Project on VMT, implementation of mitigations needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of the mitigation measures, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

Alternative 1 would have no change in existing conditions; therefore no impacts to transportation and circulation would occur. As such, Alternative 1 is considered superior to the Proposed Project in this area.

Tribal Cultural Resources

As discussed in Section 3.14, the Proposed Project would result in potential impacts to unknown or undiscovered TCRs. However, Mitigation Measure CUL-1 would reduce these potential impacts to a less than significant level.

As no new construction is proposed with Alternative 1, this alternative would not result in impacts to TCRs. As such, the impacts to TCRsunder this alternative are less than the Proposed Project and Alternative 1 is considered superior to the Proposed Project with regard to impacts to TCRs.

Utilities and Service Systems

TWSD has determined that sewer collection service can be provided by TWSD for the Project. While it appears that SC-OR has adequate capacity at the WTF to serve the Project, because SC-OR requires a Capacity Impact Study as a part of a service agreement for a new project, this WTF capacity will be assured. These conditions as well as 2030 General Plan policies P7.3, P7.4, and P7.5 will ensure that the wastewater treatment capacity is available. As such, the Project would have a less than significant impact in this area.

Alternative 1 would have no change in existing conditions; therefore no impacts to wastewater or other utility services would occur. As such, Alternative 1 is considered superior to the Proposed Project in this area.

5.4.2.2 Alternative 2: Reduced Project

Alternative 2 would be the development of the Project with the same proposed uses of the Project but on a reduced scale of approximately 75 percent of the Proposed Project's size. This reduction would result in 129 single-family units on the same 44.97-acre parcel.

Air Quality

The analysis provided in Section 3.1 determined that the Proposed Project would not result in substantial impacts to air quality; therefore no mitigation is necessary.

Alternative 2 would also result in an increase in air quality emissions in the area but to a lesser degree than the Proposed Project. Because Alternative 2 would be approximately 75 percent the size of the Proposed Project and the Proposed Project did not result in substantial impacts to air quality, Alternative 2 would also not result in impacts to air quality. However, because Alternative 2 is for the

development of 129 single-family homes compared to the Project's 172 homes, construction and operational air quality emissions would be less than those for the Project. Therefore, the impacts to air quality under this alternative are less than the Proposed Project.

Biological Resources

As discussed in Section 3.3, the Proposed Project would result in potential impacts to special-status species, sensitive natural communities, and wetlands. However, Mitigation Measures BIO-1 through BIO-9 would reduce these potential impacts to a less than significant level.

While Alternative 2 would result in less construction and more open space than the Proposed Project, because Alternative 2 is on the same site as the Proposed Project, Alternative 2 would have similar potential impacts to special-status species, sensitive natural communities, and wetlands. As such, this Alternative would require mitigation to protect these resources. This mitigation would also reduce impacts to these species to a less than significant impact similar to the Proposed Project. Alternative 2 is considered equivalent to the Proposed Project with regard to potential impacts to biological resources.

Cultural Resources

As discussed in Section 3.4, the Proposed Project would result in potential impacts to unknown/undiscovered historical, and archaeological cultural resources. However, Mitigation Measure CUL-1 would reduce these potential impacts to a less than significant level.

Alternative 2 would include the construction of similar uses to the Project but at a lesser density. However, Alternative 2 would be on the same site and therefore have similar potential impacts to unknown or undiscovered historical, archaeological cultural resources to the Project. While Alternative 2 may result in less ground-disturbing construction than the Project, because Alternative 2 is on the same site as the Proposed Project, Alternative 2 would have similar potential impacts to cultural resources. As such, Alternative 2 would require mitigation to protect these resources. This mitigation would also reduce impacts to these species to a less than significant impact similar to the Proposed Project. Alternative 2 is considered similar to the Proposed Project with regard to potential impacts to cultural resources.

Energy

As discussed in Section 3.5, it was determined that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

With fewer single-family homes being developed for Alternative 2, Alternative 2 would use less energy during construction and operation than the Proposed Project. Although the Project would have a less than significant impact on energy, Alternative 2 would have the same level of impact but use less energy than the Project. Therefore, this Alternative would be considered superior to the Project with regard to energy use.

Geology, Soils, and Paleontology

The Proposed Project would result in potential impacts to unknown paleontological resources. However, as defined in the Section 3.6, Mitigation Measure GEO-1 would reduce this potential impact to a less than significant level.

Alternative 2 would also result in the development of the site and therefore have similar potential impacts to unknown or undiscovered paleontological resources to the Project. As such, Alternative 2 would require mitigation to protect these resources. This mitigation would also reduce impacts to these resources to a less than significant impact similar to the Proposed Project. Alternative 2 is considered equivalent to the Proposed Project with regard to potential impacts to paleontological resources.

Greenhouse Gases

Project construction and operations would result in the generation of 620 metric tons of CO_2e annually during construction and 3,792 metric tons of CO_2e during operation annually. However, as discussed in Section 3.7, the Proposed Project's GHG emissions were determined to be less than significant because, while the Project does result in GHG emissions the Project, expected growth in population and housing as a result of the Proposed Project would not surpass BCAG's growth projections and therefore would not result in a conflict with the 2020 RTP/SCS.

While Alternative 2 would be a less intense development, Alternative 2 would have a similar result with respect to GHG emissions and their impact to the Scoping Plan. However, because Alternative 2 would be a smaller project than the Proposed Project, the GHG emissions would be less and, environmentally speaking, Alternative 2 would be superior to the Proposed Project with regard to GHG emissions.

Hazards and Hazardous Materials

The Proposed Project would result in a significant and unavoidable and cumulatively considerable airport safety hazard for people residing within the Proposed Project as the Project does not meet the density restrictions for the B1 and B2 Compatibility Zones. The only mitigation possible would be to either eliminate the use of the airport or move the Project to a location outside of the B1 and B2 Compatibility Zones. Neither of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

Alternative 2 would result in the construction of 129 single-family homes, which is 43 homes fewer than the Project. Alternative 2 overall density would be 2.87 units per acre which, like the Project, exceeds the B1 and B2 Compatibility Zone density requirements. As such, Alternative 2 would also result in a significant and unavoidable airport safety impact, as no mitigation is feasible, and be similar to the Project.

Land Use and Planning

The Proposed Project would not have an impact on land use and planning because it can be shown that no General Plan land use designations or policies were adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the Proposed Project would have a less than significant impacts in this area.

Alternative 2 would also require a General Plan Amendment and rezoning. However, as with the Project, these changes would not result in a land use and planning impact because it can be shown that no General Plan land use designations or policies were adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the Alternative 2 would have a less than significant impact in this area and be similar to the Proposed Project.

Noise

The Proposed Project would result in a significant and unavoidable and cumulatively considerable as a result of traffic noise related to the Project. As discussed in Impacts NOI-1 and NOI-4, there is no feasible mitigation available to reduce these impacts to less than significant.

Alternative 2 would reduce the amount of project-related traffic by approximately 25 percent. This would also reduce the amount of traffic noise. However, because the existing area is relatively quiet, it is fairly easy to increase noise related to traffic beyond the General Plan transportation noise level thresholds indicated in Noise Element Policy P1.6. As shown in Table 3.9-9, the Project-related traffic noise increases traffic noise in the area by 10.3 dBA on 20th street between Biggs and Feather avenues, which exceeds the General Plan transportation noise threshold. Alternative 2 is a smaller project; however, a reduction of 25 percent in traffic would not reduce traffic-related noise to less than the 5 dB increase threshold. As such, similar to the Project, while Alternative 2 would have less traffic noise, Alternative 2 would still exceed the General Plan noise threshold of 5 dbs. As no mitigation is feasible, Alternative 2 traffic noise impact would also be significant and unavoidable.

Population and Housing

The Proposed Project is inconsistent with the existing land use plans and therefore would result in unplanned population growth. However, while this population growth has not been considered in the City's General Plan, the estimated population from the Project represents only a 2.3 percent increase in the City's 2022 population and a 2.2 percent increase in housing units over the existing 2022 housing units in the City. Additionally, the 172 units represent a 1.8 percent increase over the projected 2030 number of housing units provided in the General Plan Draft EIR. The Oroville ALUCP does not provide population growth estimates and as such, the Proposed Project is not inconsistent with growth scenarios for this plan. Based on these factors, the Project would not result in a substantial unplanned growth. Therefore, the Proposed Project would have a less than significant impact in this area.

Alternative 2 would also be inconsistent with the existing land use plans and therefore would result in unplanned population growth. However, similar to the Project, this growth would not be substantial to the point of causing a significant impact. As such, Alternative 2 is considered similar to the Proposed Project with regard to population and housing impacts.

Public Services

The City determined that future fire and police department facilities will be needed for those areas west of Highway 70 and formed two community facilities districts to provide funding for future facilities. Because the location of the Project Site is west of Highway 70, annexation into these community facilities districts

is necessary. Mitigation Measure PUB-1 requires this annexation. and implementation would result in a less than significant impact to public services.

Because Alternative 2 is in the same location as the Project, Alternative 2 would also require mitigation for annexation into the two community facilities districts. As such, Alternative 2 is considered similar to the Proposed Project in this area.

Transportation and Circulation

Development of the Project Site would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level that would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1-[0.85÷1.45]=0.414). While Mitigation Measures TR-1, TR-2, and TR-3 would reduce the impact of the Project on VMT, implementation of mitigations needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of the mitigation measures, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

VMT is based on location. Figure 4-A of the *BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices* document shows the Project Site is located in an area where home-based VMT per resident would be greater than a level 15 below the baseline condition. That is, the method presented in this document indicates residential development in the Project Site would result in the generation of VMT that is not below 85 percent of baseline conditions. On a per-resident level, data from the travel demand model shows residential land use development in TAZ 911 would generate 26.7 home-base VMT per resident, while the average for the City of Oroville would be 19.1 home-based VMT per resident. Therefore, the Project Site would be expected to generate VMT at 140 percent of the baseline City of Oroville average (26.7÷19.1=1.40). Because Alternative 2 would be located on the same site as the Project, Alternative 2 would have the same impact on VMT. Therefore, Alternative 2 would also result in a significant and unavoidable impact. As such, Alternative 2 is considered similar to the Proposed Project in this area.

Tribal Cultural Resources

As discussed in Section 3.14, the Proposed Project would result in potential impacts to unknown or undiscovered TCRs. However, Mitigation Measure CUL-1 would reduce these potential impacts to a less than significant level.

Alternative 2 would include the construction of similar uses to the Project but at a lesser density. However, Alternative 2 would be on the same site and therefore have similar potential impacts to unknown or undiscovered TCRsto the Project. While Alternative 2 may result in less ground disturbing construction than the Project, because Alternative 2 is on the same site as the Proposed Project, Alternative 2 would have similar potential impacts to TCRs. As such, Alternative 2 would require mitigation to protect these resources. This mitigation would also reduce impacts to these species to a less than significant impact similar to the Proposed Project. Alternative 2 is considered similar to the Proposed Project with regard to potential impacts to TCRs.

Utilities and Service Systems

TWSD has determined that sewer collection service can be provided by TWSD for the Project. While it appears that SC-OR has adequate capacity at the WTF to serve the Project, because SC-OR requires a Capacity Impact Study as a part of a service agreement for a new project, this WTF capacity will be assured. These conditions as well as 2030 General Plan policies P7.3, P7.4, and P7.5 will ensure that the wastewater treatment capacity is available. As such, the Project would have a less than significant impact in this area.

Alternative 2 would also be served by TWSD and SC-OR for wastewater collection and treatment. Alternative 2 would also be required by SC-OR to complete a Capacity Impact Study for Project development. As such, Alternative 2 would result in a less than significant impact and is considered similar to the Proposed Project in this area.

5.4.2.3 Alternative 3: Residential Densities Consistent with the B1 Compatibility Zone

Alternative 3 would allow for residential densities consistent with the Oroville Airport B1 Compatibility Zone of 0.1 dwelling unit per acre (1 unit per 10 acres). Those portions of the Project that are within the B2 Compatibility Zone would be developed at residential densities proposed by the Project. Based on this, 41 single-family dwellings would be developed in Alternative 3. Three single-family homes with an average lot size of 11.94 acres and 38 homes with an average lot size of 10,488 sf. However, note that these average lot sizes do not account for streets or any open space and are just rough estimates used for this alternative.

Air Quality

The analysis provided in Section 3.1 determined that the Proposed Project would not result in substantial impacts to air quality: therefore no mitigation is necessary.

Alternative 3 would also result in an increase in air quality emissions in the area but to a much lesser degree than the Proposed Project. Because Alternative 3 would result in the development of 41 single-family homes. The Proposed Project, with its 172 homes, did not result in substantial impacts to air quality, Alternative 2 would also not result in impacts to air quality. However, because Alternative 3 is for the development of 41 single-family homes compared to the Project's 172 homes, construction and operational air quality emissions would be less than those of the Proposed Project. Therefore, the impacts to air quality under this alternative are less than the Proposed Project.

Biological Resources

As discussed in Section 3.3, the Proposed Project would result in potential impacts to special-status species, sensitive natural communities, and wetlands. However, Mitigation Measures BIO-1 through BIO-9 would reduce these potential impacts to a less than significant level.

While Alternative 3 would result in less construction and more open space than the Proposed Project, because Alternative 3 is on the same site as the Proposed Project, Alternative 3 would have potential impacts to special-status species, sensitive natural communities, and wetlands. However, because much of

the 44.97-acre site for Alternative 3 would only be occupied by three homes (35.82 acres), the ability to not impact wetlands and areas of sensitive natural communities would be much less with Alternative 3 than the Proposed Project. In any case, this Alternative would also require mitigation to protect biological resources. These mitigations would also reduce impacts to these species to a less than significant impact similar to the Proposed Project. Because Alternative 3 would have substantially more open space than the Project, Alternative 3 is considered superior to the Proposed Project with regard to potential impacts to biological resources.

Cultural Resources

As discussed in Section 3.4, the Proposed Project would result in potential impacts to unknown or undiscovered historical, and archaeological cultural resources. However, Mitigation Measure CUL-1 would reduce these potential impacts to a less than significant level.

Alternative 3 would include the construction of similar uses to the Project but at a much lower density. However, Alternative 3 would be on the same site and therefore have similar potential impacts to unknown/undiscovered historical, archaeological cultural resources to the Project. While Alternative 3 may result in less ground-disturbing construction than the Project, because Alternative 3 is on the same site as the Proposed Project, Alternative 3 would have similar potential impacts to cultural resources. As such, Alternative 3 would require mitigation to protect these resources. This mitigation would also reduce impacts to these species to a less than significant impact similar to the Proposed Project. Alternative 3 is considered similar to the Proposed Project with regard to potential impacts to cultural resources.

Energy

As discussed in Section 3.5, it was determined that construction fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature.

With fewer single-family homes being developed for Alternative 3, Alternative 3 would use less energy during construction and operation than the Proposed Project. Although the Project would have a less than significant impact on energy, Alternative 3 would have the same level of impact but use less energy than the Project. Therefore, Alternative 3 would be considered superior to the Project with regard to energy use.

Geology, Soils, and Paleontology

The Proposed Project would result in potential impacts to unknown paleontological resources. However, as defined in the Section 3.6, Mitigation Measure GEO-1 would reduce this potential impact to a less than significant level.

Alternative 3 would also result in the development of the site and therefore have similar potential impacts to unknown or undiscovered paleontological resources to the Project. As such, Alternative 3 would require mitigation to protect these resources. This mitigation would also reduce impacts to these resources to a less than significant impact similar to the Proposed Project. Alternative 3 is considered equivalent to the Proposed Project with regard to potential impacts to paleontological resources.

Greenhouse Gases

Project construction and operations would result in the generation of GHG emissions. However, as discussed in Section 3.7, the Proposed Project's GHG emissions were determined to be less than significant because, while the Project results in GHG emissions the Project, expected growth in population and housing as a result of the Proposed Project would not surpass BCAG's growth projections and therefore would not result in a conflict with the 2020 RTP/SCS.

While Alternative 3 would be less development, Alternative 3 would have a similar result with respect to GHG emissions and their impact to the Scoping Plan. However, because Alternative 3 would be a smaller project than the Proposed Project, the GHG emissions would be less and, environmentally speaking, Alternative 3 would be superior to the Proposed Project with regard to GHG emissions.

Hazards and Hazardous Materials

The Proposed Project would result in a significant and unavoidable and cumulatively considerable airport safety hazard for people residing within the Proposed Project as the Project does not meet the density restrictions for the B1 and B2 Compatibility Zones. The only mitigation possible would be to either eliminate the use of the airport or move the Project to a location outside of the B1 and B2 Compatibility Zones. Neither of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

Alternative 3 would result in the construction of 41 single-family homes. Alternative 3 overall density would meet the densities required for the B1 Compatibility Zone but would exceed B2 Compatibility Zones density requirements. As such, Alternative 3 would also result in a significant and unavoidable airport safety impact in the B2 Compatibility Zone area. However, because Alternative 3 would meet the B1 Compatibility Zone density, Alternative 3 would be superior to the Project with regard to airport safety hazards.

Land Use and Planning

The Proposed Project would not have an impact to land use and planning because it can be shown that no General Plan land use designations or policies were adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the Proposed Project would have a less than significant impacts in this area.

Alternative 3 would also require a General Plan Amendment and rezoning. However, as with the Project, these changes would not result in a land use and planning impact because it can be shown that no General Plan land use designations or policies were adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, the Alternative 3 would have a less than significant impact in this area and be similar to the Proposed Project.

Noise

The Proposed Project would result in a significant and unavoidable and cumulatively considerable as a result of traffic noise related to the Project. As discussed in Impacts NOI-1 and NOI-4, there is no feasible mitigation available to reduce these impacts to less than significant.

Alternative 3 would reduce the amount of Project-related traffic by a substantial amount when compared to the Proposed Project since only 41 single-family homes would be developed. This would also substantially reduce the amount of traffic noise. Because the existing area is relatively quiet, it is fairly easy to increase traffic-related noise to beyond the General Plan transportation noise level thresholds indicated in Noise Element Policy P1.6. As shown in Table 3.9-9, the Project-related traffic noise increases traffic noise in the area by 10.3 dBA on 20th street between Biggs Avenue and Feather Avenue, which exceeds the General Plan transportation noise threshold. Alternative 3 is a much smaller development than the Proposed Project, approximately 24 percent in the number of dwelling units. As such, Alternative 3 would have much less traffic noise and would most likely not exceed the General Plan's noise levels. Therefore, the Alternative 3 would have a less than significant impact in this area and be superior to the Proposed Project.

Population and Housing

The Proposed Project is inconsistent with the existing land use plans and therefore would result in unplanned population growth. However, while this population growth has not been considered in the City's General Plan, the estimated population from the Project represents only a 2.3 percent increase in the City's 2022 population and a 2.2 percent increase in housing units over the existing 2022 housing units in the City. Additionally, the 172 units represent a 1.8 percent increase over the projected 2030 number of housing units provided in the General Plan Draft EIR. The Oroville ALUCP does not provide population growth estimates and as such, the Proposed Project is not inconsistent with growth scenarios for this plan. Based on these factors, the Project would not result in a substantial unplanned growth. Therefore, the Proposed Project would have a less than significant impact in this area.

Alternative 3 would also be inconsistent with the existing land use plans and therefore would result in unplanned population growth. However, similar to the Project, this growth would not be substantial to the point of causing a significant impact. As such, Alternative 3 is considered similar to the Proposed Project with regard to population and housing impacts.

Public Services

The City determined that future fire and police department facilities will be needed for those area west of Highway 70 and formed two community facilities districts to provide funding for future facilities. Because Project Site is located west of Highway 70, annexation into these community facilities districts is necessary. Mitigation Measure PUB-1 requires this annexation and implementation would result in a less than significant impact to public services.

Because Alternative 3 is in the same location as the Project, Alternative 3 would also require mitigation for annexation into the two community facilities districts. As such, Alternative 3 is considered similar to the Proposed Project in this area.

Transportation and Circulation

Development of the Project Site would be expected to generate VMT at 140 to 145 percent of the baseline City of Oroville average. Mitigating VMT to a level which would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels

(1-[0.85÷1.45]=0.414). While Mitigation Measures TR-1, TR-2, and TR-3 would reduce the impact of the Project on VMT, implementation of mitigation needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of the mitigation measures, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

VMT is based on location. Figure 4-A of the *BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices* document shows the Project Site is located in an area where home-based VMT per resident would be greater than a level 15 below the baseline condition. That is, the method presented in this document indicates residential development in the Project Site would result in the generation of VMT that is not below 85 percent of baseline conditions. On a per-resident level, data from the travel demand model shows residential land use development in TAZ 911 would generate 26.7 home-base VMT per resident, while the average for the City of Oroville would be 19.1 home-based VMT per resident. Therefore, the Project Site would be expected to generate VMT at 140 percent of the baseline City of Oroville average (26.7÷19.1=1.40). Because Alternative 3 would be located on the same site as the Project, Alternative 3 would have the same impact on VMT. Therefore, Alternative 3 would also result in a significant and unavailable impact. As such, Alternative 3 is considered similar to the Proposed Project in this area.

Tribal Cultural Resources

As discussed in Section 3.14, the Proposed Project would result in potential impacts to unknown or undiscovered TCRs. However, Mitigation Measure CUL-1 would reduce these potential impacts to a less than significant level.

Alternative 3 would include the construction of similar uses to the Project but at a lower density. However, Alternative 3 would be on the same site and therefore have similar potential impacts to unknown or undiscovered TCRs to the Project. While Alternative 3 may result in less ground-disturbing construction than the Project, because Alternative 3 is on the same site as the Proposed Project, Alternative 3 would have similar potential impacts to TCRs. As such, Alternative 3 would require mitigation to protect these resources. This mitigation would also reduce impacts to these species to a less than significant impact similar to the Proposed Project. Alternative 3 is considered similar to the Proposed Project with regard to potential impacts to TCRs.

Utilities and Service Systems

The TWSD has determined that sewer collection service can be provided by TWSD for the Project. While it appears that SC-OR has adequate capacity at the WTF to serve the Project, because SC-OR requires a Capacity Impact Study as a part of a service agreement for a new project, this WTF capacity will be assured. These conditions as well as 2030 General Plan policies P7.3, P7.4, and P7.5 will ensure that the wastewater treatment capacity is available. As such, the Project would have a less than significant impact in this area.

Alternative 3 would also be served by TWSD and SC-OR for wastewater collection and treatment. Alternative 3 would also be required by SC-OR to complete a Capacity Impact Study for Project

development. As such, Alternative 3 would result in a less than significant impact and is considered similar to the Proposed Project in this area.

5.5 Environmentally Superior Alternative

An EIR must describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives while avoiding or reducing one or more of the project's significant effects (CEQA Guidelines Section 15126.6(a)).

Table 5.0-2 summarizes the potential impacts of the alternatives evaluated in this section, as compared with the potential impacts of the Proposed Project. Table 5-3 identifies how well an alternative meets the Project objectives. As shown in Table 5-2, Alternative 1 No Project, would the environmentally superior alternative as it would result in no impact to the environment. However, CEQA requires that when the environmentally superior alternative is the No Project Alternative, another alternative be identified as the environmentally superior alternative [CEQA Guidelines Section 15126.6(e)(2)].

An EIR must describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives while avoiding or reducing one or more of the project's significant effects (CEQA Guidelines Section 15126.6(a)). The Proposed Project has five objectives. Table 5-2 illustrates a comparison of the alternatives to the basic Project objectives. As shown in this table, Alternative 1 does not meet any of the Project objectives, and Alternatives 2 and 3 both meet four of the five Project objectives.

Alternative 3 would reduce one of the three Project impacts whereas Alternative 2 would not reduce any of the Project's significant and unavoidable impacts. Based on the evaluation contained in Section 5.4 and Tables 5-2 and 5-3, Alternative 3 would be the environmentally superior alternative, as it would result in fewer impacts to one resource category when compared to the Proposed Project and still meet the majority of Project objectives.

Table 5-2. Comparison of the Environmental Impacts of the Alternatives in Relation to the Proposed Project

Environmental Topic	Level of Environmental Impact (Impact Comparison to Proposed Project)			
	Proposed Project	**Alt 1 No Project**	**Alt 2 Reduced Project**	**Alt 3 B1 Compatible**
Air Quality	LTS	NI (Less)	LTS (Less)	LTS (Less)
Biological Resources	LTSM	NI (Less)	LTSM (Similar)	LTSM (Less)
Cultural Resources	LTSM	NI (Less)	LTSM (Similar)	LTSM (Similar)
Energy	LTS	NI (Less)	LTS (Less)	LTS (Less)
Geology, Soils, and Paleontology	LTS	NI (Less)	LTS (Similar)	LTS (Similar)
Greenhouse Gas	LTS	NI (Less)	LTS (Less)	LTS (Less)
Hazards and Hazardous Materials	SU	NI (Less)	SU (Similar)	SU (Less)
Land Use and Planning	LTS	NI (Less)	LTS (Similar)	LTS (Less)
Noise	SU	NI (Less)	SU (Similar)	LTS (Less)
Population and Housing	LTS	NI (Less)	LTS (Similar)	LTS (Less)
Public Services	LTSM	NI (Less)	LTSM (Similar)	LTS (Similar)
Transportation and Circulation	SU, CC	NI (Less)	SU, CC (Similar)	SU, CC (Similar)
Tribal Cultural Resources	LTSM	NI (Less)	LTSM (Similar)	LTSM (Similar)
Utilities and Service Systems	LTS	NI (Less)	LTS (Similar)	LTS (Similar)

Notes: NI = No Impact, LTS = Less than Significant, LTSM = Less than Significant with Mitigation, SU = Significant and Unavoidable, CC = Cumulatively Considerable
Less = Alternative is environmentally superior, impacts are less than those of the Proposed Project,
Greater = Alternative is environmentally inferior, impacts are greater than those of the Proposed Project,
Similar = Alternative is environmentally the same, impacts similar to those of the Proposed Project, or no better or worse

Table 5-3. Comparison of Alternatives by Project Objectives

Project Objective	Alternatives		
	1	2	3
Develop an economically feasible housing plan that is compatible with the surrounding community in a low fire risk zone to provide permanent housing relief for the 50,000 displaced Paradise fire survivors.	-	-	-
Fulfill the housing needs of the State, City of Oroville, and County of Butte by rezoning un-used isolated airport business park land to medium density residential homes to help address the current Regional Housing Needs Assessment (RHNA). The housing units will be market-rate for-sale units.	-	+	+
Create a vibrant residential community by providing a like-kind residential project that further adds to the current and future neighborhoods of eastern Oroville. The project will include lots of 6,000 square feet or larger, setback and landscaping buffers.	-	+	+
Provision a well-connected open space network that includes the addition of a neighborhood park, bicycle paths and pedestrian sidewalks, open space buffers, and a space for recreational activities.	-	+	+
Incorporate the Building Code requirements for energy efficiencies and water savings.	-	+	+
Total Project Objectives Met:	0	4	4

Notes: - = Does not meet objective, + = Meets objective

6.0 REFERENCES

Executive Summary

Butte County Department of Development Services, Planning Division, Airport Land Use Commission. 2022. September 21, 2022 Meeting, AGENDA ITEM – F.1. https://www.buttecounty.net/Portals/10/Docs/ALUC/Agendas/2022/ALUC%20Agenda_9-21-22.pdf?ver=2022-09-15-081547-983.

Environmental Setting, Impacts and Mitigation

City of Oroville. 2015a. Oroville 2030 General Plan. Adopted March 31, 2015. https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents.

_____. 2015b. Oroville Sustainability Updates Draft Supplemental EIR for the City of Oroville (SCH # 2014052001). January 30, 2015. https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents.

California Department of Forestry and Fire Protection (CAL FIRE) 2022. FHSZ Viewer. Available online at: https://egis.fire.ca.gov/FHSZ/.

Air Quality

Butte County Association of Governments (BCAG). 2018. Provisional Long-Term Regional Growth Forecasts 2018 - 2040.

Butte County Air Quality Management District (BCAQMD). 2014. CEQA Air Quality Handbook. https://bcaqmd.org/wp-content/uploads/CEQA-Handbook-Appendices-2014.pdf

California Department of Finance (DOF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark.

California Air Pollution Control Officers Association (CAPCOA). 2023. California Emissions Estimator Model (CalEEMod), version 2022.1.

California Air Resources Board (CARB). 2020. State Area Designation Maps. http://www.arb.ca.gov/desig/adm/adm.htm.

_____. 2018. Federal Area Designation Maps. http://www.arb.ca.gov/desig/adm/adm.htm.

ECORP Consulting, Inc. 2023. *Air Quality & Greenhouse Gas Emissions Assessment for the Feather Ranch Project*. January.

KD Anderson & Associates, Inc. (KDA). 2023. *Traffic Impact Study for the Feather Ranch Project*. January 2.

South Coast Air Quality Management District (SCAQMD). 2003. *2003 Air Quality Management Plan*.

_____. 1992. 1992 Federal Attainment Plan for Carbon Monoxide.

Sacramento Valley Air Quality Engineering and Enforcement Professionals (SVAQEEP). 2021. Northern Sacramento Valley Air Quality Attainment Plan.

U.S. Environmental Protection Agency (USEPA). 2002. Health Assessment Document for Diesel Engine Exhaust. https://nepis.epa.gov/Exe/ZyPURL.cgi?Dockey=300055PV.TXT.

Biological Resources

California Department of Fish and Game (CDFG).1988. California's Wildlife. Volume I, Amphibians and Reptiles. D. C. Zeiner, W. F. Laudenslayer, Jr.,K. E. Mayer, and M. White, eds. California Department of Fish and Game. Sacramento, California.

California Department of Fish and Wildlife (CDFW). 2022a. Rarefind 5. Online Version, commercial version dated January 30, 2022. California Natural Diversity Database. The Resources Agency, Sacramento.

_____. 2022b. Biogeographic Information and Observation System. Available https://wildlife.ca.gov/data/BIOS. Accessed March 2022.

_____. 2021. California Natural Community List. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153609.

California Native Plant Society (CNPS). 2022. Inventory of Rare and Endangered Plants in California (online edition, v8-03 0.39). California Native Plant Society. Sacramento, CA. Accessed March 2022.

ECORP Consulting, Inc. 2023. Biol*ogical Resources Assessment Feather Ranch Project*. February 10..

Eriksen, C. H. and D. Belk. 1999. *Fairy Shrimps of California's Puddles, Pools, and Playas*. Mad River Press, Inc. Eureka, California.

Estep, J.A. 1989. Biology, movements, and habitat relationships of the Swainson's hawk in the Central Valley of California, 1986-1987. California Department of Fish and Game, Nongame Bird and Mammal Section Report.

Jennings, M.R. and M.P. Hayes. 1994. Amphibians and reptile species of special concern in California. Contract 38023, report to the California Department of Fish and Game, Inland Fisheries Division. Sacramento, CA. 255 pp.

National Oceanic and Atmospheric Administration (NOAA). 2022a. National Climatic Data Center 1981-2010 Climate Normals for Oroville Municipal Airport, CA US. https://www.ncdc.noaa.gov/cdo-web/datatools/normals. Accessed March 2022.

_____. 2022b. NOAA Fisheries West Coast Region California Species List Tools. Available online: https://archive.fisheries.noaa.gov/wcr/maps_data/california_species_list_tools.html. Accessed March 2022.

Natural Resources Conservation Service (NRCS). 2022. Web Soil Survey. Custom Soil Resource Report for Butte Area, California, Parts of Butte and Plumas Counties. http://websoilsurvey.nrcs.usda.gov/. Accessed January 2022.

Rincon Consultants, Inc. 2021. *20th Street Residential Development Jurisdictional Waters and Wetlands Delineation*. Prepared for MD3 Investments. March.

Sawyer, J., Keeler-Wolf T., Evens J. M. 2009. *A Manual of California Vegetation, Second Edition*. Sacramento, California: California Native Plant Society.

Small, A. 1994. *California Birds: Their Status and Distribution*. Ibis Publishing Company. Vista, California. 342 pp.

Stebbins, R. C. and S. M. McGinnis. 2012. *Field Guide to Amphibians and Reptiles of California (revised edition)*. University of California Press, Berkeley. Pubs will move to references

State Water Resources Control Board (SWRCB). 2019.State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Adopted April 2, 2019. Available online: https://www.waterboards.ca.gov/water_issues/programs/cwa401/wrapp.html#officialdocuments. Accessed March 2022.

Stebbins, R.C. 2003. *A Field Guide to Western Reptiles and Amphibians*. 3d ed. Houghton Mifflin, Boston

U.S. Environmental Protection Agency (USEPA). 2022. Classification and Types of Wetlands. United States Environmental Protection Agency. Available online: https://www.epa.gov/wetlands/classification-and-types-wetlands#undefined. Accessed March 2022.

U.S. Fish and Wildlife Service (USFWS). 2022a. USFWS Resource Report List. Information for Planning and Conservation. Available https://ecos.fws.gov/ipac. Accessed March 2022.

_____. 2021. Birds of Conservation Concern 2021. United States Department of the Interior, U.S. Fish and Wildlife Service, Migratory Birds, Falls Church, Virginia. Available online: http://www.fws.gov/birds/management/ managed-species/birds-of-conservation-concern.php.

_____. 2006. Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Final Rule. Federal Register. February 10, 2006 (Volume 71, Number 28).

_____. 2005. Recovery plan for vernal pool ecosystems of California and Southern Oregon. Portland, OR. Dated December 15, 2005. http://ecos.fws.gov/docs/recovery_plan/060614.pdf

_____. 2003. Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Final Rule. Federal Register 68(151):46684-46867.

Yosef, R. 2020. Loggerhead Shrike (*Lanius ludovicianus*), version 1.0. In Birds of the World (A. F. Poole and F. B. Gill, Editors). Cornell Lab of Ornithology, Ithaca, NY, USA. https://doi.org/10.2173/bow.logshr.01.

Cultural Resources

ECORP Consulting Inc. 2022. *Cultural Resources Inventory Report for the Feather Ranch Project*. March.

Rosenthal, J., G. White, and Mark Sutton. 2007. The Central Valley: A View from the Catbird's Seat. In *California Prehistory: Colonization, Culture, and Complexity,* edited by T. Jones and K. Klar, pp. 147-163. Altamira Press, Lanham, Maryland.

Energy

California Air Pollution Control Officers Association (CAPCOA). 2022. California Emissions Estimator Model (CalEEMod), version 2022.1.

California Air Resources Board. (CARB). 2022. EMFAC2021 Web Database Emissions Inventory. https://www.arb.ca.gov/emfac/2021/.

California Energy Commissions (CEC). 2022a. *2021 Total System Electric Generations in Gigawatt Hours*. Available online at: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2021-total-system-electric-generation

_____. 2022b. California Energy Consumption Database. http://www.ecdms.energy.ca.gov/Default.aspx.

City of Oroville. 2015. Open Space, Natural Resources, and Conservation Element. https://www.cityoforoville.org/home/showpublisheddocument/12188/635955765376170000

Climate Registry. 2016. General Reporting Protocol for the Voluntary Reporting Program version 2.1. January 2016. http://www.theclimateregistry.org/wp-content/uploads/2014/11/General-Reporting-Protocol-Version-2.1.pdf

ECORP Consulting, Inc.. 2023. *Energy Consumption Assessment, Feather Ranch Project*. January..

KD Anderson & Associates, Inc. (KDA). 2023. *Traffic Impact Study for the Feather Ranch Project*. January 2.

Pacific Gas & Electric Company(PG&E). 2019. Where Your Electricity Comes From. https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2020/1220-PowerContent-ADA.pdf

Geology and Soils

University of California Museum of Paleontology (UCMP). 2022. UCMP Locality Search. Available online at: https://ucmpdb.berkeley.edu/loc.html.

Greenhouse Gas Emissions

Butte County Association of Governments BCAG. 2018. *Provisional Long-Term Regional Growth Forecasts 2018 - 2040*.

California Air Pollution Control Officers Association (CAPCOA). 2023. California Emissions Estimator Model (CalEEMod), version 2022.1.

California Air Resources Board (CARB). 2023. Website: SB 375 Regional Plan Climate Targets. Accessed at: https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets

California Department of Finance (DOF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark

City of Oroville.2015. City of Oroville Community Climate Action Plan. https://www.cityoforoville.org/home/showpublisheddocument/12191/635955765376170000

ECORP Consulting, Inc. 2023. *Air Quality & Greenhouse Gas Emissions Assessment for the Feather Ranch Project*. January.

KD Anderson & Associates, Inc. (KDA). 2023. Feather Ranch Project Traffic Impact Study.

U.S. Environmental Protection Agency (USEPA). 2016a. Climate Change – Greenhouse Gas Emissions: Carbon Dioxide. http://www.epa.gov/climatechange/emissions/co2.html.

_____. 2016b. Methane. https://www3.epa.gov/climatechange/ghgemissions/gases/ch4.html.

_____. 2016c. Nitrous Oxide. https://www3.epa.gov/climatechange/ghgemissions/gases/n2o.html.

Hazards and Hazardous Materials

Butte County Airport Land Use Commission (ALUC). 2017. Butte County Airport Land Use Compatibility Plan. Adopted November 15, 2017.

Butte County Department of Development Services, Planning Division, Airport Land Use Commission. 2022. September 21, 2022 Meeting, AGENDA ITEM – F.1. https://www.buttecounty.net/Portals/10/Docs/ALUC/Agendas/2022/ALUC%20Agenda_9-21-22.pdf?ver=2022-09-15-081547-983.

California Department of Transportation (Caltrans). 2011. California Airport Land Use Planning Handbook. Available online at: https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf. October.

Land Use

City of Oroville. 2022a. City of Oroville Municipal Code. https://www.cityoforoville.org/services/community-development-department/planning-division/zoning-information.

_____. 2015. Oroville 2030 General Plan. Adopted March 31, 2015. https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents.

Noise

Caltrans (California Department of Transportation). 2020b. Transportation and Construction-Induced Vibration Guidance Manual.

_____. 2013. Technic*al Noise Supplement to the Traffic Noise Analysis Protocol*.

_____. 2002. *California Airport Land Use Planning Handbook*.

City of Oroville. 2022a. City of Oroville Municipal Code. https://www.cityoforoville.org/services/community-development-department/planning-division/zoning-information.

_____. 2015. City of Oroville General Plan Noise Element.

ECORP Consulting, Inc. 2023. *Noise Impact Assessment for the Feather Ranch Project.* March 2023.

Federal Highway Administration (FHWA). 2017. Construction Noise Handbook. https://www.fhwa.dot.gov/Environment/noise/construction_noise/handbook/handbook02.cfm.

_____. 2011. Effective Noise Control During Nighttime Construction. http://ops.fhwa.dot.gov/wz/workshops/accessible/schexnayder_paper.htm.

_____. 2006. Roadway Construction Noise Model.

Federal Transit Administration. (FTA). 2018. *Transit Noise and Vibration Impact Assessment*.

KD Anderson & Associates, Inc. (KDA). 2023. *Traffic Impact Study for the Feather Ranch Project*. January 2.

Harris Miller, Miller & Hanson, Inc. (HMMH). 2006. Transit Noise and Vibration Impact Assessment, Final Report.

State of California OPR. 2003. California General Plan Guidelines.

Western Electro-Acoustic Laboratory, Inc. (WEAL). 2000. Sound Transmission Sound Test Laboratory Report No. TL 96-186.

Population and Housing

Butte Council of Governments (BCAG) 2020. 2020 Sustainable Communities Strategy. http://www.bcag.org/Planning/RTP--SCS/Sustainable-Communities-Strategy/index.html.

City of Oroville. 2015. Oroville Sustainability Updates Draft Supplemental EIR. January 30, 2015. https://www.cityoforoville.org/home/showpublisheddocument/12202/635955765376170000

California Department of Finance (DOF). 2022. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2020-2022. https://dof.ca.gov/forecasting/Demographics/estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2022/

_____. 2020. E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2020 with 2010 Census Benchmark. https://dof.ca.gov/forecasting/Demographics/estimates/estimates-e5-2010-2020/

Public Services

_____. 2021. 2020 Municipal Services Review. Provided at the City Council Meeting of April 6, 2021. https://www.cityoforoville.org/government/agendas-minutes/city-council-agendas-and-minutes.

_____. 2020. *Initial Study and Mitigated Negative Declaration for the Village at Ruddy Creek Subdivision*. August 11. https://www.cityoforoville.org/home/showpublisheddocument/19248/637334466246400000.

_____. 2015. Oroville 2030 General Plan. Adopted March 31, 2015. https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents.

Transportation

Butte County Association of Governments (BCAG). 2021a. BCAG SB 743 Implementation – VMT Impact Significance Threshold – Assessing Lead Agency Choices. http://www.bcag.org/documents/planning/SB%20743%20Study/SB%20743%20Thresholds_DRAFT_V2.pdf.

_____. 2021b. BCAG SB 743 Implementation – Mitigation Strategies. http://www.bcag.org/documents/planning/SB%20743%20Study/BCAG%20SB%20743%20Mitigation%20Strategies%20-%20DRAFT.pdf.

California Department of Transportation. 2021. *California Manual on Uniform Traffic Control Devices*. 2014 Edition Revision 6 (March 30, 2021). Sacramento CA.

City of Oroville. 2015a. Oroville Sustainability Updates Draft Supplemental EIR. January 30, 2015. https://www.cityoforoville.org/home/showpublisheddocument/12202/635955765376170000

_____. 2015b. Oroville 2030 General Plan. Adopted March 31, 2015. https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents.

_____. 2010. City of Oroville Bicycle Transportation Plan. Oroville, CA.

Institute of Transportation Engineers. 2021. *Trip Generation Manual, 11th Edition*. Washington, D.C.

KD Anderson and Associates, Inc. (KDA). 2023. *Traffic Impact Study for the Feather Ranch Project*. January 2. 2610-28.

Trafficware. 2022. Trafficware Internet Website. Available online at: http://www.trafficware.com/.

Transportation Research Board. 1982. National Cooperative Highway Research Program (NCHRP) Report 255, Highway Traffic Data for Urbanized Area Project Planning and Design. Washington, D.C.

Tribal Cultural Resources

ECORP Consulting Inc. 2022. *Cultural Resources Inventory Report for the Feather Ranch Project*. March

Utilities

Butte County. 2009. Update of the Thermalito Master Drainage Plans. May 2007. Revised November 2009. http://www.buttecounty.net/Portals/22/downloads/DrainageStudies/Full20Report20November20 2009.pdf

City of Oroville. 2022b. City of Oroville Storm Water Infrastructure. https://www.cityoforoville.org/services/public-works-department/engineering-division/storm-water

_____. 2015a. Oroville 2030 General Plan. Adopted March 31, 2015. https://www.cityoforoville.org/services/planning-development-services-department/planning-division/planning-documents.

Pollution Control Systems, Inc. 2022. Sewage Flow Rate Estimating Guide. https://www.pollutioncontrolsystem.com/Uploads/images/Pages/SEWAGE%20FLOW%20RATE%20ESTIMATING%20GUIDE%20Nov%202014_20170105.pdf

Regional Water Quality Control Board (RWQCB) 2021. National Pollutant Discharge Elimination System (NPDES) Ca0079235 Order R5-2021-Xxxx Waste Discharge Requirements For The Sewerage Commission – Oroville Region, Wastewater Treatment Plant, Butte County. https://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/2108/12_uncon_npdes/sc_or_wwtp_npdes.pdf

Sewerage Commission – Oroville Region (SC-OR). 2022. SC-OR: Looking Ahead Plan for the Future. https://www.sc-or.org/sc-or-looking-ahead-plan-for-the-future.

_____. 2021. Monthly Flows Report, provided as a part of B Board of Commissioners meeting packets. https://www.sc-or.org/board-meetings.

Thermalito Water and Sewer District (TWSD). 2022. Letter to Alan Harlan, RE: Feather Ranch Subdivision – APN: 030-230-098. July 12, 2022.

Alternatives

Butte County Department of Development Services, Planning Division, Airport Land Use Commission. 2022. September 21, 2022 Meeting, AGENDA ITEM – F.1. https://www.buttecounty.net/Portals/10/Docs/ALUC/Agendas/2022/ALUC%20Agenda_9-21-22.pdf?ver=2022-09-15-081547-983.

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Final
Environmental Impact Report

FEATHER RANCH PROJECT

City of Oroville, California

State Clearinghouse Number 2022110054

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June 2023

TABLE OF CONTENTS

TABLE OF CONTENTS i

EXECUTIVE SUMMARY ES-1

ES.1 Purpose and Scope of the Final EIR ES-1
ES.2 Project Characteristics ES-1
ES.3 Project Alternatives ES-2
ES.4 Effects Found Not to be Significant ES-2
ES.5 Areas of Controversy ES-2
ES.6 Summary of Impacts and Mitigation Measures ES-3

1.0 INTRODUCTION 1-1

1.1 Background and Purpose of the EIR 1-1
1.1.1 Overview of CEQA Requirements For Preparation of an EIR 1-1
1.1.2 Background of Environmental Review Process of the Project 1-1
1.2 Intended Use of the EIR 1-3
1.3 Organization and Scope of Final EIR 1-4

2.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR 2-1

2.1 Introduction 2-1
2.2 List of Commenters 2-2
2.3 Requirements for Responding to Comments on the DEIR 2-1
2.4 Responses to Comments 2-2

3.0 MINOR REVISIONS TO THE EIR 3-1

3.1 Minor Changes to the EIR 3-1

LIST OF TABLES

Table ES-1. Summary of Impacts and Mitigation Measures ES-3
Table 2-1. List of Comment Letters 2-1

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EXECUTIVE SUMMARY

ES.1 Purpose and Scope of the Final EIR

This Environmental Impact Report (EIR) will provide an analysis of the potential environmental effects associated with the implementation of the Feather Ranch Project, pursuant to the California Environmental Quality Act (CEQA).

This EIR analysis focuses on potentially significant environmental impacts arising from the Project. The EIR adopts this approach in order to provide a credible worst-case scenario of the impacts resulting from Project implementation.

ES.2 Project Characteristics

The Proposed Project is the subdivision of a 44.97-acre site into 172 single-family lots located at the southwest corner of the Feather Avenue/20th Street intersection in the City of Oroville, California. Figure 2-4 provides the Project Site Plan. Lots will range in size from 6,600 to 9,410 sf, average lot size is 7,450 sf. The subdivision is proposed as a phased map. Phase 1 proposes 68 lots, Phase 2 proposes 58 lots, and Phase 3 proposes 46 lots.

The Project includes a General Plan amendment, a rezone, and a tentative subdivision map. The Project Site is currently within the City of Oroville General Plan land use designation of Airport Business Park (ABP) and zoning district of ABP with an Airport Influence Area Overlay (AIA-O). None of these designations allow the development of residential uses at the density of 3.82 units per acre requested for the Proposed Project. As a part of the Project, a General Plan amendment changing the Project Site to Medium Low Density Residential (3 to 6 units per acre) and a rezoning to Single Family Residential (R-1) has been proposed.

The Project includes amenities such as a passive park on Lot A with pedestrian pathways and a storm drainage basin. The Project also includes the development of a bicycle/pedestrian meandering pathway along the east side of Street A separated from the street by greenway space and bicycle/pedestrian pathway connections from the east end of Project streets to 20th Street.

The Project Site is also within the B1 and B2 Compatibility Zones for the Oroville Municipal Airport Compatibility Land Use Plan. The B1 zone allows residential development of 0.1 units per acre and the B2 zone residential development of 0.5 units per acre. As such, these Compatibility Zones do not allow residential development at the density proposed for the Project.

ES.3 Project Alternatives

CEQA requires an evaluation of the comparative effects of a reasonable range of alternatives to the Proposed Project that would feasibly attain most of the project's basic objectives and that would avoid or substantially lessen any of the significant impacts of the Proposed Project. In this case, the majority of the significant impacts of the Proposed Project would be mitigated to a less-than-significant by the measures included in the Proposed Project. Nonetheless, three alternatives were evaluated to determine their impacts as compared to those of the Proposed Project: the No Project Alternative (Alternative 1), the Reduced Project Alternative (Alternative 2), and the Residential Densities Consistent with the B1 Compatibility Zone Alternative (Alternative 3). All alternatives were deemed feasible and reasonable alternatives to the Proposed Project. However, Alternative 1 does not meet any of the Project objectives, and Alternatives 2 and 3 both meet four of the five Project objectives.

Alternative 3 would reduce one of the three Project impacts whereas Alternative 2 would not reduce any of the Project's significant and unavoidable impacts. Based on the evaluation contained in Section 5.4 of the DRAFT EIR, Alternative 3 would be the environmentally superior alternative, as it would result in fewer impacts to one resource category when compared to the Proposed Project and still meet the majority of the Project objectives.

ES.4 Effects Found not to be Significant

CEQA Guidelines Section 15128 requires an EIR to briefly describe any possible significant effects that were determined not to be significant and were therefore not discussed in detail in the Draft EIR. For purposes of this Final EIR, the following topics were eliminated from further evaluation of the environmental analysis through the Initial Study review process: aesthetics; agriculture, geology and soils (not including impacts to paleontological resources); hazards and hazardous materials (not including airports hazard impacts); hydrology and water quality; land use and planning (not including physically dividing an established community impacts); mineral resources; public services (not including fire protection impacts) recreation; utilities (not including impacts to wastewater and storm drainage services); and wildfire.

As a result of the findings of the Initial Study, the City determined that an EIR level of analysis was required for specific impact areas. Those areas include air quality (project and cumulative); biological resources (project and cumulative); cultural and paleontological resources (project and cumulative); energy (project and cumulative); geology and soils (project and cumulative); greenhouse gas and climate change (project and cumulative); hazards and hazardous materials (project and cumulative); land use and planning (project and cumulative); noise (project and cumulative); population and housing (project and cumulative); transportation (project and cumulative), and tribal cultural resources (project and cumulative); and utilities and services (project and cumulative). All mitigation measures identified in these sections, as shown In **Table ES-1**, will be included as mitigation in the EIR and in the MMRP.

ES.5 Areas of Controversy

No known areas of controversy exist for the Proposed Project.

ES.6 Summary of Impacts and Mitigation Measures

Table ES-1 presents a summary of environmental impacts analyzed and identified in the Initial Study and this Draft EIR, the mitigation measures proposed for those impacts (if required), and the level of significance after mitigation.

Table ES-1. Summary of Impacts and Mitigation Measures

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
BIOLOGICAL RESOURCES		
BIO-1: Project implementation could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. Impact Determination: *Less than Significant with Mitigation*	**BIO-1:** Implement Erosion Control Measures and BMPs. The Project proponent shall implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project site. Examples of appropriate measures are included below. • Avoided aquatic resources should be clearly demarcated prior to construction. Avoidance buffers should be consistent with the City of Oroville requirements and/or requirements of regulatory permits. Erosion control measures should be placed between avoided aquatic resources and the outer edge of the impact limits prior to commencement of construction activities. Such identification and erosion control measures should be properly maintained until construction is completed and the soils have been stabilized. • Any fueling in the Study Area should use appropriate secondary containment techniques to prevent spills. **BIO-2:** **Worker Environmental Awareness Program.** The Project proponent shall require a mandatory Worker Environmental Awareness Program provided by qualified biologist for all contractors, work crews, and any onsite personnel to aid workers in recognizing special status species and sensitive biological resources that may occur on-site prior to any construction or grading of the site. The program shall include identification of the special status species and their habitats, a	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. **BIO-3:** **Special-Status Species – Plants.** There is potential or low potential for 23 special-status plants to occur within the Study Area. The following mitigation measures are required to minimize potential impacts to special-status plants. • Perform floristic plant surveys according to USFWS, CDFW, and CNPS protocols prior to construction. Surveys shall be conducted by a qualified biologist and timed according to the appropriate phenological stage for identifying target species. Known reference populations shall be visited and/or local herbaria records shall be reviewed, if available, prior to surveys to confirm the phenological stage of the target species. If no special-status plants are found within the Project site, no further measures pertaining to special-status plants are necessary. • If special-status plants are identified within 25-feet of the Project impact area, implement the following measures: • If avoidance of special-status plants is feasible, establish and clearly demarcate avoidance zones for special-status plant occurrences prior to construction. Avoidance zones shall include the extent of the special-status plants plus a 25-foot buffer, unless otherwise determined by a qualified biologist, and shall be maintained until the completion of construction. A qualified biologist/biological monitor shall	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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	be present must occur within the avoidance buffer to ensure special-status plants are not impacted by the work. • If avoidance of special-status plants is not feasible, mitigate for significant impacts to special-status plants. Mitigation measures shall be developed in consultation with CDFW. Mitigation measures may include permanent preservation of onsite or offsite habitat for special-status plants and/or translocation of plants or seeds from impacted areas to unaffected habitats. **BIO-4:** **Special-Status Species – Invertebrates.** There is potential for three federally listed special-status invertebrates to occur within the Study Area. The following mitigation measure is required to minimize potential impacts to special-status invertebrates. • No Project construction shall proceed in areas supporting potential habitat for federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until incidental take authorization has been issued by USFWS under Section 7 (Biological Opinion) or Section 10 (HCP) of the ESA and the Project proponent has abided by conditions in the BO or HCP, including all conservation and minimization measures. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction and compensatory mitigation for loss of suitable habitat.	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	BIO-5: **Western Spadefoot.** Western spadefoot have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to western spadefoot. • A qualified biologist shall conduct surveys for western spadefoot in areas of potential habitat that would be eliminated by the Project. The surveys shall be conducted at the appropriate time of year to detect western spadefoot, generally the breeding season, according to methods approved by CDFW. If western spadefoot is found in habitat that will be eliminated or made unsuitable for western spadefoot, a plan to collect and relocate adult and larval western spadefoot and egg masses to suitable habitat that will be preserved in perpetuity as required according to the BO in Mitigation Measure BIO-4. **BIO-6:** **Blainville's Horned Lizard.** Blainville's horned lizard have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to Blainville's horned lizard. • A qualified biologist shall conduct a preconstruction Blainville's horned lizard survey in Project impact areas within 48 hours prior to construction activities. Any Blainville's horned lizard individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, consult with CDFW	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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	to develop avoidance and minimization measures, which may include, but not limited to, fencing avoidance areas, development of a relocation plan, and/or onsite monitoring during site construction. **BIO-7:** **Special-Status Species – Birds.** Three special-status birds and various other protected birds have the potential to nest within the Study Area. The following mitigation is required to minimize potential impacts to nesting birds: • If construction is to occur during the nesting season (generally February 1 through August 31), conduct a preconstruction nesting bird survey of all suitable nesting habitat on the Project within 14 days of the commencement of construction. The survey shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Preconstruction nesting surveys are not required for construction activity outside the nesting season. **BIO-8:** **Swainson's Hawk and Tricolored Blackbird.** The Study Area supports potential foraging habitat for two state-listed birds: Swainson's hawk and tricolored blackbird. The following mitigation is recommended to minimize potential impacts to foraging habitat:	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	• Mitigate for the loss of Swainson's hawk according to the 1994 CDFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California. The required measures to address Swainson's hawk foraging habitat impact and mitigation measure BIO-9 will be sufficient to mitigate impacts to tricolored blackbird foraging habitat.	
BIO-2: Project implementation could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. Impact Determination: *Less than Significant with Mitigation*	Implement Mitigation Measures BIO-1, BIO-2, and BIO-9.	LTS
BIO-3: Project implementation could cause a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Impact Determination: *Less than Significant with Mitigation*	**BIO-9: Sensitive Natural Communities.** The Project site supports potential Waters of the U.S. and State. In addition to Mitigation Measures BIO-1 and BIO-2, the following mitigation measures are required for the protection of aquatic resources: • Submit an aquatic resources delineation for the Project to the USACE and obtain a verification or Preliminary Jurisdictional Determination. • File a request for authorization to fill Waters of the U.S. under the Section 404 of the federal CWA (Section 404 Permit) prior to discharging any dredged or fill materials into any Waters of the U.S. Mitigation measures will be developed as part of the Section 404 Permit process to ensure no net loss of wetland function and values. To facilitate such authorization, an application for a Section	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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	404 Nationwide Permit (0.5 acre or less of impacts for Nationwide Permit 29-Residential Developments) or an Individual Permit for the Project should be prepared and submitted to USACE. Mitigation for impacts to Waters of the U.S. typically consists of a minimum of a 1:1 ratio for direct impacts; however final mitigation requirements will be developed in consultation with USACE. • If necessary, file a request for a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained from the RWQCB for Section 404 permit actions. • Pursuant to the Porter-Cologne Water Quality Act, a permit authorization from the RWQCB is required prior to the discharge of material in an area that could affect Waters of the State. Mitigation requirements for discharge to Waters of the State within the Project Site will be developed in consultation with the RWQCB.	
CULTURAL RESOURCES		
CUL-1: Project implementation could cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5. Impact Determination: *Less than Significant with Mitigation*	**CUL-1: Cultural or Archaeological Resource Discovery.** All subdivision improvement plans and grading plans shall include the following: • If subsurface deposits believed to be cultural or human in origin are discovered during any roadway or future construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures

Environmental Impacts	Mitigation Measures	Residual Impact (with Mitigation)
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required. • If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner. If the find is determined to be eligible for inclusion in the NRHP or CRHR, the City shall consult on a finding of eligibility and implement appropriate treatment measures. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction. • If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Butte County Coroner (in accordance with Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the	

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.	
CUL-2: Project implementation could cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section15064.5. Impact Determination: *Less than Significant with Mitigation*	Implement CUL-1	LTS
CUL-3: Project implementation could disturb any human remains, including those interred outside of formal cemeteries. Impact Determination: *Less than Significant with Mitigation*	Implement CUL-1	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
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GEOLOGY, SOILS AND PALEONTOLOGICAL RESOURCES		
GEO-1: Project implementation could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. Impact Determination: *Less than Significant with Mitigation*	**PALEO-1: Discovery of Unknown Paleontological Resources.** If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall cease operation at the site of the discovery and immediately notify the City. The Project proponent shall retain a qualified paleontologist to evaluate the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	LTS
HAZARDS AND HAZARDOUS MATERIALS		
HAZ-1: If the Proposed Project is located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the Proposed Project could result in a safety hazard or excessive noise for people residing or working in the Project Area.	No feasible mitigation possible.	SU
HAZ-2: Implementation of the proposed project, along with any foreseeable development in the project vicinity, result in cumulative	No feasible mitigation possible.	CC and SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
impacts regarding safety hazard or excessive noise for people residing or working in the Project area. Impact Determination: *Cumulatively Considerable and Significant and Unavoidable*		
NOISE		
NOI-1: Project implementation could result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impact Determination: *Significant and Unavoidable*	No feasible mitigation possible.	SU
NOI-4: Would implementation of the Proposed Project, in combination with existing, approved, proposed, and reasonably foreseeable development in Butte County, result in a cumulatively considerable noise impact? Impact Determination: *Cumulative Considerable and Significant and Unavoidable*	No feasible mitigation possible.	CC and SU
PUBLIC SERVICES		
PUB-1: Project implementation could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause	**PUB-1: Annexation into CFD 2006-01 and CFD 2006-02.** Prior to recordation of the Final Map, the Project shall annex into both CFD 2006-01 and CFD 2006-02.	LTS

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire, police, schools, and/or other public facilities. Impact Determination: *Less than Significant with Mitigation*		
TRANSPORTATION		
TR-2: Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). Impact Determination: *Significant and Unavoidable*	**TR-1:** **Provide Pedestrian Network Improvements.** Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT. The Project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site. The Project will minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, landscaping, and slopes that impede pedestrian circulation will be eliminated. Some aspects of this measure are already included in the Proposed Project. Increasing the use of pedestrian improvements would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0.5 percent to 5.7 percent. **TR-2:** **Provide Traffic Calming Measures.** Providing traffic calming measures encourages people to walk or use bicycles instead of using a vehicle. This mode shift will result in a decrease in VMT. Project design will include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements.	SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
	Roadways will be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others. Some aspects of this measure are already included in the Proposed Project. Increasing the use of traffic calming measures would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0 to 1.7 percent. **TR-3:** **Contribute to a 20th Street Bicycle Facility.** Providing bicycle facilities reduces VMT by encouraging use of non-vehicular forms of transportation. Connecting to existing bicycle facilities would provide access to Project site residents to a larger network of facilities. The Project applicant shall contribute a fair share portion of the cost toward construction of the bikeway. Because the Bicycle Transportation Plan does not specify whether the 20th Street bikeway would be a Class I or Class II facility, it is not known whether the bikeway would be on 20th Street or separate from the roadway. For the same reason, it is not known what the cost of the bikeway would be. As such, the Project's fair share portion shall be negotiated between the applicant and the City of Oroville.	
TR-4: Would the project, when considered with existing, proposed, planned, and approved development in the region, implementation of the proposed project would contribute to cumulative traffic	Implement TR-1, TR-2, and TR-3	CC and SU

Table ES-1. Summary of Proposed Project Impacts and Mitigation Measures		
Environmental Impacts	**Mitigation Measures**	**Residual Impact (with Mitigation)**
Notes: NI = No Impact, LTS = Less than Significant, SU = Significant, Unavoidable, CC = Cumulatively Considerable, LTCC = Less than Cumulatively Considerable		
volumes on local roadways that result in significant impacts to level of service and operations? Impact Determination: *Cumulative Considerable and Significant and Unavoidable*		
TRIBAL CULTURAL RESOURCES		
TCR-1: Project implementation could cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074. Impact Determination: *Less than Significant with Mitigation*	Implement CUL-1	LTS

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INTRODUCTION

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (Section 15132). The City of Oroville (City) is the lead agency for the environmental review of the proposed Feather Ranch Project (Proposed Project, Project). The City has the principal responsibility for approving the Project. This FEIR assesses the expected environmental impacts resulting from approval and implementation of the proposed project, as well as responds to comments received on the Draft EIR.

1.1 Background and Purpose of the EIR

1.1.1 Overview of CEQA Requirements For Preparation of an EIR

The City, serving as the lead agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed project. As set forth in the provisions of CEQA and implementing regulations, public agencies are charged with the duty to consider the environmental impacts of proposed development and to minimize these impacts where feasible while carrying out an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

State CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an Environmental Impact Report prior to approving any project that may have a significant effect on the environment. For the purposes of CEQA, the term *project* refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the Proposed Project, the County has determined that the proposed Feather Ranch Project is a project within the definition of CEQA.

1.1.2 Background of Environmental Review Process of the Project

The following is an overview of the environmental review process for the proposed Feather Ranch Project that has led to the preparation of this FEIR.

Initial Study

On November 1, 2022, the Feather Ranch Initial Study (IS, State Clearinghouse (SCH)#2019059077) was circulated by the City for a 30-day public review period.

Based on the findings of the IS, the City determined that an EIR level of analysis was required for specific impact areas. Those areas include air quality (project and cumulative), biological resources (project and cumulative), cultural resources (project and cumulative), energy (project and cumulative), geology/soils/paleontological resources (project and cumulative), greenhouse gas and climate change (project and cumulative), hazards and hazardous materials (project and cumulative), land use (project and cumulative), noise (project and cumulative), population and housing (project and cumulative), public services (project and cumulative), transportation (project and cumulative), tribal cultural resources (project and cumulative), and utilities (project and cumulative). All other impact analysis areas defined in Appendix G of the CEQA Guidelines are not included in this EIR. All mitigation measures identified in the Executive Summary will be included as mitigation in this EIR and in the Mitigation Monitoring and Reporting Program (MMRP).

Notice of Preparation

In accordance with CEQA Guidelines § 15082, the City prepared a Notice of Preparation (NOP) of an EIR for the Proposed Project that was distributed to responsible agencies and the public for a 30-day comment period, beginning on November 1, 2023, and concluding on December 2, 2023.

Draft EIR

The Draft EIR (Draft EIR) was released for public and agency review on April 15, 2023, and the review period ended on May 30, 2023. The DEIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at the Oroville City Hall and on the City's website.

Final EIR

The City received three (3) comment letters from interest groups, government agencies, and the public regarding the Draft EIR. This document responds to the written comments received as required by CEQA. As explained in Section 3.0, Minor Revisions to the EIR, no revisions to the EIR were necessary as all comments received did not result in changes to the EIR. This document constitutes the FEIR.

Certification of the Final EIR/Project Consideration

The City will review and consider the FEIR. If the City finds that the FEIR is "adequate and complete," the City may certify the FEIR. The rule of adequacy generally holds that the EIR can be certified if (1) it shows a good faith effort at full disclosure of environmental information, and (2) it provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to adopt, revise, or reject the Proposed Project. A decision to approve the Proposed Project would be accompanied by written findings in accordance with State CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a Mitigation Monitoring and Reporting Program (MMRP) to describe measures that have been adopted or made a condition of project approval in order

to mitigate or avoid significant effects on the environment. The MMRP for the Proposed Project is located under separate cover.

1.2 Intended Use of the EIR

This EIR is intended to evaluate the environmental impacts of the Feather Ranch Project. This EIR in its final form will be used by the City of Oroville in considering approval of the Proposed Project. In accordance with CEQA Guidelines § 15126, the EIR will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

City of Oroville

The EIR is intended to be used by the City as a tool in evaluating the Proposed Project's environmental impacts and can be further used to modify, approve, or deny approval of the Proposed Project based on the analysis provided in the EIR. A description of any requested entitlements and subsequent approvals associated with approval and implementation of the Proposed Project are described in Section 2.0, Project Description, of the Draft EIR.

Known Trustee And Responsible Agencies

For the purpose of CEQA, the term *trustee agency* means a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. In CEQA, the term *responsible agency* includes all public agencies other than the lead agency that may have approval authority in some regard associated with the Proposed Project. Interested agencies may have a general interest in the proposal with respect to issues germane to their organization. The following agencies have been identified as potential responsible, trustee, or interested agencies with direct or indirect interest in the Project:

- Butte County Air Quality Management District (BCAQMD)
- Butte County Airport Land Use Commission (BCALUC)
- Central Valley Regional Water Quality Control Board, Region 5 (RWQCB)

This EIR may also be used by other public agencies to issue approvals and permits related to the Proposed Project.

1.3 Organization and Scope of the Final EIR

This document is organized in the following manner:

Section ES – Executive Summary

Section ES includes an updated Executive Summary that provides a brief project description and presents a summary table of probably environmental effects of the project.

Section 1.0 – Introduction

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

Section 2.0 – Comments and Responses to Comments on the Draft EIR

Section 2.0 provides a list of commenters, copies of written comments (coded for reference), and the responses to those written comments made on the Draft EIR.

Section 3.0 – Minor Revisions to the Draft EIR

Section 3.0 provides a list of minor edits, if necessary, made to the Draft EIR as a result of comments received and other staff-initiated changes.

Comments and Responses to Comments on the Draft EIR

2.1 Introduction

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000, et seq.) and State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). The City of Oroville is the lead agency for the environmental review of the Proposed Project and has the principal responsibility for approving the Project. This FEIR assesses the expected environmental impacts resulting from the approval and implementation of the proposed project and responds to comments received on the Draft EIR (referred to as Draft EIR or DEIR).

2.2 List of Commenters

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR. To assist in referencing comments and responses, the following coding system is used:

- Agency and service provider comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1 is referred to as A-1).
- Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1 is referred to as 1-1).

Table 2-1. List of Comment Letters

Letter	Agency, Organization, or Individual	Date
A	California Department of Transportation, Division of Aeronautics, Tiffany A. Martinez	5/30/2023
1	Ted Runge	5/15/2023
2	California Pilots Association, Region 1, Patrick Waller	5/30/2023

2.3 Requirements for Responding to Comments on the Draft EIR

State CEQA Guidelines Section 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must be detailed, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, there must be a good faith and reasoned analysis in the written response. However, lead agencies need only respond to significant environmental issues associated with the project and do not need to provide all the information requested by commenters, as long as a good faith effort at full disclosure is made in the EIR (State CEQA Guidelines 15204).

State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. State CEQA Guidelines Section 15204 also notes that commenters should provide an explanation and evidence

supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence supporting such a conclusion.

State CEQA Guidelines Section 15088 also recommends that where a response to comments results in revisions to the Draft EIR, those revisions be incorporated as a revision to the Draft EIR or as a separate section of the Final EIR.

2.4 Responses to Comments

Each comment letter received for the Project and the individual responses to each comment are included in this document. Comment letters were received from California Department of Transportation (Caltrans) and the Governor's Office of Planning and Research (OPR) The comments included in these letters are individually addressed below. No revisions to the document were necessary based on the content of the comment letters received.

Letter A: California Department of Transportation Division of Aeronautics

Letter A

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DIVISION OF AERONAUTICS – M.S. #40
1120 N STREET
P. O. BOX 942874
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959 | FAX (916) 653-9531 | TTY 711
www.dot.ca.gov

May 30, 2023

Wes Ervin
Principal Planner
City of Oroville
1725 Montgomery Street
Oroville, CA 95965

Electronically Sent <wervin@cityoforoville.org>

Re: 2022110054, Proposed Feather River Ranch Subdivision Project, Butte County

Dear Mr. Ervin:

The California Department of Transportation, Division of Aeronautics has reviewed the Draft EIR for the City of Oroville Proposed Feather River Ranch Subdivision Project. One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions or their equivalent (ALUC), to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq. Caltrans encourages collaboration with our partners in the planning process and thanks you for including the Division in the review of the Draft Environmental Impact Report. **A-1**

The proposed Project is listed as a land use designation of Airport Business Park (ABP) in the General Plan and a zoning district of Airport Business Park (ABP) with an Airport Influence Area Overlay (AIA-O). Moreover, the proposed Site is within the B1 and B2 compatibility zones of the Butte County Airport Land Use Compatibility Plan (ALUCP) for the Oroville Municipal Airport. These designations do not allow for the development of residential uses at the densities requested of the proposed Project. **A-2**

Per the California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Act, Section 21676(b) prior to the amendment of a general plan...within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan formed by the ALUC pursuant to the PUC, Section 21674. **A-3**

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Caltrans recommends that the City of Oroville strongly consider its project alternative ES-5.3: Residential Densities Consistent with the Airport land Use Plan B1 Compatibility Zone. The ALUCP is crucial in minimizing noise nuisance and safety hazards around airports while promoting the orderly development of airports, as declared by the California Legislature. Caltrans also recommends that the City work with its ALUC in this ongoing process to determine best measures. **A-4**

The Division recognizes that the City is seeking to meet RHNA housing objectives and is looking for new areas to accommodate residential developments by rezoning undeveloped land. The Division notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which requires counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare. **A-5**

If you have any questions or need additional information, please contact me at my email address: tiffany.martinez@dot.ca.gov.

Sincerely,

Tiffany Martinez

Tiffany A. Martinez
Transportation Planner, Division of Aeronautics

Cc: State Clearinghouse

Letter A - Tiffany A. Martinez, California Department of Transportation Division of Aeronautics

Comment A-1: The comment states that one of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions or their equivalent (ALUC), to understand and comply with the State Aeronautics Act.

Response A-1: This comment does not contain specific comments on the content or adequacy of the DEIR. Comment noted.

Comment A-2: The comment provides the General Plan land use designation, zoning district, and compatibility zones of the Butte County Airport Land Use Compatibility Plan (ALUCP) for the Oroville Municipal Airport for the Proposed Project. Additionally, the comment states that the B1 and B2 compatibility zones do not allow for the development of residential uses at the densities requested of the Proposed Project.

Response A-2: This comment does not contain specific comments on the content or adequacy of the DEIR. This information is identified and evaluated in the DEIR.

Comment A-3: The comment provides the required procedure for amending a General Plan within a planning boundary established by the airport land use commission pursuant to Public Utility Code (PUC) Section 21675 requiring the local agency to first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. Any proposed development in the defined safety zones, therefore, must adhere to the safety criteria and restrictions defined in the Airport Land Use Compatibility Plan formed by the ALUC pursuant to the PUC, Section 21674.

Response A-3: This comment does not contain specific comments on the content or adequacy of the DEIR. Comment noted. The City of Oroville referred the Project to the Butte County ALUC as a part of the Project review process. The Butte County ALUC reviewed the Project on September 21, 2022 and determined that the Project was inconsistent with the 2017 ALUCP for the Oroville Municipal Airport. This The potential for ALUCP inconsistency is discussed in Sections 3.7 Hazards, 3.8 Land Use, and 3.9 Noise of the DEIR. The DEIR determined that the Project would result in a significant and unavoidable impact with regard to airport safety.

As a point of clarification, PUC Section 21674 does not require proposed development to adherence of safety criteria and restrictions defined in the Airport Land Use Compatibility Plan. Section 21674 only provides the powers and duties of an ALUC.

Further, Section 21675.1(d) provides for the ability of a local jurisdiction, if it makes specific findings, to overrule a ALUC consistency determination. Section 21675(d) is as follows:

> (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

Additionally, PUC Section 21674.7(b) also illustrates a local jurisdiction ability to overrule an ALUC. Section 21674.7(b) is as follows:

(b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. *This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677 (italics added).*

Finally, of note, the Butte County Airport Land Use Commission did not provide any comments on the DEIR.

Comment A-4: The comment provides Caltrans' recommendation that the City of Oroville strongly consider the Project Alternative 2: Residential Densities Consistent with the Airport land Use Plan B1Compatibility Zone. Caltrans also recommends that the City work with its ALUC in this ongoing process to determine best measures.

Response A-4: This comment does not contain specific comments on the content or adequacy of the DEIR. Comment noted.

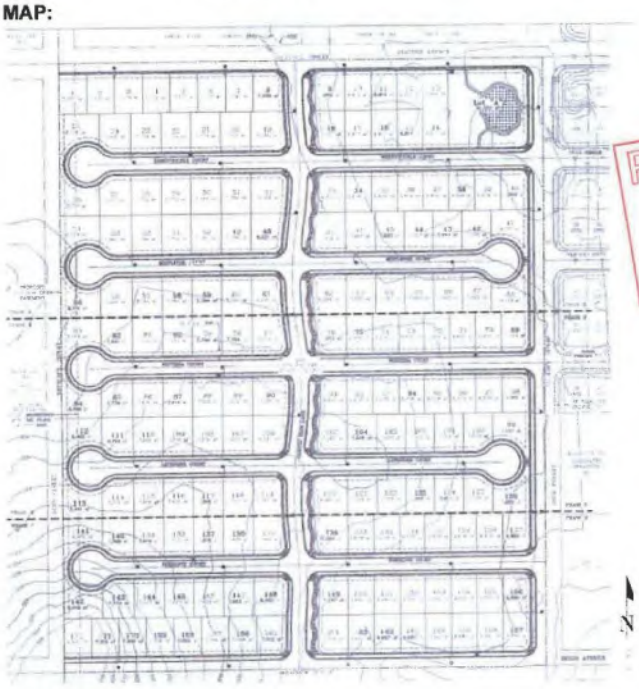
Comment A-5: The comment provides Caltrans understanding that the City seeking to meet RHNA housing objectives but notes that new laws regarding the provision of housing do not supersede existing laws, including Section 21670 of the California Public Utilities Code, which requires counties to establish ALUCs and compatibility plans to protect public health, safety, and welfare.

Response A-5: This comment does not contain specific comments on the content or adequacy of the DEIR. Comment noted.

Letter 1: Ted Rudge

Letter 1

GENERAL PARCEL MAP:



RECEIVED
MAY 15 2023
CITY OF OROVILLE
PLANNING DIVISION

COMMENTS AND/OR RECOMMENDED CONDITIONS OF APPROVAL (Please attach additional pages, if needed):

Ted Runge Runge Livings
Trust. I would like
To be Included in the
General Plan Rezone on
my Land
530-370-3314 Ted

1-1

Signature: _____ Date: _____

Agency/Affiliation: _____

PLEASE RETURN COMPLETED FORM to 1735 Montgomery Street, Oroville 95965 or CALL THE CITY OF OROVILLE PLANNING DIVISION (530) 538-2430

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTENTION: PROPERTY OWNERS, AFFECTED AGENCIES, AND INTERESTED PARTIES

The project listed below has been filed with the Planning Division, with an accompanying Draft Negative Declaration the City intends to adopt. You are invited to comment because your property is located near the proposed project, or you are an agency with potential interest in the project. Application materials are available for review at City Hall at the above address. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than ***Thursday, May 11, 2023***. Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary.

ASSESSOR PARCEL NUMBER: 030-230-098

FILE NUMBER: TSM 22-01

APPLICANT: MD3 Investments

ZONING: Present: ABP (Airport Business Park)
Future: R-1 Single Family Residential

LOCATION: West of 20th Street between Biggs and Feather Avenue

CONTACT PERSON: Daniel Kopshever,
Assistant Planner
530 538-2517
530 538-2426 Fax
dkopshever@cityoforoville.org

VICINITY MAP



PROJECT DESCRIPTION:

TSM 22-01 (Feather Ranch) - The City of Oroville Planning Commission will conduct a public hearing to consider a tentative subdivision map for the parcel located west of 20th Street between Biggs and Feather Avenue (APNs: 030-230-098). The parcel would require a General Plan Amendment and rezone of the property to R-1 zoning for the development of single-family homes consistent with the City's General Plan. The current zoning and General Plan land use designation for the parcel is Airport Business Park (ABP). The proposal is to subdivide and develop approximately 45 acres into 172 lots for single-family residences.

Letter 1 - Ted Runge

Comment 1-1: The commenter states that he would like to be a part of the General Plan land use change and rezoning.

Response 1-1: This comment does not contain specific comments on the content or adequacy of the DEIR. Comment noted.

Letter 2: California Pilots Association, Region 1

Letter 2

Date 5-30-23
Topic Comment Feather Ranch
Meeting Objectives By Phone

Attendees
Patrick WALLER
530-604-0012

Cal Pilot's Assn
Region 1

Notes

Anonymous inquiries —
No standing or interest as an Assn.
High end housing project similar distance out in Redding:
Research by wife following up.
2,000 off Benton Field - Redding
3,200' off Yuba Co Airport - Marysville
2,000' off Riverside Muni —

2-1

Action Items

Letter 2 - Patrick Waller, California Pilots Association, Region 1

Comment 2-1: The comment provides that the Pilots Association has no concerns about the Project.

Response 2-1: This comment does not contain specific comments on the content or adequacy of the DEIR. Comment noted.

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3.0 MINOR REVISIONS TO THE EIR

This section typically includes minor revisions made to the EIR. These modifications result from comments received during the Draft EIR public review period as well as staff-initiated changes. Any revisions may not result in new significant environmental impacts, may not constitute significant new information, and may not alter the conclusions of the environmental analysis.

3.1 Minor Changes to the EIR

No revisions to the EIR were deemed necessary. The comment letters received did not present any comments that required a revision to the Draft EIR. This section was included in this Final EIR to indicate that no changes were required to the Draft EIR.

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CITY OF OROVILLE, CALIFORNIA
INCORPORATED 1906

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA Environmental Impact Report

Feather Ranch Project

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SECTION 1.0 INTRODUCTION

In accordance with CEQA, an EIR that identifies adverse impacts related to the construction activities for the Feather Ranch Project was prepared. The EIR identifies mitigation measures that would reduce or eliminate these impacts.

Section 21081.6 of the Public Resources Code and Sections 15091(d) and 15097 of the State CEQA Guidelines require public agencies to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. An EIR is required for the Proposed Project because the EIR identified potentially significant adverse impacts related to construction activity, and mitigation measures have been identified to mitigate these impacts. Adoption of the MMRP will occur along with approval of the Proposed Project.

1.1 Purpose of the Mitigation Monitoring and Reporting Program

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed according to schedule and maintained in a satisfactory manner during the construction and operation of the Proposed Project, as required. The MMRP may be modified by the City of Oroville during Project implementation, as necessary, in response to changing conditions or other Project refinements. Table 1-1 has been prepared to assist the responsible parties in implementing the MMRP. This table identifies the category of significant environmental impact(s), individual mitigation measures, monitoring and mitigation timing, responsible person/agency for implementing the measure, monitoring and reporting procedure, and notation space to confirm implementation of the mitigation measures. The numbering of the mitigation measures follows the numbering sequence in the EIR.

1.2 Roles and Responsibilities

The City of Oroville, as Lead Agency, is responsible for oversight of compliance of the mitigation measures in the MMRP.

1.3 Mitigation Monitoring and Reporting Plan

The column categories identified in the MMRP table (Table 1-1) are described below.

- **Mitigation Measure** – This column lists the mitigation measures by number.
- **Monitoring Activity/Timing/Frequency/Schedule** – This column lists the activity to be monitored for each mitigation measure, the timing of each activity, and the frequency/schedule of monitoring for each activity.
- **Implementation Responsibility/Verification** – This column identifies the entity responsible for complying with the requirements of the mitigation measure, and provides space for verification initials and date.
- **Responsibility for Oversight of Compliance/Verification** – This column provides the agency responsible for oversight of the mitigation implementation, and is to be dated and initialed by the agency representative based on the documentation provided by the construction contractor or through personal verification by agency staff.
- **Outside Agency Coordination** – this column lists any agencies with which the City may coordinate for implementation of the mitigation measure.
- **Comments** – this column provides space for written comments, if necessary.

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MITIGATIONS	MONITORING AND REPORTING PROGRAM				
	Documentation of Compliance [Project Applicant/Proponent Responsibility]		**Documentation of Compliance [Lead Agency Responsibility]**		
	Monitoring Activity/Timing/ Frequency/ Schedule	**Implementation Responsibility/ Verification**	**Responsibility for Oversight of Compliance/ Verification**	**Outside Agency Coordination**	**Comments**
Biological Resources					
BIO-1: Implement Erosion Control Measures and BMPs. The Project will implement erosion control measures and BMPs to reduce the potential for sediment or pollutants at the Project Site. Measures may include the following: • Avoided aquatic resources should be clearly demarcated prior to construction. Avoidance buffers should be consistent with the City of Oroville requirements and/or requirements of regulatory permits. Erosion control measures should be placed between avoided aquatic resources and the outer edge of the impact limits prior to commencement of construction activities. Such identification and erosion control measures should be properly maintained until construction is completed and the soils have been stabilized. • Any fueling in the Study Area should use appropriate secondary containment techniques to prevent spills.	**Activity:** Implement erosion control measures and BMPs. **Timing:** Prior to and during grading and construction. **Frequency:** Ongoing during construction.	**Contractor** **Initials** **Date**	**City of Oroville** **Initials** **Date**		
BIO-2: Worker Environmental Awareness Program. The Project proponent shall require a mandatory Worker Environmental Awareness Program provided by qualified biologist for all contractors, work crews, and any onsite personnel to aid workers in recognizing special status species and sensitive biological resources that may occur on-site prior to any construction or grading of the site. The program shall include identification of the special status species and their habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation	**Activity:** Conduct a preconstruction worker environmental awareness program. northwestern pond turtle survey in the Project Area within 48 hours prior to construction activities. **Timing:** Prior to grading and construction.	**Contractor** **Initials** **Date**	**City of Oroville** **Initials** **Date**		

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measures required to reduce impacts to biological resources within the work area.	**Frequency:** Ongoing during construction.				
BIO-3: Special-Status Species – Plants . There is potential or low potential for 23 special-status plants to occur within the Study Area. The following mitigation measures are required to minimize potential impacts to special-status plants: • Perform floristic plant surveys according to USFWS, CDFW, and CNPS protocols prior to construction. Surveys shall be conducted by a qualified biologist and timed according to the appropriate phenological stage for identifying target species. Known reference populations shall be visited and/or local herbaria records shall be reviewed, if available, prior to surveys to confirm the phenological stage of the target species. If no special-status plants are found within the Project site, no further measures pertaining to special-status plants are necessary. • If special-status plants are identified within 25-feet of the Project impact area, implement the following measures: • If avoidance of special-status plants is feasible, establish and clearly demarcate avoidance zones for special-status plant occurrences prior to construction. Avoidance zones shall include the extent of the special-status plants plus a 25-foot buffer, unless otherwise determined by a qualified biologist, and shall be maintained until the completion of construction. A qualified biologist/biological monitor shall be present must occur within the avoidance buffer to ensure special-status plants are not impacted by the work.	**Activity:** A qualified biologist shall conduct a pre-construction survey for special-status plant species before construction commences. **Timing:** Prior to grading and construction. **Frequency:** Ongoing during construction.	**Contractor** **Initials** **Date**	**City of Oroville** **Initials** **Date**		

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• If avoidance of special-status plants is not feasible, mitigate for significant impacts to special-status plants. Mitigation measures shall be developed in consultation with CDgFW. Mitigation measures may include permanent preservation of onsite or offsite habitat for special-status plants and/or translocation of plants or seeds from impacted areas to unaffected habitats.					
BIO-4: Special-Status Species – Invertebrates. There is potential for three federally listed special-status invertebrates to occur within the Study Area. The following mitigation measure is required to minimize potential impacts to special-status invertebrates: • No Project construction shall proceed in areas supporting potential habitat for federally listed vernal pool invertebrates, or within adequate buffer areas (250 feet or lesser distance deemed sufficiently protective by a qualified biologist with approval from USFWS), until incidental take authorization has been issued by USFWS under Section 7 (Biological Opinion) or Section 10 (HCP) of the ESA and the Project proponent has abided by conditions in the BO or HCP, including all conservation and minimization measures. Conservation and minimization measures shall include preparation of supporting documentation describing methods to protect existing vernal pools during and after project construction and compensatory mitigation for loss of suitable habitat.	**Activity:** A qualified biologist shall conduct a pre-construction survey for special-status invertebrates and the permittee shall acquire an incidental take authorization before construction commences. **Timing:** Prior to construction. **Frequency:** Ongoing during construction.	**Contractor** **Initials** **Date**	**City of Oroville** **Initials** **Date**		
BIO-5: Western Spadefoot . Western spadefoot has potential to occur within the Study Area.	**Activity:**	**Contractor**	**City of Oroville**	If roosting bats are found, consultation	

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Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to western spadefoot: • A qualified biologist shall conduct surveys for western spadefoot in areas of potential habitat that would be eliminated by the Project. The surveys shall be conducted at the appropriate time of year to detect western spadefoot, generally the breeding season, according to methods approved by CDFW. If western spadefoot is found in habitat that will be eliminated or made unsuitable for western spadefoot, a plan to collect and relocate adult and larval western spadefoot and egg masses to suitable habitat that will be preserved in perpetuity as required according to the BO in Mitigation Measure BIO-4.	A qualified biologist shall conduct a pre-construction survey for western spadefoot (in addition to mitigation measures BIO-1, BIO-2, and if habitat for western spadefoot located, BIO-4) before construction commences. **Timing:** Prior to construction. **Frequency:** Ongoing during construction.	**Initials** **Date**	**Initials** **Date**	with CDFW prior to initiation of construction activities may be required.	
Blainville's Horned Lizard. Blainville's horned lizards have potential to occur within the Study Area. Implementation of Mitigation Measures BIO-1, BIO-2, and the following mitigation measure would avoid and/or minimize potential adverse effects to Blainville's horned lizard: • A qualified biologist shall conduct a preconstruction Blainville's horned lizard survey in Project impact areas within 48 hours prior to construction activities. Any Blainville's horned lizard individuals discovered in the Project work area immediately prior to or during Project activities shall be allowed to move out of the work area of their own volition. If this is not feasible, consult with CDFW to develop avoidance and minimization measures, which may include, but not limited to, fencing avoidance areas,	**Activity:** A qualified biologist shall conduct a pre-construction survey within 48 hours prior to grading and construction. **Timing:** Prior to construction. **Frequency:** Ongoing during construction.				

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development of a relocation plan, and/or onsite monitoring during site construction.					
BIO-7: Special-Status Species – Birds. Three special-status birds and various other protected birds have the potential to nest within the Study Area. The following mitigation is required to minimize potential impacts to nesting birds: • If construction is to occur during the nesting season (generally February 1 through August 31), conduct a preconstruction nesting bird survey of all suitable nesting habitat on the Project within 14 days of the commencement of construction. The survey shall be conducted within a 500-foot radius of Project work areas for raptors and within a 100-foot radius for other nesting birds. If any active nests are observed, these nests shall be designated a sensitive area and protected by an avoidance buffer established in coordination with CDFW until the breeding season has ended or until a qualified biologist has determined that the young have fledged and are no longer reliant upon the nest or parental care for survival. Preconstruction nesting surveys are not required for construction activity outside the nesting season.	**Activity:** A qualified biologist shall conduct a preconstruction nesting bird survey of all suitable nesting habitat on the Project Site within 14 days of the commencement of construction. **Timing:** Prior to construction (if construction occurring during nesting season). **Frequency:** Ongoing during construction.				
BIO-8: Swainson's Hawk and Tricolored Blackbird. The Study Area supports potential foraging habitat for two state-listed birds: Swainson's hawk and tricolored blackbird. The following mitigation is recommended to minimize potential impacts to foraging habitat: • Mitigate for the loss of Swainson's hawk according to the 1994 CDFG's Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo	**Activity:** A qualified biologist shall conduct a preconstruction Swainson's Hawk and Tricolored Blackbird survey of all suitable nesting habitat on the Project Site prior to the				

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swainsoni) in the Central Valley of California. The required measures to address Swainson's hawk foraging habitat impact and mitigation measure BIO-9 will be sufficient to mitigate impacts to tricolored blackbird foraging habitat.	commencement of construction. **Timing:** Prior to construction **Frequency:** Ongoing during construction.				
BIO-9: Sensitive Natural Communities. The Project site supports potential Waters of the U.S. and State. In addition to Mitigation Measures BIO-1 and BIO-2, the following mitigation measures are required for the protection of aquatic resources: • Submit an aquatic resources delineation for the Project to the USACE and obtain a verification or Preliminary Jurisdictional Determination. • File a request for authorization to fill Waters of the U.S. under the Section 404 of the federal CWA (Section 404 Permit) prior to discharging any dredged or fill materials into any Waters of the U.S. Mitigation measures will be developed as part of the Section 404 Permit process to ensure no net loss of wetland function and values. To facilitate such authorization, an application for a Section 404 Nationwide Permit (0.5 acre or less of impacts for Nationwide Permit 29-Residential Developments) or an Individual Permit for the Project should be prepared and submitted to USACE. Mitigation for impacts to Waters of the U.S. typically consists of a minimum of a 1:1 ratio for direct impacts; however final mitigation requirements will be developed in consultation with USACE.	**Activity:** A qualified biologist shall conduct a preconstruction aquatic resources delineation. **Timing:** Prior to construction. **Frequency:** Ongoing during construction.				

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• If necessary, file a request for a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained from the RWQCB for Section 404 permit actions. • Pursuant to the Porter-Cologne Water Quality Act, a permit authorization from the RWQCB is required prior to the discharge of material in an area that could affect Waters of the State. Mitigation requirements for discharge to Waters of the State within the Project Site will be developed in consultation with the RWQCB.					
Cultural Resources and Tribal Cultural Resources					
CUL-1: Cultural or Archaeological Resource Discovery. All subdivision improvement plans and grading plans shall include the following: • If subsurface deposits believed to be cultural or human in origin are discovered during any roadway or future construction, all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find: • If the professional archaeologist determines that the find does not represent a cultural resource, work may resume immediately, and no agency notifications are required.	**Activity:** If subsurface deposits believed to be cultural or human in origin are discovered during construction, all activities shall halt within 100 feet of discovery and an archaeologist shall ensure reasonable protection measures are taken to protect the discovery from disturbance and notify the Butte County Coroner. **Timing:** During construction. **Frequency:** Ongoing during construction.	**Contractor** **Initials** **Date**	**City of Oroville** **Initials** **Date**	Possible coordination with Sacramento County Coroner	

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• If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, he or she shall immediately notify the City and landowner. If the find is determined to be eligible for inclusion in the NRHP or CRHR, the City shall consult on a finding of eligibility and implement appropriate treatment measures. Work may not resume within the no-work radius until the City, through consultation as appropriate, determines that the site either: 1) is not eligible for the NRHP or CRHR; or 2) that the treatment measures have been completed to its satisfaction. • If the find includes human remains, or remains that are potentially human, he or she shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Butte County Coroner (in accordance with Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California PRC, and AB 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, the Coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the PRC). If no					

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agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate information center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction. If the professional archaeologist determines that the find does represent a cultural resource from any time period or cultural affiliation, the archaeologist shall immediately notify the lead federal agency, the lead CEQA agency, and landowner. The agencies shall consult on a finding of eligibility and implement appropriate treatment measures, if the find is determined to be a Historical Resource under CEQA, as defined in Section 15064.5(a) of the CEQA Guidelines or a historic property under Section 106 NHPA, if applicable. Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the site either: 1) is not a Historical Resource under CEQA or a Historic Property under Section 106; or 2) that the treatment measures have been completed to their satisfaction. • If the find includes human remains, or remains that are potentially human, they shall ensure reasonable protection measures are taken to protect the discovery from disturbance (AB 2641). The					

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archaeologist shall notify the Butte County Coroner (per § 7050.5 of the Health and Safety Code). The provisions of § 7050.5 of the California Health and Safety Code, § 5097.98 of the California PRC, and AB 2641 will be implemented. If the coroner determines the remains are Native American and not the result of a crime scene, the coroner will notify the NAHC, which then will designate a Native American Most Likely Descendant (MLD) for the Project (§ 5097.98 of the PRC). The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (§ 5097.94 of the PRC). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (§ 5097.98 of the PRC). This will also include either recording the site with the NAHC or the appropriate Information Center; using an open space or conservation zoning designation or easement; or recording a reinternment document with the county in which the property is located (AB 2641). Work may not resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.					
Paleontological Resources					
PALEO-1: Discovery of Unknown Paleontological Resources. If paleontological or other geologically sensitive resources are identified during any phase of Project development, the construction manager shall	**Activity:** If paleontological or other geologically sensitive resources are identified	**Contractor**	**City of Oroville**		

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cease operation at the site of the discovery and immediately notify the City. The Project proponent shall retain a qualified paleontologist to evaluate the find and to prescribe mitigation measures to reduce impacts to a less than significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	during any phase of project development, the construction manager shall cease operation at the Site and notify City of Oroville. **Timing:** During construction. **Frequency:** Ongoing during construction.	**Initials** **Date**	**Initials** **Date**		
Public Services					
PUB-1: Annexation into CFD 2006-01 and CFD 2006-02. Prior to recordation of the Final Map, the Project shall annex into both CFD 2006-01 and CFD 2006-02.	**Activity:** Annexation of the Project. **Timing:** Prior to approval of Final Map. **Frequency:** Single occurrence.				
Transportation					
TR-1: Provide Pedestrian Network Improvements. Providing a pedestrian access network to link areas of the Project site encourages people to walk instead of drive. This mode shift results in people driving less and thus a reduction in VMT.	**Activity:** Provide a pedestrian access network linking areas of the Project site to encourage walking.				

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The Project will provide a pedestrian access network that internally links all uses and connects to all existing or planned external streets and pedestrian facilities contiguous with the project site. The Project will minimize barriers to pedestrian access and interconnectivity. Physical barriers such as walls, landscaping, and slopes that impede pedestrian circulation will be eliminated. Some aspects of this measure are already included in the Proposed Project. Increasing the use of pedestrian improvements would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0.5 percent to 5.7 percent.	**Timing:** Prior to approval of Project. **Frequency:** Single occurrence.				
TR-2: Provide Traffic Calming Measures. Providing traffic calming measures encourages people to walk or use bicycles instead of using a vehicle. This mode shift will result in a decrease in VMT. Project design will include pedestrian/bicycle safety and traffic calming measures in excess of jurisdiction requirements. Roadways will be designed to reduce motor vehicle speeds and encourage pedestrian and bicycle trips with traffic calming features. Traffic calming features may include: marked crosswalks, curb extensions, speed tables, raised crosswalks, raised intersections, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, and others. Some aspects of this measure are already included in the Proposed Project. Increasing the use of traffic calming measures would further reduce Project-related VMT. The range of effectiveness of this measure as described by BCAG is from 0 to 1.7 percent.	**Activity:** Provide traffic calming measures to encourage walking and bicycling to reduce VMT. **Timing:** Prior to approval of Project. **Frequency:** Single occurrence.				

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TR-3: Contribute to a 20th Street Bicycle Facility. Providing bicycle facilities reduces VMT by encouraging use of non-vehicular forms of transportation. Connecting to existing bicycle facilities would provide access to Project site residents to a larger network of facilities. The Project applicant shall contribute a fair share portion of the cost toward construction of the bikeway. Because the Bicycle Transportation Plan does not specify whether the 20th Street bikeway would be a Class I or Class II facility, it is not known whether the bikeway would be on 20th Street or separate from the roadway. For the same reason, it is not known what the cost of the bikeway would be. As such, the Project's fair share portion shall be negotiated between the applicant and the City of Oroville.	**Activity:** Provide traffic calming measures to encourage walking and bicycling to reduce VMT. **Timing:** Prior to approval of Project. **Frequency:** Single occurrence.				

Source: Feather Ranch Project EIR

CITY OF OROVILLE
ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 23-01 TO REZONE ONE PARCEL OF APPROXIMATELY 45 ACRES OF LAND (APN 030-230-098) FROM AIRPORT BUSINESS PARK (APB) TO SINGLE FAMILY RESIDENTIAL (R-1) ONCE TENTATIVE MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION IS APPROVED.

WHEREAS, the City of Oroville has determined that this parcel is currently zoned ABP in the 2015 adopted General Plan; and

WHEREAS, the city has determined that the parcels can be converted to residential purposes; and1600

WHEREAS, there is an existing adjacent subdivision with very similar features; and

WHEREAS, the city is keenly interested in developing market rate housing to help meet its RHNA (Regional Housing Needs Allocation), which the city sorely needs; and

WHEREAS, MD3 Investments has proposed a 172-unit market rate subdivision with lots averaging 7,450 square feet in size at this location; and

WHEREAS, the City has initiated general plan amendment GPA 23-01 and Zone Change ZC 23-01 to allow this developer to create the proposed housing; and

WHEREAS, at a duly 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 changes described herein, and also considered the City's staff report regarding the change.

The Council of the City of Oroville do ordain as follows:

Section 1. Pursuant to section 17.08.040 of the Code of the City of Oroville, approximately 45 acres of land (APN 030-230-098) is hereby rezoned to Single Family Residential (R-1), subject to the City Council's approval of Tentative Subdivision Map TAM 22-01.

Section 2. This ordinance shall become effective on October 30, 2023, or 30 days after the second reading is approved, whichever comes later.

Section 3. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor, David Pittmen

APPROVED AS TO FORM: ATTEST:

_____ _____
City Attorney, Scott E Huber City Clerk, Jackie Glover

RESOLUTION NO. 9151

A RESOLUTION OF THE OROVILLE CITY COUNCIL MAKING CERTAIN FINDINGS, REQUIRING CERTAIN MITIGATION MEASURES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THOSE SIGNIFICANT AND UNAVOIDABLE IMPACTS IDENTIFIED IN THE FEATHER RANCH ENVIRONMENTAL IMPACT REPORT.

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WHEREAS, an application was filed by MD3 Investments for Tentative Subdivision Map TSM 22-01 to subdivide 45-acre APN 030-230-098 now zoned Airport Business Park –Airport Influence Overlay (ABP--AIO) into 172 single family housing lots zoned Single Family Residential (R1); and

WHEREAS, the property is designated APB- AIO (Airport Influence Overlay) by the Oroville General Plan and Zoning Code, which limits development to a maximum density of 0.1 and 0.2 dwelling units per acre; and

WHEREAS, the proposed project has a density of 3.8 dwelling units per acre, which exceeds the limits in the Butte County Airport Land Use Plan (ALUCP) and Oroville Municipal Code 17.44.050; and

WHEREAS, an initial study was prepared, which identified several potentially significant effects, which triggered an Environmental Impact Report (EIR); and

WHEREAS, while the Environmental Impact Report concluded that most effects were less than significant or less than significant with mitigation, the document nevertheless identified three significant and unavoidable effects; and

WHEREAS, the city circulated the Draft EIR to the public and affected agencies for the requisite 45-day comment period, three comments were received, and a Final Environmental Impact Report (FEIR) was duly prepared; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings, a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly 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 Tentative Subdivision Map TSM 22-01 described herein, and also considered the Planning Commission's recommendations and the City's staff report regarding the change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

1. The City Council hereby Adopts the attached Environmental findings, mitigation measures, and Statement of Overriding Considerations:

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

CEQA FINDINGS
PROPOSED PROJECT
FEATHER RANCH SUBDIVISION, TO CREATE 172 SINGLE FAMILY HOMES ON APN 030-230-098 INCLUDING MITIGATION MEASURES AND A STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Oroville (City), serving as the lead agency under the California Environmental Quality Act (CEQA), has prepared a project EIR (EIR) for the proposed Feather Ranch Subdivision, which is provided as part of the project documentation. The Tentative Subdivision Map would create 172 new market-rate housing units. MD3 Investments has applied to convert 45 acres currently zoned Airport Business Park—Airport Influence Overlay (ABP--AIO) into 172 single family lots Zoned Single-family residential (R-1) and averaging 7,450 square feet in size.

Approval requires a General Plan Amendment, a Zoning Change, a Zoning Code Variance, and an override of the Butte Airport Lan Use Commission's (ALUC's) inconsistency determination. Due to the significant and unavoidable environmental effects identified in the Project EIR, CEQA requires the City Council to approve a Statement of Overriding Considerations if it ultimately approves the project.

1. **Findings with regard to effects not found to be significant**. The EIR discussed several environmental effects that were determined to result in less than significant impacts, and certain other effects that result in less than significant effects after implementation of mitigation measures. Those specific effects are described in Section ES.4 of the FEIR, with the final Summary of Impacts and Mitigation Measures located in the FEIR and the Mitigation Monitoring and Reporting Program (MMRP).

2. **Findings with regard to effects found to be significant and unavoidable**.

   Section 15126.2(c) of the State CEQA Guidelines require that an EIR describe any significant impacts, including those that can be mitigated but not reduced to a less than significant level. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications, and the reasons why the project is being proposed, notwithstanding their effect, should also be described.

   A significant and unavoidable impact is one that would cause a substantial adverse effect on the environment and for which no mitigation is available to reduce the impact to a less than significant level. Most of the impacts of the Proposed Project would be less than significant or would be mitigated to a less than significant level. The impacts summarized below are those that would remain significant and unavoidable after mitigation.

   a. **Impacts HAZ-1 and HAZ-2:** The Project would result in a significant and unavoidable safety hazard impact and a cumulatively considerable and significant and unavoidable safety hazard impact for people residing or working in the Project Area because the Project is located within the Airport's B1 and B2 Compatibility

Zones. The only mitigation possible would be to: 1) eliminate the use of the airport; 2) move the Project to a location outside of the B1 and B2 Compatibility Zones; or 3) reduce the project's density. None of these mitigations are feasible. As such, there is no feasible mitigation possible to mitigate the potential airport safety impacts.

Finding. The city finds that there are no feasible mitigation measures that the city could adopt at this time that would reduce the impacts to less than significant. To the extent that this adverse impact will not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed project.

Facts and Reasoning that support the finding:

The property falls within the Airport Land Use Compatibility Plan (ALUCP) compatibility zone B1 and B2, adopted by the ALUC on November 15, 2017. The purpose of this plan is to promote compatibility with the airport and surrounding land uses. Compatibility zone B1 is generally set to encompass the airport's projected 55 decibel (dB) Community Noise Equivalent Level (CNEL). Compatibility zone B2 encompasses the close-in, low altitude portions of traffic patterns. Much of the neighboring Calle Vista Estates subdivision also falls within these same compatibility zone classifications.

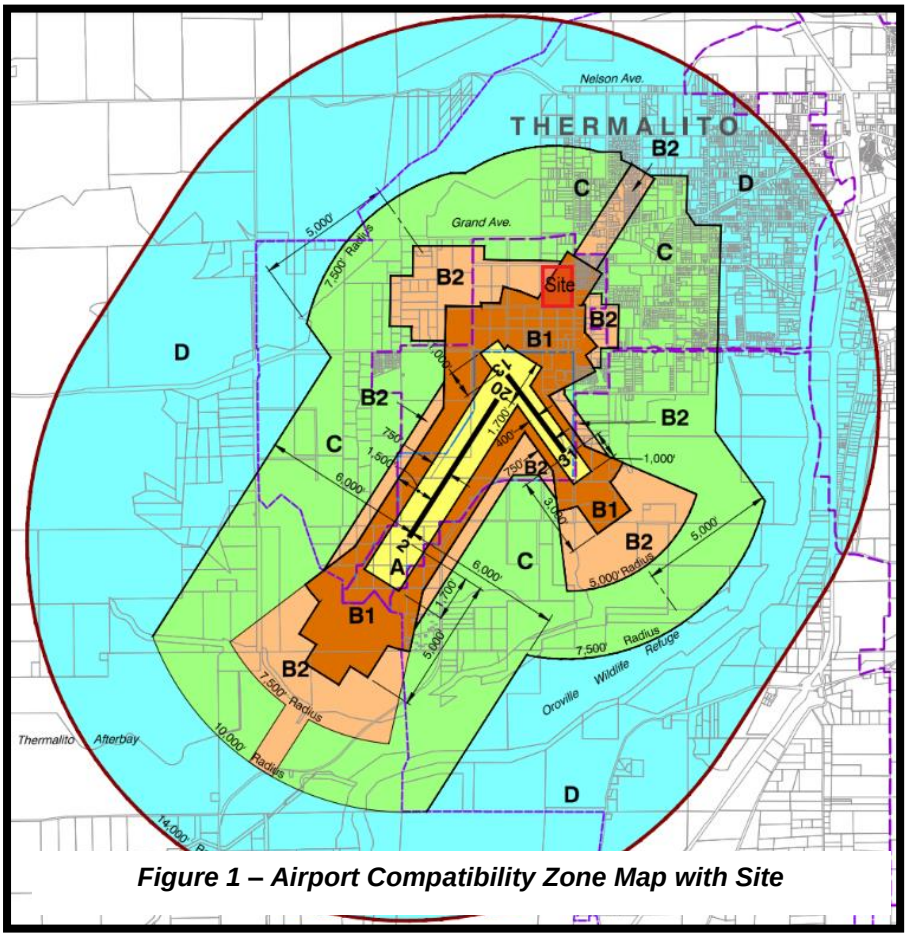


Figure 1 – Airport Compatibility Zone Map with Site

As required by the ALUCP and Section 21676(b) of the Public Utilities Code the project applicant submitted the project to the ALUC for a consistency determination with the ALUCP. The ALUC conducted a hearing on the matter on September 21, 2022, and voted 7-0 -1[1] to find the project inconsistent with the ALUCP based on the project density.

Pursuant to Public Utilities Code Section 21676, the City Council may choose to override the ALUC's determination of inconsistency by following a two-step process. The first step is to conduct a public hearing to adopt a resolution of intent to override, a copy of which would be sent to the ALUC and State Division of Aeronautics to provide formal notification of the City's intent.

The second step in the process is that at least 45-days after notification has been sent to the ALUC and State Division of Aeronautics, the City Council may conduct a second public hearing to consider adopting a resolution to override the ALUC. At this second public hearing the City Council may also consider the project entitlement and take final action on the application.

The following points are important to consider:

- The override must be adopted by two-thirds (2/3) of the City Council.
- Specific findings supported by substantial evidence must be adopted finding that the proposed project will not:
    - Impair the orderly, planned expansion of the airport.
    - Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
    - Expose the public to excessive noise and safety hazards.

Public Utilities Code Section 21678 and the ALUCP statutes states that if the city overrules the ALUC, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the City's decision to overrule the ALUC's compatibility determination or recommendation.

Airport Land use Compatibility Plan Density

Compatibility zone B1 has a maximum density of 0.1 dwelling units per acre and compatibility zone B2 has maximum density of 0.2 dwelling units per acre. The General Plan Amendment to MLDR (Medium Low Density Residential) has an allowable density range of 3 to 6 units per acre and the project is proposing 172 parcels on approximately 45 acres for a project density of 3.82 units per acre. The ALUCP Section 3.4.5 establishes criteria for determining the density of sites split by two or more compatibility zones. The

[1] The vote was unanimous with one Commissioner recused himself since he lives very near the project area.

portions of the property that fall within compatibility zone B1 are considered to be a separate site from the portions of the property within compatibility zone B2.

According to the ALUC staff report, approximately 35.82 acres and a proposed 134 dwelling units fall within compatibility zone B1, for a density of 3.74 units per acre. Approximately 9.15 acres and a proposed 38 dwelling units fall within compatibility zone B2, for a density of 4.15 units per acre. The ALUC consistency review listed five inconsistency findings for the project:

1. The MLDR General Plan Land Use Designation of up to 6 dwelling units (lots) per acre is inconsistent with the B1 maximum density of 0.1 dwelling units per acre and B2 maximum density of 0.2 dwelling units per acre.

2. The R-1 zoning allows up 6 dwelling units (lots) per acre is inconsistent with the B1 maximum density of 0.1 dwelling units per acre and B2 maximum density of 0.2 dwelling units per acre.

3. The project's proposed density of 3.74 dwelling units per acre is inconsistent with the B1 Compatibility Zone density (0.1 or more dwelling units per acre).

4. The project's proposed density of 4.15 dwelling units per acre is inconsistent with the B2 Compatibility Zone density (0.2 dwelling units per acre).

5. Most of the parcel (approximately 80%) is in the B1 Compatibility Zone. The B2 Compatibility Zone portion does not have 65% of the project site within B2 Compatibility Zone with equal to, or greater than, the proposed project. The project does not meet the criteria for infill.

The City's 2030 General Plan Safety Element Goal SAF-5, Policy P5.2 states "*Protect the Overflight Zone by limiting residential densities to a maximum of six units per gross acre, with proposals consisting of four units per gross acre or more subject to Airport Land Use Commission (ALUC) review. Schools and other uses resulting in "large concentrations" of people shall be prohibited.*" The development proposal complies with the goals and policies of the General Plan for residential densities.

The project site is adjacent to an existing residential development to the east (Calle Vista Estates), which has a General Plan Land Use Designation of MLDR and zoning designation of R-1, identical to what is being proposed for this subdivision. In addition, the Calle Vista subdivision also falls within compatibility zones B1 and B2 and is located within the extended runway centerline zone. The ALUCP states that 30% of the land within the B1 compatibility zone, and 20% of the land within the B2 compatibility zone, should remain as open land. Approximately 240 acres of open undeveloped space is provided in the B1 compatibility zone north of the airport along runways 2-20 and 13-31. The project site has 35.82 acres within compatibility zone B1 that is proposed for development. Not counting the open space, parkland, and roads proposed for development within the subdivision, approximately 78% of the overall B1 zone would remain as undeveloped open space. Much of that land area is closest to the runways along SR 162.

Approximately 433 acres of land fall within the B2 compatibility zone north of the airport along runways 2-20 and 13-31. The project site has 9.15 acres within compatibility zone B2 that is proposed for development. Not counting open space, parkland, and roads proposed for development within the subdivision, approximately 70% of the overall B2 zone would remain as undeveloped open space.

Since the neighboring Calle Vista Estates subdivision was approved in 2005/2006, the ALUC adopted a new ALUCP in 2017 which significantly increased the footprint of the B1 and B2 compatibility zones to now include the Calle Vista Subdivision. However, no corresponding increases to airport operations have occurred and air traffic is still below projected figures.

Aircraft Operations[2] at the Airport:

The City's Airport Master Plan prepared in 1990 showed about 55,000 annual aircraft operations in 1988 and projected a steady increase in operations from 61,050 in 1989 to 72,200 in 2010. Many of the historic aircraft operations were a result of the Louisiana Pacific Company Fleet, which is no longer operating in Oroville. As such, an increase in operations has not occurred as projected, and recent data in fact shows significantly fewer actual operations. In January 2016, the airport reported approximately 36,500 annual operations, a decrease from historic levels. According to AirNav, aircraft operations averaged 99/day for a 12-month period ending November 30, 2021. This is the same as reported in 2016[3].

Oroville Airport is fortunate to have very recent 2022 Annual flight data, collected by sensors/cameras at the airport. This information does not include all flights, only those who activate their transponders. However, a 2019 study estimated that 44 percent of pilots nationwide do not yet have the mandatory transponders installed in their planes[4].

The following table uses the 2022 data to estimate the number of aircraft likely to fly over the new subdivision and/or the existing Calle Vista subdivision.

[2] An operation is either a takeoff or landing. For instance, if a pilot performs a "touch and go", that counts as two operations.
[3] AirNav uses data provided by airports, which in Oroville had not been updated since 2016. Since there is an expense involved in gathering actual flight data, it is common for small general aviation airports to have older data which tends to over-report actual operations.
[4] https://generalaviationnews.com/2019/09/19/only-44-of-ga-aircraft-equipped-with-ads-b/

OROVILLE AIRPORT OPERATIONS IN 2022						
Date range	1-1-22 thru 12-30/22					
Number of operations counted in cy 2022		4,665	tansponder flights			
Aircraft type	single prop	3,782	81.1%			
	multi prop	404	8.7%			
	jet	70	1.5%			
	helicopter	386	8.3%			
	UAV	2	0.0%			
	unknown	21	0.5%			
		4,665	**100.0%**			
				arrivals	departures	
Runway	**2 going north @ 6020'**	**343**	7.4%	239	104	
	20 going south @ 6020'	1,151	24.7%	553	598	
	13 going north@ 3540'	918	19.7%	554	364	
	31 going south @ 3540'	629	13.5%	385	244	
	subtotal	3,041	65.2%			
	unspecified	1,624	34.8%	563	1,061	
		4,665	**100%**	49%	51%	
add 44% non-transponder flights		2,053	single engine, older planes, pioneers			
Estimated Total operations per year		6,718	estimated annual operations at KOVE			
	Max annual flights northbound over Feather Ranch	**614**				
Estimated flights straight out		**307**	50% or less			
max flights per day over subdivisions		**2**	arrivals and departures			

It should be noted that during emergency conditions, such as fires, evacuations, and other crises, airport operations increase significantly for selected periods of time. This was true during the fires in 2018 and after when the airport was actively used as a helicopter staging area for emergency operations.

Flight pattern on Runway 2-20: As the above data show, most flights to and from Runway 2-20 occur to the South, with only 7%, or no more than ~614 per year on Runway 2. Only some of these are straight out departures or straight in approaches over the proposed Feather Ranch Subdivision and the existing Calle Vista Subdivision. At a Cessna 172's climb rate of 721 feet per minute, any departing small single engine plane under average temperature and wind conditions would be about 400 feet above ground by the time it reached the first house[5]. Furthermore, any pilot who encounters engine trouble or other adverse conditions should have ample time to veer leftward to avoid flying over either subdivision.

The Airport Master Plan also identified improvements – since completed -- to extend the south end of runway 2-20 to allow southerly departures to "be over City-owned property or the publicly owned Afterbay property, with aircraft approaching from the north higher

[5] https://aviation.stackexchange.com/questions/43394/is-it-possible-to-calculate-the-distance-to-climb-to-1000-ft-in-cessna-172s

above private property north of State Route 162," which will minimize constraints to development of the land to the north.

Prevailing winds are from the SSE, which is another reason most flights land and take off southward, into the wind.[6]

Aircraft Accident Occurrence:

The Caltrans Airport Land Use Planning Handbook, which was created by the State of California, Department of Transportation, Division of Aeronautics to serve as the primary tool for use by ALUC's for airport and use planning indicates that accidents in which aircraft are under control are bunched relatively close to the runway ends—mostly within about 3,000 feet—both for arrivals and departures. Aircraft overflight of the site for both approaching or departing the airport will likely result from air traffic coming from Runway 2-20. The project site is located more than 4,000 feet from the nearest point of the airport runway. The areas within these 3,000 feet proximity to the north of the airport are largely undeveloped lands zoned ABP closest to SR162, and to the south of the airport is perpetual open space provided by the Thermalito Afterbay and Oroville Wildlife Refuge.

The RNAV[7] for the airport lists a restriction not authorizing circling northeast of Runway 13-31[8]. In addition, takeoff minimums and departing procedures for the airport require air traffic to turn away from the more developed areas northeast of the airport with climbing left turns from Runways 2 and 31 and climbing right turns from Runways 13 and 20.

Aircraft Noise

While noise was not found to be inconsistent with the ALUCP, the city's General Plan, zoning code, and the ALUCP establish regulations and criteria for noise within compatibility zones that is relevant to this project. As previously mentioned, within compatibility zone B1, the airport's projected Community Noise Equivalent Level (CNEL) is 55 decibels (dBA). This CNEL system evaluates the degree to which lands around the airport are exposed to airport-related noise depicted by a set of contours. Generally, the maximum CNEL normally acceptable for residential uses in the vicinity of an airport is 60 dBA.

New structures located within compatibility zones B1 and B2 are required to incorporate sound attenuation design features sufficient to meet the interior noise level criteria of no greater than CNEL 45 dBA. As depicted in Figure 6-4 of the ALCUP, the subject property falls just outside of the 55 dBA CNEL contour based on 72,000 future annual aircraft operations. In addition, because the subject property falls within compatibility zones B1 and B2, all dwelling units constructed will be required to be designed to provide an interior ambient noise level that does not exceed 45 dBA. City Code Section 17.44.050 requires a minimum interior ambient noise level reduction of 20 dBA (ex. *65 dB exterior – 20 dB sound attenuation = 45 dB interior ambient noise level*). Furthermore, OMC 17.44.050 requires a deed notice of airport proximity and the potential for aircraft overflights and noise for each property.

[6] Oroville Airport Airport Layout Plan Sheet 3 of 9 dated April 16, 2013.
[7] http://www.airnav.com/airport/kove and https://aeronav.faa.gov/d-tpp/2305/SW2TO.PDF
[8] To turn right (northeast) from that runway is in direct conflict with the established traffic pattern.

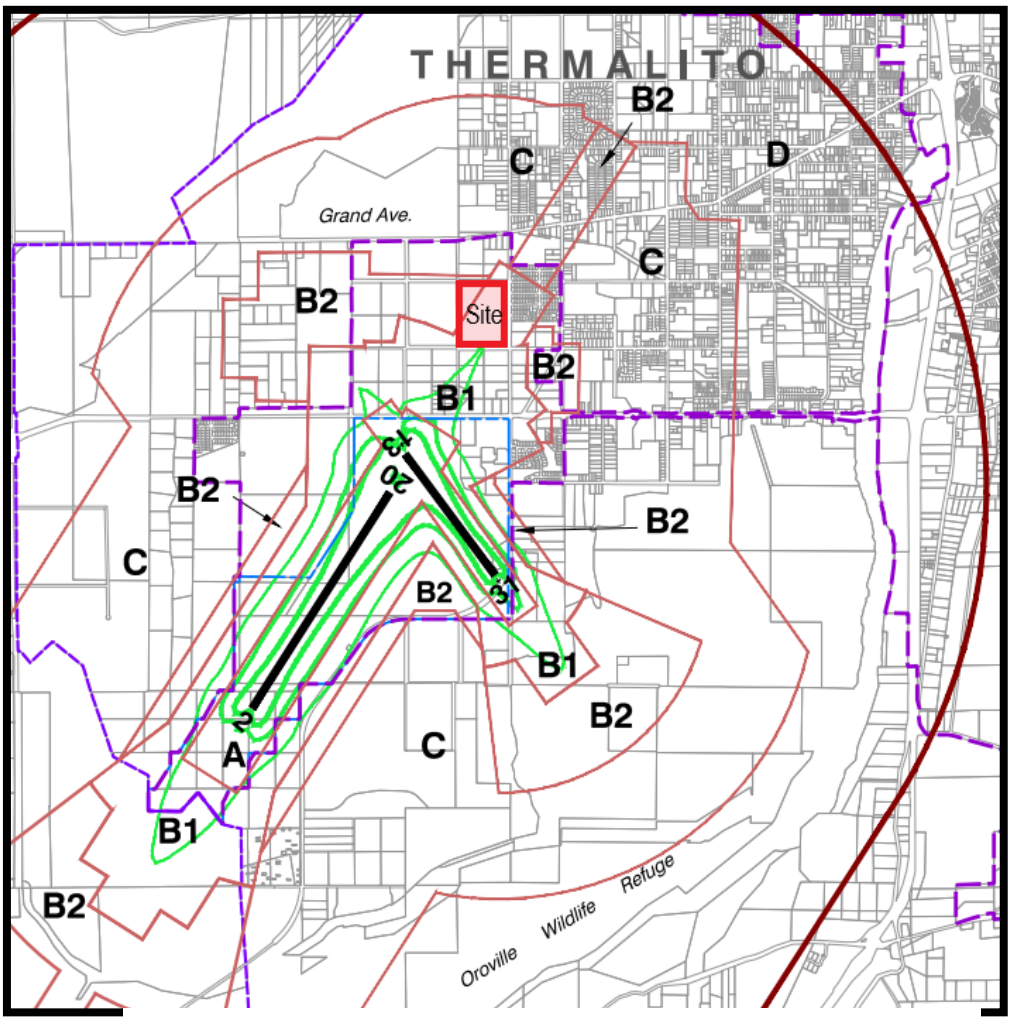


Figure 2 – Airport CNEL dB Contour Lines

ALUC Override Conclusion

The project is consistent with the ALUCP for noise and for height restrictions, but not density. Because most aircraft accidents occur on landing and takeoff and relatively few during climbing or descent[9], and because pilots are advised in Oroville's AirNav posting to veer left away from housing north of the airport, staff do not consider the risk of aircraft accidents over either the existing or proposed subdivisions to be considerable enough to warrant denial of the project. Additionally, noise attenuation for homes to an internal noise level of 45dBa will be a project condition.

Given the analysis above, the project does not appear to impair the orderly, planned expansion of the airport, adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums), or expose the public to excessive noise and safety hazards based on the aforementioned information and the proposed conditions of approval on the project.

[9] https://www.cliffordlaw.com/aviation-accidents-and-incidents/

b. **Impacts NOI-1 and NOI-4**: The Project would result in a significant and unavoidable safety hazard impact and a cumulatively considerable and significant and unavoidable traffic noise impact. The roadway segment of 20th Street between Biggs Avenue and Feather Avenue would experience an increase of more than 5.0 dBA CNEL over existing conditions, which is beyond the City of Oroville noise standard. Similarly, the segment of Feather Avenue east of 20th Street would also experience an increase of more than 5.0dBA CNEL over existing conditions. There is no feasible mitigation available to reduce these impacts to less than significant. Lead agencies have limited remedies at their disposal to effectively reduce traffic related noise. Addressing traffic noise at the receiver rather than the source usually takes the form of noise barriers (i.e., sound walls). While constructing noise barriers along streets would reduce noise, the placement of sound walls between existing residences/businesses and local roadways would not be desirable as it would conflict with the community's aesthetic, design and character and is therefore deemed infeasible. Furthermore, such barriers would likely require property owner approval, which cannot be ensured. While measures such as encouraging ridesharing, carpooling, and alternative modes of transportation could reduce vehicle volumes, such measures can neither be mandated of residents nor have been shown to reduce vehicle trips to the extent needed to reduce vehicle noise levels below established thresholds. Therefore, no feasible mitigation measures exist to reduce the identified significant impact.

Finding. The city finds that there are no feasible mitigation measures that the city could adopt at this time that would reduce the impacts to less than significant. To the extent that this adverse impact till not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed project.

Facts and Reasoning that support the finding: The noise generated by traffic from the project's operations will increase ambient noise levels by more than 5 decibels in two segments of 20th Street and one of Feather Avenue[10]. This is a technical violation of Oroville's CEQA significance threshold. The ambient decibel level in these locations after the project is built will remain at or below 48 decibels. In spite of the technical threshold exceedance, these locations will continue as they are, an area of "Quiet Urban Daytime"[11].

c. **Impacts TR-2 and TR-3**: The Project would also result in a significant and unavoidable impact related to VMT Vehicle Miles Traveled). The project would be expected to generate VMT at 140 to 145 percent of the baseline City of

[10] Page 3.9-21 of the DEIR

[11] Page 3.9-2 of the DEIR.

Oroville average. Mitigating VMT to a level which would be less than 85 percent of the baseline level would require a reduction of approximately 40 percent from pre-mitigation levels (1–[0.85÷1.45]=0.414). While the mitigation measures available to Oroville would reduce the impact of the Project on VMT, implementation of measures needed to achieve a 40 percent reduction is not considered feasible. As a result, even with implementation of mitigation measuresTR-1 through TR-4, the impact of the Feather Ranch Project on VMT is considered to be significant and unavoidable.

Finding. The City finds that there are no feasible mitigation measures that the City could adopt at this time that would reduce the impacts to less than significant. To the extent that this adverse impact till not be substantially lessened or eliminated, the City finds that specific economic, social, and other benefits identified in the Statement of Overriding Considerations support the approval of the proposed project.

Facts and Reasoning that support the finding: The project would generate 120 trips distributed among 20th, 18th, Feather, and Biggs during the A.M peak hour, and 162 trips during the P.M. peak hour. This equates 26.7 home-based trips per resident, or 140 percent of the current Oroville baseline average of 19.1 trips per resident. Since this trip generation exceeds the state mandated CEQA significance threshold of 85% of baseline (or 16.2 trips per resident), the impact is significant by definition.

Meeting the CEQA threshold is potentially possible in an urban setting with plenty of transit, bicycle, and walking options available as project mitigation. However, Oroville is in a rural setting. Neither the project proponent nor the city can reasonably mitigate this impact with enough transit, bike, and walking paths in this rural location. This is confirmed by the Butte County Association of Governments' April 2021 study entitled "BCAG SB 743 Implementation—Mitigation Strategies—Assessing Feasibility".

OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City of Oroville adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City of Oroville finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) The City of Oroville's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, and the considerations set forth below related to this project, City of Oroville chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in City of Oroville's judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City of Oroville finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

- The project would provide 172 market-rate housing units to serve the needs of households seeking housing that is of significantly limited availability in this medium low density housing category. The Oroville Housing Element, certified in April 2023, indicates the need for 450 housing units to serve moderate and above-moderate income levels. This project will provide a significant portion of that need.
- The Project will create short-term construction jobs that would provide income to local residents. The additional 400 permanent residents generated by the project will

spur an increase in demand for goods and services in the surrounding area, thereby expanding the local revenue base, and expanding the local labor force.

- The Project will result in additional paving of a number of designated city streets in the vicinity, including 20th, Biggs, and Feather Avenue. In addition, 20th street at SR 162 will be improved with a right turn lane, improving traffic circulation in the area.
- The Project would adopt energy conservation strategies in new development that would result in new development being more efficient than existing buildings in the region.

RESOLUTION NO. 9152

A RESOLUTION OF THE OROVILLE CITY COUNCIL TO NOTIFY THE BUTTE COUNTY AIRPORT LAND USE COMMISSION AND THE STATE DIVISION OF AERONAUTICS OF THE CITY'S INTENTION TO FIND THAT THE PROPOSED FEATHER RANCH SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND TO OVERRULE THE BUTTE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION FOR OROVILLE AIRPORT.

WHEREAS, an application was filed by MD3 Investments for Tentative Subdivision Map TSM 22-01 to convert 45-acre APN 030-230-098 now zoned Airport Business Park (ABP) into 172 single family housing lots zoned Single Family Residential (R1); and

WHEREAS, the property is designated APB--AIO (Airport Business Park -- Airport Influence Overlay) by the Oroville General Plan and Zoning Code, which limits development to a maximum density of 0.1 and 0.2 dwelling units per acre; and

WHEREAS, the proposed project has a density of 3.8 dwelling units per acre, which exceeds the limits in the Butte County Airport Land Use Plan (ALUCP); and

WHEREAS, Oroville's Zoning Code Section 17.44.050 and California Public Utilities Code Section 21676(b) require the city to refer the Project to the Butte County Airport Land Use Commission (ALUC) for a determination of the project's consistency with the ALUCP; and

WHEREAS, on September 21, 2022, the Butte County Airport Land Use Commission determined that the proposed project would be inconsistent with the ALUCP on the basis of density; and

WHEREAS, the City Council may, after a public hearing, propose to override the ALUC's determination by a two-thirds vote of the City Council if it makes specific findings that the project is consistent with California Public Utilities Code Section 20167 for the purpose of protecting public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings and a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly 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 Tentative Subdivision Map TSM 22-01 described herein, and also considered the Planning Commission's recommendations and the City's staff report regarding the change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

1. The City Council:
   a. Has conducted a two-thirds vote and has determined to Override the ALUC's September 21, 2022 inconsistency determination.
   b. Directs staff to notify the Butte County ALUC and California Division of Aeronautics of the Council's intent to override the ALUC's inconstancy determination.
   c. Will again consider overriding the ALUC's inconsistency determination after the required 45-day waiting period for comments from the ALUC and Division of Aeronautics, and.
   d. May also, if the Council overrides, approve GPA 23-01, ZC 23-01, and TSM 22-01.

FINDINGS

For an override of an inconsistency determination by the ALUC, specific findings supported by substantial evidence must be adopted finding that the proposed project will not:

- Impair the orderly, planned expansion of the airport,
  The new homes and their distance at over 4,000 feet from the end of Runway 2 will not impair the orderly, planned expansion of the airport, all of which will occur on airport property and South of SR 162. The ABP zoning of the lands north of SR162 and closer to the airport than this subdivision are already anticipated for future industrial development in the General Plan, and are thus assumed to also not affect any future airport expansion plans. The remaining vacant land areas will all be developed with densities consistent with the ALUCP.
- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums) or affecting flight patterns.
  Due to the distance from Runway 2, flight patterns, aircraft operational safety, or instrument approach procedures will not be significantly affected. The subdivision is at the outer edge of the left traffic pattern for planes landing or taking off, so most of the estimated 780 flights per year in that area will turn left before reaching any homes and will not likely fly over either subdivision. Planes taking off to the north are advised in AIRNAV to veer left away from existing development, which is not a difficult maneuver. In addition, any plane flying straight north will likely be at least 400 feet above ground level by the time it reaches either the existing Calle Vista or proposed Feather Ranch subdivisions.
- Expose the public to excessive noise and safety hazards.

Regarding exposing the public to excessive noise and safety hazards, first, because of the distance from Runway 2, the project is outside the airport's 55 decibel noise contour. Second, all new residential structures will be conditioned to be constructed to limit interior noise levels to a maximum of 45 decibels. Finally, all new homeowners will be required to acknowledge they are buying property within 2 miles of an airport, and to sign an avigation easement or other appropriate instrument authorizing plane flights over their properties. The safety hazard from aircraft accidents is always present but is not considered excessive due to the distance of the proposed project from the Airport property and Runway 2.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

RESOLUTION NO. 9153

A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING GENERAL PLAN AMENDMENT GPA 23-01 AND TENTATIVE SUBDIVISION MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION AND MAKING CERTAIN FINDINGS TO THAT EFFECT.

WHEREAS, the City has received an application from MD3 Investments (Subdivider) to subdivide portions of a 45-acre parcel identified as APN 030-230-098 (Property) into 172 lots for single-family homes; and

WHEREAS, the proposed map will create a 0.95-acre Lot A for purposes of passive recreation with pedestrian pathways and wetland feature conservation, and will also create a meandering bicycle/pedestrian pathway along Gentle Rain Lane; and

WHEREAS, the design of the proposed subdivision is illustrated on the tentative subdivision map received by the City on August 8, 2022, which map has been assigned the file number TSM 22-01, and a copy of which is attached to this resolution as Exhibit "A"; and

WHEREAS, the Property is designated by Oroville's General Plan Diagram as *Airport Business Park* and the Zoning Map designation of this area is similarly *Airport Business Park- Airport Influence Overlay; and*

WHEREAS, the Subdivider has also applied for a General Plan Amendment to amend the General Plan Land Use Designation from *Airport Business Park* to *Medium Low Density Residential (MLDR)* and a Zoning Change to change the zoning designation from *Airport Business Park* to *Single-Family Residential (R-1)* to allow residential development at a density not less than three and not more than six homes per acre; and

WHEREAS, the Subdivider is proposing 172 lots on 45 acres for a resulting density of 3.8 units per acre and an average lot size of 7,400 square feet; and

WHEREAS, Tentative Subdivision Map TSM 22-01 has been reviewed by the City Engineer, who has provided a set of conditions to meet prior to final map approval; and

WHEREAS, the City Council may, after a public hearing, proposed to override the ALUC's determination by a two-thirds vote of the City Council if it makes specific findings that the project is consistent with California Public Utilities Code Section 20167 for the purpose of protecting public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and

WHEREAS, approval of the Tentative Subdivision Map first requires certification of a Final Environmental Impact Report for the project with Findings and a Statement of Overriding Considerations, General Plan Amendment GPA 23-01, Zoning Change ZC 23-01, Zoning Variance VAR 23-01, and an override by the Oroville City Council of the ALUC's inconsistency determination; and

WHEREAS, at a duly noticed public hearing, the City Council has considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of Tentative Subdivision Map TSM 22-01 described herein, and also considered the Planning Commission's recommendations and the City's staff report regarding the change.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

1. The City Council hereby approves General Plan Amendment GPA 23-01 and Tentative Parcel Map TSM 22-01, subject to a final two-thirds vote to override the ALUC's inconsistency determination.

FINDINGS

Required Findings for the Tentative Subdivision Map:

Pursuant to OMC Section 16.12.020(D), the City Engineer has reviewed TSM 22-01 and has deemed the map complete. The required Engineer's Report is attached.

Per OMC Section 16.12.020(F), the Planning Commission shall disapprove a tentative map if it determines that any of the following conditions apply:

1. The proposed subdivision is inconsistent with the general plan or applicable specific plans.

   Assuming GPA 23-01 and ZC 23-01 are approved by the City Council, the subdivision will be consistent with the General Plan. There are no applicable specific plans encompassing this parcel.

2. The site is not physically suitable for the proposed density or type of development, or for the physical infrastructure required to support that development.

   The site is immediately adjacent to a similar single-family residential development. The current land use designation and zoning of ABP anticipates higher intensity and density for manufacturing, processing, office, or other industrial uses. Infrastructure is available and adequately serving the similar residential development nearby and this project will be required to expand and/or improve the existing infrastructure to adequately serve the project.

3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Pursuant to CEQA, an EIR was prepared for the project. The EIR confirms that there are three significant and unavoidable effects, including inconsistency with the Butte County Airport Land Use Compatibility Plan, added traffic noise, and greenhouse gas effects from vehicle miles traveled. These impacts primarily relate to the human environment and not the natural environment. None of the project's other effects will cause environmental damage to fish or wildlife or their habitat, being either not significant or mitigated to insignificance.

4. The design of the subdivision or the type of improvement is likely to cause serious public health problems.

   The subdivision was designed in accordance with Oroville Municipal Code requirements and consultation of the Oroville Design Guidelines for site design to preserve view sheds and natural features, provide development with outdoor activity options, and connectivity to surrounding neighborhoods. The design of the subdivision is similar to neighboring development that has not been shown to cause public health problems. The three significant impacts in the EIR are not likely to cause serious public health problems. The development in the Airport overflight zone is about 4,000 feet from Runway 2 and the development would be less dense than is allowed under the current zoning. The traffic noise impact is technically significant and still generally in the "quiet urban daytime" range below 65 dBA. The State-mandated VMT impacts are not mitigatable in this rural environment, but denying the project on urban VMT greenhouse gas emissions thresholds is not reasonable. The project-generated emissions would not be concentrated enough to cause serious public health problems.

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the city engineer and planning commission that the conditions can be corrected.

   The site has been shown to be safe to develop in the site's soil types, and the City Engineer is satisfied with the findings of said report.

6. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the planning commission may approve an application if it finds that alternate easements for access or for use will be provided and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

   There are no conflicting public easements. The subdivision will create new public and utility easements and improve to city standards three existing roadways (20th Street, Feather Ave and Biggs Ave) along the length of the project site.

7. The proposed subdivision violates the provisions of this Chapter and no exception has been granted.

   The Engineer's Report confirms that the proposed subdivision does not violate the provisions of this chapter and no exception has been granted.

8. The proposed subdivision violates any provision of the zoning code and no variance has been granted.

   Should the City Council approve GPA 23-01 and ZC 23-01 and the Planning Commission approve proposed variance VAR 23-01, the proposed subdivision will not violate any provisions of Oroville Municipal Code 17.44.050 for density and open land requirements.

9. The proposed subdivision would violate any other city ordinance or any city code provision.

   The proposed subdivision will not violate any other city ordinance or city code provision. Should the City Council adopt the override of the ALUCP determination and the variance, the proposed subdivision will comply with all applicable regulations and codes.

10. The discharge of waste from the proposed subdivision into a community sewer system would result in violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

    The Thermalito Sewer and Water (TWSD) Agency, which serves water and collects sewer discharges, is not operating under any corrective action or compliance orders.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting on July 18, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
David Pittman, Mayor

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

CITY OF OROVILLE
ORDINANCE NO. 1873

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 23-01 TO REZONE ONE PARCEL OF APPROXIMATELY 45 ACRES OF LAND (APN 030-230-098) FROM AIRPORT BUSINESS PARK- AIRPORT INFLUENCE OVERLAY (APB- AIO) TO SINGLE FAMILY RESIDENTIAL (R-1) ONCE TENTATIVE MAP TSM 22-01 FOR THE PROPOSED FEATHER RANCH SUBDIVISION IS APPROVED.

WHEREAS, the City of Oroville has determined that parcel APN 030-230-098 is currently zoned ABP-AIO in the 2015 adopted General Plan; and

WHEREAS, the city has determined that the parcels can be converted to residential purposes; and

WHEREAS, there is an existing adjacent subdivision called Calle Vista with very similar features; and

WHEREAS, the city is keenly interested in developing market rate housing to help meet its RHNA (Regional Housing Needs Allocation), which the city sorely needs; and

WHEREAS, MD3 Investments has proposed a 172-unit market rate subdivision with lots averaging 7,450 square feet in size at this location; and

WHEREAS, the applicant has also proposed general plan amendment GPA 23-01, Zone Change ZC 23-01, an override of the Airport Land Use Commission's determination of inconsistency with the Butte County Airport Land Use Compatibility Plan, and Variance VAR 23-01, which are prerequisites to approving Tentative Subdivision Map TSM 22-01 to allow this developer to create the proposed housing; and

WHEREAS, at a duly 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 changes described herein, and also considered the Planning Commission's recommendations and the City's staff report regarding the change.

The Council of the City of Oroville do ordain as follows:

Section 1. Pursuant to section 17.08.040 of the Code of the City of Oroville, approximately 45 acres of land (APN 030-230-098) is hereby rezoned to Single Family Residential (R-1), subject to the City Council's approval of Tentative Subdivision Map TSM 22-01.

Section 2. This ordinance shall become effective on October 30, 2023, or 30 days after the second reading is approved, whichever comes later.

Section 3. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on August 1, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Mayor, David Pittman

APPROVED AS TO FORM: ATTEST:

_____ _____
City Attorney, Scott E Huber City Clerk, Jackie Glover

DATE: June 30, 2023
TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES IN ITS WILDFIRE AND GAS SAFETY COST APPLICATION (A.23-06-008)

Acronyms you need to know
PG&E: Pacific Gas and Electric Company
CPUC: California Public Utilities Commission

Why am I receiving this notice?

On June 15, 2023, PG&E filed its Wildfire and Gas Safety Cost application with the CPUC. The application includes reasonableness review and recovery of $2.49 billion in costs related to wildfire mitigation as well as gas safety and electric modernization.

The application seeks interim rate relief of 85% ($583 million, excluding interest) to be recovered over 12 months beginning November 1, 2023. The remaining 15% ($104 million, excluding interest) would be recovered over the subsequent 12 months, with the exception of the capital expenses, which would extend through the life of the assets and be folded into the next General Rate Case.

The proposed impact to electric rates for customers receiving electric generation, transmission and distribution services from PG&E ranges from 0.3% to 2.4% in the first two years. The proposed impact to most gas rates ranges from 0.1% to 4.8% in the first two years.

Why is PG&E requesting this rate increase?

PG&E performed wildfire mitigation activities in accordance with the approved Wildfire Mitigation Plan and state policy to reduce wildfire risk in California and to improve the safety and resiliency of the electric systems. The costs presented in this application are consistent with that plan.

The gas safety costs were incurred for the safety of PG&E's gas transmission pipes, gas storage facilities and gas system operations. The electric modernization costs are varied and include engineering planning tools and supporting infrastructure for electric vehicle charging.

How could this affect my monthly electric rates?

Many customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. PG&E is proposing to recover electric costs over a three-year period beginning **November 1, 2023**.

In the first year, the bill for a typical residential customer using 500 kWh per month would increase from $177.43 to $181.39, or 2.2% compared to current bills. In the second year, the bill for a typical residential customer would increase $0.47, or 0.3% compared to current bills. In the third year, the bill for a typical residential customer would increase $0.01 compared to current bills.

Direct Access (DA) and Community Choice Aggregation (CCA) customers receive electric transmission and distribution services and select Commission-ordered services from PG&E.

If this application is approved, on average, rates for services provided by PG&E to these customers would increase by 4.3% compared to current rates in the first year, 0.8% compared to current rates in the second year and a negligible amount compared to current rates in the third year.

DA providers and CCAs set their own generation rates. Check with your DA provider or CCA to learn how this would impact your overall bill.

Another category of nonbundled customers is other Departing Load. These customers do not receive electric gener[illegible] transmission or distribution services from PG&E. On average, these customers would see an increase of 1.1% compared to present rates in the first year, 0.2% compared to present rates in the second year and a negligible amount compared to present rates in the third year.

Detailed rate information is being sent directly to customers in a bill insert. Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

How could this affect my monthly gas rates?

Bundled gas customers receive transmission, distribution, and procurement services from PG&E. PG&E is proposing to recover gas costs over a three-year period **November 1, 2023**.

Based on rates currently in effect, the bill for a typical residential customer averaging 33 therms per month would increase from $67.89 to $69.04, or 1.7%, in the first year. In the second year, the bill for a typical residential customer would increase $0.21 or 0.3% compared to current bills. In the third year, the bill for a typical residential customer would increase a negligible amount compared to current bills.

Detailed rate information is being sent directly to customers in a bill insert. Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

How does the rest of this process work?

This application will be assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it, or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding may review PG&E's application, including the Public Advocates Office. The Public Advocates Office is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call **1-415-703-1584**, email: **PublicAdvocatesOffice@cpuc.ca.gov** or visit **PublicAdvocates.cpuc.ca.gov**.

Where can I get more information?

CONTACT PG&E

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY, call **1-800-652-4712**. Para obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**

If you would like an electronic copy of the filing and exhibits, please write to the address below:
Pacific Gas and Electric Company
Wildfire and Gas Safety Cost Application (A.23-06-008)
P.O. Box 1018
Oakland, CA 94612-9991

CONTACT CPUC

Please visit **apps.cpuc.ca.gov/c/A2306008** to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

Email: **Public.Advisor@cpuc.ca.gov**

Mail: CPUC
Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102

Call: **1-866-849-8390** (toll-free) or **1-415-703-2074**

Please reference **Wildfire and Gas Safety Cost Application A.23-06-008** in any communications you have with the CPUC regarding this matter.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF BUTTE

☒ Butte County Courthouse
One Court Street
Oroville, CA 95965
(530) 532-7002

☐ North Butte County Courthouse
1775 Concord Avenue
Chico, CA 95928
(530) 532-7002

June 22, 2023

Oroville City Council
1735 Montgomery Street
Oroville, CA 95965

CITY OF OROVILLE
JUN 22 2023
CITY CLERK DEPT.

Dear Oroville City Council:

The Final Report of the 2022-2023 Butte County Grand Jury was filed on June 16, 2023 and will be released to the public at the Impanelment on June 29, 2023.

Per Penal Code §933.05(f): "A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report."

As an affected person or entity named in the Final Report, please find enclosed a copy of the relevant sections of the report. **This information remains confidential until the public release of the report in its entirety on Thursday, June 29, 2023.**

The complete report will be posted to the Butte County website for viewing after it is released to the public.

Please note that all agencies listed as *Required Respondents* must adhere to the requirements of Penal Code §933/933.05.

Please direct responses to: **Hon. Corie J. Caraway, Judge of the Superior Court**
c/o Administrative Services
Superior Court of California, County of Butte
One Court Street, Oroville, CA 95965

Sincerely,

Kim Dionne

Kim Dionne
Administrative Specialist
Superior Court of California, County of Butte

Enc.

CITY OF OROVILLE
JUN 22 2023
CITY CLERK DEPT.

2022-2023 BUTTE COUNTY GRAND JURY

June 13, 2023

A Time for Change

City of Oroville

SUMMARY

The City of Oroville (ORO) has been on the radar of the Grand Jury for years, garnering attention for a variety of reasons. Four of the past ten years of Grand Jury reports prominently discussed ORO with various findings and recommendations. Not all were either agreed with or implemented, and some of those same items are included in the current round of citizen complaints.

The BCGJ received multiple citizen complaints, each of which are addressed in this report. Through our initial research on the issues presented, the BCGJ found substantial indication there was justification for an in-depth investigation. These investigations included inviting numerous individuals for interviews and included current and former ORO employees who were hired, appointed, contracted, or elected. We reviewed and researched ten years of BCGJ reports related to ORO.

After extensive interviews, review of articles and published documents, our findings and recommendations include:

- City Charter updating
- Reallocating titles, duties, and funding
- Eliminating unutilized positions
- Improving technology utilization
- Allocating workspace for City Council
- Providing staff cross training

GLOSSARY

BC	Butte County
BCGJ	Butte County Grand Jury
IRS	US Internal Revenue Service
OCC	Oroville City Council
ORO	City of Oroville

BACKGROUND

The City of Oroville, A Charter City, was incorporated in 1906 and is the county seat of Butte County. The city currently has a significant excess of funds and is understaffed in many areas. While the city has made incredible progress, the 2022-2023 Butte County Grand Jury (BCGJ) also received numerous complaints regarding ORO. This conundrum, praise on one side, and disbelief on the other side, makes evaluating and investigating ORO a complex task.

Calcities.org explains there are two types of cities in California: "charter cities," which operate under the city's local charter, and "general law cities," which operate under the general laws of the state. Charters can also contain (self-imposed) limitations on city activities, as well as being a self-policing body.

METHODOLOGY

The BCGJ received complaints and reviewed each one to determine if they merited an investigation. Upon review of the complaints, interviews with ORO current and past employees were scheduled. We invited, by phone or email, 35 individuals, including all sitting council members, all appointed staff, and many clerks.

Interviews were held at neutral locations, providing the privacy the Grand Jury requires. This allowed for a greater sense of security, as many who were interviewed expressed they needed confidentiality, due to fears of retaliation.

Each individual interviewed met with a panel of the BCJG. All were asked the same series of investigative questions pertinent to the specific complaint. Each interview was recorded audibly and later transcribed for data retrieval. All Jury members took independent notes as well, allowing each member to recall the information provided. The members of the BCGJ attended, either in person or via Zoom multiple ORO council meetings and used the on-line library to review previous meetings for clarity to the issues posed to the BCGJ. We read both the published agenda and the subsequent minutes, to verify we were looking at the most appropriate source. Additionally, the BCGJ reviewed previous Grand Jury reports and compared those issues with items brought forth this year.

After review of all interviews, 10 years of grand jury history review, and research on the web for related news articles, the BCGJ asserts there continues to be complex interpersonal issues that must be addressed for the individuals who work and toil for this city to feel worthy, wanted, and appreciated.

Additionally, members of the BCGJ utilized the Public Records Act to obtain copies of documents to assist in our investigation. In this instance, the members of the BCGJ were able to see, firsthand, some realities behind the complaints, as our request was delayed almost 30 days by the time the request was approved by all necessary channels.

DISCUSSION

The OCC response to the 2021-2022 Grand Jury report included the following statement:

> The City Council is particularly disappointed by this Grand Jury report. The report casts negative aspersions against the Council and City staff without any factual basis or support. At the outset, it should be noted that City Staff and Council Members timely complied with all requests made by the Grand Jury for information and documents. Like many cities around the nation, the City Council has many divergent views, which can lead to spirited debate and discussion at some of the Council meetings. This ideological dissonance lies at the very heart of a democracy and it should be embraced, not castigated by the Grand Jury.

It has been the intent of the BCGJ to ensure we provide information based on factual basis and support. We fully expected to see all City Staff and Council Members comply timely with all requests by the BCGJ.

Decade review of Grand Jury reports on City of Oroville, Oroville City Council

In the past 10 years, the BCGJ found issues with the City of Oroville as well as the Oroville City Council. Reports were issued 2021-2022, 2017-2018, 2014-2015 and 2011-2012 and can be found at https://www.buttecounty.net/1208/Grand-Jury.

The BCGJ reviewed previous reports, findings, recommendations, responses, and actions. The compilation found in the appendix (see Bibliography, Attachment #1) is a review of the items ORO or OCC disagreed with and/or will not implement, and a comparison by year and issue.

Several problems, including the City Charter, the morale and treatment of employees, multiple positions held by individuals, excessive turnover, and the inability to contact OCC members from their website remain. The following chart shows the general response or reply by year:

Reply to 2021-2022

The June 29, 2022 Mercury Register documented the City Council's public response to all findings 2021-2022 "We read it (the Grand Jury Report) the other day in closed session and it wasn't much. All the stuff was former council members. I think it kinda speaks for itself." (2021-2022)

Reply to 2017-2018

Oroville City Council agree to 1 finding; Disagreed to 3 findings; made no mention of 4 findings. They implemented 5 recommendations; will implement 1 recommendation; will not implement 3 recommendations. (Were not specific as to which.)

Reply to 2014-2015

Oroville City Council agreed with 9 findings, partially agree with 6 findings, disagreed with 1 finding. (Were not specific as to which.)

Reply to 2011-2012

Agreed to F1 and F7, disagreed in part with F5. Implemented R1, R2, R3 and R4. But no records exist of these being continued after initial implementation.

Discoveries by the 2022-2023 Grand Jury Investigation

CONTRACTED LEGAL REPRESENTATION

ORO has contracted with an agency in Sacramento, CA for legal services. A specific attorney is on contract, along with support staff, to assist with legal services for ORO and OCC at a reported cost in excess of $400k per year. The BCGJ's investigation was impeded various times with the explanation "legal counsel is only available on Tuesdays" or "the docket for legal counsel is already set for next week." City Attorney access is limited for city hall staff, impeding the ability to assist the public in a timely manner.

The BCGJ recommends OCC should seek to engage an attorney who is readily accessible for city business more often than less than half time.

WEBSITE, ELECTRONICS AND COMMUNICATIONS

The 2017-2018 Grand Jury reported issues regarding the City Council members needing basic technology training, as well as the website needing regular checking for continued accuracy and maintenance for the benefit of the constituents. Responses were requested from ORO and the Oroville Acting City Administrative Officer. The reply received did not provide specifics, but stated they agreed with and implemented some, agreed/disagreed, implemented/did not implement some, and disagreed, did not implement the rest of the BCGJ recommendations.

The BCGJ utilized the ORO and OCC websites to reach out to the individuals we invited for interviews, which proved to be a challenging endeavor. Broken links, outdated or invalid email addresses, phone numbers listed that went to different individuals than those listed, or sending emails and leaving voice messages which would never be listened to or seen, as the City or Council members lack sufficient training to correctly forward to their private devices or addresses.

In fact, a few council members were not interviewed, as they never replied to multiple email or phone message requests. The BCGJ found council members do not have a physical location, but rather have forwardable resources. With proper training, they could call their "desk line," utilize the electronic functions and forward all calls to their personal cell phone, which is a number not published. The same action can be taken with the city provided email, so all correspondence would be forward to an email the council member utilizes.

Communication was so challenging, BCGJ members had to go to extreme measure to reach several individuals for interviews.

Interviews with those reached indicated council members use only their private cell phones and provide those numbers to those they are in contact with. This works well for those who are "hooked up" and know how to reach the council member. The BCGJ is of the opinion the 2017-2018 Grand Jury was correct in their recommendations, and R7, R8 and R9 in that year were included in the "will not be implemented" category.

Any individual should be able to successfully reach an ORO or an OCC representative, at the number or email address provided on the website. Individuals, constituents, those members of government outside of BC, should be able to utilize contact information without impedance.

The BCGJ recommends all OCC and ORO employees, staff, appointed or hired, be given necessary technical training so others can reach them. Additionally, it is recommended the website be managed, updated, and checked for errors regularly.

POSITION CROSS-TRAINING, TIMELY FILLING OF POSITIONS, AND REALLOCATION OF DUTIES AND FUNDING

As with many businesses and offices across the state today, OCC has had its share of understaffing, over-working, interdepartmental frustrations, interpersonal conflicts, and an inability to fill open positions.

The 2017-2018 Grand Jury found in the years leading up to their term, vacant positions were often filled "on the fly" with no overall plan regarding City staffing. It was recommended the City hire a consultant to perform a comprehensive analysis of the then-current staff to ensure the city has the appropriate number and types of positions to perform the services required for a city the size of Oroville. The City Administrator, in conjunction with the City Council, was responsible for this task.

The 2017-2018 Grand Jury also reported 5 turnovers in the City Administrator position in the previous 8 years, causing a noted negative impact on City staff morale. It was also reported that mistrust and misunderstanding among the City Council members led to an unusually high level of dysfunction. While it was agreed all were striving to do what was best for the city, the disagreements between Council members on how to achieve the goals prevented them from being implemented smoothly, if at all. The City Administrator at the time was also acting as director for 4 City departments, creating an unhealthy situation. There was additional mention of violations of the City Policy & Procedures manual, as well as the City Charter and Municipal Code.

The 2021-2022 Grand Jury report discussed at length similar issues. Reports of mismanagement of hiring key staff and individuals holding multiple offices. It was recommended to OCC each position in city administration and city government be filled by one individual, and no individual hold multiple positions, unless as a temporary solution for no more than 6 months. It was recommended OCC develop, adopt, print, and provide on-line a comprehensive Policy and Procedures manual.

The City of Oroville's response was drafted August 2022. They disagreed with the finding regarding one individual holding more than one key position, stating the City Charter authorizes them to manage the positions and combine at will, pursuant to Article VII, section 1. Furthermore, response to the 2021-2022 Grand Jury report from the OCC in regard to this issue stated:

- "The City Charter proscribes the requirements for filling the position."
- "The City has not found any law ... which would indicate this practice is illegal or even inadvisable."
- "The procedure to fill positions by the Council is mandated by the City Charter, which does include the potential for an appointment to be made by the Mayor following a detailed process."
- "Any deviation from that process (current) would require an amendment to the charter, which must occur by a vote of the people."

They did agree with and implemented the recommendations regarding the updating of the Policy and Procedures manual. The City disagreed there were any violations against Policy and Procedures. Furthermore, the city chose not to implement R1, R3 and R4, stating they were following the City Charter.

Rather than accepting the recommendations, their reply, signed by the mayor on behalf of OCC and ORO, stated "Should the citizens have any concerns ..., they can share those concerns with the Council at one of those regularly scheduled meetings."

The BCGJ went to City Hall to request and obtain documents under the Public Records Act. We were able to see, firsthand, how one person holding multiple positions, lack of cross training in filled positions, and the inability to reach a city employee by phone due to the website being incorrect, can cause a delay in business. In this specific example, members of the BCGJ had a scheduled appointment with a staff member to review documents previously requested. Upon arrival at City Hall, BCGJ members were informed that the individual did not come in and no one else was able to supervise us while we reviewed those documents that were not allowed to leave the premises and needed to be reviewed electronically. In this event, members of the BCGJ traveled from Chico to Oroville, only to have to return the next week. Cross training would have allowed those attending the counter to supervise Grand Jury members, or more importantly, to improve the service for citizens of Oroville.

The BCGJ has concerns stemming from the city's historically unfilled key positions. BCGJ recommends OCC contract an independent consultant, to review, compare and analyze positions versus city's actual requirements. As OCC now has surplus revenue, including 29% over reserve funding, carryover from the previous budget year due partially to unfilled positions, and a $10M investment currently paying interest, they are in the unique position to redefine the positions and responsibilities as well as refine the financial compensation to adequately cover the work done. It is further recommended updating of the Policy & Procedures be continued, and necessary changes be made to the City Charter.

FEAR OF RETRIBUTION, HARRASSMENT, DISRESEPCT AND INTIMIDATION

In the 2021-2022 Grand Jury report, multiple complaints were received from citizens, including "bullying of subordinates," and "improprieties of a certain city official using the position to bully subordinates."

The direct question was asked to each individual we interviewed *Were you ever made to feel or were you aware staff was made to feel uncomfortable, intimidated, harassed, or bullied in any way by Council Member(s)?*

In the BCGJ investigation, of those interviewed, almost all expressed knowledge of a city official using their position and power to bully subordinates, both at work and in public.

In the hours of interview recordings, the fear, anxiety, nervousness, concern, and unease were palpable. The abject fear shared for the future of friends and family, outside of work, was a real and tangible concern for many of those interviewed. Raw emotion was shared by staff of all races, nationalities, genders, and positions, regardless of how they obtained the position they held. The majority of those we spoke with were in sync, sharing unique yet similar experiences from a personal perspective.

It is recommended that the City Administrator research and select a leadership training company to facilitate training in effective leadership, emphasizing cooperation and mutual respect. It is further recommended that this training be repeated annually in the first quarter of each calendar year, as the body of the Council can change.

NEED FOR CHANGES TO CITY CHARTER

The OCC utilizes the City Charter, which is the compilation of self-managed rules for the City Council and is outdated. Many of these rules are antiquated at best. Navigating the amendments, related rules and changes over the past century is cumbersome.

The BCGJ reached out for assistance and received these instructions via email:

> "Happy to help; it is not easy. Go to City of Oroville web page. Under government, select Municipal Code. That will steer you to another provider. Select the Charter. Under that it will expand the list and the titles of each charter should appear. The Charter and Municipal Code drive the city. What also is not easy access is the Resolutions of City policy, Zoning regulations and other policy manuals. The city really needs to improve the website."

The BCGJ agrees with the statement provided by many of those interviewed, that the city needs to make the website easier to navigate, including access to the Charter and all associated tables.

It is recommended that the OCC seek and hire a consultant to bring the 1906 City Charter and related Municipal code, the electronic document that "drives the city," up to date.

BCGJ recommends all areas of the Charter be reviewed, updated, and confirmed actually effective, applicable, appropriate, and enforceable.

WORKSPACE IN CITY HALL and CITY CHARTER – Council Member Giving Direction

BCGJ's investigation uncovered several infractions of the City Charter, regarding council member(s) loitering in and giving direction to city employees at City Hall. BCGJ was able to confirm multiple instances of violations of the ORO Charter Title 2 (2.08.010, Code 1954 §2.10) which states *"Council members and committee not to issues* [sic] *orders to subordinates"*, also noted in previous Grand Jury reports (2021-2022, 2017-2018 and 2014-2015).

City Council members visit, loiter, or conduct city or non-city business in various portions of City Hall, bypassing the City Administrator and disrupting work of city employees. City Council members do not have a desk, a physical chair, or other location provided by the city, allowing them to perform necessary business.

On average, a council member has about 4 hours of potential work per week, not including the Council meetings every other week. Council members utilize their private cell phones, a county assigned laptop, and work from wherever they find space.

It is recommended ORO provide council members with a dedicated, physical place to work. While there is a workspace location in chambers, it was indicated council members are not restricted to that location, as they often need to address an issue at City Hall.

As there are several positions open and unstaffed, perhaps the city can allow one or more unoccupied spaces to be utilized by council members for city business, when necessary. Further, it is recommended council members work only on OCC business when at City Hall and avoid work on personal or private business matters.

CITY CHARTER – Elected City Treasurer

The 1906 City Charter required an elected City Treasurer, a position still in existence. All financial aspects of the OCC are handled by a different department, and the city treasurer has no duties to perform. This position includes a stipend and full benefits, totaling $30,617 in 2020-2021. An increase to $45,501 is allocated for the 2023-2024 budget year.

This was discussed in a September 2019 Council meeting, and reported in the Chico ER, as one of the items brought to the Council "over the past few years up until the recent council meeting" included "Eliminate the City Treasurer", as well as other items.

The BCGJ confirmed the City Treasurer position currently only reviews the statements and correspondence regarding the financial investments made for OCC with an Oroville financial management corporation, who charges ORO for their investment counseling services.

It is recommended that the OCC direct staff begin the process to amend the Charter to remove the position of City Treasurer. Any necessary cost involved to bring this to a vote and change the Charter could be offset by the $45,000 annual projected savings.

CITY CHARTER – Five to Hire, Three to Fire, or One to Appoint to Position

The City Charter is subject to broad interpretation, allowing room for potential manipulation. The BCGJ discovered and corroborated via interviews there is standard procedure that 5 votes in favor to hire someone, but only requires 3 votes to remove them, or 1 vote from the Mayor to appoint. Previous Grand Juries indicated a predilection to those in power on the OCC to utilize a broad interpretation of the charter, to remove individuals and keep positions open until such time as someone is appointed.

This specific scenario was discussed in previous Grand Jury reports, all receiving a do not agree or will not implement response. In our interviews, nearly all indicated it was common knowledge that the 5-3-1 rule (5 votes to hire, 3 votes to fire, 1 vote to appoint) could be used anytime for at-will and contract positions.

To eliminate the perception of unfair hiring, firing, and appointing practices, it is recommended that the Charter and Municipal Codes be reviewed by an independent consultant.

POLICE & FIRE DEPARTMENT LOBBY EMERGENCY EXIT DOOR

The OCC approved a remodel upgrade to the Police & Fire Department building, specifically the 2nd floor, adding separate private rest quarters for female employees, upgraded training rooms, equipment, and offices. In addition, they completed necessary ADA compliant changes to restroom facilities, upstairs and downstairs, as well as stairwell handrails.

During the remodel, a vehicle was driven into the lobby of this public safety building, rendering the lobby and public use restroom unusable for a period of time. Through the course of the repairs, the emergency exit fire door from the public access lobby to the fire department was removed and replaced by a wall.

In interviews, most of those we spoke believed the door was removed due to damage from the accident. Photos posted in local newspapers and online, and reviewed by multiple independent licensed state inspectors, found no indication the door nor the wall appeared damaged.

Review of construction documents, requested under the Public Information Act, indicated the door removed and replaced with a wall was included in the first set of approved plans, prior to the accident in the lobby.

To ensure the safety of employees, citizens, constituents, and visitors to Oroville who may enter this facility, the BCGJ recommends the OCC, as the ultimate responsible party, contract with an independent state licensed inspector, from outside of Butte County, to review the construction documents, inspect the work done and verify that the wall replacing an emergency fire door was done correctly.

FINDINGS

F1. The city of Oroville currently pays over $400k annually to a law firm in Sacramento with a physical availability of less than one week per month.

F2. The electronic communication system within the City of Oroville administration is not maintained or coordinated well enough to provide effective communication with the public, specifically telephone numbers, voicemail boxes, and emails.

F3. The OCC has repeatedly allowed one individual to hold multiple key positions, claiming it is allowed in the City Charter.

F4. In several key positions, only one employee has the information or authority required to keep city business flowing.

F5. Oroville has become a financially solvent city government, with excess funds in reserve.

F6. The majority of City of Oroville employees interviewed report feeling disrespected, harassed, or fearful.

F7. There is not adequate private workspace available for Council members to be at City Hall without disrupting ongoing city business.

F8. The need for significant changes to the Oroville City Charter have been reported by 4 previous Grand Juries over the past 10 years.

F9. The Oroville City Charter document is not well assembled nor easily navigated.

F10. The Oroville City Charter document is vague, allows multiple interpretations, and leads to opportunities for manipulation.

F11. Currently, the City of Oroville Charter allows the mayor to appoint administrative staff/department heads under certain conditions, creating an incentive for the mayor to help create those conditions, in order to appoint specific persons without Council super-majority approval.

F12. The 1906 City Charter document requires an elected City Treasurer. The city treasurer position is no longer necessary to administer city financial business.

F13. Oroville City Charter currently requires only a vote of 3 council members in favor to terminate a department head, requires a vote of 5 council members in favor to hire a new department head, or appointment solely by the Mayor.

F14. The BCGJ remains uncertain why the public safety emergency access exit door was removed from the Police & Fire Department lobby.

RECOMMENDATIONS

R1. The BCGJ recommends OCC should seek to engage an attorney who is readily accessible for city business more often than less than half time March 31, 2024.

R2. The BCGJ recommends the ORO provide the council members with a physical place to work by December 31, 2023.

R3. The BCGJ recommends council members work only on OCC business when at City Hall, lest problems occur from private enterprise transactions by September 30, 2023.

R4. The BCGJ recommends all OCC and ORO employees, staff, appointed or hired, be given necessary technical training by Information Systems so that others can reach them by September 30, 2023.

R5. The BCGJ recommends the ORO website be managed, updated, and checked for errors on a quarterly basis, with required reporting to the OCC by the managing department by November 30, 2023.

R6. The BCGJ recommends OCC contract with an independent, non-Butte County consultant for the review of positions with long-term vacancies and determine how the staffing structure can be altered to allow business to flow with one person in one position by March 31, 2024.

R7. The BCGJ recommends the independent consultant (see R6) offer a redefined position and position duties/responsibilities listing, along with revised adequate financial compensation for the consideration of the OCC by June 30, 2024.

R8. The BCGJ recommends the position and financial realignment recommendations from the study provided (see R7) be reviewed by the OCC and accepted recommendations be implemented by November 30, 2024.

R9. The BCGJ recommends the City Administrator research and select a training entity, to work with the OCC, training how to be effective leaders with positive and supportive methods by December 31, 2023.

R10. The BCGJ recommends this interpersonal leadership training be implemented by the City Administrator with an initial training by March 31, 2024.

R11. The BCGJ recommends the OCC include this interpersonal leadership training to be repeated annually, as the Council body can change, to be calendarized within the first quarter of each and announced at a City Council meeting by December 31, 2023.

R12. The BCGJ recommends the OCC seek and hire a database consultant to begin the process of bringing the City Charter current in both platform and technological abilities by March 31, 2024.

R13. The BCGJ recommends the OCC hire a consultant to begin the process of providing the City Charter in a format that is easily understood and searchable by member of the public June 30, 2024.

R14. The BCGJ recommends OCC to amend the City Charter to include each position in city administration and city government be filled by one individual; and that only a 6-month temporary appointment may occur , including all necessary steps for voter approval of this amendment by July 31, 2024.

R15. The BCGJ recommends the hired consultant(s) assist the City Administrator to ensure these changes include the culmination of all past amendments and the initial code, into a current complete statement, are given to the people to vote on November 2025 ballot.

R16. The BCGJ recommends OCC have the Charter and Municipal Codes reviewed by an independent consultant to eliminate areas allowing the perception of unfair hiring, firing, and appointing practices by December 31, 2023.

R17. The BCGJ recommends the OCC amend the Charter to remove the unnecessary position of City Treasurer, to include all necessary steps to having on the November 2024 ballot.

R18. The BCGJ recommends OCC hire an independent inspector to review the Fire & Police Department lobby replacement of emergency fire exit with fire wall, to ensure the safety of employees and the general public by October 31, 2023.

REQUIRED RESPONSES

The following responses are required pursuant to Penal Code § 933 and 933.05:

From the following governing bodies within 90 days:

- Oroville City Council (OCC):

  F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13 and F14

  R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17 and R18

From the following Elected Officials within 60 days:

- Oroville City Treasurer

  F6, F12 and R17

INVITED RESPONSES

The Grand Jury invites the following responses within 60 days:

- City Administrator:

  F1, F2, F3, F5, F7, F8, F9, F10, F11, F12, F13, and F14

  R1, R2, R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R14, R15, R16, R17 and R18

- Oroville Information Systems:

  F3 and R4

- City Clerk:

  R5

- Human Resources Department:

  F7 and R6, R7, R8, R10 and R11

- Oroville Fire Chief:

F14 and R18

- Oroville Police Chief:

F14 and R18

Responses are to be submitted to the presiding judge of the Butte County Superior Court in accordance with the provisions of Penal Code § 933.05. Responses must include information required by §933.05.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code § 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

BIBLIOGRAPHY

ATTACHMENT 1

Issue noted	2022-2023	2021-2022	2017-2018	2014-2015	2011-2012
ISSUES REGARDING CITY CHARTER	x	x	x	x	
Stated Findings	F1, F2, F3, F4, F5, F6, F7	F1, F5	F3, F4	F7, F12	
Stated Recommendations	R9, R11, R12, R13, R14	F1, F4	R1, R2	R4	
Individual holding multiple key positions	x	x	x	x	
Procedure issues regarding hiring & firing	x	x			
Charter to be updated for ease of use	x				
ISSUES REGARDING FINANCIAL AND EMPLOYMENT	X	x	x		
Stated Findings	F8, F9	F3			
Stated Recommendations	R1, R6, R7, R8	R3	R1		
Emergency Declarations / Financial Impact		x			
Realign positions	x		x		
ISSUES REGARDING ELECTRONIC COMMUNICATION SYSTEM/WEB:	x		x		
Stated Findings	F10		F8		
Stated Recommendations	R4, R5		R7, R8, R9		
City Web Site needs work	x		x		
Issues reaching Council members via contact info	x		x		
ISSUES REGARDING CITY EMPLOYEES MORALE:	x	x	x		
Stated Findings	F12, F13		F6		
Stated Recommendations	R15, R16, R17,				
Mistrust, Misunderstanding			x		
Staff feel disrespected, harrassed, fearful	x	x			
ISSUES REGARDING ITEMS NOT INCLUDED ABOVE:	X		x		x
Stated Findings	F11, F14		F7		F4, F5, F7
Stated Recommendations	R2, R3, R18		R6		R1, R2, R3, R4
Goals and Objectives meeting & workshop			x		x
Accurate & timely update of Appointments Listing					x
Inspections fo Cleantech Innovation Center					x

ATTACHMENT 2

Source: https://www.dir.ca.gov/title8/3228.html

- Per California Code of Regulations, Subchapter 7, General Industry Safety Orders, Group1 General Physical Conditions and Structures Orders, Article 2 Standard Specification, §3228 "Number of Exits".
    - (a) Every building or usable portion thereof shall have at least two exits to permit prompt evacuation of employees and other building occupants during an emergency. The exits shall be located as far away as practicable from each other so that if one exit is inaccessible because of fire or smoke, employees can evacuate using the second exit.
    - Exception: In accordance with Title 24, Part 2, California Code of Regulations, a single exit shall be permitted where the number of employees, the size of the building, its occupancy or the arrangement of the workplace is such that all employees would be able to evacuate safely during an emergency. In accordance with Title 24, Part 2, California Code of Regulations, a single exit shall be permitted where the number of employees, the size of the building, its occupancy or the arrangement of the workplace is such that all employees would be able to evacuate safely during an emergency.
        - (b) More than two exits must be provided in a workplace if the number of employees, the size of the building, its occupancy, or the arrangement of the workplace is such that all employees would not be able to evacuate safely during an emergency if only two exits were provided. Note to subsections (a) and (b): For assistance in determining the number of workplace exits, and the necessary distance between exits, consult Title 24, Part 2, California Code of Regulations, and your local jurisdiction fire department.
        - Note: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code; and Section 18943(c), Health, and Safety Code.

APPENDIX

WEBSITES

https://chartercitiesinstitute.org/intro/#:~:text=A%20charter%20city%20is%20a,administrative%20practices%20and%20commercial%20regulations.

https://www.calcities.org/

https://www.buttecounty.net/1208/Grand-Jury

https://www.cityoforoville.org/home/showpublisheddocument/21091/638169791575030000

https://www.cityoforoville.org/home/showpublisheddocument/20663/638004804666030000

DISCLAIMER

One BCGJ member was recused, due to a conflict of interest, real or perceived, from all aspects relating to one specific investigation, which is included in this report. This member did review and approve of the inclusion of the report, but was not involved in the collection of data, the review of data, any interviews, or documents.